

St. Peter's Anglican Church Cemetery

Cemetery By-Laws

The Anglican Parish of Churchill and Cookstown
6254 Yonge Street,
Churchill, ON L0L 1K0

This booklet of Cemetery By-Laws comply with the provisions of The Funeral, Burial and Cremation Service Act, 2002 and approved by the Bereavement Authority of Ontario.

TABLE OF CONTENTS

PREFACE	3
SECTION A – Definitions	4
B – Sales, Transfers and Interment Rights	6
C – Monumental Work and Foundations	8
D - Rules for Monument Dealers, Contractors and Workers ..	10
E – Single Graves	12
F – Interments and Disinterments	13
G – Funeral Processions	15
H – Flowers and Shrubs	16
I – Rules for Visitors	17
J – Care and Maintenance Fund	18
K – Protection of Directors, Officers and Others	19

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BY-LAWS FOR THE USE AND OPERATION OF ST. PETER'S ANGLICAN CHURCH CEMETERY

The Parish was served from 1833 to 1842 by missionaries sent out from Toronto to minister to Anglicans in South Innisfil. At this time Churchill was known as Gimby's Corners and services were held in homes. Rev. S.B. Ardagh traveled on horseback and had many missions. Because the territory was so immense, Rev. George Bourne and Rev. John Fletcher, along with Rev. Garnet Nugent were sent to assist him.

In 1848, Colonel George Duggan gave the property on Lot 15, Concession 3 in Innisfil as a site for the first Anglican Church and adjoining cemetery. With the help of master carpenter William Lennox, the first church was built, a small frame structure with a choir gallery, altar, pulpit and lectern. It had 22 seats in the nave for the congregation. One of the original seats is still in St. Peter's today.

When the congregation outgrew the church, a second church was built east of the old church. This was built between 1882-1883 and was consecrated on October 7, 1886. A Women's Auxiliary was formed until the name changed to Anglican Church Women (ACW) on November 22, 1967. A G.A. (Girls' Auxiliary) was formed and for many years was under the leadership of Mary Sloan and Betty Akers. A Junior Girl's Auxiliary was also formed.

In the late 20's and early 30's all activities were held at the Orange Hall, later known as Churchill Community Hall. In 1943 land was purchased for a parking lot and by volunteer help, our first Parish Hall was built. In 1954 an electric organ was placed in the church.

In 1973, St. Peter's celebrated its 125 anniversary and in September 1998, it celebrated its 150th.

In 1989, June 18th, under Rev. Glen Burgomaster, the Sesquicentennial event took place. On June 21, 1992, the Rt. Rev. Taylor Pryce dedicated the new Parish Hall. Rev. Carol Langley became our incumbent in 1992 from St. James Cathedral in Toronto. Rev. Stephen Kirkegaard and his wife Sandy, joined the Parish in 1996. Stephen's new appointment was at St. Aidan's in Toronto in 2003.

All monies received by the St. Peter's Anglican Church Cemetery Board are used solely for the upkeep and improvement of the cemetery.

The administration body consists of the Chairperson and an appointed board of directors. The chairperson and directors offer their time and services without remuneration to maintain and improve the cemetery, and they earnestly request Burial Right Holders and the visiting public to join them in reading and observing the By-laws contained in this pamphlet.

Section A

Definitions

1. "Cemetery" shall mean St. Peter's Anglican Church Cemetery, located at 6254 Yonge Street, Churchill, ON.
2. "BAO" shall mean the Bereavement Authority of Ontario.
3. "Board" shall mean the duly appointed or elected Board of Directors for St. Peter's Anglican Church Cemetery.
4. "Chairman" shall mean the chairman of the Board of Directors for St. Peter's Anglican Church Cemetery.
5. "Treasurer" shall mean the Treasurer appointed by the Board of Directors for St. Peter's Anglican Church Cemetery.
6. "Secretary" shall mean the Secretary appointed by the Board of Directors for St. Peter's Anglican Church Cemetery.
7. "Lot" means an area of land in the Cemetery containing, or set aside to contain, human remains and includes a tomb or crypt.
8. "Interment Rights" includes the right to require or direct the interment of human remains in a lot.
9. "Interment Rights Holder" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Funeral, Burial and Cremation Services Act, 2002..
10. "Certificate of Interment Rights" shall mean the certificate issued by St. Peter's Anglican Church Cemetery to the purchaser of interment rights in either a lot or plot.
11. "Purchaser" means an individual purchasing the Interment or Scattering Right. The Purchaser does not hold or maintain the right to direct Burials, cremated remains scattering, or memorialization unless they are registered as the Interment Rights Holder and are so named on the Interment Rights Certificate.
12. "Plan" shall mean the plan of the cemetery, approved by the Bereavement Authority of Ontario.
13. "Care and Maintenance Fund" shall mean a fund in which all monies received by the cemetery for the care and maintenance of lots, plots and monuments has been invested and which is held by a Financial Institution in Ontario.

14. "General Maintenance Account" shall mean the account which has been set aside for maintenance of the cemetery and for services rendered in connection with its operation.
15. "Trust funds" shall mean those funds in which a trustee may invest and which are defined in the "Trustee Act", R.S.O. 1989
16. "Cremation Lot" is a lot that may be used to inter 1,2,3 or 4 cremated remains depending on the size of the lot and location in the cemetery. The memorials allowed on the lot depends on the size of lot and location in the cemetery.
17. "Cornerposts" 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.
18. "Marker" shall mean any memorial of Granite, Marble, or Bronze set flush with the surface of the ground, and used to mark the location of a lot.
19. "Monument" shall mean any permanent memorial projecting above the ground level.
20. "Shared Monument" – Monuments that are jointly purchased by two families, each having the use of one side of the monument. If both sides are purchased by one family, both sides may be used for the use of the designated people to be interred there by the interment rights holder.
21. "Plot" means two or more lots in which the rights to inter have been sold as a unit. "
22. "Grave Liner" means a non-sealing two or three piece container of concrete construction and does not have any sealing capabilities.
23. "Vault" shall mean that an outer container consisting of concrete construction or fiberglass material, may or may not have a lining that has a rubber-sealing compound. May be used with a casket or urn for ground interment.
24. "Scattering" shall mean the act of spreading or scattering cremated human remains on the surface of land within the cemetery. In keeping with the cemetery's by-laws, this is not permitted in this cemetery.
25. "Scattering Ground" shall mean land within a Cemetery that is set aside to be used for the scattering of cremated human remains.

SECTION B

Sales, Transfers and Interment Rights

- 1 Individuals who purchase plots have the ability to receive a full refund if requested within 30 days of purchase date of their plots. Any refunds requested after 30 days will be less care and maintenance fees. Individuals who wish to sell a plot must give the cemetery board first right of refusal to buy back the plot at current market value, less care and maintenance fees. If the cemetery decides not to purchase, permission will be given to sell to a third party for no more than current market value. (Please note: to use a plot for burial/exercise interment rights, individuals must meet the burial requirements of being of the Anglican faith and a baptized Christian.)
- 2 Lots for interment rights will be sold for cash, at such prices as may be determined upon by the Board and according to plans on file approved by the Bereavement Authority of Ontario.-.
- 3 Purchasers of lots acquire only the right and privileges of burial of the dead, erecting monuments, subject to the By-laws hereinafter contained, or which may hereinafter from time to time be enacted by the Board.
- 4 No interment right will be considered sold or reserved for sale until the purchaser has paid for and received the Board's official receipt for the interment right.
- 5 Lots purchased will be conveyed by the Board to the purchaser on the form adopted by them, and such interment rights certificate will be subject to by-laws now in force, or such by-laws as may from time to time be determined by the Board.
- 6 When a lot is held by more than one person an interment contract will be for either of them, or their successors, for the interment in such part of the lot as they may request for each member.
- 7 Before recording a transfer of burial rights on any lot, the transmission shall be recorded on receipt of sufficient evidence as follows: In case of demise, by depositing with the Board a sufficiently certified copy of the will and probate. In case of intestacy, or where the lot has not been listed in the will, the Board will recognize as owner that party listed as receiving the residue of the estate or that party designated in a signed agreement executed by the immediate heirs.
- 8 **THE BOARD RECOMMENDS THAT BURIAL RIGHTS HOLDERS BEQUEATH BURIAL RIGHTS AND MENTION BURIAL RIGHTS NUMBERS IN THEIR WILL.**

- 9 Where no interment has been made in a lot for more than 20 years, the Board will follow the guidelines in the current Funeral, Burial and Cremation Services Act 2002.
- 10 The Cemetery reserves the right, at its cost, to correct any error that may be made by it in making interments or in the description of the lot or transfer or conveyance of any Interment Rights either to cancel such grant and substitute or grant in lieu thereof other Interment Rights or a lot of equal value and similar location as far as is reasonably possible and as may be selected by the Cemetery, or refund all money paid on account of such purchase. Notice will be given personally to the Interment Rights Holders, or may be mailed to the Interment Rights Holders or their legal representatives, at their last appearing address on the record books of the Cemetery. In the event any such error may involve the disinterment of remains the Cemetery shall first obtain the approval of any regulatory authority and the Interment Rights Holder.
- 11 No REFUND will be made for any grave if any interment rights have been exercised.
- 12 If the original selling price of a lot is unknown in the old section, the repurchase price shall be deemed to be the most current price shown on the cemetery price list.
- 13 "Order by Telephone" means when an order for interment is given by telephone, the Board will not be responsible for any errors or misunderstandings that may arise. Written permission from the Interment Rights Holder or his/her legal representative may be required before an interment is made.

SECTION C

Monumental Work and Foundations

1. For the purpose of the by-laws, a monument shall be understood to mean any permanent memorial projecting above the ground level.
2. Monuments can only be erected on lots designated for monuments and not in any area designated for "Flat Markers Only".
3. An Interment Right holder may erect a monument or a headstone upon his or her plot subject to these By-laws and providing there are no charges due unpaid against the said lot and the fee for the Care and Maintenance Fund is paid.
4. Single markers placed at the foot of each grave are essential in the old section.
5. All monuments, markers, cornerstones or slabs must be of Stone, Granite, and Marble. Lettered boards and glass are not permissible.
6. Not more than one monument shall be erected on any plot and this must be placed in the space reserved for it, unless special permission is given by the Board for placing it otherwise. Rights owners are advised to ascertain from the Superintendent where a monument may be placed before signing a contract to have it erected.
7. In a single cremation plot or an adult (conventional) grave plot only one monument is allowed. The monument cannot be less than twenty-four inches in height or exceed more than thirty-two inches in height above the ground. A flat marker up to a maximum of 960 square inches per conventional plot, and is subject to the control and direction of the Superintendent in the old and new section of the cemetery.
8. In 2 grave plots only one monument, not to be less than twenty-four inches in height, and cannot exceed more than thirty-two inches in height above the ground, are subject to the control and direction of the Chairman in the old section and new section of the cemetery.
9. Markers may be placed in the Cremation Section only in the New Section of Cemetery at the head of each grave, level with the ground, provided such markers do not exceed twelve inches by twenty-four inches on the surface and four inches in depth.
10. Written notice must be given to the Secretary and Treasurer of the Board and the Care and Maintenance paid before any monumental work is brought into the cemetery.

11. All foundations for monuments must be made by an employee of the Board with no foundation being over fourteen inches in width, and no less than three feet in depth.
12. If a monument or marker in the cemetery presents a risk to public safety because it is unstable, the Cemetery shall do whatever is necessary by way of repairing, resetting or laying down the marker so as to remove the risk.
13. All workers employed in the erection of monuments, lettering. Etc. are subject to the control and direction of the Chairman. Workers are required to lay planks on the plots and paths over which heavy materials are to be moved.
14. Heavy loads will not be allowed to enter the cemetery when the roads are in unfit condition.
15. Minor scraping of the monument base of an upright monument, flat marker, or corner stone due to grass/lawn maintenance is considered to be normal wear.

SECTION D

Rules for Monument Dealers, Contractors and Workers

- 1 No monument or marker will be delivered to the Cemetery without the proper paperwork.
- 2 No monument or marker will be removed without written permission from the Chairman.
- 3 All companies who do work in the Cemetery, shall have workman's compensation coverage for their workers as well as sufficient liability insurance.
- 4 There shall not be a variance in size of more than ½ inch in the size of the base required as stated on the work order and the size of the monument delivered.
- 5 The demeanour and behaviour of all workmen employed by others in the Cemetery, shall be subject to the control of the Chairman.
- 6 Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
- 7 All work must be done during regular Cemetery hours, unless by special permission of the Chairman. (Sunday, early morning / late evening).
- 8 Heavy loads shall not be permitted in the cemetery when the roads are in unfit condition.
- 9 All Monument Company's must contact the Chairman for permission before moving any equipment onto the grassed area of the cemetery.
- 10 All implements and materials used in the performance of any work shall be placed where the Chairman may direct, and all rubbish and surplus earth shall be removed in such manner and at such time and to such place as the Chairman may order. Otherwise the obstructions will be removed, and the expense charged to the Monument Company.
- 11 If a Monument Company desires to set a flat marker, they must make written arrangements as to time of installation with the Chairman as all works must be supervised by an employee of the Cemetery. The Monument Company shall pay to the Cemetery the prescribed fee plus necessary taxes for supervising the monument Company's employees.

- 12 If a Monument Company desires to make their own foundations, they must make written arrangements within 5 days of time or proposed installation with the Chairman as all work must be supervised by an employee of the Cemetery. The foundation shall be at least four feet deep and the length of the monument. The width of the base shall be in accordance with the regulations for monuments for the section. There shall not be a variance of more than $\frac{1}{2}$ inch between the size of the monument and the foundation. This base shall be made of air entrained cement and shall be level and true so as to not cause tipping. The base shall not rise above the grade of the surrounding ground. The Monument Company shall pay the Cemetery the prescribed fee plus necessary taxes for supervising the Monument Company's employees.

SECTION E
Single Graves

- 1 Single Burial rights may be purchased in sections designated for that purpose. Corner stones have to be purchased at the time of sale.
- 2 Monuments are allowed on single (conventional) grave plots in the new section of the cemetery, but markers may be used as in Section C (9).
- 3 Single graves and Cremation lots in the new section will include corner markers.

SECTION F

Interments and Disinterments

1. The Chairman reserves the right to determine if the weather conditions are adverse enough to prevent a burial. Should it be necessary, a winter vault may be used at another location at extra charge until the weather conditions permit the interment.
2. All interments in plots shall be restricted to members of the family, common-law spouses, their siblings and relatives or as listed on the contract of the Interment Rights holder thereof unless by permission of the Board.
3. Interment Right holders will not allow interments to be made in plots for renumeration.
4. The caretaker of the cemetery, his assistant, or someone in the employ of the Board shall be in attendance at each interment.
5. An opening for interment or disinterment must be made by someone in the employ of the Board.
6. Graves shall be of sufficient depth to allow a covering of two feet.
7. Persons requesting interments in lots or plots shall be held responsible for charges incurred.
8. When interment rights in a lot/plot is held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the plot as may be requested.
9. A burial permit issued by the Division Registrar, showing that the death has been registered and the fee for the opening of the lot according to the fee found in the price list, must be deposited with an official of the Cemetery before an interment can take place.
10. Before a disinterment is to take place, the Board requires twenty-four working hours notice and all documentation required by law. In case of disinterment required by law, twenty-four hours does not apply. Cost as per approval.
11. No opening shall be allowed in a lot against which there appear charges of any sort due and unpaid.

12. The Board will not be held accountable for the position of the interment in any lot unless the requests for the interment have been made in writing and signed by the contract holder or successor thereto.
13. Extra charges are included in the price list for Sunday and holiday interments. Any extra charges for additional opening/closing Seasonal cost that maybe incurred by the cemetery will be passed on to the burial costs.
14. Interment shall be allowed on Sunday or any holiday on a doctors certificate that death has been due to a communicable disease and that burial must be made within twenty-four hours of death in accordance with the regulations of the Ontario Ministry of Health.
15. For interment on a holdiday Monday, notice must be given to St. Peter's Anglican Church Cemetery not later than 10:00 A.M. the previous Friday morning.
16. It is recommended for a burial grave liner or a burial vault unless the casket is made of solid plank wood or steel.
 - (1) Grave liner consists of a non-sealing two or three piece container of concrete construction and does not have any sealing capabilities.
 - (2) Burial vault may consist of concrete or fiberglass material, which may or may not have a lining that has a rubber-sealing compound.
17. Urn interment shall be allowed in a plot without an urn vault.
18. The Cemetery retains the right of passage over every Lot or Grave so that cemetery operations may be performed effectively.
19. The Cemetery retains the right to temporarily relocate a monument or marker so that cemetery operations involving the opening and closing of a plot may be performed.
20. Pets or other small animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.
21. No casket or container may be disinterred without a court order or without the written consent of the legal representative of the deceased and prior notification has been made to the Medical Officer of Health. Cremated remains do not require prior notification of the Medical Officer of Health.

SECTION G
Funeral Processions

- 1 Funeral processions through the cemetery must follow the route indicated by the Chairman.
- 2 Vehicles are to keep in the centre of the driveways at all times and must not attempt to turn around, nor drive on the edging or grass.
- 3 Vehicles within the cemetery shall be driven at a moderate rate of speed and shall not leave the avenues (roadways) or park on the grass unless directed to do so by the Chairman.

SECTION H

Flowers and Shrubs

- 1 Trees, shrubs, flowering or other plants may be cultivated on lots, but only such varieties as are in keeping with the general plan of the grounds and subject to the approval of the Chairman. A shrub or tree growing within any lot must be trimmed and maintained by the plot holder or designated person of the family.
- 2 If any trees or shrubs situated in any lot shall have become by means of their roots, or branches or in any other way, detrimental to the adjacent lots, drains, roads, or walks, or prejudiced to the general appearance of the grounds or inconvenience to the public the Board may remove such trees or shrubs, or part thereof, after 30 days notice to the interment rights holder.
- 3 In order to facilitate the cutting of grass and improve the general appearance of the grounds it is most desirable that urns, hanging-baskets, and other movable projections and ornaments above the ground, should be located at the heads of the graves in alignment with the monument.
- 4 The Chairman will remove all urns or hanging-baskets not filled on or before June 15th of any year.
- 5 Glassware or crockery of any sort must not be used as containers for flowers, or cut flowers, and will be removed by the Chairman.. Families are responsible for their own containers. Containers should be removed within 2 weeks following the Decoration Day service.
- 6 In order to preserve the proper appearance of the grounds, artificial wreaths must be removed before April 15th of each year. Otherwise, the Cemetery Board will remove them.
7. To facilitate grounds keeping flower beds should not extend more than 30 centimeters or one foot in front of a monument.

SECTION I

Rules for Visitors

1. Visitors are always welcome at St. Peter's Anglican Church Cemetery. They are asked to remember the respect due to those who rest there.
2. Children under twelve years are not allowed inside the cemetery except when accompanied by an adult, who will be responsible for their behaviour.
3. Flowers placed on graves will be removed when they become unsightly.
4. All trash, dead flowers, etc., must be placed in the receptacles for such, which are placed at convenient points throughout the cemetery.
5. No person is allowed to destroy, mutilate, or deface any tomb, monument, building, or fence placed in or on the cemetery grounds: or destroy, cut, pluck, break or injure any tree, plant, shrub or flower in the cemetery.
6. Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates these by-laws, may be expelled from the grounds.
7. Drivers of vehicles that damage the cemetery shall be held responsible for any costs incurred for repairs.
8. Discharging of firearms, other than in regular volleys at burial services is prohibited in and around the cemetery.
9. No dogs or other pets shall be allowed in the cemetery.
10. Any complaints by interment rights holders or visitors should be made to the Chairman of St. Peter's Anglican Church Cemetery.

SECTION J

Care and Maintenance Fund

What is the Care and Maintenance Fund? (formerly Perpetual Care)

- 1 Ontario law stipulates that all cemeteries must deposit, into an irrevocable fund to provide income for the purpose of caring for the cemetery. These monies are invested in bonds and other securities as required by law. Only the interest is available for Care and Maintenance expenditures.
- 2 Care and Maintenance comprise day-to-day operating and maintenance, such as cutting grass, trimming and regrading lots. The primary purpose of the Care and Maintenance Fund formerly the Perpetual Care Fund is to help keep the burial place of the dead in a condition of which the public can be proud.
- 3 To-day burial rights are covered by the Care and Maintenance Plan. Several older plots are not covered by this plan and St. Peter's Anglican Church Cemetery Board invites all non-care maintenance rights holders to discuss this matter with the Chairman.

SECTION K

Protection of Directors, Officers and Others

- 1 No Director or Officer shall be liable for the acts, receipts, neglects or defaults of any other Director, Officer or employee or for any loss, damage or expense happening to the Corporation through the insufficiency or deficiency of title to cemetery property acquired by the Board or for any loss or damage arising from the bankruptcy, insolvency of any company with whom any money, securities or effects of the Corporation shall be lodged or deposited or for any loss occasioned by any error of judgment or oversight on his or her part or for any other loss, damage or misfortune whatsoever which may happen in the execution of the duties of his or her respective office or trust in relation thereto.
- 2 St. Peter's Anglican Church Cemetery shall indemnify a director or officer against all costs, charges, and expense including an amount paid to settle an action or satisfy a judgement reasonably incurred by him or her in respect of any civil, criminal or administrative action or proceeding in which he or she is made a party by reason of having or having been a director or officer of St. Peter's Anglican Church Cemetery, if she or he acted honestly and in good faith with a view to the best interest of the cemetery and he or she had reasonable grounds for believing that his or her conduct was lawful.
- 3 The Cemetery Board may purchase and maintain such insurance for the benefit of the directors and officers and employees as the board may from time to time determine.
- 4 The Cemetery shall not be responsible for loss or damage to any articles left upon any lot or plot.