

STAFF REPORT: RECREATION



REPORT TO: Council
MEETING DATE: April 27, 2011
REPORT NO.: DOR 11 36
SUBJECT: Cemetery Rules & Regulations Process
PREPARED BY: Shawn Everitt
Director of Recreation

A. Recommendations

THAT Council receive Staff Report DOR 11 36 entitled "Cemetery Rules & Regulations Process" for information purposes.

B. Background

This report is to provide information to Council as to the process that was followed for the approval of the revised 2011 Rules & Regulation for the Thornbury Clarksburg Union Cemetery.

In early 2010 Recreation Staff worked with Financial Services staff to develop a revised Rules & Regulations document for the Thornbury Clarksburg Union Cemetery. The process requirements are specified and reviewed by the Ministry of Consumer Services and are as follows.

- 1) The Ministry of Consumer Services requires that a Notice of Filing must be,
 - a) Published once in a newspaper with general circulation in the locality in which the cemetery or crematorium is located;
 - b) Posted on a sign (for 4 weeks) at the cemetery entrance;
 - c) Delivered to each supplier of markers who has delivered a marker to the cemeteries during the previous twelve-month period;
- 2) The notice shall state that the owner will allow interested parties access to the proposed by-law in order to make copies of it and that all proposed by-laws are subject to the Registrar's approval.
- 3) The owner shall allow interested parties to inspect and make copies of the proposed by-law.

Report DOR 11 06 "2011 Revised Thornbury Clarksburg Union Cemetery Rules & Regulations" was approved by the Infrastructure and Recreation Committee on January 11, 2011 and the recommendation was accepted by Council on January 24, 2011. This recommendation directed staff to proceed with the required Public Consultation. Staff completed all the necessary requirements outlined by the Ministry, and Staff has received notification of approval for the 2011 Thornbury Clarksburg Union Cemetery Rules & Regulations from the Ministry of Consumer Services.

To complete the approval process a By-law to Maintain, Manage, Regulate and Control Cemeteries in the Town of The Blue Mountains is required to be approved by Council. This By-law has been prepared and is presented for adoption at the April 27, 2011 Meeting of Council.

C. The Blue Mountains' Strategic Plan

Preserving and enhancing natural and environmental features, and cultural heritage of the community

Providing a strong, well managed municipal government

Supporting the development of social and recreational programs to meet the broad range of needs in the community

D. Environmental Impacts

Developing Rules & Regulations that utilize, current best practices that allow for the most efficient and respectful management and operations of Cemeteries.

E. Financial Impact

None at this time

F. Attached

- 1) DOR 11 06

Respectfully submitted,

Signature

For more information, please contact:

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STAFF REPORT: Recreation



REPORT TO: Infrastructure & Recreation
Committee
MEETING DATE: January 11, 2011
REPORT NO.: DOR 11 06
SUBJECT: 2011 Revised Thornbury
Clarksburg Union Cemetery
Rules & Regulations
PREPARED BY: Shawn Everitt
Director of Recreation

A. Recommendations

THAT Council approves Staff report DOR 11 06 entitled "2011 Revised Thornbury Clarksburg Union Cemetery Rules & Regulations" and;

THAT Staff be directed to proceed with the required Public Consultation process and approval process through the Ministry of Consumer affairs outlined in this report.

B. Background

The Thornbury Clarksburg Union Cemetery Rules and Regulations were last reviewed and approved by the Ministry of Consumer affairs on November 5, 2001. Staff has identified the need to revise the current Rules & Regulations to allow for effective and efficient management and operations of the Thornbury Clarksburg Union Cemetery into the future.

The Ministry of Consumer Affairs requires that a Notice of Filing must be,

- 1)
 - a) Published once in a newspaper with general circulation in the locality in which the cemetery or crematorium is located;
 - b) Posted on a sign (for 4 weeks) at the cemetery entrance
 - c) Delivered to each supplier of markers who has delivered a marker to the cemeteries during the previous twelve-month period.
- 2) The notice shall state that the owner will allow interested parties access to the proposed by-law in order to make copies of it and that all proposed by-laws are subject to the Registrar's approval.
- 3) The owner shall allow interested persons to inspect and make copies of the proposed by-law.

The installation of the new 72 Niche Columbarium also requires specific rules and regulations included to the document to ensure appropriate control measures are in place.

The revised rules & regulations as provided in attachment #1 of this report have been developed through consultation with area cemeteries and Cemeterian professionals within the industry. The Rules and Regulations as presented utilize the industries best practice and modern terminology. The control measures far exceed the existing Rules & Regulations and will provide Town Staff the tools to ensure appropriate use of the facilities are adhered to. In addition to this revision process of the rules and regulations, new administration processes have been put in place that are reflected in the proposed Rules & Regulations.

As an example,

- ▶ Monuments and Niche Shutters require permit application approval prior to a monument or shutter being delivered and installed. A Niche Shutter is the Monument piece that is placed on a Columbarium Niche that allows for inscription of name and date.
- ▶ All companies who do work in the town cemeteries shall provide proof of Workplace Safety Insurance coverage for their workers as well as sufficient liability insurance. The Town also has in place a Health & Safety Program for Contractors.

C. The Blue Mountains' Strategic Plan

- ▶ Preserving and enhancing natural and environmental features, and cultural heritage of the community
- ▶ Providing a strong well managed municipal government

D. Environmental Impacts

Appropriate and respectful use of cemetery lands and facilities

E. Budget Impact

None at this time

F. Attached

- 1) Proposed 2011 Rules and Regulations

Respectfully submitted,

Shawn Everitt

For more information, please contact:

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Attachment # 1 DOR 11 06

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW # 2011 -

Being a By-law to Maintain, Manage, Regulate and Control Cemeteries in Town of The Blue Mountains

WHEREAS Section 50 of the *Cemeteries Act (Revised)*, R.S.O. 1990, c. C.4, as amended, provides that an owner of a cemetery may make by-laws affecting the operation of the cemetery;

AND WHEREAS the Council of Town of The Blue Mountains deems it expedient to pass a by-law for the maintenance, management, regulation and control of cemeteries owned and operated by the Town of The Blue Mountains;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS HEREBY ENACTS AS FOLLOWS:

1. THAT the Thornbury / Clarksburg Union Cemetery Rules and Regulations 2011, attached hereto as Appendix "A" and hereby declared to form part of this By-law, are hereby adopted as the rules and regulations under which the Thornbury / Clarksburg Union Cemetery shall be operated, maintained and managed.

Enacted passed this _____ day of _____, 2011.

Ellen Anderson, Mayor

Corrina Giles, Clerk

Appendix "A"



**Thornbury Clarksburg
Union Cemetery**

**Rules & Regulations
2011**

CONTENTS:

Section	A)	Administration
	B)	Definitions
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	G)	Monuments and Markers – General
	H)	Monuments
	I)	Markers
	J)	Rules for Monuments Dealers, Contractors, & Workers
	K)	Rules for Visitors
	L)	Cemeteries

A) Administration

1. The Corporation of the Town of The Blue Mountains reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer this By-law regarding all cemetery operations.
2. Ownership of lots and plots is transferred to the Interment Rights Holders upon complete payment to the Municipality.
3. Management and direction are entrusted to the Town who will supervise the care, upkeep, and maintenance of the cemetery by a Superintendent.
4. The Superintendent shall have custody of the cemeteries. No interment or removal of bodies shall take place without notice to the Superintendent and the Superintendent shall ensure that a proper Burial Permit, or other certificate required by law, is issued in each instance.
5. The Town disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, malicious mischief markers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.
6. The Town shall take reasonable precautions to protect the property of Interment Rights Holders but assumes no liability or responsibility for the loss of or damage to any article of any type that is placed on any lot or plot.

B) DEFINITIONS

1. “**Act**” means the *Cemeteries Act, (Revised) R.S.O. 1990, c.C.4*, any amendments to the Act or Successor of the Act.
2. “**Care and Maintenance Fund**” means the trust fund in which all monies received by the Cemeteries for the care and maintenance of lots, plots and monuments have been invested.
3. “**Cemetery**” means all cemeteries located in the Town of The Blue Mountains, County of Grey.
4. “**Child’s Grave**” means any burial space less than 1.22 meters (4 feet) by 2.44 (8 feet).
5. “**Columbarium**” means a place for the respectful and usually public storage of cinerary urns (i.e., urns holding a deceased’s cremated remains).
6. “**Corner-posts**” means any stone or other land markers set flush with surface of the ground and used to indicate the location of a lot.
7. “**Cremation Lot**” shall mean any burial space intended to receive not more than 1 (one) cremated remains and having a minimum size of 60.96 cm (2 feet) by 60.96 cm (2 feet).
8. “**Designate**” means the person authorized by the Superintendent to act as Superintendent on a temporary basis.
9. “**Grave**” means any burial space intended for one adult, and having a size of 1.23 meters (4 feet) by 2.44 (8 feet), subject to exceptions in Section D 2.
10. “**Infant Grave**” means any burial space intended for an infant, and having a minimum size of 30.48 cm (12 inches) by 60.96 cm (2 feet).
11. “**Inter**” means the burial of human remains and includes the placing of human remains in a lot.
12. “**Interment Rights**” includes the right to require or direct the interment of human remains in a lot.

13. “**Interment Rights Holder**” means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the *Cemeteries Act*, being Chapter C. 3 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act.
14. “**Lot**” means an area of land in a cemetery containing, or set aside to contain, human remains.
15. “**Marker**” or footstone means any memorial of Granite, Marble, or Bronze set flush with the surface of the ground, and used to indicate the location of a lot.
16. “**Ministry**” means the Ministry of Consumer and Commercial Relations for Ontario.
17. “**Monument**” means any permanent memorial projecting above the ground level.
18. “**Plan**” means the plan of the cemetery, approved by the Ministry of Consumer and Commercial Relations for Ontario.
19. “**Plot**” means two or more lots in which the rights to inter have been sold as a unit.
20. “**Superintendent**” means the person appointed by The Corporation of the Town of The Blue Mountains as supervisor of cemeteries.
21. “**Town**” means The Corporation of the Town of The Blue Mountains.
22. “**Treasurer**” means the Treasurer for The Corporation of the Town of The Blue Mountains.
23. “**Trust Funds**” means those funds in which a trustee may invest, which are defined in the *Trustee Act*, R.S.O. 1989.

C) SALE AND TRANSFER OF LOTS

1. No person shall sell interment rights unless that person is authorized to do so, on behalf of the Town.
2. Interment rights in lots and plots may be purchased at the rates filed with the Ministry and according to the plans approved by the Ministry of Consumer and Commercial Relations for Ontario that are on file in the Treasurer’s Office of the Town. The prices for lots include the applicable portion for the deposit to the Care and Maintenance Fund.
3. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the *Cemeteries Act Revised 1990* and that came into effect April 1st, 1992.
 - i) In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$150.00.
 - ii) In the case of an in-ground grave for the burial of a child or of cremated remains, 40% of the selling price.
4. The Town shall provide each Interment Rights Holder at the time of sale with;
 - i) A copy of the contract
 - ii) A copy of the Cemetery By-laws
 - iii) Upon payment in full, a certificate of Interment Rights.
5. Purchasers of lots acquire only the right and privilege of burial of human remains and of constructing monuments or placing markers, subject to the Cemetery By-laws.
6. Lots previously sold, for which provisions for Care and Maintenance have not been made, may be placed under this plan by payment of the charges set forth in the tariff of rates.
7. To ensure the correctness of records and of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Town until notice is given in writing to the Treasurer of the Town specifying the name and address of the proposed transferee and date of transfer, and such particulars have

been entered in a register for the purpose. Upon receipt of such notice and payment of a fee, the transfer shall be made.

8. In cases of transfer of ownership by Will bequest of interment rights, the Town reserves the right to require the production of a notarized copy of the Will or other evidence sufficient to prove ownership.
9. An Interment Rights Holder may request, in writing, to have the Cemetery Owner repurchase the rights at any time, before they are used, in accordance with the Act.
10. If the Cemetery receives notice that a contract is cancelled within thirty days of purchase, the cemetery will refund to the purchaser all money received under the contract, within thirty days of receiving the notice.
11. If the Cemetery receives notice that a contract is cancelled after thirty days, the cemetery shall retain all funds placed in the Care and Maintenance fund. This also applies to all purchases or contracts that were made before the Act came into being.
12. If the original selling price is unknown, the repurchase price shall be deemed to be \$50.00 in accordance with the Act.
13. In accordance with the *Cemeteries Act, 1990*, the Cemetery is not required to repurchase the interment rights for more than four lots held by the same Interment Rights Holder in a twelve month period.
14. The Town, after receiving such a demand, shall repurchase the interment rights within thirty days after receiving the demand.

D) INTERMENTS AND DISINTERMENTS

1. Winter burials shall take place, weather permitting
2. Not more than one burial shall be made in any single grave except:
 - i) In areas designated for a double depth burial. The first interment must be made at the lower level.
 - ii) The cremated remains of four persons are allowed in one grave.
 - iii) A 60.96 cm x 30.48 cm (24" x 12") infant container may be buried at the head of a single grave in which a casket containing human remains has been buried, provided space is available.
3. Remains to be buried in a lot must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
4. All interments must be authorized in writing by the Interment Rights Holder except the interment of the Interment Rights Holder.
5. The Superintendent of the Cemetery, or designate, or someone in the employ of the Town, shall be in attendance at each interment.
6. A burial permit is issued by the Division Registrar, showing that the death has been registered and the fee for the opening of the lot according to the rate of tariffs must be deposited with the Cemetery Superintendent or designate before interment can take place.
7. For a cremation interment, the cremation certificate and the prescribed fee, according to the rate of tariffs, must be deposited with the Superintendent or designate.

8. Cremated remains for inurnment in a niche must be enclosed in a polypropylene plastic urn or an urn made of other durable materials
9. The number of cremated remains to be placed in each niche is determined by the urn size and niche dimensions with a maximum of two cremated remains in each niche. Any urn which cannot be contained within the niche will not be inurned.
10. Persons requesting interment in lots, plots or niches shall be held responsible for charges incurred.
11. When interment rights in a lot, plot or niches are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the plot as may be requested.
12. No lot or niche shall be opened for interment or disinterment by any person not in the employ of the Town.
13. The interment fee and inurnment fee includes the opening and closing of the lot or niche and the registration of the burial.
14. The scale of fees for lots will be approved by the Treasurer as well as Council on annual basis.
15. No person shall remove human remains, except cremated remains; from a cemetery unless a certificate of a Medical Officer of Health or the Town confirming that the *Cemeteries Act* and the regulation have been complied with is affixed to the container. A burial certificate under the *Vital Statistics Act* is not required to re-inter human remains that have been disinterred according to the *Cemeteries Act* and regulations.
16. The Cemetery Owner will exercise all due care in making interments and disinterment but is not responsible for damage to any casket, urn or other container sustained during disinterment.
17. No interment or inurnment shall be permitted in any lot or niche where the burial rights have not been paid in full.
18. Funeral corteges within the cemetery shall follow the route indicated by the Superintendent.
19. The Cemetery Owner reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot or niche, or transfer or conveyance of any interment rights. The cemetery may either cancel such grant and substitute other interment rights or a lot or niche of equal value and similar location, as far as is reasonably possible; or refund all money paid in account for such purchase. Notice will be given to the Interment Rights Holder, or their legal representative, at their last appearing address in the record books of the cemetery. In the event any such error may involve the disinterment of remains, the cemetery shall first obtain the approval of any regulatory authority.
20. The Cemetery shall not be held responsible for any errors made for any funeral arrangements made over the phone. All arrangements shall be made in writing.
21. Notice of each interment to be made shall be given to the Superintendent at least 24 hours in advance, 8 hours of which must be regular working hours. The Town will not be held responsible for preparing lots for funerals unless such notice is given.
22. Saturday interments shall take place no later than 4:00 P.M.

23. Municipal Cemeteries will not conduct interments on any Sunday, Good Friday or Christmas Day unless ordered to do so by a representative of the Ministry of Health.
24. Extra charges are included in the tariff of rates for:
 - i) Double depth grave openings, or where an additional interment is required for a grave already occupied at the regulation depth for the purpose of deepening the original interment, as well as;
 - ii) Additional charges for winter burials.

E) CARE OF LOTS – GENERAL

1. All lots and plots sold or assigned shall be maintained and kept properly graded, sodded and mown by employees of the Town.
2. No person shall do any work upon a lot without the permission of the Superintendent.
3. Norwegian Spruce “Miniature” trees are permitted only on lots having a monument and only one shall be planted on either side of the monument, if the Interment Rights Holder owns plots back to back. There are to be no shrubs in the single grave section. All plantings must be approved by the Superintendent or designate.
4. The height of Norwegian Spruce “Miniature” trees shall at no time exceed 0.91 metres (3 feet) above adjacent ground level.
5. The diameter of Norwegian Spruce “Miniature” trees at the widest point including all foliage shall at no time exceed 35.56 cm (14 inches), or obstruct adjacent lots.
6. Outside gardeners must furnish the Superintendent with written authority to work on lots and the lots must be specified in the authorization.
7. If any trees or shrubs in any lot shall become, by means of their roots or branches or in any other way, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Superintendent may remove such trees, shrubs or parts thereof.
8. Permission from the Superintendent, or designate, must be obtained before removing flowers, plants, ribbons or other articles from the graves or the lots.
9. No ornament or other decorative device shall be allowed within the confines of a cemetery or grave site without the approval of the Superintendent or designate.
10. Nails, wires, wooden crosses, articles of glass or any other material that creates hazards to workers and to visitors when neglected or broken is not allowed in a cemetery.
11. Implements or materials used during any work within a cemetery shall be removed without delay and if this is not done, the Superintendent shall remove the same without recourse.
12. No one shall change the grading of a lot or plot without the permission of the Superintendent, and if any change is undertaken without permission, the Town may restore the lot to its original grade, at the expense of the Interment Rights Holder and/or the person changing the grade.
13. No unauthorized person shall sod, move corner-posts or lot markers.
14. The Town shall not be responsible for loss or damage to any articles left upon any lot or plot.

F) CARE OF LOTS – FLOWERS

1. The Town reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or for any other reason, such removals to be in the best interest of the cemeteries.
2. During the growing season (usually from May to October) while natural flowers are available, artificial flowers such as wreaths and bouquets will be permitted on graves or lots. However, only silk floral saddle arrangements will be permitted on the monuments providing said arrangements fit **SNUGLY** on top of said monument. Should at anytime, and in the opinion of the Superintendent, said arrangement become unsightly and not in keeping with the dignity and the decorum of the cemeteries or at any time causes conflict with any equipment that must be used by the cemetery staff from time to time, the Superintendent or designate shall remove the arrangement.
3. Vases, urns and flower stands not properly cared for and not filled with plants by June 20 in any year may be removed from the lot and any stand, holder, vase, or other receptacle for flowers deemed unsightly or unsuitable may be prohibited or removed by the Superintendent.
4. Flower beds not exceeding 38.10 cm (15 inches) in width shall be permitted around the bases of monuments, and where there is no monument, can only be made by permission of, and under the supervision of the Superintendent.
5. To preserve the orderly appearance of the cemeteries, any flower bed of the previous year which has not been planted by June 15, may be sodded by the Town and the cost charged to the Interments Rights Holder.
6. Flower beds are required to be cleared of tender plants after the first frost of the autumn. Lot owners desiring to take any plants away should do so before their removal becomes necessary by cemetery staff.
7. Potted plants must not be buried but must be placed on top of the ground as close as possible to the monument base.
8. Those who place potted plants or urns are responsible for their upkeep and must remove them by October 15.
9. Cement urns are allowed to remain after October 15, beside the cemetery lot. The urns must be placed upside down and as close to the monument as possible.
10. Artificial wreaths without glass or plastic covers are allowed to be placed on the lot after October 15, provided that they are securely fastened to the monument, or where there is no monument, mounted on a stand at least 76.20 cm (30 inches) high and securely anchored to the ground.
11. To preserve the proper appearance of the grounds, artificial wreaths must be removed before April 15 of each year; otherwise Cemetery authorities will remove them.
12. No Flowers, ornaments or decorations will be permitted on or around Columbariums

G) MONUMENTS AND MARKERS – GENERAL INFORMATION

1. No monument or other structure shall be erected or permitted on a lot until Monument permit application has been approved by Town Staff and all charges have been paid in full.
2. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Superintendent.

3. No monument or marker will be delivered to the cemeteries without an installation form containing the following information:
 - a. The Interment Rights Holder name and address.
 - b. Instructions for placement of the marker or monument.
 - c. The dimensions, if a flat marker.
 - d. In the case of a monument:
 - i) The dimensions of the die, height, width, length.
 - ii) The dimensions of the base, height, width, length.
 - iii) The overall size of the monument.
 - iv) A description of the monument: colour and design.
 - v) The appropriate amount for the Care and Maintenance Fund in relation to the size of the marker/monument as set out in the *Cemeteries Act R.S.O. 1990*, must accompany the monument.
4. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the *Cemeteries Act R.S.O. 1990*, to the Town Monument/Marker Fund. The interest earned from this fund will be used to maintain the markers or monuments in a safe condition.
5. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Town shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.

H) MONUMENTS & NICHE SHUTTERS

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. Minor scraping of the base portion of monuments due to turf mowing operations is considered by the Town as normal wear.
3. The Town will take reasonable precautions to protect the property of Interment Rights Holders, but assumes no liability for the loss of, damage to, any monument, or part thereof except where such damage or loss is due to negligence by the Town.
4. The Town reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. Monuments must not be of a size that would interfere with any future interments.
5. A double lot is permitted one upright monument and 2 corner posts.
6. No monument other than a flat marker may be erected on a single grave and only one flat marker may be erected thereon.
7. The maximum size of flat marker on a single lot is:
 - Width 60.96 cm (24 inches)
 - Base (maximum) 35.56 cm (14 inches)
 - Die (minimum) 15.24 cm (6 inches).
8. The maximum size monument allowed on a double lot is:
 - Height 1.23 metres (4 feet)
 - Width 1.07 metres (3 feet, 6 inches)
 - Base (maximum) 35.56 cm (14 inches)
 - Die (minimum) 15.24 cm (6 inches)
 - Die (maximum) 25.40 cm (10 inches)
9. The minimum thickness of a die should be 15.24 cm (6 inches). Should the monument exceed 0.91 m (3 feet) overall height, the die must be 20.32 cm (8 inches).

10. The die stones must be installed on a granite base. The height of the base shall be a minimum of 20.32 cm (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 7.62 cm (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
11. Unless adjoining plots are owned, both sides of the stone cannot be used. Monuments cannot be placed "back-to-back" against another.
12. Monuments must be placed at the centre of the head end of the lot where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Superintendent before a monument is set.
13. No inscription shall be placed on any monument or niche shutter which is not in keeping with the dignity and decorum of the cemetery.
14. Inscriptions on niche shutters are limited to names, date of birth and date of death only. No photographs, drawings or illustrations are permitted on niche shutters
15. All photographs attached to any memorials or placed within the cemetery shall be the sole responsibility of the owner.
16. All foundations for monuments and markers shall be built by, or contracted to be built for, the Town at the expense of the Interment Rights Holder.
17. The charges for the construction of foundation are set forth in the tariff of rates.
18. No foundations may be constructed after November 15 in any year or before April 1 in the following year.
19. The foundation shall be built in the designated space and in proper dimensions of the monument base. If incorrect dimensions have been given on the applicant form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and rebuilt by the cemetery, at the expense of the Interment Rights Holder. Foundations will not be less than 1.23 metres (4 feet) deep and they will set at the Superintendent's direction.
 1. The required concrete mix for foundations will be
20.5 MPA
75 mm slump
20 mm aggregate
5% +/- 1% Air Entraining agent
Trowel finish all edges
Reinforcing bars shall be included at the direction of the Superintendent.
 2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
 3. A foundation must be cured for a minimum of 24 hours before placing the monument.
19. No concrete shall be placed until a representative of the cemetery has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.
20. Defective areas must be repaired to the approval of the cemetery management. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27

cm (1/2 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the Superintendent.

I) MARKERS

1. The owner may on receipt of the Rights Certificate, at his/her own expense have bronze, stone or concrete land marks 15.24 cm (6 inches) square and not less than 15.24 cm (6 inches) deep, dressed on all sides and bearing suitable identification permanently marked therein, placed at the corners of the lot or lots conveyed to him/her, such posts to be planted flush with the ground.
2. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months.
3. Markers or footstones of bronze, marble or granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations deemed necessary as per the size of lot in that section. Its placement must not interfere with future interments.

Single lot maximum	35.56 cm x 60.96 cm	14" x 24"
Double lot maximum	35.56 cm x 76.20 cm	14" x 30"
Cremation lot maximum	35.56 cm x 60.96 cm	14" x 24"

4. Each single lot may be marked on the ground with a flat marker only.
5. One marker may be placed at each grave in addition to the monument. The marker shall be placed closest to the monument and shall not exceed 40.64 cm x 60.96 cm (16" x 24").
6. Any flat marker that exceeds the standard width of 30.48 cm (12 inches) may only be installed after a full interment has taken place.
7. The minimum thickness for all flat markers including footstones is 10 cm (4 inches).
8. All markers and monuments shall be constructed of bronze, granite or marble. The bottom bed of all bases and markers shall be cut level and true.

J) RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKERS

1. No monument or marker will be delivered to the cemetery without proper paperwork. Monument Permit Application must be reviewed and approved by Town Staff prior to delivery and installation of Monument, marker or niche shutter.
2. Monument dealers must state on each order the date they wish foundations be ready and must give at least fifteen (15) working days notice before the work is required.
3. No monument or marker will be delivered to a cemetery until the foundation is completed and the contractor is ready to proceed with work of erection.
4. No monument or marker will be removed without permission from the Superintendent.
5. All companies who do work in the Town cemeteries shall provide proof of Workplace Safety Insurance coverage for their workers as well as sufficient liability insurance. The Town also has in place a Health & Safety Program for Contractors.

6. Contractors, masons and stone cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from damage.
7. There shall not be a variance of more than 1.27 cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered.
8. The demeanour and behaviour of all workers employed by others, while in a cemetery, shall be subject to the control of the Superintendent.
9. Workers shall cease work if in the immediate vicinity of a funeral, until conclusion of the service.
10. All work must be done during regular cemetery hours, unless by special permission of the Superintendent.
11. No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed, by the hour of noon that day.
12. Heavy loads shall not be permitted in a cemetery when conditions may result in damage to roads.
13. No monument dealer shall park on the grass unless otherwise directed to do so by the Superintendent.
14. All implements and materials used in the performance of any work shall be placed where the Superintendent may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such a manner as the Superintendent may order. Otherwise the obstruction will be removed, and the expense charged to the monument dealer.
15. If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Superintendent. As well all work must be supervised by an employee of the Town. The monument dealer shall pay the Town the prescribed fee plus necessary taxes for supervising the monument company's employees.

K) RULES FOR VISITORS

1. Visitors are welcome at cemeteries during open hours: which during the summer are 8:00 a.m. to 9:00 p.m. Monday to Friday and 10:00 a.m. to 9:00 p.m. Saturday, Sunday and Holidays, and during the winter are 8:30 a.m. to 4:00 p.m. Monday to Friday. Visitors are required to maintain a respectful manner.
2. The Superintendent and assistants are empowered and are required to preserve order and decorum in the cemetery.
3. No parades other than funeral processions shall be admitted to or be organized within the cemetery.
4. Children under age twelve years are welcome in cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct.
5. Visitors shall not run or walk over the lots or climb upon the monuments.
6. Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave avenues or park on the grass unless directed to do so by the Superintendent.
7. No All Terrain Vehicles or snowmobiles are allowed in the cemetery.

8. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
9. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around a cemetery.
10. Dogs shall be on a leash and "poop and scoop" shall be strictly enforced.
11. No picnic party shall be permitted on cemetery grounds.
12. Any person who damages or moves any tree, plant, marker, fence, structure or other thing usually erected planted or placed in a cemetery is liable to the Town and to any Interment Rights Holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the condition of the cemetery before anything was damaged or moved by the person liable.
13. Any complaints by Interment Rights Holders or visitors should be made to the Superintendent and not to workers on the grounds and controversies with workers or others on the grounds are to be avoided.
14. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc.
15. Any person disturbing the quiet and good order of a cemetery by noise or other improper conduct or who violates these by-laws, will be expelled from the grounds.
16. 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 a cemetery may be removed by cemetery staff. Any article removed will be held at the cemetery for collection. If not collected, articles will be disposed of after one month.
17. No tips or gratuities are to be given to cemetery workers by visitors or lot owners, nor shall be accepted by any cemetery worker.

L) **CEMETERIES**

This By-law applies to all active, historical, and abandoned cemeteries within the Town, including but not limited to:

Thornbury / Clarksburg Union Cemetery
Victoria Corners Cemetery
Gibraltar
Banks
Heathcote
Ravenna

Schedule "A"2010 Rate Schedule

Effective date:

Lots

Standard		\$780.00
Cremation		\$500.00
Columbarium	Row 1 & 6	\$800.00
	Rows 4 & 5	\$1,000.00
	Rows 2 & 3	\$1,200.00

Interment Charges

Adults	Resident	\$780.00
Infant	Resident	\$305.00
Child	Resident	\$390.00
Double Depth		\$300.00 (in addition to above)
Cremation	In ground	\$390.00
	Niche	\$200.00
Disinterment Only		\$700.00
Disinterment and second grave opening in another location		\$950.00
Lowering remains for second interment		\$950.00

Markers

Flat marker measuring at least 1,116.1 cm ² (173 sq. in)	\$50.00
Upright marker measuring 1.07 m (3' 6") in either height or length including the base	\$100.00
Upright marker measuring more than 1.22 m (4') in either height or length including the base	\$200.00

Transfer Fee \$50.00

Issue New Deed \$30.00

Chapel and Storage \$150.00

Corner Markers \$267.50

STAFF REPORT: Recreation



REPORT TO: Infrastructure & Recreation
Committee
MEETING DATE: January 11, 2011
REPORT NO.: DOR 11 06
SUBJECT: 2011 Revised Thornbury
Clarksburg Union Cemetery
Rules & Regulations
PREPARED BY: Shawn Everitt
Director of Recreation

A. Recommendations

THAT Council approves Staff report DOR 11 06 entitled "2011 Revised Thornbury Clarksburg Union Cemetery Rules & Regulations" and;

THAT Staff be directed to proceed with the required Public Consultation process and approval process through the Ministry of Consumer affairs outlined in this report.

B. Background

The Thornbury Clarksburg Union Cemetery Rules and Regulations were last reviewed and approved by the Ministry of Consumer affairs on November 5, 2001. Staff has identified the need to revise the current Rules & Regulations to allow for effective and efficient management and operations of the Thornbury Clarksburg Union Cemetery into the future.

The Ministry of Consumer Affairs requires that a Notice of Filing must be,

- 1)
 - a) Published once in a newspaper with general circulation in the locality in which the cemetery or crematorium is located;
 - b) Posted on a sign (for 4 weeks) at the cemetery entrance
 - c) Delivered to each supplier of markers who has delivered a marker to the cemeteries during the previous twelve-month period.
- 2) The notice shall state that the owner will allow interested parties access to the proposed by-law in order to make copies of it and that all proposed by-laws are subject to the Registrar's approval.
- 3) The owner shall allow interested persons to inspect and make copies of the proposed by-law.

The installation of the new 72 Niche Columbarium also requires specific rules and regulations included to the document to ensure appropriate control measures are in place.

The revised rules & regulations as provided in attachment #1 of this report have been developed through consultation with area cemeteries and Cemeterian professionals within the industry. The Rules and Regulations as presented utilize the industries best practice and modern terminology. The control measures far exceed the existing Rules & Regulations and will provide Town Staff the tools to ensure appropriate use of the facilities are adhered to. In addition to this revision process of the rules and regulations, new administration processes have been put in place that are reflected in the proposed Rules & Regulations.

As an example,

- ▶ Monuments and Niche Shutters require permit application approval prior to a monument or shutter being delivered and installed. A Niche Shutter is the Monument piece that is placed on a Columbarium Niche that allows for inscription of name and date.
- ▶ All companies who do work in the town cemeteries shall provide proof of Workplace Safety Insurance coverage for their workers as well as sufficient liability insurance. The Town also has in place a Health & Safety Program for Contractors.

C. The Blue Mountains' Strategic Plan

- ▶ Preserving and enhancing natural and environmental features, and cultural heritage of the community
- ▶ Providing a strong well managed municipal government

D. Environmental Impacts

Appropriate and respectful use of cemetery lands and facilities

E. Budget Impact

None at this time

F. Attached

- 1) Proposed 2011 Rules and Regulations

Respectfully submitted,

Shawn Everitt

For more information, please contact:

Shawn Everitt

severitt@thebluemountains.ca

519-599-3131 ext 281

Attachment # 1 DOR 11 06

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

BY-LAW # 2011 -

Being a By-law to Maintain, Manage, Regulate and Control Cemeteries in Town of The Blue Mountains

WHEREAS Section 50 of the *Cemeteries Act (Revised)*, R.S.O. 1990, c. C.4, as amended, provides that an owner of a cemetery may make by-laws affecting the operation of the cemetery;

AND WHEREAS the Council of Town of The Blue Mountains deems it expedient to pass a by-law for the maintenance, management, regulation and control of cemeteries owned and operated by the Town of The Blue Mountains;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS HEREBY ENACTS AS FOLLOWS:

1. THAT the Thornbury / Clarksburg Union Cemetery Rules and Regulations 2011, attached hereto as Appendix "A" and hereby declared to form part of this By-law, are hereby adopted as the rules and regulations under which the Thornbury / Clarksburg Union Cemetery shall be operated, maintained and managed.

Enacted passed this _____ day of _____, 2011.

Ellen Anderson, Mayor

Corrina Giles, Clerk

Appendix "A"



**Thornbury Clarksburg
Union Cemetery**

**Rules & Regulations
2011**

CONTENTS:

Section	A)	Administration
	B)	Definitions
	C)	Sale and Transfer of Lots
	D)	Interments and Disinterment
	E)	Care of Lots – General
	F)	Care of Lots – Flowers
	G)	Monuments and Markers – General
	H)	Monuments
	I)	Markers
	J)	Rules for Monuments Dealers, Contractors, & Workers
	K)	Rules for Visitors
	L)	Cemeteries

A) Administration

1. The Corporation of the Town of The Blue Mountains reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer this By-law regarding all cemetery operations.
2. Ownership of lots and plots is transferred to the Interment Rights Holders upon complete payment to the Municipality.
3. Management and direction are entrusted to the Town who will supervise the care, upkeep, and maintenance of the cemetery by a Superintendent.
4. The Superintendent shall have custody of the cemeteries. No interment or removal of bodies shall take place without notice to the Superintendent and the Superintendent shall ensure that a proper Burial Permit, or other certificate required by law, is issued in each instance.
5. The Town disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, malicious mischief markers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.
6. The Town shall take reasonable precautions to protect the property of Interment Rights Holders but assumes no liability or responsibility for the loss of or damage to any article of any type that is placed on any lot or plot.

B) DEFINITIONS

1. “**Act**” means the *Cemeteries Act, (Revised) R.S.O. 1990, c.C.4*, any amendments to the Act or Successor of the Act.
2. “**Care and Maintenance Fund**” means the trust fund in which all monies received by the Cemeteries for the care and maintenance of lots, plots and monuments have been invested.
3. “**Cemetery**” means all cemeteries located in the Town of The Blue Mountains, County of Grey.
4. “**Child’s Grave**” means any burial space less than 1.22 meters (4 feet) by 2.44 (8 feet).
5. “**Columbarium**” means a place for the respectful and usually public storage of cinerary urns (i.e., urns holding a deceased’s cremated remains).
6. “**Corner-posts**” means any stone or other land markers set flush with surface of the ground and used to indicate the location of a lot.
7. “**Cremation Lot**” shall mean any burial space intended to receive not more than 1 (one) cremated remains and having a minimum size of 60.96 cm (2 feet) by 60.96 cm (2 feet).
8. “**Designate**” means the person authorized by the Superintendent to act as Superintendent on a temporary basis.
9. “**Grave**” means any burial space intended for one adult, and having a size of 1.23 meters (4 feet) by 2.44 (8 feet), subject to exceptions in Section D 2.
10. “**Infant Grave**” means any burial space intended for an infant, and having a minimum size of 30.48 cm (12 inches) by 60.96 cm (2 feet).
11. “**Inter**” means the burial of human remains and includes the placing of human remains in a lot.
12. “**Interment Rights**” includes the right to require or direct the interment of human remains in a lot.

13. “**Interment Rights Holder**” means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the *Cemeteries Act*, being Chapter C. 3 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act.
14. “**Lot**” means an area of land in a cemetery containing, or set aside to contain, human remains.
15. “**Marker**” or footstone means any memorial of Granite, Marble, or Bronze set flush with the surface of the ground, and used to indicate the location of a lot.
16. “**Ministry**” means the Ministry of Consumer and Commercial Relations for Ontario.
17. “**Monument**” means any permanent memorial projecting above the ground level.
18. “**Plan**” means the plan of the cemetery, approved by the Ministry of Consumer and Commercial Relations for Ontario.
19. “**Plot**” means two or more lots in which the rights to inter have been sold as a unit.
20. “**Superintendent**” means the person appointed by The Corporation of the Town of The Blue Mountains as supervisor of cemeteries.
21. “**Town**” means The Corporation of the Town of The Blue Mountains.
22. “**Treasurer**” means the Treasurer for The Corporation of the Town of The Blue Mountains.
23. “**Trust Funds**” means those funds in which a trustee may invest, which are defined in the *Trustee Act*, R.S.O. 1989.

C) SALE AND TRANSFER OF LOTS

1. No person shall sell interment rights unless that person is authorized to do so, on behalf of the Town.
2. Interment rights in lots and plots may be purchased at the rates filed with the Ministry and according to the plans approved by the Ministry of Consumer and Commercial Relations for Ontario that are on file in the Treasurer’s Office of the Town. The prices for lots include the applicable portion for the deposit to the Care and Maintenance Fund.
3. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the *Cemeteries Act Revised 1990* and that came into effect April 1st, 1992.
 - i) In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$150.00.
 - ii) In the case of an in-ground grave for the burial of a child or of cremated remains, 40% of the selling price.
4. The Town shall provide each Interment Rights Holder at the time of sale with;
 - i) A copy of the contract
 - ii) A copy of the Cemetery By-laws
 - iii) Upon payment in full, a certificate of Interment Rights.
5. Purchasers of lots acquire only the right and privilege of burial of human remains and of constructing monuments or placing markers, subject to the Cemetery By-laws.
6. Lots previously sold, for which provisions for Care and Maintenance have not been made, may be placed under this plan by payment of the charges set forth in the tariff of rates.
7. To ensure the correctness of records and of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Town until notice is given in writing to the Treasurer of the Town specifying the name and address of the proposed transferee and date of transfer, and such particulars have

been entered in a register for the purpose. Upon receipt of such notice and payment of a fee, the transfer shall be made.

8. In cases of transfer of ownership by Will bequest of interment rights, the Town reserves the right to require the production of a notarized copy of the Will or other evidence sufficient to prove ownership.
9. An Interment Rights Holder may request, in writing, to have the Cemetery Owner repurchase the rights at any time, before they are used, in accordance with the Act.
10. If the Cemetery receives notice that a contract is cancelled within thirty days of purchase, the cemetery will refund to the purchaser all money received under the contract, within thirty days of receiving the notice.
11. If the Cemetery receives notice that a contract is cancelled after thirty days, the cemetery shall retain all funds placed in the Care and Maintenance fund. This also applies to all purchases or contracts that were made before the Act came into being.
12. If the original selling price is unknown, the repurchase price shall be deemed to be \$50.00 in accordance with the Act.
13. In accordance with the *Cemeteries Act, 1990*, the Cemetery is not required to repurchase the interment rights for more than four lots held by the same Interment Rights Holder in a twelve month period.
14. The Town, after receiving such a demand, shall repurchase the interment rights within thirty days after receiving the demand.

D) INTERMENTS AND DISINTERMENTS

1. Winter burials shall take place, weather permitting
2. Not more than one burial shall be made in any single grave except:
 - i) In areas designated for a double depth burial. The first interment must be made at the lower level.
 - ii) The cremated remains of four persons are allowed in one grave.
 - iii) A 60.96 cm x 30.48 cm (24" x 12") infant container may be buried at the head of a single grave in which a casket containing human remains has been buried, provided space is available.
3. Remains to be buried in a lot must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
4. All interments must be authorized in writing by the Interment Rights Holder except the interment of the Interment Rights Holder.
5. The Superintendent of the Cemetery, or designate, or someone in the employ of the Town, shall be in attendance at each interment.
6. A burial permit is issued by the Division Registrar, showing that the death has been registered and the fee for the opening of the lot according to the rate of tariffs must be deposited with the Cemetery Superintendent or designate before interment can take place.
7. For a cremation interment, the cremation certificate and the prescribed fee, according to the rate of tariffs, must be deposited with the Superintendent or designate.

8. Cremated remains for inurnment in a niche must be enclosed in a polypropylene plastic urn or an urn made of other durable materials
9. The number of cremated remains to be placed in each niche is determined by the urn size and niche dimensions with a maximum of two cremated remains in each niche. Any urn which cannot be contained within the niche will not be inurned.
10. Persons requesting interment in lots, plots or niches shall be held responsible for charges incurred.
11. When interment rights in a lot, plot or niches are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the plot as may be requested.
12. No lot or niche shall be opened for interment or disinterment by any person not in the employ of the Town.
13. The interment fee and inurnment fee includes the opening and closing of the lot or niche and the registration of the burial.
14. The scale of fees for lots will be approved by the Treasurer as well as Council on annual basis.
15. No person shall remove human remains, except cremated remains; from a cemetery unless a certificate of a Medical Officer of Health or the Town confirming that the *Cemeteries Act* and the regulation have been complied with is affixed to the container. A burial certificate under the *Vital Statistics Act* is not required to re-inter human remains that have been disinterred according to the *Cemeteries Act* and regulations.
16. The Cemetery Owner will exercise all due care in making interments and disinterment but is not responsible for damage to any casket, urn or other container sustained during disinterment.
17. No interment or inurnment shall be permitted in any lot or niche where the burial rights have not been paid in full.
18. Funeral corteges within the cemetery shall follow the route indicated by the Superintendent.
19. The Cemetery Owner reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot or niche, or transfer or conveyance of any interment rights. The cemetery may either cancel such grant and substitute other interment rights or a lot or niche of equal value and similar location, as far as is reasonably possible; or refund all money paid in account for such purchase. Notice will be given to the Interment Rights Holder, or their legal representative, at their last appearing address in the record books of the cemetery. In the event any such error may involve the disinterment of remains, the cemetery shall first obtain the approval of any regulatory authority.
20. The Cemetery shall not be held responsible for any errors made for any funeral arrangements made over the phone. All arrangements shall be made in writing.
21. Notice of each interment to be made shall be given to the Superintendent at least 24 hours in advance, 8 hours of which must be regular working hours. The Town will not be held responsible for preparing lots for funerals unless such notice is given.
22. Saturday interments shall take place no later than 4:00 P.M.

23. Municipal Cemeteries will not conduct interments on any Sunday, Good Friday or Christmas Day unless ordered to do so by a representative of the Ministry of Health.
24. Extra charges are included in the tariff of rates for:
 - i) Double depth grave openings, or where an additional interment is required for a grave already occupied at the regulation depth for the purpose of deepening the original interment, as well as;
 - ii) Additional charges for winter burials.

E) CARE OF LOTS – GENERAL

1. All lots and plots sold or assigned shall be maintained and kept properly graded, sodded and mown by employees of the Town.
2. No person shall do any work upon a lot without the permission of the Superintendent.
3. Norwegian Spruce “Miniature” trees are permitted only on lots having a monument and only one shall be planted on either side of the monument, if the Interment Rights Holder owns plots back to back. There are to be no shrubs in the single grave section. All plantings must be approved by the Superintendent or designate.
4. The height of Norwegian Spruce “Miniature” trees shall at no time exceed 0.91 metres (3 feet) above adjacent ground level.
5. The diameter of Norwegian Spruce “Miniature” trees at the widest point including all foliage shall at no time exceed 35.56 cm (14 inches), or obstruct adjacent lots.
6. Outside gardeners must furnish the Superintendent with written authority to work on lots and the lots must be specified in the authorization.
7. If any trees or shrubs in any lot shall become, by means of their roots or branches or in any other way, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Superintendent may remove such trees, shrubs or parts thereof.
8. Permission from the Superintendent, or designate, must be obtained before removing flowers, plants, ribbons or other articles from the graves or the lots.
9. No ornament or other decorative device shall be allowed within the confines of a cemetery or grave site without the approval of the Superintendent or designate.
10. Nails, wires, wooden crosses, articles of glass or any other material that creates hazards to workers and to visitors when neglected or broken is not allowed in a cemetery.
11. Implements or materials used during any work within a cemetery shall be removed without delay and if this is not done, the Superintendent shall remove the same without recourse.
12. No one shall change the grading of a lot or plot without the permission of the Superintendent, and if any change is undertaken without permission, the Town may restore the lot to its original grade, at the expense of the Interment Rights Holder and/or the person changing the grade.
13. No unauthorized person shall sod, move corner-posts or lot markers.
14. The Town shall not be responsible for loss or damage to any articles left upon any lot or plot.

F) CARE OF LOTS – FLOWERS

1. The Town reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or for any other reason, such removals to be in the best interest of the cemeteries.
2. During the growing season (usually from May to October) while natural flowers are available, artificial flowers such as wreaths and bouquets will be permitted on graves or lots. However, only silk floral saddle arrangements will be permitted on the monuments providing said arrangements fit **SNUGLY** on top of said monument. Should at anytime, and in the opinion of the Superintendent, said arrangement become unsightly and not in keeping with the dignity and the decorum of the cemeteries or at any time causes conflict with any equipment that must be used by the cemetery staff from time to time, the Superintendent or designate shall remove the arrangement.
3. Vases, urns and flower stands not properly cared for and not filled with plants by June 20 in any year may be removed from the lot and any stand, holder, vase, or other receptacle for flowers deemed unsightly or unsuitable may be prohibited or removed by the Superintendent.
4. Flower beds not exceeding 38.10 cm (15 inches) in width shall be permitted around the bases of monuments, and where there is no monument, can only be made by permission of, and under the supervision of the Superintendent.
5. To preserve the orderly appearance of the cemeteries, any flower bed of the previous year which has not been planted by June 15, may be sodded by the Town and the cost charged to the Interments Rights Holder.
6. Flower beds are required to be cleared of tender plants after the first frost of the autumn. Lot owners desiring to take any plants away should do so before their removal becomes necessary by cemetery staff.
7. Potted plants must not be buried but must be placed on top of the ground as close as possible to the monument base.
8. Those who place potted plants or urns are responsible for their upkeep and must remove them by October 15.
9. Cement urns are allowed to remain after October 15, beside the cemetery lot. The urns must be placed upside down and as close to the monument as possible.
10. Artificial wreaths without glass or plastic covers are allowed to be placed on the lot after October 15, provided that they are securely fastened to the monument, or where there is no monument, mounted on a stand at least 76.20 cm (30 inches) high and securely anchored to the ground.
11. To preserve the proper appearance of the grounds, artificial wreaths must be removed before April 15 of each year; otherwise Cemetery authorities will remove them.
12. No Flowers, ornaments or decorations will be permitted on or around Columbariums

G) MONUMENTS AND MARKERS – GENERAL INFORMATION

1. No monument or other structure shall be erected or permitted on a lot until Monument permit application has been approved by Town Staff and all charges have been paid in full.
2. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Superintendent.

3. No monument or marker will be delivered to the cemeteries without an installation form containing the following information:
 - a. The Interment Rights Holder name and address.
 - b. Instructions for placement of the marker or monument.
 - c. The dimensions, if a flat marker.
 - d. In the case of a monument:
 - i) The dimensions of the die, height, width, length.
 - ii) The dimensions of the base, height, width, length.
 - iii) The overall size of the monument.
 - iv) A description of the monument: colour and design.
 - v) The appropriate amount for the Care and Maintenance Fund in relation to the size of the marker/monument as set out in the *Cemeteries Act R.S.O. 1990*, must accompany the monument.
4. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the *Cemeteries Act R.S.O. 1990*, to the Town Monument/Marker Fund. The interest earned from this fund will be used to maintain the markers or monuments in a safe condition.
5. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Town shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.

H) MONUMENTS & NICHE SHUTTERS

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. Minor scraping of the base portion of monuments due to turf mowing operations is considered by the Town as normal wear.
3. The Town will take reasonable precautions to protect the property of Interment Rights Holders, but assumes no liability for the loss of, damage to, any monument, or part thereof except where such damage or loss is due to negligence by the Town.
4. The Town reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. Monuments must not be of a size that would interfere with any future interments.
5. A double lot is permitted one upright monument and 2 corner posts.
6. No monument other than a flat marker may be erected on a single grave and only one flat marker may be erected thereon.
7. The maximum size of flat marker on a single lot is:
 - Width 60.96 cm (24 inches)
 - Base (maximum) 35.56 cm (14 inches)
 - Die (minimum) 15.24 cm (6 inches).
8. The maximum size monument allowed on a double lot is:
 - Height 1.23 metres (4 feet)
 - Width 1.07 metres (3 feet, 6 inches)
 - Base (maximum) 35.56 cm (14 inches)
 - Die (minimum) 15.24 cm (6 inches)
 - Die (maximum) 25.40 cm (10 inches)
9. The minimum thickness of a die should be 15.24 cm (6 inches). Should the monument exceed 0.91 m (3 feet) overall height, the die must be 20.32 cm (8 inches).

10. The die stones must be installed on a granite base. The height of the base shall be a minimum of 20.32 cm (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 7.62 cm (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
11. Unless adjoining plots are owned, both sides of the stone cannot be used. Monuments cannot be placed "back-to-back" against another.
12. Monuments must be placed at the centre of the head end of the lot where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Superintendent before a monument is set.
13. No inscription shall be placed on any monument or niche shutter which is not in keeping with the dignity and decorum of the cemetery.
14. Inscriptions on niche shutters are limited to names, date of birth and date of death only. No photographs, drawings or illustrations are permitted on niche shutters
15. All photographs attached to any memorials or placed within the cemetery shall be the sole responsibility of the owner.
16. All foundations for monuments and markers shall be built by, or contracted to be built for, the Town at the expense of the Interment Rights Holder.
17. The charges for the construction of foundation are set forth in the tariff of rates.
18. No foundations may be constructed after November 15 in any year or before April 1 in the following year.
19. The foundation shall be built in the designated space and in proper dimensions of the monument base. If incorrect dimensions have been given on the applicant form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and rebuilt by the cemetery, at the expense of the Interment Rights Holder. Foundations will not be less than 1.23 metres (4 feet) deep and they will set at the Superintendent's direction.
 1. The required concrete mix for foundations will be
20.5 MPA
75 mm slump
20 mm aggregate
5% +/- 1% Air Entraining agent
Trowel finish all edges
Reinforcing bars shall be included at the direction of the Superintendent.
 2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
 3. A foundation must be cured for a minimum of 24 hours before placing the monument.
19. No concrete shall be placed until a representative of the cemetery has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.
20. Defective areas must be repaired to the approval of the cemetery management. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27

cm (1/2 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the Superintendent.

I) MARKERS

1. The owner may on receipt of the Rights Certificate, at his/her own expense have bronze, stone or concrete land marks 15.24 cm (6 inches) square and not less than 15.24 cm (6 inches) deep, dressed on all sides and bearing suitable identification permanently marked therein, placed at the corners of the lot or lots conveyed to him/her, such posts to be planted flush with the ground.
2. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months.
3. Markers or footstones of bronze, marble or granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations deemed necessary as per the size of lot in that section. Its placement must not interfere with future interments.

Single lot maximum	35.56 cm x 60.96 cm	14" x 24"
Double lot maximum	35.56 cm x 76.20 cm	14" x 30"
Cremation lot maximum	35.56 cm x 60.96 cm	14" x 24"

4. Each single lot may be marked on the ground with a flat marker only.
5. One marker may be placed at each grave in addition to the monument. The marker shall be placed closest to the monument and shall not exceed 40.64 cm x 60.96 cm (16" x 24").
6. Any flat marker that exceeds the standard width of 30.48 cm (12 inches) may only be installed after a full interment has taken place.
7. The minimum thickness for all flat markers including footstones is 10 cm (4 inches).
8. All markers and monuments shall be constructed of bronze, granite or marble. The bottom bed of all bases and markers shall be cut level and true.

J) RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKERS

1. No monument or marker will be delivered to the cemetery without proper paperwork. Monument Permit Application must be reviewed and approved by Town Staff prior to delivery and installation of Monument, marker or niche shutter.
2. Monument dealers must state on each order the date they wish foundations be ready and must give at least fifteen (15) working days notice before the work is required.
3. No monument or marker will be delivered to a cemetery until the foundation is completed and the contractor is ready to proceed with work of erection.
4. No monument or marker will be removed without permission from the Superintendent.
5. All companies who do work in the Town cemeteries shall provide proof of Workplace Safety Insurance coverage for their workers as well as sufficient liability insurance. The Town also has in place a Health & Safety Program for Contractors.

6. Contractors, masons and stone cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from damage.
7. There shall not be a variance of more than 1.27 cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered.
8. The demeanour and behaviour of all workers employed by others, while in a cemetery, shall be subject to the control of the Superintendent.
9. Workers shall cease work if in the immediate vicinity of a funeral, until conclusion of the service.
10. All work must be done during regular cemetery hours, unless by special permission of the Superintendent.
11. No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed, by the hour of noon that day.
12. Heavy loads shall not be permitted in a cemetery when conditions may result in damage to roads.
13. No monument dealer shall park on the grass unless otherwise directed to do so by the Superintendent.
14. All implements and materials used in the performance of any work shall be placed where the Superintendent may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such a manner as the Superintendent may order. Otherwise the obstruction will be removed, and the expense charged to the monument dealer.
15. If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Superintendent. As well all work must be supervised by an employee of the Town. The monument dealer shall pay the Town the prescribed fee plus necessary taxes for supervising the monument company's employees.

K) RULES FOR VISITORS

1. Visitors are welcome at cemeteries during open hours: which during the summer are 8:00 a.m. to 9:00 p.m. Monday to Friday and 10:00 a.m. to 9:00 p.m. Saturday, Sunday and Holidays, and during the winter are 8:30 a.m. to 4:00 p.m. Monday to Friday. Visitors are required to maintain a respectful manner.
2. The Superintendent and assistants are empowered and are required to preserve order and decorum in the cemetery.
3. No parades other than funeral processions shall be admitted to or be organized within the cemetery.
4. Children under age twelve years are welcome in cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct.
5. Visitors shall not run or walk over the lots or climb upon the monuments.
6. Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave avenues or park on the grass unless directed to do so by the Superintendent.
7. No All Terrain Vehicles or snowmobiles are allowed in the cemetery.

8. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
9. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around a cemetery.
10. Dogs shall be on a leash and "poop and scoop" shall be strictly enforced.
11. No picnic party shall be permitted on cemetery grounds.
12. Any person who damages or moves any tree, plant, marker, fence, structure or other thing usually erected planted or placed in a cemetery is liable to the Town and to any Interment Rights Holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the condition of the cemetery before anything was damaged or moved by the person liable.
13. Any complaints by Interment Rights Holders or visitors should be made to the Superintendent and not to workers on the grounds and controversies with workers or others on the grounds are to be avoided.
14. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc.
15. Any person disturbing the quiet and good order of a cemetery by noise or other improper conduct or who violates these by-laws, will be expelled from the grounds.
16. 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 a cemetery may be removed by cemetery staff. Any article removed will be held at the cemetery for collection. If not collected, articles will be disposed of after one month.
17. No tips or gratuities are to be given to cemetery workers by visitors or lot owners, nor shall be accepted by any cemetery worker.

L) **CEMETERIES**

This By-law applies to all active, historical, and abandoned cemeteries within the Town, including but not limited to:

Thornbury / Clarksburg Union Cemetery
Victoria Corners Cemetery
Gibraltar
Banks
Heathcote
Ravenna

Schedule "A"2010 Rate Schedule

Effective date:

Lots

Standard		\$780.00
Cremation		\$500.00
Columbarium	Row 1 & 6	\$800.00
	Rows 4 & 5	\$1,000.00
	Rows 2 & 3	\$1,200.00

Interment Charges

Adults	Resident	\$780.00
Infant	Resident	\$305.00
Child	Resident	\$390.00
Double Depth		\$300.00 (in addition to above)
Cremation	In ground	\$390.00
	Niche	\$200.00
Disinterment Only		\$700.00
Disinterment and second grave opening in another location		\$950.00
Lowering remains for second interment		\$950.00

Markers

Flat marker measuring at least 1,116.1 cm ² (173 sq. in)	\$50.00
Upright marker measuring 1.07 m (3' 6") in either height or length including the base	\$100.00
Upright marker measuring more than 1.22 m (4') in either height or length including the base	\$200.00

Transfer Fee \$50.00

Issue New Deed \$30.00

Chapel and Storage \$150.00

Corner Markers \$267.50