

# **BY-LAWS OF THE SAINT BERNARD CEMETERY OF GLOUCESTER**

## **PREAMBLE**

The new by-laws of the Saint Bernard Cemetery of Gloucester do not aim to benefit the cemetery but principally aim to protect the interment rights holders (of lots), to enhance the beauty of the Cemetery, and lastly the good management of the cemetery.

The by-laws stated in this brochure replace and annul all precedent by-laws. It is, however, noted that all rights and privileges prior to the approval of these by-laws will be respected.

The by-laws of the cemetery are an integral part of the purchase of the interment rights. We particularly refer to the part of the contract where it stipulates that the purchaser of interment rights promises to abide by all the actual cemetery by-laws, all subsequent modifications and to all new by-laws that could be decreed and approved by the Ministry of Government and Consumer Services.

The Roman Catholic Church has always regarded as sacred the land containing its human remains. It is in respect for this tradition of dignity and the cult of veneration towards our deceased that the Cemetery Council aim to manage and administer the cemetery.

There are no fixed office hours for the cemetery, but all and any persons requiring services or information can contact the rectory. The office is open during regular business hours Tuesday through Friday.

The St. Bernard Cemetery of Gloucester belongs to the Roman Catholic Episcopal Corporation of Ottawa. The Roman Catholic parish of St. Bernard of Gloucester operates this cemetery primarily for the use of the parishioners. The parish gave the management of the cemetery to a council formed by the members of the Financial Council of the St. Bernard parish of Gloucester. The parish priest is automatically a member of the Cemetery Council.

## SECTION I

### INTERMENT RIGHTS (SALE OF LOTS) AND TRANSFERS

1. The sale of a lot only gives the purchaser the right to require or direct the interment of human remains in a lot. The purchaser does not own the lot.
2. Only the Cemetery Council or a person designated by the Council can sell interment rights (lots).
3. At the time of the purchase, the Cemetery Council or a designated person chosen by the Council will give to each interment rights holder (lots):
  - a) a copy of the contract signed by the representative of the Cemetery Council and by the purchaser,
  - b) a certificate of interment rights upon receipt of fees incurred,
  - c) a copy of the by-laws governing a cemetery.
4. An interment rights holder may require, by written demand, the owner repurchases the rights at any time before they are used (Article 23 (1).) The Cemetery Council will therefore reimburse within 30 days to the purchaser, the entire amount of the sale, except for the amount set aside for maintenance.
5. The costs for interment rights and services of the cemetery are established according to the most recent list of rates and price list decided upon by the Cemetery Council and approved by the Ministry of Government and Consumer Services. The selling price of the lot will include the portion to be deposited in the Care and Maintenance Fund as established by the Cemeteries Act (Revised).
6. The cemetery is not bound by a transfer of interment rights until it is presented to the Cemetery Council. If a purchaser or eligible party transfers the interment rights, he (they) must do so in writing to the Cemetery Council with the remittance of the original certificate. The Cemetery Council will then give a new certificate to the transferee.
7. The interment rights holder cannot sell, rent or transfer this right to another for gain or profit. However, he can transfer the interment rights while still alive or through a testament or a legacy by changing the ownership through the registry of the cemetery, in accordance to the process or procedure of a transfer of interment rights.
8. The transfer of interment rights cannot take place unless the new holder pays all the charges related to these interment rights.

9. When the interment rights holder passes away without a will, the Council will follow the law or else, may register as holder the surviving spouse or the nearest and oldest relative.
10. The holder shall not allow a burial to take place for compensation of any kind.
11. If part of the cemetery is expropriated by Law, the Council will transfer the remains to another lot, without cost to the holder but the holder will not receive any compensation or monies from this expropriation.
12. Interment rights are purchased and recorded in the name of one or two persons. An association, society or corporation cannot own interment rights. However, exceptions will be made for a religious institution associated with the Roman Catholic Church or the Ministry of War Veterans for the interment of their members.

## **SECTION II**

### **MARKERS, FENCES, DECORATIONS**

1. Fences and enclosures of any kind, no matter what size, are formally forbidden. The same goes for the planting of trees, bushes, flowers, plants, etc...
 

Pots of flowers or floral arrangements can be placed on the base of the monument or tied to same. It is not permitted to cover these articles with a plastic film or other similar materials. The administrative body of the cemetery will not be responsible for damages or for the maintenance of these decorative articles.

Cut flowers are permitted without restrictions, but they may be removed after three days so as to allow for the upkeep of the cemetery. The same may happen to wreaths placed on the grave after the interment. A maximum of six floral arrangements may be placed on the tomb.
2. Before proceeding to the erection of a marker, the placing of a foundation, the interment rights holder or the person doing the work for the holder, must notify the person in charge of maintenance at the cemetery so as to verify the location and specifications of the marker and of the foundation. The costs for this verification will be charged to the person doing the work.
3. Offensive or improper inscriptions on the markers are strictly forbidden.
4. No one can remove a marker without first notifying the Cemetery Council or its representative, and without obtaining the holder's written permission.
5. The Cemetery Council will not authorize the installation of a marker on a lot until all fees have been paid.

6. For flat markers on a lot measuring 3' 6" by 9' only one is allowed measuring no more than 24 inches by 18 inches.
7. All raised markers must rest on a foundation at least 54 inches deep.
8. Only raised markers made of granite or marble are allowed.
9. Raised markers can measure to a maximum height of 44 inches including the base and to a maximum thickness of 6 to 10 inches. The headstone (die stone) must be smaller than the base. The foundation must be larger than the base by 2" all around the base.
10. Workers or contractors will not be permitted to touch monuments, plaques or other structures without first obtaining permission from the Cemetery Council.
11. A worker who causes damages to a lot, a headstone, a monument or to any such structure will be held responsible for said damages. The employer of said worker will also be held responsible.

### **SECTION III**

#### **CARE AND MAINTENANCE OF CEMETERY**

1. It is the responsibility of the Cemetery Council to see that the lots are maintained in a state of repair.
2. The maintenance of a lot is assured in a way that it is superfluous for the holders to care for the maintenance themselves or to pay for services from an outside source.
3. No holder can modify the level of his lot (adding or removing soil). The Cemetery Council will restore the lot to its original grade at the holder's expense.
4. The Cemetery Council is not responsible for damages done to portable objects left on the lots or for the loss of said items.

## SECTION IV

### INTERMENT AND DISINTERMENT

1. A lot may be used to inter the holder or any other person provided that said person be granted written permission by the holder or his legal representative.
2. The burial permit indicating that the death has been registered must be presented to the person responsible for the cemetery, before the interment. In cases of disinterments, the legal and medical papers must be given before work begins. Certificate of cremation must be issued for the interment of an urn.
3. All interments must take place in the presence of a representative of the Cemetery Council or his delegate.
4. No interment will be permitted before complete payment of the incurred fees.
5. The Cemetery Council will not be held responsible for any errors or misunderstandings following arrangements made by phone.
6. The person asking for the opening of a grave will be held responsible for the cost of the opening.
7. Notice of interment or of grave opening must be given to the person responsible for the cemetery at least 8 working hours before the burial.
8. Grave opening, either for an interment or a disinterment, cannot be performed by anyone else except the person designated or authorized by the Cemetery Council.
9. The Cemetery Council only permits one casket interment or 4 cinerary urns in a grave measuring 3'6" by 9'.
10. The costs for grave opening will conform with the amount adopted by the Cemetery Council and approved by the Ministry of Government and Consumer Services.
11. All interments are interrupted during the Winter months (from approximately November 15<sup>th</sup> to April 30<sup>th</sup>).



.....**ADDENDUM**

**DEFINITIONS**

Cemetery Services means

- opening and closing of a grave;
- interment or disinterment of human remains.

Contract: contract for the purchase of interment rights or services.

Grave: means lot capable of containing one casket or 4 cinerary urns.

Human remains: means a dead human body and includes a cremated human body.

Inter: means the burial of human remains and includes the placing of human remains in a grave.

Interment rights: includes the right to require or direct the interment of human remains in a grave.

Interment rights holder: means a person with interment rights with respect to a lot and includes a purchaser of interment rights under the Cemeteries Act.

Lot: means an area of land in a cemetery containing, or set aside to contain human remains.

Marker: means any monument, tombstone, plaque, headstone, cornerstone affixed to a burial lot.

Transferee: designates the person chosen by the interment rights holder as the subsequent holder.

Trust fund: means a Care and Maintenance Trust Fund established for the purpose of the maintenance of the cemetery.