

HISTORICAL NOTE

The St. Andrew's and St. James' Cemetery was organized in 1873 by the congregations of the Orillia Presbyterian Church (St. Andrew's) and the St. James' Anglican Church for the community.

The Cemetery is administered by a Board of Trustees consisting of four members from the
Presbyterian congregation
and four members from the Anglican congregation.

ST. ANDREW'S - ST. JAMES' CEMETERY
320 Coldwater Road W. P.O. Box 364
Orillia, Ontario L3V 6J8
Phone (705) 326-6021 Fax (705) 326-1423
www.ststjcemetary.com
sta.stj.cemetery@bellnet.ca

REGULATIONS

These by-laws are the rules and regulations that govern St. Andrew's – St. James' Cemetery and have been approved by the Registrar of Cemeteries, FBCSA, Cemeteries Regulations Unit, Ministry of Government and Consumer Services.

We hope you will read the rules set forth in the booklet carefully. Their sole objective is to respect, protect and beautify the burial places under the care of the Board, and to ensure the care of the graves in the Cemetery.

It is hoped that any misunderstanding between Interment Rights Holders and the Management of the Cemetery might thus be prevented. We are sure that you will co-operate with the Board in this.

The Board may, from time to time, repeal the rules or parts thereof in such a manner as in their discretion will best serve the interests of the property under their control, subject to the approval of the Ministry of Government and Consumer Services, Consumer Protection Branch, Cemeteries Regulations Unit.

There is a Business Manager in charge who, along with other cemetery staff, will be pleased to advise you concerning matters relating to the Cemetery. The members of the Board of Trustees are also available for consultation. It is hoped that every Interment Rights Holder will feel free to consult these various officials at any time.

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A. DEFINITIONS

Act: Funeral Burial & Cremation Services Act, 2002, S.O. 2002, C.32 OR Ontario Regulation 30/11.

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

By-laws: The rules and regulations under which the Cemetery operates and shall be approved by both the Cemetery Board and the Registrar.

Care and Maintenance Fund: It is a requirement under the FBCSA that a percentage of the purchase price of all Interment Rights, and set 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.

Cemetery Operator: The Cemetery Board and or the Cemetery Business Manager which reserves full control over the cemetery operations and management of land within the cemetery grounds.

Contract: For purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

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.

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

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot or niche 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 of the interment rights.

Interment Rights Holder: Any person designated to hold the right to inter human remains in a specified lot.

Lot: For the purposes of these By-laws, 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.

Niche: An individual compartment in a columbarium for the entombment or inurnment of cremated human remains.

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

Pre-need supplies or services; Cemetery supplies or services that are not required to be provided until the death of a person alive at the time the arrangements are made.

Price list: The list of fees and charges as set out by the Cemetery Board.

Trust Fund: Trust fund established for the purposes of and in accordance with the Act.

B. GENERAL INFORMATION

Hours of Operation:

Office Hours:

9am to 4:30pm Monday to Friday

Visitation Hours:

8am to sunset daily

Interment Hours:

Monday to Friday 9:30am to 3:30pm

Saturday may be available, extra charges apply, call office for details

Winter Interments:

Monday to Friday 1pm to 3:30pm, Saturdays are not available

General Conduct:

The Cemetery Operator reserves the right and full control over the cemetery operations and management of land within the cemetery grounds.

No person shall 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.

Children under the age of ten years are not admitted to the grounds unless in the charge of an adult who shall be responsible for their good conduct and shall see that they do not run over lots and graves.

No person with firearms will be admitted to the Cemetery except in the case of a military funeral.

Dogs and pets are not allowed to run at large in the Cemetery and must be kept on a leash.

Vehicles within the cemetery shall be driven with due decorum at a speed not to exceed 15 km per/hour. Vehicles must remain on the roadways. Owners of vehicles shall be responsible for any damage done by them or their drivers.

By-Law Amendments:

The cemetery shall be governed by these by-laws, and all procedures will comply with the *Funeral & Cremation Services Act, 2002* and Ontario Regulation 30/11, which may be amended periodically.

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, Cemeteries Regulations Unit, Ministry of Government and Consumer Services.

Liability of the Board:

The Cemetery Board and the management will take reasonable precautions to protect the property of Interment Rights Holders. The Cemetery Board 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, 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.

Complaints:

Complaints of Interment Rights Holders or visitors should be made to the Business Manager and not to the workers on the grounds. You are assured of a courteous hearing by the Business Manager regarding any problem relating to the cemetery.

Public Register:

Provincial Legislation – Section 110 of Ontario Regulation 30/11 requires all cemeteries to maintain a public register that is available to the public during regular office hours.

Pets or Other Animals:

Pets or other lower animals, including cremated animal remains, are not allowed to be buried/interred in the cemetery.

Right to Re-Survey:

The cemetery has the right at any time 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 part of the cemetery, subject to appropriate authorities.

Notice of resale and transfer of Interment Rights:

The cemetery operator PROHIBITS the resale of interment rights to a third party and will repurchase these rights at the price listed on the current price list. Transfers of interment rights cannot be prohibited as long as the purchaser meets the qualifications and requirements as outlined in the cemetery operator's by-laws.

The cemetery operator PROHIBITS the resale of interment rights to a third party and is not required to repurchase unused interment rights in a plot (more than one lot) if one of the interment rights in the plot has been exercised.

C. SALE OF INTERMENT RIGHTS

Interment Rights to lots and niches may be purchased from the Cemetery Board at the tariff of rates in effect at the time of purchase and according to the approved plans of the Cemetery.

All payments for Interment Rights shall be made at the cemetery office.

The Purchase of interment rights entitles holders to the burial of the dead and the erection of monuments, but only in accordance with the rules set out in the section entitled "MEMORIALIZATION".

The purchase of niche rights entitles holders to inurnment or entombment rights and memorialization in accordance with the rules set out in the section entitled "COLUMBARIUM".

The purchase of supplies or services will be made directly through the cemetery office.

Forty percent (40%) of the selling price of a lot and fifteen percent (15%) of the selling price of a niche shall be placed in the Care and Maintenance Fund of the cemetery.

Under certain circumstances and by agreement only, a funeral Director may on behalf of a cemetery customer, make full payment for cemetery services and may accept full payment to the St. Andrew's – St. James' Cemetery Board.

A monument dealer may submit and or accept and submit payment made payable to St. Andrew's – St. James' Cemetery Board for monument and or marker installation and care and maintenance for monuments and markers.

The Cemetery Business Manager shall provide the following to the Interment Rights Holder upon full payment:

- a) Interment Rights Certificate
- b) Invoice marked paid
- c) Copy of Cemetery By-laws (Rules & Regulations)
- d) Price list
- e) Diagram of cemetery lot or niche columbarium
- f) Consumer Information Guide

D. CANCELLATION OR RESALE OF INTERMENT RIGHTS

Purchasers of Interment Rights acquire only the right to direct the burial of human remains and cremated human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-laws. In accordance with cemetery by-laws, no interment, entombment, inurnment 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 may advise the Business Manager of their intention.

Cancellation of Interment Rights within 30 Day Cooling-Off Period;

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

If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder are not entitled to cancel the contract or re-sell the interment rights.

RE-SALE of Interment Rights to a Third Party is **PROHIBITED**.

REQUIREMENTS TO RE-PURCHASE INTERMENT RIGHTS:

The Business Manager will repurchase the interment rights at the price listed on the cemetery's current price list less the Care and Maintenance Fund contribution made at the time of purchase. The re-purchase and payment to the rights holder requesting the sale must be completed within thirty (30) days of the request.

The interment rights holder requesting the resale of the rights must return the interment rights certificate to the Business Manager and the rights holder must endorse the interment rights certificate, transferring all rights, title and interest back to the cemetery. The appropriate paperwork must be completed before the Business Manager reimburses the rights holder.

E. BURIAL OF HUMAN REMAINS AND CREMATED REMAINS

Interment rights holder must provide written authorization prior to a burial or entombment of cremated remains 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 i.e. Personal Representative, Estate Trustee, Executor or next of kin.

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.

In accordance with the FBSCA, 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 cremated remains.

Payment must be made to the Business Manager before a burial can take place.

The cemetery shall be given 48 business hours of notice for each burial of human remains or human cremated remains.

The deceased body must be interred in a casket or container suitable to transport the body to the grave.

Interments or entombments will not be made on the following days: Christmas Day, New Year's Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labor Day, Thanksgiving Day or Saturdays. Saturday interments may occur when preceded or followed by a Statutory Holiday.

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

Double depth interments are not permitted. The interment rights sold previously with double depth interment rights will be honored.

The interment of cremated remains upon existing graves will be limited to 2 (two) per grave. A flat marker without base and not exceeding 24 inches by 18 inches may be installed. Exceptions must be approved in writing by the Business Manager.

Cremated remains are not permitted to be scattered on a grave or elsewhere within St. Andrew's – St. James' Cemetery.

Graves containing a casket burial, 2 cremated remains are also permitted. Graves containing no casket, 6 cremated remains are permitted. Cremation Plot - 4 cremated remains are permitted. Outdoor Niche Walls - 2 cremated remains are permitted.

Human remains may be disinterred from a lot provided that written consent (authorization) of the interment rights holder has been received by the Business Manager 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 certain 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.

WINTER INTERMENTS

Winter interments will be done by the cemetery at the family's request.

Winter interments are available Monday to Friday from 1pm to 3:30pm; extra charges apply.

We restrict those attending to family only as it will not be possible to park a large number of vehicles on the property during the winter.

We require at least 48 hours of notice for an interment. There will be areas of the cemetery where we foresee that we will not be able to work during the winter months due to the terrain. This judgment will have to be made when an actual circumstance is known.

There may be weather days that will preclude an interment and or the preparation of the grave.

We will continue to offer the Winter Vault service as an alternative to winter interments for the benefit of the families and out of town cemeteries.

WINTER VAULT

During the season of severe winter weather (approximately December 15th to April 15th) temporary entombment will be made in the Winter Vault. Those caskets placed in the vault will be interred the following spring. All bodies placed in the vault must be embalmed.

If ordered by the Simcoe County Health Unit, persons dying from contagious diseases shall not be placed in the Winter Vault. These bodies must be interred and shall not be disinterred.

All bodies must be removed from the Winter Vault by May 15th each year.

No casket is to be opened without a special permit from a Medical Officer of Health once it has been deposited in the Winter Vault.

Spring interments are to be completed by May 15th. The Business Manager will notify the Funeral Directors to schedule interments. Families of the deceased will be notified by the Funeral Directors regarding the date and time so they may be in attendance. Families are responsible for all charges incurred.

F. MEMORIALIZATION Monuments and Markers

For the purpose of these regulations, a monument shall be understood to be a permanent memorial structure projecting above the ground level. A marker shall be understood to be either a pillow or a flat marker. A pillow marker is not to exceed 8 inches in height with the back being approximately 2 inches higher than the front. A flat marker is installed level with the ground.

Monuments must have a minimum thickness of six inches (D.V.A. monuments excepted) and the monument must not protrude over the end or side of the base. Preferably, there should be a 3 inch margin on all sides around the monument. Checked or cut-out monuments do not comply.

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

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

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

The Cemetery Board and the Business Manager will take reasonable precautions to protect the property of the interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.

The Business Manager 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.

Foundations for monuments and markers shall be built by the cemetery staff at the expense of the interment rights holder. Built to the following specifications: not less than five feet deep; twelve to fourteen inches wide (depending on the location) and the upper surface to be flush with the ground. Some areas in the cemetery will not accommodate 14 inch foundations. Business Manager must approve all variances to foundation sizes.

Should any monument or marker present a risk to public safety because it has become unstable, the Business Manager 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.

The Business Manager 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 trustees.

When any monument or marker is to be removed for cleaning, inscription or renovation etc., written notification signed by the Interment Rights Holder shall be made to the Business Manager regarding the removal. Contractors or Monument Dealers removing such monuments or markers shall be responsible for any cemetery damages.

A monument shall be erected only after the specific design plans have been approved by the Business Manager including: dimensions, material of structure, construction details and

proposed location.

In keeping with the cemetery by-laws only one monument shall be erected within the designated space on any lot. Plots containing more than two graves may have more than one monument installed but only with the approval of the Business Manager.

Monuments and markers shall be of standard granite or marble. No artificial or perishable material including sandstone or limestone shall be allowed. Natural boulders and fieldstones are not permitted.

No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder and or monument dealer have been notified by the Business Manager.

Proof of insurance must be presented to Business Manager upon entering cemetery for any and all work performed in the cemetery.

All upright monuments must be placed on a granite or marble base having a minimum thickness of eight inches. Monument bases together with corner markers and shrubs (ornamental plantings etc.) must not exceed the width of the lot.

The following dimensions for monuments have been specified in order to preserve uniformity in appearance of the Cemetery:

LENGTH OF BASE OF UPRIGHT MONUMENTS

Maximum Measurements

- Single Grave 30 inches
- Two Grave Plot 60 inches
- Three Grave Plot 96 inches
- Four Grave Plot 132 inches
- Five Grave Plot 168 inches

** Dimensions do not provide for shrubs on ends*

LENGTH OF BASE OF PILLOW MARKERS

Maximum Measurements

	<u>Pillow Size</u>	<u>Pad Size</u>
Single Grave	30 x 16	36 x 20
Two Grave Plot	60 x 16	66 x 20
Three Grave Plot	96 x 16	102 x 20
Four Grave Plot	132 x 16	138 x 20
Five Grave Plot	168 x 16	174 x 20

CREMATION PLOT

Maximum Measurements 30 X 18 Single Grave

G. CARE AND PLANTING

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:

- Leveling and seeding of lots
- Maintenance of cemetery roads, sewer and water systems
- Maintenance of perimeter wall and fences
- Maintenance of cemetery landscaping
- Repairs and general upkeep of cemetery maintenance buildings and equipment

No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot or plot in the cemetery.

No person shall plant trees, flowerbeds or shrubs in the cemetery except with the approval of the Business Manager.

- Flowers placed on a grave for a funeral will be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.
- Flowerbeds may not exceed the length of the monument base or exceed 15 inches in width. Plantings are allowed only in front of the monument.
- Plantings in cremation plots may only be in front of the marker.
- Cut flowers are allowed on all lots but must be placed in metal receptacles constructed of galvanized or other non-rusting metal. These containers must be set in the ground with the top even with the surface of the ground and covered when not in use.

Ornamental evergreen shrubs are allowed on all lots of two graves or more containing monuments. They must be placed in line with the monuments and be of reasonable size and shape (not more than four feet high at any time and not interfering with lots on either side). Before purchasing shrubs, you must consult with the Business Manager concerning planting regulations and recommendations relating to type and size. The Board has the right to remove or trim shrubs, which do not conform to these regulations and encroach on adjacent lots.

H. ITEMS THAT ARE PROHIBITED AND PERMITTED

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 without notification and placed in a storage area for up to 4 weeks.

Artificial flowers **are prohibited** in flowerbeds.

Rose bushes **are prohibited** in the cemetery.

Ornaments such as trinkets, glassware, stuffed animals, balloons, stones and decorations other than flowers in flowerbeds **are prohibited**.

Artificial flowers and monument saddles **are prohibited** on any plot from April 15th to November 15th. During the winter months these will be allowed. These must be removed by April 15th each year.

Artificial freestanding wreaths **are permitted during the winter months only**. These must be removed by April 15th each year.

Hanging baskets **are permitted** on a shepherd hook only. Portable urns, glass artificial flower holders and other semi-permanent articles **are prohibited**.

Solar lights will be limited to one per single grave including cremation plots and up to two solar lights maximum for two or more graves.

Picking or cutting flowers, wild or cultivated, **is prohibited**.

No picnic, party or camping will be permitted on the grounds.

Borders, fences, railings or hedges in or around lots **are prohibited**.

Rubbish must not be thrown on the roads, walks or any part of the grounds. Receptacles are provided at convenient points for the disposal of weeds, wilted flowers, plants, wrappings, etc.

I. COLUMBARIUM

OUTDOOR NICHE – *Granite Walls*

The cremated remains of up to two (2) persons may be inurned in a niche.

The niche plates must be supplied and installed by the cemetery. Interment Rights to niches may be purchased from the Board at the tariff of rates in effect at the time of purchase and according to the plans of the Cemetery.

The placing of floral tributes must be in a niche vase available through the cemetery. Contact Business Manager to arrange purchase and installation.

Niche grounds will be suitably landscaped by the cemetery staff.

Fifteen percent (15%) of the selling price of the niche shall be placed in the Care and Maintenance Fund of the cemetery.

The interment and/or disinterment of cremated remains may be restricted between December 1st to April 1st or at the discretion of the Business Manager.

Each subsequent opening of the niche will be subject to additional charges.

INDOOR NICHE -“*A Life of Memories Columbarium*”

The cremated remains of one (1) person up to four (4) persons may be inurned in a niche depending on the size of the niche purchased.

Decoration of niche may include a framed photo along with a small floral arrangement, if desired. Jewelry items of great value may not be placed in niches. Some items may require the Business Manager’s approval.

Each Interment Rights Holder will be issued an entry code to the building allowing access for visitation. The building will be monitored by an alarm system overriding the entry access codes during the hours of 8pm to 8am. Access to the building will be available 7 days per week.

Fifteen percent (15%) of the selling price of the niche shall be placed in the Care and Maintenance Fund of the cemetery.

Each subsequent opening of the niche will be subject to additional charges.

J. CONTRACTORS AND MONUMENT DEALERS

Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the Business Manager 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.

Prior to the start of any said work, contractors must provide proof of:

- WSIB Coverage
- Occupational Health & Safety compliance standards
- Environmental Protection
- WHMIS
- Evidence of liability insurance of not less than \$2,000,000
(two million dollars)

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 the Business Manager.

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

Contractors and Monument Dealers 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 or monument dealer operations at their sole discretion if the noise of the work being performed is deemed to be a disturbance to any funeral or public gathering within the cemetery.

These revised regulations supersede all previously
Published regulations and are approved by the
Ministry of Government and Consumer Services
Consumer Protection Branch
Cemeteries Regulations Unit
Province of Ontario

Dated:

Ministry Stamp: