



By-law 23-27
Being a by-law of the Municipal Council
of the Township of The North Shore
for the administration of the Algoma Mills Cemetery

WHEREAS The Corporation of the Township of The North Shore is licensed to operate, maintain and regulate one (1) municipally owned cemetery known as the Algoma Mills Cemetery

AND WHEREAS The Cemeteries Act (Revised), R.S.O., 1990, c. 4, was repealed and replaced by the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33;

AND WHEREAS, pursuant to Section 150 of Ontario Regulation 30/11 of the Funeral, Burial and Cremation Services Act, 2002, cemetery operators may make bylaws for the proper operation and management thereof;

AND WHEREAS in accordance with the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c. 33, no by-law made by a cemetery owner is effective until it is filed with and approved by the Registrar.

NOW THEREFORE the municipal council of The Corporation of the Township of The North Shore enacts as follows:

1. That council for the Township of The North Shore adopts the attached regulations for the governing of municipally owned cemeteries, said regulations identified as Schedule "A" and forming part of this by-law;
2. That the said regulations come into force and effect on the date approval has been received from the Registrar;
3. That By-law 08-45 is hereby repealed; and
4. That the Clerk of the Township of The North Shore is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

READ A FIRST, SECOND AND THIRD TIME ENACTED AND FINALLY PASSED THIS 15th DAY OF MARCH 2023.



Tony Moor, Mayor



Rachel Schneider, Clerk

**Schedule "A" By-Law #
Corporation of the Township of the North Shore
Cemetery Rules and Regulations**

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

GENERAL INFORMATION

Hours of Operation:

Visitation Hours: 6:00 AM – 8:00 PM

Municipal Office Hours: Monday to Friday, except Holidays 9:00 AM – 4:30 PM

Burial Hours: 8:00 AM – 7:00 PM

An Interment or Disinterment may only take place between April 30 – Nov 1 of each year.

General Conduct:

- The cemetery 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 should conduct themselves in a quiet manner that shall not disturb any service being held.

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.

All by-law amendments must be:

- A. Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- B. Conspicuously posted on a sign at the entrance of the cemetery; and
- C. Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

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, or other article that has been placed in relation to an interment right, save and except for direct loss or damage caused by gross negligence of the cemetery.

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 has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, 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.

SALE AND TRANSFER OF PLOT**Definition**

- **Lot** - For the purpose of this By-Law a “lot” is a single grave space.
- **Plot** - For the purpose of this By-Law a “plot” is multiple lots.
- **Resident** - For the purpose of this By-Law a “resident” means a person owning land within the Township of The North Shore, or living within the Township of The North Shore
- **Non-Resident** - For the purpose of this By-Law a “non-resident” means a person who is not a “resident.”
- **Care and Maintenance Fund** - For the purpose of this By-Law “Care and Maintenance Fund” is a requirement under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and Ontario Regulation 30/11 and 184/12 (O. Reg. 30/11 & 184/12) that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering 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.

- **Contract** - For the purpose of this By-Law, all purchasers of interment rights, 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 Information Guide and the Price List.
1. Prices and terms: single lots or double plots, or cremation plots may be purchased at such prices, and on such terms as may from time to time be fixed by the trustees. No interment may be made therein until the purchase has been paid in full.
 2. Every purchaser of a lot/plot will receive a Certificate of Interment Rights after all charges have been paid. Such certificate to be issued to only one of the rights holder(s).
 3. All purchasers of interment rights must sign a contract with the cemetery as adopted by the trustees detailing obligations of both parties and acceptance of the by-laws.
 4. The interment rights belong only to the persons named on the certificate and there is no transmission of interest through death.
 5. No monument may be installed until the purchase price has been paid in full.
 6. Lots/plots are sold with the provision for perpetual care in accordance with the Ontario *Funeral, Burial and Cremation Services Act, 2022* and the regulations of the Ministry of Government and Consumer Services.
 7. No Interment rights may be resold.
 8. Notice of every transfer of ownership of lot/plot, subsequent to the original purchase, shall be made by the registered owner thereof, or his or her legal representative, given to the clerk in writing and containing the description of the lot/plot, its number or numbers, the date of sale and the name and address of the transferee.
 9. Upon rights being transferred, the rights holder(s) must return the Interment Rights Certificate to the cemetery who will then issue a new certificate to the transferee.
 10. Proprietors of lots/plots may not allow interments to be made for remuneration.
 11. The rights holder(s) may at any time cancel the contract and have the cemetery repurchase the interment rights if no rights have yet been exercised subject to the following conditions: as per FBCSA, s. 47(6)2 the refund shall be calculated as the current price list price less any Care and Maintenance contribution.
 12. A purchaser has the right to cancel an interment or scattering rights contract within thirty (30) days of signing the interment or scattering rights contract, by

providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

13. No rights shall be exercised, transferred or services provided unless all arrears connected with the lots have been paid in full.

INTERMENT AND DISINTERMENTS

An Interment or Disinterment may only take place between April 30 – Nov 1 of each year.

1. A burial permit issued by the Division Registrar (funeral home) showing that the death has been registered or in the case of cremation a Certificate of Cremation must be deposited with the municipality before an interment may take place.
2. Where orders for interment are given by telephone, the trustee will not be responsible for any errors or misunderstandings that may arise, and such verbal orders shall be confirmed in writing.
3. Persons ordering lots/plots will be responsible for the charges incurred.
4. Notice of each proposed interment shall be given to the municipality at least 24 hours previous thereto. Except under special circumstances, the trustee cannot be responsible for having plots prepared unless such notice is given.
5. No lot/plot may be opened for interment by any person not authorized by the municipality except under special circumstances and with the permission of the trustee.
6. Each lot/plot shall be of sufficient depth to give a covering of at least three (3) feet of earth over the outside cover or shell of the coffin.
7. Written permission must be submitted to the trustees for any interment other than the interments rights holder for each lot/plot.
8. Not more than one interment may be in the same grave except in the case of infant twins or a mother and her baby. Except in the case of the following:
 - Full Size Burial Lots/Plots (9' x 3') will be allowed up to four (4) cremation burials.
 - Two (2) cremation burials are allowed in each (2' x 2') cremation lot/plot.
 - Two (2) cremation burials are allowed in each columbarium niche.
9. Bodies of any lower animals shall not be placed in the cemetery.
10. The interment fees shall be subject to change at any time.

11. No disinterment shall be made without the written consent of the local medical officer of health and the owner of the plot except on an order of the court or as provided in the regulations under the *Funeral, Burial and Cremation Services Act, 2022*.
12. No interment or other services or supplies will be provided for a lot until all arrears connected with that lot have been paid in full.

MONUMENTS AND MARKERS

1. All monuments and headstones should be of good quality granite, marble or other natural stone except sandstone adapted to such purposes, or real bronze.
2. In the case of four (4) cremations on a full-size burial plot, up to four (4) flat tombstones will be allowed, or one large standup tombstone for all four.
3. All owners of lots/plots are required to keep in repair at their own expense all stones and monuments and to remove all rubbish occasioned by putting up or repairing such stones or monuments.
4. All monuments are to face the north, or towards the roadway.
5. The trustee will mark out the location before the monument/marker is installed.
6. All markers installed in the cemetery shall have the proper amount of money deposited in the care and maintenance fund as regulated in the *Funeral, Burial and Cremation Services Act, 2022*.

CARE OF PLOTS

1. As provision has been made for perpetual care of the cemetery the municipality undertakes the grading, seeding, grass cutting and general care.
2. Any stand, holder, vase or other receptacle deemed unsightly, unsuitable or that is not in regular seasonal use, may be prohibited or removed by the municipality.
3. Borders, fences, railings, walls, cut stone copings, poured cement coping, gravel in or around lots are prohibited, hereafter, but corner markers flush to the ground are permitted.
4. No unauthorized person shall make any walk, cut any wood, sod or re-corner posts or plot markers in the cemetery.
5. The municipality will not be responsible for the loss of or damage to, any portable article left upon any plot.
6. Dwarf ornamental shrubs not to exceed 2' and a maximum of one (1) will be allowed per plot.

RULES FOR VISITORS

1. The municipality is empowered to preserve order and decorum in the cemetery.
2. Children under twelve years of age are not admitted on the grounds unless supervised by an adult, who shall be responsible for their conduct and see that they do not run over graves.
3. Vehicles shall be driven at no higher than 10km/h and shall not leave the avenues.
4. No animals shall be allowed in the cemetery, with the exception of working animals. Working animals, such as seeing eye dogs or Certified Support Animals are welcome in the Algoma Mills Cemetery, if the owner maintains control over the animal and cleans up after it.
5. No gratuities shall be given to employees at any time.
6. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violated the rules, may be expelled from the grounds.
7. Trustees will not be responsible for loss or damage to any portable articles left in the cemetery.
8. No markers may be installed on a lot until all arrears connected with that lot have been paid in full.
9. The cemetery reserves the right to remove any markers found to be in contravention of these regulations.



March 14, 2023

Licence #3262904
Site # CM-00030

Township of The North Shore
ATTN: Rachel Schneider, Clerk,
1385 Hwy 17, P.O. Box 108,
Algoma Mills, ON P0R 1A0

Re: Township of The North Shore Cemetery By-laws

Dear Ms. Schneider,

Thank you for submitting the documents below, which were received by the Bereavement Authority of Ontario for filing and approval of the Registrar on August 15, 2022.

- Electronic copy of your cemetery by-laws;
- Newspaper notification; and
- Photo of notification at cemetery entrance.

These by-laws are deemed approved and filed effective: **March 14, 2023**. A stamped copy is included.

For any future correspondence, please provide on the cover letter your cemetery operator's licence number and site number.

Please feel free to contact me should you have any questions.

Sincerely,



Ray Porrill
Licensing Officer
Bereavement Authority of Ontario
Phone: 647-933-6463
Email: Ray.Porrill@thebao.ca

Included: Approved Cemetery By-laws.