

THE CORPORATION OF THE TOWNSHIP OF PRINCE

BY-LAW 2005-22

A by-law to provide regulations for the operation Hill Side Cemetery

THE COUNCIL of the Corporation of the Township of Prince pursuant to the Cemeteries Act, (Revised) R.S.O. 1990, Chapter C.4, as amended, and the regulations made pursuant to the said Act, ENACTS as follows:

1. DEFINITIONS

In this by-law:

- a. "By-laws" means this by-law and the rules under which the Corporation of the Township of Prince operates.
- b. "Care and Maintenance Fund" means that fund in which all moneys received for care and maintenance of lots has been invested by the Treasurer of the Corporation of the Township of Prince
- c. "Cemeteries Act" means the *Cemeteries Act*, (Revised), R.S.O. 1990, Chapter C.4 and Regulations, as amended.
- d. "Cemetery" means Hill Side Cemetery, which is owned by The Corporation of the Township of Prince.
- e. "Cemetery Reserve Fund" means that fund in which a certain percent of all moneys received on the sale lots has been invested by the Treasurer of the Corporation of the Township of Prince, which fund shall be for the purposes of property acquisition, maintenance and such other specific purposes as Council may from time to time determine;
- f. "Cemetery Services" includes the opening and closing of lots, general care of lots and any other service that is normally provided by the owner of a Cemetery;
- g. "Cemetery Supplies" includes (concrete and metal) burial vaults, monuments, lot markers or memorial plaques of stone or metal, corner posts and any other articles normally supplied for use in a cemetery;
- h. "Container" means a rigid combustible container designed for the encasement of human remains;

- v. "Statutory Holiday" means any day set out in the *Employment Standards Act* as a public holiday;
- w. "Township" means the Corporation of the Township of Prince, hereinafter called the Township;
- x. "Urn" means a sealed container for cremated remains (ashes);
- y. "Trust Funds" means those funds in which a trustee may invest and which are defined in *The Trustee Act*;
- z. "Vault" means an underground burial container for a casket or coffin.

2. ADMINISTRATION

- a. **Municipal Administrator:** The operation and management of Hill Side Cemetery is the responsibility of the Municipal Administrator.
- b. **Duties:** It shall be the duty of the Administrator, and she or he shall have power:
 - i. to control, pursuant to the provisions of the *Cemeteries Act* and regulations, and of this by-law, the operation and management of the cemetery, including the expenditure of moneys appropriated by the Township Council for that purpose, and the expenditures of interest and other income from money or other property given, devised, bequeathed or set aside for the purpose of the upkeep or care of the cemetery or part thereof, save and except those funds received from the sale of lots that are set aside as reserve funds to be invested by the Treasurer of the Township;
 - ii. to control and direct, pursuant to the provisions of the *Cemeteries Act* and regulations, and of this by-law, the operation and management of the cemetery;
 - iii. to control the provision of services and supplies for the cemetery;
 - iv. to see that all burials in the cemeteries are conducted in a decent and orderly manner, and that quiet and good order are at all times maintained therein;
 - v. to exercise her or his discretion in the employment, supervision and discharge of all employees engaged in the discharge of these duties;

- xii. to sign orders for all purchase of lots, interments, disinterments and removals, and to sign all such other orders as may be necessary;
- xiii. to receive all moneys for the sale of lots and all other moneys properly receivable by the Township with respect to the Cemetery, whether by way of gift, bequest or otherwise;
- xiv. to set aside for care and maintenance all moneys received on the sale of lots as prescribed by the regulations under the *Cemeteries Act*, and to set aside for care and maintenance all other moneys received for care and maintenance and to set aside for the purpose of the upkeep or care of any lot or portion of a cemetery, any money or other property given, devised, bequeathed or set aside for such propose, and to invest the same as authorized by the provisions of the *Trustee Act* or the *Cemeteries Act*;
- xv. to set aside a percentage of all moneys received on the sale of lots as an annual maintenance fund and/or cemetery reserve fund as required by the *Cemeteries Act*.

3. **RULES AND REGULATIONS**

The following rules and regulations apply to Hill Side Cemetery.

a. **Purchase, Sale and Transfer of Lots**

- i. The charges for lots and for all cemetery services shall be as set forth in the price list attached hereto as Schedule A to this by-law, as amended from time to time by Township Council and as approved by the Ministry;
- ii. No lot shall be sold or offered for sale in any part of a cemetery until that part has been developed and made ready for interment purposes. O.Reg. 130/92, S.45.
- iii. For indigent burials a warrant signed by an official of the District of Sault Ste. Marie Social Services Administration Board indicating that that DSSAB will be responsible for the payment of such interment is required.

b. **Plan**

Plans or maps showing all lots available for purchase shall be kept in the Municipal Office and shall be available during regular office hours for inspection by prospective purchasers.

- iv. state the purchaser has a right to cancel the contract within the thirty day period following the day the contract is made.
- v. state the purchaser must pay a service fee if the contract is cancelled more than thirty days after the contract is made as required by the *Cemeteries Act*;
- e. **Interment Rights Agreement**
The Interment Rights Agreement shall convey only the right of burial of human remains therein, and of installing a marker, monument or vault, and such rights shall be subject to the provisions of the *Cemeteries Act* and of this by-law as amended from time to time and no purchaser shall acquire any right, title or interest except as fore said or pursuant to the *Cemeteries Act*;
- f. **Final Agreement**
Upon payment in full of the purchase price of a lot, and upon receipt of a statement by purchaser, the Administrator shall prepare an Interment Rights Agreement, which agreement shall show:
 - i. the name of the purchaser;
 - ii. the location of the lot purchased;
 - iii. the date of purchase or transfer;
 - iv. the amount of the sale price;
 - v. the amount deposited to the perpetual care and maintenance fund; and, where applicable, the name and address of the trustee holding the said funds;
 - vi. be executed on behalf of the Township by the Administrator and he/she shall deliver the agreement to the purchaser; and
 - vii. the Administrator shall record this information in the register kept in accordance with the *Cemeteries Act* and the regulations made thereunder.
- g. On "at need" interment rights purchases, interest shall be charged at the interest rate as determined by the Treasurer on the unpaid balance after thirty days from the date of invoice.

- c. A burial permit issued by the Clerk of the City of Sault Ste. Marie, or his/her delegate, showing that the death has been registered, must be deposited with an employee of the Township before an interment can take place.
- d. In each case of burial, a written statement giving the name, place of birth, late residence (with street address), age, date of death, place of death, address of deceased's nearest relative, time of interment, in or what lot to be interred, and name of funeral director shall be provided to the Administrator, so that an accurate register may be kept. In the case of burial, the location of the lot to be opened shall be accurately designated. Precise and proper instruction in writing shall be given regarding the location of every burial, as the Township cannot be held responsible for any errors resulting from incorrect or lack of specific information.
- e. Where orders for interments are given by telephone, the Township will not be responsible for any errors or misunderstandings that may arise, and such verbal orders shall be confirmed in writing by the interment rights holder or his/her representative prior to the funeral.
- f. Persons ordering lots shall be held responsible for charges incurred.
- g. No interment shall be made without the written order of the holder of an Interment Rights Certificate or the legal representative of the interment rights holder.
- h. When a lot is held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the lot as may be requested.
- i. Only one interment may be made in a lot. Double-depth interments shall not be permitted.
- j. Notice of each interment to be made shall be given to the Administrator at least 24 hours previous thereto except under special circumstances. The Township will not be responsible for having lots prepared for funerals unless such notice is given.
- k. A survey sketch of the lot will be undertaken prior to any interment in order to confirm the proper location. This provision may be waived by the Administrator in exceptional circumstances.
- l. No interments shall be made on Sunday or holiday except on a medical certificate that burial must be made within 24 hours of death in accordance

- v. Concrete or wooden containers from disinterments shall be destroyed by the Township or its agent.
- w. Remains to be interred in a lot must be enclosed in a container sealed securely, dry and of sufficient strength to permit burial with the container remaining intact.
- x. Funeral corteges within the cemetery shall follow the route indicated by the Township.
- y. No interment shall be permitted in any lot against which outstanding annual care or cemetery service charges are due and paid.
- z. Remains of lower animals shall not be placed in any lot or interred or cremated remains placed in the Cemetery.

5. MONUMENT DEALERS, CONTRACTORS AND EMPLOYEES

- a. All employees, whether Township employees or employed by others in the cemetery shall be subject to the direction and control of the Administrator.
- b. Contractors, masons and stonecutters shall lay planks on the lots and paths over which heavy materials are to be moved.
- c. Employees shall cease work if in the immediate vicinity of a funeral until the conclusion of the service.
- d. No work shall be commenced that cannot be completed, including the removal of debris, during regular cemetery hours, unless by special permission of the Administrator.
- e. Heavy loads may be prohibited from the cemetery when roads are in an unfit condition, at the discretion of the Administrator.
- f. No monument work shall be undertaken at the cemetery until the limits of the lot are confirmed by the Township.
- g. No monument work shall be delivered at the cemetery until the foundation is completed and the contractor prepared to proceed with the erection.
- h. Damages caused to any lot, tombstone, monument or other structure shall be the personal responsibility of the employee and/or their employer, who shall be liable therefore.

- k. **Nuisance:** No person shall commit a nuisance in the cemetery.
- l. **Gratuities:** Gratuities and/or rewards to cemetery personnel are prohibited.
- m. **Complaints:** Complaints shall be made at the Municipal Office.
- n. **Debris:** No person shall deposit rubbish on the grounds of the cemeteries except in the receptacles provided.
- o. **Soliciting:** Soliciting in the cemetery is strictly prohibited.

7. **RULES AND REGULATIONS RESPECTING THE CEMETERY**
The following rules and regulations apply to the cemeteries only:

a. **Care of Lots**

- i. All lots sold or assigned shall be kept properly graded and mowed by employees of the Township.
- ii. The Township may remove trees or shrubs or any part thereof situated in any lot that shall have become by means of their roots or branches or in any way, detrimental to the adjacent lots, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public. The maximum height for any tree planted on a grave site is 152 cm (60"). All trees, wherever permitted, shall be in line with the monuments in that row.
- iii. No person shall do any work upon a burial lot without permission of the Administrator.
- iv. No person shall move corner posts or grave markers without permission of the Administrator.
- v. Borders, fences, railings, walls, curbs, benches, steps, articles made of glass, except as set out herein, structures of wood, other than wooden crosses permitted under Section 8 m of this By-law, and other perishable material, cut-stone copings and hedges in or around lots are prohibited.

b. **Flowers**

- i. The use of hanging baskets, vases and flower stands are prohibited.

- (5) The height of the candle or lantern shall not exceed .6 m (24") measured from the ground.
 - (6) All candles or lanterns shall have a lid or enclosure to protect trees and monuments.
- ii. Candles and lanterns will be permitted on a monument under the following conditions:
- (1) Candles and lanterns may constitute part of a monument, provided they are made principally of granite, marble, die cast bronze, anodized aluminum or stainless steel. The translucent section must be made of an unbreakable, heat resistant glass or of a plastic material, which is fire resistant.
 - (2) Candle holders may only be attached to the top of the base portion of a monument and will be included in determining the overall size of the memorial.
 - (3) A maximum of two candle holders may be placed on the base of a monument.
 - (4) No one candle holder may exceed 4,100 cm³ (250 cubic in) in size or exceed 51 cm (20") in height including ornaments (i.e., cross, etc.) and must be adequately drained to prevent the collection of water.
 - (5) Candle holders must be fully enclosed on all sides by means of a door or lid.
 - (6) Only candles placed in the proper candle holders are permitted on monuments.
- d. **Vases**
- i. Vases made of die cast bronze, stainless steel, granite, solid zinc, die cast aluminum or marble may constitute a part of a monument. Copper vases are not permitted.
 - ii. Vases will be included in determining the overall size of the monument.
 - iii. No vase shall exceed .02 m³ (900 cubic in) in size and must be adequately drained to prevent any collection of water.

numbering and nameplate attachments are prohibited. The bottom bed of all bases and markers shall be cut level and true.

- f. Statuary must be made of granite, marble, die cast aluminum, stainless steel or bronze. Copper statuary shall be prohibited.
- g. All statuary will be included in determining the height, width and size of the monument.
- h. Statuary must be an integral part of the monument and may not be placed other than on the monument or monument base.
- i. All monuments to be erected by or for lot owners shall be set upon adequate concrete bases, and no foundation shall be less than .10 m. (4") in depth, unless approval is received in writing from the Administrator. The upper surface of the foundation shall extend .08 m (3") beyond the monument base on all sides and shall be flush with the ground.
- j. Not more than one monument shall be erected on any one lot, and shall be located in the centre of the top lot line, or as otherwise designated and approved by the Administrator.
- k. Notwithstanding the foregoing, where individual monuments have been erected on older plots, similar monuments may be added providing approval is received from the Administrator.
- l. The number, location and maximum size of monuments shall be as follows:
 - i. Slant markers on a 4" concrete slab will be permitted on all gravesites. The maximum size for a single grave/lot shall not exceed 1,650 cm (256 square inches).

| Monument Thickness | Maximum height (including base) |
|--------------------|---------------------------------|
| .15 m (6") | 1.1 m (42") |
| .2 m or over (8") | 1.4 m (54") |

| Lot Size | Maximum Monument or Base Length |
|------------------|---------------------------------|
| single grave/lot | .8 m (32") |
| two grave lot | 1.6 m (63") |

11. **EFFECTIVE DATE**

No part of this by-law comes into force without the approval of the Cemeteries Branch of the Ministry of Consumer and Commercial Relations for Ontario, but, subject to such approval this by-law takes effect from the passing thereof.

Read **THREE TIMES** and **PASSED** in open Council this 25 day of October, 2005.


Reeve


Administrator

LIST OF SCHEDULES

- A – Price List
- B – Certificate of Interment Rights
- C – Application for Transfer of Ownership
- D – Release
- E – Indigent Burials – Ontario Works

SCHEDULE "B" TO BY-LAW 2005 -22

CORPORATION OF THE TOWNSHIP OF PRINCE

CERTIFICATE OF INTERMENT RIGHTS

No.

Date of Purchase:

Pursuant to the *Cemeteries Act* (Revised) and Regulations and all amendments thereto,

BETWEEN:

**THE CORPORATION OF THE TOWNSHIP OF PRINCE
Operating HILL SIDE CEMETERY**

hereinafter called the "Cemetery Owner"

and

of
(address)

hereinafter called the "Purchaser"

IN CONSIDERATION of the sum of \$_____, receipt of which is hereby acknowledged, and which includes the sum of \$_____ for Care and Maintenance, which is deposited with the Township of Prince, the Cemetery Owner agrees to assign to the Purchaser the Burial of Interment Rights as follows:

HILL SIDE CEMETERY

Section _____, Plot _____, Lot _____

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

SCHEDULE "C" TO BY-LAW 2005 -22

APPLICATION FOR TRANSFER OF OWNERSHIP

To: Administrator
Township of Prince

I, _____ of _____

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

Section _____, Plot _____, Lot _____

HILL SIDE CEMETERY

now registered in the name of _____

to

_____ of _____

(Name)

(Address)

in accordance with By-laws governing the Cemetery.

witness

Owner or Legal Representative

SCHEDULE "E" TO BY-LAW 2005-22

DISTRICT OF SAULT STE. MARIE
SOCIAL SERVICES ADMINISTRATION BOARD
ONTARIO WORKS DIVISION
540 Albert Street East, Sault Ste. Marie, ON P6A 7A7

I HEREBY CERTIFY THAT _____

formerly of the Township of Prince

was an indigent person at the time of his/her death and authorize the municipality to bill the District of Sault Ste. Marie Social Services Administration Board for the following costs:

Lot _____

Interment _____

DATED at the City of Sault Ste. Marie this day of , 2 .

Authorized signature