

St. John's Public Cemetery

By-Laws

2878 St. John's Drive, Jordan, Ontario, L0R 1S0

Ontario License # CM – 02567 (formerly #3288266)



Under the authority of

The Funeral, Burial Cremation Services Act SO 2002

Chapter 33

And enacted July 1, 2012

by Ontario Regulation 30/11

Owned and operated by

St. John's Anglican Church, The Synod of the Diocese of Niagara

St. John's Public Cemetery

Jordan, Ontario

Formerly

Part Lot 15, Con 5
Village of Jordan
Township of Louth
County of Lincoln
Province of Ontario

Now better known as

2878 St. John's Drive
Village of Jordan
Corporation of the Town of Lincoln
Regional Municipality of Niagara
Province of Ontario

Plan 30K – 1195
Instrument Number 1229 (1843)
Instrument Number 11975 (1943)
Instrument Number 134128

Now

PIN 46138 – 0026 (R)

PIN 46138 – 0017 (R)

Mission Statement

To maintain St. John's Public Cemetery in a peaceful and park like condition while still serving the interment needs of the community. To work with the local government, funeral homes, vault and memorial dealers to ensure that all by-laws and Provincial regulations are obeyed.

To be sensitive to the lot owners so that their needs and wishes may be realized while at the same time making sure that all decisions are the best for the long-term goals of the park like setting of the Cemetery.

St. John's Public Cemetery SHALL make available to all persons regardless of race or religion all services provided by the Cemetery in accordance with The Funeral, Burial and Cremation Services Act SO 2002 Chapter 33. (FBCSA) and Ontario Regulation 30/11.

Preface

St. John's Public Cemetery was founded by the Anglican Church of Canada in 1841 and was consecrated by Bishop John Strachan in 1854.

St. John's Public Cemetery in the discharge of its duties appeals to lot owners and the general public to assist the Cemetery by following these by-laws.

The By-Laws are adopted for the improvement and upkeep of the Cemetery to promote a respectful and peaceful place for the care of those departed.

Definitions

In accordance with the FBCSA 2002 SO Chapter 33 Ontario Regulation 30/11

- **Burial:** The opening and closing of an in-ground lot or plot for the disposition of human remains or cremated human remains.
- **By-Laws:** The rules and regulations under which St. John's Public Cemetery operates.
- **Natural Burial.** The remains SHALL be placed in a bio-degradable container or shroud with no chemicals or metal allowed.
- **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 are placed 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.
- It is a requirement under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) and Ontario Regulation 30/11 and 184/12 (O. Reg. 30/11 & 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. If no scattering rights are sold but scattering is permitted a prescribed amount must be contributed to the fund when the scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.
- **Contract:** For the purposes of this By-Law all purchasers of interment rights must sign a contract with the Cemetery, detailing obligations of both parties and acceptance of the Cemetery By-Laws.
- 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.
- **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:** This means any in ground burial space intended for the interment of a child, adult or cremated human remains. This is also known as a lot.
- **Lot:** For the purposes of these By-Laws a lot is a single grave space.
- **Plot:** For the purposes of these By-Laws a plot is a parcel of land, sold as a single unit, containing multiple lots.

- **Interment Right:** The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt and direct the associated memorialization.
- **Interment Rights Certificate:** The document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.
- **Interment Rights Holder:** Any person designated to hold the right to inter human remains in a specified lot.
- **Marker:** This 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.
- **Columbarium:** A structure that provides niches for the placement of cremated remains.
- **Niche:** An individual compartment in a columbarium for the entombment of cremated human remains.
- **Scattering:** Shall mean the act of spreading cremated human remains over a designated area with the permission of the cemetery operator and in keeping with the Cemetery's By-Laws.
- **Scattering Grounds or Gardens:** A designated area within a licensed Cemetery that is approved by the Registrar, Bereavement Authority of Ontario (BAO).
- **Scattering Rights Holder:** Any person designated to hold the right to scatter cremated human remains in a designated area in the Cemetery.
- **Cemetery Superintendent:** A person responsible for the care of the Cemetery.
- **Cemetery Board:** The governing body that controls and sets out the present and future plans for St. John's Public Cemetery. The Cemetery Board shall consist of the Incumbent of St. John's Anglican Church, the Peoples Warden, the Clergy Warden, the Superintendent of St. John's Public Cemetery and three members of the Parish or general public elected by St. John's Anglican Church Vestry.
- **Care and Maintenance Fund Trustee:** The person, persons or financial institution that manages the Care and Maintenance Fund.
- **Cemetery:** This means St. John's Public Cemetery, Jordan, Ontario which is owned by St. John's Anglican Church within The Synod of the Diocese of Niagara.
- **FBCSA:** This refers to the Funeral, Burial and Cremation Services Act 2002 SO Chapter 33.
- **Transferee:** The person or persons accepting a resale of Interment or Scattering Rights

This Cemetery By-Law repeals St. John's Cemetery By-Law approved by the Registrar of Cemeteries, Mr. Michael D'Mello, March 8,2013.

Section One
Hours of Operation

Visitation hours for those with loved one interred at the Cemetery shall be at the pleasure of the visitor.

Office hours are by appointment.

Burial hours are preferred between 8:00 am to 5:00 pm. St. John's Public Cemetery will attempt to suit the interment needs of any family and will adjust within reason to suit those needs.

Section Two
General Conduct

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

No person is allowed to damage, destroy, remove or deface any item or property within the Cemetery.

All visitors shall conduct themselves in a quiet manner that shall not disturb any service or committal taking place at St. John's Public Cemetery.

Section Three
By Law Amendments

The Cemetery shall be governed by these by-laws and all procedures will comply with the Funeral Burial and Cremation Services Act SO 2002 Chapter 33 (FBCSA) and Ontario Regulation 30/11, which may be amended periodically.

All By-Law amendments shall follow the FBCSA and have the approval of the Registrar of Cemeteries.

The cemetery shall be governed by these by-laws, and all procedures will comply with the FBCSA and O. Reg. 30/11 and 184/12, 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, FBCSA, BAO.

Section Four
Liability

St. John's Public Cemetery will not be held liable for any loss or damage, without limitation ((including damage by the elements, Acts of God, or vandals) to, any lot, plot, columbarium niche, mausoleum crypt, monument, marker, or other article that has been placed in relation to an interment or scattering right save and except for the direct loss or damage caused by gross negligence of the Cemetery.

St. John's Public Cemetery is not responsible for loss or damage from any causes beyond its reasonable control to any article of remembrance.

Section Five
Public Registrar

St. John's Public Cemetery shall follow Provincial legislation of the FBCSA Section 110 of Ontario Regulation 30/11 which requires all cemeteries and crematoriums to maintain a public registrar that is available to the public by appointment.

Section Six
Pets or Other Animals

St. John's Public Cemetery will not allow pets or lower animals, including cremated animal remains, to be interred on Cemetery grounds.

Section Seven
Right to Re-Survey

St. John's Public Cemetery reserves 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 any part of this Cemetery, subject to approval of appropriate authorities.

Section Eight
Notice of Sale and Transfer of Interment or Scattering Rights

Purchasers of interment or scattering rights holders acquire only the right to direct the burial of human remains and the scattering of cremated remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in St. John's Public Cemetery By-Laws as follows.

1. In accordance with this by-law, no burial, entombment, scattering or installation of any monument, marker, inscription or memorialization is permitted until the interment rights have been paid in full.
2. An Interment Rights Certificate shall be issued to the interment right holder when payment is made in full.
3. The purchase of Interment Rights is not a purchase of real estate or real property.

4. An interment rights holder wishing to resell their interment rights shall advise St. John's Public Cemetery, in writing, of their intention prior to seeking a third-party buyer for these interment rights.

The FBCSA 2002 SO Chapter 33 Regulation 137 allows for a 30-day cooling off period for the consumer of any cemetery products. This enacted as follows.

1. The purchaser has the right to cancel an interment or scattering rights contract within 30 days of signing the interment or scattering rights contract by providing written notice of the cancellation to St. John's Public Cemetery. The Cemetery shall refund all monies paid by the purchaser within 30 days from the date of the request for cancellation.
2. With the cancellation of Interment or Scattering Rights after the 30 Day Cooling off Period the following shall take place:
 - a. Upon receiving written notice from the purchaser of the interment or scattering rights St. John's Public Cemetery will cancel the contract and issue a refund to the purchaser for the amount paid for the interment or scattering rights less the appropriate amount that is required to be deposited into the Care and maintenance Fund. This refund shall be made within 30 days of receiving said notice.
 - b. If the Interment Rights Certificate has been issued to the interment rights holder(s), the certificate shall be returned to St. John's Public Cemetery along with the written notice of cancellation.
 - c. If any portion of the interment or scattering rights have been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment or scattering rights.

Section Nine

Care and Maintenance Fund Contribution

1. All Cemetery sales shall follow the following contribution levels in accordance with the FBCSA SO 2002 Chapter 33 Regulations 166 and 168.
 - a. In-ground grave 24 square feet or greater – 40 % or \$290, whichever is greater
 - b. In-ground grave less than 24 square feet – 40 % o\$175, whichever is greater
 - c. Crypt - 20 % or \$830, whichever is greater
 - d. Columbarium Niche - 15% or \$165, whichever is greater
 - e. Scattering Ground with one owner – 40% or \$115, whichever is greater
 - f. Scattering Ground with more than one owner – 15% or \$30, whichever is greater
 - g. Scattering Ground with no rights holder - \$30. minimum contribution
2. All Care and Maintenance contributions shall be refunded by St. John's Public Cemetery within the 30-day cooling off period if the interment rights purchaser requests the contract to be cancelled. There are no refunds after 30 days.
3. Refunds from the 30-day cooling off period shall be paid within 35 days of the written request.
4. All Care and Maintenance Funds shall be transferred to the Care and Maintenance Fund Trustee within 60 days in accordance with the FBCSA 2002 SO Chapter 33 Regulation 87.

5. The Care and Maintenance Fund for St. John's Public Cemetery is held by The Corporation of the Town of Lincoln, 4800 South Service Road, Beamsville, Ontario, L0R 1B1 hereby known as the Trustee.

Section Ten
Allowance for Resale of Interment and Scattering Rights

St. John's Public Cemetery will allow the resale of interment or scattering rights to third parties with the following conditions.

1. The FBCSA 2002 SO Chapter 33 and Ontario Regulation 30/11 Section 115 (1) requires the following.
 - a. The new interment rights holder provides an interment or scattering rights certificate endorsed by the current rights holder.
 - b. If the sale 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.
 - c. If the resale involves scattering rights, a written statement will be provided by the rights holder listing the number of scatterings available.
 - d. The interment rights holder shall provide any other documentation in his or her possession relating to the rights.

2. The third-party purchaser shall be provided with the following documents by St. John's Public Cemetery in accordance with the FBCSA SO 2002 Chapter 33 Regulation 115 (2).
 - a. An interment or scattering rights certificate endorsed by the current rights holder.
 - b. A copy of the Cemetery's By-Laws that have been approved by the Registrar, BAO.
 - c. A copy of the Cemetery's current Price List.
 - d. If the resale involves interment rights, the Cemetery shall provide a written statement of the number of lots that have been used in the plot and the number of lots that remain available.
 - e. If the resale involves scattering rights, the Cemetery shall provide a written statement of the number of scattering rights available.
 - f. The Cemetery shall provide any other documentation in the interment rights possession relating to the rights.

3. St. John's Public Cemetery shall require the following:
 - a. The Cemetery shall require a statement signed by the original rights holder selling the interment or scattering rights, acknowledging the sale of the interment rights to a third-party purchaser.
 - b. The Cemetery shall require confirmation that the person selling the interment or scattering rights is the person registered on the Cemetery records and that they have the right to re-sell the interment or scattering rights.
 - c. The original interment rights holder shall provide a written record of the date of the transfer of the interment or scattering rights to a third party.
 - d. The original interment rights holder shall provide the name, address and phone number of the third-party purchaser.
 - e. The original interment rights holder shall provide a statement of any money owing the Cemetery in respect to the Interment or Scattering Rights.

4. Once the endorsed certificate and all required information has been received by the Cemetery from the rights holder, the Cemetery will issue a new Interment or Scattering Rights Certificate to the third-party purchaser.
5. St. John's Public Cemetery shall charge an administration fee for the issuance of a duplicate certificate of interment in accordance with the fee listed on the Cemetery's current price list.
6. The FBCSA 2002 SO Chapter 33 Section 47 (3) (3.1) prohibits an Interment Rights holder from speculating on any lot, plot or scattering right. An interment or scattering right may be resold for an amount no greater than the current price list.

Section Eleven

The Burial or Scattering of Human Cremated Remains

St. John's Public Cemetery accepts and encourages the interment of human cremated remains and offers many opportunities disposition of friends and loved ones. These duties shall be carried out in accordance with the FBCSA 2002 SO Chapter 33 Regulation 121 (2) & (3) and the points listed below.

1. The Interment or Scattering Rights holders shall provide written authorization prior to a burial, scattering or an entombment taking place. Should the interment or scattering holder be deceased, authorization must be provided in writing by the interment rights holder's Estate Trustee or designate.
2. In the case of Scattering, the Interment Rights Holder, Estate Trustee, or a designate, shall sign a standard document which declares and acknowledges the following.
 - a. That with the scattering of these remains the Estate Trustee recognizes that the remains are scattered and therefore, no longer retrievable.
 - b. That the Estate Trustee acknowledges that the scattering took place on the date listed.
 - c. That St. John's Public Cemetery does not allow any other memorialization within the Scattering Grounds footprint other than an inscription on the master monument provided by the Cemetery.
 - d. Scattering shall only take place within the footprint of St. John's Scattering Grounds which has been approved by the Registrar, BAO.
3. A Burial Permit issued by the Registrar General or equivalent documentation showing that the death has been registered with the Province of Ontario shall be provided to cemetery office prior to a burial, scattering or entombment taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains or scattering of cremated remains taking place.
4. In accordance with the FBCSA 2002 SO Chapter 33 the purchaser of interment or scattering rights must enter into a cemetery contract, providing such information as may be required by St. John's Public Cemetery for the completion of the contract and the public registrar prior to each burial or entombment of human remains, or each scattering of human remains.
5. Payment shall be made to the Cemetery before a burial can take place.

6. The Cemetery shall be given 24 hours' notice for each burial of human remains or the scattering of cremated human remains.
7. The opening and closing of graves, crypts and niches or the scattering of cremated remains shall only be conducted by Cemetery staff or those designated to do work on behalf of the Cemetery.
8. Cremated human remains shall only be scattered within a designated area of the Cemetery that has been approved by the Bereavement Authority of Ontario.
9. Cremated remains are not permitted to be scattered on a grave.
10. A Scattering Rights contract shall be completed signed and the payment of the scattering right shall be received by the Cemetery before the scattering of human cremated remains can take place.
11. Once cremated human remains are scattered these remains cannot be retrieved.
12. Human cremated remains may be disinterred from a ground lot provided that authorization has been received from the interment rights holder to the Cemetery. Notification from the Niagara Region Medical Officer of Health is not required for cremated human remains.
13. The ground interment of cremated remains is allowed in a regular grave site provided there is written permission from the Interment Rights holder and all Rights to Interment have been paid in full.
14. St. John's Public Cemetery allows for one full casket burial plus one cremation in a lot or two cremated remains. Any further interment of cremated remains shall have each Rights to Interment paid in full.
 - a. The Rights to Interment rate for each additional human cremated remains shall be the same for a Section D section lot.
15. St. John's Public Cemetery permits up to four cremated human remains in each full-size lot providing all interments are cremated human remains. Two of the cremations are allowed with the purchase of the lot. All additional interments shall be paid at the rate of a Section D lot.
16. St. John's Public Cemetery has one section designated for the ground burial of human cremated remains. This section is Section D.
 - a. The ground cremation lots in Section D shall be 18" X 18" in size.
 - b. Each lot will allow for two human cremated remains.
 - c. Section D shall only allow flat markers that shall not exceed the footprint of the lot.
 - d. All markers in Section D shall be made of granite, bronze or a composite material of equal strength.
17. All interments in Section D shall be below the frost line.
18. All cremated human remains shall be identified with a metal tag provided by the crematorium.

Section Twelve

The Interment of Full Casketed Human Remains

1. The Interment Rights Holder, Estate Trustee or designate shall provide written authorization prior to an interment of full casketed remains. Should the Interment Rights holder be deceased, authorization must be provided in writing by the Interment Rights holder's Estate Trustee.
Interment or scattering rights holder(s) must provide written authorization prior to a burial, scattering, or an entombment taking place. Should the interment or scattering rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder in keeping with the *Succession Law Reform Act* i.e. Personal Representative, Estate Trustee, Executor or next of kin.
2. The Interment Rights Holder, Estate Trustee or designate shall provide from the Registrar General a Burial Permit in accordance with the Vital Statistic Act RSO Chapter Four.
3. Payment shall be made to the Cemetery before a burial can take place.
4. In accordance with the FBCSA SO 2002 Chapter 33 Regulation 121 (2) & (3) the purchaser of interment rights shall enter into a contract providing such information as may be required by St. John's Public Cemetery for completion of the contract.
5. The Cemetery shall be given 48 hours notice for the interment of a full casketed burial.
6. All full casketed burials shall be below the frost line.
7. All burials at St. John's Public Cemetery shall have a basic wood or cardboard casket except for Section N where a shrouded body is acceptable.
8. St. John's Public Cemetery allows and encourages double depth burials in the spirit of good land stewardship.
 - a. The request for a double depth shall be clearly stated on the contract.
 - b. A double depth burial will require additional payment for opening and closing to recognize the extra work and this cost will be shown on the current price list.
 - c. The interment rights for a double depth burial shall be twice the cost of a single depth burial and will be shown on the current price list.
9. -Concrete liners or vaults cannot be mandated within a by-law as it would be violation of FBCSA, s. 38.1: **38.1** No operator shall require, as a condition to selling certain licensed supplies and services to a purchaser, whether or not the condition is set out in a contract, that the purchaser also purchase other supplies and services from the same operator or from a person specified by the operator, unless the operator does so in the circumstances that are prescribed. 2006, c. 34, Sched. D, s. 23.

Section Thirteen

Inurnment in the “I am the Vine and ye are the Branches” Columbarium

St. John’s Public Cemetery currently has four Columbaria. The “I am the vine and ye are the branches” Columbarium is first Columbarium situate at the Cemetery and is located next to St. John’s Anglican Church. The disposition of cremated human remains in this Columbarium is subject to the following:

1. The Inurnment Rights holder recognizes the restrictive size of the niches.
 - a. The niche size is 9” HT X 13” WIDE X 10” DEPTH.
 - b. Each niche allows for two urns provided both urns combined are of a size to fit the niche.
2. The lettering font on the niche face shall be VERMARCO style and the same font size as all other niches.
3. Full payment to the Cemetery shall take place prior to the inurnment.
4. The niche price will be in accordance with the current price list.
5. The Cemetery requires an opening and closing fee in accordance with the current price list.
6. Only the Cemetery Operator may open and close the Columbarium.
7. The inscription on the face end of the Columbarium is **“I am the vine and ye are the branches”** which is from St. John 15:5.
8. To ensure quality control, desired uniformity and standard of workmanship, St. John’s Public cemetery reserves the right to sign off all lettering.
9. The Inurnment Rights holder shall sign off all lettering prior to inscription.
10. Resale of Columbarium niches are not allowed once inscription has been placed.
- 11 In the spirit of quality control, desired uniformity and standard of workmanship, St. John’s Public Cemetery reserves the right to inscribe all niche fronts or install all lettering, vases, adornments, or any other approved attachment.
12. All cremated remains shall be identified with a medal tag provided by the crematorium.
13. The Cemetery shall refund the sale price of a Columbarium niche save and except those niches which have been inscribed.
14. The refund mentioned will be less the 15 % Care and Maintenance Fund contribution.

Section Fourteen
Inurnment in the Savannah Bird Girl Ground Columbarium

In recognition that there may be an affordability issue with the above ground inurnment in a conventional Columbarium, St. John's Public Cemetery offers ground level inurnment in what is known as the Savannah Bird Girl Columbarium. This service is offered subject to the following.

1. The Inurnment Rights holder recognizes that this Columbarium is communal.
2. All inurnments shall be paid prior to placing the ashes.
3. All urns are completely retrievable upon written request.
4. All Inurnment Rights holders, or their designate, shall have a Certificate of Cremation for the deceased.
5. All cremated human remains shall be identified with a metal tag provided by the Crematorium.
6. All rules concerning resale, 30-day cooling off period, transfer of care and maintenance fund and prices remain the same as any other Section of the Cemetery.
7. All human cremated remains are retrievable if required.

Section Fifteen
Special Sections

St. John's Public Cemetery is open to all members of the public regardless of race, creed or gender. There are denominations that prefer consecrated ground through their own Church. In recognition of this there is a Roman Catholic Section at St. John's. This section is subject to the following.

1. The Roman Catholic Section is better known as Section K.
2. This Section was consecrated on June 3, 2009 by The Most Rev. James M. Wingle, Catholic Bishop of the Diocese of St. Catharine's.
3. Section K remains available to all members of the public; however, any Interment Rights holder shall be informed that this is a consecrated Roman Catholic section.
4. All other stipulations of the FBCSA 2002 SO and this St. John's Public Cemetery By-Law apply in full to Section K as it would in any other Section of the Cemetery.

Section Sixteen

Large Plots

St. John's Public Cemetery allows for the purchase of plots consisting of multiple lots. These plots are recognized by the following:

1. The Short Plot.

This plot located in Section C is for the use of descendants of Fredrick W. Short and Dianna Short. The specific location of these lots is Section C, Row B, Lots 36 to 42 inclusive and Section C, Row C, Lots 33 to 46 inclusive. Some of these lots have been deeded and used for interments. There are 21 lots in total.

2. The Staff Plot:

This plot located in Section A is for the use of Howard V. Staff and Wendy Staff and their direct descendants. The specific location of these lots is Section A, Row K, Lots 5 to 9 inclusive and Section A, Row L, Lots 8 to 12 inclusive. There are 10 lots in total.

Section Seventeen Care and Planting

Under the FBCSA 2002 SO Chapter 33 Regulation 166 & 168 requires that a portion of interment, inurnment or scattering 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 may be provided through this fund income include the following:

1. Re-levelling and sodding or seeding of lots, plots and scattering grounds.
2. Maintenance of Cemetery road, sewers and road systems.
3. Maintenance of perimeter walls and fences.
4. Maintenance of the Cemetery landscaping and the beautification of the Cemetery.
5. Maintenance of the Columbarium.
6. Repairs and general upkeep of cemetery maintenance buildings, Chapel and equipment.

In providing for the care and beauty of the Cemetery the following shall apply:

1. No person other than cemetery staff shall remove any sod or in any way change the surface of a burial lot in the cemetery.
2. No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the Cemetery Superintendent.
3. Flowers placed on a grave for a funeral shall be removed by the Cemetery after a reasonable time to protect the sod and maintain the tidy appearance of the Cemetery.

Section Eighteen
Memorialization

The FBCSA 2002 SO Chapter 33 allows for memorialization in cemeteries. This memorialization shall be carried out as follows:

1. No memorial or structure shall be erected or permitted on a lot until all cemetery charges have been paid in full.
2. No monument, footstone, marker or memorial of any description shall be placed, moved, altered or removed without the permission from the Cemetery.
3. Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.
4. St. John’s Public Cemetery will take reasonable precautions to protect the property of interment rights holders; however, the Cemetery assumes no liability for the loss of, or damage to, any monument, marker, or other structure or part thereof.
5. The Cemetery reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot.
 - a. The width and depth shall leave room for the interment to take place.
 - b. The width and depth shall not exceed the perimeter of the lot or plot.
 - c. The height may not be limited however the height must have a secure footing at the pleasure of the Cemetery Superintendent.
6. The Cemetery shall transfer into the Care and Maintenance Fund (Monument Trust Fund) as found in the FBCSA 2002 SO Chapter 33 Ontario Regulation 30/11 Section 166 as follows.

| | |
|--------------------------------------|----------|
| a. Flat Marker (under 173 sq. in.) | 0 |
| a. Flat Markers (over 173 sq. in.) | \$100.00 |
| b. Upright Markers (under 4’H X 4’L) | \$200.00 |
| c. Upright Marker (over 4’H X 4’L) | \$400.00 |
7. There shall be no Care and Maintenance Fund concerning markers if the marker is being replaced due to damage that cannot be repaired.
8. All foundations for monuments and markers shall be built by the monument company.
 - a. The foundations shall be built by the monument company.
 - b. The foundation shall be at the cost to the interment rights holder.
 - c. The foundation shall be at a depth below frost line at the pleasure of the Cemetery Superintendent.

9. Should any monument or marker present a risk to public safety because it has become unstable, the Cemetery shall do whatever it deems necessary by way of repairing, resetting or laying down the monument or marker or any other remedy including removal so as to remove the risk.
10. The Cemetery 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 Cemetery Board of St. John's Public Cemetery.
11. A monument, private mausoleum, private columbarium or other structure shall be erected only after the specific design plans have been approved by the Cemetery Board, the Bishop of the Synod of the Diocese of Niagara and the Registrar of Cemeteries for Ontario.
12. The structures mentioned in Section 18 (11) shall provide dimensions, material of the structure, construction details and the proposed location.
13. In keeping with Cemetery by-laws and the FBCSA memorialization is allowed subject to the following.
 - a. One monument is permitted for each lot or plot.
 - b. Footstones are permitted provided room allows for this. The footstones shall be no larger than 12"X 16" . c. Section D allows only for flat markers.
 - d. If there are human cremated remains buried over a full grave each cremation interment is allowed one flat marker no larger than 12" X 12" at the pleasure of the Cemetery Superintendent.
14. The minimum thickness for flat markers including footstones is 4 inches or 10 cm.
15. All monuments and markers shall be constructed of bronze or granite.
16. St. John's Public Cemetery shall not allow any personal memorialization within the footprint of the Scattering Grounds. All memorialization at the Scattering Grounds shall be on the Master Monument provided by St. John's Public Cemetery using the font size and font style in keeping with those that are already in use.

Section Nineteen
Price List

The FBCSA 2002 SO Chapter 33 Ontario Regulation 54 to 75 allows for a price list subject to the following:

1. St. John's Price List shall be reviewed each year or at the pleasure of the St. John's Public Cemetery.
2. The Price List no longer requires approval from the Registrar.
3. The Price List shall list every service that is offered by the Cemetery.

4. The Price List shall be retained by the Cemetery for six years after its last day of use.
5. The Price List shall be offered to any member of the public free of charge.

Section Twenty **By-Laws**

In accordance with the Funeral, Burial and Cremation Services Act 2002 SO Chapter 33 St. John's Public Cemetery shall make available a copy of the Cemetery's By-Law. If additional copies are requested there will be a fee according to the current price list.

Section Twenty-One **Configuration of a Single Lot**

St. John's Public Cemetery allows for many configurations of a single lot as follows:

1. A single lot may only hold the remains of two cremations.
2. The purchase of a single lot shall allow for one human casketed remains plus one human cremated remains. There shall not be any additional charge for one cremated remains over a full casketed burial.
 - a. If the purchase of this lot was prior to 1955, then Care and Maintenance for the lot may be collected at the present rates if no previous Care and Maintenance has ever been collected.
 - b. If there is a request for additional human cremating remains in the lot this is allowed up to maximum of four.
 - c. Each must pay Rights to Interment fee in the amount of Section D.
3. St. John's Public Cemetery allows for double depth burial in accordance with the price list.
 - a. A double depth burial does allow for four additional cremated burials if the Rights to Interment for cremation has been paid for.

Section Twenty-Two **Dis-interments**

1. Full casketed remains may be removed from St. John's Public Cemetery provided the Cemetery receives written authorization from the Interment Rights Holder, Estate Trustee or designate and a Disinterment Certificate from the Niagara Region Medical Officer of Health.

- a. The Disinterment Certificate shall only be requested after written permission from the interment rights holder or designate.
 - b. The cost of the opening and closing with respect to a disinterment shall be paid for by the party that has requested the disinterment in writing. The cost shall be in accordance with the current price list.
 - c. In very special circumstances a disinterment may be ordered by Her Majesty the Queen in the Right of The Province of Ontario by a Judicial Order. In this case the interment rights holder has no further involvement.
- In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s) as per *FBCSA*, Section 102.1.
- d. The raising or lowering of remains from standard depth to extra depth is considered a disinterment.
 - e. During a disinterment St. John's Public Cemetery shall be closed to the public and only those authorized by the Cemetery and the Funeral, Burial and Cremation Services Act SO 2002 Chapter 33 shall be allowed.
 - f. Disinterment shall be completed at a time and day designated by the Cemetery.
 - g. St. John's Public Cemetery shall not be responsible for any damages to a casket, liner, shroud or urn which may occur during the disinterment. A new container may be required to facilitate the disinterment and any additional financial responsibilities shall be covered by the Interment Rights Holder or designate.
 - h. The cost of transporting the deceased out of the Cemetery is the responsibility of the party organizing the disinterment.
 - i. The party organizing the disinterment shall provide written third-party documentation of the destination of the human remains.
 - 1. In the case of full casketed remains St. John's Public Cemetery shall be notified of the destination site including the address of this site.
 - 2. In the case of cremation urns no such notification is required.
 - 3. Scattered human remains shall never be disinterred or any material removed from the Scattering Grounds without the written permission of the Registrar of Cemeteries for Ontario.
 - 4. **All Cremated Remains placed in the Scattering Garden are recognized as not being retrievable.**
 - j. All markers connected to the disinterred lot shall be removed at the expense of the Interment Rights Holder or designate.
 - k. **If a disinterment is requested in Section N (Natural Burial Section) and a recognized Archeologist (recognized in the Province of Ontario by the Bereavement Authority of Ontario) is requested to certify the identification of the remains then this cost of an Archeologist shall be borne by the applicant.**

Section Twenty-Three
Sunset Memorial Columbaria
Section L

St. John's Public Cemetery, in 2014, has purchased three Columbaria to better serve the Public. The disposition of cremated remains in the Sunset group of Columbaria is subject to the following:

1. The Inurnment Rights Holder recognizes the restrictive size of the niches.
 - a) The niche size is 11.25" X 11.25" X 16".
 - b) Each niche allows for two urns provided both urns combined are of a size to fit the niche.
 - c) The font style shall be Vermarco on all niches.
2. Full payment to the Cemetery shall take place prior to the inurnment.
3. The niche price will be in accordance with the current price list.
4. The Cemetery requires an opening and closing fee in accordance with the current price list.
5. The lettering style and font size shall be the same on all niches.
6. Only the Cemetery Operator may open and close the Columbaria.
7. To ensure quality control, desired uniformity and standard of workmanship, St. John's Public Cemetery reserves the right to inscribe all niche fronts or install all lettering, vases, adornments, or other approved attachment.
8. To ensure quality control, desired uniformity and standard of workmanship, St. John's Public Cemetery reserves the right to sign off all lettering.
9. Resale of Columbarium niches is not allowed once inscription has been placed.
10. The Sunset group of Columbaria consists of three Columbaria described as follows.
 - a) The southern Curved Chinook Columbarium shall be inscribed with the King James Version of the **23 rd. Psalm.**
 - b) The northern Curved Chinook Columbarium shall be inscribed with the King James Version of the **Lord's Prayer.**
 - c) The central Estate Columbarium shall be known as **The Embassy Estate Rotunda.**
11. All cremated remains shall be identified with a metal tag provided by the crematorium.
12. The Cemetery shall refund the sale price of a Columbarium niche save and except those niches which have been inscribed.

13. The refund mentioned in Section 13 will be less 15 % Care and Maintenance Fund contribution.

Section Twenty-Four
Natural Burial Section

St. John's Public Cemetery recognizes the need to care for our environment and to reduce the carbon footprint in the Cemetery and where possible offer implementation of green burial practices with all burials. St. John's Public Cemetery is enacting the following procedures in the Natural Burial Section.

1. This section shall be known and mapped as Section N.
2. Section N will not allow for the use of concrete liners.
3. All dispositions shall be protected by a biodegradable shroud, casket or urn. If using a shroud St. John's Public Cemetery would suggest a cotton grieve shroud or a material with similar biodegradable properties.
4. All containers shall be biodegradable and without the use of varnish or other protective material.
5. No bodies shall be embalmed with formaldehyde. Embalming is allowed provided the material is biodegradable.
6. Graves will be machine excavated unless hand digging is requested by the family.
7. If hand digging is requested this is subject to additional costs as outlined in the price list.
8. Cremated, Promession and Resomation remains are allowed provided the remains are contained in a biodegradable urn.
9. There are no **upright** monuments allowed in Section N save and except a Master Headstone provided by St. John's Public Cemetery.
10. There will be a charge to place a name on the Master Headstone in accordance with the Price List. All font size on the Master Headstone shall be the same size, determined by the Cemetery, and include the name of the deceased and year only of birth and passing.
11. Only St. John's Public Cemetery may change the tree inventory of the Natural Burial Section. All plantings and removal of plants is at the pleasure of the Cemetery.
12. St. John's Public Cemetery will encourage the planting of wildflowers. The Cemetery reserves to right to remove, alter or re-arrange any planting to facilitate a burial.

13. The Natural Burial Section will allow for a Flat Marker, 12 inches X 18 inches. Over the grave site.
14. Due to the fact that there are no upright monuments the precision of interments is open to adjustment.
15. If there is a request to dis-inter a body the identity of the body shall be established by a professional archeologist registered in Ontario. The cost of the archeologist shall be borne by the applicants to remove the body. All Scientific (DNA) test shall be borne by the applicants to remove the body.

Section Twenty-Five
Monument Types Allowed

- 1) Upright Monuments are allowed only with full Lots in Sections A, B, C, E, K and L.
- 2) Flat markers are allowed in Sections A, B, C, D, E, K, N and L.
- 3) Section D only allows for Flat Markers.
- 4) There no markers allowed in the Scattering Grounds.
- 5) All upright Monuments **shall** have a foundation.
- 6) Flat Markers **do not** require a foundation.

Section Twenty-Six
Memorialization Allowed

- 1) There shall not be any memorialization or planting of trees, shrubs or flowers without the written permission of the Cemetery.
- 2) Benches are only allowed with the written permission of the Cemetery.
- 3) Memorialization shall never interfere with interments.

Section Twenty – Seven Nelson 72 Niche Cartesian Columbarium and Ossuary Section C

- 1) The Niche Rights Holder recognizes the restrictive size of the niches.
- 2) The niche size is 12" X 12" X 16"

- 3) Each niche allows or two urns provided both urns combined are of a size to fit the niche.
- 4) The niche price shall be in accordance with the current price list.
- 5) The Cemetery requires an Open and Closing fee in accordance with the current price list.
- 6) Only the Cemetery Operator may open and close the Columbarium.
- 7) The frontal plate names shall be bronze plaque provided by Nelson Granite.
- 8) There are two bronze plaques allowed on each Columbarium niche plate.
- 9) The bronze plaque, for each Columbarium inurnment, **shall** be with flower vase.
- 10) The name recognition shall be as follows.
 - A] first name – middle initial – Last name.
 - B] date of birth – month –(written) – day – (number) - year – (four-digit number)
 - C] date of death –month – (written) – day – (number) -year – (four-digit number)
- 11) The bronze memorial plates for the Ossuary shall not have flower vase.

Section Twenty-Seven

Location of Grave Sites, Upright Monuments, Setting of Flat Markers

- 1) St. John's Public Cemetery will locate, **at no charge**, any grave for any monument company.
- 2) St. John's public Cemetery **will not** dig and pour any monument foundations.
- 3) St. John's Public Cemetery **will not** set any upright monuments.
- 4) Monument companies are expected to set and place all flat markers.
- 5) If St. John's Public Cemetery is required to set any flat markers there will be a setting fee in accordance with the current Price List.



This **Cemetery By-Law** has been **APPROVED** by The Bereavement Authority of Ontario at Toronto, Ontario on February 28, 2022.

Reviewed By: Mr. Ray Pourill.

Registrar of Cemeteries: Mr. Carey Smith