

THE CORPORATION OF THE TOWN OF DEEP RIVER

By-law No. 30-2012

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;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River enacts as follows:

1. DEFINITIONS

In this by-law:

- 1.1 “Act” means the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33, as amended, and regulations made thereunder.
- 1.2 “Cemetery” means the Deep River Cemetery.
- 1.3 “Cemetery Administrative Clerk” means a member of the administration staff of the Corporation of the Town of Deep River who has been delegated responsibility for administration of the Deep River Cemetery or his/her designated alternate.
- 1.4 “Cemetery Service” means:
 - 1.4.1 Opening and closing of graves;
 - 1.4.2 Interring or disinterring human remains;
 - 1.4.3 Setting of corner posts and flat markers;

- 1.4.4 Providing interment services including the provision, setting up and removal of artificial grass or ground cover, lowering devices, or other interment accessories at a grave site;
 - 1.4.5 Preparing flowerbeds, and planting flowers and shrubs; and
 - 1.4.6 Installing markers, monument foundations and monuments.
- 1.4 “Council” means the Council of the Corporation of the Town of Deep River.
 - 1.5 “Cornerstone” means any stone or other marker set flush with the surface of the ground and used to indicate the corners of a lot.
 - 1.6 “Director of Public Works” means the Director of Public Works of the Corporation of the Town of Deep River, or any person appointed by the Director of Public Works or by the Chief Administrative Officer/Clerk to be responsible for the cemetery.
 - 1.7 “Interment” 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 the person who holds the interment rights with respect to a lot whether the person be the purchaser of the rights, the person named in the certificate of interment or such other person to whom the interment rights have been assigned.
 - 1.10 “Lot” means each individual parcel for which an Interment Rights Certificate has been issued or an area of land in the cemetery containing, or set aside to contain human remains.
 - 1.10.1 “Adult Lot” means a lot having minimum dimensions of four (4) feet (1.2 m) by ten (10) feet (3.0 m) intended for the burial of adults and/or cremated remains.
 - 1.10.2 “Child/Cremation Lot” means a lot having minimum dimensions of four (4) feet (1.2 m) by eight (8) feet (2.4 m) intended for the burial of children (age 10 and under) and/or cremated remains.
 - 1.10.3 “Infant Lot” means a lot having minimum dimensions of four (4) feet (1.2 m) by four (4) feet (1.2 m) intended for the burial of infants (age 12 months and under).
 - 1.11 “Marker” means any tombstone, plaque, headstone, cornerstone or other structure or ornament on a lot which is installed or intended to be installed flush with the surface of the ground.
 - 1.12 “Monument” means any permanent memorial on a lot which projects above the surface of the ground.

- 1.13 “Personal Representative” shall mean an executor, executrix, administrator or administrator with will annexed, of the estate of a deceased individual or the attorney by power of attorney of a living individual.
- 1.14 “Plot” means two or more contiguous lots in which the interment rights have been sold as a unit.
- 1.15 “Resident” for the purposes of the purchase of Interment Rights means a person who resides in the Town of Deep River or who is the owner or tenant of land in the Town of Deep River, or the spouse of such owner or tenant.

2. ADMINISTRATION

- 2.1 The Director of Public Works or the Cemetery Administrative Clerk, or his/her designated alternates, shall:
 - 2.1.1 Observe and carry out all of the provisions of this By-law, the Act and its Regulations, as may from time to time be amended.
 - 2.1.2 Make, open and close all graves in the cemetery which may be required to be opened or closed and allow no other person to do so, except upon the express direction of Council.
 - 2.1.3 Attend all interments held in the cemetery and fill in all graves immediately after interments.
 - 2.1.4 Attend to the regular and proper maintenance of the cemetery.
 - 2.1.5 Perform such other duties as Council may from time to time require.
- 2.2 The Director of Public Works or the Cemetery Administrative Clerk may delegate any cemetery responsibilities or duties to other Public Works staff. For the purposes of this By-law, Public Works staff and Cemetery staff shall be used interchangeably.
- 2.3 A map of the cemetery shall be attached to this by-law for information purposes.
- 2.4 The Cemetery Administrative Clerk shall maintain and make available for public inspection without charge the following information:
 - 2.4.1 The plan of the cemetery.
 - 2.4.2 The name and address of each interment rights holder and location of the lot to which the rights pertain.
 - 2.4.3 The name and address of each original purchaser of interment rights that have been transferred to another person and the date on which the rights were transferred.

- 2.4.4 The name of each person whose remains are interred in the cemetery, the location of the lot in which the remains are interred and the date on which the remains were interred.
 - 2.4.5 The particulars of each disinterment of remains, including the name of the person who requested the disinterment, the date on which the remains were disinterred and the location in which the remains were reinterred.
 - 2.4.6 Any other information required by the Act and regulations made thereunder.
- 2.5 This by-law shall be known and may be cited as the "Cemetery By-law" of the Town of Deep River.

3. RULES AND REGULATIONS

The following rules and regulations are hereby adopted for the care and control of the cemetery:

- 3.1 No person shall enter the cemetery, save though an established entrance.
- 3.2 No person, except cemetery staff or peace officers shall enter or be within the cemetery grounds before 7:00 a.m. or after 10:00 p.m. Public visitation times are during daylight hours seven (7) days per week, year round. Winter maintenance is not performed within the cemetery, entry is at the visitors own risk.
- 3.3 No gratuities shall be given to any officer or employee of the cemetery, nor shall any reward be given for personal services or attention.
- 3.4 No motorized snow vehicles or off-road vehicles are permitted within the cemetery grounds. Bicycles and motorcycles are permitted only on designated roadways.
- 3.5 No person shall allow or permit any animal to enter or remain in the cemetery, excluding service animals.
- 3.6 No person shall carry refreshments upon, or consume refreshments on the cemetery grounds, except cemetery staff during the conduct of their workday.
- 3.7 No person shall bring any alcoholic beverage upon the cemetery grounds.
- 3.8 No person shall deposit rubbish or debris on the cemetery grounds, except in receptacles provided for that purpose.
- 3.9 No person shall engage in soliciting of any kind in the cemetery.
- 3.10 No person shall operate a vehicle in excess of ten (10) kilometres per hour within the cemetery.

- 3.11 No person shall operate any vehicle under any circumstances, except on the roadways designated for vehicular traffic. Cemetery staff and monument placement contractors are exempt from this section. See Section 13 for regulations for contractors.
- 3.12 No person shall engage in any activity which may damage the monuments or cemetery grounds (i.e. baseball, hockey, horseplay etc.).
- 3.13 No person shall destroy, mutilate, deface, damage, injure or remove any monument, marker, road, walk, fence, railing or other structure or works placed in a cemetery.
- 3.14 No person shall willfully disturb persons assembled for the purpose of an interment of a body in a cemetery.
- 3.15 No person shall willfully disturb the quiet and good order of a cemetery by noise or other improper conduct.
- 3.16 Any person who violates this by-law or any provision thereof may be expelled from the grounds of the cemetery by the Director of Public Works and/or the Chief Administrative Officer/Clerk or other person acting under the authority of either the Director of Public Works or the Chief Administrative Officer/Clerk.

4. SALE OF INTERMENT RIGHTS

Interment rights shall be sold, subject to the following conditions and no lot shall be used for any purpose other than the burial of human remains:

- 4.1 A lot may be purchased by executing a contract in the form set forth in Schedule "A" to this by-law 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 as set out in Schedule "C" attached to and forming part of this by-law.
- 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; and
 - 4.2.3 A copy of the Cemetery By-law and any amendments thereto.
- 4.3 After the standard 30 day cooling off period for purchases the Town will retain the contribution made to the Care and Maintenance Fund as indicated on the contract.

5. CONDITIONS OF SALE

- 5.1 The purchase price of an interment right shall be as set forth in the Price List as set out in Schedule "C" attached to and forming part of this by-law.

5.1.1 The purchase price for interment rights shall be divided as follows:

- (a) Care and Maintenance Fund 40%
(or the minimum amount required by the Act, whichever is greater)
- (b) General Fund 60%
(or the balance of the purchase price after deducting the amount from 5.1.1 (a), whichever is lesser)

5.2 All payments may be made to the Town of Deep River, 100 Deep River Road, P.O. Box 400, Deep River, ON K0J 1P0, and the applicant shall receive a receipt for each payment. Unpaid amounts are subject to interest and may be collected by the Treasurer in accordance with the Town's policy on accounts receivable.

5.3 Where amounts for cemetery services, cemetery supplies, or interment rights due to the Town from a funeral establishment are unpaid after 30 days, the Chief Administrative Officer/Clerk or his/her designate may, in addition to any other collection mechanisms provided herein, suspend provision of cemetery services or sale of interment rights to such funeral establishment until such amounts are paid.

5.4 Where the Treasurer determines that it is in the Town's interest to do so, the Treasurer may require that payment for interment charges, cemetery supplies or cemetery services must be made by cash, certified cheque or money order.

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

5.6 Any notice required by this By-law to be given to the interment rights holder shall be sufficiently given by regular mail or delivery to the address shown in the register kept by the Cemetery Administrative Clerk.

6. TRANSFER OF INTERMENT RIGHTS

6.1 The resale of interment rights by the holder to a third party is prohibited by the Corporation of the Town of Deep River.

6.2 An interment rights holder may request in writing that the Town repurchase the interment rights of lots at any time before they are used, and the Town shall repurchase such rights within thirty (30) days of the receipt of such request, subject to the following:

6.2.1 The repurchase price of interment rights shall be the price listed on the price list at the date the request is received, less the amount paid into the Care and Maintenance Fund in respect of the interment rights.

6.2.2 The interment rights holder shall return the original interment rights certificates or provide an affidavit explaining why the certificates cannot be returned.

- 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 Schedule "C" 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.
- 6.4 Further to Section 6.3, any transfer of Interment Rights from a Resident to a Non Resident, shall be subject to the applicable transfer fee plus the difference between the Resident and Non Resident rate at the time of transfer.

7. INTERMENTS

- 7.1 A person wishing an interment shall give notice to the Cemetery Administrative Clerk at least forty-eight (48) hours in advance of the proposed time of interment.
- 7.2 No interment shall take place without a Burial Permit issued by the Division Registrar under the *Vital Statistics Act*, R.S.O. 1990, c. V.4 for full interments or an original *Certificate of Cremation* signed by the Superintendent, or designate of the crematorium for cremation interments.
- 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 as set out as Schedule "D". Such arrangements may be made by telephone but a faxed or scanned copy of the Interment/Service Contract Schedule "D" 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, Schedule "E", 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.
- 7.4 The Director of Public Works or his/her designate shall not make any grave on any lot unless directed to do so by the Cemetery Administrative Clerk by way of either:
- 7.4.1 A Grave Warrant as set out in Schedule "G"; or
- 7.4.2 For assisted burials, under Section 164 of *Ontario Regulation 30/11* made under the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33, as amended, a warrant indicating that the welfare administrator shall be responsible for all costs of such burial.

- 7.5 When the opening of a grave is required, not less than eight (8) working hours notice of such requirement shall be given to the Director of Public Works or his/her designate by the Cemetery Administrative Clerk. For the purpose of this section, Saturdays, Sundays and holidays shall not be considered in determining working hours.
- 7.6 All funerals within the cemetery shall be under the direction of the Director of Public Works or his/her designate. Times of interment shall not be deemed to be set until confirmed by the Director of Public Works or his/her designate with the Cemetery Administrative Clerk.
- 7.7 The Town shall not be held responsible for errors in the location of graves on lots arising from the improper instructions of interment rights holders or their representatives. For the purpose of this sub-section, an order from a Funeral Director shall be deemed to be an order from an owner.
- 7.8 As per Schedule "F" each "Adult Lot" may have a total of six (6) interments, this being a combination of one (1) casket and five (5) cremation burials, or six (6) cremation burials.
- 7.9 As per Schedule "F" 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 As per Schedule "F" 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.
- 7.11 No interment equipment except that approved by the Town shall be used.
- 7.12 No grave shall be opened or closed except by cemetery staff.
- 7.13 No elevated mounds shall be built over graves and no lot shall be filled above the grade established for the cemetery.
- 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 in Schedule "C". Interments performed after 4:00 p.m. will be subject to an additional fee in accordance with the Price List in Schedule "C".
- 7.15 Summer Interment rates shall apply for the period from April 16 to December 14 in accordance with the Price List in Schedule "C".
- 7.16 Winter Interment rates shall apply for the period from December 15 to April 15 in accordance with the Price List in Schedule "C".

8. CREMATED REMAINS

All regulations stated in Section 7 of this by-law pertain to this section plus the following:

- 8.1 No ashes remaining from the cremation of bodies of deceased persons shall be disposed of in the cemetery except in accordance with the provisions of this By-law. The co-mingling (the mixing of the cremated remains of two (2) or more persons) of ashes is allowed only if a certificate of cremation is received for each deceased persons and the applicable fee(s) paid.
- 8.2 If cremated remains have been interred first in any lot and said lot may be considered for a future casket burial then the cremated remains must be enclosed in a non breakable, non decomposing container. If the interred cremated remains are not enclosed in a non breakable, non decomposing container then right is forfeited for a future casket interment.
- 8.3 If the cremated remains must be removed in order for the burial of a casket to take place, a disinterment fee for each cremated remains moved shall apply. Written permission must be received from the Interment Rights Holder or his/her representative prior to disinterring any cremated remains.
- 8.4 Each container holding cremated remains shall not exceed 12" x 12" in size to accommodate burial, unless prior permission is received from the Director of Public Works or his/her designate to use a larger container.

9. DISINTERMENTS

- 9.1 The disinterment of a body (casket burial), once properly interred, shall not be made without an order signed by the Medical Officer of Health and the Interment Rights Holder.
- 9.2 All disinterments shall occur in the presence of an Inspector of the Medical Officer of Health and the Director of Public Works or his/her designate and the requirements of the Act and regulations thereunder shall be observed.
- 9.3 Disinterments will be made by arrangement with the Director of Public Works or his/her designate through the Cemetery Administrative Clerk.
- 9.4 If the burial was made in other than a permanent outer casing, a new outer case must be supplied upon the recommendation of the Medical Officer of Health.
- 9.5 Any markers or monuments designating the location of an interment shall be removed twenty-four hours prior to the time of disinterment by the owner or someone designated by him/her. If the marker/monument is not removed, the Town will not be held liable for any damage that may be caused to the marker/monument.
- 9.6 The charge for disinterments shall be as set forth in the Price List in Schedule "C" attached to and forming part of this by-law.

10. LOT DECORATIONS

10.1 Lot decorations shall be deemed to include all structures, ornaments, candles, plantings or other embellishments, with the exception of headstones, monuments and markers, which are placed on cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the cemetery as a whole, or because they may intensify maintenance problems, no lot decorations shall be permitted except in accordance with the following rules with regard to the decoration of cemetery lots:

10.1.1 No lot decorations permitted by this By-law shall be placed on a lot if the lot charges for that lot and any other charges have not been paid in full.

10.1.2 All funeral flowers, containers and other equipment shall be removed from the grave site within seven (7) days after the interment. If they are not removed within this time period, they will be considered abandoned and may be disposed of by cemetery staff.

10.1.3 Copings, fences, curbs, benches, steps, structures or wood and containers wholly or partially of glass, solar lights, or other equally perishable and destructible materials, are prohibited.

10.1.4 No person shall plant a flowerbed in the cemetery except with the Director of Public Works or his/her designates specific prior permission and in accordance with the following standards:

- (a) Flowerbeds are permitted and may be planted only on lots where an upright monument has been erected and are restricted to the area around or immediately adjacent to the monument.
- (b) Flowerbeds shall not exceed 18" from the front of the monument and must be in a crescent or half moon shape.
- (c) Flowerbeds shall not be defined or enclosed by a fence, railing, concrete curb or any enclosure.
- (d) Flowerbeds shall not encroach upon adjacent lots, drains, roads or walkways.
- (e) Flowerbeds must be weeded and maintained by the lot owner.
- (f) In the event of an interment or disinterment the flowerbed is the responsibility of the lot owner to replace if desired.

- (g) The Director of Public Works or his/her designate may direct the removal of flowerbeds for which permission has not been given, or which otherwise does not comply with the cemetery by-law.
- 10.1.5 Only one (1) artificial or fresh wreath or one (1) artificial or fresh flower arrangement shall be permitted on any single lot from May 1st to October 15th. If such decorations are not removed by the 15th day of October, they shall be considered abandoned and may be disposed of by the cemetery staff. Only one monument saddle style arrangement, one crook style hanger, or one wreath on a 3 point stand (no other ground decorations unless placed within a maintained flowerbed as described in Section 10.1.4) which shall be placed at the head of the grave.
- 10.1.6 Only one (1) wreath or flower arrangement will be permitted on any single lot to mark special occasions which fall after October 15th (e.g. Remembrance Day, Christmas, Easter, etc.). Such decorations must be removed within 30 days of placing them. If they are not removed within 30 days, they will be considered abandoned and may be disposed of by cemetery staff.
- 10.1.7 Planting of trees and shrubs is permitted, but may only be undertaken under the direction of the Director of Public Works or his/her designate. Only ornamental shrubs or dwarf nursery stock are allowed. Rose bushes are not permitted. Once planted, trees and shrubs become the property of the Town of Deep River at the cemetery. The Director of Public Works or his/her designate may direct the removal of trees and shrubs for which permission has not been given, or which otherwise does not comply with the cemetery by-law.
- 10.1.8 In order to preserve the appearance of the grounds, any trees, tree limbs, shrubs, artificial wreaths and flowers may be removed or pruned by cemetery staff. Grading, seeding, sodding, top dressing, fertilizing and watering of lots, sodding, seeding and covering of graves shall be done by cemetery staff only.
- 10.1.9 No person shall deposit any debris, decayed flowers, plants, hedge clippings or weeds that are generated from the maintenance of flowerbeds and shrubs, on roads, walks or any part of the cemetery grounds. Garbage receptacles are provided throughout the cemetery for the disposal of such material.
- 10.1.10 The Town shall not be responsible for any damages to lots and structures, or objects thereon, other than for damage caused by Town cemetery staff. The Town shall not be responsible for flowers or articles removed from any lot or grave.
- 10.1.11 The Town may remove flowers, shrubs, or any plant material that interferes with the opening and closing of a lot for an interment.

11. MARKERS AND MONUMENTS

- 11.1 Except under authority of this by-law, no person shall cause a monument or marker to be erected on, installed on, or removed from a lot unless the written consent of the interment rights holder or legal representative, and the permission of the Cemetery Administrative Clerk or his/her designate have first been given.
- 11.2 Only established monument/marker companies may supply and install monuments or markers; individual or homemade markers/monuments are not permitted.
- 11.3 The Cemetery Administrative Clerk shall not grant permission for installation or erection of a monument or marker on a lot unless all amounts owing to the Town for interment rights, cemetery services and cemetery supplies with respect to that lot, and the amounts required to be paid to the Town under Section 166 of *Ontario Regulation 30/11* made under the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33, as amended, have been paid.
- 11.4 Every person installing a marker or monument shall pay to the Town the following amounts as prescribed under Section 166 of *Ontario Regulation 30/11* made under the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33, as amended, and such amounts shall be credited to the Care and Maintenance Fund established under Section 12 of this by-law:
- 11.4.1 No charge for the installation of a flat marker measuring less than 1,116.13 square centimetres (173 square inches).
- 11.4.2 Fifty dollars (\$50.00) + HST for the installation of a flat marker measuring at least 1,116.13 square centimetres (173 square inches).
- 11.4.3 One hundred dollars (\$100.00) + HST for the installation of an upright monument measuring 1.22 metres (four feet) or less in height and 1.22 metres (four feet) or less in length, including the base.
- 11.4.4 Two hundred dollars (\$200.00) + HST for the installation of an upright marker measuring more than 1.22 metres (four feet) in either height or length, including the base.
- 11.5 No person shall cause a monument or marker to be erected or installed on a lot except in accordance with the following restrictions:
- 11.5.1 Only flat markers are permitted on Lots 1 to 22 inclusive.
- 11.5.2 Only flat markers are permitted on infant and child/cremation lots.
- 11.5.3 Only monuments are permitted on Lots 23 to 26 inclusive.
- 11.5.4 Both monuments and flat markers are permitted on all other lots, subject to further restrictions in this by-law.

- 11.5.5 No more than one monument may be erected or placed on any one lot.
- 11.5.6 No more than one flat marker may be placed on any one lot.
- 11.5.7 No monument shall occupy more than ten percent (10%) of the total area of the lot or plot upon which it is erected.
- 11.5.8 No monument may be erected or constructed on any child/cremation or infant lot.
- 11.5.9 No inscription shall be made on any monument or marker which, in the opinion of Council, is not in keeping with the dignity and decorum of the cemetery.
- 11.5.10 Any person engaged in placing or removing a monument/marker shall provide planking adequate to protect the cemetery turf and shall remove materials and equipment immediately upon completion of the work so that the site is left in a clean, orderly condition.
- 11.6 No person shall cause a monument to be erected or installed on a lot except in accordance with the following restrictions:
- 11.6.1 The base of each monument must be level and uniform in thickness so as to allow full bearing upon the foundation. Building up or under pinning with spalls or chips is not permitted.
- 11.6.2 A monument shall not extend beyond the limits of the lot or plot on which it is erected.
- 11.6.3 When two monument dies are set on a single base, both dies shall be of the same size, shape and colour.
- 11.6.4 Every monument on a lot shall be installed on a concrete foundation, the design of which has been approved by the Director of Public Works or his/her designate.
- 11.6.5 Every monument shall be placed at the centre of the head end of a lot except where the alignment of existing nearby monuments justifies another location as approved by the Director of Public Works or his/her designate.

11.6.6 The dimensions of a monument shall comply with the following table:

Table of Required Dimensions for Upright Monuments				
Description of Lot or Plot	Maximum Height	Maximum Length	Maximum Width	Minimum Thickness
Single Lot – 1.2 m (4') wide	0.92 m (36")	0.77 m (30")	0.46 m (18")	15.2 cm (6")
Plots				
2 lots wide	1.37 m (54")	1.2 m (48")	0.46 m (18")	20.3 cm (8")
3 lots wide	1.37 m (54")	1.8 m (72")	0.46 m (18")	20.3 cm (8")
4 lots wide or more	1.37 m (54")	2.4 m (96")	0.46 m (18")	20.3 cm (8")

11.7 No person shall cause a marker to be installed on a lot except in accordance with the following restrictions:

11.7.1 Flat markers shall be of granite or bronze only.

11.7.2 Granite markers shall be not less than 4 inches (10 cm) in thickness and must be of uniform thickness throughout.

11.7.3 Bronze markers must be attached to a concrete or granite base not less than 4 inches (10 cm) in thickness.

11.7.4 The dimensions of a flat marker on an infant lot shall not exceed 12" x 18" (30.4 cm x 45.7 cm).

11.7.5 The dimensions of a flat marker on a child/cremation lot shall not exceed 12" x 20" (30.4 cm x 50.8 cm).

11.7.6 The dimensions of a flat marker on an adult single lot shall not exceed 18" x 30" (45.7 cm x 76.2 cm).

11.7.7 Every marker shall be flush with the ground and shall be positioned in a location approved by the Director of Public Works or his/her designate.

11.7.8 Bronze markers shall have the following percentage of alloy components: copper 87% to 89%, zinc 4% to 5%, tin 4% to 7%, and lead 1.5% to 2.5%.

11.7.9 Bronze markers secured to a granite base shall be fastened with 3/8 inch brass, all thread bolts, nuts and washers.

11.7.10 Bronze markers secured to a poured concrete base shall be fastened with a 3/8 inch brass anchor bolt.

12. CARE AND MAINTENANCE FUND

- 12.1 “Cemetery Perpetual Care Fund” means the trust fund established pursuant to the Act and Regulations thereto for the purpose of providing money for the care and maintenance of the cemetery.
- 12.2 “Monument Care and Maintenance Fund” means the trust fund established pursuant to the Act and the Regulations thereto for the purpose of providing funds to maintain, stabilize, secure and preserve markers and monuments.

13. REGULATIONS FOR CONTRACTORS AND WORKERS

- 13.1 All contractors performing work in a cemetery are required to produce on an annual basis evidence of public liability and property damage insurance in an amount not less than two million dollars (\$2,000,000.00).
- 13.2 All contractors performing work in a cemetery shall be required to produce on an annual basis evidence of good standing with WSIB.
- 13.3 All contractors and workers in any capacity within the cemetery including masons, carters, stonecutters, erectors or helpers are subject to the direction and control of the Director of Public Works or his/her designate and are further governed by the *Occupational Health and Safety Act* and Regulations with respect to proper safety wear.
- 13.4 Contractors shall lay planks on the in ground lots and paths over which transport is required and at the request of the Director of Public Works or his/her designate shall utilize a cart or dolly to prevent damage. Damage determined to be caused by contractors shall be rectified by the Town at the expense of the contractor.
- 13.5 All persons performing work in the cemetery shall conduct themselves in a manner in keeping with the dignity of the cemetery and shall respect any restrictions or regulations which may be required by the Town in the performance of their work.

14. COMPLAINTS

- 14.1 Any person having occasion to make any complaint shall make it to the Cemetery Administrative Clerk or his/her designated alternate at the Town Office, and not to an employee on the cemetery grounds.
- 14.2 Any decision of the Director of Public Works or his/her designate made pursuant to this by-law may be appealed to the Council or the appropriate Standing Committee for the purpose of affording persons an opportunity to be heard in the place and stead of Council.

15. PRICE LIST

- 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 herein shown as Schedule "C" 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.

16. CONTRACTS AND CERTIFICATES OF INTERMENT

- 16.1 The Contract for the purchase of Interment Rights is attached as Schedule "A" to this By-law.
- 16.2 The form of Certificate of Interment Rights is attached as Schedule "B" to this By-law.
- 16.3 The Contract for purchase of Services is attached as Schedule "D" to this By-law.
- 16.4 The Cemetery Administrative Clerk or his/her designated alternate is hereby authorized to execute on behalf of the Town, the Contracts referred to in Schedules "A" and "D", and the Certificate referred to in Schedule "B".

17. PENALTIES

- 17.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence, and upon conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00) as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.


18. VALIDITY

- 18.1 If an Article of this By-law is, for any reason, held by a Court of law or other Administrative Tribunal to be invalid, the remaining Articles shall remain in effect until repealed.
- 18.2 Where a provision of this By-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

19. EFFECTIVE DATE

19.1 This By-law shall come into force and take effect on July 1, 2012 or the date approval is received from the Registrar. The Town of Deep River By-law No. 38-99 is hereby repealed effective upon the coming into force of this by-law.

READ AND PASSED THIS 20th DAY OF JUNE, 2012.



Mayor

Chief Administrative Officer/Clerk

SCHEDULE "A" TO BY-LAW 30-2012

CONTRACT FOR PURCHASE OF INTERMENT RIGHTS

DEEP RIVER CEMETERY

The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

HST #106984503

613-584-2000

Cemetery Licence #3298861

Sold To:	Name:	Date:
	Address:	
	Phone:	

<u>Item</u>	<u>Description</u>	<u>Price</u>	<u>Quantity</u>	<u>Sub-Total</u>
Interment Rights	Section XX Row X Lot XX Size of Lot X' x X' Included Care and Maintenance			
			+ HST:	
			TOTAL:	

Repurchase price after 30 day cooling off period: (TOTAL – Included Care and Maintenance)

It is agreed between the parties that this contract is subject to the Deep River Cemetery By-law and the purchaser hereby acknowledges receipt of a copy of the Deep River Cemetery By-law and the "Conditions of Contract" attached hereto and marked as Appendix "I" to the *Contract for Purchase of Interment Rights* have been read and understood.

PURCHASER:

(signature of Purchaser(s))

(signature of Purchaser(s))

CEMETERY REPRESENTATIVE:

(signature of Cemetery Administrative Clerk or his/her designate)

APPENDIX "I" TO THE CONTRACT FOR PURCHASE OF INTERMENT RIGHTS

CONDITIONS OF CONTRACT

THE FOLLOWING TRUSTING PROVISIONS ARE IN EFFECT:

Adult Lots:	40% of the purchase price or \$250.00, whichever is greater
Child/Cremation Lots:	40% of the purchase price or \$250.00, whichever is greater
Infant Lots:	40% of the purchase price or \$150.00, whichever is greater

See Schedule "C" Price List for exact amounts.

CONTRIBUTIONS TO CARE AND MAINTENANCE FUND FOR MARKERS AND MONUMENTS:

	<u>FEE</u>	<u>HST</u>	<u>TOTAL</u>
1. Flat marker measuring less than 1,116.13 square centimetres (173 square inches)	\$0.00	\$0.00	\$0.00
2. Flat marker measuring at least 1,116.13 square centimetres (173 square inches)	\$50.00	\$6.50	\$56.50
3. Upright monument measuring 1.22 metres (four feet) or less in height and 1.22 metres (four feet) or less in length, including the base	\$100.00	\$13.00	\$113.00
4. Upright monument measuring more than 1.22 metres (four feet) in either height or length, including the base	\$200.00	\$26.00	\$226.00

A CONTRACT FOR THE PURCHASE OF INTERMENT RIGHTS INCLUDES:

- The right of the purchaser, by written demand, to request the cemetery owner to repurchase the rights before they are used or exercised.
- The cemetery owner shall repurchase the interment rights within thirty days from the date the written demand was received.
- The repurchase price of the interment rights shall be determined by the current value for the rights less the amount the cemetery owner paid into the Care and Maintenance fund in respect of the interment rights, except for return within the standard 30 day cooling off period during which a refund in full will be made.
- The private resale of interment rights by the purchaser is prohibited.
- In accordance with the By-laws of the cemetery, the following restrictions on the exercising of the interment rights are outlined under Items 7 and 8 of the Cemetery By-law 30-2012 and amendments thereto.
- In exercising the interment rights contracted herein, the following documents are required: see Item 7.2 and 7.3 of the Cemetery By-law 30-2012.
- In accordance with the By-laws of the cemetery the following restrictions or requirements apply with respect to cemetery supplies and services purchased from a source other than the cemetery: see Item 3 Rules and Regulations of the Cemetery By-law 30-2012 and amendments thereto.
- If a purchaser transfers an interment right, the purchaser shall give written notice of the transfer to the cemetery owner and return the original certificate of interment rights to the cemetery owner. The cemetery owner shall then issue a new certificate of interment rights to the transferee upon payment of the applicable transfer fee. If the original certificate of interment rights has been misplaced the cemetery owner will issue a duplicate certificate of interment rights upon payment of the applicable fee.
- In accordance with the By-laws of the cemetery, the following restrictions on the transfer of interment rights apply: see Item 6 of the Cemetery By-law 30-2012 and amendments thereto.
- The certificate of interment rights shall not be issued until the interment rights have been paid for in full.
- Interment Rights Capacity: Adult Lots – see Section 7.8 of By-law 30-2012
Child/Cremation Lots – see Section 7.9 of By-law 30-2012
Infant Lots – see Section 7.10 of By-law 30-2012
- Markers and Monuments: see Section 11 of Cemetery By-law 30-2012 and amendments thereto.

SCHEDULE "B" TO BY-LAW 30-2012

INTERMENT RIGHTS CERTIFICATE

DEEP RIVER CEMETERY

The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

This indenture made in triplicate on {Date of certificate}

BETWEEN: The Corporation of the Town of Deep River
(hereinafter called the Grantor) of the first part,

AND: {Name of Certificate Holder}
{Address of Certificate Holder}
(hereinafter called the Grantee, to include the plural should more than one name appear above) of the second part.

WITNESSES that for the sum of \${Sale price} plus \${HST on sale} HST paid to the Grantor, of which the sum of \${Care and Maintenance Fund Allocation} is set aside in Trust for Care and Maintenance in accordance with provisions of the *Funeral, Burial and Cremation Services Act*, 2002, the Grantor hereby sells to the Grantee interment rights in the single grave designated as Section {Section #} Row {Row letter} Lot {Grave #} as shown on the plan approved by the Minister of Consumer and Commercial Relations and having the dimensions of {Grave Width (feet, in numerals) feet by Grave Length (feet, in numerals) feet}, subject to the provisions of the *Funeral, Burial and Cremation Services Act*, 2002, and the Regulations in effect thereunder, and subject to the approved By-laws of the Grantor which may be in effect from time to time.

The Grantee, by acceptance of this indenture indicates that the By-laws governing the operation of the cemetery have been received and read and agrees to be guided by the said By-laws as well as the provisions of the *Funeral, Burial and Cremation Services Act*, 2002, as if these were included as part of this indenture.

The Grantee, 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 Transferee as per the stipulations within the By-law.

With respect to the erection or installation of markers the Grantee, agrees to abide by the By-laws of the Deep River Cemetery, wherein restrictions on the erection or installation of markers are given and by which By-laws are attached hereto.

IN WITNESS whereof, the Grantor and Grantee have affixed their signatures this _____ day of _____ in the year _____.

PURCHASER/GRANTEE:

(signature of Purchaser(s)/Grantee)

(signature of Purchaser(s)/Grantee)

CEMETERY REPRESENTATIVE:

(signature of Cemetery Administrative Clerk or his/her designate)

SCHEDULE "C" TO BY-LAW 30-2012

PRICE LIST

DEEP RIVER CEMETERY

The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

1. Prices are shown for Residents and Non-Residents:
 - 1.1 "Resident" for the purposes of the purchase of Interment Rights means a person who resides in the Town of Deep River or who is the owner or tenant of land in the Town of Deep River, or the spouse of such owner or tenant.

2. The following Trusting Provisions are in effect and are shown as the Care and Maintenance Fee:

Adult Lots:	40% of the purchase price or \$250.00, whichever is greater
Child/Cremation Lots:	40% of the purchase price or \$250.00, whichever is greater
Infant Lots:	40% of the purchase price or \$150.00, whichever is greater

SALE OF INTERMENT RIGHTS

Please refer to the Cemetery By-law in its entirety for complete rules and regulations.

RESIDENTS:

Description	General Fund	Care & Maintenance Fund	HST	Total
Adult Lot	\$375.00	\$250.00	\$81.25	\$706.25
Child/Cremation Lot	\$250.00	\$250.00	\$65.00	\$565.00
Infant Lot	\$100.00	\$150.00	\$32.50	\$282.50

NON-RESIDENTS:

Description	General Fund	Care & Maintenance Fund	HST	Total
Adult Lot	\$495.00	\$330.00	\$107.25	\$932.25
Child/Cremation Lot	\$420.00	\$280.00	\$91.00	\$791.00
Infant Lot	\$200.00	\$150.00	\$45.50	\$395.50

INTERMENT FEES:

Description	Summer (April 16 to December 14)			Winter (December 15 to April 15)		
	Fee	HST	Total	Fee	HST	Total
Casket Interment-Adult	\$400.00	\$52.00	\$452.00	\$800.00	\$104.00	\$904.00
Casket Interment-Child	\$300.00	\$39.00	\$339.00	\$600.00	\$78.00	\$678.00
Infant Interment (casket or cremation)	\$150.00	\$19.50	\$169.50	\$300.00	\$39.00	\$339.00
Cremation Interment	\$150.00	\$19.50	\$169.50	\$300.00	\$39.00	\$339.00

ADDITIONAL INTERMENT FEES:

Description	Adult or Child Casket			Infant Casket or Cremation		
	Fee	HST	Total	Fee	HST	Total
Interment on Saturday	\$275.00	\$35.75	\$310.75	\$150.00	\$19.50	\$169.50
Interment on Sunday or Holiday	\$400.00	\$52.00	\$452.00	\$250.00	\$32.50	\$282.50
Interments after 4:00 p.m.	\$200.00	\$26.00	\$226.00	\$200.00	\$26.00	\$226.00
Shells over 3 feet wide	\$150.00	\$19.50	\$169.50	\$150.00	\$19.50	\$169.50
Disinterment & Re-interment	\$600.00	\$78.00	\$678.00	\$300.00	\$69.00	\$369.00

SUPPLIES AND SERVICES:

Description	Fee	HST	Total
Transfer of Interment Rights	\$20.00	\$2.60	\$22.60
Duplicate Certificate of Interment Rights	\$20.00	\$2.60	\$22.60
Monument or Marker Staking Order Fee	\$20.00	\$2.60	\$22.60
Out of Town Death Registration (burial permit)	\$13.28	\$1.72	\$15.00

CONTRIBUTIONS TO CARE AND MAINTENANCE FOR MARKERS AND MONUMENTS:

As prescribed by the *Funeral, Burial and Cremation Services Act, 2002*, and Regulations

Description	FEE	HST	TOTAL
1. Flat marker measuring less than 1,116.13 square centimetres (173 square inches)	\$0.00	\$0.00	\$0.00
2. Flat marker measuring at least 1,116.13 square centimetres (173 square inches)	\$50.00	\$6.50	\$56.50
3. Upright monument measuring 1.22 metres (four feet) or less in height and 1.22 metres (four feet) or less in length, including the base	\$100.00	\$13.00	\$113.00
4. Upright monument measuring more than 1.22 metres (four feet) in either height or length, including the base	\$200.00	\$26.00	\$226.00

**SCHEDULE "D" TO BY-LAW 30-2012
INTERMENT/SERVICES CONTRACT**

DEEP RIVER CEMETERY
The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

GRAVE WARRANT NO.		
DATE:		
NAME OF DECEASED:		
ADDRESS OF DECEASED:		
PLACE OF DEATH:		
DATE OF DEATH:		
NEXT OF KIN:		
DATE OF BIRTH:		
PLACE OF BIRTH:		
DATE OF INTERMENT:		
TIME OF INTERMENT:		
CASKET/CREMATION BURIAL:		
GRAVE LOCATION:		
SHELL OR NO SHELL:		
RELIGIOUS DENOMINATION:		
TYPE OF MARKER:		
FUNERAL DIRECTOR:		
FUNERAL HOME:		
INVOICE OR PAID:		
INTERMENT RIGHTS HOLDER(S):		
ADDRESS:		
PHONE NUMBER:		
INFORMATION SUPPLIED BY:		
NOTES:		
INTERMENT COSTS:	FEE	HST
INTERMENT FEE:		
AFTER HOURS CHARGE:		
SATURDAY CHARGE:		
SUNDAY/HOLIDAY CHARGE:		
TOTAL:		

It is agreed between the parties that this contract is subject to the By-laws of the Town of Deep River with respect to the Deep River Cemetery and the Interment Rights Holder(s) hereby acknowledge that the cemetery is governed by these by-laws, a copy of which is attached, and that the Conditions of Contract attached have been read and understood.

PURCHASER:

(signature of Purchaser(s)/Interment Rights Holder)

(signature of Purchaser(s)/Interment Rights Holder)

CEMETERY REPRESENTATIVE:

(signature of Cemetery Administrative Clerk or his/her designate)

SCHEDULE "E" TO BY-LAW 30-2012

LETTER OF PERMISSION TO BURY

DEEP RIVER CEMETERY

The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

This form is to be used jointly with Schedule "D" Interment/Services Contract when those financially responsible for interment/services costs are not the Interment Rights Holders. This Letter of Permission to Bury may be completed and held on file at the Town of Deep River to be matched with an Interment/Services Contract at the time of an interment/service request so interment/services may take place in an expeditious manner when needed.

I/we, the undersigned _____

owner(s) of the Interment Rights of the lot described as _____

in the Deep River Cemetery, Deep River, ON do grant permission for the burial of:

(Print Full Name and the Type of Burial – Casket or Cremation)

in the aforementioned cemetery lot.

Please Print Name(s) of Interment Rights Holders

Signature(s)

_____	_____
_____	_____
_____	_____
_____	_____

Date: _____

No interment will take place unless the Burial Permit or the Certificate of Cremation, the Interment/Services Contract and this permission form are received from the Interment Rights Holder(s) or their representative(s) to the Town of Deep River along with the prescribed fee for the opening of the lot. Restrictions may apply, please consult the Cemetery By-law.

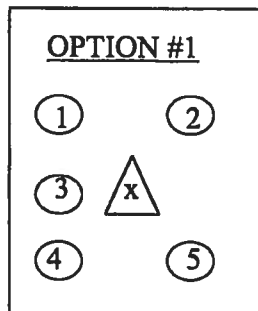
SCHEDULE "F" TO BY-LAW 30-2012

BURIALS PERMITTED PER GRAVE TYPE

DEEP RIVER CEMETERY

The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

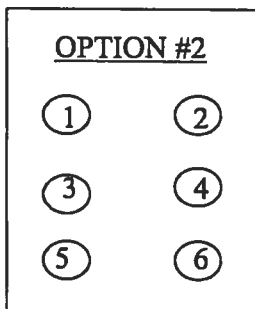
1. Adult Lots may have a total of six (6) interments, this being a combination of one (1) casket and five (5) cremation burials, or six (6) cremation burials, according to the following guidelines:



One casket 

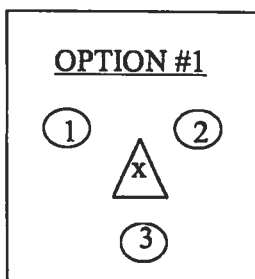
Plus

Five cremation burials 



Six cremation burials 

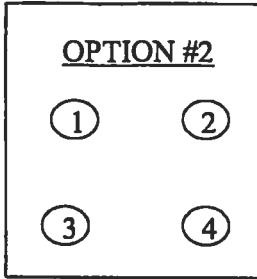
2. Child/Cremation Lots may have a total of four (4) interments, this being a combination of (1) child casket and three (3) cremation burials, or four (4) cremation burials, according to the following guidelines:



One child casket 

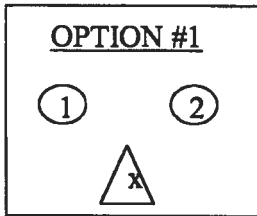
Plus

Three cremation burials 



Four cremation burials ① ② ③ ④

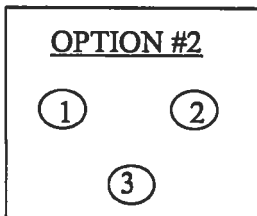
3. Infant Lots may have a total of three (3) interments, this being a combination of one (1) infant casket and two (2) infant cremation burials, or three (3) infant cremation burials, according to the following guidelines:



One infant casket △_x

Plus

Two infant cremations ① ②



Three infant cremations ① ② ③

SCHEDULE "G" TO BY-LAW 30-2012

GRAVE WARRANT

No. _____

DEEP RIVER CEMETERY
The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

Date: _____

TO: Public Works Department
RE: Opening and closing of plot

You are hereby required to make a grave in:

Section: _____

Row: _____

Lot (Grave): _____

Name of Owner: _____

Name of Deceased: _____

Funeral Director: _____

Funeral Home: _____

Shell: _____
Yes No

Casket or Cremation: _____

Date and Time of Funeral: _____

Date and Time of Interment: _____

(signature of Cemetery Administrative Clerk or his/her designate)

SCHEDULE "H" TO BY-LAW 30-2012

MAP OF CEMETERY

DEEP RIVER CEMETERY

The Corporation of the Town of Deep River
100 Deep River Road, P.O. Box 400
Deep River, ON K0J 1P0

