

THE CORPORATION OF THE TOWNSHIP OF CONMEE

BY-LAW NO. 1036

Being a By-law respecting the Conmee Cemetery.

WHEREAS the Corporation of the Township of Conmee has established certain lands in the Township of Conmee and has designated such lands as a public cemetery to be known as the Conmee Cemetery;

AND WHEREAS the Council for the Township of Conmee, under the authority of the Funeral, Burial and Cremation Services Act, 2002, c. 33 as amended from time to time, may enact by-laws for the proper management of the Conmee Cemetery;

NOW THEREFORE the Council for the Corporation of the Township of Conmee hereby enacts as follows:

1. Definitions

“Act” means the Funeral Burial and Cremation Services Act, 2002, S.O. 2002, c. 33 as amended from time to time.

“Business day” means a day that is not a Saturday or Sunday, or, a holiday within the meaning of Section 87 of the Legislation Act, 2006.

“Care and maintenance trust funds” means money that Section 53 of the Act requires be held in a care and maintenance fund or in a care and maintenance account.

“Cemetery” means the Conmee Cemetery.

“Cremation lot” means a lot within the cremation lot portion of the cemetery and is a lot 4 feet by 4 feet in size set aside for interment of cremated human remains.

“Cemetery services” means services provided by a cemetery operator in respect of the interment of human remains or the scattering of cremated remains at a cemetery and includes such services as may be prescribed.

“Conmee resident” shall mean any person who resides or has resided in the past in Conmee Township. Sales of lots and cremation lots, and scattering rights shall be restricted to Conmee residents.

“Decoration” means any bush, shrub, plant, flower, container, statue, border, wreath, or any other thing designed to be placed on a lot for decorative purposes. No permanent decorations shall be allowed in the cremation lot section.

“Human remains” means a dead human body or the remains of a cremated human body.

“Inter” means the burial of human remains and includes the placing of human remains in a lot.

“Interment rights” includes the right to require or direct the interment of human remains in a lot.

“Interment rights holder” means the person who holds the interment rights with respect to a lot whether the person be the purchaser of the rights, the person named in the Certificate of Interment or such other person to whom the interment rights have been assigned.

“Licensed services” means cemetery services including interment rights and scattering rights and any other services that are sold or provided by a person licensed under the Act in the normal course of a business regulated under the Act.

“Lot” means a 5 foot by 8 foot area of land in the Conmee Cemetery set aside to contain human remains.

“Marker” means any monument, tombstone, plaque, headstone, cornerstone or other structure or ornament affixed to or intended to be affixed to a burial lot. No upright markers shall be allowed within the cremation lot area.

“Plaque” shall mean a marker no larger than 172 square inches and designed to be installed on a lot or cremation lot and is installed flush to the ground. Only plaques shall be allowed on the cremation lots.

“Plot” means two or more lots in respect of which the rights to inter have been sold as a unit.

“Scattering ground” means the land within the Conmee Cemetery that is set aside to be used for the scattering of cremated human remains.

“Scattering rights” includes the right to require or direct the scattering of cremated human remains on the area set aside in the Conmee Cemetery for the scattering of human remains. A Scattering Rights Certificate shall be issued for each cremated remains to be scattered.

“Scattering rights holder” means the person who holds the scattering rights with respect to the scattering ground whether the person be the purchaser of the rights, the person named in the Certificate of Scattering Rights, or such other person to whom the scattering rights have been assigned.

2. Cemetery Board

A Cemetery Board shall be appointed by the Municipal Council and shall consist of the Mayor and members of Council for the interpretation and enforcement of this By-law and the Cemetery Board shall have the powers of Council in cemetery matters.

3. Administration

The Treasurer/Deputy-Clerk and/or CAO/Clerk of the Corporation of the Township of Conmee shall receive, dispense and account for all monies payable under this by-law and the regulations thereto.

4. Record Keeping

The CAO/Clerk and/or Treasurer/Deputy-Clerk shall issue, record, and transfer such Burial Rights or Scattering Rights as the Board may direct from time to time.

5. Care and Maintenance Funds

The CAO/Clerk and/or Treasurer/Deputy-Clerk shall ensure that all funds payable for the care and maintenance of the Conmee Cemetery shall be deposited into a Care and Maintenance Trust Fund Account, and that such funds shall be invested into a high interest bearing account from time to time.

6. Resale of Lots

The Cemetery Board shall accept all lots for resale which are returned to the Township of Conmee. All lots returned shall receive a refund of the current lot price. All lots to be returned shall be accompanied by written authorization by the rights holder or the estate thereof. Sale of lots on the open market shall not be permitted. The Board will authorize the issuing, registration and transfer of Interment Rights Certificates upon request and the same shall be signed by the CAO/Clerk or Treasurer/Deputy-Clerk or such other person as may be authorized by the Cemetery Board. An administrative fee shall be imposed on all lots returned for sale.

7. Marker Care and Maintenance Funds

As per the Funeral, Burial and Cremation Services Act, a prescribed amount shall be payable to the Care and Maintenance Fund upon the installation of a marker.

8. Fees and Charges

All fees and charges for various services such as lot purchase, opening and closing graves, supervision of families and any other service shall be determined by a resolution of the Cemetery Board and amended from time to time as deemed advisable, subject to filing such fees and charges with the Ministry of Consumer and Commercial Relations.

9. Cemetery By-laws

Cemetery regulations as attached as Schedules to this By-law shall form part of this By-law and shall be enforced as required.

Schedule "A" – Fees and Charges

Schedule "B" – Interment Rights Certificate

Schedule "C" – Scattering Rights Certificate

Schedule "D" – Rules and Regulations of Conmee Cemetery

Schedule "E" – Map of the Conmee Cemetery

This By-law shall come into force and effect when approved by the Minister of Consumer and Commercial Relations.

All previous Cemetery By-laws are hereby repealed as of the date that this By-law is approved by the Ministry of Consumer and Commercial Relations.

Read a first and second time this 11th day of March, 2014

Read a third time and finally passed this 11th day of March 2014

THE CORPORATION OF THE
TOWNSHIP OF CONMEE

Mayor

Clerk

SCHEDULE "A" TO BY-LAW NO. 1036

The Corporation of the Township of Conmee
R.R. #1, 19 Holland Road West
Kakabeka Falls, Ontario P0T 1W0
Phone: 807-475-5229
CAO/Clerk Patricia Maxwell

Conmee Cemetery Fees and Charges

Lots may be purchased by Conmee Residents only. No interment of human remains or cremated human remains shall occur unless an authorized representative of the cemetery operator is present.

Lot Charge/per lot - Adult 5'X8'	\$625.00
Lot Charge/per lot – Child 5'X8'	\$625.00
Lot Charge/per lot – Veteran 5'X8'	\$625.00
Cremation Lot Charge/per lot 4'X4'	\$400.00
Open/Close Summer/per lot – Adult/Veteran	\$450.00
Open/Close Winter/per lot - Adult/Veteran	\$550.00
Open Close Summer/per lot – Child	\$400.00
Open/Close Cremation Lot/per lot	\$125.00
Open/Close for Lot with Vault/per lot Summer	\$550.00
Open/Close for Lot with Vault/per lot Winter	\$650.00
Use of Scattering Garden	\$100.00
Holidays/Weekends/After Hours	\$125.00 Additional
(Hours are 9:00 am to 4:00 pm Monday through Friday)	

*Families are offered the option of opening and closing lots themselves, at their own expense and under the supervision of the Cemetery Caretaker.

Supervision of Family Open/Close	½ Regular Rate
Disinterment of Human Remains Summer	\$450.00
Disinterment of Human Remains Winter	\$550.00
Care and Maintenance Fund 5'X8' Lot	\$250.00
Care and Maintenance Fund 4'X4' Lot	\$160.00
Care and Maintenance Fund Scattering Ground	\$ 25.00
Flat Marker (less than 173 sq. Inches (1,116.13 sq. cm)	\$ 0.00
Flat Marker (more than 173 sq. inches (1,116.13 sq. cm)	\$ 50.00
Upright Marker (4' X 4' (1.22m X 1.22m) or less including base	\$100.00
Upright Marker More than 4' X 4' including base	\$200.00

No Care and Maintenance is charged for replacement of damaged markers, provided that the new marker is not larger in size. All lots shall have the right to erect markers provided the above Care and Maintenance Fees are paid. Cremation lot markers shall be restricted to a flat, ground level marker (plaque). There are no markers allowed in the Scattering Garden.

Fee for Supervision of Marker Erected by Family	\$125.00
(Base for Upright marker must be cement, a minimum of 3 inches greater than the upright portion of the marker and no less than 4 inches in height)	

All cemetery lots will be allowed to inter 1 casket (with vault if applicable) and 4 cremated human remains (provided that the casket is interred first), or 5 cremated human remains (5'X8' lot). In the cremation portion of the Conmee Cemetery, there shall be 2 cremated human remains allowed on each 4'X4' lot.

Administrative Fee for transferring Interment Rights

Certificate or Scattering Rights Certificate or for Replacement
of lost Certificates \$ 50.00

Cremated human remains shall be scattered by the Scattering Rights Certificate Holder or the administrator of the estate of the Scattering Rights Certificate Holder only. 24 hours notice must be given. No scattering shall take place unless an authorized representative of the cemetery operator is present.

All of the above fees include applicable HST. Fees and charges are payable by cash or cheque and must be paid in full at the time of purchase or, in the case of opening and closing charges or monument charges, before the lot is opened and closed or before the monument is erected.

Schedule "D" to By-law No. 1036

Rules and Regulations for the Conmee Cemetery

1. All lots shall be sold by the CAO/Clerk or Treasurer/Deputy-Clerk for the Township of Conmee. Lots may be purchased by Conmee residents or former residents only.
2. The purchaser has 30 days to cancel the purchase contract and receive a full refund. After 30 days, the purchaser may elect to sell the lot(s) back to the Township of Conmee for the current value of the lot. A request to return the lot must be in writing and signed by the Interment Rights Holder or the executor for the estate of the Interment Rights Holder.
3. Notice of interment shall be given to the Conmee Township Municipal Office at least 48 hours before the time of interment except under special circumstances where the Coroner requests immediate burial.
4. No human remains may be removed or disinterred without the written consent of the Chief Medical Officer of Health and the owner of the lot, except on an order from the Court or as provided in the Funeral, Burial and Cremation Services Act and the Regulations thereto.
5. If any trees, shrubs, borders, flowers, decorations or other materials are, in the opinion of the Cemetery Caretaker, detrimental to the lot or adjacent lots, prejudicial to the general appearance of the grounds, or have become a hazard or interfere with the general operation and grounds maintenance, they shall be removed after consultation with the Interment Rights Holder.
6. The erection of borders shall be allowed, provided the border shall not be imbedded in concrete, shall be no higher than 8 inches and shall have a path of sand no less than 8 inches around the border for maintenance purposes.
7. Monuments erected by or for the Interment Rights Holder, shall be set upon adequate concrete bases, no less than 4 inches in depth. Monuments erected by or for the Interment Rights Holder shall pay the required Care and Maintenance monies as outlined on Schedule "A" to this By-law.
8. Scattering of cremated human remains in the Conmee Scattering Garden shall be conducted by a person licensed under the Funeral Burial and Cremation Services Act.
9. No child under the age of twelve years is allowed in the cemetery except when in the charge of an adult who shall be responsible for their good conduct.
10. Any conflict with the above rules shall be directed to the Cemetery Board.