

Vancouver By-Law 121 : a by-law to establish rules, regulations, etc. for the interment of the dead in cemeteries and burial places controlled by the City of Vancouver – June 29, 1891

Illustration: City of Vancouver Archives photo AM54-S4-: Dist P9  
[The first caretaker's cottage at Mountain View Cemetery near Bodwell Road (33rd Avenue) and North Road (Fraser Street)]

Document: City of Vancouver Archives COV-S36--  
By-law no. 121 : a by-law to establish rules, regulations, etc. for the interment of the dead in cemeteries and burial places controlled by the City of Vancouver

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This transcript was made in 2018 by Transcribimus volunteer **Glen Hodges**

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#### By-Law No. 121

A By-Law to establish rules, regulations etc for the interment of the dead in cemeteries and burial places controlled by the City of Vancouver.

Whereas it is necessary to make regulations for interments, where authorized within or without the limits of the City of Vancouver and for the protection of cemeteries, graves and tombs where the dead are interred.

Therefore be it enacted by this Mayor and Council of the Corporation of the City of Vancouver in open session assembled as follows:

1. That the following rules and regulations are hereby established and shall be observed for interments and for the protection of cemeteries, tombs and graves.
2. All applications with respect to interments, use of vaults, disinterments and any other applications rendered necessary by this By-Law are to be made to the City Clerk, or acting City Clerk at his office in the City Hall, between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon of any day except Saturdays, Sundays and legal holidays, on

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Saturdays from 10 o'clock in the fore noon to 1 o'clock in the afternoon.

3. All fees to be paid in advance to the City Clerk or acting City Clerk, who shall receipt for same.
4. Persons making application for an interment must give to the City Clerk or acting City Clerk a true statement as far as practicable of the name, age, sex, religion, cause of death, and name of attending physician, if any, and why not, if none was in attendance, before a permit for burial can be issued.
5. Plans of the Cemetery or Cemeteries shall be kept exposed to the public view in the office of the City Clerk at the City Hall and at the Caretaker's Lodges at the Cemetery.
6. The number of contiguous grave plots that can be acquired by any one person shall be determined by the Board of Health, who shall be governed by the circumstances set forth in the application for same.
7. In cases of poverty the Mayor of the Board of Health shall consider and decide

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on applications for the remission of fees in whole or in part and such decision shall be given in writing signed by the Mayor or the Chairman or acting Chairman of the Board to the City Clerk for his guidance in such cases.

8. The use of the receiving vault for the temporary reception of and the disinterment of the bodies of persons who have died of small pox, asiatic cholera leprosy, typhus fever, diphtheria or yellow fever is hereby absolutely forbidden.

9. The body of any person dying within the limits of the City of Vancouver, which it is proposed to transport or re-move to any other places for interments (if not dying from any of the diseases named in section 8 of this By-Law) shall in every case be treated and encased in manner prescribed by the City Council, and, a permit for such removal shall be obtained from the Board of Health, who if satisfied that the Health of the public will not suffer by such removal shall issue their permit; and such permit shall contain as far as practicable full information as to name, age, religion, sex, cause of death

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attending physician and name of place where body is to be removed to and all such permits shall be defined by the Chairman or acting Chairman of the Board of Health or by some officer of the Corporation duly authorized by resolution in writing entered upon the minutes of said Board, so to do, provided that in cases where no physician has attended the deceased, then in that event the above permit shall not be granted until some duly qualified physicians certificated as to cause of death be obtained.

10. No person shall wrongfully disturb or attempt to remove or disturb any body or the remains of any body, or any part of any body from any grave receiving vault or tomb in the City or any Cemetery under control of the City.

11. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, or other structure placed in any Cemetery or burial ground or any cemetery under control of the City, or any fence, railing or other work for the protection or ornament of any such Cemetery or burial ground or any tomb,

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monument, grave-stone, or other structure as aforesaid, or of any Cemetery lot within any such Cemetery or burial ground or shall wilfully destroy cut break or injure any tree shrub or plant within the limits of any such Cemetery or burial ground, or play at any game or sport or discharge fire-arms (save at a military funeral) in any such Cemetery or burial ground or who shall wilfully and unlawfully disturb any persons assembled for the purpose of burying any body therein, or who shall commit any nuisance, or shall at any time behave in an unseemly manner, in any such Cemetery or burial ground, or shall in any way violate desecrate or disfigure any such Cemetery or burial ground, or any grave, tomb, tombstone, vault or other structure within the same, shall be subject to the penalties of this By-Law.

Duties of Cemetery Caretakers

12. A caretaker for each Cemetery shall be appointed by the Council, whose duty it shall be to:

A. to dig and prepare all graves required to be dug whenever ordered by the City

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Clerk or anyone acting for him.

B. To dig all graves in new grounds for adults 6 feet; and for children under 14 years of age 4 feet in depth.

- C. To keep the Cemetery in good order, keep the grass of all unsold or unused plots cut and keep the paths and roads in good condition.
- D. He is prohibited from taking any orders for burials from any person or persons except the City Clerk or acting City Clerk except in a case of extreme emergency when he may act under the written instructions of the Health Inspector or Chief of Police, but in any such case he must report in full to the City Clerk or acting City Clerk, as soon as practicable.
- (E) He shall supervise and have full charge of the receiving vaults and supervise in person all disinterments, keeping re-cord of all such with full particulars in a book to be furnished him by the City Clerk for such purpose.
- F. He shall allow no person to be buried, disinterred, or be placed in the receiving vault without a permit in writing

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being presented to him, such permit must be duly signed in accordance with the provision of this By-Law.

13. The following fees for grave plots, digging of graves, permits for burial, permits for temporary use of receiving vault, permits for disinterment, permits to remove body out of City, permits to re-open grave for another interment in same grave shall be charged:

For whole plot \$24.00

" 3/4 " 18.00

" 1/2 " 12.00

" 1/4 " 8.00

" single grave 2.50

"... each grave dug 3.50

" reopening each grave for adult 3.50

"... " " " " child

under 14 years. 2.00

For each disinterment when same is done by Caretaker \$20.00

For each disinterment when same is done by the party applying 5.00

For use of receiving vault at Cemetery per day, each body. 50 cts

14. Any person violating any of the pro-visions of this By-Law shall upon conviction before the Mayor, Police

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Magistrate, or any Justice or Justice of the Peace having jurisdiction for such and pay a penalty not exceeding one hundred dollars with costs and said penalty and costs or penalty or costs or either to be levied by dis tress and sale of their goods and chattels of the offender and if no sufficient distress can be found the Mayor, Police Magistrate or Justice or Justices so convicting may commit the offender or offenders to the lock up or common jail of the City of Vancouver for any period not to exceed two months.

15. This By-Law may be cited as the "Cemeteries Regulations By-Law 1891"

Done and processed in open Council this 29th day of June AD. 1891.

D. Oppenheimer  
Mayor

Thos. F. McGuigan  
City Clerk