



BYLAW RATIONALE STATEMENT

Town of Golden Bylaw No. 1495, 2024 Town of Golden Cemetery Management Bylaw

The Town of Golden owns and operates the Golden Community Cemetery as a place of Interment and has established Council as a Board of Cemetery Trustees in accordance with the *Cremation, Interment and Funeral Services Act*, Section 37 (2)(b).

Under section 39 of the *Act*, every operator of a Cemetery must adopt bylaws for the Interment or other disposition of the deceased respecting:

- the organization, operation, and management of the place of interment;
- the rights, privileges, and responsibilities of the operator, visitors, funeral providers, and suppliers;
- the rights, privileges, and responsibilities of the Interment Rights holders;
- the setting of Fees; the size, class, and kind of Memorials and materials used for Memorials.

This bylaw seeks to update and uphold these services under these principles for Golden and area residents.

TOWN OF GOLDEN

BYLAW NUMBER 1495, 2024

CEMETERY MANAGEMENT BYLAW

Being a bylaw to provide for the regulation, organization, operation and management of Cemeteries owned by the Town of Golden.

WHEREAS Section 8(3)(f) of the *Community Charter* empowers the Council of the Town of Golden to enact a Bylaw to regulate, operate and maintain places of interment in compliance with the *Cremation, Interment and Funeral Services Act*;

AND WHEREAS the Council of the Town of Golden deems it necessary to provide for the regulation, operation and maintenance of places of interment owned by the Town of Golden;

NOW THEREFORE the Council of the Town of Golden in open meeting assembled, **HEREBY ENACTS AS FOLLOWS:**

1. CITATION

1.1 This bylaw may be cited for all purposes as the “Town of Golden Cemetery Management Bylaw No. 1495, 2024.”

2. INTERPRETATION

2.1 In this bylaw:

“**Administration Fee**” means fees levied to cover additional administrative costs associated with the transfer or surrender of a Right of Interment.

“**Administrative Authority**” means the Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act*, being the Council.

“**Applicant**” means an individual who has applied to the Town for a Right of Interment.

“**Approved Installer**” means a licensed service provider approved by the Director of Public Works to install or remove Memorials.

“**Caretaker**” means a person designated by the Town to perform interments and to care for and maintain the Cemetery.

“**Cemetery**” means land that is set apart or used as a place of burial of Human Remains or Cremated Remains and includes any incidental or ancillary buildings on the land.

“Cemetery Capital Reserve Fund”, also known as the “Capital Improvement Fund”, means a fund established in this bylaw for capital improvements to the Cemetery and for the purchase and development of lands by the Town for Cemetery purposes.

“Cemetery Care Fund” means a fund established in this bylaw for the care, maintenance, and repair of the Cemetery by the Town.

“Child” means a person between the ages of 2 and 14 years of age.

“CIFSA” means the *Cremation, Interment and Funeral Services Act*.

“Columbarium” means a structure, building, or an area in a structure or building that contains, as an integral part of the structure or building or as freestanding sections, Niches for the interment of Cremated Remains.

“Control of Disposition” means the person having the right to control the disposition of the Human Remains or Cremated Remains under section 5 of *CIFSA*.

“Council” means the Council of the Town of Golden.

“Cremated Remains” means human bone fragments left after human remains are cremated.

“Cremation Liner” means a receptacle made of Durable Material placed in a ground cremation Plot to encase an urn, or urns, holding Cremated Remains. A Cremation Liner has a lid and is placed during the Interment process.

“Director of Public Works” means the Director of Public Works as appointed by the Town or a person designated to act in the place of the Director of Public Works.

“Durable Material” means material that is able to withstand wear, pressure, or damage, including without limitation concrete, metal, or polypropylene plastic.

“Family Member” means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted, or step), a spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

“Fee” means an amount prescribed in Schedule “A” payable to the Town for a service pursuant to this bylaw.

“Grave Liner” a receptacle made of Durable Material that is placed around a casket or container holding human or cremated remains to provide reinforcement to the Plot.

“Holiday” means any of the following days, namely New Years Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, B.C. Day, Labour Day, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, or any day or part of a day proclaimed a civic holiday.

“Human Remains” means

- a) a dead human body in any stage of decomposition; or
- b) a body of a stillborn infant in any stage of decomposition;

but does not include Cremated Remains.

“Infant” means a person below the age of 2.

“Interment” means the disposition by:

- a) burial of Human Remains or Cremated Remains,
- b) entombment of Human Remains, or;
- c) inurnment of cremated remains.

“Interment Right Holder” means a person who holds a Right of Interment with the Town.

“Interment Permit” means a document in the form of an invoice receipt completed at time of need that may include statistical, executor, and next of kin information that authorizes the Interment of the deceased by the person with Control of Disposition.

“Inurnment” means the process of placing Cremated Remains in a receptacle, such as an urn, and the placement of that receptacle into a Niche.

“Medical Health Officer” means the person who is designated under the *Public Health Act* to act as the Medical Health Officer for the Town.

“Memorial” means:

- a) a tombstone, monument, plaque or another marker on a grave or Plot, or
- b) an inscription or ornamentation on a crypt or Niche front used to identify a Plot or memorialize a deceased person or stillborn child. This includes but is not limited to, markers, tablets, monuments, pillows, and plaques.

“Niche” means a space, usually within a Columbarium, designed for the Inurnment of Cremated Remains.

“Non-Resident” means any person, who has not resided or owned property within the limits of the Town or within the defined boundaries of Electoral Area “A” of the Columbia Shuswap Regional District for a period of six (6) months immediately preceding an application for Interment.

“Ossuary” means a receptacle, usually located below ground, for the placement of non-recoverable, co-mingled Cremated Remains.

“Plot” means a space that is:

- a) in a place of interment; and
- b) used or intended to be used for the Interment of Human Remains or Cremated Remains under a Right of Interment and includes a grave, crypt, Niche, or Plot.

“Resident” means any person, who has resided or owned property within the limits of the Town or within the defined boundaries of Electoral Area “A” of the Columbia Shuswap Regional District for a period of six (6) months immediately preceding an application for interment.

“Right of Interment” means a permit that provides for the right, in perpetuity, for the interment of Human Remains or Cremated Remains, in a Plot.

“Scattering” means the non-recoverable dispersal of Cremated Remains over a body of land or water within a defined area of a Cemetery.

“Spouse” is as defined in *CIFSA*.

“Town” means the Town of Golden.

“Urn” means any receptacle, temporary or permanent, used for the encasement of Cremated Remains.

- 2.2 Except as otherwise defined in this bylaw, words and phrases herein shall be construed in accordance with their meanings under the *Cremation, Interment and Funeral Services Act*, the *Community Charter*, the *Local Government Act*, and the *Interpretation Act*, as the context and circumstances may require. A reference to a statute refers to a statute of the Province of British Columbia, and a reference to any statute, regulation, code, or bylaw refers to that enactment as it may be amended or replaced from time to time. Words in the singular include the plural and gender specific terms include all genders and corporations. Headings in this bylaw are for convenience only and must not be construed as defining or in any way limiting its scope or intent. If any part of this bylaw is held to be invalid by a court of competent jurisdiction, the invalid part is severed, and the remainder continues to be valid.

3. APPLICATION OF BYLAW

- 3.1 Subject to any contrary provision of *CIFSA* or the *Business Practices and Consumer Protection Act*, this bylaw applies to any Cemetery operated by the Town, and to all additional real and personal property, within or outside of the Town, which may hereafter be acquired and owned or held by the Town as a Cemetery and applies to the Interment of Human or Cremated Remains, and for their management, operation, and preservation. The terms, conditions and fees set out herein shall apply to every Right of Interment within a Cemetery.

4. LAND SET ASIDE AS CEMETERY

- 4.1 The real properties shown on Schedule B are set aside, held, laid out, developed, improved, used, and maintained as Town owned Cemeteries and are dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose; and without limitation, include the following:

GOLDEN & DISTRICT CEMETERY - Generally located on the Southeast bench lands of the Town of Golden adjacent to Selkirk Subdivision at the south end of 14th Avenue South, legally described as:

- Block A of S.W. quarter of Section 7, Township 27, Range 21, W5M, Kootenay District
- That part of Lot 4, Section 12, Township 27, Range 22, W5M, Kootenay District, Plan 1800, Shown Outlined in Red on Reference Plan 38346I
- That part of the S.E. quarter of Section 12, Township 27, Range 22, W5M, Kootenay District, Shown as Parcel A (Explanatory Plan 39658I(1)).

PIONEER CEMETERY – Generally located adjacent to the CP Mainline below the Trans-Canada Highway accessible by Station Avenue and CP right-of-way, legally described as:

- Lot 1, Sections 12 and 13, Township 27, Range 22, W5M, Kootenay District, Plan NEP22917 Except Part Included in Plan NEP23289.

4.2 Subject to *CIFSA*, the Town reserves the right:

- a) to reconfigure or change the boundaries or grading of the Cemetery;
- b) to change the locations of, or remove or regrade any roads, driveways, walkways, or landscaping; and
- c) to determine from time to time the size and layout of the Plots, the developments, and improvements to be carried out and made in and to the Cemeteries.

4.3 A copy of the plans of the Cemetery shall be filed with the Ministry and *CIFSA* administration, and copies shall also be kept available for public inspection in the Town Office and other such place as deemed necessary.

5. ESTABLISHMENT OF BOARD OF TRUSTEES

5.1 Pursuant to section 37 (2)(b) of *CFSA*, the Council is hereby established as a Board of Trustees to operate the Cemetery under this bylaw, with all such power and authority as is necessary to permit such operation.

6. ADMINISTRATION

6.1 The Council hereby delegates authority to the Director of Public Works to administer, this bylaw, in accordance with this bylaw, *CIFSA* and the Administrative Authority.

6.2 The Director of Public Works may manage, organize, and operate of the Cemetery, and without limitation may:

- a) direct and supervise employees and contractors in performing their work and duties in relation to the Cemetery;
- b) prepare and maintain all records and information required by *CIFSA* and the Administrative Authority for the administration, management, and operation of the Cemetery;
- c) issue Rights of Interment and permits required and authorized by this bylaw; and
- d) establish operational policies in relation to the administration, care, and maintenance of the Cemetery.

7. SALE OF PLOTS AND NICHES – RIGHT OF INTERMENT

- 7.1 A person who wishes to acquire a Right of Interment must apply to the Town in accordance with this Bylaw.
- 7.2 An application for a Right of Interment may be submitted to the Director of Public Works during office hours and must include:
- a) the Applicant's full name and current Residential address;
 - b) the full name and current Residential address of the person or persons for whom a Right of Interment is being sought;
 - c) documented evidence of Resident status of each person for whom a right of interment is issued, and for this purpose, a valid British Columbia driver's license, care card, or identification card, issued by the Province of British Columbia, along with any one of the following documents, is required:
 - i) a valid owner's certificate of insurance and vehicle Registration issued by ICBC;
 - ii) a current utility bill for electricity, gas, cable, or land line telephone at the residence;
 - iii) a property tax notice or utility notice issued by the Town within the past year;
 - iv) a current Property Assessment Notice issued by the B.C. Assessment Authority.

If the resident status of the right holder cannot be established with documents as described above, the Director of Public Works may accept any alternative documentation that the Director of Public Works considers adequate evidence that the named right holder is a resident of the Town of Golden.

- d) if applicable, the date of death and time and date of the funeral for a deceased person for whom the Right of Interment is sought.
- 7.3 Upon receiving a complete application and the applicable fees, the Director of Public Works may, on behalf of the Town, enter into an Interment Right Contract.
- 7.4 The Director of Public Works will provide the Applicant with a copy of the Interment Right Contract within 15 days after the contract is executed.
- 7.5 A person may not acquire a Right of Interment to more than 2 Plots.
- 7.6 A Right of Interment provides the Interment Right Holder with a right to Interment in the Plot specified in the Interment Right Contract but does not transfer or vest any title or interest in the Plot or any right or interest in the roads, paths, gardens, structures, buildings, or other property in the Cemetery.

Restrictions of Sale

- 7.7 The Town reserves the right to restrict the sale of Rights of Interment:
- a) to Residents, Family Members, and former Residents; and

- b) in relation to Rights of Interment for future use (pre-need sales) for in-ground burial of Human Remains, so that the Cemetery's inventory is not less than 20 Plots.

Cancellations

7.8 An Interment Right may be surrendered to the Town and a refund paid where:

- a) there have been no Interments in the Plot or Memorials placed;
- b) the Interment Right Holder or executor submits a written application to the Director of Public Works requesting cancellation of the Right of Interment;
- c) the original Right of Interment or license is surrendered; and
- d) an administration fee for the surrender, as prescribed in Schedule A is paid;
- e) if the surrender occurs within thirty (30) days of the date of purchase, one hundred percent (100%) of the fees paid for the Right of Interment shall be refunded;
- f) if the surrender occurs thirty-one (31) or more days after the date of purchase, a Right of Interment may be refunded at a value up to the greater of the following calculations:
 - i) not more than one-hundred percent (100%) of the original price paid LESS the Care Fund Contribution portion of the fees collected at the time of purchase, or;
 - ii) not more than fifty percent (50%) of the current price of a comparable Plot in the Cemetery, LESS the Care Fund Contribution portion of the selling price of the comparable Right of Interment.

Transfer of Plots or Niches

7.9 A Right of Interment may be transferred by an Interment Right Holder to another Family Member, upon providing the Director of Public Works with the following:

- a) full particulars of the name, relationship, address, and occupation of the person to whom the transfer is intended;
- b) the applicable Administrative Fee prescribed in Schedule A;
- c) payment of all outstanding fees owed by the Interment Right Holder; and
- d) the Interment Rights Certificate issued for the Plot.

7.10 When the Director of Public Works receives the information and fees referred to above the Director will cancel the original Interment Rights Certificate, issue a revised Interment Rights Certificate in the name of the transferee, and record the transfer in the records of the Cemetery.

7.11 An Interment Right Holder must not transfer the Plot or Niche to another person, group or organization, unless such transfer is made pursuant to this bylaw.

8. INTERMENT PERMIT AND APPLICATION

- 8.1 No Human Remains or Cremated Remains shall be interred in the Cemetery until the Director of Public Works has issued an Interment Rights Certificate and an Interment Permit and arrangements have been made to pay the applicable Interment fees and charge. Every Interment must be in accordance with the provisions of this bylaw.
- 8.2 An Applicant for an Interment Permit must submit an application to the Town office during regular Town office hours, at least three (3) full working days prior to the proposed Interment time. The Director of Public Works may schedule the Interment for a shorter time frame if required by the Medical Health Officer or otherwise deemed necessary or appropriate in the circumstances. All other provisions of this bylaw continue to apply.
- 8.3 An Applicant for an Interment Permit or who otherwise requires an Interment to be made must provide the Director of Public Works with the following information:
- a) the name, birth date, place of birth, and date and place of death of the deceased;
 - b) a copy of the disposition permit issued by a vital statistics registrar under the *Vital Statistics Act*;
 - c) whether a communicable disease, as defined in the *Health Act Communicable Diseases Regulation* under the *Public Health Act*, caused the death;
 - d) the time and date that the funeral is to take place;
 - 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 from the person who has the Control of Disposition and that person's address and contact information.
- 8.4 Upon receiving the information required in section 8.3 and the fees and charges required in Schedule A, an Interment Permit may be issued in the form of an invoice receipt.
- 8.5 If the Medical Health Officer directs, pursuant to the *Health Act Communicable Disease Regulation* or other legislation, that a body be interred in the Cemetery during any period when the Town Office is closed, the Director of Public Works may give permission.
- a) Where an interment in the Cemetery is performed under the condition in this section, the Caretaker and the person who performed the interment shall report the matter to the Director of Public Works with full details of the deceased and interment as required by section 8.3 together with the applicable interment fees and charges if such fees have not already been paid.
 - b) Where Human Remains delivered to the Cemetery for Interment are subject to any direction of the Medical Health Officer under the terms of the *Health Act Communicable Disease Regulation*, the person delivering the body to the Cemetery shall inform the Caretaker of the direction and any instructions by the Medical Health Officer with respect to the Human Remains or their Interment; and having received such instructions, any person performing the Interment shall fully and carefully follow those instructions.

9. INTERMENT

- 9.1 After the person with Control of Disposition has completed and duly signed an Interment Authorization and paid all applicable Fees, an Interment may be made with the Cemetery.
- 9.2 Only the Human Remains or Cremated Remains of a human body shall be interred and memorialized in the Cemetery.
- 9.3 Interments must be conducted in accordance with *CIFSA*, the *Business Practices and Consumer Protection Act*, this bylaw, and:
 - a) only within the Cemetery by the Caretaker,
 - b) only in predefined Plots approved by the Administrative Authority, and
 - c) with all reasonable care and attention.
- 9.4 The Town and its Caretaker are not responsible for damage to any casket, urn, or other container, sustained during an Interment or Disinterment, except where such damage is caused by gross negligence of the Town or its Caretaker.
- 9.5 The Human Remains of a person who died from or harbouring any infectious agent as defined in the *Public Health Act*, shall be interred within thirty-six (36) hours after the death occurs and the Medical Health Officer shall furnish the Director of Public Works with specific instructions respecting Interment and the safety of all persons who may come into contact with the casket or container bearing the Human Remains in each case.
- 9.6 The following apply to all in-ground Interments:
 - a) a Grave Liner is required for each in-ground burial Interment.
 - b) a Cremation Liner is required for each in-ground cremation Interment.
 - c) all Cremated Remains must be Interred in a sealed container constructed of permanent, Durable Material approved by the Director of Public Works.
 - d) the Director of Public Works may allow for the Interment of up to four (4) Cremated Remains on any full-size Plot provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in *CIFSA*. Confirmation that there are no objections by next of kin shall be obtained in the form of writing.
 - e) no casket burial is permitted in a full-size Plot after Cremated Remains have been interred in that Lot. Cremated Remains placed on a full-size burial Plot must not be co-mingled.
 - f) each cremation Plot may hold up to two (2) Cremated Remains.
 - g) each Interment in the Cemetery in a Plot, other than the Interment of Cremated Remains, shall provide for not less than 0.9 m (3 ft.) of earth between the general surface level of the ground at the Plot and the upper surface level of the casket containing the Human Remains;

- h) each interment in the Cemetery in a Plot of Cremated Remains shall provide for not less than 0.45m (1.5ft) of earth between the general surface level of the ground at the Plot and the upper surface level of the container containing the Cremated Remains;
 - i) a person who intends to purchase a Grave Liner or burial vault from a source other than the Town must obtain permission from the Director of Public Works. The Director of Public Works may give permission if the proposed item is comparable to the item supplied by the Town and otherwise reasonably suitable for the Cemetery in relation to its size, design material and construction. The Director of Public Works may request that Grave Liners or burial vaults be installed by their supplier, under the supervision of the Caretaker, with the installation at the Applicant's expense.
 - j) the installation of Grave Liners or burial vaults will be subject to a handling fee which must be paid in full prior to installation. Any charges incurred by the Town, beyond the standard scope of services, in the handling of Grave Liners or burial vaults not supplied by the Town will be charged to the Applicant and arrangements to pay made prior to Interment.
- 9.7 Cremated Remains placed in a Columbarium must be enclosed in a sealed container or urn constructed of permanent, Durable Material approved by the Director of Public Works.
- 9.8 A person must not scatter or place Cremated Remains within the Cemetery. Scattering is permanent and non-recoverable.
- 9.9 Interments may be performed within the following hours:
- a) between 9:00 a.m. and 2:00 p.m. Monday to Friday (except Holidays).
 - b) with the approval of the Director of Public Works and subject to the Caretaker being available, upon arrangements being made to pay additional fees set out in Schedule A, at a time other than established in paragraph (a) and on any day of the week, whether or not the day is a Holiday.
- 9.10 For interments occurring under 9.9 (a), if the Human Remains or Cremated Remains are delivered to the Cemetery more than 30 minutes after the time established in the Interment Authorization, the person with Control of Disposition shall be responsible for any late arrival Fees.
- 9.11 Mourners of the deceased person may attend to witness the Interment process at the Cemetery, subject to the following conditions:
- a) a request to witness the Interment must be communicated to the Director of Public Works when confirming the date and time of the Interment; and
 - b) the Town will not be held liable for any damage to property or for any injury to mourners that are attending or witnessing the Interment process.
- 9.12 All proceedings at the Interment site shall be under the sole direction of the Caretaker.

10. EXHUMATION OR DISINTERMENT

10.1 No Human Remains or Cremated Remains shall be exhumed or disinterred from the Cemetery unless all the following conditions are met:

- a) the Director of Public Works has received a written request for the exhumation or disinterment from the person who Control of Disposition;
- b) all applicable fees and charges have been paid;
- c) the Director of Public Works has issued an Exhumation Permit in the form of an invoice receipt;
- d) the Director of Public Works has approved the exhumation or disinterment if required under the *Business Practises and Consumer Protection Act*; and
- e) if required, the Director of Public Works has received permission from the Medical Health Officer.

10.2 The Town shall not be responsible for damage to any casket, urn, or other container sustained during exhumation or disinterment.

11. MEMORIALS AND MEMORIAL INSTALLATION

General

11.1 Only an Approved Installer may install, place, remove, or modify a Memorial or other structure or object in the Cemetery.

11.2 An Approved installer must not install, place, remove, or modify a Memorial or other structure or object in accordance with this bylaw.

11.3 A person must not install, remove or modify a Memorial in the Cemetery unless all of the following conditions are met:

- a) prior to delivering a Memorial to the Cemetery, a person must receive confirmation in writing by the Director of Public Works that the Memorial conforms to the requirements of Section 11 of this bylaw.
- b) an Interment Right Holder, authorized representative, or a person authorized by the Director of Public Works, has received approval for the proposed Memorial and its installation, removal, or modification;
- c) arrangements have been made to pay all outstanding fees relating to the Plot, Interment and Memorial Installation.

11.4 A person must not define the border of a Plot in the Cemetery by any kind of fence, hedge, coping, curbing, or railing.

11.5 The Interment Right Holder must supply all Plot Memorials.

11.6 Memorials delivered to the Cemetery without the appropriate confirmation may be held for a maximum of 30 days pending written confirmation that the Memorial conforms to the bylaw. After 30 days the Memorial will be returned at the owner's expense.

- 11.7 Due to winter conditions, installation, removal or modification of a Memorial may normally occur only between May 1st and October 31st. A person must not deliver Memorials to the Cemetery between November 1st and April 30th unless the Director of Public Works has given the person prior approval in writing. The Director of Public Works may refuse to approve if conditions are not suitable.
- 11.8 The Caretaker may remove a Memorial that is placed in or on a place of Interment or otherwise if it has been placed there in contravention of this bylaw or another applicable enactment; or is dangerous, unsightly, or impedes the care and maintenance of a Plot.

Flat Memorials

- 11.9 A flat Memorial may be installed on a Plot in the Cemetery provided the flat Memorial conforms to the requirements set out in this bylaw.
- 11.10 Each flat Memorial must:
- a) be made of stone, bronze, cement, or other weather impervious material that is acceptable to the Director of Public Works, and that will not require painting to keep it in a presentable condition;
 - b) be installed in a centred position at the head of the Plot with the top surface of the Memorial set level and flush with the surface of the surrounding ground;
 - c) be installed on a concrete or granite Base not less than 7.6 cm (3") and no more than 10.2 cm (4") thick, with side surfaces true and perpendicular with the top surface of the attached marker; and a minimum 7.6 cm (3") mow strip must be maintained around the marker;
 - d) be supplied with sawn-sides and shall have 1.2 cm x 5 cm (1/2" x 2") drilled holes on all four sides for a concrete border base and stainless-steel pins supplied under the direction of the Caretaker;
 - e) have a maximum allowable top to bottom dimension of Memorial marker as 61.04 cm (24") including the concrete base; and
 - f) have a maximum allowable width dimension of Memorial marker as 106.7 cm (42") including concrete block.

Monument, Pillow, Slant, or Upright Memorials

- 11.11 Any Memorial that is a monument, pillow type, slant or upright must:
- a) be installed on a concrete foundation, set flush with the ground, which is not less than 10.16 cm (4") thick;
 - b) have a minimum of 7.62 cm (3") concrete border (mow strip) maintained around the Memorial;
 - c) have a total width (including concrete base) of not more than 106.78 cm (42"); unless relating to adjacent graves, in which case the concrete may span over a portion or the total width of the related adjacent graves up to a maximum width of 182.88 cm (72");
 - d) not exceed 96.52 cm (38") in height;

- e) be secured in a manner that will ensure the markers do not fall or slide off the foundation; and
- f) Memorials exceeding the maximum dimensions stated herein will not be approved for installation.

11.12 Memorials exceeding the maximum dimensions stated herein will not be approved for installation.

12. GENERAL PROVISIONS AND REGULATIONS

Public Hours

- 12.1 The Golden Community Cemetery shall be open to the public at 8:00 a.m. every morning and shall be closed to the public at 8:00 p.m. every evening or at dusk, whichever occurs first.
- 12.2 A person must not enter or remain in the Cemetery at any time other than the operating hours of between 8:00 a.m. and 8:00 p.m. or dusk seven days a week, without obtaining prior approval of the Caretaker, the Director of Public Works or any other person authorized by the Board of Cemetery Trustees to grant such permission.

Vehicles

- 12.3 A person must not enter or use a vehicle in the Cemetery except for the purpose of an Interment or funeral service, to carry Cemetery patrons or visitors, or otherwise as the Caretaker permits or directs.
- 12.4 A person must not drive any vehicle in the Cemetery at a speed in excess of 15 km/h.
- 12.5 A person must not drive any motorized device of any kind over any lawns, gardens or flower beds in the Cemetery unless the Caretaker specifically authorizes.
- 12.6 A person must not enter the Cemetery in a vehicle after sunset.
- 12.7 Every operator of a vehicle entering or within the Cemetery shall at all times obey the directions and orders of the Caretaker.
- 12.8 A person must not enter the Cemetery with any of the following:
- a) off-road motorcycles;
 - b) snowmobiles;
 - c) all terrain vehicles;
 - d) skateboards; or
 - e) roller blades.

Adornments

- 12.9 Except as specifically provided in this bylaw, or by the Caretaker acting under the direction of the Board of Cemetery Trustees, a person must not adorn a Plot or other part of the Cemetery in any manner by any of the following:

- a) arbours, trellis, fences, curbs, rails, or other structures;
- b) memorial benches unless acquired under the memorial bench program; or
- c) objects of remembrance or any other objects of any type.

12.10 The Caretaker may remove an object that is placed in or on a place of Interment or otherwise in the Cemetery if it has been placed there in contravention of this bylaw or another applicable enactment; or is dangerous, unsightly or impedes the care and maintenance of a Plot.

Floral Offerings

12.11 Fresh cut flowers, wreaths, potted flowering plants, and floral offerings may be placed on Plots during the spring, summer, and fall. The Caretaker may remove these if their condition becomes wilted or unsightly, or for the purpose of regular Cemetery maintenance.

12.12 Artificial Floral Offerings are discouraged when weather permits the use of fresh flowers and plants. Artificial Floral Offerings may be placed on Plots, but the Caretaker will remove these when they become unsightly, or for the purpose of regular Cemetery maintenance.

12.13 Artificial Floral Offerings that have been removed for the purpose of seasonal Cemetery maintenance will be stored onsite and may be claimed for up to 30 days before they are disposed of.

Conduct

12.14 A person must not:

- a) disturb or interfere with a person transferring or accompanying Human Remains or Cremated Remains to the Cemetery or to a bereavement rite or ceremony or an Interment;
- b) disturb persons assembled for a graveside service or visitation;
- c) destroy, mutilate, deface, or injure any Plot, Memorial, fence, or other structure within or surrounding the Cemetery;
- d) remove any permitted Memorial, fence, or other structure except as authorized by the Caretaker;
- e) cut down or destroy any tree, shrub, plant, flower, or bulb in the Cemetery except as authorized by the caretaker;
- f) play any game or sport in the Cemetery;
- g) discharge firearms in the Cemetery, except at a military funeral;
- h) deposit any trash or other waste in the Cemetery except into approved trash receptacles or areas designated for that purpose; or
- i) bring or allow a dog to be within the Golden Community Cemetery unless the dog is kept on a leash of a maximum length of three metres and the person who owns or is in charge of the dog immediately removes any dog waste left by or attributed to their dog from the Cemetery.

13. FEES AND CHARGES

13.1 Every person who:

- a) obtains a Right of Interment for a Plot in the Cemetery;
- b) has a Memorial installed on a Plot; or
- c) obtains any other good or service specified in Schedule A,

must pay the applicable fees and charges established in Schedule A, and any federal and provincial sales taxes that may apply.

13.2 Arrangements to pay the fees set out in Schedule A to this bylaw shall be made at the Town offices at the time of application for a License and at the time of purchasing any goods or services sold by the Town in connection with the operation of the Cemetery.

14. CEMETERY CARE FUND

14.1 The Cemetery Care Fund is hereby established for the maintenance and care of the Cemetery and the Plots therein in accordance with the requirements of the *CIFSA*.

14.2 The Cemetery Care fund will be maintained in a separate account with a savings institution, with the account designated as the "Cemetery Care Fund".

14.3 The Chief Financial Officer will deposit into the Cemetery Care Fund all amounts received for that purpose on account of fees imposed for Rights of Interment and Memorial installations as prescribed in Schedule A to this bylaw.

14.4 Any money the Town receives or holds for the purposes of the Cemetery Care Fund, together with interest and dividends earned on it, will be credited to the Cemetery Care Fund, held as trust funds, and invested in accordance with *CIFSA* and the *Community Charter*.

14.5 The Town may use the interest and dividend income the Cemetery Care Fund earns only for the purposes of financing care and maintenance services provided in relation to the Cemetery.

14.6 Any interest and dividend income earned on the investments of the Cemetery Care Fund may be used for maintenance and care of the Cemetery in the year in which the interest and income is earned or may be retained in the Cemetery Care Fund to increase the principal sum.

14.7 The principal sum of the Cemetery Care Fund will not be reduced except with the prior approval of a director (of the Administrative Authority) under *CIFSA*.

14.8 The Town may accept voluntary payments to the Cemetery Care Fund from any person or organization.

14.9 The Director of Public Works and the Board of Cemetery Trustees will maintain records as required by *CIFSA*, subject to the *Freedom of Information and Protection of Privacy Act*.

15. CEMETERY CAPITAL RESERVE FUND

15.1 The Cemetery Capital Reserve Fund is hereby established as a reserve fund under the *Community Charter*, section 188, for the purpose of making capital improvements to the Cemetery and acquiring land for Cemetery purposes.

15.2 Any of the following sources may fund the Cemetery Capital Reserve Fund:

- a) fees for goods or services identified in Schedule A in the amounts prescribed under “Cemetery Capital Reserve Fund;”
- b) donations by members of the public for the purposes of the Reserve Fund;
- c) grants from organizations, or from a local, provincial, or federal government body for the purposes of the Reserve Fund;
- d) funds that Council may, in its discretion, direct to be deposited into the Reserve Fund.

15.3 The interest and principal accruing to the Cemetery Capital Reserve Fund must be invested in accordance with section 183 of the *Community Charter* and may be used only for the acquisition and development of lands for the Cemetery and making capital improvements to the Cemetery.

16. MEMORIAL BENCH SPONSORSHIP PROGRAM

16.1 The memorial bench sponsorship program offers individuals and groups an opportunity to commemorate a special event or honour friends and loved ones through the sponsorship of a park bench.

16.2 The memorial bench sponsorship program includes a bronze plaque placed on a Town supplied bench, founded on a concrete base.

16.3 A limited number of spaces are available on the River Walk flood wall for placement of memorial bronze plaques as a less expensive alternative to a bench.

16.4 The plaque wording for a sponsored memorial bench is determined by sponsor and approved by the Director of Public Works prior to manufacture.

16.5 The Director of Public Works shall approve the memorial bench placement on property prior to installation. Benches at the Cemetery will not be placed on or adjacent to Plots but may be placed on common areas of the property.

16.6 Memorial bench and River Walk sponsorship rates are defined in Schedule A.

16.7 A sponsorship data form is required to be submitted to the Director of Public Works with payment for the approved bench or River Walk plaque.

16.8 A tax deductible receipt is issued upon request for sponsored bench installations.

16.9 The Town will reasonably maintain benches and plaques in their original installation condition and location, or in an area near the original installation location.

16.10 The disposition or relocation of the bench/plaque is at the sole discretion of the Town.

- 16.11 The Town will accept only a limited responsibility to refurbish any bench that becomes damaged due to vandalism. Given the sensitive nature of this program, the Town will generally replace or repair benches if vandalism is considered random. Should the Town determine that any vandalism is not considered to be random; rather it is recurring and directed specifically at a named bench, a location, the overall bench program, or any other problematic issue, the bench may not be replaced. An alternative solution will be mutually determined.

17. ENFORCEMENT AND IMPLEMENTATION PROVISIONS

- 17.1 Every person who violates any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention of 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, commits an offence, and each day that a violation continues constitutes a separate offence.

- 17.2 Upon conviction of an offence under this bylaw, a person is liable to pay:

- a) a fine of not less than \$1,000 and not more than \$50,000 if proceedings are brought under the *Offence Act*; or
- b) the fine imposed for that offence as set out in the “*Town of Golden Municipal Ticket Information Utilization Bylaw No. 1035*” or “*Town of Golden Bylaw Notice Adjudication System Bylaw No. 1475, 2022.*”

18. SCHEDULES

- 18.1 The following Schedules are attached and form part of this Bylaw:

- a) Schedule “A” – FEES AND CHARGES
- b) Schedule “B” – PENALTIES FOR BYLAW CONTREVENTION

19. AMENDMENTS TO OTHER BYLAWS

- 19.1 On adoption of this Bylaw, the *Town of Golden Bylaw Notice and Adjudication System Bylaw No. 1475, 2022* (the “Bylaw Adjudication Bylaw”), as amended from time to time, is hereby amended by replacing the Schedule attached to this Bylaw as Schedule “B” as the new Schedule “S” in the Bylaw Adjudication Bylaw.

20. REPEAL AND EFFECTIVE DATE

- 20.1 The *Cemetery By-law No. 1276, 2011* and any amendments thereto are repealed in their entirety by this bylaw coming into force and effect.

READ A FIRST TIME THIS 22nd DAY OF OCTOBER, 2024.

READ A SECOND TIME THIS 22nd DAY OF OCTOBER, 2024.

READ A THIRD TIME THIS 22nd DAY OF OCTOBER, 2024.

ADOPTED THIS 5th DAY OF NOVEMBER, 2024.

MAYOR

CORPORATE OFFICER

SCHEDULE 'A'
SCHEDULE OF FEES

SERVICE FEES	2024	2025	2026	2027
Interment				
Full Burial - Adult/Child	\$400	\$690	\$860	\$1,030
Full Burial - Infant	\$250	\$330	\$380	\$420
Cremation Burial	\$100	\$250	\$340	\$420
Niche	\$100	\$190	\$240	\$290
Exhumation				
Full Burial - Adult/Child	\$505	\$870	\$1,090	\$1,300
Full Burial - Infant	\$300	\$370	\$410	\$450
Cremation Burial	\$150	\$290	\$370	\$450
Niche	\$100	\$190	\$240	\$290
Additional Winter Fees (Nov 30th – March 31st)				
Full Burial / Exhumation - Adult/Child	\$150	\$260	\$330	\$390
Full Burial / Exhumation- Infant	\$150	\$170	\$190	\$200
Cremation Burial / Exhumation	\$100	\$150	\$180	\$200
After Hours Fees (After 2pm M-F/ Weekend/Holiday)	\$175	\$210	\$240	\$260

PLOT FEES*	2024	2025	2026	2027
Full Sized Plot				
Resident	\$500	\$860	\$1,070	\$1,260
Non-Resident	\$750	\$1,290	\$1,610	\$1,890
Cremation Plot				
Resident	\$270	\$440	\$540	\$630
Non-Resident	\$405	\$660	\$810	\$950
Infant Plot				
Resident	\$300	\$400	\$450	\$500
Non-Resident	\$450	\$600	\$680	\$750
Columbarium Niche				
A – Resident	\$800	\$1,520	\$1,860	\$2,210
B – Resident	\$800	\$1,270	\$1,550	\$1,840
C – Resident	\$800	\$1,020	\$1,240	\$1,470
A – Non-Resident	\$1,300	\$2,280	\$2,790	\$3,320
B – Non-Resident	\$1,300	\$1,910	\$2,330	\$2,760
C – Non-Resident	\$1,300	\$1,530	\$1,860	\$2,210

NICHE POSITIONS:

West Facing		East Facing	
A	A	B	B
A	A	B	B
B	B	C	C
B	B	C	C

OTHER FEES	2024	2025	2026	2027
Grave Liners				
Cremation Liner	\$70	\$85	\$90	\$95
Full Size Liner	\$250	\$530	\$555	\$585
Marker Permit**				
Flat Marker	\$35-70	\$100	\$110	\$110
Upright or Pillow Marker	\$88	\$200	\$210	\$220
Administration Fee	\$50	\$100	\$100	\$100
Late Arrival Fee	\$50	\$50	\$50	\$50
MEMORIAL BENCHES & RIVER WALK PLAQUES	2024	2025	2026	2027
Memorial Bench (including installation)	\$1500	\$3190	\$4160	\$5130
River Walk Plaque (including installation)		\$920	\$970	\$1015

**25% of Plot Fees go to the Cemetery Care Fund, 75% of Plot Fees go to the Capital Reserve Fund*

***100% of the Marker Permit Fees go to the Cemetery Care Fund*

Schedule B
Town of Golden Cemetery Management
Bylaw 1495, 2024

Section	Bylaw Contravention	A1	A2	A3
		Penalty	Payment within 14 days	Payment after 28 days
8	Interment Permit and Application			
8.1	No Interment Rights Certificate	\$500	\$480	\$500
9	Interment			
9.2	Interment of non-human remains	\$500	\$480	\$500
9.3	Violation of interment conditions	\$500	\$480	\$500
9.5	Violation of Public Health Act			
9.6	Violation of in-ground interment requirement(s)	\$500	\$480	\$500
9.7	Cremation remains not in sealed container	\$200	\$180	\$220
9.8	Scattered remains without permission	\$500	\$480	\$500
9.9	Interments outside hours – no permission	\$500	\$480	\$500
9.12	Proceedings not as directed by Caretaker	\$500	\$480	\$500
10	Exhumation or Disinterment			
10.1	Violation of exhumation/disinterment requirements	\$500	\$480	\$500
11	Memorials and Memorial Installation			
11.1	Not an Approved Installer	\$300	\$280	\$320
11.3	Violation of Memorial conditions	\$200	\$180	\$220
11.4	Defined a lot border	\$200	\$180	\$220
11.5	Not an Interment Right Holder	\$200	\$180	\$220
11.7	Memorials outside designated season - no approval	\$50	\$30	\$70
11.10	Fail flat memorial requirements	\$200	\$180	\$220
11.11	Fail monument/Upright memorial requirements	\$200	\$180	\$220
	General Provision and Regulations			
12.2	Violation of public hours	\$250	\$230	\$270
12.3	Vehicle in cemetery - no permission	\$200	\$180	\$220
12.4	Exceed permitted speed in cemetery	\$200	\$180	\$220
12.5	Vehicle in prohibited area	\$200	\$180	\$220
12.6	Vehicle in cemetery after sunset	\$200	\$180	\$220
12.7	Fail to obey driving directions of Caretaker	\$500	\$480	\$500
12.8 (a)	Off-road motorcycle in cemetery	\$500	\$480	\$500
12.8 (b)	Snowmobile in cemetery	\$500	\$480	\$500
12.8 (c)	All-terrain vehicle in cemetery	\$500	\$480	\$500
12.8 (d),(e)	Skateboards/roller blades in cemetery	\$100	\$80	\$120
12.9 (a),(b),(c)	Violation of adornment requirement(s)	\$200	\$180	\$220
12.14 (a)	Disturb - transport of remains	\$200	\$180	\$220
12.14 (b)	Disturb - graveside service/visitation	\$250	\$230	\$270
12.14 (c)	Damage a structure	\$500	\$480	\$500

Schedule B
Town of Golden Cemetery Management
Bylaw 1495, 2024

Section	Bylaw Contravention	A1	A2	A3
		Penalty	Payment within 14 days	Payment after 28 days
12.14 (d)	Removal of structure	\$500	\$480	\$500
12.14 (e)	Damage vegetation	\$500	\$480	\$500
12.14 (f)	Game/sport in cemetery	\$250	\$230	\$270
12.14 (g)	Discharged firearm(s)	\$500	\$480	\$500
12.14 (h)	Littering	\$200	\$180	\$220
12.14 (i)	Violation of dog requirements	\$100	\$80	\$120