

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0

Owned and Operated by Union United Church

BY-LAWS
2015



FOREWORD

Please read this document! It outlines the history and By-laws governing the Union United Church Cemetery. The rules are based on years of experience in caring for the Cemetery and are solely for the protection of the beauty and sanctity of these grounds. It is with confidence in the co-operation of the Rights Owners that the Cemetery Board presents these By-laws for their guidance.

HISTORICAL

The Union United Church Cemetery is situated on Stone Church Road, ½ mile south of the Village of Union. It is owned by the Union United Church and presents an impressive sight with its tall, stately maple and spruce and well maintained appearance. It is located on Lot 4, Concession 3, Yarmouth Township, Elgin County, Ontario.

On June 17th in the year 1850, the trustees of the Union Wesleyan Methodist Church, namely Samuel Ferrin, John Peacock, Randolph Johnson, Daniel Burgess, Edward G. Forknell and James McKay purchased 1 and ½ acres of land for 15 pounds from John and Pearly Willis. This land could be used for a church site, parsonage or burial ground for the use of members of the Wesleyan Methodist Church. Here the early forefathers of our community were laid to rest.

In September, 1876, another ½ acre was bought and in April 1898 an additional 1 ½ acres were purchased. It was not until 1935 that another 3 acres were acquired. The trustees later realized that more land would be needed, purchased 12.59 acres in 1966 making a little over 19 acres in our cemetery.

The Board has endeavoured to operate efficiently and economically; they are constantly making improvements to beautify the cemetery.

Improvements have been made from time to time. An iron fence was built across the front. Stone pillars were erected at the entrance and exit in 1964. The driveway was rebuilt in 1968.

Tribute should be paid to the people who have served on the Board through the years. They have had vision and foresight.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

These by-laws are the rules and regulations that govern Union United Church Cemetery and have been approved by the Registrar of Cemeteries, FBCSA, Cemeteries Regulations Unit, Ministry of Government and Consumer Services.

BY-LAWS

SECTION A

DEFINITIONS

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

By-Laws: The rules and regulations under which the Cemetery operates.

Care and Maintenance Fund: It is a requirement under the FBCSA that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.

Columbarium: An above ground permanent structure containing several niches or spaces for the placement of cremated human remains.

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 Cemetery by-laws.

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.

Entombment: The opening and closing of a Niche for cremated human remains.

Grave: (Also known as Lot) means any inground 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 or niche 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.

Lot: For the purpose of these by-laws, a lot is a single grave space.

Marker: Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial lot.

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

Niche: An individual compartment in a columbarium for the entombment of cremated human remains.

Plot: For the purposes of these by-laws, a plot is a parcel of land, sold as a single unit, containing multiple lots.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION B

SALE AND TRANSFER OF LOTS

1. Interment Rights in lots (eight grave spaces), subdivision of plots and single graves, may be purchased from the Board for cash according to the plans approved by the Ministry of Government and Consumer Services, Consumer Protection Branch, Cemeteries Regulation Unit and on file in the office of the Administrator of the Cemetery. The prices for lots include the applicable portion for deposit to the Care and Maintenance Fund.
2. Purchasers of lots acquire only the right and privilege of burial of the deceased, and installing markers or monuments, subject to the current BY-LAWS in effect at the time.
3. Payment for lot(s) shall be made at the office of the Administrator of the Cemetery. Payment in full must be received before any interment can take place or any monument or marker can be placed.
4. Each purchaser of a lot or grave shall be entitled to a CONTRACT for the purchase of INTERMENT RIGHTS AND CEMETERY SUPPLIES. This contract will show any taxes connected with the sale.
5. The Certificate of Interment Rights shall specify the size of the lot, its number and date in accordance with the cemetery plan as approved, the amount paid, the amount in dollars being set aside for Care and Maintenance, (this was previously known as Perpetual Care Fund), the name and address of the Trustee holding the Care and Maintenance funds and its issuance is subject to the existing By-Laws of the cemetery as approved by the Registrar of Cemeteries and any amendments approved from time to time.
6. Lots and graves shall be sold covered by a rate for Care and Maintenance in the Price List on file in the office of the Administrator.
7. To ensure the accuracy of record of ownership and interments, no sale or other transfer of any lot or any interest shall be binding upon this Board until notice in writing has been given to the Administrator or Representative of the Board specifying the name and address of the proposed transferee or owner and date of transfer or sale. This information will be kept in the secured file. A transfer or sale can be made only after the receipt of such information and the payment of the designated administration fee. No transfer shall be made until all payments have been received.

8. Rights owners are to give timely notice to the Administrator of the Union United Church Cemetery of change of address.
9. In cases of change of ownership of any lot, the change shall be recorded on receiving sufficient evidence such as a certified copy of a will, or a document signed by all family members (living) stating that they are agreeable to the change of ownership including the date.
10. If the Cemetery Administrator receives notice that a contract is cancelled within thirty days, the Cemetery will refund to the purchaser all money received under the contract, within thirty days of receiving the notice.
11. After thirty days, the Cemetery will not repurchase graves. If the Cemetery receives notice that a contract for Interment Rights is sold after thirty days, the Cemetery shall retain all funds placed in the Care and Maintenance Fund. Graves can be advertised and sold on the open market for an amount no higher than the cost of a grave as per the Cemetery's current rate schedule. The owner must advise the Cemetery of the sale, sign and return the Certificate of Interment Rights. The new owner will contact the Cemetery to obtain the appropriate documents of ownership and interment rights. A fee will be charged for the completion of these documents. The Union United Church Cemetery does not warrant that these graves will be useable.
12. **NO REFUND OR SALE** can be made for any grave if Interment Rights have been exercised.
13. Where no interments have been made in a lot for twenty years, the Union United Church Cemetery may proceed to repossess the unused portion of the lot Funeral, Burial and Cremation Services Act, 2002, Section 49 1- 7.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION C

INTERMENTS AND DISINTERMENTS

1. All interments shall be restricted to members of the family, relatives or other persons designated by the Rights Owner.
2. The caretaker of the Cemetery, his assistant or someone in the employ of the Board shall be in attendance at each interment.
3. A burial permit or Certificate of Cremation issued by the Division Registrar, or by the Crematorium showing that the death has been registered, and the fee for the opening and closing of the grave according to the price list shall be deposited with the caretaker before interment can take place.
4. Where orders for interments are given by telephone, the Board will not be responsible for any errors or misunderstandings that may arise, and such verbal orders shall be confirmed in writing later, with a Contract to be signed by an authorized representative prior to interment.
5. Persons ordering graves shall be held responsible for charges incurred.
6. When a lot is held jointly by two or more persons, an order will be accepted from either or any of them or their authorized representatives, for interment in such part of the lot as may be requested.
7. Notice of each interment to be made shall be given to the Administrator of the Cemetery at least one full working day (two full working days in winter months) previous to service except under special circumstances (i.e. Health Regulations). The Board cannot be held responsible for unforeseen weather conditions which could prevent interment as desired by the family.
8. No burial shall be made on Good Friday, Easter Sunday or Christmas Day except on a Physician's Certificate that burial must be made within 24 hours of the death in accordance with the regulations of the Ontario Ministry of Health for the control of communicable diseases.
9. Graves and niches shall be opened and closed only by the Cemetery, except under special circumstances, and by permission of the Board.
10. The Cemetery retains the right to temporarily locate a monument or marker so that Cemetery operations involving the opening and closing of the grave may be performed. The opening of a grave for burial necessitates the temporary mounding of earth on adjacent graves. The

Cemetery reserves the right to determine the location for the temporary mound and will make reasonable efforts to restore adjacent graves to their original condition as soon as possible following the closing of the grave. Funeral flowers will be removed by Cemetery staff at their discretion.

11. Each grave shall be of sufficient depth to give a covering of at least two feet of earth over the cover of the vault or casket, with the exception of a cremation being placed on top of an existing burial.
12. Bodies of any of the lower animals shall not be placed in any grave or niche in the Cemetery.
13. No disinterments shall be made without the written consent of the local Medical Officer of Health and the Rights Owner, except on an order from the Court or as provided in the By-Laws of the Funeral, Burial and Cremation Services Act, 2002.
14. The Cemetery will not be responsible for damage to any casket, urn or container which occurs during the course of disinterment. A new casket or container may be required to facilitate the removal and the cost will be the responsibility of the party authorizing the disinterment.
15. No interments or disinterments shall be permitted in any lot against which charges are due and unpaid.
16. One casket and one cremated remains or two cremations may be buried in each grave.
17. Remains to be buried in a lot must be enclosed in a container, sealed securely, and of sufficient strength to permit burial with the container remaining intact. The container must be of a size to permit burial within the size of the grave.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION D

CARE OF LOTS

1. A portion of the price of purchasing a lot or niche is entrusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the Cemetery grounds. Services that can be provided through this fund include:
 - re-levelling and seeding of lots
 - maintenance of Cemetery roads and water systems
 - maintenance of fences
 - maintenance of Cemetery landscaping (grading, grass cutting & trimming)
 - maintenance of columbarium
 - repairs and general upkeep of Cemetery buildings and equipment
2. Trees or shrubs are allowed on plots when planted in the monument line under the supervision of the Cemetery Caretaker or Administrator. These must be of the dwarf or ornamental type only and must be cared for by the Rights Owner.
3. If any trees or shrubs situated in any lot have become by means of their roots, or branches or in any other way, detrimental to the adjacent lots, drains, roads, or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public, the Board, will endeavour to give 30 days notice to the Rights Owner, and may remove such trees or shrubs, or parts thereof. The Rights Owner may be billed for this service.
4. Flower beds not exceeding twelve inches in width shall be permitted in front of the monuments and where there is no monument, can only be made by the permission of, and under the supervision of the Board. Planting of borders around the grave spaces is prohibited. Unless the property behind the monument is owned by the Rights Owner, the flower bed is restricted to the front of the monument. Maintaining the flower beds are the responsibility of the lot holder and should they become unsightly, will be removed by the Cemetery.
5. In order to preserve the proper appearance of the grounds and prepare the grounds for spring, WINTER artificial wreaths must be removed by April 15th of each year. Wreaths not removed by April 15th will be removed and disposed of by the Cemetery without notification.
6. Natural flowers are permitted at any time, also artificial flowers are permitted in the summer as long as they are kept seasonal and are removed before they become unsightly. **GLASS CONTAINERS ARE PROHIBITED.**
7. Rubbish shall not be thrown out on the roads, walks, or any part of the grounds. Receptacles

are provided at convenient points on the grounds for the deposit of weeds, decayed flowers, plants, etc.

8. No unauthorized person shall make any walk, cut any sod or move any corner posts or grave markers in the Cemetery. If any memorial markers are to be removed for repairs, permission must be given by the Administrator of the Cemetery.
9. The Cemetery reserves the right to regulate the articles placed on lots or plots that pose a threat to; the safety of all interment rights holders, visitors to the Cemetery and Cemetery employees, prevents the Cemetery from performing general maintenance operations, or are not in keeping with the respect and dignity of the Cemetery. Prohibited articles will be removed and disposed of without notification.
10. The Cemetery reserves the right to disallow or remove quantities of memorial wreaths or flowers considered to be excessive and that diminishes the otherwise tidy appearance of the Cemetery.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION E

MONUMENTS AND MARKERS

1. For the purpose of these By-Laws, a monument shall be understood to mean any permanent memorial projecting above ground level.
2. Before any monument or headstone is placed on a lot or before any inscriptions are put on monuments, all outstanding charges must be paid. No monument or memorial marker can be installed by a monument dealer until he has contacted the Administrator of the cemetery.
3. A monument of the pillow type (that is where the front of the stone is one inch raised, and the back is three to four inches raised above the skirting) is **NOT RECOMMENDED**. If these are used they must be mounted on a six inch high base.
4. All monuments must have a five foot concrete foundation and will be installed by a monument dealer.
5. The maximum size monument allowed on a single grave is -

Base	Length 30" X Width 14" X Height 8"
Die	Width 24" X Height 30" X Thickness 8"

and providing the placement of the monument does not interfere with future interments. In some circumstances, only a flat marker may be allowed on a single grave. In some areas, only flat markers may be used if the lot is close to the roadway and will be at the discretion of the Cemetery.
6. Monuments and markers must be placed in the space reserved for it unless special permission is given by the Board for placing it otherwise.
7. When a monument/marker and base have been placed in the Cemetery, all excess pieces of sod and cement must be cleaned up and removed so as not to interfere with the lawn mowers.
8. No composition markers, rough stones or wooden markers are permitted in the Cemetery. All memorial monuments and markers must be of a permanent nature such as granite, bronze or marble. All flat memorial markers must have a three inch skirting.
9. Only one monument shall be erected on a lot. One marker with a flat and level surface set flush with the ground may be placed at each grave in addition to the monument, providing it fits within the graves dimensions. The marker shall be placed in a location at the discretion of the Cemetery.

10. No inscription shall be placed on any monument or marker which is not in keeping with the dignity and decorum of the Cemetery. The Cemetery reserves the right to remove at its sole discretion any marker, monument or inscription which is not appropriate as determined by the Board. All engravers must contact the Administrator of the Cemetery before proceeding to do any engraving.
11. Only a surname and a monument design shall be permitted on the side of the monument facing an adjoining lot where there is not room for an adult grave between the monument and the boundary of the lot. Given names, dates of birth and death are not permitted.
12. When a monument or memorial of any kind is to be removed, or an inscription or cleaning done, permission shall be obtained from the Administrator. Application for such permission shall be made in writing by the Rights Owner, with a description of the work proposed. A monument dealer or engraver must also contact the Administrator of the Cemetery.
13. Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION F

COLUMBARIUM RULES

1. Only the Caretaker of the Cemetery or a designated person may open and seal niches for interments. This applies to the inside sealer and the niche fronts.
2. Niche plaques must be ordered from the Cemetery to ensure quality control, desired uniformity and standard of workmanship. The Cemetery shall be responsible for installing the approved plaque to the niche front.
3. Niche vases, if installed, must be purchased from the Cemetery. The Cemetery shall be responsible for installing the vase to the niche front.
4. Flowers from funeral services may be placed in a designated area and will be removed and disposed of the same day. Other than funeral flowers, fresh cut flowers in vases or potted plants and flowers are not allowed to be placed on the cement in the columbarium areas.
5. Artificial and fresh cut flowers in vases attached to the niches are permitted any time provided they do not encroach on an adjacent niche. Artificial and fresh cut flowers that have become unsightly, will be removed and disposed of without notification.
6. No person, other than Cemetery staff shall remove or alter niche fronts.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION G

HOURS OF OPERATION AND RULES FOR VISITORS

1. Visitors are always welcome at the Cemetery during the open hours, from dawn to dusk. They are asked to remember the respect due to the deceased. As no regular office hours are observed by the Administrator, she may be contacted at the Cemetery phone number to arrange a meeting.
2. The caretaker and his assistants have the authority to preserve order and decorum in the cemetery.
3. No parades, other than funeral processions shall be admitted to or organized within the cemetery unless specific permission is granted by the Board.
4. Children under the age of twelve years are not admitted to the grounds except in charge of an adult, who shall be responsible for their good conduct and shall see that they do not run over lots and graves.
5. Vehicles within the Cemetery shall be driven at a moderate rate of speed and shall NOT leave the avenues.
6. Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.
7. Discharging of firearms, other than in regular volleys at burial services such as in military services, is prohibited in and around the Cemetery.
8. All persons, with the exception of the Rights Owner, from their own lots only, are prohibited from taking flowers, plants or other materials from lots or graves in the Cemetery or from picking any flowers, either wild or cultivated, or breaking any tree, shrub or plant; or writing upon, defacing or injuring any monument, or fence or other structure in or belonging to the Cemetery; or from making any paths or short cuts across any part of the Cemetery.
9. Any complaints by Rights Owners or visitors should be made to the Cemetery Administrator.
10. Any person disturbing the quiet and good order of the Cemetery by noise or other improper conduct or who violates these rules, may be expelled from the grounds.

UNION UNITED CHURCH CEMETERY
5889 Stone Church Road
Union, ON N0L 2L0
Owned and Operated by Union United Church

SECTION H

CONTRACTOR/MONUMENT DEALER BY-LAW

1. Any contract work to be performed within the Cemetery requires the Contractor to have the written pre-approval of the interment rights holder and will provide it to the Cemetery on request. Permission must be received from the Administrator before the work may begin.
2. Any person, firm or corporation (“Contractors”) performing any work in the Cemetery must comply with all applicable legislation including without limitation; Workers Compensation, Occupational Health and Safety and Environmental Protection, and maintain general liability insurance of not less than \$1,000,000 (“Coverage”). Such Contractor shall provide written proof of such Coverage at the request of the Cemetery within 72 hours of a written request and prior to commencing any work within the Cemetery. Should a Contractor not be able to provide written proof of Coverage within the prescribed time limit, the Contractor shall be prohibited from completing any work in the Cemetery until written proof of Coverage has been provided.
3. All Cemetery by-laws apply to all Contractors and all work carried out by Contractors within the Cemetery grounds.
4. Contractors, monument dealers and suppliers shall not enter the Cemetery in the evening, on Sunday or statutory holidays, unless approval has been granted by the Administrator or Caretaker.
5. No work will be performed at the Cemetery except during regular business hours, unless approval has been granted by the Administrator or Caretaker.
6. 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 cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the Cemetery.
7. Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots and paths over which heavy materials and equipment are to be moved in order to protect the surface from damage. At any time of the year when the grounds are exceptionally soft, a cart will be used to move a vault into the required location.

8. Any worker who damages any lot, memorial marker or other structure, or otherwise does any injury in the Cemetery, shall be personally responsible for such damage or injury, and in addition, his employer shall be liable.
9. Contractors working with the Cemetery must remove all implements, equipment and rubbish from the Cemetery at the conclusion of the work or at the end of each work day. All worksites must be secured when left unattended.