

**THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH**

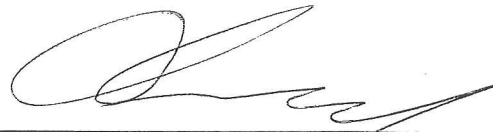
BY-LAW NUMBER 077-17

**BEING A BY-LAW TO CONTROL THE CEMETERY OWNED
BY THE CORPORATION OF THE TOWNSHIP OF
WELLINGTON NORTH**

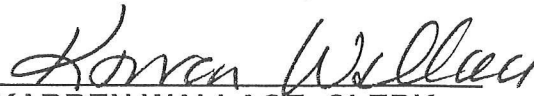
**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH HEREBY ENACTS AS
FOLLOWS:**

1. The Cemeteries shall be managed and governed by the Rules and Regulations set out in Schedule "A" attached to this by-law.
2. Any previous versions of the cemetery by-law are hereby repealed.
3. This By-law shall take effect on approval of the Registrar.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 10TH DAY OF OCTOBER, 2017.**



ANDREW LENNOX, MAYOR



KARREN WALLACE, CLERK

I, Karren Wallace, CLERK OF THE
TOWNSHIP OF WELLINGTON NORTH
HEREBY CERTIFY THIS TO BE A
TRUE AND COMPLETE COPY


Karren Wallace

SCHEDULE "A"
Mount Forest Cemetery Rules and Regulations

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1. DEFINITIONS

- 1.1** “**Act**” shall mean the *Funeral, Burial and Cremation Services Act, 2002* and its associated regulation and any successor acts.
- 1.2** “**Base**” shall mean that portion of a monument or marker which sits upon the foundation and is in turn capped by the upper main portion of the monument or marker. The base excludes the foundation beneath and the monument or marker above;
- 1.3** “**Burial**” shall mean the opening and closing of an inground lot for the interment of human or cremated remains;
- 1.4** “**Care and Maintenance Fund**” shall mean the trust fund established pursuant to the Act;
- 1.5** “**Chapel**” shall mean the building located in the cemetery grounds in which uncremated bodies are stored prior to burial.
- 1.6** “**Clerk**” shall mean the Clerk for the Township of Wellington North or his/her designate;
- 1.7** “**Columbarium**” shall mean a structure designed for the purpose of interring cremated human remains in niches or compartments;
- 1.8** “**Emergency**” shall mean a situation outside of normal cemetery operating circumstances as defined in this By-law that, at the discretion of the municipality, requires expedited attention;
- 1.9** “**Fees and Charges**” shall mean the list of cemetery product and service prices set out in the Township of Wellington North’s Fees & Charges By-law as amended from time to time;
- 1.10** “**Foundation**” shall mean a poured concrete foundation upon which a monument (specifically the base) is placed;

- 1.11 **"Grave"** shall mean a ground lot intended for the interment of human remains or cremated human remains
- 1.12 **"Human remains"** shall mean a deceased human body or the cremated remains of a human body;
- 1.13 **"Interment Rights"** includes the right to require or direct the interment of human remains in a lot;
- 1.14 **"Interment Rights Holder"** shall mean any person designated to hold the right to inter human remains in a specified lot;
- 1.15 **"Lot"** shall mean a single grave;
- 1.16 **"Marker"** shall mean any monument, memorial, cornerstone, footstone, flat marker affixed to or intended to be affixed to a burial lot, columbarium niche or other structure or place intended for the deposit of human remains excluding base and foundation;
- 1.17 **"Monument:"** shall mean any permanent marker projecting above ground level and is also known as a headstone;
- 1.18 **"Niche"** shall mean an individual compartment in a columbarium for cremated human remains;
- 1.19 **"Personal Representative"** shall mean a person who is authorized to act on behalf of the purchaser or their estate;
- 1.20 **"Plot"** shall mean more than 1 grave/lot that is sold as a unit;
- 1.21 **"Pre-need supplies or services"** mean cemetery supplies or services that are not required to be provided until the death of a person alive at the time the arrangements are made;
- 1.22 **"Scattering Garden"** is specific area designated for the scattering ashes of human remains;
- 1.23 **"Scattering Rights"** includes the right to require or direct the scattering of cremated human remains on the scattering ground of a cemetery;
- 1.24 **"Urn"** shall mean a vase for holding the ashes of the cremated dead;
- 1.25 **"Urn Vault"** shall mean a small reinforced container used to house a cremation urn that is buried in the ground;
- 1.26 **"Vault"** shall mean any container used to contain and protect an interred casket or urn.

2. APPLICATION AND ENFORCEMENT

- 2.1 The municipality reserves full control over the cemetery operations and management of land within the cemetery.
- 2.2 The Clerk shall be responsible for giving advice concerning the general management of the cemeteries pursuant to the provisions of these rules and regulations and such further direction from Council by resolution or by-law.
- 2.3 The Clerk shall be responsible for all sales of lots and cemetery services, for the maintenance of cemetery records and shall administer the Council approved budget.
- 2.4 The Clerk shall maintain up-to-date records, including:

- 2.4.1 plans or surveys of the cemeteries;
 - 2.4.2 the names of all interment rights holders and their addresses;
 - 2.4.3 copies of all contracts for the purchase of cemetery supplies and/or services;
 - 2.4.4 copies of all transfers of interment rights;
 - 2.4.5 the date of, and location of, all interments within the cemeteries, and whether such interments are of cremated remains;
 - 2.4.6 a copy of the consent of the interment rights holder for each interment;
 - 2.4.7 applications for each consent with respect to the placement of markers; and
 - 2.4.8 any other information required under the Act.
- 2.5 The Clerk shall maintain the public register as required by *Ontario Regulation 30/11* and shall make the registrar available for viewing at the Township office during regular business hours or by electronic means.
- 2.6 The Treasurer, shall be responsible for the management and investment of care and maintenance funds in accordance with the provisions of the Act.
- 2.7 The municipality shall reserve the right to prohibit any behaviour or activity that interferes with the safety of the public or employees or that is not in keeping with respecting the decorum of the cemetery.
- 2.8 The municipality shall reserve the right to carry out any procedural or administrative duty related to the efficient operation of the cemetery.

3. SALES AND TRANSFERS OF INTERMENT RIGHTS

- 3.1 Any purchaser of interment, inurnment or scattering rights shall enter into a cemetery contract providing all information required by the municipality for the completion of the contract and the public register.
- 3.2 All sales of interment rights and cemetery services or cemetery supplies shall be made by the Clerk using a Contract (Form 1 – Terms and Conditions of Interment Rights and Cemetery Services and Supplies).
- 3.3 Prior to the entering into the contract, the Clerk shall provide each purchaser with:
- 3.3.1 a copy of the Cemetery By-law;
 - 3.3.2 a copy of the contract;
 - 3.3.3 A copy of the Consumer Information Guide, Funeral, Burial, Cremation and Transfer Services; and
 - 3.3.4 any other information as required under the Act.
- 3.4 Upon payment in full, the Clerk will issue a Certificate of Interment Rights to the purchaser (Form 2 – Certificate of Interment Rights).
- 3.5 There shall be no choice of location for a casket or cremation ground lots or location of a niche in the columbarium.

- 3.6 A purchaser has the right to cancel an interment or scattering rights contract within 30 days of signing the interment, inurnment or scattering rights contract, by providing written notice of the cancellation to the Clerk. The municipality will refund all monies paid by the purchaser within 30 days from the date of the request for cancellation.
- 3.7 Thirty days after a purchase of an interment, inurnment or scattering rights, upon the Clerk receiving written notice from the purchaser, within 30 days the municipality will cancel the contract and issue a refund to the purchaser for the amount paid for the interment or scattering rights less amount paid to the Care and Maintenance Fund. If the interment, inurnment or scattering rights certificate has been issued to the interment or scattering rights holder(s), the certificate must be returned to the Clerk along with the written notice of cancellation and all paperwork as deemed necessary by the Clerk must be completed before the municipality reimburses the rights holder.
- 3.8 The municipality shall reserve the right to cancel any sales transaction at any time, provided burial rights have not been exercised and shall refund the price listed on the cemetery current price list and the care and maintenance contribution made at the time of the purchase.
- 3.9 Reselling purchaser or certificate rights to a third party shall be prohibited.
- 3.10 The rights holder may resell a lot, plot or niche to the municipality at the price listed on the cemetery current price list, less the care and maintenance contribution made at the time of purchase;
- 3.11 There shall be no resale to the municipality if interment, inurnment or scattering rights have been exercised.
- 3.12 The burial fee shall include the opening and closing of the lot or niche and registration of the burial or inurnment.
- 3.13 In cases of transfer of interment rights by will or bequest, the municipality reserves the right to require the production of a notarized copy of the will or other evidence sufficient to prove ownership.
- 3.14 Upon satisfactory evidence of the transfer of interment rights by will or bequest the Clerk shall issue a new certificate rights to the individual to whom the transfer was willed or bequested.
- 3.15 The municipality shall permit prepayment of interment and/or inurnment fees unless the interment is to take place within 6 months of the date of the sales contract.
- 3.16 When interment rights are held by two or more persons, written authorization shall be provided from either or any of them, or their authorized representatives, for interment in such part of the plot as may be requested.
- 3.17 When interment rights holders wish to add an additional name to be interred in the said plot, written authorization shall be provided by all rights holders.
- 3.18 Whenever a document is required to be signed by an interment rights holder and such holder has died, such holder's Personal and/or Authorized Representative shall sign such document. The Clerk may require evidence that a person signing documents required by this By-law is the Personal Representative and/or Authorized of a deceased interment rights holder.

4. LOTS, INTERMENTS, INURNMENTS

- 4.1 Lots shall only be used for the interment/inurnment of human remains.
- 4.2 No human remains shall be interred or placed in a niche without the written authorization of the interment rights holder(s).
- 4.3 More than one standard casket burial shall be permitted in a single lot provided the grave:
 - 4.3.1 was sold prior to January 1, 1998
 - AND
 - 4.3.2 the first interment is at double depth
- 4.4 A standard casket burial and two cremated remains shall be permitted to be interred in a single plot.
- 4.5 Up to four cremated remains shall be permitted to be interred in a single plot.
- 4.6 A burial permit issued by the Registrar General or an equivalent document showing that the death has been registered with the province shall be provided to the Clerk prior to a burial, scattering or entombment taking place.
- 4.7 A Certificate of Cremation shall be submitted to the Clerk prior to the burial of cremated remains or scattering of cremated remains taking place.
- 4.8 The opening and closing of graves and niches, or the scattering of cremated remains, shall be conducted by the municipality.
- 4.9 No interment, inurnment or scattering of human remains shall take place until payment in full has been made.
- 4.10 The person or representative of the rights holder requesting a lot/niche opening for interment/inurnment shall be responsible for the payment of the applicable fees and charges.
- 4.11 All communication regarding burials, openings, niche placements shall:
 - 4.11.1 be in writing to the Clerk by the rights holder or personal representative (Form 3 – Notice of Burial or Inurnment)
 - AND
 - 4.11.2 be delivered to the Clerk not less than 48 hours in advance of the event.
- 4.12 Uncremated human remains shall be interred in a lot:
 - 4.12.1 in a container having sufficient strength and durability so as not to collapse when covered with .61 metres (2 feet) of compacted earth;
 - 4.12.2 to support the passage of cemetery equipment;
 - 4.12.3 of a size to permit the burial within the size of the lot
- 4.13 Human remains may be disinterred from a lot provided written authorization of the interment rights holder or their representative has been received by the Clerk and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received by the Clerk before the removal of casketed human remains may

take place. A certificate from the local medical officer of health is not required for the removal of cremated remains.

4.14 In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).

4.15 All funerals shall be conducted between the hours of 10:00 am and 3:00 pm Monday to Friday and between 9:00 am and 12:00 pm on Saturday. Funerals are prohibited at the cemeteries on Sundays and Statutory holidays, Easter Monday and Remembrance Day (except as required by regulation).

4.16 No interment shall be scheduled in the cemetery outside the hours outlined in Item 4.15 of this by-law except based on a doctor's certificate that burial must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable diseases or unless special permission is granted by the Clerk, on advice from the Council.

4.17 No winter burials shall be permitted. The termination and commencement of burials in each year shall be at the discretion of the Cemetery Superintendent.

5. CARE OF LOTS AND CEMETERY GROUNDS

5.1 No lot or interment space shall be defined or enclosed by a fence, railing, coping, hedge or any enclosure or markers other than corner markers level with the sod.

5.2 If any tree or shrub situated on any lots has become 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 Cemetery Superintendent or employee may remove such tree or shrub or part thereof.

5.3 No person shall do any work upon a lot without the permission of the Cemetery Superintendent.

5.4 No Vases, urns, flower stands, flowers, memorial arrangements or wreaths (artificial or real) shall interfere with the care of the lot and if unsightly shall be removed or prohibited by the superintendent.

5.5 New flower beds shall not be permitted to be planted upon the passage of this by-law. Beds that were in existence prior to the passage of this by-law may remain, but if they become unkempt shall be sodded over by the Cemetery Superintendent and shall not be replanted.

5.6 Glass containers, nails, wires or pottery of any kind shall not be permitted on the cemetery grounds.

5.7 Rubbish shall not be thrown on roads, walks or any part of the grounds.

5.8 No lot owner shall change the grading of a lot and in case of any such change the municipality may restore the lot to its original grade at the expense of the owner.

5.9 No unauthorized person shall sod or move corner markers.

5.10 The municipality, its agents and employees shall not be responsible for loss of or damage to any articles placed upon any interment space or lot.

- 5.11 Implements or materials used in doing work within the cemetery shall not be left on the grounds and may be removed by the municipality.

6. MONUMENTS AND FOUNDATIONS

- 6.1 No person shall install, or make alterations, repairs, cleaning or removal of a marker, monument, memorial, footstone, or base of any description in the cemetery unless such person has:
- 6.1.1 notified the Clerk and Cemetery Superintendent in writing on a Notice of Monument Installation form (Form 4 – Notice of Monument Installation) no less than 3 business days prior to the start of work;
 - 6.1.2 paid in full all charges related to subject interment right including the application fee as set out in the fees and charges by-law
- 6.2 Minor scraping of the monument base of an upright monument due to grass/lawn maintenance or burial activities shall be considered to be normal wear.
- 6.3 The municipality will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.
- 6.4 The municipality shall:
- 6.4.1 reserve the right to determine the maximum size of monuments, their number and their location on each lot or plot.
 - 6.4.2 do whatever deemed necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk if it poses a risk to public safety
 - 6.4.3 remove at his/her sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery
 - 6.4.4 approve all specific design plans of monument or other structures including: dimensions, material of structure, construction details, and proposed location prior to installation
- 6.5 Lettering shall be permitted on the front and back of the monument.
- 6.6 No monument other than a headstone shall be installed on a single grave.
- 6.7 Monuments shall:
- 6.7.1 be composed of granite
 - 6.7.2 be set upon foundations not less than 122.92 cm (48 inches) in depth
 - 6.7.3 be placed upon a base
 - 6.7.4 not exceed 122.92 cm (48 inches) in height including the base
 - 6.7.5 be centred on each lot or adjoining lots provided the same rights holders owns the adjoining lots
 - 6.7.6 not exceed 122.92 cm (48 inches) overall height by 76.20 cm (30 inches) width on a single grave
 - 6.7.7 not exceed 122.92 cm (48 inches) overall height by 122.92 cm (48 inches) width on a double grave
 - 6.7.8 not exceed 122.92 cm (48 inches) overall height by 182.88 cm (72 inches) width on a four or six grave lot
 - 6.7.9 be not less a minimum thickness of 15.24 cm (6 inches) provided the monument is no more than 86.36 (34 inches) overall height by 91.44 cm (36 inches) in width;

- 6.7.10 be not less a minimum thickness of 20.32 cm (8 inches) if the monument exceeds 86.36 cm (34 inches) overall height and exceeds 91.44 cm (36 inches) in width;
- 6.7.11 be not less a minimum thickness of 20.32 cm (8 inches) if the monument is 50.80 cm (20 inches) in overall height and 106.68 cm (42 inches) in width'
- 6.7.12 be not less a minimum thickness of 20.32 cm (8 inches)

6.8 A base shall:

- 6.8.1 be composed of granite
- 6.8.2 be not less than 20.32 cm (8 inches) in height
- 6.8.3 be of sufficient size to provide for a minimum border of 7.62 cm (3 inches) of the top surface of the base exposed on all sides after placement of the monument
- 6.8.4 placed no closer than 7.62 cm (3 inches) to the lot width size on which it is to be installed
- 6.8.5 have bottoms that are smooth sawn

6.9 Pillow or book monuments shall not be permitted.

6.10 Burial lots shall be limited to the following:

- 6.10.1 a single lot –one monument and no cornerstones;
- 6.10.2 a double lot – one monument and two footstones OR two cornerstones;
- 6.10.3 a four grave lot – one monument, four footstones and two cornerstones
- 6.10.4 on a six grave lot – two monuments, six footstones and two cornerstones

6.11 The bottom bed of all bases and markers shall be cut level and true.

6.12 Cornerstones shall:

- 6.12.1 be made of granite
- 6.12.2 not exceed 15.24 cm (6 inches) square by 15.24 cm (6 inches) deep
- 6.12.3 be installed flush to the ground

6.13 Markers and footstones shall

- 6.13.1 be installed flush to the ground
- 6.13.2 not exceed 30.48 cm (12 inches) by 45.72 cm (18 inches) by 10 cm (4 inches) in depth
- 6.13.3 only be installed after an interment has taken place
- 6.13.4 shall be placed at the end of the grave farthest from the monument

6.14 Construction of new private mausoleums shall be prohibited.

6.15 Foundations shall:

- 6.15.1 not be constructed between November 15 to April 15
- 6.15.2 be replaced at the expense of the contractor if, in the opinion of the municipality, the foundation is not poured and installed properly
- 6.15.3 be between not less than 121.92 to 137.16 cm (48 to 54 inches) deep
- 6.15.4 be set at the direction of the municipality
- 6.15.5 constructed with the following concrete mix:
 - 6.15.5.1 20.5 MPA
 - 6.15.5.2 75 mm slump
 - 6.15.5.3 20 mm aggregate
 - 6.15.5.4 5% +/- 1% air entraining agent
- 6.15.6 be trowel finished
- 6.15.7 have all surface levels flush with the surrounding ground level
- 6.15.8 provide a level surface free of defects

6.15.9 cured for a minimum of 48 hours before placing the monument thereon

7 MONUMENT DEALERS, CONTRACTORS AND CONTRACT EMPLOYEES

7.1 Every contractor performing any work in the Cemetery shall:

- 7.1.1 comply with all provisions in this by-law;
- 7.1.2 comply with all applicable legislation
- 7.1.3 must provide a clearance certificate from the Workplace Safety and Insurance Board
- 7.1.4 general liability insurance of not less than \$2,000,000.

7.2 The behaviour of all contractors and their workers in the Cemetery shall be in accordance with this By-law and subject to the control of the Cemetery Superintendent.

7.3 Planks shall be laid on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury.

7.4 All work shall cease, if in the immediate vicinity of a funeral, until the conclusion of the service.

7.5 All work shall be done during regular cemetery hours, unless special written permission is obtained from the municipality.

7.6 No work shall be commenced on Saturday that cannot be finished, and debris removed by the hour of noon of that day.

7.7 No person shall access the cemetery in a vehicle carrying a heavy load when, in the sole discretion of the municipality, the roads are in an unfit condition.

7.8 No person shall drive or park on any part of the grounds unless designated or signed for access or parking.

7.9 No person shall deliver a monument to any cemetery until the foundation is completed and the contractor has the permission of the Cemetery Superintendent or employee to proceed with monument installation.

7.10 No person shall leave implements and materials used in the performance of any work except where the Cemetery Superintendent, and all rubbish and surplus earth shall be removed in such manner and at such time and to such place as the Cemetery Superintendent may order. Otherwise the Cemetery Superintendent or employee at his/her sole discretion may remove rubbish or obstructions and the expense shall be charged to the interment rights owner.

7.11 Any person who damages any lot, monument or other structure, or otherwise does any injury in the cemetery, shall be personally responsible for such damage or injury, and in addition thereto, his employer shall be liable therefore.

8 CHAPEL (VAULT) RULES

8.1 The municipality reserves the right to determine if adverse weather or ground conditions shall prevent a burial in the cemetery.

8.2 If it is deemed necessary, storage in the chapel may be required until conditions permit the interment.

8.3 The burial permit and interment information must accompany the human remains when delivered to the cemetery for storage in the chapel.

- 8.4 All caskets must be removed from the storage in the chapel each year by May 15 or as soon thereafter as weather permits.
- 8.5 The bodies of persons dying from contagious diseases cannot be admitted to the chapel for storage but must be interred.
- 8.6 The municipality may remove a body stored in the chapel and inter it in a single plot at any time after the expiration of the time for which payment has been made, or at any time should the condition of the body render its interment, necessary or expedient.
- 8.7 All human remains stored in the chapel must be embalmed and must be encased in a wooden or metal casket.
- 8.8 All funeral homes and or interment rights holders shall have proper insurance coverage on any bodies stored in the chapel.

9 COLUMBARIUM RULES

- 9.1 All niche fronts inscribing must be approved by the Cemetery Superintendent or employee to ensure quality control, desired uniformity and standard of workmanship.
- 9.2 No person shall add attachments or decorations on the columbarium.
- 9.3 Notwithstanding 9.2, any etching or marking to honour a veteran is permitted on the niche front without approval providing:
 - 9.3.1 such marking is one issued and approved by the Royal Canadian; and
 - 9.3.2 the marking does not interfere or change the standard font size on the niche front
- 9.4 No more than a maximum of two urn placements shall be permitted in the columbarium niche. It is the responsibility of the rights holder to ensure that the urns used are sized to fit inside the niche.

10. GENERAL RULES

- 10.1 Visitors shall exhibit the respect for the dead and maintain order and decorum on all cemetery grounds.
- 10.2 No parades other than funeral processions or Decoration Day ceremonies shall be permitted within the Cemetery.
- 10.3 No person shall operate a vehicle within a cemetery with a rate of speed in excess of 20 km/hour.
- 10.4 No person shall cause a the vehicle to leave designated cemetery roadways.
- 10.5 Any complaints by interment rights owners or visitors shall made to the Clerk in writing.

BAO		BEREAVEMENT AUTHORITY OF ONTARIO
L'AUTORITÉ DES SERVICES FUNÉRAIRES ET CIMETIÈRES DE L'ONTARIO		
APPROVED	APPROUVÉ	
In accordance with the <i>Funeral, Burial and Cremation Services Act, 2002</i>	Conformément à la Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation	
Date of Approval/ Date de l'approbation	NOVEMBER 15, 2017	
File/Licence No. Numéro de Fiche/Permis	3308872-1 / 00813	
By/ Par	Caryn Smith	