

STRABANE CEMETERY BY-LAWS

General Conduct

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

No person may damage, destroy, remove, or deface any property within the cemetery. All visitors should conduct themselves in a quiet manner that does not disturb any service being held.

Resolution by the Strabane Cemetery Board

The Strabane Cemetery Board, consisting of an organized group of volunteers, shall carry on without the purpose of gain for its members, and any profits or other accretions to the Strabane Cemetery Board shall be used in promoting its objectives.

By-law Amendments

The cemetery shall be governed by these by-laws, and all procedures will comply with the, MPBSDP – Ministry of Public and Business Service Delivery and Procurement 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. The Bereavement Authority of Ontario is responsible for administering the provisions of MPBSDP – Ministry of Public and Business Service Delivery and Procurement.

Liability

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

Public Register

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

Pets or Other Animals

Pets or other animals, including cremated animal remains, are not permitted to be buried on cemetery grounds.

Children

Children under the age of twelve years are not to be admitted to the grounds unless accompanied by an adult, who shall be responsible for their actions.

Right to Re-Survey

The cemetery has the right, at any time, to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter the shape or size, or otherwise change all or any part of the cemetery, subject to approval from the appropriate authorities.

Notice of Resale and Transfer of Interment or Scattering Rights

The Strabane Cemetery Board permits an interment or scattering rights holder to sell or transfer their interment or scattering rights to a third party at no more than the current price listed on the cemetery price list, provided that the sale or transfer is conducted through the Strabane Cemetery Board and the purchaser meets the qualifications and requirements as outlined in the Strabane Cemetery Board's by-laws.

Cancellation and Resale of Interment Rights

Purchasers of interment or scattering rights acquire only the right to direct the burial of human remains, the scattering of cremated human remains, and the installation of monuments, markers, and inscriptions, subject to the conditions set out in the cemetery by-laws. In accordance with the by-laws, no burial, entombment, scattering, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full.

An interment rights certificate will be issued to the interment rights holder(s) once payment has been made in full. The purchase of interment rights is not a purchase of real estate or real property. An interment rights holder wishing to resell their interment rights may notify the Strabane Cemetery Board of their intention prior to seeking a third-party buyer.

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

A purchaser has the right to cancel an interment or scattering rights contract within thirty (30) days of signing the contract by providing written notice of cancellation to the Strabane Cemetery Board. The Cemetery Board will refund all monies paid by the purchaser within thirty (30) days of receiving the request for cancellation.

Cancellation of Interment or Scattering Rights after the 30-Day Cooling-Off Period

Upon receiving written notice from the purchaser of the interment or scattering rights, the Strabane Cemetery Board will cancel the contract and issue a refund to the purchaser for the amount paid for the interment or scattering rights, less the amount required to be deposited into

the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving the written notice.

If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the Strabane Cemetery Board along with the written notice of cancellation. If any portion of the interment or scattering rights has been exercised, the purchaser or the interment rights holder(s) is not entitled to cancel the contract or re-sell the interment or scattering rights.

Resale of Interment or Scattering Rights after the 30-Day Cooling-Off Period

Unless the interment or scattering rights have been exercised, the purchaser retains the right to cancel the contract or re-sell the interment or scattering rights. Once payment for the interment or scattering rights has been made in full and an interment rights certificate has been issued, the interment or scattering rights holder(s), as recorded in the cemetery records, has the right to re-sell the interment rights. Any resale of the interment rights shall be in accordance with the requirements of the Strabane Cemetery Board by-laws and in keeping with the MPBSDP – Ministry of Public and Business Service Delivery and Procurement.

If any portion of the interment or scattering rights has been exercised, the purchaser or the interment rights holder(s) is not entitled to re-sell the interment or scattering rights.

Care and Maintenance Fund Contributions

As required by Sections 166 and 168 of Regulation 30/11, a prescribed amount or a percentage of the purchase price of all interment rights, scattering rights, and a prescribed amount of \$25.00 where no scattering rights were sold, as well as a prescribed amount for monuments and markers, is contributed to the Care and Maintenance Fund. Income from this fund is used solely to provide general care and maintenance of the cemetery. Contributions to the Care and Maintenance Fund are not refundable, except when interment or scattering rights are cancelled within the 30-day cooling-off period.

For any lots sold prior to 1955 where no care and maintenance was paid, an additional care and maintenance fee (not to exceed \$250.00) will be applied to any new interments.

Requirements for Resale of Interment or Scattering Rights to a Third Party

The interment or scattering rights holder(s) intending to sell their rights shall provide the following documents to the Strabane Cemetery Board so that the Board can confirm ownership of the rights and provide the third-party purchaser with the required certificate and documentation:

- an interment or scattering rights certificate endorsed by the current rights holder;

- if the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available;
- if the resale involves scattering rights, a written statement of the number of scattering rights available;
- any other documentation in the interment or scattering rights holder(s)' possession relating to the rights.

The third-party purchaser will be provided with the following documents by the Strabane Cemetery Board:

- an interment or scattering rights certificate endorsed by the current rights holder;
- a copy of the cemetery's current by-laws;
- a copy of the cemetery's current price list, if the resale involves interment rights;
- a written statement of the number of lots that have been used in the plot and the number of lots that remain available;
- if the resale involves scattering rights, a written statement of the number of scattering rights available;
- any other documentation in the interment rights holder(s)' possession relating to the rights.

The Strabane Cemetery Board will require:

- a statement signed by the rights holder(s) selling the interment or scattering rights, acknowledging the sale of the rights to the third-party purchaser;
- confirmation that the person selling the interment or scattering rights is the person registered in the cemetery records and that they have the legal right to re-sell the interment or scattering rights;
- the date of transfer of the interment or scattering rights to the third party;
- the name and address of the third-party purchaser(s);
- a statement of any money owing to the Strabane Cemetery Board in respect of the interment or scattering rights.

Once the endorsed certificate and all required information have been received by the Strabane Cemetery Board from the rights holder(s), the Board will issue a new interment or scattering rights certificate to the third-party purchaser.

Upon completion of the above procedures, and upon the issuance of the new interment or scattering rights certificate, the third-party purchaser or transferee(s) shall be considered the current interment or scattering rights holder(s), and the resale or transfer of the rights shall be considered final, in accordance with the Strabane Cemetery Board by-laws and the MPBSDP – Ministry of Public and Business Service Delivery and Procurement.

The Strabane Cemetery Board may charge an administration fee for the issuance of a duplicate certificate, in accordance with the price listed on the Strabane Cemetery Board's current price list.

The Strabane Cemetery Board does not prohibit the resale of interment or scattering rights and may repurchase such rights from the rights holder(s) if the Board so desires. The purchase price

may be negotiated, provided the seller acknowledges being aware of the Strabane Cemetery Board's current price list amounts for interment and scattering rights.

Burial and Scattering of Cremated Remains

Interment or scattering rights holder(s) must provide written authorization prior to a burial, scattering, or 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 their behalf, i.e., Personal Representative, Estate Trustee, Executor, or next of kin.

A burial permit issued by the Registrar General, or an equivalent document showing that the death has been registered with the province, must be provided to the Chairman or Treasurer prior to a burial, scattering, or entombment taking place. A Certificate of Cremation must be submitted to the Chairman or Treasurer prior to the burial or scattering of cremated remains.

In accordance with the , MPBSDP – Ministry of Public and Business Service Delivery and Procurement the purchaser of interment or scattering rights must enter into a cemetery contract, providing all information required by the Strabane Cemetery Board for completion of the contract and the public register, prior to each burial or entombment of human remains or each scattering of cremated human remains.

Payment must be made to the Strabane Cemetery Board before a burial can take place.

The cemetery must be given 48 hours' notice for each burial of human remains or scattering of cremated human remains.

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

The number of cremation interments may not exceed four per grave. Ashes placed in cremation lots will be interred in a sixteen-by-twenty-six-inch lot. A deed specifying the size and location of the lot will be provided to the family. No marker larger than a sixteen-by-twenty-six-inch flat granite or flat bronze marker, approved by the Strabane Cemetery Board, may be placed over the cremated remains. This marker must be set flush with the surface of the ground and must have sawn edges. Plants or shrubs are not permitted. Two interments will be permitted in each sixteen-by-twenty-six-inch lot.

Upon request, cremated remains may be scattered within a designated area of the Strabane Cemetery, with no identification of the specific location provided to the family.

Cremated remains are not permitted to be scattered on a grave.

A scattering rights contract must be completed, and payment of the scattering fee must be received before the scattering of cremated human remains can take place.

Once scattered, cremated remains cannot be retrieved.

Human remains may be disinterred from a lot provided that written consent (authorization) from the interment rights holder has been received by the Strabane Cemetery Board and prior notification has been given to the medical officer of health. A certificate from the local medical officer of health must be received by the Chairman or Treasurer before the removal of casketed human remains may take place. A certificate from the local medical officer of health is not required for the removal of cremated remains.

In 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.

Memorialization of Remains

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

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

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

The Strabane Cemetery Board 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, marker, or other structure, or any part thereof.

The Strabane Cemetery 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 would interfere with any future interments.

All foundations for monuments and markers shall be built by, or contracted to be built for, the Strabane Cemetery Board at the expense of the interment rights holder. No foundation shall be less than five feet in depth or the full depth of the grave, whichever is greater, and the excavation shall be subject to inspection before any concrete is poured. Dealers should specify on their orders the monument size and must give at least 30 days' notice before the work is required. Foundations may be installed by dealers or by the Strabane Cemetery Board, but all costs relating to foundations shall be borne by the purchaser.

Should any monument or marker present a risk to public safety because it has become unstable, the Strabane Cemetery Board shall take whatever measures it deems necessary—such as repairing, resetting, or laying down the monument or marker—to remove the risk.

The Strabane Cemetery Board reserves the right to remove, at its sole discretion, any marker, monument, or inscription that is not in keeping with the dignity and decorum of the cemetery, as determined by the trustees.

A monument, private mausoleum, or other structure shall be erected only after the specific design plans—including dimensions, materials, construction details, and proposed location—have been approved by the Strabane Cemetery Board.

In keeping with cemetery by-laws, only one monument shall be erected within the designated space on any lot, and it shall be placed centrally at the head of the lot.

The minimum thickness for flat markers, including footstones, is 4 inches (10 cm).

All monuments shall be constructed of granite, and markers shall be constructed of bronze.

No monument shall be delivered to the cemetery for installation until the monument foundation has been completed and the interment rights holder(s) and/or marker retailer have been notified by the Strabane Cemetery Board.

Markers and footstones made of bronze or granite are permitted, with size and quantity restrictions according to cemetery by-laws, and their placement shall not interfere with future interments.

On any single grave lots, the Strabane Cemetery Board requires the use of flat grave markers (ground level), as opposed to tablet or columnar markers.

All lots must have corner stones marked with the full surname on one stone and initials on the remaining three. The cost of the corner stones is to be borne by the purchaser of the lot and paid for at the time of purchase if purchased from the Strabane Cemetery Board. If purchased from outside suppliers, installation is to be supervised by the Board.

Care and Planting

A portion of the price of interment or scattering rights is placed in 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 include:

- re-levelling and sodding or seeding of lots or scattering grounds;
- maintenance of cemetery roads, sewers, and water systems;
- maintenance of perimeter walls and fences;
- maintenance of cemetery landscaping;
- maintenance of columbarium structures;
- repairs and general upkeep of cemetery maintenance buildings and equipment.

Additional regulations regarding care and planting:

- No person other than cemetery staff shall remove any sod or otherwise alter the surface of a burial lot in the cemetery.
- No person shall plant trees or shrubs in the cemetery except with the approval of the Strabane Cemetery Board. Flower beds not exceeding fourteen inches in width are

permitted in front of the base of monuments. Where no monument exists, flower beds may only be created with the permission and under the supervision of the Board.

- Flowers placed on a grave following a funeral shall be removed by cemetery staff after a reasonable time to maintain the tidy appearance of the cemetery.
- The erection of borders, fences, railings, walls, or hedges in or around lots is not permitted.

Items That Are Prohibited and Permitted

The cemetery reserves the right to regulate articles placed on lots or plots that:

- pose a threat to the safety of interment rights holders, visitors, or cemetery employees;
- interfere with general cemetery operations; or
- are not in keeping with the respect and dignity of the cemetery.

Prohibited articles will be removed and disposed of without notification.

The cemetery further reserves the right to disallow or remove quantities of memorial wreaths or flowers considered excessive or detrimental to the tidy appearance of the cemetery.

All wreaths must be removed by **April 15th** each year. Wreaths not removed by that date will be removed and disposed of by the cemetery without notification.

Contractor / Monument Dealer By-laws

Any contract work to be performed within the cemetery requires written pre-approval from both the interment rights holder and the Strabane Cemetery Board before the work may begin. Pre-approval includes, but is not limited to:

- landscaping;
- delivery of monuments and markers;
- inscriptions, designs, drawings, plans, and detailed specifications relating to the work;
- proof of all applicable government approvals and permits;
- the exact location of the work to be performed.

All contractors must report to the Chairman or Treasurer and provide the necessary approvals before commencing any work on cemetery property.

Prior to beginning work, contractors may also be required to provide proof of:

- WSIB coverage;
- compliance with Occupational Health and Safety standards;
- environmental protection compliance;
- WHMIS training;
- liability insurance coverage.

All cemetery by-laws apply to all contractors and to all work carried out by contractors within the cemetery grounds.

Contractors, monument dealers, and suppliers shall not enter the cemetery in the evening, on weekends, or on statutory holidays unless approval has been granted by the Cemetery Board.

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

Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily halt contractor operations at its sole discretion if the noise of the work being performed is deemed to be a disturbance to any funeral or public gathering within the cemetery.

Contractors, monument dealers, and suppliers shall lay wooden planks on burial lots and paths over which heavy materials are to be moved in order to protect the surface from damage.

Columbarium

A proper Certificate of Cremation must accompany all cremated remains before inurnment can take place.

No interment shall be made without the permission of the interment rights holder or the proper representative of the estate if the interment rights holder is deceased.

Each niche is intended for two urns. Interment rights holders should check internal niche dimensions before purchasing urns.

Payment must be made to the Strabane Cemetery Board, and a contract must be signed before an interment may take place.

Only the Strabane Cemetery Board may open and seal niches for interments. This applies to both the inside sealer and the niche front.

To ensure quality control, uniformity, and a consistent standard of workmanship, the cemetery reserves the right to inscribe all niche fronts and to install all lettering, vases, adornments, or any other approved attachments.

No person other than cemetery staff shall remove or alter niche fronts.

No glass vases or breakable items shall be placed around the columbarium.

To maintain uniformity of the columbarium, only the plaque included in the purchase of the niche will be permitted.

No transfer of burial rights to a columbarium niche shall be approved or recorded in the cemetery's records unless all requirements have been met. A transfer fee will be charged according to the fees set out in the Tariff of Charges and in accordance with the MPBSDP – Ministry of Public and Business Service Delivery and Procurement.

The Strabane Cemetery Board shall keep the columbarium in good repair but shall not be required to rebuild it in the event of destruction due to war or insurrection.

Care and Maintenance Fund

Care and Maintenance fees are included in the purchase price of any cemetery plot. Typically, the fee is 40% of the purchase price.

Funds for Care and Maintenance (also known as the perpetual care fee), which are collected with each grave purchase, are placed in a trust fund administered by Scotiabank.

Only the interest generated from these funds may be used for maintenance. When there are no longer any graves available for sale, this income will continue to fund the care of the cemetery grounds.