

THE CITY OF MERRITT

BYLAW NUMBER 2244, 2018

A BYLAW PROVIDING FOR THE OPERATION, REGULATION AND MAINTENANCE OF THE PINE RIDGE CEMETERY

WHEREAS the City of Merritt owns certain property described herein and has developed, maintained, regulated and operated the property as a Cemetery known as the “Pine Ridge Cemetery”;

AND WHEREAS the Council of the City of Merritt may, by bylaw, pursuant to Section 8 of the Community Charter regulate, prohibit and impose requirements in relation to cemeteries, crematoriums, columbaria and mausoleums and the interment or other disposition of the dead;

AND WHEREAS Council deems it desirable to continue to develop, improve, maintain and operate the Pine Ridge Cemetery;

NOW THEREFORE the Council of the City of Merritt in open meeting assembled, ENACTS AS FOLLOWS:

1. CITATION

1.1 This Bylaw may be cited as the “**City of Merritt Cemetery Bylaw 2244, 2018**”.

2. REPEAL

2.1 The “**City of Merritt Cemetery Bylaw No. 2175, 2015**” is hereby repealed.

3. DEFINITIONS

3.1 In this Bylaw:

“**Authorized Person**” means the person appointed by Council as the financial officer for the City in accordance with the *Community Charter*, or a person designated in writing by the financial officer to carry out any act or function under this Bylaw.

“**Board**” means the Council.

“**Caretaker**” means the person or persons duly appointed by the Authorized Person to act as caretaker of the Cemetery.

“**Care Fund**” means a fund for the perpetual upkeep and care of the Cemetery as required by the *Cremation, Interment and Funeral Services Act*.

“**Cemetery**” means the Pine Ridge Cemetery and includes any other parcel or tract of land owned, used or maintained by the City as a cemetery.

“**City**” means the City of Merritt

“**Council**” means the municipal council of the City.

“**Exhumation Permit**” means a permit to exhume human remains or cremated remains in the form provided by the City and available at the Municipal Office.

“**Fees and Charges**” means the amount to be paid for interment, disinterment, exhumation, use and care of Grave Spaces, and the charges for goods offered for sale by the City for use in the Cemetery, and any other Cemetery Fees in Schedule “D” of the “City of Merritt Fees and Charges Bylaw No. 2176, 2015” as amended from time to time.

“**Flowers**” means cut flowers (natural), artificial flowers and wreaths.

“**Grave Space**” means one kind of a lot and means a space of ground in the Cemetery used or intended to be used for the burial of human remains or cremated remains.

“**Right of Interment**” means a permit to inter human remains or cremated remains in the form provided by the City and available at the Municipal Office.

“**Interment Authorization**” means a certificate of authorization in the form provided by the City and available at the Municipal Office to, at a future date, inter human remains or cremated remains in a specified Grave Space or Niche.

“**Medical Health Officer**” means the person from time to time appointed under the *Health Act*, as amended or replaced from time to time to act as Medical Health Officer for the City.

“**Municipal Office**” means Merritt City Hall, 2185 Voght Street, Merritt, BC.

“**Niche**” means a recessed space in a columbarium used or intended to be used for the interment of cremated remains.

“**Non-Resident**” means any person who has not resided within the City for at least three (3) months at the time of application for a Right of Interment.

“**Resident**” means any person who has resided within the City boundaries for at least three (3) months at the time of application for a Right of Interment; or a person who resided in the City for a continuous period of at least three (3) years of the last ten (10) years from the date of application for a Right of Interment; or a person who at any time resided in the City for a continuous period of twenty (20) years.

- 3.2 All other words and phrases in the Bylaw shall be construed in accordance with the meaning assigned to them in the *Cremation, Interment and Funeral Services Act* and the *Business Practices and Consumer Protection Act* and their associated regulations, all as amended or replaced from time to time.

4. ESTABLISHMENT OF CEMETERY

- 4.1 The Council hereby establishes the land set out in Schedule "A" of this Bylaw to be set aside, operated, used or maintained by the City as the Cemetery.
- 4.2 A copy of the Cemetery plan and this Bylaw shall be available for public inspection at the Municipal Office.

5. ESTABLISHMENT OF BOARD OF TRUSTEES

- 5.1 The Council hereby establishes itself as a Board of Trustees to own and operate the Cemetery.

6. ORGANIZATION, OPERATION AND MANAGEMENT OF CEMETERY

- 6.1 The Authorized Person shall be responsible for the following:
 - (a) maintaining all records and files of the Cemetery necessary for the administration and management of the Cemetery as required under this Bylaw and the *Cremation, Interment, and Funeral Services Act*;
 - (b) reviewing and issuing Interment Authorizations, Right of Interments and Exhumation Permits;
 - (c) upon issuing any Right of Interment or upon receiving authorization for exhumation from the proper authorities and issuing any Exhumation Permit, confirming and notifying the Caretaker of the time of the intended interment or exhumation, the name of the deceased, the number and location of the Grave Space or Niche and any instructions of the Medical Health Officer, relative to the interment or exhumation;
 - (d) maintaining an accounting of all monies received and expended under this Bylaw;
 - (e) appointing a Caretaker.
- 6.2 The duties and responsibilities of the Caretaker shall be as follows:
 - (a) digging, preparing, opening and closing Grave Spaces and opening and sealing Niches;
 - (b) directing all funerals in the Cemetery to the correct Grave Space or Niche;
 - (c) installing markers and monuments on Grave Spaces or Niches;
 - (d) maintaining the Cemetery in a neat and tidy condition, including maintain walls, fences, gates, paths and other Cemetery improvements;
 - (e) lowering the casket if required to do so by the person in charge of the interment and upon payment of the relevant Fees and Charges;

- (f) placing and removing greens and/or lowering device if required by the person in charge of interment and upon payment of the relevant Fees and Charges; and
- (g) maintaining records, compiling reports and performing all other duties in relation to the operation of the Cemetery, under the guidance of the Authorized Person.

7. FEES AND CHARGES

- 7.1 The fees for interment, disinterment, exhumation, use and care of Grave Spaces, and charges for the goods offered for sale by the City for use in the Cemetery, and any other Cemetery fees shall be those set out in Schedule "D" of the "City of Merritt Fees and Charges Bylaw No. 2176, 2015" as amended from time to time.
- 7.2 All Fees and Charges shall be paid at the Municipal Office.
- 7.3 The City shall impose additional Fees and Charges for interment which takes place before 9:00 a.m. or after 2:30 p.m. Monday to Friday (inclusive) or at any time on a Saturday, Sunday, or a statutory holiday.

8. RESERVED AREAS

- 8.1 The City may, by agreement with a society, church or other organization, reserve a section of the Cemetery to be used exclusively for the interment of deceased members of the society, church, or other organization.
- 8.2 Upon an agreement being made in accordance with section 8.1 of this Bylaw, no person shall be issued an Interment Authorization or a Right of Interment in an area that has been reserved, unless the application to the City is accompanied by a certificate from the society, church, or organization concerned, stating that the person is entitled to interment in the reserved area.
- 8.3 All certificates, permits and services rendered by the City in accordance with this section 8 shall be subject to payment of all relevant Fees and Charges at the regular rate.

9. SALE OF GRAVE SPACES AND NICHE

- 9.1 Upon a person paying the applicable Fees and Charges, the Board may sell an unsold Grave Space or Niche in the Cemetery to that person and shall issue to that person an Interment Authorization.
- 9.2 A person who has been sold a Grave Space or Niche which has not yet been used may transfer the Grave Space or Niche back to the Board for seventy-five percent (75%) of the amount the person paid for the Grave Space, Crypt or Niche, less any Care Fund contribution paid.

10. TRANSFER OF GRAVE SPACES AND NICHE

- 10.1 A person who has been sold a Grave Space or Niche which has not yet been used may transfer the Grave Space or Niche to another person, upon providing the Authorized Person the following:
- (a) full particulars of the name, address, occupation, or other description of the person to whom such transfer is intended;
 - (b) the applicable transfer fee set forth in the Fees and Charges;
 - (c) the applicable Care Fund contribution, if no such Care Fund contribution has previously been paid;
 - (d) if the person to whom the Grave Space or Niche is to be transferred is a Non-Resident, an amount remitted to the City being the difference between the applicable Grave Space or Niche fee for a Resident and a Non-Resident for the current year, as set out in the Fees and Charges;
 - (e) if the Grave Space or Niche to be transferred is located in an area reserved for a society, church or other organization, documentation from an authorized representative of the society, church or organization confirming that the transferee is a member of the society, church, or other organization;
 - (f) the Interment Authorization issued for the Grave Space; and
 - (g) such other information as the Authorized Person may reasonably request.
- 10.2 Where the Authorized Person received the information and fees referred to in section 10.1, the Authorized Person shall cancel the original Interment Authorization, issue a revised Interment Authorization in the name of the transferee and record the transfer in the records of the Cemetery.
- 10.3 No holder of an Interment Authorization for a Grave Space or Niche shall transfer the Grave Space or Niche to another person, group or organization, unless such transfer is made pursuant to this Bylaw.

11. INTERMENT PERMITS

- 11.1 No human remains or cremated remains shall be interred in the Cemetery until an Interment Authorization and a Right of Interment has been issued by the Authorized Person and the applicable Fees and Charges have been paid. Only human remains and cremated remains shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.
- 11.2 All applications for a Right of Interment must be made to the Authorized Person at least forty-eight (48) hours prior to the time of interment and shall be made at the Municipal Office during regular office hours.

- 11.3 Any person who applies for a Right of Interment or who requires an interment to be made, shall provide the Authorized Person the following information:
- (a) the name, age and date of death of the deceased;
 - (b) a copy of the disposition permit issued by a vital statistics registrar under the *Vital Statistics Act*, or, in the case of cremated remains, a certificate of cremation;
 - (c) whether a communicable disease, as defined in the *Health Act Communicable Disease Regulation*, caused the death;
 - (d) the time and date of the funeral;
 - (e) the name and mailing address of a person who had a kinship relationship with the deceased;
 - (f) a copy of the written authorization required under the *Cremation, Interment and Funeral Services Act* from the person who under the Act has the right to control the disposition of the human remains and the address of the person giving the authorization; and
 - (g) any other information the Authorized Person may reasonably request.
- 11.4 Upon receiving the information required under section 11.3 and receiving all applicable Fees and Charges, the Authorized Person shall issue a Right of Interment.
- 11.5 Where the Medical Health Officer directs, pursuant to the *Health Act Communicable Disease Regulation* or other enabling legislation, that a body be interred in the Cemetery during any period when the Municipal Office is closed, permission to inter in the Cemetery shall be obtained from the Caretaker.
- (a) Where an interment in the Cemetery is performed under the conditions in this section, the Caretaker shall provide full particulars of the interment to the Authorized Person, and a representative of the deceased or the person who permitted the interment shall provide the Authorized Person with the details required in section 11.3.
 - (b) The information required to be given to the Authorized Person under the conditions in this section shall be provided as soon after such interment as the Municipal Office is opened.

12. EXHUMATION PERMITS

- 12.1 No human remains or cremated remains shall be exhumed or disinterred from the Cemetery unless:
- (a) the Authorized Person receives a written request to do so from the person who has the right to control the disposition of the human remains or cremated remains under the *Cremation, Interment and Funeral Services Act* and all applicable Fees and Charges have been paid;

- (b) the Authorized Person issues an Exhumation Permit;
- (c) if required, the Authorized Person receives permission from the Medical Health Officer.

12.2 The City is not responsible for damage to any casket, urn or other container sustained during exhumation.

13. INTERMENT

13.1 No person shall scatter or otherwise dispose of human remains or cremated remains within the boundaries of the City, except in accordance with this Bylaw.

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

13.3 No holder of an Interment Authorization or a Right of Interment shall permit an interment to be made in a Grave Space or Niche unless such interment is made pursuant to this Bylaw.

13.4 Cremated remains may be interred in a Niche or in any Grave Space where the person in charge of the cremated remains is deemed to have the authority to give permission for such interment in that Niche or Grave Space.

13.5 No person other than the Caretaker shall dig or open a Grave Space or Niche.

13.6 Each interment in a Grave Space shall be made using a fiberglass grave liner provided by the City upon payment of the applicable Fees and Charges.

14. INTERMENT IN A GRAVE SPACE

14.1 One (1) casket interment shall be permitted in any single Grave Space, however, up to four (4) cremation interments can be made in a single Grave Space, provided the additional Fees and Charges are paid and an Interment Authorization has been issued.

14.2 Up to two (2) cremation interments will be permitted in a Grave Space with one casket interment.

14.3 Where arrangements have been made in advance for a deep depth interment and the applicable Fees and Charges have been paid, an Interment Authorization may be issued for two (2) full interments in one (1) Grave Space.

14.4 Only one Right of Interment is required for each Grave Space, but an Interment Authorization shall be required, and all other applicable Fees and Charges shall apply for each interment.

15. INTERMENT IN A NICHE

15.1 Each interment above ground in the Cemetery shall be in a Niche.

15.2 A maximum of two urns and their cremated remains may be interred in a Niche.

16. MEMORIALS

16.1 All Grave Space and Niche memorials shall be supplied by the Right of Interment Holder.

16.2 A person must receive confirmation in writing from the Authorized Person that a memorial conforms to the requirements of this Bylaw prior to installation of the memorial.

16.3 No memorial shall be placed or installed in the Cemetery unless the memorial conforms to the requirements set out in this Bylaw. The person providing the memorial shall be responsible for any additional costs required to correct deficiencies to comply with this Bylaw and prepare the memorial for installation.

16.4 Only the Caretaker shall place or install memorials and any memorial that is illegally placed will be removed.

16.5 Any person desiring to place a memorial on any Grave Space or Niche shall, prior to the installation of such memorial, pay the applicable Fees and Charges.

16.6 No Grave Space shall be defined by a fence railing, coping, curbing, hedge or by other marking, except a memorial marker and or tablet that complies with this Bylaw.

16.7 All Grave Space and Niche memorials shall comply with the specifications set out in Schedule "B".

17. CEMETERY CARE FUND

17.1 The Cemetery Care Fund is hereby established and shall be administered in accordance with the provisions of the *Cremation, Interment and Funeral Services Act* and the regulations under that Act.

17.2 All specified Fees and Charges shall be paid into the Cemetery Care Fund and shall be held by the Board and invested in accordance with the *Community Charter*. For each Interment Authorization sold or, the Authorized Person shall charge and allocate to the Cemetery Care Fund all applicable Fees and Charges.

17.3 The amount to be transferred to the Cemetery Care Fund shall be specified on all applicable receipts for licences, contracts or agreements.

17.4 The income from the Cemetery Care Fund shall be used only for the purpose of upkeep and maintenance of the Cemetery.

18. GENERAL

- 18.1 Flowers may be placed on Grave Spaces but will be removed by the Caretaker when their condition is considered to be detrimental to the aesthetics of the Cemetery or for regular Cemetery maintenance.
- 18.2 No person shall adorn any Grave Space in the Cemetery, except for the placement of Flowers, and any such adornments are subject to removal by the Caretaker.
- 18.3 No person, other than the Caretaker, shall plant, remove, or cut down trees, shrubs, plants or bulbs. Illegally planted items will be removed by the Caretaker.
- 18.4 The City shall not be responsible for the loss or theft of any Flowers or other offerings.
- 18.5 No person shall damage, deface, destroy or remove any memorial, structure, Grave Space, fence or gate within or surrounding the Cemetery.
- 18.6 No person shall be in the Cemetery at any time other than between the of the hours of 8:00 a.m. and 10:00 p.m., seven days a week, unless permission has been given to the person or persons by the Caretaker.
- 18.7 No person shall drive a vehicle in the Cemetery at a speed of more than fifteen (15) kilometers per hour, and all vehicles and their drivers, while in the Cemetery, shall be subject to the directions and orders of the Caretaker.
- 18.8 All persons and funeral processions in the Cemetery shall obey the instructions of the Caretaker, and any person not behaving with proper decorum within the Cemetery or disturbing the quiet and good order of the Cemetery, may be evicted from the Cemetery by the Caretaker.
- 18.9 No person shall discharge firearms in the Cemetery, except at a military funeral.
- 18.10 No person shall deposit any trash or other waste in the Cemetery, except into approved trash receptacles.

19. OFFENCE

- 19.1 Any person who violates any of the provisions of this Bylaw, or who suffers or permits any act or thing to be done or omitted to be done in contravention of this Bylaw, is guilty of an offence and shall be liable on summary conviction to a fine of not less than fifty dollars (\$50.00) and not more than ten thousand dollars (\$10,000.00) and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

20. SEVERABILITY

20.1 If any portion of this Bylaw is held to be invalid by a court of competent jurisdiction, the invalid section shall be severed and shall not affect the validity of the remainder of the Bylaw.

READ A FIRST TIME THIS 18th Day of September, 2018

READ A SECOND TIME THIS 18th Day of September, 2018

READ A THIRD TIME THIS 18th Day of September, 2018

ADOPTED THIS 09th Day of October, 2018

**Original signed by
Neil Menard,
MAYOR**

**Original signed by
Sean Smith,
CORPORATE OFFICER**

Schedule "A"
Cemetery Lands

The following lands are within the jurisdiction of and owned by the City and have been set aside for the operation of the Pine Ridge Cemetery located at 1675 Juniper Drive, legally described as:

PID: 008-257-205
Lot 1, District Lot 180, K.D.Y.D., Plan 18327

PID: 009-844-325
Lot 4, District Lot 174, Plan 8212

Schedule "B"

Memorials

1. A flat memorial may be installed on a Grave Space in the Cemetery provided that the flat memorial conforms with the requirements in this Bylaw.
2. Each flat memorial:
 - a. shall be made of stone or bronze;
 - b. shall be installed in a centered position at the head of the Grave Space with the top surface of the memorial set level and flush with the surface of the surrounding ground and with sides cut true and perpendicular to the top surface;
 - c. shall be not less than 7.6 cm (3") thick;
 - d. shall be delivered to the Caretaker without a base;
 - e. shall not exceed the following dimensions:
 - i. 20.3 cm x 30.6 cm (8" x 12") for installation on small grave reserved for the reception of cremated remains or infant interment;
 - ii. 30.6 cm x 50.8 cm (12" x 20") for installation on child or adult size Grave Spaces;
 - iii. 45.7 cm x 76.2 cm (18" x 30") for installation to embrace two (2) adjacent adult size Grave Spaces;
 - iv. 30.6 mm x 50.8 cm (12" x 20") for installation to embrace two (2) adjacent cremation Grave Spaces;
 - f. shall not have letters, numerals or ornamentation that contain leaded materials or protrude above the top edge of the side of the tablet, or where the tablet has a beveled border, shall not protrude above the top edge of the plate above the border.
3. Each memorial for a Niche shall consist solely of a Niche portrait (optional), given names and/or initials and surname together with years of birth and death to the following specifications:
 - a. surname and given names and/or initials plate no more than 28 cm (11") in length each, cast in bronze alloy. Surname lettering to be 1.9cm (3/4") in height and given name and initial lettering to be 1.3cm (1/2") in height in Times Roman font;
 - b. letters and numerals to be hand chased and polished;
 - c. castings to be true and free from defects and roughness;

- d. colour finish to be secured by chemical means;
 - e. For Niche portraits, only pictures of the deceased may be affixed to the face of a niche:
 - i. The portraits must be covered and locked in a 6cm x 8cm (2 3/8" x 3 1/8") frame cast in bronze alloy, specifically manufactured for this purpose;
 - ii. The portrait frame may only be installed by the Caretaker provided the applicable installation Fees and Charges are paid.
4. Memorials other than flat memorials and Niche memorials will only be permitted where there has been a previous interment and a memorial of a style excluded in this Bylaw has been raised thereon.