

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2004 -28

A BY-LAW TO SET FEES FOR FACILITIES AND SERVICES
PROVIDED AT THE FENELON FALLS CEMETERY

Recitals

1. Section 391 of the *Municipal Act* authorizes municipalities to charge fees for its services or activities provided or done by or on behalf of it.
2. The *Cemeteries Act (Revised)* authorizes municipalities to charge fees for services and facilities provided at municipal cemeteries.
3. The Fenelon Falls Cemetery Board recommend to Council to set the fees for facilities and services provided at its municipal cemetery.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2004-28.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
 - (a) **“Board”** means the Fenelon Falls Cemetery Board constituted by City By-law Number 2002-98.
 - (b) **“By-law”** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
 - (c) **“City”** means The Corporation of the City of Kawartha Lakes.
 - (d) **“Council”** means the elected municipal council for the City.
 - (e) **“Director”** means the Director of the Public Works Department of the City.
 - (f) **“Kawartha Lakes”** means the geographic area over which the City has jurisdiction.
 - (g) **“Prescribed Fee”** means the fee set out in Schedule “A” to this By-law.
 - (h) **“Secretary”** means the person appointed by the Board to perform secretarial functions for the Board.
- 1.02 **Interpretation Rules:**
 - (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
 - (b) References to items in the plural include the singular, as applicable.
 - (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.
- 1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Article 2.00: Charges for Services and Facilities at City Cemeteries

- 2.01 **Requirement to Pay:** All persons availing themselves of services or facilities at Fenelon Falls Cemetery, are subject to the payment of the Prescribed Fees set out in Schedule "A" to this By-law.
- 2.02 **Invoice:** For the most part, Prescribed Fees are due and payable prior to, or at the time of, delivery of the service or utilization of the facility. However, in the event that the fee is to be collected at a later date, the Secretary shall cause an invoice for the Prescribed Fees applicable.
- 2.03 **Payment Methods:** The fee for services is payable to the City, by cash, money order, cheque or credit card, prior to, or at the time of, delivery of the service or utilization of the facility. In all cases, payment is due no later than thirty days from the date of delivery of the invoice for the service referenced in Section 2.02.
- 2.04 **Debt to the City:** The amount of the invoice, together with any costs incurred by the Board to collect the amount owed, together constitute a debt of the Owner to the Board. The Board may collect the debt through any method allowable at law.

Article 3.00: Effective Date

- 3.01 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 9th day of March, 2004.

Mayor

Clerk

Schedule "A"
Prescribed Fees

**FENELON FALLS CEMETERY
SCHEDULE OF SERVICES AND FEES**

Prices for Interment Rights

| | |
|--------------------------|----------|
| Cremation Lots (2' x 2') | \$275.00 |
| Cremation Lots (2' x 3') | \$325.00 |
| Single Lots (4' x 10') | \$525.00 |

Price includes Care & Maintenance fund deposit.

Interment fees

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| Opening/Closing Charges – Adult/Child | \$450.00 |
| Opening/Closing Charges – Infant | \$135.00 |
| Opening/Closing Charges – Cremated Remains | \$200.00 |
| Opening/Closing Charges – Double Depth | \$575.00 |
| Winter Interment Charges - Adult/Child (Additional) | \$250.00 |
| Winter Interment Charges – Infant (Additional) | \$100.00 |
| Late Funeral Charge (after 3:00 p.m.) | \$150.00 |
| Statutory Holidays and Saturdays (Additional) Up to 11:00 a.m., after 11:00 - \$50.00 per hour or part hour | \$200.00 |
| Disinterment Charges | \$900.00 |

Winter Storage

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| Charge for Winter Storage in Vault (For burials in Fenelon Falls Cemetery and Others) | \$200.00 |
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Foundations and Markers

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| Foundations \$25.50 cubic ft. – Minimum | \$250.00 |
| Corner Posts | \$130.00 |
| Setting Corner Posts – set of 4 | \$ 50.00 |
| Setting Flat Marker | \$100.00 |
| Setting Foot Marker | \$ 40.00 |

Miscellaneous Charges

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| Transfer of Interment Rights | \$ 30.00 |
| Flower Planting and Maintenance | \$115.00 |

*** ALL PRICES SUBJECT TO G.S.T. ***