

St. Mary's Cemetery

5604 County Road #29

Almonte, ON

Mailing Address: Holy Name of Mary Parish

134 Bridge Street, Box 1029

Almonte, ON K0A 1A0

Phone: 613-256-1034

Email: st.mary1@bellnet.ca

Cemetery Operator Licence # 3291393 – 01921

ST. MARY'S CEMETERY BY-LAWS

Table of Contents:

Introduction

Section A:	Definitions
Section B:	By-Laws Pertaining to General Information
Section C:	By-Laws for the Sale and Transfer of Interment Rights
Section D:	By-Laws Pertaining to Burial of Cremated Remains
Section E:	By-Laws Pertaining to Memorialization
Section F:	By-Laws Pertaining to Care and Planting
Section G:	By-Laws Outlining Items that are Permitted and Prohibited
Section H:	By-Laws for Contractor / Monument Dealer
Section I:	By-Laws for Columbaria

INTRODUCTION

These by-laws are the rules and regulation that govern St. Mary's Cemetery and have been approved by the Registrar of Cemeteries, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Cemeteries Regulations Unit, Ministry of Consumer Services.

There are three (3) separate cemeteries which fall under the ecclesiastical jurisdiction of the Holy Name of Mary Parish at Almonte, Ontario. They are all situated in Ramsay Township, Lanark County and located as follows:

<u>Lot I.D.</u>	<u>Concession</u>	<u>Historically referred to as:</u>
E ½ Lot 25	1	Clayton R.C. Cemetery
W ½ Lot 13	9	Carleton Road Cemetery
W ½ Lot 15	12	Huntley Road Cemetery

The Clayton and Huntley Road cemeteries are closed to burials. The Carleton Road cemetery operates under the name of << St. Mary's Cemetery >>. The land on which the cemeteries are located, are owned by the Roman Catholic Archdiocese of Ottawa and managed on its behalf by St. Mary's Cemetery Board. All monies held in trust are deposited with the Roman Catholic Episcopal Corporation of Ottawa. The cemetery trust fund is managed by a TD Waterhouse private Trust Officer.

(A) DEFINITIONS:

Burial: The opening and closing of an in ground lot or plot for the disposition of human remains or cremated human remains.

By-laws: The rules and regulations under which the Cemetery operates.

Care and Maintenance Fund: It is a requirement under the FBCSA that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.

Contract: 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.

Corner Posts: Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

Crypt: An individual compartment in a mausoleum for the entombment of human remains. (Not available within St. Mary's Cemetery)

Grave: (Also known as Lot) means any in ground burial space intended for the interment of a child, adult or cremated human remains.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot or niche and direct the associated memorialization.

Interment Rights Certificate: The document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

Interment Rights Holder: Any person designated to hold the right to inter human remains in a specified lot.

Lot: For the purposes of these By-laws, a lot is a single grave space.

Marker: Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot.

Monument: Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

Niche: An individual compartment in a columbarium for the entombment of cremated human remains.

Plot: For the purposes of these By-Laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.

(B) BY-LAWS PERTAINING TO GENERAL INFORMATION

Hours of Operation:

Contact Holy Name of Mary Parish at 613-256-1034 or email: st.mary1@bellnet.ca for contact information.

No burial shall take place between November 15th of one calendar year and May 15th of the following calendar year unless so authorized by the Cemetery Board. Notice of each interment shall be given to the Cemetery Board **at least 48 hours** prior to the requested burial time and date except under special circumstances.

General Conduct:

The Cemetery reserves full control over the cemetery operations and management of land within the cemetery grounds.

No person may damage, destroy, remove or deface any property within the Cemetery.

All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

By-Law Amendments:

The Cemetery shall be governed by these by-laws, and all procedures will comply with the Funeral Board and Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.

All By-Law amendments must be:

- a) Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) Conspicuously posted on a sign at the entrance of the cemetery;
- c) Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law amendment pertains to a marker of their installation.

All by-law and by-law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, Ministry of Consumer Services.

Liability:

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, columbarium niche, monument, marker, or other article that has been placed in relation to an interment save and except for direct loss or damage caused by gross negligence of the cemetery.

Public Register:

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries and crematoriums to maintain a public register that is available to the public during regular office hours.

Pets or Other Animals:

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

Right to Re-Survey

The Cemetery 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 approval of the appropriate authorities.

Notice of Resale and Transfer of Interment

The cemetery operator prohibits the resale of interment rights to a third party and will repurchase these rights at the price listed on the current price list.

The cemetery operator prohibits the resale of interment rights to a third party and is not required to repurchase unused interment rights in a plot (more than one lot) if one of the interment rights in the plot has been exercised.

(C) BY-LAWS CANCELLATION OR RESALE OF INTERMENT RIGHTS

Purchasers of interment rights holders acquire only the right to direct the burial of human remains and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-laws. In accordance with cemetery by-laws, no burial, entombment, or installation of any monument, marker, inscription or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property.

Cancellation of Interment Rights within 30 day cooling off period:

- A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

Cancellation of Interment Rights after the 30 day cooling off period:

- Upon receiving written notice from the purchaser of the interment rights, the cemetery operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights ***less the appropriate amount that is required to be deposited into the Care and Maintenance Fund.*** This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the cemetery operator along with the written notice of cancellation.
- If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.

Resale of Interment Rights after 30 day cooling off period:

- Unless the interment rights have been exercised, the purchaser retains the right to cancel the contract or re-sell the interment rights to St. Mary's Cemetery. Once payment for the interment rights has been made in full, and an interment rights certificate has been issued, the interment rights holder(s), as recorded on the cemetery records, has the right to re-sell the interment rights. Any resale of the interment right shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA.
- If any portion of the interment rights has been exercised, the purchaser or the Interment rights holder(s) are not entitled to re-sell the interment rights.

Care and Maintenance Fund Contributions:

- As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all interment rights, and a prescribed amount for monuments and markers is contributed into the care and maintenance fund. Income from this fund is used to provide only general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when Interment rights are cancelled within the 30 day cooling off period.

Requirements if resale is prohibited within cemetery by-laws:

- If a rights holder(s) wishes to re-sell the interment rights and the cemetery operator's by-laws prohibit the third party resale of interment rights, the rights holder(s) must make the request to the cemetery operator in writing. The cemetery operator will repurchase the interment rights at the original purchase price of sale less the Care and Maintenance Fund contribution made at the time of purchase. The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.
- The interment rights holder requesting the resale of the rights must return the interment rights certificate to the cemetery operator and the rights holder(s) must endorse the interment rights certificate, transferring all rights, title and interest back to the cemetery operator. The appropriate paperwork must be completed before the cemetery operator reimburses the rights holder(s).

(D) BY-LAWS FOR CASKET BURIAL AND/OR CREMATED REMAINS

- Interment rights holder(s) must provide **written authorization** prior to a burial, or an entombment taking place. Should the interment rights holder be deceased, **authorization must be provided in writing** by the person authorized to act on behalf of the interment rights holder i.e. Personal Representative, Estate Trustee, Executor or next of kin.
- A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be submitted to the cemetery office prior to a burial or entombment taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains taking place.
- In accordance with the FBCSA the purchaser of interment rights must enter into a cemetery contract, providing such information as may be required by the cemetery operator for the completion of the contract and the public register prior to each burial or entombment of human remains.
- Payment must be made to the cemetery before a burial can take place.
- The cemetery shall be given 48 hours' notice for each burial.
- The opening and closing of graves and niches may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.
- Cremated remains are not permitted to be scattered on a grave.
- Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains may take place. A certificate from the local medical office of health is not required for the removal of cremated remains.
- In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).

- Lots measuring ten (10) feet in length by four (4) feet in width are available for sale in the Carleton Road cemetery. A lot may be used for one in-ground burial and/or the burial of up to four (4) cremated remains.
- Lots measuring four (4) feet by four (4) feet are available for sale in the Carleton Road cemetery for a maximum of two (2) cremated remains.

(E) BY-LAWS PERTAINING TO MEMORIALIZATION

- No remains, memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.
- No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.
- Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
- The cemetery operator will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.
- The cemetery operator reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be of a size that would interfere with any future interments.
- All foundations for monuments and markers shall be built by, or contracted to be built for the cemetery operator, at the expense of the interment rights holder.
- Should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk, at the expense of the interment Rights Holder.
- The cemetery operator reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the trustees, at the expense of the interment Rights Holder.
- A monument or other structure shall be erected only after the specific design plans have been approved by the cemetery operator including dimensions, material of structure, construction details, and proposed location.
- In keeping with the cemetery by-laws the number of upright markers installed on an individual lot shall be limited to one (1). The marker shall be placed at the head of the lot, and centered thereon. It is understood and agreed that once an upright marker has been installed on a lot, or a part thereof, the lot will be considered to be used and not subject to repurchase by the Cemetery Board. The number of flat markers permitted per lot shall be one (1).

The lot marker shall be placed at the foot of the lot and centered thereon. If the flat marker is to be the only marker on the lot, it may be placed at the head of the lot.

- The minimum thickness for flat markers including footstones is four (4) inches or ten (10) cm.
- All monuments and markers shall be constructed of bronze or natural stone (ie granite).
- Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.

Single lot maximum: 1.22 metre (4 feet) in either height or length including base.

Double lot maximum: 1.22 metre (4 feet) in either height or length including the base.

Cremation lot maximum: 1 metre (39 inches) in width, 1.22 metres (4 feet) in height including the base.

(F) BY-LAWS PERTAINING TO CARE AND PLANTING

A portion of the price of interment rights is trusted into the care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- Re-levelling and sodding or seeding of Lots
- Maintenance of cemetery roads, sewers and water systems
- Maintenance of perimeter walls and fences
- Maintenance of cemetery landscaping
- Maintenance of columbarium
- Repairs and general upkeep of cemetery maintenance buildings and equipment.
- No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
- No person shall plant trees, flower beds or shrubs in the cemetery.
- Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

(G) BY-LAWS OUTLING ITEMS THAT ARE PROHIBITED AND PERMITTED

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

- No ornamentation or decoration (other than flowers or wreathes, saddle type mounted on top of monument) shall be placed or installed on a lot or marker. Such ornamentation must not interfere with the care and maintenance of the cemetery grounds.
- No glass or loose metal articles such as containers, wreath holders, moon lights, toys, and stuffed animals shall be left on any lot as they can be dangerous to persons performing routine maintenance or visiting the cemetery.
- 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.

(H) BY-LAWS FOR CONTRACTOR/MONUMENT DEALERS

Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscription, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.

Prior to the start of any said work, contractors must provide proof of:

WSIB coverage

Occupational Health and Safety compliance standards

Environmental Protection

WHMIS

Evidence of liability insurance of not less than one million dollars. (\$1,000,000)

- All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.
- Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the cemetery operator.
- No work will be performed at the cemetery except during the regular business hours of the cemetery.

- Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.
- Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

(I) COLUMBARIUM BY-LAWS

- Payment must be made to the cemetery operator before an interment may take place.
- Only the cemetery operator may open and seal niches for interments. This applies to the inside sealer and the niche front.
- To ensure quality control, desired uniformity and standard of workmanship the cemetery reserves the right to inscribe all niche fronts or install all lettering, vases, adornments, or any other approved attachment.
- No person other than cemetery staff shall remove or alter niche fronts.