

OFFICE CONSOLIDATION

CITY OF CASTLEGAR

BYLAW 571

A bylaw relating to the operation and maintenance of the Park Memorial Cemetery.

WHEREAS under the provisions of the "Community Charter" the Council is given power to accept, acquire and hold real or personal property for public cemeteries within or without the Municipal limits, and for providing for the management, maintenance, operation, improvement, and regulation of cemeteries subject to the Cremation, Interment and Funeral Services Act. (*Bylaw 779*) (**Bylaw 1074**)

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

SECTION 1

101 Definitions

In this bylaw, unless the context otherwise requires:

"Caretaker" shall mean the person or persons duly appointed or employed by the City from time to time as Director of Transportation and Civic Works or such other City employee as he designates; (**Bylaw 977**)

"Cemetery" shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the City of Castlegar;

"City" shall mean the City of Castlegar;

"Council" shall mean the Council of the City of Castlegar;

"Cremated Remains" shall mean the ashes resulting from cremation of a deceased human body;

"Director of Corporate Services" shall mean the person duly appointed as such from time to time by the Council; (*Bylaw 779*) (**Bylaw 977**)

"Director of Financial Services" shall mean the person duly appointed as such from time to time by the Council; (**Bylaw 977**)

"Mayor" shall include the Acting Mayor;

"Medical Health Officer" shall mean the person duly appointed from time to time by the Council to act as Medical Health Officer for the Province; (*Bylaw 779*)

"Minister" shall mean that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with administration of the "Cremation, Interment and Funeral Services Act" and include a person designated in writing by the Minister; (*Bylaw 779*)

"Plot" shall mean an area of the Cemetery used or intended to be used for the interment of human remains or cremated remains under a right of interment and includes a grave or

columbarium niche. **(Bylaw 779)**

"Plot, Cremation Size" shall mean a plot size not exceeding 60 cm. (1.99 feet) wide by 60 cm. (1.99 feet) long;

"Plot, Infant" shall mean a plot size not exceeding 90 cm. (2.95 feet) wide by 150 cm. (4.92 feet) long. The casket is not to exceed 60 cm. (1.99 feet) wide by 120 cm. (3.94 feet) long;

"Plot, Adult and Child" shall mean a plot size not exceeding 152 cm. (4.99 feet) wide by 304 cm. (9.97 feet) long;

"Resident" shall mean: (a) a person who has resided within the City of Castlegar continuously for not less than six (6) months immediately prior to death; or (b) a property owner in the said City; or (c) a person who had previously qualified as a resident under (a) or (b), but has left the city under circumstances of old age or illness requiring care not available in the aforesaid City; and

"Scattering" shall mean the placement of non-recoverable, commingled cremated remains within the ossuary. **(Bylaw 1021)**

The use of words signifying the masculine shall include the feminine.

102 Lands

The following lands have been set aside, operated, used or maintained as a cemetery by the City.

(a) Park Memorial Cemetery.

legally described as being:

That part of District Lot 12362, Kootenay District, shown outlined in red on Reference Plan 92174-I.

103 Plans

A copy of the plans of the cemetery shall be filed with the Minister and copies shall also be kept available for public inspection in the City Office and at such other places as may be deemed necessary.

SECTION 2

201 Licence to Use the Cemetery

- (1) The City will honour any existing plot reservations with a private individual; however, no further reservations will be considered by the City, and all future applications for use of the cemetery shall be in accordance with the terms of Section 201(2) of this bylaw.
- (2) A Cemetery Licence in the form of Schedule "A", attached hereto and forming part of this bylaw, shall be issued to any person paying the fees as set out in Schedule 'C' attached hereto and forming part of this bylaw.
- (3) The City shall keep and maintain a record of all Cemetery Licences issued and plots disposed of, showing the date of such disposition, the purchase price therefore, the date and number of the Interment Permit, and the name of the deceased person interred therein.
- (4) In the event that any person is the holder of a plot or plots in any portion of the Cemetery, or

is the holder of any right to make use of any plot or plots in the Cemetery for the Interment or other disposition of the dead, and not being a holder of a Cemetery Licence, is desirous of transferring such right, then application in writing shall be made to the Director of Corporate Services to approve the said transfer, and upon the Director of Corporate Services being satisfied that the consideration for the transfer is no greater than the purchase price of the said lot or of the said right to make use of the said lot, then the Director of Corporate Services may approve the transfer and shall, upon approval, forthwith cause a notation to the effect to be inserted within the cemetery records and shall arrange for the issuance of a Cemetery Licence to the transferee, which said Cemetery Licence shall be subject to the provisions contained in Section 201(2) hereof. **(Bylaw 1013)**

- (5) All licences issued for use of plots in the cemetery shall be subject to the provisions of this bylaw and all relevant bylaws now or hereafter to be passed by Council.

SECTION 3

301 Fees and Charges

- (1)
 - (a) The fees for interment, disinterment, use of plots, and care of plots, and the charges for goods offered for sale by the City for use in the cemetery, and any other cemetery fees shall be those set out in Schedule "C" attached hereto and forming part of this bylaw.
 - (b) The fees set out in Schedule "C" to this bylaw shall be paid at the time of application for a licence and at the time of purchasing any goods or services sold by the City in connection with the operation of the cemetery.

SECTION 4

401 Permission To Inter, Exhume, and Cremate

- (1) No body other than a deceased human body shall be interred in the Cemetery and no interment of a body shall be made until a permit to inter the body has been obtained from the City and the fee for interment as specified in Schedule "C" hereto has been paid, except as may be permitted otherwise under the terms of Section 401(5).
- (2) All permits for interment of deceased persons in the Cemetery shall be in the form of Schedule "B" attached hereto and forming part of this bylaw.
- (3) All applications in respect to interments, disinterments, and other applications rendered necessary by this bylaw are to be made to the office of the City of Castlegar, 460 Columbia Avenue, Castlegar, B.C. during regular office hours of the City. All applications made between the hours of 4:30 p.m. on Fridays and 8:30 a.m. on Mondays or on public holidays are to be made to the Director of Transportation and Civic Works. No interment will be permitted after the hour of 2:30 p.m. Monday to Friday unless an additional fee, as set out in Schedule "C" of this bylaw is paid. No interment will be permitted on Saturday unless an additional fee, as set out in Schedule "C" of this bylaw is paid. No interment will be permitted after the hour of 4:00 p.m. Monday to Saturday or on Sundays or statutory holidays. **(Bylaw 779)(Bylaw 977) (Bylaw 1013)**

- (4) Licences for burials must be obtained at least 24 hours before any interment can take place except in a case of a person dying of an infectious disease. Licenses for burials will be issued upon receipt of a requisition form, prescribed by the City, currently in the form of Schedule "D". **(Bylaw 977)**
- (5) The body of any person who dies having an infectious disease shall be interred in accordance with the instructions furnished to the Director of Corporate Services by the Medical Health Officer for the City. **(Bylaw 977)**
- (6) No deceased person interred in the Cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the "Cremation, Interment and Funeral Services Act" and the presentation of such order to the Director of Corporate Services. **(Bylaw 779) (Bylaw 977)**
- (7) Any person who shall cremate or bury a diseased person within the limits of the City save and except as authorized under the terms of the "Cremation Act" and the "Cremation, Interment and Funeral Services Act" and the regulations made thereunder, shall be guilty of violation of this bylaw and liable to a penalty hereof. **(Bylaw 779)**

SECTION 5

501 Interment in the Cemetery

- (1) No body other than a deceased human body shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this bylaw.
- (2) The holder of a licence to use and occupy a plot in the Cemetery shall not allow or permit an interment to be made in the plot to which the licence refers, nor shall he transfer or dispose of the said plot to another person unless such interment, transfer, or disposal shall be made pursuant to and subject to the provisions of this bylaw.
- (3)
 - (a) Where the body of any person who dies having an infectious disease must be interred within thirty-six (36) hours after death occurs; the Medical Health Officer shall furnish the Clerk with definite instructions respecting such interment and the Caretaker shall follow such instructions in carrying out the interment.
 - (b) Infectious diseases shall be those as defined in the Regulations made pursuant to the Health Act.
 - (c) Where the body delivered to the cemetery for interment is subject to direction of the Medical Health Officer under the terms of the "Regulations for the Control of Communicable Diseases" made under the "Health Act", the person delivering the body to the cemetery shall inform the Caretaker.
- (4)
 - (a) Each interment in the cemetery, other than the interment of cremated remains, shall be made in a plot dug to a depth sufficient to provide not less than 1 metre (3.28 feet) of earth between the upper surface of the coffin, or grave liner or vault enclosing the coffin, and the top surface of the adjacent ground.
 - (b) Each interment of cremated remains in the cemetery, except those placed in a cairn if

so established, shall be made in a metal, bronze, marble, wood or polypropylene (being the minimum) container. Each Interment of cremated remains will be enclosed in a cremation vault made of fibreglass, steel or pre-cast concrete. *(Bylaw 779)*
(Bylaw 977)

- (c) In those sections of the cemetery reserved exclusively for the burial of cremated remains two (2) interments only shall be permitted in each plot. This section does not apply to niches. *(Bylaw 779)*
 - (d) Where two (2) interments are permitted in one (1) plot and each interment is in respect to a body not in the form of cremated remains, the first body shall be buried in the plot at a lower depth than the second, and each of the two burials in the plot shall conform to the requirements of Sub-section 4(a).
 - (e) Cremains may be interred over a casket or caskets; however, these cremains may not be disturbed to use the plot for a regular interment.
 - (f) Subject to Section 501(4)(e), three (3) cremains interments are permitted in addition to regular interment(s) in standard (adult) and child size plots and two (2) cremains interments are permitted in addition to regular interment(s) in infant size plots.
 - (g) Unless there is a grave side service, interment of ashes will take place within seventy-two hours (3 working days) after receipt.
 - (h) Pre-cast concrete, steel vault, fibreglass and other grave liners as may be approved from time to time by the City, shall be used for adult and child interment, except in the case of cremated remains interred according to the terms of sub-section 501(4)(b) of this section. ***(Bylaw 977)***
- (5) The City reserves the right to reschedule burials. ***(Bylaw 779)***
 - (6) No grave shall be dug, or opened by any person other than those person's duly authorized by the City.
 - (7) No vaults, or other methods of interment above ground level, shall be permitted in the cemetery except for those constructed by the City.
 - (8) Placement of human cremated remains into the ossuary shall be considered permanent, non-recoverable and commingled. ***(Bylaw 1021)***

SECTION 6

601 Cemetery Caretaker

- (1) A cemetery Caretaker shall be responsible for the following:
 - (a) To dig and prepare, or cause to be dug and prepared, all plots required to be dug.
 - (b) Install, or arrange for the installation of, all memorial tablets.

- (c) Carry out, or cause to be carried out, the general work of the cemetery to maintain it in a neat and tidy condition, including the maintenance of paths, gates, fences, and other cemetery improvements.
- (d) Maintain, or cause to be maintained records as required and submit to the Director of Corporate Services whatever reports are required by him. **(Bylaw 977)**
- (e) Complete such other work as may be directed by the Director of Corporate Services. **(Bylaw 977)**

SECTION 7

701 Administration, Perpetual Care Fund and Cemetery Replacement Fund

- (1) The City shall maintain records as necessary to the administration and management of the cemetery and as required by the Regulations under the "Cremation, Interment and Funeral Services Act". **(Bylaw 779)**
- (2) The Caretaker is hereby authorized on behalf of the City to grant a licence in the form set out in Schedule "A" hereof in respect of any plot in the cemetery, according to the scale of fees and charges specified in Schedule "C" of this bylaw and subject to the provisions of this bylaw.
- (3) The Caretaker shall issue all permits for the interment required by this bylaw except as otherwise provided.
- (4) Upon issuing any permits for interment in the cemetery, or upon receiving an order for exhumation from the proper authority as required by Section 401(6) hereof, the Director of Corporate Services shall notify the Caretaker before the time of the intended interment or exhumation giving the name of the deceased and any instructions of the Medical Health Officer relative to the interment or exhumation. **(Bylaw 977)**
- (5)
 - (a) Funds shall be established to be known as "The Perpetual Care Fund" and "The Cemetery Replacement Fund" and such funds shall be administered in accordance with the requirements of the Regulations made under the "Cremation, Interment and Funeral Services Act" for the establishment and administration of the Perpetual Care Fund and Cemetery Replacement Fund and in accordance with the procedures hereinafter set out. **(Bylaw 779)**
 - (b) Bank accounts shall be established to be known as "The Perpetual Care Fund Account" and "The Cemetery Replacement Fund Account" into which shall be paid all funds received for Perpetual Care Fund and Replacement Fund purposes and all such funds shall be deposited in said accounts, and there held pending investment as hereinafter provided.
 - (c) On all licences for use of plots sold, there shall be paid into the "Perpetual Care Fund Account" and "The Cemetery Replacement Fund Account" from the amount received for each licence sold the fees specified in Schedule "C" hereof.
 - (d) On all licences for the use of plots, and on all contracts or agreements for the sale of

such licences, the amounts required to be used for Perpetual Care Fund and Cemetery Replacement Fund purposes shall be specified.

- (e) Any owner of a memorial marker desiring to install same in the cemetery shall pay to the City, prior to the installation of such memorial, an amount specified in Schedule "C" hereof as a contribution to the "Perpetual Care Fund", and such amounts when received shall be paid into the "Perpetual Care Fund Account" for investment as hereinafter provided.
 - (f) Investment of funds received for Perpetual Care Fund purposes shall be made as required by the Regulations under the "Cremation, Interment and Funeral Services Act" applicable to Municipal Cemetery Care Funds. *(Bylaw 779)*
 - (g) The income from the "Perpetual Care Fund" including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licenced and the cemetery of which it forms part and the income from the Cemetery Replacement Fund shall be used for the sole purpose of cemetery capital improvements.
 - (h) The principal sum of the Care Fund shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the Regulations under the "Cremation, Interment and Funeral Services Act". *(Bylaw 779)*
- (6) A separate account of all monies received under the provisions of this Bylaw and of all monies expended hereunder shall be kept and any surplus of receipts over expenditures shall be paid at the end of each financial year into a fund to be known as "The Cemetery Fund" and shall be invested by the City in accordance with the provisions of the "Local Government Act" and the interest derived from such investment shall be expended on the upkeep and development of the cemetery. *(Bylaw 977)*

Section 8

801 MEMORIALS

- (1) No memorial marker shall be placed on any plot in the cemetery until the amount specified in Schedule "C" hereof has been paid for installation of a memorial (including care fund contribution) in respect to each memorial it is desired to have installed.
- (2) Memorial tablets will be installed on graves by the Caretaker subject to the rates shown in Schedule "C" and the following specifications:
 - (a) Memorials of granite (minimum of 3 inches thick), or bronze set in a reinforced concrete or granite base, may be installed on plots, by the Caretaker, so as not to project above the natural contour of the ground; the bronze memorials shall be placed on suitable concrete or granite bases so as to allow a lawn mower to cut the grass around such memorials, this section does not apply to cremain size plots; *(Bylaw 779)*
(Bylaw 977)
 - (b) Memorials of granite, or bronze set in reinforced concrete or granite, installed on single or double graves shall not exceed 96.5 cm (38 inches) in width and 127 cm (50 inches) in length. This may include a concrete margin to accommodate one flower pot

for single graves and two flower pots for double graves. **(Bylaw 977)**

Memorials installed on bases of granite or reinforced concrete shall be a minimum of 7.62 cm (3 inches) or a maximum of 12.7 cm (5 inches) thick. **(Bylaw 977)**

- (c) Memorials installed on plots for cremated remains shall be granite, 30.5 cm (12 inches) wide, 61.0 cm (24 inches) long and 7.6 cm (3 inches) thick. This section does not apply to niches." (Bylaw 779) **(Bylaw 1013)**
- (d) Memorials installed on Columbarium Niches shall be bronze plates 7.6 cm (3 inches) wide and 22.8 cm (9 inches) long with a polished beveled edge cast in bronze alloy with a composition not less than 87% copper, 5% tin, 2% lead, 5% zinc and 1% trace metals. The castings are to consist of one line accommodating the name and second line accommodating the year of birth and year of death only. The casting is to be true from defects or roughness. No other ornaments will be permitted on the Columbarium. (Bylaw 977) **(Bylaw 1013)**
- (3) No plot shall be defined by a fence, railing coping, curbing, hedge, or by other means save by a memorial marker, installed level with the surface of the adjacent ground as set out in Section 801 (2) hereof.
- (4) Memorial placement shall be at the City's convenience within a reasonable time after receipt.
- (5) In order to maintain nameplate quality and consistency of appearance of the memorial board, nameplates placed on an ossuary memorial boards shall be consistent with those already placed on the memorial board:
 - (a) memorial nameplates shall be placed on the appropriate memorial board:
 - (i) memorial boards (two) for veterans only
 - (ii) memorial board for members of the public,
 - (b) nameplates shall be in bronze straight edge plate only,
 - (c) nameplate surfaces shall be flat and letters and numerals shall be 7/16 inch (11.1125 mm) high, chased and buffed and shall not protrude more than 3/32 inch (2.3812mm) above the flat surface of the nameplate,
 - (d) for the first memorial board dedicated to veterans:
 - (i) size of nameplate shall be 10-1/2 inches (266.7 mm) wide by 5/8 inch (15.875 mm) high,
 - (ii) nameplate inscriptions shall consist of one line indicating the first name, middle initial, last name (in capital letters), the year of birth and the year of death of the deceased,
 - (e) for the second memorial board dedicated to veterans:
 - (i) size of nameplate shall be 10-1/2 inches (266.7 mm) wide by 5/8 inch (15.875 mm) high,
 - (ii) nameplate inscriptions shall consist of one line indicating the first name, middle initial and last name (in capital letters) of the deceased,
 - (f) for memorial board dedicated to members of the public:

- (i) size of nameplate shall be 6 inches (152.4 mm) wide by 7/8 inch (22.225 mm) high.
 - (ii) nameplate inscriptions shall consist of one line indicating the first name, middle initial and last name (in capital letters) of the deceased.
- (g) Purchase of ossuary memorial board nameplate shall be the responsibility of the family, with installation by the Caretaker." **(Bylaw 1021)**

SECTION 9

901 GENERAL

- (1) Cut flowers, wreaths and floral offerings may be placed on plots but may be removed by the Caretaker when their condition is considered by him to be detrimental to the cemetery. Artificial flowers will be permitted to be placed during the winter until the first grounds maintenance is carried out in the spring.
- (2) No person shall plant, remove, cut down or destroy, any trees, shrubs, plants, flowers, bulbs or rocks in the cemetery other than an employee of the City authorized to do so.
- (3) No persons shall damage or deface any memorial, fence, gate, or structure in the cemetery, or any improvements in the cemetery. **(Bylaw 779)**
- (4) No person shall enter the cemetery in a vehicle after sunset, or drive a vehicle in the cemetery at any time at a speed of more than 15 km/h (10 m.p.h.), and all vehicles and their drivers while in the cemetery grounds shall be subject to the directions and order of the Caretaker.
- (5) No person shall solicit orders for markers, tablets, memorials, cappings, or like works within the limits of the cemetery.
- (6) All persons and funeral processions in the cemetery shall follow instructions of the Caretaker.
- (7) Boxes, shells, toys, wire screens, arbors, trellises, tripods, or any other objects are prohibited on any plots. Containers for flowers are subject to approval of the Caretaker and shall be installed by employees of the City or its agents.
- (8) No plot shall be decorated by its owner or owners or others interested therein with any trees, shrubs or plants. This shall not be deemed to prohibit the placing of cut flowers upon the plot, subject to the provisions of section 901(1).

SECTION 10

1001 Schedules

- (1) Schedules "A", "B", "C", "D" and "E" attached hereto form part of this bylaw and are enforceable in the same manner as this bylaw. **(Bylaw 779)**

SECTION 11

1101 Penalties

- (1) A person who contravenes this bylaw commits an offence punishable on summary conviction and is liable to a fine of not less than \$50.00 and not more than \$2,000.00

SECTION 12

1201 General Provisions

- (1) Notwithstanding anything herein contained, the administration of the cemetery shall be carried out at all times in accordance with the "Cremation, Interment and Funeral Services Act", and Regulations made thereunder. (Bylaw 779)
- (2) This Bylaw may be cited as the "Cemetery Bylaw 571".
- (3) Cemetery Bylaw 367 is hereby repealed.
- (4) This bylaw shall come into full force and effect upon final adoption.

READ A FIRST TIME on the 11th day of March, 1991.

READ A SECOND TIME on the 11th day of March, 1991.

READ A THIRD TIME AND PASSED on the 11th day of March, 1991.

RECONSIDERED, AND ADOPTED on the 14th day of March, 1991.

Mike O'Connor
Mayor

Dianne Hunter
Clerk

List of Amending Bylaws	
707	November 1, 1994
779	November 5, 1996
872	April 12, 1999
977	October 20, 2003
1013	January 4, 2005
1021	June 6, 2005
1048	October 2, 2006
1074	November 19, 2007

Note to Users

This office consolidation is not an authoritative text of the law and is produced solely as a convenience to the user. The authoritative text of the law is in the original bylaw and the amending bylaw(s).

CEMETERY LICENCE

In consideration of _____ (name of deceased)
of _____ (last place of residence)
having paid the sum of \$ _____ being the fee for use of a plot in Park Memorial Cemetery, he is hereby granted licence and permission to use and occupy plot # _____ of Block # _____ in said cemetery for the purpose of interment and in accordance with and subject to the Bylaw for the regulation of Park Memorial Cemetery, and any Bylaw or law in force in the City of Castlegar, and applicable thereto, which may for the time being be in force. In granting this licence to _____ (name of applicant), the City of Castlegar undertakes to maintain a Perpetual Care Fund for maintenance of the plot specified herein and the cemetery of which it forms part, and will set aside in trust within the present calendar year for use of the Perpetual Care Fund a portion of the fee paid as specified herein, and the portion of said fee to be set aside for this purpose will be \$ _____. A fee in the amount of \$ _____ shall be set aside in the Cemetery Replacement Fund for future cemetery capital improvements.

Dated this ____ day of _____, _____.

City of Castlegar

The Licencee is hereby notified in accordance with the terms of the Regulation under the "Cemetery Act" that memorial markers made only of marble, granite (minimum of 2 1/2" thick) or bronze set in concrete, are permitted in the cemetery and that prior to the installation of a memorial marker on the above licenced plot a payment of \$ _____ for deposit to the Perpetual Care Fund plus a \$ _____ installation fee is required to be made by the purchaser to the City of Castlegar.

I agree to accept the above written licence upon the terms and subject to the conditions above expressed.

Signature of Licencee

THIS LICENCE IS SUBJECT TO THE "CEMETERY ACT" AND THE REGULATIONS MADE THEREUNDER.

INTERMENT PERMIT

Permission is hereby given _____ to have the remains
of _____ interred in plot # _____ of Block
_____ in Park Memorial Cemetery, on the _____ day of _____
at _____ o'clock.

Remarks _____

Dated at Castlegar this _____ day of _____, _____.

City of Castlegar

SCHEDULE OF FEES FOR PARK MEMORIAL CEMETERY
460 Columbia Avenue, Castlegar, B.C. VIN 1G7 (250) 365-7227 Fax (250) 365-4810 (Bylaw 1074)

	Fees	Portion of Fees to Perpetual Care Fund	Portion of Fees to Cemetery Replacement Fund
Plots			
Residents and Property Owner			
Standard Size	400.00	(137.50)	(82.50)
Infant Size	100.00	(50.00)	(30.00)
Child Size	275.00	(137.50)	(82.00)
Cremains	200.00	(35.00)	(21.00)
Cremains deposited into Ossuary:			
Veterans	\$60.00	(\$60.00)	
Members of the Public	\$125.00	(\$60.00)	(\$40.00)
Non Residents			
Standard Size	625.00	(220.00)	(132.00)
Infant Size	130.00	(65.00)	(39.00)
Child Size	440.00	(220.00)	(132.00)
Cremains	250.00	(40.00)	(24.00)
Cremains deposited into Ossuary:			
Veterans	\$70.00	(\$70.00)	
Members of the Public	\$150.00	(\$70.00)	(\$40.00)
Services			
Opening and Closing			
Standard Size, Resident	500.00		
Standard Size, Non Resident	600.00		
Infant Size	195.00		
Child Size	385.00		
Cremains, in ground plot, Resident	150.00		
Cremains, in ground plot, Non-Resident	200.00		
Cremains, Columbarium Niche	40.00		
Cremains deposited into Ossuary:			
Veterans	\$40.00	(\$30.00)	(\$10.00)
Members of the Public	\$40.00	(\$30.00)	(\$10.00)
Exhumations			
Standard Size, Resident	1,000.00		
Standard Size, Non Resident	1,250.00		
Cremains, Resident	200.00		
Cremains, Non-Resident	250.00		
Additional Charges			
Deep Burials, all except cremains	200.00		
Burials or exhumations after 2:30pm weekdays			
All except cremains	400.00		
Cremains	110.00		
Burials or exhumations on Saturdays, All burials	650.00		
Exhumation permit	45.00		
Care Fund – Columbarium Nich	95.00	(95.00)	
Plaque Installation, except columbarium			
Up to and including 28" x 38" (plaque and base)	110.00	(40.00)	
Exceeding 28" x 38" to a maximum of 58" x 38"	140.00	(40.00)	
Grave liner or Urn Vault			
	Market Rate		
Ossuary Memorial Board:			
Veterans	\$40.00	(\$30.00)	(\$10.00)
Members of the Public	\$40.00	(\$30.00)	(\$10.00)

(Bylaw 977)(Bylaw 1021)(Bylaw 1048)

Reset Form

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SCHEDULE D

INTERMENT RIGHT CONTRACT FOR RIGHT OF INTERMENT

(Pursuant to City of Castlegar Cemetery Bylaw No. 1074)

Park Memorial Cemetery

2311-2331 14th Avenue
Castlegar, BC (250) 365-7227

This Agreement made, _____ between the CITY of CASTLEGAR, the owner and operator
of the Cemetery, and the PURCHASER _____ as agent for the Interment Right Holder
listed below, for the purchase of a Right of Interment for:
Date
Name

INTERMENT RIGHT HOLDER

Form fields for interment right holder: SURNAME, GIVEN NAMES AND INITIALS, FULL ADDRESS, POSTAL CODE, Date of Birth, Date of Death, Religion, if applicable, Last Attending Physician

BURIAL PARTICULARS

Burial particulars checkboxes: Resident, No-Resident, Adult, Child, Infant, Full Burial, Deep Burial, Cremains, Columbarium Niche, Ossuary Veteran, Ossuary Non-Veteran

FEES & CHARGES PAID

Table with 3 columns: Fee/Charge, Amount, Total Fees. Rows include Plot, Opening/Closing, Ossuary-Veteran, Additional Costs, Subtotal, Deep Burial, Graveliner/Urn Vault, Ossuary-Non-Veteran, Additional Costs, GST, Marker Install, Columbarium Niche-CF, Burial after 2:30 weekdays, Cremains after 2:30 wkday, TOTAL FEES \$ 0.00

SERVICE DETAILS

Service details fields: Day and Date, Funeral Home, ETA at Cemetery, Contact Name & No.

By signing this Agreement, the Pruchaser acknowledges receipt of a copy of this Agreement and acknowledges and agrees to comply with all rules and regulations of the City of Castlegar Cemetery ByLaw 571.

In witness whereof the parties have executed this Agreement in

Signature lines for purchaser and city agent, including fields for City, Province, Date

Signature of Purchaser/Legal Representative and Print Name of Purchaser/Legal Representative

Relationship to the Deceased and Full Address of Purchaser/Legal Representative

Signature of the City Agent and Print Name of the City Agent

Submit By Email

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CEMETERY RULES

1. All fees shall be payable in full upon the signing of this Agreement.
2. All words and phrases contained in this Agreement shall have the same meanings as in the City of Castlegar Cemetery Bylaw, 1074, a copy of which is available at City Hall or on-line at www.castlegar.ca.
3. In consideration of the payment of the fees prescribed above, the City of Castlegar hereby grants to the Interment Right Holder named above, a Right of Interment for the Plot in Park Memorial Cemetery.
4. The Right of Interment is subject to all terms and conditions of this Agreement, the rules, regulations and requirements of the City of Castlegar Cemetery Bylaw, 1074 and the provisions of the Cremation, Interment and Funeral Services Act and the Business Practices and Consumer Protection Act, and regulations thereto.
5. Arrangements for burial must be made by the named relatives of the deceased or a representative authorized in writing by them to make such arrangements for the deceased, or by other authorized person at least 24 hours before time of interment.
6. No Interment shall be made in the Cemetery except on presentation of a permit, nor shall the remains of a deceased person be accepted for burial or other disposal except upon presentation of the *Burial Permit and Acknowledgement of Death of the deceased*, issued by a Registrar of Births, Deaths and Marriage, or by other official under the provisions of the Vital Statistics Act and Regulations.
7. No Interment shall be made on Sunday unless ordered by the Medical Health Officer of the appropriate Health Unit in this as in any similar circumstances, his directions shall be carefully observed.
8. All interments, disinterments and removals including all openings and closings of grave shall be made only by the Cemetery.
9. The purchaser understands that all remains interred in the Ossuary are permanent. The remains interred in the Ossuary are commingled forever and may not be removed.
9. In consideration of any multiple burial privileges which may be granted by the Cemetery, burial of remains will only be allowed as specified in the City of Castlegar Bylaw 1074.
10. Flat memorials (flush with the ground) are only allowed as specified in the City of Castlegar Bylaw 1074
11. While the lot holder is entirely free in selecting the supplier of the memorial, the size, materials and form of the memorial must conform to the City of Castlegar Bylaw 1074, and the Cemetery reserves to itself the placement or removal of any and all memorials.
12. This contract can be cancelled by the Purchaser or a personal alternative of the purchaser within 10 days of the date the contract was made and obtain a full refund of fees paid where:
 - (a) there have been no interments in the Plot;
 - (b) the Purchaser or executor submits a written application to the City of Castlegar Finance Dept., requesting cancellation of the Right of Interment;
 - (c) the original Right of Interment or licence is surrendered; and
 - (d) the costs for removal of any Memorial(s) are paid.
13. Where an error is made in the contract of sale, description, or transfer of a lot and the lot is unavailable, the City shall
 - (a) amend the contract to provide another lot of equal or greater value and similar location acceptable to the lot holder or a personal representative of the lot holder;
 - (b) cancel the contract and refund the full amount of money paid plus any accrued interest at a prescribed rate.
14. Where human error is made and human remains are interred in the wrong plot, the City shall:
 - (a) disinter the human remains from the wrong plot and inter them in the correct plot if available, or
 - (b) if the correct plot is not available, disinter the human remains from the wrong plot and inter them in a plot acceptable to a representative of the plot holder, and shall within 30 days after that, notify the registrar of disinterment and interment

Where the parties fail to agree on a settlement under sections 10 or 11, either party may apply to the registrar who may resolve the matter in any way the registrar considers appropriate in the circumstances as per *Section 43 of CIFSA*.
15. **Section 25 Reclamation of right of interment previously sold**
 With prior approval of the director, an operator may sell a right of interment for a lot in a place of interment where the right of interment for the lot has been sold previously, but only if
 - (a) the owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age,
 - (b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
 - (c) at least 90 days have passed since the date the operator sent a notice of the operator's intention to resell the right of interment to the last known address of the interment right holder and the operator has not received a response from the interment right holder, and
 - (d) the operator has made diligent attempts to contact the interment right holder but is not able to locate or contact the interment right holder.
17. The use of the Cemetery and its interment spaces shall be subject to such other reasonable conditions as may be prescribed in the City of Castlegar Bylaw 1074
18. The Purchaser, by signing this Agreement, acknowledges that the City of Castlegar, in the course of providing this Right of Interment, shall be required by law, or as it deems necessary, to collect, retain and disclose such personal information regarding the Purchaser or the Interment Right Holder as is necessary to fulfil the terms and conditions of this Agreement. The Purchaser hereby gives permission to the City of Castlegar to provide Interment or Memorial locations to Cemetery visitors and waives any responsibility or liability of the Cemetery to control, limit, restrict or prevent access to or disclosure of personal information that may be recorded on any Memorial installed for display in the Cemetery.
19. **Section 5, Cremation, Interment and Funeral Services Act** - By signing this Agreement, the purchasers acknowledges that he/she has the authority under *S.5 Cremation, Interment and Funeral Services Act* to act on behalf of the Interment Right Holder.

Schedule "E" to City of Castlegar Bylaw 571

Columbarium Agreement

THIS AGREEMENT made the day of , 1996

BETWEEN: THE CITY OF CASTLEGAR,
460 Columbia Avenue, Castlegar, V1N 1G7
a municipal corporation incorporated under the
laws of the Province of British Columbia;
(hereinafter called "the City");

AND: SERVICE CORPORATION INTERNATIONAL (CANADA) LIMITED
3789 Royal Oak Avenue, Burnaby, British Columbia, V5G 3M1
a body corporate incorporated under the provisions
of the laws of British Columbia:
(herein after called "SCI");

WHEREAS the City is the registered owner of certain lands lying and being in the Province of British Columbia, and more particularly known and described as:

Lot 3, District Lot 12361, Plan 4656, Kootenay Land District and
Parcel A, (Ref PI 92174I) exc PI 5966, District Lot 12362, Kootenay Land District

(hereinafter called the "Cemetery")

AND WHEREAS the City and SCI are desirous of providing a range of services in the Cemetery;

AND WHEREAS the parties have agreed that SCI shall perform certain services on behalf of the City and its residents in relation to the Cemetery;

NOW THEREFORE, in consideration of the various covenants herein, the parties agree as follows:

1. SCI hereby agrees to provide, at no cost to the City, a forty-eight niche columbarium generally, and provide the following services and functions in particular:
 - a) The crane required for installation will be provided by SCI
 - b) The sale of niches, plaques and any other adornments to be mounted on the columbarium will be administered by SCI. The purchase price for each niche and plaque will be as set out in Schedule "A" as attached to this agreement.
 - c) Insurance to cover comprehensive general liability, public liability and general property loss for incidents relating to the columbarium will be provided by SCI until the responsibility for maintenance passes to the City

- d) Plaques and other adornments will be placed by SCI
 - e) Until the time that all the available niches in the columbarium are sold, the columbarium will be maintained by SCI in a safe, sound and attractive manner.
2. The City agrees to provide, at no cost to SCI, the following services and functions:
- a) The space in the Cemetery for the columbarium
 - b) The cement pad for the columbarium
 - c) Once all available niches in the columbarium are sold, the columbarium will be insured and maintained by the City.
3. The services to be provided by SCI shall be provided in a manner to be decided at the discretion of SCI; providing, however, that should the City consider that such services have not been satisfactorily provided, the City shall immediately communicate its concerns to SCI in writing. Where such concerns have not been resolved to the satisfaction of the City within 30 days of the date they were communicated to SCI the City will, at its discretion, assume the ownership, operation and sale of the columbarium niches.
4. This agreement shall be in effect on the date of completion of signing and shall be binding upon the parties thereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS HEREOF the parties have hereunto affixed their hands and/or seals on the date first above written.

CITY OF CASTLEGAR

Mayor

City Clerk

SERVICE CORPORATION INTERNATIONAL (CANADA) LIMITED

President

Vice-President

Schedule "E" to City of Castlegar Bylaw 571
Columbarium Agreement
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SCHEDULE "A"
to the agreement between
The City of Castlegar
and
Service Corporation International (Canada) Limited

Purchase price for :	\$
Columbarium Niche and Plaque	950

(Bylaw 872)(Bylaw 977)

