



Corporate Report

NO: R091

COUNCIL DATE: April 30, 2007

REGULAR COUNCIL

TO: Mayor & Council DATE: April 26, 2007
FROM: General Manager, Parks, Recreation and Culture FILE: 3900-20/C
SUBJECT: Cemetery By-law Changes

RECOMMENDATION

That Council:

1. Receive this report as information.
2. Repeal the existing Cemetery By-law No. 11840 (1993).
3. Authorize the City Clerk to bring forward a new Cemetery Management By-law No. 16174, as outlined in Appendix 2 of this report, for the required reading.

INTENT

The purpose of this report is to provide the rationale for:

1. repealing the existing Cemetery By-law No. 11840 (1993);
2. replacing it with a new Cemetery Management By-law;
3. transferring the fee-setting portion of the existing cemetery by-law to the existing Surrey Fee-Setting By-law, 2001, No. 14577.

BACKGROUND

This report supplements the “*Update on City Cemeteries*” memo that was provided to Council on July 29, 2005. This memo provided a summary of the changes proposed for the operation and management of the City of Surrey’s cemeteries in the coming years.

All major municipalities in the Lower Mainland of B.C., with the exception of Burnaby, operate cemeteries and there are approximately 167 municipally-operated cemeteries in British Columbia. The City of Surrey operates three municipal cemeteries: Surrey Centre Cemetery, Sunnyside Lawn Cemetery and Hazelmere Cemetery.

Recently, Surrey's cemetery program has received very positive media attention. On May 25, 2006, Sunnyside Lawn Cemetery was the site of "***Operation Remembrance***" where the placing of headstones and the delivery of ceremonial speeches by a number of high-level dignitaries, including the Lieutenant Governor, commemorated formerly unmarked graves of war veterans. The City of Surrey was recently awarded a First Place in the *International Cemetery, Cremation & Funeral Association's* (ICCF) *2006 Awards*, recognizing the best in personalization in the cemetery, funeral service and cremation profession. "***Operation Remembrance***" was adjudged the best cemetery related special event of all submissions for this award from around the world. This event reinforced the City of Surrey's image as a caring City that values its heritage.

Changes to Provincial Legislation Regulating Cemeteries

On July 4, 2004, responsibility for oversight of business practices and consumer protection in British Columbia was transferred from the Provincial government to a newly created, independent ***Business Practices and Consumer Protection Authority*** (BPCPA), which operates at arms length from the Provincial government. The BPCPA's broad portfolio of responsibilities includes, among other things, regulation of cemeteries through the newly created ***Cremation, Interment & Funeral Services Act*** (which replaced the Provincial Government's *Cemeteries & Funeral Services Act*). In 2004, the BPCPA stated that all municipal cemetery by-laws would require revision to reflect the new Provincial legislation regarding cemetery management.

Existing Cemetery By-law

The existing Cemetery By-law No. 11840 was approved by Council in 1993 and was subsequently revised in 1999 and 2001. The cemetery fees contained within the existing by-law were last revised in 1999.

New Cemetery Developments

A 1997 Cemetery Master Plan prepared by cemetery consultants Peter J. Smith & Associates of New York, recommended that the City needed to expand its range of cemetery services to place greater emphasis on the rapidly growing cremation market and to focus on the provision of higher profit margin services. Pursuant to this recommendation, staff presented a corporate report to Council on February 3, 2003 recommending that Council approve the sale of 2.75 acres of cemetery lands at Surrey Centre Cemetery in Cloverdale and authorize staff to invest the net sale proceeds in cemetery developments that would "*improve services to Surrey residents and eliminate the reliance on funding from general revenue for cemetery operation*". This report outlined a range of proposed cemetery developments and included reference to a business case analysis that was conducted by Hilton Landmark Cemetery Consultants that projected future revenues from proposed cemetery developments and compared this with maintaining a status quo service delivery with limited services to Surrey residents. The Surrey Centre Cemetery land sale recommendation was supported by Council resolution at the February 3, 2003 meeting and staff then proceeded to finalize the sale of the subject land with final authorization provided by Council at their May 12, 2003 meeting.

Staff have initiated the first capital development in Surrey's cemetery improvement program at Sunnyside Lawn Cemetery where they are nearing completion of the construction of the ***Rockery Cremation Garden***. An artist's rendering of the complete development and a photograph of the current development are attached to this report as

Appendix 1. This new feature will provide a diversity of cremation-focussed services within a broad price range and will be offered in an aesthetically pleasing landscaped development. British Columbia has the highest cremation rate in North America (i.e., percentage of deceased that are cremated versus casket burial) and this new development addresses the current high demand for unique and affordable options for interment of cremated remains.

The City's current cemetery fee schedule, contained within By-law No. 11840, needs to be updated to include the many new products and services that will be offered through this new development.

DISCUSSION

Due to the extent of the proposed Cemetery By-law revisions, staff are proposing that the existing Cemetery By-law No. 11840 (1993) be repealed and replaced with a new Cemetery Management By-law (No. 16174), attached as Appendix 2 to this report. The proposed changes incorporated into By-law No. 16174 will achieve the following objectives:

1. Ensure that regulations relating to management of City cemeteries are in compliance with changes that have been made to the superseding Provincial *Cremation, Interment & Funeral Services Act* that was introduced in 2004.
2. Facilitate the provision of new and improved services at Surrey's municipal cemeteries that will be offered with the completion of the Sunnyside Cemetery *Rockery Cremation Garden*, as well as future planned developments.
3. Reduce the size and complexity of the existing cemetery regulations by moving operational elements from the existing Cemetery By-law into a Departmental policy document to be managed by the Parks, Recreation and Culture Department. Appendix 6 contains examples of the types of operational and/or policy items that were not included in the new by-law.
4. Consolidate fees for cemetery products and services with other City fees by transferring cemetery fees from the existing Cemetery By-law into the Surrey Fee-Setting By-law, 2001, No. 14577. This will facilitate a scheduled annual review and revision of cemetery fees as part of the City's current Fees and Charges review process.
5. Reduce the net operating deficit of cemetery operations with a view to phasing out the current subsidy in future years.
6. Increase the longevity of Surrey's municipal cemeteries by reducing the present high level of non-resident customers (40%) that are purchasing lots primarily due to Surrey's regionally low non-resident cemetery fees.

In preparing for the regulatory and fee-setting changes, staff reviewed municipal Cemetery By-laws for several major cities in British Columbia and western Canada, in

addition to the BPCPA's by-law guidelines, in order to develop a framework for the new proposed Cemetery Management By-law.

The proposed new Cemetery Management By-law will be more compact than the existing Cemetery By-law No. 11840 due to the removal of the fee schedule as well as the proposed transfer of operational and procedural components to a new Cemetery Operations Policy that will be administered by the Parks, Recreation and Culture Department. This will result in a document that is easier to interpret by staff, by members of the public, and by cemetery-related businesses. The creation of separate management and fee-setting by-laws will mirror Provincial cemetery regulations where regulatory and fee-setting elements are contained within separate statutes.

The proposed new Cemetery Management By-law (#16174) has been reviewed and approved, as to form, by the Legal Services Division, and is attached as Appendix 2.

Cemetery Fee Comparison

The City of Surrey's Cemetery Fee Schedule was last updated in September 1999 when modest fee increases were implemented. Appendix 3 contains the new proposed Cemetery Fees Schedule that will be included in the Surrey Fee-Setting By-Law, 2001, No. 14577 for Council's consideration. It is anticipated that the new Cemetery Fee Schedule will be revised on an annual basis, to reflect changes to market rates and operating costs related to the provision of cemetery services.

Appendix 4 provides a comparison of the City of Surrey's current cemetery fee structure compared with other municipal cemeteries in British Columbia. Almost all municipal cemeteries have different fees for resident and non-resident customers and, for simplicity; the fee comparison shows resident fee rates only, as this is the most commonly charged rate. The differing rate structure for residents and non-residents reflects the fact that almost all municipal cemeteries subsidize the operation of cemeteries, in varying degrees, through the civic tax base. It also reflects the fact that cemetery lands are finite and that utilization of city cemetery lands is offered preferentially to residents of the municipality.

A review of the graph in Appendix 4 illustrates that Surrey's current municipal cemetery resident fees are the lowest in the Lower Mainland and that Surrey is one of the few cities that does not currently provide columbaria for the interment of cremated remains. Some families that live outside of Surrey are now choosing Surrey's cemeteries because the fees are the lowest in the Lower Mainland. The new cemetery fee schedule contains increases to existing fees as well as fees for new services and products that will now be offered with the recent completion of the Sunnyside Cemetery *Rockery Cremation Garden* project. Implementation of the proposed new fee structure for City of Surrey cemeteries will move these fees closer to market rate and the average for other municipal cemeteries located in the Lower Mainland of British Columbia. It should be noted that non-resident fees are also increasing in the new fee schedule, which will place typical fees in the mid-range of non-resident fees charged by other municipalities.

Appendix 5 provides a comparison of the City of Surrey's current cemetery fees with three non-municipal cemeteries that are located within Surrey's municipal boundaries. Two of these cemeteries are corporate cemeteries that are operated on a for-profit basis, and the third is a Catholic cemetery that which is the largest religious cemetery located

within Surrey. There are also a number of very small religious cemeteries located within Surrey that offer services to members of their respective congregations. Corporate cemeteries have a very wide range of prices for their services so the values in this graph are an average calculated from the highest and lowest fees charged for particular services. This fee comparison is more meaningful for comparison purposes than Appendix 4, as most families will generally seek out cemetery services within the community in which they reside rather than simply seeking out other municipal cemeteries in the Lower Mainland.

Appendix 5 illustrates that Surrey's current municipal cemetery fees are much lower than those of the corporate or religious cemeteries based in Surrey. There are several reasons for this. Perhaps the most important reason is that, unlike Surrey's municipal cemeteries, the other cemeteries have full services that include a funeral home, crematorium, rental rooms for memorials or life celebrations, and a wide range of interment opportunities. The corporate cemeteries have strong marketing programs and the religious cemeteries cater to a specific market segment that is prepared to pay more for interment opportunities within cemeteries that are focussed on their specific religions.

CONCLUSION

The existing Cemetery By-law No. 11840 (1993) is outdated due to changes in Provincial legislation and also because new services have been added at the City's cemeteries. It is recommended that Council repeal the existing Cemetery By-law and adopt a new Cemetery Management By-law (No. 16174). The fee-setting portion of the existing by-law should be included in the Surrey Fee-Setting By-Law, 2001, No. 14577.

A review and comparison of fees charged by Lower Mainland municipal cemeteries, as well as corporate and religious cemeteries that are located within Surrey, has been carried out. Based on this survey, it is evident that the City of Surrey currently has the lowest municipal cemetery fees in the Lower Mainland, and has significantly lower fees than those levied by corporate and religious cemeteries located within Surrey. The new proposed cemetery fee structure will move the City's municipal cemetery fees closer to market rate for municipal cemeteries, but will still remain below the corporate cemetery rates charged in Surrey.

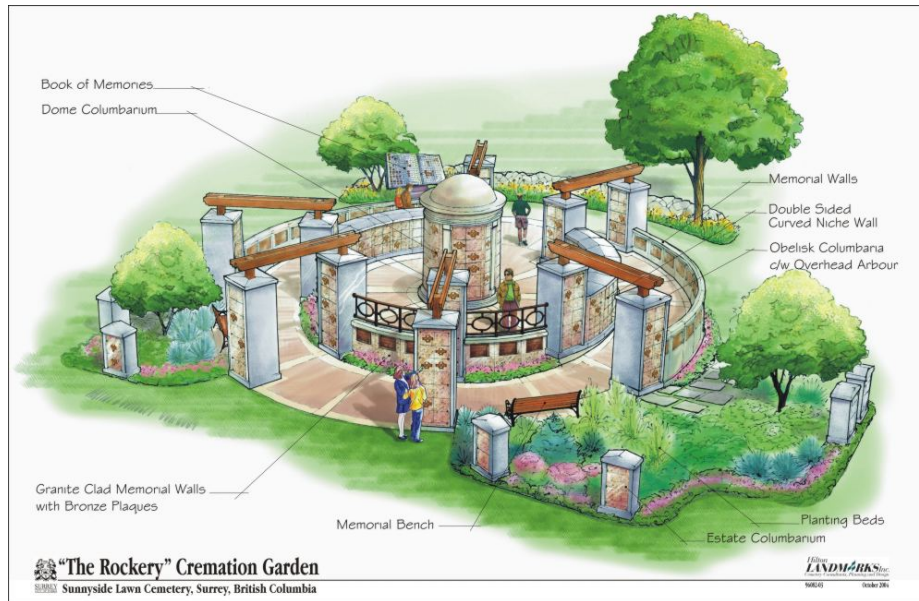
High quality and diverse cemetery services are a hallmark of a mature and caring City. The City of Surrey is committed to providing quality death care services for its residents at an affordable price. It is prudent, however, to ensure that these services are offered at close to market rate to ensure the economic health of the City's cemeteries and to prevent cemetery lands being consumed at an accelerated rate by non-resident purchasers that are attracted by the regionally low rates that have historically existed in Surrey.

Laurie Cavan
General Manager, Parks, Recreation and Culture

LAC:dlg
Attachments

APPENDIX 1

Sunnyside Lawn Cemetery – Rockery Cremation Garden



APPENDIX 2

CITY OF SURREY

BY-LAW No. 16174

A By-law to provide for the regulation, operation, and maintenance of Cemeteries owned by the City of Surrey

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- A. WHEREAS every operator of a cemetery must adopt By-laws for the Interment or other disposition of the deceased; respecting the organization, operation and management of the cemetery, including the setting of Fees; the size, class and kind of Memorials and materials used for Memorials; and the rights, privileges and responsibilities of the operator, Interment Right Holders, and their relatives, other users, suppliers, Funeral Providers, Memorial dealers and the general public;
- B. AND WHEREAS the City of Surrey, who owns and operates cemeteries, has established itself as a Board of Cemetery Trustees in accordance with the Cremation, Interment and Funeral Services Act, Section 37 (2) (b);
- C. AND WHEREAS the Council of the City of Surrey has delegated to the General Manager, Parks, Recreation and Culture Department certain specific administrative powers of the Council relating to the operation and management of Cemeteries owned by the City of Surrey;

NOW THEREFORE, under its statutory powers, including Section 8(f) of the *Community Charter, S.B.C. 2003, c.26*, the Council of the City of Surrey enacts the following provisions:

TITLE

- 1. This By-law may be cited for all purposes as the “City of Surrey Cemetery Management By-law No. 16174”.

DEFINITIONS

- 2. In this By-law terms defined in the *Cremation, Interment, and Funeral Services Act* and this by-law shall have that meaning unless expressly defined otherwise herein, and the following words have the meaning ascribed to them unless the context otherwise requires:

ADMINISTRATION FEE means fees levied to cover additional administrative costs associated with the transfer or surrender of a Right of Interment.

ADMINISTRATIVE AUTHORITY means the Business Practices and Consumer Protection Authority established under the *Business Practices and Consumer Protection Authority Act, S.B.C. 2004, C.3*.

ADMINISTRATOR means the General Manager, Parks, Recreation and Culture Department of the City, or duly appointed designate.

APPLICANT means an individual who has made petition to the City for a Right of Interment.

BURIAL VAULT means a protective, sealable outer receptacle, into which a casket or Urn is placed, designed to restrict the entrance of gravesite elements into the casket or Urn.

CARETAKER means the person duly authorized by the Administrator to perform Interments and to care for and maintain the Cemeteries.

CEMETERY means "Hazelmere Cemetery", "Sunnyside Lawn Cemetery" and "Surrey Centre Cemetery", being the civic lands set apart or used as places of Interment and memorialization, together with any incidental or ancillary buildings.

CEMETERY POLICY means the written guidelines and procedures for office and field operations established by the Administrator and utilized for management of Cemeteries.

CHILD means a person between the ages of four (4) and twelve (12) years of age.

CIFSA means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the Administrative Authority, as may be amended or superseded from time to time and all regulations made thereunder.

CITY means the City of Surrey.

COLUMBARIUM means a structure or building or an area in a structure or building, that contains, as an integral part of the structure or building or as freestanding sections, Niches for the Inurnment of Cremated Remains.

CO-MINGLED means the intentional mixing of the Cremated Remains of more than one deceased person.

CONTROL OF DISPOSITION means the person or agency as defined in Section 5 of the CIFSA who has the authority to control the disposition of the Human Remains or Cremated Remains.

COUNCIL means the Council of the City.

CREMATED REMAINS means the human bone fragments that remain after cremation that may also include the residue or any other materials cremated with the Human Remains.

CREMATION LINER means a receptacle made of durable material placed in a ground cremation Lot to encase an urn, or urns, holding cremated remains. A Cremation Liner has a lid and is placed during the Interment process.

DISINTERMENT means the removal of Human Remains along with the casket or container, or any remaining portion of the casket or container holding the Human Remains, from the Lot in which the Human Remains had been interred.

EXHUMATION means the exposure of interred Human Remains for viewing or for examination, whether in or removed from the Lot in which the Human Remains had been interred.

FAMILY ESTATE COLUMBARIUM means a structure, similar in appearance to an upright monument that accommodates Cremated Remains of the same family, or other individuals as approved by the Interment Right Holder according to Section 5 of CIFSA.

FAMILY MEMBER means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted or step), a Spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step).

FEES means the schedule of fees as prescribed in the Cemetery Fee Setting By-law, 2007, No. 16175.

FUNERAL PROVIDER means an individual licensed to arrange, conduct or direct funerals or the transfer or disposition of Human Remains, or to arrange burials.

GRAVE LINER means a receptacle made of durable material placed around the casket to provide reinforcement to the Lot. A Grave Liner may, or may not, have a bottom and is placed during the burial process.

HOLIDAY means any of the following days, namely New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, BC Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any day or part of a day proclaimed a civic holiday.

HUMAN REMAINS means a dead human body in any stage of decomposition, but does not include Cremated Remains.

INTERMENT means the disposition by:

- a) burial of Human Remains or human Cremated Remains in a Lot;
- b) Inurnment of Cremated Remains in a Columbarium; or
- c) placement of Cremated Remains in a Scattering garden or Ossuary.

INTERMENT RIGHT HOLDER means a person who holds a Right of Interment.

INTERMENT AUTHORIZATION means a document completed at time of need that may include statistical, executor and next of kin information that authorizes Interment of the deceased by the person with Control of Disposition.

INURNMENT means the process of placing Cremated Remains in a receptacle, such as an Urn, and the placement of that receptacle into a Niche.

LOT means a discrete space used, or intended to be used in a Cemetery, for the Interment of Human Remains or Cremated Remains under a Right of Interment and includes a grave, crypt, Niche or plot.

MAINTENANCE FUND means an irrevocable trust fund established, held and administered in accordance with CIFSA for the purpose of financing the future maintenance and care of a Cemetery once all Lots are occupied or reserved.

MEDICAL HEALTH OFFICER means the person duly appointed from time to time by the Council as the Medical Health Officer for the City.

MEMORIAL means a structure installed at the Cemetery to identify and commemorate a deceased person that may, or may not, be interred at the Cemetery. This includes, but is not limited to, markers, tablets, monuments, pillows and plaques.

NICHE means a space, usually within a Columbarium, designed for the Inurnment of Cremated Remains.

OSSUARY means a receptacle, usually located below ground, for the placement of non-recoverable, Co-mingled Cremated Remains.

RIGHT OF INTERMENT means a certificate that provides for the future right to inter Human Remains or Cremated Remains in a designated Lot.

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

SPOUSE as defined in CIFSA, means a person who is:

- a) married to another person;
- b) is united to another person by a marriage that, although not a legal marriage, is valid at common law; or
- c) has lived and cohabited with another person in a marriage-like relationship, including a marriage-like relationship between persons of the same gender, for a period of at least 2 years immediately before the other person's death.

URN means any receptacle, temporary or permanent, used for the encasement of Cremated Remains.

VETERAN means a person who is fully qualified (Military Occupation Class, MOC) and serving or who has honourably served, one year minimum, in the Armed Forces of Canada, the Commonwealth or its wartime allies or who has served in the Merchant Navy or Ferry Command during wartime.

APPLICATION OF BY-LAW

3. Subject to any contrary provision in the CIFSA, this By-law applies to all Cemeteries operated by the City and to all additional real and personal property, within or without the City of Surrey, which may hereafter be acquired and held by the City for use as a City Cemetery, and shall be observed for Interment of the human deceased, and for their management, operation and preservation and the terms, conditions and fees set out shall apply to every Right of Interment within the Cemeteries. The administration of the Cemeteries shall be carried out in conformity with the Administrative Authority and CIFSA.
4. The following described real properties are set aside, held, laid out, developed, improved, used and maintained, as City owned Cemeteries and dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose:

Hazelmere Cemetery

PID: 004-103-611, Parcel 1 Section 9 Township 7, New Westminster District Reference Plan 71720

Sunnyside Lawn Cemetery

PID: 017-339-766, Lot D (BE64644) except part in Plan LMP24051 Section 22 Township 1;
PID: 012-247-502, Lot 20 Section 22 Township 1; and
PID: 017-339-758, Lot C (BE64641) except part dedicated road on Plan LMP21087 Section 22 Township 1; and
New Westminster District Plan 1642

Surrey Centre Cemetery

PID: 007-436-211, Parcel 'G' (Reference Plan 8120), Lot 19 south east quarter Section 12 Township 2, New Westminster District plan 1752, and
PID: 013-224-590, Parcel 'A' (explanatory Plan 5618), south east quarter Section 12, Township 2, New Westminster District, and
PID: 007-436-238, Lot 'Z' south east quarter Section 12 Township 2, New Westminster District Plan 1752, and
PID: 013-215-451, Parcel 'B B' (Plan in absolute fees parcels book 11/823/3416F) southeast quarter Section 12 Township 2 New Westminster District
PID: 008-994-943, Lot 33, except part in Plan BCP 12185. Section 12 Township 2, New Westminster District Plan 29055

5. Council shall have power to determine from time to time the size and layout of the Lots, the developments and improvements to be carried out and made in and to the Cemeteries, subject to compliance with the requirements of CIFSA.

ADMINISTRATION OF BY-LAW

6. The Administrator is responsible for the general administration of the By-law and will:
 - a. maintain all records and information for the administration, operation, maintenance and management of the Cemetery as is required by the Administrative Authority the CIFSA;
 - b. issue all Rights of Interment and permits required and authorized by this By-law, except as otherwise provided in this By-law; and
 - c. establish Cemetery Policy.

RIGHT OF INTERMENT

7. The City may, subject to payment of Fees, grant to any person a Right of Interment for a vacant, unreserved Lot. A Right of Interment does not vest in the holder any title or interest in the land or Lot but instead provides for the right to inter the person named on the Right of Interment Certificate.
8. The issuance of a Right of Interment does not entitle the holder to require the City to inter the Human Remains or Cremated Remains of the designated person in the Lot unless the holder complies in all respects with the provisions of the By-law, including, without limitation, the payment of all Fees related to the Interment.
9. A Right of Interment for any unused Lots may be transferred to a Family Member at the discretion of the Administrator. The Interment Right Holder or executor must supply this request in writing and the original Interment Right must be surrendered to the City. Fees, payable to the City, associated with an Interment right transfer may include:
 - a. an Administration Fee;
 - b. the difference between Fees paid originally and current Fees if there has been a change in residency status; and
 - c. the difference between Fees paid originally and current Fees if there have been changes in fee rates.
10. An Interment Right Holder shall either reserve the right to use that Lot for themselves or authorize another person to be interred in the Lot to which the Interment Right refers. An Interment Right Holder may only designate one Lot for their own use.
11. A Right of Interment may be surrendered to the City at the discretion of the Administrator. A refund, equal to the purchase price less the Maintenance Fund contribution, will be issued to the Interment Right Holder provided:
 - a. there are no Interments in the designated Lot;
 - b. the Interment Right Holder or his executor provides written notice to the City for intent to surrender the right;
 - c. the original license or Right of Interment is surrendered;
 - d. an Administration Fee is paid; and
 - e. any Fees associated with the removal of any Memorial that is on, or embracing the surrendered Lot, is paid.
12. The City may, by agreement with a society, church or other organization, and upon payment of the agreed upon fees, reserve a section of a Cemetery to be used exclusively for the interment and/or inurnment of deceased members of the society, church or other organization concerned. Upon such an agreement being made, no person shall be interred in the reserved section without the written authorization of the society, church or other organization.
13. Upon approval of the Administrative Authority a Right of Interment may be reclaimed by the City if:
 - a. the Interment Right Holder would be at least 90 years of age;
 - b. a minimum period of 50 years has elapsed from the date of purchase;
 - c. a minimum 90 days has passed since notice of intent to reclaim has been sent to the Interment Right Holder;
 - d. the City has made diligent attempts to contact the Interment Right Holder.

INTERMENTS

14. An Interment shall be made within the Cemetery once the person with Control of Disposition has completed and duly signed an Interment Authorization and paid all applicable Fees.

15. Only Human Remains, or Cremated Remains of a human body, shall be interred and memorialized in the Cemeteries.
16. Interments:
 - a. shall only be performed within the Cemetery by the Caretaker;
 - b. shall only be conducted in predefined Lots approved by the Administrative Authority; and
 - c. shall be conducted with all reasonable care and attention.
17. The City and its Caretaker are not responsible for damage to any casket, Urn or other container, sustained during an Interment or Disinterment, except where such damage is caused by gross negligence of the City and its Caretaker.
18. Application for an Interment Authorization shall be made at least forty-eight (48) hours before the Interment is to take place. The Administrator may schedule the Interment in a shorter time frame subject to full compliance with all other applicable provisions of this By-law.
19. The Interment of Cremated Remains is to be completed within 30 days of all Fees being paid.
20. The bodies of persons who have died having any infectious disease, as defined in the *Health Act R.S.B.C. 1996, C.179*, shall be interred within thirty-six (36) hours after death occurs and the Medical Health Officer shall furnish the Administrator with specific instructions respecting Interment and the safety of all persons who may come into contact with the casket or container bearing the Human Remains in each case. The Administrator shall ensure that the instructions of the Medical Health Officer are carried out in the preparation and placement of the Interment. When an Interment for a person with an infectious disease needs to occur outside regular working hours, authorization is required by the Administrator and the Medical Health Officer's instructions must be carried out.
21. The following apply to all in-ground Interments:
 - a. A Grave Liner or Burial Vault is required for each in-ground burial Interment.
 - b. A Cremation Liner is required for each in-ground cremation Interment.
 - c. All Cremated Remains must be interred in a sealed container constructed of permanent, durable material approved by the Administrator.
 - d. The Administrator may allow for the interment of up to four (4) Cremated Remains on any full-size or Child size Lot provided there is no objection to the Interment of Cremated Remains by next of kin, as defined in the CIFSA.
 - e. No casket burial is permitted in a full-size or Child Lot after Cremated Remains have been interred in that Lot. Cremated Remains placed on a full-size burial Lot are not Co-mingled.
 - f. Each cremation Lot may hold up to two (2) Cremated Remains.
 - g. The Administrator must supply permission for the purchase of any Grave Liner or Burial Vault from a source other than the City, with permission based on the item's size, design, material and construction. The installation of Grave Liners or Burial Vaults will be subject to a handling Fee and must be paid in full prior to installation. The Administrator may request that Grave Liners or Burial Vaults be installed by their supplier, under the supervision of the Caretaker, with the installation being at the Applicant's expense.
 - h. Any charges incurred by the Cemetery above and beyond the standard scope of services, in the handling of Grave Liners or Burial Vaults not supplied by the City will be charged to the Applicant and paid prior to Interment.
22. Cremated Remains placed in a Columbarium must be enclosed in a sealed container or Urn constructed of permanent, durable material approved by the Administrator.
23. Cremated Remains placed in an Ossuary are permanent, non-recoverable and Co-mingled. Placement of Cremated Remains in the Ossuary will only be performed by the Caretaker.

24. Scattering of Cremated Remains is permanent and non-recoverable and is permitted only in designated locations and under the supervision of the Caretaker.
25. Interments shall be performed within the following hours, or at other times approved by the Administrator:
 - a. In-ground casket burial - 9:30 a.m. and 3:30 p.m., Monday to Friday.
 - b. Interment of Cremated Remains - 9:00 a.m. and 3:30 p.m., Monday to Friday.
 - c. The Administrator may schedule Saturday, Sunday or Statutory Holiday Interments subject to the payment of additional Fees and availability of the Caretaker.
 - d. The person with Control Of Disposition shall be responsible for any late arrival Fees if the Human Remains or Cremated Remains are delivered to the Cemetery outside of the above prescribed times.
26. Families may request permission to witness the Interment process at the Cemetery subject to the following criteria:
 - a. A request to witness the Interment must be communicated to the Administrator when confirming Interment date and time.
 - b. The City will not be held liable for any injury to members of the public that are attending or witnessing an Interment process.
 - c. All proceedings at the Interment site shall be under the sole direction of the Caretaker.
27. The Administrator may permit the Interment of a Spouse of a Veteran on a Veteran's Lot in designated Veteran's sections, provided that the Interment Authorization is completed and Fees are paid to the City.

EXHUMATIONS AND DISINTERMENTS

28. Pursuant to Section 16 of the CIFSA a Cemetery must not exhume or disinter Human Remains or Cremated Remains until:
 - a. the Administrator receives a written request to do so from the person who has the Control of Disposition of the remains;
 - b. approval of the Exhumation by the Administrative Authority is received by the Administrator;
 - c. the Administrator gives written notice to, and receives permission from, a Medical Health Officer for the area of the health region in which the Cemetery is located when the Human Remains are those of a person who, at the time of death, was known to have had an infectious or contagious disease or other disease dangerous to public health; and
 - d. payment of the prescribed Fee is received, or acceptable payment arrangements have been made with the Administrator.
29. The City shall exercise all due care and attention in making an Exhumation or Disinterment but is not responsible for damage to any casket, Urn or other container sustained during Exhumation or Disinterment.
30. The City's responsibility with respect to Exhumation or Disinterment is limited to:
 - a. excavation of sufficient quantities of soil to permit access to the Human or Cremated Remains;
 - b. removal of intact burial containers; and
 - c. closure of the Lot.
31. In accordance with Section 18 of the CIFSA, a Funeral Provider employed at the expense of the Interment Right Holder or their successors is required for the handling of any Human Remains in the existing Lot or any transfer of the remains to the new Lot or location.

MEMORIALS

32. Memorials will only be installed, removed or modified in the Cemetery when:
 - a. an Interment Right Holder or authorized representative, or a person authorized by the Administrator, has made application to the Administrator;
 - b. the applicable contribution is paid to the Maintenance Fund as required in the CIFSA; and
 - c. all outstanding fees relating to the Lot, Interment and Memorial installation have been paid in full.
33. All Memorials shall only be placed, installed or removed by the Caretaker or other person authorized by the Administrator. All Memorials shall conform to the approved plan of the Cemetery and its sections, and shall be constructed of granite or bronze or other material(s) of a permanent nature as approved by the Administrator. All Memorials shall conform to the specifications set out in Schedule "A".
34. Installation of Memorials shall occur during regular business hours. Installations will be made as soon as possible after delivery of the Memorial to the City and timelines may vary depending on scheduling issues, weather conditions and ground conditions.
35. The City shall not be held liable for, or be obliged to repair, any breakage or damage to any Memorial in the Cemetery, except as shall arise as the result of the negligence of the Caretaker.
36. The Interment Right Holder, or the deceased's descendants, is required to keep in proper repair, at their expense and to the satisfaction of the City, all Memorials upon their Lot. Should any Memorial or Lot adornment erected in the Cemetery fall into a state of disrepair, then the Administrator will document the condition and have the Memorial or Lot adornment removed from the Cemetery, in each case at the expense of the Lot holder or their successors. Interment Right Holders may request that the City make repairs. All costs associated with the repairs will be borne by the Interment Right Holder.

Ground Interment Memorials

37. Ground Interment Memorials, including those for cremation Lots, shall be installed flush with the ground.
38. A Memorial permit shall be issued by the Administrator to authorize installation of all ground interment Memorials not supplied by the City.
39. The Administrator may refuse to issue a permit to the Applicant if the Applicant has failed to comply with the requirements of this By-law. The Administrator may reject Memorials, despite the prior issuance of a Memorial Permit, when the Memorial does not comply with the specifications in this By-law, is not in keeping with the standards of the Cemetery, or contains epitaphs deemed inappropriate by the Administrator, including reference to pets.
40. The finished dimensions of a granite Memorial or a bronze Memorial attached to a granite or concrete base shall be in accordance with the attached Schedule "A".

Cremation Memorials

41. Cremation Memorials apply to any bronze plaque for use on a Columbarium, Memorial board or Memorial pillow but do not include Memorials for in-ground cremation Interments.

42. Bronze plaques for Cremation Memorials shall be supplied and installed by the City to conform to the approved design and specifications of the applicable section of the Cemetery as established by the City.
43. Where incorrect inscription instructions, dimensions, specifications or locations are given on the Memorial installation application and signed by the Interment Right Holder, their successors or the cremation Memorial supplier, then the cremation Memorial shall be removed and reinstalled at the expense of the Interment Right Holder or their successors.

Family Estate Columbarium

44. A Family Estate Columbarium, upon request, shall be supplied and installed by the City to conform to the approved design and specifications of the applicable section of the Cemetery.

GENERAL PROVISIONS AND REGULATIONS

45. Every person, including those in funeral processions, when entering and while within a Cemetery, shall obey the instructions of the Caretaker. Any person not behaving with proper decorum within a Cemetery or who disturbs the peace, quiet and good order of a Cemetery may be evicted by the Caretaker, and in addition, shall be guilty of an infraction of this By-law.
46. No person shall discharge any firearm within a Cemetery, except at Military Funerals where the discharge of firearms is permitted only in regular volleys, under the command of the officer in charge, and only during the conduct of the burial service.
47. Each Cemetery shall be open to the public at eight o'clock (8:00 am) every morning and closed to the public at eight o'clock (8:00 pm) every evening, or at dusk, whichever occurs first.
48. Cemetery roadways are for the exclusive use of Interment processions, Cemetery patrons, or others as approved by the Administrator. Vehicles shall not exceed twenty (20) kilometres per hour. All operators of vehicles shall at all times obey the directions and orders of the Caretaker.
49. No person owning or having custody, care or control of a dog shall allow the dog to be within a Cemetery unless the dog is kept on a leash of a maximum length of three (3) metres.
50. No person owning or having custody, care or control of a dog shall allow the dog to deposit excrement within a Cemetery unless that person immediately removes the excrement and disposes of it in a sanitary manner.
51. Only one (1) flower container, of the types supplied by the City and installed by the Caretaker, or approved by the Administrator, shall be allowed and set in each Lot, except those vases that are part of an approved Memorial.
52. Cut and artificial flowers, wreaths and floral tokens (tributes) may be placed on Lots in a Cemetery, but may be removed by the Caretaker and disposed of, when their condition is considered to be detrimental to the appearance or beauty of the Cemetery. Plant material and grave adornments associated with seasonal events or celebrations will be removed 30 days after the event by the Caretaker.
53. No person, other than the Caretaker, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within a Cemetery.
54. No ground Lot shall be defined by a fence, railing, coping, hedge or by any other marking except as permitted in the Memorial provisions of this By-law.

55. No person, other than the Administrator, shall solicit orders for goods or services within a Cemetery.
56. No person shall destroy, damage or deface any Lot, Memorial, fence, vegetation, gate or any structure in a Cemetery or injure or destroy any Cemetery improvements.
57. No person shall deposit any rubbish or offensive material within a Cemetery.
58. No person shall play at any game or sport within a Cemetery.

MAINTENANCE FUND

59. A Maintenance Fund for the future maintenance and care of the Cemetery and the Lots therein is hereby established, set aside and maintained. All monies in the Maintenance Fund will be held and invested as trust funds by the City and in accordance with the requirements of the CIFSA.
60. The Maintenance Fund will be maintained with the City's bankers in an account to be designated as the "Maintenance Fund". The Administrator and General Manager of Finance and Technology will be responsible for all deposits to such account and for ensuring that:
 - a. the account at all times complies with the provisions of the CIFSA;
 - b. any investment of any monies in the Maintenance Fund is permitted under the CIFSA; the Local Government Act, the Community Charter and this By-law; and
 - c. any interest earned on the investments of the Maintenance Fund may be used for maintenance and care of the Cemeteries in the year in which the interest and income is earned, or may be retained in the Maintenance Fund to increase the principal sum.
61. The Administrator may, on behalf of the City, accept voluntary payments to the Maintenance Fund from any person or organization.
62. The principal sum of the Maintenance Fund will not be reduced other than in accordance with an order from the Administrative Authority pursuant to the CIFSA.

PENALTY FOR INFRACTIONS

63. Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention of this By-law, or who refuses, omits or neglects to fulfill, observe, carry out or perform an duty or obligation imposed by this by-law, shall be liable on summary conviction to a penalty of not less than \$50 and not more than \$2,000 plus the cost of the prosecution, or to a term of imprisonment not exceeding three (3) months, or both.

REPEAL OF PRIOR BY-LAWS

64. "Surrey Cemeteries Regulation By-law, 1999, No. 11840", as amended, is hereby repealed.

READ A FIRST AND SECOND TIME on the _____ day of _____, 2006.

READ A THIRD TIME on the _____ day of _____, 2006

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the Corporate Seal on the ___ day of _____, 2006.

MAYOR

CLERK

SCHEDULE “A” – MEMORIALS

1. The finished dimensions of an acceptable ground burial or ground cremation burial granite Memorial, a bronze Memorial attached to a granite or concrete base shall be:

	Cremation Single & Infant Lot	Cremation Double <small>(side by side cremation Lots)</small>	Burial Single & Child Lot	Burial Double <small>(side by side burial Lots)</small>
Width Minimum	12" (30.48 cm)	18" (45.72 cm)	20" (50.8 cm)	28" (71.12 cm)
Width Maximum	18" (45.72 cm)	24" (60.96 cm)	26" (66.04 cm)	36" (91.44cm)
Height Minimum	10" (25.4 cm)	10" (25.4 cm)	12" (30.48 cm)	16" (40.64 cm)
Height Maximum	14" (35.56 cm)	14" (35.56 cm)	18" (45.72 cm)	24" (60.96 cm)
Thickness Minimum	3" (7.62 cm)	3" (7.62 cm)	3" (7.62 cm)	3" (7.62 cm)
Thickness Maximum	5" (12.7 cm)	5" (12.7 cm)	5" (12.7 cm)	5" (12.7 cm)

2. Finished Memorial inscriptions and design shall be in one of the following formats:
 - a. A carving on the face of an all granite Memorial, which shall includes a 2” (5.1 cm) border around the perimeter of the Memorial that is free of any lettering or ornamentation; or
 - b. A carving on the face of a granite Memorial, which shall include a 3” (7.62 cm) concrete border with side surfaces true and perpendicular with the granite surface. All side surfaces shall be roughened appropriately to ensure bonding when installed to the concrete border; or
 - c. A bronze Memorial installed on a granite base. The base shall be wider and longer than the bronze Memorial and have a border of 2” (5.1 cm) of the base exposed on all sides. Base tops, bottoms and sides shall be smooth sawn or polished. Granite base must be not less than 3” (7.62 cm) and not more than 5” (12.7 cm) in thickness and limited to the finished sizes described in Schedule “A”; or
 - d. A bronze Memorial installed on a concrete base. The base shall be wider and longer than the bronze Memorial and have a border of 2” (5.1 cm) of the base exposed on all sides. The concrete base is to be a reinforced and not less than 4” (7.6 cm) and not more than 5” (12.7 cm) in thickness and limited to the finished sizes described in Schedule “A”.
3. Bronze Memorial plaques shall not have letters; figures or designs raised more than 0.5” (1.2 cm) above the surface of the base.
4. Finished Memorials shall not include upright candleholders, vases, lanterns or surface mounted emblems that protrude 0.5” (1.2 cm) above the surface of the granite Memorial or concrete base.
5. Four (4) additional single cremation Memorials, or two (2) double cremation Memorials may be installed, in accordance with the approved plan of the Cemetery, on any given ground burial Lot where each of four Cremated Remains are interred over an existing casket Interment, or in place of a casket Interment. A single or companion Memorial must be placed on any given Lot prior to any cremation Memorial on a full size Lot.

APPENDIX 3

PROPOSED CEMETERY FEE SCHEDULE

Definitions

1. In this By-law terms shall have the meanings ascribed to them in “City of Surrey Cemetery Management By-law 16174” and as set out below.

HANDLING FEE means the fee paid for handling of cemetery products not purchased from the City.

INFANT or **STILLBORN** means a person up to the age of four (4).

MEMORIAL BOARD or **BOOK OF REMEMBRANCE** means a structure, of bronze, granite or approved material, which commemorates names of decedents that may or may not be interred in the Cemetery.

NON-RESIDENT means a person who does not reside in the City at the time application is made for a Right of Interment or Interment Authorization.

PREPARATION & PLACEMENT means the process of completing an Interment including, but not limited to, administrative, legal, labour and equipment resources provided to facilitate the opening of a Lot, deposition of Human Remains or Cremated Remains and the subsequent closing of the Lot.

RESIDENT means a person who resides in the City at the time application is made for a Right of Interment or Interment Authorization.

SURRENDER FEE means the charge for the surrender, to the City, of a Right of Interment for an unoccupied Lot.

TRANSFER FEE means the charge for the transfer of a Right of Interment for an unoccupied lot to a Family Member.

Fees

2. The fees set out in Schedule “A” are levied for the services and products described in Schedule “A”. The specified fees are in Canadian dollars.
3. All fees chargeable shall be payable by the Applicant at the office of the Administrator at the time of application.

RESIDENT FEES (\$)

Ground Burial ^A	Right of Interment	Maintenance Care Fund	Preparation & Placement	TOTAL	Right of Interment only
Adult	1,200.00	400.00	800.00	2,400.00	1,600.00
Veteran	937.50	312.50	800.00	2,050.00	1,250.00
Child	787.50	262.50	550.00	1,600.00	1,050.00
Infant or Stillborn	787.50	262.50	550.00	1,600.00	1,050.00
Cremation Single Interment ^B	450.00	150.00	365.00	965.00	600.00
Cremation Double Interment	693.75	231.25	365.00	1,290.00	925.00

Cremation	Right of Interment	Maintenance Care Fund	Preparation & Placement	TOTAL	Right of Interment only
Single Niche	1,188.00	132.00	250.00	1,570.00	1,320.00
Double Niche 1st Interment	1,584.00	176.00	250.00	2,010.00	1,760.00
Double Niche 2nd Interment			350.00	350.00	
Family Estate	6,480.00	720.00		7,200.00	7,200.00
Family Estate Interment			250.00		
Ossuary Placement ^C			275.00	275.00	
Scattering ^C			150.00	150.00	
Small Bronze Memorial on Board or Pillow			125.00	125.00	

^A Liner is mandatory, refer to Cemetery Product Listing for options

^B For Single Interment or Interment on a full size grave

^C At Need only

NON-RESIDENT FEES (\$)

Ground Burial ^A	Right of Interment	Maintenance Care Fund	Preparation & Placement	TOTAL	Right of Interment only
Adult	1,912.50	637.50	975.00	3,525.00	2,550.00
Veteran	1,293.75	431.25	975.00	2,700.00	1,725.00
Child	1,181.25	393.75	750.00	2,325.00	1,575.00
Infant or Stillborn	1,181.25	393.75	750.00	2,325.00	1,575.00
Cremation Single Interment ^B	675.00	225.00	495.00	1,395.00	900.00
Cremation Double Interment	825.00	275.00	495.00	1,595.00	1,100.00

Cremation	Right of Interment	Maintenance Care Fund	Preparation & Placement	TOTAL	Right of Interment only
Single Niche	1,386.00	154.00	350.00	1,890.00	1,540.00
Double Niche 1st Interment	1,782.00	198.00	350.00	2,330.00	1,980.00
Double Niche 2nd Interment			450.00	450.00	
Family Estate	7,290.00	810.00		8,100.00	8,100.00
Family Estate Interment			350.00	350.00	
Ossuary Placement ^C			360.00	360.00	
Scattering ^C			225.00	225.00	
Small Bronze Memorial on Board or Pillow			135.00	135.00	

^A Liner is mandatory, refer to Cemetery Product Listing for options

^B For Single Interment or Interment on a full size grave

^C At Need only

FEES FOR SERVICES & PRODUCTS (\$)

Memorials			
		Maintenance Care Fund	
Ground Marker Setting Fee	Setting Fee		TOTAL
Cremation	130.50	14.50	145.00
Single	162.00	18.00	180.00
Double	211.50	23.50	235.00
Cremation Bronze Memorials (includes installation)		Maintenance Care Fund	
	Memorial		TOTAL
Columbaria Bronze Niche Plate	590.00	65.00	655.00
Columbaria Bronze Second Name Scroll	203.00	22.00	225.00
Bronze Memorial	135.00	15.00	150.00
Columbaria Bud Vase			225.00

Administration Fees	
Late Arrival (after 3:30 p.m.) Monday to Friday, all services	300.00
Right Of Interment Replacement	35.00
Transfer Fee ^D	65.00
Surrender/Sell Back Fee ^E	65.00
Handling Fee - Burial Liner	250.00
Handling Fee - Cremation Liner	65.00
Saturday (Double time) ^F	Preparation & Placement Fee x two
Sunday and Statutory Holidays (Triple Time) ^F	Preparation & Placement Fee x three
Exhumation or Disinterment	Resident rate for Preparation & Placement Fee x two
Handling Fee for products not purchased from the City (excluding liners)	Cost + 50%

Cemetery Products	
Grave Liner	425.00
Wilbert Monticello Vault	1,275.00
Cremation Vault - Single	75.00
Cremation Vault - Double	115.00
Flower Container - Galvanized	35.00
Flower Container - Black or Bronze	77.00
Cemetery products not listed	Cost + 50%

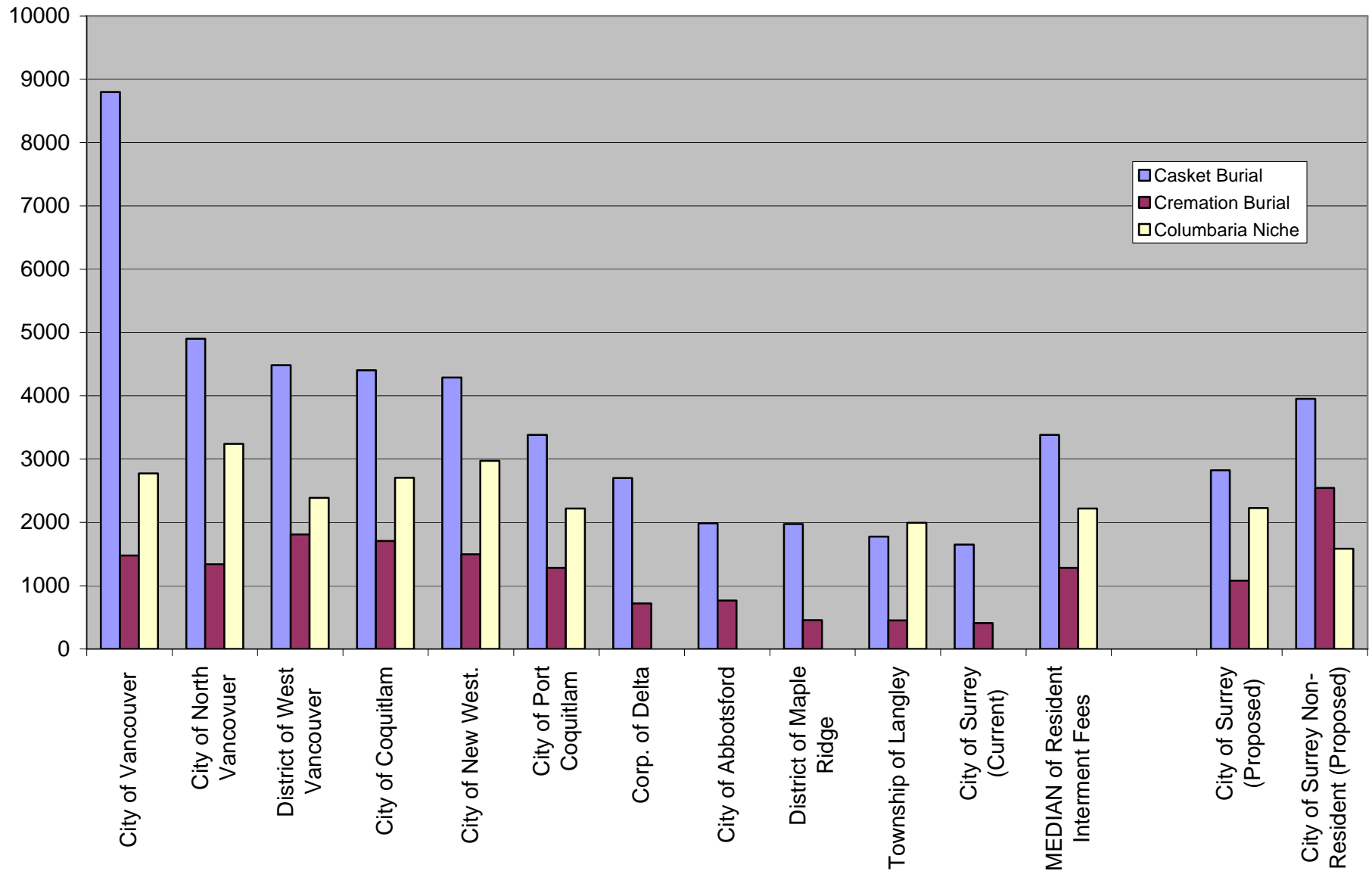
^D To Family Members only. Subject to price increase and residency of Right of Interment holder.

^E To City of Surrey only. Based on purchase price minus Maintenance Care Fund.

^F Interment Subject to approval by Administrator with minimum 48 hours notice.

APPENDIX 4

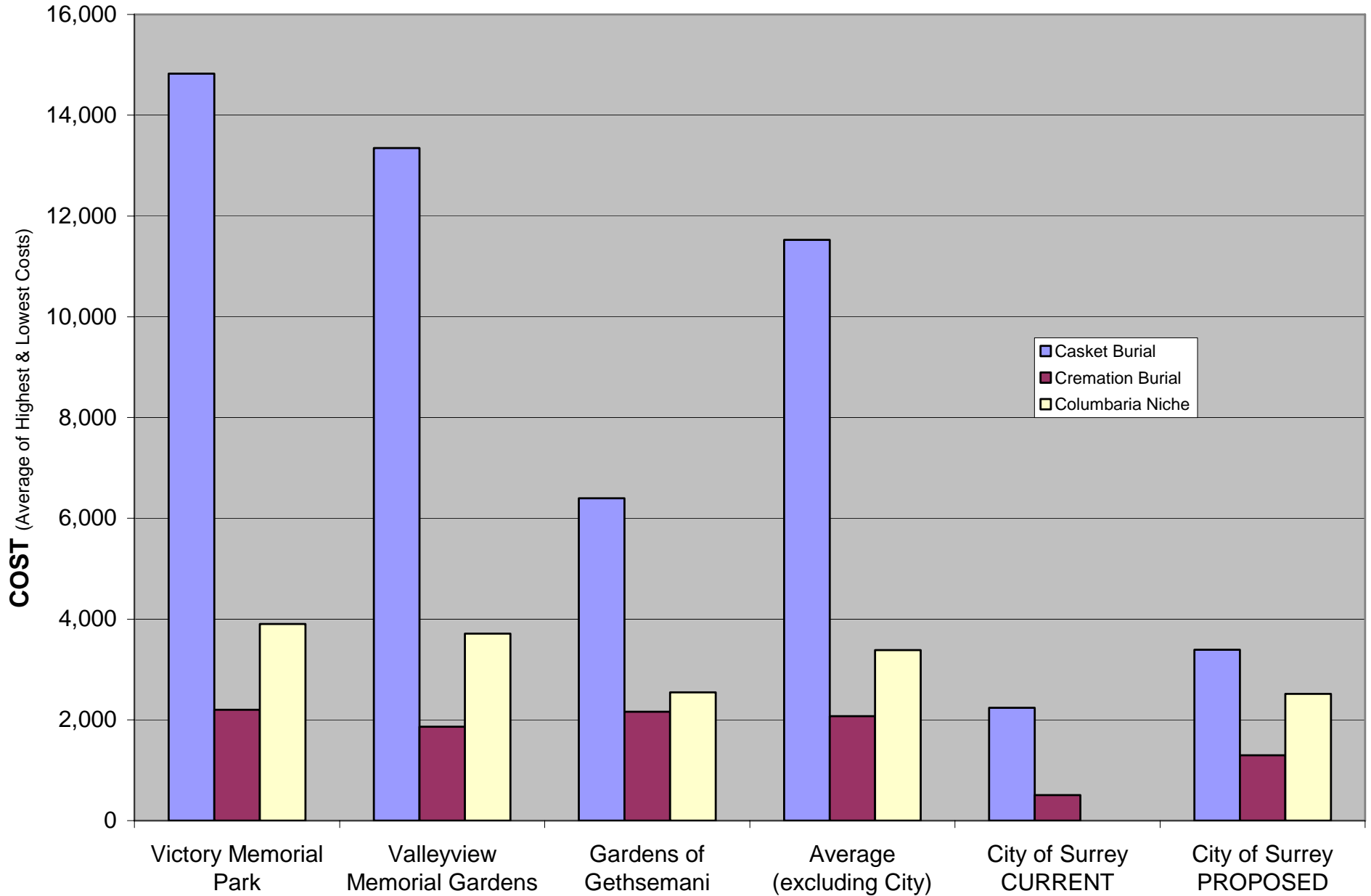
Comparison of Typical Interment Costs¹ (Resident) – Municipal Cemeteries



1. Typical Casket Burial Costs includes: lot purchase, perpetual care contribution, grave liner, preparation & placement.

APPENDIX 5

Comparison of Typical Interment Costs¹ – Non-Municipal Cemeteries Located Within Surrey



^{1.} Typical Casket Burial Costs includes: lot purchase, perpetual care contribution, grave liner, preparation & placement.

APPENDIX 6

Examples of the types of operational and/or policy items that were not included in the new by-law.

9.the Administrator 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 lot concerned, and give such instruction as may be necessary, and pursuant to the provisions of this By-law.
20. The following limits on interments shall apply
- (a) Full-size Adult Lots --
- i) the first cremation interment to be placed on the left-hand side of lot just below the main memorial,
 - ii) the second cremation interment to be placed on the right-hand side of lot just below the main memorial,
 - iii) the third through to the eighth cremation interment to continue to follow this formation alternatious from left to right.
- (e) Cremation Lots --
- i) the first cremation, when interred, is placed at double the depth, and double the "Opening and Closing" fee is paid, in which case a second interment of cremated remains is permitted, on payment only of the "Opening and Closing" fee as set out in Schedule "G",
or
 - ii) a cremation liner was placed at time of first interment, and sufficient space was allotted to hold additional cremated remains, in which case a second interment in the same liner shall be permitted on payment only of the "Opening and Closing" fee as set out in Schedule "G".
22. (1) Except in the case of cremated remains, each interment in the Cemetery shall be made in a grave dug to a depth sufficient to provide for not less than three (3) feet (.91 metres) of earth between the upper surface of the casket, vault, grave box or grave liner and the level of the ground surrounding the grave.
- (2) Cremated remains of a deceased person in a container, sheathed and sealed, may be interred
- (a) in a lot provided that there is not less than two (2) feet (.6 metres) of earth between the upper surface of the container and the level of the ground surrounding the grave or,
 - (b) may be interred level with the surface of the ground surrounding the lot if the cremated remains are placed in a vault-type memorial tablet.
23. No vault or other methods of interment above ground level shall be permitted in the Cemetery unless permitted by the Administrator. *(This was deleted to allow for the above ground inurnment of cremated remains in columbaria structures)*
27. The authorization for interment within the Cemetery shall be in the form set out in Schedule "C" to this By-law.

Amended B/L 13829 09/13/99

CARETAKERS

32. The duties of every Caretaker appointed, pursuant to this By-law, shall include
- (a) To dig and prepare, or cause to be dug and prepared all graves required, whenever and wherever ordered to do so by the Administrator or his Appointee;
 - (b) To install all memorial tablets and markers;
 - (c) To 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 landscaping features, lawns, paths, gates, fences, and all other Cemetery improvements;
 - (d) To maintain records as required and to submit to the Administrator all reports and information required by him; and
 - (e) To complete and carry out such other works and duties as may be assigned and directed by the Administrator.

SCHEDULES HERETO PART OF THIS BY-LAW

52. Schedules "A(1)", "A(2)", "B", "C", "D", "E", "F" and "G" attached form a part of this By-law.