

CEMETERY BY-LAWS
CLUSTERED PARISHES CEMETERIES

St. Charles Borromeo Cemetery
Tyendinaga Township
Enright Rd. Read ON

Holy Name of Mary Cemetery
Tyendinaga Township
Old Hwy. # 2 Marysville ON

Operated By
c/o Holy Name of Mary Church Office
7288 Old Hwy. # 2
Marysville ON KOK 2N0

The purpose of our Catholic Cemeteries is for the interment of deceased Catholics.

A parishioner of the tri-clustered parishes who faithfully attends and/ or supports one of the tri-clustered parishes or was a former long term member of one of the tri-clustered parishes has the right to purchase interment rights and services in one of the tri-clustered cemeteries with parishioner status. All interment services are at the discretion of the cemetery board and the current pastor.

Interment of non Catholic members of a Catholic family is permitted under certain circumstances and at the discretion of the Pastor concerned.

For the purpose of these By-Laws a lot is a single grave. For the purpose of these By-Laws a plot is multiple lots.

1.)ADMINISTRATION:

- a) Management of cemetery entrusted to the appointed Board, under collaboration and direction of the current pastor.
- b) Each cemetery board will meet at least twice/yr to review pricing and any matters regarding the cemetery.
- c) Chairperson's term is one year. Other members as necessary. Any additional meetings required, may be called by the chairperson.
- d) All income received by the cemetery shall be used exclusively for the cemetery.
- e) No interments or disinterments shall take place without notice of the cemetery contact person and the parish office.
- f)The diocese, parish or the board shall not be liable for any loss or damage from causes beyond their control.
- g) Each cemetery board shall be the exclusive seller of interment rights for the cemetery.
- h) Prices are based on the most recent price list. Prices shall include the applicable portion for deposit to the Care & Maintenance Fund. (40%)

2.) SALE & TRANSFER OF INTERMENT RIGHTS:

- a) The cemetery board shall provide each Interment Rights Holder(s) at the time of sale
 - 1) a copy of the contract
 - 2) a copy of the cemetery by-laws
 - 3) and, upon payment in full, a certificate of Interment Rights

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- b) Interment Rights Holder(s) may transfer the Interment Rights by gift, bequest or other transfer but shall not re-sell
- c) Interment Rights except to the board. The board shall, for proof of ownership, require satisfactory evidence for proof of ownership.

- d) Fee for transfer sale shall be as prescribed in the price list.
- e) Upon written demand, the Interment Rights Holder(s) may at anytime cancel the contract and have the cemetery re-purchase the Interment Rights if no Rights have yet been exercised subject to the following conditions. The re-purchase price shall be calculated as the original price paid minus the portion deposited into the Care and Maintenance Fund.
- f) The board shall re purchase the Interment Rights within 30 days after receiving request.
- g) The repurchase price shall be the original selling price less the amount invested in the C & M Fund.
- h) No refund shall be made for any lot or plot for which interment rights have been exercised.
- i) Interment Rights holder shall notify the board or parish office of any change in address.
- j) If the original price is unknown, the repurchase price shall be as set out in the cemeteries act.
- k) If interment rights are abandoned, the board may apply to the Ministry for a declaration for the re-sale of the Interment Rights.
- l) Interments shall take place throughout the year unless weather conditions do not allow. The decision is at the discretion of the cemetery contact person and the current pastor.

3.) INTERMENTS:

- a) A burial permit issued by the Division Registrar showing that the death has been registered or, in the case of a cremation, a Certificate of cremation must be deposited with the cemetery custodian before an interment may take place.
 - b) No more than one interment shall be made in any single grave, except;
 - 1) double depth in areas designated
 - 2) six cremated remains
 - 3) infant container or 2 cremated remains at the head of a single grave in which a casket containing human remains has been interred. (Full adult grave)
 - c) 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.
 - d) The container shall be of a size to permit interment within the dimension of the lot.
 - e) Those ordering the interment shall be held responsible for charges incurred. Interment fee shall include opening and closing of the grave and the registration on the interment.
 - f) No lot shall be opened by any unauthorized person except under the direction of the board.
 - g) A representative of the cemetery board shall be present for each interment.
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- h) Notice of interment shall be given to the cemetery contact person and parish office at least 36 hours in advance of the interment. The board shall not be responsible for the preparation of the grave without such notice.
 - i) Interments shall not be permitted on Sundays.

- j) Committal services shall be in keeping with the teachings of the Church.
- k) Only human remains can be interred in parish cemetery.
- l) No interments or other services will be provided if plot is in arrears.
- m) Committal services for Catholics shall be conducted by a Roman Catholic clergy or their delegate, with prior approval of the pastor concerned.
- n) The board shall permit within the cemetery only those activities and rituals approved by the Church.
- o) All disinterments shall not be permitted without written consent of the local Medical Officer of Health and the Interment Rights Holder, except on an order from the Court or as provided in the Cemeteries Act.

4.) CARE OF LOTS:

- a) Lots sold or assigned shall be maintained and kept properly graded, sodded and mowed by the board or the board's designate.
- b) No shrubs or trees are to be planted on a lot or plot.
- c) Any article which is detrimental or is not in keeping with dignity and respectable decorum of the cemetery or hinders the maintenance of cemetery property or constitutes a hazard, may be removed by the board. The article will be held at the cemetery for 14 days and if not collected it will be disposed of, by the board.
- d) The board, with collaboration and direction of the current pastor, has sole responsibility with respect to any new re-beautification projects with regards to cemetery property.

5.) FLOWERS:

- a) The Interment Rights Holder is responsible for any articles placed on cemetery lot.
- b) The permanent installation into the ground of flower vases, candle holders solar lights or any other article shall not be permitted.
- c) Vases, containers, wreaths or flowers which are left beyond the designated time, or which become unsightly, or which interfere with grass cutting or trimming, may be removed by the Board. If the articles have any value, the Interment Rights Holder shall be notified, where possible. Articles not collected by the Interment Rights Holder within 30 days shall be discarded.
- d) The board reserves the right to remove deteriorated wreaths and flowers if not removed by the Interment Rights Holder.
- e) Between May 1st and October 31st the board restricts all wreaths flower arrangements etc. that may impede the maintenance of the cemetery property.
- f) The board reserves the right to remove numerous wreaths and flowers considered to be excessive by adjoining lot owners.
- g) The board shall not be liable for vases, containers flowers or any articles placed in the cemetery

6.) MARKERS:

- a) The Board shall reserve the right to determine the size of markers and the location of markers on each lot and plot.

- b) All markers installed in the cemetery shall have the proper amount of money deposited in the Care and Maintenance Fund as regulated in the cemeteries act.
- c) No inscription or design shall be placed on any marker which is not in keeping with the dignity and respectable decorum of the cemetery. This will be at the discretion of the cemetery board and the current pastor.
- d) The die Stone and base stone shall be constructed of granite.
- e) The minimum thickness for flat granite markers and for the base of flat bronze markers shall be 10 centimeters (4 inches.)
- f) Free-standing crosses and statues shall be secured to the die stone or base stone by a minimum of two dowel pins, which shall be epoxied in place.
- g) No markers, footstones or memorials of any kind shall be placed, moved, altered or removed without permission of the board.
- h) Markers shall not be delivered to the cemetery without prior receipt by the Board of a fully completed "Request for Marker Installation Form."
- i) No marker or other structure shall be placed in or upon a lot or plot until accrued charges have been paid in full to the Board.
- j) The Interment Rights Holder shall be notified by the Board in writing, where possible, when a marker, memorial or other structure on the lot or plot of the Interment Rights Holder is to be repaired, reset or laid down.

7.) UPRIGHT MARKERS:

- a) Concrete foundations to be installed by monument company, contractor or others shall be of the dimensions to fit the designated space and proper dimension for monument base, allowing 2" projection of the foundation all around the base. Concrete will be allowed 24 hours to cure before placing monument.
- b) Only one upright monument per lot regardless of the number of burials in said lot.
- c) For the purpose of these by-laws a marker shall be understood to be any permanent memorial structure. For the purpose of these by-laws a monument shall be any marker that is not flush with the ground.
- d) All monuments must conform to the following height restrictions:
 - Monuments up to 32" high must be at least 6" thick;
 - Monuments from 32" high to 40" high must be at least 7" thick;
 - Monuments from 40" high to 55" high must be at least 8" thick;

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- e) Any monument higher than 44" must have plans submitted for the Board for approval and may be denied for practical reasons.
- f) The board will decide if a monument is unsafe. The board has the right to lay monuments on the ground to ensure safety of the public and to preserve the dignity of the cemetery property. The Interment Right Holder (s) will be notified in writing of this action.
- g) Any damage to monuments on adjoining lots to the lot that which a new monument is being set the monument company is liable.

h) Due to weather and ground conditions the setting of monuments in a cemetery is at the discretion of the board.

i) All marker setting, upright or flat is at the expense of the Interment Rights Holder (s)

8.) REGULATIONS FOR MONUMENT DEALERS:

a) The applicant named on the "Request for Marker Installation Form" and/or the Interment Rights Holder(s) is financially liable for any damage to any cemetery property during the installation and any work completed by the monument company. This excludes the cemetery Board of any responsibility.

b) A Request for Marker Installation Form is required by each cemetery board prior to markers being delivered to the cemetery.

c) All rubbish and excavated material shall be removed from the cemetery by the monument company, contractor or others under the direction of the board.

d) The demeanor of workers employed by others in the cemetery shall be subject to the supervision of the board.

e) Work shall be done during regular Cemetery hours, unless by special permission of the board.

9.) VISITORS:

a) Visitors shall respect the sacred nature of the cemetery.

b) Children under the age of 16 years shall not be allowed on Cemetery property unless accompanied by an adult, who shall be responsible for their good conduct.

c) All-terrain vehicles, snowmobiles and similar vehicles shall not be permitted on the Cemetery property.

d) Owners and drivers of vehicles shall be held responsible for damage to the cemetery grounds, monuments or cemetery equipment.

e) No firearm use on cemetery property is allowed other than for interment services for which permission has been granted by the Board.

f) A person or group of persons causing damage to cemetery property or the property of Interment Rights Holder(s) will be liable to the Board and will incur all cost of the damage. Page 5

g) Complaints by Interment Rights Holder(s) or visitors must be made to the board in writing and not the workers on the grounds.

h) The sale or solicitation of goods and services, or the posting of signs, notices or advertising of any kind shall not be permitted on the Cemetery property without the prior authorization of the Board.

THESE BY-LAWS ARE BASED ON THE ARCHDIOCESE OF KINGSTON HANDBOOK OF DIOCESAN REGULATIONS, CONSTITUTIONS AND GUIDELINES.

August/ 2007