



Cemeteries in both rural and urban locations have become destinations for walkers, joggers, cyclists, history buffs, genealogy researchers, nature enthusiasts, and tourists. Many large cemeteries and memorial parks post trail markers on their grounds; some provide jogging/cycling maps. There is even a cemetery on the Trans Canada Trail.

The increase in casual visitors, the natural aging of headstones and monuments, and the large number of older graves without family members to provide for their upkeep, have all put a strain on the resources of faith organizations that operate cemeteries. They have also resulted in a sizeable increase in the number of claims arising from property damage and serious personal injury.

This is true for cemeteries of all sizes, from small parish churchyards to large urban memorial parks. If a visitor is injured because of poor maintenance or unsafe conditions, the cemetery may be liable for damages. In addition to considerable costs, such claims can harm a cemetery owner's reputation and standing in the community.

A Cemetery Maintenance Program

A comprehensive and proactive Cemetery Maintenance Program will enable your organization to identify the risks and liabilities and establish protocols to manage them. Ideally, the Program should be administered by a qualified individual or a committee. It should address each area of concern and include written guidelines, detailed checklists

and mandatory logbooks. By following procedures and documenting them, your organization will be able to demonstrate that efforts are undertaken routinely to maintain the property and prevent injury. Your Cemetery Maintenance Program should be reviewed on an annual basis and should address the following issues:

Bylaws and Regulations Governing Cemeteries

Canadian cemeteries come under provincial jurisdiction with bylaws and regulations governing various aspects of cemetery ownership and operation. In Ontario, for example, the Cemeteries Act (Revised)¹ stipulates that cemetery owners are responsible for maintaining the grounds — including all lots, structures and markers — to ensure the public's safety. The same Act stipulates that "if a marker in

a cemetery presents a risk to public safety because it is unstable, the owner of the cemetery shall do whatever is necessary by way of repairing, resetting or laying down the marker so as to remove the risk". Your cemetery management committee should familiarize itself with all applicable bylaws to ensure that your organization is both aware and compliant.

Monument Safety and Repair

In addition to natural settling which occurs over time, gravestones and monuments are subject to considerable damage caused by:

- Weathering and cracking
- Rusting dowels and supports
- Erosion due to acid rain

Damaged gravestones present serious risks for personal injury, especially monuments made of such heavy materials as marble, granite and concrete. Cemetery maintenance workers should be charged with carrying out regular inspections to ensure that monuments are securely anchored and stable. However, workers should only undertake visual inspections and very careful physical (push/pull)

inspections. Monuments that are determined to be unsafe should be laid flat until repairs are undertaken.

Non-professionals should not undertake the repair of gravestones. In addition to the risk of injury to the workers, your liability exposure will be increased if the work is not performed suitably. Monument maintenance and repairs should be handled by a professional gravestone / monument repair firm. Their experts know how to determine the stability of a headstone and ensure that damaged monuments are properly repaired and anchored.

Make sure that the firm you engage carries appropriate liability insurance coverage.

Personal Safety

Visitor safety

To help ensure personal safety, signs should be posted at the entrances of the cemetery and in other appropriate locations asking visitors to remain on pathways and to refrain from leaning against headstones and monuments. Use signage to remind visitors that gravestones and monuments can topple, that stone slabs covered in moss or lichen can be

very slippery, that children must be supervised at all times, and that they must respect the dignity of the premises. Signage should also be posted in areas where repairs are taking place and where an interment is scheduled. Where a grave is excavated, the area should be clearly marked to prevent falls.

Cemetery worker safety

The duties of cemetery workers include tending grave sites, installing memorial stones, excavating, equipment moving and setup, lawn maintenance, shrub trimming, tree works, seasonal bed planting, sweeping roads and paths etc. Workers should have proper training in the use and maintenance of all,

and use appropriate protective equipment — steel toe boots, respirators, safety goggles, work gloves to handle chemicals, etc. And they should follow good work practices, for example not walking over grave sites and concrete slabs, especially older slabs that may collapse.

Maintenance of Cemetery Grounds

Year-round Guidelines

- Inspect cemeteries and churchyards regularly and remove litter as soon as possible.
- Store equipment and building material away from public areas.
- Inspect driveways and parking lots to ensure there are no potholes, loose gravel, broken pavement, depressions or cracks — all of which present trip and fall hazards.
- Inspect fences or boundary markers annually to ensure that they are secure and that they do not pose a safety hazard.
- Install fences and/or barriers to prevent access to drainage ditches, steep slopes or uneven terrain. Use clearly visible warning signs if fencing is impractical.
- Inspect outdoor stairs and railings on a regular basis. Make sure that hand rails are securely fixed and that steps are level and intact. Coat stairs with a non-slip finish.
- Provide adequate lighting during evening/night hours.

Spring and Summer Guidelines

LAWNS

- Cut grass frequently to ensure that headstones and plaques are visible.
- Do not use motorized trimmers or mowers around the edges of monuments.

WEEDS AND VEGETATION

- Remove weeds and invasive plants; they can grow into monument cracks and weaken them.

- Use extreme caution when removing vegetation on or around monuments.

RODENT HOLES

- Inspect all areas, especially around footpaths. Burrowing animals can dig tunnels, cause damage to trees and unsettle monuments.

Fall and Winter Guidelines

TREWORKS

- Inspect trees for evidence of dead, dying or loose branches, especially trees in high traffic public spaces.
- Watch out for exposed tree roots, a trip hazard when near a foot-path or walkway ; if roots cannot be re-buried, they should be carefully cut away.

- Prune trees and, if necessary, engage the services of a qualified arborist.
- Cut tree limbs that extend over fences or monuments; they can fall and damage gravestones.
- Rake and collect fallen leaves; they can conceal uneven surfaces and other trip hazards, and make outdoor steps slippery.

SNOW AND ICE REMOVAL

- Maintenance staff must ensure that snow and ice are removed from parking lots, walkways, outdoor stairs and all other places where there may be foot traffic.
- Maintenance staff should keep a written log of snow and ice removal.
- If snow removal is outsourced to a third party, make sure that the company signs a contract and provides proof of adequate liability insurance.
- A third party snow removal company should also use a maintenance log.

Vandalism and Cemetery Security

Several years ago, in the spring, a vandal in a Saint John, NB cemetery knocked 330 headstones off their mounts. In a separate incident, three men kicked over 30 tombstones and damaged a number of others in an historic Ottawa cemetery. In the fall of the same year, a Calgary vandalism spree caused \$ 50,000 worth of damage at a sacred cemetery. Unfortunately, such acts of vandalism are not unusual and occur in every part of the country. Some are hate crimes, most are crimes of opportunity, and all of them cause emotional distress to visitors and the community.

If closed circuit cameras and private security patrols are not options for your organization, the following are some affordable deterrents to consider :

- Post signs indicating that the premises are under surveillance
- Define property boundaries with perimeter fencing

- Lock gates and entry points when the cemetery is closed to the public
- Keep premises well lit, especially around perimeters and entrances
- Have groundskeepers or volunteers undertake "spot checks"
- Report any signs of trespassing or loitering to the authorities (e.g. empty beer bottles and cigarette packages, signs of drug use, etc.)

For more risk control information, please consult an Ecclesiastical Risk Control Specialist in your region or visit www.ecclesiastical.ca.

¹Ontario Cemeteries Act (Revised); http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c04_e.htm

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