

Item No. 11.1.6 (ii)
Halifax Regional Council
January 10, 2012
August 7, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: December 16, 2011

SUBJECT: By-law Respecting an Amendment to the Cemeteries By-law and amendments to Administrative Order Number 20 (Cemeteries)

ORIGIN

This report is required to address needed changes in the By-Law Respecting Municipal Cemeteries (By-Law C-700) and implement a modified fee structure to address the impact of a fee increase (Administrative Order Number 20) on the Last Post Fund – Nova Scotia Branch Veterans Columbarium.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Give first reading to the proposed amendments to the By-law Respecting an Amendment to the Cemeteries By-law, C-702 set out in Attachment “A” of this Staff Report;
2. Give first reading to the proposed amendments to Administrative Order Number 20 as set out in Attachment “B” of this Staff Report.

BACKGROUND

- 1) The Last Post Fund originated in 1985 by the Department of Veteran Affairs for a burial site for veterans and their spouses. HRM values the longstanding positive relationship it has developed with the Last Post Fund. The Last Post Fund operates a Veterans Columbarium which opened in November 2002 at the Fairview Lawn Cemetery. The niches are sold inclusive of an opening/closing fee and a perpetual care/maintenance fee. Approximately 75% of the available niches have been pre-sold. Upon the sale of all the niches the Veterans Columbarium will transfer ownership to the Halifax Regional Municipality. HRM invoices the Last Post Fund for the opening/closing fee at the time a cremation urn is placed within the niche. The pre-selling of the niche inclusive of opening/closing fees and perpetual care/maintenance fees made no allowance for cemetery fee increases as set under Administrative Order Number 20. An amendment to Administrative Order Number 20 in 2008 increased the cemetery services fee by \$150 for interments, and \$50 for maintenance fee / perpetual care.
- 2) Interments within the funeral industry are shifting from traditional full length graves to cremations services. Currently approximately 80% of the interments that occur within the HRM operated cemeteries are for cremations. Language of the By-Law Respecting Municipal Cemeteries (By-Law C-700) and Administrative Order Number 20 permit the placement of two cremation urns at the same time and in the same grave space for a single opening and closing fee. Cemetery operations are now receiving requests for additional (more than two) remains to be interred at one time. The By-Law and Administrative Order need to be amended to accommodate the requests and to determine the applicable service fee. The use of vaults is also becoming more common for both traditional and cremation services. Vaults typically require a larger space and in certain circumstances may require the use of a second cremation lot. A wording change is required in the permitted use of graves section of the Cemetery By-Law for clarity around interment space.
- 3) An amendment to the Cemetery By-Law is required to make it inclusive of all cremation gardens so as to be consistent with the rules and regulations surrounding cremation gardens.

DISCUSSION

Last Post Fund Veterans Columbarium - Fee Structure

The Halifax Regional Municipality and Fairview Lawn Cemetery have a valuable and longstanding relationship with the Last Post Fund – Nova Scotia Branch. This includes the original “Field of Honour” in Section 5 and a proposed new “Field of Honour” within Section 16 of the Cemeteries new expansion area. The Last Post Fund is a not for profit organization that ensures no Veteran is denied a dignified funeral and burial for lack of funds.

In 2002, the relationship was expanded when the Last Post Fund - Nova Scotia branch built a Veteran's Columbarium within the Fairview Lawn Cemetery. The Veteran's Columbarium provides a final resting place for the Veteran (and spouse) to be with their fellow comrades. The Columbarium is available to all World War I, World War II, Merchant Marines, Korean, Peacetime, Special Duty, RCMP, Regular Force, and Reserve Personnel. The Last Post Fund sells the Columbarium niches and provides the owner information to the HRM Cemetery Office. HRM Finance provides the Last Post Fund / niche owner with an indenture. Once the niches are all sold, the Columbarium will become the responsibility of HRM to maintain in perpetuity.

When an interment service is required, the Last Post Fund contacts the HRM cemetery office to arrange for the opening/closing of the niche. The Last Post Fund pays the opening and closing fee, as well as, a perpetual care/maintenance in accordance with HRM Administrative Order Number 20. The Last Post Fund sells the niches inclusive of the open/closing fee and perpetual care/maintenance fee. While this practice is not uncommon within the private industry sector, it is not a common practice within municipally operated cemeteries due to the potential expanse of time between lot purchase and use for interment.

In 2008, there was a cemetery fee increase due to increased operating costs and expenses. The fee increases were communicated to the funeral industry, as well as, to the Last Post Fund Nova Scotia Branch administrative office. There was on-going dialogue between HRM and the Last Post Fund Nova Scotia Branch, however, due to staffing changes the go-forward date for the new fees turned out to be several months after the Council approved fee increase. A letter documenting the new fee implementation date was sent to the Last Post Fund agreeing to apply the previous fees only to the niches sold prior to the fee change. It has been recently identified that this arrangement was not in keeping with the Cemetery By-Law and Administrative Order Number 20.

A recommendation from Legal Services was for staff to bring this matter to Council with a recommendation to approve a fee structure that would address the issue of the remaining Last Post Fund Veterans Columbarium niches sold inclusive of opening/closing fees and perpetual care/maintenance fees prior to the 2008 fee change. As a result the associated opening/closing fee will be reduced from \$400 to \$250 per interment and the perpetual care/maintenance fee will be reduced from \$150 to \$100.

Number of Interments Permitted

The Council approved cemetery service review completed in 2010 identified a number of recommendations that included: increasing revenue opportunities by expanding service choices to residents; making the highest and best use of the available cemetery land; to operate cemetery services in a business-like manner with a public eye on the future; and, make the cemetery services a "cost recovery" service for HRM taxpayers, i.e., no cost to tax rate.

Current language of the Municipal Cemeteries By-Law (C-700) and Administrative Order Number 20 permit the placement of two cremation urns at the same time and in the same grave space for a single opening and closing fee. Cemetery operations are now receiving requests for additional (more than two) remains to be interred at one time. The By-Law and Administrative Order need to be amended to accommodate the requests and to set an applicable service fee. The

use of vaults is also becoming more common for both traditional and cremation services. Vaults typically require a larger space, and in certain circumstances may require the use of a second cremation lot. A wording change is required in the permitted use of graves section of the By-Law to provide clarity around interment space requirements.

Cremation Gardens

As of September 2011, a cremation garden was opened within Section 16 of the Fairview Lawn Cemetery. An amendment to the Cemetery By-Law is required to include this cremation garden for consistency in the application of the rules and regulations surrounding all cremation gardens within Fairview Lawn Cemetery. The amendment is also required to include the cremation garden in Mount Hermon Cemetery.

BUDGET IMPLICATIONS

To date approximately 142 niches have been sold, all of which are inclusive of the pre-paid opening/closing fee and perpetual care/maintenance fee. Of these, roughly 102 were sold prior to the 2008 fee increase. Of the 102 niches sold, there are approximately 145 individual interments remaining (based on 2 separate interments per niche) or 73 double interments (based on 2 urns interred simultaneously in one niche). By applying the proposed rate of \$250 per interment and \$100 for perpetual care/maintenance as oppose to the current fee of \$400 and \$150 respectively, the total lost revenue is estimated between \$15,000 - \$29,000 depending on the interment. The yearly revenue impact is minimal due to the size of the Last Post Fund compared to the total number of overall cemetery services provided. The current 2011-2012 annual budget for cemetery operations is forecasting a surplus which is keeping with the service review strategy of operating at no net cost to the taxpayer.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Approve the amendments to the Cemeteries By-law by approving By-law C-702 and approve the amendments to Administrative Order 20 as set out in this Report. This is the staff recommendation. The Council approved Cemetery Service Review completed in 2010 identified a number of recommendations to improve service delivery within cemetery operations. The recommendations contained within this Council Report are in keeping with Council's direction to improve cemetery operations service delivery.
2. The alternative would be not to proceed with the revisions to the Cemeteries by-law or

Administrative Order Number 20, and remain with status quo. This is not recommended by staff.

ATTACHMENTS

Attachment A - By-Law C-702, By-law Respecting an Amendment to the Cemeteries by-law
Attachment B - Administrative Order Number 20 incorporating proposed amendments
Attachment C- By-law C-700, By-law Respecting Municipal Cemeteries with proposed amendments incorporated in bold

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Bonnie Murphy, Cemetery Administrator, Parks & Open Spaces, 490-6236
Brian Phelan, Superintendent, Parks & Open Spaces, 490-4867

Report Approved by: _____
Peter Verge, Manager, Municipal Operations, 490-4673

Financial Approval by: _____
James Cooke, CGA, Director of Finance/CFO, 490-6308

ATTACHMENT A

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER C-702

BY-LAW RESPECTING AN AMENDMENT TO THE CEMETERIES BY-LAW

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

1. Clause 2(b)(iii) is amended by striking out the term “perpetual care” and substituting “maintenance care”.
2. Subsection 2(p) is repealed.
3. Section 2 is amended by adding a subsection immediately after subsection (i) which will become subsection (j) as follows:

(j) “maintenance care” means the maintenance of the lawn, grass and columbariums only, but does not include maintenance of monuments.

Subsections 2(j) to (r) are renumbered as subsection 2(k) to 2(s).

4. Subsection 2(q) is amended by striking out the phrase “Supervisor of Cemeteries” and substituting “Cemetery Administrator”
5. Subsection 2(q) is renumbered as subsection 2(p).
6. Subsection 2(r) is renumbered as subsection 2(q).
7. Subsection 2(s) is renumbered as subsection 2(r).
8. Subsection 11(2) is repealed.
9. Subsection 11(3) is renumbered as subsection 11(2).
10. Subsection 11(4) is renumbered as subsection 11(3).
11. Subsection 12(4) is amended by adding the words “foundation and” immediately after the word “the” in the second line and immediately before the word “base”.
12. Subsection 12(5) is amended by adding the words “foundation and” immediately after the word “the” in the second line and immediately before the word “base”.
13. Subsection 12(6) is amended by adding the words “foundation and” immediately after the word “the” in the second line and immediately before the word “base”.

14. Subsection 12(7) is amended by adding the words “foundation and” immediately after the word “the” in the second line and immediately before the word “base”.
15. Subsection 13(a) is amended by adding the words “foundation and” immediately after the word “including”.
16. Subsection 13(b) is amended by adding the words “foundation and” immediately after the word “including”.
17. Clause 20(2)(vi) is amended by striking out the words “Perpetual care” and substituting “Maintenance care”.
18. Clause 20(2)(vii) is amended by adding the following sentence at the end of the clause:

If there are more than 2 remains being interred in one opening and closing then a second interment fee shall apply.
19. Clause 20(2)(ix) is renumbered as 20(2)(x).
20. Clause 20(2)(ix) is renumbered as clause 20(2)(xi).
21. Subsection 20(2) is amended by adding the following clause:

20(2)(ix) If a vault is being utilized for a cremation interment, 2 interment spaces may be required as shall be determined by the Supervisor.
22. Clause 20(2)(x) is renumbered as clause 20(2)(xi).
23. Clause 20(2)(xi) is repealed and the following clause substituted and renumbered to 20(2)(xii):

20(2)(xii) The Supervisor shall determine the number of lots required for a single or double mausoleum.
24. Subsection 21(6) is repealed and the following subsection substituted:

Two urns shall be allowed per niche provided there is sufficient space in the niche as determined by the Supervisor.
25. Striking the title to Section 23 and substituting “Fairview Lawn Cemetery Cremation Garden and Mount Herman Cemetery Cremation Garden”.
26. Subsection 23(1) is amended by adding the word “Lawn” immediately after the word “Fairview and immediately before the word “Cemetery” in the first line and by striking the words “Plan for the” in the first line.
27. Subsection 23(3) is repealed and the following clause substituted:

23(3) Lots in section 9B and 9C of the Fairview Lawn Cemetery Cremation Garden and in Section N of the Mount Hermon Cemetery Cremation Garden shall be three feet by three feet in size and may accommodate a maximum of four(4) cremation interments.

28. Subsection 23(4) is renumbered as 23(5) and is amended by striking the words “9C lot” in the first line and substituting the words “9C, 16A, 16B and 16C of the Fairview Lawn Cemetery Cremation Garden and Section N of the Mount Hermon Cremation Garden”.

29. Subsection 23(5) is renumbered as 23(6).

30. Subsection 23(4) is added as follows after subsection 23(3)

23(4) Lots in section 16A, 16B and 16C in the Fairview lawn Cremation Garden shall be 40 inches by 40 inches in size and may accommodate a maximum of four (4) cremation interments.

31. Subsection 26(4) is amended by striking out the words “twenty-four” in the second line and substituting “forty-eight”.

Done and passed in Council this ____ day of _____, 2012.

MAYOR

CLERK

ATTACHMENT B

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

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

A. **SHORT TITLE**

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

B. **CEMETERY FEES ESTABLISHMENT**

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

Schedule of Fees - HRM Cemeteries Price

1. Lot Fees

a.	Single grave lot	\$1,400.00
b.	Cremation lots (holds up to 4 cremations)	\$1,050.00
c.	Infant lots (in special infant sections)	\$200.00
d.	Half lots (lot size 40" x 36")	\$600.00

An additional fee for maintenance care in the amount of \$150.00 will be added to each of the lots mentioned above and provides for the first interment in the lot. Subsequent interments are outlined in section 2 below.

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

2. Interment Fees

a.	Standard interment	\$785.00
b.	Double depth/vault/oversize (where site conditions permit)	\$1,000.00
c.	Cremation interment	\$400.00
d.	Last Post Columbarium interment (purchased up to and including Aug 12, 2008)	\$250.00
e.	Last Post Columbarium interment (purchased after Aug 12, 2008)	\$400.00

3. Additional Fees

a.	Transfer fees (no tax payable)	\$100.00
b.	Research fee (per hour)	\$50.00

c.	Foundation/ mark administration fee	\$75.00
d.	Vault rental (handling fee per movement)	\$200.00
e.	Rental fee (per month)	\$50.00
f.	Maintenance care for all subsequent interments (including Last Post purchased after August 12, 2008)	\$150.00
g.	Maintenance Care Last Post purchased up to and including Aug 12, 2008)	\$100.00
h.	Standard disinterment	\$800.00
i.	Cremation disinterment	\$400.0
j.	Weekend / Holiday rate (additional \$500. flat rate added to price)	
k.	Burials after 4:00 pm Mon-Fri (additional \$150. flat rate added to price)	

If a maintenance care fee was not included at the time of purchase, a maintenance care fee shall be applied at the time of interment pursuant to clause 3F.

Tax is payable on all fees.

ATTACHMENT C

HALIFAX REGIONAL MUNICIPALITY BY-LAW NUMBER C-700

BY- LAW RESPECTING MUNICIPAL CEMETERIES

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

Short Title

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

Definitions

2 In this by-law

- (a) "Burial Lot" means a lot of land containing or which may contain one or more grave spaces;
- (b) “cemetery fee” means a fee for any one of the following:
 - (i) the purchase of a burial lot;
 - (ii) the purchase of a right to use a niche lot;
 - (iii) ~~perpetual care~~ **maintenance care**;
 - (iv) interment;
 - (v) transfer of burial lots or niche lots;
 - (vi) foundation/marker administration fee;
 - (vii) vault rental;
 - (viii) disinterment.
- (c) “columbarium” is a niche or receptacle in a wall that serves as the resting place for cremated remains, usually within an urn.
- (d) “columbarium operator” means a company, partnership, sole proprietorship or society which has an agreement with the Municipality to operate a building or structure which contains or may contain one or more places for the permanent placement of human remains;
- (e) “Council” means the Council of the Halifax Regional Municipality;
- (f) “grave” means a space in a burial lot where human remains are buried;
- (g) “infant lot” means any space designated specifically as an infant burial lot located in an area of the cemetery designated for this purpose;
- (h) “Interment” means the traditional burial or cremation of human remains.

- (i) “lot owner” means a person who purchases a lot of land containing or which may contain one or more graves, without acquiring any ownership interest in the land, and includes the heirs, successors and assigns and the personal representative of the lot owner and the agent of any of them;
- (j) **“maintenance care” means the maintenance of the lawn, grass and columbariums only, but does not include maintenance of monuments.**
- (k) “manager” means the Manager of Municipal Operations and his/her designate;
- (l) “memorial” means a foot marker, monument, headstone, or plaque marking a grave;
- (m) “Municipality” means the Halifax Regional Municipality;
- (n) “niche” means the space where cremation remains are placed for burial,
- (o) “niche lot” means a space within a building or structure which contains or may contain one or more places for the permanent placement of human remains;
- (p) “niche owner” means the person a person who purchases the right to use a niche, and includes the heirs, successors and assigns and the personal representative of the niche owner and the agent of any of them;
- (q) ~~“perpetual care” means the maintenance of the lawn and grass only.~~ **repealed**
- (q) “Supervisor” means the ~~Supervisor of Cemeteries~~ **Cemetery Administrator** or his/her designate;
- (r) “undersized lot” means a lot of less than 27 square feet;
- (s) “vault” means any impermeable tomb located above or below ground for the purpose of interring human remains.

Application

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

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

- f) Dartmouth Common (Park Avenue) Cemetery, Dartmouth
 - g) Saint Peter's Cemetery, Dartmouth
- (2) This by-law shall not apply to any monuments, and/or markers placed as memorials by The Last Post Fund, Department of Veterans Affairs, or Commonwealth War Graves Commission.

Requirements of Purchase

- 4
- (1) Burial lots shall only be purchased from the Municipality.
 - (2) The right to use a niche lot shall be purchased from the Municipality or in the case of the Last Post, a columbarium operator;
 - (3) No person shall purchase more than four (4) burial lots .
 - (4) No person shall purchase the right to use more than four (4) niche lots.
 - (5) The municipality shall provide to a purchaser of a lot or a niche a written agreement signed by both parties or their representatives, and a copy of the agreement shall be mailed to or given to the lot or niche owner at the time of signing. Parties requesting the use of a lot shall present a copy of the agreement to the Supervisor.
 - (6) The lot or niche owner shall provide the Supervisor with their current mailing address and shall notify the Supervisor of any change of address.

Rights of Cemetery Lot Owner

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

Burial Records

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

Lot Transfer

- 7
- (1) Every transfer of the ownership of a lot from one person to another shall be the responsibility of the Supervisor.
 - (2) No change in the ownership of a lot shall become effective until written notice of

the requested change has been given to the Supervisor and the transfer fee has been paid. The Supervisor shall at his/her discretion approve of a transfer.

- (3) The owner of a lot shall not permit interments to be made in the lot in return for remuneration from any person.
- (4) Where the owner of 8 or more lots transfers lots to persons other than family members, the Municipality may request proof of familial relationship from a lot owner to ensure that the lots are being used for the burial of family members of the lot owner.
- (5) Lot sales are subject to the following:
 - (i) All lots sold shall be placed in the purchaser's name.
 - (ii) A lot owner has the option of selling a lot back to the Municipality.
 - (iii) A lot that is sold back to the Municipality will remain with the Municipality for 60 days and cannot be used. On the expiry of the 60 days, the Municipality may sell the lot.
 - (iv) All lots sold back to the Municipality shall be purchased at the current municipal value for a lot less 20%.
- (6) Upon the death of a lot or niche owner, any subsequent owner shall file satisfactory proof of ownership with the Municipality, and the Municipality shall have the right to prohibit interments until such proof is provided.
- (7) Where a lot is found to be unsuitable for burial, the Supervisor shall exchange the location of the lot at his discretion.

More than One Lot Owner

- 8** (1) Where a lot is acquired by more than one person, only one memorial shall be erected on the lot.
- (2) The Municipality is not bound by any personal lot agreements.
- (3) The Supervisor shall approve interments having regard to the capacity of the lot.

Lot Maintenance

- 9** (1) The erecting or placing of borders, fences, railings, walls, cut stone copings or hedges in or around lots is prohibited, and the Municipality may remove any prohibited items at the expense of the lot owner.

- (2) No owner shall change a lot in any manner which interferes with the grading of the area, and the Municipality shall have the right to regrade any area so affected at the expense of the owner.
- (3) No person shall modify a cemetery lot including walkways, sod removal, or the removal of corner posts or grave memorials.
- (4) No chair, wooden or wire trellis, arch or iron rods of any description shall be permitted on a lot.

Flowers, Trees and Shrubs

- 10** (1) Trees, shrubs, flowers and plants may be cultivated on a lot with the approval of the Supervisor, but only those varieties that will not expand onto an adjacent lot.
- (2) The Municipality may remove, cut, or trim any tree, shrub, flower, or plant within a cemetery.

Monument Placement

- 11** (1) All stones are to be installed by a monument dealer or their agent.
- ~~(2) — Flat markers must be used as a foot marker only. (repealed)~~
- (2) All costs of stone maintenance and stone leveling are the responsibility of the lot owner.
- (3) Marking of the site for stone placement and interments will be done by municipal staff.

Memorials

- 12** (1) One monument only shall be permitted on each grave space. No person shall erect a monument which does not conform to the requirements of this by-law.
- (2) All monuments shall be constructed of granite, cut stone or marble.
- (3) No monument less than five inches in thickness shall be erected.
- (4) Monuments of five inches in thickness shall not exceed two feet two inches in height, including the **foundation and** base.
- (5) Monuments of six inches in thickness shall not exceed two feet six inches in height, including the **foundation and** base.
- (6) Monuments erected on single grave lots shall have a maximum base size of 32

inches x 12 inches and shall have a maximum height of 28 inches including the **foundation and** base.

- (7) Monuments erected on two grave lots shall have a maximum base size of 50 inches x 14 inches and shall have a maximum height of 32" including the **foundation and** base.
- (8) Only upright or slant monuments shall be placed at the head of a grave.
- (9) The placing of lettered boards or wooden crosses is prohibited.

Slant Marker Dimensions

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

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

Flat Marker Dimensions

- 14**
- (1) Individual graves may be marked by flat markers installed as foot markers which shall be set in-ground, flush to ground level without foundations, and must be not more than six (6) inches nor less than four (4) inches in thickness; and a maximum size of 22 inches long x 12 inches wide.
 - (2) Single grave lots that do not have monuments shall be permitted to have a flat marker at the head of the grave with maximum dimensions of 30 inches long x 18 inches wide.
 - (3) Double grave lots that do not have monuments shall be permitted to have a flat marker at the head of the grave with maximum dimensions of 30 inches long x 18 inches wide.
 - (4) All markers shall be constructed of granite, cut stone, or marble.

Monuments on Lots with Two or More Graves

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

Monuments on Undersized Lots

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

adjoining lots.

Lettering and Markings

- 17** (1) Lettering is permitted on the side of any monument placed at the boundary of any lot, and family names only are permitted on the back of any monument placed at the head of any lot.
- (2) If a memorial has an inscription which in the opinion of the Supervisor is offensive to the public, such offensive or improper markings may be removed by the Supervisor.

Foundations

- 18** (1) The foundations of all monuments shall be of a type and size deemed appropriate by the Supervisor based upon the soil conditions of each lot.
- (2) The cost of foundations and the cost of setting markers shall be paid by the lot owner.
- (3) The costs shall be as from time to time prescribed by Council by policy and shall be paid in advance of any work being undertaken.

Repair

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

Permitted Uses of Grave

- 20 (1) Each grave may be used for more than one burial, in accordance with this by-law, unless otherwise indicated by the lot owner.
- (2) Where a single grave space is to be used more than once, the following criteria must be observed:
- (i) A second full length interment shall be permitted in the same grave space at any time following the double depth interment of the first remains, should such double depth interment be possible.
 - (ii) A second full length interment shall be permitted in the same grave space at any time following the passage of forty years since the interment of the first remains, unless the first interment was in a vault or steel casket.
 - (iii) A single grave space designed for a full length burial may be used for a maximum of six cremation interments, subject to the grave space not being used for a full length burial at any time.
 - (iv) A single grave space designed for a full length burial can be used for a maximum of three cremation interments at any time following the full length interment of the first remains. The forty year rule does not apply to the full length interment.
 - (v) A single grave space that has been used for two full length interments shall be considered full. With the approval of the Supervisor, two cremations can be added if space is available.
 - (vi) If a single grave space is to be used for more than one burial, the standard grave opening fee shall apply for each interment. ~~Perpetual-care~~ **Maintenance care** charges will apply to each interment following the initial burial.
 - (vii) A maximum of two cremation urns or a companion urn may be included in one opening and closing at the same time and in the same grave space for a single opening and closing fee. However, the two urns or companion urn shall be deemed to be two cremation interments. **If there are more than 2 remains being interred in one opening and closing then a second interment fee shall apply.**
 - (viii) The size of a lot shall be 40 inches x 120 inches.
 - (ix) **If a vault is being utilized for a cremation interment, 2 interment spaces may be required as shall be determined by the Supervisor.**

~~(ix)~~(x) Mausoleums shall be permitted at the Fairview Cemetery and the Mount Herman Cemetery. The space size of each mausoleum shall be determined by the Supervisor.

~~(x)~~(xi) Lots shall not be traded from one cemetery to another without the approval of the Supervisor.

~~(xi)~~—A single mausoleum shall sit on three lots, and a double mausoleum shall sit on four lots. **(repealed)**

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

Columbarium

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

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

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

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

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

(6) ~~Only one urn shall be allowed per niche. At the discretion of the Supervisor, and space permitting, an additional urn may be allowed.~~ **(repealed) Two urns shall be allowed per niche provided there is sufficient space in the niche as determined by the Supervisor.**

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

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

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

Infant Lot

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

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

- 23** (1) Lots in section 9A on the Fairview ~~Lawn Cemetery Plan for the Cremation Garden~~ shall be three feet by two feet in size and may accommodate a maximum of two cremation interments.
- (2) Each section 9A lot shall have no more than one flat marker installed level with the ground and the marker shall be:
- a) made of granite, cut stone, marble or bronze;
 - b) of a maximum size of twenty-two (22) inches long, twelve (12) inches wide, and between four (4) and six (6) inches thick; and
 - c) installed by the monument dealer on a standard foundation.
- (3) ~~Lots in section 9B and 9C of the cremation garden shall be three feet by three feet in size and may accommodate a maximum of four (4) cremation interments. (repealed)~~ **Lots in section 9B and 9C of the Fairview Lawn Cemetery Cremation Garden and in Section N of the Mount Hermon Cemetery Cremation Garden shall be three feet by three feet in size and may accommodate a maximum of four (4) cremation interments.**
- (4) **Lots in section 16A, 16B and 16C in the Fairview Lawn Cremation Garden shall be 40 inches by 40 inches in size and may accommodate a maximum of four (4) cremation interments.**
- ~~(4)~~(5) Each section 9B and ~~9C to~~ **9C, 16A, 16B and 16C of the Fairview Lawn Cemetery Cremation Garden and Section N of the Mount Hermon Cremation Garden** shall have no more than one (1) flat marker installed level with the ground and the marker shall be
- a) made of granite, cut stone, marble or bronze;
 - b) of a maximum size of twenty-eight (28) inches long, eighteen (18) inches wide, and between four (4) and six (6) inches thick; and
 - c) installed by the monument dealer.
- ~~(5)~~(6) No trees, flowers, shrubs or other adornments shall be permitted in the Cremation Garden, except at the time of interment, or as provided by the Municipality in keeping with the overall design of the Cemetery plan.

Fees

- 24** The fees for cemetery services shall be prescribed from time to time by Council by Policy.

Payment

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

Requirements for Burial

- 26 (1) For each burial, application shall be made to the Supervisor containing the following information:
- a) full name of deceased;
 - b) last known address;
 - c) age;
 - d) date of death;
 - e) in the event of a child, the names of the parents;
 - f) lot in which deceased is to be interred;
 - g) name of funeral director;
 - h) name and denomination of officiating minister (if applicable);
 - i) executor or administrator of estate (if applicable).
- (2) The location of the grave to be opened shall be accurately designated on an official plan of the Cemetery.
- (3) No human remains shall be interred in any lot or grave space until a burial permit has been obtained from the Province of Nova Scotia.
- (4) A notice requesting preparation of interment shall be given to the Supervisor at least ~~twenty-four~~ **forty-eight** hours prior to the date of proposed interment during regular business hours.
- (5) The Supervisor shall not prepare a grave for a funeral unless such notice has been given.
- (6) No interment or disinterment shall be undertaken unless an order permitting same has been issued by the Supervisor.
- (7) In the event that any question arises as to the legitimacy of a proposed interment or disinterment, the Supervisor may refuse to allow an interment or disinterment at its discretion.
- (8) All interments in a lot shall be restricted to members of the family and relatives of the lot owner, unless by written permission from the lot owner is obtained.
- (9) No grave shall be opened for interment or disinterment by any person not

designated by the Cemetery.

Litter

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

Roads

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

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

Picnics

29 No person shall hold a picnic in a cemetery.

Animals

30 No animals shall be allowed in a cemetery except dogs registered for use as and when being used as guide dogs for the blind or hearing dogs for the deaf or as permitted in signage approved by the Supervisor.

Vehicles

31 (1) No person shall operate a vehicle within a cemetery in excess of the posted speed limit.

(2) No person shall operate any public or private vehicle, other than vehicles working for the Supervisor, other than on the travelled roadways.

(3) Operators of vehicles shall not turn their vehicles on the roadways but shall proceed around the various roadways to a point of exit.

General Provisions

32 (1) No person shall remove flowers or plants from any grave without the permission of the Supervisor.

(2) No person shall pick any flowers, whether wild or cultivated, break or injure any tree, shrub or plant, or write upon, deface or injure any monument fence or other structure in a cemetery.

(3) Any person disturbing the quiet and good order of a cemetery may be expelled from

the cemetery under the provisions of the Protection of Property Act.

- (4) The Supervisor may close the gates of any cemetery and otherwise restrict access at any time.
- (5) The cemetery known as "The Old Burying Ground" is an historical site and no burials are permitted in this cemetery.
- (6) The Supervisor shall have final discretion regarding the interment of human remains not addressed in this by-law.

Offence and Penalty

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

Payment in Lieu of Prosecution

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

Repeal of By-laws, Regulations and Ordinances

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

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

Mayor

Municipal Clerk

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

Julia Horncastle, Acting Municipal Clerk

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