

## THE CORPORATION OF THE TOWNSHIP OF PRINCE

### BY-LAW 2012-30 Amendment to By-Law 2012-20

A by-law to provide regulations for the operation of municipal cemeteries for the Township of Prince

**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:

"By-laws" means this by-law and the rules under which the Corporation of the Township of Prince operates.

"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

"Cemeteries Act" means the *Cemeteries Act*, (Revised), R.S.O. 1990, Chapter C.4 and Regulations, as amended.

"Cemetery(ies)" means Hillside Cemetery and those cemeteries that are owned by The Corporation of the Township of Prince from time to time.

"Cemetery Reserve Fund" means that fund in which a certain percent of all moneys received on the sale of graves 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;

"Cemetery Services" includes the opening and closing of graves, general care of graves and any other service that is normally provided by the owner of a Cemetery;

"Cemetery Supplies" includes (concrete and metal) burial vaults, monuments, grave markers or memorial plaques of stone or metal, corner posts and any other articles normally supplied for use in a cemetery;

"Clerk" refers to the Chief Administrative Officer/Administrator or his or her designate;

"Container" means a rigid combustible container designed for the encasement of human remains;

"Cremated Remains" means the residue (ashes) after cremation of the body and of the casket or container in which it was received;

"Interment Right" includes the right to require or direct the interment of human remains in a lot;

"Interment Rights Certificate" means the certificate issued by The Corporation of The Township of Prince to the purchaser upon payment of the cost of interment rights, cemetery supplies and services;

"Interment Rights Holder" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Cemeteries Act;

"Lot" means an area of land in a cemetery containing or set aside to contain human remains;

"Marker" means any memorial of granite or marble set flush with the surface of the ground and used to mark the location of the grave or any memorial affixed to another structure for the deposit of human remains. In ground markers shall not have any metal plates or photographs attached to them;

"Ministry" means Ministry of Consumer and Commercial Relations;

"Monument" means any memorial projecting above the level of the ground;

"Owner" means The Corporation of the Township of Prince;

"Plan" means the plan of the cemetery;

"Plot" means two or more lots in which the rights to inter have been sold as a unit.

"Pre-Need Supplies or Services" means cemetery supplies and services that are not required to be provided until the death of a person who is alive at the time the arrangements are made;

"Price List" means the price list of supplies and services provided by The Corporation of the Township of Prince;

"Statutory Holiday" means any day set out in the *Employment Standards Act* as a public holiday;

"Township" means the Corporation of the Township of Prince, hereinafter called the Township;

"Urn" means a sealed temporary container for cremated remains (ashes);

"Trust Funds" means those funds in which a trustee may invest and which are defined in *The Trustee Act*;

"Vault" means an underground burial container for a casket or coffin.

## 2. **ADMINISTRATION**

### 1. **Clerk**

The operation and management of Hill Side Cemetery is the responsibility of the Clerk.

#### 1.1 **Duties**

It shall be the duty of the Clerk, 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;
- (vi) to oversee the improvement and beautification of the cemetery, including the keeping in good order and repair of any buildings, fences, drains, walk, drives and grounds; provided where reasonably possible, before removal of any tree or shrub from a lot, notification shall first be given to the interment rights holder of such lot;
- (vii) to prepare and present to the Council annual estimates of expenditures in the form of the annual budget;
- (viii) to exercise control over the execution of orders with respect to all interments and disinterments, including attendance of a delegate of the Township at every interment and disinterment;
- (ix) to sell lots and services in accordance with the price lists attached as Schedules to this by-law, issue receipts for the proceeds of the sales, remit the said proceeds to the Treasurer for deposit to the account of Township, prepare interment rights certificates and keep a register for public inspection in which shall be entered all particulars of the sales, the name and address of every interment rights holder of a lot and every transfer of the interment rights holder of a lot;
- (x) to provide for public inspection, a separate register in which shall be entered
  - (a) the name of every deceased person whose body is interred in the cemetery;
  - (b) the location of every deceased person interred in the cemetery;
  - (c) the date of the interment of every such body;
  - (d) the particulars of every disinterment or removal of a body
  - (e) to keep a record of all cremations
- (xi) to provide for public inspection, at the Municipal Office during regular office hours, a current plan of the Cemetery, approved by the Ministry, and to provide and revise on a regular basis, a duplicate plan to be retained for information.
- (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;

- (i) 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*;
- (ii) 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.

#### 3.1 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.

#### 3.2 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.

#### 3.3 Agreement to Purchase and Responsibility for Charges

The Certificate of Interment Rights for a lot or lots shall be in the form attached hereto as Schedule "B" to this by-law and shall show:

- (i) the name and address of the purchaser of lot or lots;
- (ii) the location and area or dimensions of the lot to be purchased;
- (iii) the amount of the sale price and date of purchase;
- (iv) the proportion of the sale price set aside for care and maintenance to be held by Treasurer and invested in trustee securities in accordance with the *Cemeteries Act*;
- (v) be signed by the purchaser in the presence of a witness; and the person signing such agreement shall be responsible for all charges in connection therewith;
- (vi) contain an acknowledgment to the effect that the purchaser understands the full meaning of the said agreement.

Upon payment in full of the purchase price, the Clerk shall prepare, have executed and deliver an Interment Rights Certificate to the purchaser as set out in this by-law.

#### 3.4 Pre-Need Purchase of Interment Rights

The agreement to purchase a lot(s) shall:

- (i) be executed by the purchaser and the Clerk upon payment to the Township of the applicable charge.
- (ii) contain a statement that upon payment in full of the purchase price of a lot, the Clerk shall prepare, have executed and deliver an Interment Rights Certificate to the purchaser as hereinafter set forth;
- (iii) contain a provision that where the purchaser has not personally inspected the lot before signing the agreement to purchase, an alternative lot of equal value may be chosen by the purchaser anywhere in the cemetery within thirty days from the date of signing the agreement, upon written notice to the Clerk that he/she is dissatisfied;
- (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*;

#### 3.5 Interment Rights Agreement

- (i) 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*;

#### 3.6 Final Agreement

Upon payment in full of the purchase price of e or a lot, and upon receipt of a statement by purchaser, the Clerk shall prepare an Interment Rights Agreement, which agreement shall show:

- (i) the name of the purchaser;
- (ii) the location and area of dimensions 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 Clerk and he/she shall deliver the agreement to the purchaser; and

- (vii) the Clerk shall record this information in the register kept in accordance with the *Cemeteries Act* and the regulations made thereunder.

3.6 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.

### 3.7 Transfer of a Lot

- 3.7.1 The transfer of a lot shall convey only those rights set out in Section 4.5.(i) of this by-law;
- (ii) Upon receipt of the prescribed fee, together with a fully executed transfer of a lot form, completed by the registered interment rights holder or that person's legal representative, ascertained by production of a notarial copy of the Will or other evidence satisfactory to the Clerk, in the form attached hereto as Schedule C to this by-law, the Clerk shall immediately cause the transfer to be entered in the register kept for that purpose as aforesaid, and shall issue a certificate of transfer.
- (iii) The interment rights holder(s) may not resell the interment rights of lots except to the Township of Prince in accordance with the *Cemeteries Act* (Revised) and the regulations made under that act. *Cemetery Act* (Revised) 130/92 Section 25 (1) 3.

### 3.8 Charges for Care and Maintenance of Lot

Any person may make payment to the Township in accordance with the price list attached hereto as Schedule "A" for care and maintenance of any lot previously sold for which provision for care and maintenance has not been made, and care and maintenance shall be provided for every such lot. Upon receipt of said payment, the Township shall prepare and have executed a certificate and shall deliver it to the purchaser.

### 3.9 Repurchase or Resale of Lot by Township

- 3.9.1 The Township may repurchase any lot previously sold or conveyed or any part of such lot in which no interment has been made. The repurchase price shall be the original price less the amount set aside in the care and maintenance fund or such a fund, in respect of the interment rights. A release in the form attached as Schedule D shall first be obtained.
- 3.9.2 The Township may apply to the Registrar under the *Cemeteries Act* for a declaration that interment rights are abandoned where no interment has been made in a plot for more than twenty years.

## 4.10 INTERMENTS AND DISINTERMENTS

- 1. All interments in lots shall be restricted to members of the family or as otherwise directed by the interment rights holder.
- 2. A delegate of the Township or someone in the employ of the Township shall be in attendance at each interment or disinterment.

3. A burial permit issued by the Clerk of the City of Sault Ste. Marie, or his/her delegate, or the Clerk of another municipality 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.
4. 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 Clerk, so that an accurate register may be kept. In the case of burial, the location of the grave 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.
5. 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.
6. Persons ordering graves shall be held responsible for charges incurred.
7. 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.
8. 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.
9. Only one interment may be made in a grave.
10. Double-depth interments shall not be permitted.
11. Notice of each interment to be made shall be given to the Clerk at least 24 hours previous thereto except under special circumstances. The Township will not be responsible for having graves prepared for funerals unless such notice is given.
12. No interments shall be made on Sunday except on a medical certificate that burial must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable diseases.
13. No burials shall be made on any statutory holiday except under conditions defined in subsection 15. Irrespective of no burials taking place on statutory holidays or Sundays, the maximum time that burials will not be scheduled is three days.
14. No grave shall be opened for interment or disinterment by any person not in the employ of the Township.
15. Mounds shall not be permitted over graves and no lots shall be filled above the grade established in the cemetery.
16. No interment equipment other than that provided or approved by the Township shall be used in the cemetery, with the exception of concrete vaults or liners, which may be installed by an independent supplier.
17. No funeral shall be permitted in the cemetery and no burial shall be allowed except between the hours of nine o'clock in the forenoon and four o'clock in the afternoon and

for the purpose of clarity all funeral interment services shall be concluded by the hour of four o'clock in the afternoon, except under unusual circumstances whereby special permission may be granted by the Clerk upon payment of any additional labour charges as set out in the price list.

18. No interments shall take place between 01 December and 15 May, except in unusual circumstances whereby special permission may be granted by the Clerk depending upon winter and soil conditions.
19. No disinterments shall be made without the written consent of the local Medical Officer of Health and the interment rights holder of the lot, except on an order from the court or as provided in the regulations under the *Cemeteries Act*.

Only Cemetery staff, law enforcement officers and representatives from the Ministry of Health may be present at a disinterment. All disinterments shall comply with the regulations enforced by the Algoma Health Unit.

Only Cemetery staff, law enforcement officers and representatives from the Algoma Health Unit may be present at a disinterment.

20. The cemetery shall not be responsible for the cost incurred to replace concrete monument bases, monuments, trees, plants or shrubs that are removed for interment and disinterment purposes.
21. Any markers, monuments, shrubs or plants designating the location of an interment shall be removed at the expense of the lot interment rights holder before the disinterment is made.
22. The body of a deceased person must be buried in the receptacle that was used for transportation to the Cemetery. No exchange of casket or containers will be allowed on Cemetery property.
24. Concrete or wooden containers from disinterments shall be destroyed by the Township or its agent.
25. Remains to be interred in a grave must be enclosed in a container sealed securely, dry and of sufficient strength to permit burial with the container remaining intact.
26. Funeral corteges within the cemetery shall follow the route indicated by the Township.
27. No interment shall be permitted in any lot against which outstanding annual care or cemetery service charges are due and paid.
28. Remains of lower animals shall not be placed in any grave or interred or cremated remains placed in the Cemetery.

#### 4.11

#### **MONUMENT DEALERS, CONTRACTORS AND EMPLOYEES**

1. All employees, whether Township employees or employed by others in the cemetery shall be subject to the direction and control of the Clerk.
2. Contractors, masons and stonecutters shall lay planks on the lots and paths over which heavy materials are to be moved.
3. Employees shall cease work if in the immediate vicinity of a funeral until the conclusion of the service.



4. 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.
5. Heavy loads may be prohibited from the cemetery when roads are in an unfit condition, at the discretion of the Clerk.
6. No monument work shall be delivered at the cemetery until the foundation is completed and the contractor prepared to proceed with the erection.
7. 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.
8. It shall be the responsibility of the monument dealers to identify correctly and properly place the inscription on the monument or marker.

#### 4.12 **VISITORS**

**Visiting Hours:** No person shall enter or be within any cemetery grounds before eight o'clock in the forenoon or after one-half hour before sundown, except police constables and authorized personnel of the Township.

**Young Children:** No child under the age of sixteen years shall be permitted in the cemetery grounds, except under the direct control of an adult.

**Animals:** No animals shall be permitted on the cemetery grounds, except leader dogs for the visually and hearing impaired.

**Vehicles:** No bicycles, unlicensed motorcycles or motorized snow vehicles shall be permitted in the Cemetery. No vehicle shall be driven at a greater speed than 15 kilometers per hour, or elsewhere than upon the roadways provided for vehicles.

**Alcoholic Beverages:** No refreshments or alcoholic beverages shall be permitted in the cemetery grounds.

**Parades:** No parades other than funeral processions shall be admitted or organized within the cemetery.

**Games:** No person shall play any game or sport in a cemetery.

**Firearms:** No person shall discharge firearms in a cemetery except at a military funeral.

**Destruction:** No person shall:

1. willfully destroy, mutilate, deface, injure or remove any monument, gravestone or other structure placed in a cemetery, or any fence, railing or other work for the protection or ornament of a cemetery, or of any such monument, gravestone or other structure or of any lot in a cemetery;
2. willfully destroy, cut, break or injure any tree, shrub or plant in a cemetery, or willfully injure, destroy or deface any building or structure or any road, walk or other work in the cemetery.

**Disturbance:** No person shall willfully and unlawfully disturb persons assembled for the purpose of burying a body in a cemetery.

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

## **5. RULES AND REGULATIONS RESPECTING THE CEMETERY**

The following rules and regulations apply to the cemeteries only:

### **5.1 Care of Lots**

1. All lots and graves sold or assigned shall be kept properly graded and mowed by employees of the Township.
2. 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.
3. No person shall do any work upon a burial lot without permission of the Clerk.
4. No person shall move corner posts or grave markers without permission of the Clerk.
5. Borders, fences, railings, walls, curbs, benches, steps, articles made of glass, except as set out in 5.8.10.3, structures of wood, other than wooden crosses permitted under Section 5.7.5, and other perishable material, cut-stone copings and hedges in or around lots are prohibited.

### **5.2 Flowers:**

1. The use of hanging baskets, vases, urns and flower stands are prohibited.
2. Flower beds are permitted only on lots having a monument and shall be restricted to the area immediately in front of the monument and shall be no wider than 40 cm (16") and not longer than the marker or monument base. Artificial flowers are not permitted.
3. Unsightly floral tributes shall be removed from the graveside or lot. Only one approved artificial wreath allowed per family plot. No artificial wreaths are permitted between June 1<sup>st</sup> and October 31<sup>st</sup>, with the exception of approved saddle wreaths which will be permitted year round.
4. Only one approved artificial wreath which either shall be a saddle wreath which is fastened to the top of the monument or an artificial wreath which is securely fastened to a three (3) pronged, free-standing wire stand of a maximum height of 91 cm (36") is permitted on a family plot. Wreaths blown to the ground will be disposed of by Township staff.
5. The owner shall be responsible for the planting and maintenance of any plant material.

6. Flowers, shrubs or plants may not be planted until May 20<sup>th</sup>.
7. All rubbish shall be placed in receptacles provided for that purpose.

Candles and lanterns will be permitted on a grave under the following conditions:

1. A maximum of two candles or lanterns is permitted on a lot where there is a monument;
2. All metal parts of the candles or lanterns are to be of anodized aluminum or die cast bronze.
3. The translucent section of the candle must be made of unbreakable, heat-resistant glass or of a plastic material which is heat and fire resistant;
4. The distances between the candles or lanterns shall not exceed the length of the monument base and shall be placed against the concrete base or mounted on the monument base.
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.

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 cm<sup>3</sup> (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.

### 5.3 Vases

1. Vases or urns 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.
2. Vases and urns will be included in determining the overall size of the monument.
3. No vase shall exceed .02 m<sup>3</sup> (900 cubic in) in size and must be adequately drained to prevent any collection of water.
4. Vases and urns shall not be placed on either face of monuments.
5. A maximum of two vases will be permitted on each monument.

The Township has the right to remove immediately any article placed on a gravesite which contravenes these regulations.

The Corporation shall not be responsible for loss of or damage to the lot, flowers, monuments, structures, photographs, lanterns, vases, statuary or any articles or objects of any kind attached to or part of any monuments or objects. The Township shall only be responsible for damage to monuments or other property arising from the negligence of Township staff.

The Corporation shall only be responsible for damage to lots, monuments and markers knowingly caused by Cemetery staff.

Thorny plants, such as, but not limited to roses, hawthorns or Russian Olive plants are prohibited.

#### 5.4 MONUMENTS AND MARKERS

1. If any monument or marker presents a risk to public safety, the Clerk may do whatever is necessary by way of repairing, resetting or laying down the monument so as to remove the risk.
2. No monument or marker shall encroach on any grave space.
3. No monument or other structure shall be erected or permitted on a lot, until accrued charges have been paid in full and the Municipal Office has issued monument permit.
4.
  - (i) All markers and monuments shall be constructed of granite, marble or wood defined in Section 5.2.7.5 and all such articles shall be subject to the prescribed limitations. No metal plate attachments shall be permitted unless fabricated of a non-corrosive metal and which is an integral part of the monument. Lettering, numbering and nameplate attachments are prohibited. The bottom bed of all bases and markers shall be cut level and true.
  - (ii) Statuary must be made of granite, marble, die cast aluminum, stainless steel or bronze. Copper statuary shall be prohibited.
  - (iii) All statuary will be included in determining the height, width and size of the monument.
  - (iv) Statuary must be an integral part of the monument and may not be placed other than on the monument or monument base.

All monuments to be erected by or for lot owners shall be set upon adequate concrete bases, and no foundation shall be less than .01 m (4") in depth, unless approval is received in writing from the Clerk. 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.

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 Clerk.

Notwithstanding the foregoing, where individual monuments have been erected on older plots, similar monuments may be added providing approval is received from the Clerk.

The number, location and maximum size of monuments shall be as follows: Slant markers on a 4" concrete slab will be permitted

on all gravesites. The maximum size for a single grave shall not exceed 1,650 cm (256 square inches).

<b>Monument Thickness</b>	<b>Maximum height (including base)</b>
.15 m (6")	1.1 m (42")
.2 m or over (8")	1.4 m (54")

<b>Lot Size</b>	<b>Maximum Monument or Base Length</b>
single grave	.8 m (32")
two grave lot	1.6 m (63")
three grave lot or more	2.0 m (78")

Wooden Crosses

Drawings and specifications for wooden crosses must first be submitted to the Clerk and approved by the Clerk.

Wooden crosses shall be as follows:

Minimum thickness: .1 m (4" x 4")

Maximum thickness: .15 m (6" x 6")

Maximum cross width: .6 m (24")

Maximum cross height: .9 m (36")

All wooden crosses must be made of pressure-treated wood or cedar with as few imperfections as possible. Wooden crosses shall not have any copings or any other appurtenances attached to it.

The minimum depth of the wooden cross in the ground shall be 1 m (39").

Notwithstanding the above provision, horizontal monuments shall be permitted in any section of a cemetery in accordance with the regulations governing monuments in the Shrine Sections.

All foot markers shall have a uniform thickness which shall not exceed .1 m (4") and shall have a flat and level surface, set flush with the level of the ground.

The Municipal Office shall be notified of the removal of monuments from the Cemetery by Monument Dealers.

5.5 CREMATIONS

Urns

All urns shall be properly sealed.

Floral Tributes

SCHEDULE "A" TO BY-LAW 2012-

**CEMETERY PRICE LIST**

<b>SALE OF LOTS</b>	<b>Land</b>	<b>Care &amp; Maintenance</b>	<b>Price</b>
1 grave lot (min. 3.5' x 10') Prince Twp. resident/property owner	\$100	\$250	\$350
1 grave lot (min. 3.5' x 10') non-resident	\$ 420	\$ 280	\$ 700
<b>MONUMENTS</b>		as prescribed by O/Reg 132/92	as prescribed by O/Reg 132/92
<b>DISINTERMENT CHARGES</b>			
Disinterment of burial			\$ 2,000.00
Disinterment of cremated remains			\$ 350.00
<b>OPENING &amp; CLOSING</b>			
Opening & closing, including survey of site			\$ 500.00
Survey of site prior to monument placement			\$ 50.00

Floral tributes will not be permitted in the crematorium building. Provision may be made for displaying on the adjoining grounds for a period of three days, after which time they will be removed.

Scattering of Remains Prohibited

The scattering of cremated remains, in any cemetery in Sault Ste. Marie is prohibited.

Burial of Cremated Remains

No more than two cremation interments shall be made in cremation lots and no more than six cremation interments, if placement allows, in regular lots.

**PENALTIES**


Any person who contravenes any provision of this by-law is guilty of an offence and subject to a penalty in accordance with the provisions of the Provincial Offences Act or the Cemeteries Act (Revised ), as amended.

**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.

2. By-law # 2005-22 is hereby repealed.

Read **THREE TIMES** and **PASSED** in open Council this 09 day of October, 2012.



Reeve



Clerk

LIST OF SCHEDULES

- A – Price List
- B – Certificate of Interment Rights
- C – Application for Transfer of Ownership
- D – Release
- E – Indigent Burials – Ontario Works Division
- F – Application for Cremation and Coroner's Certificate

SCHEDULE "B" TO BY-LAW 2012-  
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.

The Purchaser 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.

With respect to the erection or installation of markers, the Purchaser agrees to abide by the by-law governing cemetery operations and the *Cemeteries Act* (Revised) wherein restrictions on the erection or installation of markers are given and which By-law is attached hereto.

Information contained on this form is considered public information as per the *Cemeteries Act* (Revised).

The purchase of a lot conveys only the right of burial of human remains therein and of installing a marker and no other right of title or interest is obtained in the plot.

IN WITNESS whereof, the Cemetery Owner has affixed its signature by the hand of its proper signing officer this \_\_\_\_\_ day of \_\_\_\_\_ 201 .

**CORPORATION OF THE  
TOWNSHIP OF PRINCE**

Per: \_\_\_\_\_



SCHEDULE "C" TO BY-LAW 2012-  
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 'D' TO BY-LAW 2012-  
**RELEASE**

WHEREAS the undersigned is the owner or legal representative of the owner of the Cemetery Lot **Section \_\_\_\_\_, Plot \_\_\_\_\_, Lot \_\_\_\_\_, HILL SIDE CEMETERY** and desires to release his/her interest in the said lot to the Corporation of the Township of Prince with power to the Township to resell the said lot, free from any claim of the undersigned, and upon such resale, or upon purchase by the Township, to pay to the undersigned the amount paid for the rights, less the amount the Owner paid into the Care and Maintenance Fund.

THEREFORE I/WE the undersigned, for valuable consideration, do grant, release and quit claim unto the Corporation of the Township of Prince, its successors and assigns, forever, all my estate, right, title interest, claim and demand whatsoever both at law and in equity, or otherwise, howsoever in the above described cemetery lot.

WITNESS my hand and sale at the Township of Prince this day of 2 .

SIGNED, SEALED AND DELIVERED  
in the presence of

\_\_\_\_\_  
Owner or Legal Representative

SCHEDULE "E" TO BY-LAW 2012-

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