

THE CORPORATION OF THE
TOWN OF ARNPRIOR

BY-LAW NO. 6369-14

Being a by-law to repeal By-law 5018-02, as amended and to revise the rules and regulations of Municipal Cemeteries in the Corporation of the Town of Arnprior, pursuant to the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002. C.33.

WHEREAS the Corporation of the Town of Arnprior deems it expedient to adopt certain rules and regulations with respect to the Arnprior Cemeteries

AND WHEREAS Section 150 of Regulation 30/11 made under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33 as amended, provides that the owner of every cemetery may pass by-laws governing the operation of the cemetery;

AND WHEREAS no such by-law comes in force or takes effect until it is filed with, and approved by the Registrar under Section 151 of Ontario Regulation 30/11 made under the *Funeral, Burial and Cremation Services Act, 2002*, S.O. 2002, c.33, as amended;

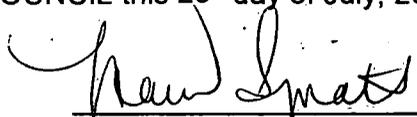
AND WHEREAS Section 11(1) of the *Municipal Act*, S.O. 2001, Chapter 25, as amended authorizes lower-tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Arnprior hereby enacts as follows:

1. THAT the Rules and Regulations attached as Appendix "A" and forming part of this by-law are hereby adopted as the Rules and Regulations of the Arnprior Municipal Cemeteries.
2. THAT By-law 5018-02, as amended is hereby repealed upon approval of this by-law by the Ministry of Government and Consumer Services.
3. THAT this By-law shall come into full force and effect upon approval by the Ministry of Government and Consumer Services.

ENACTED AND PASSED in OPEN COUNCIL this 28th day of July, 2014.


Lyle Anderson, Deputy Mayor


Maureen Spratt, Clerk

**TOWN OF ARNPRIOR
105 Elgin Street West
Arnprior, ON
K7S 0A8**



ARNPRIOR MUNICIPAL CEMETERIES Rules & Regulations

TABLE OF CONTENTS

<u>Section</u>	<u>Item</u>
A	Arnprior Municipal Cemeteries
B	Owner / Operator Information
C	Definitions and Interpretations
D	Sale and Transfer of Lots
E	Interments and Disinterments
F	General Regulations
G	Monument and Markers
H	Rules for Monument Dealers, Contractors & Workmen

Section A - Arnprior Municipal Cemeteries

1. Albert Street Cemetery

Ministry file #: 03597

Activity: Active

Legal description: Part of lot 4, Concession 14, Township of McNab, now in the Town of Arnprior, County of Renfrew

Location: 339 Albert Street
Arnprior, Ontario

2. Malloch Road Cemetery

Ministry file #: 03669

Activity: Active

Legal description: Part of lot 7, Concession B of 13, Township of McNab and being part of Block L, as shown on a Plan of the Village of Mansfield as Plan 23, County of Renfrew.

Location: Usborne Street
McNab-Braeside Township

3. Arnprior Proposed / Future Public Cemetery

Ministry file #: 03672

Activity: Inactive

Legal Description: Lot 10, Concession 13, Township of McNab, County of Renfrew

Location: County Road 1 (Seymour Street)

Section B - Owner / Operator Information

Owner / Operator: Corporation of the Town of Arnprior
105 Elgin Street West
Arnprior, ON
K7S 0A8

Tel.: (613) 623-4231
Fax: (613) 623-9960

Ministry licence #: 3298553

Ministry: Cemeteries Regulation Unit
Ministry of Government and Consumer Services
5775 Yonge Street, Suite 1500
Toronto, ON M7A 2E5

Tel.: (416) 326-8393 or 1-800-889-9768
Fax: (416) 326-8406

Section C - Definitions and Interpretations

1. "Ashes" refer to human cremated remains.
2. "Care and Maintenance Fund" It is a requirement under the *Funeral, Burial and Cremation Services Act, 2002* that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.
3. "Cemetery" means Arnprior Municipal Cemeteries.
4. "Cemetery Services" means services provided in respect of the interment of human remains or cremated human remains at a cemetery and includes such services as may be prescribed, but does not include funeral services.
5. "Certificate of Interment Rights" means the document issued by the Cemetery Owner to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.
6. "Clerk" means the Clerk of the Town of Arnprior.
7. "Contract" for purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.
8. "Corner Posts" means any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.
9. "Columbarium" means a structure designed for the purpose of interring cremated human remains in a sealed niche or compartment.
10. "Crypt" means an individual compartment in a mausoleum for the entombment of human remains.
11. "Interment rights" means the right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and direct the associated memorialization.
12. "Lot" (Also known as Grave) means any inground burial space intended for the interment of a child, adult or cremated human remains.

13. "Marker" means any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot.
14. "Mausoleum" means a building or structure, other than a columbarium, used as a place for the interment of the human remains in sealed crypts or compartments.
15. "Ministry" means the Cemeteries Regulation Unit, Ministry of Government and Consumer Services.
16. "Monument" means any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.
17. "Niche" means an individual compartment in a columbarium for the entombment of cremated human remains.
18. "Owner" means the owner/operator of the cemetery, the Town of Arnprior.
19. "Plan" means the plan of the cemetery, approved by the Cemeteries Regulation Unit, Ministry of Government and Consumer Services.
20. "Plot" for the purposes of these by-laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.
21. "Resident" means person eligible to vote in the Town of Arnprior municipal elections in accordance with the Municipal Elections Act, as amended.
22. "Scattering" means the act of spreading of cremated remains over a designated area within a cemetery with the knowledge and permission of the cemetery owner and in keeping with the cemetery's by-laws.
23. "Scattering Grounds" means any designated area within a Cemetery for the scattering, strewing, or commingling of cremated human remains in a common ground.
24. "Supervisor" means the person and/or his designate appointed by the Town to act as caretaker of the cemetery.
25. "Town" means the Corporation of the Town of Arnprior
26. "Treasurer" means the Treasurer, and/or his/her designate, of the Town of Arnprior.

27. "Trust Funds" means those funds in which a trustee may invest and which are defined in the *Trustee Act* R.S.O. 1990 Ch.T.23
28. "Vault" means an outer container that houses a casket when it is buried.
29. "Weekend" or "Holiday" means hours outside or beyond *working hours* from 4:30pm-12:00am and 12:00am-8:00am Monday through Friday and shall include Saturday, Sunday, declared and statutory Holidays.
30. "Working Hours" means regular hours of work from 8:30am-4:30pm Monday through Friday, and shall exclude Saturday, Sunday, declared and statutory holidays.

Section D - Sale and Transfer of Lots

1. Lots may be purchased from the Town of Arnprior according to the plans of the Cemetery approved by the Cemeteries Regulation Unit, Ministry of Government and Consumer Services.
2. Purchasers of Lots acquire only the right and privilege of burial of the dead and of constructing monuments subject to the rules and regulations as approved.
3. The Town of Arnprior does not permit the private resale of interment rights to third parties.
4. If a rights holder(s) wishes to re-sell the interment or scattering rights, the rights holder(s) must make the request to the cemetery owner in writing. The cemetery owner will repurchase the interment or scattering rights at the price listed on the cemetery owner's current price list less the Care & Maintenance Fund contribution made at the time of purchase. The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.
5. The interment or scattering rights holder requesting the resale of the rights must return the interment or scattering rights certificate to the cemetery owner and the rights holder(s) must endorse the interment or scattering rights certificate, transferring all rights, title and interest back to the cemetery owner. The appropriate paperwork must be completed before the cemetery owner reimburses the rights holder(s).
6. Payments for lots shall be made at the Municipal Office, 105 Elgin Street, West, Arnprior, ON K7S 0A8.
7. Each purchaser of a lot shall be entitled to a copy of the contract.
8. The contract or interment rights certificate shall include the following:
 - (a) The name of the interment rights holder.
 - (b) The location and dimensions of the lot to which the interment rights relate.
 - (c) The date on which the interment rights are purchased or transferred.
 - (d) The amount paid by the purchaser for the interment rights.
 - (e) The amount deposited into the Care and Maintenance Fund for the interment rights.

- (f) A statement that, if the purchaser transfers the interment right, the certificate cannot be transferred but must be returned to the owner who will issue a new certificate to the transferee.
 - (g) Shall be subject to the existing regulation or such regulations as may from time to time be determined upon by the Town of Arnprior and approved by the Cemeteries Regulation Unit, Ministry of Government and Consumer Services, as if embodied therein in full.
9. It is a condition of every contract for the purchase of interment rights that, if a purchaser transfers an interment right,
- (a) The purchaser shall give notice of the transfer to the cemetery owner and return the original certificate of interment rights to the owner; and
 - (b) The owner shall issue a new certificate of interment rights to the transferee.
10. It is a requirement under the *Funeral, Burial and Cremation Services Act, 2002* that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.
10. Lots shall be sold hereafter covered by a rate for Care & Maintenance set forth in the Cemetery price list.
11. Lots previously sold, for which provision for Care & Maintenance has not been made, may be placed under this plan by the payment of the charges set forth in the Cemetery price list.
12. As provided in the *Funeral, Burial and Cremation Services Act, 2002* if interment rights or scattering rights are sold and are not exercised within 20 years of the date of sale, the cemetery owner may, after the 20 years has elapsed, apply to the registrar for a declaration that the rights are abandoned.
13. Any persons whose interment rights or scattering rights have been declared abandoned may apply to the Registrar for redress.
14. The maximum number of lots, including earth or cremation graves that may be purchased by an individual, company, or corporation shall be six (6). Should a purchaser require more than six (6) graves, a written request justifying the additional purchases must be submitted for consideration and approval by the Town.

Section E - Interments and Disinterments

1. Burial permits issued by the Division Registrar, showing that the death has been properly registered, must be deposited with the Supervisor before the Interment can take place.
2. At least eight working hours' notice of each interment shall be given to an official at the Municipal Office. The Town cannot be responsible for having graves prepared unless such notice is given.
3. The Supervisor, his designate and/or someone in the employ of the Town shall be in attendance at each interment.
4. In each case of burial a written statement giving the name, place of birth, late residence (with street address, if any), age, date of death, address of deceased's nearest relatives, date and time of interment, in what lot to be interred, and name of funeral director shall be provided to the Clerk, so that an accurate register may be kept. The kind, length and width of the outside case shall be given, and the location of the grave to be opened shall be accurately designated by a diagram. Precise and proper instruction in writing shall be given regarding the location of every burial, as the Town cannot be held responsible for any errors resulting from wrongful or lack of specific information.
5. Where orders for interments are given by telephone, the Town will not be responsible for any errors or misunderstandings that may arise, and such verbal orders shall be confirmed in writing prior to the interment.
6. Persons ordering graves shall be held responsible for charges incurred.
7. No interment shall be made without the written order of the rights holder(s) of the lot or his legal representative. Orders from funeral directors shall be construed as orders from the family.
8. Bodies of any of the lower animals shall not be buried in any grave in the Cemetery.
9. When a lot is held jointly by two or more persons, an order must be accepted from all of them, or their authorized representatives, for interment in such part of the lot as may be requested.
10. No grave or vault shall be opened for interment or disinterment by any person not in the employment of the Town, except under special circumstances, and by permission of the Town.

11. Double interments are permitted with the consent of the Town and only where the ground is conducive to the depth required, and no interments are located on either side at a lesser depth. However confirmation can only be given after the opening.
12. Scattering of cremated remains in cemeteries of the Town of Arnprior will only be permitted in a designated area. Only scattering rights holder(s) may scatter cremated remains in the designated area within the cemetery.
13. No disinterment shall be made without the written consent of the Local Medical Officer of Health, and the rights holder(s) of the lot, except under an order of the court, as provided in the *Funeral, Burial and Cremation Services Act, 2002*. A certificate from the local medical officer of health is not required for the removal of cremated remains.
14. Interment fees shall be charged as set forth in the Cemetery price list.
15. The setting up and removal of artificial grass, tents, lowering devices and other interment accessories at the grave site are the responsibility of the funeral director.
16. Funeral corteges within the Cemetery shall follow the route indicated by the Supervisor.
17. No interments shall be permitted in any lot against which charges are due and unpaid.
18. Vaults or grave liners are not mandatory, unless ordered by the Medical Officer of Health.

Section F - General Regulations

1. Where provision has been made for Care & Maintenance, the Town undertakes regular grass cutting, trimming, proper grading and seeding, or removal of trees and shrubs as necessary.
2. The Town of Arnprior assumes no responsibility for missing or damaged vases, flowers, wreaths or other items placed in the cemetery, including removal or disposal of real cut flowers or potted plants.
3. Rubbish shall not be thrown out on roads, walks or any part of the grounds.
4. Implements or materials used in doing any work within the cemetery shall be removed without delay and if this is not done, the Supervisor shall remove the same.
5. The Town shall not be responsible for loss of or damage to any portable articles left upon any lot or grave.
6. Complaints of rights holder(s) or visitors should be made to the Supervisor, and not to the workmen on the grounds. You are assured of a courteous hearing by the Supervisor of any problem relating to your lot(s).
7. Dogs must be kept on a leash, and the dog owner shall be responsible for clean up after their animals.
8. Cemetery gates may be closed and locked at the Municipalities discretion without prior notice of closure of said gates.
9. **Permitted:**
 - (a) Ornamental dwarf evergreen shrubs are allowed on all lots of two (2) graves or more with monuments. They must be in line with the monument and be of reasonable size and shape, not more than four feet high, and not to interfere with plots on either side. Before purchasing shrubs, it is advisable to consult the Supervisor for suggestions about type and size.

The Town may remove any trees or shrubs that are in any way detrimental to lots, drains, road, or walks or prejudicial to the general appearance of the grounds or inconvenient to the public. The Town will not replace any trees or shrubs that have been damaged or removed.

The Town will not provide payment for the purchase of, or services related to planting, trimming, removal, care and maintenance, for any trees or shrubs that have been damaged or removed.

- (b) Flower beds are only permitted on plots with a monument with the beds being no wider than eight (8) inches out from the front of the monument. The exception being the cremation section, where no flower beds are allowed

Real cut flowers or potted plants in unbreakable containers (other than glass) can be placed on the turf area of graves anytime, but they are routinely picked up and disposed of by Town Staff.

Vases, urns and flower stands not properly cared for and such as are not filled with plants by the twentieth of June in any year shall be removed from the lot.

10. **NOT Permitted:**

- (a) No person shall erect, plant or maintain borders, fences, railings, walls, cut-stone copings, hedges in or around any plot. They are prohibited and will be removed.
- (b) No person shall plant any woody or flowering ornamentals without the consent and supervision of the Supervisor.
- (c) No person shall do any work upon a burial lot without the permission of the Supervisor.
- (d) Picking or cutting of flowers, wild or cultivated, is strictly forbidden.
- (e) No picnic party or camp will be permitted in the grounds.

Section G - Monument and Markers

1. For the purpose of these regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full.
3. All foundations for monuments and markers at the head of a grave shall be built by the monument dealers. The foundation of a monument or marker must be five feet in depth and three inches larger on all sides than the base of the monument. The quality of materials used for foundations are subject to approval by the Supervisor.
4. The Town reserves the right to determine the maximum size of monuments and their location on each lot.
5. No more than one monument shall be erected on any one lot, and this must be placed in the space reserved for it unless special permission is given by the Town for placing it otherwise.
6. All markers, monuments, mausoleums or tombs shall be constructed of bronze or granite. The bottom bed of all bases and markers shall be cut level and true.
7. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the Cemetery.
8. No lettering shall be permitted on the side of the monument facing an adjoining lot where there is not room for a grave between the monument and the boundary of the lot, save and except surnames only may be inscribed on the back of the monuments.
9. One marker with a flat and level surface set flush with the ground may be placed at each grave in addition to the monument. The marker shall be placed at the end of the grave farthest from the monument.
10. Markers or foot stones of bronze or granite are permitted but must not exceed twenty four by eighteen inches with a depth of three to five inches. The upper surface must be flat with no projections and shall be set level with the ground surface. All markers shall be set by monument dealers, at the expense of the rights holder(s).

11. Rights holder(s) may, on the receipt of their contract, at their own expense, have bronze or stone markers (corner markers) between six and seven inches square and not less than six inches deep placed at the corners of the lot or lots conveyed to him, to be planted flush with the ground.
12. When any monument, gravestone or memorial of any kind is to be removed, or any inscription made or cleaning done, permission shall be made in writing by the rights holder(s) of the lot, with a description of the work proposed.
13. Monuments are placed in the cemetery at the rights holder(s) risk, and the Town of Arnprior assumes no responsibility for damage or loss due to vandalism.
14. The Town of Arnprior is only responsible for maintaining the foundation (if applicable) and keeping the monument or marker in a straight and level condition.
15. The marking of graves with a permanent monument is completely optional and the timing of such arrangement is discretionary excepting the following guidelines.
 - a) The installation of flat markers and the foundations for upright monuments are completed on a seasonal basis from approximately May 1st until September 30th.
 - b) Applications for monuments and flat marker installations can be made at any time through a monument dealer. A list of monument dealers may be provided at the Municipal Office, 105 Elgin Street West, Arnprior, ON K7S 0A8.
 - c) If it is found that the foundation of any monument has not been placed in accordance with the "Rules and Regulations for Arnprior Municipal Cemeteries", the Town will not assume responsibility for maintaining the foundation or keeping the monument or marker in a straight and level condition.
16. Upright monuments will be allowed in all areas of the cemetery with the exception of the cremation section which is reserved for the interment of cremated remains. A flat marker will only be allowed to mark those plots.
17. The Town of Arnprior is responsible for ensuring the cemetery grounds, including all lots, structures and markers, are maintained to ensure the safety of the public and to preserve the dignity of the cemetery.
18. No monuments shall be erected on Saturdays, Sundays, declared or statutory holidays unless permission in writing has been granted by the Supervisor.

Section H- Rules for Monument Dealers, Contractors & Workmen

1. Every contractor employed to do any work in the Cemetery shall first present a work order to the supervisor signed by the rights holder(s) or his/her representative, requesting permission to employ such contractor to do the work herein specified. This application shall designate the section and lot.
2. The demeanor and behaviour of all workmen employed by others in the Cemetery shall be subject to the control of the Supervisor.
3. Contractors, masons and stone-cutters shall lay planks on the lots and paths over which heavy materials are to be moved in order to protect the surface from injury.
4. Workmen shall cease work, if in the immediate vicinity of a funeral until the conclusion of the service.
5. All work must be done during regular cemetery hours, unless by special permission of the Town.
6. Heavy loads shall not be permitted in the cemetery when the roads are in poor condition.
7. No monumental work shall be delivered at the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.
8. All implements and materials used in the performance of any work shall be placed where the Supervisor may direct, and all rubbish and surplus earth shall be removed in such manner and at such time and to such place as the Supervisor may order. Otherwise, the obstructions will be removed, and the expense charged to the rights holder(s) of the lot.
9. Any workman who damages any lot, tombstone, monument or other structure, or otherwise does any injury in the cemetery, shall be personally responsible for such damage or injury, and in addition thereto, his employer shall be liable therefore.
10. Before a monument is approved for placement, the applicant must submit to the supervisor, a written request for a monument location. The request must indicate the rights holder(s), and the position of the monument on the plot. A location will only be made after the care and maintenance for such monument has been paid.