



City of Vernon

# ***CEMETERY BYLAW***

## **#3472**

*Consolidated for Convenience*

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3472

**AMENDMENTS**

<b>BYLAW NO.</b>	<b>ADOPTION</b>	<b>AMENDMENT</b>
3640	November 6, 1989	Div 13, Section 1303: amend fees for 1303 (5) and 1303 (6)
3882	February 22, 1993	Div 13, Section 1303: amend fees for 1303 (4), (7) and (8)
3962	November 23, 1987	Div 13, Sections 1302 and 1303 be replaced in their entirety
4173	August 21, 1995	Amendment of wording; Replace first paragraph of Section 200; Deletion of Section 901 (4); Replacing Sections 1302 and 1303 in Div 13
4277	April 26, 1999	Replacing first paragraph of Section 901 (1); Amendments to wording of Sec 90 (2) and (4); Addition of subsection (5) and (6) to Section 901
4477	February 15, 1998	Div 13, Sections 1302 and 1303 in their entirety;
4612	October 10, 2000	Div 1, Addition of definition "108 Immediate Family"; Additional wording in Section 303 (1) and new paragraph in Section 303 (1) (a); Addition of wording in Section 501.
4703	April 8, 2002	Replacing Division 9 in its entirety; Div 10, Addition of Article 1004.
5139	July 28, 2008	Div. 1 – Update definition of "Minister"; Div. 2 – update Cemeteries Branch of Prov. Gov't; Div. 12 – update wording; delete any references to "Cemetery Act" and/or "Cremation Act" and replace with "Cremation, Interment and Funeral Services Act"; Div. 7 – update wording; Div. 8 – new section regarding Cemetery Care Fund Account; Div. 9 – update General Mgr. of Corporate Services title; Div. 12 – new Purchase Agreement and Conditions & Regulations; Div. 13 – new Fees & Charges Items 1302 and 1303.



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THE CORPORATION OF THE CITY OF VERNON

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A bylaw relating to the operation and maintenance  
of cemeteries, and for the  
levying of fees for same

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The Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

- (a) Cemetery Bylaw Number 2637, 1977 of The Corporation of the City of Vernon and all amendments thereto are hereby repealed.
- (b) This bylaw may be cited as the "City of Vernon Cemetery Bylaw Number 3472, 1987".

**DIVISION ONE - GENERAL DEFINITIONS**

- 100. "Administrator" shall mean and include the person duly appointed as such from time to time by the Council.
- 101. "Caretaker" shall mean the person or persons duly appointed from time to time as Caretaker or Caretakers of the Cemetery or Cemeteries of The Corporation of the City of Vernon.
- 102. "Cemetery" shall mean and include any parcel or tract of land owned, used or maintained by The Corporation of the City of Vernon as a Cemetery, either within or without the Municipality.
- 103. "Child" shall mean a person between the ages of two and twelve years.
- 104. "Clerk" shall mean the person duly appointed as such from time to time by the Council.

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105. "Corporation" shall mean The Corporation of the City of Vernon.
106. "Council" shall mean the Council of The Corporation of the City of Vernon.
107. "Flowers" shall mean cut flowers (natural), artificial flowers, wreaths and floral offerings.
108. "Immediate Family" shall mean a spouse, child, grandchild, brother, sister, grandparent, parent or stepparent.
109. "Infant" shall mean a person who is two years of age or younger.
110. "Mayor" shall include the Acting Mayor.
111. "Medical Health Officer" shall mean the person duly appointed from time to time by the Council to act as Medical Health Officer for The Corporation of the City of Vernon.
112. "Memorial Marker" shall mean a grave marker indicating the name of the deceased person or persons, and shall be made of natural stone, concrete or bronze, affixed to a concrete base.
113. "Director" shall mean a Director of the Business Practices and Consumer Protection Authority of British Columbia.
114. "Resident" shall mean a person, who at the time of death, was the assessed owner of property within the Corporate limits of The Corporation of the City of Vernon, or a person who has resided within the Corporate limits for not less than ninety (90) days.

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115. "Non-Resident" shall mean a person, who at the time of death, was not the assessed owner of property within the Corporate limits of The Corporation of the City of Vernon, or a person who has not resided within the Corporate limits for a period of ninety (90) days.
  
116. "Treasurer" shall mean the person duly appointed as such from time to time by the Council.
  
117. Words signifying the masculine shall include the feminine.

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**DIVISION TWO - GENERAL OPERATION**

200. The Council of The Corporation of the City of Vernon is hereby established as the Board of Cemetery Trustees to operate the "Pleasant Valley Cemetery" located at Pleasant Valley Road and 43rd Avenue, and legally described as follows:

- (a) Lot 2, Plan 8674, Lot A, Plan 25056, and Lot 2, Plan 5454, save and except the most southerly 120' thereof, all in Section 2, Township 8, Osoyoos Division Yale District, and located within the Municipal boundaries of The Corporation of the City of Vernon in the Province of British Columbia;

All in accordance with those portions of land left "unshaded" on a map outlined in "red" as shown on Schedule "A" attached hereto and forming part of this bylaw.

- (b) The following lands shall be set aside for future Cemetery use, and are described as:

Lot 1 of Plan 6029, save and except that part shown as Parcel "A" of DD C28737F, all in Section 2, Township 8, Osoyoos Division Yale District, and located within the Municipal boundaries of The Corporation of the City of Vernon in the Province of British Columbia.

All in accordance with those portions of land "shaded" on a map outlined in red as shown on Schedule "A" attached hereto and forming part of this bylaw.

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201. A copy of the plan of the Cemetery shall be filed with the "Business Practices and Consumer Protection Authority of British Columbia", and copies shall also be kept available for public inspection in the Municipal office and at such other places as may be deemed necessary.

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**DIVISION THREE - LICENCE TO USE THE CEMETERY**

300. The Council shall not reserve and set aside a section of the Cemetery to be used exclusively for the interment of deceased members of a society, church or other organization concerned. In sections of the Cemetery where past agreements have been made, no person or agent acting on his behalf shall be issued with a licence to use a grave space in the reserved section, unless his application to the Corporation to purchase a licence is accompanied by a certificate from the society, church or other organization concerned, stating that he is entitled to interment in the reserved section. All licences issued and services rendered by the Corporation under these conditions shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto and included in Division Thirteen of this bylaw.
301. The Administrator or his designate, as hereby authorized by the Council, may grant to any person paying the fees therefor, according to the scale of fees shown in Division Thirteen, a licence for the exclusive use by him, or his executors or administrators, of any one or more grave spaces which may be vacant and unlicensed in the Cemetery, and upon payment of said fee therefore, such person or persons shall be entitled to receive a licence in the form of a Purchase Agreement in Division Twelve attached hereto and forming part of this bylaw.
302. The Council reserves to itself the right to refuse to sell the use of more than two grave spaces to any one person.
303. (1) A holder of a licence to use and occupy grave space in the Cemetery shall not transfer his right and use of occupancy to another person, save and except as follows:
- (a) A holder of a licence to use and occupy grave space in the Cemetery may transfer his right and use of occupancy to an

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immediate family member upon payment of a sum equal to the Cemetery Care Fund Contribution portion of the current fees for a cemetery plot for cremated remains.

- (2) Upon receiving a written request by the holder of a licence to use and occupy grave space in the Cemetery, that such person wishes to forfeit such right to use and occupy grave space, the Administrator or his designate may cancel the licence so issued, and refund the holder a sum equivalent to that paid for such licence at the time of issuance, excluding the Cemetery Care Fund Contribution.

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**DIVISION FOUR - PERMISSION TO INTER, EXHUME AND CREMATE**

400. Only the interment of human remains shall be permitted within all sections of the Cemetery.
401. No interment shall be permitted in the Cemetery until a permit to inter the remains has been obtained from the Corporation, and the fee for interment, as specified in Division Thirteen hereof, has been paid to the Corporation.
402. All permits for interment of deceased human remains in the Cemetery shall be in the form of a Purchase Agreement in Division Twelve attached hereto and forming part of this bylaw.
403. All applications for a permit to inter in the Cemetery must be made to the Administrator or his designate at the Corporation's offices during the regular hours of business, provided that such time as may reasonably be required shall be allowed for the opening of a grave, and in any case no less than Twenty-Four (24) hours prior to the interment, or Forty-Eight (48) hours in case of frost conditions as determined by the Administrator or his designate.
404. Any person who makes application for an interment permit, or who requires an interment to be made, shall furnish the Administrator or his designate with a statement of name, age, date of death of the deceased, and date and time of funeral, whether or not death was caused by an infectious disease as designated in Section 502(2), and such other information as may be reasonably required.
405. No person shall be granted a permit to inter in an area of the Cemetery which has been reserved and set aside by the Corporation under the provisions of Section 300 hereof for the burial of members of a church, society or other organization unless the applicant for such permit furnishes the Administrator or his designate

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with a certificate from the organization concerned, stating that the deceased is entitled to burial in the area so reserved.

406. (1) In the case where the body of a person who dies having an infectious disease must be buried within Thirty-Six (36) hours of death under the requirements of Section 502 hereof, and if throughout the Thirty-Six (36) hours immediately following such death the Corporation's offices are closed, permission to inter in the Cemetery shall be obtained by contacting the Administrator or his designate, but in no case shall a person who dies having an infectious disease be buried without the consent of the Medical Health Officer.
- (2) The Cemetery Caretaker or the person who performs a burial under the conditions of subsection (1) of this Section shall furnish the Administrator or his designate with full particulars of the interment, and the representative of the deceased shall furnish the Administrator or his designate with full details of the deceased as required by Section 404 hereof.
- (3) The information required to be given to the Administrator or his designate under the terms of subsection (2) of the Section shall be made and furnished to him as soon after such interment as the Corporation's offices are opened.
407. No human remains interred in the Cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the "Cremation, Interment and Funeral Services Act".
408. It shall be unlawful for any person to cremate or bury a deceased person within the limits of The Corporation of the City of Vernon, save and except as authorized under the terms of the "Cremation, Interment and Funeral Services Act" and the regulations made thereunder, and the regulations contained in this bylaw.

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**DIVISION FIVE - INTERMENT IN THE CEMETERY**

500. No human remains shall be interred in the Cemetery except in compliance with and subject to the provisions of this bylaw.
501. The holder of a licence to use and occupy grave space in the Cemetery shall not allow or permit an interment to be made in the grave space to which the licence refers, nor shall he transfer or dispose of the said grave space to another person, group or organization, save as permitted under Section 303 (1) (a) herein.
502. (1) The remains of any person who died having an infectious disease must be interred within Thirty-Six (36) hours after the death occurred; and the Medical Health Officer shall furnish the Administrator or his designate with definite instructions respecting interments in such cases; and the Caretaker or duly authorized assistant acting on his behalf shall follow such instructions carefully and minutely in making such interments.
- (2) Infectious diseases shall be interpreted by the Health Act of British Columbia.
503. (1) (a) Each casket-type interment in the Cemetery shall be made in a grave dug to a depth sufficient to provide for one metre of earth between the upper surface of the coffin or graveliner and the level of the ground surrounding the grave.
- (b) Each cremation-type interment in the Cemetery shall be made in a grave dug to a depth sufficient to provide for 0.6 metres of earth between the upper surface of the cremated remains liner and the level of the ground surrounding the grave.

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- (2) (a) Not more than two casket-type interments shall be permitted in any one grave space in the Cemetery.
  - (b) Where two interments are permitted in one grave space, the first burial shall be at a lower depth than the second, and each of the two burials in one grave shall comply with the requirements of sub-section (1) of this Section.
- (3) Companion graves (two grave spaces side-by-side) shall be permitted with the concrete base and memorial marker centered between the two grave spaces following the first interment.
- (4) One or more interments or cremated remains may be interred in a single, double-depth or companion grave space.
- (5) A precast concrete or a one-piece fibreglass reinforced polymer concrete graveliner cremation vault with a compressive strength of 20,000 psi shall be used for each interment, including cremated remains, except where a concrete or steel vault is used with a compressive strength of 20,000 psi, and such liner shall be made of reinforced concrete not less than 5.08 centimetres in thickness, and shall consist of two (2) side walls, two (2) end walls, and cover sufficient space to bridge the coffin over its entire length.
- (6) Such graveliner shall be supplied by the Corporation at the expense of the person applying for an interment permit.
- (7) No graveliner shall be provided by the Corporation free of charge except in the case of the burial of an indigent person, for whom the Council has decided on a remission of fees.
- (8) All vaults shall be installed by the City of Vernon or their authorized agent.

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- (9) All vaults shall be delivered to the Cemetery no later than twenty-four (24) hours prior to burial time.
504. Without prior consent of the Administrator or his designate, no human remains shall be interred in the Cemetery except between the hours of Eight O'clock in the forenoon (8:00 a.m.) and Three O'clock in the afternoon (3:00 p.m.).
505. No human remains shall be interred in the Cemetery on Sundays or any statutory holiday unless written permission of the Administrator or his designate is first obtained, except in the emergency conditions as specified in Section 406 hereof.
506. No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by the Administrator or his designate.
507. No aboveground vaults, or other methods of interment above ground level, shall be permitted in the Cemetery.

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**DIVISION SIX - CEMETERY CARETAKER**

600. A Cemetery Caretaker may be appointed by the Council, and the duties of a Caretaker so appointed shall, among other things, be:

- (1) To dig and prepare, or cause to be dug and prepared, all graves required to be opened whenever ordered to do so by the Administrator or his designate, or the person acting on his behalf.
- (2) To supervise the installation of all memorial tablets, markers, monuments, etc., and the construction of all foundations for memorials, etc.
- (3) To carry out, or cause to be carried out, the general work of the Cemetery to maintain it in a neat and tidy condition, including the maintenance of paths, gates, fences and other Cemetery improvements.
- (4) To maintain records as required, and submit to the Administrator or his designate whatever reports are required by him.
- (5) To complete such other works as may be directed by the Administrator or his designate.

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**DIVISION SEVEN - ADMINISTRATION**

701. The Administrator or his designate shall maintain, or cause to be maintained, records as necessary to the administration and management of the Cemetery, and as required by Part 2 of the "Cremation, Interment and Funeral Services Act".
702. The Administrator or his designate is hereby authorized, on behalf of the Corporation, to grant a licence in the form set out in Division Twelve hereof in respect of any grave space in the Cemetery, according to the scale of fees and charges specified in Division Thirteen and subject to the provisions of this bylaw.
703. The Administrator or his designate shall issue, or cause to be issued, all permits for interment required by this bylaw, except as otherwise provided.
704. Upon issuing any permits for interment in the Cemetery, or upon receiving an order for exhumation from the proper authority, as required by Section 407 hereof, the Administrator or his designate shall notify or ensure that the Caretaker is notified of the time of the intended interment or exhumation, giving the name of the deceased and the number and location of the grave space concerned.

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**DIVISION EIGHT - CARE FUND**

800. (1) A fund shall be established to be known as "The Cemetery Care Fund", and such fund shall be administered in accordance with the requirements of the regulations made under the "Cremation, Interment and Funeral Services Act" for the establishment and administration of a Municipal Cemetery Care Fund, and in accordance with the procedure hereafter set out.
- (2) An account shall be established to be known as "The Cemetery Care Fund Account", into which the administrator or his designate shall pay all funds received for Care Fund purposes, and all such funds shall be credited in said account.
- (3) On all licences for use of grave spaces, the Administrator or his designate shall pay into "The Cemetery Care Fund Account" from the amount received for each licence sold at the fee specified in Division Thirteen hereof, Twenty-Five per cent (25%) of the said licence fee or \$15.00 per grave space, whichever is the greater, except in those cases where a different amount is required or approved by the "Cemeteries Branch" of the Ministry of Labour and Consumer Affairs for the Province of British Columbia.
- (4) On all licences for the use of grave space, the amount required to be used for Care Fund purposes shall be specified.
- (5) Investment of funds received for Care Fund purposes shall be made as required by the regulations under the "Cremation, Interment and Funeral Services Act" applicable to Municipal Cemetery Care Funds.

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- (6) The income from the "Cemetery Care Fund", including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licenced and the Cemetery of which it forms part.
  - (7) The principal sum of the "Cemetery Care Fund" shall not be reduced other than in accordance with an order of the Cemeteries Branch of the Ministry of Labour and Consumer Affairs for the Province of British Columbia made pursuant to the regulations under the "Cremation, Interment and Funeral Services Act".
801. A separate account of all monies received under the provisions of this bylaw and of all monies expended hereunder shall be kept by the Administrator or his designate.

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**DIVISION NINE - MEMORIALS**

900. Subject to Section 902 hereof, no person shall place on any grave in the Cemetery a memorial marker or a memorial and curbing until a memorial installation permit in the form of a Purchase Agreement in Division Twelve of this bylaw has been obtained, and the fee for said permit as specified in Division Thirteen hereof has been paid to the Corporation.

Memorial markers shall not be installed prior to burial, save and except:

- A. after ashes are scattered;
- B. where a marker is installed which provides for the memorialization of two (2) persons where one has predeceased the other and has been interred.

901. The Deputy Chief Administrative Officer” or a designate will be solely responsible for determining the requirements for a memorial where those requirements are not set out in a specific section of this bylaw. This pertains to newly developed areas of the Cemetery and also to areas where the ground conditions require exceptions to the specific conditions in this bylaw.

902. A memorial may be installed on a grave in the Cemetery, subject to the requirements of Section 900 hereof, and subject to the following:

All memorials shall be made of natural stone, concrete or bronze.

All memorials shall be affixed to a concrete or granite base.

**A. BASE FOR MEMORIALS**

- 1. The base shall be installed by the Cemetery Caretaker or his designate;
- 2. All bases shall be installed flush with the surrounding ground level.

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3. The base, including memorials located in the Family Cremation Section, shall be a minimum of 7.62 cm (3 in.) thick and shall extend 15.24 cm. (6 in.) out from each side of the memorial.
4. For cremation memorials (except memorials in the "Family Cremation Section") the base shall be a minimum of 7.62 cm. (3 in.) thick and shall extend 10.16 cm. (4 in.) out from each side of the memorial.

**B. MEMORIALS**

**1. EVERGREEN SECTION**

- a) Memorial curbing is allowed.
- b) Any size memorial is allowed.
- c) There are no restrictions on the number of memorials allowed per grave.
- d) Additional memorials to the original shall not be more than 31.75 cm (12.5 in) long by 21.59 cm (8.5 in.) deep and shall be flush with the surrounding area.

**2. MAPLE SECTION:**

Memorial curbing is not allowed.

**a) General:** All areas not otherwise specifically designated in this bylaw:

- i) The top surface of the memorial may extend a maximum height of 60.96 cm. (24 in.) above the top surface of the base.
- ii) A memorial identifying one or more interments in one grave space shall not exceed 66.04 cm. (26 in.) in length by 30.43 cm (12 in.) in depth.

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- iii) Memorials for additional cremated remains in a regular grave shall comply with the Family Cremation regulations of this bylaw.
- iv) A companion memorial (spanning two graves) shall not exceed 91.4 cm (36 in.) in length by 30.43 cm (12 in.) in depth.

**b) Cremation Sections** (Includes Legion Cremation Area).

In all areas that are specifically designated as a "Cremation Section":

- i) Only single memorials measuring 31.75 cm (12.5 in.) long by 21.59 cm (8.5 in.) deep are allowed and these shall be flat so the top of the memorial marker is flush with the surrounding ground area.
- ii) A companion memorial spanning two cremation graves shall not be more than 52.07 cm (20.5 in.) long by 21.59 cm (8.5 in.) deep and flat so the top of the memorial marker is flush with the surround ground area.

**c) Family Cremation Section.**

In all areas that are specifically designated as a "Family Cremation Section":

- i) The top surface of all memorials mounted on a base may extend a maximum height of 15.25 cm (6 in.) above the top surface of the base, except additional interments of cremated remains where the marker must comply with subsection 2 b.1. of this bylaw.

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- ii) A multiple memorial identifying one or more interments in one grave space shall not be more than 66.04 cm (26 in.) long by 30.43 cm (12 in.) deep.
- iii) Only one multiple memorial marker is permitted per family plot. Additional memorial markers on the same plot must be single markers flush to the ground.
- iv) A companion memorial spanning two family graves shall not be more than 91.4 cm (36 in.) long by 30.43 cm (12 in.) deep.

**d) Block 1005 (Infants)**

Block 1005 is hereby set aside for the interment of infants up to and including the age of two (2) years. Only single memorials measuring 31.75 cm (12.5 in.) long by 21.59 cm (8.5 in.) wide shall be permitted herein.

**C. FLOWER VASE OR HOLDER**

1. A device constructed of rod or bank iron designed as a holder of a flower vase may be embedded in the base, of a memorial, either at one side of the memorial marker, or one centered at the base of the memorial marker. The maximum height of the device is restricted to 31.75 cm (12.5 in.) above the height of the memorial marker. The rod holders must be at least 10.16 cm (4 in.) from the outer edge of the concrete base and must be a minimum of 31.75 cm (12.5 in.) above the base.
2. Cut or artificial flowers shall only be permitted to be placed in a non-glass flower vase.

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**DIVISION TEN - GENERAL REGULATIONS**

1000. (1) Cut or artificial flowers shall only be permitted to be placed in a flower vase, other than a glass vase, set with the top flush with the memorial tablet or the surrounding ground surface, except in those cases where a device suspending the flower vase over the memorial (as permitted by Clause (f) of subsection (2) of Section 901 hereof) is employed.
- (2) Wreaths and floral offerings may be placed on a grave at the time of the interment.
- (3) Cut flowers, artificial flowers, wreaths and floral offerings may be removed by the Caretaker when their condition is considered by him to be detrimental to the beauty of the Cemetery.
1001. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery, other than an employee of the Corporation authorized to do so.
1002. All persons are prohibited from damaging, defacing or interfering with any memorial, monument, fence, gate, structure or any improvements or article or thing in the Cemetery.
1003. No person shall drive a vehicle in the Cemetery at any time at a speed of more than 15 km per hour, and all vehicles and their drivers while within the Cemetery shall be subject to the directions and orders of the Caretaker.
1004. All grave markers or memorials are considered to be the property of the purchaser and required care or repair is the responsibility of the owner (purchaser).

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1005. No person shall solicit orders for markers, tablets, memorials, curbing, cappings or like works within the limits of the Cemetery.
1006. No horses are permitted in the Cemetery unless authorization to enter is received in writing from the Administrator or his designate.
1007. All persons and funeral processions in the Cemetery shall behave with proper decorum and obey the reasonable instructions of the Caretaker. Any person within the Cemetery disturbing the quiet and good order of the Cemetery may be evicted therefrom by the Caretaker or a Police Officer.
1008. The discharging of firearms, save and except other than in regular volleys at burial services of the military or similar ceremonies, is prohibited in the Cemetery.
1009. Any person who wilfully destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone or other structure placed in the Cemetery, or any fence, railing or other work for the protection or ornament of the Cemetery, or any tomb, monument, gravestone or other structure aforesaid or lot within the Cemetery; or wilfully destroys, cuts, breaks or injures any shrub or plant; or plays at any game or sport; or discharges firearms, save and except as allowed under Section 1007 hereof; or who wilfully or unlawfully disturbs persons assembled for the purpose of burying of human remains therein; or who commits a nuisance, or at any time behaves in an indecent and unseemly manner; or deposits any rubbish or offensive matter or thing in the Cemetery; or in any way violates any grave, tomb, tombstone, vault or other structure within the same; or who contravenes any of the provisions of this bylaw, shall be guilty of an infraction of this bylaw and liable to the penalties hereof.
1010. The Cemetery shall be deemed open at Eight O'clock every morning (8:00 a.m.) and closed every evening at Eight O'clock (8:00 p.m.), March 15th to October

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15th, and closed every evening at Four O'clock (4:00 p.m.) from October 16th to March 14th.

**DIVISION ELEVEN - ENFORCEMENT AND PENALTIES**

1100. Enforcement

Any person who violates or permits any contravention of any provision of this bylaw shall be guilty of an infraction of this bylaw, and shall be liable, on summary conviction, to the penalties herein imposed.

1101. Penalties

Any person or persons guilty of any infraction or infractions of this bylaw (and for the purposes hereof, every infraction shall be deemed to be a continuing, new and separate offence for each day during which the same shall continue) shall, upon conviction for such infraction or infractions before a Court of competent jurisdiction, pay a fine not exceeding the sum of Two Thousand Dollars (\$2000.00) for each day or part thereof during which any infraction has taken place, together with the cost of prosecution.

Nothing herein contained shall prevent the City of Vernon from taking such other lawful action as is necessary to prevent or remedy any violation.

1102. Notwithstanding anything herein contained, the administration of the Cemetery shall be carried out at all times in accordance with the "Cremation, Interment and Funeral Services Act" and regulations made thereunder.

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**DIVISION TWELVE – PURCHASE AGREEMENT AND CONDITIONS & REGULATIONS**

**Pleasant Valley Cemetery**

c/o City of Vernon  
 3400 – 30<sup>th</sup> Street  
 Vernon, BC V1T 5E6

Phone: (250) 545-1361  
 Fax: (250) 545-7876  
 Email: [creception@vernon.ca](mailto:creception@vernon.ca)

**PURCHASE AGREEMENT**

CONTRACT AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_  
 Between PLEASANT VALLEY CEMETERY AND (HEREINAFTER CALLED THE  
 PURCHASER):

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SURNAME (use block letters),	GIVEN NAMES & INITIALS	TELEPHONE
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ADDRESS	POSTAL CODE
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**\*\*SEE NOTE OF CANCELLATION ON REVERSE SIDE\*\***

PLOTS	( ) Cremation	( ) Burial	UNIT PRICE	TOTAL PRICE
Space No. _____	Block No. _____	Row _____	\$ _____	\$ _____
Grave Liner (mandatory for all full burials)			\$ _____	\$ _____
Headstone Setting Fee			\$ _____	\$ _____
Opening and Closing	( ) Quantity		\$ _____	\$ _____
GST			\$ _____	\$ _____
Cemetery Care Fund Contribution			\$ _____	\$ _____
_____			\$ _____	\$ _____

**TERMS OF PAYMENT**

All fees are due and payable at the time of purchase.

Total: \$ \_\_\_\_\_

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**It is understood and agreed that the terms, conditions, etc. below are made as part of this purchase agreement.**

PURCHASER X \_\_\_\_\_ BY \_\_\_\_\_

*Note: If a funeral services provider is acting on behalf of a surviving family member, the surviving family member is deemed to be the purchaser.*

**WHEN PERSON SIGNING IS NOT THE PURCHASER**

X \_\_\_\_\_  
signature of guarantor

I hereby guarantee, in any event, payment of all sums on due date herein provided, absence of purchaser's signature notwithstanding.

\_\_\_\_\_  
address  
\_\_\_\_\_

SERVICE DETAILS

\_\_\_\_\_ Day Date Time eta

\_\_\_\_\_  
Name of Deceased d.o.b. d.o.d.

\_\_\_\_\_  
Business Name of Funeral Provider Contact Person Phone #

BYLAW NUMBER 3472

**CONDITIONS & REGULATIONS**

1. Interment in such grave or lot shall be subject to the Bylaws of said Cemetery, both those endorsed hereon and all others now in force hereinafter prescribed (*to all of which the Purchaser or Guarantor agrees in completing the order*).
2. Arrangements for burial must be made at the Cemetery Office by the named relatives of the deceased or a representative authorized in writing by them to make such arrangements for the deceased, or by other authorized person at least 24 hours prior to the interment, or 48 hours in case of frost conditions as determined by the Administrator or his designate.
3. No interment shall be made in the Cemetery except on presentation of a permit, nor shall the remains of a deceased person be accepted for burial or other disposal except upon presentation of the *Burial Permit and Acknowledgement of Death* of the deceased, issued by a Registrar of Births, Deaths and Marriage, or by other officials under the provisions of the Vital Statistics Act and Regulations.
4. No said assignment or transfer of graves, lots or vaults or of rights of interment therein shall be made without the written consent of the City of Vernon. Such transactions shall not be recognized unless and until recorded on the Cemetery Books and the payment of such fees prescribed for amending the Records of the Cemetery.
5. Until an interment has been made in a grave, lot or vault, an assignment or transfer of interment rights therein may be made by the registered holder, subject to the Bylaws of the Cemetery. After an interment has been made in a grave, lot or vault, no assignment or transfer of any right therein may be made or will be recognized by the Cemetery.
6. All interments, disinterments and removals including all openings and closings of graves shall be made only by the Cemetery.
7. To adequately provide for the "care" of the Cemetery, full burial interment must have a grave liner, as applicable to the particular area and built to specifications of the Cemetery.
8. In consideration of any multiple burial privileges which may be granted by the Cemetery for lots in certain designated areas, burial of remains will only be allowed as specified in the Bylaws.
9. No marker or memorial privileges shall be allowed until graves, lots or liners and all other charges are fully paid including the setting and installation charges for the memorial and the additional contribution to the Care Fund for extra costs involved in maintaining the grave.
10. So long as an interment has not taken place, this contract can be cancelled by the purchaser in accordance with provisions of the Bylaws. A refund will be issued for the fees that were in effect at the time of purchase less the Care Fund Contribution.
11. While the lot holder is entirely free in selecting the supplier of the memorial, the size, materials and form of the memorial must conform to the Bylaws of the Cemetery, especially as applicable to the particular area, and the Cemetery reserves to itself the placement or removal of any and all memorials.
12. All improvements, alterations or embellishments of lots in the Cemetery shall be under the direction of the Cemetery and should any be made without its written consent the Cemetery reserves the right to remove, alter or change such improvements, alterations or embellishments at the expense of the lot holder. The Cemetery reserves the right to remove anything which is unsightly, dangerous, or impedes the progress of "Care".
13. The planting of trees, shrubs or plants of any kind will not be allowed at any time on said grave or lot and the placing of flowers, fresh or artificial, on graves, lots or vaults shall be subject to the Bylaws of the Cemetery as then in force.
14. The Cemetery shall be deemed open at Eight O'clock every morning (8:00 am) and closed every evening at Eight O'clock (8:00 pm), March 15<sup>th</sup> to October 15<sup>th</sup>, and closed every evening at Four O'clock (4:00 pm) from October 16<sup>th</sup> to March 14<sup>th</sup>.
15. (1) Where an error is made in the Purchase Agreement, description or transfer of a lot and the lot is unavailable, the City of Vernon shall:
  - a) amend the contract to provide another lot of equal or greater value and similar location acceptable to the lot holder or a personal representative of the lot holder;
  - b) cancel the contract and refund in full the amount of money paid plus accrued interest at a prescribed rate;(2) Where human error is made and human remains are interred in the wrong lot, the operator shall:
  - a) disinter the human remains from the wrong lot and inter them in the correct lot if available; or
  - b) if the correct lot is not available, disinter the human remains from the wrong lot and inter them in a lot acceptable to the representative of the lot holder, and shall, within 30 days after that, notify the Registrar of disinterment and interment.(3) Where the parties fail to agree on a settlement under subsection (1b) or (2b), either party may apply to the Registrar who may resolve the matter in any way the Registrar considers appropriate in the circumstances as per section 43 of the CIFSA.
16. (1) The Cemetery may sell a right of interment for a lot that has been sold previously with the approval of the Director of the BPCPA only if:
  - a) the Purchaser is at least 90 years of age or would be, if living;
  - b) a period of at least 50 years has elapsed from the date the prior right of interment was sold;
  - c) at least 90 days have passed since the date the Cemetery sent a notice of its intention to resell the right of interment to the last known address of the Purchaser, and the Cemetery has not received a response from the Purchaser; and
  - d) the Cemetery has made diligent attempts to contact the Purchaser but is not able to locate them.(2) If a right of interment is resold in the circumstances described in section (1) above, and the Purchaser requires the use of the lot, the Cemetery must provide another right of interment of equal or greater value that is acceptable to the Purchaser or a personal representative of the Purchaser.
17. The use of the Cemetery and its interment spaces shall be subject to such other reasonable conditions as may be prescribed in the Bylaws of the Cemetery.

## BYLAW NUMBER 3472

**DIVISION THIRTEEN - FEES AND CHARGES**

1300. (1) The fees for interment, exhumation, use of grave space and care of graves, and the charges for goods offered for sale by the Corporation for use in the Cemetery and any other fees shall be those set forth in this Division.
- (2) The fees set out in this Division shall be paid at the Corporation's offices at the time of application for a licence and at the time of purchasing any goods or services sold by the Corporation in connection with the operation of the Cemetery.
1301. In cases of poverty, the Council may, upon application, consider the remission of fees in whole or in part.

1302	<b><u>Licence Fees for Cemetery Plots</u></b>	<b>Effective 2008</b>	<b>Effective Jan 1 2009</b>	<b>Effective Jan 1 2010</b>	<b>Effective Jan 1 2011</b>
1	Adult				
	(a) Resident	\$ 683	\$ 697	\$ 711	\$ 725
	(b) Non-Resident	\$ 898	\$ 916	\$ 934	\$ 953
2	Child over 2 years to 12 years				
	(a) Resident	\$ 326	\$ 333	\$ 340	\$ 347
	(b) Non-Resident	\$ 479	\$ 489	\$ 500	\$ 510
3	Infant 2 years and under				
	(a) Resident	\$ 204	\$ 208	\$ 212	\$ 216
	(b) Non-Resident	\$ 296	\$ 302	\$ 308	\$ 314
4	Cremated Remains				
	(a) Resident	\$ 204	\$ 208	\$ 212	\$ 216
	(b) Non-Resident	\$ 296	\$ 302	\$ 308	\$ 314
1303	<b><u>Fees for Services and Goods</u></b>				
1	Interment, open and close:				
	- Adult	\$ 510	\$ 520	\$ 530	\$ 540
	- Children over 2 years up to 12 years	\$ 510	\$ 520	\$ 530	\$ 540
	- Infant 2 years and under	\$ 153	\$ 156	\$ 159	\$ 162
	- Cremated remains	\$ 153	\$ 156	\$ 159	\$ 162

## BYLAW NUMBER 3472

1303	<b><u>Fees for Services and Goods</u></b> <b>(Continued)</b>	<b>Effective 2008</b>	<b>Effective Jan 1, 2009</b>	<b>Effective Jan 1, 2010</b>	<b>Effective Jan 1, 2011</b>
2	Exhumation open and close:				
	- Adult	\$ 510	\$ 520	\$ 530	\$ 540
	- Children over 2 years up to 12 years	\$ 510	\$ 520	\$ 530	\$ 540
	- Infant 2 years and under	\$ 153	\$ 156	\$ 159	\$ 162
	- Cremated remains	\$ 153	\$ 156	\$ 159	\$ 162
3	Extra Depth, Open and Close – extra	\$ 168	\$ 171	\$ 174	\$ 177
4	Memorial - Installation Permit (Care Fund)	\$ 51	\$ 52	\$ 53	\$ 54
5	Vault for cremated remains	\$ 82	\$ 84	\$ 86	\$ 88
6	Grave Liners	\$ 275	\$ 280	\$ 285	\$ 290
7	Flower loop installation	\$ 56	\$ 57	\$ 58	\$ 59
8	Burial on Saturday, Sunday or Statutory Holiday In addition to charge under Section 1302 or 1303				
	(a) Other than cremated remains	\$ 357	\$ 364	\$ 371	\$ 378
	(b) Cremated Remains	\$ 163	\$ 166	\$ 169	\$ 172
9	Interment after 3:00 p.m. in addition to the charges under Section 1302 or 1303				
	(a) Other than cremated remains	\$ 163	\$ 166	\$ 169	\$ 172
	(b) Cremated Remains	\$ 112	\$ 114	\$ 116	\$ 118
10	Plot Transfer	\$ 51	\$ 52	\$ 53	\$ 54



BYLAW NUMBER 3472

Schedule "A" attached hereto  
and forming part of Bylaw #3472

