



Mount Horeb United Church
Cemetery
By-Laws

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These bylaws are the rules and regulations that govern Mount Horeb United Church Cemetery. Revised to comply with the provisions of The Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and the Regulations administered by the Bereavement Authority of Ontario.

Mt Horeb United Church Cemetery
117 Hillhead Rd. Reaboro, Ontario, K0L 2X0
Part of E1/2 Lot 2 Concession 7
Geographic Township of Ops, City of Kawartha Lakes
Designated as Parts 1,2 and 3 on Plan 57R-5147

1. Definitions

Burial: The opening and closing of an inground lot or plot for the disposition of human remains or cremated human remains.

Bylaws: The rules and regulations under which the Cemetery operates.

Care and Maintenance Fund: It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all Interment Rights sold, transferred, assigned or permitted and prescribed 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 bylaws, all purchasers of interment rights or other services receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer information guide and the Price List.

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.

Corporation: Shall mean the Cemetery Board of Directors

Grave: (Also known as Lot) means any inground burial space intended for the interment of a child, adult or cremated human remains.

Interment Rights: 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 and authority of the interment rights.

Interment Rights Holder: The person authorized or entitled to inter human remains in a specified lot. They may be the person named in the Interment Rights Certificate or such other person as to whom rights have been assigned.

Lot: For the purposes of these Bylaws, 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.

Official of the Corporation: Shall mean the Board Chair or designate.

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

Vault: Means a sealed outer container of sufficient strength to permit burial and remain intact. The container must be of a size to permit burial within the size of the lot.

2.General Information

2.1 Hours of Operation:

Visitation Hours:
Daylight hours each day.

Office Hours:
By appointment

Burial Hours:
By appointment (no Sundays)

2.2 General Conduct:

The cemetery 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.

2.3 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 and 184/12, which may be amended periodically.

All bylaw 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 bylaw or bylaw amendment pertains to markers or their installation.

All bylaws and bylaw amendments are subject to the approval of the Registrar, FBCSA, BAO.

2.4 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, columbarium niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment right, save and except for direct loss or damage caused by gross negligence of the cemetery.

2.5 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.

2.6 Pets or Other Animals:

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

2.7 Right to ReSurvey:

The Cemetery has the right at any time to resurvey, enlarge, diminish, replot, 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.

2.8 Notice of Resale and Transfer of Interment Rights:

The Cemetery prohibits the resale of interment rights. The cemetery will repurchase interment rights at current list amount.

3. Cancellation or Resale of Interment Rights

Purchasers of interment rights holders acquire only the right to direct the burial of human remains and/or cremated human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery bylaws. In accordance with cemetery bylaws, no burial, entombment, scattering, 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. An interment rights holder wishing to resell their interment rights must advise the cemetery operator of their intention.

3.1 Cancellation of Interment Rights within 30 Day Cooling Off Period:

A purchaser has the right to cancel an interment or scattering rights contract within thirty(30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty(30) days from the date of the request for cancellation.

3.2 Cancellation of Interment Rights 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.

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 resell the interment rights.

3.3 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 resell 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 the right to resell the interment rights. Any resale of the interment right shall be in accordance with the requirements of the cemetery bylaws 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 resell the interment rights.

3.4 Care and Maintenance Fund Contributions:

It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all Interment Rights sold, transferred, assigned or permitted and prescribed 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.

Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30 day cooling off period.

Note: all resales of interment rights must be carried out through the cemetery operator. The cemetery operator will purchase the interment rights for the current Price List price.

4. Burial and burial of Cremated Remains

4.1 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 in keeping with the Succession Law Reform Act i.e. Personal Representative, Estate Trustee, Executor or next of kin.

4.2 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 office prior to the burial of cremated remains taking place.

4.3 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 operator for the completion of the contract and the public register prior to each burial or entombment of human remains, or each burial of cremated human remains.

4.4 Payment must be made to the cemetery before a burial can take place.

4.5 The cemetery shall be given 36 hours of notice.

4.6 The opening and closing of graves, crypts of cremated remains may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.

Note: Cremated remains are not permitted to be scattered on a grave.

4.7 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 operator 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).

4.8 Not more than three interments shall be made in any single grave:

a. That of one regular burial interred first and two cremated remains, or three cremated remains; or

b. a 60.96 x 30.48 cm (24" x 12") infant container may be buried at the head end of a single grave in which a casket containing human remains has been buried, provided space is available and one more cremated remains.

c. Not more than one cremated remains in a cremation only grave.

4.9 In ground Interments shall only take place between May 1 and December 1, unless weather and ground conditions are

exceptional and permission has been obtained from the Corporation.

4.10 All remains to be buried in a grave must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of size to permit burial within the size of the lot.

All regular burials are recommended to be placed with an outer container,

4.11 An official or employee of the Corporation or someone contracted by the Corporation shall be in attendance at each interment.

5. Memorialization

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

5.2 No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.

5.3 Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

5.4 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.

5.5 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.

5.6 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.

5.7 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.

5.8 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 corporation.

5.9 A monument, private mausoleum, or other structure shall be erected only after the specific design plans have been approved by the cemetery operator including: dimensions, material of structure, construction details, and proposed location.

5.10 In keeping with the cemetery bylaws only one monument shall be erected within the designated space on any lot.

5.11 The minimum thickness for flat markers including footstones is 4 inches or 10 cm.

5.12 All monuments and markers shall be constructed of bronze, granite or marble.

5.13 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 operator.

5.14 Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery bylaws

and the placement of such memorials shall not interfere with future interments

5.15 Single lot maximum:

One headstone, one footstone, and four corner posts may be erected on a single Grave. The maximum size monument allowed is: Height 60.96 cm (24 inches)
Width 76.20 cm (30 inches)

5.16 Double lot maximum:

One headstone, two footstones and 4 corner posts are allowed. The maximum size monument allowed on a double lot is:
Height 1.22 metres (4 feet)
Width 1.52 metres (5 feet)

5.17 Cremation Lot maximum:

Each cremation lot may be marked on the ground with one flat marker, placed flush with the grade. Maximum cremation grave marker size not to exceed 26" x 18".

5.18 The minimum thickness of a die shall be 30.50 cm. (8 inches). Should the monument exceed 106.68 cm (42 inches) overall height, the die must be 45.40 cm (10 inches).

The die stones must be installed on a roughcut granite base. The height of the base shall be a minimum of 20.3 cm (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 7.6 cm (3 inches) of the surface of the base exposed on all sides.

The maximum width of a base is controlled by the width of the plot or lot where it will be installed. No base shall be closer than 7.6 cm (3 inches) to the lot width sidelines on which it is to be installed.

Monuments must be placed at the center of the head end of the lot except where alignment with existing nearby monuments

justifies another location. Approval of the location must be obtained from the Corporation before a monument is set.

5.19 One flat marker may be placed on each grave in addition to the monument. The marker shall be placed at the end of the grave farthest from the monument and shall not exceed 40.64 cm x 60.96 cm (16" x 24")

6. Care and Planting

6.1 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:

- Releveling and sodding or seeding of Lots or scattering grounds
- Maintenance of cemetery roads, sewers and water systems
- Maintenance of perimeter walls and fences
- Maintenance of cemetery landscaping
- Maintenance of mausoleum and columbarium
- Repairs and general upkeep of cemetery maintenance buildings and equipment

6.2 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.

6.3 No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery.

6.4 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.

7. Items That Are Prohibited and Permitted

7.1 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.

The following items are prohibited from being placed on lots within the cemetery: articles made of hazardous materials such as glass, ceramics, or corrosive metals; loose stones or sharp objects; trellises or arches; chairs or benches.

7.2 The cemetery reserves the right to remove all flowers, potted plants, wreaths and baskets of flowers when they become withered or unsightly, or for any other reason such removals are in the best interest of the Cemetery. No decorations are permitted at the Foot Marker.

Artificial flowers are permitted, provided they are properly maintained and not detrimental to the general maintenance of the cemetery.

Decoration of graves: flowers, plants, shrubs and trees may be placed in the cemetery after consultation with cemetery office regarding the following general directions:

Cut flowers are allowed on all lots but must be placed in receptacles. The receptacle must be set in the ground with the top even with the surface of the ground and covered when not in use.

Artificial freestanding wreaths are permitted. Monument saddles may be placed on monuments. Placing of artificial flowers is permitted in the flowerbeds.

Flowerbeds may not exceed the length of the Marker base or exceed 15 inches in width. Plantings are allowed only in front of the markers

. Annual flowers must be removed by September 30th

. Artificial flowers from the previous year must be removed by April 15th.

Decoration Day will be held in June.

8. Contractor/Monument Dealer Bylaws

8.1 Any contract work to be performed within the cemetery requires the written preapproval of the interment rights holder and the cemetery operator before the work may begin. Preapproval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property. Prior to the start of any said work, contractors must provide proof of:

- WSIB coverage
- Occupational Health and Safety compliance standards
- Environmental Protection
- WHMIS
- Evidence of liability insurance of not less than \$2 million.

(a) All cemetery bylaws apply to all contractors and all work carried out by contractors within the cemetery grounds.

(b) Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the cemetery operator

(c) No work will be performed at the cemetery except during the regular business hours of the cemetery.

(d) 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.

(e) 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.

9. Gifts to the Cemetery

The Corporation gratefully accepts monetary donations to the Cemetery throughout the year.

10. Rules for Visitors

Visitors are welcome at the cemetery during daylight hours. They are asked to maintain the dignity and peace of the cemetery.

The Official of the Corporation and cemetery staff are empowered and are required to preserve order and decorum in the cemetery. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these bylaws, may be expelled from the grounds.

No parades other than funeral processions shall be admitted to or be organized within the cemetery, unless permission is granted from the Corporation.

Children under the age of twelve years are welcome in the cemetery grounds when accompanied by an adult, who shall be responsible for their good conduct and safety.

No recreational ATVs. (All terrain vehicles) or snowmobiles are allowed in the cemetery.

Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.

Dogs are welcome when controlled by owner at all times within the cemetery grounds and are cleaned up after at all times.

No picnic party shall be permitted in the cemetery grounds.

Any person who, in the cemetery, damages or moves any tree, plant, marker, fence, structure or other thing usually erected, planted or placed in a cemetery is liable to the Corporation and any interment rights holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the cemetery to the state that it was in before anything was damaged or moved by the person liable.

Any complaints by interment rights holders or visitors should be made to the Official of the Corporation.

Rubbish, including weeds, decayed plants, containers and debris, shall be removed at all times from the cemetery grounds.

The Corporation may remove any article, which is deemed detrimental to the efficient maintenance of the grounds, constitutes a hazard to machinery, employees or visitors, or is unsightly or does not conform to the natural beauty or design of

the cemetery. An article removed will be held at the cemetery for collection. Rights holder will be notified whenever possible, and it will be disposed of after 60 days if not collected.

BAO		BEREAVEMENT AUTHORITY OF ONTARIO
L'AUTORITÉ DES SERVICES FUNÉRAIRES ET CIMETIÈRES DE L'ONTARIO		
APPROVED	APPROUVÉ	
In accordance with the <i>Funeral, Burial and Cremation Services Act,</i> 2002	Conformément à la Loi de 2002 sur les services funéraires et les services d'enterrement et de crémation	
Date of Approval/ Date de l'approbation	June 17, 2019	
File/Licence No. Numéro de Fiche/Permis	3307421	04485
By/ Par	Cecy Smith	