

THE CORPORATION OF LOYALIST TOWNSHIP

BY-LAW 2007-61

WHEREAS the Cemeteries Act, R.S.O. 1990, Chapter C.3, Section 42 authorizes the owner of a cemetery to make regulations for laying out and selling lots and managing the cemetery for regulating burials therein and otherwise generally respecting the use of the grounds and for the execution of conveyances of lots or plots in the cemetery;

AND WHEREAS The Corporation of Loyalist Township is the owner of five (5) cemeteries;

AND WHEREAS The Corporation of Loyalist Township adopted By-law 2006-43 to regulate the operation of cemeteries;

AND WHEREAS it is deemed desirable to increase the rates for grave purchases and to revise the rates for opening and closing graves;

AND WHEREAS the proposed changes in rates have been approved and filed by the Ministry of Government Services;

NOW THEREFORE the Council of The Corporation of Loyalist Township enacts as follows:

1. DEFINITIONS:

- (A) "ABANDONED CEMETERIES" means abandoned cemeteries as declared by the Minister.
- (B) "CARE AND MAINTENANCE FUND"
- (C) "CEMETERY" means the Cemeteries as per Schedule "A".
- (D) "CEMETERY SERVICES" means in respect of a lot:
 - (I) Opening and closing of a grave;
 - (II) Interring or disinterring human remains;
 - (III) Construction of a foundation for a marker;
 - (IV) Setting of corner posts.
- (E) "CEMETERY SUPPLIES" means interment vaults, markers, flowers, liners, urns, shrubs, artificial wreaths and other articles intended to be placed in the cemetery.

- (F) "DIRECTOR OF RECREATION AND PROPERTY" means the person appointed by the Township in charge of cemeteries.
- (G) "GRAVE" means an area of land in the cemetery containing or set aside to contain human remains.
- (H) "HUMAN REMAINS" means the remains of the deceased human being and includes a cremated human body.
- (I) "INTER" means the burial of human remains and includes the placing of human remains in a grave.
- (J) "INTERMENT RIGHTS" includes the right to require or direct the interment of human remains in a grave.
- (K) "INTERMENT RIGHTS HOLDER" means a person with interment rights with respect to a grave and includes a purchaser of interment rights under the current Cemeteries Act or a predecessor of that Act.
- (L) "MARKER" means any monument, tombstone, plaque, headstone, cornerstone, or other structure affixed to a burial grave.
- (M) "MINISTER" means the Minister of Consumer and Commercial Relations for the Province of Ontario.
- (N) "MONUMENT FUND" means a fund that is established from the erection of monuments, the interest of which is to be used for the care and maintenance of monuments.
- (O) "PERPETUAL CARE FUND" means a fund established and must be purchased at the time of grave purchase, by all grave owners, the interest only from which is to be used for care and maintenance of that cemetery.
- (P) "PLOT" means eight graves.
- (Q) "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.
- (R) "PRICE LIST" means the price list of cemetery supplies and services of Loyalist Township.
- (S) "RANGE" means an area of the cemetery consisting of a section, plots and graves.

- (T) "REGISTRAR" shall mean the Registrar appointed under the Cemeteries Act, R.S.O., 1990, C.C.4.
- (U) "RESIDENT" means Loyalist Township resident at time of purchasing a grave(s)
- (V) "SECTION" - area of a cemetery consisting of plots and graves.
- (W) "TOWNSHIP" or "MUNICIPALITY" means the Corporation of Loyalist Township hereafter referred to as the Township.
- (X) "TRUST FUND" means a Trust Fund established for the purpose of the Cemeteries Act R.S.O., 1990, C.C.4.

2. **SALE AND TRANSFER OF LOTS:**

- (A) Interment rights (lots) may only be sold by the Corporation of Loyalist Township. When interment rights are purchased, a contract shall be completed and signed by the purchaser or a personal representative of the deceased.
- (B) Interment Rights Holder acquires only the right and privilege of burial of human remains and of constructing monuments, subject to the rules and regulations in force and approved by the Minister.
- (C) Payments for interment rights or cemetery supplies or services shall be made to the office of the Treasurer of the Municipality.
- (D) The Municipality shall provide each rights (lot) owner at the time of sale with:
 - (I) Copy of the contract;
 - (II) Copy of the Cemetery By-law(s)
- (E) All prices for cemetery lots and services shall be as set out in the most recent Price List filed with the Ministry of Consumer and Commercial Relations. Prices for lots shall include the applicable portion for deposit to the Cemeteries Care and Maintenance Fund composed of the Perpetual Care /Monument Marker Funds.
- (F) The deposit to the Perpetual Care and Monument Fund shall be as specified in the regulations made under the Cemeteries Act revised.
- (G) Lots previously sold, for which provisions for maintenance of lots and markers has not been made, must be placed under this plan by the

payment of the charges set forth in the Price List which have been approved by the Registrar.

- (H) An Interment Rights Holder shall not sell interment rights or any interest therein unless it be to the Municipality and for the original purchase price with the exception that:
 - (i) transfer of ownership by will or bequest of a lot shall be allowed.
- (I) If any lot is sold and has not been used after a twenty (20) year period, it may be considered abandoned. The Corporation may apply to the Registrar for a declaration that the interment rights are abandoned after making inquiries and giving reasonable notices to find the interment rights holders or beneficiaries. Upon being satisfied that the rights are abandoned, the Registrar shall issue a declaration to that effect. If there is not an appeal by the end of the time period allowed for appeal, the Corporation may resell the lot in question.

Any person whose interment rights have been resold after being declared abandoned may apply to the Registrar for redress. Upon receiving an application for redress, the Registrar shall order the Corporation to provide better or equivalent interment rights in that cemetery or to refund the amount that it would cost to purchase better or equivalent interment rights in the cemetery or, if no interment rights are available in the cemetery, in the closest cemetery appropriate to the religious or ethnic affinities of the person whose interment rights have been resold.

3. INTERMENTS:

- (A) No interment shall be made without the permission of the rights holder or his/her authorized representative.
- (B) No interment shall take place without a burial permit, or certificate of cremation, nor until the person making the arrangements for the interment has complied with all laws, rules and regulations relative to burials.
- (C) No burial shall be allowed in any lot against which there are unpaid charges, unless arrangements have been made with the Township.
- (D) In each case of burial a written statement giving the name, late residence, age, place of birth, place of death, date of death, name of deceased's nearest relative or friend, date of interment, description of where interred, and the name of the funeral director shall be provided so that an accurate register may be kept.

- (E) The Municipality shall not be responsible for any error occurring from want of precise and proper instructions regarding the location of any burials, nor where such instructions are not given in writing, any such erroneous instructions shall be the sole responsibility of the person or persons giving the same.
- (F) Notice of each interment to be made shall be given to the Director or designate, 48 hours previous thereto except under special circumstances.
- (G) No grave shall be opened for interment by any person not authorized by the Municipality.
- (H) Only one interment in any one grave shall be permitted, except in special circumstances where the Director has approved a double depth burial or six urns (cremated remains) may be buried above another interment or six urns (cremated remains) allowed in any one grave.
- (I) Orders from funeral directors shall be construed as orders from owners.
- (J) The setting up and removal of artificial grass, lowering devices, and other interment accessories at a grave site are the responsibility of the funeral director.
- (K) All funeral flowers and containers to be removed from the grave site within seven days or the same will be removed by the cemetery staff.
- (L) The interment fee includes the opening and closing of the grave, and the Superintendent's fee.
- (M) Winter interment shall mean all interments between the fifteenth day of November in any year and the fifteenth day of April of the following year, weather permitting.

4. DISINTERMENT:

- (A) Disinterment of a body once properly interred shall not be made without the written consent of the local Medical Officer of Health and the owner of the lot, or a court order, and upon due observance of all requirements of the Cemeteries Act and the regulations thereunder.
- (B) Any markers or monuments designating the location of an interment shall be removed at the time a disinterment is made.
- (C) The charges for disinterment shall be three times the normal interment fee, payable in advance.

5. CARE OF LOTS:

- (A) 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 grave markers.
- (B) Ornamental dwarf evergreen shrubs are permitted only on plot lots or larger and having a monument. One shrub shall be permitted on either side of the monument. Shrubs will not be permitted to exceed the height of the monument. Lot owners must provide adequate maintenance.

If any trees or shrubs situated on any lot have become, by means of their roots, branches, or are, in any way detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenience to the public, the Director may remove such trees or shrubs or parts thereof.
- (C) No urns, hanging baskets or any other decorations or objects are permitted and shall be removed by the Director.
- (D) No person shall do any work upon a burial lot without the permission of the Director.
- (E) Flower beds are permitted only on lots having a monument. No flower bed shall exceed eighteen inches in depth and shall not exceed the length of the base of the monument on the lot. Planting of borders around lots is prohibited.
- (F) Annual flowers only may be planted in the cemetery. Flower beds required to be cleared after the first frost of the autumn.
- (G) Rubbish shall not be thrown on roads, walks, or any part of the cemetery grounds.
- (H) No lot owner shall change the grading of a lot and, in case of any such change, the Municipality may restore the lot to its original grade at the expense of the owner.
- (I) No unauthorized person shall sod or move corner posts or grave markers.
- (J) The Municipality shall not be responsible for any damage to lots and structures or objects thereon, or for flowers or articles removed from any lot or grave.

6. MARKERS AND MONUMENTS:

- (A) All markers and monuments of any kind erected in the cemetery shall be constructed of granite, marble and/or bronze; structures of any other kinds of material must be approved by the Loyalist Township Cemeteries Committee.
- (B) No marker, monument or other structure shall be erected or permitted on a lot until any accrued charges have been paid in full.
- (C) The dimensions and particulars of a marker shall be submitted in writing to the Superintendent prior to the placing of the marker within the Cemetery.
- (D) Corner posts and markers shall be dressed on the upper surface and level with the ground and shall be placed under the supervision of cemetery staff.
- (E) Sizes of flush markers permitted;
 - (i) single grave 18" x 24" max.
 - (ii) double grave 18" x 44" max.All markers shall be of a uniform thickness not more than four (4) inches nor less than three (3) inches.
- (F) Stones and monuments shall be free from visible defects with respect to endurance. No tablet, monument or other structure composed in whole or in part of wood or iron shall be erected.
- (G) 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 under pinning with spalls or chips will be allowed. The base shall have a rock edge and be six (6) inches high.
- (H) Foundations of monuments shall extend not less than four feet below the surface of the ground; shall be level on the top and paid for by the company erecting the monument. Foundations must be as large in area as the base of the monument, but the Municipality reserves the right to require a larger foundation, if necessary.
- (I) The dimensions and particulars of the required foundation for a monument shall be submitted in writing to the Superintendent prior to the placing of the foundation so it may be properly constructed.
- (J) Not more than one monument shall be erected on any one grave and this must be placed at the centre of the head end of a grave except where

alignment with existing nearby monuments justifies another location as approved by the Superintendent.

- (K) No monument/marker shall cover more than ten per cent (10%) of the total area of the lot or lots on which it is erected.
- (L) Die thickness shall be a minimum of six (6) inches up to the total monument height of three (3) feet. Over three feet will be one (1) inch per every foot, to a maximum die thickness of eight (8) inches.
- (M) No monument shall be erected or removed without the knowledge and supervision of Superintendent. No monument work shall be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.
- (N) Any monument or other structure, or any inscription of a monument or structure upon any lot shall be in keeping with the dignity and decorum of the Cemetery.
- (O) The deposit to the Monument Fund payable when a marker is installed in the cemetery shall be as specified in the regulations made under The Cemeteries Act:
 - (1) Installing a flat marker measuring less than 173 square inches (1116.3 square centimetres) \$ 0.00
 - (2) Installing a flat marker measuring at least 173 square inches (1116.3 square centimetres) \$ 50.00
 - (3) Installing an upright marker measuring four feet (1.22 meters) or less in height and four feet or less in length (1.22 meters) including the base \$ 100.00
 - (4) Installing an upright marker measuring more than four feet (1.22 meters) in either height or length including the base \$ 200.00

7. CONDUCT WITHIN THE CEMETERY:

- (A) No picnic, party or alcoholic beverages shall be permitted in the cemetery.
- (B) No person shall willfully destroy, mutilate, deface, write upon, injure, or remove any tomb, monument, gravestone, or any structure placed within the cemetery, or any fence, railing or other work for the protection of the cemetery, nor shall any person willfully destroy, cut, break, or injure any

- tree, shrub, or plant within the limits of the cemetery, or play at any game of sport, or discharge firearms (save at a military funeral) nor willfully or unlawfully disturb any person or persons assembled for the purpose of burying any body therein; nor shall any person commit any nuisance or behave in an unseemly manner in the cemetery; nor shall any person in any way violate, desecrate, or disfigure such cemetery, or any grave, tomb, tombstone, vault or other structure within the same.
- (C) All workmen in any capacity within the cemetery whether as contractors, masons, stone-cutters, erectors, helpers, etc. are subject to the direction and control of the Superintendent. Any workman who causes damage or injury within the cemetery shall be personally responsible for such damage or injury; and in addition thereto, his employer shall be liable therefore.
 - (D) Contractors, masons, stone-cutters, erectors, etc. shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury. All work sites shall be left in a clean and orderly condition to the complete satisfaction of the Superintendent.
 - (E) When the roads in the cemetery are soft from spring thaws, rain or other cause, the Superintendent or designate may restrict vehicular traffic.
 - (F) No parades other than funeral processions shall be admitted to or organized within the cemetery.
 - (G) No vehicle shall exceed a speed of 10 miles per hour (16 km.) nor shall any vehicle leave the roadways within the cemetery.
 - (H) Any enquiries or complaints by lot owners or visitors shall be made to the Superintendent and not to the workmen or the groundskeeper.
 - (I) Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates any provisions of these policies and procedures may be expelled from the cemetery.
- 8. PRICE LIST:**
- (A) Subject to The Cemeteries Act and the regulations stated therein, the Municipality shall adopt a Price List to regulate the fees and charges to be paid by persons purchasing interment rights or cemetery supplies or services as shown in Schedule "B" attached hereto and forming part of this by-law.

9. PENALTY:

Where a specific penalty is not provided for an offence under The Cemeteries 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 (\$5,000.00) dollars, exclusive of costs, for each offence, recoverable under the Provincial Offences Act.

10. OTHER:

- (A) This by-law shall come into force and take effect upon the date of its passing.
- (B) In the event of a conflict between the provisions of this by-law and any other by-law of the municipality, the provisions of this by-law shall prevail.
- (C) That By-law 2006-43 and any other by-laws or portions thereof conflicting with this by-law are hereby repealed.

ENACTED AND PASSED THIS 25th day of June, 2007

REEVE

CLERK

Schedule 'A' to By-law 2007-61

Cemeteries

	Location
1. Glenwood	Stella Forty Foot Con SS Pt Lot 1 RP 29R1317 Frontage 307.41 ft 4.52 ac
2. Pentland	Front Road Con NS Pt Lot 16 Frontage 169 ft 1.29 ac
3. Lutheran (Union)	Ham Road Con 2 Pt Lt 16,17 RP 29R 2048 Frontage 594.06 ft 1.66 ac
4. Bells	4 th Line Con 3 Pt Lt 10 RP 29R 270 Pts 1-3 & Pt 2 Row Frontage 10.10 ft Depth 136.35 ft 0.72 acres
5. Family Plot	Abandoned Family Plot located at 2090 Withers Road Conc. 3 Pt lot 7 RP 29R 1563 Pt 1
6. Switzerville Cemetery	Abandoned located at 1911 Switzerville Road Con 6 PT Lot 11

Section 'B' to By-law 2007-61**Price List**

1) Grave Purchases

Residency

Local Resident \$600 *

Non Resident \$800 **

* includes \$200 Care & Maintenance

** includes \$260 Care & Maintenance

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| 2) Opening/Closing a Grave | i) for a Casket | \$550 |
| | ii) for Cremated Remains | \$250 |