

**BY-LAWS  
FOR  
VERNONVILLE UNITED CHURCH CEMETERY**

The Cemetery is an asset of the Vernonville United Church and is administered by a Board of Trustees. All routine matters pertaining to management will be handled by the Secretary and/or Treasurer. The Board has the authority to make final and binding decisions on behalf of the Cemetery. The Board revokes all former By-Laws and announces the following By-laws effective July 2012.

Reasons for Rules

The sole objective is to protect and beautify the burial place under the care of the Board and to ensure that reverent care of the Cemetery is maintained at all times. It is with utmost confidence therefore that the Board appeal to interment rights owners and the public to help them in furthering these objectives by following the By-Laws. The Board may from time to time change, modify or repeal the By-Laws or part thereof in such manner as in their direction will best serve the interest of the property under their care.

These by-laws are the rules and regulations that govern Vernonville United Church 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.

**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 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.

**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.

**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 board 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 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 together with the name of a contact; 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 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, 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:**

As per provincial legislation – Section 110 of Ontario Regulation 30/11 a maintained public register will be available to the public upon request.

### **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 RIGHTS**

Interment rights holders must first offer the interment rights to the cemetery board. If the cemetery board does not wish to re-purchase the interment rights, the interment right may be sold on the to a third party for no more than the total price of the lot when purchases, 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. An administration fee will be charged in the event of a resale. Any resale of the interment rights shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA

All directions for a title change must come from the owner or his official agent. When the owner and his/her spouse are both deceased, a copy of the will and probate is required. When Cemetery interment rights are not mentioned in the will, the one or ones who are to get the residue of the estate shall be the transferee.

When an owner and spouse both die intestate (no will), a statement signed by all the surviving direct heirs will name the one who shall hold the title.

## **THE 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 board. The cemetery board will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

### **Cancellation of Interment 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. In the event of a cancellation of interment after the cooling-off period there may be an administration fee.

- 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. 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 right to re-sell the interment rights as per Cemetery by-laws. 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 or scattering 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.

### **BURIALS**

- Interment rights holder(s) must provide written authorization prior to a burial 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 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 of human remains.
- Payment must be made to the cemetery before a burial can place.
- The cemetery shall be given 48 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.

- If a burial of cremated remains is taking place without a licensed official a board member must be present.
- 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 board 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).
- No interments on Sundays, Christmas Day or Good Friday unless by permission of the Board.
- No winter interments from December 1<sup>st</sup> to April 1<sup>st</sup> unless by permission of the Board
- Precise and proper instruction in writing shall be given to the Board regarding location of every interment in the old section (plots numbered 1 through 173) as the Board cannot be held responsible for any errors resulting from wrongful or lack of specific information.
- When orders for interments are given by telephone, the Board will not be responsible for any errors or misunderstandings that may arise.
- Funerals will be allowed in the Cemetery between the hours of 9:00 a.m. to 4:00 p.m. Monday to Friday and Saturday 9:00 a.m. to 2:00 p.m. unless by permission of the Board.
- A total of one casket interment and one ashes interment or a total of four (4) ashes interment is allowed per lot.

### **MONUMENTS AND MARKERS**

- No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full.

Interment rights (lots) or interment right transfers in the Cemetery must be defined by corner stone's to be supplied and installed by management and the cost added at the time of purchase of transfer. The four corner stones are to have the surname of the lot owner.

- 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 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.
- 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 board.
- 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 notified 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: one flat marker 24" x 12" or monument up to 27" x 12"

Double lot maximum: two flat markers or one double inscription marker 36" x 12" or monument up to 75% or width

#### **CARE AND PLANTING**

- 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 board.
- Flowers placed on a grave for a funeral shall be removed by the cemetery board after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- Individuals placing plant containers and plants are responsible for its care and maintenance, and any that become unsightly because of neglect will be removed. Only one large container to a lot is allowed.
- Hanging containers and stands must be placed close to monument so they will not interfere with grass cutting. Disregard for this By-Law will result in removal of said containers and stands.



- Except for Decoration Day, all flowers must be in non-tipping containers and must be removed before they become a nuisance. Holes must not be cut in sod. Cemetery management is not responsible for lost containers or flowers
- When shrubs become unsightly or have grown beyond the lot line, the Board has authority to either cut back severely or remove. Evergreens planted beside monuments require special trimming for which the Cemetery management takes no responsibility. These must be maintained by the interment rights owners.

### **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. Prohibited articles may include hazardous materials such as on-heat resistant glass (excluded glass attached to monuments), ceramics or corrosive metals, loose stones or sharp objects, trellises or arches, chairs or benches, solar lights or any item that diminishes the otherwise 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 only between the 30<sup>th</sup> of October and the 15<sup>th</sup> of April. In order to prepare the grounds for spring, wreaths must be removed prior to April 15th. Wreaths not removed by April 30th will be removed and disposed of by the Cemetery without notification.

### **CONTRACTOR/MONUMENT DEALERS**

- 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, unless approval has been granted by the cemetery board.
- 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.

Members of the public are reminded that the Cemetery is sacredly devoted to the interment of the dead, and the decorum which should characterize this kind of place will be required from everyone when at the Vernonville United Church Cemetery

Vernonville United Church Cemetery Board

Chairman *W.B. Spoonfield*

Secretary *Barbara Harnden*

Treasurer *Brenda Keller*

 Ontario Ministry of Government Services Cometeries Regulation	Ministère de Services gouvernementaux Régimentation des cimetières
<b>APPROVED</b> In accordance with the regulations under The Cometeries Act.	<b>APPROUVÉ</b> conformément aux règlements afférents à la Loi sur les cimetières
Date of Approval/ Date de l'approbation	<i>24 September 2012</i>
File No. of Cemetery/ Numéro de l'acte du cimetière	<i>02811</i>
By/ Par	<i>[Signature]</i>