

TOWNSHIP OF NIPIGON

By-Law No. 1627

Being a By-law to update and replace the existing by-law for the management, maintenance and operation of the Nipigon Cemeteries.

As amended by By-Law Nos. 1716 (March 2011) and 1722 (June 2011).

A by-law to provide regulations for the management, maintenance, etc. of the cemeteries of The Corporation of the Township of Nipigon, known as Cliffside Cemetery and Pine Grove Cemetery respectively;

WHEREAS The Corporation of the Township of Nipigon is the owner of those parts of Lot 13 and 14 in the Second Concession of the Township of Nipigon, known as the Cliffside Cemetery and is the owner of that part of Lot 14 in the Fifth Concession of the Township of Nipigon, known as the Pine Grove Cemetery;

AND WHEREAS the plans of the said Cemeteries have been approved by the Minister of Health and the Minister of Consumer and Commercial Relations for Ontario;

AND WHEREAS it is desirable and expedient to regulate funerals and interments in and disinterments from the said cemeteries, and to provide for the management and maintenance of the said cemeteries;

NOW THEREFORE the Council of The Corporation of the Township of Nipigon enacts as follows;

Part 1 - Definitions

1. In this by-law:

“lot” shall mean an interment site;

“municipality” shall mean The Corporation of the Township of Nipigon;

“clerk” shall mean the Clerk of the Township of Nipigon;

“works superintendent” shall mean the Works Superintendent of the Township of Nipigon;

“infant” shall mean a child under the age of two years and shall include a stillborn child;

“child” shall mean a child under the age of twelve years.

“columbarium” shall mean an above-ground structure designed for the purpose of interring cremated human remains in niches;

“columbarium inscription plaque” shall mean an engraved lettering placed on the outside of the Columbarium to designate each niche with the occupants name and year of birth and death;

“niche” shall mean a hollow space in a Columbarium to place cremated remains.

“monument” - any type of approved memorial to mark a grave.

Part II - Interments and Disinterments

1. No interment shall be made in the cemeteries until a Burial Permit issued by the Division Registrar or cremation certificate issued by the Crematorium showing that the death has been registered, has been deposited with the Clerk.
2. Persons ordering interment space and/or the opening and closing of graves, whether relatives or representatives of the deceased or undertakers or otherwise, shall be responsible for the payment of all charges incurred in connection therewith.
3.
 - a. Interment in any lot shall be restricted to the owner of such lot; or members of his/her family or relatives.
 - b. No interment shall be made in any lot without the written consent of the owner of such lot or the personal representative having been submitted to the Clerk.
 - c. No interment shall be made in any lot until all the applicable charges, as are hereinafter set forth, have been paid in full.
4.
 - a. In the case of the full use of the lot for one (1) burial, no grave shall be opened for interment nearer than six (6) inches from the boundary of the lot and the coffin shall be covered by at least three (3) feet of earth. **A second interment in any lot shall not be permitted unless the first interment was made a depth sufficient to permit the second interment to be made in accordance with this requirement.**
 - b. No more than two (2) infants full burials may be interred in one lot.
5. A full burial and four (4) cremations , may be permitted in one lot and no grave shall be opened for interment nearer than six (6) inches from the boundary of the lot and the container shall be covered by at least eighteen(18) inches of earth. A casket buried must be at least 2 feet beneath the natural level of the ground.
6. Except in the cases of extreme necessity, such as the danger of contagion or infection or in case of epidemic, no interment shall be made on Sunday or on a statutory holiday. A doctor’s certificate of the necessity shall be required where the reason for interment is the danger of contagion or infection.
7. Mounds over graves shall not be permitted.
8. Metal, concrete or stone shells shall be supplied by the person requiring same, at his own

expense.

9. Animals shall not be interred in the cemeteries.
10. No disinterment shall be made without the written consent of the Medical Officer of Health for the Township of Nipigon and where applicable the owner of the lot or his legal representative. See section 51 of Cemeteries Act (revised), R.S.O 1990, c. C.4
11. The remains of persons dying from contagious diseases shall not be disinterred except when the Medical Officer of Health or other public officer having authority at the time, approves of the disinterment and prescribes such regulations and precautions as he may think necessary when the disinterment in accordance with such regulations or precautions may be made at the expense of the person applying for same as hereinafter set forth.
12. The responsibility and obligation of the municipality with respect to disinterments shall be limited to the re-opening of the grave and the removal of the remains there from; and all arrangements for the subsequent removal of the remains from the cemetery, which shall be made forthwith, shall be the responsibility of the person requesting or ordering such interment.
13. Written notice of each interment or disinterment to be made shall be given to the Clerk or the Works Superintendent at least twenty four (24) hours previous thereto;
14. The Works Superintendent or some other person in the employ of the municipality shall be in attendance at each interment or disinterment and no grave shall be opened for interment or disinterment by any person not in the employ of this municipality.
15. The Works Superintendent or some other person in the employ of the municipality shall be in attendance at each interment or disinterment and no grave shall be opened for interment or disinterment by any person not in the employ of this municipality.

Part III - Monuments & Memorials

1. Only approved monuments, tombstone, headstone or other memorial marking a grave shall be placed or installed in the cemeteries until the design and description thereof have been submitted to the Works Superintendent and a permit for the installation thereof obtained.
 - a. For the purpose of the regulations, a monument shall be understood to mean any approved memorial.
 - b. No monument or other structure shall be erected or permitted on a lot until all charges have been paid in full.
 - c. All installations of upright monuments and their foundations shall be arranged for

by the rights holder through monument dealers or contractors subject to the conditions of these by-laws

- d. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the cemetery.
- e. Inscription shall be permitted on both sides of any monument
- f. No monument, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Works Superintendent.
- g. Candle holders and vases may constitute part of a monument if they are made principally of bronze or stainless steel. If a translucent section is necessary, it must be made of a plastic material that is fire resistant.
 - i) Candle holders must be included in determining the overall size of the memorial.
 - ii) A maximum of two candles or vases can be placed on the base of a monument.
 - iii) A candle holder or vase must be adequately drained to prevent any collection of water.
 - iv) Candle holders must be fully enclosed on all sides by a door or lid.
- h. All photographs, vases, candle holders and statues attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the owner.
- i. No monument will be delivered to the cemeteries without the “Request for Installation” form approved by the Works Superintendent containing the following information:
 - i) The Interment Rights owners name and address.
 - ii) Instructions for placement of the monument.
 - iii) The dimensions of the monument.
 - iv) The dimensions of the die, height, width, length.
 - v) The dimensions of the base, height, width, length.
 - vi) The overall size of the monument.
 - vii) A description of the monument; colour and design.
 - viii) The appropriate fee for the Care and Maintenance Fund in relation to the size of the marker/monument as set out in the Cemeteries Act (Revised), must accompany the monument.
- j. Every person installing a monument in the cemetery shall pay the prescribed amount, as set out in the Cemeteries Act, to the Township of Nipigon Cemetery Care and Maintenance Fund. The interest earned from this fund will be used to maintain the monuments in a safe condition. See Schedule A
- k. Monuments can not be placed “back-to-back” against another.

- l. Contractors shall be under the supervision of the Works Superintendent.
- m. Any exceptions to these rules must be approved by the Works Superintendent.
- n. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered by the Township of Nipigon to be normal wear.
- o. The Municipality reserves the right for the Works Superintendent to determine the number, type and their location on each lot.
- p. Installation of an upright head stone in the Cliffside cemetery can only be installed only after the grave has sunk (average 5-6 years, due to 8 ft graves. (full burial)
- q. Installation of an upright head stone at Pine Grove Cemetery can be installed at any time due 10 ft graves. (full burial) See Section u.
- r. Cremations - upright can be installed at anytime. See Section u.
- s. Installation of any grave marker is only done between May 15 and Oct 15 of each year.

2. Upright and Hickey Style Monuments

- a. The maximum size monument, including the base, allowed on two adjacent lots is: Height 1.22 metres (4 feet) in overall height
Width 68.58 cm (27 inches)
The maximum size monument, including the base, allowed on two adjacent lots is: Height 1.52 metres (5 feet) overall height
Width 68.58 cm (27 inches) per lot (base size).
- b. All monuments must be able to withstand a minimum of 100 pounds of horizontal force applied anywhere on the monument without toppling. This must be achieved in the dry mode (no caulking).
- c. The minimum thickness of a die must be 15.24 cm (6 inches). However, all monuments must be able to withstand the 100 pound standard .(Upright style)
- d. A minimum of two (2) dowels must be made of minimum 127 mm (2") non-corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 7.62 (3 inches) deep and no more than 32 mm (1/8") larger in diameter than the diameter of the dowel.
- e. The die stones must be installed on a granite base, as per the height of memorial as follows: (Hickey style)

- up to 1.5', die 3" minimum (top) and 6" minimum (bottom)
- over 1.5', die 4" minimum (top) and 6" minimum (bottom)
- over 2.5', die 5" minimum (top) and 6" minimum (bottom)
- over 3.5', die 6" minimum (top) and 6" minimum (bottom)
- Foundations see section 3

The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 5.08 cm (2 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.

3. Foundation

- a. No foundations will be installed after October 15. in any year and before May 15 in the following year, (weather and frost permitting).
- b. The foundation shall be installed in the designated space and in the proper dimensions of the monument base with 10.16 cm (4 inches) of foundation showing around entire base. If incorrect dimensions have been given on the application form, signed by the Interment Rights Holder and/or the supplier, the foundation must be immediately removed and replaced at the expense of the Interment Rights Holder or supplier. Foundations will be not less than 10.16 cm (4 inches) deep on single lots and 12.70 cm (5 inches) on two lots. Any foundation that does not support the weight of the monument shall be removed and replaced by a suitable foundation at the Interment Right Holder's expense.
 - i) The required concrete mix for foundations will be:
 - 10.5 MPA
 - 75 mm slump
 - 20 mm aggregate
 - 5% +/- 1% Air Entraining agent
 - Trowel finish all edges.
 - ii) The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
 - iii) Foundations must be cured for a minimum of 48 hours before placing the monument.
 - iv) No concrete shall be placed until the Works Superintendent has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honeycombs. No concrete shall be placed to overlap concrete that is partially set.

4. Flat Memorials

Memorials shall conform to the following general specifications and shall:

- be of marble or granite or in the form of a bronze plaque.
- be installed flat so as not to project above the level of the ground.
- have a width of ten (10) inches minimum.
- for a lot, have a minimum length of twelve (12) inches and a maximum length of thirty six(36) inches; for two adjacent lots have a minimum of eighteen (18) inches and a

maximum length of sixty (60) inches.- have a thickness of not less than three (3) inches and not more than five (5) inches.

5. Slope Memorials

Memorials shall conform to the following general specifications and shall:

- be of marble or granite or in the form of a bronze plaque.
- have a width of ten (10) inches minimum.
- for a lot have a minimum length of twelve (12) inches and a maximum length of thirty six (36) inches; for two adjacent lots, have a minimum length of eighteen (18) inches and a maximum length of (60) inches.
- have a thickness of not less than three (3) inches and not more than five (5) inches. - Foundation: see Section 3
- A space between top of the "Slope Memorials" and foundation can be filled in by concrete.
- Typical "Slope Monument" is shown in diagram No. 2.

6. Raised Flat Memorials

- be of marble or granite or in the form of a bronze plaque.
- have a width of ten (10) inches minimum.
- for a lot have a minimum length of twelve (12) inches and a maximum length of thirty six (36) inches; for two adjacent lots, have a minimum length of eighteen (18) inches and a maximum length of (60) inches.
- have a thickness of not less than three (3) inches and not more than five (5) inches.
- Foundation: see Section 3
- Typical "Raised Flat Monument" is shown in diagram No. 1.

7. Columbarium

- Each niche may hold one single, two single or one double container of cremains.(Niche size 12"x12"x12")
- Plaques which will be ordered through the Township may have an acceptable receptacle for a small adornment.
- Plaques will be square in size, 10" x 10".
- The cost of plaques and shipping to be paid by purchaser at time of order.
- No person shall place any mementos of monetary value in the niche.
- No disinterment shall be allowed until the Request for Disinterment form has been submitted to the Township.

8. Memorials of unique or different shape may be considered if they meet the safety standards and keep within the dimensions of this By-law and do not present a danger to any one person, with the approval from council.

Part IV - General Regulations

1. Not more than two memorials with at least one being a flat memorial shall be permitted on any one lot.
2. The demeanour and behaviour of all workmen employed upon cemetery property other than the municipality shall be subject to the control of the Works Superintendent. Contractors, masons and stonecutters shall lay planks on the lots and paths over which heavy materials are to be moved to protect them from injury. Workmen shall cease work if in the immediate vicinity of a funeral until the conclusion of the service.
3.
 - a) Notice shall be given to the Works Superintendent before any memorial work, etc. is taken into the cemeteries.
 - b) No memorial work shall be delivered to the cemeteries until the foundation is completed and until the contractor or other person installing same is ready to proceed with the installation thereof.
4. Implements, tools, or materials used in doing any work in the cemeteries shall be removed without delay, failing which the Works Superintendent may remove or arrange for the removal of same at the owner's expense.
5. To ensure neatness and to preserve the beauty of the cemeteries, the Works Superintendent shall have supervision of wreaths, flowers, crosses and other mementos and objects placed upon graves. When it is necessary or desirable to remove same, he shall do so and if the Works Superintendent considers the article to have any value, he shall notify the lot owner or his legal representative, where possible, of the fact, giving such person the right within twenty-eight (28) days to call for and to take away same. After the lapse of thirty (30) days from the mailing of such notice, or after thirty (30) days where no notice can be given, the same may be destroyed.
6. Permitted uses:
 - a. Flowers must be placed in front of marker only.
 - b. The size of the flower bed can extend to a maximum of one foot from the front border of the marker.
 - c. Unbreakable containers.
 - d. Artificial flowers will be permitted in a container.
 - e. Wooden crosses or memorials for up to 5 years from interment date (max size 1 meter from finished grave).
7. Not permitted:
 - a. Borders, fences, railing, wall and cut-stone copings.
 - b. Trees, shrubs and hedges.
 - c. Glass and ceramic items.

8. Rubbish shall not be thrown out on to roads, walks or any part of the cemetery grounds, but shall be placed in receptacles provided on the grounds for that purpose.
9. All monuments, headstones, crosses or other memorials in the cemeteries shall be kept in proper and safe condition. Where the monument, headstone or other memorial needs to be repaired, reset or laid down on the grave due to the unsafe condition of the said monument, headstone or other memorial, the Council shall arrange for such to be done.
10. All costs incurred by the Township of Nipigon to repair, reset or lay down on the grave any monuments, headstones or other memorials shall be borne by the municipality out of general funds, unless such costs can be borne by the Care and Maintenance Fund.
11. No unauthorized person shall make any walk, cut any sod or move any corner post or grave marker in the cemeteries without the written authorization of the Works Superintendent.
12. No lot owner shall change the grading of his lot, and in the event of any such change the lot may be restored to its original grade at the owner's expense.
13. All persons shall confine themselves to the avenues and walks and shall avoid walking on the lots and graves.
14. No person shall write upon, scratch, deface or injure any fence, monument or other structure in the cemeteries.
15. No person shall pick any flowers, wild or cultivated, or mutilate or injure any trees, shrub or plant in the cemetery.
16.
 - a) No person shall drive at any excessive rate of speed in the cemeteries and no person shall ride or drive on the grass or on any lot.
 - b) Vehicles operated within the cemeteries shall be driven with due decorum and the owner of any vehicle shall be responsible for any damage caused by him, his vehicle or the driver of his vehicle.
17. No child under the age of twelve years shall enter the cemeteries unless in the company of some adult person and such adult person shall be responsible for the conduct of such child.
18. No parades other than funeral processions shall be permitted in the cemeteries without the specific permission of Council.

19. Any society or organization desiring to hold a memorial or similar service in the cemeteries shall give the clerk, in writing, ten days notice of their intention to do so, and such society or organization shall provide a satisfactory undertaking covering their liability for any damages incurred as a result of such service.
20. Council may, by resolution, empower the Works Superintendent to permit public memorial services of a sacred character in the cemeteries, but not more than one such service, having not more than one band, shall be conducted in the cemeteries at the same time, and all such services shall be conducted in a quiet, decorous and reverent manner.
21. Complaints by lot owners or visitors shall be made in writing to the Clerk for the consideration of Council.
22. Flowers to be removed by April 30 of each year.

Part V - Schedule of Charges

1. That the charges for a cemetery lot, interments, etc., shall be as set forth in Schedule "A", which is attached to and forms part of this by-law.
Monies received for Care and Maintenance pursuant to this by-law shall be invested in Guaranteed Trust Investments in accordance with the provisions of the Cemeteries Act, provided that the Treasurer of the Municipality shall deposit such monies from time to time in a special savings account with The Royal Bank of Canada, Nipigon, Ontario, Canada for a reasonable time pending such investment.
2. The charge for a single disinterment shall be the sum of FIVE HUNDRED DOLLARS (\$500.00). When disinterred remains are re-interred elsewhere in the cemetery, the charges for such re-interment shall be as set forth in Schedule "A" which is attached to and forms part of this by-law.
3.
 - a) A charge of TEN DOLLARS (\$10.00) shall be made for the transfer of ownership of any lot
 - b) Every transfer of ownership of a vacant cemetery lot subsequent to the original sale thereof shall be made by the owner or his legal representative giving to the Clerk a written notice containing the date of the original sale, the name and address of the transferee and a written copy of the assignment or Deed of Conveyance, duly witnessed.
 - c) No transfer of any lot shall be permitted until all the charges as set forth in Schedule "A" which is attached to and forms part of this by-law, or such portion of them that remains unpaid, has been paid.
4. Each purchaser of a lot, upon making full payment for same shall be issued a Certificate

of Interment Rights in the form set forth in Schedule “A” of this by-law, and which is hereby declared to be and form part of this by-law.

5. This by-law shall come into force and take effect from the day it receives the approval of the Ministry of Government Services, Cemeteries Branch.
6. Any by-law or by-laws of the Township of Nipigon inconsistent with the provisions of this by-law are hereby repealed.

Enacted and passed this 20th day of February, 2007, A.D.

_____ REEVE

_____ CLERK

SCHEDULE "A" to By-Law No. 1627

TARIFF OF RATES

1.	a. Lot, Resident	\$110.00
	b. Lot, Non-Resident	\$350.00
2.	a. Opening and closing of a lot, including that for re-interment and subsequent leveling and sodding or seeding and Provincial Burial Fee	\$400.00
	b. Opening and closing a lot for cremated remains, including that for Re-interment, and subsequent leveling and sodding or seeding and Provincial and Provincial Burial Fee.	\$250.00
	c. Opening and closing grave on Saturday or on a holiday.	\$740.00
3.	Disinterment	\$500.00
4.	Care and Maintenance per lot.	\$250.00
5.	a. Installation of flat grave marker over 173 sq in	\$75.00
	b. Installation of flat marker base only \$75.00	
	c. Installation of flat marker and base at the same time.	\$125.00
	d. Installation of sloped marker \$100.00	
6.	Care and maintenance of flat grave marker under 173 sq in	(No charge)
7.	Care and maintenance of flat grave marker over 173 sq in	\$50.00
8.	Care and maintenance of raised marker measuring 1.22 metres	

	(four feet) or less in height or 1.22 metres (four feet) or less in length, including base.		\$100.00
9.	Care and maintenance of raised marker measuring more than 1.22 metres (four feet) in either height or length, including base.		\$200.00
		10.	a. Niche, Resident
			\$500.00
	b. Niche, Non-Resident		\$700.00
11.	Opening and closing of Niche		\$175.00
12.	Care and maintenance (per Niche)	Non-Resident	\$105.00
		Resident	\$100.00
			0
13.	Installation of Niche bronze plate.		\$50.00
14.	Opening and closing of a Niche on a Saturday or a holiday.		\$275.00