

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NUMBER 2017.86

BEING A BYLAW TO PROVIDE FOR RULES AND
REGULATIONS FOR THE CARE AND CONTROL OF THE
SEBRIGHT CEMETERY

WHEREAS pursuant to The Funeral, Burial and Cremation Services Act, 2002, O.Reg. 30/11, s. 150 (1), a cemetery operator may make by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights;

AND WHEREAS the Corporation of the Township of Ramara is the owner/operator of the Sebright Cemetery which was transferred from the Sebright United Church and is located at Part of Lot 21, Con. B, PIN 58704-00894 (LT) and Part of Lot 20, Con. B;

AND WHEREAS Council of the Township of Ramara has deemed expedient to establish certain standards for the operation and control the Sebright Cemetery;

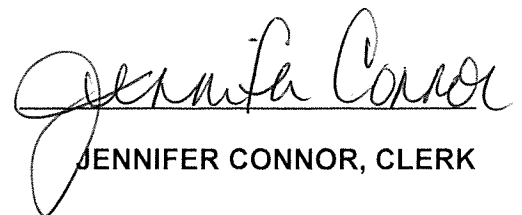
NOW THEREFORE be it resolved that:

1. That the regulations of the Sebright Cemetery in the Township of Ramara, as set out in Schedule "A", are attached hereto and shall form part of this bylaw;
2. THAT this bylaw shall come into effect on the date of passing.

**BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
11TH DAY OF DECEMBER, 2017.**



BASIL CLARKE, MAYOR



JENNIFER CONNOR, CLERK

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These bylaws are the rules and regulations that govern any cemetery owned and operated by the Corporation of the Township of Ramara and have been approved by the Registrar, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Bereavement Authority of Ontario.

1. Definitions

Burial: The opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains.

Bylaws: The rules and regulations under which the Cemetery operates.

Care and Maintenance Fund: It is a requirement under the FBCSA that a prescribed amount or percentage of the purchase price (excluding tax) of all interment rights sold; and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

Contract: All purchasers of interment rights must sign a contract with the Township, detailing obligations of both parties and acceptance of the Cemetery bylaws.

Corner Posts: Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

Corporation: Shall mean the Corporation of the Township of Ramara.

Grave: (Also known as Lot) Shall mean any inground burial space intended for the interment of a child, adult or cremated human remains.

Interment Right: Shall mean the right to require or direct the interment of human remains or cremated human remains in a grave or lot and direct the associated memorialization.

Interment Rights Certificate: Shall mean the document issued by the Township to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

Interment Rights Holder: Shall mean any person designated to hold the right to inter human remains in a specified lot.

Lot: Shall mean a lot is a single grave space.

Marker: Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot.

Monument: Shall mean any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

Official of the Corporation: Shall mean the designate of the Township of Ramara, as determined by Council.

Plot: Shall mean a parcel of land, sold as a single unit, containing multiple lots.

Vault: *Note: Please be advised that unless ordered by the Medical Officer of Health, the operator cannot require the consumer to purchase a vault or grave liner in order to do a burial.

2. General Information

a) Hours of Operation:

Visitation Hours: 8:00 a.m. until Sundown
Burial Hours: by appointment
Office Hours: 9:00 a.m. to 4:30 p.m.

b) General Conduct

The Township reserves full control over the cemetery operations and management of land within the cemetery grounds.

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

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

c) Bylaw Amendments

The Cemetery shall be governed by this bylaw, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.

All bylaw amendments must be:

- a) published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) conspicuously posted on a sign at the entrance of the cemetery; and

- c) delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the bylaw or bylaw amendment pertains to markers or their installation.

All bylaws and bylaw amendments are subject to the approval of the Registrar, Bereavement Authority of Ontario.

d) Liability:

The Township will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, monument, marker or other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of the cemetery.

e) Public Register:

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

f) Pets or Other Animals:

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

g) Right to Re-Survey:

The cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

3. Cancellation or Resale of Interment Rights

Purchasers of interment rights acquire only the right to direct the burial of human remains and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery bylaws. In accordance with cemetery bylaws, no burial or installation of any monument, marker, inscription or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of real estate or real property.

3.1 Cancellation of Interment Rights within 30 Day Cooling-Off Period:

A purchaser has the right to cancel an interment contract within thirty (30) days of signing the interment contract, by providing written notice of the cancellation to the Township. The Township will refund all monies paid by the purchaser within thirty (30) days from the date of the request of cancellation.

3.2 Cancellation of Interment Rights after the 30 Day Cooling-Off Period:

Upon receiving written notice from the purchaser of the interment rights, the Township will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the Cemetery Operator along with the written notice of cancellation.

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

3.3 Care and Maintenance Fund Contributions:

It is a requirement under the FBCSA that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold; and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

Note: all resales of interment rights must be carried out through the Township.

3.4 Prohibited Resale of Interment Rights to a Third Party

If a rights holder(s) wishes to re-sell the interment rights and the Township's bylaws prohibit the third party resale of interment rights, the rights holder(s) must make the request to the Township in writing. The Township will repurchase the interment right at the price listed on the Township's current price list less the Care and Maintenance Fund contribution made at the time of purchase.

The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.

The interment rights holder requesting the resale of the rights must return the interment rights certificate to the Township and the rights holder(s) must endorse

the interment rights certificate, transferring all rights, title and interest back to the Township. The appropriate paperwork must be completed before the Township reimburses the rights holder(s)

4. Burial of Cremated Remains

- 4.1** Interment rights holder(s) must provide written authorization prior to a burial taking place. Should the interment rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder, i.e. personal representative, estate trustee, executor or next of kin
- 4.2** A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the Township office prior to a burial taking place. A Certificate of Cremation must be submitted to the Township office prior to the burial of cremated remains taking place.
- 4.3** In accordance with the FBCSA the purchaser of interment rights must enter into a cemetery contract, providing such information as may be required by the Township for the completion of the contract and the public register prior to each burial of human remains.
- 4.4** Payment must be made to the Township before a burial can take place.
- 4.5** The Township shall be given **24 hours of notice**, 8 hours of which must be normal hours of operation.
- 4.6** The opening and closing of graves may only be conducted by the cemetery contractor or those designated to do work on behalf of the Township.
- 4.7** Cremated remains are not permitted to be scattered on a grave.
- 4.8** Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder(s) has been received by the Township and the prior notification of the Medical Officer of Health. A certificate from the local Medical Officer of Health must be received at the Township office before the removal of casketed human remains may take place. A certificate from the local Medical Officer of Health is not required for the removal of cremated remains.

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

- 4.9** Not more than four interments shall be made in any single grave except:

- a) That of one regular burial and three cremated remains, or four cremated remains;
- b) Or a 60.96 cm x 30.48 cm (24" x 12") infant container may be buried at the head end of a single grave in which a casket containing human remains has been buried, provided space is available;
- c) Not more than four cremated remains in a cremation only grave.

4.10 In ground interments shall only take place between May 1st and December 1st, unless weather and ground conditions are exceptional and permission has been obtained from the Township.

4.11 All remains to be buried in a grave must be enclosed in a container, sealed securely and of sufficient strength to permit burial with the container remaining intact. The container must be of size to permit burial within the size of the lot.

All regular burials may require an outer container as deemed necessary by the Township.

4.12 An Official of the Corporation or the Township of Ramara or someone contracted by the Township shall be in attendance at each interment.

5. Memorialization

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

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

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

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

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

5.6 All foundations for monuments and markers shall be built by, or contracted to be built for, the Township at the expense of the interment rights holder.

5.7 Should any monument or marker present a risk to public safety because it has become unstable, the Township shall do whatever it deems necessary by way of

repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.

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

5.9 In keeping with the cemetery bylaws only one monument shall be erected within the designated space on any lot.

5.10 The minimum thickness for flat markers including footstones is 4 inches or 10 cm.

5.11 All monuments and markers shall be constructed of bronze or natural stone or granite.

5.12 No monument shall be delivered to the cemetery for installation until the monument foundation has been completed and the interment rights holder(s) and/or marker retailer have been notified by the Township.

5.13 Single lot maximum:

One headstone, one footstone and four corner posts may be erected on a single grave. The maximum size monument allowed is:

Height 60.96 cm (24 inches)

Width 76.20 cm (30 inches)

5.14 Double lot maximum:

One headstone, two footstones and 4 corner posts are allowed. The maximum size monument allowed on a double lot is:

Height 1.22 metres (4 feet)

Width 1.52 metres (5 feet)

5.15 Cremation Lot maximum:

Each cremation lot may be marked on the ground with one flat marker, placed flush with the grade. Maximum cremation grave marker size not to exceed 26" x 18".

5.16 The minimum thickness of a die shall be 30.50 cm (8 inches).

Monuments must be placed at the centre of the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Township before a monument is set.

- 5.17** One flat marker may be placed on each grave in addition to the monument. The marker shall be placed at the end of the grave farthest from the monument and shall not exceed 40.64 cm x 60.96 cm (16" x 24").

6. Care and Planting

- 6.1** A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds.

Services that can be provided through this fund include:

- Re-leveling and sodding or seeding of lots
 - Maintenance of perimeter walls and fences
 - Maintenance of cemetery landscaping
 - Repairs and general upkeep of cemetery maintenance buildings and equipment
- 6.2** No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
- 6.3** No person shall plant trees, flower beds or shrubs in the cemetery.
- 6.4** Any containers containing flowers or plants placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

7. Items That Are Prohibited and Permitted

- 7.1** The Township reserves the right to regulate the articles placed on lots or plots that pose a threat to: the safety of all interment rights holders, visitors to the cemetery and cemetery employees, prevents the cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery. Prohibited articles will be removed and disposed of without notification.
- 7.2** The following items are prohibited from being placed on lots within the cemetery: articles made of hazardous materials such as glass, ceramics or corrosive metals, loose stones or sharp objects, trellises or arches, chairs or benches.
- 7.3** The Township reserves the right to remove all flowers, artificial or otherwise, potted plants, wreaths and baskets of flowers when they become withered or unsightly or for any other reason such removals are in the best interest of the cemetery. No decorations are permitted at the foot marker.

Artificial flowers are permitted, provided they are properly maintained and not detrimental to the general maintenance of the cemetery.

Artificial freestanding wreaths are prohibited. Monument saddles may be placed on monuments. Plantings are allowed only in front of the markers. Annual flowers must be removed by September 30th. Artificial flowers from the previous year must be removed by April 15th.

Decoration Days will be held from June 1st to August 31st, notice will be posted at the cemetery 30 days in advance.

8. Contractor/Monument Dealer Bylaws

- 8.1** Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the Township before the work may begin. Pre-approval includes, but is not limited to, landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property. Prior to the start of any said work, contractors must provide proof of WSIB coverage and evidence of liability insurance of not less than \$2 million.
- a) All cemetery bylaws apply to all contractors and all work carried out by contractors within the cemetery grounds.
 - b) Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the Township.
 - c) No work will be performed at the cemetery except during the regular business hours of the cemetery.
 - d) Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The Township reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.
 - e) Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

9. Gifts to the Cemetery

The Township gratefully accepts donations to the cemetery. All trees and structural gifts, such as benches must be approved by the Official of the Township and become the property of the cemetery. They are located at the approval of the official, although every effort is made to accommodate the request of the donor. The donation is recognized for the lifetime of the plant or item.

Rules for Visitors

Visitors are welcome at the cemetery during the hours of 8:00 a.m. until sundown. They are asked to maintain the dignity and peace of the cemetery.

The Official of the Township and cemetery staff are empowered and are required to preserve order and decorum in the cemetery.

Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these bylaws, may be expelled from the grounds.

No parades other than funeral processions shall be admitted to or be organized within the cemetery, unless permission is granted from the Township.

Children under the age of twelve years are welcome in the cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and safety.

Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave the avenues, or park on the grass unless directed to do so by the Official of the Township.

No recreational ATVs (All Terrain Vehicles) or snowmobiles are allowed in the cemetery.

Drivers of vehicles that damage the cemetery shall be held responsible for any costs incurred for repairs.

Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.

No dogs or other pets shall be allowed in the cemetery.

No picnic party shall be permitted in the cemetery grounds.

Any person who, in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a cemetery is liable to the Township and any interment rights holder who, as a result, incurs damage. The amount

of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable.

Any complaints by interment rights holders or visitors should be made to the Official of the Township.

Rubbish shall not be thrown on the grounds. Receptacles are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants and other debris.

The Township may remove any article, which is deemed detrimental to the efficient maintenance of the grounds, constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform to the natural beauty or design of the cemetery. An article removed will be held at the Township for collection. Rights holder(s) will be notified whenever possible, and it will be disposed of after 60 days if not collected.