

**THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE**

**BY-LAW NUMBER 2007-19**

Being a by-law to provide for the maintenance, management and control of the Flat Rapids Cemetery

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**1. PREFACE - GENERAL INFORMATION**

- 1.1 The Flat Rapids Cemetery is situated in Part Lot 12, Concession 8 West, Township of McNab/Braeside, in the County of Renfrew located at 533 Mill Ridge Road.
- 1.2 The real ownership of the Flat Rapids Cemetery is that of the Rights Holders.
- 1.3 The Council shall appoint two members of Council to the Committee of Council who shall hold office during the term of Council.
- 1.4 The Committee of Council will be composed of three members, two Councillors and one from the general public who shall be responsible to Council for the execution of their duties.
- 1.5 The Committee of Council will make every effort to keep your Cemetery neat, clean and attractive and are embarking on an updating of planning, surveys, safety and control which is in keeping with The Cemeteries Act, RSO 1990 and Bill 31 which was proclaimed law on April 1, 1992.
- 1.6 The Council shall have the right to remove any or all of the members of the Committee for their failure or neglect to carry out their duties or for any other just cause.
- 1.7 The Clerk shall each keep such registers, records and books as are necessary for properly recording all matters, acts, interment rights certificates and matters pertaining to the Cemetery as come within their respective jurisdiction, and as may be prescribed.
- 1.8 The Clerk shall make and render such reports as may be prescribed or as the Council may require.
- 1.9 The Clerk has the authority to make final land binding decisions on behalf of the Committee.
- 1.10 All fees and charges shall be payable in accordance with the Tariff attached as schedule "B" which shall be set annually by the Council upon recommendation of the Committee, subject to the approval of the Registrar.
- 1.11 The Clerk shall maintain, invest, and administer the Care and Maintenance Funds in accordance with the provisions and regulations of the Act.
- 1.12 The Committee shall submit a yearly budget to Council setting out operating and capital expenses for the approval of Council. The application and use of said monies shall be under the control and management of the Clerk. In determining the budget, the Committee shall not be bound to expend the whole of operating or capital revenues in any year or years but may accumulate and hold or subsequently expend the same or any part thereof, or invest the same or any part thereof.

**2. DEFINITIONS**

- "ACT" shall mean the Cemeteries Act, R.S.O. 1990, c. C.4.
- "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.
- "CARETAKER" shall mean the person or persons appointed by the Committee as caretaker of the Cemetery.
- "CEMETERY" shall mean the land set aside to be used for the interment of human remains and includes a columbarium structure or other structure intended 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; (iv) 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.
"COLUMBARIUM"	shall mean a structure designed for the purpose of interring cremated human remains in sealed compartments.
"COMMITTEE"	shall mean the Committee of Council appointed by the Council of the Corporation for the term of Council.
"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 a lot or plot.
"CORPORATION"	shall mean the Corporation of the Township of McNab/Braeside.
"COUNCIL"	shall mean the Municipal Council of the Corporation of the Township of McNab/Braeside.
"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 and shall include the name of the Interment Rights Holders, the location of 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 a 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 containing, or set aside to contain, human remains and includes a niche or compartment in a columbarium.
"MARKER"	shall mean any monument, 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 Ministry of Government Services 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, 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 the Council and the Registrar.
"TRANSFER FORM"	shall mean the form to be completed for any transfer made without consideration as a gift.

### **3. INTERMENTS AND DISINTERMENTS**

- 3.1 Not more than one burial shall be made in one grave lot (3'11" x 9'10").
- 3.2 Not more than six (6) interments of cremated remains shall be made in any one grave lot.
- 3.3 The burial of an infant may be buried at the head of a single grave in a casket (or an approved container) not larger than 16" by 24", in addition to an adult burial, by arrangement with the Clerk.
- 3.4 The burial of remains must be enclosed in a secure casket and/or with the interment vault to ensure safe and intact burial and must be within the Lot dimensions.
- 3.5 All interments must be authorized in writing by the Rights Holder or the Holder's successor.
- 3.6 A burial permit issued by the Division Registrar indicating that the death has been registered, must be deposited with the Clerk prior to interment.
- 3.7 A Certificate of Cremation issued by the Crematorium must be deposited with the Clerk prior to interment.
- 3.8 Persons requesting interment or inurnment must arrange conditions with the Clerk and such expense is borne by the Rights Holder or those requesting the interment.
- 3.9 No Lot shall be opened for interment, or disinterment by any person without the express consent and direction by the Clerk.
- 3.10 The Committee of Council, or any one of them, will not be held responsible or liable for any damage or tardiness not attributable to them which may be sustained in the process of interment or disinterment.
- 3.11 Notice for an interment must be given to the Clerk at least 24 hours in advance, not including Saturday, Sunday or holidays, unless ordered by the Medical Officer of Health.
- 3.12 Persons requesting interment on Sundays, holidays or the winter months must do so in conjunction with the Clerk.
- 3.13 Funerals will be permitted in the Cemetery between 0900 hours and 1700 hours by prior arrangement with the Clerk.
- 3.14 The Committee of Council reserves the right, at their own expense, to correct any error that may be made in interments by way of lot description or the transfer or conveyance of interment rights. In the event any such error may involve the disinterment of remains, the Committee shall obtain the approval of the regulatory authority and the Rights Holder.
- 3.15 In the case of interment(s) of cremated remains, the interment shall be made in sufficient depth for an earth covering of no less than 1'6" (18 inches).
- 3.16 In a lot where a regular interment has taken place, there may be allowed not more than two (2) urns of cremated remains placed at the head (monument area) of the lot by arrangement with the Clerk.
- 3.17 Where there are cremated remains placed in a columbarium, in the existing location(s) this By-law recognizes that existence. However, there shall be no further placements of cremated remains in any type of columbarium. Any subsequent interment of cremated remains must be in the lot provided under the terms and direction of the Clerk and this by-law.

3.18 When cremated remains are interred in a lot, the urn shall be placed in the lot in accordance with the Plan of Diagram as illustrated in Schedule "A" attached hereto and forming part of the By-law.

3.19 The only exception to this interment shall be that of Clause 3.16 noted above.

#### **4. CARE OF LOTS, CONTROL OF FLOWERS, SHRUBS AND TREES**

4.1 No person shall place soil or remove soil from a burial lot or do any work on it without the express permission of the Committee or its representatives.

4.2 **No trees shall be planted by any Rights Holders or any other person who may be representing a Rights Holder.**

4.3 Planted perennial flowers and shrubs shall be permitted in liaison and permission of the Committee or its representative. Any such permanent plants may only be permitted at the head of the lot (Monument area) of the Rights Holder and must be adjacent to a designated walkway or roadway.

4.4 **Where any trees, shrubs or any obstruction of any kind become detrimental to adjacent lots, Monuments, drains, walkways or roadways, the obstruction may be removed or corrected by the exclusive right of the Committee.**

4.5 Any potted or loose flowers, plants or articles of decoration placed on lots by Rights Holders, relatives or friends may be removed for disposition by the appointed representative of the Committee.

4.6 All boarders, rails, fences, hedges, cut stone edges, to surround lots or plots are strictly forbidden.

4.7 **Articles of glass or pottery, assorted wiring, temporary crosses or any other such articles are prohibited, not-with-standing the exception of the annual decoration service day which will be removed by the Caretaker within the three (3) days following.**

4.8 Alterations of any kind of monuments, markers or corner posts shall not be made without the express consent and direction of the Committee or its appointed representative.

4.9 The Committee and/or its appointed representative shall make every effort to maintain and care for the lots, plants, shrubs, trees and roadways with the allotted available Care and Maintenance Funds but shall not be held liable or responsible for articles, containers and the like for loss or damage, which articles may have been left on the lots or monuments.

#### **5. FOUNDATIONS, MONUMENTS, M MARKERS AND CORNER POSTS**

5.1 Any and all foundations must be at least 5'0" in depth below ground level, or below frost level, and at least one (1") inch around the anticipated or proposed monument.

5.2 A foundation to accommodate a monument may be located on one or more lots by multiples of stipulations in Clause 5.1 above, subject to the approval of an appointed representative of the Committee and providing that the monument installed will be the only monument on those lots. Base size must be restricted to thirty (30") inches wide on a single grave and no more than 75% of the width of the lot for multiple graves. All monuments must be secured by a non-corrosive dry pin.

5.3 Any foundation must be built by the monument dealers or their contractors and contain the following:

20.5MPA;                      30mm Aggregate;                      Trowel finished all edges.

5.4 Foundations must be cured for a minimum of 48 hours before the placing of a monument and in the event of inclement weather, it must be protected by proper covering during this period of time.

5.5 The maximum and minimum sizes of a monument shall be as follows:

Maximum Height: Four Feet (4'0")	Maximum Width: 30"(single grave)
Maximum Die (thickness): 8"	Maximum Width: 75% width (multiple graves)
Minimum Die (thickness): 6"	

Base (set on foundation) must protrude 2" on each side of the monument with minimum height of 6" and maximum of 1'0".

- 5.6 No monument or marker shall be erected without the express consent, discussion and direction of the Committee or its representatives nor until the Care and Maintenance tariff had been received by the Clerk. A sketch of the proposed monument must be submitted along with the Care and Maintenance cheque.
- 5.7 Any monument or other structure, or an inscription on a monument or structure upon any lot shall be in keeping with the dignity and decorum of the Cemetery.
- 5.8 If any monument or marker of any kind is to be removed, inscriptions made or cleaned, permission must be first obtained from the Committee or its representatives..
- 5.9 The base for the monument shall be no less than 6" in height and no more than one foot (1'0") in height, no wider than 30" and shall be of granite material on any lot (3'11" by 9'10"). Should one monument accommodate two or more graves (lots) the above shall apply but must not be wider than four feet (4'0").
- 5.10 Inscriptions on monuments, shall be on one side only, that which faces the grave site to which it refers. The family name(s) only, may be on the opposite side to indicate easier location and identification. No inscriptions shall be permitted on the sides of monuments.
- 5.11 Inscriptions on the columbarium shall be of consistent letter style, method and size in keeping with existing inscribed panels.
- 5.12 Markers, as defined, shall be flat markers placed at ground level, **30"x 16" for 2 or more graves and the maximum for a single grave shall be 24"x 14"** thickness a minimum of 4".
- Footstones to a maximum of 8" x 14", example, "Mother", "Father", "Mary" and must be placed at the foot of the grave, farthest from the monument area at ground level.
- 5.13 Cremation Interments, to indicate individual burials in one lot and must be placed immediately below the interment, away from the monument area location.
- 5.14 Corner Posts (or corner stones or corner markers) may be placed at each of the four corners of the lot or plot acquired by the Rights Holder and shall be as follows: Approximately 6" square, Minimum depth in ground 6", composed of granite, marble or bronze and placed at ground level.
- 5.15 Corner Posts are highly recommended.
- 5.16 The placement of Foundations, Monuments, Markers and Corner Posts must be arranged with the Committee or its representative before any work takes place. The area(s) will be specifically marked out with wooden temporary markers to indicate the exact location.
- 5.17 Care and Maintenance tariffs on monuments, markers, etc. became effective with The Cemeteries Act RSO 1990 and were in place July 1, 1992. Rights Holders are directed to Schedule 'B' of this By-Law which indicates what tariffs apply to individual cases. These tariffs for Care and Maintenance are in addition to the Care and Maintenance of lots and general appearance.
- 5.18 **There shall be no pictures, photographs or like placements affixed to monuments or markers, which may be enclosed in glass, plastic, metal etc. such fixtures are strictly forbidden.**
- 5.19 The Committee and/or its representatives shall take reasonable precautions to protect and guard the property of Rights Holders, but shall not assume responsibility or liability for loss or damage, except be it due to proven negligence.
- 6. REGULATIONS - DEALERS, CONTRACTORS AND WORKERS**
- 6.1 Any monument dealer, contractor operator or worker must first obtain permission from the Committee or its appointed representative to enter the Cemetery and must have completed the required forms of direction and/or authorization. This permission must be received by the Clerk at least three (3) days in advance of the work to be done.

- 6.2 No work shall take place on any day that it cannot be completed in that day.
- 6.3 All monument dealers, contractors or equipment operators or owners must have Workmen's Compensation for their workers and have ample liability insurance which must be provided for proof of same upon request of the Committee.
- 6.4 The actions and behaviour of personnel employed by contractors shall be subject to the control of the Committee or its appointed representative.
- 6.5 In the event of a funeral at the Cemetery, all workers shall cease work and retire to an area distant from the funeral cortege for the duration of such proceeding.
- 6.6 Any work shall not be permitted during inclement weather or inclement seasons which may be damaging to the Cemetery property.
- 6.7 All refuse and material remaining after the work shall be removed by person(s) responsible for the work, otherwise the Committee shall remove and clean the area at that person's expenses.
- 6.8 Any installation of flay markers or corner posts (markers) must first be arranged with and directed by the Committee or its appointed representative.

## **7. SALE OF LOTS, TRANSFERS OF LOTS AND/OR PLOTS**

- 7.1 All Interment Rights in lots and plots maybe purchased from the Clerk at the prescribed tariff rates after which a Certificate of Interment Rights has been issued and payment received.
- 7.2 No person shall sell their Interment Rights.
- 7.3 Purchasers of lots acquire only the right and privilege for the burial of the dead and of constructing monuments or placing markers and corner posts subject to the By-Laws and regulations of the Committee and the approval of the Ministry.
- 7.4 At the time of purchase by a Rights Holder, the Clerk shall, upon full payment, provide the Rights Holder with the Certificate of Interment Rights and a copy of the By-Law and contract.
- 7.5 The Committee may restrict the sale of single lots to certain areas of the Cemetery.

## **8. CONTRACT**

- 8.1 The purchaser of Interment Rights shall be provided with a Contract, at the time the Contract is made, 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 charges and all applicable taxes;
  - d) the percentage of the purchase price being set aside for the Care and Maintenance;
  - e) the prohibition on the resale of the 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 in full.
- 8.2 The tariff of rates for lots, Care and Maintenance of Lots, Care and Maintenance of Monuments and of markers are set out in schedule 'B' attached hereto and approved by the Ministry.

## **9.0 TRANSFERS**

- 9.1 Only licensed cemeteries can sell Interment Rights.

### **Sale:**

If an individual wish to sell their lot or plot, they must sell their Interment Rights back to the Township. The Clerk will reimburse the individual the price paid for the lot or plot less the amount placed into the Care and Maintenance Fund.

**Transfer:**

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 and the original certificate must be returned. The Clerk shall issue a new certificate of interment rights to the transferee. The transfer of ownership of Interment Rights is not binding upon the Committee until a duly executed transfer has been deposited with the Clerk.

- 9.2 Upon receipt of a request in writing from the Interment Rights Holder specifying the name and address of the transferor and the transferee, and location of lot or plot, the Clerk, upon payment of the administration fee in accordance with the Tariff, will perform the transfer.
- 9.3 In case of succession the following will be required in addition to Clause 2 above (unless otherwise ordered by the Clerk):
- a) with a Last Will and Testament:
    - (i) in case of a specific bequest of the lot or plot, a Notarial Copy or Court Certified Copy of the Will or probate;
    - (ii) if no specific bequest, a request in writing from the Executors with a consent of all or a majority of the beneficiaries;
  - b) Intestate:
 

A request in writing from the administrator with the consent of all or a majority of the heirs-at-law.
- 9.4 In accordance with The Cemeteries Act, RSO 1990, the Cemetery is not required to re-purchase from a Rights Holder the Interment Rights for more than four (4) lots in a twelve month period and such re-purchase shall be at the same purchase price as had been established, unless the original selling price is unknown, hence the re-purchase price shall be deemed to be \$50.00 per lot.
- 9.5 For the purpose of the tariff of rates as set out in Schedule 'B', the term 'Resident' shall be defined as a person residing within the Township of McNab/Braeside and any ratepayers thereof.

**10. DIRECTION TO VISITORS - FUNERAL CORTEGE**

- 10.1 Rights Holders, friends and visitors are always welcome on the Cemetery grounds which is a sanctuary for those who have gone before us.
- 10.2 The Committee reserves the right to control, discipline and direct persons, groups or delegations in order to maintain decorum and respect for our forebearers.
- 10.3 Children under the age of twelve (12) years are not permitted on the grounds unless accommodated by an adult who will be responsible for them to see that the grounds, the monuments and surroundings are not harmed and the Cemetery respected.
- 10.4 In large numbers, Funeral corteges only shall be permitted within the Cemetery grounds.
- 10.5 Vehicles within the Cemetery shall be driven at a speed not exceeding 25 kilometres per hour and shall not allow wheels of any such vehicles to run on the 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.
- 10.6 Recreational vehicles are not permitted within the Cemetery.
- 10.7 Funeral corteges within the Cemetery shall follow the vehicular avenues located and directed by a representative of the Committee.
- 10.8 Any person disturbing the quiet and good order of the Cemetery by noise, firearms, prohibited vehicles or other activities may be expelled from the grounds and that there are penalties provided in The Cemeteries Act, RSO 1990 for any contravention of the By-Laws.

- 10.9 **Dogs** and any other pets or animals are strictly forbidden on Cemetery property. Any such animals running at large will be reported to the proper authorities for removal and subject to municipal penalties.
- 10.10 No lots or plots shall be altered in any way by a Rights Holder, visitor or any other person.
- 10.11 Any comments, recommendations, advice or complaints are to be directed to a member of the Committee or the Clerk for their consideration and their satisfactory disposition.

**11. ANNUAL EVENTS**

- 11.1 The Flat Rapids Cemetery has a long-standing tradition of holding an Annual Decoration Service Day which has traditionally been held on the second Sunday afternoon of June in each year of which the hour may vary but which is always advertised in the local press. All Rights Holders, visitors and friends are most welcome.
- 11.2 The fiscal year is from January 1<sup>st</sup> - December 31<sup>st</sup> in each year, after which the final audit is conducted by the Township's auditor. The financial reports are received by Council at a Public meeting. Notification of the Council Meeting is advertised in the press accordingly and all Rights Holders are invited and welcome to attend.

**12. SCHEDULES (Attached Hereto)**

Schedule 'A' - Cremation Lot Diagram

Schedule 'B' - Tariff of Rates

**BE IT FURTHER ENACTED**, that all By-Laws or parts thereof, and all or any resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

**READ** a first time this 17<sup>th</sup>, day of April, 2007.

**READ** a second time this 17<sup>th</sup>, day of April, 2007

**READ** a third and final time and passed this 17<sup>th</sup>, day of April, 2007

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CAO/CLERK

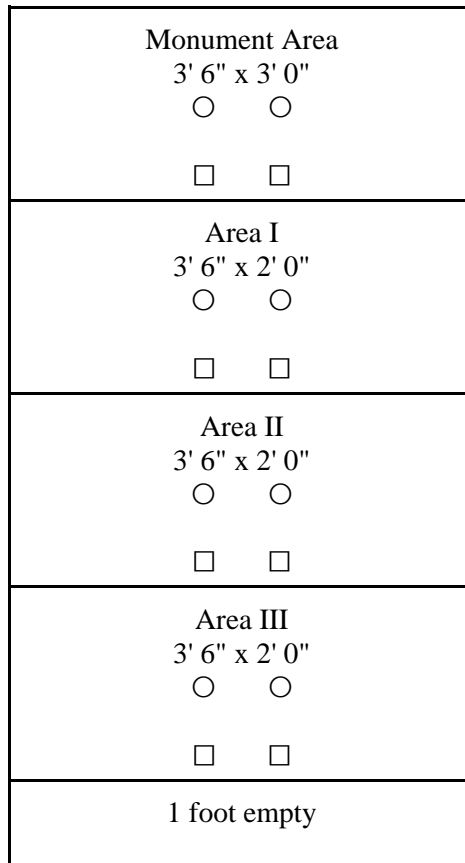


**BY-LAW NUMBER 2007-19**  
**SCHEDULE 'A'**  
**CREMATION LOT DIAGRAM**

PLOT NO. \_\_\_\_\_

LOT NO. \_\_\_\_\_

Maximum Interments - 6 only areas to be shown



**I, II, III** denotes areas for Cremated Remains  
 Interments 'A' and 'B'

- Denotes cremations
- Denotes the marker used to identify the interment

**BY-LAW NUMBER 2007-19****SCHEDULE 'B'****TARIFF OF RATES****TARIFFS EFFECTIVE JANUARY 1, 2007**

A)	<b>Burial Lots - Residential</b>	<b>Land</b>	<b>Care &amp; Maintenance</b>	<b>Total</b>
	Lot (1-Grave) 3'11" x 9'10"	\$ 240.00	\$ 160.00	\$ 400.00
	Lot (2-Grave) 7'10" x 9'10"	\$ 480.00	\$ 320.00	\$ 800.00

B)	<b>Burial Lots - Non-Residential</b>	<b>Land</b>	<b>Care &amp; Maintenance</b>	<b>Total</b>
	Lot (1-Grave) 3'11" x 9'10"	\$ 360.00	\$ 240.00	\$ 600.00
	Lot (2-Grave) 7'10" x 9'10"	\$ 720.00	\$ 480.00	\$1,200.00

(Including Multiples Thereof)

C) **Burial Lots - Residential and Non-Residential**

Fees to Stake Out Lot for Monument	\$ 100.00
Fees to Stake Out Lot for Interment	\$ 100.00
Fees to Stake Out Lot for Inurnment	\$ 100.00
Fees to Stake Out Lot for Interment Corner Posts	\$ 100.00
Fees to Stake Out Lot for Inurnment Markers	\$ 100.00

D) **Fees to Open and Close Grave Site**

Interment Site	\$ 500.00
Inurnment Site	\$ 300.00

E) Transfer Fee \$ 50.00

F) Burial on Saturday, Sunday or Holidays \$ 350.00 plus interment charge

G) Disinterment & Re-interment \$ 600.00

Proposed Map for New Annex