

# **The Corporation of the Municipality of Grey Highlands**

## **Consolidated By-law No. 2020-085**

### **A Consolidated By-law to Establish Rules and Regulations for Grey Highlands Cemeteries (amended by By-law 2024-020)**

**Whereas**, Section 10 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes municipalities to provide any service that the municipality considers necessary or desirable for the public; and

**Whereas**, the Council of The Corporation of the Municipality of Grey Highlands (the "Municipality") passed By-law No. 2008-104 on December 22, 2008 with respect to the management and operation of cemeteries; and

**Whereas**, a revised by-law respecting the operation of the Municipality's cemeteries, including governing rights, entitlements and restrictions with respect to interment and scattering rights and installation of markers, is required to comply with the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33, as amended, which came into effect in July, 2012; and

**Whereas**, section 151 of Ontario Regulation 30/11 made under the Act provides that no cemetery by-law is effective until it is filed with and approved by the registrar appointed under subsection 3 (1) of the Act; and

**Whereas**, the subject by-law was filed with the registrar and received approval on September 28, 2020; and

**Whereas**, Council deems it necessary and expedient to repeal By-law No. 2008-104 and replace it with the subject by-law providing for the control, management and operation of cemeteries and in the Municipality; and

**Whereas**, Council passed a Motion on March 4, 2020 to enact this revised by-law, subject to approval by the registrar;

**Now Therefore the Council of the Municipality of Grey Highlands hereby enacts as follows:**

1. **Short Title** - This By-law may be referred to as the "Cemetery By-law".
2. **Purpose** - This by-law has been passed to establish policies, rules and regulations for the management and operation of cemeteries owned or operated by the Municipality.
3. **Scope** - The provisions of this by-law apply to all cemeteries owned or operated by the Municipality, to all activities, businesses, contractors, interments, disinterments, all cemetery staff and contractors, all lot and plot owners, and all persons visiting cemeteries. Some cemetery locations included on the Grey Highlands Cemetery Operator License are inactive, and as such, no activities such as, but not limited to, plot sales, marker placement, or interments shall occur nor be permitted at these sites.
4. **Schedules** - The schedule as attached to this by-law are included for reference.
5. **Reference to Applicable Law** - All references to applicable law in this by-law are ambulatory and apply as amended or revised from time to time.

6. **Plural** - In this by-law a word defined in the singular has a corresponding meaning when used in the plural and vice versa.

7. **Definitions**

- a. **Act** - shall mean the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33, as amended.
- b. **Burial** - shall mean the opening and closing of an in ground lot for the disposition of human remains or cremated human remains.
- c. **Caretaker** - shall mean the caretaker of the cemetery as may be appointed to act on behalf of the Municipality of Grey Highlands.
- d. **Care and Maintenance Fund** - It is a requirement under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and Ontario Regulation 30/11 and 184/12 (O. Reg. 30/11 & 184/12) that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.
- e. **Cemetery** - shall mean the cemetery locations as indicated in schedule A which may be updated from time to time as per the Grey Highlands Cemetery Operator License.
- f. **Certificate of Interment Rights** - shall mean the certificate issued by the Municipality to the purchaser which shall provide permission for the interment of remains into a plot as per the by-law in place at time of purchase.
- g. **Columbarium** - shall mean a structure designed for interring cremated human remains in sealed compartments also known as a niche.
- h. **Common Ground** - shall mean a lot owned by the Municipality for use by the Crematorium to inter ashes not picked up. No memorials of any kind are permitted on the Common Ground lot.
- i. **Contract** - For purposes of these by-laws, all purchasers of interment rights, or other cemetery supplies and services must receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer Information Guide and the Price List.
- j. **Corner Marker / Corner Posts / Corner Stones** - see "Marker"
- k. **Deed** - shall mean the certificate issued by the owner of the Cemetery to the purchaser of a grave or lot - see also Certificate of Interment Rights.
- l. **Fees and Charges** - shall mean the current fees and charges as passed by the Council of the Corporation of the Municipality of Grey Highlands.
- m. **General Maintenance Account** - shall mean that account which has been set aside for maintenance of the cemetery and for services rendered in connection with its operation.
- n. **Grave** - shall mean the burial space of sufficient area for one opening for an adult and having a minimum size of 3' x 8'.  
\*Historical graves may be smaller.
- o. **Inter** - shall mean the burial of human remains including the placement of cremated human remains in a lot or niche.
- p. **Interment Rights** - shall mean the right to require or direct the interment of human remains in a lot.
- q. **Interment Rights Holder** - shall mean any person designated to hold the right to inter human remains in a specified grave, whether the person be the purchaser of the

interment rights, the person named in the certificate or other such person to whom the rights has been designated as on file with the Municipality or other such person to whom the Interment Rights has been assigned by way of will or other such legal document with respect to a plot and includes a purchaser of interment rights under the Funeral, Burial and Cremation Services Act, 2002 (as amended) or a predecessor of that Act.

- r. **Lot** - See Grave. Note: Historic cnotracts and certificates may have lots and plot reversed.
- s. **Marker** - shall mean any permanent memorial structure including a flat marker, upright marker or monument, tombstone, headstone, corner marker or stone, or plaque affixed to or intended to be affixed to a lot, plot, columbarium niche or other structure, grounds or place intended for the deposit of human remains.
  - i. Corner Markers /Corner Posts / Corner Stones - shall mean the stones being a size of 6" X 6" and set flush with the surface of the ground used to indicate the corners of a lot or plot.
  - ii. Flat Marker - shall mean any permanent granite, marble or bronze marker set flush with the surface of the ground not including corner markers.
  - iii. Monument or Upright Marker - shall mean any permanent granite, marble or bronze monument or marker projecting above ground level.
- t. **Ministry** - shall mean the Ministry of Consumer Services or whatever other member of the Executive Council to whom administration of the Act is assigned from time to time.
- u. **Monument** - see "Marker".
- v. **Municipality** - shall mean the Corporation of the Municipality of Grey Highlands.
- w. **Niche** - shall mean a sealed individual compartment in a columbarium for the entombment of a maximum of 2 cremated human remains.
- x. **Owner** - shall mean the party/parties listed in the records of the cemetery as owning the rights to inter in a grave or lot.
- y. **Perpetual Care Fund** - shall mean that fund containing all moneys received by the Municipality for perpetual care of the Cemetery now known as the Care and Maintenance Fund.
- z. **Plan** - shall mean the plan of the Cemeteries, approved by the Registrar appointed by the Ministry.
- aa. **Plot** - shall mean a group of lots within a single area used for reference locations. Note: Historic contracts and certificates may have lots and plots reversed.
- bb. **Treasurer** - shall mean the person(s) appointed by the Municipality as the Treasurer.

## 8. Management and Control

- a. **Cemetery Listing** - The cemeteries owned and operated by the Municipality, both active and inactive, are set out in the Grey Highlands Cemetery Operator License 4689667 and provided for reference in Schedule "A" attached hereto.
- b. **Control** - The Municipality reserves full control over the management, operation and maintenance of cemeteries owned by the Municipality, including the lands, buildings, roads, utilities, and plantings, and the books and records of the cemeteries. 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.
- c. **Management** - The Municipality hereby delegates to the Clerk or his/her designate with the responsibility for carrying

out the management responsibilities set out in the section above.

- d. **Finances** - The Municipality hereby delegates to the Treasurer of the Municipality the responsibility to be the recipient and custodian of all monies and securities paid to and belonging to the Municipality for cemeteries, and funds shall be deposited in accordance with the requirements set out in the Act, regulations and any by-laws.
- e. **Assignment of Duties** - The Clerk may assign duties to employees of the Municipality, and has the authority to appoint one or more contractors for the maintenance of cemeteries.
- f. **Public Register** - A register shall be kept of lots and plots sold, and records shall be kept related to interments and disinterments, and all other cemetery services. Records may not be available for abandoned cemeteries or other cemeteries previously transferred to the care and control of the Municipality. The public register is to be made available to the public during regular office hours.
- g. **Amendments** - The Municipality may from time to time amend its by-laws to best serve the interests of the cemeteries and the interment rights holders, subject to the approval by the Registrar and Council as required under the Act or regulations. Notice of such amendments shall be posted as required.
- h. **Restrictions** - Except in accordance with the provisions of this by-law, within a cemetery, no person shall inter or place remains in a lot or plot; disinter human remains; install or direct the installation of any marker or monument; place decorations; or landscape any area.
- i. **Scattering Rights** - are not permitted in any cemetery.
- j. **Fees and Charges** - The schedule containing the price list for interment rights, cemetery services and supplies is included in the Municipality's Fees and Charges By-law, and any amendments thereto, and all fees and charges shall be payable in accordance with the schedule.
- k. **Liability** - The Municipality distinctly disclaims all liability for loss or damage from causes beyond their control and especially from damage caused by the elements and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral save and except for direct loss or damage caused by gross negligence of the cemetery.
- l. **Protection** - The Municipality shall take reasonable precautions to protect the property of interment rights holders but they assume no liability or responsibility for the loss of or damage to any article, monument or marker that is placed on any lot.
- m. **Responsibility** - The Municipality has and assumes no responsibility or liability for the loss of or damage to any planting, including shrubs or flowers, or other articles of remembrance placed on any lot or plot, or within the cemetery, and all such plantings or articles of remembrance are the sole responsibility of the interment rights holder.
- n. **By-law Amendments** - The cemetery shall be governed by these by-laws, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically. All by-law amendments must be:
  - i. Published once in a newspaper with general circulation in the locality in which the cemetery is located;

- ii. Conspicuously posted on a sign at the entrance of the cemetery; and
- iii. 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;
- iv. Subject to the approval of the Registrar, FBCSA, BAO.

**9. Care and Maintenance Fund**

- a. **Required** - It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold; 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.
- b. **Non-Refundable** - All such contributions into the Care and Maintenance Fund are not refundable, except where the interment rights are cancelled within the thirty (30) day cooling off period following the date of purchase.
- c. **Use of Proceeds** - Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery. 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: re-leveling and sodding or seeding of lots; maintenance of cemetery roads, sewers and water systems; maintenance of perimeter walls and fences; maintenance of cemetery landscaping; maintenance of columbarium; repairs and general upkeep of cemetery buildings and equipment and maintaining the safety of monuments.

**10. Purchase of Interment Rights**

- a. **General** - Interment Rights may be purchased from the Municipality at the rates included in the fees and charges. Interment Rights charges shall include the applicable portion for Care and Maintenance Fund and the provision and installation of corner posts to indicate the location of the lot or plot.
- b. **Privilege** - Purchasers of lots do not acquire any real property however acquire only the right and privilege of burial of the dead and of placing monuments subject to the rules and regulations from in force and approved by the Ministry through the issuance of a Certificate of Interment Rights.
- c. **Payment** - Payments for lots or graves shall be made through the Municipal Office in advance of any interment being undertaken. The Municipality shall not enter into any payment plans for the purchase of interment rights.
- d. **Certificate** - Each purchaser of a lot or grave shall be entitled to a certificate or deed, contract and a copy of the Cemetery By-law(s) but only when all indebtedness has been satisfied and all charges on the lot have been paid. The deed shall specify the size of the lot, the number of the lot, the amount paid, the name of the authorized Trustee holding and investing the perpetual care fund, the proportion of the sale price, in dollars, being set aside for perpetual care purposes and shall be subject to the existing regulations or such regulations as may from time to time be determined by the Municipality and approved by the Ministry.
- e. **Notice of Changes** - An Interment Rights Holder shall inform the Municipality forthwith of any changes to the information, including contact information, contained in the Interment Rights Contract.

**11. Cancellation. Resale and Transfer of Interment Rights**

- a. **General** - No person shall transfer or sell interment rights or subdivide, transfer or resell a portion of interment rights except in accordance with this by-law.
- b. **Cancellation** - Where a purchaser has entered into an Interment Rights Contract and all of the requirements have been met, the purchaser of interment rights is entitled to cancel the contract at any time within thirty (30) days of the date the signed contract is delivered to the purchaser by giving the Municipality written notice of the cancellation, as set out in the Act and regulation(s) where no interments have taken place. Where a written notice of cancellation of an Interment Rights Contract is received, within thirty (30) days after receiving the notice the Municipality shall refund to the purchaser of interment rights all money received under the contract, including the Care and Maintenance Fund contribution, together with any amounts that are prescribed under the regulation(s).
- c. **Re-purchase** - In accordance with sec 47 of the Act, the Municipality will not be obligated to re-purchase any Interment Rights.
- d. **Re-Sale of Interment Rights** - Owners may sell Interment Rights for any plot provided that no interments have taken place and subject to the following:
  - i. An interment rights holder who resells rights under this section shall not sell the rights for an amount that is greater than the price of those rights as indicated on the cemetery's price list.
  - ii. Any re-sale shall not be deemed complete until a new Certificate of Interment Rights is issued by the Municipality to the purchaser as per 11.f.
- e. **Bequest in Will** - In case of transmission of ownership of a lot or plot by will or bequest, the Municipality will require the production of a notarial copy of the will or other satisfactory evidence sufficient to prove transmission of ownership and, where there has been no disposal of a lot or plot in the Interment Rights Holder's or owner's will or when an Interment Rights Holder dies intestate, the Municipality will recognize the person(s) acquiring the residue of the deceased owner's estate as the rightful Interment Rights Holder(s). The Municipality reserves the right to request any documents needed to satisfy them of plot ownership.
- f. **Transfer** - To ensure the correctness of records of ownership and interments, no transfer of any lot or any interest therein shall be binding upon the Municipality until notice in writing has been given to the Municipality specifying the name, address and other such particulars as may be deemed necessary have been entered in a register for that purpose. Upon receipt of such notice and the payment of the fee as included in the current fees and charges, the transfer shall be made.

12. **Interments**

- a. **Authorization** - All interments in lots shall be restricted to members of the family or on order of the owner.
- b. **Attendance** - The caretaker of the cemetery, his assistant or others in the employ of the Municipality or under contract by the Municipality, shall be in attendance at each interment unless provided for otherwise by the Municipality.
- c. **Burial Permit Required** - A burial permit issued by the Division Registrar, showing that the death has been registered, must be deposited with an official of the Municipality before interment can take place.
- d. **Written Statement Required** - In each case of burial, a written statement giving the name, place of birth, last

residence, age, date of death, place of death, address of the deceased's informant, time of interment, lot to be interred and name of funeral director shall be provided to the Municipality, so that an accurate register may be kept. Precise and proper instruction in writing shall be given regarding the location of every burial, as the Municipality cannot be held responsible for any errors resulting from wrongful or lack of specific information.

- i. Telephone Requests - Where orders for interments are given by telephone, the Municipality will not be responsible for any errors or misunderstandings that may arise and such verbal orders shall be confirmed in writing prior to the funeral.
- e. **Authority** - No interment shall be made without the written order of the owner of the lot or his legal representative or sworn declaration of authority to order the services. None other than employees or contractors of the Municipality will be permitted to make grave openings. No grave or vault shall be opened for interment or disinterment by any person not in the employ of the Municipality except under special circumstances and by permission of the Municipality.
- f. **Joint Ownership** - When a lot is held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives for interment in such part of the lot as may be required.
- g. **Notice Required** - Notice of each interment to be made shall be given to the Secretary Treasurer of the cemetery at least 48 hours previous thereto with at least 8 hours of which to be regular business hours prior to the date requested, except under special circumstances. The Municipality cannot be held responsible for having lots prepared for funerals unless such advance notice is provided.
- h. **Timing** - No interments or burials shall be made on a Sunday or a legal holiday except by an order of the Medical Officer of Health. Interments will be held between the hours of Monday and Friday 9:00 am and 4:00 pm and Saturday 9:00 am and 1:00 pm, unless by special permission of the Municipality.
- i. **Winter** - Winter interment shall mean all interments between November 1st in any year and April 15th the following year, weather permitting, and pending location and safe access to the grave site are subject to an additional charge.
- j. **Number** - Not more than one regular casket burial shall be made in any single grave except:
  - i. where no regular casket burial has, or will occur, the cremated remains of not more than four persons may be interred in a single grave;
  - ii. that a 60.96 cm X 30.48 cm (24" X 12") infant container may be buried at the head end of a single grave in which a casket containing human remains has already been buried, provided space is available. Should an infant container be buried at the head of a single grave, no more than 2 cremated remains may be interred in the same grave;
  - iii. that not more than three cremated remains may be buried on top of a single grave in which a casket containing human remains has been buried first, provided space is available;
  - iv. that there is no limit to the number of cremated remains in any common ground lot owned by the Municipality as long as space permits within the vault. The Common ground allows only for unclaimed cremated remains to be interred once per year (generally September) upon request from local area

funeral establishments or crematoriums and approval is provided by the Municipality. No monuments, markers or memorials of any kind are permitted on any common ground lot.

- k. **Prior Contracts** - any contract or deed entered prior to the date this by-law comes into effect shall comply with the by-law and regulations in effect at the time of purchase, except where the plot is not "full" in accordance with this by-law, the lot may include the number as per the above subsection provided that records are clear and space is clearly available.
  - l. **Container** - Remains to be buried in a grave must be buried in a grave must be enclosed in a container, sealed securely and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
  - m. **Coverage** - Each grave shall be of sufficient depth to give a covering of at least two (2) feet of earth over the outside cover or shell of the coffin or other receptacle.
  - n. **Correction of Errors** - The Municipality reserves the right, at its sole cost, to correct any error that may be made by it in relation to interments and interment rights be it in the description of the lot or the transfer or conveyance of any interment rights. The Corporation may either cancel such grant or substitute other interment rights or lot of equal value and similar location, as far as is reasonably possible or refund all money paid on account for such purchase. Notice will be given personally to the Rights Owners. If necessary, it may be mailed to the Rights Owners or their legal representatives at the last appearing address in the record books of the Municipality. In the event any such error may involve the disinterment of remains, the Corporation shall first obtain the approval of any regulatory authority and the interment rights owner.
  - o. **Fees** - No interment shall be permitted in any lot against which outstanding cemetery service charges are due and unpaid. The interment fee includes the opening and closing of the grave and registration of the burial.
  - p. **Pets and Other Animals** - Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.
13. **Disinterment**
- a. **General** - No disinterment shall be made without the written consent of the local medical officer of health and the owner of the lot except on an order from the court or as provided in the Regulations under the Act. A burial certificate under the Vital Statistics Act is not required to re-inter human remains that have been disinterred according to the Act.
  - b. **Cremation** - Cremation disinterments will be dealt with on an individual basis. Common ground cremations may be removed, with proper notice and consent, once yearly when the vault is being opened.
  - c. **Timing** - No disinterment shall be made on a Sunday or a legal holiday except by an order of the Medical Officer of Health. Interments will be held between the hours of Monday and Friday 9:00 am and 4:00 pm and Saturday 9:00 am and 1:00 pm, unless by special permission of the Municipality.
  - d. **Winter** - Winter disinterment means all disinterments between November 15th in any year and April 15th the following year, and shall be subject to weather permitting and location and safe access to the interment site. Winter Charge as indicated in the Fees and Charges By-law is required.
14. **Monuments and Markers**



- a. **General** - No monument or other structure shall be erected or permitted on any lot or plot against which outstanding cemetery services or other charges are due and unpaid and shall only be permitted in accordance with this by-law.
- b. **Permission** - No monument or other structure shall be erected or permitted by anyone other than the Interment Rights Holder or through monument dealers or contractors acting on the Interment Rights Holder's behalf.
- c. **Fees** - Every person installing a monument or marker in the cemetery shall pay the prescribed amount as set out in the Act to the Monument Care and Maintenance fund prior to the installation of the monument or marker.
- d. **Timing** - Monuments or other structure shall only be permitted to be installed between May 1st and October 1st in any year during regular working hours.
- e. **Foundations** - All foundations for markers, monuments or other structures shall be built at the expense of the Interment Rights Holder or owner of the lot. All foundations for monuments and markers shall be built by contract through the Municipality at the expense of the owner of the lot. The dimensions of a monument or marker must be exactly given in order that the foundation be correct and if incorrect dimensions have been given on the application form, the foundation will be removed and rebuilt by the Municipality at the owner's expense.
- f. **Foundations Required** - Upright monuments shall be set upon adequate concrete bases and no foundations shall be less than 5 feet in depth for an upright marker. The upper surface of the foundation may extend three inches beyond the monument base on all sides and be flush with the ground.
- g. **Size** -The Municipality reserves the right to determine the maximum size of monuments, their number and their location on each lot or smaller subdivision as follows and must not exceed:
  - i. Single grave - 2' maximum base length
  - ii. Two graves - 3' 6" maximum base length centered on the 2 graves
  - iii. Three graves - 5' maximum base length centered on the 3 graves
  - iv. Four graves - 6' maximum base length centered on the 4 graves
- h. **Location Limitations** - No base shall within 3" of the lot line boundary. Previous placement of stones may limit the above permitted lengths. The above dimensions apply as existing space permits. Monuments must be placed at the center of the head end of the lot except where alignment with existing nearby monuments justifies otherwise with approval from the Municipality.
- i. **Monument Thickness** - The minimum thickness of a monument under 27" in height is 6". The minimum thickness of a monument over 27" is 8". (Ministry of Veteran's Affairs excepted).
- j. **Number** - ~~Not more than one upright monument per grave, providing monument conforms to size regulations, shall be erected on any one lot and this must be placed in the space reserved for it unless special permission is given by the Municipality for placing it otherwise. Only one monument or flat marker is permitted at the head of any grave. Additional flat markers are only permitted at the foot of the grave as indicated in the "Foot Marker" section.~~ Not more than one upright monument per grave, providing monument conforms to size regulations, and one flat marker set flush with the ground, to a maximum size of 18" x 24" shall be erected on

any one lot and this must be placed in the space reserved for it unless special permission is given by the Municipality for placing it otherwise. Additional flat markers are only permitted at the foot of the grave as indicated in the "Foot Marker" section. (2024-020)

- k. **Composition** - All markers, monuments shall be constructed of bronze or granite. The bottom of the bed of all bases and markers shall be cut true and level. Candle holders and vases may constitute part of a monument if they are made principally of bronze or stainless steel. If a translucent section is necessary, it must be made of an unbreakable, heat resistant glass or plastic material that is fire resistant.
- l. **Inscription Front** - No inscription shall be placed on any monument which in the opinion of the Municipality is not in keeping with the dignity and decorum of the cemetery.
- m. **Inscription Side/Back** - No lettering shall be permitted on the side of the monument facing an adjoining lot where that lot is not in the same ownership. Only Family name on back of monuments will be permitted.
- n. **Foot Marker** - Foot markers of bronze or granite, with a flat and level surface which sits flush with the ground, is permitted at the foot of each grave, but must not exceed twelve by eighteen inches with a depth of four inches. The marker shall only be placed at the foot end of the grave farthest from the monument. All markers shall be set by employees of the Municipality, at the expense of the lot owner, on payment of the fee provided in the fees and charges by-law. No foot marker is permitted to be placed within 3" from the lot line boundary.
- o. **Cornerstones Required** - A minimum of two cornerstones are required to be purchased, at the owner's expense, for each plot to be placed at the head of the plot at the lot lines. These markers may be made of bronze or granite and be 6" square and not less than 6" deep, such posts are to be planted flush with the ground. Two cornerstones are required for each purchase of a plot or lot as per the fees and charges by-law. One set of cornerstones may be shared between adjoining plots if owned by the same person(s).
- p. **Offensive / Improper** - If any monument or other structure, or any inscription be placed in or upon any lot which shall be determined by the Municipality to be offensive or improper, it shall be removed by the Municipality at the lot owners expense, if the lot owner has failed to do so after due notice of two weeks has been given.
- q. **Safety** - If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Municipality shall do whatever is necessary by way of repairing, resetting, or laying down the marker to remove the risk.
- r. **Wear and Tear** - Minor scraping of the base portion of the upright monuments due to turf mowing operations is considered to be normal wear.
- s. **Monument Maintenance** - Monuments and Foundations are the responsibility of the Interment Rights Owner. The Municipality will not undertake or entertain any requests for specific monument cleaning, repairs or upkeep of any monuments or foundations unless it poses a risk to public safety due to instability; in which case the Municipality may take precautions as provided for in legislation. This clause does not preclude the Municipality for completing repairs cemetery wide on its own volition.
- t. **Permission Required**- When any marker, monument, gravestone or memorial of any kind is to be removed, or any

inscription made or maintenance done, prior permission shall be obtained from the Municipality.

15. **Care of Lots**

- a. **General** - All lots and graves sold or assigned since the date that compulsory perpetual care was instituted by the Municipality, shall be maintained and kept properly graded, sodded and mown by municipal employees or by Contract.
- b. **Shrubs Permitted** - Dwarf evergreens (not to exceed 3' above ground level nor to exceed a diameter of 14") are permitted only on lots having a monument and only one shall be planted on either side of the monument within the boundaries of the lot. If any trees or shrubs situated in any lot shall have, in the opinion of the caretaker, become by means of their roots, or branches or in any other way, detrimental to the adjacent lots, drains, roads, or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the caretaker may remove such trees or shrubs or parts thereof.
- c. **Flowers** - Hanging baskets that do not interfere with maintenance will be permitted. Flower beds not exceeding eighteen inches in width shall be permitted around the base of monuments and, where there is no monument, can only be made by permission of and under the supervision of the caretaker.
- d. **Timing** - Flowers and/or decorations may be placed after April 15th and are required to be cleared by November 15th of every year. Lot owners desiring to take any plants away should do so before this time. Any flowers and/or decorations remaining after this time shall be removed by the Municipality and discarded.
- e. **Borders Prohibited** - Borders, fences, railing walls, cut stone copings and hedges in or around lots are prohibited, except where already existing.
- f. **Grading** - No lot owner shall change the grading of his lot and in case of any such change, the caretaker may restore the lot to its original grade at the expense of the owner.
- g. **Sod** - No unauthorized person shall sod or move corner posts or grave markers.
- h. **Liability** - The Municipality shall not be responsible for loss or damage to any articles placed on any lot or grave.

16. **Rules for Monument Dealers, Contractors and Workers**

- a. **Permission Required** - Permission is required prior to entry into a cemetery to carry out any work on a marker, monument, gravestone or other structure.
- b. **Demeanour** - The demeanour and behaviour of all workers employed by others in the cemetery shall be subject to the control of the caretaker.
- c. **Protection of Surfaces** - Contractors, masons and stonecutters shall lay planks on the lots and paths over which heavy materials are to be moved in order to protect the surface from injury.
- d. **Funeral Service to take Precedence** - Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
- e. **Hours** - All work must be done during regular cemetery hours, unless by special permission of the Municipality. Monument Dealers shall not be permitted in the cemetery on Saturday or Sundays.
- f. **Foundation Orders Notice** - Monument dealers must state on each order the date they wish foundations ready and must give at least fifteen working days notice before the work is required and no monuments shall be delivered until the foundation is completed.

- g. **Parking** - No dealers or contractor may park on the grass unless otherwise directed to do so. Any worker who damages any lot, marker, monument or other structure or otherwise does any injury to the cemetery shall be personally responsible for such damage or injury and in addition thereto, his employer shall be liable therefore.
  - h. **Insurance** - All companies who perform a service in the Cemeteries in Grey Highlands shall provide proof of liability insurance in an amount not less than one million dollars and have Worker's Compensation coverage for their workers.
17. **Mortuary Regulations**
- a. **Permits** - Permits for the use of the storage vault must be obtained from the Municipality. In all cases when obtaining the permit, the fee must be paid in full.
  - b. **Removal** - The bodies of deceased persons shall be removed from a vault by the 15th of May in the year following admission to the vault or, where storage is requested from January to May in a year, by May 15th of that same year.
  - c. **Contagious** - The body of any of person who died with a contagious disease shall not be admitted to a vault, but must be interred forthwith.
  - d. **Removal by Municipality** - The Municipality may remove a body deposited in a vault at any time should the condition of the body render its interment, in the opinion of the Municipality, necessary or expedient.
  - e. **Requirements for Storage Permit** - Every permit issued for the use of the storage vault shall be applicable to embalmed human remains stored in wooden or steel caskets.
18. **Rules for Visitors**
- a. **Hours** - Visitors are always welcome at the cemetery during the open hours, from eight am to sundown. They are asked to remember the respect due to the deceased.
  - b. **Decorum** - The Municipality and its employees and contractors are empowered and required to preserve order and decorum in a cemetery.
  - c. **Parades Prohibited** - No parades other than funeral processions shall be admitted to, or organized within, a cemetery.
  - d. **Picnics Prohibited** - No picnic or party shall be permitted in or on cemetery grounds.
  - e. **Children Accompanied** - Children under the age of twelve (12) years shall not be permitted on the grounds, except when accompanying an adult who shall be responsible for their good conduct and shall ensure they do not run over or otherwise disturb lots and graves.
  - f. **Vehicles** - Vehicles within the cemetery shall be driven at a moderate rate of speed (10 km/hr) and shall not leave the avenues. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
  - g. **Firearm Discharge** - The discharge of a firearm other than in regular volleys at burial services is prohibited in and around a cemetery.
  - h. **Care of Grounds** - Except as provided in this by-law, all persons are prohibited from taking flowers, plants or other materials from lots or graves, from picking any flowers, either wild or cultivated, from breaking any tree, shrub or plant, from writing upon, defacing or injuring any monument, fence or other structure in or belonging to a cemetery, or from making any paths or short cuts across any part of a cemetery.
  - i. **Complaints and Commendations** - Any complaints or commendations by lot owners or visitors should be made to the Municipality through the office and not to workers on the

grounds. Any controversies with workers or others on the grounds are to be avoided.

- j. **Gratuities** - No gratuities shall at any time be given to any officer or employee nor shall any reward be given for any personal service or attention. Instead, donations to the Cemetery may be made to the Municipality.
- k. **Expulsion from the Grounds** - Any person disturbing the peace, quiet or good order of a cemetery by noise or other improper conduct, or who violates any of the rules and regulations in this by-law, may be expelled from the grounds by the Municipality.

19. **Columbarium**

- a. **Certificate Required** - A proper Certificate of Cremation must accompany all cremated remains before interment can take place.
- b. **Permission Required** - No interment shall be made without the permission from the Interment Rights Holder or a proper representative of the estate if the burial Rights Holder is deceased.
- c. **Container Composition** - Cremated remains for interment in a niche must be enclosed in a polypropylene plastic urn or an urn made of durable material.
- d. **Opening** - Niche compartments will be opened only by employees or contractors of the Cemetery, or such persons acting on their behalf, and sealed by them after an interment is made only after payment has been received in full.
- e. **Number** - No more than two urns shall be permitted in any niche compartment.
- f. **Advanced Intention** - It is advisable that the name of the person for whom interment is intended be registered on the books, so that no complications may arise when request for interment is made.
- g. **Payment Required** - No interment shall be permitted until all payments due to the Municipality have been made.
- h. **Decorations** - Flowers, wreaths and designs placed against or near any part of the Columbarium that are liable to stain or deface the structure will be removed. Artificial flowers and wreaths will not be allowed to remain on or near any part of the Columbarium. No glass vases or other breakable items are permitted to be placed around the Columbarium.
- i. **Engraving Approval** - Approval shall be required by the Municipality for all Niche door engravings. Niche door engraving is not included in the purchase price of the niche. Any engravings that have not received approval and are not in keeping with the decorum of the cemetery will be removed.

20. **General**

- a. **By-law Available** - A copy of this by-law shall be made available, free of charge, to all lot owners. Notice of their adoption shall be published in the manner and form prescribed by Ministry.
- b. **Repeal** - By-law Number 2008-104 is hereby repealed.
- c. **Severability** - If any portion of the by-law is found by a court of competent jurisdiction to be invalid, the invalid portion will be voided, and the rest of the by-law remains valid and effective.
- d. **Force and Effect** - This By-law shall come into force and effect upon passing by Council and approval of the Registrar.

Read a first, second and third time, and finally passed on October 07 2020.

The Corporation of the  
Municipality of Grey Highlands

Original Signed By

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Paul McQueen, Mayor

Original Signed By

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Amanda Fines-VanAlstine, Acting Clerk

Status: Passed

## **SCHEDULE "A"**

### **Cemeteries included on the Grey Highlands Cemetery Operator License with the BAO as of December 31, 2019**

#### **Flesherton Cemetery – CM00825**

##### **90 Toronto Road, Flesherton**

Lot 75 Registrar's Compiled Plan 818, in the Municipality of Grey Highlands (in the former Township of Artemesia), in the County of Grey

#### **Maxwell Community Cemetery – CM00887**

##### **Grey Rd. 4, Maxwell**

PLAN 262; LOT 11 TO 17 R A (former Osprey), in the County of Grey

#### **Markdale Cemetery – CM00862**

##### **500427 County Road 12, Markdale**

Part of Lot 100 Concession 1 ETSR and Part of Lot 100 Concession 2 ETSR, in the Municipality of Grey Highlands (former Village of Markdale), in the County of Grey

#### **Burns Cemetery – Transfer in process**

##### **104 Peel Street, Osprey**

Lot 16 Concession 9, in the Municipality of Grey Highlands (former Village of Feversham), in the County of Grey

#### **Mount Zion (Methodist) Cemetery – CM00767**

##### **Toronto Sydenham Road, Artemesia**

Pt Lot 183 Concession 2 ETSR, in the Municipality of Grey Highlands (former Township of Artemesia), in the County of Grey

#### **Salem Cemetery – CM0073**

##### **Side Road 30, Lake Eugenia**

Part of Lot 31 Concession 8, in the Municipality of Grey Highlands (former Township of Artemesia), in the County of Grey

#### **Bethel Cemetery – CM00884**

##### **440801 10th Concession, Osprey**

Part Lot 12 Concession 11, in the Municipality of Grey Highlands (former Township of Osprey), in the County of Grey

#### **Abandoned Cemetery – CM00774**

Concession 14, Lot 32 – former Township of Artemesia

#### **Abandoned Cemetery – CM00776**

Concession 12, Pt Lot 20 – former Township of Artemesia

#### **Ebenezer United Church Cemetery – CM00821**

Concession 11, Lot 25 – former Township of Euphrasia

#### **Buckingham United Church Cemetery – CM00885 468376**

Concession 12, Pt Lot 20 – former Township of Osprey

#### **Feversham Cemetery – CM00883**

Lot 16, Concession 9 – former Township of Osprey

#### **Gamey and Phillips Cemetery - CM00892**

##### **Grey Rd. 4, Maxwell**

Concession 6, Pt Lot 7 – former Township of Osprey

#### **Maxwell United Church Cemetery – CM00888**

**453985 Grey Rd. 2, Maxwell**  
Concession 7, Lot 11 – former Township of Osprey

**Maxwell Presbyterian Cemetery – CM00889**  
**435966 Grey Rd. 2, Maxwell**  
Concession 6, Lot 10 – former Township of Osprey

**Meaford Road Cemetery – CM00775**  
Concession 9, Lot 20 – former Township of Artemesia

**McIntyre United Church Cemetery – CM00896**  
Concession 5, Lot 31 – former Township of Osprey

**Mount Zion United Church Cemetery – CM00821**  
Concession 4, Lot 30 – former Township of Euphrasia

**New England United Church Cemetery – CM00822**  
**155569 7th Line, Euphrasia**  
Concession 6, Lot 9 – former Township of Euphrasia

**Old Durham Road Pioneer Cemetery – CM00777**  
**325473 Durham Road B**  
Concession 1 NDR, Lot 21 – former Township of Artemesia

**Old Kirk Cemetery – CM00894**  
Concession 5, Lot 31 – former Township of Osprey

**Old Presbyterian Cemetery – CM00768**  
Concession 1WTSR, Part Lot 115 – former Township of Artemesia

**Providence United Church Cemetery – CM00893**  
**466448 12th Concession B, Lady Bank (Osprey)**  
Concession 12, Lot 6 – former Township of Osprey

**Pioneer Cemetery – CM00772**  
Lot 1, Concession 1 – former Township of Artemesia

**Rock Union Cemetery – CM00769**  
**354428 Osprey-Artemesia Townline**  
Concession 11, Lot 40 – former Township of Artemesia

**Wareham United Church Cemetery – CM00897**  
**307546 Center Line A, Wareham**  
Concession 1 SDR, Lot 18 – former Township of Osprey