

# Proposed Amendments to the Cemetery Bylaw No. 8046, 2008



## CEMETERY BYLAW

### Bylaw No. 8046, 2008

Black font- existing Bylaw

Red font- additions to Bylaw

Blue font- explanation for additions

Section:

## **2. Definitions**

2.1 In this Bylaw:

**Change from:**

*“Authorized Person” means the person appointed by Council as head of the Development Services Department, or a person designated in writing by the head of the Development Services Department to carry out any act or function under this bylaw.*

**To:**

*“Authorized Person” means the person appointed by the City Manager as head of the Public Works Department, or a person designated in writing by the head of the Public Works Department during his/her absence to carry out any act or function under this bylaw;*

This amendment reflects current organizational structure and reporting.

**Change from:**

*“Caretaker” means the person or persons duly appointed or employed as such by the Board from time to time as caretaker of the Cemetery.*

**To:**

*“Caretaker” means the person or persons duly appointed or employed as such by Authorized Person as Caretaker of the Cemetery;*

This amendment reflects current practices and organizational structure.

**Add:**

*“CIFSA” means the Cremation, Interment and Funeral Services Act of the Province of B.C. as may currently exist or as may be amended or superseded from time to time by new legislation and all regulations made there under;*

This amendment reflects current Provincial Legislation.

**Add:**

*“Columbaria/Private Estate” means a structure, building or an area in a structure or building that contains, as an integral part of the structure or building or a freestanding sections, niches for the inurnment of cremated human remains;*

This amendment reflects the addition of private columbaria to our cemetery products and services and is consistent with the definition used in the *Cremation, Interment and Funeral Service Act (SBC 2004)*

**Add:**

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

This amendment is consistent with the definition used in the *Cremation, Interment and Funeral Service Act (SBC 2004)*.

**Add:**

*“Dis-interment” means the removal, for the purpose of permanent relocation, of*

- (a) Human remains*
- (b) The container, or any of the remaining container, holding the human remains,  
from the lot in which the human remains are interred;*

This amendment is consistent with the definition used in the *Cremation, Interment and Funeral Service Act (SBC2004)*.

**Add:**

*“Exhumation” means the exposure and removal of interred human remains for the purposes of viewing or examination;*

This amendment is consistent with the definition used in the *Cremation, Interment and Funeral Service Act (SBC2004)*.

**Add:**

*“Memorial Wall” means a monument consisting of plaques to commemorate deceased persons.*

**Add:**

*“Memorial Wall Plaque” means a plaque stating the deceased information to be permanently attached to the Memorial Wall.*

This amendment reflects the addition of a memorial wall to our cemetery products and services.

**Add:**

*“Scattering” means the non-recoverable dispersal of cremated remains in a body of land within a defined area of the Cemetery.*

This amendment is consistent with the definition used in the *Cremation, Interment and Funeral Service Act (SBC 2004)*.

**Add:**

*“Temporary Memorial” means a plastic plot memorial supplied by a Funeral Home at the time of interment.*

*This amendment reflects current practice of funeral homes providing temporary memorials.*

## **5. Organization, Operation and Management of Cemetery**

5.1 In this Bylaw:

**Add:**

*(f) Shall have control and management over the land, buildings, plantings, roads, utilities, books and records of the Cemetery and shall have the authority to amend, establish, administer and enforce the bylaws and schedule of rates of the Cemetery.*

This amendment gives the Authorized Person the authority to make decisions in instances when situations arise where the Bylaw is silent or does not specify clearly.

## **11. Permit to Dis-inter/Exhume**

11.1 In this Bylaw:

**Change from:**

No human remains or cremated remains shall be exhumed from the Cemetery unless:

**To:**

No human remains or cremated remains shall be **dis-interred** or exhumed from the Cemetery unless:

11.1 In this Bylaw:

**Change from:**

(b) the Authorized Person issues an Exhumation Permit;

**To:**

(b) the Authorized Person issues a **Dis-interment** / Exhumation Permit;

**Change from:**

(e) the City is not responsible for damage to any casket, urn or other container sustained during exhumation

**To:**

(e) the City is not responsible for damage to any casket, urn or other container sustained during **dis-interment or** exhumation

**Add:**

*(f) The City will not reinter dis-interred or exhumed human remains in a damaged or deteriorated casket or grave liner. The purchase of a new casket is the responsibility of the person requesting the disinterment or exhumation.*

This amendment is in place to ensure that all burials meet the Bylaws requirements of 12.13

11.2 In this Bylaw:

**Add:**

*In accordance with Section 18 of the CIFSA, the City's responsibility will end at the point where the soil is sufficiently excavated to permit safe access to the remains for removal by the attending Funeral Director. The physical removal of the exposed human remains and their transfer into a container that fully encloses the disinterred or exhumed human remains shall be performed by a Funeral Director authorized by and employed at the expense of the person requesting the exhumation or dis-interment. No employee of the City shall be required to handle or participate in the removal of exposed human remains opened for exhumation or dis-interment.*

This amendment adds protection to City employees when dealing with dis-interred human remains. The Funeral Act has a grey area that we need the bylaw to cover. Funeral directors have refused to

assist in the past. This ensures all parties are in agreement before disinterment or exhumation. All parties are required to sign the Dis-interment/Exhumation form prior to excavation.

## **12. Interment**

12.1 In this Bylaw;

**Add:**

*(a) it shall be unlawful for any person to scatter cremated remains within the confines of the Cemetery except within the designated areas. All scattering remains are considered non-recoverable from the date of interment.*

This amendment reflects the addition of a scattering garden in the Cemetery to offer other means for families to inter their loved ones.

12.8 In this Bylaw:

**Change from:**

*Each Grave Space may be used for the interment of the cremated remains of a maximum of four (4) persons over the casket interment(s). All Grave Spaces sold prior to the adoption of this Bylaw may be used for the interment of the cremated remains to the previous six limit of six (6) persons over the casket interment(s). The burial of the cremated remains shall conform to the requirements of subsection 12.5.*

**To:**

*Each **Adult** Grave Space may be used for the interment of the cremated remains of a maximum of four (4) persons over the casket interment(s). All **Adult** Grave Spaces sold prior to the adoption of this Bylaw 8046, 2008 may be used for the interment of the cremated remains to the previous limit of six (6) persons over the casket interment(s). **The Interment Rights Holder of a previously interred child or baby is permitted to inter up to 2 family members cremated remains in the same plot as the child or baby.** The burial of the cremated remains shall conform to the requirements of subsection 12.5.*

This amendment reflects current practice and by offering this option it will deter the family from exhuming the child to be buried with the parent.

12.16

**Add:**

*The Authorized Person may deny or postpone an interment due to weather conditions, which may impede the safety of workers, the potential of disturbing other interments in proximity or the inability to reasonably prepare the site for interment.*

This amendment reflects a best management practice as seasonal flooding has become common and often makes interments impossible. Heavy snow events would not allow staff to access some plots.

## 15. Memorials

Delete Section 15 in its entirety and replace with the following for readability and number changes:

- 15.1 *All Grave Space memorials shall be supplied by the Interment Permit holder.*
- 15.2 *All the memorials (flat or upright) are the property of the purchaser and required care or repair is the responsibility of the purchaser.*
- 15.3 *No memorial shall be placed or installed in the Cemetery unless the memorial conforms to the requirements set out in this Bylaw. Only the Caretaker shall place memorials, any memorial that is illegally placed will be removed.*
- 15.4 *Temporary memorials shall be removed after 12 months of the interment.*

This amendment reflects a best management practice for Prince George as cemetery maintenance is hampered by deteriorated temporary memorials.

- 15.5 *Should any memorial or grave cover be in a state of disrepair such that it might be hazardous to the public or detrimental to the maintenance of the Cemetery, the Caretaker may, after 30 days' notice in writing to the interment rights holder, at their last known address, have the memorial or grave cover removed from the Cemetery, if it has not been repaired in accordance with the notice.*
- 15.6 *Memorials that were installed prior to the adoption of this Bylaw No. 8046, 2008 that do not conform to this Bylaw No. 8046, 2008 may remain as installed, until such time as replacement of the Memorial is required. Any replacement Memorial must conform to this Bylaw No. 8046, 2008 and be installed in accordance with this Bylaw No. 8046, 2008 including the payment of the applicable Memorial fees and charges.*

This amendment reflects current practice. Existing non-conforming memorials or grave covers are grandfathered until they are removed.

- 15.7 *No Grave Space in the Cemetery shall be defined by a fence, bench, hedge, curbing, railing, loose rock or any other material.*
- 15.8 *A person must receive confirmation in writing that a memorial conforms to the requirements of this Bylaw by the Authorized Person prior to delivering the memorial to the Cemetery. Memorials delivered to the Cemetery without the appropriate confirmation shall be returned to the sender at owner's expense.*
- 15.9 *Due to weather conditions, installation of memorials may not occur from October 1 to April 30. No person shall deliver memorials to the Cemetery without prior approval between October 1 and April 30.*
- 15.10 *A flat memorial may be installed on a Grave Space in the Cemetery provided the flat memorial conforms to the requirements set out in this Bylaw.*

15.11 Each **Flat Memorial:**

(a) Shall be made of **granite** or bronze;

This amendment reflects a best management practice as the term “stone” is too vague. Granite is the industry standard and most common material used for memorials. Many types of stone such as slate are not suitable or recommended for such an application because they fracture and lack strength.

(b) Shall be installed in a centered position at the head of the Grave Space with the top surface of the memorial set level and flush with the surface of the surrounding ground;

(c) Installation of **granite memorials** are permitted without concrete wash.

(d) Should a concrete wash be requested the concrete wash will be installed with a **7cm (3”) border and 7cm (3”) thickness supplied by a memorial dealer**

This amendment reflects the current practice of 90% of British Columbia’s municipal cemeteries. Concrete washes are no longer required by the Cemetery for granite memorials (October 2018)

(e) If supplied with sawn sides, the memorial shall have **1.2cm x 5cm (1/2” x 2”) drilled holes, on all four sides for a concrete border base wash and stainless steel pins supplied by the Interment Permit holder;**

(f) **A bronze memorial shall be:**

**i) provided by a memorial dealer and must arrive at the Cemetery adhered to a granite or concrete base that provides a 7cm (3”) border and has a 7cm (3”) base thickness;**

**ii) set with four (4) threaded rods anchored to the underside of the granite or concrete base. The threaded rods shall be drilled to receive washers and bolts and shall be constructed of non-corroding material.**

This amendment reflects current practice and industry standard.

15.12 The top surface of each flat memorial shall conform to one of the following measurements:

(a) For one adult Grave Space or Companion Grave Space- 1.52m x 2.7m (5' x 9' lot)  
46cm (width) x 76cm (length) [18” (width) x 30” (length)]  
40cm (width) x 71cm (length) [16” (width) x 28” (length)]  
30cm (width) x 50cm (length) [12” (width) x 20” (length)]  
20cm (width) x 30cm (length) [8” (width) x 12” (length)]

(b) For two adult Grave Spaces (in case of side by side adult size Grave Spaces)-  
3.0m x 2.7m (10' x 9' lot)

46cm (width) x 110cm (length) [18” (width) x 44” (length)]  
46cm (width) x 76cm (length) [18” (width) x 30” (length)]

40cm (width) x 71cm (length) [16" (width) x 28" (length)]  
30cm (width) x 50cm (length) [12" (width) x 20" (length)]  
20cm (width) x 30cm (length) [8" (width) x 12" (length)]

(c) For Child Grave Spaces- 1.07m x 2.13m (3' ½" x 7' lot)

30cm (width) x 50cm (length) [12" (width) x 20" (length)]  
20cm (width) x 30cm (length) [8" (width) x 12" (length)]

(d) For Infant Grave Spaces- 0.9 m x 1.5 m (3' x 5' lot)

30cm (width) x 50cm (length) [12" (width) x 20" (length)]  
20cm (width) x 30cm (length) [8" (width) x 12" (length)]

(e) For Cremated Remains Grave Spaces (Single)- 0.6m x 0.76m (2' x 2' ½" lot)

30cm (width) x 50cm (length) [12" (width) x 20" (length)]  
20cm (width) x 30cm (length) [8" (width) x 12" (length)]

(f) For Cremated Remains Grave Spaces (Companion side by side)- 0.6m x 1.52m (2' x 5' lot)

40cm (width) x 71cm (length) [16" (width) x 28" (length)]  
30cm (width) x 50cm (length) [12" (width) x 20" (length)]  
20cm (width) x 30cm (length) [8" (width) x 12" (length)]

15.13 *One flat memorial only may be installed on each Adult Grave Space, but where two related persons are buried side by side in adjacent Adult Grave Spaces, one 46cm x 110cm (18" x 44" excluding wash) maximum flat memorial which provides for the memorialization of both persons may be used instead of two separate flats, provided the single flat so used is set to embrace evenly the two Grave Spaces concerned.*

15.14 *One upright memorial may be installed on each Adult Grave Space in the Cemetery provided the upright memorial conforms to the requirements of this Bylaw*

15.15 **Each Upright Memorial:**

(a) *Shall be made of **granite** or bronze;*

*This amendment reflects the current practice of using granite in place of stone as this is the most common product used for memorials.*

(b) *Shall not exceed 61 cm (length) x 20 cm (thickness) x 91cm (height) (**32"x 8"x 36"**) for a single Adult Grave Space and 121.9 cm (length) x 20 cm (thickness) x 91.5 cm (height) (**48"x 8"x 36"**) for two (2) side by side Adult Grave Spaces*

*This amendment corrects an error in the sizing of a single adult grave space memorial.*

(c) *Shall be on a **Granite** Base which shall not exceed 91cm (length) x 20cm (height) x 30cm (width) (**36"x 8"x 12"**) for an upright memorial **on a Single Adult***

*Grave Space. Two side by side Adult Grave Spaces shall not exceed 153cm (length) x 20cm (height) x 30cm (width) (60" x 8" x 12").*

*This amendment reflects the current practice of using granite in place of stone as this is the most common product used for memorials. Additional size for the base of a side by side memorial was added.*

- (d) shall be glued and pinned (stainless steel pins) to the Base;*
- (e) shall have all accessories physically attached to the memorial with a permanent adhesive and using a minimum pin size of 1.3cm (1/2") diameter, extending a minimum of two inches into the accessory as well as a minimum of two inches into the memorial;*
- (f) shall not exceed a maximum height of 91.2cm (36"); and,*
- (g) shall not exceed 81cm (length) x 20cm (thickness) x 91.5cm (height) (32" x 8" x 36") for installation on a Grave Cover that complies with the specifications in this Bylaw under section 14.3.*

**15.16 *Each Pillow Upright Memorial:***

- (a) shall be made of granite or bronze;*
- (b) shall not exceed 91cm (length) x 15cm (thickness) x 61cm (width) (36" x 6" x 24") for a single Pillow Adult Grave Space and 152cm (length) x 15cm (thickness) x 91.5cm (width) (60" x 6" x 36") for two (2) side by side Pillow Adult Grave Spaces;*
- (c) shall be on a Granite Base which shall not exceed 91cm (length) x 15cm (height) x 61 cm (width) (36" x 6" x 24") for a single Pillow Adult Grave Space. Two side by side Pillow Adult Grave Spaces shall not exceed 153cm (length) x 15cm (height) x 91cm (width) (60" x 6" x 36");*
- (d) shall have all accessories physically attached to the memorial with a permanent adhesive and using a minimum pin size of 1.3cm (1/2") diameter, extending a minimum of two inches into the accessory as well as a minimum of two inches into the memorial; and,*
- (e) shall have a slope of
  - i) height back maximum of 15cm (6"),*
  - ii) height front minimum of 7cm (3"),**

*This amendment reflects the current practice. Pillow memorial sizes were not included in previous bylaw.*

**15.17** *Notwithstanding section 15.15, upright memorials in historic sites designated on the Cemetery plot plan may be replaced based on the dimensions of the original memorial.*

**15.18** *The Caretaker may arrange for the temporary removal of a memorial without permission of the interment rights holder if, during the excavation of an adjoining*

grave space, the memorial is found to be a hazard to the safety of workers in the excavation or to gain access to a plot for grave site preparation, provided the memorial is replaced in its original position on the grave from which it was removed as soon as possible.

#### 15.19 *Memorial Wall*

*(a) only one (1) individual may be memorialized on a memorial space;*

*(b) a memorial plaque shall:*

*i) have an inscription that will denote given names, year of birth and death;*

*ii) denote a sentiment no longer than twenty-five (25) letters and spaces; and*

*iii) be supplied and installed by the City to ensure uniform quality and consistency is maintained.*

This amendment reflects a new option for customers to memorialize their loved ones.

#### **16. Crypts and Niches**

16.1 In this Bylaw:

**Change from:**

*Each interment in the Cemetery above ground shall be in a Crypt or Niche in the Mausoleum in the Cemetery.*

**To:**

*Each interment in the Cemetery above ground shall be in a Crypt or Niche in the Mausoleum **or Columbaria/Private Estate in the Cemetery.***

This amendment adds Columbaria/Private Estates as an additional acceptable above ground interment option.

16.4 In this Bylaw:

**Change from:**

*An urn made of wood or a temporary cremation container shall only be placed in marble front niches.*

**To:**

*An urn made of wood or a temporary cremation container shall only be placed in marble front niches **of the Mausoleum or Columbaria/Private Estates.***

This amendment adds Columbaria/Private Estates as an additional acceptable above ground interment method where wood containers may be used.

16.8 (b) In this Bylaw:

**Change from:**

*(b) For Niche lettering Surname and given names and/or initials plate no more than 28cm (11") in length each, cast in bronze alloy. Surname lettering to be 1.9cm (3/4") in height, and given name and initial lettering to be 1.3cm (1/2") in height in Times Roman font. Letters and numerals to be hand chased and polished. Castings to be true and free from defects and roughness and colour finish to be secured by chemical means.*

**To:**

*(b) For Niche lettering **in the Mausoleum** - Surname and given names and/or initials plate no more than 28cm (11") in length each, cast in bronze alloy. **The Niche lettering of the Columbaria/Private Estate must be cast in bronze alloy or stainless steel.** Surname lettering to be 1.9cm (3/4") in height, and given name and initial lettering to be 1.3cm (1/2") in height in Times Roman font. Letters and numerals to be hand chased and polished. Castings to be true and free from defects and roughness and colour finish to be secured by chemical means.*

This amendment adds Columbaria/Private Estates as an additional acceptable above ground interment option.

**16.8 In this Bylaw:**

**Add**

***(e) Columbaria/Private Estate portraits will be supplied and affixed by a memorial dealer***

This amendment adds Columbaria/Private Estates as an additional acceptable above ground interment options and specifies that portraits are allowed if supplied and warranted by a memorial dealer.

**16.10 In this Bylaw:**

**Change from:**

*No person shall alter, embellish or adorn any Crypt, Niche or common area in the Mausoleum in the Cemetery without the prior written consent of the Authorized Person.*

**To:**

*No person shall alter, embellish or adorn any Crypt Niche, **Private Estate/Columbaria** or common area in the Mausoleum in the Cemetery without the prior written consent of the Authorized Person. **Silk flowers and a single rosary may be placed in the flower holder of each crypt. No fresh flowers or plants are permitted in the Mausoleum.***

This amendment provides specific guidelines on adornments allowed in the Mausoleum.

## 17. Green Burials

Delete Section 17 in its entirety and replace with the following for readability and number changes:

- 17.1 *Green burial interment will take place only in the section designated for the purpose.*
- 17.2 *A right of interment for the Green Burial Section may be purchased on an at-need or pre-need basis*
- 17.3 *Green Burial Grave Spaces shall be of the following size:*
- (a) Adult—not less than 1.52m (5 feet) in width x 2.74m (9 feet) in length;*
  - (b) Cremated remains—not less than 0.76metres (2 1/2') in width x 0.61 metres (2') in length;*
  - (c) Each interment other than cremated remains in a Grave Space shall provide for not less than 1.2m (4') of earth between the general surface level of the ground at the Grave Space and the upper surface of the shroud or biodegradable casket materials containing human remains; and,*
  - (d) Each interment in the Grave Space of cremated remains shall provide for not less than 0.6 metres (2') of earth between the general surface level of the ground at the Grave Space and the upper surface level of the biodegradable container or cremains.*
- 17.4 *Each Grave Space shall contain the full body interment of one individual and the secondary interment of the cremated remains up to a maximum of four individuals. Companion full burials will not be permitted.*
- 17.5 *Where right of interment is purchased in the Green Burial Section with the intent of having a secondary disposition burial of cremated remains in to the plot then the interment shall not be made until the full body interment has first been made into the plot.*
- 17.6 *Human remains proposed for interment in the Green Burial Section shall:*
- (a) not be embalmed;*
  - (b) be enclosed in a shroud, biodegradable casket or alternative biodegradable container with a rigid base that is approved by the Authorized Person.*
- 17.7 *The Cemetery shall install a Communal Memorial Stone for the purpose of making approved memorial inscriptions to commemorate interments and scatterings.*
- 17.8 *Other than the approved Communal Memorial Stone, no other memorial marker, monument or other stone, vase, ornament or any other structure shall be placed on, in or around any Grave Space in the Green Burial Section. Fresh flowers may be placed on the plot at the time of the interment.*

17.9 *The Authorized person shall have the authority to limit, restrict or prohibit vehicle access to the Green Burial Section.*

These amendments reflect the addition of a functional Green Burial Section and its procedures.

**18 General**

18.13 In this Bylaw:

**Change from:**

*No person shall be in the Cemetery at any time other than the operating hours of 7:00 a.m. and 9:00 p.m., seven days a week, unless permission has been given by the Caretaker, the Authorized Person or any other person authorized by the Board to grant such permission*

**To:**

*No person shall be in the Cemetery at any time other than the operating hours of **8:00 a.m. and 8:00 p.m.**, seven days a week, unless permission has been given by the Caretaker, or the Authorized Person.*

This amendment reflects the current operating hours of the Cemetery.

Schedule B to Bylaw No. 8046

**Change title from:** INTERMENT PERMIT & EXHUMATION PERMIT

**To:** INTERMENT PERMIT AND EXHUMATION **OR DIS-INTERMENT** PERMIT

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