

THE CORPORATION OF THE TOWNSHIP OF OPASATIKA

BY-LAW NO. 2000-318

Being a By-Law for the purpose of setting up and adopting rules and regulations of the cemeteries in the Corporation of the Township of Opasatika pursuant to the Cemeteries Act, revised statutes of Ontario Chapter 4 and amendments thereto.

WHEREAS it is deemed expedient to set up and establish certain standards for the operation and control of the Opasatika Cemetery under the jurisdiction of the Township of Opasatika.

NOW THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Township of Opasatika as follows:

1. THAT the rules and regulations of the Municipal Cemetery in the Corporation of the Township of Opasatika, as set out in Schedule "A", attached hereto, are hereby adopted.
2. THAT Schedule "B", being a schedule of revised cemeteries charges and attached hereto, is hereby made part of this by-law and becomes effective immediately upon first reading in accordance with charges under the Cemeteries Act.
3. THAT Schedule "C" being a Certificate of Interment Rights attached hereto, is hereby made part of this by-law.
4. THAT this by-law shall come into effect on the date of its approval by the Ontario Ministry of Consumer and Commercial Relations.
5. THAT all by-laws inconsistent with this by-law be and are hereby repealed.

READ A FIRST AND SECOND TIME THIS 25TH DAY OF MAY, 2000.

READ A THIRD TIME AND PASSED THIS 25TH DAY OF MAY, 2000.

REEVE

CLERK

SCHEDULE "A"
TO BY-LAW 2000-318
GENERAL REGULATIONS
Sale and Transfer of Plots

1. Sale of Interment Rights

Interment rights shall be purchased at the municipal office at 50 Government Road, Opatatika, Ontario, for cash at the rates set out in Schedule "B" "Cemeteries Charges" attached hereto and according to the plans approved by the Ministry of Consumer and Commercial Relations and on file in the Office of the Clerk of the Municipality.

No more than one adult in-round interment may be made in the same grave except be it cremated remains. In accordance with Schedule "B" attached, four additional burial rights may be purchased for cremated remains in an existing grave space. Four burials for cremated remains will be permitted in a regular adult grave.

2. Care and Maintenance

Fees for care and maintenance, which includes maintenance of the grounds, are included in the total purchase price of interment rights. The Care and Maintenance fee is compulsory and in accordance with the Cemeteries Act, R.S.O. 1990, Chapter 4.

3. Certificate of Interment Rights

Each purchaser of Interment Rights within the cemeteries shall receive a Certificate of Interment Rights, but only when all indebtedness has been satisfied and all charges have been paid. This certificate shall specify the size of the lot, the number and section of the lot location, the name of the specific cemetery, the date of issue and the amounts paid for care and maintenance.

4. Transfer of Interment Rights

No transfer of ownership of Interment Rights shall be binding on the Municipality until notice in writing has been given to the Municipal Administrator specifying the name, address and other description of the proposed transferee along with the original Certificate of Interment Rights. Upon receipt of such notice and original Certificate, a new Certificate of Interment Rights will be issued to the transferee.

5. Interments and disinterment

The Municipality is responsible for all interments and disinterment in the cemetery. No other individual, company or organization may perform an interment or disinterment in the cemetery unless specifically authorized by the Municipality.

6. Burial Permit

A Certificate of Interment Rights and a burial permit issued by the Division Registrar showing that the death has been properly registered must be deposited with the Clerk of the Municipality before interment can take place.

7. Grave Openings

No grave shall be opened for interment or disinterment, including the placement of cremated remains, by any person designated whose name appears on record at the municipal office, as provided in these rules. No interments shall be made in common ground. The Municipality, its employees or a contractor of the Municipality cannot be held responsible for errors resulting from wrong or lack of specific information.

8. Double Depth

Double depth burials will not be permitted.

9. Interment Fee

The interment fee includes the opening and closing of the grave only. The cost of removing trees, or moving monuments, if required, shall be paid by the Interment Rights owner.

10. Exception to an interment

No interment shall be made on Sunday except on a doctor's certificate that burial must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health.

11. Lower Animals

No body of a lower animal shall be placed in any grave within the cemetery of the Municipality.

12. Disinterment

No disinterment shall be made without the written consent of the local Medical Officer of Health and the owner of the interment rights, except on an Order from the Court or as provided in the regulations under the Cemeteries Act.

13. Notice of Interment

Notice of interment shall be given to the Clerk-Treasurer or the Cemetery Committee at least 24 hours before the interment.

14. Non-residents of Opatika

Non-residents of the municipality will have to pay the fees charged by the Town of Kapuskasing for their cemetery.

VISITORS

1. **Visitors Hours**

Visitors are welcome at the Cemetery from 7:30 a.m. until sundown. They are asked to remember the respect due a cemetery to which purpose the following rules have been created.

2. **Pets**

Dogs and other pets are not allowed to run at large in the Cemetery.

3. **Children**

Children under the age of 12 years are not permitted in the grounds unless in the charge of an adult who shall be responsible for their conduct.

4. **Firearms**

No person with firearms will be permitted in the cemetery.

5. **Prohibited Vehicles**

Recreation vehicles such as ATV's, snowmobiles, bicycles, motorcycles are not allowed in the cemetery.

CEMETERY COMMITTEE

The duties of the Cemetery Committee shall be as follows:

- 1) To monitor the quality of services offered in the municipal cemetery.
- 2) To advise Municipal Council on potential improvement with respect to such items as fencing, landscaping, care and maintenance.
- 3) To provide each rights (lots) owner at the time of sale with:
 - a) a copy of the cemetery by-laws
 - b) a copy of the contract
 - c) upon payment in full, a certificate of interment rights
- 4) To ensure that all reserved lots be paid in full.

CARE OF LOTS

1. The general maintenance of the cemetery is the responsibility of the Municipality.
2. No planting, seeding or other landscaping in the cemetery may be undertaken by any person.
3. The erection of fences, railing, walls or hedges is prohibited.
4. All vases, urns and flower stands not properly cared for will be removed.
5. On the 1st of June of each year, all vases, urns or other receptacle for flowers which are unsightly will be removed.

P.S. That the Clerk-Treasurer sends a notice every year on the 1st day of May. (Care of lots)

6. a) **Floral Tributes**
Floral tributes are permitted if placed on a grave at the time of a funeral and shall be removed as soon as they become unsightly.

b) Fresh Flowers and Smaller Pots

Fresh flowers and smaller pots may be placed on a grave to commemorate special occasions, however, the Cemetery Committee assumes no responsibility and will remove these and the containers when they become unsightly.

c) Off the Ground

All flowers must be potted and placed on a stand, of which has been design and approved by the Administrator. The stand is to be placed at the corner of the marker.

d) Flower Beds

No flowers, flower beds, shrubs or trees may be planted on the grounds except by the Municipality.

2. No Interment Rights holder shall change the grading of a lot, and in case of any such change, the Municipality may restore the lot to its original grade at the expense of the Interment rights holder.
3. No person shall cut any sod or move corner posts or grave markers in the cemetery.
4. The Municipality shall not be responsible for loss of or damage to any article in the cemetery.

MONUMENTS AND MARKERS

Immediately after a burial, the cemetery caretaker will place a temporary cross, on which is inscribed the name of the deceased. This cross will remain at the head of the lot until a monument is installed.

General Rules:

1. No monument or other structure shall be erected until the purchase price of the interment rights, the care and maintenance fee and incurred charges have been paid in full.
2. All monuments shall be placed at the centre of the head end of a lot except where the alignment of existing nearby monuments justifies another location.
3. No monument shall be erected without the written consent of the Municipality. Any monument structure or inscription shall be in keeping with the dignity and decorum of the cemetery.
4. No artificial material including cement, wood or limestone may be used for memorial purposes. Upright monuments must be of standard marble or granite and foot markers or corner markers must be of granite, marble or bronze.
5. Monuments may prevent sufficient space for interments and restrict burials. The Municipality reserves the right to move any monuments or markers as necessary to complete an interment. In such cases, further charges, in addition to the regular interment fee and not to exceed the cost to the Municipality will be levied against the interment rights holder.

Upright Markers:

1. Number

- b) Not more than one monument shall be erected on any one grave.

- c) One marker with a flat and level surface set flush with the ground may be placed at each grave in addition to the monument. (It shall be placed at the end of the grave farthest from the monument)

2. Bases

All uprights monuments must be placed on a concrete foundation and shall not exceed three (3) feet from the ground level. The upper surface of the foundation shall be extended a minimum of three (3) inches on all sides, be flush with the ground, and shall have a minimum width of 95% of the plot to allow for maintenance. If a base stone is used, it must not increase the overall height of the monument beyond the prescribed maximum of three (3) feet, and must not extend beyond the lot limits.

3. Special Markers

All persons contemplating the purchase or construction of a specially designed monument or marker should submit a sketch or plan to the Municipality for approval before ordering said monument or marker.

4. Foot Markers

Foot markers of marble, granite or bronze are permitted but must not exceed twelve inches by twenty-four inches (12" x 24") with a depth of three to eight inches (3" to 8"). The upper surface must be flat with no projections and shall be set level with the ground surface.

6. **Funerals**

All workers shall cease work when a funeral is in progress until the conclusion of the service.

7. **Complaints or Inquiries**

Any complaints or inquiries by rights holders or visitors should be made at the municipal office and not to workers or others on the grounds, and arguments with the workers or others on the grounds are to be avoided.

TARIFF OF CEMETERY CHARGES

Subject to the Cemeteries Act, (revised) and the regulations made hereunder, the Municipal Council shall adopt a Tariff of Cemeteries Charges to regulate the fees and charges to be paid by persons purchasing lots in the said cemeteries or requiring services to be performed therein. Such Tariff of Charges may be amended by By-law as Council may deem fit from time to time, subject to the approval of the Registrar appointed under the Cemeteries Act, (revised) R.S.O. 1990, Chapter C.4.

OFFENCE

If a person is convicted of an offence under the Act of this by-law, the court making the conviction may, in addition of any other penalty, order the person convicted to make compensation or restitution in relation thereto.

SCHEDULE "B"
TO BY-LAW NO. 2000-318

CORPORATION OF THE TOWNSHIP OF OPASATIKA
P.O. BOX 100, OPASATIKA, ONTARIO POL 1Z0

SALE OF INTERMENT RIGHTS and fees for maintenance

Section	No. of lots	Size	Selling Price Interment Rights Maintenance	Fees Care and	Other	Total Cost
Child (Max 36")	1	5" x 10"	\$75.00	\$150.00		\$225.00
Ashes	1	5" x 10"	\$155.00	\$150.00		\$305.00
Adult	1	5" x 10"	\$155.00	\$150.00		\$305.00

For Office Use Only
FILED In accordance with the regulations under the Cemetery Act
Date of Filing _____ Licence Number _____ By: _____

Authorized Signature for Cemetery	Dated
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P.S. DIGGING COST IS NOT INCLUDED.

**CONTRACT PURCHASE OF INTERMENT RIGHTS
OR CEMETERY SUPPLIES OR SERVICES
OPASATIKA CEMETERY**

Operated by: Opasatika Cemetery Committee
P.O. Box 100
Opasatika, Ontario
POL 1Z0

Date of Purchase: Day ____ Month ____ Year

Rights to:

At-Need _____

Pre-Need

Deceased (at-need only)

Name: _____

Spouse of: _____

Place of Death: _____

Date of Birth (day\month\year): _____

Date of Death (day\month\year): _____

Funeral Director\Transfer Service: _____

Interment Rights

Adult ____ **Children** _____ **Lot** ____ **Section** _____

Amount to Care and Maintenance: \$ _____

Permit \$ _____

Interment or cremation fees (\$50.00 - Ashes, \$200.00 - Casket)

\$ _____

TOTAL SALE \$ _____

Less down payment \$ _____

BALANCE DUE \$ _____

It is agreed between the parties that the contract is subject to the By-Laws of Opasatika Cemetery and the Purchaser hereby acknowledges receipt of a copy of the By-Laws of Opasatika Cemetery and that the "By-Laws" attached have been read and understood.

Ordered by: _____

Signature of Purchaser

Signature of Cemetery owner\Cemetery Representatives

SCHEDULE "D"
TO BY-LAW NO. 2000-318

Moved by: Mrs. Noëlla Lemieux
Seconded by: Mr. Maurice Larocque
Resolved: That burial shall not be permitted or undertaken between November 15th and May 1st of each year as per recommendations of the Cemetery Committee.

During the said period, the mausoleum shall be used and it shall be the responsibility of the funeral home and/or the Cemetery Board to place all caskets and rough boxes or vaults in the cemetery.

An additional fee of \$100.00 plus GST will be charged to the estate of the deceased when the mausoleum is used.