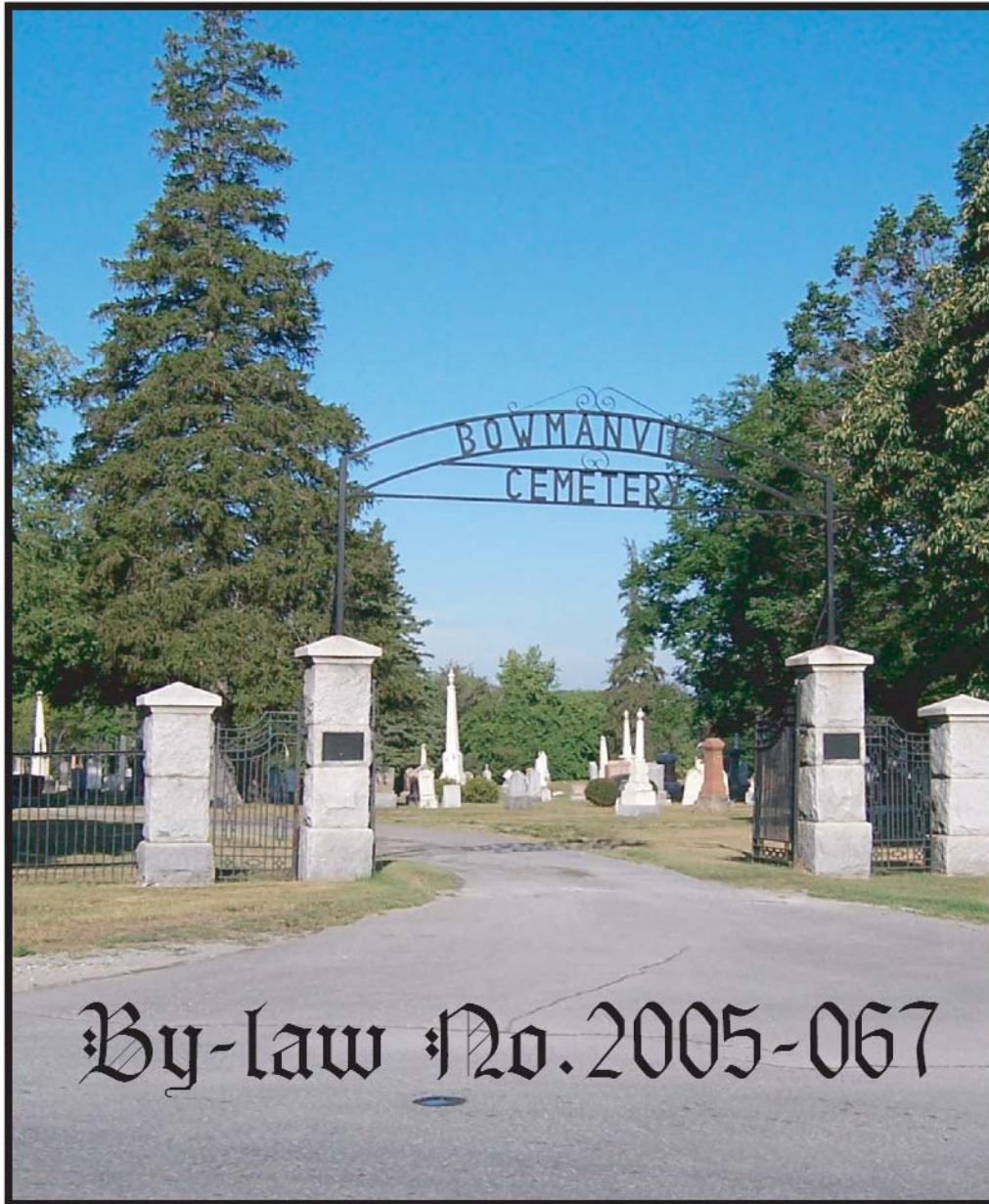


Cemetery Regulations



Clarington
Leading the Way



The Municipality of Clarington maintains three active non denominational cemeteries.

Bowmanville Cemetery
130 Haines Street, Bowmanville



Originally established in 1857 on approximately 20 acres (at an original cost of 20 pounds per acre) purchased from James Grant. Five other cemeteries were closed throughout Bowmanville in the following 22 years and remains were moved to this present location. Some may be interested to know that a gentleman, Thomas Henry, who died January 1882 at 100 years old is buried in the cemetery. This gentleman fought in the Battle of Waterloo, and the Royal Canadian Legion in the Annual Decoration Day ceremonies always remembers his grave.

Bondhead Cemetery

Corner of Queen Victoria Steet and Park Lane in Newcastle Village

Originally established by St. Georges Anglican Church in Newcastle in 1857 on approximately

3 acres. St. Georges had originally planned to build a church on the same grounds, however, abandoned the idea, instead the church was built on Mill Street in Newcastle Village. The cemetery was taken over by the Municipality in 1972.



St. George's Cemetery
2 Browview Road, Newcastle

Originally established in 1874 on approximately 2 acres. This cemetery is located near the site of an early Anglican Church. St. George's is possibly the earliest established cemetery in Clarke Township outside of private plot. Of special note St. George's is the final resting place of Samuel Wilmot. Samuel Wilmot who as an early settler, was the first surveyor to survey Clarke Township.

The Municipality of Clarington, in the discharge of its responsibilities, appeals to the public to aid them by following these By-laws which have been adopted for the improvement and maintenance of the cemeteries.



Municipality of Clarington

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW NO. 2005-067

Being a by-law to provide for the maintenance, management, regulation and control of the cemeteries in the Municipality of Clarington and to repeal By-Laws 79-104; 81-045; 83-162; 86-030; 89-195; 89-219; 92-077; 93-118; 94-047; 95-106; 96-44 and 2001-112.

Whereas the Cemeteries Act (Revised) 1990 provides for the regulation and restriction of use of lands identified as a cemetery;

NOW THEREFORE The Municipality of Clarington hereby enacts as follows: -

1.0 DEFINITIONS

“Act” means the Cemeteries Act (Revised), R.S.O. 1990, c.4;

“Ashes” means the cremated remains of a deceased human body;

“Baby Land” means a part of a cemetery designated for infants with a grave no bigger than 24” x 36” (61 cm X 91.5 cm);

“Casket” means the container/coffin in which deceased human remains are interred;

“Cemetery” shall include those areas inside the Bowmanville Cemetery and Bond Head Cemetery set aside for the interment of human remains or ashes;

“Columbarium” means a structure (a niche wall) designed for the purpose of interring and preserving of cremated remains in sealed compartments (niches);

“Corporation” means the Corporation of the Municipality of Clarington;

“Council” means the Council of the Municipality of Clarington;

“Director of Operations” shall mean the Director of Operations of the Municipality of Clarington or his/her designate;



“Disinterment” means the digging, removal and re-interment of a casket, vault or urn;

“Holiday” means a Statutory or Declared Holiday as well as any day designated in a collective agreement approved by the Municipality of Clarington;

“Human remains” means the remains of a deceased human body;

“Interment” means the digging and preparation of the grave, placing of the casket, vault or urn, filling the grave, leveling the ground, and re-establishing the grass;

“Lot” means an area of land in the cemetery set apart for the interment of not more than two human bodies in a single or double depth grave;

“Marker” means a memorial of granite or such like material with a flat and level surface set flush with the ground placed at the foot or head of the grave;

“Ministry” means the Ministry of Consumer and Business Services;

“Monument” means a memorial projecting above the level of the ground, including raised markers, placed at the head of a grave;

“Municipal Clerk” shall mean the Clerk of the Municipality of Clarington or his/her designate;

“Normal Business Hours” means the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday, excluding statutory holidays;

“Perpetual Care” means the preservation, improvements, embellishment and maintenance in perpetuity in a proper manner of lots in a cemetery;

“Plot” means two or more lots;

“Register” means the record of deeds, kept by the Municipal Clerk;

“Treasurer” shall mean the Director of Finance of the Municipality of Clarington or his/her designate;

“Urn” means the container for cremated human remains;

“Vault” means a manufactured fiberglass or concrete shell that the casket is placed into



prior to an interment

2.0 DUTIES OF THE CORPORATION

The Corporation shall, through its signing officers, execute all conveyances of lots in the Cemetery.

The Corporation shall appoint the Municipal Clerk as Secretary of the cemetery.

2.1 DUTIES OF THE DIRECTOR OF OPERATIONS OR HIS/HER DESIGNATE

It shall be the duty of Director of Operations or his/her designate to provide control and supervision and have the authority:

To prepare and present the periodic pay sheets.

To keep all necessary records of interments, disinterment and removals, and all other necessary records, and submit monthly, to the Municipal Clerk a proper report together with requisite statements.

To keep the cemetery, buildings, and fences in good repair and have the general care and custody of the cemetery including the supervision of all employees, the keeping in good order of all walks, drives and grounds, the enforcement of the provisions of this by-law and all lawful directions of the Corporation; provided that before removing any trees or shrubs from a lot, he/she shall, where reasonable, first give notice thereof to the owner of such lot. To give signed orders for all interments and disinterments and to see that all are conducted in a decent and orderly manner and that quiet and good order are at all times maintained and attend every interment and disinterment.

2.2 DUTIES OF THE MUNICIPAL CLERK

Subject to the general control and supervision of the Corporation, it shall be the duty of the Municipal Clerk to carry out all the usual duties of a Secretary and the Corporation may designate such other duties to him/her and he/she shall have the authority:

To make all sales of lots and to keep records thereof, and prepare deeds for execution by the signing officers of the Corporation.

To receive all monies payable to the account of the Corporation for the sale of lots, perpetual care and all monies or property given, devised, bequeathed or set aside for the purpose of the upkeep or care of any lot or portion of a cemetery, and all other monies or property



receivable by the Corporation with respect to the cemetery whether by way of gift, bequest or otherwise.

To set aside for the perpetual care thirty-five percent, or such greater amount as is from time to time prescribed under the Act, of all monies received on the sale of lots as prescribed by the said Act, and to set aside for perpetual care all other monies received for perpetual care, and to set aside for the purpose of the upkeep or care of any lot or portion of a cemetery, any money or other property given, devised, bequeathed or set aside for such purposes, and to invest the same, subject to the approval of the Treasurer, in such securities as may from time to time be authorized by the provisions of the Public Trustees as referenced in the Act.

2.3 DUTIES OF THE TREASURER

To receive and transfer to the Perpetual Care account of the Corporation all interest received from perpetual care fund investments and all interest and all other income from money invested or from other property given, devised, bequeathed or set aside for the purpose of the upkeep or care of any lot or portion of a cemetery.

To prepare and submit to the Corporation a monthly statement of all monies received by him/her, to and for the use of the Corporation and all accounts, in connection with the operation of the Cemetery.

To prepare and submit reports to the Minister, at such time and with such information as required by the Act and regulations thereunder.

2.4 EMPLOYEES NOT TO SOLICIT BUSINESS

No officer or employer shall canvass or solicit business in connection with any monument or other structure to be erected, or in connection with any work to be done in a cemetery, save and excepting the selling of lots by persons authorized to do so.

2.5 SALE OF LOTS AND CEMETERY SERVICES

Site Plan

The Municipal Clerk shall keep available for inspection by prospective purchasers, maps showing all lots available for purchase.



Charges

The charges for lots and for all cemetery services shall be as set forth in the Tariff of Rates appended hereto as Schedule "A".

Certificate of Interment Rights (Deed)

Upon payment in full of the purchase price of a lot, the Municipal Clerk shall prepare a deed, deliver it to the Purchaser and record same in a Register kept for that purpose.

Limitation of Deeds

The deed of a lot shall convey only the right of burial of human remains therein, and of placing a marker or monument, and such rights shall be subject to the provisions of the Act and regulations thereunder, and of this by-law as amended from time to time, and no purchaser shall acquire any right, title or interest except as aforesaid, or pursuant to the Act or other Acts in that behalf.

Transfer of Lots

Upon the transfer of a lot by the owner thereof, the Municipal Clerk shall upon payment of a fee set out in Schedule "A" Tariff of Rates, prepare and have executed by the owner thereof, or by authorized personal representative of a deceased owner upon satisfactory evidence of their authority, a transfer in duplicate, and shall enter the transferring in the Register and deliver one copy to the transferee and keep the other for his/her records. In the case of a transfer where an owner is deceased, a copy of probate or of letters of administration shall be procured by the Municipal Clerk or a satisfactory statutory declaration with such particulars, including the names and addresses of the heirs and the name and address(es) of the person authorized to sign a transfer.

Removals

Wherever the owner of a lot procures the removal of all remains from all graves of which he is the owner, and delivers to the corporation the deed to the lot, together with a release of all his interest therein, he/she shall be credited with the amount originally paid without interest, less the charge for removal, or where the removal



charges are greater than such amount, he/she shall be charged with the difference.

Payments for Perpetual Care Where Not Originally Established

In the case of lots formerly sold for a price from which no part was set aside for perpetual care, any person may pay to the Treasurer for the perpetual care of any such lot, a sum calculated at the rate as shown on Schedule "A" Tariff of Rates, and perpetual care shall be transferred to the Treasurer, and by him/her added to the perpetual care fund, and in every such case the Treasurer shall prepare and have executed and give to the person making such payment, a receipt of payment for perpetual care.

Errors

In the event that an error on the part of the Municipality is discovered in a lot reservation prior to the use of the lot for interment, and that lot is no longer available, the Municipality shall:

- 1) Amend the affected deed of that lot, or other reservation made prior to the enactment of this by-law, so as to provide a lot of equal or greater value and similar location acceptable to the lot holder; or
- 2) Cancel the lot reservation and refund the full amount paid as evidenced in the Municipality's records.

The lot holder shall notify the Municipality of the lot holder's preference within 30 days of the notification of the error; otherwise the Municipality shall be entitled to make the decision.

3.0 FUNERALS AND INTERMENTS

Burial of Lower Animals

No burial of the body of any lower animal than a human being shall be allowed in any of the cemeteries.



More than Two in One Lot

Due to the instability of the soil, the top of any interment container shall be 36" (91.5 cm) below ground surface for safety reasons. Regardless of the manner in which the grave is prepared only one fully human remains is to be interred in any single lot.

For those purchasing lots or plots prior to the enactment of this by-law, double burials will be honoured, but no more than two burials shall be allowed in one lot. Both interments in one lot must each have caskets.

Burials on a Statutory Holiday

No burial shall be made on a Statutory Holiday except in the case of a written order of the Medical Officer of the Department of Health or the Director of Operations or his / her designate.

Burials on Saturday or Sunday

No burial shall be made on a Saturday or Sunday without payment of an extra charge as set forth in Schedule "A" appended hereto, save and except in the case of a written order of a Medical Officer of Health and in such case the extra charge shall not apply.

Time of Day When Burials Permitted

No funeral shall be admitted to the cemetery and no burial shall be allowed, except between the hours of 9:00 a.m. and 3:00 p.m., local time; provided that a funeral or burial may be allowed at other times by special permission of the Director of Operations or his / her designate and payment of such additional amount as is required as shown on Schedule "A" Tariff of Rates

Notice Prior to Burial

At least twenty-four hours notice of the date and time desired for a burial shall be given to the office of the Director of Operations or his / her designate during business hours, , and unless such notice is in writing, the Corporation shall not be responsible for errors, and no arrangements will be conducted over a phone.



Order for Burial

Prior to every burial there shall be delivered to the Office of the Municipal Clerk, by the funeral director, or his/her delegate, a death certificate properly completed with the information therein indicated as being required, whereupon the Municipal Clerk shall issue and deliver to the Director of Operations or his/her designate a burial permit; and no grave shall be opened without the Director of Operations or his/her designate being in attendance.

Route of Funeral

Funerals within the cemetery shall follow the route prescribed by the Director of Operations or his/her designate.

3.1 MEMORIAL SERVICES

Before any Memorial Service is held in a cemetery, the Director of Operations or his/her designate shall be given at least 10 days notice in writing together with a satisfactory undertaking that the cost of repairing any damage which may be occasioned, will be paid.

3.2 PUBLIC ACCESS

Cemeteries shall be open to the public from 8:00 a.m. until sundown or as otherwise designated by the Director of Operations or his / her designate.

With the exception of a police constable and employees of the Municipality of Clarington in the performance of their duties, no person shall enter or remain in a cemetery between sundown and 8:00 a.m. without the permission of the Director of Operations or his / her designate.

4.0 CEMETERY SERVICES SUPPLIED BY THE MUNICIPALITY OF CLARINGTON

Save as herein otherwise provided, cemetery services available from the Municipality of Clarington shall not be allowed to be supplied by any person and for the purpose of this provision "cemetery services" shall mean all services normally supplied by the Municipality of Clarington and shall include,

Cutting grass and general care of lots



Planting trees, shrubs and grass
Setting grave markers, memorials
Construction of foundation for monuments and markers
Opening and closing of graves
Disinterment or removal of human remains

Disinterment and Removals

No disinterment or removal of any human remains shall be allowed except under the supervision and direction of the Medical Officer of the Department of Health and in the presence of the Director of Operations or his / her designate and upon due observance of all other requirements of the Act and regulations made thereunder.

Oversized Shells and Vaults

Where a shell or vault has a width of more than 2' 6 " (0.762 metres), or a length of more than 7' 6" (2.286 metres), the Director of Operations or his/her designate shall not be obliged to permit the burial unless there is sufficient space to accommodate it; and the Director of Operations or his/her designate shall not be obliged to permit the erection of any monument where there is insufficient room left for the foundation.

5.0 MARKERS AND MONUMENTS

i) General

Permission of Owner

No marker or monument shall be placed or allowed to remain without written order signed by an owner of the lot or grave and delivered to the Director of Operations or his/her designate.

Permission of Director of Operations or his / her designate

No markers, monument or vaults shall be brought into a cemetery or any materials placed or any work done, except at such time and in such manner and in such place as is authorized by the Director of Operations or his/her designate.



Removal Order

No marker or monument shall be removed without a written order signed by the owner and delivered to the Director of Operations or his/her designate.

Inscriptions

No inscription which is scandalous, shall be made or allowed to remain, on any marker or monument in a cemetery, and no inscription shall be made without the permission of the owner of the lot.

Hours of Work

No work shall be done or allowed except between 8:00 a.m. and 5:00 p.m. from Monday to Friday inclusive. All litter and debris and loose earth shall be removed at the time above set forth for cessation of work.

To Avoid Damage

Due care shall be used, by the use of planks and otherwise, to avoid causing any damage to any path or lawn or to anything within the cemetery. Minor scraping of the base portion of the upright markers due to the mowing operation is considered to be normal wear.

In Vicinity of Funeral

No work shall be carried on in the vicinity of a funeral at anytime while such funeral is in process.

Behavior of Work Person(s)

The demeanor and behavior of all work person(s) employed by others shall be subject to the direction of the Director of Operations or his/her designate; and every such work person shall leave the cemetery when so ordered by the Director of Operations or his/her designate.



Removal of Litter

The Director of Operations or his / her designate may remove any material, and any litter or debris left.

ii) Markers

Size

Every marker for a single grave shall be of a size as nearly as practicable, of 18" X 24" (45.7 cm X 61 cm) width, with a thickness of from 3" to 8" (7.6 cm to 20.3 cm).

Location

Every marker shall be placed only by employees of the Municipality of Clarington and the surface shall be level and without projections and shall be flush with the ground. No more than one marker is allowed on one grave, and no marker is allowed at the same end as a monument.

iii) Monuments

Materials

Every monument shall be made of bronze, granite, marble or other durable stone used for that purpose with no vertical joint and no ornament of stone, metal or other material attached thereto.

All monuments shall be mounted only on a stone or concrete base or footing and the base or footing shall be constructed by the Municipality of Clarington and set flush with the level of the adjoining ground.

Size

No monument shall exceed 48" (122 cm) in height, including base or footing, above the level of the adjoining ground, and:

- When located on a lot shall not exceed 10% of the lot area
- When located on a plot, the base shall not exceed 14" X 38" (35.5cm x 96.5 cm).



Location

A monument shall be located at the head of a lot or plot and no more than one monument shall be allowed on one lot or on one plot save and except that Council may, at their discretion and from time to time, upon application, permit more than one monument on a plot.

Notice to the Municipality of Clarington

There shall be delivered to the office of the Director of Operations or his/her designate, at least two weeks prior to the date desired for the erection of a monument, an order in writing with the information thereon indicated, including the dimensions of the monument, and the order for the foundation.

6.0 REGULATIONS MADE UNDER THE AUTHORITY OF THIS BY-LAW

i) Flowers, Shrubs and Ornamental Trees

Unbreakable flowerpots may be placed and flowers planted at the front of a grave not more than 12" (30.5 cm) from the marker or monument.

Floral stands are to be of a single leg support type and may not exceed 48" (122 cm) with no more than two stands per monument. The arms of the stand must not project into the maintenance area. Extra stands will be removed.

Floral tributes left on a grave at the time of interment shall be removed within ten (10) days under the direction of the Director of Operations or his / her designate.

Shrubs and ornamental trees must be in alignment with and close proximity to the marker while flowering plants must be grown only in front of the marker, provided that the bed extends no more than 12" (30.5 cm) from the marker, and maintained solely by rights holder. Maintenance involves pruning to limit height of trees to 48" (122 cm), and laterally to within the boundaries of the right holders lot. Flowering plants must be weeded and watered. Failure to meet these criteria may result in assuming the holders duties to have been abandoned. The plants may then be removed and discarded on the direction of the Director of Operations or his/her designate.



ii) Glass or Other Items

No lettered boards, signs, items made of glass in whole or in part, crockery items or wind chimes are allowed to be left on graves.

iii) Winter Wreaths

No winter wreaths shall be permitted on a grave or lot after the first day of April in any year and up to the last day of October following, and any box, container, wreath, etc., so placed shall be removed by the Director of Operations or his/her designate.

iv) Young Children

No children under or apparently under the age of twelve shall enter or be within any cemetery grounds except when under the proper control of an adult.

vi) Vehicles

No person shall drive an automobile or other vehicle anywhere in a cemetery other than on a designated road or lane, with the exception of vehicles or equipment necessary for the operation and maintenance of the cemetery.

No person shall drive a vehicle at a speed of more than 15 kilometers per hour.

vii) Parade and Procession

No person shall take part in any parade or procession within a cemetery, except a funeral procession, without approval by Council.

viii) Watering Cans

Visitors are expected to return watering cans to the place of origin at or beside the water tap.

ix) Enforcement

Any person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to a fine as prescribed in the Provincial Offences Act.



7.0 REPEAL OF BY-LAWS

By-Laws 79-104; 81-045; 83-162; 86-030; 89-195; 89-219; 92-077; 93-118; 94-047; 95-106; 96-44 and 2001-112 are hereby repealed.

8.0 EFFECTIVE DATE

This by-law shall take effect on the date of approval by the Ministry of Consumer and Business Services.

By-law read a first and second time this 18th day of April 2005.

By-law read a third time and finally passed this 18th day of April 2005.

John Mutton, Mayor

Patti L. Barrie, Municipal Clerk

Tariff of Rates available upon request.

For information on current fees and charges, please contact the Clerk's Department, 40 Temperance Street, Bowmanville or call 905-623-3379

For information on maintenance and/or other operation of the three Municipal Cemetery's please contact the Operations Department at 905-263-2291.

Clarington
Leading the Way