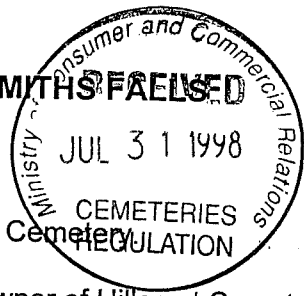


THE CORPORATION OF THE TOWN OF SMITHS FALLS
BY-LAW # 7373-98



A By-law to regulate the sale of lots and the operation of Hillcrest Cemetery;
WHEREAS The Corporation of the Town of Smiths Falls is the owner of Hillcrest Cemetery;

AND WHEREAS the Cemeteries Act RSO 1990, Chapter C4 as amended and the Regulation pertaining thereto, states that no cemetery shall be established or enlarged, and no crematorium, columbarium or mausoleum shall be established, enlarged, altered or used, until the approval of the Ministry has been obtained in the manner hereinafter provided;

AND WHEREAS it is deemed expedient to provide for an amended layout and design of interment lots at Hillcrest Cemetery and to establish the terms and conditions for the sale of such lots, the operation, and the use of Hillcrest Cemetery;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. DEFINITIONS

For the purposes of this by-law

"Cemeteries Act" shall mean the Cemeteries Act, Chapter C4, and amendments thereto and shall be read to include the Regulations thereof.

"Cemetery" shall mean Hillcrest Cemetery.

"Certificate of Interment Rights" shall mean a document in the form of Schedule "B" signed on behalf of the Corporation by the Mayor and Clerk.

"Corporation" shall mean the Corporation of the Town of Smiths Falls.

"Council" shall mean the Municipal Council of the Corporation.

"Fee" shall mean the specified amount for the service in Schedule "A" Tariff of Rates and shall be payable to the Treasurer.

"Lot" shall mean an area of land in the Cemetery set aside to contain the human remains which is of sufficient size only to inter one body or the remains of one body. In addition the cremated remains of four (4) bodies may be interred in a standard lot which contains previously interred remains of one body. Such lots are as shown on Town of Smiths Falls Drawing as attached hereto as Schedule "E" and approved by the Ministry. The approximate size of the established lots are as follows:

Cremation Lot	4 feet x 4 feet
Old Standard Lot	4 feet x 10 feet and may contain cremation lots
Standard Lot	4 feet x 11 feet and may contain four cremation lots
Double Lot	7 feet x 11 feet and contains two individual lots
Triple Lot	10 feet x 11 feet and contains three individual lots

"Offer to Purchase Form" shall mean a document in the form of Schedule "D".

"Plot" shall mean two (2) or more lots in which the rights to inter have been sold as a unit.

"Resident" shall mean any person eligible to vote in the Town of Smiths Falls municipal elections in accordance with the Municipal Elections Act, as amended.

"Supervisor" shall mean a person appointed by the Corporation to supervise the operation of Hillcrest Cemetery or their designate.

"Transfer Form" shall mean a document in the form of Schedule "C".

2. DESIGN AND LAYOUT

Hillcrest Cemetery shall be designed and laid out in lots for sale in accordance with Section 3 of this by-law. Such design and layout shall be as depicted on Schedule "E" attached hereto.

I, Kathy Couthart-Dewey, Clerk of the Corporation of the Town of Smiths Falls, hereby certify the foregoing to be a true copy of BY-LAW # 7373-98 passed by the Council of the Corporation of the Town of Smiths Falls on the 26 day of July, 1998.
Dated at Smiths Falls this 26 day of July, 1998.
[Signature]

3. GENERAL OPERATIONS

- (a) Council shall appoint a Supervisor whose responsibilities shall include the opening and closing of graves, grass cutting, weed control, general care of cemetery grounds including individual lots and/or any other service which may from time to time be required and is considered by Council to be appropriate. It shall also be the Supervisor's responsibility to ensure that all interments are conducted in a decent and orderly manner and that quiet and good order are at all times maintained in the cemetery. The demeanor and behaviour of all workmen in the cemetery, including those employed by others, shall be subject to the direction of the Supervisor.
- (b) The Supervisor or his/her duly assigned agent shall have the exclusive right and obligation to open and close graves at the Cemetery.
- (c) The Supervisor is hereby appointed as a Municipal By-law Enforcement Officer under the provisions of the Police Services Act, Section 15, as amended, for the purpose of enforcing the provisions of this by-law. Any person acting contrary to the provisions of this by-law may be ordered, by the Supervisor, to leave the cemetery immediately and to make payment for damages caused or created by their actions.
- (d) No person, except a Police Officer or a municipal employee in performance of their duties, shall be permitted to enter or remain in the cemetery during hours of darkness.
- (e) No child under the age of twelve years shall be permitted to enter or remain in the cemetery except under proper supervision of an adult.
- (f) No person shall
 - (i) willfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed in the cemetery or any fence, railing or other work for the protection or ornament of a cemetery or of any such tomb, monument, gravestone or other structure or of any lot in the cemetery;
 - (ii) willfully destroy, cut, break, or injure any tree, shrub, or plant in the cemetery, or willfully destroy or deface any building or structure or any road, walk, or other works in the cemetery;
 - (iii) play at any game or sport in the cemetery;
 - (iv) discharge firearms in the cemetery, except at a military funeral;
 - (v) willfully and unlawfully disturb persons assembled for the purpose of interring human remains in the cemetery;
 - (vi) commit a nuisance in the cemetery; or
 - (vii) bring any animal into the cemetery.
- (g) No vehicle, including a car, truck, motorcycle, snowmobile, and other recreational vehicle shall be driven in the cemetery at a speed greater than twenty kilometres per hour and all vehicles shall be driven on roadways provided for same.
- (h) Any person having occasion to make any complaint shall do so in person or in writing to the Supervisor only.
- (i) Where special circumstances warrant, an exception to the provisions of this by-law may be granted by written application to the Director of Public Works c/o the Supervisor. Notwithstanding the above, no exception contrary to the Cemeteries Act shall be granted.

4. SALE OF LOTS

- (a) Lots may be sold to persons applying for the same on the prescribed Offer to Purchase Form attached hereto as Schedule "D", and upon remittance of the prescribed fee to the Treasurer. The new owner shall be granted a Certificate of Interment Rights.
- (b) The Certificate of Interment Rights shall convey to the purchaser the right to inter human remains in the lot purchased and to erect a marker or monument thereon. Such rights shall be subject to the provisions of the Cemeteries Act and this by-law.

- (c) The Corporation shall establish and maintain a Care and Maintenance Fund into which a percentage of all monies received for the sale of lots shall be deposited. Such percentage and the administration of the Care and Maintenance Fund shall be as prescribed by the Cemeteries Act.
- (d) The owner or the executor of a deceased owner of a lot, may transfer ownership to a person designated by him upon remittance of the prescribed fee and submission of a signed Transfer Form and a copy of the owner's Certificate of Interment Rights. In the case of a deceased owner, the executor shall also submit a notarial copy of probate, letters of administration, or satisfactory statutory declaration with such particulars as required by the Corporation, including the names and addresses of the heirs and the name and address of the person authorized to sign the Transfer Form.

When satisfied as to the validity of the above application for transfer, the Supervisor shall retain the transferor's copy of the Certificate of Interment Rights, record the transfer on the Corporation's copy of the original Certificate of Interment Rights, and shall cause a new Certificate of Interment Rights to be issued in the transferee's name.

5. USE OF CEMETERY CHAPEL

- (a) Use of the Chapel for funeral services may be obtained upon application to the Supervisor.
- (b) The remains of a person who, in the opinion of the Medical Officer of Health has died of a communicable disease within the meaning of the Health Protection and Promotion Act, shall not be permitted in the Chapel. Under such circumstances the remains shall be dealt with as dictated by the Medical Officer of Health having regard for the regulations made under the Cemeteries Act.
- (c) No remains shall be stored in the Chapel at any time except by special approval from the Director of Public Works by way of written application to the Supervisor.

6. FUNERALS AND BURIALS

- (a) No more than one body shall be interred in each individual lot. For the purpose of this clause "body" shall not include cremated remains.
- (b) All funerals or interments shall be conducted and completed, including restoration of the site, between the hours of 8:00 am and 5:00 pm local time on weekdays, and 8:00 am and 3:00 pm local time on Saturdays. No funeral or interment shall be permitted on Sundays, Statutory Holidays, or at a time other than stated above unless and until the approval of the Supervisor has been obtained and payment of the additional prescribed fee or fees has been made.
- (c) A minimum of thirty-six (36) hours notice of the desired date and time of each interment shall be given to the Office of the Supervisor during regular business hours.
- (d) A minimum of ten days notice of the date and time of any Memorial Service shall be given to the Office of the Supervisor during regular business hours.
- (e) No interment shall be permitted until a properly executed burial permit or cremation certificate is delivered to the Office of the Supervisor.
- (f) No interment shall be permitted unless and until the Supervisor is satisfied that the owner of the lot has authorized such interment to take place.
- (g) No interment shall be permitted without the written order of the Supervisor and the Supervisor shall be present at all openings.
- (h) No shell shall be permitted unless sufficient space to accommodate same is available in the lot. All outer shells of wood or concrete liners shall be lowered to the bottom of the grave prior to set-up.
- (i) Funeral processions shall follow the route prescribed by the Supervisor.
- (j) Notwithstanding clause 7(c), wreaths or containers for flowers shall be permitted at the grave site during the funeral ceremony and shall be removed by the Supervisor on the fourth day following the ceremony.
- (k) The funeral party shall be responsible for setting up and taking down lowering devices and for grave dressings.

- (l) The funeral party shall be responsible for the placement of caskets in the grave, subject to the approval of the Supervisor.
- (m) The use of wooden shells shall not be permitted in the Cemetery.

7. MARKERS AND MONUMENTS

- (a) No marker or monument shall be permitted unless there is sufficient space for its placement. The design of all markers or monuments including proposed location and inscription shall be approved by the Supervisor prior to any arrangements being made for erection. No marker or monument including an inscription made thereon shall be permitted, erected, placed, allowed to remain or removed unless and until permission has been granted by the owner of the lot and the Supervisor.
- (b) All information engraved onto a monument or marker shall be accurate and factual. Memorializations of individuals not buried in the subject grave shall contain information regarding the actual place of burial.
- (c) All markers and monuments shall be of bronze, granite, or other durable stone.
- (d) No monument shall have a vertical joint and no ornament of stone, metal, or other material shall be attached thereon, unless such installation has been certified safe by the Supervisor. No more than one monument shall be permitted on one lot.
- (e) All markers shall be without projections, same and except waves, and shall be installed flush with the ground. No more than one marker shall be allowed on one grave, except those previously erected prior to the passage of this by-law in the historical sections of the Cemetery.
- (f) Payment of a Marker Care and Maintenance Rate prescribed in Schedule "A" shall be remitted to the Supervisor by the owner or their agent prior to any work on the installation of a marker or monument is undertaken. All foundations shall be approved by the Supervisor prior to installation of a monument.
- (g) No work shall be conducted at any time in the vicinity of a funeral or burial in progress and no work shall be conducted on Sundays or Statutory Holidays except by permission of the Supervisor.
- (h) All work on a marker or monument shall be conducted between the hours of 8:00 am and 5:00 pm local time. All litter and debris shall be removed from the site prior to above noted time for cessation of work unless arrangements to the contrary have been made with the Supervisor.
- (i) All materials or equipment used in connection with work on a marker or monument shall be delivered and placed at the direction of the Supervisor and due care shall be made to avoid causing damage to any part of the cemetery.
- (j) The Supervisor may remove any material, litter, or debris or may repair any damage caused or created in connection with work on a marker or monument and may invoice the persons responsible for same an amount equal to the cost incurred for such removal or repair work by the Supervisor.

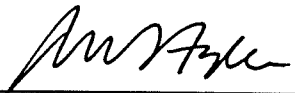
8. PLANTING AND DECORATION

- (a) All grading, planting, trimming, removal, and other care shall be carried out in accordance with directions issued by the Supervisor. The Supervisor, upon seven days written notice to the lot owner, may remove any planting placed otherwise.
- (b) No rose bushes, except miniature, shall be planted in the cemetery and no bulbs or flowers shall be planted on a plot except immediately in front of the monument.
- (c) No more than two removable wreaths or containers for flowers shall be permitted on any one plot at any one time except on Decoration Sunday and no empty container, tripod, or stand shall be placed or allowed to remain on any plot. The Supervisor may remove and dispose of any deteriorated wreaths or flowers and any empty container, tripod, or stand.
- (d) All artificial decorations at ground level shall be removed by the owner on or before the 15th day of November in each year.

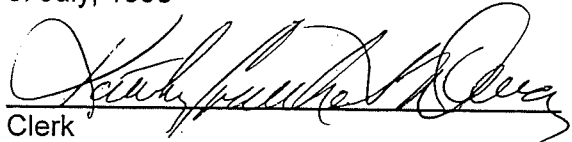
8. Schedules "A" Tariff of Rates, "B" Certificate of Interment Rights, "C" Transfer Form, "D" Offer to Purchase, and "E" Plan of Hillcrest Cemetery are attached hereto and form part of this by-law.
9. By-law 5889-92, as amended by By-laws 7048-95, 7228-97 and 7289-97 and any Plan of Hillcrest Cemetery previously approved by the Ministry of Consumer and Commercial Relations or its predecessors, are hereby rescinded.
10. The provisions of this by-law shall come into force and take effect upon the approval of the Cemeteries Branch of the Ministry of Consumer and Commercial Relations.

Read a first and second time this 20th day of July, 1998.

Read a third time and PASSED this 20th day of July, 1998




 Mayor



 Clerk

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 Ontario	Ministry of Consumer and Commercial Relations Cemeteries Regulation	Ministère de la Consommation et du Commerce Réglementation des cimetières
	APPROVED in accordance with the regulations under The Cemeteries Act.	APPROUVÉ conformément aux règlements afférents à la Loi sur les cimetières.
Date of Approval / Date de l'approbation		<i>September 4, 1998</i>
File No. of Cemetery / Numéro de fiche du cimetière		<i>1872</i>
By / Par		<i>Gay Dennis</i>