

CITY OF THOROLD

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CITY OF THOROLD

BY-LAW NO 2072 (96)



A BY-LAW RESPECTING CEMETERIES AND LAKEVIEW MAUSOLEUM

1. **SCOPE.** This by-law governs the following cemeteries in the City of Thorold, namely, Old Lakeview Cemetery, New Lakeview Cemetery and Lakeview Mausoleum and Columbarium. Parts 2, 3, 5, 6 and 7 of this By-law shall apply to all cemeteries in the City of Thorold which are maintained by the Corporation.
2. **DEFINITIONS. IN THIS BY-LAW:**
  - 2.1 "the Act" means the Cemeteries Act (Revised) R.S.O. 1990, chap. C.4 and every continuation or replacement thereof in force from time to time;
  - 2.2 "Assistant Director" means the Community Services Supervisor (Parks and Cemeteries) of the Corporation;
  - 2.3 "Care and Maintenance Fund" means a trust fund established by the Corporation under the Act for the purpose of providing money for the care and maintenance of the cemetery;
  - 2.4 "cemetery" means the lands referred to in Section 1;
  - 2.5 "certificate of interment rights" means a document issued by the Corporation in the prescribed form signed by the Clerk under the seal of the Corporation to an interment rights holder as evidence of ownership of interment rights with respect to a lot in the Cemetery;
  - 2.6 "Corporation" means The Corporation of The City of Thorold;
  - 2.7 "Council" means the municipal council of the Corporation;
  - 2.8 "flat marker" means a marker having its upper surface set at the level of the surrounding ground;
  - 2.9 "interment" means the burial of human remains and includes the placing of human remains in a lot;
  - 2.10 "interment rights" includes the right to require or direct an interment;
  - 2.11 "lot" means an area of land in a cemetery containing, or set aside to contain, human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium;
  - 2.12 "Director" means the Director of Community Services of the Corporation;
  - 2.13 "marker" means any monument, tombstone, plaque, headstone, cornerstone, or other structure or ornament affixed to or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains;
  - 2.14 "non-resident" means, for purposes of the Tariff, any person not a resident as defined in Section 2.18;
  - 2.15 "owner" means an interment rights holder shown on the records of the Corporation;

- 2.16 "Registrar" means the Registrar appointed under the Act;
- 2.17 "regulations" means, the regulations made under the Act;
- 2.18 "resident" means, for purposes of the Tariff, a person resident in the City of Thorold at the time of death or at the time of purchase of interment rights, whichever is applicable, and shall also mean a person who at the time of the purchase or death was assessed for land or building or both on the last revised assessment roll of the City of Thorold prior to the purchase or the death, as the case may be, whether or not such assessed person were actually resident within the City of Thorold;
- 2.19 "Tariff" means the current price list of all interment rights and cemetery services and supplies to be sold by the Corporation, together with all care and maintenance and other trust fund charges in connection therewith prescribed by the Act and the regulations, which price list has been fixed by resolution of the Council and filed with and approved by the Registrar;
- 2.20 "transfer" means (note statutory requirement of no consideration)
- 2.21 "Treasurer" means the Treasurer of the Corporation;
- 2.22 "upright marker" means any marker having a base resting on the ground, but rising above the level of the surrounding ground.

Except as may be modified by this By-law and unless the context otherwise requires all words and terms in this By-law shall have the same meaning as in the Act.

### 3. GENERAL ADMINISTRATION

- 3.1 Subject to the jurisdiction of the Council, the administration, management, care, maintenance and improvement of the Cemetery is vested in the Director, who shall have full charge and authority over the same and all persons therein.
- 3.1.1 Without limiting the generality of Section 3.1, the Director shall have the specific authorities and duties set forth in this by-law.
- 3.1.2 The Director shall keep on hand and available to the public copies of this by-law and of the Tariff, together with contracts, documents and samples required for the due administration of this by-law.
- 3.1.3 The Director shall furnish such documents to such persons as are prescribed by the regulations.
- 3.1.4 The Director may receive all moneys paid in accordance with the Tariff, but upon receipt shall remit the same to the Treasurer to be dealt with in accordance with Section 3.2.
- 3.1.5 The Director shall make and render such reports and statements (other than such as are furnished by the Treasurer under Section 3.2) as are prescribed by the Act and the regulations or as the Council may require.
- 3.1.6 The Director shall maintain the public register prescribed by the Act and the regulations.
- 3.2 Subject to the jurisdiction of the Council, the Treasurer

- (a) shall receive all revenues and other monies pertaining to the cemetery;
- (b) shall maintain and have the control and management of the Care and Maintenance Fund and of all other trust funds established in accordance with the Act;
- (c) shall keep such Books, Accounts and Records as are prescribed or necessary for properly recording and exhibiting all financial matters pertaining to the cemetery; and
- (d) shall make and render such financial Reports and Statements as may be prescribed or as the council may require.

In the absence of the Director, his/her duties shall be carried out by the Assistant Director, or other designate of the Director.

#### 4. SALES AND TRANSFERS

4.1 The Director shall have charge of the sale of all interment rights, and of all cemetery supplies and services provided by the Corporation.

4.2 All sales under Section 4.1 shall be for cash or on such installment terms and at the prices set forth in the Tariff. If a purchase is an installment purchase, the following shall be the installment terms:

- (a) 50% of the full purchase price, including all taxes, shall be paid on entering into the contract;
- (b) 25% of the full purchase price shall be paid not later than 6 months after the date of entering into the contract; and
- (c) the balance remaining shall be paid not later than 12 months after entering into the contract;

provided that in no case shall any services be provided or interment take place unless the entire purchase price for such services or interment rights shall have been paid in full.

4.3 For the purpose of making any sale, the Director shall prepare a contract as prescribed by the Act and the regulations. Such contract shall be executed by the purchaser and by the Director on behalf of the Corporation.

4.4 Upon payment in full for interment rights, the purchaser shall be issued a certificate of interment rights in accordance with the regulations, signed by the Director on behalf of the Corporation.

4.5 A transfer of interment rights may be made by delivering to the Director the certificate of interment rights issued to the owner, an assignment to the transferee by the owner or his/her legal representative and the applicable fee set forth in the Tariff.

4.5.1 Upon receipt of the material set out in section 4.5, the Director shall record the transfer and issue a new certificate of interment rights to the transferee.

4.5.2 An assignment of interment rights by the legal representative of an

owner shall be supported by such proof as necessary to establish the authority of the legal representative.

The price for interment rights shall include the portion required to be deposited in the Care and Maintenance Fund.

4.5.3 A transfer is not binding upon the Cemetery until payment of the fee and delivery of the documents necessary for recording a transfer.

4.5.4 Subject to the provisions of this By-law, a transmission shall be recorded upon payment of the fee therefor and delivery to the Director of evidence of entitlement to be recorded as the interment rights holder which shall include the following:

- (a) Certificate of interment rights or other indenture of ownership, for surrender, or sworn declaration that the same is not available;
- (b) Consent of any person entitled to an interest in the interment rights who is not to be recorded as interment rights holder;
- (c) In the case of testacy, Letters Probate, or a certified or notarial copy thereof; or

where the Will has not been probated, the Will or a certified or notarial copy thereof, together with sworn declaration containing particulars of the death of the interment rights holder and identifying the Will as the last Will and Testament of the deceased; and

- (d) In the case of intestacy, a death certificate if the deceased interment rights holder is not interred in the Cemetery, and letters of administration or a certified or notarial copy thereof, together with a sworn declaration, identifying the person or person entitled to the interment rights; or

where application is not made for letters of administration, a sworn declaration containing particulars of the death of the interment rights holder, confirming that the deceased died intestate and that application for letters of administration is not being made and identifying the person or persons entitled to the interment rights.

4.5.5 In the event that any of the documents required for transmission are not available for production and delivery to the Director, a transmission may be recorded and a new certificate of interment rights delivered upon receipt of a declaration establishing entitlement to the interment rights and an indemnity executed by the person or persons claiming to be entitled to the interment rights.

## 5. INTERMENTS AND DISINTERMENTS

### 5.1 General

5.1.1 No interment other than that of the body or remains of a human being shall be permitted in any part of the cemetery. No object shall be interred unless enclosed in a casket or urn with such body or remains.

5.1.2 All interments and disinterments shall be under the supervision of and carried out according to the orders or directions of the Director, and the person ordering the interment or disinterment shall be responsible for the fulfilment thereof.

5.1.3 No person other than the Director or his/her designate may open any grave, tomb, vault, crypt or niche either for an interment or disinterment or for any other purpose.

5.1.4 The Director may use or order the use of such equipment, devices, appliances, means and methods, as may be necessary or advisable to be used at or for the purposes of any interment or disinterment.

5.1.5 No interment or disinterment shall be permitted on Christmas Day except the same be ordered by the local Medical Officer of Health.

5.1.6 Interment or disinterments performed on holidays shall be subject to additional charges as set forth in the Tariff.

## 5.2 Interments

5.2.1 Application in a form provided by the Director must be given to the Director not later than 24 hours prior to an interment and no interment shall be permitted unless such notice has been given.

5.2.2 No interment shall be permitted until applicable fees and charges prescribed by the Tariff have been paid, and the burial permit under the Vital Statistics Act together with the consent of the owner (if required by the Act) have been delivered to the Director.

5.2.3 One full body interment only shall be permitted in each single grave. In addition, up to 4 cremated remains may be interred in the same grave.

A maximum of 8 cremated remains may be interred in a single grave in which there is no full body interment.

5.2.4 The number of interments permitted in crypts and niches is limited as follows:

-in a single crypt - one

-in a single family unit crypt - two

-in a tandem crypt - two

-in a tandem family unit crypt - four

-in a niche - one. Two interments may be permitted where these are in a companion urn.

5.2.5 No interment equipment except that provided by the Corporation shall be used, except that concrete vaults or liners shall be installed by the supplier with his/her equipment.

## 5.3 Disinterments

5.3.1 No disinterment shall be permitted until

(a) application has been made in a form provided by the Director;

(b) application fees set forth in the Tariff have been paid; and

(c) all other requirements of the Act have been fulfilled.

5.3.2 The Director may require the disinterment to be completed by an outside contractor.



6 MARKERS

6.1 General

- 6.1.1 No marker shall be delivered to the cemetery or installed therein until an application for installation in a form provided by the Director has been furnished to the Director, and all applicable fees and charges according to the Tariff have been paid.
- 6.1.2 Every application shall comply with the applicable provisions of this Section 6.
- 6.1.3 No marker shall be erected which is composed in whole or part of (a) wood, (b) metal, excepting bronze, (c) marble veneer or other veneer, (d) brick or cement facing or exterior, or (e) of any material not of a permanent nature and durable quality.
- 6.1.4 Notwithstanding Section 6.1.3, temporary markers, as normally provided by funeral homes, are permitted for a period not exceeding six months from the date of interment.
- 6.1.5 No marker shall be erected which is defective or is cracked.
- 6.1.6 No marker shall be erected and no inscription shall be placed thereon which is not in keeping with the dignity and decorum of the cemetery.

6.2 Upright Markers

- 6.2.1 No person other than the owner of a lot or his or her legal representative shall have the right to erect an upright marker on the lot.
- 6.2.2 No more than one upright marker may be erected on any single grave.
- 6.2.3 Where an upright marker commemorates more than one interment in a lot, only one such marker may be erected on the lot.
- 6.2.4 Maximum dimensions for all upright markers are as follows:  
Height - 5 feet including die and base  
Length - 2 feet per single grave  
Width - 1 foot 6 inches
- 6.2.5 Every upright marker shall be located at the head of the grave(s) it commemorates, the position to be approved by the Director.
- 6.2.6 No upright marker shall be erected or maintained which causes or may cause the removal or destruction of or injury to any grave, body, tree or other marker.
- 6.2.7 All works of construction, erection and maintenance in connection with an upright marker performed within the cemetery shall be under the control and direction of the Director, and to his/her satisfaction.
- 6.2.8 The Director may remove or cause to be removed any upright marker which is erected or maintained contrary to the provisions of this by-law, the Act or the regulations; provided that following any such removal, the Director shall substitute therefore a flat marker of dimensions not exceeding 12 inches by 16 inches (12" x 16").

6.3 Foundations

- 6.3.1 No upright marker shall be erected or maintained except upon a foundation.
- 6.3.2 Every foundation shall be constructed by the Corporation under the supervision of the Director.

- 6.3.3 An owner intending to erect an upright marker shall allow not less than two weeks after complying with Section 6.1.1 for the construction of the foundation. The Director shall not be obliged to proceed with the construction of a foundation between the first day of November and the succeeding first day of April, if from climatic conditions or otherwise it is inadvisable or inexpedient. Extra expense incurred in the construction of a foundation during the winter months will be chargeable to the owner.
- 6.3.4 A foundation shall be of uniform thickness, extending not less than 4 feet below the surface of the ground, and shall be level on top. The base of the monument must be level on the bottom and its surface square and even so as to permit full bearing upon the foundation.
- 6.3.5 The following concrete mix is required for every foundation:
- (a) 20 MPA,
  - (b) 75 mm slump,
  - (c) 20 mm aggregate,
  - (d) 6% +/- 1% air entraining agent.
- 6.3.6 Temporary foundations may be permitted by the Director in Old Lakeview Cemetery (expropriated by The St. Lawrence Seaway Authority) pending clarification of the Corporation's ownership, but fees and charges therefor shall be the same as for permanent foundations.
- 6.4 Flat Markers
- 6.4.1 The maximum dimensions of a flat marker shall be as follows:
- |           |                 |
|-----------|-----------------|
| Length    | 2 feet          |
| Width     | 1 foot 6 inches |
| Thickness | 6 inches        |
- 6.4.2 No flat marker shall be set in a socket or with dowels.
- 6.4.3 Every flat marker shall be placed and installed by the Corporation under the supervision of the Director.
- 6.5 Other Markers - Crypts and Niches
- 6.5.1 All inscriptions for crypts and niches in Phase I and Phase III shall be made on a frosted panel in uniform sizes and Roman "V" sunk style of lettering. Samples of permitted sizes and types of lettering shall be kept on file and made available at Lakeview Cemetery.
- In Phase IV, bronze letters only as installed by the Corporation, shall be used for all niches and crypts.
- 6.5.2 Ceramic pictures with bronze covers having dimensions approximately 5 1/8" x 3 1/4" are permitted on crypt fronts only.
- 6.5.3 Application under Section 6.1 for inscription pursuant to this Section 6.5 shall include the order between the applicant and contractor and a full-size layout.
- 6.6 Borders
- 6.6.1 Subject to Section 6.6.2, no fence, hedge, railing, coping, embankment, depression, trees, shrubs, bushes, plants or similar method of denoting boundaries shall be erected, placed made or planted to mark the confines of any lot.
- 6.6.2 Notwithstanding Section 6.6.1, a plastic border approved by the Director may be erected at a distance not exceeding 18 inches from the interment marker. The Director shall keep on hand for display a sample

of the approved plastic border. The border shall not extend beyond the lot lines of the grave.

- 6.6.3 The Director shall remove any border in contravention of Section 6.6.1.

7. **REGULATIONS**

7.1 **Regulations Applicable To The General Public**

- 7.1.1 Funerals shall enter the cemetery only at the main gateways and no funeral shall be allowed to enter the cemetery after 4:00 p.m., unless arrangements to do so have been made with the Director for such late arrival and any applicable fee paid.
- 7.1.2 Children under the age of twelve years shall not be admitted to the cemetery except when in the charge of an adult.
- 7.1.3 Vehicles within the cemetery shall be driven at a moderate speed, and shall not leave the avenues nor park on the grass unless directed to do so by the Director.
- 7.1.4 No person shall break, injure, or interfere with any tree or shrub or pick, injure or remove any flowers, wild or cultivated, within the cemetery.
- 7.1.5 No person shall write upon, deface, mark or injure any monument, fence or other structure in the cemetery.
- 7.1.6 No dogs are permitted within the cemetery.
- 7.1.7 No person shall carry or bring any firearm within the cemetery or discharge the same therein, except in connection with a military funeral.
- 7.1.8 Soliciting work of any kind in the cemetery is strictly prohibited.
- 7.1.9 No person shall pay any money to the Director or any cemetery employee in reward for any personal service or attention.
- 7.1.10 Any person disturbing the quiet or good order in the cemetery by noise or other improper conduct, or who shall violate any provision of this by-law, shall be compelled to leave the cemetery forthwith.
- 7.1.11 The cemetery shall be open daily to visitors between sunrise and sunset.

7.2 **Regulations Applicable To Monument Dealers, Contractors and Workers**

- 7.2.1 Every person (other than employees of the Corporation) performing any permitted work in the cemetery shall, before commencing such work, report to the Director's office.
- 7.2.2 Every contractor performing work in a cemetery shall carry Workmen's Compensation and public liability insurance.
- 7.2.3 All work must be done during the Corporation's daily working hours, unless otherwise permitted by the Director.

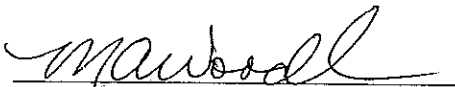
- 7.2.4 All contractors and others performing any work in the cemetery are subject to the overall supervision and directions of the Director.
- 7.2.5 During a funeral service, all work in the immediate vicinity shall cease.
- 7.2.6 Heavy loads will not be allowed to enter the cemetery when the roads are in an unfit condition.

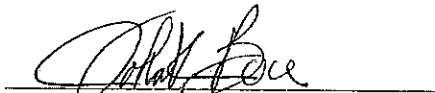
7.3 Ornaments and Miscellaneous Articles


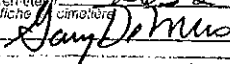
- 7.3.1 Winter wreaths are permitted on lots between November 1st and April 15th of the following year. Any wreath not removed by April 15th will be removed by the Corporation and discarded. Wreaths sold by the Corporation will be dealt with in accordance with the terms of sale.
- 7.3.2 Every funeral service for interment in a crypt or niche shall be permitted a maximum of four (4) floral arrangements ("set pieces") which may be subsequently removed when they become unsightly by the cemetery staff.
- 7.3.3 No wreaths, glass-enclosed floral arrangements, flower holders, vases, urns, vesper lights, candles, flowers or other adornment shall be attached to the front of any crypt or niche, except for flower vases and accessories furnished by the Director at prices set forth in the Tariff.
- 7.3.4 Where anything is attached in contravention of Section 7.3.3, the Director may without notice order its removal and disposal, and the repair of any consequential damage, and the owner shall be liable for all costs incurred.
- 7.3.5 Any article which, is detrimental to efficient cemetery maintenance, or constitutes a hazard to persons or machinery, or is unsightly, or does not conform to the natural beauty and design of the cemetery, may be removed by cemetery staff at the direction of the Director. The Corporation shall not be liable to any person for any article so removed.
- 8. **REPEAL.** By-Laws 1726, NT 382(74), 975(86) and 1718(93) are repealed.
- 9. **EFFECTIVE DATE.** This by-law shall take effect on and after the date of approval by the Registrar.

READ A FIRST, SECOND AND THIRD TIME and passed this  
 1 st. day of October , 1996.

Bill #1853

  
 Mayor

  
 Clerk

|  |   |  |
|--|---|--|
| <br>Ontario | Ministry of<br>Consumer and<br>Commercial<br>Relations<br>Cemeteries<br>Regulation  | Ministère de la<br>Consommation<br>et du<br>Commerce<br>Réglementation<br>des cimetières |
|  | APPROVED<br>in accordance with the<br>regulations under The<br>Cemeteries Act.      | APPROUVÉ<br>conformément aux<br>règlements afférents à la<br>Loi sur les cimetières.     |
| Date of Approval<br>Date de l'approbation  | November 15, 1996   |  |
| File No. of Cemetery<br>Numéro de fiche cimetière  | 2652  |  |
| By<br>P.C.   |  |  |

THE CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 27-99

Being a By-law to amend City of Thorold By-law No. 2072 (96)  
respecting Cemeteries and Lakeview Mausoleum

**WHEREAS:**

1. The City of Thorold wishes to amend certain provisions of its By-law governing cemeteries and Lakeview Mausoleum.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY  
OF THOROLD ENACTS AS FOLLOWS:**

1. Section 2.2 of By-law 2072 (96) is amended by deleting "Community Services Supervisor (Parks and Cemeteries)" and substituting therefor "Operating Supervisor (Arena/Parks/Cemeteries)".
2. Section 2.12 of By-law 2072 (96) is amended by deleting "Director of Community Services" and substituting therefor "Director of Operations".
3. Section 4.2 of By-law 2072 (96) is amended by adding the following section:

"4.2.1 Notwithstanding the provisions of Section 4.2, an installment purchase of interment rights in a crypt (or a niche) in Lakeview Mausoleum and Columbarium may be arranged under the following guidelines:

- (1) minimum down payment shall be 10%;
- (2) payments may be made over a period of time not exceeding 5 years;
- (3) interest will be calculated at the tariff rate from and after the first year of the plan;
- (4) payments made be made monthly, bi-annually or annually and will be applied firstly to interest and secondly to outstanding principal; and
- (5) future installments may be prepaid at any time without notice;

provided that in no case shall any interment take place unless the entire purchase price, together with all accrued interest for such interment rights have been paid in full.

4. Section 6.6.1 of By-law 2072 (96) is amended by deleting the section in its entirety and substituting therefor the following:

“6.6.1 No fence, hedge, railing, coping, embankment, depression, trees, shrubs, bushes, plants or a similar method of denoting boundaries shall be erected, placed, made or planted to mark the confines of any lot or flower bed.”

5. Section 6.6.2 of By-law 2072 (96) is amended by deleting all the section in its entirety and substituting therefor the following:

‘6.6.2 Flower beds may only be defined by edging the sod and may extend no more than 12" from the side of the monument (though not exceeding the limit of the grave(s) boundary) and no more than 14" from the front of the monument. No flower beds are permitted behind any monument.

No shrubs, bushes, plants or trees which bear thorns are permitted at graveside flower beds.

Any shrubs or flower beds which are untended, overgrown, withered, unsightly or that impair cemetery work shall be removed by cemetery staff.

No flower beds or shrubs are permitted around any flat marker unless it occupies the place of an up-right marker at the head of a grave.

No shrubs or flowers are permitted in sections designated as “Cremation Sections”.

No tree shall be planted in the cemetery except with the approval of the Director.

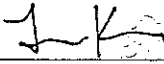
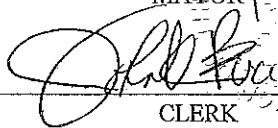
No decorative gravel or stones may be placed in or around cemetery flower beds.”


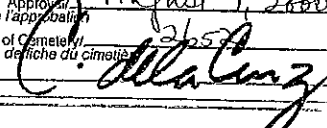
6. Section 7.3.1 of By-law 2072 (96) is amended by deleting the section in its entirety and substituting therefor the following:

“7.3.1 Winter wreaths and artificial flower arrangements are permitted on lots between November 1st and April 15th of the following year. Any wreath or artificial flower not removed by April 15th will be removed by the Corporation and discarded.

7. This by-law shall take effect on and after the date of approval by the Registrar.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY  
COUNCIL this 4th day of MAY 1999.

  
\_\_\_\_\_  
MAYOR  
  
\_\_\_\_\_  
CLERK

|  |   |  |
|--|---|--|
| <br>Ontario | Ministry of<br>Consumer and<br>Commercial<br>Relations<br>Cemeteries<br>Regulation          | Ministère de la<br>Consommation<br>et du<br>Commerce<br>Réglementation<br>des cimetières |
| <b>APPROVED</b><br>In accordance with the<br>regulations under The<br>Cemeteries Act.          | <b>APPROUVÉ</b><br>conformément aux<br>règlements afférents à la<br>Loi sur les cimetières. |  |
| Date of Approval<br>Date de l'approbation  | August 1, 2000  |  |
| File No. of Cemetery<br>Numero de fiche du cimetière   | 2152  |  |
| By:<br>Par:  |          |  |

CORPORATION OF THE CITY OF THOROLD

BY-LAW NO. 2012-69

A BY-LAW TO AMEND BY-LAW NO. 2072(96) BEING A BY-LAW RESPECTING  
CEMETERIES AND LAKEVIEW MAUSOLEUM

WHEREAS the Council of the City of Thorold approved the recommendations of Report 2012-41 adopted at Council on April 17, 2012.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF THOROLD ENACTS AS FOLLOWS:

SECTION 5.2.4

In this By-law:

The number of interments permitted in crypts and niches is limited as follows:

- In a single crypt – one
- In a single family unit crypt - two
- In a tandem crypt – two
- In a tandem family unit crypt – four
- In a niche - one

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED AND ENACTED ON THIS 5<sup>th</sup> DAY OF JUNE, 2012.

\_\_\_\_\_  
A. T. (Ted) Luciani, Mayor

\_\_\_\_\_  
Susan Daniels, City Clerk