THE CORPORATION OF THE TOWN OF MATTAWA

AGENDA

REGULAR MEETING OF COUNCIL
MONDAY, MARCH 13TH, 2017
7:00 P.M.

MUNICIPAL COUNCIL CHAMBERS
160 WATER STREET
MATTAWA, ONTARIO
1. Call to Order

2. Disclosure of Pecuniary Interest and Nature Thereof

3. Petitions & Delegations

4. Correspondence
4.1 AMCTO – Re: Municipal Leaders’ Forum April 7, 2017
General Government Services Committee – Clerk

4.2 AMO – Re: 2017 Asset Management Symposium April 4 – 5th
General Government Services Committee – Clerk

4.3 MMA/MHO – Re: 2017 FONOM Northeastern Municipal Conference May 10 – 12th
General Government Services Committee – Clerk

4.4 NBMCA – Re: 2017 Municipal Conference April 12th
General Government Services Committee – Clerk

4.5 Ontario Farmland Trust – Re: 2017 Farmland Forum March 30th
General Government Services Committee – Clerk

4.6 FONOM – Re: Commends Provincial Government for Addressing Electricity Costs
Electricity, Gas & Telephone Committee – Clerk

4.7 AMO – Re: Strategy for a Waste-Free Ontario
Environmental Services Committee – Clerk

4.8 Township of Killaloe-Hagarty-Richards – Re: Proposed Amendments to Ontario Building
Code Resolution
Protection to Persons & Property Committee – Clerk

4.9 Regional Municipality of Peel – Re: Regional Fluoridation Resolution
Health Services Committee – Clerk

4.10 Blue Sky Economic Growth Corp. – Re: Blue Sky Net Receives Operating Funding
General Government Services Committee – Clerk

4.11 Walk For Values – Re: Proclaim April 24, 2017 as Human Values Day
Social & Family Services Committee – Clerk
Monday, March 13, 2017

Correspondence – Cont’d

4.12 Township of Zorra – Re: Automated External Defibrillators in Schools Resolution
Health Services Committee – Clerk

4.13 Community Living Mattawa – Re: Permission to Hold Fundraising Barbeques on Main St.
By-law Department Committee – Clerk

4.14 Shelley Forbes – Re: Consider Installing Cameras at Docks
Protection to Persons & Property Committee – Clerk

4.15 Municipality of Thames Centre – Re: Automated External Defibrillators in Schools
Resolution
Health Service Committee – Clerk

4.16 Township of McNab/Braeside – Re: Mandatory Septic Pumping Resolution
Environmental Services Committee – Clerk

4.17 Community Futures Development Corp. – Re: Ottawa River Designated as Canadian
Heritage River
Recreation, Tourism & Special Projects Committee – Re: Director of Recreation, Tourism
& Special Projects

4.18 United Townships of Head, Clara & Maria – Re: Building Code Changes Resolution
Building Department Committee – Clerk

4.19 NBMCA – Re: Minutes of Annual General Meeting on January 25, 2017
Conservation Authority Committee – Clerk

4.20 AMO – Re: 2017 AMO AGM & Annual Conference Registration Deadline
General Government Services Committee – Clerk

5. Questions/Comments (public & Council) about the Content of the Agenda

6. Municipal Report Number 753
   - Minutes of Previous Meeting (s)
   - Presentation of By-laws/Resolutions
   - Adoption of Report

7. Committee Reports
7.1 Jacques Begin – Lawn Maintenance

7.2 Raymond Belanger – Memorandum of Agreement – La Voyageur Inc. - CONFIDENTIAL
8. Questions from the Floor
9. New/Old Business
10. 2/3 (Special Resolutions – not previously circulated)
11. In Camera (Closed)
12. Return to Regular Session
13. Adjournment
Monday, March 13th, 2017

Members of Council,

Attached please find Municipal Report Number 753 for consideration by Council.

Respectfully submitted

Francine Desormeau
Clerk

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Mayor D. Backer and Members of Council:

It is respectfully recommended to Council that the minutes of the Regular Meeting of Monday February 27th, 2017 and the Closed Meeting of Monday February 27th, 2017 be adopted as circulated.

Councillor L. Mick
THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the regular meeting of Council held Monday, February 27\textsuperscript{th}, 2017 at 7:00 p.m. in the Municipal Council Chambers.

Present: Mayor D. Backer  
Councillor C. Lacelle  
Councillor G. Thibert  
Councillor G. Larose  
Councillor L. Mick  
Councillor C. Bastien, Jr.  
Councillor D. Sarrazin  
Raymond Belanger, CAO/Treasurer  
Francine Desormeau, Clerk (Interim)

*When a recorded vote is requested and the minutes indicate the recorded vote was "Unanimous" it means all Councillors present and noted above voted in favour unless otherwise indicated.

1. Meeting Called to Order

2. No Disclosure of Pecuniary Interest and Nature Thereof

3. Petitions & Delegations
   
   3.1 Mr. Hec Lavigne of Rivet Insurance made a presentation to Council concerning the upcoming municipal insurance policy renewal.

4. Correspondence

5. No Questions/Comments about the Content of the Agenda

6. Municipal Report Number 752

Page No. 35

It is respectfully recommended to Council that the minutes of the Finance Committee Meeting of Monday February 13\textsuperscript{th}, 2017, the Regular Meeting of Monday February 13\textsuperscript{th}, 2017 and the Special Meeting of Tuesday February 21\textsuperscript{st}, 2017 be adopted as circulated.

Carried
Page No. 36

It is therefore recommended that refreshment vehicles regulated under By-law 09-14 be permitted to locate at Explorer's Point July 28-30, 2017 during Voyageur Days festival as requested by the Mattawa Voyageur Days Committee. Refreshment vehicle operators will be responsible for the following:

1) Obtain all approvals before operating from the North Bay and District Health Unit, Fire Dept. and Building Dept. under sections 6 and 7 of By-Law 09-14.
2) Notify the By-law Department with all approvals no later than July 24, 2017 at 5:00 p.m. prior to installation at Explorer's Point.
3) Be responsible to ensure that the immediate area is cleaned at all times.
4) Exit Explorer's Point no later than Monday, July 31st, 2017 at 5:00 p.m.

Fees regulated under section 12 of By-Law 09-14 are exempt for Mattawa Voyageur Days at Explorers Point.

Carried

Page No. 37

That the Mayor and Council of the Corporation of the Town of Mattawa authorizes the CAO/Treasurer and the Public Works Supervisor to enter into an agreement with Cubex Limited for the purchase of a 2005 Elgin Whirlwind Street Sweeper/Hydro Vac Unit at a purchase price of $59,999.00. This addition to the municipal fleet will be included in the 2017 Municipal Budget as a 50/50 split between the Public Works and Environmental Departments.

Carried

Page No. 38

It is recommended that Council formally accept the 2016 Summary Waterworks Report as submitted by the PCT from the Environmental Services Department.

Carried

Page No. 39

That Council of the Town of Mattawa adopt By-law Number 17-03 which will formally enter into a Tax Extension Agreement with Michael John Breen-Wurtz and Sadie Breen-Wurtz, as outlined in Schedule 1, for the payment of all outstanding taxes, penalty, interest and costs on the property at 1064 Lily Street, more particularly described as PIN 49103-0534LT, W½ Lt 68, Plan 7, Papineau; Papineau-Cameron, District of Nipissing.

Carried

Page No. 40

That the Town of Mattawa adopt By-law 17-04 which establishes the water rates for flat rate water users and water users on meters and represents a 2.75 percent rate increase for the year 2017.

Carried
Page No. 41
It is recommended that the Corporation of the Town of Mattawa retain the services of Jp2g Consultants Inc. to undertake the update of the Town of Mattawa Asset Management Plan which was prepared by Pahapill and Associates Chartered Accountants in 2013 in order to be compliant with the Province’s “Building Together: Guide for Municipal Asset Plans” Part III.

It is further recommended that the estimated fee for Part A – Core Asset Review is $51,500.00 and for Part B – Other Assets is $37,500.00 for a total estimated fee of $89,000.00 as per the attached Jp2g AMP budget update. The proposal is to allocate a portion of the Federal Gas Tax funding and the applicable portion of the 2017 OCIF funding to pay for the eligible expenditures include staff time updates required for our AMP to be compliant.
Carried
Recorded vote on Page No. 41 and the vote was unanimous

Page No. 42
Be it resolved that the Council of the Town of Mattawa hereby requests the Ministry of Tourism, Culture and Sport maintain funding for libraries for internet connectivity; and that this resolution be circulated to MP Anthony Rota and MPP Vic Fedeli.
Carried

Page No. 43
Be it resolved that By-law Number 17-05 be adopted to appoint Francine Desormeau as Clerk and Deputy-Treasurer and that Amy Honen be appointed as Deputy-Clerk for the Corporation of the Town of Mattawa as required by the Municipal Act.
Carried

Resolution Number 17-15
Moved by Councillor C. Lacelle
Seconded by Councillor G. Thibert

That the Municipal Report Number 752 be adopted.
Carried

7. Committee Reports

7.1 Francine Desormeau – Re: 2nd Extension Agreement for Payment of Property Tax Arrears

7.2 Jacques Begin – Re: Big Joe Statue Foundation & Lighting

7.3 Jacques Begin – Re: Mike Rodden Arena & Community Centre Structural Assessment 2016

7.4 Dan Finnigan – Re: 2016 Water Compliance Reports

7.5 Francine Desormeau – Re: Update to Draft Fees & Charges By-Law
8. Questions from the Floor

9. New/Old Business

10. 2/3 (Special Resolutions – not previously circulated)

11. In Camera (Closed) Session

11.1 Tax Arrears Matters

Resolution Number 17-16
Moved by Councillor C. Lacelle
Seconded by Councillor G. Thibert

That this Council proceed in Camera to address a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees;
Carried

Resolution Number 17-17
Moved by Councillor C. Lacelle
Seconded by Councillor G. Thibert

That the In Camera session reconvene at 9:45 p.m.
Carried

Mayor Backer stated the In-Camera session was pertaining to address tax arrears issue.

12. Return to Regular Session

13. Adjournment

The regular meeting of Council Monday, February 27th, 2017 adjourned at 9:46 p.m.

________________________
Mayor

________________________
Clerk
THE CORPORATION OF THE TOWN OF MATTAWA

The minutes of the Closed Meeting session of Council held Monday, February 27th, 2017 at 9:00 p.m. in the Council Chambers.

Council Present: Mayor D. Backer
Councillors C. Lacelle, G. Thibert, G. Larose, L. Mick, C. Bastien, D. Sarrazin

Council Absent: None

Staff: Raymond A. Belanger, CAO/Treasurer,
Francine Desormeau, Clerk

The meeting was held under the Municipal Act, 2001, S.O. 2001, c.25 Section 239 (2) (b).

Topics for discussion:

1. Under Section 239 (2) (b) of the Municipal Act – Tax Arrears Matter
   - See Regular Meeting Resolution: 17-16 and 17-17

The closed meeting session adjourned at 9:45 p.m.

__________________________
Mayor

__________________________
Clerk
THE CORPORATION TOWN OF MATTAWA

COMMITTEE: FINANCE
CHAIRPERSON: COUNCILLOR C. LACELLE
DEPT. HEAD: RAYMOND A. BÉLANGER, CAO/TREASURER
TITLE: FEES AND CHARGES BY-LAW

X Draft By-Law  ___ Item  ___ Policy Recommendation

Mayor D. Backer and Members of Council:

Part XII of the Municipal Act, Fees and Charges, authorizes municipalities to impose fees and charges on persons for:

a) services or activities provided or done by or on behalf of it;
b) costs payable by it for services or activities provided or done by or on behalf of any other municipality; and
c) the use of its property including property under its control.

Fees and charges imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time. Also, the costs included in a fee or charge may include costs incurred related to administration, enforcement and the establishment, acquisition and replacement of capital assets.

A public notice was published in the Mattawa Recorder January 13, 2017 and a public meeting was held Monday February 13, 2017 providing residents the opportunity for feedback.

By-law 13-06 was adopted in February 2013, which authorized the fees and charges set by the Town of Mattawa. This By-law, if approved, will appeal By-law 13-06 and 15-13.

Recommendation:

It is therefore recommended that the Town of Mattawa adopt By-law 17-06 to establish fees and charges for goods and services rendered by the municipality.

Respectfully submitted

Councillor C. Lacelle
THE CORPORATION OF THE TOWN OF MATTAWA
BY-LAW NUMBER 17-06

BEING A BY-LAW TO ADOPT A SCHEDULE OF
FEES AND CHARGES FOR THE TOWN OF MATTAWA
AND TO REPEAL PREVIOUS FEE BY-LAWS 13-06 AND 15-13

WHEREAS the Municipal Act, 2001, S.O. 2001, c.25, Section 391, authorizes a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of any other municipality; for the use of its property, including property under its control; and for capital costs payable by it for sewage and water services or activities which will be provided or done by or on behalf of it after the fees or charges are imposed; and

WHEREAS the Planning Act, R.S.O. 1990, Chapter P.13, Section 69, provides that the Council of a municipality may prescribe a tariff of fees for the processing of applications made in respect to planning matters; and

WHEREAS the Building Code Act, S.O. 1992, Section 7, Chapter 23, as amended, authorizes the Council of a municipality to pass a by-law requiring the payment of fees on applications for and issuance of permits and prescribing the amounts thereof; and

WHEREAS fees respecting the Pinehill Cemetery are authorized under Section 27 of the Cemeteries Act; and

WHEREAS all fees or charges imposed pursuant to the By-law are due and payable by the person invoiced therefore, immediately upon receipt of the invoice;

WHEREAS unpaid fees or charges imposed pursuant to the By-law are subject to an interest rate of one and one quarter per cent per month; and

WHEREAS the fees or charges imposed pursuant to this By-law constitute a debt owing to the Corporation of the Town of Mattawa, and without limiting any collection remedy otherwise available to the municipality, the Corporation of the Town of Mattawa may add outstanding fees and charges, including interest on the unpaid balance pursuant to the preceding paragraph of this By-law, to the tax roll for any real property within the municipality owned by the person responsible for paying the fees and charges, and the amount may be collected in a like manner as municipal taxes; and

WHEREAS a Public Meeting under the Municipal Act in the matter of the fees and charges set by the municipality was held on the 13th day of February, 2017; and

WHEREAS Council has passed various by-laws imposing fees and charges for a variety of services the municipality provides; and

WHEREAS it was deemed necessary to establish a consolidated fees and charges by-law for the Corporation of the Town of Mattawa that would benefit all users.
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MATTAWA DOES HEREBY ENACT AS FOLLOWS:

1. THAT this By-law shall be known as the Fees and Charges By-law.

2. THAT Schedules “A” to “J” attached hereto, are hereby approved and declared to form part of this By-law:

   General Government and Financial Services  Schedule A
   Planning & Development Services          Schedule B
   Building Department Services             Schedule C
   By-Law Department Services               Schedule D
   Fire Department Services                 Schedule E
   Environmental Department Services        Schedule F
   Recreation and Cultural Services         Schedule G
   Public Works Department Services         Schedule H
   Cemetery Services                        Schedule I
   Landfill Services                        Schedule J

3. That the fees as listed in Schedules “A” to “J” will be subject to Harmonized Sales Tax (HST) where applicable.

4. This by-law shall come into force and effect as of March 13th, 2017.

5. That By-laws 13-06 and 15-13 are hereby repealed.

READ A FIRST and SECOND time, this 13th day of March, 2017.

READ A THIRD time and FINALLY PASSED this 13th day of March, 2017.

______________________________
Mayor

______________________________
Clerk
Mayor D. Backer and Members of Council:

That the disbursements for the month of February 2017 in the amount of $443,599.59 be adopted as submitted.

Respectfully submitted

Councillor C. Lacelle
The Corporation Town of Mattawa has approved the replacement carving for a new Big Joe Mufferaw Statue. This was required as a result of the former Big Joe statue having internal rot and had become a danger to the public.

Clermont Duval has agreed to carry out the carving work and has made this a priority project. Of note, Clermont was very pleased and thanks the Town of Mattawa for agreeing to have the new statue completed and in time for our Canada 150 celebrations. The new carving will be done with laminated 8” x 8” BC Fir and will stand 18’ tall once completed. The wood arrived last week and Clermont has started the work of Big Joes shoulders and head.

The new Big Joe Statue is scheduled to be completed by end of May with installation in June. A dedication ceremony will take place on Friday July 28, 2017 on Explorers Point with special guests including Taw Connors, son of Canadian Legend Stomping Tom Connors. Taw will perform a 1 hour show on stage following the dedication and as an opening act for Mattawa Voyageur Days 20th Anniversary.

A major piece for the Big Joe Statue is to ensure that there is a proper and safe base constructed and installed for this structure. It cannot be assumed that the existing base is still safe or if it can or would hold the new statue safely. We can only assume that the old base was designed for the former statue and further unsure as to why or how the light pole was designed to add support to the old statue structure. There are too many uncertainties with the old base with only assumptions that is might work. This could potentially be a disaster in waiting for either the statue falling but worse for public safety.

JL Richards was contacted to provide engineered expertise for the design documents of a new proper Big Joe Statue Foundation. A draft was sent from JL Richards on cost of design. The Town of Mattawa can ill afford to skimp on or cut corners on the basic requirements to have a solid and safe foundation for Big Joe Statue.
The estimated costs for the carving and materials was set at $25,000.00. Staff along with Clermont Duval feel that this is certainly an upset limit that can be achieved. The Town will also need to budget funds for the base design and construction. It is anticipated that the majority of the construction for the base can be done internally by Town staff. There will be some material costs over and above including but not limited to rebar, proper concrete and materials to attach the statue to the base. JL Richards have indicated that the new statue will be free standing from the base.

**Recommendation:**

It is therefore recommended that the Corporation Town of Mattawa contract JL Richards to design the Big Joe Statue Foundation at a cost of $5009.00 plus taxes. Attached is the supporting material document from JL Richards.

Respectfully submitted,

Councillor D. Sarrazin
Mayor D. Backer and Members of Council:

On May 25, 2015 Mayor Backer distributed a cost analysis supporting the proposed Physician Recruitment Initiative. A variety of scenarios and options were presented and described.

At the Regular Meeting of June 8, 2015 Jeremy Stevenson CEO/Administrator and Dr. Len Gushe of the Mattawa Hospital addressed Council during the Petitions and Delegations segment of the meeting.

In their address, they emphasised the shortage of doctors at the hospital indicating that the situation is near the crisis point. The pending retirement of a local doctor and the hopeful return of another are very real issues that could further jeopardise Mattawa and area residents of proper medical services.

At the Regular Meeting of February 13, 2017 Brian Williams updated Council in regards to the Physician Recruitment Initiative and Mayor Backer again distributed information to Council concerning the Physician Recruitment Fund for the 5 municipalities outlining the total contributions per year.

We need to band together, as municipalities supporting our medical services, and prepare incentives packages that will help attract new medical practitioners to come and settle in Mattawa. The Mattawa Hospital installations offer a turn-key business operation option for our future medical residents.

Recommendation:

Be it resolved that the Mayor and Council of the Corporation of the Town of Mattawa approve from the 2017 budget, a financial commitment of $13,769.54 for the Mattawa Physician Recruitment Initiative. This sum represents the year 2 of a 6-year annual Physician Incentives Plan contribution.

Respectfully submitted
Councillor Clifford Bastien Jr.
THE CORPORATION OF THE TOWN OF MATTAWA

COMMITTEE: PROTECTION TO PERSONS & PROPERTY

CHAIRPERSON: COUNCILLOR G. LAROSE

DEPT. HEAD: FRANCINE DESORMEAU, CLERK

TITLE: PINEHILL CEMETARY BY-LAW

X Draft By-Law Item Policy Recommendation

Mayor D. Backer and Members of Council:

Below is a summary of events that have occurred regarding the Pinehill Cemetery and the future steps that are required to be taken in this matter.

Mrs. Kathleen Moore, Board Treasurer, approached the municipality in 2014 requesting the transfer of the cemetery to the municipality and on April 28, 2015 a letter was sent to Mayor Backer and members of Council to officially advise the Pinehill Cemetery Board had dissolved as of January 13, 2015 (Correspondence Item 4.11 May 11th, 2015 regular meeting of Council). Mrs. Moore has tried to upkeep the cemetery since then and until the municipality was able to acquire ownership however she recently advised it is now the full responsibility of the municipality.

Under the Funeral, Burial and Cremation Services Act, 2002, when a cemetery is abandoned, the local municipality within whose geographic boundaries the land of the cemetery is located becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator had.

Staff has been working with the municipal solicitor to identity the ownership of the cemetery lands and the land cannot be transferred to the municipality because there are no persons authorized to transfer the land on behalf of the cemetery board. Therefore, the municipality will exercise their rights under land expropriation to gain title of such lands. The Bereavement Authority of Ontario, who administers the Funeral, Board and Cremation Services Act on behalf of the Province, has just confirmed to staff that the municipality may commence administration of the cemetery even though it doesn’t presently own the lands.

The first step to take was to apply for a licence to operate a cemetery. The Bereavement authority of Ontario (BAO) has issued the Town of Mattawa a cemetery operator’s licence (December 2016) and is now in need of the following:

1. Written notice by way of resolution, that the municipality formally accepts responsibility for the Pinehill Cemetery.
2. By-law to formally adopt the rules and regulations that govern the Pinehill Cemetery which will require prior and final approval from the BAO.

3. Once the draft governing By-law is initially approved by the BAO, it is formally brought to Council for adoption.

**Recommendation:**

That the Town of Mattawa formally accepts responsibility for the Pinehill Cemetery and approves By-law 17-07 which adopts the rules and regulations governing the cemetery.

Respectfully submitted

Councillor G. Larose
THE CORPORATION OF THE TOWN OF MATTAWA
BY-LAW NUMBER 17-07
A BY-LAW TO ESTABLISH MAINTENANCE MANAGEMENT REGULATION AND CONTROL OF THE PINEHILL CEMETERY

WHEREAS the Corporation of the Town of Mattawa has acquired the Pinehill Cemetery upon those lands more particularly described as Plan 2, Lot 278,279,332,333,330,335,331,334, Plan 2, Pt. Eight St. PNR-2265; PART 1 Plan 36R-4061, Part 1, Ontario Town of Mattawa, District of Nipissing, being land set aside to operate as a municipal cemetery;

AND WHEREAS it is desirable and expedient to make provisions for the care of the said cemetery;

AND WHEREAS Section 150 of Ontario Regulation 30/11 made under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, as amended, provides that the owner of every cemetery may pass by-laws governing the operation of the cemetery;

AND WHEREAS no such by-law comes into force or takes effect until it is filed with, and approved by the Registrar under Section 151 of Ontario Regulation 30/11 made under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, as amended (FBSCA) and the Bereavement Authority of Ontario;

AND WHEREAS Section 10 (1) of the Municipal Act, S.O. 2001, Chapter 25, as amended, authorizes single-tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Mattawa enacts as follows:

1) DEFINITIONS

In this by-law:


1.2. “Burial” means the opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains.

1.3. “By-law” means the rules and regulations under which the Pinehill Cemetery operates.

1.4. “Care and Maintenance Fund” is a requirement under the FBCSA that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold; 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 plots, lots, markers and monument at the cemetery.

1.5. “Monument Care and Maintenance Fund” means the trust fund established pursuant to the Act and Regulations thereto for the purpose of providing funds to maintain, stabilize, secure and preserve markers and monuments.

1.6. “Cemetery” means the Pinehill Cemetery.

1.7. “Cemetery Administrative Clerk” means a member of the administration of the Corporation of the Town of Mattawa who has been delegated responsibility for administration of the Pinehill Cemetery or his/her designated alternate.

1.8. “Cemetery Operator” means the Council of the Corporation of the Town of Mattawa.

1.9. “Cemetery Services means:

1.9.1. Opening and closing of graves;

1.9.2. Interring or disinterring human remains;

1.9.3. Setting of corner posts and flat markers:
1.9.3.1. Providing interment services including the provision, setting up and removal of artificial grass or ground cover, lowering devices, or other interment accessories at a grave site;

1.9.4. Preparing flowerbeds, and planting flowers and shrubs; and

1.9.5. Installing markers, monument foundations and monuments.

1.10. “Cremation Lot” means each individual parcel for which an Interment Rights Certificate has been issued or an area of land in the cemetery containing, or set aside to contain human cremated remains.

1.10.1. “Cremation Lots” means a lot having minimum dimension of two (2) feet (0.6m) by four (4) feet (1.2m) intended for the burial of cremated remains.

1.11. “Cornerstone” means any stone or other marker set flush with the surface of the ground and used to indicate the corners of a lot.

1.12. “Contract” means for purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

1.13. “Interment” means the burial of human remains and includes the placing of human remains or cremated human remains in a lot.
1.14. “Interment Rights” includes the right to require or direct the interment of human remains in a lot.

1.15. “Interment Rights Holder” means the person who holds the interment rights with respect to a lot whether the person is the purchaser of the rights, the person named in the certificate of interment or such other person to whom the interment rights have been assigned.

1.16. “Interment Rights Certificate” means the document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

1.17. “Lot” means each individual parcel for which an Interment Rights Certificate has been issued or an area of land in the cemetery containing, or set aside to contain human remains.

1.17.1. “Lots” means a lot having minimum dimension of four (4) feet (1.2m) by eighth (8) feet (2.44m) intended for the burial of human and/or cremated remains.

1.18. “Marker” means any tombstone, plaque, headstone, cornerstone or other structure or ornament on a lot which is installed or intended to be installed flush with the surface of the ground.

1.19. “Monument” means any permanent memorial on a lot which projects above the surface of the ground.

1.20. “Personal Representative” shall mean an executor, executrix, administrator or administrator with will annexed, of the estate of a deceased individual or the attorney by power of a living individual.

1.21. “Plot” means two or more contiguous lots in which the interment rights have been sold as a unit.

1.22. “Price List” means the price list for all cemetery services provided by the municipality and approved by resolution of Council.

1.23. “Public Works Supervisor” means the Public Works Supervisor of the Corporation of the Town of Mattawa, or any person delegated by the Public Works Supervisor to be responsible for the cemetery.

1.24. “Scattering” shall mean the act of spreading of cremated remains over a designated area within a cemetery with the knowledge and permission of the cemetery operator and in keeping with the cemetery’s by-laws.
1.25. “Scattering Rights Holder” means any person designated to hold the right to scatter cremated human remains in a specified lot or other designated area within the cemetery.

2. ADMINISTRATION

2.1. The Public Works Supervisor or the Cemetery Administrative Clerk, or his/her designated alternates, including contractor, shall:

2.1.1. Observe and carry out all of the provisions of this By-law, the Act and its Regulations, as may from time to time be amended;

2.1.2. Make, open and close all graves in the cemetery which may be required to be opened or closed and allow no other person to do so, except upon the express direction of Council;

2.1.3. Attend all interments held in the cemetery and fill in all graves immediately after interments;

2.1.4. Attend to the regular and proper maintenance of the cemetery;

2.1.5. Perform such other duties as Council may from time to time require.

2.2. The Public Works Supervisor or the Cemetery Administrative Clerk may delegate any cemetery responsibilities or duties to other municipal staff.

2.3. Survey

2.3.1. Council 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 the approval of the appropriate authorities.

2.3.2. Lots have been identified by numerical lot markers and shall not be removed under any circumstance.

2.4. The Cemetery Administrative Clerk shall maintain and make available for public inspection, during regular office hours and without charge, the following information:

2.4.1. The Plan of the cemetery.

2.4.2. The name and address of each interment rights holder and location of the lot to which the rights pertain.
2.4.3. The name and address of each original purchaser of interment rights that have been transferred to another person and the date on which the rights were transferred.

2.4.4. The name of each person whose remains are interred in the cemetery, the location of the lot in which the remains are interred and the date on which the remains were interred.

2.4.5. The particulars of each disinterment of remains, including the name of the person who requested the disinterment, the date on which the remains were disinterred and the location in which the remains were reinterred.

2.4.6. Any other information required by the Act and regulation made thereunder.

2.5. This by-law shall be known and may be cited as the “Cemetery By-Law” of the Corporation of the Town of Mattawa

3. RULES AND REGULATIONS

The following rules and regulations are hereby adopted for the care and control of the cemetery:

3.1. No person shall enter the cemetery, save through an established entrance.

3.2. No person, except municipal staff, peace officers or any person delegated by the Public Works Supervisor shall enter or be within the cemetery grounds before 7:00 a.m. or after 10:00 p.m. Public visitation times are during daylight hours seven (7) days per week, year-round. Winter maintenance is not performed within the cemetery, entry is at the visitor's own risk.

3.3. No gratuities shall be given to any officer or employee of the cemetery, nor shall any reward be given for personal services or attention.

3.4. No motorized snow vehicles or off-road vehicles are permitted within the cemetery grounds. Bicycles and motorcycles are permitted only on designated roadways.

3.5. No person shall allow or permit any animal to enter or remain in the cemetery, excluding service animals.

3.6. No person shall bring any alcoholic beverage upon the cemetery grounds.

3.7. No person shall deposit rubbish or debris on the cemetery grounds, except in receptacles provided for that purpose.
3.8. No person shall engage in soliciting of any kind in the cemetery.

3.9. No person shall operate a vehicle in excess of ten (10) Kilometers per hour within the cemetery.

3.10. No person shall operate any vehicle under any circumstances, except on the roadways designed for vehicular traffic. Cemetery staff and monument placement contractors are exempt for this section. See Section 13 for regulation for contractors.

3.11. No person shall engage in any activity which may damage the monuments or cemetery grounds (i.e. baseball, hockey, horseplay, etc…)

3.12. No person shall destroy, mutilate, deface, damage, injure or remove any monument maker, road, walk, fence, railing or other structure or works place in a cemetery.

3.13. No person shall willfully disturb persons assembled for the purpose of an interment of a body in a cemetery.

3.14. No person shall willfully disturb a quiet and good order of a cemetery by noise or other improper conduct.

3.15. Any person who violates this by-law or any provision thereof may be expelled from the grounds of the cemetery by the Public Works Supervisor and/or the Cemetery Administrative Clerk or other person acting under the authority of either the Public Works Supervisor or the Cemetery Administrative Clerk.

4. SALE OF INTERMENT RIGHTS

Interment rights shall be sold, subject to the following conditions and no lot shall be used for any purpose other than the burial of human remains:

4.1. A lot may be purchased by executing a contract in the form set forth in Schedule “A” to this by-law completed and signed by the purchaser or a personal representative of the deceased and by the Cemetery Administrative Clerk on behalf of the municipality, together with the payment of the purchase price set out in the Price List approved by resolution of Council.

4.2. At the time of sale, the municipality shall provide each interment rights holder with:

4.2.1. A copy of the contract referred to in Section 4.1;

4.2.2. Two copies of the Interment Rights Certificate;
4.2.3. A copy of the Cemetery By-law and any amendments thereto; and

4.2.4. A copy of the Price List approved by resolution of Council.

4.3. After the standard 30 day cooling off period for purchases, the municipality will retain the contribution made to the Care and Maintenance Fund as indicated on the contact.

5. CONDITION OF SALE

5.1. The purchase price of an interment right shall be as set forth in the Price List.

5.1.1. The purchase price for interment rights shall be divided as follows:
   (a) Care and maintenance Fund  40%
       (or minimum amount required by the Act, whichever is greater)
   (b) General Fund    60%
       (or the balance of the purchase price after deducting the amount from 5.1.1
       (a), whichever is lesser).

5.2 All payments may be made to the Town of Mattawa, 160 Water Street, Mattawa, Ontario, P0H 1V0, and the applicant shall receive a receipt for each payment. Unpaid amounts are subject to interest and may be collected by the Treasurer in accordance with the municipality’s policy on accounts receivables.

5.3 Where amounts for cemetery services, cemetery supplies, or interment rights due to the municipality from a funeral establishment are unpaid after 30 days, the Cemetery Administrative Clerk or his/her designate may, in addition to any other collection mechanisms provided herein, suspend provision of cemetery services or sale of interment rights to such funeral establishment until such amounts are paid.

5.4 Where the Treasurer determines that it is in the municipality’s interest to do so, the Treasurer may require that payment for interment charges, cemetery supplies or cemetery services must be made by cash, certified cheque or money order.

5.5 The applicant shall not be entitled to an Interment Rights Certificate, as set out in Schedule “B” and noted in Section 4.2.2 above, until the purchase price is paid in full.

5.6 Any notice required by this By-law to be given to the interment rights holder shall be sufficiently given by regular mail or delivery to the address shown in the register kept by the Cemetery Administrative Clerk.

6. TRANSFER OF INTERMENT RIGHTS

6.1 The resale of interment rights by the holder to a third party is prohibited by the Corporation of the Town of Mattawa.
6.2 An interment rights holder may request in writing that the municipality repurchase the interment rights of lots at any time before they are used and the municipality shall repurchase such rights within thirty (30) days of the receipt of such request, subject to the following:

6.2.1 The repurchase price of interment rights shall be the price listed on the price list at the date the request is received, less the amount paid into the Care and Maintenance Fund in respect of the interment rights.

6.2.2 The interment rights holder shall return the original interment rights certificates or provide an affidavit explaining why the certificates cannot be returned.

6.3 An Interment Rights Holder may gift, bequest or otherwise transfer interment rights, without consideration, to any other person by giving written notice of the transfer to the municipality and by returning the original Interment Rights Certificate to the municipality. Upon receipt of the notice, the required transfer fee as set out in the Price List and the original Interment Rights Certificate, the municipality shall issue a new Interment Rights Certificate to the Transferee. If the Interment Rights Holder has misplaced the original Interment Rights Certificate a replacement may be issued upon payment of the applicable fee as per the Price List, any subsequent transfer fee will also apply of the Interment Rights are being transferred.

7. INTERMENTS

7.1 A person wishing an interment shall give notice to the Cemetery Administrative Clerk at least forty-eight (48) hours in advance of the proposed time of interment. For the purpose of this section, Saturdays, Sundays, and statutory holidays may not be considered in determining work hours.

7.2 No interment shall take place without a Burial Permit issued by the Division Registrar under the **Vital Statistics Act**, R.S.O. 1990, c.V.4 for full interments or an original **Certificate of Cremation** signed by the Superintendent, or designate of the crematorium for cremation interments.

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

7.4 No interment shall take place until the person making the arrangements for the interment has complied with the by-laws, rules and regulations relative to burials. Persons making arrangements for interments shall be responsible for all charges incurred by way of entering an Interment/Services Contract as set out in Schedule “C”. Such arrangements may be made by telephone but a faxed or scanned copy of the Interment/Service Contract Schedule “C” must be received by the Cemetery Administrative Clerk before the interment may take place. In the event the person making the arrangements for interment is not the interment rights holder a Letter ofPermission to Bury, Schedule “D”, must also
be completed, signed and dated by all known interment rights holders and forwarded to the Cemetery Administrative Clerk. Evidence satisfactory to the Cemetery Administrative Clerk of the ownership of the Interment Rights may be necessary to assist in determining proper authority to request interments.

7.5. The Public Works Supervisor or his/her designate shall not make any grave on any lot unless directed to do so by the Cemetery Administrative Clerk by way of either:

7.5.1. A Grave Warrant as set out in Schedule “F”; or

7.5.2. For assisted burials, under Section 164 of Ontario Regulation 30/11 made under the *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33. as amended, a warrant indicating that the welfare administration shall be responsible for all costs of such burial.

7.6. When the opening of a grave is required, not less than eight (8) working hours notice of such requirement shall be given to the Public Works Supervisor of his/her designate by the Cemetery Administrative Clerk. For the purpose of this section, Saturdays, Sundays and statutory holidays may not be considered in determining working hours.

7.7. All funerals within the cemetery shall be under the direction of the Cemetery Administrative Clerk or his/her designate. Times of interment shall not be deemed to be set until confirmed by the Cemetery Administrative Clerk or his/her designate.

7.8. The municipality shall not be held responsible for errors in the location of graves on lots arising from the improper instructions of interment rights holder or their representatives. For the purpose of this sub-section, an order from a Funeral Director shall be deemed to be an order from an owner.

7.9. As per Schedule “E” each “Lot” may have a total of:

7.9.1. Five (5) interments, this being a combination of one (1) casket and four (4) cremation burials; or

7.9.2. Six (6) cremation burials.

7.10. As per Schedule “E” each “Plot” may have a total of:

7.10.1. Ten (10) interments, this being a combination of two (2) caskets and eight (8) cremation burials; or

7.10.2. Twelve (12) cremation burials.

7.11. As per Schedule “E” each “Cremation Lot” may have a total of:

7.11.1. Two (2) cremation burials.
7.12 No interment equipment except that approved by the municipality shall be used.

7.13 The opening and closing of graves may only be conducted by municipal staff or those designated to do work on behalf of the municipality.

7.14 No elevated mounds shall be built over graves and no lot shall be filled above the grade established for the cemetery.

7.15 Grave side services and interments shall be permitted from Monday to Friday between 8:00 am and 4:00 p.m., and may be permitted on Saturdays, Sundays and statutory holidays and may be subject to an additional fee in accordance with the Price List.

7.16 Interments shall be permitted from May 1 to October 31, weather permitting, at the discretion of the Cemetery Administrative Clerk.

8. CREMATED REMAINS

All regulations stated in Section 7 of this by-law pertain to this section plus the following:

8.1. No ashes remaining from the cremation of bodies of deceased persons shall be disposed of in the cemetery except in accordance with the provisions of this By-law. The co-mingling (the mixture of the cremated remains of two (2) or more persons) of ashes is allowed only if a certificate of cremation is received for each deceased person(s) and the applicable fee(s) paid.

8.2. If cremated remains have been interred first in any lot and said lot may be considered for future casket burial then the cremated remains must be enclosed in a non-breakable, non-decomposing container. If the interred cremated remains are not enclosed in a non-breakable, non-decomposing container then rights is forfeited for a future casket interment.

8.3. If the cremated remains must be removed in order for the burial of a casket to take place, a disinterment fee for each cremated remains moved shall apply. Written permission must be received from the Interment Rights Holder or his/her representative prior to disinterring any cremated remains.

8.4. Each container holding cremated remains shall not exceed 12” x 12” in size to accommodate burial, unless prior permission is received from the Public Works Supervisor of his/her designated to use a large container.

9. DISINTERMENTS

9.1. The disinterment of a body (casket burial), once properly interred, shall not be made without an order signed by the Medical Officer of Health and the Interment Rights Holder. A certificate from the Medical Officer of Health is not required for the removal of cremated remains.
9.2. All disinterments shall occur in the presence of an Inspector of the Medical Officer of Health and the Public Works Supervisor if his/her designate and the requirements of the Act and regulations thereunder shall be observed.

9.3. Disinterments will be made by arrangement with the Public Works Supervisor or his/her designate through the Cemetery Administrative Clerk.

9.4. If the burial was made in other than a permanent outer casing, a new outer case must be supplied upon the recommendation of the Medical Officer of Health.

9.5. Any markers or monuments designating the location of an interment shall be removed twenty-four hours prior to the time of disinterment by the owner or someone designated by him/her. If the marker/monument is not removed, the municipality will not be held liable for any damage that may be caused to the marker/monument.

9.6. The charge for disinterments shall be as set forth in the Price List.

10. LOT DECORATIONS

10.1 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, municipal employees, contractors and volunteers, prevents the cemetery from performing general cemetery operations, or are not in keeping with respect and dignity of the cemetery. Prohibited articles will be removed and disposed of without notification.

10.2 The cemetery reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the cemetery.

10.3 Flowers placed on a grave for a funeral shall be removed by municipal staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

10.4 Planting of flowers and shrubs are permitted but shall not exceed 18” from the front of the monument.

10.5 Solar lights are permitted but shall not exceed 18” from the front of the monument.

10.6 All memorial wreaths, flowers, and decorations shall be maintained and placed within 18” from the front of the monument.

10.7 Planting of trees is not permitted.

10.8 The municipality shall not be responsible for any damages to lots and structures, or objects thereon, other than for damage caused by Town staff. The Town shall not be responsible for flowers or articles removed from any lot or grave.
10.9 The municipality may remove flowers, shrubs, or any plant material that interferes with the opening and closing of a lot for an interment.

11. MARKERS AND MONUMENTS

11.1 Except under authority of this by-law, no person shall cause a monument or marker to be erected on, installed on, or removed from a lot unless the written consent of the interment rights holder or legal representative, and the permission of the Cemetery Administrative Clerk or his/her designate have first been given.

11.2 Only established monument(marker) companies may supply and install monuments or markers; individual or homemade markers(monuments) may be permitted at the direction of the Public Works Supervisor.

11.3 The Cemetery Administrative Clerk shall not grant permission for the installation or erection of a monument or marker on a lot unless all amounts owing to the municipality for interment rights, cemetery services and cemetery supplies with respect to that lot, and the amounts required to be paid to the Town under Section 166 of Ontario Regulation 30/11 made under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, as amended, have been paid.

11.4 Every person installing a marker or monument shall pay to the municipality the amounts as prescribed under Section 166 of Ontario Regulation 30/11 made under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, as amended, and such amounts shall be credited to the Care and Maintenance Fund established under Section 12 of this by-law.

11.5 No person shall cause a monument to be erected or installed on a lot except in accordance with the following restrictions:

11.5.1 Both monuments and flat markers are permitted on all lots and plots, subject to further restrictions in this by-law.

11.5.2 No more than one monument may be erected or placed on any one lot.

11.5.3 No more than one flat marker may be placed per interment on any lot or plot.

11.5.4 No monument shall occupy more than ten percent (10%) of the total area of the lot or plot upon which it is erected.

11.5.5 A concrete base shall be designed to have sufficient structural capacity and structural integrity to safely and effectively support the monument placed on it.

11.5.6 No inscription shall be made on any monument or markers which, in the opinion of Council, are not in keeping with the dignity and decorum of the cemetery.
11.5.7 Any person engaged in placing or removing a monument/marker shall provide planking adequate to protect the cemetery turf and shall remove materials and equipment immediately upon completion of the work so that the site is left in a clean, orderly condition.

11.6 No person shall cause a monument to be erected or installed on a lot or plot except in accordance with the following restrictions:

11.6.1 The base of each monument must be level and uniform in thickness so to allow full bearing upon the foundation. Building up or under pinning with spalls or chips is not permitted.

11.6.2 A base or monument shall not extend beyond the limits of the lots or plot on which it is erected.

11.6.3 When two monument dies are set on a single base, both dies shall be of the same size, shape and colour.

11.6.4 Every monument on a lot or plot shall be installed on a concrete foundation, the design of which has been approved by the Public Works Supervisor or his/her designate.

11.6.5 Every monument shall be placed at the centre of the head end of a lot or plot except where the alignment of existing nearby monuments justifies another location as approved by the Public Works Supervisor or his/her designate.

11.7 No person shall cause a marker to be installed on a lot except in accordance with the following restrictions:

11.7.1 Granite markers shall not be less that 4 inches in thickness and must be of uniform thickness throughout.

11.7.2 Bronze markers must be attached to a concrete or granite base not less than 4 inches in thickness.

11.7.3 Every marker shall be flush with the ground and shall be positioned in a location approved by the Public Works Supervisor or his/her designate.

11.8 Repair of Markers:

11.8.1 If a cemetery monument /marker presents a risk to public safety because it is unusable, the cemetery operator shall do whatever is necessary to remove the risk, including repairing, resetting or laying down the marker.

11.8.2 A cemetery operator shall only use reversible processes to preserve and stabilize a marker.
12. MORTUARY REGULATIONS

12.1 The storage Vault of St Anne’s and Pine Hill Cemeteries shall be used for winter storage and shall be subject to the Mortuary Regulations of St. Anne’s Cemetery by-laws.

12.2 Permits for the use of the storage vault must be obtained from the Secretary-Treasurer. In all cases when obtaining the permit, a deposit shall be paid sufficient to cover all expense of interment and vault rent for the time stipulated for the body to remain in the vault.

12.3 Fees for the use of the vault set forth in the tariff of rates.

12.4 The Board may remove a body deposited in the vault and enter it in a single grave at any time after the expiration of the time for which payment has been made, or at any time should the condition of the body render its interment necessary or expedient.

12.5 All Funeral Homes and/or Interment Rights Holders should have proper insurance coverage for any bodies stored in the vault.

12.6 Spring burials shall take place as soon as cemetery conditions allow. No spring burials on Monday.

12.7 The bodies of the person dying from contagious diseases cannot be admitted to the vault but must be interred.

12.8 The Board reserves the right to determine if the weather conditions are adverse enough to prevent a burial. If necessary the vault may be used at no extra charge until the weather conditions permit the interment.

12.9 All bodies stored in our vault must for health reasons be embalmed.

12.10 No body shall be placed in a reinforced cardboard container for storage. Only bodies placed in a wooden or steel casket may be stored.

13. REGULATIONS FOR CONTRACTORS AND WORKERS

13.1 All contractors performing work in a cemetery are required to produce on an annual basis evidence of public liability and property damage insurance in an amount not less than two million dollars ($2,000,000.00).

13.2 All contractors performing work in a cemetery shall be required to produce on an annual basis evidence of good standing with WSIB.

13.3 All contractors and workers in any capacity within the cemetery including masons, carters, stonecutters, erectors or helpers are subject to the direction and control of the Public Works Supervisor or his/her designate and are further governed by the Occupational Health and Safety Act and Regulations with respect to proper safety wear.
13.4 Contractors shall lay planks on the in-ground lots and paths over which transport is required and at the request of the Public Works Supervisor or his/her designate shall utilize a cart or dolly to prevent damage. Damage determined to be caused by contractors shall be rectified by the municipality at the expense of the contractor.

13.5 All persons performing work in the cemetery shall conduct themselves in a manner in keeping with the dignity of the cemetery and shall respect any restrictions or regulations which may be required by the municipality in the performance of their work.

14. COMPLAINTS

14.1 Any person having occasion to make any complaint shall make it to the Cemetery Administrative Clerk or his/her designated alternate at the municipality office, and not to an employee on the cemetery grounds.

14.2 Any decisions of the Public Works Supervisor or his/her designate made pursuant to this by-law may be appealed to Council.

15. PRICE LIST

15.1 Subject to the Funeral, Burial and Cremation Services Act, 2002, as amended, and the regulations made thereunder, shall adopt, by resolution, a Price List to regulate the fees and charges to be paid by persons purchasing interment rights in the said cemetery or requiring services to be performed therein. Such price List may be amended by Council as it, from time to time, deems fit.

16. CONTRACTS AND CERTIFICATES OF INTERMENT

16.1 The Contract for the Purchase of Interment Rights is attached as Schedule “A” to this By-law.

16.2 The Interment Rights Certificate is attached as Schedule “B” to this By-law.

16.3 The Interment/Services Contract is attached as Schedule “C” to this By-law.

16.4 The Cemetery Administrative Clerk or his/her designated alternate is hereby authorized to execute on behalf of the municipality, the Contracts referred to in Schedules “A” and “C”, and the Certificate referred to in Schedule “B”.

17. PENALITIES

17.1 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 of not more than Five Thousand Dollars ($5,000.00) as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended.
18. VALIDITY

18.1 If an Article of this By-law is, for any reasons, held by a Court of law or other Administrative Tribunal to be invalid, the remaining Articles shall remain in effect until repealed.

18.2 Where a provision of this By-law conflicts with the provision of another by-law in force within the Municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general shall prevail.

19. LIABILITY

19.1 The cemetery operator 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, monument, markers, or other articles that have been placed in relation to an interment save and except for direct loss or damaged caused by gross negligence of the cemetery.

20. EFFECTIVE DATE

20.1 This By-law shall come into force and take effect on the date approval is received from the Registrar, Funeral, Burial and Cremation Services Act, 2002 (FBSCA), Bereavement Authority of Ontario.


________________________________________
MAYOR

________________________________________
CLERK
Price lists, contracts, and the certificate of interment rights are no longer required to be filed with the Ministry as of July 1st, 2012 but cemeteries in Ontario must be in full compliance regarding these requirements.
THE CORPORATION TOWN OF MATTAWA

COMMITTEE: PROTECTION TO PERSONS & PROPERTY
CHAIRPERSON: COUNCILLOR G. LAROSE
DEPT. HEAD: RAYMOND BELANGER, CAO/TREASURER
TITLE: MEMORANDUM OF AGREEMENT - LA VOYAGEUR INC.

____ Draft By-Law  ____X____ Item  ____ Policy Recommendation

Mayor D. Backer and Members of Council:

At the Regular Meeting of Monday, February 13, 2017, Mayor Backer provided Council with a confidential letter concerning a tax arrear issue. Later, at the Monday, February 27, 2017 Regular Meeting, Council discussed a request for assistance of tax arrears for La Voyageur Inc. and provided staff with directive to bring forward a Memorandum of Agreement which would include auditor and legal opinions.

The Corporation of the Town of Mattawa shall provide La Voyageur Inc. with a grant by way of loan, only upon the property owner fulfilling certain conditions which may be referred to in the attached Memorandum of Agreement.

The Property Owners and the Town need to agree that should La Voyageur Inc. default on any of the terms contained in the Memorandum of Agreement, or, if the performance of the terms of the agreement are stalled, frustrated, or prevented by any party or authority for any reason, the Town shall be at liberty to exercise all of its rights to collect all outstanding Arrears due and owing by the Property Owners and/or all outstanding Grant monies due and owing to the Town, that are available to the Town at law.

Recommendation:

Be it resolved that the Mayor and Council of the Corporation of the Town of Mattawa adopt By-law Number 17-08 which will authorize the creation of a grant by way of a loan to La Voyageur Inc. on the terms contained within the attached Memorandum of Agreement.

Respectfully submitted,

Councillor G. Larose
THE CORPORATION OF THE TOWN OF MATTAWA  
BY-LAW NUMBER 17-08  

BEING A BY-LAW TO AUTHORIZE A MEMORANDUM OF AGREEMENT  
BETWEEN  
THE CORPORATION OF THE TOWN OF MATTAWA  
(the “Municipality”)  
And  
LA VOYAGER INC.  
(the “Property Owner”)

WHEREAS La Voyager Inc. is the registered owner of PLAN 28 PT BLK C BLK A B, municipally known as 351 Main Street, Mattawa, Ontario (“the Lands”).

AND WHEREAS Mr. Qaisar Mahood Butt and Ms. Sudawan Butt, owners of the registered company La Voyager Inc. have expressed the desire to enter into a Memorandum of Agreement with the Corporation of the Town of Mattawa by way of the municipality authorizing the giving of a grant in lieu of proceeding with any legal process relating to the collection of the Arrears and with the objective of promoting economic development and urban regeneration within the Town of Mattawa.

AND WHEREAS Section 107 (1) of the Municipal Act, 2001, permits the municipality to pass a by-law authorizing a grant or aid on such terms and for such purpose that it considers to be in the interest of the Municipality.

AND WHEREAS Council has determined that it is in the best interest of the municipality to enter into a Memorandum of Agreement in connection with the accrued interest of municipal tax arrears and outstanding water and sewer charges.

NOW THEREFORE BE IT ENACTED AS FOLLOWS:

1. THE municipality is hereby authorized to enter into a Memorandum of Understanding with La Voyager Inc. in the form of Agreement attached as Schedule “A” to this by-law and forming a part hereof.

2. THAT the Property Owner shall execute the Direction Re Funds attached as Schedule “B” to this by-law and forming a part hereof.

2. THAT the Mayor and Clerk are hereby authorized to execute the Memorandum of Agreement on behalf of the municipality under corporate seal and to deliver it to the parties.

3. THIS by-law shall come into force and take effect on the date it is passed.

READ A FIRST and SECOND time, this ____ day of _____________, 2017.

READ A THIRD time and FINALLY PASSED this _____ day of _____________, 2017.

_________________________________  
Mayor  

_________________________________  
Clerk