

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2022**

Item 39, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 28, 2022.

#### **39. REVISION OF CEMETERY BY-LAW NUMBER 180-92**

**The Committee of the Whole recommends:**

- 1) That the recommendations contained in the report of the Deputy City Manager, Public Works, dated June 21, 2022, be approved; and**
- 2) That Communication C20, memorandum from the Deputy City Manager, Public Works dated June 21, 2022, be approved, by replacing Attachment 1 of the report with the revised Attachment 1 to this communication.**

#### **Recommendations**

- 1. THAT a new Cemetery By-law be enacted, in a form satisfactory to the City Solicitor, in accordance with Attachment 1; and**
- 2. THAT By-law 180-92, and any amendments made thereafter be repealed.**

## Committee of the Whole (2) Report

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**DATE:** Tuesday, June 21, 2022

**WARD(S):** ALL

**TITLE:** REVISION OF CEMETERY BY-LAW NUMBER 180-92

**FROM:**

Zoran Postic, Deputy City Manager, Public Works

**ACTION:** DECISION

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**Purpose**

To seek Council endorsement to enact a new Cemetery By-law and repeal the existing By-law 180-92, and any amendments made thereafter.

**Report Highlights**

- The City provides cemetery services that are in compliance with the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 (FBCSA).
- The original Cemetery By-law was enacted in 1992 and minor revisions were made in 2002.
- The revised Cemetery By-law addresses current needs and reflects:
  - Current legislative requirements,
  - Provisions for enforcement and fines,
  - Requirements of a Cemetery Care and Maintenance Fund and contribution mechanism, and
  - Interment rights and provisions of limitations to lot purchases
- Bereavement Authority of Ontario (BAO) approval is required prior to implementation and force and effect of the revised Cemetery By-law.

## **Recommendations**

1. THAT a new Cemetery By-law be enacted, in a form satisfactory to the City Solicitor, in accordance with Attachment 1; and
2. THAT By-law 180-92, and any amendments made thereafter be repealed.

## **Background**

**The City provides cemetery services that are compliance with the Funeral, Burial and Cremation Services Act, 2002(FBCSA).**

The FBCSA governs the bereavement sector services within Ontario to ensure basic standards are met. The City operates twenty (20) cemeteries, seven (7) active and thirteen (13) inactive and offers basic interment services, maintenance activities and administrative services in alignment with the FBCSA.

The City's active cemeteries offer burial services for both cremation and caskets, with casket burials being the primary interment method. Maintenance services include grass cutting, plot marking, headstone repairs, and seasonal cultural practices. Administration supports the sales of plots, payment processing, and records management.

**The City's Cemetery By-law 180-92 was initially enacted in 1992 with minor revisions made in 2002.**

The Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33 and its subsequent amendments were enacted after the enactment of the City's By-law in 1992. In particular, the FBCSA requires the establishment of a Care and Maintenance Fund and the mandatory contribution to this fund by the City.

**On June 22, 2021, Council endorsed the recommendations presented in the Cemetery Services Review, which included an update to the Cemetery By-law 180-92.**

The City retained Lees & Associates to conduct a cemetery services review, which resulted in several recommendations to ensure the long-term sustainability of delivering cemetery service to citizens. Council approved the report and recommendations which included the need to revise the existing Cemetery By-law 180-92, as amended, to ensure compliance with legislative changes and alignment with the FBCSA.

## **Previous Reports/Authority**

[EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 22, 2021](#)

## **Analysis and Options**

**The Cemetery Services Review highlighted significant limitations with the existing Cemetery By-law.**

The Cemetery Services Review highlighted several limitations and deficiencies with the existing Cemetery By-law 180-92, as amended, which was updated nearly 20 years ago. The existing By-law has limited rules and regulations to govern the operation of cemeteries owned by the City of Vaughan. As such, there's limited provisions for enforcement and fines; there is also insufficient details surrounding cemetery floral arrangements and visiting hours. By-law 180-92, as amended, was also found to have limited information related to cemetery administrative functions, including allowable hours of operation for active and inactive cemeteries. Lastly, the review highlighted that the existing By-law has outdated terminology and formatting and provides inadequate definitions and descriptions. A renewed By-law would ensure the ease of interpretation by citizens and staff.

**The proposed Cemetery By-law ensures that the City, as a cemetery operator, meets the regulations under the FBCSA, inclusive of a care and maintenance fund.**

As per the FBCSA, every cemetery operator is required to establish a Cemetery Care and Maintenance Fund. The City currently follows the requirements under the FBCSA and the revised By-law clarifies some of the requirements, including:

- The establishment of a Cemetery Care and Maintenance Fund,
- A contribution mechanism to the Care and Maintenance Fund, through the portion of the sale of every interment or memorial, and
- The long-term maintenance of the Care and Maintenance Fund in accordance with provisions set out in the FBCSA.

**The Cemetery By-law provides provisions for By-law enforcement and grants ease of interpretation for citizens and staff.**

The proposed Cemetery By-Law includes fines to strengthen By-law contraventions. This ensures both public safety and preserves the dignity of the cemetery as required under FBCSA.

Enhancements to the By-law include improved definitions, replacement of outdated terminology, a logical flow of sections, consistent use of terms, descriptions, and details in order to provide ease of comprehension for citizens and staff.

**Details regarding the installation of memorial structures to ensure conformity of a cemetery plan will be outlined in the Cemetery By-Law.**

A cemetery plan provides guidance on design and maintenance of specific cemetery assets. The proposed By-law includes details and specifications for the installation of memorial structures such as the size and type of foundation material and memorial structures to ensure consistency and conformity with a cemetery plan. This allows the City to perform future operations and maintenance activities at cemetery locations in a more cost effective and efficient manner.

**The Cemetery By-law includes interment rights and provisions of limitation to lot purchases to address the limited lot inventory within the active cemeteries.**

A person may, on an as needed or on a reserve basis purchase an interment right for no more than four (4) members, or total number of those in the immediate family, for burial and cremation services. This allows the City to manage its limited inventory within the active cemetery sites more effectively, and also not to preclude those families who have more than four (4) members.

**The revised Cemetery By-law requires Bereavement Authority of Ontario (BAO) approval prior to its implementation.**

In accordance with BAO, in order to implement the Cemetery By-law, the City is required to complete the following:

- Publish the Cemetery By-law in a newspaper,
- Deliver the Cemetery By-law to the City's markers supplier, and
- Post the notice of By-law filing with BAO at cemetery sites, for a minimum of four (4) weeks.

In order to receive approval, the City is required to provide the following documents to the Bereavement Authority of Ontario:

- A copy of the newspaper notices with the By-law published,
- A photo of the sign that was posted at the cemetery entrance for four (4) weeks,
- A list of monument dealers and their addresses that the Cemetery By-law was delivered to, and
- Two (2) copies of Cemetery By-law to be approved by the Registrar.

These actions will be completed upon approval of the proposed Cemetery By-law. The By-law would not be in effect until approved by the Registrar. For clarity, the By-law shall only be in effect if it is both enacted by Council and approved by the Registrar.

## **Financial Impact**

There are no financial impacts.

## **Broader Regional Impacts/Considerations**

There are no broader regional impacts.

## **Conclusion**

The City is committed to providing cemetery services in a manner that is safe, accessible, dignified and orderly. To continue to serve and have alignment with the FBCSA, a renewed By-law is required.

**For more information**, please contact Nadia Paladino, Director of Parks, Forestry and Horticulture Operations.

## **Attachments**

1. Revised Cemetery By-law
2. Extract from Council meeting minutes of December 16, 2002

## **Prepared by**

Deepak Panjwani, Project Manager, Business and Contract Services, Parks Forestry and Horticulture Operations

Colin Johnston, Manager of Business and Contract Services, Parks Forestry and Horticulture Operations

## **In consultation with:**

Carmine Mainella, Manager of Parks and Horticulture Operations

Taylor Frank, Legal Counsel

Rudi Czekalla-Martinez, Manager, Policy and Business Planning

Varant Khatchadourian, Manager, Financial Planning and Analysis

**Approved by**

A handwritten signature in blue ink, consisting of a vertical line on the left, a large loop at the top, and several horizontal and diagonal strokes at the bottom.

Zoran Postic, DCM, Public Works

**Reviewed by**

A handwritten signature in black ink, featuring a large, stylized 'N' and 'S' followed by a horizontal line.

Nick Spensieri, City Manager

# ***THE CITY OF VAUGHAN***

## ***BY-LAW***

### **BY-LAW NUMBER (to be determined)**

**A By-law to govern cemeteries owned or operated by the Corporation of the City of Vaughan and to repeal the City of Vaughan Cemetery By-law 180-92 and any amendments made thereafter.**

**WHEREAS** on July 1, 2012, the *Cemetery Act*, R.S.O. 1990 c.4 was repealed and replaced by the *Funeral, Burial and Cremation Services Cemetery Act*, 2002 S.O. 2002, c.33 (the Cemetery Act);

**AND WHEREAS** subsection 53(7) of the *Funeral, Burial and Cremation Services Cemetery Act*, 2002, S.O. 2002, c.33, and section 85 of Ontario Regulation 30/11 under the Cemetery Act, authorizes the Corporation of the City of Vaughan (the “City”) to act as the trustee for care and maintenance money, fund, or account for Cemeteries;

**AND WHEREAS** pursuant to the provisions of subsection 150 (1) of Ontario Regulation 30/11 under the Act, a Cemetery operator may make by-laws governing the operation of the Cemetery and, in particular, governing rights, entitlements and restrictions with respect to Interment and scattering rights;

**AND WHEREAS** section 11 of the *Municipal Cemetery Act*, 2001, S.O. 2001, c. 25, as amended, confers the power to the municipality to pass by-laws with respect to services and things that the municipality is authorized to provide;

**AND WHEREAS** it is necessary to amend the rules and regulations for the City of Vaughan’s Cemeteries to be compliant with the Cemetery Act;



**NOW THEREFORE** the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS;

## **1.0 DEFINITIONS and INTERPRETATION**

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

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

“Adult” means a Person over the age of eighteen (18) years of age

“Applicant” means a Person who makes an application to the City for a Right of Interment, an Interment or a Memorial permit

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

“Burial Permit” means the legal document acknowledging the registration of a death issued under the *Vital Statistics Act*, R.S.O. 1990, c. V.4

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

“Casket” (or “Container”) means a receptacle used to enclose Human Remains for Interment but does not include a Grave Liner, burial vault, or an Urn

“Cemetery” (or “Cemeteries”) means any land owned, set aside, used, operated, or maintained by the City as a place of Interment of Human Remains or Cremated Remains, and includes any incidental or ancillary buildings on the land

“Cemetery Act” means the *“Funeral, Burial, and Cremation Services Cemetery Act, 2002*, S.O. 2002, c. 33” and any regulation made thereunder as amended, or repealed, and replaced from time to time

“Cemetery Plan” means the land surveys, Lot plans, Lot designations, Interment Rights designations, landscape plans, and all drawings and design documents for the City’s Cemeteries

“Cemetery Service” (or “Cemetery Services”) means the supply of a service or good rendered at a Cemetery in respect of an Interment Right, a Lot, Memorial, or Memorial installation

“Certificate of Interment Rights” means a document, set out in a form prescribed by the City, which describes a Right of Interment and the terms

and conditions that govern the Right of Interment for a Lot in a City Cemetery and issued only after all Lot purchase Fees have been paid in full

“Child” (or “Children”) means a Person between the age of one (1) year and seventeen (17) years of age

“City” means the Corporation of the City of Vaughan and together or separately includes but is not limited to, the Council of the City, a department of the City, a Person appointed by Council, or their designate, who is responsible for Cemetery management, administration, operation, maintenance, and application and enforcement of this By-law, or a Person or Persons employed by the City, or an agent authorized by the City to perform work related to the development, management, operation, provision of service, care, and maintenance of a Cemetery

“Contract” means a document, in a form prescribed by the City, which in compliance with all of the Cemetery Act, sets out details relating to,

- (a) the purchase of an Interment Right for a Lot in a Cemetery,
- (b) the purchase of a permit for the approval to install a Memorial in a Cemetery,
- (c) the rights of a purchaser to a 30-day cooling off period in which the purchaser may cancel their Contract without penalty, and
- (d) the rights of a purchaser to sell back to the City an unused Interment Right.

“Council” means the elected Council of the City of Vaughan

“Cremated Remains” means the human bone fragments and residue of other materials cremated with the Human Remains remaining after cremation

“Deceased” means a Person who has died

“Disinterment” means the removal of Human Remains or Cremated Remains from a Lot in which the remains are interred for the purpose of an alternative disposition or relocation

“Exhumation” means the exposure of interred Human Remains for the purposes of viewing or examination and where such viewing or examination may occur in the Lot where the remains are interred, or the remains are removed from the Lot where they are interred, and the exhumed remains are re-interred into the same Lot after the viewing or examination has been completed

“Family Member” means a spouse, a Child (natural, adopted or step), a parent or stepparent, a sibling (natural, adopted or step), a grandparent or step grandparent, or a grandchild (natural, adopted or step)

“Fee” means the Fee prescribed for a cemetery Interment Right, Interment service or ancillary service or good as set out in the City’s Fees and Charges By-law, as amended

“Funeral Service Provider” means a Person who carries on a business licensed to provide funeral services, bereavement rites and ceremonies

“Grave Liner” means a receptacle with a lid, constructed of wood or a durable material, which may or may not have a bottom, into which a “Casket” or an Urn is placed as part of an Interment and may include, but is not limited to, a wooden rough box, concrete or fiberglass liner, or lined concrete grave vault

“Holiday” means any day or part of a day as may be proclaimed from time to time as a day of observance or a Holiday to be observed by the City

“Human Remains” means a dead human body in any stage of decomposition, or the body of a stillborn Infant in any stage of decomposition, but does not include Cremated Remains

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

“Interment” means disposition by,

- (a) in-ground burial of Human Remains or Cremated Remains,
- (b) above ground entombment of Human Remains, or
- (c) above ground inurnment of Cremated Remains.

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

- (a) for the Interment of Human Remains or Cremated Remains in a Lot at a Cemetery,
- (b) for the installation of a Memorial on a Lot at a Cemetery, and
- (c) issued in accordance and compliance with the Cemetery Act and this By-law.

“Interment Authorization” means a document, set out in a form prescribed by the City, which is completed and signed At-need by the Person having the legal authority to authorize the Interment of Human Remains or Cremated Remains of a Deceased Person

“Lot” (or “Lots”) (or “Grave”) (or “Graves”) means a designated space in a Cemetery used or intended to be used for,

- (a) the Interment of Human Remains, or cremated Human Remains under a Right of Interment, and
- (b) the installation of a Memorial to memorialize a Deceased Person.

“Medical Officer of Health” means a Person appointed from time to time under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7 to act as Medical Officer of Health in the Province of Ontario

“Memorial” (or “Memorials”) means a product used or intended to be used to identify a Lot, or to Memorialize a Deceased Person, including but not limited to,

- (a) a flat marker, upright monument, plaque, or other form of marker on a Lot, or
- (b) other Memorial products approved for installation at a Cemetery.

“Memorial Dealer” means a Person who or corporation that offers for sale or installs Memorials for the public

“Person” (or “Persons”) means, and includes but is not limited, an individual or body corporate, trust, partnership, fund, or an unincorporated association or organization. In this By-law “Person” does not include the City, its employees or their delegates.

“Personal Representative” means a Person who, or an agency that, by order of priority set out in the *Succession Law Reform Act*, R.S.O. 1990, c. S.26 has the right to control the disposition of the Human Remains or the Cremated Remains of a Deceased Person

“Plot” means a grouping of two or more Lots sold under a single Contract

“Public Health Act” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7

“Rights Holder” means a Person who,

- (a) has purchased a Right of Interment to be held in their name for a Lot in a Cemetery,
- (b) has a Right of Interment for a Lot registered in their name for a Lot in a Cemetery, but is not the original purchaser,
- (c) is the Personal Representative of a Deceased Person who has a Right of Interment held in a Deceased Person’s name for a Lot in a City Cemetery,

- (d) has, in compliance with this By-law, had a Right of Interment transferred to be held in their name for a Lot in a Cemetery, or
- (e) is a legal heir or successor of a Deceased Interment Rights Holder and by demonstration of a right of legal succession to the satisfaction of the City may be entitled to inherit control of a Deceased Person's Right of Interment for a Lot in a City Cemetery

"Urn" means a Container used for the containment of Cremated Remains

"Without Prior Notice" means that for maintenance and operational actions deemed necessary by the City there is no obligation of the City to make or provide, in any form or manner, advance notice of said action occurring, to an Interment Rights Holder, the Personal Representative of a Deceased or their heir or successor

- 1.3 Headings given to the sections, paragraphs or parts in this By-law are for convenience of reference only. They do not form part of this By-law and shall not be used in the interpretation of this By-law.
- 1.4 A singular term shall be construed to mean the plural where necessary, and a plural term the singular.
- 1.5 In the instance any section, paragraph, or part of this By-law is for any reason held to be invalid by the decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining content of this By-law.

## **2.0 ADMINISTRATION**

- 2.1 The City's Cemeteries are acquired, established, and laid out for the purpose of making approved Cemetery Services available to all Persons, irrespective of race, faith, orientation, or any other form of categorization, and are established more specifically to provide,
  - (a) suitable space for the Interment of Human Remains and cremated Human Remains, and
  - (b) such other Cemetery Services as may be approved from time to time in the future by the City.
- 2.2 The following described real properties are set aside, held, laid out, developed, improved, used, operated, and maintained by the City as Cemeteries and dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose,

### **ACTIVE CEMETERIES**

- (a) Baker Cober Cemetery, 8799 Dufferin St., E Side of N on Hwy #7

- (b) Carrville United Church Cemetery, 910 Rutherford Rd., N side of Rutherford, W of Bathurst
- (c) Edgeley (Mennonite) Cemetery, 7981 Jane St., N of Hwy #7 E Side
- (d) Knox Vaughan Presbyterian Cemetery, 6316 Rutherford Rd., Between Hwy #7 and Huntington Rd. N side
- (e) Maple United Church Cemetery, 2000 Major Mackenzie Dr., N Side of Major Mackenzie, E of Keele
- (f) Nashville Cemetery, 10445 Nashville Rd., E Side of Huntington Rd, N of Major Mackenzie Dr, S of Nashville Rd
- (g) St. Paul's Presbyterian Cemetery, 10100 Pine Valley Dr., W Side of Pine Valley Dr, N of Major Mackenzie Dr.

#### INACTIVE CEMETERIES

- (h) Co-Leraine Wesleyan Methodist Cemetery, 7001 Major McKenzie Dr.,
- (i) Fisherville (Presbyterian) Cemetery, 1450 Steeles Ave. W
- (j) Hope Primitive Methodist Cemetery, Keele St., N of Teston Rd., W Side
- (k) McNaughton Memorial Cemetery, 20 Topaz Court - Maple
- (l) Old Methodist (Purpleville) Cemetery, Pine Valley Dr., S of Teston Rd., E Side
- (m) Old Presbyterian Church Cemetery, 10365 Pine Valley Dr., Major Mackenzie at Teston
- (n) Old Methodist (Kleinburg) Cemetery, Islington, Hwy #7, S Side of Nashville Rd.
- (o) Pine Grove Baptist Church Cemetery, 63 Gamble St., W of Islington Ave.
- (p) Rupert's Settlement (Sherwood) Cemetery, N Side of Rutherford Rd., E of Keele St.
- (q) St. Andrews Presbyterian Cemetery, 9851 Keele St., S of Major Mackenzie Dr., E side
- (r) St. Stephen's Anglican Cemetery, 2077 Langstaff Rd., E of Keele, S Side
- (s) Woodbridge Wesleyan Methodist Cemetery, 120 Meeting House Rd., E of Kipling
- (t) Hadwin Cemetery (located within Cranston Park), 491 Cranston

Park Avenue, south/east corner of Cranston Park Avenue and Teston Road.

2.3 The City is responsible for,

- (a) The management, administration, records, control and charge of the City's Cemeteries and the services and goods provided by the City therein,
- (b) maintaining, in accordance with the Cemetery Act, a register of all Interments that is available at all times to the public for viewing during the regular office hours of the City,
- (c) the direction of all City workers, and all outside contractors employed by the City to perform work within the limits of a Cemetery,
- (d) refusing the admission of and removing or ordering the removal of any unauthorized product, adornment, material, tree, shrub, plant, or floral tribute brought into or placed at a Cemetery Lot or in a Cemetery in contravention of this By-law, and
- (e) refusing admission to or expelling from a Cemetery any Person or corporation if such action is warranted.

2.4 The administration of this By-law shall be performed by the Director, Parks, Forestry and Horticulture Operations, or her or his successor, and by any other such Person authorized for that purpose by the Director, Parks, Forestry and Horticultural Operations, or her or his successor.

2.5 The enforcement of this By-law shall be performed by a Municipal Law Enforcement Officer appointed by the Director, By-law and Compliance, Licensing and Permit Services, or her or his successor, or by any other such Person appointed for that purpose by the Director, By-law and Compliance, Licensing and Permit Services, or her or his successor.

2.6 The City shall,

- (a) have the full, and complete control, and management over the land, buildings, plantings, roads, utilities, books, records, and finances of the City's Cemeteries,
- (b) from time-to-time and on a regular basis review, establish, amend, delete, or repeal and replace the Fees to be charged at its Cemeteries which shall be set out in the City's Fees and Charges By-law, as amended,
- (c) have the right to manage, maintain, survey, resurvey or alter the Interment areas, Memorials, roads and pathways, buildings, utility infrastructure, change or remove plantings, grade, alter in

shape or size, or otherwise to change all or any part of a Cemetery as they deem necessary or appropriate and subject only to compliance with any applicable requirement of the Cemetery Act, and

- (d) have the authority, at its cost and in a timely manner, to correct any error that may be made by it in making an Interment, Disinterment or in the description of a Lot or the transfer or conveyance of a Right of Interment and grant in lieu thereof, a Right of Interment or a Lot of equal value as far as is possible. In the instance an error may involve the Interment or Disinterment of Human Remains the City shall correct the error in compliance with and under such terms as may be set out in the Cemetery Act.

### **3.0 CEMETERY CARE and MAINTENANCE**

3.1 The City shall ensure,

- (a) the care and maintenance of its Cemeteries is performed in accordance with all applicable laws,
- (b) the Cemeteries are maintained to an aesthetic appearance consistent with general community standards,
- (c) the roads, entrances, pathways, grounds, and landscaping of the Cemeteries are maintained in a safe, operational, and good state of repair, and
- (d) no public health nuisance or safety hazard arises from the operation of the City's Cemeteries.

3.2 The City shall establish, set aside, invest in, and maintain a Care Fund for its Cemeteries.

3.3 For every Interment Right sold or Memorial installed in a Cemetery, a portion of the Fee charged shall be set aside as a contribution to the Care Fund, and the contribution amounts shall be those set out in the City's Fees and Charges By-law, as amended.

3.4 All Care Fund contributions shall;

- (a) meet or exceed the rate of contribution set out for Care Fund contributions in the Cemetery Act, and
- (b) be collected, held, and invested in accordance with all requirements of the Cemetery Act.



- 3.5 The principal of the Care Fund shall not be reduced other than in accordance with provisions set out in the Cemetery Act.
- 3.6 The City may accept voluntary donations to the Care Fund from any Person or organization.

#### **4.0 INTERMENT RIGHTS**

- 4.1 An Applicant may, on an At-need or on a reserve basis and upon payment in full for a Fee set out in the City's Fees and Charges By-law, as amended, purchase an Interment Right for no more than four (4) members, or for the total number of those in the immediate family for burial and cremation services.
- 4.2 Possession of an Interment Right,
- (a) confers to a Rights Holder, a right to use, in compliance with this By-law, a Lot for the Interment of Human Remains or Cremated Remains of a Person or Persons named on a Certificate of Interment Rights,
  - (b) does not confer to a Rights Holder, any title to, ownership of, or interest in the land of a Cemetery or of a Lot therein or any other special privilege over any land of a Cemetery, and
  - (c) does not require the City to perform an Interment of Human Remains or Cremated Remains into a Lot until the Rights Holder complies in all other respects with this By-law and any rules and regulations made thereto as relate to the Interment of Human Remains or Cremated Remains, or the purchase and placement of a Memorial and, without limitation, the payment of all Fees.
- 4.3 The City shall issue to an Applicant paying in full the Fee set out in the City's Fees and Charges By-law, as amended for an Interment Right, a Certificate of Interment Rights in a form prescribed by the City, which sets out the Lot location and the rights of Lot use attributed to the purchaser identified on the certificate.
- 4.4 An Interment Rights Holder shall have the authority to designate who, other than themselves, may be authorized to use or to control the exercise of an Interment Right registered in their name.
- 4.5 An Interment Rights Holder, at the time of purchase, shall reserve the right to use a Lot they have purchased for themselves or assign the right of any secondary rights in a Lot to another Person to which the Interment Right refers where an assignee so named shall be a Family Member of the Rights Holder.
- 4.6 An Interment Rights Holder may designate only one (1) Lot in a Cemetery for their own use.

- 4.7 The exercise of an Interment Right, every Interment or every other form of disposition of Human Remains or of Cremated Remains or installation of a Memorial within the limits of a Cemetery is subject to,
- (a) all provisions of this By-law,
  - (b) payment in full of any applicable Fee set out in the City's Fees and Charges By-law, as amended, and
  - (c) compliance with this By-law and all applicable terms, conditions, Cemetery Plan, Interment and Memorial parameters, standards of operation and maintenance established by the City, this By-law, and as is current at the time of purchase or use.

## **5.0 TRANSFER / RESALE / RECLAMATION of INTERMENT RIGHTS**

- 5.1 Interment Rights for an unused Lot shall only be surrendered back to the City.
- 5.2 The private sale or transfer of Interment Rights to a third party, to which the City is not a party, is prohibited. Where a private sale or transfer of an Interment Right is made without the City's knowledge, participation, or approval, then the City shall have no obligation to honor an Interment Right acquired under such a transaction and subsequently presented to the City for use or sale back to the City.
- 5.3 The sale of an Interment Right back to the City and any refund issued in relation to the surrender of an Interment Right shall be made in compliance with the Cemetery Act.
- 5.4 The surrender of an Interment Right back to the City shall be permitted providing,
- (a) there are no Interments in, or Memorials on a Lot being surrendered,
  - (b) the original Interment Rights Holder or their Personal Representative has made written application to the City, in a form prescribed by the City, stating their desire to surrender the Interment Right,
  - (c) the original Certificate of Interment Rights is surrendered to the City,
  - (d) if the surrender occurs within thirty (30) days of the original date of purchase one hundred (100%) percent of the Fees paid for the Right of Interment shall be refunded, or,
  - (e) if the surrender occurs thirty-one (31) or more days after the original date of purchase, a Right of Interment shall be refunded at a value equal to one hundred (100%) percent of the current selling price of a similar Interment Right less the amount of funds

collected at the time of original purchase for the Cemetery Care Fund.

- 5.5 In the instance an unused Interment Right survives an original Rights Holder and evidence of assignment, transfer, inheritance, succession, or authority cannot be provided by the Personal Representative or heir of an original Rights Holder then the City shall have the authority to,
- (a) determine the Person or Persons who may be entitled to exercise a surviving Right of Interment and under what conditions a surviving Right of Interment may be exercised, or
  - (b) if a clear and distinct right of succession cannot be ascertained, prohibit the use of any surviving Interment Rights in a Lot.
- 5.6 Pursuant to the Cemetery Act, an Interment Right for an unused Lot may be reclaimed by the City if all of the following have occurred,
- (a) there are no Interments in, or Memorials on a Lot being reclaimed,
  - (b) not less than twenty (20) years have elapsed from the original date of purchase of the Interment Right,
  - (c) the City has had no contact from or with the original purchaser, their Personal Representative, heir, or successor for not less than twenty (20) years,
  - (d) an application in writing to declare the Interment Right abandoned and the intent to reclaim the Interment Right for resale has been made to the Cemetery Act Registrar,
  - (e) the City has satisfied any instruction or requirement of the Cemetery Act Registrar to locate, contact or provide notice to the Interment Rights Holder, their Personal Representative, heir, or successor and the City has had no response to the notice provided, then
  - (f) upon the Cemetery Act Registrar declaring the Interment Right abandoned the City may resell the abandoned Interment Right to another purchaser.
- 5.7 Where an Interment Right for a Lot in a Cemetery has been declared and resold, and the Interment Right is subsequently required for use by the original Rights Holder, their heir, or successor, then the City shall provide an Interment Right of equal or greater value that has been chosen from the available Lots of the Cemetery by the original Interment Rights Holder, their heir, or successor.

## **6.0 INTERMENT**

- 6.1 Only Human Remains, or cremated Human Remains shall be interred in a City Cemetery.
- 6.2 Every Interment of Human Remains, or cremated Human Remains shall be conducted in a manner consistent with this By-law, the dignity of adjacent Lots, the Cemetery, and general community standards.
- 6.3 Every Interment into a Lot shall conform to the Cemetery Plan and Interment Rights established by the City for a Lot.
- 6.4 The following specifications shall constitute the Lot types and permitted Interment densities for Lots as they may be designed and surveyed for Interments in a Cemetery,
- (a) **Human Remains Lot:** limited to the single depth Interment of the Human Remains of one (1) Person and the secondary Interment of not more than two (2) Cremated Remains, or where no Interment of Human Remains is made in the Lot then the Interment of not more than four (4) Cremated Remains,
  - (b) **Infant / Child Lot:** limited to the single depth Interment of the Human Remains of one (1) Infant or Child and the secondary Interment of not more than two (2) Cremated Remains, or where no Interment of Human Remains is made in the Lot then the Interment of not more than three (3) Cremated Remains, and
  - (c) **Cremated Remains Lot:** limited to the Interment of the Cremated Remains of one (1) Person.
- 6.5 No Interment, Disinterment or Exhumation at a Cemetery shall be permitted until,
- (a) it is ascertained the Deceased holds a valid Interment Right at a Cemetery or a Rights Holder at a Cemetery provides authorization for a Deceased's Human Remains or Cremated Remains to be interred in a Lot for which they hold an Interment Right,
  - (b) the Personal Representative of a Deceased completes, signs, and delivers to the City, in a form prescribed by the City, an Interment Authorization form,
  - (c) all outstanding Fees relating to the Interment Right being used, the Interment Fee and the Fee for any other Cemetery Service provided by the City to facilitate the Interment, has been paid in full to the City,
  - (d) proper notice, in a manner prescribed by the City, has been provided to the City,
  - (e) for Human Remains, a Province of Ontario Burial Permit has been submitted to the City,

- (f) for Cremated Remains, a Certificate of Cremation has been submitted to the City, and
  - (g) where a death has occurred in a jurisdiction other than the Province of Ontario, a disposition document confirming legal registration of the death in the other jurisdiction, deemed acceptable to the City, has been surrendered to the City.
- 6.6 The City shall have the right to establish and assign Interment times and to control, limit or restrict the type and number of Interments that may occur in a Cemetery on a given day.
- 6.7 Advance notice for an Interment is required and the advance notice, along with all documents and Fees, in accordance with the City's Fees and Charges By-law, as amended, related to an Interment shall be delivered to the City,
  - (a) not less than forty-eight (48) hours in advance of a proposed Interment, where not less than sixteen (16) hours of the notice period are regular operating hours of the City,
  - (b) the failure to provide advance notice to the City may result in an Interment being delayed or denied, and
  - (c) no booking or notice for an Interment will be accepted by the City more than thirty (30) days in advance of a proposed date of Interment.
- 6.8 In the instance an Interment is requested in a time period shorter than the notice period set out in subsection 6.7 of this By-law the Interment, at the discretion of the City, may be accommodated subject to payment of an additional Fee set out in the City's Fees and Charges By-law, as amended.
- 6.9 Upon provision of proper authorization and notice to the satisfaction of the City, Interments at a Cemetery,
  - (a) shall occur between 8:30 a.m. to 2:30 p.m. on Monday to Friday, or
  - (b) subject to payment of an additional Fee, may occur on a Saturday between 8:30 a.m. and 2:30 p.m., and
  - (c) shall occur at a time provided and confirmed by the City and shall conclude within two (2) hours provided time.
- 6.10 Human Remains for Interment into a Cemetery Lot shall be enclosed in a Casket or alternative Container of a design, size and material approved by the City.
- 6.11 Cremated Remains for Interment into a Cemetery Lot shall be enclosed in an Urn or Container of a design, size and material approved by the City.
- 6.12 The City shall have the authority to suspend or cancel an Interment service at, and limit or prohibit public access to a part or all of a Cemetery, where weather, road

or grounds conditions, or other extraordinary circumstance may warrant or pose a hazard to the public, City staff or their agents.

- 6.13 Only the City, or a contractor authorized by the City may excavate, prepare, and close an Interment Lot in a Cemetery.
- 6.14 The Interment of Human Remains, on an optional basis, may be made into a Grave Liner of a design established by and accepted for Interment by the City. The use of an optional Grave Liner may, depending on Grave Liner size, limit or eliminate the option to permit the secondary Interment of Cremated Remains in the Lot.
- 6.15 Where a Grave Liner that meets in every way the standard established by the City is proposed to be used then the,
- (a) City shall supervise the installations of the Grave Liner into the Lot,
  - (b) installation of a Grave Liner shall be made at a day and time set by the City,
  - (c) purchase, delivery, and installation of a Grave Liner shall be at the expense of a Personal Representative of a Deceased, an Interment Rights Holder, or their heir or successor, and
  - (d) installation of a Grave Liner may be subject to a Fee set out in the City's Fees and Charges By-law, as amended and the Fee shall be paid in full to the City prior to the delivery of a Grave Liner and installation into a Lot.
- 6.16 Where the secondary Interment of Cremated Remains is permitted into a Human Remains Lot a Cremated Remains Interment may only be made after the Human Remains Interment is made in the Lot.
- 6.17 The scattering of Cremated Remains on the surface of an Interment Lot or anywhere in the grounds of a Cemetery is prohibited.
- 6.18 Where an Interment is directed under the Public Health Act written instructions with respect to all procedures to be followed for the Interment, to protect the health and safety of all Persons who may come into contact with the burial Container bearing the Human Remains, shall be provided to the City by a Medical Officer of Health or their agent in advance of the Interment. The City shall be obligated to accommodate an Interment directed Public Health Act as and when so ordered.

## **7.0 DISINTERMENT & EXHUMATION**

- 7.1 Every Disinterment or Exhumation of Human Remains or Cremated Remains from a Lot in a Cemetery shall be made in compliance with the Cemetery Act, arranged by and conducted under the supervision of a licensed Funeral Service Provider, engaged by and at the expense of an Applicant, and performed in a manner consistent with the dignity of adjacent Lots, the City, and general community standards.

- 7.2 In the instance an Applicant requests a discretionary Disinterment of Human Remains or Cremated Remains from a Lot under their control the Applicant shall first provide in writing to the City at their expense, and in a form prescribed by the City, a document setting out,
- (a) such proof as the City may request, up to and including sworn affidavits, to establish the identity and the legal right and authority of the Applicant to make the request,
  - (b) such other information as the City may request as to the purpose and reason for the Disinterment, and
  - (c) with the understanding the provision of such information shall not bind the City to permit a discretionary Disinterment the City shall have the right to require an Applicant making a discretionary Disinterment request to acquire, at their expense, a Court order that compels the City to make the Disinterment requested.
- 7.3 No Disinterment or Exhumation shall be allowed until,
- (a) the Personal Representative of the Deceased who has the right to authorize the Disinterment of a Deceased Person's remains has acquired, completed, duly signed, and provided to the City a Disinterment authorization, in a form prescribed by the City, and
  - (b) all outstanding Fees relating to a Right of Interment, the Disinterment/Exhumation from the Lot, and any other service provided, or product supplied by the City to facilitate the Disinterment/Exhumation, have been paid in full to the City where the Fees for Disinterment and Exhumation are set out in the City's Fees and Charges By-law, as amended.
- 7.4 Except where ordered by a Court of competent jurisdiction or under the Public Health, no Person other than the City along with a duly contracted Funeral Service Provider shall be permitted to be present at a Disinterment, or Exhumation of Human Remains, or Cremated Remains from a Lot in a Cemetery.
- 7.5 A Funeral Service Provider employed at the expense of an Applicant for a Disinterment or Exhumation shall be responsible for the arrangement, performance, and supervision of,
- (a) the physical removal of the interred Human Remains from the Lot and transfer of those remains into a Container that fully encloses the remains;
  - (b) the removal and disposition of any remnants of a "Casket", Container, or Grave Liner
  - (c) the City shall not be compelled to handle or participate in the removal of exposed Human Remains from any Lot where a

Disinterment or Exhumation is being performed.

- 7.6 Other than the recovery of the Human Remains or Cremated Remains readily apparent and present in a Lot opened for a Disinterment / Exhumation the City makes no representation or warranty as to what other material, personal effect or other extraneous item may be recovered as part of a Disinterment or Exhumation process.
- 7.7 The application for and authorization of a Disinterment/Exhumation shall grant the City sole and discretionary authority to dispose of, in a safe, environmentally sensitive, and dignified manner, all extraneous materials that may incidentally be residue from a Disinterment or Exhumation.
- 7.8 A Disinterment or Exhumation in a Cemetery shall, without exception, be performed on a day and at a time of the City's choosing.
- 7.9 The re-interment of disinterred Human Remains or Cremated Remains into another Lot within a Cemetery shall comply with this By-law.
- 7.10 The City shall not be responsible for emotional, psychological, or physical injury that may occur to a living Person or injury to Human Remains, or damage to a "Casket", Grave Liner, Urn, or other form of burial container sustained as part of an Interment, Disinterment or Exhumation except where such injury or damage can be shown to have been caused by the negligence of the City.

## **8.0 MEMORIALS: GENERAL RULES**

- 8.1 Every Memorial and the installation thereof in a Cemetery shall conform with this By-law and any policy, rule or specification established by the City that is current at the time a Memorial is to be installed, and for clarity, not at the date a Right of Interment was purchased, when an Interment was made or when a Memorial was purchased.
- 8.2 It is the responsibility of a Rights Holder, the Personal Representative of a Deceased, or an organization or Memorial supplier acting on behalf of a Personal Representative of a Deceased, to arrange for the supply and installation of a Memorial on a Cemetery Lot.
- 8.3 Every Memorial and the installation thereof shall conform to the Cemetery Plan established for a Cemetery and for the Lot on which a Memorial is proposed to be installed.
- 8.4 No Memorial, inscription, engraving, ornamentation, or combination thereof that is inconsistent with the dignity of adjacent Lots, the Cemetery or community standards shall be placed on any Cemetery Lot.
- 8.5 No Memorial shall be installed on a Lot or inscription made on a Memorial until,
  - (a) an application that details the Memorial type with specifications



describing fully the Memorial's proposed size, inscription design, material, and location have been submitted to the City, in a form known as the Application for Monument / Marker Approval Form prescribed by the City,

- (b) it is determined by the City that the Memorial or inscription described on the application complies in every way with the specifications set out for Memorial placement on the Lot where installation is proposed,
- (c) all Fees, as set out in the City's Fees and Charges By-law, as amended, and as relates to an Interment Right, Interment and Memorial installation has been paid in full to the City, and
- (d) upon satisfying all of the above, a Memorial permit may be issued by the City to allow installation or inscription of a Memorial.

- 8.6 It is the responsibility of the Applicant for a Memorial permit to confirm the correct location for a Memorial proposed for installation and, in the case of a companion Memorial on a side-by-side Lot, to further confirm the correct layout for the companion inscription on the Memorial. The City shall bear no responsibility or financial liability for a Memorial where it can be shown this due diligence was not performed by the Applicant.
- 8.7 The City shall have the authority to refuse to issue a Memorial permit to an Applicant if the Applicant has failed to comply with the requirements of this By-law, or any requirement established by the City governing Memorials at a Cemetery. In the instance a refusal may occur, the City will inform the Applicant what is not compliant about the Memorial permit application and the steps that must be taken to resolve the deficiency within a reasonably timely manner.
- 8.8 The City shall have the authority to reject a Memorial, despite the prior issuance of a Memorial permit, when a Memorial delivered for installation at a Lot does not match the specifications described in a Memorial permit application or does not comply with the requirements of this By-law, or the Memorial, inscription, engraving, or ornamentation or combination thereof is, in the judgement of the City, inconsistent with the dignity of adjacent Lots, the Cemetery or community standards. In the instance a refusal may occur, the City will inform the Applicant what is not compliant about the Memorial delivered for installation and the steps that must be taken to resolve the deficiency within a reasonably timely manner.
- 8.9 Every Memorial at a City Cemetery shall be installed, relocated, or removed, subject to the direction of the City, by a Person, Memorial supplier or dealer, or an agent authorized by the City.
- 8.10 The installation of Memorials shall occur only during the regular operating hours of a City Cemetery, unless otherwise authorized in writing by the City.
- 8.11 The City shall be responsible to maintain the land on which a Memorial is placed

or installed but shall not be responsible for the maintenance of any Memorial. The City shall not be liable for, or obligated to repair, any scratch, breakage, or damage to a Memorial in a Cemetery except where it can be shown such a scratch, breakage or damage has been caused by the negligence of the City.

- 8.12 A Rights Holder or their Personal Representative is required to keep in good repair, at their expense and to the satisfaction of the City, all Memorials on their Lot. In the instance a Memorial is placed or installed on a Lot in a Cemetery and subsequently falls into a state of disrepair, the City shall document the condition of the Memorial and shall have the authority, Without Prior Notice, to have the Memorial removed from the Lot and from the City Cemetery, in each case at the expense of a Rights Holder or their Personal Representative.
- 8.13 Where it is determined a Memorial or its installation do not comply with this By-law then the City may request and require, at the expense of a Rights Holder or their Personal Representative, that the non-compliant Memorial be moved, reinstalled, or permanently removed from a Cemetery.
- 8.14 Except for a Cemetery Lot memorialized or embellished prior to the date of adoption of this By-law the surface of every in-ground Lot in a Cemetery shall be soil and turf grass.
- 8.15 For a Cemetery Lot memorialized or embellished prior to the date of adoption of this By-law, the City subject to their discretionary authority, may,
- (a) permit pre-existing Memorials and embellishments to remain on a Lot providing they are well maintained, do not pose a safety hazard, and are kept in good repair by and at the expense of the Rights Holder, their Personal Representative, or their heir or successor,
  - (b) permit, or order, at the expense of a Rights Holders their Personal Representative, or their heir or successor, that a pre-existing, deteriorated, or damaged Memorial or embellishment be replaced on a Lot providing the replacement Memorial or embellishment is identical to the Memorial or embellishments being replaced to the original items being replaced terms of size, type, and form.
- 8.16 Upon adoption of this By-law the City shall have the authority to, Without Prior Notice, remove and restore the surface of a Lot with soil and turf grass, and dispose of any curbing, Grave cover, coping, fence, railing, hedge, planting, or any other form of delineation that is in an advanced state of disrepair, has created an unsafe ground condition, become a hazard to Persons using, visiting, or working in the Cemetery, or that has otherwise deteriorated to a state that is inconsistent with the dignity of adjacent Lots and the general aesthetic of the Cemetery.

## **9.0 MEMORIALS: SPECIFICATIONS**

- 9.1 Every Memorial, and the installation of every Memorial in a Cemetery shall conform to the Cemetery Plan, and for the Lot and the section of the Cemetery in which the Memorial is to be installed.
- 9.2 Every Memorial shall be constructed of granite, or bronze on a granite base, or of another permanent and durable material approved by the City.
- 9.3 The type and design of a Memorial and, the maximum width, depth, and thickness of a Memorial and, the form and style of a Memorial inscription is conditional on the type of Lot or Lots on which it is being installed.
- 9.4 Any Memorial shall conform to the specifications set out in this section and any further requirement that may be established by the City for a Lot at a Cemetery at the time the Memorial is placed or installed, not at the time the Memorial is purchased or at the time of death.
- 9.5 Memorial installation shall be made under the supervision of the City and the cost of the Memorial, and its installation shall be borne by the Applicant.
- 9.6 The design, layout, dimensions, location of Interments and location and placement of Memorials for every Lot type in a City Cemetery shall be those set out in the Cemetery Plan and this By-law.
- 9.7 Memorial dimensions set out in herein may have a variance of not more than plus or minus 1.3 cm.
- 9.8 **FLAT GRANITE MARKER:** Every flat granite marker shall conform to the following specifications,

<b>FLAT GRANITE</b>			
<b>SINGLE LOT</b>	Length 61 cm	Width 46 cm	Minimum Thickness  10 cm
<b>DOUBLE LOT</b>	Length 91 cm	Width 46 cm	
<b>INFANT / CHILD LOT</b>	Length 46 cm	Width 30 cm	
<b>CREMATION LOT</b>	Length 46 cm	Width 30 cm	

- 9.9 Every flat granite marker shall be installed onto a foundation, installed at an Applicant's expense, which consists of:
- (a) sufficient excavation of the Memorial installation site,

- (b) placement and compaction of sufficient subsurface consolidated aggregate materials to ensure a stable and level, vertical and horizontal installation of the flat marker flush with the surface level of the Lot, and
- (c) placed on a reinforced concrete base not less than five (5) cm thick.

9.10 **FLAT BONZE MARKER:** Every flat bronze marker shall conform to the following specifications,

<b>FLAT BRONZE MARKER</b>			
<b>SINGLE LOT</b>	Length 51 cm	Width 30 cm	Minimum Base Thickness 10 cm
<b>DOUBLE LOT</b>	Length 71 cm	Width 30 cm	
<b>INFANT / CHILD LOT</b>	Length 41 cm	Width 25 cm	
<b>CREMATION LOT</b>	Minimum Length 40 cm	Minimum Width 25 cm	

9.11 Every bronze flat marker shall be installed on a granite base that is,

- (a) not less than ten (10) cm thick,
- (b) have the top and bottom smooth finished,
- (c) have rock-pitch sides that are true and perpendicular with the top surface of the attached marker,
- (d) an exposed, smooth granite surface five (5) cm wide showing around each edge of the bronze marker, and
- (e) holes drilled through, to accommodate the attachment of the bronze marker with corrosion resistant, threaded bosses and washers, to be supplied by the Memorial supplier.

9.12 Every bronze marker shall,

- (a) have the letters, numerals and ornamentation chased and buffed that shall not protrude more than one (1) cm above the surface of the marker, and each casting shall be true and free from defects and roughness, and further;
- (b) cast with sufficient integral bosses on the underside, tapped or drilled to receive anchor lugs or bolts which shall be non-

corroding of a minimum diameter of one (1) cm and if metal, electrolytically similar to the marker, and

- (c) be securely attached to a granite base by four or more of the fasteners to a base. All base tops and bottoms shall be smooth finished.

9.13 **UPRIGHT MONUMENTS:** Every upright monument, including the base, shall conform to the following specifications,

UPRIGHT MONUMENT			
LOT TYPE	GRANITE TABLET		MATCHING GRANITE BASE
ONE LOT	Width 61 cm	Minimum Height 61 cm	Minimum Thickness  16 cm  Maximum Border  8 cm polish finish, exposed granite around all sides of tablet.
TWO LOTS	Width 122 cm	Minimum Height 61 cm	
THREE LOTS	Width 142 cm	Minimum Height 61 cm	
FOUR LOTS	Width 162 cm	Minimum Height 61 cm	
No monument on its base shall have a combined height exceeding 107 cm in height.			
Upright monuments extending over more than two (2) Lots may be considered, on a custom basis, subject to specifications established by the City.			
Every monument tablet shall be pinned to its base using a dowel of not less than 1.3 cm diameter, and a length of not less than 15 cm extending equally into the tablet and base.			

- 9.14 Every upright monument shall be installed onto a foundation, installed at an Applicant's expense, which shall consist of,
- (a) sufficient excavation of the foundation installation site,
  - (b) placement and compaction of sufficient subsurface, consolidated aggregate materials,
  - (c) installation of a reinforced concrete pad of not less than twenty five (25) MPa, sulfate resistant, air entrappings four (4) - seven (7) percent air content,
  - (d) for a monument under ninety-one (91) cm in height, a thickness of not less than ten (10) cm,
  - (e) for a monument over ninety-one (91) cm in height, a thickness of not less than fifteen (15) cm,
  - (f) for every monument, the top finished surface of a foundation shall have not less than ten (10) cm wider and longer than the base of the Memorial to be installed on the Lot, and
  - (g) a foundation installed with a finished surface flush to the ground level of the Lot so as to ensure a stable and level, vertical and horizontal installation of the monument and base above the surface level of the Lot is achieved.
- 9.15 No upright monument shall be installed over the space of a Lot that has been or may be opened to accommodate an Interment of Human Remains.
- 9.16 An upright monument with a design feature that is an integral part of the Memorial may be permitted so long as the Memorial, including the design feature, conform to the specifications set out herein.
- 9.17 An upright monument in the form of a freestanding design shall not be permitted.
- 9.18 **CORNER POST MARKERS:** The City at its discretion and expense, or at the request and expense of an Applicant, may install, flush with the surface of a Grave, Corner Post Marker at the Grave corners for the purpose of indicating and identifying the location of a Grave or Plot.

## **10.0 GENERAL RULES & REGULATIONS**

- 10.1 The days and hours of operation of the City's Cemeteries and the Cemetery office, for the following purposes, shall be
- (a) **Cemetery Visiting:** Cemeteries are open every day of the year for visiting between 8:30 a.m. and sunset. No Person, without the express written permission of the City, shall be in a Cemetery between one (1) hour after sunset and 8:30 a.m. the following morning,

- (b) **Interment:** subject to provisions established in this By-law, Interment services may occur Monday through Friday,
  - i. between the hours of 8:30 a.m. and 2:30 p.m., or
  - ii. an Interment that goes beyond 2:30 p.m., or an Interment requested outside of the hours prescribed above, or an Interment on a weekend or Holiday, is subject to the written authorization of the City and payment of an additional Fee as set out in the City's Fees and Charges By-law, as amended.
- (c) **Cemetery Arrangements:** Cemetery arrangements and the payment of Cemetery Fees shall be administered and coordinated through the City of Vaughan Joint Operations Centre, 2800 Rutherford Rd., Monday through Friday, from 8:30 a.m. to 4:30 p.m. The office is closed on Saturday, Sunday, days of observance and Holidays observed by the City.

10.2 Floral tributes may be placed at a Cemetery in accordance with the following rules,

- (a) on the day of Interment and for a period of fourteen (14) days following Interment, all forms of floral tributes, including fresh cut flowers, wreaths, artificial and seasonal floral tributes are permitted to be placed on the Lot. After fourteen (14) days, flowers placed on the day of Interment may, Without Prior Notice, be removed and disposed of by the City,
- (b) between March 1 and October 31 only fresh cut flowers, placed on a Lot or displayed in a vase approved by the City, and placed at a location on the Lot established by the City, are permitted on a Lot,
- (c) between October 31 through February 28 all forms of floral tributes, including fresh cut flowers, wreaths, artificial and seasonal floral tributes are permitted to be placed on a Lot, at a location on the Lot established by the City,
- (d) all floral tributes are placed at a Cemetery with the understanding that, Without Prior Notice, a floral tribute may be removed and disposed of if the flowers have withered, become unsightly, detract from the general aesthetic of adjacent Lots, or pose a hazard to Cemetery visitors or workers conducting Cemetery maintenance, and
- (e) a limit of one (1) flower vase of a design approved by the City and placed at a location established by the City, may be permitted for the placement of flowers at a Cemetery Lot.

- 10.3 Placing any form of decoration, adornment, personal memento, or other extraneous object, unless in compliance with this By-law, is not permitted on any Lot in a Cemetery.
- 10.4 Unauthorized items placed on any Lot or in any City Cemetery may, Without Prior Notice, be removed or ordered removed by the City. This includes, but is not limited to, photographs, pictures, frames, solar lights, boxes, shells, toys, wire screens, decorative rock, trellises, benches, or any other form of memorabilia.
- 10.5 No open flame, candle, or burning of any substance or other material may take place inside a Cemetery without prior written authorization of the City and conducted only under the direct supervision of the City.
- 10.6 The City is not liable for the deterioration, damage or loss of flowers, decorations, adornments, or any other subsection attached to or placed on a Lot, at a Memorial site or in a Cemetery.
- 10.7 Except as may be provided for elsewhere in this By-law, no Lot or other part of a Cemetery may be decorated or adorned in any manner by any Person other than the City, or an authorized agent of the City, without the express written consent of the City and where the exercise of such consent shall be within the limited discretion and authority of the City.
- 10.8 No turfgrass, tree, shrub, plant, bulb, flower, or other decorative plant may be planted, pruned, cut down, removed, or otherwise altered on a Lot or anywhere else within the limits of a Cemetery without the express written consent of the City, and where all such work shall be performed by the City, or by an authorized agent of the City.
- 10.9 Cemetery roadways are for the exclusive use of interment processions, cemetery visitors, or other persons as may be approved by the City, and no vehicle shall exceed the speed of five (5) kilometers per hour, and every operator of a vehicle shall, at all times, obey the directions of the City.
- 10.10 No Person shall drive or park a vehicle over any lawn, garden, or flower bed without the express written permission of the City, and as subject to the supervision of the City.
- 10.11 Every Person, including those in funeral processions, upon entering and while within a Cemetery, shall follow every instruction of the City.
- 10.12 In a Cemetery no Person shall
  - (a) disperse, dispose of, or inter any Cremated Remains or bury any Human Remains except in compliance with this By-law and any rule or regulation made thereto,
  - (b) define or delineate any Lot or group of Lots by a Grave cover, Grave cap, fence, railing, curb, hedge or by any other means that contravenes this By-law or its schedules,



- (c) willfully or negligently destroy, mutilate, deface, damage, vandalize, injure, or remove anything from a City Cemetery, including and without limitation, any Memorial, plant, flower, tree, rock, or other item located within the limits of a Cemetery,
- (d) carry out any activity other than attendance at an Interment or Memorial service or the visitation of a Lot for the purpose of paying respect to the dead,
- (e) drive a vehicle anywhere other than on a designated roadway for vehicles and in compliance with posted speed regulations or other directives,
- (f) operate a snowmobile or any other form of recreational vehicle or all-terrain vehicle,
- (g) conduct them self in a manner so as to disturb the peace, quiet and good order of the Cemetery generally or an Interment or Memorial service being conducted therein,
- (h) discharge a firearm other than at a military funeral for which a firearm salute has been authorized by the City and is conducted under the direct command of an officer in charge and only during an Interment or Memorial service being conducted therein,
- (i) bring into or dump any rubbish, debris or other offensive item or matter or make an unauthorized removal of any Cemetery refuse, waste, or rubbish,
- (j) allow a Child or Children under the age of sixteen (16) years within the limits of a Cemetery that is not accompanied by a parent, guardian, or an Adult,
- (k) play any manner of sport, sports game, or sport activity within the limits of a Cemetery,
- (l) bring any pet or animal, other than a certified personal assistance animal, into a Cemetery, and,
- (m) otherwise violate any provision of this By-law.

10.13 No gratuity or extraordinary consideration shall be paid to or accepted by an employee or agent of the City for any service rendered in connection with a City Cemetery.

10.14 All work within a Cemetery shall be performed by the City or by authorized agents of the City. A Person or corporation other than those authorized agents of the City who perform work in a Cemetery, including a Person or corporation that performs work on behalf of a Rights Holder or Personal Representative of a Deceased, or their heir or successor shall supply to the City, prior to commencement of any work within the limits of a Cemetery, and in a form prescribed by the City, proof of

Workplace Safety and Insurance Board coverage, Public Liability Insurance and Motor Vehicle Insurance in a form and amount acceptable to the City.

- 10.15 The behavior of a contract worker including a contractor performing work on behalf of a Rights Holder or Personal Representative of a Deceased or their heir or successor within a Cemetery shall be subject to the supervision of the City.
- 10.16 A contract worker working in a Cemetery shall immediately cease work in the vicinity of any Interment or Memorial service until the conclusion of the service and those Persons attending the service have left the area where the service was being conducted.
- 10.17 No work may be performed at a Cemetery except during the regular business hours of the City, or a Cemetery, except where work outside of said days or hours has been authorized in writing by the City.
- 10.18 The City shall, at all times, have the right of passage in any manner it sees fit over every Lot and all the land of every Cemetery so as to ensure that Cemetery operations and maintenance can be performed in a safe, efficient, and timely manner.
- 10.19 Notwithstanding subsection 10.13(d) of this By-law the City shall have the authority to conduct or permit to be conducted public or private events within a Cemetery that are, in the opinion of the City, deemed appropriate for and in keeping with the dignity and purpose of a Cemetery.
- 10.20 In the instance a Person or corporation through their immediate behavior, or a pattern of behavior tracked over time, does not behave with proper decorum within a Cemetery or who disturbs the peace, quiet and good order of a Cemetery then the City may take such steps it deems appropriate to expel the Person or corporation from a Cemetery and bar them from entering into a Cemetery in the future.
- 10.21 In the instance a Person or corporation through their immediate behavior, or a pattern of behavior tracked over time, contravenes any subsection of this By-law then the Person or corporation may be subject to application of a penalty as set out in *Section 11.0 Offences and Fines*.

## **11.0 OFFENCES and FINES**

- 11.1 Any Person is guilty of an offence if the Person,
  - (a) contravenes this By-law,
  - (b) fails to follow the direction of an enforcement Officer in order to achieve compliance, or

- (c) willfully interferes with, obstructs or assaults a representative of the City in the exercise or performance of an Officer's duties related to the administration and enforcement of this By-law.
- 11.2 A Person guilty of an offence, in accordance with subsection 11.1, is liable to a fine of not more \$5,000 as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P. 33.
- 11.3 An offence under this By-law that continues more than one day may constitute a continuous offence and be punishable as such.

## **12.0 REPEAL of OTHER BY-LAWS**

- 12.1 By-law No. 180-92 and By-law No. 406-2002 are hereby repealed.

## **13.0 ENACTMENT**

- 13.1 This By-law shall come into full force and effect on the date it is enacted.

## CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 16, 2002**

Item 10, Report No. 85, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 16, 2002.

**10      AMENDMENTS TO BYLAW 180-92, A BY-LAW TO PROVIDE FOR THE REGULATION AND OPERATION OF CEMETERIES OWNED BY THE CITY OF VAUGHAN**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated December 9, 2002:

**Recommendation**

The Commissioner of Community Services in consultation with the Executive Director of Buildings, Facilities and Parks and the Legal Department recommends:

That By-law 180-92, a By-law to Provide for the Regulation and Operation of Cemeteries be amended subject to the approval of the Registrar, Cemeteries Act (Revised) in the following manner:

- 1) Section 2, Definitions, Subsection 1, under "Active Cemeteries" adding Cober Mennonite Cemetery, Part of Lot 12, Concession 2, designated as Part 2 on Plan 65R2335;
- 2) Section 6: Monuments and Markets, Subsection 2: Adding the following to said paragraph: "No monument or other structure shall be erected or permitted on a lot until the necessary changes and expenses have been paid in full, and the approval form in Section "10" has been filed with the City of Vaughan unless otherwise expressly permitted by the City of Vaughan.

**Purpose**

The purpose of this report is to obtain Council's approval regarding amendments to the City of Vaughan's Cemeteries By-law

**Background - Analysis and Options**

On June 12, 2000, Council approved the transfer of ownership, trusteeship, care and control of Cober Mennonite Cemetery to the City. This cemetery is described as Part of Lot 12, Concession 2 and is situated on the east side of Dufferin Street, north of Langstaff Road and south of the Toronto Reservoir. It is an active cemetery that, for many years, has been maintained and kept in good condition by the Baker family and in 2000 this cemetery has been under the City of Vaughan's ownership. Staff is advising that this cemetery should be added to the inventory of cemeteries listed in the by-law.

Staff have met several times with the Ahmadiyya Muslim community which resides in Maple in order to discuss matters pertaining to their burials in the City's cemeteries. The Ahmadiyya Muslim community has for the last number of years, buried members of their community in the Maple Cemetery predominately, which approximately totals 200 graves. This community has requested that they be allowed to construct foundations at the head of the grave in order to place head stones on the platform at a later point in time. The City's by-law to provide for the Regulation and Operation of Cemeteries Owned by the City of Vaughan does not permit any individual to erect a monument or other type of structure on the lot until all charges and expenses have been paid in full and that the form in section 10 of the Cemeteries by-law has been filed with the City. Since the Ahmadiyya Muslim community's religion does not allow representatives to prepare for death, they are not able to make pre-arranged burial arrangements, including the advance purchase of a burial plot.

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 16, 2002**

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Recommendation Number two would make allowances for such requirements by allowing for the advance construction of foundations etc., where the plot had not fully paid for, in cases where staff had expressly permitted such construction to take place.

Prior to providing such express permission, staff would require the following: that the Ahmadiyya Muslim community provide in writing, a commitment to the City that they will pay for the spaces once a person has died; that staff be allowed to grant the community 20 spaces for foundations to be constructed and that once these lots have been fully paid for that, permission for an additional 20 spaces be granted and so on, until all the available graves/lots have been taken.

**Conclusion**

Staff is requesting that Council approve the changes to the cemeteries by-law as stated in the report.

**Attachments**

None

**Report prepared by:**

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Administrative Co-ordinator  
Community Services