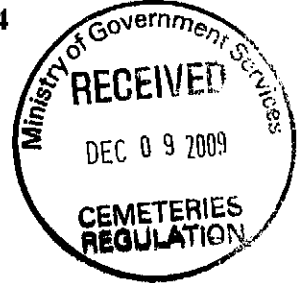


THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC

STORRINGTON DISTRICT CEMETERY BOARD

A BY-LAW TO PROVIDE FOR THE MAINTENANCE, MANAGEMENT AND CONTROL OF THE CEMETERIES WITHIN STORRINGTON DISTRICT IN ACCORDANCE WITH THE CEMETERIES ACT.R.S.O.1990, C.C.4



This By-law shall be composed of eight sections, namely:

- | | |
|-----------|---------------------|
| Section A | Definitions |
| Section B | Administration |
| Section C | Financial |
| Section D | Rules & Regulations |
| Section E | Operations |
| Section F | Interment |
| Section G | Disinterment |
| Section H | Markers |

This By-law shall apply to the following Cemeteries:

- Sandhill Cemetery
- Opinicon Cemetery
- Latimer Cemetery
- VanLuven Cemetery

SECTION A - DEFINITIONS

- "Act" shall mean the Cemeteries Act, R.S.O. 1990,C.C.4
- "Board" shall mean the Cemetery Board appointed by the Council of the Corporation for the term of Council.
- "Burial Permit" shall mean a permit issued by the Division Registrar indicating that death has been registered.
- "By-Law" shall mean the rules under which the Cemetery is operated. Said by-law shall be approved by both Council of the Corporation and the Registrar.
- "Care and Maintenance Fund" shall mean that trust fund in which all monies received by the Corporation for perpetual care of lots or plots and markers have been invested.
- "Cemetery" shall mean the land set aside to be used for the interment of human remains.
- "Cemetery Services" shall mean the following services in respect of a lot or plot;
i) opening and closing of a lot or plot;
ii) interring or disinterring human remains;
iii) providing temporary storage in a receiving vault;
i.v) setting of corner posts;
- "Cemetery Supplies" shall mean interment vaults, markers, liners, flowers, artificial wreaths and other articles intended to be placed in a cemetery.
- "Clerk" shall mean the Clerk of the Corporation or his/her designate.
- "Corner Posts" shall mean any stone or other land marks set flush with the surface of the ground and used to indicate the corners of the lot or plot.
- "Corporation" shall mean the corporation of the Township of South Frontenac.
- "Inter" shall mean the burial or interment in the Cemetery of the body or remains of a human being.
- "Interment Permission Form" shall mean the form to be completed by the Interment Rights Holder(s) to designate, in writing, if another person is to be buried in their lot or plot.

"Interment Rights Certificate"

shall mean the certificate issued to the Interment Rights Holder by the Cemetery. Shall include the name of the Interment Rights Holder, the location and dimensions of the lot or plot, the date on which the interment rights are purchased, the amount paid by the purchaser, the amount deposited into the Care and Maintenance Fund, and the statement regarding transfer restrictions of said interment rights.

"Interment Rights"

shall include the right to require or direct the interment of human remains in a lot or plot.

"Interment Rights Holder"

shall mean a person with interment rights with respect to a lot or plot and said Interment Rights Holder shall be listed in the records of the Cemetery.

"Lot"

shall mean an area of land in a cemetery (4' X 10' approx.)

"Marker"

shall mean any monument or tombstone, plaque, headstone or other structure or ornament affixed to or intended to be affixed to a lot or plot, columbarium niche or other structure or place intended for the deposit of human remains.

"Minister"

shall mean the Minister of Consumer ^{Services} ~~and Commercial Relations~~ for the Province of Ontario.

"Plot"

shall mean two or more lots in which the rights to inter have been sold as a unit.

"Registrar"

shall mean the Registrar appointed under the Cemeteries Act ^(Revised) ~~R.S.O., 1990, C.C.4~~

"Tariff"

shall mean the tariff or fees and charges set forth in the fee schedule as approved by Council and the Registrar.

"Transfer Form"

shall mean the form to be completed for any transfer made without consideration as a gift.

"Treasurer"

shall mean the Director of Finance of the Corporation.

SECTION B - ADMINISTRATION

1. The business affairs of Storrington District Cemeteries shall be managed and supervised by a Board composed of a minimum of 4 members.
2. The Council shall by By-law appoint the Board, who shall hold office during the term of Council.
3. The Board shall be responsible for the administration, management, care, maintenance, and improvement of the Cemetery.
4. The Board shall have the authority to engage and authorize caretakers, employees or agents to carry out the duties of the Board.
5. The Board shall be responsible to the Council of the Township of South Frontenac for the execution of their duties.
6. The Council shall have the right to remove any or all of the members of the Board for their failure or neglect to carry out their duties or for any other just cause.
7. The Board and the Clerk shall each keep such register, records and books as are necessary for properly recording all matters, acts, interment right certificates and matters pertaining to the Cemeteries that come within their respective jurisdiction, and as may be prescribed.
8. The Board shall make and render such reports as may be prescribed or as the Council may require.

SECTION C - FINANCIAL

1. All fees and charges shall be payable in accordance with the Tariff which shall be set annually by Council upon recommendations of the Board, subject to the approval of the Registrar.
2. Payment for all fees and charges shall be made to the Municipal Office.
3. The Treasurer shall keep such books, accounts and records as are necessary for properly recording and exhibiting all financial matters pertaining to the Cemetery as may be prescribed.

4. All revenue and other monies belonging or pertaining to the Cemetery shall be received by the Treasurer.
5. The Treasurer shall maintain, invest and administer the Care and Maintenance Fund in accordance with the provisions and regulations of the Act.

SECTION D- RULES AND REGULATIONS

1. All persons entering the Cemetery shall behave with due order and decorum and with due respect for the dead.
2. Interment Rights Holders shall not permit interments to be made in their lots or plots for remuneration and shall not sell their lots or plots for remuneration.
3. Vehicles within the Cemetery shall be driven at a speed not exceeding 25 kilometers per hour and shall not allow wheels of any such vehicles to run on sod. All drivers of any vehicle shall respect all lots or plots as if they were their own. Vehicle owners and drivers shall be held responsible for any damage done by them within the cemetery.
4. Recreational vehicles are not permitted within the Cemetery.
5. No person(s) under the age of sixteen shall be admitted within the Cemetery unless attended by an adult who shall be responsible for their conduct.
6. No person shall:
 - a) place any fences, railing or other enclosures around any lot or plot;
 - b) plant any flowers, plants, shrubs or trees without the permission of the Board. The Board reserves the right to enter onto the lot or plot and remove said flowers, plants, shrubs or trees planted without the permission of the Board. All artificial items shall be removed from the grass cutting area by May 1st of each year. Absolutely nothing is to be on the ground but live plants and flowers. Artificial flowers may be placed in a holder on top of the headstone or on its foundation.
 - c) write upon, deface, injure or damage any markers, railing, fence or other structure, or pick or cut flowers of any kind;
 - d) have in their possession any firearm within the Cemetery enclosure except in the case of a Military or Police Funeral;
 - e) enter into the Cemetery between 9:30 pm in the evening and 7:00 am the following day;
 - f) allow entry into the Cemetery of any animal under their ownership and/or control.

7. Conveyances heavily loaded shall not be permitted to enter the Cemetery without the approval and supervision of the Board.
8. Any person who damages any lot or plot, marker or other structure, or otherwise does any damage in the Cemetery shall be personally responsible for such damage or injury.
9. Any person violating any of the provisions of the By-law shall be deemed to be a trespasser and subject to immediate eviction from the Cemetery in addition to any and all other penalties provided by law.

SECTION E - OPERATIONS

SALES

1. Lots or plots, or subdivisions of lots or plots, may be purchased by individuals upon payment of the appropriate Tariff rate, set out by the Board. At the time of sale, the person selling the lot or plots shall provide an Interment Rights Certificate.
2. Purchasers of lot or plots acquire only the right and privilege of interment of the dead and of erecting markers, subject to the provisions of the By-law.
3. Each purchaser of a lot or plot shall be entitled to an Interment Rights Certificate, but only when all indebtedness has been satisfied and all charges on the lot or plot have been paid.
4. The Interment Rights Certificate shall specify the name of the Interment Rights Holder, the size of the lot or plot, the location of the lot or plot, the date of purchase, the amount paid, the amount deposited into the Care and Maintenance fund, and a statement regarding transfer restrictions of said Interment Rights.
5. The Interment Rights Holder must designate in writing, upon the Interment Permission Form, if another person is to be buried in their lot or plot.
6. The Board may restrict the sale of single lots to certain areas in the Cemetery.

CONTRACT

1. The purchaser of Interment Rights shall be provided with a contract, at the time of purchase, which shall indicate:
 - a) the date Interment Rights were purchased;
 - b) the name and address of the purchaser;
 - c) the purchase price including an itemized breakdown of all charges and taxes;

- d) the percentage of the purchase price being set aside for Care and Maintenance;
- e) the prohibition on the resale of Interment Rights by the purchaser;
- f) the existence of a By-law that governs the operation of the cemetery and includes restrictions on Interment Rights in the cemetery; and
- g) a Certificate of Interment Rights will not be issued until the Interment Rights have been paid for in full.

CORNER POSTS

1. The boundaries of any lot or plot shall be marked with corner posts. All corner posts are to be placed by the Board at the expense of the owner(s) of the lot or plot wherein the same are placed.

TRANSFERS

1. Only licensed cemeteries can sell Interment Rights.

If an individual wishes to sell their lot or plot, they must sell their Interment Rights back to the Corporation. The Corporation will then reimburse the individual the price paid for the lot or plot, less the amount placed into the Care & Maintenance Fund and an administrative fee.

For the purposes of this subsection "transfer" means a gift, a bequest or any other transfer made without consideration. If an Interment Rights Holder wishes to transfer their interment rights, notice must be given to the Clerk or his/her designate, and the original certificate must be returned. The Clerk or his/her designate shall issue a new certificate of interment rights to the transferee. The transfer of ownership of Interment Rights is not binding upon the Board until a duly executed transfer has been deposited with the Clerk.

2. Upon receipt of a request in writing from the Interment Rights Holder specifying the name and address of the transferor and the transferee, and the location of the lot or plot, the Clerk, upon payment of the administration fee in accordance with the Tariff, will perform the transfer.
3. In the case of succession, the following will be required in addition to Clause 2 above (unless otherwise ordered by the Board):
 - a) Last Will and Testament: In a case of specific bequest of the lot or plot, a notarized copy or Court Certified Copy of the will or Probate. If not a specific bequest, a request in writing from the Executor(s) with the consent of all or a majority of the beneficiaries, must be made to the Clerk or his/her designate.
 - b) Intestate: A request in writing from the administrator, with the consent of all or a majority of the heirs-at-law.

SECTION F - INTERMENT

1. The Board is empowered to fix and regulate the price for opening and closing lots or plots, subject to the approval by Council and the Registrar.
2. No interment shall take place until such time as the lot or plot has been paid for in full.
3. For every Interment, the board must obtain a burial or cremation certificate, applicable fees, and a completed Interment Permission Form, if required.
4. No Interment shall be made on Sunday, Good Friday, or Christmas Day, except in accordance with the regulations of the Medical Officer of Health.
5. The Board reserves the right to limit Interments during the winter months (Oct.15-Mar.15)
6. No more than two interments may be made in the same lot, and the first interment must be in a concrete vault.
7. No more than one interment may be made in a lot if a second interment would leave less than two feet of earth at the surrounding ground level, over the case used in such second interment.
8. No more than four (4) Cremation Interments shall be made in a single regular burial lot.
9. Workmen shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
10. All work must be done during regular Cemetery hours, unless by special permission of the Board.
11. Notice of each interment shall be given to the Board. A minimum of 24 hours notice (not including Saturday, Sunday or Holidays) is required, unless otherwise ordered by the Medical Officer of Health.

SECTION G - DISINTERMENT

1. No disinterment shall be allowed in any lot or plot, or any Body removed therefrom, unless in accordance with Section 51 of the Act.

SECTION H - MARKERS


1. The Storrington District Cemetery Board reserves the right to determine the maximum size of markers, their composition, their number and their location on each lot or plot.
 - a) not more than one headstone shall be erected on any one lot;
 - b) the minimum thickness of a marker shall be six (6) inches;
 - c) flat markers on a single lot shall not exceed 24" X 18";
 - d) all markers shall be made of granite, bronze or marble;
 - e) no marker shall be allowed to stand on interment space in any lot or plot

2. Any marker to be erected shall be set upon an adequate concrete foundation, which shall be no less than the normal frost depth or the full depth of the grave, and must exceed the marker by a minimum of three (3) inches on all sides. All foundations shall be set one (1) inch above the surface of the ground.

3. The Board reserves the right to enter onto the lot or plot and remove any marker or other structure, or any inscription place in or upon any lot or plot, which is not in keeping with the dignity of the Cemetery.

4. Markers may be scratched or chipped by equipment during the regular maintenance of the Cemetery grounds. The Cemetery shall not be held responsible for such damage.

5. The Board shall have the right to maintain, repair, remove or lay down markers or parts of markers, and to use the Care and Maintenance Fund for such purposes.

 Ontario Ministry of Government Services Cemeteries Regulation	Ministère des Services gouvernementaux Réglementation des cimetières
	APPROVED In accordance with the regulations under The Cemeteries Act.
Date of Approval / Date de l'approbation: <u>29 December 2009</u>	
File No. of Cemetery / Numéro de fiche du cimetière: <u>00752 00753 00754 00755</u>	
By / Per: <u>[Signature]</u>	

