

# **DISTRICT OF SUMMERLAND CEMETERY BYLAW NO. 2000-269**

## **A Bylaw to Provide for the Regulation, Maintenance and Operation of the Cemeteries Owned and Operated by the District of Summerland**

The Council of the District of Summerland pursuant to Section 8 of the *Community Charter*, in open meeting assembled, enacts as follows:

### **PART 1 – GENERAL**

#### **1.1 Title**

- (1) This bylaw shall be known for all purposes as the “Cemetery Bylaw No. 2000-269”.

#### **1.2 Interpretation**

- (1) Enactments. Any enactment referred to herein is a reference to an enactment of British Columbia or Canada, as the case may be, and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Council of the District of Summerland, as amended, revised, consolidated or replaced from time to time.
- (2) Headings. The headings given to the Parts, Sections and Paragraphs 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.
- (3) Severability. If any Part, Section or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Bylaw.
- (4) Schedules. The following schedules attached to this Bylaw form part of this Bylaw:
  - Schedule ‘A’ District of Summerland Right of Interment
  - Schedule ‘B’ District of Summerland Interment Permit
  - Schedule ‘C’ Surrender or Transfer of Reserved Plot

#### **1.3 Definitions**

In this bylaw, unless the context otherwise requires:

**"Cemetery"** means any parcels or tracts of land set aside, used, maintained or operated as a cemetery by the District of Summerland.

**“Cemetery Manager”** means the person duly appointed by Council, or employed as such by the District, and includes his delegate.

**"Corporate Officer"** means the person duly appointed as Corporate Officer by the **Council** and includes his delegate.

**"Council"** means the Municipal Council of the District of Summerland and shall be deemed to be the board of trustees for the cemeteries pursuant to section 37 of the *Cremation, Interment and Funeral Services Act*.

**“Director of Finance”** means the person duly appointed as the Officer Assigned Responsibility for Financial Administration of the District by the **Council** and includes his delegate.

**“District”** means the District of Summerland.

**"Medical Health Officer"** means the person duly appointed from time to time for or by the District of Summerland pursuant to the provisions of the *Health Act*.

**“Right of Interment”** means a right, in perpetuity, for the interment of human remains or cremated remains, in a plot.

## **PART 2 - DISTRICT OF SUMMERLAND CEMETERY LANDS**

2.1 The following lands owned by the District of Summerland are to be used for **Cemetery** purposes:

- (a) CANYON VIEW CEMETERY, situated on Paradise Flat, in the District of Summerland, Province of British Columbia, and more particularly known and described as Lot “A”, District Lot One Thousand, seventy-three (1073), Osoyoos Division Yale District, Plan Twenty Thousand, Eight Hundred Sixty-three (20863), 10316 Canyon View Road.
- (b) PEACH ORCHARD CEMETERY, situated in the Peach Orchard area, in the District of Summerland, Province of British Columbia, and more particularly known and described as Block Three (3), District Lot Four Hundred Fifty-five (455), Osoyoos Division Yale District, Plan One Hundred Fifty-seven (157), except parts on Plan Three Hundred Thirty-nine (339), Seven Thousand Eight Hundred Forty-five (7845) and Twenty Thousand Two Hundred Three (20203), 6300 Ramsay Street.
- (c) ANGLICAN CEMETERY, situated in the Giant’s Head Road area, in the District of Summerland, Province of British Columbia, and more particularly known and described as the Southwest One-half (1/2) acre of District Lot Six Hundred Seventy-five (675), Osoyoos Division Yale District, 10005 Giants Head Road.

2.2 Plans available for inspection. A copy of the plans of the Cemeteries shall be kept available for public inspection at the Engineering and Public Works Office of the District of Summerland, and at such places that may be deemed necessary.

### **PART 3 – RIGHT OF INTERMENT**

- 3.1 Reserved Sections. The Council may by agreement with a society, church, the Royal Canadian Legion, or other organization reserve a section of the Cemeteries to be used exclusively for the interment of deceased members of the society, church, the Royal Canadian Legion, or other organizations concerned, and upon such an agreement being made, no person shall be issued with a licence to use grave space in the reserved section, unless his application to the District to purchase a licence is accompanied by a Certificate from the society, church, the Royal Canadian Legion, or other organization concerned, stating that he, or the person on whose behalf he may be acting, is entitled to burial in the reserved section. All licences issued and services rendered by the District under these conditions shall be subject to payment of the fees set forth in Schedule “J” of the Fees and Charges Bylaw Number 98 – 001.
- 3.2 Right of Interment for Exclusive Use. The Cemetery Manager is hereby authorized by Council to grant to any person, or to his authorized agent, paying the fees set forth in Schedule “J” of the Fees and Charges Bylaw Number 98 – 001 and subject to the terms of this Bylaw, a Right of Interment for the exclusive use by him, or his executors or administrators, of any one or more plots which may be vacant and not issued as a Right of Interment in the Cemetery and upon payment of said fee, such person or his authorized agent shall be entitled to receive a Right of Interment in the general form of Schedule "A".
- 3.3 Right of Refusal. The Council reserves the right to refuse to sell a Right of Interment for the use of more than two plots to any one individual.
- 3.4 Right of Interment Not Transferable. The holder of a Right of Interment shall not transfer his right of use and occupancy to another person except that at the discretion of the Cemetery Manager, a transfer of the Right of Interment for any unused plot may be made to an immediate family member provided the fee for the transfer has been paid as outlined in Schedule “J” of the Fees and Charges Bylaw Number 98 – 001. In an area of the Cemetery that has been reserved by the District under section 3.1 of this bylaw for burial of members of a society, church, the Royal Canadian Legion, or other organization the application for transfer must be accompanied by a certificate stating that the individual is entitled to interment in the reserved section.
- 3.5 Transfer Request. The transfer request must be in writing by the holder of a Right of Interment as set out in Schedule “C”. Right of Interments for plots must be surrendered, and a transfer fee as set out in Schedule “J” of the Fees and Charges Bylaw Number 98 – 001 shall be paid to the District. The Cemetery Manager shall amend his records accordingly stating the new holder of the Right of Interment of the plot or plots.
- 3.6 Notice of Transfer. To ensure the accuracy of records of ownership and interments, no sale or other transfer of any plot, or any interest therein shall be binding upon the District until a duly executed transfer has been submitted to the Cemetery Manager specifying the name, address or other description of the proposed transferee.
- 3.7 Proof of Inheritance. When the owner of a plot dies and the ownership passes to the new owners before the new owners can obtain registration of their interest to it, the District may require proof of their right to such interest. This proof in

- ordinary cases may consist of a will or other such proof as may be satisfactory to the District. If the new owner wishes to have an interment made before he/she has obtained registration of his/her interest in a plot, he/she shall satisfy the District of his/her right to do so before the interment shall be permitted.
- 3.8 Order of Priority. The right of a person to control the disposition of human remains or cremated remains vests in and devolves on that person in the order of priority as outlined in the *Cremation, Interment And Funeral Services Act*.
- 3.9 Right of Interment Cancellation. Upon receiving a written request by the holder of a Right of Interment to forfeit such right to use and occupy grave space, the Cemetery Manager may cancel the Right of Interment and refund the holder of a Right of Interment a sum equivalent to 75% of the original fee paid for such Right of Interment, less the Cemetery Care Fund contribution paid, if applicable, at the time of Right of Interment issuance.
- 3.10 Right of Interment Provisions. All Rights of Interment shall be subject to the provisions of this bylaw and to all bylaws now or hereafter adopted by Council.

#### **PART 4 - FEES AND CHARGES**

- 4.1 Fees for Interments. The fees for interment, disinterment, use of plots, and care of graves, and any other Cemetery fees shall be those set out in Schedule "J" of the Fees and Charges Bylaw Number 98 – 001.
- 4.2 Payment of Fees. The fees set out in Schedule "J" of the Fees and Charges Bylaw Number 98 – 001 shall be paid at the District office at the time of purchasing a Right of Interment, Interment Permit, or any goods or services sold by the District in connection with the operation of the Cemetery.

#### **PART 5 - PERMISSION TO INTER, EXHUME OR DISINTER**

- 5.1 Interment Permit. No human remains or cremated remains shall be interred in the Cemetery until;
- (a) a person having authority pursuant to Section 5 of the *Cremation, Interment and Funeral Services Act of B.C.* to authorize the disposition of the deceased person's human remains or cremated remains has completed, duly signed and witnessed at the Engineering and Public Works Office an interment authorization and / or any other documents required to facilitate the interment in a form approved by the District of Summerland.
  - (b) a permit to inter the remains has been obtained from the District and the fee for interment as specified in Schedule "J" of the Fees and Charges Bylaw Number 98 – 001 has been paid, except as may be permitted otherwise under the terms of Sections 5.5, 5.6 and 5.7 of this Bylaw.
- 5.2 Permit Form. All permits for interment of deceased persons in the Cemetery shall be in the form of Schedule "B".
- 5.3 Application for Permit. All applications for a permit to inter in the Cemeteries must be made to the Cemetery Manager at the Engineering and Public Works Department Offices, 9215 Cedar Ave., Summerland, during normal working

- hours. No weekend calls will be accepted. Burials for Mondays or the day after Statutory Holidays, etc. must be received by the Engineering and Public Works Office by 2:00 p.m. the previous working day. (e.g. Monday burials have to be booked by 2:00 p.m. the previous Friday, or will not be accepted).
- 5.4 Twenty-Four Hours Notice. All applications for an interment permit must be obtained and all pertaining fees paid no less than 24 hours prior to burial time.
- 5.5 Graveside burial times. Graveside burial times shall be scheduled by the Cemetery Manager, endeavoring to accommodate all Funeral Agency requirements. A minimum of 2 hours is required between graveside scheduling. A minimum of 1 ½ hours is required to close a grave to a safe point, during normal working hours, 8:00 a.m. to 4:00 p.m. Therefore, the graveside must be clear by 2:30 p.m., in order to close the grave prior to 4:00 p.m.
- 5.6 Registration of Death. All persons applying for interments in the Cemetery shall furnish to the Cemetery Manager, the Interment Permit and Acknowledgment of Registration of Death certificate issued pursuant to the *British Columbia Vital Statistics Act*, or equivalent, and Certificate of Cremation, if applicable.
- 5.7 Interment After Hours. Where a Medical Health Officer directs that a body be buried in the Cemetery during any period when the Cemetery is closed, permission to inter in the Cemetery shall be obtained from the Cemetery Manager, or in his absence, the Corporate Officer of the District of Summerland.
- 5.8 Details of Deceased. Where an interment in the Cemetery is performed under the conditions of Section 5.7 of this Bylaw, the person who permitted the interment and the person who performed the interment shall report the matter to the Cemetery Manager and the representative of the deceased shall furnish the Cemetery Manager with certificate as required by Section 5.6 of this Bylaw.
- 5.9 Provide Information. The information required to be given to the Cemetery Manager under the terms of Section 5.7 of this Bylaw shall be provided to the Cemetery Manager as soon after such interment as the District's offices are opened.
- 5.10 Removal of Remains. No deceased person interred in the Cemetery shall be exhumed except in compliance with the requirements of the *Cremation, Interment and Funeral Services Act* and upon payment of any fee required by and in compliance with all terms and conditions of this Bylaw. The District's responsibility during the uncovering of a casket will end at the point where the soil is sufficiently excavated to permit access to the remains for removal by the attending funeral provider. The District is not responsible for damage to any casket, urn or other container sustained during exhumation.
- 5.11 Lawful Interment. It shall be unlawful to inter or cremate a deceased person within the Municipal boundary of the District of Summerland except pursuant to the terms of the *Cremation, Interment and Funeral Services Act* and Regulations thereunder.

**PART 6 - INTERMENT IN THE CEMETERIES**

- 6.1 Human Remains Only. Only human remains and cremated remains shall be interred in the Cemeteries and all interments shall be subject to and comply with the provisions of this bylaw.
- 6.2 Occupy Plot. The holder of a Right of Interment to use and occupy a plot in the Cemetery may transfer his right of use and occupancy to another family member subject to Part 3 of this Bylaw.
- 6.3 Communicable Disease. Where the remains of a person who died while suffering a communicable disease are to be buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be fully and carefully followed by those who perform the interment. Where the body delivered to the Cemetery for interment is subject to direction of the Medical Health Officer, pursuant to the *Health Act*, the person delivering the body to the Cemetery shall so inform the Cemetery Manager.
- 6.4 Plot Depth. Each interment in the Cemeteries shall be made in a plot dug a depth sufficient to provide for not less than 1 meter (3.2 feet) of earth between the upper surface of the coffin or grave liner and the level of the ground surrounding the grave.
- 6.5 Interments per grave. Not more than the following number and types of remains shall be interred in any one grave:
- (a) one single full-sized burial; or
  - (b) two full sized interments (double depth) in the Canyon View Cemetery only, with the first full size interment at a lower depth than the second interment; or
  - (c) one full size interment below up to four cremated remains provided the full size interment takes place first; or
  - (d) up to four cremated remains in a single cremation plot; or
  - (e) up to four cremated remains in a full burial plot.
- 6.6 Cremated Remains. Notwithstanding the requirements of subsections 6.4 6.5, and 6.7 of this section, the cremated remains of a deceased person in a container shall be placed inside a cremated remains box supplied by the District. The container must fit inside the cremated remains box which measures 8 inches (20cm) by 8 inches (20cm) on the base, tapering to 10 inches (25cm) by 10 inches (25cm) at the top, and is 12 inches (30cm) deep.
- 6.7 Canyon View Cemetery Interments. For interments at Canyon View Cemetery, a precast concrete grave liner shall be used for each interment, except in the case of cremated remains interred according to the requirements of subsection 6.6 of this section.
- 6.8 Hours of Interment. Except as otherwise permitted in this bylaw, interments in the cemeteries shall be between the hours of 8:00 a.m. and 2:00 p.m. Monday to Friday. The funeral service must be complete prior to 2:30 p.m.
- 6.9 Interments outside of normal hours. Interments outside of the hours prescribed in Section 6.8 or on weekends and statutory holidays, will be permitted to occur

only upon payment of the additional charges specified in Schedule “J” of the Fees and Charges Bylaw Number 98 – 001 and with the written consent of the Cemetery Manager, which consent will be given in all circumstances where an interment is required in the directions of the Medical Health Officer given pursuant to subsection 6.3 and will be discretionary in all other cases, having regard to the availability of District resources and any costs associated with providing the same.

- 6.10 Interments by authorized persons. No grave shall be dug or opened by any person other than a person authorized by the Cemetery Manager or his designate.
- 6.11 No interment above ground level. No vaults or other methods of interment above ground level shall be permitted.

## **PART 7 – CEMETERY MANAGER**

- 7.1 Responsibilities. Notwithstanding any other provision contained herein, the Cemetery Manager shall be responsible for ensuring that the provisions of this Bylaw are properly carried out.
- 7.2 Staff. The Cemetery Manager shall engage such staff as may be necessary to carry out the administrative and operational duties necessary under this bylaw, subject to Council's approval. Any contracted personnel or District staff engaged in performing any duty under the jurisdiction of this Bylaw shall be under the supervision of the Cemetery Manager.
- 7.3 Duties of Cemetery Manager. The Cemetery Manager and his authorized representatives shall be responsible for the following duties which include:
- a) To dig and prepare, or cause to be dug or prepared, all graves required to be dug pursuant to this bylaw.
  - b) To direct all funerals in the cemetery to the correct plot.
  - c) To install all memorial tablets, markers and monuments, and construct all foundations for memorials.
  - d) To carry out or cause to be carried out, the general work of the Cemeteries to maintain them in a neat and tidy condition, including the maintenance of paths, gates, fences and other cemetery improvements.
  - e) To maintain records as required by the *Cremation, Interment and Funeral Services Act*, and this Bylaw.
  - f) To complete such other work as may be directed by Council.
- 7.4 Grant Right of Interment. The Cemetery Manager is hereby authorized on behalf of the District to grant a Right of Interment in the form set out in Schedule “A” in respect of any vacant and not issued Right of Interment plot in the Cemetery, according to the fees and charges specified in Schedule ‘J’ of the Fees and Charges Bylaw 98-001 and subject to the provisions of this Bylaw.

## **PART 8 – CARE FUND**

- 8.1 Care Fund. A fund shall be established to be known as the “Canyon View Cemetery Care Fund” and administered in accordance with the *Cremation, Interment And Funeral Services Act* and the *Community Charter*. The interest in

this fund shall be used for the upkeep, care and repair of Canyon View Cemetery. The principal in this fund shall not be reduced other than in accordance with an order made pursuant to the *Cremation, Interment and Funeral Services Act*.

- 8.2 Canyon View Cemetery Care Fund. For each Right of Interment issued in Canyon View Cemetery for use of grave space sold on and after the date of adoption of this Bylaw, the Director of Finance shall pay into the "Cemetery Care Fund Account" an amount as specified in Schedule "J" of the Fees and Charges Bylaw Number 98 - 001.
- 8.3 Care Fund Amount. On all Right of Interments for the use of a plot and on all contracts or agreements for the sale of such Rights, the amount required to be used for Care Fund purposes shall be specified, provided that the amount so specified shall not apply to grave space made available by the District free of charge for indigent burial.
- 8.4 Care Fund Amount for Memorials. Any owner of a memorial marker, tablet, or monument, desiring to install same in the Canyon View Cemetery after the date of adoption of this Bylaw shall pay to the District prior to installation of such memorial, an amount as specified in Schedule "J" of the Fees and Charges Bylaw Number 98 – 001 as a contribution to the "Cemetery Care Fund Account" for investment as hereinafter provided.
- 8.5 Care Fund Investment. Investment of funds received for Care Fund purposes shall be made as required by the Regulation under the *Cremation, Interment and Funeral Services Act* applicable to Cemetery Care Funds. The income from the "Cemetery Care Fund" including and 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.
- 8.6 The Cemetery Fund. A separate account of all monies received under the provisions of this bylaw and all monies expended hereunder shall be kept by the Director of Finance and any surplus remaining of receipts over expenditures shall be paid at the end of each fiscal year into a fund to be known as "The Cemetery Fund" and same shall be invested by the District in accordance with the provisions of the *Community Charter* and the principal and interest derived from such investment shall be expended on the upkeep and development of the Cemetery.

## **PART 9 – MEMORIALS**

- 9.1 Fees. On and after the date of adoption of this Bylaw, no person shall place on any grave space a memorial marker, tablet or monument until an amount as specified in Schedule "J" of the Fees and Charges Bylaw 98-001 paid to the District, including the portion for Care Fund purposes if applicable, in respect to each memorial, tablet or monument which it is desired to install.
- 9.2 Memorial Size Limits. A memorial may be installed by District staff only on a plot in the Cemetery subject to the requirements of Section 9.1 hereof and subject to the following:

- a) The base on which any memorial marker is to be placed shall be constructed of cement or concrete and such base shall be laid flat and flush with ground level and shall exceed the size of any memorial marker to be placed thereon by at least two inches on all sides.
- b) Any memorial marker, tablet, or monument shall be constructed of stone, concrete or metal and shall not exceed the following maximum sizes:

	<u>Base</u>	<u>Maximum Headstone Size</u>
Infant grave	36" x 36" (91cm x 91cm)	32" x 32" x 7" in height (81cm x 81cm x 18cm)
Cremation	30" x 30" (76cm x 76cm)	26" x 26" x 7" in height (66cm x 66cm x 18cm)
Regular graves	30" x 48" (76cm x 122cm)	26" x 44" x 7" in height (66cm x 112cm x 18cm)

- c) Except at the Peach Orchard Cemetery, no grave or grave space shall be defined by a fence, railing, coping, curbing, hedge, or by any other marking save and except by a memorial.

9.3 Removal of Memorials. No person shall remove a memorial except as authorized in writing by the Cemetery Manager.

**PART 10 – GENERAL REGULATIONS**

10.1 Offerings. Cut flowers, wreaths and floral offerings may be placed on graves but may be removed by authorized District staff when their condition is considered to be detrimental to the beauty of the Cemeteries. No artificial flowers shall be placed on graves or grave spaces or left thereon during the period from April 1<sup>st</sup> to November 1<sup>st</sup> in any year.

10.2 Cemetery Landscaping. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemeteries, other than an employee of the District authorized to do so.

10.3 Damage. No person shall damage or deface any memorial, monument, fence, gate or structure in the Cemeteries or any improvements in the Cemeteries.

10.4 Vehicles. No person shall enter the Cemeteries in a vehicle after sunset, or drive a vehicle in the Cemeteries at any time at a speed of more than 20 km per hour and all vehicles and their drivers while in the Cemeteries grounds shall be subject to the direction and orders of authorized District staff.

10.5 No Solicitation. No person shall solicit orders for markers, tablets, memorials, curbings, cappings, or like works within the limits of the Cemeteries.

10.6 Peaceful Enjoyment. All persons and funeral processions in the Cemeteries shall obey the reasonable instructions of District staff, but any person not behaving with proper decorum within the Cemeteries, or disturbing the quiet and good order of the Cemeteries may be evicted therefrom by authorized District staff.

10.7 Discharging of Firearms. The discharging of firearms, other than in regular volleys at burial services, is prohibited in the Cemeteries.

- 10.8 Damage. Any person who willfully destroys, mutilates, defaces, or removes any monument, memorial marker or tablet, or other structure placed in the Cemeteries, or any fence, railing or other work for the protection of ornaments of the Cemeteries, or willfully destroys, cuts, breaks, or injures any shrub or plant, or plays at any game or sport, or discharges firearms (save at a military funeral), or who willfully or unlawfully disturbs persons assembled for the purpose of burying a body therein, or who commits a nuisance, or at any time behaves in an indecent and unseemly manner, or deposits any rubbish or offensive matter or thing in a Cemetery, or in any way violates any grave, or other structure within the same, shall be guilty of an infraction of this Bylaw and liable to the penalties hereof.
- 10.9 Hours. The Cemeteries shall be deemed open at seven (7) o'clock every morning and closed every evening at eight (8) o'clock. Any person in the Cemeteries without special permission of the Cemetery Manager between eight (8) p.m. and seven (7) a.m. the following morning, shall be deemed guilty of an infraction of this Bylaw and liable to the penalties hereof.
- 10.10 Violations. Every person who violates any of the provisions of this Bylaw or who permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, or who does any act which violates any of the provisions of this Bylaw shall be guilty of an offence punishable on summary conviction and shall be liable to a fine of not more than \$2,000.00 or to imprisonment for not more than six months, or to both, the penalties being enforced and the fines and costs being recoverable upon summary conviction in the manner provided by the *Offence Act*.
- 10.11 Administration of Cemeteries. Notwithstanding anything herein contained, the administration of the Cemeteries shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act* and Regulations made thereunder.

## **PART 11 – REPEAL AND ENACTMENT**

- 11.1 Effect of Bylaw. This Bylaw shall come into full force and effect and be binding on all persons as and from date of adoption.
- 11.2 Repeal. "Cemetery Bylaw Number 2000-155" and all amendments are hereby repealed.

Read a first, second and third time by the Municipal Council this 11<sup>th</sup> day of June, 2007.

Adopted by the Municipal Council of the District of Summerland this 25<sup>th</sup> day of June, 2007.

'D. Gregory'  
Mayor

'G. Matthews'  
Corporate Officer

SCHEDULE "A"  
**District of Summerland**  
**RIGHT OF INTERMENT**

CANYON VIEW CEMETERY  
 10316 Canyon View Road  
 Summerland, BC

PEACH ORCHARD CEMETERY  
 6300 Ramsay Street  
 Summerland, BC

ANGLICAN CEMETERY  
 10005 Giants Head Rd.  
 Summerland, BC

\_\_\_\_\_ (Name or company)

AS AGENT FOR \_\_\_\_\_ (Right of Interment)

OF \_\_\_\_\_ (Right of Interment Address)

HAVING PAID THE SUM SHOWN IN THE RECEIPT BELOW FOR A RIGHT OF INTERMENT, PERMISSION IS HEREBY GRANTED TO:

(Name of person  
to be interred)

TO USE OR OCCUPY WITHIN THE \_\_\_\_\_ CEMETERY:

Section \_\_\_\_\_ Row \_\_\_\_\_ Plot \_\_\_\_\_ Double Deep \_\_\_\_\_ Single \_\_\_\_\_ Tier \_\_\_\_\_

Full Burial \_\_\_\_\_ Cremation \_\_\_\_\_

This Right of Interment is subject to District of Summerland Cemetery Bylaw No. 2000-269 as amended or replaced from time to time, and any other bylaw applicable thereto being in force in the District of Summerland. In granting the Right of Interment, the District of Summerland undertakes to maintain a Cemetery Maintenance Fund for the Canyon View Cemetery only, for the maintenance of the grave space specified herein and the Cemetery of which it forms part, and will set aside within the present calendar year for the use of the Cemetery Maintenance Fund a portion of the fee as specified below. The Right of Interment holder is hereby notified in accordance with the *Cremation, Interment and Funeral Services Act* that prior to the installation of any marker or monument on the grave site sold, the purchaser must pay to the District of Summerland the fee in effect as specified by the Cemetery Bylaw in force at the time of payment, as a contribution to the Cemetery Care Fund (if applicable).

*NOTE: This Right of Interment is not transferable  
 except as authorized in Cemetery Bylaw  
 No. 2000-269.*

DATED: \_\_\_\_\_

ISSUED BY: \_\_\_\_\_

DESCRIPTION OF FEES	AMOUNT
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Right of Interment Fee

Cemetery Care Fund (if applicable)

GST

TOTAL DUE: \_\_\_\_\_

TERMS AND CONDITIONS OF RIGHT OF INTERMENT (Schedule "A", page 2)

1. A refund for cancellation of Right of Interment will be a sum equivalent to 75% of the fee paid for such Right of Interment at the time of issuance less the Care Fund fee paid (if applicable) at the time of issuance.
2. This Right of Interment is for the use of the plot only and all fees and charges relate solely to the plot and do not include any other charges which will be assessed at the time of actual interment in accordance with the fees and charges then in effect under the bylaw or any subsequent bylaw.
3. The Right of Interment is conditional upon the Applicant complying in all respects with the terms and conditions of this Bylaw and the *Cremation, Interment and Funeral Services Act*. A failure by the Applicant to so comply will entitle the District to either correct the failure at the Applicant's cost or, where interment in the plot has not yet occurred, revoke this Right of Interment upon repayment to the Applicant of the plot price less the Cemetery Care Fund if applicable.
4. Subject to the District's rights to reclaim the plot pursuant to the *Cremation, Interment and Funeral Services Act*, the plot may be surrendered to the District at any time, the District will pay to the legal owner of such plot the plot price paid pursuant to this agreement less the Cemetery Care Fund (if applicable).

The foregoing terms and conditions of the Right of Interment are hereby acknowledged and agreed to by the Applicant.

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of

\_\_\_\_\_ 20 .

\_\_\_\_\_  
Signature of Applicant

SCHEDULE "B"

**DISTRICT OF SUMMERLAND  
INTERMENT PERMIT**

IN CONSIDERATION OF THE SUM AS DETAILED IN THE RECEIPT BELOW BEING PAID AND UPON PRESENTATION OF "NOTICE OF REGISTRATION OF DEATH" OR EQUIVALENT OR A "WARRANT TO BURY" ISSUED BY A CORONER, PERMISSION IS HEREBY GIVEN

TO  
(Authorized Signatory)

TO HAVE THE REMAINS/ASHES OF  
(Name of person to be interred)

INTERRED IN:

- CANYON VIEW CEMETERY, 10316 Canyon View Rd., Summerland
- PEACH ORCHARD CEMETERY, 6300 Ramsay St., Summerland
- St. STEPHEN'S ANGLICAN CEMETERY, 10005 Giants Head Rd. Summerland

IN GRAVE SPACE NUMBER \_\_\_\_\_ OF ROW \_\_\_\_\_ IN  
SECTION \_\_\_\_\_ ON THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ O'CLOCK  
FULL BURIAL \_\_\_\_\_ CREMATION \_\_\_\_\_

DATED:

ISSUED BY:

DESCRIPTION OF FEES	AMOUNT
<u>Opening and closing</u> _____	_____
<u>Supply and Place Liner</u> _____	_____
<u>Cremated Remains Box</u> _____	_____
<u>Double Deep Fee</u> _____	_____
<u>Installation of Memorial</u> _____	_____
<u>Weekend or after hours fee</u> _____	_____

Sub Total	
GST	
<b>TOTAL</b>	

SCHEDULE "C"

**SURRENDER OR TRANSFER OF RESERVED PLOT**

PEACH ORCHARD  
CEMETERY  
6300 Ramsay St.  
Summerland, B.C.

CANYON VIEW  
CEMETERY  
10316 Canyon View Rd.  
Summerland, B.C.

ANGLICAN  
CEMETERY  
10005 Giants Head Rd.  
Summerland, B.C.

**Section:** \_\_\_\_\_ **Row:** \_\_\_\_\_ **Plot:** \_\_\_\_\_

**Full Burial:** \_\_\_\_\_ **Cremation Section:** \_\_\_\_\_

I, \_\_\_\_\_, of  
*(Insert full legal name of Right of Interment Holder)*

\_\_\_\_\_  
*(Insert address of Right of Interment Holder)*

hereby surrender to the District of Summerland the above reserved plot,

OR

hereby transfer to \_\_\_\_\_(Transferee) the above reserved plot,

I certify that:

1. The Right of Interment has not been transferred, sold, or otherwise assigned to any other person and that I am the sole person entitled to request this application for Surrender;
2. No human or cremated remains have been interred nor is any interment pending in the plot to which the Right of Interment applies as of the date of this application for Surrender;
3. The amount to which I am entitled to be reimbursed on the surrender of the Right of Interment is the plot fee paid pursuant to this Agreement less 25% for all in-ground burial plots and cremation plots. The Cemetery Care Fund contribution (if applicable) is non-refundable.

DATED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Applicant for Surrender or Transfer

The DISTRICT OF SUMMERLAND hereby acknowledges receipt of the original Licence/Right of Interment together with this Application for Surrender and agrees to pay the holder of such Licence/Right of Interment the Surrender fee described in paragraph 3 above within 14 days of the date of Surrender.

DATED AT SUMMERLAND, B.C., this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**DISTRICT OF SUMMERLAND** \_\_\_\_\_