



COUNCIL REPORT
Engineering and Public Works
For the June 11, 2019 Council Meeting

DATE: June 4, 2019 File: Westbank Cemetery Bylaw No. 0166
TO: Jim Zaffino, CAO
FROM: Stacey Harding, Parks and Fleet Operations Manager
RE: Westbank Cemetery Bylaw Service Review

RECOMMENDED MOTION:

THAT Council give first, second and third readings to Westbank Cemetery Amendment Bylaw No. 0166.03, 2019.

RATIONALE:

To ensure the Westbank Cemetery is operated in a cost effective manner, periodic operational reviews and cost comparisons are conducted. Operational recommendations are based on industry changes and seeking efficiencies. Staff recommendation is based on a renewed comparison of actual operating costs vs revenue to achieve true financial self-sustainability, which includes internal debt payment for previous capital improvements. On May 28, 2019, Council directed staff to increase fees to the industry average plus 35% and a review of expenses verse revenues. Council has made it clear that the facility be run on a user pay basis and it not be funded or subsidized by taxation.

LEGISLATIVE REQUIREMENTS:

Compliance with the *BC Consumer Protection Act*.

BACKGROUND:

Since the dissolution of the Westbank Irrigation Improvement District in 2007, the Westbank Cemetery has been operated by the City of West Kelowna. The last service review and bylaw revision was completed on December 8, 2015.

Since the City started operating the Westbank Cemetery, approximately \$1,400,000 in capital improvements have been completed. The projects have enhanced the aesthetics and beautification of the facility but also added service options.

The range of services offered at the Westbank Cemetery include:

- Full size burial plots
- In ground cremation plots
- Columbarium niches
- Mausoleum crypts
- Family Estate Columbaria's
- Scatter garden
- Ossuary
- Memorialization Plaque Wall

SERVICE REVIEW PROCESS

Service reviews are good business practice and establish due diligence if the facility is audited by Consumer Protection B.C. Our service reviews have two components; firstly, a comparison of **Fees** to that of similar cemetery services offered within our region. This is to identify if we are competitive and to ensure we are fairly and equitably maximizing revenue. Additionally, an internal expense vs revenue analysis is done to confirm that the facility is operated at a break-even rate. Secondly, the **Operational** component, which looks at providing industry leading client burial services by using the most cost effective measures.

Understanding Fee Breakdowns

There are two rate classes, resident and non-resident rates. The non-resident rate is an 18% surcharge for non property tax paying clients.

When purchasing a plot, crypt or niche clients pay the base fee plus a care fund fee or often called the Perpetual Care Fund and a Maintenance Fee. The Care fund, 33.33% for plots, 11.63% for niches, is accumulated over the operating life of the facility and used for the care and operating expenses after the cemetery is full. This is a mandated requirement in the Provincial legislation. The second fee is the Maintenance Fund which is a 15% City fee intended to help fund ongoing annual or unforeseen maintenance costs.

A notable fee change is the inclusion of the opening and closing fee and the first shutter engraving for both the Mausoleum and Columbarium in the total plot cost. This was done to simplify the client's purchase experience.

An example of the fee breakdown is shown below:

Current Fees	Burial Plot Base Fee	Care Fund 33.33%	Maintenance Fund 15 %	Total Cost
	\$ 615	\$ 205	\$ 92	\$ 912

New Fee Structure Example

Casket Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$912	\$1,187	\$1,602
Kelowna	\$1,714		
Peachland	\$1,635		
Vernon	\$1,420		
Penticton	\$1,400		
Oliver	\$1,142		
RDOS	\$495		
Osoyoos	\$775		

Cremation Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$608	\$534	\$721
Kelowna	\$800		
Peachland	\$779		
Vernon	\$425		
Penticton	\$434		
Oliver	\$361		
Kamloops	\$590		
Osoyoos	\$275		

Open/Close Casket Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$726	\$885	\$1,194
Kelowna	\$945		
Peachland	\$1,015		
Vernon	\$1,068		
Penticton	\$1,386		
Oliver	\$686		
RDOS	\$660		
Osoyoos	\$592		

Open/Close Cremation Plot		Industry Average	Industry Average + 35% Increase
City	Current Fees		
CWK	\$220	\$254	\$343
Kelowna	\$413		
Peachland	\$224		
Vernon	\$322		
Penticton	\$294		
Oliver	\$210		
RDOS	\$110		
Osoyoos	\$239		

Operational Changes

A comprehensive review of the Bylaw has identified several areas to amend. Reasoning for changes have been included beside each identified amendment, some of which include:

- 7.15 Containers – language changes to include the growing trend of Green Burials. This includes that service must be done by a licenced funeral practitioner and in strict compliance with Consumer Protection BC and the *Cemetery, Interment and Funeral Act of BC*.
- 7.16 Cremated Remains Containers – existing language is too restrictive and limits our client's options. Changes made to include containers made of other products having sentimental value.
- 11.2 Conformation – existing language is not inclusive of the newly developed areas or the requirement to seek a Memorial Permit for installation. It also exposes some liability if a marker was damaged through no fault of the City. Changes made to accommodate the new, poured in place marker curbs, and that the care and repair of markers are the responsibility of the purchaser.
- 11.2.1 Flat Memorial Tablets – existing language does not include installation of markers on the new, poured in place marker apron.
- 11.2.1a Pillow Markers – existing language does not include the allowable dimensions of a pillow marker.
- 11.2.2 Upright Memorial markers – the existing language specifies that upright markers can only be installed in designated areas. Changes made to remove this restriction and create a broader service option for our clients.
- Add 11.2.3 Memorial Wall Plaques – as this is a new service the description and details needs adding to the Bylaw.

FINANCIAL IMPLICATIONS:

The cemetery is set up to be a self-sustaining service, completely funded by user fees. The proposed new fees are meant to be sufficient to cover the operating costs of the cemetery as well as the internal debt servicing for the Capital improvements.

The maintenance fund collected at the time of sale is meant to help cover expenses as sales and expenses fluctuate. Currently the maintenance fund has a balance of approximately \$23,000.

In 2018, the cemetery expenses came in slightly under budget, as did revenue. They are directly linked as the delivery of service is driven by the sale of a plot.

In 2019, the operating budget is \$162,036.

At the May 28, 2019 Council meeting staff was directed to,

- Establish industry cost averages for services and add a 35%.
- Provide a break down of expenses vs revenue and forecast what further annual increases may be required to stay ahead of the curve of increasing operating costs.

- When establishing industry averages only consider facilities from Penticton in the south through to Vernon in the north (Note: as this was not a component of the Council Resolution the original valley wide averaging must remain the comparison.)

These items have been addressed and can be found in the table below.

CEMETERY	estimated # of sales	Rate	2019 Budget
Estimated Revenue			
Plot&Marker Fees (incl. care & maintenance fund)	22	\$ 1,602	- 35,244
Plot - Open /Close	22	\$ 1,194	- 26,268
Cremation (incl. care & maintenance fund)	7.7	\$ 721	- 5,552
Cremation - Open /Close	7.7	\$ 343	- 2,641
Mausoleum			-
Columbarium (incl. care& maintenance fund)	8	\$ 4,191	- 33,528
Columbarium - Open /Close	8	\$ 297	- 2,376
Liners and Pillows			- 15,000
Services and additional items			- 42,213
Total Revenue			-\$ 162,822
Projected Expenses			
Salaries			61,475
Expenses			32,300
Transfer to Care Fund			4,761
Cemetery-internal Debt Principal			23,829
Cemetery-internal Debt Interest			39,671
Total Expense			\$ 162,036
(Surplus)/Deficit			-\$ 786

With respect to forecasting future fee increases, it is very difficult to forecast revenues from sales. As an example, 'preneed sales' generate revenue but do not come with the future expenses of burial services which would be required several years in the future. Many expenses are tangible, e.g. staff wages, which are linked to contracts, generally increase 1.5% annually and contracted services generally increase 2% or what is estimated at a minimum as the annual CPI increase. Fuel and supplies are expected to maintain an upward trend.

It is recommended that a review of future annual increases be conducted during the 2020 budget deliberations with Council, including recommendations.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
2019-05-28	<p><u>It was moved and seconded</u></p> <p>THAT Council approve a Fee Schedule based on 2019 Okanagan Valley industry averages plus a one-time increase of 35%.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	C215-19
2015-05-26	<p><u>It was moved and seconded</u></p> <p>THAT Council award the Westbank Cemetery Expansion Project to Arterra Construction Ltd. for the lump sum value of \$693,850; and</p> <p>THAT Council authorize the Mayor and General Manager of Administrative and Protective Services to execute the contract.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	C219-15
2014-10-14	<p><u>It was moved and seconded</u></p> <p>THAT Westbank Cemetery Amendment Bylaw No. 0166.01, 2014 be adopted.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	357-14
2014-09-30	<p><u>It was moved and seconded</u></p> <p>THAT Council give first, second and third readings to Westbank Cemetery Bylaw No. 0166.01, 2014.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	338-14
2014-09-09	<p><u>It was moved and seconded</u></p> <p>THAT Council amend the 2014 – 2023 Financial Plan to include \$65,000 to proceed with detailed plans and construction drawings for Phase 3 of the Cemetery; and</p> <p>THAT Council direct staff to allocate \$65,000 from Reserves for Future Expenditures.</p> <p><u>CARRIED UNANIMOUSLY</u></p>	332-14

ALTERNATE MOTIONS:

That Council direct staff to revise the Bylaw amendment and return to Council with the changes.

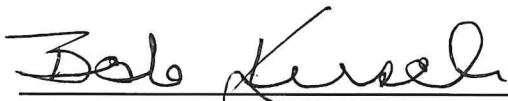
Respectfully submitted,



Stacey Harding
Parks and Fleet Operations Manager



Allen Fillion
Engineering and Public Works Manager



Bob Kusch
Parks, Recreation and Culture Manager



Warren Everton
CFO

Attachments:

- (1) Bylaw No. 166.03
- (2) Blue-lined version – Bylaw No. 166
- (3) Consolidated Bylaw No. 166

Approved for Agenda	
 Stacey Batt	June 6/19
for Jim Zaffino, CAO	Date

Powerpoint: ☒ Yes ☐ No

CITY OF WEST KELOWNA

BYLAW NO. 0166.03

A BYLAW TO AMEND THE WESTBANK CEMETERY BYLAW

WHEREAS the Council of the City of West Kelowna wishes to amend Westbank Cemetery Bylaw No. 0166;

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

1.1 Title

This Bylaw may be cited as the "WESTBANK CEMETERY AMENDMENT BYLAW NO. 0166.03, 2019."

2.0 Amendments

"Westbank Cemetery Bylaw No. 0166, 2014" is hereby amended as follows:

2.1 By deleting Section 1.2.4 in its entirety and replacing with the following Section 1.2.4:

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

2.2 By deleting the definition of "Columbarium" in its entirety and replacing with the following definition:

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

2.3 By adding the following definition for "Co-Mingled":

"Co-Mingled" means the intentional mixing of cremated remains of more than one deceased person.

2.4 By deleting the definition of "Exhumation" in its entirety and replacing with the following definition:

"Exhume/Exhumation" means the exposure and removal of interred remains for the purposes of viewing or examination.

2.5 By adding the following definition for "Grave Liner":

"Grave Liner" means a receptacle made of durable material placed on top of a casket to provide reinforcement to the plot.

2.6 By adding the following definition for "Natural Burial":

"Natural Burial" means a natural form of interment where such interments meet specific criteria set out in the cemetery bylaw for natural burials and where all the following criteria are followed:

- a) Disposition is burial only;
- b) Embalming is not used;
- c) A simple casket or urn made of natural biodegradable materials such as wood with no metal or a shroud is used to contain human or cremated remains.

2.7 By adding the following definition for "Pillow":

"Pillow" means a concrete base, supplied by the City, for the foundation and placement of memorial markers.

2.8 By deleting Section 3.1 in its entirety and replacing with the following Section 3.1:

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, a 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 Right of Interment.

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.

2.9 By deleting Section 3.4 in its entirety and replacing with the following Section 3.4:

3.4 Right of Interment Not Transferable

The holder of a 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 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" attached to this Bylaw.

2.10 By deleting Section 3.5 in its entirety and replacing with the following Section 3.5:

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" attached to this Bylaw shall be paid to the City. The General Manager shall amend the records accordingly stating the new Right of Interment Holder of the plot or plots.

2.11 By deleting Section 3.10 in its entirety and replacing with the following Section 3.10:

3.10 Right of Interment Provisions

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

- 2.12 By deleting Sections 4.1, 4.2, and 4.3 in their entirety and replacing with the following Sections 4.1, 4.2 and 4.3:

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" attached to this Bylaw.

4.2 Payment of Fees

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

4.3 Installment Plan

Cremation niches and Mausoleum crypts may be purchased on an 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.

- 2.13 By deleting Section 5.1 in its entirety and replacing with the following Section 5.1:

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 Niche: 11" W x 11" W x 13" D (0.28 m W x 0.28 m H x .33 m D)

Mausoleum Crypt: 31.8" W x 92" D x 25.9" H (0.8 m W x 2.3 m D x .65 m H)

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)

- 2.14 By deleting Section 6.1 in its entirety and replacing with the following Section 6.1:

6.1 Interment Permit

No human remains or cremated remains shall be interred in the Cemetery until:

- a) An Interment Permit has been obtained from the City and the fee for interment, as specified in Schedule "A", has been paid.
- b) A person having authority pursuant to Section 5 of the Cremation, Interment and Funeral Services Act of B.C. to authorize the disposition of the deceased person's human remains or cremated remains has completed, duly signed and witnessed at the Cemetery Office, an interment authorization and/or other documents required to facilitate the interment in a form approved by the City.

- 2.15 By deleting Section 6.2 in its entirety and replacing with the following Section 6.2:

6.2 Application for an Interment Permit

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

2.16 By deleting Part 7 in its entirety and replacing with the following Part 7:

7.1 Human Remains Only

7.1.1 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.

7.1.2 For interment into a mausoleum crypt, human remains shall be enclosed in a burial container that complies with CIFSA, these bylaws, and;

- (a) the human remains shall be embalmed, or;
- (b) if the human remains are not embalmed, they shall be enclosed in a hermetically sealed burial casket or container that is approved by the City.

7.2 Natural Burial

7.2.1 The City shall have the right to designate areas within a City cemetery where the natural burial of human remains and cremated remains may be accommodated.

7.2.2 The Bylaws of the cemetery in their entirety together with those that follow here shall apply to the provision of natural burial rights of interment.

7.2.3 Natural Burial Interment Permits may be purchased for the following type of burial plot:

- (a) a double-depth interment plot where ground conditions permit such interment, and;
- (b) this plot may be used for the interment of the human remains of two (2) persons and the secondary interment of the cremated remains of not more than two (2) persons, or where no interment of human remains is intended, the interment of the cremated remains of not more than four (4) persons.

7.2.4 Human remains interred in a natural burial plot shall be considered non-recoverable from the date of interment and the City shall have no obligation, except where ordered to do so under provisions of legislation, regulation or as ordered by a court of competent jurisdiction to recover human remains in a natural burial plot.

7.2.5 Human remains proposed for interment in the natural burial plots shall:

- (a) be in a natural state and shall not be embalmed, and;
- (b) be clothed, wrapped or shrouded in natural and fully biodegradable fiber or material, and;
- (c) be enclosed in a shroud, casket or alternative container that is approved by the City for use in a natural burial plot, and;
- (d) be enclosed in a shroud, casket or alternative container with a rigid base that permits the dignified transport and safe handling of the human remains by all persons so charged.

- 7.2.6 An interment permit holder and/or legal representative of a deceased person to be interred in a natural burial plot shall;
- (a) ensure a shroud, casket or alternative container proposed for interment in a natural burial plot is a City approved container, and;
 - (b) arrange for the dignified transfer of the human remains to the gravesite.
- 7.2.7 A shroud, casket or alternative container proposed for natural burial interments shall:
- (a) comply with any provisions for caskets or containers set out in any legislation or regulation, and;
 - (b) be approved for use in a specified area of the cemetery by the City prior to a scheduled interment service, and;
 - (c) be primarily constructed of fully biodegradable and environmentally sustainable materials, and;
 - (a) have interior finishing primarily fabricated of fully biodegradable and environmentally sustainable materials and natural fibers, and;
 - (b) have, as a function of their design, a safe and secure means with which to facilitate the dignified transfer of the human remains enclosed to the interment site and lowered into the excavated plot, and;
 - (c) with the exception of minimally necessary structural hinges, nails and screws, not have any extraneous part, fixture or decoration attached that is made of plastic, metal or other non-biodegradable material, and;
 - (d) not have a high gloss or polish finish achieved through the application of any synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent, and;
 - (e) not have been constructed with the use of synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent, and;
 - (f) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable materials, and;
 - (g) not have any non-biodegradable personal items, momentos or articles placed inside the space occupied by the human remains.
- 7.2.8 Shrouds, caskets or alternative containers that are constructed from fibre-board, particle board, plywood, non-sustainable or exotic wood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a natural burial plot.
- 7.2.9 The City shall have the right to approve, or to refuse to accept for burial, any shroud, casket or alternative container proposed for interment in a natural burial plot.
- 7.2.10 The interment of human remains in a burial plot shall be made at a depth deemed sufficient to achieve effective, natural decomposition of the human remains interred and be of sufficient depth to ensure the interred human remains will not be disturbed by wildlife.
- 7.2.11 No form of exterior grave box, grave liner, or protective vault is permitted in a natural burial plot.
- 7.2.12 The City shall have the right to utilize such equipment, including motorized equipment, to open and close the natural burial plot as it deems

necessary to protect the safety of all City personnel, and any person participating in and attending the interment service and to permit for the safe and dignified interment of the human remains into the lot, and shall make every reasonable effort to replace soil in a grave occupied by human remains in a sensitive a manner as is practical.

- 7.2.13 Upon provision of advance notice to the City, family members and/or friends of the deceased may be permitted to participate in the closing of a natural burial plot. In the instance where persons other than City personnel participate in the closing of a plot, said persons shall;
- (a) be subject to supervision by City personnel, and;
 - (b) follow all instruction issued them by City personnel, and;
 - (c) be of sound physical condition and be capable of the participation intended, and;
 - (d) assume personal liability for any injury arising as a result of their participation.
- 7.2.14 The City makes no warranty to protection nor bears any liability for the aesthetic, structural or physical impact made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil into a natural burial plot.
- 7.2.15 The interment of cremated remains in a natural burial plot area shall be considered non-recoverable from the date of disposition and the City shall have no obligation and shall have no means to recover cremated remains interred in the natural burial plot.
- 7.2.16 Where an interment permit has been purchased and assigned for a natural burial plot with the intent of interring or scattering cremated remains in the plot, the disposition of cremated remains shall not be made until all the permitted interment(s) of human remains have been made into the assigned plot.
- 7.2.17 Cremated human remains proposed for disposition in a natural burial area shall be enclosed in an urn or container that;
- (a) is approved for use in a natural burial plot by the City prior to a scheduled scattering or interment service;
 - (b) is designed to decompose upon contact with or in the ground;
 - (c) is made of a fully biodegradable material which may include recycled and unbleached paper or cardboard;
 - (d) shall not have any interior plastic, metal or other form of permanent liner, container or bag.
- 7.2.18 Witnessing the disposition of cremated remains in a natural burial plot shall be subject to the following;
- (a) provision of a request to witness the disposition is provided to the City at the time of the disposition arrangements are made, and;
 - (b) the City for safety reasons may, at its discretion, limit the number of persons permitted within close proximity to the site where the natural burial or scattering of cremated remains is taking place, and;
 - (c) all proceedings within the natural burial plot shall be under the sole direction of the City, and;
 - (d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.

7.3 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.

7.4 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.

7.5 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.

7.6 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, grave liner or body resting in the grave.

7.7 Number of Interments

- (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.

7.8 Lower Depth

Where two 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 7.6 of this Bylaw.

7.9 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.

7.10 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

Upon provision of proper notice and authorization, to the satisfaction of the City, for an interment service, interments may occur as follows:

Human Remains Interment Services:

- (i) May occur Monday – Friday; and
- (ii) Shall occur between 8 am – 1:00 pm where the gravesite shall be clear of interment service attendees by 2:00 pm; or
- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Addendum “A”; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

Cremated Remains Interment Services:

- (i) May occur Monday – Friday;
- (ii) Shall occur between 8 am – 1:30 pm where the gravesite shall be clear of interment service attendees by 2:30 pm;
- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Addendum “A”; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

7.13 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.

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.

7.15 Containers (Caskets)

Except for Natural Burials where no casket is required, human remains are to be interred in a casket 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), or provided the container does not exceed the size of the plot.

7.16 Cremated Remains Container (Urns)

For every interment of cremated remains in a plot or niche, the container(s) for cremated remains shall be made of metal, stone, plastic, porcelain or other materials as approved by the General Manager and must be manufactured for the express purpose of containing cremated remains. A single container or combination of (2) containers shall not exceed 14" H x 12" L x 12" W (35.56 cm H x 30.48 cm L x 30.48 W).

2.17 By deleting Section 8 in its entirety.

2.18 By deleting Section 9 in its entirety.

2.19 By deleting Section 10.4 in its entirety.

2.20 By deleting Section 10.8 in its entirety and replacing with the following Section 10.8:

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".

2.21 By deleting Section 11.1 in its entirety and replacing with the following Section 11.1:

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".

2.22 By deleting Section 11.2 in its entirety and replacing with the following Section 11.2:

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 or on a poured in place, plot apron installed in Ph III.

Every memorial at the Cemetery shall be placed, installed, relocated or removed by the City staff.

All markers sizes are measured in inches and are always written (length x width x height).

No marker shall be installed on a plot until plans and specifications describing fully the marker's proposed size, design, material, inscription and location have been submitted to the City by an applicant for a Memorial Permit.

No form of candleholder, lantern or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed.

- 2.23 By deleting Section 11.2.1 in its entirety and replacing 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 – O provided it is made of stone or bronze and is attached to a concrete base (pillow or poured in place, plot apron) not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

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

Bronze memorials installed within plots in Section AB – CC will be affixed to a concrete or granite pillow not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

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 (28" x 16" x 4")
- (b) Single Tablet for standard size grave (large lot)
One (1) only 30 cm by 50 cm (20" x 12" x 4")
- (c) Single Tablet for Infant grave (small lot)
One (1) only 30 cm by 50 cm (20" x 12" x 4")
- (d) Companion Tablet for double cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 4")
- (e) Single Tablet for cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 4")
- (f) Double Depth Tablet for standard size graves
One (1) only 40 cm by 70 cm (28" x 16" x 4")
- (g) Cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (16" x 10" x 4")
- (h) Two cremated remains above a regular size grave

One (1) only 25 cm by 40 cm (16" x 10" x 4")

2.24 By adding the following new Section:

11.2.1.a Pillow Markers

Pillow markers are the same size as the flat markers but have a slightly slanted face, created from having a higher back edge. Standard dimensions are 6" at back slanted to 4" at the front.

2.25 By deleting Section 11.2.2 in its entirety and replacing with the following Section 11.2.2:

11.2.2 Upright Memorial Markers

Upright Markers, must remain within the following dimensions: 30" wide x 20" high x 6" deep. The base of the upright marker shall be no more than 36" for a single plot or up to 40" for a side by side plot.

No inscription, lettering, plaque or other form of adornment or decoration shall be placed/engraved on the back or any side of the marker or its base.

Shall be constructed of granite and the attachment to the base shall be with dowel pins and / or an adhesive epoxy compound approved by the City and, in instances where dowels are mandated by the City, the dowels shall be made of a non-corrosive material, be centered on the base, be not less than six (6") in length and evenly extended into both the monument and the base and installed in a 'dry' mode.

A monument inscription and design shall be carved or engraved on the face of the tablet, or a bronze plaque securely anchored to the face of the tablet with non-corrosive fasteners and /or an adhesive epoxy approved by the City.

2.26 By adding the following new Section:

11.2.3 Columbarium Shutter Engraving

- (a) shall, subject to chosen design (6 templates to choose from) have an inscription engraved on the surface of the shutter that's consists solely of the given name(s) or initials, the surname, the year of birth and the year of death of the individual interred in the niche, and;
- (b) shall not have any other form of symbol, decoration or other form of adornment engraved, inscribed or attached to the surface of the shutter, and;
- (c) shall be made in a font style, size and layout that is consistent with adjacent shutters and with the overall design(s) established for the columbarium of which they are a part of.

2.27 By adding the following new Section:

11.2.4 Memorial Wall Plaques

Bronze memorial wall plaques will be 6" x 4" and installed sequentially from the left to right, top to bottom.

2.28 By adding the following new Section:

11.2.5 Maintenance and Care of Markers

All grave markers or monuments are the property of the purchaser and required care or repair is the responsibility of the owner (purchaser).

2.29 By adding the following new Section:

11.2.6 Memorial Donation or Dedication

The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature may be permitted subject to the approval of the General Manager and the following criteria;

- (a) an application, in a form prescribed by the City, shall be made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation can proceed, and;
- (b) site selection shall conform to the plan of the City cemetery as determined by the City, and;
- (c) installation, if not performed by the City, shall be under the supervision of the City and the cost of installation shall be borne by the applicant, and;
- (d) the placement of a dedicated item or custom memorial does not entitle a donor or an applicant to any privilege or right over the land upon which the memorial may be situated.

2.30 By deleting Section 11.9 in its entirety and replacing with the following Section 11.9:

11.9 Temporary Markers

At the time of interment the City may permit a temporary, non permanent memorial marker of a design and size approved by the City to be placed on a plot where the temporary memorial marker shall be limited to placement on the plot for a period not to exceed six (6) months from the date of interment. The City shall have the authority to remove and dispose of, without notice, a temporary , non-permanent memorial marker remaining on a lot where more than six (6) months have expired from the date of interment.

2.31 By deleting Section 12.4 in its entirety and replacing with the following Section 12.4:

12.4 Discharging Firearms

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

READ A FIRST, SECOND AND THIRD TIME THIS ____ OF _____, 2019
ADOPTED THIS ____ DAY OF _____, 2019

MAYOR

CORPORATE OFFICER

**WESTBANK CEMETERY BYLAW B0166.03
FEE SCHEDULE 'A'**

Rates Effective July 1, 2019

PLOT FEES		
Grave Space/Type	Resident Rate	Non Resident Rate
Adult Plot	\$1,602	\$1,890
Infant Plot	\$710	\$838
Cremation Plot	\$721	\$851
Lakeside Columbarium – Level 1	\$4,838	\$5,709
Lakeside Columbarium – Level 2	\$4,676	\$5,518
Lakeside Columbarium – Level 3	\$4,515	\$5,327
Lakeside Columbarium – Level 4	\$4,353	\$5,136
Lakeside Columbarium – Level 5	\$4,191	\$4,946
Mountainside Columbarium – Level 1	\$4,385	\$5,175
Mountainside Columbarium – Level 2	\$4,240	\$5,003
Mountainside Columbarium – Level 3	\$4,094	\$4,831
Mountainside Columbarium – Level 4	\$3,949	\$4,659
Mountainside Columbarium – Level 5	\$3,803	\$4,488
Family Estate	\$16,174	\$19,085
Mausoleum – Level 1	\$26,056	\$30,746
Mausoleum – Level 2	\$23,449	\$27,670
Ossuary/Scatter	\$269	\$318
Ossuary/Scatter with Plaque	\$527	\$622
SERVICE FEES		
Opening and Closing Grave for Burial	Resident Rate	Non Resident Rate
Adult Plot (6' depth)	\$1,194	\$1,409
Infant Plot	\$717	\$846
Cremation Plot	\$343	\$405
Columbarium	\$297	\$350
Mausoleum	\$446	\$526
Family Estate	\$297	\$350
Ossuary Placement	\$101	\$119
Opening and Closing Grave for Exhumation/Disinterment:		
Adult Plot (6' depth)	\$1,455	\$1,716
Infant Plot	\$787	\$929
Cremation Plot	\$394	\$465
Columbarium	\$378	\$446
Mausoleum	\$743	\$876
Family Estate	\$338	\$398

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Fee

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

FEE SCHEDULE 'A' Cont'd

ADDITIONAL SERVICE FEES		
	Resident Rate	Non Resident Rate
Bud Vase – Columbarium/Mausoleum	\$209	\$247
Casket Burial after 1:00 pm; Mon. – Fri.	\$544	\$642
Ash Burial after 1:30 pm; Mon. –Fri.	\$488	\$575
Curb & Seal - Double	\$3,245	\$3,829
Curb & Seal - Single	\$1,782	\$2,103
Double Depth - Cremation	\$297	\$350
Double Depth – Full Burial	\$737	\$870
Engraving - Columbarium Shutter (2nd Engraving)	\$324	\$383
Engraving – Family Estate (2nd Engraving)	\$324	\$383
Engraving – Family Estate Individual (2nd Engraving)	\$324	\$383
Engraving - Laser Etch Photo (Maus. Only)	\$613	\$724
Engraving - Mausoleum Shutter (2nd Engraving)	\$810	\$956
Grave Liner - Casket	\$584	\$689
Grave Liner - Cremation	\$166	\$196
Installation of Memorial Marker (incl pillow/apron)	\$306	\$361
Remove/Reinstall Memorial Marker	\$170	\$201
Concrete Pillow (req'd for Bronze marker on top of concrete apron)	\$108	\$127
Memorial Wall Plaque	\$196	\$231
Plaque Installation	\$135	\$159
Remove/Replace Double Curb & Seal	\$356	\$421
Remove/Replace Single Curb & Seal	\$178	\$210
Transfer of Licence	\$54	\$64
Weekend Casket Interment (Incl. Stats)	\$695	\$820
Weekend Cremation Inurnment (incl. stat)	\$561	\$662
Xlarge grave liner	\$743	\$876
Pall Bearer (2)	\$319	\$376

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Free

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

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, [0166.03](#)**

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.

[Bylaw No. 0166.03 adopted ???, deleted Section 1.2.4 Schedule A – Schedule of Fees in its entirety and replaced with the attached Section 1.2.4 Schedule 'A' Cemetery Schedule of Fees.](#)

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.

[Bylaw No. 0166.03 adopted ???, added the new definitions for "Co-Mingled", "Grave Liner", "Exhume", "Natural Burial", "Pillow".](#)

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.

[Bylaw No. 0166.03 adopted ???, deleted the definition 'Columbarium' in its entirety and replaced it with the following.](#)

"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~~ [placement of human](#) cremated remains.

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

["Co-Mingled" means the intentional mixing of cremated remains of more than one deceased person.](#)

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.

"Exhume/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~~his/her delegate.

"Grave Liner" means a receptacle made of durable material placed on top of a casket to provide reinforcement to the plot.

"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.

"Natural Burial" means a natural form of interment where such interments meet specific criteria set out in the cemetery bylaw for natural burials and where all of the following criteria are followed:

- (a) Disposition is burial only;
- (b) Embalming is not used;
- (c) A simple casket or urn made of natural biodegradable materials such as wood with no metal or a shroud is used to contain Human or Cremated remains;

"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.

"Pillow/~~Apron~~" means a concrete base, supplied by the City, for the foundation and placement of ~~under a~~ memorial markers.

"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.

Bylaw No. 0166.03 adopted ???, removes all references to 'Cemetery Right of Interment' and replaces with 'Right of Interment'.

PART 3 – RIGHT OF INTERMENT TO USE THE CEMETERY

Bylaw No. 0166.03 adopted ???, deleted Section 3.1 in its entirety and replaced it with the following.

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 (ROI).

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.

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.

Bylaw No. 0166.03 adopted ???, deleted Section 3.4 and 3.5 in its entirety and replaced it with the following.

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~~ 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 DistrictCity 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

Bylaw No. 0166.03 adopted ???, deleted Section 4.1 and 4.2 in its entirety and replaced it with the following.

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~~ Schedule "A" attached to this Bylaw.

4.2 Payment of Fees

The fees set out in ~~Schedule~~ Schedule "A" attached to this Bylaw. 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 an~~ 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

Bylaw No. 0166.03 adopted ???, deleted Section 5.1 in its entirety and replaced it with the following.

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 <u>Niche</u>	- 11" <u>W</u> x 11" <u>W</u> x 13" <u>D</u> (0.28 m <u>W</u> x 0.28 m <u>H</u> x .33 m <u>D</u>)
Mausoleum <u>Crypt</u>	- 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

Bylaw No. 0166.03 adopted ???, deleted Section 6.1 in its entirety and replaced it with the following.

6.1 Interment Permit (~~Right Of Interment~~)

 No human remains or cremated remains shall be interred in the Cemetery until:

a) an Interment Permit has been obtained from the City and the fee for interment, as specified in ~~Schedule~~Schedule "A", has been paid.

b) a person having authority pursuant to Section 5 of the Cremation, Interment and Funeral Services Act of B.C. to authorize the disposition of the deceased person's human remains or cremated remains has completed, duly signed and witnessed at the Cemetery Office an interment authorization and/or other documents required to facilitate the interment in a form approved by the City.

~~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).~~

i

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

Bylaw No. 0166.03 adopted ???, deleted Section 6.2 in its entirety and replaced it with the following.

6.2 Application for an Interment 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

Bylaw No. 0166.03 adopted ???, deleted Section 7.1 in its entirety and replaced it with the following.

7.1 Human Remains Only

The City may, subject to payment of fees, grant to any person a right of interment for a vacant, unreserved plot.

7.1.1 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.

7.1.2 For interment into a mausoleum crypt, human remains shall be enclosed in a burial container that complies with CIFSA, these bylaws, and;

(a) the human remains shall be embalmed, or;

(b) if the human remains are not embalmed, they shall be enclosed in a hermetically sealed burial casket or container that is approved by the City.

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

Bylaw No. 0166.03 adopted ???, added 'Natural Burial' as Section 7.2 and renumbered the following Sections.

7.2 Natural Burial

7.2.1 The City shall have the right to designate areas within a City cemetery where the natural burial of human remains and cremated remains may be accommodated.

7.2.2 The Bylaws of the cemetery in their entirety together with those that follow here shall apply to the provision of natural burial rights of interment.

7.2.3 Natural Burial Interment Permits may be purchased for the following type of burial plot:

(a) a double-depth interment plot where ground conditions permit such interment, and;

(b) this plot may be used for the interment of the human remains of two (2) persons and the secondary interment of the cremated remains of not more than two (2) persons, or where no interment of human remains is intended, the interment of the cremated remains of not more than four (4) persons.

- 7.2.4 Human remains interred in a natural burial plot shall be considered non-recoverable from the date of interment and the City shall have no obligation, except where ordered to do so under provisions of legislation, regulation or as ordered by a court of competent jurisdiction to recover human remains in a natural burial plot.
- 7.2.5 Human remains proposed for interment in the natural burial plots shall:
- (a) be in a natural state and shall not be embalmed, and;
 - (b) be clothed, wrapped or shrouded in natural and fully biodegradable fiber or material, and;
 - (c) be enclosed in a shroud, casket or alternative container that is approved by the City for use in a natural burial plot, and;
 - (d) be enclosed in a shroud, casket or alternative container with a rigid base that permits the dignified transport and safe handling of the human remains by all persons so charged.
- 7.2.6 An interment permit holder and/or legal representative of a deceased person to be interred in a natural burial plot shall:
- (a) ensure a shroud, casket or alternative container proposed for interment in a natural burial plot is a City approved container, and;
 - (b) arrange for the dignified transfer of the human remains to the gravesite.
- 7.2.7 A shroud, casket or alternative container proposed for natural burial interments shall:
- (a) comply with any provisions for caskets or containers set out in any legislation or regulation, and;
 - (b) be approved for use in a specified area of the cemetery by the City prior to a scheduled interment service, and;
 - (c) be primarily constructed of fully biodegradable and environmentally sustainable materials, and;
 - (d) have interior finishing primarily fabricated of fully biodegradable and environmentally sustainable materials and natural fibers, and;
 - (e) have, as a function of their design, a safe and secure means with which to facilitate the dignified transfer of the human remains enclosed to the interment site and lowered into the excavated plot, and;
 - (f) with the exception of minimally necessary structural hinges, nails and screws, not have any extraneous part, fixture or decoration attached that is made of plastic, metal or other non-biodegradable material, and;
 - (g) not have a high gloss or polish finish achieved through the application of any synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent, and;
 - (h) not have been constructed with the use of synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent, and;
 - (i) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable materials, and;
 - (j) not have any non-biodegradable personal items, momentos or articles placed inside the space occupied by the human remains.
- 7.2.8 Shrouds, caskets or alternative containers that are constructed from fibre-board, particle board, plywood, non-sustainable or exotic wood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a natural burial plot.
- 7.2.9 The City shall have the right to approve, or to refuse to accept for burial, any shroud, casket or alternative container proposed for interment in a natural burial plot.
- 7.2.10 The interment of human remains in a burial plot shall be made at a depth deemed sufficient to achieve effective, natural decomposition of the human remains interred and

be of sufficient depth to ensure the interred human remains will not be disturbed by wildlife.

7.2.11 No form of exterior grave box, grave liner, or protective vault is permitted in a natural burial plot.

7.2.12 The City shall have the right to utilize such equipment, including motorized equipment, to open and close the natural burial plot as it deems necessary to protect the safety of all City personnel, and any person participating in and attending the interment service and to permit for the safe and dignified interment of the human remains into the lot, and shall make every reasonable effort to replace soil in a grave occupied by human remains in a sensitive a manner as is practical.

7.2.13 Upon provision of advance notice to the City, family members and/or friends of the deceased may be permitted to participate in the closing of a natural burial plot. In the instance where persons other than City personnel participate in the closing of a plot, said persons shall:

- (a) be subject to supervision by City personnel, and;
- (b) follow all instruction issued them by City personnel, and;
- (c) be of sound physical condition and be capable of the participation intended, and;
- (d) assume personal liability for any injury arising as a result of their participation.

7.2.14 The City makes no warranty to protection nor bears any liability for the aesthetic, structural or physical impact made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil into a natural burial plot.

7.2.15 The interment of cremated remains in a natural burial plot area shall be considered non-recoverable from the date of disposition and the City shall have no obligation and shall have no means to recover cremated remains interred in the natural burial plot.

7.2.16 Where an interment permit has been purchased and assigned for a natural burial plot with the intent of interring or scattering cremated remains in the plot, the disposition of cremated remains shall not be made until all the permitted interment(s) of human remains have been made into the assigned plot.

7.2.17 Cremated human remains proposed for disposition in a natural burial area shall be enclosed in an urn or container that:

- (a) is approved for use in a natural burial plot by the City prior to a scheduled scattering or interment service;
- (b) is designed to decompose upon contact with or in the ground;
- (c) is made of a fully biodegradable material which may include recycled and unbleached paper or cardboard;
- (d) shall not have any interior plastic, metal or other form of permanent liner, container or bag.

7.2.18 Witnessing the disposition of cremated remains in a natural burial plot shall be subject to the following:

- (a) provision of a request to witness the disposition is provided to the City at the time of the disposition arrangements are made, and;
- (b) the City for safety reasons may, at its discretion, limit the number of persons permitted within close proximity to the site where the natural burial or scattering of cremated remains is taking place, and;
- (c) all proceedings withing the natural burial plot shall be under the sole direction of the City, and;

(d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.

7.3 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.

7.34 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.

7.45 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.

Bylaw No. 0166.03 adopted ???, deleted Section 7.6 in its entirety and replaced it with the following.

7.56 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 or body resting in the grave.

7.6 7.7 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.

Bylaw No. 0166.03 adopted ???, deleted Section 7.8 in its entirety and replaced it with the following.

7.7 7.8 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 7.5-6 of this Bylaw.

7.8 7.9 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.

Bylaw No. 0166.03 adopted ???, deleted Section 7.9 'Liners Materials' in its entirety.

———— 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.

Bylaw No. 0166.03 adopted ???, deleted Section 7.12 in its entirety and replaced it with the following.

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.

Upon provision of proper notice and authorization, to the satisfaction of the City, for an interment service, interments may occur as follows:

Human Remains Interment Services:

- (i) May occur Monday – Friday; and
- (ii) Shall occur between 8 am – 1:00 pm where the gravesite shall be clear of interment service attendees by 2:00 pm; or
- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Schedule “A”; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

Cremated Remains Interment Services:

- (i) May occur Monday – Friday;
- (ii) Shall occur between 8 am – 1:30 pm where the gravesite shall be clear of interment service attendees by 2:30 pm;

- (iii) Shall occur at a set time arranged with the City and conclude within one (1) hour of that time; and
- (iv) Shall be subject to overtime charges as define in the Schedule "A"; and
- (v) May occur on a weekend or statutory holiday with the approval of the General Manager.

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

Bylaw No. 0166.03 adopted ???, deleted Section 7.13 in its entirety and replaced it with the following.

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.

Bylaw No. 0166.03 adopted ???, deleted Section 7.15 in its entirety and replaced it with the following.

7.15 ~~Containers~~¹⁵ Containers (Caskets)

~~Human remains must~~Except for Natural Burials where no casket is required, human remains are to be interred in a ~~container~~casket 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), or 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.

Bylaw No. 0166.03 adopted ???, deleted Section 7.16 in its entirety and replaced it with the following.

7.16 Cremated Remains Container (Urns)

For every interment of cremated remains in a plot or niche, the container(s) for cremated remains shall be made of metal, stone, ~~plastic, or~~ porcelain or other materials as approved by the General Manager and must be manufactured for the express purpose of containing cremated remains. A single container or combination of (2) containers shall not exceed 14" H x 12" L x 12" W (~~30~~35.56 cm H x ~~27.9~~30.48 cm L x ~~27.9~~30.48 W).

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

Bylaw No. 0166.03 adopted ???, deleted Section 7.17 in its entirety.

~~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:

Bylaw No. 0166.03 adopted ???, deleted Part 8 & 9 in its entirety and renumbered the remaining Parts.

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:~~

- ~~(r) — the digging, preparation, opening and closing of graves as ordered by the General Manager, or his/her designate, pursuant to this Bylaw;~~
- ~~(s) — the direction of all funerals in the Cemetery to the correct plot;~~
- ~~(t) — the general work of the Cemetery grounds to maintain same in a neat and tidy condition; and~~
- ~~(u) — 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.

Bylaw No. 0166.03 adopted ???, 8.4 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.~~

108.54 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*.

108.65 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.

108.76 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.

108.87 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~~SCHEDULE "A".

108.9-8 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.

108.109 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.

108.11-10 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*.

Bylaw No. 0166.03 adopted ???, deleted PART 11 in its entirety and replaced it with the following.

PART ~~11-9~~ – MEMORIALS

~~11-9.1~~ 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~~SCHEDULE "A".

~~11-9.2~~ 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 or on the poured in place, plot apron installed in Ph III.

Every memorial at the Cemetery shall be placed, installed, relocated or removed by the City staff.

All markers sizes are measured in inches and are always written (length x width x height).

No form of candleholder or lantern or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed.

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:

~~11-9.2.1~~ Flat Memorial Tablets

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

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

Bronze memorials installed within plots in Section AB – CC will be affixed to a concrete or granite pillow not less than 10 cm (4") thick, with the outer dimensions being 5 cm (2") larger than the tablet.

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 ~~— (28" x 16" x 284")~~
- (b) Single Tablet for standard size grave (large lot)

One (1) only 30 cm by 50 cm (20" x 12" x 204")

(c) Single Tablet for Infant grave (small lot)
One (1) only 30 cm by 50 cm (20" x 12" x 204")

(d) Companion Tablet for double cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 464")

(e) Single Tablet for cremated remains
One (1) only 25 cm by 40 cm (16" x 10" x 464")

(f) Double Depth Tablet for standard size graves
One (1) only 40 cm by 70 cm (28" x 16" x 284")

(g) Cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (16" x 10" x 464")

(h) Two cremated remains above a regular size grave
One (1) only 25 cm by 40 cm (16" x 10" x 464")

Bylaw No. 0166.02, adopted December 8, 2015, added the following Section to PART 11 – MEMORIALS:

9.2.2 Pillow Markers

Pillow markers are similar to flat grave markers but have a slightly slanted face, created from having a higher back edge (6" at back slanted to 4" at the front).

9.2.3 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. The base of the upright marker shall be no 36" for a single plot or upto 40" for a side by side plot.

No inscription, lettering, plaque or other form of adornment or decoration shall be placed/engraved on the back or any side of the marker or its base.

Shall be constructed of granite and the attachment to the base shall be with dowel pins and / or an adhesive epoxy compound approved by the City and, in instances where dowels are mandated by the City, the dowels shall be made of a non-corrosive material, be centered on the base, be not less than six (6") in length and evenly extended into both the monument and the base and installed in a 'dry' mode.

A monument inscription and design shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored to the face of the tablet with non-corrosive fasteners and /or an adhesive epoxy approved by the City.

9.2.4 Columbarium Shutter Engraving

- (a) shall, subject to chosen design (6 templates to choose from) have an inscription engraved on the surface of the shutter that's consists solely of the given name(s) or initials, the surname, the year of birth and the year of death of the individual interred in the niche, and;
- (b) shall not have any other form of symbol, decoration or other form of adornment engraved, inscribed or attached to the surface of the shutter, and ;
- (c) every inscription shall be made in a font style, size and layout that is consistent with adjacent shutters and with the overall design(s) established for the columbarium of which they are a part of.

9.2.5 Memorial Wall Plaques

Bronze memorial wall plaques will be 6" x 4" and installed sequentially from the left to the right, top to bottom.

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

9.3 Maintenance and Care of Markers

All grave markers or monuments are the property of the purchaser and required care or repair is the responsibility of the owner (purchaser).

9.4 Memorial Donation or Dedication

The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature may be permitted subject to the approval of the General Manager and the following criteria;

- (a) an application, in a form prescribed by the City, shall be made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation can proceed, and;
- (b) site selection shall conform to the plan of the City cemetery as determined by the City, and;
- (c) installation, if not performed by the City, shall be under the supervision of the City and the cost of installation shall be borne by the applicant, and;
- (d) the placement of a dedicated item or custom memorial does not entitle a donor or an applicant to any privilege or right over the land upon which the memorial may be situated.

9.5 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.

449.46 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.

449.5-7 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.

449.68 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.

449.79 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.

449.810 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:

449.911 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.~~

At the time of interment the City may permit a temporary, non permanent memorial marker of a design and size approved by the City to be placed on a plot where the temporary memorial marker shall be limited to placement on the plot for a period not to exceed six (6) months from the date of interment. The City shall have the authority to remove and dispose of, without notice, a

temporary , non-permanent memorial marker remaining on a lot where more than six (6) months have expired from the date of interment.

119.1012 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:

119.1113 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.

119.1214 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 12-10 – GENERAL REGULATIONS

1210.1 Cemetery Damage

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

120.2 Solicitation

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

1210.3 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.

1210.4 Discharging Firearms

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

1210.5 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).

4210.6 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.

4210.7 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.

4210.8 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 43-11 – REPEAL AND ENACTMENT

4311.1 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 Bylaw No. 0166.03, adopted ??, deleted Schedule 'A' in its entirety and replaced with the following SCHEDULE 'A'

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	Memorial 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.			

FEE SCHEDULE 'A'

Rates Effective July 1, 2019

<u>PLOT FEES</u>		
<u>Grave Space/Type</u>	<u>Resident Rate</u>	<u>Non Resident Rate</u>
<u>Adult Plot</u>	<u>\$1,602</u>	<u>\$1,890</u>
<u>Infant Plot</u>	<u>\$710</u>	<u>\$838</u>
<u>Cremation Plot</u>	<u>\$721</u>	<u>\$851</u>
<u>Lakeside Columbarium – Level 1</u>	<u>\$4,838</u>	<u>\$5,709</u>
<u>Lakeside Columbarium – Level 2</u>	<u>\$4,676</u>	<u>\$5,518</u>
<u>Lakeside Columbarium – Level 3</u>	<u>\$4,515</u>	<u>\$5,327</u>
<u>Lakeside Columbarium – Level 4</u>	<u>\$4,353</u>	<u>\$5,136</u>
<u>Lakeside Columbarium – Level 5</u>	<u>\$4,191</u>	<u>\$4,946</u>
<u>Mountainside Columbarium – Level 1</u>	<u>\$4,385</u>	<u>\$5,175</u>
<u>Mountainside Columbarium – Level 2</u>	<u>\$4,240</u>	<u>\$5,003</u>
<u>Mountainside Columbarium – Level 3</u>	<u>\$4,094</u>	<u>\$4,831</u>
<u>Mountainside Columbarium – Level 4</u>	<u>\$3,949</u>	<u>\$4,659</u>
<u>Mountainside Columbarium – Level 5</u>	<u>\$3,803</u>	<u>\$4,488</u>
<u>Family Estate</u>	<u>\$16,174</u>	<u>\$19,085</u>
<u>Mausoleum – Level 1</u>	<u>\$26,056</u>	<u>\$30,746</u>
<u>Mausoleum – Level 2</u>	<u>\$23,449</u>	<u>\$27,670</u>
<u>Ossuary/Scatter</u>	<u>\$269</u>	<u>\$318</u>
<u>Ossuary/Scatter with Plaque</u>	<u>\$527</u>	<u>\$622</u>
<u>SERVICE FEES</u>		
<u>Opening and Closing Grave for Burial</u>	<u>Resident Rate</u>	<u>Non Resident Rate</u>
<u>Adult Plot (6' depth)</u>	<u>\$1,194</u>	<u>\$1,409</u>
<u>Infant Plot</u>	<u>\$717</u>	<u>\$846</u>
<u>Cremation Plot</u>	<u>\$343</u>	<u>\$405</u>
<u>Columbarium</u>	<u>\$297</u>	<u>\$350</u>
<u>Mausoleum</u>	<u>\$446</u>	<u>\$526</u>
<u>Family Estate</u>	<u>\$297</u>	<u>\$350</u>
<u>Ossuary Placement</u>	<u>\$101</u>	<u>\$119</u>
<u>Opening and Closing Grave for Exhumation/Disinterment:</u>		
<u>Adult Plot (6' depth)</u>	<u>\$1,455</u>	<u>\$1,716</u>
<u>Infant Plot</u>	<u>\$787</u>	<u>\$929</u>
<u>Cremation Plot</u>	<u>\$394</u>	<u>\$465</u>
<u>Columbarium</u>	<u>\$378</u>	<u>\$446</u>
<u>Mausoleum</u>	<u>\$743</u>	<u>\$876</u>
<u>Family Estate</u>	<u>\$338</u>	<u>\$398</u>

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Free

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

FEE SCHEDULE 'A' Cont'd

<u>ADDITIONAL SERVICE FEES</u>		
	<u>Resident Rate</u>	<u>Non Resident Rate</u>
<u>Bud Vase – Columbarium/Mausoleum</u>	<u>\$209</u>	<u>\$247</u>
<u>Casket Burial after 1:00 pm; Mon. – Fri.</u>	<u>\$544</u>	<u>\$642</u>
<u>Ash Burial after 1:30 pm; Mon. –Fri.</u>	<u>\$488</u>	<u>\$575</u>
<u>Curb & Seal - Double</u>	<u>\$3,245</u>	<u>\$3,829</u>
<u>Curb & Seal - Single</u>	<u>\$1,782</u>	<u>\$2,103</u>
<u>Double Depth - Cremation</u>	<u>\$297</u>	<u>\$350</u>
<u>Double Depth – Full Burial</u>	<u>\$737</u>	<u>\$870</u>
<u>Engraving - Columbarium Shutter (2nd Engraving)</u>	<u>\$324</u>	<u>\$383</u>
<u>Engraving – Family Estate (2nd Engraving)</u>	<u>\$324</u>	<u>\$383</u>
<u>Engraving – Family Estate Individual (2nd Engraving)</u>	<u>\$324</u>	<u>\$383</u>
<u>Engraving - Laser Etch Photo (Maus. Only)</u>	<u>\$613</u>	<u>\$724</u>
<u>Engraving - Mausoleum Shutter (2nd Engraving)</u>	<u>\$810</u>	<u>\$956</u>
<u>Grave Liner - Casket</u>	<u>\$584</u>	<u>\$689</u>
<u>Grave Liner - Cremation</u>	<u>\$166</u>	<u>\$196</u>
<u>Installation of Memorial Marker (incl pillow/apron)</u>	<u>\$306</u>	<u>\$361</u>
<u>Remove/Reinstall Memorial Marker</u>	<u>\$170</u>	<u>\$201</u>
<u>Concrete Pillow (req'd for Bronze marker on top of concrete apron)</u>	<u>\$108</u>	<u>\$127</u>
<u>Memorial Wall Plaque</u>	<u>\$196</u>	<u>\$231</u>
<u>Plaque Installation</u>	<u>\$135</u>	<u>\$159</u>
<u>Remove/Replace Double Curb & Seal</u>	<u>\$356</u>	<u>\$421</u>
<u>Remove/Replace Single Curb & Seal</u>	<u>\$178</u>	<u>\$210</u>
<u>Transfer of Licence</u>	<u>\$54</u>	<u>\$64</u>
<u>Weekend Casket Interment (Incl. Stats)</u>	<u>\$695</u>	<u>\$820</u>
<u>Weekend Cremation Inurnment (incl. stat)</u>	<u>\$561</u>	<u>\$662</u>
<u>Xlarge grave liner</u>	<u>\$743</u>	<u>\$876</u>
<u>Pall Bearer (2)</u>	<u>\$319</u>	<u>\$376</u>

Care Fund – 33.33% of Plot Fee and 11.63% of Niche/Crypt Free

Maintenance Fund – 15% of all Plot Fees

Non-Resident Fee = Resident Rate + 18%

Columbarium & Mausoleum Fees include the 1st Open/Close and Shutter Engraving

Bylaw No. 0166.01 adopted October 14, 2014, removed Schedules B, C, D, and E in their entirety.

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).

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 company's 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.			