



ADMINISTRATIVE REPORT

Report Date: July 31, 2019
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Meeting Date: October 22, 2019

TO: Vancouver City Council
FROM: General Manager – Arts, Culture and Community Services
SUBJECT: Mountain View Cemetery By-Law Amendments

RECOMMENDATION

- A. THAT Council approve, in principle, amendments to the Mountain View Cemetery By-Law No. 8719 as set out in this report.
- B. THAT Council appoint the following staff to the Cemetery Committee: Cemetery Manager, Managing Director – Non-Market Housing and Social Operations, General Manager – Arts Culture and Community Services (ACCS) and the Manager Financial Planning & Analysis (assigned to ACCS), effective January 1, 2020.
- C. THAT the Director of Legal Services be instructed to bring forward for enactment the necessary amendments to the Mountain View Cemetery By-law No. 8719, to be effective January 1, 2020.

REPORT SUMMARY

This report recommends amendments to the Mountain View Cemetery By-law, which was last substantially revised in 2003. This report includes amendments that will allow for a broader range of products in response to market preferences, expand licencing options to reduce some of the economic burden associated with traditional (casket) graves and enhance sustainability practices by making provisions for shared lot occupancy. Amendments related to dogs and smoking in the cemetery are also proposed. The current cemetery fees were recently reviewed and came in to effect January 1, 2019, as such no adjustments to current fees are proposed for 2020.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Following receipt of the Vision Plan for Mountain View Cemetery on June 18, 1998, Council authorized the preparation of a master plan to guide cemetery development for the next hundred years. City Council adopted the Mountain View Cemetery Master Plan, in principle, on March 7, 2000. Council also approved a number of supporting recommendations and principles including directing staff to bring forward Cemetery By-Law amendments as required to implement the Master Plan.

The Mountain View Cemetery By-Law was enacted by Council July 31, 2003.

On July 8, 2004, Council approved implementation of Phase 1 of the Mountain View Cemetery Master Plan and the supporting Financial Plan.

It is Council policy that fees and other charges be established on the basis of the cost of providing the associated services or at a competitive market level where the service is provided in a market environment.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

Mountain View Cemetery has been owned and operated by the City of Vancouver since 1887, and operates under Mountain View Cemetery By-law No. 8719. The 106 acre site borders Fraser Street from 31st Avenue to 41st Avenue and extends as far west as Prince Edward Street. With almost 150,000 interred remains, it is the only cemetery in Vancouver.

All cemeteries in the Province of British Columbia are governed by the Cremation, Interment and Funeral Services Act (CIFSA). The Province of British Columbia delegates the administrative authority for the CIFSA and its regulations to Consumer Protection BC, which regulates the operation of funeral services, interment facilities, cemeteries and crematoria in the Province. The CIFSA requires municipalities to adopt by-laws that govern administration and operation of their cemetery; rights and privileges of the operator; rates and charges; and the size, type and materials used for memorials. The CIFSA also regulates the establishment and management of care funds. These funds are mandatory and the interest earned is to be used only for the upkeep and repair of a cemetery.

On December 10, 1985, Council approved the closure of Mountain View Cemetery to the sale of new burial space, effective April 1, 1986, due to lack of remaining vacant space. A Vision Plan was completed between 1996 and 1998, which explored the potential for re-opening the cemetery, following which Council directed staff to engage the community and pursue a more detailed Master Plan.

Council approved the Mountain View Cemetery Master Plan in principle in March 2000 and a new Cemetery By-law in 2003 to support the recommendations in the Master Plan. Construction of the first phase of redevelopment began in 2006 and Mountain View Cemetery reopened to the sale of interment space in December 2008.

Strategic Analysis

The Mountain View Cemetery By-Law, enacted in 2003, was a significant update from the previous Cemetery By-law, which had last been amended in 1985. The by-law amendments recommended in this report are necessary to enable the Cemetery to continue to invest in more environmentally and economically sustainable practices, expand its operational capacity in a competitive consumer market, and adapt to current and future innovations related to interment and memorialization. Also recommended are amendments which will align Mountain View Cemetery's by-laws with other smoking regulations across the city, as well as address and respond to the ongoing issues related to the impacts of dogs in the cemetery.

Cemetery Committee

The current By-law includes the establishment and appointment of members of a cemetery committee. This committee, through sections 161 and 331 of the *Vancouver Charter*, is delegated the executive and administrative powers by Council to implement, amend, and repeal terms and conditions applicable to the cemetery that are not inconsistent with the By-law. The terms and conditions are titled "Mountain View Cemetery Rules". These rules deal primarily with operational issues and memorial regulations. A copy of the current cemetery rules is included, for Council's information, in Appendix D.

The committee's composition is set out in the By-law and currently comprises the Cemetery Manager, the Managing Director of Social Development, the General Manager, Community Services, and the Director of Financial Planning & Analysis, Community and Support Services. Many of these titles and department names have changed since the By-law was last updated.

In order to reduce the need to update the By-law when a position or department name changes, alternative language is proposed. The amended By-Law would identify the members of the committee as "...whoever is appointed by Council from time to time." This would enable the appointment of the committee and any changes to occur as and when Council wishes to do so, or based on staff recommendations. These future appointments would not require a by-law amendment.

To update the current composition of the Cemetery Committee this report recommends that Council appoint the current titles and department names reflecting the current and historical composition: the Cemetery Manager, Managing Director – Non-Market Housing and Social Operations, General Manager – Arts Culture and Community Services (ACCS) and the Manager Financial Planning & Analysis (assigned to ACCS), effective on January 1, 2020.

Sustainable or 'Green' Interment Options

Mountain View Cemetery is one of the only cemeteries in Canada that specifically allows families to reuse existing and occupied grave space to inter additional human remains.

This reuse requires authorization from a personal representative of the deceased (per CIFSA). This practice has been in place at Mountain View since the early 1900's and has resulted in thousands of families being able to reuse existing grave space and keep family members together.

This historical practice has recently gained recognition as one of the most sustainable cemetery practices. Other cemeteries are starting to adopt what is referred to as 'green burial' practices. These practices relate primarily to the specific exclusion of concrete or other burial vaults/liners, the exclusion of chemical embalming fluids, the required use of only biodegradable materials to cover or hold the body and, in many cases, the use of native plants on the surface and the absence of any permanent commemoration. It has inspired individuals and families to give greater consideration to environmental impacts when considering disposition options for the deceased.

Many of these elements have been part of Mountain View Cemetery's practices for decades. Mountain View neither requires any type of embalming nor specifies the type of casket or container to hold the body. Except for a brief period between 1964 and 1972 the cemetery has had no requirement for any type of burial vault or liner to be used.

In addition to the environmentally beneficial attributes of 'green' burial practices, Mountain View Cemetery is a leader in North America in working towards more sustainable land use of existing cemetery space.

The existing provincial legislation (CIFSA) requires interment rights to be sold in perpetuity (forever); historic norms also presume that the ownership of a grave lies with one person or one family. While the perpetuity of all interments is explicit, the regulator recognizes that the CIFSA is silent on the shared use of space between more than one person as well as the potential for non-related persons to own and occupy space within the same grave. The regulator advises that, due to the lack of specific language within the CIFSA, it is incumbent on the cemetery operator to ensure that its By-law and contracts clearly address and discloses any such conditions and requirements to the rights holder at the time of purchase.

In order to pursue this shared ownership and occupancy potential, further improve land use sustainability and address limited in-ground burial space at Mountain View, the cemetery requires specific language within its By-law and Cemetery Rules. The proposed amendments to the By-law will provide the clarity needed to enable Mountain View to expand the reuse of certain graves and allow for partial or shared interment rights. Spaces have historically been licenced for use by one person or family controlling all interments within that site. Shared interment rights will allow for an individual to acquire partial rights to a space with additional right(s) being licenced by the cemetery to another individual.

Cemeteries typically limit the number of casket interments in one grave to either one or two caskets in perpetuity. Mountain View is one of the only cemeteries in North America that allows families to re-use existing occupied space for additional casket interments beyond only one or two. This use is administered through provisions within the CIFSA requiring the deceased's representative to authorize staff to temporarily remove remains from a grave in order to deepen the space and then return the remains lower in that same grave to accommodate an additional (third or more) casket burial.

The Mountain View Cemetery By-Law currently limits the number of caskets to two within any 40-year period. Language within the proposed amendments seeks to allow expansion of this practice by enabling the Cemetery Rules to prescribe the conditions and limits through which additional remains can be added to spaces within shorter durations of time. These conditions and limits would require the consideration of the type of container or casket, the use or absence of vaults, ground conditions and other operational matters in defining the number of burials allowed in a single grave within a specified time period in order to maximize land use and encourage more sustainable interment practices.

These land use practices set Mountain View apart from other cemeteries in meeting or exceeding the sustainability aspects of 'green burial'. Mountain View's unique practices are recognized as leading examples of responsible cemetery operation as it embraces the core components of 'green burial' while also considering the most efficient use of limited land resources, especially in urban areas, setting a high standard for other cemeteries to adopt.

Dogs in the Cemetery

Both the Animal Control By-law (section 4.9) and the Mountain View Cemetery By-law (Part 11) require dogs to be leashed and owners to clean up after their dogs. Primary cemetery visitors (grave owners, families, friends and others visiting graves or attending funerals) and cemetery staff have experienced and expressed significant concerns related to dogs in the cemetery for a number of years – especially since reopening in late 2008. These concerns relate to both the general presence of dogs within the sacred commemorative space of the cemetery (including excrement sometimes left behind) and to specific actions of dogs that are typically off leash (approaching visitors, disrupting services, urinating on graves/ flowers/ headstones, and interfering with staff when operating motorised equipment).

Due to an increase in concerning behaviors in 2018 and 2019, including but not limited to vandalism of dog related signage and piles of dog excrement being left on cemetery grounds, Cemetery, Communications and Animal Services staff developed and implemented a concerted education and enforcement strategy throughout Spring and Summer 2019 to address these concerns. The public education campaign included enhanced signage, and information materials for staff to hand out to dog owners in the cemetery. Animal Services also implemented an enhanced education and enforcement strategy.

The information initiative focused on engaging directly with dog owners who use the cemetery to raise awareness of existing by-laws and rules. Staff altered their work hours in order to connect with people walking their dogs at peak times (early mornings and weekends). While results of this campaign included some improved compliance, it also reinforced the opposing views that exist surrounding the appropriateness of dogs in the cemetery, as demonstrated through social media and media coverage as well as a petition from dog owners. Despite this initiative and increased awareness, staff continued to witness concerning behaviours and hear from families expressing frustration about the presence of dogs at the cemetery and their impacts on graves and experiences while visiting or commemorating their loved ones.

Through the Vancouver Board of Parks and Recreation's *People, Parks, and Dogs Strategy*, certain areas (i.e. playgrounds, wading pools, sport fields, etc.) were identified as being incompatible with on-leash and off-leash dog activity due to potential conflicts of use as well as to maintain the health, safety and comfort of other users. While the Cemetery could easily be included in this category, staff are recommending an approach that will hopefully address both the desire of dog-owners to continue to be allowed to walk their dog(s) in the cemetery as well as concerns of families regarding the impacts of dogs on their commemoration and remembrance experiences in the cemetery.

In light of the feedback heard to date and the fact that virtually all of Mountain View's turf area is allocated to grave space, staff recommend that on-leash dogs continue to be allowed in the cemetery, but that dogs be restricted to hard surfaced roads and pathways and prohibited from the turf areas. A map showing the existing roadways within the cemetery is in Appendix A.

The intent of this By-law amendment is to limit the conflicts between dogs and the primary purpose of the cemetery, which is the interment and memorialization of loved ones who have passed away. Prohibiting dogs from the turf areas will increase the likelihood that dogs do not urinate, defecate or otherwise disturb grave areas, whether the graves are marked or not by a memorial, nor interfere with memorial and interment services or daily grounds maintenance activities. Consequential amendments will also be made to the Ticket Offences By-Law in order to improve enforcement.

Should this By-law be approved, staff will undertake an education and awareness campaign to ensure all cemetery users are aware of the changes related to dogs in the cemetery.

Smoking

The City of Vancouver regulates smoking in buildings and vehicles under the Health By-law and the Vancouver Board of Parks and Recreation has enacted smoking restrictions in Vancouver's public parks. Since Mountain View Cemetery falls within the authority of the City of Vancouver, the cemetery remains one of few city owned green spaces where smoking is not restricted. This report and the proposed amendment seeks to align the cemetery with other green spaces and address the fire risks associated with smoking by prohibiting smoking in the cemetery except within a designated area that may be defined within the Cemetery Rules. Consequential amendments will be made to the Ticket Offences By-Law in order to enable enforcement of this section of the Mountain View Cemetery By-law.

New Fees

Cemetery fee adjustments are historically recommended based on market comparisons, changes in consumer preference, and to allow for product and service expansion. The most recent adjustment to cemetery fees was effective January 1, 2019 as such no increases to the current fees are proposed for 2020.

Mountain View Cemetery is constantly reviewing its product and service offerings to respond to the market and changing consumer preferences. There are a number of new products and services ready for purchase, under development or being considered that do not have a corresponding fee within the current By-law. Most of these new fees relate

to new and innovative in-ground cremation spaces as well as direct sales of markers or monuments. There are also a few minor textual changes included to clarify certain existing fees. The proposed text changes are in Appendix B and the new fees are identified in Appendix C.

Minor Text Amendments

Several minor changes to language, terminology and definitions are also proposed as part of a routine review and clean-up of the By-law and to address new or emerging products and services. The sustainable or 'green' initiatives resulted in most of these minor text amendments.

Implications/Related Issues/Risk

Financial

The addition of new product and service fees are an important part of enabling the cemetery to adapt and respond to changing customer preferences and industry trends which is critical to achieving its financial targets. Staff regularly review the pricing structure to ensure fees and the products and services offered are competitively aligned with the market and will monitor the 2020 fee schedule, including the new fees and products, to determine what, if any, adjustments will be recommended for 2021.

Human Resources/Labour Relations

There are no Human Resources/Labour Relations implications.

Environmental

The By-law amendments will enable the Cemetery Committee to establish the rules necessary to explicitly allow for an expansion of new and more environmentally friendly interment options at Mountain View. With a limited and declining capacity for casket interment it is imperative that the cemetery continue to lead the way on more sustainable land use practices.

CONCLUSION

The enactment of the proposed By-law amendments is necessary for both the current and future operation of the cemetery to ensure it remains competitive within the market, is environmentally and economically sustainable, and strikes the right balance between its primary purpose as a sacred place of commemoration and demands on public green space. If approved, staff will implement a communication strategy to inform the public and cemetery users of changes to the Mountain View Cemetery By-law and Cemetery Rules.

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Aerial Image of Mountain View Cemetery

Black lines indicate hard surfaced pathways and roads.



Details of By-law Amendments:

Notation: additions deletions

Part 1 INTERPRETATION

1.2 Definitions

“commingling” means the intentional or unintentional combining of the cremated human remains of more than one person;

“scattering” means the irreversible dispersal of cremated remains in a defined area or feature within the cemetery and where such dispersal may result in the commingling of those cremated remains;

“shared lot” means a single lot which is to be utilized by multiple licencees/rights holders;

“smoke” means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking equipment that burns tobacco or other weed or substance;

“sustainable burial” means the interment of human remains that

(a) have not been embalmed,

(b) are clothed, wrapped or shrouded in natural and fully biodegradable fiber or material; and

(c) are enclosed in a shroud, casket or alternative container that is made from natural and fully biodegradable fiber or material;

“sustainable lot” means a single lot which is to be utilized by multiple licencees/rights holders and is designated by the cemetery for sustainable burial;

Part 2 CEMETERY OPERATIONS

Appointment of cemetery committee

2.4 ~~Council appoints a committee to consist of the Cemetery Manager, the Managing Director of Social Development, the General Manager, Community Services, and the Director of Financial Planning & Analysis, Community and Support Services.~~ Council appoints a Cemetery Committee to consist of four members, appointed by Council from time to time.

Part 3 LICENCES

Application for licence

3.1 An individual who wishes to acquire a licence to reserve either the exclusive use of a vacant and unlicensed lot, or the mutual use of a shared lot, must apply to the cemetery manager.

Issuance of licence

3.2 Subject to this By-law and the terms of the licence, issuance of the licence gives the applicant the right to ~~exclusive~~ use of the lot designated in the licence for the sole purpose ~~only~~ of interment.

Part 4 RESERVED AREAS

[No changes]

Part 5 MAUSOLEA AND COLUMBARIA

[No changes]

Part 6 INTERMENTS

[No changes]

Part 7 USE OF LOTS

Number of interments permitted in grave

7.2 A grave must hold no more than two interments of human remains in any 40 year period unless ~~grave containing human remains and measuring less than four feet by four feet must not receive any more interments.~~ otherwise permitted by the Cemetery Rules.

Part 8 MEMORIALS

[No changes]

Part 9 SURRENDER OF LOTS AND LICENCES

Surrender of shared lot license

9.5 A licensee may surrender a shared lot licence by applying in writing to the cemetery manager:

- (a) instructing the cemetery manager to disinter any human or cremated remains subject to the shared lot licence;
- (b) providing the cemetery manager with the necessary authorization to disinter human or cremated remains subject to the shared lot licence;
- (c) instructing the cemetery manager to either remove any memorial on the lot and provide directions as to disposal of any memorial which is to be removed; and
- (d) paying all cemetery fees for disinterment and memorial removal.

Compensation for surrendered of shared lot licence

9.6 If the cemetery manager accepts the surrender of a shared lot licence lot without interments or memorials, or of a shared lot licence for which there are instructions, authorizations and fees provided for removal of all interments and memorials in accordance with section 9.5, the city will pay to the licensee, an amount equal to the licence fee less the aggregate of:

(a) that portion of the original licence fee stipulated as a contribution to the care fund referred to in section 10.1; and

(b) the licence disposition fee set out in Schedule B.

Part 10 FINANCIAL MATTERS

[No changes]

Part 11 CEMETERY REGULATIONS

Behaviour in cemetery

11.10 A person in the cemetery must:

.....

(i) not suffer or permit any domesticated animal to be in the cemetery unless it is a dog on a leash held by the person supervising the dog, and the dog is restricted to hard surfaced roads and paths;

(j) remove from the cemetery any excrement deposited by a dog, other than a service dog, under their control;

(k) not smoke, except in a designated area; and

(l) obey the cemetery rules.

Part 12 ENFORCEMENT

[No changes]

Part 13 MISCELLANEOUS

[No changes]

Proposed Changes to SCHEDULE B - MOUNTAIN VIEW CEMETERY FEES & CHARGES

Notation: additions deletions

	<u>Right of Interment</u>	<u>Care Fund</u>	<u>Total</u>
<u>IN-GROUND CREMATED REMAINS SITE</u>			
Standard - Allowing 2 interments	\$ 2,925.00	\$ 975.00	\$ 3,900.00
Standard - Allowing 4 interments	\$ 4,650.00	\$ 1,550.00	\$ 6,200.00
<u>Standard - Allowing 6 interments</u>	<u>\$ 6,750.00</u>	<u>\$ 2,250.00</u>	<u>\$ 9,000.00</u>
<u>Standard - Allowing 8 interments</u>	<u>\$ 9,000.00</u>	<u>\$ 3000.00</u>	<u>\$ 12,000.00</u>
Premium Area - Allowing 2 interments	\$ 3,750.00	\$ 1,250.00	\$ 5,000.00
Premium Area - Allowing 4 interments	\$ 5,775.00	\$ 1,925.00	\$ 7,700.00
<u>Premium Area - Allowing 6 interments</u>	<u>\$ 9,000.00</u>	<u>\$ 3,000.00</u>	<u>\$ 12,000.00</u>
<u>Premium Area - Allowing 8 interments</u>	<u>\$ 11,775.00</u>	<u>\$ 3,925.00</u>	<u>\$ 15,700.00</u>
Feature Area - Allowing 2 interments	\$ 4,575.00	\$ 1,525.00	\$ 6,100.00
Feature Area - Allowing 4 interments	\$ 7,350.00	\$ 2,450.00	\$ 9,800.00
<u>Feature Area - Allowing 6 interments</u>	<u>\$ 11,250.00</u>	<u>\$ 3,750.00</u>	<u>\$ 15,000.00</u>
<u>Feature Area - Allowing 8 interments</u>	<u>\$ 14,775.00</u>	<u>\$ 4,925.00</u>	<u>\$ 19,700.00</u>
Feature Area – Estate Lot - 8 interments	\$ 16,500.00	\$ 5,500.00	\$ 22,000.00
<u>Feature Area – Estate Lot - 16 interments</u>	<u>\$ 28,575.00</u>	<u>\$ 9,525.00</u>	<u>\$ 38,100.00</u>
<u>Feature Area – Estate Lot - 24 interments</u>	<u>\$ 42,750.00</u>	<u>\$ 14,250.00</u>	<u>\$ 57,000.00</u>

	<u>Right of Interment</u>	<u>Care Fund</u>	<u>Total</u>
<u>CASKET SPACE</u>			
Adult Grave – Single interment <i>in shared lot</i> & Shared Occupancy	\$ 9,375.00	\$ 3,125.00	\$ 12,500.00
Adult Grave – Single interment <i>in sustainable lot</i> & Shared Occupancy	\$ 7,125.00	\$ 2,375.00	\$ 9,500.00
<u>INTERMENT OF REMAINS</u>			
Adult Casket - Single Depth			\$ 1,300.00
Adult Casket – Deep			\$ 2,300.00
Child Casket (<18 years old and container up to 48" long)			\$ 400.00
Infant Casket (<1 year old and container up to 24" long)			\$ 200.00
Re-open Grave for Casket <i>burial</i> (in addition to Adult Casket fee)			\$ 2,200.00

	<u>Supply/Install</u>	<u>Care Fund</u>	<u>Total</u>
<u>FOUNDATIONS, MARKERS & MONUMENTS</u>			
Infant Commemorative Stone	\$ 195.00	\$ 100.00	\$ 295.00

	<u>Supply/Install</u>	<u>Care Fund</u>	<u>Total</u>
<u>MARKERS and MONUMENTS</u>			
<i>Infant Commemorative Stone</i>	\$ 195.00	\$ 100.00	\$ 295.00
<i>Temporary Marker (annual fee)</i>	\$ 350.00	\$ 100.00	\$ 450.00
<i>Granite Marker (Type 1)</i>	\$ 425.00	-	\$ 425.00
<i>Granite Marker (Type 2)</i>	\$ 500.00	-	\$ 500.00
<i>Granite Marker (Type 3)</i>	\$ 625.00	-	\$ 625.00
<i>Granite Marker (Type 4)</i>	\$ 750.00	-	\$ 750.00
<i>Granite Marker (Type 5)</i>	\$ 875.00	-	\$ 875.00
<i>Granite Marker (Type 6)</i>	\$ 1000.00	-	\$ 1000.00
<i>Granite Marker (Type 7)</i>	\$ 1150.00	-	\$ 1150.00
<i>Granite Marker (Type 8)</i>	\$ 1400.00	-	\$ 1400.00

CITY OF VANCOUVER
BRITISH COLUMBIA

MOUNTAIN VIEW CEMETERY RULES

MOUNTAIN VIEW CEMETERY RULES

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MOUNTAIN VIEW CEMETERY RULES

Pursuant to the authority vested in the Cemetery Committee under Section 2 of the Mountain View Cemetery By-law of the City of Vancouver, the Cemetery Committee, comprised of the General Manager of Community Services, Director of Non-Market Operations, and Cemetery Manager for the city, resolves unanimously this 31st day of July, 2003 to pass the following cemetery rules:

PART 1 INTERPRETATION

General definitions

- 1.1 A word defined in the Mountain View Cemetery By-law (“By-law”) and used in these Rules will have the same meaning in the By-law and Rules.

Table of contents

- 1.2 The table of contents is for information only, and is not for use in interpreting or enforcing these Rules.

PART 2 USE OF LOTS

Interment of human remains in a grave

- 2.1 For interment of human remains in a grave:
- (a) the depth of the grave must be sufficient to provide for not less than three feet of earth between the upper surface of the casket or grave liner and the level of the ground surrounding the grave; and
 - (b) the casket and grave liner or vault must be less than the length and width of the lot.

Interment of cremated remains in a grave

- 2.2 For interment of cremated remains in a grave:
- (a) the container must be less than the length and width of the lot;
 - (b) a grave that is four feet by eight feet may hold no more than eight containers of cremated remains;
 - (c) a grave that is less than four feet by eight feet may hold no more than four containers of cremated remains except for

- (i) a grave in the Masonic section (Blocks 28A and 29A [Plot 1], Blocks 31A and 34A, and all Plots numbered “001A”, “003A”, “005A”, “007A” “009A”, “011A” “013A”) which may hold no more than two such containers; or
- (ii) a grave in the Jones section (Block 1 [Plot 5], Block 2 [Plot 25], Block 3 [Plot 21], Block 4 [Plot 1]) which may hold no more than one such container;
- (d) the positioning of cremated remains within the grave is subject to approval by the cemetery manager; and
- (e) no more than two interments of cremated remains of family members of each interment of human remains shall be permitted in graves owned by the City of Vancouver or the Ministry of Human Resources.

Interment of cremated remains in a niche

2.3 For interment of cremated remains in a niche:

- (a) the cremated remains must be in a container; and
- (b) a niche may hold no more than two containers and no more than two sets of cremated remains or the number of sets of cremated remains permitted by the applicable licence; and
- (c) at the time of interment and upon payment of the applicable fee, an additional interment of cremated remains may take place in a niche that exceeds the number permitted by the applicable license.

Interment of human remains in a crypt

2.4 A crypt may hold no more than one set of human remains.

Interment of cremated remains in a memorial

- 2.5 Each memorial that contains cremated remains must:
- (a) rest on the surface of a grave lot;
 - (b) hold no more than the number of cremated remains determined by the cemetery manager and indicated on the applicable licence or permit; and
 - (c) include only a method of containment for the cremated remains that is satisfactory to the cemetery manager.

Scattering of cremated remains

- 2.6 A person who wishes to scatter cremated remains must not use a casket, container, or other enclosure, and must scatter the cremated remains under the supervision of the cemetery manager in a location designated by the cemetery manager.

Interments in “Field of Honour” graves

- 2.7 Lots in the “Fields of Honour” may hold no more interments than:
- a) that of the initial member or veteran and their legal spouse;
 - b) the cremated remains of a family member of the original member or veteran; and
 - c) as permitted within the total interment limits set out in Part 2 of these Rules.

Interment of miscarried remains or cremated remains of stillborns and infants

- 2.8 With permission from the interment right holder or their next of kin, the interment of miscarried remains, cremated remains of a stillborn or the cremated remains of an infant is allowed in any lot. Any such interment is permitted in addition to any interment limits or restrictions identified in these rules.

**PART 3
ADORNMENT OF LOTS**

Adornment of a lot

- 3.1 A person must not adorn a lot except for memorials as permitted by Part 8 of the Cemetery Bylaw and for floral tributes under section 3.2.

Floral tributes

- 3.2 A person must not adorn a lot with a floral tribute except as follows:
- (a) on the day of interment and for seven days after the day of interment, a person may adorn a lot with any type of floral tribute;
 - (b) subject to subsection (a), between March 1 and October 15 in each calendar year, a person may adorn a lot only with any combination of:
 - i) fresh cut flowers in a flower container flush with the ground approved and installed by the cemetery manager; or
 - ii) up to a maximum of two (2) potted plants where each pot does not exceed 8" in diameter, length or width and is not secured to the ground in any manner.
 - (c) subject to subsection (a), between October 16 and February 28 in each calendar year, a person may adorn a lot with fresh cut flowers, potted plants, wreaths, and artificial flowers; and
 - (d) a person must not place a glass or similar breakable container or item on or in a lot.

PART 4 MEMORIALS

Memorial definitions

4.1 In this Part 4:

- (a) “base” means the lowest portion of a memorial set on a foundation;
- (b) “die” means the upper portion(s) of a memorial placed above the base;
- (c) “foundation” means a pad, usually made of concrete or granite, set at grade, that supports a memorial;
- (d) “height” means the dimension as measured from the top to the bottom of the memorial, die, or base, as applicable;
- (e) “length” or “depth” means the dimension as measured from the front edge to the back edge of the memorial, die, or base, as applicable;
- (f) “marker” means a memorial consisting of a single piece of uniform height placed on a foundation or set flush with the ground;
- (g) “thickness” means the dimension as measured from the front edge to the back edge of a die; and
- (h) “width” means the dimension as measured from the left edge to the right edge of the memorial, die, or base, as applicable.

Payment for memorial installation

4.2 A person must pay for installation of a memorial:

- (a) requiring a foundation when that person applies for the memorial permit; and
- (b) consisting of a marker upon receipt of delivery of the marker at the cemetery.

Delivery of memorial

- 4.3 A person must not deliver a memorial to the cemetery unless:
- (a) the applicant has received a memorial permit;
 - (b) the cemetery manager receives notice at least 24 hours before delivery of the memorial; and
 - (c) the cemetery manager has confirmed that installation of any foundation for the memorial is complete.

Hours for installation

- 4.4 A person who wishes to carry out memorial installation in the cemetery:
- (a) unless the cemetery manager otherwise permits, must carry out the work only in accordance with a memorial permit, during the cemetery=s hours of staff operation, and subject to the cemetery manager=s requirements;
 - (b) must advise the cemetery manager on arrival at the cemetery; and
 - (c) is responsible for the restoration or repair of any damage to the cemetery or its fixtures arising out of or in connection with installation of the memorial.

Responsibility for installation

- 4.5 Despite sections 4.3 and 4.4, the cemetery manager will have the right to install all flat markers and foundations for upright memorials.

Cemetery layout

- 4.6 The city will have the right to change the design of the cemetery thereby affecting placement of existing and new memorials.

Removal of memorials

- 4.7 The cemetery manager may remove and dispose of any memorial in the cemetery that falls into disrepair or becomes unsightly. Before doing so, the cemetery manager will deliver written notice to the last known address of the licensee of the lot or deceased=s representative.

Memorial materials

4.8 The cemetery committee:

- (a) approves granite and bronze as materials for memorials or parts thereof;
- (b) approves marble only for use as parts of a memorial such as vases and statues;
- (c) does not approve marble as a base or any inscribed part of a memorial;
- (d) does not approve wood or glass as any part of a memorial; and
- (e) approves concrete only as a foundation or as a support for bronze markers.

Other memorial materials

4.9 A person must not use any other material for a memorial unless:

- (a) that person obtains approval from the cemetery manager;
- (b) the material has industry recognition as long-lasting and not requiring continuing maintenance; and
- (c) that person, at his or her cost, tests and proves acceptability of a material to the satisfaction of the cemetery manager.

Limitation to one memorial

4.10 In upright memorial areas, a person may install only one upright memorial on any grave or portion thereof, and must place it at the end of the grave as designated by the cemetery manager.

Base dimensions

- 4.11 A base placed on a foundation must have a:
- (a) minimum width of 60 centimetres (24 inches);
 - (b) maximum width of 15 centimetres (six inches) less than the width of the grave or graves to be marked;
 - (c) minimum depth of 30 centimetres (12 inches);
 - (d) maximum depth of 36 centimetres (14 inches); and
 - (e) minimum height of 15 centimetres (six inches); and
 - (f) maximum width of 91 centimetres (36 inches) if placed on a single grave; and
 - (g) minimum width of 107 centimetres (42 inches) if placed on two or more adjacent graves.

Base finish

- 4.12 The sides of a base (excluding the top and bottom) must have a rock-pitch finish.

Responsibility for dimensions

- 4.13 A person who applies for a memorial permit is responsible to determine the width of the grave to be marked for determining maximum length dimensions.

Die dimensions

- 4.14 A die must meet the following requirements:
- (a) the overall length and width dimensions of the die (including any fixtures) must not exceed the length and width dimensions of the base;
 - (b) the height of the die must be a minimum of 10 centimetres (four inches);
 - (c) the thickness of the die must be a minimum of 15 centimetres (six inches); and
 - (d) any person installing any die must attach it or ensure its attachment to the piece below to the satisfaction of the cemetery manager.

Memorial height

- 4.15 A memorial:
- (a) with a minimum die thickness of 15 centimetres (six inches) must have a total memorial height of no more than 91 centimetres (36 inches);

- (b) with a minimum die thickness of 20 centimetres (eight inches) must have a total memorial height of no more than 137 centimetres (54 inches); and
- (c) must not exceed 137 centimetres (56 inches) unless the cemetery manager approves a greater height.

Vases and statues

- 4.16 All vases and statues must be permanently affixed and positioned so that no part extends beyond the length or width of the base.

Attachment of fixtures and other things

- 4.17 A person must not attach any fixture or other thing to a memorial unless that person obtains approval from the cemetery manager, and must not attach any fixture or other thing to any marker installed flush with the ground.

Centre feature memorials

- 4.18 The cemetery manager may exempt from the size restrictions for marking individual graves memorials designed to be a central feature for a recognized section of the cemetery. All such memorials require prior approval of the cemetery manager to determine the aesthetic suitability, overall stability, and resistance to vandalism. The cemetery manager may set a minimum standard for the foundation of such a memorial. A person applying for such a memorial will pay any design or consulting fees necessary to ensure a maintenance-free permanent foundation.

Bronze markers

- 4.19 Prior to delivery of a memorial to the cemetery, a person must attach a bronze plaque to a granite or concrete support of at least the same length and width as the plaque and of uniform height measuring between 7.5 centimetres (three inches) and 12.5 centimetres (five inches).

Flat marker only

- 4.20 A person may install only a flat marker in:
- (a) a pathway lot (lot bearing no legal description or plot descriptor);
 - (b) a lot ending in "A";
 - (c) a lot contained in a plot ending in "A", "AR", "R" or "RC"; and
 - (d) any lot owned by the City of Vancouver or the Ministry of Human Resources containing human remains and only one marker to commemorate the family of each interment of human remains.

Flat marker on foundation on single lot

- 4.21 A person may install one 12 inch by 20 inch by four inch flat granite marker, with cut or polished sides on a 20 inch by 28 inch by four inch granite foundation centred on the lot, on any lot located in one of the following areas:
- (a) Abray section (Block 10 [Plots 21 to 60], Block 12 [Plots 17 to 48] and Block 15 [Plots 15 to 84]);
 - (b) Horne 2 section (Blocks 7, 8, 9 [Plots 1 to 37 and Plots 48 to 49] & Block 10 [Plots 1 to 30]); or
 - (c) Jones section (Blocks 34, 26, and 41R).

Flat marker on foundation on double lot

- 4.22 A person may install one 18 inch by 30 inch by four inch granite marker, with cut or polished sides on a 30 inch by 42 inch by four inch granite foundation centred on two adjacent lots, on any lot located in one of the following areas:
- (a) Abray section (Blocks 9, 10 [Plots 1 to 20], 12 [Plots 1 to 16], 13, 14, & Block 15 [Plots 1 to 14]);
 - (b) Horne 2 (Blocks 1 & 2) section; or
 - (c) Jones section (Block 26 and 41R).

Flat marker on cremation border lot (single granite)

- 4.23 A person may install only one 12 inch by 20 inch or 10 inch by 18 inch granite marker, on any lot located in the Masonic section (Blocks 28A, 29A [Plot 1], 31A and 34A). Only one 16 inch by 28 inch marker may be installed on any lot located in the Masonic section where the Block and Plot ends in "A".

Flat marker on cremation border lot (double granite)

- 4.24 A person may install no more than two 12 inch by 20 inch or 10 inch by 18 inch granite markers on any lot located in the Masonic section (Blocks 4A, 5A, 6A, 7A, 8A, 10A [Plots 7, 8, 9 & 10], 11A, 12A, 13A, 15A, 17A, and 18A).

Flat marker on cremation border lot (bronze marker)

- 4.25 A person may install no more than four nine inch by 12 inch bronze markers on any lot located in the Masonic section (Blocks 3A, 9A, 10A [Plots 1, 2, 3, 4, 5 & 6], 14A, 16A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 29A [Plots 2 & 3] & Block 30A).

Flat marker on other lots

- 4.26 A person may install no more than two 10 inch by 18 inch or 12 inch by 20 inch flat markers on any lot measuring less than eight feet by four feet not covered by section 4.23, 4.24, or 4.25.

Flat marker on cremation plots

- 4.27 Despite anything to the contrary in these Rules, a person may install no more than one nine inch by 12 inch bronze marker on any lot located in the Jones section (Block 1 [Plot 5], Block 2 [Plot 25], Block 3 [Plot 21], Block 4 [Plot 1]).

Additional memorial rules

4.28 The following rules apply to memorials:

- (a) a marker must be of uniform height between three and five inches;
- (b) unless otherwise specifically restricted or allowed, a marker must measure 12 inches by 20 inches or 16 inches by 28 inches;
- (c) a person may centre, on two adjacent casket lots, one marker measuring 18 inches by 30 inches;
- (d) the cemetery manager will determine the placement of a memorial on a lot;
- (e) a person who wishes to relocate an existing marker on the same lot or another lot must obtain permission from the cemetery manager; and
- (f) unless otherwise specifically restricted or allowed, a lot measuring eight feet by four feet may have no more than four memorials on it.

Existing memorials

4.29 A person who wishes to set upright a memorial placed or installed before April, 1986 must:

- (a) apply to the cemetery manager for approval, and for waiver of the perpetual care portion of the installation fee and of any of these Rules that are not applicable to existing memorials; and
- (b) attach the base and dies to each other to the satisfaction of the cemetery manager.

Matching memorials

4.30 A person who wishes to install a memorial on a family lot, or any adjacent lot of family members, that does not meet the current Bylaw or Rules but would match an existing memorial within those lots must apply to the cemetery manager for approval, and for waiver of any of these Rules that are not applicable to existing memorials.

Exemptions for upright monuments

4.31 The cemetery manager may allow an exemption from sections 4.11 (a), 4.11 (c), 4.11 (d), 4.12 and 4.14 (c) to accommodate alternate styles of monuments providing that a written request is made to the cemetery manager:

- (a) from the current rights holder of the affected grave or graves;
- (b) outlining the specific nature of the exemption being sought; and
- (c) acknowledging any indemnities, limitations, restrictions or future costs related to additional activity in or on the impacted grave(s), including interments and memorials, which may be required by the manager as a result of any exemption.

**PART 5
MISCELLANEOUS**

Applications

- 5.1 A person must make any application required under these Rules or the By-law only on the prescribed form available from the cemetery manager at the cemetery office during normal office hours.

Commonwealth War Graves Commission Agreement

- 5.2 No further interments or development will take place in the area described as the Jones Section - Block 45, including the areas around Jones Section - Block 45 north and south to the edge of the next graves, east to the road edge and west to the property line without the approval of the Commonwealth War Graves Commission, Canadian Agency.

Hours of interment

- 5.3 Interments may take place Monday through Friday (excluding holidays) between 8:30 a.m. and 3:30 p.m. The Cemetery Manager may approve interments outside of these hours and such interment shall be subject to overtime fees.

END OF RULES

Jacquie Forbes-Roberts
General Manager of Community Services

Ray Stensrud
Director of Non-Market Operations

Glen Hodges
Cemetery Manager