

**OKANAGAN FALLS IRRIGATION DISTRICT
BYLAW No. 387**

A bylaw relating to the operation and maintenance of the "Okanagan Falls Cemetery".

The Trustees of the Okanagan Falls Irrigation District in open meeting assembled,
ENACTS AS FOLLOWS:

1. In this bylaw unless the context otherwise requires;

"District"	shall mean the Okanagan Falls Irrigation District
"Trustees"	shall mean the Trustees of the Okanagan Falls Irrigation District
"Office Administrator"	shall mean the person or persons duly appointed as such from time to time by the Trustees
"Caretaker"	shall mean the person or persons duly appointed from time to time as Caretaker or Caretakers of the Cemetery or Cemeteries of Okanagan Falls, BC
"Cemetery"	shall mean and include any parcel or tract of land owned, used or maintained by the Okanagan Falls Irrigation District as a cemetery either within or without the District
"Medical Health Officer"	shall mean the person duly appointed from time to time as the Medical Health Officer, Ministry of Health, Province of British Columbia
"Taxpayer"	shall mean a person owning land within the Okanagan Falls Irrigation District boundaries
"Non-Taxpayer"	shall mean a person who does not own land within the Okanagan Falls Irrigation District boundaries

2. The following lands owned by the District have been set aside and used for cemetery purposes.

- (a) Okanagan Falls Cemetery

- Legally described as being: That part of Lot 374 shown on Plan B210

- Civic address: 1400 Maple Street, Okanagan Falls, BC

3. A copy of the plans of the cemetery shall be kept available for public inspection in the District office and at such other places as may be deemed necessary.

4. Fees and Charges

- (1) The fees for interment, disinterment, use of grave space and care of graves and the charges for goods offered for sale by the District for use in the cemetery and any other cemetery shall be those set out in Schedule "A" of the prescribed bylaw.

- (2) The fees set out in Schedule "A" shall be paid in advance at the District's office at the time of signing of the contract and at the time of purchasing any goods or services sold by the District in connection with the operation of the cemetery.

- (3) A bank account shall be established to be known as "Cemetery Care Fund Account" into which the Office Administrator shall pay all funds received for Care Fund purposes.

- The Cemetery Care Fund, including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the cemetery.

- (4) In cases of poverty, the Trustees may consider and decide on applications for the remission of fees in whole or in part.

5. Interment Right Contract

1. The Trustees may enter into a contract with a person who has the right of control of the disposition of human remains or cremated remains. Fees are subject to the terms of Schedule "A" attached. The contract will be for the exclusive use by the person named in the contract, his executors or administrators. The Office Administrator shall be furnished with a statement of the name, age, date of death of the deceased, date and time of burial, and any special instructions including any received from the Medical Health Officer relative to that interment; and any other information to comply with this bylaw and any other application legislation necessary to allow the Caretaker to prepare the Plot for interment.

2. The Trustees reserve to themselves the right to refuse to sell the use of more than two grave spaces to any one individual.

3.

(a) If the holder of the Interment Right Contract shall at any time desire to dispose or transfer to another person his right to use and occupy the grave space named in the contract he shall first furnish the Office Administrator full particulars of the name, address, occupation or other description of the person to whom such disposal or transfer is desired to be made and the consideration to be paid therefore.

Note: Transfer can only be to a family member; failing this the District will purchase the grave space at the original selling cost.

(b) Upon receipt of the transfer fee prescribed in Schedule "A" to this bylaw and upon compliance with the requirements of this bylaw by the contract holder and the person to whom the contract is to be transferred, the Trustees shall effect the desired transfer by an endorsement upon the contract to that effect and shall record the same in the records kept by him for that purpose.

4. All Interment Right Contracts issued for use of a grave space in the cemetery shall be subject to the provisions of this bylaw and all bylaws now or hereinafter to be passed by the District.

5. 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 Office Administrator.

6. Burial/Interment

1. Each interment in the cemetery shall be made in a grave dug to a depth sufficient to provide for not less than three feet of earth between the upper surface of the casket or grave liner and the level of the ground surrounding the grave.

2. Not more than two casket interments, plus four cremations shall be permitted in any one standard size plot or two sets of cremated remains in the regular cremation section of the cemetery.

3. Where two interments are permitted in one grave space and each interment is in respect to a body not in the form of cremated remains, the first body shall be buried in the grave at a lower depth than the second and each of the two burials in the grave shall conform to subsection 1.

4. A grave liner shall be used for each interment, except in the case of cremated remains.
5. No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by him, or by the Office Administrator.
6. No vaults, or other methods of interment above ground level, shall be permitted in the cemetery.

7. Cemetery Caretaker

1. A cemetery Caretaker may be appointed by the District and the duties of a Caretaker so appointed shall among other duties be:
 - (a) To dig and prepare, or cause to be dug and prepared, all graves required to be dug whenever ordered to do so by the Trustees of the person acting for it.
 - (b) Install all memorials
 - (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.

8. Administration

1. The Office Administrator shall maintain records as necessary to the administration and management of the cemetery and as required under the *Cremation, Interment and Funeral Services Act*.
2. The Office Administrator is hereby authorized on behalf of the District to grant an Interment Right Contract on the form set out in Schedule "A" hereof in respect of any grave space in the cemetery, according to the scale of fees and charges specified in Schedule "A" of the prescribed bylaw and subject to the provisions of this bylaw.
3. The Office Administrator shall notify the Caretaker before the time of the intended interment or exhumation giving the name of the deceased and the number and location of the grave space concerned.

9. Memorials

1. All memorials must be placed with the top surface of the memorial set flush with the level of the ground surrounding the grave.
2. All grave markers or memorials are considered to be the property of the purchaser and required care or repair is the responsibility of the purchaser or his/her successor. Should any memorial placed in the cemetery fall into a state of disrepair the Caretaker will document the condition and have the memorial removed from the cemetery in each case the District will not be held liable for or be obliged to repair any breakage or damage to any memorial in the cemetery.
3. Allowable memorial sizes (not to exceed the following)

Full Burial	28" wide x 16" long
Cremation	16" wide x 10" long
Cremation double	16" wide x 10" long
4. No grave or grave space shall be defined by a fence, railing, coping, curbing, hedge or by other marking save by a memorial marker.

10. General

1. Cut flowers, wreaths and floral offerings may be placed on graves but will be removed by the Caretaker when their condition is considered by him/her to be detrimental to the beauty of 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 a person authorized by the District to do so.
4. All persons are prohibited from damaging or defacing any memorial, fence gate or structure in the cemetery or any improvements in the cemetery.
5. All vehicles and their drivers while in the cemetery grounds shall be subject to the directions and orders of the Caretaker. All persons and funeral processions in the cemetery shall obey the reasonable instructions of the Caretaker, but any person not behaving with proper decorum within the cemetery, or disturbing the quiet and good order of the cemetery may be evicted there from by the Caretaker.

6. No person shall solicit orders for markers, tablets, memorials, curbing, capping or like works within the limits of the cemetery.
7. The discharging of firearms is prohibited unless than at a military funeral.
8. No dogs shall be allowed into the cemetery.

The following bylaw is hereby repealed:

"Cemetery Bylaw No. 350" registered in the office of the Inspector of Municipalities on the 30th day of August 2007.

"Bylaw No. 378 Amending Bylaw" registered in the office of the Inspector of Municipalities on the 18th day of March 2015.

This bylaw may be cited as the "Cemetery Bylaw No. 387".

INTRODUCED and given first reading by the Trustees on the 27th day of September, 2016.

RECONSIDERED and finally passed by the Trustees on the 27th day of September, 2016.

Chair of the Trustees

I HEREBY CERTIFY under the seal of the Okanagan Falls Irrigation District that this is a true copy of Bylaw No. 387 of the Okanagan Falls Irrigation District passed by the Trustees on the 27th day of September, 2016.

Office Administrator