

THE CORPORATION OF THE TOWN OF GRAND VALLEY

BY LAW 2014 - 06

A By-Law to maintain, manage, regulate and control St. Alban's Anglican Cemetery

These by-laws are the rules and regulations that govern St. Alban's Anglican Cemetery and have been approved by the Registrar of Cemeteries, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Cemeteries Regulations Unit, Ministry of Consumer Services.

THEREFORE the Council of the Corporation of the Town of Grand Valley enacts as follows:

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Section 1. DEFINITIONS

Burial: The opening and closing of an in ground lot or plot for the disposition of human remains or cremated human remains.

By-laws: The rules and regulations under which the Cemetery (and/or Crematorium) operates.

Care and Maintenance Fund: It is a requirement under the FBCSA that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.

Cemetery: means St. Alban's Anglican Cemetery located on East Part Lot 30, Concession 3, Town of Grand Valley, County of Dufferin, being land set aside to be used for the interment of human remains.

Cemetery Services: means in respect of a lot;

- (I) Opening and closing of a grave.
- (II) Interring or disinterring human remains.
- (III) Construction of a foundation for a marker.
- (IV) Setting of corner posts.

Cemetery Supplies: means interment vaults, markers, flowers, liners, urns, shrubs, artificial wreaths and other articles intended to be placed in the Cemetery.

Contract: For purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

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

Crypt: An individual compartment in a mausoleum for the entombment of human remains.

Grave: (Also known as Lot) means any in ground burial space intended for the interment of a child, adult or cremated human remains.

Human Remains: means a dead human body and includes a cremated human body.

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

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt 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: Any person designated to hold the right to inter human remains in a specified lot.

Lot: For the purposes of these By-Laws a lot is a single grave space.

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.

Minister: means the Minister of Consumer Services.

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

Municipality: means the Corporation of the Town of Grand Valley.

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

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

Pre-Need Supplies or Services: means cemetery supplies or services that are not required to be provided until the death of a person alive at the time the arrangements are made.

Price List: means the price list for the Corporation of the Town of Grand Valley, St. Alban's Anglican Cemetery.

Public Works Superintendent: means the person appointed by the Municipality in charge of the cemetery or designate.

Registrar: means the registrar appointed under the Registrar of Cemeteries, Funeral, Burial and Cremation Services Act, 2002 (FBCSA) Cemeteries Regulation Unit, Ministry of Consumer Services.

Trust Fund: means a Trust Fund established for the purpose of this Act.

Section 2. General Information

Hours of Operation:

Cemetery Visitation Hours: One half hour after sunrise to one half hour before sunset

Office Hours: Monday to Friday 9:00 a.m. to 4:30 p.m. at 5 Main Street North, Grand Valley

Burial Hours: Monday to Friday 9:00 a.m. to 2:30 p.m.

Saturday 9:00 a.m. to 12:00 Noon

General Conduct:

The cemetery board 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.

No person shall enter the cemetery except through an established gate, nor shall they enter or be within the cemetery grounds before one half hour after sunrise and one half hour before sunset, except police officers or authorized personnel of the Municipality.

No person or persons under sixteen years of age shall enter the cemetery unless attended by an adult or adults responsible for their conduct or unless permission has been granted by the Municipality.

No picnic party or alcoholic beverages shall be permitted in the cemetery.

No person shall willfully destroy, mutilate, deface, write upon, injure, or remove any tomb, monument, gravestone, or any structure placed within the cemetery, or any fence, railing or other work for the protection of the cemetery, nor shall any person willfully destroy, cut, break, or injure any tree, shrub, or plant within the limits of the cemetery, or play at any game of sport, or discharge firearms (save at a military funeral) nor willfully or unlawfully disturb any person or persons assembled for the purpose of burying any body therein; nor shall any person commit any nuisance or behave in an unseemly manner in the cemetery; nor shall any person in any way violate, desecrate, or disfigure such cemetery, or any grave, tomb, tombstone, vault or other structure within the same, and no person shall pick or destroy flowers (wild or cultivated) growing in the cemetery.

When the roads in the cemetery are soft from spring thaws, rain or other cause, the Public Works Superintendent may restrict vehicular traffic.

No parades other than funeral processions shall be permitted to organize within the cemetery.

No vehicle shall exceed a speed of 16 kilometer per hour (10 miles) nor shall any vehicle leave the roadways within the cemetery.

Enquiries or complaints by plot owners or visitors shall be made to the Municipal Office and not to the workmen or the grounds keeper.

Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates any provisions of these policies and procedures may be expelled from the cemetery.

By Law Amendments:

The cemetery shall be governed by these bylaws, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 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, Cemeteries Regulation Unit, Ministry of Consumer Services.

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, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment right save and except for direct loss or damage caused by gross negligence of the cemetery.

Public Register:

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

Pets or Other Animals:

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

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.

Notice of Resale and Transfer of Interment Rights:

The cemetery operator prohibits the sale of interment rights to a third party and will repurchase these rights at the price listed on the current price list. However, the cemetery operator is not required to repurchase unused interment rights in a plot (more than one lot) if one of the interment rights in the plot has been exercised. Transfer of interment rights shall not be prohibited provided the purchaser meets the qualifications and requirements as outlined in this by-law.

Section 3. Sale and Transfer of Interment Rights

Purchasers of interment rights holders acquire only the right to direct the burial of human remains and of cremated 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, entombment, 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.

Cancellation of Interment Rights within 30 Day Cooling-Off Period and

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

1. At this time the St Alban's Anglican Cemetery is no longer selling new interment rights as information received at the time of transfer on January 1st, 2012 from The Synod of

the Diocese of Niagara Anglican Church of Canada and St. Alban Anglican Church Cemetery was extremely limited and did not allow the sale of plots.

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

- 2.1 Unless the interment rights have been exercised, the original purchaser retains the rights to cancel the contract or re-sell the interment rights to the cemetery operator. Once payment for the interment rights has been made in full, and an interment rights certificate has been issued, the original interment rights holder(s) retain the right to re-sell the interment rights to the cemetery operator. Any resale of the interment right shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA.
- 2.2 If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to re-sell the interment rights.

3. Care and Maintenance Fund Contributions:

- 3.1 As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all interment rights and a prescribed amount for monuments and markers is contributed into the care and maintenance fund. Income from this fund is used to provide only general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30 day cooling off period.

4. Permit or prohibit resale of interment rights to a third party:

- 4.1 The Town of Grand Valley prohibits the resale of interment rights to a third party.
- 4.2 If a rights holder(s) wishes to re-sell the interment rights to the cemetery operator the original rights holder(s) must make the request to the cemetery operator in writing. The cemetery operator will repurchase the interment right at the price listed on the cemetery operator's current price list less the Care & Maintenance Fund contribution made at the time of purchase. The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.
- 4.3 The original interment rights holder requesting the resale of the rights must return the interment rights certificate to the cemetery operator and the original rights holder(s) must endorse the interment rights certificate, transferring all rights, title and interest back to the cemetery operator. The appropriate paperwork must be completed before the cemetery operator reimburses the rights holder(s).

Section 4: Burial or Scattering of Cremated Remains

- 4.1 Interment rights holder(s) must provide written authorization prior to a burial, or an entombment taking place. 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.

- 4.2 Due to the limited information provided to the Town of Grand Valley from The Synod of the Diocese of Niagara Anglican Church of Canada and from St Alban's Anglican Church Cemetery, Grand Valley, the Town of Grand Valley has restricted all interments to only the spouse of a deceased person and the parents of a deceased child who has previously been interred at St Alban's Anglican Cemetery
- 4.3 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, or entombment taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains taking place.
- 4.4 In accordance with the FBCSA the purchaser of interment rights must enter into 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 or entombment of human remains, or each scattering of cremated human remains.
- 4.5 Payment must be made to the cemetery before a burial can take place.
- 4.6 The cemetery shall be given 48 business hours of notice for each burial of human remains of cremated human remains.
- 4.7 The opening and closing of graves, crypts and niches of cremated remains may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.
- 4.8 Scattering of cremated remains is prohibited.
- 4.9 Human remains may be disinterred from a lot provided that the 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. 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.
- 4.10 In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).
- 4.11 No interment shall be made on a Sunday or legal holiday except by an order of the Medical Officer of Health.
- 4.12 Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.
- 4.13 No burial shall be allowed in any lot against which there are unpaid charges.
- 4.14 Only one interment in any lot (single grave space) shall be permitted, except in special circumstances where the Public Works Superintendent has approved a double depth burial.
- 4.15 Four urns (cremated remains) may be buried above another interment with four urns being the maximum allowed in any one plot.
- 4.16 No interment of cremated remains shall be permitted on Saturday, Sunday, or legal holidays.

- 4.17 Winter interment shall mean all interments between the fifteenth day of November in any year and the fifteenth of April of the following year. Winter interments to be authorized by the Public Works Superintendent subject to weather permitting a burial.
- 4.18 The Public Works Superintendent or designate shall attend at all interments and supervise the same.
- 4.19 The setting up and removal of artificial grass, lowering devices and other interment accessories at the grave site are the responsibility of the municipality for which there is an extra charge.
- 4.20 It is recommended that no interment shall take place without the use of a proper cement crypt or vault.
- 4.21 No body shall be received for storage in the mortuary at Grand Valley Union Cemetery for winter storage unless properly embalmed by the Funeral Home in charge.
- 4.22 No interments shall take place during the winter, or when frost is in the ground and the top sod cannot be removed and replaced without destruction, the Public Works Superintendent being the sole judge of this condition.
- 4.23 The Public Works Superintendent shall have the power to order the spring interment of any committal from the mortuary at anytime he may seem fit, and shall give seven (7) days notice of same. Such interment shall take place only between the hours of 9:00 a.m. and 2:30 p.m. and only Monday through Friday, excluding any statutory holiday.

Section 5: Memorialization

- 5.1 No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.
- 5.2 No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.
- 5.3 Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
- 5.4 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.
- 5.5 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.
- 5.6 All foundations for monuments and markers shall be built by, or contracted to be built for, the cemetery operator at the expense of the interment rights holder.

- 5.7 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 so as to remove the risk.
- 5.8 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 trustees.
- 5.9 A monument, private mausoleum, or other structure shall be erected only after the specific design plans have been approved by the cemetery operator including: dimensions, material of structure, construction details, and proposed location.
- 5.10 In keeping with the cemetery by-laws only one monument shall be erected within the designated space on any plot.
- 5.11 The minimum thickness for flat markers including footstones is 4 inches or 10 cm.
- 5.12 All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).
- 5.13 No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and/or marker retailer have been notified by the cemetery operator.
- 5.14 The Municipality has the right to move monuments or markers to facilitate grave openings.
- 5.15 Corner posts and markers shall be dressed on the upper surface and level with the ground and shall be placed under the supervision of the Public Works Superintendent.
- 5.16 All bases of monuments must be level on the bottom and the stonework next to the foundation shall have the surface squared, so as to allow full bearing upon the foundation and no building up or under pinning with spalls or chips will be allowed. The base shall have a rock edge and be six (6) inches high.
- 5.17 Foundations of monuments shall extend not less than four feet below the surface of the ground; shall be level on the top and constructed of concrete. Foundations must be three (3) inches more in width and length than the base of the monument.
- 5.18 Only one upright monument or flat marker shall be erected on any plot and this must be placed at the centre of the head end of the plot except where alignment with existing nearby monuments justifies another location; approved by the Public Works Superintendent.
- 5.19 Monument die thickness shall be a minimum of six (6) inches up to the total monument height of three (3) feet. Over three feet will be one (1) inch per every foot, to a maximum die thickness of eight (8) inches.
- 5.20 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.

- 5.20.1 Single lot maximum Lot:
 - a. Flat marker eighteen (18) inches X twenty four (24) inches
 - b. Upright marker (18) inches X twenty four (24) inches with a height including base not to exceed thirty (30) inches
- 5.20.2 Double lot maximum:
 - a. Flat marker eighteen (18) inches X forty four (44) inches
 - b. Upright marker forty-eight (48) inches in length and with a height including base not to exceed forty eight (48) inches

Section 6: Care and Planting

- 6.1 A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:
 - 6.1.1 Re-levelling and sodding or seeding of Lots grounds
 - 6.1.2 Maintenance of cemetery roads, sewers and water systems
 - 6.1.3 Maintenance of perimeter walls and fences
 - 6.1.4 Maintenance of cemetery landscaping
 - 6.1.5 Maintenance of mausoleum and columbarium
 - 6.1.6 Repairs and general upkeep of cemetery maintenance buildings and equipment
- 6.2 No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
- 6.3 No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery.
- 6.4 Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- 6.5 Flower beds are permitted only on plots having a monument. No flower bed shall exceed eighteen (18) inches in depth and shall not exceed the length of the base of the monument on the plot.
- 6.6 Rubbish shall not be thrown on roads, walks or any part of the cemetery grounds.

Section 7: Prohibited and Permitted Items

The cemetery reserves the right to regulate the articles on lots or plots that pose a threat to the safety of all interment rights holders, visitors to the cemetery employees, prevents the cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery. Prohibited articles will be removed and disposed of without notification.

- 7.1 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.
- 7.2 Memorial wreaths may be placed in the cemetery only between the 1st of November and the 31st of March. In order to prepare the grounds for spring, wreaths must be removed prior to April 1st. Wreaths not removed by April 30th will be removed and disposed of by the Cemetery without notification.
- 7.3 Annual flowers only may be planted in the cemetery and are required to be cleared after the first frost of the autumn.
- 7.4 Saddle type arrangements or stone top wreaths shall be allowed to remain on the top of an upright monument until such time as they are unsightly, when they shall be removed.
- 7.5 No urns, hanging baskets, or any other decorations including decorative stones, or objects are permitted and shall be removed.
- 7.6 Planting of borders around plots is prohibited.
- 7.7 No plot or grave shall be defined or enclosed by a fence, railing, coping, hedge or any enclosure or markers, other than corner posts or grave markers. When any such enclosure heretofore erected around any plot which by reason of neglect or age has become unsightly or unsafe, the municipality may remove the enclosure after 30 days notice has been given in writing, to the interment rights owner.
- 7.8 If any trees or shrubs situated on any plot which have, become by means of their roots, or branches, or in any way detrimental to the adjacent plots, drains, roads, or walks, or prejudicial to the general appearance of the grounds or inconvenience to the public, the Public Works Superintendent may remove such trees or shrubs or parts thereof; after 30 days' notice has been given, in writing, to the interment rights owner.

Section 8: Contractor/Monument Dealer Bylaws

- 8.1 Any contract work to be performed within the cemetery requires the written pre-approval 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.
- 8.2 Prior to the start of any said work, contractors must provide proof of:
 - 8.2.a WSIB coverage
 - 8.2.b Occupational Health and Safety compliance standards
 - 8.2.c Environmental Protection
 - 8.2.d WHMIS
 - 8.2.e Evidence of liability insurance of not less than \$ 2 Million dollars

- 8.3 All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.
- 8.4 Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the cemetery operator.
- 8.5 No work will be performed at the cemetery except during the regular business hours of the cemetery.
- 8.6 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.
- 8.7 Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.
- 8.8 All works sites shall be left in a clean and orderly condition to the complete satisfaction of the Public Works Superintendent.
- 8.9 All workmen in any capacity within the cemetery whether as contractors, masons, stone-cutters, erectors, helpers, etc. are subject to the direction and control of the Public Works Superintendent. Any workman who causes damage or injury within the cemetery shall be personally responsible for such damage or injury; and in addition thereto, his employer shall be liable therefore.

This by-law shall come into force and take effect upon being filed and approved by the Ministry of Consumer Services, Cemeteries Regulation Unit.

That all other by-laws or parts of by-laws inconsistent with this by-law are hereby repealed.

READ a first, second and third time and finally passed the _____ day of January 2014

JOHN OOSTERHOF, MAYOR

JANE M. WILSON, C.A.O./CLERK