

TO:	Sports, Recreation and Culture Committee
MEETING DATE:	September 5, 2018
SUBJECT / REPORT NO:	Draft By-law 2018-68 Regarding the Operation of Town of Lincoln Municipal Cemeteries Update CM 18-21
PREPARED BY:	Jennifer Sheldon Coordinator, Cemeteries & Parks
SUBMITTED BY:	Shannon McKay Acting Director, Community Services

RECOMMENDATION:

1. THAT Report CM 18-21 regarding the Cemetery By-law under the Funeral, Burial and Cremation Services Act, 2002 be received for information.
2. THAT draft By-law No. 2018-68 as outlined in Appendix B be presented to Council for consideration to replace By-law 2012-59.
3. THAT public notice in accordance with the provisions of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) be given.
4. AND THAT the By-law be forwarded for approval to the Bereavement Authority of Ontario (BAO) upon ratification of Council.

EXECUTIVE SUMMARY:

Following the transition of municipal cemetery operations from the Corporate Services Department to the Community Services Department in 2016, several issues, requirements and opportunities came to light. These included: the need to expand service offerings and strategically plan for future cemetery development; optimize current land use; increase fees; and recognize and adapt to changing industry practices. It was also identified that the records management system needed to be utilized and maintained.

The current By-law from 2012 does not provide provisions to adequately offer and promote new interment options and cemetery services such as columbaria or scattering grounds/gardens. Nor does it provide for memorialization of those interred outside of a traditional cemetery. Some regulations regarding maintenance and general conduct within the cemeteries are also outdated and no longer reflect the social attitude towards cemeteries as providing attractive greenspace for passive recreation activities.

Recognizing that cemeteries are a necessary and important land use that is integral to the Town's social infrastructure, staff began to examine all aspects of cemetery development including that of vacant lands to develop a unique type of multiuse landscape accommodating diversity and inclusion. Cemeteries are compatible with most urban and rural land use and can be designed as parks and natural spaces to compliment surrounding communities. Cemeteries are referred to as a "cultural landscape". As land becomes in shorter supply, cemeteries will appeal to a wider variety of users. The By-law must reflect the idea of community space in addition to a place of mourning, reflection and remembering.

The purpose of Report CM 18-21 is to inform Council of proposed changes and improvements to the Town's cemeteries' operation as reflected in the updated draft By-law.

HISTORICAL BACKGROUND:

The Town of Lincoln administers, operates and maintains a total of 19 cemeteries within its boundaries (see Appendix A). Fourteen of these are non-active cemeteries and most were acquired by the Town as a result of the 1970 Provincial legislation dictating that abandoned cemeteries become the responsibility of the municipality in which they are situated. Within these fourteen cemeteries, interment rights are no longer sold and burials no longer take place however per provincial regulation they are required to be maintained by the Town in perpetuity.

The remaining five cemeteries are active or semi-active, whereby interment rights are sold and/or burials continue to take place. These include: Mennonite Mountain Burial Ground (Campden); Mount Osborne Cemetery (Beamsville); Mountview Cemetery (Campden); Oaklawn Cemetery (Jordan Station) and Vineland Cemetery (Vineland).

FINANCIAL – STAFFING – LEGAL CONSIDERATIONS:

Financial:

There are no financial implications to be considered from this report.

Staffing:

There are no proposed changes to staffing requirements in consideration of this report.

Legal:

By-law updates per the provisions of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), must be filed with the Bereavement Authority of Ontario. A notice of filing is to be published once in a local newspaper with general circulation; clearly posted on a sign at each cemetery entrance for four weeks; and delivered to each supplier of markers/monuments who have delivered a marker/monument with the last year.

RELEVANT CONSULTATION:

During development of the updated By-law, staff consulted with both the Bereavement Authority of Ontario as well as other municipalities. Staff also conducted an informal assessment of municipal cemeteries within the Niagara Region.

STAFF COMMENTS:

Until very recently, available lots for interments within the Town's five active cemeteries were in short supply. Staff filed the re-plotted surveys with the Bereavement Authority of Ontario and obtained authorization in June 2018 for the addition of several new and expanded service offerings.

Cemetery	New Service Offering
Mount Osborne	12 Full Size Lots 72 Niche Columbarium Scatter Garden
Mount View	96 Full Size Lots
Oaklawn	18 Full Size Lots 52 Cremation Lots 4 Family Columbaria Scatter Garden
Vineland	22 Full Size Lots Scatter Garden

To focus on organizational efficiencies, customer service and financial sustainability, per By-law 2018-39 staff updated the 2018 fees and charges to better reflect the market. Staff have been working to digitize all cemetery records and have completed the three largest active cemeteries.

ALTERNATIVES FOR CONSIDERATION:

Council has two options with respect to By-law 2018-68 Regarding the Operations of Town of Lincoln Municipal Cemeteries:

1. Approve the By-law per the staff recommendation; or
2. Recommend changes to the By-law if further information is required.

COMMUNICATION/ENGAGEMENT OVERVIEW:

Coinciding with the requirements per the provisions of the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) to issue notice of updated By-Law 2018-68, staff will also work with the Corporate Communications Team to communicate the new service offerings via the Town's web site and social media channels.

ALIGNMENT TO CORPORATE PLAN:

The Corporate Plan directs that Council's goals will be carried out in an environment of good governance and that service delivery respects all legislative, regulatory and By-law requirements. Having By-laws such as the Operation of Town of Lincoln Municipal Cemeteries updated to reflect recent changes demonstrates the Town's compliance with regulatory requirements.

ATTACHMENTS:

Appendix A: Inventory of Municipal Cemeteries

Appendix B: By-law 2018-68 Regional Operation of Town of Lincoln Municipal Cemeteries

Appendix C: Bereavement Authority of Ontario approvals

Appendix A: Inventory of Municipal Cemeteries

Cemetery Name	Address/Location	Status
Mennonite Mountain Burial Ground	4000 Fly Road, Campden	Active
Mount Osborne Cemetery	4230 William Street, Beamsville	Active
Mountview Cemetery	4015 Moyer Road, Campden	Active
Oaklawn Cemetery	4100 Bridgeport Drive, Jordan Station	Active
Vineland Cemetery	4025 Martin Road, Vineland	Active
Baptist Cemetery	Mountain Street, Beamsville	Inactive
Culver Cemetery	9 th Street, St. Catharines	Inactive
Dean Burial Ground and Indian Cemetery	Cherry Avenue South, Vineland	Inactive
Eden Cemetery	Spring Creek Road, Vineland	Inactive
Giesbrecht (Foster) Cemetery	13 th Street, Jordan	Inactive
Haines Cemetery	Main Street, Jordan	Inactive
Henry Cemetery	Spring Creek Road, Beamsville	Inactive
John Culp Family Cemetery	Maple Grove Road, Beamsville	Inactive
Johnson Cemetery	Twenty Mile Road, Tintern	Inactive
Konkle Cemetery	Acres Trace, Beamsville	Inactive
Konkle-Marlatt Cemetery	Philp Road, Beamsville	Inactive
Quarry Road Cemetery	Quarry Road, Beamsville	Inactive
United Empire Loyalist Cemetery	Tufford Road North, Beamsville	Inactive
Weslyan Methodist Cemetery	Fly Road, Vineland	Inactive