

THE CORPORATION OF THE TOWN OF GEORGINA

KESWICK CEMETERY BY-LAWS

565 Varney Road

Keswick, ON L4P 3G1



BY-LAW NUMBER KCB-2017-0001

A by-law to establish rules and regulations for

The Keswick Cemetery

Council of the Corporation of Georgina enacts as follows:

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1. Definitions

- 1) **Act:** *Funeral, Burial, & Cremations Services Act, 2002, S.O. 2002, c.33 and O.R. 30/11*
- 2) **Advance of need Cemetery Services and Supplies:** services or supplies that are purchased and provided before a specific death has occurred.
- 3) **Agreement:** to enter into agreement between the Town of Georgina and authorized sales representatives for the Keswick Cemetery.
- 4) **At Need Cemetery Services and Supplies:** services and supplies that are purchased after a specific death has occurred.
- 5) **Board:** the group of persons appointed by Council, for the term of council.
- 6) **Burial:** the opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains.
- 7) **By-laws:** the rules and regulations governing the operation of the Keswick Cemetery.
- 8) **Care and Maintenance Fund:** it is a requirement under the *Funeral, Burial and Cremation Services Act, 2002* that a prescribed amount or a percentage of the purchase price of all interment, scattering, or no scattering rights sold; and set amounts for marker and monument installations is contributed into the care and maintenance fund. Interest earned is used to provide care & maintenance of plots, lots, markers and monuments at the Cemetery.
- 9) **Cemetery:** a duly approved area set aside for the interment, entombment, or scattering of human remains, in accordance with the Act, and includes all buildings, roads, paths and all other areas within the boundaries thereof.
- 10) **Cemetery Services:** may include, but are not limited to:
 - Opening and closing of a grave,
 - Interment or disinterment of human remains,
 - Vault installation.
- 11) **Columbarium:** means a structure containing recesses or niches for the entombment of cremated human remains. A columbarium may be a separate structure or it may be part of a mausoleum or other building.
- 12) **Columbarium services:** means services provided in respect of interring human cremated human remains in niches or compartments and include the opening, closing and sealing of the columbarium niche.
- 13) **Contract:** for purposes of these by-laws, all purchasers of interment rights must sign a contract with the Town, detailing obligations of both parties and acceptance of the cemetery by-laws.

- 14) Corner Posts:** small flat markers used to indicate the boundaries of a lot or plot.
- 15) Council:** the duly elected members of the Council of the Town of Georgina.
- 16) Cremated remains:** frequently referred to as ashes, are the human remains resulting from the cremation of a body.
- 17) Cremation Urn:** a container into which cremated remains are placed prior to interment, entombment or scattering.
- 18) Disentombment:** the removal of human remains from a niche.
- 19) Disinterment:** the removal of human remains from the ground.
- 20) Entomb (Entombment):** the placement of human remains into a niche.
- 21) (Flat) Marker:** a memorial structure set flush with the surrounding ground.
- 22) Grave:** (Also known as a Lot) means any in ground burial space intended for the interment of a child, adult or cremated human remains.
- 23) Human Remains:** the body or cremated remains of a deceased person.
- 24) Interment:** the placement of human remains in a lot, plot, niche or scattering ground.
- 25) Interment Rights:** the right to require or direct the interment/entombment of human remains in a grave, lot or niche.
- 26) Interment Rights Certificate:** a document issued by the Town of Georgina, once interment rights are paid in full, specifying ownership of the interment rights.
- 27) Interment Rights Holder:** a person with interment rights with respect to a lot or niche and includes the purchaser of interment rights.
- 28) Lot:** for the purposes of these by-laws a lot is a single grave space.
- 29) Marker:** a permanent memorial structure set flush with the ground, with a flat, level surface upon which an inscription may be made.
- 30) Memorial:** a means to commemorate life; may take many forms, such as a marker, inscription, monument, tree and a landscape feature.
- 31) Memorial Tree:** a tree donated to the cemetery in the memory of an individual.
- 32) Monument:** a memorial structure, projecting above the ground.
- 33) Niche:** a compartment within a wall of a columbarium intended for the entombment of cremated human remains.

34) Plot: for the purposes of these by-laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.

35) Scattering: an irreversible process where cremated human remains are spread upon the surface of a specific area of land lying within the Cemetery in keeping with the Cemetery's by-laws.

36) Scattering Rights Holder: any person designated to hold the right to scatter cremated human remains in a specified lot or other designated area within the cemetery.

37) Town: shall mean The Corporation of the Town of Georgina.

38) Treasurer: means the Treasurer of the Corporation of the Town of Georgina or a member of the board who conducts the financial operations and keeps the records of the Keswick Cemetery.

39) Vault: a container of concrete, steel or other material of similar material.

2. General Information

(1) Hours of Operation

Visitation Hours: daylight hours each day

Office Hours: The Town Office is open between 8:30 a.m. and 4:30 p.m. on Mondays through Friday excluding statutory holidays and other days on which the Town's municipal offices are not open for business.

Burial Hours: Monday to Friday – from 9:00 a.m. until 4:00 p.m.
Saturday – from 9:00 a.m. until 1:00 p.m.

Burials after hours will be subject to additional charges
On Sundays and Statutory Holidays the cemetery grounds shall be closed.

Notwithstanding the hours of operation, the cemetery grounds shall be available for interments or encryptions at any reasonable time upon a minimum of 48 hours' notice, unless special circumstances arise.

(2) By-Law Amendments

The cemetery shall be governed by these cemetery by-laws, and all procedures will comply with the *Funeral, Burial & Cremation Services Act, 2002* and the Ontario Regulation 30/11, which may be amended periodically.

All amendments to this by-law 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 (for 4 weeks) at the cemetery entrance;
- (c) Delivered to each supplier of markers who has delivered a marker to the cemeteries during the previous twelve-month period.

Approval of amendments will proceed according to the procedures listed in this by-law.

All by-laws and by-law amendments are subject to the approval of the Bereavement Authority of Ontario.

(3) Liability

The Town shall 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 or scattering right save and except for direct loss or damage caused in the course of cemetery personnel, or persons contracted by the Town, performing routine cemetery operations.

(4) Public Register

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all Cemeteries and crematoriums to maintain a public register that is available to the public during regular officer hours. This shall include the name of the deceased, the location of the remains and the date of the interment; The name and address of each rights holder and location of the lot or scattering ground; The name and address of each original rights holder that have been sold or transferred to and date of transfer; The particulars of each disinterment, including the name of the person requesting the disinterment, the location in which the remains were reinterred or scattered or the name of the person taking possession of the human remains.

(5) Right to Re-Survey

The Town 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.

3. Sale of Interment Rights and Scattering Rights

- 1) The sale and transfer of interment rights and scattering rights shall be under the direction of the cemetery board.
- 2) The purchase of interment or scattering rights is solely the right to direct the burial of human remains and the scattering of cremated human remains, and the installation of any monuments, markers, and inscriptions, subject to the conditions set out in the cemetery by-laws and not the purchase of land or niche.
- 3) Ownership of the interment or scattering rights shall remain with the Town and no services with respect to such rights shall be permitted until payment is received in full.
- 4) Each purchaser of interment or scattering rights shall be provided with:
 - (a) A copy of the purchase contract;
 - (b) A copy of the Cemetery By-Laws;
 - (c) Upon payment in full, a Certificate of Interment Rights or Certificate of Scattering Rights.
 - (d) Price List
 - (e) Consumer Information Guide

4. Cancellation of Resale of Interment Rights

- (1) A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the Town. The Town will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
- (2) If after thirty (30) days written notice from the purchaser of the interment rights is received, the Town will cancel the contract and issue a refund to the purchaser for the amount paid for the interment, less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said written notice. If the Interment Rights Certificate has been issued to the interment rights holder, the certificate must be returned to the Town along with the written notice of cancellation.
- (3) If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder are not entitled to cancel the contract and no refund shall be permitted.
- (4) Interment rights holders shall not sell interment rights except to the Town.
- (5) If a Interment rights holder(s) wishes to re-sell the interment or scattering rights, the rights holder(s) must make the request to the Cemetery Board in writing. The Town will repurchase the interment or scattering right at the price listed on the cemetery's current price list less the care & maintenance fund contribution made at the time of purchase. The re-purchase and payment to the rights holder must be completed within 30 days of the request.
- (6) The interment or scattering rights holder requesting the resale of the rights must return the certificate to the Town and the rights holder(s) must endorse the rights certificate, transferring all rights, title and interest back to the Town. The paperwork must be completed before the Town reimburses the rights holder(s).

5. Transfer of Interment Rights

- (1) Rights holders may transfer interment rights to a third party provided that such transfer is a gift, bequest, or other transfer made without financial consideration. No transfer pursuant to this section shall be binding until:

- (a) Written notice of such transfer is received. Such notice shall be executed with the authorized signature of the original rights holder, or shall be accompanied with such other evidence as may be required in order to validate ownership, and shall contain the name and address of the proposed transferee and description of the lot and/or niche.
 - (b) the original interment rights certificate is surrendered to the Town and a new interment rights certificate is issued to the transferee;
 - (c) receipt of the payment of an administrative fee.
- (2) Plots are indivisible. Where rights to two or more lots have been purchased as a unit, only the complete unit (plot) may be transferred.

6. Interments, Disinterment and Scattering

- (1) A burial permit issued by the Registrar General or equivalent documentation showing that the death has been registered with the province must be provided to the Town prior to a burial or entombment taking place. A certificate of cremation must be submitted to the Town prior to the burial of cremated remains taking place.
- (2) No interment shall be permitted without the written consent of the interment rights holder or his/her legal representative.
- (3) Services performed for the interment charges are:
 - (a) the opening and closing of the grave,
 - (b) restoring the turf by seeding or sodding subsequent to settlement and re-levelling,
 - (c) registration of the burial.
- (4) A minimum of 48 hours' notice shall be provided to the Town prior to each interment unless special circumstances arise.
- (5) The Town shall not be liable for any verbally made funeral arrangements. All arrangements shall be made in writing.
- (6) Lots and niches shall be opened only by personnel in the employ of, or under the direction of the Town except under special circumstances. Any lots or niches required to be opened under such special circumstances shall be opened only pursuant to the express written consent of the board.

- (7) As a common rule, only one interment may be made in each grave. If more than one interment is allowed, then the first interment must be made extra deep. In any single cremation grave, a maximum of two cremated remains are allowed.
- (8) Remains to be interred in a lot must be enclosed in a securely sealed container of sufficient strength that the container will remain intact throughout the interment process. The container must be of such size that it will fit within the horizontal dimensions of the lot.
- (9) Caskets or urns enclosed in an outer vault, will be charged an extra fee and the provision of the appropriate lowering device shall be the responsibility of the funeral director.
- (10) Only human remains shall be interred or entombed in the cemetery.
- (11) The scattering of cremated human remains shall be permitted in a designated scattering area. Due to the nature of this service, it is impossible to avoid the commingling of remains with others. It is therefore impossible to recover scattered cremated remains under any circumstances.
- (12) Cremated human remains may be interred loosely in an excavated cremation lot without an urn or vessel with permission of the cemetery board. Due to the nature of this service, it is impossible to recover the cremated remains under any circumstances.
- (13) No disinterment shall be made from the cemetery unless:
 - (a) The Medical Officer of Health is notified prior to taking place;
 - (b) It is carried out in accordance with the regulations contained in the Act;
 - (c) Permission of the Rights holder is provided;
 - (d) Written guarantee that additional expenses incurred are assumed by the applicant.

The Town will not be held liable or responsible for any damage to a casket, urn or other container resulting from disinterring remains.

A certificate from the local Medical Officer of Health is not required for the removal of cremated remains.

7. Memorialization

- (1) Prior to the installation of a monument or marker, The Town requires:
 - (a) The written consent of the rights holder(s);
 - (b) An application for approval of monument design and materials to be used completed by the supplier;
 - (c) Approval of the design as submitted;
 - (d) Payment of the requisite fees.
- (2) As part of the approval of the design approval of a monument, vault or other structure, the board, if it deems necessary shall have the right to require that said plans and specifications be sealed by a structural engineer at the expense of the rights holder.
- (3) Only one monument or marker shall be erected on any lot.
- (4) Monuments and markers must be constructed of granite or bronze, unless otherwise specifically approved by the board. Flat markers shall be set so that the top surface shall be flush with the surrounding terrain.
- (5) The bottom beds of all bases and markers must be cut level and true, every die stone shall be finished on all sides, ends and top. Manufactured – textured finishes such as scalloped rock pitch are approved for the sides and ends of bases and for the sides or edges of other stonework. Vertical joints shall be covered.
- (6) Concrete foundations are required for all monuments. Foundations shall be built at the expense of the purchaser and at the convenience of the Town. The foundation shall be built in the designated memorial space and shall be the specified dimensions of the monument base.
- (7) Monument and marker bases must be of approved material and design and shall not exceed 25% of the total height of the monument. The bottom 100 cm (4") minimum of a granite base or monument must be of rock pitch finish. Rough unfinished bases are not acceptable.

- (8) The size of one monument allowed is:

Single Lot

Height: 1.2 m (48 in) maximum
 Width: 0.4 m (16 in) maximum, including base
 Length: not to exceed 75% of width of single lot,
 including base
 Thickness: shall not be less than 20 cm (8 in)

Multiple Lots (Plot)

Height: 1.2 m (48 in) maximum
 Width: 0.46 m (18 in) maximum, including base
 Length: not to exceed 75% of width of a plot to a
 maximum of 1.5 m (59 in) for a two lots
 and 1.8 m (71 in) for three or more lots
 per plot
 Thickness: shall not be less than 20 cm (8 in)

Cremation (Upright only) Lot(s)

Height: 1.2 m (48 in) maximum
 Width: 0.4 m (16 in) maximum, including base
 Length: not to exceed 75% of width of cremation lot,
 including base
 Plot: Monuments not to exceed 75% of the width of the plot to a
 maximum of 1.37 m for two lots per plot
 Thickness: shall not be less than 20 cm (8 in)

General

- A monument of 20 cm (8 in) thickness shall have a maximum height of 107 cm (42 in).
- A monument in excess of 107 cm (42 in) in height shall be 20 cm (8 in) thick plus an extra thickness of 2.5 cm (1 in) for each 30.5 cm (12 in) or part thereof by which the total height exceeds 107 cm (42 in). The maximum total height of any monument shall be 120 cm.
- Any joint area less than 0.09 m² (1 sq. ft.) shall require a minimum of two dowels.
- Any joint area greater than 0.09 m² (1 sq ft) but less than 0.19 m² (2 sq ft) requires a minimum of one dowel.
- Dowels shall be of a non-corrosive material not less than 1.25 cm (1/2 in) in diameter. Dowels must be inserted not less than 15 cm (6 in) into both the base

and the die stone. The diameter of the dowel holes shall be equal to a maximum of the diameter of the dowel plus 0.65 cm (1/4 in).

- No part of the die stone or any other part of the monument shall protrude horizontally beyond the vertical extension of the base. A tolerance of 0.65 cm (1/4 in) may be permitted from the specified dimensions of the monument.
- (9) Freestanding crosses must conform in all respects to these by-laws with regard to application for approval of design, foundation, bases, plus the following:
- A cross of height of 107 cm (42 in) or less must be a minimum of 20 cm (8 in) in thickness;
 - A cross in excess of 107 cm (42 in) in height must increase in thickness by 2.5 cm (1 in) for each 30 cm (1 in) or part thereof by which the height exceeds 107 cm (42 in); to a maximum height of 120 cm (47 in).
 - The base of the vertical shaft must be not less than 20 cm (8 in) in width;
 - The cross may taper to a minimum width of 15 cm (6 in) at the top;
 - The horizontal arms of the cross must be a minimum of 15 cm (6 in) in width;
 - The cross must be adequately dowelled to its base.
- (10) Inserts other than recessed ceramic pictures are not permitted on monuments.
- (11) Adornments made of bronze or stainless steel are permitted on monuments. Such adornments must be attached by means of pins or clips. The Town shall not be responsible for any adornments that may be lost or removed over time.
- (12) Candleholders and Vases may constitute part of a monument provided that:
- They are made of bronze or stainless steel;
 - Translucent sections are unbreakable heat resistant glass or fire resistant plastic;
 - Candleholders are fully enclosed on all sides by means of a door or lid;
 - Candleholders and bases are attached to the top of the base of the monument;
 - Candleholders and bases attached to the top of the base of the monument will be included in determining the overall size of the monument;
 - Candleholders must be a minimum of 2.5 cm (1 in) from the monument;
 - Candleholders and vases must be adequately drained to prevent the collection of water.
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- (13) Granite markers shall not be less than 10 cm (4 in) and not more than 15 cm (6 in) of uniform thickness throughout and must be smoothly finished on both top and bottom surfaces, the edges may be of rock pitch finish.
- (14) Bronze markers shall adhere to all other by-laws respecting markers plus:

- Bronze markers shall be true, free from weakening or minor defects, blemishes or imperfections, and shall smooth exposed surfaces;
- Bronze markers shall be attached to a concrete or granite base of not less than 10 cm (4") or more than 15 cm (6") in thickness. The concrete or granite base shall be set into the ground according to the cemetery's specifications.

(15) Pictures or photograph attachments are not permitted on markers set flush with the ground or on vases attached thereto.

(16) Markers may be placed at the head end of each lot.

Marker only lots (urn lot) shall have the marker placed in the center of the lot or designated marker space.

Face areas are not to exceed:

Adult lot:	not to exceed 60 cm X 45 cm (24" x 18")
Child lot:	not to exceed 50 cm X 30 cm (20" X 12")
Urn lot:	not to exceed 50 cm X 30 cm (20" X 12")

(17) Boulder monuments require both an appropriate setting and an appropriate stone. Boulder monuments are not permitted on a lot or plot but may be approved on a case-by-case basis as a feature within the cemetery.

(18) Foundations must be complete before the delivery of monuments, marker and other materials and before contractors are ready to proceed with installation or use of such materials.

(19) Inscriptions, in keeping with the dignity and decorum of the cemetery, are permitted on monuments. The proposed inscription shall form part of the application for approval of design and must be submitted therewith. Lettering is permitted only on that face of the monument that faces the gravesite.

(20) Inscriptions may be added to an existing monument or marker. The board requires the written consent of the rights holder(s) and a copy of the order form showing the text and layout of the proposed inscription.

(21) Memorial plaques may be affixed to designated feature walls. Memorial plaques will be provided by the Town in predetermined sizes and materials.

(22) In the event that any memorial, monument, columbaria or vault becomes a risk to public safety due to instability or dilapidation, the Town shall do whatever is

necessary by way of repairing, resetting, or laying down of the said item in order to remove such risk to safety. The extent of any work performed beyond the laying down of the item will be dependent upon the availability of funds in the care and maintenance fund or at the expense and agreement of the right holder(s).

- (23) In the event that any work including, but not limited to, removal, addition of an inscription, cleaning, or repairing, is to be done on any monument, memorial, vault or marker, the written consent of the board together with the written consent and authority of the rights holder(s) is required.
- (24) The Town may remove monuments and/or markers from any lot or grave if payment of the contract for the said monument or marker is in default. The Town, upon written request of the individual rights holder(s), may remove monuments or markers purchased by persons other than rights holders. The board reserves the right to remove any marker or monument that is not in keeping with the dignity and decorum of the cemetery.

8. Care and Planting

- (1) Saving and excepting the preparing of flower beds or the planting of shrubs, only cemetery personnel or persons contracted by the Town may cut or remove sod, soil or alter the grade of a lot or surrounding area.
- (2) In the event that a flowerbed becomes unsightly or that a shrub becomes overgrown, the board shall notify the rights holder. The rights holder shall rectify same to the satisfaction of the board within 30 days of the said notice, at the expense of the rights holder. Failure to remedy the said situation within the said 30 day period shall empower to remedy the situation at the cost of the rights holder.
- (3) Borders or other decoration are not permitted at the corners or along the perimeter of any lot.
- (4) Flower beds may be planted by the rights holder immediately adjacent to the monument space. Flower beds shall be 300 mm (12 in) in depth and of equal width to the base of the monument. Where no monument exists, the flower bed shall be planted in the same location, and shall have the same dimensions as if there was a monument present.
- (5) All materials planted in such flowerbeds and all such shrubs shall become the property of the Keswick Cemetery.

- (6) In order to preserve the appearance of the cemetery, all flower beds must be cleared of tender plants prior to November 1st of each year.

All flower beds existing from previous year(s) must be re-planted prior to June 15 or the same will be sodded by the Town at the cost of the rights holder.

- (7) Portable articles such as, but not limited to, flower vases, potted plants, baskets, or urns, but not including gravesite monuments and markers, must not exceed 0.01 m³ (0.5 cu ft) in external dimensions, must not exceed a mass of 11.25 kg (25 lbs) inclusive of contents and must be readily moveable for ease of handling by cemetery personnel. The Town shall not be responsible for loss of or damage to any portable article left on, or in the vicinity of, any lot or grave.
- (8) Memorial wreaths may be placed in the cemetery only in the winter months between November 1st and April 30th of each year. Wreaths not removed by May 1st shall be removed and disposed of by cemetery personnel without notice or compensation.
- (9) Natural or artificial flowers or plants, in appropriate containers, may be placed on lots or graves. Flower vases, baskets, pots and urns made of glass or other breakable materials are prohibited.
- (10) Fresh Cut or artificial flowers, or plants that have become unsightly, shall be removed by cemetery personnel daily without notification.
- (11) All funeral flowers placed as decoration on a burial lot will remain for a minimum of seven (7) days following the interment and will be removed by cemetery personnel.
- (12) Memorial trees will be planted by the Town in locations(s) selected by the board. The Town shall not be responsible for the replacement of any memorial tree that dies or is damaged. One portable article may be placed at the base of a memorial tree, with written approval from the cemetery board.

9. Items Permitted and Prohibited

- (1) Such as but not limited to certain articles such as chairs, arches, iron rods, wire work, hanging baskets, flags, borders, fences, railings, walls, cut-stone coping, pottery, glass or wooden articles (including wooden crosses and other wooden memorials), unattended candles, vesper lights, or other illuminated articles, or similar articles may not be left upon any lot or grave. Such articles shall be removed by cemetery personnel without notice.

Under special circumstances, articles above may be permitted for a period not exceeding 10 calendar days following an interment.

- (2) Benches may not be placed upon a lot or plot. Benches to be used as memorials may be approved on a case-by-case basis as a feature within the cemetery.
- (3) The planting of flowerbeds, trees and shrubs shall be permitted, in designated areas other than a lot or plot with the express consent of the board, at the expense of the right holder.
- (4) Trees, shrubs or other plants that encroach upon adjacent trees, lots, drains, roads, pathways or that are detrimental to the appearance of the cemetery will be removed at the expense of the rights holder subsequent to notice of such intent to remove.
- (5) Visitors to the cemetery shall behave in a manner in keeping with the dignity of the cemetery. Persons behaving in a manner which is not in keeping with the dignity of the cemetery shall be required to leave the cemetery.
- (6) Vehicles within the cemetery shall be driven at a speed not exceeding 15 kilometres per hour, and no person shall allow the wheels of any such vehicles to leave the roadway. All drivers of vehicles shall respect all lots as if they were their own. Vehicle owners and drivers shall be held responsible for any damage done by them.
- (7) There shall be no vehicular traffic within the cemetery other than those vehicles attending an interment or encryption, or the vehicles of visitors to the cemetery.
- (8) At the discretion of the Town limitations on vehicular traffic shall not apply to any vehicles required for the maintenance of the cemetery, the provision of cemetery services, or the future expansion of the cemetery.

10. Contractor/Monument Dealers

- (1) Monument dealers, mason, stonecutters, contractors or their employees must:
 - Be approved by the Town prior to their accepting any contract for work to be done within the cemetery;
 - Provide to the Town the written consent of the rights holder(s) authorizing the contractor to perform the work specified. This consent must also specify the location of the interment rights.
 - Comply with all applicable legislation, including without limitation, *The Worker's Compensation Act*, the *Occupational health and Safety Act*, and the *Environmental Protection Act*;

- Provide, prior to the commencement of work, proof of liability insurance satisfactory to the Town;
- Comply with all of these by-laws;
- Conduct their operation(s) in a manner that will prevent damage to any grounds, shrubs, trees, flowerbeds, monuments, markers, vases or any other article or natural feature in the cemetery, and also in such a manner that will minimize danger to their own staff, town staff, cemetery visitors, and the public at large. Planks shall be laid on the lots, graves and paths over which heavy materials are to be moved, in order to prevent damage. Any damage so caused shall be rectified by the Town at the expense of the contractor(s);
- Cease work if within 60 metres (200') of a funeral until fifteen minutes following the conclusion of the service;
- Cease work within the cemetery prior to 5:00 p.m. Monday to Friday, prior to 4:00 p.m. on Saturday, Sunday or Public Holidays;
- Remove all implements and/or rubbish prior to leaving the site each day. Heavy equipment to be left on-site for use in future days shall be moved at the end of each day to the cemetery maintenance area.

- (2) The actions, conduct, behaviour and attire, within the cemetery, of all contractors and their employees engaged by persons other than the Town are the responsibility of the rights holder(s) and shall be subject to the direction of the Town.

11. Columbaria

- (1) Niches shall only be opened and sealed by employees and contracted personnel of the Owner. This applies to the niche front as well.
- (2) In order to maintain the preferred consistency and standard of workmanship, the Owner reserves the exclusive right to inscribe on all niche fronts, as prescribed on the certificate of Interments Rights issued by the Owner in respect of such niche.
- (3) Pictures, lights, vases or other attachments are not permitted on the face of the niche. No shrubs, plants, herbage or articles of any kind are to be placed on or near the columbarium. Such as but not limited to certain articles such as chairs, arches, iron rods, wire work, hanging baskets, flags, borders, fences, railings, walls, cut-stone coping, pottery, glass or wooden articles (including wooden crosses and other wooden memorials), unattended candles, vesper lights, or other illuminated articles, or similar articles may not be left upon any lot or grave. Such articles shall be removed by cemetery personnel without notice.

12. Pets

- (1) Pets may be permitted within the boundaries of the cemetery provided they are fully under control by means of a leash or enclosed within a suitable container.

13. Cemetery Board

- (1) The cemetery shall be managed by the board.
 - (2) The board shall consist of not less than five (5) and not more than (9) members, as appointed by the council.
 - (3) The terms of office of the members of the board shall coincide with the terms of office of council.
 - (4) One or more members of the board may be re-appointed for one or more consecutive terms of office at the pleasure of the council.
 - (5) The officers of the board shall be: the Chairman; the Secretary and the Treasurer.
 - (6) The inaugural meeting of the board shall take place within six (6) months following the date of the municipal election.
 - (7) Following the inaugural meeting of the board, the board shall meet at intervals of not more than three (3) months but may meet more frequently as required by the nature of business.
 - (8) Special meetings of the board may be called upon seven (7) days' notice to deal with specific items of business that are of an urgent or time-sensitive nature. Where necessary such notice may be by mail, telephone or other electronic means.
 - (9) The annual general meeting of the board shall be held in October of each year upon a date to be decided at the regular board meeting prior to the annual general meeting.
 - (10) Following its appointment the board shall have an acting chairman appointed by the council for a period not exceeding three (3) months from the date of the first meeting of the board. Within this three (3) month period the board shall elect a chairman from among its membership; which chairman shall take office immediately upon election.
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(11) Following its appointment the board shall have an acting secretary appointed by the council for a period not exceeding three (3) months from the date of the first meeting of the board. Within this three (3) month period the board shall elect a secretary from among its membership or elect to have a Town employee assume the duties of secretary; which secretary shall take office immediately upon election. It is noted that support staff are non-voting members.

(12) Following its appointment the board shall have an acting treasurer appointed by the council for a period not exceeding three (3) months from the date of the first meeting of the board. Within this three (3) month period the board shall elect a treasurer from among its membership or elect to have a Town representative report to the board all financial activities as received by the treasurer of the town as part of each board agenda; which treasurer shall take office immediately upon election.

(13) The Chairman of the board shall:

- Chair all regular general meetings and special general meetings of the board;
- Serve as an ex officio member of all committees of the board;
- Temporarily assume the duties of any officer of the board during an illness of such officer or, subsequent to the resignation of such officer, pending the election of a replacement.

(14) The Secretary Shall:

- Record the minutes of all meetings of the board;
- Conduct all correspondence on behalf of the board;
- Maintain all records of the board save and except the financial records.

(15) The Treasurer shall:

- Conduct all of the financial affairs of the board including, but not limited to, the following:
- Maintain the financial records of the cemetery.
- Receipt of all monies payable to the cemetery;

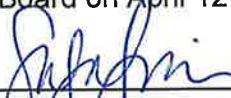
(16) A quorum of the board shall be a majority of the board's current membership.

- (17) A board member may resign provided that written notice of the intention to resign is presented to the board secretary not less than four (4) weeks prior to the intended date of effect of such resignation.
- (18) Upon receipt of a notice of intent to resign the board secretary shall notify the Town Clerk of the need for the appointment of a replacement board member.
- (19) Upon the receipt by the Town Clerk of the notice of need for a replacement board member, the Town Clerk shall take such steps as may be required to replace and appoint a new board member.
- (20) The Town shall keep such registers, records and books as are necessary for properly recording all matters pertaining to the cemetery, as prescribed by the Act and the regulations made thereunder.
- (21) The cemetery shall charge fees for interment rights, entombment rights, scattering rights, memorialization rights and each of the various cemetery services as approved by the cemetery board.
- (22) There shall be no transference of rights, nor provision of cemetery services, unless all fees in respect of such rights or services have been paid in full.
- (23) All revenue and other monies belonging or pertaining to the cemetery shall be received by the Treasurer of the Town of Georgina.
- (24) All funds apportioned for the care and maintenance shall be deposited as prescribed by the act and regulations. The income from the fund shall be used to maintain, secure and preserve the cemetery grounds, including, but not restricted to, re-levelling, sodding or seeding of lots or scattering grounds, maintaining roads, watering systems, fences, landscaping and buildings and to maintain, stabilize, secure and preserve markers and monuments.


This by-law shall take effect on the day it receives approval from the Registrar as appointed under the act.

Enacted and Passed by the Keswick Cemetery Board on April 12th, 2017

Signed by:



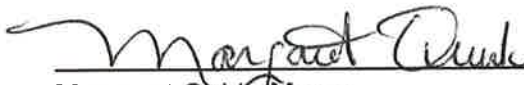
Susan Wain, Chair




Shirley Lorenzoni, Acting Vice Chair

Received and approved by Council on April 19th, 2017

Signed by:



Margaret Quirk, Mayor



John Espinosa, Town 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, 2002</i>	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>MAY 25, 2017</u>
File/Licence No. Numéro de Fiche/Permis	<u>05075</u>
By/ Par	<u>Campbell</u>