



# The Corporation of the Township of Nairn and Hyman

## BY-LAW 2005-19

### BEING A BY-LAW TO ENACT RULES AND REGULATIONS FOR THE MAINTENANCE, MANAGEMENT, REGULATION AND CONTROL OF THE NAIRN COMMUNITY CEMETERY

**WHEREAS** pursuant to the Cemeteries Act, R.S.O.1990, Chapter C.4, Section 50, the Corporation of the Township of Nairn and Hyman deems it expedient to enact rules and regulations for the maintenance, management, regulation and control of the Nairn Community Cemetery;

**AND WHEREAS** no such by-law comes into force or takes effect until it is filed with and approved by the Registrar under Section 50 (3) of the Cemeteries Act, R.S.O. 1990, Chapter C.4;

**NOW THEREFORE** the Council of the Corporation of the Township of Nairn and Hyman **HEREBY ENACTS AS FOLLOWS:**

#### DEFINITIONS

- 1) In this by-law:
  - a) "The Act" means the Cemeteries Act (Revised), Chapter C.4, R.S.O. 1990 and regulations thereunder,
  - b) "Interment" means the burial of human remains and includes the placing of human remains in a lot;
  - c) "Interment Rights" means the right to require or direct the interment of human remains in a lot;
  - d) "Monument/Marker" means any tombstone, plaque, headstone, cornerstone, or other structure or ornament affixed to or intended to be affixed to a burial lot;
  - e) "Resident" means any person who at the time of death or purchase of a cemetery plot;
    - i) resides in the municipality,
    - ii) is the owner or tenant of land in the municipality or the spouse of such a person,
    - iii) is a former resident receiving chronic health care in another municipality.

#### TRANSFER OF INTERMENT RIGHTS

2. Interment rights shall be sold by the Corporation of the Township of Nairn and Hyman.
3. Transfer of ownership of interment rights are not binding upon the cemetery until a duly executed transfer has been deposited with the Corporation of the Township of Nairn and Hyman.
4. The Corporation of the Township of Nairn and Hyman shall provide each rights owner at the time of sale with:
  - a) a copy of the contract.
  - b) a copy of the cemetery by-law.
  - c) upon payment in full, a certificate of interment rights, and,
  - d) a copy of the cemetery tariff of rates.

5. All prices for cemetery lots and services shall be set out in the most recent tariff of fees, Schedule "A" filed with the Ministry of Government Services. Prices for lots shall include the application portion for deposit to the Cemeteries Care and Maintenance Fund.
6. The deposit to the Care and Maintenance Fund shall be as specified in the Regulations made under the Cemeteries Act:
  - a) In the case of an in-ground grave for the burial of an adult, the greater of 40 per cent of the price set out in the owner's price list or \$150.
7. In accordance with Section 38 of the Cemeteries Act and Regulations, a prescribed amount shall be paid into the Care and Maintenance Fund of the Cemetery upon the installation of a marker;
  - a) In the case of installing a flat marker measuring less than 439.42 square centimetres (173 square inches), \$0.
  - b) In the case of installing a flat marker measuring at least 439.42 square centimetres (173 square inches), \$50.
  - c) In the case of installing an upright marker measuring 1.22 metres (four feet) or less in height and 1.22 metres (four feet) or less in length, including the base, \$100.

#### **ADMINISTRATION**

8. No interment will be made without the written permission of the rights holder or his/her authorized representative.
9. Notice of each interment to be made shall be given to the Corporation of the Township of Nairn and Hyman at least forty-eight (48) office hours previous.
10. The Corporation of the Township of Nairn and Hyman requires the following documentation for:
  - a) Interment -Burial permit.
  - b) Cremation -Cremation permit.
  - c) Monument Installation -Monument application form.  
-Installation permit.  
-A sales receipt indicating the dimensions of the monument.
  - d) Disinterment -Written consent of the local medical officer of Health.  
-Written consent of the owner of the interment rights holder.  
or -Written court order.

#### **MARKERS, MONUMENTS AND GROUND MAINTENANCE**

11. If any trees, shrubs or other improvements on any lot shall have become by means of their roots, branches or in any other way, detrimental to the adjacent lots or prejudicial to the general appearance of the ground, the Corporation of the Township of Nairn and Hyman may remove such trees, shrubs or parts thereof to rectify the problem, after 30 days notice to the interment rights holder.
12. No person shall do any work upon a cemetery without the permission of the Corporation of the Township of Nairn and Hyman. This work shall include the installation of monuments, markers, trees, shrubs, flowers or other ornaments.

13. Monuments to be erected for or by lot owners shall be set upon an adequate concrete base, and no foundation shall be less than 1.524 meters (5 feet) in depth, or the full depth of the grave.
14. Monuments shall be located at the head of each lot with only one being permitted per lot.
15. No monument, vault or other structure shall be erected or placed on any lot until its design and the plans and specifications relative to the material, construction and proposed location thereof shall have been submitted to and approved by the Corporation of the Township of Nairn and Hyman.
16. Only one upright headstone or flat marker shall be allowed on each single lot:
  - a) monument size is restricted to a maximum of 1.22 meters (4 feet) in height and width.
  - b) a flat marker is restricted to a minimum size of 33.03 cm X 33.03 cm (13" X 13").
17. Not more than one casket burial shall be allowed in one grave lot with up to three (3) cremated remains or not more than six (6) cremation burials in one single lot.
18. Broken or deteriorated monuments or markers shall be laid down on the lot. Thirty (30) days notice shall be given by registered mail to the owner or next of kin whenever possible. The municipality may make adjustments for safety and maintenance reasons.
19. The erection of borders, fences, railings, walls and hedges in or around the lot is prohibited.
20. No winter interments will be allowed between the months of December 1<sup>st</sup> to April 15<sup>th</sup> of any year or when ground frost or snow cover is present.
21. This by-law shall repeal By-law 92-18 and any other by-laws that are inconsistent with the provisions hereof.
22. This By-law shall come into force on the day it is approved by the Ministry of Government Services.

READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED IN OPEN  
COUNCIL THIS 28<sup>TH</sup> DAY OF NOVEMBER, 2005.

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REEVE

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CLERK TREASURER/CAO

THE CORPORATION OF THE  
TOWNSHIP OF NAIRN AND HYMAN

SCHEDULE "A"

BY-LAW 2005-19

**TARIFF OF FEES**

<b><u>PLOT FEES</u></b>	<b>PLOT</b>	<b>PERPETUAL CARE</b>	<b>TOTAL</b>
<u>Taxpayer/Resident</u>			
Lot sale (5' X 10')	\$240.00	\$160.00	\$400.00
<u>Non Taxpayer/Non Resident</u>			
Lot sale (5' X 10')	\$420.00	\$280.00	\$700.00

Refunds on plots will be charged a \$25.00 administration fee.

<b><u>INTERMENT FEES</u></b>	<b><u>Resident</u></b>	<b><u>Non-Resident</u></b>
Regular grave	\$400.00	\$500.00
Cremation	\$100.00	\$200.00

No refunds of Care and Maintenance Funds after 30 days of purchase.

**DISINTERMENT FEES**

Disinterment fees are actual cost plus 10% administration fee.

**MONUMENT CARE AND MAINTENANCE FEES**

Flat markers under 439.42 square centimeters	Nil
Flat markers over 439.42 square centimeters	\$ 50.00
Upright markers up to 1.22 meters in height and width	\$100.00

All fee are subject to G.S.T.

Approved by the Ministry of Government Services - April 10, 2006  
File No. of Cemetery 04086