

MUNICIPALITY OF DYSART ET AL

BY-LAW NO. 98-52

**BEING A BY-LAW TO PROVIDE FOR THE MAINTENANCE,
MANAGEMENT AND CONTROL OF EVERGREEN CEMETERY,
IN THE VILLAGE OF HALIBURTON**

WHEREAS the Cemetery Act, R.S.O. 1990, Chapter C.4 and Regulations provides that an owner of a cemetery may make regulations for the management and use of the said cemetery.

NOW THEREFORE it is enacted by the Corporation of the United Townships of Dysart et al as follows:

1. INTERPRETATION:

In this By-law:

- (a) "Cemetery" shall be the Evergreen Cemetery.
- (b) "Owner" shall be the Municipality of Dysart et al.
- (c) "Council" shall mean the Municipal Council of the Municipality of Dysart et al.
- (d) "Caretaker" shall mean the person or persons so designated by the Council of Dysart et al.
- (e) "Committee" shall be the Municipal Council of the Municipality of Dysart et al or a Committee so appointed by them.

2. GENERAL RULES AND REGULATIONS:

- (a) The cemetery shall be governed by the Rules of the Cemetery Act as amended..
- (b) The committee shall carry out the regulations as laid out in this By-law.
- (c) The caretaker shall supervise all duties in connection with the cemetery as outlined in his or her job description.

(d) **Tariff, Fees, Charges:**

All prices for cemetery plots and services shall be as set out in the most recent tariff or rates filed with the Ministry of Consumer and Commercial Relations. Prices for plots shall include the applicable portion for deposit to the cemetery Care and Maintenance Fund.

(e) **Interment:**

- (i) Interment Rights (plots) may only be sold by the cemetery owner.
- (ii) No interment shall take place until such time as the plot has been paid for in full, and a burial or cremation certificate deposited with the office of the cemetery owner.
- (iii) Notice of each interment to be made shall be given to the caretaker of the cemetery at least forty-eight (48) hours previous thereto, except under special circumstances.
- (iv) No interment shall be made on Sunday or holidays, except in accordance with the regulations of the Ontario Ministry of Health.
- (v) Spring burials must be completed by May 1st of each calender year. The cut-off for Fall burials shall be December 1st (unless ground conditions prohibit).

(f) **Disinterments:**

No body shall be moved or disinterred without the written consent of the local Medical Officer of Health and the owner of the plot, except on an Order from the Court, or as provided in the Regulations under the Cemetery Act.

(g) **Plots:**

- (i) At the time of purchase and upon full payment, each plot owner will receive a copy of the contract, cemetery by-law and certificate of interment rights. Plots are not to be re-sold by the interment rights holder to another party.
- (ii) Purchasers of plots acquire only the right and privilege of interment of the dead and of erecting markers or monuments, subject to the provisions of the By-law.
- (iii) The plot owner is the person named in the certificate. A transfer of plot ownership is not binding upon the cemetery until a duly executed transfer has been deposited with the committee.
- (iv) The re-sale of a plot back to the cemetery shall be calculated as the original purchase price paid, minus the portion deposited in the Care and Maintenance Fund.
- (v) All plots are currently four feet by eight feet (4' x 8') in size. The cemetery committee may increase the size of plots in the future if in their discretion they deem it necessary (i.e. expansion of the cemetery).
- (vi) Each plot will provide for a maximum of:
 - * One (1) casket burial and four (4) cremation burials,

OR

- * No more than a total of four (4) cremation burials.
- (vii) No person, except regular cemetery employees, shall do any work upon a burial plot, without the permission of the caretaker.
- (viii) All flowers must be potted and placed in headstone hangers. No flowers, flower beds or boxes, trees or shrubs may be placed on the ground without prior approval by the caretaker.
- (ix) If any trees, shrubs or flowers on any plot become by means of their roots or branches, or in any other way, detrimental to the adjacent plots, or prejudicial to the general appearance of the grounds, the committee may direct the removal of such trees, shrubs or flowers or parts thereof. However, the committee will contact, in writing, the plot owner within thirty (30) days prior to the said removal and provide the plot owner with the opportunity to make adjustments to rectify the problem, the cost of which is to be assumed by the plot owner.
- (x) The erection is prohibited of borders, fences, railings, walls, hedges and enclosures on, in or around the plots.
- (xi) The caretaker will not be responsible for loss or damage to any portable article left in the cemetery.

(h) **Foundation, Monument, Markers, etc.:**

- (i) The committee requires order forms from monument companies showing foundation size, monument size, base size, markers and property location, together with full payment for same and the appropriate fee for the Care and Maintenance Fund, before processing the work order and constructing the foundation.
- (ii) The committee reserves the right to determine the maximum size of monuments and markers, their number and their location on each plot.
- (iii) A “foundation” made of concrete shall be installed for all markers and monuments. All foundations are to be four inches (4”) larger than the monument on all sides. All foundations are to be installed by cemetery employees. Foundation sizes are as follows:

- * 4” thick
- * 12” x 24”
- * 14” x 30”
- * 14” x 36”
- * 14” x 48”

All foundations over 48” must be approved by the caretaker prior to installation.

- (iv) A “monument or marker” is understood to be any permanent memorial structure.
- (v) A “marker” is understood to be flush with the ground.
- (vi) A “monument” is understood to be any marker that is not flush with the ground, and requires a foundation.
- (vii) A “pillow stone” is understood not to exceed two feet wide by eighteen inches deep (2’w x 18”d), and requires a foundation, unless it is on its own pad/foundation.
- (viii) “Corner posts” may mark the boundaries of the plot, placed flush with the ground.
- (ix) “A “footstone” is a marker flush with the ground (in addition to the monument) and placed at the end of the grave farthest from the monument, and requires a foundation.
- (x) All markers/monuments shall be made of granite or bronze.
- (xi) Upright monuments must conform to the following height restrictions:
 - Monuments up to 32” high must be at least 6” thick.
 - Monuments from 32” to 40” must be at least 7” thick.
 - Monuments from 40” to 55” must be at least 8” thick.
 - Any monument higher than 55” must have plans submitted for committee approval and may be denied for practical reasons.
- (xii) No marker or monument shall be allowed to stand on interment space on any plot.
- (xiii) Each plot may have only one (1) monument or marker, regardless of the number of interments.
- (xiv) On double width plots, monuments no wider than 30 inches (base included) are allowed on double grave width plots.
- (xv) The cemetery reserves the right to remove any markers or monuments found to be in contravention of these regulations or that is not in keeping with the dignity and decorum of the cemetery.

A deposit to the Care and Maintenance Fund shall be as specified in the Regulations made under the Cemeteries Act Revised:

- (i) In the case of an in-ground grave for the burial of an adult, the greater of 40% of the selling price or \$150.00.
- (ii) In the case of a flat marker or pillow stone measuring two feet (2') or less in height or length – the amount of Fifty dollars (\$50.00).
- (iii) In the case of an upright monument measuring four feet (4') or less in height or length, including base - the amount of \$100.00.
- (v) In the case of an upright monument measuring more than four feet (4') in height or length, including base – the amount of \$200.00.

All payments for care and maintenance must be paid to the Municipality, by the monument company, prior to placement of the marker or monument.

- (j) Children under the age of twelve (12) years are not to be admitted to the grounds except in charge of an adult, who shall be responsible for their good conduct.
- (k) Vehicles within the cemetery shall be driven at a speed not exceeding 25 kilometres per hour and shall not allow wheels of any such vehicles to run on sod. Vehicle owners and drivers shall be held responsible for any damage done by them.
- (l) Any person who damages any plot, marker or other structure, or otherwise does any injury in the cemetery, shall be personally responsible for such damage or injury.
- (m) No animals shall be permitted in the cemetery.
- (n) By-law No. 92-44 is hereby repealed.

READ a first, second and third time, finally passed, signed and sealed, this 21st day of July, 1998.

REEVE

CLERK-ADMINISTRATOR