

THE CORPORATION OF THE DISTRICT OF PEACHLAND

BYLAW NUMBER 1701

A Bylaw Establish Rates & Regulations
for the Peachland Cemetery

This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.

Amended by: Bylaw No. 1743, Adopted on January 11, 2005
Bylaw No. 1928, Adopted on December 8, 2009
Bylaw No. 1965, Adopted on November 23, 2010
Bylaw No. 2096, Adopted on August 11, 2015

WHEREAS the Council of the Corporation of the District of Peachland is empowered to establish terms and conditions under which, and the fees for which, persons may acquire the right to make use of areas or plots in a municipal cemetery for the interment or other disposition of the dead;

NOW THEREFORE, the Council of the Corporation of the District of Peachland, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Cemetery Bylaw Number 1701, 2003."
2. District of Peachland's "Cemetery Bylaw Number 1341, 1995," and amendments thereto, are hereby repealed.

3. Definitions:

In this Bylaw:

"Caretaker" means the person or persons duly appointed from time to time as Caretaker of the Peachland Cemetery.

"Cemetery" means the parcels or tracts of land owned, used and maintained by the District as a cemetery.

"Child" means a person up to and including the age of fourteen (14) years.

"Clerk" means the Clerk of the District of Peachland, duly appointed as such from time to time by the Council of the District of Peachland.

"Cremated Remains" means human bone fragments and ash that remain after cremation.

"Disinterment" means removal of human remains, along with the casket or container or any of the remaining casket or container holding the human remains, from the lot in which the human remains had been interred.

"District" means the Corporation of the District of Peachland.

"Exhumation" means the exposure of interred human remains for viewing or for examination, whether in or removed from the lot in which the human remains had been interred.

“Flowers” means cut flowers (natural), artificial flowers, wreathes and floral offerings.

“Human Remains” means a dead human body in any stage of decomposition, but does not include cremated remains.

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

“Medical Health Officer” means the Medical Health Officer duly appointed under the *Health Act*, who has jurisdiction for the area in which the Peachland Cemetery is located.

“Memorial Marker” means a marker, headstone, tombstone, monument, plaque, tablet or plate on a grave or plot used to identify a lot or memorialize the deceased.

“Non-Resident” means any deceased person not covered under the definition of “Resident.”

“Registrar” means the Registrar designated under the *Cemetery and Funeral Services Act*.

“Resident” means a deceased person who resided or was a property owner in the District of Peachland at the time of death, or resided or was a property owner in the District of Peachland for more than five (5) years at any time preceding death.

4. Designated Lands:

4.1 The following lands, owned by the District, have been set aside and shall be used for cemetery purposes, and herein under shall be referred to and known as the “Peachland Cemetery:”

a) Lot A, District Lot 221, ODYD, Plan 30671; and

b) Part Former Lot 14, Plan 177, Except Plan 22280 is Annexed Easement G3403 over Lot A, Plan 22280

4.2 A copy of the plan of the Cemetery shall be filed with the Registrar of Cemeteries, and a copy shall also be kept available for public inspection in District Office and at such other places as may be deemed necessary.

5. License to Use a Cemetery:

5.1 No person shall use a lot in the Peachland Cemetery without first obtaining a Cemetery License from the District.

5.2 The Clerk may issue a Cemetery License to any person, upon payment of the fees set out in Schedule ‘A’, granting exclusive use of a lot that is vacant and unlicensed within the Peachland Cemetery.

5.3 Lots shall be sold in sequential order as maintained, except when granted special permission. No random selections shall be permitted unless authorized by the Clerk and the caretaker.

5.4 (1) The holder of a License to use and occupy a lot in the Cemetery may, upon written request to the Clerk, dispose of or transfer to another family member, the Cemetery License.

(2) Upon receiving a written request from the holder of a Cemetery License, the Clerk may:

- a) cancel the License so issued, and refund to the holder a sum equivalent to that paid for such License at the time of issuance, excluding the Cemetery Care Fund contribution; or
- b) transfer the License to another family member, upon payment of the Transfer Fee shown in Schedule 'A', by noting on the License documentation the name of the new License holder.

5.5 All Licenses issued for the use of a lot in the Cemetery shall be subject to the provisions of this Bylaw and all other Bylaws or *Acts* pertaining to cemetery use.

6. Fees and Charges:

- 6.1 (1) The fees for use of a lot; interment, disinterment, exhumation; care of the cemetery; and any other cemetery fees shall be those set out in Schedule 'A' attached to and forming part of this Bylaw.
- (2) The fees set out in said Schedule 'A' shall be paid at the District office at the time of purchasing a Cemetery License, or Interment Permit.

7. Permission to Inter, Disinter, and Exhume:

- 7.1 No person shall inter human remains in the Cemetery until a Cemetery License has been issued by the District in accordance with Section 5 of this Bylaw, and a 'Burial Permit' as issued by the Registrar of Vital Statistics under the *Vital Statistics Act* has been presented to the District.
- 7.2 No person shall inter cremated remains in the Cemetery until a Cemetery License has been issued by the District in accordance with Section 5 of this Bylaw, and a 'Certificate of Cremation' from the crematorium's Register of Cremations has been presented to the District.
- 7.3 All requests for interment in the Cemetery must be made to the Clerk at the District office during business hours Monday through Friday, except Statutory Holidays. Requests must be made not less than seventy-two (72) hours prior to the intended time of interment.
- 7.4 Any person requesting an interment shall provide a statement of the full name, age and date of death of the deceased, and whether or not death was caused by a reportable communicable disease under the *Health Act's* Communicable Disease Regulation, and the time and date of the funeral or burial and any other information as may be reasonably required.

7.5 No remains interred in the Cemetery shall be disinterred or exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the *Cemetery and Funeral Services Act*, and the presentation of such order to the District.

7.6 It shall be unlawful for a person to bury or cremate a deceased person within the municipal boundaries of the District except pursuant to the terms of the *Cemetery and Funeral Services Act* and the regulations there under, and the regulations contained in this Bylaw.

8. Interment in the Cemetery:

8.1 No remains, other than human remains or cremated remains shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.

8.2 No person, being the holder of a valid Cemetery License to use a lot in the Cemetery, shall use the space for interment unless such interment is made pursuant to and subject to the provisions of this Bylaw and the *Cemetery and Funeral Services Act*.

8.3 Where the human remains of a person who died suffering a communicable disease is to be buried in a cemetery, those who perform the interment shall carefully follow any instructions given by the Medical Health Officer.

8.4 (1) Each interment of human remains shall be made in a grave dug to a depth sufficient to provide for not less than 1 meter (3.28 feet) of earth between the upper surface of the casket or grave liner and the general level of the ground surrounding the grave.

(2) Not more than the following may be interred in a full size burial plot:

- i) 3 cremation interments; or
- ii) 1 interment and up to 3 cremation interments; or
- iii) under deeper depth provisions, maximum of 2 interments and up to 3 cremation interments.

(3) A grave liner shall be used for each interment of human remains and shall be made of reinforced fiberglass in one-piece construction sufficient to bridge a coffin or casket over its entire length.

8.5 (1) Each interment of cremated remains in either a full size or cremation burial plot shall be made in a grave dug to a depth sufficient to provide for not less than 0.3 meters (1.0 feet) of earth between the upper surface of the cremation vault and the general level of the ground surrounding the grave.

(2) Not more than 2 cremation interments shall be permitted in any one cremation plot.

(3) A cremation vault shall be used for each interment of cremated remains into either a cremation or regular burial plot and shall be made of reinforced fiberglass to contain the cremated remains.

8.6 No interments shall be allowed in the Cemetery at any time other than between the hours of 8:00 a.m. and 4:00 p.m.

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8.7 No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by him or by the Clerk.

9. Caretaker:

A Cemetery Caretaker may be appointed, and the duties and responsibilities of a caretaker so appointed shall be outlined and approved by the Clerk.

10. Administration:

10.1 The Clerk shall maintain records as necessary to the administration and management of the Cemetery as required by Division 11 of the Regulations under the *Cemetery and Funeral Services Act*.

10.2 The Clerk is hereby authorized on behalf of the District to grant a License in the form set out in said Schedule 'A' in respect of any unoccupied and unlicensed lot in the Cemetery and to charge the fees prescribed in said Schedule 'A'.

10.3 Upon issuing any permits for interment in the Cemetery, or upon receiving an order for disinterment or exhumation from the proper authority as required by Section 7 hereof, the Clerk shall notify the Caretaker of the time of the intended interment, disinterment or exhumation, giving the name of the deceased and the number and location of the lot concerned.

11. Care Fund:

11.1 A "Cemetery Care Trust Fund" shall be established, set aside, and maintained, in accordance with the *Cemetery and Funeral Services Act*, to provide for the upkeep and care of the Cemetery and lots in it.

11.2 All Care Fund fees set out in Schedule 'A' of this Bylaw shall be paid into the Care Fund, together with any voluntary payments from a person having a Cemetery License to use a grave space or from other interested persons.

11.3 On all Cemetery Licenses issued for the use of a lot, the amount required to be used for Care Fund purposes shall be specified.

11.4 All money received for the Care Fund shall be held and invested as trust funds with the income to be devoted solely to the upkeep and care of the Cemetery and the lots in it.

11.5 Investment of funds received for Care Fund purposes shall be made as required by the regulations under the *Cemetery and Funeral Services Act*.

12. Memorial Markers:

12.1 All memorial markers shall be installed by the caretaker and only when the fees have been paid in accordance with Schedule 'A' of this Bylaw, and the District has issued a Cemetery License.

12.2 No person shall place on a grave in the Cemetery a memorial marker contrary to the provisions of this Bylaw.

12.3 No lot shall be defined by a fence, railing, coping, curbing, or other form of marking, other than an approved memorial marker.

12.4 No grave space shall be covered with a material other than natural grass.

12.5 (1) All memorial markers to be installed on burial plots shall be made of

natural stone or bronze.

- (2) All memorial markers made of bronze shall be centered on a concrete base of not less than 10.16 cm (3.5") thick, supplied and installed by the District such that a minimum of 10.16 cm (3.5") of the base remains on each side of the marker.
- (3) All bases shall be supplied and installed by the District at the expense of the License Holder and shall be installed so that the top surface of the base is flush with the surrounding ground level.

12.6 The maximum size and height of memorial markers shall be as follows:

<u>Adult Graves:</u>	Size	Single – 40.64 cm x 45.72 cm (16" x 18")
		Adjacent – 91.40 cm x 30.43 cm (36" x 12")
<u>Child Graves:</u>	Size	40.64 cm x 25.4 cm (16" x 10")
<u>Cremation Graves:</u>	Size	Single – 35.56 cm x 40.64 cm (14" x 16")
		Adjacent – 60.96 cm x 40.64 cm (24" x 16")

- 12.7 (1) Where a full size grave space has been used for human remains, interments and subsequent cremated remains interments, only flat memorial markers may be installed.
- (2) Only flat memorial markers may be installed on a cremation gravesite.
- (3) Where two persons are buried side by side in adjacent graves, one double memorial marker, which provides for the memorialization of both persons, may be used instead of two separate markers, provided the double tablet so used is set to embrace evenly the two graves concerned.

13. General Provisions:

- 13.1 (1) Only one permanent or continuous floral display is allowed on any grave site and is to be situated at the head of the gravesite.
- (2) Flowers, wreaths and other offerings may be placed on graves at the time of interment, but may be removed by the Caretaker when their condition is considered by the Caretaker to be detrimental to the appearance of the Cemetery or for the purpose of regular maintenance of the Cemetery.

13.2 No person shall:

- (1) plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery, other than an employee of the District authorized to do so.
- (2) damage or deface any memorial, monument, fence, gate or structure in the Cemetery, or any other improvement in the Cemetery.
- (3) drive a vehicle in the Cemetery at any time at a speed of more than 16 km/h (10 mph) and all vehicles and their drivers, while in the Cemetery grounds, shall be subject to the reasonable directions and order of the Caretaker.
- (4) solicit orders for markers, tablets, memorials, curbing, capping or like works within the limits of the Cemetery.
- (5) discharge any firearms in the Cemetery, other than in regular volleys at a burial service.
- (6) be in the Cemetery at any time other than between sunrise and sunset, except with special permission of the Caretaker.

13.3 All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Caretaker, and any person not behaving with proper decorum within the Cemetery, or disturbing the quest and good order of the Cemetery, may be evicted there from by the Caretaker.

13.4 Notwithstanding anything herein contained, the administration and operation of the Cemetery shall be carried out at all times in accordance with the *Cemetery and Funeral Services Act* and regulations made there under.

13.5 If any section or lesser portion of this Bylaw is held be a court of competent jurisdiction to be invalid, it shall be severed and the invalidity of the remaining provisions of this Bylaw shall not be affected.

14. Offence:

A person who contravenes any provision of this Bylaw by doing an act that it forbids, or by omitting to do an that it requires to be done, commits an offence against this Bylaw.

15. Penalty:

A person who commits an offence against this Bylaw is liable on conviction to a fine of not less than \$100.00 and not more than \$2,000.00.

16. This Bylaw shall come into force and take effect upon the final reading and adoption thereof.

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READ A FIRST TIME, this 25th day of November, 2003.

READ A SECOND TIME, this 25th day of November, 2003.

READ A THIRD TIME, this 25th day of November, 2003.

RECEIVED THE APPROVAL of the Ministry of Attorney General, Community Justice Branch, Cemeteries Division, this 17th day of December, 2003.

FINALLY RECONSIDERED AND ADOPTED, this 13th day of January, 2004.

Mayor

Municipal Clerk

Dated at Peachland, B.C.

This day of _____, 200 .

District of Peachland Cemetery Rates Schedule

Description	Residential Rate	Care Fund	Total	Non-Residential Rate	Care Fund	Total
Cemetery Plots						
Adult	840	280	1,120	1,226	409	1,635
Child/Infant	491	164	655	717	239	956
Cremation	400	133	533	584	195	779
Opening and Closing for Burials						
Weekday						
Adult	1,015		1,015	1,015		1,015
Child/Infant	670		670	670		670
Cremation	224		224	224		224
Weekend						
Adult	1,638		1,638	1,638		1,638
Child/Infant	1,420		1,420	1,420		1,420
Cremation	373		373	373		373
Weekdays Between 3 pm and 5 pm						
Adult	1,265		1,265	1,265		1,265
Child/Infant	1,097		1,097	1,097		1,097
Cremation	288		288	288		288
Deeper Depth for Double Graves	168		168	168		168
Installation of Memorials	112	37	149	112	37	149
Liners						
Adult Burial	259		259	259		259
Child/Infant Burial	259		259	259		259
Cremation Vaults	61		61	61		61
Exhumation Fees						
Adult	1,015		1,015	1,015		1,015
Child/Infant	670		670	670		670
Cremation	224		224	224		224
Administration Charges:						
Transfer of Licence	39		39	39		39
Refund of Licence	39		39	39		39

Care Fund charge for Memorials is only charged once and not on reinstallation.