

**Cemetery By-laws
Mainsville Cemetery
Township of Edwardsburgh/Cardinal
Counties of Leeds and Grenville**

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

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 (and/or Crematorium) 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 Stones: 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.

Grave: (Also known as Lot) means any inground 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, niche or crypt 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.

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

GENERAL INFORMATION

General Conduct:

- The cemetery reserves full control over the cemetery operations and management of land within the cemetery grounds.
- The opening and closing of graves may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.
- 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 bylaws, and all procedures will comply with the Funeral Burial & 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; and
- c) delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

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

Liability:

The cemetery board 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, 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 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.

B. NOTICE OF RESALE AND TRANSFER OF INTERMENT RIGHTS

The cemetery board permits the interment rights holder to sell or transfer their interment rights to a third party, at no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the cemetery board and the purchaser meets the qualifications and requirements as outlined in the cemetery board's by-laws.

The interment rights holder(s) intending to sell their rights shall provide the following documents to the cemetery board so that the board can confirm the ownership of the rights and provide the third party purchaser with a the required certificate etc.:

1. An interment rights certificate endorsed by the current rights holder
2. If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available.
3. Any other documentation in the interment rights holder(s) possession relating to the rights

The third party purchaser will be provided with the following documents by the cemetery board:

1. An interment rights certificate endorsed by the current rights holder
2. A copy of the cemetery's current by-laws
3. A copy of the cemetery's current price list
4. If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available any other documentation in the interment rights holder(s) possession relating to the rights.

• The cemetery board will:

1. Require a statement signed by the rights Holder(s) selling the interment rights acknowledging the sale of the interment rights to the third party purchaser;
2. Require confirmation that the person selling the interment rights is the person registered on the cemetery records and that they have the right to re-sell the Interment rights;
3. Record the date of transfer of the interment rights to the third party;
4. Record the name and address of the third party purchaser(s);
5. Provide a statement of any money owing to the Cemetery Board in respect to the Interment Rights;

• Once the endorsed certificate and all required information has been received by the cemetery board from the rights holder(s), the cemetery board will issue a new interment rights certificate to the third party purchaser.

• Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third party purchaser or transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with the cemetery by-laws and the FBCSA.

D. BYLAWS PERTAINING TO BURIAL OF 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 provided to the cemetery office prior to a burial, or entombment taking place. A Certificate of Cremation must be submitted to the cemetery board 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 board 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 place.
- The cemetery shall be given 24 business hours of notice for each burial of human remains.
- The opening and closing of graves 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.
- Once scattered cremated remains cannot be retrieved.
- 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 board 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 officer 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).
- The maximum number of casket interments allowed per grave is one (1)
- The maximum number of cremated remains interments allowed per grave is four (4)

E. BYLAWS PERTAINING TO MEMORIALIZATION

- No 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 board.
- Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
- The cemetery board 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 board 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 board 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 board 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.
 - The cemetery board 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.
 - A monument or other structure shall be erected only after the specific design plans have been approved by the cemetery board including: dimensions, material of structure, construction details, and proposed location.
 - In keeping with the cemetery by-laws only one monument shall be erected within the designated space on any lot.
 - All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).
 - No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and/or marker retailer have been notified by the cemetery board.
 - 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: 4' x 10'

F. BYLAWS 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 fences
- Maintenance of cemetery landscaping
- Repairs and general upkeep of cemetery maintenance 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 except with the approval of 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.
- 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.

- Memorial wreaths may be placed in the cemetery but must be removed by April 15th of each year in order to prepare the grounds for spring.

G. CEMETERY PRICELIST

- 4' x 10' single plot - \$600.00 (\$350 land, \$250 Care and Maintenance Fee)
- Certificate of interment rights will not be issued until full payment is received.
- Opening and closing cost for cremation - \$250.00
- Opening and closing cost for burial - \$450.00 (winter burials are at the discretion of the Board and may be subject to an additional fee of \$100.00)
- Marker Care & Maintenance fees:
 - \$50.00 for a flat marker
 - \$100.00 for a marker up to 4 feet in height
 - \$200.00 for a marker over 4 feet in height