

**CITY OF FORT ST. JOHN**

**CEMETERY REGULATION AND MAINTENANCE BYLAW NO. 2553, 2021**

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WHEREAS, pursuant to the provisions of the *Community Charter S.B.C. 2003*, as amended, including but not limited to Part 2, Section 8(3)(f) thereof, Council of the City of Fort St. John has the authority to enact a bylaw, to regulate, prohibit, and impose requirements in relation to cemeteries and the interment or other disposition of the dead;

AND WHEREAS, pursuant to *the Cremation, Interment and Funeral Services Act* (the "CIFSA") Part 8, Section 37 (2)(b), Council may establish itself as a board of trustees to operate a place of interment;

AND WHEREAS, pursuant to the *Cremation, Interment and Funeral Services Act* (the "CIFSA") Part 8, Section 39(1)(a), an operator of a place of interment must make bylaws respecting the organization, operation and management of the place of interment, and the rights, privileges and responsibilities of the operator;

THEREFORE, the Council of the City of Fort St. John, in open meeting assembled enacts as follows:

**TITLE**

- 1) This Bylaw may be cited as "City of Fort St. John Cemetery Regulation and Maintenance Bylaw No. 2553, 2021".

**REPEAL**

- 2) That Cemetery Regulation and Maintenance Bylaw No. 2514, 2020 be hereby repealed.

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## DEFINITIONS

- 3) In this Bylaw, unless the context otherwise requires:
- a) **“ADMINISTRATIVE AUTHORITY”** means the Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act*;
  - b) **“ADMINISTRATOR”** means the Deputy Chief Administrative Officer, or duly appointed designate and shall include such employees of the City as may be employed from time to time to administer this Bylaw;
  - c) **“AUTHORIZED PERSONS”** means a Bylaw Enforcement Officer, Employee or Agent of the City who is responsible for inspection and enforcement related to bylaw compliance;
  - d) **“CARE FUND”** or Perpetual Care Fund (PCF) means a fund for the care and maintenance of a place of interment as required by the CIFSA;
  - e) **“CARETAKER”** shall mean the Grounds Supervisor or their designate, as duly appointed or employed by the City from time to time as Caretaker of the Cemeteries of Fort St. John;
  - f) **“CASKET”** shall mean a coffin or a box in which the body of a deceased person is buried;
  - g) **“CEMETERY”** means and includes any parcel or tract of land set aside, used, maintained, or operated as a cemetery by the City of Fort St. John;
  - h) **“CHILD”** shall mean a person between 2 and 12 years of age at the time of death;
  - i) **“CIFSA”** means the Cremation, Interment and Funeral Services Act, S.B.C. 20’a04, Chapter 35 as amended from time to time;
  - j) **“CITY”** means The Corporation of the City of Fort St. John;
  - k) **“COLUMBARIUM”** means an above ground constructed structure with recesses called niches for the interment of cremated human remains;
  - l) **“CONCRETE FOUNDATION RUNNER”** means a flush mount strip of concrete that is preinstalled and permanently located at the head of a lot running the entire block, in specific areas.
  - m) **“CONTROL OF DISPOSITION”** means the person or agency as defined in Section 5 of the CIFSA who has the authority to control the disposition of the human remains or cremated remains;
  - n) **“COUNCIL”** means the Council of the City of Fort St. John acting in its capacity as the Board of Cemetery Trustees established pursuant to this Bylaw;
  - o) **“CREMATED REMAINS”** means the remains of a deceased person that remain after cremation of a deceased human body;

## DEFINITIONS (continued)

- p) **“DISINTERMENT”** means removal, for the purpose of permanent relocation of human remains and the container holding the human remains from the lot in which they had been interred originally;
- q) **“DIRECTOR OF FINANCE”** means the person employed as the Director of Finance or duly appointed designate;
- r) **“EXHUMATION”** means the exposure and removal of interred human remains for the purposes of viewing or examination, and interred in same location (body not moved from cemetery location);
- s) **“FAMILY”** means a married couple and the children, if any, of either and/or both spouses; a couple living common law and the children, if any, of either and/or both partners; or a lone parent of any marital status with at least one child living in the same dwelling and that child or those children;
- t) **“FEES”** mean the amount to be paid to the City as specified in Schedule A of the City of Fort St. John Cemetery Regulation and Maintenance Bylaw No. xxx, 2021 as amended from time to time;
- u) **“FUNERAL PROVIDER”** means an individual licensed to arrange, conduct, or direct funerals or the transfer or disposition of human remains, or to arrange burials;
- v) **“GRAVE SPACE”** means a space of ground in a Cemetery intended to be used for the permanent interment of the remains of a deceased person, defined or designated by means of a lot number;
  - i) **“Double Depth Grave”** means one single grave dug to double depth to be used for interment of two full caskets of related family members (one on top of the other);
  - ii) **“Standard Grave”** means a grave intended or used for interment of a body in a casket or shroud;
  - iii) **“Cremation Grave”** means a grave intended or used for the interment of cremated remains only, which may be in an urn or other vessel;
  - iv) **“Child Lot”** means a grave intended or used for interment of a child, as defined in this bylaw;
  - v) **“Infant Lot”** means a grave intended or used for interment of an infant, as defined in this bylaw;
- w) **“GREEN BURIAL”** means the irreversible deposit of the remains of a deceased person in a green burial area within the cemetery where such remains are not embalmed, the casket and/or shroud are biodegradable, and the memorial is a plaque on a group monument;
- x) **“INFANT”** means a person under 2 years of age at the time of death;

## DEFINITIONS (continued)

- y) **“INTERMENT”** means the disposition of human remains or cremated remains;
- z) **“INTERMENT AUTHORIZATION”** means a document completed at the time of need that may include statistical, executor, and next of kin information that authorizes interment of the deceased by the representative;
- aa) **“INTERMENT RIGHT HOLDER”** means a person who holds a Right of Interment permit;
- bb) **“LOT”** means a space used or intended to be used for the interment of human remains or cremated remains and includes a grave or niche;
- cc) **“MEMORIAL”** means all memorial work (monument, tablet, plaque, pillow or flat memorial, headstone, or other marker) that is set on a lot and is used to memorialize a deceased person;
- dd) **“MEMORIAL PERMIT”** means documentation that defines the owner, location, size, shape and remuneration associated with a memorial;
- ee) **“MINIMAL MEMORIAL”** means a simple granite slab and name plate that is provided by the City as part of the interment process;
- ff) **“NICHE”** means an individual compartment in a columbarium for placing an urn that contains cremated remains;
- gg) **“RIGHT OF INTERMENT”** means a right, in perpetuity, for the interment of human remains or cremated remains, in a lot;
- hh) **“SCATTERING”** means the irreversible deposit of cremated remains in a defined area within the cemetery where such deposit may result in the commingling of cremated remains previously scattered in the scattering location;
- ii) **“SHROUD”** means a biodegradable cloth used to wrap human remains for burial;
- jj) **“URN”** means a receptacle for the encasement of cremated remains;

## CEMETARY LEGAL DEFINITIONS

- 4) The following lands have been set aside, operated, used or maintained as a Cemetery by the City:
  - a) Woodlawn Cemetery, legally described as being Lot A, Plan 23251, NE 1/4 Section 7, Township 84, Range 18, W6M Peace River District
  - b) Fort St John Cemetery "Protestant Section", legally described as being Lot 1, Plan 4562, part of the SW 1/4, Section 6, Township 84, Range 18, W6M, Peace River District
  - c) Fort St John Cemetery "Catholic Section", legally described as being part of the SW 1/4, Section 6, Township 84, Range 18, W6M, LD. 44, Peace River District (Title No 2700M)

## CEMETERY PLANS

- 5) All areas of the Cemetery will be subdivided into blocks, and lots or niches.
- 6) A copy of the Cemetery Plan shall be filed with the Administrative Authority and copies shall be kept available for public inspection at City Hall.

## AUTHORIZED PERSONS

- 7) The municipality's Bylaw Enforcement Officers, Director of Public Works and Utilities, Deputy Chief Administrative Officer, Parks Manager or their designate, and RCMP Officers are appointed as Authorized Persons under this bylaw.
- 8) Council may, from time to time, appoint additional Authorized Persons by resolutions.

## ADMINISTRATION AND OPERATION

- 9) The City is responsible for the general administration of the bylaw and will:
  - a) Maintain all records and information for the administration, operation, maintenance and management of the Cemetery as is required by the Administrative Authority of the CIFSA;
  - b) Have general care and custody of the Cemetery, and control and direction of all the workers employed therein;
  - c) Issue all Rights of Interment and permits required and authorized by this bylaw, except as otherwise provided in this bylaw; and
  - d) Enforce all rules and regulations relating to the Cemetery.
- 10) Notwithstanding anything contained in this bylaw, the administration and operation of the Cemetery shall be carried out at all times in accordance with the CIFSA and regulations as amended from time to time.
- 11) City of Fort St. John Council has the authority to revise this bylaw at any time, subject to the CIFSA.

## RIGHT OF INTERMENT

- 12) The City may, subject to the payment of fees, grant to any person a Right of Interment for a vacant, unreserved lot. A Right of Interment does not vest in the holder any title or interest in the land or lot, but instead provides for the right to inter the person named on the Right of Interment Permit. All Rights of Interment shall be subject to the provisions of this bylaw.
- 13) The City reserves the right to limit the number of grave spaces sold to not more than one grave space per family member.
- 14) A Right of Interment for any unused lots may be transferred to another person, at the discretion of the City, upon transfer request. To initiate a transfer request, the Interment Right Holder or executor must supply this request in writing and the original Interment Right must be surrendered to the City (if available). Upon payment of the applicable transfer fee and compliance with the requirements of the bylaw, the City will issue a new Right of Interment to the transferee.
- 15) An Interment Right Holder shall either reserve the right to use that lot or authorize another person to be interred in the lot to which the Interment Right refers. An Interment Right Holder may only designate one lot for his/her own use.
- 16) Upon receiving a request by the Interment Right Holder or their executor that such person wishes to forfeit such right to use and occupy a grave space, the City may cancel the license so issued, and refund the holder a sum equivalent to the license fee paid at the time of issuance, including the Care Fund contribution. The Interment Right Holder or executor must supply this request in writing and the original Interment Right must be surrendered to the City (if available). The Interment Right Holder shall not advertise the sale of a lot.
- 17) Specific locations in the cemetery have been identified for the scattering of cremated remains. An Interment Right Holder for scattering will be provided with available locations within the gardens although the final location will be determined by the City.
- 18) A right of interment in the green burial area may be purchased on an at-need or pre-need basis. A pre-need purchase shall acquire a right to be interred in the green burial area, but shall not acquire an interment right to a specific lot. Lot assignment shall only be made at the time a lot is required for an interment. Planting on green burial lots shall be determined by the City. Interments of cremated remains are not permitted within a green burial lot.

## INTERMENTS

- 19) Only human remains or cremated remains of a human body shall be interred and memorialized in the Cemetery. All interments shall be subject to and comply with the provisions of this bylaw and be subject to the provisions of the CIFSA.



## INTERMENTS (continued)

- 20) An interment may be made within the Cemetery after:
- a) The person with Control of Disposition has completed and duly signed an Interment Authorization
  - b) All applicable fees for interment have been paid as specified in Schedule “A”
  - c) The City is provided with the following information:
    - i. The name, age, date of birth, date of death, and residential address of the deceased
    - ii. A copy of the burial permit issued by a vital statistics registrar under the *Vital Statistics Act*
    - iii. Whether an infectious disease, as defined under the *Health Act*, caused the death
    - iv. The time and date of the funeral
    - v. Any other information the City may reasonably request
- 21) The body of a person, who has died having any infectious disease as defined in the *Health Act*, shall be interred within thirty-six (36) hours after death occurs. The Medical Health Officer shall provide specific instructions respecting interment and the safety of all persons who may come in contact with the casket or container bearing the remains. The Medical Health Officer’s instructions shall be fully followed by those who perform the interment and those delivering the body to the Cemetery shall inform the Caretaker.
- 22) All applications for Interment Authorization shall be made at least forty-eight (48) hours before the interment is to take place except in cases of emergency. Section 21 is exempt from this section.
- 23) Interments shall be performed in the cemetery between the hours of 9:00 am – 4:00 pm. Monday to Friday. Interments after 4:00 p.m. or on a Saturday, Sunday or Statutory holiday may be scheduled subject to the payment of the additional fee as set out in Schedule “A” and availability of the Caretaker.
- 24) All interments shall:
- a) Be performed within the Cemetery by the City or designate as authorized by the City; and
  - b) Be conducted in predefined lots or scattering areas approved by the City.
- 25) Interment Authorization may only be purchased when scheduling an interment in the lot.

## INTERMENTS (continued)

- 26) Cremated remains interred in a columbarium niche must be in a sealed container constructed of a durable material such as wood, metal, resin, or granite.
- 27) The Interment Right Holder is responsible for ensuring that the urn used for interment in the columbarium will fit within the niche.
- 28) A casket or shroud (with a firm bottom) is required for the interment of human remains in a green or Muslim burial lot.
- 29) Casket burial is not permitted in a full-size or infant/child lot after cremated remains have been interred in that lot.
- 30) Each casket or shroud interment in the Cemetery shall provide a minimum of 91.44 cm (3 feet) of earth between the general surface level of the ground at the grave site and the upper surface of the casket or shroud in the grave.
- 31) A double depth grave may be permitted for two members of the same family. The first interment will be at a lower depth than the second interment with a minimum of 30.48 cm (1 foot") of earth between interments.
- 32) The interment of cremated remains by scattering shall be performed or supervised by the Caretaker or duly appointed designate. The remains shall be deposited in the ground and covered with soil and mulch. The scattering of cremated remains on the surface of the scattering garden, a burial lot, or in any other location of the cemetery is prohibited.
- 33) Human remains proposed for interment in a green burial lot shall:
  - a) not be embalmed
  - b) be clothed, wrapped or shrouded in natural and fully biodegradable fiber or material
  - c) be enclosed in a biodegradable and environmentally sustainable shroud, casket or alternative container that is approved by the City
  - d) be enclosed in a shroud, casket or alternative container with a rigid base that permits the dignified transport and safe handling of the remains by all persons.
  - e) No form of exterior grave box, grave liner or protective vault is permitted in the green burial area.
- 34) The City shall have the right to utilize such equipment and graveside dressing as is deemed necessary to protect the safety of persons attending interment service and City personnel, and to permit the safe and dignified interment of human remains into a lot and closing of the lot. The City makes no warranty of protection nor bears any liability for the aesthetic, structural or physical impacts made to a casket or alternative container and the enclosed human remains that may arise from the replacement of gravesite soil in the green burial area.

## INTERMENTS (continued)

- 35) For human remains interred in the green burial area, the City shall only perform a disinterment or exhumation of the human remains when ordered to do so under provisions of legislation, regulation, or a court order. In the instance where the City is ordered by the court to perform a disinterment or exhumation of human remains, the requesting institution, party, rights holder or their successor or any other authorizing party ordering the disinterment or exhumation shall be responsible for the cost and fees associated with the service provision and the cost and fees related to the destruction and restoration of all plantings affected by the performance of the disinterment or exhumation.
- 36) Interments in the Muslim section of the cemetery shall follow Islamic burial practices.
- 37) The maximum number of interments per lot are as follows:
- a) An adult single depth lot may hold:
    - I. One adult casket or shroud and a maximum of six interments of cremated remains
  - b) An adult double depth lot may hold:
    - I. Two adult caskets or shrouds and a maximum of six interments of cremated remains
  - c) A cremation lot may hold:
    - I. A maximum of two interments of cremated remains
  - d) A columbarium niche space may hold:
    - I. A maximum of two interments of cremated remains, subject to niche space size
  - e) An infant/child lot may hold:
    - I. An infant/child casket or shroud and a maximum of two interments of cremated remains
  - f) An adult single depth lot in the green burial area may hold:
    - i. One adult biodegradable casket or shroud only
- 38) Families may request permission to witness the interment process at the Cemetery subject to the following criteria:
- a) A request to witness the interment must be communicated to the Administrator when confirming interment date and time.
  - b) The City will not be held liable for any injury to members of the public that are attending or witnessing an interment process.
  - c) All proceedings at the interment site shall be under the sole direction of the Caretaker.

## EXHUMATIONS AND DISINTERMENTS

- 39) Pursuant to Section 16 of the CIFSA, no exhumation or disinterment will occur until:
- a) The City receives a written request to do so from the person who has the Control of Disposition of the remains;
  - b) The City receives approval from the Administrative Authority for exhumations or disinterment requiring such approval;
  - c) The Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the Cemetery is located when
  - d) the human remains are those of a person who, at the time of death, was known to have had an infectious disease;
  - e) The applicable fees have been paid to the City as specified in Schedule A.
- 40) In accordance with Section 18 of the CIFSA, a Funeral Provider employed at the expense of the Interment Right Holder or their successors is required for the handling of any human remains in the existing lot or any transfer of the remains to a new lot or location.

## CEMETERY CARETAKER

- 41) The Caretaker will have the duties and responsibilities to maintain the Cemetery and carry out or cause to be carried out by staff placed under their supervision these associated activities:
- a) The digging, preparation, opening and closing of graves;
  - b) The direction of all funerals in the Cemetery to the correct grave site;
  - c) The installation of memorial tablets, markers and monuments on graves and construction of their foundations or bases;
  - d) The general maintenance of the Cemetery to maintain it in a neat and tidy condition, including maintenance of fences, gates, paths, roads and other cemetery improvements.

## MEMORIALS

- 42) Non - conforming memorials installed before December 31, 2019 will remain in place until and unless they become unkempt or present a hazard to the public or municipal employees.

## MEMORIALS (continued)

- 43) The City of Fort St. John will include a “Minimal Memorial” in the cost of interment for all lots except those in the green burial or scattering garden areas. The Minimal Memorial will be installed as soon as practicable following interment and is not subject to a permit fee.
- 44) In the event that the owner of the lot arranges to place a memorial the minimal memorial will be removed. The owner may keep the minimal memorial or return it to the city for a refund.
- 45) Refunds for return of minimal memorial will be calculated at 75% of the cost of the granite slab at time of installation.
- 46) No person shall place on any grave space in the Cemetery a memorial marker, tablet or slab until a memorial permit has been obtained and the permit fee has been paid.
- 47) No person shall place, install or remove memorials other than the Caretaker or other persons authorized by the Administrator.
- 48) All memorials shall conform to the specifications set out in Schedule B - Memorials. The City may refuse to issue a memorial permit to the applicant if the applicant has failed to comply with the requirements of this bylaw.
- 49) Installation of memorials shall occur during regular business hours. Installations will be made as soon as possible after delivery of the memorial to the City and timelines may vary depending on staff scheduling, weather and/or ground conditions. Due to weather conditions, installation of memorials may not occur between October 1 and April 30.
- 50) The City reserves the right to reject any memorial which, in its opinion, does not appropriately reflect the dignity of the Cemetery.
- 51) The City shall not be held liable for, or be obliged to repair, any loss, theft, breakage, or damage of any memorial in the Cemetery, except as shall arise as the result of the carelessness or negligence of the Caretaker.
- 52) The City will not be responsible to maintain, repair or replace any memorial placed on a lot.

## CARE FUND

- 53) A Care Fund or Perpetual Care Fund, (PCF) for the future maintenance and care of the Cemetery has been established. All monies in the Care Fund will be held and invested as trust funds by the City and in accordance with the requirements of the CIFSA.

## CARE FUND (continued)

- 54) On each Right of Interment and Memorial Permit, the Director of Finance shall pay into the Care Fund account the amounts specified in Schedule A - Fees.
- 55) The Care Fund, including interest accrued, shall be used for the sole purpose of upkeep and maintenance of the City cemeteries. The Administrator may, on behalf of the City, accept voluntary donations to the Care Fund from any person or organization.
- 56) The principal in the Care Fund shall not be used for maintenance until the Cemetery is essentially full and few interments are taking place.
- 57) The principal sum of the Care Fund shall not be reduced except in accordance with an order pursuant to the CIFSA.

## ORNAMENTATION

- 58) Ornamentation is allowed within the perimeter of the grave marker, headstone or flush mounted memorial stone.
- 59) Non-permanent flowers and artificial flowers in a disposable container such as hard plastic or flower water holders, wreaths and floral offerings are allowable ornamentation. Breakable objects or containers such as glass, ceramic or wire are prohibited.
- 60) Cut or artificial flowers may be placed at the base of a columbarium. The placement of flowers on the top of a columbarium is specifically prohibited.
- 61) Ornamentation in scattering and green burial areas is limited to cut flowers and items placed must be biodegradable.
- 62) No person shall place non-permanent adornment items, such as candles, lanterns, solar lamps, glass vases, hooks, candles, picture frames, toys and glass, or ceramic or metal objects of any kind, on any lot or columbarium in the Cemetery.
- 63) No person shall plant, install or maintain any alternative landscaping such as a fence, roping, hedge, curb, railing, trellis, arbour, or hooks of any kind on or adjacent to a lot or columbarium in the Cemetery.
- 64) The Caretaker may remove flowers, wreaths and floral offerings, at their sole discretion, when their condition is considered to be detrimental to the appearance or beauty of the Cemetery or for the purpose of regular Cemetery maintenance.

## ORNAMENTATION (continued)

- 65) To facilitate ongoing maintenance needs and to uphold the aesthetic dignity of the Cemetery, the Caretaker is authorized to remove any ornaments as identified in-Section 62, 63 and 64 from any lot or area in the Cemetery.
- 66) Winter maintenance requirements may require the removal of all ornamentation including allowable items.
- 67) The City is not responsible for any ornamentation or for the maintenance or preservation of same.
- 68) Items collected from lots will be tagged and stored for a period of one year, after which time they will be appropriately disposed of.

## GENERAL REGULATIONS

- 69) No person shall plant, remove, cut down, or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery except authorized employees of the City.
- 70) All trees and shrubs in the Cemetery and all other improvements made to the sites shall be the property of the City.
- 71) The care, maintenance and improvement of all lots and landscaping in the Cemetery shall only be performed by employees of the City or an authorized designate.
- 72) All persons and funeral processions in the Cemetery shall obey the reasonable instructions of the Caretaker. Any person not behaving with proper decorum within the Cemetery or disturbing the peace, quiet and good order of a Cemetery may be evicted.
- 73) No person shall solicit orders for goods or services or advertise within the Cemetery.
- 74) Dogs on a leash will be allowed in the Cemetery and all other domestic animals are prohibited.
- 75) No person shall discharge firearms, other than in regular volleys at burial services, within the Cemetery.
- 76) No person shall deposit any rubbish or offensive material within a Cemetery.
- 77) No person shall play any game or sport within a Cemetery.
- 78) Each Cemetery shall be open to the public from dawn to dusk daily.

## GENERAL REGULATIONS (continued)

- 79) No person shall wilfully destroy, damage, violate or deface any lot, memorial, fence, vegetation, gate or any structure in a Cemetery or damage or destroy any Cemetery improvements.
- 80) Cemetery roadways are for the exclusive use of interment processions, Cemetery patrons and others as approved by the Administrator. Vehicles shall not exceed ten (10) kilometres per hour. Vehicle operators shall obey the directions and orders of the Caretaker at all times.

## ENFORCEMENT

- 81) Any Person designated as a Bylaw Enforcement Officer pursuant to the City of Fort St. John's Bylaw Enforcement Notice Bylaw No. 2428, 2018, as amended from time to time, or the City of Fort St. John's Municipal Ticket Information Bylaw No. 2429, 2018, as amended from time to time, is authorized and empowered to enforce the provisions of this Bylaw.
- 82) No Person shall hinder, obstruct or interfere with a Person authorized to inspect or enforce this Bylaw while that person is in the performance of their duties.

## OFFENCES AND PENALTIES

- 83) Any Person who contravenes, violates, or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than ten thousand dollars and not less than the fines prescribed.
- 84) If an offence continues for more than one day, each day that the offence continues constitutes a separate and distinct offence.
- 85) Nothing in this Bylaw limits the City from utilizing any other remedy that is otherwise available to the City at law.
- 86) The City designates this Bylaw as a Bylaw that may be enforced by means of a ticket in the form prescribed for that purpose by the Community Charter and the Community Charter Bylaw Enforcement Ticket Regulation.
- 87) A Bylaw Enforcement Officer, or a RCMP Officer are designated as Bylaw Enforcement Officers for the purposes of issuing tickets under this Bylaw.
- 88) The section number set forth in Column 1 of Schedule "C" of this Bylaw designates the section number under which an offence has been committed opposite the respective words or expressions appearing in Column 2 of Schedule "C" of this Bylaw for the purposes of issuing tickets and bylaw notices under the Local Government Bylaw Notice Enforcement Act.



## OFFENCES AND PENALTIES (continued)

- 89) The amounts appearing in Column 3 of Schedule “C” of this Bylaw are the penalties set pursuant to the Local Government Act of the corresponding offences designated in Column 2 for the purposes of issuing tickets under the Community Charter and the Community Charter Bylaw Enforcement Ticket Regulation and bylaw notices under the Local Government Bylaw Notice Enforcement Act.
- 90) The penalty for a contravention dealt with by bylaw notice in accordance with the Bylaw Notice Enforcement Bylaw No. 2428, 2018 is as follows:
- a) The Penalty amount set out in Column 3 of Schedule "C" is payable for the corresponding contravention.
  - b) The Early Payment Penalty set out in Column 4 of Schedule "C" applies if payment is received by the City within 14 days of the Person receiving or being presumed to have received the bylaw notice.
  - c) The Late Payment Penalty set out in Column 5 of Schedule "C" applies if payment is received more than 31 days after the Person received or is presumed to have received the bylaw notice.
- 91) The Penalty and corresponding contravention may be available for a Compliance Agreement and 50% Penalty reduction with the Municipality as set out in Column 6 of Schedule “C”.

## GENERAL

- 92) If any portion of this bylaw is held to be invalid by a decision of a Court of competent jurisdiction, the invalid part is severed and the remainder shall continue to be valid.

## COMMENCEMENT

- 93) This Bylaw will come into effect on the date of adoption.

READ FOR THE FIRST THREE TIMES THIS 26<sup>th</sup> DAY OF April, 2021

ADOPTED THIS 10<sup>th</sup> DAY OF May, 2021

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Lori Ackerman  
Mayor

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Janet Prestley  
Director of Legislative and  
Administrative Services

## SCHEDULE A – CEMETERY FEES

The City of Fort St. John takes a planned and principled approach to the management of our community. Cemetery fees are determined by Council through a principle-based and comparative process.

On June 10<sup>th</sup> 2019 Council determined that the fees and charges associated with cemetery operation will be based on the principles of:

- Transparency
- Service Efficiency
- Public Engagement
- Actual Costing
- Benefits

The rate schedule included in this bylaw consists of an initial fee increase to equal the average fees charged by our comparative communities.

Following the fee increase on August 1, 2019, rates will increase by 5% plus estimated CPI of 2% for a total of 7% annually commencing on January 1 2021.

## COLLECTION OF FEES

- Care Fund fee must be paid at the time of lot purchase
- Right of Interment fee is to be paid at need only (not prepaid with lot purchase)
- For cremated remains interred into an adult/child/infant lot, cremation lot interment fees apply
- Right of Interment fee is charged per set of cremated remains
- All fees shall be payable by the Applicant at City Hall at the time of application.
- Credit card authorization forms can be completed as an alternative method of payment.
- All fees are subject to current Provincial taxes.
- Minimal Memorial fees are included in the Right of Interment fee



**SCHEDULE OF FEES AND CHARGES**

Type of Service Provided License/Lot/Niche	2021 Rate	PCF	2022 Rate	PCF	2023 Rate	PCF	2024 Rate	PCF	2025 Rate	PCF	2026 Rate	PCF	2027 Rate	PCF	2028 Rate	PCF	2029 Rate	PCF	
Infant Lot	\$250	\$63	\$270	\$68	\$290	\$73	\$310	\$78	\$330	\$83	\$350	\$88	\$370	\$93	\$400	\$100	\$430	\$108	
Child Lot	\$310	\$78	\$330	\$83	\$350	\$88	\$370	\$93	\$400	\$100	\$430	\$108	\$460	\$115	\$490	\$123	\$520	\$130	
Adult Lot	\$370	\$93	\$400	\$100	\$430	\$108	\$460	\$115	\$490	\$123	\$520	\$130	\$560	\$140	\$600	\$150	\$640	\$160	
Cremation Lot	\$250	\$63	\$270	\$68	\$290	\$73	\$310	\$78	\$330	\$83	\$350	\$88	\$370	\$93	\$400	\$100	\$430	\$108	
“Small” 48 Niche Columbarium (top 2 rows)	\$460	\$46	\$490	\$49	\$520	\$52	\$560	\$56	\$600	\$60	\$640	\$64	\$680	\$68	\$730	\$73	\$780	\$78	
“Small” 48 Niche Columbarium (bottom 2 rows)	\$340	\$34	\$360	\$36	\$390	\$39	\$420	\$42	\$450	\$45	\$480	\$48	\$510	\$51	\$550	\$55	\$590	\$59	
“Sunset” 84 Niche Columbarium (top 6 rows)	\$580	\$58	\$620	\$62	\$660	\$66	\$710	\$71	\$760	\$76	\$810	\$81	\$870	\$87	\$930	\$93	\$1,000	\$100	
“Sunset” 84 Niche Columbarium (bottom row)	\$510	\$51	\$550	\$55	\$590	\$59	\$630	\$63	\$670	\$67	\$720	\$72	\$770	\$77	\$820	\$82	\$880	\$88	
Family Columbarium Lot	\$370	\$93	\$400	\$100	\$430	\$108	\$460	\$115	\$490	\$123	\$520	\$130	\$560	\$140	\$600	\$150	\$640	\$160	
Double Depth	\$370	\$93	\$400	\$100	\$430	\$108	\$460	\$115	\$490	\$123	\$520	\$130	\$560	\$140	\$600	\$150	\$640	\$160	
Green Burial Lot	\$370	\$93	\$400	\$100	\$430	\$108	\$460	\$115	\$490	\$123	\$520	\$130	\$560	\$140	\$600	\$150	\$640	\$160	
Scattering	\$110	\$28	\$120	\$30	\$130	\$33	\$140	\$35	\$150	\$38	\$160	\$40	\$170	\$43	\$180	\$45	\$190	\$48	
<b>Interment Service</b>																			
Infant Interment	\$490	-	\$520	-	\$560	-	\$600	-	\$640	-	\$680	-	\$730	-	\$780	-	\$830	-	
Child Interment	\$610	-	\$650	-	\$700	-	\$750	-	\$800	-	\$860	-	\$920	-	\$980	-	\$1,050	-	
Adult Interment	\$740	-	\$790	-	\$850	-	\$910	-	\$970	-	\$1,040	-	\$1,110	-	\$1,190	-	\$1,270	-	
Cremation Interment	\$250	-	\$270	-	\$290	-	\$310	-	\$330	-	\$350	-	\$370	-	\$400	-	\$430	-	
Columbarium Niche Interment	\$240	-	\$260	-	\$280	-	\$300	-	\$320	-	\$340	-	\$360	-	\$390	-	\$420	-	
Double Depth First Interment (Extra)	\$370	-	\$400	-	\$430	-	\$460	-	\$490	-	\$520	-	\$560	-	\$600	-	\$640	-	
Green Burial Interment	\$740	-	\$790	-	\$850	-	\$910	-	\$970	-	\$1,040	-	\$1,110	-	\$1,190	-	\$1,270	-	
Scattering Garden Interment	\$210	-	\$220	-	\$240	-	\$260	-	\$280	-	\$300	-	\$320	-	\$340	-	\$360	-	
Weekends (Extra)	\$510	-	\$550	-	\$590	-	\$630	-	\$670	-	\$720	-	\$770	-	\$820	-	\$880	-	
<b>Memorials and Markers Install</b>																			
Flat or Pillow Marker Install	\$180	\$10	\$190	\$10	\$200	\$10	\$210	\$10	\$220	\$10	\$240	\$10	\$260	\$10	\$280	\$10	\$300	\$10	
Upright Headstone Install	\$720	\$10	\$770	\$10	\$820	\$10	\$880	\$10	\$940	\$10	\$1,010	\$10	\$1,080	\$10	\$1,160	\$10	\$1,240	\$10	
Columbarium Name Plate Install	\$120	\$10	\$130	\$10	\$140	\$10	\$150	\$10	\$160	\$10	\$170	\$10	\$180	\$10	\$190	\$10	\$200	\$10	
<b>Memorials and Markers Programs</b>																			
Minimal Memorial Large	\$320	\$10	\$340	\$10	\$350	\$10	\$360	\$10	\$370	\$10	\$380	\$10	\$390	\$10	\$400	\$10	\$410	\$10	
Minimal Memorial Small	\$210	\$10	\$215	\$10	\$220	\$10	\$225	\$10	\$230	\$10	\$235	\$10	\$240	\$10	\$245	\$10	\$250	\$10	
Stone Memorial Name Plate & Install	\$35	\$10	\$35	\$10	\$40	\$10	\$40	\$10	\$45	\$10	\$45	\$10	\$50	\$10	\$50	\$10	\$55	\$10	
Family Columbarium Niche	*	\$10	*	\$10	*	\$10	*	\$10	*	\$10	*	\$10	*	\$10	*	\$10	*	\$10	
<b>Service Fees</b>																			
Transfer/Surrender Fee	\$50	-	\$50	-	\$50	-	\$50	-	\$50	-	\$50	-	\$50	-	\$50	-	\$50	-	
Liner (Single/Double Adult Lots only)	\$270	-	\$290	-	\$310	-	\$330	-	\$350	-	\$370	-	\$400	-	\$430	-	\$460	-	
Exhumation (Adult Lot)	\$710	-	\$760	-	\$810	-	\$870	-	\$930	-	\$1,000	-	\$1,070	-	\$1,140	-	\$1,220	-	
Exhumation (Child Lot)	\$540	-	\$580	-	\$620	-	\$660	-	\$710	-	\$760	-	\$810	-	\$870	-	\$930	-	
Exhumation (Infant Lot)	\$350	-	\$370	-	\$400	-	\$430	-	\$460	-	\$490	-	\$520	-	\$560	-	\$600	-	
Disinterment for in-ground cremated remains	\$280	-	\$300	-	\$320	-	\$340	-	\$360	-	\$390	-	\$420	-	\$450	-	\$480	-	
Disinterment of columbarium cremated remains	\$290	-	\$310	-	\$330	-	\$350	-	\$370	-	\$400	-	\$430	-	\$460	-	\$490	-	

\* Family Columbarium Niche to be purchased through third party supplier; contact Administrator for options.

## SCHEDULE B - MEMORIALS

### GENERAL INFORMATION

1. All memorials must be approved by the City of Fort St. John prior to installation and the City strongly recommends that it be consulted before investing in a memorial.
2. All memorials will be installed by the City or by an installer approved by the City.
3. Minimal Memorials will be installed by the City as soon as practicable following interment on all lots where a full memorial is not installed.
4. Concrete foundation runners are pre-installed permanent strip of concrete located at the head of a lot running the entire length of a block at specific locations. Where a concrete foundation runner exists, there is no need for an additional foundation.
5. All upright and pillows memorials will be installed on a foundation (see Upright Memorials). Contact Administrator to determine if the specific lot requires a permanent concrete runner or a foundation.
6. The City recommends that all memorials shall be constructed of granite or bronze, or other material(s) of a permanent nature.
7. Memorials constructed of non-durable materials will be removed at the discretion of the caretaker and will not be replaced.
8. All memorials must conform to the specified requirements set out in the bylaw.
9. In the event where additional sets of cremated remains have been interred as permitted in this bylaw, secondary memorials are permitted, to a maximum of two markers flush with the ground that must be smaller in footprint than the main memorial.
10. The design and lettering on bronze memorials may be raised to a maximum of 0.5" above the surface of the concrete or granite support.
11. Memorial markers shall not be installed prior to burial, except where an installed marker provides for the memorialization of two persons where one has predeceased the other and has been interred.
12. Should any memorial be in a state of disrepair such that it might be hazardous to the public or detrimental to the dignity of the Cemetery, and cannot be repaired with typical maintenance procedures, the Administrator may, after 30 days' notice in writing to the next-of-kin at their last known address, have the memorial removed from the Cemetery if it has not been repaired in accordance with the notice.

## **SCHEDULE B - MEMORIALS**

### **MEMORIALS FOR CREMATION LOTS**

13. Upright memorials are not permitted on cremation lots.
14. Only one memorial per cremation lot is permitted.

### **MEMORIALS FOR COLUMBARIUM NICHE SPACES**

15. Name plates, measuring 20.32 cm x 25.4 cm (8" x 10") are permitted on niche fronts and they must be constructed of bronze.

### **FAMILY COLUMBARIA**

16. A limited number of options for these units will be available for purchase by the Interment Right Holder. Contact Administrator to provide information on the options.

### **MEMORIALS FOR GROUP MONUMENTS**

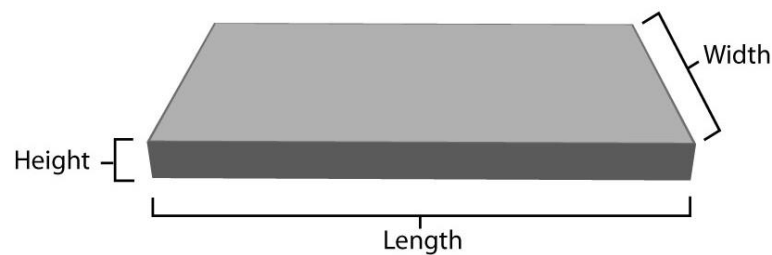
17. Memorials in the scattering and green burial areas will be individual plaques on group monuments.
18. The plaques shall be laser-etched black coated aluminum, measuring 6.35 cm x 12.7 cm (2.5"(H) x 5" (L)) Contact Administrator to provide information on the options.

## SCHEDULE B - MEMORIALS

### FLAT MEMORIALS

19. A flat marker, also known as a tablet memorial or lawn marker, is a flat rectangular granite or bronze memorial that is installed flush with the ground.
20. All flat markers shall be set with their upper surface level and flush with the surface of the surrounding lawn or ground cover. Foundations are not permitted for flat markers.
21. All flat markers shall not be less than 7.62 cm (3") thick and shall have side surfaces true and perpendicular with the top surface.
22. The finished dimensions of flat memorial shall be:

Flat Memorial	Length Maximum	Width Maximum	Height Maximum
Memorialization of one person	91 cm (36")	45 cm (18")	7.6 cm (3")
Memorial for two persons (on adjacent lots only)	1.524 m (60")	45 cm (18")	7.6 cm (3")
Cremation (Section 11 C Only)	50 cm (20")	30 cm (12")	10 cm (4")
Infant/ Child Size Grave	50 cm (20")	30 cm (12")	10 cm (4")
Small minimal memorial	50 cm (20")	30 cm (12")	10 cm (4")
Large Minimal Memorial	75 cm (30")	45 cm (18")	10 cm (4")

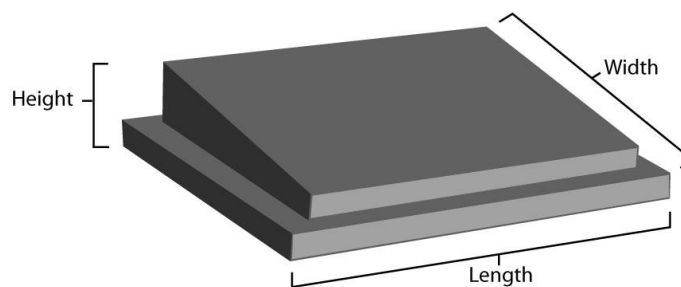


## SCHEDULE B - MEMORIALS

### PILLOW MEMORIALS

23. A pillow marker, also known as a bevel memorial is a slightly sloping memorial. These memorials sit above the ground and must be installed on a foundation for a fee, unless a concrete runner foundation is present.
24. Where two related persons are buried in adjacent lots, one (flat or pillow) memorial that provides for the memorialization of both persons may be used instead of two separate memorials.
25. The finished dimensions of pillow memorial shall be:

Pillow Memorial	Length Maximum	Width Maximum	Height Maximum
Memorialization of one person	91 cm (36")	30 cm (12")	30 cm (12")
Memorial for two persons (on adjacent lots only)	1.524 m (60")	30 cm (18")	30 cm (12")
Cremation (Section 11 C Only)	Not Available		
Infant/ Child Size Grave	Not Available		



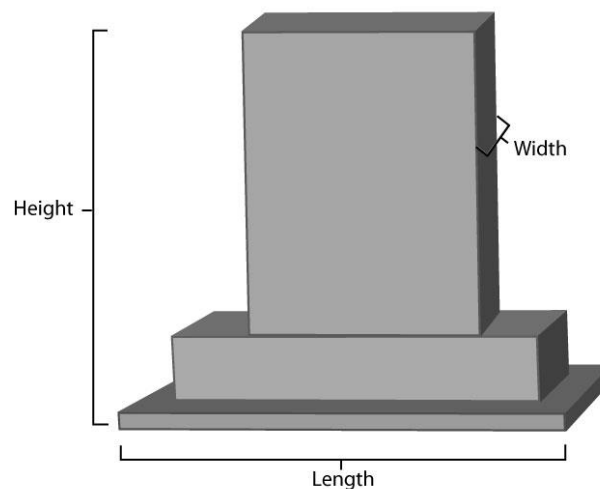


## SCHEDULE B - MEMORIALS

### UPRIGHT MEMORIALS

26. Upright memorials sit upright above the ground. These memorials are to be installed on a foundation at the Interment Right Holder's expense. Unless a concrete foundation runner is present.
27. All upright memorials shall be affixed to a granite base and placed onto a foundation that is set flush and level with the surrounding ground.
28. Only one upright memorial is permitted on a regular adult lot, and it must be placed at the head of the grave as designated by the City.
29. The finished dimensions of upright memorial shall be:

Upright Memorial	Length Maximum	Width Minimum & Maximum	Height Maximum
Memorialization of one person	91 cm (36")	10 cm – 15.24 cm (4" - 6")	91 cm (36")
Memorial for two persons (on adjacent lots only)	1.524 m (60")	10 cm – 15.24 cm (4" - 6")	91 cm (36")
Cremation (Section 11 C Only)	Not available		
Infant/ Child Size	Not available		



## SCHEDULE B – MEMORIALS

### FULL LOT SLAB MEMORIALS

30. Full lot slab memorials are permitted subject to approval by the City.
31. A full lot slab memorial is a flat marker that covers the full burial lot.
32. Slab markers shall be set with their upper surface level and flush with the surface of the surrounding lawn or ground cover.
33. Slab markers will only be installed when interments in the lot are complete and will not be removed once installed.
34. Slab markers may be installed any time after the third anniversary of the final interment in the lot.

### NICHE OPENING

35. Niche openings per columbaria determine the maximum size for urn(s) capacity.
36. Openings determine the recommended urn size to ensure ease of placement.
37. The recommended urn size is 25 cm (10”) for length, width and height.
38. If a larger urn is purchased, may require to be laid on side.
39. The niche openings per columbaria consist of the following;

Niche Opening(s)	Length (Depth) Maximum	Width Maximum	Height Maximum
48” (#1A,2A) Columbarium	38 cm (15”)	30 cm (12”)	26.67 cm (10.5”)
48” (#3,4,5,6) Columbarium	38 cm (15”)	27.94 cm (11”)	27.94 cm (10.5”)
84” (1#1,2) Columbarium	40.64 cm (16”)	26.03 cm (10.25”)	25.4 cm (10”)
FSJ Columbarium	30.48 cm (12”)	22.86 cm (9”)	22.86 cm (10”)

## SCHEDULE B - MEMORIALS

### CREMATION LOTS

40. Cremated remains to be interred in lots have a round diameter of 30 cm (15")
41. A circular urn cremation container dimension shall be a maximum of 35.56 cm (14")
42. A square urn cremation container dimension shall be a maximum length of 25.4 cm (10"), maximum width of 25.4 cm (10") and maximum height of 45 cm (18").

**SCHEDULE C- TICKET OFFENCES**

Column 1 Section	Column 2 Offence	Column 3 Penalty (\$) (15 – 30 days)	Column 4 Early Payment (\$) (1 – 14 days)	Column 5 Late Payment (\$) (31 – 60 days) (Collections 60+)	Column 6 Compliance Agreement Available (50% of Penalty)
59	Place prohibited flower holder	\$200	\$150	\$250	YES
62	Place prohibited ornamentation	\$200	\$150	\$250	YES
63	Deposit prohibited landscaping	\$200	\$150	\$250	YES
69	Alter landscaping	\$200	\$150	\$250	NO
73	Solicit orders in Cemetery	\$200	\$150	\$250	YES
74	Fail to leash dog	\$200	\$150	\$250	YES
75	Discharge firearm in cemetery	\$300	\$250	\$350	NO
76	Deposit rubbish	\$200	\$150	\$250	YES
77	Play sports or games	\$200	\$150	\$250	YES
79	Damage city property	\$300	\$250	\$350	NO
80	Unlawful use of cemetery roadway	\$200	\$150	\$250	NO
82	Obstruct Authorized Person	\$300	\$250	\$350	NO