

**THE CORPORATION OF THE TOWNSHIP OF  
TARBUTT & TARBUTT ADD'L**

**BY-LAW NUMBER 07-2016**

**BEING A BY-LAW FOR CEMETERY MAINTENANCE, MANAGEMENT  
AND CONTROL OF PORT FINDLAY AND STICKNEY CEMETERIES**

WHEREAS Municipalities under the Funeral, Burial and Cremation Services Act, 2002, are empowered to establish, regulate and operate cemeteries within their jurisdiction;

AND WHEREAS the Corporation of the Township of Tarbutt and Tarbutt Additional deems it necessary to pass a by-law governing the operation of two cemeteries operated under the Township of Tarbutt and Tarbutt Additional.

**PORT FINDLAY CEMETERY  
STICKNEY CEMETERY (closed)**

NOW THEREFORE the Corporation of the Township of Tarbutt and Tarbutt Additional ENACTS as follows:

**SECTION A: DEFINITIONS**

- **ACT** shall mean the Funeral, Burial and Cremation Services Act, 2002
- BOARD** shall mean the Cemetery Board appointed by the Council of the Township of Tarbutt and Tarbutt Additional
- **BY-LAW** shall mean the rules and regulations under which the Cemetery is operated. Said by-law shall be approved by the Council and the Registrar, *Bellevue Cemetery Authority of Ontario*.
- CARE & MAINTENANCE FUND** shall mean all monies received by the Corporation for care and maintenance of Plots, Lots, Niches and markers and has been invested by the Clerk of the Corporation of the Township of Tarbutt and Tarbutt Additional
- CARETAKER** shall mean the person/contractor hired by Council to maintain the cemetery
- CEMETERY** shall mean the land set aside to be used for the interment of human remains and includes a columbarium or scattering ground
- CEMETERY** shall mean the following services in respect of a Plot, Lot or Niches:
- SERVICES**
  - i) opening and closing of a Plot, Lot or Niche;
  - ii) interring or disintering human remains;
- CLERK** shall mean the Clerk or his/her designate of the Corporation of the Township of Tarbutt and Tarbutt Additional
- COLUMBARIUM** shall mean a structure designed for the purpose of Interring cremated remains in sealed compartments.
- CREMATED REMAINS** shall mean the residue after the cremation of a body and the casket or container in which the body was received.
- COUNCIL** shall mean the Council of the Township of Tarbutt and Tarbutt Additional
- CORPORATION** shall mean the Corporation of the Township of Tarbutt and Tarbutt Additional

**CREMATION LOT** shall mean an area of land 4 ft. x 4 ft. (16 sq. ft) intended for cremation remains only.

**INTER** shall mean the burial of the body or remains of a human being in the cemetery

**INTERMENT RIGHT** shall include the right to inter human remains in a Plot or 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 on the certificate of interment or such person to whom the interment rights have been assigned.*

**LAND OWNER** Land owner is a person that has owned property in Tarbutt Township within the last 25 years from the date of Plot, Lot or Niche purchase. This will include spouse and immediate family members of owner of property, i.e. children and spouse(s).

**LOT** shall mean an area of land 4 ft. x 8 ft. (32 sq. ft) intended for a full burial

**PLOT** shall mean 2 or more Lots in which the rights to inter human remains have been sold together as a unit

**MARKER** shall mean any monument, tombstone, plaque, headstone or other structure or ornament affixed to a Plot or Lot intended for human remains as per Section H: Markers, of this by-law

**MINISTER** shall mean the Minister of <sup>Government and</sup> Consumer Services for the Province of Ontario

**NICHE** shall mean a compartment in a columbarium for the interment of cremated remains.

**QUORUM** A majority of the members of the Cemetery Board

## SECTION B: ADMINISTRATION

1. The business and affairs of the Port Findlay and Stickney Cemeteries shall be managed and supervised by a board composed of one council member and four lay persons appointed by Council to hold office for four years or until his/her successor is appointed.
2. The Board shall be responsible for the administration, management, care, maintenance and improvement of the aforesaid cemeteries.
3. The Board shall have the authority to authorize a caretaker or other employee and contractors to carry out the duties of the Board.
4. The Board shall be responsible to the Council of the Township of Tarbutt and Tarbutt Additional for the execution of their duties.
5. The Council shall have the right to remove any or all members of the Board for failure to carry out their duties or for other just cause.
6. The Board shall elect from their own number, a Chairperson.
7. The Board shall appoint a recording secretary for properly recording all matters and acts pertaining to the cemetery within their respective jurisdictions.
8. The Board shall render such reports as may be prescribed or as the Council may require.
9. The Council has the authority to make final and binding decisions on behalf of the Board.
10. The Board shall meet at the call of the chairperson.

11. The Board shall comprise a quorum and no business shall be transacted unless a quorum is present.
12. All Board members to be provided with a copy of the By-Law.

### **SECTION C: FINANCIAL**

1. All fees and charges shall be paid as set out in the Schedule of Fees approved by Council. ~~A Schedule of Fees is attached hereto as Schedule "A".~~
2. Payments for all fees and charges shall be made at the township office of the Clerk and deposits made forthwith.
3. The Clerk or his/her designate shall keep such books, accounts and records as are necessary for properly recording all financial matters pertaining to cemeteries.
4. The Clerk or his/her designate shall receive all revenue belonging to, or pertaining to the cemeteries.
5. The Clerk or his/her designate shall maintain, invest, and administer the Care and Maintenance Fund in accordance with the provisions and regulations of the Act.
6. The Board shall submit an annual budget to the Council setting out operating and capital expenses. Application and use of monies shall be under the control of the Board.
7. The revenue generated from the Care and Maintenance Fund shall be applied at the discretion of the Board for general maintenance of the Cemeteries. The Board shall not be bound to expend the whole or any part of the money earned, but may accumulate or hold any part thereof or invest the same.
8. The application of donations shall be at the discretion of the Board with due regard for the wishes of the donor.

### **SECTION D: RULES & REGULATIONS**

1. All persons entering the cemetery shall behave with due decorum.
2. Plot, Lot or Niche owners shall not permit interments to be made in their Plot, Lot or Niche for remuneration and shall not sell their Plot, Lot or Niche for remuneration.
3. Drivers of vehicles within the cemeteries shall respect all Lots, Plot and/or Niches and shall be held responsible for any damage done by said vehicles.
4. Recreation vehicles are not permitted within the Cemeteries.
5. No person shall:
  - a) Place any fence, railing, curbs or other enclosures around, or anything other than sod (i.e. crushed marble or gravel) on the surface of any Plot or Lot
  - b) Write upon, deface, injure or damage any marker, railings, fence or other structure.
  - c) Damage any Plot, Lot or Niche marker or any other structure in the cemeteries.
6. Any person who damages any Plot, lot or Niche marker or other structure, or otherwise does any injury in the cemeteries shall be personally responsible for such damage or injury.
7. Plants or small shrubs are only permitted on graves (Lots) within one foot around markers. Articles uncared for are not the responsibility of the cemetery and will

be removed at the discretion of the Board. The Board reserves the right to remove any unsightly or neglected shrubs or trees.

8. Artificial and fresh cut flowers are permitted at the base of the Columbarium only, provided they do not obscure engravings. These items will be removed without notice if they have become unsightly.
9. Prohibited and inappropriate items on, next to or around the Columbarium such as pedestal items, urns, candles, vesper lights, artificial items of a heavy or cumbersome nature and any item deemed by the Board to be unsightly, shall be removed without notice and disposed of.

## SECTION E: OPERATIONS

1. Lots, Plot or Niches may be purchased by individuals upon payment of the appropriate fees as per Schedule "A" ~~attached hereto~~. At the time of sale, the Clerk shall provide a copy of the Contract, ~~and the Cemetery By-Law, and Consumer Information Guide.~~
2. The Certificate of Interment Rights for a Lot (s) or Niches shall be in the form ~~attached hereto~~ as Schedule "B" ~~to this by-law~~ and shall show:
  - a) The name and address of the purchaser of the Plot(s), Lot(s) or Niches
  - b) The location of the Plot(s), Lot(s) or Niches to be purchased
  - c) The Cemetery that the Plot(s), Lot(s) or Niches is located in
  - d) The amount of the sale price and the date of purchase
  - e) Be signed by the purchaser in the presence of a witness
3. Upon payment in full the Corporation shall prepare, have executed and deliver a Certificate of Interment Rights to the purchaser as set out in this by-law.
4. A purchaser has up to 30 days to ~~change their mind~~ <sup>cancel the contract</sup> and will be given a full refund. After 30 days, when the cemetery repurchases the rights at the current price, it will deduct from the price being paid to the rights holder the amount that has already been paid into the care and maintenance fund.
5. The interment rights holder(s) may not resell the interment rights of Plots, Lots or Niche except to the Township of Tarbutt and Tarbutt Additional in accordance with the Funeral, Burial and Cremation Services Act, 2002 and the regulations made under that Act.
6. The Transfer of a Plot, Lot or Niche shall convey only those rights set out in Section E (2) of this by-law.
7. Upon receipt of a fully executed Transfer of Ownership, completed by the registered Interment Rights Holder or that person's legal representative, ascertained by production of a notarial copy of the Will or other evidence satisfactory to the Clerk or his/her designate, ~~in the form attached hereto as Schedule "C" to this by-law~~, the Clerk or his/her designate shall immediately cause the transfer to be entered in the register kept for that purpose as aforesaid, and shall issue a new Certificate of Interment Rights.
8. Purchasers of Plots, Lots or Niches acquire only the right of burial of human remains therein, and of installing a marker or monument and such rights shall be subject to the provisions of the Cemeteries Act and of this by-law as amended from time to time and no purchaser shall acquire any right, title or interest except as for said or pursuant to the ~~Cemeteries Act~~ <sup>Funeral, Burial and Cremation Services Act, 2002</sup>
9. The Interment Rights Holder must designate, in writing, if another person is to be interred in his or her Plot, Lot or Niche.
10. A copy of the Cemetery by-law shall be provided upon purchase and payment of a Plot, Lot or Niche or when a transfer is completed.

## **SECTION F: INTERMENT**

1. The Board is empowered to fix and regulate the price for opening and closing of cremation Plots, Lots or Niches, subject to the approval by the Council and the Registrar.
2. No interment shall take place until such time as the Plot, Lot or Niche has been paid for, in full, including care and maintenance fees.
3. No interment shall take place until such time that a copy of the Burial Permit has been filed with the Clerk or his/her designate as designated by Council.
4. Interments shall take place only from May 1<sup>st</sup> to October 31<sup>st</sup> in any given year unless otherwise authorized by the Board.
5. No more than (2) cremation interments shall be made in each cremation Lot.
6. Only one regular interment may be made in a regular Lot. Double depth interments shall not be permitted. No more than (8) cremation interments shall be made in any regular Lot.
7. Notice of each interment to be made shall be given to the Clerk or his/her designate at least 24 hours prior to, except under special circumstances. The Board will not be responsible for having Lots prepared for funerals unless such notice is given.
8. Only Cemetery or Township Employees (or their designate) authorized to do so may open and seal Niches for Entombments. This applies to the inside sealer and the Niche front.
9. The Board reserves the right to select the location of the Lot for any indigent burial.
10. Remains of animals shall not be placed in any Lot or interred or cremation remains placed in the Cemeteries.

## **SECTION G: DISINTERMENT**

1. No disinterment shall be allowed in any Plot, Lot or Niche unless in accordance with the Funeral, Burial and Cremation Services Act, 2002.

## **SECTION H: MARKERS**

1. The Board reserves the right to determine the size of the markers, their composition, their number and location on each Plot, Lot or Niche:
  - a) No more than one upright marker shall be erected on one Lot.
  - b) The minimum thickness of a marker shall be 5 inches at its narrowest point.
  - c) Markers shall not exceed 44 inches in height, including foundation (as per Act)
  - d) Flat markers on a single Lot shall not exceed 24 inches wide by 6 inches deep.
  - e) All markers to be granite, bronze or stone at the discretion of the Board
  - f) No markers shall be allowed to stand on interment space of any Plot or Lot
  - g) Flat markers only will be permitted on cremation Lots.
2. Upright markers shall be set upon an adequate foundation no less than 6 inches deep and must exceed the marker by a minimum of 3 inches on all sides. Foundation shall be flush with the ground.

3. No marker shall be erected without the supervision of the Board or its designate.
4. The Board or its designate reserves the right to enter onto any Plot or Lot to remove any marker or other structure or any inscription not in keeping with the decorum and dignity of the cemetery.
5. The Board shall not be held responsible for scratches or chips, which could occur from regular maintenance.
6. The Board shall be responsible for the maintenance and repairs of markers and may lay down markers considered unsafe.
7. Niche inscriptions and adornments will be inscribed by an engraver approved by the Cemetery Board.
8. Niche engraving will be at the expense of the owner of the Niche
9. Only an authorized person may remove or alter the front of the Niche.
10. Unauthorized adornments will be removed and disposed of without notification and at the expense of the Interment Rights Holder.

#### SECTION I: CONTRACTOR/MONUMENT DEALERS


1. Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.
2. Prior to the start of any said work, contractors must provide proof of
  - WSIB coverage
  - Evidence of liability insurance of not less than 2 million dollars
3. All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.
4. Contractors shall temporarily cease all operations if they are working within 100 meters of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering with the cemetery.

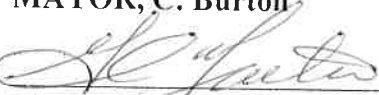
#### SECTION J: EFFECTIVE DATE

1. This By-Law shall come into force and take effect upon its approval by the Minister of Consumer Services: Registrar, Bereavement Authority of Ontario.
2. By-Law No. 07-2012 and all other previous cemetery by-laws and amendments are hereby repealed.

READ AND PASSED THIS 20<sup>TH</sup> DAY OF APRIL 2016

<b>BAO</b>		<b>BEREAVEMENT AUTHORITY OF ONTARIO</b>
L'AUTORITÉ DES SERVICES FUNÉRAIRES ET CIMETIÈRES DE L'ONTARIO		
<b>APPROVED</b>	<b>APPROUVÉ</b>	
In accordance with the Funeral, Burial and Cremation Services Act, 2002	Conformément à la Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation	
Date of Approval/ Date de l'approbation	AUG. 2, 2016	
File/Licence No. Numéro de Fiche/Permis	00046, 04928	
By/ Par	Cary Schmitt	

  
MAYOR, C. Burton

  
CLERK, G. Martin

PLAN OF  
 PORT FINDLAY CEMETERY  
 TOWNSHIP OF TARBUTT ADDITIONAL  
 DISTRICT OF ALGOMA

RECEIVED  
 JUN 01 2016

SCALE: 1 INCH = 40 FEET  
 DECEMBER, 1994

**BAO** Bénévolement / Authority of Ontario / Autorité de l'Ontario  
**DELOCATION OF PLOT MARKERS SET DECEMBER 6th - 9th, 1994 SHOWN THUS: ●**

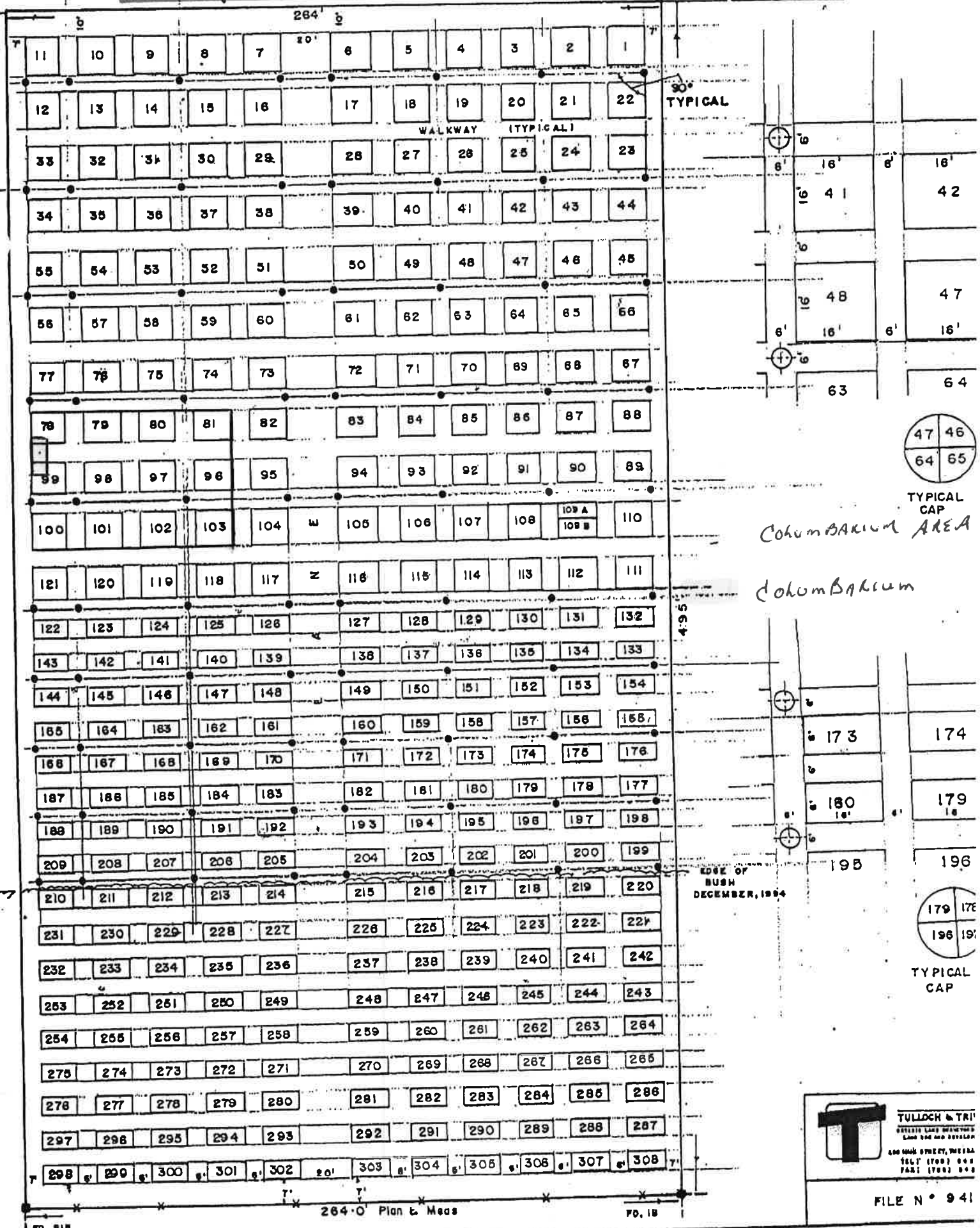
FILED / DÉPOSÉ  
 In accordance with the Funeral, Burial and Cremation Services Act, 2002 / Conformément à la Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation

Date of Filing / Date de dépôt: AUGUST 2, 2016

File/Licence No. / Numéro de Fiche/Permis: 00046

By/ Par: Chifur

R O A D



FILE N° 941

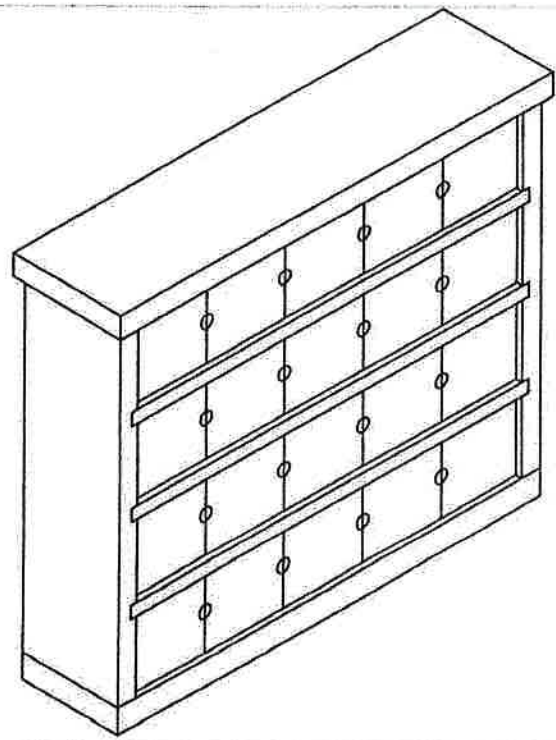
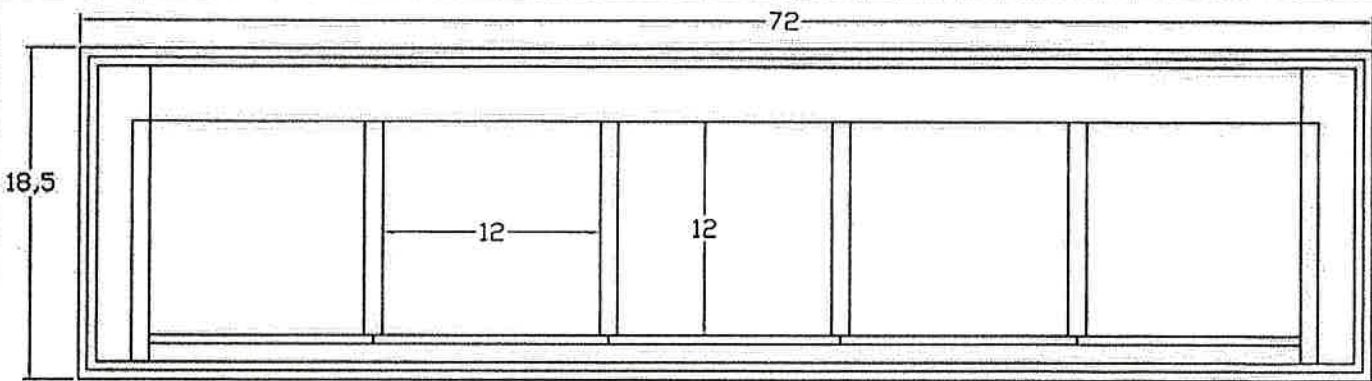
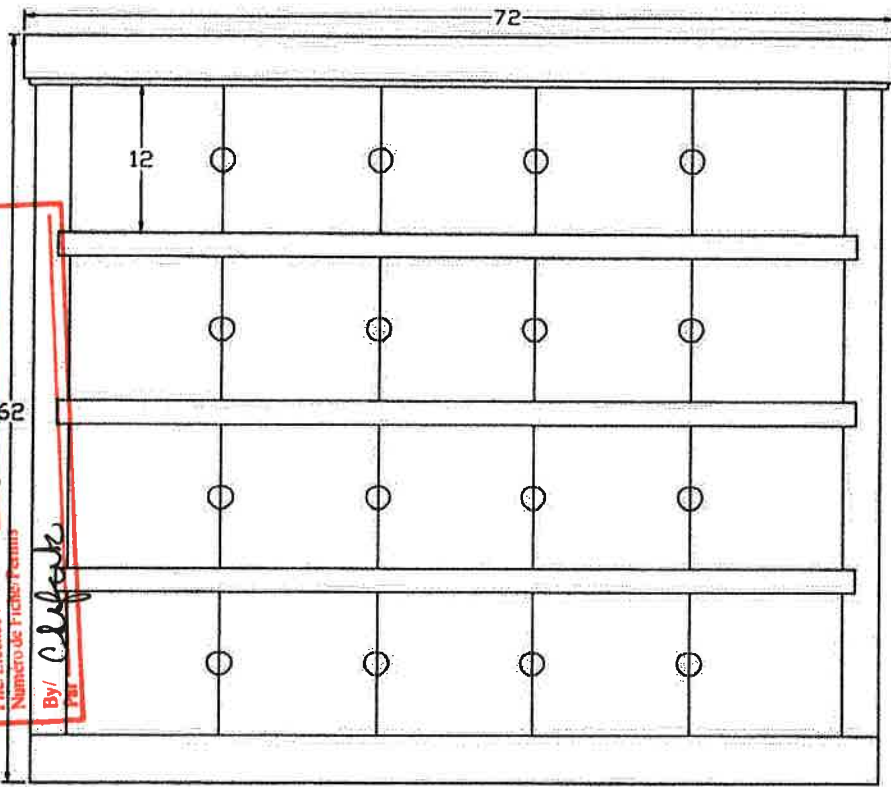
**BAO** Bereavement Authority of Ontario  
**BAO** Autorité de l'Ontario de l'inhumation et de l'enterrement

**FILED**  
 In accordance with the Funeral, Burial and Cremation Services Act, 2002  
 Conformément à la Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation

Date of Filing/ Date de dépôt: Aug 2, 2016  
 File/Licence No. / Numéro de l'inscription: 00046

By/ Par: Clifford

**RECEIVED**  
 JUN 01 2016



**Name: 20-Niche Single Sided Columbarium**

Overall size: 72 x 18.5 x 62  
 Niche size: 12 x 12 x 12

Desc.	Size(inch)	Qty	Color
Cap	72 x 18.5 x 4	1	Imperial Gray
Divider-horizontal	66 x 2 x 13.5	3	
Wall-side	3 x 16.5 x 54	2	
Wall-back	64 x 3 x 54	1	
Divider-vertical	1 x 12 x 12	16	
Base	70 x 16.5 x 4	1	
Door	13 x 0.5 x 12	20	Black
Bronze Rosette		16	



**THE CORPORATION OF THE TOWNSHIP OF TARBUTT  
& TARBUTT ADDITIONAL**

**SCHEDULE "A" TO BY-LAW NUMBER 07 -2012**

**SCHEDULE OF FEES FOR PLOTS, LOTS & NICHEs**

**SALE OF LOT**

Land Owner Regular Lot (4 x 8)	\$ 500.00	(\$250.00 Perpetual Care included)
Non-Land Owner Regular Lot (4 x 8)	\$ 700.00	(\$250.00 Perpetual Care included)
Land Owner Cremation Lot (4 x 4)	\$ 275.00	(\$150.00 Perpetual Care included)
Non-Land Owner Cremation Lot (4 x 4)	\$ 375.00	(\$150.00 Perpetual Care included)
Transfer admin fee	\$ 10.00	

**SALE OF NICHEs**

ROW A (top)	\$1,500.00	(\$225.00 Perpetual Care included)
ROW B	\$1,000.00	(\$150.00 Perpetual Care included)
ROW C	\$ 850.00	(\$127.50 Perpetual Care included)
ROW D (bottom)	\$ 700.00	(\$105.00 Perpetual Care included)
Non – Residents please add \$300.00 per Niche.		(\$ 45.00 Perpetual Care included)

**NOTE:** Each Niche can hold 2 inurnments an additional \$100.00 for the second plus opening and closing costs. *Please take into consideration when purchasing an Urn the Niche is approximately 12" x 12" x 12"*

No interment rights certificate shall be issued until all indebtedness has been satisfied. No interment will take place unless the certificate of cremation and when applicable a written interment order from the Interment Rights Holder, or their representative has been deposited with the Township Office.

**\*OPENING & CLOSING**

Cremation Lot (4 x 4)	\$ 100.00 interment
Regular Lot (4 x 8)	\$ 650.00 plus applicable taxes \$ 50.00 Admin Fee
Niches	\$ 100.00

\*Includes marking out of Lot by Caretaker or designate

**INSTALLATION OF MARKERS**

Flat Markers less than 173 square inches <small>173 sq. inches = to approximately 13"x13"</small>	No Charge
Flat Marker 173 sq. inches or more <small>173 sq. inches = to approximately 13"x13"</small>	\$ 50.00
Upright Markers less than 4ft.x 4ft.	\$ 100.00
Upright Markers more than 4ft.x 4ft.	\$ 200.00

100% of installation fees for markers are allocated to care and maintenance fund as set out in ON Reg 132/92 - Ontario Regulation 30/11 made under the Funeral, Burial and Cremation Services Act, 2002

**DISINTERMENT CHARGES**

Disinterment of Burial	\$ 1500.00
Disinterment of Cremated Remains	\$ 300.00

THE CORPORATION OF THE TOWNSHIP OF TARBUTT  
& TARBUTT ADDITIONAL

SCHEDULE 'B' TO BY-LAW NUMBER 07-2012

CERTIFICATE OF INTERMENT RIGHTS

DATE OF PURCHASE: \_\_\_\_\_

Pursuant to the Funeral, Burial and Cremation Services Act, 2002 and Regulations and all amendments thereto:

**BETWEEN:**

THE CORPORATION OF THE TOWNSHIP OF TARBUTT  
& TARBUTT ADDITIONAL

Hereinafter called the 'Cemetery <sup>operator</sup> Owner'.

**AND:**

\_\_\_\_\_ (Name(s))

\_\_\_\_\_ (Address)

Hereinafter called the "Purchaser"

**IN CONSIDERATION** of the sum of \$ \_\_\_\_\_, receipt of which is hereby acknowledged, and which includes the sum of \$ \_\_\_\_\_ for (~~Perpetual Care~~), <sup>Care and Maintenance</sup> which is deposited with the Township of Tarbutt and Tarbutt Additional, the Cemetery Owner agrees to assign to the purchaser the Burial of Interment Rights as follows:

**PORT FINDLAY CEMETERY**

Section \_\_\_\_\_ Plot \_\_\_\_\_ Lot \_\_\_\_\_ Dimensions \_\_\_\_\_

Niche \_\_\_\_\_ Colum \_\_\_\_\_ Row \_\_\_\_\_ Number \_\_\_\_\_

The Purchaser, by acceptance of this Certificate, indicates that the By-Law governing the operation of the Cemetery has been received and read, and agrees to be guided by the said By-Law as well as provisions of the Funeral, Burial, Cremation and Services Act, 2002, as if these were included as part of this Certificate.

The Purchaser agrees that in the event of transfer of the said Interment Rights, this certificate cannot be transferred but will be returned to the Cemetery <sup>operator</sup> Owner who will issue a new Certificate to the Purchaser.

Information contained on this form is considered public information as per the Funeral, Burial and Cremation Services Act, 2002. The purchaser of a Lot or Niche conveys only the right of burial of human remains therein and of installing a marker and no other right of title or interest is obtained in the Plot or Lot or Niche.

**IN WITNESS** whereof, the Cemetery <sup>operator</sup> Owner has affixed its signature by the hand of its property signing officer this \_\_\_\_\_ day of \_\_\_\_\_.

(Witness)

\_\_\_\_\_  
THE CORPORATION OF THE TOWNSHIP OF TARBUTT  
& TARBUTT ADDITIONAL

(Witness)

\_\_\_\_\_  
PURCHASER

THE CORPORATION OF THE TOWNSHIP OF TARBUTT

**& TARBUTT ADDITIONAL**

**SCHEDULE ``C`` TO BY-LAW NUMBER 07-2012**

**APPLICATION FOR TRANSFER OF OWNERSHIP**

I, \_\_\_\_\_ of \_\_\_\_\_

The registered owner or legal representatives of the owner, hereby make application for the transfer of:

Section \_\_\_\_\_ Plot \_\_\_\_\_ Lot \_\_\_\_\_ Dimensions \_\_\_\_\_

Niche \_\_\_\_\_ Colum \_\_\_\_\_ Row \_\_\_\_\_ Number \_\_\_\_\_

**PORT FINDLAY CEMETERY**

Now registered in the name of \_\_\_\_\_

To

\_\_\_\_\_ of \_\_\_\_\_  
(Name) Address

In accordance with By-Laws governing the Cemetery

\_\_\_\_\_  
Witness Owner or Legal Representative

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

At \_\_\_\_\_, in the District of Algoma.

NUMBERS

COLUMBARIUM # I NUMBERS SYSTEM.

RECEIVED  
JUN 01 2016

	1	2	3	4	5
A	1-A-1	1-A-2	1-A-3	1-A-4	1-A-5
B	1-B-1	1-B-2	1-B-3	1-B-4	1-B-5
C	1-C-1	1-C-2	1-C-3	1-C-4	1-C-5
D	1-D-1	1-D-2	1-D-3	1-D-4	1-D-5

<b>BAO</b> Bereavement Authority of Ontario	Authenticité de Deuil de l'Ontario
<b>FILED</b>	<b>DEPOSÉ</b>
In accordance with the Funeral, Burial and Cremation Services Act, 2002	Conformément à la Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation
Date of filing/ Date de dépôt: <u>Aug. 2, 2016</u>	
Filing licence No. / Numéro de Fiche/Permis: <u>00046</u>	
By: <u>Chafiq</u>	