



**City of Kingston
Report to Council
Report Number 26-056**

To: Mayor and Members of Council
From: Jenna Morley, City Solicitor
Resource Staff: Janet Jaynes, City Clerk
Date of Meeting: February 3, 2026
Subject: Cemetery By-Law Amendments

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

The purpose of this report is to provide an overview of recommended amendments to *City of Kingston By-Law Number 2025-99, A By-Law to Establish Rules and Regulations for Cemeteries Operated by the Corporation of the City of Kingston* (the Cemetery By-Law). Staff are recommending certain housekeeping amendments in conjunction with the initial one-year review of the new Cemetery By-Law. The most significant amendment recommends removal of the current requirement for burials to take place between April 15 and December 15, commonly known as the winter burial prohibition, to allow for winter burials. Staff have consulted with the community and its cemetery operator on this matter. The Bereavement Authority of Ontario has reviewed the recommended by-law amendments and provided their approval.

Staff are recommending that Council provide the amending by-law with all three readings to allow for the immediate implementation of winter burials in Pine Grove Cemetery.

Recommendation:

That Council provide all three readings to A By-Law to Amend City of Kingston By-Law Number 2025-99, A By-Law to Establish Rules and Regulations for Cemeteries Operated by the Corporation of the City of Kingston, attached as Exhibit A to Report Number 26-056.

February 3, 2026

Page 3 of 4

Options/Discussion:**Background**

In February 2025, Council approved *City of Kingston By-Law Number 2025-99, A By-Law to Establish Rules and Regulations for Cemeteries Operated by the Corporation of the City of Kingston* (the Cemetery By-Law) following a staff review of the previous by-laws that regulated cemeteries in the City. Staff are proposing housekeeping amendments to the Cemetery By-Law at the one-year anniversary of the by-law's approval, based on feedback received from the Kingston community and the City's cemetery operator.

Overview of Recommended Amendments

The most significant amendment recommended by staff removes the requirement that burials take place between April 15 and December 15; this regulation is commonly known as the winter burial prohibition. The regulation was carried over from the previous cemetery by-law during the by-law review that took place in 2025. Members of the green burial community raised concerns regarding the winter burial prohibition as a green burial does not allow for the use of standard embalming fluids that would be required to preserve a body awaiting burial until the spring. While other options do exist for body preservation for green burials, they are more expensive than standard embalming practices. Following consultation with the City's cemetery operator, staff have determined that winter burials can be facilitated at Pine Grove Cemetery. Those seeking a winter burial will be responsible for any additional costs to facilitate the burial, including ground thawing and snow/ice removal.

Below is a list of the additional recommended amendments contained in Exhibit A to this Report, *A By-Law to Amend City of Kingston By-Law Number 2025-99, A By-Law to Establish Rules and Regulations for Cemeteries Operated by the Corporation of the City of Kingston*:

- Adding a definition for 'business day' to the interpretation section of the Cemetery By-Law;
- Updating timelines in subsection 13.7 and 13.12 to use the defined term business day to provide clarity on timelines for notification to the City of interments;
- Removing redundant information in subsections 2.3 and 2.8 with respect to requirements for the Registrar to review and approve of amendments to the Cemetery By-Law;
- Moving subsections 14.2 (e) to (i) to their own subsections to provide clarity regarding the disinterment process and its regulations;
- Amending subsection 17.6 to clarify that a casket or container for a green burial must have both proper handles and a rigid base, not one or the other;
- Amending subsection 17.8 to make the language consistent with the removal of the winter burial prohibition; and

February 3, 2026

Page 4 of 4

- Amending subsections 18.6 (c) and (d) to delete redundant information and provide clarity regarding the prohibition on leaving personal effects, belongings or memorial articles within a cemetery.

Community Request for Expansion of Pine Grove Cemetery

City staff have been approached by the green burial community with requests to investigate the purchase of neighbouring land for an expanded green burial area within the privately owned forested lot adjacent to Pine Grove Cemetery. Staff are not recommending that the City pursue the purchase of additional land for an expanded green burial area at this time. Currently, there is no budget for the land purchase or to pay for the increase in annual operating costs of the cemetery that would occur with an expanded green burial area. Staff, as well as the City’s cemetery operator, have also raised capacity and resourcing concerns with respect to a further expansion of the green burial area at this time, as well as locally identified operational issues related to the creation of lots in heavily forested areas with complex root systems.

Existing Policy/By-Law

City of Kingston By-Law Number 2025-99, A By-Law to Establish Rules and Regulations for Cemeteries Operated by the Corporation of the City of Kingston

Notice Provisions

The Bereavement Authority of Ontario confirmed that because the proposed amendments to the Cemetery By-Law are minor in nature, no public notice is required.

Financial Considerations

None.

Contacts:

Janet Jaynes, City Clerk, 613-546-4291 extension 1262

Other City of Kingston Staff Consulted:

Derek Ochej, Deputy City Clerk, Legislative Services

Exhibits Attached:

Exhibit A – A By-Law to Amend City of Kingston By-Law Number 2025-99, A By-Law to Establish Rules and Regulations for Cemeteries Operated by the Corporation of the City of Kingston

City of Kingston By-Law Number 2026-XX

By-Law to Amend City of Kingston By-Law Number 2025–99 A By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

Subsection 5 (1) of the *Municipal Act*, 2001, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”) provides that the powers of a municipality must be exercised by its council.

Subsection 5 (3) of the *Municipal Act*, 2001 provides that a municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise.

Pursuant to subsection 10 (1) of the *Municipal Act*, 2001, a single tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

On February 18, 2025, council for the *City* enacted *City of Kingston By-Law Number 2025–99, “A By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston”*.

Council for the *City* considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2025–99, “A By-Law to Establish Rules and Regulations for Cemeteries Operated by The Corporation of the City of Kingston”*:

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2025–99* is amended as follows:

- (a) Section 1.0 of the *By-Law* is amended by adding the following in alphabetical order to subsection 1.2:

By-Law to Amend By-Law 2025–99

- (i) **“business day”** means a day other than a Saturday, Sunday or statutory holiday in the Province of Ontario, or a day on which the *City’s* offices are closed;
- (b) Subsection 2.3 of the *By-Law* is amended by deleting the words “All by-laws and by-law amendments are subject to the approval of the *Registrar*, FBCSA, BAO and do not come into force until approval is received.”
- (c) Subsection 2.8 of the *By-Law* is amended by deleting the words “form the *Registrar*, FBCSA, BAO where necessary.” and substituting the words “from the *Registrar* where necessary.”
- (d) Subsection 13.7 of the *By-Law* is amended by deleting the words “72 business hours’ notice” and substituting the words “three *business days*’ notice”.
- (e) Subsection 13.10 of the *By-Law* is amended by deleting the number “13.10” and substituting the number “13.11”
- (f) Subsection 13.12 of the *By-Law* is amended by deleting it in its entirety and substituting the following words:

“*Interments* may only take place on *business days* and between the hours of 9:00 a.m. and 3:00 p.m.
- (g) Subsection 14.2 (d) of the *By-Law* is amended by renumbering it as subsection 14.3.
- (h) Subsection 14.2 (e) of the *By-Law* is amended by renumbering it as subsection 14.4.
- (i) Subsection 14.2 (f) of the *By-Law* is amended by renumbering it as subsection 14.5, by deleting the words ‘*cemetery operator*’ and substituting the word “*City*” throughout the subsection and by deleting the words “licensed funeral director” and substituting the words “representative of a licensed funeral establishment”.
- (j) Subsection 14.2 (g) of the *By-Law* is amended by renumbering it as subsection 14.6 and by deleting the words ‘*cemetery operator*’ and substituting the word “*City*” throughout the subsection.

By-Law to Amend By-Law 2025–99

- (k) Subsection 14.2 (h) of the *By-Law* is amended by renumbering it as subsection 14.7.
- (l) Subsection 14.2 (i) of the *By-Law* is amended by renumbering it as subsection 14.8.
- (m) Subsection 17.6 (g) of the *By-Law* is amended by deleting the symbol and word ‘/or’.
- (n) Subsection 17.8 of the *By-Law* is amended by deleting the words “when the *interment* must be” and substituting the words “if the *interment* is”.
- (o) Subsection 18.6 (c) of the *By-Law* is amended by deleting the words “that would interfere with ongoing maintenance;”
- (p) Subsection 18.6 (d) of the *By-Law* is amended by deleting the words “pottery or any other material which when left, neglected or broken could cause personal injury to visitors or workers, damage maintenance equipment or impede grounds maintenance procedure” and substituting the words “personal effects, belongings, or memorial articles of any kind;”.

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the day it is passed.

By-Law to Amend By-Law 2025–99

1 st Reading	February 3, 2026
2 nd Reading	February 3, 2026
3 rd Reading	February 3, 2026
Passed	February 3, 2026

Janet Jaynes
City Clerk

Bryan Paterson
Mayor