

**TOWN OF QUALICUM BEACH
BYLAW NO. 915**

**A BYLAW RELATING TO THE OPERATION AND MAINTENANCE OF THE QUALICUM
BEACH MUNICIPAL CEMETERY**

The Council of the Town of Qualicum Beach in open meeting assembled, enacts as follows:

1. In this Bylaw unless the context otherwise requires,

CAO	means the Chief Administrative Officer for the Town of Qualicum Beach.
Cemetery Care Fund	means the irrevocable trust fund established, held and administered in accordance with the <i>Cremation, Interment and Funeral Services Act, S.B.C. 2004, c.35</i> for the purpose of financing the future maintenance and care of a Cemetery once all lots are occupied or reserved.
Caretaker	means the person or person employed from time to time as Manager of Operations, or their designate(s) and responsible for the duties as Caretaker of the Municipal Cemetery in Qualicum Beach.
Cemetery	means any parcel or tract of land used, maintained or operated as a Cemetery, by the Town of Qualicum Beach.
CIFSA	means the <i>Cremation, Interment and Funeral Services Act, S.B.C. 2004, c.35</i> .
Columbarium	means an above ground structure that contains niches for the inurnment of Cremated Remains.
Council	means the Council of the Town of Qualicum Beach.
Cremated Remains	means the ashes resulting from cremation of a deceased human body.
Director of Corporate Services	means the Director of Corporate Services, or designate, for Town of Qualicum Beach responsible for the administration of the Qualicum Beach Cemetery.
Financial Administrator	means the person duly appointed as such from time to time by the Council.

Former Resident means a person:

- (1) who had previously qualified as a Qualicum Beach Resident, but has left the Town under circumstances of old age or illness to receive care in another community, or
- (2) having resided or owned property in the Town for a continuous period of at least three years within ten years of the date of application for licence, or for a continuous period of at least ten consecutive years during their lifetime.

Grave Space means an area of the Cemetery used or intended to be used for the interment of human remains or Cremated Remains under a Right of Interment and includes a burial plot, cremation plot or Columbarium niche.

Health Officer shall mean the person duly appointed from time to time to act as Health Officer for the Town of Qualicum Beach.

Municipality means the Town of Qualicum Beach.

Non-Resident means an individual that is not a Town of Qualicum Beach Resident or an SD69 Resident as defined by this bylaw.

Right of Interment means the licence that provides for the future right to inter human remains or Cremated Remains in a designated plot. Right of Interment fees shall include required Cemetery Care Fund contributions.

SD69 Resident shall mean a person who:

- (1) resides within the School District 69 (SD69). This area includes the Regional District of Nanaimo Electoral Area E (Nanoose Bay), Area F (Coombs, Hilliers, Errington), Area G (French Creek, Dashwood, Englishman River), Area H (Shaw Hill, Qualicum Bay, Deep Bay, Bowser) and the City of Parksville;
- (2) is not a registered owner of property in the Town of Qualicum Beach; and
- (3) is not a Former Resident.

Qualicum Beach Resident means a person who is a registered owner of property and/or resides on premises, located within the boundaries of the Town of

Qualicum Beach at the time of purchase or is a Former Resident as defined in this Bylaw.

Scattering Board means the granite memorial pedestal book located at the Cemetery able to accommodate 3" x 4" metal memorial markers.

Scattering Garden means the area designated for the irrecoverable scattering of ashes as memorialized on the Scattering Board.

Town shall mean the Town of Qualicum Beach.

2. The following lands owned by the Town have been set aside and used for Cemetery purposes:

Qualicum Beach Municipal Cemetery - legally described as being: Lot A, Plan 42165, District Lot 78, Newcastle District, PID #001-345-648.

3. A copy of the plans of the Cemetery shall be filed with the Director as defined under the *Business Practices & Consumer Protection Act*, in accordance with the *CIFSA*, and copies shall also be kept available for public inspection in the Municipal Office and at such other places as may be deemed necessary.

4. RIGHT OF INTERMENT LICENCE TO USE CEMETERY

- 4(1) Due to the limited availability of space at the Qualicum Beach Municipal Cemetery, plots at the Cemetery are intended for the exclusive use of Qualicum Beach Residents and SD69 Residents, with the exception for Non-Residents provided in Section 4(3) of this Bylaw.
- 4(2) The Council may grant to any Qualicum Beach Resident or SD69 Resident paying the relevant fees required by the Town, and upon verification of eligible residency, a Right of Interment licence for the exclusive use by their executor(s) or administrator(s), of any one or more Grave Spaces, Columbarium niches or memorial spaces on the Scattering Board which may be vacant and unlicensed in the Cemetery and, upon payment of said fee, such person or persons shall be entitled to receive a Right of Interment licence in the form prescribed by the Town.
- 4(3) The Council may grant to a Non-Resident whose spouse, child, or parent is interred in the Qualicum Beach Cemetery, paying the fees required by the Town, a Right of Interment licence for the exclusive use by their executor(s) or administrator(s), of any one or more Grave Spaces, Columbarium niches or memorial spaces on the Scattering Board which may be vacant and unlicensed in the Cemetery, and upon payment of said fee, such person or persons shall be entitled to receive a licence in the form prescribed by the Town.

- 4(4) Right of Interment fees will include the required Cemetery Care Fund Contribution. A Right of Interment does not vest in the holder any title or interest in the land or lot but instead provides for the right to inter the person named on the Right of Interment licence.
- 4(5) The issuance of a Right of Interment does not entitle the holder to require the Town to inter the human remains or Cremated Remains of the designated person in the plot unless the holder complies in all respects with the provisions of the Bylaw, including, without limitation, the payment of all fees related to the interment and residency eligibility as defined in this Bylaw.
- 4(6) At the time of purchase, a Right of Interment licence holder shall either reserve the right to use that plot for themselves or authorize another family member who meets the residency requirements to be interred in the plot to which the Right of Interment refers, or designate which individuals have the authorization from the Right of Interment licence holder to make this selection. An interment licence holder may only designate one plot for their own use. Proof of residency and/or residency history for all named parties for interment in the Cemetery will be required prior to the issuance of a Right of Interment Licence.
- 4(7) The Chief Administrative Officer, or designate, may refuse to sell the use of more than two Grave Spaces to any one individual.

5. TRANSFER OF RIGHT OF INTERMENT LICENCE

- 5(1) If the holder of a Right of Interment licence to use and occupy Grave Space in the Cemetery desires to dispose of, or transfer to another person, their right to use and occupy Grave Space in the Cemetery shall provide the Director of Corporate Services full particulars of the name, address, or other description of the person to whom such disposal or transfer is desired to be made, and pay the fee required by the Town.
- 5(2) The person to whom the Right of Interment is to be transferred must be a Qualicum Beach Resident or Former Resident, except in the case of the transfer of a Columbarium niche or memorial space on the Scattering Board, to which a transfer may be made to a SD69 Resident.
- 5(3) Upon receipt of the transfer fees required by the Town as amended from time to time , and upon compliance with the requirements of this Bylaw by the licence holder and the person to whom the Right of Interment licence is to be transferred, the Director of Corporate Services shall effect the desired transfer by an endorsement upon the licence to that effect and shall record the same in the books or other records kept by them for that purpose.

- 5(4) If the holder of a Right of Interment licence to use and occupy Grave Space in the Cemetery wishes to return such Grave Space to the Town, the Town will reimburse to the holder of the licence an amount equal to the original purchase price less the original Cemetery Care Fund portion.

6. FEES AND CHARGES

- 6(1) The fees for interment, exhumation, use of Grave Space, and care of graves, and the charges for goods offered for sale by the Town for use in the Cemetery, and any other Cemetery fees shall be those set out in the Town's Miscellaneous Rates Bylaw, as amended from time to time.
- 6(2) The fees due shall be paid in advance to the Town at the time of application for a Right of Interment licence or in advance of services provided.
- 6(3) The fees for a person who meets the definition of Former Resident shall be charged at the Qualicum Beach Resident rate.

7. PERMISSION TO INTER, EXHUME AND CREMATE

- 7(1) No body other than a deceased human body shall be interred in the Cemetery and no interment of a body shall be made until a Permit to Inter the body has been obtained from the Town and the fee for interment has been paid to the Town.
- 7(2) All Permits for Interment of deceased persons in the Cemetery shall be in the form required by the Town and shall be submitted at least 48 hours before the interment is to take place.
- 7(3) All applications for a Permit to Inter in the Cemetery must be made to the Director of Corporate Services at the Town's offices between the hours of 9:00 a.m. and 4:00 p.m. on all days of the week except Saturday, Sunday and statutory holidays.
- 7(4) Any person who makes an application for a Permit for Interment, or who requires an interment to be made, shall furnish the Director of Corporate Services a statement of the name, age, date of birth, date of death of the deceased, date and time of funeral, whether or not death was caused by a communicable disease and such other information as may be reasonably required.
- (a) Where the Health Officer directs that a body be buried in the Cemetery during any period when the Town's offices are closed, permission to inter in the Cemetery shall be obtained from the Chief Administrative Officer or designate.
 - (b) Where a burial in the Cemetery is performed under the conditions of subsection 7(4)(a), the person who permitted the burial and the person who performed the burial shall report the matter to the Director of Corporate Services, with full details

of the deceased as required by Section 7(3) together with such fees as may be required, if such fees have not already been paid.

- (c) The information required to be given to the Director of Corporate Services under the terms of subsection 7(4)(b) of this section shall be provided to the Director of Corporate Services as soon after interment as the Town's offices are opened.
- 7(5) No deceased person, save and except Cremated Remains, 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 *CIFSA* and the presentation of such order to the Director of Corporate Services. All permits for the exhumation of Cremated Remains shall be in the form prescribed by the Town.
- 7(6) It shall be unlawful for any person to cremate or bury a deceased person within the limits of the Town of Qualicum Beach, save and except as authorized under the terms and conditions of the *CIFSA* and the regulations made thereunder.
- 7(7) No body shall be interred in the Cemetery except in compliance with and subject to the provisions of this Bylaw.
- (a) Where the body of a person who dies while suffering a communicable disease is to be buried in the Cemetery, any instruction given by the Health Officer respecting interment shall be fully and carefully followed by those who perform the interment.
 - (b) Where the body delivered to the Cemetery for interment is subject to direction of the Health Officer, the person delivering the body to the Cemetery shall inform the Caretaker.
- 7(8) The holder of a Right of Interment licence to use and occupy Grave Space in the Cemetery shall not allow or permit an interment to be made in the Grave Space to which the licence refers, nor shall they transfer or dispose of the said Grave Space to another person, group or organization, unless such interment, transfer or disposal be made pursuant to the provisions of this Bylaw.
- 7(9) Each full burial interment in the Cemetery shall be made in a grave dug to a depth sufficient to provide for not less than one meter of earth between the upper surface of the coffin or grave liner and the level of the ground surrounding the grave.
- 7(10) One full size Grave Space/burial plot may contain either of the following:
- (a) one adult size, one child size, or one infant size full burial interment;
 - (b) up to, and including, six Cremated Remains;
 - (c) interment of up to and including, four Cremated Remains may be permitted with the interment of one adult size, child size or infant size full burial interment, subject to:

- (i) the adult size, child size or infant size interment precedes the cremation interment(s), or
- (ii) each Cremated Remains prior to a full burial is contained within a separate liner purchased through the Town.

- 7(11) Only one (1) Cremated Remains shall be permitted in any one (1) cremation size plot and only two (2) Cremated Remains shall be permitted in any one (1) Columbarium niche.
- 7(12) Notwithstanding Sections 7(9), 7(10) and 7(13), Cremated Remains of a deceased person may be interred in a Grave Space to provide not less than sixty centimeters of earth between the upper surface of the container and the level of the ground surrounding the grave, or may be interred at a depth permitting a concrete sheath or block containing the Cremated Remains to be used as a base for a small memorial marker placed flat and level with the surface of the ground surrounding the grave.
- 7(13) A precast concrete grave liner shall be used for each interment, except in the case of Cremated Remains, and except where a concrete or steel vault is used, and such liner shall be made of reinforced concrete not less than five centimeters thick and shall consist of two sides and end walls and a cover sufficient to bridge the coffin its entire length. In the case of Cremated Remains interred in a full size plot, potentially requiring future exhumation, a separate liner made of fiberglass or other material must be purchased through the Town.
- 7(14) No person shall inter any body in the Cemetery except between the hours of 9:00 a.m. and 2:00 p.m. Monday to Friday, excluding statutory holidays, except as provided in this bylaw.
- 7(15) No person shall inter any body in the Cemetery after 2:00 p.m. Monday to Friday, on Saturday, or Sunday or on any statutory holiday unless written permission of the Director of Corporate Services is first obtained, except in the emergency conditions as specified in section 14 hereof, and subject to the additional After Hours fees.
- 7(16) No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by them, or, by the Director of Corporate Services.
- 7(17) No vaults, or other methods of interment above ground level, shall be permitted in the Cemetery with the exception of Columbarium niches and the Scattering Garden as provided by the Town.

8. CEMETERY CARETAKER

- 8(1) Council may appoint a Cemetery Caretaker, and the duties of a Caretaker so appointed shall among other things be:

- (a) To dig, prepare, or cause to be dug or prepared, all graves required to be dug whenever ordered to do so by the Director of Corporate Services, or the person acting for them.
- (b) Install all memorial tablets, markers, vases, and monuments.
- (c) 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 paths, gates, fences, and other Cemetery improvements.
- (d) Maintain records as required and submit to the Director of Corporate Services whatever reports are required by them.
- (e) Complete such other work as may be directed by the Director of Corporate Services.

9. ADMINISTRATION AND CEMETERY CARE FUND

- 9(1) The Director of Corporate Services shall maintain records as necessary to the administration and management of the Cemetery as required by the *CIFSA* and by regulations made thereunder.
- 9(2) The Director of Corporate Services is hereby authorized on behalf of the Municipality to grant a licence in the form required by the Town in respect of any Grave Space in the Cemetery, according to the scale of fees and charges required by the Town and subject to the provisions of this Bylaw.
- 9(3) The Director of Corporate Services shall issue Interment Permits required by this Bylaw except as otherwise provided.
- 9(4) Upon issuing any permits for interment in the Cemetery, or upon receiving an order for exhumation from the proper authority as required by Section 7(4)(a), the Director of Corporate Services shall notify the Caretaker before the time of the intended interment or exhumation giving the name of the deceased and the number and location of the Grave Space concerned.
- 9(5) Financial Administration:
 - (a) A fund shall be established to be known as "The Cemetery Care Fund" and such fund shall be administered in accordance with the requirements of the *CIFSA*, and associated regulations.
 - (b) A bank account shall be established to be known as "The Cemetery Care Fund Account" into which the Financial Administrator shall pay all funds received for Cemetery Care Fund purposes and all such funds shall be deposited in said account, and there held pending investment as hereinafter provided.
 - (c) On all licences for use of Grave Space, the Financial Administrator shall pay into "The Cemetery Care Fund Account" an amount as specified in the Miscellaneous Rates Bylaw, except in those cases where a different amount is approved by the Registrar.

- (d) On all licences for the use of Grave Space, the amount required to be used for Cemetery Care Fund purposes shall be specified.
- (e) Any owner of a memorial marker, tablet, or monument, desiring to have same installed in the Cemetery shall pay to the Director of Corporate Services, prior to the installation of such memorial, installation fees (including a contribution to the "Cemetery Care Fund") as required by the Town.
- (f) Investment of funds received for Cemetery Care Fund purposes shall be made as required by the *CIFSA* and associated regulations.
- (g) The income from the "Cemetery Care Fund" including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licenced and the Cemetery of which it forms part, and the principle sum of the "Cemetery Care Fund" shall not be reduced otherwise than in accordance with an order of the Director made pursuant to the *CIFSA*, and the regulations made thereunder.

- 9(6) A separate account of all monies received under the provisions of this Bylaw and of all monies expended hereunder shall be kept by the Financial Administrator and any surplus remaining or receipts over expenditures shall be paid at the end of each financial year into a fund to be known as "The Perpetual Cemetery Fund" and same shall be invested by the Town in accordance with the provisions in the *Community Charter* and the interest derived from such investment shall be expended on the upkeep and development of the Cemetery.

10. MEMORIALS

- 10(1) No person shall place on any Grave Space in the Cemetery a memorial marker or tablet until the required fee has been paid to the Director of Corporate Services for Cemetery Care Fund purposes in respect to each memorial or tablet which it is desired to install.
- 10(2) A tablet type memorial may be installed on a grave in the Cemetery for each occupant subject to the requirements of Section 10(1) hereof and subject to the following:
- (a) Memorials for each full burial or cremation plot shall not exceed 30.48 centimeters by 50.8 centimeters (12" x 20").
 - (b) Each memorial tablet for full burial or cremation plot shall only be installed by the Caretaker or other authorized employee of the Town, in a position on the grave according to that established by the Town for memorials on graves in the Cemetery and shall have its top surface set level and flush with the surface of the surrounding ground.
 - (c) For full burial or cremation plot, each metal memorial tablet shall be attached to a concrete/stone base not less than ten centimeters (3") thick, with side surfaces true and perpendicular with its top surface.
 - (d) Memorial tablets shall only be permitted for interred buried or Cremated Remains.
 - (e) All memorials for full burial or cremation interments shall be of natural stone, concrete or metal.

- (f) Columbarium niche memorials shall be engraved on a 4" x 8" metal marker and installed on the door of the niche; and are only to be installed by the Caretaker.
- (g) Scattering Board memorials shall be engraved on a 3" x 4" metal marker and installed on the face of the Scattering Board; and are only to be installed by the Caretaker.

10(3) No grave, Grave Space or Columbarium niche shall be defined by a fence, railing coping, curbing, hedge, or by other marking save a memorial marker or tablet as set out in Section 10(1) hereof.

11. GENERAL

11(1) Cut flowers, wreaths and floral offerings may be placed using in-ground floral containers available for purchase and installed by the Town for burial plots. These will not be maintained by the Town and may be removed by the Caretaker or other authorized employee of the Town when their condition is considered by the Caretaker to be detrimental to the beauty of the Cemetery. Plastic flowers or plastic wreaths will be accepted October 1st of each year, but will be removed March 1st of the following year. No potted plants are permitted.

11(2) Floral containers are not permitted to be installed on the Columbarium niches. Floral displays may be placed on the rocks at the base of the Columbarium, but will not be maintained by the Town and may be removed by the Caretaker or other authorized employee of the Town when their condition is considered by the Caretaker to be detrimental to the beauty of the Cemetery. Plastic flowers or plastic wreaths will be accepted October 1st of each year, but will be removed March 1st of the following year. No potted plants are permitted.

11(3) No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery other than an employee of the Town authorized to do so.

11(4) All persons are prohibited from damaging, or defacing any memorial, monument, fence, gate or structure in the Cemetery, or any improvements in the Cemetery.

11(5) No person shall enter the Cemetery in a vehicle after 3:00 p.m. without the permission of the Caretaker, or drive a vehicle in the Cemetery at any time at a speed of more than fifteen kilometers an hour. All vehicles and their drivers while in the Cemetery grounds shall be subject to the directions and orders of the Caretaker or other authorized employee of the Town.

11(6) No person shall solicit orders for markers, tablets, memorials, curbings, cappings, or like works within the limits of the Cemetery.

11(7) All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Caretaker; however, any person not behaving with proper decorum

within the Cemetery, or disturbing the quiet good of the Cemetery may be evicted therefrom by the Caretaker or other authorized employee of the Town.

- 11(8) The discharging of firearms, other than in regular volleys at burial services, is prohibited in the Cemetery.
- 11(9) Any person who willfully destroys, mutilates, defaces, injures or removes any tomb, monument, grave-stone, or other structure placed in the Cemetery, or any fence, railing or other work for the protection or ornament of the Cemetery, or tomb, monument, grave-stone, or other structure aforesaid or plot within the Cemetery, or willfully destroys, cuts, breaks or injures any shrub or plant, or plays at any game or sport, or discharges firearms (save at a military funeral), or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body therein or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in the Cemetery, or in any way violates any grave, tomb, tombstone, vault, or other structure within the same, shall be guilty of an infraction of this Bylaw, and liable to the penalties hereof.
- 11(10) The gates of the Cemetery shall be opened to visitors daily at 8:00 a.m. and closed at 3:00 p.m. The gates of the Cemetery will be closed on statutory holidays, with the exception of Remembrance Day. Any person in the Cemetery between sundown and 8:00 a.m. the following morning, without the permission of the Caretaker, shall be guilty of an infraction of this Bylaw.
- 11(11) 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 or violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence against this bylaw and liable, upon summary conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00).
- 11(12) Notwithstanding anything herein contained, the administration of the Cemetery shall be carried out at all times in accordance with the *C/FSA*, and the regulations made thereunder.
- 12. This Bylaw may be cited as "Town of Qualicum Beach Cemetery Bylaw No. 915, 2025".
- 14. "Qualicum Beach Cemetery Bylaw No. 610, 2007" and all amendments thereto is hereby repealed.

INTRODUCED FOR FIRST READING this 20th day of November, 2025.

READ A SECOND TIME this 20th day of November, 2025.

READ A THIRD TIME this 10th day of December, 2025.

ADOPTED this 21st day of January, 2026.

ORIGINAL SIGNED

Teunis Westbroek
Mayor

ORIGINAL SIGNED

Heather Svensen
Director of Corporate Services/Deputy CAO