

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
BY-LAW NO. 2009-037
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, as amended in order to adopt a Columbarium Policy and Fees Schedule.

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

1. That the Columbarium Policy and Fees Schedule identified as Schedule "A" attached hereto and forming part of this by-law be hereby adopted;
2. That Schedule "A" to this by-law be incorporated into By-law No. 2005-004, as amended, and identified as Schedule "B" to the said by-law;

3. That Schedule "B" to the Municipal Fees By-law No. 2008-001, as amended, listing cemetery fees be amended to incorporate the columbarium associated fees;
4. That in accordance with Section 50 of the 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 minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

READ A FIRST and SECOND TIME this 21st day of April, 2009.

MAYOR

CLERK

READ A THIRD TIME and FINALLY PASSED this 15th day of September, 2009.

MAYOR

CLERK



**SCHEDULE "A" TO
BY-LAW NO. 2009-037**

**COLUMBARIUM POLICY
AND
FEES SCHEDULE**

A) DEFINITIONS

“*Care and Maintenance Fund*” means a trust fund in which all monies, received by the Corporation for the care and maintenance of the cemetery, have been invested. Every Cemetery Owner who sells, assigns, or transfers interment rights shall collect care and maintenance fees as prescribed under the Cemeteries Act and establish a trust fund designated as a Care and Maintenance Fund for the purpose of providing care and maintenance of the cemetery.

“*Columbarium*” means a structure designed for the purpose of interring cremated human remains in sealed compartments.

“*Corporation*” means The Corporation of the City of Temiskaming Shores.

“*Interment Rights Holder*” means a person who has purchased interment rights with respect to a niche.

“*Niche*” means a sealed compartment in a columbarium in which the cremated human remains can be placed.

“*Niche cover*” means the panel in front of each of the columbarium compartment used to seal and secure cremated human remains.

“*Urn*” means a container designed to hold cremated human remains.

B) SALE AND TRANSFER OF INTERMENT RIGHTS

No person shall sell a niche unless that person is duly authorized to do so on behalf of the Corporation.

i) Pre-need

Advance sales of niche shall be permitted. Any purchaser of pre-need supplies from the Corporation may cancel, by written notice to the Clerk of the Corporation, and by returning the original Interment Rights Certificate to the Corporation within 30 days from the date of purchase. No supplies will be ordered or service supplied until the 30 day grace period has passed unless the supplies or services are required within 30 days of the contract because of the death of the person for whom the supplies or services were purchased.

ii) **Resale**

Resale of Interment Rights by the Purchaser is prohibited. An Interment Rights Holder may request that the Corporation repurchase the interment rights by submitting such request in writing to the Clerk of the Corporation. The repurchase price of the interment rights shall be the amount originally paid by the purchaser for the said rights less the amount paid by the Corporation to the Care and Maintenance Fund. In the event that the engraving is already done on the niche cover, the repurchase price shall be reduced by the price of replacing the niche cover.

iii) **Transfer**

No transfer of interment rights shall be binding upon the Corporation until notice is given in writing to the Clerk of the Corporation specifying the name and address of the proposed transferee and date of transfer, and such particulars have been entered in a register for that purpose. Upon receipt of such notice, the original Interment Rights Certificate, and payment of a fee, the transfer shall be made. If the niche cover has already been engraved a replacement niche cover will be ordered by the Corporation and the new owner of the niche must pay the Corporation the cost of that cover at the time the interment rights are transferred.

In cases of transmission of ownership by will or bequest of interment rights, the Clerk reserves the right to require the production of a notarial copy of the will or other evidence sufficient to prove ownership.

C) REGULATIONS FOR INTERMENT AND NICHE

The Corporation owns two (2) columbariums, one in Mount Pleasant Cemetery and one in Valleyview Cemetery with the same numbering system. Interment Rights Certificates will be clearly marked to identify which cemetery the purchase applies to. A copy of the Cemetery Columbarium Policy and Fees Schedule shall be provided with each Interment Rights Certificate.

There are 18 niches on each of the four sides of the columbariums which will be identified as North, East, South and West sides and six rows on each side identified as Row A, B, C, D, E, and F. Each row will be numbered 1 to 3 starting from left to right. (see attached diagram of the columbariums)

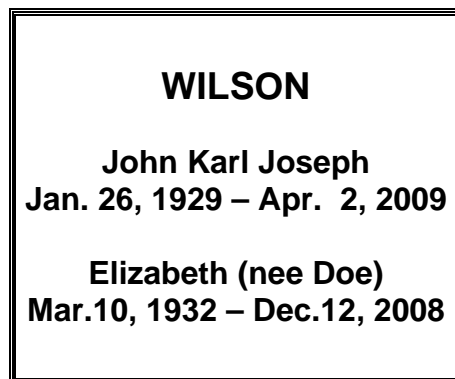
Each niche is 12 inches wide by 12 inches high by 18 inches deep and can accommodate two (2) urns. It is the responsibility of each interment rights holder to ensure that these measurements are taken into consideration when purchasing urns for the interment of cremated human remains.

- i) **Size of urns**
Urns shall not be any larger than 8” square or 8” in diameter by 8” high.
- ii) **Material of Urn**
Urns holding cremated human remains to be placed in the columbarium shall be constructed of a rigid material such as hard plastic, wood, metal, brass, marble, granite, bronze or copper and must be purchased from a bona fide supplier in order to ensure proper seal. Plastic bags and cardboard boxes are not considered an acceptable urn.
- iii) **Interments**
No interment of cremated human remains shall take place without a Certificate of Cremation signed by the Official from the Crematorium where the cremation took place.

Every person making arrangements for an interment shall comply with this By-law and the provisions of the Cemeteries Act.

- D) **Engraving of Niche Covers**
Niche covers serve as a memorial marker. Engraving of niche covers shall be scheduled through the Corporation. No other service provider shall be permitted to engrave the niche covers other than the one appointed by the Corporation from time to time. The cost of engraving will be based on the number of characters/letters and the cost per character/letter as quoted by the Corporation’s service provider with a maximum of 100 characters/letters permitted on each niche cover. Logos, artwork, and designs shall not be permitted.

In order to provide a neat and conformed appearance, the same font will be used consistently for all engravings on niche covers. Each niche cover will have a standard border. The font and the border style will be determined by the Corporation once a service provider is appointed. Examples of the permitted wording are shown below:



WILSON
Donald Brian
1932 –2008

beloved father of

John Karl Joseph
1959 –2009

(Photo of person here)

WILSON
John Karl Joseph
Jun. 22, 1942 – Jan. 2, 2009

“Gone but not forgotten”

E) FLOWERS/VASE/CONTAINER/DECORATION

No flowers, containers or decorations of any kind will be allowed on or around the columbarium site. The Cemetery caretaker has the authority to remove any flowers, containers, or decorations left at the columbarium site.

F) COLUMBARIUM FEES

i) Price list for niche/compartment

LEVELS (total of 72 niches)	Price per niche (2 urns per niche)
A (Top –highest level)	\$1,615.00 + \$285.00 c/m fund* = \$1,900.00
B	\$1,700.00 + \$300.00 c/m fund* = \$2,000.00
C	\$1,785.00 + \$315.00 c/m fund* = \$2,100.00
D	\$1,700.00 + \$300.00 c/m fund* = \$2,000.00
E	\$1,530.00 + \$270.00 c/m fund* = \$1,800.00
F (Bottom - lowest level)	\$1,445.00 + \$255.00 c/m fund* = \$1,700.00

* c/m fund is the abbreviation for care and maintenance fund which is calculated by multiplying the purchase price of a niche by 15%.

ii) Opening and Closing of niche or Re-opening and Closing of niche

Weekday Opening and Closing Weekday Fee \$200.00**

Weekend Opening and Closing Fee Weekend \$400.00**

** The opening and closing fee is collected at the time this service is provided.

Fees shall be made payable to the City of Temiskaming Shores.

iii) Engraving costs

The cost of engraving will be based on the number of characters/letters and the cost per character/letter as quoted by the Corporation's service provider as appointed from time to time.

iv) Transfer of Niche

A \$25.00 administration fee will apply for the transfer of a niche.

Note: Above fees are subject to all applicable taxes.