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THE CORPORATION OF THE TOWNSHIP OF BURPEE & MILLS

By-Law No. 2020 - 4

BEING A BY-LAW TO GOVERN THE OPERATION OF THE BURPEE-MILLS
CEMETERY UNDER THE CONTROL OF THE BURPEE-MILLS CEMETERY BOARD

WHEREAS, the Ontario Funeral, Burial and Cremation Services Act 2002, c.33 governs the operations of cemeteries in the Province of Ontario;

NOW THEREFORE, THE CORPORATION OF THE MUNICIPALITY OF BURPEE-MILLS ENACTS AS FOLLOWS:

These by-laws are the rules and regulations that govern the Burpee & Mills Cemetery and have been approved by the Registrar, Funeral, Burial and Cremation Services Act. 2002 (FBCSA), Bereavement Authority of Ontario (BAO)

A. DEFINITIONS

Caretaker: Means person appointed by the Cemetery Board to provide burial and maintenance services at the Burpee & Mills Cemetery.

Burial/Interment: The opening of a lot, then the placing of human remains or cremated human remains in that lot, followed by closing the lot. The lot may be a grave in the ground, or a niche in a columbarium.

By-laws: The rules and regulations under which the Cemetery operates.

Care and Maintenance Fund: It is a requirement under FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage on the purchase price (excluding tax) of all interment rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

Columbarium: a structure designed for the purpose of interring cremated human remains in niches or compartments.

Contract: For purposes of these by-laws, all purchasers of interment, or other cemetery supplies and services must receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer and Information Guide and the Price List.



Corner Posts: Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

Grave: (Also known as a Lot) means any underground burial space intended for the interment of a child, adult or cremated human remains.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and to authorize the installation of a monument or marker.

Interment Rights Certificate: The document issued by the cemetery operator to the purchaser once the Interment rights to a specific lot have been paid in full, identifying ownership and authority over those specific interment rights.

Interment Rights Holder: The person(s) authorized or entitled to inter human remains in a specified lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.

Lot: For the purpose of these By-Laws a lot is a single grave space.

Marker: Shall mean any permanent memorial structure - monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial lot, columbarium niche or structure or place intended for the deposit of human remains and may be used to indicate the location of a burial.

Monument: Shall mean any permanent memorial structure used to mark the location of a burial lot.

Niche: An individual compartment in a columbarium for the entombment of cremated human remains.

Operator: the Burpee & Mills Cemetery Board consisting of trustees appointed as a Committee of Council by the Municipal Council of Burpee & Mills to manage the finances and operations of the cemetery.

Plot: For the purposes of these by-laws, a plot means two or more lots in respect of which the rights to inter have been sold as a unit.

Vault: A storage box (concrete, steel etc.) placed in a cemetery grave to prevent soil from damaging the casket buried in an interment lot.

B. General Information

Hours of Operation:

Office Hours: 9 a.m. to 5 p.m. (Monday to Thursday inclusive)

Burial Hours: 10 a.m. to 2 p.m.

Burial Season: Burials will be permitted from May 01 to Nov. 01 (inclusive)

- The cemetery caretaker, in extra-ordinary circumstances is authorized to use personal discretion in permitting burials at any other time of the year, at any other time of the day.

General Conduct:

The cemetery operator reserves full control over the cemetery operations and management of land within the cemetery grounds.

No person may damage, destroy, remove or deface any property within the Cemetery.

All visitors, or contractors shall conduct themselves in a quiet manner that shall not disturb any service being held in the cemetery.

Liability:

The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to , any lot, plot, columbarium niche, monument, marker, other article that has been placed in relation to an interment, save and except for direct loss or damage caused by gross negligence of the cemetery operator or staff.

Public Register:

Provincial legislation - Section 110 of O.Reg 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

Pets or Other Animals:

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

Right to Re-Survey:

The Cemetery Operator has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove planting, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

Notice of Resale or Transfer of Interment Rights:

Interment rights holders may first offer the interment rights to the cemetery operator either as a donation, or as a sale at the currently listed price. If the cemetery operator does not wish to re-purchase the interment rights, the interment right may be sold to a third party for no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the cemetery operator and the interment rights holder and the purchaser meets the qualifications and requirements in the cemetery operator's by-laws.

Interment Rights for burial of a specific person in a lot may be declared in advance by the Interment Rights owner by completion of the declaration form available at the cemetery office.

Cancellation of Interment Rights within 30 Day Cooling-Off Period

A purchaser has 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 cemetery operator. The cemetery operator will refund all monies paid by the purchaser, with the appropriate amount that is required to be deposited into the Care and Maintenance Fund within thirty (30) days from the date of the request for cancellation. If the interment rights certificate has been issued to the Interment rights holder(s), the certificate must be returned to the cemetery operator along with the written notice of cancellation.

Resale of Interment Rights after 30 Day Cooling-Off Period:

If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to re-sell the interment rights.

Care and Maintenance Fund Contributions:

It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers is contributed in the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30-Day Cooling-Off Period.

Burial:

Interment Rights Holder(s) must provide written authorization prior to burial taking place. Should the Interment Rights Holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder in

keeping with the *Succession Law Reform Act* i.e. Personal Representative, Estate Trustee, executor or next of kin.

A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to burial taking place. A Certificate of Cremation must be submitted to the cemetery office prior the burial of cremated remains taking place.

Payment must be made to the cemetery operator before a burial can take place.

The cemetery caretaker shall be given 24 hours notice for each burial of human remains or cremated human remains.

The opening and closing of graves, and niches may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.

It is recommended that the funeral director make arrangements for sufficient assistance to transport human remains from the hearse to the gravesite lowering device.

Cremated remains **may not be scattered** on any area of this cemetery.

Disinterment:

Human remains may be disinterred from a lot provided that the written consent (authorization) of the the interment rights holders has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of a casketed human remains from the cemetery may take place. A certificate from the local medical officer of health is not required for disinterment of cremated remains from a lot or the removal of cremated remains from the cemetery.

In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).

Natural Burials (Green Burials)

Green Burials will be permitted at the Burpee & Mills Cemetery under the following conditions:

- Natural burials are allowed throughout the entire cemetery. The interment rights holder of any vacant lot in the cemetery may designate that lot as a natural burial site.
- Once a natural burial has occurred in a given cemetery lot, that lot will no longer be available for an additional burial of cremated human remains.
- The human remains must arrive at the cemetery in a hearse under the supervision of an employee of an accredited funeral home operator.

- The interment rights holder, or designate in consultation with the funeral director will determine if embalming will be used to prepare the deceased person's body in preparation for burial.
- The human remains must be enclosed in a shroud (material selected by funeral director), and placed on a rigid container that can be lowered safely by the cemetery equipment.
- The human remains must be transported with dignity to the prepared grave site and placed securely on the cemetery lowering device.
- Excavating equipment will be used to open and close the grave.
- A natural burial grave will be excavated to the same width, length and depth as that of a full body burial.
- Submission of a burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province is also required by the cemetery operator prior to performing a green burial.

Use of Vaults:

It is recommended that all caskets be set in vaults.

C - MEMORIALIZATION:

No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full and/or a permit is obtained from the cemetery operator.

No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.

Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.

The cemetery operator will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.

Memorials - monuments, markers, plaques etc. are owned by the interment rights holder and the cemetery operator is not responsible for their loss or deterioration. These memorials should be protected by the interment right holder's own insurance coverage.

The cemetery operator reserves the right to determine the maximum size of monuments, their number and location on each lot or plot. They must not be of a size that would interfere with any future interments.

- **One upright marker (tombstone, monument) cannot exceed four (4) ft., (120 cm.) height, or four (4) ft.(120 cm.) in length, including a base no thicker than 4" (10 cm.) to be placed on each full body grave site.**

All foundations for monuments and markers shall be built by, or contracted to be built at the expense of the interment rights holder.

Should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to remove the risk.

The cemetery operator reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the trustees.

In keeping with the cemetery by-laws only one upright monument shall be erected within the designated space on a lot.

The minimum thickness for flat markers including foot stones is 4 inches or 10 cm.

All monuments and markers shall be constructed of bronze or natural stone (i.e. granite) Wooden markers are not permitted in this cemetery, and will be removed by the cemetery staff.

No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and the cemetery operator have been notified.

Memorial installation will be permitted on a natural burial lot. All the conditions stated above will apply to these memorial placements.

D. CEMETERY CARE AND PLANTING:

A portion of the price of interment is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds and markers. Services that can be provided through this fund include:

- Re-levelling of Lots.
- Maintenance of perimeter fences.
- Repairs and general upkeep cemetery maintenance buildings and equipment.
- No person other than cemetery staff shall remove any sod or in any other way change the surface on the burial lot in the cemetery.
- No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery operator.

- Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

Decorating an Interment Lot:

An Interment Rights holder and the relatives of any person whose remains are interred in the Burpee Mills Cemetery have the right to decorate the lot in which the remains are interred with the Operator's recommendation that the decorations be placed in close proximity to the marker as to permit regular mowing and maintenance operations on the lot.

E. ITEMS THAT ARE PROHIBITED AND PERMITTED:

- The cemetery reserves the right to regulate the articles placed on lots or plots that pose a threat to the safety of all interment rights holders, visitors to the cemetery and cemetery employees, prevents the cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery.
- The following prohibited articles will be removed and disposed of without notification: non-heat resistant glass (excludes glass attached to monuments), ceramics, corrosive metals, loose stones or sharp objects, trellises, chairs or benches. Because solar lights that are pushed into the ground impede cemetery maintenance operations, they are also prohibited articles.

F. CONTRACTOR/MONUMENT DEALER

- 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, drawing, 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 the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.
- Prior to the start of any said work, contractors must provide proof of:
 - WSIB Coverage
 - Occupational Health and Safety compliance standards
 - WHMIS
 - Evidence of liability insurance of not less than \$ 2,000,000.00 .
- All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

Cemetery Services Information:

The goal of the Operator is to provide the best possible service to meet the needs of our community.

- see appendix A "Cemetery Services Information"

Code of Ethics:

The Burpee Mills Cemetery Operator will comply with the code of ethics established by the Minister under section 112 in accordance with the prescribed procedures.

- see appendix B "Municipal Code of Ethics"

Hiring Policy:

The Burpee Mills Cemetery Operator is an equal opportunity employer and does not discriminate in the hiring process on the bases of race, ancestry, place of origin, colour ethnicity, citizenship, creed, sex, sexual orientation, age, marital/family status or disability. Employment decisions are based on skills, training and overall ability to perform the work.

- see appendix C "Municipal Hiring Policy"

Fee Schedule:

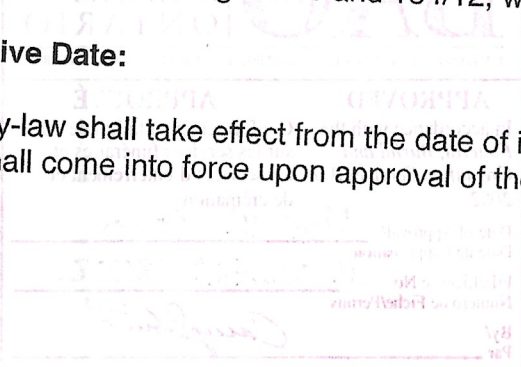
- Lot Prices for Interment Rights
- Deposit to Care & Maintenance Fund
- Fees for Monument Installation
- Fee for Purchase of a vault
- Fee for Installation of a vault
- see appendix D "Cemetery Services Fee Schedule"

By-Law Amendments:

The cemetery shall be governed by these by-laws, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically.

Effective Date:

This by-law shall take effect from the date of its passage by the Burpee Mills Council and shall come into force upon approval of the Bereavement Authority of Ontario.



Previous By-laws Rescinded:

This By-law shall repeal any other by-laws referring to the operation of the Burpee Mills Cemetery.

READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS 2nd
DAY OF March, 2020.

[Signature]
Reeve

[Signature]
Clerk

I, Patsy Gilchrist, Clerk of the Municipality of Burpee-Mills, hereby certify that the foregoing is a true copy of By-Law No. 2020 - 4 which was passed by Council on the 2nd day of March, 2020

[Signature]
Clerk

BAO	BEREAVEMENT AUTHORITY OF ONTARIO
L'AUTORITÉ DES SERVICES FUNÉRAIRES ET CIMETIÈRES DE L'ONTARIO	
APPROVED	APPROUVÉ
In accordance with the <i>Funeral, Burial and Cremation Services Act,</i> 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	<u>Mar 12, 2020</u>
File/Licence No. Numéro de Fiche/Permis	<u>CM-02248/3285081</u>
By/ Par	<u>[Signature]</u>

**BURPEE MILLS CEMETERY
(Revised October 3, 2023)
APPENDIX A**

TO

BYLAW NUMBER 04-2020

**Being a Bylaw to Govern the Operation of the Burpee Mills Cemetery under the
Control of the Burpee Mills Cemetery Board**

CEMETERY SERVICES INFORMATION

The Burpee Mills Cemetery Board's goal is to provide the best possible service to meet the needs of this community. If you have any questions concerning the cemetery services in Burpee Mills, we would appreciate hearing from you.

Chairperson, Cemetery Board

Art Hayden

Secretary/Treasurer, Cemetery Board

Patsy Gilchrist

Cemetery Board Trustees

Wayne Bailey, Jesse Middleton, Kathryn Noland,
Donna Pearson, Lyle Honess

Cemetery Caretaker

Morley Runnalls

Public Works Foreman

Gye Taylor

Mailing Address

Burpee Mills Cemetery Board
Municipal Office
8 Bailey Line Rd.
Evansville, Ontario
POP 1E0
705-282-0624
burpeemills@vianet.ca

General Information:

- Interment Rights lots consisting of single graves or plots may be sold by the Burpee Mills Cemetery Board Office (Secretary/Treasurer). The Cemetery Board shall provide each Rights (lot) owner at the time of sale with:
 - (i) a copy of "Cemetery Services Information"
 - (ii) the "Cemetery Bylaw" is available on the municipal website. www.BurpeeMills. Upon request, a hard copy may be obtained at the Municipal Office.
 - (iii) a contract for Purchase of Interment Rights
- All prices for cemetery lots and services shall be set out in the most recent tariff of rates. These rates are no longer filed with the Bereavement Authority of Ontario. Prices for lots shall include the applicable portion for deposit to the Cemetery Care and Maintenance Fund.
- It is strongly recommended that all caskets be set in concrete or steel vaults.
- The following documents are required for Marker installation:
 - (i) A contract for Purchase of Interment Rights
 - (ii) An interment rights holder's or supplier's application to install a marker in the Burpee Mills Cemetery.
- Interment Rights in the existing cemetery property shall consist of lots eight feet long (2.44m) and four feet wide (1.22m) for a total area of 32 square feet.
- Purchase of interment rights for each grave, permits the holder to authorize burial of one (1) full body burial plus four (4) burials of cremated remains on top of the full body or six (6) burials of cremated remains on a lot not used for a full body burial.

- Monuments shall be permanent structures projecting above the level of the ground, and shall be constructed of granite, or similar non-weathering stone. Requests for exceptions will be submitted for approval to the Cemetery Board.
 - (i) Monuments must not exceed the following dimensions: height 4 ft (120 cm) including the base or length 4 ft (120 cm).
 - (ii) Flat marker with dimensions no larger than 20" X 18" will be permitted for each interred remains.
 - (iii) Flat markers on the lots are to be set level with the ground so the lawnmower may pass over them.
 - (iv) Inscriptions placed on monuments or markers shall be in keeping with the dignity and decorum of the cemetery.

- Contractors may not start work in the cemetery without the approval of an authorized representative of the Cemetery Board and interment rights holder.
 - (i) All contractors must have Worker's Safety and Insurance Board coverage for their employees.
 - (ii) All contractors must have Liability Insurance in the amount of \$2,000,000.
 - (iii) Contractors must clean up and level cemetery site according to cemetery policy upon completion of work.

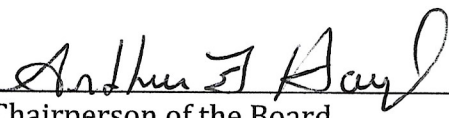
- For all burials notice of Interment should be given to the Burpee Mills Cemetery Caretaker twenty four hours prior to the interment. Winter months burials (Nov. 2 to May 2 inclusive) are scheduled for spring burial except for declaration of a serious communicable disease risk. Heavy frost conditions prohibit winter excavation in this cemetery.

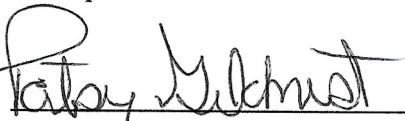
- All cemetery records are kept at the Burpee Mills Municipal Office. Office Hours 8:30 a.m. to 4 p.m. Monday to Thursday inclusive.

In order to preserve the beauty and dignity of our cemetery, visitors are asked to respect the following rules and suggestions for the care and control of the cemetery:

- Vehicles such as bicycles, snow machines, or off-road vehicles are not permitted within the cemetery grounds.
- No person shall allow or permit any animal to enter or remain in the cemetery other than service dogs on leash. Pets may not be buried in the Burpee Mills Cemetery.
- Good conduct and decorum are expected at all times in this cemetery grounds.
- Copings, fences, benches, structures of wood and containers of glass and destructible materials, are not permitted on cemetery lots and will be removed by cemetery caretakers.

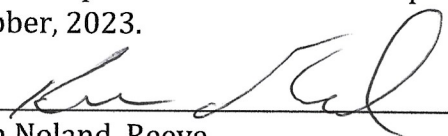
This Cemetery Services Information was passed by the Burpee Mills Cemetery Board (Operator) this 26th day of September, 2023.

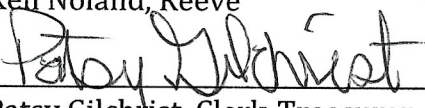


 Chairperson of the Board


 Secretary/Treasurer of the Board

This Cemetery Services Information was passed by the Corporation of the Township of Burpee and Mills Council (owner) this 3rd day of October, 2023.



 Ken Noland, Reeve


 Patsy Gilchrist, Clerk-Treasurer