

CD-CR-01 Crematorium Municipal Approval Policy



CITY POLICY

SECTION: COMMUNITY DEVELOPMENT
REFERENCE: CREMATORIA

NO: CD - CR - 01
Date: February 2022
Next Review: 2025

TITLE: CREMATORIA MUNICIPAL APPROVAL

1.0 BACKGROUND

- 1.1 On July 1, 2012, the *Funeral, Burial and Cremation Services Act, 2002* (FBCSA) came into effect and established a new regulatory framework for most of the bereavement sector, including crematoriums. Among other things, the FBCSA provides that a person who proposes to establish a crematorium must first obtain the approval of the local municipality in which the crematorium is to be located, and which approval is to be granted if the municipality has determined that the proposal is in the public interest
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2.0 PURPOSE

- 2.1 Identify factors which may be relevant to the public interest determination required by the FBCSA when considering an application for municipal approval of a crematorium, including factors which have been considered relevant by the public, and other municipalities.
- 2.2 To develop a clear process that guides City staff, Council, and the public when municipal approval is sought to establish a crematorium.
- 2.3 To provide guidance and education to Council to help prepare them to make decisions that are in the best interests of the public at large.

3.0 DEFINITIONS

- 3.1 **"Application"** means a application for municipal approval to establish a Crematorium pursuant to Section 84 (1.1) of the *Funeral Burial and Cremation Services Act, 2002*;
- 3.2 **"City"** means The Corporation of The City of Dryden;
- 3.3 **"Council"** means the individuals elected to the offices of Mayor and Councillor for The City of Dryden;
- 3.4 **"Crematorium"** means a building that is fitted with appliances for the purpose of cremating human remains and that has been approved as a crematorium or established as a crematorium in accordance with the requirements of the *Funeral Burial and Cremation Services Act* or a predecessor of it and includes everything necessarily incidental and ancillary to that purpose;
- 3.5 **"Facility"** means a transportational, commercial, industrial, agricultural, intensive recreational or utilities/services building or structure and/or associated lands (e.g. airport, railway, sewage treatment plant, landfill, manufacturing plant, generation stations, sports/concerts stadium, etc.) which produce(s) one or more 'adverse effect(s)' on a neighbouring property or properties;
- 3.6 **"Municipality"** means The Corporation of The City of Dryden;
- 3.7 **"Municipal Approval"** means a municipal approval to establish a crematorium pursuant to Section 84 of the *Funeral Burial and Cremation Services Act, 2002*;
- 3.8 **"Nuisance Emissions"** means interference with people's use and enjoyment of land or property, or that could have a negative effect on health caused by emissions of aerosols, fumes, light, noise, odour, particles (including dust) or smoke; or unhealthy, offensive or unsightly conditions caused by contamination;
- 3.9 **"Provincial Requirements"** means requirements contained in any applicable provincial legislation governing the licensing, siting, environmental compliance approval, and operation of a crematorium;

3.0 DEFINITIONS (Cont'd)

- 3.10 **"Sensitive Land Uses"** means any lands that are zoned to permit a sensitive land use which, for the purposes of this By-law shall include: all residential uses, hospitals, schools, nursing homes, community centres, childcare facilities, and playgrounds; and
- 3.11 **"Separation Distance"** means the distance from lands of which the proposed use is occurring to the property line of lands identified as sensitive land uses.

4.0 APPLICATION REQUIREMENTS

- 4.1 Every applicant seeking municipal approval for a crematorium shall participate in a pre-consultation with the City of Dryden's Building and Planning Department.
- 4.2 Every Application shall be accompanied by the following supporting material:
- 4.2.1 A detailed sketch identifying any permitted Sensitive Land Uses located within five hundred meters (500m) of the limits of the property where the proposed Crematorium is to be established. This site sketch should also include building and flue stack location relative to the property lines.
 - 4.2.2 Any technical reports already in the applicant's possession, which may be required as part of provincial requirements. This may include any additional information or reports to support the application.
 - 4.2.3 Submission of a signed application letter, detailing the prescribed information as outlined in the administrative requirements below:
 - i) Name of applicant, name of owner, street address, mailing address, statement or details explaining the request, site sketch of the subject property detailing proposed changes to building or property if applicable; and
 - ii) Signed letter of authorization from the owner(s) of the property for any application submitted by an agent.

4.0 RESPONSIBILITIES

5.1 Municipal Staff shall:

- 5.1.1 Circulate the Application to various internal City departments as deemed necessary for review and comment;
- 5.1.2 Provide notice to the applicant that the City considers the Application to be complete; and
- 5.1.3 Present the application and staff report to Council for consideration to determine if the application is in the 'public interest' prior to a decision being rendered.

5.2 Council shall:

- 5.2.1 Review all submitted proposal information;
- 5.2.2 When considering municipal approval have consideration for public comments, land use compatibility, the Bereavement Authority of Ontario recommended separation distance of 300 meters from permitted sensitive land uses, nuisance emissions, and demand for cremation services; and
- 5.2.3 Determine whether to approve or deny any crematorium application as may be justified under the concept of "public interest".

6.0 PUBLIC NOTICE REQUIREMENTS

- 6.1 The applicant shall post of public notice on the property which is the subject of the Application in a location or locations that is clearly visible from all public streets on which the property has frontage for the purposes of notifying surround landowners.
- 6.2 The Notice described in Section 6.1 above shall be posted for a minimum of thirty (30) days prior to presentation of the Application to Council pursuant to Section 5.1.3.

History			
Approval Date:	February 28, 2022	Approved by:	By-law 2022-11
Amendment Date:		Approved by:	
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