

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE COUNCIL AGENDA

Monday, July 6, 2020

Pages

1. Call to Order

The Regular Meeting of the Council of The Corporation of the Municipality of Kincardine will be called to Order at 5:00 p.m. on Monday, July 6, 2020, electronically in the Council Chambers at the Municipal Administration Centre.

2. Amendments, Additions or Deletions To/From the Agenda

3. Disclosure of Pecuniary Interest and the General Nature Thereof

4. Adoption of Minutes from Regular and Special Meetings of Council

1

Motion #

Moved By _____

Seconded By _____

THAT the minutes of the Council meetings held on June 15, 2020 be adopted as printed.

5. Motions and Notice of Motions

5.1 Notice of Motion

6. Consideration of By-laws

6.1 Municipality of Kincardine Cemeteries (2020) By-law

7

The Municipality's Cemeteries By-law No. 2017 - 092 was approved by the Bereavement Authority of Ontario (BAO) and passed by Council in 2017. However, BAO has recently advised that section 6.18 of the by-law must be modified as cement vaults cannot be a requirement for an interment. It was in error that this section was approved by BAO. As a result, the By-law must be amended and Staff recommend modifying section 6.18 by changing

A burial vault and cremation vault is mandatory.

to

It is strongly recommended that a burial vault and cremation vault be used for all interments.

Motion #

Moved By _____

Seconded By _____

THAT the "Municipality of Kincardine Cemeteries (2020) By-law" be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2020 -

6.2 Traffic and Parking Amendment (2) By-law

Note: By-law will be provided once available

Motion #

Moved By _____

Seconded By _____

THAT the "Traffic and Parking Amendment (2) By-law" be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2020 -

7. Move into Committee of the Whole

Committee of the Whole Agenda

Motion #

Moved By _____

Seconded By _____

THAT Council move into Committee of the Whole and upon completion return to Council.

8. **Matters Arising from Committee of the Whole**
9. **Members of Council General Announcements**
10. **Chief Administrative Officer Announcements**
11. **Closed Meeting if Required**

Motion #

Moved By _____

Seconded By _____

THAT Council move into closed meeting for the purpose of considering a proposed or pending acquisition or disposition of land by the municipality (acquisition of land) pursuant to Section 239 (2) of the *Municipal Act, 2001*, as amended;

AND FURTHER THAT Council return to regular open meeting upon completion.

12. **Matters Arising from Closed Session**
13. **Confirmatory By-law**

Motion #

Moved By _____

Seconded By _____

THAT the By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Kincardine of Monday, July 6, 2020 be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2020 -

14. **Adjournment**

Motion #

Moved By _____

Seconded By _____

THAT this Council adjourn at

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Council Minutes

Monday, June 15, 2020

Council Present Mayor Anne Eadie
 Deputy Mayor Marie Wilson
 Councillor Maureen Couture
 Councillor Dave Cuyler
 Councillor Gerry Glover
 Councillor Laura Haight
 Councillor Doug Kennedy
 Councillor Randy Roppel
 Councillor Bill Stewart

Staff Present Sharon Chambers, Chief Administrative Officer
 Donna MacDougall, Clerk
 Roxana Baumann, Treasurer/Director of Finance
 Michele Barr, Director of Building & Planning
 Karen Kieffer, Director of Parks & Recreation
 Kevin McNeilly, Fire Chief
 Adam Weishar, Director of Public Works
 Kelly McDonald, Tourism Coordinator
 Jenna Ujiye, Community Development Officer
 Jennifer White, Licensing/Administrative Clerk

1. **Call to Order**

Mayor Anne Eadie called to order the Regular Meeting of the Council of The Corporation of the Municipality of Kincardine at 5:00 p.m. on Monday, June 15, 2020 electronically in the Council Chambers at the Municipal Administration Centre.

Mayor Eadie, Clerk MacDougall and Licensing/Administrative Clerk White were in attendance in person and all other Council Members and Staff attended electronically.

2. **Amendments, Additions or Deletions To/From the Agenda**

3. **Disclosure of Pecuniary Interest and the General Nature Thereof**

None disclosed.

4. **Adoption of Minutes from Regular and Special Meetings of Council**

Resolution # 06/15/20 - 01

Moved by: Gerry Glover

Seconded by: Maureen Couture

THAT the minutes of the Council meetings held on June 1, 2020 and June 8, 2020 (Council and Public Meeting) be adopted as printed.

Carried.

5. **Motions and Notice of Motions**

5.1 **Notice of Motion**

None noted.

5.2 **Municipal Act S.357 and S.358 Applications**

Resolution # 06/15/20 - 02

Moved by: Dave Cuyler

Seconded by: Marie Wilson

WHEREAS S.357 and S.358 of the Municipal Act provides a process for property owners to apply for a cancellation, reduction and refund of taxes under specific circumstances including but not limited to a change in the use of a property, demolition or fire, the property being substantially unusable for a period of at least 3 months or a gross and manifest error in the preparation of the assessment roll;

AND WHEREAS in the opinion of staff, the 19 write-offs (Appeal No. 2020-01 to 2020-07 and 2020-10 to 2020-15 and 2020-19 to 2020-24) meet the criteria set out in the Municipal Act;

AND WHEREAS the total of the applications amount to \$18,356.93, with the municipal share being \$10,093.10;

NOW THEREFORE BE IT RESOLVED THAT Council approve the applications as provided.

Carried.

5.3 Paramedicine

Resolution # 06/15/20 - 03

Moved by: Doug Kennedy

Seconded by: Laura Haight

WHEREAS a number of Counties have introduced paramedicine as part of their healthcare services;

AND WHEREAS experience has demonstrated this results in benefits of better health care, reduced pressure on emergency departments, better job of helping orphan patients, reduction of costs resulting in financial savings, etc.;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Kincardine support the County of Bruce reconsidering the option of paramedicine in the County;

AND FURTHER THAT the County of Bruce provide a status update within 120 days as to their progress in implementing this initiative;

AND FURTHER THAT this resolution be forwarded to all Bruce County municipalities for support.

Carried.

6. Move into Committee of the Whole

Resolution # 06/15/20 - 04

Moved by: Randy Roppel

Seconded by: Bill Stewart

THAT Council move into Committee of the Whole and upon completion return to Council.

Carried.

7. Matters Arising from Committee of the Whole

Consent Agenda

Resolution # 06/15/20 - 05

Moved by: Doug Kennedy

Seconded by: Laura Haight

THAT Council approve the recommendations contained in the consent agenda dated Monday, June 15, 2020 and direct staff to proceed with all necessary administrative actions.

Carried.

2019 Audited Financial Statements

Resolution # 06/15/20 - 06

Moved by: Randy Roppel

Seconded by: Bill Stewart

THAT the Council of The Corporation of the Municipality of Kincardine approve the draft 2019 Audited Financial Statements as audited by KPMG LLP.

Carried.

Summer 2020 Events

Resolution # 06/15/20 - 07

Moved by: Maureen Couture

Seconded by: Gerry Glover

THAT Council approve the recommendations regarding 2020 Summer Events in Report Clerk's-2020-09.

Carried.

Queen Street Closure

Resolution # 06/15/20 - 08

Moved by: Marie Wilson

Seconded by: Dave Cuyler

THAT, as outlined in Economic Development-2020-03, Queen Street be closed from North of Durham Market Street North, to Lambton Street, from Friday 5 PM to Sunday 9 PM, from the beginning of July 4th to September 7th, 2020;

AND FURTHER THAT should larger events be permitted by the Province under the Emergency Management and Civil Protection Act, the addition of Mondays to

include Market in the Park be approved subject to agreement of the Kincardine BIA and Kincardine Chamber of Commerce and the Municipality of Kincardine, with the CAO delegated the authority to agree;

AND FURTHER THAT an additional four accessible parking spaces be added to the municipal lots or side streets abutting the affected geography;

AND FURTHER THAT the Parking and Traffic By-law be amended to include the addition of four accessible parking spaces to the municipal lots or side streets;

AND FURTHER THAT all appropriate items under administration be sent to the Accessibility Advisory Committee for review;

AND FURTHER THAT the road closure be administered by Staff through guiding documents;

AND FURTHER THAT the Chief Administrative Officer be given authority to make any changes needed, provided it is within the guidelines set out above.

Carried.

Goderich Street Erosion Project (J-AAR Excavating) Tender Acceptance By-law

Resolution # 06/15/20 - 09

Moved by: Laura Haight

Seconded by: Doug Kennedy

THAT the “Goderich Street Erosion Project (J-AAR Excavating) Tender Acceptance By-law” be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2020 - 094.

Carried.

Resolution # 06/15/20 - 10

Moved by: Bill Stewart

Seconded by: Randy Roppel

THAT Council authorize the opening of sports fields, outdoor washrooms and the splash pad as health and safety and operating protocols are approved, with staff to be hired for splash pad.

Carried.

8. **Members of Council General Announcements**
9. **Chief Administrative Officer Announcements**
10. **Closed Meeting if Required**
11. **Matters Arising from Closed Session**
12. **Confirmatory By-law**

Resolution # 06/15/20 - 11

Moved by: Gerry Glover

Seconded by: Maureen Couture

THAT the By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Kincardine of Monday, June 15, 2020 be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2020 - 095.

Carried.

13. **Adjournment**

Resolution # 06/15/20 - 12

Moved by: Dave Cuyler

Seconded by: Marie Wilson

THAT this Council adjourn at 7:20 p.m.

Carried.

Mayor

Clerk

BY-LAW NO. 2020 -

**BEING A BY-LAW TO ESTABLISH THE RULES AND REGULATIONS FOR
CEMETERIES OPERATED BY THE MUNICIPALITY OF KINCARDINE**

WHEREAS pursuant to the *Municipal Act, S.O. 2001, c. 25*, as amended, Sections 8 (1) and 9 provide that the powers of a Municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the Municipality's ability to respond to municipal issues and that a Municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS The Corporation of the Municipality of Kincardine is the owner of certain lands within the Municipality of Kincardine and has designated such lands as the Kincardine Cemetery, Tiverton Cemetery, and Port Bruce Cemetery;

AND WHEREAS Part III of the *Funeral, Burial and Cremation Services Act, S.O. 2002, Chapter 33* sets out the prohibitions and general duties of cemetery owners and operators;

NOW THEREFORE the Council of The Corporation of the Municipality of Kincardine enacts as follows:

1.0 DEFINITIONS

In this by-law:

- 1.1 ACT – shall mean the *Funeral, Burial and Cremation Services Act, S.O. 2002, Chapter 33* as amended from time to time and associated regulations.
- 1.2 BURIAL GRAVE LOT – shall mean any in-ground burial space intended for the interment of an adult, child, or cremated human remains.
- 1.3 CARE AND MAINTENANCE FUNDS – shall mean those funds in which all money received for the care and maintenance of the cemeteries shall be invested and the interest earned therefrom shall be used for the permanent care of the grounds, markers and monuments and held in trust by the Treasurer.
- 1.4 CEMETERIES – shall mean the Kincardine Cemetery being composed of Part of Lots "B" and "C", Concession "A" in the former Town of Kincardine; the Tiverton Cemetery in the former Village of Tiverton and being composed of Part Lot 56, Plan 123, Part Lots 57 and 59, Plan 123, King Street west; and the Port Bruce Cemetery in the former Township of Bruce being composed of Part Lot E, Concession 7. Other Municipal Cemeteries active and inactive are attached as Schedule 'G'.

- 1.5 CERTIFICATE OF INTERMENT RIGHTS – Shall mean the certificate issued by the Municipality to the interment rights holder to a grave lot or niche as prescribed as Schedule 'E' to this by-law.
- 1.6 CERTIFICATE OF INTERMENT RIGHTS HOLDER – shall mean the person who holds the interment rights with respect to a lot whether the person be the purchaser of the rights, the person named in the certificate of interment or such other person to who the interment rights have been assigned.
- 1.7 COLUMBARIUM – shall mean a structure designed for the purpose of interring cremated human remains in compartments. A compartment is referred to as a Niche.
- 1.8 CONTRACT – shall mean the document as shown as Schedule 'D' to this by-law.
- 1.9 COUNCIL – shall mean the Council of The Corporation of the Municipality of Kincardine.
- 1.10 INFORMATION RECORD – shall mean the document as shown as Schedule 'F' to this by-law.
- 1.11 INTER – shall mean the burial of human remains and includes the placing of human remains in a grave or Niche.
- 1.12 INTERMENT RIGHTS – shall mean the right to require or direct the interment of human remains in a grave or Niche.
- 1.13 MARKER – shall mean any permanent memorial structure of granite or marble or bronze set flush with the ground and used to mark the location of a grave.
- 1.14 MONUMENT – shall mean any permanent memorial structure of granite or marble projecting above ground level and used to mark the location of a grave.
- 1.15 MONUMENT ROW – shall mean the central area in a block of lots designated for monument placement in the new section of the Tiverton Cemetery.
- 1.16 MUNICIPALITY – shall mean The Corporation of The Municipality of Kincardine.
- 1.17 NICHE – shall mean a compartment in a Columbarium which holds remains of ashes.
- 1.18 BEREAVEMENT AUTHORITY OF ONTARIO – a delegated Administrative Authority under the Ministry of Government and Consumer Services
- 1.19 PLOT – shall mean a parcel of land containing two or more burial graves to which interment rights have been sold as a unit.
- 1.20 REGISTRAR – shall mean the Registrar appointed under Section 3 of the *Act*.
- 1.21 SUPERINTENDENT(S) – shall mean those persons appointed by the Municipality who are charged with the management of the cemeteries and/or their designate.
- 1.22 TREASURER – shall mean the Treasurer/Director of Finance for The Corporation of the Municipality of Kincardine.

- 1.23 VAULT – shall mean a non-deteriorating vessel with a one piece self-sealing top.

2.0 ADMINISTRATION

- 2.1 The cemeteries shall be governed by the terms of this by-law and the *Act*, as amended from time to time and associated regulations.
- 2.2 The Public Works Department shall record all sales of interment rights.
- 2.3 The Treasurer for the Municipality shall be the Treasurer for the cemeteries and shall be responsible for the proper receipt, disbursement and recording of all cemetery funds in accordance with Municipal and Provincial Policy as well as general accounting rules and principles.
- 2.4 All monies received for the care and maintenance of burial graves or Niches shall be placed in a trust fund in a chartered bank; such account shall be known as the “Cemetery Care and Maintenance Fund” referred to in this by-law as the “Care and Maintenance Fund” and shall be invested from time to time by the Treasurer in accordance with Municipal policy.
- 2.5 All interest and investment income received from the Care and Maintenance Fund shall be directed toward the ordinary expense of maintenance and improvement of the cemeteries, pursuant to Section 53, Subsection (4) of the *Act*.
- 2.6 It shall be the duty of the Superintendent(s) to supervise all work in connection with the cemeteries.
- 2.7 The Superintendent(s) shall submit to the Office of the Director of Public Works any information requested by the Director of Public Works.
- 2.8 The Superintendent(s) shall take complete charge of all workers in the cemeteries and be responsible for their conduct.
- 2.9 The Superintendent(s) shall be present at all funerals in order to ensure that the proper arrangements are being provided by the cemetery.
- 2.10 The Clerk is authorized to sign the contract (Schedule ‘D’) for purchase of interment rights on behalf of the Municipality.

3.0 RULES FOR INTERMENT RIGHTS HOLDERS

- 3.1 No person other than the Superintendent(s) shall remove any sod or in any other way change the surface of any burial graves in the cemeteries.
- 3.2 No person shall plant trees, flower beds or shrubs in the cemeteries except with the approval of the Superintendent(s) and any trees or shrubs now on burial graves which become, by means of their roots or branches or in any other way, detrimental to the adjacent burial graves, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Superintendent(s) may remove such trees or shrubs or parts thereof, but ninety (90) days prior to said removal, the Superintendent(s) shall contact the interment rights holder in writing at his/her last recorded address in the cemeteries’ records and provide the interment rights holder with the opportunity to make adjustments to rectify the problem, the cost of which is to be

assumed by the interment rights holder. Trees and shrubs shall be of an ornamental nature.

- 3.3 Flowers placed on a grave at a funeral shall be removed by the Superintendent(s) after a reasonable time to protect the sod and maintain a neat appearance of the cemeteries.
- 3.4 No interment rights holder or other person shall place any monument, marker, inscription, etc., on any burial grave or plot until all charges have been paid.
- 3.5 No interment rights holder or other person shall erect or place any enclosures of iron, wire, concrete or other materials on or around any burial grave.
- 3.6 No interment rights holder or other person shall cause any object such as benches, flower urns, trellises, artificial flowers, wood or metal stands or other objects including glass objects that will interfere with the workings of the mowers, etc., to be placed on a burial grave except from November 1st until the following April 15th when one metal holder or stand for a winter wreath may be used, but shall be removed by April 15th or be subject to removal and disposal by the Superintendent(s).

4.0 SALE OF INTERMENT RIGHTS

- 4.1 Interment rights shall be sold according to the existing plans of the various divisions and sections as approved by the Ministry of Consumer Services and as to future plans approved as new sections are opened, at a scale of prices as set forth by Council.
- 4.2 Interment rights holders acquire only the right and privilege of burial of the dead and of constructing monuments, or markers, subject to the rules and regulations in force and approved by the Ministry of Consumer Services.
- 4.3 The Mayor and Clerk, on payment of the sale price of interment rights, shall issue a Certificate of Interment Rights (Schedule 'E') upon which shall be affixed the Municipality's corporate seal.
- 4.4 Each interment rights holder shall abide by all the existing rules of the cemeteries and any rules and regulations which may hereafter be enacted by the Municipality and approved by the Registrar.
- 4.5 Care and maintenance shall be included in the purchase of interment rights.
- 4.6 Direction from interment rights holders shall be taken jointly or severally.
- 4.7 Resale of interment rights to a third party is prohibited.
- 4.8 The interment rights holder may cancel the contract under which the rights were purchased, before they are used, by giving the Municipality written notice of the cancellation. The Municipality will repurchase the interment rights within thirty (30) days after receiving the request. The repurchase price of the interment rights shall be based on the current Municipality of Kincardine Rates and Fees By-law, deducting the Care and Maintenance Fund contribution made at the time of purchase and such other amount as established by the Act.

All monies received by the Municipality will be refunded for unused interment rights if cancellation occurs within 30 days of entering the contract.

- 4.9 The Municipality is not required to repurchase unused interment rights in a plot (more than one lot) if any of the interment rights in the plot has been exercised.
- 4.10 In case of transmission of ownership by will or bequest of a lot, the Municipality reserves the right to require evidence sufficient to prove ownership.
- 4.11 The Municipality reserves the right to require an archeological assessment to satisfy that a burial grave is available for interment at the interment rights holder's expense.
- 4.12 Contracts for purchase of interment rights must be signed and paid in full prior to the issuance by the Municipality of a Certificate of Interment Rights.

5.0 TRANSFER OF INTERMENT RIGHTS

- 5.1 In case of transmission of ownership by will or bequest of a lot, the Municipality reserves the right to require evidence sufficient to prove ownership.
- 5.2 The Municipality reserves the right to require an archeological assessment to satisfy that a burial grave is available for interment at the interment rights holder's expense.
- 5.3 If an interment rights holder wishes to transfer interment rights to another person, without payment or other monetary consideration, the interment rights holder shall submit payment of the transfer of ownership fee along with a written notice to the Municipality requesting the transfer and identifying the name and contact information of the person acquiring the rights and any other information necessary to complete the public registry.
- 5.4 The interment rights holder who transfers the rights shall disclose to the person acquiring the interment rights the same information, with necessary modifications, as the Municipality is required to disclose to the interment rights holder.
- 5.5 The transfer only becomes effective upon notification from the Municipality.
- 5.6 Applications for the transfer of interment rights will be subject to such policies that may be established by the Municipality from time to time.

6.0 INTERMENT OR DISINTERMENT

- 6.1 Whenever an interment is to be made, the interment rights holder or his/her agent shall give written notice to the Superintendent(s) at least forty-eight (48) hours in advance giving all the particulars as to location and size of case. The Municipality shall not be responsible for having burial graves prepared for funerals unless such notice is given.
- 6.2 Winter storage is provided in the interment charges for the cemetery as set out in the current Municipality of Kincardine Rates and Fees By-law if required.
- 6.3 No interment or disinterment shall be made by the Municipality without satisfactory proof of interment rights being first produced.
- 6.4 The interment rights holder or his/her agent must present a burial permit issued by the Division Registrar, to the Superintendent(s) in attendance at the burial grave before an interment will be permitted.

- 6.5 No interment or disinterment shall take place unless all applicable interment charges and fees are paid.
- 6.6 No person, other than an employee or agent of the Municipality shall open any burial grave for the purpose of burial or removal.
- 6.7 Burials will only take place if weather conditions permit and with the approval of the Superintendent(s).
- 6.8 The Municipality assumes no responsibility for damages should burial lot be opened in the wrong location due to wrong or insufficient information and any expense in connection with an error of this kind shall be paid by the parties ordering the interment.
- 6.9 The interment rights holder or the agent of an interment rights holder shall arrange to arrive at the cemetery no later than 3:00 p.m. in order that the burial may be completed within the regular hours of work. Burials conducted outside of regular municipal work hours will result in an extra charge as set out in the current Municipality of Kincardine Rates and Fees By-law. If it is an agent, they must provide authority to act on behalf of the interment rights holder in writing or otherwise acceptable by the Superintendent(s).
- 6.10 There shall be one (1) interment per burial grave except cremated remains, four (4) of which may be placed above the original burial where permission has been granted by the interment rights holder.
- 6.11 The maximum interment for each burial grave shall be one (1) human remains and four (4) cremated remains or four (4) cremated remains.
- 6.12 The maximum interment for each cremation burial grave shall be two (2) cremated remains. Maximum interments for cremated remains into a Columbarium Niche is three (3). The Niche must have the ability to accommodate three urns (3) and is dependent upon the urn size and must be approved by the Superintendent(s).
- 6.13 Each burial grave shall be at least 1.75 metres deep.
- 6.14 The Municipality reserves the right to determine the number of grave openings that may be made in any burial grave resulting from the limitations imposed on the lot by use of oversized shells or vaults.
- 6.15 The Municipality limits its responsibility to the interment rights holder for lots that may unknowingly contain burials or cremations to that of transferring a replacement lot to the interment rights holder within the same cemetery.
- 6.16 No interment rights holder or other person shall make or cause any disinterment without the written consent of the local Medical Officer of Health except on an order from the court as provided for in the regulations under the Act. The interment rights holder shall assume any costs involved.
- 6.17 All fees for interment, disinterment, burial grave sale, monument maintenance, care and maintenance or any other fee charged by the cemeteries shall be outlined in the Municipality of Kincardine Rates and Fees By-law.
- 6.18 It is strongly recommended that a burial vault and cremation vault be used for all interments.

7.0 **CARE OF BURIAL GRAVES**

- 7.1 All burial graves in the cemeteries shall be cared for by the Superintendent(s) and shall include the mowing of grass, clipping around monuments and refilling sunken burial graves only.

8.0 RULES FOR VISITORS

- 8.1 The cemeteries are sacredly devoted to the burial of the dead, and the provisions of this by-law will be strictly enforced in all cases of disturbance, wanton injury to property, disregard of the rules of conduct unbecoming to a cemetery.
- 8.2 All visitors shall conduct themselves in a quiet, orderly manner and shall not disturb any service being held, by noise or other disturbances.
- 8.3 Visitors shall travel through the cemeteries by way of the roads and paths only and shall not walk or drive over the burial graves of others.
- 8.4 Children under twelve (12) years of age must be accompanied by an adult who shall remain in close contact with them and shall be responsible for their actions.
- 8.5 No person shall pick any flower or disturb any tree, shrub or plant within the cemeteries and shall not deface any monument, fence or other structure in or belonging to the cemeteries.
- 8.6 No person shall remove any flower or plant container or other object from a cemetery plot without receiving permission from the Superintendent(s) to do so.
- 8.7 No person shall carry or discharge firearms within the cemeteries' grounds except where used for the firing of volleys at a burial.
- 8.8 No person shall permit any animal of which they are the owner/handler, including dogs, to enter or remain in the cemeteries; except on municipal trails located within the boundaries of the cemetery. Service animals are exempt.
- 8.9 No person shall use the cemeteries for the purposes of a picnic, party or other large assembly.
- 8.10 When a society or association desires to hold a memorial service, they shall make application to do so to the Director of Public Works at least fifteen (15) days prior to the desired date and a permit shall be granted at the approval of the Director of Public Works. The association or society securing the permit shall be responsible for any damage done to property in the cemetery.
- 8.11 No person shall enter or leave the cemeteries except through an established access points, nor shall they enter or be within any cemetery after 7 p.m. and before 6 a.m. October 1 to March 31, or after 9 p.m. and before 6 a.m., April 1 to September 30. Authorized Municipal staff and law enforcement agents are exempt.
- 8.12 Any complaints by interment rights holders should be made at the Municipal Office. Controversies with workers or others on the grounds are to be avoided.

9.0 RULES FOR VEHICLES

- 9.1 The Superintendent(s) reserves the right to close the roads of the cemeteries at any time to vehicular traffic, due to maintenance, adverse weather conditions or when such traffic might substantially interfere with a committal service in progress.

- 9.2 The drivers of all vehicles entering the cemeteries shall obey the instructions of the Superintendent(s), and shall keep to the route allotted to them. They shall not attempt to turn around on any roadway or pass another vehicle and shall not exceed a speed limit of ten (10) kilometers per hour.
- 9.3 Vehicles forming part of a funeral procession shall take the route allotted to that funeral and shall move in unison with the Funeral Director in charge of the funeral.
- 9.4 Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
- 9.5 No person shall operate off road motorized vehicles, such as dirt bikes, all terrain vehicles or snowmobiles, within the cemeteries.

10.0 RULES FOR MONUMENT DEALERS, CONTRACTORS AND SUPPLIERS

- 10.1 Monument dealers, contractors and suppliers shall remove all implements or materials used in doing any work within the cemeteries without delay and if this is not done, the Superintendent(s) may remove same.
- 10.2 No monument dealers, contractors and suppliers shall enter the cemeteries without first informing the Superintendent(s) of the work which is to be performed.
- 10.3 No monument dealers, contractors and suppliers shall enter the cemeteries in the evenings, Saturdays, Sundays or statutory holidays, unless by special permission of the Superintendent(s).
- 10.4 The Municipality shall not be responsible for loss or damage to any portable articles left upon any burial grave lot.
- 10.5 Monument dealers, contractors and suppliers shall lay planks on the burial grave lots and paths over which heavy materials are to be moved, in order to protect the surface from injury.
- 10.6 Any monument dealer, contractor or supplier who damages any burial lot, monument, marker or other structure or otherwise does any injury in the cemeteries shall be personally responsible for such damage or injury.

11.0 MONUMENTS AND MARKERS

- 11.1 The safety of all monuments will be the responsibility of the Municipality.
- 11.2 No person shall erect a monument or marker on any burial grave until all outstanding charges have been paid.
- 11.3 No person shall inscribe a monument except for the surname of the interment rights holder shall be inscribed in the rear side of a monument, unless owned by the same interment rights holder.
- 11.4 Monuments, markers or other structures or any inscriptions must, in the opinion of Council, be in keeping with the dignity and decorum of the Cemetery.
- 11.5 No monument shall cover more than ten (10) percent of the total area of the burial grave or burial grave on which it is erected.
- 11.6 No monument will exceed one hundred and twenty (120) centimetres in height, from ground level to the top of the monument.

- 11.7 Any slabs or markers used shall be placed flat and sunk into the ground so that the upper surface shall be level with the sod.
- 11.8 All monuments must be of granite or marble.
- 11.9 Stones and monuments shall be free from visible defects with respect to quality or endurance.
- 11.10 All bases of monuments must be level on the bottom, and the stonework next to the foundation shall have the surface squared, so as to allow full bearing upon the foundation; and no building up or underpinning with chips will be allowed. Cleaning or restorative procedures undertaken by a party other than the Municipality must first have the approval of the Municipality to ensure the techniques used are acceptable and within the guidelines of the Act.
- 11.11 The size of the base of the monument and the location of the monument on the foundation shall be approved by the Superintendent(s) prior to installation.
- 11.12 A marker shall be attached to the base so that a uniform border six (6) centimetres wide is shown on all sides. The marker shall be attached securely by four (4) or more fasteners to a concrete, granite or natural stone base or place in a concrete slab that is not less than nine (9) centimetres and not more than thirteen (13) centimetres thickness.
- 11.13 No person shall remove, inscribe or clean any monument, gravestone or memorial of any kind without obtaining permission from the Superintendent(s) and without first producing a letter in writing from the interment rights holder giving permission and a full description of the work proposed.
- 11.14 Columbarium granite niche plates being 12 inches x 12 inches and 14 inches x 14 inches shall be engraved with all inscriptions being consistent and by approval of the Superintendent(s).
- 11.15 In accordance with Part VI of the *Act*, a prescribed amount shall be paid into the Care and Maintenance Fund of the cemeteries upon the installation of a marker. The prescribed fees are set in the Municipality of Kincardine Rates and Fees By-law.
- 11.16 In accordance with O. Reg. 30/11, s. 159 (1) of the *Act*, if a marker or monument in the cemetery presents a risk to public safety because it is unstable, the Municipality shall do whatever is necessary by way of repairing, resetting or laying down so as to remove the risk.
- 11.17 No person shall drive a vehicle in the cemeteries when the roads are blocked off by barriers.
- 11.18 Port Bruce Cemetery Monuments and Markers – see Schedule ‘A’.
- 11.19 Tiverton Cemetery Monuments and Markers – see Schedule ‘B’.
- 11.20 Kincardine Cemetery Monuments and Markers – see Schedule ‘C’.

12.0 MISCELLANEOUS

- 12.1 Structural gifts, such as benches, birdbaths, and sundials as donations or elements in a donated area, must be approved by the Superintendent(s) and become property of the Municipality.

They cannot be removed, painted or adjusted in any way or form by individuals. They are located at the approval of the Superintendent(s), although every effort is made to accommodate the request of the donor. The donation is recognized for the natural lifetime of the plant or item. At its expiration, any plaques will remain displayed on cemetery property.

12.2 Anyone found contravening any provision of this by-law shall be guilty of an offence and shall be liable upon conviction to a penalty not exceeding five thousand (\$5,000.00) dollars, exclusive of costs, under the *Provincial Offences Act*.

12.3 That By-law No. 2017 - 092 be repealed effective on the date this by-law is approved by the Registrar as provided by the Act.

12.4 That this by-law shall come into full force and effect upon written approval of the Registrar.

12.5 This by-law may be cited as the "Municipality of Kincardine Cemeteries (2020) By-law".

READ a FIRST and SECOND TIME this 6th day of July, 2020.

READ a THIRD TIME and FINALLY PASSED this 6th day of July, 2020.

Mayor

Clerk

SCHEDULE 'A'

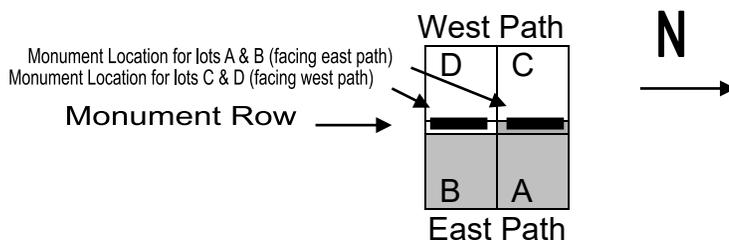
MONUMENTS AND MARKERS (PORT BRUCE)

1. All monuments shall be placed on the foundations provided for regular or cremation burials.
2. Footstones and corner markers will not be permitted.
3. All markers shall be of bronze, mounted on a base set flush with the ground or shall be of granite set flush with the ground.
4. Only one marker will be permitted on each cremation lot.
5. No marker for a cremation lot shall exceed seventy-six (76) centimeters in length and fifty-one (51) centimeters in width.

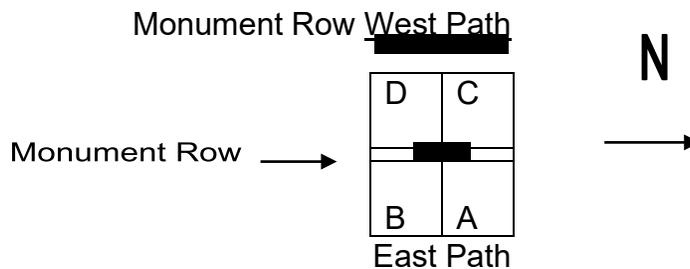
SCHEDULE 'B'

MONUMENTS AND MARKERS (TIVERTON NEW SECTION)

1. All foundations for monuments and markers shall be constructed by municipal staff or contractors with qualifications acceptable to the Municipality. Monument foundations shall be constructed to a depth of at least one and one-half (1.5) meters and the excavation shall be inspected by the Superintendent(s), before the monument or marker is placed on the foundation.
2. Markers shall not exceed sixty (60) centimeters by thirty (30) centimeters on the surface and must be placed level with the grade of the adjoining land, subject to the slope as allowed in this schedule.
3. Placement of monuments in the new section shall be as follows:
 - 3.1 Monuments must face the paths and line up in the centre of a block of lots as shown. If interment rights are held for burial graves A and B and they are intended to be used as a single grave (plot), the monument will face the East Path on Grave A. If interment rights are held for burial graves C and D and they are intended to be used as a single grave, the monument will face the West Path in Grave D.



- 3.2 If interment rights are held for burial graves A, B, C and D within the same block, one family monument may be placed in the center of the block of graves in line with the monument row. The monument may not exceed one hundred and twenty (120) centimeters in width or height.



All monuments will face the East Path. If a grave is owned the monuments (D or C) will be centred over the grave, if two graves are owned (A & B) the monument is centred over both graves.

- 3.3 If interment rights are held for a single burial lot the marker may be placed as close as feasible to the monument row and the inscription must face the direction of the nearest path. The marker may be no more than eight (8) centimeters in height at the back and may be angled to the front of the marker, provided that the front of the marker is not less than two and one half (2.5) centimeters in height at the front of the marker. The total size of the monument or marker including the base is not to exceed forty-six (46) centimeters by sixty (60) centimeters.
4. The base of the monument shall not exceed more than sixty (60) centimeters in width on the burial lot or lots on which it is erected.

SCHEDULE 'C'

MONUMENTS AND MARKERS (KINCARDINE)

1. Foundations of monuments and markers shall extend not less than one metre below the surface of the found, shall be level on top and constructed of concrete by the Cemetery Superintendents.
2. The dimensions and particulars of the required foundation of the monument shall be submitted to the Superintendent(s) before the erection or placing of the monument, so that the foundation may be properly constructed.
3. No person shall erect more than one monument on each lot.
4. Markers shall not exceed sixty (60) centimetres by thirty (30) centimetres on the surface and must be placed level with the ground.
5. In the cremation section in the Kincardine Cemetery only flat markers fifty-six (56) centimetres by forty-one (41) centimetres, constructed of marble, granite, or bronze set flush with the ground and protruding no more than three centimetres above the contour of the ground, will be permitted. Further, no artificial flowers shall be permitted in the cremation section.
6. No person shall place more than one marker on each lot in the cremation section of the Kincardine Cemetery.

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Municipality of Kincardine Cemeteries (2020) By-law
By-law No. 2020 -

SCHEDULE 'D'

The Corporation of the Municipality of Kincardine
Contract for Purchase of Interment Rights or Cemetery Supplies or Services
For the _____ Cemetery

Owner of Cemetery – The Corporation of the Municipality of Kincardine
Address of Owner – 1475 Concession 5, RR 5 Kincardine Ontario N2Z 2X6

Purchaser's Name (s) _____

Purchaser's Address _____

Burial Lot Description _____

Date of Purchase _____
(Day / Month / Year)

Personal information contained on this form is collected under the authority of the Funeral, Burial and Cremation Services Act, S.O. 2002, Chapter 33 and will be used to determine eligibility of the sale of interment rights or cemetery supplies or services. Questions about this collection should be directed to the Clerk, Municipality of Kincardine, 1475 Concession 5, RR 5 Kincardine Ontario N2Z 2X6. Telephone: (519) 396-3468

Conditions of Contract

Purchase Price \$_____ plus HST

Percentage of purchase price is set aside for care and maintenance fund - \$_____ plus HST.

The resale of interment rights to a third party is prohibited.

By-Law No. 2017 governs the operation of the cemetery and the exercise of interment rights within the cemetery. A copy of by-law No. 2017 is attached for your information.

It should be noted that the by-law restricts the size and type of markers permitted within the cemetery and the method of construction of small markers and regulates cemetery supplies and services.

A certificate of interment rights will not be issued until the interment rights have been paid in full.

An interment rights holder may require by written demand, the owner to repurchase the rights at any time before they are used. These rights will be repurchased within 30 days after receiving the demand.

Applications for the transfer of interment rights will be subject to such policies that may be established by the Municipality from time to time.

The repurchase price of the interment rights shall be based on the current Municipality of Kincardine Rates and Fees By-law, deducting the Care and Maintenance Fund contribution made at the time of purchase and such other amount as established by the Funeral, Burial and Cremation Services Act, S.O. 2002, Chapter 33.

Upon request for interment the following must be provided:
Certificate of Interment Rights, Burial Permit or Certificate of Cremation and Information Record.

Receipt of a copy of this contract is acknowledged this ____ day of _____, 20____.

Signature of Purchaser

The Corporation of the
Municipality of Kincardine

I have authority to bind the corporation.

Clerk

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Municipality of Kincardine Cemeteries (2020) By-law
By-law No. 2020 -

SCHEDULE 'E'

_____ Cemetery

Certificate of Interment Rights Certificate Number

PURSUANT TO The Funeral, Burial and Cremation Services Act, S.O. 2002, Chapter 33 and Regulations and all amendments thereto

BETWEEN:

The Corporation of the Municipality of Kincardine and hereinafter called

PARTY OF THE FIRST PART

AND:

hereinafter called

PARTY OF THE SECOND PART

Persons to benefit from the rights granted by this certificate

The party of the second part:

The spouse of the party of the second part:

The following members of the family of the second part: (subject to availability of room in the lot)

1. _____
2. _____
3. _____

In consideration of the sum of:

\$ _____ plus HST of which
\$ _____ is set aside in the Perpetual Care account

which is deposited with the Municipality's Treasurer, the Municipality agrees to assign to the party of the Second Part the burial or interment rights in _____ Cemetery for:

(Single Adult Lot: 9.00 x 3.00)
(Single Adult Lot: 9.00 x 3.00)

as shown on the approved plan of _____ Cemetery.

This indenture, made on _____, 20__.

The PARTY OF THE SECOND PART by the acceptance of this indenture indicates that the BY-LAWS governing the operation of the cemetery have been received and read, and agrees to be guided by the said

BY-LAWS as well as the provisions of the Funeral, Burial and Cremation Services Act, S.O. 2002, Chapter 33 as if these were included as part of this indenture.

THE PARTY OF THE SECOND PART agrees that in the event of transfer of said Interment Right by purchaser, this Certificate cannot be transferred but will be returned to the Party of the First Part who will issue a new Certificate to the Transferee.

With respect to the erection or installation of markers, The Party of the Second Part agrees to abide by the By-Law of the _____ Cemetery, wherein restrictions on the erection or installation of markers are given, by which By-Laws are attached hereto.

Applications for the transfer of interment rights will be subject to such policies that may be established by the Municipality from time to time.

IN WITNESS WHEREOF The Corporation of the Municipality of Kincardine has caused its corporate seal to be hereunto affixed by the hands of its proper signing officers this _____, 20__.

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Mayor

Clerk

SCHEDULE 'F'
INFORMATION RECORD

INTERMENTS

Name: _____ Age: _____ Sex: _____

Last Place of Residence: _____

Date of Birth: _____ Place of Birth: _____

Date of Death: _____ Place of Death: _____

Lot Owner's Name: _____ Location: _____

Type of Container: _____

Date of Interment: _____ Time: _____

FUNERAL HOME

Name: _____ Address: _____

Order Received By: _____ From: _____ Date: _____

NEXT OF KIN

Name: _____ Relationship: _____

Address: _____

Telephone: _____

PURCHASE OF BURIAL LOTS

Name: _____

Address: _____

Cemetery: _____ Location: _____

INTERMENT

Charges _____

Interment Fee _____

Weekend Chge _____

HST _____

Total _____

Receipt # _____

NEW LOTS

New Lots _____

P/C _____

GST _____

Total _____

Receipt # _____

**SCHEDULE 'G'
MUNICIPAL CEMETERIES**

	ROLL NO.	NAME	STATUS	LOCATION
1	410826000604900	TIVERTON	Active	45 KING ST
2	410821000218100	ARMOW METHODIST	Inactive	777 CONCESSION 7
3	410822000100100	KINCARDINE	Active	294 BRUCE AVE
4	410821000115200	BERVIE UNITED OLD METHODIST	Inactive	4895 HIGHWAY 9
5	410821000122900	BERVIE ANGLICAN	Inactive	4896 HIGHWAY 9
6	410826000210300	BAIE DE DORE (PORT BRUCE)	Active	CON 7 PT LOT D & PT LOT E RP 3R5974 PART 1
7	410826000324700	QUEEN HILL	Inactive	CON 14 PT LOT 18
8	410826000210300	PORT BRUCE CEMETERY	Inactive	LOT D, CONCESSION 7
9	410821000123201	BERVIE PRESBYTERIAN	Inactive	4776 HIGHWAY 9
10	410826000119600	EVANGELICAL UNITED BROTHERS	Inactive	CON 4 N PT LOT 11
11	410826000126901	SHILOH COMMUNITY (OLD WILLOW CREEK)	Inactive	CON 5 PT LOT 23
12	410826000111200	EVANS CEMETERY	Inactive	LOT 31, CONCESSION 2
13	410826000325400	THEDE CEMETERY	Inactive	LOT 24 CONCESSION 14
14	410821000318800	PRESBYTERIAN CHURCH GLAMMIS	Inactive	CON 12 PT LOT 34
15	410826000111705	McKAY CEMETERY	Inactive	PT LOT 34 CONCESSION 2

SCHEDULE 'H'



Municipal Cemeteries

