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MAGNETAWAN

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

**BY-LAW No. 2012-26**

**Being a BY-LAW for the Administration of the  
CEMETERIES  
in the Municipality of Magnetawan**

**WHEREAS** Section 11(2)(7) of the Municipal Act 2001, S.O. 2001, C. 25 as amended provided that a local Municipality may pass a By-law in regards to services and the things that the Municipality is authorized to provide;

**AND WHEREAS** Section 150 of the *Funeral, Burial and Cremation Services Act, 2002* S.O. 2002 C. 33 O, Reg 30/11 as amended provides that a Cemetery Operator may pass By-laws governing the operation of the Cemetery and, in particular, governing rights, entitlements and restrictions with respect to the Interment and scattering rights;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan ("Municipality") enacts as follows:

1. **DEFINITIONS**

In this By-Law:

- 1.1\_ "Act" means the *Funeral, Burial and Cremation Services Act, 2002* and all the amendments and Regulations prescribed thereunder;
- 1.2\_ "At – Need Services" means Interment rights and Cemetery services required at the time of death;
- 1.3\_ "Care and Maintenance Fund" means the trust fund in which all monies received for care and maintenance of lots and markers have been invested under the Act;
- 1.4\_ "Cemetery" means land set aside to be used for the interment of human remains;
- 1.5\_ "Cemetery Services" means cremation services; the opening and closing of graves; the general care of graves; and any other service that is normally provided by the owner of a Cemetery;
- 1.6\_ "Cremated Remains" means the residue after the cremation of a body and the casket or container in which the body was received;
- 1.7 "Human Remains" means a dead human body and includes a cremated human body;
- 1.8 "Interment" means the burial of human remains or cremated remains in a grave;
- 1.9 "Interment Rights Certificate" means the certificate issued by The Corporation of the Municipality of Magnetawan Cemetery Board to a Purchaser upon payment of the cost of Interment Rights and Cemetery Services;
- 1.10 "Interment Rights" includes the right to require or direct the interment of human remains in a lot;
- 1.11 "Interment Rights Certificate Holder" means the person to whom the Interment Rights Certificate is issued or his or her legal representative, ascertained by production of a notarial copy of the Will or other evidence satisfactory to the Board;

- 1.14 “**Monument**” means any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot;
- 1.15 “**Municipality**” means the Corporation of the Municipality of Magnetawan;
- 1.16 “**Owner**” means an owner of a Cemetery;
- 1.17 “**Plot**” means a parcel of land, sold as a single unit, containing multiple lots also known as a grave;
- 1.18 “**Prescribed**” means prescribed by the regulations made under this Act;
- 1.19 “**Registrar**” means the registrar appointed under this Act;
- 1.20 “**Tribunal**” means the Commercial Registration Appeal Tribunal;
- 1.21 “**Trust Fund**” means a trust fund established for the purpose of this Act;
- 1.22 “**Secretary-Treasurer**” refers to the Secretary-Treasurer(s) of all Municipally administrated Cemeteries within the Municipality of Magnetawan;
- 1.23 “**Council**” means the Council of the Corporation of the Municipality of Magnetawan;
- 1.24 “**Board**” refers to the Municipality of Magnetawan Cemetery Board appointed by the Council, from time to time;
- 1.25 “**Price List**” means the price list of services provided by the municipality;
2. There shall be appointed by the Municipality of Magnetawan Council a Cemetery Board consisting of (6) six members. The schedule and term of the appointed members to be for the term of council.
3. The Board shall have and may exercise all the powers and perform all the duties of the Council with respect to all Municipally owned Cemeteries and shall make rules and regulations for the proper government and maintenance thereof.
- 4.1 The Secretary-Treasurer of the Cemetery (s) shall collect or cause to be collected all monies payable under this By-Law and administer the funds as required.
- 4.2 All Lots for which interment rights have been sold shall be under maintenance and care and the disposition of all monies received by the respective Secretary-Treasurer(s) from the sale of interment rights shall be as allowed by the Cemeteries Act.
- 4.3 Every person installing a Marker shall pay an amount as prescribed by regulations which will be paid into the Maintenance and Care Fund.
5. All income from the monies received for maintenance and care, whether invested or on deposit in a chartered bank, together with all other income from whatever source shall be placed to the credit of “The Current Account” and shall be used for the ordinary expense of maintenance and improvement of the Cemetery(s) and markers.
6. “Schedule A” Rules and Regulations of the Municipality of Magnetawan Cemetery Board shall form part of this By-Law.
7. “Schedule B” Tariffs and Charges is attached shall form part of this By-law. These Tariffs and Charges shall apply to all active cemeteries in the Municipality. These Tariffs and charges may be adjusted by resolution of council from time to time.