

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW 22-80

Being a By-law to provide for the development, regulation, management, operation, care, and maintenance of Municipality of Greenstone Cemeteries (Cemetery Management By-Law)

WHEREAS Subsection 5(1) of the *Municipal Act, 2001*, c. 25, as amended, provides that the powers of a municipality shall be exercised by its Council;

AND WHEREAS Subsection 5(3) of the *Municipal Act, 2001*, c. 25 as amended, provides that a municipal power shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Council considers it appropriate to confirm and adopt its proceedings and actions at this meeting by By-law;

NOW THEREFORE the Council of The Corporation of the Municipality of Greenstone **ENACTS AS FOLLOWS:**

1. A By-Law to provide for the development, regulation, management, operation, care, and maintenance of the Municipality's cemeteries, and
2. This By-Law shall be cited as Cemetery Management By-Law 22-80,
3. By-Law 12-70 Rules and Regulations for Cemeteries is hereby repealed, and
4. This By-Law comes into force on the day it is passed.

1.0 DEFINITIONS

1.1 In this By-Law terms defined in the *Funeral, Burial, and Cremation Services Act, 2002*, S.O. 2002, c. 33, and any regulation made thereunder, shall have the meaning ascribed to them unless expressly defined otherwise herein.

1.2 For the purposes of this By-Law the following words shall have the following meaning unless context requires otherwise:

“Adult” means a person over the age of 18 years

“Applicant” means a person who makes an application to the Municipality for an interment right, an interment, or a memorial permit

“At-need” means at the time of death or after a death has occurred

“Burial Permit” means the legal document acknowledging the registration of a death issued under the *“Vital Statistics Act of Ontario”*

“By-Law” means the *Municipality of Greenstone Cemetery Management By-Law* and its *Schedules* as may be amended, or repealed and replaced from time to time

“Care Fund” means the Care and Maintenance Fund / Account established, held, and administered by the Municipality in accordance with the Cemetery Act and held for the purpose of funding the long-term care and maintenance of the Municipality's cemeteries

“Casket” (or **“container”**) means a receptacle used to enclose human remains for interment but does not include a grave liner, burial vault, or an urn

- “Cemetery”** (or **“cemeteries”**) means any land owned, set aside, used, operated, or maintained by the Municipality now or at a future date, as a place of interment of human remains or cremated remains, and includes any incidental or ancillary buildings on the land
- “Cemetery Act”** means the *“Funeral, Burial, and Cremation Services Act, 2002, S.O. 2002, c. 33”* and any regulation made thereunder as amended, or repealed, and replaced from time to time
- “Cemetery services”** means the supply of a service or good rendered at a cemetery in respect of an interment right, a lot, memorial, or memorial installation
- “Child”** means a person between the age of 1 year and 17 years of age
- “Columbarium”** means a structure or building or an area in a structure or building that contains niches for the interment of cremated remains
- “Council”** means the elected Council of the Municipality of Greenstone
- “Cremated remains”** means the human bone fragments and residue of other materials cremated with the human remains remaining after cremation
- “Deceased”** means a person who has died
- “Disinterment”** means the removal of human remains or cremated remains from a lot in which the remains are interred for the purpose of an alternative disposition or relocation
- “Exhumation”** means the exposure of interred human remains for the purposes of viewing or examination and where such viewing or examination may occur in the lot where the remains are interred, or the remains are removed from the lot where they are interred, and the exhumed remains are re-interred into the same lot after the viewing or examination has been completed
- “Family member”** means a spouse, a child (natural, adopted or step), a parent or stepparent, a sibling (natural, adopted or step), a grandparent or step grandparent, or a grandchild (natural, adopted or step)
- “Fee”** means the fee prescribed for an interment right, a service, or ancillary good provided at a Cemetery
- “Fees and Charges By-Law”** means the Municipality of Greenstone Fees and Charges and Conditions By-Law No. 21-44, and its *Schedules* as amended, or repealed and replaced from time to time
- “Funeral director”** means a person licensed to
- (a) arrange, conduct, or direct bereavement rites and ceremonies,
 - (b) care for or prepare human remains prior to disposition, and
 - (c) transfer human remains or direct or supervise the transfer of human remains
- “Funeral service provider”** means a person who carries on a business licensed to provide funeral services, bereavement rites and ceremonies
- “Grave liner”** means a receptacle with a lid, constructed of wood or a durable material, which may or may not have a bottom, into which a casket or an urn is placed as part of an interment and may include, but is not limited to a wooden rough-box, concrete, or fiberglass liner, or lined concrete grave vault
- “Holiday”, or “Day of Observance”** means any day or part of a day as may be proclaimed from time to time as a *day of observance* or a *holiday* observed by the Municipality

“Human remains” means a dead human body in any stage of decomposition, or the body of a stillborn infant in any stage of decomposition, but does not include cremated remains

“Infant” means a person less than one (1) year of age and includes a stillborn infant

“Interment” means disposition by,

- (a) in-ground burial of human remains or cremated remains, and
- (b) above ground inurnment of cremated remains

“Interment right” means a right of use granted in perpetuity, and acquired through purchase, inheritance or permitted transfer,

- (a) for the interment of human remains or cremated remains in a lot at a cemetery,
- (b) for the installation of a memorial on a lot at a cemetery, and
- (c) issued in accordance and compliance with the Cemetery Act and this By-Law

“Interment rights certificate” means a document, set out in a form prescribed by the Municipality, which describes a right of interment and the terms and conditions that govern the right of interment for a lot in a Municipality cemetery

“Interment authorization” means a document, set out in a form prescribed by the Municipality, which is completed and signed at-need by the person having the legal authority to authorize the interment of human remains or cremated remains of a deceased person

“Interment process” means the excavation or opening and preparation of a lot for an interment and the closing of a lot after the interment of human remains or cremated remains has been made in a lot

“Lot” means a designated space in a cemetery used, or intended to be used for,

- (a) the interment of human remains or cremated remains under an interment right,
- (b) the installation of a memorial to memorialize a deceased person, and
- (c) includes but is not limited to a grave, crypt, niche, or vessel

“Medical Officer of Health” means a person appointed from time to time under the *Health Protection and Promotion Act* to act as Medical Officer of Health in the Province of Ontario

“Memorial” means a product used or intended to be used to identify a lot, or to memorialize a deceased person, including but not limited to,

- (a) a flat marker, upright monument, plaque, or other form of marker on a lot,
- (b) an inscription on a niche, or
- (c) other memorial products approved for installation at a cemetery

“Memorial dealer” means a person who or corporation that offers for sale or installs memorials for the public

“Municipality” means the Corporation of the Municipality of Greenstone and together or separately including but not limited to, the Council of the municipality, a department of the municipality, a person or persons employed by the municipality, or an agent authorized by the Municipality to perform work related to the development, management, operation, provision of service, care, and maintenance of a cemetery

“Niche” means one kind of a lot, a space, usually within a columbarium, used or intended to be used for the interment of cremated remains

“Person” means an adult individual, and may also mean an interment rights holder, the personal representative of a deceased, the heir or successor of a deceased or an interment rights holder, a corporation, or a funeral service provider, funeral director, memorial supplier, or memorial dealer acting as an agent of an individual, interment rights holder, the personal representative of a deceased, or the heir or successor of a deceased

“Personal representative” means a person who, or an agency that, by order of priority set out in the *Succession Law Reform Act, RSO 1990, c S.26* has the right to control the disposition of the human remains or cremated remains of a deceased person

“Public Health Act” means the *‘Health Protection and Promotion Act’*

“Rights Holder” means a person who,

- (a) has purchased an interment right to be held in their name for a lot in a cemetery,
- (b) has an interment right for a lot registered in their name for a lot in a cemetery, but is not the original purchaser,
- (c) is the personal representative of a deceased person who has an interment right held in a deceased person’s name for a lot in a cemetery,
- (d) has, in compliance with this By-Law, had an interment right transferred to be held in their name for a lot in a cemetery, or
- (e) is a legal heir or successor of a deceased interment rights holder and by demonstration of a right of legal succession to the satisfaction of the Municipality may be entitled to inherit control of a deceased person’s right of interment for a lot in a cemetery

“Scatter” means the irreversible and permanent dispersal of cremated remains in a defined area or feature within a cemetery

“Urn” means a container used for the containment of cremated remains

“Veteran” means any former member of the Canadian Armed Forces who successfully underwent basic training and is honourably discharged

“Without prior notice” means that for maintenance and operational actions deemed necessary by the Municipality there is no obligation of the Municipality to make or provide, in any form or manner, advance notice of said action occurring, to an interment rights holder, the personal representative of a deceased or their heir or successor

“Working day” means every day of a year that is not a Saturday, a Sunday, a holiday, or day of observance as defined in this By-Law or as may be observed by the Municipality

2.0 PURPOSE & APPLICATION OF BY-LAW

- 2.1 The following described real properties are set aside, developed, used, operated, and maintained by the Municipality as cemeteries and dedicated for that use, and shall continue, in perpetuity, to be used, operated, and maintained for that purpose and shall not be used for any other purpose,

ACTIVE CEMETERIES

- (a) Beardmore Pinegrove Cemetery (License # CM-04930) is located on Highway 11, north of the Blackwater River bridge in Beardmore,
- (b) Geraldton Pinegrove Cemetery (License # CM-04122) is located on Beamish Avenue West in Geraldton,
- (c) Longlac Cemetery (License # CM-04129) is located on Highway 11, east of Longlac. and
- (d) Nakina Hillcrest Cemetery and Nakina St. Brigid Cemetery (License #'s CM-04133 and CM-04134) are located together on Cordingley Lake Road in Nakina.

INACTIVE CEMETERIES

- (e) Geraldton Roman Catholic Cemetery (License # CM-04123) is located via an unpaved access road off Fourth Street North in Geraldton, and
 - (f) Abandoned Cemetery (License # CM-04155) located on the north side of Highway 643, approximately 12 km from Highway 584.
- 2.2 Municipality cemeteries are acquired, established, and laid out for the purpose of making approved cemetery services available to all persons, irrespective of race, faith, orientation, or any other form of categorization, and are established more specifically to provide,
- (a) suitable space for the interment of human remains and cremated remains or for the scattering of cremated remains, and
 - (b) such additional cemetery services as may be approved from time to time in the future by the Municipality at a cemetery owned or operated by the Municipality.
- 2.3 The Municipality shall be responsible for,
- (a) the management, control and charge of the Municipality cemeteries and the services and goods provided therein,
 - (b) the direction of all municipal workers, or outside contractors employed from time to time by the Municipality to perform work within the limits of a cemetery,
 - (c) refusing the admission of and, without prior notice, removing or ordering the removal of any unauthorized product, adornment, material, tree, shrub, plant, or floral tribute brought into or placed at a lot or in a cemetery in contravention of this By-Law, and
 - (d) refusing admission or expelling from a cemetery any person if such action is warranted.
- 2.4 The development, administration, operation and maintenance of every cemetery and the provision of services therein, and the administration, application, and enforcement of this By-Law and the establishment of fees for every cemetery shall be conducted in accordance with all applicable law, and all regulations made thereto, as amended.

2.5 The Municipality shall have the,

- (a) full, and complete control, and management over the land, buildings, plantings, roads, utilities, books, and records of the Municipality's cemeteries,
- (b) right to manage, maintain, survey, resurvey or alter the interment areas, memorials, roads and pathways, buildings, utility infrastructure, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a cemetery as they deem necessary or appropriate and subject only to compliance with any requirement of the *Cemetery Act*, and
- (c) authority, at its cost and in a timely manner, to correct any error that may be made by it in making an interment, disinterment or in the description of a lot or the transfer or conveyance of an interment right and grant in lieu thereof, an interment right of equal value so far as is possible. In the instance an error may involve the interment or disinterment of human remains the Municipality shall correct the error in compliance with and under such terms as may be set out in the *Cemetery Act*.

2.6 Subject to the authority and oversight of Council, the Municipality in an emergent or extraordinary circumstance shall have the authority to waive the application or enforcement of this By-Law where such action shall not contravene the *Cemetery Act* or give an unfair privilege or advantage to one cemetery user over another.

3.0 **GENERAL RULES & REGULATIONS**

3.1 The days and hours of operation of the Municipality's cemeteries and the cemetery office shall, for the following purposes, be,

- (a) **Cemetery Visitation:** Weather conditions permitting, cemeteries are open every day of the year for visiting between 8:00 a.m. and sunset. No person, without the express written permission of the Municipality, shall be in a cemetery between 1 hour after sunset and 8:00 a.m. the following morning,
- (b) **Winter Visitation Access:** In winter months, except for interment service purposes, vehicle access to cemeteries may be limited or prohibited, as weather conditions permit,
- (c) **Interment:** upon satisfying terms established further in this By-Law, interment services may occur Monday through Friday,
 - i. between the hours of 9:00 a.m. and 2:00 p.m., and
 - ii. for an interment that extends beyond 2:00 p.m., or an interment requested outside of the days and hours prescribed above, or on a weekend or holiday, is subject to the written authorization of the Municipality and payment of an additional fee as set out in the *Fees and Charges By-Law*, and
- (d) **Cemetery Arrangements:** cemetery arrangements and the payment of cemetery fees shall be administered and coordinated through any Greenstone Local Ward Office and / or the Greenstone Administration Office, 1800 Main Street, Geraldton, Monday through Friday, from 8:30 a.m. to 4:30 p.m. The Ward Offices and Administration Office are closed on Saturday, Sunday and days of

observance and holidays observed by the Municipality.

- 3.2 Floral tributes may be placed at a cemetery in accordance with the following rules,
- (a) **Day of Interment:** On the day of an interment and for a period of 14 days following interment, all forms of floral tributes are permitted to be placed on a lot. After 14 days, flowers placed on the day of interment that have withered or become unsightly, may be removed without prior notice, and disposed of by the Municipality,
 - (b) **Every Day:** On a year-round basis, all forms of floral tributes are permitted. Floral tributes must be placed at a location on the lot established by the Municipality, and if a vase is used the vase must be approved, in advance of placement, by the Municipality,
 - (c) all floral tributes are placed at a cemetery with the understanding that, without prior notice, a floral tribute may be removed and disposed of if the flowers have withered, become unsightly, detract from the general aesthetic of adjacent lots, or pose a hazard to cemetery visitors or workers conducting cemetery maintenance, and
 - (d) a limit of 1 flower vase of a design approved by the Municipality and placed at a location established by the Municipality, may be permitted for the placement of flowers at a cemetery lot.
- 3.3 Placing any form of decoration, adornment, personal memento, or other extraneous object, unless in compliance with this By-Law, is not permitted on any lot in a cemetery.
- 3.4 Unauthorized items placed on any lot or in any Municipality cemetery may, without prior notice, be removed or ordered removed by the Municipality. This includes, but is not limited to, photographs, pictures, frames, solar lights, boxes, shells, toys, wire screens, decorative rock, trellises, benches, or any other form of memorabilia.
- 3.5 Subject to the written approval of the Municipality small, personal items or mementos may be permitted to be placed within a columbarium niche where such items shall fit within a niche when closed, and said items must be non-decomposing, and shall not be a hazard to, harm or damage the niche or columbarium structure.
- 3.6 No open flame, candle, or burning of any substance or other material may take place inside a cemetery without prior written authorization of the Municipality and conducted only under the direct supervision of the Municipality.
- 3.7 The Municipality is not liable for the deterioration, damage or loss of flowers, decorations, adornments, or any other article attached to or placed on a lot, at a memorial site or in a cemetery.
- 3.8 Except as may be provided for elsewhere in this By-Law, no lot or other part of a cemetery may be decorated or adorned in any manner by any person other than the Municipality, without the express written consent of the Municipality, and where the exercise of consent shall be within the limited discretion and authority of the Municipality.
- 3.9 No turfgrass, tree, shrub, plant, bulb, flower, or other decorative plant may be planted, pruned, cut down, removed, or otherwise altered on a lot or anywhere else within the limits of a cemetery without the express written consent of the Municipality, and where all such work shall be performed by the Municipality, or by an authorized contractor.

- 3.10 Cemetery roadways are for the exclusive use of interment processions, cemetery visitors, or other persons as may be approved by the Municipality, and no vehicle shall exceed 15 kilometers per hour, and every operator of a vehicle shall obey the directions and orders of the Municipality.
- 3.11 No person shall drive or park a vehicle over any lawn, garden, or flower bed without the express written permission of the Municipality, and subject to the supervision of the Municipality.
- 3.12 Every person, including those in funeral processions, upon entering and while within a cemetery, shall follow every instruction of the Municipality.
- 3.13 In a cemetery no person shall,
- (a) scatter, dispose of, or inter any cremated remains or bury any human remains except in compliance with this By-Law,
 - (b) define or delineate any lot or group of lots by a grave cover, grave cap, fence, railing, curb, hedge or by any other means that contravenes this By-Law or its schedules,
 - (c) willfully or negligently destroy, mutilate, deface, damage, vandalize, injure, or remove anything from a Municipality cemetery, including and without limitation, any memorial, plant, flower, tree, rock, or other item located within the limits of a cemetery,
 - (d) conduct any activity other than attendance at an interment or memorial service or the visitation of a lot for the purpose of paying respect to the dead,
 - (e) drive a vehicle anywhere other than on a designated roadway for vehicles and in compliance with posted speed regulations or other directives,
 - (f) operate a snowmobile or any other form of recreational vehicle or all-terrain vehicle,
 - (g) conduct them self in a manner to disturb the peace, quiet and good order of the cemetery generally or an interment or memorial service being conducted therein,
 - (h) discharge a firearm other than at a military funeral for which a firearm salute has been authorized by the Municipality and is conducted under the direct command of an officer in charge and only during an interment or memorial service being conducted therein,
 - (i) bring into or dump any rubbish, debris or other offensive item or matter or make an unauthorized removal of any cemetery refuse, waste, or rubbish,
 - (j) allow a child or children under the age of 16 years within the limits of a cemetery that is not accompanied by a parent, guardian, or an adult Municipality,
 - (k) play any manner of sport, sports game, or sport activity within the limits of a cemetery, or
 - (l) otherwise violate any provision of this By-Law.
- 3.14 Dogs are permitted in a cemetery providing that while on cemetery property a dog is,
- (a) under the control of an adult,

- (b) kept on a short leash and is not permitted to run-at-large,
 - (c) not allowed to urinate or defecate on any grave site, memorial, or on cemetery property generally and if it does the person in control of the dog shall ensure that the excreta are completely removed and disposed of in a sanitary manner,
 - (d) other than for the exception provided above, no person shall bring any pet or animal, other than a certified personal assistance animal, into a cemetery, and
 - (e) a person who violates any provision of these rules may be liable for penalty as set out in section 11.0 By-Law Violation.
- 3.15 No gratuity or extraordinary consideration shall be paid to or accepted by an employee of the Municipality for any service rendered in connection with a cemetery.
- 3.16 All work within a cemetery shall be performed by the Municipality, employees of the Municipality or by a contractor authorized by the Municipality.
- 3.17 A contractor authorized to perform work in a cemetery shall supply to the Municipality, prior to commencement of any work within the cemetery, in a form prescribed by the Municipality, proof of Occupational Health & Safety Insurance, Public Liability Insurance and Motor Vehicle Insurance in a form and amount acceptable to the Municipality.
- 3.18 The behavior of a contractor while working in a cemetery shall be subject to the supervision and control of the Municipality.
- 3.19 A contractor working in a cemetery shall cease all work when in the vicinity of an interment or memorial service until the conclusion of the service, and those persons attending the service have left the area where the service was being conducted.
- 3.20 No work may be performed at a cemetery except during the regular business hours of the Municipality or a cemetery, except where work outside of said days or hours has been authorized in by the Municipality.
- 3.21 The Municipality shall, always, have the right of passage in any manner it deems necessary over every lot and all the land of every cemetery to ensure that cemetery operations and maintenance can be performed in a safe, efficient, and timely manner.
- 3.22 Notwithstanding article 3.13 (d) of this By-Law the Municipality shall have the authority to conduct or permit to be conducted special events within a cemetery that are, in the opinion of the Municipality, deemed appropriate for and in keeping with the dignity and purpose of a cemetery.
- 3.23 In the instance a person or contractor through their immediate behavior, or a pattern of behavior tracked over time, does not behave with proper decorum within a cemetery or who disturbs the peace, quiet and good order of a cemetery then the Municipality may take such steps it deems appropriate to expel the person or corporation from a cemetery and bar them from entering a cemetery in the future.
- 3.24 In the instance a person or contractor through their immediate behavior, or a pattern of behavior tracked over time, contravenes this By-Law then they may be subject to application of a penalty as set out in *Section 11.0 By-Law Violation*.

4.0 INTERMENT RIGHTS

- 4.1 The Municipality shall establish, for every cemetery, a lot survey and interment rights specifications that set out the number and types of interments permitted in a

lot and any other interment specifications it deems necessary. The lot types and permitted densities shall be those set out in *Schedule 'B': Interment* of this By-Law.

- 4.2 The Municipality, subject to payment of an established fee, may grant an interment right for a vacant lot in a cemetery on an at-need or a reserve basis.
- 4.3 Possession of an interment right,
 - (a) confers to a rights holder, a right to use, in compliance with this By-Law, a lot for the interment of human remains or cremated remains of a person or persons named on an Interment Rights Certificate,
 - (b) does not confer to a rights holder, any title to, ownership of, or interest in the land of a cemetery or of a lot therein or any other special privilege over any land of a cemetery, and
 - (c) does not require the Municipality to perform an interment of human remains or cremated remains into a lot until the rights holder complies in all other respects with this By-Law and any rules and regulations made thereto as it relates to the interment of human remains or cremated remains, or the scattering of cremated remains or the purchase and placement of a memorial and, without limitation, the payment of all fees.
- 4.4 An applicant may, on an at-need or on a reserve basis and upon payment in full of the fee set out in the *Fees and Charges By-Law*, purchase an interment right for not more than 4 human remains or cremated remains lots.
- 4.5 The Municipality shall issue to an applicant paying the fee for an interment right, an *Interment Rights Certificate* in a form prescribed by the Municipality, which sets out the rights of lot use attributed to the purchaser identified on the certificate.
- 4.6 An interment rights holder shall have the authority to designate who, other than them-self, may be authorized to use or to control the exercise of an interment right registered in their name.
- 4.7 An interment rights holder, at the time of purchase, shall reserve the right to use a lot they have purchased for themselves or assign the right of any secondary rights in a lot to another person to which the interment right refers where an assignee shall be a family member of the rights holder.
- 4.8 An interment rights holder may designate only one lot in a cemetery for their own use.
- 4.9 The exercise of an interment right, every interment or every other form of disposition of human remains or of cremated remains or installation of a memorial within the limits of a cemetery is subject to,
 - (a) all provisions of this By-Law as are current at the time of purchase, or use, and
 - (b) payment in full of any applicable fee as is current at the time of purchase, or use.
- 4.10 Subject to at-need lot demand, the Municipality shall have the right to limit or suspend the reserve sale of interment rights in a cemetery at any time. The Municipality shall never sell, on a reserve basis, more than 50% of the developed lots available at any given time in a cemetery.

- 4.11 The Municipality may, in a special or emergent at-need circumstance, permit the sale of the interment rights for not more than 10 lots of any type to an applicant and under such terms and conditions as the Municipality deems appropriate.
- 4.12 The Municipality may, by special agreement, with a society, faith group or other organization, reserve or sell interment rights for a contiguous block of lots in a section of a cemetery under such terms and conditions as the Municipality deems appropriate and where such a section shall be used exclusively for the interment of deceased members of the society, faith group or other organization. The Municipality, under this provision, shall never sell or reserve more than ten (10%) percent of the developed lots available at any given time in a cemetery.
- 4.13 Upon an agreement being concluded under section 4.12 of this By-Law, no person shall be provided an interment in a reserved section, unless an application for interment is accompanied by a certificate from the society, faith group or organization, stating that the person is entitled to interment in the reserved section.
- 4.14 Interment rights sold, reserved, or issued under articles 4.11, 4.12 and 4.13 of this By-Law, and all services provided by the Municipality, under such agreements, shall be subject to payment at the regular fee rates set out in *Fees and Charges Bylaw*, as is current at the time of purchase, reservation, or use.

5.0 TRANSFER / RESALE / RECLAMATION of INTERMENT RIGHTS

- 5.1 In the instance an unused interment right survives an original rights holder and evidence of a clear line of assignment, transfer, inheritance, or succession, cannot be provided by the personal representative or heir of the original rights holder then the Municipality shall have the authority to,
- (a) determine, through a process prescribed by the Municipality, the person or persons who may be entitled to exercise a surviving right of interment and under what conditions a surviving right of interment may be exercised, or
 - (b) where a clear and distinct right of succession cannot be ascertained, prohibit the use of any surviving interment rights in a lot.
- 5.2 Interment rights for an unused lot may only be surrendered back to the Municipality.
- 5.3 The private sale or transfer of interment rights to a third party, to which the Municipality is not a party, is prohibited. Where a private sale or transfer of an interment right is made without the Municipality's knowledge, participation, or approval, then the Municipality shall have no obligation to honor an interment right acquired under such a transaction and subsequently presented to the Municipality for use or surrender.
- 5.4 The surrender of an interment right back to the Municipality and any refund issued in relation to the surrender of an interment right shall be made in compliance with the *Cemetery Act*.
- 5.5 The surrender of an interment right back to the Municipality may be permitted providing,
- (a) there are no interments in or memorials on a lot being surrendered,
 - (b) the original interment rights holder or their personal representative has made written application to the Municipality, in a form prescribed by the Municipality, stating their desire to surrender the interment right,

- (c) the original Interment Rights Certificate is surrendered to the Municipality,
- (d) if the surrender occurs within 30 days of the original date of purchase 100% of the fees paid for the right of interment shall be refunded, or,
- (e) if the surrender occurs 31 or more days after the original date of purchase, a right of interment shall be refunded at a value equal to 100% of the current selling price of a similar interment right LESS the amount of funds collected at the time of original purchase for the cemetery Care Fund.

5.6 Pursuant to the *Cemetery Act*, an interment right for an unused lot may be reclaimed by the Municipality if all the following have occurred,

- (a) there are no interments in or memorials on a lot being reclaimed,
- (b) not less than 20 years has elapsed from the original date of purchase of the interment right,
- (c) the Municipality has had no contact from or with the original purchaser, their personal representative, heir, or successor for not less than 20 years,
- (d) an application in writing to declare the interment right abandoned and the intent to reclaim the interment right for resale has been made to the Cemetery Act Registrar,
- (e) the Municipality has satisfied any instruction or requirement of the Registrar to locate, contact or provide notice to the interment rights holder, their personal representative, heir, or successor and the Municipality has had no response to the notice provided, then
- (f) upon the Registrar declaring the interment right abandoned the Municipality may resell the abandoned interment right to another purchaser.

5.7 Where an interment right for a lot in a cemetery has been declared abandoned and resold and the interment right is subsequently required for use by the original rights holder, their heir, or successor, then the Municipality shall provide an interment right of equal or greater value that has been chosen from the available lots of the cemetery by the original interment rights holder, their heir, or successor.

6.0 INTERMENT

- 6.1 Only human remains, or cremated human remains may be interred or scattered in a cemetery.
- 6.2 Every interment of human remains or cremated remains or the scattering of cremated remains in a cemetery shall be conducted in a manner consistent with the dignity of adjacent lots, the cemetery, general community standards and this By-Law.
- 6.3 Every interment into a lot shall conform to the interment rights set and established by the Municipality for that lot.
- 6.4 No interment, scattering, disinterment, or exhumation at a cemetery shall be permitted until,
 - (a) it is ascertained the deceased holds a valid interment right at a cemetery or a rights holder at a cemetery provides authorization for a deceased's human remains or cremated remains to be interred in a lot for which they hold an interment right,

- (b) the personal representative of a deceased completes, signs, and delivers to the Municipality, in a form prescribed by the Municipality, an interment authorization form,
 - (c) all outstanding indebtedness to the Municipality relating to an interment right to be exercised, the interment fee and the fee for any other service or product supplied by the Municipality to facilitate the interment, has been paid in full to the Municipality,
 - (d) advance notice, in a manner prescribed by the Municipality, has been provided to the Municipality,
 - (e) for human remains, a Province of Ontario Burial Permit has been surrendered to the Municipality,
 - (f) for cremated remains, a Certificate of Cremation has been surrendered to the Municipality, and,
 - (g) where a death has occurred in a jurisdiction other than the Province of Ontario, a disposition document confirming legal registration of the death in the other jurisdiction, deemed acceptable to the Municipality, has been surrendered to the Municipality.
- 6.5 The Municipality shall have the right to establish and assign interment times and to control, limit or restrict the type and number of interments that may occur in a cemetery on a given day.
- 6.6 Advance notice for an interment is required. The notice, all documents and fees related to an interment shall be delivered to the Municipality,
- (a) between May 1 and September 30, at least 48 hours in advance of a proposed interment, where not less than 24 hours are regular operating hours of the Municipality,
 - (b) between October 1 and April 30 at least 72 hours in advance of a proposed interment, where not less than 48 hours are regular operating hours of the Municipality,
 - (c) the failure to provide advance notice to the Municipality may result in an interment booking being delayed or denied, and
 - (d) no booking or notice for an interment will be accepted by the Municipality more than 30 days in advance of a proposed date of interment.
- 6.7 In the instance an interment is requested in a time-period shorter than the notice period set out in subsection 6.6 then, at the discretion of the Municipality, the interment may be accommodated subject to payment of an additional fee set out in the *Fees and Charges By-Law*.
- 6.8 Upon provision of proper authorization and notice to the satisfaction of the Municipality, interments at a cemetery,
- (a) shall occur between Monday to Friday, or another day approved by the Municipality, and
 - (b) shall occur at a time approved by the Municipality and shall conclude within two (2) hours of the approved time.
- 6.9 The Municipality shall have the authority to delay, suspend or cancel an interment service at, and limit or prohibit public access to a part or all of a cemetery, where weather, road or grounds conditions, or other emergent circumstance may warrant or pose a hazard to the public, Municipality staff or their contractors.

- 6.10 Only the Municipality, or a person or contractor that has been authorized in writing by the Municipality, may excavate, prepare, and close an interment lot in a cemetery.
- 6.11 The interment of human remains may, on an optional basis, be made into a grave liner of a design established by and accepted for interment by the Municipality.
- 6.12 Where a grave liner, that meets the standard established by the Municipality, is proposed to be used then the,
- (a) Municipality shall install, or supervise the installations of the grave liner into the lot,
 - (b) installation of a grave liner shall be made at a day and time set by the Municipality,
 - (c) purchase, delivery, and installation of a grave liner shall be at the expense of a personal representative of a deceased, an interment rights holder, or their heir or successor, and
 - (d) installation of a grave liner may be subject to a fee set out in in the *Fees and Charges By-law* and the fee shall be paid in full to the City prior to the delivery of a grave liner and installation into a lot.
- 6.13 Where the secondary interment of cremated remains may be permitted into a human remains lot a cremated remains interment may only be made after the human remains interment is made in the lot.
- 6.14 The scattering of cremated remains on the surface of any lot in or within the grounds of a cemetery is prohibited.
- 6.15 Notwithstanding subsection 6.14, the Municipality may make provision for and permit the scattering of cremated remains within a cemetery where scattering shall be limited to a designated area or scattering feature of a cemetery and performed in accordance with any rules established by the Municipality for the scattering of cremated remains.
- 6.16 Where an interment is directed under the *Public Health Act* written instructions with respect to all procedures to be followed for the interment, to protect the health and safety of all persons who may come into contact with the burial container bearing the human remains, shall be provided to the Municipality by a Medical Officer of Health or their designate in advance of the interment. The Municipality shall be obligated to accommodate an interment directed *Public Health Act* when so ordered.

7.0 DISINTERMENT & EXHUMATION

- 7.1 Every disinterment or exhumation of human remains or cremated remains from a lot in a cemetery shall,
- (a) be made in compliance with the *Cemetery Act*,
 - (b) arranged by and conducted under the supervision of a licensed funeral service provider, engaged by and at the expense of an applicant, and
 - (c) performed in a manner consistent with the dignity of adjacent lots, the Municipality, and general community standards.
- 7.2 In the instance an applicant requests a discretionary disinterment of human remains or cremated remains from a lot under their control then the applicant shall first provide to the Municipality, at their expense and in a form prescribed by the Municipality, a document setting out,
- (a) such proof as the Municipality may request, up to and including sworn affidavits, to establish the identity and the legal right and authority of the applicant to make the request,

- (b) such other information as the Municipality may request as to the purpose and reason for the disinterment, and
 - (c) with the understanding the provision of such information shall not bind the Municipality to permit a discretionary disinterment the Municipality shall have the right to require an applicant making a discretionary disinterment request to acquire, at their expense, a Court order that compels the Municipality to make the disinterment requested.
- 7.3 No disinterment or exhumation shall be allowed until,
 - (a) the personal representative of the deceased who has the right to authorize the disinterment of a deceased person's remains has acquired, completed, duly signed, and provided to the Municipality a disinterment authorization, in a form prescribed by the Municipality, and
 - (b) all outstanding indebtedness to the Municipality relating to a right of interment, the exercise of the disinterment/exhumation from the lot, and any other service provided, or product supplied by the Municipality to facilitate a disinterment/exhumation, has been paid in full to the Municipality, where the fees for disinterment and exhumation are set out in the *Fees and Charges By-Law*.
- 7.5 Except where ordered by a Court of competent jurisdiction, or under the Public Health Act, no person other than employees or authorized contractors of the Municipality, along with a funeral service provider or funeral director shall be permitted to be present at a disinterment, or exhumation of human remains, or cremated remains from a lot in a cemetery.
- 7.6 A funeral service provider employed at the expense of an applicant for a disinterment or exhumation shall be responsible for the arrangement, performance, and supervision of,
 - (a) the physical removal of the interred human remains from the lot and transfer of those remains into a container that fully encloses the remains,
 - (b) the removal and disposition of any intact remnants of a casket, container, or grave liner, and
 - (c) no employee of the Municipality shall be compelled to handle or participate in the removal of exposed human remains from any lot where a disinterment or exhumation is being performed.
- 7.7 Other than the recovery of the human remains or cremated remains readily apparent and present in a lot opened for a disinterment / exhumation the Municipality makes no representation or warranty as to any other materials, personal effect or other extraneous item that may be recovered as part of a disinterment or exhumation process.
- 7.8 The application for and authorization of a disinterment or exhumation shall grant the Municipality sole and discretionary authority to dispose of, in a safe, environmentally sensitive, and dignified manner, all extraneous materials that may incidentally be residue from a disinterment or exhumation.
- 7.9 A disinterment or exhumation in a cemetery shall, without exception, be performed on a day and at a time of the Municipality's choosing.
- 7.10 The re-interment of disinterred human remains or cremated remains into another

lot within a cemetery shall comply with this By-Law.

- 7.11 Where permitted, the scattering of cremated remains in a cemetery shall, from the moment of scattering, be considered the permanent and non-recoverable disposition of the cremated remains.
- 7.12 The Municipality is not responsible for any emotional, psychological, or physical injury that may occur to a living person or injury to human remains, cremated remains, or damage to a casket, grave liner, urn, or other form of burial container sustained as part of an interment, disinterment, or exhumation except where such injury, or damage can be shown to have been caused by the negligence of the Municipality.

8.0 MEMORIALS

- 8.1 Every memorial and the installation thereof in a cemetery shall conform with this By-Law and specifications set out in *Schedule 'B': Memorials* of this By-Law as is current at the time a memorial is to be installed, not at the date a right of interment was purchased, when an interment was made or when a memorial was purchased.
- 8.2 It is the responsibility of a rights holder or the personal representative of a deceased to arrange for the supply and installation of a memorial on a cemetery lot.
- 8.3 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot.
- 8.4 Every memorial and the installation thereof shall conform to the plan established for a cemetery and for the lot on which a memorial is proposed to be installed.
- 8.5 No memorial, inscription, engraving, ornamentation, or combination thereof that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any cemetery lot.
- 8.6 No memorial shall be installed on a lot until plans and specifications describing fully the memorial's size, design, material, inscription, and location have been submitted to the Municipality, in a form prescribed by the Municipality, by an applicant for a memorial permit.
- 8.7 No memorial shall be installed on a lot until,
 - (a) an application for installation is received by the Municipality,
 - (b) it is determined the memorial described on the application complies with the specifications set out for memorial placement on the lot where installation is proposed,
 - (c) all outstanding indebtedness as relates to an interment right, interment and memorial installation has been paid in full to the Municipality, and
 - (d) upon satisfying all the above, the Municipality may issue a memorial permit to allow installation of the memorial.
- 8.8 It is the responsibility of the applicant for a memorial permit to confirm the correct location for a memorial proposed for installation and, in the case of a companion memorial on a side-by-side lot, to further confirm the correct layout for the companion inscription on the memorial. The Municipality shall bear no responsibility or financial liability for a memorial where it can be shown this due diligence was not performed by the applicant.
- 8.9 The Municipality shall have the authority to refuse to issue a memorial permit to an applicant if the applicant has failed to comply with the requirements of this

By-Law or any requirement established by the Municipality governing memorials at a cemetery. In the instance a refusal may occur, the Municipality shall inform the applicant what is not compliant about the memorial permit application and the steps that must be taken to resolve the deficiency.

- 8.10 The Municipality shall have the authority to reject a memorial, despite the prior issuance of a memorial permit, when a memorial delivered for installation at a lot does not match the specifications described in a memorial permit application. In the instance a refusal may occur, the Municipality shall inform the applicant what is not compliant about the memorial delivered for installation and the steps that must be taken to resolve the deficiency.
- 8.11 Every memorial at a Municipality cemetery shall be installed, relocated, or removed, subject to the direction of the Municipality, by a person, memorial supplier or contractor authorized by the Municipality.
- 8.12 The installation of memorials shall occur only during the regular operating hours of a Municipality cemetery.
- 8.13 The Municipality shall be responsible to maintain the land on which a memorial is installed but is not responsible for the maintenance of any memorial.
- 8.14 A rights holder or their personal representative is required to keep in good repair, at their expense and to the satisfaction of the Municipality, all memorials on their lot. In the instance a memorial is placed or installed on a lot in a cemetery and subsequently falls into a state of disrepair, the Municipality shall document the condition of the memorial and shall have the authority, without prior notice, to have the memorial removed from the lot and from the Municipality cemetery, in each case at the expense of a rights holder or their personal representative.
- 8.15 Where it is determined a memorial or its installation do not comply with this By-Law then the Municipality may request and require, at the expense of a rights holder or their personal representative, that the non-compliant memorial be moved, reinstalled, or permanently removed from a cemetery.
- 8.16 Except for a cemetery lot memorialized or embellished prior to the date of adoption of this By-Law the surface of every in-ground lot in a cemetery shall be soil and turf grass.
- 8.17 For a cemetery lot memorialized or embellished prior to the date of adoption of this By-Law, the Municipality subject to their discretionary authority, may,
 - (a) permit pre-existing memorials and embellishments to remain on a lot providing they are well maintained, do not pose a safety hazard, and are kept in good repair by and at the expense of the rights holder, their personal representative, or their heir or successor, and
 - (b) permit, or order, at the expense of a rights holders their personal representative, or their heir or successor, that a pre-existing, deteriorated, or damaged memorial or embellishment be replaced on a lot providing the replacement memorial or embellishment is identical to the memorial or embellishments being replaced to the original items being replaced terms of size, type, and form.
- 8.18 The Municipality shall not be liable for, or obligated to repair, any scratch, breakage, or damage to a memorial in a cemetery except where it can be shown such a scratch, breakage or damage has been caused by the negligence of the Municipality.

- 8.19 Upon adoption of this By-Law the Municipality shall have the authority to, without prior notice, remove and restore the surface of a lot with soil and turf grass, and dispose of any curbing, grave cover, coping, fence, railing, hedge, planting, or any other form of delineation that is in an advanced state of disrepair, has created an unsafe ground condition, become a hazard to persons using, visiting, or working in the cemetery, or that has otherwise deteriorated to a state that is inconsistent with the dignity of adjacent lots and the general aesthetic of the cemetery.

9.0 CEMETERY FEES

- 9.1 The Municipality shall, on a regular basis, review, establish, amend, delete, or repeal and replace the fees to be charged at its cemeteries.
- 9.2 The fees established for the cemeteries shall be those set out in the Municipality of Greenstone's Fees and Charges and Conditions By-Law and the Cemetery Fees shall be posted and made available to the public upon request, as per any requirement of the *Cemetery Act*.

10.0 CARE and MAINTENANCE

- 10.1 The Municipality shall ensure,
- (a) the care and maintenance of the cemeteries is performed in accordance with all applicable legislation, and regulations made thereunder, as amended,
 - (b) the cemeteries are maintained to an aesthetic appearance consistent with general community standards,
 - (c) the roads, entrances, pathways, grounds, and landscaping of the cemeteries are maintained in a safe, operational, and good state of repair,
 - (d) no offence is committed in the administration and operation of the cemeteries, and
 - (e) no public health nuisance or safety hazard arises from the operation of the Municipality cemeteries.
- 10.2 The Municipality shall establish, set aside, invest in, and maintain a Care Fund for the purpose of funding the long-term care and maintenance of the cemeteries and the lots therein.
- 10.3 For every interment right sold or memorial installed in a cemetery a portion of the fee charged shall be set aside as a contribution to the Care Fund, where the contribution amounts shall be those set out in the *Fees and Charges By-Law*.
- 10.4 All Care Fund contributions shall be collected, held, and invested in accordance with all requirements of the *Cemetery Act*.
- 10.5 The principal of the Care Fund shall not be reduced other than in accordance with provisions set out in the *Cemetery Act*.
- 10.6 The Municipality may, on behalf of the Municipality, accept voluntary donations to the Care Fund from any person or organization.

11.0 BY-LAW VIOLATION

- 11.1 Any person is guilty of an offence if the person,
- (a) contravenes this By-Law, and
 - (b) willfully interferes with, obstructs, or assaults a representative of the Municipality in the exercise or performance of their duties related to the administration and enforcement of this By-Law.

11.2 A person that contravenes a provision of this By-Law is guilty of an offence and upon summary conviction is liable to a fine of not more \$5,000 as provided for in the *Provincial Offences Act*.

11.3 Every day during which there is an infraction of this By-Law shall constitute a separate offence.

12.0 INTERPRETATION

12.1 Legislation referred to is a reference to an enactment of Ontario or Canada, and regulations made thereto, as amended, and a By-Law referred to herein is a reference to an enactment of the Council of the Corporation of the Municipality of Greenstone, as amended, or replaced from time to time.

12.2 Headings given to the sections, paragraphs or parts in this By-Law are for convenience of reference only. They do not form part of this By-Law and shall not be used in the interpretation of this By-Law.

12.3 Use of a word signifying the singular shall include the plural and such references are used for convenience of reference only. They do not form part of this By-Law and shall not be used in the interpretation of this By-Law.

12.4 In the instance any section, paragraph, or part of this By-Law is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining content of this By-Law.

12.5 The Schedules listed here and as attached shall form a part of this By-Law,


(a) *Schedule 'A': Interment*


(b) *Schedule 'B': Memorials*

13.0 ENACTMENT

13.1 This By-Law shall come into full force and effect upon the date of its final reading and passage.

PASSED AND ENACTED this 26th day of September, 2022.


Renald Y. Beauheu, Mayor


Kristina Miousse, Clerk



SCHEDULE 'A': INTERMENT

1.0 LOTS

1.1 The Municipality, subject to payment of an established fee, may grant an interment right for a vacant lot in a cemetery on an at-need or a pre-need basis.

- 1.2 Possession of an interment right,
- (a) confers, to a rights holder, a right in perpetuity to use a lot, in compliance with this By-law, for the interment of the human remains or cremated remains of a person named on an Interment Rights Certificate, and;
 - (b) does not confer any title to, ownership of, or interest in the land of the cemetery or of a lot therein or any other special privilege over any land of the cemetery.

1.3 **HUMAN REMAINS LOT:** The following specifications shall constitute the lot types and permitted interment densities for lots as they may be designed and surveyed for the interment of human remains in a cemetery,

Lot Type	Liners/ Vaults	Permitted Interments (maximum)
Adult Lot Veteran Lot	Wooden Rough Box, Liner or Vault optional. (Fee may apply)	1 Human Remains. OR 1 Human Remains and 3 Cremated Remains OR (if no human remains) 3 Cremated Remains
Infant / Child Lot	Wooden Rough Box, Liner or Vault optional. (Fee may apply).	1 Infant / Child Human Remains OR 1 Infant / Child Human Remains and 2 Cremated Remains OR (if no human remains) 3 Cremated Remains

1.4 **CREMATED REMAINS LOT:** The following specifications shall constitute the lot types and permitted interment densities for lots as they may be designed and laid-out for the interment of cremated remains in a cemetery,

Lot Type	Permitted Interments (maximum)
Standard Cremation Lot (In-ground)	2 Cremated Remains

1.5 Lots may be laid out separately, in combinations, or in combination of one lot type with another lot type.

- 1.6 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a cemetery shall be those established and surveyed in the design plan established for a cemetery.
- 1.7 The Municipality shall have the authority to vary the dimensions of a lot or group of lots as circumstances may dictate, or as it deems appropriate for the operation and maintenance of a cemetery.
- 1.8 The Municipality shall have the authority to establish, amend or otherwise set out interment rights for other lots in a cemetery that have the same classification and interment capacity as the lots described herein, or that may have a different classification, and interment capacity.

2.0 INTERMENT: GENERAL RULES

- 2.1 Only human remains, or cremated human remains may be interred in a Municipality cemetery.
- 2.2 Human remains for interment into a cemetery lot shall be enclosed in a casket or alternative container of a design, size and material approved by the Municipality.
- 2.3 Cremated remains for interment into a cemetery lot shall be enclosed in an urn or container of a design, size and material approved by the Municipality.
- 2.4 The personal representative of a deceased, or their agent, shall retain custody of human remains, or cremated remains for interment until the remains are delivered to an interment lot at a cemetery. Prior to accepting custody of remains at a lot, the Municipality shall not be liable for any delay in an interment service and, after accepting custody, shall not be liable for any delay in an interment arising from circumstances outside of the Municipality's control.
- 2.5 It is the responsibility of the personal representative of a deceased, or the interment rights holder to provide such means and persons to transfer and deliver human remains to an interment lot for interment.
- 2.6 A person or a group of persons, may be allowed to witness the interment process subject to the following criteria,
 - (a) the request to witness an interment is delivered to the Municipality as part of the normal notice for and authorization of an interment,
 - (b) the Municipality may, for safety purposes, limit the number of people allowed to witness an interment,
 - (c) all proceedings at an interment shall be under the direction of the Municipality, and every witness present shall be obligated to follow every instruction given by the Municipality personnel directing the interment, and
 - (d) a witness interment service may be subject to a records fee as set out in the *Fees and Charges By-law* and said fee shall be paid in full to the Municipality prior to the interment service.
- 2.7 Only the Municipality, or a person under the supervision of the Municipality, is authorized to place cremated remains into a cemetery lot in a cemetery.
- 2.8 Except where permitted in areas designated by the Municipality, the scattering of cremated human remains is prohibited in a cemetery.
- 2.9 The interment of pet or animal remains, or scattering of cremated pet, or animal remains in a cemetery is prohibited.

SCHEDULE 'B': MEMORIALS

1.0 GENERAL RULES

- 1.1 Every memorial, and the installation of every memorial in a cemetery shall conform to the plan established for the lot and the section of the cemetery in which the memorial is to be installed.
- 1.2 Every permanent memorial shall be constructed of granite, or bronze on a granite base.
- 1.3 Non-permanent memorials, constructed of wood, may be approved for installation on a lot subject to standards established by the Municipality that set out,
 - (a) the type of wood used to construct the memorial,
 - (b) the design and size of the memorial being approved prior to installation,
 - (c) where on the lot, a wood memorial can be installed,
 - (d) a standard of installation to firmly anchor the memorial in the ground, and
 - (e) subject to all other rules and regulations as relate to the lot holder or their successors keeping the memorial in good repair.
- 1.4 The type and design of a memorial and, the maximum width, depth, and thickness of a memorial and, the form and style of a memorial inscription is conditional on the type of lot or lots on which it is being installed.
- 1.5 Every memorial shall conform to the specifications set out in this Schedule and any further requirement that may be established by the Municipality for a lot at a cemetery at the time the memorial is placed or installed, not at the time the memorial is purchased or at the time of death.
- 1.6 Only established memorial suppliers, pre-qualified by the Municipality, may supply and/or install a memorial in a cemetery.
- 1.7 Every memorial shall be installed under the supervision of the Municipality and the cost of the memorial, and its installation shall be borne by a memorial permit applicant.
- 1.8 The design, layout, dimensions, location of interments and location and placement of memorials for every lot type in a Municipality cemetery shall be those set out in the design plan of a cemetery and this Schedule.
- 1.9 Other than memorials as set out and permitted under the cemetery By-law and this Schedule no form of custom memorial shall be installed on a lot in a cemetery, including but not limited to, individual columbaria, benches, altars, statues, or other structure or installation.
- 1.10 No form of decorative rock, gravel or other form of material may be placed at or around a memorial or on a lot in a cemetery. Only materials approved or used by the Municipality for the installation and maintenance of memorials is permitted at or around memorials or on a lot.
- 1.11 Except for a flower vase, of a design approved by the Municipality, no form of vase, candleholder, lantern, or other form of fixture may be attached in any manner to a memorial or placed adjacent to where a memorial is installed in a cemetery.

2.0 PERMITTED MEMORIALS

- 2.1 **HUMAN REMAINS LOT:** The following specifications shall constitute the lot types, permitted interment densities, and permitted memorial types for lots as they may be designed, surveyed, and laid out for the interment of human remains in a cemetery,

Lot Type	Permitted Memorials	Permitted Interments (maximum)
Adult Lot	1 Upright Monument and up to 3 Flat Markers	1 Human Remains. OR 1 Human Remains and 3 Cremated Remains OR (If no human remains) 3 Cremated Remains
Infant / Child Lot	1 Upright Monument and up to 2 Flat Markers	1 Infant / Child Human Remains OR 1 Infant / Child Human Remains and 2 Cremated Remains OR (If no human remains) 3 Cremated Remains

2.2 **CREMATED REMAINS LOT:** The following specifications shall constitute the lot types, permitted interment densities, and permitted memorial types for lots as they may be designed, surveyed, and laid out for the interment of cremated remains in a cemetery,

Lot Type	Permitted Interments (maximum)
Standard Cremation Lot (In-ground)	1 Small Flat Marker

3.0 **FOUNDATIONS & BASES**

- 3.1 Dimensions set out in this Schedule may have a variance of not more than plus or minus 1.3 cm (0.5 in.).
- 3.2 Every granite or bronze flat marker shall be installed on a foundation, installed at an applicant’s expense, which shall consist of:

(a) sufficient excavation of the memorial installation site, and

(b) placement and compaction of sufficient subsurface consolidated aggregate materials to ensure a stable and level, vertical and horizontal installation of the flat marker flush with the surface level of the lot.

- 3.3 Every bronze flat marker shall be installed on a granite base that,
- (a) is not less than 9 cm (3.5 in.) and not more than 12.5 cm (5 in.) in thick,
 - (b) has a top and bottom that is smooth finished,
 - (c) has rock-pitch sides that are true and perpendicular with the top surface of the attached marker,
 - (d) has an exposed, smooth granite surface 5 cm wide (2 in.) showing around each edge of the bronze marker,
 - (e) has holes drilled through, to accommodate the attachment of the bronze marker with corrosion resistant, threaded bosses and washers, to be supplied by the memorial supplier, and
 - (f) has, where required, a 11.4 cm (4.5 in.) diameter hole drilled through to accommodate a Municipality approved, invertible flower vase container.
- 3.4 Every upright memorial shall be installed onto a foundation, installed at an applicant's expense, which shall consist of,
- (a) sufficient excavation of the foundation installation site,
 - (b) placement and compaction of sufficient subsurface, consolidated aggregate materials,
 - (c) installation of a reinforced concrete pad of not less than 25 mpa, sulfate resistant, air entrappings 4-7 percent air content,
 - (d) for a monument under 91 cm (36 in.) in height, a thickness of not less than 10 cm (4 in.),
 - (e) for a monument over 91 cm (36 in.) in height, a thickness of not less than 15 cm (6 in.),
 - (f) for every monument, the top finished surface of a foundation shall have not less than 10 cm (4 in.) wider and longer than the base of the memorial to be installed on the lot, and
 - (g) a foundation installed with its finished surface flush to the ground level of the lot to ensure a stable and level, vertical and horizontal installation of the memorial above the surface level of the lot is achieved.
- 3.5 The installation of concrete foundations in a cemetery shall be made between May 1 and October 15.

4.0 MEMORIAL RULES

- 4.1 Every bronze marker shall,
- (a) have chased and buffed letters, numerals and ornamentation that shall not protrude more than .95 cm (3/8 in) above the surface of the marker, and each casting shall be true and free from defects and roughness,
 - (b) cast with sufficient integral bosses on the underside, tapped or drilled to receive anchor lugs or bolts which shall be non-corroding of a minimum diameter of .95 cm (3/8 in) and if metal, electrolytically similar to the marker, and
 - (c) be securely attached to a granite base by four or more of the fasteners to a base. All base tops and bottoms shall be smooth finished.
- 4.2 Every upright memorial shall be installed on a granite base set on a concrete foundation.
- 4.3 No upright memorial shall be installed over the space of a lot that has been or may be opened to accommodate an interment of human remains.

- 4.4 An upright memorial with a design feature that is an integral part of the memorial may be permitted so long as the memorial, including the design feature, conform to any upright memorial specifications established by the municipality.
- 4.5 An upright monument in the form of a freestanding design shall not be permitted.
- 4.6 No memorial – flat or upright - shall have a photographic appliqué, or emblem of any type that is attached solely by an adhesive. Any form of photograph or emblem shall be an integral part of the memorial either cast in bronze or sand-blasted or laser-etched on granite.
- 4.7 The donation and dedication of a memorial planting, memorial bench, memorial plaque, or other form of custom memorial feature at a cemetery may, subject to the approval of the Supervisor, be permitted providing,
- (a) an application, in a form prescribed by the Municipality, is made to the Municipality giving the proposed specifications, design and materials of the proposed memorial and the application must be approved in writing by the Municipality before any delivery or installation at a cemetery may proceed,
 - (b) site selection conforms to the plan of the cemetery as determined by the Municipality,
 - (c) installation is made by an established memorial dealer, or an authorized agent of the Municipality, and under the supervision of the Municipality, and the cost of the memorial and its installation is borne in full by the applicant, and
 - (d) the placement of a dedicated item or custom memorial does not confer to a donor or applicant any privilege over, or control of the land upon which the donated memorial may be situated.

5.0 PRE-EXISTING CONDITIONS

- 5.1 Except for a memorial installed on a lot in a cemetery prior to the date of adoption of this By-law every memorial in a cemetery shall conform to this By-law and this Schedule.
- 5.2 Except for a cemetery lot memorialized or embellished prior to the date of adoption of this By-law the surface of every lot in a cemetery shall be soil and turf grass.
- 5.3 For a cemetery lot memorialized or embellished prior to the date of adoption of this By-law, the Supervisor subject to their discretionary authority, may,
- (a) permit pre-existing memorials and embellishments to remain on a lot providing they are well maintained, do not pose a safety hazard, and are kept in good repair by and at the expense of the rights holder, their personal representative, heir, or successor, or
 - (b) order, at the expense of a rights holders their personal representative, heir, or successor, that a pre-existing, deteriorated, or damaged memorial or embellishment be removed and replaced with a memorial that complies in every way with the cemetery By-law and this schedule.
- 5.4 Upon adoption of this By-law the Municipality shall have the authority to, without prior notice, remove and restore the surface of a lot with soil and turf grass, and dispose of any curbing, grave cover, coping, fence, railing, hedge, planting, or any other form of delineation that is in an advanced state of disrepair, has created an unsafe ground condition, become a hazard to persons using, visiting, or working in the cemetery, or that has otherwise deteriorated to a state that is inconsistent with the dignity of adjacent lots and the general aesthetic of the cemetery.