

By-laws for the Operation of

*Catholic Cemeteries
North Bay*



Diocese of Sault Ste-Marie

St. Mary's Cemetery,

All Saints Mausoleum

and

Holy Cross Cemetery



The following By-laws for the Operation of St. Mary's Cemetery, All Saints Mausoleum and Holy Cross Cemetery are designed for the mutual protection of Interment Rights Owners and of the cemeteries. To facilitate the operation of the cemeteries, the Board of Directors has drawn up the following By-laws for distribution to each new Interment Rights Owner and make available to any other person. These By-laws supersede all prior By-laws or Rules and Regulations and are intended not to restrain, but rather to prevent the inconsiderate from taking unfair advantage of others.

The enforcement of these By-laws will help protect the long-term viability and beauty of our Catholic Cemeteries. These rules and regulations are meant to help sanctify the living memories of those buried within the Cemetery and to create a serene environment for those visiting their loved ones.

Adopted

Diocesan Representative

Chair, North Bay Roman Catholic Cemeteries
Board of Directors

Date Adopted: _____

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1. **DEFINITIONS**

Act:

Funeral, Burial and Cremation Services Act, 2002, SO 2002, Chap. 33, (FBCSA) and any Regulations promulgated thereunder, as from time to time amended, replaced, or superseded.

Burial:

The opening and closing of an in-ground lot or plot for the disposition of human remains or cremated human remains.

Burial Permit:

A permit issued by the Division Registrar, as defined in the Vital Statistics Act, RSO 1990, c.V.4.

Bylaws:

The rules and regulation under which the North Bay Roman Catholic Cemeteries operate.

Care and Maintenance Fund:

It is a requirement under the 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 in 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.

Cemetery or Cemetery Owner:

For purposes of these By-laws, cemetery or cemetery owner shall mean Holy Cross Cemetery/St. Mary's Cemetery/All Saints Mausoleum/Columbarium(s) as well as any parcel of land owned by the cemetery.

Columbarium:

An above ground structure designed for the purpose of interring cremated human remains in niches or compartments.

Concrete Grave Liner:

An outer container constructed of concrete that encloses a casket within the ground.

Contract:

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

Cremated Remains:

That which is left after a body is cremated.

Crypt:

An individual compartment in a mausoleum for the entombment of human remains.

Crypt – Underground

A compartment underground for the entombment and inurnment of human remains. No new underground crypts are permitted.

Entombment:

The interment of human remains above ground or underground in a crypt within a casket.

Flat Marker:

A marker made of granite or bronze set flush with the ground with no foundation 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. No concrete or other material will be placed underneath the marker for installation. The Marker is the property of the Interment Rights Holder.

Grave:

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

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, crypt, or niche.

Lot:

For the purchases of these By-laws a lot is a single grave space.

Monument:

Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.

Niche:

An individual compartment in a columbarium or mausoleum for the entombment of cremated human remains.

Plot:

For the purposes of these By-laws, a plot means two or more lots in respect of which the rights to inter.

Urn:

Container used to hold cremated remains.

2. GENERAL INFORMATION

- 1) To facilitate the operation of the cemetery, the Board of Directors has drawn up the following By-laws for distribution to each new Interment Rights Owner and available to any person. These By-laws supersede all prior By-laws or Rules and Regulations and are intended to prevent the inconsiderate from taking unfair advantage of others and to preserve the long-term appearance of our Catholic Cemeteries.
- 2) By Law Amendments:
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:
 - Published once in a newspaper with general circulation in the locality in which the cemetery is located;
 - Conspicuously posted on a sign at the entrance of the cemetery; and
 - Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the 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.
- 3) Private Property: The Cemetery is private property. Interment Rights Holder(s) and the public may visit the Cemetery at their own risk and shall be governed by the following By-laws. The cemetery reserves full control over the cemetery operations and 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 shall not disturb any service being held.
- 4) North Bay Roman Catholic Cemeteries, which includes St. Mary's Cemetery, All Saints Mausoleum, the various columbaria, and Holy Cross Cemetery, is owned and operated by the Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie in Ontario. Everyone with varying denominations is invited to make use of our cemeteries.

- 5) The daily operations of both cemeteries are managed by a Cemetery Manager who reports directly to a Board of Directors.
- 6) The 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 right save and except for direct loss or damage caused by gross negligence of the cemetery.
- 7) The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove planting, grade, close pathways, or roads, alter in shape, or size, or otherwise change all or any part of the cemetery, subject to the approval of the appropriate authorities.
- 8) The Cemetery reserves the right to close access to Holy Cross Cemetery, St. Mary's Cemetery or All Saints Mausoleum should it be necessary as a matter of public safety.
- 9) Owners of vehicles or their drivers shall be held responsible for any damage done by those vehicles to Cemetery property. The Cemetery Staff attempts to make all roadways within the Cemetery passable during the winter months; however, the Cemetery and the Board of Directors shall not be held responsible for damage done to vehicles or to cemetery grounds by those who attempt to use uncleared roadways. The Board of Directors reserves the right to restrict access to the cemetery for reasons of safety or public health. Vehicles within the Cemetery shall be driven at a slow rate of speed of not more than 10km/hr and shall not leave the avenues. All vehicles must park on the road proper and not on the grass.
- 10) No person shall bring and/or operate motorized equipment to maintain their grave space, including but not limited to weed eaters, lawn mowers, chainsaws, plowing/snow blowing equipment.
- 11) All visitors should conduct themselves in a quiet manner that shall not disturb any service being held. Any person disturbing the quiet and good order within the cemetery by noise or other improper conduct or who violates these rules will be asked to vacate.
- 12) The Cemetery Manager and the staff are empowered and are required to preserve order and decorum in the Cemetery and to enforce the By-laws.
- 13) No parades, other than funeral processions, shall be admitted to or organized with the Cemetery except by permission of the Cemetery Manager.
- 14) Children under the age of twelve years are not admitted to the grounds except in the direct charge of an adult who shall be responsible for their good conduct and shall see that they do not run over plots or graves nor climb monuments.
- 15) Dogs or other small pets are allowed in the Cemetery while on a leash and ensuring the

person is in total control of the animal and the Cemetery is not responsible to anything done by or to dog(s)/small pets. The person must pick up any excrement and ensuring the animal does not access the graves/monuments of others in the cemetery.

- 16) No parties shall be permitted on the Cemetery Grounds.
- 17) All persons, except for Rights Owners and Cemetery Staff, are prohibited from taking flowers, plants or other materials from plots or graves in the Cemetery except from their own plot. All persons with exception of the Cemetery Staff are prohibited from picking flowers, either wild or cultivated, or breaking any tree, shrub, or plant; or writing upon, defacing or injuring any marker, monument, fence, or other structure in or belonging to the Cemetery; or adding sod to a grave space; or from making paths or taking short-cuts across any part of the Cemetery.
- 18) Any complaints by Interment Rights Holders or visitors to the Cemetery should be made to the Cemetery Manager and not to cemetery workers on the grounds. Controversies with cemetery workers and others on the grounds are to be avoided.
- 19) No gratuities shall, at any time, be given to any Board Member, Officer, or Employee, nor shall any reward be given for personal service or attention. Any officer or employee who violates this rule may be dismissed at once.
- 20) Public Access to Information: The Cemetery is committed to protecting the privacy of its Interment Rights Holders. We collect, use, and disclose personal information as required by governing federal and provincial legislation. We do not rent, sell, or trade personal information lists. Individuals may request their personal information in writing at any time to ensure that it is correct and current or to edit it. Contact the Cemetery to access the public register.
- 21) Notice of Change of Address/Phone number/E-mail: Each Interment Rights Holder shall notify the Cemetery of any change of his/her address/phone number and/or e-mail. Notice sent to the Interment Rights Holder at the last address/e-mail according to the Cemetery's record shall be deemed to have been received by him/her when in the ordinary course of post/email as it would have reached him/her at the address in the Cemetery's records.

3. CARE AND MAINTENANCE FUND

- 1) As directed by the *Funeral, Burial and Cremation Services Act*, Province of Ontario, the price for each grave, lot, crypt, or niche, includes the required Care and Maintenance Fund contribution. The requirements of the *Funeral, Burial and Cremation Services Act*, and the specific amount of the Care and Maintenance contribution that applies to the respective grave, crypt, or niche, purchased is detailed on the Interment Rights Contract and Interment Rights Certificate. These funds are set aside for the permanent care of the grounds. The interest earned from this fund is used annually to cut grass, level graves, sod or seed graves or lots, maintain roads, maintain buildings and structures including mausoleums and columbaria, and

to keep the property generally beautiful as a permanent tribute to the memory of those who rest there.

- 2) Care and Maintenance Funds are kept in trust in keeping with the directions of the *Funeral, Burial and Cremation Act*, Province of Ontario, and any Regulations thereto.

4. PURCHASE AND TRANSFER OF INTERMENT RIGHTS

- 1) Purchasers of interment rights acquire only the right to direct the burial of 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 Cemetery By-laws, no burial, entombment, inurnment or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full or had alternative arrangements made at the time of purchase. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights must advise the Cemetery Manager of their intention prior to seeking a third-party buyer for their interment rights.
- 2) A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the Cemetery. The Cemetery will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.
- 3) Any lot, niche or crypt is intended for use, for interment purposes only, by the Interment Rights Holder or upon his or her consent, by his or her relatives or friends. Interment Rights may be re-sold, assigned, or otherwise conveyed by the Interment Rights holder to any other party. A completed Endorsement of Sale or Transfer of Interment Rights must be provided to the cemetery to register the transfer on the cemetery records in accordance with the Cemetery By-laws and the *Funeral, Burial and Cremation Services Act*, and its corresponding Regulations. The administration fee for the issuance of a new interment rights certificate must be paid to the cemetery. Other than the owner and Cemetery Manager, no one shall be permitted to re-sell or solicit to re-sell any interment right from within the cemetery. This includes canvassing for sales, distributing business cards or any other sales material or literature, and the placement of signage of any type on any interment right or memorial.
- 4) To ensure the correctness of our records, Interment Rights may not be transferred except by filing with the Cemetery Manager a certified copy of the Will and Probate, or in the case of intestacy, or where the Interment Rights Certificate has been listed in the Will, the Cemetery will recognize as Rights Owner, those designated in a signed agreement, executed by the immediate heirs. Interment Rights Holders are advised to bequeath Interment Rights to avoid confusion of Rights ownership.
- 5) Each Interment Rights purchaser shall receive at the time of sale: a copy of the contract for their purchase; a copy of the cemetery By-laws; a copy of the Bereavement Authority of

Ontario Consumer Information Guide – Funeral, Burial, Cremation & Transfer Services, and price list; and upon payment in full, a certificate of interment rights.

- 6) In the event of an error regarding interment rights, the Cemetery Manager shall correct the error at the cemetery's expense when possible. Should it not be possible to correct the error the Cemetery Manager shall provide an interment right of comparable value at no extra charge or refund the entire Interment Rights fee. The Cemetery Manager has the option and discretion as to which reimbursement to choose.

5. INTERMENTS AND DISINTERMENTS

- 1) Notice of each interment must be given to the Cemetery Manager during regular office hours at least 48 hours prior to the proposed date for the interment. Note that the Cemetery Manager may propose a date due to a scheduling conflict. A Cemetery employee shall attend each interment. A burial permit, or in the case of the interment of cremated remains, a cremation certificate must be delivered to the Cemetery Office before the interment can take place.
- 2) No interment will be made in a grave except of the Rights Owner unless written permission of the Rights Owner gives such interment burial permission to the cemetery. If there is more than one Owner or direct heir, and no one has been given signing authority over the use of the grave, the Cemetery Manager may accept the order of any one of the Rights Owners or direct heirs for the use of the grave after completing the Cemetery Authorization Form.
- 3) The particulars of the location of the grave/niche/crypt must be acknowledged in writing by the person responsible for ordering of the burial. Verbal instructions may cause miscommunication and the Cemetery will not accept responsibility for the error. Therefore, instructions must be completed in writing and acknowledged by the person ordering the burial and the Cemetery Manager.
- 4) The person or persons ordering the burial will be held responsible for the charges incurred.
- 5) Graves must be opened to sufficient depth to satisfy the regulations of the *Funeral, Burial and Cremation Act*.
 - In St. Mary's Cemetery, each natural grave space may be used for the interment of one (1) standard casket and one (1) cremation container (the casket interment MUST be first) OR two (2) cremation containers unless previous arrangements were made at the time of the original purchase of interment rights.
Block B- Family Underground Crypt. Cremated remains interment(s) only as per Agreement.
 - In Holy Cross Cemetery, each natural grave space may be used for the interment of one (1) standard casket and one (1) cremation container (the casket interment MUST be first) OR two (2) cremation containers unless previous arrangements were made at the time of the original purchase of interment rights. Double-depth burials are not

permitted unless prior arrangements were (are) made. Double-depth burials will be honored unless out of the cemeteries control that it cannot be done. It is strongly recommended that all first interments in a double-depth burial space be in a vault or liner approved by the Cemetery.

- Each Cremation plot is intended for a maximum of four (4) cremation containers unless other arrangements were made at the time of the original purchase of interment rights.
- 6) The interment fee includes the opening and closing of the grave per each deceased and the restoration of the grave site after the interment. Grave side services are permitted at Holy Cross Cemetery unless a situation occurs in which grave side will not be permitted. The Cemetery Manager will notify the Funeral Director in advance if this occurs. Due to ground conditions, grave side services for casket burials are NOT permitted at St. Mary's Cemetery at any time for safety concerns.
 - 7) No interments will be allowed in a grave/niche/crypt against which there are previous charges due and unpaid unless satisfactory arrangements have been approved by the Cemetery Manager.
 - 8) Interments must be paid in full before the burial when inscription services have already occurred.
 - 9) Disinterment's must be made as provided in the *Funeral, Burial and Cremation Services Act* and Regulations thereto. Any request for disinterment must be made in writing to the Cemetery Manager. Written permission from the Interment Rights Owner must also be obtained. Before a disinterment can take place, all costs (including arrears) must be paid in full. If a casket disinterment is requested, notification must also be given to the North Bay Parry Sound Health Unit. A certificate will need to be provided by the Medical Officer of Health. The Cemetery will exercise all due care while disinterring but is not responsible for damage to any casket, urn or other container sustained during disinterment.
 - 10) 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.
 - 11) The staff of the cemetery shall have the authority to direct the route and conduct of funeral processions within the cemetery grounds. Cemetery staff shall have the right to restrict the number and kinds of vehicles allowed on the roads.
 - 12) The Cemetery Manager shall have the right to restrict the number of attendees at the cemetery or at a service.
 - 13) Cemetery grounds are for the interment of human remains only as per the *Funeral, Burial and Cremation Service Act*.

- 14) No interment shall take place of a body not contained within a suitable covered container. The body must be prepared, prior to arrival at the cemetery, in such a container and in such a manner to allow for the lowering of the body into a grave with the dignity befitting the human body. The body must also be contained in such a manner as to protect cemetery workers from any health concerns. Suitable containers can be supplied by the cemetery office for a set fee. Arrangements for a container must be made in advance of the proposed interment date.
- 15) The opening and closing of the graves, crypts and niches may only be conducted by cemetery staff or those designated to work on behalf of the cemetery.
- 16) Cremated remains are not permitted to be scattered on a grave or on our cemetery property.
- 17) The creation of new underground or above ground crypts are not permitted without the consent of the Cemetery Manager.

6. CARE AND BEAUTIFICATION OF PLOTS

GENERAL

- 1) Full Plot Borders, fences, gravel, wood chips or any other type of structure/material are strictly forbidden at both St. Mary's and Holy Cross Cemetery except:
 - Borders six inches from the front of the monuments of uprights and bevels/pillow tops only and only under these restrictions:
 - i) Borders permitted are only made of prefabricated concrete or granite material.
 - ii) It is understood that a border erected is for the purpose of surrounding real plants/small articles or artificial flowers placed in a suitable container within the border only.
 - iii) No borders can be erected in front of concrete foundation rows.
 - iv) A border can only extend out 6 inches from the front of the main monument.
 - v) Small articles are permitted that will not blow away.
 - vi) No glass or ceramic articles are permitted.
 - vii) No articles of clothing are permitted.
 - viii) No large unsightly articles or overcrowding of articles.
 - ix) Wood chips, rocks or any other surface material that may blow away are NOT permitted within the border.
 - x) The border and contents must be continuously maintained and cared for by the family or appointee. If not maintained, the cemetery will attempt to notify the rights holder of the removal and will hold the items for two weeks. After which time, the items may be discarded.
 - xi) Minor scraping by the lawn equipment to the border is considered normal wear.
- 2) If you intend to have anyone perform work on a plot, please furnish them with written authority or we cannot permit them to work on the grounds. We must know what work is to be done, otherwise we cannot protect cemetery property. The Cemetery is not responsible to verify everyone seen working on a plot.

- 3) Flower beds, and pots are required to be cleared of all tender plants before the first frost. Rights Owner must remove all plants, containers, and articles before the end of September, or they could be disposed of by the Cemetery staff when cleaning the grounds. The cemetery cannot be held responsible for flowers, or any other articles left upon a grave. Winter wreaths will be removed and disposed of by June 1st of each year. Seats, benches, and other articles are strictly forbidden.
- 4) Do not use glass or ceramic of any kind. It is easily broken and can seriously injure our employees or the visiting public. Any glass or ceramic articles left on cemetery property will be removed and may be disposed by cemetery staff.
- 5) No person shall change the grading of a plot, nor erect nor remove anything on or around it. No markers, corner posts or planting can be removed or altered.
- 6) Placing of ornamentation and planting of flowers must only be done within six (6) inches from the front of the headstone within a suitable small container approved by the Cemetery and kept on your own grave space. Total weight of container not to exceed 50 lbs. No objects are permitted on the ground as this poses a hazard and difficulty during lawn maintenance and burials.
- 7) Real plants/flowers planted directly in the ground prior to the passing of this revision may remain if any plant/flower has not expanded/run more than the six (6) inches. If they have expanded more than six (6) inches they will be removed without notice. Artificial flowers placed directly in the ground will be removed without notice.
- 8) Any planting that presents a hazard to cemetery workers or the visiting public will be removed immediately. Prior approval to planting from the Cemetery Manager is mandatory or you risk the removal of your planting.
- 9) Any article which is detrimental to efficient maintenance, or constitutes a hazard to machinery, employees, or visitors, or is unsightly or does not conform to the natural beauty or design of the Cemetery, may be removed by the Cemetery Staff. An article removed will be held at the cemetery office for collection. After 14 days the Cemetery will dispose of any unclaimed item. The Cemetery is not obliged to give notice of removal or disposition.
- 10) The Cemetery retains the right of passage over every lot for Cemetery operations and maintenance to be performed effectively.
- 11) Flat Markers: Only a metal shepherd hook placed tight against the marker is permitted having a hanging basket with flowers/a lantern or lighter containers containing flowers (ensure the flowers will not blow away).
- 12) If any trees, shrubs, flowering, or other plants situated on any grave become, by means of their roots, branches or in any other way detrimental to adjacent graves, drains, roads, or paths, or

prejudicial to the general appearance of the grounds, the Cemetery Staff will remove such trees, shrubs, flowering or other plants or parts thereof without notification.

- 13) Upright Monument Sections (Continuous Foundation Rows) – Holy Cross Cemetery
All planting must take place on the continuous cement foundation system in heavy clay or cement containers or in lighter containers suspended from metal “T” hangers which can be driven into the ground along the perimeter of the foundation system. Glass or ceramic containers are not permitted and will be removed immediately without notification and may be discarded after 14 days. Ornaments or any other article(s) are not permitted on the ground and will be removed without notice and may be discarded and unretrievable.

7. MONUMENTS, MARKERS, MEMORIALS AND OUTER CONTAINERS

General Regulations

- 1) Ownership of Memorials: All Memorials – monuments, markers, plaques, articles etc. are owned by the Interment Rights Holder and the Cemetery Operator is not responsible for their loss, deterioration, theft, or vandalism. These memorials should be protected by the Interment Rights Holder’s own insurance coverage.
- 2) The Cemetery reserves and shall have the right to regulate the kind, size, design, quality, and material of all memorials, outer containers, and foundations which are placed in the cemetery. The design or inscription on any memorial must be in keeping with the dignity and decorum of the Cemetery. The Cemetery reserves and shall have the right to remove or refuse to authorize the placement of any memorial, or inscription to be placed on same, or any embellishment whatsoever, that is not in keeping with the Cemetery By-laws. To this end, the Cemetery shall have the right to inspect the completed installation of all memorials and outer containers installed by outside contractors.
- 3) Any monument or marker exceeding 360 square inches in surface area requires a foundation to be installed prior to its installation. All markers must be of bronze or natural stone. Permission to install must be obtained from the Cemetery Manager.
- 4) Single graves are permitted the use of flat, bevel or upright markers dependent upon the location within the cemetery.
- 5) No memorial, marker, or monument shall be erected or permitted on a plot or grave without all charges of the lot and services being paid in full.
- 6) Not more than one monument may be erected on a plot, regardless of the number of grave spaces in that plot, without the written permission of the Cemetery Manager. The additional memorial(s) must be placed in the space served for it (them) and must be a Flat Ground Marker ONLY.

- 7) All monument work which projects above ground level must be placed on an adequate concrete foundation installed by the Cemetery. Monuments are not to be delivered to the cemetery until the following has been satisfied: the Request Form and any other Authorization Form has been completed, all fees including but limited to the Monument Care Levy have been paid to the cemetery, the foundation is complete and installed. Markers are not to be delivered to cemetery until the following has been satisfied: the Request Form and any other Authorization Form is completed and all fees including but limited to the Monument Care Levy are paid to the cemetery. Preparation of foundations by the Cemetery shall be undertaken as time permits. Burial services and Cemetery care shall take precedence. Foundations will not be prepared from October 1st until June 1st.
- 8) The regular maintenance of foundations and the safety of monuments in our Cemeteries is the responsibility of the Cemetery Owner. Should any monument or marker present a risk to public safety because it has become unstable, the cemetery staff shall do whatsoever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy to remove the risk.
- 9) When any memorial or monument is to be removed or inscribed, permission must be first obtained from the Cemetery Manager. The Cemetery will take every precaution to protect all monuments but cannot assume any responsibility for damage done to them from removal or inscription.
- 10) All monument or marker foundations shall be installed by the Cemetery staff or its agent only and are subject to the tariffs established by the Cemetery Board. All monument or markers shall be installed by the Cemetery staff or a monument company after all necessary paperwork and fees have been paid to the cemetery.
- 11) All monument and marker installations must take place only during the regular business hours as indicated in these By-laws. Any monument or memorial contractor found to be doing work in the cemetery outside of the prescribed hours or willfully disregarding the regulations regarding the installation of monuments and markers will be barred from doing work within the cemetery.
- 12) Any monument, memorial, or outer container, installed without the permission of the Cemetery Manager and/or not meeting the preceding or following regulations and specifications will be immediately removed from the Cemetery without notice. Any costs incurred by the Cemetery to remove such objects will be paid by the Company responsible for the installation or by the Rights Owner of the plot where said object was installed.
- 13) A monument or memorial designed to contain human remains shall not be permitted in the cemetery.
- 14) Minor scraping of the monument or marker due to grass/lawn maintenance is a normal wear.

15) The cemetery will take reasonable precautions to protect the property of Interment Rights Holders, but it assumes no liability for the loss or, or damage to, any monument, marker, article, or other structure, or part thereof.

Monument, Marker, and Memorial Specifications

- 1) A monument, for the purposes of these regulations, is any memorial which projects above ground level. The maximum height allowed for any monument is forty-two (42") from the foundation level to the top of the monument including any statuary or fixtures attached to the monument.
- 2) The maximum width for any memorial is the width of the grave(s) space less 12 inches (i.e., the maximum width of a memorial allowed on a single grave (4 feet in width) is 3 feet.
- 3) The maximum depth of any monument erected on the continuous foundation system at Holy Cross Cemetery is 17 inches. The maximum depth of any marker or memorial placed in other sections of Holy Cross Cemetery is 20 inches. The maximum depth of any monument, marker, or memorial placed in St. Mary's Cemetery is 20 inches.
- 4) An additional granite base may be installed underneath bevel or slant faced markers. This base must not exceed the maximum width or depth permitted in the preceding. The maximum height of such a granite base must not exceed 4 inches.
- 5) Cremation flat markers are to be a maximum size of 15" x 12", ground setting if the marker is for a single person. A cremation flat marker for two or more people is to be a maximum size of 30" x 12", ground setting.
- 6) All markers and corner posts must be finished level on all sides. Maximum tolerance of one-half inch will be allowed for a rock facing.
- 7) The minimum thickness for flat markers, including footstones, is 4 inches.
- 8) No lettering can be placed on the side of a monument facing an adjoining plot. The Cemetery Manager will authorize removal of that monument, structure, or object.
- 9) Bronze Markers are permitted as follows. A double bronze marker (a marker designed to designate the interment of two individuals) shall be a maximum size of 24" x 12". It is a requirement for a granite base to be attached to the bronze marker. The granite base is permitted a visible border of no more than 2 inches surrounding the bronze memorial.
- 10) The Cemetery reserves the right to designate the type of memorial permitted in each section of the cemetery.

8. MAUSOLEUM and COLUMBARIA REGULATIONS

8.1 Purchase, sale and transfer of crypts and niches

- 1) Plans or maps showing all crypts and niches available for purchase shall be kept at the Cemetery Office.
- 2) The total crypt price includes interment rights, care and maintenance fees, basic crypt memorialization.
- 3) No entombment shall be permitted until all payments due to the Cemetery have been made unless satisfactory arrangements have been approved by the Cemetery Manager.
- 4) Purchase and transfer of entombment rights within the mausoleum shall follow the rules and regulations as set out for interment rights in Section 4 of these By-laws.

8.2 Entombments

- 1) Each crypt or compartment in the mausoleum is intended for the entombment of one (1) casket, unless the interment rights contract specifies more than one casket may be placed in a crypt. A cremation container, containing the cremated remains of one (1) individual, may be placed in a crypt in addition to the casket, however, the cremated remains can only be placed prior to or simultaneously with the interment of the casket. A specialized cremation container may be purchased from the cemetery office making it possible to inter cremated remains in a crypt at a time after the crypt has been used for a casket entombment. Regardless, no crypt can be used for the interment of more than one (1) casket and one (1) cremation container unless previous written arrangements have been made with the cemetery office. Written permission for the entombment of cremated remains within a crypt must be obtained from the Cemetery Office.
- 2) Remains which have been previously interred and are intended for entombment in the mausoleum must be delivered to the cemetery or mausoleum enclosed in a secure casket or other rigid container of a suitable size for placement in the designated crypt.
- 3) The Board of Directors may, from time to time, designate a crypt, crypts, or a compartment in the mausoleum as a "common crypt". This crypt may be used for the interment of cremated remains at the discretion of the Board.

8.3 Care and Beautification of the Mausoleum

- 1) Only artificial flowers will be permitted in the supplied vase unit. These flowers and flower arrangements must be of reasonable size and in no way obscure or extend over the adjacent crypt fronts. If the flowers or flower arrangements exceed the allowable size, the Cemetery reserves the right to remove them. Flowers placed anywhere other than in the supplied vase unit will be removed immediately.

- 2) The adornment of the crypt front with any item other than those approved by the Cemetery Office is strictly prohibited. A list of approved items and the requirement for placement is available at the Cemetery Office.
- 3) Potted plants, natural flowers and trinkets are not permitted in the mausoleum.
- 4) The Cemetery will not be responsible for any loss of or damage to any articles placed in the mausoleum.
- 5) Candles or vesper lights are not permitted.
- 6) The Cemetery Staff reserves the right to lockout the washroom facility.
- 7) The Cemetery Staff reserves the right to temporarily close the facility to the public.

8.4 Memorialization and Lettering

- 1) In order to preserve the appearance and uniformity of the mausoleum all crypts and niches must be marked with lettering or memorials that are supplied by the cemetery. The style and type of memorialization and restrictions placed upon memorialization used for the mausoleum will be available for viewing at the Cemetery Office.
- 2) Additional lettering and ornamentation not included in the price of the crypt or niche must be approved by the Cemetery Manager and supplied by the cemetery to preserve the appearance and uniformity.
- 3) The contents of all lettering to be placed on any crypt or niche must be approved by the Cemetery Manager.
- 4) The Cemetery Manager can refuse to allow certain ornamentation within a niche if it appears unsightly, offensive, or overcrowded within the niche space.
- 5) The Cemetery will remove any article(s) attached to crypts or niches. Any damage to the crypt or niche front will be the responsibility of the rights holder to pay for any repairs.

8.5 Memorialization – Columbarium

- 1) To preserve the appearance and uniformity of the columbarium(s) all niches must be marked with memorialization approved by the Cemetery Manager. The name and birth date of each person who is to be placed in any niche must be supplied to the Cemetery Manager at the time the niche is purchased. The style and type of the niche memorialization used for the columbarium(s) will be on display at the Cemetery Office.

- 2) On columbarium fronts, only artificial flowers will be permitted in the vase units on the memorial plaques and shall not extend outside your niche area. These flowers will be removed by the Cemetery staff when they become unsightly or extend out of your niche area. No flowers, real or artificial, wreaths, shrubs, herbage, or articles of any kind are to be placed or planted on or near the columbarium(s). The cemetery reserves the right to enhance the appearance to the columbarium(s).

9. NICHES AND URNS

- 1) The total niche price, as shown on the Cemetery Price List, includes interment rights, care and maintenance fees, niche memorialization (where applicable).
- 2) Only one (1) memorial urn may be placed in a niche unless the niche has been purchased with the written agreement that more than one (1) urn may be placed therein. All remains placed in a niche must be in a closed container. The opening and closing fee of the niche are per each deceased.
- 3) Only memorial urns specifically intended for cremated remains may be placed in a niche.
- 4) All urns must be able to fit in the niche. If the niche is intended for the inurnment of more than one urn, the dimensions of the urns must be adequate to accommodate those urns in the same niche. The Cemetery reserves the right to refuse inurnment of any urn(s) which is (are) oversized or any way inappropriate for use in the specified niche. Having to re-open the niche because of inappropriate size may result in a fee charged.

10. CONTRACTOR/MONUMENT DEALER

- 1) Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the Cemetery Manager before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.
- 2) Prior to the start of any work, contractors may have to provide proof of any or all of the following: WSIB Coverage, Occupational Health and Safety compliance standards, Environmental Protection, WHMIS, Evidence of liability insurance.
- 3) All Cemetery By-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

11) NOTES

The By-laws for the Operations of St. Mary's Cemetery, All Saints Mausoleum,
and Holy Cross Cemetery are approved for use by the
Bereavement Authority of Ontario.

Should you have any concerns regarding
these By-laws, you are encouraged to contact the
Cemetery Manager of the Cemeteries,
or the Chairperson of the Board in care of the following:

North Bay Roman Catholic Cemeteries

132 Golf Club Road

North Bay ON P1B 9T8

Telephone: (705) 495-8986

Fax: (705) 495-3667

Web Site: www.nbrcc.ca

Email: info@nbrcc.ca