

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2012-40

These by-laws are the rules and regulations that govern the Nipissing Union Cemetery, the St. John's Alsace Cemetery and Commanda Union Cemetery and have been approved by the Registrar of Cemeteries; *Funeral, Burial and Cremation Services Act, 2002*; Cemeteries Regulations Unit and Ministry of Consumer Services.

Now therefore the Council of the Corporation of the Township of Nipissing Enacts as follows:

Definitions:

Burial: The opening and closing of an in ground lot plot for the disposition of human remains or cremated human remains.

By-laws: The rules and regulations under which the Cemetery operates.

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 lots, markers and monuments at the Cemetery.

Cemetery: May be the Nipissing Union Cemetery, the Commanda Union Cemetery or the St. John's Alsace Cemetery owned and operated by the Township of Nipissing.

Contract: For purposes of these by-laws, all purchasers of interment rights must sign a contract with the municipality, detailing obligations of both parties and acceptance of the cemetery by-laws.

Corner Marker Stones: 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.

Cremation Burial Lot: A burial lot for cremated remains, located in Block 14 of the Nipissing Union Cemetery, a size of 2' x 4'.

Grave: Means any in ground 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 and direct the associated memorialization.

Interment Rights Certificate: The document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

Interment Rights Holder: Any person designated to hold the right to inter human remains in a specified lot.

Lot: (Also known as a Regular Burial Lot or Grave) for the purposes of these By-Laws a lot is a 9' x 4 1/2' grave space.

Marker: Shall mean any permanent memorial structure that is set flush or level with the ground and used to mark the location of a burial lot.

Monument: Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

Non Resident: A person who does not own property or reside in the Township of Nipissing.

Non Resident property owner. A person who owns property in the Township of Nipissing for at least one year prior to the date of application for a Burial Lot.

Registered Owner. Is the person who will be buried in a burial lot. All lots must be designated at the time of purchase, clearly stating who is to be buried in the space.

Rights of Interment. Shall be defined as the placement of one full size formal casket, with or without interment vault; or the placement of up to two (2) cremated remains in one regular burial lot as designated by the Registered Owner. For Block 14, Cremation Lots, the placement of one (1) cremated remains.

Tariff Rates. Rates charged for burial lots in the Township of Nipissing cemeteries.

Township of Nipissing Cemetery Committee. A Board appointed by the Council of the Township of Nipissing to administer cemeteries in the Township of Nipissing.

Township Resident. A person having at least one year's residence in the Township of Nipissing at the date of application for a burial lot. A person residing at Eastholme Home for the Aged who was a resident of the Township for at least one year immediately prior to entering the home for the aged.

Regular Burial Lot. Also known as a Lot or Grave, a size of 9' x 4 1/2'.

Hours of Operation:

Visitation Hours:	Cemetery sites open at all times.
Office Hours:	Monday to Friday, 8:30 a.m. to 12:00 p.m.
*Municipal Office	and 12:30 p.m. to 4:30 p.m.
	*Office is closed statutory holidays and weekends.
Burial Hours:	By Appointment as required.
Spring Burial Hours:	Monday to Friday, 8:30 a.m. to 2:00 p.m.
	*There shall be no burials on a Sunday or Statutory Holidays.

General Conduct:

The Township of Nipissing reserves full control over the cemetery operations and management of land within the cemetery grounds.

No person may damage, destroy, remove or deface any property within the Cemetery.

All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

By-Law Amendments:

The cemeteries shall be governed by these by-laws, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.

All by-law amendments must be:

- a) published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) conspicuously posted on a sign at the entrance of the cemetery; and
- c) delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, Ministry of Consumer Services.

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, monument, marker, or other article that has been placed in relation to an interment save and except for direct loss or damage caused by gross negligence of the cemetery.

Public Register:

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries to maintain a public register that is available to the public during regular office hours.

Pets or Other Animals:

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

Right to Re-Survey:

The Township 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 or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

Cancellation or Resale of Interment Rights:

The Township of Nipissing prohibits the resale of interment rights to a third party.

Purchasers of interment rights holders acquire only the right to direct the burial of human remains, the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-laws. In accordance with cemetery by-laws, no burial, installation of any monument, marker, inscription or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights shall advise the Township of Nipissing of their intention and the Township shall purchase the rights as follows.

Cancellation of Interment Rights with 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 the 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.

Cancellation or Resale of Interment Rights after the 30 Day Cooling-Off Period:

- Upon receiving written notice from the purchaser of the interment rights, the Township 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. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the Township along with the written notice of cancellation.
- If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.

General Policies for Burials, Monuments and Maintenance

Burials

A Burial Permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the Township Office prior to a burial taking place. A Certificate of Cremation must be submitted to the Township Office prior to the burial of cremated remains taking place.

All lot sales must be paid in full at the time of purchase. Any person may purchase up to two single lots at a tariff rate applicable to the registered owner of the lot.

The opening and closing of graves may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.

A regular burial lot may have 1 interment or 2 cremated remains.

Cremated remains are not permitted to be scattered on a grave or within the cemetery grounds.

Lots purchased prior to 1955 or where Care and Maintenance was not collected, will be subject to the current rate.

A fence of any type is not permitted.

Sale of pre-need lots in the St. John's Alsace Cemetery is discontinued. Sale of lots as required will continue with a site visit prior to finalization of the sale with a member of Township staff to determine the suitability of the location for a burial and a monument placement.

Prior to the finalization of burial arrangements the Cemetery Caretaker or Township Office must be consulted.

Monuments

No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.

No monument is to be placed, moved, altered or removed without the permission and supervision of the Cemetery Caretaker.

Cemetery monuments and marker stones must be supplied by a monument company, unless authorized by the Cemetery Committee prior to installation.

The Township reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be of a size that would interfere with any future interments.

All foundations for monuments and markers shall be built by the Cemetery Caretaker at the expense of the interment rights holder.

Should any monument or marker present a risk to public safety because it has become unstable, the Cemetery Caretaker shall do whatever is deemed necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.

The Township reserves the right to remove at its sole discretion any marker, monument or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the Cemetery Committee and/or Council.

Monuments – continued

Any new lot sold in the un-surveyed portion of the Nipissing Union and Commanda Union Cemeteries requires corner marker stones as supplied by a monument company, installed at the time of purchase.

Block 14 – Nipissing Union Cemetery – Cremation section allows for flat marker only. One marker permitted per lot.

Regular burial lots are permitted a maximum of one (1) monument per lot with the exception of Veteran monuments. Upright monuments are permitted on any regular lot.

Maintenance

The Township reserves the right to regulate the articles placed on lots or plots that pose a threat to the safety of all interment rights holders, visitors to the cemetery and Cemetery Staff as well as any articles that prevent the performance of general cemetery operations or are not in keeping with the respect and dignity of the cemetery.

Prohibited articles will be removed and disposed of without notification.

- The Township reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.
- Memorial wreaths may be placed in the cemetery only between the months of April and November. In order to prepare the grounds for spring, wreaths must be removed prior to November 30th. Wreaths not removed by November 30th will be removed and disposed of by the Cemetery Caretaker without notification.

Flowers, trees or shrubs may not be planted in the cemetery unless approved by the Cemetery Committee.

Flowers placed on a grave for a funeral or remembrance shall be removed by the Cemetery Caretaker after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

No person other than Cemetery Staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.

Articles donated for installation in the cemetery must be approved by the Cemetery Committee.

Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

The Township of Nipissing will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker or other structure or part thereof.

A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- Re-levelling and sodding or seeding of Lots.
- Maintenance of cemetery roads and pathways.
- Maintenance of perimeter fencing if applicable.
- Maintenance of cemetery landscaping.
- Repairs and general upkeep of cemetery equipment.

Rates

	Lot/Service Cost	Care and Maintenance Fund Portion	TOTAL COST
<i>Burial Lots:</i>			
Township Resident or Property Owner:			
Single Lot <i>*1 interment only</i>	\$ 50.00	\$250.00	\$300.00
Cremation Lot <i>*Block 14 Lot</i>	\$ 45.00	\$150.00	\$195.00
Single Lot * <i>*2 Cremated remains only</i>	\$ 50.00	\$300 .00	\$350.00
Non Resident:			
Single Lot <i>*1 interment only</i>	\$240.00	\$250.00	\$490.00
Cremation Lot <i>*Block 14 Lot</i>	\$ 90.00	\$150.00	\$240.00
Single Lot * <i>*2 Cremated remains only</i>	\$240.00	\$300.00	\$540.00
<i>Interment Rates:</i>			
Regular Grave Opening	Weekdays	\$300.00	n/a
	Saturday	\$400.00	n/a
Cremation Opening	Weekdays	\$150.00	n/a
	Saturday	\$200.00	n/a
<i>Foundation Costs:</i>			
Under 36 inches	\$200.00	\$100.00	\$300.00
36 to 48 inches	\$300.00	\$100.00	\$400.00
48 to 60 inches	\$400.00	\$200.00	\$600.00
Over 60 inches	\$500.00	\$200.00	\$700.00
Pad Base (Flat Marker)	\$100.00	\$ 50.00	\$150.00
Install ground setting	\$ 35.00		\$ 35.00

Monument Dealers/Suppliers

All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.

Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

Effective Date

That this By-law shall come into force and effect immediately on the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 4TH DAY OF SEPTEMBER, 2012.

THE CORPORATION OF THE
TOWNSHIP OF NIPISSING

Mayor:

CAO-Clerk: