

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2012-59

A BY-LAW REGARDING THE OPERATION OF TOWN
OF LINCOLN MUNICIPAL CEMETERIES

WHEREAS The Corporation of the Town of Lincoln operates active cemeteries known as Vineland Cemetery, Mount Osborne Cemetery, Oaklawn Cemetery, Mount View Cemetery and Mennonite Mountain Burial Ground;

AND WHEREAS The Council of the Corporation of the Town of Lincoln deems it necessary and expedient to enact a new by-law for regulating the said cemeteries pursuant to the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN HEREBY ENACTS AS FOLLOWS:

PART I - DEFINITIONS

1. For the purpose of this by-law, unless the context otherwise requires:
 - a) "Act" shall mean the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, chapter 33, as may be amended from time to time.
 - b) "Burial" shall mean the opening and closing of an inground Grave or Lot for the disposition of human remains or cremated human remains.
 - c) "By-law" shall mean a by-law of the Town detailing the rules and regulations under which a Cemetery operates.
 - d) "Care and Maintenance Fund" shall mean the trust fund established by and under the administration of Council as required under the Act. It is a requirement under the Act that a percentage of the purchase price of all Interment Rights, and set amounts for Marker and Monument installations is contributed in a Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of the Cemetery.
 - e) "Cemetery" shall mean each Cemetery operated by the Town including Vineland Cemetery, Oak Lawn Cemetery, Mount View Cemetery, Mount Osborne Cemetery and Mennonite Mountain Burial Ground.
 - f) "Clerk" shall mean the Clerk of the Town.
 - g) "Committee" shall mean the standing committee of the Council through which the Council exercises administration and jurisdiction over Cemetery matters.
 - h) "Contract" shall mean the contract signed by all Purchasers of Interment Rights or other Cemetery products or services detailing the obligations of both the Purchaser and the Town.
 - i) "Cornerstones" shall mean any stone or other marker set flush with the surface of the ground and used to indicate the location of a Plot, Grave or Lot.
 - j) "Council" shall mean the Council of the Corporation of the Town of Lincoln.
 - k) "Grave" or "Lot" shall mean any single inground burial space of sufficient area, as prescribed by this By-law, intended for the interment of human remains or cremated human remains.
 - l) "Interment Rights" shall mean the rights to require or direct the interment of human remains or cremated human remains in a Plot, Grave or Lot and to direct the associated memorialization of same.
 - m) "Interment Rights Certificate" shall mean the document issued by the Town to an Interment Rights Holder, once the Interment Rights have been paid for in full, identifying ownership of the Interment Rights.

- n) "Interment Rights Holder" shall mean the person designated to hold or exercise Interment Rights.
- o) "Marker" shall mean a permanent memorial stone structure that is set flush and level with the ground.
- p) "Memorialization" shall mean the placement of a Marker or Monument in accordance with the provisions of this By-law
- q) "Monument" shall mean a permanent memorial stone structure projecting above ground level.
- r) "Plot" shall mean multiple Graves or Lots, Interment Rights to which are sold as a single unit.
- s) "Purchaser" shall mean an individual purchasing Cemetery Interment Rights, products or services. A Purchaser does not hold or maintain the right to direct the exercise of Interment Rights unless the Purchaser is registered as the Interment Rights Holder and is so named on the Interment Rights Certificate.
- t) "Regulation" shall mean and include the rules and regulations contained in this by-law and the rules and regulations made under the authority of this by-law.
- u) "Superintendent" shall mean the Superintendent of the Cemetery as approved by Council from time to time.
- v) "Tariff of Fees and Charges" shall mean the schedule of fees and charges most recently approved by the Council for Cemetery services, activities and use of the property of the Town, including Interment Rights.
- w) "Town" shall mean the Corporation of the Town of Lincoln.
- x) "Transfer" shall mean a gift, bequest or any other transfer made without consideration as may be permitted under the Act.
- y) "Treasurer" shall mean the Treasurer of the Town.

PART II - PLANS

2. The Cemetery owned by the Corporation of the Town of Lincoln and called Vineland Cemetery and consisting of Part of Lot 192 of Plan M-2 of the former Township of Clinton, now Town of Lincoln, shall continue to be operated as a cemetery owned by the Town of Lincoln.
3. The Cemetery owned by the Corporation of the Town of Lincoln called Mount Osborne Cemetery and consisting of Lots 349, 340 and 341 of Corporation Plan No. 3 of the former Town of Beamsville, now Town of Lincoln, shall continue to be operated as a cemetery owned by the Town of Lincoln.
4. The Cemetery owned by the Corporation of the Town of Lincoln and called Oaklawn Cemetery, located in Lot 13, Concession 4 of the former Township of Louth, now Town of Lincoln, shall continue to be operated as a cemetery owned by the Town of Lincoln.
5. The Cemetery owned by the Corporation of the Town of Lincoln and called Mennonite Mountain Burial Ground, located in Lot 7, Concession 7 of the former Township of Clinton, and consisting of Lot 5, Registered Plan M-12 in the former Township of Clinton, now Town of Lincoln, shall continue to be operated as a cemetery owned by the Town of Lincoln.
6. The Cemetery owned by the Town of the Town of Lincoln and called Mount View Cemetery, located in Lot 7, Concession 5 of the former Township of Clinton, now Town of Lincoln, shall continue to be operated as a cemetery owned by the Town of Lincoln.
7. The Town reserves the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, open or close pathways or roads, construct or

alter buildings or structures, alter in shape or size, or otherwise change all or any part of any Cemetery, subject to the approval of the appropriate authorities.

PART III - GENERAL ADMINISTRATION

8. The Cemetery Office shall be located at the Town of Lincoln Municipal Administration Building, 4800 South Service Road, Beamsville, Ontario and will be open from 8:30 a.m. to 4:30 p.m. on Mondays through Fridays, excluding statutory holidays and other days on which the Town's Municipal Administration Building is not open for business.
9. Interment Rights Holders and the general public may visit Cemeteries during between 8:00 a.m. and sunset.
10. Interments will be carried out between the hours of 9:00 a.m. and 3:00 p.m. on Mondays through Fridays, excluding statutory holidays and other days on which the Town's Municipal Administration Building is not open for business. Arrangements can be made with the Cemetery Office for burials on Saturdays, Sundays, designated holidays or outside normal hours and will be subject to additional service charges in accordance with the Tariff of Fees and Charges.
11. The care, maintenance and improvement of Cemeteries shall be the responsibility of the Superintendent, subject to the general control and management of the Committee, and he shall have charge and authority over the same and all persons therein including the responsibility for engaging and discharging employees necessary to carry out the aforementioned responsibilities who shall be under his direction and responsible to him for performance of their duties.
12. A Care and Maintenance Fund as prescribed by the Act shall be established by the Treasurer who shall receive and transfer to the Cemetery all interest received from the Care and Maintenance Fund investments and all interest and other income from money invested or from other property given, devised, bequeathed or set aside for the purpose of the general care and maintenance of the Cemetery. The Care and Maintenance Fund established under this By-law and the investments representing the same shall be under the control and management of the Treasurer subject to the approval of Council.
13. The Treasurer shall keep such books, accounts and records as are necessary for properly recording and exhibiting all financial matters pertaining to the Cemetery and as may be prescribed by Provincial Statute or as directed by Council.
14. The Clerk shall keep such registers, records and books as are necessary for properly recording all matters, acts, Interment Rights and other matters pertaining to the cemeteries including those as may be prescribed by Provincial Statute or as directed by Council and shall carry out and enforce the provisions and regulations of this By-law.
15. The Clerk shall, in accordance with the requirements of the Act, maintain a public register that is available to the public during regular office hours.
16. All Cemetery fees and charges shall be in accordance with the Tariff of Fees and Charges approved by Council from time to time.

PART IV - SALE OF INTERMENT RIGHTS

17. Ownership of all Cemetery lands shall remain vested with the Town at all times. Interment Rights Holders acquire only the right and privilege to direct the Burial of human remains and direct the associated memorialization subject to the by-laws of the Town.
18. Interment Rights may only be sold by the Town. The Town prohibits the resale of Interment Rights by any person to a third party.
19. The Clerk shall have charge of the sale and administration of Interment Rights.
20. Interment Rights shall be sold at the prices prescribed in the Tariff of Fees and Charges.

21. All Interment Rights shall be sold subject to the Act and the by-laws of the Town, including the rules and regulations contained herein and which may from time to time be adopted by the Council.
22. All Purchasers of Interment Rights shall enter into an Interment Rights Contract with the Town detailing the obligations of all parties and acceptance of this By-law.
23. The Town shall issue an Interment Rights Certificate to the designated Interment Rights Holder upon execution of the required contract and upon payment in full of all required fees and charges. The Interment Rights Certificate shall be executed on behalf of the Town by the Clerk who is empowered to affix the Corporate Seal thereto.
24. Once payment for the Interment Rights has been made in full and an Interment Rights Certificate has been issued by the Town, a Purchaser relinquishes their right to cancel the Interment Rights Contract and the Interment Rights Holder as recorded on the Cemetery records assumes the rights, privileges and obligations associated with those Interment Rights.
25. A portion of the purchase price of all Interment Rights and a prescribed amount for Monuments and Markers shall be contributed in an irrevocable Care and Maintenance Fund. Income from the fund shall be used to provide general care and maintenance of the Cemetery. Contributions to the Care and Maintenance Fund are not refundable.
26. Payment for all Cemetery products and services shall be made at the Town of Lincoln Municipal Office, 4800 South Service Road, Beamsville, Ontario, L0R 1B1 in accordance with Town policies and procedures. No Burial or Memorialization shall be permitted until payment for products and services is made in full.

PART V – CANCELLATION AND REPURCHASE OF INTERMENT RIGHTS

27. A Purchaser or Interment Rights Holder may provide written notice to the Clerk, in a form provided by the Town, to cancel the Interment Rights Contract and have the Town repurchase the Interment Rights.
28. A Purchaser or Interment Rights Holder desiring to cancel the Contract within thirty (30) days from the date of its original execution will be entitled to be refunded all monies paid by the Purchaser, including that portion of the purchase price collected for contribution to the Care and Maintenance Fund.
29. A Purchaser or Interment Rights Holder desiring to cancel the Contract after thirty (30) days from the date of its original execution will be entitled to be refunded the market value of the Interment Rights effective on the day the Town receives the application for cancellation less the amount, if any, owing under the Contract. The market value of the Interment Rights to be refunded shall be the price for the Interment Rights as set out in the current Tariff of Fees and Charges, less the Care and Maintenance Fund contribution made at the time of purchase.
30. An Interment Rights Holder requesting the cancellation of the Contract shall return the Interment Rights Certificate to the Clerk and the Interment Rights Holder shall endorse the Interment Rights Certificate, transferring all rights, title and interest back to the Town. All appropriate paperwork must be completed before the Town will refund any amount to the Interment Rights Holder.
31. Notwithstanding any other provision of this By-law, a person is not entitled to cancel an Interment Rights Contract and the Town is not required to repurchase unused Interment Rights if any portion of the Interment Rights has been exercised.
32. A refund with respect to an application by a Purchaser or an Interment Rights Holder to cancel a Contract shall be made by the Town within 30 days of receiving the cancellation application.
33. No person shall subdivide an Interment Right.
34. If Interment Rights are to be sold back to the Town, any Monument, Marker or Cornerstone and associated foundations for same shall be removed from the Plot, Grave or Lot before the Transfer can be completed. The cost for the removal of

such Memorialization and any associated foundation as provided for in the Tariff of Fees and Charges shall be paid by the Interment Rights Holder requesting and authorizing the Transfer.

35. No Interment Rights shall be exercised or transferred, or Cemetery services provided, until all amounts payable in regard to the Interment Rights have been paid in full.

PART VI - TRANSFER OF INTERMENT RIGHTS

36. An Interment Rights Holder may Transfer such rights subject to, and in accordance with, the provisions of this By-law and the law. The Town prohibits the resale of Interment Rights by any person to a third party.
37. No Transfer of Interment Rights shall binding upon the Town until a duly executed Transfer has been registered by the Clerk.
38. An Interment Rights Holder may provide notice to the Clerk in a form provided by the Town for a Transfer specifying the name, address and other pertinent information with respect to the persons transferring the said Interment Rights and the persons to whom the Interment Rights are to be transferred and providing full particulars of the intended Transfer.
39. A Transfer in the case of a testamentary transmission shall be recorded upon the production and delivery to the Clerk of a certified or notarized copy of the Probate or, if the Will has not been probated, by production and delivery to the Clerk of a certified or notarized copy of the Will of the Interment Rights Holder and evidence satisfactory to the Clerk establishing the legal title of the transferor. In the case of a transmission by the intestacy, a transfer shall be recorded by production and delivery to the Clerk of evidence satisfactory by him establishing the legal title of the transferor.
40. The Interment Rights Holder requesting the Transfer must return the Interment Rights Certificate to the Town and the Interment Rights Holder must endorse the Interment Rights Certificate, transferring all rights, title and interest back to the Town. Upon payment of the applicable Transfer fee prescribed by the most recent Tariff of Fees and Charges by the Council, the Clerk shall prepare and issue a new Interment Rights Certificate to the transferee in the same manner as in the case of a sale.
41. If the Interment Rights Certificate does not contain a Rights Holder Endorsement of Transfer on the back of the original Interment Rights Certificate, the Interment Rights Holder shall be required to obtain and complete an Interment Rights Holder Endorsement of Transfer form from the Town.

PART VII - INTERMENTS

42. Prior to every Burial, the Interment Rights Holder shall provide written authorization satisfactory to the Town directing the exercise of Interment Rights. Should the Interment Rights Holder be deceased, authorization must be provided in writing by a person legally authorized to act on behalf of the Interment Rights holder.
43. Prior to every Burial, a Purchaser or Interment Rights Holder must enter into a contract for Cemetery services in a form provided by the Town and providing such information as may be required by the Town for the completion of the contract.
44. In the event that special instructions are taken verbally by the Town regarding the particulars or details of any interment, the Town shall not be responsible for errors. Verbal instructions shall be confirmed in writing by the Purchaser or Interment Rights Holder prior to a service by entering into a contract for Cemetery services in a form provided by the Town.
45. Prior to every Burial, a written statement shall be submitted indicating the full name and the last residence of the deceased, the name and address of the nearest relative of the deceased, the time and date of interment, the lot and grave numbers in which an interment is to be made and the name and address of the Funeral Director, said statement to be signed by the nearest relative or persons responsible

for arranging the burial. The person ordering or making arrangements for burials shall be responsible for all incurred charges.

46. No Burial shall take place without a burial permit issued by the Division Registrar under the Vital Statistics Act, R.S.O. 1990, c.V.4, as amended, or equivalent document, showing that the death has been registered with the Province of Ontario. Such certificate must be deposited with the Superintendent prior to the interment taking place. In the case of the Burial of cremated human remains, a Certificate of Cremation must be deposited with the Superintendent prior to the interment taking place.
47. Graves or Lots shall be opened and closed only by the Town.
48. All interments shall be made under the supervision of the Superintendent or his designate.
49. To ensure safe conditions are maintained at all times, families wishing to witness the closing of a Grave or Lot shall remain a minimum of ten (10) metres from the open Grave.
50. Every effort will be made to complete an interment on the assigned day and time. If, due to inclement weather conditions or health and safety concerns or conditions beyond the Town's control, a Burial cannot be made at the scheduled time, the Town reserves the right to establish a temporary set up and the Burial shall be completed as soon as possible at a later time.
51. The Town retains the right of passage over every Grave or Lot so that Cemetery operations may be performed effectively.
52. The Town retains the right to temporarily relocate a monument or marker so that Cemetery operations involving the open and closing of a Grave or Lot may be performed.
53. The opening of a Grave or Lot necessitates the temporary mounding of earth on adjacent Graves. The Town reserves the right to determine the location for the temporary mound and will make reasonable efforts to restore adjacent Graves to their original condition as soon as possible following the closing of the Grave.
54. Funeral flowers delivered to the Cemetery at the time of Burial shall remain on the Grave or Lot for a minimum of 5 days and may be removed at any time thereafter and disposed of by the Cemetery.
55. Fees respecting all interments shall be in accordance with the most recent Tariff of Fees and Charges.
56. A minimum of 8 business hours advance notice is required for any proposed interment, except in exceptional circumstances including a certificate of a medical practitioner requiring that the interment be made within 24 hours of death as a matter of the control of a communicable disease within the meaning of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7. All necessary certificates and permits shall be deposited with the Town prior to the interment.
57. No interment or disinterment shall be permitted in any Grave or Lot against which other cemetery charges are due and unpaid.
58. Funeral processions within any part of the Cemetery shall be under the supervision and direction of the Superintendent in all matters.
59. Only one (1) casket interment may be made in any regular Grave or Lot unless specific written permission has been given by the Town at the time of the purchase of Interment Rights.
60. No more than four (4) cremated remains interments shall be allowed in any regular Grave or Lot.
61. No more than two (2) cremated remains interments shall be allowed in any cremated remains Grave or Lot.

62. The Superintendent shall have the discretion to permit alternative interment combinations.
63. Remains shall be delivered to the Cemetery for Burial in a closed casket, cremation urn or container. Under no circumstances shall an employee of the Town open or close a casket, cremation urn or container.
64. Cremated remains are not permitted to be scattered on any Grave or Lot.
65. The purchase of Interment Rights does not include the opening and closing the Grave or Lot. Additional Cemetery fees and charges shall be incurred based upon the supplies or services provided in connection with the interment in accordance with the prevailing Tariff of Fees and Charges.
66. Any interments performed on a Saturday, Sunday or on a holiday recognized by the Town, or after 3:00 p.m., Monday to Friday, shall be subject to the applicable surcharges in accordance with the prevailing Tariff of Fees and Charges.

PART VIII - DISINTERMENTS

67. Disinterments shall be conducted in accordance with the requirements of the Act, and shall be subject to the prevailing Tariff of Fees and Charges.
68. No disinterment shall take place without the written direction of the Interment Rights Holder by entering into a contract for cemetery services, in a form provided by the Town, except as otherwise permitted by the Act or required by law. Evidence satisfactory to the Clerk regarding the ownership of Interment Rights may be necessary.
69. The raising and lowering of remains from standard depth to extra depth is considered a disinterment.
70. During a disinterment, the Cemetery shall be closed. Only those persons required or permitted by the Act or the Town to be in attendance at a disinterment shall be allowed entry to the Cemetery during a disinterment. The Town reserves the right for the Superintendent to disallow any witnessing of the disinterment if he considers, in his sole discretion, that the health or safety of any person present may be at risk.
71. Disinterments will be completed at a day and time designated by the Town.
72. The Town will not be responsible for damage to any casket, cremation urn or container which may occur during the course of a disinterment. Due to the length of time that a casket, cremation urn or container has been buried and the conditions to which it has been exposed, the Town cannot guarantee that it can retrieve a casket, cremation urn or container buried in a grave. The condition of any casket, cremation urn or container may be unstable, in which case a new container may be required. Any such new container that may be required at the time of disinterment shall be at the expense of the party authorizing the disinterment.
73. Disinterments shall only be made by Town employees when the remains are in a vault.
74. The transporting of the deceased out of the Cemetery is the responsibility of the party authorizing the disinterment, including all costs associated therein. All required documentation, including a burial permit or certificate of cremation, will be provided to the authorized person on the day of the disinterment or receipt of the cremated remains.

PART IX - MEMORIALIZATION

75. The Interment Rights Holder or his legal representative or his duly authorized agent but no other person may give direction to erect or alter a Monument, Marker or Cornerstone on a Plot, Grave or Lot and such person shall be responsible for the same and for observance of and compliance with all the provisions of this By-law.

76. Prior to any Monument, Marker or Cornerstone being erected, installed or placed in the Cemetery, a Purchaser or Interment Rights Holder must enter into a contract for Cemetery services in a form provided by the Town and providing such information as may be required by the Town for the completion of the contract.
77. Every person wishing to install a Monument, Marker or Cornerstone in a Cemetery shall pay to the Town the amount prescribed by the Act to be deposited in trust to the Care and Maintenance Fund.
78. No more than one Monument may be erected on any Grave or Lot. No more than one Marker may be placed on any Grave or Lot.
79. The character, size and location of any Monument, Marker or Cornerstone shall be regulated by the provisions of this By-law as set out in Schedule "A", attached hereto and forming part of this by-law.
80. All prescribed foundation work with respect to the placement of Monuments or Markers shall be carried out by the Superintendent or his designate and the associated charges for same invoiced to the Interment Rights Holder or his authorized representative according to the Tariff of Rates and Fees approved by Council.
81. No Monument, Marker or Cornerstone shall be permitted to be erected, installed or placed on a Grave or Lot in respect of which any fees or charges are due to the Town and remain unpaid.
82. No Monument, Marker or Cornerstone may be erected and no design, marking, embossing or inscription may be made or placed thereon or affixed thereto which is or may be in any way detrimental or injurious to the purposes, dignity or sanctity of the Cemetery.
83. No person shall perform any work to inscribe, embellish, repair or perform any other work on a Monument, Marker or Cornerstone without the prior written authorization of the Town. Such work will be authorized upon receipt of a request, in writing, from the Interment Rights Holder or legally authorized personal representative, in which the work proposed is described, subject to the regulations of this By-law.
84. No Monument, Marker or Cornerstone may be erected, placed, altered, repaired or relocated which is or will be in whole or in part composed of wood, metal, marble veneer or other veneer, brick or cement facing or exterior material or substance other than solid granite. No Monument, Marker or Cornerstone which is defective, cracked or otherwise in a dangerous or unsuitable condition or faulty in any way may be erected or relocated in any part of the cemetery.
85. No Monument or Marker may be erected or placed on any Plot, Grave or Lot unless the required form of foundation has first been installed by the Cemetery at the expense of the purchaser. All persons bringing a Monument or Marker or other structure into a cemetery must first obtain written permission from the Superintendent to place the same and before such permission is granted, the Monument, Marker or other structure must conform to all the rules and regulations for the Cemetery.
86. No foundations may be constructed after November 15th in any year and before April 1st in the following year. A foundation for a Monument shall be constructed of concrete and shall be a minimum of three feet in depth and two inches larger around the entire perimeter than the monument base size.
87. Not more than four (4) Cornerstones may be set to mark the corners of any Plot, Grave or Lot and same shall be a maximum of 25 square inches in size and shall have a flat surface and set level with the ground. All cornerstones shall be located, set and maintained by the Superintendent or his designate at the expense of the Interment Rights Holder or their legally authorized representative.
88. Monuments shall be placed at the center of the head end of a Plot, Grave or Lot except where alignment with existing, nearby Monuments justifies another location. Approval of the location must be obtained from the Superintendent before a Monument is set.

89. Temporary markers as may be supplied by the involved Funeral Home or Town shall be permitted for a maximum of 6 months.
90. In the event that a Monument, Marker or Cornerstone presents a risk to public safety because it is unstable or otherwise, the Town shall make such repairs or reset the memorial or lay it down so as to remove the risk.
91. The Town will use only reversible processes to preserve and stabilize a Monument, Marker or Cornerstone if the cost of doing so can be paid out of the income received by the Care and Maintenance Fund or out of funds from other sources. The Town may remove a Monument, Marker or Cornerstone if it cannot be preserved using income from the Care and Maintenance Fund and represents a continuing risk to public safety.
92. The Town reserves the right to remove, at its sole discretion, any Monument, Marker or Cornerstone which is not in keeping with the dignity and decorum of the Cemetery.

PART X - MAINTENANCE, IMPROVEMENT, CARE OF CEMETERY

93. The Superintendent or his designate shall have power at all times to enter in and upon every part of the cemetery and to perform such work as may be necessary, desirable or expedient for the care, maintenance and improvements of the Cemetery without in any way rendering the Town or himself liable for damages or otherwise.
94. No person other than the Superintendent or his designate may plant, maintain or remove any tree, shrub, seed or sod. The Superintendent may permit such works by others according to his direction and satisfaction.
95. All landscaping and maintenance shall be carried out by the Town or by its approval.
96. Trees, shrubs and other plants may be permitted by the Superintendent, on either side of a Monument on Plots with 2 or more Graves or Lots. Only those trees, shrubs, and other plants as approved by the Town and in those areas designated by the Town shall be permitted. Rose bushes are prohibited.
97. No curbing, fencing, or enclosure of any kind is permitted around the whole or any part of any Grave or Lot. Planting of borders around the perimeter of any Plot, Grave or Lot is prohibited.
98. Wreaths or other artificial arrangements not exceeding twenty (20) inches in width are permitted, however, such arrangements must be removed prior to April 1st of each year to facilitate spring maintenance works. The Superintendent shall have the authority to remove and dispose of the same in the event the Interment Rights Holder has not done so.
99. All flowers shall be potted and placed in a stand of which the design has been approved by the Superintendent. The stand is to be placed at the corner of the marker.
100. Fresh flowers and small pots may be placed on a Grave or Lot to commemorate special occasions, however, the Town assumes no responsibility for such placements and will remove these and the containers when they become unsightly. Glass containers are not permitted.
101. Flower beds will be permitted in front of the base of Monuments only. Such flower beds shall not exceed the width of the base of the Monument and shall not extend beyond fourteen (14) inches away from the base of the Monument and shall not encroach onto any other Grave or Lot. Bricks, stone and marble chips are not permitted in any flower bed. Maintenance of all such flower beds shall be the responsibility of the Interment Rights Holder.
102. Should any plant material become unsightly, neglected, overgrow a Monument or infringe on an adjacent Grave or Lot, the plant material may be removed by the

Cemetery at the expense of the Interment Rights Holder, who will be notified in writing of such removal.

103. The Town reserves the right to regulate articles placed in the Cemetery that pose a threat to the safety of all Interment Rights Holders, visitors to the Cemetery and Cemetery employees; that prevent the Town from performing general Cemetery operations; or are not in keeping with the sanctity, dignity and decorum of the Cemetery. Prohibited articles may be removed and disposed of without notification. Prohibited articles include, but are not limited to; glass containers, weathered artificial flowers, shepherd's hooks, metal stakes, plastic and glass solar lamps, ceramic items, loose stones and such other objects as may cause a hazard at the discretion of the Town.
104. The Town shall maintain the grounds of the Cemetery, including all Graves and Lots, structures, Monuments and Markers to ensure the safety of the public and to preserve the dignity of the Cemetery. The Town, or its authorized contractors, shall keep all Graves and Lots graded, sodded and mowed and shall keep cultivated and trimmed all trees, shrubs, flowering or other plants of the Cemetery that are planted by the Town in accordance with the provisions of this By-law.
105. The Town reserves the right to remove any plant material to facilitate a Burial within a Grave or Lot. In such cases, the Town will make reasonable efforts to preserve and reinstall the plant material, but does not assume any responsibility or liability in this regard.
106. All landscaping and maintenance of the Cemetery shall be performed by the Town or its authorized contractors. No person shall perform any landscaping or maintenance work within the Cemetery without the written authorization of the Superintendent. Without limiting the generality of the foregoing, no person shall make any walk, cut any sod, change the grade of any Grave or Lot, or change or tamper in any way with the landscaping or fixtures of the Cemetery without the written authorization of the Superintendent. Any restoration work required in connection with any such change or tampering shall be at the expense of the person responsible.

PART XI - GENERAL REGULATIONS

107. Any contractor performing any work in a Cemetery must comply with all applicable legislation including, without limitation, the Workplace Safety and Insurance Act, 1997, S.O. 1997, c.16, as amended, the Occupational Health and Safety Act, R.S.O. 1990, c.O.1, as amended, the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended, and maintain general liability insurance of not less than \$2,000,000 per occurrence. Such contractor shall provide written proof of such compliance and coverage at the request of the Town and prior to commencing any work within a Cemetery. Should a contractor not be able to provide written proof of coverage, the said contractor shall be prohibited from completing any work within the Cemetery until written proof of coverage has been provided to the Town.
108. This By-law and all Cemetery rules and regulations shall apply to all contractors and all work carried out by contractors within a Cemetery.
109. Contractors will conduct their operations to prevent damage to any grounds, turf, shrubs, trees, flowerbeds, monuments, markers, vases, or any other articles or natural feature in the Cemetery. Any damage caused by contractors shall be rectified by the Town at the expense of the contractor.
110. Contractors shall temporarily cease all operations if they are working within 30 metres of a funeral until the conclusion of the service. The Superintendent or his designate may, in his sole discretion, also require a contractor to temporarily cease operations if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or other public gathering within a cemetery.
111. Contractors working within a Cemetery must remove all implements, equipment and rubbish from the Cemetery at the conclusion of the work or at the end of each work day. All work sites must be secured when left unattended.
112. Any persons not employed by the Town responsible for damage to any lot, grave, monument or other structure in the Cemetery or landscaping or property therein

shall be personally liable therefor apart from any liability on the part of his employer or the Interment Rights Holder of the Grave or Lot.

113. In storing or handling of materials or supplies from contractors or Funeral Directors at their request, the Town assumes no liability for damages sustained to same either by fire, accident or otherwise.
114. The Town shall not be responsible for loss or damage to any vehicle or its contents brought into any Cemetery or any articles left upon any Grave or Lot in a Cemetery.
115. No person shall operate a motor vehicle at a speed in excess of 15 kilometers per hour in any part of any Cemetery. The owner and operator of any vehicle shall be held responsible for any damage sustained to the Cemetery grounds or structures therein caused by operation of such vehicle.
116. No person shall operate a bicycle, snowmobile, motorcycle or other like vehicle within a Cemetery.
117. No person shall bring or leave any chair, bench, trellis, arch, or other similar article upon any part of a Cemetery.
118. No person shall picnic in a Cemetery.
119. No person shall pick flowers, wild or cultivated, within any part of a Cemetery.
120. With the exception of Service Animals under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11, as amended; no person shall bring or permit to be brought a dog or other animal or pet into a Cemetery.
121. No person shall enter into or remain within a Cemetery before 8:00 in the forenoon or after sundown, except Police Officers and employees of the Town.
122. No person shall participate in the playing of any game in any part of a Cemetery or loiter anywhere on Cemetery property.
123. No person shall make cause or permit an unusual noise or make cause or make cause or permit a noise likely to disturb persons lawfully on cemetery property or inhabitants residing adjacent to the Cemetery.

PART XII - INTERPRETATION

124. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
125. For the purposes of this By-law, unless the context requires otherwise:
 - a. Words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa; and
 - b. Where a form of words or expression are prescribed by this By-law, deviations therefrom not affecting the substance or calculated to mislead do not vitiate them.
126. Should any section, subsection, clause, paragraph or provision of this By-law be declared by an authority of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the provision so declared to be invalid.
127. This By-law shall come into force and effect upon approval by the Registrar pursuant to the Act.
128. Town of Lincoln Bylaw No. 97-87 be and the same shall be repealed upon the coming into force of this By-law.

BY-LAW read a FIRST time this 4th day of September, 2012.

BY-LAW read a SECOND time this 4th day of September, 2012.

BY-LAW read a THIRD time and FINALLY PASSED this 4th day of September, 2012.



MAYOR: BILL HODGSON



CLERK: WILLIAM J. KOLASA

	Ministry of Government Services Cemeteries Regulation Ontario	Ministère des Services gouvernementaux Réglementation des cimetières
APPROVED In accordance with the regulations under The Cemeteries Act.		APPROUVÉ conformément aux règlements afférents à la Loi sur les cimetières
Date of Approval/ Date de l'approbation		04 December 2012
File No. of Cemetery/ Numero de fiche du cimetière		02549
By/ Par:		

THE CORPORATION OF THE TOWN OF LINCOLN

SCHEDULE "A"

REGULATIONS WITH RESPECT TO MONUMENTS, MARKERS AND CORNERSTONES

No Monument shall be installed, erected or placed in any part of the Cemetery unless it be of solid granite and except in conformity with the following requirements. All Monuments must withstand a minimum of 100 pounds of horizontal force without toppling. Monuments may be reinforced, using "pinning" only, to meet this requirement. All bases must project a minimum of 3 inches from all sides of a Monument, and must be between 6 inches and 8 inches in height.

	<u>Monument Stone Size</u>	<u>Base Size</u>	<u>Total</u>
(a) Single Grave			
Maximum Height	20"	8"	28"
Maximum Width	20"	width of headstone plus 6"	26"
Maximum Thickness	8"	depth of headstone plus 6"	14"
(b) Two Grave Plot – Where two graves are aligned side by side			
Maximum Height	24"	10"	34"
Maximum Width	36"	width of headstone plus 8"	44"
Maximum Thickness	12"	depth of headstone plus 8"	20"
(c) Four Grave Plot – where four graves are aligned side by side			
Maximum Height	36"	10"	46"
Maximum Width	48"	width of headstone plus 8"	56"
Maximum Thickness	14"	width of headstone plus 8"	22"
(d) Six Grave Plot – where six graves are aligned side by side			
Maximum Height	36"	10"	46"
Maximum Width	64"	width of headstone plus 8"	72"
Maximum Thickness	14"	depth of headstone plus 8"	22"

(e) Lot for Cremated or Stillbirth Remains:

1. No Monument shall be permitted on the Lots designated for cremated or stillbirth remains, said Lots measuring 2 ½' x 3 ½', however Markers flush with the ground level, are permitted according to the provisions of Section 2 of this Schedule.

2. No marker shall be placed except in conformity with the following requirements:

(a) No Marker shall exceed the dimensions of 24" by 14" for a single grave, or 18" by 12" for a lot designated for cremated or stillbirth remains, and all markers shall be installed flush with the ground level.


(b) Every Marker shall be placed on a base of gravel or crushed stone to a minimum depth of 6" or set in concrete to a depth of 6".

(c) Every Marker shall be a minimum thickness of 4" and shall be of solid granite.

3. No Cornerstone shall be placed which exceeds 25 square inches in size and each such cornerstone shall be of solid granite with a flat surface and be placed flush with the ground level.

4. Charges for installation and placement of Monuments, Markers, Cornerstones and any memorial markers including installation of foundations for any such memorials, shall be according to the Tariff of Fees and Charges.

5. Temporary Markers, as normally provided by Funeral Homes shall be permitted for a period of 6 months from the date of burial.

 Ontario Ministry of Government Services Cemeteries Regulation	Ministère des Services Gouvernementaux Réglementation des cimetières
	APPROVED In accordance with the regulations under The Cemeteries Act.
Date of Approval/ Date de l'approbation	04 December 2012
File No. of Cemetery/ Numéro de fiche du cimetière	02549
By/ Par:	

Ministry of Consumer Services

Consumer Protection Branch
Cemeteries Regulation Unit

5775 Yonge Street
Suite 1500
Toronto ON M7A 2E5
Tel: 416 326-8393
Toll-free: 1 800 889-9768
Fax: 416 326-8406

Ministère des Services aux consommateurs

Direction de la protection du consommateur
Unité de la Règlementation des Cimetières

5775, rue Yonge
Bureau 1500
Toronto ON M7A 2E5
Tél : 416 326-8393
Sans frais : 1 800 889-9768
Télééc : 416 326-8406



December 4, 2012

Licence #: 3288070

Site #: 02549

TOWN OF LINCOLN

William J. Kolasa
C/O ~~ANGELA CIFANI~~
4800 SOUTH SERVICE ROAD
BEAMSVILLE ON L0R 1B1

Dear Sir/Madam,

Thank you for forwarding the document below which was submitted to the Registrar for filing/approval.

By-laws

This document is filed/approved effective December 4, 2012.

For future filings please send two copies. One copy will be retained in our files and the other copy will be returned to you with confirmation that it has been filed/approved.

If you require further information please call **(416) 326-8399** or toll free **1-800-889-9768**.

Yours truly,

A handwritten signature in black ink, appearing to be "Don Fleming", written over a horizontal line.

Don Fleming
Compliance Officer