

The By-Laws of St. Andrews Presbyterian Church Cemetery
Ancaster, Ontario. March 8, 2012

1.0 Administration

- 1.1 It is the wish of the St. Andrew's Presbyterian Church Cemetery Board that this cemetery is kept in a condition befitting the last resting place of our departed loved ones.
- 1.2 Management and direction shall be entrusted to an appointed Cemetery Board (hereinafter called 'the Board') who shall, without remuneration, supervise the operation of the cemetery. The Board shall be comprised of at least four (4) members with a minimum of one member from each church. The membership of the Board shall be approved at the annual congregational meetings of Alberton and St Andrews Presbyterian churches (hereinafter called 'the Churches').
- 1.3 The Board shall meet at least four times each year, including their annual general meeting. The financial statement shall be presented and the price list reviewed by the Boards at a meeting to be held prior to the annual congregational meetings of the Churches. The Board members shall elect from among themselves the chair for the year and other officers as necessary. If required, additional meetings may be called by the chair of the Board.
- 1.4 For voting purposes three shall form a quorum. One person from each church must be present.
- 1.5 Two signing officers will be required on all financial disbursements, the chair, the treasurer or a third designated signing officer.
- 1.6 The Chair shall present for discussion the business of the Board, including planning and setting meeting agendas, working in union with board members. The chair is responsible to insure that a record is made of all lot sales, marker installations, interments recorded in the burial log and on cemetery maps.
- 1.7 The treasurer shall maintain a proper record of all financial transactions pertaining to cemetery operations and investments.
- 1.8 The secretary shall record the minutes, of each meeting, all resolutions adopted and have the care of the secretarial records and, upon direction by the Boards, conduct any required correspondence.
- 1.9 Income received by the cemetery shall be used exclusively for the purposes of the cemetery.
- 1.10 The Boards shall have custody of the cemetery and are responsible for its maintenance. No interment or disinterment of human remains shall take place

without direction by the Board upon receipt of a proper permit or certificate as required by law.

- 1.11 The Board and all others, who may be deemed responsible for the operation of the cemetery, shall not be liable for any loss or damage from causes beyond their control.
- 1.12 In all matters not specifically covered by these by-laws, pertaining generally to the care and keeping in repair of the cemetery, such as erection of monuments, financial operation, the general plan of the cemetery or , as special circumstances shall arise, etc., the Board shall have full jurisdictions and their decision, in cases of dispute, be final.
- 1.13 The cemetery operates under the `Rules and Regulations of the Cemeteries Act` currently in effect in Ontario.

2.0 Sale and Transfer of Interment Rights

- 2.1 The Board shall be the exclusive seller of interment rights for the cemetery. Interment rights are reserved for the use of church members of St. Andrew's, Ancaster and Alberton Presbyterian Churches and their immediate families. Consideration will be given to adherents and former church members upon proof of such membership.
- 2.2 Interment rights may be purchased from the cemetery at current rates as established by the Boards, and approved by the Cemeteries Branch of the Ministry of Consumer and Commercial Relations (herein after known as the Ministry).
- 2.3 Purchasers of interment rights shall acquire only the right and privilege of interment of the dead and of placing markers, subject to the cemetery by-laws in force and approved by the Ministry.
- 2.4 The cemetery Board shall provide each interment rights holder at the time of sale with:
 - i. A copy of the contract.
 - ii. A copy of the cemetery by-laws.
 - iii. And upon payment in full, a Certificate of Interment Rights.
- 2.5 Prices for interment rights shall be set out in the most recent price list which has been filed with the Ministry. Prices shall include the applicable portion for deposit to the care and maintenance fund, as prescribed by the Cemeteries Act.
- 2.6 The interment rights holder shall not resell the interment rights except to the Board.

- 2.7 The transfer of interment rights shall be permitted only upon the receipt of written notice by the Board and the return of the original Certificate of Interment Rights. The Board shall record the transfer and issue a new Certificate of Interment Rights to the transferee. The Board shall have the right to refuse such transfer if it contravenes item 2.1 of these by-laws.
- 2.8 In cases of Transfer of ownership of interment rights by will or bequest, the Board shall, for proof of ownership, reserve the right to require the production of a notarized copy of the will and letters probate, or other evidence satisfactory to the Board. The Board shall have the right to refuse such transfer if it contravenes item 2.1 of these by-laws.
- 2.9 The interment rights holder may require, by written demand, the Board to repurchase the interment rights at any time before use.
- 2.10 The Board shall repurchase the interment rights within thirty days after receiving the demand.
- 2.11 The repurchase price shall be the original selling price less the amount invested in the 'Care and Maintenance Fund.'
- 2.12 If the original selling price is unknown, the repurchase price shall be as set out in the Cemeteries Act.
- 2.13 The interment rights holder shall notify the Board of any change in mailing address.
- 2.14 The Board may apply to the Cemeteries Branch of the Ministry of Consumer and Commercial Relations for a declaration that interment rights are abandoned, and may resell interment rights that have been abandoned, in keeping with the Cemeteries Act.

3.0 Interments and Disinterments

- 3.1 Winter interments shall only take place if weather or conditions permit.
- 3.2 No more than one interment shall be made in any single grave or lot except:
- i. Up to two cremated human remains may also be interred at the head of the grave in which a casket with human remains has already been interred.
 - ii. A casket with remains may not be interred where cremated remains have previously been interred.
 - iii. A single lot or grave may be used for the interment of a maximum of six cremated human remains, provided the marker(s) is/are in keeping with the requirements of the cemetery by-laws.

- iv. Additional charges as shown in the price list will be incurred for more than two interments in a single lot or grave which has been assigned for cremations only.

Note: The term `one lot' is used in reference to a standard single grave.

The term `one plot' is used in reference to two or more graves or lots.

- 3.3 Remains to be interred in a grave shall be enclosed and sealed securely in a container of sufficient strength to permit interment with the container remaining intact. The container shall be of a size to permit interment within the dimensions of the lot.
- 3.4 Interments shall be authorized in writing by the interment rights holder, the legal representative, or the heir-at-law.
- 3.5 When interment rights in a plot or lot are held jointly by two or more persons, an order for interment shall be accepted from either or any of them or their legal representative.
- 3.6 Those ordering the interment shall be held responsible for the charges incurred.
- 3.7 The following documents are required to exercise interment rights in the cemetery:
 - i. Burial Permit or Certificate of Cremation
 - ii. Certificate of Interments Rights
 - iii. Order for Interment

-Additionally, the following documents may be required:

 - iv. Authorization documents, when the legal representative or heir-at-law is exercising interment rights.
 - v. Removal Order, when necessary.
- 3.8 The selected funeral director shall arrange with a representative from the Cemetery Board for the opening and closing of the grave.
- 3.9 The interment fee payment shall be arranged between the interment rights holder, legal representative or heir-at-law and their selected funeral director.
- 3.10 The interment fee shall include the opening and closing of the grave and the registration of the interment.
- 3.11 A written statement with the name, place of birth, late residence, age and date of death of the person to be interred and the name of the funeral director shall be provided to the Board.
- 3.12 Disinterment shall not be permitted without the written consent of the medical officer of health and the interment rights holder, except on an order from the court or as provided in the Cemeteries Act.

- 3.13 No person shall remove human remains from the cemetery unless a certificate of a medical officer of health, confirming compliance with the Cemeteries Act is affixed to the container. It is to be noted that this does not apply to the disinterment of cremated human remains except for the approval of the cemetery board and interment rights holder. A burial permit under the Vital Statistics Act is not required to reinter human remains that have been disinterred in accordance with the Cemeteries Act.
- 3.14 The Board shall exercise all due care in making interments and disinterments, but shall not be responsible for damage sustained to any casket, urn or other container during interments or disinterments.
- 3.15 The Board shall reserve the right to correct, at its expense, any error that may be made by it in making interments or disinterments, or in the description, conveyance, or transfer of any interment rights. The Boards may cancel such conveyance, and substitute and convey in lieu thereof, other interments rights of equal value and similar location, as far as possible, or may refund all monies paid on account of such purchase.
- 3.16 Notice of interment shall be given at least forty-eight hours in advance. The Board shall not be responsible for the preparation of graves without such notice. Note 3.1.
- 3.17 Interment shall be permitted Monday to Saturday between the hours of 1000 hr and 1600 hr E.S.T. or at other times by permission of the Board.
- 3.18 Due to the increasing size of oversized outer containers, the Board shall not assume responsibility for reduction of the number of grave openings that may be made in any plot.
- 3.19 The Board shall permit, within the cemetery, only those activities approved by the Presbyterian Church of Canada.

4.0 Care of Lots

- 4.1 Lots for which interment rights have been sold or assigned shall be maintained and kept properly graded, sodded and mowed by the cemetery.
- 4.2 No lot or grave shall be defined by a fence, railing, trees or shrubs, other than corner markers level with the sod to define its corners or boundaries.
- 4.3 Work performed upon a lot shall be done with the permission of the Board.
- 4.4 Rubbish shall not be thrown on the road, pathway or any part of the cemetery grounds, but shall be removed from the cemetery.

- 4.5 No lot shall be raised above the level of the surrounding land.
- 4.6 Flower beds extending up to a maximum 46cm (18 inches) from the base of the upright marker will be permitted. Where there is no upright marker, flower beds will be permitted only under the supervision of the members of the Board.
- 4.7 Co-operation in keeping the cemetery clear of refuse and litter is requested by the Board.
- 4.8 Vases, containers, wreaths or flowers which become unsightly, or which interfere with grass cutting, shall be removed. As determined by the Board, the return of articles of value will be made to the rights holder if possible. Articles not collected within thirty days shall be discarded.
- 4.9 The Board shall not be liable for vases, containers, wreaths or flowers placed on cemetery property.
- 4.10 Trees or shrubs already situated on a lot, which have become overgrown and detrimental to the general appearance of the cemetery will be removed after thirty days notice to the interment rights holder provided the rights holder can be located.

5.0 Markers – General Information

- 5.1 The Board shall reserve the right to determine the size of markers and the location of markers on each lot or plot.
- 5.2 Those intending to install a marker in the cemetery shall pay to the monument/marker supplier or to the Board, the appropriate amount for the Care and Maintenance fund, as prescribed by the Cemeteries Act.
- 5.3 There shall be not more than one upright marker on any lot. Foundations for markers shall be built for the Board or the monument/marker supplier at the expense of the interment rights holder.
- 5.4 The foundation shall be installed in the designated space and in the specified dimensions required by the Cemeteries Act, and flat markers or footstones of bronze or granite shall be placed such that they do not interfere with future interments.
- 5.5 A marker or other structure which becomes unsightly or dangerous may be repaired or laid down by the Board to ensure the safety of the public and to preserve the dignity of the cemetery.

- 5.6 The interment rights holder shall be notified by the Board, where possible, when a marker or other structure of the lot or plot of the interment rights holder is to be repaired or laid down.
- 5.7 Marker inscription shall be in keeping with the dignity and decorum of the cemetery.
- 5.8 Markers shall not be delivered to the cemetery without prior notification and receipt by the Board of a detailed description of the marker:
- i. Name and address of the interment rights holder.
 - ii. In the case of an upright marker the dimensions of the die and base stones.
 - iii. In the case of a flat marker, the dimensions and description of the marker and its placement.
- 5.9 The maximum height of an upright marker shall be 44 inches (112 cm).
- 5.10 All upright markers shall have their die stone securely pinned to their base. The dowel pins shall be of a non-corrosive, coarse threaded material, e.g. stainless steel or bronze and installed in a workman-like manner to industry standards.
- 5.11 The width of the base stone on a single lot shall not exceed 60% of the width of the lot. The width of the base stone on a double lot shall not exceed 55% of the plot.
- 5.12 The top surface of the Base Stone shall be both thicker and wider than the die stone to provide a projection of at least 2 inches (5cm) around the perimeter of the die stone.