

**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD,
CLARA & MARIA**

BY-LAW NUMBER 2006-18

BEING a by-law to authorize the Corporation of The United Townships of Head, Clara & Maria (the Municipality) to operate a cemetery.

WHEREAS the *Municipal Act*, 2001 S.O., C.25 as amended, (the "Act") provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS it is particularly provided in the *Cemeteries Act* (revised), R.S.O. 1990, c.C.4 S.50 (1) that no person (and person is defined by this Act to include a local council of a municipality) shall operate a cemetery except in accordance with the by-laws applying to that cemetery;

AND WHEREAS upon the Declaratory Order and Judgment of the Ontario Superior Court of Justice, the Declaratory Order and Judgment, the cemetery on lands owned by Ivan James Strachan and Eileen Joyce Strachan, a cemetery at Lot 18, Concession B, Township of Clara, being part of Parcel Register 57015-0106 (LT) now in the Municipality and more particularly described as Part 1 on Reference Plan 49R-15705, a reference plan received and deposited for the Land Titles Division of Renfrew (49) on March 7, 2005 shall be pursuant to the provisions of S.60.(1) and (6), *Cemeteries Act* (revised) R.S.O. 1990, c.C.4 (*Cemeteries Act*) an abandoned cemetery in law and pursuant to the provisions of S.60.(7) the municipality shall become the owner of the cemetery upon the registration of the Declaratory Order and Judgment mentioned in this paragraph being registered in the appropriate Land Registry Office.

NOW THEREFORE the Council of the Corporation of the United Townships of Head, Clara & Maria does enact as follows:

1.
 - a) **THAT** the Municipality is authorized to enter into Minutes of Settlement in the form attached to this by-law and the Reeve and the Clerk are authorized to sign the Minutes of Settlement attached to this by-law and any other necessary documentation to authorize and implement the Declaratory Order and Judgment.
 - b) **THAT** the Municipality shall forthwith register the Declaratory Order and Judgment in the appropriate Land Registry Office, namely, the land Registry Office for the Land Titles Division of Renfrew (49) and thereby the Municipality shall become the owner of the cemetery mentioned in this by-law hereinafter referred to as the cemetery.
2. **THAT** upon the date of the registration of the aforementioned Declaratory Order and Judgment the Municipality resolves and determines that there shall be no further interments (save and except for persons that are discovered to have existing unexercised interment rights) in or within any part of the cemetery.
3. **THAT** the Municipality shall obtain a licence under the Act to own the cemetery.

4. **THAT** the Municipality shall maintain, without charge to anyone, the grounds of the cemetery, including all lots, structures and markers, to insure the safety of the public and to preserve the dignity of the cemetery.
5. **THAT** the Municipality shall keep the cemetery in good order and repair and restore it to good order and repair.
6. **THAT** the Municipality shall make available for inspection without charge at the municipal office building during normal business hours a public register containing the following information: The name of each person now or subsequently known to the Municipality 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, any of which are known to the Municipality; (and in the event that information not now known to the Municipality subsequently becomes known to the municipality the public register mentioned in this Paragraph 6. shall be added to no later than 5 business days after the new information becomes known to the Municipality).
7. **THAT** this by-law will come into force and take effect on the date of final passing thereof.

READ a 1st and 2nd time this 21st day of November 2006.

READ a 3rd time short and finally passed this 21st day of November 2006.

WILLIAM CROSHAW, REEVE

MELINDA REITH, CLERK