

THE CORPORATION OF THE TOWN OF PETROLIA
BY-LAW NUMBER 39-2021

A By-law to Provide for the Management and Control of the Municipally Owned
Hillsdale Cemetery with the Town of Petrolia.

WHEREAS Section 150 of *Ontario Regulation 30/11* made under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, as amended, provides that the owner of every cemetery may pass by-laws governing the operation of the cemetery; and

WHEREAS Hillsdale Cemetery located at Concession 10 North Part Lot 8 Enniskillen Township, known municipally as 3725 Petrolia Line is owned and operated by The Corporation of the Town of Petrolia; and

WHEREAS the Corporation of the Town of Petrolia is licensed to act as cemeteries in accord with the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, as amended; and

WHEREAS on July 15, 2021 approval as filed was received by the Registrar under Section 151 of *O. Reg. 30/11* made under the *FBCSA, 2002*, 5.0. 2002, c.33, as amended; and

WHEREAS the Council of the Corporation of the Town of Petrolia deems it expedient and necessary to provide for the regulations of the operation of Hillsdale Cemetery;

NOW BE IT THEREFORE RESOLVED That the Municipal Council of the Corporation of the Town of Petrolia hereby enacts:

1. THAT Hillsdale Cemetery is operated and maintained in accordance with Schedule "A", attached hereto and forms part of this by-law; and
2. THAT all By-Laws and motions of Council found to be inconsistent with the Provisions found in this By-Law shall be and are Hereby Repealed including By-Law 78 of 2008 and 44 of 2017; and
3. THAT this by-law shall come into full force and effect upon passing; retroactive to July 15, 2021.

By-Law read a First and Second time this 9th day of August, 2021

By-Law read a Third time and Finally Passed this 9th day of August, 2021

R. Brad Loosley
Mayor

Mandi Pearson
Clerk/Operations Clerk

Hillsdale Cemetery

By-law 39 of 2021

Schedule "A"

Hillsdale Cemetery By-Law

Approved by the Registrar, FBCSA, BAO July 15, 2021

Owned and Operated by the Corporation of the Town of Petrolia

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Section A: **Preface**

These by-laws are the rules and regulations that govern the Hillsdale Cemetery and have been approved by the Registrar, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Bereavement Authority of Ontario (BAO).

The Municipal Council of the Corporation of the Town of Petrolia "The Corporation", in absolution of their responsibilities, request the public follow and respect these by-laws which have been adopted in the best interest to ensure a respectful and peaceful resting place for those who have passed, and to ensure proper maintenance and improvement of the cemetery.

The Hillsdale Cemetery is licensed to act as a cemetery in accordance with *The Funeral, Burial & Cremation Services Act* S.O. 2002

The Cemetery Manager of Hillsdale Cemetery and the inactive North Street Pioneer Cemetery shall be the Clerk or designate of the Corporation.

It is anticipated that through a co-operative effort the cemetery will remain well-kept and peaceful.

Section B: **Definitions**

1. "Care and Maintenance Fund" It is a requirement under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and Ontario Regulation 30/11 and 184/12 (O. Reg. 30/11 & 184/12) that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. If no scattering rights are sold but scattering is permitted a prescribed amount must be contributed to the fund when the scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.
2. "Cemetery Manager" shall mean the Clerk or designate of the Corporation
3. "Cemetery" shall mean the Hillsdale Cemetery, located in Lot 8, Concession 10, Township of Enniskillen, County of Lambton.
4. "Certificate of Interment Rights" shall mean the certificate issued by the Corporation to the purchaser of interment right in either a lot, plot or niche. Identifying ownership and authority over those specific interment rights.
5. "Children's Grave" shall mean any burial space of less than 101.60 cm (40 inches) by 3.05 meters (10 feet).
6. "Contract" For purposes of these by-laws, all purchasers of interment or scattering rights, or other cemetery supplies and services must receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer Information Guide and the Price List.
7. "Corner-posts" shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot.
8. "Cremation Lot" shall mean any burial space intended to receive not more than 1(one) cremated remains and having a minimum size of 60.96 cm (2 feet) by 60.96 cm(2 feet).
9. "Grave" shall mean any burial space intended for an adult, having a size 101.60 cm (40 inches) by 3.05 meters (10 feet).
10. "Infant Grave" shall mean any burial space intended for an infant, and having a minimum size of 50.80 cm (20 inches) by 101.60 cm (40 inches).
11. "Interment Rights Holder" means a person with interment rights with respect to a lot and includes a purchaser or interment rights under *The Funeral, Burial & Cremation Services Act* S.O. 2002 or a predecessor of that Act.
12. "Interment Rights" includes the right to require or direct the interment of human remains in a lot.

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13. "Lot" means an area of land in a cemetery containing, or set aside to contain, human remains and includes a tomb, crypt or compartment in a mausoleum and a niche or compartment in a columbarium.
14. "Marker" shall mean any permanent memorial of granite, marble or bronze set flush with the surface of the ground and used to indicate the location of a burial. Can be a monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial lot, mausoleum crypt, or columbarium niche.
15. "Ministry" shall mean the Bereavement Authority of Ontario.
16. "Monument" shall mean any permanent memorial projecting above the ground level.
17. "Niche front or tablet" means the monument portion of the columbarium
18. "Niche" means an individual compartment in a columbarium for the entombment of cremated human remains.
19. "Plan" shall mean the plan of the cemetery, approved by the Bereavement Authority of Ontario.
20. "Plot" means two or more lots in which the rights to inter have been sold as a unit.
21. "Town of Petrolia Fee Schedule" shall mean the list of fees and charges set out by the Corporation including the approved Cemetery Price List.
22. "Treasurer" shall mean the Treasurer of the Corporation.
23. "Trust funds" shall mean those funds in which a trustee may invest, which are defined in the "Trustee Act", R.S.O. 1989.
24. "Vault" a burial vault is an enclosure (also known as a burial liner, grave vault, and grave liner) comprised of concrete, that acts as a container to enclose a coffin to prevent a grave from sinking, and protects worker health and safety.

Section C: **Administration**

1. The Corporation reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer these by-laws;
2. The Cemetery shall be under the direction, control and management of the Clerk whose duty it shall be to fix, from time to time the prices of the several lots therein, subject to the approval of Council, and to see that the duties of the several officers and persons employed in the Cemetery by the Town are properly performed; and generally to oversee the improvement and adornment of the Cemetery, and to expend all monies granted by the Council for the purposes of the Cemetery.
3. It shall be the duty of the Public Works Department to keep the fences, gates, roads and grounds of the cemetery in good repair. Repairs and or improvements required to be made, and in all cases to take orders and instructions from the Director of Operations in respect thereof.
4. The Cemetery Manager shall keep in their office a plan of the cemetery and such other book or books as the said governing body, or Council shall direct, and shall record carefully and correctly the proper order, every deceased persons so interred, and all the information required by this By-Law, and shall produce the said plan or books whenever required by the Council or the governing body. No interment or removal of bodies shall take place without notice to the Cemetery Manager, and he/she shall see that a proper Burial Permit or other requirements by law is furnished to the Corporations Municipal Clerk's office in each instance.
5. A plan of the cemetery shall be left at the Town of Petrolia Municipal Office and in the Cemetery Office, both shall be available for inspection at all reasonable hours;
6. The Corporation distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage cause by the elements, any acts of god, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.
7. The Corporation shall take reasonable precautions to protect the property of Interment Rights Holders but they assume no liability or responsibility for the loss of, damage to, or any resulting injury from any article of any type that is placed on any lot or plot. The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any lot, plot, columbarium niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of the cemetery.

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8. The cemetery shall be governed by these by-laws, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically.

All by-law amendments must be:

- a) Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) Conspicuously posted on a sign at the entrance of the cemetery; and
- c) Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

Section D:

Sale and Transfer of Interment Rights, Rights to Succession

1. Resale of interment, a rights holder may choose to resell unused rights on the open market. The cemetery retains first right to refusal to repurchase the rights at current market value, less any contributions that were made to the Care and Maintenance Fund (perpetual care).
 - a) The Interment Rights Holder(s) who intends to sell their rights shall provide the following documents to the cemetery manager so that the manager can be satisfied with the authority and identify of the seller, confirm the ownership of the rights and provide the third-party purchaser with the required certificate etc.:
 - i. An interment or scattering rights certificate endorsed by the current rights holder.
 - ii. a written statement of the number of lots that have been used in the plot and the number of lots that remain available.
 - iii. Any other documentation in the interment rights holder(s) possession relating to the rights.
 - b) The third-party purchaser will be provided with the following documents by the cemetery manager:
 - i. An interment rights certificate endorsed by the current rights holder.
 - ii. A copy of the cemetery's current by-laws.
 - iii. A copy of the cemetery's current price list.
 - iv. a written statement supplied by the current interment rights holder of the number of lots that have been used in the plot and the number of lots that remain available.
 - v. Any other documentation in the interment rights holder(s) possession relating to the rights.
 - c) The cemetery manager will require:
 - i. Require a statement signed by the rights Holder(s) selling the interment rights acknowledging the sale of the interment rights to the third-party purchaser.
 - ii. Require confirmation that the person selling the interment rights is the person registered on the cemetery records and that they have the right to re-sell the Interment rights.
 - iii. Record the date of transfer of the interment rights to the third party.
 - iv. The name and address of the third-party purchaser(s).
 - d) Once the endorsed certificate and all required authorization and information has been received by the cemetery manager from the rights holder(s), the cemetery manager will issue a new interment rights certificate to the third-party purchaser.
 - e) Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third-party purchaser or transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with the cemetery by-laws and the FBCSA.
 - f) The cemetery operator does not prohibit the resale of an interment rights and reserved first right to refusal to repurchase the interment rights from the rights holder(s) if the cemetery manager so desires and may negotiate a purchase price so long as the seller acknowledges being aware of the cemetery current price list and original purchase price amounts for interment rights.
2. No person shall sell interment rights without advance permission of the Cemetery Manager. Once approval has been provided, the rights holder must advise the Cemetery Manager in

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writing that they relinquish their rights in entirety to the named purchaser. Rights holders return the original interment rights certificate to the Cemetery Manager.

3. Interment rights in lots and plots may be purchased from the Corporation at the rates filed with the Ministry and according to the plans approved by the Bereavement Authority of Ontario. Plans are on file in the office of the Municipal Clerk.
The complete purchase price for a lot(s) includes 1. The lot expense 2. The applicable portion for deposit to the Care and Maintenance Fund and 3. Any applicable taxes.

Fees are as specified in the Town of Petrolia Fee Schedule.

4. Payments for Interment Rights shall be made at the Municipal Office, 411 Greenfield Street, Petrolia.
5. The Corporation shall provide each Rights Holder at the time of sale with;
 - a copy of the contract
 - a copy of the cemetery by-laws
 - upon payment in full, a Certificate of Interment Rights
 - price list and Consumer Information Guide (or electronic version)
6. Purchasers of Interment Rights acquire only the right and privilege of burial of the dead and of constructing monuments or placing markers, subject to the Cemetery By-Laws from time to time in force and approved by the Bereavement Authority of Ontario.
7. To ensure the correctness of records of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Corporation until notice is given in writing to the Clerk of the Corporation specifying the name and address of the proposed transferee and date of transfer, and such particulars have been entered in a register for that purpose.
Upon receipt of such notice, and payment of a fee, the transfer shall be made.
8. In cases of transmission of ownership by will or bequest of interment rights, the Corporation reserves the right to require the production of a notarized copy of the will or other evidence sufficient to prove ownership.
9. An interment rights holder may request within thirty (30) days after original rights purchase, by written demand, to the Cemetery, re-purchase of any lot that has not been occupied. The Cemetery shall within thirty (30) days from the date that the request was received, process the return.
10. The repurchase price of the interment rights, shall be the amount paid by the purchaser for the rights less the amount paid by the cemetery owner to the Care and Maintenance Fund. This also applies to all purchases or contracts that were made before *The Funeral, Burial & Cremation Services Act* S.O. 2002 came into being. Repurchase price less C & M Fund contribution only applies to contracts after the 30 day cooling off period. If a rights holder wishes to cancel a contract within the 30 day cooling off period they are to be refunded all money paid within 30 days of receipt of the notice of cancellation.
11. NO REFUND will be made for any lot if any interment rights have been exercised.
12. Any person who's Interment Rights has been resold after being declared abandoned may apply to the Registrar for compensation. Upon receiving an application for compensation, the Registrar shall review the request, and where applicable advise the Corporation of additional action.
13. Descendants of interment right holders may apply to the Cemetery Manager and request Rights to Succession be granted for interment purposes.
 - a) The Corporation will complete the appropriate form "Letter of Permission Rights to Succession for interment or reservation", through genealogical information provided by the applicant to the Corporation, it is the applicants responsibility to ensure all descendants are circulated the form for signature. Once completed the original form with all signatures required is to be returned to the Clerk's Office. To be deemed complete for consideration, the returned document with original signatures must include the Statutory declaration portion completed by a solicitor or their designate
 - b) Rights to Succession are to be requested only for decedents choosing to be interred at Hillsdale Cemetery.
 - c) As genealogical verification can be difficult, the Corporation will only complete rights to succession requests when 3 or less generations of family require verification or through receipt of a legal document acknowledging the right to claim otherwise.
14. The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

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Section E: **Interments and Disinterment's**

1. In any single grave:
 - a) Not more than one (1) traditional burial, plus two (2) cremated remains shall be permitted; or
 - b) Up to four (4) Cremated remains shall be permitted; or
 - c) One (1) burial, plus a 60.96 X 30.48 cm (24" X 12") infant container at foot;
2. Remains to be buried in a grave must be enclosed in a container and sealed securely. Use of a vault is preferred.
3. A vault must be of a size to permit burial within the size of the lot. If an oversized vault is required, as second or new grave will need to be occupied or purchased.
4. The vault, must arrive at the cemetery a minimum of two (2) hours before the time set for interment arranged by the funeral home. Such vault may only be constructed of concrete.
5. All interments must be authorized in writing by the Interment Rights Holder except the interment of the interment rights holder.
6. An employee of the Corporation shall attend each interment.
7. A burial permit issued by the Division Registrar, showing that the death has been registered must be deposited with an official of the Corporation before interment can take place.
8. An original cremation certificate issued by the Crematorium, showing that the death has been registered must be deposited with an official of the Corporation before inurnment can take place.
9. The fee for the opening and closing of the grave/niche in accordance to the Town of Petrolia fee schedule, must be paid to the Corporation before interment or inurnment can take place.
10. In the case of a cremation interment or inurnment, the original cremation certificate and the prescribed fee for this service according to the Town of Petrolia Fee Schedule must be deposited with an official of the Corporation.
11. Persons ordering the opening/closing of a grave or niche for interments or inurnments shall be responsible for payment of the expense as defined in the Town of Petrolia fee schedule.
12. When interment rights in a lot/plot are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the plot as may be requested.
13. No grave or niche shall be opened for interment or disinterment by any person not in the employ of, or under the direction of the Corporation, except under special circumstances, and with previous permission of the Corporation.
14. The interment fee includes the opening and closing of a grave or niche, this fee does not include registration of burial. Burial Registration fees are payable separately at the Municipal Office.
15. No person shall remove human remains, except cremated remains, from a cemetery unless a certificate of a Medical Officer of Health or the Corporation confirming that *The Funeral, Burial & Cremation Services Act* S.O. 2002 and the regulations have been compiled with is affixed to the container. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to *The Funeral, Burial & Cremation Services Act* S.O. 2002 and regulations.
16. The Corporation will exercise all due care when conducting interments, but is not responsible for damage to any casket, urn or other container sustained during interment, inurnment or disinterment.
17. No interment shall be permitted in any lot where the interment right(s) have not been paid in full.
18. Funeral procession within the cemetery shall follow the route indicated by the Clerk.
19.
 - a) The Corporation reserves the right, at its cost, to correct any error that may be made by the Corporation in making interments, in the description of the lot, or the transfer or conveyance of any Interment Rights.
 - b) The Corporation may either cancel such grant and substitute other Interment Rights, or lot of equal value and similar locations, as far as is reasonably possible; or refund all money paid on account for such purchase.
 - c) Notice will be given personally to the rights holders. If necessary, it may be mailed to the rights holders or their legal representatives, at their last appearing address in the record books of the Corporation.
 - d) In the event any such error may involve the disinterment of remains the Corporation shall first obtain the approval of any regulatory authority and the Interment Rights Holder.
20. The Corporation shall not be held responsible for any errors made for any funeral arrangement made over the phone. These arrangement should be made in writing.

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21. Notice of each interment, shall be made with the Municipal Clerk least 48 hours in advance, 12 hours which must be regular working hours. The Corporation cannot be held responsible for having lots prepared for funerals unless such notice is given.
22. The Corporation will not do any Sunday interments unless ordered to do so by a representative of the Ministry of Health or for religious purposes
23. Additional fees are charged for:
 - Sunday interments subject to conditions
 - Statutory Holiday interments
 - Funerals requiring cemetery staff to remain onsite after three (3) o'clock in the afternoon to complete closing, in increments of 30 minute periods.
24. Above Ground Set up:
 - a) in the event of inclement weather or to ensure the health and safety of all involved, at the discretion of the Cemetery Manager and above ground set up may be requested when making open/close arrangements.
 - b) Should an above ground set up be preferred by the family or funeral home, notice of this request is to be provided when making open/close arrangements.
 - c) It is the responsibility of the funeral director to advise in advance Ron Canton Ltd. of the above ground set up.
25. In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s) as per *FBCSA*, Section 102.1.
26. Pets or other animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

Section F: **Care of Lots – General**

1. All lots and graves shall be maintained and kept properly graded, seeded and mown by employees of the Corporation.
2. No person shall do any work within the Cemetery without the permission of the Cemetery Manager.
3. No person shall install sod without the permission of the Cemetery Manager.
4. Rubbish shall not be thrown out on roads, walks or any part of the grounds. Throughout the cemetery receptacles are provided at convenient points for such disposal.
5. No Interment Rights Holder shall change the grading of a lot. Should any such change be completed, the Corporation may restore the lot to its original grade at the expense of the Interment Rights Holder.
6. No unauthorized person shall move corner posts or lot markers.
7. Solar Lights will be permitted from November 1st to April 1st each year. Any solar lights remaining after April 1st shall be removed by the Public Works Department without further notice to the interment right holder.

NON PERMITTED ITEMS:

8. Trees, shrubs, bushes, etc. may not be planted on lots.
9. If any existing trees, shrubs, bushes etc. located on any lot become detrimental to the adjacent lots, drains, roads or walkways or the general appearance of the grounds or inconvenient to the public. The Corporation shall remove such trees, shrubs, bushes etc. or parts thereof.
10. NO GLASS CONTAINERS of any kind in any area of the cemetery.
11. Nails, wires, wooden crosses, articles made of glass, pottery or any other material that create a hazard to workers and to visitors when neglected or broken.
12. Borders, fences, railings, walls, cut-stone coping and hedges in or around lots.
13. Trellises, arches or iron rods of any kind including bishop hooks for hanging baskets.
14. Home made or hand constructed decorative markers. I.e: metal signage, bird house, etc..
15. The Corporation shall not be responsible for loss or damage to any articles left upon any lot or plot.
16. Items not permitted in the cemetery and will be removed, and held for thirty (30) days at the cemetery office for collection. Items not collected within thirty (30) days will be discarded.

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Section G: **Care of Lots – flowers**

1. The Corporation reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly.
2. Artificial flowers are permitted, provided they are properly maintained and affixed to not become detrimental to the general maintenance of the cemetery.
3. Vases, urns and flower stands not properly cared for or that become damaged shall be removed from the lot by the Cemetery.
Any stand, holder, vase or other receptacle for flowers deemed unsightly or unsuitable shall be removed, and held for thirty (30) days at the cemetery office for collection. Items not collected within thirty (30) days will be discarded.
4. Potted plants shall not be buried but must be placed on top of the ground as close to the monument base as practical.
5. Artificial wreaths or monument saddles without glass or plastic covers are allowed to be placed, provided they are securely fastened to the monument, or where there is no monument, mounted on a stand of at least 76.20 cm (30 inches) high and securely anchored to the ground.
6. CEMETERY CLEAN UP DATES: To preserve the proper appearance of the Cemetery, a clean up will take place twice per year.
 - a) during the 1st week of May prior to Mother's Day; and
 - b) the 1st week of November prior to Remembrance Day

All wreaths, saddles, flowers, etc. placed at the grave are to be removed before these dates to facilitate the clean up.

Any wreaths, saddles, flowers, etc.... that are not weathered or worn will not be removed. The Cemetery Manager retains final discretion on what is determined as weathered or worn.

Removed items will be held for thirty (30) days at the cemetery office for collection. Items not collected within thirty (30) days will be discarded. The Corporation shall not be responsible for loss or damage to any removed items.

Section H: **Monuments and Markers – General Information**

1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full. All foundations for monuments and markers shall be built by, or contracted to be built for, the cemetery operator at the expense of the interment rights holder.
2. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Cemetery Manager.
3. No inscription shall be placed on a monument which is not in keeping with the dignity and decorum of the cemetery, the Cemetery Manager shall receive advance notice of inscription. The cemetery manager reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery.
4. Candle holders and vases may not constitute part of a monument.
5. If a monument requires a cement pad foundation to be constructed, a request for construction of the cement pad must be received fourteen (14) business days in advance of the desired installation date. Subject to a fee.
6. No monument, marker or tablet will be installed by the cemetery without prior notification being received through an Installation request form, completed in full and returned to the Clerks Office 48 business hours in advance of delivery.
The request for installation form contains the following information.

- The Interment Rights owners name & address
- Instructions for placement of the marker or monument
- The dimensions in the case of a flat marker
- In the case of a monument:
 - The dimensions of the die, height, width, length
 - The dimensions of the base, height, width, length
 - The overall size of the monument
 - A description of the monument; colour and design

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- The appropriate amount for the Care & Maintenance Fund in relation to the size of the marker/monument as set out in *The Funeral, Burial & Cremation Services Act S.O. 2002*, must accompany the monument.
7. If a monument, marker or tablet is delivered to the cemetery without prior notification, the cemetery is not responsible for any damages, theft or vandalism that may occur. The Municipality will not be responsible to compensate for any expenses incurred by damage, theft or vandalism in this situation.
 8. Every person installing a monument or marker in the cemetery shall pay:
 - a) All expenses incurred with installation will be established through the Town of Petrolia fee schedule.
 - b) the prescribed amount, as set out in *The Funeral, Burial & Cremation Services Act S.O. 2002*, for Care and Maintenance, of which the interest earned from this fund will be used to maintain the markers or monuments in a safe condition.
 9. If a monument or marker in a cemetery presents a risk to public safety because it is unstable, the Corporation shall do whatever is necessary by way of repairing, resetting, or laying down the marker to remove the risk.
 10. The cemetery operator will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof. Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.
 11. The cemetery manager reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be of a size that would interfere with any future interments.

Section I: **Monuments and Markers**

Monuments

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Corporation to be normal wear.
3. The Corporation will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss of, or damage to, any monument, or part thereof. The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any lot, plot, columbarium niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of the cemetery.
4. The Corporation reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be a size that it would interfere with any further interments.
5. A double/triple lot is allowed one upright monument unless designated Flat Markers only, and only 2 footstones or 2 corner posts are allowed. Due to the work involved to keep these level, we must restrict the quantity allowed on a lot.
6. A single lot is allowed one upright monument unless designated Flat Markers only, and only 1 footstone. Due to the work involved to keep these level, we must restrict the quantity allowed on a lot.
7. Monuments can only be erected on lots designated for monuments and not in any area designated for "Flat Markers Only".
8. In Section "C" the following lots are designated as single grave lots: C10, E10, F10, J10, K10, L10. One grave only shall be sold to one person.
9. In Section "C" Lots 12 and 13 in Row "A" shall be reserved for the burial of cremated remains only, once these areas reach capacity, the Columbarium Section "D" is available for cremated remains.
10. Monument bases shall conform to the following:
 - a) The minimum base width of any monument is 60.96 cm (2 feet)
 - b) The maximum base width of any monument shall be:
 - i. Single Lot 91.44 cm (36 inches)
 - ii. Double lot 137.16 cm (54 inches)
 - iii. Triple lot 193.04cm (76 inches)

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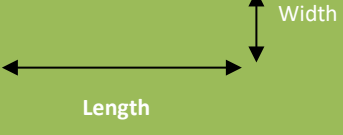






11. The maximum width of a base is controlled by the width of the plot or lot where it will be installed. No base shall be closer than 5.08cm (2 inches) to the lot width side lines on which it is to be installed.
12. Monuments must be placed at the center of the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Cemetery Manager before a monument is set.
13. All bases of monuments must be level on the bottom and the stonework next to the foundation shall have the surface squared so as to allow full bearing upon the foundation, and no building up or underpinning with chips, etc. will be permitted. Any work not up to these requirements will not be allowed to be set until made satisfactory.
14. No book or pillow markers shall be allowed in the cemetery.
15. Adornments for artistic, expression or aesthetic enhancement, vases, statuary, or portraits
 - a) must be etched or engraved into the tablet or base; or
 - b) must be constructed of granite, bronze or aluminum and must be permanently affixed to the tablet or base.
16. All photographs attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the interment rights holder.
17. All foundations from monuments and markers shall be built by, or contracted to be built for, the Corporation at the expense of the Interment Rights Holder.
18. The charges for the construction of foundations are set forth in the Town of Petrolia Fee Schedule.
19. No foundations may be poured or constructed after October 31st in any year and before May 1st in the following year.
20. The Cemetery shall be responsible to pour and construct all foundation bases, to be built in the designated space and in the proper dimensions of the monument base provided by the monument company. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and rebuilt by the Corporation at the expense of the Interment Rights Holder.
 - a) The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
 - b) Foundations must be cured for a minimum of 48 hours before placing the monument.
 - c) Contractors shall be under the supervision of the Corporation.
 - d) No concrete shall be placed until a representative of the Corporation has approved the grades and all loose material is removed from the grade.
 - e) The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs.
 - f) No concrete shall be placed to overlap concrete that is partially set.
 - g) Defective areas must be repaired to the approval of the Director of Operations. The finished concrete shall be protected from wind, rain, or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 1.27cm (1/2 inch).
21. All monuments shall be constructed of bronze, granite or marble. The bottom bed of all bases and markers shall be cut level and true.

Markers

1. The Rights Holder may on the receipt of his Rights Certificate, at his own expense have an official of the Corporation place bronze, stone or concrete land marks 12.70cm (5 inches) square and not less than 15.24cm (6 inches) deep, dressed on all sides and bearing the lot and section number legibly and permanently marked thereon, at the corners of the lot or lots conveyed to him, such posts to be planted flush with the ground.
2. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months.
3. Markers or Footstones of bronze, marble or granite are permitted with size and quantity restrictions according to the section of the cemetery and the regulations as per the size of lot in that section. Its placement must not interfere with future interments.
4. In Section "C"
 - Single grave maximum 35.56cm x 60.96cm 14" x 24"
 - Double grave maximum 35.56cm x 101.60cm 14" x 40"
5. Cremation Section "C" Lots 12 and 13 Row "A"
 - Single Cremation lot maximum 20.50cm x 42.60cm 8" x 16"
 - Double Cremation lot maximum 25.40cm x 60.96cm 10" x 24"

Hillsdale Cemetery

6. One foot marker may be placed at each grave in addition to the marker. The marker shall be placed at the end of the grave farthest from the monument and shall not exceed (6" x 14").
7. The minimum thickness for all flat markers including footstones is 10cm (4 inches).
8. All markers shall be constructed of bronze, granite or marble. The bottom bed of all bases and markers shall be cut level and true.

Type		Single Grave	Double Grave	Triple Grave
FLAT		Length: 24" Width: 14" Height: 4"	Length: 40" Width: 14" Height: 4"	N/A
BEVEL		Length: 24" Width: 14" Height: 8"	Length: 40" Width: 14" Height: 8"	N/A
CREMATION		Length: 16" Width: 8" Height: 4"	Length: 24" Width: 10" Height: 4"	N/A
FOOT		Length: 14" Width: 6" Height: 4"	N/A	N/A
NICHE		12" x 12" (columbarium tablet)	N/A	N/A
UPRIGHT (minimum base is 24")		Length: 36" Height: up to 42"	Length: 54" Height: up to 42"	Length: 76" Height: up to 42"

Hillsdale Cemetery

Section J:

Rules for Monument Dealers, Contractors and Workers

1. No monument or marker shall be delivered to the cemetery without advance receipt of the proper paperwork. *See Section H, # 6 of this by-law.*
2. No monument or marker shall be accepted for installation at the Cemetery from November 1st to May 1st.
3. Monument dealers must state on each order the date they wish foundations ready and must give at least fourteen (14) business days notice before the work is required.
4. No monument or marker will be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.
5. No monument or marker will be removed without written permission from the Manager.
6. All companies who do work in the Hillsdale Cemetery, shall have Worker's Compensation coverage for their workers as well as sufficient liability insurance.
7. Contractors, masons and stone-cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury.
8. There shall not be a variance of more than 1.27cm (1/2 inches) in the size of the base required as stated on the work order and the size of the monument delivered.
9. The demeanor and behaviour of all workers employed by others in the cemetery, shall be subject to the control of the Director of Operations.
10. Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
11. All work must be done during regular cemetery hours, unless by special permission of the Cemetery Manager.
12. No work shall be commenced on Saturday that cannot be finished, and the litter and debris removed, by the hour of noon of that day.
13. Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
14. No monument dealer shall park on the grass unless otherwise directed to do so by the Director of Operations.
15. All implements and materials used in the performance of any work shall be placed where the Director of Operations may direct, and all rubbish and surplus earth shall be removed when, and to where, and in such manner as the Director of Operations may order. Otherwise the obstructions will be removed, and the expense charged to the monument dealer.
16. If a monument company desires to set a flat marker they must make written arrangements as to time of installation with the Clerks Department as all work must be supervised by an employee of the Corporation.
17. The regulation herein, providing for the extension of the foundation four inches on every side of the base of the monument shall not apply to foundations for monuments erected on those half-lots immediately west of the road running from the centre gate of the Cemetery and east of Lots numbered 584 to 608 inclusive.
18. The said extension of four inches may be extended only 18 inches below the surface of the ground.

Section K:

Mausoleum Regulations

1. Proper certificates of death and burial permits must accompany all bodies before entombment takes place in the mausoleum.

Section L:

Rules for Visitors

1. Visitors are always welcome at the cemetery daily, from 8:00 a.m. until 8:00 p.m. Visitors are asked to be respectful, as this is a final resting place.
2. Employees of the Corporation are empowered and are required to preserve order and decorum in the cemetery.

Hillsdale Cemetery

3. No parades other than funeral processions shall be admitted to or be organized within the cemetery.
4. Children under the age of twelve years are welcome in the Cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and shall see that they do not run over the lots or climb upon the monuments.
5. Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave the avenues or park on the grass unless directed to do so by the Cemetery Manager. Speed Limit while visiting the cemetery is maximum set speed 15 km/hr.
6. No pleasure ATV's (all-terrain vehicles) or snowmobiles are allowed in the cemetery.
7. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
8. Discharge of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.
9. Dogs are welcome at the Cemetery and are to be leashed at all times. Owners are responsible to clean up after their pet.
10. Any person who, in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a cemetery is liable to the Corporation and any Interment Rights Holder who, as a result incurs damage. The amount of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable.
11. Any complaints by Interment Rights Holders or visitors should be made to the Clerk, and not to workers on the grounds and controversies with workers or others on the grounds are to be avoided.
12. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc.
13. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these by-laws, will be expelled from the grounds.
14. Any article which is detrimental of efficient maintenance or constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform with the natural beauty or design of the cemetery, shall be removed by the cemetery. When able, notice of the removal will be given to the Rights Holders, at their last appearing address in the record books of the Cemetery. An article removed will be held at the cemetery for collection. If not collected, it will be disposed of after one month.
15. Any Rights Holder has the right to appeal the decision of the Clerk/Operations Clerk, with respect to his/her decisions regarding the previous clauses of this By-Law, to the Council of the Town of Petrolia whose decision shall be binding and final.

Section M: **Columbarium Garden "Section D"**

1. Payment must be made to the cemetery operator before an inurnment may take place.
2. Only the cemetery operator may open and seal niches for interments. This applies to the inside sealer and the niche front.
3. To ensure quality control, desired uniformity and standard of workmanship; the cemetery reserves the right to depict all niche fronts, and as such the inscriptions shall be set out as follows:
 - a) Inscription and personalization of a niche tablet is at the right holders request and expense (payable to the monument company direct);
 - b) All inscription and personalization of a niche tablet is to be established through an etching machine;
 - c) All inscription and personalization of a niche tablet shall be chosen with dignity and decorum of the cemetery. The cemetery reserves the right to final decision.
 - d) All inscription and personalization of a niche tablet will be in accordance with either Layout Option # 1 or Layout Option # 2 as represented in schedule "A" of this by-law
 - e) Only the niche tablet provided can be used for inscription and personalization – no substitution of niche fronts or materials will be permitted;
4. No person other than cemetery staff shall remove or alter niche fronts.
 - a) All niche tablets will be removed or returned by providing 48 hours notice to the cemetery;
 - b) Cemetery staff to be present when niche tablets are removed and also when niche tablet is returned ;

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- c) Removal and returns of niche tablets are at the responsibility of the monument company;
5. Vases, adornments, and other attachments are prohibited and will be removed
 6. Re-Sale, Transfer or Rights to Succession for Niches shall follow the same procedure as set out for ground interment rights
 7. One Niche may contain two ashes providing the two containers fit into the Niche which is 11.5" X 12" X 15" deep.
 8. Niche tablet is subject to setting fee, Care & Maintenance is not applicable

Hillsdale Cemetery
Columbarium Monument Tablet
Layout Options
Tablet size is 12" x 12"

Option
1

Line 1: SURNAME (1 inch size lettering)

Line 2: Given Name(s)

Line 3: dates of significance

Line 4: dates of significance

Image

Verse

(Chosen with dignity and decorum of the cemetery)

Setting of image and verse are interchangeable within placement of this area of tablet

Option
2

Line 1: SURNAME (1 inch size lettering)

Image

(Chosen with dignity and decorum of the cemetery)

Line 2: Given Name(s)

Line 3: dates of significance

Line 4: dates of significance

Line 5: Given Name(s)

Line 6: dates of significance

Line 7: dates of significance

Verse

(Chosen with dignity and decorum of the cemetery)