

ST. PETER CELESTINE (INDIAN HILL) CEMETERY



BYLAWS

Date Sept 2015

Forward

- These pages contain the By-laws of the St. Peter Celestine Cemetery which is also known as the Indian Hill Cemetery.
- They have been approved by the registrar of the Ontario Ministry of Consumer Affairs. (Pending)
- These By-laws reflect the time tested cemetery practices and have been developed based on experience
- All of the cemetery by-laws apply to every form of interment right
- Bylaw compliance ensures the safety of our families and volunteers, and the maintenance of the proper cemetery operations.

Glossary of Terms

Burial: The opening and closing of a grave (in ground) for human remains or cremated human remains.

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

Care and Maintenance Fund: All interment rights are sold in perpetuity. As a requirement under the provincial legislation a portion of the purchase price of each interment rights and the prescribed amount payable upon the installation of Monuments and Markers is contributed into an irrevocable trust fund.

Cemetery Manager: The person responsible for the management of the cemetery is referred to as "Cemetery".

Grave: Any interment right (including cremation child or adult) which permits a marker to be set flush and level with the ground in the marker space as defined in the Interment Rights Certificate.

Interment Rights Certificate: The right to require the burial of human remains or cremated human remains in a grave.

Interment Rights Holder: A person holding the right to request the burial or removal of human remains or cremated human remains as registered in the cemetery records.

Lot: Any interment right (including cremation child or adult) which permits the installation of a monument in the monument space. (Also see Grave definition)

Marker: A marker constructed of bronze or granite, set flush and level with the ground in the marker space.

Marker Space: Unless otherwise specified on the interment rights certificate, that portion designated to contain the marker.

Memorials: All marker or monuments and any other form used to inscribe the names of individuals buried or interred in the cemetery.

Monument: An upright (above ground) containing an inscription memorial constructed of granite or bronze material installed within the designated monument space of a double plot.

Monument Base: That portion of the monument constructed of granite and set upon the concrete monument foundation to provide stability and protection for the monument die stone.

Monument Foundation: The in ground concrete foundation constructed the equivalent size of the monument base at a minimum of five feet in depth.

Monument Space: That portion of the lot (or lots) designated to contain the monument.

Purchaser: The individual purchasing the Interment Rights or services. The purchaser does not hold or maintain the right to request burials unless they are the registered as the Internment Rights Holder and are named on the Internment Rights Certificate.

Removal: The removal of human remains including cremated human remains from a closed or sealed grave.

1.0 General Information

1.1. Hours of Operation

Cemetery grounds Visitation Hours: Internment rights holders and the general public can visit the cemetery grounds during daylight hours only.

Burial Hours: Burials will be carried out between the hours of 9:00 AM and 3:30 PM Monday through Saturday.

1.2 Private Property

The cemetery land is owned by the church. Internment Rights Holders and public visitors may enjoy the use of the cemetery at their own risk and shall be governed by the following.

Damage to Property: No one may damage, destroy, remove or deface any property in or belonging to the cemetery.

Vehicles: Public vehicles will not be allowed in the cemetery at any time without the permission of the Cemetery manager (Funerals and Services included).

Improper Conduct: In the sole opinion of the cemetery or a member of the cemetery committee, any person whose actions, conduct or attire disturbs the decorum of the cemetery or who violates the bylaws may be required to leave the cemetery grounds.

Dogs: Dogs on leashes are permitted in the cemetery. We ask that all owners respect the sanctity of the cemetery grounds and pick up after their pets.

1.3 Liability for Loss or Damage

The cemetery assumes no liability or responsibility for the loss of, or damage to; any grave, lot, and or marker.

The cemetery only assumes liability if during the course of performing routine cemetery operations, the cemetery or its employees/volunteers should cause damage to the grave, lot, monument, or marker. The liability shall be limited to the extent of the damage caused and the cemetery shall make a reasonable effort to correct the damage.

The cemetery will take reasonable precautions to protect the property of the internment rights holders, but assumes no liability for the loss of, or damage to any monument, marker, grave or part thereof except where such damage or loss is due to negligence.

The cemetery is not responsible for loss or damage from any causes beyond its reasonable control, whether the damage be direct or collateral.

1.4 Public Access to Information

The cemetery is committed to protecting the privacy of its internment rights holders. We collect, use and disclose personal information as required by governing federal and provincial legislation.

Provincial legislation requires all Ontario cemeteries to maintain a public register.

1.5 Changes to Bylaws

The cemetery committee may from time to time change the bylaws in order to best serve the interests of its cemetery and internment rights holders. Public notice indicating pending changes will be posted at the entrance of our church. All changes to the bylaws are subject to the approval of the Registrar, Cemeteries Regulation Unit/ Ministry of Government Services.

1.6 Right to Resurvey

The cemetery expressly reserves the following rights and privileges to be exercised from time to time in accordance with any governing Provincial legislation in effect at the time.

- To resurvey, enlarge, construct a building, or alter, diminish all or any portion of the cemetery.
- To layout establish, close, eliminate, or otherwise modify or change the location of the roads.
- To create or remove easements and right of ways over and through all the cemetery premises for the purpose of installing maintaining drains, irrigation systems or for any other cemetery purposes provided that no Burials or sale of internment rights have taken place in these areas.
- No easement or right of internment is granted to any internment Rights Holder in any road, drive, or walk within the cemetery, but such road, drive, or walk may be used as a means of access to the cemetery as long as the cemetery devotes such road, drive or walk to that purpose.

2.0 Sale and Transfer of Internment Rights

2.1 Ownership of Internment Rights

Ownership of all cemetery lands remains vested with the church at all times. Purchasers of Internment Rights acquire only the right and privilege to request the Burial of human remains and the installation of monuments, markers and inscriptions subject to the cemetery bylaws. Until payment is made in full no burial, monument, or marker is permitted. An interment Rights certificate is issued to the Internment Rights Holder a month after the payment is made in full.

2.2 Cancellation of Internment Rights Holder within 30 Days

Within thirty (30) days of signing the Internment Rights contract, the purchaser may cancel the contract by providing written notice of cancellation to the cemetery manager in accordance with the cemetery bylaws to be fully reimbursed.

2.3 Cancellation of Internment Rights Holder after 30 Days

Once payment for the internment rights has been made in full, the internment rights certificate has been issued and the 30 day has passed the purchaser can only receive 60 percent of their payment with the remaining 40 percent already paid to the cemetery trust fund.

2.4 Resale of an Internment Right

The purchaser or the internment rights holder is not entitled to resell an internment right.

2.5 Subdivision of an Interment Right

Internment Rights Holders are not entitled to subdivide an internment right.

2.6 Care and Maintenance Fund

As requirement under provincial legislation a portion of the purchase price of all internment rights and a prescribed amount for monument and markers is contributed into an irrevocable Trust fund. Care and Maintenance Fund interest income is used to provide general care and maintenance to the cemetery. Contributions to the Care and Maintenance Fund are not refundable.

2.7 Information/Procedure required to transfer Non Utilized Internment Rights

The following information/procedure is required to be filed with the cemetery before an internment Rights Holder is entitled to transfer a non-utilized Internment Right.

- A. The Internment Rights Holder can leg the original Internment Rights Certificate or:
- B. A family member can contact the cemetery for the required action by the family to re-issue an Internment Rights Certificate and amend the cemetery records for that lot.
- C. Following the completion of the procedure listed above and the issuance of the new Internment Rights Certificate, the transference shall be considered the current Internment Rights Holder of the Internment Rights and the transfer of the Interment Rights shall be considered final in accordance with the Funeral, Burial, and Cremation Services Act, Ontario Regulation 30/11 and the cemetery bylaws.

3.0 Burials of Human Remains

3.1 Authorization, Information and Documents for Burial of Human Remains

Authorization, Information and Documents are mandatory for burial of human remains. For each burial of human remains either in a coffin or an urn the Rights Holder or the funeral home involved must contact the cemetery manager providing such information as may be required for the completion of the burial.

Permission of the Internment Rights Holder:

Internment Rights Holder may be required to provide written direction and authorization prior to a burial taking place. Should the Internment Rights Holder be the deceased, direction must be provided by next of kin or the estate executor.

Proof of registration of Death:

A burial permit issued by the Registrar General showing that the death has been registered or a Certificate of Cremation must be provided to the cemetery on the day of the burial before a burial may take place in accordance with provincial legislation.

Payment:

Payment of Internment services must also be made to the cemetery before a burial may take place.

3.2 Notice Required

The cemetery manager shall be given at least 2 days' notice for each burial.

3.3 Opening and Closing of Internment Rights

Graves and Lots shall be opened and closed only by the cemetery. To ensure safe conditions are maintained at all times, families wishing to witness the closing of a grave shall remain a minimum of 10 meters from the open grave.

Every effort shall be made to complete a burial on the assigned day and time. If due to inclement weather conditions, health and safety concerns, or condition beyond the cemetery's control, a burial cannot be made at the scheduled time, the burial shall be completed as soon as possible at a later time.

The cemetery retains the right of passage over every lot or grave so that cemetery operations may be performed effectively.

The cemetery retains the right to temporarily relocate a monument or marker so that cemetery operations involving the opening and closing of a lot or grave may be performed.

The opening of a lot or grave for burial necessitates the temporary mounding of earth on adjacent graves. The cemetery reserves the right to determine the location of a temporary mound and will make reasonable efforts to restore adjacent graves to their original condition as soon as possible following the closing of the grave.

3.4 Funeral Flowers

Funeral flowers delivered to the cemetery at the time of the burial will remain at the lot or grave for a minimum of 5 days and will be removed at any time thereafter and disposed of by the cemetery.

3.5 Number of Burials

A maximum of one casket may be buried in each grave unless otherwise specified on the document for the purchase of the interment rights.

3.6 Closed Caskets or Containers

Remains must be delivered to the cemetery for burial in a closed casket, or container

In the case of cremated remains, remains must be delivered to the cemetery for burial in a closed cremation urn or container. The cremated remains will be buried in such cremation urn or container by being placed in a shallow excavation for burial within the interment right.

3.7 Outer Containers

Caskets or urns may be interred without an outer container. Should an outer container of concrete, steel or other permanent nature be used, a service charge will apply.

3.8 Retrieval of Buried Cremated Remains

The retrieval of cremated remains buried in a lot or grave cannot be guaranteed.

3.9 Requirements for the Removal of Caskets or Cremated Remains

Human remains may be removed from a lot or grave provided that the written consent of the interment Rights Holder is received by the cemetery manager.

A certificate from the local medical officer of health must be received by the cemetery before a removal of casketed human remains may take place. A certificate from the local health is not required for the removal of cremated remains.

Removals may also be ordered by certain public officials without the consent of the internment rights holder and or next of kin.

The cemetery will not be responsible for damage to any casket or container which occurs during the course of the removal. A new casket or container may be required to facilitate a removal.

The cemetery will not be responsible for damage to any cremation urn or cremation outer container which occurs during the course of the removal. Due to the length of time a cremation urn has been buried and/or the conditions to which it has been exposed, the cemetery cannot guarantee that it can retrieve a cremation urn or cremation container buried in a lot or grave. The condition of any cremation urn or cremation container disinterred may be unstable, in which case a replacement urn may be required at the expense of the party authorizing the removal.

Removal will be completed at a day and time designated by the cemetery manager.

The cemetery reserves the right to disallow the witnessing of the removal if it feels at its sole discretion that the health or safety of anyone may be at risk.

3.10 Contagious Diseases

It is a legal requirement that the cemetery be notified that a death is the result of a contagious disease prior to arrangements being made for the burial.

In the event that a contagious disease has been confirmed, the cemetery reserves the right to adhere to the recognized Health and Safety practices.

The human remains of persons who have died from contagious diseases may be removed only with the consent of the local medical officer of health or other public official having authority.

3.11 Pets or Other Animals

Only human remains shall be buried in the cemetery.

Memorialization

[A] General

4.1 Unstable Memorials

Should any memorial present a risk to public safety because it has deteriorated to the point of becoming unstable, the cemetery shall attempt to contact the next of kin where possible so that they may arrange for the repair of the memorial to the satisfaction of the cemetery. Failing to resolve the problem in this manner, the cemetery will do whatever it deems necessary by way of repairing, resetting, or laying down the memorial or any other remedy so as to remove the risk to the public.

4.2 Removal of Memorials

The cemetery reserves the right to remove at its sole discretion any marker, monument, or inscription which is not keeping with the dignity and decorum of the cemetery.

4.3 Moving Corner Stones

Only the cemetery manager may install or move corner stones.

4.4 Requirements to Place an Inscription on a Memorial

Only inscriptions which at the sole discretion of the cemetery are in keeping with the dignity and decorum of the cemetery will be permitted.

4.5 Installation of Memorials

Only the cemetery manager can grant access to the cemetery for the installation of markers, monument foundations, and monuments.

[B] Monument

4.6 Approval of Monument Design

A monument or other structure shall be erected only after its design, dimensions, plans and specifications relative to the material, construction, and proposed location are submitted to and approved by the cemetery.

4.7 Material and Finish of Monument

All monuments shall be constructed of granite and/or bronze material unless otherwise approved.

4.8 Only One Monument per Lot

Only one flat marker shall be installed per burial. Only one monument may be erected per double plot.

4.9 Monument Location

The monument shall be centered at the head of the two adjacent plots in the designated monument space.

4.10 Monument Foundations

Concrete monument foundations are required to maintain the stability of all monuments and shall be five (5) feet deep in the designated monument space at the expense of the purchaser.

4.11 Delivery of Monuments to the Cemetery

No monument shall be delivered to the cemetery for installation until the monument foundation has been constructed and the appropriate fee paid.

4.12 Size of Monument

The overall face area of the monument including the monument die stone, monument base and all parts of the monument therein shall not exceed 15 percent of the area of the lot.

4.13 Monument Bases

The maximum width of the monument base is conditional upon the width of the lot(s) on which it is installed and the overall size of the monument. No monument base shall exceed the 9 percent of the overall area of the lot or 4 75 percent of the width of the lot line adjacent to where the monument is installed.

The minimum height of the monument base shall be no less than 10.16 cm. (4 inches) and increase commensurate with the weight of the monument die stone:

Monument Die Stone over 590 kg (1300 pounds)	20.32 cm. (8 inches)
Monument Die Stone over 1180 kg (2600 pounds)	20.32 cm. (10 inches)
Monument Die Stone over 2360 kg (5200 pounds)	20.32 cm. (12 inches)

The maximum height of the monument base shall not exceed 25 percent of the total height of the monument.

The bottom 10.16 cm. (4 inches) of a monument base must be a rock-pitch finish.

The bottom of all bases must be cut level and true to facilitate their installation on the monument foundation.

Minor scraping of the monument foundation due to grass cutting is considered normal wear.

4.14 Monument Die Stones

The minimum thickness of a monument die stone is 20.32 cm (8 inches). For monuments which exceed 1.07 meters (3 feet, 6 inches) in overall height (including the monument base and monument die stone) the thickness of the monument die stone must increase 2.54 cm (1 inch) [or fraction thereof] for every 30.48 cm (12 inches) that the overall height of the monument exceeds 1.07 meters (3 feet, 6 inches)

Neither the length nor width of the die stone and no part of the monument may exceed the length or width of the monument base.

A tolerance of 0.64 cm (1/4 inch) may be permitted over or under the approved specified dimensions Every monument die stone shall be finished on all sides, ends, and top. Rock pitch finishes are permitted.

4.15 Unique Designs

Monument including a boulder used as a memorial and memorial benches which deviate from this bylaw must be submitted to and approved by the cemetery.

4.16 Inscription on the Back of Monument Die Stones

Only the surname and a picture are permitted on the back of monument die stones facing an adjacent lot. Given names, dates of birth and death, epitaphs, etcetera are not permitted. Internment rights holders must understand that in some instances, the view of surnames or pictures placed on the back of the monument could be blocked by the erection of a monument on an adjacent lot.

4.17 Monument Dowelling

To ensure stability, all monument die stones, limbs of crosses, etcetera shall be adequately dowelled to the base unless the underside of the superstructure is of sufficient area in relation to its height. Dowels must be non-corrosive material not less than 1.27 cm (1/2 inch) in diameter. Dowels must be inserted not less than 15.24 cm (6 Inches) into the base and bottom of the monument die stone.

4.18 Inserts and Emblems

Inserts and emblems (exclusive of pictures and photos) made out of bronze, granite, or stainless steel is permitted on monuments and must be attached by means of pins or clips.

4.19 Candle Holders and Vases

A maximum of two bronze, granite, or stainless steel candle holders and vases may be attached to the monument. If a translucent section is necessary the cemetery recommends it be made of an unbreakable heat resistant glass or of a fire-resistant plastic material and must be installed a minimum separation of 2.54 cm (1 inch) from the monument die stone.

Candle holders must be fully enclosed on all sides by means of a door or lid.

[C] Marker

4.20 Marker Materials

All markers must be made of bronze or granite material.

4.21 Types of Markers

Only bronze markers or granite markers may be installed.

4.22 Setting of Markers

All markers shall be set flush with the ground.

4.23 Delivery of Marker to the Cemetery

Markers shall only be delivered to the cemetery as directed by the cemetery manager.

4.24 Size of markers

The following maximum size of marker shall apply:

Adult Grave	shall not exceed 60.96cm (24 inches) x 45.72 cm (18 inches)
Child Grave	shall not exceed 50.8cm (20 inches) x 30.48 cm (12 inches)
Infant Grave	shall not exceed 40.64cm (16 inches) x 25.4 cm (10 inches)

4.25 Bronze Marker Bases

Bronze markers must be attached to a concrete or granite base using a minimum of four anchor lugs prior to installation. Concrete bases must be no less than 10.16 cm (4 inches) and no greater than 15.24 (6 inches) in thickness. Granite bases must be no less than 7.62 cm (3 inches) and no greater than 15.24 (6 inches).

Granite bases cannot exceed the size of the bronze marker by more than 5.08 cm (2 inches) on all sides.

4.26 Granite Markers

Granite markers shall not be less than 7.62 (3 Inches) or more than 15.24 (6 inches) of uniform thickness throughout and must be smoothly finished on the top and bottom.

Care & Maintenance of Internment Rights

5.1 General Care of Internment Rights

The Care and Maintenance portion of the interment right purchased is trusted in a fund and the earned interest are used to maintain, secure and preserve the cemetery grounds. An example of routine maintenance services covered by the Care and Maintenance Fund include:

- Re-leveling and sodding or seeding of lots or graves.
- Maintenance of cemetery roads.
- Maintenance of perimeter fences.
- Maintenance of cemetery landscaping.
- Repairs and upkeep of cemetery maintenance buildings and equipment.

To the extent that the interest income from the Memorial Care and Maintenance Fund permits, the cemetery will stabilize and secure markers and monuments within the cemetery.

When necessary the planting and trimming trees will take place.

5.2 Cleaning of Memorials

The cleaning of memorials and other special services are deemed to be additional services outside of those services covered by the Care and Maintenance Fund for which a reasonable charge is made.

Complete information and estimates may be obtained from any monument company.

5.3 Planting Restrictions on Lots

Trees, dwarf trees, shrubs, and flowerbeds may not be planted in any lot.

5.4 Grading of Lots and Cutting Sod

Only the cemetery may cut or remove sod or soil or change the grading of a lot or grave or any surrounding area.

6.0 Articles Placed on Internment Rights

6.1 General

The cemetery is committed to supporting our religious and ethnic preferences and diligent to create a respectful and dignified resting place for the communities that we serve.

Permitted articles must be placed within the designated area of the lot.

The cemetery reserves the right to regulate the articles placed on lots or graves that pose a threat to the safety of all interment rights holders, visitors to the cemetery and cemetery employees, prevent the cemetery from performing general cemetery operations, or are not in keeping with the dignity and decorum of the cemetery. Prohibited articles will be removed and disposed of without notification.

To assist interment rights holders, the following is a sample of articles that are prohibited from being placed on lots or graves within the cemetery:

- Articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments) ceramics, or corrosive materials.
- Loose stones or sharp objects.
- Trellises or arches.

Please contact the cemetery manager for clarification prior to purchasing or placing an article on an Internment Right.

6.2 Candles, Incense, or Flammable Articles

Lighted candles, incense, or flammable articles are not permitted to be placed anywhere within the cemetery, on a monument, or within the area of the lot. The Cemetery may remove at its sole discretion any such article and dispose of it without notification.

6.3 Borders, Fences, Walls and Corner Stones

In order to facilitate cemetery maintenance and operations, borders, curbs, coping, fences, railings, walls, ditches, hedges or other articles are not permitted to define the perimeter of a Lot or Grave and will be removed and disposed of by the Cemetery without notification. Only Corner Stones installed by the cemetery are permitted.

6.4 Fresh Cut or Artificial Flowers

Fresh cut or artificial flowers or potted plants must be placed in the designated planting area or in a non-breakable, non-corrosive flower vase adjacent to the memorial. Fresh cut or artificial flowers and potted plants that have become unsightly and empty flower vases that cannot be turned down into the ground in a receptacle will be removed and disposed of by the Cemetery without notification.

6.5 Hanging Baskets

Hanging baskets or non-corrosive metal rods are permitted on Lots, Graves or Scattering Grounds provided they are adjacent to and over-hanging the memorial. Under no circumstances may a hanging basket overhang or infringe on an adjacent Lot or Grave. Hanging baskets that become unsightly will be removed and disposed of by the Cemetery without notification.

6.6 Memorial Wreaths

Wreaths may be placed in the Cemetery only between November 1st and March 31st of each year. In order to prepare the grounds for spring, wreaths must be removed prior to April 1st. Wreaths not removed by April 1st will be removed and disposed of by the Cemetery without notification.

6.7 Responsibility for Articles

Articles placed on Lots or Graves are the sole responsibility of the Interment Rights Holder(s). The Cemetery is not responsible for the loss or damage to any articles placed within the Cemetery.

Articles left on Lots or Graves during the winter months are subject to deterioration and damage, and impede cemetery operations. It is recommended that Interment Rights Holders remove all articles and tokens of remembrance from the Lot or Grave during the winter months.

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