

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

**BY-LAW 25 of 2021**

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

**WHEREAS** Council deems it necessary to adopt a bylaw 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** the Council of the Corporation of the Town of Plympton-Wyoming now deems it expedient and necessary to provide for the regulations of the operation of Wyoming Public Cemetery;

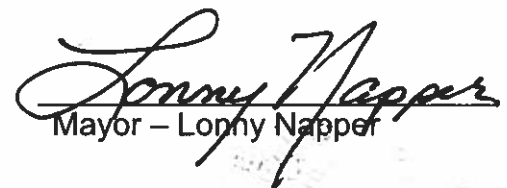
**WHEREAS** Upon receipt of approval by the Registrar of Cemeteries, FBCSA, Cemeteries Regulations Unit, Ministry of Consumer Services, this bylaw shall come into force and take effect on the day it is passed in Council;

**NOW BE IT THEREFORE RESOLVED** That the Municipal Council of the Corporation of the Town of Plympton-Wyoming operate Wyoming Public Cemetery in accordance with Schedule "A", attached to this By-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PLYMPTON-WYOMING ENACTS AS FOLLOWS:**

1. That By-law 84 of 2018 be repealed.
2. That all other by-laws or parts of by-laws inconsistent with this by-law are hereby repealed.
3. That this By-law shall come into force and take effect on and from the date it is finally passed by Council.

Read a first and taken as read a second and third time and finally passed this 31<sup>st</sup> day of March, 2021.

  
Mayor – Lonny Napper

  
Clerk – Erin Kwarciak

Schedule "A"

# By-law 25 of 2021

Wyoming Public Cemetery

# Wyoming Public Cemetery By-Law

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Any further information not contained in this booklet may be obtained by calling the Wyoming Public Cemetery Secretary, at the Plympton-Wyoming Municipal Office, 519-845-3939

## **Preface:**

The Council of the Corporation of the Town of Plympton-Wyoming in the discharge of their responsibilities appeal to the public to aid them by following these by-laws, which have been adopted for the improvement and upkeep of the Cemetery, to keep it a becoming and respectful place for the burial of the dead.

**By-Law Amendments** The cemeteries shall be governed by this bylaw, and all procedures will comply with the Funeral, Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically. This bylaw repeals Bylaw 57 of 2012, and any previous bylaws relating to Wyoming Public Cemetery

**Liability** The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, monument, marker or other article that has been placed in relation to an interment right, save and except for the direct loss or damage caused by gross negligence of the cemetery operations.

The Wyoming Public Cemetery is licensed to act as a Cemetery in accord with the Bereavement Authority of Ontario  
It is our hope that by a co-operative effort we can keep the Cemetery attractive and

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peaceful.

### **A) Administration**

1. The Corporation of the Town of Plympton-Wyoming reserves full and complete control and management of land, building, plantings, roads, utilities, books and records of the Cemetery and complete authority to administer these by-laws. The Cemetery shall be governed by these bylaws, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.
2. The Cemetery Board shall have custody of the Cemetery under the direction of the Corporation. No interment or removal of bodies shall take place without notice to the Cemetery Board, who shall see that a proper Burial Permit or other certificate required by law is furnished in each instance.
3. The Corporation distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.
4. The Corporation 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.
5. All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.
6. Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

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## **B) Definitions**

1. **"Board"** means the Wyoming Public Cemetery Board.
2. **"Burial"** means the opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains,
3. **"By-laws"** means the rules and regulations under which the Cemetery operates.
4. **"Care and Maintenance Fund"** It is a requirement under the FBSCA that a percentage of the purchase price of all interment Rights, and set amounts for marker and monument installations is contributed into the care and Maintenance Fund. Interest earned from the fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.
5. **"Cemetery"** means the Wyoming Public Cemetery, located on Lot 16, concession 2, Town of Plympton-Wyoming, County of Lambton.
6. **"Cemetery Operator"** means the Corporation of the Town of Plympton-Wyoming.
7. **"Certificate of Interment Rights"** means the certificate issued by the Corporation to the purchaser once the interment rights have been paid in full, identifying ownership of interment rights in either a lot or plot.
8. **"Children's Grave"** means any burial space of 1.07 meters (3.5 feet) by 3.05 meters (10 feet).
9. **"Contract"** for the purpose of this by-law, all purchasers of interment rights must sign a contract with the Cemetery, detailing obligations of both parties and acceptance of the Cemetery by-laws.
10. **"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.
11. **"Corporation"** means the Corporation of the Town of Plympton-Wyoming.
12. **"Cremation or Baby/Infant Grave"** means burial space of 1.07 meters (3.5 feet) by 1.52 meters (5 feet).
13. **"Grave"** also known as a "Lot" means any burial space intended for an adult, and having a size of 1.07 meters (3.5 feet) by 3.05 meters (10 feet).
14. **"Interment Rights"** includes the right to require or direct the interment of a child, adult or cremated human remains in a lot.
15. **"Interment Rights Holder"** means any person designated to hold the right to inter human remains in a specified lot or plot.

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16. **"Lot"** means an area of land in a Cemetery containing, or set aside to contain, human remains.
17. **"Marker"** means any memorial of Granite, marble, or bronze set flush with the surface of the ground, and used to mark the location of a burial lot.
18. **"Mausoleum"** means a building or structure, other than a columbarium, used as a place or the interment of the human remains in sealed crypts or compartments.
19. **"Ministry"** means the Ministry of Consumer and Business Services for Ontario.
20. **"Monument"** means any permanent memorial projecting above the ground level used to mark the location of a burial lot.
21. **"Niche"** means an individual compartment in a columbarium for the entombment of cremated human remains.
22. **"Plan"** means the plan of the Cemetery, approved by the Ministry of Consumer and Business Services for Ontario.
23. **"Plot"** for the purpose of these by-laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.
24. **"Register"** means electronic or written records, kept in accordance with the FBCSA.
25. **"Treasurer"** means the Municipal Treasurer of the Corporation of the Town of Plympton-Wyoming.
26. **"Trust funds"** means those funds in which a trustee may invest, which are defined in the "Trustee Act", R.S.O. 1989.
27. **"Pets or Other Animals"** - Pets or other lower animals, including cremated animal remains, are not allowed to be buried on Cemetery grounds.
28. **"Right to Re-Survey"** – The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the Cemetery, subject to approval of the appropriate authorities.

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## General Information:

### Hours of Operation

Hours of Operation at the Plympton Wyoming Cemetery shall be:

1. Visitation Hours 8 a.m. to dusk, every day
2. For Sales and Burial arrangements – the Town of Plympton-Wyoming Office is open Monday to Friday 8:30 a.m. to 4:30 p.m.
3. Burial Hours are 8:30 a.m. to 5 p.m. Monday through Saturday, excluding Statutory Holidays

### C) Sale & Transfer of Interment Rights

#### Notice of Resale and Transfer of Interment or

Interment rights holders may first offer the interment rights to the Cemetery Operator. If the Cemetery Operator does not wish to re-purchase the interment rights, the interment right may be sold on to a third party for no more than the current price listed on the Cemetery price list, as long as the sale or transfer is conducted through the Cemetery Operator and the purchaser meets the qualifications and requirements as outlined in the Cemetery Operator's by-laws.

For the purpose of resale, the following listing of plots in the Wyoming Public Cemetery were purchased during the years 1884 and 1911. An audit of the records kept, and in the possession of the Corporation of the Town of Plympton-Wyoming, indicates that there is insufficient information recorded to determine if there are any burials in any of these plots. Therefore, the Cemetery Owner is declaring there will be no future interments in these plots 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

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.

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### **Requirements for resale of interment rights or rights where permitted by the Cemetery Operator are:**

- The interment or holder(s) intending to sell their rights shall provide the following documents to the Cemetery Operator so that the Operator can confirm the ownership of the rights and provide the third party purchaser with a the required certificate etc.:
  1. an interment certificate endorsed by the current rights holder
  2. if the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available
  3. any other documentation in the interment holder(s) possession relating to the rights

### **The Cemetery Operator will require:**

1. require a statement signed by the rights holder(s) selling the interment acknowledging the sale of the interment rights to the third party purchaser
  2. require confirmation that the person selling the interment is the person registered on the Cemetery records and that they have the right to re-sell the Interment rights
  3. record the date of transfer of the interment or to the third party;
  4. the name and address of the third party purchaser(s)
  5. a statement of any money owing to the Cemetery Operator in respect to the Interment
- Once the endorsed certificate and all required information has been received by the Cemetery Operator from the rights holder(s), the Cemetery Operator will issue a new interment certificate to the third party purchaser.
  - Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third party purchaser or transferee(s) shall be considered the current interment) of the interment or, and the resale or transfer of the interment shall be considered final in accordance with the Cemetery by-laws and the FBCSA.
  - The Cemetery Operator may charge an administration fee for the issuance of a duplicate certificate in accordance with the price listed on the Cemetery Operator's current price list.
  - The Cemetery Operator does not prohibit the resale of an interment and may repurchase the interment from the rights holder(s) if the Cemetery Operator so desires and may negotiate a purchase price so long as the seller acknowledges being aware of the Cemetery Operators current price list amounts for interment



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## **CANCELLATION OR RESALE OF INTERMENT RIGHTS**

- Purchasers of interment acquire only the right to direct the burial of human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in the Cemetery by-laws. In accordance with Cemetery by-laws, no burial, entombment, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights may advise the Cemetery Operator of their intention prior to seeking a third party buyer for their interment rights

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

A purchaser has the right to cancel an interment contract within thirty (30) days of signing the interment contract, by providing written notice of the cancellation to the Cemetery Operator. The Cemetery Operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

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

- Upon receiving written notice from the purchaser of the interment, the Cemetery Operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the Cemetery Operator along with the written notice of cancellation.
- If any portion of the interment has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment.

### **Resale of Interment Rights after 30 Day Cooling-Off Period**

- Unless the interment has been exercised the purchaser retains the right to cancel the contract or re-sell the interment. Once payment for the interment has been made in full, and an interment rights certificate has been issued, the interment 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-laws and in keeping with the FBCSA.
- If any portion of the interment has been exercised, the purchaser, or the interment rights holder(s) are not entitled to re-sell the interment rights.

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## Care and Maintenance Fund Contributions

### **NOTE: ALL RESALES OF INTERMENT RIGHTS MUST BE CARRIED OUT THROUGH THE CEMETERY OPERATOR.**

1. Payments for Interment Rights shall be made at the Municipal Office and must be paid in full before receiving Interment Rights Certificate.
2. Interment rights in lot(s), plot(s) and niche(s) may be purchased from the Corporation. 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 Ontario Regulation 30/11.
3. The Corporation shall provide each Rights Holder at the time of sale with:
  1. A copy of the contract,
  2. A copy of the Cemetery By-laws,
  3. A copy of the price list,
  4. And upon payment in full, and after the 30 day cooling off period, a Certificate of Interment Rights.
4. 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 Corporation until notice is given in writing to the Treasurer of the Corporation 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 fee, the transfer shall be made.
5. In cases of transmission of ownership by will or bequest of interment rights, the management reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.
6. NO REFUND will be made for any lot if any interment rights have been exercised or any monument/marker has reduced the interment rights area remaining.
7. Any purchaser of pre-need supplies or services from The Corporation may cancel, by written notice to the Corporation, the contract to purchase at any time before the services or the supplies are provided. No supplies will be ordered or service supplied until the 30 day grace period has passed.
8. Section 7 does not apply if the supplies or services are provided within thirty days after the contract is made because of the death of the person for whom the supplies were contracted.
9. 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.

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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.

10. 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 Corporation 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 Wyoming Public Cemetery Board.

### **D) Interments and Disinterment's**

1. Interment holder(s) must provide written authorization prior to a burial an entombment taking place. Should the interment holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder i.e. Personal Representative, Estate Trustee, Executor or next of kin.
2. 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 Cemetery office prior to a burial, scattering or entombment taking place. A Certificate of Cremation must be submitted to the Cemetery office prior to the burial of cremated remains or scattering of cremated remains taking place.
3. In accordance with the FBCSA the purchaser of interment or scattering rights must enter into a Cemetery contract, providing such information as may be required by the Cemetery Operator for the completion of the contract and the public register prior to each burial or entombment of human remains,
4. Winter burials shall take place weather permitting.
5. 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 burial within the size of the lot.
6. All interments must be authorized in writing by the Interment Rights Holder except the interment of the Interment Rights Holder.
7. The Cemetery Board, their assistant or someone in the employ of the Corporation shall be in attendance at each interment.
8. A burial permit issued by the Division Registrar, showing that the death has been registered and the fee for the opening of the lot according to the fee found in the

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Price List, must be deposited with an official of the Corporation before interment can take place.

9. In the case of a cremation interment, the cremation certificate and the prescribed fee for this service according to the Price List must be deposited with an official of the Corporation.
10. Persons requesting interments in lots or plots shall be held responsible for charges incurred.
11. When interment rights in a lot/plot are held jointly by two 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 plot as may be requested.
12. No lot shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Corporation, except under special circumstances, and by permission of the Corporation.
13. The interment fee includes the opening and closing of the lot.
14. The fees for lot openings are set out in a price list which will be provided to the purchaser at the time of purchase.
15. Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder has been received by the Cemetery Operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the Cemetery office before the removal of casketed human remains may take place. A certificate from the local medical officer of health is not required for the removal of cremated remains.
16. 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).
17. Cremated remains are not permitted to be scattered on a grave.
18. The Corporation will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
19. No interment shall be permitted in any lot where the burial rights have not been paid in full.
20. Funeral corteges within the Cemetery shall follow the route indicated by the Cemetery Board if instructed to do so.

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21. The Corporation 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 Corporation may both cancel such grant and 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 Corporation. In the event any such error may involve the disinterment of remains, the Corporation shall first obtain the approval of any regulatory authority and the Interment Rights Holder.
23. The Corporation shall not be held responsible for any errors made for any funeral arrangements made over the phone. These arrangements should be made in writing.
24. Notice of each interment to be made shall be given to the Secretary of the Cemetery at least 36 hours in advance, 12 hours of which must be regular working hours. The Corporation cannot be held responsible for having lots prepared for funerals unless such notice is given.
25. Extra charges are included in the Price List for:
  1. Sunday or Holiday Interments.
  2. Winter burials.
  3. Funerals reaching the Cemetery after the hour of four o'clock during a week day.
  4. No Sunday burials permitted unless requested by the Department of Health.
26. Not more than one burial shall be made in any single grave except:
  1. The cremated remains of not more than four persons
  2. Or a 60.96 x 30.48 cm (24" x 12") infant container or the cremated remains of one person 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.
  3. That Ranges One and Two be designated for Cremation or Baby\Infant Lots and that one lot contain the remains of not more than four persons or the cremated remains of not more than two persons and one baby-infant container 60.96 cm x 30.48 cm (24" x 12").

### **E) Care of Lots – General**

**To preserve the proper appearance of the grounds, artificial wreaths and seasonal décor must be removed before April 1st of each year; otherwise Cemetery authorities will remove them.**

1. All lots and plots shall be maintained and kept properly graded, seeded, and mown by employees of the Corporation. All new graves will be seeded in the Spring and/or the Fall of each year weather permitting.

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2. No person shall do any work upon a burial lot without the permission of the Cemetery Board.
3. Trees and/or shrubs are no longer allowed to be planted in the Wyoming Public Cemetery. Existing shrubs and/or trees will be removed by the Cemetery Board if they encroach abutting grave(s) or become unsightly.
4. Nails, wires, wooden crosses, articles or glass or pottery or any other materials that create a hazard to workers and to visitors are not allowed in the Cemetery and will be removed.
5. Borders, fences, railings, walls, cut-stone coping and hedges in or around lots are prohibited.
6. Notwithstanding the provision of this Section, existing fences etc. around lots or plots shall be allowed to remain providing that such fences when they reach a state of disrepair, the owner shall be given thirty (30) day's notice in writing, and if not repaired, they will be removed.
7. Wooden or wire trellises, arches or iron rods, solar lights or hanging baskets, will not be allowed in the Cemetery. Any such items, will be removed by the Cemetery Board.
8. Implements or materials used in doing any work within the Cemetery shall be removed without delay and if this is not done, the Cemetery Board shall remove the same.
9. No Interment Rights Holder shall change the grading of their lot, and in case of any such change, the Corporation may restore the lot to its original grade at the expense of the Interment Rights Holder.
10. 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.
11. The Corporation shall not be responsible for loss or damage to any articles left upon any lot or plot.
12. A portion of the price of interment or scattering rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the Cemetery grounds. Services that can be provided through this fund include:
  - Re-leveling and seeding of Lots
  - Maintenance of Cemetery roads, sewers and water systems
  - Maintenance of perimeter walls and fences
  - Maintenance of Cemetery landscaping
  - Maintenance of mausoleum and columbarium

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- Repairs and general upkeep of Cemetery maintenance buildings and equipment

### **F) Care of Lots - Flowers**

1. The Wyoming Cemetery Board 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.
2. Decoration Day is on the second Sunday in June of each year.
3. Artificial flowers are permitted, provided they are properly maintained and not detrimental to the general maintenance of the Cemetery.
4. The Cemetery reserves the right to regulate the articles placed on lots or plots that pose a threat to; the safety of all interment rights holders, visitors to the Cemetery and Cemetery employees, prevents the Cemetery from performing general Cemetery operations, or are not in keeping with the respect and dignity of the Cemetery. Prohibited articles will be removed and disposed of without notification.
5. Flowers placed on a grave for a funeral shall be removed by the Cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.
6. The Cemetery reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the Cemetery.
7. Flower beds not exceeding 30 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, and under the supervision of the Cemetery Board. Planting of borders around lots is prohibited.
8. 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 sodded/seeded by the Cemetery Operator and the cost charged to the Interment Rights Holder.
9. Flower beds require to be cleared of tender plants after the first frost of the autumn. Rights Holders desiring to take plants away should do so before their removal becomes necessary.
10. Potted plants must not be buried but must be placed on top of the ground as close to the monument base as practical.

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### **G) Monuments and Markers - General Information**

1. No monument or other structure shall be erected or permitted on a lot until all accrued charges have been paid in full.
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 these by-laws.
3. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the Cemetery.
4. No monument, foot stone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Cemetery Board.
5. 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.
  1. Candle holders must be included in determining the overall size of the memorial.
  2. A maximum of two candles or vases shall be placed on the vase of a monument. They must be centered on the end or ends of the base.
  3. A candle holder must be adequately drained to prevent any collection of water.
  4. Candle holders must be fully enclosed on all sides by a door or lid.
6. No Monument or marker will be delivered to the Cemetery without the Request for Installation form containing the following information:
  1. The Interment Rights Holders name and address.
  2. Instructions for placement of the marker or monument.
  3. The dimensions in the case of a flat marker.
  4. 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. The appropriate amount for the Care and Maintenance Fund in relation to the size of the marker/monument as set out in the BOA must accompany the monument.
7. Every person installing a monument or marker in the Cemetery shall pay the prescribed amount, as set out in the FBSCA, to the Corporation's Care and Maintenance Fund before the installation. The interest earned from this fund will be used to maintain the markers or monuments in safe condition.



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8. The amounts are as follows:
  - In the case of installing a flat marker measuring at least 1115.85 square centimeters (173 square inches), \$50
  - In the case of installing an upright marker measuring 1.22 meters (4 ft) or less in height and 1.22 meters (4 feet) or less in length, including the base, \$100
  - In the case of installing an upright marker measuring more than 1.22 meters (4 ft) in either height or length, including the base, \$200
9. If a monument or marker in a Cemetery presents a risk to public safety because it is unstable, the Corporation shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove the risk.

### **H) Monuments**

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Corporation to be normal wear.
3. The Corporation 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, or part thereof except where such damage or loss is due to its negligence.
4. The Corporation 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. A double lot is allowed one upright monument and only 2 foot stones or 4 corner posts are allowed. Due to the work involved to keep these level, we must restrict the quantity allowed on a lot.
6. Only one monument may be erected on a single lot/grave.
7. The maximum size monument allowed on a single lot is:  
Height 1.22 meters (4 feet) overall height  
Width 76.20 cm (30 inches)
8. The maximum size monument allowed on a double lot is:  
Height 1.22 meters (4 feet) overall height  
Width 1.52 meters (5 feet)
9. All monuments must be able to withstand a minimum of 100 lbs. of horizontal force applied anywhere on the monument without toppling. This must be achieved in the dry mode (no caulking).

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10. The minimum thickness of a die must be 20.32 cm (8 inches). However all monuments with dies that are 20.32 cm (8 inches) thick and less than 86.36 cm (34 inches) in width must be doweled to the base and able to withstand the 100 lbs. standard.
11. Should the monument exceed 106.68 cm (42 inches) overall height, the die must be 25.40 cm (10 inches).
12. Dowels must be made of minimum 127 mm (2") non-corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 7.62 cm (3 inches) deep and no more than 32 mm (1/8") larger in diameter than the diameter of the dowel.
13. 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.
14. The die stones must be installed on a granite 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.
15. Monuments cannot be placed "Back-to-Back" against another.
16. Monuments must be placed at the center of the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Cemetery Board before a monument is set.
17. All photographs attached to any memorials or placed within the Cemetery grounds shall be the sole responsibility of the owner.
18. No foundations may be constructed after November 1<sup>st</sup> in any year and before May 1<sup>st</sup> in the following year.
19. No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.

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20. The foundation shall be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and rebuilt by the Corporation 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 Cemetery Board's direction.
  1. The required concrete mix for foundations will be:
    - 20.5 MPA
    - 75 mm slump
    - 20 mm aggregate
    - 5% +/- 1% Air Entraining agent
    - Trowel finish all edges.
  2. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
  3. Foundations must be cured for a minimum of 48 hours before placing the monument.
  4. Contractors shall be under supervision of the Corporation and shall be responsible to pay the supervisory fee, as filed with the Ministry.
  5. No concrete shall be placed until a representative of the Corporation 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.
  6. Defective areas must be repaired to the approval of the Cemetery management. The finished concrete shall be protected from wind, rain or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27 cm (2 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the Cemetery Board.

### **1) Markers**

1. The Rights Holder may on the receipt of their Rights Certificate, at their own expense have an official of the Corporation place bronze, stone or concrete land marks 15.24 cm (6 inches) square and not less than 15.24 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.
2. Markers or Foot stones of bronze, marble or granite are permitted with size and quantity restrictions according to the section of the Cemetery and the regulations as per the size of lot in that section. Its placement must not interfere with future interments.

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single lot maximum - 30.48 cm x 60.96 cm (12" x 24")

double lot maximum - 30.48 cm x 107.0 cm (12' x 42")

3. 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.
4. One marker may be placed at each grave in addition to the monument. The marker shall be placed at the end of the grave farthest from the monument and shall not exceed 40.64 cm x 60.96 cm (16" x 24").
5. Any flat marker that exceeds the standard width of 30.48 cm (12 inches) can only be installed after a full interment has taken place.
6. The minimum thickness for all flat markers including foot stones is 10 cm (4 inches). All flat markers & flat stones must have a cement base.
7. 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.
8. The Cemetery Operator 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 as determined by the trustees.

### **J. Rules for Monument Dealers, Contractors and Workers**

1. No monument or marker will be delivered to the Cemetery without the proper paperwork.
2. No monument or marker will be delivered to the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of installation.
3. No monument or marker will be removed without written permission from the Cemetery Board.
4. 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. 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.
6. There shall not be a variance of more than 1.27 cm (2 inch) in the size of the base required as stated on the work order and the size of the monument delivered.
7. The demeanor and behavior of all workers employed by others in the Cemetery shall be subject to the control of the Cemetery Board.

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8. Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
9. All work must be done during regular Cemetery hours, unless by special permission of the Cemetery Board.
10. No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed that day.
11. Heavy loads shall not be permitted in the Cemetery when the roads are in unfit condition.
12. No monument dealer shall park on the grass unless otherwise directed to do so by the Cemetery Board.
13. All implements and materials used in the performance of any work shall be placed where the Cemetery Board may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Cemetery Board may order. Otherwise the obstructions will be removed, and the expense charged to the monument dealer.
14. If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Cemetery Board as all work must be supervised by an employee of the Corporation. The Monument dealer shall pay the Corporation the prescribed fee plus necessary taxes for supervising the monument company's people.
15. If a monument company desires to make their own foundations, they must make written arrangements within 5 days' time of proposed installation with the Cemetery Board as all work must be supervised by an employee of the Corporation. The foundation shall be at least 1.52 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 1.27 cm (1/2 inch) between the size of the monument and the foundation. This foundation shall be made of air entrained cement and shall be level and true so as to not cause tipping. This foundation shall not rise above the grade of the surrounding ground. The Monument dealer shall pay the Corporation the prescribed fee plus necessary taxes for supervising the monument company's people. See Section H-19 for requirements in making foundations.

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### **K) COLUMBARIUM BYLAWS**

1. Payment must be made to the Cemetery Operator before an interment may take place.
2. Only the Cemetery Operator may open and seal niches for interments. This applies to the inside sealer and the Niche front.
3. To ensure quality control, desired uniformity and standard of workmanship, the Cemetery Operator reserves the right to inscribe all niche fronts and/or install all lettering.
4. Vases, adornments, or any other attachments are prohibited and will be removed.
5. No person other than Cemetery staff shall remove or alter niche fronts.
6. Resale of interment rights for Niches shall follow the same procedure as resale for in ground interment rights.
7. Each niche in the columbarium will allow for the inurnment of the cremated remains of no more than two people.
8. Landscaping in and around the Columbarium area is done exclusively by the Staff of Plympton-Wyoming or the Board Members.
9. Except for at the time of inurnment flowers may not be placed on the ground near the columbarium.

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### **L) Rules for Visitors**

1. Visitors are always welcome at the Cemetery during open hours, from 8:00 a.m. until sundown.
2. The Cemetery Board is empowered and is required to preserve order and decorum in the Cemetery.
3. No parades other than funeral processions shall be admitted to or be organized within the Cemetery.
4. Children under the age of twelve years are welcome in the Cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and shall see that they do not run over the lots or climb upon the monuments.
5. Vehicles within the Cemetery shall be driven at a moderate rate of speed and shall not leave the avenues or park on the grass unless directed to do so by the Cemetery Board.
6. No pleasure ATVs (all-terrain vehicles) or snowmobiles are allowed in the Cemetery.
7. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
8. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the Cemetery.
9. Dogs or other pets shall be allowed in the Cemetery only if restrained by an appropriate leash and accompanied by an adult, and adhere to Item #10 of the Town By-Law #26 of 2001 that the adult in charge of the dog removes any feces left by their dog.
10. No picnics or parties shall be permitted in the Cemetery grounds.
11. Any person who, in the Cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a Cemetery is liable to the Corporation 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.

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12. Any complaints by Interment Rights Holders or visitors should be made to the Cemetery Board and not to workers on the grounds and controversies with workers or others on the grounds are to be avoided.
13. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. A receptacle is provided at convenient point on the grounds for the deposit of weeds, decayed flowers, plants, etc.
14. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these by-laws, must be expelled from the grounds.
15. Any article which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design of the Cemetery, may be removed by the Cemetery Board. An article removed will be held at the Cemetery for collection. If not collected, it will be disposed of after 30 days.
16. 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.



