

**THE CORPORATION OF  
THE TOWNSHIP OF GEORGIAN BAY**

**BY-LAW NO. 2012-49**

Being a by-law for the purpose of setting up and adopting rules and regulations of Municipal Cemeteries in the Corporation of the Township of Georgian Bay pursuant to The Funeral, Burial and Cremation Services Act 2002, 5.0. 2002. C.33.

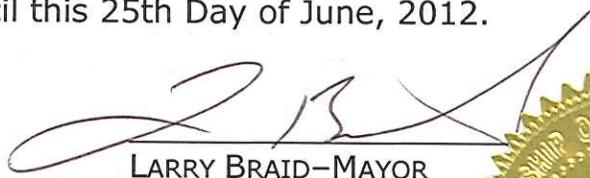
WHEREAS Section 150(1) of the Funeral, Burial and Cremation Services Act 2002, s.c. 2002, C.33 provides that the owner of a cemetery may pass by-laws for the operation of the cemetery.

AND WHEREAS it is deemed expedient to revise and establish certain standards for the operation and control of cemeteries under the jurisdiction of the Municipality.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BAY ENACTS AS FOLLOWS:

1. The Rules and Regulations of Municipal Cemeteries in the Corporation of the Township of Georgian Bay, as set out in Schedule "A" attached hereto, are hereby adopted for the MacTier Union Cemetery.
2. Schedule "B", Cemetery Tariff of Rates, attached hereto, hereby form a part of this by-law.
3. The effective date of this by-law shall be the date it is approved by the Registrar.
4. On the effective date of this by-law, By-law 98-48 is hereby repealed:

READ and enacted in Open Council this 25th Day of June, 2012.

  
LARRY BRAID-MAYOR

  
SUSAN BOONSTRA- CLERK



SCHEDULE "A"  
to By-law 2012-49

**I. GENERAL INFORMATION**

1. Hours of Operation

Visitors are welcome in all cemeteries from sunrise to sunset. Generally, it is advisable that visitors refrain from entering the cemeteries at all other times in the interest of the public safety or if the gates are closed.

2. Animals

Dogs and other pets are not allowed on the cemetery grounds.

3. Under-age Visitors

Children under twelve (12) years of age should be accompanied by a responsible adult who shall maintain close contact with them and shall be accountable for their actions.

4. Motorized Vehicles

- i) Carriages and motor vehicles shall remain on cemetery roadways at all times and refrain from turning or driving on the boulevards, pathways or green space.
- ii) The use of motorized recreational vehicles is strictly prohibited.

5. All visitors are prohibited from taking flowers, plants or other materials from plots in the cemetery other than from their own plots. No person shall pick flowers, either wild or cultivated, break any tree, shrub or plant, or write upon or deface or injure any monument, fence or other structure in or belonging to the cemetery.

6. No Person shall make any paths or short cuts across any part of the cemetery, or play at any games in the cemetery.

7. Memorial Services without interments occurring may be permitted in the cemetery. However, 48 hours of notice must be given and the permission acquired from the Corporation before proceeding.

8. Discharging of firearms and fireworks is prohibited in and around the cemetery.

9. The throwing of rubbish or refuse on cemetery grounds is strictly prohibited and must be placed in the receptacles provided or removed from the cemetery.

**II. SALES AND TRANSFERS OF INTERMENT RIGHTS**

1. Payments for interment rights shall be made at the office of the Municipal Corporation. A schedule of fees and tariffs will be supplied upon request.

2. A plot is defined as the space 4'8" x 10' (137 x 304 cm) provided for the interment of remains as set out in Section III. Sub 8.
3. Each purchaser of Interment Rights shall be entitled to an Interment Rights Certificate but only when all indebtedness has been satisfied and all charges on the plot have been paid.
4. The Interment Rights Certificate shall specify the size of the plot, the number of the plot, the number and date of cemetery plan and the amount paid, and shall be subject to the existing regulations as may from time to time be determined by Council and approved by the Minister so empowered.
5. To ensure the correctness of records of ownership and interments, a transfer of any interment rights or any interest therein shall not be binding upon the Corporation until notice in writing has been given to the Clerk of the Corporation specifying the name, address and occupation or other description of the proposed transferee and date, and such particulars shall be kept in a register for that purpose. Upon receipt of notice, and the payment of a fee, the transfer shall be made.
6. The purchase of interment rights for the sole purpose of reselling the rights to make a profit ie. financial gain is prohibited.
7. The Corporation recommends interment rights holders to bequeath their plots and to mention the plot number in their will. Rights holders, or their legal heirs or representatives, only are allowed to sign for any interment in the plot. In the event of the death of a rights owner, The Corporation will require that letters of probate, of administration or other sufficient proof of inheritance be submitted to the Corporation by the estate of the deceased. Rights Owner before the Ownership of the Rights is assigned or transferred to any beneficiary, heir or next of kin of the deceased Rights Owner.

### **III. INTERMENTS AND DISINTERMENT**

1. The supervisor of the cemetery, his assistant, or someone in the employ of the Corporation shall be in attendance at each interment. A Burial Permit or Certificate of Cremation is required before an interment can be conducted.
2. Persons ordering interment spaces shall be held responsible for all charges incurred. A cemetery services contract must be completed by the interment rights holders, or their legal heirs or representatives before an interment may take place.
3. No interment shall be made without the written order of the owner of the interment rights or the person designated, as provided in these rules, whose name appears on record at the office of the Clerk.
4. No space shall be opened for interment or disinterment by any person not in the employ of the Corporation. Anyone found opening any space other than an employee will be prosecuted.

5. The interment fee includes the opening and closing of the space only.
6. No Internments shall take place during the Winter Season. The Winter Season shall be considered to be approximately November 1 - April 30.
7. The increasing use of oversize shells does not permit the Corporation to assume responsibility for the number of interments that may be made in any plot.
8. No interment shall take place on any plot against which unpaid charges appear.
9. The scattering of cremated remains in cemeteries of the Corporation is not permitted.
10. Concrete or cement vaults are recommended but are not mandatory. Vaults will avoid sunken spaces.
11. Orders for interment shall be given to the cemetery office at least fourteen (14) full working hours prior to the interment.
12. All funerals arriving at any cemetery later than 3:45 p.m. on weekdays will be subject to an extra overtime charge as set out in the schedule of tariffs. INTERMENTS ON SATURDAYS AND STATUTORY HOLIDAYS WILL BE SUBJECT TO THIS CHARGE AS WELL.
13. Interments of remains are limited to:
  - i) One (1) Casket and One (1) Cremated remains in a full size plot; or
  - ii) Four (4) Cremated remains in a full size plot; or
  - iii) One (1) Adult Casket and One (1) Child Casket in a full size plot; or
  - iv) One (1) Cremated remains in a Cremation plot
14. Double depth interments are not allowed.
15. Animal bodies shall not be interred in the cemetery.
16. Cemetery Staff, Law Enforcement Officers, Ministry Representatives, or Funeral Home Staff only shall be permitted at disinterments.

#### **IV. CARE OF LOTS**

1. The Corporation undertakes the grading, seeding, grass cutting, and general care of the plot and grounds.
2. The Corporation reserves the right to prune any shrubs that grow too large, or remove such shrubs, or parts, that interfere with maintenance or become detrimental to the appearance of the cemetery.
3. Any flower or other container shall be in keeping with the dignity and decorum of the cemetery. These include lawn ornaments, stuffed animals, solar or other lights.

4. Floral Tributes, Artificial Flowers, and Memorial Items may be placed on the headstone or flat marker from May 1, 2012 to October 1, and must be removed no later than October 15<sup>th</sup> or they will be removed and disposed of by staff. The Corporation does not assume any liability for any item(s) left at the grave site. No glass containers or other breakable items of any kind will be permitted in the cemeteries
5. Borders, fences, railings, walls, cut stone copings, crushed rock surfacing, or hedges in or around plots are prohibited.
6. The Corporation distinctly disclaims all responsibility for loss or damage from causes beyond their reasonable control and especially from damage caused by the elements, an Act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, order of any military civil author whether the damage be direct or collateral.
7. The Corporation will accept donations of trees from lot owners or others in memoriam of the deceased. Please contact the Supervisor regarding type and size.

## **V. MONUMENTS AND MARKERS**

1.
  - i. An upright marker (monument) shall be a maximum of 4ft (121.92 cm) high, a maximum width of 65 percent of the plot. It must be made of standard granite, bronze, or marble, free and clear of defects or natural faults (such as cracks or checks). Granite bases on memorials shall have rough (rock) edges. The tablet or die portion of all upright style memorials shall be a minimum of 6" (15.24 cm) and a maximum of 18" (45.72 cm) at the joint. If a pad is placed under the die portion of an upright memorial, the foundation shall extend out and down to correspond with the pad.
  - ii. All upright monuments must be placed on concrete foundations, not less than 4 feet (121.92 cm) in depth, or the depth of the interment, whichever is the greater.
  - iii. Upright markers are not permitted in the areas designated for Cremations Only.
  - iv. In the cemetery area designated for Cremations Only, a flat, pillow, or book marker, made of standard granite, bronze, or marble, not exceeding 256 sq in (1651.2 cm<sup>2</sup>) may be installed. Only 1 marker per Cremation Plot is permitted.
2. No more than one (1) monument shall be erected on any one (1) plot. One marker with a flat and level surface set flush with the ground may be placed on each plot in addition to the monument. The marker shall be placed at the end of the plot farthest from the monument.
3. Corner markers must be of granite, bronze, or marble and shall be 36 sq in (232.26 cm<sup>2</sup>) with all smooth edges. Corner markers

may be purchased and installed by a licensed bereavement supplier. Markers purchased from a supplier and installed by municipal staff are subject to a charge as set out in Schedule "C" - Cemetery Charges.

4. An inscription on any monument or other structure, or any monument itself shall be in keeping with the dignity and decorum of the cemetery.
5. The Corporation shall keep all monuments in a state of good repair and safety and do whatever is necessary by way of repairing, resetting or laying down the marker so as to remove any risk. Such repairs shall come under the monument care and maintenance fund of the cemetery.
6. Materials other than those mentioned above may not be used for the purpose of memorialization without the expressed written consent of the Corporation.
7. The Corporation shall take reasonable precaution to protect the property of rights owners, but it assumes no liability or responsibility for the loss of, or damage to, any monument, marker, or part of any article of any type that may be placed on any plot.
8. The Cemetery reserves the right to remove any markers found to be in contravention of these regulations.
9. The Corporation shall not be liable if, due to incorrect or improperly authorized instructions, a marker is installed on or removed from a plot; or lettering or carving on any marker or other structure is improperly carried out.

#### **VI. MONUMENT DEALERS, CONTRACTORS AND OTHER PERSONS**

1. Any employee of a contractor who damages any plot, marker, monument or other structure, or otherwise does any injury in the cemetery, shall be personally responsible for such damage, or injury. In addition, the employer of the said worker shall be liable.
2. Notice must be given in writing to the Corporation at least forty-eight (48) hours in advance of any monumental work to be done in any of its cemeteries.
3. All monument dealers, contractors and workers on the cemetery grounds must comply with all conditions as set out by the Occupational Health and Safety Act.
4. Any Monument Dealers, Contractors or other workers working in the cemeteries must provide a Certificate of Liability Insurance as well as Proof of Coverage by the Worker's Safety and Insurance Board.

#### **VII. OFFENCE**

Every person who contravenes any provision of the regulations is guilty of an offence and on conviction, where no other penalty is

provided is liable to a fine as established in the Funeral, Burial and Cremation Services Act, 2002, S.C. 2002, C.33 of not more than \$50,000.00 or to imprisonment for a term of not more than two years less a day or both.

Schedule "B"  
to By-law 2012-49

**Appendix D – Cemetery**

<b>Appendix "D" - Cemetery</b>	<b>2025 User Fee wo/HST</b>	<b>2025 User Fee w/HST</b>	<b>Unit of measure</b>	<b>Comments</b>
<b>Residents Rates</b>				
Plot 4' x 8' Care and Maintenance	290.00	327.70	each	Legislated by BAO
Plot 4' x 8'	500.00	500.00	each	
Cremation Plot Care and Maintenance	175.00	197.75	each	Legislated by BAO
Cremation Plot	200.00	200.00	each	
<b>Non Residents Rates</b>				
Plot 4' x 8' Care and Maintenance	300.00	339.00	each	Legislated by BAO
Plot 4' x 8'	750.00	750.00	each	
Cremation Plot Care and Maintenance	175.00	197.75	each	Legislated by BAO
Cremation Plot	300.00	300.00	each	

<b>Internment Fee</b>				
Regular Plot Fee	600.00	600.00	each	
Cremation Plot	150.00	150.00	each	
<b>Additional Fees</b>				
Corner Markers	125.00	141.25	each	
Marker Installation	25.00	28.25	each	
Supervisory Fee per Hour	50.00	56.50	each	
Site Identification	25.00	28.25	each	

Nonscheduled working hours beyond normal work/hour	150.00	169.50	each	
Disinterment	2,500.00	2,825.00	each	
Monument Care & Maintenance (Flat/Pillow/Book)	100.00	113.00	each	Legislated by BAO
Monument Care & Maintenance (Upright)	200.00	226.00	each	Legislated by BAO
New Indenture Certificate	50.00	56.50	each	