

The Corporation of the Municipality of Clarington By-Law 2012-061

Being a by -law to provide for the maintenance, management, regulation and control of the cemeteries in the Municipality.

Passed by Council on: July 3, 2012
Consolidation as of: July 7, 2020

Amendments:

Amending By-law	Date Passed	Amendment Details
Ministry Letter	October 1, 2013 (Received)	Deletion of section 4.7 and addition of section 5.1.
2013-006	January 28, 2013	Replaces Schedule A; Adds Schedule B
2013-065	June 17, 2013	Include Hampton Cemetery. Provincial License Fee applies to both burial and cremation.
2015-037	May 11, 2015	Replace Schedule "A"
2016-002	January 18, 2016	Add: Sections 4.16, 5.4, 7.5.1. Add wording to end of Section 8.1
2016-072	September 19, 2016	Replace Schedule "A" + Repeal By-law 2015-037.
2019-045	July 2, 2019	Addition to Schedule "A" = Set Tarriff Rates for 2019 and beyond, with annual adjustments based on CPI.
2020-044	July 7, 2020	Addition of Orono Cemetery; Amend Section 2 of Schedule A; Replace Section 2.6; Add Section 4.6

Disclaimer:

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The Municipality of Clarington does not warrant the accuracy of this electronic version.

Official versions of all By-laws may be obtained from the Municipal Clerk's Department.

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Ministry of Consumer Services

Consumer Protection Branch
Cemeteries Regulation Unit

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Suite 1500
Toronto ON M7A 2E5
Tel: 416 326-8393
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Ministère des Services aux consommateurs

Direction de la protection du consommateur
Unité de la Réglementation des Cimetières

5775, rue Yonge
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September 27, 2012

Licence #: 3266314

Site #: 00410

MUNICIPALITY OF CLARINGTON

Patti Barne
~~C/O NANCY TAYLOR~~
40 TEMPERANCE STREET
BOWMANVILLE ON L1C 3A6

Dear Sir/Madam,

Thank you for forwarding the document below which was submitted to the Registrar for filing/approval.

By-laws

Note: The cemetery by-laws have been approved based on the deletion and revision indicated on the returned by-law document.
A deletion has been made in Section 4.7 and Section 5.1 has been revised.

Price lists, contracts, and the certificate of interment rights are no longer required to be filed with the Ministry as of July 1st 2012 but cemeteries in Ontario must be in full compliance regarding these requirements.

This document is filed/approved effective September 27, 2012.

For future filings please send two copies. One copy will be retained in our files and the other copy will be returned to you with confirmation that it has been filed/approved.

If you require further information please call (416) 326-8399 or toll free 1-800-889-9768.

Yours truly,

Don Fleming

Compliance Officer

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The Corporation Of The Municipality Of Clarington By-Law 2012-061

Being a by-law to provide for the maintenance, management, regulation and control of the cemeteries in the Municipality of Clarington.

Whereas The Corporation of the Municipality of Clarington owns and operates municipal cemeteries known as Bowmanville Cemetery, located at 1330 Haines Street; Bond Head Cemetery, located at 44 Queen Victoria Street; St. George's Cemetery, located at 2 Browview Road; Hampton Union Cemetery, located at 5810 Old Scugog Road and Orono Cemetery, located at Lot 28, Mill Lane, Orono, Ontario.

And whereas the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002 c.33 regulates the operations of cemeteries in Ontario;

And whereas the Council of The Corporation of the Municipality of Clarington deems it desirable to enact a By-law to regulate the operation of municipal cemeteries;

Now therefore the Corporation of the Municipality of Clarington hereby enacts as follows:

The provisions of this By-law shall be applicable to Bowmanville Cemetery, Bond Head Cemetery, St. George's Cemetery, Hampton Union Cemetery, and Orono Cemetery unless otherwise noted.

1.0 Definitions

"Act" means the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)*, S.O. 2002 c.33;

"Ashes" means the cremated remains of a deceased human body;

"Baby Land" means a part of a cemetery designated for infants with a grave no bigger than 24" x 36" (61 cm X 91.5 cm);

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

"By-laws" means the rules and regulations under which the Cemetery operates.

"Care and Maintenance Fund" means the % of the purchase price of interment rights and set amounts for marker and monument installation that are invested and the interest from which is used to provide maintenance security and to preserve the cemetery grounds;

"Casket" means the container/coffin in which human remains are interred;

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“Cemetery” means those areas inside the Bowmanville Cemetery, St. George’s Cemetery, Bond Head Cemetery, Hampton Union Cemetery and Orono Cemetery set aside for the interment of human remains or ashes;

“Cemetery Operator” means the Municipality of Clarington;

“Columbarium” means a structure (a niche wall) designed for the purpose of interring and preserving of cremated remains in sealed compartments (niches);

“Contract” means the signed contract between the purchaser of Interment Rights and the Cemetery Operator;

“Corner Posts” means 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;

“Corporation” means the Corporation of the Municipality of Clarington;

“Council” means the Council of the Municipality of Clarington;

“Director” means the Director of Operations of the Municipality of Clarington or his/her designate;

“Disinterment” means the digging/removal and re-interment of a casket, vault or urn;

“Grave” (Also known as Lot) means any inground burial space intended for the interment of a child, adult or cremated human remains;

“Holiday” means a Statutory or Declared Holiday as well as any day designated in a collective agreement approved by the Municipality of Clarington;

“Human remains” means the remains of a deceased human body;

“Interment” means the digging and preparation of the grave, placing of the casket, vault or urn, filling the grave, leveling the ground, and re-establishing the grass;

“Interment Right” means 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” means the document issued by the Cemetery Operator to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights;

“Interment Rights Holder” means any person designated to hold the rights to inter human remains in a specified lot;

“Lot” (also known as Grave) means a single Grave space;

“Marker” means any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot;

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“Ministry” means the Cemeteries Regulation Unit, Ministry of Consumer Services;

“Monument” means any permanent memorial projecting above the ground installed to mark the location of a burial or lot;

“Municipal Clerk” means the Clerk of the Municipality of Clarington or his/her designate;

“Niche” means an individual compartment in a columbarium for the interment of cremated human remains;

“Plot” means a parcel of land, sold as a single unit, containing multiple lots;

“Register” means an up to date record (within five days of interment) of the name and address of each Interment Rights Holder and the location of the lot. The name and address of the original Interment Rights Holder, any date of transfer, and to whom the rights were transferred. The name of each person interred, the location within the Cemetery, and the date of interment. Particulars regarding disinterments including the name of the person disinterred, date of disinterment, who authorized the disinterment, where the remains were re-interred, or the person who took possession of the remains;

“Third Party Purchaser” means any person who purchased Interment Rights from a source other than the Cemetery Operator, in accordance with the provisions of this by-law;

“Treasurer” means the Director of Finance/Treasure of the Municipality of Clarington or his/her designate;

“Urn” means the container for cremated human remains;

“Vault” means a manufactured fiberglass or concrete shell that the casket is placed into prior to an Interment.

2.0 General

2.1 Hours of Operation

Visitation Hours:	8:00 AM to Sundown
Office Hours:	8:30 AM to 4:30 PM
	8:00 AM to 4:00 PM (July and August)
Interment Hours:	8:00 AM to 4:00 PM

Note, the Office for the Cemeteries is the Municipal Clerk’s Office, 40 Temperance Street, Bowmanville.

2.1.1 No person shall enter or remain in a Cemetery between sundown and 8:00 PM without the permission of the Cemetery Operator.

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2.1.2 Subsection 2.1.1 shall not apply to a police constable and employees of the Municipality of Clarington in the performance of their duties.

2.2 Conduct

The Cemetery Operator 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 shall conduct themselves in a quiet manner that shall not disturb any service being held.

2.3 Liability

The Cemetery Operator shall 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 Operator.

2.4 Public Register

The Public Register shall be available to the public through the Municipal Clerk's Office during regular office hours.

2.5 Pets or Other Animals

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

2.6 Interments on a Statutory Holiday

No interment shall be made on a Statutory holiday without payment of an extra charge as set forth in Schedule "A", save and except in the case of a written order of the Medical Officer of Health and in such case the extra charge, set out in Section 5 of Schedule A, shall not apply.

2.7 Interments on a Saturday or Sunday

No Interment shall be made on a Saturday or Sunday without payment of an extra charge as set forth in Schedule "A", save and except in the case of a written order of a Medical Officer of Health and in such case the extra charge shall not apply.

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2.8 Memorial Services

Before any memorial service is held in the Cemetery, the Cemetery Operator shall be given at least 10 days notice in writing, together with a satisfactory undertaking that the cost of repairing any damage which may be occasioned, will be paid.

3.0 General

3.1 Cemetery services available from the Municipality of Clarington shall not be allowed to be supplied by any person.

“Cemetery Services” shall include:

- a) cutting grass and general care of lots;
- b) planting trees, shrubs and grass;
- c) setting grave markers, memorials;
- d) construction of foundation for monuments and markers;
- e) opening and closing of graves; and
- f) disinterment or removal of human remains.

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

Disinterment or Removals

3.3 Unless otherwise directed by the Medical Officer of the Department of Health, no human remains may be disinterred from the Grave without written consent of the Interment Rights Holder.

3.4 No disinterment or removal of any casketed human remains shall be allowed except under the supervision and direction of the Medical Officer of the Department of Health and in the presence of the Cemetery Operator, and upon due observance of all other requirements of the Act and regulations.

3.5 A certificate from the local Medical Officer of Health is not required for the removal of cremated remains.

Oversized Vaults

3.6 Where a Vault has a width of more than 2' 6" (0.762 metres), or a length of more than 7' 6" (2.286 metres), the Cemetery Operator shall not be obliged to permit the interment unless there is sufficient space to accommodate it; and the Cemetery Operator or his/her designate shall not be obliged to permit the erection of any Monument where there is insufficient room left for the foundation.

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Right to Re-Survey

3.7 The Cemetery Operator 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.

4.0 Sale and Transfer of Interment Rights

4.1 Subject to availability of Lots, Interment Rights may be purchased from the Municipality at the rates set out in Schedule A. The rates for Interment Rights include the portion specified by the Act for deposit to the Cemetery's Care and Maintenance Fund.

4.2 Payments for Interment Rights shall be made payable to the Municipality of Clarington, through the Municipal Clerk's Department.

4.3 Upon payment in full, the Municipality shall provide each purchaser of Interment Rights with:

- a) a copy of the Contract;
- b) a copy of the Cemetery By-law; and
- c) a Certificate of Interment Rights.

4.4 Purchasers of lots acquire only the right and privilege for the interment of human remains and the placing of markers, subject to this By-law.

4.5 To ensure accuracy of the Register, no transfer of any Interment Right or any interest therein shall be binding upon the Municipality, unless application for the Transfer has been submitted, including necessary supporting documentation, and the original Certificate of Interment Rights returned, as required under Subsection 4.9 a). Upon receipt of such application and payment of the prescribed fee, the Transfer shall be made and a new Certificate of Interment Rights issued.

4.6 That the sale of Interment Rights shall be limited to a maximum of 12 lots/graves to each individual.

Third Party Purchases/Re-Sales

4.7 Subject to the provisions of this By-law and the Act, and provided that no part of the Interment Rights have been exercised, an Interment Rights Holder may sell their Interment Rights to a Third Party Purchaser.

4.8 If an Interment Rights Holder is unable to find a third Party Purchaser at the current purchase price, the Municipality may buy the rights back at a negotiated price.

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- 4.9 No person shall purchase Interment Rights for the sole or primary purpose of reselling the Rights with a view to making a financial gain. The Interment Rights may not be sold to Third Party Purchasers for more than the price set out in the then current Tariff of Rates (Schedule A) as the case may be.
- 4.10 An Interment Rights Holder intending to sell their Interment Rights to a Third Party Purchaser shall provide the Municipality with the following documentation so that the Municipality can confirm the ownership of the Rights and provide the Third Party Purchaser with the required documentation:
- a) an Interment Rights certificate endorsed by the current Rights holder;
 - b) if the resale involved Interment Rights, a written statement of the number of Lots that have been used in a Plot and the number of Lots that remain available; and
 - c) any other documents in the Interment Rights Holder's possession relating to the Rights.
- 4.11 To complete the sale of the Interment Rights to a Third Party Purchaser the Municipality may also require:
- a) a statement signed by the Interment Rights Holder(s) selling the Interment Rights acknowledging the sale of the Rights to the Third Party Purchaser;
 - b) 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;
 - c) a record setting out the date of the transfer of the Interment Rights to the Third Party Purchaser; and
 - d) a statement of any money owing to the Municipality in respect of the Interment Rights.
- 4.12 The Third Party Purchaser will be provided with the following documents by the Municipality:
- a) a new Certificate of Interment Rights;
 - b) a copy of this By-law;
 - c) a copy of the current Tariff of Rates (Schedule A);
 - d) If the resale involves Interment Rights, a written statement of the number of Lots that have been used in a Plot and the number of Lots that remain available; and
 - e) any other documentation in the Interment Rights Holder's possession relating to the Rights.

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- 4.13 Upon completion of the procedures detailed in Subsections 4.9, 4.10 and 4.11, and at the approval of the Municipal Clerk, the Third Party Purchaser shall be considered the current Interment Rights Holder and the resale or Transfer of the Interment Rights shall be considered completed.

Transfer by Will or Bequest

- 4.14 In cases of Transfer by will or bequest, the Municipal Clerk shall have the right, in his or her sole discretion, to require the production of a notarized copy of the will or other evidence sufficient to prove ownership.

Cancellation of Interment Rights within 30 Day Cooling-Off Period

- 4.15 In accordance with the Act, any Interment Rights Holder may cancel the Interment Rights within thirty (30) days of signing the Contract by providing written notice of the cancellation to the Municipality. The Municipality will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
- 4.16 No refund will be made for any Lot if any portion of the Interment Rights have been exercised.
- 4.17 Notwithstanding sub-sections 4.1 to 4.15, inclusive, burial rights for graves provided for assisted burials cannot be transferred or sold and shall remain vested with the Municipality in perpetuity.

5.0 Care and Maintenance Fund Contributions

- 5.1 As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all Interment Rights, a prescribed amount of \$25.00 for a scattering ground where there are no scattering rights holders, and a prescribed amount for monuments and markers, is contributed into the Care and Maintenance Fund.
- 5.2 Income from this fund is used to provide only general care and maintenance of the Cemetery.
- 5.3 Contributions to the Care and Maintenance Fund are not refundable except when Interment Rights are cancelled within the 30 day cooling off period, as per Subsections 4.14 and 4.15.
- 5.4 Where interment rights were sold before 1955 and no trust funds were collected for the purpose of care and maintenance (or perpetual care as was often the term used pre-1955), the Municipality shall charge the interment rights holder care and maintenance fees, at the time the rights are either transferred or at the time the rights are executed. The rate shall be based on the approved rates.

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6.0 Errors

- 6.1 In the event that an error on the part of the Municipality is discovered with an Interment Right prior to the use of the lot/niche for Interment, and that niche is no longer available, the Municipality shall:
- a) promptly notify the Interment Rights Holder of the error;
 - b) amend the affected Contract and Certificate of Interment Rights of that lot/niche, or other Interment Right made prior to the enactment of this By-law, so as to provide a lot/niche of equal or greater value and similar location acceptable to the Interment Rights Holder; or
 - c) cancel the Interment Rights and refund the full amount paid as evidenced in the Municipality's records.
- 6.2 The Interment Rights Holder shall notify the Municipality of their preference within 30 days of the notification of the error; otherwise the Municipality shall be entitled to make the decision.

7.0 Interments

- 7.1 Interment Rights Holders must provide written authorization prior to an Interment. 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, succession Rights holder, or next of kin).
- 7.2 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 Operator prior to an Interment taking place.
- 7.3 A Certificate of Cremation must be submitted to the Cemetery Operator prior to the Interment of cremated remains.
- 7.4 The Cemetery Operator shall be given 24 business hours of notice for each Interment.
- 7.5 Payment for Interment must be made to the Cemetery Operator, payable to the Municipality of Clarington through the Municipal Clerk's Office, before an interment can take place.
- 7.5.1 Notwithstanding subsection 7.5, an interment can take place for an assisted burial prior to receipt of payment for the Interment, provided the Municipal Clerk has received written confirmation from Social Services of a commitment to pay for the services.
- 7.6 Notwithstanding subsection 7.5, an interment can take place for an assisted burial prior to receipt of payment for the Interment, provided the Municipal Clerk has received written confirmation from Social Services of a commitment to pay for the services.

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- 7.7 The opening and closing of Graves or Niches may only be conducted by Municipal staff or those designated to do work on behalf of the Cemetery Operator.

Scattering

- 7.8 No person shall scatter cremated remains on any Grave.

More than Two in One Lot

- 7.9 Due to the instability of the soil, the top of any interment container shall be 36" (91.5 cm) below ground surface for safety reasons. Regardless of the manner in which the Grave is prepared only one fully Human Remains is to be interred in any single Lot.
- 7.10 For those purchasing Lots or Plots prior to the enactment of this By-law, double interments will be honoured, but no more than two interments shall be allowed in one Lot. Both Interments in one Lot must each have Caskets.
- 7.11 Cremated remains shall be allowed to be interred with fully Human Remains. The limit shall be three (3) cremated remains with one (1) fully Human Remains in any single Lot. For those Lots purchased prior to the enactment of By-law 2005-067 requesting a double interment in one Lot, the limit shall be two (2) cremated remains with two (2) full Human Remains in any single Lot.

8.0 Memorialization

- 8.1 No memorial or other structure shall be erected or permitted on a Lot until all setup and foundation fees have been paid in full including markers requested to be installed for graves provided for assisted burials.
- 8.2 No Monument, footstone, Marker or memorial of any description shall be placed, moved, altered, or removed without permission of the Cemetery Operator.
- 8.3 Every Monument shall be made of bronze, granite, marble or other durable stone used for that purpose with no vertical joint and no ornament of stone, metal or other material attached thereto.
- 8.4 All Monuments shall be mounted only on a stone or concrete base or footing and the base or footing shall be constructed by the Cemetery Operator and set flush with the level of the adjoining ground.
- 8.5 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.

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- 8.6 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.
- 8.7 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.
- 8.8 A Monument 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.
- 8.9 Only one Monument shall be erected within the designated space on any Lot.
- 8.10 The minimum thickness for flat markers, including footstones, is 4 inches or 10 cm.
- 8.11 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 Monument supplier have been notified by the Cemetery Operator.
- 8.12 Every Marker for a single Grave shall be of a size as nearly as practicable, of 18" X 24" (45.7 cm X 61 cm) width, with a thickness of from 3" to 8" (7.6 cm to 20.3 cm).
- 8.13 No Monument shall exceed 48" (122 cm) in height, including base or footing, above the level of the adjoining ground, and when located on a Lot shall not exceed 10% of the Lot area. When located on a Plot, the base shall not exceed 14" X 38" (35.5cm x 96.5 cm).
- 9.0 Care and Planting
- 9.1 The interest generated from the Care and Maintenance Fund shall be used to maintain, secure and preserve the Cemetery grounds, including:
- a) re-leveling and seeding of Lots or scattering grounds;
 - b) maintenance of Cemetery roads and water systems;
 - c) maintenance of perimeter fences;
 - d) maintenance of Cemetery landscaping;
 - e) maintenance of Columbarium; and
 - f) repairs and general upkeep of Cemetery maintenance buildings and equipment.

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9.2 No person, other than the Cemetery Operator, shall remove any sod or in any other way change the surface of the Cemetery.

9.3 No person shall plant trees, flower beds or shrubs in the Cemetery except with the approval of the Cemetery Operator.

10.0 Decorations

10.1 The Cemetery Operator reserves the right to regulate the articles placed on Lots or Plots that: pose a threat to the safety of all Interment Rights Holders, visitors to the Cemetery, and Cemetery employees; prevents the Cemetery Operator 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.

10.2 The Cemetery Operator reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminish the otherwise tidy appearance of the Cemetery.

10.3 Memorial wreaths may be placed in the Cemetery between the last day of October and the first day of April. In order to prepare the grounds for spring, wreaths must be removed prior to the first day of April. Wreaths not removed by the first day of April will be removed and disposed of by the Cemetery Operator without notification.

10.4 The following are permitted at the front of a Grave, not more than 12" (30.5 cm) from the Marker or Monument:

- a) unbreakable flowerpots; and
- b) planted flowers

10.5 Floral stands are to be of a single leg support type and may not exceed 48" (122 cm) with no more than two stands per Monument. The arms of the stand must not project more than 12" (30.5cm) from the Marker or Monument. Stands not in compliance will be removed by the Cemetery Operator.

10.6 Flowers placed on a Grave for a funeral shall be removed by the Cemetery Operator after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.

10.7 Shrubs and ornamental trees must be in alignment with and in close proximity to the Marker. Flowering plants must be grown only in front of the Marker, and shall not extend more than 12" (30.5 cm) from the Marker. Maintenance involves pruning to limit height of trees to 48" (122 cm), and laterally to within the boundaries of the Interment Rights Holder's Lot. Flowering plants must be weeded and watered. The plants may be removed and discarded at the discretion of the Cemetery Operator.

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- 10.8 Lettered boards, signs, items made of glass in whole or in part, crockery items or wind chimes are prohibited.
- 11.0 Contractor/Monument Dealer
- 11.1 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 commencement of the work. Work requiring pre-approval includes: 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, and the location of the work to be performed.
- 11.2 All contractors shall report to the Cemetery Operator and provide the necessary approvals before commencing work at any location in the Cemetery.
- 11.3 Prior to the start of any said work, contractors must provide proof of:
- a) WSIB coverage;
 - b) Occupational Health and Safety compliance standards;
 - c) Environmental Protection;
 - d) WHMIS; and
 - e) evidence of liability insurance of not less than \$2 million.
- 11.4 All contractors and all work carried out by contractors within the Cemetery shall comply with the requirements of this By-law.
- 11.5 No contractor, monument dealer or supplier shall enter the Cemetery outside of the Interment Hours unless approval has been granted by the Cemetery Operator.
- 11.6 No work shall be performed at the Cemetery except during the regular Interment Hours.
- 11.7 Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The Cemetery Operator, at his sole discretion, reserves the right to temporarily cease contractor operations, 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.
- 11.8 Contractors, monument dealers and suppliers shall lay wooden planks on the Lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

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12.0 Columbarium

- 12.1 Only the Cemetery Operator may open and seal Niches for Interments. This applies to the inside sealer and the Niche front.
- 12.2 To ensure quality control, desired uniformity, and standard of workmanship, the Cemetery Operator reserves the right to inscribe all Niche fronts or install all lettering, vases, adornments, or any other approved attachment.
- 12.3 No person, other than the Cemetery Operator, shall remove or alter niche fronts.

13.0 By-Law Amendments

- 13.1 The Cemetery shall be governed by this By-law, and all procedures will comply with the Act 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;
 - 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; and
 - d) posted on the municipal website.
- 13.2 All by-laws and by-law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, Ministry of Consumer Services.

14.0 General

- 14.1 By-laws 79-104; 81-045; 83-162; 86-030; 89-195; 89-219; 92-077; 93-118; 94-047; 95-106; 96-44; 2001-112 and 2005-067 are hereby repealed.
- 14.2 In the event that any provisions of this By-law are deemed to be invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- 14.3 This By-law shall be effective the date that it is passed.

By-law read a first, second and third time and finally passed this 3rd day of July 2012.

ORIGINAL BY-LAW SIGNED

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2015

1. Sale of Plots

Type of Lot	Dimension Bowmanville	Dimension Bondhead	40% Perpetual Care Rate	Rate (does not include applicable taxes)
Single	3' X 9'	3' X 9'	\$622.00	\$1,555.00
Babyland	1.5 ' X 3'	1.5 ' X 3'		No Charge
Cremation	2' X 2'	2' X 2'	\$208.00	\$520.00

2. Sale of Cremation Niches

Columbarium	Niche Size	15 % Perpetual Care Rate	Rate (does not include applicable taxes)
Single (including Plaque)	12" X 12" X 12"	\$186.75	\$1,245.00
Double (including Plaque)	12" X 12" X 12"	\$266.25	\$1,775.00

3. Interment

	Rate (does not include applicable taxes)
Adult – Single Depth	\$815.00
Adult – Double Depth	\$1,020.00
Infant / Child	No Charge
Cremation	\$310.00
Niche Wall	\$155.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2015

4. Disinterment Charges

	Rate (does not include applicable taxes)
Disinterment (adult) including reburial at the same location or at another location in the same cemetery	\$1,350.00
Disinterment (adult) for burial at another cemetery	\$1,140.00
Disinterment (child) including burial at another location in the same cemetery	\$850.00
Disinterment (child) including reburial at same grave or different cemetery	\$760.00
Disinterment (infant / cremation) including reburial at another location in the same cemetery	\$365.00
Disinterment (infant / cremation) including reburial at same grave or different cemetery	\$250.00

5. Holiday and Other Surcharges

	Rate (does not include applicable taxes)
Interment on Saturday (fee is additional)	\$265.00
Interment on Sunday and Statutory Holidays (fee is additional)	\$415.00
Disinterment for double depth burial (fee is additional)	\$270.00
Rental for lowering Device, set up and dressing	\$100.00
Provincial License Fee (subject to change)	\$12.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2015

6. **Monument Foundations and Setting Markers**

	Rate (does not include applicable taxes)
Monument foundation (flat fee)	\$345.00
Flat Marker Foundations (flat fee)	\$210.00
Cremation / Baby Markers (flat fee)	\$90.00
Removal of Monuments	\$65.00

7. **Transfer**

Fee	\$25.00
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8. **Perpetual Care**

	Rate (does not include applicable taxes)
Headstone Maintenance	\$100.00
Footstone Maintenance	\$50.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2016

1. Sale of Plots

Type of Lot	Dimension Bowmanville	Dimension Bondhead	40% Perpetual Care Rate	Rate (does not include applicable taxes)
Single	3' X 9'	3' X 9'	\$652.00	\$1,630.00
Babyland	1.5 ' X 3'	1.5 ' X 3'		No Charge
Cremation	2' X 2'	2' X 2'	\$218.00	\$545.00

2. Sale of Cremation Niches

Columbarium	Niche Size	15 % Perpetual Care Rate	Rate (does not include applicable taxes)
Single (including Plaque)	12" X 12" X 12"	\$195.75	\$1,305.00
Double (including Plaque)	12" X 12" X 12"	\$279.75	\$1,865.00

3. Interment

	Rate (does not include applicable taxes)
Adult – Single Depth	\$855.00
Adult – Double Depth	\$1,070.00
Infant / Child	No Charge
Cremation	\$325.00
Niche Wall	\$165.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2016

4. Disinterment Charges

	Rate (does not include applicable taxes)
Disinterment (adult) including reburial at the same location or at another location in the same cemetery	\$1,415.00
Disinterment (adult) for burial at another cemetery	\$1,200.00
Disinterment (child) including burial at another location in the same cemetery	\$890.00
Disinterment (child) including reburial at same grave or different cemetery	\$800.00
Disinterment (infant / cremation) including reburial at another location in the same cemetery	\$385.00
Disinterment (infant / cremation) including reburial at same grave or different cemetery	\$265.00

5. Holiday and Other Surcharges

	Rate (does not include applicable taxes)
Interment on Saturday (fee is additional)	\$280.00
Interment on Sunday and Statutory Holidays (fee is additional)	\$435.00
Disinterment for double depth burial (fee is additional)	\$280.00
Rental for lowering Device, set up and dressing	\$105.00
Provincial License Fee (subject to change)	\$12.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2016

6. Monument Foundations and Setting Markers

	Rate (does not include applicable taxes)
Monument foundation (flat fee)	\$365.00
Flat Marker Foundations (flat fee)	\$220.00
Cremation / Baby Markers (flat fee)	\$95.00
Removal of Monuments	\$70.00

7. Transfer

Fee	\$25.00
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8. Perpetual Care

	Rate (does not include applicable taxes)
Headstone Maintenance	\$100.00
Footstone Maintenance	\$50.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2017

1. Sale of Plots

Type of Lot	Dimension Bowmanville	Dimension Bondhead	40% Perpetual Care Rate	Rate (does not include applicable taxes)
Single	3' X 9'	3' X 9'	\$686.00	\$1,715.00
Babyland	1.5 ' X 3'	1.5 ' X 3'		No Charge
Cremation	2' X 2'	2' X 2'	\$228.00	\$570.00

2. Sale of Cremation Niches

Columbarium	Niche Size	15 % Perpetual Care Rate	Rate (does not include applicable taxes)
Single (including Plaque)	12" X 12" X 12"	\$205.50	\$1,370.00
Double (including Plaque)	12" X 12" X 12"	\$294.00	\$1,960.00

3. Interment

	Rate (does not include applicable taxes)
Adult – Single Depth	\$900.00
Adult – Double Depth	\$1,125.00
Infant / Child	No Charge
Cremation	\$345.00
Niche Wall	\$170.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2017

4. DISINTERMENT CHARGES

	Rate (does not include applicable taxes)
Disinterment (adult) including reburial at the same location or at another location in the same cemetery	\$1,485.00
Disinterment (adult) for burial at another cemetery	\$1,260.00
Disinterment (child) including burial at another location in the same cemetery	\$935.00
Disinterment (child) including reburial at same grave or different cemetery	\$840.00
Disinterment (infant / cremation) including reburial at another location in the same cemetery	\$405.00
Disinterment (infant / cremation) including reburial at same grave or different cemetery	\$275.00

5. HOLIDAY AND OTHER SURCHARGES

	Rate (does not include applicable taxes)
Interment on Saturday (fee is additional)	\$295.00
Interment on Sunday and Statutory Holidays (fee is additional)	\$460.00
Disinterment for double depth burial (fee is additional)	\$295.00
Rental for lowering Device, set up and dressing	\$110.00
Provincial License Fee (subject to change)	\$12.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2017

6. **MONUMENT FOUNDATIONS AND SETTING MARKERS**

	Rate (does not include applicable taxes)
Monument foundation (flat fee)	\$385.00
Flat Marker Foundations (flat fee)	\$230.00
Cremation / Baby Markers (flat fee)	\$100.00
Removal of Monuments	\$75.00

7. **TRANSFER**

Fee	\$25.00
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8. **PERPETUAL CARE**

	Rate (does not include applicable taxes)
Headstone Maintenance	\$100.00
Footstone Maintenance	\$50.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2018

1. **SALE OF PLOTS**

Type of Lot	Dimension Bowmanville	Dimension Bondhead	40% Perpetual Care Rate	Rate (does not include applicable taxes)
Single	3' X 9'	3' X 9'	\$720.00	\$1,800.00
Babyland	1.5 ' X 3'	1.5 ' X 3'		No Charge
Cremation	2' X 2'	2' X 2'	\$240.00	\$600.00

2. **SALE OF CREMATION NICHES**

Columbarium	Niche Size	15 % Perpetual Care Rate	Rate (does not include applicable taxes)
Single (including Plaque)	12" X 12" X 12"	\$216.00	\$1,440.00
Double (including Plaque)	12" X 12" X 12"	\$308.25	\$2055.00

3. **INTERMENT**

	Rate (does not include applicable taxes)
Adult – Single Depth	\$945.00
Adult – Double Depth	\$1,180.00
Infant / Child	No Charge
Cremation	\$360.00
Niche Wall	\$180.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2018

4. DISINTERMENT CHARGES

	Rate (does not include applicable taxes)
Disinterment (adult) including reburial at the same location or at another location in the same cemetery	\$1,560.00
Disinterment (adult) for burial at another cemetery	\$1,320.00
Disinterment (child) including burial at another location in the same cemetery	\$980.00
Disinterment (child) including reburial at same grave or different cemetery	\$880.00
Disinterment (infant / cremation) including reburial at another location in the same cemetery	\$425.00
Disinterment (infant / cremation) including reburial at same grave or different cemetery	\$290.00

5. HOLIDAY AND OTHER SURCHARGES

	Rate (does not include applicable taxes)
Interment on Saturday (fee is additional)	\$310.00
Interment on Sunday and Statutory Holidays (fee is additional)	\$480.00
Disinterment for double depth burial (fee is additional)	\$310.00
Rental for lowering Device, set up and dressing	\$115.00
Provincial License Fee (subject to change)	\$12.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates - 2018

6. **MONUMENT FOUNDATIONS AND SETTING MARKERS**

	Rate (does not include applicable taxes)
Monument foundation (flat fee)	\$400.00
Flat Marker Foundations (flat fee)	\$245.00
Cremation / Baby Markers (flat fee)	\$105.00
Removal of Monuments	\$75.00

7. **TRANSFER**

Fee	\$30.00
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8. **PERPETUAL CARE**

	Rate (does not include applicable taxes)
Headstone Maintenance	\$100.00
Footstone Maintenance	\$50.00

Office Consolidation of By-Law 2012-061

Schedule "A"

Cemeteries - Tariff of Rates – 2019 & Beyond

In accordance with the amending By-law 2019-045, the Tariff of Rates set out as 2019 rates shall be adjusted, without amendment to this By-law annually on January 1st in each year, commencing on May 1st, 2020, in accordance with the November over November, Ontario All -Items Consumer Price Index (CPI).

1. Sale of Plots

Type of Lot	Dimension Bowmanville	Dimension Bondhead	40% Perpetual Care Rate	Rate (does not include applicable taxes)
Single	3' X 9'	3' X 9'	\$760.00	\$1,890.00
Infant	1.5 ' X 3'	1.5 ' X 3'		No Charge
Cremation	2' X 2'	2' X 2'	\$255.00	\$630.00

2. Sale of Cremation Niches

Columbarium	Niche Size	15 % Perpetual Care Rate	Rate (does not include applicable taxes)
Single (including Plaque)	12" X 12" X 12"	\$230.00	\$1,515.00
Double (including Plaque)	12" X 12" X 12"	\$325.00	\$2,160.00
Replacement of Granite Plaque			\$300.00

3. Interment

	Rate (does not include applicable taxes)
Adult – Single Depth	\$995.00
Adult – Double Depth	\$1,240.00
Infant / Child	No Charge
Cremation	\$380.00
Niche Wall	\$190.00

Office Consolidation of By-Law 2012-061

4. Disinterment Charges

	Rate (does not include applicable taxes)
Disinterment (adult) including reburial at the same location or at another location in the same cemetery	\$1,640.00
Disinterment (adult) for burial at another cemetery	\$1,390.00
Disinterment (child) including burial at another location in the same cemetery	\$1,030.00
Disinterment (child) including reburial at same grave or different cemetery	\$925.00
Disinterment (infant / cremation) including reburial at another location in the same cemetery	\$450.00
Disinterment (infant / cremation) including reburial at same grave or different cemetery	\$305.00

5. Interment on a Saturday Surcharge

	Rate (does not include applicable taxes)
Cremation / Niche Wall	No Charge
Plot	\$230.00

6. Interment on a Sunday/Statutory Holiday Surcharge

	Rate (does not include applicable taxes)
Cremation / Niche Wall	\$200.00
Plot	\$550.00

7. Other Surcharges

	Rate (does not include applicable taxes)
Disinterment for double depth burial (fee is additional)	\$330.00
Rental for lowering device, set-up and dressing	\$125.00
Provincial Licence Fee (subject to change)	\$12.00

Office Consolidation of By-Law 2012-061

8. Monument Foundations and Setting Markers

	Rate (does not include applicable taxes)
Monument Foundation (flat fee)	\$420.00
Flat Marker Foundation (flat fee)	\$260.00
Cremation / Baby Markers (flat fee)	\$115.00
Removal of Monuments	\$80.00

9. Transfer

Fee	\$30.00
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10. Perpetual Care

	Rate (does not include applicable taxes)
Headstone Maintenance	\$100.00
Footstone Maintenance	\$50.00