

THE CORPORATION OF THE TOWN OF BRUCE MINES

BY-LAW NO. 2013-19

[Amended by Resolution 2013-170 July 15/13 Section E.3 and Schedule "A" - Care and Maintenance (Perpetual Care)]

**BEING A BYLAW FOR CEMETERY MAINTENANCE,
MANAGEMENT AND CONTROL OF TRUNK ROAD
CEMETERY AND TAYLOR STREET CEMETERY IN THE
TOWN OF BRUCE MINES**

WHEREAS Municipalities under the *Funeral, Burial and Cremation Services Act, 2002* are empowered to establish, regulate and operate cemeteries within their jurisdiction;

AND WHEREAS the Corporation of the Town of Bruce Mines deems it necessary to pass a by-law governing the operation of the two cemeteries operated under the Town of Bruce Mines Cemetery Board, namely:

Taylor Street Cemetery
Trunk Road Cemetery

NOW THEREFORE the Corporation of the Town of Bruce Mines ENACTS as follows:

SECTION A: DEFINITIONS

"ACT"	shall mean the <i>Funeral, Burial and Cremation Services Act, 2002</i> .
"BOARD"	shall mean the Cemetery Board appointed by the Council of the Town of Bruce Mines.
"CARE & MAINTENANCE FUND"	shall mean that fund in which all moneys received for care and maintenance of lots has been invested by the Clerk of the Corporation of the Town of Bruce Mines for the Taylor Street and Trunk Road Cemeteries.
"CARETAKER"	shall mean the person/contractor hired by the Council to maintain the cemeteries.
"CEMETERY SERVICES"	shall mean the following services in respect of a lot or plot: i) opening and closing of a lot or plot; ii) interring or disinterring human remains; iii) construction of a foundation for a marker;
"CLERK"	shall mean the Clerk of the Corporation of the Town of Bruce Mines.
"COUNCIL"	shall mean the Council of the Town of Bruce Mines.
"CORPORATION"	shall mean the Corporation of the Town of Bruce Mines.
"INTER"	shall mean the burial in the cemetery of the body or remains of a human being.
"INTERMENT RIGHTS"	shall include the right to require or direct the interment of remains in a plot.
"INTERMENT RIGHTS CERTIFICATE"	means the certificate issued by the Corporation to a purchaser upon payment of the cost of interment rights and cemetery services.

“INTERMENT RIGHTS CERTIFICATE HOLDER”	means the person to whom the Interment Rights Certificate is issued or his or her legal representative, ascertained by production of a notarial copy of the Will or other evidence satisfactory to the City Clerk.
“LOT”	shall mean an area of land set aside to contain human remains. The lot size is 4 feet by 8 feet.
“PLOT”	shall mean two (2) or more lots in which the rights to inter have been sold together as a unit. The plot unit size is 16 feet by 16 feet. The plot will hold 8 lots.
“MARKER”	shall mean any monument, tombstone, plaque, headstone or other structure or ornament affixed to a lot or plot intended for human remains.
“MINISTER”	shall mean the Minister of Consumer Services for the Province of Ontario.

SECTION B: ADMINISTRATION

1. The business and affairs of the two cemeteries, namely Taylor Street and Trunk Road shall be managed and supervised by a board composed of two (2) councillors and two (2) lay persons who shall be appointed by council by by-law.
2. The Board shall be responsible for the administration, management, care, maintenance and improvement of the aforesaid cemeteries.
3. The Board shall have the authority to engage and authorize a caretaker or other employee and contractors to carry out the duties of the Board.
4. The Board shall be responsible to the Council of the Town of Bruce Mines for the execution of their duties.
5. The Council shall have the right to remove any or all members of the Board for failure to carry out their duties or for other just cause.
6. The Board shall elect from their own number, a Chairperson.
7. The Council shall appoint the Clerk or her designate who is responsible to the Council of the Town of Bruce Mines for properly recording all matters and acts pertaining to cemeteries as come to within their respective jurisdictions and also act as Recording Secretary for the Taylor Street and Trunk Road Cemeteries.
8. The Board shall render such reports as may be prescribed or as the Council may require.
9. The Council has authority to make final and binding decisions on behalf of the Board.
10. The Board shall meet at the call of the chairperson.
11. Fifty percent plus 1 of the Board shall comprise a quorum and no business shall be transacted unless a quorum is present.
12. All Board members to be provided with a copy of the By-law.

SECTION C: FINANCIAL

1. All fees and charges shall be paid as set out in the Schedule of Fees approved by Council which are subject to the approval of the Registrar. A Schedule of Fees is attached hereto as Schedule "A".
2. Payments for all fees and charges shall be made at the town office of the Clerk and deposits made forthwith.
3. The Treasurer or his/her designate shall keep such books, accounts and records as are necessary for properly recording all financial matters pertaining to the cemeteries.
4. The Treasurer or his/her designate shall receive all revenue belonging to, or pertaining to the cemeteries.
5. The Treasurer and his/her designate shall maintain, invest, and administer the Care and Maintenance Fund in accordance with the provisions and regulations of the *Act*.
6. The Board shall submit a yearly budget to the Council setting out operating and capital expenses. Application and use of monies shall be under the control of the Board.
7. The revenue from the Care and Maintenance Fund shall be applied at the discretion of the Board for general maintenance of the Cemeteries. The Board shall not be bound to expend the whole or any part of the money earned, but may accumulate or hold any part thereof or invest the same.
8. The application of donations shall be at the discretion of Council with due regard for the wishes of the donor.

SECTION D: RULES & REGULATIONS

1. All persons entering the cemetery shall behave with due decorum.
2. Plot owners shall not permit interments to be made in their plots for remuneration and shall not sell their plots for remuneration.
3. Drivers of vehicles within the Cemeteries shall respect all plots and shall be held responsible for any damage done by said vehicles.
4. Recreational vehicles are not permitted within the Cemeteries.
5. No person shall:
 - 1) Place any fence, railing, curbs or other enclosures around, or anything other than sod (i.e. crushed marble or gravel) on the surface of any lot or plot.
 - 2) Write upon, deface, injure or damage any marker, railings, fence or other structure.
 - 3) Plant any shrubs or trees without permission of the Board. The Board reserves the right to remove any unsightly or neglected shrubs or trees.
 - 4) Write upon, deface, injure or damage any marker, railings, fence or other structure.
6. Any person who damages any lot, plot, marker or any other structure in the cemeteries shall be held personally responsible.
7. The Corporation shall not be responsible for loss of or damage to: a lot, flowers, marker, structure, or any article or object of any kind attached to or part of any marker.
8. Remains of animals shall not be placed in any lot or interred or cremated remains placed in the Cemeteries.

SECTION E: OPERATIONS

1. Lots or plots may be purchased by individuals upon payment of the appropriate fees as per Schedule "A" attached hereto.
2. The Certificate of Interment Rights for a plot or lots shall be in the form attached hereto as Schedule "B" to this by-law and shall show:
 - a) The name and address of the purchaser of the plot or lots
 - b) The location of the lot to be purchased
 - c) The Cemetery that the lot is located in
 - d) The amount of the sale price and date of purchase
 - e) Be signed by the purchaser in the presence of a witness
 - f) Upon payment in full the Corporation shall prepare, have executed and deliver a Certificate of Interment Rights to the purchaser as set out in this by-law
3. Refunds will be given for lot purchases only, Care & Maintenance fees are non-refundable after 30 days of entering the contract & become part of the Trust Account.
4. The interment rights holder(s) may not resell the interment rights of lots except to the Town of Bruce Mines in accordance with the *Funeral, Burial and Cremation Services Act* and the regulations made under that *Act*.
5. The Transfer of a lot shall convey only those rights set out in Section E (2) of this by-law.
6. Upon receipt of a fully executed Transfer of Ownership, completed by the registered interment rights holder or that person's legal representative, ascertained by production of a Notarized copy of the Will or other evidence satisfactory to the Clerk or his/her designate, in the form attached hereto as Schedule "C" to this by-law, the Clerk or his/her designate shall immediately cause the transfer to be entered in the register kept for that purpose as aforesaid, and shall issue a new Certificate of Interment Rights.
7. Purchasers of lots or plots acquire only the right of burial of human remains therein, and of installing a marker or monument and such rights shall be subject to the provisions of the *Funeral, Burial and Cremation Services Act* and of this by-law as amended from time to time and no purchaser shall acquire any right, title or interest except as aforesaid or pursuant to the *Act*.
8. The interment Rights holder must designate, in writing, if another person is to be interred in his or her lot or plot.

SECTION F: INTERMENT

1. Taylor Street Cemetery and Trunk Road Cemetery are considered closed and no new plots shall be sold.
2. The Board is empowered to fix and regulate the price for opening and closing of lots or plots subject to the approval by the Council and the Registrar.
3. No interment shall take place until such time as the lot or plot has been paid for, in full, including care and maintenance fees.
4. No interment shall take place until such time that a copy of the Burial Permit has been filed with the Clerk or his/her designate as designated by Council.
5. Interments shall take place only from April 15th to December 15th in any given year unless otherwise authorized by the Board and or caretaker.
6. One (1) interment of a body and two (2) interments of cremated remains shall be allowed in any regular lot.
7. No more than eight (8) cremain interments shall be made in any regular plot.

8. Double-depth interments are not permitted next to a single-depth interment, unless in the discretion of the Caretaker, the double-depth interment will not disturb adjoining lots.
9. Notice of each interment to be made shall be given to the Clerk or his/her designate at least 24 hours previous thereto except under special circumstances. The Board will not be responsible for having lots prepared for funerals unless such notice is given.
10. The Board reserves the right to select the location of the lot for any indigent burial.
11. Remains of animals shall not be placed in any lot or interred or cremated remains placed in the Cemeteries.

SECTION G: DISINTERMENT

1. No disinterment shall be allowed in any lot or plot unless in accordance with Section 51 of the Cemeteries Act (Revised).

SECTION H: MARKERS

1. The Board reserves the right to determine the size of the markers, their composition, their number and location on each lot or plot:
 - 1) No more than one upright marker shall be erected on one lot.
 - 2) The minimum thickness of a marker shall be 5 inches at its narrowest point.
 - 3) Markers shall not exceed 44 inches in height, including foundation (as per *Act*).
 - 4) Flat markers on a single lot shall not exceed 24 inches wide by 6 inches deep.
 - 5) All markers to be granite, bronze or stone or wood at the discretion of the Board.
 - 6) No markers shall be allowed to stand on interment space of any lot or plot.
2. Upright markers shall be set upon an adequate foundation no less than 6 inches deep and must exceed the marker by a minimum of 6 inches on all sides. Foundation shall be flush with the ground.
3. No marker shall be erected without the supervision of the Board or its designate.
4. The Board or its designate reserves the right to enter onto any lot or plot to remove any marker or other structure or any inscription not in keeping with the decorum and dignity of the cemetery.
5. The Board shall not be held responsible for scratches or chips, which could occur from regular maintenance.
6. The Board shall be responsible for the maintenance and repairs of markers and may lay down markers considered unsafe.

SECTION I: EFFECTIVE DATE

1. This By-law shall repeal all by-laws previously passed for this purpose.
2. This By-law shall come into force and take effect upon its approval by the Cemeteries Branch of the Ontario Ministry of Consumer Services.

READ A FIRST and SECOND TIME this 6th day of May, 2013



MAYOR - Lory Patteri



CLERK - Donna Brunke

READ A THIRD TIME and PASSED this 6th day of May, 2013



MAYOR - Lory Patteri



CLERK - Donna Brunke

THE CORPORATION OF THE TOWN OF MINES

SCHEDULE "A" TO BY-LAW NO. 2013-19

SCHEDULE OF FEES

FULL SIZE BURIAL LOTS:

Land	\$100.00
Care and Maintenance: (Perpetual Care)	\$250.00
Transfer	\$ 10.00

OPENING AND CLOSING

Cremation Site	\$100.00
Traditional Site	\$500.00

INSTALLATION OF MARKERS:

Flat markers less than 173 square inches:	Nil
Flat marker larger than 173 square inches:	\$ 50.00
Upright markers less than 4' x 4':	\$100.00
Upright markers measuring 4 feet or less in height or length, including base	\$200.00

No contribution if the marker is installed to replace a marker that has been damaged and cannot be repaired.

100% allocated to care and maintenance fund for all marker fees as set out in O/Regulation 132/92.

DISINTERMENT CHARGES

All disinterments will be done in accordance with the *Funeral, Burial and Cremation Services Act*.

Disinterment of burial	\$2,000.00
Disinterment of cremated remains	\$ 350.00

SCHEDULE "B" TO BY-LAW NO. 2013-19

THE CORPORATION OF THE TOWN OF BRUCE MINES

CERTIFICATE OF INTERMENT RIGHTS

Date of Purchase: _____

Pursuant to the *Funeral, Burial and Cremation Services Act, 2002* and regulations and amendments thereto:

BETWEEN

**The Corporation of the Town of Bruce Mines
Operating the Taylor Street and Trunk Road Cemeteries**

Hereinafter called the "Cemetery Owner"

And

_____ (Name/Names)

_____ (Address)

Hereinafter called the "Purchaser"

IN CONSIDERATION of the sum of \$ _____, receipt of which is hereby acknowledged, and which includes the sum of \$ _____ for Care and Maintenance (Perpetual Care), which is deposited with The Town of Bruce Mines, the Cemetery Owner agrees to assign to the purchaser the Burial of Interment Rights as follows:

TAYLOR STREET CEMETERY

TRUNK ROAD CEMETERY

Section _____ Plot _____ Lot _____ Dimensions _____

The Purchaser, by acceptance of this Certificate, indicates that the By-law governing the operation of the Cemetery has been received and read, and agrees to be guided by the said By-law as well as provisions of the *Funeral, Burial and Cremation Services Act* as if these were included as part of this Certificate.

The Purchaser agrees that in the event of transfer of the said Interment Rights, this certificate cannot be transferred but will be returned to the Cemetery Owner who will issue a new Certificate to the Purchaser.

Information contained on this form is considered public information as per the *Act*. The purchase of a lot conveys only the right of burial of human remains therein and of installing a marker and no other right of title or interest is obtained in the lot/plot.

IN WITNESS whereof, the Cemetery Owner has affixed its signature by the hand of its property signing officer this _____ day of _____.

THE CORPORATION OF THE TOWN OF BRUCE MINES

PURCHASER

Land \$ _____ P/C \$ _____ Payment _____

SCHEDULE "C" TO BY-LAW NO. 2013-19

THE CORPORATION OF THE TOWN OF BRUCE MINES

APPLICATION FOR TRANSFER OF OWNERSHIP

I, _____ of _____

The registered owner or legal representative of the owner, hereby make application for the transfer of:

Section _____ **Plot** _____ **Lot** _____

TAYLOR STREET CEMETERY

TRUNK ROAD CEMETERY

Now registered in the name of _____

To

_____ of _____
(Name) (Address)

In accordance with By-laws governing Cemeteries

Witness

Owner or Legal Representative