



*Salem Cemetery*

*Circa 1860*

**Bylaws - 2014**

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### INTRODUCTION

**The aim of the Board of trustees for Salem Cemetery is to continue to make the cemetery an attractive and pleasant place to visit and a sacred place for the deceased. That is why we have established the By-laws covering what can or cannot be done on the cemetery grounds. If we allowed shrubs to become overgrown and unlimited decorations to be placed on graves, making it difficult, if not impossible, for the groundskeeper to keep the cemetery neat and tidy, we would be showing great disrespect to those resting here. Salem Cemetery has a reputation for being well and carefully maintained. With your help, we will be able to keep it so.**

## A. DEFINITIONS

**Cemetery:** Salem Cemetery is located on Lot 21, Concession 1, 537 Blyth Park Road Colborne, K0K 1S0, Township of Cramahe, County of Northumberland.  
Mailing address: L. Broatch 14116 County Road 2, Brighton, Ontario K0K 1H0

**Ministry:** the Ministry of Government and Consumer Services, under the Act covering Cemetery Regulations (Government of Ontario).

**Board:** the Board of Trustees of Salem Cemetery.

**Administrator:** the person responsible for overseeing the maintenance of the cemetery, the grounds-keeper, and any or all duties related to interments related to interments.

**Lot:** a single grave space

**Plot:** multiple lots

**Columbarium:** a structure containing individual niches.

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

**Interment Rights:** a contract that is signed with the Board and filed with the Ministry dealing with obligations of both parties and acceptance of the By-Laws.

**Interment Rights Holder:** a person with interment rights with respect to a lot which rights are determined by the Funeral, Burial and Cremation Services Act, 2002

**Certificate of Interment Rights:** a certificate issued by the caretaker to the purchaser of interment rights in either a lot or a plot.

**Marker:** any memorial of granite, marble, or bronze set level with the ground and used to mark the location of a lot.

**Monument:** any marker that is not level with the ground but rises above it.

**Arrears:** any payment owing on the purchase of a lot or plots. If unpaid, no interment will be done nor any other services provided.

**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 from this fund is used for care and maintenance of plots, lots, markers and monuments at the cemetery.

## B. SALE AND TRANSFER OF LOTS

**Price of Lots:** Interment rights to lots shall be at prices set by the Board and filed with the Ministry. (See **Cemetery Price List**)

**No resale:** No interment rights may be resold to a third party. The Board prohibits the resale of interment rights to a third party and will repurchase these rights at the price listed on the current price list minus the Care and Maintenance originally paid. If one of the interment rights has been exercised the board can refuse the buy back. The repurchase and payment to the right holder requesting the sale must be completed within 30 days of the request.

**Transfer of Rights:** If Interment Rights are transferred, the Interment Rights Holder(s) must return the Interment Rights Certificate to the Board, who will then issue a new certificate to the transferee.

**Issue of the Certificate:** The Interment Rights Certificate shall be issued to only one of the Interment Rights Holder(s) and only after any arrears, connected with the lot, have been paid in full.

**Limits of Rights:** The Interment Rights belong only to the persons named on the certificate. NB there is no transmission of interest through death.

**Cancellation:** The Interment Rights Holder(s) may at any time cancel the contract, in which case the Board will repurchase the Interment Rights if no Rights have yet been exercised, subject to the following conditions: the purchase price shall be calculated as the original price paid minus the portion deposited into the Care and Maintenance Fund.

## C. INTERMENTS

**Permits:** A burial permit issued by the Division Registrar, showing that the death has been registered, or, in the case of cremation, a Certificate of Cremation, must be deposited with the Board before an interment can take place.

**Caretaker must be present:** the caretaker, or a Member of the Board, must be in attendance at each interment.

**Written Permission:** Written permission must be submitted to the Board for any interment of anyone other than the Interment Rights Holder for each lot.

**Charges Incurred:** Persons ordering the opening of graves will be held responsible for the charges. (See **Cemetery Price List**)

**Limits of Interment Rights:** Only one full interment may be made per lot.

**Extra Interments:** Cremations may be interred in lots to a limit of four per lot.

**Cremation Interments:** Cremations may be interred in lots other than cremation lots, including family plots.

**Animals/birds:** no animals, (domestic or otherwise), or birds are to be placed in the Cemetery.

**Sunday Burials:** Except in cases of extreme necessity, such as the danger of contagion or infection, or in the case of an epidemic, interments may not be carried out on Sundays. A doctor's Certificate of Necessity will be required where the reason for interment is one of the above.

**Interment Dates:** Interments shall be carried out only between April 1<sup>st</sup> and November 30<sup>th</sup>, or at the discretion of the Board.

**Disinterments:** All disinterments must be done in accordance with the regulations as set out by the Ministry.

#### **D. MONUMENTS AND MARKERS**

**One Monument per single lot:** No more than **one** monument may be erected or placed on a lot.

**Single width Lots:** Monuments and flat markers no wider than 36 inches (apron included) are permitted on single width lots. (See **Cemetery Price List** for lot sizes available.)

**Double width Plots:** Monuments no wider than 30 inches (base included) are permitted on double width grave plots.

**Triple width Plots:** Monuments no wider than 72 inches (base included) may be permitted, subject to the approval of the Board. **NB** these rules are to allow lawnmowers and trimmers to pass between adjacent monuments and to keep appropriate spacing for aesthetic reasons.

**Foundations:** All monument footings to be designed by the monument manufacturer and approved by Salem Cemetery

**Installations:** All markers are to be installed by the monument company **only** when a member of the Board is present.

**Thickness of Flat Markers:** Flat markers must be at least four inches thick and have a concrete apron around the marker to a depth of four inches. This is to prevent cracking. Flat markers must be placed level with the ground.

**Rules for Monuments:** Designs/plans for any and all monuments to be erected in the Cemetery must be submitted to the Board for approval.

**Corner Posts:** Corner posts, purchased by the Interment Rights Holder, must be six inches square and dressed on all sides. They must be installed at the corner of each lot and level with the ground. These posts are to be installed by the Board.

**Footstones:** In addition to the monument, **one** footstone with a flat surface and set level with the ground shall be placed at the end of the grave farthest from the monument. All footstones are to be installed with a Board member present.

**Type of Material:** All markers and monuments must be constructed solely of natural stone, marble or bronze.

**Inscriptions:** No inscription shall be placed on any marker or monument that is not in keeping with the dignity and decorum of the Cemetery. Inscriptions may be placed on either side of a monument.

**Arrears:** No marker or monument shall be installed on a lot until all arrears connected with that lot have been paid in full.

**Removal/alteration of Memorials:** No monument, marker, footstone or memorial of any kind shall be placed, moved, altered or removed without permission from the Caretaker.

**Risk to Public Safety:** If a monument or marker in the Cemetery presents a risk to public safety because it is unstable, the Board shall do whatever is necessary by way of repairing, resetting or laying down the monument/marker to remove the risk.

#### **E. Flowers**

**Off the ground:** All flowers must be potted and placed in a stand of which the design has been passed by the Board. The stand is to be placed at one corner of the marker/monument.

**Fresh flowers and flowerpots:** fresh flowers and smaller pots may be placed on a grave to commemorate special occasions; however, the Board assumes no responsibility and will remove these and the containers when they become withered or unsightly.

**Flowerbeds:** No flowers or flowerbeds may be planted on the ground. Planting of borders around lots or plots is prohibited.

**Removal of stands:** Flower pots and stands must be removed by October 24<sup>th</sup>. Any that remain will be removed by the Board.

#### **E. OTHER DECORATIONS**

**Trees and shrubs:** Trees, shrubs and decorations in the Cemetery must meet the approval of the Board, who reserve the right to remove any that were not approved, or pruned, or grow too large.

**Artificial Decorations:** All artificial decorations shall be placed on top of the monuments. None shall be placed on the ground. Wreaths or baskets will be removed by the Board when they become unsightly.

**Articles prohibited:** Chairs, benches, wire trellises, articles of glass, cards, notes, letters, plaques, statues, pictures, toys, balloons, stuffed animals, candles, holiday decorations, rocks, money, jewellery, decorative containers, solar lights, wind chimes, or any other memorabilia.

## G. GENERAL

**Animals prohibited:** No animals shall be permitted in the Cemetery.

**Loss or damage:** The Board will not be responsible for any loss or damage to portable articles left in the Cemetery.

**Grading of lot:** No person shall change the grading of any lot. In case of such change, the Board may restore the lot to its original grade at the expense of the Rights Holder.

**No filming** of music videos, or any other videos/films for the purpose of entertainment, may be carried out within the confines of the Cemetery.

**The Board** reserves the right to remove any markers, or any other object that may be in contravention of the above regulations. The Board also reserves the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities

## H. COLUMBARIUM BY-LAWS

Full payment must be made to the cemetery operator before an interment may take place.

Only the cemetery operator may open and seal niches for interments. This applies to the inside sealer and the niche front.

To ensure quality control, desired uniformity and standard of workmanship, the cemetery reserves the right to inscribe all niche fronts or install all lettering, no inscriptions or insignias are allowed.

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

Flowers may be left the day of the funeral but will be removed by board when spent. No other flowers or decoration are allowed at the columbarium, an area near by will welcome floral tributes.