

The Corporation of the Township of Algonquin Highlands

By-law No. 2022-68

A By-law to Provide for Rules and Regulations for Township of Algonquin Highlands Cemeteries.

Whereas the Cemeteries Act (Revised), R.S.O. 1990, c. 4, was repealed and replaced by the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33;

And Whereas pursuant to Section 150 of Ontario Regulation 30/11 of the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002 cemetery operators may enact by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment rights;

And Whereas The Council of the Corporation of the Township of Algonquin Highlands passed By-law 2013-36 on the 20th day of June 2013 to adopt rules and regulations for cemeteries under the jurisdiction of the Town of Algonquin Highlands;

And Whereas the Council of The Corporation of the Township of Algonquin Highlands deems it expedient to enact a new by-law to adopt rules and regulations for cemeteries under the jurisdiction of The Corporation of the Township of Algonquin Highlands pursuant to the Funeral, Burial, and Cremation Services Act (FBCSA), 2002, S.O. 2002, c.33 (Act) and to repeal By-law 2013-13 in its entirety;

Now Therefore, the Council of the Corporation of the Township of Algonquin Highlands enacts as follows:

1. INTERPRETATION

For the purpose of this By-Law the following terms shall have the corresponding meanings:

a)“Act” means the Funeral Burial & Cremation Services Act, 2002.

b)“Burial” means the opening and closing of an in ground lot or plot for the disposition of human remains or cremated human remains.

c)“Care and Maintenance Fund” means 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, 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.

d)“Cemetery” shall mean each cemetery owned and or operated by the Township of Algonquin Highlands as set out in Schedule “B”

e)“Cemetery Operator” means the Corporation of the Township of Algonquin Highlands.

f)“Cemetery Services” means,

i. Opening and closing of a plot

ii. Interring or disinterring human remains

iii. The placement of monuments, flat markers and footstones

iv. Such other services as are provided by the owner of the cemetery at the cemetery

g)“Cemetery Supplies” includes interment vaults, markers, flowers, urns, shrubs and artificial wreaths and other articles intended to be placed in a cemetery.

h)“Certificate of Interment Rights” the document issued by the township to the purchaser, once the interment rights have been paid in full, identifying ownership of the interment rights.

i)“Clerk” means the Clerk for the Township of Algonquin Highlands or his/her designate.

j)“Columbarium” means a structure designed for the purpose of interring cremated human remains in niches or compartments.

k)“Contract” means all purchasers of interment or scattering 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 the Price List.

l)“Corner Posts” means any stone or other land marks set flush with the surface of the ground and use to indicate the corners of a plot.

m)“Council” means the Council of the Corporation of the Township of Algonquin Highlands.

n)“Footstone” means a stone set flush with the surface of the ground so that a mower can pass over same and which, after the date this by-law comes into force, will not exceed twelve by eighteen inches with a depth of four inches.

o)“Foundation” means a concrete base for a monument which has a minimum depth of six inches.

p)“Green Burial” is considered an interment of a dead human body under environmentally conscious conditions while preserving the respect and dignity of the individual.

q)“Human Remains” means a dead human body and includes a cremated human body.

r)“Interment” means the burial of human remains and includes the placing of human remains in a plot.

s)“Interment Rights” means the right to require or direct the interment of human remains or cremated human remains in a plot, or niche and direct the associated memorialization.

t)“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.

u)“Manager” means the Manager of Public Works for the Township.

v)“Marker” means any flat permanent memorial made of granite, marble or bronze set flush with the surface of the ground and used to mark the location of a plot.

w)“Ministry” refers to the Ministry of Public and Business Service Delivery

x)“Monument” Means any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

y)“Natural Green Burial Area” means an area within a cemetery which is specifically designed to permit human remains to be returned to the earth as naturally as possible.

z)“Plan” means the plan or plans of the cemetery, filed with the Bereavement Authority of Ontario.

aa)Plot means each individual parcel for which a certificate of interment rights have been issued and includes plot, grave, interment site, niche or compartment in a columbarium to be used for the purposes of interment of the bodies of deceased persons or the interment of ashes remaining from the cremation of the bodies of deceased persons.

bb)“Registrar” means the Registrar appointed under the Act.

cc)“Secretary” means the Clerk for the Township of Algonquin Highlands or his/her designate.

dd) “Township” means the Corporation of the Township of Algonquin Highlands.

ee)“Treasurer” means the Treasurer for the Township of Algonquin Highlands or his/her designate.

2. RULES AND REGULATIONS

The Cemeteries shall be managed and governed by the Rules and Regulations set out in Schedule “A” attached to this by-law.

3. TARIFF

All sales of plots and all cemetery services provided by or on behalf of the interment rights holder shall be made or performed based on the Price List set out in the Township's Comprehensive Fees and Charges By-law.

4. SHORT TITLE

This by-law shall be cited as the "Cemetery By-law".

5. REPEALING

Upon the date of enactment of this by-law, By-law 2022-68 and all amendments thereto, are hereby repealed.

4. EFFECTIVE DATE

This By-law shall come into force and take effect upon approval by the Registrar appointed pursuant to the Act.

Read a First, Second and Third time and finally passed this XX day of XXX, 20XX.

Mayor Liz Danielsen

Clerk Dawn Newhook

SCHEDULE "A" to

By-Law. 2024-64

Rules and Regulations

1.0 ADMINISTRATION AND ENFORCEMENT

- 1.1 The Township of Algonquin Highlands reserves full and complete control and management of the cemeteries together with the records of the cemeteries and has complete authority to administer regulations.
- 1.2 The general maintenance of the cemeteries and provision of cemetery services shall be provided by, or arranged by, the Clerk subject to the advice and/or direction of Council. Except for the fees and charges set out in the Township's Comprehensive Fees and Charges By-law, the Township of Algonquin Highlands shall maintain without charge to interment rights holders, the grounds of the cemeteries to ensure the safety of the public and to preserve the dignity of the cemetery.
- 1.3 The Secretary shall be responsible for all sales of plots and cemetery services, for the maintenance of the cemetery records and shall administer the Council approved budget. The Secretary shall render all accounts and notices in connection with cemetery business and shall transact all routine business subject to Council approval.

The Secretary shall maintain up-to-date records, which shall include:

- a) Plans or surveys of the cemeteries;
 - b) The names of all interment rights holders and their addresses;
 - c) Copies of all contracts for the purchase of cemetery supplies and/or services;
 - d) Copies of all transfers of interment rights;
 - e) The date of, and location of, all interments within the cemeteries, and whether such interments are of cremated remains;
 - f) A copy of the consent of the interment rights holder for each interment; and
 - g) Applications for each consent with respect to the placement of markers.
- 1.4 The Treasurer shall be responsible for the investment of care and maintenance funds.

2.0 SALES OF INTERMENT RIGHTS AND TRANSFERS

- 2.1 All sales of interment rights and cemetery services or cemetery supplies shall be made by the Secretary using a Contract and the person making application to purchase interment rights shall provide such information as may be required by the cemetery operator for the completion of the Contract. The purchaser shall be entitled to a Certificate of Interment Rights upon payment to the Secretary of the applicable price based on the price list, as set out in the Township's Comprehensive Fees and Charges By-law

- 2.2 Interment rights may be paid for in cash or by cheque delivered to the Secretary. The applicant shall not be entitled to a Certificate of Interment Rights and no interment of human remains or installment of any monuments or markers is permitted in, or on, a plot until the interment rights have been paid in full.
- 2.3 Interment rights shall be sold at the rates shown in The Township's Comprehensive Fees and Charges By-law.
- 2.4 Interment rights holders shall acquire only the right and privilege to require or direct the interment of human remains in the plot, erecting monuments and adding memorialization, except the interment, or erecting of the monument of the rights holder, in which case authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder i.e. Estate Trustee, Executor or next of kin and markers, subject to the rules and regulations affecting the cemetery as approved by the Registrar, Bereavement Authority of Ontario.
- 2.5 Plots shall not be used for any other purpose than for the interment of human remains.
- 2.6 The Clerk shall be authorized to execute on behalf of the Township, those documents necessary to undertake the daily operation of its cemeteries. The Clerk is authorized to execute Cemetery Contracts on behalf of the Township and may designate staff to execute Cemetery Contracts for the purchase of interment rights and services in accordance with this By-law as required.
- 2.7 The Secretary shall provide each Rights owner at the time of sale with:
 - a) A copy of the contract
 - b) A copy of the Cemetery By-Law; and
 - c) Upon payment in full a Certificate of Interment Rights
 - d) A copy of the Consumer Information Guide and Price List
- 2.8 Notice of Resale and Transfer of Interment Rights:
 - a) The Township prohibits the resale of interment rights to a third party and will repurchase these rights at the price listed on the current price list less the amount paid to the care and maintenance;
 - b) Transfer of interment rights cannot be prohibited as long as the purchaser meets the qualifications and requirements as outlined in the Cemetery By-law.
 - c) A purchaser may gift, bequest or otherwise transfer interment rights, without consideration to any other person by giving written notice of the transfer to the Township and by returning the original Certificate of Interment Rights.
 - d) In the case where a deceased interment rights holder has left a "Last Will and Testament" containing a specific bequest of a plot, a Notarized copy and/or Court certified copy of the said "Last Will and Testament: or a "Certificate of Appointment of Estate" is required and will be subject to a fee as set out in the

Township's Comprehensive Fees and Charges By-law. If the Will does not contain a specific bequest of the plot, a request in writing from the Estate Trustee(s) or from all of the heirs-at-law for the transfer is required.

- e) Upon receipt of the written notice requesting the transfer, the original Certificate of Interment Rights and the prescribed fee as set out in the Township's Comprehensive Fees and Charges By-law, the Township shall issue a new Certificate of Interment Rights to the Transferee.
 - f) If an Interment Rights Holder wishes to exchange their Interment Rights within any Cemetery located in the Township, the holder(s) must make a written request to the Township. Any exchange of Interment Rights shall be at the discretion of the Township and subject to the payment of the Transfer Fee as set out in the Township's Comprehensive Fees and Charges By-law.
 - g) If any portion of the interment rights has been exercised, the purchaser, or interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.
- 2.9 Cancellation of Interment Rights within 30 Day Cooling-Off Period:
- a) A purchaser has the right to cancel an interment right contract within thirty (30) days of purchase, by providing written notice of the cancellation to the Cemetery operator.
 - b) The Cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
- 2.10 Care and Maintenance Fund Contributions:
- a) As required by Sections 166 and 168 of Regulation 30/11 prescribed amount or, a percentage of the purchase price of all interment rights and a prescribed amount for monuments and markers is contributed to the care and maintenance fund.
 - b) Income from this fund is used to provide only general care and maintenance of the Cemetery.
 - c) Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30-day cooling off period.
- 2.10 No refund or repurchase will be made for any plot if any interment rights have been exercised, unless all human remains have been legally relocated.
- 2.11 The Cemetery does not provide pre-needs service.

3.0 MANAGEMENT OF FUNDS

- 3.1 The Treasurer, subject to advice from and Council shall be responsible for the management and investment of care and maintenance funds in accordance with the provisions of the Act and regulations there under.

4.0 CARE OF PLOTS

- 4.1 All plots and plots sold or assigned shall be maintained and kept properly graded, sodded and mown by employees of the Township (with the exception of the natural green burial section in the St. Stephens cemetery).
- 4.2 If any trees, shrubs or flowers situated on any plot become detrimental to other adjacent plots whether by means of their roots, branches or otherwise, or if they are prejudicial to the general appearance of the cemetery, the Manager may have such trees, shrubs or flowers or parts thereof removed. The planting of any trees or shrubs shall not be permitted.
- 4.3 No person shall do any work upon a burial plot without the permission of the Clerk or the Manager.
- 4.4 Flower beds and borders are prohibited
- 4.5 Plot owners desiring to take any plants away should do so before their removal becomes necessary. To ensure that there is no unauthorized interference with flowers or decorations upon the plots or elsewhere in the cemetery, it is necessary to secure permission from the Clerk before removal.
- 4.6 Vases, urns, flower stands, etc. shall be removed from the plot after two weeks after interment.
- 4.7 During the growing season (usually from May to October) while natural flowers are available, artificial flowers are not permitted.
- 4.8 Borders, fences, railings, walls, cut-stone copings and hedges in or around plots are prohibited.
- 4.9 Articles made of glass, open candles, breakable items, benches, crushed stone are prohibited on or around plots and within cemetery grounds.
- 4.10 Materials or any items that may pose a health or safety risk in or around lots are prohibited.
- 4.11 The Township reserves the right to regulate any articles placed on plots 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. Prohibited articles will be removed and disposed of without notification.
- 4.12 Rubbish shall not be thrown out on roads, walks or any part of the grounds.
- 4.13 No plot owner shall change the grading of his/her plot and in case of any such change, the Township may restore the plot to its original grade at the expense of the owner.
- 4.14 No unauthorized person shall sod or remove corner posts or plot markers.

- 4.15 No construction work, including installation of foundations, monuments, markers, footstones, or other items shall be allowed on Saturdays, Sundays or holidays.
- 4.16 No foundations may be constructed after November 15th in any year and before April 1st in the following year, unless approved by the Manager.
- 4.17 The Township shall not be responsible for loss of or damage to any articles upon any plot or plot.
- 4.18 The Township shall not be responsible for any damages to plots and/or structures.
- 4.19 The Township shall not be responsible for flowers or articles removed from any plot.
- 4.20 Any flowers, articles or personal effects found in the cemetery not located on a plot, or able to be identified belonging to a plot, will be disposed of by the Township.

5.0 MONUMENTS AND MARKERS

- 5.1 All foundations for monuments and markers shall be constructed by municipal employees.
- 5.2 Monuments are to be erected by or for plot owners and shall be set upon adequate concrete bases, and no foundations shall be less than 6" in depth. The upper surface of the foundations shall extend three inches on all sides and be flush with the ground.
- 5.3 The maximum size of monuments shall be H-48", W-24", D-8" for a single plot (base size not to exceed W-30" x D-14") and H-48", W-42", D-8" for a double plot (base size not to exceed W-48" x D-14'). The monuments must be placed at the head of the plot.

The maximum size for a flat marker shall not exceed 24" in width, 18" in height to a maximum of 6" in thickness or approved by the secretary. Flat markers must be placed at the head of the plot. The upper surface shall be flat with no projections and shall be set level with the ground surface.

The maximum size of pillow markers shall not exceed 24" in width, 18" in height to a maximum height of 4" (10 cm) or approved by the secretary. Pillow markers can either be placed on a base on which requires a stake-out fee, or a foundation can be poured if pillow marker has no base.

- 5.4 Not more than one monument shall be erected on any one plot, and this must be placed in the space reserved for it unless special permission is given by the Township.

- 5.5 All markers and monuments (polished or unpolished) shall be constructed of bronze, granite or marble, any other materials are prohibited. The bottom bed of all bases and markers shall be cut level and true.
- 5.6 No inscription shall be placed on any monument, or marker, which in the opinion of the Township, is not in keeping with the dignity and decorum of the Cemetery.
- 5.7 No lettering shall be permitted on the side of the monument which in the opinion of the Township is not in keeping with the dignity and decorum of the Cemetery.
- 5.8 One footstone with a flat and level surface set flush with the ground may be placed at the foot of each plot for each interment in addition to the monument.
- 5.9 Footstones of bronze, marble or granite are permitted but must not exceed 12" in width by 18" in height with a depth of 4 inches. The upper surface must be flat with no projections and shall be set level with the ground surface.
- 5.10 Each single plot may be marked on the ground with a flat marker as in 5.3 above.
- 5.11 The owner may on the receipt of his/her contract, at his/her own expense have bronze, stone or concrete corner stones, between six- and seven-inches square and not less than six inches deep, planted flush with the ground. Corner stones shall be installed by the Township.
- 5.12 If any monument or other structure, or any inscription be placed in or upon any plot which shall be determined by the Township to offensive or improper, Township staff may enter the plot and remove the said offensive or improper objects if the plot owner has failed to do so after due notice of one week has been given.
- 5.13 The moving of monuments shall be paid for by the Interment Rights holder or authorized person to act on behalf of the interment rights holder and arranged through a monument dealer. The Township's Comprehensive Fees and Charges By-law shall apply if a new foundation is required to be poured for the relocation of the monument.
- 5.14 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.
- 5.15 The following rules apply the monument dealers, contractors, and workers in the cemetery:
 - a) No monument or marker will be delivered to the cemetery without the proper paperwork.
 - b) No monument or marker will be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.

- c) No monument or marker will be removed without written permission from the Secretary.
- d) All companies who do work in the cemetery shall have Workplace Insurance coverage for their workers as well as liability insurance of not less than \$2 million dollars.
- e) Contractors, masons, and stonecutters shall lay planks on the plots and paths over which heavy materials are to be moved, in order to protect the surface from injury.
- f) There shall not be a variance of more than ½ inch in the size of the base required as stated on the work order and the size of the monument delivered.
- g) The demeanor and behaviour of all persons employed by others in the cemetery shall be subject to the control of the Manager.
- h) Workers shall cease work if in the immediate vicinity of a funeral until the conclusion of the service.
- i) All work must be done during regular cemetery hours, unless by special permission of the Manager.
- j) Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
- k) No monument dealer shall park on the grass unless otherwise directed to do so by the Manager.
- l) All implements and materials used in the performance of any work shall be placed where the caretaker may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the caretaker may order. Otherwise, the obstructions will be removed, and the expense charged to the monument dealer.
- m) If a monument dealer or contractor desires to set a flat marker, such person must make written arrangements with the Clerk as to time of installation. The monument dealer or contractor must pay the Township the prescribed stake-out fee.
- n) Any workman who damages any plot, tombstone, monument or other structure or otherwise does any injury in the cemetery, shall be personally responsible for such damage or injury, and in addition thereto, his/her employer shall be liable, therefore.

6.0 COLUMBARIUM

- 6.1 Payment must be made to the Cemetery Operator before an interment may take place.
- 6.2 Only the Cemetery Operator may open and seal niches for interments. This applies to the inside sealer and the niche front.
- 6.3 To ensure quality control, desired uniformity and standard of workmanship, the Cemetery reserves the right to arrange for the inscription of all niche fronts or install all lettering. Fees for the inscription of niche fonts shall be in accordance with the Township's Comprehensive Fees and Charges By-law.
- 6.4 No plaques, vases, adornments, or emblems affixed to the Columbarium or

individual Niches are permitted. Any such items found shall be removed and disposed of without notification by the Cemetery.

- 6.5 No articles are permitted in or around the ground in the vicinity of the Columbarium. Any such items found shall be removed and disposed of without notification by the Cemetery.
- 6.6 No person other than Cemetery staff shall remove or alter niche fronts.
- 6.7 There is a limit of two (2) cremation interments in each niche. Niches are of a standard inside size of twelve by thirteen inches by twelve inches (12"x13"x12"). The conditions of any urn on subsequent openings and oversize urns that may not be accommodated in the niches are not the responsibility of the Corporation.

7.0 INTERMENTS AND DISINTERMENTS

- 7.1 No human remains shall be interred in the cemetery unless a burial permit has been issued with respect to the deceased person pursuant to the provisions of the Vital Statistics Act. In the case of a cremation interment, an original Certificate of Cremation is required.
- 7.2 All interments in plots shall be restricted to members of the family or on order of the owner.
- 7.3 Notice of each interment to be made shall be given to the Clerk or his/her designate, by the interment rights holder or the personal representative of such holder, or the funeral director operating pursuant to instructions from such persons at least 48 hours prior thereto, 8 hours of which must be normal hours of operation, unless ordered by the appropriate Provincial authority to the contrary.
- 7.4 All interments must be completed by 3:00pm, Monday – Saturdays. No interment shall be made in the cemetery at any time on Sunday or any statutory holiday, except based on a doctor's certificate that burial must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable diseases.
- 7.5 No interment shall be made without the written authorization of the interment rights holder. 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 (e.g. estate trustee, executor, legal representative, or next of kin).
- 7.6 Interment charges shall be the responsibility of the Rights Holder, or person authorized to act on behalf of the interment rights holder requesting burial.
- 7.7 When a plot is held jointly by two or more persons, a Consent for Interment Form, or other written documentation approved by the Secretary, will be accepted from either or any of them or their authorized representatives, for interment.

- 7.8 No winter burial shall take place between November and April in any year, unless weather or ground conditions permit as approved by the Manager.
- 7.9 Notwithstanding 7.8, winter burials may take place in the natural green burial section of St. Stephens cemetery only.
- 7.10 Plots shall be opened for interment or disinterment by employees of the Township or by direction of the Manager.
- 7.11 Each plot shall be of sufficient depth to give a covering of at least three feet of earth over the outside cover or shell of the coffin or other receptacle.
- 7.12 In digging a plot, the surplus material shall be moved to such a place as may be designated by Township staff. Mounds shall not be permitted over plots.
- 7.13 Each plot may contain a maximum of the following:
a) One (1) burial and three (3) cremations; or
b) Four (4) cremations
If said lot may be considered for future casket interment then the cremated remains must be enclosed in a non-breakable, non-decomposing container.
- 7.14 Notwithstanding Section 7.13, a plot located in the natural green burial section allows for the interment of the human remains of one (1) individual (full burial) only.
- 7.14 Cremated remains are not permitted to be scattered on a plot or in any cemetery operated by the Township.
- 7.15 Human remains may be disinterred from a plot 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. A certificate from the Medical Officer of Health must be received at the Township 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. 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. Proper documents and the necessary fees shall be provided prior to the disinterment. The removal of human remains, must be completed by a certified funeral director.
- 7.16 The Township shall not be held responsible for errors in the location of plots arising from improper instructions of plot owners. A request from the Funeral Director shall be deemed to be a request from an owner. The Township shall assume no responsibility for errors in opening graves where orders are given by

telephone. Persons ordering plot openings shall be held responsible for all charges incurred.

- 7.17 The Cemetery Operator reserves the right to determine if adverse weather or ground conditions shall prevent a scheduled burial in the Cemetery, including the natural green burial section. The Township will not be responsible for any temporary arrangements or costs associated with the rescheduling of a burial due circumstances out of the Township's control and/or due to weather or ground conditions.
- 7.18 All full burial interments shall be under the care and control of a licensed Funeral Director. Township cemetery staff are not permitted to act as pallbearers during a funeral service.

8.0 NATURAL GREEN BURIALS (When Service becomes Available)

- 8.1 The green/natural burial section of St. Stephen's cemetery has been designed and implemented in a way that demonstrates regard for the natural state of the earth, landscape and accompanying elements. Each green/natural burial lot allows for the interment of the human remains of one (1) individual (full burial). A purchaser of a plot shall not acquire an interment right to a specific plot within the natural green burial section. Plot assignment in the natural green burial section shall only be made at the time a lot is required for an interment. Plot assignment shall be made by the Secretary.
- 8.2 The Body: the deceased must be free from embalming solutions and contained within a casket or container as per section 8.4.
- 8.3 Grave Opening Preparation: graves are identified only by a numbered marker. Cemetery Services will take all reasonable precautions to open the grave in the least disturbing manner to the surrounding environment. Cemetery Services will provide a rough-cut pathway to the grave.
- 8.4 Casket or Container for Full Body Interment: the casket, or representative container specified for burial of human remains shall:
1. Have a rigid bottom and sides with handles that are stable and strong enough to be transported and placed on a grave set-up lowering device. Prior to closure of the grave, a rigid lid must be placed to protect the human remains.
 2. Be composed of sustainable and fully biodegradable fibers or materials.
 3. Be free of non-biodegradable resins, glues, or bonding agents.
 4. Be composed of interior finishing fabricated from biodegradable fibers or materials.
 5. Be free from high gloss finish lacquers, paints or prepared surfaces that are non-biodegradable.
 6. Be free of any interior liner, bag or wrapping that is fabricated from a non-biodegradable material.

7. Be free of any memento, article or personal belonging that is composed of non-biodegradable materials.
- 8.5 Cremated remains are **not** permitted in the natural green burial section.
- 8.6 The Funeral Director and/or the Interment Rights holder, or authorized representative shall ensure the rigid container for an interment in the green natural burial section complies with any provision set out for them in any legislation, regulations and the regulations in this By-law.
- 8.7 Interment Process: the interment will take place as a direct burial. Earth will be either available on site or brought grave side to complete the interment. Efforts will be made to return the same earth back into the grave as was excavated. The Manager may limit the number of witnesses to an interment service in the natural green burial section due to any reason of preserving the environmental sanctity or health and safety of staff and of those persons attending the interment. All attendees will be under the supervision of Cemetery Staff during the interment proceedings.
- 8.8 Unrecoverable Status: interred human remains should be considered non-recoverable from the interment date, and Cemetery Services shall have no obligation to recover the remains unless ordered by the provisions of legislation, regulation or court document. In the case of the Cemetery Operator being ordered to recover human remains, the Manager will hold the authorizing party accountable for all fees associated with the work performed. The removal of human remains must be completed by a certified funeral director.
- 8.9 Re-establishing the Burial Site: the burial site will be allowed to naturally settle over time. The earth will be over-seeded with a recognized seed mix after the interment process is completed and thereafter with re-establishment of soil grade levels through the natural settlement process.
- 8.10 Memorialization: for green/natural burial, the practice of individual memorialization will not be permitted. A communal memorial stone that is sourced naturally will be used to establish simple inscriptions. To ensure quality control, desired uniformity and standard of workmanship. Each inscription will follow sequentially with one line provided for the given name(s) or initial(s) and the surname of the deceased and for the year of birth/death of the deceased.

No emblems or design elements will be inscribed beyond the name and dates named above. Every inscription will be uniformly directed by the Secretary in regard to lettering size, font and occupied space.

All inscriptions will be processed by the Secretary in terms of timing of work, establishing the contractor used to perform the work and fees for service in accordance with the Township's Comprehensive Fees and Charges By-law shall

apply. Fees shall be paid prior to the arrangements for the memorialization taking place.

- 8.11 Keeping a Clear Site: no other memorials, flowers, articles, or personal effects may be left behind at the green/natural burial section. Any said flowers, articles or personal effects found in the green/natural burial section will be removed by Public Works and disposed of. The Township retains the right to limit access to pedestrians or vehicles into the green/natural burial section in keeping of the environmental sensitivities within the site.
- 8.12 Maintenance of the site: no regular maintenance will be performed on the green/natural burial site. The ground cover may be mowed, to control the invasion of non-native species and promote the health of native species. The site will be left to naturally evolve and develop with minimum disturbances. No watering or fertilizing will take place of the seeded areas.
- 8.13 The Manager will have ultimate authority to manage, maintain and alter the interment areas, communal memorial stone, and pathways at his/her sole discretion.
- 8.14 Green burial interments shall take place only at St. Stephen's cemetery. Only Township staff, or authorized contractor approved by the Township, may excavate, and prepare a natural green burial plot for an interment. The Township shall have the right to utilize such equipment and graveside dressings as deemed necessary to protect the safety of persons attending an interment service, Township staff, and to permit the safe and dignified interment of human remains into the plot. Equipment will be permitted in the preparation and burial process.

9.0 RULES FOR VISITORS

- 9.1 Visitors are welcome at the cemetery during daylight hours. Visitors are requested to respect the deceased and conduct themselves accordingly.
- 9.2 No parades other than funeral processions shall be admitted to or organized within the cemetery.
- 9.3 Children under the age of twelve (12) years are not permitted on the grounds unless accompanied by an adult who shall be responsible for their conduct.
- 9.4 Pets are not permitted in the cemetery, with the exception of service animals.
- 9.5 No person within the cemetery shall:
 - a) Willfully destroy, injure, or remove any monument, marker, structure, tree or shrub.
 - b) Play any sport.
 - c) Carry any firearm except during a military funeral.
 - d) Commit a nuisance.
 - e) Hold a picnic or party.

- f) Advertise or canvas for orders or distribute business cards.
- 9.6 Vehicles within the grounds shall not exceed 10 kilometers per hour and must travel on the driveway portion only.
- 9.7 Any person defacing monuments or cemetery property shall be prosecuted according to law.
- 9.8 Township staff is responsible for maintenance and empowered by Council to expel persons disturbing the good order of the cemetery either by noise, improper conduct or violation of cemetery rules.
- 9.9 Picking, cutting or digging or any wild or cultivated plants in the cemetery is strictly forbidden.
- 9.10 Any complaints from Interment Rights Holders should be made to the Manager or Secretary and not to Township staff on the grounds, and controversies with Township staff or others on the grounds are to be avoided.

10. MISCELLANEOUS

- 10.1 Notwithstanding the above rules and regulations, the Council may from time to time, by resolution of Council, require certain works to be completed or other measures taken for the good of the cemetery which works or measures shall not conflict with the above rules and regulations.

11. FORMS

- 11.1 The Clerk has the authority to prepare forms, contracts, and other documentation as required for the operation and governance of the cemeteries under the jurisdiction of the Township.

12. LIABILITY

- 12.1 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.

13. RIGHT TO RE-SURVEY

- 13.1 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.

**SCHEDULE "B" to
By-Law No. 2022-68
Township List of Cemeteries**

CEMETERY	LOCATION
Maple Lake	Concession 5, Part Lot 31, geographic Township of Stanhope
St. Peter's	Concession 4, Part Lot 21, geographic Township of Stanhope
St. Stephen's	Concession 6, Part Lot 8, geographic Township of Stanhope
Zion	Concession 1, Part Lot 15, geographic Township of Stanhope