

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5767

A bylaw to provide for the regulation, administration, management, operation and maintenance of the City of Vernon municipal cemeteries

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

**1.0 TITLE**

1.1 This Bylaw may be cited for all purposes as “**City of Vernon Cemetery Management Bylaw Number 5767, 2019**” (herein the “Bylaw”).

**2.0 INTERPRETATION**

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

2.2 A bylaw referred to in this Bylaw is a reference to any enactment of the Council of the City of Vernon, as amended, revised, consolidated or 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 Use of a metric or an 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 shall not be used in the interpretation of this Bylaw.

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

2.6 If any section, subsection, paragraph, clause, phrase or word within this Bylaw or any Bylaw Schedule 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 and its Schedules.

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

- (a) Schedule A: Interment
- (b) Schedule B: Memorials
- (c) Schedule C: Green Burial
- (d) Schedule D: Cemetery Maps

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3.0 **DEFINITIONS**

3.1 In this Bylaw terms defined in the “*Cremation, Interment, and Funeral Services Act*” and the “*Business Practices and Consumer Protection Authority Act*” 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 or corporation that has made petition to the City for a right of interment, an interment or for a memorial permit;

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

“**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;

“**burial permit**” means a legal document required for a burial of human remains issued in the Province of B.C. and acknowledging the registration of a death with the Vital Statistics Agency of B.C.;

“**Bylaw**” means the ‘*City of Vernon Cemetery Management Bylaw*’ and all rules and regulations made thereto, as amended, revised, consolidated or replaced from time to time;

“**care fund**” means a fund for the care and maintenance of a place of interment established, held and administered in accordance with the *CIFSA* for the purpose of funding the maintenance and care of a Cemetery;

“**cemetery**” means the “*Pleasant Valley Cemetery*” and any other land owned by the City of Vernon that is set apart or used, now or at some date in the future, as a place of interment of human remains or cremated remains 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;

“**CIFSA**” means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the Consumer Protection Authority of B.C., as amended or repealed from time to time and all regulations made thereunder;

“**City**” means the Corporation of the City of Vernon and together or separately may also mean the Mayor and Council of the City, a department of the City, an individual or individuals employed by the City, or an individual or individuals authorized by the City to perform work relating to the development, management, operation, provision of service in and maintenance of a City cemetery;

“**CPABC**” means the Business Practices and Consumer Protection Authority of B.C. established under the *Business Practices and Consumer Protection Authority Act (BPCPA), S.B.C. 2004, C.3* as amended or repealed;

“**contractor**” means an individual or corporation, other than an authorized worker of the City, who performs work in a City cemetery, including an individual or corporation that performs work on behalf of a rights holder or legal representative of a deceased, their heir or successor;

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“**Council**” means the elected Mayor and Council of the City of Vernon;

“**cremated remains**” means the human bone fragments remaining after the cremation of human remains and may also include the residue of other materials cremated with the human remains;

“**crypt**” means one type of lot, an above ground space in a mausoleum used or intended to be used for the interment of human remains;

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

“**disinterment**” means the removal of human remains or cremated remains from a lot in which the remains are interred and the container or any of the remaining container holding the remains for the purpose of permanent relocation;

“**exhumation**” means the exposure of interred human remains for the purposes 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 where the exhumed remains shall be re-interred into the same lot after the viewing or examination has been completed;

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

“**fee**” means the fee(s) prescribed for a City cemetery and as from time to time may be amended or repealed and replaced in a schedule of the *‘City of Vernon Fees and Charges Bylaw*;

“**former resident**” means an individual who,

- (a) was an owner, as defined in the “*Local Government Act*” of real property in the City, 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 an application for a right of interment or an interment in a City cemetery, or;
- (b) was a resident of the City 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 an application for a right of interment or an interment in a City cemetery, and;
- (c) where the *‘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 *CPABC* who, in the course of business, carries out the duties and responsibilities of a funeral director as set out in the *CIFSA*;

“**funeral service provider**” means an individual who carries on a business licensed by the *CPABC* of providing funeral services;

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

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**“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 such interment satisfies criteria set out for green burial in this Bylaw and its Schedules;

**“holiday”** means any day of the week, or part of a day, 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;

**“interment”** means disposition by,

- (a) burial of human remains or cremated remains in the ground;
- (b) entombment of human remains in a crypt or mausoleum;
- (c) inurnment of cremated remains in the ground or in a niche or columbarium;

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

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

**“rights holder”** means an individual who,

- (a) has purchased a right of interment for a lot registered in the records of the cemetery to be held in their name, or;
- (b) has a right of interment registered in their name but is not the original purchaser of the right of interment, or;
- (c) is the legal representative of a deceased individual who has a right of interment held in the deceased’s name, or;
- (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, or;
- (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;

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**“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 individual;

**“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;

**“legal representative”** means an individual who, or an agency that, by order of priority set out in *Section 5* of the *CIFSA*, has the right to control the disposition of the human remains or cremated remains of a deceased individual;

**“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, crypt, niche or plot;

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

**“medical health officer”** means an individual appointed from time to time under the *Health Act, RSBC 1996 c. 179* as amended or replaced from time to time to act as 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 individual, including but not limited to;

- (a) a flat marker, pillow 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 corporation that offers for sale or sells to and installs memorials for the public;

**“memorial permit”** means a document issued by the City that permits the installation of a memorial in a City cemetery;

**“memorialization”** means the process of selection, installation or placement of a memorial in remembrance of a deceased individual at a lot or a memorial space and may include the purchase of a memorial;

**“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 contained 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;

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**“pre-need”** means any period of time prior to death;

**“purchase contract”** means a contract in a form prescribed by the City and as prescribed by Business Practices and Consumer Protection Act and Regulation that sets out details relating to;

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

**“resident”** means an individual who,

- (a) is an owner, as defined in the *“Local Government Act (RSBC 2015) C.1”*, of real property within the City, or;
- (b) is an individual who, at the time of their death, is a resident of the City and who has been a resident of the City for not less than three (3) continuous months immediately prior to their death, and;
- (c) where the *‘resident’* status referred to under paragraphs (a) and (b) can be verified in a manner prescribed by the City;

**“section”** means an area of a cemetery designated, in a form prescribed by the City, for the disposition of human remains or cremated remains;

**“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 Vernon acting as a board of 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;

**“veteran”** means an individual who is fully qualified (Military Occupation Class, MOC) and serving or who has honourably served, one-year minimum, in the Armed Forces of Canada, the Commonwealth or its wartime allies or an individual who served in the Merchant Navy or Ferry Command during wartime;

**“without prior notice”** means, as may be applicable, the City has no obligation to make or provide, in any form or manner, advance notice of said action occurring 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 Saturday, Sunday or a holiday observed by the City.

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**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) Pleasant Valley Cemetery, legally described as 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 "unshaded" on a map outlined in red as shown on *Bylaw Schedule D: Cemetery Maps* and attached hereto and forming part of this Bylaw, and;

(i) also described as being located at the Civic Address: 4311 Pleasant Valley Road, Vernon, B.C., and;

(b) Future Cemetery, the following lands shall be set aside for future cemetery use, and are legally 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.

4.2 Every City cemetery is acquired, established and laid out for the purpose of making interment, memorialization, bereavement rites and ceremonies and incidental memorial goods and services available to all individuals, irrespective of race, faith, orientation or any other form of categorization, and are established more specifically to provide,

(a) suitable in-ground and above-ground space for the interment of human remains and cremated human remains, and;

(b) such additional features, facilities, services and goods as may be approved from time to time by the City that may ordinarily arise from the provision of interment, 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 all applicable legislation of British Columbia or Canada, as the case may be, and all regulations made thereto.

4.4 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 the Bylaw established for a City cemetery.

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- 4.5 The City shall at all times have a right of passage, in any manner it sees fit, over every lot and the land of every City cemetery so as to permit cemetery operations to be performed in a safe, efficient and timely manner.
- 4.6 The City shall have the right to manage, maintain or alter the interment areas, sections, memorials, roads and pathways, buildings, services infrastructure, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a City cemetery as they deem necessary or appropriate and subject only to compliance with any applicable requirement of the *CIFSA*.
- 4.7 The City shall establish and maintain Schedules forming a part of this Bylaw setting out the rules, regulations and specifications pertaining to the purchase and use of an interment right, interments and the supply and installation of a memorial in a City cemetery.
- 4.8 The City shall have the authority to sell interment rights for any number lots of their choosing under such terms and conditions as they deem appropriate for the conduct of the business of the Cemetery.
- 4.9 The City shall have the authority to designate, on a limited basis, contiguous groups of lots or an entire section within a cemetery for the exclusive use of an organization or group under such terms and conditions as they deem appropriate for the conduct of the business of the Cemetery.
- 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 its choosing and under such terms and conditions they deem appropriate for the conduct of the business of the Cemetery.
- 4.11 The City shall have the authority, at its cost and in a timely manner, to correct any error that may be made by the city 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 of an error that 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 out in the *CIFSA*.
- 4.12 Subject to the authority of Council, the City may designate an individual or individuals who, in an emergent or extraordinary circumstance, shall have the authority to make limited exception to or waive the application or enforcement of this Bylaw or its Schedules where such limited exception to or waiver action shall not contravene or violate any article or clause of the *CIFSA* or the *BPCPA*.

**5.0 GENERAL RULES & 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:** shall open every day of the year at 8:00 a.m.and,



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- (i) from March 15 to October 15 shall be closed at 8:00 p.m., or;
    - (ii) from October 16 to March 14 shall be closed at 4:00 p.m.;
  - (b) **Interment Services:** may, upon satisfying such terms and conditions further set out in this Bylaw, take place on any day of the year and at a time arranged with and set by the City, and;
  - (c) **Cemetery Office:** located at Vernon City Hall, 3400 30<sup>th</sup> Street, open Monday through Friday, from 8:30 a.m. to 4:30 p.m. and closed on weekends and holidays observed by the City.
- 5.2 No individual or corporation shall be in a City cemetery, without the express written permission of the City,
- (a) from March 15 to October 15, after 8:00 p.m. to 8:00 a.m. the following morning, or;
  - (b) from October 16 to March 14, after 4:00 p.m. to 8:00 a.m. the following morning.
- 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 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 the date of an interment, any type of floral tribute is permitted, and;
  - (b) from March 15 to October 15, only fresh cut flowers may be placed on a lot in a manner prescribed by the City, or;
  - (c) from March 15 to October 15, potted plants, wreaths and artificial floral tributes of any type are prohibited, and;
  - (d) 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 in a manner prescribed by the City, and;
  - (e) potted plants, wreaths, artificial floral tributes and seasonal floral tributes placed on a lot between October 16 to March 14 shall, without prior notice, be removed when spring grounds clean-up commences, and;
  - (f) flowers may only be laid on the surface of a lot or placed into an approved flower vase and holder installed by the City at a lot holder's expense, and;
  - (g) the City shall, without prior notice, remove or order removed any type of floral tribute that is deteriorated, withered, is otherwise unsightly or that detracts from the general aesthetic of adjacent lots, the Cemetery or that, for the purposes of grounds maintenance, may pose a safety risk to City workers, contractors or other users and visitors of a cemetery.

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- 5.5 The placement of floral tributes, decoration, adornment, memento or other extraneous object, unless in compliance with this Bylaw, is prohibited. Unauthorized items placed on any lot in or at any City cemetery may, without prior notice, be removed or ordered removed by the City. This includes, but is not limited to flowers, vases, photographs, pictures, frames, boxes, shells, toys, wire screens, decorative rock, arbours, trellises and floral tripods.
- 5.6 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 conducted under the direct supervision of the City.
- 5.7 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 or articles that are unsightly, broken or deteriorated may, without prior notice, be removed at the discretion of the City.
- 5.8 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 individual other than the City without the express written consent of the City where the exercise of such consent shall be within the sole discretionary authority of an individual duly appointed under article 4.12 of this Bylaw.
- 5.9 Cemetery roadways are for the exclusive use of interment processions, cemetery patrons, City grounds personnel or other individuals as may be approved by the City. No vehicle shall exceed fifteen (15) kilometers per hour within a City cemetery and every operator of a vehicle shall, at all times, obey the directions and orders of the City.
- 5.10 No individual 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.
- 5.11 Every individual, including those in funeral processions, upon entering and while within a City cemetery, shall follow every instruction of the City. Any individual not behaving with proper decorum within a cemetery or who disturbs the peace, quiet and good order of the Cemetery may be expelled from the Cemetery by the City.
- 5.12 The City shall be responsible for,
  - (a) the supervision, control and charge of the City cemeteries and the services and goods provided therein, and;
  - (b) the direction of all workers employed from time to time by the City to perform work within the limits of a City cemetery, and;
  - (c) refusing admission or expelling from a City cemetery any individual or corporation if such action is warranted, and;
  - (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.
- 5.13 No individual or corporation shall,
  - (a) scatter, dispose of, or inter any cremated remains or bury any human remains within the limits of a City cemetery except in compliance with this Bylaw and the *CIFSA*;

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- (b) define or delineate any lot or group of lots in a City cemetery by a fence, railing, coping, hedge, grave cover 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 within the limits of a City cemetery;
  - (d) carry out any activity within a City cemetery other than the attendance at an interment or memorial service or the visitation of a lot for the purpose of paying respect to the dead;
  - (e) drive a vehicle in a City cemetery other than on a designated roadway for vehicles and in compliance with posted speed regulations or other directives;
  - (f) conduct them self in a manner so as to disturb the peace, quiet and good order of City cemetery or an interment or memorial service being conducted therein;
  - (g) discharge any firearm in a City cemetery 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;
  - (h) bring into or dump any rubbish, debris or other offensive item or matter in a City cemetery or make an unauthorized removal of any cemetery refuse, waste or rubbish;
  - (i) allow a child or group of children under the age of sixteen (16) years within the limits of a City cemetery that is not accompanied by a parent, guardian or an adult supervisor;
  - (j) play any manner of sports game or sport activity within the limits of a City cemetery;
  - (k) operate any form of motorized sports or recreational vehicle within the limits of a City cemetery;
  - (l) otherwise contravene or violate any provision of this Bylaw.
- 5.14 No gratuity or extraordinary consideration shall be paid to or accepted by an employee or agent of the City for any service rendered or goods provided in connection with a City cemetery.
- 5.15 All work within City cemeteries shall be performed by the City, employees of the City, authorized agents of the City or contractors authorized in writing by the City to perform work in a City cemetery.
- 5.16 A contractor who performs work in a City cemetery shall, prior to commencement of any work within the limits of a City cemetery and in a form prescribed by the City, supply to the City proof of the contractor having current and valid,
- (a) Workers Compensation Insurance in a form and amount acceptable to the City, and; \

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- (b) Public Liability Insurance in a form and amount acceptable to the City, and;
  - (c) Motor Vehicle Insurance in a form and amount acceptable to the City, and;
  - (d) a Business License in a form acceptable to the City,
- 5.17 The behaviour of a contractor within a City cemetery shall be subject to the supervision and control of the City.
- 5.18 A contractor 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 attending the service have left the area where the service was being conducted.
- 5.19 No work may be performed at a City cemetery except during the regular hours of the City and/or a City cemetery. Work proposed to occur outside of the regular hours of the City and/or a City cemetery requires, prior to such work occurring, the express written consent of the City.
- 5.20 Notwithstanding article 5.14(d) of this Bylaw the City shall have the authority to conduct or to 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 cemetery.
- 5.21 Where an individual, a group of individuals or a corporation, through their immediate behaviour or through a pattern of behaviour tracked over time, contravenes any article of this Bylaw, then the City may take such steps to expel the individual, group of individuals or corporation from a City cemetery and the individual, group of individuals or corporation may be subject to application of further penalty as set out in article *14.0 Penalty for Infractions* of this Bylaw.

**6.0 INTERMENT RIGHTS**

- 6.1 The regulations, specifications and rules for interment rights and the use of lots in a City cemetery shall be those set out in this Bylaw and *Bylaw Schedule A: Interment* and as they are current at the time of the purchase or use of an interment right.
- 6.2 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.
- 6.3 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 of human remains or cremated remains of an individual or individuals named on an Interment Rights Certificate, but;
  - (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, and;

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- (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.
- 6.4 An applicant may, on a reserve basis and upon payment in full of the fee established for lots, purchase the interment rights for not more than one (1) human remains lot or one (1) cremated remains lot.
- 6.5 The City shall issue, to an individual paying in full the fee set for an interment right 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.
- 6.6 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.
- 6.7 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 in a lot to another individual to which the interment right refers where an assignee so named shall be a family member of the rights holder.
- 6.8 An interment right may not be assigned to a *'former resident'* or *'non-resident'* without the express written 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, as may be applicable.
- 6.9 Subject to the demand for reserved lots, the City shall have the right to limit or suspend the reserve sale of interment rights in a City cemetery at any time. Further, the City, on a reserve basis, shall never sell more than ten percent (10%) of the developed lots, as per designated lot type, available at any given time in a City cemetery.
- 6.10 An interment rights holder may only designate one lot for their own use.
- 6.11 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 current at the time of purchase or use, and;
  - (b) the terms, conditions, design, lot plan, interment and memorial parameters, standards of operation and maintenance established by the City for the City cemeteries, and;
  - (c) payment in full of all applicable fees as may be due and as are current on the date of purchase for a cemetery interment right or on the date of provision of a cemetery good or service.

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- 6.12 In the instance evidence of a clear line of assignment, transfer, inheritance, succession or authority for an interment right that survives an original rights holder is not provided by a legal representative of the original rights holder then the City, through a process of due diligence prescribed by the City, shall have the authority to,
- (a) determine, the individual or individuals who may exercise a surviving right of interment and under what terms and conditions a surviving right of interment may be exercised, or;
  - (b) where a clear and distinct right of succession cannot, be reasonably ascertained, prohibit the use of the surviving interment rights in a lot.
- 6.13 The City shall have the authority to establish, amend or otherwise set out interment rights for additional 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.
- 6.14 The City may, by special agreement, with an individual, society, faith group or other community organization, reserve 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 community organization. Upon such an agreement being made no person shall be provided an interment in the reserved section, unless an application for interment is accompanied by a certificate from the governing body of the society, faith group or other community organization, stating that the person is entitled to interment in the reserved section. The City, under this provision, shall never reserve more than ten (10%) percent of the developed lots available at any given time in a City cemetery.
- 6.15 Interment rights reserved and issued under article 6.14 of this Bylaw and all services rendered by the City under such agreements shall be subject to payment in full of all applicable established fees as are current at the time of the purchase or use of an interment right
- 6.16 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 A: Interment* and *Bylaw Schedule B: Memorials*.

**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 express written agreement, 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.

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- 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, and;
  - (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, and;
  - (c) the original Interment Rights Certificate is surrendered to the City, and;
  - (d) an administration fee for the surrender of a lot, as may be applicable, is paid in full to the City.
- 7.4 The City, upon approval of the surrender of an interment right back to the City, shall within thirty (30) days of the surrender approval date refund or pay for the surrendered interment right as follows here,
- (e) if the surrender occurs within thirty (30) days of the original date of purchase, one hundred percent (100%) of the fees paid for the right of interment shall be refunded, or;
  - (f) if the surrender occurs thirty-one (31) or more days after the original 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.
- 7.5 Subject to cemetery legislation, and upon approval from the cemetery 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, and;
  - (d) the City has made a reasonable and diligent attempt to contact the interment rights holder.
- 7.6 In the instance an interment right for a lot has been reclaimed and resold under article 7.5 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.

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**8.0 INTERMENT**

- 8.1 Every interment of human remains or cremated remains into a lot or the scattering of cremated remains in a City cemetery shall be consistent with this Bylaw and *Bylaw Schedule A: Interment*.
- 8.2 Only human remains, or cremated human remains may be interred or cremated human remains scattered 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, scattering, 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, and;
  - (b) it is ascertained that the deceased holds a valid interment right at a City cemetery or a rights holder at a City cemetery provides authorization for a deceased's human remains or cremated remains to be interred in a lot for which they hold an interment right, and;
  - (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, and;
  - (d) proper notice, in a manner prescribed by the City, has been provided to the City, and;
  - (e) for human remains, a B.C. Burial Permit has been surrendered to the City, or;
  - (f) for cremated remains, a Certificate of Cremation has been surrendered to the City, or;
  - (g) where a death has occurred in a jurisdiction other than the province of B.C., a disposition document for the interment, deemed acceptable by the City, has been surrendered to the City.
- 8.5 The City may, through an agency agreement, permit a funeral service provider or a funeral director or other qualified individual 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 interment authorization and collect payment for an interment and deliver all said documents, authorizations and payment prior to an interment, to the City, in a form prescribed by the City.
- 8.6 Advance notice, in a form prescribed by the City, is required for an interment in a City cemetery. Notice, documents and fees related to an interment booking shall be provided to the City,
- (a) between March 1 and October 31, at least twenty-four (24) hours in advance of an interment, of which at least eight (8) hours are regular operating hours of the City cemetery office, or;



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- (b) between November 1 and February 28, at least forty-eight (48) hours in advance of an interment, of which at least sixteen (16) hours are regular operating hours of the City cemetery office, and;
  - (c) the failure to provide due and proper advance notice to the City may result in an interment service booking being denied.
- 8.7 All cemetery appointments, interment bookings and payments for cemetery services shall be transacted under the terms set out in this Bylaw at the City of Vernon 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 4:30 p.m., and;
  - (b) this office shall be closed on weekends and holidays observed by the City, and;
  - (c) the City shall have the right to establish an interment service schedule that may control, limit or restrict the types and numbers of interments that may occur in a City Cemetery on a given day, and;
  - (d) the City, at its discretion and in an emergent circumstance, shall have the right to vary its established interment service advance notice requirements and interment schedule limitations as the emergent circumstance may warrant.
- 8.8 Upon provision of proper notice and authorization being delivered to the City an interment of human remains or cremated remains or the scattering of cremated remains,
  - (a) may take place on any day of the year, and;
  - (b) for human remains interments, shall commence at a time arranged with the City and conclude within one (1hr) hour and thirty (30 mins) minutes after the established start time, or;
  - (c) for cremated remains interments or scattering services, shall commence at a time arranged with the City and shall conclude within one (1) hour after the established start time, and;
  - (d) a service that does not conclude within the time allocated by the City shall be subject to an *'overtime fee'* as may be established for a City cemetery, and;
  - (e) an interment that is authorized by the City to occur on a Saturday, Sunday or a holiday observed by the City shall be subject to payment of a *'weekend/holiday overtime fee'* as may be established for a City cemetery.
- 8.9 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 severe weather, road or grounds conditions or other extraordinary circumstance may warrant or pose a hazard to the public, City staff or agents.
- 8.10 Only the City, or an individual or a contractor authorized in writing by the City, shall excavate and close lots in a City cemetery.

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- 8.11 Every interment in a City cemetery shall be made or supervised by the City or by an individual or corporation authorized in writing by the City.
- 8.12 The legal representative of a deceased or their agent shall be deemed to retain custody of human remains or cremated remains for interment or 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, shall not be liable for any delay in an interment arising from circumstances outside of the City's control.
- 8.13 It is the responsibility of the legal representative of a deceased or their agent to provide sufficient means and individuals to, in a dignified manner, transfer human remains to an interment lot for interment.
- 8.14 The City may make provision for and permit the scattering of cremated remains within a City cemetery where such scattering shall be limited to only designated cremated remains scattering areas or features.
- 8.15 Only the City, or an individual authorized by the City, is authorized to place cremated remains into a cemetery lot in or perform a scattering of cremated remains at a City cemetery.
- 8.16 Where an interment is directed by a Medical Health Officer or a court of competent jurisdiction, written instructions with respect to all procedures to be followed on the interment, to protect the health and safety of all individuals 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 City authorized agent participating in the interment and the City shall ensure the instructions are carried out throughout the course of the interment.
- 8.17 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 individual 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 may be caused by the negligence of the City, its employees or its agents.

**9.0 DISINTERMENT and EXHUMATION**

- 9.1 Every exhumation or disinterment of human remains or cremated remains in a City cemetery shall be conducted in compliance with cemetery legislation, this Bylaw and in a manner consistent with the dignity of adjacent lots, the City cemetery and community standards.
- 9.2 No disinterment or exhumation of human remains or cremated remains from a green burial lot shall be permitted unless the City is obligated to perform a disinterment or exhumation as ordered by a Court of competent jurisdiction.

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- 9.3 No disinterment or exhumation shall be allowed until, in a form prescribed by the City,
- (a) the legal representative of the deceased who has the right to authorize the disinterment of a deceased individual has completed and signed a City disinterment authorization form, and;
  - (b) a disinterment/exhumation permit, as circumstance may require under cemetery legislation, has been delivered to the City, and;
  - (c) in the instance 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 the lot for the disinterment/exhumation has been provided to the City, and;
  - (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 the disinterment/exhumation is paid in full, and;
  - (e) where the disinterment includes transfer of human remains out of the City cemetery, 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.
- 9.4 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 the applicant's 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, and;
  - (b) such other information as the City may reasonably request as to the purpose and reason for the disinterment, and;
  - (c) 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 applicant making the discretionary disinterment request to acquire, at the applicant's expense, a Court order that compels the City to make the disinterment requested.
- 9.5 Except where ordered by a Medical Health Officer or a Court of competent jurisdiction, normally no individuals 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. In limited, special circumstances the City, at its sole discretion and with written authorization, may permit individuals other than City employees or authorized agents of the City to observe a disinterment or exhumation subject to the following criteria,

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- (a) the request to do so is delivered to the City as part of the arrangement for and authorization of a disinterment/exhumation, and;
  - (b) the City may, for safety purposes, limit the number of individuals allowed to observe a disinterment/exhumation, and;
  - (c) all proceedings at a disinterment or exhumation shall be under the direction of the City and every witness present shall follow every instruction given by the City staff directing the disinterment/exhumation, and;
  - (d) the City may charge a fee for a '*observe disinterment/exhumation*' service.
- 9.6 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, and;
  - (b) the restoration and closure of the lot when the disinterment/exhumation is complete and the restoration and repair of the ground surface around the disinterment/exhumation site, and;
  - (c) the City may charge a fee for '*lot restoration*' after a disinterment or exhumation service.
- 9.7 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 applicant 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.
- 9.8 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 be recovered from a disinterment or exhumation site.
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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.

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**10.0 MEMORIALS**

- 10.1 Every memorial and the installation of every memorial in a City cemetery shall comply with this Bylaw and *Schedule B: Memorials* which is a part of this Bylaw.
- 10.2 The City has 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. It is the responsibility of a rights holder or the legal representative of a deceased, at their expense and in accordance with this Bylaw and its Schedules, to arrange for the supply and installation of a memorial on a City cemetery lot.
- 10.3 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot or install a memorial plaque until evidence proving the individual being memorialized is deceased is provided to the City.
- 10.4 Every memorial, and installation thereof, in a City cemetery shall,
- (a) conform to the plan established for the lot and the section of the City cemetery in which the memorial is to be installed, and;
  - (b) conform, in every way, to this *Bylaw* and the specifications set out in *Bylaw Schedule B: Memorials* as are current at the time a memorial is installed, not at the time a lot was purchased, at the time of an interment or at the time a memorial was purchased, and;
  - (c) shall be constructed of granite or of another natural stone approved by the City or of bronze anchored on a reinforced concrete base.
- 10.5 No memorial, inscription, engraving, ornamentation or combination thereof, including but not limited to reference to a pet, that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 10.6 No memorial shall be installed on a lot in a City cemetery until,
- (a) an application for installation, in a form prescribed by the City, is received by the City, and;
  - (b) the application describes fully the memorial's proposed size, design, material, inscription and location, and;
  - (c) it is determined the memorial described on the application complies with the specifications set out for memorial placement on the lot where installation is proposed, and;
  - (d) all outstanding indebtedness as related to the fees for interment rights, lot, interment, and the memorial installation has been paid in full to the City, and;
  - (e) upon satisfying all of the above, a memorial permit may be issued by the City to authorize installation of the memorial.
- 10.7 It is the responsibility of an applicant for a memorial permit 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 has no responsibility or financial liability for a memorial where it can be shown these tasks were not performed by an applicant.

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- 10.8 Every memorial at a City cemetery shall be placed, installed, temporarily moved, relocated or removed by or under the direct supervision of the City.
- 10.9 At the time of an interment the City may permit a temporary, non-permanent marker, of a design and size approved by the City, to be placed on a lot and the temporary marker shall be limited to such placement for a period of not more than three (3) months from the date of interment. The City is not responsible for the maintenance of any temporary marker during the placement period and shall without prior notice, when more than three (3) months have expired from the date of interment, have the authority to remove and dispose of a temporary marker.
- 10.10 The City may refuse to issue a memorial permit to an applicant if the applicant has failed to comply with the requirements of this Bylaw or any other requirement established by the City governing memorials at City cemeteries. Where a refusal may occur, the City shall inform the applicant what is not compliant in the application and the steps that must be taken to resolve the deficiency.
- 10.11 The City, despite the initial issuance of a memorial permit, may reject a memorial delivered for installation if the memorial 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, ornamentation or combination thereof is, in the judgement of the City inconsistent with the dignity of adjacent lots, the cemetery or community standards. Where such a refusal occurs, the City shall inform the applicant what is not compliant about the memorial delivered for installation and the steps that must be taken to resolve the deficiency.
- 10.12 The installation of memorials shall occur during regular working days of the City cemetery and installations will be made as soon as practicable after the delivery of a memorial to the City. Memorial installations may be dependent on cemetery service Schedules, staff availability, weather and ground conditions.
- 10.13 The City is responsible to maintain the land of a lot on which a memorial is placed or installed but is not responsible for the maintenance of any memorial on a lot. The City shall not be liable for, or obligated to repair at its expense, any scratch, break or material damage to a memorial in a City cemetery except where it can be shown any scratch, break or structural damage has been caused by the negligence of the City, its employees or its agents.
- 10.14 If it is determined a memorial or its installation do not comply with this Bylaw and its Schedules 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.
- 10.15 Every rights holder or the legal representative of a deceased, their heirs or successors are responsible to keep in proper repair, at their expense and to the satisfaction of the City, all memorials on their lot. In the instance a memorial is installed on a lot in a City cemetery and subsequently falls into a state of disrepair, the City will document the condition of the memorial, and shall then have the authority, without prior notice, to have the memorial removed from the lot and from

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the City cemetery, in each case at the expense of rights holder, the legal representative of a deceased, their heirs or successors.

- 10.16 At the time of an interment the City may permit a temporary, non-permanent marker, of a design and size approved by the City, to be placed on a lot and the temporary marker shall be limited to such placement for a period of not more than three (3) months from the date of interment. The City is not responsible for the maintenance of any temporary marker during the placement period and shall without prior notice, when more than three (3) months have expired from the date of interment, have the authority to remove and dispose of a temporary marker.
- 10.17 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,
- (a) the discretionary approval of the City where such approval shall be made solely by an individual duly authorized under article 4.12 of this Bylaw to make such decisions, and;
  - (b) an application, in a form prescribed by the City, is 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 may proceed, and;
  - (c) site selection shall conform to the plan of the City cemetery as determined by the City, and;
  - (d) installation of a dedicated item or custom memorial shall be made by the City or under the direct supervision of the City and the cost of installation shall be borne by the applicant, and;
  - (e) any additional terms or conditions that may be set out in *Bylaw Schedule B: Memorials* for such items or as may be set out elsewhere in any other City bylaw.

**11.0 CEMETERY ADMINISTRATION**

- 11.1 The City 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, and the bylaws of the City as amended, revised, consolidated or replaced from time to time, and;
  - (b) the administration, interpretation and enforcement of this Bylaw and its Schedules and, said administration, interpretation, application and enforcement shall be conducted in a manner that is consistent, fair and equitable in every case and circumstance for 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, and;

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- (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, and;
  - (e) designating and empowering employees of the City and engaging and authorizing such agents of its choosing as it may deem necessary to administer the City cemeteries and develop, manage, operate and maintain the City cemeteries in the name of the City.
- 11.2 Subject to the authority of Council, the City may designate an individual or individuals to oversee, coordinate and supervise the City cemeteries and their designated duties shall include but are not limited to,
- (a) excavate, prepare and close, or cause to be excavated, prepared and closed, all interment lots, and;
  - (b) supervise, perform or cause to be performed the installation of all grave liners, memorial foundations and memorials, and;
  - (c) supervise, 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, and;
  - (d) ensure public and worker safety and a high standard of aesthetic appearance is maintained at all times in City cemeteries, and;
  - (e) monitor compliance with and enforce this Bylaw and its Schedules, and;
  - (f) maintain, as required by legislation or by the City, such records as may be required and, if requested, report to Council.

**12.0 CEMETERY FEES**

- 12.1 The City shall establish, and on a regular basis, review, 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, memorial installation and the operation and maintenance of the City cemeteries.
- 12.2 The fees established for City cemeteries shall as and where required under cemetery legislation include a contribution to the City's *Cemetery Care Fund* at rates that meet 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 the *City of Vernon Fees and Charges Bylaw* and the fees 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 interment 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 cemetery legislation.



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- 13.2 A fund shall be maintained with the City's financial institution in an account to be designated '*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, and;
  - (b) the investment of monies in the *Cemetery Care Fund* is carried out in compliance with cemetery legislation, the *Local Government Act of B.C.*, the *Community Charter of B.C.*, this Bylaw, and;
  - (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, and;
  - (d) the principal of the Cemetery Care Fund shall not be reduced other than in accordance with the express written consent of the cemetery regulatory authority and as pursuant to cemetery legislation.
- 13.3 The City may accept contributions in the form of a charitable donation to the *Cemetery Care Fund* from any individual, corporation or community organization.

**14.0 PENALTY FOR INFRACTIONS**

- 14.1 An individual who or corporation that contravenes this Bylaw or its Schedules is guilty of an offence.
- 14.2 Each contravention of this Bylaw or its Schedules shall be deemed to be a separate and distinct offence.
- 14.3 An individual who or corporation that is cited for or found guilty of a contravention of this Bylaw or its Schedules is, upon conviction, liable for,
- (a) a fine for each infraction and for each day or part thereof during which an infraction has taken place, and;
  - (b) the amount of the fine levied for contravention of this Bylaw shall be set out in the *City of Vernon Bylaw Notice Enforcement Bylaw No. 5250*, and;
  - (c) 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.
- 14.4 Subject to the authority of Council, the City may designate an individual or individuals who shall be authorized to enforce this Bylaw and issue citations for Contravention of this Bylaw. Further, depending on the situation, circumstance and severity of a violation of this Bylaw enforcement of may be performed by a City Bylaw Screening Officer, Bylaw Enforcement Officer or by a member of the Royal Canadian Mounted Police.

**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 Vernon Bylaw No. 3472, 1987" and all previous versions, consolidations and amendments made thereto are repealed upon adoption of this Bylaw.

READ A FIRST TIME this 19<sup>th</sup> day of August, 2019.

READ A SECOND TIME this 19<sup>th</sup> day of August, 2019.

READ A THIRD TIME this 19<sup>th</sup> day of August, 2019.

ADOPTED this 3<sup>rd</sup> day of September, 2019.

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Mayor

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Corporate Officer

**SCHEDULE A: Interment**  
**Attached to and forming part of Bylaw 5767**  
**“City of Vernon Cemetery Management Bylaw Number 5767, 2019”**

**1.0 INTERMENT RIGHTS**

- 1.1 The City of Vernon *Cemetery Management Bylaw* together with the rules, regulations and specifications that follow here shall apply to rights of interment, the interment of human remains and the interment or scattering of cremated remains in a City cemetery.
- 1.2 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.
- 1.3 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 of human remains or cremated remains of an individual or individuals named on an Interment Rights Certificate, but;
  - (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, 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.
- 1.4 An applicant may, on a reserve basis and upon payment in full of the fee established for lots, purchase the interment rights for not more than one (1) human remains lot or one (1) cremated remains lot.
- 1.5 The City shall issue, to an applicant paying in full the fee established for an interment right, 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.
- 1.6 **HUMAN REMAINS LOTS:** Following are the permitted interment capacities for human remains interment lots in a City cemetery:
- (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 are the parents of the interred child or infant;
  - (b) **Standard Adult Lot:** This form of lot is limited to the interment of the human remains of not more than two (2) individuals and the secondary interment of the cremated remains of not more than two (2) individuals or, where no human remains are to be interred in the lot, the interment of the cremated remains of not more than four (4) individuals;
  - (c) **Green Burial Lot:** This form of lot is limited to the interment of the human remains of not more than one (1) individual and the secondary interment of the cremated remains of not more than one (1) individual and further, the use of a green burial lot is subject, in every way, to *Bylaw Schedule C: Green Burial*;

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(d) **Veteran’s Lot:** This form of lot, located in a designated Veteran’s section of a City cemetery, is limited to the interment of the human remains of one (1) individual who qualifies as a Veteran and the secondary interment of the human remains or the cremated remains of a spouse of the Veteran interred in a Veteran’s lot.

1.7 **CREMATED REMAINS LOTS:** Following are the permitted interment capacities for cremated remains interment lots:

(a) **Single Cremation Lot:** This form of lot is limited to the interment of the cremated remains of one (1) individual;

(b) **Family Cremation (Standard Adult) Lot:** This form of lot is limited to the interment of the cremated remains of not more than four (4) individuals;

(c) **Veteran’s Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals, of which at least one (1) individual qualifies as a Veteran;

(d) **Columbaria Niche Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals.

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

1.9 Human remains interment lots permit for the secondary interment of cremated remains above interred human remains. The interment of cremated remains in a human remains lot may not be made until after the human remains interment(s) has/have been made in a lot.

1.10 The secondary interment of cremated remains in a green burial lot shall only be made after the human remains interment has been made in the lot. Further, a green burial lot may not be used exclusively for the interment of cremated remains.

## 2.0 LOT SIZES

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

(a) **Infant / Child Lot:** Shall not exceed, but may be less than, four (4’) feet six (6”) inches (1.4 m) wide by six (6’) feet (1.8 m) long;

(b) **Standard Adult Lot (surveyed prior to January 1, 2017):** Shall not exceed five (5’) feet nine (9”) inches (1.7 m) wide by nine (9’) feet two (2”) inches (2.8 m) long;

(c) **Standard Adult Lot & Green Burial Lot (surveyed after January 1, 2017):** Shall not exceed five (5’) feet six (6”) inches (1.6 m) wide by nine (9’) feet (2.7 m) long.

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

(a) **Standard Cremation Lot:** Shall not exceed two (2’) feet (60.9 cm) wide by two (2’) feet (60.9 cm) long;

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- (b) **Family Cremation (Standard Adult) Lot:** Shall not exceed five (5') feet nine (9") inches (1.7 m) wide by nine (9') feet two (2") inches (2.8 m) long;
  - (c) **Veteran's Cremation Lot:** Shall not exceed two (2') feet (60.9 cm) wide by two (2') feet (60.9 cm) long;
  - (d) **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 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.
- 2.4 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.
- 2.5 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a City cemetery shall be those established by the city for a City cemetery.

### **3.0 INTERMENTS**

- 3.1 Only human remains, or cremated human remains may be interred in a City cemetery.
- 3.2 **Human Remains:** The following specifications shall be followed in making an interment of human remains into a lot at a City cemetery,
- (a) **Single-Depth Interment:** The interment shall be made at a sufficient depth to ensure there is, when filled and closed, not less than thirty (30) inches (76.2 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, or;
  - (b) **Double-Depth Interment:** The first interment shall be made at the lowest depth of the lot and shall be of sufficient depth to permit a future second interment of human remains, separated by not less than two (2) feet (60.9 cm) of soil between interments, and where, after any future second interment in the lot, when filled and closed, shall have not less than thirty (30) inches (76.2 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, and;
  - (c) **Green Burial Interment:** No form of grave liner or vault shall be used in a green burial lot and the interment shall be made at a sufficient depth to ensure there is, when filled and closed, not less than thirty (30) inches (76.2 cm) of soil between the finished surface of the lot and the uppermost surface of the casket, container or shroud enclosing the human remains resting in the lot.

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- 3.3 **Cremated Remains:** The following specifications shall be followed in making an interment of cremated remains into a lot at a City cemetery,
- (a) **Cremation Interment:** The interment of cremated remains in any lot shall be made in an excavation which, when filled and closed, provides not less than twelve (12) inches (30.4 cm) of earth between the finished surface level of the lot and the uppermost surface of the cremated remains resting in the lot;
  - (b) **Green Burial Cremation Interment:** In addition to complying with above article (a), no form of grave liner or vault, or non-biodegradable urn or container may be used in a green burial lot.
- 3.4 Every interment in a City cemetery shall be made or supervised by the City or by an individual or corporation authorized in writing by the City.
- 3.5 For every double-depth lot, the first interment of human remains into the lot shall be made in the grave at the deepest interment depth and the subsequent second 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.
- 3.6 For every interment of human remains,
- (a) the human remains shall be delivered to the cemetery fully enclosed in a casket, alternative container or a shroud that complies with cemetery legislation and this Bylaw;
  - (b) the interment may be made directly into a grave without a liner, or;
  - (c) the interment shall be made into a grave liner of a design established, supplied and installed by the City at the expense of an interment rights holder or the legal representative of a deceased, and;
  - (d) no form of grave liner shall be used for the interment of human remains in a green burial lot.
- 3.7 For every interment of cremated remains,
- (a) the cremated remains shall be enclosed in an urn or container that is of a size that ensures the urn or container can be accommodated in the interment lot and is of a design acceptable to and approved by the City for interment;
  - (b) the interment may be made directly into a grave without a liner, or;
  - (c) the interment may be made into a grave liner of a design approved and installed by the City at the expense of an interment rights holder or the legal representative of a deceased, and;
  - (d) no form of grave liner shall be used for the interment of cremated remains in a green burial lot.
- 3.8 An individual, family or a group of individuals, upon advance agreement with and authorization by the City may be allowed to witness and / or participate in a lot closing subject to the following criteria,

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- (a) the request to do so is delivered to the City as part of the normal advance notice for and authorization of an interment, and;
- (b) the City may, for safety purposes, limit the number of individuals allowed to witness or participate in a closing, and;
- (c) all proceedings at an interment shall be under the direction of the City and every witness present shall follow every instruction given by the City staff directing the interment, and;
- (d) the City may charge a fee for a ‘*witness close*’ service.

**4.0 CREMATION SCATTERING**

- 4.1 The scattering of cremated remains may be permitted in a City Cemetery but only in a designated scattering area or feature of a City cemetery.
- 4.2 Areas or features designed, laid out and designated for the scattering of cremated remains shall be of sufficient size and design to permit for the discreet, dignified, comingled disposition of cremated remains.
- 4.3 Scattered cremated remains shall not be assigned a unique, individual plot descriptor or locator but shall, for the purposes of maintaining cemetery records, be recorded as having been scattered in a designated scattering area or feature of a City cemetery.
- 4.4 The scattering of cremated remains shall be made into a feature designed to contain comingled cremated remains or onto the surface of the ground in a designated scattering area of a City Cemetery.
- 4.5 Where, subject to the written permission of the City, cremated remains have been scattered onto the surface of the ground in a designated scattering area the City may, after the scattering, place a surface layer of leaf or bark mulch over the scattered cremated remains to protect the cremated remains from disturbance.
- 4.6 The scattering of cremated remains shall always be performed by or under the supervision of a City employee or an authorized agent of the City and every scattering shall be made in a respectful and dignified manner.
- 4.7 Other than in compliance with the above noted rules the scattering of cremated remains on a cemetery lot or anywhere in a City cemetery is strictly prohibited.

**5.0 MEMORIALS**

- 5.1 Every memorial and the installation of every memorial in a City cemetery shall comply with the *City of Vernon Cemetery Management Bylaw* and *Bylaw Schedule B: Memorials* as are current at the time of a memorial installation.

**6.0 SPECIAL PROVISIONS**

- 6.1 The rules and regulations set out in this Schedule shall apply, without exception, to every interment right purchased or interment made on or after the date of adoption of the *City of Vernon Cemetery Management Bylaw* and its Schedules.

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- 6.2 For an interment right purchased prior to the adoption of the *Cemetery Management Bylaw* and this Schedule the City may as circumstance warrants and on a limited, case-by-case basis and subject to the express written consent of an individual empowered under Article 4.12 of the Cemetery Management Bylaw, permit the interment densities in place on the date and under the terms a pre-existing right of interment was purchased. In such instances, it is the applicant’s responsibility to provide to the City such documentation as the City deems necessary to approve of an exception to the *Cemetery Management Bylaw* and this Schedule.



**SCHEDULE B: Memorials**  
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**1.0 GENERAL RULES**

- 1.1 The *City of Vernon Cemetery Management Bylaw* together with the rules, regulations and specifications set out in this Schedule shall apply to the supply and installation of memorials at a City cemetery.
- 1.2 The City has 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 remembrance site. It is the responsibility of a rights holder or the legal representative of a deceased, at their expense, to arrange for the supply and installation of a memorial on a City cemetery lot.
- 1.3 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot or install a memorial plaque until evidence proving the individual being memorialized is deceased is provided to the City.
- 1.4 Every memorial, and installation thereof, in a City cemetery shall,
  - (a) conform to the plan established for the lot and the section of the City cemetery in which the memorial is to be installed, and;
  - (b) conform, in every way, to the *Cemetery Management Bylaw* and the specifications set out in this Schedule as is current at the time a memorial is installed, not at the time a lot was purchased, at the time of an interment or at the time a memorial was purchased, and;
  - (c) shall be constructed of granite or of another natural stone approved by the City or of bronze mounted on a concrete or granite base.
- 1.5 No memorial, inscription, engraving, ornamentation or combination thereof, including but not limited to a reference to any pet or pets, that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 1.6 No memorial shall be installed on a lot in a City cemetery until,
  - (a) an application for installation, in a form prescribed by the City, is received by the City, and;
  - (b) the application describes fully the memorial’s proposed size, design, material, inscription and location, and;
  - (c) it is determined the memorial described on the application complies with the specifications set out for memorial placement on the lot where installation is proposed, and;
  - (d) all outstanding indebtedness as relates to the fees for interment rights, lot, interment, and the memorial installation has been paid in full to the City, and;
  - (e) upon satisfying all of the above, a memorial permit may be issued by the City to authorize installation of the memorial.
- 1.7 It is the responsibility of an applicant for a memorial permit 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 has no responsibility or financial liability for a memorial where it can be shown these tasks were not performed by an applicant.

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- 1.8 Every memorial at a City cemetery shall be placed, installed, relocated or removed by or under the direct supervision of the City.
- 1.9 At the time of an interment the City may permit a temporary, non-permanent marker, of a design and size approved by the City, to be placed on a lot and the temporary marker shall be limited to such placement for a period of not more than three (3) months from the date of interment. The City is not responsible for the maintenance of any temporary marker during the placement period and shall without prior notice, when more than three (3) months have expired from the date of interment, have the authority to remove and dispose of a temporary marker.

**2.0 MEMORIALS**

- 2.1 The form and design of a memorial and its maximum width, depth and thickness of a and, the form and style of the memorial inscription is conditional on the type of lot on which the memorial is being installed.
- 2.2 Except for the thickness of a flat memorial installed flush with the ground, which shall be not less than three (3”) inches (7.6 cm) thick, memorial dimensions stated in this Schedule may have a variance of not more than plus or minus one (1”) inch (2.5 cm).
- 2.3 Every memorial marker shall be installed on a foundation to a standard, established by the City, that will minimize the potential effect of ground settlement or frost heave on an installed memorial. The City shall have the authority to revise or add additional installation requirements for memorials as it may deem necessary.
- 2.4 Every flat marker shall be installed, at an applicant’s expense, onto a foundation that shall consist of,
- (a) excavation and preparation of the installation site, and;
  - (b) placement and compaction of sufficient consolidated aggregate materials to ensure the stable and level, vertical and horizontal installation of the marker to ensure the upper surface of the marker, when installed, is flush with the ground level of the lot.
- 2.5 Every pillow marker or upright monument shall be installed, at an applicant’s expense, onto a foundation that shall consist of,
- (a) excavation and preparation of the installation site, and;
  - (b) placement and compaction of sufficient consolidated aggregate materials, and,
  - (c) installation of a reinforced concrete pad that is not less than three (3”) inches (7.6 cm) thick, and;
  - (d) the finished concrete pad, when installed, is not less than three (3”) inches (7.6 cm) wider and longer than the memorial to be installed on the lot and the upper, finished surface of the concrete pad is flush with the ground level of the lot.

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- 2.6 **Flat Marker:** A memorial taking the form of a flat marker shall,
- (a) have a foundation, installed at the applicant’s expense, that conforms to Article 2.4 of this Schedule and to any other requirement that may be established by the City for a lot where a flat marker is proposed for installation, and;
  - (b) be a granite or other natural stone memorial approved by the City that is smooth sawn on its bottom and sides and the side surfaces shall be true and perpendicular with the top surface of the memorial and the inscription and design shall be carving, engraving or etching on the face of the memorial, or;
  - (c) be a bronze memorial anchored on a reinforced cast concrete base which shall have a border of not more than six (6”) inches (15.2 cm) of exposed, finished concrete exposed on all sides, and further:
    - i. the concrete base shall consist of one (1) mat of No. 3 steel reinforcing mat placed in the center of the three (3”) inch (7 cm) slab and protected from the edges with one and one-half (1.5”) inches (4 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 center of the slab and spaced 0.4” inches (1 cm) 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 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 any lot, and;
    - v. have an inscription where any 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, or;
- 2.7 **Pillow Marker:** A memorial taking the form of a pillow marker shall,
- (a) have a foundation, installed at the applicant’s expense, that conforms to Article 2.5 of this Schedule and to any other requirement that may be established by the City for a lot where a pillow marker is proposed for installation, and;
  - (b) be constructed of granite or another natural stone approved by the City and installed on a foundation that conforms to specifications set out in this Schedule, and;
  - (c) have an inscription and design that is carving, engraving or etching on the face of the pillow marker.

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- 2.8 **Upright Monument on Granite Base:** A memorial taking the form an upright monument on a granite base shall,
- (a) have a foundation, installed at the applicant’s expense, that conforms to Article 2.5 of this Schedule and to any other requirement that may be established by the City for a lot where an upright monument is proposed for installation, and;
  - (b) have a base made of granite or another natural stone approved by the City and the bottom of the base shall be smooth sawn and unpolished so as to permit effective placement of the base on the foundation in a manner approved by the City, and further;
  - (c) a monument base shall have sides that are true and perpendicular with the base’s top surface, may be smooth sawn or rock pitch, may be polished or unpolished, and shall be wider and longer than the monument tablet to provide a minimum border of three (3”) inches (7.6 cm) to a maximum border of six (6”) inches (15.2 cm) of the base exposed on all sides, and;
  - (d) have a monument tablet made of granite or another natural stone approved by the City that attaches to its base with dowel pins which 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, and further;
  - (e) a monument tablet shall be not less than three (3”) inches (7.6 cm) thick but may be no thicker than a dimension that leaves not less than a three (3”) inch (7.6 cm) to a maximum of a six (6”) inch (15.2 cm) border of the granite base exposed on all sides, and;
  - (f) have an inscription and design that shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored or attached to the face of the monument in a manner approved by the City.
- 2.9 **Upright Monument on Concrete Base:** A memorial taking the form an upright monument installed on a concrete base shall,
- (a) have a foundation, installed at the applicant’s expense, that conforms to Article 2.5 of this Schedule and to any other requirement that may be established by the City for a lot where a pillow marker is proposed for installation, and;
  - (b) have a monument tablet made of granite or other natural stone approved by the City that attaches to the concrete foundation in a manner approved by the City, and further;
  - (c) a monument tablet shall be not less than three (3”) inches (7.6 cm) thick but may be no thicker than a dimension that leaves not less than a minimum of three (3”) inch (7.6 cm) to a maximum of a six (6”) inch (15.2 cm) border of the concrete foundation exposed on all sides, and;

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(d) have an inscription and design that shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored or attached to the face of the monument in a manner approved by the City.

- 2.7 **Columbaria Niche:** A memorial taking the form of a columbaria niche plate shall, subject to the columbarium design and 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.
- 2.8 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 any memorial or placed adjacent to where a memorial is installed in a City cemetery.
- 2.14 No memorial shall have a photographic appliqué or emblem of any type that is attached solely by an adhesive. Any form of photograph or emblem must be an integral part of the memorial either cast in bronze or sand-blasted or laser-etched on granite.
- 2.15 No form of decorative rock, gravel or other form of material may be placed at or around any memorial in a City Cemetery. Only materials approved, supplied and installed by the City for the installation and maintenance of memorials is permitted at or around memorials.

**3.0 LOT TYPES & PERMITTED MEMORIALS**

- 3.1 Interment into a lot in a City cemetery shall comply with the *Cemetery Management Bylaw* and *Bylaw Schedule A: Interment* as are current at the time of an interment.
- 3.2 Where a pillow marker or an upright monument may be permitted on a lot, only one (1) pillow marker or upright monument may be installed on any lot and shall be installed only in the space designated by the City for a pillow marker or upright monument.
- 3.3 **Human Remains Lots:** The following specifications shall constitute the number and type of memorials permitted on human remains interment lots as they may be designated and laid-out in a City cemetery:

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- (a) **Infant / Child Lot:** This form of lot may have one (1) memorial that is,
- (i) a flat marker installed flush with the ground that is twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick, or;
  - (ii) a pillow marker installed on a concrete foundation that is twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep and where the back of the pillow marker shall not be more than six (6”) inches (15.2 cm) thick sloping to the front of the marker that is not more than three (3”) inches (7.6 cm) thick.
- (b) **Standard Adult – Flat or Pillow Marker - Lot:** This form of lot may have not more than two (2) memorials that are,
- (i) one (1) *‘primary’* flat marker installed flush with the ground that is twenty-four (24”) inches (60.9 cm) wide by twelve (12’) inches (30.4 cm) deep by not less than three (3”) inches (7.6 cm) thick and memorializing not more than two (2) individuals, or;
  - (ii) one (1) *‘primary’* pillow marker installed on a concrete foundation that is twenty-four (24”) inches (60.9 cm) wide by twelve (12’) inches (30.4 cm) deep and where the back of the pillow marker shall not be more than six (6”) inches (15.2 cm) thick sloping to the front of the marker that is not more than three (3”) inches (7.6 cm) thick and memorializing not more two (2) individuals, and;
  - (iii) one (1) additional flat marker installed flush with the ground that is twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick.
- (c) **Standard Adult - Upright Monument - Lot:** This form of lot may have not more than two (2) memorials that are,
- (i) one *‘primary’* (1) upright monument which shall twenty-four (24”) inches (60.9 cm) wide and not less than twelve (12’) inches (30.4 cm) high but not more twenty-four (24”) inches (60.9 cm) high by not less than three (3”) inches (7.6 cm) thick and memorializing not more than two (2) individuals, and;
  - (ii) one (1) additional flat marker installed flush with the ground that is twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick.

**SCHEDULE B: Memorials**  
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(d) **Veteran’s Lot:** This form of lot may have one (1) memorial in the form of a flat marker installed flush with the ground that is either,

- (i) twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick to memorialize one (1) individual, or;
- (ii) twenty-four (24”) inches (60.9 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick to memorialize two (2) individuals.

3.4 **Cremated Remains Lots:** The following specifications shall constitute the number and type of memorials permitted on cremated remains interment lots as they may be designated and laid-out in a City cemetery:

(a) **Single Cremation Lot:** This form of lot may have one (1) flat marker installed flush with the ground that is twelve (12”) inches (60.9 cm) wide by eight (8”) inches (20.3 cm) deep by three (3”) inches (7.6 cm) thick and memorializing not more than one (1) individual.

(b) **Family Cremation (Standard Adult) Lot:** This form of lot may have not more than two (2) memorials that are,

- (i) one (1) *‘primary’* flat marker installed flush with the ground that is twenty (20”) inches (50.8 cm) wide by eight (8”) inches (30.4 cm) deep by not less than three (3”) inches (7.6 cm) thick and memorializing not more than two (2) individuals, or;
- (ii) one (1) *‘primary’* pillow marker installed on a concrete foundation that is twenty (20”) inches (50.8 cm) wide by eight (8”) inches (30.4 cm) deep and where the back of the pillow marker shall not be more than six (6”) inches (15.2 cm) thick sloping to the front of the marker that is not more than three (3”) inches (7.6 cm) thick and memorializing not more two (2) individuals, and;
- (iii) one (1) additional flat marker installed flush with the ground that is twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick.

(e) **Veterans Cremation Lot:** This form of lot may have one (1) memorial in the form of a flat marker installed flush with the ground that is either,

- (i) twelve (12”) inches wide (30.4 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick to memorialize one (1) individual, or;
- (ii) twenty (20”) inches (50.8 cm) wide by (8”) inches (20.3 cm) deep by not less than three (3”) inches (7.6 cm) thick to memorialize two (2) individuals.

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(c) **Columbaria Niche Lot:** This form of lot shall have as its primary form of memorial an inscription made on the face of a 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 permitted form of memorialization for green burials as and where green burial lots may be designated and laid-out in a City cemetery,

(a) other than a City installed communal memorial no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any form of decoration, adornment or structure shall be placed on, in or around any green burial lot or in a green burial area of a City cemetery;

(b) no inscription shall be made on a green burial memorial until,

- (i) the inscription is approved by the City, and;
- (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, and;
- (ii) recorded sequentially on the memorial as interments occur, and;
- (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, and;
- (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 Schedule 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;



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- (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 OTHER MEMORIALS**

- 4.1 The City shall have the authority to establish and install in a City cemetery such structures and features of a design and standard established by the City that facilitate the placement of memorial plaques for individuals or groups, or that 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 be supplied and installed by the City, at an applicant's expense, and when installed shall be considered as property of the City.
- 4.3 Memorial plaques shall be constructed of bronze, cast in a size, font and design established by the City and shall meet the following specifications:
  - (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.
- 4.4 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,
  - (a) the discretionary approval of the City where such approval shall be made solely by an individual duly authorized under article 4.12 of this Bylaw to make such decisions, and;
  - (b) an application, in a form prescribed by the City, is 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 may proceed, and;
  - (c) site selection shall conform to the plan of the City cemetery as determined by the City, and;
  - (d) installation of a dedicated item or custom memorial shall be made by the City or under the direct supervision of the City and the cost of installation shall be borne by the applicant, and;
  - (e) any additional terms or conditions that may be set out in for such items as may be set out elsewhere in any other City bylaw.

**SCHEDULE B: Memorials**  
**Attached to and forming part of Bylaw 5767**  
**“City of Vernon Cemetery Management Bylaw Number 5767, 2019”**

**5.0 APPROVED FLOWER VASES**

- 5.1 Subject to compliance with *Article 5.4* of the *Cemetery Management Bylaw* the City may establish a standard for a City approved flower vase and holder for use in a City cemetery.
- 5.2 Not more than one (1) City approved flower vase with holder may be permitted on any lot in a City cemetery and,
- (a) the vase shall be of a design approved, supplied and installed by the City, at an applicant's expense, and;
  - (b) the vase holder shall, in every instance, be installed, at an applicant's expense, at a standard, predetermined location established by the City on each lot, and;
  - (c) the vase holder shall be constructed of a steel rod or bank iron designed to hold the City approved flower vase and the maximum height of the holder shall be not more than twelve and one-half (12.5") inches (31.7 cm) above the surface of the lot, and;
  - (d) from March 15 to October 15, only fresh cut flowers may be placed in a vase on any lot in a City cemetery, and;
  - (e) from October 16 to March 14, in addition to fresh cut flowers, artificial flowers and seasonal floral tributes may be placed in a vase on any lot in a City cemetery.
- 5.3 No form of flower vase shall be permitted on a green burial lot.
- 5.4 Except for a vase and holder approved, supplied and installed, at an applicant's expense, by the City no other form of flower vase may be placed or installed at any lot in a City cemetery.
- 5.6 Vases and vase holders not approved by the City for use in a City cemetery shall, without prior notice, be removed and disposed of by the City.

**6.0 SPECIAL PROVISIONS**

- 6.1 The memorial specifications, rules and regulations set out in this Schedule shall, without exception, apply to every lot purchased or interment made on or after the date of adoption of the *City of Vernon Cemetery Management Bylaw* and its *Schedules*.
- 6.2 For an interment right purchased prior to the adoption of the *Cemetery Management Bylaw* and this Schedule the City may, on a limited, case-by-case basis and subject to the express written consent of an individual empowered under Article 4.12 of the *Cemetery Management Bylaw*, as circumstance warrants, permit the use of historical memorial specifications to be used for the purpose of matching or refurbishing pre-existing memorials on a lot or to permit the restoration of deteriorated historical memorials.
- 6.3 Except for lots embellished prior to the adoption of the *Cemetery Management Bylaw* and this Schedule the surface of every lot in a City cemetery shall be soil and turf grass. No grave space shall be defined by any form of curb, grave cover, coping, fence or railing.

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- 6.4 The City shall have the authority to, without prior notice, remove and restore the surface of a grave with soil and turf, 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 individuals using, visiting or working in the Cemetery or has otherwise deteriorated to a standard of appearance and condition that is inconsistent with the dignity of adjacent lots and the general aesthetic of the cemetery.
- 6.5 The City shall have the authority to, with not less than three (3) months general notice to a lot holder or the community generally, order repairs to or removal, at a rights holder’s expense, of any memorial that is in an advanced state of disrepair, is a safety hazard to individuals 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.

**SCHEDULE C: Green Burial**  
**Attached to and forming part of Bylaw 5767**  
**“City of Vernon Cemetery Management Bylaw Number 5767, 2019”**

**1.0 GREEN BURIAL**

- 1.1 The *City of Vernon Cemetery Management Bylaw* together with the rules and regulations that follow here shall apply to the provision of green burial rights of interment, green burial interment of human remains or cremated remains, green burial memorialization, planting and visitation in a green burial designated area in a City cemetery.
- 1.2 Interment rights in a green burial area may be purchased on an at-need or a reserve basis.
- 1.3 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.
- 1.4 The City shall have the authority to control a green burial area and the assignment of lots to be used for interment and lot 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.
- 1.5 Human remains and cremated remains interred in a green burial lot shall be considered non-recoverable from the date of their interment.
- 1.6 Except where ordered by a Court of competent jurisdiction the City shall have no obligation to accommodate a request to disinter, exhume, transfer or otherwise recover human remains or cremated remains from a green burial lot.
- 1.7 Human remains proposed for interment in a green burial lot shall,
  - (a) not be embalmed;
  - (b) be clothed, wrapped or shrouded in fully biodegradable fabric made from natural, environmentally sustainable material;
  - (c) be fully enclosed in a shroud, casket or alternative container that is approved by the City for use in a green burial lot.
- 1.8 A casket, alternative container or shroud proposed for green burial interment shall,
  - (a) comply with provisions that may be set out for caskets or containers in legislation or regulation;
  - (b) be constructed of biodegradable and environmentally sustainable materials;
  - (c) have interior finishing fabricated of a biodegradable fabric made from natural, environmentally sustainable material;
  - (d) have, as a function of their design, a rigid base or other secure means with which to facilitate the dignified transfer of the human remains to the interment site and lowered into the interment lot;
  - (e) except for minimally necessary hinges, nails and screws, not have any extraneous part, fixture, decoration or adornment attached to the interior or exterior that is made of plastic, metal, or other non-biodegradable material;
  - (f) not have a high gloss or polished finish achieved through the application of synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent;

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- (g) not be constructed with any synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent;
  - (h) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable material;
  - (i) not have any non-biodegradable personal item, memento or article placed inside the space occupied by the human remains;
  - (j) prior to an interment, be approved by the City for use in a green burial area.
- 1.9 Cremated human remains proposed for disposition in a green burial area shall be enclosed in an urn or alternative form of container that,
- (a) is made of a biodegradable material which may include recycled and unbleached paper or cardboard;
  - (b) does not have any interior plastic, metal or other form of permanent or semi-permanent liner, container or bag;
  - (c) except for minimally necessary nails or screws, does not have any extraneous part, fixture, decoration or adornment attached to the interior or exterior that is made of plastic, metal, or other non-biodegradable material;
  - (d) prior to a scheduled interment, is approved for use by the City in a green burial area.
- 1.10 An interment rights holder or the legal representative of a deceased person to be interred in a green burial lot shall;
- (a) ensure a shroud, casket, urn or alternative container proposed for interment in a green burial lot is a City approved container;
  - (b) arrange for the dignified transfer of the human remains or cremated to the City cemetery lot.
- 1.11 Shrouds, caskets, urns or alternative containers constructed from fibre-board, particleboard, plywood, a non-sustainable wood, 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.
- 1.12 The City shall have the authority to accept, or refuse to accept, for burial, any casket, alternative container, shroud or urn proposed for interment in a green burial lot.
- 1.13 No form of exterior grave vault, liner or outer box shall be used in a green burial lot.
- 1.14 The interment of human remains in a green burial lot shall be made at a depth that is sufficient to ensure there is, when filled and closed, not less than thirty (30”) inches (0.7 m) of soil between the finished surface of the lot and the uppermost surface of the interred human remains.

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- 1.15 The interment of cremated remains in a green burial lot shall be made at a depth that is sufficient to ensure there is, when filled and closed, not less than eighteen (18”) inches (0.45 m) of soil between the finished surface of the lot and the uppermost surface of the interred cremated remains.
- 1.16 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 or cremated remains that may arise during the closing of a green burial lot.
- 1.17 Where an interment right has been purchased for a green burial lot for the purpose of interring a combination of human remains and cremated remains in the lot, the interment of cremated remains in the lot shall may only be made after the interment of human remains has been made into the lot.
- 1.18 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 understanding the City, for safety reasons and at its discretion, may limit the number of individuals 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.
- 1.19 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 individuals other than City personnel participate in the closing of a lot, said individuals 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 responsibility and liability for any injury arising as a result of their voluntary participation in the lot closing process.
- 1.20 A witness close service may be subject to a fee and paid in full to the City prior to the witness service.

**2.0 GREEN BURIAL MEMORIALS**

- 2.0 The City shall install communal memorials of a design of the City's choosing for the purpose of making approved memorial inscriptions to commemorate green burial interments.

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- 2.2 Other than City installed memorials no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any other form of decoration, adornment or structure shall be placed on, in or around any lot in a green burial area.
- 2.3 The City shall have the right to determine when inscriptions are made on a green burial memorial and shall make new inscriptions as and when they may accumulate at a minimum of twice in each calendar year.
- 2.4 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
- 2.5 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.
- 2.6 The City shall have the right, without prior notice, to remove and dispose of any unauthorized memorial product, object, decoration, adornment or memento placed on a green burial lot or in a green burial area.

**3.0 GREEN BURIAL GENERAL RULES**

- 3.1 Floral tributes that accompany human remains or cremated human remains as part of an interment service shall be permitted to remain on a green burial lot for not more than seven (7) days following the date of interment. After seven (7) days from the date of interment the City shall have the right, without prior notice, to remove and dispose of floral tributes at a green burial lot.
- 3.2 Except for floral tributes accompanying an interment service no other floral tributes, artificial flowers, planting, memorial, vase, decoration or adornment in any form or type may be placed on a green burial lot or in a green burial area of a City cemetery.
- 3.3 The City shall have the right, without prior notice, to remove and dispose of any unauthorized flower, plant material or object placed on a green burial lot or in a green burial area of a City cemetery.
- 3.4 Only the City shall make or supervise all planting in a City cemetery green burial area.
- 3.5 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.
- 3.6 All planting in a City cemetery green burial area shall be made according to a pre-established planting and landscape plan for the green burial area and planting in a green burial area shall only be done as is seasonally recommended for the type of planting to be made.
- 3.7 The City shall establish and maintain pedestrian pathways to and visitation zones around green burial communal memorials to facilitate visitation.
- 3.8 To protect and maintain the health and integrity of green burial plantings and eco-systems the City shall have the authority to limit, restrict or prohibit the visitation of individual graves in any green burial area in a City cemetery.

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- 3.9 The City shall have the authority to limit, restrict or prohibit vehicle access to any green burial area in a City cemetery.
- 3.10 The City shall have the authority 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 in a City cemetery as they deem necessary and subject only to compliance with any applicable requirement of cemetery legislation.



**SCHEDULE D: Cemetery Map**  
**Attached to and forming part of Bylaw 5767**  
**“City of Vernon Cemetery Management Bylaw Number 5767, 2019”**

**1.0 Cemetery Map**

