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# *By-laws for Elmwood Cemetery*

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**Approved July 1st, 2012  
Revised January 1st, 2018  
These By-laws are in effect until  
superseded.**

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## **PREFACE**

The Perth Cemetery Company Board of Trustees, in the discharge of their responsibilities, appeal to the public to aid them by following the bylaws of Elmwood Cemetery, 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 Elmwood Cemetery is licensed (#3281729) by the BAO, to act as a cemetery in accord with the Funeral, Burial and Cremation Services Act, 2002 (FBCSA).

It is our hope that by a co-operative effort we can keep the Cemetery attractive and peaceful. The public is encouraged to help maintain the condition of the grounds around their families and friends grave markers/monuments.

The Perth Cemetery Company has been in operating Elmwood Cemetery continuously since March 27, 1872.

Perth Cemetery Company is a registered not-for-profit company with charitable designation that owns the cemetery property and therefore has full control and complete authority to administer these bylaws. The management and direction of the cemetery is entrusted to an elected Board of Trustees. All members of the Board must be Interment Rights Holders of Elmwood Cemetery.

The Board of Trustees has oversight of the Cemetery Manager, who in turn has the day-to-day management of the Cemetery.

The Manager shall have care of all records and documents of the Perth Cemetery Company and shall conduct all cemetery business in compliance with the FBCSA; Elmwood Cemetery Bylaws and decisions of the Board of Trustees.

The Board distinctly 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 military or civil authority, whether damage be direct or collateral.

The Board shall take reasonable precautions to protect the property of Interment Rights Holders but they assume no liability or responsibility for the loss of, damage to, or from any article of any type that is placed on any lot or plot.

These by-laws are the rules and regulations that govern Elmwood Cemetery and have been approved by the Bereavement Authority of Ontario. The cemetery may develop at its sole discretion various policies/procedures relating in more detail to operations of the cemetery. These documents are held by the Boards Chairman and are open for pre-arranged inspection.

**MISSION STATEMENT:** Our mission is to remain a 'not-for-profit organization.... serving Perth and the surrounding Townships' providing affordable final resting locations for the public at large within a secure, respectful and park like setting. We endeavor to provide various burial options such as traditional full interment, in ground cremation inurnment and above ground entombment in either public or private columbaria.

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**VISION STATEMENT:** Our vision is to continue being the public cemetery of choice for all residents of Perth and surrounding communities. We shall continue to keep level all burial markers as they age with priorities towards public safety. Landscaping and tree maintenance shall be carried out regularly to preserve the park like atmosphere. This cemetery is considered as one of the prime custodians of our towns' history and shall be maintained to reflect that heritage.

**CONFIDENTIALITY:** Our cemetery shall continue to respect the privacy of all Interment Rights Holders and securely keep all records pertaining to those interred in both hard and soft copy indefinitely. Family genealogists and other interested parties shall be supported in their efforts of preserving the legacy of those interred.

### **Section A: DEFINITIONS**

**Bereavement Authority of Ontario (BAO):** is the government authority that has responsibility for cemetery licensing, inspection and audit functions.

**Board:** means the duly elected Board of Trustees for the Perth Cemetery Company.

**Burial:** The opening and closing of an in-ground lot 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 that a percentage of the purchase price of all Interment Rights and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of lots, markers and monuments at the Cemetery.

**Cemetery:** means Elmwood Cemetery located at 165 Dufferin Road, Town of Perth, County of Lanark.

**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 perimeter location of a lot or plot.

**FBCSA:** The Funeral, Burial and Cremations Services Act, 2002 and Ontario Regulations 30/11.

**Grave/Lot:** Means any inground burial space intended for the interment of a child, adult or cremated human remains.

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

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**Manager:** means the person appointed by the Board to be the Manager.

**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 lot.

**Ministry:** means the Ministry of Government and Consumer Services for Ontario.

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

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

**Plot:** For the purposes of these by-laws, a plot is a parcel of land, sold as a single unit, containing multiple lots. Elmwood no longer sells plots, only lots.

**Scattering:** Shall mean the act of spreading of cremated remains over a designated area within a cemetery and in keeping with the cemetery's by-laws.

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## **Section B: GENERAL INFORMATION**

### **Hours of Operation:**

#### Visitation Hours

The Cemetery is open for public visitation from sunrise to sunset.

No one is permitted to be on the Cemetery property between sunset and sunrise.

#### Office Hours:

The office hours are not firmly set, but are generally 9:00 AM to 4:00 PM. Please telephone the manager for assistance 613-264-9409

#### Burial Hours:

Interments are conducted between the hours of 10:00 AM and 4:00 PM.

Interments will be conducted Monday through Saturday.

NO interments shall be made on Sunday, Good Friday or Christmas Day.

NO interment shall be made on a Statutory Holiday unless the Cemetery is ordered to do so by a representative of the Ministry of Health.

### **General Control**

The cemetery reserves full control over the cemetery operations and management of land within the cemetery grounds.

### **Conduct of Visitors**

All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

Visitors are always welcome at the Cemetery during the open hours, from sunrise until sundown. They are asked to remember and respect those interred.

The Manager and his/her assistants are empowered and are required to preserve order and decorum in the Cemetery.

No parades other than funeral processions shall be admitted to or be organized within the Cemetery.

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.

Vehicles within the Cemetery shall be driven at a slow rate of speed (<15KPH) and shall not leave the avenues or park on the grass unless directed to do so by the Manager.

No pleasure ATVs (all-terrain vehicles) or snowmobiles are allowed in the Cemetery.

Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.

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Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the Cemetery.

No dogs or other pets shall be allowed in the Cemetery at any time.

No picnic or party shall be permitted in the Cemetery grounds.

Any person who damages, destroys, removes or defaces any property within the cemetery is liable to the cemetery 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.

Any complaints by Interment Rights Holders or visitors should be made first to the Manager and if not satisfied then to the Chair of the Board of Trustees. Workers on the grounds and controversies with workers or others on the grounds are to be avoided.

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 deposit of weeds, decayed flowers, plants, etc.

Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these by-laws, shall be expelled from the grounds.

Any article which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform to 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 **30** days.

No tips or gratuities are to be given to Cemetery workers by visitors or Rights Holders, nor shall any be accepted by any Cemetery worker.

### **By Law Amendments:**

The cemetery shall be governed by these bylaws, and all procedures will comply with the FBCSA, which may be amended periodically.

All by-laws and by-law amendments are subject to the approval of the BAO.

### **Liability:**

**The Perth Cemetery Company 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, columbarium, niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment save and except for direct loss or damage caused by gross negligence of the cemetery.

### **Public Register:**

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries to maintain a public register that is available to the public with arrangements through the Manager.



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### **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 where necessary.

### **Section C: RESALE OR CANCELLATION OF INTERMENT RIGHTS**

#### **Prohibit resale of interment rights to a third party.**

The Perth Cemetery Company prohibits the resale of interment rights to a third party and will repurchase the rights themselves.

#### **Cancellation of Interment Rights within 30 Day Cooling-Off Period:**

A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, providing no interment has taken place, by providing written notice of the cancellation to the Manager.

The Perth Cemetery Company will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

#### **Cancellation of Interment Rights after the 30 Day Cooling-Off Period:**

Upon receiving written notice from the purchaser of the interment rights, the Perth Cemetery Company 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. 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 be returned to the Perth Cemetery Company along with the written notice of cancellation.

If any portion of the interment rights, for a lot or plot, has been exercised, the purchaser or the interment rights holder(s) are not entitled to cancel the contract.

#### **Care and Maintenance Fund Contributions:**

As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all interment rights and a prescribed amount for monuments and markers is contributed into the care and maintenance fund. 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.

### **Section D: REQUIREMENTS FOR SALE, RESALE, TRANSFER AND ABANDONED INTERMENT RIGHTS**

#### **Sale**

No person shall sell interment rights unless that person does so, on behalf of the operator.

Interment rights for lots may be purchased from the cemetery at the rates indicated on the price list that is in effect at the time.

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The prices for the lots include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund.

The deposit to the Care and Maintenance Fund shall be as specified in the FBCSA.

- In the case of an in-ground grave that is 2.23 square metres (24 square feet) or larger, the greater of 40% of the selling price or \$250.
- In the case of an in-ground grave that is smaller than 2.23 square metres (24 square feet), 40% of the selling price or \$150.
- In the case of a niche or compartment in a public columbarium, the greater of 15% of the selling price or \$100.

Payments for interment rights shall be made to the Manager at the time of purchase.

The Cemetery Board shall provide each Rights Holder at the time of sale with:

- A copy of the contract.
- A copy of the price list
- A copy of the Cemetery By-laws.
- Upon payment in full, a Certificate of Interment Rights.

Purchasers of interment rights acquire only the right to direct the burial of human remains, installation of monuments, markers, and inscriptions, subject to the conditions set out in the cemetery by-laws approved by the Ministry.

An interment rights certificate will only be issued to the interment rights holder(s) **when payment has been made in full. This certificate is an important document that should be securely kept by the holder(s).**

The purchase of interment rights is not a purchase of real estate or property but a rights deed.

In accordance with cemetery by-laws, no burial or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights and all associated costs for opening/closing have been paid in full.

### **Resale to the cemetery:**

If a rights holder(s) wishes to re-sell the interment rights to the Perth Cemetery Company the rights holder(s) must make the request to the Perth Cemetery Company in writing.

The Perth Cemetery Company will repurchase the interment rights at the price listed on the current price list less the Care & Maintenance Fund contribution made at the time of purchase.

The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.

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The interment rights holder requesting the resale of the rights must return the Interment Rights Certificate to the Perth Cemetery Company.

The rights holder(s) must endorse the Interment Rights Certificate, transferring all rights, title and interest back to the Perth Cemetery Company. The appropriate paperwork must be completed before the Perth Cemetery Company reimburses the rights holder(s).

The Cemetery is not required to repurchase the Interment Rights for more than two (2) lots held by the same Interment Rights Holder in a twelve month period.

### **Transfer**

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 cemetery until the original interment rights certificate and notice is given in writing to the Manager, 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 the administration fee, the transfer shall be made.

In case of transfer by will or bequest of interment rights, the cemetery reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.

### **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 BAO 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 BAO 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.

Any person whose interment rights have been resold after being declared abandoned may apply to the BAO for redress. Upon receiving an application for redress, the BAO shall order the cemetery 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.

## **Section E: INTERMENTS AND DISINTERMENTS**

### **General**

Interments or disinterments are allowed Monday to Saturday, and Statutory Holidays when ordered to do so by a representative of the Ministry of Health.

Interments and disinterments are not allowed on Sundays, Good Friday or Christmas.

Winter burials shall take place weather permitting.

At the cemeteries discretion, no interment shall be permitted in any lot or niche where the interment rights have not **been paid in full**.

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Someone in the employ of the cemetery shall be in attendance at each interment.

The cemetery will exercise all due care in making interments, but is not responsible for damage to any casket, urn or other container sustained during interment or disinterment. Funeral corteges within the cemetery shall follow the route indicated by the cemetery

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 a 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 Interment Rights Holder. If necessary, it may be mailed to the Rights Holder(s) or their legal representatives, at their last appearing address in the register 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.

The cemetery shall not be held responsible for any errors made for any interment arrangements made over the telephone. These arrangements must be in writing.

The cemetery does not assume responsibility for the number of grave openings that may be made in a plot with the use of outer shells.

Notice of each interment to be made must be given to the Manager at least 48 hours in advance, 16 hours of which must be regular working hours. The cemetery cannot be held responsible for having graves prepared for funerals unless such notice is given.

Should unforeseen obstacles such as large boulders be encountered upon opening a lot and these obstacles cannot readily be removed with our equipment, then the rights holder will be offered a comparable lot at no cost. Should the rights holder decline such an offer, they will be responsible for the full cost of the removal of said obstruction.

### **Interments**

#### Full burial lots

- Measure 0.9 metres by 3 metres (3 feet by 10 feet).
- Interment rights purchased prior to 1990 and after July 1, 2012 will consist of one (1) full burial and up to two (2) cremations.
- Interment rights purchased between 1990 and July 1, 2012 will consist of one (1) full burial and up to four (4) cremations.

#### Half lots in Section N

- Measure 91.44 cm by 1.5 metres (3 feet by 5 feet).
- Interment rights consist of one (1) child or infant container 91.44 cm by 45.72 cm (3 feet by 1½ feet) and up to two (2) cremations.

#### Cremation lots

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- Section CL - Measure 60.96 cm by 60.96 cm (2 feet by 2 feet) and allow for two (2) cremations.
- Section L - Measure 91.44 cm by 91.44 cm (3 feet by 3 feet) and allow for two (2) cremations.

Remains to be buried must be in a container of some sort chosen by the family. Full body interments *without a casket* must be securely wrapped and bound in some form of shroud.

The container must be of a size to permit burial within the size of the lot.

All interments must be authorized in writing, on the "Authorization for Interment" form, by the Interment Rights Holder.

The interment of the Interment Rights Holder must be authorized in writing, on the 'Authorization for Interment form', by the person having said authorization (i.e. Executor, Next-of-kin).

Interment authorization will be accepted from any or all Interment Rights Holders, or their representative, when the interment rights are held jointly by two (2) or more persons.

**Persons signing the "Authorization for Interment" form shall be held responsible for all charges incurred.**

A burial permit issued by the municipality or a cremation certificate issued by a crematorium must be given to the representative of the cemetery that is present at the interment.

All interments in lots shall be restricted to members of the family or direct relatives of the Interment Rights Holder unless stated on the "Authorization for Interment" form.

The prescribed fee must be given to the cemetery representative that is present.

The cemetery does not have a formal scattering area for cremated human remains.

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

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 Manager.

### **Disinterment**

Disinterment must be arranged through the Manager.

The requesting party is responsible for all costs which must be paid in full before the disinterment is scheduled.

No person shall remove human remains, except cremated remains; from the cemetery unless a certificate from the Medical Officer of Health is obtained confirming that the FBCSA has been complied with and affixed to the container.

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### **Section F: CARE AND PLANTING**

All lots and plots shall be maintained and kept properly graded, sodded or seeded and mown by employees of the Board.

No person shall do any work upon a burial lot except general grooming of the lot and plantings without the permission of the Manager.

The planting of any trees or shrubs, on the lots and plots, is not allowed. Only the cemetery is allowed to plant trees and shrubs on the cemetery property.

Flowers or other similar plants may be cultivated on lots adjacent to markers , but only such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Manager.

Rights Holders desiring outside gardeners to do the 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. Nails, wires, wooden crosses, articles of glass or pottery or any other material that can create a hazard to workers and to visitors when neglected or broken, are not allowed in the Cemetery.

Since borders, fences, railings, walls, cut-stone coping and hedges in or around lots become unsightly and hamper ground maintenance, thus they are prohibited.

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 same.

No Interment Rights Holder shall change the grading of their lot, and in case of any such change, the cemetery may restore the lot to its original grade at the expense of the Interment Rights Holder.

No unauthorized person shall sod, move corner-posts or lot markers.

The Cemetery shall not be responsible for the loss or damage to any articles left upon the lot or plot.

The Cemetery reserves the right at any time to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or for any other reason when such removals are in the best interest of the Cemetery.

A limit of two (2) flower arrangements or decorations are allowed per lot.

Artificial flowers are permitted, provided they are properly maintained and not detrimental to the general maintenance of the Cemetery.

Vases, urns and flower stands not properly cared for and are not filled with plants by June 15th may be removed from the lot and any stand, holder, vase or other receptacle for flowers that is unsightly or unsuitable may be prohibited or removed by the Manager.

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Flower beds not exceeding 40.64 cm (16 inches) in width shall be permitted in front of the base of the monuments, and where there is no monument, can only be made by permission of, and under the supervision of the Manager.

Planting of borders around lots is prohibited.

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 Board and the cost charged to the Interment Rights Holder.

Flower beds must be cleared of tender plants and dead plant growth 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 must not be buried but must be placed on top of the ground as close to the monument base as practical. Those who place potted plants or urns, not planted by the Cemetery, are responsible for their upkeep and must remove them by September 15.

Cement urns are allowed to remain after September 15 on the Cemetery lot but must be placed upside down as close to the monument base as possible.

Artificial wreaths without glass or plastic covers are allowed to be placed on the lot provided they are securely fastened to the monument, or where there is no monument, mounted on a stand of at least 76.20 cm (30 inches) high and securely anchored to the ground.

### **Section G: MEMORIALIZATION**

#### **General**

No statuary, ornaments or other decorations, of any kind, that cannot sit wholly on the base of the monuments is permitted on a lot or plot.

**No monument or other structure shall be erected or permitted on a lot until all accrued charges have been paid in full.**

All installations of monuments and markers and their foundations shall be arranged by the Rights Holder through monument dealers or contractors subject to the conditions of the by-laws.

No inscription shall be placed on any monument or marker which is not in keeping with the dignity and decorum of the Cemetery.

No monument, footstone, marker or memorial of any kind shall be placed, moved altered or removed without permission from the Manager.

Candle holders and vases may constitute part of a monument if they are made principally of bronze or stainless steel. If a translucent section is necessary, it must be made of an unbreakable, heat-resistant glass or of a plastic material that is fire resistant.

- Candle holders must be included in determining the overall size of the memorial.

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- A maximum of two candles or vases shall be placed on the base of a monument. They must be centered on the end or ends of the base.
- A candle holder must be adequately drained to prevent any collection of water.
- Candle holders must be fully enclosed on all sides by a door or lid.

No monument or marker shall be delivered to the Cemetery without the Request for Installation form containing the following information:

- The Interment Rights Holder's name and address.
- Instructions for placement of the marker or monument.
- The dimensions in the case of a flat marker.
- In the case of a monument:
  - The dimensions of the die, height, width, length.
  - The dimensions of the base, height, width, length.
  - The overall size of the monument.
  - A description of the monument: colour and design.
  - 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.**

Every person installing a monument or marker in the Cemetery shall pay the prescribed amount, as set out in the FBCSA, to the Care and Maintenance Fund. The interest earned from this fund will be used to maintain the markers or monuments in only a safe condition.

The amounts are as follows:

- In the case of installing a flat marker measuring at least 1115.85 square centimeters (173 square inches), \$50.
- In the case of 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.
- In the case of installing an upright marker measuring more than 1.22 meters (4 feet) in either height or length, including the base, \$200.

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.

### **Monuments**

For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.



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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.

**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, marker, or part thereof except where such damage or loss is due to the cemeteries negligence.**

The Cemetery reserves the right to determine the maximum size of monuments, their number and location on each lot or plot. They must not be of a size that would interfere with any future interments.

A double lot is allowed one (1) upright monument and only two (2) footstones. Due to the work involved to keep these level, we must restrict the quantity allowed on a lot.

Only one monument may be erected on a single lot/grave.

The maximum size monument allowed on a single lot is:

Height 0.91 meters (3 feet)

Width 76.20 cm (30 inches)

The maximum size monument allowed on a double lot is:

Height 1.22 meters (4 feet)

Width 1.22 meters (4 feet)

The minimum thickness of a die may be 15.24 cm (6 inches). However should the monument exceed 86.36 cm (34 inches) overall height, and 91.44 cm (36 inches) in width, or 50.80 cm (20 inches) in overall height and 106.68 cm (42 inches) in width, the die must be 20.50 cm (8 inches).

Should the monument exceed 106.88 cm (42 inches) overall height, the die must be 25.40 cm (10 inches).

The die stones must be installed on a granite base. The height of the base shall be minimum 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.

The maximum width of a base is controlled by the width of the plot or 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.

Unless adjoining plots are owned, both sides of the stone cannot be used. Monuments cannot be placed "Back-to-back" against another.

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.

Book or pillow markers shall be allowed only in designated areas in the Cemetery.

All photographs attached to any memorials or placed within the Cemetery shall be the sole responsibility of the owner.

## By-Laws of Elmwood Cemetery By-laws for Elmwood Cemetery

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No foundations may be constructed after November 15th or before April 1st in the following year.

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 Cemetery at the expense of the Interment Rights Holder. Foundations will be not less than 1.22 meters (4 feet) deep and they will be set at the Manager's direction.

The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.

Foundations must be cured for a minimum of 48 hours before placing the monument, unless a cap is used.

Contractors shall be under the supervision of the Cemetery and shall be responsible to pay the supervisory fee, as filed with the BAO.

No concrete shall be placed until a representative of the Cemetery has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point of the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.

Defective areas must be repaired to the approval of the Manager. 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 1.27 cm (1/2 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the Manager.

### **Markers**

Due to equipment damage, high maintenance costs and tripping issues, corner lot posts are no longer allowed to be installed in the cemetery.

Markers or footstones of 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 lot in that section. Its placement must not interfere with future interments.

single lot maximum	42.60cm x 60.96cm	(16 inches x 24 inches)
double lot maximum	42.60cm x 91.44cm	(16 inches x 36 inches)
cremation lot maximum	30.48cm x 50.70cm	(12 inches x 20 inches)

Flat markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them.

Each single lot may be marked on the ground with a flat marker only.

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 42.60cm x 60.96cm (16 inches x 24 inches).

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Any flat marker that exceeds the standard width of 30.48cm (12 inches) can only be installed after a full interment has taken place.

The minimum thickness for all flat markers including footstones is 10cm (4 inches).

All markers and monuments shall be constructed of bronze, granite or marble. The bottom bed of all bases and markers shall be cut level and true.

### **Section H: CONTRACTORS, MONUMENT DEALERS AND WORKERS**

Monuments or markers are to be delivered or erected Monday through Friday. Not on Saturday, Sunday or Statutory Holidays.

No monument or marker will be delivered to the Cemetery without the proper paperwork. See Section G – Memorialization for description of paperwork.

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 erection.

No monument or marker will be removed without written permission from the Manager.

All companies that do work in the Cemetery shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance.

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.

There shall be not be a variance of more than 1.23cm (1/2 inch) in the size of the base required as stated on the work order and the size of the monument delivered.

The demeanour and behaviour of all workers employed by others in the Cemetery shall be subject to the control of the Manager.

Workers shall cease work, in the immediate vicinity of a funeral, until the conclusion of the service.

All work must be done during regular Cemetery hours, unless by special permission of the Manager.

Vehicles and heavy loads will not be permitted in the Cemetery when roads are in unfit condition.

No monument dealer shall park on the grass unless otherwise directed to do so by the Manager. 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.

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

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monument dealer shall pay to the Cemetery the prescribed fee plus necessary taxes for supervising the monument company's people.

The monument company must contact the Manager at least 48 hours in advance of when they want to pour the foundation and/or set a monument or marker, so that the location can be marked.

A foundation shall be at least 1.22 meters (4 feet) deep and the length of the monument. The width of the base shall be in accordance with the regulations for monuments for the section. There shall not be a variance of more than 1.27cm (1/2 inch) between the size of the monument and the foundation. This foundation shall be made of air entrained cement and shall be level and true so as to not cause tipping.

The foundation shall not rise above the grade of the surrounding ground.

The monument dealer shall pay the cemetery the prescribed fee plus necessary taxes for supervising the monument company's people.

### **Section I: COLUMBARIA**

#### **GENERAL**

All the general rules and regulations of the cemetery shall apply to the columbaria as far as the nature of the case permits.

A proper Certificate of Cremation must accompany all cremated remains before inurnment can take place.

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.

Compartments will be opened only by employees of the cemetery and sealed by them after an inurnment is made.

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.

No inurnment shall be permitted until all payments due to the cemetery have been made in full.

No glass vases or other breakable item should be placed around the columbarium.

Flower designs made on wire frames shall have wire covered to prevent staining or marking of the granite.

No transfer of burial rights to a columbarium shall be valid until approved by and recorded in the books of the cemetery.

An administration fee will be charged according to the fees set out in the Price List.

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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. Each compartment is intended for two urns maximum.

### **Public Columbaria**

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.

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. Each compartment is intended for two urns maximum.

### **Family Columbaria**

Two (2) copies of the plans of the family columbarium must be submitted at least sixty (60) days before installation.

A copy of the bill for the total cost of the columbarium must be submitted along with the plans.

Family columbaria may only be placed in designated areas of the cemetery.

All family columbaria must have a minimum one (1) foot of land on all sides.

Interment rights for a family columbarium are based on the square footage required.

No gardens or plantings are allowed around the family columbarium.

### **Section J: VAULT**

The use of the vault for any Cemetery or funeral home other than Elmwood Cemetery, shall be billed at the rates shown on the Price List.

Permits for the use of the vault must be obtained from the Manager. In all cases when obtaining the permit, a deposit shall be paid sufficient to cover all expense of interment and vault rent for the timed stipulated for the body to remain in the vault.

Fees for the use of the vault are set forth in the Price List.

The Board may remove a body deposited in the vault and inter it in a single grave at any time after expiration of the time for which payment has been made, or at any time should the condition of the body render its interment necessary or expedient.

All Funeral Homes and/or Interment Rights Holders should have proper insurance coverage for any bodies stored in the vault.

All bodies must be removed from the vault by the first of May in each year.

The bodies of persons dying from contagious diseases cannot be admitted to the vault but must be interred.

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The Manager reserves the right to determine if the weather conditions are adverse enough to prevent a burial. If necessary, the vault may be used at no extra charge until the weather conditions permit the interment.

All bodies stored in our vault must for health reasons be embalmed.

No body shall be placed in a reinforced cardboard container for storage. Only bodies placed in a wooden or steel casket may be stored.