

THE CORPORATION OF THE TOWN OF SMOOTH ROCK FALLS

BY-LAW #2024-51

A BY-LAW RESPECTING THE TOWN OF SMOOTH ROCK FALLS' CEMETERIES AND
REPEALING BY-LAW 93-11

WHEREAS the Town of Smooth Rock Falls is the owner/operator of a cemeteries for the benefit of its residents;

AND WHEREAS the Funeral, Burial and Cremation Services Act, 2002 and its regulations imparts responsibility to the owners of cemeteries for their management, operation and care;

AND WHEREAS section 150(1) of Ontario Regulation 30/11 under the Funeral, Burial and Cremation Services Act, 2002 provides that the owners of cemeteries may make by-laws affecting the operation of the cemeteries;

AND WHEREAS Section 8, 9 and 10 of the Municipal Act provides for the power of a municipality and the authority for municipalities to pass by-laws for certain things that necessary for the management of a cemetery;

AND WHEREAS section 425 of the Municipal Act, 2001, authorizes municipalities to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence;

NOW THEREFORE the Council of the Town of Smooth Rock Falls enacts as follows:

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1. PREFACE

- (1) These by-laws are the rules and regulations that govern all cemeteries owned and/or operated by the Town of Smooth Rock Falls and have been approved by the Registrar, *Funeral, Burial and Cremation Services Act, 2002* (FBCSA), Bereavement Authority of Ontario (BAO).
- (2) The Council of the Corporation of the Town of Smooth Rock Falls in the discharge of their responsibilities, has adopted the following set of rules for the managing, improvement and upkeep of the Smooth Rock Falls Public Cemetery, and the other cemeteries the Town operates to maintain them as becoming and respectful place for the burial of the deceased.

2. ADMINISTRATION

- (1) The Corporation of the Town of Smooth Rock Falls 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 Cemetery shall be Managed and Administered through the Clerk's Department.
- (3) The Caretaker shall have custody of the Cemetery under the direction of the Cemetery Operator and through the direction of the Cemetery Manager. No interment or removal of bodies shall take place without notice to the Caretaker, and the Caretaker shall see that a proper Burial Permit or other certificate required by law is furnished in each instance.
- (4) The Cemetery Operator shall take reasonable precautions to protect the property of interment rights holders but assumes no liability or responsibility for the loss of, damage to, or any injury resulting from any article of any type that is placed on any lot.
- (5) In case of a medically significant event, the Town shall follow the direction set-out by the local Medical Officer of Health.
- (6) The Director may correct any error made in the sale, purchase, transfer, repurchase or resale of Interment Rights and in correcting such error he or she may substitute a lot of equal or greater value and similar location or cancel the transaction and refund all payments. The Director shall give notice to the Interment Rights Holder of both the error and the correction to the error, provided that no notice shall be required to be given in regard to a typographical error, error of calculation or similar error.
- (7) Rights Abandoned: The Town of Smooth Rock Falls may apply for a declaration that Interment Rights are abandoned and then resell the Interment Rights in accordance with the *Funeral, Burial and Cremation Services Act, 2002*.

3. DEFINITIONS

Burial/Interment: The opening of a lot and then the placing of human remains or cremated human in that lot, followed by closing the lot. The lot may be a grave in the ground, a crypt in a mausoleum or a niche in a columbarium.

Business Day: A day on which the Administrative Office is open for business.

By-laws: The rules and regulations under which the Cemetery and all of its components, facilities and functions operates.

Care and Maintenance Fund: Percentage of the purchase price of Interment Rights, and set amounts for marker and monument installations that is put into trust, the interest earned on which is used to provide care and maintenance. The amount collected as per requirements under the FBCSA and O. Reg. 30/11 and 184/12.

Caretaker: The Public Works Coordinator or alternate of the Town of Smooth Rock Falls Public Cemetery.

Cemetery: The Smooth Rock Falls Public Cemetery is the only active cemetery owned by the Town of Smooth Rock Falls and is located on Part Lot 23 Parcels 8206 and 1299 NEC, Concession 9, Township of Kendrey, District of Cochrane.

Cemetery Manager: The Smooth Rock Falls Public Cemetery is managed through the Clerk's department where the Clerk or their alternate shall serve as manager.

Cemetery Operator: The Corporation of the Town of Smooth Rock Falls and those designated for the purpose of overseeing the cemetery on behalf of the municipality.

Certificate of Interment Rights: Certificate issued by the municipality to the purchaser of interment rights to a lot, once payment has been made in full.

Columbarium: A structure designed for the purpose of interring cremated human remains in niches or compartments.

Contract: Agreement that purchasers of interment rights must sign with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

Corner Posts: Any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot.

Council: The elected municipal Council of the corporation of the Town of Smooth Rock Falls.

Cremation Lot: Any burial space intended to receive not more than 6 (six) cremated remains and having a minimum size of 1.22 meters (4 feet) by 3.05 meters (10 feet)

Crypt: An individual compartment in a mausoleum for the interment of human remains.

FBCSA: Funeral, Burial & Cremation Services Act, 2002

Grave: Any inground burial space intended for the interment of a child, adult or cremated human remains.

Human Remains: A dead human body or the remains of a cremated human body.

Inter: means the burial of human remains and includes the placing of human remains in a grave.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and to authorize the installation of a monument or marker.

Interment Rights Certificate: The document issued by the cemetery operator to the purchaser once the interment rights to a specific lot have been paid in full, identifying ownership and authority over those specific interment rights.

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- (3) The Caretaker shall have custody of the Cemetery under the direction of the Cemetery Operator and through the direction of the Cemetery Manager. No interment or removal of bodies shall take place without notice to the Caretaker, and the Caretaker shall see that a proper Burial Permit or other certificate required by law is furnished in each instance.
- (4) The Cemetery Operator shall take reasonable precautions to protect the property of interment rights holders but assumes no liability or responsibility for the loss of, damage to, or any injury resulting from any article of any type that is placed on any lot.
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Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and to authorize the installation of a monument or marker.

Interment Rights Certificate: The document issued by the cemetery operator to the purchaser once the interment rights to a specific lot have been paid in full, identifying ownership and authority over those specific interment rights.

Interment Rights Holder: The person(s) authorized or entitled to inter human remains in a specified lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.

Lot: An area of land in a cemetery intended for a single grave.

Marker: Any permanent memorial structure – monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains and may be used to indicate the location of a burial.

Mausoleum: A structure or building, other than a columbarium, used as place for the interment of human remains in sealed crypts or compartments.

Monument: A permanent tombstone, plaque, headstone, cornerstone or ornament that projects from the surface of the ground and is used to mark the location of a lot or plot.

Niche: An individual compartment in a columbarium for the interment of cremated human remains.

Opening and Closing Fee: The fee charged by the cemetery operator to excavate a grave for an interment and then refill the grave, or to open and re-seal a niche or crypt for the entombment of a casket or urn with cremated remains.

Outer Shell: A steel vault or rough box in which a casket or urn is buried

Plot: parcel of land, sold as a single unit, containing either one or multiple lots.

Resident: person who owns land or lives within the Town of Smooth Rock Falls

4. GENERAL PROVISIONS

(1) Hours of Operation:

Office Hours: Monday – Friday: 9:30am – 4:00pm
Interment Hours: Monday – Friday: 7:30am – 3:00pm during the period of May 15th to November 15th. (Dates may vary due to climatic and ground conditions)

Holidays, Saturday & Sundays: 8:00am – 2:00pm (special requests only, additional costs)

Cemetery Hours: The cemetery is open to the public at all times. Notice will be given to the public, in the event that the Cemetery needs to be closed for a certain period of time.

****Every effort will be made to complete a burial on the assigned day and time. If due to inclement weather conditions, health and safety concerns, or conditions beyond the cemetery operator's control, if an interment cannot be made at the scheduled time, the cemetery operator reserves the right to reschedule. The burial shall be completed as soon as possible.**

(2) General Conduct:

- a. The cemetery reserves full control over the cemetery operations and management of land within the cemetery grounds.
- b. No person may damage, destroy, remove or deface any property within the Cemetery.

- c. All visitors should conduct themselves in a quiet manner that shall not disturb any patrons.

(3) By Law Amendments:

The cemetery shall be governed by these by-laws, and all procedures shall comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically. All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

(4) Liability:

- a. The cemetery operator shall not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any lot, plot, columbarium niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of the cemetery.
- b. 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 Cemetery Operator and any 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.

(5) Public Register:

Provincial legislation – Section 110 of O. Reg. 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours. The register is available through the Clerk's Office.

(6) Right to Re-Survey:

The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

(7) Pet Interments :

Full body or cremated pet remains are not allowed to be interred or scattered anywhere on cemetery grounds.

(8) Rules for Visitors

- a. Visitors are always welcomed at the Cemetery but are asked to remember the respect due to the deceased.
- b. The Caretaker and his assistants are empowered and are required to preserve order and decorum in the cemetery.
- c. No parades other than funeral processions shall be admitted to or be organized within the Cemetery.
- d. Children under the age of 12 years are welcomed 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 or show disrespect.

- e. Only Funeral procession Vehicles are allowed within the cemetery and shall be driven at a minimal rate of speed and shall not leave the avenues or park on the grass unless directed to do so by the Caretaker.
- f. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
- g. NO pleasure ATVs (all-terrain vehicles) or snowmobiles are allowed in the Cemetery.
- h. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the Cemetery.
- i. NO picnic party shall be permitted in the cemetery grounds.
- j. Any complaints by Interment Rights Holder or visitors should be made to the Caretaker, or at the office of the Cemetery Operator and not to workmen on the grounds and controversies with workmen or others on the grounds are to be avoided.
- k. 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...
- l. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these by-laws, shall be expelled from the grounds.
- m. Any articles 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 Cemetery Operator. An article removed shall be held at the Cemetery for collection. If not collected, it shall be disposed of after 60 days.
- n. NO tips or gratuities are to be given to cemetery workers by visitors or Rights Holders, nor shall any be accepted by any cemetery workers.

5. SALE AND TRANSFER OF INTERMENT RIGHTS

Purchasers of interment rights holders acquire only the right to direct the burial of human remains, and the installation of monuments, markers and inscriptions, subject to the Cemetery By-law which has been approved by the Bereavement Authority of Ontario

(1) Purchase:

Interment Rights in lots may be purchased from the Cemetery Operator at the rates listed on the current price list and according to the plans approved by the Ministry of Government and Consumer Services that are on file in the office of the Cemetery Operator. The prices for lots shall include the

application portion for deposit to the Cemetery's Care and Maintenance Fund.

(2) Care and Maintenance Fund:

As required by Sections 166 and 168, of Regulation 30/11, a percentage of the purchase price of all interment rights and a prescribed amount for monuments and markers is to be contributed into the "Care and Maintenance Fund". Interest income from this fund is to be used only to provide general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when the interment rights are cancelled within the thirty (30) day cooling off period. Work that may be completed through the use on interest of the Care and Maintenance Fund include:

- a) Re-leveling and sodding or seeding of lots
- b) Maintenance of cemetery roads and water systems
- c) Maintenance of perimeter walls and fences
- d) Maintenance of cemetery landscaping
- e) Repair and general upkeep of cemetery maintenance buildings and equipment.

(3) Contract:

For purposes of these by-laws, all purchasers of interment rights, or other cemetery supplies and services, shall receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer Information Guide and the Price List.

(4) Change of Address:

An Interment Rights Holder shall inform the Municipal Cemeteries forthwith of any changes to the information contained in their Interment Rights Contract, including changes to their address or telephone number.

(5) Interment Rights Certificate – Payment in Full:

In accordance with cemetery by-laws, no burial, interment, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full.

(6) No Real Property:

The purchase of interment rights is not a purchase of Real Estate or real property.

(7) Cancellation of Interment Rights within 30 Day Cooling-Off Period:

A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator shall refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation. If the interment rights certificate has been issued to the interment rights holder, the certificate must be returned to the cemetery operator along with the written notice of cancellation.

- (8) **Cancellation of Interment Rights after the 30-Day Cooling-Off Period:** Upon receiving written notice from the purchaser of the interment rights, the cemetery operator shall cancel the contract and issue a refund to the purchaser for the current value of the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund shall be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate shall be returned to the cemetery operator along with the written notice of cancellation. If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.
- (9) **Cancellation Interment Rights after 30 Day Cooling-Off Period:** Unless the interment rights have been exercised the purchaser retains the right to cancel the contract.

10) Transfer of Interment Rights

The transfer of interment rights may only be made after the interment rights have been paid for in full. With the permission of the cemetery operator and in accordance with these by-laws, the rights holder may transfer the interment rights to another person for no consideration (no money). Transfers must be processed through the cemetery operator and the following must be provided.

- The interment rights certificate endorsed with the following:
- A statement signed by the rights holder transferring the rights, acknowledging the transfer to the third-party.
- A signed confirmation by the cemetery operator that the person transferring the rights is shown as the rights holder in the cemetery's records. Should the interment rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder in keeping with the *Succession Law Reform Act* i.e. personal representative, estate trustee (executor) or next of kin. A copy of the notarized will or other documentation may be required to ensure the person requesting the transfer is authorized to do so.
- The date on which the rights were transferred to the third-party (transferee).
- The name and address of the transferee.
- A written statement regarding the lots that are being transferred and confirmation that they are available for use.
- Any other documents in the rights holder's possession relating to the rights.
- A copy of the current cemetery by-laws must be provided the transferee.

Once all required documentation and information has been received by the cemetery operator from the rights holder(s), the cemetery operator will issue a new interment rights certificate to the transferee(s), and the transferee(s) shall be considered the current interment rights holder(s). The transfer of the interment rights shall be considered final and the cemetery's Public Register will be updated.

Administration fee for transfer:

In the case of a transfer of interment rights, an administration fee applies for the cemetery operator to issue a new rights certificate to the transferee. The fee, which is set out on the cemetery price list, is also charged for replacement of lost or damaged certificates.

6. AUTHORIZATION, INFORMATION AND DOCUMENTATION REQUIRED FOR INTERMENT OR DISINTERMENT

- a. Interment rights holder(s) shall provide written authorization prior to a burial or an interment taking place. Should the interment rights holder be deceased, authorization shall be provided in writing by the person authorized to act on behalf of the interment rights holder in keeping with the *Succession Law Reform Act* i.e. Personal Representative, Estate Trustee, Executor or next of kin.
- b. A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province shall be provided to the cemetery office prior to a burial or interment taking place. A Certificate of Cremation shall be submitted to the cemetery office prior to the burial of cremated remains taking place.
- c. In accordance with the FBCSA and O. Reg 30/11 and 184/12 the purchaser of interment rights shall enter into a cemetery contract, providing such information as may be required by the cemetery operator for the completion of the contract and the public register prior to each burial or interment of human remains.
- d. Payment shall be made to the cemetery operator before a burial takes place.
- e. For each interment in a lot or a niche an opening and closing fee will be charged. This service shall only be paid for at the time that the service is needed.
- f. The Caretaker of the cemetery, his assistant or someone in the employ of the Cemetery Operator or in the employ of a Funeral Home shall be in attendance at each interment.
- g. The opening and closing of graves, crypts and niches may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery except under special circumstances, and by written permission of the Cemetery Operator.
- h. The cemetery retains right of passage over every grave so that the cemetery operations may be performed effectively.
- i. The cemetery reserves the right to temporarily relocate a monument or marker if required to open and close a lot. The cemetery may also temporarily place the removed soil on an adjacent lot while an interment or disinterment is being carried out. The cemetery will make reasonable efforts to restore all lots after the interment or disinterment has been completed.
- j. When interments rights are held jointly by two or more persons, an order shall be accepted from either or any of them or their authorized representatives, for interment in such part as may be requested.
- k. Funeral Corteges within the cemetery shall follow the route indicated by the Caretaker.

- l. It is recommended that all Funeral Arrangements be completed in person or in writing. The Cemetery Operator shall not be responsible for any direction given verbally. Please see [O. Reg. 30/11 section 150 \(2\)](#)
- m. Notice of each interment to be made shall be given to the Cemetery Operator or the Caretaker of the Cemetery at least Seventy-two (72) hours in advance, or a minimum of three business days. The Cemetery Operator shall not be held responsible for having lots prepared for funerals unless such notice is given. Special circumstances may be reviewed and assessed as needed.
- n. Extra charges are included in the Price List for:
 - i. Saturday, Sunday or Holiday interments
 - ii. Winter burials (only when an order is received)
- o. No interment shall be permitted in any lot where the burial rights have not been paid in full.

2) In ground Burial:

- a. Not more than one burial shall be made in any single grave except:
 - i. the cremated remains, in a cremation lot, of not more than six persons
 - ii. the cremated remains of up to 4 individuals, in a regular lot and over an existing casket
 - iii. one 60.96 X 30.48 cm (24"X 12") infant container may be buried at the head end of a regular lot in which there is only one existing casket containing human remains, provided space is available.
- b. Remains to be buried in a grave shall be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container shall be of a size to permit burial within the size of the lot.
- c. Outer shells, more specifically, rough boxes or steel vaults are allowed in the Cemetery however the use of a concrete container is not permitted. Once sealed, the outer shell may not be reopened, unless a disinterment is required.
- d. The Cemetery Operator shall exercise all due care in performing burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
- e. No burials shall take place between November 15th and May 15th, except with the permission of the cemetery operator. During this period bodies shall be placed in the vault for burial after May 15th. During the period of time when burials no longer may be performed, bodies shall be placed in the vault for spring interment.

3) Cremated Remains:

- a. Urns shall not be any larger than 24" x 12" x 12" for inground grave burial. Urns to be placed in the columbarium shall be of a size that will fit the opening. Niche sizes are to be discussed with the cemetery operator prior to purchase.

- b. Scattering is prohibited anywhere on cemetery grounds.

4) Removal of Human Remains / disinterment:

- a. Human remains may be disinterred from a lot 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 shall be received at the cemetery office before the removal of casketed human remains from the cemetery may take place. A certificate from the local medical officer of health is not required for the disinterment of cremated remains from a lot or the removal of cremated remains from the cemetery.
- b. In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).
- c. NO person shall remove human remains, except cremated remains, from a cemetery unless a certificate of a Medical Officer of Health or the Cemetery Operator confirming that the FBCSA and its Regulations have been complied with and is affixed to the container. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to the FBCSA and its Regulations.
- d. The cemetery is not responsible for damage to any casket, urn, container or vault which may occur during a disinterment. Additionally, due to the length of time that a casket, urn, container or vault has been interred and the conditions to which it has been exposed, the cemetery cannot guarantee that it can retrieve the complete casket, urn, container or vault interred in the cemetery. Should a new casket, urn or container be required at the time of disinterment, it shall be at the expense of the party authorizing the disinterment. Additionally, the cemetery operator has the right to request that a licensed funeral director be present for the disinterment at the expense of the party authorizing the disinterment.
- e. Disinterment's will be scheduled at a day and time designated by the cemetery operator. The cemetery operator reserves the right to close the cemetery or the section where the disinterment is to take place. Only those persons required or permitted by the cemetery to attend a disinterment shall be allowed to enter the cemetery or the section involved during a disinterment.
- f. If reinterment does not take place within the same lot and if existing memorialization (monument, marker, niche front or crypt front) needs to be removed, it will be at the expense of the person authorizing the disinterment.
- g. Once a disinterment has been completed, the lot space shall be considered available to the interment rights holder for a new interment or transfer in accordance with these by-laws. If the grave, niche or mausoleum space from which a disinterment has occurred, is transferred, the new interment rights holder must be made aware of the previous disinterment and agree in writing to such knowledge as part of the transfer agreement.

7. MEMORIALIZATION

1) General

- a. No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full and/or a permit is obtained from the cemetery operator.

- b. No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.
- c. Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.
- d. The cemetery operator shall 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, marker, or other structure, or part thereof.
- e. Memorials – monuments, markers, plaques etc. are owned by the interment rights holder and the cemetery operator is not responsible for their loss or deterioration. These memorials should be protected by the interment rights holder's own insurance coverage.
- f. The cemetery operator reserves the right to determine the maximum size of monuments, their number and their location on each lot. Care shall be taken when approving monument sizes to ensure that they do not interfere with any future interments.
- g. No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and/or marker retailer have been notified by the cemetery operator.
- h. All foundations for monuments and markers shall be arranged to be built by, or contracted to be built for, the cemetery operator at the expense of the interment rights holder.
- i. The minimum thickness of a die should be 20.50 cm (8 inches). Should the monument exceed 106.68 cm (42 inches) overall height, the die shall be 25.40 cm (10 inches).
- j. The die stones shall be installed on a granite base. The height of the base shall be minimum of 20.50 cm (8 inches). The top surface of the base shall be both wider and longer than the die in order to provide a minimum border of 7.62 cm (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
- k. The maximum width of a base is controlled by the width of the lot where it shall 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.
- l. 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 of a size that it would interfere with any future interments.
- m. Should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems

necessary by way of laying down the monument or marker or any other remedy to remove the risk.

- n. The cemetery operator reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the trustees.
- o. A monument, private mausoleum, or other structure shall be erected only after the specific design plans have been approved by the cemetery operator including: dimensions, material of structure, construction details, and proposed location.
- p. In keeping with the cemetery by-laws only one upright monument shall be erected within the designated space on any lot.
- q. Each full-size cemetery lot is allowed one upright or one pillow monument at the head of the lot
- r. Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
- s. The minimum thickness for flat markers including footstones is 4 inches or 10 cm.
- t. All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).

8. CARE AND PLANTING

- 1) No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
- 2) No person shall plant trees, flower beds or shrubs in the cemetery except in accordance with these by-laws or with the approval of the cemetery.
- 3) Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- 4) Any person other than an employee or contractor of the operator, including an Interment Rights Holder or their heir or representative, caring for a lot does so entirely at their own risk, including assuming the risk for any loss of or damage to an item placed, planted or installed on a lot or attached to a monument or any injury to themselves.

9. ITEMS THAT ARE PROHIBITED AND PERMITTED

The cemetery reserves the right to regulate the articles placed on lots that pose a threat to the safety of all interment rights holders, visitors to the cemetery and cemetery employees, prevents the cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery. Prohibited articles shall be removed and disposed of without notification.

- 1) The following articles are prohibited from being placed on lots within the cemetery:
 - a. articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments), ceramics, or corrosive metals;
 - b. loose stones or sharp objects;
 - c. trellises or arches;
 - d. chairs or benches unless they are part of the commemorative donation program.
- 2) Solar lights may be permitted as long as the anchor point can resist the regular maintenance of the cemetery. Any lights damaged in the process of maintenance shall be disposed of.
- 3) The cemetery reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.
- 4) Potted plants must not be situated on the ground. Potted plants are permitted as long as they are placed on the monument or placed on a hanging stand that only has one anchor
- 5) Memorial wreaths may be placed in the cemetery starting May 15th and, in order to prepare the grounds for spring, wreaths shall be removed prior to September 15. Wreaths not removed by September 15th shall be removed and disposed of by the Cemetery without notification.
- 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 shall be made of an unbreakable, heat-resistant glass or of a plastic material that is fire resistant.
 - a. Candle holders shall be included in determining the overall size of the memorial.
 - b. A maximum of two candles or vases may be placed on the base of a monument. They shall be placed and centred on the end or ends of the base.
 - c. A candle holder shall have appropriate drainage to prevent any collection of water.
 - d. Candle holders shall be fully enclosed on all sides by a door or lid.

10. CONTRACTOR/MONUMENT DEALER

- 1) Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery operator's office and provide the necessary approvals before commencing work at any location on the cemetery property.

- 2) NO monument or marker shall be delivered to the Cemetery without the proper paperwork including the following:
 - a. The Interment Rights Holder's name and address;
 - b. Information on the placement of the marker or monument;
 - c. The dimensions of the marker;

In the case of a monument:

- d. The dimensions of the die (height, width, length);
- e. The dimensions of the base (height, width, length);
- f. The overall size of the monument

Any person installing a monument/marker in the Cemetery shall first pay the prescribed amount, as set out in the FBSCA Act to the Cemetery's Care and Maintenance Fund. The interest earned from this fund will be used to maintain, secure and preserve cemetery grounds.

- 3) No monument or marker shall be removed without written permission from the Caretaker.
- 4) All companies who do work for the Town of Smooth Rock Falls, shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance.
- 5) All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.
- 6) Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the cemetery operator. All work shall be done during regular working hours, unless by special permission of the Caretaker.
- 7) Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.
- 8) Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved to protect the surface from damage.
- 9) There shall not be a variance of more than 1.27 cm (1/2") in the size of the base required as stated on the work order and the size of the monument delivered.
- 10) The demeanour and behaviour of all individuals employed by others in the Cemetery, shall be subject to the control of the Caretaker.

11. COLUMBARIUMS

- Payment shall be made to the cemetery operator before an interment may take place

- Only the cemetery operator and cemetery staff may open and seal niches for interments. This applies to the niche front. Once removed, individuals may be provided with the key for the internal door, to set the cremated remains inside the niche
- To ensure quality control, desired uniformity and standard of workmanship, the cemetery reserves the right to inscribe all niche fronts or install all lettering.
- No person other than cemetery staff shall remove or have alter niche fronts.
- Persons wishing to cancel an unused niche purchase: please see the section on cancellation and be aware that there will be the added cost of the Door resurfacing as that is completed soon after the purchase is finalized.

12. MORTUARY

Mortuary Regulations

1. Permission to use of the Storage Vault shall be obtained from the Caretaker of the Cemetery.
2. The Caretaker may remove a body deposited in the Vault and inter it in a single grave at any time after the expiration of the time for which payment has been made. The Caretaker may also order the interment at any time should the condition of the body render its interment necessary or expedient. Should this occur, reasonable efforts will be made to contact the interments rights holder or representative prior to the interment occurring.
3. All Funeral Homes and/or Interment Rights Holders should have proper insurance coverage for any bodies stored in the Vault.
4. All bodies shall be removed from the Vault prior to the 30th of May in each year or as soon as possible depending on ground frost level, and weather conditions in the Spring. The Caretaker reserves the right to determine if the weather conditions are adverse enough to prevent a burial. If it be deemed necessary, the Vault may be used at no charge until the weather conditions permit the interment.
5. The bodies of persons dying from contagious diseases cannot be admitted to the Vault but shall be interred promptly.
6. All bodies stored in our Vault shall, for health reasons, be embalmed.
7. No body shall be placed in a reinforced cardboard container for storage. Only bodies placed in a wooden or steel casket may be stored.

13. OFFENCES AND PENALTIES

(1) Any person, organization or business who contravenes the provisions of this by-law is guilty of an offense and, upon conviction, is subject to the penalty set out in the Funeral Burial Cremation Services Act, 2002, or the Provincial Offences Act.

(2) The By-law may be enforced by an Officer of the municipality.

(3) Municipal Officers and Cemetery staff authorized by the operator have authority to direct any person who does not comply with this By-law or the FBCSA to leave a cemetery in accordance with provincial regulations.

14. VALIDITY:

If a court of competent jurisdiction declares any subsection, section or part of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

15. REPEAL:

By-Law #1993-11; Being a By-Law to Administer, Regulate and Govern the Municipal Cemetery and By-Law #2008-14; Being a By-Law to amend By-Law #1993-11 to administer, regulate and Govern the Municipal Cemetery are hereby repealed.

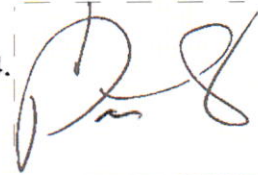
16. SHORT TITLE:

This by-law shall be known as the Cemetery By-Law.

17. ENACTMENT:

This by-law shall come into full force and effect upon the final passing thereof and receipt of approval from the Registrar, Bereavement Authority of Ontario and receipt of approval of short form wording under the *Provincial Offenses Act*.

READ A FIRST AND SECOND TIME this 16th day of December, 2024.



MAYOR

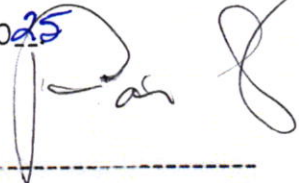
Patrick Roberts



MUNICIPAL CLERK

Nathalie Vachon

READ A THIRD AND FINAL TIME this 18th day of February, 2025



MAYOR

Patrick Roberts



MUNICIPAL CLERK

Nathalie Vachon