

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2005 - 18

**Being a BY-LAW for the Administration of the
CEMETERIES
in the Municipality of Magnetawan**

WHEREAS the Corporation of the Municipality of Magnetawan has historically provided administration for its Public Cemetery(s) designated as the Municipality of Magnetawan Cemetery Board;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. **In this By-Law:**

- 0.1 “**Act**” refers to the Cemeteries Act, being Chapter C.4 of the Revised Statutes of Ontario 1990.
- 1.1 “**By-Law**” when used in relation to a Cemetery, means the Rules under which a Cemetery is operated.
- 1.2 “**Cemetery**” means land set aside to be used for the interment of human remains.
- 1.3 “**Cemetery Services**” means in respect of a Lot:
 - 1.4.1 Opening and closing of a grave.
 - 1.4.2 Interring or disinterring human remains.
- 1.5 “**Human Remains**” means a dead human body and includes a cremated human body.
- 1.6 “**Income**” means the interest or money earned including the compounding thereof by the investment of funds.
- 1.7 “**Inter**” means the burial of human remains and includes the placing of human remains in a Lot.
- 1.8 “**Interment Rights**” includes the right to require or direct the interment of human remains in a Lot.
- 1.9 “**Interment Rights Holder**” means a person with interment rights with respect to a Lot and includes a purchaser of interment rights under the Cemeteries Act being Chapter C.4 of the Revised Statutes of Ontario, 1990, or a predecessor of that Act.
- 1.10 “**Land Registry Office**” means the land and titles office in the area in which a Cemetery is located.
- 1.11 “**Lot**” means an area of land in a Cemetery containing, or set aside to contain, human remains.
- 1.12 “**Marker**” means any monument, tombstone, plaque, headstone, cornerstone or other structure or ornament affixed to or intended to be affixed to or intended to be affixed to a burial Lot.
- 1.13 “**Minister**” means the Minister of Citizenship and Culture.
- 1.14 “**Municipality**” means the Corporation of the Municipality of Magnetawan.
- 1.15 “**Owner**” means an owner of a Cemetery.
- 1.16 “**Plot**” means two or more Lots in which the rights to inter have been sold as a unit.
- 1.17 “**Prescribed**” means prescribed by the regulations made under this Act.
- 1.18 “**Registrar**” means the registrar appointed under this Act.

- 1.19 “**Tribunal**” means the Commercial Registration Appeal Tribunal.
- 1.20 “**Trust Fund**” means a trust fund established for the purpose of this Act.
- 1.21 “**Secretary-Treasurer**” refers to the Secretary-Treasurer(s) of all Municipally administrated Cemeteries within the Municipality of Magnetawan.
- 1.22 “**Council**” means the Council of the Corporation of the Municipality of Magnetawan.
- 1.23 “**Board**” refers to the Municipality of Magnetawan Cemetery Board appointed by the Council, from time to time.
- 1.24 “**Resident**” means an individual owning land or residing within the Municipality of Magnetawan or a former resident under nursing care.
- 1.25 “**Non-resident**” means an individual not owning land or residing in the Municipality of Magnetawan.
2. There shall be appointed by the Municipality of Magnetawan Council a Cemetery Board consisting of (6) six members. The schedule and term of the appointed members to be; two (2) members for a one (1) year term, two (2) members for a two (2) year term, and two (2) members for a three (3) year term.
3. The Board shall have and may exercise all the powers and perform all the duties of the Council with respect to all Municipally owned Cemeteries and shall make rules and regulations for the proper government and maintenance thereof.
- 4.1 The Secretary-Treasurer of the Cemetery (s) shall collect or cause to be collected all monies payable under this By-Law and administer the funds as required.
- 4.2 All Lots for which interment rights have been sold shall be under maintenance and care and the disposition of all monies received by the respective Secretary-Treasurer(s) from the sale of interment rights shall be as allowed by the Cemeteries Act.
- 4.3 Every person installing a Marker shall pay an amount as prescribed by regulations which will be paid into the Maintenance and Care Fund.
5. All income from the monies received for maintenance and care, whether invested or on deposit in a chartered bank, together with all other income from whatever source shall be placed to the credit of “The Current Account” and shall be used for the ordinary expense of maintenance and improvement of the Cemetery(s) and markers.
6. “Schedule A” Rules and Regulations of the Municipality of Magnetawan Cemetery Board shall form part of this By-Law.
7. “Schedule B” Tariffs and Charges is attached to and forms part of this By-Law. These Tariffs and Charges shall apply to all Cemeteries.
8. This By-Law shall be subject to the approval of the Registrar.
9. By-Law No. 2001-30 is hereby Repealed.

Passed in open Council as read a First, Second and Third time,
this 22nd, day of June, 2005

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*

“Schedule A”

RULES AND REGULATIONS Of The CEMETERIES WITHIN THE MUNICIPALITY OF MAGNETAWAN

Section I

RULES OF CEMETERY MANAGEMENT

- a) All Cemeteries within the Municipality of Magnetawan shall be governed by the Municipality of Magnetawan Cemetery Board as provided in By-Law No. 2005-18.
- b) It shall be the duty of the Board to carry out the rules and regulations and conduct the business of the Cemetery(s).
- c) The Board shall designate an employee(s) who shall be in direct charge of the management and keep records of all Lots, graves and burials of the Cemetery(s) and shall report to the Board.
- d) It shall be the duty of the employee(s) to supervise all work in connection with the Cemetery(s).

Section II

RULES FOR WORKERS

- a) All workers entering the Cemetery shall be under the jurisdiction of a designated employee and shall observe their instructions and plan their work under his/her approval.
- b) No work shall be started which cannot be completed by Friday at the usual hour for labour to cease. All material shall be left as directed by the designated employee and all debris disposed of according to his/her directions.
- c) All workers must abide by the Rules and Regulations of the Cemetery Board and will be subject to disciplinary action.

Section 11I

RULES FOR INTERMENT RIGHTS HOLDER

- a) These rules are for the purpose of establishing a uniform and economic basis under which management can care for the Cemetery(s) and work in the interests of the interment rights holders.
- b) The Board reserves the right to accept money from the interment rights holder, relatives or any party for the maintenance and care of a Lot and/or marker.
- c) The Board employees are the only parties who shall remove any sod or in any way change the surface of any Lot in the Cemetery(s).
- d) The planting of trees or shrubs on Lots is not permitted except by permission of the Board and any trees or shrubs on any Lots are there at the pleasure of the Board and may be moved or removed.
- e) Wreath and flower arrangements are welcome. When they become weathered the Board reserves the right to remove them.

- f) Decisions, pursuant to Board policy, shall be made by the Secretary-Treasurer(s) to the Board.
- g) Vases, urns, planted flowers and flower stands shall be such as to not interfere with the care of the Lot and if undesirable or unsightly may be removed or prohibited by the Board. No glass containers of any kind are allowed in the Cemetery(s) at any time. Nails, wires, decorative stone, articles of glass or pottery or any other material(s) that create a hazard to workers and to visitors when neglected or broken are not allowed in the Cemetery(s).
- h) No person shall do any work upon a burial Lot without the permission of the Board.

Section IV

SALE OF INTERMENT RIGHTS

- a) Interment rights for burial purposes shall be sold according to the existing plan of the Cemetery and to future plans as new sections are opened up, at the scale of prices as set forward in the Tariff of Charges.
- b) The Board, on receipt of the sale price of interment rights, shall issue a Certificate of Interment Rights and the Chairperson and Secretary-Treasurer(s) of the Board shall execute the same.
- c) Each purchaser of interment rights shall abide by all existing rules of the Cemetery. A copy of the Municipality of Magnetawan Cemetery Board By-Law must accompany the Interment Rights Certificate.
- d) The purchaser of interment rights acquires only the right and privilege of burying human remains and erecting suitable memorials, subject to the rules and regulations of the Cemetery. Interment rights will be one (1) burial and one (1) cremation or two (2) cremations per single Lot or grave with a single headstone. Cremation Interment Rights will be two (2) cremations per single Lot or grave with a single headstone.
- e) Anyone not wishing to purchase a double or single Lot for a cremation burial may purchase a Cremation Interment Rights Lot in the area that is set aside for this purpose. The Lot sizes will be 2' x 2'.
- f) Interment rights will be repurchased by the Board pursuant to the rules of the Cemetery Act.
- g) Sales of interment rights shall be subject to a contract.

Section V

TRANSFERS

- a) Should an interment rights holder desire to transfer his/her interment rights he/she shall register with the Secretary-Treasurer(s) the name and address of the party to whom the transfer shall be made, provide proof of ownership or authority for transfer, return the Certificate of Interment Rights and pay a sum as set forth in the Tariff and Charges for this service.
- b) No transfer shall be made of any interment rights against which charges appear unpaid.
- c) The resale of interment rights Lots will not be permitted.

Section VI

INTERMENTS

- a) Whenever an interment is to be made, notice thereof shall be given to the employee(s) at least twenty-four (24) hours previous thereto and eight (8) hours of the twenty-four (24) hours will be deemed working hours giving all particulars as to location and size of case.
- b) No interment or disinterment shall be made without the appropriate Certificate being first produced and is subject the Cemeteries Act.
- c) A burial permit and Certificate of Interment Rights must be presented to the designated employee(s) in attendance at the Lot before an interment will be permitted.
- d) No interment shall take place in any Lot against which unpaid charges appear.
- e) No person other than the designated employee(s) shall open any Lot for the purpose of burial or removal of a body.
- f) Sunday and holiday burials shall be allowed by the Board, from time to time, subject to the Tariff and Charges established.
- g) The Board assumes no responsibility for damages should a Lot be opened in a wrong location due to wrong or insufficient information and any extra expenses connected with an error of this kind shall be paid by the parties ordering the interment.
- h) All burials shall be arranged to arrive at the Cemetery not later than 4:00 p.m. in order that the burial may be completed within the regular hours of work.
- i) Interments will not be permitted from November 15th through April 15th. Exceptions may be allowed by the Board or Secretary, weather permitting.

Section VII

CARE OF LOTS

- a) All Lots in the Cemetery(s) shall be cared for by the Board employee(s).

Section VIII

RULES FOR VISITORS

- a) All Cemeteries within the Municipality of Magnetawan are sacredly devoted to the burial of the dead and the provisions and penalties of the law will be strictly enforced in all cases of disturbance, wanton injury to property, disregard of the rules or conduct unbecoming to a Cemetery.
- b) All visitors shall conduct themselves in a quiet, orderly manner and shall not disturb any service being held, by noise or other disturbances.
- c) Vehicular traffic in the Cemetery(s) will be done so under the Board's supervision only.
- d) Children under twelve (12) years of age must be accompanied by an adult who shall maintain close contact with them and shall be responsible for their actions.
- e) The carrying of firearms or discharging of the same within any Cemetery grounds, except where used for the firing of a volley at a burial, is prohibited.

- f) When a society or association desires to hold a Memorial Service, they shall make application to do so to the Board at least fifteen (15) days prior to the desired date and permission shall be granted at the Board's approval. The association or society securing this permission shall assume responsibility for any damages done to any property in the Cemetery at that time.
- g) All persons are prohibited from picking any flowers, either wild or cultivated, or breaking any trees, shrubs or plants within the Cemetery(s) grounds.
- h) All persons are prohibited from writing upon, defacing or damaging any monument, fence or other structure in or belonging to the Cemetery.
- i) No dog or other domesticated animal shall be permitted to run at large in the Cemetery.
- j) The Cemetery(s) may be visited each day from sunrise to sunset.

Section IX

RULES FOR MOTOR VEHICLES

- a) The Board reserves the right to close the roads to the Cemetery(s) at any time to vehicular traffic, for maintenance or inclement weather conditions.
- b) The drivers of all vehicles entering the Cemetery(s) shall obey the instructions of the Board and shall keep to the route allotted to them. They shall not attempt to turn around on any roadway or pass another moving vehicle and shall not exceed a speed limit of fifteen kilometres (15 km) per hour.
- c) Vehicles forming part of a funeral procession shall take the route allotted to that funeral and shall move in unison with the procession and the drivers of all vehicles shall remain in close proximity thereto at all times.
- d) All work in close proximity to a burial shall cease during all services or at any other time when requested.
- e) All workers shall be suitably attired.
- f) No snowmobiles, motorcycles or all terrain vehicles are allowed within the Cemetery(s) unless approved by the Board.

Section X

MONUMENTS (ETC.)

Interment rights holders may erect memorials of suitable design on the Lots, subject to the following regulations:

- a) There shall be only one monument erected on each Lot.
- b) Any monument marker must comply with all regulations under new markers.
- c) All new monuments must be either of granite or bronze (markers must be of marble material) except on application to and by special permission of the Board.
- d) All new monument markers shall be installed in such a manner as to comply with a thrust test of 100 lbs. up to 3'11" in height and a thrust test of 200 lbs. for monuments 3'11" and over.
- e) No contractor will install a monument marker over 4' without first consulting the Municipality of Magnetawan Cemetery Board.

- f) The Board assumes no responsibility unless a monument is installed on a concrete foundation, approved by the supervisor of the Cemetery(s).
- g) Cremation markers shall be a maximum size of 16" x 16" and installed level with the ground surface.
- h) No inscription shall be placed on any monument or marker which is not in keeping with the dignity and decorum of the Cemetery.
- i) All photographs attached to any memorials or placed within the Cemetery grounds shall be the sole responsibility of the owner.
- j) A monument shall not be erected on any Lot until all charges have been paid.
- k) Monuments and markers shall be maintained by the Board and the Board reserves the right to adjust, straighten, repair, etc. or remove any monuments, markers etc. as allowed by the Cemeteries Act.

“Schedule B”

Tariff’s and Charges

The Following Rates Shall Apply to the

Cemeteries

within

The Municipality of Magnetawan

LOT PRICES *						
	Lot	Care and Maintenance	Total	Cremation Lot	Care and Maintenance	Total
Residents	\$100.00	\$150.00	\$250.00	\$50.00	\$50.00	\$100.00
Non-Residents	\$200.00	\$150.00	\$350.00	\$100.00	\$50.00	\$150.00

* Plus all applicable taxes

INTERMENTS *	
Adult	\$ 300.00
Children (ten (10) years and under	\$ 250.00
Cremated Remains	\$ 100.00

* Plus all applicable taxes

MONUMENT CARE AND MAINTENANCE *	
Flat Marker over 172 square inches	\$ 50.00
Upright Monument up to four (4) feet high and four (4) feet wide	\$ 100.00
Upright Monument over four (4) feet high and four (4) feet wide	\$ 200.00
Disinterment	\$ 400.00
Lot Transfer Fee	\$ 10.00

* Plus all applicable taxes