

**The Corporation of  
The Village of South River**

**Cemetery By-Law**



**NO. 15-2013**

## **THE CORPORATION OF THE VILLAGE OF SOUTH RIVER**

### **BY-LAW NO. 15-2013**

A BY-LAW of the Municipal Council of the Village of South River Ontario for the administration of the Municipal Cemetery.

WHEREAS the Funeral Burial & Cremation Services Act, S.104 (2), S.O. 2002 C.33 as amended provides that the owner of a cemetery may make By-Laws affecting the operation of the cemetery;

AND WHEREAS the Funeral Burial & Cremation Services Act, S.113 (2), S.O. 2002 C.33, as amended provides that the By-Laws affecting the operation of a cemetery be approved by the Registrar and subject to the rules and regulations of the Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient and necessary that a By-Law be passed for the establishment for a Municipal Cemetery Board to administer and operate the Cemetery.

THEREFORE the Municipal Council of the Corporation of the Village of South River enacts as follows:

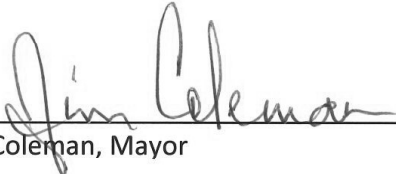
1. The said Cemetery that is located in Part of Lot 9, Concession II and Part of Lot 9 Concession III, Township of Machar shall be known as the South River Cemetery;
2. That the management and care of the said Cemetery be placed in the hands of the Municipal Cemetery Board, which shall be known as the Board of the Cemetery Commissioners and shall consist of six members: the Mayor, the four municipal councilors and the Clerk-Administrator ex-officio. This Board shall have and may exercise within the Municipality all powers and perform all the duties of the Municipal Council with respect to the Cemetery;
3. In the case of vacancy in the said Board by removal, resignation, or death, or any other cause whatsoever of any of the appointed members of the Board during their term of office, the Municipal Council will appoint a person to fill the vacancy thereby created;
4. It shall be the duty of the Board of Cemetery Commissioners and they shall have the power:
  - a. To appoint a Secretary-Treasurer of the Board and the Board is authorized to pay the Secretary-Treasurer such salary for his or her services as the Commission shall deem just and right.
  - b. To fix the time and place of meeting of the Board and mode of calling and conducting such meetings.
  - c. To see that a true and correct account is kept of the proceedings of the meetings.
  - d. To hold the first organization meeting on the second Monday of each year.
  - e. To carry and enforce all By-Laws, rules and regulations relating to the Cemetery which may hereafter be passed.

- f. To submit all accounts, books, investment records, vouchers, and other documents to be audited by the Municipal Auditors at the same time and under the same conditions which apply to other Municipal audits.
  - g. To submit to the Council of the said Corporation a statement of the financial dealings of the said Board for the past twelve months up to and including the 31<sup>st</sup> day of December of the same year.
- 5. In consideration of a guarantee and payment of rate or rates specified and classified, the Board of the Cemetery Commissioners on behalf of the Corporation of the Village of South River, agree to furnish care and protection, in perpetuity of the property committed to their charge subject to the rules and regulations herein contained and to the specified from time to time.
- 6. The perpetual care of plots shall now be known as the Care and Maintenance of plots and means that the Board undertakes the grading, seeding, grass cutting, and general care of the lot; markers and monuments, will also be covered by the Care and Maintenance Fund.
- 7. The term "plot and or lot owners" shall be re-titled to be known as "Interment Rights Holder" and means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Funeral, Burial and Cremation Services Act, 2002 or a predecessor of that act.
- 8. The term "Interment Rights" shall mean the right to require or direct the interment of human remains in a plot.
- 9. The term "Open Market" shall refer to the resale of Interment Rights to a third party entity other than the Board.
- 10. The term "Market Value" shall refer to the value of internment rights as reflected in the current price list.
- 11. Interment rights shall be sold hereafter by the Secretary-Treasurer covered by a rate for care and maintenance as set forth in the tariff of rates.
- 12. Nothing herein contained shall be construed to mean the replacing, repairing, or making good anything damaged by an Act of God, or defect in manufacture or anything over which the Corporation or the Board have no control except within the interests of public safety.
- 13. To maintain a valid record, interment rights shall **not** be re-sold or transferred until the Board is notified in writing of such a transaction detailing the name and address of the proposed transferee.
- 14. Should an Interment Rights Holder, by written request, require the Board to repurchase their Rights of Interment **prior to being exercised**; the Board shall repurchase the rights within 30 days of receiving the written request.
- 15. The repurchase price of the Interment Rights shall be the market value of the interment rights on the day the Board receives notice of cancellation of the contract **less** the amount allocated to the Care and Maintenance Fund. This applies to all purchases or contracts that were made before this Act came into being. A full refund of all monies received by the Board will be refunded when cancellation occurs within 30 days of entering the contract providing the interment rights have not been used.
- 16. Internment Rights Holders have the right to cancel an interment contract within thirty (30) days of signing the interment contract, by providing written notice of the cancellation to the Board. The Board will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

17. Where no interment has been made in a plot for more than twenty years, the Cemetery Board may apply to the Registrar for a declaration that the interment rights have been abandoned as per Section 49 (1) of the Funeral Burial & Cremation Services Act, S.O., 2002, Chapter 33.
18. All Care and Maintenance fund monies that are heretofore and are hereafter received for the perpetual care and maintenance of lots or of the cemetery shall be payable to the Municipal Treasurer to be invested in an irrevocable fund as set out in Section 51 of the Funeral Burial & Cremation Services Act, S.O., 2002, Chapter 33.
19. The Mayor and Secretary-Treasurer of the Board are hereby authorized to execute all Interment Rights Certificates and affix the seal of the Municipality thereto. Nothing in this By-Law or amendments thereto shall be a contravention of the Funeral Burial & Cremation Services Act, S.O., 2002, Chapter 33.
20. That the rules, regulations and tariff of rates pertaining to the operation of the South River Cemetery be contained in Appendices to this By-Law.
21. That By-Law 19-59 pertaining to the operation and maintenance of the South River Cemetery passed on the 6<sup>th</sup> day of August, 1964 is hereby repealed.
22. That By-Law 1-93 and its amendments 08-2002 of January 11, 1993 and April 8<sup>th</sup>, 2002 respectively, are hereby repealed.
23. That By-Law 18-2007 and its amendments respectively, are hereby repealed.
24. That By-Law 21-2011 and its amendments respectively, are hereby repealed.

Read a first time and second time this 13<sup>th</sup> day of May, 2013

Read a third time and passed this 13<sup>th</sup> day of May, 2013

  
\_\_\_\_\_  
Jim Coleman, Mayor

  
\_\_\_\_\_  
Susan L. Arnold, Clerk Administrator

Appendix A  
By-Law 15-2013

RULES AND REGULATIONS

THE CEMETERY

**Administration**

1. A full copy of the rules and regulations must accompany all Deeds and Endowment Certificates issued by the Board.
2. The caretaker of the Cemetery, assistants, or someone in the employ of the board shall be in attendance at each interment.
3. A burial permit is required before an interment can be conducted. In each case of burial, a written statement giving the name, place of birth, late residence (with street address if any), age, date of death, place of death, address of deceased's nearest relatives, time of interment, in what lot to be interred and names of the funeral director and medical attendant must be furnished, so that an accurate register may be kept. The kind, length and width of the outside case shall be given and the location of the grave to be opened shall be accurately designated by a diagram drawn on the back of the statement. Precise and proper instruction in writing shall be given regarding the location of every burial, as neither the caretaker nor the Board can be held responsible for any errors resulting from wrongful lack of specific information.

**Sale and Transfer of Interment Rights**

4. No interment shall be made without the written order of Interment Rights Holder or of the person designated, as provided in these rules, whose name appears on the record at the office of the Secretary-Treasurer
5. Notice of each interment to be made shall be given to the caretaker of the Cemetery at least 48 hours previous thereto, except under special circumstances. The Board cannot be responsible for having graves prepared for funerals unless such notice has been given.
6. No resale of Interment Rights is permitted on the open market.
7. All interment requests must be confirmed in writing. In extenuating circumstances, when interment requests are received over the telephone, the Board will not be held responsible for any errors or omissions of information that may arise. Any request made by telephone must be confirmed in writing at a later date.
8. When interment rights in a lot are held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the lot as may be requested.

**Interment and Disinterment**

9. The summer season for the purpose of this By-law shall be held to begin the 15<sup>th</sup> day of April and end the 30<sup>th</sup> day of November.
10. No burials shall take place between December 1<sup>st</sup> and April 14<sup>th</sup> unless weather permits an extension.
11. No lot shall be opened for interment or disinterment by any person not under the direction of the Village of South River, except under special circumstances, and by the permission of the Township.

12. Remains to be buried in a plot must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the plot.
13. All burials must be deep enough so that the top of the outer case shall be at least three feet below the natural surface of the ground.
14. Not more than one burial plus two cremations shall be made in a single grave plot where a burial has taken place first, or the cremated remains of not more than four persons.
15. Charges for interment and other services are shown on the tariff of rates.
16. No interment will be permitted until all monies owing towards the plot have been paid.
17. The Board will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
18. No disinterment shall be allowed from any plot or body removed without a written order from the Medical Officer of Health and the Interment Rights Holder, except by order of the courts.

#### **Care of Lots**

19. The erection hereafter is prohibited of borders, fences, railings, walls, and hedges in and around lots.
20. No unauthorized persons shall make any walk, cut any sod, or remove corner posts or markers.
21. No tree or shrub of any kind shall be planted by the Interment Rights Holder and the Board shall have the power to remove all monuments, natural phenomena, or any other structure determined by the Board to be improper or offensive to good taste. Flowers (of any kind) may only be planted by the Interment Rights Holder by permission of the Board annually and by arrangement with the caretaker.
22. All authorized planting shall be limited to the area directly below of the monument. Failure to comply with the specified planting area will result in the Board exercising their right to removal.
23. If any existing trees or shrubs situated in any lot shall have, in the opinion of the Board, become by means of their roots, or branches, or in any way, detrimental to the adjacent lots, or prejudicial to the general appearance of the grounds, the Board may remove such tree or shrubs or parts thereof.
24. All persons, with the exception of Interment Rights Holder from their lots only, are prohibited from taking flowers, plants, or other materials from lots or graves in the Cemetery or from picking flowers, either wild or cultivated, or breaking any tree, shrub or plant; or writing upon, defacing or injuring any monument, fence or other structure in or belonging to the Cemetery; or for making any paths or short-cuts across any part of the Cemetery.
25. The Board shall not be responsible for the loss or damage to any portable articles left upon any grave.
26. Any transport with a heavy load may be denied entrance to the Cemetery, by the Board, at times when damage to the roads and paths may be sustained.
27. No monument or other structure shall be erected or permitted on a lot until the purchase price and accrued charges or expenses have been paid in full.

28. Monuments to be erected for or by Interment Right Holder shall be set upon adequate concrete bases, and no foundation shall be less than five feet in depth.

### **Visitors**

29. Visitors are always welcome to the Cemetery during open hours from eight am to sundown. They are asked to remember the respect for the dead at all times.
30. Children under the age of twelve years are not admitted to the grounds except in charge of an adult, who shall be responsible for their good conduct and shall see that they do not run over lots and graves.
31. The foregoing rules and regulations may be added to or amended or any clause thereof repealed by a two-third majority of the said Board or Cemetery Commissions, and any change in these rules must have the approval of the Registrar and the Ministry of the Consumer and Commercial Relations, Cemeteries Branch.

### **General Rules**

32. During funerals, all vehicles are prohibited from entering the Cemetery grounds except hearses and those conveying the pall-bearers, chief mourners, and officiating Clergy.
33. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these rules may be expelled from the grounds.
34. Any complaints by Interment Rights Holder or visitors should be made to the Secretary-Treasurer and not to workmen on the grounds and controversies with workman or others on the grounds are to be avoided.
35. The caretaker and his assistants are empowered and are required to preserve order and decorum in the Cemetery.
36. Rubbish shall not be thrown out on roads, walks or any part of the grounds, but must be removed by the owner.
37. Discharging of firearms, other than in regular volleys (military) at burial services, is prohibited in and around the Cemetery.
38. NO GLASS CONTAINERS of any kind are allowed in the cemetery at anytime.
39. No dogs shall be allowed in the Cemetery.
40. No pleasure ATVs (all terrain vehicles) or snowmobiles are allowed in the cemetery.

Appendix B  
By-Law 15-2013

RULES AND REGULATIONS

The Mortuary

1. No body of anyone who has died of a contagious disease shall be committed to the Mortuary except the body is enclosed in a permanently sealed coffin and no such body shall be so committed without the permission of the local Medical Officer of Health.
2. In the winter season it is necessary that all bodies (except as provided in the preceding clause) shall be committed to the Mortuary.
3. No body shall be committed to the Mortuary without proof of interment rights.
4. All bodies entered into the Mortuary must be removed by May 1<sup>st</sup> of each year and it is incumbent upon the Funeral Director, whom submitted the body, to ensure its timely removal. The Board reserves the right to inter a body entered into the Mortuary at any time should the condition of the body render its interment, in the opinion of the Secretary-Treasurer, necessary or expedient.
5. The Board may remove any body deposited in the vault and enter it into a single grave at any time after the expiration of the time for which payment has been made, or at any time should the condition of the body render its interment, in the opinion of the Secretary-Treasurer, necessary or expedient.
6. Fees for the use of the Mortuary are set forth in the tariff of rates included herewith.
7. On or about the 15<sup>th</sup> of April, of any year, notice may be given when the Board desires the burial of such committals to take place. The Board shall have the power to order the interment of any committal from the Mortuary at any time it may see fit.



Appendix C  
By-Law 15-2013

RULES AND REGULATIONS

SCATTERING GROUNDS

1. The Scattering Garden is for the scattering of the cremated remains on the soil and not in any outside container.
2. The scattering of cremated remains is permitted in the designated area only.
3. Cemetery staff must be present at all scatterings. Cremated remains that have been scattered are non-recoverable.
4. The Scattering Ground area is considered to be a common, general area and scatterings do not carry the right to memorialize the person interred. The placing of flower bouquets, either real or artificial, hanging baskets, personal mementoes, solar lights, ceramic or glass figures or any other type of personal memento is not permitted. Annual flowers may be planted Cemetery staff. The only memorial permitted is the purchase of an engraving of the person's birth year, name and death year on the existing memorial stone. Any personal items placed in the Scattering Garden will be removed by Cemetery staff.
5. The South River Cemetery cannot guarantee a placement on the existing memorial stone as space is limited. Space may be purchased in advance and is subject to the Cemetery's Tariff of Rates.

Appendix D  
By-Law 15-2013

RULES AND REGULATIONS

CREMATED REMAINS GARDEN

1. The Cremated Remains Garden is for the interment of the cremated remains in an area that has been designated and drafted into plots.
2. The plots will be 18" x 18" in size and can accommodate one memorial urn.
3. Memorial urn types to be interred are subject to the approval by the cemetery caretaker. No memorial urns constructed of wood or cardboard are permitted.
4. Cemetery staff must be present at all interments and at any disinterment.
5. Interment in The Cremated Remains Garden does not carry the right to memorialize the person interred. The placing of flower bouquets, either real or artificial, hanging baskets, personal mementoes, solar lights, ceramic or glass figures or any other type of personal memento is not permitted. Annual flowers may be planted by the cemetery staff. The only memorial permitted is the purchase of an engraving of the person's birth year, name and death year on the existing memorial stone. Any personal items placed in the Cremated Remains Garden will be removed by cemetery staff.
6. The South River Cemetery cannot guarantee a placement on the existing memorial stone as space is limited. Space may be purchased in advance and is subject to the Cemetery's Tariff of Rates.

 Ontario Ministry of Government Services Cemeteries Regulation	Ministère des Services gouvernementaux Réglementation des cimetières
<b>APPROVED</b> In accordance with the regulations under The Cemeteries Act.	<b>APPROUVE</b> conformément aux règlements afférents à la Loi sur les cimetières.
Date of Approval/ Date de l'approbation	16 July 2013
File No. of Cemetery/ Numéro de fiche du cimetière	03110
By/ Par	