

# DIOCESAN POLICY AND REGULATIONS

## FOR CEMETERIES



*Diocese of Bathurst*

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Date: May 2018



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## GENERAL REGULATION UNDER THE “CEMETERY COMPANIES ACT OF NEW BRUNSWICK”

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**1(1)** A person shall apply for an approval under paragraphs 3(a) and (c) of the Act to establish, alter or extend a public or private cemetery by submitting a written application to the Minister.

**1(2)** An application submitted under subsection (1) to establish, alter or extend a public cemetery or a private cemetery that is not a family cemetery shall

- a) Contain the following information:
  - (i) The name and address of the applicant;
  - (ii) The name and address of the cemetery;
  - (iii) If lots are being created or eliminated in the cemetery, the number of lots being created or eliminated;
  - (iv) A description of the type of soil and the rock formation or any ground water in the cemetery;
  - (v) The distance from the land surface to any ground water or rock formation in the cemetery;
  - (vi) A boundary description of the property where the cemetery is or will be located;
  - (vii) A financial statement of the applicant;
  - (viii) A detailed statement of the plan for the Perpetual Care Fund for the cemetery; and
  - (ix) Any other information that the Minister may require.

**2** No person shall establish, alter or extend a cemetery or portion of a cemetery situated

- a) On land that is subject to flooding,
- b) On land where ground water or bedrock is situated less than two meters below the land surface,
- c) Within fifteen meters of a boundary of an arterial highway or a collector highway as defined in the *Highway Act*,
- d) Within seven and one-half meters of a boundary of a street in a village or rural community that does not have a zoning by-law or of a highway that is not an arterial highway or a collector highway as defined in the *Highway Act*,
- e) Within seventy-five meters of a watershed, aquifer or ground water recharge area that is used as a source of water for a public water supply system, or
- f) Within fifteen meters of a body of water that is not used as a source of water for a public water supply system.

**3** The company that manages and operates a columbarium, crypt, mausoleum or vault shall ensure that

- a) Precautions are taken to prevent the contamination of a body of water that is located within the cemetery or in proximity to the boundaries of the cemetery;
- b) Precautions are taken to prevent the exposure of human remains that are buried in the cemetery;
- c) adequate protection is provided for human remains buried in the cemetery;
- d) Any human remains that are buried in the cemetery and subsequently exposed are buried as soon as possible in the same lot or, if necessary, in a new plot of the same cemetery;
- e) If a plot of a cemetery is damaged, it must be repaired as soon as possible.
- f) The boundaries of each plot in the cemetery are marked by stakes, and
- g) Each lot in the cemetery is numbered and lettered so that the location of the plot can be easily identified.

**4(1)** Subject to subsection (2), except with the prior written approval of the Minister, no person shall bury human remains in a plot in a cemetery unless the plot is at least 0.9 meters wide and 2.9 meters long.

**4(2)** Subsection (1) does not apply if a lot in a cemetery is used for the burial of human remains that are cremated.

**5(1)** Where human remains are enclosed in a casket that is placed in a box, the grave shall be dug to a depth that allows at least 0.6 meters of soil to cover the box.

**5(2)** Where human remains are enclosed in a casket that is not placed in a box, the grave shall be dug to a depth that allows at least 0.9 meters of soil to cover the casket.

**5(3)** Where human remains are not enclosed in a casket or box, the grave shall be dug to a depth that allows at least 1.3 meters of soil to cover the human remains.

**6(1)** Unless human remains are cremated, the burial or storage of human remains shall be in a cemetery, crypt, mausoleum, or vault.

**6(2)** Human remains that are cremated shall be

- a) Placed in a columbarium;
- b) Buried in a cemetery;
- c) Given to the person responsible for the funeral of the deceased person or where there is no such person, to the next-of-kin of the deceased person.

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## POLICY FOR CEMETERIES OF THE DIOCESE OF BATHURST

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A cemetery is a sacred site belonging to the Roman Catholic Bishop of Bathurst (private property of the Church). For this reason, no cemetery may be incorporated. A cemetery is a place where we bury human remains (bodies or ashes). The maintenance of the cemeteries has always been part of the Mission of the Church. This maintenance service is primordial because a cemetery requires a long-term commitment.

- a) All burials must be recorded in a register for the cemetery (Cemetery Register) that is separate and distinct from the register of deaths (Funeral Register). If a geographic map of the cemetery exists, it must correspond with the cemetery register, and both must be verified and updated annually. To maintain control of the burial sites and avoid burying in a plot that has already been used, one copy of the geographic map of the cemetery must be filed in the diocese. Any unauthorized burial must be notified to the police authorities as soon as possible.
- b) The lots are not sold or rented, but remain the property of the church. On the other hand, a reservation for a member of the family or close relative may be made. The payment must be made at the time of the reservation and a gravestone must be installed in the course of the same year. If, after a period of 50 years, the reservation is not used, the church reserves the right to make use of the lot.
- c) A lot may receive one casket and up to six (6) urns.
- d) Any monument must have a cement base.
- e) A plaque identifying the burial of an urn must be flush with the soil.
- f) Ashes may be buried in an occupied lot, if place is available, but written permission must first be obtained.
- g) There must be a signed contract between the parish and the person reserving a lot in the cemetery.

### Interment of ashes in an occupied lot

According to our policy, a cemetery lot receive one (1) casket and up to six (6) urns. Before a subsequent interment of ashes may be done in an occupied lot, the parish must obtain a written permission.

The written permission may be obtained by filling out the **“Authorization Form for the Interment of Ashes in an Occupied Lot”**

If the occupant of the lot was an adult, we use the following guidelines to determine who must supply the parish with the written authorization :

1. The person identified by the occupant of the lot, such as his/her executor of estate or the person having the charge of, or being responsible identified on our **“Rental Agreement for cemetery lot”**.

2. If the occupant did not identify a responsible individual, we require the permission from one (1) member of the next of kin in this order :
  - I. His/her spouse
  - II. If there is no spouse – One (1) of the occupant’s children, who is not a minor, going from the oldest to the youngest
  - III. If there is no spouse or children – One (1) of the occupant’s brothers or sisters, going from the oldest to the youngest

If the occupant of the lot was a child, we use the following guidelines to determine who must supply the parish with the written authorization :

1. Both (2) the child’s parents or one (1) if the other is deceased  
NOTE : If either parent refuses, the subsequent interment of ashes will not be authorized !
2. If there are no parents – A legal guardian
3. If there are no parents or legal guardians – One (1) of the occupant’s brothers or sisters, going from the oldest to the youngest

**The church reserves the right to make a decision in regards to requests for subsequent interments of ashes in an occupied lot if the occupant did not identify a responsible individual or if a next of kin can not be properly be identified – as the cemetery remains, at all times, the property of the Diocese of Bathurst.**

## Finances and administration

The parishes are under contract, by virtue of the reservation and of the maintenance of the cemetery lots, with the people who have made a reservation of parcel. To maintain the statuses of these contracts, the parishes must develop the means to maintain their cemeteries. Financial measures must be put in place to defray the costs associated with the improvements and the perpetual maintenance of the cemeteries.

The parishes will be required to have a new bank account dedicated to their cemetery. If the accounting of the parish has not provided any funds to that effect, it will be required to transfer 1,000 dollars from the parish’s general bank account to this new account. For the parishes that have already accumulated the money for their cemetery, this full amount may be transferred to the new account. From now on, any amounts received and any expenses related to the cemetery will be made in this new account. The intention is to make our cemeteries financially autonomous.



A subcommittee formed by members of the parish management council must be established to provide support to the parish priest in the management of the cemetery. The purpose of this subcommittee will be the improvement and maintenance of the cemetery. A budget and a financial report prepared by the subcommittee must be presented annually to the parish priest and to the management council.

## Fees

Fees in effect from March 1, 2016 to February 28, 2019			
<b>Residents of the parish</b>			
	<b>Burial plot</b>	<b>Maintenance</b>	<b>Total</b>
<b>Gravesite</b>	\$ 125.00	\$ 125.00	\$ 250.00
<b>Additional urn</b>	\$ 40.00	\$ 85.00	\$ 125.00
<b>Non-residents of the parish</b>			
	<b>Burial plot</b>	<b>Maintenance</b>	<b>Total</b>
<b>Gravesite</b>	\$ 125.00	\$ 250.00	\$ 375.00
<b>Additional urn</b>	\$ 40.00	\$ 200.00	\$ 240.00

## Placement of caskets in charnel-houses

Since the climate does not allow for burial of caskets in the winter, the parishes must place the caskets in a charnel-house. The winter period is understood to be from November 1 to April 30. The burial of all the caskets of the charnel-houses of the parish must be carried out before May 31.

## Decorations or flowers

The rules and restrictions concerning the decorations of the plots are the responsibility of the cemetery management committee. The cemetery management committee states all the responsibilities in case of theft or degradation of the decorations or flowers placed on the graves. These responsibilities rest with the person responsible for the grave (ex., the owner, family, next-of-kin, etc.)

**General instructions:**

- a) It is forbidden to place objects in front of a grave.
- b) No decoration made of glass or metal is authorized.
- c) Artificial flowers may be placed only on top of or beside the monument.
- d) Suspended baskets or lanterns must obligatorily be hung above the monument and not towards the sides.
- e) The soil above the graves may not be covered with decorative rocks or gravel.
- f) No planting is authorized in the cemeteries, including above the graves.
- g) The cemetery management committee reserves the right to remove any decoration deemed to be inappropriate.
- h) To allow for maintenance preparations before the winter season, all decorations or flowers must be removed by the families no later than the weekend following November 11<sup>th</sup>.

First edition signed by  
Monsignor Daniel Jodoin  
The 22<sup>nd</sup> of February, 2016

Modified on May 7<sup>th</sup>, 2018



## ANNEX - FOR CEMETERY REGULATIONS

### Diocese of Bathurst

Issued June 3, 2016

Rev. Keith Goldrup, *Administration of Diocese of Bathurst Cemeteries*

In determining residence or non-residence, the following criteria should be considered:

1. Canon 102 refers to *Domicile* being acquired by residence in the territory of a parish and is linked to the intention of remaining there permanently or in fact protracted for a full 5 years.
2. The use of a postal code can help to determine if they belong to your area.
3. Exceptions should be made for the following:
  - a. The elderly or the sick who have had to move to a care home and previously belonged to your parish.
  - b. The student who is away attending university, college, or another post secondary institution.
  - c. Members of the RCMP or military who are away on assignment.
  - d. Parishioners who regularly attend parish masses and are on the parish's financial records even though they live outside the boundaries of the parish.
  - e. Children who are under-aged belong to the residence of their parents.
4. The final decision whether someone is a resident of your parish belongs to the pastor.

A purchaser may cancel this contract by providing a written notice of cancellation to the cemetery and must produce a signed contract or receipt for the lot. Cancellation involves the following:

1. **Within 30 days following the purchase** – may cancel without a penalty. Full refund will be made except for goods and services already provided.
2. **30 days after** – purchase amount of refund will be the original amount on the contract minus the perpetual care/maintenance cost.
3. **After use of the interment right** – no right to cancel.
4. **Before use of interment right but after the death of the beneficiary** – may cancel 24 hours prior to the interment provided written notice is given. Full refund will be made.
5. **Reservation of a plot which is not used after 50 years** – the Diocese of Bathurst and/or the cemetery reserves the right to make use of the plot without any financial reimbursement to the purchaser.