



AGENDA

Magnetawan Cemetery Board (MCB)

Wednesday March 22nd, 2023

4:30 PM

Magnetawan Community Centre

OPENING BUSINESS

- 1.1 Call to Order by the Chair
- 1.2 Appointment of Chair and Vice Chair
- 1.3 Appointment of Board Secretary
- 1.4 Adoption of the Agenda
- 1.5 Disclosure of Pecuniary Interest
- 1.6 Adoption of Previous Minutes

DISCUSSION ITEMS

- 2.1 Introduction of Members
- 2.2 Magnetawan Cemetery Board Mandate
- 2.3 Cemetery By-law 2021-41 Administration of Cemeteries within Municipality
- 2.4 By-law 2020-29 Govern Proceedings of Council and Committees
- 2.5 Committee Information and Declaration Form
- 2.6 Cemetery Write Ups for Municipal Website
- 2.7 Chapman Cemetery Memorial Sanctuary and Columbarium - update
- 2.8 General Discussion - needs, records keeping, wishlist, future projects

INFORMATION ONLY (NOT FOR DISCUSSION PURPOSES)

- 3.1 Request for Spence Cemetery Map
- 3.2

ITEMS FOR FUTURE MEETING

- 4.1 Estate of the late Ethel Sawdon - trust funds

ADJOURNMENT

- 5.1 Confirm the Proceedings of Committee and Adjourn



**Municipality of
Magnetawan**

Magnetawan Cemetery Board (MCB)

RESOLUTION No. 2023 - March, 22nd , 2023

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Magnetawan Cemetery Board appoint

_____ as Chair;

_____ as Vice Chair;

And _____ as Secretary, until successors are appointed.

Carried _____ Defeated _____ Deferred _____

Chair,



**Municipality of
Magnetawan**

Magnetawan Cemetery Board (MCB)

RESOLUTION No. 2023 –

March 22nd, 2023

Moved by:

Seconded by:

BE IT RESOLVED THAT the Magnetawan Cemetery Board adopts the agenda as presented

Carried _____ Defeated _____ Deferred _____

Chair,



**Municipality of
Magnetawan**

Magnetawan Cemetery Board (MCB)

RESOLUTION No. 2023 -

March 22nd, 2023

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Magnetawan Cemetery Board approves and accepts the Cemetery Board Minutes from November 22nd, 2022 presented/amended.

Carried _____ Defeated _____ Deferred _____

Chair,



**Magnetawan Cemetery Board (MCB)
Meeting Minutes
November 22, 2022**

The meeting of the MCB was held on Thursday November 22, 2022, 4:30 pm with the following present:

Garfield Robertson (Chair)
Jack Crossman (Vice Chair)
Doris Langford
Keith Miller
Wayne Smith
Erica Kellogg (Secretary)

OPENING BUSINESS

1.1 Call to Order

Meeting was called to order by the Chair at 4:30 pm.

1.2 Adoption of Agenda

RESOLUTION 2022-14 Smith – Crossman

*BE IT RESOLVED THAT the Magnetawan Cemetery Board adopts the agenda as presented.
Carried.*

1.3 Disclosure of Pecuniary Interest

The Chair stated that should anyone have a disclosure of pecuniary interest that they could declare the nature thereof now or any time during the meeting.

None disclosed

1.4 Adoption of previous minutes

RESOLUTION 2022-15 Landford – Crossman

*BE IT RESOLVED THAT the Magnetawan Cemetery Board approves and accepts the Cemetery Board Minutes from September 22nd, 2022, as presented.
Carried.*

DISCUSSION ITEMS

2.1 Fees and Charges - Increase in Interment Fees

Correspondence from Mr. Miller regarding an increase in opening and closing for full burials was received. The Committee receives and accepts the fee increase is largely due to rising fuel costs.

RESOLUTION 2022-16 Langford - Crossman

BE IT RESOLVED THAT the Cemetery Board receives and approves the increase in Fees and Charges Cemetery Operations, as presented and recommends the Municipality of Magnetawan increase fees and charges included in the table below, related to Cemetery administration as of January 1st, 2023,

| Service | Municipality of Magnetawan Current |
|---|---|
| Monument Care & Maintenance Plus HST and Staking Fee | Staking Fees Include |
| Flat Marker (under 172sq. Inches) | at no cost |
| Flat Marker (over 172sq. Inches) | \$100.00 |
| Pillow Marker | \$200.00 |
| Upright Mon. 4x4 and under | \$200.00 |
| Upright Mon. 4x4 and over | \$400.00 |
| Staking fees | \$50.00 |
| Disinterment | \$600.00 |
| Lot Transfer Fee | \$50.00 |
| Interments Plus HST | Includes Staking Fees |
| Vault | \$1,000.00 |
| Adult | \$1,000.00 |
| Sunday and Satatory Holidays | \$1,300.00 |
| Children (10 years and under) | \$ 600.0 |
| Cremated Remains | \$150.00 |
| Niche | |
| Staking fees | \$50.00 |

Carried

2.2 Tree carving - Chapman Cemetery Memorial Sanctuary Update

Secretary informed Committee that the tree stump left within the Sanctuary has been found to have significant rot and would not make for a suitable carving. After discussions the Committee feels a cement carving would be a suitable alternative.

RESOLUTION 2022-17 Miller - Langford

WHEREAS The Cemetery Board during the September 22nd, 2022 meeting directed the Cemetery Board Secretary to contact tree carves to explore options for a carving within the Memorial Sanctuary utilizing an existing stump;

WHEREAS Initial site visits have determined the stump is not suitable for a carving due to significant rot and would need to be removed;

NOW THEREFORE The Cemetery Board requests the Municipality of Magnetawan include in the 2023 Cemetery Budget \$3,000.00 - \$5,000.00 to have the existing stump removed, a carving/casting purchased and a suitable base for the carving/casting to be installed as part of the Memorial Sanctuary.

Carried

2.3 Spence Cemetery - nuisance trees and fence

The Secretary informed the Committee of four trees within Spence Cemetery that will need to be removed. One quote was received for services in the amount of \$6,215.00 for the removal of all four trees, this will be included in the 2023 Municipal Budget and additional quotes will be obtained. The Committee discussed the Spence Cemetery fence, the Secretary commented the fence will be a budget item for 2023. The Committee has additional questions for the Parks and Maintenance Manager regarding the fence and its current condition.

2.4 Chapman Cemetery - monument relocation

RESOLUTION 2022-18 Crossman – Langford

WHEREAS The Cemetery Board Secretary received correspondence indicating a monument was placed in error in the Chapman Cemetery (Section c, Row 34 Plot 2 V. Brennan);

BE IT RESOLVED THAT the Cemetery Board Secretary received a verbal quote from Sanderson Monument to remove and relocate the monument based on the 2015 Monument Installation request form of \$125.00 plus HST;

NOW THEREFORE The Cemetery Board directs the Cemetery Board Secretary to request the monument to be relocated at a suitable time in 2023 with all costs borne by the Municipality of Magnetawan through the Cemetery budget.

Carried

ITEMS FOR FUTURE MEETING

- a. Workplan for Spence Cemetery expansion
- b. Workplan for Chapman Memorial Sanctuary

ADJOURNMENT

4.1 Adjournment

RESOLUTION 2022-19 Langford - Crossman

BE IT RESOLVED THAT the Magnetawan Cemetery Board adjourns this meeting at 5:30 pm to meet again at the call of the Chair.

Carried.

Approved by:

Chair

Secretary

Corporation of the
Municipality
of
Magnetawan

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P.O. Box 70, Magnetawan, Ontario P0A 1P0

RESOLUTION NO. 2023 - 21 **JANUARY 18, 2023**

Moved by: BBily

Seconded by: Brad Kneller

WHEREAS the Magnetawan Cemetery Board is a committee of Council;
AND WHEREAS the Council is appreciative of the volunteer's commitment to their Community and thanks them for coming forward;
NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan is pleased to appoint to the Magnetawan Cemetery Board until a successor is appointed:

- Mary Jane Campbell
- Jack Crossman
- Doris Langford
- Brad Lewis
- Keith Miller
- Garfield Robertson
- Wayne Smith

Carried Defeated Deferred Sam Dunnett
Sam Dunnett, Mayor

Recorded Vote Called by: _____

Recorded Vote

| Member of Council | Yea | Nay | Absent |
|---------------------|-----|-----|--------|
| Bishop, Bill | | | |
| Hetherington, John | | | |
| Hind, Jon | | | |
| Kneller, Brad | | | |
| Mayor: Dunnett, Sam | | | |



*Knowing our heritage
we will build our future*



**Municipality of
Magnetawan**

MAGNETAWAN CEMETERY BOARD MANDATE

Individuals are recruited and appointed by the Council of the Municipality of Magnetawan and they collectively constitute "the Board". Appointments are generally near the beginning of the new Council term and individuals shall continue to serve until their successors are appointed.

October 7th, 2021

Mandate and Accountability

1. Board Members must act honestly, in good faith, leaving aside personal interest(s) to advance the public interest and the mandate of the Magnetawan Cemetery Board and By-law 2021-41 being a By -law for the administration of the Cemeteries in the Municipality of Magnetawan.
2. The Board is governed by the rules outlined in the current Council Procedure By-law.
3. The Board will hold meetings as required with the goal of a minimum of three committee meetings within a calendar year.

Recruitment and Appointment of Board Members

1. There shall be appointed by Council a Board consisting of a minimum of six (6) members if possible, including one (1) member of Council. The schedule and term of the appointed members will be until a successor is found.
2. Depending on circumstances Board members are expected to attend all scheduled meetings and if more than three (3) committee meetings are missed within a calendar year, a motion to remove a committee member may be considered.
3. A majority of members present shall constitute a quorum. If no quorum is present fifteen (15) minutes after the time appointed for the meeting, the Secretary will record the names of the members present and the meeting shall be adjourned until the date of the next regular meeting or until a special meeting is called by the Chair.

Responsibilities


1. The Board will advise Council of public perspective on the care and maintenance of the facilities, community concerns, rental procedures and/or operations, and safety concerns. The Board will ensure that Council is aware of the needs of the community and maintain standards of all of the Cemeteries located within the Municipality.
2. A Chair and Vice Chair will be appointed by the Board for a fixed term of up to one (1) year, with the potential of re-appointment.

Transparency

1. Copies of the Mandate document will be filed at the Municipal Office. In support of the principle of transparency, this document will also be easily available to the public on the Municipality's website www.magnetawan.com.

Approved by:

Chair, Garfield Robertson

 21/10/2021
Date

Secretary, Erica Kellogg

 21/10/2021
Municipality's Designate Date

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2021 - 41

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 authorizes the passage of Bylaws for the maintenance, management, regulation and control of cemeteries owned and operated by the Corporation of the Municipality of Magnetawan;

AND WHEREAS 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 Internment and Scattering Rights;

AND WHEREAS the Corporation of the Municipality of Magnetawan has appointed The Municipality of Magnetawan Cemetery Board to administer the operations of the cemeteries;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1.0 This By-law may be cited as the "Magnetawan Cemetery By-law".

2.0 In this By-law unless otherwise stated in specific sections hereof, this By-law shall apply to the entirety of the Municipality of Magnetawan.

3.0 DEFINITIONS

- i. "Act" means the *Funeral, Burial and Cremation Services Act, 2002* and all the amendments and regulations prescribed thereunder;
- ii. "At-Need-Services" means interment rights and cemetery services required at the time of death;
- iii. "Bereavement Authority of Ontario (BAO)" means the agency who administers provisions of the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)* on behalf of the Ministry of Government and Consumer Services;
- iv. "Board" refers to the Municipality of Magnetawan Cemetery Board appointed by the Council, from time to time;
- v. "Burial Permit" means a permit for the burial of human remains issued by the Division Registrar;
- vi. "Care and Maintenance Fund" is a requirement 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 and scattering 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;
- vii. "Cemetery" means land set aside to be used for the interment of human remains;
- viii. "Cemetery Owner" means the Corporation of the Municipality of Magnetawan;
- ix. "Cemetery Price List" means a separate listing of charges as per the current Fees and Charges By-law to regulate the fees and charges that are to be paid by persons purchasing interment rights or requiring services to be performed with the cemeteries.
- x. "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 the Cemetery;
- xi. "Contract" means the contract that is required to be signed by a representative of the Cemetery Operator and all purchasers of interments rights and which details the obligations of both parties and acceptance of the cemetery by-laws;
- xii. "Council" means the Council of the Corporation of the Municipality of Magnetawan;
- xiii. "Cremated Remains" means the residue after the cremation of a body and the casket or container in which the body was received;
- xiv. "FBCSA" means the *Funeral Burial and Cremation Services Act, 2002*

- xv. "**Foundation**" means the below-ground concrete structure upon which rests the base stone of a monument;
- xvi. "**Grave**" means an in-ground burial space intended for the interment of human remains or cremated human remains;
- xvii. "**Human Remains**" means a dead human body and includes a cremated human body;
- xviii. "**Interment**" means the burial of human remains or cremated remains in a grave;
- xix. "**Interment Rights**" includes the right to require or direct the interment of a human remains in a lot, grave, plot and/or niche and to authorize the installation of a monument or marker;
- xx. "**Interment Rights Certificate**" means the certificate issued by The Corporation of the Municipality of Magnetawan Cemetery Board once the interment rights to a specific lot have been paid in full, identifying ownership and authority over those interment rights;
- xxi. "**Interment Rights Holder**" means the person(s) authorized or entitled to inter human remains in a specific lot. They may be the person names in the Internment Rights Certificate or such other person to whom the rights have been assigned and shall be listed in the records of the cemeteries;
- xxii. "**Lot**" mean a single grave space;
- xxiii. "**Marker**" means any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial plot, grave, lot and/or niche;
- xxiv. "**Monument**" means any permanent memorial structure, monument, tombstone, plaque, headstone or other structure above the ground installed within the designated space to mark the location of a burial plot, grave, lot and/or niche;
- xxv. "**Municipality**" means the Corporation of the Municipality of Magnetawan;
- xxvi. "**Owner**" means an owner of a Cemetery;
- xxvii. "**Plot**" is a parcel of land, sold as a single unit, containing multiple lots;
- xxviii. "**Prescribed**" means prescribed by the regulations made under this Act;
- xxix. "**Public Register**" means the register that is required to be made available to the public and contains the information as prescribed under the *FBCSA, Ontario Regulation 30/11* as amended or replaced;
- xxx. "**Registrar**" means the registrar appointed under the FBCSA;
- xxxi. "**Tribunal**" means the Commercial Registration Appeal Tribunal;
- xxxii. "**Trust Fund**" means a trust fund established for the purpose of this Act;
- xxxiii. "**Transferee**" means a person wherein the interment rights with respect to a lot(s) have been transferred;
- xxxiv. "**Treasurer**" refers to the Treasurer of all Municipal administrated Cemeteries within the Municipality of Magnetawan;

4.0 RULES OF CEMETERY MANAGEMENT

4.1 All Cemeteries within the Municipality of Magnetawan shall be governed by the Municipality of Magnetawan Cemetery Board as provided in this By-law.

4.2 The Cemetery Owner reserves full and complete control and management of the cemetery. The Board is appointed to oversee the daily operations and management of the cemetery land, planting, roads, books and records of the cemetery, and the authority to act on the Cemetery Owner's behalf to administer this by-law regarding all cemetery operations. 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.

4.3 There shall be appointed by Council a Board consisting of a minimum of six (6) members if possible, which includes one (1) member of Council. The schedule and term of the appointed members will be till a successor is found.

4.4 It shall be the duty of the Board to carry out the rules and regulations and conduct the business of the cemetery(s).

4.5 The Board reserves the right, at its costs, to correct any error that may be made by it in making interments/inurnments, in the description of the lot, or the transfer or conveyance of any interment rights. The Board may, at its sole discretion, either cancel such grant and substitute other interment rights, or lot of equal value with similar location, as far as is reasonable possible or refund all money paid on account for such purchase. Notice will be given personally to the Interment Rights Holder. If necessary, it maybe be mailed to the Interment Rights Holder or their legal representative, at their last appearing address in the records book of the cemetery. In the event any such error may involve the disinterment of remains, the Board shall first obtain the approval of any regulatory authority and the Interment Rights Holder.

4.6 The Board has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, choose pathways or roads, alter in shape, or size, or otherwise change all or any part of the cemetery, subject to the approval of the appropriate authorities.

4.7 An annual board meeting shall be held each year and requires 50% of the members to be present to transact business.

4.8 The Parks and Maintenance Supervisor shall be the employee designated as the Cemetery Caretaker who shall be in direct charge of the management and keep records of all lots, graves and burials of the cemetery(s) and shall report to the Board. Duties may be delegated as required.

4.9 It shall be the duty of the Cemetery Caretaker and/or designate to supervise all work in connection with the cemetery(s).

4.10 The Board and the Cemetery Caretaker and/or designate 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 right save and except for direct loss or damage caused by gross negligence of the cemetery.

5.0 RULES FOR WORKERS

5.1 All workers entering the cemetery shall be under the jurisdiction of the Cemetery Caretaker and/or designate and shall observe their instructions and plan their work under their approval.

5.2 No work shall be started which cannot be completed by Friday as the usual hour for labour to cease. All material shall be left as directed by the Cemetery Caretaker and/or designate and all debris disposed of according to their directions.

5.3 All workers must abide by the Rules and Regulations of the Board and will be subject to disciplinary action.

6.0 FINANCIAL

6.1 The Treasurer of the Municipality shall collect or cause to be collected all monies payable under this By-law and administer the funds as required.

6.2 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 Treasurer from the sale of interment rights shall be allowed by the *Funeral, Burial and Cremation Services Act, 2002*.

6.3 Every person installing a Marker shall pay an amount as prescribed by regulation which will be paid into the Maintenance and Care Fund.

6.4 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 credit of "The Current Account" and shall be used for the ordinary expense of maintenance and improvement of the Cemetery(s) and markers.

6.5 Tariffs and Charges are prescribed as per the current fees and charges By-law and shall apply to all municipally owned cemeteries located within the Municipality.

6.6 Payments for all purchases and services pertaining to the cemetery shall be paid to the Magnetawan Cemetery Board as follows:

- a) All interment rights, purchases and services shall be paid in full at the time of purchase or service;
- b) Interments/inurnments shall be paid in full before a burial can take place.

6.7 As required by the Act, a percentage of the purchase price of all Interment Rights and a prescribed amount for Monuments and Markers is contributed into the Care and Maintenance Fund. Income from this fund is used to provide only general care and maintenance of the cemetery. Such expenses may include, but are not limited to expenses arising from:

- a) Re-levelling and sodding or seeding of lots;
- b) Maintenance of cemetery roads, sewers and water systems;
- c) Maintenance of perimeter walls and fences;
- d) Maintenance of cemetery landscaping;
- e) Maintenance of columbarium;
- f) Purchase or repairs and general upkeep of cemetery maintenance equipment as needed.

Contributions to the Care and Maintenance Fund are non-refundable except when Interment Rights are cancelled within the thirty (30) days cooling off period.

6.8 The Treasurer shall keep such books, accounts, and records as are necessary for properly recording and exhibiting all financial matters pertaining to the cemetery as may be prescribed.

6.9 The Treasurer shall maintain, invest, and administer the care and maintenance fund in accordance with the provisions of the Act and the regulation made thereunder.

7.0 SALE OF INTERMENT RIGHTS

7.1 Interment Rights may only be sold by the Cemetery Board. When interment rights are purchased, a contract shall be completed and signed by the purchaser or a personal representative of the deceased.

7.2 All contracts to purchase Interment Rights and/or cemetery services shall be in a form approved by the Municipality.

7.3 Interment Rights Holders acquire only the right to direct the burial of human remains, and the construction and installation of monuments, markers, and inscriptions, subject to the rules and regulations in force and approved by the Cemetery Board.

7.4 No interment, inurnment or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full, at which time an Interment Rights Certificate will be issued to the Interment Rights Holder(s).

7.5 Purchasers of interment rights must receive a copy of the contract the Cemetery Operator and Interment Rights Holder have signed detailing the obligations of both parties, and acknowledge receipt and acceptance of the Cemetery By-laws, a copy of the Consumer Information Guide, and the price list.

7.6 The purchase of interment rights is not a purchase of Real Estate or real property. An Interment Right Holder cannot resell their interment rights but may sell them back to the Cemetery Board. The Interment Rights Certificate shall convey the Right of Interment and the right to install a marker. Such rights shall be subject to the provision of the Act and the Cemetery By-law as amended from time to time.

7.7 All prices for cemetery lots and services shall be set out in the current Charges and Fees Schedule By-law.

7.8 The monies received for interment rights shall be held by the Treasurer for a period of thirty (30) days as prescribed by the Act.

7.9 A purchaser has the right to cancel an Interment Rights Contract within thirty (30) days of signing the Interment Rights contract, by providing written notice of cancellation to the Treasurer, provided no portion of the Interment Rights has been exercised and all the requirements of the Act and this By-law are otherwise in compliance. The Treasurer will arrange to refund all monies paid by the purchaser with thirty (30) days from the date of request for cancellation. If the Interment Rights Certificate has been issued to the Interment Right Holder(s), the certificate must be returned to the Treasurer before a refund can be processed. If any portion of the Interment Rights has been exercised, the purchaser, or the Interment Rights holder(s) are not entitled to cancel the contract or re-sell the Interment Rights.

7.10 A purchaser has the right to cancel an Interment Rights Contract after thirty (30) days of signing the Interment Rights contract, by providing written notice of cancellation to the Treasurer, provided no portion of the Interment Rights has been exercised and all the requirements of the Act and this By-law are otherwise in compliance. The Treasurer will arrange to refund all monies paid by the purchase within thirty (30) days from the date of written request for cancellation provided. If the Interment Rights Certificate has been issued to the Interment Right Holder(s), the certificate must be returned to the Treasurer before a refund can be processed. If any portion of the Interment Rights has been exercised, the purchaser, or the Interment Rights holder(s) are not entitled to cancel the contract or re-sell the Interment Rights. Contributions to the Care and Maintenance Fund are non-refundable except when Interment Rights are cancelled within the thirty (30) days.

7.11 The Interment Rights Holder shall notify the Board in writing within thirty (30) days of any changes in their mailing address.

8.0 TRANSFER OF INTERMENT RIGHTS

8.1 The Transfer of lots (transfer) includes a gift, a bequest or devolution under a will, but not a resale of interment rights.

8.2 Any transfer of Interment Rights shall convey those rights set out in section 7.6 of this By-law.

8.3 The Interment Rights Certificate holder shall provide the following information to a transferee:

- a) The Interment Rights Certificate endorsed by the Interment Rights Holder(s).
- b) A copy of the current Cemetery By-law; and
- c) A written statement of the number of lots that have been used in the plot to which the rights relate and the number of lots that are available.

8.4 Upon receipt of an Interment Rights Certificate endorsed by the Interment Rights Holder(s), the Cemetery Caretaker shall enter and record the transfer.

8.5 In case of a transfer, the Cemetery Caretaker and/or designate must confirm that all lots transferred are usable prior to an interment taking place.

9.0 RESALE OF INTERMENT RIGHTS

9.1 The sale of Interment Rights to a third party is prohibited. Interment Rights may only be sold by the Board.

9.2 A purchaser who wishes to sell Interment Rights must notify the Treasurer in writing of the intention to sell.

9.3 The Municipality will repurchase the Interment Rights at the price listed as per the current fees and charges By-law less the Care and Maintenance Fund contribution made at the time of purchase.

9.4 The Interment Rights Holder(s) requesting the resale of the rights must return the Interment Rights Certificate to the Treasurer. The Interment Rights Holder(s) must endorse the Interment Rights Certificate, transferring all rights, title, and interest back to the Municipality.

9.5 The appropriate paperwork must be completed before the reimbursement is authorized by the Treasurer.

9.6 If any portion of the Interment Rights have been exercised, the Purchaser, or the Interment Rights Holder(s), is not entitled to re-sell the Interment Rights.

10. RULES APPLICABLE TO ALL INTERMENTS

10.1 Only human remains shall be interred in the cemetery. Pets or animals, including cremated animal remains are not permitted to be buried or scattered on the cemetery grounds.

10.2 Interments in lots shall be as directed by the Interment Right Holder(s). Interment Rights Holder(s) must provide written authorization prior to a burial taking place. Should the Interment Rights Holder(s) be deceased, authorization must be provided in writing by the person authorized to act on behalf of the Interment Rights Holder(s).

10.3 Notice of and Interment shall be given to the Treasurer at least thirty-six (36) business hours in advance except under unusual circumstances.

10.4 A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the Province must be provided prior to a burial taking place.

10.5 A Certificate of Cremation must be provided prior to the burial of cremated remains taking place.

10.6 Payment must be made before a burial can take place.

10.7 A family information sheet containing contact information, names, addresses and telephone numbers must be provided for each Interment for completion of the contract and the public register prior to a burial taking place.

10.8 Sunday and holiday burials shall be allowed by the Board, from time to time, subject to the current fees and charges by-law.

10.9 Remains to be buried in a lot must be enclosed in a casket, sealed securely, and of sufficient strength to permit the burial with the container remaining intact. The casket must be of size to permit a burial within the size of the lot.

10.10 Interments are permitted in lots measuring four (4) feet by eight (8) feet.

10.11 The Municipality shall not be responsible for the cost incurred to replace concrete marker bases, trees, plants, or shrubs that are removed for Interment purposes.

10.12 Each purchaser of Interment Rights shall abide by all existing rules of the cemetery. A copy of the Municipality of Magnetawan Cemetery By-law must accompany the Interment Rights Certificate.

10.13 The purchaser of Interment Rights acquires only the right and privilege of burying human remains and erecting suitable memorials, subject to the rules and regulations of the cemetery. Interment Rights will be one (1) burial and two (2) cremations or three (3) cremations per single lot or grave with a single headstone and one (1) flat marker installed level with the ground surface. Anyone not wishing to purchase a double single lot or grave for cremation burial may purchase a Cremation Interment Rights Lot in the area that is set aside for this purpose. The lot size will be two (2) feet by two (2) feet. Interment Rights will be two (2) cremations per lot with one (1) flat marker installed level with the ground surface.

10.14 The Board assumes no responsibility for damages should a lot be opened in a wrong location due to wrong or insufficient information and any extra expenses connected with an error of this kind shall be paid by the parties ordering the interment.

10.15 The opening and closing of graves and niches may only be conducted by Cemetery Caretaker and/or designate.

10.16 All burials shall be arranged to arrive at the cemetery not later than 4:00 p.m. in order that the burial may be completed within the regular hours of work.

10.17 Interments will not be permitted from November 15th through April 15th. Exceptions may be allowed by the Board, weather permitting.

10.18 The Cemetery Caretaker and/or designate will exercise all due care when making interments, but is not responsible for damage to any casket, urn or other container sustained during interments.

10.19 The spreading of cremated remains on top of the ground is strictly prohibited. Cremated remains interment into a headstone, marker or monument are not permitted.

11.0 RULES APPLICABLE TO ALL DISINTERMENT

11.1 Disinterment of human remains, once properly interred, shall not be made without the written consent (authorization) of the Interment Rights Holder and the local Medical Officer of Health, or a court order, has been received by the Board and upon due observance of all requirements of the Act and the regulations thereunder. A certificate from the local medical officer of health is not required for the removal of cremated remains.

11.2 In special circumstances the removal of human remains may also be ordered by certain public officials without consent of the Interment Rights Holder and/or next of kin(s).

11.3 Any person(s) who wishes to make arrangements for a disinterment shall give five (5) days written notice to the Board so that arrangements can be confirmed with the Health Unit.

11.4 The human remains of persons who have died from contagious diseases may be removed only with the consent of the local Medical Officer of Health or other public official having authority.

11.5 When a disinterment is to take place, the Cemetery Caretaker and/or designate is responsible to open the grave and the Funeral Director retained for the purpose of the disinterment is responsible to disinter the body.

11.6 All prices for disinterment and services shall be set out in the current Charges and Fees By-law.

12.0 CARE OF LOTS

12.1 The Board reserves the right to regulate the articles placed on lots or plots, including those that pose a safety threat; prevents the Cemetery Caretaker and/or designate from performing general cemetery operations; or are not keeping with the respect and dignity of the cemetery. Prohibited articles will be removed and disposed of without notification.

12.2 The Board reserves the right to disallow or remove quantities of memorial wreathes or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.

12.3 The Board reserves the right to remove all flowers, potted plants, wreaths, and baskets of flowers when they become withered and unsightly, or for any other reasons such removal is in the best interest of the cemetery.

12.4 All lots and plots shall be maintained and kept properly graded, sodded, and moved by the Cemetery Caretaker and/or designate.

12.5 Flowers placed on the grave for a funeral shall be removed by the Cemetery Caretaker and/or designate after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

12.6 No person other than Cemetery Caretaker and/or designate shall remove any sod or in any other way change the surface of the burial lot in the cemetery.

12.7 No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the Board.

12.8 The Board shall not be responsible for loss or damage to lots and structures thereon, or for flowers or articles removed from any lot or grave.

13.0 CONDUCT WITHIN THE CEMETERY

13.1 All cemeteries within the Municipality of Magnetawan are sacredly devoted to the burial of the dead and the provisions and penalties of the law will be strictly enforced in all cases of disturbance, wanton injury to property, disregard of the rules or conduct unbecoming to a cemetery.

13.2 All visitors shall conduct themselves in a quiet, orderly manner and shall not disturb any service being held, by noise or other disturbances.

13.3 Vehicular traffic in the cemetery(s) will be done so under the Board's supervision only.

13.4 Children under twelve (12) years of age must be accompanied by an adult who shall maintain close contact with them and shall be responsible for their actions.

13.5 The carrying of firearms or discharging of the same within any cemetery grounds, except when used for the firing of a volley at a burial, is prohibited.

13.6 When a society or association desires to hold a Memorial Service, they shall make application to do so to the Board at least fifteen (15) days prior to the desired date and permission shall be granted at the Board's approval. The association or society securing this permission shall assume responsibility for any damages done to any of the property in the cemetery at that time.

13.7 All persons are prohibited from picking any flowers, either wild or cultivated, or breaking any trees, shrubs, or plants within the cemetery(s) grounds.

13.8 All persons are prohibited from writing upon, defacing or damaging any monument fence or other structure in or belonging to the cemetery.

13.9 The cemetery(s) may be visited each day from sunrise to sunset.

13.10 All work in close proximity to a burial shall cease during all services or at any other time when requested.

13.11 Dogs and/or other domesticated animals shall be restrained by a proper leash and accompanied by their owner when visiting the cemetery grounds and shall not be permitted to run at large in the cemetery. Every owner shall remove forthwith, and sanitarily dispose of excrement left by dogs and other pets on the cemetery property.

14.0 RULES FOR MOTOR VEHICLES

14.1 The Board reserves the right to close the roads to the cemetery(s) at any time to vehicular traffic, for maintenance or inclement weather conditions.

14.2 The drivers of all vehicles entering the cemetery(s) shall obey the instructions of the Board and shall keep to the route allotted to them. They shall not attempt to turn around on any roadway or pass another moving vehicle and shall not exceed a speed limit of fifteen (15) kilometers per hour.

14.3 Vehicles forming part of a funeral procession shall take the route allotted to that funeral and shall move in unison with the procession and the drivers of all vehicles shall remain in close proximity thereto at all times.

14.4 No snowmobiles, motorcycles, or all-terrain vehicles are allowed within the cemetery(s) unless approved by the Board.

14.5 Proprietors of vehicles and/or other drivers shall be held responsible for any damage done by their vehicles within the cemetery.

15.0 MARKERS AND MONUMENTS

15.1 Interment Rights Holder(s) may erect memorial of suitable design on the lots, subject to the following regulations:

15.2 There shall be only one (1) monument and one (1) flat marker on each lot or grave.

15.3 Any monument marker must comply with all regulations under new markers.

15.4 All new monuments must be either granite or bronze (markers must be of marble material) except on application to and by special permission of the Board.

15.5 All new monument markers shall be installed in such a manner as to comply with a thrust test of one hundred (100) pounds up to three (3) feet eleven (11) inches in height and thrust test of two hundred (200) pounds for monuments three (3) feet eleven (11) inches and over.

15.6 No contractor will install a monument marker over four (4) feet without first consulting the Board.

15.7 The Board assumes no responsibility unless a monument is installed on a concrete foundation, approved by the Cemetery Caretaker and/or designate.

15.8 Cremation lot markers shall be a maximum size of sixteen (16) inches by sixteen (16) inches and installed level with the ground surface.

15.9 No inscription shall be placed on any monument or marker which is not in keeping with the dignity and decorum of the cemetery.

15.10 All photographs attached to any memorials or placed within the cemetery grounds shall be the sole responsibility of the owner.

15.11 A monument shall not be erected on any lot until all charges have been paid.

15.12 Monuments and markers shall be maintained by the Board and the Board reserves the right to adjust, straighten, repair, etc. or remove any monuments, markers etc. as allowed by the *Funeral, Burial and Cremation Services Act, 2002*.

15.13 No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.

15.14 No monument, footstone, marker, or memorial of any description shall be placed, moved, altered, or removed without permission from the Board.

15.15 Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

15.16 The Board will take reasonable precautions to protect the property of Interment Rights Holder(s), but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.

15.17 Should any monument or marker present a risk to public safety because it has become unstable, the Board shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to remove the risk.

15.18 The Board reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the Board.

16.0 CONTRACTORS AND MONUMENT DEALERS

16.1 Any contract work to be performed with the cemetery requires the written pre-approval of the Interment Rights Holder and the Board before the work may begin. Pre-approval includes but is not

limited to: landscaping, delivery of the monuments and markers, inscriptions, designs, drawings, plans, and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the Board and provide the necessary approvals before commencing work at any location on the cemetery property. Prior to the start of any said work, contractors must provide proof of (any or all may apply depending on your specific operation):

- WSIB coverage
- Occupational Health and Safety compliance standards
- Environmental protection
- WHMIS
- Evidence of liability insurance of not less than two (2) million dollars

16.2 All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

16.3 Contractors, monument dealers, and suppliers shall not enter the cemetery in the evening, weekends, or statutory holidays, unless approval has been granted by the Board.

16.4 No work will be performed at the cemetery except during regular business hours.

16.5 Contractors shall temporarily cease all operations if they are working within one hundred (100) meters of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations of their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.

16.6 Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy material are to be moved, in order to protect the surface from damage.

16.7 Any contractor who damages any lot, upright monument, marker, or other structure, or otherwise does any injury in the cemetery, shall be personally responsible for such damage or injury and in addition thereto, his/her employers shall be liable.

17.0 In accordance with the *Funeral, Burial, and Cremation Services Act, 2002*, the provisions of this By-law shall come into force and take effect the latter of 19th of May 2021 and the date of approval of this By-law by the Registrar of the *FBCSA*.

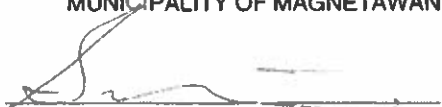
18.0 EXISTING BY-LAWS REPEALED

THAT By-law 2012-26 hereby be repealed in its entirety.


READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 30th day of June 2021.

| | |
|--|---|
| APPROVED | APPROUVÉ |
| By the Registrar, <i>Funeral, Burial and Cremation Services Act, 2002, Bereavement Authority of Ontario</i> | Par le Registrateur, <i>Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation, L'Autorité des services funéraires et cimetière de l'Ontario</i> |
| Date: <u>September 10, 2021</u> | |

THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN



Mayor



CAO/Clerk

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN
BY-LAW NO. 2020 - 29**

**A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS
COMMITTEES - COMMONLY KNOWN AS THE PROCEDURE BY-LAW**

WHEREAS Section 238 (2) of the *Municipal Act, 2001*, S.O. 2001, c 25, as amended, requires that every municipality shall pass a procedural by-law for governing the calling, place and proceedings of meetings and the public notice of meetings;

AND WHEREAS Section 238 (3.3) of the *Act* was amended March 19, 2020 to provide that, during emergencies declared locally or provincially under the *Emergency Management and Civil Protection Act*, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum;

AND WHEREAS Council deems it expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. DEFINITIONS

CAO - the Chief Administrative Officer of the Corporation of the Municipality of Magnetawan.

Clerk - the Clerk of the Corporation of the Municipality of Magnetawan.

Closed Meeting - a meeting of Council or other committee to which public access is restricted.

Confirmatory By-law - a by-law of Council that adopts all resolutions passed at a Council meeting.

Committee - an advisory group created by and members appointed by Council, which may or may not have a member of Council appointed

Council - the elected and sworn members of the Council of the Corporation of the Municipality of Magnetawan.

Deputation - an address to Council or Committee at the request of a person wishing to speak on a specific item.

Head of Council - the Mayor or in cases of a Committee - the Chair

Member - an elected and/or appointed representative of Council or a Committee acting in their elected and/or appointed position

Point of Order - a question by a Council member with the view to calling attention to any issue relating to the Procedural By-Law or the conduct of Council's business or in order to assist the member in understanding Council's procedures, making an appropriate motion or understanding the effect of a motion.

Point of Privilege or Personal Privilege - a question by a member who believes that another member has spoken disrespectfully towards that member or another member or who considers that his or her integrity or that of a member or Township official has been impugned or questioned by a member.

Quorum - a majority of members of Council or Committee.

Recorded Vote - the recording in the minutes of the names and vote of every member present on any motion.

Resolution - the decision of Council on any motion.

2. **ROLE OF COUNCIL**

As outlined in *the Municipal Act, 2001*, Section 224, it is the role of Council:

- 2.1 to represent the public and to consider the well-being and interests of the Municipality,
- 2.2 to develop and evaluate the policies and programs of the Municipality;
- 2.3 to determine which services the Municipality provides;
- 2.4 to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
- 2.5 to ensure the accountability and transparency of the Municipality, including the activities of the senior management of the Municipality;
- 2.6 to maintain the financial integrity of the Municipality; and
- 2.7 to carry out the duties of Council under the Municipal Act or any other Act.

3. **MEETINGS OF COUNCIL**

- 3.1 **Regular Council Meeting** - Regular meetings of Council shall be held every three (3) weeks on a Wednesday alternating at 1:00 pm and 6:00 pm or on any other day as may be determined by Council resolution.
- 3.2 Council meetings shall be held in the Community Centre, 4304 Highway 520, Magnetawan. Alternate locations may be considered with a Council resolution and appropriate public notice.
- 3.3 Notice of meetings shall be posted on the Municipal website. A meeting of Council may be cancelled or changed by Council resolution, with appropriate public notice to be provided as soon as possible. When a regular meeting of Council is cancelled or changed, the Clerk shall give notice at least seven (7) days in advance by posting on the website and, if possible, by publication in a local newspaper.
- 3.4 **Special Meeting of Council** - Any Member of Council may call a special meeting, with twenty-four (24) hours notice if possible, through the Clerk's office. Public notice shall be given on the municipal website as soon as possible and by any other method that is possible within the time frame. The only item(s) of business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
- 3.5 **Inaugural Meeting** - The inaugural meeting of Council shall take place at 7:00 p.m. on the first Wednesday of December following the municipal election.
- 3.6 **Closed Meeting** - All meetings of Council and all meetings of any committee of Council shall be open to the public, except if the subject matter being considered is permitted by the Municipal Act, to be discussed in closed session. Before holding a meeting or part of a meeting that is to be closed to the public, Council shall state by resolution the fact of holding a closed meeting and the general nature of the matter to be discussed at the closed meeting.
- 3.7 **Electronic Participation:** Committee meetings may offer electronic participation, at the discretion of the Chair, in accordance with the Municipal Act.

Council may offer electronic participation for a Council meeting during an emergency declared by either the Provincial Government, the Municipal Head of Council (or appointed designate), under the *Emergency Management and Civil Protection Act*, in accordance with the Municipal Act. Members participating electronically will be counted towards quorum. Members may fully participate and vote in both open and closed meetings. Members of the public may participate electronically in open meetings, as the chosen technology permits.

4. DUTIES OF THE HEAD OF COUNCIL

The Head of Council shall:

- 4.1 open the meeting of Council by taking the chair and calling the meeting to order;
- 4.2 announce the business before the Council in the order in which it is to be considered;
- 4.3 receive and submit, in the proper manner, all motions presented by the members of Council;
- 4.4 put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings and to announce the result;
- 4.5 decline to put to vote motions which are counter to the procedural by-law;
- 4.6 ensure that members follow the procedural by-law when engaged in debate;
- 4.7 be permitted to participate in any debate without leaving the chair;
- 4.8 enforce on all occasions the observance of order and decorum among the members and those present as observers;
- 4.9 if quorum agrees, Council may direct questions to the public during the meeting only if no disruption results to the decorum of the meeting;
- 4.10 call by name, any member or person who persists in breaching the procedural by-law of the Council, ordering him/her to vacate the Council chamber;
- 4.11 adjourn the meeting when the business is concluded; or adjourn the meeting without question put, in the case of serious disorder arising in the Council chamber;
- 4.12 authenticate by signature, all by-laws, resolutions and minutes of Council.

5. ABSENCE OF HEAD OF COUNCIL

- 5.1 If the Mayor is absent from the meeting, the Deputy Mayor shall assume the role of Head of Council, with all the rights, powers and authority. The acting Head of Council shall preside during the meeting or until the Mayor arrives. In the absence of the Mayor and the Deputy Mayor, the remaining members shall appoint by resolution, another member as acting Head of Council.

6. CONDUCT OF MEMBERS AND THOSE PRESENT

No member of Council or other person present shall:

- 6.1 speak disrespectfully or make allegations concerning another member of Council, staff or the public;
- 6.2 use offensive words or unparliamentary language;
- 6.3 disturb Council or other person(s) by using disorderly conduct that is disconcerting;
- 6.4 criticize any decision of Council except by a Member of Council for the purpose of moving that the question be reconsidered.

7. QUORUM

- 7.1 A majority of Council members present shall constitute a quorum.
- 7.2 If no quorum is present thirty (30) minutes after the time appointed for the meeting, the Clerk shall record the names of the members present and the meeting shall be adjourned until the date of the next regular meeting or until a special meeting is called.

8. **REGULAR COUNCIL AGENDA**

8.1 The Clerk shall prepare a Council agenda with the following items in an order deemed fit:

Opening Remarks/Announcements
Approval of Agenda
Disclosure of Pecuniary Interest
Minutes of Previous Meetings
Municipal Boards and Committees Minutes
Deputations and Presentations
Staff Reports, Motions and Discussion
By-laws
Correspondence Future Items
Accounts
Closed Session (if required)
Confirmatory By-law
Adjournment

8.2 The business of the Council shall in all cases be considered in the order as shown in the agenda unless otherwise agreed upon by members.

8.3 Any item which is not on the agenda as set but has been determined by the Clerk to be of a nature which requires attention prior to the next scheduled meeting, the item may be added by addendum at the discretion of the Clerk.

8.4 Any items brought forward as a time-sensitive issue by other means shall require a majority vote of the members present to be added to the agenda.

8.5 All items not included in the agenda package and presented as an 'on desk item' will be included in the posted agenda.

8.6 **Regular Council Agenda** – Agendas will be available for Council pick-up by 3:00 pm on the Friday preceding a regular meeting of Council and available online for public view by 3:00 pm on the Monday preceding a regular meeting of Council.

9. **DISCLOSURES OF PECUNIARY INTEREST (CONFLICT OF INTEREST)**

9.1 Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Council or Committee which the matter is the subject of consideration, the Member, shall govern themselves in accordance with the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 and shall:

- i. determine whether they may have a direct or indirect pecuniary interest and to disclose the nature thereof;
- ii. prior to any consideration of the matter at the meeting, disclose the interest verbally at the meeting and then in writing, in a form provided, to the Clerk, the general nature thereof;
- iii. not take part in the discussion of, nor vote on any question in respect of the matter;
- iv. not attempt in any way whether before, during or after the meeting to influence the voting on the matter;
- v. where a meeting is open to the public, the Member shall, in addition to complying with the requirements of Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 forthwith leave the meeting or part of the meeting during which the matter is under consideration;
- vi. where a meeting is not open to the public, the Member shall, in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 forthwith leave the meeting or the part of the meeting during which the matter is under consideration;

vii. where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the Member after the particular meeting.

9.2 Every declaration of interest and the general nature thereof, shall where the meeting is open to the public, be recorded in the minutes of the meeting by the Clerk of the Municipality or secretary of the Committee, as the case may be;

9.3 Every declaration of interest made, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public;

9.4 Where the number of members who, by reason of the Provisions of *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.

10. MINUTES

Minutes shall be recorded by the Clerk, or designate, and shall contain the following:

10.1 the date, time and place of meeting;

10.2 the names of members and staff present;

10.3 the adoption and any corrections of the minutes of prior meetings;

10.4 proceedings of the meeting which will include motions, resolutions, decisions and directions, without note or comment.

11. DEPUTATIONS AND PRESENTATIONS

11.1 Persons who wish to make a presentation to Council on matters may request in writing providing an outline of the nature of the deputation by 12:00 noon on the Wednesday prior to the next regular meeting, that the Clerk place their name and the topic on the agenda as a deputation or presentation.

11.2 The Clerk, at his/her discretion will determine the eligibility, date and time of the deputation.

11.3 The Clerk may approve a deputation to Council with less notice than required in this section.

11.4 Deputations shall be limited in speaking to not more than ten (10) minutes.

11.5 A member of Council may ask questions only for the purpose of obtaining information relating to the matter under discussion and such questions must be stated concisely.

11.6 After Council has rendered a decision on the issue and written notification of that decision has been given, Council will not consider that issue again within six (6) months. An exception may be granted at the discretion of the Clerk, if substantially new and/or substantially significant information is provided.

11.7 The Clerk may limit the number of deputations heard at any meeting.

11.8 Any person giving a deputation or presentation shall not:

1. speak disrespectfully of any person;
2. use offensive words;
3. speak on any subject other than the subject for which he or she has received approval to address Council or Committee;
4. disobey the rules of procedure or a decision of the Chair or Council.

12. CORRESPONDENCE

- 12.1 All correspondence, including petitions to be presented to the Council, shall be legibly written or printed and shall not contain any improper language and shall be signed by at least one person, filed with the Clerk, and shall include an address and telephone number.
- 12.2 All correspondence shall be delivered to the Clerk during regular office hours, by 12:00 noon on the Wednesday prior to the next regular meeting of Council, so that the item may be included in the agenda circulated to members.

13. MOTIONS

- 13.1 **Voting on Motions** - Motions shall be in writing, showing the signature of the member who moved the motion and the member who seconded the motion.

When a motion is moved and seconded, it shall be read or stated by the Head of Council before debate.

Immediately preceding the vote, the Head of Council shall state the question in the precise form in which it will be recorded in the minutes.

The manner of determining the decision of Council on a motion shall be at the discretion of the Head of Council and may be by show of hands, verbal, standing, or any other method.

When the Head of Council calls for a vote on a question, each member shall occupy his/her seat and shall remain in his/her place until the result of the vote has been declared by the Head of Council.

- 13.2 **Recorded Vote** - If a member present at a Council or committee meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.
- 13.3 Any resolution shall require a majority of votes in order to be valid and binding on the Council. If there is an equality of votes, the vote shall be deemed to be lost. A failure to vote by a member who is present at the meeting and who is qualified to vote, shall be deemed to be a negative vote.
- 13.4 **Notice of Motion** - When a member provides the Clerk with written notice of any motion, the matter shall be included on the agenda for the next regular meeting of Council.
- 13.5 **Motion to Reconsider** - A motion to reconsider shall not be made during the same meeting of Council at which the original determination was taken. If a decision has not been substantially acted upon, a Member of Council who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision.

14. READING OF BY-LAWS

- 14.1 Every by-law shall be introduced upon motion by a member of Council specifying the title of the by-law.
- 14.2 Every by-law shall be typed and contain no blanks except as required to conform to accepted procedure or to comply with provisions of any act.
- 14.3 Every by-law shall have three (3) readings prior to being passed. If Council so determines, a by-law may be taken as read three times.
- 14.4 Every by-law enacted by the Council shall be numbered and dated, signed by the Clerk and the Mayor, sealed with the corporate seal, and filed in the Municipal Vault.
- 14.5 No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter has been considered and approved by Council.

15. CONFIRMATORY BY-LAW

As the last item of business before adjournment, Council shall consider a confirmatory by-law to adopt, ratify and confirm all actions of Council at that meeting and to authorize the Mayor and municipal officers to take action as directed.

16. MISCELLANEOUS

16.1 **New Business** - Any matter arising from a deputation or presentation will be considered at a future Council meeting. However, a matter may be considered by Council during this time if sufficient information is available and time permits.

16.2 **Curfew** - No item of business shall be considered at a Council meeting after 11:00 p.m. unless approved unanimously by resolution.

16.3 **Electronic Recording Devices** - Electronic recording devices shall not be permitted in the Council Chambers, unless approved by the Head of Council.

17. SUSPENSION OF RULES

Any procedure required by this by-law may be suspended with consent of a majority of the members of Council present.

18. AMENDMENT

18.1 No amendment or repeal of this by-law or any part shall be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a previous regular meeting of Council.


18.2 Waiving of this notice by the Council is prohibited.

19. EFFECTIVE DATE

19.1 This by-law takes effect on the date of its passing.

19.2 By-law No 2020-04 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED, THIS 8th DAY OF APRIL, 2020



Mayor



CAO/Clerk



COMMITTEE INFORMATION AND DECLARATION FORM

Personal Information:

Name: _____

Address: _____

Phone Number: _____

Personal Email (if applicable): _____

Emergency Contact Information *(to be used only in the event of an emergency regarding the above-named person):*

Name: _____

Best number to contact at: _____

Declaration:

- 1) I agree to provide my time as a Committee and/or Board Member in the best interest of the Municipality of Magnetawan.
- 2) I agree to conduct myself with honesty, integrity and be respectful while serving and representing the Municipality of Magnetawan.
- 3) I agree to comply with all written policies and guidelines relevant to the committee on which I will serve including the Municipality of Magnetawan Procedural By-law.
- 4) I agree that my position as a Committee and/or Board Member will not be used to grant special privileges to any person or group, and I will avoid all other conflicts of interest which may arise from my position as a member.
- 5) I agree that my position as a Committee and/or Board Member will not be used for business or personal benefit or gain.
- 6) I agree that any written or oral information that has been disclosed to me as confidential during my term will remain in the strictest confidence.
- 7) I agree to have my personal information released as warranted and deemed appropriate by the Municipality as long as I represent the Municipality as a member of a Committee and/or Board. I understand that I may rescind this approval at any time.

I confirm that I have read, understand, and agree to adhere to the above statements.

Name: _____

Signature: _____

Date: _____

Personal information on this form will be used for the purpose of sending correspondence relating to Committee and/or Board matters. Your name, comments and any other personal information is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended. Questions about this collection should be directed to the Clerk at the Municipality of Magnetawan.

RESOLUTION NO. 2021 - 29 **FEBRUARY 03, 2021**

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the report as presented from Acting Deputy Clerk Laura Brandt, Memorial Sanctuary at Chapman Cemetery, and approves staff recommendations to begin the process for creating a Memorial Sanctuary at the Chapman Cemetery and directs staff to include this project in the 2021 budget with \$20,000 to be drawn from the Community Enhancement Reserve Funds.

Carried Defeated Deferred

Sam Dunnett, Mayor

Recorded Vote Called by: _____

| Recorded Vote Member of Council | Yea | Nay | Absent |
|------------------------------------|-----|-----|--------|
| Brunton, Tim | | | |
| Hetherington, John | | | |
| Kneller, Brad | | | |
| Smith, Wayne | | | |
| Mayor: Dunnett, Sam | | | |



*Knowing our heritage
we will build our future.*



REPORT TO COUNCIL

| | |
|------------------|--|
| To: | Mayor and Council |
| From: | Laura Brandt, Acting Deputy Clerk |
| Date of Meeting: | February 3 2021 |
| Report Title: | Memorial Sanctuary at Chapman Cemetery |

Recommendation: That Council receives and approves this report as presented and directs staff to meet with the Cemetery Board to discuss the proposed memorial sanctuary.

Background: Less and less people are considering traditional burials and are instead looking for other options to honour and have a sacred space to feel connected with loved ones that have passed on; for example: planting a tree, planting a garden, dedicating a bench, engraving rocks located in a tranquil outdoor space. This also rings true for our residents who may not be able to visit a loved one's grave site as it could be located out of Province or out of Country.

Evaluation: The most suitable location at the Chapman Cemetery would be in the south corner. This location will ensure that the memorial sanctuary can be designed in a way that would accommodate the expansion of extra burial plots if needed in the future.

Staff recommends hiring an arborist to identify the health of the existing trees and which trees would be good candidates for removal. Currently there is fencing surrounding the Chapman Cemetery. Staff recommends removing some or all the fencing surrounding that area to make an entrance into the proposed memorial sanctuary. By removal of the fencing and trees, the planting of grass, flowers, landscaping, installation of benches and signage we will ensure that the memorial sanctuary is a place of reflection for all of those who choose to use it.

Some clearing of fallen trees, the removal of fencing, landscaping, grass planting and installation of benches can be done in house. Due to the dense bush clearing of the proposed site may need to be performed by a logging company or arborist.

A commemorative tree planting program could be launched, similar to the one the Town of Parry Sound has which allows residents to purchase a commemorative package for \$850 which includes a tree, a memorial plaque, and the planting of the tree. Plaques, benches, and trees can be purchased from local businesses, quarries, and nurseries in the area. As well the continued planting of new trees and the removal of older diseased trees will ensure the sustainability of the memorial sanctuary for residents to come.

Financial Implications: Estimated costs to consider would be the removal of trees, landscaping, removal of fencing purchasing of signs, and purchasing of benches.

| | |
|----------------------|----------|
| Removal of trees | \$10,000 |
| Landscaping | \$ 6,000 |
| Removal of fencing | \$ 2,000 |
| Sign | \$ 2,000 |
| Total Estimated Cost | \$20,000 |

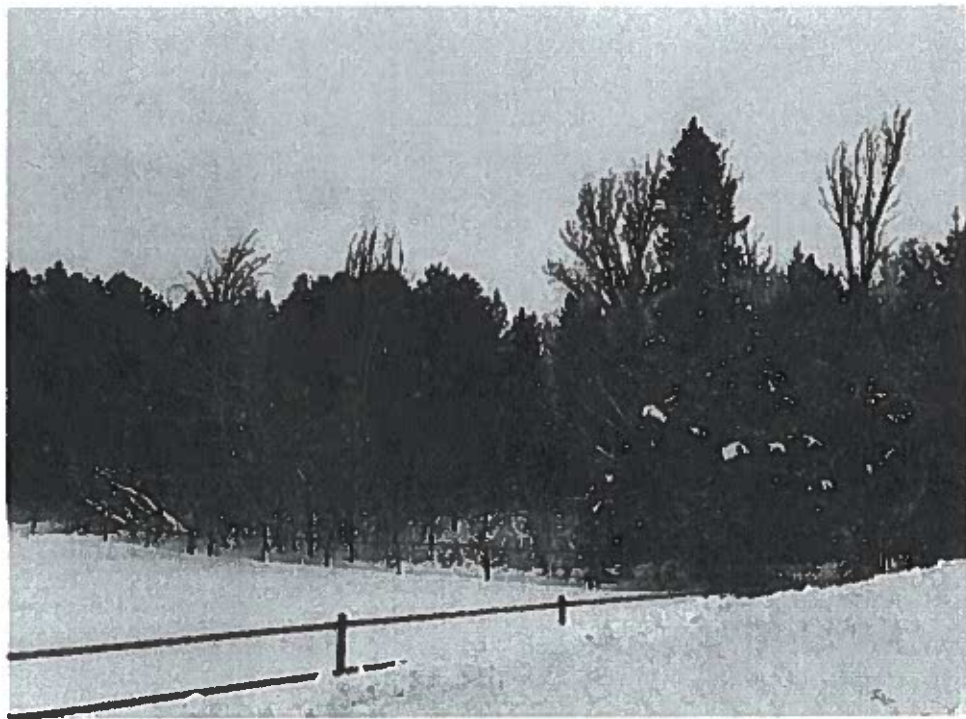
Staff estimates costs to be \$20,000 to complete the proposed commemorative park.

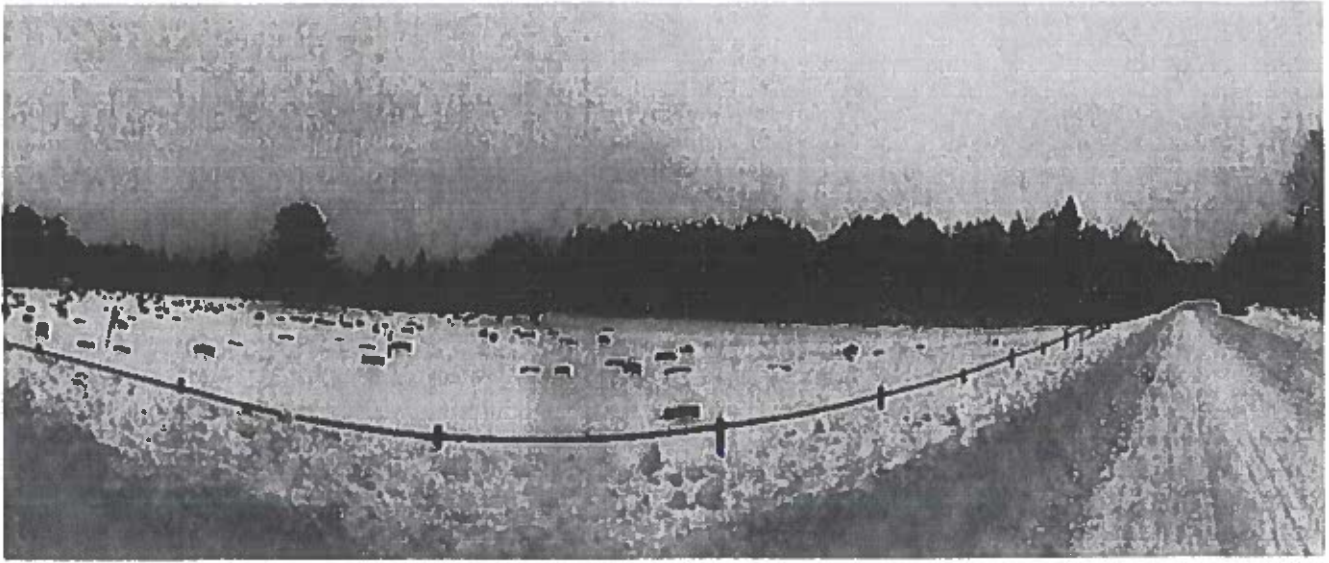
Staff Recommendations: Staff recommends working closely with the Chapman Cemetery Board to begin the process for creating a Memorial Sanctuary at the Chapman Cemetery and that this project be included in the 2021 budget with funds being drawn from the Community Enhancement Reserve Funds.

Respectfully Submitted,

Laura Brandt
Acting Deputy Clerk







Corporation of the
Municipality
of
Magnetawan

Tel: (705) 387-3947
Fax: (705) 387-4875
www.magnetawan.com

P.O. Box 70, Magnetawan, Ontario POA 1P0

RESOLUTION NO. 2021 - 144 **MAY 19, 2021**

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the report as presented from Acting Deputy Clerk Laura Brandt.

Carried Defeated Deferred

Sam Dunnett, Mayor

Recorded Vote Called by: _____

Recorded Vote

| Member of Council | Yea | Nay | Absent |
|---------------------|-----|-----|--------|
| Brunton, Tim | | | |
| Hetherington, John | | | |
| Kneller, Brad | | | |
| Smith, Wayne | | | |
| Mayor: Dunnett, Sam | | | |



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REPORT TO COUNCIL

| | |
|------------------|---|
| To: | Mayor and Council |
| From: | Acting Deputy Clerk Laura Brandt |
| Date of Meeting: | May 19, 2021 |
| Report Title: | Update Memorial Sanctuary at Chapman Cemetery |

Recommendation: That Council receives this report as presented for information only.

Background: Staff submitted a report to Council at the February 3, 2021 Council Meeting and Council passed motion 2021-29 receiving the report as presented from Acting Deputy Clerk Laura Brandt, Memorial Sanctuary at Chapman Cemetery, and approves staff recommendations to begin the process for creating a Memorial Sanctuary at the Chapman Cemetery and directs staff to include this project in the 2021 budget with \$20,000 to be drawn from the Community Enhancement Reserve Funds.

Evaluation: Staff has reached out to the Cemetery Board and they are in agreement with the proposed Memorial Sanctuary, and they shared that this particular piece of property was originally purchased for this purpose.

Staff reached out to several local businesses in regard to the creation of engraved memorial stones and plaques to ensure that these can be sourced. Many of the local businesses including a local quarry no longer offer these services. Staff has also reached out to the Sanderson Monuments and are waiting on quotes and services available. While discussing the proposed Memorial Park, Sanderson's representative also shared with Staff that they have stone benches available, and as well, they also offer a design service for Memorial Parks.

Staff reached out to two local arborists and both believe that trees can be easily marked, and one has suggested that we keep the outer large pines for privacy and to act as a wind barrier. It was also recommended by the same arborist that we remove all the Birch as they fall often and rot quickly. Currently Staff is waiting for quotes, which may have to wait until after a design concept has been developed in order to judge the scope of work.

Staff also investigated sourcing Grant Funding to help with the costs of this project. Staff has applied to the FCC AgriSprit Fund for the maximum amount of \$25,000. This grant funds capital projects that enrich the lives of residents who live in rural communities. We will be notified of the the outcome of our application around August 2021.

Staff has roughly drawn out the trail system including benches and trees that could be implemented as a layout for the proposed Memorial Park. Staff estimates that the proposed Memorial Park will be approximately 2.27 acres and a columbarium wall (for urns) or a memorial wall (for plaques) could be situated in the larger clearing when you first enter the Memorial Park.

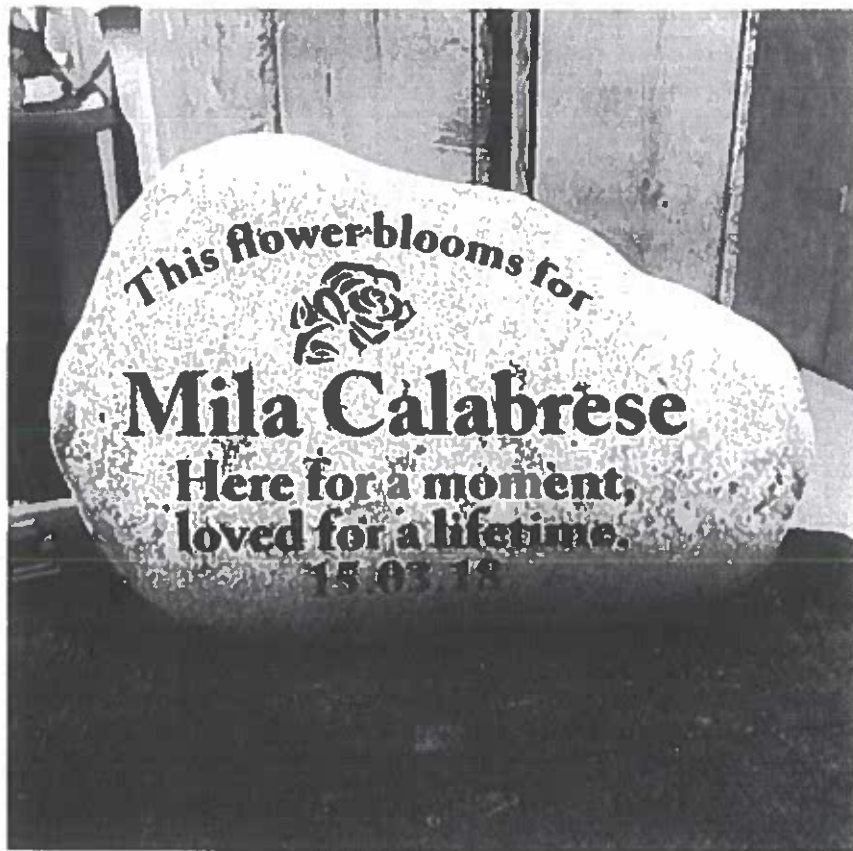
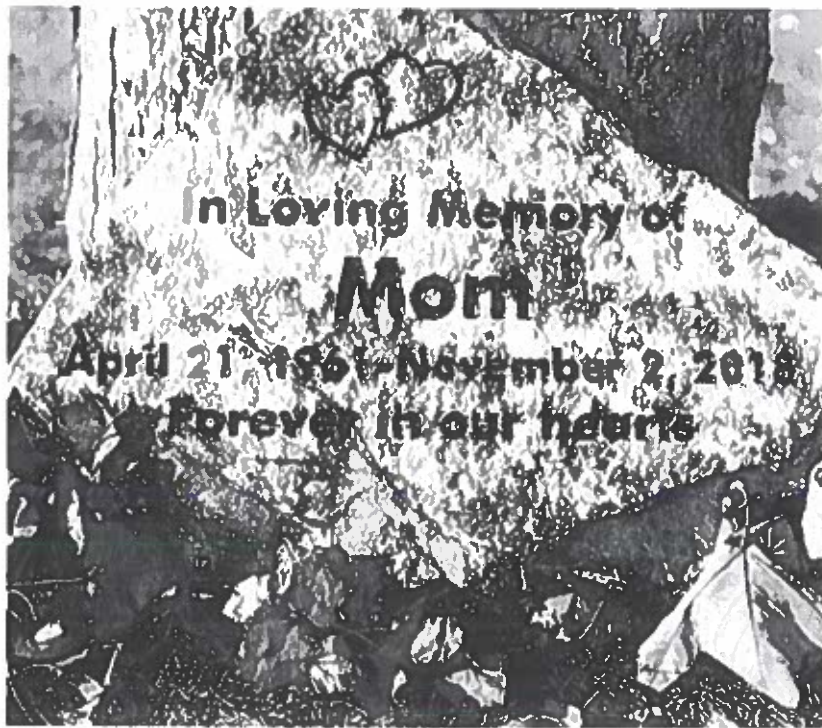
Currently Staff is researching surrounding Municipalities Commemorative Tree Planting Programs and Commemorative Bench Programs to help develop Magnetawan's Application Form, Commemorative Tree Species Guide and Commemorative Tree Planting Policy.

Financial Implications: None at this time until the Municipality is notified of the outcome of the grant.

Conclusion: Staff will continue working closely with the Cemetery Board to create the Chapman Memorial Sanctuary and will continue to provide updates to Council.

Respectfully Submitted,

Laura Brandt
Acting Deputy Clerk



Corporation of the
Municipality
of
Magnetawan

Tel: (705) 387-3947
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P.O. Box 70, Magnetawan, Ontario POA 1P0

RESOLUTION NO. 2021 - 274 **SEPTEMBER 22, 2021**

Moved by: _____

Seconded by: John Hetherington

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the report from Deputy Clerk Laura Brandt, Update Chapman Memorial Sanctuary – Tree and Bench Program, Columbarium as presented, and approves in principle the Commemorative Tree Planting and Bench Program, as well as the installation of a Columbarium in the amount of \$40,000 which is to be included in the 2022 Draft Budget and further directs staff to forward this report to the Cemetery Board for their consideration.

Carried Defeated _____ Deferred _____

Sam Dunnett
Sam Dunnett, Mayor

Recorded Vote Called by: _____

Recorded Vote

| Member of Council | Yea | Nay | Absent |
|---------------------|-----|-----|--------|
| Brunton, Tim | | | |
| Hetherington, John | | | |
| Kneller, Brad | | | |
| Smith, Wayne | | | |
| Mayor: Dunnett, Sam | | | |



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we will build our future*



REPORT TO COUNCIL

| | |
|------------------|---|
| To: | Mayor and Council |
| From: | Deputy Clerk Laura Brandt |
| Date of Meeting: | September 22, 2021 |
| Report Title: | Update Chapman Memorial Sanctuary – Tree and Bench Program, Columbarium |

Recommendation: That Council receives and approves this report as presented, and approves in principle the Commemorative Tree Planting and Bench Program, as well as the installation of a Columbarium for the Memorial Sanctuary which is to be included in the 2022 Draft Budget, and further directs staff to forward this report to the Cemetery Board for their consideration.

Background: Council passed motion 2021-29 receiving the report as presented from Deputy Clerk Laura Brandt, Memorial Sanctuary at Chapman Cemetery, (February 3, 2021 and May 19, 2021 for information only) and approved Staff recommendations to begin the process for creating a Memorial Sanctuary at the Chapman Cemetery and approved this project in the 2021 budget with \$20,000 to be drawn from the Community Enhancement Reserve Funds.

Evaluation: Staff has developed a Commemorative Tree and Bench Program Policy, and Species Guide which outlines the Purpose and Program Guidelines.

Staff reached out to several local businesses in regard to sourcing trees (with memorial stones) and benches (with plaques). Everything except the memorial stones can be sourced locally. Staff has sourced a company outside of the local area which can be used if a local business can not be found.

Staff estimates that the cost of planting a tree would be \$600 which would include the price of the tree, one memorial rock with a personalized description, the installation of the memorial rock, planting of the tree and general maintenance.

Staff estimates that the cost of installing a bench would be \$400 which would include the price of the bench, one plaque with personalized description, the installation of the bench and general maintenance.

The cost for installation and/or planting would be borne by the purchaser of a memorial tree or bench.

With the cremation at a all time high in Canada (73.1% in 2020), Staff recommends the addition of a Columbarium (public storage of funerary urns) to help build upon the vision of the proposed Memorial Sanctuary as an extension of the Chapman Cemetery. A Columbarium can range from 24 niches to 72 niches and has less of a footprint than that of a traditional burial plot. A 72-niche columbarium's footprint is approximately the same size as two traditional burial plots and has a capacity of 144 urns. By reducing the footprint, the Municipality would be conserving valuable cemetery land which in turn would extend the life of the cemetery. Additional Columbarium's can be added if needed. A policy for the Columbarium in conjunction with the Cemetery Board would need to be developed. As well only 15% of each niche sale or \$150 whichever is greater is required for care and maintenance funds, as opposed to the 40% or \$250 whichever is greater required for traditional plots.

Currently charges for a cremation lot is \$50, cremation lot care and maintenance is \$150 and internments for cremated remains is \$150 for a total of \$350. Staff recommends charging \$100 for a niche (2 urns), niche care and maintenance \$300 and internment for cremated remains per urn is \$150 for a maximum total of \$700.

The cost of a columbarium ranges from \$8,400 for a 24 niche to \$31,680 for a 72 niche not including installation. Staff recommends the 72 niche for cost effectiveness and esthetics.

| | Cost |
|----------------------|-----------------|
| 72 Niche Columbarium | \$31,680 |
| Concrete Foundation | \$5,000 |
| Crane Rental | \$2,000 |
| Dry Ice | \$1,320 |
| Total Cost | \$40,000 |

| | Revenue |
|---|-----------------|
| Cost of Niche (2 urns) | \$7,200 |
| Cost of Lot Care and Maintenance Fund per urn (to be invested as per the Bereavement Ontario Authority) | \$21,600 |
| Cost of Internment per urn | \$21,600 |
| Proposed Increase of \$50 | \$7,200 |
| Total Revenue Generated | \$47,160 |
| Funds Available to Offset Costs | \$36,000 |

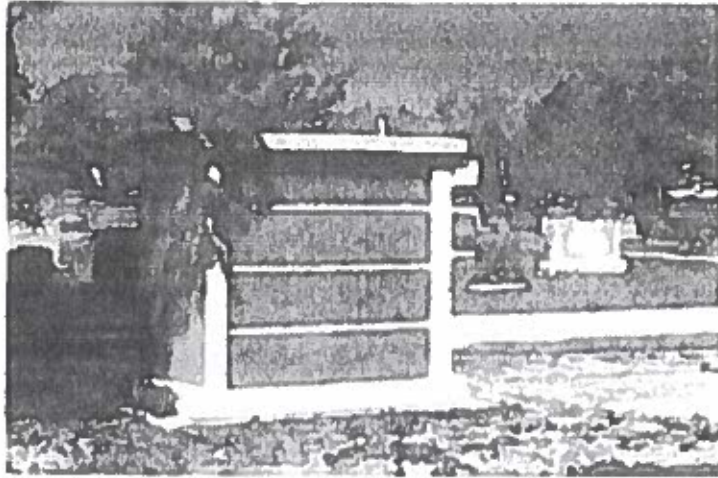
Staff recommends that the Cemetery Board review the cost of the care and maintenance charges applied to both a lot, cremation, and niches. Currently approximately 5 lots are sold per year, but the Municipality has sold as many as 15 lots in a calendar year. By increasing the Care and Maintenance charge by \$50 the Municipality can generate an additional \$7,200 in funds by selling the 144 Niches available in the proposed columbarium. In addition to that any other lots or cremation lots would also generate an additional \$50 per lot that can be used to offset the cost of operating the Cemetery. The proposed increase can be implemented in 2022.

Financial Implications: Staff estimates that it would cost roughly \$40,000 to install a 72 Niche Columbarium, a concrete foundation and crane rental with costs eventually being offset by proceeds received from the purchasing of niches, and care and maintenance fund as well as relevant charges at the time of internment according to the current Fees and Charges By-law. As well each year the Municipality applies the interest generated from the Care and Maintenance Fund towards costs incurred at the Municipal Cemeteries. Staff recommends that this cost be included in the 2022 Budget.

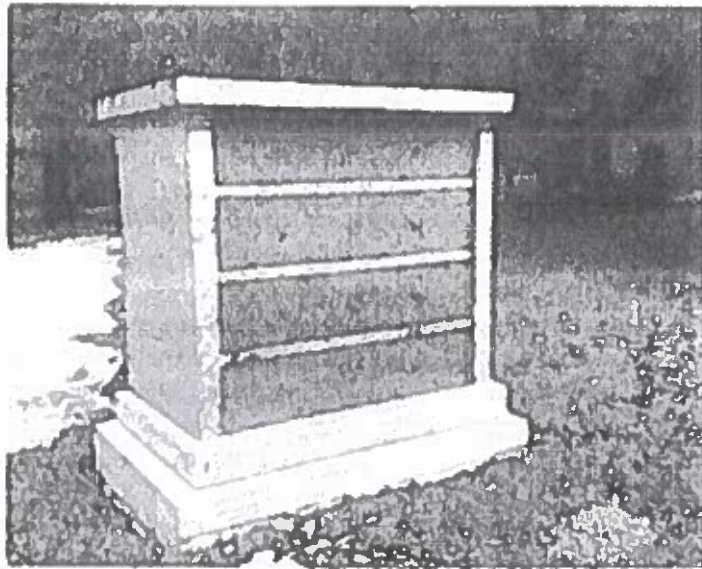
Conclusion: The addition of a Columbarium would add value to our proposed Memorial Sanctuary and the Chapman Cemetery. Staff will be working collaboratively with the Cemetery Board to create the Chapman Memorial Sanctuary and will continue to provide updates to Council.

Respectfully Submitted,

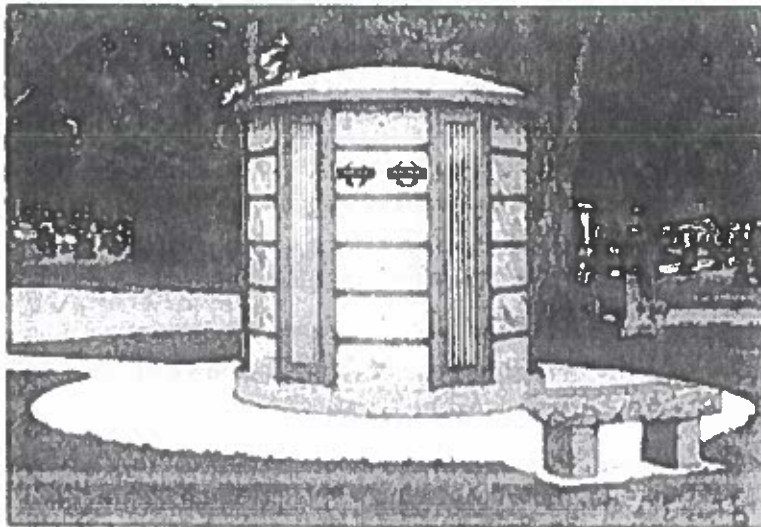
Laura Brandt
Deputy Clerk



24 Niche



32 Niche



72 Niche



Chapman Memorial Sanctuary Commemorative Tree Planting and Bench Program

Purpose:

To provide residents of Magnetawan with a form of commemoration (planting a tree or installing a bench) to honour and have a sacred space to feel connected with loved ones that have passed on.

Program Guidelines:

The Commemorative Tree Planting Program costs participants \$600 and includes the following:

- Choice of one tree species (please refer to the Commemorative Tree Species Guide for availability)
- One memorial rock with a personalized description may be placed at the foot of the tree (plaque wording and description must be approved by the Municipality. The plaque font and overall visual appearance is standard for continuity and visual appearance purposes)
- Tree and memorial rock installation
- General maintenance of the tree, plaque and surrounding areas (maintenance includes watering of the tree, tree pruning, grass cutting etc.)

If the plaque or planted tree is damaged or vandalized beyond repair or refurbishment, a one-time replacement will be provided at no additional cost. If the planted tree dies within the three-year warranty period, a tree replacement may be provided at no additional cost.

The Commemorative Bench Program costs participants \$400 and includes the following:


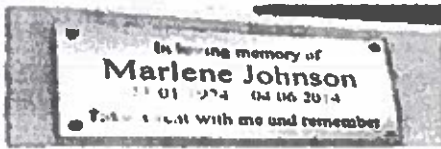

- One wooden bench
- One plaque with a personalized description will be affixed to the bench (plaque wording and description must be approved by the Municipality. The plaque font and overall visual appearance is standard for continuity and visual appearance purposes)
- Bench and plaque installation
- General maintenance of the bench, plaque and surrounding areas (maintenance includes grass cutting and general upkeep)

If the plaque or bench is damaged or vandalized beyond repair or refurbishment, a one-time replacement may be provided at no additional cost.

Requests to apply to the program will be accepted by the Municipality by application. Presently, one location is available for commemorative tree planting and installation of benches at the Chapman Memorial Sanctuary on Nipissing Road. We accept applications on a first come, first serve basis. Tree location is subject to availability. Tree species can vary by location and are subject to change. We will do our best to provide you with a location that best meets your needs and adheres to the visual identity of our open spaces.

Step-by-Step Application Process:

1. If you are participating in the Commemorative Tree Planting Program look through the Municipality of Magnetawan Commemorative Tree Species Guide and contact the Municipality for any additional questions or inquiries regarding this program at (705) 387-3947 or info@magnetawan.com
2. Complete the application form provided and upon completion, submit to the Municipality.
3. Applicants will receive a confirmation email from the Municipality upon receipt of their application and will receive a designated contact person for the program.
4. The Municipality will review the application and once details regarding tree location, species and plaque description have been approved and finalized, applicants will be notified of their approval.
5. Applicants will be given 30 days to confirm their spot in the program and pay in full within 30 days of receiving their invoice.
6. Tree planting takes place between spring and fall of each year.
7. The applicant will be notified of the date that their tree and plaque installation is to take place and when the installation is completed.

| | | | | |
|--|--|--------------|------------|---------|
| Bench (similar to picture) |  | | | |
| Bench Plaque (similar to picture) |  | | | |
| Trees (Subject to availability) Please refer to the Commemorative Tree Species Guide | Red Maple | White Spruce | Crab Apple | Red Oak |
| Memorial Stone (similar to picture) |  | | | |



Commemorative Tree Planting and Bench Program Application Form

First Name: _____ **Last Name:** _____

Address: _____

Phone: _____ **Email:** _____

Memorial Information:

Commemorative Tree

Species of Tree First Choice : _____ **Species of Tree Second Choice :** _____

Commemorative Bench

Plaque Wording:

Any Special Instructions:

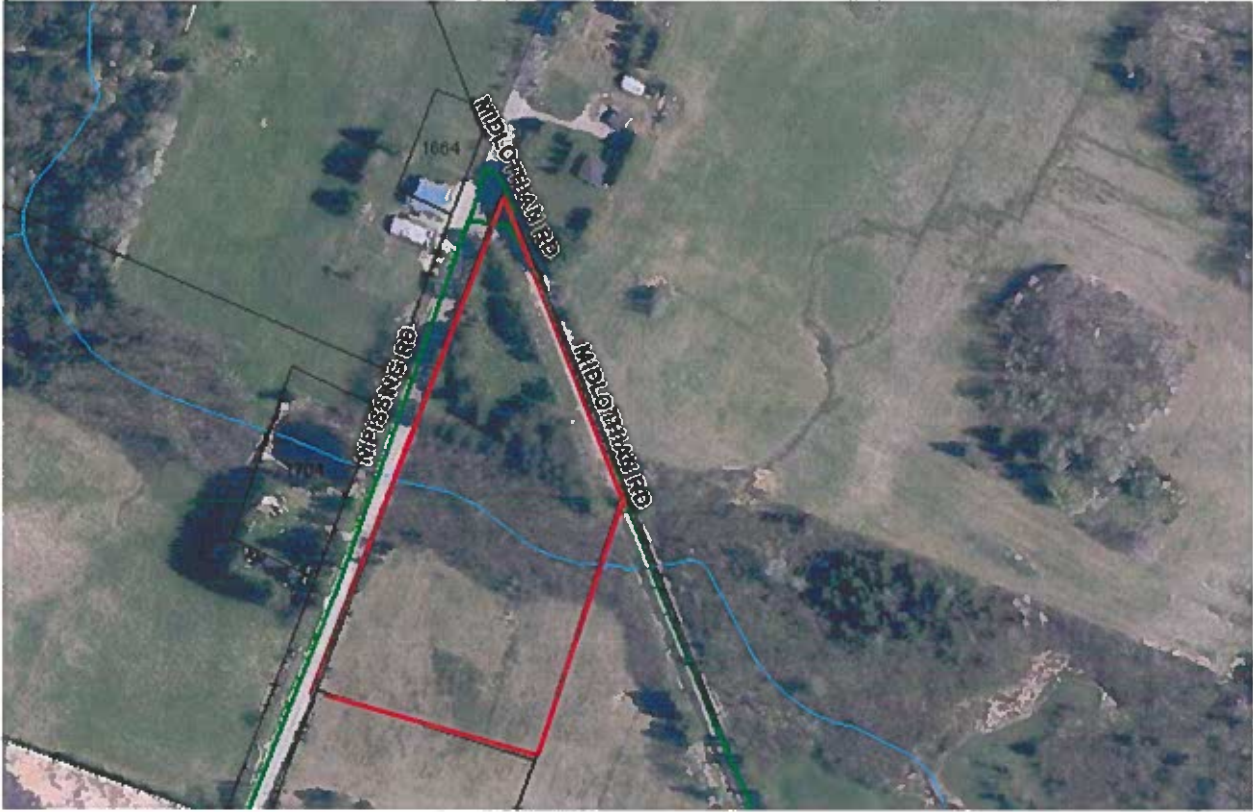
No installations or planting will occur during the winter months.

Please complete the application and return to the Municipal Office at 4304 Highway 520 P.O. Box 70 Magnetawan, ON
POA 1P0 or by email to info@magnetawan.com

Office Use Only:

Cost: _____

Completed: _____



Spence Cemetery



**Municipality of
Magnetawan**

Magnetawan Cemetery Board (MCB)

RESOLUTION No. 2023 -

March 22nd, 2023

Moved by: _____

Seconded by: _____

BE IT RESOLVED THAT the Magnetawan Cemetery Board adjourns this meeting at _____ am/pm to meet again on _____, 2023 at _____ am/pm or at the call of the Chair.

Carried _____ Defeated _____ Deferred _____

Chair,