

Parish of St. Clements Mapleton

Churchyard

Policies, Rules, and Regulations

Schedule A

Parish of St. Clements Mapleton EXTERNAL Definitions, Policies, Rules, and Regulations for Churchyard Operations

The St. Clements Churchyard, part of a land grant from The Hudson's Bay Fur Trading Company to The Anglican Church of Canada, is located on Anishinabe ancestral territory. This historical cemetery was in use in 1860, a decade before the Government of Canada signed Treaty # 1 with the Anishinabe people and granted the Metis land dispersal along the Red River. From its onset, the cemetery has served both the Anglican Parish of St. Clements and the community at large, this practice remains in place today.

1. Definitions

Ashes burial means the burial of ashes to a depth of 2 feet to the top of the urn of ashes.

Certificate of Ownership is the document issued by the Parish to indicate the right of ownership of a plot, but not so as to give a conveyance of land, but only to give a right of limited use of the land (Schedule C).

Cemetery is the place where the remains of persons are buried or otherwise interred.

Churchyard means the cemetery and all other lands within the Parish property, excluding buildings, Mapleton Lane designated property and the Red River flood plain known as the Church Park (located east of River Road and west of the Red River)

Coffin means the container in which a body is placed for burial.

Columbarium or **Mausoleum** burial means burial in a special vault structure for either urns or coffins within the structure.

Curbing means a concrete, or other material, ring marking the boundary of a plot or a group of plots.

Double burial means burial of a body to a depth greater than 6 feet from the ground level to the top of the coffin, to accommodate a second body to be buried on top of the first burial to a depth of 6 feet from the top of the second coffin.

Grave cover means a concrete, or other material, acceptable to the Parish, which covers all or a major portion of the ground surface of a plot.

Grave marker means any form, acceptable to the Parish, of marking the identity of the person, or persons, buried in a plot.

The **lining box** for burial of a coffin shall be of wood or concrete acceptable to the Parish.

An **owner** is the individual or family whose name appears on the records of the Parish as the registered owner of the plot, and to whom a certificate of ownership has been issued.

Parish means the governing body of the Parish which may be the Corporation of the Parish consisting of the Rector and the Wardens, or the Rector, Wardens, Vestry or Churchyard Committee. (Note: Where there is no incumbent, the "Rector" will be the person charged with the responsibilities of the Parish by the Bishop.)

Perpetual Care means **ONLY** the care and maintenance of the grounds of a cemetery including plots, pathways, access ways and fencing, but not monuments or markers.

A **plot** is a designated site of land for the purpose of one or more graves, or a designated niche in a Columbarium.

Single burial means burial of one person to a depth greater than 3 feet from ground level to the top of the coffin.

The **Superintendent** is the person appointed or hired by the Parish to carry out the functions and responsibilities of managing the cemetery and churchyard and is accountable to the Parish through the Churchyard Committee.

Urn means the container in which ashes are placed for burial and includes wooden or other material containers acceptable to the Parish.

2. Rules and Regulations

- a) **Sales to whom.** The Parish will sell plots or niches to individuals only.
- b) **Sale price** of the plot will be as set forth in the attached Schedule B as determined by the Parish from time to time.
- c) **Interment** shall not be permitted in a plot or niche for which full payment has not been received.
- d) **Transfer of certificate of ownership to a family member.** Subject to section 9(a), the ownership of a plot cannot be transferred or sold from one person to another except under the following:
 - ii. Where death of the owner has taken place and the interment has occurred, the surviving spouse/partner automatically becomes the owner.
 - iii. Exception: Legality of ownership may be determined by a court in the event of a family dispute.

- e) **Transfer back to the Parish.** Unused plots and niches may be transferred back to the Parish. The amount of money to be refunded to the owner, or authorized representative, shall be the original purchase price less 20%.
- f) **Restrictions to be observed by the owners.** The owner is not permitted to plant, construct, install any curbing, marker, cover or other device which has not been authorized by the Parish.
- g) **Care of plots.** The owner representative or visitor shall remove any plant cuttings and rubbish to a disposal site indicated by the Parish. Visitor's personal belongings are to be removed from the interment site after the visit. The Churchyard Committee agrees to carry out perpetual care as defined herein.
- h) **Care of trees.** The owner shall not remove, cut, or prune trees, shrubs, and other plants without the permission of the Superintendent, and then only under that person's direction.
- i) **Parish right to enter.** The Parish retains the right to enter in on any plot for the purpose of caring for, pruning, removing unsightly trees, shrubs or plants that may require such action for the prevention of damage or detriment to adjacent plots, fences, avenues, or access ways.
- j) **Damage.** The Parish is not responsible for damage as a result of vandalism, acts of nature or acts of God.
- k) **Care of grave markers and monuments.** The Parish bears no responsibility for the care and upkeep of monuments or grave markers other than resetting where necessary to maintain access to adjacent plots, avenues, or access ways. The Superintendent may assist in arranging for straightening, cleaning, and re-lettering of monuments by qualified persons at the expense of the owner; such costs to be paid for in full or arrangements made with qualified persons, to the satisfaction of the Superintendent, prior to the work being commenced.
- l) **Installation of grave monuments.** The owner shall not install any grave marker without the prior approval of the Superintendent as to time, location, and manner of undertaking the work. The owner shall provide the monument dealer and contractor with the proper application requesting work to be done. The Superintendent may require the owner, the monument dealer or contractor to provide plans, drawings, and specifications to be attached on the application.
- m) **Notice of Work.** The owner, monument dealer or contractor shall provide the Superintendent fifteen (15) days' notice of any proposed work indicating date and time of foundation work, and the date and time of installation of the monument.

- n) **Size, style, material, and message.** The monument and its engraved message must be approved by the Superintendent and conform to the standards established by the Parish. In the event the Parish has not established a set of standards, then such monument may not exceed 5 feet in height above ground surface, 2 feet in thickness, nor be greater in width than the plot or plots upon which it is resting. No material other than marble, granite, cut stone or bronze shall be used.
- ii. No burial plots will be sold in the northeast & the northwest areas of the cemetery until there is no additional space left in the areas south of Sunny Side Road. (Schedule H)
 - iii. In the northeast and the northwest cemetery areas grave markers must not be any more than $\frac{3}{4}$ inch above grade in both cemetery areas.
- o) **Curbing and covers** where permitted shall be level with the ground surface.
- p) **Foundation work** must be of a standard acceptable to the Parish as to size, depth, and materials used.
- q) **Cleanup.** Owners or their representatives, monument dealers and contractors shall ensure that all surplus material and waste material are properly cleaned up and removed to a place indicated by the Superintendent. Where the Superintendent is required to clean up a plot after the work has been completed, the additional costs may be charged against the owner and collected therefrom.
- r) **Work on days permitted.** Work on grave sites shall be conducted only between Mondays and Saturdays, at such time as may be permitted by the Parish. No work shall be performed while funerals, interments or public memorial services are in progress.
- s) **Liability.** An owner or the owner's contractors shall protect all grass, turf, pathways access ways and other surfaces which may be subject to injury by planking or other materials of suitable nature approved by the Superintendent prior to and during any work on the plot. Owners, monument dealers and contractors will be held responsible from all damage arising from negligence, carelessness, or poor work from those under their control.
- t) **Interment not permitted.** Internment shall not be permitted in a plot for which full payment has not been received and is permitted only under the conditions and policies of the Parish respecting interment options and procedures.
- u) **Cost of opening and closing.** The cost of opening or re-opening a plot and closing a plot as determined by the Parish is payable to the Superintendent at the time of the request for such work. A copy of the burial permit shall be presented at the same time.

- v) **Notice of opening.** Not less than 24-hour's notice shall be given to the Superintendent for an opening. The Superintendent shall be advised of arrangements for a lining box which shall be of a type acceptable to the Parish. The contractor undertaking the opening of a plot shall be acceptable to the Superintendent.
- w) **Required from the Undertaker.** Undertakers are to have all orders for interment signed and accompanied by the permit necessary in each case. The following information shall be supplied either as part of the permit or addition to:
- i. The name, occupation, and last residence address of the deceased.
 - ii. The date and cause of death.
 - iii. The birthplace and date of the deceased.
 - iv. The name and address of the next of kin or legal representative.
 - v. An adequate description, provided by the owner or personal representative, of the plot or niche in which interment is to be made.
 - vi. The time of such interment.
 - vii. The name of the undertaker.
 - viii. The name of the priest or minister conducting the interment if not of the Parish.
- x) **Construction of Mausoleums, tombs, or vaults.** The building or erection of vaults, mausoleums, tombs, or similar structures shall not be permitted except as authorized by the Parish, and only after examination of detailed plans and specifications.
- y) **Proceeding without permission.** The owner, monument dealer, contractor or other persons acting on behalf of the deceased shall be fully responsible for all costs, extra costs, and costs to correct damage, negligence, other actions as a result of proceeding without permission.
- z) **Appeal.** Where the decision of the Superintendent is being appealed, it shall be appealed to the Churchyard Committee, where the Churchyard Committee is being appealed, it shall be appealed to the Vestry.
- aa) **Revision.** The Parish has the right to revise these regulations and schedules at any time.
- bb) **Make rules available.** The Superintendent shall make available to any applicant or purchaser of a plot, a copy of the current rules, regulations, and schedules at the time of purchase.

This Schedule A, representing the definitions, policies, rules, and regulations has been adopted by the Parish of St. Clements Mapleton by its resolution dated the 27th day of September, 2022, as recorded in the minutes of that date, and supersedes and replaces any previous schedule.