

BY-LAW NUMBER 111-23

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To establish the rules and regulations for the operation and maintenance of Cemeteries under the jurisdiction of the County of Brant and to repeal and replace by-law 119-13;

WHEREAS pursuant to the Funeral, Burial and Cremation Services Act 2002 (FBCSA) as amended and the Regulations thereunder, the owner of a cemetery may make regulations for the operation and maintenance thereof, subject to the approval of the FBCSA, Bereavement Authority of Ontario (BAO);

AND WHEREAS it is now deemed necessary and desirable to establish such rules and regulations;

NOW THEREFORE THE Council OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

A) Definitions:

Bereavement Authority of Ontario: Means the Bereavement Authority of Ontario which is a government delegated authority administering provisions of the Act on behalf of the Ontario Ministry of Public Business and Service delivery.

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 and regulations under which the Cemeteries operate.

Care and Maintenance Fund: It is a requirement under the FBCSA and Ontario Regulation (O. Reg.) 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold, transferred, assigned, or permitted; 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 lots, plots, markers, and monuments at the cemetery.

Cemetery: Means land that has been established as a cemetery under the FBCSA, a private Act or predecessor of one of them that related to cemeteries under the jurisdiction of the County of Brant and as identified in Schedule "A" attached hereto.

Cemetery Operator: Shall mean the Corporation of the County of Brant

Cemetery Services: Shall mean the following services in respect of a lot or plot;

- i. Opening and closing of a lot, plot, or niche.
- ii. Interring or disinterring human remains.
- iii. Preparation of foundations.

Clerk: Means the Municipal Clerk of the County of Brant.

Contract: For purposes of these by-laws, all purchasers of interment rights or other cemetery supplies and services must receive a copy of the contract they and the Cemetery Operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer Information Guide and Price List.

Cremation Lot: Means any burial space intended to receive cremated remains.

Decoration Day: Is a specific day in the cemeteries when families may place flowers or wreaths.

Disinterment: the removal of human remains from any in-ground burial space.

Grave: (Also known as **Lot**) means any inground burial space intended for the interment of a child, adult or cremated human remains. That allows one (1) full burial on the bottom and three (3) cremations on top, provided space is available. In the case of a Veteran's lot, the cremated remains of only the spouse is allowed on top.

Interment: means the burial of human remains and includes the placing of human remains in a lot.

Interment Rights: The right to require or direct the interment of human remains or cremated human remains in a grave, lot or niche and direct the associated memorialization.

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

Interment Rights Holder: means the person who holds the interment rights with respect to a lot whether the person be the purchaser of the rights, the person named in the certificate of interment or such other person to whom the interment rights have been assigned Any person designated to hold the right to inter human remains in a specified lot.

Lot: Means an area of land in a Cemetery containing or set aside to contain human remains.

Marker: Shall mean any permanent memorial structure that is set flush and level with the ground and used to mark the location of a burial lot.

Monument: Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

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

Plan: Means the plan of the Cemetery, approved by the BAO.

Plinth: Shall mean a granite base placed between tablet and main base to mark the location of a burial or lot

Plot: For the purposes of this by-law, a plot is a parcel of land sold as a single unit, containing multiple lots.

Register: Means electronic or written records kept in accordance with the FBCSA.

Treasurer: Means the Municipal Treasurer of the Corporation of the County of Brant.

Trust Funds: Means those funds in which a trustee may invest which are defined in the "Trustee Act", R.S.O. 1990.

B) General Information

1. Hours of Operation:

Visitation Hours: Sunrise to Sunset

Office Hours: Monday to Friday 8:30 am to 4:00 pm

Burial Hours: Monday to Friday 9:00 am to 3:00 pm,

Saturday 9:00 am to 1:30 pm

The Cemetery Operator will not perform Sunday or Statutory Holiday interments, unless ordered to do so by a representative of the Ministry of Health.

2. General Conduct:

- The Cemetery reserves full control over the cemetery operations and management of land within the cemetery grounds.
- No person may damage, destroy, remove, or deface any property within the Cemetery.
- All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

3. By-Law Amendments:

The cemetery shall be governed by these by-laws, and all procedures will comply with the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and Ontario Regulation 30/11, which may be amended periodically.

All by-law amendments must be:

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

All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

4. Liability:

The Cemetery Operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, columbarium niche, monument, marker, or other article that has been placed in relation to an interment save and except for direct loss or damage caused by gross negligence of the cemetery.

5. **Public Register:**

Provincial legislation Section 110 of Ontario Regulation 30/11 requires all cemeteries to maintain a public register that is available to the public during regular office hours.

6. **Pets or Other Animals:**

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

7. **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.

8. **Notice of Resale and Transfer of Interment Rights:**

The Cemetery Operator permits the Interment Rights Holder to sell or transfer their interment rights to a third party, at no more than the current price listed on the cemetery price list if the sale or transfer is conducted through the Cemetery Operator and the purchaser meets the qualifications and requirements as outlined in the Cemetery Operator's by-laws.

C) Cancellation or Resale 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-laws. In accordance with cemetery by-laws, no burial or installation of any monument, marker, inscription, or memorialization 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 interment rights is not a purchase of Real Estate or real property. An Interment Rights Holder wishing to resell their interment rights must advise the Cemetery Operator of their intention prior to seeking a third-party buyer for their interment rights.

1. **Cancellation of Interment Rights within 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.

2. **Cancellation of Interment Rights after the 30-Day Cooling-Off Period:**

For contracts entered prior to July 1, 2012, as per the BAO. Upon receiving written notice from the purchaser of the interment rights, the Cemetery Operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within (30) days of receiving said notice. If the interment rights certificate has been issued to the Interment Rights Holder(s), the certificate must be returned to the Cemetery Operator along with the written notice of cancellation.

If any portion of the interment rights has been exercised, the purchaser or the Interment Rights Holder(s) is not entitled to cancel the contract.

3. **Resale of Interment Rights after 30 Day Cooling-Off Period:**

Unless the interment rights have been exercised the purchaser retains the right to re-sell the interment rights to a third party. 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 the right to re-sell the interment rights. Any resale of the interment right shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA.

If any portion of the interment rights has been exercised, the purchaser or the Interment Rights Holder(s) is not entitled to re-sell the interment rights.

4. **Care and Maintenance Fund Contribution:**

It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold; and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. If no scattering rights are sold but scattering is permitted a prescribed amount must be contributed to the fund when the scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers, and monuments at the cemetery. Contributions to the care and maintenance fund are not refundable except when interment or scattering rights are cancelled within the 30-day cooling off period.

5. **Resale of Interment Rights to a Third Party:**

NOTE: ALL REALES OF INTERMENT RIGHTS MUST BE CARRIED OUT THROUGH THE CEMETERY OPERATOR.

The Interment Rights Holder(s) intending to sell their rights shall provide the following documents to the Cemetery Operator so that the operator can confirm the ownership of the rights and provide the third-party purchaser with the required certificate etc.:

- i. an interment rights certificate endorsed by the current rights holder.
- ii. 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 Cemetery Operator:

- i. an interment rights certificate
- ii. a copy of the cemetery's current by-laws
- iii. a copy of the cemetery's current price list
- iv. any other documentation in the Interment Rights Holder(s) possession relating to the rights.

The Cemetery Operator will require:

- i. A statement signed by the Interment Rights Holder(s) selling the interment rights acknowledging the sale of the interment rights to the third-party purchaser.
- ii. Confirmation that the person selling the interment rights is the person

- registered on the cemetery records and that they have the right to re-sell the Interment rights.
- iii. Record of the date of transfer of the interment rights to the third-party.
 - iv. The name and address of the third-party purchaser(s).
 - v. A statement of any money owing to the Cemetery Operator in respect to the Interment rights.

Once the endorsed certificate and all required information has been received by the Cemetery Operator from the Interment Rights Holder(s), the Cemetery Operator will issue a new interment rights certificate to the third-party purchaser.

Upon completion of the above listed procedures, and upon the 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-laws and the FBCSA.

The Cemetery Operator may charge an administration fee for the issuance of a certificate in accordance with the price listed on the Cemetery Operator's current price list.

The Cemetery Operator does not prohibit the resale of interment rights and may repurchase the interment rights from the Interment Rights Holder(s) if the Cemetery Operator so desires and may negotiate a purchase price so long as the seller acknowledges being aware of the Cemetery Operators current price list amounts for interment rights.

D) Interment & Disinterment

1. Interment

Interments are only permitted to take place in an active cemetery, as deemed by the County of Brant. No interments shall be allowed in inactive cemeteries or inactive sections of a cemetery. The County of Brant reserves the right to deem cemeteries or sections active or inactive as the Cemetery Operator. Active and Inactive Cemeteries are identified in **Schedules A** and **B** of this By-Law.

Interment Rights Holder(s) must provide written authorization prior to a burial taking place. When Interment Rights are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives. Should the Interment Rights Holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the Interment Rights Holder i.e., Personal Representative, Estate Trustee, Executor or next of kin. Persons requesting interments shall be held responsible for charges incurred.

A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to a burial taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains taking place.

In accordance with the FBCSA the purchaser of interment rights must enter a cemetery contract, providing such information as may be required by the Cemetery

Operator for the completion of the contract and the public register prior to each burial of human remains.

Interments being paid for by Funeral Homes are net 15 days, interments not being paid for by a Funeral Home must be paid to the cemetery before a burial can take place. The interment fee includes the opening and closing of the lot and the registration of the burial. No interment shall be permitted in any lot where the Interment Rights or Lot Care and Maintenance fees have not been paid in full.

Notice of each interment whenever possible (exceptions may be made for religious beliefs) shall be given to the Cemetery thirty-six (36) hours in advance, twelve (12) hours of which must be regular working hours. The Cemetery cannot be held responsible for having lots prepared for funerals unless such notice is given. All funerals must arrive in the Cemetery between the hours of 9:00 am and 3:00 pm, Monday through Friday, unless otherwise arranged and additional fees (including late fees) will apply. Winter burials shall take place, weather permitting.

The opening and closing of graves and niches may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery. The Cemetery Operator will exercise all due care in making burials and interments, but is not responsible for damage to any casket, urn or other container sustained during interment or disinterment.

Remains to be buried in a grave must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot. A vault or liner is strongly recommended.

Cremated remains are not permitted to be scattered on a grave.

The Cemetery Operator reserves the right, at its cost, to correct any error that may be made by it in making interments, in description of the lot, or the transfer or conveyance of any Interment Rights. The Cemetery Operator may either cancel such grant and substitute other Interment Rights, or lot of equal value and similar location, as far as is reasonably possible; or refund all money paid on account for such purchase. Notice will be given personally to the Interment Rights Holders or their legal representatives, at their last appearing address in the record books of the Cemetery Operator. In the event any such error may involve the disinterment of remains, the corporation shall first obtain the approval of any regulatory authority and the Interment Rights Holder.

2. **Disinterment**

Human remains may be disinterred from a lot provided that written consent (authorization) of the Interment Rights Holder has been received by the Cemetery Operator and the prior notification of the Medical Officer of Health.

Full burial disinterment may only take place at the Cemetery Operators' discretion and only from April 15th to November 15th in any one year unless court ordered. Disinterment will only be carried out per the FBCSA or applicable legislation.

If disinterment is requested by the lot owner to temporarily remove any existing cremations to put a full burial in the lot, a written request is required as well as additional payment(s) for the disinterment and reinterment made to the Cemetery Operator before this can occur.

A certificate from the local Medical Officer of Health must be received at the cemetery office before the removal of casketed human remains may take place. A certificate from the local Medical Officer of Health is not required for the removal of cremated remains.

The cost for the following is the responsibility of the person(s) requesting the disinterment:

- a. Disinterment rate
- b. Purchase of lot for re-interment, if applicable.
- c. An outer container (i.e., vault, liner, new casket) is required for the disinterment.
- d. Unforeseen costs for safety equipment, new vault or liner, transfer costs or equipment rentals, shoring for extra depth burials, etc.
- e. If circumstances require, the cost for the following equipment used in the disinterment, all straps, tarps, rubber gloves, masks, etc. that are buried or burned following a disinterment.
- f. Any fees charged by the County of Brant Health Unit for an inspector from the Medical Officer of Health's office, or for any other charges incurred to perform the disinterment.

The Cemetery Operator recommends that family do not attend the disinterment due to the sensitive nature to both the family and employees performing the work, as well as potential safety hazard.

In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the Interment Rights Holder and/or next of kin(s).

E) Memorialisation

The Monument Companies on behalf of the Cemetery Operator collect the Care and Maintenance fee prescribed in the Cemeteries Act when a Marker/Monument is ordered. The interest earned from the Marker/Monument Care and Maintenance trust fund will be used to maintain the markers or monuments. The Cemetery Operator is not responsible for items that were not subject to the Monument Care and Maintenance fee.

No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full. Please see the County of Brant's, Memorial Tree & Bench Program for more information.

No monument, footstone, marker, or memorial of any description shall be placed, moved, altered, or removed without permission from the Cemetery Operator.

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

The Cemetery Operator will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof. All photographs attached to any memorial/monument/marker shall be the sole responsibility of the owner.

The Cemetery Operator reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be of a size that would interfere with any future interments.

All foundations for monuments and markers shall be installed by the Cemetery Operator or designate at the expense of the Interment Rights Holder. The Cemetery Operator will install foundations in the spring and fall. Weather and frost will determine when foundations will be constructed. Monument Companies must have the foundation orders in prior to May 15th or they will not be included in the first pour of the year. Foundation orders received after October 15th will be poured the following year. The Cemetery Operator will not store monuments/markers over this period.

Delivery of monuments or markers will not be accepted at a Cemetery without the Monument/Marker Installation Agreement or similar form containing the following information:

- i) The Interment Rights Holder's name and address and authorizing signature
- ii) Instructions for placement and lot location
- iii) The dimensions of the flat marker, or
- iv) In the case of a monument:
 - a) the dimensions of the die, height, width, length;
 - b) the dimensions of the base, height, width, length;
 - c) the overall size of the monument;
 - d) a description of the monument, including last name on monument and design;
 - e) the installation fee established by the County of Brant
 - f) the amount prescribed by the FBCSA for the Monument Care and Maintenance Fee in relation to the size of the marker/monument.

No monument or marker will be delivered to the Cemetery until the foundation is completed and cured.

Prior to the removal of a monument or marker, the monument company must notify the cemetery of the pending removal of any marker or monument from the cemetery, in writing, by registered letter, courier, email or fax.

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

The following monuments are not allowed: wooden items such as crosses, marble, and odd shaped rocks.

Should any monument or marker present a risk to public safety because it has become unstable, the Cemetery Operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to

remove the risk.

A full single lot is allowed one upright monument unless designated as a flat marker area only. One flat marker may be placed at the grave in addition to the monument and is to be placed at the head of the grave only. The maximum base size on any single lot cannot exceed 60.96 cm (24").

Height: 1.22 metres (4 feet – overall including the base)
Width: 0.61 metres (2 feet)
Base (minimum): 30.48 centimetres (12 inches – front to back)
Die (maximum): 20.50 centimetres (8 inches)

A double lot is allowed one upright monument unless designated as a flat marker area only. One flat marker may be placed at each grave in addition to the monument. Flat markers are to be placed at the head of the grave only. The maximum size of a monument allowed on a double lot is:

Height: 1.22 metres (4 feet – overall including the base)
Width: 1.22 metres (4 feet)
Base (minimum): 30.48 centimetres (12 inches – front to back)
Die (maximum): 20.50 centimetres (8 inches)

*Diagrams for monuments, markers and plantings for single and double lots are included in **Schedule C** of this By-Law.*

The minimum thickness of a die should be 15.24 centimetres (6 inches). Should the monument exceed 100 centimetres (39.4 inches) overall height, the die must be 20.3 centimetres (8 inches).

The die stones must be installed on a granite base. The height of the base shall be minimum of 20.3 centimetres (8 inches). The top surfaces of the base must be both wider and longer than the die to provide a minimum border of 7.6 centimetres (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth.

There shall not be a variance of more than 1.27 centimetres (1/2 inch) in the size of the base required, as stated on the work order and the size of the monument delivered.

The maximum width of a foundation is controlled by the width of the plot or lot where it will be installed. No foundation shall be closer than 5.06 centimetres (2 inches) to the lot width sidelines on which it is to be installed.

If bushes are allowed, the intended monument should not exceed 50 per cent of the lot width, i.e., 1.83 meters (6 foot) width allows for .91 meters (3 foot) monument. Monument companies should check with the Cemetery Operator for lot widths to determine what is allowed.

Monuments are placed at the centre of the head end of the lot.

No monument shall be delivered to the cemetery for installation until the monument foundation has been completed.

All monuments and markers shall be constructed of bronze or natural stone (i.e., granite). The bottom bed of all bases and markers shall be cut level and true.

The minimum thickness for flat markers including footstones is 4 inches or 10 cm.

Markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them.

Pillow or book markers are not permitted in any County of Brant Cemetery. Any Interment Rights Holder wishing to have previously installed book or pillow markers laid flush with the ground to avoid damage can contact the Cemetery Operator.

Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within thirty (30) days after acceptance. Markers will not be accepted from any monument company for storage during the winter months.

Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.

Single lot maximum: 30.48 cm x 50.80 cm (12" x 20")

Double lot maximum: 45.72 cm x 60.96 cm (18" x 24")

Cremation lot maximum: 30.48 cm x 50.80 cm (12" x 20")

Veterans Affairs/ Last Post Fund

A grave marker may be provided and installed for those Veterans who are entitled to receive funeral and burial benefits, as determined under Section 4 of the Veterans Burial Regulations 2005, when no other marker has been placed or ordered privately.

The marker supplied through a Last Post Fund supplier to ensure Veterans Affairs Canada inscription standards are met and are produced using the following standards;

Upright marker - Made of Barre Grey Granite

Height 39 in x Width 15 in x Thickness 4 in

Flat Marker – Made of Barre Grey Granite

Height 12 ¼ in x Width 20 in x Thickness 4 in

Second Commemoration of Inscription

To accommodate a second interment in a Veteran's plot, commemoration on the same gravesite as the Veteran is allowed. In instance of such requests, commemoration shall be by means of a foot marker as recommended by Veterans Affairs Canada

Ownership of Grave Markers

Once a marker is placed upon a grave, both the grave and the marker become the property of the survivors of the deceased. However, subject to Section 5(2) of the Veterans Burial Regulations 2005, if the survivors wish to make alterations to or replace the marker, prior consent of Veterans Affairs Canada and the Cemetery Operator is required.

Maintenance of Veterans Grave Markers

In accordance with Section 12 of the Veterans Burial Regulations 2005, if the deceased has been buried at the expense of the Government of Canada, or if the deceased's grave has been marked by the Government of Canada with a military-style grave marker, then those graves and markers will be cared for in perpetuity by Veterans Affairs Canada.

F) Care and Planting

No person shall remove any sod or in any other way change the surface of the burial lot in

the cemetery without permission from the Cemetery Operator.

Shrubs of the dwarf variety only, flowering, or other plants may be cultivated on lots. The Cemetery Operator reserves the right to remove any trees or shrubs that are not in accordance with the Cemetery By-law.

Shrubs will only be allowed on a lot that has an upright monument.

The height of such shrubs shall at no time exceed 0.91 metres (3 feet) above adjacent ground level. The diameter of such shrubs at their widest point, including all foliage shall at no time exceed 35.56 centimetres (14 inches) or obstruct adjacent lots.

Flowerbeds not exceeding 30.48 centimetres (12 inches) in width shall be permitted in front and along the entire base of the upright monument (not along sides). Flower beds should never exceed the length of its attached upright headstone.

Artificial flowers and saddle wreaths should be attached to the monument and have the family name written on bottom.

The Cemetery Operator reserves the right to remove all flowers, potted plants, wreaths, and baskets of flowers if they were not planted in accordance with the Cemetery By-law, when they become withered, or for any other reason such removals are in the best interest of the Cemetery.

All flowerbeds and personal items are required to be cleared before October 15th of the same year. Interment Rights Holders desiring to take any plants or items away should do so before their removal becomes necessary. Cemetery staff will remove any items on lots after October 15th of that same year, to ensure no items are damaged during fall clean up and snow removal.

Flowerbeds and personal items are permitted from March 15th- October 15th, each year.

Potted plants must not be buried, and hanging basket stands must be placed as close to the Monument base or flat marker as practical.

Flowerbeds, gardens, shrubs, various trinkets, and glass wear are prohibited in any designated flat marker section. A shepherd's hook with a hanging basket will be allowed.

G) Items that are Prohibited and Permitted

The cemetery reserves the right to regulate the articles placed on lots or plots or columbarium's that pose a threat to; the safety of all Interment Rights Holders, visitors to the cemetery and cemetery employees, prevents the cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery.

The following are not allowed in the cemetery:

- i. Articles of glass or pottery or any other material that creates a hazard to workers and to visitors.
- ii. Fences, railings, walls, cut stone coping, stone chips, hedges etc. in or around lots are prohibited.
- iii. Flowers placed on a *grave* for a funeral shall be *removed* by the cemetery staff after reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

- iv. Nails, wires, wooden crosses

Any article that is detrimental to efficient maintenance or constitutes a hazard to machinery, employees, or visitors, or is unsightly or does not conform to the natural beauty or design of the Cemetery, may be removed by the Cemetery. An article removed will be held at the Cemetery for collection. If not collected, it will be disposed of after one month.

The cemetery reserves the right to disallow or *remove* quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.

H) **Contractor & Monument Dealers**

Any contract work to be performed within the cemetery requires the written preapproval of the Interment Rights Holder and the Cemetery Operator before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.

Prior to the start of any said work, contractors must provide proof of:

- WSIB coverage
- Occupational Health and Safety compliance standards
- Environmental Protection
- WHMIS
- Evidence of liability insurance of not less than \$2 million

All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

The demeanour and behaviour of all workers employed by others in the Cemetery shall be subject to the control of the Cemetery Operator.

Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends, or statutory holiday's unless approval has been granted by the Cemetery Operator.

No work will be performed at the cemetery except during the regular business hours of the cemetery.

Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.

Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths which heavy materials are to be moved to protect the surface from damage.

Heavy loads shall not be permitted in the Cemetery when the roads are in unfit condition. No monument dealer shall park on the grass, unless otherwise directed to do so by the Cemetery Operator.

All implements and materials used in the performance of any work shall be placed where the Corporation may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Corporation may order. Otherwise, the obstructions will be removed, and the expense charged to the monument dealer.

The foundation will be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation will be removed and rebuilt by the Cemetery Operator at the expense of the Interment Rights Holder. Foundations will be 4 feet deep and as large as the base of the memorial. Foundations being repaired or replaced in older sections of the cemetery may not be installed at 4' in depth due to space restrictions and depth of burials. Where it is necessary to add to an existing foundation, a proper bonding agent and re-bar will be used to ensure proper bonding.

The foundation surface area shall be flush with the surrounding ground level and shall provide a level surface, free of defects.

Foundations must be cured for a minimum of forty-eight hours before placing the monument.

No concrete shall be placed until the Cemetery Operator has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.

Defective areas must be repaired to the approval of the Cemetery Operator. The finished concrete shall be protected from wind, rain, or sun during curing by covering it completely. All rubbish and excavated material shall be removed from the excavation site to a place designated by the Cemetery Operator.

I) Columbarium

Payment must be made to the Cemetery Operator before an interment may take place.

Only the Cemetery Operator may open niches for interments.

The interior dimensions of a niche are 12 inches x 12 inches x 12 inches.

A niche will hold a maximum of two urns that do not exceed the dimensions of the niche as previously listed.

Urns or containers placed in a niche must be made of a solid substance such as plastic, marble, pewter, or ceramic. Wooden, cardboard and fabric containers are not permitted.

Columbarium engraving is to be facilitated through the County of Brant Cemetery office only. Any person or company contracted to place an inscription on the face of the columbarium niche must:

- i. Complete a contract with the cemetery office prior to commencing work.
- ii. All lettering shall be condensed Roman.
- iii. All lettering shall be chiselled.
- iv. Painted lettering will not be allowed.
- v. The removal of the face plate for lettering must not be for a period of longer than three days, Monday to Friday inclusive.

No person other than cemetery staff shall remove or alter niche fronts.

No form of additional memorialisation other than the engraving of the outer panel is allowed. This is to include flowers, statues, trinkets, etc.

J) Rules for Visitors

Visitors are welcome at the Cemetery during the open hours, from sunrise until sundown. They are asked to respect the peaceful environment.

No person shall operate pleasure vehicles in the Cemetery i.e., motor/dirt bikes, all terrain vehicles, snowmobiles.

Proprietors of vehicles and their drivers shall be held responsible for any damage done by them. Vehicles must stay on roadways. Speed limits should not exceed 20km per hour in all cemeteries.

No person shall discharge firearms in the Cemetery, other than in regular volleys at a burial service.

Any person accompanied by an animal within a cemetery shall ensure that the animal always remains under control by an adult person. The animal is to be always leashed and that any excrement is removed from the cemetery and properly disposed of. All animals are limited to Cemetery roads and pathways. Cemetery staff may use their discretion and request any animals to be removed from Cemetery property at any time.

No person shall consume alcoholic beverages in the Cemetery or carry same upon the premises.

Any person who, in the Cemetery, damages or moves any tree, plant, marker, fence structure or other thing usually erected, planted, or placed in a Cemetery is liable to the Cemetery and to any Interment Rights Holder who, as a result, incurs damage. The number of damages shall be the amount required to restore the Cemetery to the state that it was in before anything was damaged or moved by the person liable. Any complaints by Interment Rights Holders or visitors should be made to the Cemetery Operator and not to workers on the grounds.

Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these by-laws, may be expelled from the grounds.

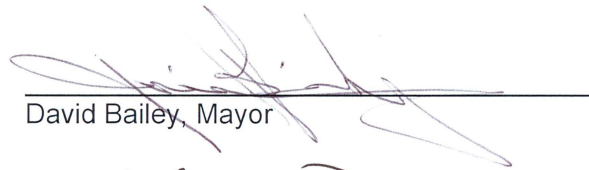
Every person who violates any of the above Rules for Visitors may be asked to leave the cemetery. Every person who does not leave the cemetery immediately after he or she is directed to do so by a duly authorized agent of the Cemetery Operator, is guilty of an offence under the Trespass to Property Act, and on conviction is liable to a fine of not more than \$2000.

- K) **THAT** Schedules A, B, C, form part of this by-law.
- L) **THAT** this by-law shall come into force and effect upon being finally approved by the Bereavement Authority of Ontario.
- M) **THAT** By-law 119-13 is hereby repealed and replaced upon approval and enactment of this by-law.

READ a first and second time this 24th day of October, 2023.

READ a third time and finally passed in Council, this 24th day October, 2023.

THE CORPORATION OF THE COUNTY OF BRANT



David Bailey, Mayor



Alysha Dyjaon, Clerk

APPROVED	APPROUVÉ
By the Registrar, Funeral, Burial and Cremation Services Act, 2002, Bereavement Authority of Ontario	Par le Registraire, Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation, l'Autorité des services funéraires et cimetières de l'Ontario
Date: <u>August 23, 2024</u>	

BY-LAW NUMBER 111-23**SCHEDULE "A"**

List of Active Cemeteries under the jurisdiction of the Corporation of the County of Brant.

Name of Cemetery	Legal Description with Geographic Township	Street Address	Location
Mt Pleasant Cemetery	Pt Lot 5 Range 1 WMPR, Township of Brantford	703 Mt Pleasant Rd	Mt Pleasant
Burford Pioneer Cemetery	Plan 727 Pt Lot 52 and Concession 7 Pt lot 5, Township of Burford	171 King Street	Burford
Harley Cemetery	Pt Lot 11 Concession 9, Township of Burford	125 Harley Road	Harley
Northfield Cemetery	Pt Lot 14 Concession 12, Township of Burford	43 Hatchley Road	Northfield
Oakland Cemetery	Pt Lot 7 Concession 2 and Pt Lt 22, Plan 586, Township of Oakland	112 Oakland Road	Oakland
Scotland Cemetery	Pt Lot 8, Blk F, Plan 205, Township of Oakland	76 Simcoe Street	Scotland
Paris Cemetery	Pt Lot 9 and 10 Concession 1, Town of Paris	116 King Edward St	Paris
St George Cemetery	Pt Lot 7 Concession 3, Township of South Dumfries	257 St George Rd	St George
Mt Vernon Cemetery	Pt Lot 3 Concession 4, Township of Brantford	11 Mill Street	Mt Vernon
Congregational Cemetery (interments only, No sale of lots)	Lot 262 Plan 727, Township of Burford	404 Maple Ave S	Burford
Pleasant Hill Cemetery	River Range EFC PT LOT 43	78 Painter Road	Onondaga

BY-LAW NUMBER 111-23**SCHEDULE "B"**

List of Inactive Cemeteries under the jurisdiction of the Corporation of the County of Brant.

Name of Cemetery	Legal Description with Geographic Township	Street Address	Location
St Abner Cemetery	Pt Lot 1, Concession 4, Township of Brantford	77 Henderson Rd	Burford
Tapley Cemetery	Pt Lot 7, Concession 5, Township of Brantford	92 Godby Rd	Burford
Robert Biggar Cemetery	Pt Lot 10, 1 st Range, Township of Brantford	579.Mt Pleasant Rd	Mt. Pleasant
Westbrook	Pt of Enos Bunnell Tract, Township of Brantford	30 Shaver Street	Cainsville
Brant Cemetery	Pt of Daniel Hawley Grant, Township of Brantford	1450 Colborne St. East	Cainsville
Fonger Cemetery	Pt Lot 50 Concession 2, Township of Brantford	492 Lynden Road	Former Township of Brantford
Lymburner Cemetery	Pt Lot 14 Concession 14, Township of Burford	282B Burford-Delhi Townline Road	Kelvin
Early Kelvin/Carter Cemetery	Pt Lot 13 Concession 14, Township of Burford	9 Middle Townline Road	Kelvin
Hill Free Methodist Cemetery	Pt Lot 12 Concession 14, Township of Burford	26 Middle Townline Road	Burford
Hatchley Cemetery	Pt Lot 20 Concession 11, Township of Burford	154 Hatchley Road	Burford
White Cemetery	Pt Lot 20 Concession 9, Township of Burford	3 Kloepfer Rd	Burford
Dutcher Cemetery	Pt Lot 6 Concession 9, Township of Burford	101 Ninth Concession Road	Burford
Cathcart Cemetery	Pt Lot 10, South of King St. and Pt Lot 10, North of Mill Street, Plan 53, Township of Burford	2 Mary Street	Cathcart
Fairchild Cemetery	Pt Lot 6 Concession 4, Township of Oakland	1A Marr Drive	Oakland

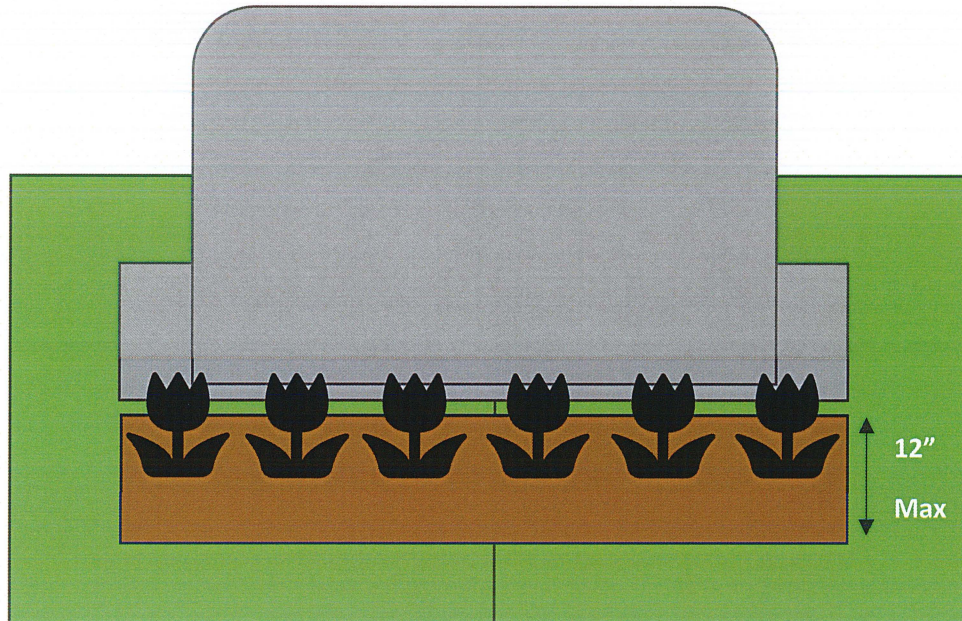
Oakland Pioneer Cemetery	Lot 47, Plan 586, Township of Oakland	1 Cummings Street	Oakland
Old Paris Cemetery	Lot 6 and 16, Blk 41, Plan 492, Town of Paris	45 Church St	Paris
Clump Cemetery	Pt Lot 16, Concession 1, Township of South Dumfries	422 German School Rd	South Dumfries
Governors Road Baptist Cemetery	Pt Lot 2, Gore Concession, Township of South Dumfries	29 Governors Rd East	South Dumfries
St. George Baptist Cemetery	Pt Lot 4, Concession 3, Part 1 of 2R-748, Township of South Dumfries	240 Burt Road	South Dumfries
Harrisburg United Cemetery	Lots 153, 154, 268 and 269 and Pt Lots 270, 150, 151, 152 and 155, Blk B, Plan 82, Township of South Dumfries	81 Harrisburg Road	Harrisburg
Hunter Hoodless Pioneer Presbyterian Cemetery	Pt Lot 1, Pt Lots 2 and 3, Blk G, Plan 81, Township of South Dumfries	59 Beverly Street West	South Dumfries
Old Scott Wells Cemetery	Pt Lot 38 Concession 2, Township of South Dumfries	1013 Keg Lane	South Dumfries
Harrison Cemetery	Pt Lot 9 Concession 2, EFC, Township of Onondaga	58 Big Creek Rd	Onondaga
Mason/Deagle and Old Wesleyan/Methodist	Pt Lot 9 Concession 2, WFC, Township of Onondaga	115 Campbell Rd	Onondaga
Aboriginal Cemetery	Pt Part 1 2R-6754; Part 1 2R-7623	46 Oxbow Rd	Former Township of Brantford
Holy Trinity	PLAN 102 LOT 1 TO 3 E JOHNSON ST	10 Johnson St	Onondaga

BY-LAW NUMBER 111-23

SCHEDULE "C"

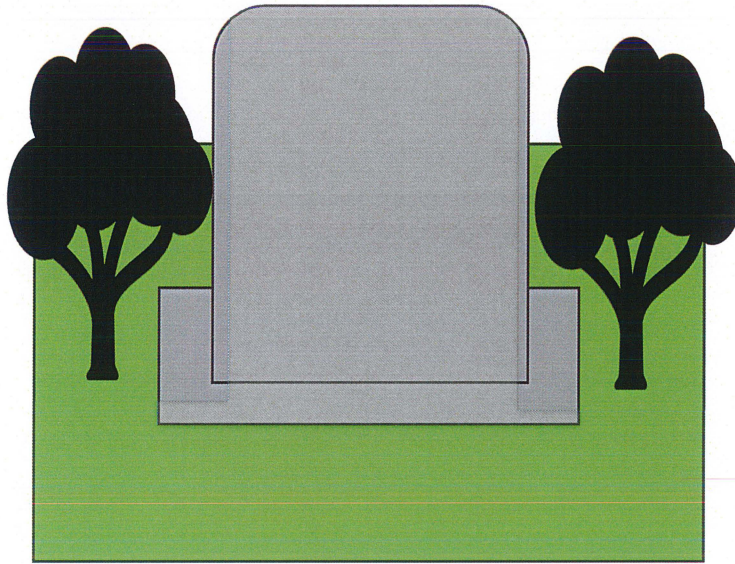
Diagrams for markers, monuments, and plantings for Single and Double Lots.

Double Lot with Flower Bed Requirements



- Flowerbeds not exceeding 30.48 centimetres (12 inches) in width shall be permitted in front and along the entire base of the upright monument (not along sides). Flower beds should never exceed the length of its attached upright headstone.
- No person shall remove any sod or in any other way change the surface of the burial lot in the cemetery without permission from the cemetery operator.
- **THE FOLLOWING ARE NOT ALLOWED IN THE CEMETERY:** Articles of glass or pottery or any other material that creates a hazard to workers and to visitors. Fences, railings, walls, cut stone coping, stone chips, hedges etc. in or around lots are prohibited.
- Flowers placed on a *grave* for a funeral shall be *removed* by the cemetery staff after reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- Flowerbeds, gardens, shrubs, various trinkets, and glass wear are prohibited in any designated flat marker section. A shepherd's hook with a hanging basket will be allowed.
- All flowerbeds and personal items are required to be cleared before September 30th of the same year. Interment Rights holders desiring to take any plants or items away should do so before their removal becomes necessary. Cemetery staff will remove any items on lots after September 30th of that same year, to ensure no items are damaged during fall clean up and snow removal.
- Flowerbeds and personal items are permitted from March 1st- September 30th, each year.

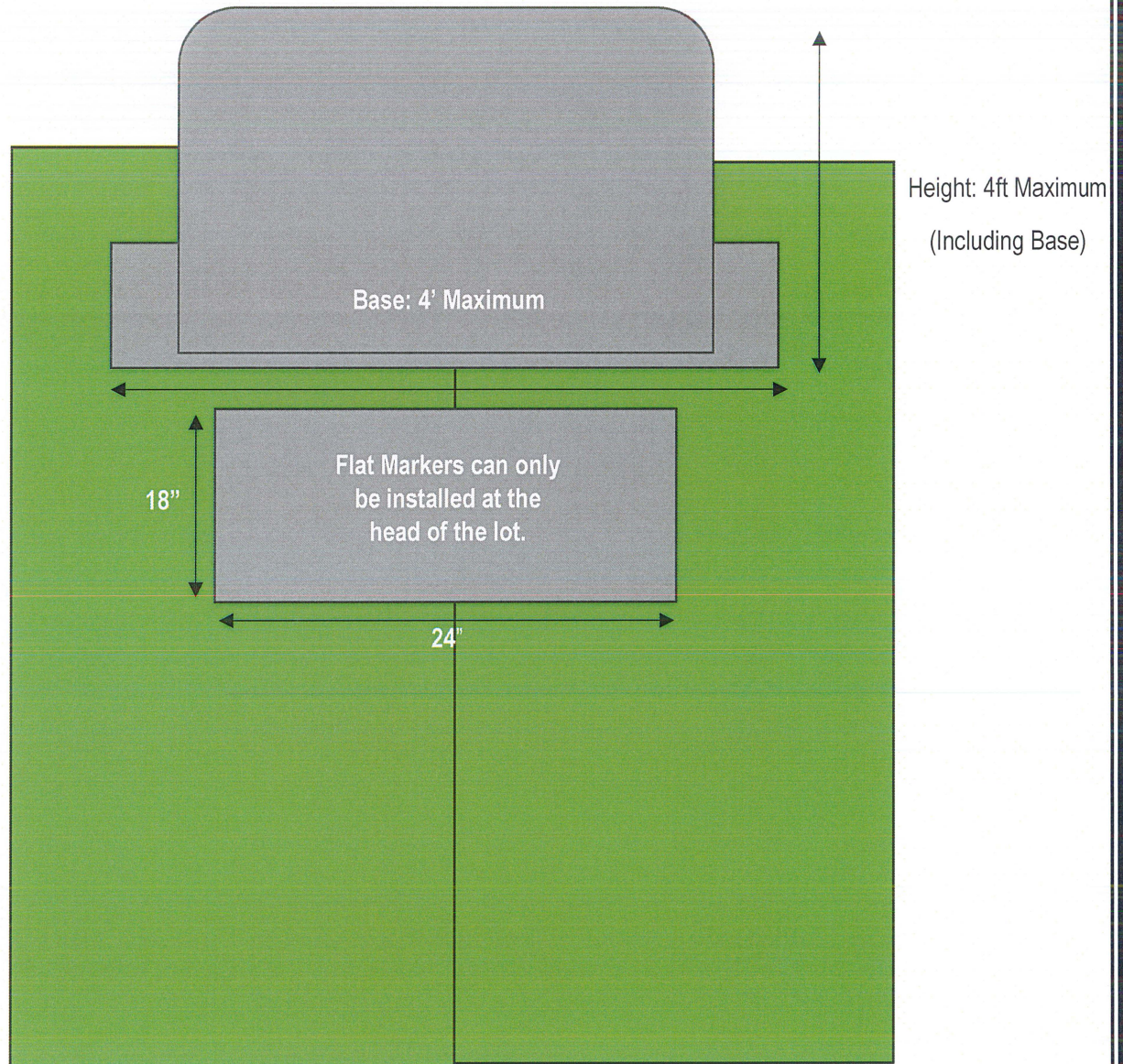
Single Lot Shrub Requirements



- No person shall remove any sod or in any other way change the surface of the burial lot in the cemetery without permission from the cemetery operator.
- **THE FOLLOWING ARE NOT ALLOWED IN THE CEMETERY:** Articles of glass or pottery or any other material that creates a hazard to workers and to visitors. Fences, railings, walls, cut stone coping, stone chips, hedges etc. in or around lots are prohibited.
- Flowerbeds, gardens, shrubs, various trinkets, and glass wear are prohibited in any designated flat marker section. A shepherd's hook with a hanging basket will be allowed.
- Shrubs of the dwarf variety only, flowering, or other plants may be cultivated on lots. The Cemetery Operator reserves the right to remove any trees or shrubs that are not in accordance with the Cemetery By-law.
- Shrubs will only be allowed on a lot that has an upright monument.
- The height of such shrubs shall at no time exceed 0.91 metres (3 feet) above adjacent ground level.

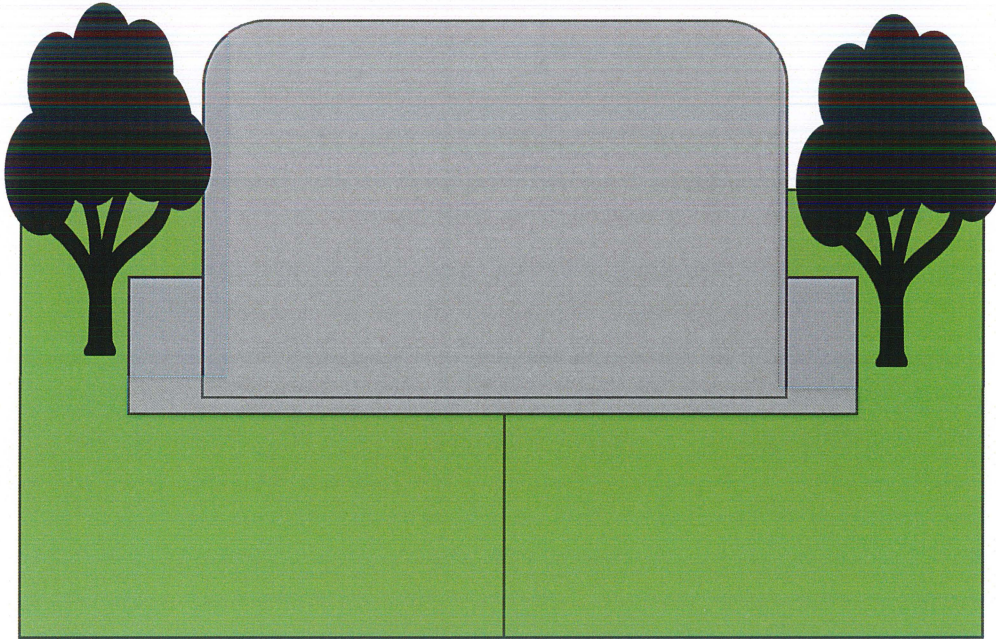
The diameter of such shrubs at their widest point, including all foliage shall at no time exceed 35.56 centimetres (14 inches) or obstruct adjacent lots.

Double Lot Single Upright, Single Flat Marker Requirements



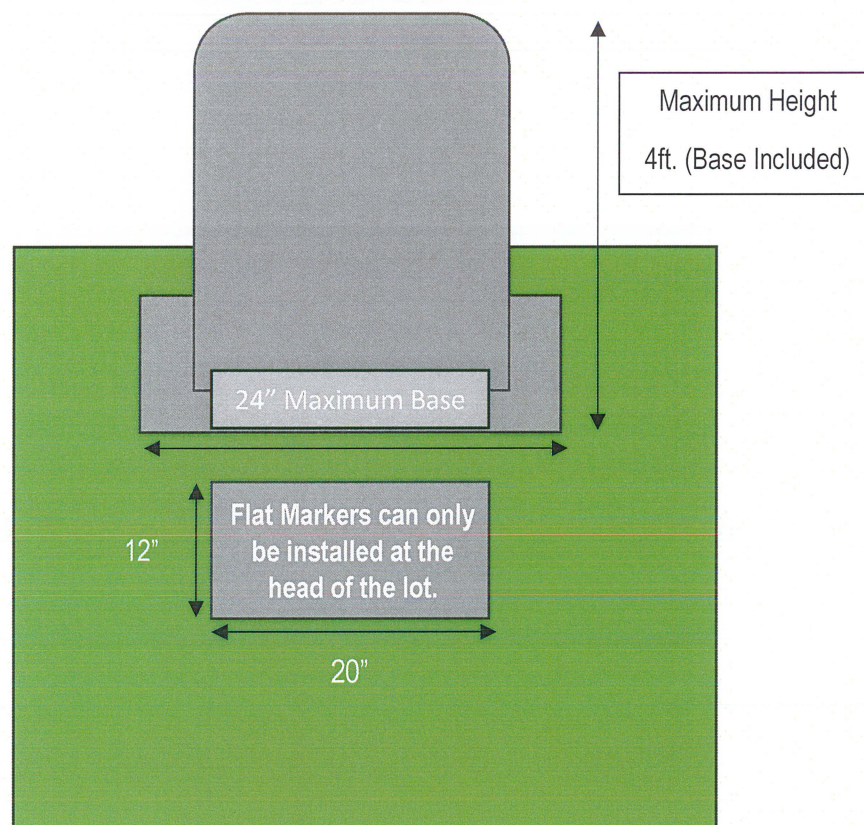
- A **double lot** is allowed one upright monument unless designated as a flat marker area only. One flat marker may be placed at each grave in addition to the monument. The maximum size of an upright monument allowed on a double lot is:
 Height: 1.22 metres (4 feet – overall including the base)
 Width: 1.22 metres (4 feet)
 Base (minimum): 30.48 centimetres (12 inches – front to back)
 Die (maximum): 20.50 centimetres (8 inches)
- **Markers** and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
 Single lot maximum: 30.48 cm x 50.80 cm (12" x 20")
Double lot maximum: 45.72 cm x 60.96 cm (18" x 24")
 Cremation lot maximum: 30.48 cm x 50.80 cm (12" x 20")

Double Lot with Shrubs Requirements



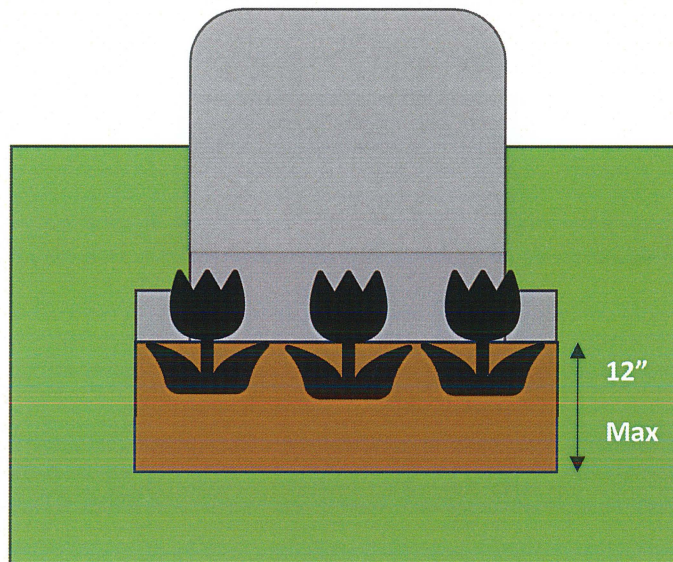
- No person shall remove any sod or in any other way change the surface of the burial lot in the cemetery without permission from the cemetery operator.
- **THE FOLLOWING ARE NOT ALLOWED IN THE CEMETERY:** Articles of glass or pottery or any other material that creates a hazard to workers and to visitors. Fences, railings, walls, cut stone coping, stone chips, hedges etc. in or around lots are prohibited.
- Flowerbeds, gardens, shrubs, various trinkets, and glass wear are prohibited in any designated flat marker section. A shepherd's hook with a hanging basket will be allowed.
- Shrubs of the dwarf variety only, flowering, or other plants may be cultivated on lots. The Cemetery Operator reserves the right to remove any trees or shrubs that are not in accordance with the Cemetery By-law.
- Shrubs will only be allowed on a lot that has an upright monument.
- The height of such shrubs shall at no time exceed 0.91 metres (3 feet) above adjacent ground level.
- The diameter of such shrubs at their widest point, including all foliage shall at no time exceed 35.56 centimetres (14 inches) or obstruct adjacent lots.

Single Lot (Stone) Requirements



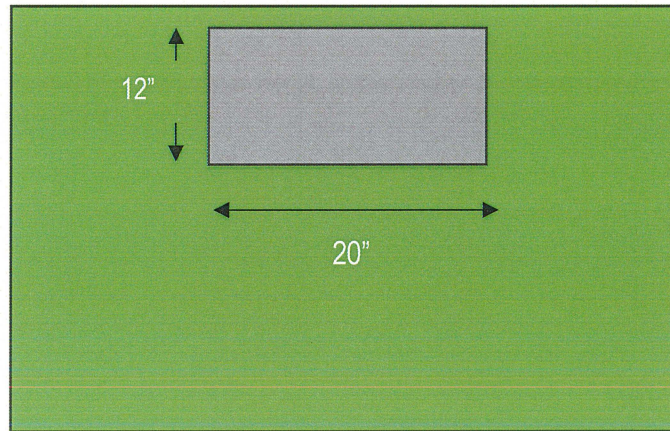
- **A full single lot** is allowed one upright monument unless designated as a flat marker area only. One flat marker may be placed at the grave in addition to the monument and is to be placed at the head of the grave only. The maximum base size on any single lot cannot exceed 60.96 cm (24").
- Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
 - **Single lot maximum: 30.48 cm x 50.80 cm (12" x 20")**
 - Double lot maximum: 45.72 cm x 60.96 cm (18" x 24")
 - Cremation lot maximum: 30.48 cm x 50.80 cm (12" x 20")

Single Lot Flower Bed Requirements



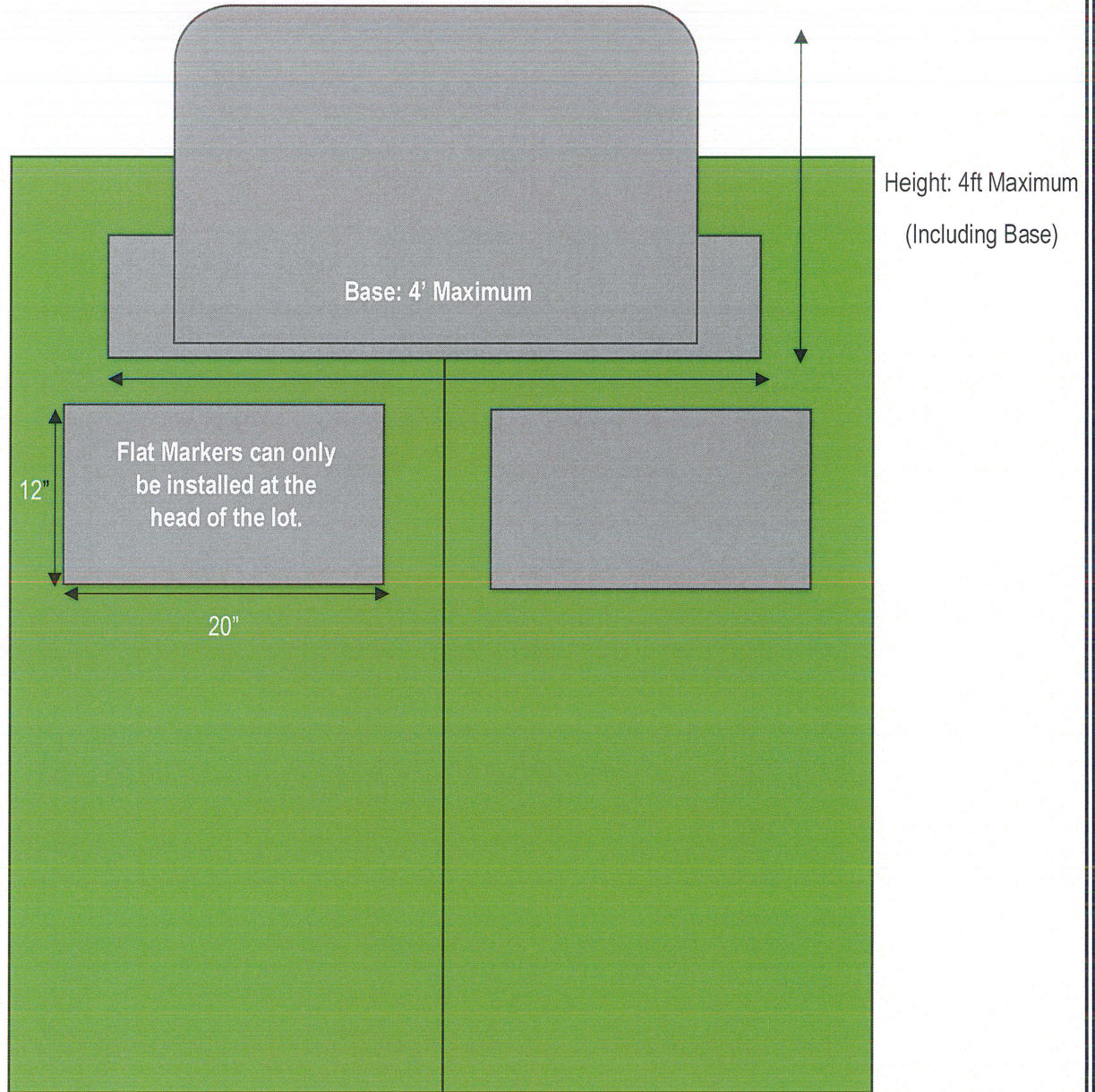
- Flowerbeds not exceeding 30.48 centimetres (12 inches) in width shall be permitted in front and along the entire base of the upright monument (not along sides). Flower beds should never exceed the length of its attached upright headstone.
- No person shall remove any sod or in any other way change the surface of the burial lot in the cemetery without permission from the cemetery operator.
- **THE FOLLOWING ARE NOT ALLOWED IN THE CEMETERY:** Articles of glass or pottery or any other material that creates a hazard to workers and to visitors. Fences, railings, walls, cut stone coping, stone chips, hedges etc. in or around lots are prohibited.
- Flowers placed on a *grave* for a funeral shall be *removed* by the cemetery staff after reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- Flowerbeds, gardens, shrubs, various trinkets, and glass wear are prohibited in any designated flat marker section. A shepherd's hook with a hanging basket will be allowed.
- All flowerbeds and personal items are required to be cleared before September 30th of the same year. Interment Rights holders desiring to take any plants or items away should do so before their removal becomes necessary. Cemetery staff will remove any items on lots after September 30th of that same year, to ensure no items are damaged during fall clean up and snow removal.
- Flowerbeds and personal items are permitted from March 1st- September 30th, each year.

Flat Marker Section
Requirements



- Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
 - Cremation lot maximum: 30.48 cm x 50.80 cm (12" x 20")

Double Lot 1 Upright, 2 Flat Marker Requirements



- A double lot is allowed one upright monument unless designated as a flat marker area only. One flat marker may be placed at each grave in addition to the monument. The maximum size of an upright monument allowed on a double lot is:
 - Height: 1.22 metres (4 feet – overall including the base)
 - Width: 1.22 metres (4 feet)
 - Base (minimum): 30.48 centimetres (12 inches – front to back)
 - Die (maximum): 20.50 centimetres (8 inches)
- Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
 - Single lot maximum: 30.48 cm x 50.80 cm (12" x 20")