

**THE CORPORATION OF THE CITY OF FERNIE**



**CONSOLIDATED**

**Cemetery Bylaw, 1999, 2005**

**Consolidated to Bylaws:**

**2092, Amendment # 1**

All persons making use of this consolidated version of the City of Fernie Bylaw No. 1923 are advised that has no legislative sanction; that the amendments have been embodied for convenience of reference only and that the original bylaws must be consulted for all purposes of interpreting and applying the Bylaw.

Subsections or sections of the original bylaw and or amendments which have been repealed have not been included in this consolidation.

Certified copies of all City bylaws are available from the City Clerk.

**THE CORPORATION OF THE CITY OF FERNIE  
BYLAW NO. 1999**

**A Bylaw relating to the operation and maintenance  
of St. Margaret's Cemetery**

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**WHEREAS** under the provisions of Section 8(2) of the *Community Charter* a municipality may provide any service that the Council considers necessary or desirable, and may do this directly or through another public authority or another person or organization;

**AND WHEREAS** under the provisions of Section 8(3)(f) of the *Community Charter* a Council may, by bylaw, regulate, prohibit and impose requirements in relation to cemeteries, crematoriums, columbariums and mausoleums and the interment or other disposition of the dead;

**AND WHEREAS** the City of Fernie owns and operates a cemetery;

**NOW THEREFORE**, the Council of the City of Fernie, in open meeting assembled, enacts as follows:

1) DEFINITIONS

The use of words signifying the masculine shall include the feminine.

In this bylaw, unless the context otherwise requires:

“City”	shall mean the Corporation of the City of Fernie;
“Caretaker”	shall mean the person or persons duly appointed or employed by the City, from time to time, as Director of Leisure Services or such other City employee as designated by Council.
“Cemetery”	shall mean and include any parcel or tract of land set aside, used, maintained or operated as a cemetery by the City.
“Child”	shall mean any person one year old up to and including 14 years of age.
“City Hall”	shall mean the municipal offices of the City of Fernie located at 501 – 3 <sup>rd</sup> Avenue.
“Columbarium”	shall mean an above ground vault with niches for urns that contain the ashes of cremated bodies.
“Council”	shall mean the Council of the City of Fernie.
“Cremated Remains”	shall mean human bone fragments and ashes resulting from the cremation of a deceased human body.

“Director of Financial and Computer Services”	shall mean the person duly appointed as such, from time to time, by Council.
“Director of Leisure Services”	shall mean the person duly appointed as such, from time to time, by Council.
“Director of Operational Services”	shall mean the person duly appointed as such, from time to time, by Council.
“Disinurnment”	<i>means the removal of cremated remains along with the urn or container, or any remaining portion of the urn or container holding the cremated remains.</i> <b>Bylaw No. 2092</b>
“Former Resident”	shall mean a person who formerly resided in the City but did reside in the City for a continuous period of at least 3 years within 10 years of date of application for cemetery license or for a continuous period of 18 years in the City.
“Health Act”	shall mean the current Provincial legislation in force
“Infant”	shall mean any person under the age of one year.
“Inurnment”	Is one form of interment and shall mean the placement of cremated remains in a niche.
“Interment”	shall mean the disposal of human remains by burial in a cemetery, entombment in a mausoleum or inurnment in a columbarium.
“Interment Right Holder”	<i>Means a person who holds a Right of Interment.</i> <b>Bylaw No. 2092</b>
“Medical Health Officer”	shall mean the person duly appointed from time to time by the Provincial Government to act as Medical Health Officer with jurisdiction in the City of Fernie.
“Memorial Monument”	Shall mean a Monument similar in style and appearance as pictured in item J of Schedule F to this Bylaw, for the inscription of names to memorialize a deceased person.
“Minister”	shall mean that member of the Executive Council charged by the order of the Lieutenant-Governor-in-Council with the administration of the <i>Cremation, Interment and Funeral Services Act</i> and includes a person designated in writing by the Minister.
“Niche”	shall mean one form of cemetery plot or space and means a space in a columbarium used or intended to be used for the inurnment of cremated remains.
“Non-resident”	shall mean any person who is not a resident or former resident as defined in this bylaw.
“Resident”	shall mean any person who has resided in the City for not less than 3 months before the date of death.

“Right of Interment”	<i>means the future right to inter Human Remains or Cremated Remains in a designated Lot.</i>	<b>Bylaw No. 2092</b>
“Summer”	Shall mean the dates of April 1 to November 14, inclusive, of each year	
“Winter”	Shall mean the dates of November 15 to December 31, inclusive, and January 1 to March 31, inclusive, of each year	

2) LANDS

The following lands have been set aside, operated, used and maintained as a Cemetery by the City:

- (a) St. Margaret’s Cemetery, legally described as Lot 5 and part of Lot 6 of District Lot 4588 Kootenay District Plan NEP22339.

A copy of the plans of the Cemetery have been filed with the Registrar of Cemeteries and copies of such plans shall be kept available for public inspection at the City Hall and at such other places as may be deemed appropriate.

3) LICENCE TO USE THE CEMETERY

- (a) The City may by agreement with a society, church or other organization, reserve a section of the Cemetery to be used exclusively for the interment of deceased members of such society, church, or other organization and upon such agreement being made, no person shall be issued a licence to use such grave space in the reserved section unless the application to the City to purchase a licence is accompanied by a certificate from such society, church or organization stating that they or the person on whose behalf they may be acting, is entitled to burial in the reserved section. All licences issued and services rendered by the City pursuant to this section shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto as Schedule “D”.
- (b) The City may grant to any person paying the fees according to the schedule of fees hereinafter provided and subject to the terms of Section 3(a) hereof, a licence for the exclusive use by such person or their executors or administrators of any one or more grave spaces which may be vacant and unlicensed in the Cemetery and upon payment of said fees such person or persons shall be entitled to receive a licence in the form of Schedule “A” attached to and forming part of this bylaw.
- (c) The City reserves the right to itself to refuse to license the use of more than two (2) grave spaces to any one individual. Transfers of License shall be permitted under the following conditions:
- i. Where the holder of a licence to use and occupy grave space in the Cemetery wishes to transfer a right of use and occupancy to another person, the holder of the licence shall first provide the Director of Operational Services, or designate, with full particulars of the name, address and other description of the person to whom the transfer is to be made, the consideration to be paid therefore, and

such other information as the Director of Operational Services, or designate, may reasonably request. The provision of such information shall not bind the City to accept the proposed transfer. If the licence to be transferred relates to a grave space located in an area reserved under an agreement made between the City and an organization pursuant to Section 3(a) hereof, the requirements of Section 3(a) concerning entitlement to burial in a reserved section of the Cemetery shall apply to the person to whom the transfer is made.

- ii. Upon acceptance by the City of the transfer fee prescribed in Schedule “D”, and upon compliance with the requirements of this Bylaw by the licence holder and the person to whom the licence is to be transferred, the Director of Operational Services, or designate, shall effect the transfer by an endorsement upon the licence and shall record the transfer in the books or other records kept by the City for that purpose.
- (d) All licences issued for the use of grave space in the Cemetery shall be subject to the provisions of this Bylaw and all other applicable Bylaws of the City.
- (e) The City will allow plots to be reserved for future use provided that the fees for the grave space or columbarium niche is paid in accordance to Schedule “D”. Fees for burial and other goods or services will be payable at such time as the grave or columbarium space is required for use.
- (f) *A Cemetery Licence or Cemetery Licence Right of Interment may be surrendered to the City by the Interment Right Holder provided;*
  - i. *there are no Interments in the Designated Lot;*
  - ii. *the Interment Right Holder or their executor provides written notice to the City for their intent to surrender the right per new Schedule “J” Cemetery Licence Right to Interment Surrender which Schedule is attached hereto and forms a part of this Bylaw as Schedule “J” Cemetery Licence Right to Interment Surrender; and*
  - iii. *any fees associated with the cost of removal of any Memorial that is on, or embracing the surrendered Lot, are paid.*

*A refund equal to the purchase price less the Care Fund contribution, and any other associated fees will be issued to the Interment Right Holder.*

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#### 4) COLUMBARIUMS AND MEMORIAL MONUMENTS

- (a) The City may enter into agreements with funeral services provider to allow for Columbariums to be placed at St. Margaret’s Cemetery, in accordance with the rules and regulations as set out in Schedule “G” attached hereto and forming a part of this Bylaw.
- (b) The City may establish a Memorial Monument at St. Margaret’s Cemetery, for the inscription of names, year of birth and year of death of those deceased persons whose ashes have not been interred.

- (c) Prior to placement of any names on the Memorial Monument by a funeral services provider, the funeral services provider shall be required to complete a Permit in the format set out in Schedule “H”, attached and pay the fee set out in Schedule “D”.
- (d) The City may authorize the placement of Columbariums or Memorial Monuments in St. Margaret’s Cemetery by a funeral services provider, provided that the funeral services provider has obtained the prior written approval of the Director of Operational Services.

5) FEES AND CHARGES

- (a) The fees for interment, disinterment, use of grave space and care of graves, and the charges for goods offered for sale by the City for use in the Cemetery, and any other cemetery fees shall be those set out in Schedule “D” attached hereto and forming part of this Bylaw.
- (b) The fees set out in Schedule “D” to this Bylaw shall be paid at City Hall at the time of purchasing a cemetery licence, interment permit, or any goods or services sold by the City in connection with the operation of the Cemetery.
- (c) The fees for a deceased person who meets the definition of “*former resident*” shall be charged at the “*resident*” fee tariff, set out in Schedule “D”;

6) INTERMENT, INURNMENT EXHUMATION AND CREMATION

- (a) No remains shall be interred in the Cemetery until a permit to inter the body has been obtained from the City and the fee for interment as specified in Schedule “D” hereof has been paid to the City, except as may be permitted otherwise under the terms of Section 6(i).
- (b) All permits for interment of deceased persons in the Cemetery shall be in the form of Schedule “C”, attached hereto and forming part of this Bylaw.
- (c) All applications for a permit to inter in the Cemetery must be made to the Director of Operational Services, or designate, at the City Hall during regular office hours on all days of the week except Saturday or Sunday or Statutory Holidays and, in the case of emergency, as described in Section 6(i).
- (d) No interments will be permitted after the hour of 3:00 p.m. Monday to Friday, or on Saturday or Sunday unless an additional fee as set out in Schedule “D” of this Bylaw is paid.
- (e) If a grave is required to be prepared, a minimum of the accumulation of eight (8) regular working hours prior notice shall be given to the City prior to the time set for the burial. Saturdays, Sundays and statutory or declared holidays shall not be classified as regular working hours.

For the purpose of this section, “regular working hours” relate to the municipal office schedule of 8:00 a.m. to 5:00 p.m. Monday through Friday excepting statutory holidays.

If, under extreme or adverse weather conditions, more time is required to prepare burial sites, the Caretaker shall notify the parties involved of the extra time required and this extra time will remain in effect until further notice.

- (f) No person shall inter any body in the Cemetery on a Statutory Holiday unless written permission from the City is first obtained and except in an emergency as specified in Section 6 (i).
- (g) Any person who makes an application for an interment permit or who requires an interment to be made, shall provide the Director of Operational Services, or designate, with a statement of name, age and date of death of the deceased, whether or not death was caused by a communicable disease as listed in the *Health Act Communicable Diseases Regulations*, the time and date of the funeral and any other information which is reasonable for the Director of Operational Services, or designate, to request.
- (h) No person shall be granted a permit to inter in an area of the Cemetery which the City has reserved under provisions of Section 3(a) hereof for burial of members of a church, society, or other organization, except where the applicant for the permit furnishes the Director of Operational Services, or designate, with a Certificate from the organization for whom the area has been reserved, stating that the deceased person for whom the permit is required is entitled to burial in the reserved area.
- (i)
  - i. Where the Medical Health Officer directs pursuant to the *Health Act Communicable Diseases Regulations* or otherwise, that a body be buried in the Cemetery during any period when the City Hall is closed, permission shall be obtained from the Caretaker, or from the Officer-in-Charge of the Fernie Detachment of the Royal Canadian Mounted Police.
  - ii. Where a burial in the Cemetery is performed under the conditions of subsection 6(i) i. the person who permitted the burial and the person who performed the burial shall report the matter to the Director of Operational Services, or designate, and the representative of the deceased shall furnish the Director of Operational Services, or designate, with full details of the deceased as required by Section 6(g) hereof, together with such fees as required in accordance with Schedule "D", if such fees have not previously been paid.
  - iii. The information required to be given to the Director of Operational Services, or designate, under terms of subsection 6(g) of this section shall be provided to the Director of Operational Services, or designate, on the next business day that City Hall is open.
- (j) No deceased person interred in the Cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the *Cremation, Interment and Funeral Services Act* and regulations thereunder.

- (i) No person shall cremate or burn a deceased person within the limits of the City of Fernie save and except as authorized under the terms of the *Cremation, Interment and Funeral Services Act* and the regulations made therein.

7) INTERMENT IN THE CEMETERY

- (a) No body other than a deceased human body, or the cremated remains or other remains of a deceased human body, shall be interred in the Cemetery and all interments shall be subject to and comply with the provisions of this Bylaw.
- (b) The holder of a licence to use and occupy grave space in the Cemetery shall not permit an interment to be made in the grave space to which the licence refers, nor transfer nor dispose of the said grave space to another person, group or organization, unless such interment, transfer or disposal is made pursuant to the provisions of this Bylaw.
- (c)
  - i. Where the body of a person who died while suffering a communicable disease is to be buried in the Cemetery, any instruction given by the Medical Health Officer respecting the interment shall be complied with by the person or persons performing the interment.
  - ii. Where a body delivered to the Cemetery for interment is subject to the direction of the Medical Health Officer under the terms of *Health Act Communicable Diseases Regulations*, the person delivering a body to the Cemetery shall inform the Caretaker.
- (d)
  - i. Each interment in the Cemetery, other than the interment of cremated remains, shall provide for not less than one (1) metre of earth between the upper surface of the coffin, or grave liner or vault enclosing the coffin and the top surface of the adjacent ground.
  - ii. A maximum of three (3) interments shall be allowed in any one grave space, of which no more than one (1) may be a body or full burial, shown in Schedule "F";
  - iii. Cremated remains may be interred over a casket, provided that cremated remains may not be disturbed to use the plot for a regular interment.
  - iv. Subject to subsection 7(d) (iii), two (2) cremated remain interments are permitted in addition to regular interment(s) in standard, child and infant size plots.
  - v. No more than two (2) internments of cremated remains shall be permitted in a cremation size plot.
  - vi. No full burial shall be permitted if there are two cremated remains interred in that plot.



- (e)
  - i The interment of cremated remains in a plot in the Cemetery shall be made in a container encased in either concrete, polypropylene or fibreglass, not less than 4 cm thick and shall be buried in the grave not less than 0.6 metres deep, except where the concrete encased container of cremated remains is used as a foundation-base for a memorial tablet installed on the grave according to the requirements of section 9(b).
  - ii. No grave shall be dug or opened by any person other than the Caretaker, or person duly authorized by the Caretaker, or by the Director of Operational Services, or designate, except as may be authorized by an Order of a Court of competent jurisdiction.
  - iii. No mausoleums, vaults or other methods of interment above ground shall be permitted in the Cemetery except for those constructed by the City.
  - iv. A grave liner or vault shall be used for each interment, except where cremated remains are interred according to the requirements of section 7 (e).

7) CEMETERY CARETAKER

The Caretaker shall:

- (a) Dig and prepare, or cause to be dug and prepared, all plots as well as be responsible for the opening and closing of graves.
- (b) Direct all funerals in the Cemetery to the correct grave site.
- (c) Supervise the installation of all memorial tablets, markers and monuments on graves and the construction of their foundation or bases.
- (d) Carry out, or cause to be carried out, the general work of the Cemetery to maintain it in a neat and tidy condition, including the maintenance of paths, gates, fences and other cemetery improvements.
- (e) Maintain or cause to be maintained records as required and submit to the Director of Operational Services, or designate, whatever reports are required of him.
- (f) Complete such other work as may be directed by the Director of Operational Services, or designate.
- (g) Ensure that no plot in the Cemetery, sections “A” through “D”, as identified in Schedule “I” shall be defined by a fence, hedge, rooted plant, border, curbing or railing unless permission for such installation of special items is first obtained from the City and the improvements are constructed according to specifications of the Caretaker. Maintenance of the entire cemetery plot on which such special items are installed shall be the responsibility of the party obtaining such permission. If such upkeep is not maintained, those special items shall be removed by the Caretaker.

- (h) Ensure that no plot in the Cemetery, sections “E” through “M”, as identified in Schedule “T” shall be defined by a fence, hedge, rooted plant, border, curbing or railing.
- 8) ADMINISTRATION AND CARE TRUST FUND
- (a) The Director of Operational Services, or designate, shall maintain records as necessary for the administration and management of the Cemetery and as required under the *Cremation, Interment and Funeral Services Act*.
- (b) The Director of Operational Services, or designate, is hereby authorized on behalf of the City and subject to the provisions of this Bylaw to grant a licence in the form set out in Schedule “A” hereof in respect of any unoccupied and unlicensed grave space in the Cemetery.
- (c) The Director of Operational Services, or designate, shall issue all permits for interment required by this Bylaw except as otherwise provided herein.
- (d) Upon issuing any permits for interment in the Cemetery, or upon viewing an order for exhumation from the proper authority as required by Section 6(j) hereof, the Director of Operational Services, or designate, shall notify the Caretaker before the time of the intended interment or exhumation, giving the name of the deceased the number and location of the grave space concerned and any instruction of the Medical Health Officer relative to the interment or exhumation.
- (e) i. A fund shall be established to be known as “The Cemetery Care Trust Fund” and such fund shall be administered in accordance with the requirements of the *Cremation, Interment and Funeral Services Act* and Regulations for the establishment and administration of a Municipal Cemetery care fund and in accordance with the procedures hereinafter set out.
- ii. A bank account shall be established to be known as The Cemetery Trust Fund Account into which the Director of Financial and Computer Services shall pay all funds received for care fund purposes and all such funds shall be deposited into said account, and there held pending investment as hereinafter provided.
- iii. On all licenses for the use of grave space sold, Marker Permit Fees and Memorial sitings, the Director of Financial and Computer Services shall pay into The Cemetery Care Trust Fund Account the percentage of the fee specified in Schedule D.
- iv. On all licences for the use of grave space, and all contracts or agreements for the sale of such licences, the amount required to be used for Care Fund purposes shall be specified.
- v. Any owner of a memorial marker, tablet, monument, or memorial desiring to install same in the Cemetery, shall pay the City, prior to the installation of such memorial, an amount specified in Schedule “D” hereof as a contribution to the Cemetery Care Trust Fund and such amounts when received shall be paid into the Cemetery Care Trust Fund for investment as hereinafter provided.

- vi. All funds in the Cemetery Care Trust Fund Account shall be invested as required by Regulations of the *Cremation, Interment and Funeral Services Act* applicable to Municipal Cemetery care funds.
  - vii. The income from the Cemetery Care Trust Fund, including any accumulation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licensed, and the Cemetery of which it forms a part.
  - viii. The principal sum of the Cemetery Care Trust Fund shall not be reduced otherwise than in accordance with an order of the Minister made pursuant to the Regulations under the *Cremation, Interment and Funeral Services Act*.
- (f) A separate account of all monies received under the provisions of this Bylaw and all monies expended hereunder shall be kept by the Director of Financial Services and any surplus remaining of receipts over expenditures shall be paid at the end of each fiscal year into the Cemetery Care Trust Fund.

## 9) MEMORIALS

- (a) No memorial other than a tablet type memorial, as specified in Section 9(b), may be installed on a grave.
- (b) A tablet type memorial may be installed on a grave in the Cemetery provided the installation fee, as set out in Schedule "D" hereto, is paid and, upon payment of said fees, such person or persons shall be entitled to receive a licence in the form of Schedule "C" attached to and forming part of this bylaw, and the tablet is made of stone or bronze and conforms to the following:
  - i. Each memorial tablet shall be installed in a position on the grave according to that established by the City for memorials on graves in the Cemetery and shall have its top surface set level and flush with the surface of the surrounding ground.
  - ii. Upright markers in cemetery numbered Sections A through K of Schedule I shall be placed on concrete bases not less than ten centimeters (4 inches) in depth, sixty-one centimeters (24 inches) in width and one hundred and twenty two centimeters (48 inches) in length.
  - iii. Flat markers are permitted without a concrete base in Sections A through K of Schedule I of the Cemetery, with the marker being set so the top surface is flush with surrounding ground.
  - iv. Flat markers are the only style of marker permitted in the Canadian Legion Reserve Section with the marker being set so the top surface is flush with surrounding ground.
  - v. No more than one (1) concrete base is allowed per grave.
  - vi. No less than one (1) marker is allowed per two (2) graves in Sections A through K where there is an existing marker in place.

- vii. Bases shall be set so the top concrete surface is flush with surrounding ground.
  - viii. Where a body and a cremation occupies the same grave space two (2) markers will be allowed provided they are placed on a single base as outlined in this Section.
  - ix. Bases shall be no less than and no more than sixty-one (61) centimetres (24 inches) wide
  - x. Where bases extend the entire width of the allotted grave space if an adjacent base is already in place, the abutting edges shall have a soil sterilent applied to inhibit weed growth, and then sealed with grout or epoxy. For cremation and regular full plots on concrete strips, bases shall be a maximum external dimension of sixty-one (61) centimetres by one hundred and seventeen (117) centimetres (16 inches by 46 inches) -saw cut finish.
- (c) Markers of any type may be installed on concrete bases, subject to the following conditions:
- i. All marker shall have a clearance of not less than five (5) centimetres (2 inches) from the edge of the concrete base, both length and width.
  - ii. Markers shall be no more than eighty-two (82) centimetres (32 inches) in height without approval of the Director of Operational Services.
  - iii. Requests for markers that exceed eighty-two (82) centimetres (32 inches) in height shall have a concrete base approved by the Director of Operational Services.
  - v. Markers shall be secured in a fashion that will not allow the markers to fall or slide off the base.
- (d) *Columbarium “3” Memorial Inscriptions*  
*Finished memorial inscriptions and designs for Columbarium “3” shall be in one of the following formats:*
- (i) *A carving or inscription on the face of the Columbarium door shall include a 2” border around the perimeter of the Memorial that is free of any lettering or ornamentation;*
  - (ii) *Finished Memorials shall not include upright candleholders, vases lanterns or surface mounted emblems that protrude more than 0.5” (1.2 cm) from the surface of the granite;*
  - (iii) *Inscription standards shall be as follows:*
    - a. *Family Name (All Capital Letters)*
    - b. *Given Names (All Capital Letters)*
    - c. *Date of Birth and Date of Death*
    - d. *Second Interment Name and Dates per a, b, and c*
    - e. *Brief epitaph or graphic.*

*(iv) All fees associated with the cost of Memorial Inscriptions are paid prior to inscription service.*

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10) CONTINUOUS CONCRETE SECTIONS

- (a) The City shall supply in Sections M and N of Schedule I a continuous concrete strip, the full length of the row of graves. The cost for the continuous strip is set out on the fee schedule shall be added to the purchase of the grave space.
- (b) The continuous concrete strip shall be one hundred and seventeen (117) centimetres (46 inches) wide. Fifty (50) centimetres (20 inches) will be allowed for each side row to place its marker upon.
- (c) All markers shall have a minimum of three (3) centimetres (1 inch) clearance from the center of the continuous concrete strip.
- (d) Size of markers in these sections shall be as specified in Section 9(c).
- (e) Where a body and a cremation occupy the same grave space, more than one (1) marker will be allowed provided they are confined within the width and length of the grave space and set upon the concrete strip and provided allowances are made for cut flowers, wreaths and offerings which must also be confined within the width and length of the grave space and set upon the concrete strip.
- (f) Grave spaces will be sold in a sequential order.

11) GENERAL

- (a) Cut or artificial flowers, wreaths and floral offerings may be placed on plots but may be removed by the Caretaker when their appearance is deemed by the Caretaker to be detrimental to the appearance of the Cemetery. Any non-conforming offerings, wreaths, flowers, fencings, curbs or other devices will be removed by the City at the end of each working day.
- (b) Where continual concrete strips or concrete bases are provided, cut flowers, wreaths and offerings shall only be placed on the concrete portion of the grave.
- (c) No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery other than an employee of the City authorized to do so by the Caretaker.
- (d) No persons shall damage or deface any memorial, fence, gate, or structure in the Cemetery, or any improvements in the Cemetery.
- (e) The cemetery hours of operation shall be clearly posted at the main entrance gate. No person shall be in the cemetery after hours, without permission of the Caretaker, City or other person authorized by the City to grant such permission.
- (f) No person shall drive a vehicle in the Cemetery at any time at a speed of more than 15 km per hour (10 mph) and the driver of all vehicles, while in the Cemetery grounds, shall be subject to the direction and order of the Caretaker.

- (g) No person shall solicit orders for markers, tablets, memorials, capping, or like works within the limits of the Cemetery.
- (h) All persons and funeral processions in the Cemetery shall follow the instructions of the Caretaker.
- (i) The discharging of firearms, other than in regular volleys at military burial services, is prohibited in the Cemetery.
- (j) No person shall destroy, mutilate, deface, injure or remove any tomb, monument, memorial or other structure placed in the Cemetery, or any fence, railing, or other work for the protection or ornament of the Cemetery, or destroy, cut, break, or injure any shrub or plant or play any game or sport, or disturb persons assembled for the purposes of burial, or commit a nuisance, or behave within the Cemetery in an indecent or unseemly manner, or deposit any rubbish or offensive matter or thing within the Cemetery.
- (k) All dogs must be on leash while within the Cemetery. Horses are not permitted on any turf areas in the Cemetery.

12) PENALTIES

- (a) A person is guilty of a contravention of this Bylaw and commits an offence who:
  - i. violates any provisions of this bylaw;
  - ii. causes or permits any act or thing to be done in contravention or violation of any provisions of this bylaw;
  - iii. neglects or omits to do anything resulting in a contravention of this bylaw.
- (b) For each day that a contravention of this bylaw occurs, such shall constitute a separate and distinct offence.
- (c) Every person who commits an offence under this bylaw is liable to:
  - i. a fine and penalty of not more than \$1,000.00 and not less than \$100.00 for each offence if issued a violation ticket;
  - ii. a fine and penalty of not more than \$10,000.00 and not less than \$500.00 for each offence if prosecuted pursuant to the provisions of the *Offence Act*, R.S.B.C., Chapter 338.

13) GENERAL PROVISIONS

- (a) Notwithstanding anything herein contained, the administration and operation of the Cemetery shall be carried out at all times in accordance with the *Cremation, Interment and Funeral Services Act* and Regulations made there under.
- (b) This Bylaw may be cited for all purposes as *Cemetery Bylaw No. 1999, 2005*.
- (c) Bylaw No. 1870, cited as *Cemetery Bylaw No. 1870, 2000* is hereby repealed.

Introduced and read a first time this 12<sup>th</sup> day of September, 2005.

Read a second time this 12<sup>th</sup> day of September, 2005.

Read a third time this 12<sup>th</sup> day of September, 2005.

Re-read a third time, as amended this 26<sup>th</sup> day of September, 2005.

Passed and adopted this 11<sup>th</sup> day of October, 2005.

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MAYOR

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CLERK



THE CORPORATION OF THE  
**CITY OF FERNIE**

APPENDIX "A"  
P.O. Box 190, 501-3<sup>rd</sup> Avenue, Fernie, BC V0B 1M0  
Tel: 250.423.6817 Fax: 250.423.3034  
Web: [www.fernie.ca](http://www.fernie.ca)

Bylaw No. 2092

Permit # \_\_\_\_\_  
Date \_\_\_\_\_

SCHEDULE "A" CEMETERY LICENCE

RIGHT OF INTERMENT

**Cemetery: St. Margaret's Cemetery, St. Margaret's Road, Fernie, BC V0B 1M0**

Contract agreement and order made this date \_\_\_\_\_, \_\_\_\_\_ between the City of Fernie, St. Margaret's Cemetery and the undersigned Rights Holder.

Rights Holder: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Section: \_\_\_\_\_ Block/Row: \_\_\_\_\_ Lot: \_\_\_\_\_

- Full Burial Plot  Cremation Plot  
 Full Burial Plot with Concrete Strips (Section I, Rows 5-10; and Section M)  Columbarium "3"

Fees Paid: Lot \_\_\_\_\_  
Care Fund \_\_\_\_\_  
GST \_\_\_\_\_  
**TOTAL** \_\_\_\_\_

It is understood that the Administrator may allow for the Right of Interment of up to three (3) interments in any one full size burial grave space of which no more than one (1) may be a full burial provided there is no objection to the additional interments by next of kin, as defined in the Cremation, Interment and Funeral Services Act (CIFSA) and all applicable fees are paid. No full burial shall be permitted if there are two (2) cremated remains already interred in that lot. No more than two (2) interments of cremated remains shall be permitted in a cremation size lot or Columbarium "3". It is further understood that payment above is for the Right of Interment only and does not includes fees for preparation and placement of remains, or other charges. It is further understood that the Terms and Conditions on the reverse side hereof are made part of this agreement per Cemetery Bylaw No. 1999, 2005.

\_\_\_\_\_  
Rights Holder Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by the City of Fernie

\_\_\_\_\_  
Date



### **3) LICENCE TO USE THE CEMETERY**

- (a) The City may by agreement with a society, church or other organization, reserve a section of the Cemetery to be used exclusively for the interment of deceased members of such society, church, or other organization and upon such agreement being made, no person shall be issued a licence to use such grave space in the reserved section unless the application to the City to purchase a licence is accompanied by a certificate from such society, church or organization stating that they or the person on whose behalf they may be acting, is entitled to burial in the reserved section. All licences issued and services rendered by the City pursuant to this section shall be subject to payment at the regular rates set forth in the schedule of rates.
- (b) The City may grant to any person paying the fees according to the schedule of fees and subject to the terms of Section 3 (a) hereof, a licence for the exclusive use by such person or their executors or administrators of any one or more grave spaces which may be vacant and unlicensed in the Cemetery and upon payment of said fees such person or persons shall be entitled to receive a licence in the form of Schedule “A”.
- (c) The City reserves the right to itself to refuse to licence the use of more than two (2) grave spaces to any one individual. Transfers of Licence shall be permitted under the following conditions:
  - i. Where the holder of a licence to use and occupy grave space in the Cemetery wishes to transfer a right of use and occupancy to another person, the holder of the licence shall first provide the Director of Operational Services, or designate, with full particulars of the name, address and other description of the person to whom the transfer is to be made, the consideration to be paid therefore, and such other information as the Director of Operational Services, or designate, may reasonably request. The provision of such information shall not bind the City to accept the proposed transfer. If the licence to be transferred relates to a grave space located in an area reserved under an agreement made between the City and an organization pursuant to Section 3(a) hereof, the requirements of Section 3(a) concerning entitlement to burial in a reserved section of the Cemetery shall apply to the person to whom the transfer is made.
  - ii. Upon acceptance by the City of the transfer fee prescribed in the Schedule “D”, and upon compliance with the requirements of this Bylaw by the licence holder and the person to whom the licence is to be transferred, the Director of Operational Services, or designate, shall effect the transfer by an endorsement upon the licence and shall record the transfer in the books or other records kept by the City for that purpose.
- (d) All licences issued for the use of grave space in the Cemetery shall be subject to the provisions of this Bylaw and all other applicable Bylaws of the City.
- (e) The City will allow plots to be reserved for future use provided that the fees for the grave space or columbarium niche is paid in accordance to Schedule “D”. Fees for burial and other goods or services will be payable at such time as the grave or columbarium space is required for use.
- (f) A Cemetery Licence or Cemetery Licence Right of Interment may be surrendered to the City by the Interment Right Holder provided:
  - i. there are no Interments in the Designated Lot;
  - ii. the Interment Right Holder or their executor provides written notice to the City for their intent to surrender the right per Schedule “J” Cemetery Licence Right to Interment Surrender; and
  - iii. any fees associated with the cost of removal of any Memorial that is on, or embracing the surrendered Lot, are paid.

A refund equal to the purchase price less the Care Fund contribution, and any other associated fees will be issued to the Interment Right Holder.

**4) RECLAMATION OF RIGHT OF INTERMENT PREVIOUSLY SOLD**

Upon approval of the Administrative Authority and in accordance with CIFS Regulation Section 25, a Right of Interment may be reclaimed by the City if:

- (a) the owner of the right of interment is at least 90 years of age or, if living, would be at least 90 years of age,
- (b) a period of at least 50 years has elapsed from the date the prior right of interment was sold,
- (c) at least 90 days have passed since the date the City sent a notice of their intention to resell the right of interment to the last known address of the interment right holder and the City has not received a response from the interment right holder, and
- (d) the City has made diligent attempts to contact the interment right holder but is not able to locate or contact the interment right holder.

**SCHEDULE B**

**THE CORPORATION OF THE CITY OF FERNIE**

**MEMORIAL MARKER PERMIT**

Fee: \$\_\_\_\_\_ (100% payable to Cemetery Care Trust Fund), Received From:

Name: \_\_\_\_\_  
Surname Middle Name First Name

Address: \_\_\_\_\_

Phone: \_\_\_\_\_  
(Residence) Business Fax No. Email address

Section: \_\_\_\_\_ Block \_\_\_\_\_ Plot \_\_\_\_\_

Memorial Tablet Size: Single 18' x 24" \_\_\_\_\_ Double 21" x 31" \_\_\_\_\_

Concrete Strip: \_\_\_\_\_ Cast in place: \_\_\_\_\_ Type of Marker: Pillow: \_\_\_\_\_ Upright: \_\_\_\_\_ Flat: \_\_\_\_\_

Veteran: Yes: \_\_\_\_\_ No: \_\_\_\_\_ Legion Section: Yes: \_\_\_\_\_ No: \_\_\_\_\_

Deceased's Name: \_\_\_\_\_  
First Middle Last First Middle Last

Dates: \_\_\_\_\_  
Born - Day/Month/Year Deceased - Day/Month/Year Born - Day/Month/Year Deceased - Day/Month/Year

Permission is hereby given to install a memorial marker to the City of Fernie specifications, in accordance with the City of Fernie Cemetery Bylaw, by the Contractor listed below. I understand that the City of Fernie is not responsible for the care and maintenance of the memorial marker after installation by the contractor listed below.

Name: Surname/Initial/First \_\_\_\_\_ Signature \_\_\_\_\_ Date: Day/Month/Year \_\_\_\_\_

Name of Contractor: \_\_\_\_\_  
Company Address

Representative's Name \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

**Finance Department (Office Use Only)**

Memorial Marker Permit Fee Received:  
 \$\_\_\_\_\_

Section \_\_\_\_\_ Block \_\_\_\_\_ Plot \_\_\_\_\_

**Operations Department (Office Use Only)**

Installation Date: \_\_\_\_\_ Inspection Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Title: \_\_\_\_\_  
 Permit filed (Date): \_\_\_\_\_ Computer updated: \_\_\_\_\_  
 Map Updated: \_\_\_\_\_ (Initial) \_\_\_\_\_

APPENDIX "B"



THE CORPORATION OF THE  
**CITY OF FERNIE**

P.O. Box 190, 501-3<sup>rd</sup> Avenue, Fernie, BC V0B 1M0  
Tel: 250.423.6817 Fax: 250.423.3034  
Web: www.fernie.ca

Bylaw No. 2092

Permit # \_\_\_\_\_  
Date \_\_\_\_\_

**SCHEDULE "C" INTERMENT PERMIT**

Cemetery: St. Margaret's Cemetery, St. Margaret's Road, Fernie, BC

**DATE OF INTERMENT:** Month day year **Time:** \_\_\_\_\_

**LOT LOCATION:** Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

**DECEASED INFORMATION**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Address: \_\_\_\_\_ Sex: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Date of Death: \_\_\_\_\_ Place of Death: \_\_\_\_\_

**NEXT OF KIN**

Name: \_\_\_\_\_ Relationship to Deceased: \_\_\_\_\_  
Address: \_\_\_\_\_ City / Prov: \_\_\_\_\_  
Postal Code: \_\_\_\_\_ Phone: \_\_\_\_\_

**INTERMENT TYPE**     Full Burial     Cremation (In-ground)     Cremation (Columbarium "3")  
(original certificate of cremation to accompany this form).

**AUTHORIZATION** (See reverse of this page)

This authorization acknowledges that the information provided by me is accurately reflected herein and that the use, memorialization and visitation of a lot in the cemetery is subject in every way to the City of Fernie Cemetery Bylaw No. 1999 and rules and regulations of the City of Fernie Cemetery as they may be in effect at the time of interment or as may be amended time to time thereafter.

Under "Order of Priority" provisions of the Cremation, Interment and Funeral Services Act of BC (see reverse) I certify that I am the legally authorized representative of the above named deceased. Further I certify that I have the full legal right to authorize use of the above identified lot, do hereby authorize the interment of the above named deceased under the terms and conditions outlined herein and accept all responsibility for costs associated with this authorization. I agree to indemnify and hold harmless the City of Fernie, its officers and employees, from liability, costs, expenses or claims resulting from this authorization.

\_\_\_\_\_  
Signature of Authorized Person    Printed Name    Relationship to Deceased  
Address: \_\_\_\_\_    City / Prov: \_\_\_\_\_  
\_\_\_\_\_  
Authorized by the City of Fernie    Date

PART 3, SECTION 5, CREMATION, INTERMENT AND FUNERAL SERVICES ACT

Control of disposition of human remains or cremated remains

**5** (1) Subject to this section and section 8 (3) (b) (i) [*requirement for authorization before funeral services or disposition*], the right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:

- (a) the personal representative named in the will of the deceased;
  - (b) the spouse of the deceased;
  - (c) an adult child of the deceased;
  - (d) an adult grandchild of the deceased;
  - (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
  - (f) a parent of the deceased;
  - (g) an adult sibling of the deceased;
  - (h) an adult nephew or niece of the deceased;
  - (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the *Estate Administration Act*;
  - (j) the minister under the *Employment and Assistance Act* or, if the official administrator under the *Estate Administration Act* is administering the estate of the deceased under that Act, the official administrator;
  - (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).
- (2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.
- (3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority
- (a) is determined in accordance with an agreement between or among them, or
  - (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

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Signature

---

Printed Name

---

Date

**SCHEDULE D**

% of Care Fund Contribution	Schedule D to Cemetery Bylaw No. 1999	2005/2006		2007/2008	
		Resident	Non-Resident	Resident	Non-Resident
	<b>Grave Space</b>				
25%	Adult Size (7 Years & Over)	\$ 600.00	\$1,200.00	\$ 630.00	\$1,260.00
25%	Child/Infant (Stillborn to 7 Years)	\$ 450.00	\$ 900.00	\$ 472.50	\$ 945.00
25%	Cremated Remains Size	\$ 300.00	\$ 600.00	\$ 315.00	\$ 630.00
100%	Cremated remains in existing space	\$ 75.00	\$ 150.00	\$ 78.75	\$ 157.50
	<b>SERVICES</b>				
	<b>Opening / Closing Grave for Burial</b>				
	Adult Size – Summer		\$300.00		\$315.00
	Adult Size – Winter		\$450.00		\$472.50
	Child/Infant – Summer		\$225.00		\$236.25
	Child/infant – Winter		\$337.50		\$354.50
	Cremated Remains Size		\$125.00		\$131.25
	<b>Opening / Closing for Exhumation</b>				
	Adult Size		\$540.00		\$567.00
	Child/Infant		\$540.00		\$567.00
	Cremated Remains Size		\$175.00		\$183.75
	Columbarium		\$100.00		\$105.00
	<b>Additional Charges</b>				
	Burials after 3:00pm Mon – Fri		\$125.00		\$131.25
	Cremated remains burials on Saturday or Sunday		\$50.00		\$50.00
	Full Burial on Saturday or Sunday		\$125.00		\$131.25
	Transfer of License		\$175.00		\$183.75
	<b>Sundry</b>				
	Continuous Concrete Strip		\$100.00		\$100.00
100%	Installation of Markers–Permit Fee		\$50.00		\$50.00
100%	Memorial Monument–Permit Fee		\$25.00		\$25.00
100%	Columbarium –Permit Fee		\$85.00		\$85.00
	Transfer of License		\$25.00		\$25.00
	<b>Miscellaneous Goods and Services</b>				
25%	Memorial Monument siting		\$195.00		\$195.00
	Removal of capping and re-seeding		\$200.00		\$200.00
	Concrete base (61 centimetres by 122 centimetres)		\$125.00		\$125.00
	(61 centimetres by 244 centimetres)		\$200.00		\$200.00

**SCHEDULE D**

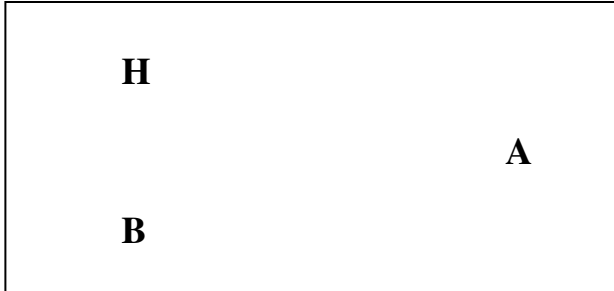
% of Care Fund Contribution	Schedule D to Cemetery Bylaw No. 1999	2009/2010		Effective January 1, 2011 Bylaw No. 2092	
		Resident	Non-Resident	Resident	Non-Resident
	<b>Grave Space</b>				
25%	Adult Size (7 Years & Over)	\$ 665.00	\$1,325.00	\$ 700.00	\$1400.00
25%	Child/Infant (Stillborn to 7 Years)	\$ 500.00	\$ 995.00	\$ 525.00	\$1050.00
25%	Cremated Remains Size	\$ 330.00	\$ 665.00	\$ 350.00	\$ 700.00
100%	Cremated remains in existing space	\$ 82.00	\$ 165.00	\$ 85.00	\$ 175.00
	<b>SERVICES</b>				
	<b>Opening / Closing Grave for Burial</b>				
	Adult Size – Summer		\$330.00		\$350.00
	Adult Size – Winter		\$500.00		\$525.00
	Child/Infant – Summer		\$250.00		\$262.50
	Child/infant – Winter		\$375.00		\$400.00
	Cremated Remains Size		\$140.00		\$150.00
	<b>Opening / Closing for Exhumation</b>				
	Adult Size		\$595.00		\$625.00
	Child/Infant		\$595.00		\$625.00
	Cremated Remains Size		\$195.00		\$205.00
	Columbarium		\$110.00		\$115.00
	<b>Additional Charges</b>				
	Burials after 3:00pm Mon – Fri		\$140.00		\$150.00
	Cremated remains burials on Saturday or Sunday		\$52.50		\$55.00
	Full Burial on Saturday or Sunday		\$140.00		\$150.00
	Transfer of License		\$195.00		\$205.00
	<b>Sundry</b>				
	Continuous Concrete Strip		\$105.00		\$110.00
100%	Installation of Markers–Permit Fee		\$52.50		\$55.00
100%	Memorial Monument–Permit Fee		\$26.25		\$30.00
100%	Columbarium –Permit Fee		\$85.00		\$85.00
	Transfer of License		\$26.25		\$30.00
	<b>Miscellaneous Goods and Services</b>				
25%	Memorial Monument siting		\$204.75		\$215.00
	Removal of capping and re-seeding		\$210.00		\$220.00
	Concrete base (61 centimetres by 122 centimetres)		\$131.25		\$140.00
	(61 centimetres by 244 centimetres)		\$210.00		\$220.00

**Bylaw No. 2092**

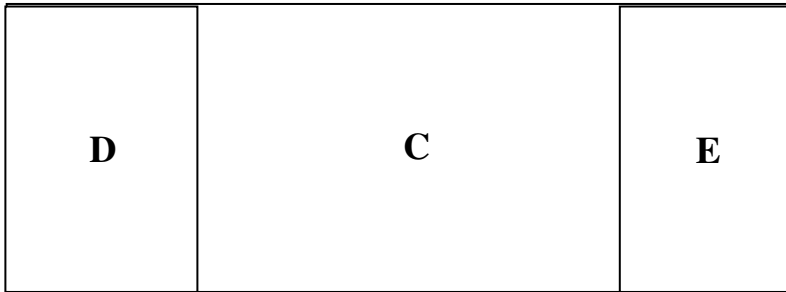
COLUMBARIUM “3” FEES Item	2009/2010		Effective January 1, 2011	
	Care Fund	Total Fee	Care Fund	Total Fee
Cemetery Licence Right of Interment (Resident)	\$50.00	\$500.00	\$60.00	\$600.00
Cemetery Licence Right of Interment (Non-Resident)	\$100.00	\$1000.00	\$120.00	\$1,200.00
Open / Close Columbarium Niche	n/a	\$110.00	n/a	\$115.00
Columbarium Niche Memorial Inscriptions	\$10.00	175.00	\$10.00	\$200.00
Shipping Fees (for Inscription)	n/a	\$40.00	n/a	\$50.00
Disinurnment from Columbarium “3”	n/a	\$110.00	n/a	\$115.00

**SCHEDULE F**

**BURIAL STYLE DETAILS**



Historical Burial Style



Extended Full Burial Style



Cremation Section Burial Style



Memorial Monument

- A Full Burial Style
- B Cremated Remains on existing Burial placed at the head end
- C Full Burial style shifted toward the toe end
- D Cremated remains buried at head end
- E 2<sup>nd</sup> Person Cremated remains placed at toe end
- F 1<sup>st</sup> Person Cremated Remains placed in Cremation plots
- G 2<sup>nd</sup> Person Cremated Remains placed in Cremation section
- H Cremated Remains placed instead of full burial
- I Columbarium
- J Name placed on Memorial Monument



Columbarium



## **SCHEDULE “G” COLUMBARIUM RULES AND REGULATIONS**

### **ST. MARGARET’S CEMETERY**

The following rules and regulations have been adopted with respect to the operation of the Columbarium’s in St. Margaret’s Cemetery.

#### COLUMBARIUM “1”

1. Access to the Columbarium shall be in accordance with the Bylaw or as per governing City policy.
2. Niche dimensions are approximately 12” wide by 12” high by 12” deep.
3. Normal funeral notification will be provided to the City Hall office with normal 24 hour notice as set out in the Bylaw.
4. Information and payments pertaining to funeral details will be completed by the Funeral Director and forwarded to City Hall prior to interment.
5. All permits, regulations and other documentation shall be supplied by the City.
6. On receipt of the necessary documentation the niche shall be opened by removal of the granite shutter and sealing plate prior to the funeral service.
7. Nothing other than urns containing cremated human remains shall be allowed in the niche.
8. A standard granite shutter shall be installed on the face of the sealed niche. No attachments, other than those prescribed shall be permitted on the face of the shutter.
9. When a niche is reserved, a small tag will be placed on the inside seal indicating that such is the case.
10. Inscriptions identifying the name of the deceased, date of birth and death shall be supplied by the funeral services provider at an additional charge.
11. Optional standardized picture frames and vases may be purchased through and installed by the funeral services provider.
12. Where it is required to remove an urn from the niche it shall be considered a disinurnment (exhumation), the funeral services provider will be responsible for removing the granite shutter and the inner seal plate. This work shall be done in the presence of a family member, legal representative of the deceased, or Interment Right Holder. Disinurnments shall be done in as minimum a time as possible with both parties present.

COLUMBARIUM “3”

1. Licence to Use Columbarium “3”

The City may grant to any person paying the fees as set out in *Schedule “D”*, a Cemetery Licence Right of Interment to Columbarium “3” for the exclusive use by such person or their executors or administrators of any one niche which may be vacant and unlicensed in Columbarium “3” and upon payment of said fees such person shall be entitled to receive a *Cemetery Licence Right of Interment, Schedule “A”*. A maximum of two (2) Cremated Remains may be interred in each columbarium niche.

2. Containers/Urns

Cremated Remains placed in Columbarium “3” must be enclosed in a sealed container or urn constructed of a permanent, durable material.

A maximum of two containers or urns may be allowed in any one niche.

Containers/urns must have a minimum of 1” clearance in width, height and depth to fit niche sizes as follows:

*Columbarium “3” East Side (smaller niches)*

12” wide x 12” high x 12” deep (non-tapered)

*Columbarium “3” West Side (larger niches)*

12” wide x 12” high x 16” deep (non-tapered)

3. Access to the Columbarium shall be in accordance with the Bylaw or as per governing City policy.

4. Nothing other than urns containing cremated human remains shall be allowed in the niche.

5. When a niche is reserved, a small tag will be placed on the inside seal indicating that such is the case.

6. A standard granite shutter shall be installed on the face of the sealed niche. No attachments other than those prescribed in section 9) Memorials item d) Columbarium “3” Memorial Inscriptions shall be permitted on the face of the shutter.

7. Inscriptions on the shutters shall be in accordance with section 9) Memorials item d) Columbarium “3” Memorial Inscriptions.

8. Where it is required to remove an urn or container from Columbarium “3” it shall be considered a disinurnment. Upon payment of the fees as set out in *Schedule “D”* the City will be responsible for removing the granite shutter and the inner seal plate. This work shall be done in the presence of a family member, legal representative of the deceased, or Interment Right Holder. Disinurnments shall be done in as minimum a time as possible with both parties present.

**SCHEDULE H**

No. \_\_\_\_\_  
Ferne, BC

**MEMORIAL MONUMENT PERMIT**

\_\_\_\_\_, \_\_\_\_\_  
(Date)

Permission is hereby given to \_\_\_\_\_

to have the name of \_\_\_\_\_

birth date \_\_\_\_\_ date of death \_\_\_\_\_

engraved on the Memorial Monument \_\_\_\_\_ (location)

St. Margaret's Cemetery, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Permit No. \_\_\_\_\_

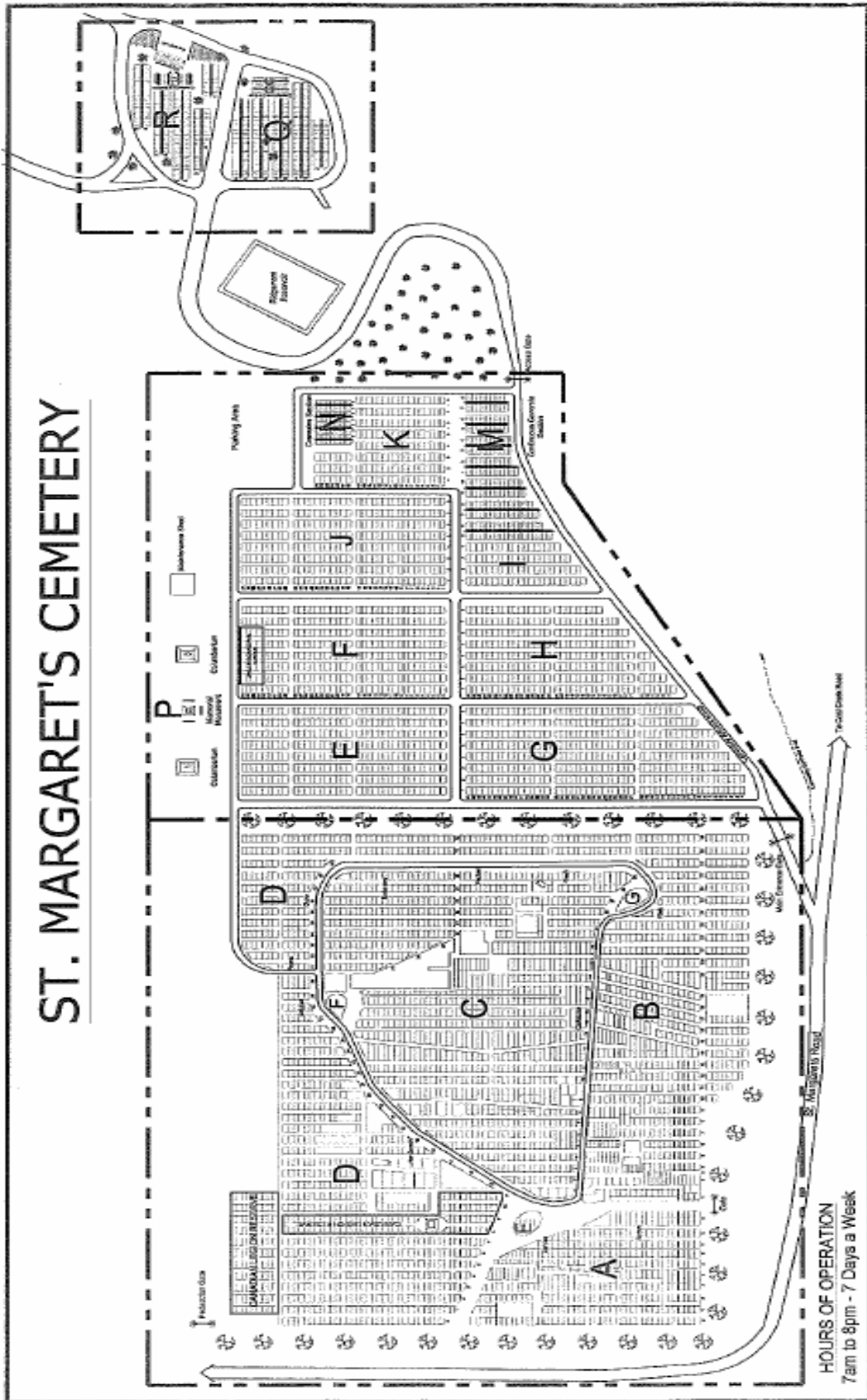
Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**The Corporation of the City of Fernie**

\_\_\_\_\_  
**Authorized Representative**



Schedule "I"

APPENDIX "E"

THE CORPORATION OF THE  
**CITY OF FERNIE**

P.O. Box 190, 501-3<sup>rd</sup> Avenue, Fernie, BC V0B 1M0  
Tel: 250.423.6817 Fax: 250.423.3034  
Web: www.fernie.ca



Bylaw No. 2092

Permit # \_\_\_\_\_  
Date \_\_\_\_\_

SCHEDULE "J" CEMETERY LICENCE  
RIGHT TO INTERMENT SURRENDER

Cemetery: St. Margaret's Cemetery, St. Margaret's Road, Fernie, BC

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Section: \_\_\_\_\_

Surrender

*I hereby surrender to the City of Fernie the Right to Interment for the above mentioned lot, as registered under Cemetery Licence Right to Interment Permit No. .\_\_\_\_\_, dated \_\_\_\_\_.*

Original Purchase Price	
Less Maintenance Care Fund Contribution	
Costs for Removal of Memorial (if applicable)	
<b>REFUND TOTAL</b>	

\_\_\_\_\_  
Interment Right Holder or Executor Signature

\_\_\_\_\_  
Printed Name

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Authorized by the City of Fernie

Date: \_\_\_\_\_

PART 3, SECTION 5, CREMATION, INTERMENT AND FUNERAL SERVICES ACT

Control of disposition of human remains or cremated remains

**5** (1) Subject to this section and section 8 (3) (b) (i) [*requirement for authorization before funeral services or disposition*], the right of a person to control the disposition of the human remains or cremated remains vests in, and devolves on, the following persons in order of priority:

- (a) the personal representative named in the will of the deceased;
- (b) the spouse of the deceased;
- (c) an adult child of the deceased;
- (d) an adult grandchild of the deceased;
- (e) if the deceased was a minor, a person who was a legal guardian of the person of the deceased at the date of death;
- (f) a parent of the deceased;
- (g) an adult sibling of the deceased;
- (h) an adult nephew or niece of the deceased;
- (i) an adult next of kin of the deceased, determined on the basis provided by sections 89 and 90 of the *Estate Administration Act*;
- (j) the minister under the *Employment and Assistance Act* or, if the official administrator under the *Estate Administration Act* is administering the estate of the deceased under that Act, the official administrator;
- (k) an adult person having a personal or kinship relationship with the deceased, other than those referred to in paragraphs (b) to (d) and (f) to (i).

(2) If the person at the top of the order of priority set out in subsection (1) is unavailable or unwilling to give instructions, the right to give instructions passes to the person who is next in priority.

(3) If, under subsection (1), the right to control the disposition of human remains or cremated remains passes to persons of equal rank, the order of priority

- (a) is determined in accordance with an agreement between or among them, or
- (b) in the absence of an agreement referred to in paragraph (a), begins with the eldest of the persons and descends in order of age.

---

Signature

---

Printed Name

---

Date