

THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE

BY-LAW NO. 2008-08

**A BY-LAW TO ESTABLISH RULES AND
REGULATIONS RESPECTING A MUNICIPALLY
OWNED AND OPERATED CEMETERY**

WHEREAS Subsection 50 (2) of the Cemetery Act, Chapter C-4, Chapter C-4, R.S.O., 1990, as amended, provides that the Owners of a cemetery or crematorium may make by-laws governing the same;

AND WHEREAS under Section 9 of the Municipal Act 2001, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10(2), 4 authorizes a single-tier municipality may pass by-laws respecting the use of public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act;

AND WHEREAS offences under Municipal by-laws may be prosecuted pursuant to the Provincial Offences Act;

AND WHEREAS The Corporation of the Township of Pickle Lake is the Owner of Pine Ridge Cemetery and may acquire additional cemeteries;

NOW THEREFORE the Council of the Corporation of the Township of Pickle Lake *ENACTS AS FOLLOWS:*

1. That Council for the Township of Pickle Lake hereby approves the Rules and Regulations being Schedules A, B, C, D, E, F and G to and forming part of this By-Law.

RULES AND REGULATIONS

PREFACE

The Cemetery shall be the burial ground to service the residents of the Township of Pickle Lake.

1. **DEFINITIONS:**

- 1.1 “Cemetery” shall mean all Cemeteries located within the Township of Pickle Lake unless otherwise specified.
- 1.2 “Board” shall mean the Pickle Lake Cemetery Board.
- 1.3 “Corporation/Township” shall mean the Corporation of the Township of Pickle Lake.
- 1.4 “Treasurer” shall mean that person so appointed by the Corporation.
- 1.5 “Caretaker” shall mean the person appointed by the Corporation as caretaker of the Cemetery.
- 1.6 “Lot” shall include any plot, grave or burial site.
- 1.7 “Owner” shall mean the party or parties listed in the register of the Board as the owner of interment rights.
- 1.8 “Plan” shall mean the lot plan of the Cemetery.
- 1.9 “Deed” shall mean a certificate or receipt issued by the Corporation/Township to the purchaser of the Interment Rights.

- 1.10 “Proper State of Repair” shall mean keeping the grass cut, monuments and markers erect, any shrubs or flowers properly attended to and the lot not left in a state of neglect. It shall be properly graded, sodded, mowed and flowers and plants kept trimmed.
- 1.11 “Care and Maintenance Rate” shall mean moneys collected from the owners and invested in an approved fund to provide for care and maintenance of lots.
- 1.12 “Monument” shall mean any permanent memorial projecting above ground level.
- 1.13 “Corner Posts” shall mean any stone or other land marks set flush with the surface of the ground and used to mark the location of the lot.
- 1.14 “A Resident” shall include any person who qualifies under any of the following conditions:
- i) has resided continuously in the Township of Pickle Lake for the 12 (twelve) months immediately preceding his or her death, except in the instance of a person who has moved to the municipality to receive medical aid.
 - ii) who, after continuously residing in the Township of Pickle Lake for the period of 12 (twelve) months, is admitted as a patient to a hospital, or as a resident to a Home for the Aged.
 - iii) is the immediate family of any person qualified under sub-section 1 and 2.
 - iv) at the time of his or her death owned with respect to a property within the Township of Pickle Lake.
 - v) the owner of a lot purchased while a resident of the Township of Pickle Lake.
- 1.15 “A Non-Resident” shall be any person other than a resident.

2. **GENERAL ADMINISTRATION**

- 2.1 The Board shall be known as the Pickle Lake Cemetery Board, shall have and may exercise in the Township of Pickle Lake all the powers and perform all the duties with respect to Cemeteries in the Township, with final approval from the Municipal Council.
- 2.2 The Board, which shall consist of five members who shall elect the following officers from the membership: a Chairperson, Vice Chairperson and Secretary. All members will be appointed and hold office at the pleasure of Council.
- 2.3 The Council of the Township of Pickle Lake shall appoint a Board of Officers within 60 (sixty) days of the Inaugural Council Meeting, following the election of Council. The term of office will be consistent with the term of Council.
- 2.4 The Board members shall receive an honorarium for attendance at meetings that is consistent with all other Committees of Council.
- 2.5 The Clerk or Board Secretary shall keep such registers, records and books as are necessary for properly recording all matters, acts, deeds and things pertaining to the Cemetery, and as may be lawfully required or otherwise prescribed.
- 2.6 The Treasurer shall keep such registers, records and books as are necessary for properly recording all matters, acts, deeds and things pertaining to the Cemetery, and as may be lawfully required or otherwise prescribed.
- 2.7 All revenue and other monies belonging or pertaining to the Cemetery shall be paid to and received by the Treasurer.
- 2.8 All fees and charges shall be in accordance with the price list filed with the Ministry.

3. SALE AND TRANSFER OF LOTS

- 3.1 Lots shall be purchased from the Corporation and payment for same shall be made to the Treasurer.
- 3.2 The Tariff of Rates for lots in the Cemetery shall be those listed in Schedule "A".
- 3.3 Purchasers of lots acquire only the right and privilege of burials of the dead and the erection of monuments or markers subject to the rules and regulation in force.
- 3.4 No purchase of lots will be allowed in the older, unsurveyed sections of Pine Ridge Cemetery excepting those who have immediate family members buried previous to the passing of this By-Law 97-06 and where the Board determines that there is adequate space beside that family member. Section A and most of Section E are closed to burials as there are not adequate records to determine the exact location of previous burials. See Schedule "G" for map of Pine Ridge Cemetery.
- 3.5 A reserved lot by, or an Interment Right shall be deemed cancelled, without notice, unless within 30 (thirty) days there after the purchaser makes payment to the Treasurer of the prescribed sale price.
- 3.6 The ownership of any reserved lot may be transferred by the registered owner to another party upon approval of the Board.
- 3.7 No transfer of any Interment Right of a reserved lot shall be made or approved by the corporation until all arrears due for upkeep or purchase have been paid.

4. INTERMENTS AND DISINTERMENTS

- 4.1 In a lot (8' X 10') up to 3 (three) cremated remains are allowed.
- 4.2 In the case of cremated remains being added to a lot already in use, if there is insufficient room on the existing headstone for the name of the deceased, then a standard size flat marker may be placed in front of the existing headstone.
- 4.3 Double decking burials are allowed in the Cemetery if they are a casket on the bottom and up to 2 (two) cremations on top. There must be at least 2 (two) feet of soil to cover the top layer of burials. No double decking burials of more than 1 (one) casket are permitted.
- 4.4 2 (two) cremated remains are allowed per (4' X 4') cremation lot.
- 4.5 No person other than an employee of the Corporation, shall open or close a grave for the purpose of burial (including burial of cremated remains) unless given written permission by the Corporation.
- 4.6 All interments in lots shall be restricted to members of the family or relatives of the owner unless permission is obtained from the Board.
- 4.7 Notice of each interment shall be given in writing to the Corporation and/or Board at least 24 (twenty four) hours prior to actual interment and the Corporation and/or Board shall not be required to act on verbal requests.
- 4.8 No lot shall be opened closer than 6 (six) inches to the boundary line of the lot and a covering of at least 3 (three) feet over the casket shall be provided.
- 4.9 The scale of fees for opening and closing a grave and other services in the Cemetery shall be in accordance with Schedule "A" of this By-law.
- 4.10 No remains other than human shall be placed in any lot in the Cemetery.

- 4.11 No interment shall be permitted except during the normal working hours of the Corporation's Public Works Department, Monday to Friday inclusive, holidays excepted, unless permission is obtained from the Corporation/Board. Burials occurring outside the normal working hours will incur additional fees, as set out in Schedule "A" of this By-law.
- 4.12 No additional fee will be charged in the case of an interment performed on a Statutory or Civic Holiday where there is a doctor's certificate stating the burial must be made within 24 (twenty four) hours.
- 4.13 Prior to every burial there shall be delivered to the Township Office by the funeral director or some other person, a duly executed contract and the person signing the contract shall be responsible for all charges in connection therewith. In addition, the family shall be directed to appoint someone who will be at the burial site who will be a liaison between the family and the Corporation employees. This person shall be the funeral director or his or her delegate.
- 4.14 The Corporation will be responsible for the construction and installation of all rough boxes.
- 4.15 No disinterment shall be made without the written consent of the Medical Officer of Health and the owner of the grave or a Court Order.
- 4.16 Winter interments will be only in a reserved location, which are lots 63-74. Burials will begin in lot 74, with each following burial using the next unused lot. Other locations throughout the cemetery will not be allowed during the winter months of November 15 to April 15.

5. CARE OF LOTS

- 5.1 All lots shall be kept in a proper state of repair. Monuments and markers erect, properly graded, sodded, mowed and shrubs, flowers and plants kept trimmed.
- 5.2 Flowers or other plants may be cultivated on lots but only such varieties as are in keeping with the general plan of the grounds and as has been approved by the Board.
- 5.3 Flowers and plants shall be kept trimmed during the growing season (usually May to October). Artificial flowers in the form of wreath, or in other forms are permitted on a lot or grave so long as they are not unsightly or faded. At such time the Corporation officials will remove them.
- 5.4 To preserve orderly appearance of the Cemetery, any flower bed of the previous year which has not been planted by the first day of September will be grass seeded by the Corporation.
- 5.5 Vases, urns and flower holders, stands or other receptacles for flowers not properly cared for, unsightly or unsuitable, may be prohibited or removed by the Board.
- 5.6 Trees or shrubs are not permitted to be planted on the Cemetery grounds or lots without the authorization of the Board.
- 5.7 All things placed or planted in any lot is at the risk of the interment rights holder and the Corporation will in no case be responsible for any loss or damage thereto, howsoever caused.
- 5.8 Since wooden crosses, borders, stones, fence railings, walls, cut-stone copings and hedges in or around lots may become unsightly and hinder proper maintenance of the grounds, they are prohibited. If any wooden crosses, borders, stones, fence railings, walls, cut-stone copings and hedges, which were previously placed on the lot which, by reason of neglect or age, become unsightly or in need of repair, the Board may order the owner, if known, to affect all changes or repairs necessary, within a time specified by the Board.

If the owner neglects or refuses to carry out the instructions issued by the Board within the time specified, or if the owner is unknown, the Board may remove such wooden crosses, borders, stones, fence railing, walls, cut-stone copings and hedges.

All wooden crosses, borders, stones, fence railings, walls, cut-stone copings and hedges that were erected prior to the date of passing of By-Law 97-06 (April 18, 1997), will be allowed to remain as long as they are in good repair and not in an unsightly condition.

- 5.9 No enclosures of iron, wire, wood, plastic, concrete or other material are permitted on any lot.
- 5.10 No person shall place or deposit any refuse or rubbish on roads, walks or any part of the grounds.
- 5.11 No person shall change the grading of any lot, cut any sod or remove corner posts or grave markers in the Cemetery except with the written approval of the Board.

6. MONUMENTS AND MARKERS

- 6.1 No monument or other structure shall be erected on any lot unless the purchase price of the lot and any accrued charges or expenses have been paid in full.
- 6.2 The foundations for all monuments and markers shall be provided by the Corporation at the expense of the owner of the lot. The owner shall submit a plan of the monument or marker to be erected and apply for the construction of the foundation in writing at least 15 (fifteen) days before the monument or marker is to be placed on the lot.
- 6.3 A foundation will extend 4 (four) inches beyond the marker on all sides.
- 6.4 No monument shall be more than 4 (four) feet high and 4 (four) feet wide.
- 6.5 Two monuments will be allowed on one lot where there are two burials: two flat monuments or one upright monument and one flat monument.
- 6.6 To give an organized appearance in Pine Ridge Cemetery, all monuments shall be placed at the head of the lot and shall face toward the parking lot in the centre of the Cemetery. Exception will be made in the older section of the cemetery where there is an existing pattern in place, in which cases placement shall be consistent with such patterns.
- 6.7 No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the Cemetery.
- 6.8 The charges for services shall be those set forth in Schedule "A" of this By-law and be payable in advance.

7. RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKERS

- 7.1 Any person who damages any lot, monument, marker or corner-stone or other structure, or otherwise does any injury to the Cemetery, shall be responsible for such damage or injury and in addition thereto, his or her employer shall also be liable therefore.
- 7.2 All work must be carried out during regular cemetery hours unless by written permission of the Board. (Monday to Friday, 8:00 a.m. to 5:00 p.m., except Statutory and Civic holidays.)
- 7.3 No monument, marker or corner-stone shall be delivered at the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.

8. OTHER REGULATIONS

- 8.1 No person shall write upon, deface, mark or injure any property, article, monument, fence, other structure, any tree or thing, including but not limited to, within the Cemetery.
- 8.2 Every person entering the Cemetery grounds shall conduct themselves in an orderly fashion. No person shall go upon any lot except in a dignified fashion and no person shall climb upon any monument.
- 8.3 No dog or other animal shall be permitted to run at large in the Cemetery.
- 8.4 The discharge of firearms, other than in regular volleys at burial services is prohibited in and around the Cemetery.
- 8.5 No ATV's (all terrain vehicles) or snowmobiles are allowed in the Cemetery except those carrying out the directs of the Board or the Corporation.
- 8.6 The Board and the Corporation assume no liability for the loss of, or damage to, any monument, marker or part thereof.
- 8.7 No officer or employee shall canvas or solicit business in connection with any monument or structure to be erected, or in connection with any work to be done, in the Cemetery except in the ordinary course of his employment by and for the Corporation.
- 8.8 That By-law No. 94-07, 94-17, 94-22 and 97-06 are hereby repealed.

BE READ A FIRST AND SECOND AND THIRD TIME AND FINALLY PASSED.

26TH day of February, 2008.

Mayor

Clerk-Treasurer

SCHEDULE "A"
to
By-Law 2008-08

TARIFF OF RATES

**All cemeteries owned and operated by the
Township of Pickle Lake
including Pine Ridge Cemetery**

SINGLE LOT - 10' X 8'

Resident	\$150.00
Non-Resident	\$200.00

Cremation Lot - 4' X 4'

Resident	\$100.00
Non-Resident	\$110.00

INTERMENT CHARGE - (Opening and Closing of Grave)

Regular	
Summer	\$350.00
Winter (November 15 to April 15)	\$700.00

Cremation	
Summer	\$100.00
Winter	\$100.00

ROUGH BOX \$250.00

CARE & MAINTENANCE \$150.00

MARKER FOUNDATION PREPARATION \$ 90.00

SETTING OF MONUMENTS OR MARKERS BY TOWNSHIP STAFF

Flat Markers - over 172 square inches	\$ 50.00
Upright Monument - up to 4 feet height or width	\$100.00

WEEKEND/HOLIDAY BURIAL FEE \$300.00

WINTER STORAGE OF COFFIN UNTIL BURIAL \$ 50.00

GST (where applicable)

Terms & Conditions - Due 30 (thirty) days after date of invoice or 1.25% per month interest will be charged.

SCHEDULE "B"
to
By-Law 2008-08

All Cemeteries owned and operated by the Township of Pickle Lake
including Pine Ridge Cemetery

Application form to be made out in full by the Applicant. The lot owner's signature of approval should if possible be secured in the space provided below.

DATE _____,

NAME OF APPLICANT _____

ADDRESS _____

NAME OF OWNER _____

FOR BURIAL OF _____

DATE OF BIRTH _____

DATE OF DEATH _____

RESIDENCE OF DECEASED _____

NEXT OF KIN OF DECEASED _____

ADDRESS OF NEXT OF KIN _____

SPOUSE'S NAME _____

PARENTS NAMES _____

SIBLINGS NAMES _____

I hereby authorize and approve this application and consent to the execution of any work hereby necessitated and agree to pay any charges connected herewith.

Signature of Lot Owner or Party Responsible

If this order is signed by anyone other than the owner the party signing the same will be held responsible for the full amount of the account.

SCHEDULE "C"
to
By-Law 2008-08

CERTIFICATE OF INTERMENT RIGHTS

Certificate No. _____

Pursuant to the Cemeteries Act and the Regulations thereunder

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE
Hereinafter called the "Township"
- and -

(Name)

(Address)

1. In consideration of the sum of _____ (\$_____) dollars, the receipt whereof is hereby acknowledged by the Township, of which the sum of _____ (\$_____) dollars has been deposited into the Care and Maintenance Fund administered by the Township Treasurer, the Township grants to the Purchaser the interment rights in _____ Cemetery "the Cemetery" described as follows:

Type of Lot _____

Location of Lot _____

Dimensions of Lot _____

As shown on the approved Plan of the Cemetery

2. Date of purchase: day _____/ month _____/year _____.

3. The Purchaser acknowledges receipt of a copy of the By-Laws governing the operation of the Cemetery and acknowledges that the exercise of interment rights is subject to the provisions of such By-Laws, as amended and re-enacted from time to time.

4. If the Purchaser transfers the interment rights by gift, bequest or other transfer without consideration, this certificate cannot be transferred but must be returned to the Township which will issue a new certificate to the Transferee.

5. There are restrictions on the erection or installation of markers. Such restrictions are contained in By-Law No. 2007-31 and in particular, Sections 5 and 6 of the said By-Law.

IN WITNESS WHEREOF this certificate has been executed by the parties this _____ day of _____, _____.

THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE
per:

Township Representative

Purchaser

Purchaser

SCHEDULE "D"
to
By-Law 2008-08

Pursuant to the Cemeteries Act and the Regulations thereunder

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF PICKLE LAKE
Hereinafter called the "Township"
- and -

(Name)

(Address)

Hereinafter called the "Purchaser"

The Township and the Purchaser covenant and agree as follows:

1. The Purchaser has purchased the following interment rights as described in Certificate of Interment Rights No: _____ at _____ Cemetery "the Cemetery".
2. The date of purchase is _____.
3. The purchase price is \$ _____ made up of the following charges:

Lot Purchase	_____
Interment	_____
Rough Box	_____
Marker Foundation Preparation	_____
Care and Maintenance Fund	_____
Miscellaneous Charges	_____
Applicable Taxes	_____
TOTAL	_____
4. The Purchaser acknowledges receipt of a copy of the By-Law of the Cemetery and the Certificate of Interment Rights.
5. The percentage of the purchase price for the interment rights that is being set aside for care and maintenance is _____%.
6. If the Purchaser transfers the interment rights by gift, bequest or other transfer without consideration, this Certificate cannot be transferred but must be returned to the Corporation which will issue a new certificate to the Transferee.
7. The operation of the Cemetery and the exercise of interment rights in the Cemetery is governed by By-Laws of the Township as may be enacted, re-enacted, and amended from time to time.
8. The Purchaser is hereby notified that a Certificate of Interment Rights will not be issued until the interment rights have been paid for.
9. The Cemeteries Act requires that the Township repurchase the Interment Rights on certain condition. The Requirements of the Cemeteries Act relating to such a repurchase are:
 - 9.1 if the Township receives a written demand for such a repurchase at any time before the interment rights are used, the Township shall repurchase such rights within thirty (30) days after such demand;

- 9.2 the repurchase price shall be the amount paid by the Purchaser for the rights, less the amount the Township paid into the Care and Maintenance Fund, or a predecessor of such Fund, in respect of the interment rights;
 - 9.3 there is nor requirement to repurchase interment rights in a lot in which any interment rights have been exercised;
 - 9.4 if the Township cannot, using reasonable efforts, determine the amount paid by the Purchaser, the repurchase price is \$50.00.
10. The following documents must be provided to the Township before a person may exercise the interment rights:
- 10.1 Death Certificate
11. Private structures are subject to the Cemetery’s By-Laws.

IN WITNESS WHEREOF this Certificate has been executed by the parties this

_____ day of _____, _____.

THE CORPORATION OF THE
TOWNSHIP OF PICKLE LAKE

per:

Township Representative

Purchaser

Purchaser

SCHEDULE "E"
to
By-Law 2008-08

All Cemeteries owned and operated within the Township of Pickle Lake
Including Pine Ridge Cemetery

DISINTERMENT

Consent of Lot Owner

To the Clerk

Township of Pickle Lake

You are hereby authorized by the undersigned, the owner of Lot _____ to remove the
remains of the late _____ of _____
interred _____ on _____, _____.

Reason for removal _____

The remains to be transferred to _____

Date _____

Signature of Owner _____

Address _____

Relationship to Deceased _____

CONSENT OF MEDICAL OFFICER OF HEALTH

(transfer of remains from one lot to another lot)

I hereby consent to the disinterment and removal of the remains of
_____ from Lot No. _____ to Lot No. _____
in _____

Compliance with the provisions of the Cemetery Act and the Regulations made thereunder.

DATE _____

Signature of Medical Officer of Health

TO BE COMPLETED BY CLERK

Date of Removal _____

In the Presence of _____

(Medical Officer of Health or Representative)

Signature of Clerk

SCHEDULE "F"
to
By-Law 2008-08

The Cemetery Board Members shall receive an honorarium for attendance at meetings as follows:

Chairperson	\$35.00 per meeting
Other Members	\$25.00 per meeting

SCHEDULE "G"
to
By-Law 2008-08

Map of Pine Ridge Cemetery