

CITY OF WEST KELOWNA

BYLAW NO. 0166

A BYLAW TO REGULATE THE OPERATION AND MAINTENANCE
OF THE WESTBANK CEMETERY

**CONSOLIDATED FOR CONVENIENCE TO INCLUDE
BYLAW 0166.01, 0166.02**

Bylaw No. 0166.02, adopted December 8, 2015, deleted any reference to the "District" of West Kelowna and replaced with the "City" of West Kelowna.

WHEREAS the Council of the City of West Kelowna may by bylaw, pursuant to Section 8 of the *Community Charter*, regulate, prohibit and impose requirements in relation to cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead;

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

Bylaw No. 0166.01 adopted October 14, 2014, removed all references to 'Parks, Fleet & Cemetery Supervisor' and replaced with 'General Manager'.

Bylaw No. 0166.01 adopted October 14, 2014, removed all references to Schedules B, C, D, and E from this Bylaw.

PART 1 – GENERAL

1.1 Title

This Bylaw may be cited as the "WESTBANK CEMETERY BYLAW NO. 0166, 2014."

1.2 Interpretation

1.2.1 Enactments

Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the City of West Kelowna, as amended, revised, consolidated or replaced from time to time.

1.2.2 Headings

The headings given to the Parts, Sections and Paragraphs in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

1.2.3 Severability

If any Part, Section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 1.2.4 in its entirety and replaced it with the following.

1.2.4 Schedule A – Schedule of Fees is attached to and forms part of this Bylaw.

1.3 Definitions

Bylaw No. 0166.02, adopted December 8, 2015 added the new definitions for “Non-Resident”, “Ossuary”, “Plot Apron” and “Scatter Garden” to Section 1.3.

In this bylaw, unless the context otherwise requires:

Bylaw No. 0166.01 adopted October 14, 2014, deleted the definition of “Care Fund” from Section 1.3 and replaced it with the following.

“Care Fund” means a fund for the care and maintenance of a place of interment.

"Cemetery" means the Westbank Cemetery and includes any other parcel or tract of land owned, used or maintained by the City of West Kelowna as a cemetery.

“Cemetery Clerk” means the person employed to maintain cemetery records as directed by the General Manager.

“Child” means any person one year old up to and including twelve years of age. (casket size not to exceed 3’ x 5’ plot size)

"City" means the City of West Kelowna.

"City Clerk" means the person duly appointed as Officer Assigned Responsibility for Corporate Administration of the City by the Council and includes the delegate.

”Columbarium” means a structure or building or an area in a structure or building that contains, as in integral part of the structure or building or as free standing sections, niches for the inurnment or cremated remains.

"Council" means the Municipal Council of the City of West Kelowna.

Bylaw No. 0166.01 adopted October 14, 2014, added the definition of “Director” to Section 1.3.

“Director” means a director under the *Business Practices and Consumer Protection Act*.

“Disinterment” means the removal, for the purpose of permanent relocation, of

- (a) Human remains, and
- (b) The container, or any of the remaining container, holding the human remains from the plot in which the human remains are interred.

“Exhumation” means the exposure and removal of interred remains for the purposes of viewing or examination.

"General Manager" means the person duly appointed by the Chief Administrative Officer to be responsible for the cemetery services for the City and includes the delegate.

“Immediate Family” means a parent or stepparent, a grandparent or step-grandparent, a sibling (natural, adopted or step), a spouse, a common-law spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

“Infant” means any person up to the age of one year old.

“Interment” means disposition by:

- (a) Burial of human remains or cremated remains,
- (b) Entombment of human remains, or
- (c) Inurnment of cremated remains.

“Maintenance Fund” means a reserve for the ongoing care and maintenance of a place of interment.

“Medical Health Officer” means a person appointed, from time to time, for or by the City, pursuant to the provision of the *Health Act*.

“Mausoleum” means a structure built to house burial crypts.

“Niche” means each individual compartment to be used for the interment of cremated remains in a columbarium.

“Non-Resident” means a person who has not owned or resided within the City boundaries in the past 12 months preceding the purchase of a Right of Interment.

“Operator” means the person authorized or employed as such by the City of West Kelowna.

“Ossuary” means a receptacle, usually located below ground, for the placement of non-recoverable, co-mingled remains.

Bylaw No. 0166.01 adopted October 14, 2014, deleted the definition of ‘Parks, Fleet & Cemetery Supervisor’ from Section 1.3.

“Plot” means a space used or intended to be used for the interment of human remains or cremated remains under a right of interment and includes a grave, crypt, niche or plot.

“Plot Apron” means a concrete strip at the head of all burial plots within Section AB – CC for the foundation and placement of memorial markers.

Bylaw No. 0166.02, adopted December 8, 2015, deleted the definition of “Resident” in its entirety from the definitions in Section 1.3.

“Scatter Garden” means a designated area for the placement of non-recoverable, co-mingled, cremated remains.

“Treasurer” means a person duly appointed to the administration of the municipal finances.

PART 2 – WESTBANK CEMETERY BOUNDARIES

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 2.1 in its entirety and replaced it with the following.

- 2.1 The lands legally described as being Lot 45, Plan 761, District Lot 805, ODYD, are hereby set aside, and are held, operated, used or maintained as Cemetery by the City.

PART 3 – RIGHT OF INTERMENT TO USE THE CEMETERY

3.1 Right of Interment for Exclusive Use

The General Manager is hereby authorized by Council to grant to any person, or to his authorized agent, paying the fees set forth in Schedule "A", attached to and forming part of this Bylaw, and subject to the terms of this Bylaw, a Cemetery Right of Interment for the exclusive use by him, or his executors or administrators, of any one or more plots which may be vacant and unused in the Cemetery and upon payment of said fee, such person or his authorized agent shall be entitled to receive a Cemetery Right of Interment.

3.2 Exclusivity

The City shall not enter into any agreement with a society, church, or other organization to reserve a section or any portion of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization.

3.3 Right of Refusal

The City reserves the right to refuse to sell a Right of Interment for the use of more than two plots, niches or crypts to any one individual.

3.4 Right of Interment Not Transferable

The holder of a Cemetery Right of Interment shall not transfer his right of use and occupancy to another person except at the discretion of the General Manager. A transfer of the Cemetery Right of Interment for any unused plot may be made to an immediate family member provided the fee for the transfer has been paid as outlined in Schedule "A".

3.5 Transfer Request

The transfer request must be in writing by the Right of Interment Holder. Right of Interments for plots must be surrendered, and a transfer fee as set out in Schedule "A" shall be paid to the City. The General Manager shall amend his records accordingly stating the new Right of Interment Holder of the plot or plots.

3.6 Notice of Transfer

To ensure the accuracy of records of ownership and interments, no transfer of any plot, or any interest therein shall be binding upon the City until a duly executed transfer has been submitted to the General Manager specifying the name, address or other description of the proposed transferee, and such particulars shall be recorded in a register to be kept for that purpose.

3.7 Proof of Inheritance

When the owner of a plot dies and the ownership passes to the new owners before the new owners can obtain registration of their interest to it, the City may require proof of their right to such interest. This proof in ordinary cases may consist of a will or other such proof as may be satisfactory to the City. If the new owner wishes to have an interment made before he/she has obtained registration of his/her interest in a plot, he/she shall satisfy the City of his/her right to do so before the interment shall be permitted.

3.8 Order of Priority

The right of a person to control the disposition of the human remains or cremated remains vests in and devolves on that person in the order of priority as outlined in the *Cremation, Interment and Funeral Service Act*.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 3.9 in its entirety and replaced it with the following.

3.9 Right of Interment Cancellation

TO CANCEL: You must provide a written notice of cancellation. The notice must be forwarded to the City of West Kelowna by a method that will allow proof that you gave notice, such as registered mail, facsimile, or personal delivery.

REFUND: The City of West Kelowna will refund to the Right of Interment Holder, the original purchase price, LESS the amount of the Care Fund contribution for the space and LESS the Administration Fee as set out in the District of West Kelowna Fees and Charges Bylaw.

CARE FUND CONTRIBUTIONS: If you cancel interment rights after funds are deposited into the Care Fund, the amount deposited shall not be refundable. Upon confirmation of the requesting party/deceased estate's legal right to receive any refund, the City of West Kelowna will provide any refund owing within 30 days from the confirmation date.

If goods have been specially pre-ordered and because of some unique characteristic, personalization or extraordinary cost or the goods cannot be used in the ordinary course of business, the City may deduct the itemized cost of those goods from the Right of Interment and the cost of those goods may be retained out of any money paid for the purposes of a Right of Interment cancellation.

3.10 Right of Interment Provisions

All Cemetery Right of Interments shall be subject to the provisions of this bylaw and to all bylaws now or hereafter adopted by Council.

PART 4 - FEES AND CHARGES

4.1 Fees for Interments

The fees for interment, disinterment, use of plots, and care of graves and the charges for goods offered for sale by the City for use in the Cemetery, and any other Cemetery fees shall be those set out in Schedule "A".

4.2 Payment of Fees

The fees set out in Schedule "A" shall be paid at the City offices at the time of purchasing a Cemetery Right of Interment, or any goods or services sold by the City in connection with the operation of the Cemetery.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 4.3 in its entirety and replaced it with the following.

4.3 Installment Plan

Cremation niches and Mausoleum crypts may be purchased on the installment plan and in advance of need with a thirty percent (30%) deposit. When such purchases are made, full and final payment of the monies owed must be made within one (1) year of purchase or prior to any interment, placement of memorial stone or transfers into the niche or crypt. If a balance is not paid after one (1) year, the City reserves the right to refund, as per section 3.9, the amount paid

LESS the care fund contribution and LESS the current administration fee of the monies paid on account and re-sell the niche or crypt.

PART 5 – SIZE OF GRAVE SPACE

5.1 The size of grave space shall be:

Adult	- 5' x 10' (1.52 m x 3.04 m)
Infant	- 3' x 5' (0.91 m x 1.52 m)
Cremated Remains plot	- 2' x 2' (0.61 m x 0.61 m)
Columbarium	- 11" x 11" (0.28 m x 0.28 m)
Mausoleum	- 31.8" W x 92" D x 25.9" H (0.8 m W x 2.3 m D x .65 m H)

Bylaw No. 0166.01 adopted October 14, 2014, added the following to Section 5.1.

Family Estate	- 24" W x 14.5" D x 12" H (0.6 m W x 0.37 m D x 0.30 m H)
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PART 6 - PERMISSION TO INTER, EXHUME AND CREMATE

6.1 Interment Permit (Right Of Interment)

No human remains or cremated remains shall be interred in the Cemetery until an Interment Permit has been obtained from the City and the fee for interment, as specified in Schedule "A", has been paid.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 6.2 in its entirety and replaced with the following Section 6.2.

6.2 Application for Permit (Right of Interment)

All applications for an interment permit must be made at least 48 hours (2 working days) before the scheduled interment to the Cemetery Office.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 6.3 in its entirety and replaced with the following Section 6.3.

6.3 Registration of Death

All persons applying for interments in the Cemetery shall provide to the Cemetery Office, a Registration of Death or Cremation Certificate issued pursuant to the *British Columbia Vital Statistics Act*.

6.4 Interment After Hours

Where a Medical Health Officer directs that a body be buried in the Cemetery during any period when the Cemetery is closed, permission to inter in the Cemetery shall be obtained from the General Manager, or his/her designate.

6.5 Details of Deceased

Where an interment in the Cemetery is performed under the conditions of Section 6.4 of this Bylaw, the person who permitted the interment and the person who performed the interment shall report the matter to the General Manager and the representative of the deceased shall furnish the General Manager with full details of the deceased as required by Section 6.3 of this Bylaw.

6.6 Order to Exhume

No deceased person interred in the Cemetery shall be exhumed except in compliance with the requirements of the *Cremation, Interment and Funeral Service Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw.

The City's responsibility will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider.

The City is not responsible for damage to any casket, urn or other container sustained during exhumation.

6.7 Unlawful Interment

It shall be unlawful to inter or cremate a deceased person within the Municipal boundary of the City except pursuant to the terms of the *Cremation, Interment and Funeral Service Act* and Regulations thereunder.

6.8 Disinterment

No interment in the Cemetery shall be disinterred except in compliance with the *Cremation, Interment and Funeral Service Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw. The City's responsibility will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider.

PART 7 - INTERMENT IN THE CEMETERY

7.1 Human Remains Only

Only human remains and cremated remains shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.2 in its entirety and replaced it with the following.

7.2 Occupy Plot

The Holder of a Right of Interment may transfer his right of use and occupancy to an immediate family member, subject to Section 3.4 of this Bylaw.

7.3 Communicable Disease

Where the remains of a person who died while suffering a communicable disease are to be buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment.

7.4 Inform Operator

Where the body delivered to the Cemetery for interment is subject to direction of the Medical Health Officer, pursuant to the *Health Act*, the person delivering the body to the Cemetery shall so inform the Operator.

7.5 Grave Depth

Each interment in the Cemetery, other than the interment of cremated remains or in a niche or crypt, shall be made in a grave, which when filled and closed, provides not less than 3 ft. (0.914 m) of earth between the general surface level of the ground at the grave site and the upper surface of the vault, casket or grave liner enclosing the body resting in the grave.

7.6 Number of Interments

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.6(a) and 7.6(e) in its entirety and replaced them with the following.

- (a) Two (2) casket interments plus two (2) cremations; or four (4) cremations may be permitted in each large grave plot.
- (b) Two (2) urn interments will be permitted in each cremation plot.
- (c) Two (2) urns per columbarium niche
- (d) One (1) casket per Mausoleum crypt
- (e) Depending on the size of the urns, up to six (6) urns, within two levels, may be permitted in the Family Estate.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.7 in its entirety and replaced it with the following.

7.7 Lower Depth

Where two casket interments are permitted in one plot and each interment is in respect to a body not in the form of cremated remains, the first interment shall be at a lower depth than the second, and each of the two interments in the one grave shall comply with the requirements of Section 7.5 of this Bylaw.

7.8 Depth of Cremated Remains

Each interment of cremated remains in the Cemetery shall be buried in the plot not less than 2 ft. (0.61 m) deep. For every interment of cremated remains in a container, the grave will be dug to a depth sufficient to ensure that there are not less than 12 inches (30 cm) of earth between the top of the container and the level of the ground surrounding the grave.

7.9 Liners Materials

A reinforced fibreglass grave liner or other material, as approved by the General Manager shall be used for each interment, as per the requirements of Section 7.8 of this Bylaw.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.10 in its entirety and replaced it with the following.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.10 in its entirety and replaced with the following Section 7.10.

7.10 Scattering and Ossuary Placement of Cremated Remains

It shall be unlawful for any person to scatter cremated remains within the confines of the cemetery except within a scattering garden or other designated area without first obtaining an Interment Permit.

A small portion of remains may be placed beneath the bark mulch at the base of an ornamental plant; the remaining majority to be placed within the Ossuary.

Cremated remains placed in the Ossuary are permanent, non-recoverable and co-mingled. Placement of urns or other containers in the Ossuary is not permitted. The placement of remains may be undertaken by the attending family representative, funeral provider or Cemetery Operator. Use of the Ossuary is only permitted with the attendance of authorized staff.

7.11 Grave Space Embellishments

Except for graves or grave spaces embellished prior to the date of this Bylaw, no grave space shall be defined by a fence, hedge, railing except for a memorial marker.

7.12 Hours of Interment

Except as otherwise authorized in this Bylaw, no person shall inter any remains in the Cemetery except between the hours of 8:00 a.m. and 3:00 p.m.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.13 in its entirety and replaced with the following Section 7.13.

7.13 No Interment on Weekends or Statutory Holidays

No person shall inter or scatter any body in the Cemetery on Saturday or Sunday or any Statutory Holiday unless written permission of the General Manager is first obtained. No interments will be scheduled on long weekends that are a result of a statutory holiday or on a statutory holiday except in the emergency conditions as specified in Section 7.3 and 7.4 of this Bylaw.

7.14 Grave Digging or Opening

No grave shall be dug or opened by any person other than the Operator and his assigned helpers or other person duly authorized by the General Manager.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 7.15 in its entirety and replaced it with the following.

7.15 Containers

Human remains must be interred in a container that does not exceed 25" H x 89" L x 35" W (0.63 m H x 2.26 m L x 0.88 m W), provided the container does not exceed the size of the plot. All containers of human remains must be placed within a grave liner.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 7.16 in its entirety and replaced with the following Section 7.16.

7.16 Cremated Remains Container

For every interment of cremated remains in a plot or niche, the container(s) for cremated remains shall be made of metal, stone, or porcelain and must be manufactured for the express purpose of containing cremated remains. A single container or combination of (2) containers shall not exceed 12" H x 11" L x 11" W (30 cm H x 27.9 cm L x 27.9 cm W).

Bylaw No. 0166.02, adopted December 8, 2015, added the following Section to PART 7 – INTERMENT IN THE CEMETERY:

7.17 Right of Interment

The City may, subject to payment of fees, grant to any person a right of interment for a vacant, unreserved plot. A right of interment does not vest in the holder any title or interest in the land or lot but instead provides for the interment of the person named on the Right of Interment (Plot Reservation Licence).

Bylaw No. 0166.02, adopted December 8, 2015, deleted the title of PART 8 and replaced it with the following:

PART 8 – GENERAL MANAGER OF ENGINEERING AND PUBLIC WORKS

- 8.1 Notwithstanding any other provision contained herein, the General Manager shall be responsible for ensuring that the provisions of this Bylaw are properly carried out.
- 8.2 The General Manager shall engage such staff as may be necessary to carry out the administrative and operational duties necessary under this Bylaw, subject to Council's approval.
- 8.3 Any contracted personnel or City staff engaged in performing any duty under the jurisdiction of this Bylaw shall be under the supervision of the General Manager or his/her designate.

PART 9 - CEMETERY OPERATOR

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 9.1 in its entirety and replaced it with the following.

9.1 Duties of the Cemetery Operator

Pursuant to Section 8 of this Bylaw, the General Manager may authorize the appointment of a Cemetery Operator and the duties and responsibilities of a Cemetery Operator so appointed shall be, among other things, to carry out, or cause to be carried out by workers placed under his supervision:

- (a) the digging, preparation, opening and closing of graves as ordered by the General Manager, or his/her designate, pursuant to this Bylaw;
- (b) the direction of all funerals in the Cemetery to the correct plot;
- (c) the general work of the Cemetery grounds to maintain same in a neat and tidy condition; and
- (d) the provision of care for the City-owned tools and equipment.

PART 10 - ADMINISTRATION AND MAINTENANCE

10.1 Administrative Records

The General Manager shall maintain such records as are necessary for the administration and management of the Cemetery and as are required by the *Cremation, Interment and Funeral Service Act*.

10.2 Cemetery Clerk Maintains Records

The Cemetery Clerk shall maintain records as directed by the General Manager and shall submit reports as required by him, and shall do such other work as the General Manager may require from time to time in relation to the Cemetery operation.

10.3 Subdivision Not Permitted

Effective the date of adoption of this Bylaw, no subdivision of plots will be permitted.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 10.4 in its entirety and replaced it with the following.

10.4 Grant Right of Interment

The General Manager is hereby authorized on behalf of the City to grant a Cemetery Right of Interment in respect of any unused plot in the Cemetery, according to the fees and charges specified in Schedule "A" and subject to the provisions of this Bylaw.

10.5 Maintenance Fund

A fund shall be established to be known as the "Cemetery Maintenance Fund" and administered in accordance with the *Cremation, Interment and Funeral Service Act* and the *Local Government Act*. The interest in this fund shall be used for the upkeep, care and repair of the Cemetery. The principal in this fund shall not be reduced other than in accordance with an order made pursuant to the *Cremation, Interment and Funeral Service Act*.

10.6 Reserve Accounts

A reserve shall be established to be known as the "Cemetery Maintenance Fund Reserve", into which the Treasurer shall pay the amounts received into the reserve. This reserve is to be used in those years that revenue does not exceed expenses.

10.7 Cemetery Care Fund

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 *Cremation, Interment and Funeral Service Act* for the establishment and administration of the Cemetery Care Fund and in accordance with the procedures hereinafter set out.

10.8 Payments to Reserve Accounts

On all Right of Interment Fees for use of Cemetery Plots, and Reservation Fees for Cemetery Plots, the Treasurer shall pay into the "Cemetery Maintenance Fund" and the "Cemetery Care Fund" respectively, from the amount received for each Right of Interment or reservation sold the fees as specified in Schedule "A".

10.9 Reserving Plots

On all Right of Interments for the use of or reservation of cemetery plots, and on all contracts or agreements for the sale of such Right of Interments, the amount required to be used for "Cemetery Maintenance Fund" and "Cemetery Care Fund" purposes shall be specified.

10.10 Monies Held in Trust

All monies received and deposited by the Treasurer in the "Cemetery Maintenance Fund" and "Cemetery Care Fund" accounts shall be held and invested as trust funds to be devoted solely to the purposes for which they were received.

10.11 The Cemetery Fund

A separate account of all monies received under the provisions of this Bylaw and all monies expended hereunder shall be kept by the Treasurer and any surplus remaining of receipts over expenditures shall be paid at the end of each fiscal year into the Cemetery Maintenance Fund (50%) and the Cemetery Care Fund (50%) and same shall be invested by the City in accordance with the provisions of the *Community Charter*.

PART 11 – MEMORIALS

11.1 Fees

Any owner of a memorial marker, tablet, or monument, or memorial and curbing desiring to install, or modify same in the Cemetery shall pay to the City prior to the installation or modification of same, the fee specified in Schedule "A".

11.2 Conformation

A tablet type memorial may be installed on a grave in the Cemetery provided it is made of stone or bronze and is attached to a concrete base (pillow) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.2.1 in its entirety and replaced with the following Section 11.2.1:

11.2.1 Flat Memorial Tablets

A flat tablet type memorial may be installed on plots in Sections A – K provided it is made of stone or bronze and is attached to a concrete base (pillow) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

All memorials installed on plots in Sections AB – CC will be affixed to, or placed on a precast, concrete plot apron provided by the City.

Flat Memorial Tablets shall be of the following sizes only:

- (a) Companion Tablet for adjoining standard size grave (large lot)
One (1) only 40 cm by 70 cm (16" x 28")
- (b) Single Tablet for standard size grave (large lot)
One (1) only 30 cm by 50 cm (12" x 20")
- (c) Single Tablet for Infant grave (small lot)
One (1) only 30 cm by 50 cm (12" x 20")
- (d) Companion Tablet for double cremated remains
One (1) only 25 cm by 40 cm (10" x 16")
- (e) Single Tablet for cremated remains
One (1) only 25 cm by 40 cm (10" x 16")
- (f) Double Depth Tablet for standard size graves
One (1) only 40 cm by 70 cm (16" x 28")
- (g) Cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (10" x 16")
- (h) Two cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (10" x 16")

11.2.2 Upright Memorial Markers

Upright memorial markers are to be placed in designated areas only. Upright tablet type memorials will only be installed on plots in Section AB, Rows 1 & 4; Section BB, Rows 1 & 5, and Section CB, Rows 1 & 6.

Upright Markers, only in designated areas, must remain within the following dimensions: 30" wide x 20" high x 6" deep.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.3 in its entirety and replaced with the following Section 11.3:

11.3 Floral and Other Offerings

Cut flowers, wreaths and floral offerings may be placed on plots in a cemetery, but may be removed by the Operator and disposed of when their condition is considered detrimental to the aesthetics of the cemetery or for the purpose of maintenance. Only non-breakable flower vases will be permitted.

Plant material and plot adornments associated with seasonal events or celebrations will be removed at the discretion of the Operator. Artificial flowers will only be permitted to be placed during the winter, November 1 to March 31, and will be removed when the first grounds maintenance is carried out in the spring.

Except for the time of interment, placement of floral tributes will not be permitted at the base of any columbarium or mausoleum. Columbarium and mausoleum artificial floral tributes will be allowed in bud vases purchased from the City.

Objects and personal possessions are not permitted on any plot and will be removed by the Operator. This includes, but is not limited to, pictures, frames, boxes, shells, toys, sport paraphernalia, wire screens, arbours, trellises, and tripods.

Certain objects and personal possessions may be permitted to be placed within the mausoleum or columbarium niches, subject to the approval of the Cemetery Office. Allowable objects must be non-decomposing and non-perishable, will not harm or destroy the structure, and will easily fit within the columbarium niche or mausoleum crypt.

11.4 Removal of Offerings

The Operator may remove and dispose of any offerings from any grave when the condition is considered by him/her to be a safety hazard, detrimental to the beauty, or impedes maintenance of the Cemetery.

11.5 Planting Restrictions

No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers or bulbs in the Cemetery other than a person authorized by the City to do so.

11.6 No Adornment

Except as specifically provided in this Bylaw, no part of the Cemetery or plot may be adorned in any manner by any person other than the Operator without the express authority of the General Manager, with the exercise of such authority to be within the General Manager's sole discretion.

11.7 Specifications Only

Only memorials of the tablet variety and manufactured from stone, bronze, or any other material approved by the General Manager, which conform to the specifications as set out in 11.2.1, shall be placed and installed in the Cemetery.

11.8 Memorial Replacement/Modification Requests

No memorial shall be installed, replaced or modified within the Cemetery by any persons other than the Operator or other person duly authorized to do so by the General Manager. All requests to replace or modify an existing memorial must be with the consent of the next-of-kin; or may be granted at the discretion of the General Manager should the next-of-kin not be known, or unable to be located.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Section 11.9 in its entirety and replaced with the following Section 11.9:

11.9 Temporary Markers

During the period from November 1st to the following March 15th in any year, temporary plot markers, as approved by the General Manager, may be used in all sections of the Cemetery. Temporary markers may not be used at other times and will be removed by the Operator.

11.10 Not Liable

The City shall 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 Operator or other employee of the City.

Bylaw No. 0166.02, adopted December 8, 2015, deleted the Title of Section 11.11 and replaced with the following Title:

11.11 Non-Conforming Memorial Markers

All memorial markers delivered to the Cemetery Office must meet the specifications set out in Section 11.2. All memorial markers delivered to the Cemetery Office require a signature by the Cemetery Staff upon delivery. Any memorial marker that has been delivered to the Cemetery Office that does not meet the specifications set out in Section 11.2 will be returned to the Company from which it was delivered at the companies expense.

11.12 Removal

Should any memorial, marker, or tablet, grave cover or grave curbing placed or erected in the Cemetery be in a state of disrepair such that it might be hazardous to the public or detrimental to the maintenance of the Cemetery, the General Manager may, after 30 days notice in writing to the next-of-kin at his last known address, have the memorial marker, tablet, grave cover or grave curbing removed from the Cemetery if it has not been repaired in accordance with the notice.

PART 12 – GENERAL REGULATIONS

12.1 Cemetery Damage

No person shall damage or deface any memorial, monument, fence, gate, structure or any improvements in the Cemetery.

12.2 Solicitation

No person shall solicit orders for markers, tablets, memorials, curbing, capping, or like works within the limits of the Cemetery.

12.3 Obey Operator

All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Operator, and any person not behaving with proper decorum within the Cemetery, or disturbing the quiet and good order of the Cemetery may be evicted therefrom by the Operator.

12.4 Discharging Firearms

The discharge of firearms, other than as authorized by the General Manager is prohibited in the Cemetery.

12.5 Penalties

Any person guilty of an infraction or violation of any of the provisions of this Bylaw shall be liable, on summary conviction, to a fine of up to Two Thousand Dollars (\$2,000.00).

12.6 Temporary Removal of Markers

The General Manager may arrange for the temporary removal of a marker without the owner's permission if, during the excavation of an adjoining grave, the marker is found to be a hazard to the safety of workers in the excavation or to gain access to a plot for grave site preparation, provided that the marker is replaced in its original position on the grave from which it was removed as soon as possible after the excavation has been filled, and provided that the owner of the marker is not charged with the cost of the work, unless he is also the owner of the plot in which the excavation is being made, and provided also that the City or its agents repairs at its expense any damage occasioned to the marker so removed and replaced.

12.7 General Maintenance

General maintenance work which will be performed without cost to the plot or grave owner includes the cutting and/or removal of grass and weeds, gathering of leaves and trash, maintaining roads in passable condition, watering of serviced areas, shade tree care and such grading and improvements to grounds as may be necessary at the discretion of the General Manager.

Bylaw No. 0166.01 adopted October 14, 2014, deleted Section 12.8 in its entirety and replaced it with the following.

12.8 Rectification of Errors Relating to Interment

If human remains or cremated remains are interred in the wrong lot in a cemetery, mausoleum or columbarium, the operator of the cemetery, mausoleum or columbarium must

- (a) On the request of the person who, under Section 5 of the *Cremation, Interment and Funeral Services Act* (control of disposition of human remains or cremated remains), has the right to control the disposition of the human remains or cremated remains, disinter the remains from the wrong lot and re-inter them in
 - (i) The correct lot, if the correct lot is available, or
 - (ii) A lot acceptable to the person who made the request if the correct lot is not available, and
- (b) Within 30 days after the re-interment referred to in paragraph (a), notify the Director of the disinterment and the re-interment.

PART 13 – REPEAL AND ENACTMENT

13.1 Effect of Bylaw

This Bylaw shall come into full force and effect and be binding on all persons as and from date of adoption.

READ A FIRST, SECOND AND THIRD TIME THIS 11TH DAY OF FEBRUARY, 2014
ADOPTED THIS 14TH DAY OF OCTOBER, 2014

MAYOR

CITY CLERK

Bylaw No. 0166.01 adopted October 14, 2014, deleted Schedule 'A' in its entirety and replaced it with the following.

Bylaw No. 0166.02, adopted December 8, 2015, deleted Schedule 'A' in its entirety and replaced with the following Schedule 'A':

SCHEDULE A

GRAVE SPACE/TYPE	BASE FEE	PREPARATION & PLACEMENT (Services)	TOTAL RESIDENT RATE	TOTAL NON- RESIDENT RATE
Adult Plot	\$ 911.98	\$ 990.00	\$ 1,901.98	\$ 2,244.34
Infant Plot	\$ 458.90	\$ 594.00	\$ 1,052.90	\$ 1,242.42
Cremation Plot	\$ 607.57	\$ 308.00	\$ 915.57	\$ 1,080.37
Lakeside Columbarium – Level 1	\$ 3,354.18	\$ 460.00	\$ 3,814.18	\$ 4,500.73
Lakeside Columbarium – Level 2	\$ 3,234.38	\$ 460.00	\$ 3,694.38	\$ 4,359.37
Lakeside Columbarium – Level 3	\$ 3,114.59	\$ 460.00	\$ 3,574.59	\$ 4,218.02
Lakeside Columbarium – Level 4	\$ 2,994.80	\$ 460.00	\$ 3,454.80	\$ 4,076.66
Lakeside Columbarium – Level 5	\$ 2,875.01	\$ 460.00	\$ 3,335.01	\$ 3,935.31
Mountainside Columbarium – Level 1	\$ 3,018.76	\$ 460.00	\$ 3,478.76	\$ 4,104.94
Mountainside Columbarium – Level 2	\$ 2,910.95	\$ 460.00	\$ 3,370.95	\$ 3,977.72
Mountainside Columbarium – Level 3	\$ 2,803.13	\$ 460.00	\$ 3,263.13	\$ 3,850.49
Mountainside Columbarium – Level 4	\$ 2,695.32	\$ 460.00	\$ 3,155.32	\$ 3,723.28
Mountainside Columbarium – Level 5	\$ 2,587.51	\$ 460.00	\$ 3,047.51	\$ 3,596.06
Family Estate	\$ 10,541.69	\$ 460.00	\$ 11,001.69	\$ 12,981.99
Mausoleum – Level 1	\$ 19,166.75	\$ 1,336.00	\$ 20,502.75	\$ 24,193.25
Mausoleum – Level 2	\$ 17,369.84	\$ 1,336.00	\$ 18,705.84	\$ 22,072.89
Ossuary/Scatter with Plaque	\$ 310.24	\$ 175.00	\$ 485.24	\$ 572.58
Ossuary/Scatter Only	\$ 126.63	\$ 75.00	\$ 201.63	\$ 247.80
* BASE FEE Includes: Care Fund: Plots 33.33%; Niches/Crypts 11.63% and Maintenance Fund: 15%				
** PREPARATION & PLACEMENT Includes: Open/Close, Liner & Shutter Engraving				
*** TOTAL RESIDENT RATE includes: Base Fee, Preparation & Placement				
**** TOTAL NON-RESIDENT RATE includes: Base Fee, Preparation & Placement +18%				

SERVICES		SERVICES	
Opening and Closing Grave for Burial:		Opening and Closing Grave for Exhumation/Disinterment:	
	FEES		FEES
Adult Plot (6' depth)	\$ 726.00	Adult Plot (6' depth)	\$ 1,347.50
Infant Plot	\$ 330.00	Infant Plot	\$ 726.00
Cremation Plot	\$ 220.00	Cremation Plot	\$ 368.50
Columbarium	\$ 220.00	Columbarium	\$ 275.00
Mausoleum	\$ 330.00	Mausoleum	\$ 550.00
Family Estate	\$ 220.00	Family Estate	\$ 250.00
Ossuary Placement	\$ 75.00		
ADDITIONAL SERVICES			
Bud Vase – Columbarium/Mausoleum	\$ 155.00	Grave Liner - Cremation	\$ 88.00
Burial after 3:00 pm; Mon. – Fri	\$ 148.50	Installation or Removal of Memorial Marker	\$ 206.25
Curb & Seal - Double	\$ 2,403.50	Memoral Tree with plaque	\$ 875.00
Curb & Seal - Single	\$ 1,320.00	Memorial Bench with plaque	\$ 2,400.00
Double Depth - Cremation	\$ 220.00	Memorial Wall Plaque	\$ 145.00
Double Depth – Full Burial	\$ 440.00	Plaque Installation	\$ 100.00
Engraving - Columbarium Shutter	\$ 240.13	Remove/Replace Double Curb & Seal	\$ 264.00
Engraving – Family Estate	\$ 240.13	Remove/Replace Single Curb & Seal	\$ 132.00
Engraving – Family Estate Individual	\$ 240.13	Transfer of Licence	\$ 38.50
Engraving - Laser Etch Photo (Maus. Only)	\$ 454.30	Weekend Interment (Incl. Stats)	\$ 440.00
Engraving - Mausoleum Shutter	\$ 1,005.95	Weekend Inurnment in Niche or Crypt (incl. stat)	\$ 330.00
Grave Liner - Casket	\$ 264.00	Xlarge grave liner	\$ 550.00
Purchase Back or Cancellation of a Right of Interment shall be the original price LESS the amount of the Care Fund Contribution for the space and LESS the current Administration Fee.			