

BYLAWS OF DOON PRESBYTERIAN CEMETERY
DOON PRESBYTERIAN CHURCH
KITCHENER, ONTARIO

ARTICLE I

ENTRY TO THE CEMETERY

1.1 Entry Limitations

No person shall enter the Cemetery except through an established gate, nor shall they enter or be within any Cemetery before dawn or after sundown. Police constables and authorized cemetery personnel are excepted.

1.2 Adult Supervision

No person under 16 years shall enter the Cemetery unless attended by an adult responsible for their conduct or until permission to enter has been obtained from the Cemetery Board.

1.3 Bicycles — Restricted

Bicycles shall be permitted only on Cemetery roads.

1.4 Animals — Restricted

No person shall permit any animal, including dogs, to enter or remain in the Cemetery. Leader dogs are excepted.

1.5 Refreshments — Prohibited

No person shall consume refreshments in the Cemetery or carry same upon the premises. Cemetery staff are excepted.

1.6 Alcoholic beverages — Prohibited

No person shall bring any alcoholic beverage upon the said Cemetery properties.

1.7 Damage

No person shall:

- [1] damage, remove any marker, mausoleum, columbarium in the Cemetery;
- [2] damage, remove any marker without prior consent from the Cemetery
- [3] damage, remove any tree, shrub, plant or flowers (be they private or property) within the limits of the Cemetery;
- [4] damage, remove any fence, railing, or gate used for the protection of the Cemetery;
- [5] play at any game of sport;
- [6] discharge any firearms (save at a military funeral);
- [7] disturb any person or persons assembled for the interment of any other person; or

[8] create a nuisance in the Cemetery.

1.8 Debris

No person shall deposit rubbish on the grounds of the Cemetery except in the receptacles provided.

1.9 Soliciting

Soliciting in the Cemetery is strictly prohibited save for the placement of identifying memorialist tags. Such tags shall be placed at the left rear bottom edge of the upright marker between the die and the base. They shall be dark in colour and the exposed area of the tag shall not exceed 7.62 cm (3") in width and 2.56 cm (1") in height. Such tags will only be permitted on upright markers.

1.10 Cemetery Board — Direction and Control

All workers in any capacity within the Cemetery whether as masons, carvers, stonecutters, erectors, helpers, etc. are subject to the direction and control of the Cemetery Board.

1.11 Vehicular Traffic — Restrictions

The Cemetery Board may restrict vehicular access to the Cemetery when the roads are soft or otherwise impassable.

1.12 Vehicular Traffic — Speed Limit

No person driving a vehicle shall:

- (a) leave the travelled portion of the road; or
- (b) exceed a speed of 20 km/h.

ARTICLE 2

SALE OF INTERMENT RIGHTS

2.1 Adoption

All sales of interment rights are subject to the rules set out in Article 3 and to the Cemeteries Act.

2.2 Persons Eligible

The following persons are eligible to purchase lots in the Cemetery:

- (1) Members, former members, and adherents of Doon Presbyterian Church
- (2) The children of persons buried in the Cemetery;
- (3) Persons who were residents of the former Village of Doon prior to its annexation to the City of Kitchener;
- (4) Such other persons as the Cemetery Board may approve.

2.3 Interment Rights sold in advance of need

A contract for interment rights for various lots may be entered into in advance of need and shall be entered into under one of the following terms:

- (a) payment in full at time of application;
- (b) or on such other terms as the Cemetery Board may decide.

2.4 Interment Rights sold on an immediate need basis

All charges for interment rights sold on an immediate need basis are due in full within 30 days from the date of invoicing.

ARTICLE 3

SALE OF INTERMENT RIGHTS – CONDITIONS

3.1 Tariff of Charges: The purchase price for lots, (otherwise known as interment rights) shall be as set forth in the Tariff of Charges as prescribed by the Cemetery Board from time to time and shall be divided as follows:

All graves:

Care and Maintenance Fund

The greater of 40% of the purchase price or \$150.00

General Fund

Balance

3.2 Payments: All payments shall be made to the Cemetery Board of Doon Presbyterian Church, 35 Roos Street, Kitchener, Ontario.

3.3 Payment: Certificate of Interment Rights

A certificate of Interment Rights shall be issued after payment has been received in full.

3.4 By-Laws: A copy of the By-laws of the Cemetery shall be delivered to the purchaser at the time the contract is made.

ARTICLE 4

TRANSFER/PRIVATE SALE OF INTERMENT RIGHTS

4.1 Transfer Private Sale of Interment Rights:

The resale of interment rights to any party other than to the cemetery is strictly prohibited. Interment rights will be

repurchased from the interment rights holder under the terms and conditions of the Cemeteries Act.

4.2 Transfer: Interment rights may be transferred to another party only with the prior written approval of the Cemetery Board on application of the Cemetery Board. If written approval to the transfer is given, the interment rights holder must complete the transfer portion of the Interment Rights Certificate and pay the fee as prescribed in the Tariff of Charges.

ARTICLE 5 INTERMENTS

5.1 Burial permit: cremation certificate required

No interment shall take place without a Burial Permit or a Cremation Certificate as is applicable, nor until the person making arrangements for the interment has complied with all laws, rules and regulations relative to burials. Persons contracting for interment rights and/or making arrangements for burials shall be responsible for all charges incurred.

5.2 Interments: conditions precedent

The Cemetery Board shall not make any interment, entombment, inurnment or scattering on any grave or in any crypt or niche unless and until the person/persons ordering same shall first exhibit:

(a) a signed contract respecting the purchase of the interment right, crypt or niche and the authorization to proceed with the interment, entombment, inurnment or scattering (as is the case);

or

(b) an interment rights certificate or indenture indicating the party is the rightful owner of the interment rights upon which the interment activity is requested.

5.2 For indigent burials, a warrant signed by an official of the Regional Social Services Department indicating that they will be responsible for the payment of such burial.

- (i) (ii) In any circumstances where the party requesting the interment activity is unable to provide evidence of ownership, the Cemetery Board may require the party requesting the interment to sign a waiver saving the Cemetery Board harmless from all subsequent claims for such interment activity.
- (m) All contracts pursuant to the purchase of interment rights must be completed at the Cemetery Board's choice of location.

5.3 Grave opening notice:

When the opening of a grave is required, not less than 24 working hours notice of such requirement shall be given to the Cemetery Board by the owner or owner's agent of the interment right upon which the grave is to be opened. For the purposes of this Section, Saturdays, Sundays and holidays shall not be considered working hours.

5.4 Funerals: conditions

All funerals within the Cemetery shall be under the direction of the Cemetery Board or designate. No funeral service shall be held and no interment shall be made in the Cemetery on any Sunday, New Year's Day, Good Friday or Christmas Day, except pursuant to an Order of the Regional Medical Officer of Health; these provisions being made because these days are set aside for visiting the Cemetery. If satisfactory arrangements can be made in sufficient time for the Cemetery Board to arrange for staff to work on a holiday, other than the holidays specified above, or on a Saturday, such graveside service shall be permitted for the charges as outlined in the Tariff of Charges.

5.5 Funerals: late additional fee

Funerals arriving late in the day necessitating work by Cemetery staff after 4:30 p.m. will be charged an additional fee.

5.6 Paupers interment

The Cemetery Board may use single grave lots or any other unsold lots for the interment of paupers and such persons as may die and who have no known relatives or friends able to pay for the interment rights, upon receiving notice and a signed contract from the Regional Social Services Administrator or designate to the effect that the person to be interred was a pauper or a person who had no known relatives able to pay for the grave and/or interment.

5.7 Location of graves: errors:

The Cemetery Board shall not assume any responsibility for errors in the location of graves when improper instructions have been given by the interment rights holders or designate.

5.8 Multiple Interments limitations:

Multiple interments are not permitted; provided that cremated remains to a maximum of two (2) may be buried above the other burial in any one grave. A lot 10' by 10' shall have two graves.

5.9 Interment Equipment

A liner or vault may be used for all burials, except cremated remains.

5.10 Open/closing graves

No graves shall be opened or closed except those authorized by the Cemetery Board.

5.11 Elevated Mounds — prohibited

No elevated mounds shall be built over graves and no lot shall be filled above the grade established for the cemeteries.

5.12 Burial Vaults — installation

When burial vaults are used, they shall be installed by the supplier who shall use his/her own equipment. No portion of any such vault shall be suspended in or above any grave.

5.13 Soft Ground Alternative Arrangements

At times when the ground in the Cemetery is soft from spring thaws, rain or other cause, no committal services shall be held in the cemetery, at the discretion of the Cemetery Board.

ART ICLE 6

DISINTERMENTS

6.1 Approval by Medical Officer of Health

No disinterment shall take place without the approval of the Regional Medical Officer of Health.

6.2 Approval Cemeteries Act

All other requirements under the Cemeteries Act and Regulations must be met in order for a disinterment to proceed.

6.3 April 15 to November 15- exception

Dis-interments shall be made at the approval of the Cemetery Board and only from April 15 to November 15 in any one year, except as ordered by the Regional Medical Officer of Health.

6.4 Outer Case — Provision of Same

If the burial was made in other than a permanent type outer case, a new outer case must be supplied.

6.5 Private Memorials: Removal of

Any flush or upright markers designating the location of an interment shall be removed at the time a disinterment is made at the expense of the interment rights holder.

ARTICLE 7

LOT DECORATIONS

7.1 Defined Exceptions/limitations:

Lot decorations shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of flush or upright markers or mausoleum, which are placed on Cemetery lots with the intention of improving their appearance. Because certain types of individual lot decorations are not in harmony with the development of the Cemetery as a whole or because they may intensify maintenance, the rules found in Article 7 shall be observed with regard to the decoration of Cemetery lots. No lot decorations permitted by this Chapter shall be placed on a lot if any outstanding charges remain on the lot.

7.2 Structures Limitations:

Copings, fences, curbs, benches, steps, structures of wood, "candles" and containers of glass, or other equally perishable and destructible materials are prohibited and shall be removed without notice. Those structures or enclosures established on any lot previous to the adoption of these regulations, which have become unsightly by reason of neglect or age, shall be removed.

7.3 Floral Tributes Removal:

Floral tributes shall be removed from plots by the Cemetery Board after they become unsightly.

7.4 Decorations Unsightly

Urns, hanging baskets, or any other decorations or objects which are unsuitable or unsightly are not permitted and shall be removed.

7.5 Receptacles

Receptacles for cut flowers of an approved type are permitted if installed flush with the surface of the ground. The use of other than approved types of receptacles is strictly prohibited. Only one such container will be permitted on any single plot and no more than two on any other plot. Potted plants will be permitted to remain on lots for a period of 4 days before and 4 days after the following occasions: Easter, Mother's Day, Father's Day, Decoration Day, and Remembrance Day. Any plants placed prior to or remaining after this period of time will be removed by the Cemetery Board and disposed of.

7.6 Plantings

Since certain plantings may be not in keeping with the general layout of the Cemetery, plantings shall be permitted only under supervision of the Cemetery Board.

7.7 Existing Plantings Removal

Existing plantings, including trees or shrubs may be removed by the Cemetery Board if, they have become detrimental to the adjacent lot, to the general appearance of the Cemetery, or otherwise.

7.8 Artificial Flowers/Arrangements

Artificial and/or silk flowers, arrangements and/or wreaths may be placed and remain on graves, upright markers, or flush markers only from the Friday prior to Thanksgiving Day to the first day of May. Only one such arrangement or wreath shall be permitted on any single lot, upright marker and no more than two on any other lot. No plastic or other type of covering is permitted on artificial wreaths or artificial flowers. If such decorations are not removed by the first day of May, they shall be considered abandoned and may be disposed of by the Cemetery Board. Saddle-type arrangements shall be allowed to remain on the top of upright markers until such time as they are unsightly, when they shall be removed without notice.

7.9 Damage Limitations of Liability

The Cemetery Board shall not be responsible for any damage to lots and structures or objects thereon, or flowers or articles removed from a grave except for damage shown to be caused by the Cemetery Board. The Cemetery Board shall not be responsible for any damage to upright markers and/or flush markers caused by any means or individuals.

ART I C L E 8

FLUSH MARKERS

8.1 Flush Markers Defined ,_

In this Article "Flush marker" means:

- (a) a granite flat marker; or
- (b) a bronze marker together with granite setting base.

8.2 Construction Granite Required

All memorials of any kind erected in the said Cemetery shall be constructed wholly of granite. No metal plate of any kind shall be placed on any memorial.

8.3 Construction Other Removal

Memorials installed in the Cemetery which are found to be in contravention of this chapter shall be ordered removed. The Cemetery Board or designate will advise the interment rights holder of the contravention and the interments rights holder shall be given thirty (30) days within which he/she must comply with the by-laws. If the contravention is not corrected within this time period, the Cemetery Board will have the memorial removed at the expense of the interment rights holder.

8.4 Location Centered

All flush markers shall be centered.

(a) In the case where two adjoining graves are purchased, a 0.36 m X 0.77 m (14" X 30") flush marker may be centered over the two or more spaces at the head end.

(b) In the case of an upright marker lot, the centering of a flush marker over two adjoining grave spaces will only be permitted at the foot end of the graves concerned and only after all burials on such graves have taken place.

(c) Under no circumstances shall a flush marker in an upright lot be permitted beyond the maximum size of 0.3048 m x 0.61m (12" x 24").

{d} Under no circumstances shall more than one flush marker be permitted on any grave

8.5 Outstanding Charges To Be Paid

No flush markers shall be installed upon a lot unless the purchase price and any other outstanding charges for such lot have been paid in full.

8.6 Uniform thickness:

All flush markers shall be of a uniform thickness of 10.15 cm (4") plus or minus 1.28 cm (1/2") and must be set so that the top is flush with the level of the ground. The allowed variance to all flush marker sizes shall be plus or minus 1.28 cm (1/2") in total length and total width.

8.7 Delivery Installation

All flush markers shall be set in place by the supplier or its agent under the supervision of the Cemetery Board, and approval of the location must be obtained from the Cemetery Board before the flush marker is set.

ART ICLE 9 UPRIGHT MARKERS

9.1 Location — Centered

Upright markers shall be placed at the center of the head end of the lot except where alignment with existing upright markers justifies another location in the opinion of the Cemetery Board. Approval of the location must be obtained from the Cemetery Board before an upright maker is set. Not more than one upright marker shall be erected on any lot and no upright marker shall be erected on a single grave space or in sections designed as flush marker sections. No upright marker shall be placed upon a lot unless the purchase price and all other outstanding charges for such t have been paid in full.

9 .2 Up right markers:

No upright marker may be set until the charges made for the foundation have been paid in full. Foundation orders will be accepted between January 1 and November 1 in any calendar year. Foundations shall be installed between May 1 and November 15 in any one calendar year.

9.3 Encroachment on Grave Space:

No upright marker shall encroach on any grave space. Except in the case of beveled upright markers not over 0.61 m (24") in height plus a 0.152 m (6") base, no rock backs on upright markers shall be permitted.

9.4 Upright Markers Size Limitations

No upright marker shall be erected upon any lot unless the sub-base thereof be of uniform thickness, nor less the foundation be not less than 1.37 m (54") below the surface of the ground such foundation to be constructed by the supplier and paid for by the person or persons ordering such foundation or by the person or persons erecting such upright marker at the rate set forth in the Tariff of Charges. All upright marker bases shall be of rock pitch style. No upright marker base or subbase is to be less than 0.152 m (6") in thickness with the exception of pillow markers which must be set on a rock pitch style base which is to be not less than 10.15 cm (4") in thickness. No upright marker shall be less than 0.152 m (6") in thickness at its thickest point. No upright marker shall exceed 1.06 m (42") in height, including its base, unless it be 0.152 m (6") in thickness at its thickest point. No upright marker shall exceed 1.21 m (4') in height, including the base, unless it be not less than 17.77 cm (7") in thickness at its thickest point. No upright marker shall

exceed 1.82 m (6') in height, including the base, unless it be 22.86 cm (8") in thickness at its thickest point. No upright marker shall exceed 2.44 m (8') in height, including the base, unless it be 25.39 cm (10") in thickness at its thickest point. A detailed drawing showing all dimensions of the proposed upright marker must be submitted as part of the contract for the installation of the foundation. All portions of an upright marker must be sealed together with an appropriate sealing material and shall be sealed together in such a way as to provide an adequate level of stability. No upright marker may cover more than 1/10th of the area of a plot. On a two grave plot the upright marker or its base shall not exceed 1.21 m (4') in width; on a three grave plot the upright marker shall not exceed 1.82 m (6') in width; on any lots larger than a three-grave plot, a detailed sketch showing all dimensions must be submitted to the Cemetery Board for written approval, where the upright marker or its base exceeds 1.82 m (6') in width.

9.5 Inscriptions_— Family name, etc

Only family names or any inscriptions such as scriptures, poetry, prose, etc. on the back of upright markers, will be permitted and must be approved by the Cemetery Board.

9.6 Inscriptions Reproductions, Photographic Images, etc.

Only those inscriptions, reproductions or photographic images which are an integral part of the flush marker or upright marker shall be permitted. Photographs, images or inscriptions of any other kind are prohibited. No photograph or inscription may be attached by any other method or process. Acceptable methods of producing such photographic images or inscriptions include etching, sandblasting, chiselling, or similar methods as may be approved by the Cemetery Board.

ARTICLE 10

ERECTION OF UPRIGHT MARKERS

10.1 Turf Protection

Those persons engaged in the placing of, repairing of, or inscribing of upright markers shall provide planking and/or other protective materials adequate to protect turf and shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean, orderly condition.

10.2 Upright Markers In Disrepair

If an upright marker or flush marker presents a risk to public safety because it is unstable the Cemetery Board shall do whatever is necessary by way of repairing, resetting or laying down the upright marker so as to remove the risk.

ARTICLE 11

REQUESTS FOR SERVICE

11.1 Cemetery Office

Any person having a request for service shall make same only to the Cemetery Board c/o Doon Presbyterian Church, 35 Roos Street, Kitchener, Ontario, N2P 2B9.

ARTICLE 12

TARIFF OF CHARGES

12.1 Adoption

Subject to the Funeral, Burial and Cremation Services Act, 2002, and the regulations made thereunder, the Cemetery Board may from time to time adopt a Tariff of Charges to regulate the fees and charges to be paid by persons purchasing interment rights in the Cemetery or requiring service to be performed therein.

These Bylaws were passed by the Cemetery Board on October 25, 1994