



**By Laws for St. John's Anglican Church  
Cemetery  
New Tecumseth, Ontario**

# **St. John's Anglican Church Cemetery By-Laws**

## **Preface:**

St. John's Anglican Church Cemetery is situated on lot 17, concession 6, of the Town of New Tecumseth, County of Simcoe, and is the property of the Anglican Church Diocese of Toronto.

The congregation of St. John's was formed in 1833 and the church opened in 1835. On June 5, 1846 a parcel of land, including that on which the Church had been constructed, was granted to the Church Society of the Diocese of Toronto and by then a cemetery had already been started.

On April 10, 1854 by means of an indenture to Featherstone Lake Osler, Incumbent, and Richard Davis and Robert Crofs, Church Wardens, the property was conveyed to St. John's Anglican Church, Tecumseth.

The St. John's Anglican Church Cemetery Board of Trustees, in the discharge of their responsibilities, appeal to the public to aid them by following these by-laws, which have been adopted for the improvement and upkeep of the Cemetery, to keep it a becoming and respectful place for the burial of the dead. It is our hope that by a co-operative effort we can keep this Cemetery attractive and peaceful.

St. John's Anglican Church Cemetery is licensed to act as a cemetery in accordance with the Cemeteries Act of 1992.

## **Part A Administration**

1. Burial rights are placed in the hands of the Interment Rights holders and all monies are used exclusively for the maintenance and improvement of the property.
2. Management and direction are entrusted to the Cemetery Board of St. John's Anglican Church Cemetery (hereafter referred to as the "Board") who, without remuneration, supervise the care and upkeep of the Cemetery.
3. The Board is composed of the officers of the corporation of the Anglican Parish of New Tecumseth (incumbent and wardens) and two appointed or elected Parish members.
4. The Board shall meet quarterly to set prices and resolve matters regarding the Cemetery upkeep and maintenance.
5. The Board distinctly disclaims all responsibility for loss or damage from causes beyond their control and especially from damage caused by the elements, and acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, accidents, invasion, insurrections, riots, or order of any military or civil authority, whether damage be direct or collateral.
6. The Board shall take reasonable precautions to protect the property of interment rights holders but they assume no liability or responsibility for the loss of, damage to, or any resulting injury from any article of any type that is placed on any lot or plot.

## **Part B Definitions**

1. "Cemetery" shall mean St. John's Anglican Church Cemetery, located in the Town of New Tecumseth, County of Simcoe.
2. "Ministry" shall mean the Ministry of Consumer and Commercial Relations for Ontario.

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3. "Board" shall mean the Cemetery Board for St. John's Anglican Cemetery.
4. "Chairman" shall mean the chairman of the Cemetery Board.
5. "Secretary-Treasurer" shall mean the Secretary-Treasurer appointed by the Board.
6. "Co-ordinator" shall mean the Member of the Cemetery Board who will oversee the activities of the Cemetery.
7. "Lot" means an area of land in a cemetery containing, or set aside to contain, human remains.
8. "Plot" means two or more lots in which the rights to inter remains have been sold as a unit.
9. "Grave" (lot) means any burial space intended to receive at least one coffin, and having a minimum size of 106cm (3.5 feet) by 335.44cm (11 feet).
10. "Cremation Lot" shall mean any burial space intended to receive not more than four (4) cremated remains and having a minimum size of 106.68cm (3.5 feet) by 106.68cm (3.5 feet).
11. "Interment Rights" includes the right to require or direct the interment of human remains in a lot.
12. "Interment Rights Holder" means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Cemeteries Act, being chapter C.3 of the Revised Statutes of Ontario, 1990, or a predecessor of that act.
13. "Plan" shall mean the plan of the Cemetery, approved by the Ministry of Consumer and Commercial Relations for Ontario.
14. "Certificate of Interment Rights" shall mean the certificate issued by the Board to the purchaser of interment rights in either a lot or plot.
15. "Care and Maintenance Fund" shall mean the trust fund in which all monies received by the Cemetery for the care and maintenance of lots, plots and monuments have been invested. This trust fund is held by the incorporated synod of the Diocese of Toronto of the Anglican Church.
16. "General Maintenance Account" shall mean the account(s) that has been set aside for maintenance of the Cemetery and for services rendered in connection with its operation. This includes funds to be used for any services rendered in connection with the maintenance of the Cemetery.
17. "Trust Fund" shall mean those funds in which a trustee may invest, which are defined in the "Trustee Act", R.S.O. 1980.
18. "Monument" shall mean any permanent memorial projecting above the ground level.
19. "Marker" shall mean any memorial of granite, marble, or bronze set flush with the surface of the ground.
20. "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. A corner post must measure 15.17cm (6 in) by 15.17cm (6 in).

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### **Part C Sale and Transfer of Lots**

1. No person shall sell interment rights unless that person is authorized on behalf of this licensed Cemetery.
2. Interment rights in lots and plots may be purchased from the Board at the rates filed with the Ministry and according to the plans approved by the Ministry of Consumer and Commercial Relations for Ontario that are on file in the care of the Co-ordinator for the Board.
3. Purchasers of lots acquire only the right and privilege of burial of the dead and of constructing monuments or placing markers, subject to the Cemetery By-laws from time to time in force and approved by the Ministry of Consumer and Commercial Relations.
4. Payments for lots shall be made to the Co-ordinator.
5. At the time of sale, the Cemetery Board shall provide each rights owner with:
  - a copy of the contract with plot designation
  - a copy of the Cemetery By-laws
  - upon payment in full, a Certificate of Interment Rights.
6. All prices for Cemetery lots and services are set out in the most recent tariff of rates that has been filed with the Ministry of Consumer and Commercial Relations. The prices for lots include the applicable portion for deposit to the Cemetery's Care and Maintenance Fund.
7. The deposit to the Care and Maintenance Fund shall be as specified in the regulations made under the Cemeteries Act Revised 1992 which is set at the greater of 40% of the selling price or \$150.
8. To ensure the correctness of records of ownership and interments, no transfer of any interment rights or any interest therein shall be binding upon the Board until notice is given in writing to the Co-ordinator of the Cemetery (specifying the name and address of the proposed transferee and date of transfer) and such particulars have been entered in a register for that purpose. Upon receipt of such notice, and payment of a fee of as set out in the Tariff of Rates, the transfer shall be made.
9. In cases of transmission of ownership by will or bequest of interment rights, the management reserves the right to require the production of a notarized copy of the will or other evidence sufficient to prove ownership.
10. An interment rights holder may require, by written demand, the Cemetery to repurchase the rights at any time before they are used. An administration fee as set out in the Tariff of Rates will be charged for such a request.
11. If the Cemetery receives notice that a contract is canceled within thirty days, the Cemetery will refund to the purchaser all money received under the contract, with current bank interest, within thirty days of receiving the notice.
12. If the Cemetery receives notice that a contract is canceled after thirty days, the Cemetery shall retain all funds placed in the care and maintenance fund. This also applies to all purchases or contracts that were made before this Act came into being.
13. If the original selling price is unknown, the re-purchase price shall be deemed to be \$50.00 as according to the Cemeteries Act of 1990.

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14. In accordance with the Cemeteries Act, 1990, the Cemetery is not required to repurchase the interment rights for more than four lots held by the same interment right owner in a twelve month period.
15. The St. John's Anglican Church Cemetery Board after receiving such a demand, shall make every attempt to repurchase the interment rights within sixty days after receiving the demand.
16. NO REFUND will be made for any lot if any interment rights have been exercised.
17. The contract shall be deemed canceled if the Cemetery has reasonable grounds to believe that the holder of the certificate of interment rights has or would have reached 120 years of age and if the Cemetery Board is unable, after making reasonable efforts, to determine if the beneficiary is alive.

### **Part D Interments and Disinterments**

1. Winter burials are permitted and encouraged, weather permitting , at the discretion of the Board.
2. Not more than one burial shall be made in any single grave except:
  - that of the cremated remains of eight persons
  - or a 60.96cm x 30.48cm (24" by 12") infant container may be buried at the head end of a single grave in which a casket containing human remains has been buried
  - or in the case of a double depth interment (by prior arrangement only).
3. Remains to be buried in a grave must be enclosed in either cement or steel, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the lot.
4. All interments must be authorized in writing by the interment rights holder except the interment of the interment rights holder. Interments must be made according to the designations specified on the Interment Rights Certificate (and any amendments thereto).
5. The Co-ordinator of the Cemetery, or a designate, shall be in attendance at each interment.
6. 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 rate of tariffs, must be deposited with an official of the Board before interment can take place.
7. In the case of a cremation interment, the cremation certificate and the prescribed fee for this service according to the rate of tariffs must be deposited with an official of the Board.
8. Persons requesting interments in lots or plots shall be held responsible for all charges incurred.
9. When interment rights in a lot or plot are 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.
10. No lot shall be opened for interment or disinterment by any person not under the direction of the Board, except under special circumstances, and by permission of the Board.
11. The interment fee includes the opening and closing of the lot and the registration of the burial.
12. The scale of fees for lot openings is based on the size of the lot and labour involved.

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13. No person shall remove human remains from a Cemetery unless a certificate of a Medical Officer of Health confirming that the Cemeteries Act and the regulations have been complied with is affixed to the container. A burial certificate under the Vital Statistics Act is not required to re-inter human remains that have been disinterred according to the Cemeteries Act and regulations. NOTE: All the above does not apply to cremated remains.
14. The Cemetery will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.
15. No interment shall be permitted in any lot where the burial rights have not been paid in full.
16. Funeral corteges within the Cemetery shall follow the road.
17. The Cemetery reserves the right, at its cost, to correct any error that may be made by it in making interments, in the description of the lot, or the transfer or conveyance of any interment rights. The Cemetery may either cancel such grant and substitute other interment rights, or lot of equal value and similar location, as far as is reasonably possible, or refund all money paid on account for such purchase. Notice will be given personally to the rights owners. If necessary, it may be mailed to the rights owners or their legal representatives, at their last appearing address in 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 owner.
18. The Cemetery shall not be held responsible for any errors made for any funeral arrangements not made in writing.
19. Notice of each interment to be made shall be given to the Co-ordinator of the Cemetery at least 36 hours in advance. The Board cannot be held responsible for having graves prepared for funerals unless such notice is given.
20. The increasing use of oversized shells does not permit the Board to assume responsibility for the number of grave openings that may be made in any lot.

### **Part E Care of Lots - General**

1. All lots and plots sold or assigned since April 1, 1955 or the date the compulsory care and maintenance fund was instituted by the Cemetery Board, shall be maintained and kept properly graded, sodded and mown by the Board, or its contractors.
2. Trees, shrubs, flowering or other plants may be cultivated on lots, but only such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Co-ordinator.
3. 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 prejudicial to the general appearance of the grounds or inconvenient to the public, the Board may remove such trees, shrubs or parts thereof .
4. Borders, fences, railings, walls, cut-stone coping and hedges are prohibited.
5. Rubbish shall not be thrown out on roads, walks or any part of the grounds but must be removed by the owner.

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6. Implements or materials used in doing any work within the Cemetery shall be removed without delay and if this is not done, the Co-ordinator shall remove the same.
7. No interment rights holder shall change the grading of his lot, and in case of any such change, the Board may restore the lot to its original grade at the expense of the interment rights holder.
8. No unauthorized person shall sod or move corner posts or lot markers.
9. The Board shall not be responsible for loss or damage to any articles left upon any lot or plot.

### **Part F Care of Lots - Flowers**

1. Flower beds should not exceed the width of the monument base and planting the borders around lots is prohibited.
2. Vases, urns and flower stands not properly cared for and which are not filled with plants may be removed from the lot.
3. Cut flowers will be removed when wilted.
4. Potted plants should be buried as close to the monument base as practical.
5. Those who place plants, not planted by Cemetery, are responsible for their upkeep.

### **Part G Monuments and Markers - General Information**

1. No monument or other structure shall be erected or permitted on a lot until accrued charges have been paid in full.
2. If any monument or other structure, or any inscription has been placed in or upon any lot, which shall be determined by the Board to be offensive or improper, the Board may enter the lot and remove the said improper or offensive object(s), if the interment rights holder has failed to do so after due notice of one week has been given.
3. No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the co-ordinator.
4. Candle holders and vases may constitute part of a monument if they are made principally of bronze or stainless steel. If a translucent section is necessary, it must be made of an unbreakable, heat - resistant glass or of a plastic material that is fire resistant. Further:
  - A. Candle holders must be included in determining the overall size of the memorial.
  - B. A maximum of two candles or vases shall be placed on the base of a monument and they must be centered on the end or ends of the base.
  - C. A candle holder must be adequately drained to prevent any collection of water.
  - D. Candle holders must be fully enclosed on all sides.
5. No monument or marker will be delivered to the Cemetery without the Request for Monument or Marker Installation form containing the following information:
  - A. The Interment Rights owners' name and address.

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- B. Instructions for placement of the marker or monument.
- C. In the case of a flat marker, its dimensions.
- D. In case of a monument:
  - The dimensions of the die, height, width, length.
  - The dimensions of the base, height, width, length.
  - The overall size of the monument.
  - A description of the monument, including colour and design
  - The appropriate amount for the Care & Maintenance in relation to the size of the marker/monument as set out in the Cemeteries Act R.S.O. 1990, must accompany the monument.

Where required, the Cemetery will arrange for suitable foundations to be installed at the owner's expense according to the Tariff of Rates.

6. This section came into force on the first day of July 1992. Every person installing a monument or marker in the Cemetery shall pay the prescribed amount, as set out in the Cemeteries Act, to St. Johns Anglican Church Cemetery's Care and Maintenance Fund. The interest earned from this fund will be used to maintain the markers or monuments in a safe condition.
7. The amounts due for installing markers are as follows (refer also to Part H regarding size limitations):
  - In the case of installing a flat marker measuring at least 139.42 sq. cm. (173 sq. inches), \$50.
  - In the case of installing an upright marker measuring 1.22 m. (4 feet) or less in height and 1.22 m. (4 feet) or less in length, including the base, \$100.
  - In the case of installing an up right marker measuring more than 1.22 m. (4 feet) in length, \$200.
8. If a monument or marker in the Cemetery presents a risk to public safety because it is unstable, St. John's Anglican Church Cemetery Board shall do whatever is necessary by way of repairing, resetting or laying down the marker to remove risk.

### **Part H - Monuments**

1. For the purpose of the regulations, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. Interment rights holders are required to keep in proper repair, at their own cost and to the satisfaction of the Cemetery, all monuments upon their lots.
3. Minor scraping of the base portion of the upright monuments due to the turf mowing operation is considered to be normal wear.
4. The Cemetery will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, or part thereof .
5. The size of a monument must be within the following:
  - Height (maximum) - 70% of width of lot or lots when combined, to a height of 4 feet including base.
  - Width (maximum) - 1.22 meters (4 feet)
  - Die height (minimum) - 20.5 (8 inches)
  - Base height (minimum) - 30.48cm (8 inches)
6. The maximum width of a base is controlled by the width of the plot or lot where it will be installed. No base shall be closer than 7.6cm (3 inches) to the lot width side lines on which it is to be installed.

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7. The Board 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 it would interfere with any future interments.
8. Monuments must be placed at the head of the lot or the place reserved for the monument, unless adjoining plots are owned and both sides of the stone can be used. Monuments cannot be placed "Back-to-Back" against another.
9. The minimum thickness of a die should be 15.24cm (6 inches). Should the monument exceed 100cm (3 feet) overall height, the die must be 20.5cm (8 inches).
10. The die stones must be installed on a granite base. The height of the base shall be a minimum of 20.3 cm (8 inches). The top surface of the base must be both wider and longer than the die in order to provide a minimum border of 7.6cm (3 inches) of the surface of the base exposed on all sides. Bottoms of the base shall be smooth sawn.
11. All foundations for monuments and markers shall be built by, or contracted to be built for, the Board at the expense of the interment rights holder.
12. The charges for the construction of foundations are set forth in the tariff of rates.
13. The foundation shall be built in the designated space and in the proper dimensions of the monument base. If incorrect dimensions have been given on the application form, signed by the interment rights holder and/or the supplier, the foundation must be immediately removed and rebuilt by the Cemetery at the expense of the interment rights holder. Foundations will be not less than 121.9cm. (48 inches) deep and they will be set at the direction of the co-ordinator.
  - A. The required concrete mix for foundations will be:
    - 20.5 MPA
    - 75mm slump
    - 20mm aggregate
    - 5% +/- 1% air entraining agent
    - Trowel finish all edges.
  - B. The surface area shall be flush with the surrounding ground level and shall provide a level surface free of defects.
  - C. Foundations must be cured for a minimum of 48 hours before placing the monument.
  - D. Contractors shall be under Cemetery supervision and shall be responsible to pay the supervisory fee, as filed with the Ministry.
  - E. No concrete shall be placed until a representative of the Cemetery has approved the grades and all loose material is removed from the grade. The placing shall commence at the low point in the grade and the concrete shall be thoroughly consolidated to eliminate all air pockets and honey combs. No concrete shall be placed to overlap concrete that is partially set.
  - F. The finished concrete shall be protected from wind, rain, or sun during curing, by covering it completely with a piece of plywood having a minimum thickness of 11mm (1/2 inch). All rubbish and excavated material shall be removed from the excavation site to a place designated by the co-ordinator.
14. No inscription shall be placed on any monument which is not in keeping with the dignity and decorum of the Cemetery as determined by the Board.

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## **Part I Markers**

1. Markers will be accepted for installation during regular working hours. If weather and ground conditions permit, installations will be made within 30 days after acceptance. Markers will not be accepted from any monument dealer for storage during the winter months.
2. Markers or footstones of bronze or granite are permitted with size and quantity restrictions according to the section of the Cemetery and the regulations deemed necessary as per the size of lot in that section. Its placement must not interfere with future interments.
  - single lot maximum 30.48cm x 45.72cm 36" wide x 24" deep
  - double lot maximum 30.48cm x 76.20cm 48" wide x 24" deep
  - cremation lot maximum 42.60cm x 50.70cm 18" wide x 18" deep
3. Flat markers are to be flat on top and set level with the ground so that a lawnmower can pass safely over them and shall be set under supervision of the Board, at the expense of the interment rights holder, on payment of the fee provided in the rate of tariffs.
4. Markers must be placed at the head of the lot or the place reserved for the marker, unless adjoining plots are owned and both sides of the stone can be used. Markers cannot be placed "Back-to-Back" against another. In the case of cremation, markers must be placed in the center of the plot.
5. The minimum thickness for all flat markers including footstones is 10cm or 4 inches.
6. All markers and monuments shall be constructed of bronze or granite. The bottom bed of all bases and markers shall be cut level and true.

## **Part J Rules for Monument Dealers, Contractors and Workers**

1. No monument or marker will be delivered to the Cemetery without prior to filing the Request for Monument or Marker Installation form with the co-ordinator.
2. No monument or marker will be delivered to the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of erecting the monument.
3. No monument or marker will be removed without written permission from the co-ordinator.
4. All companies who do work in the St. John's Anglican Church Cemetery, shall have worker's compensation coverage for their workers as well as sufficient liability insurance.
5. Contractors, masons and stone-cutters shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect the surface from injury.
6. There shall not be a variance of more than 1/2 inch in the size of the base required as stated on the work order and the size of the monument.
7. The demeanour and behaviour of all workers in the Cemetery, shall be subject to the control of the co-ordinator.
8. Workers shall cease work if in the immediate vicinity of a funeral, until the conclusion of the service.
9. All work must be done during regular Cemetery hours, unless by special permission of the co-ordinator.

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10. Heavy loads shall not be permitted in the Cemetery when the roads are in unfit conditions.
11. No monument dealer shall park on the grass unless otherwise directed to do so by the co-ordinator.
12. All implements and materials used in the performance of any work shall be placed where the co-ordinator directs, and all rubbish and surplus earth shall be removed. Otherwise the obstructions will be removed, and the expense charged to the monument dealer.
13. When a monument company desires to set a flat marker they must make written arrangements as to time of installation with the co-ordinator. All work must be supervised. The monument dealer shall pay to St. John's Anglican Church Cemetery the prescribed fee plus necessary taxes for supervising the monument company's people.

### **Part K Rules for visitors**

1. Visitors are always welcome at the Cemetery during the open hours, from 8.00 am until sundown. They are asked to show due respect.
2. Children under the age of twelve years are not admitted to the grounds unless accompanied by an adult, who shall be responsible for their proper conduct and shall see that they do not run over the lots or climb upon the monuments.
3. Vehicles within the Cemetery shall be driven at a moderate rate of speed and shall not leave the road or park on the grass unless directed to do so by the co-ordinator.
4. No pleasure all terrain vehicles (ATV's) or snowmobiles are allowed in the Cemetery.
5. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
6. No dogs or other pets shall be allowed in the Cemetery.
7. No picnic party shall be permitted in the Cemetery grounds, except as authorized by the Board.
8. Any person who damages or moves any tree, plant, marker, fence, structure, or other thing usually erected, planted or placed in the Cemetery is liable to St. John's Anglican Church Cemetery and any interment rights holder who, as a result, incurs damage. The amount of damages shall be the amount required to restore the Cemetery to the state that it was in before anything was damaged or moved by the person liable.
9. Any complaints by Interment rights holders or visitors should be made in writing to the co-ordinator and the parish office rather than the workmen on the grounds. Controversies with workmen or others on the grounds are to be avoided.
10. Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. All rubbish must be removed from the Cemetery.
11. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these rules, must be expelled from the grounds.
12. Any article which in the opinion of the Board is detrimental to efficient maintenance or constitutes a hazard to people or machinery, or is unsightly or does not conform with the natural beauty or design of

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the Cemetery, may be removed by the Cemetery representative. Any such article removed will be held for collection but, if not collected within a month, will be disposed of.