
HALDIMAND COUNTY

Report FPC-05-2024 Cemetery By-law Update

For Consideration by Council in Committee on November 19, 2024



OBJECTIVE:

To consider a repeal of Haldimand County Cemetery By-Law No. 1501/15 and to propose a new Cemetery By-law for enactment.

RECOMMENDATIONS:

1. THAT Report FPC-05-2024 Cemetery By-law Update be received;
2. AND THAT the draft Cemetery By-law as attached to Report FPC-05-2024 be approved at a future Council meeting;
3. AND THAT Haldimand County Cemetery By-law No.1501/15 be repealed;
4. AND THAT User Fee By-law No. 2560/24 be amended to reflect the new and revised user fees as outlined in Report FPC-05-2024 and approved at a future Council meeting.

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Respectfully submitted: Dan McKinnon, General Manager of Public Works Operations

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

Report FPC-05-2024 is being presented to consider a repeal of Haldimand County Cemetery By-Law No. 1501/15 and to introduce a new Cemetery By-law draft for enactment. The purpose of the repeal and replacement is to address provisions that require revision, addition or removal, and to ensure the document aligns with current cemetery operations and future needs. Specifically, the need for the repeal and enactment of a new by-law is due to administrative and operational changes to Cemetery Services, a need to eliminate redundancies, clarification of definitions, to ensure the by-law aligns with legislation and to correct errors and/or omissions. Given the extent of the proposed changes, amending By-law 1501/15 would be insufficient to maintain the document's consistency in writing style.

While it is understood it will take time for stakeholders such as interment rights holders, funeral directors, and monument suppliers to familiarize and accept some of the changes under the new by-law, Facilities, Parks, Cemeteries and Forestry (FPCF) staff believe that these changes are a necessity for cemetery operations and will allow for improved and consistent customer service and enforcement. Furthermore, while the draft by-law addresses and corrects many outstanding issues within By-law 1501/15, amendments may still be required in the future following its enactment. It is the belief however, that any future necessity for change can be done through an amendment process, as the updates will be lesser in nature than what is proposed in Report FPC-05-2024.

BACKGROUND:

The Cemetery By-law No. 1501/15 (By-law) regulates all cemeteries which fall under the scope of Haldimand County's Cemetery Operators License. The current By-law which was enacted in 2015, was created based off a template provided by the Bereavement Authority of Ontario (BAO). While the By-law does meet the minimum recommendations set by the BAO while also creating a general set of rules for all cemeteries, there are several provisions that require updating or removal, or that have been omitted and need to be added. Facilities, Parks, Cemeteries and Forestry (FPCF) staff through consultation with the Clerks division, are of the opinion that a repeal of the By-law and enactment of a replacement would be a more appropriate and efficient process than amending the current By-law. This is due to ensuring the document remains consistent in its writing style, as well as a need for a cemetery by-law to be consolidated in one document.

ANALYSIS:

While FPCF Staff are proposing a repeal of the By-law and enactment of a replacement, the proposed new cemetery by-law draft (Draft) will follow the same structure and include many of the same provisions as the current By-law. Due to this, the analysis in Report FPC-05-2024 should be interpreted as a proposed amendment, instead of a proposed striking down of the By-law in its entirety.

In summary, the proposed changes to the By-law include provisions that, all be it through additions, removal or rephrasing, are administrative in nature. These would include definitions being added that had not previously been included in the By-law, updates to general information and rewording of provisions so they meet current legislated standards.

A few of the proposed amendments to the By-law are meant to correct issues that FPCF Staff and/or stakeholders have noticed within the current By-law during the day-to-day operations of the cemeteries. One such issue is when the By-law came into effect, it superseded previously established rules that pertained to specific cemeteries or specific sections within cemeteries. By omitting certain pre-established regulations, the By-law has been open to interpretation making it a challenge for FPCF staff to enforce these regulations. Such examples would include specific lots at Woodlawn Cemetery that had specific requirements for marker sizes.

The current format in which the By-law is written, does not conform to the standard layout that other County By-laws follow. While sections are lettered, provisions and sub provisions are not displayed by multilevel lists, but rather are bulleted. This creates a challenge to reference a specific provision or sub-provision within the By-law.

Attached to report FPC-05-2024 is a table that summarizes each provision which has been added, removed or updated. It is the intention that this document will act as bridge between the existing By-law and the new draft to illustrate how its being changed, while also providing comments to justify the reasoning for each proposed revision.

FINANCIAL/LEGAL IMPLICATIONS:

- **Price Freeze on Multiple Lot Plots** – A price freeze on the *two lot plot – standard, three lot plot – standard* and *four lot plot – standard* user fees is suggested as the current costs exceed the price for standard single lots at the same quantity.
- **Columbarium Niche Fee** – a second columbarium niche fee has been added for the new columbarium units excluding the Veterans Columbarium at Woodlawn Cemetery. The proposed amount for this fee was calculated utilizing the approved methodology within “Schedule R” in the

Council-approved User Fees and Service Charges By-law. Staff also completed a review of neighbouring municipalities for this service and the price proposed by staff is comparable.

- **BAO Consumer Protection Fee** – this fee is a pass through to the BAO and has traditionally been part of a formula that makes it indistinguishable from County costs. It has now been added as an additional fee per interment to enhance transparency and is a legislated amount that was recently increased as directed by the BAO.
- **Late Charge** – The Labour Rate line item has been changed to a Late Charge after 4pm fee. This is to recover costs incurred by the County and to minimize late evening interments and will match a proposed by-law amendment for late charges. The previous fee was not used.

The proposed fee amendments are to be incorporated in the County’s User Fees and Service Charges By-law, replacing the existing “Schedule K – Cemetery Services”. A draft by-law enacting these amendments is attached to this report (Attachment 2) and is to be approved by Council.

STAKEHOLDER IMPACTS:

FPCF staff are aware that some provisions in the draft will impact Funeral Homes and Monument Dealers as they carry out business with the County. However, it is the belief that since said provisions are inline with neighbouring municipal and private cemeteries, the impact should be minimal and does not warrant a feedback request from these stakeholders.

It is required under O. Reg. 30/11 of the *Funerals, Burials and Cremation Services Act* that By-law changes be provided to monument dealers and that notice be posted in local news papers and directly at cemeteries., Additionally, FPCF staff will be posting notice of the proposed changes on our website as well as directly to all parties including local funeral homes, monument dealers.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

REFERENCES:

1. [By-law 1501/15 Being a by-law to establish the regulation and management of cemeteries under the control of The Corporation of Haldimand County](#)

ATTACHMENTS:

1. Draft By-Law
2. Provision Table
3. Draft User Fee By-law Amendment
4. Draft User Fee Schedule K