

**THE CORPORATION OF
THE TOWNSHIP OF ARMSTRONG**

BY-LAW 2018-36

**BEING A BY-LAW TO ESTABLISH RULES, REGULATIONS AND PRICE LIST
FOR THE TOWNSHIP OF ARMSTRONG CEMETERY AND TO REPEAL BY-
LAW NO. 2015-12.**

WHEREAS the Corporation of the Township of Armstrong recognizes and has adopted by-laws that pertain to the operation of a Cemetery within the Township of Armstrong;

AND WHEREAS the Township of Armstrong Cemetery was established on the South Part of Concession 4, Lot 8 of the Township of Armstrong on September 20, 1920;

AND WHEREAS the Township of Armstrong Cemetery was transferred to the Township of Armstrong on January 21, 1983;

AND WHEREAS the Township of Armstrong is licensed to operate, maintain and regulate the Township of Armstrong Cemetery;

AND WHEREAS the Township of Armstrong, through the Cemetery Board shall be responsible for the safety of the monuments as set in the Funeral, Burial and Cremation Services Act, 2002.

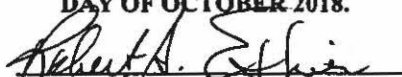
AND WHEREAS the Corporation has followed the process required and all procedures comply with the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and Ontario Regulation 30/11;

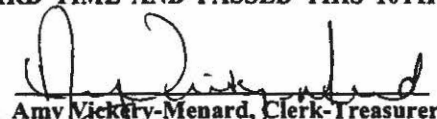
AND WHEREAS in accordance with the FBCSA, 2002, no by-law made by a cemetery operator is effective until it is filed with and approved by the Registrar;

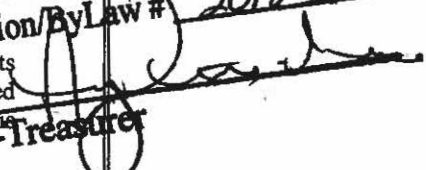
**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF
ARMSTRONG ENACTS AS FOLLOWS:**

1. That the Council for the Corporation of the Township of Armstrong hereby adopts the attached rules and regulations for the governing of the municipally owned cemetery, attached hereto as Schedule "A", "B" and "C 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 No. 2015-12 being a by-law to establish rules, regulations and rates of rates for cemeteries is hereby repealed;
4. That the Clerk of the Corporation of the Township of Armstrong is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantic or descriptive nature to the by-law and schedules as may be deemed necessary from time to time after the passage of this by-law.
5. That all by-laws and resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH
DAY OF OCTOBER 2018.**


Robert Ethier, Mayor


Amy Vickery-Menard, Clerk-Treasurer

I hereby certify this to be a true copy of
Resolution/By Law # 2018-36

Clerk-Treasurer

BAO		BEREAVEMENT AUTHORITY OF ONTARIO
L'AUTORITÉ DES SERVICES FUNÉRAIRES ET CEMETIÈRES DE L'ONTARIO		
APPROVED	APPROUVÉ	
In accordance with the Funeral, Burial and Cremation Services Act, 2002	Conformément à la Loi de 20 sur les services funéraires et les services d'enterrement et de crémation	
Date of Approval/ Date de l'approbation	<u>February 26, 2019</u>	
File Reference No. Numéro de Fiche/Permis	<u>3304205 04163</u>	
By/ De		

**THE CORPORATION OF
THE TOWNSHIP OF ARMSTRONG**

BY-LAW 2018-36

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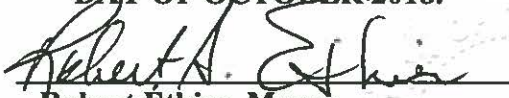
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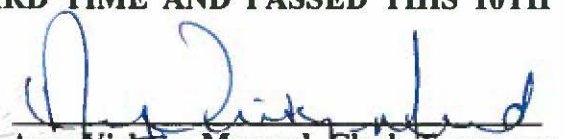
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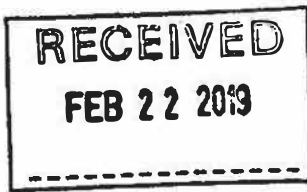
NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF ARMSTRONG ENACTS AS FOLLOWS:

1. That the Council for the Corporation of the Township of Armstrong hereby adopts the attached rules and regulations for the governing of the municipally owned cemetery, attached hereto as Schedule "A", "B" and "C" 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 No. 2015-12 being a by-law to establish rules, regulations and tariff of rates for cemeteries is hereby repealed;
4. That the Clerk of the Corporation of the Township of Armstrong is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantic or descriptive nature to the by-law and schedules as may be deemed necessary from time to time after the passage of this by-law.
5. That all by-laws and resolutions, or parts thereof, contrary hereto or inconsistent herewith, be and the same are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 10TH DAY OF OCTOBER 2018.


Robert Ethier, Mayor


Amy Vickery-Menard, Clerk-Treasurer



REGULATIONS FOR THE GOVERNING OF THE TOWNSHIP OF ARMSTRONG CEMETERY

Schedule "A"

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BY-LAW 2018-36

SCHEDULE "A"

TOWNSHIP OF ARMSTRONG CEMETERY

PREFACE

The Council of the Corporation of the Township of Armstrong in the discharge of their responsibilities, appeal to the public to aid them by following this by-law, which has been adopted for the improvement and upkeep of the cemetery, to keep it a becoming and respectful place for the burial of the deceased.

The above mentioned Cemetery is licensed to act as a cemetery in accordance with the Funeral Burial & Cremation Services Act, 2002 (FBCSA 2002).

It is our hope that by a co-operative effort we can keep the cemetery attractive and peaceful.

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

ADMINISTRATION

1. The Corporation reserves full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery and complete authority to administer the by-law.
2. The Corporation as required under the provincial legislation - Section 110 of O. Reg. 30/11 requires all cemeteries to maintain a public register that is available to the public during regular office hours.
3. The Corporation distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.
4. The Corporation shall take reasonable precautions to protect the property of interment rights holders but they assume no liability or responsibility for the loss of, damage to any article or item that is placed on any lot or plot.
5. The Corporation 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, save and except for direct loss or damage caused by gross negligence of the cemetery.

6. The Corporation 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.

DEFINITIONS

Burial: Means the opening and closing of an in-ground lot or plot for the disposition of human remains or cremated human remains.

By-Laws: Means the rules and regulations under which the Cemetery operates.

Care and Maintenance Fee: Means the fees contributed to Care and Maintenance Fund.

Care and Maintenance Fund: Means as required 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 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: Means a vault with niches for urns containing ashes of the deceased.

Contract: Means the document formulating the agreement between the Interment Rights Holder and the Corporation.

Corporation: Means the Corporation of the Township of Armstrong.

Death/Year Tab: Means small tab cast with the year of birth and death.

Flower Saddle: Means a device that seats flower foam with a flower arrangement over a monument.

Grave: Means any in ground burial space intended for the interment of a child, adult or cremated human remains.

Hours of Operation: Means the time at which interment or entombment of human remains can take place.

Visitation Hours:	April to November
Office Hours:	Monday to Friday - 8:00 am to 4:30 pm
Burial Hours:	Monday to Friday - 8:00 am to 1:30 pm (Full Burial)
	Monday to Friday - 8:00 am to 3:00 pm (Urn Burial)

Infant: Means a child between 0 to 24 months.

Interment Right: Means the right to require or direct the interment of human remains or cremated human remains in a grave, lot or niche.

Interment Rights Certificate: Means the document issued by the Corporation to the purchaser of the interment rights once they have been paid in full, identifying ownership of the interment rights.

Interment Rights Holder: Means any person designated to hold the right to inter human remains in a specified lot.

Lot: Means a single grave space.

Marker: Means any permanent memorial structure that is set on the surface of the ground and used to mark the location of a burial.

Mausoleum/Crypt: Means a large tomb, usually stone building with places for entombment of the deceased above ground.

Mini-Columbarium: Means a vault with niches for urns containing ashes of the deceased erected on a lot/plot. (usually replacing a monument)

Monument: Means any permanent memorial structure projecting above the ground installed within the designated space to mark the location of a burial or lot/plot.

Name Wreath: Means a cast bronze personalized plaque affixed to the niche front.

Niche: Means a compartment in a columbarium and mini-columbarium for the urn placement of cremated human remains.

Non-Resident: Means a person who does not reside within the limits of the Corporation.

Public Register: Means an official register made accessible and available to members of the public.

Price List: Means the list of tariffs of fees and charges as set out by the Corporation.

Plot: Means a parcel of land, sold as a single unit, containing multiple lots.

Resident: Means anyone who qualifies to be on the Township of Armstrong Voter's List unless, due to health reasons, this individual needs to be relocated to a nursing home/hospital; therefore he/she shall continue to remain a resident for Cemetery purposes.

Transferee: Means a person to whom lot/plot is transferred.

Transferor: Means a person who transfers its lot/plot.

Urn Vault: An enclosure designed to shelter an urn within.

SALE AND TRANSFER OF INTERMENT RIGHTS

1. That only the Corporation through the Cemetery Board may sell rights (lot/plot).
2. It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount of a percentage of the purchase price (excluding tax) of all interment and rights sold; 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. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30-day cooling off period.
3. After interment rights have been paid for in full, the Corporation shall provide each Interment Rights Holder with:
 - a copy of the Contract;
 - a copy of the Cemetery By-law;
 - a Certificate of Interment Right;
 - a copy of Price List; and
 - a copy of the Consumer Information Guide.
4. A purchaser will receive a full refund of all monies received by the Corporation if cancellation occurs with 30 days of entering into a contract, providing that the interment rights have not been used.
5. If the interment rights holder transfers the interment rights, the holder shall give notice in writing of the transfer to the Corporation and return the original certificate of interment rights or show a proof of purchase. The holder of the Interment Rights is obligated to provide proof of purchase to the Corporation. If the holder can't provide proof, the Corporation will search their records for proof of purchase and charge an administration fee to the transferor.

The Corporation as cemetery operator, shall issue a new certificate of interment rights to the transferee.

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

INTERMENTS AND DISINTERMENTS

1. Plots and graves shall be sold by the Corporation at the Township of Armstrong Municipal Office covered by a fee for Care & Maintenance as set forth in the Price List as set out in Schedule "B" and "C".
2. a) 48 hours notice must be given at the Township of Armstrong Municipal Office prior to an interment. Interments must take place in the cemetery no later than 1:30 pm Monday to Friday for a full burial and 3:00 pm Monday to Friday for an urn burial.

- b) No interment shall be made between November 15th and April 30th, during inclement conditions, or on Statutory Holidays (New Year's Day and the day after, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labor Day, Thanksgiving Day, Christmas Day and Boxing Day).
- c) Cremation interments in columbariums, mini-columbariums, in-ground and also full burials are allowed on weekends, subject to the availability of municipal staff and subject to the fees set out in the price list attached in Schedule "B" & "C".

Exception to this rule is if ordered by a Doctor's certificate that burial must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable diseases.

- d) Those in attendance for the interment of a full burial shall vacate the interment site no later than 1:30 p.m. to allow for the completion of the burial.
 - e) Those in attendance for the interment of an urn burial shall vacate the interment site no later than 3:00 p.m. to allow for the completion of the burial.
 - f) Arrangements may be made for the occupancy of the vault between November 16th and April 30th subject to the fees set out in the price list attached in Schedule B.
 - g) No fees apply after May 1st regardless of the period of occupancy within the vault.
3. No Interment shall be moved or disinterred without the written consent of the interment rights holder and notification of the proper medical officer of health except on an order from the court or as provided in the regulations in the Funeral, Burial and Cremation Services Act, 2002.
 4. Interment of two urn vaults are allowed on an unoccupied lot. For the disinterment of an urn vault, the Corporation will request a written consent from the interment rights holder or from an immediate family member. An urn vault should not be larger than 24" x 24" x 16" and subject to the fees set out in the price list attached in Schedule "B". A limit of 2 urns are allowed in an urn vault.
 5. Mini-columbariums are not allowed on cremation and infant lots.
 6. A limit of two (2) urns are allowed in a mini-columbarium and an extra (three) 3 urns are allowed to be buried on the same lot.
 7. A limit of three (3) burials per adult lot, of which are either one (1) casket and two (2) urns or three (3) urns. If an urn has been buried on the lot previously, no casket may be buried.
 8. A limit of two (2) burials per infant lot, of which are either one (1) casket and one (1) urn or two (2) urns. (4' X 4'.5"). Infant/Cremation lots will be sold in Row A only.
 9. There is a limit of (2) two urns on a cremation lot. (4' x 4'.5).

10. Payment in full must be made to the Corporation before an interment can take place.
11. Children under the age of twelve (12) years are not admitted onto the grounds except accompanied by an adult who shall be responsible for their conduct.
12. A burial permit issued by the Division Registrar showing that the death has been registered or in the case of cremation a Certificate of Cremation must be filed with the Corporation before an interment may take place. The fee for these services is according to the Price List in Schedule "B" & "C" and must be paid at the Township of Armstrong office.
13. The Corporation of the Township of Armstrong has decided that:
 - a) Family members will have the right to be present at the cemetery for the last rites of the departed loved one;
 - b) The funeral director shall make arrangements with the personnel at the municipal office of the Corporation for the date and time of the last rites;
 - c) At the end of the ritual, the funeral director shall ask everyone to leave the cemetery;
 - d) No member of the family arriving late will be allowed after the departure of the other family members;
 - e) For safety reasons, after the departure of all family members, the Public Works staff present and/or the personnel of the funeral home, shall complete the burial;
 - f) For spring interments, burial will take place as soon as possible once the frost is out of the ground. Arrangements must be made with the funeral home responsible for the funeral and personnel of the Corporation. Only after such arrangements have been made and a pre-burial visit at the cemetery, will the interment be completed according to the pre-arrangements as per the date and time;
14. All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.
15. When only the urn is buried or laid in a niche of the columbarium or mini-columbarium, the above numbers 13(c) and 13(e) do not apply.

CARE OF LOTS

1. All lots and plots shall be maintained and kept properly graded, seeded and mowed by employees of the Corporation.
2. No person shall do any work upon a burial lot/plot without the permission of the Corporation.

3. The erection of borders, fences, railings, walls, hedges, etc. in or around lots/plots is prohibited.
4. No trees, shrubs, plants, articles of glass/pottery will be allowed.
5. Flower saddles are permitted at the cemetery.
6. Ornaments and flowers must be removed by October 15th.

RESALE OF INTERMENT RIGHTS

1. The resale of interment rights by the holder is prohibited. The Corporation does not allow third party sales and therefore the Corporation may repurchase any unused interment rights at the most current price less the original Care & Maintenance fee paid at the time of purchase if the interment rights holder wishes to return their unused lot/plot. The Corporation is not obligated to repurchase any unused lots within a plot if any lot within that plot has been exercised.
2. The interment rights holder is hereby obligated to make his request by writing and to provide proof of purchase to the Corporation. If the holder fails to provide proof, the Corporation will search their records for proof of purchase and charge an administration fee that will be deducted from the refund.
3. If no record is available, the Corporation will not repurchase the lot/plot.
4. When the Corporation sells a repurchased lot/plot it shall only charge the difference between the current Care and Maintenance fee and the Care and Maintenance fee that was previously paid in addition to the interment rights.
5. Repurchased lot/plot originally bought before 1955 will be subject to the Care and Maintenance Fees.

MONUMENTS, MARKERS AND MINI-COLUMBARIUMS

1. All installations of monuments, markers, mini-columbariums and foundations shall be arranged for by the Interment Rights Holder through monument dealers subject to the conditions and in accordance with this By-Law.
2. Flat or pillow markers not to exceed 18" x 24" will be accepted on an adult lot where a monument has already been erected.
3. Only flat or pillow markers not to exceed 20" x 28" will be accepted on an adult lot where no monument has been previously erected.

4. Foundation for flat markers must be at least 2 inches above ground.
5. The maximum widths allowed for a monument, including foundation, pedestal and sub-base is six (6) inches less than the size of a single lot or double lot and the maximum height is forty-four (44) inches.
6. The Cemetery Board shall not allow the erection of mausoleums/crypts on a lot/plot.
7. Any person installing a monument and marker in the Cemetery shall first verify with the municipality for proper dimensions of lots then shall pay the prescribed amount, as set out in the Funeral, Burial and Cremation Services Act, 2002 to the Cemetery's Care and Maintenance Fund. A municipal employee must be present to approve the installation.
8. The Corporation 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, or part thereof except where such damage or loss is due to its negligence.
9. Fees for the Care and Maintenance for Marker and Monument Installation is set out in Schedule "B" - Monument Maintenance Fee.
10. Should any monument or marker present a risk to public safety because it has become unstable, the Corporation shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.

COLUMBARIUM AND MINI-COLUMBARIUMS

1. Only the cemetery operator may open and seal niches for urn placement in Columbariums. This applies to the inside sealer and the niche front.
2. Mini-Columbariums are only allowed in Row B in the area of B06 to B18. The maximum width for the foundation is forty-two (42) inches and the maximum height is forty-four (44) inches on a single lot. Once the mini-columbarium is installed it cannot be moved because of unsecured urns inside.
3. To ensure quality control, desired uniformity and standard of workmanship, the cemetery operator reserves the right to inscribe all niche fronts.
4. No person other than cemetery staff shall remove or alter niche fronts.
5. No person other than funeral staff, the interment rights holder or immediate family are allowed to place urns in a mini-columbarium.

CONTRACTORS AND MONUMENT DEALERS

1. Contractors and monument dealers who do work in the Cemetery, shall have Worker's Compensation coverage for their workers and must provide proof of liability insurance to the Corporation.

2. Approval is required from the Corporation prior to any contractors and monument dealers performing any work (delivery, installation of monuments, markers, inscriptions) within the cemetery grounds. Contractors and Monument dealers must check in at the Corporation office prior to entering the cemetery grounds, unless prior approval has been granted by the Corporation.
3. Special permission is required from the Corporation to perform work outside of normal hours of operation.
4. Heavy loads shall not be permitted in the cemetery during inclement weather or when the roads are in poor condition (i.e. spring thaw) and therefore no monument dealers or workers shall park on the grass unless otherwise directed to do so by the Corporation.

**BY-LAW 2018-36
SCHEDULE "B"**

**TOWNSHIP OF ARMSTRONG CEMETERY
PRICE LIST**

RESIDENT FEE:

	Interment Rights	Care & Maintenance	Total
Single Lot			
Adult (larger than 24 sq ft)	\$ 610.00	\$ 250.00	\$860.00
Infant (smaller than 24 sq ft) (4'x4'.5") (0 – 24 months)	\$ 405.00	\$ 162.00	\$567.00

NON-RESIDENT FEE:

Single Lot			
Adult (larger than 24 sq ft)	\$ 1,440.00	\$576.00	\$2,016.00

INTERMENT CHARGES (Burial fees):

	Resident Fee	Non-Resident
Adult	\$ 500.00	\$ 650.00
Infant	\$ 500.00	\$ 650.00
Cremation	\$ 225.00	\$ 375.00

WEEKEND CHARGES (Burial fees):

Subject to availability of municipal staff

	Resident Fee	Non-Resident
	\$1500.00	\$1950.00
	\$1500.00	\$1950.00
	\$ 675.00	\$1125.00

INTERMENT AND DISINTERMENT FOR URN VAULTS FEES:

WEEKEND CHARGES:

Subject to availability of municipal staff

Resident Fee	Non-Resident	Resident Fee	Non-Resident
\$325.00	\$375.00	\$975.00	\$1125.00

MONUMENTS MAINTENANCE FEES:

Flat/Pillow marker less than 173 square inches	\$ 0.00
Flat/Pillow marker 173 square inches or greater	\$ 50.00
Upright monument 48 inches or less in height or length including base:	\$ 100.00
Upright monument more than 48 inches in either height or length including base:	\$ 200.00

CREMATION PLOT:

Resident Fee	Interment Rights	Care & Maintenance	Total
Lot (4'x 4'.5")	\$405.00	\$ 162.00	\$567.00

Non – Resident Fee	Interment Rights	Care & Maintenance	Total
Lot (4'x 4'.5")	\$610.00	\$ 250.00	\$860.00

VAULT STORAGE FEE:	\$100.00
DISINTERMENT CHARGE (FULL BURIAL):	Actual Cost
ADMINISTRATION FEE:	\$50.00/hr

ALL PRICES SUBJECT TO HST

**BY-LAW 2018-36
SCHEDULE "C"**

**TOWNSHIP OF ARMSTRONG CEMETERY
COLUMBARIUM PRICE LIST**

RESIDENT FEE:

(TWO URNS)	Interment Rights	Care & Maintenance	Total
Top row	\$ 980.00	\$147.00	\$1,127.00
Three center rows	\$1,200.00	\$180.00	\$1,380.00
2 nd row from bottom	\$ 980.00	\$147.00	\$1,127.00
Bottom row	\$ 900.00	\$135.00	\$1,035.00
Name Wreath:	\$ 500.00		\$500.00
Urn placement:	\$ 200.00		\$200.00

Death/Year Tab: The cost of the Death/Year Tab will be at the current manufacturing cost plus 15% fee at time of death.

WEEKEND CHARGES (Urn placement): \$400.00
Subject to availability of municipal staff

NON-RESIDENT FEE:

(TWO URNS)	Interment Rights	Care & Maintenance	Total
Top row	\$1,470.00	\$220.50	\$1,690.50
Three center rows	\$1,800.00	\$270.00	\$2,070.00
2 nd row from bottom	\$1,470.00	\$220.50	\$1,690.50
Bottom row	\$1,350.00	\$202.50	\$1,552.50
Name Wreath:	\$ 750.00		\$ 750.00
Urn placement:	\$ 300.00		\$ 300.00

Death/Year Tab: The cost of the Death/Year Tab will be at the current manufacturing cost plus 15% fee at time of death.

WEEKEND CHARGES (Urn Placement): \$600.00
Subject to availability of municipal staff

ALL PRICES SUBJECT TO HST