

The Corporation of the Township of Ignace

By-law 62.2021

Being a By-law to Provide Rules and Regulations for the Maintenance and Control of the Ignace Cemetery

Whereas This By-law provides the rules and regulations that govern the Ignace Cemetery and have been approved by the Registrar, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Bereavement Authority of Ontario.

Now Therefore Be It Resolved that this By-law rescinds By-law 31.2016

Now Therefore Be It Resolved that the Council of the Corporation of the Township of Ignace enacts as follows in attached Schedule A:

Schedule "A"

1.0 Definitions

Burial/Interment: the opening of a lot and then the placing of dead human remains or cremated human remains in that lot, followed by closing the lot. The lot may be a grave in the ground, a crypt in a mausoleum or a niche in a columbarium.

By-laws: the rules and regulations under which the Cemetery and/or Crematorium operates.

Care and Maintenance Fund: It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed to the care and maintenance fund. If no scattering rights are sold but scattering is permitted a prescribed amount must be contributed to the fund when scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

Cemetery Operator: Person (Corporation, Partnership, Sole Proprietor, Trustee/Volunteer Board –Religious or other) licensed to offer or sell cemetery supplies and services.

Contract: For the purposes of this By-law, all purchasers of interment or scattering rights, or other cemetery supplies and services must receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledge receipt and acceptance of the cemetery By-law(s), a copy of the Consumer Information Guide and the Price List.

Corner Posts: Shall mean 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.

Grave: (also known as a lot) means any inground burial space intended for the interment of a child, adult or cremated human remains.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and to authorize the installation of a monument or marker.

Interment Rights Certificate: The document issued by the cemetery operator to the purchaser once the interment rights to a specific lot have been paid in full, identifying ownership and authority over those specific interment rights.

Interment Rights Holder: The person(s) authorized or entitled to inter human remains in a specific lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.

Lot: For the purpose of this By-law a lot is a single grave space.

Marker: Shall mean any permanent memorial structure – monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains and may be used to indicate the location of a burial.

Plot: For the purpose of this By-law, a plot means two (2) or more lots in respect of which the rights inter have been sold as a unit.

2.0 Hours of Operation

Visitation Hours: Dawn to Dusk.

Township Office Hours: Monday through Friday; 9:00am to 4:30pm
Saturday and Sunday or Statutory Holiday; Office is closed.

Burial Hours: As arranged by the Funeral Director and the Cemetery Operator.

3.0 Rules and Regulations

The following rules and regulations shall be observed by **all** person(s) and carried out by **all** bodies and officials carrying out this By-law and all person(s) using the cemetery.

- 3.1 The general management of the cemetery shall be carried out by the Cemetery Operator under the jurisdiction of Council.
- 3.2 To assist in the general management and maintenance of the Ignace Cemetery, Council may by resolution establish a Cemetery Committee.
- 3.3 All workmen employed in the erection of monuments, tombstones or any other, shall be subject to the control of the Cemetery Operator.
- 3.4 The sale of lots/plots shall be conducted by the Cemetery Operator of the Municipality with the assistance of Administrative Staff.

- 3.5** The Cemetery Operator and other Township Employees assigned to the maintenance and improvement of the cemetery shall be appointed by Council.
- 3.6** All corner stones or improvements must be placed on the lot itself and no fence of any kind shall be erected as an enclosure hereafter for lots. After giving fifteen (15) days notice to the lot owner, the Cemetery Operator may remove all fences or enclosure, level land, cut down trees or do any work that is deemed necessary.
- 3.7** Flat markers shall be of stone, marble, bronze or granite and shall be placed so as not to protrude above the surface of the ground. No more than one (1) marker will be allowed for each addition to a family monument.
- 3.8** Only one (1) monument may be erected on any burial lot at the designated location. Any detraction from this rule requires special permission from the Cemetery Operator.
- 3.9** Permission must be sought from the Cemetery Operator to construct and lay a foundation.
- 3.10** No person(s) shall be allowed to plant trees, shrubs, etc. on any grave.
- 3.11** Person(s) shall be permitted to plant flowers, potted plants, wreaths, baskets of flowers, statues and solar lights at the head of a marker not utilizing more than twenty-four (24) inches of the lot in front of the headstone.
- 3.12** To preserve the orderly appearance of the cemetery, any flower bed of the previous year which has not been planted by the first (1st) day of July will be grass seeded by the cemetery officials and thereafter to remain seeded.
- 3.13** The Cemetery Operator reserves the right to remove all flowers, potted plants, wreaths, baskets of flowers, statues and solar lights when they become withered or unsightly or for any other reason that deems such removal(s) to be in the best interest of the cemetery.
- 3.14** The Cemetery Operator may, at any time, cause any lot to be entered upon for the purpose of cleaning weeds, grass and further cause to be moved from the said lot, any funeral design or floral piece which has wilted and other article(s) or thing from its nature, shall mar the beauty of the surrounding scenery.
- 3.15** All person(s) are required to confine themselves to the avenue and walks and avoid walking on the lots and graves.
- 3.16** No lots shall be raised above the level of the surrounding land.
- 3.17** No mounds or covers, such as cement pads, fiberglass covers, rocks, sidewalk stones shall be permitted. Seeded grass only is permitted.
- 3.18** No person(s) shall be allowed to remove sod from the graves or lots.
- 3.19** The grading and sodding of all lots shall be under the control of the Cemetery Operator.

- 3.20** All vehicles including ATV's and snowmobiles, with the exception of the Hearse and maintenance vehicles, must remain on the roadway of the cemetery and shall not drive on the walkways between lots.
- 3.21** No speeding will be allowed. A maximum allowable speed of ten (10) km/hr will be permitted.
- 3.22** Pets of any kind are not allowed on the grounds.
- 3.23** No person is permitted to enter the cemetery except through the gate.
- 3.24** Children under the age of twelve (12) shall not be permitted without being accompanied by an adult who shall be held responsible for their actions.
- 3.25** The cemetery reserves full control over the cemetery operations and management of the land within the cemetery grounds.
- 3.26** No person(s) may damage, destroy, remove or deface any property within the cemetery.
- 3.27** All visitors should conduct themselves in a quiet manner that shall not disturb any services being held, or the visitation rights of any person(s) within the cemetery grounds. Any person(s) disturbing the quiet or order of the cemetery by noise or other improper conduct will be compelled to leave the cemetery grounds.
- 3.28** The Cemetery Operator is required to prohibit the entrance and cause the expulsion of all person(s) behaving in an inappropriate manner.

3.29 Historical Ignace Cemetery

- 3.29.1** A provision will be made under the regulations to allow for original landscaping and structures (such as enclosures and rocks) within the Old Ignace Cemetery in order to preserve the historical setting of the grounds.

4.0 Liability

The Cemetery Operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, monument, marker, or other article(s) that have been placed in relation to an interment or scattering right, save and except for direct loss or damage caused by gross negligence of the cemetery.

5.0 Public Register

Provincial Legislation – Section 110 of O. Reg. 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

6.0 Right to Re-Survey

The cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape and size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

7.0 Pets or Other Animal Remains

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

8.0 Sale & Purchase of Lots/Plots

8.1 The Cemetery Operator shall receive all monies for the sale of lots/plots, or any other services on behalf of the Corporation of the Township of Ignace.

8.2 The Treasurer shall transfer all monies received for the care and maintenance of the lots/plots to the "Care and Maintenance Account" as prescribed under Subsection 53. (1) of the FBCSA (the Funeral, Burial and Cremation Services Act, 2002).

8.3 The deposits to the Care and Maintenance Account shall be as specified in the regulation made under the FBCSA, 2002.

8.4 All monies shall be deposited under one (1) account in a bank approved by Council and shall be called "the Township of Ignace Cemetery Account".

8.5 Cemetery lots/plots may be purchased during Municipal Office hours of operations. Not lot/plot shall be reserved unless the prescribed fee has been paid in full.

8.6 No fee shall be charged for lots/plots assigned to the **Humphrey Family**. These lots/plots, identified on the cemetery map as I, II, III, and IV, shall not be sold to other parties.

8.7 The purchaser shall make a selection from the cemetery plan of such lot/plot. The purchaser shall also go on-site with the Cemetery Operator prior to confirming the selection.

8.8 Upon payment in full of the prescribed fee, the Corporation of the Township of Ignace shall provide the purchaser of interment rights with:

8.8.1 A Certificate of Interment Rights

8.8.2 A Copy of the Contract

8.8.3 A Copy of the By-laws

8.8.4 A Current Price List

8.8.5 A Copy of the Consumer Information Guide

As set out in Subsections 68. (1), S. 113 and Ss. 118. (1) O. Reg. 30/11

- 8.9** Cancellation of Interment Rights **within** the thirty (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 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.
- 8.10** Cancellation of Interment Rights **after** the thirty (30) day "Cooling-Off" period; upon receiving written notice from the purchaser of 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.

Note: 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.

- 8.11** The Cemetery Operator permits the interment rights holder to **sell** or **transfer** their interment rights to a third party, at no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the Cemetery Operator and the purchaser meets the qualifications and requirements as outlined in the Cemetery Operator's By-law(s).

Note: If any portion of the interment rights has been exercised, the purchaser, or interment rights holder(s) are **not** entitled to cancel the contract or resell the interments rights.

9.0 Interment Rights and Other Cemetery Services

- 9.1** All person(s) applying for interments in the said cemetery, whether as principal or undertakers, shall furnish to the Cemetery Operator such particulars for the purpose of record keeping as the law directs, before interment shall be allowed including a burial permit or certificate of cremation.
- 9.2** All person(s) applying for interment shall pay the Cemetery Operator the prescribed fee(s) within thirty (30) days of the actual burial.
- 9.3** Burial fee(s) may be amended from time to time by Council By-law.
- 9.4** No burial fee(s) shall be paid in advance.
- 9.5** At the discretion of the family the lowering of the casket may be done in the presence of the family.
- 9.6** The Corporation will exercise all due care in performing burials and interments, but is not responsible for damage sustained to any casket or other container during either interment or disinterment.
- 9.7** Graves shall be dug and interments made only by person(s) under the direction of the Cemetery Operator.

9.8 At least three (3) days previous notice must be given for the date of burial unless prescribed by their practiced religion. Burial must be done within regular hours of operation.

9.9 Only one (1) human body will be allowed in a grave except:

9.9.1 One (1) Adult and One (1) Infant

9.9.2 One (1) Adult and One (1) Cremation

9.9.3 No more than three (3) Cremations per Lot

9.10 Except in special cases provided for in the Act, governing cemeteries; no disinterment will be allowed without the consent of the interment rights holder(s), Council and the Medical Office of Health. The disinterment of bodies shall be supervised by the Cemetery Operator. A letter from the Medical Officer of Health is not required for the removal of cremated remains.

9.11 The Corporation does not permit the scattering of human remains on Municipal property.

10.0 Emergency/Pandemic Plan

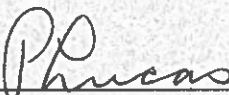
The Emergency/Pandemic Plan of the Corporation of the Township of Ignace will identify situations and procedures where the Ignace Cemetery may be needed due to the possibility of death following the Declaration of an Emergency.

11.0 Other


11.1 Any person guilty of any infringement of the provisions of the above By-law shall incur a penalty not exceeding \$1,000.00.

11.2 That By-law 31.2016 is hereby rescinded.

11.3 That this By-law will come into effect thirty (30) days after the date it is approved by the Registrar, at Bereavement Authority of Ontario, under the Funeral, Burial and Cremation Act, 2002.



Penny Lucas, Mayor



Lynda Colby, Clerk

