



Memorandum

Corporate By-law Number: 116-2024-Infrastructure, Development & Operations-
Central Support

TO: Office of the City Clerk **FILE:**

FROM: Matt Pearson, Manager- Central Support
Central Support- Infrastructure, Development & Operations

DATE PREPARED: March 27, 2024

SUBJECT: By-law 116-2024-A by-law to govern cemeteries owned by The Corporation of the City of Thunder Bay

MEETING DATE: City Council - April 8, 2024

By-law Description: A by-law to govern the operations, maintenance and management of cemeteries owned by The Corporation of the City of Thunder Bay.

Authorization: Report 047-2024 (Infrastructure, Development & Operations - Central Support) March 4, 2024 and Memorandum 117-2024 (Infrastructure, Development & Operations- Central Support) June 3, 2024

By-law Explanation: The purpose of this by-law is to repeal By-law 32-1994 and Chapter 367 of the Municipal Code and replace it with a new by-law to govern the operations, maintenance and management of cemeteries owned by The Corporation of the City of Thunder Bay in compliance with the Bereavement Association of Ontario (BAO). This updated by-law reflects changes made by the Province to the *Funeral, Burial and Cremation Services Act, 2002*.

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER 116-2024

A by-law to regulate the maintenance and management of cemeteries owned by The Corporation of the City of Thunder Bay.

Recitals

1. Section 10 of the *Municipal Act*, 2001, S.O. 2001, c 25, provides that municipalities may pass by-laws respecting public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.
2. The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c 33, provides for an Owner of a cemetery to make by-laws affecting the operation of the cemetery.
3. Section 150(1) of Ontario Regulation 30/11 under the *Funeral, Burial and Cremation Services Act*, 2002, S.O. c c 33 provides that the owners of cemeteries may make by-laws affecting the operation of the cemeteries.
4. Offences under Municipal by-laws may be prosecuted pursuant to the *Provincial Offences Act*, RSO 1990, c P 33.
5. Council approved By-law 32-1994 on February 14, 1994 and since that time provincial legislation governing cemeteries has been amended and is reflected in this new by-law.
6. With changes made to the legislation and language concerning Cemeteries, it is also recommended that Chapter 367 of the Municipal Code be repealed.
7. The Corporation of the City of Thunder Bay is the Owner of certain cemeteries.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SHORT TITLE

- 1.1 That this by-law may be cited as the “Cemetery By-law”.

2. SCOPE OF THIS BY-LAW

- 2.1 That this by-law shall apply to all cemeteries owned by The Corporation of the City of Thunder Bay.

3. DEFINITIONS

3.1 In this By-law,

“**Act**” means the *Funeral, Burial and Cremation Services Act, 2002*, and the Regulations thereunder as amended and revised from time to time;

“**By-law**” means this by-law and the rules and regulations under which the Cemetery operates as set out herein;

“**Care and Maintenance Fund**” Is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. If no scattering rights are sold but scattering is permitted a prescribed amount must be contributed to the fund when the scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

“**Cemetery**” means any cemetery owned by the City;

“**Cemetery Services**” means the opening and closing of graves, interment or disinterment or removal of remains, opening and closing and sealing of the niche, the planting of trees and shrubs, grass cutting and any other services normally provided by the City;

“**Cemetery Supervisor**” means the Supervisor of the Cemetery, or their designate, who oversees cemetery operations.

“**City**” means The Corporation of the City of Thunder Bay or the geographical area under its jurisdiction, as the context permits;

“**Columbarium**” means a structure designed for the purpose of interring cremated human remains in sealed compartments.

“**Contract**” means, for the purpose of this by-law, all purchasers of Interment Rights or other Cemetery Services.

“**Crypt**” means a sealed compartment in a mausoleum containing or designed to contain human remains.

“**Disinterment**” means the removal of human remains, the container, or any of the remaining container holding the human remains, from the Lot in which the human remains are interred.

“**Funeral Services**” means, the co-ordination and provision of rites and ceremonies with respect to the interment of human remains and the provision of

such other services as may be prescribed, but does not include cemetery or crematorium services.

“Inter (Interment)” includes the process of opening a lot, niche or crypt to place human remains or cremains therein and the subsequent closing of the crypt, lot or niche as the case may be;

“Interment Rights” means the right of an Interment Rights Holder to authorize the interment of human remains or cremains in a Lot, Niche or Crypt identified in an Interment Rights Certificate issued to the Interment Rights Holder, and to authorize the installation of a monument or Marker all in accordance with this By-law;

“Interment Rights Certificate” means the document issued by the City to the purchaser once the interment rights to a specific lot, niche or crypt have been paid in full, identifying ownership and authority over those specific interment rights.

“Interment Rights Holder” The person(s) authorized or entitled to inter human remains in a specified lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned.

“Lot”, also known as a grave, means an area of land within a Cemetery containing or set aside to contain human remains or cremains and includes an adult lot, veteran’s adult lot, a child’s lot, and a Mausoleum lot.

“Marker” means any monument, plaque, headstone, cornerstone, or other structure or ornament affixed to or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains or cremated remains and used to mark the location of human remains;

“Mausoleum” means a building or structure, other than a columbarium, used as a place for the interment of human remains in sealed crypts or compartments;

“Niche” means a sealed individual compartment in a columbarium designed for the entombment of cremated human remains.

“Plot” means two or more lots in which the rights to inter have been sold as a unit.

“Price List” means the Price List of Cemetery fees and charges as set out by the City.

“Vault” means a burial chamber or grave liner intended to encase and protect a casketed human body in earth burial or for an urn containing cremated remains.

3.2 Unless the context requires otherwise, words in this By-law have the same meaning as defined in the Act.

3.3 Where forms are prescribed in this By-law, the use of forms in substantial conformity with those specified under the Act and regulations and that are not calculated to mislead or otherwise unlawful, may be utilized and any form prescribed may at any time be varied where necessary in order to comply with the requirement of law without amendment to this by-law.

ADMINISTRATION

4.1 The administration of this By-law is assigned to the Cemetery Supervisor who is delegated the authority to operate and manage municipal cemeteries in a manner to ensure compliance with provincial legislative requirements for the operation of cemeteries;

- a. complete and submit any required filings and documentations on behalf of the City to satisfy approval and filing requirements under the Act; and carry out Cemetery Services as prescribed in this By-law;
- b. establish and amend, from time to time, such forms and documents and such protocols and procedures as the Cemetery Supervisor may determine are required to implement and administer this By-law.

4.2 The Cemetery Supervisor shall administer the Cemeteries in compliance with the Act and this By-law and without limiting the generality of the foregoing, shall:

- a. ensure that all required licenses to operate a Cemetery are applied for and kept in good standing;
- b. attend to the regular and proper maintenance of each Cemetery;
- c. address concerns and complaints about the operation and maintenance of each Cemetery raised by member of the public;
- d. repurchase Interment Rights sold as required by the Act;
- e. carry out any duties assigned under the Act, including without limitation, keeping a Public Register, collecting and maintaining funds for the Care and Maintenance Fund, and issuing Interment Rights Certificates.

4.3 The Cemetery Supervisor may delegate the performance of any one or more of their functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke such delegation.

4.4 The City will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any Lot, Plot, Columbarium, Niche, Mausoleum, Crypt, Marker or other article that has been placed in

relation to Interment Rights save and except for direct loss or damage caused by gross negligence of the City.

4.5 No officer or employee of the City shall accept from any person other than the City any gratuity or other remuneration in connection with any work done or to be done in a Cemetery, and no such officer or employee shall canvas or solicit business in connection with any Marker or structure to be erected, or in connection with any work to be done, in a Cemetery except in the ordinary course of his employment by and for the City.

4.6 An officer or employee of the City who obtains information in the course of their work at the Cemetery shall preserve secrecy with respect to the information and not communicate that information except as allowed in the Act and in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, 1990.

4.7 Public Register: Provincial legislation – Section 110 of O. Reg. 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

4.8 Right to Re-Survey: The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

5. CHARGES FOR INTERMENT RIGHTS, CEMETERY SERVICES, AND CARE AND MAINTENANCE FUNDS

5.1 All prices for Cemetery Services shall be such as is approved by Resolution of the Council of the City, from time to time, as pursuant to O. Reg 30/11 ss. 54 – 75. and pursuant to the Corporations User Fee By-law.

6. INTERMENT RIGHTS

6.1 Maps showing all Lots available for purchase shall be available for inspection by prospective Interment Rights Holders.

6.2 Where a Contract is entered into for the purchase of Cemetery Services or for the Purchase of Interment Rights, each person who signs a Contract shall be provided:

- (a) a copy of the signed Contract
- (b) a copy of this By-law which governs the operation of the Cemetery.

(c) a copy of the Consumer Information Guide and Price List.

6.3 Where a Contract is entered into for the purchase of Interment Rights, the Cemetery Supervisor shall prepare for execution an Interment Rights Certificate and shall, after due execution thereof, record the same in a Register kept for that purpose; shall ensure that such copies thereof as the City may require are retained in the records of the City; and shall deliver one copy thereof to the Interment Rights Holder, in addition to the deliverables described in Subsection 6.2.

6.4 No Interment Rights Certificate shall be issued until payment in full of the applicable fees and charges.

6.5 The Interment Rights to any Lot with respect to which charges are outstanding can be revoked if any such charges remain unpaid three (3) months after demand therefore. The Interment Rights with respect to such Lot may be terminated, subject to the Act, and any part payment refunded, without interest.

7. RIGHTS OF INTERMENT RIGHTS HOLDER

7.1 The Interment Rights Holder shall be entitled only to rights of Interment granted by the Certificate, subject to the limitations and restrictions contained therein and to the provisions of by-laws of the City and the Act as the same relate to the Cemetery from time to time and the Interment Rights Holder shall acquire no right, title or interest in the Cemetery except as aforesaid.

7.2 Interment in any area of the Cemetery designated as a military plot shall only be permitted following receipt of written confirmation of veteran's status and approval for burial from the Metro Council of the Royal Canadian Legion (Thunder Bay) or an organization designated by Veterans Affairs Canada.

7.3 The Interment Rights Holder or their authorized representative may permit the interment of any human remains in a Lot for which they hold the Interment Rights.

7.4 The Interment Rights Holder or their authorized representative may erect a commemorative Marker meeting the approval of the Cemetery Supervisor on a Lot for which they hold the Interment Rights.

7.5 Interment Rights may not be resold by the Interment Rights Holder except to the City, and:

- (a) An Interment Rights Holder may require, in written form, the Cemetery to repurchase the rights at any time before they are used. The Cemetery

shall repurchase the Interment Rights within 30 days from the date that request was received.

- (b) The repurchase price, of the Interment Rights, shall be the current value of the Interment Rights, less the amount paid by the Cemetery to the Care and Maintenance Fund. This also applies to all purchases or contracts that were made prior to the Act becoming in effect.
- (c) There is no requirement to repurchase Interment Rights in a Plot in which any Interment Rights have been exercised.

7.6 Cancellation of Interment Rights within 30 Day Cooling-Off Period: A purchaser has the right to cancel an interment or scattering rights contract within thirty (30) days of signing the interment or scattering rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

8. TRANSFER OF INTERMENT RIGHTS

8.1 Interment Rights may be transferred with approval of the Cemetery Supervisor. Upon such approval and following the return of the original Interment Rights Certificate or other satisfactory documentation of ownership of Interment Rights and payment of any fee as set out in the Price List, a Transfer of Interment Rights Contract shall be prepared and executed by the Interment Rights Holder or their legal representative. The transfer shall be recorded in the Register and one copy provided to the transferee, and the second maintained in the Cemetery files.

8.2 The transfer of Interment Rights shall not be binding until all duly executed transfer documentation is recorded.

9. FUNERALS AND INTERMENTS

9.1 No person, other than a City employee or authorized City Contractor, shall open or close a Lot, or open or seal a Niche or Crypt, Inter any remains or any cremains in a Cemetery.

9.2 Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

9.3 No Interment may take place in any Lot with respect to which charges are outstanding, except where arrangements have been made through a Funeral Home, Executor or other agency which accepts responsibility for settlement of the expense.

9.4 Not more than one Interment shall take place in a single grave, except for the following:

- a. the body of a child under the age of two (2) years may be buried in the same adult grave as another body;
- b. up to four (4) cremated remains may be buried in the same adult grave as a body provided the location of the burials can be accommodated within the limits of the Lot without encroaching upon or disturbing any adjacent Lot;
- c. up to two (2) cremation burials in any cremation Lot or child grave;
- d. in all instances, the top of the upper Interment case shall be covered by at least two (2) feet of earth.

9.5 An Application for Burial must be completed and signed by the Interment Rights Holder or their authorized representative Cemetery Supervisor before any Interment will be permitted in a Lot.

9.6 Subject to Subsection 9.8, no funerals shall take place at a Cemetery and no Interments shall be made in a Cemetery on a Sunday, Saturday afternoon or statutory holiday except on the written order of the Medical Officer of Health for the Thunder Bay District Health Unit.

9.7 Saturday morning funerals may be permitted by the Cemetery Supervisor provided that a complete Interment request has been received by the Cemetery Supervisor by the end of business day on the Wednesday previous and upon payment of the fee as set out in the Price List.

9.8 All Funeral Services in a Cemetery shall be so arranged that they are conducted and completed between the hours of 9:00 am and 3:00 pm.

9.9 A written notice of not less than sixteen (16) working hours, shall be given to the Cemetery Supervisor, during working hours, of the date and time desired for a funeral or Interment.

9.10 In no case shall the City be liable for errors relating to the date and time for a funeral or Interment, howsoever caused.

9.11 Save as otherwise provided herein, Cemetery Services available from the City shall not be supplied by any other person.

9.12 Prior to every Interment there shall be delivered to the Cemetery office, by the Funeral Director or other authorized person, a properly completed Burial Permit Application and the person applying for each Permit shall be responsible for all charges in connection therewith.

9.13 Interment rights holder(s) must provide written authorization prior to a burial, taking place. Should the interment holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder in keeping with the Succession Law Reform Act i.e. Personal Representative, Estate Trustee, Executor or next of kin.

9.14 Whenever required by the Cemetery Supervisor, an Owners Order providing written authority shall be signed by the Interment Rights Holder or one of several Interment Rights Holders or their authorized representative(s) and delivered to the Cemetery Supervisor before an Interment takes place.

9.15 No person shall perform a Funeral Service unless a written request has been forwarded to the Cemetery Supervisor.

9.16 Funeral processions within the Cemetery shall follow the route prescribed by the Cemetery Supervisor.

10. DISINTERMENT AND REMOVALS

10.1 Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains from the cemetery may take place. A certificate from the local medical officer of health is not required for the disinterment of cremated remains from a lot or the removal of cremated remains from the cemetery. In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s). Please contact the Bereavement Authority of Ontario for clarification.

11. MARKERS AND MAUSOLEUMS

11.1 A person who wishes to have a flat or upright Marker installed on a Lot shall be responsible for all costs of purchase and installation.

11.2 No more than one (1) flat Marker shall be placed on any cremation Plot and every Marker shall be of the same size, as nearly as practicable, of 12 inches by 20 inches, with a thickness of 4 inches.

11.3 Every flat Marker shall be installed flush with the level of the adjoining ground, without projections. Not more than four (4) flat Markers shall be allowed on any single grave and no other Marker shall be placed at the same end of the grave as an upright Marker. All additional flat Markers placed on a single grave shall be positioned so as to indicate the location of each additional Interment.

11.4 Installation of upright Markers shall be carried out by authorized parties that have sufficient liability insurance as determined by the Cemetery Supervisor. The installation of any Marker, flat or upright, that is privately purchased (not through a certified monument company) is subject to prior Cemetery approval.

11.5 In any single Lot section, every upright Marker shall be of a size, as nearly as practicable, of 20 inches by 32 inches (including base and foundation) with a minimum thickness of 6 inches.

11.6 In the case of a child's single grave, no upright Marker shall be larger than 14 inches by 18 inches (including base and foundation) and shall have a minimum thickness of 4 inches.

11.7 Not more than one (1) upright Marker shall be allowed on any single grave or plot. All upright Markers shall be centrally located and shall be placed at the head of the Lot. No vertical joints shall be permitted on any upright Marker and no ornament of stone, metal or other material shall be attached thereto.

11.8 Lettering on the reverse side of any upright Marker shall be permitted only in the form of the surname(s) of any person(s) interred in the subject grave.

11.9 No Marker or other memorial, or Mausoleum shall be erected or placed on any Lot without the permission of the Interment Rights Holder or their authorized representative.

11.10 No Marker or other memorial, or Mausoleum shall be brought into a Cemetery or erected therein or removed therefrom without approval of the Cemetery Supervisor.

11.11 No inscriptions which are not in keeping with the dignity of the Cemetery shall be made or allowed to remain on any Marker or other memorial, or Mausoleum in the Cemetery, nor any inscription made without the permission of the Interment Rights Holder of the Lot or their authorized representative.

11.12 No flat or upright Marker or other memorial shall have a base or footing having a horizontal area greater than ten (10) percent of the area of the lot.

11.13 All bases or footings of upright Markers or other memorials shall be of concrete and of a depth of not less than four (4) inches and shall be flush with the level of the adjoining ground and have a length and width at least three inches greater all around than the base of the upright Marker.

11.14 All cornerstones or improvements indicating the boundaries of Lots shall be of marble or granite with no projections above the ground and shall be placed within the Lot. No fence or barrier of any kind or of any material whatsoever shall be erected or placed as an enclosure for any Lot or flowerbed.

11.15 Persons desiring to erect or place a Vault or Mausoleum in the Cemetery shall submit for approval a copy of the plans, specifications and any other pertinent data to the Cemetery Supervisor, the Chief Building Official, the local Medical Officer of Health and the Minister and the same shall not be placed or erected until all of the necessary approvals have been obtained.

11.16 No work of cleaning, repairing or inscribing any Marker or other memorial, or Mausoleum shall be commenced in the Cemetery without the authority of the Cemetery Supervisor.

11.17 Persons purchasing Interment Rights in those portions of the Cemetery set aside for veterans shall, at the time the rights are acquired, arrange for the purchase and installation of a standard military upright Marker.

11.18 Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.

11.19 Should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to remove the risk.

12. MARKER DEALERS, CONTRACTORS AND WORKERS

12.1 No materials for Markers or other memorials, or Mausoleums shall be brought into the Cemetery, or any materials placed or any work done therein except at such time, in such manner and such place as is authorized by the Cemetery Supervisor or their designate.

12.2 No work shall be done except between 8:00 am and 4:00 pm, Monday through Friday, both inclusive, and all litter, debris and loose earth shall be removed at the time set forth for cessation of work.

12.3 Due care shall be exercised, by the use of planks and otherwise, to avoid causing any damage to any path or lawn or to any thing within the Cemetery.

12.4 No work shall be carried on in the vicinity of a funeral or Interment service.

12.5 The demeanor and behavior of all persons employed by others shall be subject to the direction of the Cemetery Supervisor or their designate and all such persons shall leave the Cemetery when so ordered.

12.6 Any material, article, litter or debris left or abandoned in the Cemetery by Marker dealers, contractors and other persons may be removed and disposed of.

13. CARE OF LOTS

13.1 All grading, planting, trimming and other care shall be carried out only by the City saving by special permission of the Cemetery Supervisor and in accordance with their direction and no unauthorized person shall remove any wreath, ribbon or other article from any grave.

13.2 No tree or shrub shall be placed anywhere within the Cemetery without the consent of the Cemetery Supervisor and no trees or shrubs shall be removed, destroyed or altered in any way without such consent.

13.2 The cemetery reserves the right to regulate the articles placed on lots or plots that pose a threat to the safety of all interment rights holders, visitors to the cemetery and cemetery employees, prevents the cemetery from performing general cemetery operations, or are not in keeping with the respect and dignity of the cemetery.

13.4 The Cemetery Supervisor may, at any time, cause any Lot to be entered upon to be cleaned of weeds or grass, wilted floral pieces, funeral designs or other articles or things which may constitute litter or be unsightly.

13.5 No person shall place on any Lot any tripod or stand for flowers, or any grave blanket or any protective box for a wreath and any so placed may be removed by the Cemetery Supervisor.

13.6 Artificial flowers, Christmas wreaths and other similar articles shall be removed prior to the first Tuesday following Victoria Day each year, in default of which they shall be deemed to be abandoned and may be removed by the Cemetery Supervisor who shall have the power to dispose of them. During the growing season, while natural flowers are available, artificial flowers in any form shall not be permitted on Lots.

13.7 Artificial flowers may be placed in vases which are permanently affixed to the base of any upright Marker. Saddle wreaths are permitted on the tops of an upright Marker.

13.8 All things placed or planted on any Lot is at the risk of the Interment Rights Holder and the City will in no case be responsible for any loss or damage thereto, howsoever caused.

13.9 Flower beds are only permitted at the head of the grave a maximum of 18” from the headstone or flat Marker. All edgings and flower bed borders must be kept flush with the ground or be subject to removal. Flowerbed or borders cannot be placed around any flat Markers that are not located at the head of the grave. Flowerbeds can only be permitted at the head of the grave a maximum of 18” from the headstone or flat Marker (if so, located at head of the grave. All edgings and flower bed borders must be kept flush with the ground or be subject to removal. Flowerbed or borders cannot be placed around any flat Marker that are not located at the head of the grave.

13.10 The erection of borders, fences, railings, walls and hedges are prohibited.

13.11 No person shall plant flower beds on individual cremation or military lots in areas of the Cemetery expressly designated for cremation or military Interments.

13.12 Prohibited articles will be removed and disposed of without notification.

To assist interment rights holders, the following is an example of articles that you may wish to prohibit from being placed on lots within the cemetery: articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments), ceramics, or corrosive metals; loose stones or sharp objects; trellises or arches; chairs or benches.

14. RULES FOR VISITORS

14.1 The Cemetery will be open for visitors but no person shall enter or be within the Cemetery during the period between one-half hour after sunset and one-half hour before sunrise, except police officers, municipal law enforcement officers or employees of the City in the performance of their duties. No person shall enter the Cemetery except through the gates.

14.2 No vehicle shall be operated at a speed of more than fifteen (15) kilometers per hour in the Cemetery, nor elsewhere than upon the roadways provided for vehicles. No motorized snow vehicle or off road vehicle shall be brought into the Cemetery.

14.3 No person shall disturb the quiet or good order of the Cemetery by noise or improper conduct.

14.4 Any person violating any of the provisions of this By-law shall forthwith leave the Cemetery when required to do so by any employee of the City or any peace officer or municipal law enforcement.

14.5 All persons shall avoid, wherever practicable, walking on any Lot.

14.6 Persons wishing to make complaints shall make the same at the Cemetery office to the Cemetery Supervisor and not to employees of the City on the grounds.

15. ANIMALS

15.1 No person shall bring any animal into the cemetery or cause or permit any animal to enter the Cemetery, provided that such prohibition shall not extend to service animals supporting persons with disabilities. All service animals entering the Cemetery shall be leashed and under the control of their owner.

16. PENALTIES

16.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty as provided for in the *Provincial Offences Act*, 1990.

17. INTERPRETATION

17.1 If any section or sections of this By-law or parts thereof are found by any court to be illegal or beyond the power of the City to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and shall continue in full force and effect unless and until similarly found illegal.

17.2 Wherever the first letter of a term set out in the text of this By-law is capitalized, the term shall have the meaning set out for it in Section 3. Wherever the first letter of a term set out in this By-law appears in lower case, it shall be deemed to have the meaning ordinarily attributed to it in the English language.

17.3 In this By-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender, and vice versa.

17.4 Nothing in this By-law relieves any person from complying with any provision of any federal or provincial legislation or any other by-law of the City.

18. TRANSITIONAL RULES

18.1 By-law Number 32-1994 of the Corporation of the City of Thunder Bay and all amendments thereto shall be repealed effective on the day this By-Law comes into force.

18.2 Notwithstanding Subsection 18.1, all Interment Rights Certificates that are in effect at the time By-law Number 32-1994 is repealed, shall be deemed to be Interment Rights Certificates issued under this By-law, and shall remain valid under it.

18.3 Force and Effect: This By-law contains the rules and regulations that govern the City of Thunder Bay Cemeteries and shall come into force on the day that it has been approved by the Registrar, appointed under the *Funeral, Burial and Cremations Act, 2002* (FBCSA), Bereavement Authority of Ontario (BAO).

19. BY LAW AMENDMENTS

19.1 The cemetery shall be governed by these by-laws, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, which may be amended periodically.

19.2 All by-law amendments must be:

- A. Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- B. Conspicuously posted on a sign at the entrance of the cemetery; and
- C. Delivered to each supplier of markers who has delivered a marker to the cemetery during when the by-law or by-law amendment pertains to markers or their installation.

19.3 All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

20. *By-law 32-1994, as amended* and Chapter 367 titled Cemetery, of the City of Thunder Bay’s Municipal Code are hereby repealed.

21. This By-law shall come into force and effect on the date it is passed.

Enacted and passed this 8th day of April, A.D. 2024 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Ken Boshcoff
Mayor

Krista Power
City Clerk