

**SCHEDULE "A"**  
**TOWN OF PELHAM CEMETERY REGULATIONS**  
**(DECEMBER 2008)**  
**FONTHILL CEMETERY, HILLSIDE CEMETERY AND HANSLER CEMETERY**

**1.0 DEFINITIONS:**

- (a) "ACT" shall mean the Cemeteries Act (Revised) R.S.O. 1990, C.4, as amended and the Regulations thereto.
- (b) "BYLAW" shall mean the rules and regulations under which a cemetery is operated.
- (c) "CARE & MAINTENANCE FUNDS" shall mean the funds and property received by the Director of Financial Services of the Corporation for the purpose of providing perpetual care generally of a cemetery, said monies to be invested in trustee securities as set out in Section 35 of the Cemeteries Act, R.S.O. 1990.
- (d) "CEMETERY" means Fonthill Cemetery, Hillside Cemetery or Hansler Cemetery lands that have been set aside and approved for the interment of human remains and includes a mausoleum and columbarium and such other cemetery or cemeteries if any that the Corporation shall acquire from time to time.
- (e) "CEMETERY EMPLOYEE" shall mean an employee of the Corporation employed at the Cemetery.
- (f) "CLERK" shall mean the Clerk of the Corporation of the Town of Pelham.
- (g) "COLUMBARIUM" means a structure designed for the interment of cremated human remains in sealed compartments;
- (h) "CONTRACT" shall mean the certificate as prescribed in Schedule "A" attached to and forming part of this by-law, which shall be duly signed by the Clerk and sealed by the Corporate Seal and shall include the information as prescribed by the regulations under the Cemeteries Act.
- (i) "COUNCIL" shall mean the elected Council of the Corporation of the Town of Pelham.
- (j) "DESIGNATE" shall mean a person authorized by the Director of Community & Infrastructure Services to carry out duties as required.
- (k) "DIRECTOR OF COMMUNITY & INFRASTRUCTURE SERVICES" shall mean the Director of Community & Infrastructure Services of the Corporation of the Town of Pelham, the person responsible for the overall operations of the Cemeteries.
- (l) "DIRECTOR OF FINANCIAL SERVICES" shall mean the Director of Financial Services of the Corporation of the Town of Pelham.
- (m) "INTERMENT" is the burial of human remains including the placement of human remains in a lot. Inter has the corresponding meaning.
- (n) "INTERMENT RIGHTS" is the right to require or direct the interment of human rights in any lot.
- (o) "INTERMENT RIGHTS HOLDER" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Cemeteries Act;
- (p) "LOT" means an area of land in a cemetery containing, or set aside to contain, human remains. This includes a columbarium niche or mausoleum compartment.
- (q) "MARKER" shall mean a memorial flat footstone set flush with the surface of the ground.
- (r) "MAUSOLEUM" means a structure designed for the deposit of human remains.
- (s) "MONUMENT" shall mean a permanent memorial projecting above ground level used to mark the location of a lot.

- (t) "NICHE" shall mean a sealed compartment of a columbarium structure intended for interment of cremated remains.
- (u) "OWNER" shall mean the owner of a cemetery.
- (v) "PERPETUAL CARE" shall mean the preservation, improvement, embellishment and maintenance in perpetuity in a proper manner of lots and plots in a cemetery.
- (w) "PLAQUE" shall mean a permanent memorial affixed to and used to mark the location of a niche.
- (x) "REGULATIONS" shall mean and include the regulations set out in detail in this by-law and any regulations which may be adopted from time to time by Council under the authority of this by-law or any amending by-law and shall also include any other regulations as set out in the regulations under the Cemeteries Act.
- (y) "RESIDENT" shall mean a resident of the Town of Pelham on the date of death.
- (z) "RATEPAYER" shall mean a person paying taxes to the Town of Pelham in the year of purchase of grave or graves,
- (aa) "VAULT" shall mean any concrete, steel or other non-perishable shell.

## **2.0 DUTIES OF THE CLERK:**

The Clerk shall cause to be carried out the duties as prescribed in this Bylaw or any other amending Bylaws and shall cause to be carried out all the requirements of the Cemeteries Act and regulations under this Act.

## **3.0 INTERMENT RIGHTS (LOTS):**

### **3.1 Conditions of Purchase**

No interment rights shall be purchased for any purpose other than the burial of human remains. Interment rights must be purchased at the office of the Director of Community & Infrastructure Services.

The interment rights holder will receive a copy of this Bylaw at the time of purchase of interment rights.

The interment rights owner will receive a Certificate of Interment Rights when the purchase is paid in full.

### **3.2 Interment Rights Fees**

Fees for interment rights are listed in the Schedule of Cemetery Rates and Fees (Schedule C), which is;

- Approved by the Town of Pelham Council and the Ministry

A copy of the Schedule of Rates and Fees may be obtained by contacting the Clerk.

Payments for interment rights may be made at the Finance Department of the Town of Pelham and a receipt will be issued for payments made.

### **3.3 Care and Maintenance Fund**

As prescribed in Section 35 of the Act, a portion of the interment rights fee is placed in trust in the Care and Maintenance Trust Fund. Income from this fund is used for the upkeep of the Cemetery. The minimum amount of the interment rights fee that is to be deposited to the Care and Maintenance Trust Fund is as follows for:

3.3.1 An in-ground grave for the burial of an adult – the greater of 40 percent of the price in the current Schedule of Rates and Fees (Schedule C) or \$150.

3.3.2 An in-ground grave for the burial of a child or of cremated remains – 40 percent of the price in the current Schedule of Rates and Fees (Schedule C).

3.3.3 A niche or compartment in a columbarium – the greater of 15 percent of the price in the current Schedule of Rate and Fees (Schedule C) of \$100.

The current dollar amount of the Care and Maintenance portion of the interment fee is shown in the Schedule of Rates and Fees (Schedule C).

#### **4.0. TRANSFER OF INTERMENT RIGHTS:**

An interment rights holder may transfer interment rights by gift, by bequest or intestacy. However, no such transfer shall be binding until:

- Notice in writing has been given to the Clerk specifying the name, address or other description of the proposed transferee and date of transfer;
- The original Certificate of Interment Rights (or Deed) has been returned to the Clerk; and
- The transfer fee as listed in the Schedule of Rates and Fees has been paid.

When the above conditions have been met and recorded at the Clerks office, a Transfer Certificate of Interment Rights will be issued.

#### **5.0 RESALE OF INTERMENT RIGHTS:**

Public resale of interment rights is prohibited by the Act. Only The Corporation of the Town of Pelham, through the Clerks office may repurchase interment rights according to the following provisions of the Act:

- Notification of a repurchase request is made in writing to the Clerks office.
- No interment rights have been exercised in the lot.
- Lots are still being sold in the Cemetery where the repurchase request applied.
- The repurchase price is determined by establishing the amount paid by the purchaser less the amount paid into the Care and Maintenance Fund.
- If, using reasonable efforts, the amount paid for the interment rights cannot be determined; the repurchase price shall be set at \$50.

#### **6.0. INTERMENTS (BURIALS):**

##### **6.1 Hours of Operation**

Funeral services and interments cannot occur in the Cemeteries on Sundays or legal holidays as these days are not considered working hours and have been set aside as days for visiting the Cemeteries. The only exceptions to this are interment requests is by order of the Medical Officer of Health.

Saturdays are not considered working hours. However, interments will be permitted in accordance with the specified hours and at an additional charge.

All funerals must be scheduled to arrive in the Cemeteries between the hours of:

- 9:00 a.m. to 3:00 p.m. Monday to Saturday, local time

Funerals arriving after the above hours will be deemed as late arrivals and charged late arrival fees according to the Schedule of Rates and Fees (Schedule C).

## **6.2 Notice for Opening a Grave**

At least twelve (12) working hours notice is required from the Interment Rights Holder or personal representative before a grave can be opened.

All verbal interment requests by funeral directors must be followed by a facsimile transmission to the office of the Director of Community & Infrastructure Services prior to the interment.

## **6.3 Conditions of Interments**

All funerals within the Cemeteries shall be under the direction of the Director of Community & Infrastructure Services or his designate.

Orders from funeral directors shall be construed as orders from Interment Rights Holders.

Persons ordering and/or making arrangements for burials shall be responsible for all incurred charges.

Prior to an interment taking place:

- A Burial Permit or Certificate of Cremation must be left at the office of the Clerk
- The Interment Rights Holder or the personal representative shall enter into a contract for cemetery services in a form provided by the Town.

Only one full interment and a maximum of two cremated remains will be allowed in an adult full burial lot.

Up to two cremated remains interments will be allowed in a columbarium niche.

Only personnel authorized by the Director of Community & Infrastructure Services or his delegate will be permitted to open a grave.

## **6.4 Oversize Vaults**

Where a vault has a width of more than two (2) feet, ten (10) inches outer measurement, or a length of more than seven (7) feet, ten (10) inches, the Corporation shall not be obligated to permit a burial unless there is sufficient space to accommodate said shell or vault and the Corporation shall not be obliged to permit the erection of any monument where there is insufficient room left for the foundation.

## **6.5 Route of Funeral**

Funerals within a cemetery shall follow the route prescribed by the Director of Community & Infrastructure Services or his delegate.

## **7.0 DISINTERMENTS:**

All applications for removals or disinterments shall be made at least two (2) weeks prior to the proposed date of removal or disinterment.

Disinterment of a body shall be carried out in accordance with the requirements of the Cemeteries Act.

Disinterments are subject to the prevailing Schedule of Rates and Fees (Schedule C).

Any markers or monuments shall be removed at the time a disinterment is made.

Disinterment shall only take place when:

- The interment rights holder has given consent in writing; and
- The proper medical officer of health has been notified in writing;

Consent of the interment rights holder is not required if the disinterment request is made by:

- A court competent jurisdiction;
- A coroner appointed under the Coroner's Act;

- The Attorney General or Solicitor of Ontario; or
- The Registrar with respect to a Cemetery closure

Designated Cemetery staff shall be in attendance at all times during a disinterment.

If a vault or liner was not used for the initial burial, a new vault or liner must be supplied to ensure proper and safe transport of the remains. The cost of the new vault or liner, if required, is the responsibility of the interment rights holder or personal representative.

## **8.0 LOT DECORATIONS:**

Lot decorations include all structures, ornaments, plantings or other embellishments that are placed on Cemetery lots with the intention of improving their appearance. Markers, monuments and columbarium plaques are not considered to be lot decorations.

Some types of individual lot decorations are not in harmony with the development of the Cemeteries and/or may create maintenance or staff safety problems. For these reasons, the following lot decorations are prohibited:

- In ground vases
- Coping, fences, curbs, steps, glass
- Structures of wood or equally perishable material
- Stone chips of flowerbed borders
- Wooden or metal crosses

Any unsightly or neglected structures or enclosures placed on lots prior to the adoption of these regulations will be removed by the Director of Community & Infrastructure Services or his delegate without notice.

Any lot decoration not approved by this Bylaw or prohibited by this Bylaw will be removed by the Director of Community & Infrastructure Services or his delegate without notice

Lot decorations that become unsightly or are still in place after the required date for removal will be removed by the Director of Community & Infrastructure Services or his delegate without notice.

## **9.0 MARKERS, MONUMENTS AND COLUMBARIUM PLAQUES:**

### **9.1 Corner Posts**

No corner posts shall be allowed in the cemetery except for those supplied and placed by the Community & Infrastructure Services Department under the supervision of the Director of Community & Infrastructure Services or his delegate. Upon payment in full of the purchase price of a lot, the Director of Community & Infrastructure Services or his delegate shall cause to be placed two markers, one at each of the lower inside corners of the lot purchased. Such markers shall be of the dimensions of six (6) inches square with a depth of five (5) inches and shall have engraved or otherwise placed thereon the initials of the surname of the owner of the lot. Corner markers shall be made out of granite or other materials as specified by the Director of Community & Infrastructure Services or his delegate from time to time.

### **9.2 Markers**

No marker or monument or headstone shall be erected, placed or allowed to remain without the permission of the owner of the lot.

Every marker shall be of granite or other hard or durable stone or of any sufficiently durable or non-corrosive metal (concrete is allowed). Every marker shall be placed by the Town and the surface shall be leveled and without projections and shall be flush with the ground. Not more than two (2)

markers shall be allowed on one (1) lot. Every marker shall be placed on a base of at least four (4) inches in depth of gravel or crushed stone.

A marker placement agreement must be submitted to and approved by the Director of Community & Infrastructure Services or his delegate at least two (2) weeks prior to the date desired for the erection of the monument. No marker, monument of marker or plaque shall be placed on a lot unless the owner and the Town have entered into a Marker Placement Agreement.

### **9.3 Monuments**

Monuments shall be placed at the centre and head of a lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Director of Community & Infrastructure Services or his delegate before a monument is set.

All monuments shall be of granite or other durable stone with no vertical joint or stone, metal or other material shall be attached.

Not more than one monument shall be placed on a lot.

No monument shall be placed until the interment rights and foundation charges have been paid in full.

Current fees for foundation installations are listed on the Schedule of Rates and Fees (Schedule C).

No monument shall occupy more than 10% of the ground area of the lot on which it is erected and also be centrally located at the head of the lot. The length of monuments shall be restricted on single lots to no more than thirty (30) inches. The height of the monument, including the base, shall not be more than four (4) feet above the ground.

All monuments are to be placed on a foundation, which shall be constructed by the Town and shall be of concrete. A foundation must go to the bottom of the grave or to a depth of four (4) feet, whichever is the greater and shall be flush with the level of the adjoining ground and shall be of a length and width as nearly practical, equal to the length and width of the base of the monument.

No monument may be erected which is defective or cracked. No monument may be erected which is not in material character designed as mentioned or otherwise suitable to the surroundings and the general landscaping and natural effect in its vicinity. No monument may be erected or maintained which will or may cause the removal or destruction of or injury to any lot, body, tree or other monument. A monument shall not be permitted to be erected on a lot in respect of which the perpetual care charges or any other charges have not been fully paid. The Director of Community & Infrastructure Services or his delegate shall not proceed with the construction of a foundation between the first day of November and the first day of April, if he deems it undesirable and inexpedient due to climate.

### **9.4 Columbarium Plaques**

All columbarium plaques will be of standard design with the following specifications:

- Bronze niche wreath in dark finish
- "Ribbon" style lettering
- Last names(s); first names(s) and year of birth and death
- Mounting screws to be 6" centre to centre

Installation of bronze plaques will be performed by Town staff only.

A plaque installation fee will be charged in accordance with the prevailing Schedule of Rates and Fees (Schedule C).

**10.0 CARE OF PLOTS AND SINGLE LOTS:**

**10.1 Limits of Planting by Interment Rights Holders**

All contract holders may use only the area within eight (8) inches of the monument and not outside of the lot to plant flowers.

**10.2 Removal of Wreathes, etc.**

Any wreath or artificial flowers not removed on or before the first (1) day of April shall be removed by the Director of Community & Infrastructure Services or his delegate and destroyed and no such wreathes or artificial flowers shall be allowed between the said date and the first (1) day of November following.

**10.3 Stands, Boxes and Other Methods of Denoting Boundaries Prohibited**

There shall not be placed on any lot any tripod or stands of flowers or any lot blanket or any protective box for a wreath, and any so placed shall be removed by the Director of Community & Infrastructure Services or his delegate. No fence, hedge, railings, coping, embankment, depression, trees, shrubs, bushes, plants or other similar methods of denoting boundaries shall hereafter be erected, placed, made or planted or maintained to mark the confines of any lot.

**11. REGULATIONS FOR MUNICIPAL EMPLOYEES**

During a burial service all employees in the immediate vicinity thereof shall cease all works.

No person in the employ of the Town shall be allowed to accept money or any other form of gratuities for service and favours rendered in reward for any personal service or attention.

**12. REGULATIONS FOR CONTRACTORS AND WORKERS**

All workers in any capacity within the Cemeteries (eg. masons, carters, stonecutters, erectors, helpers) are subject to the direction and control of the Director of Community & Infrastructure Services or his delegate.

All workers in any capacity within the Cemeteries are required to strictly adhere to all current Health and Safety legislation and regulations.

When liners, vaults or any other such containers are being placed, provisions must be taken to ensure that no damage occurs to or on any property in the immediate or surrounding area.

Those persons engaged in placing monuments shall provide planking adequate to protect the turf and shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean and orderly condition following the placement of a marker or monument.

Site condition following work performed by contractors shall meet the satisfaction of the Director of Community & Infrastructure Services or his delegate. Repair of any damage to property or structures thereon caused by the contractor shall be the responsibility of the contractor.

When the roads in the Cemeteries are soft from spring thaw, rain or other cause, the Director of Community & Infrastructure Services or his delegate may restrict vehicular traffic.

**13. PUBLIC CONDUCT IN THE CEMETERY:**

No person shall enter or be within the Cemetery before 8:00 a.m. or after one half hour before sundown, except authorized Cemetery personnel or emergency services.

No person or persons under 16 years of age shall enter the Cemeteries unless accompanied an adult responsible for their conduct.

No person shall deposit rubbish or debris on Cemetery grounds except in the receptacles provided.

**14. VEHICULAR TRAFFIC:**

No vehicles shall be driven at a speed of more than 20 km/h upon the roadways provided for vehicles.

No vehicle shall use a roadway system in the Fonthill Cemetery as means of a thoroughfare from Highland Avenue to Brock Street or vice versa. The gate located at the entrance of the cemetery at Highland Avenue shall be closed and secured with a lock every night at no later than 5:00 p.m. local time.

No leisure vehicles such as snowmobiles, un-licenced motorcycles, mini-bikes, dune buggies, or any other vehicle of a leisure nature will be permitted within the cemetery for any reason.

**15. COMPLAINTS**

Any person having occasion to make any complaints shall do so at the Office of the Director of Community & Infrastructure Services and not through any employee on the grounds, unless it is in the form of a letter in writing addressed to the Director.





TOWN OF PELHAM

P.O. Box 400, 20 Pelham Town Square. Fonthill, Ontario L0S 1E0  
Phone 905-892-2607 – Fax 905-892-5055

SCHEDULE “A”

CONTRACT FOR THE PURCHASE OF INTERMENT RIGHTS AND CEMETERY SUPPLIES AND SERVICES IN FONTHILL & HILLSIDE CEMETERIES

OWNER The Corporation of the Town of Pelham 20 Pelham Town Square, Box 400 Fonthill, Ontario L0S 1E0	DATE OF PURCHASE
	INTERMENT RIGHTS HOLDER
PURCHASER NAME	
ADDRESS	
	TELEPHONE
PURCHASE IS:                      PRE-NEED                      AT-NEED	IF AT-NEED, PLEASE PROVIDE THE FOLLOWING INFORMATION LISTED BELOW
NAME OF DECEASED	
DATE OF DEATH	PLACE OF DEATH
FUNERAL DIRECTOR / MONUMENT DEALER	INTERMENT LOCATION

SUBJECT OF THIS CONTRACT	AMOUNT	G.S.T.	P.S.T.	TOTAL
INTERMENT RIGHTS:				
LOT(S)				
COLUMBARIUM (NICHE)S				
CARE AND MAINTENANCE CHARGE				
INTERMENT CHARGES:				
LICENCE FEE				
OTHER SERVICES AND SUPPLIES:				
INSTALLATION OF FOUNDATION				
DIMENSIONS:				
INSTALLATION OF FLAT OR UPRIGHT MARKER				
DIMENSIONS:				
CARE AND MAINTENANCE CHARGE				
INTERMENT RIGHTS TRANSFER				
TOTAL AMOUNT DUE				

REPURCHASED PRICE:				
--------------------	--	--	--	--

It is agreed between the parties that this contract is subject to By-law # 3012 (2008 ) of the Corporation of the Town of Pelham governing Fonthill and Hillside Cemeteries, and the purchaser hereby acknowledges receipt of a copy of the said By-law and that the “Conditions of Contract” on the reverse have been read and understood.

FOR OFFICE USE ONLY			
CEMETERY CARE AND MTCE	COLUMBARIUM CARE AND MTCE	CEMETERY GENERAL IMPROVEMENTS	GENERAL BANK
COLUMBARIUM GENERAL IMPROVEMENT		MONUMENT AND MARKER TRUST	GENERAL BANK

THE CORPORATION OF THE TOWN OF PELHAM PER:

IN WITNESS WHEREOF the parties have executed this contract:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Purchaser

## CONDITIONS OF CONTRACT

**1. PERCENTAGE OF PURCHASE PRICE FOR INTERMENT RIGHTS THAT IS BEING SET ASIDE FOR CARE AND MAINTENANCE:**

Lot: 40% of lot price or \$150, whichever is greater.  
Niche: 15% of niche price or \$100, whichever is greater.

**2. CONTRIBUTION TO CARE AND MAINTENANCE FOR MARKER INSTALLATION;**

Flat marker over 172 square inches	\$ 50.00
Upright marker up to 4 feet in height or length	\$100.00
Upright marker over 4 feet in height or length	\$200.00

**3. A CONTRACT FOR THE PURCHASE OF INTERMENT RIGHTS INCLUDES:**

- (a) The right of the purchaser, by written demand, to request the owner to repurchase the rights at any time before they are used.
- (b) The repurchase price of interment rights shall be determined by establishing the amount paid by the purchaser for the rights less the amount the owner paid into the Care and Maintenance Fund, or the predecessor of such a fund, in respect to the interment rights.
- (c) In accordance with By-law # 3012 (2008), of the Town of Pelham, the following restrictions on the exercise of interment rights apply: Section 8 of the By-law.
- (d) In exercising the interment rights contracted herein, the following documents are required: burial permit or cremation certificate under the Vital Statistics Act; consent of the interment rights holder as required by the Cemeteries Act.
- (e) Resale of interment rights by the purchaser is prohibited, but a transfer without consideration is permitted. If the purchaser transfers an interment right, the Town will issue a new certificate or interment rights in accordance with Section 7 of By-law # 3012 (2008).
- (f) A certificate of interment rights will not be issued until full payment is received.

**4. A CONTRACT FOR THE PURCHASE OF SERVICES INCLUDES THE FOLLOWING CANCELLATION RIGHTS:**

- (a) Purchaser has the right to cancel the contract within the 30 day period following the day the contract is made;
  - (b) Purchaser's right to cancel survives the 30 day period until such time as the owner provides the cemetery service;
  - (c) Owner shall not provide the cemetery services until the expiry of the 30 day period immediately following the day the contract is made;
  - (d) Purchaser must pay the service fee required under the Cemeteries Act if the right to cancel the contract is exercised more than 30 days after the contract is made. Such service fee is the lesser of 10 percent of the amount paid by the purchaser for the pre-need together with any income earned by the owner on the 10 percent since the purchase of \$200.
-



TOWN OF PELHAM

P.O. Box 400, 20 Pelham Town Square. Fonthill, Ontario L0S 1E0  
Phone 905-892-2607 - Fax 905-892-5055

SCHEDULE "B"

CERTIFICATE OF INTERMENT RIGHTS IN FONTHILL / HILLSIDE CEMETERY (Original Purchase)

BETWEEN:                      The Corporation of the Town of Pelham  
   20 Pelham Town Square, P. O. Box 400  
   Fonthill, Ontario L0S 1E0  
   (hereinafter called "the Town")                      of the FIRST PART

AND

Name
Address

herein called the PURCHASER of the SECOND PART

IN CONSIDERATION of the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

Which includes the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

for Care and Maintenance deposited with the Town as trustee, the Town hereby assigns to the Purchaser the following interment rights in Fonthill / Hillside Cemetery:

LOT(S):
DIMENSIONS:
COLUMBARIUM NICHE:
DATE OF PURCHASE:

The Purchaser by the acceptance of this certificate acknowledges that By-law #3012 (2008) of the Town governing the operation of the cemetery has been received and read, and agrees to be guided by the said By-law as well as the provisions of the Cemeteries Act as if these were included as part of this Certificate.

The Purchaser agrees that in the event of transfer of these Interment Rights, by the Purchaser, this Certificate cannot be transferred but must be returned to the Town, which will issue a new Certificate to the Transferee.

With respect to the erection or installation of markers, the Purchaser agrees to abide by By-law # 3012 (2008) of the Town wherein restrictions on the erection or installation of markers are given, and which By-law has been furnished to the Purchaser.

THE CORPORATION OF THE TOWN OF PELHAM per:                      IN WITNESS WHEREOF the parties have executed this certificate.

_____	_____
Clerk	Purchaser

SCHEDULE "C"  
TO  
BY-LAW #3012 (2008)

SCHEDULE OF RATES & FEES  
FONTHILL & HILLSIDE CEMETERIES  
FONTHILL MAUSOLEUM & COLUMBARIUM  
HILLSIDE COLUMBARIUM

1. SALE OF LOTS:

	<u>Land</u>	<u>Perpetual Care</u>	<u>Total</u>
<u>Resident / Ratepayer</u>			
Adult – Single Grave	\$585.00	\$390.00	\$975.00
Children under Two Years & Stillborn in Baby section	\$165.00	\$100.00	\$265.00
<u>Non-Resident or Ratepayer</u>			
Adult – Single Grave	\$930.00	\$620.00	\$1550.00
Children under Two Years & Stillborn in Baby section	\$265.00	\$175.00	\$440.00

2. INTERMENT FEES

STANDARD BURIAL (includes \$10.00 Licence Fee)

Adult:-

- Opening and Closing – Weekdays	\$ 575.00
- Opening and Closing – Saturday morning	\$ 785.00
- Opening and Closing – Saturday afternoon	\$ 825.00

Infant:-

- Weekdays	\$ 187.50
- Saturday/Sunday/Holidays	\$ 390.00

Cremated Remains:-

- Weekdays	\$ 187.50
- Saturday/Sunday/Holidays	\$ 390.00

Mausoleum Entombment:-

- Weekdays	\$ 285.00
- Saturday/Sunday/Holidays	\$ 440.00

3. DISINTERMENT CHARGES:

- Adult / Child disinterment only	\$ 900.00
- Adult / Child disinterment & re-interment	\$1500.00
- Infant / Stillborn disinterment only	\$ 300.00
- Infant / Stillborn disinterment & re-interment	\$ 500.00
- Cremains disinterment only	\$ 650.00
- Cremains disinterment & re-interment	\$1000.00

4. FOUNDATION CHARGES:

- Foundation charge per cubic foot	\$ 37.50
- Minimum charge for foundation	\$ 100.00
- Markers	\$ 85.00
- Cornerstones	\$ 90.00

5. ADMINISTRATION FEES:

- Interment Rights Transfer	\$ 50.00
- Interment Rights Exchange	\$ 50.00
- Interment Rights Replacement/Duplicate	\$ 30.00
- Cemetery Records Search (charge per hour)	\$ 25.00

6. MARKER CARE AND MAINTENANCE:

- Upright marker four (4) feet or less in height and four (4) feet or less in length, including the base (\$100 Care & Maintenance Fund)	\$ 225.00
- Upright marker more than four (4) in either height or length, including base (\$200 Care & Maintenance Fund)	\$ 375.00

7. OTHER FEES:

- Overtime Rate per hour	\$ 250.00
--------------------------	-----------

# THE CORPORATION OF THE TOWN OF PELHAM

## TABLE OF CONTENTS

	PAGE
Bylaw #3012 (2008)	1
1. Definitions	2
2. Duties of the Clerk	3
3. Interment Rights (Lots)	3
3.1 Conditions of Purchase	3
3.2 Interment Rights Fees	3
3.3 Care and Maintenance Fund	3
4. Transfer of Interment Rights	4
5. Resale of Interment Rights	4
6. Interments (Burials)	4
6.1 Hours of Operation	4
6.2 Notice for Opening a Grave	5
6.3 Conditions of Interments	5
6.4 Oversize Vaults	5
6.5 Route of Funeral	5
7. Disinterments	5
8. Lot Decorations	6
9. Markers, Monuments and Columbarium Plaques	6
9.1 Corner Posts	6
9.2 Markers	6
9.3 Monuments	7
9.4 Columbarium Plaques	7
10. Care of Plots and Single Lots	8
10.1 Limits of Planting by Contract Holders	8
10.2 Removal of Wreathes	8
10.3 Stands, Boxes and Other Methods of Denoting Boundaries Prohibited	8
11. Regulations for Municipal Employees	8
12. Regulations for Contractors and Workers	8
13. Public Conduct in the Cemetery	8
14. Vehicular Traffic	9
15. Complaints	9

### SCHEDULES:

"A" Contract for the Purchase Rights and Cemetery Supplies and Services

"B" Certificate of Interment Rights

"C" Schedule of Rates & Fees

THE CORPORATION OF THE

TOWN OF PELHAM

By-law #3012 (2008)

Being a by-law respecting cemeteries owned by the Corporation of the Town of Pelham.

WHEREAS Section 50, (2), of the Cemeteries Act, R.S.O. 1990, Chapter C.4 as amended, permits, that the Council of every local municipality may pass by-laws for the regulating of funerals and the interment of the dead; acquire land in the municipality for a cemetery or for the enlargement of an existing cemetery of which the municipality is the owner; the selling or leasing of parts of such land for the purpose of interment in family vaults or otherwise, and fixing the terms on which the land shall be conveyed or leased and held; and for the maintenance, management, regulation and control of any cemetery that is owned by the Corporation in the municipality;

AND WHEREAS the Corporation of the Town of Pelham is the owner of the Fonthill Cemetery, Hillside Cemetery, Fonthill Mausoleum, Fonthill Columbarium and Hillside Columbarium.

AND WHEREAS the Corporation of the Town of Pelham is deemed to be the owner of Hansler Cemetery;

AND WHEREAS Council of the Corporation of the Town of Pelham deems it expedient to enact a by-law for the efficient operation, maintenance, control, regulation and management of the Town owned cemeteries, mausoleum and columbarium's;

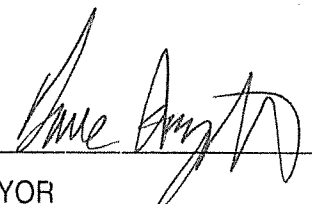
NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

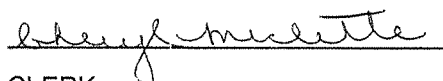
1. REPEAL OF EXISTING CEMETERY BY-LAWS:

(a) That By-law #352 (1976) of the Town of Pelham, be and is hereby repealed.

THIS BY-LAW SHALL COME INTO FORCE UPON BEING APPROVED BY THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
15<sup>th</sup>, DAY OF DECEMBER, 2008 A.D.

  
MAYOR

  
CLERK

**SCHEDULE "A"**  
**TOWN OF PELHAM CEMETERY REGULATIONS**  
**(DECEMBER 2008)**  
**FONTHILL CEMETERY, HILLSIDE CEMETERY AND HANSLER CEMETERY**

**1.0 DEFINITIONS:**

- (a) "ACT" shall mean the Cemeteries Act (Revised) R.S.O. 1990, C.4, as amended and the Regulations thereto.
- (b) "BYLAW" shall mean the rules and regulations under which a cemetery is operated.
- (c) "CARE & MAINTENANCE FUNDS" shall mean the funds and property received by the Director of Financial Services of the Corporation for the purpose of providing perpetual care generally of a cemetery, said monies to be invested in trustee securities as set out in Section 35 of the Cemeteries Act, R.S.O. 1990.
- (d) "CEMETERY" means Fonthill Cemetery, Hillside Cemetery or Hansler Cemetery lands that have been set aside and approved for the interment of human remains and includes a mausoleum and columbarium and such other cemetery or cemeteries if any that the Corporation shall acquire from time to time.
- (e) "CEMETERY EMPLOYEE" shall mean an employee of the Corporation employed at the Cemetery.
- (f) "CLERK" shall mean the Clerk of the Corporation of the Town of Pelham.
- (g) "COLUMBARIUM" means a structure designed for the interment of cremated human remains in sealed compartments;
- (h) "CONTRACT" shall mean the certificate as prescribed in Schedule "A" attached to and forming part of this by-law, which shall be duly signed by the Clerk and sealed by the Corporate Seal and shall include the information as prescribed by the regulations under the Cemeteries Act.
- (i) "COUNCIL" shall mean the elected Council of the Corporation of the Town of Pelham.
- (j) "DESIGNATE" shall mean a person authorized by the Director of Community & Infrastructure Services to carry out duties as required.
- (k) "DIRECTOR OF COMMUNITY & INFRASTRUCTURE SERVICES" shall mean the Director of Community & Infrastructure Services of the Corporation of the Town of Pelham, the person responsible for the overall operations of the Cemeteries.
- (l) "DIRECTOR OF FINANCIAL SERVICES" shall mean the Director of Financial Services of the Corporation of the Town of Pelham.
- (m) "INTERMENT" is the burial of human remains including the placement of human remains in a lot. Inter has the corresponding meaning.
- (n) "INTERMENT RIGHTS" is the right to require or direct the interment of human rights in any lot.
- (o) "INTERMENT RIGHTS HOLDER" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Cemeteries Act;
- (p) "LOT" means an area of land in a cemetery containing, or set aside to contain, human remains. This includes a columbarium niche or mausoleum compartment.
- (q) "MARKER" shall mean a memorial flat footstone set flush with the surface of the ground.
- (r) "MAUSOLEUM" means a structure designed for the deposit of human remains.
- (s) "MONUMENT" shall mean a permanent memorial projecting above ground level used to mark the location of a lot.

- (t) "NICHE" shall mean a sealed compartment of a columbarium structure intended for interment of cremated remains.
- (u) "OWNER" shall mean the owner of a cemetery.
- (v) "PERPETUAL CARE" shall mean the preservation, improvement, embellishment and maintenance in perpetuity in a proper manner of lots and plots in a cemetery.
- (w) "PLAQUE" shall mean a permanent memorial affixed to and used to mark the location of a niche.
- (x) "REGULATIONS" shall mean and include the regulations set out in detail in this by-law and any regulations which may be adopted from time to time by Council under the authority of this by-law or any amending by-law and shall also include any other regulations as set out in the regulations under the Cemeteries Act.
- (y) "RESIDENT" shall mean a resident of the Town of Pelham on the date of death.
- (z) "RATEPAYER" shall mean a person paying taxes to the Town of Pelham in the year of purchase of grave or graves,
- (aa) "VAULT" shall mean any concrete, steel or other non-perishable shell.

## **2.0 DUTIES OF THE CLERK:**

The Clerk shall cause to be carried out the duties as prescribed in this Bylaw or any other amending Bylaws and shall cause to be carried out all the requirements of the Cemeteries Act and regulations under this Act.

## **3.0 INTERMENT RIGHTS (LOTS):**

### **3.1 Conditions of Purchase**

No interment rights shall be purchased for any purpose other than the burial of human remains. Interment rights must be purchased at the office of the Director of Community & Infrastructure Services.

The interment rights holder will receive a copy of this Bylaw at the time of purchase of interment rights.

The interment rights owner will receive a Certificate of Interment Rights when the purchase is paid in full.

### **3.2 Interment Rights Fees**

Fees for interment rights are listed in the Schedule of Cemetery Rates and Fees (Schedule C), which is;

- Approved by the Town of Pelham Council and the Ministry

A copy of the Schedule of Rates and Fees may be obtained by contacting the Clerk.

Payments for interment rights may be made at the Finance Department of the Town of Pelham and a receipt will be issued for payments made.

### **3.3 Care and Maintenance Fund**

As prescribed in Section 35 of the Act, a portion of the interment rights fee is placed in trust in the Care and Maintenance Trust Fund. Income from this fund is used for the upkeep of the Cemetery. The minimum amount of the interment rights fee that is to be deposited to the Care and Maintenance Trust Fund is as follows for:

- 3.3.1 An in-ground grave for the burial of an adult – the greater of 40 percent of the price in the current Schedule of Rates and Fees (Schedule C) or \$150.



3.3.2 An in-ground grave for the burial of a child or of cremated remains – 40 percent of the price in the current Schedule of Rates and Fees (Schedule C).

3.3.3 A niche or compartment in a columbarium – the greater of 15 percent of the price in the current Schedule of Rate and Fees (Schedule C) of \$100.

The current dollar amount of the Care and Maintenance portion of the interment fee is shown in the Schedule of Rates and Fees (Schedule C).

#### **4.0. TRANSFER OF INTERMENT RIGHTS:**

An interment rights holder may transfer interment rights by gift, by bequest or intestacy. However, no such transfer shall be binding until:

- Notice in writing has been given to the Clerk specifying the name, address or other description of the proposed transferee and date of transfer;
- The original Certificate of Interment Rights (or Deed) has been returned to the Clerk; and
- The transfer fee as listed in the Schedule of Rates and Fees has been paid.

When the above conditions have been met and recorded at the Clerks office, a Transfer Certificate of Interment Rights will be issued.

#### **5.0 RESALE OF INTERMENT RIGHTS:**

Public resale of interment rights is prohibited by the Act. Only The Corporation of the Town of Pelham, through the Clerks office may repurchase interment rights according to the following provisions of the Act:

- Notification of a repurchase request is made in writing to the Clerks office.
- No interment rights have been exercised in the lot.
- Lots are still being sold in the Cemetery where the repurchase request applied.
- The repurchase price is determined by establishing the amount paid by the purchaser less the amount paid into the Care and Maintenance Fund.
- If, using reasonable efforts, the amount paid for the interment rights cannot be determined; the repurchase price shall be set at \$50.

#### **6.0. INTERMENTS (BURIALS):**

##### **6.1 Hours of Operation**

Funeral services and interments cannot occur in the Cemeteries on Sundays or legal holidays as these days are not considered working hours and have been set aside as days for visiting the Cemeteries. The only exceptions to this are interment requests is by order of the Medical Officer of Health.

Saturdays are not considered working hours. However, interments will be permitted in accordance with the specified hours and at an additional charge.

All funerals must be scheduled to arrive in the Cemeteries between the hours of:

- 9:00 a.m. to 3:00 p.m. Monday to Saturday, local time

Funerals arriving after the above hours will be deemed as late arrivals and charged late arrival fees according to the Schedule of Rates and Fees (Schedule C).

## **6.2 Notice for Opening a Grave**

At least twelve (12) working hours notice is required from the Interment Rights Holder or personal representative before a grave can be opened.

All verbal interment requests by funeral directors must be followed by a facsimile transmission to the office of the Director of Community & Infrastructure Services prior to the interment.

## **6.3 Conditions of Interments**

All funerals within the Cemeteries shall be under the direction of the Director of Community & Infrastructure Services or his designate.

Orders from funeral directors shall be construed as orders from Interment Rights Holders.

Persons ordering and/or making arrangements for burials shall be responsible for all incurred charges.

Prior to an interment taking place:

- A Burial Permit or Certificate of Cremation must be left at the office of the Clerk
- The Interment Rights Holder or the personal representative shall enter into a contract for cemetery services in a form provided by the Town.

Only one full interment and a maximum of two cremated remains will be allowed in an adult full burial lot.

Up to two cremated remains interments will be allowed in a columbarium niche.

Only personnel authorized by the Director of Community & Infrastructure Services or his delegate will be permitted to open a grave.

## **6.4 Oversize Vaults**

Where a vault has a width of more than two (2) feet, ten (10) inches outer measurement, or a length of more than seven (7) feet, ten (10) inches, the Corporation shall not be obligated to permit a burial unless there is sufficient space to accommodate said shell or vault and the Corporation shall not be obliged to permit the erection of any monument where there is insufficient room left for the foundation.

## **6.5 Route of Funeral**

Funerals within a cemetery shall follow the route prescribed by the Director of Community & Infrastructure Services or his delegate.

## **7.0 DISINTERMENTS:**

All applications for removals or disinterments shall be made at least two (2) weeks prior to the proposed date of removal or disinterment.

Disinterment of a body shall be carried out in accordance with the requirements of the Cemeteries Act.

Disinterments are subject to the prevailing Schedule of Rates and Fees (Schedule C).

Any markers or monuments shall be removed at the time a disinterment is made.

Disinterment shall only take place when:

- The interment rights holder has given consent in writing; and
- The proper medical officer of health has been notified in writing;

Consent of the interment rights holder is not required if the disinterment request is made by:

- A court competent jurisdiction;
- A coroner appointed under the Coroner's Act;

- The Attorney General or Solicitor of Ontario; or
- The Registrar with respect to a Cemetery closure

Designated Cemetery staff shall be in attendance at all times during a disinterment.

If a vault or liner was not used for the initial burial, a new vault or liner must be supplied to ensure proper and safe transport of the remains. The cost of the new vault or liner, if required, is the responsibility of the interment rights holder or personal representative.

## **8.0 LOT DECORATIONS:**

Lot decorations include all structures, ornaments, plantings or other embellishments that are placed on Cemetery lots with the intention of improving their appearance. Markers, monuments and columbarium plaques are not considered to be lot decorations.

Some types of individual lot decorations are not in harmony with the development of the Cemeteries and/or may create maintenance or staff safety problems. For these reasons, the following lot decorations are prohibited:

- In ground vases
- Coping, fences, curbs, steps, glass
- Structures of wood or equally perishable material
- Stone chips of flowerbed borders
- Wooden or metal crosses

Any unsightly or neglected structures or enclosures placed on lots prior to the adoption of these regulations will be removed by the Director of Community & Infrastructure Services or his delegate without notice.

Any lot decoration not approved by this Bylaw or prohibited by this Bylaw will be removed by the Director of Community & Infrastructure Services or his delegate without notice

Lot decorations that become unsightly or are still in place after the required date for removal will be removed by the Director of Community & Infrastructure Services or his delegate without notice.

## **9.0 MARKERS, MONUMENTS AND COLUMBARIUM PLAQUES:**

### **9.1 Corner Posts**

No corner posts shall be allowed in the cemetery except for those supplied and placed by the Community & Infrastructure Services Department under the supervision of the Director of Community & Infrastructure Services or his delegate. Upon payment in full of the purchase price of a lot, the Director of Community & Infrastructure Services or his delegate shall cause to be placed two markers, one at each of the lower inside corners of the lot purchased. Such markers shall be of the dimensions of six (6) inches square with a depth of five (5) inches and shall have engraved or otherwise placed thereon the initials of the surname of the owner of the lot. Corner markers shall be made out of granite or other materials as specified by the Director of Community & Infrastructure Services or his delegate from time to time.

### **9.2 Markers**

No marker or monument or headstone shall be erected, placed or allowed to remain without the permission of the owner of the lot.

Every marker shall be of granite or other hard or durable stone or of any sufficiently durable or non-corrosive metal (concrete is allowed). Every marker shall be placed by the Town and the surface shall be leveled and without projections and shall be flush with the ground. Not more than two (2)

markers shall be allowed on one (1) lot. Every marker shall be placed on a base of at least four (4) inches in depth of gravel or crushed stone.

A marker placement agreement must be submitted to and approved by the Director of Community & Infrastructure Services or his delegate at least two (2) weeks prior to the date desired for the erection of the monument. No marker, monument or plaque shall be placed on a lot unless the owner and the Town have entered into a Marker Placement Agreement.

### **9.3 Monuments**

Monuments shall be placed at the centre and head of a lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the Director of Community & Infrastructure Services or his delegate before a monument is set.

All monuments shall be of granite or other durable stone with no vertical joint or stone, metal or other material shall be attached.

Not more than one monument shall be placed on a lot.

No monument shall be placed until the interment rights and foundation charges have been paid in full.

Current fees for foundation installations are listed on the Schedule of Rates and Fees (Schedule C).

No monument shall occupy more than 10% of the ground area of the lot on which it is erected and also be centrally located at the head of the lot. The length of monuments shall be restricted on single lots to no more than thirty (30) inches. The height of the monument, including the base, shall not be more than four (4) feet above the ground.

All monuments are to be placed on a foundation, which shall be constructed by the Town and shall be of concrete. A foundation must go to the bottom of the grave or to a depth of four (4) feet, whichever is the greater and shall be flush with the level of the adjoining ground and shall be of a length and width as nearly practical, equal to the length and width of the base of the monument.

No monument may be erected which is defective or cracked. No monument may be erected which is not in material character designed as mentioned or otherwise suitable to the surroundings and the general landscaping and natural effect in its vicinity. No monument may be erected or maintained which will or may cause the removal or destruction of or injury to any lot, body, tree or other monument. A monument shall not be permitted to be erected on a lot in respect of which the perpetual care charges or any other charges have not been fully paid. The Director of Community & Infrastructure Services or his delegate shall not proceed with the construction of a foundation between the first day of November and the first day of April, if he deems it undesirable and inexpedient due to climate.

### **9.4 Columbarium Plaques**

All columbarium plaques will be of standard design with the following specifications:

- Bronze niche wreath in dark finish
- "Ribbon" style lettering
- Last names(s); first names(s) and year of birth and death
- Mounting screws to be 6" centre to centre

Installation of bronze plaques will be performed by Town staff only.

A plaque installation fee will be charged in accordance with the prevailing Schedule of Rates and Fees (Schedule C).

## **10.0 CARE OF PLOTS AND SINGLE LOTS:**

### **10.1 Limits of Planting by Interment Rights Holders**

All contract holders may use only the area within eight (8) inches of the monument and not outside of the lot to plant flowers.

### **10.2 Removal of Wreathes, etc.**

Any wreath or artificial flowers not removed on or before the first (1) day of April shall be removed by the Director of Community & Infrastructure Services or his delegate and destroyed and no such wreathes or artificial flowers shall be allowed between the said date and the first (1) day of November following.

### **10.3 Stands, Boxes and Other Methods of Denoting Boundaries Prohibited**

There shall not be placed on any lot any tripod or stands of flowers or any lot blanket or any protective box for a wreath, and any so placed shall be removed by the Director of Community & Infrastructure Services or his delegate. No fence, hedge, railings, coping, embankment, depression, trees, shrubs, bushes, plants or other similar methods of denoting boundaries shall hereafter be erected, placed, made or planted or maintained to mark the confines of any lot.

## **11. REGULATIONS FOR MUNICIPAL EMPLOYEES**

During a burial service all employees in the immediate vicinity thereof shall cease all works.

No person in the employ of the Town shall be allowed to accept money or any other form of gratuities for service and favours rendered in reward for any personal service or attention.

## **12. REGULATIONS FOR CONTRACTORS AND WORKERS**

All workers in any capacity within the Cemeteries (eg. masons, carters, stonecutters, erectors, helpers) are subject to the direction and control of the Director of Community & Infrastructure Services or his delegate.

All workers in any capacity within the Cemeteries are required to strictly adhere to all current Health and Safety legislation and regulations.

When liners, vaults or any other such containers are being placed, provisions must be taken to ensure that no damage occurs to or on any property in the immediate or surrounding area.

Those persons engaged in placing monuments shall provide planking adequate to protect the turf and shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean and orderly condition following the placement of a marker or monument.

Site condition following work performed by contractors shall meet the satisfaction of the Director of Community & Infrastructure Services or his delegate. Repair of any damage to property or structures thereon caused by the contractor shall be the responsibility of the contractor.

When the roads in the Cemeteries are soft from spring thaw, rain or other cause, the Director of Community & Infrastructure Services or his delegate may restrict vehicular traffic.

## **13. PUBLIC CONDUCT IN THE CEMETERY:**

No person shall enter or be within the Cemetery before 8:00 a.m. or after one half hour before sundown, except authorized Cemetery personnel or emergency services.

No person or persons under 16 years of age shall enter the Cemeteries unless accompanied an adult responsible for their conduct.

No person shall deposit rubbish or debris on Cemetery grounds except in the receptacles provided.

14. **VEHICULAR TRAFFIC:**



No vehicles shall be driven at a speed of more than 20 km/h upon the roadways provided for vehicles.

No vehicle shall use a roadway system in the Fonthill Cemetery as means of a thoroughfare from Highland Avenue to Brock Street or vice versa. The gate located at the entrance of the cemetery at Highland Avenue shall be closed and secured with a lock every night at no later than 5:00 p.m. local time.

No leisure vehicles such as snowmobiles, un-licenced motorcycles, mini-bikes, dune buggies, or any other vehicle of a leisure nature will be permitted within the cemetery for any reason.

15. **COMPLAINTS**

Any person having occasion to make any complaints shall do so at the Office of the Director of Community & Infrastructure Services and not through any employee on the grounds, unless it is in the form of a letter in writing addressed to the Director.

	Ministry of Government Services Cemeteries Regulation Ontario	Ministère des Services municipaux Régimentation des cimetières
<b>APPROVED</b> In accordance with the regulations under The Cemeteries Act.		<b>APPROUVE</b> conformément aux règlements afférents à la Loi sur les cimetières.
Date of Approval / Date de l'approbation		23 March 2009
File No. of Cemetery / Numéro de fiche du cimetière		02618, 02621
By / Par		



## CONDITIONS OF CONTRACT

### 1. PERCENTAGE OF PURCHASE PRICE FOR INTERMENT RIGHTS THAT IS BEING SET ASIDE FOR CARE AND MAINTENANCE:

Lot: 40% of lot price or \$150, whichever is greater.

Niche: 15% of niche price or \$100, whichever is greater.

### 2. CONTRIBUTION TO CARE AND MAINTENANCE FOR MARKER INSTALLATION;

Flat marker over 172 square inches	\$ 50.00
Upright marker up to 4 feet in height or length	\$100.00
Upright marker over 4 feet in height or length	\$200.00

### 3. A CONTRACT FOR THE PURCHASE OF INTERMENT RIGHTS INCLUDES:

- (a) The right of the purchaser, by written demand, to request the owner to repurchase the rights at any time before they are used.
- (b) The repurchase price of interment rights shall be determined by establishing the amount paid by the purchaser for the rights less the amount the owner paid into the Care and Maintenance Fund, or the predecessor of such a fund, in respect to the interment rights.
- (c) In accordance with By-law # 3012 (2008), of the Town of Pelham, the following restrictions on the exercise of interment rights apply: Section 8 of the By-law.
- (d) In exercising the interment rights contracted herein, the following documents are required: burial permit or cremation certificate under the Vital Statistics Act; consent of the interment rights holder as required by the Cemeteries Act.
- (e) Resale of interment rights by the purchaser is prohibited, but a transfer without consideration is permitted. If the purchaser transfers an interment right, the Town will issue a new certificate or interment rights in accordance with Section 7 of By-law # 3012 (2008).
- (f) A certificate of interment rights will not be issued until full payment is received.

### 4. A CONTRACT FOR THE PURCHASE OF SERVICES INCLUDES THE FOLLOWING CANCELLATION RIGHTS:

- (a) Purchaser has the right to cancel the contract within the 30 day period following the day the contract is made;
- (b) Purchaser's right to cancel survives the 30 day period until such time as the owner provides the cemetery service;
- (c) Owner shall not provide the cemetery services until the expiry of the 30 day period immediately following the day the contract is made;
- (d) Purchaser must pay the service fee required under the Cemeteries Act if the right to cancel the contract is exercised more than 30 days after the contract is made. Such service fee is the lesser of 10 percent of the amount paid by the purchaser for the pre-need together with any income earned by the owner on the 10 percent since the purchase of \$200.





TOWN OF PELHAM

P.O. Box 400, 20 Pelham Town Square. Fonthill, Ontario L0S 1E0  
Phone 905-892-2607 - Fax 905-892-5055

SCHEDULE "B"

CERTIFICATE OF INTERMENT RIGHTS IN FONTHILL / HILLSIDE CEMETERY (Original Purchase)

BETWEEN: The Corporation of the Town of Pelham  
20 Pelham Town Square, P. O. Box 400  
Fonthill, Ontario L0S 1E0  
(hereinafter called "the Town") of the FIRST PART

AND



Name
Address

herein called the PURCHASER of the SECOND PART

IN CONSIDERATION of the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

Which includes the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

for Care and Maintenance deposited with the Town as trustee, the Town hereby assigns to the Purchaser the following interment rights in Fonthill / Hillside Cemetery:

LOT(S):	 Ministry of Government Services Ministère des Services gouvernementaux Cemeteries Regulation Régimentation des cimetières <b>FILED</b> In accordance with the regulations under The Cemeteries Act. Date of Filing/ Date de dépôt: <u>23 March 2009</u> File No. of Cemetery/ Numéro de site du cimetière: <u>02618, 02621</u> By/ Par: 
DIMENSIONS:	
COLUMBARIUM NICHE:	
DATE OF PURCHASE:	

The Purchaser by the acceptance of this certificate acknowledges that By-law #3012 (2008) of the Town governing the operation of the cemetery has been received and read, and agrees to be guided by the said By-law as well as the provisions of the Cemeteries Act as if these were included as part of this Certificate.

The Purchaser agrees that in the event of transfer of these Interment Rights, by the Purchaser, this Certificate cannot be transferred but must be returned to the Town, which will issue a new Certificate to the Transferee.

With respect to the erection or installation of markers, the Purchaser agrees to abide by By-law # 3012 (2008) of the Town wherein restrictions on the erection or installation of markers are given, and which By-law has been furnished to the Purchaser.

THE CORPORATION OF THE TOWN OF PELHAM per: IN WITNESS WHEREOF the parties have executed this certificate.

Clerk

Purchaser