

CITY OF SURREY

BY-LAW NO. 11840

As amended by By-law No. 13829, 09/13/99 and 14531, 10/22/01

A By-law to regulate the maintenance and operation of the Cemeteries owned by the City of Surrey; to regulate the interment or other disposition of the dead therein; to prohibit the violation of such cemeteries and the vaults, monuments, gravestones, and graves contained therein; to establish the terms and conditions under which and the fees for which, persons may acquire the right to make use of lots therein; and to establish, set aside and maintain the "Maintenance Fund" all in pursuance of the provisions of Section 716 of the "Municipal Act."

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THIS IS A CONSOLIDATED BY-LAW PREPARED BY THE CITY OF SURREY FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BY-LAW PROVISIONS.

WHEREAS pursuant to the provisions of "Surrey Cemeteries Regulation By-law 1961, No. 1910", the City did set aside and dedicate for use as City Cemeteries those parcels of land defined therein and referred to as the "Hazelmere Cemetery", "Sunnyside Lawn Cemetery" and "Surrey Centre Cemetery", and has laid out, developed, improved, regulated, maintained and operated the said Cemeteries for the interment or other disposition of the dead;

AND WHEREAS the City of Surrey, who owns and operates cemeteries, has established itself as a Board of Cemetery Trustees in accordance with the Cemetery and Funeral Services Act, Section 18(1)(b).

AND WHEREAS it is deemed expedient that the City shall continue to improve, regulate, maintain and operate the said City Cemeteries for the benefit of the residents of the City of Surrey;

THEREFORE, the Council of the City of Surrey, in open meeting assembled, and pursuant to the provisions of Section 716 of the "Municipal Act", ENACTS AS FOLLOWS:

1. This By-law may be cited for all purposes as "Surrey Cemeteries Regulation By-law, 1993, No. 11840."

DEFINITIONS

2. In this By-law, unless the context otherwise requires:

"Administrator" Means the General Manager, Parks, Recreation and Culture Department of the City of Surrey who shall be the Cemetery Administrator and the person duly appointed from time to time to fill that position.

"Caretaker" Means the person or persons duly appointed from time to time as Caretaker or Caretakers of any or all of the Cemeteries herein defined.

"Cemetery" Means the "Hazelmere Cemetery", the "Sunnyside Lawn Cemetery" and the "Surrey Centre Cemetery" as hereinafter defined, and shall include all additional real and personal property, within or without the City of Surrey, hereafter acquired and held by the City for use as a city cemetery.

"Cemetery and Funeral Services Act" Means the "Cemetery and Funeral Services Act",

Funeral Services R.S.B.C.1996, C. 45, and amendments thereto.

Act"

"City" Means the City of Surrey.

"City Clerk" Means the person duly appointed as such from time to time by the Council.

"Council" Means the Council of the City of Surrey.

"General Manager Means the person duly appointed as such from time of Finance and to time by the Council.

Technology"

"Lot" Means a burial plot as designated and shown on the plan of each cemetery on file in the offices of the City and on the copy of such plan deposited with the Cemetery and Funeral Services of the Province of British Columbia.

"Mayor" Means the Mayor of the City of Surrey and shall include the Acting and Deputy Mayor.

"Medical Health" Means the person duly appointed

Officer" from time to time by the Council as the Medical Health Officer for the City of Surrey.

"Municipal Act" Means the "Municipal Act", R.S.B.C. 1996, c 323, and amendments thereto.

"Resident" Means a person who resides or resided in the City of Surrey at the time application was made for his or her cemetery lot.

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

APPLICATION OF BY-LAW

3. The regulations hereby established shall apply to all Cemeteries of 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 dead therein and for the management, operation and preservation of same and the terms, conditions and fees set out herein shall apply to every right to make use of lots within such Cemeteries, provided, however, that notwithstanding anything herein contained, the Administration of the Cemeteries shall be carried out in conformity with the applicable requirements of the "Cemetery and Funeral Services Act" and the Regulations made pursuant thereto.

4. The following described real property owned by the City which has heretofore been set aside, held, laid out,

developed, improved, used and maintained as City-owned Cemeteries and dedicated for such use by "Surrey Cemeteries Regulation By-law, 1961, No. 1910", shall continue to be used, operated, and maintained for such purpose and shall not be used for any other purpose:

(a) Hazelmere Cemetery

Parcel I of the North East Quarter of Section Nine (9), Township Seven (7), Reference Plan One Thousand Seven Hundred Seventy-Four (1774) in the District of New Westminster.

(b) Sunnyside Lawn Cemetery

Lots Six (6), Eight (8), Nine (9), Ten (10) and Eleven (11) Legal Subdivision East Half to Seven (7) and Eight (8), AND: Lots Seven (7) and Twenty (20) of the South East Quarter of Section Twenty-Two (22), Township One (1), Map One Thousand Six Hundred and Forty-Two (1642) in the District of New Westminster.

(c) Surrey Centre Cemetery

Part (Two Decimal Eighty-Nine (2.89 acres (1.17 hectares) more or less) of Lot Nineteen (19) of the South East Quarter of Section Twelve (12), Township Two (2), Map One Thousand Seven Hundred and Fifty-Two (1,752), Explanatory Plan Eight Thousand One Hundred and Twenty (8,120); AND: Part One (1) acre (0.404 hectares) more or less) of the South East Quarter of Section Twelve (12), Township Two (2), Explanatory Plan Five Thousand Six Hundred and Eighteen (5,618); AND Those parcels marked "Z" and "BB" of the South East Quarter of Section Twelve (12), Township Two (2), on Plan One Thousand Seven Hundred and Fifty-Two (1,752); AND Lot Thirty-Three (3) of the South East Quarter of Section Twelve (12), Township Two (2), Plan Twenty-Nine Thousand and Fifty-Five (29,055) in the District of New Westminster.

5. One copy of the plans of each Cemetery shall be filed with the "Cemetery and Funeral Services" of the Province of British Columbia, and the original and additional copies thereof shall also be kept available for public inspection in the offices of the City of Surrey, and at such other places as the Council may deem necessary.

6. The Council shall have power to determine from time to time, the layout of undeveloped sections of the Cemeteries, the size of the lots therein, the development and improvements to be carried out therein and made thereto, and copies of the plans thereof shall be filed and kept pursuant to the provisions of Section 5 of this By-law.

ADMINISTRATION OF BY-LAW

7. The Administrator shall issue all licenses and permits required by this By-law, except as otherwise provided.

8. The Administrator is hereby authorized on behalf of the City to issue a license in the form set out in Schedule "A(1)" or "A(2)" hereto, in respect of any lot in the Cemetery according to the scale of fees and charges set out and specified in Schedule "G" to this By-law and subject to the provisions of this By-law.

9. Upon the issuing of any permit for interment in the Cemetery, or upon receiving any order or authorization for exhumation from the proper authority as required by Sections 26-31 inclusive hereof, 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.

10. The Administrator shall maintain such records as are necessary for the administration, operation, maintenance and management of the Cemetery and as required by the Cemetery and Funeral Services Act and Regulations thereto and as required from time to time by the Council.

LICENSES

11. The City may grant to any person paying the lot fee, according to the scale of fees hereinafter provided, a license for the exclusive use by him or his executors or administrators, designated lot or lots which are vacant and unlicensed in the Cemetery, and upon payment of the said fee, such person shall be entitled to receive a license in the form prescribed in Schedule "A(1)" or "A(2)" hereto. Any changes to the license, by the licensee, would incur additional administration charges.

12. The City reserves the right to refuse to grant any license to more than one lot to any one individual.

13. All licenses issued for the use of lots in the Cemetery, pursuant to this By-law, shall be subject to all provisions hereof and to all subsequent By-laws and regulations of the City.

14. Licenses granted to the Licensee, pursuant to this By-law, shall not be transferable except:-

(a) At the discretion of the Administrator, for a transfer of the license over any unused lot or lots to an immediate family member.

This request must be in writing by the licensee as set out in Schedule "B" hereto. Licenses for lots must be surrendered, and a transfer fee (to defray administration costs) as set out in Schedule "G" shall be paid to the City. The Administrator shall amend his records accordingly stating the new licensee of the lot or lots.

(b) A licensee of any unused lot or lots may request in writing as set out in Schedule "B" hereto to surrender his/her license to the City and shall be refunded the original license monies paid by him LESS the Maintenance Fund paid at time of purchase, as set out in Section 53 Subsection (5) of this By-law plus a surrender fee, as set out in Schedule "G", on any lot for which the license was granted to the licensee after January 1, 1994. Further, any memorial tablet that is on or embracing the surrendered lot must be removed at the cost of the licensee requesting the surrender.

The Administrator shall amend his records accordingly and the lots so surrendered shall thereupon become available for re-license.

FEES AND CHARGES

15. All fees chargeable under this By-law shall be those as set out in Schedule "G" of this By-law and shall be payable at the office of the City at the time of application.

INTERMENTS

16. No body, other than a deceased human body, or cremated remains of a human body shall be interred in the Cemetery.

17. No holder of a license to use and occupy any lot in the Cemetery shall allow, suffer or permit any interment to be made in the lot to which the license refers contrary to the license, and he shall not transfer or dispose of the license for the use of such lot to any other person, group or organization, except as provided in Section 14 of this By-law.

18. No grave shall be dug or opened within the Cemetery by any persons other than the Caretaker of the Cemetery, or other employee of the City or other person duly authorized by the Administrator.

19. (1) Every application for an interment permit shall be made at least forty-eight (48) hours before such interment is to take place unless the body to be interred is that of a person who has had an infectious disease.

(2) The bodies of persons who have died having any infectious disease, as defined in the Health Act, 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 in each such case. The Administrator shall see to it that the instructions of the Medical Health Officer are carried out in the making of such interments.

20. The following limits on interments shall apply:

(a) Full-size Adult Lots -- Only one (1) interment shall be permitted in any one lot, unless it is proved to the satisfaction of the Administrator that the licensee or heirs of the licensee have no objection to the interment of cremated remains of relatives, in which case the Administrator may allow up to an additional eight (8) cremated remains in this lot.

The "Opening and Closing" fee for interment of cremated remains together with the "Second/Additional User" fee, all as set out in Schedule "G", shall apply to all subsequent cremation interments in a full size adult lot.

Placement of cremations interred in full-size adult lots shall be set in the lot as follows:

- 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.

(b) Full-size Veteran Lots -- Only one (1) interment shall be permitted in any one lot; provided however, at the discretion of the Administrator, cremated remains of the veteran's spouse may be interred. The "Opening

and Closing" fee for interment of cremated remains together with the "Second/Additional User" fee, all as set out in Schedule "G", shall apply for the interment of the spouse's cremated remains.

- (c) Child Lots -- Only one (1) interment shall be permitted.
- (d) Infant/Stillborn Lots -- Only one (1) interment shall be permitted.
- (e) Cremation Lots -- Only one (1) set of cremated remains shall be permitted in any one lot; unless,
 - 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".

21. No interment after the first interment, in any grave shall be made so as to disturb or disinter the remains of a deceased person from the first interment.

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 vaults or other methods of interment above ground level shall be permitted in the Cemetery unless permitted by the Administrator.

24. (1) A precast concrete grave liner shall be used for each full-size adult interment. If the person applying for interment requests or requires a grave box or a vault in place of the liner, such may be purchased through the City.

(2) A liner shall not be mandatory in cremation lots. Should the person applying for placement request a liner, such may be purchased through the City.

(3) Liners, vaults or grave boxes not purchased through the City must be pre-approved by the Administrator, with respect to size, design, material and construction.

(4) A handling fee shall apply for all liners, vaults and grave boxes not supplied by the City, in accordance with Schedule "G".

25. Interment times/hours in the Cemetery shall be as follows:

(a) 8:30 a.m. to 3:30 p.m. -- Monday to Thursday
8:30 a.m. to 2:30 p.m. -- Friday and day prior to any statutory holiday

(b) No interment shall take place on a Saturday, Sunday or on any Statutory Holiday, except with the written permission of the Administrator, and except in the emergency conditions set out in Sections 19 Subsection (2) and Section 30 of this By-law, and the Administrator is hereby authorized to grant such permission.

PERMITS FOR INTERMENT AND EXHUMATION

26. No interment shall be made within the Cemetery, until a permit has been obtained from the City and the fee set out in Schedule "G" has been paid.

27. The permits for interment within the Cemetery shall be in the form set out in Schedule "C" to this By-law.

28. Every authorized person, as set out in the Cemetery and Funeral Services Act, who makes application for an interment permit, or who requires an interment to be made within the Cemetery, shall provide to the Administrator a

completed and signed form as set out in Schedule "C" of this By-law, and shall provide such other information as the Administrator may reasonably require to insure conformity with the provisions of this By-law.

29. All applications for permits to inter in the Cemetery shall be made to the Administrator at the City's offices between the hours of 8:30 a.m. and 4:30 p.m. on any day of the week except Saturday, Sunday and any Statutory Holiday, when such offices are closed for business.

30. (1) Where the body of a person whose death has resulted from an infectious disease is required to be buried within thirty-six (36) hours from the time of the death, pursuant to the provisions of Section 19 Subsection (2) of this By-law, and during this thirty-six (36) hour period, the City's offices are closed, permission to inter such body in the Cemetery shall be obtained from the Administrator or his appointee, but, in no case shall such body be interred without the consent and the specific instruction of the Medical Health Officer, and such instruction shall be carried out in making such interment.

(2) The Caretaker, or other duly authorized person, who interrs a body under the conditions expressed in Subsection (1) hereof, shall forthwith furnish the Administrator with full particulars of such interment; and if permission for such interment was obtained from the Appointee of the Administrator, such Appointee shall also forthwith report the granting of such permission to the Administrator. The authorized representative of the deceased, as set out in the Cemetery and Funeral Services Act, Section 51, shall provide to the Administrator a statement in the form set out in Schedule "C" and shall pay the fee required by Section 26 of this By-law.

31. (1) No interment in the Cemetery shall be exhumed without

(a) a written request being first submitted and approval obtained in accordance with the requirements and provisions of the Cemetery and Funeral Services Act, Sections 51, 58, 59 and 60, as applicable and,

(b) any written requests, permits, orders thereto shall be submitted to the Administrator via the Cemetery and Funeral Services of the Province of British Columbia and,

(c) payment of the fee prescribed by Schedule "G" to this By-law and,

(d) the issuance of an exhumation request to the Caretaker by the Administrator.

CARETAKERS

32. Caretakers may be appointed by the Council from time to time, as deemed necessary, and such Caretakers may be employees of the City. Every Caretaker shall be responsible to the Administrator and shall report directly to him. 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.

MEMORIALS

33. Every person who desires to have installed a memorial marker or tablet, on any lot or lots, grave or graves within the Cemetery, shall make application to the Administrator at the offices of the City for a permit in the form set out in Schedule "E" to this By-law, and shall, with such application, pay the fees set out in Schedule "G".

34. Only memorials of the tablet variety and manufactured from stone, bronze, or any other material approved by the Administrator, which conform to the specifications as set out in Schedule "D" of this By-law, shall be placed and installed in the Cemetery, as follows:

(a) Each memorial marker shall be placed horizontally flat and level with the surrounding ground.

(b) Only one (1) memorial tablet shall be placed and installed on a Child, Infant/Stillborn or Cremation lot

regardless of interment depth.

(c) Where cremation memorial tablets are placed on a full-size adult plot lot, in accordance with Schedule "D" of this By-law, the first cremation tablet shall be centered and set directly below the full size memorial. Each of the following three (3) cremation memorials shall, in turn, be centered directly below each other, except on a Veteran full size lot where only one (1) cremation memorial shall be allowed to commemorate spouse.

35. Requests to have a new memorial tablet placed to replace an existing memorial shall be made in the form set out in Schedule "E" and "F" of this By-law, together with payment of re-setting fee as set out in Schedule "G" hereof. All such requests must be with the consent of the next-of-kin; or may be granted at the discretion of the Administrator should the next-of-kin not be known, or unable to be located.

36. All memorial tablets shall be delivered to the Parks, Recreation and CultureWorks Yard complete with concrete base and apron or border, in accordance with Schedule "D" of this By-law, and shall be attached thereto by the Supplier.

37. No memorial shall be placed, installed, or removed within the Cemetery by any persons other than the Caretaker of the Cemetery or other person duly authorized to do so by the Administrator.

38. The City shall not be held liable for any breakage or damage to any memorial tablet or monument in the Cemetery, except as shall arise as the result of negligence or carelessness of the Caretaker or other employee of the City.

39. Should any memorial, marker, or tablet, grave cover or grave curbing placed or erected in the Cemetery be in a state of disrepair such that it might be hazardous to the public or to the Caretaker, the Administrator may, after 30 days notice in writing to the next-of-kin at his last known address, and having obtained approval from the Cemetery and Funeral Services of the Province of British Columbia, have the memorial, marker, or tablet, grave cover or grave curbing removed from the Cemetery if it has not been repaired in accordance with the notice.

GENERAL PROVISIONS AND REGULATIONS

40. It shall be unlawful for any person to scatter, dispose of, or inter any cremated remains, or bury any human body, within the limits of any Cemetery under the control of the City of Surrey, except in conformity with the provisions of this By-law, or as authorized by the Cemetery and Funeral Services Act, and the regulations made thereunder.

41. Every person, including all funeral processions, when entering and while within the Cemetery, shall obey the instructions of the Caretaker; and any person not behaving with proper decorum within the Cemetery or who disturbs the peace, quiet and good order of the Cemetery may be evicted therefrom by the Caretaker and in addition shall be guilty of an infraction of this By-law.

42. No person shall discharge any firearm within the 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.

43. The Cemetery shall be open to the Public at eight o'clock (8:00) every morning and closed to the Public at eight o'clock (8:00) every evening or dusk, whichever comes first. Any person in the Cemetery without the special permission of the Caretaker between eight o'clock (8:00) in the evening or dusk, whichever comes first, and eight o'clock (8:00) the following morning shall be guilty of an infraction of this By-law.

44. No person shall enter the Cemetery in any vehicle after sunset, or drive or operate any vehicle after sunset, or drive or operate any vehicle within the Cemetery at any time at a speed in excess of twenty (20) kilometers per hour. All vehicles and the drivers or operators thereof, shall at all times while within the Cemetery grounds, obey the directions and orders of the Caretaker.

45. Only one (1) flower container, of the type supplied by the City and installed by the Caretaker, shall be allowed and set in each lot, except those that are supplied and set in a memorial tablet.

46. Cut flowers, wreaths and floral tokens may be placed on lots in the Cemetery, but may be removed by the Caretaker and disposed of when their condition is considered by him to be detrimental to the appearance or beauty of the Cemetery. Artificial flowers and other tokens of remembrance composed of artificial foliage shall not be permitted in the Cemetery, except between the 1st day of November in each year and the 1st day of March in the next following year.

47. No person, other than the Caretaker and any employee of the City in the ordinary course of his employment and as duly authorized to do so, shall plant, remove, cut down or destroy any tree, shrub, plant, flower, bulb or decorative feature within the Cemetery.

48. No lot, lots, grave, or graves shall be defined by a fence, railing, coping, hedge or by any other marking.

49. No person shall solicit orders for markers, tablets, memorials, monuments or like works or materials within the limits of the Cemetery.

50. No person shall damage or deface any memorial monument, fence, gate or any structure in the Cemetery, or injure or destroy any improvement therein.

51. Every person who willfully destroys, mutilates, defaces, injures, or removes any tomb, monument, memorial marker, tablet, gravestone or other structure placed in the Cemetery, or any fence, railing or other work for the protection or ornament of the Cemetery, or any lot or grave within the Cemetery, or who willfully destroys, butts, breaks or injures any tree, shrub or plant, or who plays at any game or sport, or who discharges firearms (except at a Military Funeral), or who willfully or unlawfully disturbs persons assembled for the purpose of interring therein, or who commits any nuisance therein, or who at any time behaves in an indecent or unseemly manner, or who deposits any rubbish or offensive matter or thing in the Cemetery, or who in any way violates any grave, tomb, tombstone, vault, memorial marker, tablet, or other structure or thing within the same, shall be guilty of an infraction of this By-law and liable to the penalties hereof.

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.

MAINTENANCE FUND

53. (1) Pursuant to the authority of Section 716(1)(f) of the "Municipal Act", a fund for the upkeep and care of the Cemetery and the burial lots therein (hereinafter called the "Maintenance Fund") is hereby established, set aside and maintained.

(2) The Maintenance Fund shall be administered in accordance with the requirements of the Regulations made under the Cemetery and Funeral Services Act, for the establishment and administration of a "Municipal Cemetery Care Fund" and in accordance with the procedures hereinafter set out.

(3) A Bank account to be known as the "Maintenance Fund Account" shall be established with the City's Bankers into which the General Manager of Finance and Technology shall pay and deposit all funds received by the City, pursuant to this By-law for Maintenance Fund purposes, and all such funds shall be held therein, pending the

investment or those funds as provided in this By-law.

(4) All funds, securities and investments, standing to the credit of the Cemetery Maintenance Fund as established, set aside and maintained, pursuant to the Provisions of "Surrey Cemeteries Regulation By-law, 1982, No. 7131" at the effective date of this By-law, together with all monies accruing thereto, pursuant to the Provisions of said "By-law No. 7131" to the effective date of this By-law, and all interest accrued on securities and investments of such fund, shall be transferred to and placed to the credit of the Maintenance Fund established, pursuant to this By-law; and notwithstanding any provision of "Surrey Cemeteries Regulation By-law 1982, No. 7131" to the contrary, the said funds, securities, investments, monies and interest shall become a part of the Maintenance Fund hereby established and shall be subject to all provisions of this By-law.

(5) The General Manager of Finance and Technology shall pay into the Maintenance Fund, Twenty-five percent (25%) of the amount received for each lot licensed at the fee specified in Schedule "G" of this By-law, or Fifteen Dollars (\$15.00), whichever is greater, except in those cases where a different amount is approved by the Cemetery and Funeral Services of the Province of British Columbia.

(6) On all licenses for the use of lots in the Cemetery, and in all contracts and agreements for the license of such lots, the amount required for the Maintenance Fund purposes shall be specified.

(7) The General Manager of Finance and Technology shall pay into the Maintenance Fund from the amounts received for each permit issued for the placing and installing of a memorial marker or tablet, the sum set out in Schedule "G" to this By-law.

(8) The General Manager of Finance and Technology is hereby authorized to accept voluntary payments from any person having the right to use any lot, or area within the Cemetery, or from any other person or municipality interested, and all such voluntary payments shall be paid into and deposited by the General Manager of Finance and Technology to the credit of the Maintenance Fund.

(9) All monies received by the City for the Maintenance Fund shall be held as Trust Funds to be devoted solely to the purposes of upkeep and maintenance of the Cemetery, and may be invested in the manner provided by Section 483 of the "Municipal Act" for the investment of Sinking Funds, and in accordance with the regulations made under the Cemetery and Funeral Services Act, as applicable to Municipal Cemetery Care Funds.

(10) The interest earned on the investments of the Maintenance Fund and all income therefrom, including any appreciation thereof, shall be used for the sole purpose of upkeep and care of the Cemetery in the year in which such interest and income is earned by the Maintenance Fund and, if not used or applied to such use in that year, shall be set aside in a Reserve Fund for future expenditure on the upkeep and care of the Cemetery or, at the option of the Council, paid into the Maintenance Fund to increase the principal sum thereof.

11) The principal sum of the Maintenance Fund established pursuant to this By-law and increased from time to time and from year to year by the payments into the Maintenance Fund of the sums authorized by this By-law, shall not be reduced, except in accordance with an order of the Cemetery and Funeral Services of the Province of British Columbia made pursuant to the regulations under the Cemetery and Funeral Services Act.

ACCOUNTING

54. The General Manager of Finance and Technology shall maintain separate accounts of all monies received under this By-law and of all monies expended by the City; and any surplus of revenue over expenditures remaining at the end of each financial year of the City shall be paid into the Maintenance Fund by the General Manager of Finance and Technology forthwith, after the books and accounts of the City have been audited and the amount of such surplus, if any, has been duly verified by the City Auditors.

PENALTY FOR INFRACTIONS

55. 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 any duty or obligation imposed by this By-law, shall be liable on summary conviction to a penalty not exceeding \$2,000.

REPEAL OF PRIOR BY-LAWS

56. "Surrey Cemeteries Regulation By-law, 1982, No. 7131" is hereby repealed.

READ A FIRST AND SECOND TIME on the 10th day of May, 1993.

READ A THIRD TIME on the 26th day of October, 1993.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk and sealed with the Corporate Seal on the 1st day of November, 1993.

"R.J. BOSE" MAYOR

"D.B. KENNY" CLERK

























