

PRICE: \$5.75



CONSOLIDATED FOR CONVENIENCE

"TERRACE CEMETERIES REGULATION

BYLAW NO. 1279-1992"

**(AND AMENDMENTS THERETO UP TO
& INCLUDING BYLAW #2075-2014)**

CONSOLIDATED FOR CONVENIENCE

All persons making use of this consolidated version of City of Terrace Bylaw No. 1279-1992 are advised that it has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaw must be consulted for all purposes of interpreting and applying the law.

Subsections or sections of the original bylaw and/or amendments which have been repealed have not been included in this consolidation.

CITY OF TERRACE
CONSOLIDATED FOR CONVENIENCE
BYLAW NO. 1279-1992/1532-1996/1604-1997/1723-2001/
1795-2003/1898-2007/2075-2014

"A BYLAW OF THE CITY OF TERRACE TO REGULATE THE MAINTENANCE AND OPERATION OF THE CEMETERIES OWNED BY THE CORPORATION."

WHEREAS the Corporation of the City of Terrace has set aside and dedicated for use as Municipal Cemeteries the parcels of land defined herein and referred to and known as "Kitsumgallum Cemetery" and "Terrace Municipal Cemetery", and has laid out, developed, improved, regulated, maintained and operated the said cemeteries for the interment or other disposition of the dead;

AND WHEREAS it is deemed expedient that the Corporation shall continue to improve, regulate, maintain and operate the said Municipal Cemeteries for the benefit of the residents of the Municipality;

NOW THEREFORE the Municipal Council of the Corporation of the City of Terrace, in open meeting assembled, and in pursuance of the provisions of Section 885 of the "Municipal Act" enacts as follows:

1. DEFINITIONS

In this bylaw, unless the context otherwise requires:

- | | | |
|---|-------------------|---|
| <i>Amended by
#1723-2001 & #1898-2007</i> | (a) Administrator | <i>Means the Cemetery Administrator of the Corporation of the City of Terrace, who shall be the person duly appointed from time to time by Council to fill the position of Director of Leisure Services.</i> |
| | (b) Caretaker | <i>Means the person or persons duly appointed from time to time as Caretaker or Caretakers of the Cemeteries herein defined.</i> |
| | (c) Cemetery | <i>Means the land designated for Cemetery use in Section 3 hereof, and shall include all additional real and personal property, within or without the Municipality, hereafter acquired and held by the Corporation for use as a Municipal Cemetery.</i> |

1. (c)(1) Columbarium

*Added by
#1532-1996*

Means a structure or building or an area in a structure or building that contains, as an integral part of the structure or building, niches for the inurnment of cremated remains.

(d) Corporation

Means the Corporation of the City of Terrace.

(e) Council

Means the Municipal Council of the Corporation of the City of Terrace.

(f) Lot

Means a burial plot as designated and shown on the plan of each cemetery on file in the offices of the Corporation and on the Copy of such plan deposited with the Minister of the Province of British Columbia.

(g) Mayor

Means the Mayor of the Corporation of the City of Terrace and shall include the Acting and Deputy Mayor.

(h) Medical Health Officer

Means the person duly appointed from time to time by the Council as the Medical Health Officer for the Corporation of the City of Terrace.

*Amended by
#1898-2007 (i)*

Minister

Means that member of the Executive Council charged by order of the Lieutenant-Governor in Council with the administration of the Cremation, Interment and Funeral Services Act and includes a person designated in writing by the Minister.

(j) Municipal Clerk

Means the person duly appointed as such from time to time by Council.

*Amended by
#1898-2007*

(k) Director of Finance

Means the person duly appointed as such from time to time by Council.

(l) Non-Resident

Means those persons not living within the boundaries of the City of Terrace and the specified area of Electoral Areas C and E.

- (m) *Resident* Means those persons living within the boundaries of the City of Terrace and the specified area of Electoral Areas C and E of the Regional District of Kitimat-Stikine.
- (n) *Infant* Means any person up to the age of one (1) year.

The use of words signifying the masculine shall include the feminine.

*Amended by
#1898-2007*

2. APPLICATION OF BYLAW

The regulations hereby established shall apply to both the Kitsumgallum Cemetery and the Terrace Municipal Cemetery of the Corporation and to all additional real and personal property, within or without the Municipality of Terrace, which may hereafter be acquired and held by the Corporation for use as a Municipal Cemetery, and shall be observed for interment of the dead therein and for the management, operation and preservation of same and the terms, conditions and fees set out herein shall apply to every right to make use of lots within such cemeteries, provided however, that notwithstanding anything herein contained, the Administration of the cemeteries shall be carried out in conformity with the applicable requirements of the Cremation, Interment and Funeral Services Act and the regulations made pursuant thereto.

- 3.** *The following described real property owned by the Corporation which has heretofore been set aside, held, laid out, developed, improved, used and maintained as municipally owned cemeteries and dedicated for such use by bylaw shall continue to be used, operated and maintained for such purpose and shall not be used for any other purpose:*

- (a) *All those portions of District Lot 1745, included in Plans 1924 and 1925, Range 5, Coast District.*
- (b) *That part of Lot 6 and 7, District Lot 364, Range 5, Coast District, Plan 1066, which lies to the south and east of an unnamed 20.12 metre road as shown on said Plan 1066.*

*Amended by
#1898-2007*

- 4.** *One copy of the plans of each cemetery shall be filed with the Business Practices and Consumer Protection Authority, and the original and additional copies thereof shall also be kept available for public inspection in the Municipal Offices of the Corporation, and at such other places as the Council may deem necessary.*

5. *The Council shall have power to determine from time to time, the layout of undeveloped sections of the Cemeteries, the size of the lots therein, the development and improvements to be carried out therein and made thereto, and copies of the plans thereof shall be filed and kept in pursuance of the provisions of Section 4 hereof.*

ADMINISTRATION OF BYLAW PROVISIONS

6. *The Administrator shall issue all licences and permits required by this bylaw, except as otherwise provided.*
7. *The Administrator is hereby authorized on behalf of the Corporation to grant a licence in the form set out in Schedule "A" hereto, in respect of any lot in the cemetery according to the scale of fees and charges set out and specified in Schedule "C" to this bylaw and subject to the provisions of this bylaw.*
8. *Upon the issuing of any permit for interment in the cemetery, or upon receiving any order for exhumation from the proper authority as required by Section 30 hereof, the Administrator shall notify the Caretaker before the time of the intended interment or exhumation, giving the name of the deceased, the number and location of the lot concerned, and give instruction as may be necessary, and in pursuance of the provisions of this bylaw.*
9. *The Administrator shall maintain such records as are necessary to the administration, operation, maintenance and management of the cemeteries and as required by Section 27 of the regulations made under the Cremation, Interment and Funeral Services Act and as required from time to time by Council.*

Amended by
#1898-2007

CEMETERY LICENCES

10. *The Corporation may grant to any person paying the fees therefor, according to the scale of fees hereinafter provided, a licence for the exclusive use by him or his executors or administrators, of any one or more lots which are then vacant and unlicensed in the cemetery, and upon payment of the said fee therefor, such person shall be entitled to receive a licence in the form prescribed in Schedule "A" hereto.*
11. *The Corporation reserves the right to refuse to grant any licence to more than one lot to any one individual.*
12. *All licences issued for the use of lots in the cemeteries pursuant to this bylaw shall be subject to all provisions hereof and to all subsequent bylaws and regulations of the Corporation.*

*Amended by
#1898-2007*

- 13.** (a) *Licences for the right to interment granted pursuant to the bylaw shall not be transferable to any party other than to the Corporation, and in such case, the Corporation shall refund to the original licensee the monies paid by him/her therefore, less the sum of twenty-five (\$25.00) dollars, for each lot surrendered to the Corporation, which said sum shall be retained by the Corporation to defray the costs of administering the issuing of such licences.*
- (b) *Upon satisfactory and documented attempts to contact the Licensees, licences for the right to interment granted pursuant to the bylaw shall default ownership back to the Corporation if the licence was purchased by a licensee who exceeded the age of nineteen (19) years at time of purchase, and whose purchase of said licence was greater than 50 years prior.*

The Administrator shall amend his records accordingly and the lots so surrendered shall thereupon become available for relicensing.

FEES AND CHARGES

- 14.** (a) *The fees payable to the Corporation for licences to use lots within the cemetery; and the fees payable for permits for interment and exhumation and for the care of graves; and the charges for goods offered for sale by the corporation for use in the cemetery; and other cemetery fees and charges, shall be those set out in Schedule "C" to this bylaw.*
- (b) *The fees set out in Schedule "C" to this bylaw shall be payable at the offices of the Corporation at the time of application for a licence or a permit and at the time of the purchase of any goods or services supplied by the Corporation in connection with the operation of the cemeteries pursuant to this bylaw.*
- (c) *Every application for an interment permit shall be made at least forty-eight (48) hours before such interment is to take place, provided however, that this limitation shall not apply where the body to be interred is that of a person who has had an infectious disease.*
- 15.** *In cases of poverty, the Council may consider and decide on applications for the remission of fees, in whole or in part, and in any such case the Council may, by resolution, remit such fees either in whole or in part.*

INTERMENTS IN THE CEMETERY

16. *No body other than a deceased human body shall be interred in the cemetery, and no body shall be interred in the cemetery except in compliance with and subject to the provisions of this bylaw.*
17. *No holder of a licence to use and occupy any lot in the cemetery shall allow, suffer or permit any interment to be made in the lot to which such licence refers contrary to such licence and he shall not transfer or dispose of the licence to the use of such lot to any other person, group or organization, except as provided by Section 13 of this bylaw.*
18. (a) *The bodies of persons who die having an infectious disease shall be interred within thirty-six (36) hours after death occurs; and the Medical Health Officer shall furnish the Administrator with specific instructions respecting interment in each such case. The Administrator shall be responsible to see to it that the instructions of the Medical Health Officer are carefully and minutely carried out in making such interments.*
- (b) *The following shall be considered infectious diseases within the meaning of this bylaw:*
- Smallpox, Asiatic Cholera, Diphtheria, Typhus Fever, Anthrax, Scarlet Fever, Bubonic Plague, Epidemic Cerebro Spinal Meningitis, Poliomyelitis, and such other diseases as may hereafter be designated by the Board of Health or the Medical Health Officer.*
19. (a) *Each interment in the cemetery shall be made in a grave dug to a depth to provide for not less than 1 m (approximately 3 feet) of earth between the upper surface of the coffin or grave liner and the level of the ground surrounding the grave.*
- (b) *Up to two (2) interments shall be permitted in any one lot, provided however, that arrangements have been made with the Administrator. The Administrator is hereby authorized to issue a permit for up to four (4) cremation interments in any one lot. Multiple interments will be authorized provided an additional fee pursuant to Schedule "C" is paid and a permit is issued.*
- (c) *Notwithstanding the provisions of Subsections (a) and (b) of this Section, the cremated remains of a deceased person in a container sheathed and sealed in a fibreglass container, may be interred in a lot to provide not less than 60 cm (approximately 2 feet) of earth between the upper surface of the fibreglass container and the level of the ground surrounding the grave, or may be interred at a depth permitted by the use of a metal box attached to the headstone.*

(d) *No grave liner shall be provided by the Corporation free of charge, except in the case of the burial of an indigent person for whom the Council has granted a remission of fees pursuant to Section 15 of this bylaw.*

(e) *Each interment in the cemetery shall be made using a fibreglass grave liner as provided by the City of Terrace.*

*Amended by
#1604-1997*

(f) *Reserved plots will be sold only in the area of the cemetery designated for reserved plots [Sections E, F and C (Legion Section)].*

*Added by
#1532-1996
(1.2)*

(g) *Notwithstanding the provisions of subsections (a), (b) and (c) of this section, the cremated remains of a deceased person in a container may be placed and secured in a niche of a Columbarium.*

*Added by
#1898-2007*

(h) *Up to two (2) inurnments of cremated remains may be placed and secured in a niche of the Columbarium, provided however, that arrangements have been made with the Administrator. Multiple inurnments will be authorized provided an additional fee pursuant to Schedule "C" is paid and a permit is issued.*

*Amended by
#1898-2007*

20. *Unless authorization has been provided by the Administrator, no person shall inter any body in the cemetery, except between the hours of 8:00 a.m. and 4:30 p.m. during the calendar months of September to April and between the hours of 7:00 a.m. and 3:30 p.m. during the calendar months of May to August.*

21. *No person shall inter any body in the cemetery on a Saturday, Sunday, or on any Statutory Holiday, except with the written permission of the Administrator, and except in the emergency conditions as specified in Sections 18 and 28 hereof and the Administrator is hereby authorized to grant such permission.*

*Added by
#1898-2007*

22. *Any interments that have received authorization to occur outside the hours as outlined in clauses 20 and 21 shall be subject to a contingency fee pursuant to Schedule "C" and clause 14 of this Bylaw.*

23. *No grave shall be dug or opened within the cemetery by any person other than the Caretaker thereof or other employee of the Corporation, or other person duly authorized to do so by the Administrator.*

*Amended by
#1604-1997*

24. *No vaults or other methods of interment above ground level other than a Columbarium, as provided for in Section 19(g) of this Bylaw, shall be permitted in the cemetery.*

PERMITS FOR INTERMENT AND EXHUMATION

24. *No interment of a body shall be made within the cemetery until a permit for such interment has been obtained from the Corporation, and the fee for same as specified in Schedule "C" hereof has been paid.*

25. *The permits for interment within the cemetery shall be in the form of Schedule "B" to this bylaw.*

*Amended by
#1604-1997*

26. *All applications for permits to inter in the cemetery, shall be made to the Administrator at the Corporation's offices during regular business hours on any day of the week except Saturday, Sunday, or any Statutory Holiday, when such offices are closed for business.*

*Amended by
#1898-2007*

27. *Every person who makes application for an interment permit, or who requires an interment to be made within the cemetery, shall furnish the Administrator with a statement giving the name, age, date of death of the deceased person, the date and time of the funeral, and whether or not death was caused by an infectious disease, as designated in clause 18 of this Bylaw. The applicant will also provide the Administrator with the name, address, phone number of the next of kin, written authorization (as outlined in Part 3, Section 5 of the Cremation, Interment and Funeral Services Act) and such other information as the Administrator may reasonably require to insure conformity with the provisions of this Bylaw.*

28. (a) *In all cases where the body of a person whose death has resulted from an infectious disease, and such body is required to be buried within thirty-six (36) hours from the time of the death pursuant to the provisions of Section 18 (a) of this bylaw, and if throughout the thirty-six (36) hours immediately following such death, the Corporation's offices are closed, permission to inter such body in the cemetery shall be obtained from the Administrator or his Appointee; but in no case shall such be interred without the consent and the specific instruction of the Medical Health Officer, and such instruction shall be carefully and minutely carried out in making such interment.*

(b) *The Caretaker or other duly authorized person who inters a body under the conditions expressed in Subsection (a) hereof, shall forthwith furnish the Administrator with full particulars of such interment, and if permission for such interment was obtained from the Appointee of the Administrator, such Appointee shall also forthwith report the granting of such permission to the Administrator. The representative of the deceased shall furnish the Administrator with information and shall pay the fee required by Sections 27 and 24 of this bylaw respectively.*

- (c) *The requirements of Subsection (b) hereof shall be complied with by the persons named therein as soon after such interment as the Corporation's offices are opened for business.*

*Amended by
#1898-2007*

- 29.** *No body interred in the cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the Cremation, Interment and Funeral Services Act, the presentation of such order to the Administrator, payment of the fee prescribed by Schedule "C" to this bylaw and the issuance of a permit therefore by the Administrator. Every exhumation shall be subject to the specific instruction of the Medical Health Officer, and such instruction shall be carefully and minutely carried out in making such exhumation.*

CARETAKERS

- 30.** *Caretakers may be appointed by the Administrator from time to time as deemed necessary and such Caretakers may be employees of the Corporation. Every Caretaker shall be responsible to the Administrator, and shall report directly to him. The duties of every Caretaker appointed pursuant to this bylaw shall include:*

- (a) *To dig and prepare, or cause to be dug and prepared, all graves required to be dug whenever and wherever ordered to do so by the Administrator or his Appointee.*
- (b) *To install all memorial tablets, markers and concrete aprons around memorial tablets or markers.*
- (c) *To carry out, or cause to be carried out, the general work of the cemetery, to maintain it in a neat and tidy condition, including the maintenance of landscaping features, lawns, paths, gates, fences and all other cemetery improvements.*
- (d) *To maintain records as required and to submit to the Administrator all reports and information required by him.*
- (e) *To complete and carry out such other works and duties as may be assigned and directed by the Administrator.*

MEMORIALS

- 31.** *Only those memorials which conform to the specifications of this bylaw may be installed within the cemetery and all such memorials shall be placed and*

installed by the Caretaker or other person authorized to do so by the Administrator.

No person other than the Caretaker and employees of the Corporation under his direction, or other person duly authorized by the Administrator, shall place and install on any lot or grave within the cemetery any memorial marker or tablet.

*Replaced by
#1723-2001*

- 32.** (a) *Fences, railings, copings, curbs or other markers conforming to the specifications of this bylaw shall be permitted on licenced lots subject to issuance of a permit. Such permits will be valid for a period not exceeding two years from the date of burial. Additional permits may be issued on a year-to-year basis for the fee prescribed in Schedule "C".*

*Replaced by
#1723-2001*

- (b) *Fences, railings, copings, curbs or other markers surrounding licenced lots shall be constructed of metal, wood or other durable material and shall be constructed in a manner that allows the marker to be easily removed and does not require anchoring to concrete or other in-ground foundations. Fences, railings, copings, curbs or other markers shall rise no more than 60 cm above the surrounding ground and shall be of a design that does not include pointed or sharp-edged protrusions.*

*Added by
#1723-2001*

- (c) *Any fences, railings, copings, curbs or other markers placed at a lot or grave must be removed for the period from November 1st of each year to April 30th of the following year. The Administrator may remove or cause to have removed, any such markers which have become decrepit or which have not been removed during the period specified above.*

- 33.** (a) *Every person who desires to place and to have installed a memorial marker or tablet conforming to the specifications of this bylaw, on any lot or lots, grave or graves within the cemetery, shall make application to the Administrator at the offices of the Corporation for a permit therefor, and shall with such application pay the fees prescribed by Schedule "C" hereof.*

- (b) *Upon receipt of each such application and payment of the prescribed fees, the Administrator shall issue a permit to the applicant, and every such permit shall be subject to the following terms and conditions:*

- (i) *Only memorials of the tablet variety and manufactured from stone, marble or bronze material shall be permitted, and each such memorial shall conform and shall be placed and installed in accordance with the following specifications:*

- (i) *Each memorial tablet shall be installed on a concrete base with its top surface level and flush with the surface of the surrounding ground, and a concrete apron 7.5 cm in width extending around same; a concrete apron shall not be required if the memorial is granite.*
- (ii) *Each bronze memorial tablet shall be attached to a concrete base not less than 9 cm (approximately 3-1/2 inches) thick, with side surfaces true and perpendicular with the top surface of the attached tablet.*
- (iii) *Each stone or granite memorial tablet shall be not less than 7.5 cm (approximately 3 inches) thick, and shall have its side surfaces true and perpendicular with its top surface. All side surfaces shall be roughened, grooved and doweled to permit proper bonding if to be installed in the concrete base.*
- (iv) *The top surface measurements for bronze, stone or granite memorial tablets shall be as follows:*

 - (a) *Memorialization of one person:*
Plaque Minimum of 30 cm x 50 cm (12" x 20")
Maximum of 50 cm x 70 cm (16" x 28")
Stone or Minimum of 30 cm x 50 cm (12" x 20")
Granite Maximum of 45 cm x 75 cm (18" x 30")
 - (b) *Memorialization of two persons:*
Plaque Minimum of 40 cm x 70 cm (16" x 28")
Maximum of 33 cm x 110 cm (13" x 44")
Stone or Minimum of 45 cm x 75 cm (18" x 30")
Granite Maximum of 61 cm x 122 cm (24" x 48")
 - (c) *Memorialization of cremated persons:*
Single Minimum of 24 cm x 40 cm (10" x 16")
Plot Maximum of 30 cm x 45 cm (12" x 18")
Double Minimum of 30 cm x 51 cm (12" x 20")
Plot Maximum of 25 cm x 70 cm (10" x 28")
- (II) *Up to two (2) memorial tablets may be placed and installed on each grave to allow for cremations, but where it is desirable to memorialize on one tablet, two related persons buried side by side in adjacent lots or as cremains in one plot, one tablet which provides for such dual memorialization may be used, placed and*

installed instead of two separate tablets, provided that it is set to embrace evenly the two grave plots concerned.

- (III) Letters, numerals and ornamentation on memorial tablets shall not protrude beyond 7 mm (approximately 1/4 inch) above the top surface of the tablet.*
- (IV) Bronze tablets shall be delivered to the cemetery without a base, and each tablet shall have four (4) anchor hooks either cast on or screwed into drilled bosses on the underside, and each such anchor hook shall project from the underside approximately 7 cm (approximately 2-3/4 inches.)*

A concrete base in accordance with the requirements of Subsection (b) (I) (ii) of this section, shall be attached thereto by the Caretaker.

- (V) The Corporation will not be held liable for any breakage or damage to any memorial tablet or monument in the cemetery except as shall arise as the result of negligence or carelessness of the Caretaker or other employee of the Corporation. Memorials which have ceramic pictures installed must have a lockable protective cover over the picture.*
- (VI) Should any memorial or any tablet placed or erected in the cemetery be in a state of disrepair, the Administrator may, after giving notice in writing to the next-of-kin at his last known address, apply to the Minister, for authority to have said memorial or tablet removed from the cemetery, if the memorial or tablet has not been repaired in accordance with said notice.*

*Added by
1723-2001*

- (c) Every person who desires to place and have installed an upright stone, marble or other suitable masonry memorial in Section F Lots 38, 39 and 40 shall make application to the Administrator at the offices of the Corporation for a permit therefore, and shall with such application pay the fees prescribed in Schedule "C" hereof.*

*Added by
1723-2001*

- (d) Upon receipt of each such application and payment of the prescribed fees, the Administrator shall issue a permit to the applicant, and every permit shall be subject to the following terms and conditions:*
 - (i) Each upright memorial shall be installed and secured on a concrete base designed for such purpose by an adhesive. All bottom surfaces shall be smooth to permit proper bonding.*

- (ii) *The dimensions for upright memorials shall be as follows:*
- (a) *Memorialization of one person:*
- *Height not less than 30 cm or greater than 100 cm*
 - *Width not less than 40 cm or greater than 80 cm*
 - *Thickness not less than 10 cm or greater than 20 cm*
- (b) *Memorialization of two persons in adjacent lots:*
- *Height not less than 30 cm or greater than 100 cm*
 - *Width not less than 80 cm or greater than 160 cm*
 - *Thickness not less than 10 cm or greater than 20 cm*

GENERAL PROVISIONS AND REGULATIONS

*Amended by
#1898-2007*

- 34.** *It shall be unlawful for any person to cremate or bury any human body within the limits of the Corporation of the City of Terrace except in conformity with the provisions of this bylaw and except as authorized by the Cremation, Interment and Funeral Services Act and the regulations made thereunder.*

*Amended by
#1604-1997*

- 35.** *Cut flowers, wreaths, floral tokens, artificial flowers and other tokens of remembrance may be placed on grave lots in the cemetery but will be removed weekly and disposed of.*

*Amended by
#1604-1997*

- 36.** *No person, other than the caretaker and any employee of the Corporation in the ordinary course of his employment and as duly authorized to do so, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within the cemetery.*

- 37.** *No person shall damage or deface any memorial monument, fence, gate or any structure in the cemetery, or injure or destroy any improvement therein.*

- 38.** *No person shall enter the cemetery in any vehicle after sunset, or drive or operate any vehicle within the cemetery at any time at a speed in excess of fifteen (15) km per hour (approximately 10 mph). All vehicles and the drivers or operators thereof, shall at all times while within the cemetery grounds be subject to and shall obey the directions and orders of the Caretaker.*

- 39.** *No person shall solicit orders for markers, tablets, memorials, monuments or like works or materials within the limits of the cemetery.*

40. *Every person, and all Funeral Processions, when entering and while within the cemetery, shall obey the reasonable instructions of the Caretaker, and any person not behaving with proper decorum within the cemetery or who disturbs the peace, quiet and good order of the cemetery may be evicted therefrom by the Caretaker and in addition shall be guilty of an infraction of the provisions of this bylaw.*
41. *No person shall discharge any firearm within the cemetery except at Military Funerals where the discharge of firearms is permitted, the discharge thereof shall be in regular volleys under command of the Officer in charge and only during the conduct of the burial service.*
42. *Every person who wilfully destroys, mutilates, defaces, injures or removes any tomb, monument, memorial, marker, tablet, gravestone or other structure placed in the cemetery, or any fence, railing or other work for the protection or ornamentation of the cemetery, or any tomb, monument, memorial, marker, tablet, gravestone or other structure aforesaid or any lot or grave within the cemetery, or who wilfully destroys, butts, breaks or injures any tree, shrub or plant, or who plays at any game or sport, or who discharges firearms (except at a Military Funeral), or who wilfully or unlawfully disturbs persons assembled for the purpose of interring a body therein, or who commits any nuisance therein, or who at the time behaves in an indecent or unseemly manner, or who deposits any rubbish or offensive matter or thing in the cemetery, or who in any way violates any grave, tomb, tombstone, vault, memorial marker, tablet or other structure or thing within the same, shall be guilty of an infraction of this bylaw and liable to the penalties hereof.*
43. *The cemetery shall be deemed to be open to the Public at eight (8:00) o'clock every morning and closed to the Public at eight (8:00) o'clock every evening. Any person found in the cemetery without the special permission of the Caretaker between eight (8:00) o'clock in the evening and eight (8:00) o'clock the following morning, shall be guilty of an infraction of this bylaw and liable to the penalties hereof.*

SCHEDULES HERETO PART OF THIS BYLAW

44. *Schedules "A", "B", "C" and "D" hereto annexed are hereby incorporated with and made part of this bylaw.*

*Amended by
#1898-2007*

CARE FUND

45. (a) *Pursuant to the authority of the Cremation, Interment and Funeral Services Act, a fund for the upkeep and care of the cemetery and the burial plots therein (hereinafter called the "Care Fund") shall be*

established, set aside and maintained and the same is hereby established.

*Amended by
#1898-2007*

- (b) *The said "Care Fund" shall be administered in accordance with the requirements of the regulations made under the Cremation, Interment and Funeral Services Act for the establishment and administration of a "Municipal Cemetery Care Fund" and in accordance with the procedures hereinafter set out.*

*Amended by
#1898-2007*

- (c) *A Bank Account to be known as the "Care Fund Account" shall be established with the Corporation's Bankers into which the Director of Finance shall pay and deposit all funds received by the Corporation pursuant to this bylaw for Care Fund purposes and all such funds shall be held therein pending the investment thereof as hereinafter provided.*

*Amended by
#1898-2007*

- (d) *All funds, securities and investments standing to the credit of "The Cemetery Care Fund" as established, set aside and maintained pursuant to the provisions of "Terrace Cemetery Bylaw No. 856-1979" at the effective date of this bylaw, together with all monies accruing thereto pursuant to the provisions of said bylaw, and all interest accrued on securities and investments of such fund, shall be transferred to and placed to the credit of the "Care Fund" established pursuant to this bylaw, and notwithstanding any provision of "Terrace Cemetery Bylaw No. 856-1979" to the contrary, the said funds, securities, investments, monies and interest shall become a part of the "Care Fund" hereby established and shall be subject to all provisions of this bylaw.*

*Amended by
#1898-2007*

- (e) *The Director of Finance shall pay into the "Care Fund" from the amount received for each licence sold at the fee specified in Schedule "C" hereto, no less than twenty-five (25%) per centum thereof, except in those cases where in pursuant of the provisions of Section 15 of this Bylaw, the Council has made any remission of such licence fees.*

*Added by
#1532-1996*

*Amended by
#1898-2007*

The Director of Finance shall pay into the "Care Fund" from the amount received for each license sold at the fee specified in Schedule "C" hereto attached for niches no less than (10%) per centum thereof, except in those cases where in pursuant of the provisions of Section 15 of this Bylaw, the Council has made any remission of such license fees.

*Amended by
#1898-2007*

- (f) *On all licences for the use of lots in the cemetery, and in all contracts and agreements for the sale of such licence, the amount required for the "Care Fund" purposes shall be specified, provided that any amount so specified shall not apply to any lot made available by the Council pursuant to Section 15 of this bylaw or to any lot used by the Corporation for the purposes of indigent burial.*

Amended by
#1898-2007

(g) *The Director of Finance shall pay into the "Care Fund" from the amounts received for each permit issued for the placing and installing of a memorial marker or tablet pursuant to the provisions of Section 33 of this bylaw, the sum set out in Schedule "C" to this bylaw.*

Amended by
#1898-2007

(h) *The Director of Finance is hereby authorized to accept voluntary payments from any person having the right to use any lot, plot or area within the cemetery or from any other person or Municipality interested and all such voluntary payments shall be paid into and deposited by the Director of Finance to the credit of the "Care Fund".*

Amended by
#1898-2007

(i) *All monies received by the Corporation for the "Care Fund" shall be held as Trust Funds to be devoted solely to the purposes of upkeep and maintenance of the cemetery and may be invested in the manner provided by Section 364 of the "Municipal Act" for the investment of Sinking Funds, provided however that the investment of such funds shall be made as required by the regulations made under the Cremation, Interment and Funeral Services Act as applicable to Municipal Cemetery Care Funds.*

Amended by
#1898-2007

(j) *The principal sum of the "Care Fund" established pursuant to this bylaw and as the same is increased from time to time and from year to year by the payments into same of the sums authorized by this Section, shall not be reduced except in accordance with an order of the Minister made pursuant to the regulations made under the Cremation, Interment and Funeral Services Act.*

Amended by
#1898-2007

(k) *The interest earned on the investments of the "Care Fund" and all income therefrom, including any appreciation thereof, shall be used for the sole purpose of upkeep and care of the cemetery in the year in which such interest and income is earned by the "Care Fund" and if not used or applied to such use in that year, shall be set aside in a Reserve Fund for future expenditure on the upkeep and care of the cemetery or at the option of the Council paid into the "Care Fund" to increase the principal sum thereof.*

ACCOUNTING

Amended by
#1898-2007

46. *Separate accounts of all monies received under the provisions of this bylaw and of all monies expended by the Corporation hereunder shall be kept and maintained by the Director of Finance and any surplus of revenue over expenditures remaining at the end of each financial year of the Corporation, shall be paid into the "Care Fund" by the Director of Finance forthwith after the*

books and accounts of the Corporation have been audited and the amount of such surplus, if any, has been duly verified by the Municipal Auditors.

PENALTY FOR INFRACTIONS

- 47.** *Every person who violates any of the provisions of this bylaw, or who suffers or permits any act, or thing to be done in contravention of this bylaw, or who refuses, omits or neglects to fulfil, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) or to a term of imprisonment not exceeding six (6) months or to both.*
- 48.** *Bylaws No. 856, 995, 1005, 1020 and 1158 are hereby repealed.*
- 49.** *This bylaw shall be known and may be cited as the "Terrace Cemeteries Regulation Bylaw No. 1279-1992."*

This Bylaw is consolidated for convenience only. If discrepancies exist between this consolidation and the original bylaws, the original bylaws shall prevail.

BYLAW #1279-1992 READ a first time this 9th day of March, 1992.

BYLAW #1279-1992 READ a second time this 9th day of March, 1992.

BYLAW #1279-1992 READ a third time this 9th day of March, 1992.

BYLAW #1279-1992 ADOPTED this 23rd day of March, 1992.

ORIGINAL SIGNED BY "J. TALSTRA"

Mayor

ORIGINAL SIGNED BY "E.R. HALLSOR"

Clerk-Administrator

Replaced by
#1532-1996
(1.4)

Schedule "A"

Terrace Municipal Cemetery

DEED NO. _____

Interment of: _____

Cemetery: _____

Permit No.: _____

Owner: _____

Address: _____

Plot: _____

Lot: _____ **Section:** _____

Columbarium Niche: _____

Paid for Plot or Lot: _____

Paid for Digging: _____

Paid for Liner: _____

Other: _____

Date of Burial: _____

Interment of _____.

In consideration of _____

of _____

having paid the sum of _____

Dollars, being the amount of the fees due, therefore he or she is hereby

granted a licence to use and copy in Section _____ *Block* _____

Plot _____ *or Columbarium niche* _____ *for the purpose of interment in*

accordance with and under and subject to the rules and regulations provided

in that behalf, and all Bylaws, rules and regulations for the regulation of the

Terrace Municipal Cemetery and any Bylaw or law in force in the City of

Terrace and applicable thereto, which may for the time being be in force.

Dated this _____ *day of* _____, 20__.

_____ *Cashier*

Payment of the above fee together with amount for
Opening Graves \$ _____ *and concrete*
Enclosure Box \$ _____ *have previously*
been acknowledged by Receipt No. _____.

I agree to accept the above written licence upon
the terms and conditions above expressed.

Amended by #1898-2007

SCHEDULE "B" CITY OF TERRACE APPLICATION FOR INTERMENT RIGHT & CEMETERY SERVICE AS PER SEC 43(1) BPCP ACT

3320 Kalum Street, Terrace BC V8G 2N6 Phone (250) 615-3000 Fax (250) 615-3010 www.terrace.ca

Date :

Purchase Agreement

Between Terrace Municipal Cemetery/Kitsumgallum Cemetery

And

(name of purchaser) of (address of purchaser)

Being the person having the charge of, or being responsible for the interment of the body/cremated remains.

of

do hereby give you notice that it is intended that the said body shall be buried in the Terrace Municipal Cemetery/Kitsumgallum Cemetery and I hereby apply for a plot in the Cemetery for the purpose of the said burial.

Sale of Interment Right

Location: Section Lot Plot \$
or Reserve: Section Lot Plot \$
Columbarium Niche: Section Number \$
Interment Right for Non-Residents: \$
Cremated Remains in an Existing Grave: \$
TOTAL SECTION A \$

Sale of Cemetery Services

Opening and Closing Grave for Burial \$
Opening and Closing for Cremated Remains \$
Opening and Closing Niche \$
After Hours Burial Hours @ per hour \$
Installation of Memorials: \$
Refundable Contingency Deposit: \$
Should burials run after hours a portion at the per hour rate will not be refunded.
TOTAL SECTION B \$

Sale of Cemetery Goods

Adult Fiberglass Grave Liner \$
Infant Fiberglass Grave Liner \$
Cremated Remains Fiberglass Container \$
TOTAL SECTION C \$

TOTAL (A+B+C) \$

TAX \$

GRAND TOTAL \$

SEE SCHEDULE "C" FOR CURRENT PRICES AND SERVICES

Burial Permit # Deed#

Notes:

SCHEDULE "B" Cont'd
PARTICULARS OF THE DECEASED, THEIR DEATH AND BURIAL

Where born: _____ Age at Death _____ years

Last known address: _____

Date of Death: _____ Place of Death: _____

Next-of-Kin: _____ Relationship: _____

Address: _____ Phone number: _____

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act, and will be used only for the purposes for which it was collected. If you have any questions about the collection and use of this information, contact the City of Terrace Freedom or Information Co-ordinator at (250) 638-4722.

BURIAL DATE: _____ at _____ a.m./p.m.

TERMS AND CONDITIONS

Upon the execution by the purchaser and the cemetery representative, this contract shall be binding upon the heirs, executors, administrators, successors for both the purchaser and the cemetery.

This agreement is subject to the provision in the Business Practices and Consumer Protections Act ("BPCP Act"), the Cremation, Interment and Funeral Services Act ("CIFS Act") and the Cremation, Interment and Funeral Services Regulations ("CIFS Reg") of British Columbia.

The purchaser agrees that the interment right and future care, maintenance and administration of the cemetery will be subject to the cemetery's bylaws. The purchaser acknowledges that the cemetery reserves the right to modify/amend or change the bylaws without prior notice to the purchaser.

The purchaser acknowledges that no interment or cemetery goods and / or services will be provided until payment in full is made to the cemetery.

If the purchaser wishes to transfer the interest of the interment right it must follow the bylaws as set out in Bylaw No. 1279-1992 section 14.

A purchaser may cancel this contract by providing a written notice of cancellation to the cemetery. The notice of cancellation must be provided to the cemetery by register mail, electronic mail, facsimile, in person or in any other form that will allow the purchaser to prove notice. Cancellation is subject to the following.

- 1. Reserved right to interment: Within 30 days after purchase - may cancel without penalty. Full refund Will be made except for goods/services already provided and special orders where due to personalization or other unique characteristics, the goods cannot be used or resold.
2. 30 days after purchase - amount of refund will be the original amount on the contract minus the maintenance fund contributions amount.
3. After use of the interment right - no right to cancel.
4. Before use of interment right but after the death of the beneficiary - may cancel 24 hours prior to interment provided written notice is given.

Once a contract is cancelled, the cemetery will refund amounts owing with 15 days within cancellation date.

No interment shall take place until the cemetery is provided the name and address of the next-of-kin of the deceased, a copy of the burial permit issued under the Vital Statistics Act and related regulations, a copy of the written authorization from the person with legal right as noted in Section 5 CIFS Act to authorize the disposition of the deceased.

A maintenance fund contribution of 25% is included in the right of interment price. With the exception of burial of cremated remains in an existing grave, where 100% of that charge goes to the maintenance fund. A flat rate of \$10.00 per installed memorials will also be transferred to the fund. Maintenance fund amounts are broken down in monthly reports and remitted annually. Details about the financial institutions and account and management of the fund can be made through a written inquiry to The City of Terrace care of Leisure Services.

The cemetery shall not be liable for loss or damage caused directly or indirectly by war, strikes, thieves, vandalism or due to a force of nature.

The cemetery has the right to reclaim the right of interment previously sold with prior approval of the director, but only if the following conditions have been met.

- 1. The owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age.
2. A period of at least 50 years has elapsed form the date prior right of interment was sold.
3. At least 90 days have passed since the date the operator sent a notice of the operator's intentions to resell the right of interment to the last known address of the interment right holder and the operator has not received a response for the interment right holder.
4. The operator has made diligent attempts to contact the interment right holder but is not able to locate or Or contact the interment right holder.

By signing this contract, the purchaser agrees and accepts to the terms and conditions of this contract.

Signature of Purchaser

Signature of Cemetery Representative

Print Name of Purchaser

Print Name of Cemetery Representative

Replaced by

#2075-2014

SCHEDULE "C"
CITY OF TERRACE
TERRACE MUNICIPAL CEMETERY/KITSUMGALLUM CEMETERY
SCHEDULE OF RATES

3320 Kalum Street, Terrace BC V8G 2N6
 Phone (250) 615-3000 Fax (250) 615-3010
www.terrace.ca

1.		<u>Care Fund</u>	<u>Resident</u>	<u>Care Fund</u>	<u>Non</u>
		<u>Fee for</u>	<u>Plot Rate</u>	<u>Fee for</u>	<u>Resident</u>
		<u>Resident</u>		<u>Non</u>	<u>Plot Rate</u>
				<u>Resident</u>	
1	<u>Interment Right</u>				
	a) <i>Adult Size Plot</i> <i>2.5 m x 1 m (8'2" x 3'2")</i> <i>Section B, C & Legion B</i>	\$71.25	\$213.75	\$97.50	\$292.50
	b) <i>Infant Size Plot</i> <i>1.5 m x 1 m (5' x 3'6")</i> <i>Sections J and K</i>	\$42.50	\$127.50	\$43.35	\$173.40
	c) <i>Cremation Plot</i> <i>.6 m x .6 m (24" sq.)</i> <i>Section L, M and N</i>	\$33.75	\$101.25	\$34.42	\$137.70
	d) <i>Reserve Plots</i> <i>Section E, F, G and Legion C</i>	\$92.50	\$277.50	\$94.35	\$377.40
	e) <i>Reserve Plots w/Upright</i> <i>Headstones</i> <i>Section F and G</i>	\$112.50	\$337.50	\$114.75	\$459.00
	f) <i>Cremated Remains in an</i> <i>Existing Plot</i>	\$52.00		\$70.72	
	g) <i>Columbarium Niche</i>	\$75.00	\$675.00	\$229.50	\$918.00
2.	<u>Services</u>				
	a) <i>Interment</i>				
	<i>Adult</i>		\$720.00		\$720.00
	<i>Infant</i>		\$720.00		\$720.00
	<i>Cremated Remains</i>		\$200.00		\$200.00
	b) <i>Disinterment</i>		\$385/hour		\$385/hour
	<i>Where Funeral Director</i> <i>Required Fee Paid by</i> <i>Purchaser</i>				
	c) <i>After Hour Interment Rate</i> <i>(Monday – Friday)</i>		\$225/hour		\$225/hour
	d) <i>Weekend/Holiday Interment</i> <i>Rate</i>		\$350/hour		\$350/hour
	e) <i>Niche Interment</i>		\$100		\$100
	f) <i>Memorial Installations:</i>				
	i. <i>Granite 30cm x</i> <i>50cm (12"x20")</i>	\$10.00	\$135.00	\$10.00	\$135.00
	ii. <i>Bronze 30 cm x 50 cm</i>	\$10.00	\$135.00	\$10.00	\$135.00

(12"x20")

iii. Granite 45 cm x 75 cm / 61 cm x 122 cm (18"x30" x 24" x 48")	\$10.00	\$160.00	\$10.00	\$160.00
iv. Bronze 40 cm x 70 cm/33 cm x 110 cm (16" x 28" / 13" x 43")	\$10.00	\$160.00	\$10.00	\$160.00
v. Upright Stone or Marble	\$10.00	\$250.00	\$10.00	\$250.00
vi. Double Upright	\$10.00	\$300.00	\$10.00	\$300.00
vii. Memorial Wall Plaque		\$45.00		\$45.00
g) Refundable Contingency Deposit		\$400.00		\$400.00
h) Above Ground Ornamentation Permit		\$25.00		\$25.00
i) Administration Fee		\$45.00		\$45.00
3. <u>Goods</u>				
a) Adult Fibreglass Grave Liner		\$250.00		\$250.00
b) Infant Fibreglass Grave Liner		\$125.00		\$125.00
c) Cremated Remains Fibreglass Container		\$80.00		\$80.00

Prices subject to TAX

SCHEDULE "D"

CITY OF TERRACE CEMETERY - KALUM LAKE DRIVE

- SECTIONS A to H** -2.5m x 1.0m GRAVES
- SECTIONS E and F (RESERVE)** -RESERVED GRAVES, 2.5m x 1.0m CONFINED TO THIS AREA
- SECTIONS L, M, N**
- SECTION SECTIONS J and K** -CREMATION REMAINS 0.6m X 0.6M PLOTS
- INFANT GRAVES 1.5m x 1.0m

