

**THE CORPORATION OF THE TOWN OF DEEP RIVER**

**By-law No. 4-2016**

**A BY-LAW TO AMEND BY-LAW NUMBER 30-2012, BEING A BY-LAW TO ESTABLISH MAINTENANCE, MANAGEMENT, REGULATION AND CONTROL OF THE DEEP RIVER CEMETERY**

**WHEREAS** the Corporation of the Town of Deep River has established the Deep River Cemetery upon those lands more particularly described as Lot 10, Range A, Town of Deep River, County of Renfrew, being land set aside to operate as a municipal cemetery;

**AND WHEREAS** it is desirable and expedient to make provisions for the care and control of the said cemetery;

**AND WHEREAS** Section 150 of *Ontario Regulation 30/11* made under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, as amended, provides that the owner of every cemetery may pass by-laws governing the operation of the cemetery;

**AND WHEREAS** no such by-law comes into force or takes effect until it is filed with, and approved by the Registrar under Section 151 of *Ontario Regulation 30/11* made under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, as amended;

**AND WHEREAS** Section 11 (1) of the *Municipal Act*, S.O. 2001, Chapter 25, as amended, authorizes lower-tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** Council for the Town of Deep River passed By-law Number 30-2012 Being a By-law to establish maintenance, management, regulation and control of the Deep River on Cemetery on the 20<sup>th</sup> day of June, 2012;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the Corporation of the Town of Deep River amends By-law Number 30-2012 as follows:

**1. Amendment**

1.1 Section 4.1 of By-law Number 30-2012 is hereby amended by deleting the words as set out in Schedule "C" attached to and forming part of this by-law, as follows:

4.1 A lot may be purchased by executing a contract completed and signed by the purchaser or a personal representative of the deceased and by the Cemetery Administrative Clerk on behalf of the Town, together with the payment of the purchase price set out in the Price List.

1.2 Section 4.2 of By-law Number 30-2012 is hereby amended by adding Item 4.2.4 and the words Consumer Information Guide, as follows:

4.2 At the time of sale, the Town shall provide each Interment Rights Holder with:

- 4.2.1 A copy of the contract referred to in Section 4.1;
- 4.2.2 Two copies of the Interment Rights Certificate;
- 4.2.3 A copy of the Cemetery By-law and any amendments thereto; and
- 4.2.4 Consumer Information Guide.

1.3 Section 5.1 of By-law Number 30-2012 is hereby amended by deleting the words **as set out in Schedule “C” attached to and forming part of this by-law**, as follows:

5.1 The purchase price of an interment right shall be as set forth in the Price List.

1.4 Section 5.5 of By-law Number 30-2012 is hereby amended by deleting the words **as set out in Schedule “B” and**, as follows:

5.5 The applicant shall not be entitled to an Interment Rights Certificate, as noted in Section 4.2.2 above, until the purchase price is paid in full.

1.5 Section 6.3 of By-law Number 30-2012 is hereby amended by adding the words **the price list** and deleting the words **Schedule “C”**, as follows:

6.3 An Interment Rights Holder may gift, bequest or otherwise transfer interment rights, without consideration, to any other person by giving written notice of the transfer to the Town and by returning the original Interment Rights Certificate to the Town. Upon receipt of the notice, the required transfer fee as set out in the Price List and the original Interment Rights Certificate, the Town shall issue a new Interment Rights Certificate to the Transferee. If the Interment Rights Holder has misplaced the original Interment Rights Certificate a replacement may be issued upon payment of the applicable fee as per the Price List, any subsequent transfer fee will also apply if the Interment Rights are being transferred.

1.6 Section 7.3 of By-law Number 30-2012 is hereby amended by deleting the words **as set out in Schedule “D” and Schedule “E”**, as follows:

7.3 No interment shall take place until the person making the arrangements for the interment has complied with the by-laws, rules and regulations relative to burials. Persons making arrangements for interments shall be responsible for all charges incurred by way of entering an Interment/Services Contract. Such arrangements may be made by telephone but a faxed or scanned copy of the Interment/Service Contract must be received by the Cemetery Administrative Clerk before the interment may take place. In the event the person making the arrangements for interment is not the Interment Rights Holder a Letter of Permission to Bury, must also be completed, signed and dated by all known Interment Rights Holders and forwarded to the Cemetery Administrative Clerk. Evidence satisfactory to the Cemetery Administrative Clerk of the ownership of the Interment Rights may be necessary to assist in determining proper authority to request interments.

1.7 Section 7.4.1 of By-law Number 30-2012 is hereby amended by deleting the words **as set out in Schedule "G"**, as follows:

7.4.1 A Grave Warrant", or

1.8 Sections 7.8, 7.9 and 7.10 of By-law Number 30-2012 is hereby amended by removing **"As per Schedule "F"** as follows:

7.8 Each "Adult Lot" may have a total of six (6) interments, this being a combination of one (1) casket and give (5) cremation burials, or six (6) cremation burials.

7.9 Each "Child/Cremation Lot" may have a total of four (4) interments, this being a combination of one (1) child casket and three (3) cremation burials, or four (4) cremation burials.

7.10 Each "Infant Lot" may have a total of three (3) interments, this being a combination of one (1) infant casket and two (2) infant cremation burials, or three (3) infant cremation burials. An "Infant Lot" shall be made available for the interment of infant remains only.

1.9 Section 7.14 of By-law 30-2012 is hereby amended by deleting the words **Schedule "C"**, as follows:

7.14 Grave side services and interments shall be permitted on Monday to Friday between 8:00 a.m. and 4:00 p.m., and on Saturdays, Sundays and Holidays between 8:00 a.m. and 4:00 p.m. subject to an additional fee in accordance with the Price List. Interments performed after 4:00 p.m. will be subject to an additional fee in accordance with the Price List.

1.10 Section 7.15 of By-law 30-2012 is hereby amended by deleting the words **Schedule "C"**, as follows:

7.15 Summer Interment rates shall apply for the period from April 16 to December 14 in accordance with the Price.

1.11 Section 7.16 of By-law 30-2012 is hereby amended by deleting the words **Schedule "C"**, as follows:

7.16 Winter interment rates shall apply for the period from December 15 to April 15 in accordance with the Price List.

1.12 Section 9.6 of By-law 30-2012 is hereby amended by deleting the words in **Schedule "C" attached to and forming part of this by-law**, as follows:

9.6 The charge for disinterments shall be as set forth in the Price List.

1.13 Section 15.1 of By-law 30-2012 is hereby amended by deleting the words **herein shown as Schedule "C"**, as follows:

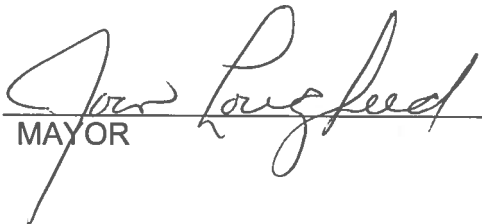
15.1 Subject to the *Funeral, Burial and Cremation Services Act, 2002*, as amended, and the regulations made thereunder, Council shall adopt a Price List to regulate the fees and charges to be paid by persons purchasing lots in the said cemetery or requiring services to be performed therein. Such Price List may be amended by by-law of the Council as it, from time to time, deems fit.


1.14 Section 16 of By-law 30-2012 is hereby amended by deleting Sections 16, 16.1, 16.2, 16.3 and 16.4.

## 2. EFFECTIVE DATE

2.1 This By-law shall come into force and effect on the date the By-law is passed by Council and when approved by the Registrar.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27TH DAY OF JANUARY, 2016.

  
MAYOR

  
CAO/CLERK