



TOWNSHIP OF WAINFLEET
"Wainfleet - find your country side!"

**CORPORATION OF THE TOWNSHIP OF WAINFLEET
CEMETERY BY-LAWS**

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Revised & Approved – November 30, 2017

Preface:

These By-laws govern the following Active and Abandoned Cemeteries:

Active Cemeteries:

| | |
|----------------------------------|---|
| Oakwood Cemetery | 10672 Lakeshore Road |
| Morgan's Point Cemetery | 11424 Lakeshore Road |
| Zion Cemetery | 53819 Zion Road |
| Wellandport Cemetery (Riverside) | 84014 Wellandport Road (Regional Road #4) |
| Sensabaugh Cemetery | 85829 Canborough Road |
| Willson Cemetery | 42346 Highway #3 |
| Maple Lawn Cemetery | 53636 Smith Road |

Inactive Cemeteries:

| | |
|-------------------------|---------------------------------------|
| O'Reilly's Cemetery | 60753 Regional Road #27 |
| Winger (Wills) Cemetery | 53217 Winger Road |
| Grabell Cemetery | 12036 Station Road (Regional Road #3) |

The Council of the Corporation of the Township of Wainfleet in the discharge of their responsibilities, appeal to the public to aid them by following these by-laws, which have been adopted for the improvement and upkeep of the cemetery, to keep it a becoming and respectful place for the burial of the deceased.

The above mentioned Cemeteries are licensed to act as cemeteries in accordance with the FBCSA (Funeral, Burial, and Cremation Services Act, 2002).

It is our hope that by a co-operative effort we can keep the cemeteries attractive and peaceful.

A) Administration

The FBCSA, inter alia, that an owner of a cemetery or crematorium may make by-laws affecting the operation of the cemetery or crematorium.

The Council of the Corporation deems it necessary and expedient to enact this by-law to regulate and encourage the upkeep of the cemeteries and the columbarium for the burial of the deceased.

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the Township of Wainfleet enacts as follows:

1. The Corporation reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer these by-laws.
2. The Director of Operations or his designate shall have custody of the Cemetery under the direction of the Corporation. No interment or removal of bodies shall take place without notice to the Director of Operations, and he/she shall see that a proper Burial Permit or other certificate required by law is furnished to him/her in each instance.
3. The Corporation distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, insurrections, riots, or orders of any military or civil authority, whether damage be direct or collateral.
4. The Corporation shall take reasonable precautions to protect the property of interment rights holders but they assume no liability or responsibility for the loss of, damage to, or any resulting injury from any article of any type placed on any lot or plot.
5. Administration and accounts shall be approved at least annually by the Mayor and Council of the Township of Wainfleet acting as the Board.

B) Definitions

1. "**Cemetery**" - shall mean the following active and abandoned cemeteries located in the Township of Wainfleet, or any of them; Active Cemeteries: Oakwood Cemetery, Morgan's Point Cemetery, Zion Cemetery, Wellandport (Riverside) Cemetery, Sensabaugh Cemetery, Willson Cemetery, Maple Lawn Cemetery; Inactive Cemeteries: O'Reilly's Cemetery, Winger (Wills) Cemetery, Grabell Cemetery.
2. "**Ministry**" – shall mean the Bereavement Authority of Ontario.
3. "**Clerk**" - shall mean the Municipal Clerk of the Corporation of the Township of Wainfleet.

4. **"Treasurer"** - shall mean the Municipal Treasurer of the Corporation of the Township of Wainfleet.
5. **"Director"** - shall mean the Director of Operations of the Township of Wainfleet as appointed by Township Council.
6. **"Maintenance Crew"** - shall mean the person(s) hired, employed or contracted by the Township of Wainfleet for maintenance of the Cemeteries.
7. **"Price List"** - shall mean the Charges as set out by the Corporation.
8. **"Lot"** - means an area of land in a cemetery containing, or set aside to contain human remains.
9. **"Grave"** - shall mean any burial space intended for an adult, and having a size of 1.07 meters (3.5 feet) by 3.05 meters (10 feet).
10. **"Children's Grave"** - shall mean any burial space 1.07 meters (3.5 feet) by 3.05 meters (10 feet).
11. **"Infant Grave"** - shall mean any burial space intended for an infant, and having a size of 1.07 meters (3.5 feet) by 1.52 meters (5 feet) or 0.8 meters (2.5 feet) by 1.52 meters (5 feet).
- 12.(a) **"Cremation Lot"** - shall mean any burial space having a minimum size of 30.48 cm (12 inches) by 30.48 cm (12 inches) intended to receive the cremated remains of one (1) person only.
- 12.(b) **"Cremation Garden Lot"** - shall mean any burial space having a maximum size of 91.44 cm (36 inches) by 60.96 cm (24 inches) intended to receive cremated remains of two (2) persons only.
- 12.(c) **"Columbarium Niche"** - shall mean any space in the columbarium with dimensions not less than 30.48 cm (12 inches) x 30.48 cm (12 inches) x 27.94 cm (11 inches) intended to receive cremated remains of two (2) persons only.
13. **"Interment Rights"** - includes the right to require or direct the interment of human remains in a lot.
14. **"Interment Rights Holder"** - means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the FBCSA.
15. **"Plan"** - shall mean the plan of the cemetery, approved by the Registrar, Bereavement Authority of Ontario.
16. **"Plot"** - means two (2) or more lots in which the rights to inter have been sold as a unit.
17. **"Registrar"** - shall mean electronic, or written records, kept in accordance with the FBCSA.
18. **"Certificate of Interment Rights"** - shall mean the certificate issued by the Corporation to the purchaser of interment rights in either a lot, plot or niche.
19. **"Care and Maintenance Trust Fund"** - This is the Trust Fund in which all monies received by the Corporation for the care and maintenance of lots, plots and monuments have been invested. This trust fund is held by the Municipal Treasurer of the Corp. of Wainfleet Township.
20. **"Trust Funds"** - shall mean those funds in which a trustee may invest, which are defined in the "Trustee Act".
21. **"Monument"** - shall mean any permanent memorial projecting above the ground level.

22. **"Marker"** - shall mean any memorial of granite, marble, or bronze set flush with the surface of the ground and used to mark the location of a lot.
23. **"Corner-posts"** - shall mean any granite stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot.

C) Sale & Transfer of Lots

1. No person shall sell interment rights unless that person does so, on behalf of the Corporation.
2. If the plot was sold as a "two grave lot" (issued on one Interment Rights Certificate) and one person is interred, then the rights to the lot have been exercised and no re-sale is permitted. If the lots were sold as two individual lots (issued on two separate Interment Rights Certificates) that happen to be side-by-side and only one lot has an interment, then the other can be sold back to the municipality as long as there is no monument or part thereof, on the unused grave.
3. The re-sale of interment rights to any party other than to the Cemetery is strictly prohibited. Interment rights will be repurchased by the municipality from the Interment Rights Holder at the price listed on the current price list less the Care and Maintenance paid at the time of the original purchase.
4. Interment rights may be transferred to another party. Such rights will be transferred by making application at the Cemetery Office and by completing the transfer forms and paying the fee as prescribed in the Price List.
5. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the FBCSA which presently is:
 1. In the case of an in-ground grave for the burial of an adult (2.23 m² / 24 ft² or larger), the greater of 40% of the selling price or \$250.
 2. In the case of an in-ground grave for the burial of a child (smaller than 2.23 m² / 24 ft²), the greater of 40% of the selling price or \$150.
 3. In the case of a columbarium niche for cremated remains, the greater of 15% of the selling price or \$100.
6. Payments for lots shall be made at the office of the Cemetery Department.
7. The Corporation shall provide each Rights owner at the time of sale with:
 1. a copy of the contract;
 2. a copy of the Cemetery By-laws;
 3. upon payment in full, a Certificate of Interment Rights;
 4. price list;
 5. Consumer Information Guide.
8. Purchasers of lots acquire only the right and privilege of burial of the deceased and of constructing monuments or placing markers, subject to the Cemetery By-laws from time to time in force and approved by the Registrar, Bereavement Authority of Ontario.

9. To ensure the correctness of records of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Corporation until notice is given in writing to the Clerk of the Township specifying the name and address of the proposed transferee and date of transfer, and such particulars have been entered in a register for that purpose. Upon receipt of such notice, and payment of a fee, the transfer shall be made.
10. In cases of transmission of ownership by will of interment rights, the management reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.
11. An interment rights holder may require, by written demand, the Corporation to repurchase the rights at any time before they are used.
12. If the Corporation receives notice that a contract is cancelled within thirty (30) days, the Corporation will refund to the purchaser all money received under the contract, with interest, within thirty days of receiving the notice.
13. If the Corporation receives notice that a contract is cancelled after thirty (30) days, the Corporation shall retain all funds placed in the care and maintenance fund.
14. All lots (known & unknown) shall be sold at the current selling price that the Corporation has stated in its Price List. The original deed must be returned to the Corporation.
15. The Corporation is not required to repurchase the interment rights for more than four (4) plots held by the same interment rights owner in a twelve (12) month period.
16. The Corporation after receiving such a demand, shall repurchase the interment rights within thirty (30) days after receiving the demand.
17. NO REFUND will be made for any lot if any interment rights have been exercised.
18. Any purchaser of prepaid supplies or services from the Corporation may cancel, by written notice to the Corporation, the contract to purchase at any time before the services or the supplies are provided. No supplies will be ordered or service supplied until the thirty (30) day grace period has passed.
19. Section 18 does not apply if the prepaid supplies or services are provided within thirty (30) days after the contract is made because of the death of the person for whom the supplies or services were contracted.
20. If any lot is sold and has not been used after a twenty (20) year period may be considered abandoned. The Corporation may apply to the Registrar for a declaration that the interment rights are abandoned after making inquiries and giving reasonable notices to find the interment rights holders or beneficiaries. Upon being satisfied that the rights are abandoned, the Registrar shall issue a declaration to that effect. If there is not an appeal by the end of the time period allowed for appeal, the Corporation may resell the lot in question.
21. Any person whose interment rights have been resold after being declared abandoned may apply to the Registrar for redress. Upon receiving an application for redress, the Registrar shall order the Corporation to provide better or equivalent interment rights in that cemetery or to refund the amount that it would cost to purchase better or equivalent interment rights in the cemetery or, if no interment rights are available in the cemetery, in the closest cemetery appropriate to the religious or ethnic affinities of the person who interment rights have been resold.

22. No person, group or organization shall be entitled to hold the interment rights for more than 30 unused grave spaces in any one cemetery. Those individuals listed as the Interment Rights Holders through such organizations will have exclusive Interment Rights for the entire plot. Updates of those Interment Rights Holders filed with the cemetery office are mandatory to maintain proper order of these plots.

D) Interments and Disinterments

1. Winter burials shall take place, weather permitting. Extra fees shall apply for winter burials, December 15 - March 15 annually.
2. Not more than one (1) burial shall be made in any single grave except:
 1. That of the cremated remains of not more than four (4) persons, subject to the memorialization restrictions of Section G.
 2. Cremated Remains of not more than four (4) persons may be interred on top of a regular burial. The regular burial shall occur prior to the interment of cremated remains. No disinterment of cremated remains shall be permitted to accommodate a regular burial, subject to the memorialization restrictions of Section G.
 3. Or a 60.96 cm (24 inches) x 30.48 cm (12 inches) infant container may be buried at the head end of a single grave in which a casket containing human remains has been buried, provided space is available. Therefore this baby casket will take the place of 1 cremation interment as per the total allowance in D) 2. #1 & 2. If a baby casket is interred first at the head end, Township will allow another regular adult casket burial provided that space is available. A flat marker only will be permitted, as there would be no room for a foundation.
 4. Remains to be buried in a grave must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
 5. All interments must be authorized in writing by the interment rights holder except the interment of the interment rights holder. In the event the Interment Rights Holder(s) are deceased "Letters of Consent" granting interments must be provided by those persons whom have ownership transmitted by a will or bequest of interment rights. The Corporation reserves the right to require the production of notarial copy of the will or other evidence sufficient to prove ownership of the assignment of interment rights.
 6. The Director of the cemetery, his assistant or someone in the employ of the Corporation shall be in attendance at each interment.
 7. A burial permit issued by the Division Registrar, showing that the death has been registered and the fee for the opening of the lot according to the fee found in the Price List, must be deposited with an official of the Corporation before the interment can take place.
 8. In the case of a cremation interment or inurnment, the cremation certificate and the prescribed fee for this service according to the Price List must be deposited with an official of the Corporation before the interment can take place.
 9. In the case of privately or family arranged cremation or inurnment services, the prescribed fee for this service according to the Price List must be paid by either certified cheque or money order in Canadian currency and deposited with an official of the Corporation before the interment can take place.

10. Persons requesting interments in lots or plots shall be held responsible for charges incurred.
11. No above-ground vault interments for regular burials shall be allowed; all vaults shall be installed prior to interment.
12. Above-ground cremation vaults shall be permitted subject to notification and authorization by the Township of Wainfleet.
13. When interment rights in a lot/plot are held jointly by two (2) or more persons, an order must be accepted from all of them or all of their authorized representatives, for interment in such part of the plot as may be requested.
14. No lot shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Corporation, except under special circumstances, and by permission of the Corporation.
15. The interment fee includes the opening and closing of the lot and the registration of the burial.
16. The scale of fees for lot openings is based on the size of the lot and labour involved.
17. Human remains may be disinterred from a lot by court order, or provided that the written consent (authorization) of the interment rights holder has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains may take place. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to the FBCSA and regulations. The written permission of the interment rights holder is required to disinter.
18. No person shall remove cremated remains from a cemetery unless prior approval is given in writing by the Interment Rights Holder of the lot. No Certificate of a Medical Officer of Health is required.
19. The Corporation will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
20. No interment shall be permitted in any lot where the burial rights have not been paid in full.
21. Funeral corteges within the cemetery shall follow the route indicated by the Director or designate.
22. The Corporation reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot, or the transfer or conveyance of any interment rights. The Corporation may either cancel such grant and substitute other interment rights, or lot of equal value and similar location, as far as is reasonably possible; or refund all money paid on account for such purchase. In the event any such error may involve the disinterment of remains, the Corporation shall first notify the Interment Rights Holder, and obtain the approval of the Medical Officer of Health.

Notice will be given personally to the rights owners. If necessary, it may be mailed to the rights owners or their legal representatives, at their last appearing address in the record books of the Corporation. 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.

23. The Corporation shall not be held responsible for any errors made for any funeral arrangements made over the phone. These arrangements should be made in writing.
24. Notice of each interment to be made shall be given to the Director of the Cemetery at least 48 hours in advance; 8 hours of which must be regular working hours. The Corporation cannot be held responsible for having lots prepared for funerals unless such notice is given.
25. Extra charges are included in the Price List for:
 1. Saturday, Sunday or Holiday interments.
 2. Winter burials subject to item D) #1.
 3. Funerals reaching the Cemetery after the hour of 3:00 in the afternoon.
26. At times when the ground in said Cemeteries is soft from spring thaws, rain or other cause or where personal safety is at risk, a mock graveside set-up may be necessary at the appropriate Cemetery instead of at the actual grave site. No charge shall be made for such service.
27. Two cemetery staff will be available to act as pall bearers for the interment if requested when the interment order is taken. A minimum of four persons must assist with the lifting and placement of the casket. Additional pall bearers must be arranged by the funeral director to avoid any heavy lifting safety concerns. Cemetery staff will wear their regular work clothes when performing these duties.
28. Columbarium Niche Units:
 1. **Interments:**

No more than two (2) urns shall be allowed in any columbarium niche unit and containers must be no greater in size than 25.4 cm (10 inches) x 25.4 cm (10 inches) x 25.4 cm (10 inches) combined.
 2. **Care of Columbarium and Cemetery Grounds:**

Artificial or natural wreaths are not permitted on or near columbarium niche units. Columbarium niche units are also subject to the regulations of Section E and F of this by-law.
 3. **Monuments and Memorials:**

One bronze memorial wreath plaque may be placed on each columbarium niche unit and must be 27.94 cm (11 inches) x 22.86 cm (9 inches) in size, with the bosses being manufactured to meet the niche face pre-drilled hole requirements.

All bronze memorial wreath plaques shall be purchased through the Township of Wainfleet.

Small diameter vase openings will be provided on either side of bronze wreath plaques to allow for single stem flowers (natural or artificial) and are subject to the regulations found in Section E and G of this by-law.
29. No suspended vaults will be permitted. All vaults must be placed completely inside grave opening to the bottom (safety concern).

E) Care of Lots – General

1. All lots and plots shall be maintained and kept properly graded, sodded and mown by employees of the Corporation.
2. No person shall do any work upon a burial lot without the permission of the Director. No person shall do any work upon a lot other than the planting and maintenance of flowers. All other work will require the prior permission of the Director.
3. Trees, shrubs, flowering or other plants may be cultivated on lots, but only such varieties that are in good taste and in keeping with the general plan of the grounds and subject to the approval of the Director. No trees or shrubs growing within any lot may be removed or altered without the consent of the Director.
4. Dwarf evergreens are permitted only on lots having a monument and only one shall be planted on either side of the monument. All plantings must be approved by the Director.
5. The height of such shrubs and/or ornamental trees shall at no time exceed 0.91 meter (3 feet) above adjacent ground level.
6. The diameter of such shrubs and/or ornamental trees at their widest point, including all foliage shall at no time exceed 35.56 cm (14 inches), or obstruct adjacent lots.
7. Lot owners desiring outside gardeners to do work on their lots must furnish the Director with written authority for the same. Gardeners or florists or their employees shall not enter the Cemetery on Sunday for business purposes.
8. If any trees or shrubs situated in any lot shall have 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 Corporation may remove such trees, shrubs or parts thereof. The Corporation will attempt contact, in writing the lot owner thirty (30) days prior to the said removal and provide the lot owner with the opportunity to make adjustments to rectify the problem.
9. In the event the lot owner cannot be readily identified or determined, the Corporation will affix a notice to the monument or lot for a period of ninety (90) days prior to the said removal and provide the lot owner with the opportunity to make adjustments to rectify the problem.
10. The Director will at all times demand of the Rights Holder that the dimensions as specified in Sections 5 and 6 are maintained and if not so maintained, notification shall be given to the Rights Holder to trim any such shrubs or trees in order that they might come into conformity with this Section. Where this directive is not immediately complied with, the Director may cause the required trimming to be performed or may cause the shrubs/trees to be removed after thirty (30) days without further notice and without recourse from the Rights Holder.
11. NO GLASS CONTAINERS of any kind are allowed in the cemetery at any time.
12. Nails, wires, wooden crosses, articles of glass or pottery or any other material that create a hazard to workmen and to visitors when neglected or broken are not allowed in the cemetery.
13. Since borders, fences, railings, walls, cut-stone coping and hedges in or around lots become unsightly, they must be properly cared for. If any of these items reach a state of disrepair, the owner shall be given thirty (30) days notice in writing, and if not repaired, they will be removed.

14. In the event the lot owner cannot be readily identified or determined, the Corporation will affix a notice to the monument or lot for a period of ninety (90) days prior to the said removal and provide the lot owner with the opportunity to make adjustments to rectify the problem.
15. The Corporation assumes no responsibility or liability for such curbs or borders not installed by Corporation Staff, and any costs for reinstallation, repair, etc., as may be required as a result of interment operations or other maintenance, shall be the responsibility of the Interment Rights Holder or his/her agent.
16. Failure by the Interment Rights Holder or his/her agent to maintain curbs or borders in accordance with the policy of the Corporation may cause the Director to have such curb or border removed without recourse.
17. Notwithstanding any other provisions of this by-law, existing fences around lots or plots shall be allowed to remain provided that when such fences reach a state of disrepair, the Interment Rights Holder shall be given thirty (30) days notice to repair in writing, and if the Rights Holder cannot be located, or if the Rights Holder does not respond, and if the fence is not repaired, it may be removed by the Corporation without recourse and at the expense of the Rights Holder.
18. In the event the lot owner cannot be readily identified or determined, the Corporation will affix a notice to the monument or lot for a period of ninety (90) days prior to the said removal and provide the lot owner with the opportunity to make adjustments to rectify the problem.
19. Rubbish shall not be thrown out on roads, walks or any part of the grounds, but must be placed in receptacles provided at convenient points on the grounds.
20. Implements or materials used in doing any work within the cemetery shall be removed without delay and if this is not done, the Director shall remove the same.
21. No interment rights holder shall change the grading of his lot, and in case of any such change, the Corporation may restore the lot to its original grade at the expense of the interment rights holder.
22. No unauthorized person shall sod, move corner posts or lot markers.
23. The Corporation shall not be responsible for loss or damage to any articles left upon any lot or plot.

F) Care of Lots - Flowers & Flower Beds

1. Flower beds are permitted on lots and shall not exceed 45.72 cm (18 inches) from the front of the monument and shall not encroach onto adjacent lots. Flower beds located behind the monument are prohibited. Flower beds located behind the monument are only permitted if plots on either side are owned by the same owner.
2. The Corporation reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or for any other reason the Director deems such removals to be in the best interest of the Cemetery. Rose bushes are not permitted on any cemetery lot.
3. Artificial flowers are permitted, provided they are properly maintained and not detrimental to the general maintenance of the cemetery.
4. Vases, urns and flower stands not properly cared for and are not filled with plants by the 20th of June in any year may be removed from the lot and any stand, holder, vase or other receptacle for flowers deemed unsightly or unsuitable may be prohibited or removed by the Director.

5. Potted plants must not be buried but must be placed on top of the ground as close to the monument base as practical.
6. Those who place potted plants or urns are responsible for their upkeep and must remove them by November 1st.
7. Artificial wreaths without glass or plastic covers are allowed to be placed on the lot after October 15th, provided they are securely fastened to the monument, or where there is no monument, mounted on a stand of at least 76.20 cm (30 inches) high and securely anchored to the ground.
8. To preserve the proper appearance of the grounds and to allow for spring clean up, artificial wreaths must be removed before April 1st of each year, otherwise Corporation authorities will remove them.
9. Flower beds shall only be allowed to remain providing they are properly maintained with regard to weeding and trimming in accordance with standards established by the Corporation and provided that plants or flowers are not allowed to grow to a height exceeding the height of the monument situated upon such lot or 91.44 cm (36 inches), whichever is shorter.
10. Flower beds and plantings therein shall at all times be maintained by the person(s) having caused such plantings to be installed in accordance with good housekeeping practices established by the Corporation. Failure to do so, shall cause the Director to have the flower bed removed by the staff of the Corporation and to replace the same with the sod without any recourse against the Corporation by any Interment Rights Holder.
11. Where planting or other decorations are placed within the 38.10 cm (15 inches) planting bed area, the same shall be removed annually not later than October 31st in any year, and the entire area of the flower bed is to be left in a neat appearance. Failure to do so, may cause the Director to have the plantings or other decorations removed by the Corporation Staff without recourse against the Corporation by any Interment Rights Holder.
12. To preserve the orderly appearance of the Cemeteries, any flower bed of the previous year which has not been planted by June 15th of any following year, may cause the Director in his/her discretion to have the flower bed removed by the Corporation Staff and to have the same replaced with sod without recourse against the Corporation by any Interment Rights Holder.
13. No plantings of flowers or shrubs are permitted in the Cremation Section or Cremation Garden Section. A vase or flower pot may be placed on top of the plot.
14. In all newly developed areas of Township cemeteries, no concrete, stone, metal, plastic, glass, tile, brick, or any other similar type of garden edging will be permitted.

G) Monuments and Markers - General Information

1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full.
2. Temporary markers (i.e. wooden cross) are permitted for a period of up to six (6) months after an interment. The Corporation staff, after the six (6) month period shall remove the temporary marker without recourse against the Corporation by any Interment Rights Holder.
3. No Mausoleums or Tombs will be allowed.

4. If any monument or other structure, or any inscription has been placed in or upon any lot, which is offensive or improper, the Corporation may enter the lot and remove the said improper or offensive object(s), if the interment rights holder has failed to do so after due notice of one (1) week has been given.
5. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Director.
6. 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 of a plastic material that is fire resistant.
 1. Candle holders must be included in determining the overall size of the memorial.
 2. A maximum of two (2) candles or vases shall be placed on the base of a monument. They must be centered on the end(s) of the base.
7. No monument or marker will be delivered to the cemetery without the Request for Installation form containing the following information:
 1. The Interment Rights owners name and address.
 2. Instructions for placement of the marker or monument.
 3. The dimensions in the case of a flat marker.
 4. A description of the monument dimensions.
 5. The appropriate amount for the Care & Maintenance in relation to the size of the marker/monument as set out in the FBCSA, must accompany the monument.
8. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the FBCSA, to the Corporation's Care and Maintenance Fund. The interest earned from the fund will be used to maintain the markers or monuments in a safe condition.
9. The amounts are as follows:
 1. In the case of installing a flat marker measuring at least 1116.13 square centimeters (173 square inches) or larger, \$50. In the case of a flat marker measuring less than 1116.13 square centimeters (173 square inches), \$0;
 2. In the case of installing an upright marker measuring 1.22 meters (4 feet) or less in height and 1.22 meters (4 feet) or less in length, including the base, \$100;
 3. In the case of installing an upright marker measuring more than 1.22 meters (4 feet) in either height or length, including the base, \$200.
10. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Corporation shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.
11. A bench-type monument is permitted as long as it is according to Township's Cemetery Bylaws (material, size, foundation, etc.).

12. A monument which holds cremated remains is permitted providing the interment of cremated remains is considered to be one of the cremations allowed as per Township Cemetery Bylaws D) 2. #1 & 2. The monument company is also to have the family contact the Township Operations Department to set up the actual interment process (interment fee and Township requires the original Certificate of Cremation and a Letter of Consent for Burial Rights if required).

H) Monuments

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.

No monument may be erected which is composed in whole or in part of:

- (a) wood
- (b) metal - **ONLY** if constructed by a Metal Monument Builder
- (c) marble veneer or other veneer
- (d) block or cement facing of exterior
- (e) or of any material not of permanent nature and durable quality.

Before placing an order for any headstone, confirmation must first be obtained from the Director as to the compliance of what is proposed to be done with the provisions of this by-law, or any other Corporation regulation or by-law.

2. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Corporation to be normal wear.
3. The Corporation will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, or part thereof except where such damage or loss is due to negligence of the Corporation.
4. The Corporation reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be a size that it would interfere with any future interments.
5. (a) Monuments (including boulder monuments), excluding base shall not exceed the following dimensions:

1. **Single Lot - one monument permitted**

| | |
|---------------|----------------------|
| Height | 91.44 cm (36 inches) |
| Width | 76.20 cm (30 inches) |
| Die (minimum) | 15.24 cm (6 inches) |

Note: In the event a base size of 91.44 cm (36 inches) (maximum) is requested, for a single lot on 106.68 cm (42 inches) wide, the two (2) corner markers may be required to be removed to allow for the installation.

2. **Two Grave Lot - one monument permitted (or two (2) singles)**

| | |
|---------------|--|
| Height | 121.92 cm (48 inches) |
| Width | 121.92 cm (48 inches) |
| Die (minimum) | 15.24 cm (6 inches) if height is 60.96 cm (24 inches) or under |
| Die (minimum) | 20.32 cm (8 inches) if height exceeds 60.96 cm (24 inches) |

3. **Three Grave Lot - one monument permitted (or combination of above)**

| | |
|---------------|---|
| Height | 121.92 cm (48 inches) |
| Width | 152.40 cm (60 inches) |
| Die (minimum) | 20.32 cm (8 inches) if height is 106.68 cm (42 inches) or under |
| Die (minimum) | 25.40 cm (10 inches) if height exceeds 106.68 cm (42 inches) |

4. **Four Grave Lot - one monument permitted (or combination of above)**

| | |
|---------------|--|
| Height | 121.92 cm (48 inches) |
| Width | 182.88 cm (72 inches) |
| Die (minimum) | 25.40 cm (10 inches) if height is 106.68 cm (42 inches) or under |
| Die (minimum) | 30.48 cm (12 inches) if height exceeds 106.68 cm (42 inches) |

(b) All dies that are 15.24 cm (6 inches) thick must be secured by dowel pins to the base.

5. **Monuments on Infant or Baby Graves** - having lot dimensions of 1.07 meters (3.5 feet) x 1.52 meters (5 feet) or less, maximum size.

| | |
|---------------|----------------------|
| Height | 60.96 cm (24 inches) |
| Width | 45.72 cm (18 inches) |
| Die (minimum) | 15.24 cm (6 inches) |

Slant monuments will be permitted subject to single lot dimensions and must have a die minimum of 20.32 cm (8 inches) at bottom.

6. Monuments must be placed at the centre of the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Director before a monument is set.
7. The maximum width of a base is controlled by the width of the plot or lot where it will be installed. No base shall be closer than 7.62 cm (3 inches) to the lot width side lines on which it is to be installed.
8. Monuments can only be erected on lots designated for monuments and not in any area designated for "Flat Markers Only".
9. Family names, phrases, portraits and pictures are permitted on the back of monuments. The inscription must be appropriate and in keeping with the dignity and decorum of the cemetery.
10. Unless adjoining plots (head to foot) are owned, both sides of the stone cannot be used for full Burial Inscription. Monuments cannot be placed "back-to-back" against another.
11. The die stones must be installed on a granite base. The height of the base shall be a minimum of 20.32 cm (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 5.08 cm (2 inches) of the surface of the base exposed on all sides. Rock pitching must be used on the bottom 15.24 cm (6 inches) of the base.
12. Plynths are permitted provided they do not exceed the monument height and width restrictions outlined in H(5). A drawing or sketch must be submitted to the Township for authorization prior to installation.

13. Book, pillow and boulder markers must have a base and foundation and shall be considered monuments.
14. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the cemetery.
15. All photographs attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the owner.
16. All foundations for monuments and markers shall be built by, or contracted to be built for, the Corporation at the expense of the interment rights holder or foundations for monuments to be built by the monument company shall be subject to Section J, Subsection 17.
17. The charges for the construction of foundations are set forth in the Price List.
18. No foundation shall be constructed after the 15th of November in any year and before the 1st of June in the following year.
19. The foundation shall be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the interment rights holder and/or the supplier, the foundation must be immediately removed and rebuilt by the Corporation at the expense of the interment rights holder. Foundations will be not less than 106.68 cm (42 inches) deep and they will be set at the Director's direction.
 1. The required concrete mix for foundations will be:
 - 20.5 MPA
 - 75 mm Slump
 - 20 mm Aggregate
 - 5% +/- 1% Air Entraining AgentTrowel finish all edges.
 2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
 3. Foundations must be cured for a minimum of 48 hours before placing the monument.
 4. Contractors shall be under the supervision of the Corporation and shall be responsible to pay the supervisory fee.
 5. No concrete shall be placed until a representative of the Corporation has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.
 6. Defective areas must be repaired to the approval of the cemetery management. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27 cm (1/2 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the Director.

20. All upright markers must be able to withstand a force of 35 kgs. when such force is applied at any point on the memorial. Such markers must withstand this force when set in a dry mode (i.e. without the assistance on any adhesive material). Dowels (300 series stainless or equivalent) may be used to assist an upright marker in achieving the 35 kgs. minimum standard. The intended positioning of such dowels must be shown/stated on the contract requesting the installation of the marker. All portions of an upright marker must be sealed together with an appropriate sealing material and shall be sealed together in such a way as to provide an adequate level of stability.

I) Markers

1. The owner may on the receipt of his Rights Certificate, at his own expense have an official of the Corporation or other authorized person, place bronze or granite, land marks 15.24 cm (6 inches) square and not less than 15.24 cm (6 inches) deep, dressed on all sides and bearing the lot and section number, or name, or initial, legibly and permanently marked thereon, at the corners of the lot or lots conveyed to him, such posts to be planted flush with the ground.
2. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within sixty (60) days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months.
3. Markers of bronze or granite are permitted to a maximum of 50.80 cm (20 inches) x 76.20 cm (30 inches) and are subject to the following:
 1. 7.62 cm (3 inches) thick shall not exceed 30.48 cm (12 inches) x 45.72 cm (18 inches).
 2. All markers over 30.48 cm (12 inches) x 45.72 cm (18 inches) shall be a minimum of 10.16 cm (4 inches) thick, maximum 15.24 cm (6 inches) thick.
 3. Where markers are composed of a stone base and bronze cover plate, such cover plates shall be doweled completely through the stone base and fastened to the stone by threaded nuts at the bottom of the base. Bronze cover plates must be mounted on a stone base as specified above. Concrete shall not be used for markers or marker bases.
 4. Flat markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them and shall be set by employees of the Corporation, at the expense of the interment rights holder, on payment of the fee provided in the Price List.
 5. Each single lot may be marked on the ground with a flat marker only, unless otherwise designated monument section.
 6. In addition to the monument, the following combinations of flat markers per regular adult grave are permitted:
 - (2) 12" x 24"
 - (2) 12" x 18"
 - (4) 12" x 12"
 - (1) 12" x 24" and (2) 12" x 12"
 - (1) 12" x 18" and (2) 12" x 12"
 7. All markers and monuments shall be constructed of bronze or granite. The bottom bed of all bases and markers shall be cut level and true.

8. All 12" x 12" flat markers must be sawn edges (flat edges) when installed in the 12" x 12" Cremation Sections.
9. All bronze flat markers must have a granite base supplied.

J) Rules for Monument Dealers, Contractors and Workers

1. No monument or marker will be delivered to the cemetery without the proper paperwork. See Section G-7 for description of paperwork.
2. There will be three pours for foundations per year, weather permitting. Approximate dates are subject to change at the discretion of the Township of Wainfleet:
Last week of June;
Last week of August;
Second week of October.
3. Monument dealers must state on each order the date they wish foundations ready and must give at least fifteen (15) working days notice before the work is required.
4. 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.
5. No monument or marker will be removed without written permission from the Director.
6. All companies who do work in the Township of Wainfleet Cemeteries, shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance.
7. Contractors, masons and stone-cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury.
8. There shall not be a variance of more than 1.27 cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered.
9. The demeanour and behaviour of all workmen employed by others in the cemetery, shall be subject to the control of the Director.
10. Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
11. All work must be done during regular cemetery hours, unless by special permission of the Director.
12. No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed, by the hour of noon of that day.
13. Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
14. No monument dealer shall park on the grass unless otherwise directed to do so by the Director.
15. All implements and materials used in the performance of any work shall be placed where the Director may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Director may order. Otherwise the obstructions will be removed, and the expense charged to the monument dealer, contractor or the Interment Rights Holder, for whom the contractor was engaged.

16. If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Director as all work must be supervised by an employee of the Corporation. The Monument dealers shall pay to the Corporation the prescribed fee plus necessary taxes for supervising the monument company's staff or contractor.
17. If a monument company desires to make their own foundations, they must make written arrangements within five (5) days of time of proposed installation with the Director as all work must be supervised by an employee of the Corporation. The foundation shall be at least 106.68 cm (42 inches) deep and the length of the monument. The width of the base shall be in accordance with the regulations for monuments for the section. There shall not be a variance of more than 1.27 cm (1/2 inch) between the size of the monument and the foundation. This foundation shall be made of air-entrained cement and shall be level and true so as to not cause tipping.

The foundation shall not rise above the grade of the surrounding ground. The Monument dealer shall pay the Corporation the prescribed fee plus necessary taxes for supervising the monument company's people. See Section H-19 for requirements in making foundations.
18. If bushes are allowed, the intended monument should not exceed 50% of the lot width. i.e. 1.83 meters (6 foot) width allows for 0.91 meters (3 foot) monument and 45.72 cm (18 inches) for each bush.

K) Rules for Visitors

1. No person shall enter the cemeteries except through an established gate, nor shall they enter or be within any cemetery after 7:00 p.m. and before 6:00 a.m. October 1 – March 31, or after 9:00 p.m. and before 6:00 a.m. April 1 – September 30. Police constables and authorized Township staff are exempt. They are asked to remember the respect due to the deceased.
2. The Director, any official of the Township of Wainfleet and the Council are empowered and are required to preserve order and decorum in the cemetery.
3. No parades other than funeral processions shall be admitted to or be organized within the cemetery.
4. Children under the age of twelve years are welcome in the Cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and shall see that they do not run over the lots or climb upon the monuments.
5. Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave the avenues or park on the grass unless directed to do so by the Director.
6. No pleasure ATVs (all terrain vehicles), mini-bikes, motorcycles or snowmobiles are allowed in the cemetery.
7. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
8. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.
9. No dogs or other pets shall be allowed in the cemetery.
10. No picnic party shall be permitted in the cemetery grounds.

11. Any person who, in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a cemetery is liable to the Corporation and interment rights holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable.
12. Any complaints by interment rights holders or visitors should be made to the Clerk or the Director or Cemetery Leadhand, and not to workmen on the grounds and controversies with workmen or others on the grounds are to be avoided.
13. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc.
14. No tips or gratuities are to be given to cemetery workers by visitors or lot owners, nor shall any be accepted by any cemetery worker.
15. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these by-laws, must be expelled from the grounds.
16. Any article which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design of the cemetery, may be removed by the Corporation. An article removed will be held at the cemetery for collection. If not collected, it will be disposed of after one (1) month.