

**CORPORATION OF THE TOWN OF PLYMPTON-WYOMING**

**BY-LAW 34 of 2024**

**Being a By-Law to Provide for the Management and Control of the Wyoming Public Cemetery and all Inactive Cemeteries in the Town of Plympton-Wyoming.**

**WHEREAS** Council deems it necessary to adopt a By-law to regulate the management, maintenance and control of the Wyoming Public Cemetery in compliance with the *Funeral, Burial & Cremation Services Act, 2002, S.O. 2002, Chapter 33, (FBCSA)*, as amended and any other regulations that come into effect;

**WHEREAS** it is provided by section 150(1) of Ontario Regulation 30/011, that a cemetery operator may make By-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights;

**WHEREAS** the Council of the Corporation of the Town of Plympton-Wyoming deems it expedient and necessary to provide for the regulations of the operation of the Wyoming Public Cemetery (450 Isabella Street) and 11 (eleven) Inactive Cemeteries in accordance with this By-law;

**NOW THEREFORE** the Council of the Corporation of the Town of Plympton-Wyoming enacts as follows:

**That** this By-law be known as the 'Cemetery By-law' for all intents and purposes;

**That** By-law 67 of 2022 be repealed and all other By-laws or parts of By-laws inconsistent with this By-law are hereby repealed upon approval of this By-law by the Ministry of Consumer and Business Services;

**That** the Clerk is hereby authorized to make whatever minor changes to the By-law as may be necessary and reasonable in the circumstances;

**That** this By-law shall come into force and take effect on and from the date it is finally passed by Council and approved by the Ministry of Consumer and Business Services.

- Section 1: Definitions
- Section 2: General Information
- Section 3: Sale, Transfer, & Resale of Interment Rights
- Section 4: Interment & Disinterment
- Section 5: Memorialization
- Section 6: Care of Lots
- Section 7: Columbarium
- Section 8: Inactive Cemeteries

**1. Definitions**

**"Burial"** means the opening and closing of a Lot or Niche for the disposition of human remains or cremated human remains, followed by the closing of the Grave. **"Interment"** shall have a corresponding meaning.

**"By-law"** means the rules and regulations under which the Cemetery operates.

**"Care and Maintenance Fund"** It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all Interment Rights sold, transferred, assigned or permitted; and prescribed amounts for Monuments and Markers, 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. **"Perpetual Care"** shall have a corresponding meaning.

**"Cemetery"** means the Wyoming Public Cemetery, located at 450 Isabella Street in the Town of Plympton-Wyoming, County of Lambton.

**"Certificate of Interment Rights"** refers to the document issued by the Town to the purchaser once the Interment Rights to a specific Lot or Niche have been paid in full, identifying ownership and authority over those specific Interment Rights.

**"Columbarium"** means a structure containing individual compartments or Niches, designed for the purpose of interring cremated human remains in each sealed compartment.

**"Contract"** for the purpose of this By-law, all purchasers of Interment Rights must sign an agreement with the Town, detailing Burial location specifications, obligations of both parties and acceptance of the Cemetery By-law.

**"Committee"** means the Wyoming Public Cemetery & Inactive Cemetery Committee.

**"Corner-posts"** means any stone or other land Markers set flush with the surface of the ground and used to indicate the location of a Lot.

**"Cremation or Infant Lot"** means Burial space intended for cremated remains or small caskets and having a size of 1.1 meters (3.5 feet) by 1.5 meters (5.0 feet).

**"Full Lot"** means any Burial space intended for an adult and having a size of 1.1 meters (3.5 feet) by 3.0 meters (10.0 feet).

**"Interment Right"** the right to require or direct the Burial of human remains in a Lot.

**"Interment Right Holder"** means any person designated to hold the right to inter human remains in a specified Lot or Niche.

**"Lot"** means an area of land in a Cemetery containing, or set aside to contain, human remains. **"Grave"** shall have a corresponding meaning.

**"Marker"** means any permanent, flat memorial structure –plaque, cornerstone or other structure or ornament affixed or intended to be affixed to a Lot, Niche or place intended for the deposit of human remains and may be used to indicate the location of a Burial.

**"Ministry"** means the Ministry of Consumer and Business Services for Ontario.

**"Monument"** means any permanent memorial projecting above the ground level, affixed or intended to be affixed to a Lot or place intended for the deposit of human remains and may be used to indicate the location of a Burial.

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

**"Plot"** means a parcel of land, sold as a single unit, containing multiple Lots.

**"Register"** means electronic or written records, kept in accordance with the FBCSA.

**"Secretary"** refers to the Town staff member responsible for the administration of the Cemetery.

**"Town"** means the Corporation of the Town of Plympton-Wyoming. **"Corporation"** shall have a corresponding meaning.

## **2. General Information**

### **Hours of Operation**

2.1 Hours of Operation at the Cemetery shall be:

1. Visitation Hours: 8:00 a.m. to dusk, every day.
2. For Lot Sales and Burial/Interment Arrangements: Monday to Friday 8:30 a.m. to 4:30 p.m., excluding statutory holidays or observed holiday.

3. **Burial Hours:** are 8:30 a.m. to 5:00 p.m. Monday through Saturday. This excludes Statutory Holidays and those days observed as a Statutory Holiday. Burials are not permitted on Sundays, unless requested by the Department of Health.

### **General Conduct**

- 2.2 The Council of the Town of Plympton-Wyoming in the discharge of their responsibilities appeals to the public to aid them by following this By-law, which has been adopted for the improvement and upkeep of the Cemeteries, to keep them a becoming and respectful place for the Burial of the dead.
- 2.3 All visitors should conduct themselves in a quiet manner that shall not disturb any service being held. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these By-laws, may be expelled from the grounds.
- 2.4 No parades other than funeral processions shall be admitted to or be organized within the Cemetery.
- 2.5 Funeral corteges within the Cemetery shall follow the route indicated by the Committee, if instructed to do so.
- 2.6 Children under the age of twelve (12) 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.
- 2.7 Vehicles within the Cemetery shall be driven at a low speed and shall not leave the avenues or park on the grass unless directed to do so by the Committee. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
- 2.8 No all-terrain vehicles (ATVs) or snowmobiles are permitted in the Cemetery.
- 2.9 Discharging of firearms, other than in regular volleys at Burial services is prohibited in and around the Cemetery.
- 2.10 Dogs or other pets shall be allowed in the Cemetery only if restrained by an appropriate leash, accompanied by an adult, and no excrement are left by the dog.
- 2.11 Any person who damages or moves any tree, plant, Marker, fence, structure or other thing usually erected, planted or placed in a Cemetery is liable to the Town 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.
- 2.12 Rubbish shall not be thrown on roadways, Lots or walkways or any part of the grounds. A receptacle is provided at a convenient point on the grounds for the deposit of weeds, decayed flowers, plants, etc.
- 2.13 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.

### **Cemetery Administration**

- 2.14 The Town reserves full and complete control and management of lands, buildings, plantings, roads, utilities, books and records of the Cemetery and complete authority to administer this By-law. The Cemetery shall be governed by this By-law, and all procedures will comply with the FBCSA and O. Reg. 30/11, which may be amended periodically.
- 2.15 The Committee shall have custody of the Cemetery under the direction of the Town. No Interment or disinterment shall take place without notice to the Secretary, who shall see that a proper Burial permit or other certificate required by law is provided.
- 2.16 The Town disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, acts of God, thieves, vandals, strikers, acts of mischief, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral. This applied to any Lot, Plot, Niches, Monument, Marker or other articles that have been

placed in relation to an Interment Right.

- 2.17 The Town shall take reasonable precautions to protect the property of Interment Rights Holders, but they assume no liability or responsibility for the loss of, or damage to, any article of any type that is placed on any Lot or Plot. No person may damage, destroy, remove or deface any property within the Cemetery.
- 2.18 Provincial legislation – Section 110 of O. Reg. 30/11 requires all cemeteries and crematoriums to maintain a public Register that is available to the public during regular office hours.
- 2.19 Any complaints by Interment Rights Holders or visitors should be made to the Secretary and not to workers on the grounds and controversies with workers or others on the grounds are to be avoided.
- 2.20 The Town 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.
- 2.21 The Town 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 of conveyance of any Interment Rights. The Town may either cancel such grant or substitute other Interment Rights, or 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 Rights Holders. If necessary, it may be mailed to the Rights Holders or their legal representatives, at their last appearing address in the record books of the Town. In the event any such error may involve the disinterment of remains, the Town shall first obtain the approval of any regulatory authority and the Interment Rights Holder.
- 2.22 Decoration Day at the Wyoming Public Cemetery is on the second Sunday in June of each year.

#### **By-Law Amendments**

- 2.23 The Cemetery shall be governed by this By-law, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically.
- 2.24 All By-laws and By-law amendments are subject to the approval of the Ministry.

#### **Lot Capacities**

- 2.25 Full Lots shall accommodate either:
- 1) The cremated remains of not more than four (4) persons; OR
  - 2) A 61.0 cm x 30.5 cm (24 inches x 12 inches) infant container or the cremated remains of one (1) person may be buried at the head end of a single Grave in which a casket containing whole human remains has been buried, provided space is available.
- 2.26 Cremation or Infant Lots shall accommodate either:
- 1) The cremated remains of not more than four (4) persons; OR
  - 2) The cremated remains of not more than two (2) persons and one (1) infant container measuring 61.0 cm x 30.5 cm (24 inches x 12 inches).
- 2.27 Columbarium Niches shall accommodate:
- 1) The cremated remains of no more than two (2) persons.

#### **Abandoned Lots**

- 2.28 If any Interment Rights have not been used after a 20-year period has passed, they may be considered abandoned. The Cemetery may apply to the Registrar for a declaration that the Interment Rights are abandoned after making inquiries and giving reasonable notices to find the Interment Rights Holders or beneficiaries. Upon being satisfied that the rights are abandoned, the Registrar shall issue a declaration to that effect. If there is not an appeal by the end of the time period allowed for appeal, the Cemetery may resell the Lot in question.
- 2.29 Any person whose Interment Rights have been resold after being declared abandoned

may apply to the Registrar for redress. Upon receiving an application for redress, the Registrar shall order the Town to provide better or equivalent Interment Rights in that Cemetery or to refund the amount that it would cost to purchase better or equivalent Interment Rights in the Cemetery or if no Interment rights are available in the Cemetery, in the closest Cemetery appropriate to the religious or ethnic affinities of the person whose Interment Rights have been resold. Determination of better or equivalent, or to refund the amount, will be at the discretion of the Committee.

### **3. Sale, Transfer, & Resale of Interment Rights**

#### **Lot Sales**

- 3.1 Payments for Interment Rights to the Wyoming Public Cemetery shall be made to the 'Town of Plympton-Wyoming' and must be paid in full before receiving a Certificate of Interment Rights. Upon payment in full, and after the 30-day cooling off period, a Certificate of Interment Rights shall be issued.
- 3.2 Interment Rights to Lots, Plots, or Niches must be purchased from the Town. The prices for Interment Rights include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund as specified in the regulation made under the FBCSA and O. Reg. 30/11.
- 3.3 Interment Rights Holders acquire only the right to direct the Burial of human remains, subject to the conditions set out in the Cemetery By-law. In accordance with the By-law, no Burial or entombment is permitted until the Interment Rights have been paid in full. The purchase of Interment Rights is not a purchase of real estate or real property.
- 3.4 The Town shall provide each Rights Holder at the time of sale with:
  - 1) A copy of the Contract,
  - 2) A copy of the Cemetery By-law,
  - 3) A copy of the price list,
  - 4) A copy of the Bereavement Authority of Ontario's Consumer Information Guide.

#### **Plots Ineligible for Resale or Transfer**

- 3.5 For the purpose of resale, the following listings of Plots in the Wyoming Public Cemetery were purchased during the years of 1884 to 1911. An audit of the records kept, and in the possession of the Town indicates that there is insufficient information to determine if there are any Burials in these Plots. Therefore, the Town is declaring there will be no future Interments and they are not eligible for resale. The Plot numbers are:

005	012	013	015	016	038	063	073	074	086
088	093	094	103	114	121	122	127	132	133
146	147	153	154	155	156	164	165	166	167
168	169	173	220	221	234	249	255	272	273
292	293	292	307	312	327	366	367	375	384
385	391	394	395	396	401	406	410	411	412
413	414	420	426	427	430	439	Plot C	Plot D	Plot E

- 3.6 Any person(s) attempting to reclaim any of these Plots by court order, will be required to supply a "ground radar testing" that guarantees no Interments have taken place within the Plot.

#### **Requirements for Cancellation or Resale of Interment Rights**

- 3.7 All resales of Interment Rights must be carried out through the Town.
- 3.8 The Town will not re-purchase any Lot that currently contains human remains. Any disinterment necessary for the purpose of resale or cancellation would be at the expense of the current Right Holder.
- 3.9 The Town will not re-purchase any Lot that currently contains a permanently mounted Monument or Marker. The removal of such structures for the purpose of resale or cancellation would be at the expense of the current Right Holder.

#### **Cancellation or Resale of Interment Rights within 30-day Cooling-Off Period**

- 3.10 A purchaser has the right to cancel an Interment Rights Contract within thirty (30) days of signing the Contract, by providing written notice of the cancellation or resale to the

Town. The original Interment Contract issued on the date of purchase must be returned to the Town along with the written notice.

- 3.11 The Town will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

**Cancellation or Resale of Interment Rights after the 30-day Cooling-Off Period**

- 3.12 Unless an Interment has been exercised, the purchaser retains the right to cancel the Contract or re-sell the Interment Right. Once payment has been made in full, and an Interment Rights Certificate has been issued, the Interment Right Holder(s), as recorded on the Cemetery records, has the right to re-sell the Interment Rights. Any resale of the Interment Right shall be in accordance with the requirements of the Cemetery By-law and in keeping with the FBCSA.
- 3.13 The following must be submitted for a cancellation/resale request:
- a) A written statement from the Interment Right Holder(s) expressing their desire to cancel or sell their Cemetery Lot(s). This statement must include the individuals name(s), telephone number, and mailing address;
  - b) Written confirmation from the Interment Right Holder(s) that the Lot contains no human remains and no Monuments or Markers are located on the lands; and,
  - c) The original copy of the Interment Contract and Interment Rights Certificate.
- 3.14 Upon receiving written notice from the purchaser of the Interment Right, the Town will cancel the Contract and issue a refund to the purchaser at the current price list value less the appropriate amount that was required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice.

**Transfer of Interment Rights**

- 3.15 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 Town until notice is given in writing to the Town specifying the name and address of the proposed transferee and the date of transfer, and such particulars have been entered in a Register for that purpose. Upon receipt of such notice, and payment of a transfer fee, the transfer shall be made.
- 3.16 In cases of transferring ownership by will or bequest, the Town reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.

**4. Interment & Disinterment**

**Interments/Burials**

- 4.1 Interment Right Holder(s) must provide written authorization prior to a Burial taking place. Should the Interment Right Holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the Interment Rights Holder in keeping with the *Succession Law Reform Act* i.e. Personal Representative, Estate Trustee, Executor, or next of kin.
- 4.2 Notice of each Interment to be made shall be given to the Town at least 36 hours in advance, 12 hours of which must be regular working hours. The Town cannot be held responsible for having Lots prepared for funerals unless such notice is given.
- 4.3 The Town shall not be held responsible for any errors made for any funeral arrangements made over the phone. These arrangements should be made in writing.
- 4.4 When Interment Rights to a Lot are held jointly by two (2) or more persons, an order will be accepted from either or any of them or their authorized representatives, for Interment in such part of the Lot as may be requested.
- 4.5 A Burial permit issued by the Registrar General or equivalent document showing that the death has been Registered with the province must be provided to the Town prior to a Burial taking place. A Certificate of Cremation must be submitted to the Town prior to the Burial of cremated remains taking place.

- 4.6 In accordance with the FBCSA and O. Reg 30/11 and 184/12 the purchaser of Interment Rights must enter into a Contract, providing such information as may be required by the Town for the completion of the Contract and the public Register prior to each Burial or entombment of human remains.
- 4.7 Winter Burials shall take place weather permitting.
- 4.8 Cremated remains to be buried in a Grave must be enclosed in a container, sealed securely, and of sufficient strength to permit Burial with the container remaining intact. The container must be of a size to permit the Burial within the size of the Lot.
- 4.9 Whole human remains to be buried in a Grave must be enclosed in a casket of sufficient strength to permit the Burial with the casket remaining intact. The casket must be able to withstand any force placed upon it by the earth or heavy equipment and it must be of a size to permit the Burial within the size of the Lot.
- 4.10 The Town does not provide any devices to assist in the lowering of vaults or caskets into a Grave.
- 4.11 No Lot shall be opened for Interment or disinterment by any person not employed by, or under the direction of the Town, except under special circumstances, and by permission of the Town.
- 4.12 The Committee, their assistant, or someone employed by the Town shall be in attendance at each Interment.
- 4.13 Payment must be made to the Town before a Burial can take place. The fees for Lot opening and closing are established through the Town's Comprehensive Fees By-law. Open and close fees are subject to change annually and cannot be prepaid. Extra charges are included in the Price List for:
1. Saturday Interments,
  2. Winter Interments,
  3. Funerals reaching the Cemetery after the hour of 4:00 p.m. during a weekday.
- 4.14 Pets or other animals, including cremated animal remains, are not permitted to be buried on Cemetery grounds.
- 4.15 Cremated remains are not permitted to be scattered on a Grave or anywhere else in the Cemetery.

#### **Disinterment**

- 4.16 Any disinterment in the Wyoming Public Cemetery shall be carried out in accordance with section 162 of O. Reg. 30/11.
- 4.17 Human remains may be disinterred from a Lot provided that the written consent of the Interment Rights Holder has been received by the Town and the prior notification of the Medical Officer of Health ("Officer"). A certificate from the local Officer must be received by the Town before the removal of casketed human remains may take place. A certificate from the local Officer is not required for the removal of cremated remains.
- 4.18 In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the Interment Rights Holder and/or next of kin(s).
- 4.19 The Town will exercise all due care but is not responsible for damage to any casket, urn or other container sustained during disinterment.

### **5. Memorialization**

#### **General**

- 5.1 No Monument, Marker, or other structure shall be erected or permitted on a Lot until accrued charges have been paid in full.
- 5.2 All installations of Monuments and Markers and their foundations shall be arranged for

by the Rights Holder through Monument dealers or contractors subject to the conditions of this By-law.

5.3 No Monument or Marker will be delivered to the Cemetery without the following information being provided to the Town:

- a) The Interment Rights Holders name and address.
- b) Instructions for placement of the Marker or Monument.
- c) The dimensions in the case of a flat Marker.
- d) In the case of a Monument:
  1. The dimensions of the die, height, width, length.
  2. The dimensions of the base, height, width, length.
  3. The overall size of the Monument.
  4. A description of the Monument; colour and design.

5.4 The Town reserves the right to remove at its sole discretion any Marker, Monument, or inscription which is not in keeping with the dignity and decorum of the Cemetery.

5.5 No Monument, foot stone, Marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Town.

5.6 The Town reserves all rights to remove, repair or reset any Monument or Marker deemed a risk to public safety, at their sole discretion.

5.7 The Town 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, Markers, or part thereof except where such damage or loss is due to its negligence.

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

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

5.9 Every person installing a Monument or Marker in the Cemetery shall pay the prescribed amount, as set out in the FBSCA, to the Town's Care and Maintenance Fund before the installation. Prescribed amounts are in accordance with O. Reg. 30/11 section 88. The interest earned from this fund will be used to maintain the Markers or Monuments in safe condition. The Town's price list will contain the most up to-date Care and Maintenance pricing.

#### **Markers**

5.10 The Interment Rights Holder may, on the receipt of their Certificate of Interment Rights and at their own expense, have an official of the Town place bronze, stone or concrete land marks 15.2 cm (6 inches) square and not less than 15.2 cm (6 inches) deep, dressed on all sides and bearing the Lot and section number legibly and permanently marked thereon, at the corners of the Lot or Lots conveyed to him, such posts to be planted flush with the ground.

5.11 Markers or foot stones 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 - 30.5 cm x 61.0 cm (12 inches x 24 inches) double Lot maximum - 30.5 cm x 107.0 cm (12 inches x 42 inches).

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

5.13 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.

5.14 The minimum thickness for all flat Markers including foot stones is 10.1 cm (4 inches). All flat Markers and flat stones must have a cement base, or be set into a cement base, to ensure longevity of the Marker and to prevent sinking or shifting.

5.15 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.



## **Monuments**

- 5.16 Minor scraping of the Monument base due to grass/lawn maintenance is considered normal wear and tear.
- 5.17 The Town reserves the right to determine the maximum size of Monuments, their number and their location on each Lot or Plot. They must not be of a size that it would interfere with any future Interments.
- 5.18 Only one (1) Monument may be erected on a single Lot.
- 5.19 The maximum size Monument allowed on a single Lot, as measured from the base, is:  
Height 1.2 meters (4 feet) overall height  
Width 0.7 metres (2.5 feet)
- 5.20 The maximum size Monument allowed on a double Lot, as measured from the base, is:  
Height 1.2 meters (4 feet) overall height  
Width 1.5 meters (5 feet)
- 5.21 A double Lot is allowed one (1) upright Monument and only two (2) footstones or four (4) Corner-posts are allowed. Due to the work involved to keep these levels, we must restrict the quantity allowed on a Lot.
- 5.22 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.
- a) Candle holders must be included in determining the overall size of the memorial.
  - b) 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.
  - c) A candle holder must be adequately drained to prevent any collection of water.
  - d) Candle holders must be fully enclosed on all sides by a door or lid.
- 5.23 All Monuments must be able to withstand a minimum of 100 pounds of horizontal force applied anywhere on the Monument without toppling. This must be achieved in the dry mode (no caulking).
- 5.24 The minimum thickness of a die must be 20.3 cm (8 inches). However, all Monuments with dies that are 20.3 cm (8 inches) thick and less than 86.4 cm (34 inches) in width must be doweled to the base and able to withstand the 100-pound standard. Should the Monument exceed 106.7 cm (42 inches) overall height, the die must be 25.4 cm (10 inches).
- 5.25 Dowels must be made of minimum 5.1 cm (2 inches) non-corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 7.6 cm (3 inches) deep and no more than 3.2 cm (1.8 inches) larger in diameter than the diameter of the dowel.
- 5.26 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.
- 5.27 The die stones must be installed on a solid base. The height of the base shall be minimum of 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.
- 5.28 Monuments cannot be placed "Back-to-Back" against another.
- 5.29 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 Town staff before a Monument is set.
- 5.30 No foundations may be constructed after November 1st in any year and before May 1st in the following year, or as the weather permits.

- 5.31 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 at the expense of the Interment Rights Holder. Foundations will be not less than 1.52 meters (5 feet) deep and they will be set at the Town's direction.
- 5.32 Foundations must be constructed of a material strong enough to withstand the force of the Monument and they must be cured for a minimum of 48 hours before placing the Monument.
- 5.33 No concrete shall be placed until a representative of the Town has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in 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.
- 5.34 There shall not be a variance of more than 1.3 cm (0.5 inch) in the size of the base required as stated on the work order and the size of the Monument delivered.

**Rules for Monument & Marker Dealers, Contractors, & Workers**

- 5.35 All companies who do work in the Wyoming Public Cemetery shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance.
- 5.36 Defective areas must be repaired to the approval of Town Staff. 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 1.3 cm (0.5 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the Town.
- 5.37 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.
- 5.38 The demeanor and behavior of all workers employed by others in the Cemetery shall be subject to the control of the Committee.
- 5.39 Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
- 5.40 All work must be done during regular Cemetery hours, unless by special permission of the Committee.
- 5.41 No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed that day.
- 5.42 Heavy loads shall not be permitted in the Cemetery when the roads are in unfit condition.
- 5.43 No Monument dealer shall park on the grass unless otherwise directed to do so by the Town.
- 5.44 All implements and materials used in the performance of any work shall be placed where the Committee may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Committee may order. Otherwise, the obstructions will be removed, and the expense charged to the Monument dealer.
- 5.45 If a Monument company desires to make their own foundations, the foundation shall be at least 1.5 meters (5 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 1.3 cm (0.5 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. This foundation shall not rise above the grade of the surrounding ground.

## **6. Care of Lots**

### **General**

- 6.1 All Lots shall be maintained and kept properly graded and seeded by the Town. All new Graves will be seeded in the spring and/or the fall of each year, weather permitting.
- 6.2 No person shall do any work upon a Lot without the permission of the Town.
- 6.3 No Interment Rights Holder shall change the grading of their Lot, and in case of any such change, the Town may restore the Lot to its original grade at the expense of the Interment Rights Holder.
- 6.4 No person other than Cemetery staff shall remove any sod or in any other way change the surface of the Burial Lot in the Cemetery. No unauthorized person shall seed, move Corner-posts or Lot Markers.
- 6.5 Trees and/or shrubs shall not be planted in the Wyoming Public Cemetery. Existing shrubs and/or trees will be removed by the Town if they encroach abutting Grave(s) or become unsightly. Potted plants must not be buried, but can be placed on top of the ground as close to the Monument base as practical.
- 6.6 Any items that create a hazard or threat to workers and visitors shall be removed from the Cemetery. This shall include but not be limited to:
- a) nails, wires, arches, garden hooks, trellises, or iron rods,
  - b) solar lights or hanging baskets,
  - c) wooden crosses, articles of glass or pottery,
  - d) benches\*,
  - e) cut-stone coping, boarders, walls, fences, railings, or hedges in/on or around Lots,
  - f) any décor that may cause health and safety issues or impedes with maintenance of the Cemetery,
  - g) any other items, materials, or articles deemed by the Committee to be hazardous or threatening.
- \*Benches installed through the direction of the Committee shall be permitted in common areas within the Cemetery.*
- 6.7 An article removed will be held at the Cemetery for collection. An owner of such article can contact the Town for collection.
- 6.8 The Town shall not be responsible for loss or damage to any articles left upon any Lot or Plot.

### **Flowers**

- 6.9 The Town reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or for any other reason such removals are in the best interest of the Cemetery.
- 6.10 Artificial flowers are permitted, provided they are properly maintained and not detrimental to the general maintenance of the Cemetery.
- 6.11 Flowers placed on a Grave for a funeral shall be removed by the Town after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.
- 6.12 Flower beds not exceeding 30.5 cm (12 inches) in width shall be permitted in front of the bases of Monuments, and where there is no Monument, can only be made by permission of the Committee, and under the supervision of staff.
- 6.13 To preserve the orderly appearance in the Cemetery, any flower bed of the previous year which has not been replanted by June 15<sup>th</sup>, may be seeded by the Town and the cost charged to the Interment Rights Holder.
- 6.14 Flower beds require to be cleared of tender plants after the first frost of the fall. Interment Rights Holders desiring to take plants away should do so before their removal becomes necessary.

## **7. COLUMBARIUM**

### **General**


- 7.1 Payment must be made to the Town before an Interment may take place.
- 7.2 Only the Town may open, alter, remove, and seal Niches. This applies to the inside sealer and the Niche front.
- 7.3 Vases, adornments, or any other attachments are prohibited and will be removed.
- 7.4 Landscaping in and around the Columbarium area is done exclusively by the Town or the Committee.
- 7.5 Except for at the time of interment, flowers may not be placed on the ground near the Columbarium.
- 7.6 Resale of Interment Rights for Niches shall follow the same procedure as resale for in ground Interment Rights.

## **8. Inactive Cemeteries**

- 8.1 Inactive Cemeteries shall include the following cemeteries:
- a) McKay Cemetery (4856 Douglas Line),
  - b) Oban Cemetery (3229 London Line),
  - c) Robertson Cemetery (4843 Confederation Line),
  - d) South Plympton Presbyterian Cemetery (5723 South Plympton Road),
  - e) Brook's Cemetery (3604 Churchill Line),
  - f) Delmage Cemetery (4935 Douglas Line),
  - g) Bethel United Church Cemetery (3785 Queen Street),
  - h) Ridgemont/Buchanan Cemetery (5819 Douglas Line),
  - i) Christ Church Anglican (3441 Queen Street),
  - j) Knox/Presbyterian (6671 Camlachie Road), and
  - k) Mandaumin/Brennan Cemetery (3294 Confederation Line).

- 8.2 No further Lot sales or Interments are permitted at any of the above locations.

Read a first and taken as read a second and third time and finally passed this 8<sup>th</sup> day of May 2024.

  
Mayor - Gary Atkinson

  
Clerk - Erin Kwarciak