

**THE CORPORATION OF THE TOWNSHIP OF
TARBUTT & TARBUTT ADD'L**

BY-LAW NUMBER 07-2012

**BEING A BY-LAW FOR CEMETERY MAINTENANCE, MANAGEMENT
AND CONTROL OF PORT FINDLAY AND STICKNEY CEMETERIES**

WHEREAS Municipalities under the Funeral, Burial and Cremation Services Act, 2002, are empowered to establish, regulate and operate cemeteries within their jurisdiction;

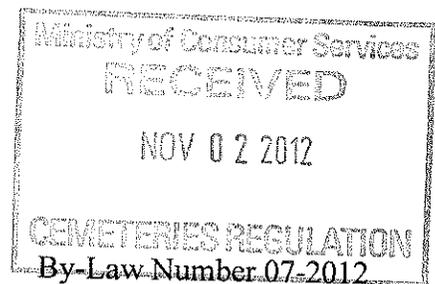
AND WHEREAS the Corporation of the Township of Tarbutt and Tarbutt Additional deems it necessary to pass a by-law governing the operation of two cemeteries operated under the Township of Tarbutt and Tarbutt Additional.

**PORT FINDLAY CEMETERY
STICKNEY CEMETERY**

NOW THEREFORE the Corporation of the Township of Tarbutt and Tarbutt Additional ENACTS as follows:

SECTION A: DEFINITIONS

ACT	shall mean the Funeral, Burial and Cremation Services Act
BOARD	shall mean the Cemetery Board appointed by the Council of the Township of Tarbutt and Tarbutt Additional
BY-LAW	shall mean the rules and regulations under which the Cemetery is operated. Said by-law shall be approved by the Council and the Registrar
CARE & MAINTENANCE FUND	shall mean all monies received by the Corporation for care and maintenance of lots, plots and markers and has been invested by the Clerk of the Corporation of the Township of Tarbutt and Tarbutt Additional
CARETAKER	shall mean the person/contractor hired by Council to maintain the cemetery
CEMETERY	shall mean the land set aside to be used for the interment of human remains and includes a columbarium or scattering ground



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 disintering human remains;
CLERK	shall mean the Clerk or his/her designate of the Corporation of the Township of Tarbutt and Tarbutt Additional
COUNCIL	shall mean the Council of the Township of Tarbutt and Tarbutt Additional
CORPORATION	shall mean the Corporation of the Township of Tarbutt and Tarbutt Additional
CREMATION LOT	shall mean an area of land 4 ft. x 4 ft. (16 sq. ft) intended for cremation remains only.
INTER	shall mean the burial of the body or remains of a human being in the cemetery
INTERMENT RIGHT	shall include the right to inter human remains in a lot or plot
LAND OWNER	Land owner is a person that has owned property in Tarbutt Township within the last 25 years from the date of plot purchase. This will include spouse and immediate family members of owner of property, i.e. children and spouse(s).
PLOT	shall mean 2 or more lots in which the rights to inter human remains have been sold together as a unit
MARKER	shall mean any monument, tombstone, plaque, headstone or other structure or ornament affixed to a lot or plot intended for human remains as per Section H: Markers, of this by-law
MINISTER	shall mean the Minister of Consumer Services for the Province of Ontario
REGULAR LOT	shall mean an area of land 4 ft. x 8 ft. (32 sq. ft) intended for a full burial
QUORUM	A majority of the members of the Cemetery Board

SECTION B: ADMINISTRATION

1. The business and affairs of the Port Findlay and Stickney Cemeteries shall be managed and supervised by a board composed of one council member and four lay persons appointed by Council to hold office for four years or until his/her successor is appointed.
2. The Board shall be responsible for the administration, management, care, maintenance and improvement of the aforesaid cemeteries.
3. The Board shall have the authority to authorize a caretaker or other employee and contractors to carry out the duties of the Board.
4. The Board shall be responsible to the Council of the Township of Tarbutt and Tarbutt Additional for the execution of their duties.
5. The Council shall have the right to remove any or all members of the Board for failure to carry out their duties or for other just cause.
6. The Board shall elect from their own number, a Chairperson.
7. The Board shall appoint a recording secretary for properly recording all matters and acts pertaining to the cemetery within their respective jurisdictions.
8. The Board shall render such reports as may be prescribed or as the Council may require.
9. The Council has the authority to make final and binding decisions on behalf of the Board.
10. The Board shall meet at the call of the chairperson.
11. The Board shall comprise a quorum and no business shall be transacted unless a quorum is present.
12. All Board members to be provided with a copy of the By-Law.

SECTION C: FINANCIAL

1. All fees and charges shall be paid as set out in the Schedule of Fees approved by Council. A Schedule of Fees is attached hereto as Schedule "A".
2. Payments for all fees and charges shall be made at the township office of the Clerk and deposits made forthwith.

3. The Clerk or his/her designate shall keep such books, accounts and records as are necessary for properly recording all financial matters pertaining to cemeteries.
4. The Clerk or his/her designate shall receive all revenue belonging to, or pertaining to the cemeteries.
5. The Clerk or his/her designate shall maintain, invest, and administer the Care and Maintenance Fund in accordance with the provisions and regulations of the Act.
6. The Board shall submit an annual budget to the Council setting out operating and capital expenses. Application and use of monies shall be under the control of the Board.
7. The revenue generated from the Care and Maintenance Fund shall be applied at the discretion of the Board for general maintenance of the Cemeteries. The Board shall not be bound to expend the whole or any part of the money earned, but may accumulate or hold any part thereof or invest the same.
8. The application of donations shall be at the discretion of the Board with due regard for the wishes of the donor.

SECTION D: RULES & REGULATIONS

1. All persons entering the cemetery shall behave with due decorum.
2. Lot or plot owners shall not permit interments to be made in their lot or plot for remuneration and shall not sell their lot or plot for remuneration.
3. Drivers of vehicles within the cemeteries shall respect all lots and/or plots and shall be held responsible for any damage done by said vehicles.
4. Recreation vehicles are not permitted within the Cemeteries.
5. No person shall:
 - a) Place any fence, railing, curbs or other enclosures around, or anything other than sod (i.e. crushed marble or gravel) on the surface of any lot or plot
 - b) Write upon, deface, injure or damage any marker, railings, fence or other structure.
 - c) Damage any lot, plot, marker or any other structure in the cemeteries.
6. Any person who damages any lot or plot, marker or other structure, or otherwise does any injury in the cemeteries shall be personally responsible for such damage or injury.

7. Plants or small shrubs are only permitted on graves (lots) within one foot around markers. Articles uncared for are not the responsibility of the cemetery and will be removed at the discretion of the Board. The Board reserves the right to remove any unsightly or neglected shrubs or trees.

SECTION E: OPERATIONS

1. Lots or plots may be purchased by individuals upon payment of the appropriate fees as per Schedule "A" attached hereto. At the time of sale, the Clerk shall provide a copy of the Contract and the Cemetery By-Law.
2. The Certificate of Interment Rights for a lot or lots shall be in the form attached hereto as Schedule "B" to this by-law and shall show:
 - a) The name and address of the purchaser of the plot(s) or lot(s)
 - b) The location of the plot(s) or lot(s) to be purchased
 - c) The Cemetery that the plot(s) or lot(s) is located in
 - d) The amount of the sale price and the date of purchase
 - e) Be signed by the purchaser in the presence of a witness
3. Upon payment in full the Corporation shall prepare, have executed and deliver a Certificate of Interment Rights to the purchaser as set out in this by-law.
4. A purchaser has up to 30 days to change their mind and will be given a full refund. After 30 days, when the cemetery repurchases the rights at the current price, it will deduct from the price being paid to the rights holder the amount that has already been paid into the care and maintenance fund.
5. The interment rights holder(s) may not resell the interment rights of lots except to the Township of Tarbutt and Tarbutt Additional in accordance with the Funeral, Burial and Cremation Services Act, 2002 and the regulations made under that Act.
6. The Transfer of a lot shall convey only those rights set out in Section E (2) of this by-law.
7. Upon receipt of a fully executed Transfer of Ownership, completed by the registered interment rights holder or that person's legal representative, ascertained by production of a notarial copy of the Will or other evidence satisfactory to the Clerk or his/her designate, in the form attached hereto as Schedule "C" to this by-law, the Clerk or his/her designate shall immediately cause the transfer to be entered in the register kept for that purpose as aforesaid, and shall issue a new Certificate of Interment Rights.
8. Purchasers of lots or plots acquire only the right of burial of human remains therein, and of installing a marker or monument and such rights shall be subject to the provisions of the Cemeteries Act and of this by-law as amended from time

to time and no purchaser shall acquire any right, title or interest except as for said or pursuant to the Cemeteries Act.

9. The interment Rights holder must designate, in writing, if another person is to be interred in his or her lot or plot.
10. A copy of the Cemetery by-law shall be provided upon purchase and payment of a lot or plot or when a transfer is completed.

SECTION F: INTERMENT

1. The Board is empowered to fix and regulate the price for opening and closing of cremation lots or plots, subject to the approval by the Council and the Registrar.
2. No interment shall take place until such time as the lot or plot has been paid for, in full, including care and maintenance fees.
3. No interment shall take place until such time that a copy of the Burial Permit has been filed with the Clerk or his/her designate as designated by Council.
4. Interments shall take place only from May 1st to November 30th in any given year unless otherwise authorized by the Board.
5. No more than (2) cremation interments shall be made in each cremation lot.
6. Only one regular interment may be made in a regular lot. Double depth interments shall not be permitted. No more than (8) cremation interments shall be made in any regular lot.
7. Notice of each interment to be made shall be given to the Clerk or his/her designate at least 24 hours prior to, except under special circumstances. The Board will not be responsible for having lots prepared for funerals unless such notice is given.
8. The Board reserves the right to select the location of the lot for any indigent burial.
9. Remains of animals shall not be placed in any lot or interred or cremation remains placed in the Cemeteries.

SECTION G: DISINTERMENT

1. No disinterment shall be allowed in any lot or plot unless in accordance with the Funeral, Burial and Cremation Services Act, 2002.

SECTION H: MARKERS

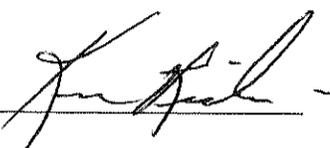
1. The Board reserves the right to determine the size of the markers, their composition, their number and location on each lot or plot:
 - a) No more than one upright marker shall be erected on one lot.
 - b) The minimum thickness of a marker shall be 5 inches at its narrowest point.
 - c) Markers shall not exceed 44 inches in height, including foundation (as per Act)
 - d) Flat markers on a single lot shall not exceed 24 inches wide by 6 inches deep.
 - e) All markers to be granite, bronze or stone at the discretion of the Board
 - f) No markers shall be allowed to stand on interment space of any lot or plot
 - g) Flat markers only will be permitted on cremation lots.
2. Upright markers shall be set upon an adequate foundation no less than 6 inches deep and must exceed the marker by a minimum of 3 inches on all sides. Foundation shall be flush with the ground.
3. No marker shall be erected without the supervision of the Board or it's designate.
4. The Board or its designate reserves the right to enter onto any lot or plot to remove any marker or other structure or any inscription not in keeping with the decorum and dignity of the cemetery.
5. The Board shall not be held responsible for scratches or chips, which could occur from regular maintenance.
6. The Board shall be responsible for the maintenance and repairs of markers and may lay down markers considered unsafe.

	Ministry of Government Services Ontario	Ministère des Services gouvernementaux Réglementation des cimetières
APPROVED In accordance with the regulations under The Cemeteries Act.		APPROUVE conformément aux règlements afférents à la Loi sur les cimetières
Date of Approval/ Date de l'approbation		29 January 2013
File No. of Cemetery/ Numéro de fiche cimetière		00046, 04928
Cvl. <i>[Signature]</i>		

SECTION I: EFFECTIVE DATE

1. This By-Law shall come into force and take effect upon its approval by the Minister of Consumer and Business Services.
2. By-Law No. 5-⁹⁶ and all other previous cemetery by-laws and amendments are hereby repealed.

READ A FIRST TIME THIS 21ST DAY OF MARCH, 2012

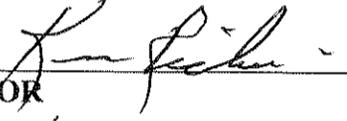


MAYOR



CLERK

READ A SECOND TIME THIS 18TH DAY OF JULY, 2012.



MAYOR



CLERK

READ A THIRD TIME AND PASSED THIS 20TH DAY OF MARCH 20~~12~~, 2013



MAYOR



CLERK

**THE CORPORATION OF THE TOWNSHIP OF TARBUTT
& TARBUTT ADDITIONAL**

SCHEDULE ``A`` TO BY-LAW NUMBER 07 -2012

SCHEDULE OF FEES FOR CEMETERIES

SALE OF PLOTS

Land Owner Regular Lot	\$ 500.00	(\$250.00 Perpetual Care)
Non-Land Owner Regular Lot	\$ 700.00	(\$250.00 Perpetual Care)
Land Owner Cremation Lot	\$ 275.00	(\$150.00 Perpetual Care)
Non-Land Owner Cremation Lot	\$ 375.00	(\$150.00 Perpetual Care)
Transfer	\$ 10.00	

***OPENING & CLOSING**

Cremation Lot	\$ 100.00
Regular Lot	\$ 650.00 plus applicable taxes \$ 50.00 Admin Fee

*Includes marking out of plot by Caretaker or designate

INSTALLATION OF MARKERS

Flat Markers less than 173 square inches	No Charge
Flat Marker 173 sq. inches or more	\$ 50.00
Upright Markers less than 4ft.x 4ft.	\$ 100.00
Upright Markers more than 4ft.x 4ft.	\$200.00

100% of installation fees for markers are allocated to care and maintenance fund as set out in ON Reg 132/92

DISINTERMENT CHARGES

Disinterment of Burial	\$1500.00
Disinterment of Cremated Remains	\$ 300.00

**THE CORPORATION OF THE TOWNSHIP OF TARBUTT
& TARBUTT ADDITIONAL**

SCHEDULE 'B' TO BY-LAW NUMBER 07-2012

CERTIFICATE OF INTERMENT RIGHTS

DATE OF PURCHASE: _____

Pursuant to the Funeral, Burial and Cremation Services Act, 2002 and Regulations and all amendments thereto:

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TARBUTT
& TARBUTT ADDITIONAL

Hereinafter called the 'Cemetery Owner'

AND:

_____ (Name(s))

_____ (Address)

Hereinafter called the 'Purchaser'

IN CONSIDERATION of the sum of \$ _____, receipt of which is hereby acknowledged, and which includes the sum of \$ _____ for Care and Maintenance (Perpetual Care), which is deposited with the Township of Tarbutt and Tarbutt Additional, the Cemetery Owner agrees to assign to the purchaser the Burial of Interment Rights as follows:

PORT FINDLAY CEMETERY

Section _____ Plot _____ Lot _____ Dimensions

The Purchaser, by acceptance of this Certificate, indicates that the By-Law governing the operation of the Cemetery has been received and read, and agrees to be guided by the said By-Law as well as provisions of the Funeral, Burial, Cremation and Services Act, 2002, as if these were included as part of this Certificate.

The Purchaser agrees that in the event of transfer of the said Interment Rights, this certificate cannot be transferred but will be returned to the Cemetery Owner who will issue a new Certificate to the Purchaser.

Information contained on this form is considered public information as per the Funeral, Burial and Cremation Services Act, 2002. The purchase of a lot conveys only the right of

burial of human remains therein and of installing a marker and no other right of title or interest is obtained in the lot or plot.

IN WITNESS whereof, the Cemetery Owner has affixed its signature by the hand of its property signing officer this _____ day of _____.

(Witness)

**THE CORPORATION OF THE TOWNSHIP OF TARBUTT
& TARBUTT ADDITIONAL**

(Witness)

PURCHASER

**THE CORPORATION OF THE TOWNSHIP OF TARBUTT
& TARBUTT ADDITIONAL**

SCHEDULE ``C`` TO BY-LAW NUMBER 07-2012

APPLICATION FOR TRANSFER OF OWNERSHIP

I, _____ of _____

The registered owner or legal representatives of the owner, hereby make application for the transfer of:

Section _____ Plot _____ Lot _____

PORT FINDLAY CEMETERY

Now registered in the name of _____

To

_____ of _____
(Name) Address

In accordance with By-Laws governing the Cemetery

Witness

Owner or Legal Representative

Price lists, contracts, and the certificate of interment rights are no longer required to be filed with the Ministry as of July 1st 2012 but cemeteries in Ontario must be in full compliance regarding these requirements.