

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
BY-LAW NO. 2008-025
BEING A BY-LAW TO AMEND BY-LAW NO. 2005-004, AS AMENDED,
A BY-LAW TO REGULATE MUNICIPALLY-OWNED CEMETERIES
AND TO AMEND BY-LAW NO. 2008-001, A BY-LAW TO REGULATE FEES
FOR THE CITY OF TEMISKAMING SHORES.**

WHEREAS under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS the Council of The Corporation of the City of Temiskaming Shores adopted By-law No. 2005-004, as amended, for the operation of municipally owned cemeteries;

AND WHEREAS the Council of The Corporation of the City of Temiskaming Shores adopted By-law No. 2008-001 adopting schedules of departmental user fees and service charges for the City of Temiskaming Shores including cemetery fees;

AND WHEREAS the Council of The Corporation of the City of Temiskaming Shores deems it necessary to amend By-law No. 2005-004, as amended, and By-law No. 2008-001;

NOW THEREFORE the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the amended items of Schedule "A" to By-law No. 2005-004, as amended, are listed in Schedule "A" attached hereto and forming part of this by-law;
2. That the price list of cemetery fees for cemetery lots, services and supplies included in Schedule "A" to By-law No. 2005-004, as amended, are hereby repealed and replaced with Schedule "B" attached hereto and forming part of this by-law;

3. That Schedule "B" to By-law No. 2008-001 listing cemetery fees be repealed and replaced with Schedule "B" attached hereto and forming part of this by-law;
4. That, in accordance with the Revised Cemeteries Act, R.S.O., 1990, c. C.4, this by-law shall not come into force and effect until it is filed with and approved by the Registrar; and
5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically 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 and FINALLY PASSED this 25th day of March, 2008.

MAYOR

CLERK

**SCHEDULE "A" TO BY-LAW NO. 2008-025
AMENDMENTS TO BY-LAW NO. 2005-004, AS AMENDED**

SECTION B) DEFINITIONS shall be amended to add:

19. "Outer Shell" means a steel vault or a wooden box.

The items listed under Section B) following this addition will be re-numbered accordingly.

SECTION D) INTERMENTS AND DISINTEMENTS, Subsection 2. shall be deleted and replaced with the following wording:

2. The following interments are allowed in any single grave:

MOUNT PLEASANT, VALLEYVIEW AND PIONEER CEMETERIES

- one (1) full casket interment can be made at the lower level with three (3) additional cremated remains interments on top; OR
- the cremated remains of not more than four (4) persons; or
- in a single grave in which a full casket containing human remains has been buried, a 24" x 12" (60.96 cm x 30.48 cm) infant container may be buried on top, provided space is available.

SECTION D) INTERMENTS AND DISINTEMENTS, Subsection 5. shall be deleted and replaced with the following wording:

5. The Caretaker of the cemetery, his assistant or someone in the employ of the Corporation or in the employ of a Funeral Home shall be in attendance at each interment.

SECTION D) INTERMENTS AND DISINTEMENTS, Subsection 7. shall be deleted and replaced with the following wording:

In the case of a cremated remains interment, the Certificate of Cremation and the prescribed fee for this service according to the price list must be deposited with an official of the Corporation. The urn shall not be any larger than 24" x 12".

SECTION D) INTERMENTS AND DISINTEMENTS Subsection 20 shall be deleted and replaced with the following wording:

20. There are no full interments performed in this cemetery on Sundays or Statutory Holidays, and no interments during the winter months unless ordered to do so by a representative of the Ministry of Health. Interments that are performed in the cemeteries on Saturdays are subject to extra charges as listed in the price list.

**SCHEDULE "A" TO BY-LAW NO. 2008-025
AMENDMENTS TO BY-LAW NO. 2005-004, AS AMENDED**

SECTION D) INTERMENTS AND DISINTEMENTS shall be amended to add Subsection 21.

21. Outer shells, more specifically, rough boxes or steel vaults are allowed in the Cemeteries however the use of a concrete vault is not permitted.

SECTION E) CARE OF LOTS – GENERAL Subsection 2. shall be deleted and replaced with the following wording:

2. No person shall do any work upon a burial lot without permission of the Caretaker. Any commercial business related to the care of lots will require permission in writing from the municipality. The Business will be required to obtain a business license from the Corporation, carry WSIB coverage and provide proof of insurance naming the Corporation as a third party insured.

SECTION H) MONUMENTS Subsection 5. shall be deleted and replaced with the following wording:

5. Each full size cemetery lot is allowed one upright or one pillow monument at the head of the lot and an additional three (3) flat markers. If no upright or pillow monument is erected on the lot then four (4) flat markers are allowed. Due to the work involved to keep these monuments and markers level, we must restrict the quantity allowed on each lot.

SECTION H) MONUMENTS Subsection 6. shall be deleted and replaced with the following wording:

The maximum size of a monument (die) allowed on a full size single lot is:
Height 111.76 cm (44") from ground and including base
Width 76 cm (30") including the base.

SECTION I) MARKERS Subsection 2. shall be deleted and replaced with the following wording:

Markers or footstones of bronze, marble or granite are permitted with size and quantity restrictions according to the section of the Cemetery and the regulations deemed necessary as per the size of the lot in that section. Its placement must not interfere with future interments. The following sizes include concrete if poured in wet concrete:

- single lot maximum 45.72 cm x 60.96 cm (18" x 24")
- double lot maximum 50.8 cm x 106.68 cm (20" x 42")
- cremation lot maximum 60.96 cm x 45.72 cm (24" x 18")

**SCHEDULE "A" TO BY-LAW NO. 2008-025
AMENDMENTS TO BY-LAW NO. 2005-004, AS AMENDED**

SECTION I) MARKERS Subsection 4. shall be deleted and replaced with the following wording:

Three (3) flat markers may be placed on each grave in addition to an upright or pillow monument. If no upright or pillow monument is erected on the lot then four (4) flat markers are allowed. The markers shall be placed on the lot in the locations as approved by the cemetery caretaker and each marker shall not exceed 45.72 cm x 60.96 cm (18" x 24").

**SCHEDULE "A" TO BY-LAW NO. 2008-025
AMENDMENTS TO BY-LAW NO. 2005-004, AS AMENDED
AND TO BY-LAW NO. 2008-001**

ITEMS		
Purchase of lot/Care & maintenance on lot	Resident	Non-resident
Adult Lot	500.00	750.00
Care and Maintenance on Adult Lot (40% of lot price)	200.00	300.00
Cremation Lot (New Liskeard Cemetery ONLY)	250.00	375.00
Care and Maintenance on Cremation Lot (40% of lot price)	100.00	150.00
Child Lot (New Liskeard Cemetery ONLY)	200.00	350.00
Care and Maintenance on Child Lot (40% of lot price)	80.00	140.00
Transfer of interment rights	50.00	50.00
Interment fees		
Adult Full Interment Fee – WEEKDAY BURIAL	500.00	750.00
Adult Full Interment Fee - SATURDAY BURIAL	1,000.00	1,500.00
Child Full Interment Fee	250.00	350.00
Provincial License (for each full burial)	10.00	10.00
Cremation Interment Fee - WEEKDAY BURIAL	200.00	300.00
Cremation Interment Fee - SATURDAY BURIAL	400.00	525.00
Additional fee for the use of a steel vault or wooden box NEW	100.00	100.00
Vault storage		100.00
Foundation/care & maintenance on markers		
Foundation installation	250.00	250.00
Flat Marker - wet concrete setting	250.00	250.00
Flat Marker - ground setting	65.00	65.00
C & M Fund on Flat Marker over 172sq.inch & Pillow Marker	50.00	50.00
Care & Maintenance Fund on Upright Monument up to 4' wide	100.00	100.00
Care & Maintenance Fund on Upright Monument over 4' wide	200.00	200.00
Corner Post installation (set of 4)	40.00	40.00
Other services		
Burial Permit (for casket burial only)	10.00	10.00
Disinterment (full casket burial)	1,500.00	1,500.00
Disinterment (cremated remains)	300.00	300.00
Fee for staking of cemetery lot	25.00	25.00
Flower Planting (including preparation of grounds & watering)	125.00	125.00
Removal of existing foundation and markers	Estimates provided upon request	

G.S.T. is applicable to all above charges

Dated March 25, 2008