

**THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA**

**BY-LAW NUMBER 31 - 2015**

**BEING A BY-LAW TO MAINTAIN, MANAGE, REGULATE AND CONTROL CEMETERIES IN THE TOWNSHIP OF EAST GARAFRAXA**

**WHEREAS** the Funeral, Burial and Cremation Services Act, 2002, provides that an owner of a cemetery may make by-laws affecting the operation of the cemetery; and

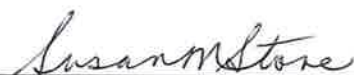
**WHEREAS** Council of the Corporation of the Township of East Garafraxa deems it expedient to pass a by-law for the maintenance, management, regulation and control of Price's Corner Union Cemetery, owned and operated by the Corporation of the Township of East Garafraxa;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA BY THE MUNICIPAL COUNCIL THEREOF ENACTS AS FOLLOWS:**

1. That Schedule "A" attached hereto forms part of this by-law.
2. That Schedule "B" attached hereto forms part of this by-law, being the fees established for Price's Corner Union Cemetery, as amended from time to time.
3. That By-laws 18-1994 and 19-1994 are hereby repealed.
4. That this By-law shall come into force and take effect upon receiving the approval of the Registrar.

BY-LAW READ A FIRST AND SECOND TIME THIS 15th DAY OF SEPTEMBER, 2015.

BY-LAW READ A THIRD TIME AND PASSED THIS 15th DAY OF SEPTEMBER, 2015.

  
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Susan M. Stone, Clerk

  
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Guy Gardhouse, Mayor

1. **DEFINITIONS**

- a) **Burial:** The opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains.
- b) **By-laws:** The rules and regulations under which the Cemetery operates.
- c) **Care and Maintenance Fund:** It is a requirement under the Funeral, Burial and Cremation Services Act, 2002 that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.
- d) **Cemetery:** Shall mean Price's Corner Union Cemetery, located on West Part Lot 5, Concession 13, Township of East Garafraxa, County of Dufferin, being land set aside to be used for the interment of human remains.
- e) **Clerk:** The person appointed by the Township of East Garafraxa (or designate) in charge of Cemetery.
- f) **Contract:** Shall mean all purchasers of interment rights must sign a contract with the Township of East Garafraxa, detailing obligations of both parties and acceptance of this by-law.
- g) **Crypt:** An individual compartment in a mausoleum for the entombment of human remains.
- h) **Grave:** (Also known as Lot) shall mean any inground burial space intended for the interment of a child, adult or cremated human remains.
- i) **Human Remains:** A dead human's remains and includes a cremated human body.
- j) **Interment Rights:** The right to require or direct the interment of human remains or cremated human remains in a plot and direct the associated memorialization.
- k) **Interment Rights Certificate:** The document issued by the Township of East Garafraxa to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.
- l) **Interment Rights Holder:** Any person designated to hold the right to inter human remains in a specified plot.
- m) **Lot:** For the purposes of this By-Law a lot is a single grave space.
- n) **Marker:** Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot.
- o) **Monument:** Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial plot.
- p) **Plot:** Shall mean a parcel of land sold as a single unit, containing three lots (if no vaults used), and two lots (if vaults used).
- q) **Price List:** The price list for the Price's Corner Union Cemetery, Township of East Garafraxa.

- r) **Registrar:** The Registrar appointed under the Funeral, Burial and Cremation Services Act, 2002.
- s) **Scattering:** Shall mean the act of spreading of cremated remains over a designated area within a cemetery with the knowledge and permission of the Township of East Garafraxa and in keeping with this by-law.
- t) **Township:** The Corporation of the Township of East Garafraxa.

**2. GENERAL INFORMATION**

<b>Visitation Hours:</b>	½ hour after sunrise	½ hour before sunset
<b>Office Hours:</b>	Monday to Friday	8:30 a.m. to 4:30 p.m.
<b>Burial Hours:</b>	Monday to Friday	9:00 a.m. to 3:30 p.m.
	Saturdays	9:00 a.m. to 12:00 p.m.

- a) **General Conduct:** The Township of East Garafraxa reserves full control over the cemetery operations and management of land within the cemetery grounds.

No person may damage, destroy, remove or deface any property within the Cemetery.

All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

- b) **By-Law Amendments:** The cemetery shall be governed by this by-law, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.

All by-law amendments must be:

- a) published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) conspicuously posted on a sign at the entrance of the cemetery; and
- c) delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, Cemeteries and Crematoriums Regulation Unit, Ministry of Government and Consumer Services.

- c) **Liability:** The Township will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any lot, plot, monument, marker, or other article that has been placed in relation to an interment save and except for direct loss or damage caused by gross negligence of the cemetery.
- d) **Public Register:** A public register of the Cemetery will be available to the public during regular office hours.
- e) **Pets or Other Animals:** Pets or other animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.
- f) **Right to Re-Survey:** The Township has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close

pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

- g) **Notice of Resale and Transfer of Interment:** The Township permits the interment rights holder to sell or transfer their interment rights to a third party, at no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the Township and the purchaser meets the qualifications and requirements as outlined in this by-law.

### 3. CANCELLATION OR RESALE OF INTERMENT RIGHTS

- a) Purchasers of interment rights acquire only the right to direct the burial of human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in this by-law. In accordance with this by-law, no burial, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights may advise the Township of their intention prior to seeking a third party buyer for their interment rights in accordance with Section 2. g) of this by-law.
- b) **Cancellation of Interment Rights within 30 Day Cooling-Off Period:** A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the Township. The Township will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
- c) **Cancellation of Interment Rights after the 30 Day Cooling-Off Period:** Upon receiving written notice from the purchaser of the interment rights, the Township will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the Township along with the written notice of cancellation.

If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.

- d) **Resale of Interment Rights after 30 Day Cooling-Off Period:** Unless the interment rights have been exercised, the purchaser retains the right to cancel the contract or re-sell the interment rights. Once payment for the interment rights have been made in full, and an interment rights certificate has been issued, the interment rights holder(s), as recorded on the cemetery records, has right to re-sell the interment rights. Any resale of the interment rights shall be in accordance with the requirements of this by-law and in keeping with the Funeral, Burial and Cremation Services Act, 2002.

If any portion of the interment has been exercised, the purchaser, or the interment rights holder(s) are not entitled to re-sell the interment rights.

- e) **Care and Maintenance Fund Contributions:** As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all interment rights, and a prescribed amount of \$25.00 where there was no scattering rights sold, and a prescribed amount for monuments and markers is contributed into the care and maintenance fund. Income from this fund is used to provide only general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when interment is cancelled within the 30 day cooling off period.
- f) **Requirements if resale of interment rights is permitted by the Township:** The interment rights holder(s) intending to sell their rights shall provide the following documents to the Township so that the operator can confirm the ownership of the rights and provide the third party purchaser with a the required certificate etc.:
1. an interment rights certificate endorsed by the current rights holder;
  2. any other documentation in the interment rights holder(s) possession relating to the rights.

The third party purchaser will be provided with the following documents by the Township:

1. an interment rights certificate endorsed by the current rights holder;
2. a copy of the cemetery's current by-law;
3. a copy of the cemetery's current price list;
4. any other documentation in the interment rights holder(s) possession relating to the rights.

The Township will require:

1. a statement signed by the rights Holder(s) selling the interment rights acknowledging the sale of the interment rights to the third party purchaser;
2. confirmation that the person selling the interment rights is the person registered on the cemetery records and that they have the right to re-sell the interment rights;
3. record of the date of transfer of the interment rights to the third party;
4. the name and address of the third party purchaser(s);
5. a statement of any money owing to the Township in respect to the interment rights.

Once the endorsed certificate and all required information has been received by the Township from the rights holder(s), the Township will issue a new interment rights certificate to the third party purchaser.

Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third party purchaser or transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with this by-law and the Funeral, Burial and Cremation Services Act, 2002.

The Township may charge an administration fee for the issuance of a duplicate certificate in accordance with the price listed on the Township's current price list.

#### 4. BURIAL OF CREMATED REMAINS

Interment rights holder(s) must provide written authorization prior to a burial taking place. Should the interment rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights

holder i.e. Personal Representative, Estate Trustee, Executor or next of kin.

A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to a burial taking place. A Certificate of Cremation must be submitted to the Township office prior to the burial of cremated remains taking place.

In accordance with the Funeral, Burial and Cremation Services Act, 2002, the purchaser of interment rights must enter into a Cemetery Contract, providing such information as may be required by the Township for the completion of the contract and the public register prior to each burial of human remains. Payment must be made to the Township of East Garafraxa before a burial can take place.

The Township shall be given 48 business hours of notice for each burial of human remains. The opening and closing of graves may only be conducted by Township staff or those designated to do work on behalf of the cemetery.

Only one interment in any one lot shall be permitted, except in special circumstances where the Clerk has approved a double depth burial or up to four urns (cremated remains) to be buried above another interment in any one lot. Cremated remains are not permitted to be scattered on a grave.

Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder has been received by the Township and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains may take place. A certificate from the local medical officer of health is not required for the removal of cremated remains.

In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin.

## **5. MEMORIALIZATION**

No memorial or other structure shall be erected or permitted on a plot until all charges have been paid in full.

No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the Township.

Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

The Township will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.

The Township reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. Monuments must not be of a size that would interfere with any future interments.

Should any monument or marker present a risk to public safety because it has become unstable, the Township shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.

The Township reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the Township.

A monument shall be erected only after the specific design plans have been approved by the Township including: dimensions, material of structure, construction details, and proposed location.

In keeping with the cemetery by-laws only one monument shall be erected within the designated space on any plot.

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, total monument height of five (5) feet.

All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).

Flush markers and footstones of bronze or granite are permitted with size and quantity restrictions according to this by-law and the placement of such memorials shall not interfere with future interments.

Single lot maximum: 18" x 24"  
Plot maximum: 18" x 44"

All markers shall be of a uniform thickness of not more than four (4) inches nor less than three (3) inches.

## 6. CARE AND PLANTING

A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- re-levelling and sodding or seeding of plots;
- maintenance of cemetery roads;
- maintenance of perimeter walls and fences;
- maintenance of cemetery landscaping;
- repairs and general upkeep of cemetery maintenance buildings and equipment.

No person other than Township staff shall remove any sod or in any other way change the surface of the burial plot in the cemetery.

No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the Township. Ornamental dwarf evergreen shrubs are permitted only on plots having a monument. Shrubs will not be permitted to exceed the height of the monument. Plot owners must provide adequate maintenance. If any trees or shrubs situated on any plot have become in any way detrimental to adjacent plots, drains, roads or walks or prejudicial to the general appearance of the grounds or an inconvenience to the public, the Clerk may have the trees or shrubs or parts thereof removed, after 30 days' notice has been given, in writing, to the interment rights holder, if known.

Flowers placed on a grave for a funeral shall be removed by Township staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

## 7. ITEMS THAT ARE PROHIBITED AND PERMITTED

The Township reserves the right to regulate the articles placed on lots or plots that pose a threat to the safety of all interment rights holders, visitors to the cemetery and Township employees, prevents the Township from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery. Prohibited articles will be removed and disposed of without notification.

The following articles are prohibited from being placed on plots within the cemetery: articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments), ceramics, or corrosive metals; loose stones or sharp objects; trellises or arches; chairs or benches.

The Township reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.

Memorial wreaths may be placed in the cemetery. In order to prepare the grounds for spring, wreaths must be removed prior to April 1<sup>st</sup>. Wreaths not removed by April 1<sup>st</sup> will be removed and disposed of by the Township without notification. Saddle type arrangements or stone top wreaths shall be allowed to remain on the top of upright markers until such time as they are unsightly, when they shall be removed.

## 8. CONTRACTOR/MONUMENT DEALERS

Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the Township before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the Township office and provide the necessary approvals before commencing work at any location on the cemetery property.

Prior to the start of any said work, contractors must provide proof of (any or all may apply depending on your specific operation):

- WSIB coverage
- Occupational Health and Safety compliance standards
- Environmental Protection
- WHMIS
- Evidence of liability insurance of not less than \$2 million

This by-law applies to all contractors and all work carried out by contractors within the cemetery grounds.

Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the Township.

No work will be performed at the cemetery except during the regular business hours of the cemetery.

Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The Township reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to



any funeral or public gathering within the cemetery.

Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

**Price's Corner Union Cemetery  
Fees**

Description	Fee	Subtotal	HST	Total
<b>Sale of Lots</b>				
Plot containing three lots	\$1500.00	\$1500.00	\$195.00	\$1695.00
Care and Maintenance (3)	\$250.00	\$ 750.00	\$97.50	\$847.50
<b>Interment (Open-Close)</b>				
Burial	\$750.00	\$750.00	\$97.50	\$847.50
Cremation	\$200.00	\$200.00	\$26.00	\$226.00
Burial/Cremation weekend	Interment charges increase 50%			
Disinterment	3x normal interment fee			
Transfer	\$ 50.00	\$ 50.00	\$ 6.50	\$ 56.50