

## **Cemetery Bylaws**

### ***The Denman Island Memorial Society***

*Adopted on May 15, 2013,*

*Amended on June 19, 2014*

*Further Amended on October 28, 2014*

*Further Amended on August 6, 2015*

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*Further Amended on June 26, 2017*

## **BYLAWS OF THE DENMAN ISLAND MEMORIAL SOCIETY FOR THE OPERATION OF THE DENMAN ISLAND NATURAL BURIAL CEMETERY DENMAN ISLAND, B.C.**

### **1.0 Application**

- 1.1 Notwithstanding any of the terms of these bylaws, all of these bylaws shall be subject to the terms of the Conservation Covenant with the Denman Conservancy Association and its Land Management Plan, and shall comply with those documents.
- 1.2 As well as any existing government regulations, including but not limited to the *Cremation, Interment, and Funeral Services Act*, the following bylaws shall apply to the sale and provision of rights, goods and services in the Cemetery.

### **2.0 Definitions**

- 2.1 The *Denman Island Memorial Society* is a non-profit society with charitable status formed in 2009 for the purpose of establishing and maintaining a natural burial ground, or green cemetery, on Denman Island for the use of the residents and landowners of the Island and their families.
- 2.2 The *Cemetery* refers to the Denman Island Natural Burial Cemetery and is that property legally described as Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP89491 and located at 6400 Denman Rd, at the northwest corner of the intersection of Denman Road and North Central Road, on Denman Island, B.C.
- 2.3 The *Board of Directors* of the Denman Island Memorial Society is the five or more members elected by the members of the Denman Island Memorial Society to carry out the business of the Society and the operation of the Cemetery.

- 2.4 The *Chair* refers to that person elected by the members of the Denman Island Memorial Society to perform the duties of chairperson for conducting the business of the Society and for operating the Cemetery.
- 2.5 The *Secretary* refers to that person elected by the members of the Denman Island Memorial Society to take minutes for all meetings of the Society and of the directors, to handle all correspondence relating to the Society and the Cemetery, and to maintain in safe-keeping all records relating to the Society and the operation of the Cemetery.
- 2.6 The *Treasurer* refers to that person elected by the members of the Denman Island Memorial Society to manage all financial matters relating to the Society, including the preparation of annual budgets and financial statements, and to the operation of the Cemetery
- 2.7 The *Conservation Covenant* refers to the covenant held by the Denman Conservancy Association and registered on the title of the land on January 23, 2013, when the Denman Island Memorial Society acquired the Cemetery land. The Conservation Covenant restricts the use of the Cemetery in order to conserve the ecological values of the land, as determined in the baseline biological assessment made at that time and included in the covenant.
- 2.8 The *Land Management Plan* refers to an agreement between the boards of the Conservancy Association and the Denman Island Memorial Society that is renewed approximately every five years and that governs land use on the Cemetery property in order to carry out the terms of the Conservation Covenant.
- 2.9 *Human remains* means
  - a) a dead human body in any stage of decomposition, or
  - b) a body of a stillborn infant in any stage of decomposition, but does not include cremated remains.
- 2.10 *Cremated remains* means the human bone fragments left after human remains are cremated.
- 2.11 A *burial area* is a designated space in the Cemetery encompassing a number of burial plots (graves) for burying human remains and/or cremated remains.
- 2.12 A *grave* is a standardized space intended for interment of the remains of one person.
- 2.13 A *standard burial plot* is a designated space in the Cemetery that provides one grave and is intended for burying the human remains or cremated remains of one (1) person.
- 2.14 A *family burial plot* is a space of variable size in the Cemetery that provides up to six graves and is intended for burying, adjacent to one another, the remains of two (2), three (3), four (4), five (5) or six (6) persons. The number of graves in a given family burial plot is stipulated at the time that the burial rights are purchased. Each grave may be used for the burial of the human remains or the cremated remains of one (1) person.
- 2.15 *Scattering* refers to the non-recoverable dispersal of cremated remains over land within an area of the Cemetery designated for this purpose.
- 2.16 A *resident* is defined as a person who has lived primarily on Denman Island for at least six months.

- 2.17 A *spouse* is defined as a person who:
- a) is married to another person, or
  - b) has lived with another person in a marriage-like relationship for a period of at least 2 years.

### **3.0 Filing and Custody of Plans and Cemetery Bylaws**

- 3.1 On request, copies of the plans and of these bylaws, plus the schedule of fees, shall be submitted to Consumer Protection BC for review and filing. Copies of these documents shall be kept available for inspection by the public at the address of the Secretary and at such other places as may be deemed necessary.

### **4.0 Natural Burial**

- 4.1 Natural burial (also referred to as green burial) is an environmentally sensitive practice wherein the body is returned to the earth to decompose naturally and contribute to new life.
- 4.2 Human remains are to be prepared for burial without embalming and buried in a biodegradable casket or container that is made from untreated sustainably sourced wood, wicker, cardboard or natural fiber.
- 4.3 The Cemetery will also accommodate the disposition of cremated remains, either scattered or buried in a burial plot, as long as any container used is biodegradable.
- 4.4 Once burial plots are fully utilized, they shall, unlike conventional interment plots, be left to become part of the natural landscape; similarly, once all of the plots in a particular burial area are utilized, the area shall remain largely undisturbed in order that it may become part of the larger local ecosystem.
- 4.5 Generally, specific burial plots may not be chosen or reserved on a pre-need basis, as this practice makes it impractical for ecosystem restoration to proceed. However, a limited number of family burial plots may be available in certain areas of the Cemetery where the ecosystem damage resulting from repeated intrusion into the area would be minimal.
- 4.6 Any plantings that are placed on or around individual interment sites and the ecosystem that develops from these collective plantings shall remain undisturbed to become a living memorial to the persons interred in the various burial areas.
- 4.7 Visitors shall be discouraged from finding and visiting individual burial plots, as this intrusion into a burial area could have a negative impact on the developing ecosystem. Instead, visitors shall be encouraged to use the established memorial area for reflection and remembrance.

### **5.0 Qualifications for Interment or Scattering of Cremated Remains**

- 5.1 Those persons qualifying to have their bodies or cremated remains buried or their cremated remains scattered in the Cemetery are limited to:
- a) an owner, past or present of land on Denman Island,
  - b) a full- or part-time resident of Denman Island, past or present, and

- c) a grandparent, parent, child, grandchild, spouse or sibling of such an owner or resident.
- 5.2 The Society retains the right to require written proof of eligibility as described in s. 5.1 in a form approved by the Board.
- 5.3 All burials and the scattering of cremated remains are limited to humans. No pets shall be accommodated in the cemetery.

## **6.0 Arrangements for Burial Areas**

- 6.1 Land in the Cemetery that is suitable for burials shall be divided into a number of burial areas, each designed to accommodate at least 60 burial plots.
- 6.2 The Board shall establish up to three burial areas for the initial interments. Additional burial areas shall be established when most burial plots in these areas are taken.
- 6.3 No burial area may be reserved for any person, group or purpose.

## **7.0 The Size of Burial Plots**

- 7.1 The size of a grave shall be 2.4 metres (8 ft) by 1.2 metres (4 ft).
- 7.2 The size of a standard burial plot shall be 2.4 metres (8 ft) by 1.2 metres (4 ft).
- 7.3 The size of a family burial plot will vary as follows:
  - a) A plot for the remains of two (2) persons shall be 2.4 metres (8 ft) by 2.4 metres (8 ft);
  - b) A plot for the remains of three (3) persons shall be 2.4 metres (8 ft) by 3.6 metres (12 ft);
  - c) A plot for the remains of four (4) persons shall be 2.4 metres (8 ft) by 4.8 metres (16 ft);
  - d) A plot for the remains of five (5) persons shall be 2.4 metres (8 ft) by 6.0 metres (20 ft); and
  - e) A plot for the remains of six (6) persons shall be 2.4 metres (8 ft) by 7.2 metres (24 ft).
- 7.4 A standard burial plot contains one grave, and a family burial plot contains anywhere from two to six graves. The size of a grave, whether located in a standard burial plot or a family burial plot, shall be the same for the interment of human remains and of cremated remains.

## **8.0 Interment Rights**

- 8.1 For each standard burial plot, interment rights will be granted for the interment of the human remains or the cremated remains of one (1) person, and for each family burial plot, interment rights will be granted for the interment of up to six (6) persons, whether human remains or cremated remains.
- 8.2 Interment rights may be purchased on an at-need or pre-need basis.
- 8.3 Money realized through the sale of an interment right purchased on a pre-need basis shall be deposited into a separate trust account within 5 days of the receipt of payment. The Treasurer or Board-authorized personnel shall notify

the purchaser within 15 days of the time the money is deposited into the account.

- 8.4 A Board member or Board appointed personnel shall issue a *Right of Interment* for the purchase of one or more burial plots. This form shall be dated and include the name of the purchaser, the number of burial plots, the type of each plot (standard or family), and a purchase agreement number. The information on the form shall be documented in the cemetery records.
- 8.5 Subject to burial plot use and availability, the Board reserves the right to limit or suspend the sale of pre-need interment rights at any time.
- 8.6 The Board shall never sell more than fifty percent (50%) of the burial plots available from time to time on a pre-need basis.
- 8.7 The Board reserves the right to refuse to sell to any one individual the interment rights to bury the remains of more than six persons. A purchaser of interment rights shall acquire the right to interment in the Cemetery but shall not acquire any right or claim over a specific burial plot or location, except as set out in 8.10.
- 8.8 The exercise of interment rights by an interment rights holder is subject to the ecosystem recovery provisions set out in the current Land Management Plan.
- 8.9 For interment in a standard burial plot or for the first interment in a family burial plot, the Board reserves the sole right and authority to assign, and shall assign only at the time of use, the specific burial plot to be used for an interment.
- 8.10 After the first interment in a family plot, the Board will reserve the rest of the space in that particular plot for the remaining entitled family member(s).

## **9.0 Return, Transfer and Reclamation of Burial Plots**

- 9.1 The return of a burial right to the Board or transfer of a burial right to an alternate designated user generally is limited to rights sold on a pre-need basis. Such returns or transfers shall only be made with the sanction of the Board, and every return or reassignment shall be recorded by the Secretary or Board appointed personnel. Such sanction shall not be unreasonably withheld.
- 9.2 An administrative fee will be charged for the return of rights to one or more burial plots. Upon the Board's approval of the return, the purchaser or person legally entitled to the refund will be paid the amount paid by the purchaser of the original *Right to Interment*.
- 9.3 Burial rights may not be sold privately or on the open market. Instead, the Denman Island Memorial Society is the sole body with the authority to facilitate a transfer of rights (sometimes called a reassignment).
- 9.4 An administrative fee will be charged for the reassignment of the rights to one or more burial plots. Any increase in the price of a *Right of Interment* since the date of the original purchase will be added to this fee.
- 9.5 A Board member or board appointed personnel shall issue a *Re-Assignment under a Right of Interment* for changes in the designated user of one or more burial plots. This form shall be dated and include the name of the purchaser and the purchase agreement number of the original *Right of Interment*. The information on the form shall be recorded in the cemetery records.

- 9.6 As set out in provincial legislation and upon approval of the appropriate authority, burial rights may be reclaimed and resold by the Board if:
- a) the rights holder would be at least 90 years of age;
  - b) a minimum period of 50 years has elapsed from the date of purchase;
  - c) a minimum 90 days has passed since notice of intent to reclaim has been sent to the holder; and
  - d) the Board has made diligent attempts to contact the rights holder.
- However, if a burial right is subsequently required for use by the rights holder, the Board shall provide a similar burial right to the original rights holder or the person with authority for the deceased rights holder.

## 10.0 Interments – General

- 10.1 A Board member or Board designated personnel shall issue a *Permission to Inter* for each burial, whether for human remains or cremated remains, before the burial takes place. The *Permission to Inter* shall not be issued until the Board receives a copy of the *Disposition Permit* (formerly called the *Burial Permit*) and the *Authorization to Allow Interment*. The *Disposition Permit* is issued by an authorized agency of the Department of Vital Statistics, B.C. to the person who files the *Death Certificate* and the *Registration of Death*; the *Authorization to Allow Interment* is provided by the legally authorized representative of a deceased person, as set out in s. 5 of the *Cremation, Interment and Funeral Services Act*, using the form provided by the Board member or Board designated personnel.
- 10.2 An administrative fee will be charged when the *Right to Interment* is purchased on a pre-need basis.
- 10.3 The Medical Health Officer may order an immediate burial of a person who has died of an infectious disease. If a Board member or Board designated personnel is not available to issue a *Permission to Inter* prior to such burial, the permission must be obtained as soon after burial as is practicable.
- 10.4 Only personnel authorized by the Board may excavate and prepare a burial plot for an interment.
- 10.5 Each interment in the cemetery shall be made in a grave dug to the depth appropriate for natural burial.

## 11.0 Interments – Human Remains

- 11.1 Human remains to be interred shall:
- a) not be embalmed,
  - b) be enclosed in a casket, container or shroud, the materials and construction of which meet the requirements in Section 4.2, and
  - c) be transported in a casket, a container or a litter and shroud that allow for the dignified transport and safe handling of the remains by all persons so charged.
- 11.2 It is the responsibility of the interment rights holder and/or the legal representative of a deceased person to be interred:

- a) to ensure the casket, container or shroud intended for the interment is an approved container, as described in the *Cremation, Interment and Funeral Services Regulations*, and
  - b) to arrange for the dignified transfer of the human remains to the gravesite. The Board does not provide transfer or pallbearing services of any type.
- 11.3 When a burial plot is excavated for use, the soil removed from the burial plot will be placed immediately adjacent to the burial plot opening on unused land and in such a manner as to permit the safe transfer to and lowering of the remains into the burial plot.
- 11.4 Where machine access to the next grave to be excavated is hampered by the presence of a stump from pre-1995 logging (which is to be retained, as set out in s. 4.3(h) of the conservation covenant), this grave should not be used for burial of human remains. Instead it should be skipped for now, and used for the next burial of cremated remains.
- 11.5 The footprint of the grave to be excavated should be determined by placing the grave frame on the burial plot and marking the ground at the four corners of the inner opening of the frame. These four points then become the corners of the excavation. The placement should allow for margins on both sides of the grave of 18 cm (7 inches), and on the end furthest from the aisle of at least 20 cm (8 inches), between the edge of the excavation and the perimeter of the burial plot, in order to allow for adequate soil between adjacent graves while creating a grave both wide enough and long enough to accommodate the coffin or other container.
- 11.6 All four sides of the opened grave must be vertical (i.e., without any deviation that might be created as the shovel of the excavator scoops out the soil), so that the coffin or other container can be lowered smoothly to the bottom of the excavation. Where necessary, final adjustments should be made by hand using a spade.
- 11.7 The depth of the grave should provide for 1.22 metres (four feet) of earth between the bottom of the container and the level of the ground surrounding the burial plot. However, to promote natural burial the depth of the grave should not be significantly greater than this measurement.
- 11.8 Removed soil shall be returned to the burial plot in the reverse order from which it was removed in order to encourage reestablishment of native vegetative cover.
- 11.9 Following an interment, soil shall be mounded on the burial plot and permitted to settle naturally. This period of settlement may be of duration of a few months to a full calendar year.
- 11.10 The Board reserves the right to utilize such equipment and gravesite dressing as is deemed necessary to protect the safety of the persons attending the interment and the Board-authorized personnel, and to permit the safe and dignified interment of the human remains into the burial plot being used.
- 11.11 Family members and/or friends of a deceased may be permitted to participate in the closing of a grave, providing advance arrangements have been made with the Board or Board-authorized personnel.

- 11.12 In such circumstances where persons other than Board-authorized personnel participate in the closing of the grave, said persons shall:
- a) be subject to supervision by Board-authorized personnel,
  - b) follow all instructions issued them by Board-authorized personnel, and
  - c) assume all personal liability for any injury that may occur to them as a result of their participation in such activity and, to this end, sign any form of release that may be required by the Board.

## **12.0 Approved Caskets and Containers**

- 12.1 Caskets or containers intended for interment shall:
- a) be approved for use by the Board or by Board-authorized personnel prior to a scheduled interment,
  - b) be constructed of biodegradable and environmentally sustainable materials,
  - c) have their interior finish constructed of biodegradable materials,
  - d) not have any part, fixtures or decorations attached that are made of plastic, metal, or other non-biodegradable material, and
  - e) not have any non-biodegradable item, memento or article placed inside the space occupied by the remains.
- 12.2 Wooden caskets or containers shall not have any high gloss or polish finishes.
- 12.3 Caskets or containers constructed in whole or part from chipboard, pressboard, medium density fiberboard, local or exotic hardwood, metal, bleached cardboard or any artificial material are not permitted.

## **13.0 Interments – Cremated Remains**

- 13.1 There is no requirement for an urn or other container to be used for the interment of cremated remains.
- 13.2 Cremated remains that are not in an urn or other container shall be placed directly in the burial plot soil.
- 13.3 When an urn or container is to be used for interment of cremated remains, it shall:
- a) be approved for use by the Board or Board-authorized personnel prior to a scheduled interment service,
  - b) be fully biodegradable and constructed of environmentally sustainable materials, and
  - c) not have any interior non-biodegradable liner, container or bag.
- 13.4 Generally, excavations for cremated remains can be dug by hand with a shovel. The excavation should be centred within the burial plot. Regardless of whether the remains are in an urn or other type of container, the depth at which they are buried should provide for 0.45 metres (1.5 feet) of earth above the remains.

## **14.0 Scattering – Cremated Remains**

- 14.1 Cremated remains may be scattered in an area so designated by the Board or Board-authorized personnel.
- 14.2 A Board member or Board designated personnel shall issue a *Permission to Scatter Cremated Remains* before the scattering takes place. The *Permission* shall not be issued until the Secretary receives a copy of the *Authorization to Allow Scattering of Human Remains*. This authorization is provided by the legally authorized representative of a deceased person, using the form provided by the Board member or Board designated personnel.
- 14.3 A fee will be charged for issuance of a *Permission to Scatter Cremated Remains*.
- 14.4 Cremated remains to be scattered in the Cemetery must not contain any non-biodegradable materials such as metals from jewelry and fasteners from clothing.
- 14.5 Family members and/or friends of a deceased person are permitted to carry out the scattering of cremated remains. Scattered ashes may be covered with material from the pile of dead leaves and other small-pieces of composting vegetation that is maintained in the area for this purpose. The process for this activity should be discussed in advance with a Board member or Board-authorized personnel to ensure that the terms of the conservation covenant are honoured, in particular the restrictions applying to the non-disturbance area adjacent to North Central Road.
- 14.6 Cremated remains may be scattered unless it is determined that the volume of ashes is changing soil chemistry in a way that impairs the conservation values of the Covenant Area.
- 14.7 Once scattered, cremated remains are non-recoverable.

## **15.0 Memorialization**

- 15.1 The Board shall install a memorial structure for communal memorialization to accommodate memorial inscriptions for interment and for scattering. If needed over time, a second memorial structure may be installed.
- 15.2 Every burial will be memorialized in an inscription made on the memorial structure. However, for the scattering of cremated remains, such an inscription is optional.
- 15.3 Inscriptions shall be made by means of small metal plaques. The Board or Board-authorized personnel will order, obtain and install the plaques.
- 15.4 No plaque shall be installed on the memorial structure until all outstanding indebtedness to the Board relating to the burial plot, interment and plaque has been paid in full.
- 15.5 No inscription that is inconsistent with the dignity of adjacent inscriptions, burial plots, the Cemetery, or community standards shall be placed on the memorial structure.
- 15.6 The Board reserves the right to determine when any inscription(s) will be made on the memorial structure but shall, as a minimum, make new inscriptions as they may accumulate at two (2) times in each calendar year.

- 15.7 As well as the Board-installed memorial structure, individual graves may be marked with a small marker no more than 10 centimeters (4 inches) above the ground, and no larger than 200 square centimeters (31 square inches) in area, to be made of indigenous material or such stone as is commonly used for burial plot markers and memorial structures (granite or grano-diorite).
- 15.8 Where small markers are used on individual graves, no steps shall be taken over time to remove or otherwise interfere with regenerating vegetation that may cover the marker. Family members and/or friends of the deceased person considering such markers shall be informed of this regulation.
- 15.9 No other memorial shall be placed or installed on a burial plot, including but not limited to railings or curbing erected around a plot and cement or other types of capping placed over a burial plot.
- 15.10 The Board shall have the right at any time to reposition, move, relocate, or otherwise make changes to the memorial structure subject to compliance with the requirements of the *Cremation, Interment and Funeral Services Act*.
- 15.11 The Board reserves the right to remove and dispose of any unauthorized memorial product, object or memento from a specific burial plot or burial area generally, without prior notice.

## **16.0 Flowers, Plants and Trees**

- 16.1 Floral tributes that accompany human remains or cremated remains as part of an interment or scattering are limited to cut flowers or foliage from local residential properties, and may be subject to review by the Board or Board-authorized personnel to prevent introduction of potentially invasive or nuisance flora. Floral tributes may be removed and disposed of after a period of seven (7) days by Board-authorized personnel without prior notice.
- 16.2 Except for floral tributes accompanying an interment or scattering, no other floral tributes, artificial flowers, vase, unauthorized planting, or memorial decoration of any form or type may be placed on a burial plot. The Board reserves the right to remove and dispose of any unauthorized object, flower or plant on a burial plot without prior notice.
- 16.3 Plantings may be used after burials to discourage incursion of the area by undesirable plants. To maintain a balance of species in the Cemetery, all plantings will be made according to the requirements set out in Appendix B of the Management Plan. Two approaches will be used. The first involves the spreading of seeds supplied by the Board on newly filled graves, which may be done by families and friends; the second involves transplanting selected shrubs, ferns, and groundcover, which would be done by the Board or Board-authorized personnel.
- 16.4 Only indigenous trees, plants, groundcover and wildflowers native to and typical of those found in the climatic zone of Denman Island will be planted.
- 16.5 Planting will ideally be done as seasonally recommended for the type of planting to be made. This could mean that a burial that takes place in late winter may not have vegetation planted on that grave until the following winter.

- 16.6 The Board shall have the right at any time to manage, maintain and/or alter the interment areas, individual memorial stones, roads and pathways; to change or remove plantings; and to grade, alter in shape or size, or otherwise to change all or any part of the Cemetery as it deems fit.
- 16.7 The Board will make reasonable efforts to ensure that best environmental practices are employed in all Cemetery maintenance tasks.

### **17.0 Visitors and Other General Considerations**

- 17.1 Visitors may visit the Cemetery at any time, and shall respect the sanctity of the Cemetery and the objective of maintaining a natural setting.
- 17.2 Pedestrian paths and a communal memorial area shall be established and maintained for the purpose of facilitating visitation.
- 17.3 The visitation of individual burial plots shall be discouraged and may, as deemed necessary, be restricted by the Board, due to the potential for negative environmental impact on the trees and plants.
- 17.4 Vehicle access to the burial areas is restricted, and may be prohibited as deemed necessary by the Board.
- 17.5 No person shall discharge firearms in the Cemetery, other than in a regular volley at a burial service.
- 17.6 No person shall carry out any work in the cemetery unless prior permission has been obtained from the Board or Board-authorized personnel, and all such work shall be subject to supervision by the Board or Board-authorized personnel.
- 17.7 No person shall damage or deface any memorial, bench, gate, structure, or any other improvement in the cemetery.

### **18.0 Disinterment and Exhumation**

- 18.1 Every interment of human remains or cremated remains shall be regarded as permanent, irreversible and non-recoverable from the date of interment.
- 18.2 For interred human remains, the Board shall only permit a disinterment or exhumation if required or permitted to do so under legislation, regulation or court order.
- 18.3 Cremated remains that were not in an urn or other container and that were interred directly into a burial plot as per section 8 of these bylaws shall be considered non-recoverable from the date the interment takes place, and the Board shall have no obligation to attempt any recovery of cremated remains so interred.
- 18.4 Cremated remains interred in an urn or other container in a burial plot may be considered recoverable for a period of up to one (1) year after the date of interment. After one (1) year cremated remains interred in an urn or other container shall be considered non-recoverable, and the Board shall have no obligation to attempt any recovery of cremated remains so interred.

- 18.5 For interred cremated remains, the Board shall only allow a disinterment or exhumation if required or permitted to do so under legislation, regulation or court order.
- 18.6 Where a disinterment or exhumation is undertaken, the interment rights holder and/or legal representative of the deceased or any other authorizing party requesting the disinterment or exhumation shall be responsible for the costs and fees associated with the provision of the service provided and the costs and fees related to the destruction and restoration of all plantings that may be affected by the performance of the disinterment or exhumation service.
- 18.7 The Board reserves the right to refuse to perform any disinterment or exhumation service except where ordered by the Court.

## **19.0 Fees and Charges**

- 19.1 Fees for the purchase of burial rights, for the care fund, and for later steps relating to these rights shall be set out in a fee schedule that is readily available to the public. Fees relating to the scattering of ashes shall be included in the schedule. The Board shall review the schedule from time to time, and may adjust one or more of the fees as is necessary to cover the cost of the related service.
- 19.2 No charge shall be made for a burial plot for an indigent, providing that the Board is assured that there is no means with which to pay for such a plot and instructs the Secretary in writing to permit the interment free of charge.

## **20.0 Care Fund**

- 20.1 A fund shall be established, as set out in provincial legislation, to be known as the Care Fund Trust of the Denman Island Memorial Society, for the purpose of care and maintenance of the Cemetery.
- 20.2 A bank account shall be established to be known as the Care Fund Trust Account into which the Treasurer and/or authorized Board member(s) shall deposit all funds received for the Care Fund Trust of the Denman Island Memorial Society; all deposited funds shall be held in this account pending investment as provided in 20.5 and 20.6.
- 20.3 At the time of interment, the Treasurer and/or authorized Board member(s) shall take from the funds received from the sale of rights an amount equal to 25% of each plot fee and shall deposit this money into the Care Fund Trust Account.
- 20.4 The amount required for the Care Fund Trust of the Denman Island Memorial Society shall be specified on all contracts for the sale of burial rights.
- 20.5 Investment of funds in the Care Fund Trust Account shall be made as required by provincial legislation.
- 20.6 The income from the Care Fund Trust Account, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the Cemetery property, and the original principal sum of the fund, as established from time to time as set out in this bylaw, shall be maintained in perpetuity.

**21.0 Administration**

- 21.1 The financial year for the Cemetery operations shall be the calendar year from January 1 to December 31.
- 21.2 The sequence of steps required for the provision of various cemetery services is set out in the “Operating Procedures for the Denman Island Natural Burial Cemetery,” and the agreements and application forms pertaining to these steps are the accompanying 14 appendices (A–N).

**22.0 Special Circumstances**

- 22.1 In these bylaws, the Board has endeavored to anticipate the issues and situations that will arise in the operation of the Cemetery, paying particular heed to the requirements of the Conservation Covenant. The Board is also mindful of the likely need to have to respond to occasional special and unanticipated circumstances. In such circumstances, the Board may, in its sole discretion, authorize the carrying out of appropriate action (or inaction) even though that action (or inaction) does not comply with these bylaws. However, in all cases the requirements of the *Cremation, Interment, and Funeral Services Act* must be met.