

THE CORPORATION OF THE CITY OF SAULT STE. MARIE

BY-LAW NO. 2012-129

CEMETERIES: A by-law to provide regulations for the operation of all municipal crematoriums, mausoleums, and cemeteries owned by the City of Sault Ste. Marie

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to the *Funeral, Burial and Cremation Services Act, 2002*, as amended, and the regulations made pursuant to the said Act, ENACTS as follows:

1. DEFINITIONS

In this by-law:

“Act” means the *Funeral, Burial and Cremation Services Act, 2002* and all amendments thereto, together with all Regulations prescribed thereunder;

“At-Need Services” means interment rights and cemetery services required at the time of death;

“Care and Maintenance Fund” means the trust fund in which all moneys received for care and maintenance of lots and markers have been invested by the Treasurer under the *Act*;

“Cemetery(ies)” means those cemeteries that are owned by the Corporation as set out in Section 2.1 of this by-law;

“Cemetery Services” means cremation services; the opening and closing of niches, crypts, and graves; the general care of niches, crypts, and graves; the provision of memorial plaques; storage services; and any other service that is normally provided by the owner of a crematorium, mausoleum, or cemetery;

“City Clerk” means the person appointed by the Corporation as the City Clerk or his or her designate;

“Corporation” means The Corporation of the City of Sault Ste. Marie;

“Columbarium” means a structure designed for the purpose of interring cremated remains in sealed compartments;

“Cremated Remains” means the residue after the cremation of a body and the casket or container in which the body was received;

“Crematorium” means the building located in New Greenwood Cemetery, fitted with proper appliances for the purpose of the cremation of human remains, and includes everything incidental or ancillary thereto;

“Crypt” means a chamber for interment in a mausoleum;

“Department” means the Cemeteries Division of the Public Works and Transportation Department of the Corporation;

“Disinterment” means the removal of cremated remains from a niche or grave; the removal of human remains or cremated remains from a mausoleum; or the removal of human remains from a grave;

“Interment” means the placement of cremated remains in a niche in a columbarium or mausoleum; the placement of human remains or cremated remains in a crypt in a mausoleum; or the burial of human remains or cremated remains in a grave;

“Interment Rights Certificate” means the certificate issued by the Corporation to a purchaser upon payment of the cost of interment rights and cemetery services;

“Interment Rights Certificate holder” means the person to whom the Interment Rights Certificate is issued or his or her legal representative, ascertained by production of a notarial copy of the Will or other evidence satisfactory to the City Clerk;

“Lot” means an area of land in a cemetery containing or set aside to contain human remains and includes a niche in a columbarium or mausoleum, a crypt in a mausoleum, and a grave in a cemetery;

“Manager” means the person appointed by the Corporation as the Manager of Cemeteries or his or her designate;

“Marker” means any monument, tombstone, plaque, headstone, cornerstone, or other structure or ornament affixed to or intended to be affixed to a niche, crypt, or grave, or other structure or place intended for the deposit of human remains;

“Mausoleum” means a building or other structure, other than a columbarium, used as a place for interment of human remains in sealed crypts;

“Niche” means a compartment in a columbarium or in a mausoleum for the interment of cremated remains;

“Operator” means the Corporation;

“Plan” means the plan of the cemetery;

“Plot” means two or more lots in which the rights to inter have been sold as a unit;

“Pre-Need Services” means interment rights and cemetery services that have been paid for in advance of a person’s death;

“Price List” means the price list of services provided by the Corporation;

“Statutory Holiday” means any day set aside as a statutory holiday in the working agreement at any time in force between the Corporation and the Canadian Union of Public Employees;

“Treasurer” means the person appointed by the Corporation as the Commissioner of Finance and Treasurer or his or her designate;

“Trust Funds” means those funds in which a trustee may invest and which are defined in the *Trustee Act, R.S.O. 1990, c.T.23*;

“Urn” means a sealed container for cremated remains;

“Vault” means an underground burial container; and

“Veteran” means a veteran as defined in the *Department of Veterans Affairs Act, R.S.C. 1985, c.V-1*.

2. ADMINISTRATION

2.1 Facilities

The cemeteries owned and controlled by the Corporation are:

- a) Greenwood Cemetery on the east side of Peoples Road (**New Greenwood**) which includes:
 - i) Cemetery Office;
 - ii) Crematorium;
 - iii) Chapel;
 - iv) Commemorative tree area;
 - v) Urn Garden which includes columbariums for the interment of cremated remains in a single or companion niche (including the niche wall located beside the Chapel) and graves for the interment of cremated remains;
 - vi) Legion Hill Veterans’ Section for the interment of bodies or cremated remains of veterans in a grave who were members of the Royal Canadian Legion at the time of death, and of their spouses provided the veteran is first interred;
 - vii) Veterans’ Section for the interment of bodies or cremated remains of veterans and spouses of such veterans in a grave;
 - viii) Cremation Hill for the interment of cremated remains in a grave or private columbarium;
 - ix) Baby/Children’s Section for the interment of bodies of infants and children and for the interment of cremated remains in a grave; and
 - x) Adult, child, and infant graves for the interment of bodies or cremated remains; or for the placement of cremated remains in a private columbarium.

- b) **Old Greenwood Cemetery** which is comprised of Old Greenwood Cemetery on the west side of Peoples Road and West Section at the northwest corner of Peoples Road and Fourth Line East, both of which include: adult, child, and infant graves for the interment of bodies or cremated remains, or for the interment of cremated remains in a private columbarium.
- c) **Holy Sepulchre Cemetery** on the north side of Fourth Line East which includes:
 - i) Mausoleums for the interment of bodies in a single or companion crypt (and, under conditions as specified in section 4.3 of this by-law, the interment of cremated remains in a crypt);
 - ii) Mausoleums for the interment of cremated remains in a single or companion niche;
 - iii) Columbariums for the interment of cremated remains in a single or companion niche;
 - iv) Commemorative tree area;
 - v) Baby/Children's Shrine for the interment of bodies of infants and children or for the burial of cremated remains in a grave;
 - vi) Flat Marker Area for the interment of bodies or cremated remains in a grave;
 - vii) Urn Area for the interment of cremated remains in a grave or in a private columbarium; and
 - viii) Adult, child, and infant graves for the interment of bodies or cremated remains, or for the interment of cremated remains in a private columbarium.
- d) **Pine Grove Cemetery** on the west side of Landslide Road which includes: graves for the interment of bodies or cremated remains, or for the interment of cremated remains in a private columbarium.
- e) **West Korah Cemetery** on the north side of Avery Road which includes:
 - i) Legion Veterans' Section for the interment of bodies or cremated remains of veterans in a grave who were members of the Royal Canadian Legion, at the time of death and of their spouses provided the veteran is first interred;
 - ii) Adult, child, and infant graves for the interment of bodies or cremated remains, or for the interment of cremated remains in a private columbarium.

- f) **Queen Street Heritage Cemetery** on the north side of Queen Street East which is inactive.

2.2 Duties of Department

It shall be the duty of the Department:

- a) to control, pursuant to the provisions of the *Act* and of this by-law, the operation and management of the cemeteries, including the expenditure of moneys appropriated by City Council of the Corporation for that purpose, and the expenditure of interest and other income from money or other property given, devised, bequeathed, or set aside for the care and maintenance of the cemeteries;
- b) to control the provision of services and supplies for cemeteries;
- c) to see that all interments are conducted in a decent and orderly manner, and that quiet and good order are maintained at all times;
- d) to improve and beautify the cemeteries, including: keeping buildings, fences, drains, walks, drives, and grounds in a state of good order and repair;
- e) to liaise with the City Clerk with respect to the giving and receiving of orders for interment rights and cemetery services; and
- f) to attend at every interment and disinterment.

2.3 Duties of City Clerk

It shall be the duty of the City Clerk:

- a) to sell interment rights and cemetery services in accordance with the *Act* and to maintain all records pertaining thereto;
- b) to process orders for interment rights and cemetery services in accordance with the *Act*; and
- c) to provide current Plans of the cemeteries for public inspection at the office of the City Clerk and Cemetery Office during regular office hours.

2.4 Duties of the Treasurer

It shall be the duty of the Treasurer:

- a) to receive all moneys for the sale of lots and all other moneys properly receivable by the Corporation with respect to the cemeteries, whether by way of gift, bequest, or otherwise;
- b) to set aside for care and maintenance of the cemeteries such moneys from the sale of lots and markers as prescribed by the *Act* and to invest the same as authorized by the provisions of the *Trustee Act* or the *Act*;

- c) to set aside for the purpose of the care and maintenance of the cemeteries any money or other property given, devised, bequeathed, or set aside for such purpose, and to invest the same as authorized by the provisions of the *Trustee Act* or the *Act*; and
- d) to hold in trust moneys received for pre-need cemetery services in accordance with the *Act*. If, at the time the services are provided, the money that was placed in the trust account, together with any income earned on that money, exceeds the current selling price for the services as set out in the Price List, the excess money, including any income earned thereon, shall be paid out of the trust fund to the Interment Rights Certificate holder in accordance with the provisions of the *Act*.

3. CONTRACTS AND INTERMENT RIGHTS CERTIFICATES

3.1 Contract

- a) A contract to purchase interment rights and/or cemetery services shall be fully completed in the form attached hereto as Schedule A.
- b) In the case of at-need purchases, interest shall be charged at the rate determined by the Treasurer on the unpaid balance after thirty (30) days from the date of invoice.

3.2 Cancellation of Contract

- a) A purchaser may only cancel a contract for interment rights or cemetery services upon written notice of cancellation to the City Clerk in accordance with the *Act*.
- b) Where interment rights have not been exercised and none of the contracted cemetery services have been provided and where the contract is cancelled within thirty (30) days of its execution, the Corporation shall refund the purchaser all moneys paid. ~~less an administrative fee as set out in the Price List.~~ *Deleted pursuant to Cemeteries Regulation Unit approval – September 11, 2012.*
- c) Where part of the contracted cemetery services have been provided, the refund as set out in section 3.2(b) shall be further reduced by the cost of those services as set out in the Price List.
- d) A contract for interment rights cannot be cancelled more than thirty (30) days after the date of execution of the contract.
- e) Where a contract for cemetery services is cancelled more than thirty (30) days after the date of execution of the contract, the purchaser shall be refunded the amount described in 3.2(b) and 3.2(c) plus the amount of income earned on that money.

3.3 Interment Rights Certificate

- a) Upon payment in full of the purchase price of a niche, crypt, or grave the City Clerk shall deliver to the purchaser an Interment Rights Certificate in the form attached hereto as Schedule B.
- b) The Interment Rights Certificate shall convey only the right of interment and the right to install a marker or vault. Such rights shall be subject to the provisions of the *Act* and of this by-law as amended from time to time.

3.4 Transfer of Interment Rights

- a) Any transfer of interment rights shall convey only those rights set out in section 3.3(b) of this by-law.
- b) An Interment Rights Certificate holder shall not resell interment rights for an amount that is greater than the price of those rights as indicated on the current Price List, inclusive of the care and maintenance component.
- c) The Interment Rights Certificate holder shall provide the following information to a transferee:
 - i) the Interment Rights Certificate endorsed by the Interment Rights Certificate holder and the Corporation;
 - ii) a copy of the current cemetery by-law; and
 - iii) a written statement of the number of lots that have been used in the plot to which the rights relate and the number of lots that are available.
- d) Upon receipt of an Interment Rights Certificate endorsed by the Interment Rights Certificate holder, and upon payment of an administrative fee as set out in the Price List, the City Clerk shall enter the transfer in the register kept for that purpose, and shall issue a new Interment Rights Certificate in the name of the purchaser.
- e) The Corporation does not buy back interment rights except:
 - 1. When the purchaser is purchasing interment rights of a greater value than those currently owed;
 - 2. When, at the sole discretion of the Manager, a grave is unusable, or would benefit the cemetery to re-acquire the interment rights. **[ENACTED BY BY-LAW 2021-217]**

4. INTERMENTS AND DISINTERMENTS

4.1 Rules Applicable to All Interments

- a) Interments in lots shall be as directed by the Interment Rights Certificate holder.

- b) A burial permit shall be deposited with the Department before any interment may take place.
- c) No interment shall be permitted where there are charges for cemetery services which have been outstanding for more than thirty (30) days.
- d) Notice of an interment shall be given to the City Clerk at least twenty-four (24) hours in advance except under unusual circumstances.
- e) No interment shall be made on a Sunday or statutory holiday except by a medical certificate stating that interment must occur within twenty-four (24) hours of death in accordance with Ontario Ministry of Health regulations for the control of communicable diseases.
- f) No interment shall be delayed more than three (3) days as a result of a statutory holiday.
- g) Remains to be interred in a crypt or grave must be enclosed in a container that is sealed securely, dry, and of sufficient strength to permit interment with the container remaining intact.
- h) Where no interment has been made in a lot for more than twenty (20) years after issuance of the Interment Rights Certificate, the Corporation may apply to the Registrar under the *Act* for a declaration that interment rights are abandoned.

4.2 Interment in a Niche in a Columbarium

- a) A single columbarium niche is intended for interment of one (1) cremated remains. Interment of two (2) or more cremated remains, or co-mingled cremated remains, is not permitted. **[AMENDED BY BY-LAW 2021-217]**
- b) A companion columbarium niche is intended for interment of two (2) cremated remains: one (1) per side. Interment of more than one (1) cremated remains per side, or co-mingled cremated remains, is not permitted. **[AMENDED BY BY-LAW 2021-217]**
- c) Urns cannot be accommodated in a niche in the niche wall beside the Chapel in New Greenwood cemetery.
- d) Disinterment of a body in a mausoleum crypt is not permitted. **[ENACTED BY BY-LAW 2021-217]**

4.3 Interment in a Crypt in a Mausoleum

- a) The cremated remains of one (1) body may be interred in a single crypt in addition to one (1) casket either at the time of, or prior to, interment of the casket. Notice of intent to subsequently inter cremated remains must be provided at the time of interment of the casket. Cremated remains shall not be placed in a crypt after the crypt has been sealed.

- b) Cremated remains shall not be interred in a companion crypt.
- c) A crypt shall only be opened and sealed by the Department.
- d) Previously buried remains to be placed in a crypt must be delivered to the cemetery enclosed in a secure casket or other rigid container of a suitable size to permit placement in a crypt.

4.4 Interment in a Grave

- a) Double-depth interments are not permitted except in an adult grave where topography permits.
- b) Double-depth interments are not permitted:
 - i) next to a single-depth grave, unless in the discretion of the Manager the double-depth interment will not disturb adjoining graves; or
 - ii) in the New Greenwood Veterans' Section.

Vaults shall not be permitted for double-depth interments unless in the discretion of the Manager the vault can be accommodated at double-depth.

- c) For indigent interments, a request indicating that the Ontario Works Division of the Social Services Department of the Corporation will be responsible for the payment of such interment is required prior to interment.
- d) The Department shall not be responsible for the costs incurred to replace concrete marker bases, trees, plants, or shrubs that are removed for interment purposes.
- e) The maximum number of interments permitted is:
 - i) One (1) interment of a body and two (2) interments of cremated remains in one (1) grave in the New Greenwood Baby/Children's Section and the Holy Sepulchre Baby/Children's Shrine.
 - ii) One (1) interment of cremated remains in a single grave and two (2) interments of cremated remains in a companion grave in the New Greenwood Urn Garden, New Greenwood Cremation Hill, and Holy Sepulchre Urn Area.
 - iii) Two (2) interments in a grave in the New Greenwood Legion Hill Veterans' Section, New Greenwood Veterans' Section, and the West Korah Legion Veterans' Section.
 - iv) One (1) interment of a body (two if double-depth) and six (6) interments of cremated remains in a single grave in all other sections.

4.5 Disinterments

- a) No disinterment shall occur without the written consent of the local Medical Officer of Health and the Interment Rights Certificate holder, except on an order from the Court or as provided in the *Act*.
- b) Only Department employees, law enforcement officers, and representatives of Algoma Public Health may be present at a disinterment. All disinterments shall comply with Ontario Ministry of Health regulations.
- c) ~~Disinterment of the lowest body in a double-depth grave is not permitted.~~
[Amended by By-law 2022-136]
- d) Prior to disinterment, the Department, in its sole discretion, may remove any marker, shrub, or plant at the expense of the Interment Rights Certificate holder. ~~Disinterment of a body in a mausoleum crypt is not permitted.~~
[Amended by By-law 2022-136]
- e) Concrete or wooden containers from disinterments shall be destroyed by the Department.

5. RULES AND REGULATIONS RESPECTING CREMATION

- 5.1 No body shall be cremated until a burial permit (unless exempted under the *Act*) and an Application for Cremation and Coroner's Certificate in the form attached hereto as Schedule C has been deposited with the Cemetery Office.
- 5.2 No body shall be cremated on a Sunday or statutory holiday except by a medical certificate in accordance with Ontario Ministry of Health regulations for the control of communicable diseases.
- 5.3 A body delivered to the crematorium for cremation shall be cremated in the casket or container in which it is received. The container shall be:
 - a) made of wood or other combustible material;
 - b) closed in order to provide complete covering of human remains;
 - c) dry and resistant to leakage or spillage;
 - d) ridged enough for handling with ease; and
 - e) of a maximum size of 71cm (28") wide, 2.22m (7') long, and 60cm (24") high.
- 5.4 Under no circumstance shall the Department open a casket or container.
- 5.5 No body with a pacemaker, radioactive implant, or other hazardous device or implant shall be cremated. The party authorizing the cremation shall be responsible for taking all necessary steps to ensure that any such implant or device is removed prior to cremation and shall be liable for any damage to the crematorium or injury to

personnel in the event of failure to notify the funeral director or other person responsible for the removal of such a device.

- 5.6 Cremated remains shall be placed in a sealed temporary container, which shall be furnished without additional charge by the Department, and such container may be left at the crematorium for up to one (1) year. If at the expiry of one (1) year, and after reasonable efforts to contact the party who authorized the cremation, directions for the disposal of such cremated remains have not been received, the cremated remains shall be interred in Greenwood Cemetery or in Holy Sepulchre Cemetery. The regular fee for interment of cremated remains shall be charged to the party who authorized the cremation.
- 5.7 All urns shall be properly sealed.
- 5.8 The scattering of cremated remains in the cemeteries is not permitted.
- 5.9 The Department shall not cremate the remains of more than one person at one time.
- 5.10 The Department has the right to refuse to cremate a body.

[6A - ENACTED BY BY-LAW 2021-217]

6A. RULES AND REGULATIONS RESPECTING MUSLIM BURIALS There is a dedicated Muslim section in New Greenwood Cemetery.

6A.1 Muslim interments require the dedicated leadership appointee of the specific Muslim group communicate to the Manager or designate the intent to inter at the cemetery. The Manager shall receive at least 24-hours notice for the time and date of all interments. The Manager retains the right to refuse any interment request that provides less than 24-hours notice.

6A.2 The Manager will work with the Muslim cultural group to recognize their cultural beliefs while maintaining necessary health and safety practices and operational capacities. Except as set out in this By-law, the decision of the Manager under this section regarding any permitted activities or memorials shall be final.

6A.3 Cremation interment is not permitted in the Muslim section.

6A.4 Notwithstanding section 4.1(g) of this by-law, remains may be interred in a grave in the Muslim section in a shroud or casket.

6. GENERAL RULES AND REGULATIONS

- 6.1 No person shall do any work within the cemetery without the permission of the Manager.
- 6.2 No lot shall be filled above the grade established in the cemetery.

- 6.3 No funeral or interment shall be permitted in the cemetery except between the hours of nine a.m. and four p.m. All interment services shall be concluded by the hour of four p.m. except under special circumstances whereby permission may be granted by the Manager upon payment of additional labour charges as set out in the Price List.
- 6.4 No person shall enter or be within the cemetery before eight a.m. or after one-half hour before sundown, except police officers and authorized personnel of the Department.
- 6.5 No child under the age of sixteen (16) years shall be permitted within the cemetery, except under the direct control of an adult.
- 6.6 Funeral processions within the cemetery shall follow the route indicated by the Manager.
- 6.7 No parades other than funeral processions shall be admitted or organized within the cemetery.
- 6.8 No equipment other than that provided or approved by the Department shall be used in the cemetery.
- 6.9 Remains of animals shall not be interred in any lot, nor shall the remains of animals be cremated by the Corporation.
- 6.10 A body must be cremated or interred in the receptacle used for transportation to the cemetery. No exchange of casket or container shall be permitted.
- 6.11 Leashed pets are permitted on cemetery grounds. Owners must control their animals at all times and clean up after them if necessary. **[Amended by By-law 2015-163]**
- 6.12 No unlicensed motorcycles, all-terrain vehicles, or motorized snow vehicles shall be permitted within the cemetery.
- 6.13 No vehicle shall be driven at a speed greater than fifteen (15) kilometres per hour within the cemetery, or elsewhere than upon the roadways provided for vehicles.
- 6.14 No refreshments or alcoholic beverages shall be permitted within the cemetery.
- 6.15 No person shall play any game or sport within the cemetery.
- 6.16 No person shall discharge a firearm in the cemetery except at a military funeral.
- 6.17 No person shall damage, destroy, remove, or deface any property within the cemetery.
- 6.18 No person shall willfully disturb persons assembled for the purpose of an interment.
- 6.19 No person shall deposit rubbish in the cemetery except in the receptacles provided.

- 6.20 Soliciting within the cemetery is strictly prohibited.
- 6.21 The Corporation shall not be responsible for loss of or damage to: a lot, flowers, marker, structure, photograph, lantern, vase, statuary, or any article or object of any kind attached to or part of any marker or crypt front or objects thereon. The Corporation shall only be responsible for damage to lots and markers knowingly caused by the Department.
- 6.22 The Department has the authority to remove unsightly flower arrangements, and any item or thing, including flowers, flower beds, or trees that contravene the provisions of this by-law or present a health or safety hazard to employees or others.
- 6.23 Complaints shall be made at the office of the Manager.

7. CONTRACTORS AND EMPLOYEES

- 7.1 All employees, whether employees of the Department or others, shall be subject to the direction and control of the Manager while working in the cemetery.
- 7.2 If in the immediate vicinity of a funeral or interment service, employees shall cease work until conclusion of the service.
- 7.3 No work shall be commenced that cannot be completed during regular cemetery hours, including the removal of debris, unless by permission of the Manager.
- 7.4 Heavy loads may be prohibited from the cemetery at the discretion of the Manager.

8. RULES AND REGULATIONS RESPECTING COLUMBARIUMS

- 8.1 The only item permitted on the niche wall is a standard plaque provided by the Department.
- 8.2 The only items permitted on a niche front (other than the niche wall) are a vase as prescribed in section 15.3 of this by-law and/or a photograph.
- 8.3 Photographs shall be oval and no larger than 5.7cm x 7cm (2 ¼" x 2 ¾"). Placement shall be in accordance with specifications set out in Schedule D attached hereto.
- 8.4 Items shall not be placed around or attached to the vase stem. Any violation of this requirement shall result in removal of the item by the Department.
- 8.5 Inscription tablets on the face of a niche shall only be removed and installed by the Department.

9. RULES AND REGULATIONS RESPECTING MAUSOLEUMS

- 9.1 A crypt in a mausoleum must be paid for in full prior to interment, even in the case of at-need purchases.

- 9.2 The only items permitted on a crypt front are a vase, flower or cross as prescribed in section 15.4 of this by-law and/or a photograph. **[AMENDED BY BY-LAW 2021-217]**
- 9.3 Vases and photographs shall be installed by monument dealers approved by the Department.
- 9.4 Photographs shall be oval and no larger than 8.9cm x 5.7cm (3½" x 2¼"). Placement shall be in accordance with specifications set out in Schedule D attached hereto.
- 9.5 Items shall not be placed around or attached to the vase stem. Any violation of this requirement shall result in removal of the item by the Department.
- 9.6 Inscription tablets on the face of a crypt shall only be removed and installed by the Department.

10. RULES AND REGULATIONS RESPECTING GRAVES IN CEMETERIES

- 10.1 All lots sold shall be kept properly graded, sodded and mowed by the Department.
- 10.2 The Department, in its sole discretion, may remove any tree or shrub in the cemetery that is detrimental to adjacent lots, drains, roads or walks; prejudicial to the general appearance of the grounds; or inconvenient to the public.
- 10.3 No person shall move any corner post or grave marker without permission of the Manager.
- 10.4 Borders, fences, railings, walls, curbs, benches, steps, articles made of glass, (except as set out in Section 14.3(h) of this by-law), and structures of wood (except wooden crosses as set out in Section 13.17 of this by-law) are not permitted.
- 10.5 Copings, hedges, and borders in or around lots are not permitted with the exception of rubber borders around flower bed which are flush with the ground.
- 10.6 Aggregates (stone, gravel, etc.) are not allowed within flower beds, or as an adornment on the ground surrounding a monument, or anywhere on the grave itself. These materials can present a safety hazard to patrons and workers alike as they can become projectiles when mowing equipment comes into contact with them. **[ENACTED BY BY-LAW 2021-217]**

11. TREES

- 11.1 Trees are not permitted on single graves, but are permitted on double graves or higher.
- 11.2 Trees are not permitted in the New Greenwood Urn Garden.
- 11.3 The maximum height of any tree planted on a lot is 152cm (60").
- 11.4 All trees, wherever permitted, shall be in line with the markers in that row.

12. FLOWERS

12.1 Hanging baskets, vases, and flower stands are not permitted in the cemetery with the exception of vases as prescribed in Section 15 of this by-law.

12.2 Crematorium, Columbarium

- a) No flowers are permitted in the crematorium with the exception of casket sprays.
- b) No flowers are permitted in front of or on the niche wall.
- c) Fresh and artificial flowers are permitted on a niche in a columbarium, provided they are placed in a vase as prescribed in Section 15.3 of this by-law.

12.3 Mausoleum

- a) Fresh and artificial flowers are permitted in a mausoleum, provided they are placed in a vase as prescribed in Section 15.4 of this by-law.
- b) Flower arrangements that obscure or extend over adjacent crypt fronts shall be removed by the Department.
- c) Potted plants are not permitted in a mausoleum.

12.4 New Greenwood Urn Garden Graves

- a) Flower beds are not permitted on graves in the New Greenwood Urn Garden.
- b) Fresh or artificial flower arrangements are only permitted on graves in the New Greenwood Urn Garden between May 2 and October 31.
- c) Potted plants are not permitted in the New Greenwood Urn Garden.

12.5 Holy Sepulchre Baby/Children's Shrine

- a) Flower beds in the Holy Sepulchre Baby/Children's Shrine Section shall not exceed 40cm (16") long and 20cm (8") wide.
- b) Fresh or artificial flower arrangements are only permitted on graves in the Holy Sepulchre Baby/Children's Shrine between May 2 and October 31.
- c) Potted plants are not permitted in the Holy Sepulchre Baby/Children's Shrine.

12.6 **All Other Cemeteries:** New Greenwood: Veterans Sections (including Legion), Cremation Hill, Baby/Children's Shrine, adult, child, and infant graves; Holy Sepulchre: Flat Marker Area, Urn Area, adult, child and infant graves; all graves in Pine Grove Cemetery and West Korah Cemetery

- a) Flower beds (containing either fresh or artificial flowers) are permitted only on graves having a marker and shall be restricted to the area immediately in front

of the marker; no wider than 40cm (16"); and no longer than the marker base.
[Amended by By-law 2015-191]

- b) Artificial wreaths are not permitted with the exception of:
 - i) An artificial saddle wreath fastened to the top of a marker; or
 - ii) An artificial wreath securely fastened to a three (3) pronged, free-standing wire tripod of a maximum height of 91cm (36").

Where artificial wreaths are permitted, only one artificial wreath is permitted per plot.

12.7 Wreaths blown to the ground in the cemetery will be disposed of.

12.8 Thorny plants, including, but not limited to: roses, hawthorns or Russian olive plants are not permitted to be planted in the cemetery.

12.9 The Certificate of Interment Rights holder shall be responsible for the planting and maintenance of any flower beds, trees, or shrubs placed on the lot.

12.10 In the event that it becomes necessary to remove a tree or shrub from a lot, where reasonably possible, notification shall first be given to the Interment Rights Certificate holder.

13. MARKERS AND INSCRIPTIONS

13.1 Markers shall be subject to specifications as set out in Schedule D attached hereto.

13.2 Inscriptions on niches and crypts shall be subject to specifications as set out in Schedule D attached hereto.

13.3 Prior to the installation of a marker, an application for a monument permit shall be submitted to the Department together with drawings of the proposed marker and the fee as set out on the Price List.

13.4 No marker shall be erected on a lot until any accrued charges have been paid in full.

13.5 Markers shall be installed by monument dealers approved by the Department.

13.6 Monument dealers shall lay planks on the lots and paths over which heavy materials are to be moved.

13.7 No marker shall be delivered to the cemetery until the foundation is complete. Markers shall be erected promptly upon delivery to the cemetery.

13.8 All markers (except wooden crosses or a marker which is 46cm (18") high or less) shall be set upon adequate concrete bases.

13.9 Any damage caused to any lot, marker, or other structure shall be the responsibility of the monument dealer who shall be liable therefor.

13.10 It shall be the responsibility of the monument dealer to correctly identify and properly place inscriptions on markers and the Corporation assumes no responsibility therefor.

13.11 The maximum number of markers permitted on a single grave is:

Greenwood (New and Old, Holy Sepulchre, Pine Grove and West Korah cemeteries

- a) One upright marker and one pillow marker with one name and five flat markers; or
- b) One upright marker and one pillow marker with two names and four flat markers

The upright marker shall be located in the centre of the top lot line, or as otherwise designated and approved by the Manager.

New Greenwood Urn Garden, New Greenwood Cremation Hill and Holy Sepulchre Urn Area

- c) One flat marker.

Holy Sepulchre “Flat Area”

- d) Six flat markers

New Greenwood Legion Hill Veterans’ Section, New Greenwood Veterans’ Section, and the West Korah Legion Veterans’ Section

- e) One upright marker and up to two flat markers

[All of paragraph 13.11 Amended by By-law 2015-163]

13.12 Where markers have been erected prior to the enactment of any by-law regulating the cemeteries, similar markers may be added to graves in the same area at the discretion of the Manager.

13.13 No marker shall encroach on any grave space.

13.14 All markers (with the exception of wooden crosses as specified under section 13.17 of this by-law) shall be constructed of granite or marble.

13.15 Any plaque or other attachment must be an integral part of the marker and fabricated of a non-corrosive metal.

13.16 The bottom bed of all bases and markers shall be cut level and true.

- 13.17 Wooden crosses of cedar or pressure treated wood are permitted in the cemeteries where appropriate (with the exception being flat marker sections and urn gardens with cremation burials. **[AMENDED BY BY-LAW 2017-217]** Wooden crosses shall not have any copings or other appurtenances attached thereto.
- 13.18 Statuary shall be an integral part of the marker and shall not be placed anywhere other than on the marker or marker base. Statuary shall be included in determining the height, width, and size of the marker.
- 13.19 Statuary must be made of granite, marble, die cast aluminum, stainless steel or bronze. Copper statuary is not permitted.
- 13.20 Markers that are flush with the ground shall not have metal plates or photographs attached.
- 13.21 The Cemetery Office shall be notified before removal of any marker from the cemetery is permitted.
- 13.22 The Manager may do whatever is necessary by way of repairing, resetting or laying down any marker that presents a risk to public safety.
- 13.23 Notwithstanding the provisions of this by-law, one marker 1.83m (6') in height and 2.62m (8'6") in width may be erected in the area of the twenty-eight (28) graves owned by the Roman Catholic Diocese of Sault Ste. Marie.

14. CANDLE HOLDERS, LANTERNS, AND SOLAR LIGHT STAKES

- 14.1 Hanging lanterns and hanging solar lights are not permitted.
- 14.2 Candle holders, lanterns, and solar light stakes are not permitted in the New Greenwood Veterans' Cremated Section, New Greenwood Urn Garden, New Greenwood Legion Hill Veterans' Section, columbariums, mausoleums, Holy Sepulchre Flat Marker Area, or Holy Sepulchre Baby/Children's Shrine.
- 14.3 Candle holders, lanterns, and solar light stakes are permitted wherever 40cm (16") flower beds are permitted (New Greenwood: Veterans' Section (graves for full-body interments), Cremation Hill, Baby/Children's Section; Holy Sepulchre: Urn Area; West Korah Legion Veterans' Sections, and on any adult, child or infant grave in the New Greenwood, Old Greenwood, Holy Sepulchre, West Section, Pine Grove, and West Korah cemeteries), subject to the following conditions:
- a) There must be an upright marker on the lot.
 - b) A maximum of two (2) lights (candle holders, lanterns, or solar light stakes) are permitted.
 - c) Candles are only permitted in candle holders.
 - d) All metal parts of candle holders or lanterns are to be of anodized aluminum or die cast bronze.

- e) Candle holders and lanterns attached to markers must be made principally of granite, marble, die cast bronze, anodized aluminum, or stainless steel.
- f) Candle holders attached to a marker constitute a part of the marker and will be included in determining the overall size of the marker.
- g) The translucent section of a candle holder, lantern, or solar light must be made of unbreakable, heat-resistant glass or of a plastic material that is heat and fire resistant.
- h) The distance between candle holders or lanterns shall not exceed the length of the marker base.
- i) Candle holders or lanterns shall abut the concrete base or be mounted on the marker base.
- j) The height of a candle holder or lantern shall not exceed 0.6m (24") measured from the ground.
- k) No one candle holder may exceed 4,100cm³ (250 cubic inches) in size.
- l) Candle holders or lanterns must be adequately drained to prevent the collection of water.

15. VASES

15.1 Vases are not permitted in the Holy Sepulchre Baby/Children's Shrine Section, on graves in the New Greenwood Urn Garden, or in any of the Veterans' Sections with the exception of vases that existed prior to January 20, 1996.

15.2 Vases shall be installed by monument dealers approved by the Department.

15.3 Vases on a Niche in a Columbarium or Mausoleum

- a) Vases are not permitted on the niche wall.
- b) A maximum of one vase may be affixed or attached to a single or companion niche in a columbarium or a niche in a mausoleum.
- c) Vases shall not exceed 16cm (6.3") in height.
- d) Vases shall be the Biondan model #2940.

15.4 Vases, Flowers or Crosses on a Crypt in a Mausoleum

- a) A maximum of one vase, flower or cross may be affixed or attached to a single or companion crypt in a mausoleum.
- b) Vases, flowers or crosses shall not exceed 16cm (6.3") in height.

- c) Vases in a mausoleum must be the Biondan model #1311R, flower must be Biondan bronze flower ART.2581; cross must be Biondan cross ART.2943. **[AMENDED BY BY-LAW 2021-217]**

15.5 Vases on Markers in Cemeteries

Vases are permitted on markers in cemeteries under the following conditions:

- a) Vases shall be positioned on the front face of a marker with the exception of markers in the Holy Sepulchre Flat Marker Area which may have a vase inserted into the ground. **[AMENDED BY BY-LAW 2021-217]**
- b) A maximum of two (2) vases shall be permitted on a marker.
- c) Vases must be made of die cast bronze, stainless steel, granite, solid zinc, die cast aluminum, or marble. Copper vases are not permitted.
- d) No vase shall exceed 0.02m³(900 cubic inches) in size.
- e) Vases constitute a part of a marker and shall be included in determining the overall size of the marker.
- f) Vases must be adequately drained to prevent any collection of water.

16. SCHEDULES

All Schedules attached hereto shall form part of this by-law.

17. PENALTIES

Any person who contravenes any provision of this by-law is guilty of an offence and subject to a penalty in accordance with the provisions of the *Provincial Offences Act* or the *Act* as amended.

18. REPEAL

By-law 99-208 as amended is hereby repealed as of the date that this By-law comes into full force and effect.

19. EFFECTIVE DATE

No part of this by-law comes into force until the Registrar, Bereavement Authority of Ontario **[Amended by By-law 2022-136]** has approved the same; and until such time as the Lieutenant Governor of Ontario has proclaimed the *Funeral, Burial, and Cremation Services Act*, 2002 as being in full force and effect.

PASSED in open Council this 25th day of June, 2012.

 "Debbie Amaroso"
Mayor – Debbie Amaroso

 "Malcolm White"
Clerk – Malcolm White

LIST OF SCHEDULES

- A Contract
- B Interment Rights Certificate
- C Application for Cremation and Coroner's Certificate
- D Markers and Inscriptions