

The Corporation of the City of Hamilton

BY-LAW NO. 95- 125

To Authorize

THE CEMETERIES OPERATION BY-LAW

WHEREAS Section 50 of the Cemeteries Act (Revised), R.S.O. 1990, Chapta C.4 authorizes the owner of a cemetery to enact a by-law for the operation of a cemetery;

AND WHEREAS The Corporation of the City of Hamilton owns and operates several cemeteries;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting the Item 4 of the **1st** Report of the Parks and Recreation Committee at its meeting held on December 13, 1994 authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

Preface:

This By-law governs the following cemeteries:

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| Hamilton Cemetery | Stoney Creek Cemetery |
| Woodland Cemetery | Trinity Cemetery |
| Eastlawn Cemetery | St. Peter's Cemetery |
| Burkholder Cemetery | Bartonville Cemetery |
| Mt. Hamilton Cemetery | Barton Stone Cemetery |
| Smith's Cemetery | St. George's Cemetery |
| Binkley Cemetery | Ryckman's Cemetery |
| Mansion of Memories Mausoleum | |

And any Cemetery which may in the future become the responsibility of the City of Hamilton.

The Council of the Corporation of the City of Hamilton 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 dead.

The above mentioned Cemeteries are licensed to act as cemeteries in accord with the Cemeteries Act, R.S.O., 1990.

These By-laws are adopted for the mutual protection of the Interment Rights Holders, the staff, the general public and the City of Hamilton.

All Interment Rights Holders, visitors, cemetery employees, person working directly or indirectly for Interment Rights Holders and all graves or lots shall be subject to these **rules** and regulations as well as amendments or alterations as shall be adopted by the City of Hamilton.

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

A) Administration

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1. The Corporation of the City of Hamilton reserves full and complete control and management of all assets of the Corporation including but without liiting the generality of the foregoing: land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer these by-laws.

Manager's power

2. The Manager 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 Manager, who shall see that a proper Burial Permit or other **certificate** required by law is furnished in each instance.

Disclaimer

3. The Corporation expressly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.

Precaution to protect	4. The Corporation shall take reasonable precautions to protect the property of Interment to protect Rights Holders but it assumes no liability or responsibility for the loss of or damage to any article of any type that is placed on any lot or grave.
Ownership	5. All Cemeteries listed above are owned and operated by the City of Hamilton.
Reporting Structure	6. Hamilton Municipal Cemeteries is a division of the Public Works Department and reports to the Parks and Recreation Committee through the Director of Public Works, herein after called the Cemeteries.
Manager's Authority	7. The Manager of Cemeteries or his representative shall uphold the provisions of the By-laws Duties and the Cemeteries Act. The manager has the authority to make final and binding decisions based on the By-laws. Appeals to the Manager's decision can be made to the Director of Public Works.
Duties	8. Duties of Hamilton Municipal Cemeteries: a) To manage and maintain all cemeteries under its jurisdiction b) To uphold the provision of the Cemetery Act. c) To uphold the provision of the Cemetery By-laws.
Rights	9. Hamilton Municipal Cemeteries have the right to enlarge, reduce, replot, and/or change the boundaries or grade of the cemeteries.
Discrimination	10. All decisions made by the City and the Cemeteries shall be made without regard to race, creed, colour, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age.
Notice	11. All notices required by any By-law or regulation to be given to any Interment Rights Holder may be given personally, or may be mailed to the last known post office address of such Rights Holder or his legal personal representatives, and proof that such notice was so mailed shall be good and proof that such notice was given.
Headings	12. The headings and marginal notes are not part of the By-laws and are intended only for the assistance of the reader and are not binding.

B) Definitions

1. "Cemetery" means land set aside to be used for the interment of human remains and this includes Mausoleum, Colombarium or any other structure intended for the interment of human remains.
2. "Ministry" means the Ministry of Consumer and Commercial Relations for the Province Ontario.
3. "Corporation" means the Corporation of the City of Hamilton.
4. "Council" means the Hamilton City Council.
5. "Treasurer" means the Treasurer of the City of Hamilton.
6. "Bylaw" when used in relation to a cemetery, means **the** rules under which a cemetery is **operated.**
7. "Manager" means the Manager of Hamilton Municipal Cemeteries as appointed by Council.
8. "Grave" means an **area** of land in a cemetery containing, or set aside to **contain,** human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a **columbarium.**
9. "Adult Grave" means any burial space intended for an adult, and having a minimum size of approximately 0.91 meters (3 feet) by 2.74 meters (9 feet).
10. "Children's Grave" means any burial space of 0.91 meters (3 feet) by 1.83 meters (6 feet).
11. "Infant Grave" means any burial space intended for an infant, and having a minimum size of **45.72cm** (18 inches) by 0.91 meters (3 feet).
12. "Cremation Grave" means any burial space intended to receive not more than 2 (two) cremated remains and having a minimum size of **45.72cm (18 inches)** by 1.22 meters (4 feet).

13. "Interment Rights" includes the right to require or direct the interment of human remains in a lot, grave etc..
14. "Interment Rights Holder" means a person with Interment Rights with respect to a lot or grave and includes a purchaser of Interment Rights under the Cemeteries Act, being chapter C.3 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act.
15. "Plan" means the plan of the cemetery, approved by the Ministry of Consumer and Commercial Relations for Ontario.
16. "Lot" means two or more graves in which the rights to inter have been sold as a unit.
17. "Register*" means electronic, or written records of the Cemeteries, kept in accordance with the Cemeteries Act.
18. "Certificate of Interment Rights" means **the certificate** issued by the Corporation to the purchaser of Interment Rights in either a lot, grave or niche.
19. "Care and **Maintenance** Fund" means the trust fund in which all monies received by the Corporation for the care and maintenance of lots, graves, markers and monuments have **been** invested.
20. "**Trust** funds" means those funds in which a trustee may invest, which are defined in the "Trustee Act", R.S.O. 1990, CH. T. 23
21. "Monument" means any permanent memorial projecting above the ground level and situated on a base.
22. "Marker" means any memorial of Granite or **bronze** on a granite base, set flush with the surface of the ground, and used to mark the location of a lot or grave. A marker also may mean an ornament **affixed** to or intended to be affixed to a lot such as a **columbarium** niche or other structure or place intended for the deposit of human remains.
23. "Corner-posts" means any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot.
24. "Mausoleum" means a building or structure, other than a **columbarium**, used as a place for the interment of the human remains in sealed crypts or compartments.
25. "**Columbarium**" means a structure designed for interring cremated human remains in sealed compartments.
26. "Cremorial" means a structure designed for interring of cremated remains.
27. "Tariff of Charges" means a price list set by Council.
28. "Resident" means a person living in the City of Hamilton at the time of death or purchase of a service or product. It may also be a person who does not reside within the city limits but whose name appears on the assessment roll.

C) **Contracts & Transfer of Interment Rights**

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| Right to sell | 1. No person shall sell Interment Rights unless that person does so on behalf of the Corporation. |
| Sale of
I n t e r m e n t
Rights | 2. Interment Rights in lots and graves may be purchased from the Corporation at the rates filed with the Ministry and according to the plans approved by the Ministry of Consumer and Commercial Relations for Ontario that are on file in the office of the Manager of the Cemetery. The prices for Interment Rights include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund. |
| Rates | 3. The Tariff of Charges is set annually and normally comes into effect on January 1. No charges shall be made that are not covered in the Tariff of Charges. |
| Payments | 4. All cheques , money orders, etc. should be made out to Hamilton Municipal Cemeteries and must accompany the signed contract. |
| Contracts | 5. All contracts must be signed by the purchaser and the Manager or their duly authorized representative. |

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| Procedure to Purchase | 6. Interment Rights for lots and graves shall be deemed to be sold or reserved from sale when such sale or reservation is reported at the Cemetery Office. All Interment Rights must be purchased at the Cemetery Office and the Purchaser or their representative is to be shown the lot or grave that they have purchased the Rights to, and pay all charges that are incurred at the Cemetery Office. |
| Singels in a Row | 7. Single graves in a row may be secured in the sections designated for that purpose at the prices laid down in the Tariff of Charges, and there shall be no choice of location, as the graves will be filled in regular order. Single graves in a row shall not be sold to be reserved for future interment. |
| Preferred Singles | 8. Preferred single graves may be purchased in advance of need. |
| On Hold | 9. Hamilton Municipal Cemeteries will hold preferred single graves and lots for three months without any payment unless the three month period enters a new Tariff of Charges period. |
| Care & Maintenance Formula | 10. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the Cemeteries Act, R.S.O., 1990 that came into effect April 1st, 1992. <ol style="list-style-type: none"> 1. In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$150. 2. In the case of an in-ground grave for the burial of a child or of cremated remains, 40% of the selling price. 3. In the case of a crypt in a mausoleum, the greater of 20% of the selling price or \$500. 4. In the case of a niche or compartment in a columbarium, the greater of 15% of the selling price or \$100. |
| Income from Care & Maintenance | 11. The income from the Care and Maintenance Fund shall be expended by the City in such a manner as will be most advantageous to the Interment Rights Holders as a whole. The City Council has the full power and authority to determine upon what property, for what purpose and in what manner the income from said Care and Maintenance Fund shall be expended for the care, reconstruction, repair and maintenance of all or any portion of the Cemeteries' grounds, and, it may also expend said income for attorney's fees and other costs necessary to the preservation of the legal rights of the City in connection with the Cemeteries. |
| Cemetery's Duty | 12. The Corporation shall provide each Rights Holder at the time of sale with: <ol style="list-style-type: none"> 1. a copy of the contract. 2. a copy of the Cemetery By-laws 3. upon payment in full, a Certificate of Interment Rights. |
| Puchaser's Rights | 13. Purchasers of Interment Rights acquire only the right and privilege of burial of the dead and of constructing monuments or placing markers, subject to the Cemetery By-laws from time to time in force and approved by the Ministry of Consumer and Commercial Relations. |
| Interments | 14. No Interment Rights will be granted onto a roadway or pathway unless the road or pathway is closed. |
| Transfers to Others | 15. 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 Manager of the Cemeteries, 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. |
| Transfer by Heirs | 16. Where a transfer of Interment Rights for a burial lot is made by the heirs or a representative of a deceased Rights Holder, proof by sworn declaration or otherwise that such heirs or representatives, have a right to convey shall be made to the satisfaction of the Manager of Cemeteries before such transfer shall be registered. |
| Repurchase Rights | 17. An Interment Rights Holder may require, by written demand, the Cemetery to repurchase the rights at any time before they are used. The Cemetery shall repurchase the Rights within thirty days from the date that the request was received. |
| Repurchase Formula | 18. The repurchase price of the Interment Rights, shall be the amount paid by the purchaser for the rights less the amount paid by the cemetery owner to the Care and Maintenance Fund. This also applies to all purchases or contracts that were made before this Act came into being. |

- unknown Price 19. If the original selling price is unknown, the repurchase price shall be deemed to be \$50.00 according to the Cemeteries Act, R.S.O., 1990.
- Limit of Repurchase 20. In accordance with the Cemeteries Act, R.S.O., 1990, the Corporation is not required to repurchase the Interment Rights for more than four lots held by the same interment right holder in a twelve month period.
- Time Limit to Repurchase 21. The Corporation after receiving such a demand, shall repurchase the Interment Rights within thirty days after receiving the demand.
- No Refund 22. NO REFUND will be made for any lot if any Interment Rights have been exercised.
- Cancellation Period 23. Any purchaser of supplies or services from The Corporation may cancel, by written notice to the Corporation, to the attention of the Manager, 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 30 day grace period has passed.
- Cancellation Void 24. Section 23 does not apply if the supplies or services are provided within thirty days after the contract is made as a result of the death and interment of the person for whom the supplies or services were contracted.
- Responsibility 25. Interment Rights Holders and pre-need Rights Holders are responsible to keep the cemetery office informed of any changes to the contract, especially address and telephone number.
- Rights Abandoned 26. If any Interment Rights have not been used after a 20 year period has passed, they may be considered abandoned. The cemetery may apply to the Registrar of the Ministry 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 Cemetery may resell the lot in question.
- Redress for Abandoned Rights 27. 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 whose Interment Rights have been resold.

D) Interments and Disinterments

- Winter 1. Winter interment shall take place weather permitting.
- Limits 2. Not more than two interments shall be made in any single grave except:
 1. in areas designated for single depth interment.
 2. the cremated remains of not more than 2 persons.
 3. in addition to a standard interment, the cremated remains of not more than 1 person.
- Container Requirement 3. Remains to be buried in a lot or 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.
- Authorization 4. All interments must be authorized in writing by the Interment Rights Holder except the interment of the Interment Rights Holder.
- Supervisor 5. The Manager of the cemetery, their assistant or someone in the employ of the Corporation shall be in attendance at each interment.
- Requirements for Interment 6. A burial permit issued by the Division Registrar, showing that the death has been registered, the fee for the opening of the lot or grave according to the fee found in the Tariff of Charges and a signed contract, must be deposited with the Manager of Cemeteries before interment can take place.
- Requirements for cremation Interment 7. In the case of a cremation interment, the cremation certificate and the prescribed fee for this service according to the Tariff of Charges plus a signed contract must be deposited with the Manager of Cemeteries.

Funeral Directors	8.	Funeral Directors ordering graves will not be responsible for charges incurred, but must send the immediate family or person responsible for burial to the Cemetery office to arrange payment of all charges incurred before the burial takes place. If no family is available the Funeral Director is responsible for charges and signing of contracts.
Authorizaiton	9.	When Interment Rights in a lot/grave are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives , for interment in such part of the lot or grave as may be requested.
Opening Rights	10.	No lot or niche shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Cemetery, except under special circumstances, and by permission of the Manager of Cemeteries.
Fee Includes	11.	The interment fee includes the opening and closing of the lot, grave or niche and the registration of the burial.
Disinterments	12.	No person shall remove human remains, except cremated remains from a cemetery unless a certificate of a Medical Officer of Health and the Manager of Cemeteries confirming that the Cemeteries Act and the regulations have been complied with 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 Cemeteries Act and regulations.
Responsibility	13.	The Cemetery 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 .
No Interment	14.	No interment shall be permitted in any lot, grave or niche where the burial rights have not been paid in full .
Funeral Routes	15.	Funeral corteges within the cemetery shall follow the route indicated by the Manager or their Designate.
Cemetery Rights	16.	The Cemetery shall have the sole right to supply tents, lowering devices and grave dressings at all burials. Charges for the foregoing work will be made according to the rates laid down in the Tariff of Charges.
Correction	17.	The Cemetery 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 Cemetery 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. Notice will be given personally to the Rights Holders. If necessary, it may be mailed to the Rights Holders or their legal representatives, at their last appearing address in the record books of the Cemetery. In the event any such error may involve the disinterment of remains, the Cemetery shall first obtain the approval of any regulatory authority and the interment Rights Holder.
Not Reponsible	18.	The Cemetery shall not be held responsible for any errors in any arrangements made over the phone. These arrangements shall be made in writing when the contract is signed.
Notice	19.	Notice of each interment to be made shall be given to the Manager of the Cemetery at least 8 working hours in advance. The Cemetery cannot be held responsible for having graves prepared for funerals unless such notice is given.
Animal Burials	20.	Bodies of any animals shall not be buried in the Hamilton Cemeteries.
Sunday & Holiday	21.	The Cemetery will not do any Sunday or Statutory Holiday interments unless ordered to do so by a representative of the Ministry of Health.
Disaster Authority	22.	In the event of a disaster which results in numerous interments in the Cemeteries, the Cemetery crew will work whatever hours are necessary as authorized by the Cemetery Manager. The Cemetery Manager has the authority to handle the numerous interments as orderly and as quickly as possible.
Delay ⁱⁿ Interment	23.	The Cemetery shall in no way be held liable for any- delay in the interment of a body where a protest to the interment has been made, or where these By-laws have not been complied with; and further, the Cemetery reserves the right under such circumstances to place the body in a receiving vault until the full rights have been determined. The Cemetery shall be under no obligation to recognize any protests of interments unless they are made in writing and filed with the Cemetery Manager.

Additional Fees for Changes	24.	If , for any reason, instructions concerning the location of the burial space to be opened are changed by the Funeral Director, Interment Rights Holder or their representatives after the digging has begun or been completed, they are responsible for the payment of applicable additional fees to the Cemetery. Such fees shall be paid before any work is done pursuant to the revised instructions.
Scattering	25.	Scattering of Cremated Remains is not allowed in a Cemetery.
2 Remains	26.	No more than two (2) Cremated Remains are to be interred in a Cremation Space.
Internal Dimensions	27.	It is the responsibility of the Interment Rights Holder to check with the Cemetery as to the internal dimensions of Columbariums, Cremorials etc., so that urn or urns fit properly.
	E)	Care of Lots - General
Care by Employee	1.	All lots and graves shall be maintained, kept properly graded, sodded, mown and flat markers and sunken graves levelled by employees of the Cemetery.
Not Include Watering	2.	The care of lots does not include the watering of the grass and care of shrubs etc., as the Cemetery does not bind itself to expend a greater amount for such care than is received for that purpose.
Manager's Permission	3.	No person shall do any work upon a burial lot without the permission of the Manager.
Bushes & Shrubs	4.	Dwarf evergreen trees, shrubs, flowering or other plants may be cultivated only on the lots that are in designated sections of the Cemeteries, and only in such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Manager. No trees or shrubs growing within any lot may be removed or altered without the consent of the Manager.
Restrictions	5.	In designated sections, dwarf evergreen trees 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 Manager.
Height	6.	The height of such shrubs and/or ornamental trees shall at no time exceed 2.44 meters (8 feet) above adjacent ground level.
Width	7.	The diameter of such shrubs and/or ornamental trees at their widest point, including all foliage shall at no time exceed 45.72cm (18 inches), or obstruct adjacent lots.
Outside Contractors	8.	Rights Holders desiring outside gardeners to do work on their lots must furnish the Manager with written authority for the same. Gardeners or florists or their employees shall not enter the Cemetery on Sunday for business purposes.
Notice	9.	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 Cemetery may remove such trees, shrubs or parts thereof after 30 days notice to the Interment Rights Holder. If such item is detrimental to a burial, then no notice is required.
Glass	10.	NO GLASS CONTAINERS of any kind are allowed in the cemetery at any time due to safety requirements.
Articles	11.	Nails, wires, wooden crosses, articles of glass or pottery or any other material that create a hazard to workers and to visitors when neglected or broken are not allowed in the cemetery.
Landscape Borders	12.	Borders of landscape rubberized variety, properly installed are allowed on Cemetery Property
Other Borders	13.	All other fences and borders are disallowed because of safety and operational hazards.
Materials	14.	Implements or materials used in doing any work within the cemetery shall be removed without delay and if this is not done, the Manager shall remove the same without recourse by the owner or user thereof.
Change of Grade	15.	No Interment Rights Holder shall change the grading of their lot, and in case of any such change, the Cemetery will restore the lot to its original grade at the expense of the Interment Rights Holder.
Moving Markers	16.	No unauthorized person shall sod, move cornerposts or lot markers.

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| Control | 17. All grading, burials, foundations, landscaping, disinterments , removals, improvements, settings and all care of lots shall be done or controlled by the Cemetery . |
| Corporation
Not Responsible | 18. The Corporation shall not be responsible for loss or damage to any articles left upon any lot or grave. |

F) Care of Lots - Flowers

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| Right to
Remove | 1. The Cemetery reserves the right to remove all flowers, potted plants, wreaths and baskets of Flowers when they become withered or unsightly, or when for any other reason such removals are in the best interest of the Cemetery. |
| Artificial
Flowers | 2. Artificial flowers are permitted from Nov. 1 to April 1, provided they are properly maintained and not detrimental to the general maintenance of the cemetery. |
| Hanging
Baslets | 3. Hanging flower baskets are allowed in the designated flower garden areas if properly maintained. The Cemetery will remove those that are not properly maintained . |
| Flower Beds | 4. In designated sections only; flower beds not exceeding 45.72cm (18 inches) in width shall be permitted in front of the bases of monuments and markers, and where there is no monument or marker, can only be made by permission of, and under the supervision of the Manager. . |
| Receptacles for Flowers | 5. Receptacles for cut flowers shall be placed below the surface of the lawn. |
| Unplanted
Flower Beds | 6. To preserve the orderly appearance in the cemetery, any flower bed of the previous year which has not been planted by June 15th , may be sodded by the Cemetery and the cost charged to the Interment Rights Holder. |
| Removal of
Wanted Flowers | 7. Flower beds shall to be cleared of tender plants after the first frost of the autumn. Rights Holders desiring to take any plants away should do so before their removal becomes necessary. |
| Potted Plants | 8. Potted plants must be in flowerbed area as close to the monument base or marker as practical. |
| Roses | 9. Rose bushes are not permitted anywhere in the Cemeteries. |
| Wreaths | 10. Artificial wreaths without glass or plastic covers are allowed to be placed on the lot after November 1 , provided they are securely fastened to a stand and securely anchored to the ground. |
| Wreath
Removal | 11. To preserve the proper appearance of the grounds, and to allow spring cleanup, artificial wreaths must be removed before April 1st of each year, otherwise Cemetery authorities will remove them. |

G) Monuments and Markers • General Information

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| Payments | 1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full. |
| Requirements | 2. All installations of foundations and markers shall be arranged by the Rights Holder through the Cemetery Office subject to the conditions of these by-laws. Contracts are required to be signed and the fees paid according to the Tariff of Charges. |
| Inscriptions | 3. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the cemetery. |
| Permission | 4. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Manager, |
| Requirements | 5. No monument or marker will be delivered to the cemetery without the Request for Installation form containing the following information: <ol style="list-style-type: none"> 1. The Interment Rights Holders name & address, 2. Instructions for placement of the marker or monument. 3. The dimensions in the case of a flat marker. 4. In the case of a monument: <ol style="list-style-type: none"> 1. The dimensions of the die, height, width, length. 2. The diensions of the base, height, width, length. 3. The overall size of the monument. 4. A description of the monument; colour and design. |

- 5. The appropriate amount for the Care & Maintenance Fund in relation to the size of the marker/monument as set out in the Cemeteries Act, R.S.O., 1990, must accompany the monument.
- Care & Maintenance Fund 6. Every person installing a monument or marker in the cemetery shall pay the prescribed amount, as set out in the Cemeteries Act, to the Corporation's, Care and Maintenance Fund. The interest earned from this **fund** will be used to maintain the markers or monuments in a safe condition.
- Formula 7. The amounts are as follows:
 - 1. For installing a flat marker measuring at least 1115.85 square centimeters (173 square inches), \$50
 - 2. For 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. For installing an upright marker measuring more than 1.22 meters (4 feet) in either height or length, including the base, \$200
- Safety 8. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Cemetery shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.
- Bronze 9. The use of bronze is approved for doors and window grilles of mausoleums and other mausoleum **fixtures** and statuary, also for tablets when attached to **granite** flat markers.

H) Monuments

- Definition 1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level and on a base.
- No Liability 2. The Cemetery 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 its negligence.
- Mower Wear 3. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Cemetery to be normal wear.
- Control 4. **The** Cemetery reserves the right to determine the maximum size of monuments, their number and their location on each lot. They must not be of a size that it would interfere with any future interments.
- Duplication 5. A monument should be designed with reference to its surroundings, consideration being given to the number, size and character of others near at hand. **Interment** Rights Holders are earnestly requested not to duplicate any design in the immediate vicinity of their lots.
- Checking With Cemetery 6. After selecting a monument or headstone, Interment Rights Holders should not close the purchase until they have advised the Manager of the size, style and material, and found whether the **rules** will admit of its being erected or not. It often happens that a monument can not be erected because the lot is too small, or because there are trees or graves in the way, or because the lot is a restricted one, upon which no monument is allowed.
- Composition 7. Interment Rights Holders, subject to the approval of the Manager, shall have the right to erect proper stones or monuments, but all such stones and **monuments** must be free **from** visible defects, as regards to their quality of endurance, nor shall any veneered marble monuments be erected, and no tablet or monument or other structure composed in whole or in part of wood or iron **shall** be placed upon any lot, but all headstones shall be made of granite or other durable material, and no artificial stone will be permitted to be used for the above purposes.
- 2 Graves 8. A 2 grave lot is allowed one upright monument, 2 footstones and 4 **cornerposts**. Due to the work involved to keep these level, the quantity allowed on a lot is restricted.
- Overall Restriction 9. Except as herein otherwise specially provided, no monument or marker will be **permitted** covering a ground space of more than 10% of the total area of the lot or **fraction of** lot on which it is placed.
- Single Grave 10. No upright monument is allowed upon a single grave unless in -areas designated **forsuch**.

Size	11. The maximum size monument allowed on a double lot is: Height 1.22 meters (4 feet) overall height (including base) Maximum Base size 96.52cm (38 inches) by 35.56cm (14 inches)
Horizontal Force	12. All monuments must be able to withstand a minimum of 100 lbs. of horizontal force applied anywhere on the monument without toppling. This must be achieved in the dry mode (no caulking).
Thickness	13. The minimum thickness of a die shall be 20.50cm (8 inches). Should the monument exceed 122.92cm (48 inches) overall height, the die must be 25.40cm (10 inches).
Dowelling	14. All monuments with dies that are less than 20.32 cm (8 inches) thick must be dowelled to the base and able to withstand the 100 lbs. standard.
Dowel Composition	15. Dowels must be made of minimum 127 mm (1/2") non-corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 7.62cm (3 inches) deep and no more than 32 mm (1/8") larger in diameter than the diameter of the dowel.
Bases	16. The die stones must be installed on a granite base. The height of the base shall be minimum of 20.3 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 7.6 cm. (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
Width	17. The maximum width of a base is controlled by the width of the lot where it will be installed. No base shall be closer than 7.6 cm (3 inches) to the lot width side lines on which it is to be installed.
Vertical Joints	18. To ensure stability, no mausoleum, vault or monument shall have any uncovered vertical joints.
Inscription Both Sides	19. Unless adjoining lots are owned, both sides of the stone cannot be used.
Alignment	20. Monuments must be placed at the center 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 Manager before a monument is set.
Pillow	21. No book or pillow markers shall be allowed in the cemetery.
Photographs	22. All photographs attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the owner.
Foundations	23. All foundations for monuments and markers shall be built by, or contracted to be built for, the Cemetery at the expense of the Interment Rights Holder.
Charges	24. The charges for the construction of foundations are set forth in the Tariff of Charges.
Season	25. No foundations may be constructed after November 15th in any year and before April 1 st in the following year.
Compostion	26. 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 shall be rebuilt by the Corporation at the expense of the Interment Rights Holder. Foundations will be not less than 1.52 meters (5 feet) deep and they will be set at the Manager's direction. <ol style="list-style-type: none"> 1. We required concrete mix for foundations will be: 20.5 MPA 75 mm slump 20 mm aggregate 5% +/-1% Air Entraining agent Trowel 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. 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 1.27cm (1/2 inch).

D) Markers

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|--------------------------------|---|-------------------------|------------------------------------|------------------------|---|-----------------------|------------------------------------|---------------|---|------------------|---|
| Permits | 1. An Interment Rights Holder can have an approved marker installed at the head of the grave AFTER providing the Manager with a marker permit and paying the fee listed in the Tariff of Charges. | | | | | | | | | | |
| Season For Installation | 2. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance . Markers will not be accepted from any monument dealer for storage during the winter months. | | | | | | | | | | |
| Sizes | 3. Markers or Footstones of granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations as per the size of lot in that section. Its placement must not interfere with future interments. <table border="0" style="margin-left: 40px;"> <tr> <td>single in a row maximum</td> <td>45.72cm x 60.96cm 18" x 24"</td> </tr> <tr> <td>preferred single grave</td> <td>45.72cm x 60.96cm 18" x 24" Only</td> </tr> <tr> <td>two grave lot maximum</td> <td>45.72cm x 60.96cm 18" x 24"</td> </tr> <tr> <td>cremation lot</td> <td>25.40cm x 30.48cm 10" x 12" Only</td> </tr> <tr> <td>children's grave</td> <td>25.40cm x 30.48cm 10" x 12" to 45.72cm x 35.56cm 18" x 14" depending on grave size</td> </tr> </table> | single in a row maximum | 45.72cm x 60.96cm 18" x 24" | preferred single grave | 45.72cm x 60.96cm 18" x 24" Only | two grave lot maximum | 45.72cm x 60.96cm 18" x 24" | cremation lot | 25.40cm x 30.48cm 10" x 12" Only | children's grave | 25.40cm x 30.48cm 10" x 12" to 45.72cm x 35.56cm 18" x 14" depending on grave size |
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| Set Level | 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 Cemetery , at the expense of the Interment Rights Holder, on payment of the fee provided in the Tariff of Charges. | | | | | | | | | | |
| Use of Bronze | 5. The following applies to bronze markers when used as flat markers: <ol style="list-style-type: none"> 1. The casting shall be true, free from blemishes and weakening defects and imperfections, and without any "sandlike" roughness. 2. All bronze markers shall be cast with integral bosses on the back in locations specified by the cemetery; the bosses to be drilled or tapped to receive lugs of brass or bronze of 95mm (3/8") diameter and from 10.16cm to 15.24cm (4" to 6") in length. The necessary number of anchor lugs to be supplied by the dealer with each marker. 3. Every bronze marker must be bolted through granite measuring 45.72cm x 60.96cm (18" x 24") and 10.16cm (4") in thickness. 4. The bronze alloy in markers shall consist of approximately 85% copper, 5% tin, 5% zinc, 2% lead; with all other elements not exceeding 3%. | | | | | | | | | | |
| Foot Marker | 6. One marker may be placed at each grave in addition to the monument. The marker shall be placed at the end of the lot farthest from the monument and shall not exceed 45.72cm x 60.96cm 18" x 24" | | | | | | | | | | |
| Thickness | 7. The minimum thickness for all flat markers including footstones is 10 cm (4 inches). | | | | | | | | | | |

J) Rules for Monument Dealers, Contractors and Workers

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| Procedure | 1. No monument or marker will be delivered to the cemetery without the proper documents. See Sections G D 2 & 5 for description of documents. |
| Notice | 2. Monument dealers must state on each order the date they wish foundations ready and must give at least fifteen working days notice before the work is required. |
| No Delivery | 3. No monument or marker may be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection. |
| Removal | 4. No monument or marker may be removed without written permission from the Manager. |
| Worker's Compensation | 5. All companies who do work in the Hamilton Municipal Cemeteries, shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance. |
| Heavy Materials | 6. 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. |
| Variance | 7. There shall not be a variance of more than 1.27cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered. |

Behaviour	8.	The demeanour and behaviour of all workers employed by others in the cemetery, shall be subject to the control of the Manager.
Cessation of Work	9.	Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
Working Hours	10.	All work must be done during regular cemetery hours, unless by special permission of the Manager.
Saturday Work	11.	No work shall be commenced on Saturday that cannot be finished, including the litter and debris removed, by the hour of noon of that day.
Heavy Loads	12.	Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
Heavy Trucks	13.	Heavy hauling trucks or commercial vehicles are not permitted within the cemetery grounds unless they have a cemetery business purpose.
Driving & Parking	14.	No monument dealer shall park or drive on the grass unless otherwise directed to do so by the Manager or their Designate
Closure	15.	The Cemetery Manager shall have the right to close a pathway or road at any time.
Clean-up	16.	All implements and materials used in the performance of any work shall be placed where the Manager may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Manager may order. Otherwise the obstructions will be removed, and the expense charged to the monument dealer.
Marker Setting	17.	If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Manager as all work must be supervised by an employee of the Cemetery. The Monument dealer shall pay to the Cemetery the prescribed fee plus necessary taxes for supervising the monument company& people.
Canvassing	18.	Canvassing for orders or distributing business cards in any of the Cemeteries is forbidden.

K) Columbarium Regulations

Rules	1.	All the general rules and regulations of the Hamilton Municipal Cemeteries shall apply to the columbarium as far as the nature of the case permits.
Certificate	2.	A proper Certificate of Cremation must accompany all cremains before inurnment can take place.
Authorization	3.	No inurnment shall be made without the permission from the burial Rights Holder or a proper representative of the estate if the burial Rights Holder is deceased.
Work Done	4.	Compartments will be opened only by employees of the Hamilton Municipal Cemeteries and sealed by them after an inurnment is made.
Two Max.	5.	Each compartment is intended for two urns. An Interment Rights Holder should check internal dimensions before purchasing urns.
Registering	6.	It is advisable that, the name of the person for whom inurnment is intended, be registered on the books of the Cemetery , so that no complications may arise when request for inurnment is made.
Payment	7.	No inurnment shall be permitted until all payments due to the Cemetery have been made and a contract been signed.
Articles Left	8.	Flowers, wreaths and designs placed against or near any part of the Columbarium that are liable to stain or deface the structure, will be removed.
Glass	9.	No glass vases or other breakable item should be placed around the columbarium .
Floral Design	10.	Flower designs made on wire frames shall have the wire covered to prevent staining or marking the granite.
Transfer	11.	No transfer of burial rights to a columbarium shall be valid until approved by and recorded in the books of the Cemetery. A transfer fee will be charged according to the fees set out in the Tariff of Charges and according to the Cemeteries Act.

- Urn Size** 12. The **number** of cremated remains to be placed in each niche is determined by the urn size and niche dimensions and in accordance with the designated policy for each **columbarium**.

L) Mausoleum Regulations

- Construction 1. No vault or mausoleum will be constructed unless a complete working plan with specifications is **first** submitted to the Cemetery Manager, and the costs recovered from the Interment Rights Holder.
- Removal 2. Should the maintenance **fund** for a Private Vault become exhausted and **further** repairs become necessary, the Corporation may make application to the Minister of Health and to the Registrar to have the bodies removed from the vault and to reinter the same elsewhere in the cemetery and to take down and remove the structure. All claim to or in the land and vault by the former owners or owner, shall cease and be at an end upon such approval given.
- One Casket 3. No more than one casket shall be placed in a crypt except in a crypt designated for more than one.
- Extra **Urn** 4. The Cremated Remains of not more than one person can be placed in a crypt in addition to the casket, only under special circumstances and by permission of the Cemetery Manager.

M) Rules for Visitors

- Cemetery Hours 1. Visitors are always welcome at the cemetery during the open hours, from 8:00 a.m. until sundown. They are asked to remember the respect due to the sacred grounds.
- Office** Hours 2. The **Cemetery** Office is open Monday through Friday from **8:30** a.m. to **4:30** p.m. **unless** a recognized Holiday falls within these times. The Cemetery Office is open during Saturdays of posted long weekends **from 8:30** a.m. to **12:00** p.m.
- Authorization 3. Employees of the Police Department and Hamilton Municipal Cemeteries, while on recognized duty, are allowed in the cemeteries, after the prescribed times.
- Police Power 4. Hamilton Wentworth Police have the authority to remove anyone **from** the Cemetery whose presence is believed, by them or the Manager, not to be in the best interest of the Cemetery.
- Preserve Order 5. **The** Manager and designated assistants are empowered and are required to preserve order and decorum in the cemetery.
- Parades 6. No parades other than funeral processions shall be admitted to or be organized within the cemetery without permission of the Manager.
- Children 7. 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.
- Speed Limits a. Vehicles within the cemetery shall be driven at a rate of **speed** no greater than 25 km/h (15 mph) and shall not leave the avenues or park on the grass unless directed to do so by the Manager.
- Entry** 9. No person shall enter the cemeteries except through established gates or roadways.
- Recreational Vehicles 10. No pleasure **ATVs**. (all terrain vehicles) or snowmobiles are allowed in the cemetery.
- Bicycles 11. Bicycles shall be permitted on cemetery roadways, but shall not be ridden on grassed or planted areas.
- Damages **12.** Proprietors of vehicles and their drivers shall be held responsible for any damage done by them. **They** will be held liable to repair or replace the damaged property to its former state.
- Firearms** 13. Discharging of **firearms**, other than in regular volleys at burial services is prohibited in and around the cemetery.
- Dogs 14. Dogs or other pets shall be allowed in the cemetery only if restrained by an appropriate leash and accompanied by their owner. Said owner is responsible to clean up any animal residue.
- Consumption of Food **15.** No persons shall consume food or refreshments on Interment Rights **Holder's** property, but may in open areas as long as no littering or damage occur.

- Alcohol 16. No person shall bring or consume any alcoholic **beverages** on cemetery property.
- D a m a g e 17. 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 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.
- Flowers 18. No **person** shall pick or destroy flowers (wild or cultivated) growing in the Cemetery.
- Complaints 19. Any complaints or requests by Interment Rights Holders or visitors should be made at the Cemetery **Office** in person or by telephone, and not to workers on the grounds. The Cemetery **office** is located at 777 York Boulevard. Telephone calls will be accepted during normal business hours at **546-4704**.
- Controversies** 20. Controversies with workers or **others** on the grounds are to be avoided. Please bring concerns to the Cemetery **Office**.
- Rubbish 21. 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.
- Disturbing Peace 22. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these by-laws, may be expelled from the grounds.
- Articles Left 23. 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 cemetery. An article **removed** will **be** held at the cemetery for collection. If not collected, it will be disposed of **after 60 days**.
- Gratuities 24. No tips or gratuities are to be given to cemetery workers by visitors or Rights Holdm, nor shall any be accepted by any **cemetery** worker.
- Damage Beyond 25. The **Cemetery** shall take reasonable precautions to protect the Interment Rights Holder **from loss** or damage. The Cemetery shall have the right to hire security guards, but is under no legal obligation to do so.
- Filming 26. No filming is allowed on the Cemetery grounds without permission of the Manager of **Cemeteries**. Commercial filming must be authorized by the procedure set by Parks & Recreation Committee.

PASSED this **30th** day of **May**, 1995.

CITY CLERK

MAYOR

