



Policy Title:	Removal of Personal Item in Cemeteries
Policy Number:	Issued Policy Number
Department:	Office of the Chief Administrative Officer
Division:	Legal and Legislative Services
Approval Date:	Date of Council Approval
Approval:	
Review Date:	

1. Policy Statement

The Corporation of the Town of Essex is committed to operating and maintaining its cemeteries in such a manner as to provide a peaceful resting place for loved ones that have passed on while ensuring the safety of staff and visitors.

2. Purpose

- 2.1. This policy provides guidelines for the removal of personal items in its cemeteries.
- 2.2. This policy defines the procedure for the removal of personal items that are not in compliance with the Town of Essex By-Law 1812 referred to as the Cemetery By-Law.

3. Scope

- 3.1. This policy applies to all cemeteries owned and operated by the Town of Essex.
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the Clerk or Deputy Clerk.

4. Definitions

- 4.1. Caretaker is the person who maintains the cemetery grounds, opens and closes graves; and represents the municipality for all interments in accordance with the By-Law.
- 4.2. Cemetery Operator is the Town of Essex.
- 4.3. Interment Rights Holder(s) is the person(s) authorized or entitled to inter human remains in a specified lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.

- 4.4. Lot is a single grave space.
- 4.5. Plot means two or more lots in respect of which the rights to inter have been sold as a unit.

5. Interpretation

Any reference in this policy to any statute or by-law, or any section of a statute or by-law shall, unless expressly stated, be deemed to be reference to the statute or by-law as amended, replaced, re-enacted, or restated from time to time. Any references to a Town policy shall be deemed to be a reference to the most recent passed policy and any replacements thereto.

6. General Policy Conditions

All items not in compliance with Sections 99 to 105 of the Cemetery By-Law will be removed as follows:

- 6.1. Where possible, the Cemetery Operator will make every effort to notify the interment rights holder(s) using the last provided contact information provided by the Interment Rights Holder(s) of the planned removal.
- 6.2. A photograph will be taken including all items to be removed prior to removal.
- 6.3. All items removed will be stored in a secure location for up to 30 days.
- 6.4. Removed items not collected by the Interment Rights Holder(s) after 30 days of removal shall be discarded.

It is the responsibility of the Interment Rights Holder(s) to notify the cemetery operator when their contact information has changed.

7. Authority

Authority for this policy is granted by the Cemetery By-law.

“Sections 99 to 105” outline the provisions for the Care of Lots in the Town’s cemeteries as follows:

99. No fence, coping, ditching, hedge, iron trellis, post, chain, railing, step, boxing, border, stone or stone chips, shells, toys, wire arches, watering pots, crockery, glassware or other objects, advertisements in any form, a vehicle of any character, glass case, covering, box containing artificial wreath or enclosure of any kind shall be put or placed upon any lot. Grave mounds will not be allowed and shall not be raised above the established grade.

100. The Municipality and/or the Caretaker will not be held liable for any damage to unauthorized articles near the markers.
101. Upon special days such as Easter Sunday, Mother's Day, Victoria Day, Christmas Day, baskets of cut flowers and potted plants will be permitted but must be removed before they become withered, soiled or unsightly. In case of the failure of the owner of any lot to remove such flowers or other unsightly objects, the Caretaker shall have the right to remove it.
102. Artificial wreaths standing not more than eighteen (18) inches around the ground and grave blankets are allowed during the winter season only and must be removed by April 1st. In case of the failure of the owner to remove wreaths or blankets by such date, the Caretaker shall have the right to remove it.
103. No flowers shall be planted on any lot at any time. Only portable containers, which may be moved for maintenance purposes will be permitted with one container per lot. If the owner fails to remove it before they become withered or unsightly, the Caretaker shall have the authority to remove them.
104. Hereafter no trees, shrubbery or plants shall be planted on any lot. Only the Caretaker, acting in the best interest of the cemetery, shall have the authority to prune, remove or transplant any tree, shrub, plant or anything upon any lot when it may be deemed necessary or advisable.
105. No person shall change the grading of a lot, cut any sod or remove any corner post or markers in the cemetery.

8. References and Related Documents

- 8.1. By-Law No. 1812 Being a by-law respecting the maintenance, management, regulation and control of any cemetery owned or operated by the Corporation of the Town of Essex.
- 8.2. *Funeral, Burial and Cremation Services Act, 2002*