

**THE CORPORATION OF THE
TOWNSHIP OF MATTICE - VAL CÔTÉ**

BY-LAW NO. 774

Being a By-Law for the purpose of
adopting rules and regulations of the
cemeteries for the Corporation of the
Township of Mattice - Val Côté pursuant to the
Funeral, Burial and Cremation Services Act, 2002

WHEREAS it is deemed expedient to set up and establish certain standards for the operation and control of the St-François-Xavier Cemetery and the St-Sacrement Cemetery under the jurisdiction of the Township of Mattice - Val Côté.

NOW THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Township of Mattice - Val Côté as follows:

1. That the rules and regulations of the Municipal Cemeteries in the Corporation of the Township of Mattice - Val Côté, as set out in Schedule "A", attached hereto, are hereby adopted.
2. That the Price List becomes effective immediately upon first reading in accordance with charges prescribed under the Funeral, Burial and Cremation Services Act, 2002.
3. That this by-law shall come into effect on the date of its approval by the Bereavement Authority of Ontario.

READ AND ADOPTED IN OPEN COUNCIL
this 20th day of March 2017

Mayor

CAO/Clerk

Schedule "A"

By-Law no. 774

GENERAL REGULATIONS

SALE AND TRANSFER OF PLOTS

1. Sale of Interment Rights

Interment rights shall be purchased at the municipal office, located at 500 Hwy 11, Mattice, Ontario, as per the Price List and according to the plans approved by the Bereavement Authority of Ontario and on file in the Office of the Clerk of the Municipality.

No more than one in-ground non-cremated interment may be made in the same grave except be it cremated remains. Four additional burial rights may be purchased for cremated remains in an existing grave space, and such cremated remains may be either placed within the marker or interred.

Where cremated remains are to be interred in addition to a non-cremated interment, no cremated remains shall be interred until the non-cremated in-ground interment has occurred.

2. Care and Maintenance Fund

It is a requirement under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30 day cooling-off period.

3. Certificate of Interment Rights

Each purchaser of Interment Rights within the cemetery shall receive a Certificate of Interment Rights, but only when all indebtedness has been satisfied and all charges have been paid. This certificate shall specify the size of the lot, the number and section of the lot location, the name of the specific cemetery, the date of issue and the amounts paid for care and maintenance.

Any special instructions with respect to the number or the specific persons authorized to be interred on said lot, subject to Article 1 here above, may be provided by the initial purchaser of interment rights at the time of purchase. In the absence of such clear instructions, the Municipality reserves the right to forbid the interment of any cremated remains in addition to the initial non-cremated burial where any dispute as to such burial rights arise after the death of the initial purchaser of burial rights or where this person is unable to provide such instructions, in writing, to the Municipality.

Schedule “A” to By-Law no. 774 (continued)

4. Notice of Resale and Transfer Interment Rights

The cemetery operator permits the interment rights holder to sell or transfer their interment rights to a third party, at no more than the price listed on the current price list, as long as the sale or transfer is conducted through the cemetery operator and the purchaser meets the qualifications and requirements outlined below.

No resale or transfer of ownership of Interment Rights shall be binding on the Municipality until notice in writing has been given to the Municipal Administrator specifying the name, address and other description of the proposed purchaser or transferee along with the original Certificate of Interment Rights. Upon receipt of such notice and original Certificate, a new Certificate of Interment Rights will be issued to the purchaser or transferee.

5. Cancellation of Interment Rights within the 30 Day Cooling-Off Period

A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

6. Cancellation of Interment Rights after the 30 Day Cooling-Off Period

Upon receiving written notice from the purchaser on the interment rights, the cemetery operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder (s), the certificate must be returned to the cemetery operator along with the written notice of cancellation.

If any portion of the interment rights has been exercised, the purchaser or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.

INTERMENTS AND DISINTERMENTS

7. The Municipality is responsible for all interments and disinterments in the cemeteries. No other individual, company or organization may perform an interment or disinterment in the cemeteries unless specifically authorized by the Municipality. For security reasons, no full body interment shall be done in the presence of the family or members of the public and, in keeping with the interment rights contract, relatives or friends of the deceased will not be advised as to the exact day and time when the full body interment will be carried out. The Municipality will advise the designated representative, by telephone or in writing, once the full body interment has been completed so that they may pay their respects to their lost one and initiate procedures for the erection of a marker.

Schedule “A” to By-Law no. 774 (continued)

8. Burial Permit

A Certificate of Interment Rights and burial permit issued by the Divisional Registrar showing that the death has been properly registered must be deposited with the Clerk of the Municipality before interment can take place.

9. Burial Location

No interment shall be made without the written order of the Interment Rights holder, or the person designated, as provided in these rules, whose name appears on record at the municipal office. No interments shall be made in common ground. The Municipality, its employees or a contractor for the Municipality cannot be held responsible for errors resulting from wrong or lack of specific information.

10. Grave Openings

No grave shall be opened for interment or disinterment, including the placement of cremated remains, by any person not in the employ of the Municipality, except under special circumstances, and by written permission of the CAO or his substitute, or by Order of the Court.

11. Double Depth

Double depth burials will not be permitted unless specifically authorized by the CAO or his substitute.

12. Interment Fee

- a) The interment fee includes the opening and the closing of the grave only, or in the case of remains to be deposited in a columbarium, the first opening and closing of a niche.
- b) Additional fees shall apply to subsequent opening(s) and closing(s) of a niche.
- c) All openings/closings of a niche must be performed by a municipal representative or by a representative of the funeral home where prior approval has been granted by the Municipality.

13. Holiday and Weekend Burials

Interments and cremated remains burials will not be held on civic holidays or weekends, with the exception of contagion or epidemic. This does not prevent family members from placing an urn in a grave and covering it thereafter during the weekend.

14. Lower Animals

No body of a lower animal shall be placed in any grave within the cemeteries of the Municipality.

Schedule “A” to By-Law no. 774 (continued)

15. Disinterments

No disinterments shall be made without the written consent of the local Medical Officer of Health and the owner of the interment rights, except on an Order from the Court or as provided in the regulations under the FBCSA.

16. Winter Interments

The winter season is normally considered to be from December 1st to Victoria Day. Winter interments are not done except in cases of contagion or epidemic, or as directed by the Medical Officer of Health. Nonetheless, late fall interments will be subject to the sole discretion of the Municipality based on ground conditions and weather.

17. Surplus Material

Surplus earth from grave openings shall be removed without charge to the rights holder.

MORTUARY VAULT

18. Entombments

Temporary entombments will be made in the Mortuary Vault for periods normally not exceeding three working days except during the winter season.

19. Contagious Deceased

Persons dying from contagious disease are not receivable in the Mortuary Vault, but must be interred and shall not be disinterred, except as provided for in the Act.

20. Removal

All bodies stored during the winter season must be removed from the vault by the 15th day of June in each year.

21. Opening Caskets

No casket is to be opened without a special permit from the Medical Officer of Health after being deposited in the Mortuary Vault.

VISITORS

22. Visiting Hours

Visitors are welcome at the Cemetery from sunrise until sundown. They are asked to remember the respect due a cemetery to which purpose the following rules have been created.

Schedule “A” to By-Law no. 774 (continued)

23. Pets

Dogs and other pets are not allowed to run at large in the Cemetery, and any feces must be immediately picked up by owner.

24. Children

Children under the age of 12 years are not permitted in the grounds unless in the charge of an adult who shall be responsible for their conduct.

25. Firearms

No person with firearms will be permitted in the cemeteries, except under special authorization from the CAO or his substitute.

26. Prohibited Vehicles

Recreational vehicles such as ATV’s, snowmobiles and motorcycles are not allowed in either cemetery.

27. Snow Removal

- a) Save and except for ensuring access to the mortuary vault following a funeral, snow removal operations will not be performed during the winter months.
- b) During winter months, cremated remains may be stored in the mortuary vault pending their deposit in the columbarium or their interment once seasonal weather permits.
- c) In order to prevent frost heave and resulting damages, no snow removal will be done around the columbarium.

CEMETERY COMMITTEE

In accordance with By-Law no. 133, paragraph 3, the duties of the Cemetery Committee are hereby defined as follows:

- a) to monitor the quality of services offered in the municipal cemeteries.
- b) to advise Municipal Council on potential improvement with respect to such items as fencing, landscaping, care and maintenance.

Schedule “A” to By-Law no. 774 (continued)

CARE OF LOTS

28. The general maintenance of the cemeteries is the responsibility of the Municipality.
29. No planting, seeding or other landscaping in the cemeteries may be undertaken by any person.
30. The erection of fences, railings, walls or hedges is prohibited.
31. All vases, urns and flower stands not properly located or cared for will be removed.
32.
 - a) Floral tributes are permitted if placed on a grave at the time of a funeral and shall be removed as soon as they become unsightly or after thirty (30) days, whichever occurs first.
 - b) Otherwise, flowers must be deposited on an appropriate holder attached or clipped to the monument, or on a receptacle built into the monument in order to cause no interference with the grounds maintenance.
 - c) No flowers, flower beds, shrubs or trees may be planted on the ground except by the Municipality.
33. No Interment Rights holder shall change the grading of a lot, and in case of any such change, the Municipality may restore the lot to its original grade at the expense of the Interment Rights holder.
34. No person shall make any wall, cut any sod or move corner posts or grave markers in the cemeteries.
35. The Municipality shall not be responsible for loss of or damage to any article in the cemeteries.

Schedule “A” to By-Law no. 774 (continued)

MONUMENTS AND MARKERS

Immediately after a burial, the cemeteries caretaker will place a temporary cross, on which is inscribed the name of the deceased. This cross will remain at the head of the lot until a monument is installed.

General Rules:

36. No monument or other structure shall be erected until the purchase price of the interment rights, the care and maintenance fee and incurred charges have been paid in full.
37. All monuments shall be placed at the centre of the head end of a lot except where the alignment of existing nearby monuments justifies another location.
38. No monument shall be erected without the written consent of the Municipality. Any monument, structure or inscription shall be in keeping with the dignity and decorum of the cemetery and any monument erected or installed without prior authorization and in accordance with cemetery regulations may be removed without notice by the Municipality.
39. No artificial material including cement, wood, or limestone may be used for memorial purposes. Upright monuments must be of standard marble or granite and foot markers must be of granite, marble or bronze.
40. Monuments may prevent sufficient space for interments and restrict burials. The Municipality reserves the right to move any monuments or markers as necessary to complete an interment. In such cases, further charges, in addition to the regular interment fee and not to exceed the cost to the Municipality, may be levied against the interment rights holder for the new required burial.
41. An old and deteriorated marker deemed by the Municipality to present a risk to public safety because it is unstable may be laid down in accordance with section 48 of the Act. The Municipality will make a reasonable effort to advise the next of kin to recommend that such markers be replaced.

Upright Markers

42. Number

- a) Not more than one monument shall be erected on any one grave.
- b) Where cremated remains are also interred on a regular lot, a marker(s) with a flat and level surface set flush with the ground may be placed at each grave in addition to the monument. It may be placed at the end of the grave farthest from the monument, or where a maximum of two markers are installed, they may be placed on top of the cremated remains.

Schedule "A" to By-Law no. 774 (continued)

43. Bases

All upright monuments must be placed on a concrete foundation and shall not exceed three (3) feet or 90 cm in height from the ground level. The upper surface of the foundation shall be extended a minimum of three (3") inches or 8 cm on all sides, be flush with the ground, and shall have a maximum width of 95% of the plot to allow for maintenance. Base stones are deemed to be an integral component of the monument and must not increase the over-all height of the monument beyond the prescribed maximum of three (3') feet or 90 cm.

44. Special Markers

All persons contemplating the purchase or construction of a specially designed monument or marker should submit a sketch or plan to the Municipality for approval before ordering said monument or marker.

45. Foot Markers

Foot markers of marble, granite or bronze are permitted but must not exceed twelve inches by twenty-four inches (12" x 24") or thirty by sixty centimetres (30 cm x 60 cm) with a depth of three to eight inches or eight to twenty centimetres. The upper surface must be flat with no projections and shall be set level with the ground surface to facilitate grounds maintenance operations.

MONUMENT DEALERS, CONTRACTORS AND WORKMEN

46. Notice

Application must be made to the Municipal Administrator at least five (5) business days before any work is to be commenced. Proof of liability insurance as well as Workers' Compensation Board coverage may be requested by the Municipality before permission is granted.

47. Conduct

All workmen are reminded that strict observance to the regulations imposed on visitors will be required by them. The behaviour of workmen employed by others upon the cemetery property shall be subject to the control of the Municipality.

48. Contribution - Marker Installation

The monument dealer shall, in accordance with Section 53 (9) of the FBCSA, pay to the Municipality the prescribed amount as a contribution to the Care and Maintenance Fund upon installation of a marker.

Schedule “A” to By-Law no. 774 (continued)

49. Performance Responsibility

Workmen shall be responsible to clean-up any refuse, equipment etc, and return the work area as near as possible to its former state. Any damages or injury to the cemetery shall be the responsibility of the workmen and in addition thereto their employer shall be liable thereof.

50. Complaints and Inquiries

Any complaints or inquiries by rights holders or visitors should be made at the municipal office, and not to workmen or others on the grounds, and controversies with the workmen or others on the grounds are to be avoided.

Cemetery Price List

Subject to the FBSCA and the regulations made thereunder, the Municipal Council shall adopt a Price List to regulate the fees and charges to be paid by persons purchasing lots or niches in the said cemetery or requiring services to be performed therein. Such price list may be amended by by-law of the Council as it from time to time deems fit subject to the approval of the Registrar appointed under the FBSCA 2002.

Offence

If a person is convicted of an offence under the Act or this by-law, the court making the conviction may, in addition to any other penalty, order the person convicted to make compensation or restitution in relation thereto.