

THE CORPORATION OF THE TOWNSHIP OF SEVERN

BY-LAW NO. 2004-88

BEING A BY-LAW TO PROVIDE FOR THE MAINTENANCE, MANAGEMENT, CONTROL AND SALE OF SINGLE GRAVES OR PLOTS AT THE COLDWATER CEMETERY

---

WHEREAS the Corporation of the Township of Severn is the owner of an approved cemetery established under a predecessor to the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4;

AND WHEREAS the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 50(2), provides that a local Municipality may pass By-laws for the maintenance, management and control of a cemetery which is owned by the Corporation;

AND WHEREAS the Township has complied with the notice requirements for the passing of a By-law regulating the operation and maintenance of the Coldwater Cemetery as provided for in the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 50(5), and the regulations made thereunder;

AND WHEREAS it is deemed expedient to enact a By-law to regulate the operations of the Coldwater Cemetery, including the sale of single graves or plots, interment of human remains, decorum, placement of monuments, maintenance of the grounds and improvements made thereto and the keeping of records, financial and otherwise;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SEVERN HEREBY ENACTS AS FOLLOWS:

1. Definitions

- 1.1 **"Burial"** shall mean the burial or interment in the cemetery of human remains.
- 1.2 **"Care and Maintenance Fund"** shall mean a trust fund established under the provisions of the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 35, the proceeds from which are to be used to provide for the care and maintenance of the cemetery and the markers and structures therein in the prescribed manner.

- 1.3 **"Cemetery"** shall mean and refer to those lands owned by the Corporation of the Township of Severn, consisting of Lot 1, Plan 1721, Part 1, Registered Plan 51R-5070, 12 Craddock Street, as shown on Schedule "E" attached hereto and forming part of this By-law, and the lands are hereby designated as a municipal cemetery to be known as the "Coldwater Cemetery", and said cemetery shall be regulated by all provisions and regulations contained in this By-law.
- 1.4 **"Certificate of Interment Rights"** shall mean the Certificate as set out in Schedule "C" attached hereto and forming part of this By-law issued by the Corporation to the purchaser of a single grave or plot within the cemetery, and the said Certificates shall be signed by the Treasurer of the Corporation, and the Corporate Seal shall be affixed to same.
- 1.5 **"Contract"** shall mean a contract for purchase of interment rights or cemetery supplies, and shall be in conformity with the form set out in Schedule "D" attached hereto and forming part of this By-law.
- 1.6 **"Corner Stone"** shall mean any post or stone set flush with the surface of the ground and used to mark the location of a single grave or plot, and as may be more particularly described hereinafter.
- 1.7 **"Corporation"** shall mean the Corporation of the Township of Severn.
- 1.8 **"Council"** shall mean the Council of the Corporation of the Township of Severn.
- 1.9 **"Deed"** shall mean a Certificate of Interment Rights as issued by the Corporation.
- 1.10 **"Director of Public Works"** shall mean the Director of Public Works appointed by the Corporation of the Township of Severn.
- 1.11 **"Fees"** shall mean the fees and charges as set out hereinafter under Schedule "A" attached hereto and forming part of this By-law.
- 1.12 **"Interment Rights Holder"** shall mean the party or parties listed in the records of the cemetery as owning interment rights in a single grave or plot, or successors-in-title.
- 1.13 **"Lot"** shall mean a single grave or burial space.
- 1.14 **"Marker"** shall mean a memorial stone in the form of a flat stone placed at ground level and being of the character and dimensions hereinafter described.
- 1.15 **"Monument"** shall mean a monument, stone or other permanent memorial projecting above ground level and being of the character and dimensions as hereinafter described.
- 1.16 **"Plan"** shall mean the plan of the cemetery as approved by the Minister of Consumer and Commercial Relations and as described in this By-law.
- 1.17 **"Plot"** shall mean any two or more single graves in which rights to inter have been sold as a unit for the interment human remains, being comprised of all or part of a registered and numbered section of property.

1.18 **"Pre Need Assurance Fund"** shall mean a trust fund established under the provisions of the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 36, to hold all money received for pre need supplies or services until the contract for same is fulfilled.

1.19 **"Single Grave"** shall mean a single burial space of sufficient area for the interment of human remains being comprised of all or part of a registered and numbered section of property with an area of 36 square feet.

1.20 **"Treasurer"** shall mean the Treasurer as appointed by the Corporation of the Township of Severn.

## 2. Lands

2.1 The lands described in Section 1.3 of this By-law and shown on Schedule "E" attached hereto and forming part of this By-law are hereby designated as a Municipal cemetery to be known as the **"Coldwater Cemetery"**, and the said cemetery shall be regulated by all provisions and regulations contained in this By-law.

## 3. Plans

3.1 The Plans, as approved by the Ministry of Consumer and Business Services, shall indicate the portions of the cemetery reserved for the purposes of the Corporation and the portions subdivided into plots and single graves and the dimensions thereof, shall additionally indicate the necessary walks and driveways, and said plans shall be used for the guidance of the Corporation in the sale of a single grave or plot and for all other purposes for which these may be required and these plans shall be in the charge of the Treasurer or his/her designate.

3.2 No alteration to such plans shall be made without approval by By-law of Council and approval of an application for same by the Registrar appointed by the Ministry of Consumer and Business Services.

## 4. General Administration

4.1 The general control and management of the cemetery shall be the responsibility of the Director of Public Works, under the direction of Council.

## 5. Finance

5.1 A segregated Cemetery Operations Account shall be established and maintained by the Treasurer to hold cemetery revenues which are surplus to the cemetery's annual operations budget as adopted by Council as part of the annual estimates.

5.2 A Care and Maintenance Trust Fund, as prescribed by the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 35, shall be established by the Treasurer who shall on an annual basis receive and transfer to the Corporation, all interest received from the Care and Maintenance Trust Fund investments and all interest and other income derived from money invested or from other property given, devised, bequeathed or set aside for the purpose of the upkeep or care of any single grave, plot or portion of the cemetery, and such funds shall be employed to offset annual cemetery maintenance costs incurred in accordance with the said Act.

- 5.3 All principal funds which are deposited in the Care and Maintenance Trust Fund shall not, under any circumstances, be removed or transferred out, and the investment of said funds shall be performed in accordance with the provisions of the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 37.
- 5.4 A Pre Need Assurance Trust Fund, as prescribed by the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 36, shall be established by the Treasurer who shall receive and transfer funds to the Corporation upon the completion of a contract for pre need cemetery supplies or services in accordance with the said Act. The investment of all pre need assurance funds shall be performed in accordance with the provisions of the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 37.
- 5.5 The Care and Maintenance Trust Fund and the Pre Need Assurance Trust Fund established under this By-law and the investments representing same shall be under the control and management of the Treasurer, subject to the requirements of the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, and the approval of Council.

## 6. Record Keeping

- 6.1 The Treasurer or his/her designate, shall cause to be kept, such registers, records and books as are necessary for properly recording all matters, acts, deeds and other matters pertaining to the cemetery, including those as may be prescribed by Provincial Statutes, or as directed by Council.
- 6.2 The Treasurer and his/her designate shall keep such books, accounts and records as are necessary for properly recording and exhibiting all financial matters pertaining to the cemetery, and as may be prescribed by Provincial Statutes, or as directed by Council.
- 6.3 All fees and charges shall be in accordance with the fees outlined in Schedule "A" attached hereto and forming part of this By-law.
- 6.4 All conveyances of single graves or plots shall be in the form of a Certificate of Interment Rights that shall contain all necessary information proscribed by the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, and the regulations made thereunder from time to time, and such certificates shall be executed by the Treasurer or his/her designate who are hereby empowered to affix the Corporate Seal thereto, as well as to all other instruments related to cemetery matters requiring same, and further that all single graves or plots shall be sold subject to all By-laws, rules and regulations contained herein.
- 6.5 Each purchaser of a single grave or plot shall be given, by the Treasurer, or his/her designate the following:
- (a) a copy of this By-law,
  - (b) a copy of the purchase contract, and
  - (c) upon payment in full, a Certificate of Interment Rights.
- 6.6 The Treasurer and his/her designate shall have charge of the sale of single graves or plots, and all sales shall be for cash payment at the prices prescribed in the fees outlined in Schedule "A" attached hereto and forming part of this By-law, and the Treasurer or his/her designate shall additionally have responsibility for determining the location and recording the sale of all single graves or plots.

7. Maintenance, Improvement & Care of the Cemetery Grounds

- 7.1 The care, maintenance and improvement of the cemetery shall be the responsibility of the Director of Public Works subject to the general control and management of the Council, and he/she shall have charge and authority over the same and all persons therein; including the responsibility for supervision of employees engaged to carry out the aforementioned responsibilities who shall be under his/her direction and responsible to him/her for performance of their duties.
- 7.2 The Director of Public Works and his/her designate shall have power at all times to enter in and upon every part of the cemetery and perform and execute such work as may be necessary, desirable or expedient to provide for the care, maintenance and improvement of the cemetery or any such related purpose.
- 7.3 The Director of Public Works may, at the written request of and at the full cost of any owner, perform any special or extra services with respect to care, improvement or beautification of a single grave or plot.
- 7.4 The Corporation undertakes to keep all single graves and plots properly graded, sodded and mowed, to keep all trees, shrubs or other plants, as permitted, cultivated and trimmed; and further all landscaping shall be carried out by the Corporation or by its approval.

8. Transfer of Single Graves or Plots

- 8.1 The owner of a single grave or plot or part of a single grave or plot may transmit or transfer the same, subject to and in accordance with the provisions of this By-law and the regulations made under the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, and otherwise no transmission or transfer shall be binding upon or be recognized by the Corporation or its Officers.
- 8.2 Notice of any transfer shall be given in writing to the Treasurer specifying the name, address and other pertinent information with respect to the persons transferring the said single grave or plot and the persons to whom the certificate is to be transferred.
- 8.3 A transfer, in the case of a testamentary transfer, shall be recorded upon production and delivery to the Treasurer of a certified or notarial copy of the Probate, or alternatively if the Will has not been probated, the production of a certified or notarial copy thereof along with evidence of the legal title of the transferor.
- 8.4 On every transfer being recorded, the Certificate of Interment Rights (or deed) held by the Transferor or Transferee shall be surrendered to the Treasurer for cancellation; and upon delivery he/she or his/her designate shall prepare and issue a new Certificate of Interment Rights in the same manner as in the case of a sale; and further the fee prescribed by the fees set out in Schedule "A" attached hereto and forming part of this By-law shall be levied.
- 8.5 The Treasurer is hereby authorized to waive the requirement that a Certificate of Interment Rights be surrendered upon the transfer of a single grave or plot if he/she is satisfied through production of other evidence that the transferor has title to the subject single grave or plot.

9. Interments & Disinterments

- 9.1 All interments and disinterments shall be conducted under the supervision of the Director of Public Works or his/her designate. The Director of Public Works or his/her designate shall be in attendance at each interment or disinterment; and the Director of Public Works or his/her designate shall further be responsible for every opening of a grave, tomb or vault for a burial or for any other purpose.
- 9.2 A Burial Permit issued by a Division Registrar indicating the death has been registered or a certificate of cremation issued by a crematorium shall be deposited with the Director of Public Works or his/her designate prior to the interment taking place and said permit shall be immediately transferred to the Treasurer for entry into the Corporation's records.
- 9.3 No interment or disinterment shall be permitted until such time as proof of ownership, acceptable to the Director of Public Works or his/her designate, has been submitted or confirmed by the Treasurer or his/her designate.
- 9.4 Prior to or immediately following an interment, a written statement shall be submitted by the Funeral Director in charge of the funeral to the Treasurer or his/her designate indicating the full name and late residence of the deceased, the name and address of the nearest relative of the deceased, and the date of interment.
- 9.5 Notice of each interment shall be given to the Director of Public Works or his/her designate no less than 24 hours previous thereto.
- 9.6 Notice of each disinterment shall be given to the Director of Public Works no less than four days previous thereto.
- 9.7 There shall be no interment or disinterment on a Sunday unless ordered by the Medical Officer of Health.
- 9.8 The fees for interments and disinterments shall be as indicated on the fees and charges set out in Schedule "A" attached hereto and forming part of this By-law, and no interment or disinterment shall be permitted in any single grave or plot against which other cemetery charges are due and unpaid.
- 9.9 All disinterments shall be authorized in writing by the Medical Officer of Health or Coroner on the official forms provided for same by the Simcoe County Health Unit, and these shall also be signed by the owner of the single grave or plot or his/her authorized agent giving permission for disinterment except as otherwise ordered by the Courts or as provided by the regulations under the *Cemeteries Act*.
- 9.10 In carrying out the opening of a grave, no soil shall be placed directly on an adjoining single grave or plot and subsequent to filling of a grave, all surplus material shall be removed to such place as may be designated by the Director of Public Works, and the grave shall be sodded or seeded within a one week period thereafter.
- 9.11 Every grave shall be of sufficient depth to permit a covering of earth, over the outside cover or shell of the coffin, liner or other receptacle, of no less than .61 of a metre (two feet).

- 9.12 The interment of human remains in a single grave shall be permitted as follows:
- (a) One (1) full burial and two (2) cremations; or
  - (b) Six (6) cremations total.
- 9.13 In the interest of public safety interments may utilize a concrete vault or outer container.
- 9.14 No burials shall be conducted before May 1<sup>st</sup> or after November 15<sup>th</sup> of any year, unless otherwise authorized by the Director of Public Works.

10. Regulations Applicable to Contractors

- 10.1 All contractors prior to commencing and while undertaking work in the cemetery shall follow, or cause to be followed, the following regulations as specifically provided in Sections 10.1. to 10.8 inclusive of this By-law.
- 10.2 That prior to commencing work in the cemetery in any given year, each contractor shall present evidence to the Director of Public Works or to his/her designate confirming that said contractor carries public liability insurance in the minimum amount of \$1,000,000.00, naming the Township of Severn as an additional insured.
- 10.3 That during a burial service in the cemetery, work being carried out by contractors in the immediate vicinity shall cease during such burial service.
- 10.4 That all contractors, masons and stonecutters shall lay planks or other like materials on graves and paths over which heavy materials are to be moved.
- 10.5 That all contractors and employees thereof while carrying out any works in the cemetery shall be subject to the control of the Director of Public Works & Utilities or his/her designate with respect to demeanor.
- 10.6 That all contractors shall carry out their duties during normal cemetery working hours unless otherwise authorized by the Director of Public Works.
- 10.7 That all vehicles used in the performance of works being undertaken by contractors shall be driven throughout the cemetery only in accordance with the direction of the Director of Public Works or his/her designate.
- 10.8 That all waste material or refuse shall be removed from the cemetery by the contractor who generates it, and if such material is not removed, the Corporation shall dispose of same and charge the associated expenses to the contractor or the single grave or plot owner.
- 10.9 All workers shall be held personally liable, apart from any liability on the part of his/her employer or the single grave or plot owner, for any damage to any single grave or plot, monument or other structure in the cemetery, or landscaping or property therein which may be caused by them in the course of conducting work in the cemetery.

10.10 In storing or handling of materials or supplies for contractors or Funeral Directors at their request, the Corporation assumes no liability for any damages sustained to same, either by fire, accident or otherwise.

11. Regulations Applicable to the General Public

11.1 Funeral corteges within any part of the cemetery shall be under the supervision and direction of the Director of Public Works or his/her designate.

11.2 The Corporation shall not be responsible for the loss or damage to any portable articles left upon any single grave or plot.

11.3 Bicycle, snowmobile, motorcycle, all terrain vehicle or other like vehicles are prohibited from being operated within the cemetery grounds.

11.4 The speed of any motor vehicle not prohibited under Section 11.3 of this By-law shall be limited to a maximum of 15 kilometers per hour in any part of the cemetery, and the owner of any such vehicle shall be held responsible for any damage sustained to the cemetery grounds or structures therein caused by operation of such vehicle in contravention of the regulations of this By-law.

11.5 No person shall be permitted to enter the cemetery grounds before seven o'clock in the forenoon or after sundown, except police officers and employees of the Corporation.

11.6 No person shall damage, deface or otherwise maliciously interfere with any monument, marker or cornerstone which has been installed upon the grounds of the cemetery.

11.7 No person is permitted to pick flowers, wild or cultivated, within any part of the cemetery.

11.8 No fence, hedge, railing, coping, embankment, ditch, depression, tree, shrub, bush, plant, mound or other item shall be erected, placed or planted to mark the confines or borders of any single grave or plot or part thereof.

11.9 No person, other than the Director of Public Works or employees or contractors to whom he has given responsibility for same, may plant, maintain, remove or interfere with any tree in any part of the cemetery; and further no person shall, without the permission of the Director of Public Works or his/her designate, plant, sow or lay in any part of the cemetery any tree, shrub, seed, sod or remove or interfere with the same; and any such work authorized by the Director of Public Works or his/her designate shall be done according to his/her direction and satisfaction.

11.10 Wreaths, which are not free standing and do not exceed one metre in width shall be permitted on any single grave or plot, however, such wreaths and other artificial arrangements must be removed prior to April 1<sup>st</sup> of each year to facilitate spring maintenance work, and the Director of Public Works shall have authority to remove and dispose of same in the event the single grave or plot owner has not done so.

11.11 The placement and/or installation of glass containers, free standing wreaths and/or hanging baskets upon any single grave or plot is prohibited.

## 12. Foundations, Monuments, Markers

- 12.1 In accordance with the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 30, and the regulations made from time to time thereunder, a prescribed amount shall be paid into the Coldwater Cemetery Care and Maintenance Fund upon the installation of a marker or monument by the owner thereof.
- 12.2 Only the owner of a single grave or plot, a direct descendant of said owner, his/her legal representative or his/her duly authorized agent, but no other person, may erect or alter a monument or marker on said single grave or plot and such owner or authorized person shall be responsible for the said monument or marker and for due observance of and compliance with all the provisions of this By-law in carrying out or having completed any of the aforementioned works.
- 12.3 The character, size and placement of any monument, marker or cornerstone shall be regulated by the provisions of this By-law, including the "Definition" Section and Schedule "B" attached hereto and forming part of this By-law.
- 12.4 No monument or marker (excluding cornerstones) shall be erected, installed or placed in the cemetery unless and until the supplier of same has contacted the Director of Public Works or his/her designate and made arrangements for:
- (a) A locate for the subject single grave or plot upon which the monument or marker is to be installed; and
  - (b) The payment of the appropriate contribution to the care and maintenance fund as prescribed from time to time in the Regulations to the *Cemeteries Act* (Revised), R.S.O., 1990, Chapter C.4.
- 12.5 The payment of the prescribed contribution to the care and maintenance fund for each monument or marker shall be collected from the purchaser by the supplier at the time of sale through a cheque made out to the Corporation of the Township of Severn, and said cheque shall be delivered and a receipt issued therefore no more than 60 calendar days after the date upon which the subject monument or marker is installed.
- 12.6 Any person who has been contracted to replace a monument which has been damaged and cannot be repaired is exempt from the payment of the fees specified in Section 12.5 of this By-law.
- 12.7 Any monument supplier who fails to collect the prescribed fees referred to in Section 12.5 of this By-law and remit same to the Township of Severn within sixty days of installation of a marker or monument in the cemetery shall be guilty of an offence and among other remedies available to the Corporation; said contractor shall not, while said funds remain outstanding, be permitted to carry out other contracted work within the Coldwater Cemetery.
- 12.8 No monument or marker shall be permitted to be erected, installed or placed on a single grave or plot in respect of which any fees or charges are due to the Corporation and remain unpaid.
- 12.9 No monument or marker may be erected unless it is composed of solid granite or said material with a bronze or anodized aluminum plaque affixed thereto.

- 12.10 No monument or marker which is defective, cracked or otherwise in a dangerous or unsuitable condition, may be erected in any part of the cemetery without first being restored to a suitable condition.
- 12.11 No monument or marker may be erected or placed on a single grave or plot unless the authorized form of foundation has been installed under the direction of the Director of Public Works his/her designate.
- 12.12 Not more than four cornerstones shall be set to mark the corners of any single grave or plot. Cornerstones must be located prior to installation by the Director of Public Works or those employees authorized by him/her to do so.
- 12.13 The Director of Public Works and/or his/her designate shall inspect all monuments and markers installed in the cemetery on an annual basis, and if any such marker or monument is found to be unstable he/she shall, without notice, undertake such works as are necessary by way of repairing, resetting or laying down said marker or monument so as to render it stable.
- 12.14 No person shall hinder or otherwise obstruct the Director of Public Works or his/her designate from carrying out the duties outlined in Section 12.13 of this By-law.
- 12.15 The Director of Public Works in carrying out the duties outlined in Section 12.13 above shall use only reversible processes and shall not remove a monument unless it is in such poor condition that it cannot reasonably be preserved using income from the Care and Maintenance Trust fund or funds from other revenue sources.
- 12.16 Any monument removed in accordance with Section 12.13 above shall be replaced in its original location with a new marker containing all legible information inscribed on the previous marker or monument.
- 12.17 In accordance with Sections 22 and 38 of Ontario Regulation 130/92 made under the *Cemeteries Act*, (revised) R.S.O. 1990, Chapter C.4, the Director of Public Works or his/her designate shall maintain a record of all work completed to stabilize, restore, replace monuments and markers including the single grave or plot location, nature of the work and the cost thereof.

### 13. Use of Vault

- 13.1 The Vault Facility located upon the Coldwater Cemetery grounds may only be contracted for the storage of human remains between November 1<sup>st</sup> of any given year and the 20<sup>th</sup> day of May in the following year.
- 13.2 All human remains stored in the Cemetery vault before the 20<sup>th</sup> day of May in any given year or the year proceeding shall be interred on or before said date.
- 13.3 All human remains placed in the vault must be embalmed.
- 13.4 If ordered by the Simcoe County Health Unit, persons dying from contagious diseases shall not be placed in the vault. These bodies must be interred and shall not be disinterred.

- 13.5 No casket is to be opened without a Special Permit from the Medical Officer of Health once it has been deposited in the vault.
14. Repurchase of Single Graves or Plots & Interment Charges
- 14.1 Any interment rights holder and/or purchaser of pre need supplies may require the Corporation to repurchase the interment rights or pre need supplies in accordance with the procedures as set out in the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Sections 23 and 24.
15. Penalty
- 16.1 Every person who contravenes the provisions of this By-law or who causes or permits any such contravention to occur is guilty of an offense and on conviction is liable to a fine as provided for under the *Provincial Offenses Act*, R.S.O. 1990, Chapter P.33.
16. Enforcement
- 16.1 This By-law, with the exception of Sections 11.3 to 11.6, inclusive, shall be enforced by the Municipal By-law Enforcement Officers of the Corporation of the Township of Severn as appointed from time to time by By-law.
- 16.2 Sections 11.3 to 11.6, inclusive, of this By-law shall be enforced by the Ontario Provincial Police.
17. Validity and Severability
- 17.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a court of competent jurisdiction to be invalid or unenforceable, said decision shall not affect the validity or enforceability of any other provision of this By-law or this By-law as a whole.
18. Interpretation
- 18.1 Words used in the singular shall have corresponding meanings when used in the plural.
- 18.2 The word "may" shall be construed as permissive.
- 18.3 The word "shall" shall be construed as imperative.
- 18.4 Words used in the present terms include the future.
- 18.5 Words in the singular number include the plural number, and words in the plural include the singular number.
19. Short Title
- 19.1 This By-law shall be known and may be referred to as the "**Coldwater Cemetery By-law**".
20. Effect
- 20.1 This By-law shall come into force and effect as of the 1<sup>st</sup> day of January 2005 and following its approval by the Ministry of Consumer and Commercial Relations pursuant to the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, Section 50(3).

21. Repeal

21.1 That By-law No. 1996-05, as amended, be and it is hereby repealed pending receipt of approval as required and referred to in Section 20.1 of this By-law.

By-law read a first and second time this 3<sup>rd</sup> day of June, 2004.

CORPORATION OF THE TOWNSHIP OF SEVERN

---

MAYOR

---

CLERK-TREASURER

By-law read a third time and finally passed, having been amended after first and second reading, this 4<sup>th</sup> day of November, 2004.

CORPORATION OF THE TOWNSHIP OF SEVERN

---

MAYOR

---

CLERK-TREASURER

**SCHEDULE "A" TO BY-LAW NO. 2004-88**

**PRICE LIST**

**Coldwater Cemetery By-law  
FEES AND CHARGES (not including G.S.T.)**

---

1.	<u>Sale of Single Graves/Plots - Resident and Non-Resident</u>	
a)	<b>1 Single Grave (4' X 9')</b>	
	Land	\$ 300.00
	Care & Maintenance Fund (40%)	\$ 200.00
	Total	\$ 500.00
b)	<b>1 Assisted Cremation Grave (4' X 9')</b>	
	Land	\$ 110.40
	Care & Maintenance Fund (40%)	\$ 73.60
	Total	\$ 184.00
2.	<u>Interment Charges</u> (does not include lowering device or grave dressing)	
a)	Standard Interment Charge for Single Depth burial	\$ 600.00
	Saturday or Statutory Holiday (additional)	\$ 150.00
	Sunday (additional – by order of Medical Officer of Health)	\$ 150.00
b)	Interment of Cremated or Stillbirth Remains	\$ 100.00
c)	Use of Storage Vault	\$ 80.00
d)	Surcharge for Interments in Family Plots with no Defined Single Graves Therein (Cremated Remains Exempted)	\$ 100.00
3.	<u>Disinterment Charges</u>	
a)	Casket Only	\$2,000.00
b)	Casket in Vault	\$1,500.00
4.	<u>Transfer and Deeds</u>	
a)	For Each Transfer Recorded	\$ 10.00
b)	For Each Duplicate Deed Issued	\$ 10.00
5.	<u>Monument/Marker Stabilization and Maintenance Contribution (<i>The Cemeteries Act (Revised)</i>, R.S.O. 1990, Chapter C.4, Section 38 (1))</u>	
a)	In the case of installing a flat marker measuring less than 1115.85 square centimetres (172 square inches)	\$ 0
b)	In the case of installing a flat marker measuring at least 1115.85 square centimetres (173 square inches)	\$ 50.00

**Schedule "A" to By-law No. 2004-88 (cont'd)**

- c) In the case of installing an upright marker measuring 1.22 metres (4 feet) or less in height and 1.22 metres (4 feet) or less in length, including the base \$ 100.00
- d) In the case of installing an upright marker measuring more than 1.22 metres (4 feet) in either height or length, including the base \$ 200.00

**SCHEDULE "B" TO BY-LAW NO. 2004-88**

**Coldwater Cemetery**

**Regulations with respect to Monuments, Markers & Cornerstones**

---

1. No monument shall be installed, erected or placed in any part of the cemetery except in accordance with the following:
  - (a) That all new monuments shall be of solid granite or said material with a bronze or anodized aluminum plaque affixed thereto.
  - (b) That all permanent monument foundations shall be three centimetres (minimum) wider around the entire perimeter than the actual monument stone.
  - (c) That all permanent monument foundations shall be a minimum of 5' (five feet) in depth below soil level and be constructed of concrete with compressive strength of 20 M.P.A. or greater.
  - (d) That all monuments and foundations shall be confined to the limits of the subject single grave or plot and shall not encroach on adjacent plots.
  - (e) No more than one monument may be erected on any one single grave.
2. No marker shall be placed except in conformity with the following requirements:
  - (a) One marker not exceeding 18" X 24" may be placed on each single grave at the end of the single grave farthest from the monument. If desired, one marker not exceeding 18" X 48" may be placed in the designated monument space instead of a monument.
  - (b) Every marker shall be placed on a base of gravel or crushed stone with a minimum depth of 6".
  - (c) Every marker shall be a minimum depth of 4" and shall consist of solid granite and/or solid granite with a bronze or anodized aluminum plaque affixed thereto.
3. No cornerstone shall be placed which exceeds 6" X 6" in size, and each such cornerstone shall be of solid granite with a flat surface and edges, and shall be placed flush with the ground level.
4. Charges for installation and placement of monuments, markers, cornerstones and any memorial markers including installation of foundation for any such memorials, shall be according to the Tariff of Fees and Charges as set out in Schedule "A" attached hereto and forming part of this By-law.

**SCHEDULE "C" TO BY-LAW NO. 2004-88**

**Coldwater Cemetery  
Certificate of Interment Rights  
Certificate Number \_\_\_\_\_**

---

PURSUANT TO the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4 and Regulations, and all amendments thereof:

BETWEEN

**THE CORPORATION OF THE TOWNSHIP OF SEVERN**  
(a body licensed under the laws of the Province of Ontario,  
having its Head Office at 1024 Hurlwood Lane, P.O. Box 159,  
R.R. #4, Orillia, Ontario - L3V 6J3  
hereinafter referred to as "**the Township**")  
**PARTY OF THE FIRST PART**

- AND -

\_\_\_\_\_ hereinafter referred to as the  
**PARTY OF THE SECOND PART**

In consideration of the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_), receipt of which is hereby acknowledged and which includes the sum of \_\_\_\_\_ dollars (\$ \_\_\_\_\_) for Care and Maintenance which is deposited with the Trustee, the Township agrees to assign the Party of the Second Part the burial and interment rights in the Coldwater Cemetery pertaining to Section \_\_\_\_\_ being Lots Number(s) \_\_\_\_\_.

Comprising of an area of \_\_\_\_\_ square feet as shown on the approved plan of Coldwater Cemetery.

**Date of Purchase:** \_\_\_\_\_

THE PARTY OF THE SECOND PART by the acceptance of this indenture indicates that the By-laws governing the operation of the cemetery have been received and read, and agrees to be guided by the said By-laws as well as the provisions of the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, as if these were included as part of this indenture.

THE PARTY OF THE SECOND PART agrees that in the event of transfer of said Interment Right by the purchaser, this Certificate cannot be transferred but will be returned to the Party of the First Part who will issue a new Certificate to the Transferee.

With respect to the erection or installation of monuments and markers, the Party of the Second Part agrees to abide by the Municipal By-laws pertaining to Coldwater Cemetery, wherein restrictions on the erection or installation of monuments and markers are given.

IN WITNESS WHEREOF THE CORPORATION OF THE TOWNSHIP OF SEVERN has caused its corporate seal to be hereunto affixed by the hands of its proper Signing Officers this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and the Party of the Second Part has affixed his/her signature.

PARTY OF THE SECOND PART

CORPORATION OF THE TOWNSHIP OF SEVERN

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Treasurer or Designate

**SCHEDULE "D" TO BY-LAW NO. 2004-88**

**Contract for the Purchase of Interment Rights and/or Cemetery Supplies or Services in the Coldwater Cemetery**

**Number** \_\_\_\_\_

COLDWATER CEMETERY, OPERATED BY THE CORPORATION OF THE TOWNSHIP OF SEVERN, 1024 HURLWOOD LANE, P.O. BOX 159, R.R. #4, ORILLIA, ONTARIO - L3V 6J3.

Bill to: \_\_\_\_\_

Rights registered to: \_\_\_\_\_

Business phone: \_\_\_\_\_ Home phone: \_\_\_\_\_

Present need services/supplies: \_\_\_\_\_

Pre-need services/supplies: \_\_\_\_\_

Date of purchase: \_\_\_\_\_

Deceased: \_\_\_\_\_

Place of death: \_\_\_\_\_

Date of death: \_\_\_\_\_

**Location of Single Grave or Plot section/row/plot**

Funeral Director/Transfer Service: \_\_\_\_\_

**SERVICE/SUPPLIES**

Single Grave Fee Multiplied by ____ lot(s) purchased	\$ _____
Amount to Care & Maintenance (40% of lot fee)	\$ _____
Interment Fee	\$ _____
Cremation Fee	\$ _____
Interment/Disinterment Surcharge	\$ _____
Monument Fee to Care & Maintenance	\$ _____
Marker Fee to Care & Maintenance	\$ _____
Subtotal	\$ _____
G.S.T.	\$ _____
TOTAL SALE	\$ _____
<b>REPURCHASE PRICE</b>	<b>\$ _____</b>

It is agreed between the parties that the contract is subject to the By-laws of the Corporation of the Township of Severn, and the purchaser hereby acknowledges receipt of a copy of the By-laws of the Corporation pertaining to the Coldwater Cemetery and that the Conditions of Contract attached hereto have been read and understood.

Ordered by: \_\_\_\_\_ (Signature of Purchaser) \_\_\_\_\_ (Date)

Accepted: \_\_\_\_\_ (Cemetery Representative) \_\_\_\_\_ (Date)

**Schedule "D" to By-law No. 2004-88 (cont'd)**

**Conditions of Contract for the Purchase of Interment Rights  
and/or Cemetery Supplies or Services in the Coldwater Cemetery**

1. The Following Trusting Provisions are in Effect:

- (a) For each single grave sold 40% of the price will be invested in the Care and Maintenance Trust Fund.
- (b) Upon installation of a monument or marker, the following contribution to the Care and Maintenance Trust Fund must be made:

Flat Marker over 172 Square Inches	\$ 50.00
Upright Monument up to 4 feet in height or width	\$100.00
Upright Monument over 4 feet in height or width	\$200.00

2. A Contract for the Purchase of Interment Rights Includes:

- (a) The right of the purchaser, by written demand, to request the owner repurchase the rights at any time before they are used.
- (b) The repurchase price of interment rights shall be determined by establishing the amount paid by the purchaser for the rights less the amount the owner paid into the Care and Maintenance Trust Fund, or the predecessor of such a fund, in respect of the interment rights.
- (c) In accordance with **"The Coldwater Cemetery By-law"** of the Corporation of the Township of Severn, the following restrictions on the exercise of interment rights apply:
  - 1. 24 hours notice of an interment.
  - 2. No burials will be conducted before May 1<sup>st</sup> or after November 15<sup>th</sup> in any year unless otherwise authorized by the Director of Public Works.
  - 3. Multiple burials in a single grave are permitted as follows:
    - (a) One (1) full burial and two (2) cremations; or
    - (b) Six (6) cremations total.
  - 4. The resale of interment rights by the holder is prohibited.
  - 5. A Certificate of Interment Rights will not be issued until full payment is made.

3. In exercising interment rights contracted herein, the following documents are required:

- (a) A Burial Permit issued by a Division Registrar or a Certificate of Cremation issued by a Crematorium.
- (b) A Vital Statistics Statement from the Funeral Director.
- (c) Evidence of ownership of a single grave or plot satisfactory to the Township of Severn.

**Schedule "D" to By-law No. 2004-88 (cont'd)**

If a purchaser transfers an interment right, the purchaser shall give notice of the transfer to the Corporation of the Township of Severn, which shall issue a new Certificate of Interment Rights to the transferee.

4. Purchase Contract for Pre-Need Supplies / Services Includes the Following Cancellation Rights:

- (a) Purchaser has the right to cancel the contract within the 30 day period following the day the contract is made.
- (b) Purchaser's right to cancel survives the 30 day period until such time as the owner provides the cemetery supplies and services.
- (c) Owner shall not provide the cemetery supplies and services until the expiration of the 30 day period immediately following the day the contract is made. Please note interment services can be provided prior to the expiration of the 30 days, however, once the interment is completed, there can be no cancellation of contract by the purchaser.

The purchaser must pay the service fee required under the *Cemeteries Act* (Revised), R.S.O. 1990, Chapter C.4, if the right to cancel the contract is exercised more than 30 days after the contract is made. Such service fee is the lesser of 10 percent of the amount paid by the purchaser for the pre-need services or supplies, together with any income earned by the owner on the 10 percent since the purchase, or the sum of \$200.00.