

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 57-08

BEING A BY-LAW TO REGULATE THE CEMETERIES OF THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT.

WHEREAS Section 50 of the Cemeteries Act, R.S.O. 1990 as amended provides that an owner of a cemetery or crematorium may make by-laws affecting the operation of the cemetery or crematorium; and

WHEREAS the Council of The Corporation of the Municipality of Sioux Lookout has deemed it necessary to adopt a by-law to reflect current operations of the cemeteries that are owned and operated by The Corporation of the Municipality of Sioux Lookout;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT ENACTS AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

1.1. In this By-Law:

- 1.1.1. **Act** shall mean the Cemeteries Act, R.S.O., 1990, Chapter C.4, as amended, and all Regulations adopted thereunder.
- 1.1.2. **Border** shall mean any structure, other than a cornerstone, composed of any material and placed on a lot for the purpose of defining the perimeters of the lot.
- 1.1.3. **Burial Permit** shall mean the document that records a death and is completed by the Division Registrar in accordance with the Vital Statistics Act, R.S.O., 1990, as amended.
- 1.1.4. **By-Law** shall mean By-Law No. 57-08, Being a By-Law to Regulate the Cemeteries of The Corporation of the Municipality of Sioux Lookout.
- 1.1.5. **Cap** shall mean any structure, other than a marker, placed over all or a portion of the surface area of a lot.
- 1.1.6. **Care and Maintenance Trust Fund** shall mean that fund, as required by Provincial legislation, to which a portion of the purchase price of all Interment Rights, and the prescribed amount payable upon installation of Monuments and Markers, is contributed and income from which shall go towards offsetting the costs to provide general care and maintenance of the Municipal Cemeteries.
- 1.1.7. **Cemetery** shall mean Municipal land set aside to be used for the interment of human remains and includes a Cremation Rail or any other structure or grounds intended for the interment of human remains.
- 1.1.8. **Cemetery Supplies and Services** shall mean those cemetery supplies and services as defined by the Act.
- 1.1.9. **Certificate of Cremation** shall mean that original document provided by a Crematorium that identifies cremated human remains.
- 1.1.10. **Certificate of Interment Rights** shall mean that document developed in accordance with the Act and issued by the Municipality that identifies the purchaser(s) of interment rights.

- 1.1.11. **Communicable Disease(s)** shall mean those diseases as identified by Regulation pursuant to the Health Protection and Promotion Act, R.S.O., 1990, as amended.
- 1.1.12. **Cornerstone** shall mean any object or device, set flush with the surface of the ground, that identifies the corners or boundaries of a lot.
- 1.1.13. **Council** shall mean the Council of The Corporation of the Municipality of Sioux Lookout
- 1.1.14. **Cremation Rail** shall mean that structure constructed by, or at the direction of, the Municipality that provides a common facility for the interment of cremated human remains and the placement of markers.
- 1.1.15. **End** shall mean, when used in reference to a lot, the east or west boundaries of that lot.
- 1.1.16. **Foundation** shall mean a concrete or granite pad on which a marker or marker base is set to ensure stability of the marker.
- 1.1.17. **Disinter** shall mean the removal of human remains from a closed or sealed grave or lot.
- 1.1.18. **Grave** shall mean a single burial space within a lot, or a space on the Cremation Rail, for the interment of cremated human remains and, except as provided for in Section 4.11.1, there shall be three graves per lot.
- 1.1.19. **Human Remains** shall mean a dead human body and includes cremated human remains.
- 1.1.20. **Inter (and interment)** shall mean the burial of human remains and includes the placing of human remains in a lot or cremated human remains in a grave.
- 1.1.21. **Interment Rights** shall mean the right to require or direct the interment of human remains in a lot or cremated human remains in a grave as well as the right to erect or place a monument or marker on a lot in accordance with the provisions of this By-Law.
- 1.1.22. **Interment Rights Holder** shall mean the person(s), firm or corporation who holds the interment rights with respect to a grave or a lot and includes a purchaser of interment rights under the Act.
- 1.1.23. **Interment Rough Box** shall mean a wooden structure placed in a lot during the preparation of an interment intended to provide temporary protection of the casket when it is placed therein.
- 1.1.24. **Interment Vault** shall mean a structure placed in a lot during the preparation of an interment and usually constructed of fiberglass or cement intended to provide a watertight, non-decaying structure in which the casket may be placed.
- 1.1.25. **Lot** shall mean an area of land in the Municipal Cemeteries containing, or set aside to contain, human remains, and may contain up to three graves.
- 1.1.26. **Marker** shall mean any monument, tombstone, plaque, headstone, cornerstone, or other structure or ornament affixed to or intended to be affixed to a lot or grave.

- 1.1.27. **Marker Space** shall mean that place designated to contain the marker and shall measure three feet (91.5 cm) in length from the west end of the lot and shall be the width of the lot.
- 1.1.28. **Memorial Service** shall mean any service, and most often performed by a member of the Clergy, at which a person(s) is remembered.
- 1.1.29. **Monument** shall mean any marker that, when placed on a lot, projects above the surface of the ground.
- 1.1.30. **Municipal Cemetery** shall mean, unless otherwise specifically provided for herein, those cemeteries under the care and control of the Municipality and shall specifically include Northway Cemetery, Sacred Heart Cemetery, and Hillcrest Cemetery.
- 1.1.31. **Municipality** shall mean The Corporation of the Municipality of Sioux Lookout and shall include any person appointed by the Council to manage or otherwise perform the day to day business of the Municipal Cemeteries.
- 1.1.32. **Non-resident** shall mean any person other than a resident of the Municipality of Sioux Lookout (also see Resident).
- 1.1.33. **Notice** shall mean, in respect to amending this By-Law, or repealing this By-Law and enacting a new By-Law, a poster measuring 8½" X 11" in size being placed at the entrance to the Municipal Cemeteries, and a printed notice placed in a newspaper deemed to serve the Municipality.
- 1.1.34. **Pre-need Supplies or Services** shall mean cemetery supplies or services that are not required to be provided until the death of a person alive at the time the arrangements are made.
- 1.1.35. **Resident** shall mean any person who has owned or rented a dwelling within the Municipality for a period of not less than five consecutive years at any time prior to his death.
- 1.1.36. **Rubbish** shall mean weeds, decayed or discarded flowers or plants, discarded containers for holding flowers or plants, any article left at the lot or grave, or any other material incidental to the management or care of the Municipal Cemeteries.
- 1.1.37. **Registrar** shall mean the Cemeteries Regulation Unit Registrar of the Ministry of Government and Consumer Services or such other appointment or Ministry appointed from time to time for the administration of the Act.
- 1.1.38. **Side** shall mean, when used in reference to a lot, the north or south boundaries of that lot.
- 1.1.39. **Transfer** shall mean, in respect to interment rights, a gift, bequest, or any other transfer made without consideration, and shall be subject to an administration fee.
- 1.2. This By-Law may be cited as the "Cemeteries By-Law"
- 1.3. All reference made to the male gender shall include the female gender and all reference to the singular shall include the plural where applicable in this By-Law.

2. GENERAL ADMINISTRATION

- 2.1. Council shall be responsible for the management of all Municipal Cemeteries.
- 2.2. Council may appoint such persons as are necessary from time to time to perform the day to day business of the Municipal Cemeteries, and such appointments may be made without an amendment to this By-Law.
- 2.3. No Municipal employee or other person charged with providing services at a Municipal Cemetery shall accept gratuities or rewards for any personal services or attention.
- 2.4. The Municipality shall be responsible for all maintenance, repairs, alterations, expansions and any other activity performed in all Municipal Cemeteries and no person shall perform any maintenance, repair, alteration, expansion or other activity without the prior written approval of the Municipality.
- 2.5. No provision contained herein shall in any way limit or prevent the Municipality from entering any part of any Municipal Cemetery at any time to conduct such duties for any purpose.
- 2.6. The Municipality expressly reserves the following rights and privileges to be exercised from time to time in accordance with any governing Provincial legislation:
 - 2.6.1. To resurvey, enlarge, construct a building or structure, alter, and/or diminish all or any portion of the Municipal Cemeteries;
 - 2.6.2. To lay out, establish, close, eliminate, or otherwise modify or change the location of roads, walks, accesses or drives;
 - 2.6.3. To create or remove easements and rights of way over and through any Municipal Cemetery lands for the purpose of installing, maintaining, or operating utility or communication lines, drains, irrigation systems, or for any other cemetery purpose provided that no interments or sale of Interment Rights have taken place in these areas.
- 2.7. Fulfilling of requests for work that is in addition to the normal activities performed by the Municipality shall be at the discretion of the Municipality. The work may be conducted dependent upon availability of time, resources, and costs relating to the work requested, and such costs shall be charged to the person(s) making the request.
- 2.8. All requests for supplies or services shall be conducted by or under the authority of the Interment Rights Holder and shall be submitted to the Municipality.
- 2.9. The Municipality may, from time to time, amend this By-Law in order to best serve the interests of its Cemeteries and the Interment Rights Holders. A notice shall be circulated prior to the date of the Council meeting at which the amendments will be discussed, as provided for in the Act.
- 2.10. On an annual basis, the Municipality shall transfer from the Care and Maintenance Trust Fund an amount not to exceed the income earned by the fund less any expense incurred for the trustee's fees and these monies shall only be used for those purposes as provided for by the Act.
- 2.11. The Municipality shall submit all amendments or schedules to this By-Law, as required from time to time, to the Registrar for approval in accordance with the Act, and no amendment or schedule subject to the Registrar's approval shall take effect until such time as the Municipality has been notified in writing that said amendment or schedule has been approved.

3. INTERMENT RIGHTS

- 3.1. The sale of Interment Rights in Municipal Cemeteries shall only be conducted by the Municipality and in accordance with the "Cemetery Interment Rights, Supplies and Services Tariff of Rates".
- 3.2. Council may from time to time, and by a resolution of Council, amend the "Cemetery Interment Rights, Supplies and Services Tariff of Rates" to reflect current market trends for the sale of Interment Rights, and cemetery supplies and services.
- 3.3. A portion of all monies collected from the sale of Interment Rights as provided for by the Act, shall be paid to the Care and Maintenance Trust Fund within 60 days of selling or transferring Interment Rights to a purchaser.
- 3.4. The sale of Interment Rights shall be conducted within an orderly plan developed with the intent to reduce or eliminate the random development of the Municipal Cemeteries.
- 3.5. Upon payment in full, the Municipality shall issue a Certificate of Interment Rights to any person who has acquired the Interment Rights to a lot. Purchasers of Interment Rights acquire only the right and privilege to direct the interment of human remains and the installation of monuments, markers and inscriptions, subject to this By-Law. Ownership of all Municipal Cemetery lands remains vested with the Municipality at all times.
- 3.6. No Interment Rights Holder shall sell the Interment Rights he holds to any other person, corporation or body.
- 3.7. The Interment Rights Holder shall give notice to the Municipality of the desire to transfer, without consideration, Interment Rights, and return the original Interment Rights Certificate to the Municipality, whereupon the Municipality shall issue a new Interment Rights Certificate to the transferee. The Municipality shall charge a fee for the administration of the transfer of Interment Rights.
- 3.8. Providing no Interment Rights have been exercised by the Interment Rights Holder, and the Interment Rights Holder wishes to forego the Interment Rights purchased from the Municipality, the Municipality may re-purchase any Interment Rights previously sold and the re-purchase price of the Interment Rights shall be at the original purchase price of the Interment Rights less that amount paid into the Care and Maintenance Trust Fund. In the event that the amount paid by the purchaser for the Interment Rights cannot be determined, the re-purchase price shall be \$50.00.
- 3.9. The Municipality may, after a period of not less than 20 years, having found that any Interment Rights have not been exercised, apply to the Registrar for a declaration that the Interment Rights are abandoned. Providing that the Registrar issues a declaration stating that the Interment Rights are abandoned, the Municipality may resell the Interment Rights, per the Regulations set forth in the Act.
- 3.10. The Municipality shall provide a copy of the By-Law governing the Municipal Cemeteries to all Interment Rights purchasers upon the issuance of the Certificate of Interment Rights.
- 3.11. The Interment Rights Holder shall assume all costs of interment services as set out in the "Cemetery Interment Rights, Supplies and Services Tariff of Rates."

- 3.12. The Municipality shall develop standard forms to be known as "Interment Rights Contract," and "Interment Rights and Cemetery Services Contract," with the former intended to be used for the pre-need sale of supplies and services, and the latter to be used for the "at-need" sale of supplies and services. These standard forms shall identify the supplies being contracted by an Interment Rights Holder, including the fee applicable for each item therein, and such fees shall be in accordance with the Cemetery Interment Rights, Supplies and Services Tariff of Rates.
- 3.13. Council may from time to time, and by a resolution of Council, amend the "Cemetery Interment Rights, Supplies and Services Tariff of Rates" to reflect current market trends for the sale of Interment Rights, and cemetery supplies and services, and such amendment shall be implemented unless disallowed by the Registrar.
- 3.14. Except as otherwise provided for herein, the Municipality shall receive a completed, signed, and dated "Interment Rights and Cemetery Services Contract" not less than two business days prior to the supplies or services being required.
- 3.15. The Municipality shall attend at the Cemetery and provide all supplies and services as stipulated by the "Interment Rights and Cemetery Services Contract" prior to the commencement of any memorial service and immediately following each memorial service.

4. INTERMENTS

- 4.1. No person shall cause or permit any interment or disinterment without prior written permission of the Municipality. All interments and disinterments shall be performed by the Municipality.
- 4.2. No person shall cause or permit an interment to take place without a Certificate of Interment Rights being issued for the lot or grave subject to the interment, and only after the Interment Rights Holder identified in the Certificate of Interment Rights has authorized the interment of the human remains therein.
- 4.3. Any person who submits a request for an interment in a Municipal Cemetery and provides a Certificate of Interment Rights in a name other than the person making the interment request shall provide evidence, in the form of a sworn affidavit, stating that he is entitled to the Interment Rights identified in the Certificate of Interment Rights and provide information in support of the said entitlement.
- 4.4. A Burial Permit issued by the Division Registrar indicating that the death will be registered, or a Certificate of Cremation, shall be submitted to the Municipality prior to any interment taking place, except as follows:
- 4.4.1. A Burial Permit is not required to re-inter human remains that have been disinterred in accordance with the Act.
- 4.4.2. A Burial Permit is not required for the interment of a fetus which has failed to develop into a child, and for which the law does not recognize as human remains, and therefore for which a Burial Permit is not issued, and shall be interred per the Regulations set forth in this By-Law and in accordance with the Act.
- 4.5. The Municipality reserves the right to deny an interment in any lot or grave when it is found that ground conditions do not allow for the safe excavation of the site, whereupon a substitute lot or grave will be provided by the Municipality at no additional cost to the Interment Rights Holder.

- 4.6 All requests for an interment shall be received by the Municipality not less than two business days prior to the intended interment date.
- 4.7 No interment in a Municipal Cemetery shall be conducted on a Sunday or Statutory Holiday.
- 4.8 No interment in a Municipal Cemetery shall be conducted prior to 9:00 a.m. or after 4:00 p.m. local time.
- 4.9 Notwithstanding any other paragraphs herein to the contrary, when extenuating circumstances exist that supersede the provisions contained herein, or where an Order has been issued by a physician or other recognized authority that stipulates the interment should take place at a time other than provided for herein, the interment shall take place in accordance with those extenuating circumstances or as provided by the Order provided by the physician or other recognized authority. Additional costs may apply.
- 4.10 All interments shall be conducted in accordance with the Act.
- 4.11 In any lot, following the interment of non-cremated human remains, and providing all interments comply with the requirements of the Act respecting interments, up to three additional cremation interments may be conducted in graves in the same lot, except as follows:
- 4.11.1 Only one interment is permitted in Sections A, B, and F of Hillcrest Cemetery.
- 4.12 Earth excavated from an interment site, unless otherwise removed, shall be placed on a protective tarpaulin and, where possible, on adjoining walkways or roadways, and covered with a fabric material to ensure the earth is contained therein, so as not to interfere with memorial services.
- 4.13 Only human remains shall be interred in the Municipal Cemeteries.

5. ONTARIO WORKS ADMINISTRATOR'S ORDER

- 5.1. The Municipality shall provide, upon receiving a written instruction from an Ontario Works Administrator (welfare administrator):
- A lot or grave for the interment of the remains of any person referred to in the instruction;
 - Opening and closing services in conjunction with the interment; and
 - Such other services as are prescribed by the Administrator.
- The preceding provisions shall be made in accordance with the Municipality's Indigent Burial Policy.
- 5.2. The Municipality, upon providing interment supplies and services per the instructions from an Ontario Works Administrator (welfare administrator), is entitled to collect the costs of said services from the Administrator.

6. MONUMENTS AND MARKERS

- 6.1. A portion of all monies collected from the installation of markers as provided for by the Act shall be paid to the Care and Maintenance Trust Fund within 60 days of selling or transferring Interment Rights to a purchaser.
- 6.2. No person shall place or remove any marker in the Municipal Cemeteries without prior written approval by the Municipality.

- 6.3. A "Cemetery Marker/Monument Contract" shall be completed by the Interment Rights Holder for the placement or removal of any marker from a lot or grave for which he has been issued a Certificate of Interment Rights.
- 6.4. The Interment Rights Holder, upon being approved by the Municipality for the placement or removal of a marker, shall assume all costs related thereto including any costs incurred by the Municipality for repairs to the lot(s) or adjacent lots following the installation or removal of a marker.
- 6.5. A "Cemetery Marker/Monument Contract" for the placement of a marker, shall be completed and submitted to the Municipality not less than 14 days prior to the intended date of placement.
- 6.6. No person shall place a marker on any lot or grave when it is not possible for Municipal staff to accurately determine, through Municipal records, that the human remains for which the marker is intended to memorialize are contained therein.
- 6.7. In the event that it is not possible to accurately locate a lot or grave or the human remains for which a marker is intended to memorialize, the Municipality may place a marker on such common grounds or include the name of the interred on a common marker to memorialize any person(s) interred therein.
- 6.8. No person shall cause damage to any grounds, shrubs, trees, flowerbeds, markers, vases, or any other article or natural feature of the Cemetery when placing a marker in any Municipal Cemetery.
- 6.9. The Interment Rights Holder shall assume all costs associated with damage caused as a result of the placement of a marker in any Municipal Cemetery.
- 6.10. The Municipality may cause the temporary removal of any marker that interferes with or prevents the interment of any human remains on an adjoining lot and any costs incurred as a result of the temporary removal shall be the responsibility of the Municipality.
- 6.11. The Municipality may cause the removal of a marker if payment of the contract for the marker is in default. Markers or inscriptions placed by anyone other than the Interment Rights Holder may be removed by the Municipality. The Municipality reserves the right to disallow the placement of or cause the removal of any marker that is not in keeping within the dignity and decorum of the Cemetery.
- 6.12. No person shall move any cornerstone. Only the Municipality is authorized to move cornerstones.
- 6.13. Every person shall place markers in Municipal Cemeteries that are constructed of either refined or manufactured granite, marble, or bronze.
- 6.14. No person shall place more than one monument on any one lot in any Municipal Cemetery and it shall be centrally placed between the sides of the lot and at the west end of the lot.
- 6.15. Every person shall place monuments at the west end of the lot with the front of the monument facing east, and shall be centrally located between the sides of the lot(s) in which the human remains they memorialize are interred.
- 6.16. Every person shall place markers, other than monuments, for graves within lots, above the grave beneath which the human remains are interred for which the marker is intended to memorialize.

6.17. Every person shall ensure that all monuments are placed on a foundation constructed of 2000 pounds per square inch concrete and the dimensions of the foundation shall not be less than the size of the base of the monument plus an additional four inches (ten centimeters) on each side of the base of the monument. Depth of the foundation shall be in accordance with the following specifications:

6.17.1. For a monument height (including base) that is greater than zero inches (zero centimeters) and less than 31½ inches (80 centimeters), the depth of the foundation shall be four inches (ten centimeters).

6.17.2. For a monument height (including base) that is greater than 31½ inches (80 centimeters) and less than 47 inches (119 centimeters), the depth of the foundation shall be six inches (15 centimeters).

6.18 Every person shall ensure marker and foundation dimensions conform to the following table:

Marker Type	Lot/Grave Type	Maximum Size
Flat (flush with ground)	Single Lot	24" long X 12" wide X 4" high (61 cm X 30.5 cm X 10 cm)
Flat (flush with ground)	Double Lot	48" long X 24" wide X 4" high (122 cm X 61 cm X 10 cm)
Monument (upright) (including foundation)	Single Lot	34" long X 28" wide X 36" high (86 cm X 71 cm X 91.5 cm)
Monument (upright) (including foundation)	Double Lot	68" long X 28" wide X 36" high (173 cm X 71 cm X 91.5 cm)
Bronze Plaque (required for Cremation Rail)	Cremation Rail – single grave	20" long X 12" wide X ½" high (51 cm X 30.5 cm X 1.3 cm)
Bronze Plaque (required for Cremation Rail)	Cremation Rail – double grave	40" long X 12" wide X ½" high (101.6 cm X 30.5 cm X 1.3 cm)

6.19 Excepting those markers placed on the Cremation Rail, all markers shall be located at a point approximately four inches (ten centimeters) from the west line of a lot when the marker is intended for the head of the lot, and approximately four inches (ten centimeters) from the east line of a lot when the marker is intended for the foot of the lot.

6.20 No person shall place a marker in any Municipal Cemetery that contains any inscription or picture that is slanderous, degrading or offensive to any person or legal entity.

6.21 Should any monument present a risk to public safety for any reason, the Municipality shall cause, without notice to the Interment Rights Holder and by any means necessary, the marker to be repaired, reset or laid down so as to remove the risk, and the extent of the work performed shall be dependent upon the availability of funds and resources to perform the work required, or at the expense and agreement of the Interment Rights Holder.

6.22 A temporary marker shall be placed by the Municipality at an interment site to identify the recent interment of human remains; however, any temporary marker shall be removed following the placement of a monument or marker, or after twelve months, whichever is sooner. A free standing cross

constructed of pressure treated wood, or other material not described in Section 6.13 shall be considered a temporary marker.

6.23 No person shall place a marker in a Municipal Cemetery on a Sunday or Statutory Holiday, except under extenuating circumstances at which time all work including the removal of any litter or debris must be completed by 12:00 noon local time.

6.24 Due to the danger of becoming damaged or broken, picture or photograph attachments are not permitted on markers set flush with the ground or on vases.

7. DISINTERMENTS

7.1. No person shall carry out a disinterment in a Municipal Cemetery. All disinterments shall be conducted by the Municipality.

7.2. No disinterment shall be conducted without the prior consent of the Interment Rights Holder, and the notification of the Medical Officer of Health. However, Interment Rights Holder consent is not required when it is ordered by:

- a Court of competent jurisdiction;
- a Coroner appointed under the Coroners Act;
- the Attorney General or Solicitor General for Ontario; or
- the Registrar under Section 9 of the Act.

7.3. No remains of a person who has died from a communicable disease shall be disinterred except pursuant an Order of the Medical Officer of Health.

7.4. Notwithstanding Sections 7.1 through 7.3, the Municipality reserves the right to refuse to conduct, or allow a disinterment to be conducted, if its records cannot determine the location or identification of the human remains to be disinterred.

8. RESTRICTIONS

8.1. No person shall cause or permit any work in a Municipal Cemetery without prior written approval for the work from the Municipality.

8.2. No person shall cause or permit any work in a Municipal Cemetery in the vicinity of or during a memorial service.

8.3. No person shall disturb the quiet and good order of a Municipal Cemetery without the prior written approval of the Municipality, and then only for such purposes as a special memorial service or celebration.

8.4. No person shall allow a domestic animal in a Municipal Cemetery unless it is, at all times, under the care and control of the owner, and that the owner is adhering to the regulations as set out in the Municipality's current Animal Control By-Law.

8.5. No person shall advertise, canvass, or solicit business in Municipal Cemeteries.

8.6. Live Vegetation and Ornamental Decoration:

- 8.6.1. No person shall cause or permit the placement of flowers, trees, shrubs or other plants in Municipal Cemeteries, other than in those areas assigned for this purpose and under the direction of the Municipality.
- 8.6.2. No person shall remove, alter, cut or otherwise disturbed any flower, tree, shrub or other type of vegetation planted in the assigned areas of a Municipal Cemetery without the prior written approval of the Municipality.
- 8.6.3. No person shall place wreaths or flowers (live or ornamental) contained in a vase, urn or flower stand exceeding 15 inches (38 centimeters) in height or ten kilograms (22 pounds) in weight on or at the base of a monument or marker, and any such item so placed shall be constructed of a material that is not readily susceptible to breakage.
- 8.6.4. No person shall plant any flower, tree, shrub or other plant, or place any wreath or flowers contained in a vase, urn or flower stand that become unsightly or cause an obstruction.
- 8.6.5. No person shall secure a wreath or other object to a marker where the securing involves drilling a hole into the marker.
- 8.7. No person shall cause or permit the construction of borders or caps in Municipal Cemeteries. Removal of any existing borders or caps shall be conducted when the border or cap becomes unsightly, obstructs maintenance, or causes a safety hazard as determined by the Municipality. All costs for such removals shall be the responsibility of the Interment Rights Holder for the lot on which the work is completed.
- 8.8. No person shall operate a vehicle, other than a vehicle providing interment, marker or maintenance services, in any part of the Municipal Cemeteries other than on the internal roadways of the Municipal Cemeteries.
- 8.9. No person shall operate a vehicle at a rate of speed in excess of ten kilometers per hour on internal roads in the Municipal Cemeteries.
- 8.10. No person shall throw, place, deposit or allow to be deposited by any means whatsoever in any Municipal Cemetery any refuse, garbage or the carcass of any animal.
- 8.11. Notwithstanding Section 8.10 herein to the contrary, rubbish that has been created in a Municipal Cemetery shall be disposed of in the receptacles provided by the Municipality.
- 8.12. Every contractor employed by Interment Rights Holders to provide any service for the Interment Rights Holder shall remove all implements or equipment and place any rubbish created at the completion of said services in the designated receptacles or assigned areas prior to leaving the Municipal Cemetery.

9. LIABILITY

- 9.1. The Municipality assumes no liability or responsibility for the loss of, or damage to, any lot, monument, marker or any article placed on a lot or grave, except as follows:

During the course of performing routine cemetery operations, should the Municipality or its employees cause damage to any lot, monument, or marker, the liability shall be limited to the extent of the damage caused, and the Municipality shall make a reasonable effort to correct the damage.

- 9.2. The Municipality shall not be responsible for loss or damage from any causes beyond its reasonable control, whether the damage or loss be direct or collateral. Minor scraping of the marker base due to grass cutting is considered to be normal wear, and the Municipality assumes no liability for such scraping.
- 9.3. The Municipality shall not be responsible for the loss or damage of any personal articles left in a Municipal Cemetery.
- 9.4. The Interment Rights Holder shall be responsible for any damage in a Municipal Cemetery arising from activities or work performed by the Interment Rights Holder or his or her designate, and shall be required either to correct the damage or reimburse the Municipality for the costs to repair the damage.

10. OFFENCE AND REMEDY

- 10.1. Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act R.S.O. 1990, c. P. 33.
- 10.2. Any work performed by or on behalf of any Interment Rights Holder that is contrary to any provision of this By-Law shall be a contravention of this By-Law.
- 10.2.1. The Municipality shall, by registered mail, deliver a notice advising an Interment Rights Holder of contravention of this By-Law. The Interment Rights Holder shall, within seven calendar days of receipt of notice, cause to have, or arrange within an agreed upon date to have, the contravention corrected and any lands, markers, monuments, or other property or objects affected by the contravention to be replaced to their original state(s) prior to the contravention having occurred.
- 10.2.2. Failure on the part of the Interment Rights Holder to correct any situation that was subject to an arrangement, as provided for in Section 10.2.1, shall be corrected or caused to be corrected by the Municipality and any expenditures incurred by the Municipality in correcting the contravention shall be the responsibility of the Interment Rights Holder.
- 10.2.3. Notwithstanding paragraph 10.2.1, if the contravention is such that by its continued existence could cause harm to persons or property, or is the accumulation of rubbish arising from work performed by or on behalf of an Interment Rights Holder, the Municipality may immediately, upon becoming aware of the existence of the contravention, cause to have the contravention corrected and any expenditures incurred by the Municipality in correcting the contravention shall be the responsibility of the Interment Rights Holder.

11. SEVERABILITY

- 11.1. If any provision or part of a provision of this By-Law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-Law, or its application in any other circumstances, shall not be affected and shall continue to be in full force and effect.

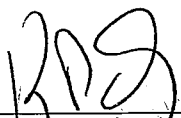
12. REPEALING PREVIOUS BY-LAWS

12.1. That By-Law Nos. 836 and 930 and all amendments thereto, and any other By-Laws heretofore passed by the Council of The Corporation of the Municipality of Sioux Lookout with respect to the maintenance, management, regulation and control of Municipally-owned Cemeteries are hereby repealed.

13. EFFECTIVE DATE AND ADOPTION

13.1. This By-Law shall come into force and take effect upon the approval of the Cemeteries Regulation Unit Registrar of the Ministry of Government and Consumer Services for the Province of Ontario.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS SIXTEENTH DAY OF JULY, 2008.


Kathy Poling, Mayor


Mary L. MacKenzie, Clerk