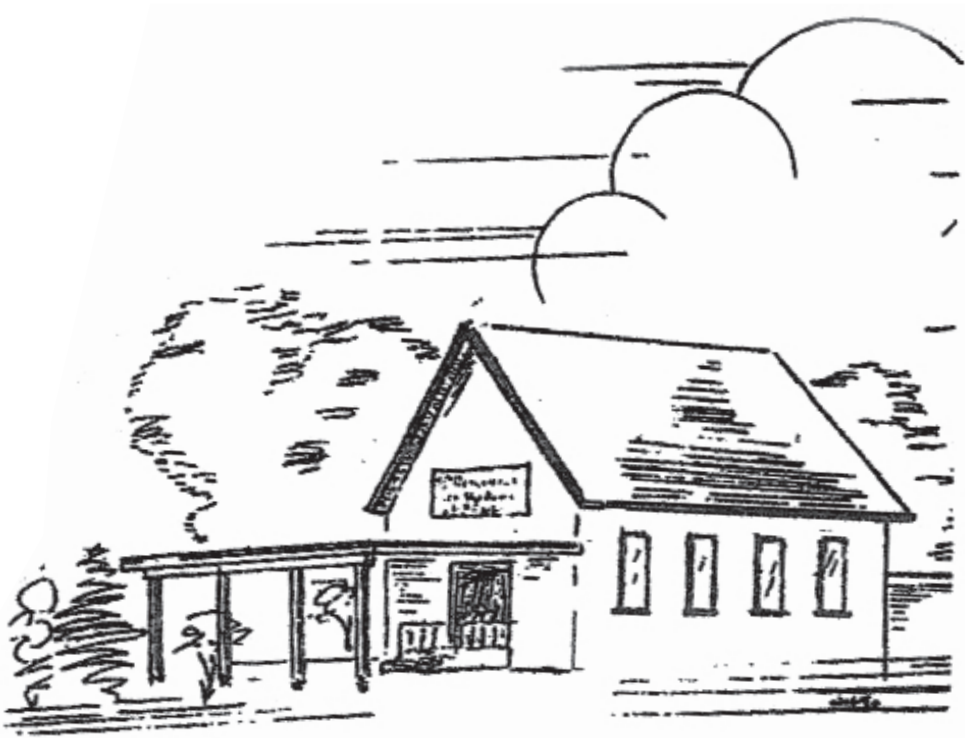


Springhill Cemetery

BY-LAWS



7832 Bank Street, Metcalfe, ON

613-821-3683

info@springhillcemetery.ca

<http://www.springhillcemetery.ca>

By-Law No. 2019 -1 of Springhill Cemetery

A BY-LAW FOR THE OPERATION AND MAINTENANCE OF SPRINGHILL CEMETERY BEING A BY-LAW TO REPEAL AND REPLACE A BY-LAW ON THE SAME SUBJECT MATTER

WHEREAS the Board of Members of Springhill Cemetery desires to establish a by-law to provide for the operation and maintenance of the cemetery.

AND WHEREAS the Board is empowered to make such by-laws pursuant to the Registrar, *Funeral, Burial and Cremation Services Act, 2002* (FBCSA) and *Ontario Regulation 30/11 and 184/12* (O. Reg.30/11 and 184/12), Bereavement Authority of Ontario (BAO).

AND WHEREAS the Board of Members had enacted by-laws on the same subject matter in the past and wishes to repeal the said by-laws and replace it with the following by-law.

NOW THEREFORE the Board of Members of Springhill Cemetery hereby enacts the following by-law.

The general operating and maintenance by-law of the Springhill Cemetery as submitted to the Board and being composed of:

- 1. Forward and Definitions**
- 2. General Information**
- 3. Sale, Transfer and Resale of Interment Rights**
- 4. Interment and Disinterment**
- 5. Vault Services**
- 6. Visitors**
- 7. General By-laws**
- 8. Memorialization**
- 9. Outdoor Columbaria**
- 10. Contractor/Monument Dealer By-Laws**

A copy of which is attached hereto, is hereby approved by the Board of Members.

Any former by-laws of Springhill Cemetery respecting the general operating and maintenance of Springhill Cemetery are hereby repealed.

Duly passed this 1st day of August 2019

Andy Kingsbury

CHAIRPERSON

Barbara Clark

SECRETARY TREASURER

1.00 FORWARD

Please read this booklet, it contains the by-laws of Springhill Cemetery referred to in the certificates, application forms, and the receipts which are issued by the Secretary-Treasurer, to carry out sound business practices that assure the continued financial viability of Springhill Cemetery. The Springhill Cemetery Board also wish to maintain the present aesthetic qualities; therefore, we appeal to the interment rights holders and the public to help in obtaining these objectives by observing the following by-laws.

Our objective is to protect, beautify and ensure respectful care of all graves, chapel, columbaria, and other cemetery facilities. These by-laws are the rules and regulations that govern the Springhill Cemetery and have been approved by the Registrar, *Funeral, Burial and Cremation Services Act, 2002* (FBCSA), Bereavement Authority of Ontario (BAO).

DEFINITIONS

In these by-laws,

Burial/Interment – The opening of a lot and then the placing of dead human remains or cremated human remains in that lot, followed by closing the lot. The lot may be a grave in the ground, a crypt in a mausoleum or a niche in a columbarium;

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 and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment and scattering rights sold, transferred, assigned or permitted; and prescribed amounts for monuments and markers, is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery;

Contract - For purposes of these by-laws, all purchasers of interment or scattering rights, or other cemetery supplies, and services must 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;

Columbarium – A structure designed for the purpose of storing human remains that have been cremated;

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;

Crypt – An individual compartment in a mausoleum for the entombment of human remains;

Disinterment and Disinurnment – The removal of human remains, including cremated human remains, from a closed grave or lot, or sealed niche or crypt;

Grave – (Also known as a 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 to authorize the installation of a monument or marker;

Interment Rights Certificate – The document issued by the cemetery operator to the purchaser once the interment rights to a specific lot have been paid in full, identifying ownership and authority over those specific interment rights;

Interment Rights Holder – The person(s) 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 to whom the rights have been assigned;

Inurnment – The opening and closing of a niche for the placement of cremated human remains;

Lot – For the purposes of these By-Laws a lot is a single grave space;

Marker – A memorial constructed of bronze or granite, set flush and level with the ground, except where attached to a feature wall;

Mausoleum – A building or other structure used as a place for the entombment of human remains is sealed crypts;

Memorials – All markers or monuments, columbarium niche or and any other form on which the names of individuals interred, inurned or entombed within the cemetery are inscribed;

Monument – A permanent upright (above ground) memorial, constructed of granite or bronze material, installed within the designated monument space of lots or graves;

Monument Base – That portion of the monument, constructed of granite, and set on the concrete monument foundation to provide stability and protection for the monument Tablet;

Monument Tablet – The portion of the monument set on the monument base, containing the design and memorial inscription;

Monument Foundation – The in-ground concrete foundation upon which the monument is set;

Monument Space – That portion of the lot(s) or grave(s) designated to contain the monument;

Niche – An individual compartment in a columbarium for the entombment of cremated human remains;

Plot – For the purposes of these by-laws, a plot means two or more lots in respect of which the rights to inter have been sold as a unit;

Purchaser – The individual purchasing the interment rights, products or services. The purchasers cannot direct interments, inurnments, entombments, or memorialization unless they are registered as the interment rights holders and are so named on the interment rights certificate (see definition of “Interment Rights Holder” above);

Shared Monument – For the purpose of these by-laws, a shared monument is a permanent upright memorial which provides inscription privileges to the interment rights holder(s) of a shared monument lot, on the side of the shared monument directly adjacent to their lot;

2.00 GENERAL INFORMATION

2.01 Care and Maintenance - Springhill Cemetery is carried on under the Care and Maintenance Plan and all interment rights in a lot, plot, niche in the columbarium sold are covered by this plan. 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; and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.

The Care and Maintenance amount received from the sale of a lot, plot, niche or marker is placed in a trust with a corporation registered under the loan and Trust Corporation Act and is invested in bonds and other securities; the income derived there from is available for the care of the property. The income from the Care and Maintenance Fund is applied towards the cost of keeping the property in good order and condition, the grass cut, and provides for the safety of markers, but does not provide for the planting of shrubs, or the pruning of shrubs on the lots. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30-day cooling off period.

The Springhill Cemetery Board appreciate the financial help from the interment rights holders who continue to make endowments and generous donations on Memorial Day and continued support in many ways throughout the year. It is an interment rights holder's responsibility to keep the Springhill Cemetery Board informed of change of address.

2.02 Cemetery Charges – A current price list is available, without cost or obligation, from the Director of Operations as well as on the Springhill Cemetery website The Springhill Cemetery Board is employed to set charges and prices from time to time with respect to the rights and services provided by Springhill Cemetery and subject to any approval required by the Registrar, FBCSA, BAO.

2.03 Changes in By-laws – The Springhill Cemetery Board may from time to time change, modify or repeal the by-laws or part thereof in such manner as will best service the interests of the cemetery under its care and in exceptional cases where it can be done without detriment to the interests of others, it may temporarily suspend or modify by-laws without affecting its general application or enforcement, subject to approval of the Registrar, FBCSA, BAO.

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; 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, FBCSA, BAO. The Springhill Cemetery Board reserves and shall have, the right to correct any errors that may be made in the cemetery, in making interments, disinterments or removals, or in the description, transfer, or conveyance of any interment rights, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or by refunding the amount of money paid on account of the said purchase. In the event the error shall involve the interment of the remains of any person in such property, the interment rights holder of the said property shall be notified and permission to correct the error obtained.

Any notice required by the BAO or regulations thereto, to be sent to any interment rights holder, shall be forwarded to such holder or their legal representatives at their last known postal address as appears in the records of Springhill Cemetery.

2.04 **Liability for Loss or Damage** – The cemetery will not be held liable for any loss or damage, without limitations (including damage by the elements, Acts of God, or vandals) to, any grave, lot, columbarium niche, mausoleum crypt, monument, marker, plant material or other article that is being placed in relation to an interment right.

The cemetery only assumes liability if, during performing routine cemetery operations, the cemetery or its employees should cause damage to any grave, lot, columbarium niche, mausoleum crypt, 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.

2.05 **Public Access to Information** – The cemetery is committed to protecting the privacy of its interment rights holder(s). We collect, use and disclose personal information as required by governing federal and provincial legislation. We do not rent, sell, or trade personal information lists. Individuals may request their personal information in writing at any time to ensure that it is correct and current or to edit it. 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.

2.06 **Right to Re-survey** – In accordance with any governing provincial legislation in effect at the time, the cemetery has the right 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.

3.00 SALE AND TRANSFER OF INTERMENT RIGHTS BY-LAWS

3.01 **Interment Rights** – Interment Rights for a lot, plot, and niche are to be purchased from Springhill Cemetery in accordance with by-laws of the Springhill Cemetery and approved by the Registrar FBCSA, BAO.

3.02 **Ownership of Interment Rights** – Ownership of all cemetery lands always remains the property of the Springhill Cemetery. Interment rights holders acquire only the right to direct

the burial or inurnment of human remains and cremated human remains, and the installation of memorialization, as set out in these by-laws. In accordance with these by-laws, no burials, inurnments, or installation of any 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.

3.03 **Certificates** – Interment rights shall be conveyed by such form of Certificates as may, from time to time be adopted by the Springhill Cemetery Board and approved by the Registrar, FBCSA, BAO. Such rights of Interment Certificates shall be subject to the existing by-laws as may from time to time be enacted by the Board.

The Certificate of interment rights shall include the following – name(s) of the interment rights holder(s), location and dimensions of lot, plot, date purchased or transferred, amount deposited into the Care and Maintenance Fund, and a statement that if the purchaser transfers the interment rights the Certificate cannot be transferred but must be returned to the owner (Springhill Cemetery) and the Director of Operations will issue a new Certificate to the transferee as set forth in the tariff of rates.

3.04 **Price and Terms** – Prices may from time to time be fixed by the Springhill Cemetery Board and filed with the BAO. No Certificate of Rights shall be issued until all indebtedness is paid in full. No marker shall be erected until the Certificate for the lot, plot has been issued.

3.05 **Notice of Transfers** – To ensure the correctness of records of ownership of rights and interments, no sale or other transfer of rights or any interest therein, shall be binding upon Springhill Cemetery until a duly executed transfer has been lodged with the Director of Operations which notice shall specify the name and address or other description of the proposed transferee, and such particulars shall be recorded in the Register to be kept for that purpose. The difference between the amount deposited in the Care and Maintenance Fund at the time of the original sale and at the time of the transfer shall be paid by the transferee and deposited in the Care and Maintenance Fund unless it is a transfer between related families. No such sale or transfer shall be made until all arrears due for upkeep and purchase has been paid.

Requirements to Transfer a Utilized Interment Right. The interment rights holder(s) intending to transfer their rights shall provide the following documents to the cemetery operator so that the operator can confirm the ownership of the rights and provide the transferee(s) with the required certificate, etc.:

- a. An interment right certificate and the endorsement of transfer of interment rights document by the current rights holder(s);

- b. If the transfer involves interment rights, a written statement of the number of interments, inurnments or entombments that have been used in the lot and the number of interments, inurnments, or entombments that remain available;

- c. Any other documentation in the interment rights holders' possession relating to the rights.

The transferee(s) will be provided with the following documents by the cemetery operator:

- a. An interment rights certificate and the endorsement of transfer of interment rights

document by the current rights holder(s);

- b. A copy of the cemetery's current by-laws;
 - c. A copy of the cemetery's current price list;
 - d. If the transfer involves interment rights, a written statement of the number of interments, inurnments or entombments that have been used in the lot and the number of interments, inurnments, or entombments that remain available;
 - e. Any other documentation in the interment rights holders' possession relating to the rights.
- The cemetery operator will require:
- a. A statement signed by the rights holder(s) transferring the interment rights acknowledging the transfer of the interment rights to the transferee(s);
 - b. Confirmation that the person transferring the interment rights is the person registered on the cemetery records that has the legal authority to transfer the interment rights;
 - c. A record of the date of transfer of the interment rights to the transferee(s);
 - d. The name and address of the transferee(s);
 - e. A statement showing all monies relating to the interment rights are paid in full.

Once the endorsed certificate and all required authorization and information have been received by the cemetery operator from the rights holder(s), the cemetery operator will issue a new interment rights certificate to the transferee(s).

3.06 NOTE: ALL RESALES OF INTERMENT RIGHTS MUST BE CARRIED OUT THROUGH THE CEMETERY OPERATOR.

The cemetery operator permits the interment rights holder to sell or transfer their interment rights to a third party, at no more than the current price listed on the cemetery price list, so long as the sale or transfer is conducted through the cemetery operator and the interment rights holder and purchaser meet the qualifications and requirements as outlined in the cemetery operator's by-laws.

Permit resale of interment to a third party:

The Interment Rights Holders) who intends to sell their rights shall provide the following documents to the cemetery operator so that the operator can be satisfied with the authority and identify of the seller, confirm the ownership of the rights, and provide the third-party purchaser with the required certificate etc.:

- 1. An interment rights certificate endorse by the current rights holder.
- 2. If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available
- 3. Any other documentation in the interment rights holders) possession relating to the rights

•The third-party purchaser will be provided with the following documents by the cemetery operator:

- 1. An interment rights certificate endorsed by the current rights holder.
- 2. A copy of the cemetery's current by-laws.
- 3. A copy of the cemetery's current price list.
- 4. If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available.
- 5. Any other documentation in the interment rights holder(s) possession relating to the rights

• **The cemetery operator will require:**

1. Require a statement signed by the rights Holder(s) selling the interment rights acknowledging the sale of the interment rights to the third-party purchaser.
2. Require confirmation that the person selling the interment rights is the person registered on the cemetery records and that they have the right to re-sell the Interment rights.
3. Record the date of transfer of the interment rights to the third party.
4. The name and address of the third-party purchaser(s).
5. A statement of any money owing to the cemetery operator in respect to the interment rights.

3.07 **Proof of Inheritance** – As soon as possible after the death of an interment rights holder or after the death of any one of the interment right holders if the rights are in the name of more than one, the matter of future ownership and authorization as to the permission for further burials should be taken up with the Director of Operations. In general, it has been dealt with in much the same way as the deceased person's other real estate. The governing document will be the deceased's Will which appoints an executor, and which may contain specific directions, or where no Will can be found, Letters of Administration under which someone is authorized by the court.

4.00 INTERMENT, INURNMENTS, AND DISINTERMENT BY-LAWS

4.01 **When Permitted** – Interment or disinterments shall be permitted in a lot or plot only when the by-laws of the cemetery have been complied with and against which no charges are due or unpaid.

4.02 **Opening and Closing Cost** – The cost of interment or disinterment shall be at the set tariff of rates passed by the Board as approved by the Registrar, FBCSA, BAO. The Director of Operations or contractor shall be solely responsible for arranging the opening and closing of a grave. For opening and closing fees the Funeral Director shall act as an agent for collecting fees on behalf of Springhill Cemetery.

4.03 **Burial Permits** – 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 an interment or cremation taking place.

4.04 **Cremation Certificate** – A Certificate of Cremation must be submitted to Springhill Cemetery prior to the interment or inurnment of cremated remains taking place.

4.05 **Notification** – In each case of burial, notification giving name, date of death, address of nearest relative, lot number, time of interment, and name of funeral director shall be made to the Director of Operations, so that an accurate register may be kept. The kind of outside case shall be given and the location of the grave to be opened shall be accurately designated by a diagram. Precise and proper instruction shall be given regarding the location of every burial as the Board cannot be held responsible for any errors resulting from wrongful or lack of specific information.

4.06 **Written Permission by Interment Rights Holder** – Interment rights holder(s) must provide written authorization prior to an interment, inurnment or an entombment taking place.

Should the interment rights holder be deceased or incapacitated, 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 closest next of kin.

Written instruction/requisition from a social services administrator must be submitted to the cemetery office before an interment assisted by the Social Services Agency may take place.

4.07 **Telephone Interment, Inurnment Orders** – Orders for interments, inurnments or entombments may be given by telephone. However, Springhill Cemetery will not be responsible for any errors or misunderstandings that may arise, and such verbal orders shall be confirmed in writing prior to the interment, inurnment or entombment. Springhill Cemetery requires that families attend the cemetery office prior to an interment, inurnment or entombment to provide the necessary details in accordance with current policy. The cemetery may alter these requirements under extenuating circumstances.

4.08 **Contract** – 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 completion of the contract and the public register, prior to each interment or entombment of human remains, or each interment or inurnment of cremated human remains.

4.09 **Joint Ownership** – When interment rights are held jointly by two or more persons an order will be accepted from either of them or their authorized representatives for interment in such part of the plot as may be requested.

4.10 **Interment Fee** – The interment fee includes the opening and closing of the grave, registration of the burial and Provincial fee.

4.11 **Number of Interments in One Grave** – One human remains per lot or one human remains, plus the cremated remains of two human bodies may be buried in a lot. **Four** cremated remains may be buried in a single lot. Two cremated remains may be buried in each cremation lot.

4.12 **Notice Time Required** – Notice of each interment or disinterment to be made shall be given to the Director of Operations at least eight business hours previous thereto. The Director of Operations shall not be responsible for having graves prepared for funerals unless such notice is given.

4.13 **Time Permitted** – Interments are carried out between the hours of 8:30 a.m. to 4:15 p.m. from Monday to Friday. Interments shall not be permitted after 1 P.M. on Saturday.

4.14 **Interments on Sundays or Statutory Holidays** – No interments shall be made on a Sunday or Statutory Holiday except upon presentation of a medical certificate that orders The Springhill Cemetery to carry out the burial within 24 hours of death in accordance with the regulations of the Department of Health for the control of communicable diseases.

4.15 **Columbarium** – Payments must be made to Springhill Cemetery before an interment may take place. Only cemetery staff or contractor may open and seal niches for internments.

4.16 **Cremated Remains** – Cremated remains are not permitted to be scattered on a grave in Springhill Cemetery.

4.17 **Payment** – Payment must be made to the cemetery before an interment or inurnment can take place.

4.18 **Arrears** – No interment, inurnment or entombment shall be permitted if any outstanding charges are due and unpaid.

4.19 **Disinterment** – Disinterment will be completed at a day and time designated by Springhill Cemetery. Springhill Cemetery reserves the right to disallow any witnessing of the disinterment.

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 from the cemetery may take place.

A certificate from the local Medical Officer of Health is not required for the removal of cremated remains. The retrieval of cremated remains interred in a lot or grave cannot be guaranteed.

Springhill Cemetery will not be responsible for damage to any cremation urn or cremation urn outer container which occurs during the disinterment. The condition of any cremation urn or cremation outer container disinterred may be unstable, in which case, a replacement urn may be required at the expense of the party authorizing the disinterment.

In special circumstances, the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder(s) and/or closest next of kin.

4.20 **Contagious Diseases** – The remains of a person who died from a contagious disease are not to be disinterred except when the Medical Officer of Health, or other public officer having authority at the time, approves of the disinterment. No family members or other persons will be allowed to be present for any disinterment, except cemetery staff and Health Department officials.

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

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

The cemetery may designate the hour and way these interments may be made.

4.21 **Pets and Other Animals** – Only human remains shall be interred or inurned in the cemetery.

5.00 VAULT SERVICES BY-LAWS

5.01 **Permission for Use** – Permission for use of the storage vault must be obtained from the Director of Operations and in all cases sufficient deposit must be paid to cover expenses of vault rent for the time stipulated for the body to remain in the vault.

5.02 **Length of Time** – All bodies must be removed from the vault by the first of June of each year.

5.03 **Contagious Diseases** – The bodies of persons dying from contagious diseases cannot be admitted to the vault but must be interred.

5.04 **Fee** – Fees for the use of the vault are set forth in the tariff of rates. Springhill Cemetery shall keep the burial permit for the remains while the remains are in storage in the vault.

6.00 VISITORS

6.01 **Visitors** – Visitors are always welcome at Springhill Cemetery during open hours from 8 A.M. to sundown. Visitors are asked to respect those interred within the cemetery and to conduct themselves in a quiet manner that shall not disturb any service(s) being held.

6.02 **Order** – The Cemetery are empowered and are required to preserve order and decorum in the cemetery.

6.03 **Parades Special Events** – No parades or special events, other than funeral processions, shall be admitted to or organized within the cemetery unless prior approval has been obtained from the Board of Directors.

6.04 **Children** – Children under the age of 12 years are welcome to the cemetery under the charges of an adult who shall be responsible for their good conduct.

6.05 **Vehicles** – Motorized vehicles shall be driven safely, with due decorum and at a maximum speed of 20 km/hour and shall not leave the roadway.

6.06 **Drivers** – Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.

6.07 **Firearms** – Discharging firearms other than in regular volleys at burial services is prohibited in and around the cemetery.

6.08 **Picnics** – No picnic party shall be permitted on the cemetery grounds.

6.09 **Prohibited** – All persons are prohibited from taking flowers, plants, or other materials from lots or graves in the cemetery or from picking any flowers, either wild or cultivated, or

breaking any tree, shrub or plant, or writing on or defacing, or damaging any markers, fence or structure in or belonging to the cemetery.

6.10 **Complaints** – Any complaints by lot owners or visitors shall be made to the Cemetery Operator and not to cemetery employees. Controversies with cemetery employees or others on the grounds are to be avoided.

6.11 **Disturbance** – In the sole opinion of the cemetery, any person disturbing the quiet and good order of the cemetery by noise or any other improper conduct or who violates these by-laws will be expelled from the grounds.

6.12 **Dogs** – Dogs on leashes are only permitted in the cemetery on roadways and walkways. We ask that all owners respect the sanctity of the cemetery grounds, keep their dogs off grassed areas and clean up after their dogs. Please note: This privilege could be rescinded without notice. Failure to follow these rules may result in expulsion from the grounds. The cemetery is not a dog park.

7.00 GENERAL BY-LAWS

7.01 **General Care of Interment Rights** – Income from the Care and Maintenance portion of the interment right purchase is trusted in a fund and used to maintain, secure and preserve the cemetery grounds. An example of routine maintenance services covered by the Care and Maintenance Fund include:

- a. Re-leveling and sodding or seeding of lot or graves,
- b. Maintenance of cemetery roads, sewers and water systems,
- c. Maintenance of perimeter walls and fences,
- d. Maintenance of cemetery landscaping,
- e. Maintenance of mausolea and columbaria,
- f. Repairs and upkeep of cemetery maintenance buildings and equipment. To the extent

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

Extra Work. The planting or trimming of trees and shrubs on individual lot, or graves, preparation of flower beds, cleaning of memorials, removal of plant material, and other special services are deemed to be additional and 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 the cemetery office.

7.02 **Planting Flowers and Shrubs** – Lot or plot holder shall confer with the Director of Operations before planting flowers or shrubs. Glass and metal containers are prohibited. Paper mache containers are acceptable.

7.03 **Removal of Plant Material for Interments** – Interment rights holder(s) understand that plant material may have to be removed to facilitate an interment within a lot, or grave. The cemetery will make reasonable efforts to preserve and reinstall the plant material but does not

assume any responsibility or liability in this regard.

7.04 Trees and Shrubs and Flowers – In certain specified areas of the cemetery, plantings are not permitted. Within permitted areas, trees, shrubs, flowers or other plants may be cultivated on lots, only when permission is received from the cemetery, and only such varieties as are in good taste and in keeping with the general plan of the grounds. However, if any trees or shrubs or other plantings on any lot shall have, in the opinion of the cemetery, become by any means detrimental to the general appearance or operation of the grounds or inconvenient to the public, the cemetery may remove such trees or shrubs or plantings, or parts thereof with no compensation or replacement. The cemetery may remove at its sole discretion, any such article and dispose of it without notification.

7.05 Size of Flower Beds – Where permitted in the cemetery, flower beds may be installed with the following conditions:

- a. Monuments: Flower beds shall not exceed 45.72 cm (18 in) from the base of the monument and not exceed by more than 15.24 cm (6 in) on each side of the base of the monument.
- b. Markers: Flower beds must be planted above the marker and shall not exceed 45.72 cm (18 in) above and not exceed the width of the marker by more than 15.24 cm (6 in) on each side.

7.06 Flowers on Graves – Flowers placed on a grave for a funeral shall be removed by Springhill Cemetery after reasonable time to protect and maintain the tidy appearance of the cemetery.

7.07 Right to Regulate Articles – The cemetery reserves the right to regulate the articles placed on lots, graves, and columbaria that pose a threat to the safety of all visitors to the cemetery and cemetery employees, and that prevent the cemetery from performing general operations, or are not in keeping with the dignity and decorum of the cemetery. Articles deemed inappropriate 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:

- a. Articles made of hazardous materials such as non-heat resistant glass (excludes glass attached to monuments), ceramics or corrosive metals;
- b. Solar Lights
- c. Loose stones or sharp objects;
- d. Trellises or arches;
- e. Chairs.

Please contact the cemetery for clarification prior to purchasing or placing any article on an interment right.

7.08 Candles, Incense or Flammable Articles – Lighted candles, incense, or other flammable articles may be placed on a lot or grave only when attended by an adult. All flammable articles must be extinguished prior to leaving the lot or grave.

Any damage caused by candles, incense or flammable articles is the direct and total responsibility of the interment rights holder(s). The cemetery does not assume any liability in this regard. The cemetery may remove at its sole discretion, any such article and dispose of it without notification.

7.09 **Borders, Fences, Railings, etc.** – Borders, fences, curbs, railings, walls, cut stone copings and hedges in or around lots and graves are not permitted. If found, the cemetery will make reasonable efforts to notify the interment rights holder(s) 90 days prior to their removal.

7.10 **Cut Flowers, Plants and Potted Plants** – Cut flowers, plants and potted plants may be placed in the designated planting areas of lots and graves, providing proper cemetery approved containers are used. Such flowers and plants will be removed and disposed of by the cemetery staff when they become faded or unsightly.

7.11 **Artificial Flowers or Ornaments** – Artificial flowers and ornaments are only permitted during the growing season, May to October. The cemetery reserves the right to disallow or remove, without notification, quantities of artificial flowers or ornaments considered to be excessive and that diminish the otherwise tidy appearance of the cemetery.

7.12 **Removal of Artificial Flowers or Ornaments** – Artificial flowers or ornaments must be removed by November 15th of any year. Past this date, such artificial flowers or ornaments will be removed and disposed of by the cemetery staff without notification.

7.13 **Vases and Flower Stands** – Vases and flower stands not properly cared for and not filled with plants shall be removed. Vases and flower stands must be removed before winter, failing to do so, the cemetery will not be responsible for damage.

7.14 **Removal of Memorial Wreaths** – Memorial wreaths may be placed in the cemetery after November 1st of any year. To preserve the proper appearance of the grounds they must be removed before April 1st of the following year. Wreaths not removed by April 15th will be removed and disposed by the cemetery staff without notification.

7.15 **Articles Attached to Trees** – It is forbidden to attach any article(s) on trees within the cemetery.

7.16 **Responsibility for Articles** – Articles placed on lots or graves are the sole responsibility of the interment rights holder(s). The cemetery cannot be held responsible for the loss or damage of any article(s) placed within the cemetery.

7.17 **Designated No Planting Areas** – The cemetery reserves the right to have dedicated no planting areas within the cemetery.

7.18 **Grading of Lots or Graves and Cutting Sod** – Only the cemetery, or contractors authorized by the cemetery, may cut or remove sod or soil or change the grading of a lot or grave or any surrounding area.

7.19 **Work on Lots or Graves** – No person shall do any work upon a lot or grave without the permission of the cemetery.

8.00 MEMORIALIZATION

8.01 **Memorialization** – Memorialization is only permitted once all cemetery charges have been paid in full. Memorialization includes but is not limited to:

- a. Monuments,
- b. Markers,
- c. Foundations,
- d. Inscriptions,
- e. Benches.

No memorialization shall be placed, moved, altered, or removed without permission from the cemetery.

8.02 **Approval of Design** – No memorialization shall be placed on any lot until its design, dimensions, plans and specifications relative to the material, construction and the proposed location thereof have been submitted to and approved by the cemetery. This includes unique designs for monuments including, but not limited to, a boulder, a sculpture and benches used for the purpose of memorialization

8.03 **Payment** – The charges for the application form and the amount to be paid to the Care and Maintenance Fund are set forth in tariff of rates and become due and payable before the work is undertaken.

8.04 **Application Fee** – The application fee form shall show the date, holders name, section, lot number, type of marker, dimensions, amount of money paid to Care and Maintenance, dealers name and signature in approval of guarantee for foundation. The marker may be erected subject to approval of the Director of Operations and in compliance with the by-laws of Springhill Cemetery.

8.05 **Foundation** – Foundation of high quality 20MPA (3000PSI) concrete shall be 1.22 metres (4 feet) in depth and 7.62 centimetres (3 inches) wider on all side and ends than an upright marker and base at ground level. The foundation shall be guaranteed to be in a satisfactory condition for a minimum of twenty years.

8.06 **Location of Markers** – All markers including base shall not be set more than 0.61 meters (2 feet) of the end of the lot or plot on all graves 2.44 meters (8 feet) in length. In sections A, D, E, F, the markers shall be set in line with existing markers.

8.07 **Identification** – To facilitate identification and reduce vandalism, all markers installed in future regardless of size and material shall show the number of the section and lot on the lower right-hand corner in a legible and permanent manner. On upright markers the lot number shall be shown on the base or tablet. The numerals shall not exceed 12.7 millimetres (1/2 inch) in height.

8.08 **Marker Dealers** – Marker dealers shall be advised that a minimum fee of fifty dollars (\$50.00) may be assessed by Springhill Cemetery and collected from them if the area around a marker installation is damaged or left in an unsatisfactory condition.

8.09 **Marker Repairs** – The property committee and the Director of Operations shall check all markers at least once a year. If a marker presents a risk to public safety because it is unstable, the property committee shall ask the Director of Operations to notify the rights holder, if possible, of the condition of the marker. The Director of Operations shall have the necessary repairs made to stabilize the marker.

8.10 **Rights Holder Responsibility to a Marker** – While Springhill Cemetery is obliged to maintain all markers to ensure the safety of the public and to preserve the dignity of the cemetery, all other repairs and maintenance of markers is the responsibility of the rights holder.

8.11 **Inscription** – No inscription shall be placed on any marker which is not keeping with the dignity and decorum of the cemetery.

8.12 **Material and Finish** – All markers shall be constructed of granite; flat markers may be of either granite or bronze. The bottom bed of all bases and markers must be cut level and true. No objects shall be glued or attached to an upright marker.

8.13 **Dowelling** - All diestones, columns, limbs of crosses, etc. shall be adequately dowelled to their bases unless the underside of each superstructure is in the judgment of Springhill Cemetery of enough area in relation to its height to ensure stability.

8.14 **Open Urns** – Open urns intended as receptacles for flowers and forming integral parts of the marker are not permitted. Openings drilled into the base for flower containers and vases are not permitted.

8.15 **Seats and Benches** – Seats and benches of granite to be used as memorials may be permitted on approval of the design by the Springhill Cemetery Board.

8.16 **Upright Markers** – No upright markers shall be erected over a grave space in which there has been an interment. Upright markers shall be a minimum height of 0.61 metres (2 feet). All flat markers shall be at ground level. Only one upright marker or one flat marker (excluding four flat corner markers) shall be permitted on any lot. When the maximum size of upright or flat markers permitted on a lot or plot is erected no other marker except corner markers are permitted.

8.17 **Maximum Size of Upright Marker Permitted**

Maximum size of upright marker permitted requires a plot with over 2 lots and the following maximum and minimum dimensions.

Maximum overall height – 111.76 centimeters (44 inches)

Maximum overall length including base – 243.86 centimeters (96 inches)

Maximum width of base - 45.7 centimetres (18 inches)

Minimum thickness of marker - 20.32 centimetres (8 inches)

For foundation specifications see 8.04

8.18 Size of an Upright Marker on a Plot of Two Lots

Maximum overall height – 111.76 centimeters (44 inches)

Maximum overall length including base -152.4 centimeters (60 inches)

Maximum width of base - 45.7 centimeters (18 inches)

Minimum thickness of marker - 15.24 centimeters (6 inches)

For foundation specifications see 8.04

8.19 Size of an Upright Marker on a Lot

Maximum overall height – 96.52 centimeters (38 inches)

Maximum overall length including base – 91.44 centimeters (36 inches)

Maximum width of base- 45.7 centimeters (18 inches)

Minimum thickness of marker - 15.24 centimeters (6 inches)

For foundation specifications see 8.04

8.20 Maximum Size of a Flat Marker Permitted

Maximum size of a flat marker permitted requires a plot with a minimum of 2 lots

Maximum size of a flat marker in cremation area, section C, one - 30.48cm x 50.8cm (12"x20")

Maximum size of a flat marker on a lot, one - 50.8cm x 76.2cm (20"x 30")

Maximum size of a flat marker on a plot shall be 50.8cm x 121.9cm (20"x48")

8.21 Cremation Lot – No upright marker permitted. One flat marker permitted, maximum size of 30.48cm x 50.8cm (12"x20")

8.22 Flat Markers – Flat markers must be of granite or of bronze attached to granite with a 2-inch border of granite on both sides and ends. Granite flat markers shall not be more than 10 centimetres (4 inches), not less than 7.6 centimetres (3 inches) in thickness, throughout, and smoothly finished on all surfaces. Openings for flower containers and vases are not permitted.

8.23 Bronze Flat Markers – The following special regulations shall apply to the use of bronze for flat markers in addition to all other regulations respecting flat markers;

a. All bronze castings shall be true, free from weakening or minor defects, blemishes or imperfections, with smooth exposed surfaces. Rough, "sand-like", painted or pigmented lacquer finishes, or ornamentations are not permitted.

b. Bronze flat markers must be attached to a granite base of not more than 10 centimetres (4 inches) and not less than 7.6 centimetres (3 inches) in thickness. In the case of granite bases there must be a two-inch border and be a minimum of 20MPa (3,000 PSI). The bronze flat markers must be securely attached to the base before delivery to the cemetery.

c. The alloy in bronze flat markers shall consist of 86% to 89% copper, 5% to 6% tin, 1,75% lead and 3.5% to 5% zinc, with not more than 1.5% other elements.

d. Bronze flat markers used as memorials must be cast with sufficient integral bosses on the underside, the bosses to be tapped or drilled to receive at least four anchor lugs of brass or bronze from 7.6 centimetres (3 inches) to 10 centimetres (4 inches) in length, and not less than 9.65 centimetres (3.8 inches) in diameter.

8.24 **Bases** – All bases of monuments shall be of the same material as the tablet. The bottom 10.16 cm (4 in) of a monument base must be of a rock-pitch finish. Minor scraping of the monument base due to lawn maintenance is considered to be normal wear.

8.25 **Corner Markers** – Maximum size – 15.24 cm x 15.24 cm (6"x 6")

9.00 OUTDOOR COLUMBARIA

9.01 **Visitor Hours** – Cemetery visiting hours apply.

9.02 **Documents Required for Inurnment** – No inurnment shall be made without a written order from the rights holder(s) or the legal representative of the estate if the rights holder is deceased.

9.03 **Cremation Certificate** – A Certificate of Cremation must be submitted to the cemetery office prior to the inurnment of cremated remains taking place.

9.04 **Payment** – Full payment must be made to the cemetery before an inurnment may take place.

9.05 **Sealing After Inurnment or Entombment** – Only the cemetery staff may open and seal niches. This applies to the niche front. No person other than cemetery staff shall remove or alter niche fronts.

9.06 **Flowers, Artificial Flowers, Photographs and Potted Plants** – Only fresh cut flowers are permitted within the designated area and will be removed and disposed of when in the opinion of the cemetery they become unsightly. Artificial flowers, potted plants and photographs are not permitted and will be removed and disposed of without notification.

9.07 **Articles Not Permitted** – No pedestals, urns or articles of a heavy or cumbersome character shall be permitted.

9.08 **Niche Inscriptions** – To ensure quality control, desired uniformity and standard of workmanship, the cemetery operator reserves the right to approve all inscriptions and have all niche fronts inscribed.

9.09 **Pictures** – Pictures are not permitted to be attached to the niche fronts.

9.10 **Other Ornamentation** – No other type of ornamentation will be permitted on the niche fronts.

10.00 CONTRACTOR/MONUMENT DEALER BY-LAWS

Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator before the work may begin. Pre-approval 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.

10.01 **Contact the Director of Operations Prior** to the start of any said work, contractors must provide proof of (any or all may apply depending on your specific operation):

WSIB coverage

Occupational Health and Safety compliance standards

Environmental Protection

WHMIS

Evidence of liability insurance of not less than \$2 million

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 in the evening, weekends or statutory holidays, unless approval has been granted by

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

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 to protect the surface from damage.

FILED	DEPOSÉ
In accordance with the <i>Funeral, Burial and Cremation Services Act,</i> 2002	Conformément à la Loi de 2002 <i>sur les services funéraires et les services d'enterrement et de crémation</i>
Date: <u>March 3, 2022</u>	