



## Cemetery Management Bylaw No. 4280

Effective Date – June 13, 2022

### CONSOLIDATED FOR CONVENIENCE ONLY

This is a consolidation of the bylaws below. The amending bylaws have been combined with the original bylaw for convenience only. This consolidation is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and applications of the bylaw on this subject.

#### **Amending Bylaws**

Bylaw 4340 (2019 Rates)

Bylaw 4360 (memorials)

Bylaw 4424 (2021 Rates)

Bylaw 4482 (2022 Rates)

Bylaw 4536 (upright memorials)

Bylaw 4557 (2023 Rates)

#### **Date of Adoption**

July 22, 2019

November 12, 2019

December 14, 2020

December 13, 2021

June 13, 2022

November 28, 2022

# City of Salmon Arm

## Cemetery Management Bylaw

### Bylaw No. 4280

A Bylaw to provide for the regulation, operation and maintenance of the City of Salmon Arm municipal cemeteries.

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WHEREAS Section 8(3)(f) of the *Community Charter [SBC 2003] C. 26* empowers the Council of the City of Salmon Arm to enact a Bylaw to regulate, operate and maintain places of interment in compliance with the *Cremation, Interment and Funeral Services Act [SBC 2004] C. 35*;

AND WHEREAS the Council of the City of Salmon Arm deems it necessary to provide for the regulation, operation and maintenance of places of interment owned by the City of Salmon Arm;

NOW THEREFORE the Council of the City of Salmon Arm in open meeting assembled, enacts as follows:

#### **1.0 TITLE**

1.1 This Bylaw shall be cited for all purposes as “City of Salmon Arm Cemetery Management Bylaw No. 4280” (herein the “*Bylaw*”).

#### **2.0 INTERPRETATION**

2.1 Legislation referred to in this Bylaw is a reference to an enactment of British Columbia or Canada as the case may be, and regulations made thereto, as amended, revised, consolidated or repealed and replaced from time to time.

2.2 A bylaw referred to in this Bylaw is a reference to an enactment of the Council of the City of Salmon Arm, as amended, revised, consolidated or repealed and replaced from time to time.

2.3 Headings given to any section, subsection, paragraph, clause, phrase or word 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.

2.4 A metric or imperial measurement included in any section, subsection, paragraph, clause, phrase or word 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.

2.5 A word signifying the masculine shall include the feminine and the use of a word signifying the singular shall include the plural and are used for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

2.6 In the instance any section, subsection, paragraph, clause, phrase or word within this Bylaw is for any reason held to be invalid by the decision of a Court or a regulatory authority of competent jurisdiction, such decision shall not affect or invalidate the remaining portions of this Bylaw.

2.7 The Schedules listed here and as attached form a part of this Bylaw:

- (a) Schedule 'A': Cemetery Fees
- (b) Schedule 'B': Interment Rights and Specifications
- (c) Schedule 'C': Memorial Specifications

### 3.0 DEFINITIONS

3.1 In this Bylaw terms defined in the "*Cremation, Interment and Funeral Services Act [SBC 2004] C. 35*" and the "*Business Practices and Consumer Protection Act [SBC 2004] C. 2*" and all regulations made thereto shall have the meaning ascribed to them unless expressly defined otherwise in this Bylaw.

3.2 In this Bylaw unless context otherwise requires:

**"applicant"** means an individual who has made petition to the City of Salmon Arm for a right of interment, an interment or a memorial installation;

**"at-need"** means at the time of death or after a death has occurred;

**"burial permit"** means the legal document acknowledging the registration of a death in the province of B.C. and issued under the *Vital Statistics Act [RSBC 1996] C. 479*;

**"Bylaw"** means the '*City of Salmon Arm Cemetery Management Bylaw*' and all rules, regulations and schedules made thereto, as amended, revised, consolidated or repealed and replaced from time to time;

**"care fund"** means a fund for the care and maintenance of a City of Salmon Arm cemetery established, held and administered in accordance with cemetery legislation and this Bylaw;

**"casket"** (or **"container"**) means a casket or alternative form of container, including a shroud, used to enclose human remains for interment but does not include a grave liner or an urn;

**"cemetery legislation"** means the "*Cremation, Interment and Funeral Services Act [SBC 2004] C. 35*" and the "*Business Practices and Consumer Protection Act [SBC 2004] C. 2*" and all regulations made thereto and may also mean other legislation that is applicable to the management, operation and maintenance of City cemeteries;

**"City cemetery"** means the "*Mount Ida Cemetery*" and the "*Shuswap Memorial Cemetery*" and the "*Baker (Canoe) Cemetery*" and any other land owned by the City of Salmon Arm that is set apart or used, now or at a date in the future, as a place of interment and includes any incidental or ancillary buildings on the land;

**"child"** means an individual between the ages of two (2) and twelve (12) years of age;

**"City"** means the Corporation of the City of Salmon Arm and together or separately may, as context infers, mean the Mayor and Council of the City, a department of the City, a person or persons employed by the City, or a person or persons authorized by the City to perform work relating to the development, management, operation, or provision of service in and maintenance of a City cemetery;

**"Council"** means the elected Mayor and Council of the City of Salmon Arm;

**"cremated remains"** means the human bone fragments remaining after the cremation of human remains and includes the residue of other materials cremated with the human remains;

**“deceased”** means an individual who has died;

**“disinterment”** means the removal of interred human remains or cremated remains from a lot for the purpose of permanent relocation;

**“exhumation”** means the exposure of interred human remains for the purpose of viewing or examination and further where such viewing or examination may occur in the lot where the remains are interred, or the remains are removed from the lot where they are interred and after the viewing or examination has been completed the remains are re-interred into the lot from which they were removed;

**“family member”** means a spouse, a child (natural, adopted or step), a parent or stepparent, a sibling (natural, adopted or step), a grandparent or step grandparent or a grandchild (natural, adopted or step);

**“fee”** means the fees prescribed for City cemeteries as may be set out in this Bylaw;

**“former resident”** means an individual who at the time of death,

- (a) was an owner, as defined in the *“Local Government Act (RSBC 2015) C.1”*, of real property within the City of Salmon Arm or Area ‘D’ of the Columbia Shuswap Regional District for a continuous period of not less than three (3) years within the period of ten (10) years immediately prior to the date the individual, or their legal representative, makes application for a right of interment or an interment in a City cemetery, or;
- (b) was a resident of the City of Salmon Arm or Area ‘D’ of the Columbia Shuswap Regional District for a continuous period of not less than three (3) years within the period of ten (10) years immediately prior to the date the individual, or their legal representative, makes application for a right of interment or an interment in a City cemetery, and;
- (c) where said *‘former resident’* status referred to under paragraphs (a) and (b) can be verified in a manner prescribed by the City;

**“funeral director”** means an individual licensed by the regulatory authority who, in the course of business, carries out the duties and responsibilities of a funeral director as set out in cemetery legislation;

**“funeral service provider”** means a business, licensed by the regulatory authority, for providing funeral services;

**“grave”** means one type of lot, an in-ground space used or intended to be used for the interment or memorialization of human remains or cremated remains;

**“grave liner”** means a receptacle, constructed of a durable material, that may or may not have a bottom, into which a burial container holding human remains or an urn holding cremated remains is placed to provide reinforcement of a lot as part of an interment and includes a grave vault that may or may not have protective features warranted by a third-party;

**“green burial”** means a natural form of interment where the interment satisfies criteria set out in this Bylaw for green burial;

**“holiday”** means any day or part of a day as may be proclaimed from time to time as a holiday to be observed by the City;

**“human remains”** means a dead human body in any stage of decomposition, or a body of a stillborn infant in any stage of decomposition, but does not include cremated remains;

**“infant”** means an individual less than two (2) years of age and includes a stillborn infant;

**“interment”** means disposition by:

- (a) burial of human remains or cremated remains in the ground;
- (b) inurnment of cremated remains in the ground or in a columbaria niche;

**“interment authorization”** means a document, set out in a form prescribed by the City, that is completed and signed at-need by the individual having the legal authority to authorize the interment of human remains or cremated remains of a deceased person;

**“interment process”** means the excavation, opening and preparation of a lot for an interment and the closing of a lot after the interment of human remains or cremated remains has been made in the lot;

**“interment right”** means a right of use granted in perpetuity and acquired through purchase, inheritance or permitted transfer:

- (a) for the interment of human remains or cremated remains in a lot at a City cemetery;
- (b) for the installation of a memorial on a lot at a City cemetery;
- (c) and issued in accordance and compliance with cemetery legislation and the Bylaw of a City cemetery;

**“interment rights certificate”** means a document, set out in a form prescribed by the City, that describes a right of interment and the terms and conditions that govern the right of interment for a lot in a City cemetery;

**“legal representative”** means a person who, or an agency that, by order of priority set out in cemetery legislation has the right to control the disposition of the human remains or cremated remains of a deceased person and, as the case may be, may also mean the legal heir or successor of an interment rights holder;

**“lot”** means a designated space in a City cemetery set out in a right of interment to be used or intended to be used for,

- (a) the interment of human remains or cremated remains under a right of interment;
- (b) the installation of a memorial to identify a lot or memorialize a deceased individual or stillborn child, and;
- (c) includes but is not limited to a grave or niche or plot;

**“Mayor”** means the elected Mayor or Deputy Mayor of the City of Salmon Arm;

**“medical health officer”** means a person appointed from time to time under the *Health Act [RSBC 1996] C. 179* as a Medical Health Officer for the City;

**“memorial”** means a product or structure used or intended to be used to identify a lot or to memorialize a deceased person, including but not limited to;

- (a) a flat marker, upright monument, tombstone, plaque or other marker on a lot or;
- (b) other product as may be approved for memorialization at a City cemetery;

**“memorial dealer”** means an individual who or a business that offers for sale or sells or installs memorials;

**“memorialization”** means the selection, purchase, installation or placement of a memorial in remembrance of a deceased person at a lot or a memorial space;

**“non-resident”** means an individual who does not satisfy the definition of a ‘resident’ or a ‘former resident’ set out in this Bylaw;

**“ossuary”** means a fully enclosed vessel into which cremated remains are scattered and where such scattering infers commingling with cremated remains already in or placed into the ossuary in the future;

**“purchase contract”** means a contract in a form prescribed by cemetery legislation and by the City that sets out details relating to:

- (a) the purchase of a right of interment for a lot in a City cemetery;
- (b) the purchase of an interment service and the provision and delivery of other cemetery goods and services needed to complete an interment in a City cemetery;
- (c) the purchase of a memorial or a memorial installation;
- (d) the purchase, provision and delivery of other cemetery services and goods in a City cemetery;

**“regulatory authority”** means the *Consumer Protection Authority of B.C. (CPBC)* and may also mean the *Director* of the CPBC and may also mean any other entity or organization with regulatory jurisdiction in the province of B.C.;

**“resident”** means an individual who at the time of death,

- (a) is an owner, as defined in the *Local Government Act [RSBC 2015] C.1*, of real property within the City of Salmon Arm or Area ‘D’ of the Columbia Shuswap Regional District or;
- (b) is an individual who, at the time of their death, has been a resident of the City of Salmon Arm or Area ‘D’ of the Columbia Shuswap Regional District for not less than ninety (90) days, and;
- (c) where said ‘resident’ status referred to under paragraphs (a) and (b) above can be verified in a manner prescribed by the City;

**“reserve”** means the purchase of an interment right before death and held for future use;

**“rights holder”** means a person who:

- (a) has purchased a right of interment for a lot registered in the records of the cemetery to be held in their name;
- (b) has a right of interment registered in their name but is not the original purchaser of the right of interment;
- (c) is the legal representative of a deceased individual who has control of a right of interment held in the deceased’s name;
- (d) is an individual who has, in compliance with the bylaws of the cemetery, had a right of interment transferred to be held in their name;
- (e) is an individual who is an heir or successor of a deceased interment rights holder and, by demonstration of a right of legal succession, may be entitled to inherit a deceased rights holder’s right of interment;

**“scatter”** (or **“scattering”**) means the irreversible disposition of cremated human remains by scattering onto or under the surface of the ground or into an ossuary or other form of scattering vessel;

**“trustees”** means the Mayor and Council of the City of Salmon Arm acting as the Board of Cemetery Trustees for the City cemeteries;

“**urn**” means any form of container used or intended to be used for the containment and interment of cremated remains;

“**without prior notice**” means the City, as may be applicable, has no obligation to make or provide, in any form or manner, advance notice of an action occurring or to be taken in a City Cemetery to an interment rights holder, the legal representative of a deceased or their heirs or successors;

“**working day**” means every day of the year that is not a Sunday, or a holiday as defined in this Bylaw or as may be observed by the City.

#### 4.0 PURPOSE & APPLICATION OF BYLAW

4.1 The following described real properties are set aside, held, laid out, developed, improved, used and maintained, as City cemeteries and are dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose;

- (a) Mount Ida Cemetery, legally described as Parcel Identifier 011-292-695, Lot 2, Plan 1999, Township 20, Range 10, W6M, KDYD and Parcel Identifier 014-066-017, Parcel C, Plan DD15451F, Township 20, Range 10, W6M, KDYD and Parcel Identifier 011-292-709, Lot 3, Plan 1999, Township 20, Range 10, W6M, KDYD, and;
  - (i) also described as being located at the civic address: 2290, 2270 and 2160 Foothill Road SW, Salmon Arm, B.C., and;
- (b) Shuswap Memorial Cemetery, the following lands shall be set aside for future cemetery use, and are legally described as Parcel Identifier 014-072-491 The East ½ of the Southeast ¼ of Section 12, Township 20, Range 10, W6M, KDYD;
  - (i) also described as being located at the civic address: 2700 – 20 Avenue SE, Salmon Arm, B.C., and;
- (c) Baker (Canoe) Cemetery, legally described as Parcel Identifier 008-817-928, Lot 2, Plan 15500, Section 32, Township 20, Range 9, W6M, KDYD
- (d) and;
  - (i) also described as being located at the civic address: 6730 Trans-Canada Highway NE, Salmon Arm, B.C., and;

4.2 Every City cemetery is acquired, established and laid out for the purpose of making interment rights, interment, memorialization and goods required for or arising from the provision of interment rights, interment and memorialization available to all persons, irrespective of race, faith, orientation or any other form of categorization, and are established more specifically to provide:

- (a) suitable in-ground space for the interment of human remains;
- (b) suitable in-ground and above-ground space for the interment of cremated human remains;
- (c) suitable space for memorials;
- (d) such additional features, facilities, services and goods as may be approved from time to time by the City that may ordinarily arise from the sale of interment rights, interments, memorialization or bereavement rites or ceremonies at a City cemetery.

- 4.3 The development, administration, operation and maintenance of every City cemetery and the provision of services therein and the application and administration of this Bylaw and the establishment of fees and charges for every City cemetery shall be conducted in accordance with cemetery legislation and all other applicable legislation of British Columbia or Canada, as the case may be.
- 4.4 This Bylaw establishes the Mayor and Council of the City of Salmon Arm as the Board of Cemetery Trustees of all City cemeteries as currently exist or may exist in the future.
- 4.5 The City shall have the full and complete control and management over the land, buildings, plantings, roads, utilities, books and records of the City's cemeteries and shall have the authority to amend, establish, administer and enforce any Bylaw established for a City cemetery.
- 4.6 The City shall have the right to manage, maintain or alter the interment areas, sections, memorials, roads and pathways, buildings, utilities infrastructure, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a City cemetery as deemed necessary for the effective, safe and sustainable operation of City cemeteries and subject only to compliance with applicable requirements of cemetery legislation.
- 4.7 The City shall establish and maintain Schedules forming a part of the '*Cemetery Management Bylaw*' that shall set out the fees, interment rights and specifications and memorial specifications that will apply to all City cemeteries.
- 4.8 The City shall be responsible for:
- (a) the supervision, control and charge of the City cemeteries and the services and goods provided therein;
  - (b) the direction of all workers employed or contracted from time to time by the City to perform work within the limits of a City cemetery;
  - (c) refusing admission or expelling from a City cemetery any individual or persons if such action is warranted;
  - (d) refusing the admission of and, without prior notice, ordering the removal of any unauthorized product, material, tree, shrub, plant or floral tribute brought into or placed at a lot or in a City cemetery in contravention of this Bylaw.
- 4.9 The City shall have the authority, at its cost and in a timely manner, to correct any error that may be made by it in making an interment, disinterment or in the description of a lot or the transfer or conveyance of a right of interment and grant in lieu thereof, a right of interment or a lot of equal value and location so far as is reasonably possible. In the instance an error may involve the interment or disinterment of human remains the City shall correct the error in compliance with and under such terms as may be set through cemetery legislation.
- 4.10 The City shall have the authority to establish a client service program or enter into a client service agency agreement, an interment services agreement, a maintenance and operations agreement or other such agreements with a business, organization or individual of their choosing and under such terms and conditions they deem appropriate for the conduct of the business of the Cemetery.
- 4.11 Subject to the authority of Council, the Director of Corporate Services or their designate shall, in an at-need emergent or extraordinary circumstance, have the authority to waive



the application or enforcement of this Bylaw where such action shall not contravene or violate cemetery legislation.

## **5.0 GENERAL PROVISIONS & REGULATIONS**

- 5.1 The days and hours of operation of the City cemeteries and the Cemetery office shall, for the following purposes, be;
- (a) **Cemetery Visiting:** open every day of the year at 7:00 a.m. and closed every day at 8:00 p.m.;
  - (b) **Interment Services:** subject to and upon satisfying terms and conditions set-out in this Bylaw, interments may occur any day of the week between 8:00 a.m. and 3:30 p.m.;
  - (c) **Cemetery Office:** located at City of Salmon Arm Municipal Hall, 500 – 2 Ave NE, Salmon Arm and open Monday through Friday, from 8:30 a.m. to 4:00 p.m. and closed on weekends and holidays observed by the City.
- 5.2 No person shall be in a City cemetery between 8:00 p.m. and 7:00 a.m. the following morning, without the express permission of the City. A person who is in City cemetery between the hours noted shall be deemed in violation of this Bylaw and shall be liable to a penalty set out in this Bylaw in '*Section 14.0 Penalty for Infractions*'.
- 5.3 The City shall have the authority to suspend or cancel interment services at and limit or prohibit public access to part or all of a City cemetery when severe weather, road or grounds conditions or other emergent circumstance may warrant or pose a hazard to the public, City personnel or make the movement and operation of vehicles or equipment unsafe.
- 5.4 The City, so as to ensure that cemetery operations can be performed in a safe, efficient and timely manner, shall at all times have a right of passage in any manner it sees fit over every lot in and the entire land of every City cemetery.
- 5.5 Floral tributes may be placed at a City cemetery in accordance with the following schedule;
- (a) on the day of an interment and for a period of seven (7) days following an interment, any type of floral tribute is permitted;
  - (b) from March 15 to October 15, only fresh cut flowers may be placed on a lot. Potted plants, wreaths and artificial floral tributes of any type are prohibited during this period;
  - (c) from October 16 to March 14, in addition to fresh cut flowers, potted plants, wreaths, artificial floral tributes and seasonal floral tributes may be placed on a lot;
  - (d) potted plants, wreaths, artificial floral tributes and seasonal floral tributes placed between October 16 to March 14 shall, without prior notice, be removed when the first cemetery grounds clean-up is carried out in the spring of each year;
  - (e) the City shall have the right, without prior notice, to remove or order removed any floral tribute that is determined to be deteriorated, withered, is otherwise unsightly, detracts from or infringes on an adjacent lot or from the general aesthetic of the Cemetery or that, for the purposes of grounds maintenance, may pose a safety risk or that may otherwise contravene this Bylaw.

- 5.6 The placement of any form of decoration, adornment, personal memento or other extraneous object, except as may be permitted elsewhere in this Bylaw, is not permitted. Unauthorized items placed on a lot or in any City cemetery may, without prior notice, be removed or ordered removed by the City. This includes, but is not limited to, photographs, pictures, frames, boxes, shells, toys, wire screens, decorative rock, arbours, trellises and floral tripods.
- 5.7 No open flame, candle, or burning of any substance or other material may take place inside a City cemetery without prior authorization given by the City and, if authorized, conducted under the direct supervision of the City.
- 5.8 The City shall not be liable for the deterioration, damage or loss of flowers, decorations or any other article attached to or placed on a lot or at a memorial site. Flowers, decorations or other articles that become unsightly, broken or deteriorated may, without prior notice, be removed at the discretion of the City.
- 5.9 Except as may specifically be provided for elsewhere in this Bylaw, no lot or other part of a City cemetery may be decorated or adorned in any manner by any person other than the City without the express written consent of the City where the exercise of such consent shall be within the sole discretion and authority of the City.
- 5.10 No tree, shrub, plant, bulb, flower or other decorative plant feature may be planted, pruned, cut down, removed or otherwise altered on a lot or anywhere within the limits of a City cemetery without the express consent of the City.
- 5.11 Cemetery roadways are for the exclusive use of interment processions, cemetery patrons, City grounds personnel or other persons as may be approved by the City and no vehicle shall exceed fifteen (15) kilometers per hour and every operator of a vehicle shall always obey cemetery signage and any directions and orders of the City.
- 5.12 No person shall drive or park a vehicle over any lawn, garden or flower bed without express permission of and subject to the supervision of the City.
- 5.13 Every person, including those in funeral processions, upon entering and while within a City cemetery, shall follow every instruction of the City. Any person not behaving with proper decorum within a cemetery or who disturbs the peace, quiet and good order of the Cemetery may be evicted by the City and in addition, shall be guilty of an infraction of this Bylaw and liable to a penalty as set out in this Bylaw in '*Section 14.0 Penalty for Infractions*'.
- 5.14 No person shall, within the limits of a City cemetery:
- (a) scatter, dispose of, or inter any cremated remains or human remains except in compliance with this Bylaw and cemetery legislation;
  - (b) define or delineate any lot or group of lots by a fence, railing, coping, hedge or by any other marking except as may be permitted in the Memorial provisions of this Bylaw;
  - (c) willfully or negligently destroy, mutilate, deface, damage, injure or remove anything from a City cemetery, including and without limitation, any memorial, plant, flower, tree, rock or other item located in a City cemetery;
  - (d) carry out any activity other than attendance at an interment or memorial service or, the visitation of a lot for the purpose of paying respect to the dead;

- (e) conduct them self in a manner so as to disturb the peace, quiet and good order of the City cemetery or an interment or memorial service being conducted therein;
  - (f) discharge any firearm other than at a military funeral for which a firearm salute has been authorized by the City and is conducted under the direct command of an officer in charge and only during an interment or memorial service being conducted therein;
  - (g) bring into or dump any rubbish, debris or other offensive item or matter or make an unauthorized removal of any cemetery refuse, waste or rubbish;
  - (h) allow a child or children under the age of sixteen (16) years in a cemetery that is not accompanied by a parent, guardian or an adult supervisor;
  - (i) play any manner of sports game or sport activity;
  - (j) operate any form of recreational vehicle;
  - (k) otherwise violate any provision of this Bylaw or cemetery legislation.
- 5.15 In the instance where an individual or a group of individuals through their immediate behavior, or a pattern of behavior tracked over time, contravenes this Bylaw then the City may take such steps to expel the individual or group of individuals from a City cemetery and the individual or individuals expelled may be subject to application of further penalty as set out in this Bylaw in '*Section 14.0 Penalty for Infractions*'.
- 5.16 No gratuity or extraordinary consideration shall be paid to or accepted by an employee or agent of the City for any service rendered or good provided in connection with a City cemetery.
- 5.17 All work within City cemeteries shall be performed by the City, employees of the City or authorized agents of the City.
- 5.18 Prior to commencement of any work within the limits of a City cemetery an individual or contractor other than an authorized worker of the City who intends to perform work in a City cemetery, including an individual or contractor that performs work on behalf of a rights holder or legal representative of a deceased shall supply to the City, in a form prescribed by the City, proof of the contractor's B.C. Workers Compensation Insurance, Public Liability Insurance and Motor Vehicle Insurance coverage, in a form and amount acceptable to the City,
- 5.19 The behavior of a contract worker including a contractor performing work on behalf of a rights holder or legal representative of a deceased within a City cemetery shall be subject to the supervision and control of the City.
- 5.20 A contract worker working in a City cemetery shall cease work in the immediate vicinity of any interment or memorial service until the conclusion of the service and those persons attending the service have left the area where the service was being conducted.
- 5.21 No work may be performed at a City cemetery except during the regular hours of the City and/or a City cemetery except where work outside of regular hours has been authorized and approved by the City.
- 5.22 Notwithstanding article 5.14(d) of this Bylaw the City shall have the authority to conduct or permit to be conducted public or private events within a City cemetery that are, in the opinion of the City, deemed appropriate for and in keeping with the dignity and purpose of a City cemetery.

## **6.0 INTERMENT RIGHTS**

- 6.1 The City, subject to payment of an established fee and any terms further set out in this Bylaw, may grant an interment right for a vacant lot in a City cemetery on an at-need or a reserve basis.
- 6.2 Possession of an interment right:
- (a) confers to a rights holder, a right in perpetuity to use, in compliance with this Bylaw, a lot for the interment and/ or memorialization of human remains or cremated remains of an individual or individuals named on an Interment Rights Certificate;
  - (b) does not confer to a rights holder any title to, ownership of, or interest in the land of a City cemetery or of a lot therein or any other special privilege over any land of a City cemetery;
  - (c) does not entitle a rights holder to require the City to perform an interment of human remains or cremated remains into a lot until the rights holder or their legal representative complies in all other respects with this Bylaw as it relates to the interment of human remains or cremated remains or the purchase and placement of a memorial, including and without limitation the payment of all fees.
- 6.3 The City shall issue, to an applicant paying in full the fee for an at-need or a reserve interment right in *Bylaw Schedule A: Cemetery Fees* an 'Interment Rights Certificate', in a form prescribed by the City, which sets out the rights of use conferred to the purchaser identified on the certificate.
- 6.4 An interment rights holder shall have the authority to designate who, other than them-self, may be authorized to control the exercise of an interment right registered in their name.
- 6.5 An interment rights holder, at the time of purchase, shall reserve the right to use a lot they have purchased for them-self or assign the right or any secondary rights to a lot to another person to which the interment right refers where an assignee so named shall be a family member of the rights holder.
- 6.6 No interment right may be assigned to a 'former resident' or 'non-resident' without the express consent and agreement of the City and payment in full to the City of any difference between the 'resident', 'former resident' or 'non-resident' fees set out in *Bylaw Schedule 'A': Cemetery Fees*.
- 6.7 Subject to at-need lot demand, the City shall have the right to limit or suspend the reserve sale of interment rights in a City cemetery at any time. The City shall never sell, on a reserve basis, more than fifty percent (50%) of the developed lots available at any given time in a City cemetery.
- 6.8 An interment rights holder may only designate one lot for their own use.
- 6.9 The exercise of an interment right, every interment or every other form of disposition of human remains or of cremated remains or installation of a memorial within the limits of a City cemetery is subject to:
- (a) all provisions of this Bylaw as is now or may be in the future be in effect;
  - (b) the terms, conditions, design, lot plan, interment and memorial parameters, standards of operation and maintenance established by the City for the City cemeteries;
  - (c) payment in full of all applicable fees set out in *Bylaw Schedule 'A': Cemetery Fees* as is now or may in the future be in effect;

- (d) payment of all fees shall be made at the time of or in advance of the provision of Cemetery right of an interment or a Cemetery service or a good being provided.
- 6.10 In the instance evidence of a clear line of assignment, transfer, inheritance, succession or authority over an interment right that survives an original rights holder is not provided by the legal representative of the original rights holder or a deceased then the City shall have the authority to;
- (a) determine, through a process of due diligence prescribed by the City, the individual who may exercise any surviving right of use and under what terms and conditions a surviving right of use may be exercised or;
  - (b) where a clear and distinct right of succession cannot, through a process of due diligence prescribed by the City, be reasonably ascertained prohibit the use of surviving interment rights in a lot.
- 6.11 The interment rights and interment specifications for lots in a City cemetery shall be those set out in *Bylaw Schedule 'B': Interment Rights & Specifications* and as may be current at the time of purchase or use.
- 6.12 An applicant may, on an at-need or a reserve basis and upon payment in full for the fee set out in *Bylaw Schedule A: Cemetery Fees*, purchase the interment rights for:
- (a) not more than two (2) human remains lots;
  - (b) not more than four (4) cremated remains lots.
- 6.13 Every interment into and every placement of a memorial on a lot in a City cemetery shall be made in compliance with this Bylaw and *Bylaw Schedule 'B': Interment Rights and Specifications* and *Bylaw Schedule 'C': Memorial Specifications*.
- 6.14 The City shall have the authority to establish, amend or otherwise set out interment rights for other lots in a City cemetery that have the same classification and interment capacity as existing lots or that may have a different classification and interment capacity.
- 6.15 The City may, in an at-need emergent circumstance, sell the interment rights for more than two (2) human remains lots or four (4) cremated remains lots but never more than ten (10) lots of any type to an individual or an organization under such terms and conditions as the City deems appropriate.
- 6.16 The City may, by special agreement, with a society, faith group or other organization, reserve or sell interment rights for a block of contiguous lots in a section of a City cemetery under such terms and conditions as the City deems appropriate and where such section shall be used exclusively for the interment of deceased members of the society, faith group or other organization. Upon such an agreement being made no individual shall be provided an interment in the reserved section, unless an application for interment is accompanied by a certificate from the society, faith group or organization, stating that the individual is entitled to interment in the reserved section. The City, under this provision, shall never sell or reserve more than ten (10%) percent of the developed lots available at any given time in a City cemetery.
- 6.17 Interment rights sold, reserved or issued under articles 6.15 and 6.16 of this Bylaw and all services rendered by the City under such agreements shall be subject to payment at the regular rates set out in *Bylaw Schedule 'A': Cemetery Fees*.

## **7.0 TRANSFERS & RECLAMATION**

- 7.1 An interment right for an unused lot may only be transferred back to the City.
- 7.2 The private sale or transfer of an interment right, to which the City is not a party, is prohibited. In the instance a private sale or transfer of an interment right is made without the City's knowledge, participation or approval, then the City shall have no obligation to honour an interment right acquired under such a transaction and subsequently presented to the City for use or surrender.
- 7.3 An interment right may be surrendered to the City and a refund paid where:
- (a) there are no interments in or memorials on a lot being surrendered;
  - (b) the original interment rights holder or their legal representative has made written application to the City, in a form prescribed by the City, stating their desire to surrender the interment right;
  - (c) the original Interment Rights Certificate is surrendered to the City, and;
  - (d) an administration fee for the surrender, as set out in *Bylaw Schedule 'A': Cemetery Fees*, is paid to the City;
  - (e) if the surrender occurs within thirty (30) days of the date of purchase, one hundred percent (100%) of the fees paid for the right of interment shall be refunded;
  - (f) if the surrender occurs thirty-one (31) or more days after the date of purchase, a right of interment may be refunded at a value up to the greater of the following two calculations:
    - (i) not more than one hundred percent (100%) of the original price paid LESS the care fund contribution portion of the fees collected at the time of purchase, or;
    - (ii) not more than fifty percent (50%) of the current price of a comparable lot in the cemetery LESS the care fund contribution portion of the selling price of the comparable right of interment.
- 7.4 Subject to cemetery legislation, and upon approval from the regulatory authority, an interment right for an unused lot may be reclaimed by the City if all of the following have occurred:
- (a) the interment rights holder would be at least ninety (90) years of age, and;
  - (b) a minimum period of fifty (50) years has elapsed from the date of purchase, and;
  - (c) a minimum of ninety (90) days has passed since notice of the intent to reclaim the interment right has been sent to last known address on record for the interment rights holder;
  - (d) the City has made a reasonable and diligent attempt to contact the interment rights holder.
- 7.5 In the instance an interment right for a lot has been reclaimed and resold under article 7.4 of this Bylaw and the reclaimed interment right is subsequently required for use by the original rights holder or their legal representative, the City shall provide another interment right of equal or greater value that has been chosen from the available lots of the cemetery by the original interment rights holder or their legal representative.

## **8.0 INTERMENT, DISINTERMENT & EXHUMATION**

- 8.1 Every interment of human remains or cremated remains into a lot shall be consistent with this Bylaw and *Bylaw Schedule 'B': Interment Rights and Specifications'*.

- 8.2 Only human remains or cremated human remains may be interred in a City cemetery.
- 8.3 The interment of human remains or cremated remains in a City cemetery shall be conducted in a manner consistent with the dignity of adjacent lots, the cemetery and general community standards.
- 8.4 No interment, disinterment or exhumation of human remains or cremated remains at a City cemetery shall be permitted until:
- (a) the legal representative of a deceased completes, signs and delivers to the City an interment authorization, in a form prescribed by the City;
  - (b) it is ascertained a deceased holds an interment right at a City cemetery or a rights holder provides authorization for a deceased's human remains or cremated remains to be interred in a lot for which the deceased held an interment right;
  - (c) all outstanding indebtedness to the City relating to an interment right to be exercised, the interment fee and the fee for any other service provided or product supplied by the City to facilitate the interment, has been paid in full to the City;
  - (d) proper notice, in a manner prescribed by the City, is provided to the City;
  - (e) for human remains interment, a *B.C. Burial Permit* has been surrendered to the City;
  - (f) for cremated remains interment or scattering, a *Certificate of Cremation* has been surrendered to the City;
  - (g) where a death has occurred in a jurisdiction other than the province of B.C., a disposition document for interment or scattering, deemed acceptable by the City, has been surrendered to the City.
- 8.5 The City, through an agency agreement, may authorize a funeral service provider or a funeral director or other qualified person or organization to assume responsibility to qualify an interment rights holders and/or a legal representative of a deceased and acquire all necessary information to complete a City cemetery interment authorization and collect payment for an interment and deliver all documents, authorizations and payment prior to an interment, to the City, in a form prescribed by the City.
- 8.6 Reasonable notice of an interment is required. Normally notice and all documents and fees related to an interment booking shall be delivered to the City:
- (a) between March 15 and October 15, at least twenty-four (24) hours advance notice for an interment service is provided to the City;
  - (b) between October 16 and March 14, at least forty-eight (48) hours advance notice for an interment service is provided to the City;
  - (c) where an interment is requested in a period shorter than the notice required under (a) and (b) above then, at the discretion of the City, an interment may be accommodated but shall be subject to payment of an administrative fee (*short notice*) set out in *Bylaw Schedule 'A': Cemetery Fees*.
- 8.7 All cemetery appointments, interment bookings and payments for cemetery services shall be transacted under the terms set out in this Bylaw at Salmon Arm City Hall on the days and hours of operation of the City set out here for cemetery purposes:
- (a) Monday through Friday from 8:30 a.m. to 4:00 p.m.;
  - (b) this office shall be closed and no calls or appointments will be accepted or processed on a weekend or a holiday observed by the City;

- (c) the City shall have the right, from time to time, to establish an interment services schedule that may control, limit or restrict the types and numbers of interments that may occur in a City Cemetery on a given day;
  - (d) the failure to provide all due and proper notice to the City may result in an interment service booking being denied;
  - (e) no booking or notice for an interment will be accepted by the City more than sixty (60) days in advance of a proposed date of interment;
  - (f) the City, at its sole discretion, shall have the right to vary, alter or waive its established interment services schedule, advance notice requirements and booking limitations as deemed appropriate or as circumstances may warrant.
- 8.8 Upon provision of proper notice and authorization being delivered to the satisfaction of the City an interment of human remains or cremated remains:
- (a) may take place on any day of the week;
  - (b) shall take place at a time arranged with and set by the City and conclude within one (1) hour of that time;
  - (c) an interment occurring on a Saturday, Sunday or a holiday observed by the City shall be subject to payment of an overtime fee as set out in *Bylaw Schedule 'A': Cemetery Fees*;
  - (d) an interment that does not conclude within the regular interment hours of a City cemetery or a time frame established by the City shall be subject to payment of an overtime fee as set out in *Bylaw Schedule 'A': Cemetery Fees*.
- 8.9 In the instance an interment is directed by a medical health officer, written instructions with respect to all procedures to be followed on the interment, to protect the health and safety of all persons who may come into contact with the burial container bearing the human remains, shall be provided to the City by the medical health officer in advance of the interment. The City shall convey the instructions of the medical health officer to every City employee or their authorized agent participating in the interment and the City shall take such steps necessary to ensure the instructions are carried out throughout the course of the interment. The City shall be obligated to accommodate an interment directed by the medical health officer as and when so ordered.
- 8.10 The City shall have the authority to suspend or cancel interment services at, and limit or prohibit public access to part or all of a City cemetery where weather, road or grounds conditions or other extraordinary circumstance may warrant or pose a hazard to the public, City personnel or their agents.
- 8.11 An individual, family or a group of people, may be allowed to witness the closing of a lot subject to the following criteria:
- (a) the request to witness the lot closing is delivered to the City as part of the notice for and authorization of an interment;
  - (b) the City may, for safety purposes, limit the number of people allowed to witness a lot closing;
  - (c) all proceedings at a lot closing shall be under the direction of the City and every witness present shall be obligated to follow every instruction given by the personnel directing the interment;



- (d) a 'witness lot closing' may be subject to an administrative fee set out in the *Bylaw Schedule 'A': Cemetery Fees* and said fee shall be paid in full to the City prior to the interment service;
  - (e) witnesses to a lot closing may be required to sign a waiver exempting the City from responsibility for any emotional, psychological or physical injury that may arise from witnessing an interment.
- 8.12 Only the City, or a contractor or an individual authorized by the City, shall excavate or open and close and set-up and remove graveside equipment at a lot in a City cemetery.
- 8.13 Every interment service in a City cemetery shall be conducted, performed or supervised by the City or a contractor or an individual authorized by the City.
- 8.14 For every grave designated as a double-depth lot the first interment of human remains into the lot shall be made in the grave at the deepest interment depth and any subsequent interment of human remains shall be made over the first and each of the interments in the grave shall conform to any further specifications established by the City relating to interment depths and coverage.
- 8.15 For every interment, human remains shall be enclosed in a casket or container that complies with cemetery legislation and this Bylaw.
- 8.16 Every interment of human remains shall be made into a grave liner of a design established and supplied by the City at the expense of an interment rights holder or the legal representative of a deceased. The only permitted exception to the requirement for a grave liner is for the interment of an infant or child or for a green burial.
- 8.17 Where a grave liner, that meets in every way the standard established by the City, is proposed to be supplied by an individual or business other than the City then only the City shall install the grave liner into the lot or the City may require the supplier of the grave liner to install the grave liner they are supplying under the supervision of the City and any installation shall be made at the supplier's expense and at a day and time of the City's choosing. The installation of a grave liner supplied by an individual or business other than the City shall be subject to a fee set out in *Bylaw Schedule 'A'; Cemetery Fees* and the fee shall be paid in full to the City prior to the delivery of the grave liner to a City cemetery or the installation of the grave liner into a lot at City cemetery.
- 8.18 An interment rights holder or the legal representative of a deceased shall be deemed to retain custody of human remains or cremated remains for interment until the remains are delivered to the City's representative at an interment lot. Prior to accepting custody of remains at a lot the City shall not be liable for any delay in an interment service and, after accepting custody, the City shall not be liable for any delay in an interment arising from circumstances outside of the City's control.
- 8.19 It is the responsibility of an interment rights holder or the legal representative of a deceased, or their agent or funeral service provider to provide sufficient persons and means to transfer human remains to an interment lot for interment.
- 8.20 Cremated remains for interment into a Cemetery lot shall be enclosed in an urn of a design, size and material approved by the City.
- 8.21 The City may make provision for and permit the scattering of cremated remains within a City cemetery where scattering will be limited to and permitted only in designated areas or scattering features of a City cemetery.

- 8.22 Only City personnel, or an individual authorized by the City, shall place cremated remains into a cemetery lot or perform a scattering of cremated remains at a City cemetery.
- 8.23 The City, its employees and authorized agents of the City providing cemetery services shall exercise due care and attention in making an interment or a scattering but shall not be responsible for any emotional, psychological or physical injury that may occur to a living person or any injury to human remains or cremated remains or damage to any casket, urn or any other form of container sustained as part of an interment, scattering, disinterment or exhumation except where such injury or damage is caused by the negligence of the City, its employees or its agents.

**Disinterment & Exhumation**

- 8.24 The exhumation or disinterment of human remains or cremated remains in a City cemetery shall be conducted in compliance with cemetery legislation and in a manner consistent with the dignity of adjacent lots, the City and general community standards.
- 8.25 No disinterment or exhumation shall be allowed until;
- (a) the legal representative of the deceased who has the right to authorize the disinterment of the deceased person's human remains has acquired, completed, duly signed and provided to the City a disinterment authorization, in a form prescribed by the City;
  - (b) a disinterment/exhumation permit, as circumstance may require under cemetery legislation, has been delivered to the City;
  - (c) in the instance where the legal representative of the deceased to be disinterred is not the rights holder for the lot from which the disinterment/exhumation is being made then written authorization from the rights holder to open their lot for the disinterment/exhumation shall be provided to the City, in a form prescribed by the City;
  - (d) all outstanding indebtedness to the City relating to a right of interment, the exercise of the disinterment/exhumation right from the lot, and any other service provided or product supplied by City to facilitate a disinterment/exhumation has been paid in full, where the fees for disinterment and exhumation are set out in *Bylaw Schedule 'A': Cemetery Fees*;
  - (e) for disinterment, a copy of the transport permit, as circumstance may require under the cemetery legislation and issued by the regulatory authority has been delivered to the City.
- 8.26 In the instance a rights holder makes a request for the discretionary disinterment of human remains or cremated remains from a lot under their control then the rights holder making the request shall first provide in writing to the City at their expense and in a form prescribed by the City, a document setting out;
- (a) such proof as the City may request, up to and including sworn affidavits, to establish the identity and the legal right and authority of the person to make such a request;
  - (b) such other information as the City may reasonably request as to the purpose and reason for the disinterment;
  - (c) and the provision of such information shall not bind the City to permit the discretionary disinterment and the City shall have the right to require the

person making the discretionary disinterment request to acquire, at their expense, a Court order that compels the City to make the disinterment requested.

- 8.27 No disinterment or exhumation of human remains or cremated remains shall be permitted from a green burial lot except where the City shall be obligated to perform such disinterment or exhumation when ordered by a Court of competent jurisdiction.
- 8.28 Except where ordered by a Court of competent jurisdiction or a Medical Health Officer, no person other than City employees or authorized agents of the City along with a duly contracted funeral director shall be permitted to be present at the disinterment or exhumation of human remains or cremated remains from a lot in a City cemetery.
- 8.29 The City's responsibility in the performance of a disinterment/exhumation shall be limited to;
- (a) the excavation of soil from or opening of a lot to permit access to the human or cremated remains interred in the lot;
  - (b) the closure of the lot when the disinterment/exhumation is complete.
- 8.30 The physical removal of exposed human remains and their transfer into a container that fully encloses the disinterred human remains shall be performed by a funeral director authorized by and employed at the expense of the individual requesting the disinterment. No employee or agent of the City shall be compelled or required to handle or participate in the removal of exposed human remains from a lot.
- 8.31 The City shall exercise due care and attention in making a disinterment or exhumation but shall not be responsible for any physical injury to human remains or damage sustained to any burial casket, urn, other form of burial container or grave liner as part of the disinterment or exhumation process.
- 8.32 Other than the recovery of the human remains or cremated remains readily apparent and present in a lot opened for a disinterment the City shall make no representation or warranty as to any additional material, personal effect or other extraneous item that may possibly be recovered from a disinterment or exhumation.
- 8.33 The authorization of a disinterment/exhumation shall grant the City sole and discretionary authority to dispose of, in a safe, environmentally sensitive and dignified manner, all extraneous materials that may incidentally be removed from a lot as part of a disinterment or exhumation process, including but not limited to remnants of a burial casket, urn, other form of burial container or a grave liner or burial vault present from the date of the original interment.
- 8.34 A disinterment or exhumation in a City cemetery shall, without exception, be performed on a day and at a time of the City's choosing.
- 8.35 The re-interment of disinterred human remains or cremated remains into another lot within a City cemetery shall comply with this Bylaw in every way and as circumstance may warrant.

## **9.0 GREEN BURIAL**

- 9.1 The City shall have the authority to designate areas within a City cemetery where the green burial of human remains and cremated remains may be accommodated.
- 9.2 This Bylaw in its entirety together with the articles that follow here shall apply to the provision of green burial rights of interment, green burial interment of human remains or

- cremated remains in a green burial area, memorialization, planting and visitation in a green burial area in a City cemetery.
- 9.3 Interment Rights in a green burial area may be purchased on an at-need or a reserve basis.
- 9.4 Lot assignment in a green burial area shall only be made at the time a lot is required for an interment of human remains or cremated remains.
- 9.5 The City shall have the authority to control a green burial area and the assignment of lots to be used for interment where assignment shall be subject to the lot use, planting and eco-system management plan established by the City for the green burial area where a lot is located.
- 9.6 Human remains and cremated remains interred in a green burial lot shall be considered non-recoverable from the date of interment. The City shall have no obligation, except where ordered to do so under legislation, regulation or as ordered by a Court of competent jurisdiction to disinter, exhume or otherwise recover human remains or cremated remains from a green burial lot or section.
- 9.7 Human remains proposed for interment in a green burial lot shall:
- (a) be in a natural state and shall not be embalmed;
  - (b) be clothed, wrapped or shrouded in a natural, biodegradable fiber or material;
  - (c) be enclosed in a shroud, casket or alternative container that is approved by the City for use in a green burial lot;
  - (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.
- 9.8 An interment rights holder and / or the legal representative of a deceased person to be interred in a green burial lot shall;
- (a) ensure a shroud, casket or alternative container proposed for interment in a green burial lot is a City approved container, and;
  - (b) arrange for the dignified transfer of the human remains to a gravesite.
- 9.9 A shroud, casket or alternative container proposed for green burial interment shall;
- (a) comply with any provision set out for caskets or containers set out in any legislation or regulation;
  - (b) be approved for use in a green burial area of the cemetery by the City prior to a scheduled interment service;
  - (c) be primarily constructed of fully biodegradable and environmentally sustainable materials;
  - (d) have interior finishing primarily fabricated of fully biodegradable and environmentally sustainable materials and natural fibers;
  - (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 lot;
  - (f) except for 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;

- (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;
  - (h) not be constructed with the use of any synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent;
  - (i) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable material;
  - (j) not have any non-biodegradable personal item, memento or article placed inside the space occupied by the human remains.
- 9.10 Shrouds, caskets or alternative containers that are constructed from fibre-board, particleboard, plywood, non-sustainable or exotic wood or hardwood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a green burial lot.
- 9.11 The City shall have the right to accept, or refuse to accept for burial, any shroud, casket or alternative container proposed for interment in a green burial lot.
- 9.12 The interment of human remains in a green burial lot shall be made at a depth deemed sufficient to achieve effective natural decomposition of the human remains interred while also ensuring the interred human remains will not be disturbed by wildlife.
- 9.13 No form of exterior grave liner is permitted in a green burial interment lot.
- 9.14 The City, or a contractor or individual authorized by the City, shall have the right to use such equipment, including motorized equipment, to open and close a green burial lot as it deems necessary to protect the safety of all 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 as sensitive a manner as is practical.
- 9.15 The City makes no warranty of protection nor bears any liability for the aesthetic, structural or physical impacts made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil into a green burial lot.
- 9.16 The interment or scattering of cremated remains in a green burial area shall be considered non-recoverable from the date of interment. The City shall have no obligation and shall have no means to recover cremated remains interred or scattered from a green burial lot or in a green burial area.
- 9.17 Where an interment right has been purchased and assigned for a green burial lot with the intent of interring cremated remains in the lot, the disposition of cremated remains shall not be made until the permitted interment of human remains have been made into the assigned lot.
- 9.18 Cremated human remains proposed for disposition in a green burial area shall be enclosed in an urn or container that;
- (a) is approved for use by the City, prior to a scheduled interment service, in a green burial area;
  - (b) is made of a fully biodegradable material which may include recycled and unbleached paper or cardboard;
  - (c) shall not have any interior plastic, metal or other form of permanent or semi-permanent liner, container or bag.

- 9.19 Witnessing the interment of human remains or cremated remains in a green burial area shall be subject to:
- (a) a request to witness the interment being provided to the City at the time the interment arrangements are made;
  - (b) the City for safety reasons may, at its discretion, limit the number of persons permitted within close proximity to the site where the interment is taking place;
  - (c) all proceedings within the green burial area shall be under the sole direction of the City;
  - (d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.
- 9.20 Upon provision of advance notice to the City, family members and / or friends of a deceased may be permitted to participate in the closing of a green burial lot. In the instance where persons other than City personnel participate in the closing of a lot, said persons shall:
- (a) be subject to supervision by the City;
  - (b) follow all instructions issued them by the City;
  - (c) be of sound physical condition and be capable of the participation intended;
  - (d) assume personal liability for any injury arising as a result of their voluntary participation in the lot closing process.
- 9.21 Witness services may be subject to a fee set out in *Bylaw Schedule 'A': Cemetery Fees* and shall be paid in full to the City prior to the witness service.
- 9.22 The City shall install communal memorials of a design of their choosing for the purpose of making approved memorial inscriptions to commemorate green burial interments and scatterings.
- 9.23 Other than City installed memorials no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any other decoration, adornment or structure shall be placed on, in or around any lot in a green burial area.
- 9.24 The City shall have the right to determine when inscriptions are made on a green burial memorial and shall make new inscriptions as they may accumulate at a minimum of two (2) times in each calendar year.
- 9.25 There is no obligation to have a memorial inscription made on a green burial memorial after a green burial interment or scattering is made in a green burial area
- 9.26 The City shall have the right to maintain, reposition, move, relocate or otherwise change a green burial memorial as deemed necessary and subject only to compliance with any requirement of cemetery legislation.
- 9.27 The City shall have the right, without prior notice, to remove and dispose of any unauthorized memorial product, object, decoration, adornment or memento from a green burial lot or a green burial area.
- 9.28 Floral tributes that accompany human remains or cremated human remains as part of an interment service shall be permitted to remain on an interment site for a maximum of two (2) weeks. After two (2) weeks the City shall have the right, without prior notice, to remove and dispose of the floral tributes.

- 9.29 Except for floral tributes accompanying an interment service no other floral tributes, artificial flowers, unauthorized planting, memorial, vase or decoration of any form or type may be placed on a green burial lot. The City shall have the right, without prior notice, to remove and dispose of any unauthorized object, flower or plant on a green burial lot.
- 9.30 To maintain a balance of planting species in green burial areas all plantings shall be made according to the pre-established planting plan for a green burial area.
- 9.31 Only locally indigenous trees, bushes, shrubs, groundcover and wildflowers native to and typical of those found in the City's climate zone shall be planted in a green burial area.
- 9.32 Planting in a green burial area shall only be done as is seasonally recommended for the type of planting to be made.
- 9.33 Only the City shall make or supervise all planting in a green burial area.
- 9.34 The City shall make every reasonable effort to ensure the longevity of any memorial planting but does not offer any guarantee in this respect.
- 9.35 The City shall have the right to manage, maintain and alter the interment areas, memorials, roads and pathways, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a green burial area as they deem necessary and subject only to compliance with any applicable requirements of cemetery legislation.
- 9.36 Visitors shall be permitted to visit green burial areas during the regular visiting hours of the City cemetery.
- 9.37 The City shall establish and maintain pedestrian pathways to and visitation zones around green burial communal memorials to facilitate visitation.
- 9.38 To protect and maintain the health and integrity of green burial area plantings and ecosystems the City shall have the right to limit, restrict or prohibit the visitation of individual graves in any green burial area in a City cemetery.
- 9.39 The City shall have the right to limit, restrict or prohibit vehicle access to any green burial area in a City cemetery.

## **10.0 MEMORIALS**

- 10.1 Every installation of a memorial onto a lot in a City cemetery shall be consistent with this Bylaw and *Bylaw Schedule 'C': Memorial Specifications*.
- 10.2 For this section of the Bylaw '*applicant*' means an interment rights holder, the legal representative of a deceased, their heirs or successors, or a memorial supplier acting as an agent of an interment rights holder or the legal representative of a deceased, or their heirs or successors.
- 10.3 It is the responsibility of an interment rights holder or the legal representative of a deceased to make arrangements for the supply and installation of a memorial on a City cemetery lot. The City shall have no responsibility or obligation to place or install at the City's expense any form of temporary or permanent memorial at an interment lot or a remembrance site.
- 10.4 No memorial may be placed on a lot or in a City cemetery until evidence proving the person memorialized is deceased and where such evidence shall be provided in a form acceptable to the City.

- 10.5 Every memorial and the installation thereof shall conform to the plan established for the lot and the section of the City cemetery in which the memorial is proposed to be installed specifically, and to the plan of the City cemetery generally.
- 10.6 Every memorial shall be constructed of granite, or bronze on a granite base, or another material of permanent and durable material approved by the City that conforms to this Bylaw and all other specifications established by the City for the City cemetery in which the memorial is proposed to be installed.
- 10.7 The City shall create, maintain and keep current a schedule of memorial specifications that sets out the details of permitted design, construction, inscription, location and installation of memorials for each type of lot or memorial option offered in a City cemetery and the schedule shall form a part of this Bylaw.
- 10.8 No memorial, inscription, engraving, or ornamentation or combination thereof that, in the opinion of the City, is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 10.9 No memorial shall be installed on a lot in a City Cemetery until:
- (a) plans and specifications are submitted to the City by an applicant, in a form prescribed by the City, where the plans and specifications shall describe fully a memorial's proposed size, design, material, inscription and location;
  - (b) it is determined the memorial described on the application complies in every way with the specifications set out for memorial placement on a City cemetery lot where installation is proposed;
  - (c) the applicable memorial permit and installation fee and memorial care fund contribution set out in *Bylaw Schedule 'A': Cemetery Fees* is paid in full to the City;
  - (d) all outstanding indebtedness as may relate to the lot interment rights and any interments has been paid in full to the City;
  - (e) upon satisfying all the above, a memorial permit is issued by the City to authorize installation of the memorial.
- 10.10 Where an applicant is a memorial supplier other than the City, it is the responsibility of the memorial supplier to confirm the correct location for a memorial proposed for installation and, for a companion memorial, to further confirm the correct layout for a companion inscription on the memorial. The City shall have no responsibility or financial liability for a memorial where it can be shown these tasks were not performed by an applicant or outside memorial supplier.
- 10.11 The City shall have the authority to refuse to issue a memorial permit to an applicant if the applicant has failed to comply with the requirements of this Bylaw or any requirement established by the City governing memorials at City cemeteries. In the instance a refusal occurs, the City shall inform the applicant of what is not compliant about the memorial application and the steps that must be taken to resolve the deficiency.
- 10.12 The City shall have the authority to reject a memorial, despite the prior issuance of a memorial permit, when the memorial delivered for installation does not match the specifications described in the memorial permit application or does not comply with the requirements of this Bylaw or any requirement established by the City governing memorials at City cemeteries or, the memorial, inscription, engraving, or ornamentation or combination thereof is, in the judgement of the City is inconsistent with the dignity of adjacent lots, the cemetery or community standards. In the instance a refusal occurs, the



- City shall inform the applicant of what is not compliant about the memorial delivered for installation and the steps that must be taken to resolve the deficiency.
- 10.13 Where a memorial design includes a photograph or emblem then the photograph or emblem shall be an integral part of the memorial that is either cast bronze, sand-blasted, laser-etched or otherwise securely attached to the memorial in a manner approved by the City.
- 10.14 Every memorial shall conform to this Bylaw and any further requirements established by the City for a particular form of lot at a City cemetery at the time the memorial is placed or installed, not at the time a right of interment, an interment or a memorial is purchased or at the time of death.
- 10.15 Every memorial at a City cemetery shall be placed, installed, relocated or removed by the City or by a contractor or individual authorized and supervised by the City.
- 10.16 The installation of memorials shall occur during the regular operating hours of the City. Memorial installation may be delayed or deferred depending on cemetery services, weather and ground conditions.
- 10.17 The City shall be responsible to maintain the land of a lot on which a memorial is placed or installed but is not be responsible for the maintenance of any memorial on a lot and shall not be liable for, or obligated to repair, any scratch, breakage or damage to a memorial in a City cemetery except where it can be shown the damage has been caused by the negligence of the City, its employees or its agents.
- 10.18 A rights holder or the legal representative of a deceased is required to keep in good repair, at their expense and to the satisfaction of the City, all memorials on their lot. In the instance a memorial is placed, or installed, on a lot in a City cemetery and then subsequently falls into a state of disrepair, the City will document the condition of the memorial and shall have the authority, without prior notice, to have the memorial removed from the lot and from the City cemetery, in each case at the expense of rights holder, the legal representative of a deceased, their heirs or successors.
- 10.19 Where it is determined a memorial or its installation do not comply with this Bylaw or any further memorial requirements established by the City for a City cemetery then the non-compliant memorial may, without prior notice, be moved, reinstalled or permanently removed and placed in safekeeping by the City at the expense of a rights holder, the legal representative of a deceased, their heir or successor, or their memorial supplier.
- 10.20 At the time of an interment the City may permit a temporary marker of a design and size approved by the City to be placed on a lot where the temporary marker shall be limited to placement on the lot for a period of not more than one (1) calendar year from the date of interment. The City shall have the authority to remove and dispose of, without prior notice, any temporary marker remaining on a lot after one (1) calendar year has elapsed from the date of interment. After removal of a temporary marker a lot will remain unmarked until a permanent memorial is installed, at the expense of an applicant, on the lot.
- 10.21 The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature at a City cemetery may be permitted subject to the approval of the City 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;

- (b) site selection shall conform to the plan of the City cemetery as determined by the City;
- (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;
- (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.

10.22 A memorial planting, memorial bench or any other form of custom memorial shall only be installed, removed or modified in a City cemetery when a person requesting a memorial planting, memorial bench or any other form of custom memorial has made application to the City as an applicant and subject to the terms and conditions, as may be applicable, set out in articles 10.10 and 10.22 of this Bylaw.

10.23 The memorial standards and specifications for any interment right purchased or assigned or interment made on or after the date of adoption of this Bylaw and its Schedules shall, without exception, be those set out in this Bylaw.

10.24 For an interment right or a lot purchased or interment made prior to the date of the adoption of this Bylaw and its Schedules and subject only to the discretion of the City previously existing memorial standards and specifications may be permitted to be used but only for matching existing memorials on a grave site or permitting the restoration of deteriorated historical memorials.

10.25 Notwithstanding any previous memorial standard permitted under article 10.25 the City shall have the authority to, without prior notice, remove and restore the surface of any grave in a City cemetery with soil and turf and dispose of any curbing, grave cover, coping, fence, railing, memorial or flower vase that is in an advanced state of disrepair, has created an unsafe ground condition, become a safety hazard to persons using, visiting or working in the Cemetery or that has otherwise deteriorated to a state that is inconsistent with the dignity of adjacent graves and the general aesthetic of a City cemetery.

## **11.0 CEMETERY ADMINISTRATION**

11.1 The Council, as trustees of the City cemeteries are responsible for;

- (a) the development, management, operation and maintenance of the City cemeteries in accordance with all applicable legislation of British Columbia or Canada as the case may be, and regulations made thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw of the City as amended, revised, consolidated or replaced from time to time;
- (b) the administration, interpretation and enforcement of this Bylaw where said administration, interpretation and enforcement shall be conducted in a consistent, fair and equitable manner in every case and circumstance with every user of a City cemetery, and;
- (c) ensuring all records, maps and information for the management, administration, operation and maintenance of the City cemeteries are created, collected and retained as required under legislation;
- (d) ensuring all rights of interment, permits and contracts are issued as required by and in compliance with cemetery legislation and as authorized by this Bylaw;

- (e) designating and empowering employees of the City and engaging and authorizing such agents of its choosing as it deems necessary to administer the City cemeteries and to develop, manage, operate and maintain the City cemeteries in the name of the City.
- 11.2 The Council may appoint a Cemetery caretaker whose duties shall include but are not limited to;
- (a) excavate, prepare and close, or cause to be excavated, prepared and closed, all interment lots as ordered by the Director of Corporate Services or their designate, and;
  - (b) supervise the installation of all memorial foundations and memorials, and;
  - (c) perform, or cause to be performed, the general care and maintenance of the Cemetery grounds, facilities, equipment and other physical assets of the City cemetery to ensure public and worker safety and a high standard of aesthetic appearance is maintained at all times, and;
  - (d) maintain records as required and when requested submit reports to the Cemetery administrator, and;
  - (e) perform and complete, or cause to be performed and completed, such other work as directed by the Director of Corporate Services or the designate.

## **12.0 CEMETERY FEES**

- 12.1 The City shall from time to time and on a regular basis review, establish, add, amend or delete fees to be charged at City cemeteries for the provision of interment rights, interment services, memorials, memorial installations and such other services or goods ancillary to the provision of interment rights, interment or scattering services, operation and maintenance of the City cemeteries.
- 12.2 The fees established for City cemeteries shall as and where required under cemetery legislation include mandatory contribution to the City's *Cemetery Care Fund* at rates that are consistent with or exceed the minimum contribution rates set out for care fund contributions in cemetery legislation.
- 12.3 The fees established for City cemeteries under article 12.1 and 12.2 of this Bylaw shall be set out in *Bylaw Schedule 'A': Cemetery Fees* which shall form a part of this Bylaw and this schedule shall be made available to the public upon request.

## **13.0 CEMETERY CARE FUND**

- 13.1 A fund for the maintenance and care of the City cemeteries and the lots therein is established, set aside and maintained and all monies in the Cemetery Care Fund shall be held and invested as trust funds by the City and in accordance with the requirements of the cemetery legislation.
- 13.2 The Cemetery Care Fund shall be maintained with the City's financial institution in an account to be designated as the "Cemetery Care Fund". The City is responsible for all deposits to the account and for ensuring that:
- (a) the account and all deposits comply with all applicable provisions of cemetery legislation;
  - (b) the investment of monies in the Cemetery Care Fund is carried out as permitted and in compliance with cemetery legislation, the *Local Government Act (British Columbia)*, the *Community Charter (British Columbia)* and this Bylaw;

- (c) the income earned on investments of the Cemetery Care Fund, including any appreciation thereof, shall be used only for the maintenance and care of the City cemeteries in the year in which the income and appreciation is earned, or may be retained in the Cemetery Care Fund to increase the principal sum of the fund;
- (d) the principal of the Cemetery Care Fund shall not be reduced other than in accordance with an order from the regulatory authority and pursuant to cemetery legislation.

13.3 The City may accept contribution in the form of a donation to the Cemetery Care Fund from any individual or organization.

**14.0 PENALTY FOR INFRACTIONS**

14.1 An individual or individuals who contravenes violate or fail to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Thousand Dollars (\$200,000.00) for each day or part thereof during which any infraction has taken place together with the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter (British Columbia)* or the *Offence Act (British Columbia)* as amended from time to time. Each violation against this bylaw shall be deemed to be a separate and distinct offence.

**15.0 COMMENCEMENT OF TRANSITIONAL PROVISIONS**

15.1 This Bylaw shall come into force upon adoption.

**16.0 REPEAL**

16.1 “The Corporation of the City of Salmon Arm Bylaw No. 2126” and all previous versions, consolidations and amendments made thereto are repealed upon adoption of this Bylaw.

READ A FIRST TIME this	24 <sup>th</sup>	day of September,	2018
READ A SECOND TIME this	24 <sup>th</sup>	day of September,	2018
READ A THIRD TIME this	24 <sup>th</sup>	day of September,	2018
ADOPTED BY COUNCIL this	9 <sup>th</sup>	day of October,	2018

“N. COOPER”  
\_\_\_\_\_  
MAYOR

“E. JACKSON”  
\_\_\_\_\_  
CORPORATE OFFICER

SCHEDULE "A" CEMETERY

<u>GRAVE SPACE (RIGHT OF INTERMENT)</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>2023</u>	
			<u>CARE FUND</u>	<u>TOTAL</u>
<b><u>Ground Burial</u></b>				
Adult	Resident	\$ 1,350.00	\$ 450.00	\$ 1,800.00
	Non-Resident	1,822.50	607.50	2,430.00
Child/Infant	Resident	600.00	200.00	800.00
	Non-Resident	810.00	270.00	1,080.00
Cremation	Resident	450.00	150.00	600.00
	Non-Resident	607.50	202.50	810.00
* Family Estate - Cremation	Resident	1,354.50	451.50	1,806.00
	Non-Resident	1,828.50	609.50	2,438.00
<b><u>Cremation</u></b>				
Columbarium Niche	Resident	2,182.50	727.50	2,910.00
	Non-Resident	2,946.75	982.25	3,929.00
* Family Vessel	Resident	5,505.75	1,835.25	7,341.00
	Non-Resident	7,432.50	2,477.50	9,910.00
* Ossuary	Resident	346.50	115.50	462.00
	Non-Resident	468.00	156.00	624.00
* Scattering	Resident	171.00	57.00	228.00
	Non-Resident	231.00	77.00	308.00
<b><u>SERVICE FEES</u></b>				
Regular services rendered Monday to Friday 8:00am until 3:30pm.				
After 3:30pm on weekdays, weekends and statutory holidays are subject to an additional charge over the weekday interment fee.				
License Transfer Fee		104.00	-	104.00
Administration Fee		60.00	-	60.00
<b><u>Interment (Open/Close)</u></b>				
Adult	Weekday	1,124.00	-	1,124.00
	After Regular Hours	572.00	-	572.00
Child/Infant	Weekday	757.00	-	757.00
	After Regular Hours	572.00	-	572.00
Cremation/Family Estate - Cremation	Weekday	503.00	-	503.00
	After Regular Hours	296.00	-	296.00
Columbarium Niche/Vessel/Ossuary	Weekday	339.00	-	339.00
	After Regular Hours	179.00	-	179.00
Scattering	Weekday	339.00	-	339.00
	After Regular Hours	179.00	-	179.00
Extra Depth		444.00	-	444.00
<b><u>Disinterment (Open/Close)</u></b>				
Adult	Weekday	1,727.00	-	1,727.00
	After Regular Hours	572.00	-	572.00
Child/Infant	Weekday	1,289.00	-	1,289.00
	After Regular Hours	572.00	-	572.00
Cremation/Family Estate - Cremation	Weekday	648.00	-	648.00
	After Regular Hours	296.00	-	296.00
<b><u>MEMORIALS</u></b>				
<b><u>Marker Installation Permit</u></b>				
Flat Marker Memorial		115.50	38.50	154.00
Upright Monument Memorial		115.50	38.50	154.00
Columbarium Niche Plate		115.50	38.50	154.00
* Memorial Wall Plaque		115.50	38.50	154.00
* Community Memorial Wall Plaque		115.50	38.50	154.00
<b><u>Granite Memorial Wall Plaques</u></b>				
* Individual/Family Plaque	Plaque/Installation	254.25	84.75	339.00
<b><u>CEMETERY PRODUCTS</u></b>				
Grave Liners	Single	559.00	-	559.00
	Double	559.00	-	559.00
Cremation Vault	Cremation	147.00	-	147.00

## SCHEDULE 'B': INTERMENT RIGHTS & SPECIFICATIONS

### 1.0 INTERMENT RIGHTS

- 1.1 The City, subject to payment of an established fee may grant an interment right for a vacant lot in a City cemetery on an at-need or a reserve basis.
- 1.2 Possession of an interment right,
- (a) confers to a rights holder, a right in perpetuity to use, in compliance with the Bylaw, a lot for the interment and/or memorialization of human remains or cremated remains of an individual or individuals named on an Interment Rights Certificate, but;
  - (b) does not confer any title to, ownership of, or interest in the land of a City cemetery or of a lot therein or any other special privilege over any land of a City cemetery, and;
  - (c) does not entitle a rights holder to require the City to perform an interment of human remains or cremated remains into a lot until the rights holder complies in all other respects with this Bylaw as it relates to the interment of human remains or cremated remains or the purchase and placement of a memorial, including and without limitation the payment of all fees.
- 1.3 The City shall issue, to an individual paying in full the fee for an interment right set out in *Bylaw Schedule 'A': Cemetery Fees* an *'Interment Rights Certificate'*, in a form prescribed by the City, which sets out the rights of use conferred to the purchaser or an assignee of the purchaser identified on the certificate.
- 1.4 An applicant may purchase the interment rights for:
- (a) not more than two (2) human remains lots;
  - (b) not more than (4) cremated remains lots.
- 1.5 Every interment in and every placement of a memorial on a lot in a City cemetery shall be made in compliance with the City's Cemetery Management Bylaw and *Bylaw Schedule 'B': Interment Rights and Specifications* and *Bylaw Schedule 'C': Memorial Specifications*.
- 1.6 **HUMAN REMAINS LOT:** The interment rights for a City cemetery human remains lot shall be:
- (a) **Infant / Child Lot:** This form of lot is limited to the interment of the human remains of one (1) infant or child and the secondary interment of the cremated remains of not more than two (2) individuals who shall have a direct and immediate familial relationship and shall be limited to a parent, sibling or grandparent of the interred infant or child;
  - (b) **Single-Depth Adult Lot:** This form of lot is limited to the interment of the human remains of one (1) individual and/or the interment of the cremated remains of not more than three (3) individuals;
  - (c) **Double-Depth Adult Lot:** This form of lot is limited to the interment of the human remains of two (2) individuals and/or the interment of the cremated remains of not more than three (3) individuals;

- (d) **Green Burial Lot:** In addition to the above the purchase of a green burial interment right is subject, in every way, to 'Section 9.0: Green Burial' of the Cemetery Management Bylaw;

1.7 **CREMATED REMAINS LOT:** The interment rights for a City cemetery cremated remains lot shall be:

- (a) **Standard Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals;
- (b) **Family Estate Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than six (6) individuals
- (c) **Family Vessel Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than eight (8) individuals enclosed in soft-sided urns that are of a size that can be placed in the vessel;
- (d) **Family Ossuary Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than sixteen (16) individuals where the cremated remains shall be 'scattered' and comingled into the ossuary vessel;
- (e) **Green Burial Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals and the use of a green burial lot is subject, in every way, to 'Section 9.0: Green Burial' of the Cemetery Management Bylaw;
- (f) **Columbaria Niche Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals

## 2.0 LOT SIZES

2.1 **HUMAN REMAINS LOT:** Generally, lots designed, laid out and designated for the interment of human remains shall be the following size:

- (a) **Infant / Child Human Remains Lot:** Shall not exceed, but may be less than, three (3') feet (0.9 m) wide by five (5') feet (1.5 m) long;
- (b) **Adult Human Remains Lot** (includes green burial lots): Shall not exceed four (4') feet (1.2 m) wide by nine (9') feet (2.7 m) long, and;

2.2 **CREMATED REMAINS LOT:** Generally, lots designed, laid out and designated for the interment of cremated remains shall be the following size:

- (a) **Standard Cremation Lot** (including green burial lots): Shall not exceed two (2') feet six (6") inches (76 cm) wide by two (2') feet six (6") inches (76 cm) long;
- (b) **Family Estate / Vessel / Ossuary Cremation Lot:** Shall not exceed five (5') feet (1.5 m) wide by six (6') feet (1.8 cm) long;
- (c) **Columbaria Niche Lot:** The dimensions of a niche, which may vary in size depending on a columbarium design and layout, shall be those that are designed for and provided to the City by a columbarium / niche supplier.

2.3 Lots may be laid out separately, in combinations or in combination of one lot type with another lot type.

2.4 Human remains interment lots may permit for the secondary interment of cremated remains above interred human remains.

- 2.5 In every instance, the official dimensions of any lot in a City cemetery shall be those set-out in the design plan and subsequent lot survey completed for the cemetery in which they are located.
- 2.6 The City shall have the authority to vary the dimensions of a lot or group of lots as circumstances may dictate or as it deems appropriate for the operation and maintenance of the Cemetery.
- 2.7 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a City cemetery shall be those set out in these specifications.

### **3.0 INTERMENT**

3.1 Generally, the following specifications shall be followed in making an interment of human remains or cremated remains into a lot or scattering of cremated remains in a City cemetery.

3.2 **HUMAN REMAINS:** For every interment of human remains in a:

- (a) **Single-Depth Lot:** interment shall be made at a depth that is sufficient to ensure there is, when filled and closed, not less than thirty-six (36") inches (91.4 cm) of soil between the finished surface of the lot and the uppermost surface of the grave liner, casket or container enclosing the human remains resting in the lot;
- (b) **Double-Depth Lot:** the first interment shall be made at the lowest depth of the lot and shall be at a depth that is sufficient to permit a future second interment of human remains, separated by not less than two (2') feet (60.9 cm) of soil between the first and second interment, and where, after any future second interment in the lot, when filled and closed, shall have not less than thirty-six (36") inches (91.4 cm) of soil between the finished surface of the lot and the uppermost surface of the grave liner, casket or container enclosing the human remains resting in the upper level of the lot;
- (c) **Green Burial Lot:** in addition to complying with 3.2 (a) and (b) above, no form of grave liner or vault shall be used in a green burial lot.

3.3 **CREMATED REMAINS:** For every interment of cremated remains in a:

- (a) **Cremation Lot,** the in-ground interment of cremated remains shall be made in an excavation which, when filled and closed, provides not less than twenty-four (24") inches (60.9 cm) of earth between the finished surface level of the lot and the uppermost surface of the urn enclosing the cremated remains resting in the lot;
- (b) **Green Burial Lot,** in addition to complying with 3.3 (a) above, no form of grave liner or vault or non-biodegradable urn or container may be used in a green burial lot.

### **4.0 MEMORIALS**

4.1 The installation of a memorial on any lot in a City cemetery shall comply with *Bylaw Schedule 'C': Memorial Specifications* of the *Cemetery Management Bylaw* as may currently be in force or as may be amended or repealed and replaced from time to time in the future.



## SCHEDULE 'C': MEMORIAL SPECIFICATIONS

### 1.0 GENERAL RULES

- 1.1 Every memorial and the installation of every memorial in a City cemetery shall conform to the plan established for the lot and the section of the City cemetery in which the memorial is proposed to be installed.
- 1.2 Every memorial shall be constructed of granite, or bronze on a granite base or another material of permanent and durable material approved by the City.
- 1.3 No memorial, inscription, engraving, ornamentation or combination thereof that, in the opinion of the City, is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 1.4 No memorial shall be installed on a lot in a City Cemetery until:
  - (a) plans and specifications are submitted to the City by an applicant, in a form prescribed by the City, where the plans and specifications shall describe fully a memorial's proposed size, design, material, inscription and location;
  - (b) it is determined the memorial described on the application complies in every way with the specifications set out for memorial placement on a City cemetery lot where installation is proposed;
  - (c) the applicable memorial permit and installation fee and memorial care fund contribution set out in *Bylaw Schedule 'A': Cemetery Fees* is paid in full to the City;
  - (d) all outstanding indebtedness as may relate to the lot interment rights and any interments has been paid in full to the City;
  - (e) upon satisfying all the above, a memorial permit is issued by the City to authorize installation of the memorial.
- 1.5 Where a memorial design includes a photograph or emblem then the photograph or emblem shall be an integral part of the memorial that is either cast bronze, sand-blasted, laser-etched or otherwise securely attached to the memorial in a manner approved by the City.
- 1.6 The type and design of a memorial and, the maximum width, depth and thickness of a memorial and, the form and style of a memorial inscription is conditional on the type of lot or lots on which it is being installed.
- 1.7 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot except;
  - (a) where a memorial is installed that provides for the memorialization of two (2) or more individuals and where one (1) individual has predeceased the other and has been interred;
  - (b) where a lot has been purchased for the sole intent and purpose of memorialization and the interment rights purchaser has indicated in writing that no interment will be made in the lot on which the memorial is to be installed.
- 1.8 Every memorial shall conform to the specifications set out in this Schedule and any further requirement that may be established by the City for a lot at a City cemetery at the time the memorial is placed or installed, not at the time the memorial is purchased or at the time of a death.

- 1.9 Every memorial at a City cemetery shall be placed, installed, relocated or removed by the City or a contractor or an individual authorized by the City.
- 1.10 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a City cemetery shall be those set out in this Schedule.
- 1.11 No form of flower vase may be installed in or on any lot or attached to any memorial installed at a City cemetery.
- 1.12 Except for lots embellished prior to the adoption date of this Bylaw the surface of every grave in a City cemetery shall be soil and turf grass.
- 1.13 No lot, plot or grave space shall be defined by any form of curb, grave cover, coping, fence or railing. The City shall have the authority to, without prior notice, remove and restore the surface of a grave with soil and turf grass, and dispose of any curbing, grave cover, coping, fence or railing that is in an advanced state of disrepair, has created an unsafe ground condition, become a safety hazard to persons using, visiting or working in the Cemetery or that has otherwise deteriorated to a state that is inconsistent with the dignity of adjacent graves and the general aesthetic of the Cemetery.

## 2.0 MEMORIALS

- 2.1 Except for the thickness of a flat memorial installed flush with the ground, which shall never be less than three (3") inches (7.6 cm) thick, memorial dimensions set out in this Schedule may have a variance of not more than one-half (1/2") inch (1.2 cm).
- 2.2 Every flat marker memorial shall be installed, at an applicant's expense, on a lot where the installation shall consist of:
  - (a) excavation and preparation of the installation site, and;
  - (b) placement and compaction of sufficient consolidated aggregate materials to ensure stable and level, vertical and horizontal installation of the flat marker is made where the upper surface of the memorial when installed is flush with the ground level of the lot.
- 2.3 Every upright monument memorial shall be installed, at an applicant's expense, on a lot where the installation shall consist of:
  - (a) excavation and preparation of the installation site;
  - (b) placement and compaction of sufficient consolidated aggregate materials, to ensure a stable and level, vertical and horizontal installation of the upright monument base above the surface level of the lot is achieved.
- 2.4 Every foundation for a flat marker or an upright monument memorial shall be installed to a standard, established by the City, that will minimize the potential settlement of or any effect of frost heave on an installed memorial. The City shall have the authority to revise or add additional installation requirements for memorial markers as it deems necessary.
- 2.5 No form of decorative rock, gravel or other form of material may be placed at or around a memorial in a City Cemetery. Only materials approved or used by the City for the installation and maintenance of memorials is permitted at or around memorials or gravesites.
- 2.6 **Flat Marker Memorial:** A memorial taking the form of a flat marker to be installed flush with the ground shall have:

- (a) a foundation, installed at the applicant's expense, that conforms to Article 2.2 of these Memorial Specifications and to any other requirement that may be issued by the City for a gravesite where a flat memorial marker is proposed for installation;
- (b) a granite memorial that is smooth sawn on the bottom and its sides and the side surfaces shall be true and perpendicular with the memorial's top surface and the inscription and design shall be carving, engraving or etching on the face of the memorial, OR;
- (c) a bronze memorial anchored onto a granite base which shall be both wider and longer than the bronze marker with a border of exactly two (2") inches (5 cm) of the base surface exposed on all sides and, the base top, bottom and sides shall be smooth sawn and, the side surfaces shall be true and perpendicular with the base's top surface and, the base shall be not less than three (3") inches (7.6 cm) thick, OR;
- (d) a bronze memorial anchored onto a reinforced concrete base which will have a border of not more than two (2") inches (5 cm) of exposed concrete exposed on all sides, and further;
  - i. the concrete base shall consist of one (1) mat of No. 3 steel reinforcing bar placed in the centre of the three (3") inch (7.6 cm) slab and protected from the edges with one and one-half (1.5") inches (3.8 cm) of concrete. This form of mat shall have not less than two (2) pieces of reinforcing bar running the width of the base and three shorter pieces running the length of base, or;
  - ii. the concrete base may consist of not less than two (2) layers of No. 9 wire reinforcing mesh placed in the centre of the slab and spaced 0.4" inches (1cm) to 0.8" inches (2 cm) apart from the other, and;
  - iii. the concrete base for a bronze memorial shall be not less than three (3") inches (7.6 cm) thick, and;
  - iv. a bronze memorial mounted on a concrete base shall not exceed the maximum permitted size of a memorial that may be permitted on a lot, and;
  - v. the scrolls, letters, figures or other design elements of the memorial shall not be raised more than one-half (0.5") inch (1.2 cm) above the finished surface of the memorial.

2.7 **Upright Monument Memorial:** A memorial taking the form an upright monument installed above the ground level of a lot shall have:

- (a) a foundation, installed at the applicant's expense, that conforms to article 2.3 of these *Memorial Specifications* and to any other requirement that may be issued by the City for a gravesite where an upright monument is proposed for installation;
- (b) a monument base that is made of granite that shall first be installed and secured to its foundation in a manner approved by the City and the bottom of the granite base shall be smooth sawn and unpolished so as to permit effective placement of the base on its foundation;
- (c) base side surfaces that are true and perpendicular with the base top surface and may be smooth sawn or rock pitch and may be polished or unpolished;

- (d) a base that is wider and longer than the monument tablet to provide a minimum border of two (2") inches (5 cm) to a maximum border of four (4") inches (10.1 cm) of the base surface exposed on all sides, and;
  - (e) a monument tablet constructed of granite that is attached to the monument base with dowel pins and / or an adhesive epoxy compound approved by the City and, in the instance 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") inches (15.2 cm) in length and evenly extended into both the tablet and the base, and installed in a 'dry' mode;
  - (f) a monument tablet that is no thicker than a dimension that leaves not less than a two (2") inch (5.0 cm) to a maximum of not more than four (4") inch (10.1 cm) border of the monument base surface exposed on all sides;
  - (g) a monument tablet inscription and design that is carving, engraving or etching 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.
- 2.8 No inscription, lettering, plaque or other form of adornment or decoration shall be placed on the back or any side of an upright monument base or monument tablet.
- 2.9 No upright monument shall be installed to extend over the space where a lot has been or may be opened to accommodate an interment of human remains.
- 2.10 An upright monument with a design feature that is an integral part of a monument tablet may be permitted so long as the monument and design feature conform to the size specifications set out in these specifications.
- 2.11 An upright monument in the form of a freestanding design shall not be permitted.
- 2.12 No upright monument shall have any uncovered vertical joint.
- 2.13 No form of candleholder, vase, lantern or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed in a City cemetery.
- 2.14 **Columbaria Niches:** A memorial taking the form of a columbaria niche plate shall, subject to the niche plate size, have an inscription carved or engraved on the surface of the niche plate that is made in a font style, font size, layout and content that is consistent with adjacent niches and with the overall design established by the City for the columbarium of which the niches are a part.
- 2.15 **Cremation Vessel (Ossuary):** A memorial taking the form of a cremation vessel (ossuary) shall, subject to the vessel (ossuary) size, have an inscription carved or engraved on its surface in a font style, size and layout that is consistent with adjacent niches and with the overall design established by the City for vessels (ossuaries) in a City cemetery.
- 3.0 LOT TYPES & PERMITTED MEMORIALS**
- 3.1 Interment into any form of lot in a City cemetery shall comply with *Bylaw Schedule 'B': Interment Rights and Specifications* as may be in force at the time an interment is made.
- 3.2 **HUMAN REMAINS - SINGLE LOT:** The following specifications shall constitute the number and type of memorials permitted on a human remains single lot as they may be designated and laid-out in a City cemetery:

- (a) **Infant / Child Lot:** This form of lot may have not more than two (2) flat markers installed flushed with the ground that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than three (3) individuals.
- (b) **Single Adult Lot with Flat Markers:** This form of lot may have not more than four (4) flat markers installed flush with the ground that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each except where the lot has or will be used for either the double-depth interment of human remains or the interment of human remains and/or cremated remains and then up to two (2) of the permitted markers may be (12") inches (30.4 cm) deep by twenty-four (24") inches (60.9 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals each.
- (c) **Single Adult Lot with Upright Monument:** This form of lot may, as its primary form of memorial, have one (1) upright monument with a base that is twelve (12") inches (30.4 cm) deep by twenty-six (26") inches (66.04 cm) wide by six (6") inches (15.2 cm) high WITH a monument tablet that is six (6) inches (15.2 cm) thick by twenty (20) inches (50.8 cm) wide by not more than twenty-four (24") inches (60.9 cm) high and memorializing not more than one (1) individual except where the lot has or will be used for either the double-depth interment of human remains or the interment of human remains and/or cremated remains and then the upright monument may memorialize not more than two (2) individuals, AND:
  - (i) may also have not more than three (3) additional flat markers installed flush with the ground that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.

3.3 **HUMAN REMAINS - 'FAMILY' LOTS:** The following specifications shall constitute the number and type of memorials permitted on lots purchased in a side-by-side 'family' configuration as may be designated, laid-out and permitted in a City cemetery:

- (d) **Side-by-Side Adult Lots with Flat Markers:** This form of lot may, as its primary form of memorial, have one (1) large flat marker installed flush with the ground over the center line of two (2) adjoining lots, that is eighteen (18') inches (45.7 cm) deep by thirty (30") inches (76.2 cm) wide by not less than three (3") inches (7.6 cm) thick memorializing not more than two (2) individuals or where the lot has or will be used for the double-depth interment of human remains then the large flat marker may memorialize not more than four (4) individuals; AND:
  - (i) may also have not more than six (6) flat markers installed flush with the ground with three (3) markers on each of the adjoining lots that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.

- (e) **Side-by-Side Adult Lots with Upright Monument:** This form of lot may, as its primary form of memorial, have one (1) large upright monument, installed over the center line of two (2) adjoining lots, that has a base that is twelve (12") inches (30.4 cm) deep by thirty-four (34") inches (86.3 cm) wide by six (6") inches (15.2 cm) high WITH a monument tablet that is six (6") inches (15.2 cm) thick by twenty-eight (28") inches (71.1 cm) wide by not more than twenty-four (24") inches (60.9 cm) high and memorializing not more than two (2) individuals except where the lot has or will be used for the double-depth interment of human remains and/or cremated remains and then the large upright monument may memorialize not more than four (4) individuals; AND;
  - (i) may also have not more than six (6) flat markers installed flush with the ground with three (3) markers on each of the two (2) adjoining lots that are twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual each.

3.4 **CREMATED REMAINS LOTS:** The following specifications shall constitute the number and type of memorials permitted on a cremated remains lot as they may be designated and laid-out in a City cemetery:

- (a) **Standard Cremation Lot - Single Interment:** This form of lot may have one (1) flat marker installed flush with the ground that is twelve (12") inches (30.4 cm) deep by twenty (20") inches (50.8 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual;
- (b) **Standard Cremation Lot - Companion Interment:** This form of lot may have one (1) flat marker installed flush with the ground that is twelve (12") inches (30.4 cm) deep by twenty-four (24") inches (60.9 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals;
- (c) **Family Estate Cremation Lot with Flat Markers only:** This form of lot may have three (3) flat markers installed flush with the ground that are twelve (12") inches (30.4 cm) deep by twenty-four (24") inches (60.9 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals each;
- (d) **Family Estate Cremation Lot with Upright Monument:** This form of lot may, as its primary form of memorial, have one (1) upright monument with a base that is twelve (12") inches (30.4 cm) deep by twenty-six (26") inches (66.0 cm) wide by six (6") inches (15.2 cm) high WITH a monument tablet that is six (6) inches (15.2 cm) thick by twenty (20) inches (50.8 cm) wide by not more than twenty-four (24") inches (60.9 cm) high and memorializing not more than two (2) individuals AND an additional two (2) flat markers installed flush with the ground that are twelve (12") inches (30.4 cm) deep by twenty-four (24") inches (60.9 cm) wide by not less than three (3") inches (7.6 cm) thick memorializing not more than two (2) individuals each;

- (e) **Family Vessel / Ossuary Cremation Lot:** This form of lot shall, as its primary form of memorial, have one (1) cremation vessel (ossuary) of a size and design established and supplied by the City and installed onto a granite base that is thirty-three (33") inches square and not less than three (3") inches (7.6 cm) thick and may incorporate an inscription approved by the City and engraved into the surface of the vessel in a font, size and depth approved by the City and along with the vessel (ossuary) the lot may have up to four (4) flat markers installed flush with the ground that are twelve (12") inches (30.4 cm) deep by twenty-four (24") inches (60.9 cm) wide by not less than three (3") inches (7.6 cm) thick and memorializing not more than eight (8) individuals where 'vessel' interments are made or not more than sixteen (16) individuals where only 'ossuary' scatterings are made;
- (f) **Columbaria Niche Lot:** This form of lot shall have as its primary form of memorial an inscription made on the face of the niche plate in a design, font style, size and layout established by the City that is consistent with adjacent niches and the overall design established by the City for the columbarium of which the niche is a part.

3.5 **GREEN BURIAL LOTS:** The following specifications shall constitute the form of memorial and memorialization permitted for green burials as and where they may be designated and laid-out in a City cemetery:

- (a) Other than City installed communal memorials no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any other decoration, adornment or structure shall be placed on, in or around any green burial lot or in a green burial area.
- (b) No inscription shall be made on a green burial memorial until;
  - (i) the inscription is approved by the City;
  - (ii) all outstanding indebtedness to the City relating to a right of interment for a lot, interment, scattering and the engraving of the inscription has been paid in full.
- (c) For every memorial inscription made on a green burial memorial the inscription shall be;
  - (i) placed on the memorial designated for the lot or group of lots where a green burial was made;
  - (ii) recorded sequentially on the memorial as interments occur;
  - (iii) composed on one line, as space may permit, of an inscription limited to the given name(s) and/or initial(s) and the surname of a deceased and the year of birth and the year of death of a deceased.
  - (iv) engraved to a standard depth and in a standard font established by the City for the memorial where the inscription is being made, and;
  - (v) made by the City or an approved agent or supplier of the City.
- (d) No inscription that deviates from the content and specifications set out in Article 3.5(c) of this Bylaw or that is inconsistent with the dignity of

adjacent inscriptions, lots, the City cemetery or community standards shall be placed on any green burial memorial.

- (e) The City shall have the right to determine when inscriptions are made on a green burial memorial and shall make new inscriptions as they may accumulate at a minimum of two (2) times in each calendar year.
- (f) There is no obligation to have a memorial inscription made on a green burial memorial after a green burial interment or scattering is made in a green burial area
- (g) The City shall have the right to maintain, reposition, move, relocate or otherwise change a green burial memorial as deemed necessary and subject only to compliance with requirements of cemetery legislation.

#### **4.0 MEMORIAL PLAQUES**

- 4.1 The City shall have the authority to establish and install in any City cemetery such structures and features of a design and standard established by the City that facilitate the installation of memorial plaques for individuals or families or that may provide special recognition for individuals or organizations that, in the opinion of and at the discretion of the City, have made a special contribution to the City.
- 4.2 Memorial plaques shall, at the expense of an applicant, be supplied and installed by the City and when installed shall be considered as property of the City cemetery.
- 4.3 Memorial plaques shall be constructed of granite in a size, font and design established by the City and each:
  - (a) **Individual Plaque** shall be nine and one-half (9.5") inches (24.5 cm) high and sixteen and one-half (16.5") inches (42 cm) wide and memorializing one (1) individual;
  - (b) **Family Plaque** shall be sixteen and one-half (16.5") inches (42 cm) high and sixteen and one-half (16.5") inches (42 cm) wide and memorializing up to (4) individuals;
  - (c) **Community Recognition Plaque** shall be twenty-four (24") inches high by thirty (30") inches high and shall have an inscription of recognition that is approved by the City and is consistent with the dignity of adjacent lots, the cemetery and community standards.