

The Corporation of the Municipality of Northern Bruce Peninsula

By-Law No. 2022-11

Being a By-Law to Regulate the Operation of Cemeteries in the Municipality of Northern Bruce Peninsula

Whereas, Section 10 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to provide any service that the municipality considers necessary or desirable for the public; and

Whereas, the Council of The Corporation of the Municipality of Northern Bruce Peninsula (the “Municipality”) passed By-law No. 2016-61 on October 11, 2016 with respect to the management and operation of cemeteries; and

Whereas, a revised by-law respecting the operation of the Municipality’s cemeteries, including governing rights, entitlements and restrictions with respect to interment and scattering rights and installation of markers, is required to comply with the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33, as amended, which came into effect in July, 2012; and

Whereas, section 151 of Ontario Regulation 30/11 made under the Act provides that no cemetery by-law is effective until it is filed with and approved by the registrar appointed under subsection 3 (1) of the Act; and

Whereas, Council deems it necessary and expedient to repeal By-law No. 2016-61 and replace it with the subject by-law providing for the control, management and operation of cemeteries and in the Municipality; and

And whereas there are Cemeteries within the Municipality of Northern Bruce Peninsula known locally and legally described as:

- I. Eastnor Cemetery [Part Lot 20, Concession 4, EBR, 110 Cemetery Road (Eastnor)]
- II. Stokes Bay Cemetery [Part Lot 39, Concession 3, WBR, 34 Woodstock Avenue (Eastnor) and Part 1, Concession 3 and 4, WBR (Lindsay)]
- III. Dunks Bay Cemetery [Block 1 Part, Town Plot Bury, EBR, 88 Dunks Bay Road (St. Edmunds)]
- IV. McVicar Cemetery [Part Lot 7, Concession 1, EBR, 144 Hidden Valley Road (St. Edmunds)]

Now therefore the Council of the Corporation of the Municipality of Northern Bruce Peninsula hereby enacts as follows:

1. Definitions:

- 1.1. “Act” refers to the Funeral, Burial and Cremation Services Act, 2002, S.O 2002, c. 33 and all amendments thereto together with all Regulations prescribed thereunder;
- 1.2. “B.A.O” means Bereavement Authority of Ontario;
- 1.3. “Body” means the body of a deceased person;
- 1.4. “Burial” means the opening and closing of an in-ground lot or plot for the disposition of human remains or cremated human remains. The lot may be a grave in the ground or a niche in a columbarium.

- 1.5. "By-laws" when used in relation to a cemetery, means the rules and regulations under which a cemetery is operated;
- 1.6. "Care and Maintenance Fund" means the trust fund in which a percentage of the purchase price of all Interment Rights and set amounts for marker and monument installations is contributed; and wherein the interest earned from such funds is used to provide care and maintenance of lots, plots, markers, monuments and structures in cemeteries;
- 1.7. "Caretaker" means the Caretaker of Eastnor Cemetery, Stokes Bay Cemetery, Dunks Bay Cemetery and McVicar Cemetery, as appointed by the Municipality of Northern Bruce Peninsula;
- 1.8. "Cemetery" means Eastnor Cemetery, Stokes Bay Cemetery, Dunks Bay Cemetery and/or McVicar Cemetery; means land set aside to be used for the interment of human remains and cremated human remains and includes a mausoleum, columbarium or other structure intended for the interment of human remains;
- 1.9. "Certificate of Interment Rights" means the document certifying the holder's right to interment(s) within a given lot;
- 1.10. "Columbarium" shall mean a structure designated for interring cremated human remains in sealed compartments known as a niche.
- 1.11. "Committee" refers to the Municipality of Northern Bruce Peninsula Cemetery Committee appointed by Council;
- 1.12. "Corner Marker/ Corner Posts/ Corner Stones" shall mean any stone set flush with the surface of the ground and used to indicate the corners of a lot;
- 1.13. "Corporation" means the Corporation of the Municipality of Northern Bruce Peninsula;
- 1.14. "Council" means the Council of the Corporation of the Municipality of Northern Bruce Peninsula;
- 1.15. "Cremation Monument" means any permanent memorial containing cremated human remains projecting above ground;
- 1.16. "Deed" shall mean the certificate issued by the owner of the Cemetery to the purchaser of a grave or lot - see also Certificate of Interment Rights.
- 1.17. "Fees & Charges" shall mean the current fees and charges as passed by the Council of the Corporation of the Municipality of Northern Bruce Peninsula.
- 1.18. "Grave" shall mean the burial space of sufficient area for one opening for an adult and having a minimum size of four by ten foot.
- 1.19. "Inter" shall mean the burial of human remains including the placement of cremated human remains in a lot or niche.
- 1.20. "Interment Rights" includes the right to require or direct the interment of human remains or cremated human remains in a ground lot, plot, columbarium, cremation monument or other structure intended for the interment of human remains and cremated human remains, and direct the associated memorialization;
- 1.21. "Interment Rights Certificate" means the document issued by the Deputy Clerk to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights;
- 1.22. "Interment Rights Holder" shall mean any person designated to hold the right to inter human remains in a specified grave, whether the person be the purchaser of the interment rights, the person named in the certificate or other

such person to whom the rights has been designated as on file with the Municipality or other such person to whom the Interment Rights has been assigned by way of will or other such legal document with respect to a plot and includes a purchaser of interment rights under the Funeral, Burial and Cremation Services Act, 2002 (as amended) or a predecessor of that Act.

- 1.23. "Lot" means a single grave space in a cemetery containing, or set aside to contain, human remains, including a cremation(s);
- 1.24. "Marker" shall mean any permanent memorial structure including a flat marker, upright marker or monument, tombstone, headstone, corner marker or stone, or plaque affixed to or intended to be affixed to a lot, plot, columbarium niche or other structure, grounds or place intended for the deposit of human remains.
- 1.25. "Minister" means the Minister of Government and Consumer Services;
- 1.26. "Ministry" means the Ministry of Government and Consumer Services;
- 1.27. "Monument" shall mean any permanent granite, marble or bronze monument or marker projecting above ground level.
- 1.28. "Mortuary" shall mean a secure storage facility that may be used to store human remains seasonally until such time weather and/or grounds conditions permit burial.
- 1.29. "Municipality" means the corporation or other entity having municipal jurisdiction in the area in which a cemetery is located;
- 1.30. "Niche" shall mean a sealed individual compartment in a columbarium for the entombment of a maximum of two cremated human remains.
- 1.31. "Non-resident" means an individual who is not a resident of the Municipality of Northern Bruce Peninsula and whose name does not appear on the last revised assessment roll;
- 1.32. "Owner" shall mean the party/parties listed in the records of the cemetery as owning the rights to inter in a grave or lot.
- 1.33. "Plan" shall mean the plan or plans of the cemetery, approved by the Ministry of Government and Consumer Services;
- 1.34. "Plot" means two or more lots in respect of which the rights to inter have been sold as a unit;
- 1.35. "Register" means electronic or written records kept in accordance with the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33;
- 1.36. "Registrar" means the Registrar appointed under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, or a predecessor of that Act;
- 1.37. "Regulations" means the regulations made pursuant to the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33;
- 1.38. "Resident" means any person who resides within the corporate limits of the Municipality of Northern Bruce Peninsula; or any person who resides beyond the corporate limits, but whose name appears on the last revised assessment roll as a property owner, or who is assessed for business tax;
- 1.39. "Treasurer" means the Treasurer of the Municipality of Northern Bruce Peninsula;
- 1.40. "Trust Fund" means a trust fund established for the purpose of the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33;
- 1.41. "Urn" means any container used to hold one (1) cremated remains.

- 1.42. “Urn – Dual” means a dual urn holding two (2) cremated remains in one (1) container.
- 1.43. “Vault” means a burial chamber (underground).

2. Administration:

- 2.1. **Management-** The Municipality reserves full control over the management, operation and maintenance of cemeteries owned by the Municipality, including the lands, buildings, roads, utilities, and plantings, and the books and records of the cemeteries. The Cemetery has the right at any time to resurvey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.
- 2.2. **Responsibility-** The Municipality hereby delegates to the Clerk or his/her designate with the responsibility for carrying out the management responsibilities set out in the section above. The Caretaker or their representative shall uphold the provisions of this by-law and the Act.
- 2.3. **Assignment of Duties-** The Clerk may assign duties to employees of the Municipality and has the authority to appoint one or more contractors for the maintenance of cemeteries.
- 2.4. **Protection-** The Corporation shall take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability or responsibility for the loss or damage to any article of any type that is placed on any lot or grave.
- 2.5. **Finances-** The Corporation is the trustee of the Care and Maintenance Funds as established for all municipal cemeteries and is administered by the Treasurer. The Municipality hereby delegates to the Treasurer of the Municipality the responsibility to be the recipient and custodian of all monies and securities paid to and belonging to the Municipality for cemeteries, and funds shall be deposited in accordance with the requirements set out in the Act, regulations and any by-laws.
- 2.6. **Legislative and Regulatory Requirements-** In addition to this by-law, all Provincial, Municipal, or other relevant legislative and regulatory requirements shall be observed.
- 2.7. **Public Register-** A register shall be kept of lots and plots sold, and records shall be kept related to interments and disinterments, and all other cemetery services. Records may not be available for abandoned cemeteries or other cemeteries previously transferred to the care and control of the Municipality. The public register is to be made available to the public during regular office hours.
- 2.8. **By-law Amendments-** The Cemetery shall be governed by the Cemetery By-law, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically. All By-law amendments must be:
- a) Published once in a newspaper with general circulation in the vicinity in which the cemeteries are located;
 - b) Conspicuously posted on a sign at the entrance of each of the cemeteries and posted on the Municipal website for a six (6) week period; and
 - c) Delivered to each supplier of markers who has delivered a marker to any of the cemeteries during the previous year, if the by-law or by-law amendment pertains to markers of their installation.

Any by-law amendment is subject to the approval of the Registrar, Bereavement Authority of Ontario (B.A.O).

3. Hours of Operation:

Visitation Hours: Daily from sunrise to sunset

Office Hours: Monday to Friday from 8:30 a.m. to 4:30 p.m.

Burial Hours: Monday to Friday from 11:00 a.m. to 3:00 p.m. Additional fees apply to Saturday and holiday burials and burial hours are from 11:00 a.m. to 3:00 p.m. (Sunday burials are not permitted).

4. Sale and Transfer of Lots:

- 4.1. **Selling-** No person shall sell interments rights unless that person is authorized to do so on behalf of the Municipality.
- 4.2. **Purchasing-** Interment rights to plots may be purchased from the Municipality for the rates and forming part of the Municipality of Northern Bruce Peninsula Fees and Charges Bylaw. All interment Right Holder(s) are to abide by the existing regulations, or such regulations as may from time to time be determined upon the Municipality, and approved by the B.A.O. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the Funeral, Burial and Cremation Services Act, 2002.
- 4.3. **Payment-** Payment for interment rights shall be payable to the Municipality and forwarded to the Treasurer.
- 4.4. **Certificate-** The Clerk or their designate shall provide each Interment Rights Holder at the time of sale with the following:
 - I. A copy of the contract
 - II. A copy of the Cemetery By-law
 - III. Upon payment in full, a Certificate of Interment Rights
 - IV. Consumer Information Guide
- 4.5. **Right and Privilege-** Purchasers of interment rights acquire only the right and privilege of burial of the dead and for constructing monuments or placing markers subject to the Cemetery By-law.
- 4.6. **Notice-** To ensure the accuracy of records, ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Corporation until notice is given in writing to the Clerk or their designate. This information must specify the name and address of the proposed transferee and date of transfer, and all particulars must be noted in the records. Upon receipt of such notice, and payment of the transfer fee is received, the transfer shall be made.
- 4.7. **Evidence-** In cases of transmission of ownership by will or bequest of interment rights, the Municipality reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.
- 4.8. **Cancellation-** The Interment Rights holder may cancel the contract under which the rights were purchased, before they are used, by giving the Municipality written notice of the cancellation. The Municipality will repurchase the interment rights within thirty (30) days after receiving the request. The repurchase price of the interment rights shall be based on the current Municipality of Northern Bruce Peninsula Fees and Charges By-law, deducting the Care and Maintenance Fund contribution made at the time of purchase

and such other amount as established by the Act. All monies received by the Municipality will be refunded for unused interment rights if cancellation occurs within 30 days of entering the contract.

- 4.9. **Unused Interment Rights-** The Municipality is not required to repurchase unused interment rights in a plot (more than one lot) if any of the interment rights in the plot has been exercised. The Municipality is under no obligation to purchase the plot back if an interment has previously taken place and has been moved to another area and/or cemetery.
- 4.10. **Non-resident-** Non-resident plot fees are established in the Fees and Charges By-law for the Municipality.

5. Interment and Disinterment:

- 5.1. **Authorization-** Interment or scattering rights holder(s) must provide written authorization prior to a burial, scattering, or an entombment taking place. Should the interment or scattering rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder in keeping with the Succession Law Reform Act i.e. Personal Representative, Estate Trustee, Executor or next of kin.
- 5.2. **Winter-** Winter burials shall only take place at the discretion of the Caretaker. The Caretaker will take in account weather conditions and location of the grave site.
- 5.3. **Burial Permit-** A burial permit is required before an interment can be conducted.
- 5.4. **Payment-** Payment must be made to the Clerk or their designate before a burial can take place.
- 5.5. **Hours of Notice-** The cemetery shall be given at least 48 business hours of notice for each burial of human remains.
- 5.6. **Opening and Closing-** The opening and closing of graves, crypts and niches may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.
- 5.7. **Consent-** Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder has been received by the Clerk or their designate and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains from the cemetery may take place. A certificate from the local medical officer of health is not required for the disinterment of cremated remains from a lot or the removal of cremated remains from the cemetery. Funeral Home staff shall be present at the site for the full burial disinterment.
- 5.8. **Special Circumstances-** In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s) as per FBCSA, Section 102.1.
- 5.9. **Number-** A single grave may contain the following:
 - I. A casket containing human remains and the cremated remains of two (2) persons, or
 - II. The cremated remains of four (4) persons interred or four (4) cremated human remains projecting above ground in a cremation monument, or
 - III. Two (2) duals urns containing four (4) cremated remains

- 5.10. **Enclosure of Remains-** Remains to be buried in a grave must be enclosed in a sealed secure container of sufficient strength to permit burial with the container remaining intact. The container must be a size to permit burial within the size of lot.
- 5.11. **Certificate of Interment-** The Clerk or their designate, on payment of the sale price of interment rights, shall issue a Certificate of Interment.
- 5.12. **Authorization-** All interments must be authorized in writing by the Interment Rights Holder(s), except the interment of the Interment Rights Holder. Authorization shall be in the form of a permission letter and/or an interment authorization letter. When the Interment Rights Holder(s) is deceased, permission must be obtained from: 1) Estate trustee (executor/executrix) or personal representative legally assigned if none then; 2) all living heirs of the Interment Rights Holder(s) prior to any interment.
- 5.13. **Documentation-** A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to a burial taking place. A Certificate of Cremation and prescribed fee must be submitted to the cemetery office prior to the burial of cremated remains taking place. Arrangements for cremation interment will be scheduled with the Caretaker by the Clerk or their designate.
- 5.14. **Opening-** No lot shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Corporation, except under special circumstances and with the permission of the Corporation.
- 5.15. **Damage-** The Corporation will exercise all due care during burials, interments, and disinterment, but is not responsible for damage to any casket, urn, or other container.
- 5.16. **Route-** Funeral processions within the cemetery shall follow the route indicated by the Caretaker.
- 5.17. **Errors-** The Corporation will not be held responsible for any errors in funeral arrangements received by telephone or electronic transmission. These arrangements should be made in writing and confirmed with the Clerk or their designate.
- 5.18. **Notice-** Notice of each interment shall be given to the Clerk or their designate at least forty-eight (48) hours in advance. The Corporation will not be held responsible for having burial lots prepared for funerals unless such notice is given.
- 5.19. **Services-** The Caretaker shall direct that, at the time when the ground in the Cemetery is soft from spring thaw, rain or other cause, committal services shall be held at the funeral home or church instead of at the grave site.
- 5.20. **Cornerstones-** Cornerstones are recommended for all future plot purchases at all cemeteries.
- 5.21. **Concrete Liners-** Concrete liners are recommended for all casket burial interments.
- 5.22. **Certificate of Interment Rights-** The Certificate of Interment Rights shall specify:
- a) The name and address of the Interment Rights Holder
 - b) The size of the lot
 - c) The location of the lot
 - d) The date of purchase

- e) The amount paid for the lot
- f) The amount to be deposited in the Care and Maintenance Fund
- g) The amount of tax

- 5.23. **Resale-** A statement regarding transfer/resale restrictions of said interment rights; and shall be subject to the provisions of the Funeral, Burial and Cremation Services Act, 2002, and the Ontario Regulations in effect thereunder and to the approved by-law of the Municipality which may be in effect from time to time. Once payment for the interment rights has been made in full, and an interment rights certificate has been issued, the interment rights holder(s), as recorded on the cemetery records, has right to re-sell the interments rights. Any resale of the interment of the interment right shall be in accordance with the requirements of the cemetery by-law in keeping with the Funeral, Burial and Cremation Services Act, 2002 (BCSA). Resale is permitted.
- 5.24. **Cancellation of Contract-** The purchaser of licensed supplies and services has the right to cancel a contract within thirty (30) days of signing the contract by providing written notice of the cancellation to the Clerk or their designate. The Clerk or their designate will arrange a refund of all monies paid by the purchaser within thirty (30) from the date of request for cancellation. No refund is available if interment rights have been used for any portion of the lot. If the Interment Rights Certificate has been issued, the Purchaser must return it to the Clerk or their designate along with the cancellation request.
- 5.25. **Refund-** No refund will be made for any lot if the interment rights have been exercised. No refund will be made for any unused lot in a plot where one or more of the lots have been used.
- 5.26. **Corrections-** The Municipality reserves the right, at its sole cost, to correct any error that may be made by it in relation to interments and interment rights be it in the description of the lot or the transfer or conveyance of any interment rights. The Municipality may either cancel such grant or substitute other interment rights or lot of equal value and similar location, as far as is reasonably possible or refund all money paid on account for such purchase. Notice will be given personally to the Rights Holders. If necessary, it may be mailed to the Rights Holders or their legal representatives at the last appearing address in the record books of the Municipality. In the event any such error may involve the disinterment of remains, the Municipality shall first obtain the approval of any regulatory authority and the Interment Rights Holders.
- 5.27. **Scattering-** Cremated remains are not permitted to be scattered on a grave.
- 5.28. **Animals-** Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

6. Columbarium

- 6.1 **Applicability-** Columbarium rules and regulations pertain to cemeteries within the Municipality of Northern Bruce Peninsula that contain a columbarium.
- 6.2 **Opening-** Only the cemetery caretaker may open and seal niches for interments. This applies to the inside sealer and the niche front. Niche compartments will be opened only by employees or contractors of the Cemetery, or such persons acting on their behalf, and sealed by them after an interment is made only after payment has been received in full.
- 6.3 **Number-** No more than two urns shall be permitted in any niche compartment.

- 6.4 **Advanced Intention-** It is advisable that the name of the person for whom interment is intended be registered on the books, so that no complications may arise when request for interment is made.
- 6.5 **Payment Required-** No interment shall be permitted until all payments due to the Municipality have been made.
- 6.6 **Decorations-** Flowers, wreaths and designs placed against or near any part of the Columbarium that are liable to stain or deface the structure will be removed. Artificial flowers and wreaths will not be allowed to remain on or near any part of the Columbarium. No glass vases or other breakable items are permitted to be placed around the Columbarium.
- 6.7 **Plaque Approval-** Approval shall be required by the Municipality for all plaque engravings. Plaque engraving costs are included in the purchasing price of the niche.
- 6.8 **Right to Inscribe-** To ensure quality control, desired uniformity and standard of workmanship, the cemetery reserves the right to inscribe all niche fronts or install all lettering, vases, adornments, or any other approved attachment.
- 6.9 **Alteration-** No person other than cemetery staff shall remove or alter niche fronts.
- 6.10 **Certificate Required-** A proper Certificate of Cremation must accompany all cremated remains before interment can take place.
- 6.11 **Permission-** No interment shall be made without the permission from the Interment Rights Holder or a proper representative of the estate if the burial Rights Holder is deceased.
- 6.12 **Container Composition-** Cremated remains for interment in a niche must be enclosed in a polypropylene plastic urn or an urn made of durable material.

7. Care of Lots – General Rules:

- 7.1. **Maintenance-** All lots sold or assigned shall be maintained and kept properly graded, seeded, and mown by the Caretaker on behalf of the Corporation.
- 7.2. **Work-** No person shall do any work upon a lot without permission of the Corporation.
- 7.3. **Surface Level-** No lots or graves shall be raised higher than the surface level of the ground as laid out by the Caretaker in the first instance.
- 7.4. **Trees and Shrubs-** Trees, shrubs, flowering, or other plants may be cultivated on lots, but only such varieties that are in good taste, keeping with the general plan of the grounds and subject to the approval of the Caretaker. No trees or shrubs growing within any lot may be removed or altered without the consent of the Caretaker. The height of such shrubs and/or ornamental trees shall not exceed the height of the monument next to which it grows.
- 7.5. **Removal of Trees and Shrubs-** If any trees or shrubs situated in any lot shall have become by means of their roots or branches or in any other way, detrimental to the adjacent lots, drains, roads, walks, or prejudicial to the general appearance of grounds or inconvenient to the public, the Corporation may remove such trees, shrubs, or parts thereof, after thirty (30) days written notice delivered to the Interment Rights Holder(s).
- 7.6. **Hazard-** Nails, wires, wooden crosses, articles of glass or pottery or any other material that potentially could create a hazard to workmen and/or visitors when neglected or broken are not allowed in the Cemetery and will be removed by

the Caretaker. The Municipality may remove any article, which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees, or visitors, or is unsightly or does not conform to the natural beauty or design of the cemeteries. Any article removed will be held at the cemetery for collection. If not collected, it will be disposed of after one (1) month.

- 7.7. **Prohibited Items-** Since borders, fences, railing, walls, cut-stone coping, and hedges in or around lots become unsightly; they are prohibited except those already established. Decorative stone is not permitted.
- 7.8. **Grading-** No Interment Rights Holder(s) shall change the grading of a lot, and in the case of such a change, the Corporation will restore the lot to its original grade at the expense of the Interment Rights Holder(s).
- 7.9. **Moving of Corner-posts or Markers-** No unauthorized personnel shall move corner-posts or lot markers.
- 7.10. **Loss or Damage-** The Corporation will not be responsible for loss or damage to any articles left upon any lot or plot.

8. Care of Lots – Flowers:

- 8.1. **Removal of Flowers-** The Corporation reserves the right to remove all unmaintained flowers, potted plants, wreaths, and baskets of flowers.
- 8.2. **Removal of Flowers (Other)-** Vases, urns, potted plants, and flower stands or similar receptacles that are unsightly or unsuitable will be removed from the lot.
- 8.3. **Flower Beds-** Flower beds may be permitted in front of the base of a stone or a monument to a depth of one foot and not wider than the width of the base. Where there is no stone or monument, flowers beds may only be permitted under the supervision of the Caretaker.
- 8.4. **Objects-** No objects that will interfere with maintenance equipment, are to be placed on the lot. Artificial wreaths, without glass or plastic covers, are allowed to be placed on the lot after November 1st.
- 8.5. **Decoration Arrangements-** All decoration arrangements mounted on top of a monument within the cemetery must be removed by November 1st each year.

9. Liability

- 9.1 **General-** The Municipality will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any lot, plot, columbarium niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment or scattering right, save and except for direct loss or damage caused by gross negligence of the cemetery.

10. Monument and Markers – General Information:

- 10.1. **Payment-** No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full and a work order has been previously submitted to the Clerk or their designate.
- 10.2. **Monument Dealers-** Monument dealers must provide four (4) to six (6) weeks' notice to the Municipality for monument base installation.
- 10.3. **Alteration-** No monument, marker or memorial or any kind shall be placed, moved, altered, or removed without permission from the Municipality.
- 10.4. **Scraping-** Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.

- 10.5. **Liability-** The cemetery caretaker will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.
- 10.6. **Size-** The cemetery caretaker reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be of a size that would interfere with any future interments.
- 10.7. **Memorials-** Monuments, markers, plaques etc. are owned by the interment rights holder and the cemetery caretaker is not responsible for their loss or deterioration. These memorials should be protected by the interment rights holder's own insurance coverage.
- 10.8. **Care and Maintenance Fund-** Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the Act, to the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds and markers. Services that can be provided through this fund include:
- Re-levelling and sodding or seeding of Lots or scattering grounds
 - Maintenance of cemetery roads, sewers and water systems
 - Maintenance of perimeter walls and fences
 - Maintenance of cemetery landscaping
 - Maintenance of columbarium
 - Repairs and general upkeep of cemetery maintenance buildings and equipment
 - No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
 - No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery.
 - Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- 10.9. **Photographs-** All photographs attached to any memorials or placed within the Cemetery grounds shall be the sole responsibility of the Interment Rights Holder(s).
- 10.10. **Foundations-** All foundations for monuments and markers shall be built by, or contracted to be built for, the cemetery caretaker at the expense of the interment rights holder.
- 10.11. **Inscription-** No inscription shall be placed on any monument or marker, which is not in keeping with the dignity or decorum of the cemetery. Inscriptions are permitted on both sides of the monument.
- 10.12. **Public Safety-** Should any monument or marker present a risk to public safety because it has become unstable, the cemetery caretaker shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to remove the risk at the expense of the Interment Rights Holder(s).
- 10.13. **Removal-** The cemetery caretaker reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the trustees.
- 10.14. **Design-** A monument or other structure shall be erected only after the specific design plans have been approved by the cemetery caretaker including dimensions, material of structure, construction details, and proposed location.

- 10.15. **Number (Monuments)**- Only one upright monument shall be erected within the designated space on any lot.
- 10.16. **Delivery**- No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and/or marker retailer have been notified by the cemetery caretaker. No monument or marker will be delivered to the Cemetery without a work order being mailed, faxed, or emailed to the Clerk or their designate, containing the following information:
- a) The Interment Rights Holder’s name and address
 - b) Instructions for placement of the marker or monument
 - c) The dimensions of the die, height, width, length
 - d) The dimensions of the base, height, width, length
 - e) The overall size of the monument
 - f) A description of the monument; colour and design
 - g) The appropriate amount for the care and maintenance in relation to the size of the marker/monument as set out in the Funeral, Burial and Cremation Services Act, 2002, must accompany the monument
- 10.17. **Candle Holders/Vases**- Candle holders and vases may constitute part of a monument if they are made principally of bronze or stainless steel. If a translucent section is necessary, it must be made of an unbreakable, heat-resistant glass or of a plastic fire-resistant material.
- 10.18. **Dimensions**- Monument die stones shall not exceed the following dimensions:
- | | | |
|-------------|-----------|--------------------------------------|
| Single Lot: | Height | 91.44 centimeters (36 inches) |
| | Width | 76.20 centimeters (30 inches) |
| | Thickness | 36.56 centimeters (14 inches) |
| | | 12.24 centimeters (6 inches) minimum |
| Double Lot: | Height | 122.92 centimeters (48 inches) |
| | Width | 142.24 centimeters (56 inches) |
| | Thickness | 35.56 centimeters (14 inches) |
| | | 15.24 centimeters (6 inches) minimum |
- 10.19. **Base**- The monument die stones must be installed on a granite base. The height of the base shall be a minimum of 20.3 centimeters (8 inches). The top surface of the base must be both wider and longer than the die stone in order to provide a minimum border of 5.08 centimeters (2 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth.
- 10.20. **Placement**- Monuments cannot be placed “consecutively” against another without permission from the Municipal Clerk or designate. Monuments are kept consistent with the existing monuments.
- 10.21. **Other Monuments**- Book, pillow, or bench monuments shall be allowed in the cemetery provided they are located at the head of the grave with a suitable foundation or cement pad constructed by the Caretaker. Applicable fees must be paid to the Municipality prior to installation.
- 10.22. **Private Structures**- Private structures are not permitted.

- 10.23. **Other Markers-** Markers of bronze, marble or granite are permitted with size and quality restrictions in accordance with the lot size. The following is allowed:
- Single Lot (maximum): 60.96 centimeters X 45.72 centimeters
(24 inches X 18 inches)
- Double Lot (maximum): 122.92 centimeters X 45.72 centimeters
(48 inches X 18 inches)
- 10.24. **Flat Markers-** Flat markers are to be flat on top and set level with the ground so that a mower can pass safely over them.
- 10.25. **Number (Markers)-** One marker may be placed at each grave in addition to the monument. The marker shall be placed at the end of the grave farthest from the monument.
- 10.26. **Granite Markers-** Granite markers shall not be more than 10 centimeters (4 inches) or less than 7.62 centimeters (3 inches) in thickness throughout and smoothly finished on the top surface.
- 10.27. **Bronze Markers-** All bronze markers must be attached to a concrete or granite base of not less than 10 centimeters (4 inches) in thickness.

11. Installation of Monuments, Markers, Liners and Vaults:

- 11.1. **Wet Conditions-** Installers of monuments, markers, liners, and vaults shall lay planks or use motorized carts on the lots and paths over which heavy materials are to be moved during wet conditions or at the Caretaker's discretion.
- 11.2. **Variance-** There shall not be a variance of more than 1.27 centimeters (1/2 inch) in the size of the foundation required as stated on the work order and the size of the monument delivered.
- 11.3. **Demeanor and Behaviour of Workers-** The demeanor and behavior of all workmen employed by others in the cemeteries shall be subject to the control of the Caretaker.
- 11.4. **Funeral-** Workers shall cease work in the immediate vicinity of a funeral until the conclusion of the service.
- 11.5. **Work Hours-** All work must be done during regular cemetery hours unless authorized by the Caretaker or Deputy Clerk. No work shall be commenced that cannot be finished including removal of the litter or debris by 5:00 p.m. Friday of that week.
- 11.6. **Heavy Loads-** Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
- 11.7. **Parking-** No monument dealer shall park on the grass unless otherwise directed to do so by the Caretaker.
- 11.8. **Obstructions-** All implements and materials the monument dealer used in the performance of any work shall be placed where the Caretaker directs and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Caretaker orders. Otherwise, the obstructions will be removed and the expense charged to the monument dealer.
- 11.9. **Foundation Dimensions-** The foundation shall be at least 1.22 metres (4 feet) deep. The foundation shall not rise above the grade of the surrounding ground except for leveling purposes.
- 11.10. **Foundation Space-** The foundation shall be built in the designated space and with the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder(s) or the supplier, the foundation must be immediately removed and

rebuilt by the Corporation at the expense of the Interment Rights Holder(s). Foundations will be no less than 1.22 metres (4 feet) deep and they will be set at the Caretaker's direction.

- (i) The surface area must be formed and flush with the surrounding ground level and shall provide a level of surface free of defects.
- (ii) Foundations must be cured for a minimum of forty-eight (48) hours before placing the monument.

12. Mortuary Regulations

- 12.1 **Embalmed-** All bodies stored in the mortuary must be embalmed.
- 12.2 **Casket-** All bodies stored in the mortuary must be within a wooden or metal casket. Reinforced cardboard containers are not permitted in the mortuary.
- 12.3 **Permission-** Permission for the use of the storage vault must be obtained from the Municipality. In all cases when obtaining permission, the fee must be paid in full.
- 12.4 **Removal-** The bodies of deceased persons shall be removed from the mortuary pending spring weather conditions. All bodies of deceased persons must be buried by June 1st of each year.
- 12.5 **Contagious-** The body of any of person who died with a contagious disease shall not be admitted to the mortuary but must be interred forthwith.
- 12.6 **Removal by Municipality-** The Municipality may remove a body deposited in the mortuary at any time should the condition of the body render its interment, in the opinion of the Municipality, necessary or expedient.

13. Rules for Visitors:

- 13.1. **Conduct-** All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.
- 13.2. **Parades-** No parades shall be admitted to or be organized within the cemetery without approval from the Caretaker.
- 13.3. **Children-** Children under the age of twelve (12) years are welcome in the cemetery grounds when accompanied by an adult, who is responsible for their good conduct.
- 13.4. **Vehicles-** Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave the avenues or park on the grass unless otherwise directed to do so by the Caretaker.
- 13.5. **ATVs-** No ATV's (all-terrain vehicles) or snowmobiles are allowed in the cemeteries.
- 13.6. **Responsibility-** Owners of vehicles and their drivers shall be held responsible for any damage done by them.
- 13.7. **Firearms-** Discharging of firearms is prohibited in and around the cemetery.
- 13.8. **Dogs/Pets-** No dogs or other pets shall be allowed in the cemetery.
- 13.9. **Picnic/Party-** No picnic or party shall be permitted in the cemetery grounds without prior authorization from the Caretaker or Municipal Clerk.
- 13.10. **Damage-** No person may damage, destroy, remove, or deface any property within the cemeteries. Any person who damages or moves any tree, plant,

marker, fence, structure, or other thing usually erect, planted or placed in the Cemetery, is liable to the Municipality and any Interment Rights Holder(s) who, as a result, incurs damage. The amount of damages shall be the amount required to restore the Cemetery to the state that it was in before anything was damaged or moved by the person liable.

- 13.11. **Complaints-** Any complaints by Interment Rights Holder(s) or visitors should be made to the Clerk or their designate and not to workmen on the grounds. Controversies with workmen or others on the grounds are to be avoided.
- 13.12. **Rubbish-** Rubbish shall not be thrown on the roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the disposal of weeds, decayed flowers, plants, etc.
- 13.13. **Noise-** Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct, or who violates this by-law, must be expelled from the ground.
- 13.14. **Tips-** No tips or gratuities are to be given to cemetery workers by visitors or Interment Rights Holders. Instead, donations to the Cemetery may be made to the Municipality.

14. Right to Re-Survey

- 14.1 **General-** The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways, or roads, alter in shape, or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

15. By-law Amendments

The cemeteries shall be governed by this by-law, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically.

All by-law amendments must be:

- i) Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- ii) Conspicuously posted on a sign at the entrance of the cemetery; and
- iii) Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, and BAO.

16. Effective Date:

- 16.1. **Availability-** A copy of this by-law shall be made available, free of charge, to all lot owners. Notice of their adoption shall be published in the manner and form prescribed by Ministry.
- 16.2. **Force-** This By-law shall come into force and effect upon passing by Council and approval of the Registrar.
- 16.3. **Supersede-** This By-law will supersede any By-law not consistent with it subject to this by-law being approved by the Registrar, Bereavement Authority of Ontario. By-law 2016-61 is hereby repealed in it's entirely.
- 16.4. **Invalid-** If any portion of the by-law is found by a court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the by-law remains valid and effective.

Read a First and Second Time This 26th September 2022.

Read a Third Time, Finally Passed, Signed and Sealed This 26th, September 2022.

Original Signed by Mayor, Milt McIver and Clerk, Cathy Addison.

The signed By-law is available upon request.

The subject by-law was filed with the registrar and received approval on the date below:

September 12, 2022
