

The Corporation of the Municipality of Brockton



By-Law 2021-133

Being a By-Law to Amend By-Law 2013-066 Regulating the Operation of Cemeteries in the Municipality of Brockton.

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25, Section 5(1)*, as amended, provides that the powers of a municipal corporation are to be exercised by its council;

And Whereas the *Municipal Act, 2001, S.O. 2001, c. 25, Section 5(3)*, as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

And Whereas, pursuant to the *Municipal Act, 2001, S.O. 2001, c. 25, Section 224 (c) and (d)* as amended, Council may determine which services the municipality provides and ensures that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;

And Whereas the *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33*, as amended provides that the Municipality of Brockton, as operator of the listed cemeteries, may enact by-laws affecting the operation of the said cemeteries;

And Whereas there are Cemeteries known locally and legally described as:

- (i) **Walkerton Cemetery** Plan 162 Pt Park Lot 47 Durham N/S
- (ii) **Starkvale Cemetery** Plan 107 Lot 25 Lot 27 Pt Lot 29
- (iii) **Holy Trinity Anglican Cemetery** Lot 23 Conc. A - closed to sales September 1, 2012

all situated within the Municipality of Brockton.

And Whereas the Council for The Corporation of the Municipality of Brockton enacted By-Law 2013-066 on July 15, 2013 regulating the operation of cemeteries in the Municipality of Brockton;

And Whereas the Council for The Corporation of the Municipality of Brockton desires to amend By-Law 2013-066 in order to participate in a pilot program for winter internments;

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That Section 4. Interment and Disinterment of By-Law 2013-066 be hereby amended to permit winter internments to occur at the Walkerton Cemetery from November 1, 2021 to May 15, 2022 as part of a Winter Interment Pilot Project;
- 2.0 That a Winter Internment Pilot Project Policy be adopted as Schedule "A" hereto attached and forming part of this By-Law governing the winter internment process during the November 1, 2021 to May 15, 2022 Pilot Project;
- 3.0 That this By-Law shall come into effect upon final passage.
- 4.0 This By-Law may be cited as the "Amend Operation of Cemeteries By-Law (Winter Internments Pilot Project)".

Read, Enacted, Signed and Sealed this 12th day of October, 2021.

Mayor – Chris Peabody

Clerk – Fiona Hamilton

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|--------------------|----------------------------------|------------------------|------------------|
| Department: | Operations | Policy Number: | S09-1200-21 |
| Section: | Operations | Effective Date: | October 12, 2021 |
| Subject: | Winter Interments | Revised Date: | |
| Authority: | By-Law 2013-066, By-Law 2021-133 | | |

Policy Numbering

1. Purpose

This policy will follow By-Law 2013-066 Cemetery By-law, and be in place from November 1, 2021 to May 15, 2022 for the Winter Interment Pilot Project for the Walkerton Cemetery. This policy will be in place from November 1, 2021 to May 15, 2022.

2. Winter Interments - General

- 2.1 Winter Interments will be conducted between November 1st, 2021 and May 15, 2022 for this pilot project time frame.
- 2.2 Winter interments will only be conducted between 11am and 2pm, Monday to Friday, weather permitting.
- 2.3 Winter interment costs will be the same as a weekend or holiday interment during the regular burial season.
- 2.4 No Saturday winter interments will be conducted as part of this pilot project.
- 2.5 Only one winter interment will be conducted in a day.
- 2.6 Staff require 5 business days' notice of a requested interment date and time.
- 2.7 Confirmation of the interment will be provided, at minimum, one (1) day prior to the requested interment date after the Cemetery Caretaker has reviewed the request.
- 2.8 The Director of Operations, Roads Supervisor, Cemetery Caretaker or designate have the right to deny an interment request or cancel an interment due to safety reasons or unsuitable conditions that may have a negative impact on the surrounding area, i.e. soil conditions, etc.

3. Maintenance

- 3.1 Cemetery roads will be maintained through snow removal, sand and salted once two (2) days prior to the interment and as needed on the day of the interment.
- 3.2 Cemetery roads will only be maintained on an as needed basis and will otherwise be considered a Class 6 unmaintained winter road.
- 3.3 Spring clean-up will take place April 18, 2022 to April 29, 2022.

4. Inclement Weather

- 4.1 In the event of inclement weather, the Director of Operations, Roads Supervisor, Cemetery Caretaker or designate has the ability to cancel interments, up until two (2) hours prior to an interment.

- 4.2 Following an inclement weather event, staff will have a maximum of two (2) days between the weather event and the next winter interment to allow for the appropriate clean up.

5. Holidays and Spring

- 5.1 The last 2021 interment request must be received on or before December 15, 2021.
5.2 There will be no winter interments from December 22, 2021 to January 5, 2022.
5.3 During the spring thaw in March and April, the Director of Operations, Roads Supervisor, Cemetery Caretaker or designate has the ability to cancel interments due to conditions that are not able to accommodate an interment safely.

6. Monuments and Markers

- 6.1 No monuments or markers will be installed between November 1, 2021 to May 15, 2022.

5. Submission of Policy

All revised or newly developed policies will be reviewed by the CAO before presentation to Council for adoption by By-Law.

Approved policies will be shared with Council and Department Heads. A copy will be filed and retained in the Municipality's vault. An additional copy will be maintained in the main office for reference purposes.