

# **PORT DOVER CEMETERY COMPANY**

## **1.1 DEFINITIONS**

In this By-law, unless the context otherwise requires:

- a) "Act" shall mean the Cemeteries Act (Revised) as amended and the regulations thereto
- b) "Cemetery" means the Port Dover Cemetery Company.
- c) "Grave" means an area of land in a Cemetery containing or set aside to contain human remains.
- d) "Interment Rights" is the right to require or direct the interment of human remains.
- e) "interment Rights Holder" means a person with interment rights with respect to a grave, and includes a purchaser of interment rights under the Act
- f) "Marker" means a flat stone set in concrete, raised or flush with the ground, used for the purpose of perpetuating the memory of a deceased person
- g) "Monument" means and includes a base, beveled stone or die projecting above the ground level, placed on a Cemetery grave or plot for the purpose of perpetuating the memory of a deceased person.
- h) "Superintendent" means the Superintendent of the Cemeteries Division, or his/her designate.
- i) "Board" means the Board of Directors of Port Dover Cemetery Company.

## **1.2 APPOINTMENTS**

The Port Dover Cemetery Board shall appoint a Superintendent of Cemeteries and assistant(s), as required.

## **1.3 DUTIES**

The Superintendent of Cemeteries and/or his/her assistant(s) shall perform the following duties:

- (a) Observe and carry out all the provisions of this By-law and the Act; and,
- (b) Attend to the regular and proper administration, maintenance and operation of the Cemetery; and,
- (c) Perform such other duties as Council may assign from time to time as required

## ARTICLE 2.0

### CEMETERY RULES & REGULATIONS

#### 2.1 ENTRY – LIMITATIONS

No person shall enter the Cemetery by a vehicle except through an established gate.

#### 2.2 BICYCLES - RESTRICTED

Bicycles shall be permitted only on Cemetery roads. Bicycles racing or racing of any kind is not permitted in the Cemetery.

#### 2.3 SKATEBOARDS - RESTRICTED

Skateboards shall be prohibited within the Cemetery.

#### 2.4 DOGS/ANIMALS - RESTRICTED

No person shall permit any animal, domesticated or otherwise, with the noted exception below, to enter or remain in the Cemetery.

No person shall permit any dog to enter the Cemetery if not under the care and control of the owner, including being properly secured by a leash.

No person shall permit any dog to defecate on a grave or plot.

Every person who in control of any dog within the Cemetery shall remove forthwith and dispose of any excrement left within the Cemetery by said dog.

#### 2.5 ALCOHOLIC BEVERAGES – PROHIBITED

No person shall bring any alcoholic beverage upon Cemetery property.

#### 2.6 DAMAGE

No person shall:

- (a) Damage any marker, monument, or structure within the Cemetery
- (b) Damage any tree, shrub, plant or flowers, be they private or public property, within the limits of the Cemetery
- (c) Damage any fence, railing or gate used for the protection of the Cemetery
- (d) Discharge any firearms on Cemetery property, without the written consent of the Cemetery Superintendent
- (e) Disturb any person or persons assembled for the interment of any other person
- (f) Create a disturbance, commit a nuisance or behave in an unmannerly fashion in the Cemetery at any time.

## 2.7 DEBRIS

No person shall use the dumpster or Cemetery grounds for personal, or household rubbish etc. Use receptacles provided for discarded flower arrangements.

## 2.8 SOLICITING

No person shall solicit work of any kind in the Cemetery.

## 2.9 CEMETERY OPERATIONS

Only those persons authorized may perform interment services, mark out graves, install monument foundations or install monuments or markers within the Cemetery.

## 2.10 UNAUTHORIZED WORK

Any person undertaking work within the Cemetery:

- (a) Without the permission of the Superintendent
- (b) Unauthorized by this By-law
- (c) In violation to this By-law.

Will be ordered, in writing, to stop all work within the Cemetery property.

## 2.11 UNSAFE WORK

Any person working in such a manner that will pose a risk to the health & safety of the public or Cemetery staff will be ordered, in writing, to stop all work within the Cemetery property.

## 2.12 VEHICULAR TRAFFIC

No person driving a vehicle in a Cemetery shall:

- a) Leave the traveled portion of the road or
- b) Exceed a speed of 20km per hour; or
- c) Leave their vehicle unattended for more than 8 hours.
- d) Winter plowing is not done on a regular basis and motorist should drive in the Port Dover Cemetery at their own risk.

## ARTICLE 3.0

### SALE OF INTERMENT RIGHTS

#### 3.1 CEMETERY FEE SCHEDULE

The purchase price of interment rights shall be set forth in a Cemetery Fee Schedule, attached and forming part of this By-law.

#### 3.2 PERPETUAL CARE & MAINTENANCE

A perpetual care & maintenance fee shall be charged in accordance with the Act, and shall be set out in the Cemetery Fee Schedule.

#### 3.3 PAYMENTS – CEMETERY OFFICE

All payments shall be made to Port Dover Cemetery Company.

#### 3.4 CERTIFICATE OF INTERMENT RIGHTS

A Certificate of Interment Right shall specify the size, dimensions, location number assigned to grave or plot, and the amount set aside for perpetual care purposes with the authorized Trustee.

#### 3.5 MONUMENTS, MARKERS & FLOWER BEDS

The interment rights holder may be permitted to erect a monument install a marker and maintain a flowerbed if such is permitted and is in accordance with the provisions of this By-law at any time after receiving a Certificate of Interment Rights from the Cemetery.

#### 3.6 MINORS

A minor is not permitted to purchase interment rights in his/her own name unless he/she is a head of his/her family.

## ARTICLE 4.0

### TRANSFERS, SELL-BACKS AND EXCHANGES OF INTERMENT RIGHTS

#### 4.1 TRANSFERS

The interment rights holder may transfer interment rights to another party at any time before a burial takes place.

Such rights are transferable by the interment rights holder through the making of an application to the Cemeteries Division Administrative Clerk indicating the intention and providing all particulars of the proposed transfer.

To ensure neither the correctness of record ownership and interments, nor transfer of any grave nor any interest therein shall be binding until notice in writing has been given specifying name, address & contact or other description of the proposed transferee.

A transfer can only be processed if there is no indebtedness against the plot.

#### 4.2 TRANSFERS - /CERTIFICATE OF INTERMENT RIGHTS

Upon the transfer of interment rights, all documents pertaining to the original sale, including the Certificate of Interment Rights, must be returned to the Board for cancellation.

In cases of transfers where such documentation cannot be produced, the Cemetery Board reserves the right to require the production of a copy of the estates will or other notarized evidence to prove ownership

A new Certificate of Interment Rights will be issued following the procedure set forth herein for an original sale of interment rights.

#### 4.3 SELL-BACK

Interment rights can be sold back to the Port Dover Cemetery only. Interment rights will be re-purchased from the interment rights holder pursuant to the provisions of the Act at any time before a burial takes place.

The Cemetery will reimburse the rights holder the price paid less the fee deposited into the care and maintenance fund.

If the original selling price is unknown, the repurchase price shall be \$50.00 per grave.

#### 4.4 EXCHANGE

An interment rights holder may exchange a plot or single grave for another within the Cemetery, at the discretion of the Superintendent, any time before a burial takes place.

#### 4.5 EXCHANGE-CERTIFICATE OF INTERMENT RIGHTS

Upon the exchange of the interment rights all documents pertain to the original sale, including the Certificate of Interment rights must be returned to the Company for cancellation.

In cases of exchanges where such documentation cannot be produced, the Cemetery reserves the right to require the production of a copy of the Will or other notarized evidence to prove ownership.

A new Certificate of Interment Rights, following the procedure set forth in this By-law for an original sale of interment rights.

#### 4.6 TRANSFER FEE:

A fee will be charged for the transfer of interment rights pursuant to this Article, which shall be set out in the Cemetery Fee Schedule.

#### 4.7 EXCHANGE FEE:

A fee will be charged for the exchange of interment rights pursuant to this Article, which fee shall be set out in the Cemetery Fee Schedule.

ARTICLE 5.0  
INTERMENTS

5.1 BURIAL PERMIT-CREMATATION CERTIFICATE REQUIRED

No interment shall take place without a Burial Permit or a Cremation Certificate, as is applicable, nor until the person making the arrangements for the interment has complied with all laws, rules & regulations relative to burials.

5.2 INTERMENTS – CONTRACT INFORMATION

In each case of burial, a written contract giving the name, place of birth, last residence (with street address, if any), age date of death, place of death, address of deceased's nearest relatives, time of interment, in what grave to be interred and the name of the funeral director(s) must be furnished, so that an accurate register may be kept.

Precise and proper instruction shall be given regarding the location of every burial, Port Dover Cemetery Board cannot be held responsible for any errors resulting from wrongful, or lack of, specific information.

5.3 INTERMENTS –FEES

A fee will be charged for interments pursuant to this Article, which shall be set out in the Cemetery Fee Schedule.

5.4 INTERMENTS – CONDITIONS PRECEDENT

The Superintendent shall not make any interment unless and until the person or persons ordering same shall first exhibit:

- (a) A signed contract respecting the purchase of the interment rights and the authorization to proceed with the interment; and,
- (b) An Interment Rights Certificate or deed indicating the party is the rightful owner of the interment rights for which the interment activity is requested.

5.5 INTERMENTS – WAIVER/DOCUMENTATION

In those circumstances where the party requesting the interment activity is unable to provide evidence of ownership, the Superintendent shall require:

- (a) The production of a copy of the estates will or other notarized evidence to prove ownership.

5.6 INTERMENTS – REQUIREMENTS

Persons contracting for interment rights or services and/or making arrangements for burials shall:

- (a) comply with all laws, rules and regulations relative to burials;
- (b) be responsible for all incurred fees and charges, which must be received by the Cemetery Company or his/her designate within a week after the interment service has taken place;
- (c) give notice of not less than twelve (12) business hours when the opening of a grave is required for a proposed interment; and,

- (d) Arrange the time of the funeral in order for the interment to be completed by 5:00 pm on weekdays and 3:00 pm weekends & holidays; failing which, an additional charge will apply, as set out in the Cemetery Fee Schedule.

#### 5.7 FUNERAL - CONDITIONS

No funeral service shall be held and no interment shall be made in the said Cemetery on New Year's Day, Good Friday, Easter Sunday, or Christmas Day, unless ordered by the Medical officer of Health or designate. An additional charge as set out in the Cemetery Fee Schedule, will apply for interments held on any other legal holiday, or on a Saturday or Sunday.

#### 5.8 FUNERALS – STAFF

- (a) A representative of the Cemetery shall have the authority to direct the route and conduct of funeral processions within the grounds. They shall have the right to restrict the number and kind of vehicles allowed on the roads.
- (b) All staff shall cease work in the immediate vicinity of a funeral, until after the conclusion of the service.

#### 5.9 FUNERALS – SERVICE

Funeral processions shall be granted access to the Cemetery on a first-come first-served basis. Conflicting funeral processions are required to:

- (a) Respect ongoing services until completion

#### 5.10 LOCATION OF GRAVES - ERRORS

Neither the Port Dover Cemetery Company nor the Superintendent shall assume any responsibility for errors in the location of an interment site that is a result of improper instructions by the interment rights holder or his/her designate.

The Cemetery Company reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the grave or the transfer or conveyance of any interment rights.

Port Dover Cemetery Company may either cancel such grant and substitute other interment rights, or grave, 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 owner(s). If necessary, it may be mailed to the rights owner(s) or their legal representatives, at their last appearing address in the record books of the Port Dover Cemetery Company.

In the event any such error may involve disinterment of remains, the Cemetery Company shall first obtain the approval of any regulatory authority and the interment rights owner.

#### 5.11 INTERMENTS EQUIPMENT – VAULTS

No interment equipment, except that approved by the Port Dover Cemetery Company, shall be used, except that where burial vaults and liners are used, same shall be installed by a supplier who shall use their own equipment. An outer case/vault/liner must be installed at least two (2) hours before the interment service takes place. The supplier shall be responsible for any damage to the grounds or casket, which was caused due to the supplier's equipment or operator error.

#### 5.12 MULTIPLE INTERMENTS – LIMITATIONS

- (a) Only one (1) full burial per grave is allowed;
- (b) Up to two (2) cremains may be interred on top of an already existing full body burial, provided space is available;
- (c) Extra depth or double depth burials are not permitted;
- (d) Cremain interments are not permitted on top of an infant grave;
- (e) A 60.96 cm x 30.48 cm (24" X 12") infant container may be buried at the head end of a single grave in which a casket containing human remains has been buried, provided space is available.

#### 5.13 INTERMENTS – DEPTH

Each grave shall be of sufficient depth to give a covering of at least 2 feet (0.61 meters) of earth over the outside cover or shell of the coffin or other receptacle.

#### 5.14 ELEVATED MOUNDS

No elevated mounds shall be built over graves and no grave shall be filled above the grade established for the Cemetery, except temporarily by Cemetery staff, for maintenance reasons.

#### 5.15 SCATTERING

The scattering of cremated remains within the Port Dover Cemetery will not be permitted.

### ARTICLE 6.0

#### DISINTERMENTS

##### 6.1 APPROVAL – MEDICAL OFFICER OF HEALTH

No disinterment of human remains shall take place without the written approval of the interment rights holder and/or the Medical Officer of Health or designate, or by order of a Court of competent jurisdiction.

##### 6.2 APPROVAL – CEMETERIES ACT

All other requirements under the Act must be met in order for a disinterment of human remains.

##### 6.3 DISINTERMENTS – REMAINS

Only persons authorized by the Superintendent shall perform a disinterment of human remains.



#### 6.4 CONDITIONS

Except as otherwise ordered by the Coroner's Office, disinterment shall be made only:

- (a) Between May 1<sup>st</sup> and November 1<sup>st</sup> of each year
- (b) When conditions in the opinion of the Superintendent, are suitable to guarantee that a safe removal can take place

#### 6.5 OUTER CASE – PROVISIONS OF SAME

If the burial was made in other than a permanent-type outer case, the party requesting the disinterment, if necessary must supply a new outer case.

#### 6.6 PRIVATE MEMORIALS – REMOVAL OF

Any flush or upright markers or monuments designating the location of an interment shall be removed from the burial site at the time of disinterment is made in such instances that the remains are not to be re-interred, and the expense of same shall be borne by the party requesting the disinterment.

#### 6.7 DISINTERMENTS –FEE

A fee will be charged for a disinterment pursuant to this article, which shall be set out in the Cemetery Fee Schedule.

### ARTICLE 7.0

#### MONUMENTS, MARKERS, FOUNDATIONS AND CORNER STONES

##### 7.1 MONUMENTS, MARKERS, CORNER STONES, BRONZE MARKERS

All markers, monuments, corner stones and bases must be constructed of granite only, except as noted hereto, and must conform to all rules and regulations and standards set out in Schedule "B", attached hereto.

A monument, except as noted hereto, is to include a foundation, a base and a die. No attachments, such as crosses are to be affixed atop a die.

Bronze markers are permitted and must conform to all rules and regulation, and the standards set out in Schedule "B", attached hereto.

All replacement markers monuments, corner stones and bases may be permitted to utilize at the interment rights holders expense, the same constructed materials, with the written permission of the Superintendent.

Benches are permitted as monuments if such conforms to all rules and regulations, and the standards set out in Schedule "B" attached hereto.

Field stones shall not be considered monuments and are prohibited on graves or plots.

Wooden crosses are allowed on a temporary basis only, for a period of up to one year, and only with the written permission of the Superintendent.

## 7.2 MONUMENT – REQUIREMENTS

The number and type of monuments and/or markers allowed to be placed upon a grave or within a plot is defined in Schedule “B”, attached hereto.

A monument or marker must be placed within the monument row unless the alignment with an existing adjacent monument justifies another location.

A marker must be placed within the foot marker row for four grave plots or greater unless the alignment with an adjacent nearby marker justifies another location.

Special requests to centre:

- i. A monument outside the monument row; or.
- ii. A foot marker outside the foot marker row;

Must receive written permission from the Superintendent, five (5) days prior to the locate.

## 7.3 MONUMENT AND MARKER SAFETY

If a monument or marker in the Cemetery presents a risk to public safety because it is unstable, the Cemetery Company shall do whatever is necessary by way of repairing, resetting or laying down the monument or marker to remove the risk. The Company shall not be responsible for replacement of such and the cost of any repairs shall be the responsibility of the family of the deceased.

## 7.4 DAMAGE – LIMITATION OF LIABILITY

Neither the Company, nor the Superintendent, shall be responsible for any damage to graves and structures or objects therein, except for damage shown to be caused by Cemetery staff. Neither the Superintendent nor the Cemetery Company is responsible for any damage to upright markers and/or flush markers caused by any means or individuals, except damage shown to be caused by Cemetery staff, in which case the Company shall be liable only for the cost of repairs.

## 7.5 REQUEST FOR MONUMENT/MARKER LOCATE

All monument dealers and installers must file an application with the Cemetery Company for a monument or marker locate, prior to installing a foundation or setting a marker, as per the defined seasonal operating schedule as set forth in schedule “B”, attached hereto.

In each case, an application is required to be completed in full by the monument supplier, and shall include:

- (a) The interment rights holder’s name and/or name of deceased;
- (b) The name, address, phone number, of the purchaser;
- (c) A sketch indicating the size, dimensions, inscription and installation material details;
- (d) The location of the plot or grave; and,
- (e) The installation instructions, as to where the monument or marker is proposed to be installed/centered.

Precise and proper instruction shall be given regarding the location of every foundation or marker installation, as Port Dover Cemetery Company cannot be held responsible for any errors resulting from wrongful, or lack of, specific information.

All monument dealers and installers shall cease work during a funeral within the Cemetery, until after the conclusion of the service.

#### 7.6 MONUMENT FOUNDATIONS – PERMISSION TO INSTALL

All foundation frames must be dug in on the day the Superintendent or his/her designate has provided the location for the installation. If not the Monument installer will assume all responsibility if the foundation is not in the proper location. The frame shall be securely covered completely with a piece of plywood having a minimum thickness of three quarters of an inch (3/4") and shall clearly flag or mark the corners of the covering.

#### 7.7 FOUNDATION – INSTALLATIONS

The operating season, working hours and weather conditions that must be adhered to and met for foundation installations are defined in Schedule "B", attached hereto.

#### 7.8 FOUNDATION DIMENSIONS

Unless surveyed otherwise, for the purposes of the installation of a foundation on a single grave, or multiples thereof, the width, where space permits within the monument or foot marker row, shall be not greater than:

Forty four inches (44") unless approved in writing by the Port Dover Cemetery Company.

#### 7.9 FOUNDATIONS

- (a) A proper foundation is required prior to the Installation of any monument.
- (b) At the expense of the interment rights holder, persons authorized by the Superintendent or his/her authorized representative, shall construct foundations in such divisions as authorized by the Superintendent within the Cemetery.
- (c) Foundations will extend no less than four feet (4') below the ground. The width and thickness of the foundation below the ground, the entire depth, shall be at least as large as the monument base.
- (d) A four inch (4") rim of concrete, trowel finished, shall project from all sides of the base or marker for the purposes of facilitating grass cutting. A variance of one inch (1") on the total width or thickness of the required foundation shall be permitted. Compliance shall be assessed from the top of the trowel finished edge.
- (e) A foundation cannot extend beyond the surveyed interment rights area.
- (f) The top of the foundation shall be level.
- (g) Granite upright monuments shall not be encased in concrete, unless approved in writing by the Superintendent.
- (h) Foundations must be cured for a minimum of 48 hours before the setting of the monument.
- (i) Defective areas must be repaired to the approval of the Superintendent. The finished concrete shall be protected from inclement weather during curing, by covering it completely and securely with a piece of plywood having a minimum thickness of three quarters of an inch (3/4").
- (j) All foundation frames must be removed upon the setting of the monument or marker. Upon removal of the frame, soil is to be packed and levelled between the existing grade of the ground and the foundation.
- (k) Incorrect centering or alignment of the foundation or foundation installations below the standards set forth in this By-law will require removal of such in its entirety at the expense of the supplier.

#### 7.10 MONUMENTS/MARKERS – INSTALLATIONS

The operating season, working hours and weather conditions that must be adhered to and met for monument and marker installations are defined in Schedule “B”, attached hereto.

#### 7.11 MONUMENT AND MARKER

A monument and marker care and maintenance fee, as governed by the Act and as set out in the Cemetery Fee Schedule, shall be charged for monuments and markers measuring over 172 square inches.

#### 7.12 MONUMENTS, MARKERS, BASES – DIMENSIONS

Monument, marker and base dimensions shall be determined by the Cemetery Company, and are set out in Schedule “B”, attached hereto. Monument dealers and suppliers shall abide by the regulations and will be responsible for informing their clients of the monument and marker regulations as set out in this By-law. The terminology referring to dimensions shall be defined within Schedule “B”.

A tolerance of one-half of an inch (1/2”) will be permitted on the thickness of the die.

A tolerance of one inch (1”) will be permitted on the overall dimensions of the base and on the overall width and height of the die.

For all monuments, the base shall extend horizontally from the widest point of the die a minimum three inches (3”) on each side.

#### 7.13 VETERAN’S MARKERS

Marker dimensions shall be determined by the Cemetery Company, and are set out in Schedule “B”, attached hereto.

Proposed inscriptions must be submitted prior to lettering, to the Cemeteries Administrative Clerk for approval by the Cemetery Liaison from the Royal Canadian Legion Branch 158. The Board shall not be held responsible for errors or omissions with inscriptions once the Royal Canadian Legion Branch 158 -Cemetery Liaison has approved in writing the authorization of the monument or marker.

#### 7.14 FEE – PAID IN FULL

All fees, where applicable, including the Monument and Marker Care and Maintenance Fee, Location and Inspection Fee, must be paid in full prior to the installation of a monument or marker.

#### 7.15 MONUMENT MAINTENANCE

Notification must be received by the Cemetery Company before the monument or marker maintenance is to be undertaken.

The working hours and weather conditions which must be adhered to and met for monument and marker maintenance are defined in Schedule “B”, attached hereto.

No monument or marker is to be removed from its foundation or base or removed from the Cemetery without prior documentation from the Superintendent or his/her designate.

7.16 MONUMENT, MARKERS, BASES, FOUNDATIONS, ETC.  
STANDARD OF WORKMANSHIP

All work on monuments, markers, bases, foundations, etc., performed in the Cemetery, must be completed in a good and workmanlike manner and to the satisfaction of the Superintendent.  
Failure to comply with the Rules and Regulations set forth in the By-law will result in penalty and/or the removal of the monument or marker or foundation in question at the supplier's expense.

7.17 TURF PROTECTION

All monument dealers and/or suppliers shall ensure adequate planking exists to protect the turf, and shall remove materials and equipment immediately upon completion of the work being performed. The site shall be returned to its original state to the satisfaction of the superintendent.

7.18 MONUMENTS – GENERAL

- (a) Only the interment rights holder or his /her personal representative has the right to erect and maintain a monument.
- (b) A monument cannot be erected if defective, cracked or faulty. The monument and base must have the joint cut level and true.
- (c) A monument must be suitable in design, dimensions, materials and character in keeping with the general landscape and the harmony and sanctity of the Cemetery within which it is located.
- (d) The monument inscription must contain language that is in keeping with the dignity and decorum of the Cemetery. The monument must be constructed and erected in such a manner as to be in keeping with, and not detrimental or injurious to, Cemetery property or the sanctity of the Cemetery.
- (e) No inscription, is allowed on the backside of the monument unless burials are on both sides of said monument or unless inscriptions, prior to the work being undertaken, have been approved by the Superintendent in writing.
- (f) Minor scraping of the base portion of the upright monument due to turf maintenance operation is considered by the Cemetery Company to be normal.

7.19 MARKERS GENERAL

- (a) Only the interment rights holder or his /her personal representative has the right to set and maintain a marker.
- (b) Minor scraping of the marker due to turf maintenance operation is considered by the Cemetery Company to be normal
- (c) Markers within the interment area must be installed so that the top is flush with the ground.
- (d) Markers may be raised or bevelled to a maximum of 6" above the ground;
  - I. Within the monument or foot marker row; or,
  - II. Where authorized by this By-law' or,
  - III. At the discretion of the Superintendent.
- (e) Only markers set flush with the ground may be set within an area designated for infant interments.

7.20 STATUES/CONTAINERS – GENERAL

- (a) Existing, permanently affixed statues or containers are permitted to remain so long as they remain in good repair within the Cemetery.
- (b) No glass containers are allowed within the Cemetery.

- (c) Existing, permanently affixed statues or containers that have been damaged or are in disrepair and present a liability concern will be removed.
- (d) Existing, permanently affixed statues or containers that interfere with the grounds maintenance will be removed
- (e) Permanently affixed statues or containers must be centred on the end or ends of the base and must be pinned not strapped.
- (f) No additional, replacement and/or new statues or containers are permitted within the cemetery without the written authorization of the Superintendent.

#### 7.21 CORNER STONES

- (a) A plot boundary may be distinctly defined by corner stones, set at each corner of the plot.
- (b) Corner stones shall be allowed only on plots with graves of two (2) or more.
- (c) The corner stones shall be constructed of granite only, with a flat surface, and must be placed level with the ground. The size of each corner stone must be six inches (6") square.
- (d) All corner stones shall be installed by those persons authorized by the Superintendent at the expense of the interment rights holder. The charge to locate or re-set corner stone installations are defined in Schedule "B", attached hereto.
- (e) The operating season, working hours and weather conditions that must be adhered to and met for corner stone installations are defined in Schedule "B", attached hereto.

#### 7.22 MONUMENTS/MARKERS – GRANDFATHERING

All monuments and/or markers ordered by, and paid for in full, prior to the passing of this By-law shall be permitted to be installed.

Proof of such must be filed with the Cemeteries Administrative Clerk within ten (10) days of the passing of this By-law.

### ARTICLE 8.0

#### GRAVE DECORATIONS AND FLOWER BEDS, GROUNDS MAINTENANCE

##### 8.1 DEFINED – EXCEPTIONS/LIMITATIONS

Grave decorations shall include all structures, ornaments, plantings, or other embellishments, with the exception of flush or upright markers that are placed on Cemetery graves with the intention of improving the appearance of said grave.

##### 8.2 DAMAGE – LIMITATION OF LIABILITY

Neither the Company nor the Superintendent shall be responsible for any damage to graves and structures or objects therein, or flowers or articles removed from a grave except for damage shown to be caused by Cemetery staff. Neither the Superintendent nor Cemetery Staff shall be responsible for any damage to monument or markers caused by any means or individuals, except damage shown to be caused by Cemetery staff, in which case the Cemetery shall be liable only for the cost of repairs.

##### 8.3 FLORAL TRIBUTES – REMOVAL OF

Floral tributes will be removed from a grave by Cemetery representative within a reasonable time after an interment takes place.

##### 8.4 GRAVE DECORATIONS – WHERE PERMITTED

Grave decorations will be permitted only within the dimensions permitted under this By-law.

Grave decorations are not permitted behind a foundation on a single grave or double grave plot.

For the purpose of this By-law all graves or plots sold before the enactment of this By-law, shall be considered preferred graves or plots for the purposes of grave decorations, as specified in this By-law.

#### 8.5 GRAVE DECORATIONS – RULES

Certain types of grave decorations may not be in harmony with the development of the Cemetery as a whole, or they may be a safety hazard to the public, or they may intensify maintenance problems. Therefore, the following rules will be observed in regard to the decoration of Cemetery graves and plots where a monument exists:

- (a) Only concrete or granite borders will be allowed to enclose a flower bed. The border shall not extend past the designated dimensions of the flower bed, and shall be no higher than three inches (3") above the ground.
- (b) Stone or crushed stone will not be allowed in grave decorating.
- (c) Fences or curbs made of iron, wood or plastic are a hindrance to the operation and maintenance of the Cemetery and are not permitted.
- (d) Grave decorations that have become unsightly due to neglect or age, or create problems for the maintenance and operation of the Cemetery, will be removed at the direction of the Superintendent or his authorized representative. Where possible, the interment rights holder will be notified in advance of the removal.
- (e) Grave decorations that are considered to be a safety hazard to the public and Cemetery staff will be removed without notice to the interment rights holder. Wire fencing and ornamental stones and rocks are considered a safety hazard and will be removed.
- (f) Hanging baskets may be placed flush to a foundation, but shall not extend past the flower bed dimension.
- (g) Permanent receptacles for cut flowers, candles, etc. will only be permitted if installed at the side of a foundation and secured by pin on the base. Due to maintenance and the general operation of the Cemetery, Cemetery staff will not be responsible for breakage or damage to any receptacle.
- (h) Any container considered to be a safety hazard will be removed without notice to the interment rights holder.
- (i) Artificial Christmas flowers and wreaths must be removed from the Cemetery no later than April 1<sup>st</sup> of each year.
- (j) All baskets, clay pots or other receptacles must be removed from the Cemetery no later than November 1<sup>st</sup> of each year.
- (k) Artificial flowers, wreaths, baskets, clay pots, etc. which have become unsightly due to age or damage will be removed and disposed of at the direction of the Superintendent or his/her authorized representative.
- (l) Grave decorations established on a grave or plot prior to the adoption of this By-law will be given two (2) years to conform to this By-law. Those grave decorations which have become unsightly by reason of neglect or age, or problematic to the maintenance and operation, shall be removed if the interment rights holder has failed to return the grave or plot to good condition and in accordance with this By-law after having received two (2) month's notice of the situation.
- (m) Exemptions to this article will be allowed as defined in article 9.2

#### 8.6 FLOWER BEDS – DEFINITIONS

Flower beds include all annual and perennial flowers that are placed on a grave or plot with the intention of improving the appearance of same.

8.7 FLOWER BEDS – PLANTING AND DIMENSIONS

No flower beds shall encroach upon a neighbouring grave or plot.

The interment rights holder shall be permitted to plant and care for a flower bed in accordance with this By-law, and within the dimensions determined by the Port Dover Cemetery Company. The flower bed dimensions are set out as follows:

- (a) Single Grave: Flower bed dimensions will not exceed eighteen inches (18”) in front of the foundations or exceed the width of the foundation. Plant material, including bushes/shrubs, are not permitted without written approval.

8.8 FLOWER BEDS

Areas within the Cemetery grounds not having an interment rights certificate are not to have trees, flowers, memorials, stones, or any other structure or thing placed or planted without the written authorization of the Superintendent.

8.9 All graves and/or plots sold or assigned shall be maintained and kept properly graded, seeded and mown.

ARTICLE 9.0

DECORATION DAY

9.1 DEFINED – DECORATION DAY

Decoration Day shall be held annually as set forth by the Royal Canadian Legion Branch 158.

9.2 DEFINED – GRAVE DECORATION EXEMPTIONS

The placement of vases and/or containers, excluding glass, and flower arrangements will be permitted beyond the defined flowerbed dimensions (5) days prior and (7) days after Decoration Day.

ARTICLE 10.0

LIABILITY INSURANCE

The Port Dover Cemetery Company will require a copy of a (2) two million dollar Liability Insurance Certificate, naming Port Dover Cemetery Company as additional insured, as well as, where applicable, proof of valid Worker's Compensation coverage for their workers, by all contractors and other workers for any work done on Port Dover Cemetery Company property.

These shall include but not be limited to grave diggers, maintenance companies, monument companies and restoration companies.



## SCHEDULE "B" TO BY-LAW

### MONUMENTS, MARKERS, FOUNDATIONS AND CORNER STONES

#### 1. BRONZE MARKERS

The following regulations shall apply to the use of bronze markers in addition to all other regulations respecting markers:

- (a) All bronze markers shall be true, free from weakening or minor defects, blemishes or imperfections with smooth exposed surfaces; rough "sand like" painted or pigmented lacquer finishes or ornamentations are not permitted.
- (b) For installation, bronze markers must be attached to a concrete base of not more than five (5") and not less than four (4") in thickness, securely attached to the marker before delivery to the Cemetery. A four (4") rim of concrete, trowel finished shall project from all sides of the marker for the purposes of facilitating grass cutting. Compliance shall be assessed from the top of the finished edge.
- (c) The alloy in bronze markers shall consist of 86% to 89% copper, 5% to 6% tin, 1.75% lead, and 3.5% to 5% zinc, with not more than 1.5 % other elements.
- (d) Bronze markers must be cast with provision for sufficient bosses on the underside drilled or tapped to receive at least four anchor lugs of brass or bronze from 7.6 cm(3") to 2.7 cm(5"0 in length, and not less than 9.525mm (3/8") in diameter.
- (e) Special permission shall be required in writing, prior to ordering of a bronze marker which should deviate from the specifications set forth in this section.

#### 2. TYPE AND NUMBER OF MONUMENTS AND MARKERS

The following types of monuments and/or markers are permitted to be centered within the defined area on a grave or plot;

##### Single grave

- -within the monument row                      -one upright monument with base; or
- -one beveled monument with base; or
- -one raised marker; and
- -within the interment area                      -one flush marker

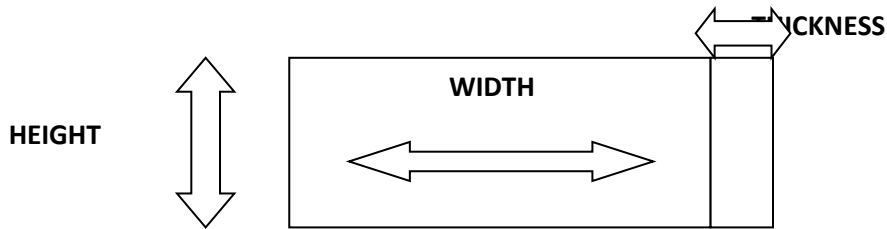
##### Double Plot

- -within the monument row                      -one upright monument with base; or
- -one beveled monument with base; or
- -one raised marker; and
- -within the interment area                      -one flush marker per grave, totaling two (2)

### 3. MONUMENT AND MARKER DIMENSIONS

Figure A

- The standard measurements below shall be used for bases, monument and markers



### 4. MONUMENT AND MARKER TYPE AND SPECIFICATIONS

The following are the dimensions for monuments and markers that are allowed within the Cemetery. The monument and base size cannot exceed or be lower than the dimensions indicated for the specific grave or plot type, unless otherwise indicated.

#### I. Type of Grave:

Veterans' – Veterans' area

Type of Marker:      Raised Marker

	Width	Length	Thick
Marker	12"	20"	4"

The above are the standard dimensions and shall not be deviated from. Approval on all inscriptions must be submitted for review by the Port Dover Cemetery Company and the Royal Canadian Legion Branch 158, prior to the work being undertaken.

The concrete pad used to set the marker shall be flush with the ground with a minimum depth of 4" and have a minimum 4" rim surrounding the marker. The fashion in which the marker is to be set shall be consistent with existing markers within the Veterans' Area.

#### II. Single Grave – type and dimensions of monuments and markers allowed

##### (a) BASES

WIDTH	THICKNESS	HEIGHT
Maximum – 36"	Maximum – 16"	Minimum -6" Maximum -10"

(b) DIES

i. Type of Monument Upright

In instances where the dimensions shall be in excess of the following, (3) of this section shall apply.

WIDTH	THICKNESS	HEIGHT
Maximum – 30"	Minimum -6"	Maximum – 26"

ii. Type of Monument Upright

WIDTH	THICKNESS	HEIGHT
Maximum – 30"	Minimum – 8"	Over 26" Maximum – 36"

iii. Type of Monument Bevel Upright

WIDTH	THICKNESS	HEIGHT
Maximum – 30"	Minimum 8" Bottom Slanting to Minimum 3" Top	Maximum -26"

(c) MARKERS

Type of Marker Raised or Flushed

WIDTH	THICKNESS	HEIGHT
Maximum – 32"	Maximum – 16"	Minimum – 4"

The concrete pad used to set the marker shall be flush with the ground with a minimum depth of 4" and have a minimum 4" rim surrounding the marker.

- (a) Special permission shall be required in writing, prior to ordering of the die and the base, for monuments, or markers exceeding the above maximum dimensions that are to be centered on a single grave or if the type of monument is different than above mentioned.

### III. Types of Grave

Double & Four Grave Plot configurations –type and dimensions of monument and markers allowed:

(a) Bases, Dies and Markers that are permitted on Single Graves are permitted to be centred on double configurations.

(b) BASES

WIDTH	THICKNESS	HEIGHT
Maximum -72"	Maximum –16"	Minimum - 8" Maximum – 12"

(c) DIES

i) Type of Monument: Upright

In instances where the dimensions shall be in excess of the following (ii) of this section shall apply.

WIDTH	THICKNESS	HEIGHT
Maximum – 36"	Minimum – 6"	Maximum – 26"

ii) Type of Monument: Upright

WIDTH	THICKNESS	HEIGHT
Minimum – 36" Maximum – 48"	Minimum – 8"	Minimum – 26" Maximum -36"

iii) Type of Monument: Bevel Upright

WIDTH	THICKNESS	HEIGHT
Maximum 42 "	Minimum 8" Bottom slanting to Minimum 3" Top	Maximum – 26"

(d) MARKERS

Type of Marker: Raised or Flushed

WIDTH	THICKNESS	HEIGHT
Maximum – 36"	Maximum – 16"	Minimum -4"

The concrete pad used to set the marker shall be flush with the ground with a minimum depth of 4" and have a minimum 4" rim surrounding the marker.

(e) Special permission shall be required in writing, prior to ordering of the die and base, for monuments or markers exceeding the above maximum dimensions that are to be centred over double (2) or four (4) grave plots.

(f) Special permission shall be required in writing, prior to ordering of the die and the base, for monuments, benches, or markers exceeding the above maximum dimensions that are to be centred over six (6) grave plots.

IV. Type of Grave:

Other Grave configurations

Special permission shall be required in writing, prior to ordering the base and the die, for monuments or markers.

## OPERATING SEASON-WORKING HOURS-FOUNDATIONS

By permission of the Cemetery Superintendent or designate.

Failure to abide may result in the removal of the foundation at the supplier's expense.

Foundations will not be permitted to be poured should any of the following weather conditions exist:

- III. The weather is forecasted, by Environment Canada, for the local area to have had or to have two (2) consecutive days with rain or snow or temperatures below -4 degrees C; or,
- IV. The Cemetery grounds have been found to have more than 3" of frost; or,
- V. It has been noted by Cemetery staff that the Cemetery grounds have frost within the first four feet (4')

As defined by the annually published locate schedule, weather permitting and within the defined operating season and working hours, monument, marker, and cornerstone locates may be provided, by appointment, once a week for a monument dealer:

Monday to Saturday

Appointments for locates will only be scheduled;

- i. Should the monument dealer or installer comply with the requirements of Article 7.5; and,
- ii. Should the appropriate fee be submitted as set forth in the Cemetery Fee Schedule; and,
- iii. Should the monument dealer or installer be compliant with Port Dover Cemetery Company Policy.

Monument installers and dealers can request a monument, marker, and cornerstone locate or to complete work(s) outside the defined operating hours or season, given they have received written permission from the Cemetery Superintendent and have submitted the appropriate fee as set out in the Cemetery Fee Schedule.

At the discretion of the Cemetery Superintendent, foundations shall not be permitted to be poured outside the operating season due to weather conditions or the state of the Cemetery grounds.

#### OPERATING SEASON – WORKING HOURS – MONUMENTS / MARKERS

Monument / Marker / Corner Stone (s) installations and maintenance will take place during the defined operating season between April 1<sup>st</sup> and November 30<sup>th</sup>, weather permitting, and excluding recognized holiday, during the working hours of:

- (a) One half hour after sunrise and one half hour before sunset, Monday through Saturday; or,
- (b) By documented permission by the Cemetery Superintendent or designate.

Failure to abide by the hours of operation may result in the removal of the monument or marker at the supplier's expense.

Except as noted hereto, Monuments / Markers / Corner Stone(s) installations and maintenance will not be permitted to be set should the following weather conditions exist:

- (c) The weather is forecasted, by Environment Canada, for the local area to have had or to have two (2) consecutive days with rain or snow or temperatures below 5 degrees C.

Monument /Marker /Corner Stone(s) installations and maintenance will be permitted, should documented information from the manufacturer of the setting compound to be used, provides for said use outside the perimeters of what has been defined as unacceptable weather conditions.

Markers, which have been pre-poured with their concrete pad and appropriate rim, shall be allowed to be set given that the ground conditions permit and Article 7.5 is adhered to.

At the discretion of the Cemetery Superintendent, monument installations shall not be permitted due to weather conditions or the state of the Cemetery grounds.