



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: July 20, 2020
Prepared by: Shelley Brown, Deputy Clerk
Report Number: Legal and Legislative Services-2020-12
Subject: Cemetery By-Law Amendments
Number of Pages: 20 (including attachment)

Recommendation(s)

That Legal and Legislative Services-2020-12 entitled Cemetery By-Law Amendments prepared by Shelley Brown, Deputy Clerk dated July 20, 2020 be received; and

That By-Law 1812 being a by-law to provide for cemetery amendments, be read a first and second time and be provisionally adopted on July 20, 2020; and

That By-Law 1812 come back for third reading upon approval by the Bereavement Authority of Ontario; and

That By-Law 1186 and any amendments thereto be repealed upon By-law 1812 coming into full force and effect.

Purpose

Section 150 of the Funeral, Burial and Cremation Services Act, 2002 permits the owner of a cemetery to make by-laws affecting the operation of the cemetery upon approval of the Registrar, Ministry of Consumer Services.

The purpose of this by-law is to update the current By-law to reflect the current procedures by which the Town operates and maintains its cemeteries in accordance with current legislation and recommended best practices.

Background and Discussion

At the January 14, 2013 Regular Meeting, Council approved By-Law 1186 (Amended) being a by-law respecting the maintenance, management, regulation and control of any cemetery owned by the Town.

By-law 1812 provides for and is a result of a complete review of By-Law 1186 (amended) that was conducted in order to ensure compliance with current legislation and amendments and best practices provided by the Bereavement Authority of Ontario (BAO) and the Ontario Association of Cemetery and Funeral Professionals (OACFP).

Additionally and as part of the 2020 Capital Budget, the Town is installing its first columbarium unit at the Colchester Memorial Cemetery. The installation of this unit requires amendments to the current by-law to order to permit the sale of niches in Columbarium units for the interment of cremated human remains.

As a result, the following is a summary of the main changes are being proposed:

1. References to Cemetery Committee and Meetings of Council have been removed throughout the by-law to reflect the delegation of authority to the Clerk.
2. Definitions have been added to provide for further clarification as well as the addition of columbarium unit (s).

3. The sections dealing with the re-sale of Interment Rights to Third Parties has been amended to allow rights holder(s) the ability to sell or transfer their rights so long as the sale or transfer is conducted through the Town and the interment rights holder(s) and purchaser meets the qualifications and requirements outlined in the Cemetery By-Law.
4. The various sections dealing with Conditions Required Prior to Interment have been amended to ensure regulatory compliances as well as best practices recommended by the BAO.
5. Interment (Burial) Rights now permits the burial of one of the following:
 - a. One (1) traditional interment plus two (2) cremation interment (formerly one (1) traditional interment and one (1) cremation interment);
 - b. Three (3) cremation interments (formerly two (2) cremation interments).
6. Columbarium provisions have been added to permit sale of niche(s) and inurnment of human remains.
7. Schedule "C" List of Cemeteries has been added to provide further transparency pertaining to the cemeteries owned and/or maintained by the Town.

This By-Law will be reviewed on a routine basis going forward similar to other Town By-Laws.

Financial Impact

There is no financial impact as a result of this Report.

Consultations

None.

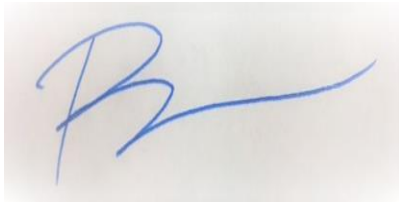
Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Cemetery By-Law Amendments - Legal and Legislative Services-2020-12.docx
Attachments:	- ByLaw 1812_Cemetery maintenance, management.docx
Final Approval Date:	Jul 14, 2020

This report and all of its attachments were approved and signed as outlined below:



Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Jul 14, 2020 - 11:40 AM



Chris Nepszy, Chief Administrative Officer - Jul 14, 2020 - 12:55 PM