

- PUBLIC NOTICE -

NOTICE OF FILING

TAKE NOTICE that the Council of the Corporation of the Township of Lake of Bays are requesting approval from the Registrar of Cemeteries Act (Revised) to enact a proposed by-law to amend the rules and regulations for the care and control of all municipal cemeteries in the Township of Lake of Bays.

The proposed by-law will come before the said Council for consideration at its regular meeting to be held in the Council Chambers at 1012 Dwight Beach Road, Dwight, Ontario, on the 9th day of June, 2009 at 1:00 p.m.

Interested parties may contact Carrie Sykes at (705) 635-2272, ext 236 for information or access the proposed by-law at www.lakeofbays.on.ca/public_notices.htm.

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NUMBER 09-Draft

BEING A BY-LAW TO PROVIDE FOR RULES AND REGULATIONS FOR THE CARE AND CONTROL OF ALL MUNICIPAL CEMETERIES.

WHEREAS the *Cemeteries Act (Revised)*, R.S.O. 1990, Chapter 4, section 50(2) provides for the establishment of a by-law affecting the operation of a cemetery.

AND WHEREAS there are Cemeteries known as Paint Lake Pioneer, Dwight Union, Cooper Lake, Maplewood, St. George's Roman Catholic, Baysville Community and other cemeteries owned by the municipality that are licensed to act as cemeteries in accordance with the *Cemeteries Act (Revised)*, R.S.O., 1990, Chapter 4, as amended, and the regulations made pursuant to the said Act;

AND WHEREAS it is deemed expedient to provide for the regulation of the municipally operated Cemeteries in the Township of Lake of Bays;

NOW THEREFORE be it enacted that the Council of the Corporation of the Township of Lake of Bays hereby enacts as follows:

1. That the Corporation of the Township of Lake of Bays adopt the Rules and Regulations attached hereto as "**Schedule A**", and forming a part hereof.
2. That the Corporation of the Township of Lake of Bays adopt the Schedule of Rates attached hereto as "**Schedule B**", and forming a part hereof.
3. That the Corporation of the Township of Lake of Bays adopt the List of Municipal Cemeteries attached hereto as "**Schedule C**", and forming a part hereof.
3. By-law 06-168 is hereby repealed.
4. No part of this by-law shall come into force and take effect until it is filed and approved by the Registrar of the Cemeteries Branch, pursuant to the Cemeteries Act.

READ a FIRST and SECOND time this 9th day of June, 2009

Mayor

Clerk

READ a THIRD time and finally passed 9th day of June, 2009

Mayor

Clerk

Approved by the Registrar, Cemeteries Branch, on: _____

**Schedule "A" to By-law 09-Draft
Township of Lake of Bays
Cemetery Rules & Regulations**

1. PREFACE

The rules and regulations governing the operation of all municipally owned cemeteries are intended to preserve the character of the cemeteries as a respectful place for the burial of the dead.

These regulations are made to ensure the preservation and proper operation of the cemetery. We fully recommend that all Interment Rights Holders familiarize themselves with these regulations and other amendments as may be made from time to time and approved by the Province of Ontario.

We appeal to the public to assist and co-operate by following these rules to keep the cemeteries attractive and peaceful.

2. DEFINITIONS

"ACT" means the Cemeteries Act, R.S.O. 1990, c.4, as amended, and for the purpose of the By-law.

"CARE AND MAINTENANCE FUND" means the trust fund in which all monies received by the cemetery for the care and maintenance of plots, monuments, and markers have been invested.

"CEMETERY" means the land set aside to be used for the interment of human remains.

"CHAIR" means the chairperson of the Committee.

"COMMITTEE" means the local Cemetery Committee(s) as appointed by the Corporation from time-to-time: namely Dwight Union, Cooper Lake, Maplewood, Paint Lake Pioneer, Baysville Community and St. George's Roman Catholic.

"CORNER MARKERS" means land markers set flush with the surface of the ground and used to indicate the location of a plot.

"CORPORATION" means the Corporation of the Township of Lake of Bays.

"CREMATION PLOT" means an area of land in the cemetery containing or set aside to contain one (1) cremated human remains, including space for a marker or monument.

"INTERMENT" means the burial of human remains and includes the placing of human remains in a plot.

"INTERMENT RIGHTS" means the right to require or direct the interment of human remains in a plot.

"INTERMENT RIGHT CERTIFICATE" means the certificate issued by the Municipality to the purchaser upon payment of interment rights, cemetery supplies and services.

"INTERMENT RIGHTS HOLDER" means a person with interment rights with respect to a plot and includes a purchaser of interment rights under the Cemetery Act.

"MONUMENT OR MARKER" shall be understood to mean any permanent memorial structure at or above ground level.

"BURIAL PLOT" means an area of land in the cemetery containing or set aside to contain one (1) regular interment and three (3) cremated human remains or four (4) cremated human remains, including space for a marker or monument.

"CREMATION PLOT" means an area of land in the cemetery containing or set aside to contain one (1) cremated human remains, including space for a marker or monument.

"RATEPAYERS" means the residents within the municipal boundary of the Township of Lake of Bays or in the geographic Townships of Sherborne, McClintock and Livingstone now included within the Township of Algonquin Highlands and pay municipal taxes; rental or lease payments.

"REGISTRAR" means the registrar appointed under the Act.

"SCHEDULE OF RATES" means the list of fees and charges as set out by the Corporation from time to time and filed with the Registrar.

"SECRETARY-TREASURER" means the secretary-treasurer appointed by the Committee.

"TRUSTEE" means the Corporation of the Township of Lake of Bays.

"TRUST FUNDS" means the funds invested for the purpose of and in accordance with the Act.

3. GENERAL ADMINISTRATION

1. The Township of Lake of Bays reserves full and complete control and management of the lands, buildings, plantings, roads, utilities and records of the cemetery and complete authority to administer the regulations through local Cemetery Committee(s).
2. The Secretary-Treasurer of the local Cemetery Committee(s) shall record the minutes of the meetings and the resolutions adopted, have care of all records and documents, conduct all correspondence and shall keep a proper record of all money transactions as they pertain to cemetery operations.

The Contract for Purchase of Interment Rights or Cemetery Supplies or Services shall be dispersed as follows:

- Part 1** – Treasurer;
 - Part 2** – Purchaser; and
 - Part 3** – Local Cemetery Committee
3. Receipts shall be issued by the Corporation for charitable donations received from the public.
 4. The local Cemetery Committee(s) shall have control of the cemetery. No interment or disinterment shall take place without proper notice to the local Cemetery Committee(s) unless otherwise ordered by the Local Medical Officer of Health.

5. The local Cemetery Committee(s) shall see that a proper Burial Permit or other certificate required by By-law is furnished in each instance.
6. The Corporation and local Cemetery Committee(s) shall take reasonable precautions to protect property of Interment Rights Holders.
7. The demeanor and behavior of employees, workers shall be in accordance with the character of the cemetery and the respect due to the deceased.
8. Any questions, suggestions or criticisms are to be forwarded, in writing; to the Chair of the local Cemetery Committee(s), and/or the Township of Lake of Bays, 1012 Dwight Beach Road, Dwight, ON, POA 1H0 and may not be directed to the workmen on the grounds.

4. GENERAL REGULATIONS

1. All ground maintenance within the boundaries of the cemetery shall be performed by Township staff or its agents. No other person shall perform any work upon a burial plot without first obtaining permission of the local Cemetery Committee(s).
2. No Interment Rights Holder shall sod or change the grade of their plot without express permission from the local Cemetery Committee(s).
3. The Corporation through the local Cemetery Committee(s) retains passage over every plot so that the cemetery operations may be effectively performed.
4. Any article, existing trees or shrubs, which have become detrimental to efficient maintenance or constitute a hazard to machinery, employees or visitors, or is prejudicial to adjacent plot(s) or is unsightly or does not conform with the general appearance of the grounds, may be removed in whole or in part by the local Cemetery Committee(s) or employees of the Corporation.

No new fence, border, wall, or other perimeter marking shall be placed around a plot; any such markings will be removed.

5. The planting of any new tree, shrub, or plant on any plot is prohibited. Cut flowers may be placed in an easily moveable container. Hanging flower containers are permitted. All containers must be of a non-breakable material for the safety and convenience of maintenance workers. Any glass or similar material placed on a plot will be removed promptly. Debris shall be placed in a suitable receptacle that is provided.
6. Available water is for flowers ONLY.

5. SALE AND TRANSFER OF INTERMENT RIGHTS

1. Plots and corner markers may be purchased through a designated member of the local Cemetery Committee(s) for the price as shown in the Schedule of Rates. Fees for care and maintenance are compulsory.

Purchasers of plot(s) acquire only the rights and privileges of burial of the dead and of the construction of monuments subject to the rules and regulations approved by local Cemetery Committee(s).

2. Not more than one interment shall be made in any plot, excepting cremated remains. The Interment Rights Holder, legal or authorized

representatives shall provide in writing authorization for the interment of permitted cremated remains.

3. For indigent burials a warrant signed by an official of the Social and Family Services Department is required indicating that the department will be responsible for the payment of such interment.
4. The Secretary-Treasurer shall provide, upon payment in full, each Interment Rights Holder at the time of sale with:
 - a) a copy of the Contract of interment rates,
 - b) a copy of the Cemetery Rules and Regulations, and
 - c) a certificate of Interment Rights.
5. In the case of transfer of ownership, by will or bequest, the local Cemetery Committee(s) reserves the right to require a notarized copy of the will or other evidence sufficient to prove ownership of a plot and will constitute a fee by the municipality, which shall not exceed twenty-five dollars (\$25.00).
6. If an owner of a plot wishes to dispose of same, he/she must sell the plot back to the local Cemetery Committee(s) at the same price they paid for them less the applicable taxes and care and maintenance fee.
7. The re-purchase price of the Interment Rights shall be the amount paid by the purchaser for the rights less the amount paid to the Care and Maintenance Fund and applicable taxes. If the original selling price is unknown the purchase price shall be deemed to be fifty dollars (\$50.00).
8. The Cemetery Committee(s) are not required to re-purchase the Interment Rights for more than four plots held by the same Interment Rights Holder in a twelve-month (12) period.

6. INTERMENTS AND DISINTERMENTS

1. The plot owner shall endeavour to provide twenty-four (24) hours notice to the local Cemetery Committee(s) for burial unless ordered by the appropriate provincial authority to the contrary.
2. A burial permit or certificate of cremation is required before an interment can be conducted.
3. No interments excepting cremations shall be made on a Sunday except on a doctor's certificate that a burial must be made in accordance with the Regulations of the Ontario Ministry of Health for the control of communicable diseases.
4. No interment shall be made without the written order of the Interment Rights Holder of the plot or their legal representative.
5. When a plot is held jointly by two or more persons, a written order will be accepted from either or any of them or their authorized representatives, for interment as such part of the plot as may be requested.
6. No winter burial shall take place between November 15th and April 1st in any year, unless weather or ground conditions permit an extension.
7. When orders for interments are made by telephone, the local Cemetery Committee(s) will not be responsible for any errors or misunderstandings. All orders made by telephone must be followed up in writing. Instructions for interment shall come, in written form, from a funeral home, Rights Holder, Agent or Executor/trix.

8. Interment charges shall be the responsibility of the Rights Holder, agents or executor/trix requesting the burial.
9. Bodies of animals shall not be placed in any plot of the cemetery.
10. Burials shall be made during regular working hours.
11. Remains to be buried in a plot must be enclosed in a container made from a material of sufficient strength and durability, sealed securely to permit the burial. The container used must be of a size to permit the burial within the dimensions of the plot.
12. Cremations shall be buried at a minimum of two feet (2') in depth as follows:

Burial Plots

- (a) One (1) burial and three (3) cremations per plot; or
- (b) Four (4) cremations per plot.

Cremation Plots

- (b) Two (2) cremations per plot.

13. No disinterment shall be made without the consent of the Medical Officer of Health and the interment rights holder except under a court order as provided in the Cemeteries Act. Proper documents and the necessary fees shall be provided prior to the disinterment.
14. The local Cemetery Committee(s) are not responsible for actual interment or disinterment functions.

7. MONUMENTS AND MARKERS – GENERAL INFORMATION

1. For the purpose of these regulations, a monument or marker shall be understood to mean any permanent memorial structure at or above ground level.
2. No foundation, monument, marker or other memorial shall be erected on a plot except in accordance with these regulations. Corner markers, shall be purchased through the local Cemetery Committee(s) at the time of purchase of a plot. The local Cemetery Committee(s) will be responsible for the installation of corner markers.
3. No foundation, monument, marker or other memorial shall be placed, moved altered or removed without the permission from the local Cemetery Committee(s). Arrangements must be made with the local Cemetery Committee at least five (5) days prior to the installation/alteration of any monument or marker. The request shall be in writing and shall include the following information:
 - a) The interment Rights Holder name and address;
 - b) Instructions for placement of the monument or marker;
 - c) The dimensions – in the case of a flat marker;
 - d) In the case of a monument:
 - (i) The dimensions of the die, height, width, length
 - (ii) The dimensions of the base, height, width, length
 - (iii) The overall size of the monument, colour and design
 - e) The appropriate amount for the Care and Maintenance Fund in relation to the size of the marker/monument as set out in the Act must accompany the monument.

4. No monument or marker shall be installed without payment of the required fees having been paid to the Corporation, along with copy of monument/marker arrangement as set out in Section 3, and a receipt issued to the purchaser.
5. If a monument or marker in a cemetery presents a risk to public safety the Corporation shall do whatever is necessary by way of repairing, resetting or laying down the marker to mitigate the risk.
6. All monuments or markers must be made of standard granite, bronze, marble, or natural stone. No artificial or perishable material, sandstone, limestone, iron, wood or plastic monuments or markers will be allowed. The inscription or engraving on the monument shall be in keeping with the dignity and décor of the cemetery.
7. All monuments including natural stone shall be erected by the monument companies.
8. The local Cemetery Committee(s) reserve(s) the right to temporarily move monuments and markers, etc., as necessary to complete interments.
9. Any non-municipal worker who damages any plot, monument or other structure in the cemetery shall be held personally responsible for such damage and, in addition, their employer shall be liable therefore.
10. All upright monuments must be placed on a poured concrete foundation to a minimum depth of 4 feet (5 feet preferred).

8. MONUMENT SPECIFICATIONS

1. Minor scraping of the base portion of the upright monuments due to turf mowing operations, is considered by the local Cemetery Committee(s) to be normal wear.
2. The local Cemetery Committee(s) will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability except where such damage or loss is due to its negligence.
3. The Corporation through the local Cemetery Committee(s) has determined the maximum size of monuments to not exceed four (4) feet in height and three (3) feet in width and reserves the right to their number and location on each plot. They must not be of a size that would interfere with any future interments.
4. There shall be permitted only one (1) upright monument, or pillow marker per burial plot plus a maximum of two (2) flat markers per plot for cremations or a maximum of three (3) markers in accordance with local Committee requirements.
5. Monuments must be placed at the center of the head end of the plot. The local Cemetery Committee(s) must give approval of the location before the monument is set.
6. Flat markers shall be flat on top and set level with the ground so that a lawnmower can pass safely over them. The minimum thickness used for all flat markers is to be the industry standards.

9. RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKERS

1. No monuments or markers shall be installed at the cemetery without permission from the local Cemetery Committee(s).
2. No monument will be delivered to the cemetery until the foundation is completed and the contractor is ready to proceed with the work.
3. No monument will be removed without permission from the local Cemetery Committee(s).
4. All companies performing work in the cemetery shall have Worker's Compensation coverage for their workers, as well as, a minimum of One-million (\$1,000,000) liability insurance, and shall provide evidence thereof to the Corporation upon request.
5. Workers shall cease all work in the cemetery immediately prior to and during a funeral until the conclusion of the service.
6. Heavy equipment is not permitted in the cemetery when the roads or grounds are in unfit condition.
7. No monument dealer shall park on the grass, space permitting unless otherwise directed to do so by the local Cemetery Committee(s).
8. All work must be done during normal working hours unless otherwise granted special permission by the local Cemetery Committee(s).

10. VISITORS

1. The Cemeteries will open for visitors daily from 8:00 a.m. to 8:00 p.m. (summer) and from 8:00 a.m. to 5:00 p.m. (winter). Visitors are requested to respect the deceased and conduct themselves accordingly.
2. Children under the age of twelve (12) years are not permitted on the grounds unless accompanied by an adult who shall be responsible for their conduct.
3. Pets are not permitted in the cemetery.
4. No person within the cemetery shall:
 - (a) Willfully destroy, injure, or remove any monument, marker, structure, tree, or shrub.
 - (b) Play any sport.
 - (c) Carry any firearm except during a military funeral.
 - (d) Commit a nuisance.
 - (e) Hold a picnic or party unless at the discretion of local Cemetery Committee(s).
 - (f) Advertise or canvas for orders or distribute business cards.
5. Vehicles within the grounds shall not exceed a speed of ten (10) kilometres per hour and must travel on the driveway portion only.
6. Any person defacing monuments or cemetery property shall be prosecuted according to law.

7. Township staff are responsible for maintenance are empowered by the local Cemetery Committee(s) to expel any persons disturbing the good order of the cemetery either by noise, improper conduct or violation of cemetery rules.
8. Picking, cutting or digging of any wild or cultivated plants in the cemetery is strictly forbidden.

Schedule "B" to By-law 09-Draft Township of Lake of Bays Cemetery Schedule of Rates
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Until December 31st, 2009

Single Plot	4' x 10'	Care/ Maintenance	Cost	GST 5%	Total
Ratepayer	\$300.00	\$200.00	\$500.00	\$15.00	\$515.00
Non-Ratepayer	\$750.00	\$500.00	\$1250.00	\$37.50	\$1287.50
Cremation Plot	2' x 5'	Care/ Maintenance	Cost	GST 5%	Total
Ratepayer	\$150.00	\$150.00	\$300.00	\$15.00	\$315.00
Non-Ratepayer	\$300.00	\$200.00	\$500.00	\$15.00	\$515.00

Corner Markers \$125.00 + GST
Set of four (4) Corner Stones

Transfer of Interment Rights \$25.00

As of January 1st, 2010

Single Plot	4' x 10'	Care/ Maintenance	Cost	GST 5%	Total
Ratepayer	\$310.50	\$207.00	\$517.50	\$15.53	\$533.03
Non-Ratepayer	\$776.25	\$517.50	\$1293.75	\$38.81	\$1332.56
Cremation Plot	2' x 5'	Care/ Maintenance	Cost	GST 5%	Total
Ratepayer	\$150.00	\$150.00	\$300.00	\$15.00	\$315.00
Non-Ratepayer	\$300.00	\$200.00	\$500.00	\$15.00	\$515.00

Corner Markers \$125.00 + GST
Set of four (4) Corner Stones

Transfer of Interment Rights \$25.00

**Schedule "C" to By-law 09-Draft
Township of Lake of Bays
Municipal List of Cemeteries**

CEMETERY	LOCATION	STATUS
Maplewood (Tally-ho Winter Park Rd)	Con 1, Pt Lot 20, Sinclair Roll # 4427 020 001 05701	Open
Mitzpah (Limberlost Rd)	Con 5, Pt Lot 4, Sinclair Roll # 4427 020 006 00101	Inactive
Stewart Memorial (Dwight Beach Rd)	Con 10, Pt Lot 12, Franklin Roll # 4427 010 008 07201	Open
Cooper Lake (Cooper Lake Rd)	Con 11, Pt Lot 9 & 10, Franklin Roll # 4427 010 010 00101	Open
Seabreeze (Seabreeze Rd)	Con 4, Lot 8, Franklin Roll # 4427 010 020 00500	Inactive
Paint Lake Pioneer (Paint Lake Rd)	Con 10, Pt Lot 5 & 6, Ridout Roll #4427 030 003 12300	Open
St. Maries (Old Hwy 117)	Con 14, Pt Lot 18, Ridout Roll #4427 030 011 07300	Inactive
St. George's Catholic (Dickie Street)	Con 7, Pt Lot 17, McLean Roll #4427 040 009 09400	Open
Baysville Union (Carol Street)	Con 7, Pt Lot 16 & 17 Roll #4427 040 009 09000	Open