



P.O. Box 1749  
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**Item No. 15.1.2**  
**Halifax Regional Council**  
**August 19, 2025**

**TO:** Mayor Fillmore and Members of Halifax Regional Council

**FROM:** Cathie O'Toole, Chief Administrative Officer

**DATE:** August 5, 2025

**SUBJECT:** Proposed Amendments to Cemetery Bylaw C700 and Administrative Order 20

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### **ORIGIN**

2025-26 Business Plan – Parks & Recreation  
Update AO20 Respecting Fees for Cemetery Services and By-law C-700 Respecting Municipal Cemeteries.

### **EXECUTIVE SUMMARY**

Halifax is responsible for the maintenance and operation of six municipal cemeteries. Since the last increase in 2016, cemetery fees have not changed and no longer reflect the cost to provide services. To move HRM's cemetery operations toward cost neutrality, it is necessary to increase burial and service fees. This change would better reflect actual costs and align with rates charged by other municipalities and cemetery operators.

The report recommends raising fees in Administrative Order 20 to offset operational expenses. It also proposes amendments to By-law C-700. These changes aim to extend the lifespan of municipal cemeteries and support their day-to-day operations.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council direct the Chief Administrative Officer to adopt the proposed amendments to Administrative Order Number 20, Respecting Fees for Cemetery Services, and Cemetery By-law C-700, as outlined in Attachments C and E.

### **BACKGROUND**

The Halifax Regional Municipality (HRM) currently maintains and operates six active municipal cemeteries: Fairview Lawn Cemetery, Camp Hill Cemetery, Park Avenue Cemetery, Mount Hermon Cemetery, St. Paul's Cemetery (Dartmouth), and St. Peter's Cemetery. All six cemeteries remain active for interments. HRM is responsible for a range of cemetery services, including plot maintenance, interment bookings, grave preparation and measurement, monument and marker placements, genealogical assistance, and

maintaining detailed burial records within the municipal database. These services are coordinated through the Cemetery Office located at Fairview Lawn Cemetery, where staff also assist the public and work closely with funeral homes and monument companies.

On April 13, 2010, Regional Council received a recommendation report regarding “Service Review – Burial Services” which contained 19 recommendations for the future management of cemeteries. Recommendation #1 stated:

- 1) *Best practice indicates the general rated tax payer should not be required to subsidize cemetery services in their local municipality. It is, therefore, recommended that HRM take on the principle of cost recovery for HRM cemeteries. A budget should be established which produces at least a net zero cost to the taxpayer.*

The current cemetery fee structure, outlined in Administrative Order 20, has been amended twice since 2010, with the most recent update approved by Regional Council in 2016. The Cemetery by-law was last updated in 2013.

## **DISCUSSION**

Staff have completed a fee analysis based on the operation of cemetery services on a cost recovery basis as directed by Council in 2010. For the purposes of this analysis, a cost-neutral operation has been defined as the recovery of all costs incurred by the Parks & Recreation business unit (expenditure budget) in support of the direct, day-to-day operation of the six municipal cemeteries.

In support of this analysis staff conducted a market comparison of cemetery fees charged by other municipally operated cemeteries across Canada, as well as privately operated cemeteries within the Halifax Regional Municipality. This comparison is provided in Attachment A.

Table 1: 2025-26 Cemetery Operational Costs (based on a three-year average)

GL	Cost
Salaries – R855 (Cemeteries)	\$160,200
Salaries – R860 (Major Parks)	\$37,800
Office Cost	\$1,450
Contract Services	\$219,000
Supplies	\$1,700
Materials	\$6,300
Building Costs	\$1,300
Equipment and Small Tools	\$1,200
Other	\$4,800
Total	\$433,750

The net expenditure budget for cemeteries for 2025/26 is \$434,000. This includes \$198,000 for compensation and benefits, and \$236,000 for contracted services, along with other operational costs. A detailed breakdown is provided in Table 1, above. It is important to note that this net expenditure budget does not include significant capital items such as major fencing restoration or other major cemetery infrastructure projects. Cost-neutral for the purposes of this report refers specifically to operating cost recovery and does not represent full cost recovery or complete net-zero taxpayer impact.

Projected revenues for cemetery services for 2025-26 are approximately \$296,000, Cemetery services are falling short of cost-neutral operations by \$138,000.

Based on the staff analysis of current costs, fee shortfall, and market comparison, and in alignment with Council's 2010 direction of cost recovery, staff recommend the adoption of the revised fee structure outlined in in Table 2. Adopting the proposed fees will allow HRM to achieve cost neutrality for cemetery operations; generating the additional revenue required to support necessary repairs and ongoing maintenance within the cemeteries.

Support for low-income individuals and families, including military veterans, will continue through HRM's partnerships with the Department of Community Services, Nova Scotia Public Trustee's Office, and the Last Post Fund. The Last Post Fund is a non-profit, volunteer-driven organization mandated to provide essential services to Canadian military veterans and their families. HRM and the Fund have a long-standing partnership that ensures veterans receive the dignity and respect they deserve through combined support efforts. In addition, there is no impact on any services that have been purchased but not yet delivered.

Table 2 – Existing and Proposed Fee Change

<b>Fee</b>	<b>Existing Fee Amount</b>	<b>Proposed Fee Amount</b>	<b>Increase</b>	<b>Number of Projected Services</b>	<b>Total</b>
Single Grave Lot	\$2300	\$3000	\$700	25	\$75,000
Cremation Lots	\$1,500	\$2100	\$600	35	\$73,500
HRM Columbarium	\$2,500	\$3100	\$600	15	\$46,500
Standard/Green Interment	\$900	\$1300	\$400	30	\$39,000
Double depth / Vault/ Oversize Interment	\$1100	\$1400	\$300	1	\$1,400
Cremation Interment	\$500	\$700	\$200	158	\$110,600
Columbarium Interment	\$400	\$550	\$150	15	\$8,250
Cremation Vault Interment	-	\$850	-	1	\$850
Vault rental (handling fee per movement)	\$200	\$200	0	0	0
Rental fee (per month)	\$50	\$50	0	0	0
Mausoleum/Columbarium Monument Recording Fee	-	\$150	-	4	\$600
Maintenance Care	\$300	\$350	\$50	171	\$59,850
Standard Disinterment	\$900	\$1300	\$400	0	\$0
Cremation Disinterment	\$500	\$700	\$200	0	\$0
After 4:00 p.m. Mon-Fri Rate (Industry Standard)	\$100	\$150	\$50	4	\$600
Saturday Rate (Industry Standard)	\$175	\$250	\$75	25	\$6,250
Sunday and Holiday Rate (Industry Standard)	\$225	\$350	\$125	5	\$1,750
Transfer Fee	\$100	\$100	\$0	1	\$100
Research Fee	\$50 / Hour	\$50 / Hour	0	0	\$0
Foundation/Marker Fee	\$75	\$100	\$25	95	\$9,500
<b>Total Revenue</b>	-	-			<b>\$433,750</b>
<b>Projected Operating Costs</b>					<b>\$433,750</b>
<b>Notes:</b>					
<ul style="list-style-type: none"> <li>The cemetery fee by-law (AO-20) will be updated in 2026 to align with the inflationary guidelines that will be established later in 2025.</li> <li>Service projections are based on a three-year average of services provided across HRM-operated cemeteries.</li> </ul>					

- The rates listed in the table for services after 4:00 p.m., as well as on Saturdays, Sundays, and holidays, reflect the recommendations presented in the March 8, 2016, report titled *Amendment to Administrative Order Number 20, Respecting Fees for Cemetery Services*.

On July 8, 2025, Regional Council directed the Chief Administrative Officer to return with a corporate user fee policy and pricing strategy, including cost-recovery guidelines, inflation adjustment protocols, and fee exemption criteria. Pending the results of this analysis, staff may recommend additional future changes to the AO 20, including, as noted above, changes to reflect inflationary increases.

**Proposed Amendments to By-law C-700 – Summary of Key Changes (Attachment D and E):**

In addition to the proposed fee increases to address rising operational costs, staff are recommending amendments to By-law C-700, as outlined in Attachment B. These changes are intended to improve clarity, support evolving burial practices, and address operational and administrative issues within HRM-managed cemeteries.

**Section 12**

- Introduces additional regulations regarding the placement and size of markers and monuments.
- Specifies where flat markers may be placed at the base of graves and defines the allowable size for upright cremation monuments, a new offering in HRM cemeteries.
- These regulations do not apply to monuments requested by the Last Post Fund which are subject to the Last Post and HRM approval.
- Monument Size Limitations for Multiple Plots
  - Establishes a maximum monument size of 50" (length) x 14" (width) x 32" (height) for owners of more than two adjacent plots.
  - This limitation is intended to manage space equitably and maintain the integrity of cemetery design and access.

**Section 14**

- Clarifies the types of markers permitted for plots funded by the Province of Nova Scotia, such as those used for unclaimed bodies or individuals on social assistance.
- Allows for a small flat marker (14 x 7 inches) only, and not a larger monument, to preserve consistency and dignity while managing expectations when families come forward after the burial.

**Section 17**

- Permits lettering on the reverse side of monuments.
- This change addresses cases where older plots, now used for family cremations, no longer have space on the front for additional inscriptions.

**Section 20**

- Increases the allowable number of cremated remains interred over a single casket burial from three to six.

- This change enhances the capacity of HRM cemeteries and supports cost recovery efforts through increased service availability.

Sections 20 and 21

- Clarifies that HRM is not responsible for the opening and closing of non-HRM-owned columbarium niches or mausoleums.
- These services remain the responsibility of the supplier or company from which the monument or mausoleum was purchased

Section 22

- Infant burial plots have been removed from the by-law, as the municipality no longer offers this as a separate service and no longer has any available plots.

Section 26

- Updates interment rights and succession in cases where the plot owner is deceased without having designated a beneficiary.
- Establishes that interment rights default to the immediate descendants of the deceased owner.

Section 29

- Introduces a requirement for HRM approval of commercial or recreational activities within cemetery grounds.
- This change responds to recent occurrences of for-profit activities taking place in cemeteries without municipal authorization.

Section 30

- Provisions have been added to permit Companion Dogs in cemeteries, along with a definition clarifying what constitutes a Companion Dog

Section 32

- Grants HRM staff the authority to refuse burials when weather or site conditions may pose safety risks to the public, contractors, or municipal staff.
- For example: In the event of a severe weather occurrence, such as a hurricane or major winter storm, HRM reserves the right to reschedule the burial to ensure the safety of its staff, contractors, and the public.

**FINANCIAL IMPLICATIONS**

Approval of the recommendation will enable the implementation of a fee structure that supports a cost-neutral operation of HRM cemeteries relative to the current Parks and Recreation operating budget.

### **RISK CONSIDERATION**

No risk considerations were identified.

### **COMMUNITY ENGAGEMENT**

No community engagement was required.

### **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

### **ALTERNATIVES**

1. Maintain Status Quo - Regional Council could direct the Chief Administrative Officer to retain the existing fee structure and make no amendments to By-law C-700. Under this option, cemetery operations would continue to operate at a deficit, requiring ongoing subsidy from the municipal budget.

2. Amend By-law Only and Increase Budget - Regional Council could direct the Chief Administrative Officer to adopt the proposed amendments to By-law C-700, as detailed in Attachment B, while maintaining the current fee structure. This option would require an increase to the cemetery operating budget to offset the continued revenue shortfall.

3. Adopt By-law and AO with amendments – Regional Council could direct the Chief Administrative Officer to adopt the proposed changes to By-law C-700 and Administrative Order 20 with amendments. Should Council choose this option, a supplementary staff report is recommended.

### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, S.N.S. 2008, c. 39*

59 (3) In addition to matters specified in this Act or another Act of the Legislature, the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality,”

61(5) The Municipality may

[...]

(d) Sell deeds for cemetery lots and certificates of perpetual care.

*By-law C-700, the Cemeteries By-law*

2A (1) The Council hereby delegates to the Supervisor the powers and duties necessary and incidental to administer this by-law.

(2) (a) The Supervisor may appoint one or more delegates who shall assist the Supervisor in carrying out the Supervisor’s powers and duties; and

(b) Anyone appointed under clause (a) shall act in the place and in the stead of the Supervisor when the Supervisor is absent or at the request of the Supervisor.

24 (1) The cemetery fees shall be prescribed from time to time by Council by Policy.

(2) The cemetery fees prescribed under subsection 1 of this section may be all inclusive, partially inclusive or may be different for the:

- (a) type of cemetery fee;
- (b) type of interments or disinterment;
- (c) time and day of interments;
- (d) date of purchase of a burial lot;
- (e) date of purchase of the right to use a niche lot;
- (f) date maintenance care is paid;
- (g) transfer of burial lots or niche lots;
- (h) foundation/marker administrative fee;
- (i) rental of types of vaults; and
- (j) any other matter the Council sets out in the Policy.

### **ATTACHMENTS**

Attachment A Fee Comparison  
Attachment B AO20 - Showing Proposed Changes  
Attachment C AO 20 - Amending AO  
Attachment D By-Law C-700 - Showing Proposed Changes  
Attachment E By-Law C-703 - Amending By-law

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Report Prepared by: Adam Cornick / Superintendent Parks West / Parks and Recreation / 902.225.4769

# ATTACHMENT A

## Market Scan of Canadian City/Municipality and other Halifax Regional Cemeteries

	<b>Halifax</b>	<b>Calgary (Prairie Sky)</b>	<b>Edmonton (Northern Lights)</b>	<b>Regina</b>	<b>Brandon</b>
Single Traditional Plot	\$2300.00	\$4589.48	\$3300.00	\$2065.00	\$2400.00
Cremation Plot	\$1500.00 4 urns	\$3676.00 (upright) \$2626.00 (flat marker)	\$2300.00 4 urns	\$780.00 1 urn	\$1056.00
Columbarium Niche	\$2500.00	\$4455.00 – \$5834.00	\$3550.00 - \$4240.00	\$4475.00 - \$4875.00	\$4223.00
Traditional interment	\$900.00	\$1940.80	\$1325.00	\$1435.00	\$1365.00
Cremation interment	\$500.00	\$534.41	\$600.00	\$475.00	\$618.00
Columbarium Interment	\$400.00	\$534.41 second interment	\$350.00	\$225.00	Included in cost of niche
Double Depth/Vault	\$1100.00	\$1940.00	\$2325.00	Not permitted	\$2025.00
Cremation Vault Interment			\$700.00	Extra \$115	
Transfer Fee	\$100.00	\$200.00	\$225.00	\$100.00	\$104.00

	<b>Halifax</b>	<b>Calgary (Prairie Sky)</b>	<b>Edmonton (Northern Lights)</b>	<b>Regina</b>	<b>Brandon</b>
Foundation Marker Fee	\$75.00	\$206.00	\$125.00	\$180.00	\$140.00
Winter Vault Rental movement	\$200.00				
Monthly Winter Vault Rental	\$50.00				
Traditional interment Saturday overtime	\$175.00	\$1354.15	\$400.00	\$805.00	Sat \$970.00 Sun/Holiday \$1442.00
Cremation interment Saturday overtime	\$175.00	\$352.36	\$200.00	\$435.00	Sat \$582.00 Sun/Holiday \$824.00
After 4:00 pm Monday - Friday	\$100.00		\$570.00 casket \$285.00 cremation	\$435.00	
Every ½ hour past 4:30 Monday to Friday or scheduled time		\$215.75			\$165.00

Note: All the above have union staff that are employed full time

## Market Scan Local Halifax Regional Cemeteries

	Halifax	St John's	Brookside	Gates of Heaven	Oakridge
Single Traditional Plot	\$2,300	\$1850	\$1500 - \$3000	\$2,400 Mt Olivet \$4000	\$3045
Cremation Plot	\$1,500 (4 cremations)	\$1400 (4 cremations)	\$900 (2 cremations)	\$2100 (2 cremations)	\$2140 (3 cremations)
Columbarium Niche	\$2500	\$2800	\$2000 - \$2400	\$3325 - \$3025	\$5055
Traditional Interment	\$900	\$2000 summer \$3000 winter	\$1500	\$975	\$1390
Cremation Interment	\$500	\$800 summer \$900 winter	\$600	\$575	\$820
Columbarium Interment	\$400	Included in niche price	\$150	\$485	\$705
Double Depth/Trad Vault	\$1100	Not permitted	n/c	n/c	\$1100
Cremation Vault		Not permitted			\$1300
Traditional Disinterment	\$900	\$1900 summer \$2100 winter	\$1500	\$1500	\$2200 - \$2600

	<b>Halifax</b>	<b>St John's</b>	<b>Brookside</b>	<b>Gates of Heaven</b>	<b>Oakridge</b>
Cremation Disinterment	\$500	\$800	\$600	\$900	\$720
Maintenance Fee/Perpetual Care	\$300	\$1000 (traditional) \$275/\$700 (cremation) \$1000 (Columbarium)		\$400 Trad/Crem \$350 Columbarium	15% included in price of plot
Transfer Fee/New Deed	\$100	\$100	\$50	n/c	\$100
Mausoleum Interment/ Niche monument		\$150		\$485	
Foundation Marker Fee	\$75	\$75	n/c	\$350 - \$500	n/c
Winter Vault Rental movement	\$200				
Monthly Winter Vault Rental	\$50				
Traditional Burial weekend/holiday overtime rate	\$175.00 Saturday \$225 Sunday/Holiday	\$350 Saturday Do not bury on Sunday/Holiday	n/c Saturday \$300 Sunday/Holiday	\$350 Saturday after 12:01 Do not bury on Sundays	\$600 Saturday \$930 Sunday/Holiday

	<b>Halifax</b>	<b>St John's</b>	<b>Brookside</b>	<b>Gates of Heaven</b>	<b>Oakridge</b>
Cremation burial weekend/holiday overtime rate	\$175.00 Saturday \$225 Sunday/Holiday	\$350 Saturday Do not bury on Sunday/Holiday	n/c Saturday \$100 Sunday/Holiday	\$350 Saturday after 12:01 Do not bury on Sundays	\$200 Saturday, \$305 Sunday and Holiday
After 4:00 pm Monday - Friday	\$100.00	\$250 after 3:00 pm	n/c	n/c	\$250 after 3:00 pm

**ATTACHMENT B**  
(AO 20 – Showing Proposed Changes)

**Halifax Regional Municipality  
Administrative Order Number 20  
Respecting Fees for Cemetery Services**

**BE IT RESOLVED** as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

**1. SHORT TITLE**

The Administrative Order may be cited as Administrative Order Number 20, Fees for Cemetery Services Administrative Order.

**2. CEMETERY FEES ESTABLISHMENT**

Whereas By-Law C-700 provides for the sale of burial rights and the provision of other services related to municipal cemeteries, the schedule of fees is as follows:

**Schedule of Fees - HRM Cemeteries Price**

**1. Lot and Niche Fees Except for the Last Post Fund Columbarium**

A. Single grave lot	<del>\$2,300.00</del> \$3,000.00
B. Cremation lots (holds up to 4 cremations)	<del>\$1,500.00</del> \$2,100.00
C. <del>Repealed</del> <b>Infant lots (in special infant sections)</b>	<del>—————</del> \$200.00
D. Repealed	
E. HRM Columbarium (up to 2 urns)	<del>\$2,500.00</del> \$3,100.00

Except for interments in the Last Post Fund Columbarium, an additional fee for maintenance care in the amount of \$300.00 will be added to each of the lots mentioned above and provides for the first interment in the lot. Subsequent interments are outlined in section 2 below.

15% of the proceeds of the lot sales will be deposited in a trust or reserve to provide for maintenance care of the lots.

**2. Interment Fees Except for the Last Post Columbarium**

A. Standard <del>or Green</del> interment	<del>\$900.00</del> \$1,300.00
B. Double depth/vault/oversize (where site conditions permit)	<del>\$1,100.00</del> \$1,400.00
C. Cremation interment	<del>\$500.00</del> \$700.00

D.	HRM Columbarium interment	<del>\$400.00</del> \$550.00
E.	Cremation Vault interment	\$850.00

**3. Additional Fees Except for the Last Post Fund Columbarium**

A.	Transfer fees (no tax payable)	\$100.00
B.	Research fee (per hour)	\$50.00
C.	Foundation/ mark administration fee	<del>\$75.00</del> \$100.00
D.	Vault rental (handling fee per movement)	\$200.00
E.	Rental fee (per month)	\$50.00
F.	Maintenance care fee for a second and all subsequent interments	<del>\$300.00</del> \$350.00
G.	Standard disinterment	<del>\$900.00</del> \$1,300.00
H.	Cremation disinterment	<del>\$500.00</del> \$700.00
I.	Weekend/Holiday rate (additional flat rate added to price)	
	a) Saturday rate	<del>\$175.00</del> \$250.00
	b) Sunday/Holiday rate	<del>\$225.00</del> \$350.00
J.	Burials after 4:00 pm Mon-Fri (additional <del>\$100.00</del> \$150.00 flat rate added to price)	
K.	Mausoleum/Columbarium (non HRM owned) Recording Fee	\$150.00

If a maintenance care fee was not included at the time of purchase, a maintenance care fee shall be applied at the time of interment pursuant to clause 3F except for interments in the Last Post Fund Columbarium (no additional maintenance fee).

Tax is payable on all fees.

**4. Niche Fees - Last Post Fund Columbarium – Purchased Prior to August 13, 2008**

A.	Single Interment in Last Post Columbarium (including the cost of the maintenance fee, opening and closing, deed, engraving the niche panel and all applicable taxes)	\$1,840.00
B.	Double Interment Last Post Columbarium	\$2,140.00

(including the cost of the first and second maintenance fee, first and second opening and closing, deed, engraving the niche panel and all applicable taxes)

- C. Second maintenance care fee (per movement) plus applicable taxes are included in the fee of B. \$50.00
- D. Opening and closing fee per interment plus applicable taxes is included in A. and B. \$250.00

**5. Niche Fees - Last Post Fund Columbarium - Purchased from Last Post Fund after August 12<sup>th</sup> 2008**

- A. Single Interment in Last Post Columbarium \$2,106.00  
(including the cost of the niche, one opening and closing fee, maintenance fee, engraving of niche panel, deed, and all applicable taxes but excluding C and D)
- B. Double Interment Last Post Columbarium \$2,727.50  
(including the cost of the niche, two opening and closing fees, two maintenance fees, engraving of niche panel, deed, and all applicable taxes but excluding C and D)
- C. Weekend/Holiday rate (plus applicable tax)
  - a) Saturday rate \$175.00
  - b) Sunday/Holiday rate \$225.00
- D. Burials after 4:00 pm Mon/Fri (plus applicable tax) \$100.00

**6. Niche Fees – Last Post Fund – Purchased from HRM at Any Time**

- A. Single Interment in Last Post Columbarium \$2,106.00  
(including the cost of the niche, one opening and closing fee, maintenance fee, engraving of niche panel, deed, and all applicable taxes but excluding C and D)
- B. Double Interment Last Post Columbarium \$2,727.50  
(including the cost of the niche, two opening and closing fees, two maintenance fees, engraving of niche panel, deed, and all applicable taxes but excluding C and D)
- C. Weekend/Holiday rate (plus applicable tax)
  - a) Saturday rate \$175.00
  - b) Sunday/Holiday rate \$225.00

D. Burials after 4:00 pm Mon-Fri (plus applicable tax) \$100.00

Done and passed in Council this 25<sup>th</sup> day of January, 2000.

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Deputy Mayor

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Municipal Clerk

I, Vi Carmichael, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on January 25, 2000.

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Vi Carmichael, Municipal Clerk

**Amendment # 1**

Notice of Motion:

December 11, 2007

Approved:

February 5, 2008

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**Amendment # 2**

Notice of Motion:

June 22, 2010

Approved:

July 6, 2010

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**Amendment # 3**

Notice of Motion:

June 25, 2013

Approved:

September 10, 2013

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**Amendment # 4**

Notice of Motion:

February 23, 2016

Approved:

March 8, 2016

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**ATTACHMENT C**  
(Amending Administrative Order)

**HALIFAX REGIONAL MUNICIPALITY**  
**ADMINISTRATIVE ORDER 20**  
**RESPECTING FEES FOR CEMETERY SERVICES**

**BE IT RESOLVED** as an Administrative Order by the Council of the Halifax Regional Municipality that Administrative Order 20, the *Fees for Cemetery Administrative Services Administrative Order*, is amended, as follows:

1. Subsection 2(1) is amended by:

- (a) Striking out the numbers, symbols and punctuation “\$2,300.00” in the row starting “Single grave lot” and adding the numbers, symbols and punctuation “\$3,000.00”;
- (b) Striking out the numbers, symbols and punctuation “\$1,500.00” in the row starting “Cremation lots” and adding the numbers, symbols and punctuation “\$2,100.00”;
- (c) Repealing clause 2(1)(C);
- (d) Striking out the numbers, symbols and punctuation “\$2,500.00” in the row starting “HRM Columbarium” and adding the numbers, symbols and punctuation “\$3,100.00”;

2. Subsection 2(2) is amended by:

- (a) Adding the words “or Green” after the word “Standard” and before the word “interment”;
- (b) Striking out the numbers, symbols and punctuation “\$900.00” in the row starting “Standard” and adding the numbers, symbols and punctuation “\$1,300.00”;
- (c) Striking out the numbers, symbols and punctuation “\$1,100.00” in the row starting “Double depth” and adding the numbers, symbols and punctuation “\$1,400.00”;
- (d) Striking out the numbers, symbols and punctuation “\$500.00” in the row starting “Cremation interment” and adding the numbers, symbols and punctuation “\$700.00”;
- (e) Striking out the numbers, symbols and punctuation “\$400.00” in the row starting “HRM Columbarium” and adding the numbers, symbols and punctuation “\$550.00”;
- (f) Adding a row after the row starting “D. HRM Columbarium interment” and before subsection 3 as follows:

E. Cremation Vault interment	\$850.00
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3. Subsection 2(3) is amended by:

- (a) Striking out the numbers, symbols and punctuation “\$75.00” in the row starting “Foundation” and adding the numbers, symbols and punctuation “\$100.00”;

- (b) Striking out the numbers, symbols and punctuation “\$300.00” in the row starting “Maintenance care fee” and adding the numbers, symbols and punctuation “\$350.00”;
- (c) Striking out the numbers, symbols and punctuation “\$900.00” in the row starting “Standard disinterment” and adding the numbers, symbols and punctuation “\$1,300.00”;
- (d) Striking out the numbers, symbols and punctuation “\$500.00” in the row starting “Cremation disinterment” and adding the numbers, symbols and punctuation “\$700.00”;
- (e) Striking out the numbers, symbols and punctuation “\$175.00” in the row starting “Saturday rate” and adding the numbers, symbols and punctuation “\$250.00”;
- (f) Striking out the numbers, symbols and punctuation “\$225.00” in the row starting “Sunday/holiday rate” and adding the numbers, symbols and punctuation “\$350.00”;
- (g) Striking out the numbers, symbols and punctuation “\$100.00” in the row starting “Burials after 4:00” and adding the numbers, symbols and punctuation “\$150.00”;
- (h) Adding a row after the row starting “Burials after 4:00 pm” and before the paragraph starting “If a maintenance care fee” as follows:

K. Mausoleum/Columbarium (non HRM owned) Recording Fee \$150.00

Done and passed in Council this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

**ATTACHMENT D**  
(By-law C-700 - Showing Proposed Changes)

**HALIFAX REGIONAL MUNICIPALITY**  
**BY-LAW NUMBER C-700**

**BY- LAW RESPECTING MUNICIPAL CEMETERIES**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality as follows:

**Short Title**

**1** This by-law shall be known as by-law number C-700 and may be cited as the Cemeteries By-law.

**Definitions**

**2** In this by-law

- (a) “Burial Lot” means a lot of land containing or which may contain one or more grave spaces;
- (b) “cemetery fee” means a fee for any one of the following:
  - (i) the purchase of a burial lot;
  - (ii) the purchase of a right to use a niche lot;
  - (iii) maintenance care;
  - (iv) interment;
  - (v) transfer of burial lots or niche lots;
  - (vi) foundation/marker administration fee;
  - (vii) vault rental; and
  - (viii) disinterment.
- (ba) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;
- (c) “columbarium” is a niche or receptacle in a wall that serves as the resting place for cremated remains, usually within an urn;
- (ca) “Columbarium monument” means a monument above the ground that is owned

by the lot owner and is intended for the purposes of a columbarium;

(d) “columbarium operator” means the Last ~~p~~Post Fund or a company, partnership, sole proprietorship or society which has an agreement with the Municipality to operate a building or structure which contains or may contain one or more places for the permanent placement of human remains;

(da) “Companion Dogs” means any one of the following:

(i) a service dog as defined in the *Service Dog Act, 2016, c.4, s. 1*;

(ii) a dog guide as defined in the *Blind Persons’ Rights Act, R.S., c. 40, s.1*;

(iii) emotional support or therapy dogs;

(iv) any other dog for whom the owner has obtained permission from the Supervisor.

(e) “Council” means the Council of the Halifax Regional Municipality;

(f) “grave” means a space in a burial lot where human remains are buried;

(fa) “green burial” means a traditional interment also referred to as a green interment where the human remains are wrapped in a shroud or placed in a bio-degradable, wooden, cardboard or wicker casket and receive no embalming.

(g) ~~Repealed; “infant lot” means any space designated specifically as an infant burial lot located in an area of the cemetery designated for this purpose;~~

(h) “Interment” means the traditional burial or placement of human remains in a lot, niche or other structure;

(i) “lot owner” means a person who purchases a lot of land containing or which may contain one or more graves, without acquiring any ownership interest in the land, and includes the heirs, successors and assigns and the personal representative of the lot owner and the agent of any of them;

(ia) “maintenance care” means the maintenance of the lawn, grass, and columbaria only, but excludes the maintenance of monuments;

(ib) “mausoleum” means any building or structure located above ground for the purpose of housing a tomb or tombs;

(j) Repealed;

- (k) “memorial” means a flat foot marker, flat marker, monument, headstone, or plaque marking a grave;
- (l) “Municipality” means the Halifax Regional Municipality;
- (m) “niche” means the space where cremation remains are placed for burial,
- (n) “niche lot” means a space within a building or structure which contains or may contain one or more places for the permanent placement of human remains;
- (o) “niche owner” means a person who purchases the right to use a niche, and includes the heirs, successors and assigns and the personal representative of the niche owner and the agent of any of them;
- (p) “perpetual care” means the maintenance of the lawn and grass only;
- (q) “Supervisor” means the Cemetery Administrator and his/her their designate;
- (r) “undersized lot” means a lot of less than 27 square feet; and
- (s) “vault” means any impermeable tomb located above or below ground for the purpose of interring human remains.

### **Delegation of Authority to the Supervisor**

**2A** (1) The Council hereby delegates to the Supervisor the powers and duties necessary and incidental to administer this by-law.

- (2) (a) The Supervisor may appoint one or more delegates who shall assist the Supervisor in carrying out the Supervisor's powers and duties; and
- (b) Anyone appointed under clause (a) shall act in the place and in the stead of the Supervisor when the Supervisor is absent or at the request of the Supervisor.

### **Application**

**3** (1) This by-law shall apply to the following cemeteries:

- (a) Camp Hill Cemetery, Halifax
- (b) Fairview Lawn Cemetery, Halifax
- (c) Saint Paul’s Cemetery (Old Burying Grounds), Halifax

- (d) Mount Hermon Cemetery, Dartmouth
  - (e) Saint Paul's Cemetery, Dartmouth
  - (f) Dartmouth Common (Park Avenue) Cemetery, Dartmouth
  - (g) Saint Peter's Cemetery, Dartmouth
- (2) Repealed.
- (3) Monuments or memorials placed by The Last Post Fund, Veterans Affairs Canada, or Commonwealth War Graves Commission are subject to the approval of the Supervisor.

### **Requirements of Purchase**

- 4 (1) Burial lots shall only be purchased from the Municipality.
- (2) The right to use a niche lot shall be purchased from the Municipality or if the Municipality does not own the columbarium where the niche is located, from the columbarium operator;
- (3) No person shall purchase more than four (4) burial lots.
- (4) No person shall purchase the right to use more than four (4) niche lots.
- (5) (a) The Municipality shall provide to a purchaser of a lot or a niche a written agreement signed by both parties or their representatives, and a copy of the agreement shall be mailed to or given to the lot or niche owner at the time of signing.
- (b) Parties requesting the use of a lot shall present a copy of the agreement to the Supervisor.
- (6) The lot or niche owner shall provide the Supervisor with their current mailing address and shall notify the Supervisor of any change of address.

### **Rights of Cemetery Lot Owner**

- 5 The lot or niche owner has the right:
- (a) to reasonable access to the lot;
  - (b) to use the lot for human burial; and
  - (c) to erect a memorial or plaque on the lot subject to any specifications provided herein.

## Burial Records

6 Burial records shall be held by the Municipality and such records shall be conclusive evidence as to burial rights on a lot.

## Lot Transfer

- 7 (1) Every transfer of the ownership of a lot from one person to another shall be the responsibility of the Supervisor.
- (2) (a) No change in the ownership of a lot shall become effective until written notice of the requested change has been given to the Supervisor and the transfer fee has been paid.
- (b) The Supervisor may at ~~his/her~~ their discretion approve of a transfer.
- (3) The owner of a lot shall not permit interments to be made in the lot in return for remuneration from any person.
- (4) Where the owner of 8 or more lots transfers lots to persons other than family members, the Municipality may request proof of familial relationship from a lot owner to ensure that the lots are being used for the burial of family members of the lot owner.
- (5) Lot sales are subject to the following:
- (i) All lots sold shall be placed in the purchaser's name.
- (ii) A lot owner has the option of selling a lot back to the Municipality.
- (iii) (a) A lot that is sold back to the Municipality will remain with the Municipality for 60 days and cannot be used.
- (b) On the expiry of the 60 days, the Municipality may sell the lot.
- (iv) All lots sold back to the Municipality shall be purchased at the current municipal value for a lot less 20%.
- (6) Upon the death of a lot or niche owner, any subsequent owner shall file satisfactory proof of ownership with the Municipality, and the Municipality shall have the right to prohibit interments until such proof is provided.
- (7) Where a lot is found to be unsuitable for burial, the Supervisor shall exchange the location of the lot at ~~his~~ their discretion.

## More than One Lot Owner

- 8 (1) Where a lot is acquired by more than one person, ~~only~~ more than one memorial or marker shall may be erected on the lot subject to the discretion and approval of the

## **Supervisor.**

- (2) The Municipality is not bound by any personal lot agreements.
- (3) The Supervisor shall approve interments having regard to the capacity of the lot.

## **Lot Maintenance**

- 9 (1) The erecting or placing of borders, fences, railings, walls, cut stone copings or hedges in or around lots is prohibited, and the Municipality may remove any prohibited items at the expense of the lot owner.
  - (2) No owner shall change a lot in any manner which interferes with the grading of the area, and the Municipality shall have the right to regrade any area so affected at the expense of the owner.
  - (3) No person shall modify a cemetery lot including walkways, sod removal, or the removal of corner posts or grave memorials.
  - (4) No chair, wooden or wire trellis, arch or iron rods of any description shall be permitted on a lot.

## **Flowers, Trees and Shrubs**

- 10 (1) **No person shall cultivate trees, shrubs, flowers, or any other plants on a lot without the approval of the Supervisor. ~~Trees, shrubs, flowers and plants may be cultivated on a lot with the approval of the Supervisor, but only those varieties that will not expand onto an adjacent lot.~~**
  - (2) The Municipality may remove, cut, or trim any tree, shrub, flower, or plant within a cemetery.

## **Monument Placement**

- 11 (1) All stones are to be installed by a monument dealer or their agent.
  - (2) Repealed.
  - (3) All costs of stone maintenance and stone leveling are the responsibility of the lot owner.
  - (4) Marking of the site for stone placement and interments will be done by municipal staff.

## **Memorials**

- 12 (1) **Subject to the type of plot, no person shall erect more than one monument on each grave space without the approval of the Supervisor. ~~One monument only shall be permitted on each grave space.~~**
  - (1A) No person shall erect a monument which does not conform to the requirements of this

by-law.

- (2) All monuments shall be constructed of granite, cut stone or marble.
- (3) No monument less than five inches in thickness shall be erected.
- (4) Monuments of five inches in thickness shall not exceed two feet two inches in height, including the foundation and base.
- (5) Monuments of six inches in thickness shall not exceed two feet six inches in height, including the foundation and base.
- (6) Monuments erected on single grave lots shall have a maximum base size of 32 inches x 12 inches and shall have a maximum height of 28 inches including the foundation and base.
- (7) Monuments erected on two grave lots shall have a maximum base size of 50 inches x 14 inches and shall have a maximum height of 32" including the foundation and base.

(7A) Subject to location, monuments erected on a cremation plot shall have a maximum base of 28 inches x 12 inches and shall have a maximum height of 28 inches including the base

(7B) Notwithstanding any provision in this by-law, the maximum size permitted of a monument which is erected on two or more plots is 50 inches x 14 inches and the maximum monument height is 32 inches, regardless of whether the plots are adjacent, connected or otherwise abutting.

(7C) Subject to the discretion of the Supervisor, subsection 12(7B) does not apply to Mausoleums or plots maintained by the Last Post Fund.

- (8) Only upright or slant monuments shall be placed at the head of a grave.
- (9) The placing of lettered boards or wooden crosses is prohibited.

### **Slant Marker Dimensions**

**13** Slant markers or wedges shall not exceed the following dimensions:

- (a) Single Grave Lot - 30" long x 18" wide x 12" high including foundation and base;
- (b) Two Grave Lot - 48" long x 20" wide x 14" high including foundation and base.

### **Flat Marker Dimensions**

**14** (1) Individual graves may be marked by flat markers installed as foot markers which shall

be set in-ground, flush to ground level without foundations, and must be not more than six (6) inches nor less than four (4) inches in thickness; and a maximum size of 22 inches long x 12 inches wide.

(2) Single grave lots that do not have monuments shall be permitted to have a flat marker at the head of the grave with maximum dimensions of 30 inches long x 18 inches wide.

(3) Double grave lots that do not have monuments shall be permitted to have a flat marker at the head of the grave with maximum dimensions of 30 inches long x 18 inches wide.

(4) All markers shall be constructed of granite, cut stone, or marble.

(5) All markers shall be eight (8) inches below the head of the grave or two (2) inches above the foot of the grave.

(6) Individual graves funded by provincially paid services may be marked by flat markers installed as foot or head markers which shall have a maximum size of 14 inches long x seven (7) inches wide; and must not be more than three (3) inches in thickness.

#### **Monuments on Lots with Two or More Graves**

**15** Monuments or flat markers for lots containing more than two grave spaces shall not be of a size or situated in a manner which would interfere with the maintenance of a lot.

#### **Monuments on Undersized Lots**

**16** The size of monuments or flat markers on undersized lots shall not be of a size or situated in a manner which would interfere with the maintenance of a lot or with existing monuments on adjoining lots.

#### **Lettering and Markings**

**17** (1) Lettering is permitted on the side of any monument placed at the boundary of any lot, and ~~family names only are permitted~~ on the back of any monument placed at the head of any lot.

(2) If a memorial has an inscription which in the opinion of the Supervisor is offensive to the public, such offensive or improper markings may be removed by the Supervisor.

#### **Foundations**

**18** (1) The foundations of all monuments shall be of a type and size deemed appropriate by the Supervisor based upon the soil conditions of each lot.

(2) The cost of foundations and the cost of setting markers shall be paid by the lot owner.

(3) The costs shall be as from time to time prescribed by Council by Policy and shall be paid in advance of any work being undertaken.

## Repair

- 19 (1) The owner of a lot shall keep in proper repair, at the owner's own cost, and to the satisfaction of the Supervisor, all stones, monuments and plantings upon such lot, and shall remove all rubbish occasioned by putting up or repairing stones, monuments or plantings, to such place of deposit as provided by the Cemetery for that purpose.
- (2) If a memorial is found to be in need of repair, as determined by the Supervisor, the Municipality shall give notice of such findings to the owner at the last known address of the owner supplied to the Municipality.
- (3) The lot owner shall repair the memorial to the satisfaction of the Supervisor.
- (4) If three months expires after the notice to the owner pursuant to subsection (2) and the owner has not repaired the memorial that is the subject of the notice, the Municipality shall perform the necessary repairs or remove the memorial at the expense of the owner.
- (5) Implements or materials placed temporarily on any lot or adjacent ground in performing any work within the cemetery, shall be removed without delay; otherwise, the same shall be removed by the Supervisor at the expense of the person doing the work.

## Permitted Uses of Grave

- 20 (1) Each grave may be used for more than one burial, in accordance with this by-law, unless otherwise indicated by the lot owner.
- (2) Where a single grave space is to be used more than once, the following criteria must be observed:
- (i) A second full length interment shall be permitted in the same grave space at any time following the double depth interment of the first remains, should such double depth interment be possible.
  - (ii) A second full length interment shall be permitted in the same grave space at any time following the passage of forty years since the interment of the first remains, unless the first interment was in a vault or steel casket.
  - (iii) **Repealed. A single grave space designed for a full length burial shall be used for a maximum of six cremation interments, subject to the grave space not being used for a full length burial at any time.**
  - (iv) (a) A single grave space designed for a full length burial shall be used for a maximum of **three no more than six** cremation interments at any time following the full length interment of the first remains.

- (b) The forty year rule in clause (ii) of this subsection does not apply to the full length interment.
- (v)
  - (a) Subject to subclause (b) of this clause, a single grave space that has been used for two full length interments shall be considered full.
  - (b) With the approval of the Supervisor, two cremations can be added if space is available.
- (vi)
  - (a) If a single grave space is to be used for more than one burial, the standard grave opening fee shall apply for each interment.
  - (b) Maintenance care charges will apply to each interment following the initial burial.
- (vii)
  - (a) Subject to subclauses (b) and (c) of this clause, a maximum of two cremation urns or a companion urn may be included in one opening and closing at the same time and in the same grave space for a single opening and closing fee.
  - (b) Two urns or companion urn shall be deemed to be two cremation interments.
  - (c) If there are more than 2 remains being interred in one opening and closing then a second interment fee shall apply.
- (viii) The size of a traditional lot shall be 40 inches x 120 inches.
- (viii a) If a vault is being utilized for a cremation interment, 2 interment spaces may be required as shall be determined by the Supervisor.
- (ix)
  - (a) Mausoleums shall be permitted at the Fairview Cemetery and the Mount Herman Cemetery.
  - (b) The space size of each mausoleum shall be determined by the Supervisor.
  - (c) The Municipality shall assume no responsibility for the opening of a mausoleum for the purposes of interment at the locations set out at (ix)(a).
- (x) Lots shall not be traded from one cemetery to another without the approval of the Supervisor.
- (xi) Repealed.

(xii) The Supervisor shall determine the number of lots required for a single or double mausoleum.

### **Columbarium**

**21** (1) Family burial mementoes shall be removed 3 days after the cremation interment or whenever they become unsightly.

(2) The municipality shall assume no responsibility for the safe keeping of any floral memorials or containers.

(3) Floral memorials or other ornamentation shall not be permanently attached to the columbarium. The Supervisor may remove such at ~~his~~ **their** discretion and at the expense of the owner.

(4) The record owner shall not sell or transfer their right to a niche.

(5) No cremation interments shall be permitted in any niche in the columbarium until the fee for the niche has been fully paid.

(6) Repealed.

(6A) Two urns shall be allowed per niche provided there is sufficient space in the niche as determined by the Supervisor.

(7) No cremation interment of animals shall be permitted within the cemetery.

(8) The cremated remains shall be placed in an urn and of a size suitable for a niche.

(9) The cremation interment fee includes one opening and closing of the columbarium.

(10) Columbarium Monuments which are not owned by the Municipality are the responsibility of the plot owner to make arrangements for the opening for interments.

### **Infant Lot**

**22** ~~Repealed. At the discretion of the Supervisor, section 24 shall not apply to an infant lot within an area designated for infant burials at a cemetery. An infant interment will be viewed as a traditional interment.~~

### **Fairview Lawn Cemetery Cremation Garden and Mount Hermon Cemetery Cremation Garden**

**23** (1) Lots in section 9A on the Fairview Lawn Cemetery Cremation Garden **and sections H, G, and A of Mount Hermon Cemetery Cremation Garden** shall be three feet by two feet in size and may accommodate a maximum of two cremation interments.

(2) Each section 9A lot in Fairview Lawn Cemetery Cremation Garden and section H, G, and A lots of Mount Hermon Cemetery Cremation Garden shall have no more than one flat marker installed level with the ground and the marker shall be:

- (a) made of granite, cut stone, marble or bronze;
- (b) of a maximum size of twenty-two (22) inches long, twelve (12) inches wide, and between four (4) and six (6) inches thick; and
- (c) installed by the monument dealer on a standard foundation.

(3) Repealed.

(3A) Lots in section 9B and 9C of the Fairview Lawn Cemetery Cremation Garden and in Section N of the Mount Hermon Cemetery Cremation Garden shall be three feet by three feet in size and may accommodate a maximum of four (4) cremation interments.

(3B) Lots in section 16A, 16B and 16C in the Fairview Lawn Cremation Garden shall be 40 inches by 40 inches in size and may accommodate a maximum of four (4) cremation interments.

(4) Each section 9B and 9C, 16A, 16B and 16C of the Fairview Lawn Cemetery Cremation Garden and Section N of the Mount Hermon Cremation Garden shall have no more than one (1) flat marker installed level with the ground and the marker shall be

- (a) made of granite, cut stone, marble or bronze;
- (b) of a maximum size of twenty-eight (28) inches long, eighteen (18) inches wide, and between four (4) and six (6) inches thick; and
- (c) installed by the monument dealer.

(5) No trees, flowers, shrubs or other adornments shall be permitted in the Cremation Garden, except at the time of interment, or as provided by the Municipality in keeping with the overall design of the Cemetery plan.

## **Fees**

- 24** 1) The cemetery fees shall be prescribed from time to time by Council by Policy.
- 2) The cemetery fees prescribed under subsection 1 of this section may be all inclusive, partially inclusive or may be different for the:
- (a) type of cemetery fee;

- (b) type of interments or disinterment;
- (c) time and day of interments;
- (d) date of purchase of a burial lot;
- (e) date of purchase of the right to use a niche lot;
- (f) date maintenance care is paid;
- (g) transfer of burial lots or niche lots;
- (h) foundation/marker administrative fee;
- (i) rental of types of vaults; and
- (j) any other matter the Council sets out in the Policy.

### **Payments**

- 25** (1) Any person placing an order for the opening of a grave for interment or disinterment shall pay the charges incurred in respect thereof prior to the interment or disinterment.
- (2) Proof of payment shall be in the form of the original receipt issued by the Municipality.

### **Requirements for Burial**

- 26** (1) For each burial, application shall be made to the Supervisor containing the following information:
- (a) full name of deceased;
  - (b) last known address;
  - (c) age;
  - (d) date of death;
  - (e) in the event of a child, the names of the parents;
  - (f) lot in which deceased is to be interred;
  - (g) name of funeral director;
  - (h) name and denomination of officiating minister (if applicable); and
  - (i) executor or administrator of estate (if applicable).
- (2) The location of the grave to be opened shall be accurately designated on an official plan of the Cemetery.
- (3) No human remains shall be interred in any lot or grave space until a burial permit has been obtained from the Province of Nova Scotia.

(4) A notice requesting preparation of interment shall be given to the Supervisor at least forty-eight hours prior to the date of proposed interment during regular business hours.

(5) The Supervisor shall not prepare a grave for a funeral unless such notice has been given.

(6) No interment or disinterment shall be undertaken unless an order permitting same has been issued by the Supervisor.

(7) In the event that any question arises as to the legitimacy of a proposed interment or disinterment, the Supervisor may refuse to allow an interment or disinterment at its discretion.

(8) All interments in a lot shall be restricted to members of the family and relatives of the lot owner, ~~unless by~~ with written permission from all living members of the immediate family the lot owner is obtained.

(8A) For the purposes of subsection 26(8), "immediate family" means the spouse of the lot owner, or if the spouse of the lot owner is deceased, the children of the lot owner, or if all children of the lot owner are deceased, the grandchildren of the lot owner.

(9) No grave shall be opened for interment or disinterment by any person not designated by the Cemetery.

### **Litter**

27 No person shall deposit litter or rubbish or permit or suffer litter or rubbish to be deposited in a cemetery except in receptacles provided for that purpose.

### **Roads**

28 (1) The Supervisor may prohibit heavy loads from entering a cemetery whenever the roads in the cemetery are not fit to sustain such traffic.

(2) No person shall operate any equipment in a cemetery at a time when such equipment has been prohibited from entering the cemetery pursuant to subsection (1).

### **~~Picnics~~ Prohibited Activities**

29 (1) No person shall hold a picnic in a cemetery.

(2) No person shall engage in or carry on any commercial business or recreational activity in a cemetery without first obtaining approval from the Supervisor.

(3) No person shall interfere with or otherwise inhibit the operation of any cemetery including, but not limited to, interment, maintenance duties or any other operational necessities as determined by the Supervisor.

## **Animals**

**30** No animals shall be allowed in a cemetery except **for Companion dDogs, as defined in this by-law, registered for use as and when being used as guide dogs for the blind or hearing dogs for the deaf** or as **otherwise** permitted in signage approved by the Supervisor.

## **Vehicles**

- 31** (1) No person shall operate a vehicle within a cemetery in excess of the posted speed limit.
- (2) No person shall operate any public or private vehicle, other than vehicles working for the Supervisor, other than on the travelled roadways.
- (3) Operators of vehicles shall not turn their vehicles on the roadways but shall proceed around the various roadways to a point of exit.

## **General Provisions**

- 32** (1) No person shall remove flowers or plants from any grave without the permission of the Supervisor.
- (2) No person shall pick any flowers, whether wild or cultivated, break or injure any tree, shrub or plant, or write upon, deface or injure any monument fence or other structure in a cemetery.
- (3) Any person disturbing the quiet and good order of a cemetery may be expelled from the cemetery under the provisions of the Protection of Property Act.
- (4) The Supervisor may close the gates of any cemetery and otherwise restrict access at any time.

(5) The cemetery known as “The Old Burying Ground” is an historical site and no burials are permitted in this cemetery.

(6) The Supervisor shall have final discretion regarding the interment of human remains not addressed in this by-law.

(7) The Supervisor may, at the Supervisor's discretion, temporarily refuse a burial in any cemetery on the grounds that weather conditions are not suitable for an interment.

**Offence and Penalty**

**33** Any person who violates this by-law is guilty of an offence and shall, on summary conviction, be liable to a fine of not less than one hundred dollars (\$100.00) and not more than ten thousand dollars (\$10,000) or imprisonment for a period of not more than one year or both, including the imposition of a minimum fine.

**Payment in Lieu of Prosecution**

**34** A person who is alleged to have violated this by-law and is given notice of the alleged violation may pay a penalty in the amount of \$100 to an official designated by the Chief Administrative Officer, which official and place of payment shall be designated on the notice, provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed and where the said notice so provides for payment in this manner, and such payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for said violation.

**Repeal of By-laws, Regulations and Ordinances**

**35** By-law Number C-200 Respecting Cemeteries and any amendments thereto, are hereby repealed.

Done and passed in Council this 5<sup>th</sup> day of February, A.D., 2008.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

I, Julia Horncastle, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted by-law was passed at a meeting of the Halifax Regional Council held on February 5, 2008.

\_\_\_\_\_  
Julia Horncastle, Acting Municipal Clerk

Notice of Motion:	December 11, 2007
First Reading:	January 8, 2008
Public Hearing Publication:	January 19, 2008
Second Reading:	February 5, 2008
Approved by Service Nova Scotia and Municipal Relations:	N/A
<u>Effective Date:</u>	<u>February 16, 2008</u>
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Amendment # 1 (By-law C-701)	
Notice of Motion:	August 4, 2009
First Reading:	August 11, 2009
Second Reading Publication:	August 22, 2009
Second Reading:	September 8, 2009
Approved by Service Nova Scotia and Municipal Relations:	N/A
<u>Effective Date:</u>	<u>September 12, 2009</u>
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Amendment # 2 (By-law C-702)	
Notice of Motion:	June 25, 2013
First Reading:	July 23, 2013
Second Reading Publication:	August 24, 2013
Second Reading:	September 10, 2013
Approved by Service Nova Scotia and Municipal Relations:	N/A
<u>Effective Date:</u>	<u>September 24, 2013</u>

**ATTACHMENT E**  
(Amending By-law)

**HALIFAX REGIONAL MUNICIPALITY BY-LAW C-703**  
**RESPECTING AMENDMENTS TO BY-LAW C-700**  
**The Cemeteries By-law**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that By-law C-700, the *Cemeteries By-law*, is amended, as follows:

1. Section 2 is amended by:

(a) Adding a clause after clause 2(c) and before clause 2(d) as follows:

(ca) "Columbarium monument" means a monument above the ground that is owned by the lot owner and is intended for the purposes of a columbarium;

(b) Capitalizing the word "post" in clause 2(d);

(c) Adding a clause after clause 2(d) and before clause 2(e) as follows:

(da) "Companion Dogs" means any one of the following:

(i) a service dog as defined in the Service Dog Act, 2016, c.4, s. 1;

(ii) a dog guide as defined in the Blind Persons' Rights Act, R.S., c. 40, s.1;

(iii) emotional support or therapy dogs;

(iv) any other dog for whom the owner has obtained permission from the Supervisor.

(d) Adding a clause after clause 2(f) and before clause 2(g) as follows:

(fa) "green burial" means a traditional interment also referred to as a green interment where the human remains are wrapped in a shroud or placed in a bio-degradable, wooden, cardboard or wicker casket and receive no embalming.

(e) Repealing clause 2(g);

(f) Adding a clause after clause 2(ia) and before clause 2(j) as follows:

(ib) "mausoleum" means any building or structure located above ground for the purpose of housing a tomb or tombs;

(g) Adding the word "flat" after the word "a" and before the word "foot", and adding the words and comma "flat marker," after the word and comma "marker, " and before the word "monument" in clause 2(k);

(h) Striking out the words and punctuation "his/her" in clause 2(q) and adding the word "their" before the word and punctuation "designate;".

2. Section 7 is amended by:

- (a) Striking out the words and punctuation “his/her” in clause 7(2)(b) and adding the word “their” before the word “discretion”;
  - (b) Striking out the word and punctuation “his” in subsection 7(7) and adding the word “their” before the word “discretion”.
3. Subsection 8(1) is amended by:
  - (a) Adding the words “more than” after the word “only” and before the word “one”;
  - (b) Adding the words “or marker” after the word “memorial” and before the word “shall”;
  - (c) Adding the word “may” after the word “shall” and before the word “be”;
  - (d) Adding the words and punctuation “subject to the discretion and approval of the Supervisor.” after the words “on the lot”;
  - (e) Striking out the word “only” after the word and comma “person, “;
  - (f) Striking out the word “shall” after the newly added words “or marker” and before the newly added word “may”.
4. Subsection 10(1) is amended by striking out all words and punctuation and adding the words and punctuation “No person shall cultivate trees, shrubs, flowers, or any other plants on a lot without the approval of the Supervisor.”
5. Section 12 is amended by:
  - (a) Striking out all words and punctuation in subsection 12(1) and adding the words and punctuation “Subject to the type of plot, no person shall erect more than one monument on each grave space without the approval of the Supervisor.”
  - (b) Adding subsections after subsection 12(7) and before subsection 12(8) as follows:
    - (7A) Subject to location, monuments erected on a cremation plot shall have a maximum base of 28 inches x 12 inches and shall have a maximum height of 28 inches including the base
    - (7B) Notwithstanding any provision in this by-law, the maximum size permitted of a monument which is erected on two or more plots is 50 inches x 14 inches and the maximum monument height is 32 inches, regardless of whether the plots are adjacent, connected or otherwise abutting.
    - (7C) Subject to the discretion of the Supervisor, subsection 12(7B) does not apply to Mausoleums or plots maintained by the Last Post Fund.
6. Section 14 is amended by adding subsections after subsection 14(4) as follows:
  - (5) All markers shall be eight (8) inches below the head of the grave or two (2) inches above the foot of the grave.
  - (6) Individual graves funded by provincially paid services may be marked by flat markers installed as foot or head markers which shall have a maximum size of 14 inches long x seven (7) inches wide; and must not be more than three (3) inches in thickness.
7. Subsection 17(1) is amended by striking out the words “family names only are permitted”.

8. Section 20 is amended by:

- (a) Repealing clause 20(2)(iii);
- (b) Striking out the word “three” after the word “of” and before the word “cremation” in subclause 20(2)(iv)(a);
- (c) Adding the words “no more than six” after the newly struck word “three” and before the word “cremation” in subclause 20(2)(iv)(a);
- (d) Adding the word “traditional” after the word “a” and before the word “lot” in clause 20(2)(viii);
- (e) Adding a subclause after subclause 20(2)(ix)(b) as follows:

(c) The Municipality shall assume no responsibility for the opening of a mausoleum for the purposes of internment at the locations set out at (ix)(a).

9. Section 21 is amended by:

- (a) Striking out the word and punctuation “his” in subsection 21(3) and adding the word “their” before the word discretion;
- (b) adding a subsection after subsection 21(9) as follows:

(10) Columbarium Monuments which are not owned by the Municipality are the responsibility of the plot owner to make arrangements for the opening for interments.

10. Section 22 is repealed.

11. Section 23 is amended by:

- (a) Adding the words “and sections H, G, and A of Mount Hermon Cemetery Cremation Garden” after the word “Garden” and before the word “shall” in subsection 23(1);
- (b) Adding the words “in Fairview Lawn Cemetery Cremation Garden and section H, G, and A lots of Mount Hermon Cemetery Cremation Garden” after the word “lot” and before the word “shall” in subsection 23(2).

12. Section 26 is amended by:

- (a) Striking out the comma and words “, unless by” after the word “owner” and before the word “written”, and striking out the words “the lot owner is obtained” after the word “from” in subsection 26(8);
- (b) Adding the word “with” after the newly struck words “unless by” and before the word “written” in subsection 26(8);
- (c) Adding the words “all living members of the immediate family” after the word “from” in subsection 26(8);
- (d) Adding a subsection after subsection 26(8) and before subsection 26(9) as follows:

(8A) For the purposes of subsection 26(8), “immediate family” means the spouse of the lot owner, or if the spouse of the lot owner is deceased, the children of the lot owner, or if all children of the lot owner are deceased, the grandchildren of the lot owner.

13. The title of section 29 is amended by striking out the word "Picnics" and adding the words "Prohibited Activities".

14. Section 29 is amended by:

(a) Adding the number and punctuation "(1)" after the number 29 and before the words "No person";

(b) Adding subsections after the newly defined subsection 29(1) as follows:

(2) No person shall engage in or carry on any commercial business or recreational activity in a cemetery without first obtaining approval from the Supervisor.

(3) No person shall interfere with or otherwise inhibit the operation of any cemetery including, but not limited to, interment, maintenance duties or any other operational necessities as determined by the Supervisor.

15. Section 30 is amended by:

(a) Capitalizing the word "dogs" after the word "except";

(b) Adding the words "for Companion" after the word "except";

(c) Adding the words and punctuation ", as defined in this by-law" after the newly capitalized word "Dogs";

(d) Adding the word "otherwise" after the word "as" and before the word "permitted";

(e) Striking out the words "registered for use as and when being used as guide dogs for the blind or hearing dogs for the deaf".

16. Section 32 is amended by adding a subsection after subsection 32(6) as follows:

(7) The Supervisor may, at the Supervisor's discretion, temporarily refuse a burial in any cemetery on the grounds that weather conditions are not suitable for an interment.

Done and passed in Council this \_\_\_\_ day of \_\_\_\_\_ 202\_\_ .

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK