

FACILITY

Chapter 210 CEMETERIES - MUNICIPAL

Article 1 INTERPRETATION

- 210.1.1 By-laws - defined
- 210.1.2 Cemetery - defined
- 210.1.3 Cemeteries Act - defined
- 210.1.4 City - defined
- 210.1.5 Columbarium - defined
- 210.1.6 Crematorium - defined
- 210.1.7 Interment rights - defined
- 210.1.8 Interment rights holder - defined
- 210.1.9 Lot - defined
- 210.1.10 Marker - defined
- 210.1.11 Manager - defined
- 210.1.12 Mausoleum - defined
- 210.1.13 Owner - defined
- 210.1.14 Tariff of charges - defined
- 210.1.15 Winter burial - defined

Article 2 RULES AND REGULATIONS

- 210.2.1 Adoption
- 210.2.2 Entry - limitation
- 210.2.3 Adult supervision

CEMETERIES - MUNICIPAL

- 210.2.4 Gratuity - prohibited
- 210.2.5 Bicycle - restricted
- 210.2.6 Animal - restricted
- 210.2.7 Repealed: By-law 2003-216, 24 November, 2003
- 210.2.8 Alcoholic beverage - prohibited
- 210.2.9 Damage
- 210.2.10 Debris
- 210.2.11 Soliciting
- 210.2.12 Manager - direction - control
- 210.2.13 Vehicular traffic - restriction
- 210.2.14 Vehicular traffic - speed limit
- 210.2.15 Damage to embellishments - not reimbursed

Article 3

SALE OF INTERMENT RIGHTS

- 210.3.1 Adoption
- 210.3.2 Repealed: By-law 2003-216, 24 November, 2003
- 210.3.3 Repealed: By-law 2003-216, 24 November, 2003
- 210.3.4 Interment rights sold on an immediate need basis

Article 4

SALE OF INTERMENT RIGHTS - CONDITIONS

- 210.4.1 Tariff of charges
- 210.4.2 Payments - City Finance Department
- 210.4.3 Repealed: By-law 2003-216, 24 November, 2003
- 210.4.4 Repealed: By-law 2003-216, 24 November, 2003
- 210.4.5 Purchase - limitation
- 210.4.6 Interest - on unpaid balance

CEMETERIES - MUNICIPAL

Article 5 CARE - MAINTENANCE INTERMENT RIGHTS PREVIOUSLY SOLD

210.5.1 Cost to commute

Article 6 TRANSFER/PRIVATE SALE OF INTERMENT RIGHTS

210.6.1 Sale of interment right - prohibition

210.6.2 Transfer of interment right

Article 7 INTERMENTS

210.7.1 Burial permit - cremation certificate required

210.7.2 Interment - condition precedent

210.7.3 Grave opening - notice

210.7.4 Funeral - condition

210.7.5 Funeral - late - additional fee

210.7.6 Pauper - interment

210.7.7 At-need grave - designation

210.7.8 Location of grave - error

210.7.9 Multiple interments - limitations

210.7.10 Interment equipment

210.7.11 Employee - open/closing grave

210.7.12 Elevated mound - prohibited

210.7.13 Burial vault - installation

210.7.14 Soft ground - alternative arrangements

210.7.15 Repealed: By-law 2003-216, 24 November, 2003

210.7.16 Temporary entombment - burial delayed

210.7.17 Repealed: By-law 2003-216, 24 November, 2003

210.7.18 Scattering of cremated remains

CEMETERIES - MUNICIPAL

Article 8 DISINTERMENTS

- 210.8.1 Notification - Medical Officer of Health
- 210.8.2 Repealed: By-law 2003-216, 24 November, 2003
- 210.8.3 April 15 to November 15 - exception
- 210.8.4 Outer case - provision of same
- 210.8.5 Private memorial - removal of

Article 9 LOT DECORATION

- 210.9.1 Defined - exception - limitation
- 210.9.2 Structure - limitation
- 210.9.3 Floral tribute - removal
- 210.9.4 Decoration - unsightly
- 210.9.5 Receptacle
- 210.9.6 Planting
- 210.9.7 Flower bed
- 210.9.8 Shrub
- 210.9.9 Existing planting - removal
- 210.9.10 Artificial flower arrangement
- 210.9.11 Covering of grave - planting
- 210.9.12 Memory light - limitation
- 210.9.13 Damage - to lot - structure - liability - limitation

Article 10 FLUSH MARKER

- 210.10.1 Flush marker - defined
- 210.10.2 Construction - granite required
- 210.10.3 Construction - other - removal
- 210.10.4 Location - centred

CEMETERIES - MUNICIPAL

- 210.10.5 Single grave lot
- 210.10.6 Outstanding charge - to be paid
- 210.10.7 Uniform thickness
- 210.10.8 Memorialization - flush marker section
- 210.10.9 Memorialization - upright marker section
- 210.10.10 Delivery - installation
- 210.10.11 Inscriptions - reproductions - photographic images
- 210.10.12 Embellishments - requirements - restrictions
- 210.10.13 Single grave flat marker - designated area - set out

Article 11 UPRIGHT MARKER

- 210.11.1 Construction - granite required
- 210.11.2 Location - centred
- 210.11.3 Foundations - charges to be paid
- 210.11.4 Foundations - specifications
- 210.11.5 Foundations - drawings submitted
- 210.11.6 Encroachment - on grave space
- 210.11.7 Safety
- 210.11.8 Bases
- 210.11.9 Size limitations - two grave lots and greater
- 210.11.10 Size limitations - single graves
- 210.11.11 Rock backs - when permitted
- 210.11.12 Inscriptions - family name, etc.
- 210.11.13 Inscriptions - reproductions - photographic images
- 210.11.14 Children's upright marker lots - dimensions

Article 12 ERECTION OF UPRIGHT MARKER

- 210.12.1 Turf - protection

CEMETERIES - MUNICIPAL

210.12.2 Upright marker - in disrepair

Article 13

CREMORIAL GARDEN (WOODLAND CEMETERY)

210.13.1 General

210.13.2 Interment - placement of cremated remains

210.13.3 Memorial markers

210.13.4 Plantings - prohibited

Article 14

ACACIA GARDENS (WOODLAND CEMETERY)

210.14.1 General

210.14.2 Interment - restriction - limitation

210.14.3 Memorialization

210.14.4 Plantings - prohibited

Article 15

SPRUCE GROVE GARDENS (WOODLAND CEMETERY)

210.15.1 General

210.15.2 Lot - type

210.15.3 Interment - limitation

210.15.4 Memorialization - allowed

210.15.5 Plantings

Article 16

PROMONTORY POINT, INCLUDING SANCTUARY WOODS AND REFLECTION STONE LOTS (WILLIAMSBURG CEMETERY)

210.16.1 General

210.16.2 Memorialization - upright markers

210.16.3 Memorialization - cremation - flat markers

210.16.4 Reflection stones cremation lots - interments

210.16.5 Reflection stones - embellishments

CEMETERIES - MUNICIPAL

- 210.16.6 Reflection stones - cremation lots - memorialization
- 210.16.7 Repealed: By-law 2006-111, 8 May, 2006
- 210.16.8 Sanctuary Woods - memorialization
- 210.16.9 Border material

Article 17

WILLOWS CREMATION GARDEN (WILLIAMSBURG CEMETERY)

- 210.17.1 General
- 210.17.2 Interment - placement of cremated remains
- 210.17.3 Memorialization - upright markers
- 210.17.4 Memorialization - flush markers
- 210.17.5 Memorialization - columbarium units
- 210.17.6 Repealed: By-law 2003-216, 24 November, 2003
- 210.17.7 Private flower beds

Article 18

CREMATORIUM AND DEDICATION CENTRE INTERIOR COLUMBARIUM UNITS (WILLIAMSBURG CEMETERY)

- 210.18.1 General
- 210.18.2 Cremation - proper documentation required
- 210.18.3 Cremation - combustible container only
- 210.18.4 Cremation - with pacemaker - other - prohibited
- 210.18.5 Cremation - days not permitted
- 210.18.6 Cremation - fee
- 210.18.7 Dedication Centre - crematorium - all faiths
- 210.18.8 Interment - placement of cremated remains - dedication centre interior columbarium units
- 210.18.9 Urns - dedication centre interior columbarium units - glass fronted niche
- 210.18.10 Memorialization - dedication centre interior columbarium units - glass fronted niche units

CEMETERIES - MUNICIPAL

210.18.11 Memorialization - dedication centre interior
columbarium units - bronze fronted niche units

210.18.12 Embellishments - dedication centre interior
columbarium units

Article 19 REQUEST FOR SERVICE

210.19.1 Cemetery office

Article 20 TARIFF OF CHARGES

210.20.1 Adoption - by Council

Article 21 MANAGER OF CEMETERIES

210.21.1 Appointment

210.21.2 Duties

Article 22 ENFORCEMENT

210.22.1 Penalty

Article 23 ENACTMENT

210.23.1 Registrar approval - required

210.23.2 Registrar approval received - September 1, 2000

210.23.3 Effective date - approval - required

Approval received - September 1, 2000

Approval received - January 22, 2003



Article 1 INTERPRETATION

210.1.1 By-laws - defined

“by-laws” means the rules under which The Corporation of the City of Kitchener cemeteries operate.

210.1.2 Cemetery - defined

“cemetery” means lands set aside and approved for the interment of human remains and includes a mausoleum, columbarium or other similar such structures.

210.1.3 Cemeteries Act - defined

“*Cemeteries Act*” means chapter C.4 of the Revised Statutes of Ontario, 1990 and the Regulations thereunder.

210.1.4 City - defined

“City” means The Corporation of the City of Kitchener.

210.1.5 Columbarium - defined

“columbarium” means a structure designed for the interment of cremated human remains in sealed compartments. By-law 95-132, 25 September, 1995.

210.1.6 Crematorium - defined

“crematorium” means a building fitted with appliances for the purpose of cremating human remains and includes everything incidental and ancillary thereto and “cremation” and “cremate” have corresponding meanings.

210.1.7 Interment rights - defined

“interment rights” is the right to require or direct the interment of human remains in any lot.

210.1.8 Interment rights holder - defined

“interment rights holder” means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the *Cemeteries Act*.

210.1.9 Lot - defined

“lot” means an area of land containing or set aside to contain human remains and includes a tomb, crypt, a compartment in a mausoleum and a niche in a columbarium.

210.1.10 Marker - defined

“marker” means any monument, tombstone, plaque, headstone, or other ornament affixed to any lot, crypt, niche or other structure intended for the deposit of human remains.

210.1.11 Manager - defined

“Manager” means the City’s Manager of Cemeteries or designate.

210.1.12 Mausoleum - defined

“mausoleum” means a structure other than a columbarium designed for the deposit of human remains.

210.1.13 Owner - defined

“owner” means The Corporation of the City of Kitchener.

210.1.14 Tariff of charges - defined

“tariff of charges” means the price list for The Corporation of the City of Kitchener Cemeteries Section.

210.1.15 Winter burial - defined

“winter burial” means an interment has been made but weather conditions have prohibited completion of finished grading and seeding. By-law 99-198, 15 November, 1999.

Article 2**RULES AND REGULATIONS****210.2.1 Adoption**

The rules and regulations set out in Sections 210.2.2 through 210.2.14, inclusive are hereby adopted for the care and control of Woodland Cemetery, Kitchener Mt. Hope Cemetery, Bridgeport Memorial and Free Cemetery, St. Peter’s Lutheran Cemetery, Strasburg Pioneer Cemetery and Williamsburg Cemetery and other such cemeteries as may be acquired. By-law 92-169, 13 July, 1992; Schedule ‘A’; By-law 95-132, 25 September, 1995; By-law 99-198, 15 November, 1999.

210.2.2 Entry - limitation

No person shall enter the cemeteries except through an established gate, nor shall they enter or be within any cemetery before dawn or after sundown. Police constables and authorized City staff are excepted.

210.2.3 Adult supervision

No person under 16 years shall enter the cemeteries unless attended by an adult responsible for their conduct or until permission to enter has been obtained at the cemetery office.

210.2.4 Gratuity - prohibited

No gratuities shall at any time be given to any officer or employee, nor shall any reward be given for any personal service or attention.

210.2.5 Bicycle - restricted

Bicycles shall be permitted only on cemetery roads.

210.2.6 Animal - restricted

No person shall permit any animal, including dogs, to enter or remain in the said cemeteries. Leader dogs are excepted.

210.2.7 Repealed: By-law 2003-216, 24 November, 2003**210.2.8 Alcoholic beverage - prohibited**

No person shall bring any alcoholic beverage upon the said cemetery properties.

210.2.9 Damage

No person shall:

- (a) damage any marker, mausoleum, columbarium within the cemeteries;
- (b) remove any marker without prior consent from the Manager or designate;
- (c) damage any tree, shrub, plant or flowers (be they private or public property) within the limits of the cemeteries;
- (d) damage any fence, railing, or gate used for the protection of the cemeteries;
- (e) play at any game of sport;
- (f) discharge any firearms (save at a military funeral);
- (g) disturb any person or persons assembled for the interment of any other person; or
- (h) create a nuisance in the cemeteries.

210.2.10 Debris

No person shall deposit rubbish on the grounds of the cemeteries except in the receptacles provided.

210.2.11 Soliciting

Soliciting in the cemeteries is strictly prohibited save for the placement of identifying memorialist tags. Such tags shall be placed at the left rear bottom edge of the upright marker between the die and the base. They shall be dark in colour and the exposed area of the tag shall not exceed 7.62 cm (3") in width and 2.56 cm (1") in height. Such tags will only be permitted on upright markers.

210.2.12 Manager - direction - control

All workers in any capacity within the cemeteries, whether as masons, carvers, stonemasons, erectors, helpers, etc. are subject to the direction and control of the Manager.

210.2.13 Vehicular traffic - restriction

The Manager may restrict vehicular access to the cemeteries when the roads are soft or otherwise impassable.

210.2.14 Vehicular traffic - speed limit

No person driving a vehicle shall:

- (a) leave the travelled portion of the road; or
- (b) exceed a speed of 20 km/h. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.2.15 Damage to embellishments - not reimbursed

The cemetery shall not repair or reimburse for any damages to plant material, edging material, lot embellishments as caused by the opening and closing of graves, grounds maintenance, product installation or removal of said material. By-law 2006-111, 8 May, 2006.

Article 3**SALE OF INTERMENT RIGHTS****210.3.1 Adoption**

All sales of interment rights are subject to the rules set out in this Article and to the *Cemeteries Act*. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.3.2 Repealed: By-law 2003-216, 24 November, 2003**210.3.3 Repealed: By-law 2003-216, 24 November, 2003****210.3.4 Interment rights sold on an immediate need basis**

All charges for interment rights sold on an immediate need basis are due in full within 30 days from the date of invoicing. By-law 95-132, 25 September, 1995.

Article 4**SALE OF INTERMENT RIGHTS - CONDITIONS****210.4.1 Tariff of charges**

The purchase price for lots, crypts, and niches (otherwise known as interment rights) shall be as set forth in the tariff of charges as prescribed by Council from time to time. By-law 2003-216, 24 November, 2003.

210.4.2 Payments - City Finance Department

All payments shall be made to the City Finance Department or to the Office at Williamsburg Cemetery. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 99-198, 15 November, 1999.

210.4.3 Repealed: By-law 2003-216, 24 November, 2003**210.4.4 Repealed: By-law 2003-216, 24 November, 2003****210.4.5 Purchase - limitation**

No person, group or organization shall be entitled to hold the interment rights for more than 30 unused grave spaces save and except Williamsburg Cemetery where sections may be allocated for the sole use of an organization through a resolution of City Council. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 95-132, 25 September, 1995.

210.4.6 Interest - on unpaid balance

On "at need" interment right purchases, interest shall be charged at the standard City rate on the unpaid balance after 30 days from date of invoice.

Article 5**CARE - MAINTENANCE****INTERMENT RIGHTS PREVIOUSLY SOLD****210.5.1 Cost to commute**

Where interment rights have been granted prior to passing of the by-law upon which this Chapter is founded, and the cost of care and maintenance of such interment right has not been paid, the interment rights holder shall pay to the City of Kitchener the fee to commute the interment right to care and maintenance as prescribed in the tariff of charges.

Article 6**TRANSFER/PRIVATE SALE OF INTERMENT RIGHTS****210.6.1 Sale of interment right - prohibition**

The re-sale of interment rights to any party other than to the cemetery is strictly prohibited. Interment rights will be repurchased from the interment rights holder under the terms and conditions of the *Cemeteries Act*.

210.6.2 Transfer of interment right

Interment rights may be transferred to another party. Such rights will be transferred by making application at the cemetery office and by completing the transfer portion of the Interment Rights Certificate and by paying the fee as prescribed in the Tariff of Charges.

Article 7
INTERMENTS

210.7.1 Burial permit - cremation certificate required

No interment shall take place without a Burial Permit or a Cremation Certificate as is applicable, nor until the person making arrangements for the interment has complied with all laws, rules and regulations relative to burials. Persons contracting for interment rights and/or making arrangements for burials shall be responsible for all charges incurred.

210.7.2 Interment - condition precedent

The Manager shall not make any interment, entombment, inurnment or scattering on any grave or in any crypt or niche unless and until the person/persons ordering same shall first exhibit:

- (a) a signed contract respecting the purchase of the interment right, crypt, or niche and the authorization to proceed with the interment, entombment, inurnment or scattering (as is the case); or
- (b) an interment rights certificate or indenture indicating the party is the rightful owner of the interment rights upon which the interment activity is requested.
 - (i) For indigent burials, a warrant signed by an official of the Regional Social Services Department indicating that they will be responsible for the payment of such burial.
 - (ii) In any circumstances where the party requesting the interment activity is unable to provide evidence of ownership, the Manager may require the party requesting the interment to sign a waiver saving the City harmless from all subsequent claims from such interment activity.
 - (iii) All contracts pursuant to the purchase of interment rights must be completed at the cemetery office.

210.7.3 Grave opening - notice

When the opening of a grave is required, not less than 12 working hours notice of such requirement shall be given to the Manager by the owner or owner's agent of the interment right upon which the grave is to be opened. For the purposes of this Section, Saturdays, Sundays and holidays shall not be considered working hours. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.7.4 Funeral - condition

All funerals within the said cemeteries shall be under the direction of the Manager or designate. No funeral service shall be held and no interment

shall be made in the said cemeteries on any Sunday, New Year's Day, Good Friday or Christmas Day, except pursuant to an Order of the Regional Medical Officer of Health; these provisions being made because these days are set aside for visiting the cemeteries. If satisfactory arrangements can be made in sufficient time for the Manager to arrange for staff to work on a holiday, other than the holidays specified above, or on a Saturday, such grave side service shall be permitted for the charges as outlined in the tariff of charges. Despite the forgoing, memorial services may be permitted on a Sunday in the Dedication Centre at Williamsburg Cemetery with the prior written approval of the Manager. By-law 92-169, 13 July, 1992, Schedule 'A'; By-law 99-198, 15 November, 1999.

210.7.5 Funeral - late - additional fee

Funerals arriving late in the day necessitating work by cemetery staff after 4:00 p.m. will be charged an additional fee. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 2006-111, 8 May, 2006.

210.7.6 Pauper - interment

The Manager may use single grave lots or any other unsold lots for the interment of paupers and such persons as may die and who have no known relatives or friends able to pay for the interment rights, upon receiving notice and a signed contract from the Regional Social Services Administrator or designate to the effect that the person to be interred was a pauper or a person who had no known relatives able to pay for the grave and/or interment. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.7.7 At-need grave - designation

The Council may from time to time designate certain single grave lots for burial of persons who are normally resident in the City; such lots to be sold on an at-need basis and the purchase price of a lot so designated shall include care and maintenance. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 95-132, 25 September, 1995.

210.7.8 Location of grave - error

The City shall not assume any responsibility for errors in the location of graves when improper instructions have been given by the interment rights holders or designate. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.7.9 Multiple interments - limitations

No more than one traditional adult interment will be allowed in a grave unless permitted herein. Under certain circumstances, a second adult interment above the first may be permitted at the discretion of the Manager. Cremation interments are permitted on adult grave spaces to a maximum of two, where there are existing adult burials on the same lot. A maximum of three cremated remains is permitted on an adult grave space, where no traditional adult burial has occurred. Cremated remains that have been interred may not be recoverable. This Section shall apply to Mount Hope Cemetery, to all of Woodland Cemetery with the exception of those lots designated as single grave upright marker lots where only one standard burial and a maximum of two cremated remains burials are permitted. Extra deep burials are not permitted in Bridgeport Memorial and Free Cemetery, Williamsburg Cemetery or St. Peter's Lutheran Cemetery. All adult extra deep burials must be made in a permanent outer case. By-law 2006-111, 8 May, 2006.

210.7.10 Interment equipment

No interment equipment except that provided by the City shall be used, except as noted in Section 210.7.13. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.7.11 Employee - open/closing grave

No grave, niche or crypt shall be opened or closed except by employees of the cemetery.

210.7.12 Elevated mound - prohibited

No elevated mounds shall be built over graves and no lot shall be filled above the grade established for the cemeteries save and except those burials completed as winter burials. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 95-132, 25 September, 1995.

210.7.13 Burial vault - installation

When burial vaults are used, they shall be installed by the supplier who shall use his/her own equipment. No portion of any such vault shall be suspended in or above any grave unless pre-approved by the Manager of Cemeteries or designate. By-law 2003-216, 24 November, 2003.

210.7.14 Soft ground - alternative arrangements

At times when the ground in said cemeteries is soft from spring thaws, rain or other cause, committal services shall be held in the Mausoleum Chapel at Woodland Cemetery or at the Dedication Centre at Williamsburg Cemetery instead of at the grave. No charge shall be made for such service in the Mausoleum. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 99-198, 15 November, 1999.

210.7.15 Repealed: By-law 2003-216, 24 November, 2003

210.7.16 Temporary entombment - burial delayed

If for any reason a burial cannot be made on the day of the funeral, the Manager may direct that the committal service be held in the Mausoleum Chapel at Woodland Cemetery or at the Dedication Centre at Williamsburg Cemetery and the body be placed in temporary entombment. The burial shall be made as soon after the day of the funeral as conditions permit. For such service, no charge shall be made for the use of the Mausoleum. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 93-143, 12 July, 1993; By-law 99-198, 15 November, 1999.

210.7.17 Repealed: By-law 2003-216, 24 November, 2003**210.7.18 Scattering of cremated remains**

Scattering of cremated remains may be carried out only by cemetery staff and for a fee as set out in the tariff of charges. Scattering of cremated remains shall occur in areas of cemeteries as permitted under this Chapter or as otherwise permitted by the Manager. No scattering can occur until the person with lawful possession of the remains has signed and provided to the Manager or designate, the prescribed form. The cremated remains, once scattered are non-retrievable. By-law 99-198, 15 November, 1999; By-law 2006-111, 8 May, 2006.

Article 8 DISINTERMENTS

210.8.1 Notification - Medical Officer of Health

No disinterment shall take place without notifying the Regional Medical Officer of Health, obtaining the prior written consent of the interment rights holder and meeting all requirements of the *Cemeteries Act*. By-law 2003-216, 24 November, 2003.

210.8.2 Repealed: By-law 2003-216, 24 November, 2003**210.8.3 April 15 to November 15 - exception**

Disinterments shall be made at the discretion of the Manager and only from April 15 to November 15 in any one year, except as ordered by the Regional Medical Officer of Health.

210.8.4 Outer case - provision of same

If the burial was made in other than a permanent type outer case, a new outer case must be supplied, at the discretion of the Manager or designate.

210.8.5 Private memorial - removal of

Any flush or upright markers designating the location of an interment shall be removed at the time a disinterment is made at the expense of the interment rights holder.

**Article 9
LOT DECORATION****210.9.1 Defined - exception - limitation**

Lot decorations shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of flush or upright markers or mausolea, which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemeteries as a whole or because they may intensify maintenance, the rules found in Article 9 shall be observed with regard to the decoration of cemetery lots. No lot decorations permitted by this Chapter shall be placed on a lot if any outstanding charges remain on the lot. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.9.2 Structure - limitation

Copings, fences, curbs, benches, structures of wood, "candles" and containers of glass, or other equally perishable and destructible materials are prohibited and shall be removed without notice. Those structures or enclosures established on any lot previous to the adoption of these regulations, which have become unsightly by reason of neglect or age, shall be removed. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 93-143, 12 July, 1993.

210.9.3 Floral tribute - removal

Floral tributes shall be removed from lots by the Manager after they become unsightly.

210.9.4 Decoration - unsightly

Urns, hanging baskets, planter boxes, decorative stone mulch or any other decorations or objects deemed unsuitable or unsightly by the Manager, are not permitted and shall be removed.

210.9.5 Receptacle

Receptacles for cut flowers of an approved type are permitted if installed flush with the surface of the ground. The use of other than approved types of receptacles is strictly prohibited. Only one such container will be permitted on any single lot and no more than two on any other lot. All such receptacles must be installed by cemetery staff for a fee as set forth in the tariff of charges. Potted plants will be permitted to remain on lots for a period of 4 days before and 4 days after the following occasions: Easter, Mother's Day, Father's Day, Decoration Day and Remembrance Day. Any plants placed prior to or remaining after this period of time will be removed by the Man-

ager and disposed of. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 95-132, 25 September, 1995.

210.9.6 Planting

Since certain plantings may be not in keeping with the general layout of the cemeteries, plantings shall be permitted only under supervision of the Manager or designate. All permanent plantings must be carried out by cemetery staff. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 93-143, 12 July, 1993.

210.9.7 Flower bed

Only cemetery staff shall install private flower beds on lots in a City cemetery and only as permitted by this Chapter. Such installation shall occur between May 1st and November 30th in each calendar year, weather permitting. Private flower beds are allowed only on lots which permit an upright marker and will be installed adjacent to such marker by cemetery staff, upon request by the owner, once the upright marker has been installed. No such flower bed shall exceed 15 inches (38.1 centimetres) in width and shall not encroach on any abutting lot or public space. Any flower bed or part thereof contravening this Section shall be brought into conformity with this Section by cemetery staff without notice. By-law 95-132, 25 September, 1995; By-law 2003-216, 24 November, 2003.

210.9.8 Shrub

Private shrubs (evergreen or deciduous) are only permitted in approved upright marker sections. Only one shall be planted on either side of the upright marker. Shrubs placed on lots that are not approved for plantings shall be removed without notice. All tree and shrub plantings are subject to the approval of the Manager and are carried out by the cemetery staff payable in advance. The fee shall be as set out in the tariff of charges. Private shrubs are not permitted at Williamsburg Cemetery. By-law 2006-111, 8 May, 2006.

210.9.9 Existing planting - removal

Existing plantings will be removed by cemetery staff whenever they become unsightly, overgrown or encroach upon an adjoining lot or path. Such plantings will be removed without notice. By-law 95-132, 25 September, 1995.

210.9.10 Artificial flower arrangement

Artificial and/or silk flowers, arrangements and/or wreaths may be placed and remain on graves, upright markers or flush markers only from the Friday prior to Thanksgiving Day to the 15th day of April of the following year. Only one artificial arrangement or wreath shall be permitted on any single lot and no more than two on any other lot. No plastic or other type of covering is permitted on artificial wreaths or artificial flowers. If such decorations with the exception of saddle wreaths are not removed by the 15th day of April, they shall be considered abandoned and may be disposed of by the cemetery staff. Saddle-type arrangements shall be allowed to remain on the top of upright markers until such time as they are unsightly, when they shall be removed without notice. By-law 95-132, 25 September, 1995; By-law 2006-111, 8 May, 2006.

210.9.11 Covering of grave - planting

All grading, sodding, seeding, top-dressing, fertilizing, covering of graves, and planting of trees and shrubs, shall be done by the Manager and cemetery staff only. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.9.12 Memory light - limitation

One memory light shall be permitted per lot, on those lots allowing an upright marker. The memory light must be of a style that has been approved by the Manager of Cemeteries or designate. The memory light will be installed by cemetery staff, for a fee as set forth in the tariff of charges. It will be centred on the lot directly in front of the monument. The memory light will be constructed of bronze and will have a thermoplastic liner surrounding the candle/light and will be clear or red in colour. The light may not exceed 10" in height. When not in use, the unit will be inverted and placed within a holder which has been installed flush with the ground. The memory light and holder will be contained within a cube of granite measuring 12" x 12" x 4". By-law 2003-216, 24 November, 2003.

210.9.13 Damage - to lot - structure - liability - limitation

The City shall not be responsible for any damage to lots and structures or objects thereon, or flowers or articles removed from a grave except for damage shown to be caused by a City employee. The City shall not be responsible for any damage to upright markers and/or flush markers caused by any means or individuals, except damage shown to be caused by a City Employee. By-law 95-132, 25 September, 1995.

**Article 10
FLUSH MARKER****210.10.1 Flush marker - defined**

In this Article "flush marker" means:

- (a) a granite flat marker; or
- (b) a bronze marker together with granite setting base. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.10.2 Construction - granite required

All flush markers shall be constructed wholly of granite with the exception of memorial plaques and temporary bronze plaques of remembrance or other markers, all as approved by the Manager or designate. By-law 2006-111, 8 May, 2006.

210.10.3 Construction - other - removal

Memorials installed in the said cemeteries which are found to be in contravention of this Chapter shall be ordered removed. The Manager or designate will advise the interment rights holder of the contravention and the interment rights holder shall be given thirty days within which he/she must comply with the by-laws. If the contravention is not corrected within this time period, the Manager or designate will have the memorial removed at the expense of the interment rights holder. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.10.4 Location - centred

All flush markers shall be centred:

- (a) In the case where two adjoining single graves are purchased, a 0.36 m x 0.77 m (14" x 30") flush marker may be centred over the two or more spaces at the head end.
- (b) In sections where both an upright marker and flush markers are permitted, the centring of a flush marker over two adjoining graves will only be permitted at the foot end of the graves concerned and only after all burials on such graves have taken place.
- (c) Under no circumstances shall more than one flush marker be permitted on any grave. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 95-132, 25 September, 1995.

210.10.5 Single grave lot

On single grave lots where the grave dimensions are 0.3048 m x 0.92 m (1' x 3'), the flush marker shall be placed at the foot end of the grave. In all other sections, where the grave dimensions are greater than 0.3048 x 0.92 m (1' x 3'), the flush marker shall be placed at the head end of the grave. By-law 95-132, 25 September, 1995; By-law 2006-111, 8 May, 2006.

210.10.6 Outstanding charge - to be paid

No flush markers shall be installed upon a lot unless the purchase price and any other outstanding charges for such lot have been paid in full.

210.10.7 Uniform thickness

All flush markers shall be of a uniform thickness of 10.15 cm (4") plus or minus 1.28 cm (½") and must be set so that the top is flush with the level of the ground. The allowed variance to all flush marker sizes shall be plus or minus 1.28 cm (½") in total length and total width. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.10.8 Memorialization - flush marker section

Flush markers may be set on any single grave lot. On a 0.305 m x 0.914 m (1' x 3') 0.457 x 0.914 m (1.5' x 3') lot designed for infants and cremated remains, the approved flush marker size shall be 0.152 m x 0.279 m (6" x 11"); on a 0.610 m x 1.372 m (2' x 4.5') lot designated for children and cremated remains, the approved flush marker size shall be 0.305 m x 0.610 m (12" x 20"); on a 0.914 m x 1.829 m (3' x 6') lot, 0.914 m x 1.524 (3' x 5') lot, and a 0.914 m x 0.914 m (3' x 3') lot designated for youth and cremated remains, the approved flush marker size shall be 0.305 m x 0.610 m (12" x 24"). On all adult single grave spaces the approved flush markers size will be one of the following: 0.305 m x 0.508 m (12" x 20"); 0.305 m x 0.610 m (12" x 24"); or 0.356 m x 0.762 m (14" x 30"). By-law 99-198, 15 November, 1999.

210.10.9 Memorialization - upright marker section

In those sections allowing an upright marker and/or flush markers, the allowable flush marker size shall be one of the following: 0.152 m x 27.9 cm (6" x 11"); or 0.3048 m x 0.50 m (12" x 20").

210.10.10 Delivery - installation

All flush markers shall be delivered to a location designated by the Manager and such flush markers shall be set in place by the cemetery staff. The charge shall be as set forth in the tariff of charges. Such flush markers shall be accepted between April 1 and November 1 in any one calendar year or later if agreed to by the Manager of Cemeteries or designate. By-law 95-132, 25 September, 1995; By-law 2003-216, 24 November, 2003.

210.10.11 Inscriptions - reproductions - photographic images

Only those inscriptions, reproductions or photographic images which are an integral part of the flush marker shall be permitted. Acceptable methods of producing such photographic images or inscriptions are limited to etching, sandblasting, chiselling, or similar methods as may be approved by the Manager or designate. No photograph or inscription may be attached by any other method or process. Photographs, reproductions, images or inscriptions of any other kind are prohibited. By-law 2003-216, 24 November, 2003.

210.10.12 Embellishments - requirements - restrictions

Embellishments on an upright marker will be permitted to a maximum of two. Allowable embellishments will be made of bronze or granite. Glass, porcelain or other fragile materials are not permitted. The attachment of embellishments will be permitted only to the base of the upright marker. Embellishments must be listed on the foundation request form and are subject to the approval of the Manager.

210.10.13 Single grave flat marker - designated area - set out

Lots 373 to 434, inclusive, in section 2E at Woodland Cemetery shall be designated as single grave flat marker lots. The approved marker shall be centred at the head end of the lot. By-law 2006-111, 8 May, 2006.

**Article 11
UPRIGHT MARKER****210.11.1 Construction - granite required**

All upright markers erected in the said cemeteries shall be constructed wholly of granite. All monuments are subject to approval of the Manager or designate. By-law 2003-216, 24 November, 2003; By-law 2006-111, 8 May, 2006.

210.11.2 Location - centred

Upright markers shall be placed at the centre of the head end of the lot except where alignment with existing upright markers justifies another location. Approval of the location must be obtained from the Manager before an upright marker is set. Not more than one upright marker shall be erected on any lot. No upright marker shall be erected on a grave space or in those sections designated as flush marker graves. No upright marker shall be placed upon a lot unless the purchase price and all other outstanding charges for such lot have been paid in full.

210.11.3 Foundations - charges to be paid

No upright marker may be set until the charges made for the foundation and the care and maintenance charges have been paid in full. Foundations shall be installed between May 1 and November 1 in any one calendar year, weather permitting unless another date is agreed to by the Manager of Cemeteries or designate. By-law 2003-216, 24 November, 2003.

210.11.4 Foundations - specifications

No upright marker shall be erected upon any lot, unless the foundation is of uniform thickness and has dimensions in both length and width which equal those of the base of the monument. By-law 95-132, 25 September, 1995; By-law 2003-216, 24 November, 2003; By-law 2006-111, 8 May, 2006.

210.11.5 Foundations - drawings submitted

A detailed drawing showing all dimensions of the proposed upright marker must be submitted as part of the contract before the installation of the foundation.

210.11.6 Encroachment - on grave space

No upright marker shall encroach on any grave space.

210.11.7 Safety

All upright markers must be able to withstand a force of 45.359kg (100 lbs). when such force is applied at any point on the memorial. Such markers must withstand this force when set in a dry mode (i.e. without the assistance of any adhesive material). Dowels (300 series stainless or equivalent) may be used to assist an upright marker in achieving the 45.359kg (100 lb). minimum standard. The intended positioning of such dowels must be shown/stated on the contract requesting the installation of the marker. All portions of an upright marker must be sealed together with an appropriate sealing material and shall be sealed together in such a way as to provide an adequate level of stability.

210.11.8 Bases

All upright marker bases shall be of rock pitch style. All upright marker bases shall have a minimum 2" polished border on all sides from the edge of the base to the edge of the die. No upright marker or sub-base is to be less than 0.152 m (6") in thickness, with the exception of pillow markers. Pillow markers must be set on a rock pitch style base, which is to be not less than 10.15 cm (4") in thickness. By-law 95-132, 25 September, 1995; By-law 2003-216, 24 November, 2003.

210.11.9 Size limitations - two grave lots and greater

The minimum thickness for upright markers of a monolith style, up to 1.21m (4') including the base in height is 0.15m (6"). Upright markers exceeding 1.21m (4') in height, including the base, shall be not less than 17.77cm (7") thick. Upright markers exceeding 1.82m (6') in height, including the base, shall not be less than 27.86cm (8") thick. Upright markers exceeding 2.44m (8') in height, including the base, shall not be less than 25.3m (10") thick. The minimum thickness for upright markers which have an angled or sloped face is 0.102cm (4"). Such monuments may not exceed 0.77m (30") in height including the base. The maximum depth of the base shall not exceed 18". No upright marker may cover more than 1/10th of the area of the lot. On a two grave lot, the upright marker or its base shall not exceed 1.21m (4') in width; on a three grave lot the upright marker shall not exceed 1.82m (6') in width. On a four grave lot the base of the upright marker shall not exceed 2.43m (8') in width. By-law 95-132, 25, September 1995.

210.11.10 Size limitations - single graves

Upright memorials to a maximum allowable size of 0.92m (36") in height, including the base, and a maximum base length of 0.77m (30") are permitted in approved single grave upright marker lots including lots with dimensions of 0.914m x 1.524m (3' x 5'). By-law 95-132, 25 September, 1995; By-law 99-198, 15 November, 1999.

210.11.11 Rock backs - when permitted

Rock backs will be permitted on upright markers. By-law 95-132, 25 September, 1995; By-law 2003-216, 24 November, 2003.

210.11.12 Inscriptions - family name, etc.

Only family names or a text which is limited to scriptures, poetry or prose on the back of upright markers will be permitted and must be approved by the Manager of Cemeteries or designate. Photographic images or reproductions are permitted, subject to Section 210.11.13, and must be approved by the Manager of Cemeteries or designate. By-law 2003-216, 24 November, 2003.

210.11.13 Inscriptions - reproductions - photographic images

Only those inscriptions, reproductions or photographic images which are an integral part of the upright marker shall be permitted. Acceptable methods of producing such photographic images or inscriptions are limited to etching, sandblasting, chiselling, or similar methods as may be approved by the Manager or designate. No photograph or inscription may be attached by any other method or process. Photographs, reproductions, images or inscriptions of any other kind are prohibited. By-law 95-132, 25 September, 1995.

210.11.14 Children's upright marker lots - dimensions

On lots with dimensions less than 3.048 m x 0.91 m (10' x 3') and commonly referred to as "Children's Upright Markers Lots," upright markers shall have maximum base dimensions of 0.762 m (30") in length, 0.406 m (16") in width, 0.152 m x 0.203 m (6" x 8") in thickness. Memorials may not exceed 0.914 m (36") in height including base. This Section 210.11.14 shall not apply to cremation lots. By-law 2006-111, 8 May, 2006.

Article 12**ERECTION OF UPRIGHT MARKER****210.12.1 Turf - protection**

Those persons engaged in the placing of, repairing of, or inscribing of upright markers shall provide planking and/or other protective materials adequate to protect turf and shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean, orderly condition. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.12.2 Upright marker - in disrepair

If an upright marker or flush marker presents a risk to public safety because it is unstable, the Manager may do whatever is necessary by way of repairing, resetting or laying down the upright marker so as to remove the risk. By-law 92-169, 13 July, 1992; Schedule 'A'; By-law 2003-216, 24 November, 2003.

Article 13**CREMORIAL GARDEN (WOODLAND CEMETERY)****210.13.1 General**

The provisions of this Article shall apply to Cremorial Garden (Woodland Cemetery). Where no contrary intention is expressed in this Article, the general provisions of this Chapter shall apply. By-law 2003-216, 24 November, 2003.

210.13.2 Interment - placement of cremated remains

Any interment or removal of cremated remains shall be performed by cemetery staff. The placement of cremated remains is limited to a total of four on a lot, with placement so that each grave on the lot has two cremations, whether they be interred on a grave or inurned in the memorial. The fees for such placements are as set out in the tariff of charges.

210.13.3 Memorial markers

One all granite upright marker may be placed on any lot. It shall be centred over the two grave spaces at the head end. Such memorials shall have maximum base dimensions of 0.77m (30") length x 0.4063m (16") width x 0.152 m x 22.86cm (6" to 8") thickness. Memorials may not exceed 0.92m (36") in height including the base. All upright memorials shall be set on a foundation installed by the cemetery for a fee as set out in the tariff of charges. One all granite flush marker is permitted on each grave space and shall measure 0.152m x 27.9cm x 10.15cm (6" x 11" x 4") thick and shall be installed by the cemetery for a fee as set out in the tariff of charges. By-law 95-132, 25 September, 1995.

210.13.4 Plantings - prohibited

Private flower beds and evergreens are prohibited. By-law 2003-216, 24 November, 2003.

Article 14
ACACIA GARDENS (WOODLAND CEMETERY)

210.14.1 General

The provisions of this Article shall apply to Acacia Gardens (Woodland Cemetery). Where no contrary intention is expressed in this Article, the general provisions of this Chapter shall apply. By-law 2003-216, 24 November, 2003.

210.14.2 Interment - restriction - limitation

On lots A-1 to A-26, B-1 to B-28, C-1 to C-27 and D-1 to D-27 up to two casket burials will be permitted. When two such interments are made the first shall be made at a double depth level and the second at a standard depth level. All adult double depth interments must be made in a permanent burial vault. The interment of cremated remains is also permitted on these lots to a maximum of two. Interment locations of cremated remains will be determined by the Manager or designate. On cremation lots A-27 to A-50, B-29 to B-53, C-28 to C-52 and D-28 to D-51 only the interment of up to four cremated remains is permitted on any lot. On cremation lots A-51 to A-86, B-54 to B-102, C-53 to C-120 and D-52 to D-71 only the interment of up to two cremated remains is permitted on any lot. On cremation lots E-1 to E-15 only the interment of up to four cremated remains is permitted. All scattering of human remains will take place on lots A000, B000, C000 and D000. By-law 2006-111, 8 May, 2006.

210.14.3 Memorialization

On lots A-1 to A-50, B-1 to B-53, C-1 to C-52 and D-1 to D-51, the memorial permitted shall meet the following standards. The upright marker shall be a granite block/monolith measuring between 0.610m (24") and 0.762m (30") in width, 0.660m (26") and 0.762m (30") in height and shall be 0.203 m (8") in thickness. There will be no separate base for these upright markers. All upright markers will be set on a foundation installed by cemetery staff for a fee as set forth in the tariff of charges. Dowels (300 series stainless or equivalent) must be used to assist the upright marker in achieving the 45.359kg (100lb) minimum standard. The positioning of the dowel must be shown/stated on the contract requesting the installation of the marker. On lots A-51 to A-86, B-54 to B-102, C-53 to C-120 and D-52 to D-71, one (1) all granite flush marker measuring 0.305 m x 0.508m x 0.102 m thick (12" x 20" x 4") plus or minus 0.013m (½") will be permitted and installed by cemetery staff at the foot end of each lot for a fee as set forth in the tariff of charges. On lots E-1 to E-15, one (1) all granite upright marker may be placed at the head end of each lot. Such upright markers shall be set on a foundation installed by cemetery staff for a fee as set forth in the tariff of charges. Upright markers will have a maximum base size of 0.762m (30") in length x 0.406m (16") in width x 0.152m to 0.203m (6" to 8") in thickness. Upright markers may not exceed 0.914m (36") in height including the base. Granite flush markers are permitted to memorialize those who have had their cremated remains scattered in this Section. The flush marker shall measure 0.305m x 0.508m x 0.102 m thick (12" x 20" x 4" thick) plus or minus 0.13m (½") in total length or width. All such flush markers shall be installed by cemetery staff adjacent to the pathway in the quadrant in which the cremated remains where scattered for a fee as set forth in the tariff of charges.

210.14.4 Plantings - prohibited

Private flower beds and evergreens are prohibited.

Article 15**SPRUCE GROVE GARDENS (WOODLAND CEMETERY)****210.15.1 General**

The provisions of this Article shall apply to Spruce Grove Gardens (Woodland Cemetery). Where no contrary intention is expressed in this Article the general provisions of this Chapter apply. By-law 2003-216, 24 November, 2003.

210.15.2 Lot - type

Lots #1 to #18 are 1.8m x 3.05m (6' x 10') and are designed as traditional 2-grave flush marker lots. Lots #19 to #36 are 1.8m x 3.05m (6' x 10') and are designed as traditional 2-grave upright marker lots. Lots #37 to #50 are 1.8m x 1.5m (6' x 5') and are designed as cremation 2-grave upright marker lots. Lots #51 to #73 are niches. Lots #74 to #143 are 0.9m x 0.9m (3' x 3') and are designed as cremation flush marker lots.

210.15.3 Interment - limitation

Lots #1 to #36 allow one traditional interment per grave and a maximum of 6 interments per lot. Extra deep interments are not allowed in this Section. Lots #37 to #50 allow only cremation interments, to a maximum of 6 per lot. Lots #51 to #73 allow a maximum of two urns per niche. Lots #74 to #143 allow only cremation interments to a maximum of two per lot.

210.15.4 Memorialization - allowed

On lots #1 to #18, one all granite flush marker measuring 35.6cm (14") x 76.2cm (30") x 10.2cm (4") is allowed and it shall be centred over the two graves at the head end. On Lots #19 to #50 one upright marker is allowed and shall be centred over the two graves at the head end. Such memorial shall have a maximum base dimensions of 1.21m (4') length x 0.4063m (16) width x 0.152m to 0.22 m (6" to 8") thickness. The upright marker may not exceed 1.07m (42") in overall height, including the base and must have a minimum thickness of 20.32cm (8"). All upright markers shall be set on a foundation installed by cemetery staff for a fee as set forth in the tariff of charges. One all granite flush marker is permitted per grave space and it shall measure 0.15m x 0.28m (6" x 11") by 0.10m (4") thick. It shall be installed at the foot end of the grave by cemetery staff for a fee as set forth in the tariff of charges. On lots #51 to #73 the memorial is the niche cover (shutter) on which an inscription shall be permitted. All such inscriptions are to be approved by the Manager prior to being engraved on the shutters. On lots #74 to #143, one all granite flush marker measuring 0.305m (12") x 0.61m (24") x 0.10m (4") thick will be permitted. This marker will be centred at the foot end of the lot. By-law 92-169, 13 July, 1992; Schedule 'A'.

210.15.5 Plantings

Private shrubs are prohibited. Private flowerbeds are permitted on lots which allow an upright marker and must be installed by cemetery staff. There is no charge for this service. Such flowerbeds will be installed after the upright marker is in place. One approved vase is permitted on each lot/niche and must be installed by cemetery staff. By-law 2003-216, 24 November, 2003.

Article 16
PROMONTORY POINT, INCLUDING SANCTUARY WOODS
AND REFLECTION STONE LOTS
(WILLIAMSBURG CEMETERY)

210.16.1 General

The provisions of this Article shall apply to Promontory Point, including Sanctuary Woods and Reflection Stone Lots (Williamsburg Cemetery). Where no contrary intention is expressed in this Article the general provisions of this Chapter shall apply.

210.16.2 Memorialization - upright markers

One all granite upright marker may be placed on an upright cremation lot measuring 3' x 6' and shall be centred at the head end of the lot. The upright marker should have a maximum base length of 0.77 m (30") length by 0.4063 m (16") width by 0.152 m to 0.2 m (6" to 8") thick. The marker may not exceed 0.92 m (36") in height including the base. One all granite upright marker may be centred at the head end of a traditional two grave lot measuring 6' x 10'. The marker shall be centred at the head end of the lot. Markers shall have a maximum base dimension of 1.21 m (4') length. The marker may not exceed 1.21 m (4') in height including the base. One all granite upright marker may be installed on a single grave lot measuring 4' x 10' and shall be centred on the head end of the lot. Markers shall have a maximum base length of 0.77 m (30"). The marker may not exceed a maximum height of 0.92 m (36") including the base.

210.16.3 Memorialization - cremation - flat markers

One all granite flush marker is permitted on lots measuring 0.92 m (3') by 0.92 m (3'). The marker shall be centred on the foot end of the lot and shall measure 0.3 m x 0.6 m (12" x 24") by 0.1 m (4") thick.

210.16.4 Reflection stones - cremation lots - interments

The burial of a maximum of two cremated remains directly adjacent to the reflection stone is permitted. The exact location of burial(s) will be at the discretion of the Manager of Cemeteries or designate.

210.16.5 Reflection stone - embellishments

No lot embellishments of any kind will be permitted. By-law 2003-216, 24 November, 2003.

**210.16.6 Reflection stones lots - cremation
lots - memorialization**

One bronze dedication plaque attached to a Reflection Stone will be permitted, subject to approval of the Manager of Cemeteries or designate will be permitted. By-law 2003-216, 24 November, 2003; By-law 2003-229, 15 December, 2003; By-law 2006-111, 8 May, 2006.

210.16.7 Repealed: By-law 2006-111, 8 May, 2006.**210.16.8 Sanctuary woods - memorialization**

One tree to be planted by cemetery staff at the head end of the lot will be allowed. The species of tree planted will be at the discretion of the Manager of Cemeteries or designate. The upright memorial permitted is one Pillow style marker, centred at the head end of the lot, in front of the tree. The base shall be in a rock pitch design with maximum dimensions of .406 m x .406 m x .102m (16" x 16" x 4"), includes a .051 (2") polished margin. The tablet shall be of a .102 m x .051 m (4" x 2") slope faced design with maximum dimensions of .305 m x .305 m (12' x 12'). By-law 2003-216, 24 November, 2003; By-law 2003-229, 15 December, 2003; By-law 2006-111, 8 May, 2006.

210.16.9 Border material

Border material of any type or nature is prohibited.

Article 17**WILLOWS CREMATION GARDEN
(WILLIAMSBURG CEMETERY)****210.17.1 General**

The provisions of this Article shall apply to Willows Cremation Garden (Williamsburg Cemetery). Where no contrary intention is expressed in this Article the general provisions of this Chapter shall apply. By-law 2003-216, 24 November, 2003.

210.17.2 Interment - placement of cremated remains

Any interment or removal of cremated remains shall be performed by cemetery staff. On an upright marker lot the interment of cremated remains is limited to a total of four such interments. On a flush marker lot, the interment of cremated remains is limited to two such interments. The fees for such interments are set out in the tariff of charges.

210.17.3 Memorialization - upright markers

One all-granite upright marker may be placed on any lot with the dimensions of 1.52m (5') by 0.9m (3'). It shall be centred over the two spaces on the lot at the head end. Upright markers shall have maximum base dimensions of 0.77m (30") length by 0.4063m (16") width by 0.152m (6") by 0.2m (8") thick. Upright markers may not exceed 0.92m (36") in height including the base. All upright markers shall be set on a foundation installed by cemetery staff for a fee as set out in the tariff of charges. No inscriptions, family names, photographs, images or other reproductions or wording of any kind is permitted on the back of an upright marker.

210.17.4 Memorialization - flush markers

One all-granite flush marker is permitted on a lot measuring 0.92m (3') by 0.92m (3') centred at the foot end of the lot and shall measure 0.3m (12") by 0.6m (24") by 0.1m (4") thick and shall be installed by cemetery staff for a fee as set out in the tariff of charges.

210.17.5 Memorialization - columbarium units

The inscription for each niche unit shall be included in the purchase price as set out in the tariff of charges and shall include a bronze wreath.

210.17.6 Repealed: By-law 2003-216, 24 November, 2003**210.17.7 Private flower beds**

Private flower beds are allowed only on lots which permit an upright marker and will be installed adjacent to such marker by cemetery staff, upon request by the interment rights holder, once the upright marker has been installed. No such flower bed shall exceed 0.305m (1') in width and shall not encroach on any abutting lot or public space. Any flower bed or part thereof contravening this Section shall be brought into conformity with this Section by cemetery staff without notice. The planting of private shrubs or trees (evergreen or deciduous) is prohibited and will be removed and disposed of without notice. Border material of any type or nature is prohibited on all lots. By-law 99-198, 15 November, 1999; By-law 2003-216, 24 November, 2003.

Article 18**CREMATORIUM AND DEDICATION CENTRE INTERIOR
COLUMBARIUM UNITS (WILLIAMSBURG CEMETERY)****210.18.1 General**

The provisions of this Article shall to the Crematorium and Dedication Centre Interior Columbarium Units (Williamsburg Cemetery). Where no contrary intention is expressed in this Article the general provisions of this Chapter shall apply. By-law 2003-216, 24 November, 2003.

210.18.2 Cremation - proper documentation required

No cremation shall be performed unless proper documentation and the related application forms are completed in their entirety and received by the City of Kitchener Cemetery Office, including but not limited to, a coroner's cremation certificate, a burial permit, and a completed application for cremation required by the City.

210.18.3 Cremation - combustible container only

The human remains will be cremated in the enclosed container or casket in which it is received. The casket or container must be constructed of wood, or other readily combustible material. Without limiting its right to refuse to cremate without assigning reasons, as provided by the *Cemeteries Act*, no cremation of human remains enclosed in a casket or container made in whole or in part of asbestos, non-flammable materials, hazardous material, fibreglass, chlorinated plastic, fibre reinforced plastic, steel or any substance which may impair or cause damage to the cremation retort or cause difficulty in the cremation process is permitted. Whenever possible, non-combustible material affixed to the outside of the casket/container will be removed prior to cremation.

210.18.4 Cremation - with pacemaker - other - prohibited

No cremation of human remains in which a pacemaker or radioactive device is implanted shall be performed.

210.18.5 Cremation - days not permitted

No cremation shall be performed on Christmas Day, New Year's Day or Good Friday.

210.18.6 Cremation - fee

The fees for cremations shall be as set out in the tariff of charges.

210.18.7 Dedication Centre - crematorium - all faiths

The Dedication Centre and crematorium at Williamsburg Cemetery are available for committal services of all faiths provided that the services are conducted with reverence and decorum and the fees for such use shall be set out in the tariff of charges and provided that the City's Manager of Cemeteries reserves the right to refuse or limit the use of the Dedication Centre or the cremation retort and area, or access to the cremation retort area. By-law 99-198, 15 November, 1999.

210.18.8 Interment - placement of cremated remains - dedication centre interior columbarium units

The placement of all cremated remains, and the opening and closing of niches shall be performed by cemetery staff for a fee as per the tariff of charges. In glass fronted niche units measuring 0.3048 m (12") x 0.3048 m (12"), the interment of cremated remains is limited to one (1) such interment. In glass fronted niche units measuring 0.4064 m (16") x 0.3048 m (12"), the interment of cremated remains is limited to two such interments. In all bronze fronted niche units, the interment of cremated remains is limited to a maximum of two such interments.

210.18.9 Urns - dedication centre interior columbarium units - glass fronted niche units

Urns composed of materials other than high quality, solid bronze, will not be permitted. Urns must not touch the front or sides of the niche.

210.18.10 Memorialization - dedication centre interior columbarium units - glass fronted niche units

In glass fronted niche units measuring 0.3048 m (12") x 0.3048 m (12"), one photoceramic portrait measuring 0.0635 m (2.5") x 0.08001 m (3 1/8") and frame as supplied by the City's Cemetery Division is allowed as per the fee in the tariff of charges. In glass fronted niche units measuring 0.4064 m (16") x 0.3048 m (12"), two photoceramic portraits measuring 0.0635 m (2.5") x 0.08001 m (3 1/8") and frame as supplied by the City's Cemetery Division are allowed as per the fee in the tariff of charges. Memorial inscriptions will be inscribed on this frame and in the standard format approved by the Manager or designate. If a photoceramic portrait and frame are not used, the inscription will be inscribed on a plaque supplied by the City's Cemetery Division in the standard format approved by the Manager or designate. With the approval of the Manager or designate, the memorial inscription may be inscribed directly onto the surface of the urn. All inscription work is to be completed by the City's Cemetery Division as per the tariff of charges.

210.18.11 Memorialization - dedication centre interior columbarium units - bronze fronted niche units

Memorial inscriptions will be in the format of bronze lettering that will be applied to the bronze fronts by cemetery staff for a fee as per the tariff of charges and in the standard format approved by the Manager or designate

210.18.12 Embellishment - dedication centre interior columbarium units

Embellishments of any kind except as herein allowed will be prohibited within the interior of the niche or on the niche front. Niche embellishments shall be deemed to include all structures, ornaments, or other decorations, which are placed in the niche or on the niche front. By-law 2000-46, 20 March, 2000.

**Article 19
REQUEST FOR SERVICE**

210.19.1 Cemetery office

Any person having a request for service shall make same only at the cemetery office.

Article 20
TARIFF OF CHARGES

210.20.1 Adoption - by Council

Subject to the *Cemeteries Act* and the regulations made thereunder, the Council may from time to time adopt a tariff of charges to regulate the fees and charges to be paid by persons purchasing interment rights in the said cemeteries or requiring service to be performed therein.

Article 21
MANAGER OF CEMETERIES

210.21.1 Appointment

The Council shall appoint a Manager of Cemeteries and assistants, as required.

210.21.2 Duties

The Manager of Cemeteries and assistants shall perform the following duties:

- (a) observe and carry out all of the provisions of this Chapter and of the *Cemeteries Act*;
- (b) make all interments, open and close all crypts and niches in the City cemeteries;
- (c) attend all funerals held in the cemeteries and fill in all graves after interments;
- (d) attend to the regular and proper maintenance of the cemeteries; and
- (e) perform such other duties as the City Council may from time to time require.

Article 22
ENFORCEMENT

210.22.1 Penalty

Where a specific penalty is not provided for an offence under the *Cemeteries Act*, every person who contravenes any provision of this Chapter is guilty of an offence and is liable, upon conviction, to a fine not exceeding Five Thousand Dollars (\$5,000), exclusive of costs, for each offence, recoverable under the *Provincial Offences Act*.

Article 23
ENACTMENT

210.23.1 Registrar approval - required

This Chapter shall come into force and take effect upon being filed and approved by the Registrar appointed pursuant to the *Cemeteries Act*. By-law 99-198, 15 November, 1999.

210.23.2 Registrar approval - received

Approval of By-law 99-198 was received from the Registrar, Cemeteries Branch, Ministry of Consumer and Commercial Relations on February 28, 2000, File # Mount Hope 4523, St, Peter's Lutheran 4524, Woodland 4525, Bridgeport 4528 & Williamsburg 4533.

210.23.3 Effective date - approval - required

The amending By-law 2000-46 shall come into force and take effect upon approval of By-law 99-198 of The Corporation of the City of Kitchener by the Registrar appointed pursuant to the *Cemeteries Act*; and being filed with and approved by the Registrar appointed pursuant to the *Cemeteries Act*.

Approval received - September 1, 2000

By-law 2000-46 was approved by the Ministry of Consumer and Commercial Relations on September 1, 2000; File No. 4533.

Approval received - January 22, 2003

By-law 2003-216 and By-law 2003-229 were approved by the Ministry of Consumer and Commercial Relations on January 22, 2003, File No. 04523.

Approval received - September 29, 2006

By-law 2006-111 was approved by the Ministry of Consumer and Commercial Relations on September 29, 2006, File No. 04523.