

St. Mary's Cemetery Lindsay, Ontario

By-laws

2012



Licence #3307439

St. Mary's Roman Catholic Cemetery By-Laws for Management Maintenance and Control of the Cemetery in accordance with the Cemeteries Act, R.S.O. 1990, Chapter C.4.

This By-Law shall be composed of 9 sections, namely:

Section A	History and Preface
Section B	Definitions
Section C	Administration
Section D	Financial
Section E	Rules & Regulations
Section F	Operations
Section G	Interment
Section H	Disinterment
Section I	Markers

Section A: History and Preface

With the arrival of Irish settlers in 1825, burying grounds were first established on Lot 7, Concession 2, Ops (Connell) and on Carlin property near the former Murphy's school. The third cemetery was blessed by Father Farrelly in 1860 and located on the south half of Lot 19, Concession 4, now known as Angeline Street South.

Monsignor P.D. Laurent founded the present St. Mary's Cemetery with the purchase of 16 acres of land in Ops Township, Victoria County. It is situated on Lindsay Street South, west of Scugog River, and was opened for burials on June 20th, 1897.

Lot owners are the shareholders of the Cemetery, which is administered by an elected board. In order to facilitate the administration of the cemetery, the officials have prepared these By-Laws setting out the rules and regulations governing its operations.

St. Mary's Cemetery is owned by the Roman Catholic Episcopal Corporation of the Diocese of Peterborough in Ontario.

Section B: Definitions

Act	Shall mean the Cemeteries Act, R.S.O. 1990 Chapter C 4.
Board	Shall mean seven members elected from the St. Mary's Cemetery lot owners and the Pastor of St. Mary's Catholic Church as member of the board. The Board will elect their Chairman and Vice chairman.
By-Law	Shall mean the rules under which the cemetery is operated. Said by-law shall be passed by St. Mary's Cemetery Board and approved by the Registrar.
Cemetery	Shall mean the land set aside to be used for interment of only human remains and can include columbarium or other structure intended for the interment of human remains.
Cemetery Services	Shall mean the following services in respect of a lot plot or niche: <ol style="list-style-type: none">1) Opening and closing of a plot, lot or niche.2) Interring or disinterring human remains.3) Oversee monument foundation placement.4) Setting of corner post, flat marker and niche plaque.
Columbarium	Shall mean a structure designed for the entombment of cremated human remains.
Contract	Shall mean a contract signed by the purchaser and the cemetery, detailing obligations of both parties and acceptance of the Cemetery by-laws.
Corner Posts	Shall mean a post set flush with the surface of the ground and used to indicate the location of a plot or lot. Corner posts are strongly recommended and are at the expense of the plot or lot owner. The size, not exceed 6 inches by 6 inches by four inches thick and of granite. Concrete will not be allowed in setting markers.

Inter	Shall mean the burial or interment in the cemetery of the body or remains of only a human being.
Interment Rights Certificate	Shall mean 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	Shall include the right to require or direct the interment of human remains or cremated human remains in a lot, plot or niche.
Interment Rights Holder	Shall mean a person with interment rights with respect to a lot, plot or niche and said interment rights holder shall be listed in the records of the Cemetery.
Lot	Shall mean an area of land in the cemetery containing or set aside to contain human remains.
Marker	Shall mean any monument, tombstone, plaque, headstone, or flat marker used to mark the location of burial lot.
Niche	An individual sealed compartment in a columbarium.
Perpetual Care 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.
Plot	Shall mean two or more lots in which the rights to inter have been sold as a unit.
Registrar	Shall mean the Registrar appointed under the Cemeteries Act, R.S.O., 1990 Chapter C.4
Secretary-Treasurer	Shall mean the secretary-treasurer appointed by the Board to keep registers and maintain records for the Cemetery.
Tariff	Shall mean the tariff or fee and charges set forth in the fee Schedule as approved by the Board.

Section C: Administration

1. The business and affairs of St. Mary's Cemetery will be managed by a Board composed of Seven Directors, who are elected at the annual general meeting by the lot owners, a Secretary-Treasurer and the Pastor of St. Mary's Catholic Church. The elected Board members shall give their time and service free of charge.

2. The Board, at their annual general meeting, shall elect a chairman and a vice-chairman to serve for a two (2) year term. The rest of the Board will be elected for a one-year term.
 3. The Board shall be responsible for the administration, management, care, maintenance and improvement of the property and the cemetery.
 4. The Board shall have the authority to engage a Secretary-Treasurer and authorize caretakers, employees and other persons to carry out the duties of the board.
 5. The Board will be responsible to St. Mary's Cemetery interment rights holders for the execution of their duties.
 6. The Board may appoint new Board members to fill any vacancies that occur for the remainder of the term.
 7. The Board and the Secretary-Treasurer shall keep such records and books as necessary for properly recording all matters pertaining to the cemetery and as may be prescribed.
 8. The Board shall make and render such reports as may be prescribed.
 9. The Board shall meet at least once quarterly. If required, the chairman may call other meetings.
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Section D: Financial

1. All fees and charges shall be payable in accordance with the tariff which will be set by the Board. Payments for all fees and charges shall be made payable to St. Mary's Cemetery.
2. The Secretary-treasurer shall keep such records as are necessary for properly recording and exhibiting all financial matters pertaining to the Cemetery.
3. The secretary-treasurer shall maintain, invest and administer the Perpetual Care and Maintenance Trust Fund in accordance with the provisions and regulations of the Act.
4. The revenue (interest) from the Perpetual Care and Maintenance Trust Fund will be deposited in the cemetery operating account and shall be used for general maintenance and improvement of the cemetery in accordance with the prescribed Regulations under the Act.
5. The revenue (interest) from the Perpetual Care Monument Trust Fund shall be applied at the discretion of the Board, and shall be used for general maintenance of monuments/markers in accordance with the prescribed Regulations under the Act.

6. Anyone may make a donation to St. Mary's Cemetery. The Board shall have the authority to establish special Trust Funds for donations. The application and use of said funds shall be at the discretion of the Board, subject to the approved operating budget.
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Section E: Rules and Regulations

1. All persons entering the cemetery shall behave with due order, decorum and with respect for the dead.
2. Receptacles are provided at convenient points on the grounds for the deposit of rubbish, spoiled flowers and plants. The public is urged to use them.
3. Interment Rights Holders shall not permit interments to be made in their lots or plots unless approved by the Board.
4. Public vehicles and equipment operating within the Cemetery shall be driven at a speed not exceeding 5 kilometers per hour and shall remain on the designated roads. Vehicle owners shall be held responsible for any damage done by them.
5. Vehicles heavily loaded shall not be permitted to enter the Cemetery without the approval and supervision of the Custodian.
6. Recreational vehicles are not allowed in the Cemetery.
7. During the growing season from May to October natural and artificial flowers are permitted in the Cemetery. From November to April artificial wreaths on stands without glass or plastic covers will be permitted on graves sites, but they must be removed by April 30th. Glass containers and vases are not allowed, as, they are hazardous for our caretakers in the use of lawn mowers.
8. No person under the age of twelve (12) years shall be admitted within the Cemetery unless attended by an adult who shall be responsible for his or her conduct.
9. Any person who damages any plot or lot, marker or other structure, or otherwise does any damage in the Cemetery shall be personally responsible for the repair or replacement of such damage.
10. No person shall:
 - a) place any fence, railings, artificial and coloured stones or other enclosures around any lot or plot
 - b) allow any animal into the cemetery unless confined in a vehicle
 - c) plant any flowers, plants, shrubs or trees without the permission of the Board. When permitted, the planting of flowers or shrubs is restricted to a distance of 12" from monument. The Board reserves the right to enter onto the lot or plot and remove said objects
 - d) write upon, deface or damage any marker, railing, fence, tree or other structure, or pick or cut flowers of any kind
 - e) have in their possession any firearm within the Cemetery except in the case of a Military funeral
 - f) enter into the cemetery between sundown and sunrise the following day

11. Any person violating any of the provisions of this By-Law shall be deemed to be a trespasser is subject to immediate eviction from the Cemetery in addition to any all penalties by law.
 12. The Board shall take reasonable precautions to protect the property of interment rights holders, but they assume no liability or responsibility for the loss of, or damage to any articles of any type that may be placed on any lot or plot and columbarium.
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Section F: Operations

I Sales

1. Lot, plots or niche may be purchased by individuals upon full payment of the appropriate tariff rate set by the Board. At the time of the sale the secretary-treasurer shall provide a copy of the following:
 - a) copy of the contract to purchase
 - b) copy of cemetery By-LawsUpon payment in full, the secretary-treasurer shall provide an Interment Rights Certificate.
2. Purchasers of lots, plots or niche acquire only the right and privilege of interment of the dead and of erecting markers and plaques, subject to the provisions of the By-Law.
3. The Interment Rights Contract shall specify the name of the Interment Rights Holder, the location of the lot, plot or niche, the date of purchase, the total amount paid and the amount deposited in the Care and Maintenance Trust Fund.
4. The Interment Rights Holder must designate in writing if another person is to be buried in their lot, plot or niche.
5. If an Interment Rights Holder wishes to sell their lot, plot or niche, this sale or transfer must be conducted through the cemetery operator and the purchaser meets the requirements as outlined.

II Contract

1. The purchaser of Interment Rights shall be provided with a Contract, at the time the Contract is made, which shall indicate those matters prescribed by the Act and the Regulations.

III Transfers

Transfer: For the purposes of this subsection, “transfer” means to make a gift, a bequest or any other transfer without consideration. If an Interment Rights Holder wishes to transfer the individual’s interment rights, notice must be given to the Secretary-Treasurer and the original certificate must be returned. The Secretary-Treasurer shall issue a new certificate of interment rights to the transferee. The transfer of ownership of Interment Rights is not binding upon the Board until a duly executed transfer agreement has been deposited with the Secretary-Treasurer.

1. Upon the receipt of the request in writing from the Interment Rights Holder specifying the name and address of the transferor and the transferee, and location of lot, plot or niche, the Secretary-Treasurer, upon payment of the administration fee in accordance with the Tariff, will perform the transfer.

2. In case of succession the following will be required in addition to Clause 1 above (unless otherwise ordered by the Board
 - a) with a Last Will and Testament
 - i. in case of a specific bequest of the lot, plot or niche, a Notarial Copy or Court Certified Copy of the will or probate;
 - ii. if no specific bequest, a request in writing from the Executors with a consent of all or a majority of the beneficiaries;
 - b) Intestate:
a request in writing from the administrator with the consent of all or a majority of the heirs-at-law.
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Section G: Interment

1. The Board is empowered to fix and regulate the price for opening and closing lots, plots or niche subject to approval by the Registrar.
 2. No interment shall take place until such time as the lot, plot or niche has been paid for in full.
 3. For every interment the Secretary-Treasurer or Board must obtain a burial or cremation certificate and all applicable fees.
 4. No interment shall be made on Sunday, Good Friday or Christmas day, except in accordance with the regulations of the Medical Officer of Health.
 5. A concrete vault may be required in some sections of the Cemetery, because of physical ground conditions in the Cemetery.
 6. No more than two interments may be made in the same lot, and in the case of two-casket interment, the first must be in a concrete vault at double depth. Interment fee includes the opening and closing of a grave or niche.
 7. No more than two cremated interments shall be made in the same lot or niche.
 8. Notice of each interment shall be given to the Secretary-Treasurer at least 48 hours prior to burial (unless ordered by the Medical Officer of Health).
 9. The Custodian of the Cemetery, or their assistant, or someone from the Board and Pastor of St. Mary's Church (or his designate) shall be in attendance at each interment.
 10. The Cemetery shall not be held responsible for any errors made for any funeral arrangements made by phone messages. Written arrangements are preferred
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Section H: Disinterment

No disinterment shall be allowed in any lot or plot, nor any body removed unless in accordance with the Funeral, Burial and Cremation Services Act, 2002 (O.Reg.30/11, Section 162).

Section I: Markers

1. Plot owners should be aware that all monument manufactures have been provided with information with regard to monuments, placement of lettering and size that is applicable to our cemetery – plot owners and monument manufactures must adhere to these rules.
2. Monument dealers must inform the Board or it's designate of the monument and base size and the tariff.
3. The Board reserves the right to determine the maximum size of markers, their composition, their number and their location on each lot or plot.
 - a) All upright monuments to be erected shall be set upon poured concrete foundations, which shall be no less than four feet in depth and must exceed the monument by a minimum of two inches on all sides. All foundations shall be flush with the ground and be approved by a member of the cemetery staff before monument is erected.
 - b) The Board reserves the right to determine the maximum size of monuments, not to exceed 609 mm (24 inches) in width by 1016 mm (40 inches) in height on a single grave lot. On a plot the size shall not exceed 1220 mm (48 inches) in height. All monuments must be placed at the head of the gravesite and supervised by a member of the cemetery staff, at the time of installation.
 - c) Flat markers on a lot shall not exceed 24 inches wide by 18 inches deep.
4. The Board reserves the right to enter onto the lot or plot and remove any marker or other structure, or any inscription place in or upon any lot or plot which is not in keeping with the dignity and decorum of the Cemetery or does not comply with this By-law.
5. Markers accidentally scratched or chipped by equipment during regular maintenance of the cemetery grounds, the Cemetery shall not be held responsible for such damage.
6. The Board shall have the right to maintain, repair, or lay down markers or parts of markers and to use or not to use the Care and Maintenance Funds for Markers for such purposes.
7. Inscriptions on the columbarium shall be of consistent letter style, method and size in keeping with existing inscribed plaques.

 Ontario Ministry of Government Services Cemeterias Regulation	Ministère des Services gouvernementaux Réglementation des cimetières
APPROVED In accordance with the regulations under The Cemeterias Act.	APPROUVE conformément aux règlements afférents à la Loi sur les cimetières.
Date of Approval/ Date de l'approbation	30 April 2013
File No. of Cemetery/ Numéro de fiche du cimetière	04486
By/ Par	