

AMENDED  
by By-Law 79 of 2018  
this includes all amendments  
and BAO edits

## THE CORPORATION OF THE TOWNSHIP OF WARWICK

### BY-LAW NUMBER 109 OF 2017

**Being a By-law to provide rules and regulations for the governance of all of the Cemeteries owned and operated by the Corporation of the Township of Warwick**

**WHEREAS** it is deemed necessary to provide rules and regulations governing the management, maintenance and control of cemeteries under the jurisdiction of the Corporation of the Township of Warwick in order to comply with the *Funeral, Burial & Cremation Services Act, 2002 S.O. 2002, Chapter 33*, and Ontario Regulation 30/11;

**AND WHEREAS** the Corporation of Warwick Township owns and operates three active cemeteries, being: the Bethel Cemetery, the Watford Cemetery, and the Warwick Community Cemetery;

**AND WHEREAS** the Warwick Township Cemetery Board reviews cemetery policies and procedures and recommends changes to Warwick Township Council for consideration;

**AND WHEREAS** the Warwick Township Cemetery Board has recommended to Warwick Township Council the consolidation of all active cemetery operational by-laws into one by-law;

**AND WHEREAS** Warwick Township Council deems it expedient to set one by-law governing the management, maintenance and control of cemeteries the Corporation owns and operates;

**NOW THEREFORE** the Council of the Corporation of the Township of Warwick enacts as follows:

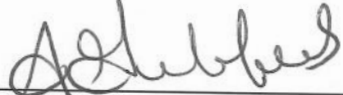
1. THAT this by-law contains rules and regulations that govern the Bethel Cemetery, the Watford Cemetery and the Warwick Community Cemetery and will come in force and effect once it has been approved as per the *Funeral, Burial and Cremation Services Act, 2002*.
2. THAT the Mayor and Administrator/Clerk are authorized and directed to execute the Rules and Regulations of all active cemeteries owned and operated by the Corporation of the Warwick Township.
3. THAT the Rules and Regulations of the all active cemeteries owned and operated by the Corporation of Warwick Township shall form part of the By-law and be attached as Schedule "A" hereto.
4. THAT the legal descriptions of each active cemetery owned and operated by the Corporation of the Township of Warwick shall form part of the By-law and be attached as Schedule "B" hereto.

5. THAT the operating by-laws 99 of 2012 – Bethel Cemetery, 100 of 2012 – Watford Cemetery, and 33 of 2013 – Warwick Community Cemetery hereby be repealed and replaced by this by-law.
6. THAT upon the approval of the Bereavement Authority of Ontario (BAO), this by-law will come into force and effect and all sections of previous by-laws providing rules and regulations governing the management, maintenance and control at the Bethel Cemetery, Watford Cemetery, and Warwick Community Cemetery are repealed.

READ A FIRST AND SECOND TIME THIS 2nd DAY OF October, 2017.

READ A THIRD TIME AND FINALLY PASSED THIS 2nd DAY OF October, 2017.

  
\_\_\_\_\_  
Mayor – Todd Case

  
\_\_\_\_\_  
Administrator/Clerk – Amanda Gubbels

**SCHEDULE "A" to By-law Number 109 of 2017**

**Consolidated with amendments in by-law 79 of 2018 and 4 of 2022**

**THE RULES & REGULATIONS  
OF ALL ACTIVE CEMETERIES OWNED AND OPERATED BY THE  
CORPORATION OF WARWICK TOWNSHIP:**

**BETHEL CEMETERY**

**WATFORD CEMETERY**

**WARWICK COMMUNITY CEMETERY**

**BY-LAW NO. 109 OF 2017**

**Funeral, Burial, Cremation Services Act, 2002 (FBCSA)**

**Contents**

PREFACE..... 5

A. ADMINISTRATION ..... 5

B. DEFINITIONS..... 5

C. GENERAL INFORMATION..... 7

D. WARWICK TOWNSHIP CEMETERY BOARD ..... 8

E. DONATIONS TO THE WARWICK TOWNSHIP CEMETERY BOARD..... 9

F. SALE AND PURCHASE OF INTERMENT RIGHTS..... 9

G. REPURCHASE OF INTERMENT RIGHTS BY CEMETERY OPERATOR ..... 11

H. TRANSFER OF INTERMENT RIGHTS..... 12

I. CONFIRMATION OF INTERMENT RIGHTS ..... 12

J. INTERMENT..... 13

K. DISINTERMENT ..... 15

L. CARE OF LOTS – GENERAL..... 16

M. MONUMENTS AND MARKERS – GENERAL INFORMATION..... 17

N. MONUMENTS ..... 18

O. MARKERS..... 20

P. CEMETERY CARE AND PLANTINGS ..... 20

Q. ITEMS THAT ARE PROHIBITED AND PERMITTED..... 21

R. RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKERS ..... 22

S. ***COLUMBARIUM AND NICHES- GENERAL REGULATIONS*** ..... 23

## **PREFACE**

These by-laws are the rules and regulations that govern the Warwick Community Cemetery and have been approved by the Funeral, Burial and Cremation Services Act, 2002.

The Council of the Corporation of the Township of Warwick 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 Warwick's cemeteries, to keep them a becoming and respectful place for the burial of the dead.

All cemeteries owned and operated by the Corporation of the Township of Warwick (Bethel, Watford and Warwick) are licensed to act as a cemetery in accordance with the Funeral, Burial and Cremation Services Act, 2002.

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

### **A. ADMINISTRATION**

1. The Corporation of the Township of Warwick reserves full and complete control and management of land, building, plantings, roads, utilities, books and records of the cemeteries and complete authority to administer this by-law.
2. The Warwick Township Cemetery Bard shall have custody of the cemeteries under the direction of the Corporation.
3. The Corporation distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrection, riots, or order of any military or civil authority whether damage be director collateral.
4. The Corporation shall take reasonable precautions to protect the property of Interment Rights Holders but they assume no liability or responsibility for the loss of, or damage to, any articles of any type that is placed on any lot or plot.

### **B. DEFINITIONS**

**BAO:** means the Bereavement Authority of Ontario (BAO).

**Burial:** The opening and closing of an in ground lot or plot for the disposition of human remains or cremated human remains.

**By-laws:** The rules and regulations under which the Cemetery operates.

**Care and Maintenance Fund:** It is a requirement under the FBCSA and O. Reg 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. If no scattering rights are sold but scattering is permitted, a prescribed amount must be contributed to the fund when the scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

**Caretaker:** means the person(s) who cuts the grass and performs the regular maintenance of the grounds of any of the Bethel Cemetery, Watford Cemetery or Warwick Community Cemetery, under the supervision of the General Manager of Public Works and Parks and Recreation; and is appointed by the Warwick Township Cemetery Board and approved by the Corporation of the Township of Warwick.

**Cemetery:** means one of the Bethel Cemetery, Watford Cemetery or the Warwick Community Cemetery, located in the Township of Warwick, County of Lambton. Legal descriptions of each location are included in this by-law as Schedule "B".

**Corporation:** means the Corporation of the Township of Warwick.

**Contract:** For purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

**Corner Posts:** Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

**Grave:** (Also known as Lot) means any in ground burial space intended for the interment of a child, adult or cremated human remains.

**Holidays:** The following is the list of Federal, Provincial and Municipal Government holidays: New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day. (Note: When any of the above noted holidays fall on a Saturday or Sunday and is not declared or proclaimed as being observed on some other day, the following Monday {or Tuesday, where the preceding Monday is declared or proclaimed a holiday) shall be deemed to be the holiday for the purpose of this by-law.

**Interment Right:** The right to require or direct the interment of human remains or cremated human remains in a grave or lot and direct the associated memorialization.

**Interment Rights Certificate:** The document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

**Interment Rights Holder:** Any person designated to hold the right to inter human remains in a specified lot.

**Lot:** For the purposes of these by-laws a lot is a single grave space.

**Marker:** Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial or lot.

**Monument:** Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

**Niche: means an individual compartment in a columbarium for the entombment of cremated human remains.**

**Niche front or tablet: means the monument portion of the columbarium**

**Plot:** for the purposes of these by-laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.

**Warwick Township Cemetery Board:** Is made up of two members from Warwick Township Council, and three members of the community, as appointed by by-law, by the Corporation of the Township of Warwick.

### **C. GENERAL INFORMATION**

1. **Hours of Operation:** The Bethel Cemetery, the Watford Cemetery and the Warwick Community Cemetery are operated through the Warwick Township Municipal Offices, 6332 Nauvoo Road, RR #8, Watford, ON N0M 2S0. Hours of operation are Monday through Friday; 8:30 a.m. to 4:30 p.m.  
After Hours call: 519-490-5684  
Holiday & Sunday Burial: Prohibited
2. **General Conduct:** All visitors should conduct themselves in a quiet manner that shall not disturb any service being held. No person may damage, destroy, remove or deface any property within the cemetery.
3. **No ATVs:** No pleasure ATVs (all-terrain vehicles) or snowmobiles are allowed in the cemetery.
4. **Pets or Other Animals:** Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.
5. **Dogs at Cemeteries:** Dogs are allowed at cemeteries only if they are leashed at all times and the owner cleans up after them.

6. **Governance:** Cemeteries shall be governed by this by-law, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario regulation 30/11, which may be amended periodically.
7. **By-law Amendments:** All by-laws and by-law amendments are subject to the approval as per the Funeral, Burial and Cremation Services Act, 2002. All by-law amendments must be:
  - a. Published once in a newspaper with general circulation in the locality in which the cemetery is located;
  - b. Conspicuously posted on a sign at the entrance of the cemeteries; and
  - c. Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.
8. **Liability:** The cemetery operator will 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, monument, marker, or other article that has been placed in relation to an interment right save and except for direct loss or damage caused by gross negligence of the cemetery.
9. **Public Register:** Section 110 of Ontario Regulation 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.
10. **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.

#### **D. WARWICK TOWNSHIP CEMETERY BOARD**

1. The Warwick Township Cemetery Board shall consist of a minimum of five members, all of whom shall be appointed by the Council of the Corporation of the Township of Warwick.
2. The Cemetery Board shall exercise a general supervision of the cemetery grounds and improvements.
3. The Cemetery Board shall enforce, when necessary, all the regulations and orders of the Board, decide all questions arising between the Board and lot owners, and decide questions pertaining to the business of the Board which may arise during the interval between meetings of the Board.

4. The Cemetery Board shall employ all the assistants needed at the grounds to perform the work to properly care for the Cemetery.
5. The Cemetery Board shall enforce the Rules and Regulations when required and shall furnish estimates on work that may be proposed.
6. The Cemetery Board shall fix the prices on all lots, opening and closing of graves.
7. The Council of the Corporation of the Township of Warwick shall appoint a Chair for the Warwick Township Cemetery Board who will preside at all meetings of the Board and in his absence a Chairman shall be elected from those present.
8. The Administrator/Clerk or the Treasurer/Deputy Administrator may sign all Deeds for Lots in the Cemetery previously sold and paid for.

#### **E. DONATIONS TO THE WARWICK TOWNSHIP CEMETERY BOARD**

1. **Charitable Donations:** Donations to the Warwick Township Cemetery Board are welcomed and will be used to support the operations and maintenance of cemetery locations. All identified donations to the Warwick Township Cemetery Board over \$25.00 will receive an official receipt.
2. **Bequests:** A charitable bequest made through a will is a simple and impactful way of giving to the cemetery. Contact the Township Office at 519-849-3926 if you'd like to learn more about this opportunity.

#### **F. SALE AND PURCHASE OF INTERMENT RIGHTS**

1. **Rights of Interment Right Holders:** Purchasers of interment rights acquire only the right to direct the burial of human remains and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-laws. The purchase of interment rights is not a purchase of Real Estate or real property.
2. **Fees for Interment Rights:** Interment rights may be purchased at the rates on file in the Township Office. The prices for interment rights include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund.
3. **Deposit to Care and Maintenance Fund:**
  - a. The deposit to the Care and Maintenance Fund shall be as specified in the regulation made under the Funeral, Burial and Cremation Services Act, 2002 and that came into effect January 1, 2022.
  - b. As required by sections 166 and 168 of Regulation 30/11, a prescribed amount or a percentage of the purchase price of all interment rights, and a

prescribed amount for monuments and markers is contributed into the "Care and Maintenance Fund". Interest income from this fund is used to provide only general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30 day cooling-off period.

4. **Payment Location:** Payments for Interment Rights shall be made at the Township Office.
5. **Payment in Full:** Lots/Plots must be paid in full at the time of purchase, unless alternate terms are agreed upon by all parties. In accordance with cemetery by-laws, no burial, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full.
6. **Documentation Provided to Purchaser:** The purchaser upon receipt in full of the interment rights will be provided with the following documents by the cemetery operator:
  - a. An interment rights certificate
  - b. A copy of the cemetery's current by-laws, and
  - c. A copy of the cemetery's current price list
  - d. A copy of the Consumer's Information Guide
7. **Cancellation of Interment Rights within 30 Days of Purchase:** 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 will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
8. **Cancellation of Interment Rights after the 30 Days following Purchase:** Upon receiving written notice from the purchaser of the interment rights, the cemetery operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund at the time of purchase. This refund will 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 must returned to the cemetery operator along with the written notice of cancellations.
9. **Portion Refunded for Cancellation of Interment Rights after the 30 Days following:** 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.

## **G. REPURCHASE OF INTERMENT RIGHTS BY CEMETERY OPERATOR**

1. **Not Required to Repurchase Interment Rights in 'Family Plots':** The operator is not required to repurchase 'family lots/plots' if a lot in the plot has been used.
2. **Sale of Interment Rights to Third Party:** If the cemetery operator does not wish to repurchase the interment rights at the current price, less the care and maintenance paid, the interment right may be sold on to a third party for no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the cemetery operator and the purchaser meets the qualifications and requirements as outlined in the cemetery operator's by-laws.
3. **Request Repurchase of Interment Rights by Cemetery Operator:** An Interment Rights Holder may require, by written demand, the Cemetery to repurchase the rights at any time before they are used, unless referred to in #1 of this Section. The Cemetery shall repurchase the rights within thirty days from the date that the request was received in writing.
4. **Price for Repurchase of Interment Rights by Operator:** The repurchase price of the interment rights shall be the current price list amount less the amount contributed to by the cemetery operator/owner to the Care and Maintenance Fund.
5. **Price for Repurchase if No Records:** If the original selling price is unknown, the repurchase price shall be deemed to be current price listed on the price list.
6. **Limit to Requirement to Repurchase within 12 Months:** The Corporation is not required to repurchase the interment rights for more than four lots held by the same Interment Rights Holder in a twelve month period.
7. **No Refund if Interment Rights Exercised:** NO REFUND will be made for any lot if any interment rights have been exercised or any monument/marker has reduced the interment rights area remaining.
8. **Repossessing Abandoned Interment Rights:** 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 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.
9. **Appeal of Decision on Abandoned Rights:** Any person who's Interment Rights has 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. Determination of a better or equivalent, or to refund the amount, will be made by Township of Warwick Council at the direction of the Warwick Township Cemetery Board.

#### **H. TRANSFER OF INTERMENT RIGHTS**

10. **Transfer of Interment Rights only through Cemetery Operator:** The transfer of interment rights must be carried out through the cemetery operator and is subject to a transfer fee.
11. **Required Documentation to Complete a Transfer:** The interment rights holder(s) intending to transfer their rights shall provide the following documents to the cemetery operator so that the operator can confirm the ownership of the right to sell and provide the third party purchaser with the required certificate:
  - a. A current interment rights certificate.
  - b. A written request for the transfer of the interment rights, which includes the names and addresses of the current rights holder(s), the third party purchasers, and the exact location of the interment rights.
  - c. Written permission from all persons having inherited interment rights.
  - d. Any other documentation in the interment rights holder(s) possession relating to the rights.
12. **Will or Bequest Transfers:** In cases of transmission of ownership by will or bequest of interment rights, management reserves the right to require production of a notarial copy of the will or other evidence to prove ownership.
13. **Fees for Will of Bequest Transfers:** Associated transfer fees as per the current fee schedule will apply to all transfers made as a result of a will or bequest.
14. **Notice and Request in Writing:** To ensure the correctness of records of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Corporation until notice is given in writing to the Clerk/Deputy Administrator to the Corporation specifying the name and address of the proposed transferee and the date of the 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.

#### **I. CONFIRMATION OF INTERMENT RIGHTS**

1. **Confirmation:** Interment Rights holders may `confirm` burial locations for themselves or their family members in specific lots or plots.

2. **Completed through Operator:** All confirmations are to be completed through the cemetery operator.
3. **Documentation Required for Confirmation:** Before confirmation can be made, the following documentation must be provided to the cemetery operator:
  - a. A current interment rights certificate.
  - b. A written request for the confirmation of the interment rights, which includes the names and addresses of the current rights holder(s), the third party purchasers, and the exact location of the interment rights.
  - c. Written permission from all persons having inherited interment rights.
  - d. Any other documentation in the interment rights holder(s) possession relating to the rights.
4. **Written Consent for Confirmations:** Where there is a question of inheritance of Interment Rights, or where there are multiple family members with equal claim to Interment Rights, reservations cannot be made without written consent of all parties with claim to the Interment Rights. Forms to assist this process are available from the Township Office.

#### **J. INTERMENT**

1. **Authorization:** Interment rights holder(s) must provide written authorization prior to a burial taking place. 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 i.e. Personal Representative, Estate Trustee, Executor or next of kin.
2. **Required Documentation:** A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to a burial taking place.
3. **Cemetery Contract:** In accordance with the FBCSA the purchaser of interment rights must 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 of human remains, or each cremated human remains.
4. **Responsibility for Payment:** Persons requesting interments in lot or plots shall be held responsible for charges incurred.
5. **Interment Fee:** The interment fee includes the opening and closing of the grave.
6. **Requirement for Payment Before Interment:** No interment shall be permitted in any lot where the burial rights have not been paid in full.

7. **Notice Protocol for Interments:** The following Notice Protocol is to be followed by all parties:
- a. The cemetery shall be given at least 2 business days notice, prior to an interment, to allow the municipality to firstly confirm that the plot locates can be completed and staffing is available to complete the grave opening/closing. The Township will provide the Funeral Director(s) with the staff contact numbers.
  - b. Once the Funeral Director is notified of a death, the Funeral Director must contact the Township staff to determine a date for the burial (prior to meeting with the family).
  - c. Township staff will immediately discuss the interment dates with the Public Works Department, to confirm that staffing is available and confirm the date with the Funeral Director.
  - d. If an interment date, that is being proposed, falls during a weather event, or the weather forecast predicts an upcoming weather event (i.e.: snow storm, etc.) the interment may be delayed, and an alternate date will be determined by the Public Works Superintendent and the Chair of the Cemetery Board, in co-operation with the Funeral Director.
8. **Municipal Approval Prior to Booking:** When booking Township facilities for a Funeral Reception after the interment, either by the Funeral Director or the family, they must arrange with Township staff (prior to making any arrangements) to determine if the facility being requested, is available to be rented.
9. **Opening and Closing:** The opening and closing of graves may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.
10. **General Provisions:**
- a. Cremated remains are not permitted to be scattered on a grave.
  - b. Double depth burials are not allowed, unless stated otherwise in section d.
  - c. No interment shall be made on Sunday or statutory holiday except on a doctor's certificate that the interment must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable disease.
  - d. Not more than one (1) burial shall be made in any single lot, except:
    - i. One full burial plus a maximum of two (2) cremated remains (the full burial must have taken place prior to any cremated remains being interred);

- ii. Or the cremated remains of not more than four (4) persons;
  - iii. Or a 60.96 cm X 30.48 cm (24" X 12") infant container may be buried at the head end of a single lot in which a casket, containing human remains has been buried, provided space is available.
- e. Human remains, to be buried in a grave, must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The cemetery recommends that a cement vault is used for all full burials. Cement vaults must be of a size to permit burial within the size of the lot. Cremated remains to be buried in a grave must be enclosed in a container and sealed securely; and may be interred in a cement vault.

11. **Multiple Interment Rights Holders:** When interment rights in a lot/plot 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 plot as requested.

#### K. DISINTERMENT

1. **Disinterment Required Documentation:** Human remains interred shall be not disinterred or removed from a lot without the following documentation being provided to the Township of Warwick, as the operator of the cemetery:
  - a. Prior consent of the interment rights holder.
  - b. Prior notification given to the Medical Officer of Health.
2. **Disinterment Ordered by Public Officials:** 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).
3. **Request for Disinterment:** Requests for disinterments are to be made directly to the Township Clerk. The Clerk will provide approval and arrange for a date for the disinterment to take place after investigation, consultation and arrangements for appropriate documentation are complete.
4. **Disinterment of Full Burial:** All disinterments of full burials will be contracted to outside contractors. Associated fees shall be charged according to the fee schedule.
5. **Disinterment of Cremation Burial:** Disinterments of cremated remains may be removed by municipal staff or a contractor. The Clerk, in consultation with applicable Public Works staff, will make the decision on the party to complete removal of cremated remains. Associated fees shall be charged according to the Price List.

6. **Health Official Present at Disinterment:** The Medical Officer of Health or Public Health Inspector may be present at all full burial disinterments and will be requested to be present by the Corporation. The Medical Officer of Health or the Public Health Inspector have the authority to discontinue a disinterment should, in their opinion, conditions be present that are hazardous to the public.
7. **Non-Responsibility for Damage:** The Corporation is not responsible for any damage to caskets, urns or other containers sustained during disinterment.

#### **L. CARE OF LOTS – GENERAL**

1. **Maintenance of Lots and Plots:** All lots and plots shall be maintained and kept properly graded sodded and mown by the Township of Warwick or a contractor authorized by the Township of Warwick.
2. **Required Permission:** No person shall do any work upon a burial lot without the permission of the Township of Warwick.
3. **Trees and Shrubs:** Trees and/or shrubs are no longer allowed to be planted in any Warwick Township Cemetery. Existing trees and/or shrubs will be removed by the Cemetery Board when they become too large in the opinion of the Board and/or when they encroach on abutting grave(s) or become unsightly.
4. **Materials Removed when Considered Hazardous:** Nails, wires, wooden crosses, articles of glass or pottery or any other materials may create a hazard to workers and to visitors when neglected or broken. If items of this nature are considered a hazard they may be removed by the Township for Warwick.
5. **Prohibited Materials:** Borders, fences, railings, walls cut-stone coping and hedges in or around lots are prohibited.
6. **Removal of Old and Unsightly Materials – Decorations:** Wooden or wire trellises, arches or iron rods, solar lights or hanging baskets, will not be allowed in the Cemetery if they interfere with the care and maintenance of the grounds. Any such items, heretofore erected which, by reason or neglect or age, have become unsuitable or unsightly, may be removed by the Cemetery Board.
7. **Removal of Old and Unsightly Materials – Flowers/Plants:** The Corporation reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or for any other reason, such removals are in the best interest of the Cemetery.
8. **Artificial Flowers Permitted:** Artificial flowers are permitted, provided that they are properly maintained and not detrimental to the general maintenance for the cemetery.

9. **Timely Removal of Maintenance Implements:** Implements or materials used in doing any work within the Cemetery shall be removed without delay and if this is not done, the Township shall remove the same.
10. **No Change to Grading of Lot/Plot:** No Interment Rights Holder shall change the grading of their lot, and in case of such change, the Corporation may restore the lot to its original grade at the expense of the Interment Rights holder.
11. **Work Only by Authorized Persons:** No unauthorized person shall sod, move corner posts or lot markers.
12. **Non-Responsibility for Theft/Loss:** The Corporation shall not be responsible for loss or damage to any articles left upon any lot or plot.

#### **M. MONUMENTS AND MARKERS – GENERAL INFORMATION**

1. **Fees paid in Full:** No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.
2. **Arrangement for Installation:** All installations of monuments and markers and their foundations shall be arranged for by the Rights Holder through monument dealers or contractors subject to the conditions of these by-laws.
3. **Required Permission:** No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.
4. **Normal Wear on Monuments and Markers:** Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
5. **Acceptable Materials for Monuments/Markers:** All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).
6. **Requirement for Acceptable Inscriptions:** 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 Warwick Township Cemetery Board.
7. **Cemetery Approval of Plans:** A monument, or other structure, shall be erected only after the specific design plans have been approved by the cemetery operator including: dimensions, material or structure, construction details, and proposed location.

8. **Requirement to Complete Request Form:** No monument or markers will be delivered to the Cemetery without the Request for Installation Form containing the following information:
- a. The Interment Rights Holders name and address.
  - b. Instructions for placement of the marker or monument.
  - c. The dimensions in the case of a flat marker,
  - d. In the case of a monument:
    - i. The dimensions of the die, height, width, length.
    - ii. The dimensions of the base, height, width, length.
    - iii. The overall size of the monument.
    - iv. A description of the monument; colour and design.
    - v. The appropriate amount for the Care and Maintenance Fund in relation to the size of the marker/monument as set out in the Funeral, Burial and Cremation Services Act, 2002
9. **Care and Maintenance Fees:** Every person installing a monument or marker in the Cemetery shall pay the prescribed amount, as set out in the Funeral, Burial and Cremation Services Act, 2002, to the Corporation's Care and Maintenance Fund. The interest earned from this fund will be used to maintain the markers or monuments in safe condition. The amounts are as follows:

Size of Monument	Applicable Care and Maintenance Fee
Flat marker measuring less than 1116.13 square centimeters (173 square inches)	\$0
Flat marker measuring at least 1116.13 square centimeters (173 square inches)	\$100
Upright marker measuring 1.22 meters (4 ft.) or less in height and 1.22 meters (4 feet) or less in length, including the base	\$200
Upright marker measuring more than 1.22 meters (4 ft.) in either height or length, including the base	\$400

10. **Risk to Public Safety:** 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 repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.

## **N. MONUMENTS**

1. **Acceptable Size and Placement:** Monuments 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.
- a. Single lot maximum: Height – 1.22 metres (4 feet) overall height, Width – 76.20 cm (30 inches)

- b. Double lot maximum: Height – 1.22 metres (4 feet) overall height, Width – 1.52 metres (5 feet)
2. **No Liability of Operator:** The cemetery operator 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, marker, or other structure, or part thereof.
  3. **Maximum Size of Monuments:** The cemetery operator 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 would interfere with any future interments.
  4. **Foundations:** All foundations for monuments and markers shall be built by a qualified contractor the cemetery operator at the expense of the interment rights holder.
  5. **One Monument per Lot:** In keeping with the cemetery by-laws, only one monument shall be erected within the designated space on any lot.
  6. **Placement of Monuments Not Permitted:** Monuments cannot be placed “Back-to-Back” against each other.
  7. **Placement of Monuments and Approval:** 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 Township of Warwick before a monument is set.
  8. **Photographs on Monuments:** All photographs attached to any memorials or placed within the Cemetery grounds shall be the sole responsibility of the owner.
  9. **Double Lot Allowances:** Double lot is allowed one upright monument and only 2 footstones or 4 corner posts are allowed. Due to the work involved to keep these level there is a restriction on the quantity allowed on a lot.
  10. **Foundation before Monument Delivery:** 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.
  11. **Timelines for Installation of Foundation:** No foundation shall be placed between November 15<sup>th</sup> and April 15<sup>th</sup> of any year.
  12. **Foundation Placement and Dimensions:** The foundation shall be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately

removed and rebuilt by the Corporation at the expense of the Interment Rights Holder. Foundations will be not less than 1.52 meters (5 feet) deep and they will be set at the Cemetery Board's direction.

- a. The required concrete mix for foundations will be: 20.5 MPA, 77 mm slump, 20 mm aggregate, 5% +/- Air Entraining agent, trowel finish all edges.

13. **Resting/Curing of Foundations:** Foundations must be cured for a minimum of 48 hours before placing the monument.

14. **Removal of Excavated Materials:** All rubbish and excavated materials shall be removed from the excavation site and the Cemetery.

## **O. MARKERS**

1. **Placement of Markers:** Markers or foot stones or bronze, marble or granite are permitted with size and quantity restrictions according to the section of the Cemetery and the regulations as per the size of lots in that section. Its placement must not interfere with future interments:
  - a. Single lot maximum – 30.48 cm x 60.96 cm (12" x 24")
  - b. Double lot maximum - 30.48 cm x 60.96 cm (12" x 42")
2. **Placement of Markers – Allow Grass Cutting:** Flat markers and corner stones are to be flat on top and set level with the ground so that a lawnmower can safely pass over them.
3. **Placement of Markers – On Each Grave:** One marker may be placed at each grave in addition to the monument. The marker shall be placed at the end of the grave farthest from the monument and shall not exceed 40.64 cm x 60.96 cm (16' x 24').
4. **Minimum Thickness of Markers:** A minimum thickness for all flat markers including foot stones is 10 cm (4 inches). All flat markers and flat stones must have a cement base.
5. **Acceptable Marker Materials and Cut:** All markers and monuments shall be constructed or bronze, granite or marble. The bottom bed of all bases and markers shall be cut level and true.

## **P. CEMETERY CARE AND PLANTINGS**

1. **Care and Maintenance Fund:** A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The interest income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- a. Re-levelling and sodding or seeding of Lots
  - b. Maintenance of cemetery roads, sewers and water systems
  - c. Maintenance of perimeter walls and fences
  - d. Maintenance of cemetery landscaping
  - e. Repairs and general upkeep of cemetery maintenance buildings and equipment
2. **No Changes Permitted to Surface of Lots:** No person other than appointed persons by the Township of Warwick shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
  3. **Removal of Detrimental Trees and Shrubs:** If any trees or shrubs 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.
  4. **Removal of Flowers:** 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.
  5. **Operating Freedom:** Permission is not required before removing flowers, plants, ribbons or other articles from the Rights Holder's graves or lots.

**Q. ITEMS THAT ARE PROHIBITED AND PERMITTED**

1. **Regulation of Articles on Lots/Plots:** The cemetery reserves the right to regulate the articles placed on lots or plots 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 will be removed and disposed of without notification.
2. **Prohibited on Lots/Plots:** The following articles are **prohibited** from being placed on lots within the cemetery: articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments), ceramics, or corrosive metals, loose stones or sharp objects, trellises or arches, or chairs. Benches may be permitted at the discretion of the Board.
3. **Timelines for Removal of Wreaths:** Memorial wreaths may be placed in the cemetery only between November 15<sup>th</sup> and April 15<sup>th</sup> of each year. In order to prepare the grounds for spring, wreaths must be removed prior to April 15<sup>th</sup>.

4. **Right to Remove Wreaths:** 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.
5. **No Notification Required:** Wreaths not removed by April 15<sup>th</sup> will be removed and disposed of by the cemetery, without notification.
6. **Operator Not Responsible:** The Cemetery shall not be responsible for loss or damage to any articles left upon any lot or plot.

**R. RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKERS**

1. **Application of By-laws to Contractors:** All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.
2. **Pre-Approval Required for Contract Work:** Any contracted 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 office and provide the necessary approvals before commencing work at any location on the cemetery property.
3. **Required Documentation Before Monument Delivery:** No monument or marker will be delivered to the Cemetery without the proper documentation:
  - a. Completed Foundation/Monument Order Form
  - b. Payment of Locate Fee and applicable monument care and maintenance fee (as per FSCBA), and
  - c. Sketch of monument to be installed.
4. **Foundation Required Before Monument Delivery:** No monument or marker will be delivered to the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of installation.
5. **Removal Only with Consent:** No monument or marker will be removed without written permission from the Township of Warwick.
6. **Contractor Responsibilities for Coverage:** All companies and contractors who do work in Warwick Township Cemeteries shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance.

7. **Allowable Variance in Base Size:** There shall not be a variance of more than 1.27 cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered.
8. **Entrance to Cemeteries:** 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.
9. **Work only during Business Hours:** No work will be performed at the cemetery except during the regular business hours of the cemetery, unless approval has been granted by the cemetery operator.
10. **Cease Work if Funeral in Cemetery:** 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.
11. **Work on Saturdays:** No work shall be commenced on a Saturday that cannot be finished, and the litter and debris removed that day.
12. **Protection of Surface:** Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved, in order to protect the surface from damage.
13. **Charges Borne by Contractor for Non-Removal of Debris:** All rubbish and surplus earth shall be removed by the Contractor from the cemetery. Otherwise the obstructions will be removed, and the expense charges to the monument dealer.

#### **S. COLUMARIUM AND NICHES – GENERAL REGULATIONS**

1. **All the general rules and regulations of the cemetery operating by-law shall apply to the Columbarium as far as the nature of the inurnment permits. Any variation shall be at the sole discretion of the Cemetery Operator.**
2. **Certificate of Cremation from a Crematorium must accompany all cremains before inurnment can take place.**
3. **No inurnment shall be made without written permission from the Rights Holders or a representative of the estate if the Rights Holder is the deceased.**
4. **Cemetery Operator will maintain records of all inurnments in the Cemetery including inurnments in the columbarium.**

5. No inurnment shall be permitted until paid in full to the Cemetery Operator.
6. Flowers, wreaths and designs placed against or near any part of the Columbarium which are liable to stain or deface the structure will be removed.
7. No glass vases or other breakable items shall be placed around the Columbarium.
8. Transfer of Interment Rights for a Columbarium must be approved by the Cemetery Operator. Re-Sale, Transfer of Rights to Succession for Niches shall follow the same procedure as set out for ground interment rights.
9. Only the Cemetery Operator and staff may open and seal niches for inurnments. This applies to the inside sealer and the niche front.
10. Only those authorized by the Cemetery Operator shall remove or alter niche fronts.
11. All inscriptions and decorations to niche fronts must be pre-approved by the Cemetery Operator.
12. Payment in full must be made to the Cemetery Operator before an inurnment may take place
13. Only the cemetery operator may open and seal niches for inurnment. This applies to the inside sealer and the niche front.
14. To ensure quality control, desired uniformity and standard of workmanship; the Cemetery requires that all plaques to be placed on the columbaria are purchased through the operator.
15. All inscription and personalization of a niche tablet will be in accordance with a prescribed layout as assigned by the operator.
16. No person other than cemetery staff shall remove or alter niche plaques.
17. Cemetery staff to complete all inurnments and disinurnments.
18. One niche may contain two sets of ashes providing the two containers fit into the niche which is 11.5" X 12" X 15" deep.