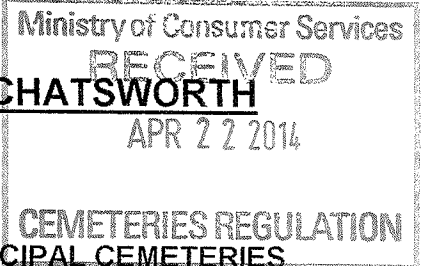


**THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH**

**BY-LAW 2014-14**

**CEMETERIES: OPERATIONS**

**BEING A BY-LAW TO PROVIDE FOR THE OPERATION OF MUNICIPAL CEMETERIES**



WHEREAS Section 10 of the *Municipal Act, 2001* provides that municipalities may provide any service that the municipality considers necessary or desirable for the public; and

WHEREAS the Council of The Corporation of the Township of Chatsworth (the "Township") passed By-law No. 2011-14 with respect to the regulation and management of Township cemeteries on April 6, 2011; and

WHEREAS a new by-law respecting the regulation and management of Township cemeteries is required to comply with amendments to the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c. 33 (*the "Act"*) which came into effect in July 2012; and

AND WHEREAS it is deemed expedient to provide for the operation of cemeteries, detailed in Schedule A, belonging to The Corporation of the Township of Chatsworth;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH HEREBY ENACTS AS FOLLOWS:

**SECTION 1 - DEFINITIONS**

In this by-law,

"Act" shall mean the *Funeral, Burial, Cremation Services Act, 2002*

"Care and Maintenance Fund" shall mean a trust fund established in accordance with the Act, the proceeds from which are to be used to provide for the upkeep of the cemetery and the markers and structures therein in the prescribed manner

"cemetery" means the cemeteries detailed in Schedule A;

"certificate of interment rights" shall mean the certificate issued by the superintendent to the purchaser of interment rights, and the said certificate shall be signed by the superintendent and the corporate seal shall be affixed thereto;

"contract" shall mean a contract for the purchase of interment rights issued by the superintendent and signed by both the purchaser and the superintendent and/or a contract for the purchase of cemetery services/supplies signed by both parties;

"corner post" shall mean any stone or other marker set flush with the surface of the ground and used to indicate the corners of a lot;

"interment rights" includes the right to require or direct the interment of human remains in a lot;

"interment rights holder" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Act;

"liner" shall mean a cement outer box/vault with sectional cement lids, that do not seal;

"lot" means an area of land in the cemetery containing, or set aside to contain, human remains;

"Minister" means the Minister of Consumer Services Cemeteries Regulation Unit, or its successor;

"Municipality" means The Corporation of the Township of Chatsworth;

"monument" shall mean any permanent memorial projecting above the ground level;

"owner" means The Corporation of the Township of Chatsworth;

"plan" shall mean the plan of the Cemetery, approved by the Ministry of Consumer Services for Ontario, or its predecessor, or successor, Ministry;

"pre-need supplies or services" means cemetery supplies or services that are not required to be provided until the death of a person alive at the time the arrangements are made;

"Registrar" means the Registrar appointed under this Act;

"Superintendent" means the Foreman assigned to a particular cemetery by the Municipality

"transfer" means to make a gift, bequest or other transfer of an interment right without consideration;

"Treasurer" means the Treasurer of the Municipality;

“trust fund” means the Care and Maintenance Fund established for the purpose of this Act;

“vault” means a cement vault with a one piece self sealing top;

## **SECTION 2 – DUTIES OF THE TOWNSHIP OF CHATSWORTH**

1. Township cemeteries have been established to perform the interment rights of the Interment Rights Holders with dignity, respect and care, while maintaining and beautifying the property.
2. These rules may be changed, modified or repealed from time to time, subject to Ministry of Consumer Services' approval, should the Township feel it in the best interest of all concerned to do so. In exceptional circumstances, the superintendent may temporarily suspend the enforcement of any rule if in their opinion it can be done without detriment to the interest of others, and without affecting the general enforcement of them.
3. Remains to be interred upon receiving written instructions from a welfare administrator shall be located in the area of the cemetery designated for that purpose.

### COMPLY WITH FUNERAL, BURIAL, CREMATION SERVICES ACT 2002

1. Observe and carry out all of the provisions of this section and of the Funeral, Burial, Cremation Services Act, 2002 and the regulations thereunder.

### INTERMENT AND DISINTERMENT

1. The Township of Chatsworth shall be informed of all interments and disinterments.

## **SECTION 3 – RULES FOR VISITORS**

### CODE OF CONDUCT

1. No person shall disturb the quiet and/or good order of the cemetery by noise or other inappropriate conduct. Persons who violate these rules may be expelled from the grounds.
2. No person shall operate a motor vehicle in a cemetery in a manner that damages any monuments, any plant material including sod, any avenue, any fences, any gates or any equipment belonging to the cemetery.
3. Owners of vehicles and their drivers shall be held responsible for any damage done by said vehicle.

### LOT CARE

1. No person shall cut any sod or move corner posts, markers or monuments in the cemetery. Authorization must be received from the Interment Rights Holder, in the form of a written contract detailing the work proposed, and deposited with the Township of Chatsworth.

## **SECTION 4 – TRANSFER/SALE OF INTERMENT RIGHTS**

### INTERMENT RIGHTS SOLD

1. A contract, in accordance with the Act, shall be entered into by a purchaser and the Superintendent.
2. The purchaser shall receive a copy of the contract and a copy of this by-law.
3. The fee shall be paid in full at the time of sale.
4. Upon receiving payment in full, the superintendent shall issue to the purchaser a Certificate of Interment Rights, in accordance with the Act.

In the case of pre-need cemetery services, the purchaser has the right to cancel the contract, by written notice to the Superintendent, within the thirty (30)-day period following the day the contract is made.

### TRANSFER/SALE OF INTERMENT RIGHTS

1. The sale of Interment Rights to any person other than the Cemetery is strictly prohibited.
2. If a purchaser transfers an interment right the purchaser shall give notice of the transfer to the Superintendent and return the original Certificate of Interment Rights to the Superintendent; and the Superintendent shall issue a new Certificate of Interment Rights to the Transferee upon payment of transfer fee.
3. The Interment Rights Holder agrees that in the event of transfer of said Interment Rights by the purchaser, the Certificate of Interment Rights cannot be transferred but will be returned to the Superintendent who will issue a new Certificate to the Transferee. Note: “Transfer” means to make a gift, bequest or other transfer of an interment right without consideration.

## REPURCHASE OF INTERMENT RIGHTS

1. An interment rights holder may require, by written demand, the Superintendent to repurchase the rights at any time before they are used.
2. The repurchase of interment rights shall be determined by establishing the amount paid by the purchaser for the rights less the amount the Superintendent paid into the Care and Maintenance Fund.

## **SECTION 5 - CARE AND MAINTENANCE FUND**

1. The Care and Maintenance Fund shall be administered in accordance with the *Act*.
2. The following amounts are prescribed as the amounts that a cemetery operator is required to pay into a care and maintenance fund or account in accordance with Section 168 of the Funeral, Burial, Cremation Service Act of 2002:
  1. In the case of an in-ground grave that is 2.23 square metres or 24 square feet or larger, the greater of 40 per cent or the price of the interment rights as set out on the price list or \$250.
  2. In the case of an in-ground grave that is smaller than 2.23 square metres or 24 square feet, the greater of 40 per cent of the price of the interment rights as set out in the price list or \$150.

## **SECTION 6 – INTERMENTS AND INURNMENTS**

1. No interment shall take place without a Burial Permit or Cremation Certificate, as applicable, nor until the person making arrangements for the interment has complied with all by-laws, herein, relative to interments. Persons contracting for Interment Rights and/or making arrangements for burials shall be responsible for payment of all charges previous to the interment.
2. Notice of a proposed interment shall be given to the Superintendent at least forty-eight (48) hours before such interment is to take place. The Superintendent may accept a shorter notice under special circumstances.

## INFORMATION REQUIRED

1. The name of the deceased, place of birth, residence, age, date of death, sex, the name and address of the nearest relative of the deceased, funeral director, date, time and location of the interment. The Superintendent will not be responsible for any errors or misunderstanding that may arise from inaccurate information received.

## CONDITIONS

1. The Superintendent shall not allow any interment or inurnment in any lot unless and until the person(s) ordering the same shall first exhibit:
  - a. A signed contract with respect to the ownership of the Interment Rights and the authorization to proceed with the interment or inurnment; or
  - b. An Interment Rights Certificate or deed indicating the rightful owner of the Interment Rights upon which the interment activity is requested.
2. Not more than one interment may be made in the same lot and not more than four cremations may be made in the same lot.
3. Not more than 2 cremations per lot in area designated for cremations only.
4. All interments shall be in a permanent outer container such as a cement vault or cement liner. Rough boxes (wooden shells) shall be allowed designated sections only.
5. Cremated remains for inurnment must be enclosed in a polypropylene plastic urn or an urn made of other durable materials.
6. The setting up and removal of grass, lowering devices and other interment accessories at an interment are the responsibility of the funeral director.

## RESTRICTIONS – WEATHER AND GROUND CONDITIONS

1. All winter interments will be performed as weather conditions allow. November 1<sup>st</sup> through to April 1<sup>st</sup> and at times when the ground in the cemetery is soft and conditions are potentially hazardous from spring thaws, snow, rain or other cause, interment will not be allowed. Interments will be at the discretion of The Township of Chatsworth.

## **SECTION 7 - DISINTERMENTS**

1. All disinterments shall be authorized in writing by the Medical Officer of Health or Coroner on the official forms provided for the same by the Bruce Grey Owen Sound Health Unit and these shall also be signed by the interment rights holder or his/her legal representative giving permission for disinterment except as otherwise ordered by the Courts or as provided by the regulations in the Act.

2. The removal of human remains, not contained in a permanent outer container, must be completed by a certified funeral director.
3. If the original interment container is damaged to render it unusable, a new container must be supplied to the specifications of the Superintendent.
4. Any marker or monument, designating the location of the interment, shall be removed at the expense of the Interment Rights Holder, at the time of disinterment.

## **SECTION 8 – LOT DECORATIONS**

1. No lot or grave shall be defined or enclosed by a fence, railing, coping, hedge or any enclosure or markers, other than corner posts or markers level with the sod.
2. Floral tributes shall be removed from lots by the Superintendent after they become unsightly.
3. A flower bed may be planted after the installation of a monument on the lot. Flowers may be planted in front of the monument, in beds not to exceed eighteen inches from the stone.
4. Planting of borders around lots is prohibited. Flower beds must be maintained by the interment rights holder.
5. Vases, urns and flower stands shall be such as not to interfere with the care of the lot, and if unsightly, may be removed or prohibited by the Superintendent. Glass and ceramic containers are prohibited in the cemetery and will be removed by the Superintendent.
6. Rubbish shall not be thrown on roads, walks or any part of the grounds.
7. No unauthorized person shall sod or move corner posts or grave markers.
8. The Superintendent shall not be responsible for loss of or damage to any articles upon any lot.

## **SECTION 9 - MONUMENTS AND MARKERS**

### GENERAL RESTRICTIONS

1. No monument, marker or other structure shall be erected or permitted on a lot until all accrued charges against that lot have been paid in full.
2. Four corner markers must be purchased when grave is purchased. Corner markers shall be placed under the supervision of the Superintendent.
3. Not more than one monument shall be erected on any lot and this must be placed in the space reserved for it unless special permission is given by the Superintendent for placing it otherwise.
4. No monument shall be erected or removed without the notification of the Superintendent.
5. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the cemetery.
6. Flat markers only are allowed in area designated for cremations only.

### CARE AND MAINTENANCE

1. In accordance with Section 166 of the Funeral, Burial, Cremation Service Act of 2002, a prescribed amount shall be paid into the Care and Maintenance Fund of the Cemetery upon installation of a marker.
  1. \$0, in the case of a flat marker measuring less than 1116.13 square centimetres (173 square inches).
  2. \$50, in the case of a flat marker measuring at least 1116.13 square centimetres (173 square inches).
  3. \$100, in the case of an upright marker measuring 1.22 metres (four feet) or less in height and 1.22 metres (four feet) or less in length, including the base.
  4. \$200, in the case of an upright marker measuring more than 1.22 metres (four feet) in either height or length, including the base.
2. If a marker in the cemetery presents a risk to public safety because it is unstable, the Superintendent shall do whatever is necessary by way of repairing, resetting or laying down the marker so as to remove the risk.

### GENERAL CONSTRUCTION

1. Foundations of monuments shall extend not less than five feet below the surface of the ground.

2. Stones and monuments shall be free from visible defects with respect to quality or endurance and no tablet, monument or other structure composed in whole or in part of wood or iron shall be erected. All bases of monuments must be level on the bottom and the stonework next to the foundation shall have the surface squared, so as to allow full bearing upon the foundation, and no building up or underpinning with chips or other material will be allowed.
3. All markers must have sawn edges for ease of installation and to restrict frost from raising the marker above ground level.
4. No monument shall be delivered to the cemetery until the foundation is completed.

**SECTION 10 - RULES FOR MONUMENT DEALERS, CONTRACTORS AND THEIR EMPLOYEES**

1. Every contractor employed to do any work in the cemetery shall first present an application to the Superintendent signed by the interment rights holder, or his/her legal representative, requesting permission to employ such contractor to do the work therein specified. This application shall designate the section and lot.
2. Workmen shall cease work, in the immediate vicinity of a funeral, until the conclusion of the service.
3. Heavy loads shall not be permitted in the cemetery when the roads are in an unfit condition.
4. No monumental work shall be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.
5. Any workmen who damages any lot, stone or monument or other structure, or otherwise does any damage in the cemetery, shall be personally responsible for such damage or injury, and in addition thereto, his employer shall be liable therefore.



**SECTION 11 - OTHER**

1. The Township of Chatsworth Cemeteries, that this by-law applies, shall be those as shown in Schedule A attached hereto and forming part of this by-law.

**SECTION 12 - ENFORCEMENT**

1. Where a specific penalty is not provided for an offence under the Funeral, Burial and Cremation Services Act, every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine not exceeding five thousand (\$5000.00) dollars, exclusive of costs, for each offence, recoverable under the Provincial Offences Act.

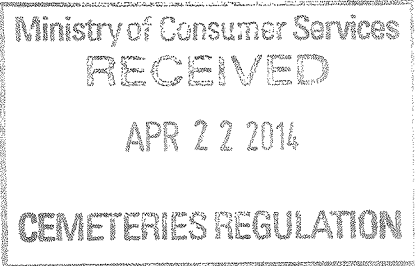
That, having received draft pre-approval from the Registrar, of the Cemeteries Branch of the Ministry of Consumer Services on May 7, 2014, this by-law shall take effect and come into force with final passing."

 Ontario Ministry of Government Services Cemeteries Regulation	Ministère des Services gouvernementaux Réglementation des cimetières
	APPROVED In accordance with the regulations under The Cemeteries Act.
Date of Approval Date de l'approbation	<u>May 7, 2014</u>
No. of Cemetery/ Numéro de site des cimetières	<u>00792</u>
	

SCHEDULE A TO BY-LAW NO 2014-14

*"cemetery" means the following active cemeteries under the care and control of the Municipality:*

CHATSWORTH CEMETERY	LOT 61-62, PLAN 121 CHATSWORTH
HEMSTOCK CEMETERY	LOT 6, CONCESSION 1 FORMER SULLIVAN
DESBORO CEMETERY	JDGP 900, LOT 4 RP 16R1655 PART 1 FORMER SULLIVAN
MOUNT ZION CEMETERY	CONCESSION 1 NETSR PART LOT 20 FORMER HOLLAND



**READ A FIRST and SECOND TIME this 19<sup>th</sup> day of February, 2014.**



**MAYOR Bob Pringle**

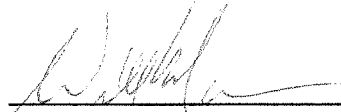


**CAO/Clerk Will Moore**

**READ A THIRD TIME and FINALLY PASSED this 19<sup>th</sup> day of February, 2014.**



**MAYOR Bob Pringle**



**CAO/Clerk Will Moore**