

**The Corporation of the Township of
Guelph/Eramosa**

By-law Number 40/2017

**A By-law for the Management, Regulation and
Control of Cemetery and to repeal the
Rockwood Cemetery By-laws, dated
October 14, 1997, as amended.**

WHEREAS pursuant to The Funeral, Burial and Cremation Services Act 2002, O.Reg. 30/11, s. 150 (1) an owner of a cemetery or crematorium may make by-laws affecting the operation of the cemetery or crematorium;

AND WHEREAS the Corporation of the Township of Guelph/Eramosa is the owner of cemeteries;

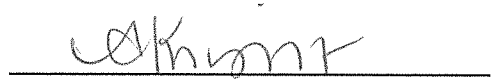
AND WHEREAS it is deemed desirable to repeal the Rockwood Cemetery By-laws, dated October 14, 1997, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa enacts as follows:

1. THAT the articles hereto attached as schedule "A" forms part of this by-law;
2. THAT this by-law be known as the Cemetery By-law;
3. THAT the Rockwood Cemetery By-laws, dated October 14, 1997, as amended is hereby repealed upon approval of this by-law by the Bereavement Authority of Ontario;
4. THAT this by-law shall not come into force and effect until approved by the Bereavement Authority of Ontario;
5. This By-law No. Xx-2017 will supersede and make obsolete any by-law to the contrary.

READ three times and finally passed
this **15th** day of **May, 2017**.


Chris White, Mayor


Meaghen Reid, Clerk

INDEX

ARTICLE 1 - Definitions, Appointments, Duties and General Information.....	3
ARTICLE 2 – Rules and Regulations.....	5
ARTICLE 3 – Sale of Interment Rights.....	7
ARTICLE 4 – Cancellation/Resale/Transfer of Interment Rights.....	8
ARTICLE 5 – Interments.....	10
ARTICLE 6 – Disinterments.....	12
ARTICLE 7 – Lot Decorations.....	13
ARTICLE 8 – Flush Markers.....	16
ARTICLE 9 – Upright Grave Monuments.....	17
ARTICLE 10 – Erection of Upright Monuments.....	19
ARTICLE 11 – Cremation Sections.....	19
ARTICLE 12 – Lot Embellishments.....	20
ARTICLE 13 – Care and Maintenance.....	20
ARTICLE 14 – Requests for Service.....	20
ARTICLE 15 – Fees By-law.....	20
ARTICLE 16 – Offences.....	20
ARTICLE 17 – Enforcement.....	21

Article 1

DEFINITIONS, APPOINTMENTS, DUTIES AND GENERAL INFORMATION

1.1 Definitions

Refers to the Bereavement Authority of Ontario (BAO: Not for profit Corporation responsible for administering provisions for the, Burial and Cremation Act, 2002 and associated regulations on behalf of the Ontario government.

Burial: The opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains;

By-laws: The rules under which the Corporation of the Township of Guelph/Eramosa Cemetery operate;

Care and Maintenance Fund: It is a requirement under the FBCSA that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the cemetery;

Cemetery: The lands set aside and approved for the interment of human remains and includes a columbarium, chapel or similar structures;

Contract: For the purpose of this by-law, all purchasers of interment rights must sign a contract with the Township, detailing obligations of both parties and acceptance of the Cemetery By-law;

Corner Posts: Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot;

FBCSA: The Funeral, Burial and Cremation Services Act, 2002;

Fees By-law: The price list for the Corporation of the Township of Guelph/Eramosa Cemetery section

Township: The Corporation of the Township of Guelph/Eramosa;

Columbarium: A structure designed for the interment of cremated human remains in sealed compartments;

Interment Rights: The Right to require or direct the interment of human remains in any lot;

Interment Rights Certificate: The document issued by the Township to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights;

Interment Rights Holder: A person with interment rights with respect to a lot and includes a purchaser of interment rights under the Cemetery Act;

Lot: An area of land containing or set aside to contain human remains and includes a niche in a columbarium;

Marker: A flat memorial made of granite which is installed flush with the ground;

Manager: The Director of Parks and Recreation

Memorial: Any monument, marker, or plaque, intended for commemoration;

Monument: An upright memorial usually made of granite installed at the head of a lot;

Niche: An individual compartment in a columbarium for the entombment of cremated human remains;

Registrar: Refers to the registrar for the BAO

Owner: The Corporation of the Township of Guelph/Eramosa;

Plot: Two or more lots in which the rights to inter have been sold as a unit;

1.2 Appointments

Township Council shall appoint a Manager of Cemetery and assistants, as required.

1.3 Duties

The Manager of Cemetery and/or assistants shall perform the duties set out in Section 1.4 through 1.8.

1.4 Applicable Law

Observe and carry out all the provisions of this Chapter and of the F.B.C.S.A. and the regulations made there under.

1.5 Graves – Niche

Mark all graves, open and close all lots, and niche in the Township Cemeteries.

1.6 Funerals

Be readily available at all funerals held in the Cemetery and fill in all graves after interment services.

1.7 Maintenance

Attend to the regular and proper maintenance of the Cemeteries.

1.8 Other Duties

Perform such other duties as directed by Township Council.

1.9 Hours of Operation:

Visitation Hours: No person shall enter the cemetery except through an established entrance, nor shall they enter or be within any cemetery after sunset or before sunrise

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

Burial Hours: Regular Burial Hours are considered Monday to Friday from 8:00 a.m. to 2:00 p.m. Funerals arriving after 2:00 p.m. on Monday to Friday will be charged an additional fee.

Burials are permitted on Saturday from 8:00 a.m. to 12:00 p.m. only and will be charged an additional fee.

No funeral service shall be held and no interment shall be made in the said cemetery on Statutory Holidays, Sundays, and Remembrance Day, except pursuant to an Order of the Regional Medical Officer of Health.

1.10 By-law Amendments

The Rockwood Cemetery within the Township shall be governed by this By-law, and all procedures will comply with the FBCSA and Ontario Regulation 30/11, which may be amended periodically.

All amendments to this By-law will be:

- a) Published once in a newspaper with general circulation in the locality with the cemetery is located;
- b) Conspicuously posted on a sign at the entrance of the cemetery; and
- c) Delivered to each supplier of memorials who has delivered a memorial to the cemetery during the previous year, if the by-law or by-law amendment pertains to memorials or their installation.

All by-law amendments are subject to the approval of the Registrar, Bereavement Authority of Ontario.

1.11 Pets or Other Animals

Pets or other animals, including cremated animals remains, are not allowed to be buried on cemetery grounds.

1.12 Right to Re-Survey

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

Article 2 RULES AND REGULATIONS

2.1 Entry – Limitations

No person shall enter the cemetery except through an established entrance, nor shall they enter or be within any cemetery after sunset or before sunrise. Ontario Provincial Police and authorized Township staff are exempt.

2.2 Adult Supervision

People over the age of 12 years are considered adults. Children under 12 years of age must be attended by an adult responsible for their conduct, or children with Township office approval may enter the cemeteries.

2.3 Gratuities - Prohibited

No gratuities shall at any time be given to an officer or employee of the Township, nor shall any reward be given for any personal service or attention.

2.4 Bicycles - Restricted

Bicycles shall be permitted only on Cemetery roads.

2.5 Animals – Restricted

No person shall permit any animal, including dogs, to enter or remain in the said Cemeteries. Service animals are exempted.

2.6 Alcoholic Beverages - Prohibited

No person shall bring any alcoholic beverage upon Cemetery properties.

2.6 Damage

No person shall:

- a) damage any memorial, chapel or structure within the Cemetery;
- b) damage any tree, shrub, plant or flowers (be they private or public property) within the limits of the Cemetery;
- c) damage any fence, railing, or gate used for the protection of the Cemetery,
- d) play any game of sport on Cemetery property;
- e) discharge any firearms (save at a military funeral);
- f) disturb any person or persons assembled for the interment of any other person;
- g) create a nuisance in the Cemetery

2.8 Debris

No person shall deposit rubbish or yard waste on the grounds of the Cemetery except in the receptacles provided.

2.9 Soliciting

Soliciting in the Cemetery is strictly prohibited save for the placement of identifying memorialist tags. Such tags shall be placed at the left rear bottom edge of the upright monument between the die and the base. The exposed area of the tag shall not exceed 7.62cm (3") in width and 2.56cm (1") in height. Such tags will only be permitted on upright monuments.

2.10 Manager- Direction - Control

All workers in any capacity within the Cemetery, whether as masons, carvers, stonecutters, monument contractor, vault dealer, helpers, are subject to the direction and control of the Manager.

2.11 Vehicular Traffic - Restrictions

The Manager may restrict vehicular access to the Cemetery when the roads are soft or otherwise impassable.

2.12 Vehicular Traffic - Speed Limit

No person driving a vehicle shall:

- a) leave the travelled portion of the road; or
- b) exceed a speed of 10 km/h

2.13 Staff Requirements

Municipal staff or authorized personnel only, may perform the following services within the Rockwood Cemetery:

- all interments, inurnments and marking out graves
- install all monument foundations and flush markers
- install all trees and shrubs

2.14 Encroachment

Without written consent from the municipality, no person shall encroach upon or take possession of any cemetery or part thereof by any means whatsoever, including but not limited to:

- a) the construction, installation or maintenance of any fence or structure;
- b) the planting, installation or maintenance of any plant, plant material, shrub, tree or garden;
- c) leave, deposit, store or dump any waste or plant material of any kind whatsoever;
- d) store, maintain, repair or construct a vehicle of any description, trailer, building, structure, fence or playground equipment in any cemetery;
- e) remove, destroy or construct any new pavement, sidewalk, crosswalk, trail, grass plot or roadway or any part thereof without written consent from the municipality;
- f) Install a gate in a fence adjacent to the Cemetery that creates an access point to the cemetery.

Article 3 SALE OF INTERMENT RIGHTS

3.1 Interment Rights and Cemetery Services

All charges for interment rights and cemetery services sold are due in full within 30 days from the date of invoicing. After the 30 days period is ended, a monthly interest charge will be charged on the outstanding balance.

3.2 Interments Sold In Advance

Interments sold in advance of need shall be deemed to cover all costs incurred with a standard grave opening. Any unforeseen costs such as overtime shall be an additional charge levied to the Interment Rights Holder or their representative.

3.3 Interments - Licensing Fee

All interments sold shall include all appropriate license fees.

3.4 Fees By-law

The purchase price of lots and niches (otherwise known as interment rights) shall be set forth in the Fees By-law as prescribed by Council from time to time and shall set aside the following percentages for care and maintenance:

- a) all graves - Care & Maintenance Fund 50% or \$700, whichever is greater.

- b) all niches - Care & Maintenance Fund 50% or \$1,000, whichever is greater.

3.5 Payments - Township Finance Department

All payments shall be made payable to the Township of Guelph/Eramosa.

3.6 Payment - Certificate of Interment Rights

Certificate of Interment Rights is not issued until payment has been received in full.

3.7 Payment Not Made - Contract Void

Unless the full purchase price of the contract is paid in full within 6 months after the application for purchase is made, the contract shall be null and void and of no further effect and all monies paid by the applicant shall be refunded by the Township unless other arrangements have been approved.

3.8 Purchase - Limitations

No person, group or organization shall be entitled to hold the interment rights for more than 30 unused grave spaces in any one cemetery. Those individuals listed as the Interment Rights Holders through such organizations will have exclusive Interment Rights for the entire plot. Regular updates of those Interment Rights Holders filed with the cemetery office are mandatory to maintain proper order of these plots.

3.9 Non-Resident - Surcharge

A surcharge of 15% will be levied to any Interment Rights Holder or deceased who does not reside in, or has not resided or owned property within the Township tax base within the previous ten (10) years.

Article 4

CANCELLATION/RESALE/TRANSFER OF INTERMENT RIGHTS

4.1 Transfer/Private Sale/Cancellation of Interment Rights

Purchasers of interment rights acquire only the right to direct the burial of human remains and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-law. No burial or installation of any monument, marker, inscription, or memorialisation is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of the interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights may advise the cemetery operator of their intention prior to seeking a third party buyer for their interment rights.

4.2 Cancellation of Interment Rights within the 30 Day Cooling-off Period:

A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

4.3 Resale of Interment Rights after 30 Day Cooling-Off Period:

Once payment for the interment rights has been made in full, and an interment rights certificate has been issued, the interment rights holder(s), as recorded on the cemetery records, has right to re-sell the interment rights to a third party, unless the interment rights have been exercised. The Township may purchase the interment rights back after the 30 day cooling-off period at an agreed upon amount, less the care and maintenance contribution. Any resale of the interment rights to a third party shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA. The interment rights shall not be sold for an amount greater than that of the current schedule of fees.

In accordance with the FBCSA, Regulation 30/11, the Cemetery is not required to repurchase the interment rights.

If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to re-sell the interment rights.

4.4 Requirements to Resale Interment Rights

If the interment rights holder(s) intend to sell their rights, they shall provide the following to the Manager:

- An interment rights certificate endorsed by the current rights holder
- If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available
- Any other documentation in the interment rights holder(s) possession relating to the rights

The third party purchaser will be provided with the following documents by the Manager:

- An interment rights certificate endorsed by the current rights holder
- A copy of the cemetery's current by-laws
- A copy of the cemetery's current price list
- If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available
- The signature of the cemetery operator confirming that the person selling the rights is shown as the rights holder on the records of the cemetery.
- Any documentation in the interment rights holder(s) possession relating to the rights

The Manager will require:

- A statement signed by the rights holder(s) selling the interment rights acknowledging the sale of the interment rights to the third party purchaser
- Confirmation that the person selling the interment rights is the person registered on cemetery records and that they have the right to re-sell the interment rights
- Record the date of transfer of the interment to the third party
- The name and address of the third party purchaser(s)
- A statement of any money owing to the Manager in respect to the interment rights.

Once the endorsed certificate and all required information has been received by the Manager from the rights holder(s), the Manager will issue a new interment rights certificate to the third party purchaser. The private sale or transfer of interment rights are not recognized by the Township until the original interment rights certificate has been returned to the Township, with

the sale or transfer endorsement completed and duly signed by the rights holder. The current transfer fee as listed in the Cemetery fee schedule is due and payable at the time of the sale or transfer.

Upon completion of the above listed procedures, and upon issuance of the new interment rights certificate, the third party purchaser or transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with the cemetery by-law and the FBCSA.

The Manager may charge an administration fee for the issuance of a duplicate certificate in accordance with the price listed in the Fees By-law.

The Manager does not prohibit the resale of an interment rights and may repurchase the interment rights from the rights holder(s) if the Manager so desires and may negotiate a purchase price so long as the seller acknowledges being aware of the Managers current price list amounts for interment rights.

4.5 Transfer

Interment rights may be transferred to another party. Such rights will be transferred by making application at the Township Office and by completing the transfer portion of the Interment Rights Certificate and paying the fee as prescribed in the Fees By-law.

Article 5 INTERMENTS

5.1 Burial Permit - Cremation Certificate Required

No interment shall take place without a Burial Permit or a Cremation Certificate as is applicable, nor until the person making an arrangement for the interment have complied with all laws, rules and regulations relative to burials. Should the interment right holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder. Persons contracting for interment rights and/or making arrangements for burials shall be responsible for all charges incurred.

5.2 Interments - Conditions Precedent

The Manager shall not make any interment, inurnment on any grave or in any niche unless and until the person/persons ordering the same shall first exhibit:

- a) A signed paid in full contract respecting the purchase of the interment right, or niche and the authorization to proceed with the interment, inurnment (as is the case); or
- b) A Certificate of Interment Rights indicating the party is the rightful owner of the interment rights upon which the interment activity is requested; however, for indigent burials, approval of the County Social Services Department indicating that they will be responsible for the payment of such burial and authorization number will be required. Interment rights, sold for indigent use, will be selected by the Manager or designate;
- c) In those circumstances where the party requesting the interment activity is unable to provide evidence of ownership, the Manager may require the party to have their solicitor complete a "Letter of Permission" as provided by the Township administration office.

5.3 Grave Opening - Notice

Under normal circumstances when the opening of a grave is required, not less than 12 working hours notice of such requirement shall be given to the Manager by the owner or owner's agent of the interment right upon which the grave is to be opened. For the purposes of this section, Saturdays, Sundays and Holidays shall not be considered working hours.

5.4 Funerals – Conditions

All funerals within the said cemetery shall be under the jurisdiction of the Manager or designate. No funeral service shall be held and no interment shall be made in the said cemetery on Statutory Holidays, Sundays, and Remembrance Day, except pursuant to an Order of the Regional Medical Officer of Health.

5.5 Funerals - Late - Additional Fee

Funerals arriving after 2:00 pm, necessitating work by Municipal employees after 3:00 p.m., or on a Saturday from 8:00 a.m. – 12:00 p.m. will be charged an additional fee as set forth in the Fees By-law.

5.6 Location of Graves - Errors

The Township shall not assume any responsibility for errors in the location of graves, when improper instructions have been given by the interment rights holder, or designate. All costs resulting from improper instructions received will be charged to the consumer who signed the service contract.

5.7 Multiple Interments - Limitations

- a) Only one casket interment in any one grave shall be permitted, except that two (2) cremated remains may be buried above another interment.
- b) Three (3) cremated remains can be interred in one full size grave where no casket burials will take place.
- c) Two (2) cremated remains can be interred in the cremation lots designated.

5.8 Interment Equipment

No interment equipment except that provided by the Township shall be used, except as noted in Section 5.10 below.

5.9 Elevated Mounds - Prohibited

No elevated mounds shall be built over graves and no lot shall be filled above the grade established for the Cemetery except temporarily for maintenance reasons by Municipal employees.

5.10 Burial Vaults - Installation

When burial vaults are used, they shall be installed by the supplier who shall use their own equipment. The supplier shall be responsible for any damage to the grounds or casket, which was caused due to the supplier's equipment or operator error.

5.11 Soft Ground-Alternative Arrangements

At times when the ground in said Cemeteries is soft from spring thaws, rain or other cause or where personal safety is at risk, committal services shall be held in the Chapel, or a mock graveside setup at the appropriate Cemetery instead of at the grave. No charge shall be made for such service in the Chapel.

5.12 Temporary Storage - Burial Delayed

If for any reason the Manager determines that a burial cannot be made on the day of the funeral, the Manager may direct that the committal service be held in the Chapel at the Cemetery and the body be placed in temporary storage. The burial shall be made as soon after the day of the funeral as conditions permit. For such services, no charge shall be made for the use of Chapel.

5.13 Cemetery Staff As Pall Bearers

Two cemetery staff will be available to act as pall bearers for the interment if requested when the interment order is taken. Six (6) persons must assist with the lifting and placement of the casket. Additional pall bearers must be arranged by the funeral director to avoid any heavy lifting safety concerns. Cemetery staff will wear their regular work clothes when performing these duties. No charge will be made for this service.

5.14 Months of Operation

No interment shall be conducted in the Cemetery from December 1st – May 1st due to closure. Grounds conditions may necessitate earlier or later opening dates.

Article 6 DISINTERMENTS

6.1 Approval

No disinterment of human remains shall take place without the written approval of the Interment Rights Holder and notification of The Regional Medical Officer of Health as required by law.

6.2 Approval - Funeral, Burial and Cremation Services Act 2002

All other requirements under The Funeral, Burial and Cremation Services Act 2002 and Regulations must be met in order for a disinterment to proceed.

6.3 Conditions

Disinterments shall be made only when conditions are suitable to guarantee that a safe removal can take place except as ordered by the Coroner's Office.

6.4 Outer Case - Provision of Same

If the burial was made in other than a permanent type outer case, a new outer case must be supplied by the requesting party.

6.5 Private Memorials - Removal Of

Any flush markers or upright monuments designating the location of an interment shall be removed at the time a disinterment is made at the expense of the Interment Rights Holder. Any loss of monument foundations as a result of cave-ins due to disinterment procedures will be replaced at the expense of the Interment Rights Holder or agent requesting the disinterment.

6.6 Payment – Disinterment

All payments shall be made in full payable to the Township of Guelph/Eramosa prior to the disinterment in accordance with the Townships Fee by-law

Article 7 LOT DECORATIONS

7.1 Definition of Lot Decorations

Lot decorations shall be deemed to include all ornaments/figurines, plants, or other embellishments, which are placed on Cemetery lots with the intention of improving their appearance. No lot decorations permitted by this Bylaw shall be placed on a lot if outstanding fees are unpaid. The Township of Guelph/Eramosa is not responsible for lost or stolen items.

7.2 Lot Decoration Rules (May 1st to October 31st.)

The Township of Guelph/Eramosa recognizes that there is significant value to the interment rights holders in decorating cemetery lots. At the same time the Township Of Guelph/Eramosa has an obligation to provide a safe and visually pleasing environment. In the interest of these objectives, it is imperative that the following rules be followed:

- a) Lot decorations for one interment rights holder, must not infringe on the property of another interment rights holder.
- b) Candles and Solar Lights (Plastic Containers—No glass or ceramics)

Enclosed candles or solar lights, and which are securely placed, will be allowed in any combination to a maximum of three in total. Interment Rights Holders may have candle/solar light on either side of the monument and in line with the monument row. As an alternative, Interment Rights Holders may have any combination of candles and/or solar lights up to a maximum of three in total in front of the monument and securely placed in the 30 cm (12”) garden area. No open candles will be permitted. Candles or solar lights will only be allowed in the upright monument sections.

Candles and /or Solar Lights are allowed to be displayed on shepherd hooks. Candles or solar lights must not exceed the height of the monument. For monuments less than 61 cm (24”) in height, candles or solar lights are allowed to be maximum height of 61 cm (24”).

- c) Artificial Wreaths

Artificial and/or silk flower arrangements/wreaths, attached to a stand or monument, may be placed and remain on gravesites, from the Friday before Thanksgiving to May 1st of the following year. All items not conforming to lot decoration rules, which remain after May 1st, will be removed by cemetery staff and will be placed in a recovery area, visible to the public, and will remain in the area until July 1st, after which such items will be discarded.

- d) Saddle Wreaths

Saddle wreaths must follow the season. All saddle wreaths that become unsightly will be removed by cemetery staff. No Christmas saddle wreaths will be allowed during summer months. No wreaths, other than saddle wreaths will be allowed to be fastened to a monument, after May 1st.

e) Bushes and Shrubs

Bushes and shrubs are not permitted to be planted on private lots. Bushes and shrubs that are in place prior to January 1, 2017 cannot exceed lot limitations or the height of the monument.

Interment Rights Holders are responsible for the trimming of shrubs. If shrubs become neglected, shrubs will be removed by cemetery staff without notice.

f) Borders/Edging

Artificial edging and fencing around lots or flowerbeds is prohibited and will be removed by Cemetery staff.

g) Wood Crosses

Wooden crosses will be allowed, as temporary markers on any unmarked graves for a period of one year from time of burial. Time extensions may be considered after one year on a case by case basis. The interment right holder will be responsible for removal of the cross. Cemetery staff will remove the cross after the allowable time if the Rights holder has not undertaken this (The only exception to this rule will be veteran's crosses in the veteran sections.) Wood crosses may be between 61 cm (2') to 91 cm (3') in height above the ground and 30 cm (12") to 46 cm (18") in width.

Vertical and horizontal pieces of the cross are to be a maximum of 5 cm (2") in thickness and 10 cm (4") in width. Crosses are to be constructed of wood only. All crosses must be properly maintained by the interment rights holder.

h) Monuments

Monuments must be made of granite. Upright monuments may have attachments made of granite.

i) Shepherd's Hooks

A maximum of (2) shepherd hooks for the hanging of contents will be permitted within the 30 cm (12") flowerbed provided that the hooks are not greater than the height of the monument.

j) Figurines

Figurines are defined as any type of allowable lot decoration within the 30 cm (12") garden area of upright monuments. Figurines cannot be made of glass or ceramics. Figurines are only allowed with upright monuments.

k) Potted Plants

A maximum of 2 potted plants (a maximum pot size of 25 cm (10") in height and width) within the 30 cm (12") garden area once the foundation has been completed. Pots must not be made of breakable materials (e.g. glass, clay). In flat marker sections, 1 maximum 25 cm (10") potted plants placed on the marker, will be permitted. Township staff will remove any unsightly plants.

l) Photographs

Only those reproductions of photographic images, which are an integral part of the memorial, are permitted. Approved methods include sandblasting and/or etching. Non-breakable photo attachments are also permitted on the front of any upright monument.

m) Damage – Limitations of Liability

The Township shall not be responsible for any damage to lots and structures or objects therein, or flowers or articles removed from a grave except for damage that has been shown to have been caused by Municipality. For any damages shown to have been caused by a Municipality, Township staff will attempt to contact the interment rights holder at the last known address to advise of the damages.

n) Lot Decorations-Safety

Lot decorations will be addressed as required where a particular lot decorations is deemed unsafe by the Manager or designate.

o) Water For Planting

Water will be available in the cemetery from the Friday of Victoria Day weekend until the Friday prior to Thanksgiving.

p) Adequate Maintenance

Lot owners must provide adequate maintenance of the 30 cm (12") permitted flower bed. Failure by the lot owner to provide proper maintenance to flower bed shall result in the Cemetery seeding the flower bed.

q) Mulch - Stone mulch is not allowed for safety reasons.

r) Normal Wear

Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

s) No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission of the Manager.

t) The Manager reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the Manager.

u) A memorial or other structure shall be erected only after the specific design plans have been approved by the Manager, including: dimensions, material of structure, construction details and proposed location.

v) Flower beds shall not exceed 12" in depth and shall not exceed the width of the monument.

7.3 Lot Decorations Rules (November 1st to April 30th)

Note: Winter maintenance of the Cemetery requires that Township staff may need access to any site on cemetery property. Therefore it is imperative that the following rules be followed:

What is Permitted:

- a) One wreath on a metal stand placed over flat markers and not in front or behind flat markers. For upright monuments, wreaths are to be placed in front of the monument and as close as possible to the monument. Wreaths are not to have plastic coverings.
- b) Temporary wooden crosses must be between 61 cm (24") and 91 cm (36") above the ground to allow for good visibility.
- c) Lot decorations will be addressed as required where a particular lot decoration is deemed unsafe by the Manager, or designate.

Article 8 FLUSH MARKERS

8.1 Flush Markers - Defined

In this article "flush marker" means: a granite flat marker

8.2 Construction - Granite Required

All grave memorials of any kind erected in the said Cemetery shall be constructed wholly of granite. No material other than granite shall be placed on any memorial.

8.3 Construction - Other - Removal

Memorials installed in cemetery which are found to be in contravention of the By-Law, shall be ordered removed. The Manager or designate will contact the Interment Rights Holder (at their last known address) of the contravention and the Interment Rights Holder shall be given thirty (30) days within which he/she must comply with the by-law. If the contravention is not corrected within this period, the Manager or designate may have the memorial removed at the expense of the Interment Rights Holder.

8.4 Location - Centred

All flush grave markers shall be centred at the head end of the grave.

- a) a maximum 0.36m x 0.77m (14" x 30"), minimum 0.31m x 0.51m (12" x 20"), flush marker may be centred over one, two or more adult spaces at the head end;
- b) only a 0.31m x 0.51m (12" x 20") marker is permitted in the cremation section.
- c) graves which have been subdivided to accommodate infant or youth burials will only be allowed one 0.31m x 0.51m (12" x 20") marker for each sub divided grave space.
- d) corner post installation is prohibited.

8.6 Outstanding Charges - To Be Paid

No flush markers shall be installed upon a lot unless the purchase price and any other outstanding charges for such lot have been paid in full.

8.7 Uniform Thickness

All flush markers shall be of a uniform thickness of 10 cm (4") plus or minus 1.28cm (1/2") and must be set so that the top is flush with the level of the ground. The allowed variance to all flush marker sizes shall be plus or minus 1.28cm (1/2") in total length and total width.

8.8 Marker Installation – Fees

- a) The amount payable when a marker is installed in the cemetery is as set forth in the Fees By-law.
- b) The owner shall pay the amount described in FBCSA into the Care and Maintenance Fund at the time of installation.
- c) If a marker is being installed in a cemetery to replace a marker that has been damaged and cannot be repaired, the care and maintenance fee is exempt.

Article 9 UPRIGHT MONUMENTS

9.1 Location - Centred

Upright monuments shall be placed at the centre of the head end of the lot except where alignment with existing upright monuments justifies another location. Under no circumstances shall more than one upright memorial, or any part thereof, be permitted on any grave. No upright monument shall be placed upon a lot unless the purchase price and all other outstanding charges for such lot have been paid in full.

9.2 Safety

All upright monuments must be able to withstand a force of 35 kgs. when such force is applied at any point on the memorial. Such monuments must withstand this force when set in a dry mode (i.e. without the assistance on any adhesive material). Dowels (300 series stainless or equivalent) may be used to assist an upright monument in achieving the 35 kgs. minimum standard. The intended positioning of such dowels must be shown/stated on the contract requesting the installation of the monument. All portions of an upright monument must be sealed together with an appropriate sealing material and shall be sealed together in such a way as to provide an adequate level of stability.

9.3 Foundations - Charges To Be Paid

No upright monument may be set until the charges made for the foundation have been paid in full. Foundations shall be installed approximately two times during the year:

- 1) June
- 2) September

These dates may extend later if warranted by staff. All request forms must be delivered no later than one week prior to the above dates.

9.4 Upright Monument - Size Limitations

No upright monument, with the exception of military-style grave monuments as defined by Veterans Affairs, shall be erected on any lot unless the following regulations are met:

Foundation (Sub Base)

A concrete foundation of uniform thickness with measurements equal to that of the monument base and a depth of not less than 1.21m (48") below the ground must be constructed by Municipal employees or authorized personnel.

A signed contract as well as a detailed sketch showing all dimensions and location must accompany payment for the installation of foundations and any applicable care and maintenance fees.

Fees must be paid at the time of application by the person or persons ordering such foundation, or by the person or persons erecting such upright monument.

All upright monument bases shall have all vertical sides made of a rock pitch style.

No upright monument base shall be less than 20 cm (8") in height.

Thickness (depth) for each base shall not exceed 45 cm (18")

<u>Number of Graves</u>	<u>Monument Thickness (excluding base)</u>	<u>Maximum Monument Width (base included)</u>	<u>Maximum Monument Height (base included)</u>
Single Adult	Minimum 8" Maximum 10"	76 cm (30")	97 cm (44")
Double Adult	Minimum 8" Maximum 10"	1.37 m (48")	97 cm (44")
Triple Adult	Minimum 8" Maximum 10"	1.68 m (78")	97 cm (44")

9.5 Inscriptions - Family Name, Etc.

Family surnames or any inscriptions such as scriptures, poetry, prose, etc. on the back of upright monuments will be permitted and must be approved by the Manager. Burial information may not be placed on the back of any monument unless, the interment rights are owned on both sides of the monument by the same rights holder. All inscriptions must be approved by the Manager.

9.6 Construction - Granite Required

Upright monuments (including base) are to be constructed wholly of granite. Field stones made of granite are prohibited unless cut to meet specifications.

9.7 Inscriptions - Reproductions - Photographic Images, Etc.

Only those inscriptions, reproductions or photographic images, which are an integral part of the memorial, shall be permitted. Photographs made of a non-breakable material may be attached to upright monuments only. Other acceptable methods of producing such photographic images or inscriptions include etching, sand blasting, chiselling, or similar methods as approved by the Manager.

**Article 10
ERECTION OF UPRIGHT MARKERS**

10.1 Turf - Protection

Those persons engaged in the placing of, repairing of, or inscribing of upright monuments shall provide planking and/or other protective materials adequate to protect turf and shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean, orderly condition.

10.2 Upright Monuments - In Disrepair

If an upright monument or flush marker presents a risk to public safety because it is unstable the Manager shall do whatever is necessary by way of repairing, resetting or laying down the monument so as to remove the risk.

**Article 11
CREMATION SECTIONS**

11.1 Interment - Placement of Cremated Remains

Any placement, inurnment, or removal of cremated remains shall be performed by Municipal employees only. The placement of cremated remains is limited to two (2) such placements on any cremation flush marker grave, 3 such placements in any cremation upright monument grave. The fees for such placements are set out in the Fees By-law.

11.2 Columbarium Regulations

Any person or company contracted to place an inscription on the face of the columbarium niche must;

- a) payment must be made to the Manager before an inurnment may take place
- b) complete a contract with the cemetery office prior to commencing work.
- c) when engraving, the letters must be of block style and inset in order that the face of the niche remains consistent with its original finish, additives to any lettering prohibited
- d) the placement of engraved art work must be located at the upper left hand side of the face plate, and the art work is not to exceed an area larger than 116 cm² (18 square inches). In addition to an engraving on the upper left hand corner, war veterans may have a poppy engraved on the lower right hand corner of the faceplate. The colour, design and size of the poppy must be approved by the Manager of Cemetery before engraving.
- e) the removal of the face plate for the purpose of engraving must not be for a period of longer than 48 hours between Monday and Friday inclusive.
- f) only the Manager may open and seal niches for interments. This applies to the inside sealer and the niche front.
- g) no person other than cemetery staff shall remove or alter niche fronts.

There should be no attachments, or placements of decorations on the columbarium, inside or outside units. There will be a maximum of 2 (two) urn placements only, in a columbarium niche

Article 12
LOT EMBELLISHMENTS

12.1 Lot Embellishments

The use of glass containers and all other materials of an equally perishable nature are prohibited and shall be removed without notice. Fresh flowers or a dried flower arrangement are permitted at any time from April 1st to November of each year. One artificial wreath or arrangement set on a stand is permitted on each grave space and may be placed at any time from the Friday prior to Thanksgiving Day to the first day of May. All other decorations shall be removed without notice. See article 7.

Article 13
CARE AND MAINTENANCE

A portion of the price of interment rights is trusted to the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- Re-levelling and sodding or seeding of Lots
- Maintenance of cemetery roads, sewers and water systems
- Maintenance of perimeter walls and fences
- Maintenance of Cemetery landscaping
- Maintenance of Columbarium
- Repairs and general upkeep of cemetery maintenance buildings and equipment

Article 14
REQUESTS FOR SERVICE

14.1 Township Office

Any person or Funeral Director having a request for service shall make same at the Township office.

Article 15
FEES BY-LAW

15.1 Adoption - By Council

Subject to the Funeral, Burial and Cremation Services Act 2002 and the regulations made there under, Council may from time to time adopt a Fees By-law to regulate the fees and charges to be paid by persons purchasing interment rights and installing monuments or markers in the said Cemetery or requiring service to be performed therein.

Article 16
OFFENCES

16.1 Offences

A person is guilty of an offence if the person, (a) knowingly furnishes false information in any application under the FBCSA or these By-Laws, in any certificate required to be issued or in any statement or return required to be furnished under the Act, the regulations or the Township of Guelph/Eramosa By-Laws;

**Article 17
ENFORCEMENT**

17.1 Penalty

Where a specific penalty is not provided for an offence under the Cemetery Act, any person who contravenes any of the provisions of this by-law shall, upon conviction be liable for a fine as provided for in the Provincial Offences Act.