



AMENDED BY BY-LAW 87-92

THE CORPORATION OF THE CITY OF BRAMPTON

REPEALED BY BY-LAW 141-92

BY-LAW

Number 318-80

To provide for the maintenance, management, regulation and control of certain cemeteries within the City of Brampton

The Council of The Corporation of the City of Brampton ENACTS as follows:

I. DEFINITIONS

1. In this by-law,
"corner post" shall mean any stone or other marker set flush with the surface of the ground and used to indicate the corners of a lot,

"lot" includes a plot, grave, burial site, mausoleum crypt or a compartment, and a columbarium niche or compartment,

"manager" shall mean the person appointed by the Commissioner of Parks and Recreation for the City to be in charge of a cemetery,

"marker" shall mean any memorial of granite, marble or bronze set flush with the surface of the ground and used to mark the location of a grave,

"monument" shall mean any permanent memorial projecting above ground level, and

"owner" shall mean the persons or parties whose names are recorded in the register kept by the City as owning a lot.

II. ADMINISTRATION

1. This by-law shall apply to the cemeteries identified and described in Schedule A to this by-law.
2. This by-law shall be administered and enforced under the direction of the Commissioner of Parks and Recreation for the City and the Treasurer of the City.
3. All previous by-laws dealing with the general maintenance, management, regulation and control of cemeteries within the City of Brampton, including By-laws 89 and 129 of the

former Village of Brampton, and By-laws 6, 132, 199, 213, 256, 259, 453, 602, 838A, 878, 966, 2296 and 247-77, are hereby repealed.

III. MANAGEMENT OF CEMETERIES

1. (1) The day-to-day control and management of each cemetery to which this by-law applies shall be exercised by a manager appointed by the Commissioner of Parks and Recreation for the City.
- (2) All activities and use of a cemetery shall be subject to the direction and supervision of its manager.
2. (1) The cemetery services and supplies provided by the City are set out in Schedule B to this by-law.
- (2) The cost of all cemetery services and supplies provided by the City shall be in accordance with the rates set out in Schedule B to this by-law.

IV. SALE AND TRANSFER OF LOTS

1. The sale and transfer of lots shall be under the direction of the Treasurer.
2. (1) Lots may be purchased from the City by application and payment to the Treasurer.
- (2) The price of each lot in each cemetery shall be as set out in the Schedule of rates for that cemetery, as indicated in Schedule A.
- (3) A purchaser of a lot shall acquire the right and privilege to bury the dead therein and to erect or construct monuments thereon, subject to the restrictions and requirements set out in this by-law and in the applicable statutes and regulations.
- (4) The price of each lot shall include an amount for perpetual care, but does not include the cost of corner posts or the cost of setting them in place.
- (5) Corner posts may be purchased from the City at a cost to be determined by the Treasurer.
3. A purchaser of a lot shall be entitled, upon full payment of the price thereof, to a deed or certificate showing,
 - (1) the name of the purchaser,
 - (2) the location and dimensions of the lot purchased,
 - (3) the date of the purchase,
 - (4) the amount of the sale price,
 - (5) the proportion of the sale price set aside for perpetual care, and
 - (6) the name and address of the trustee.
4. (1) The Treasurer will keep a register for public inspection in which shall be entered the name and address of every owner, and every transfer of the ownership of that lot.
- (2) Every transfer of the ownership of a lot after the original sale shall be made by the owner or by the owner's legal representative giving to the Treasurer a written notice containing a description of the lot, the date of the sale and the name and address of the transferee.

- 4.(3) The charge for a transfer of ownership of a lot after the original sale shall be as set out in Schedule B.
5. Any notice required by this by-law to be given to the owners shall be sufficiently given if sent by registered mail to the address shown in the register kept by the Treasurer.

V. INTERMENTS AND DISINTERMENTS

- 1.(1) No interment shall be permitted without the written consent of the owner or of a person who satisfies the manager that he or she represents the owner.
 - (2) No interment in, or disinterment from, any lot shall be permitted unless and until all outstanding charges against that lot have been paid.
- 2.(1) An owner or the owner's legal representative or the person arranging the funeral shall pay the interment charges to the Treasurer before the interment is to take place.
 - (2) If a person is unable, for any reason, to pay the interment charges before the interment takes place, such charges shall be paid to the Treasurer no later than seven days after the date of the interment.
 - (3) If a person who regularly arranges funerals is in arrears in respect of interment charges, the Treasurer shall not accept payment in respect of further interments being arranged by that person, nor issue receipts therefor, and the Commissioner of Parks and Recreation for the City, upon being so informed, shall direct the manager of each cemetery not to permit interments arranged by such person, until all such arrears have been paid.
 - (4) The services performed by the City for the interment charge are the opening and closing of the grave, and the placing of earth cover and sodding thereon.
- 3.(1) Notice of a proposed interment shall be given to the manager at least forty-eight (48) hours before such interment is to take place, except where circumstances would not permit this to be done, and if the manager accepts the notice given.
 - (2) Before an interment can take place, there must be deposited with the manager,
 - (a) a valid burial permit, and
 - (b) a copy of a receipt from the Treasurer for payment of all interment charges.
 - (3) (a) If the person arranging the funeral has not paid the interment charges, and is thus unable to provide a copy of the receipt therefor to the manager, the manager may still permit the interment to take place, but only where the interment charges were not paid because of special or unusual circumstances, and cannot be

paid before the interment takes place.

(b) The manager shall as soon as possible thereafter inform the Treasurer that the interment was permitted without prior payment of the interment charges.

4. The manager or his representative shall attend at and supervise all interments.
5. The person arranging the funeral shall, within seven days after the time of the interment, provide a written statement to the manager and to the Treasurer, setting out the deceased's name, last place of residence, age, place of birth, place of death, date of death, the address of the deceased's nearest relatives, the date of interment, the location of the interment, and the name of the person arranging the funeral.
6. The manager of each cemetery and the Treasurer shall each keep a separate register for public inspection in which shall be entered,
 - (a) the name of every deceased person whose body is interred in the cemetery,
 - (b) the location of every dead body interred in the cemetery,
 - (c) the date of the burial of every such body, and
 - (d) the particulars of every disinterment or removal of a body.
7. No interment shall be permitted on a Sunday or other statutory holiday, except where so required by a medical certificate and in accordance with the directions of the manager.
8. (1) No more than four urns may be buried in any one cremation lot, adult lot, child lot, or infant lot.
 - (2) More than one urn in any one adult lot, child lot, or infant lot, shall only be permitted if each urn in any one lot contains the cremated remains of a person from the same family as each other urn in that lot.
9. (1) The setting up and removal of artificial grass, lowering devices, and other interment accessories at the graveside are the responsibility of the person arranging the funeral.
 - (2) All funeral flowers, containers and other equipment shall be removed from the gravesite within seven days after the interment, or the same will be removed by the City.
10. Disinterments shall only be permitted in accordance with the applicable statutes and regulations.

VI. CARE OF LOTS

1. An owner shall not change the grading of a lot.
2. (1) The manager shall prepare, post and make available guidelines as to what is permitted in a cemetery in

the way of flowers, plants, shrubs, trees and other landscaping and plant decoration.

- (2) The City may remove flowers, plants, shrubs, trees or other landscaping and plant decoration which do not comply with the guidelines of the manager, or that have been placed in a cemetery without the manager's permission.
 - (3) The City may remove any flowers, plants, shrubs, trees or other landscaping and plant decoration that encroach upon, or are or have become, in the opinion of the manager, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds, or inconvenient to the public.
3. Vases, urns and flower stands shall be placed so as not to interfere with the care of the lot.
- 4.(1) A lot shall not be defined or enclosed by a fence, railing, coping, hedge or any enclosure or markers, other than by corner posts or markers level with the sod.
- (2) When any such enclosure already erected and existing around any lot, by reason of neglect or age, has, in the opinion of the manager, become unsightly or objectionable, the City may notify the owner in writing of the repairs or actions deemed necessary to restore the enclosure to satisfactory condition.
 - (3) Such a notice shall specify that if the repairs or actions are not carried out within thirty days of the date of the notice, the enclosure may be repaired or removed by the City without further notice, and at the expense of the owner.

VII. MONUMENTS AND MARKERS

- 1.(1) A monument, marker, memorial or other structure shall not be erected or permitted on a grave without the written consent of the owner or the owner's legal representative.
 - (2) No monument, markers, memorial or other structure shall be permitted on a grave unless and until all outstanding charges against that lot have been paid.
- 2.(1) Only one monument or marker shall be erected or placed on any one lot.
- (2) A monument shall not occupy more than ten per cent (10%) of the total area of the lot or lots upon which it is erected.
 - (3) A monument may not be erected or constructed on a lot if the erection or the monument would not leave an area of the lot at least three (3) feet in width and eight (8) feet in length unoccupied by the monument and its foundation.

- (4) No monument, tablet, memorial or other structure made in whole or in part of wood or iron shall be erected.
- 3.(1) All foundations for monuments shall be constructed by the City, upon the request of and at the cost of the owner.
 - (2) A request for the required foundation, together with all dimensions and particulars thereof, shall be submitted in writing to the manager, whose approval is required before a foundation will be constructed.
 - (3)(a) The depth of a foundation for a double depth grave shall be no less than 7 feet.
 - (b) The depth of a foundation for any other grave shall be no less than 5 feet.
 - (c) A foundation constructed on two lots shall be no longer than 4 feet 6 inches, and no wider than 1 foot.
 - 4.(1) No monument or memorial may be placed or removed without the permission of and under the supervision of the manager.
 - (2) All markers and corner posts shall be placed or removed by the City.
 - (3) Stones, monuments, markers and other memorials or structures shall be free from physical defects when installed or erected.
 - (4) The base of each monument 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 spalls or chips shall be permitted.
 5. No materials for construction or erection of a monument may be brought into a cemetery unless required for immediate use, nor shall any materials be placed on any other lots, without the permission of the manager.
 6. An owner shall care for, maintain and keep in proper repair, all stones, monuments, corner posts, markers and other memorials or structures on a lot.
 7. When, in the opinion of the manager, any monument, corner post, memorial, marker or structure requires repair, the City may notify the owner in writing of the repairs required to restore the monument to satisfactory condition, and the notice shall specify that if repairs are not carried out within thirty (30) days, the monument may be removed or repaired by the City and the costs thereof charged to the owner.

8. The Commissioner of Parks and Recreation for the City may direct the removal of any monument, marker, or other structure which he deems offensive or improper or detrimental to the appearance of the adjacent lots or the cemetery grounds.

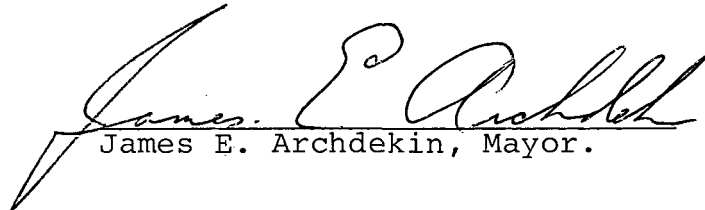
VIII. GENERAL RULES AND REGULATIONS

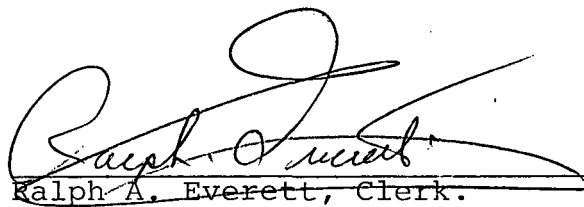
1. (1) Funeral processions through a cemetery shall follow the route indicated by the manager.
 - (2) No parades other than funeral processions shall be admitted to or organized within a cemetery.
2. (1) All work must be done during the regular hours of a cemetery, unless special permission to do otherwise is given by the manager.
 - (2) No work shall continue past Saturday noon without the permission of the manager, and all material, litter and debris shall be removed by the end of that day.
 - (3) No work shall be done in the immediate vicinity of a funeral until the conclusion of the service.
3. Vehicles shall only be driven within a cemetery on roads designated for vehicles and only at moderate rates of speed.
4. (1) No person, other than an employee of the City, shall work on a lot unless authorized to do so by the owner.
 - (2) A person, other than an employee of the City, shall only do work in a cemetery or upon its grounds with the permission of the manager, and subject to his direction and supervision.
 - (3) No person shall grade, sod, landscape, plant or leave flowers, trees or shrubs, place decorative devices or containers for flowers, upon any lot or anywhere in a cemetery, except in accordance with the guidelines and directions given or to be given by the manager.
5. (1) No person shall,
 - (1) wilfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone or other structure placed in a cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or of any such tomb, monument, gravestone or other structure or of any lot in a cemetery;
 - (2) wilfully destroy, cut, break or injure any tree, shrub or plant in a cemetery, or wilfully injure, destroy or deface any building or structure or any road, walk or other works in a cemetery;
 - (3) play at any game or sport in a cemetery;

- (4) discharge firearms in a cemetery, except at a military funeral;
 - (5) wilfully and unlawfully disturb persons assembled for the purpose of burying a body in a cemetery; or
 - (6) commit a nuisance in a cemetery.
6. Any person disturbing the quiet and good order of a cemetery by noise or other improper conduct, or any person who violates the rules of a cemetery, may be expelled from the grounds of the cemetery by the manager or other employees of the City.
 7. The manager of each cemetery shall post, or otherwise make available, a copy of all rules, regulations and guidelines affecting the cemetery.
 8. Any complaint in respect of a cemetery should be directed to the manager of that cemetery.

READ a FIRST, SECOND and THIRD TIME and PASSED in
Open Council this 15th day of December, 1980.

THE CORPORATION OF THE CITY OF BRAMPTON


James E. Archdekin, Mayor.


Ralph A. Everett, Clerk.

SCHEDULE A TO BY-LAW 318-80

IDENTIFICATION OF CEMETERIES TO

WHICH THIS BY-LAW APPLIES

1. Brampton Municipal Cemetery

(Located in the City of Brampton, and bounded on the north by Church Street East, on the east by Beech Street, on the south by Nelson Street East and Queen Street East, and on the west by Centre Street North.)

The prices of lots in the Brampton Municipal Cemetery shall be as set out in Schedule C of this By-law.

SCHEDULE B TO BY-LAW 318-80

PRICES FOR CEMETERY SERVICES AND SUPPLIES

INTERMENT CHARGES

Opening and closing of a grave (standard depth)
between April 15 and December 15

Adult	\$ 125.00
Child (container over 40" but under 60")	75.00
Infant (container not exceeding 40")	25.00
Cremated remains	16.00

Opening and closing of grave - double depth

Adult	\$ 155.00
Child	95.00
Infant	40.00

Winter interment December 16 - April 14
extra to above

Adult	\$ 60.00
Child	52.00
Infant	12.00
Cremated remains	12.00

Extra charges for funerals entering the
cemetery at certain times

On weekdays after 4:00 p.m.	\$ 18.00 per hour
On Saturdays	18.00 per hour, with minimum charge of 3 hours (\$54.00)
On statutory holidays	42.00 per hour, with minimum charge of 3 hours (\$126.00)

DISINTERMENT CHARGES

Lowering remains to place second body on
top (if not already extra deep)

Adult	\$ 185.00
Child	135.00
Infant	45.00

Removal of remains and re-burials in another location in the same cemetery - (from standard depth grave to standard depth grave)

Adult	\$ 280.00
Child	180.00
Infant	60.00
Urns	32.00

Removal of remains only, for re-burial in another cemetery

Adult	\$ 155.00
Child	105.00
Infant	35.00
Urns	16.00

Extra Charges

The additional charges for winter interments, as set out previously, will be added to charges for any disinterments between December 16th and April 14th.

Disinterment of wooden outer container, or of wooden casket, where no outer container - extra charge	\$ 100.00
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Service charge for outer container more than 34 inches wide, or more than 28 inches deep (to be allocated to perpetual care)	20.00
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OTHER CHARGES

Monument Foundations

Base of 10 square feet or less, with normal depth (5 feet)	\$ 80.00
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Base of 10 square feet or less, with extra depth (7 feet)	100.00
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For increase in size of base over 10 square feet, charge for each square foot or part thereof over 10 square feet	7.50
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Setting of markers

Setting of a Grave Marker	\$ 20.00
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Setting of four Corner Posts	25.00
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<u>Lowering Device</u>	\$ 25.00
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<u>Charge for transfer of ownership of lot</u>	\$ 2.00
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SCHEDULE C TO BY-LAW 318-80

PRICES AND RATES CHARGED FOR LOTS IN THE

BRAMPTON MUNICIPAL CEMETERY

PRICE OF LOTS

One adult lot (3'6" x 8' or 3'6" x 11')	\$ 150.00
Two adult lots (7' x 8' or 7' x 11')	295.00
Four adult lots (14' x 8' or 14' x 11')	575.00
One child lot (3'6" x 7')	75.00
One infant lot (2' x 3')	25.00
Cremation lots (4' x 4' or 3'6" x 3'6")	40.00

The prices for lots include the cost of perpetual care. From the above purchase prices, The Corporation of the City of Brampton shall make the following allocations to the Perpetual Care Fund:

One adult lot	\$ 70.00
Two adult lots	135.00
Four adult lots	250.00
One child lot	35.00
One infant lot	10.00
Cremation lot (4' x 4')	24.00
Cremation lot (3'6" x 3'6")	19.00

PASSED December 15th, 19 80



BY-LAW

No. 318-80

To provide for the maintenance,
management, regulation and control
of certain cemeteries within the
City of Brampton