



**THE CORPORATION OF THE TOWN OF GODERICH
BY-LAW NO. 67 OF 2018**

**AMENDMENT #3 TO BY-LAW 73 OF 2015
BEING A BY-LAW TO REGULATE THE MAITLAND CEMETERY.**

WHEREAS the Corporation of the Town of Goderich has previously appropriated certain lands lying outside the original limits of the Town of Goderich for a public cemetery and designated the cemetery as "Maitland Cemetery";

AND WHEREAS The Cemeteries Act (Revised), R.S.O., 1990, c. 4, was repealed and replaced by the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c. 33;

AND WHEREAS, pursuant to Section 150 of Ontario Regulation 30/11 of the *Funeral, Burial and Cremation Services Act*, 2002, cemetery operators may make by-laws for the proper operation and management thereof;

AND WHEREAS the Town of Goderich adopted By-law 73 of 2015 to be compliant with the Act on May 25, 2015;

AND WHEREAS it is deemed expedient to amend the Town of Goderich Maitland Cemetery By-law 73 of 2015;

AND WHEREAS as of January 16, 2016, the Bereavement Authority of Ontario (BAO) assumed responsibility of the entire bereavement sector including the licensing of cemeteries, crematoriums and enforcement activities;

AND WHEREAS the Bereavement Authority of Ontario (BAO) has provided recommended revisions to By-Law 73 of 2015 to ensure compliance with the Act;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. All references to "Cemeteries and Crematoriums Regulation Unit" and "Registrar of Cemeteries" or "Ministry of Government and Consumer Services" be hereby removed, and replaced with "Bereavement Authority of Ontario".
2. All references to "Cemetery/Parks Supervisor" be hereby removed, and replaced with "Parks/Cemetery Foreman".
3. Paragraph 6 of Section 1 (Financial) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended by adding the following phrase to the last sentence:

"cooling off period".
4. Paragraph 10 of Section 4 (Sale & Transfer of Lots) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended as follows:

DELETE:

"10. The purchaser of licensed supplies and services has the right to cancel a contract within thirty (30) days of signing the contract by providing written notice of the cancellation to the Cemetery Operator. The Cemetery Operator will arrange refund all

monies paid by the purchaser within thirty (30) from the date of request for cancellation. No refund is available if interment rights have been used for any portion of the lot. If the Interment Rights Certificate has been issued, the Purchaser must return it to the Cemetery Operator along with the cancellation request."

REPLACE WITH:

"10. The purchaser of lots has the right to cancel a contract within thirty (30) days of signing the contract (cooling off period) by providing written notice of the cancellation to the Cemetery Operator. The Cemetery Operator will arrange refund all monies paid by the purchaser within thirty (30) from the date of request for cancellation. No refund is available if interment rights have been used for any portion of the lot. If the Interment Rights Certificate has been issued, the Purchaser must return it to the Cemetery Operator along with the written cancellation request.

5. Paragraph 11 of Section 4 (Sale & Transfer of Lots) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended by deleting the following phrase in the first sentence:

"...supplies and..."

6. Paragraph 12 of Section 4 (Sale & Transfer of Lots) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended by adding the following phrase to the last sentence:

"Requirements for a resale of interment rights is outlined under "Transfer of Lots" in Paragraphs 16, 17 and 18 of this Section."

7. Paragraph 17 of Section 4 (Sale & Transfer of Lots) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended by revising the last two sentences of this paragraph to read as follows:

"A Transfer Fee shall be payable (see the Maitland Cemetery Price List). A new Certificate shall be issued by the Cemetery Operator."

8. Paragraph 20 of Section 5 (Interments and Disinterments) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended as follows:

DELETE:

"20. Extra charges are included in the price list for:

- a) Sunday or Statutory Holiday interments, subject to the Maitland Cemetery Price List;
- b) Funerals reaching the cemetery during a weekday after the hour of two o'clock in the afternoon;
- c) Saturday interments."

REPLACE WITH:

"20. Extra charges are included in the price list for:

- a) Saturday, Sunday or Statutory Holiday interments, subject to the Maitland Cemetery Price List;
- b) Funerals reaching the cemetery during a weekday after the hour of four o'clock in the afternoon;"

9. Paragraph 27 of Section 5 (Interments and Disinterments) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended to add the following paragraph:

"27. Payment must be received and deposited prior to disinterment and re-interment taking place and is subject to the Maitland Cemetery Price List."

10. Paragraph 21 of Section 5 (Interments and Disinterments) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended as follows:

DELETE:

“21. Vaults are highly recommended for all regular interments. For cremated remains, the vault size must be 15” wide x 15” long by 18” high or smaller.”

REPLACE WITH:

“21. Vaults are highly recommended for interments of human remains within the Maitland Cemetery.”

11. Paragraph 20 Section 10 (Monuments and Markers – General Information) of Schedule A (Rules and Regulations of the Maitland Cemetery) is hereby amended to add the following paragraph:

“20. On the Town Columbarium #3, the interment right holder shall purchase the wreath niche plate from the Town and Parks Staff shall install such plate. Cost of the wreath niche plate for Columbarium #3 is subject to the Maitland Cemetery Price List.”

12. That this bylaw shall not come into force and effect until it is filed and approved by the Bereavement Authority of Ontario (BAO), pursuant to the Funeral, Burial and Cremation Services Act, 2002.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16th DAY OF JULY, 2018.

MAYOR, Kevin Morrison

CLERK, Janice Hallahan