
SAMPLE CREMATORIUM AND ALTERNATIVE PROCESS FACILITY BY-LAWS

The following is suggested wording for crematorium and alternative process facility by-laws that you may adopt for your location. It is recommended that your legal counsel review the by-laws prior to submission to the Registrar.

These by-laws are the rules and regulations that govern the (insert name of crematorium) and have been approved by the Registrar, *Funeral, Burial, and Cremation Services Act, 2002*, Bereavement Authority of Ontario.

By-Law 1: Identification of the deceased shall be made prior to the delivery of the deceased to the crematorium.

By-law 2: The crematorium hours of operation are (insert hours of operation).

By-Law 3: Before cremation can take place, the following documents must be completed, delivered to the office or crematorium, signed by the proper authority, and approved:

1. Cremation contract
2. Cremation application
3. Coroner's certificate
4. Burial permit

By-Law 4: A deceased person shall only be received for cremation in a fully combustible casket or container deemed appropriate and with a top, four sides and a solid bottom allowing the casket/container which encases the human remains to be moved by using a set of rollers.

Note: The by-laws for an alternative process facility must address the type of container the deceased person shall be received in.

By-Law 5: Once received by the crematorium personnel, the casket/container will remain closed unless permission is given by the purchaser or Judge's order allowing the licensed funeral director to open the casket or container. Under no circumstances will crematorium staff be allowed to open the casket or container. The deceased will be cremated in the delivered casket or container, which must be made of readily combustible materials. All non-combustible parts on the outside of the casket /container will be removed prior to cremation, if possible.

Note: The by-laws for an alternative process facility must address the handling of the container and the removal of clothing prior to cremation.

By-Law 6: The crematorium will not cremate a casket/container constructed of non-flammable or hazardous material or a material prescribed by the regulations under the *Funeral Burial and Cremation Services Act, 2002*, of Ontario Regulation 30/11, nor will the crematorium cremate a body in which a pacemaker or other prescribed device is present. This does not limit the right to refuse to cremate, in any instance, and without assigning reasons.

By-law 7: The crematorium will not under any circumstances cremate an individual with radioactive implants, or an individual who has received microscopic radioactive isotope implant treatment such as thera-seed. An implant heart pacemaker or other implanted radioactive devices could explode during the cremation process and are to be removed by the funeral establishment or transfer service operator, or others before the deceased is delivered to the crematorium for cremation. The purchaser of the cremation services will be liable for any damage caused to the crematorium or for the injury/exposure to crematorium staff for failing to notify the funeral establishment or transfer service, or any other personnel responsible for the removal of such a device, of the existence of such radioactive implants.

Note: The by-laws for an alternative process facility must address radioactive implants. The *Funeral, Burial and Cremation Services Act, 2002* prohibits the cremation of a dead human body with a pacemaker or radioactive implant, pursuant to section 31 of the Ontario Regulation 30/11 made under the *Funeral, Burial and Cremation Services Act, 2002*. The by-laws must address the removal of radioactive implants or other implanted radioactive devices prior to cremation as an implanted radioactive device could end up in the effluent released into the sewage/water treatment system.

By-Law 8: Twelve (12) working hours notice is required before a cremation can take place.

By-Law 9: Twelve (12) working hours notice is required if relatives and friends wish to view the cremation process. A limited number of observers will be allowed in the crematorium before or during a cremation. Access can be denied by the crematorium staff.

By-Law 10: Stainless steel/metal Identification tags will be placed with the human remains throughout all the stages of the cremation process.