

St. Peters Lutheran Cemetery
2703 Lobsinger Line
Heidelberg ON N0B 2M1
Licence # CM-04619
By-laws Revised 2023

These by-laws are the rules and regulations that govern St. Peters Cemetery and have been approved by the Registrar, Funeral, Burial and Cremation Services Act, 2002 (FBCSA) Bereavement Authority of Ontario.

DEFINITIONS

Burial/Interment: The opening of a lot and then the placing of dead human remains or cremated human in that lot, followed by closing the lot.

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

Care and Maintenance Fund: It is a requirement under the FBCSA and O. Reg 30/11 and 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 into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, marker and monuments at the cemetery.

Contract: For purposes of these by-laws, all purchasers of interment, or other cemetery supplies and services must receive a copy of the contract they and the cemetery operator have signed detailing the obligations of both parties, and acknowledging receipt and acceptance of the cemetery by-laws, a copy of the Consumer Information Guide and 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.

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

Human Remains: means a dead human body or the remains of a cremated human body.

Inter: Means the burial of human remains, or the placing of cremated human remains in a lot.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave or lot and to authorize the installation of a monument or marker.

Interment Rights Certificate: The document issued by the cemetery operator to the purchaser once the interment rights to a specific lot have been paid in full, identifying ownership and authority over

the specific interment rights.

Interment Rights Holder: The person(s) authorized or entitled to inter human remains in a specified lot. They may be the person named in the Interment Rights Certificate or such other person to whom the rights have been assigned. The church still retains ownership of the land within the cemetery

Lot: For the purposes of these By-laws a lot is a single grave space.

Marker: Shall mean any permanent memorial structure-monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial lot intended for the deposit of human remains and may be used to indicate the location of a burial.

Plot: For the purpose of these by-laws, a plot means two lots in respect of which the rights to inter have been sold as a unit.

WSIB: Workplace Safety and Insurance Bureau of Ontario

GENERAL INFORMATION

Hours of Operation

Visitation Hours: Unless the cemetery committee approves, no person shall enter or be within the cemetery grounds before 7:00 am or after sunset except for the members of the Waterloo Regional Police Department, emergency services or member of the cemetery committee.

Burial Hours: 10 am- 4 pm

Motorized Vehicles: No motorized vehicles shall be driven in the cemetery:

- At a speed of more than 15 km/hour; or
- On any land other than roadways provided for vehicles.

General Conduct:

The cemetery committee 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. All children must be supervised at all times within the cemetery grounds.

All work must stop and be removed from the area where an interment is being held.

Liability:

The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to, any plot, monument, marker or other article that

has been placed in relation to an interment or scattering right, save and except for direct loss or damage caused by gross negligence of the cemetery.

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-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, PAO.

Pets or Other Animals:

Pets or other lower animals, including cremated animal remains, are not allowed to be buried on cemetery grounds.

Right to Re-Survey:

The Cemetery has 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.

BY-LAWS PERTAINING TO SALE OF INTERMENT RIGHTS

Policy Regarding Active Members:

- Cemetery plots/lots cannot be sold until time of death. Remaining spouse is entitled to purchase an adjacent lot providing rates of tariff are met. Only members are allowed to reserve plot/lots prior to need.
- Dependent children of active members are regarded as active members in accordance of the definition of membership in Article IV of the constitution of St. Peters congregation.
- All inactive members and their spouses shall be entitled to purchase a plot/lot at the time of death providing the rates of tariffs are met.
- A Past Member is defined as a person who has been baptized &/or confirmed at St. Peters Heidelberg, or has maintained active membership at some point in the past.
- Non-members shall be entitled to purchase a cemetery plot at the time of death providing rates of tariff are met.
- 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 cemetery by-laws, no burial or installation of any monument, marker, inscription or memorialization is permitted until the interment rights have been paid in full. 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 may not sell their interment rights to a third party.

BY-LAWS FOR THE CANCELLATION OR RESALE OF INTERMENT RIGHTS

- The cemetery operator prohibits the resale of interment rights to a third party and will allow a cancellation of these rights by the interment rights holder or such other person to whom the interment rights have been assigned, at the price listed on the current price list less any care and maintenance contribution amount previously made. Cancellations of interment rights cannot be prohibited so long as the purchaser meets the qualifications and requirements as outlined in the cemetery operator's by-laws. The cancellation and payment to the rights holder requesting the sale must be completed within 30 days of the request.
- The cemetery committee may allow the transfer of interment rights within a family provided no consideration (no money) has been given. For a transfer to occur, the cemetery committee will require the written authorization of the current interment rights holder. Should the interment rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder in keeping with the Succession Law Reform Act, i.e. Personal Representative, Estate Trustee, Executor or next of kin.
- Transfers must be processed through the cemetery operator and the following must be provided.
 - The interment rights certificate endorsed with the following:
 - A statement signed by the rights holder selling the rights, acknowledging the transfer to the third-party.
 - A signed confirmation by the cemetery operator that the person transferring the rights is shown as the rights holder in the cemetery's records or is the person authorized to act on behalf of the rights holder.
 - The date on which the rights were transferred to the third-party.
 - The name and address of the third-party transferee.
 - A written statement regarding the lots that are being transferred.
 - Any other documents in the rights holder's possession relating to the rights.
 - A copy of the current cemetery by-laws must be provided to the transferee.
 - A statement of any money owing to the cemetery operator in respect to the rights.
- The cemetery committee may require certain documents, including a notarized copy of the will and the return of the interment rights certificate before allowing the transfer.
- Once all required documentation and information has been received by the cemetery operator from the rights holder(s), the cemetery operator will issue a new interment rights certificate to the third-party transferee(s). Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third-party transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with the cemetery by-laws and the FBCSA.
- In the case of a transfer of rights, an administration fee may apply for the cemetery operator to process the cancellation or issue a new rights certificate to the third-party transferee, as applicable. The fee, which is set out on the cemetery price list, is also charged for replacement of lost or damaged certificates.

- The cemetery committee prohibits the resale of interment rights to a third party and is not required to repurchase unused interment rights in a plot (more than one lot) if one of the interment rights in the plot has been exercised. In some circumstances, the cemetery committee may consider the repurchase of interments rights. A written request must be provided to the cemetery committee before a determination can be made. Any refund will be based on the current purchase prices less the amount deposited into the care and maintenance fund. The cemetery committee will not allow a cancellation if memorialization is present on the lot. Therefore, the rights holder must have the memorialization removed (at their expense) prior to cancellation being considered.

Cancellation of Interment Rights within 30 Day Cooling-Off Period:

- A purchaser has the right to cancel an interment right contract within thirty (30) days of signing the interment rights contract. Upon receiving written notice from the purchaser of the interment rights, the cemetery operator will cancel the contract. The interment rights holder requesting the cancellation of the rights must return the interment rights certificate to the cemetery operator and the rights holder(s) must endorse the interment rights certificate, transferring all rights, title and interest back to the cemetery operator. The appropriate paperwork must be completed before the cemetery operator reimburses the rights holder(s) the current value. The cemetery will not process a cancellation if the interment rights have been used. The cemetery committee will also not allow a cancellation if memorialization is present on the lot. Therefore, the rights holder must have the memorialization removed (at their expense) prior to cancellation.

Care and Maintenance Fund Contributions:

- It is a requirement under the FBCSA and O. Reg. 30/11 and 184/12 that a prescribed amount or a percentage of the purchase price (excluding tax) of all interment rights sold; and prescribed amounts for monuments and markers is contributed into the care and maintenance fund. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled with the 30-day cooling-off period.

BY-LAWS PERTAINING TO INTERMENTS & DISINTERMENTS

- A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery prior to burial.
- A Certificate of Cremation must be submitted to the cemetery prior to the burial of cremated remains.
- All committals shall be made by an ordained pastor of a Christian Denomination.
- No grave shall be opened without the approval of the cemetery committee of the church.
- Burials will only be permitted with interment rights authorization signed by the lot/rights holder on record or their legal representative, all contracts are signed and all fees have been paid.
- Burials will not be permitted to occur between the dates of December 1 and May 1 unless special permission is granted by the cemetery committee of the church.

- The opening and closing of graves may be only conducted by cemetery committee or those designated to do work on behalf of the cemetery.
- All remains must arrive in the cemetery enclosed in a closed casket or container.
- The cemetery committee highly recommends the use of a steel or concrete liner to protect surrounding agricultural land.
- A single lot may contain one regular burial with up to two cremated remains on top, once the regular burial has taken place. The first interment of cremated remains shall be centred in the grave three (3) feet down from the head of the grave. The second interment shall be five (5) feet down from the head of the grave.
- Cremated remains are not permitted to be scattered within the cemetery.
- Human remains may be disinterred from a lot provided that the written consent (authorization) of the interment rights holder has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains from the cemetery may take place. A certificate from the medical officer of health is not required for the disinterment of cremated remains from the cemetery.
- 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).
- The cemetery committee reserves the right to disallow any witnessing of the disinterment if it feels that the health and safety of anyone is at risk.
- If the interment was done without a permanent outer case, or should that case be damaged, the applicant is responsible for a new suitable container for properly and safely transferring of the remains.

BY-LAWS PERTAINING TO MEMORIALIZATION

It is a requirement under the Act that a percentage of the purchase price for monument and marker installation is contributed to the Care and Maintenance Fund which is used to provide care and maintenance of lots, plots, lot markers at the cemetery.

- No memorial or other structure shall be erected or permitted on a lot until all charges have been paid in full and/or a permit is obtained from the cemetery operator.
- No monument, footstone, marker or memorial of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.
- Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered normal wear and tear.
- The cemetery operator will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker or other structure, or part thereof.
- Memorials-monuments, marker, plaques etc. are owned by the interment rights holder and the cemetery operator is not responsible for their loss or deterioration. These memorials should be protected by the interment rights holder's own insurance coverage.

- The cemetery operator reserves the right to determine the maximum size of monuments, their number and their location of each lot or plot. They must not be of a size that would interfere with any future interments.
 - a) Monuments shall be placed on a foundation constructed of concrete extending at least 4 feet into the ground and at least 3 inches on all sides of the base of the monument or marker level with the ground, and installed by an approved contractor. The monument shall be a minimum 6" in thickness to ensure the longevity and stability of the monument.
 - b) Markers in the cremated burial area are to be level with the ground. No upright or pillow markers will be allowed. The minimum thickness for flat markers including footstones is 4 inches or 10 cm.
 - c) Monuments or markers may not cover more than 15% of the regular grave. This does not pertain to cremation graves.
 - d) Where an upright monument is in place only flat markers or plinths may be added to mark interment of cremated remains.
 - e) All monuments and markers shall be constructed of natural stone (i.e. granite)
- All foundations for monuments and markers shall be built by, or contracted to be built for, the cemetery operator at the expense of the interment rights holder. No personally built marker or monument may be placed in the cemetery.
- The cemetery operator reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the cemetery committee.
- A monument, marker or other structure shall be erected only after the specific design plans have been approved by the cemetery operator including: dimensions, material of structure, construction details, inscription and proposed location.
- No person shall place, obtain, install, maintain, or allow to remain, any monuments with a monument base or foundation contrary to the following:
 - a) A traditional single grave monument lot the base or footing may not exceed 24" in length and 14" width.
 - b) A traditional two grave lot the base or footing may not exceed 48" in length and 14" in width.
 - c) Only flat marker of a four (4) inch thickness on a cremation plot.
- In keeping with the cemetery by-laws only one monument shall be erected within the lot as per the following;

INTERMENT RIGHT	SINGLE DEPTH	NUMBER OF BURIALS ALLOWED		MARKER ALLOWED YES OR NO	MARKER SPECIFICATIONS SIZE, FLAT OR UPRIGHT
		Casket	Urn		
Single Grave 4' x 10'	6'	1	2	YES	Upright or Pillow 24" W x 14" Base
Double Grave 8' x 10'	6'	2	4	YES	Upright or Pillow 48 W" x 14" Base
Cremation Grave 2' x 2'	3'	0	2	YES	Flat Marker 20" x 14"

Should any monument or marker present a risk to public safety because it has become unstable the operator shall do whatever it deems necessary by way of repairing, resetting or laying down the monument or marker or any other remedy to remove the risk.

RULES PERTAINING TO CARE AND PLANTING

A portion of the price of interment is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Service that can be provided through this fund include:

- Re-levelling and sodding or seeding of Lots.
- Maintenance of cemetery roads and water systems.
- Repairs and general upkeep of cemetery maintenance buildings and equipment.
- No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial lot in the cemetery.
- No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery committee.
- Trees, shrubs, flowers deemed detrimental to the adjacent graves or the general appearance of the cemetery grounds, shall be removed.
- Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

Flower Beds & Vases

- Flowerbeds where permitted may not exceed the length of the monument base on any lot and may not be more than fifteen (15") inches out from the base.
- Flower beds and plantings are the sole responsibility of the interment rights holder or family.
- No perennial plant material shall be permitted to exceed the confines of a flowerbed or grow large enough to obscure the legibility of any monument.
- No flower beds are permitted around cremation lots.
- All non-compliant plant material may be removed by the cemetery committee or persons acting on their behalf.

- The cemetery or church are not liable for any damages to plant or materials caused by the opening and closing of graves, product installations or removal of plant material, or lawn care.

BY-LAWS OUTLING ITEMS THAT ARE PROHIBITED AND PERMITTED

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 cemetery operations, or are not keeping with the respect and dignity of the cemetery.

Prohibited articles will be removed, tagged and held for 30 days, and the cemetery will try to the best of their ability to reach the owner.

To assist interment rights holders, the following is an example of articles that are prohibited from being placed on lots within the cemetery:

- Glass or ceramic containers or figurines.
- Articles made of hazardous materials, ceramics, or corrosive metals; loose stones or sharp objects; trellises or arches, chairs or benches.
- Borders, edging, fences, railings, walls or hedges may not be erected or planted on or around plots.
- 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.
- No person shall place, erect, install or allow to remain any more than one decorative item such as plants, pictures, stones or toys on or around a monument or marker.

CONTRACTOR/ MONUMENT DEALER BY-LAWS

Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator 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 governments approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery and provide the necessary approvals before commencing work at any location on the cemetery property.

Prior to the start of any said work, contractors may be asked to provide proof of any;

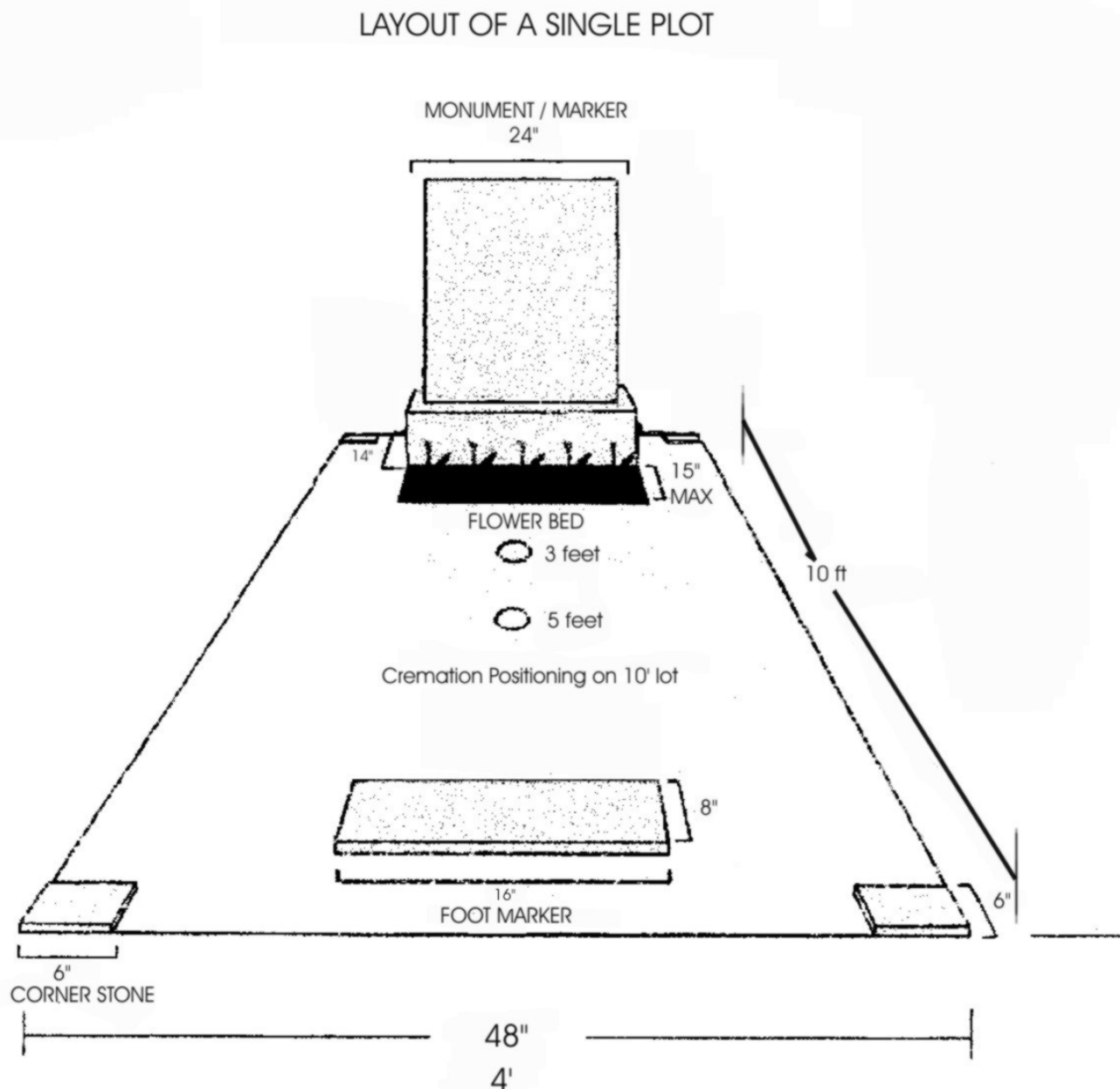
- WSIB Coverage upon request
- Occupational Health and Safety compliance standard
- WHMIS
- Evidence of liability insurance of not less the \$2Millian

All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.

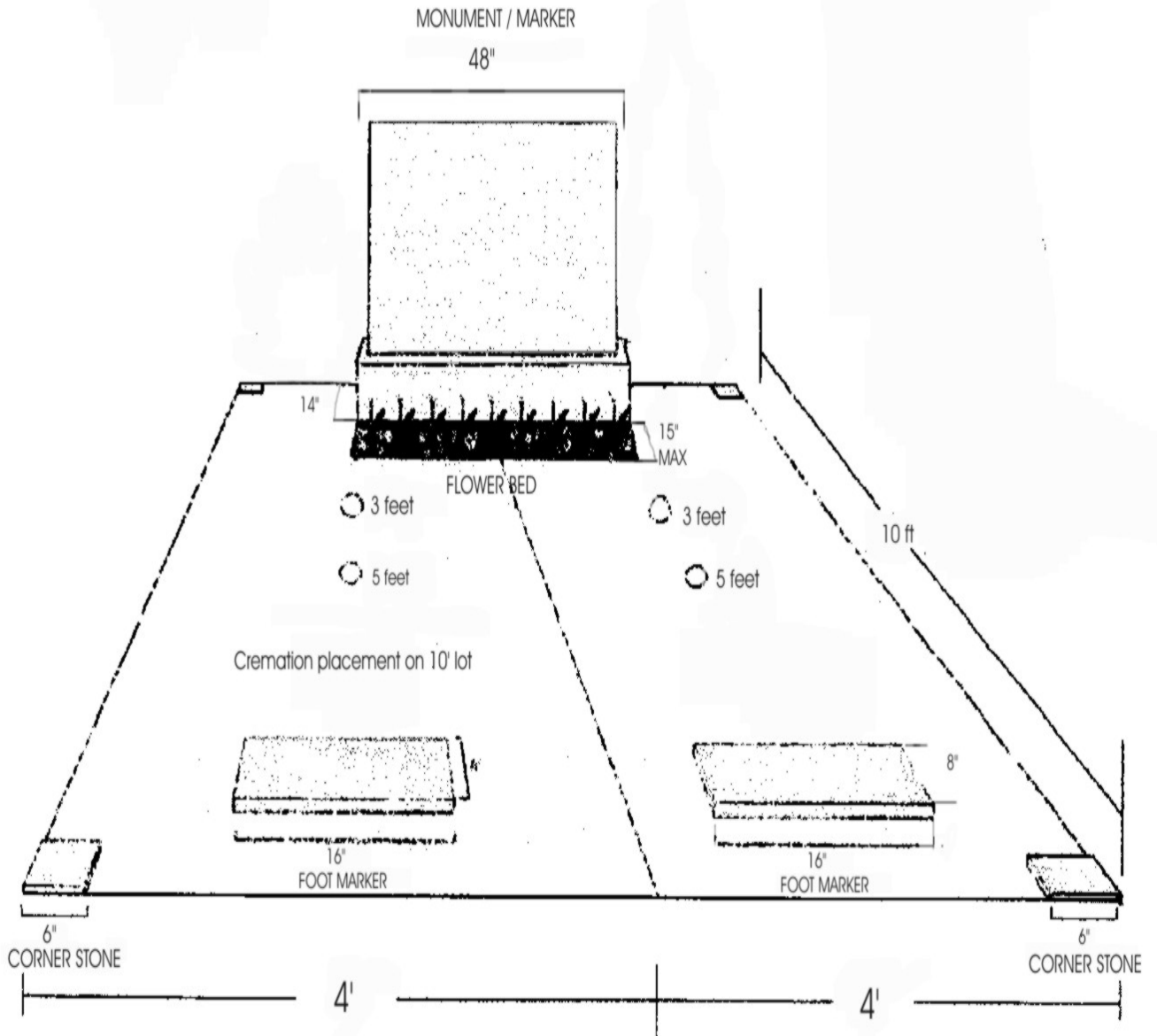
Contractors, monument dealers and suppliers shall not enter the cemetery in the evening. All work shall be performed during the regular business hours when ground and weather conditions permit. Appropriate ground covering and other measures must be taken to protect the landscape and surrounding memorials and monuments as approved by the cemetery committee.

Contractors shall temporarily cease all operations during a funeral until it is concluded.

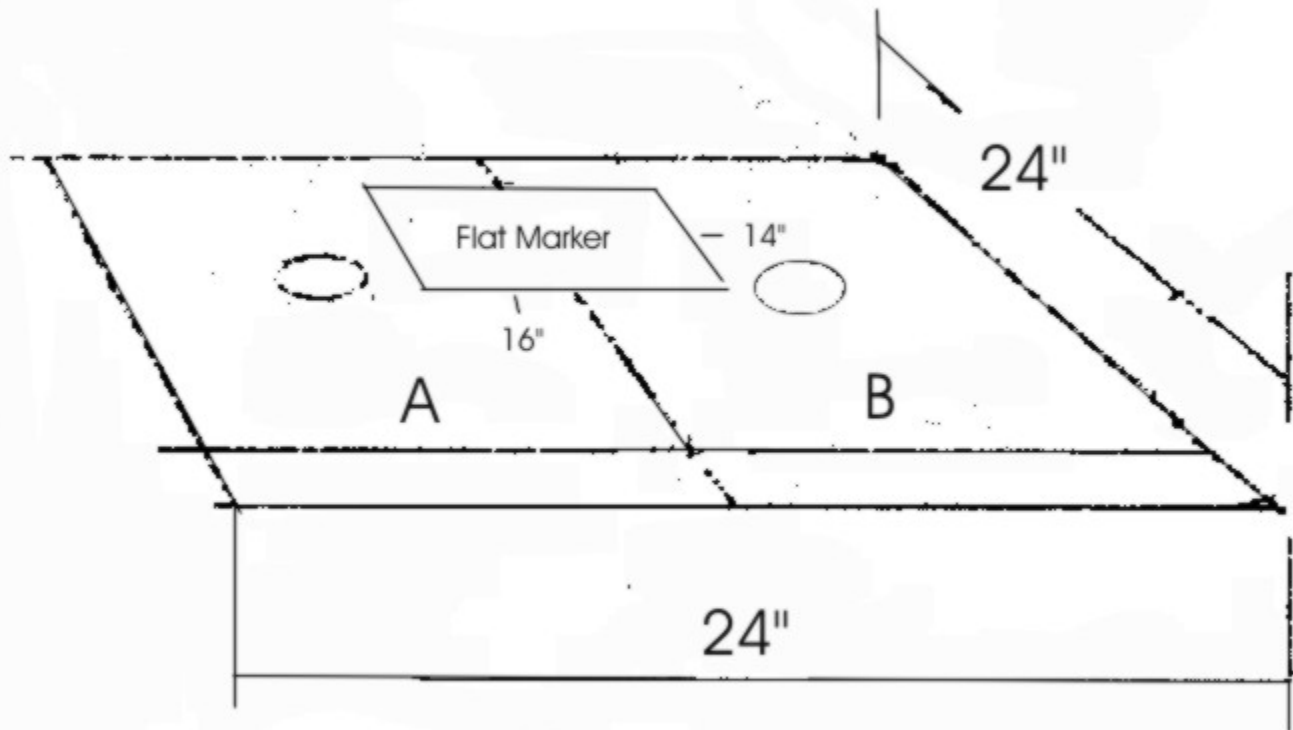
Contractors, monument dealers and suppliers shall lay wooden planks on the burial lots over which heavy materials are to be moved to protect the surface from damage.



LAYOUT OF A DOUBLE LOT PLOT



CREMATION PLOT



APPROVED

By the Registrar,
*Funeral, Burial and
Cremation Services Act,*
2002, Bereavement
Authority of Ontario

APPROUVÉ

Par le Registrateur, *Loi de 2002 sur
les services funéraires et les services
d'enterrement et de crémation,*
l'Autorité des services funéraires et
cimetières de l'Ontario

Date: October 19, 2023