



# Monsignor Pierre Grenier Cemetery & Riverside Cemetery

## **RULES AND REGULATIONS**

### **A – SALE AND TRANSFER OF PLOTS**

#### **1. Sale of Interment Rights**

Interment rights shall be purchased at Hearst Town Hall, 925 Alexandra Street, Hearst, Ontario, or from Salon Funéraire Lafrance Funeral Home Inc. acting as agent of the Municipality, by methods of cash payment at the rates approved from time to time by resolution or by-law duly passed by Council and as applicable, in keeping with the financial plans approved by the Ministry Government and Consumer Services and on file in the Office of the Clerk of the Town of Hearst.

No more than one (1) adult in-ground interment may be made in the same lot except in the case of cremated remains, or remains of a child one (1) year old or less. Four (4) additional interment rights may be purchased for cremated remains in an existing single lot. One (1) interment only for cremated remains will be permitted in a cremation lot.

An interment rights holder may elect to designate a single lot solely for the interment of cremated remains. In the event of such designation, a maximum of six (6) interment rights for cremated remains may be purchased. The designation shall be irrevocable immediately upon the interment of the first cremated remain and thenceforth, the interment of a casket shall be prohibited.

Family columbaria for will be permitted on lots in municipal cemeteries, provided they are in compliance with the rules and regulations herein.

Lots without proof of burials in the old sections of the Mgr Pierre Grenier Cemetery and the Riverside Cemetery may be sold for the purpose of burials of urns only to a bottom depth of excavation not exceeding three (3) feet). In the event evidence of a past burial is produced, the sale of the interment rights will be cancelled and an alternate lot will be offered.

#### **2. Care and Maintenance Fund**

Fees for care and maintenance, which include maintenance of the grounds, are included in the total purchase price of interment rights. The care and maintenance fee is compulsory as established in accordance with the Funeral Burial & Cremation Services Act, 2002, S.O. 2002, c. 33.

#### **3. Certificate of Interment Rights**

Each Interment Rights Holder within the cemetery shall receive a Certificate of Interment Rights, but only when all indebtedness and all charges have been paid off. This Certificate shall specify, as a minimum, the eventual burial identification, the interment rights holder, the size of the lot, the lot description, the name of the cemetery, the date of issue, the charges paid and the agents of the Municipality approving the interment rights.

#### **4. Transfer of Interment Rights**

The transfer of ownership of Interment Rights shall be allowed subject to approval of the Municipality, at its sole discretion, and shall only be binding once notice in writing has been given to the Municipality specifying the name, address and other pertinent information of the proposed transferee along with the original Certificate of Interment Rights. Upon satisfactory compliance with said requirements and surrender of the original Certificate, a new Certificate of Interment Rights will be issued to the Transferee.

#### **5. Resale and Cancellation of Interment Rights (after 30-day cooling off period)**

- **Prohibition of resale of Interment Rights to Third Party:**  
The resale of interment rights to a third party is strictly prohibited.
  
- **30-day Cooling Off Period:**  
A Rights Holder has the right to cancel an interment rights contract within thirty (30) days of signing said contract by serving a written notice of a request for cancellation to the Municipality. The Municipality will refund all monies paid by the purchaser within thirty (30) days from the date of the request.
  
- **Resale to Municipality:**  
Upon receiving written notice from the Rights Holder making a request to resale an Interment Right to the Municipality, and the surrender the Interment Rights Certificate, the Municipality will cancel the Certificate and repurchase the interment rights at the market value at the time the request is made, less the Care and Maintenance Fund contribution that was part of the price at the time of purchase and also, less an administration fee listed on the cemetery price list. The refund will be made within thirty (30) days of receiving said notice.

## **B - INTERMENTS AND DISINTERMENTS**

### **1. Responsibility for Interments and Disinterments**

The Municipality is responsible for all interments and disinterment in its cemeteries. No other individual, company or organization may perform an interment or disinterment in the cemeteries unless specifically authorized by and registered with the Municipality.

### **2. Authorization**

Authorization from an Interment Rights Holder must be given to the Municipality before an interment can take place. In the event a Rights Holder is deceased or is incapacitated, the person legally authorized to act on his or her behalf is required.

### **3. Burial Permit**

A Burial Permit issued by the Division Registrar or a document deemed to be of equivalent validity giving proof of death and due registration or a Cremation Certificate is required to be deposited with the Municipality before an interment or entombment may take place.

### **4. Burial Location**

No interments shall be made in common ground. The Municipality, its employees or a contractor for the Municipality assumes no responsibility for errors resulting from invalid or lack of adequate or sufficient information.

**5. Grave Openings**

No grave shall be opened for interment or disinterment, nor for the placement of cremated remains, by any person not in the employ of the Municipality whether in the capacity of employee or contractor, except under special circumstances, which shall be validated by written permission of the Municipality or by Order of the Court.

**6. Double Depth**

Double depth burials will not be permitted unless authorized in writing by the Municipality.

**7. Interment Fee**

The interment fee includes the opening and closing of the grave only. The removal of trees, the moving of monuments or other work of a non-routine nature, as may be required, shall be at the expense of the Interment Rights Holder to the extent of incremental costs only. Any such work must be approved in writing in advance by the Municipality.

**8. Saturday Interments**

Interments and entombment of cremated remains held on Saturdays and on authorized holidays are subject to extra charges as specified in the Price List.

**9. Holiday and Sunday Interments**

Interments and entombment of cremated remains will not be held on the following days, with the exception of contagion or epidemic: Sunday, New Year's Day, Good Friday and Christmas Day.

**10. Domestic Pets and Other Animals**

It is prohibited to inter domestic pets as well as any other species of animal, including cremated remains, in any way or means within the property of municipal cemeteries.

**11. Disinterment**

Human remains may be disinterred from a lot provided the consent of the Interment Rights Holder or if deceased or legally incapacitated, of his officially designated representative, has been received by the Municipality and that prior notification has been given to the Medical Officer of Health by the Town.

A certificate from the Medical Officer of Health is required to remove remains from the cemetery. The certificate of the Medical Officer of Health confirming that the Funeral, Burial and Cremation Services Act and Regulations have been complied with shall be affixed to the casket before its removal from the cemetery.

The filing of a notice to or a certificate from the Medical Officer of Health is not required to disinter or remove cremated remains.

In exceptional circumstances sanctioned by a Provincial or Federal Court order, the removal of human remains by authorized public officials without the consent of the Interment Rights Holder or his/her designated representative, may be authorized by the Municipality.

## **12. Winter Interments**

The winter season is hereby defined to commence on November 15 of one year and to end on Victoria Day in the month of May of the following year, weather permitting. Winter interments will be allowed under the following conditions:

- a) The person, persons or entities responsible for the interment shall engage to pay for all incremental costs caused by the conditions and requirements of winter interments in addition to the fees and charges normally imposed;
- b) The interment shall be in a lot in a section of the cemetery that can accommodate the necessary snow clearing for access to the plot and the excavation without the risk of damages to adjoining lots, monuments, markers and other structures in the cemetery;
- c) The equipment to perform all necessary work is available to the Town and its contractors and the excavation under frozen conditions can be performed without damage or disturbance to adjacent underground caskets.

## **13. Surplus Material**

Surplus soil from grave openings will be removed without charge to the rights holder.

## **C – CHARNEL HOUSE**

### **1. Entombments**

Temporary entombments will be allowed in the charnel house but shall not extend for more than 48 hours except during the winter season.

### **2. Deceased with Contagious Disease**

Persons deceased from a contagious disease will not be placed in the charnel house but must be interred upon arrival at the cemetery and shall not be disinterred, except as provided for in the Act.

### **3. Removal**

All bodies must be removed from the charnel house by the 15th day of June in each year.

### **4. Opening Caskets**

The opening of caskets after being deposited in the charnel house is strictly prohibited, except by Provincial or Federal Court Order or by authorization of the Interment Rights Holder.

## **D - VISITORS**

### **1. Visiting Hours**

Visitors are welcome at municipal cemeteries from 7:30 a.m. until sundown. Visitors will maintain at all times a peaceful and respectful conduct within the property of the cemeteries and at entrances and access points including municipal roadways. Strict obedience to rules and regulations adopted by Council and as revised from time to time will be imposed and refusal to abide shall constitute a valid reason for eviction and to be subject to notice of trespassing.

### **2. Pets**

Dogs and other domestic pets are not allowed to run at large in the cemeteries.

**3. Children**

Children under the age of 12 years are not permitted in municipal cemeteries unless accompanied by an adult who shall be responsible for their conduct.

**4. Firearms**

No person with firearms will be permitted in the cemeteries.

**5. Vehicles**

Motorized vehicles are allowed on internal laneways of municipal cemeteries solely for the purpose visiting a grave, of maintenance and repairs, or for transporting a casket, tombstone and associated material. Persons with mobility restrictions may have access by motorized vehicles travelling on internal laneways.

**E - CARE OF LOTS**

1. The general maintenance of the cemeteries is the responsibility of the Municipality.
2. No planting, seeding or other landscaping in the cemeteries may be undertaken by any person other than those in the employ or under contract with the Municipality, except if authorized in writing by an authorized official of the Municipality.
3. The erection of fences, railings, walls or hedges is prohibited.
4. All vases, urns and flower stands will only be placed on monuments or their foundation in a manner that will not impede in any way with maintenance activities.
5. All vases, urns or other receptacles for flowers, which are unsightly or placed in a manner not in adherence to regulations herein, will be removed.
6. Floral tributes are permitted if placed on a grave at the time of a funeral and if removed as soon as they become unsightly.
7. The grading of a lot can only be changed by the Municipality or its authorized agent and in the case of any unauthorized change, the Municipality may restore the lot to its original grade at the expense of the Interment Rights Holder.
8. No person other than those under the employ or under contract with the Municipality shall make any wall, cut any sod or move corner posts or grave markers in the cemeteries.
9. The Municipality will not be liable for any loss or damage, including damages arising from the elements, Acts of God or vandalism, to any lot, columbarium niche, marker or other object that has been placed on a lot save and except for direct loss or damage caused by gross negligence of the Town of Hearst and its employees and agents.

## F - COLUMBARIA

1. Only municipal staff may open and seal niches for entombment. This applies to the inside sealer and the niche front.
2. A maximum of two (2) urns can be entombed in a niche.
3. The niche doors and the surrounding pathways and landscaping shall be kept in orderly appearance so as to preserve the decorum of the columbaria.
4. Engraving/Plaques:
  - a) Msgr. Pierre Grenier Cemetery columbaria: Engraving of niche doors is the responsibility of the Interment Rights Holder. In order to ensure quality control, desired uniformity and standard, niche doors may be inscribed and embellished only to the extent of:
    - i) Engraving with particulars of the deceased with the prescribed font and style, as described in Appendix A;
    - ii) Artwork mementos, whether engraving or etching;
    - iii) A permanently affixed porcelain-baked (or the equivalent) picture of the deceased in prescribed frame.
  - b) Riverside Cemetery columbarium: The Interment Rights Holder shall be responsible for providing the inscription and infographics for the niche doors in accordance with the appended prescribed design, described in Appendix B, and composition in cast molded bronze.
5. One small size ornament affixed soundly to the door of a niche of a columbarium in municipal cemeteries is permitted, provided:
  - a) there is neither encroachment, nor any encumbrance on adjoining niche doors, and
  - b) the ornament is securely affixed and there is free space all along the contour of the door.
6. Snow removal and interments at municipal columbaria shall not be authorized during the winter season starting on November 15<sup>th</sup> and ending on Victoria Day, except at times during said period when weather conditions are deemed suitable for interments, at the sole discretion of the Town.

Notwithstanding, winter entombments in a columbarium may be allowed in winter time, provided the person or entity responsible for the interment assumes responsibility to pay for all incremental costs caused by the conditions and requirements of winter interments in addition to the fees and charges normally imposed.

## **G - MONUMENTS AND MARKERS**

Immediately after a burial, the cemeteries caretaker will place a black cross inscribed with the name of the deceased. This cross will remain at the head of the lot until a monument is installed.

### **General Rules**

1. No monument or other structure shall be erected until a permit has been issued and the purchase price of the interment rights, the care and maintenance fee and other applicable charges have been paid in full.
2. All monuments shall be placed at the centre of the head end of a lot except where the alignment of existing monuments in the vicinity dictates a different alignment.
3. Any monument, structure or inscription must be in keeping with the dignity and decorum of the cemetery.
4. Upright monuments must be of standard marble or granite make. Glass monuments may be approved if deemed to be of quality weather-resistant construction. Granite, marble or bronze shall be allowed for flat markers. No artificial material nor cement, wood or limestone may be used for memorial purposes.
5. No upright monument will be permitted on a cremation plot. One flat marker in accordance with the regulations for flat markers will be allowed.
6. In the event a monument does not allow sufficient space for interments and restricts a burial, the Municipality reserves the right to move any such monument or marker as deemed necessary to complete the interment. In such cases, further charges in addition to the regular interment fee but limited to incremental costs to the Municipality, will be charged to the Rights Holder.

### **Upright Monuments and Markers:**

#### **1. Number**

- a) The number of monuments installed shall be restricted to:
  - i) one (1) on a single lot
  - ii) two (2) on a double plot;
  - iii) four (4) on a family plot.
- b) One marker with a flat and level surface set flush with the ground may be placed at each grave in addition to the monument.
- c) Corner posts are prohibited on all plots at the Riverside Cemetery and the Mgr Pierre Grenier Cemetery.

#### **2. Dimensions**

Monuments are restricted to maximum widths, excluding foundation, according to applicable lot dimensions as follows:

- i) Single lot: 41 inches
- ii) Single lot, rows 1,100 to 3,100: 22 inches provided each request is studied individually and as warranted, the dimensions will be modified at the discretion of the Municipality
- iii) Double plot: 77 inches
- iv) Family plot: 139 inches.

## **2. Height**

All upright monuments must be placed on a concrete foundation and shall not exceed thirty-six (36) inches in height. The measurement of the height shall be made from the upper surface of the foundation.

Notwithstanding, in the case of a base placed on a foundation that is designed to insert urns containing cremated remains, the overall height including both the base and the monument shall not be more than forty-four (44") inches measured from the surface of the foundation, provided the width is proportionately uniform with the height of the monument).

## **3. Foundation**

The foundation shall have a minimum setback of six (6) inches from the side and rear lot lines. The upper surface of the foundation shall extend at least three (3) inches on all sides of the monument and shall be flush with the ground. The length of a foundation shall not exceed twenty-two (22) inches.

Notwithstanding, where the other or all interments on a double lot have already been made, the maximum length shall be thirty (30) inches. In the case of family lots, the maximum length of the foundation shall be thirty-six (36) inches.

## **4. Special markers**

All persons contemplating the purchase or construction of a specially designed monument or marker are required to submit a sketch or plan to the Municipality for approval before committing to ordering said monument or marker.

## **5. Flat markers**

All markers are to be installed at the bottom end of the plot or in front of a monument and in both cases, shall be centred with the monument. In the event the interment rights holder selects to use a marker in lieu of a monument, the marker shall be installed at the centre of the head end of the lot, in alignment with existing monuments of adjacent lots. The installation of a foundation is optional for flat markers but if chosen, must be installed at the head of the lot.

# **H - MONUMENT DEALERS, CONTRACTORS AND WORKMEN**

## **1. Installation of monuments**

- i) Only an installer who has been approved and registered with the Municipality is allowed to install monuments in the Town of Hearst cemeteries.
- ii) As conditions for approval and registration, a monument installer must sign a form stating that all installations are guaranteed for a period of five (5) years and must also submit proof of public liability insurance coverage of at least two (2) million dollars and of Ontario Workplace Health and Safety coverage.
- iii) No monument may be installed until a permit has been issued and all applicable fees have been paid.
- iv) All installations are subject to inspection by the Director of Parks and Recreation or his representative. If upon inspection, it is discovered that the monument has been misplaced or is not properly aligned, that the installation does not meet the Municipality's standards or that the monument cannot resist to a 100 pound per square inch of lateral pressure applied anywhere on the monument, the installation will be denied and will have to be redone to the satisfaction of the Municipality.



- v) Installation and repairs of monuments shall be performed during working hours of the Department of Parks and Recreation, Monday to Friday and at other times, provided permitted in advance by an authorized official of the Municipality. Advance notice of at least forty-eight (48) hours must be given prior to any installation and repair of monuments save and except if special permission is given in writing by the Director of Parks and Recreation or his designate. Additional charges may apply for work performed by installers outside of the regular working hours, at the discretion of the Town.
- vi) Authorized engravers may inscribe monuments in the cemeteries in the evenings, on Saturdays and under exceptional circumstances on Sundays, provided permission is granted in advance by the Director of Parks and Recreation or his designate.

## **2. Solidification and straightening of monuments**

- i) As specified in paragraph 1 (ii) hereabove, the monument installer is responsible for the solidification and straightening of a monument for a period of five (5) years from the date of the approved installation.
- ii) After the five-year period mentioned in paragraph 2 (i) hereabove, the solidification and straightening of a monument becomes the responsibility of the Municipality.
- iii) If a monument or marker is deemed to be a risk to public safety because it is unstable, the Municipality shall do whatever is necessary to alleviate the risk by repairing, resetting or laying down the monument or marker.
- iv) During the five-year period mentioned in paragraph 2 (i), if the Director of Parks and Recreation determines there is a possibility that a monument may fall down and it is not straightened by the installer within 30 days following notice given by the Municipality, the Town may employ any remedy it deems reasonable in the circumstances, including but not limited to laying the monument on the ground or undertaking the repair at the owner's or installer's expense while notifying the owner as soon as practically possible.

## **3. Notice**

Application must be made at the Town Hall at least five (5) business days before any work is to commence with respect to the installation or repairs of a monument.

## **4. Conduct**

All workers of the installer will perform their duties in a respectful manner in strict observance to the regulations of the municipal cemeteries. The behavior of workers employed by of the municipal cemeteries shall be subject to the control of the caretaker or other representatives of the Municipality.

## **5. Performance Responsibility**

Workers shall be responsible to clean up any refuse, equipment and material and restore the work area in a condition as good as or better than before commencement of the work. Any damages to the cemetery shall be the responsibility of the installer and if not properly remedied, may be corrected by the Municipality at the expense of the installer and until such expense is paid, the installer will be suspended from entry in the cemeteries.

## **6. Funerals**

All workmen shall cease work when a funeral is in progress until such time as the service is finished and attendees vacate the cemetery.

## **7. Complaints and Inquiries**

Any complaints or inquiries by Interment Rights Holders, monument dealers or visitors should be made to the Director of Parks and Recreation or the office of the Town Clerk and not to workers or others on the grounds, and no dispute will be tolerated with workers or other officials on site.

## **I - CEMETERY PRICE LICE**

Subject to the Funeral, Burial and Cremation Services Act, 2002, and the regulations made thereunder, the Municipal Council shall adopt fees and charges to be paid by persons purchasing lots in the said cemeteries or requiring services to be performed therein. Such fees may be amended by resolution or by-law of the Council as it from time to time deems advisable subject to the approval, if required, of the Registrar appointed under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, Chapter C.33.

## **J – OFFENCE**

An individual who is convicted of an offence under this Act is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years less a day, or both, and a corporation that is convicted of an offence under this Act is liable to a fine of not more than \$250,000.

If a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to pay compensation or make restitution.