

By-Law and Fee Structure
Governing the Operation of

All Saints Cemetery Killarney, Ontario

“So that they
peace”



may rest in

Approved by Ministry of Consumer Services, 2010

NOTICE

Before you buy a monument,
please read Sections 16 to 20
of this By-law

Before installing a monument,
please contact:

Municipality of Killarney
32 Commissioner Street
Killarney ON P0M 2A0

T: 705-287-2424 F: 705-287-2660

Email: cbeauvais@municipalityofkillarney.ca

Quick-Reference for Monuments & Flat Markers

MONUMENTS

Single Full Plot — The largest monument allowed is 32” long x 24” wide x 40” high (finished height).

Double Full Plot — The largest monument allowed is 80” long x 24” wide x 40” high (finished height).

FLAT MARKERS

Marker on a Cremation Plot — The largest flat marker allowed is 18” long x 18” wide.

Marker on a Full Plot — The largest flat marker allowed is 32” long x 24” wide.

By-Law
Governing the Operation of
All Saints Cemetery
Killarney, Ontario

1. The Municipality of Killarney Cemetery Board (*hereafter referred to as the Board*) shall be comprised of five members, three of whom shall be appointed by the Municipal Council from the community at large. Let it be understood that *All Saints Cemetery* will be a non-denominational cemetery.
2. The Board shall be responsible for the care, operation and maintenance of All Saints Cemetery. The Board shall have full charge of the management, may fix prices of lots, care and maintenance charges, and may change the same as they see fit. The Board shall also establish the rules and regulations governing the Cemetery and may change the same from time to time, subject to the approval of the Ontario Ministry of Consumer Services.
3. Three members of the Board shall comprise a quorum, and no business shall be transacted unless a quorum be present.
4. The Board shall elect, from their own number, a Chair, Vice-chair and Secretary-Treasurer, all of whom shall hold office for one year.
5. Lot owners may attend meetings of the Board as observers. Lot owners wishing to discuss cemetery matters with the Board shall so advise the Chair of the Board at least three days prior to the meeting, stating the nature of the business to be discussed.
6. All lots shall be held subject to the *By-laws* of the Board and such by-laws as may from time to time be adopted by the Board and approved by the Ontario Ministry of Consumer Services.
7. Lots may be sold in random order unless poor ground conditions determine otherwise (*as per Board resolution #00-01 May 24, 2000*). They may be purchased and paid for at the office of the Clerk-Treasurer in Killarney, Ontario during regular business hours, except in cases of emergency, when a member of the Board may sell a lot and the purchaser shall then attend at the Clerk-Treasurer's office to pay for said lot on the first business day following the purchase. All lots shall be paid for in accordance with the rates set forth in the current Tariff Rates (*see the page titled Fee Structure*).
8. (1) A full lot shall be 4' (1.23 m) wide and 10' (3.05 m) long.
(2) A cremation lot shall be 2' (61 cm) X 2' (61 cm) square.
9. (1) Lots shall not be used for any purpose other than for the burial of human remains. Trafficking in the sale of lots is not permitted.
(2) Cremation burials may be permitted in a full size lot (see Section 29). The maximum number of burials on such lots is three providing that there is one non-cremation burial, and four if there has been no non-cremation burial in that lot.
(3) Additional markers on full size lots must be placed at the head of the lot. These markers must be level with the ground and no larger than 40 cm sq.
10. Notice of each interment to be made shall be given to the Clerk-Treasurer, or to a member of the Board, at least 48 hours previous thereto, except under special circumstances.

11. A burial permit or certificate of cremation must be submitted prior to an interment being conducted.
12. No interment shall be made on Sunday except on a doctor's certificate that burial must be made within 24 hours of death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable diseases.
13. Winter interments will be permitted, provided ground conditions allow for same.
14. No body shall be moved or disinterred without the written consent of the local Medical Officer of Health and the owner of the lot, except on an order from the court or as provided in the Regulations of *The Cemetery Act*.
15. Upon written request of the rights holder of the lot, cremated remains may be disinterred from one lot and interred in another lot, with the change noted in the Cemetery Register.
16. No marker shall be erected on any lot or grave which has not been fully paid for.
17. All monuments erected must not rise more than 101.6 cm (*40 inches*) above ground level.
18. (1) All bases to monuments must be placed a minimum of 20 cm (8 inches) away from adjacent boundaries. If adjacent lots are owned by the same person, monuments may overlap their boundaries provided that the base of the monument is 20 cm (8 inches) away from adjacent un-owned or vacant lots.

(2) Cremation bases in the cremation section of the cemetery should be placed a minimum of 7.5 cm (*3 inches*) away from the adjacent lots.

19. No person shall install a foundation for a monument or place a flat marker on a lot other than a municipal employee or a contractor acting on the municipality's instructions.
20. No person shall perform any work upon a marker, monument, or burial lot, including the planting of flowers, without the permission of the Board.
21. No person other than the custodian or one in the employ or under the direction of the municipality shall open or close any grave.
22. The Board reserves unto itself the right to select the grave site for any indigent burial.
23. The erection of borders, fences, railings, walls, hedges, trees or shrubs is prohibited.
24. Flowers planted upon lots shall be the responsibility of the lot owner. Unsightly or neglected plants shall be removed by the custodian. Where flowers have been left to grow wild, the Board reserves the right to have them removed and the areas seeded with grass. Any flowers which hinder the maintenance of the Cemetery may be removed at the discretion of the custodian.
25. Mounds are not permitted, and no person, by adding or removing any substance, shall change the level of any lot or grave, or prevent the growth of grass.

- 26. Rubbish shall not be thrown on roads, walks, or other parts of the Cemetery.
- 27. Children under the age of twelve years are not admitted to the Cemetery grounds, except in the charge of an adult, who shall be responsible for their good conduct.
- 28. Visitors to the Cemetery are reminded that this Cemetery is sacredly devoted to the burial of the dead, and that a strict observance of the decorum which should characterize such a place will be required on the part of all.
- 29. Before permitting a cremation burial to take place on a full lot, the municipality must have written permission for the burial from the rights holder on record for that lot.

 If the rights holder is deceased, the municipality must have written permission for the burial from a spouse, administrator of the estate, or direct descendant of the rights holder.

 If no rights holder for an occupied lot is on record, the Municipality must have written permission for the burial from a spouse, administrator of the estate, or direct descendant of the person named on the marker for that lot.

 A letter of permission stating in which capacity that person's permission is being given (e.g., as a rights holder, as a spouse etc...), shall be submitted to the Public Works department for the review and decision of the Superintendent. The Superintendent, at his or her discretion, may ask the Cemetery Board to review and decide on the matter.
- 30. Fees for lots and services are as shown in Appendix A, and may change from time to time as the Cemetery Committee and the Municipal Council see fit. Please contact the Public Works Department to make sure that this copy of the Cemetery By-Laws is the most recent one.

Fee Structure

Effective August 2017

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|------------------------------|------------------|
| FULL LOTS | |
| Lot Purchase Price..... | \$350.00 * |
| Care/Mtce. Trust Fund..... | \$250.00 |
| To open and close grave..... | \$500.00 |
| 13% HST (if applicable)..... | \$143.00 |
| TOTAL..... | \$1243.00 |
| CREMATION LOTS | |
| Lot Purchase Price..... | \$150.00 ** |
| Care/Mtce. Trust Fund..... | \$150.00 |
| To open and close grave..... | \$235.00 |
| 13% HST (if applicable)..... | \$69.55 |
| TOTAL..... | \$604.55 |

*In the event open/close services are required on a holiday, costs for these services increase by 50%.
The published fee structure must reflect this premium cost.*

Trust Funds

A. Care & Maintenance Trust Fund

- * 40% of the lot price or \$250.00 of this fee, whichever is greater, is placed in the Trust Fund
- ** 40% of the cremation lot price or \$150.00 of this fee, whichever is greater, is placed in the Trust Fund

B. Contribution to Trust Fund for Marker Installation

- Flat marker over 172 sq. inches (e.g., > 14.2"x12") \$50.00
- Upright monument***: \$100.00

***Maximum height 40 inches — see Section 17 of these By-laws