

# **RESTMOUNT TEMPLE ISRAEL CEMETERY**

## **London, Ontario**

### **BY-LAWS**

#### **1. NAME AND PURPOSE**

- 1.01 The name of the Corporation shall be Restmount Temple Israel Cemetery Corporation, hereinafter referred to as "the Corporation". The Corporation will maintain a private cemetery in the City of London, in the County of Middlesex, on those lands described in Schedule "A" attached hereto. The Corporation exists to provide a place of burial for all persons of Jewish and/or Hebrew extraction, descent or lineage, their spouses and lineal descendants, in accordance with the laws of the Province of Ontario and these By-Laws.

#### **2. HEAD OFFICE**

- 2.01 The Head Office of the Corporation shall be in the City of London, in the Province of Ontario, in such place as the Board of Directors may from time to time determine.

#### **3. THE SEAL**

- 3.01 The seal, an impression whereof is stamped in the margin hereof, shall be the corporate seal of the Corporation, and shall be kept in the care of the Secretary.

#### **4. MEMBERSHIP**

- 4.01 There shall be two (2) classes of membership, namely descendant members and non-descendant members.

- 4.02 Voting members are those defined as the Board of Directors.

- 4.03 Non-descendant members are required to pay an admission charge as set out in the Standing Orders, a copy of which is attached hereto, and which may be changed from time to time at the discretion of the Board.

- 4.04 Descendant members are those who are lineal members of the founding families.

- 4.05 The lineal descendants shall have up to forty-one (41) years of age as members of the Corporation without a joining fee, after which they may become a member under the terms and conditions as anyone else.

#### **5. RESPONSIBILITIES OF MEMBERSHIP**

- 5.01 Any member delinquent in payment of any charges for more than two (2) years shall cease to be a member sixty (60) days after notice has been sent to their last known address.

- 5.02 The Board, in its sole discretion, may waive or alter any of the financial requirements set out in the Standing Orders.
- 5.03 Any previous member who resigned or was delinquent in payment of dues, for whatever reason, may be re-instated to membership upon application to the Board. Re-instatement requires back payment of dues plus interest at 12% after the due date.
- 5.04 Members may resign by resignation in writing, which shall be effective only upon acceptance thereof by the Board of Directors. A resigning member shall remain liable for payment of any assessment or other charge levied or which became payable to the Corporation prior to the acceptance of said resignation. All rights, benefits and privileges of a resigning member shall cease immediately upon the acceptance of such resignation by the Board.
- 5.05 All members shall pay an annual contribution to provide for the care and maintenance of the Cemetery grounds, and for the perpetual care thereof, in an amount to be determined by the Board.

## 6. DIRECTORS

- 6.01 The Board of Directors ("Board") shall be composed of at least seven (7) Directors, of which three (3) will be lineal descendants, if available, as set out in 4.04, and at least four (4) Directors will be appointed by the membership of Temple Israel of London. The Rabbi of Temple Israel will be ex-officio.
- 6.02 The Board shall serve for four (4) years, after which time they may be re-nominated.
- 6.03 All Directors shall continue to hold office throughout their term unless removed by reason of physical or mental incapacity, death, or non-attendance at meetings for two (2) years.
- 6.04 Any Director removed as described in paragraph 6.03 shall be replaced at the earliest possible time by appointment from either members of Temple Israel of London or the lineal descendants.
- 6.05 The number of Directors shall not be less than seven (7), of which four (4) shall constitute a quorum.

## 7. OFFICERS

- 7.01 At the first meeting of the Board following an election or appointment of the Directors, the Board shall elect or appoint a President and a Secretary, and, if deemed advisable, may appoint one or more Vice-Presidents, a Treasurer and such other Officers as the Board may determine, including one or more assistants to any of the Officers so appointed. Any two of the offices may be held by the same person. If the same person holds the offices of Secretary and Treasurer, that person may, but need not, be known as the Secretary-Treasurer.
- 7.02 President. The President shall be the Chief Executive Officer of the Corporation. He/She shall, if present, preside at all meetings of the members and of the Directors and shall be charged with the general supervision of the business and affairs of the Corporation.

- 7.03 Vice-President. The Vice-President shall be vested with all the powers and shall perform all the duties of the President in the absence or disability or refusal to act of the President. If the Vice-President exercises any such duty or power, the absence or inability of the President shall be presumed with reference thereto. A Vice-President shall also perform such duties and exercise such powers as the President may from time to time delegate to him/her or the Board may prescribe.
- 7.04 Secretary. The Secretary shall attend all meetings of the Directors, members and committees of the Board and shall enter or cause to be entered in books kept for that purpose Minutes of all proceedings at such meetings; he/she shall give, or cause to be given, when instructed, notices required to be given to members, Directors, auditors and members of committees; and shall be the custodian of the stamp or mechanical device generally used for affixing the corporate seal of the Corporation and of all books, papers, records, documents and other instruments belonging to the Corporation; and shall perform other duties as may from time to time be prescribed by the Board.
- 7.05. Treasurer. The Treasurer shall keep or cause to be kept proper accounting records as required by the Act; shall deposit or cause to be deposited all monies received by the Corporation in the Corporation's bank account; shall, under the direction of the Board, supervise the safekeeping of securities and the disbursement of the funds of the Corporation; shall render to the Board, whenever required, an account of all of his/her transactions as Treasurer and of the financial position of the Corporation; and shall perform such other duties as may from time to time be prescribed by the Board.
- 7.06 Other Officers. The duties of all other officers of the Corporation shall be such as the terms of their engagement call for or as the Board requires them. Any of the powers and duties of an Officer to whom an assistant has been appointed may be exercised and performed by such assistant, unless the Board otherwise directs.
- 7.07 Agents and Attorneys. The Board shall have power from time to time to appoint agents or attorneys for the Corporation in or out of Ontario with such powers of management or otherwise (including the power to sub-delegate) as may be thought fit.

## 8. MEETING OF MEMBERS

- 8.01 Annual Meetings. The board shall call an Annual General Meeting once each calendar year, at such time and on such day each year as the Board may from time to time determine, for the purpose of receiving the reports and statements required by the Act to be laid before the annual meeting.
- 8.02 Meetings of the Board. Meetings of the Board may be held at the discretion of the President or Vice-President.

Any member may request a meeting of the Corporation by filing a request in writing with the Secretary, setting out the purpose for which the meeting is called, not less than sixty (60) clear days before the proposed date of the meeting, and the Secretary shall notify all members of the date, time and place and purpose of the meeting, in writing, not less than forty-five (45) clear days before the date of such meeting.

Unless there is at least two-thirds (2/3rds) of the Board members at the time of the call of the meeting present, in person, at the meeting, the meeting shall not be properly constituted.

Any notices with respect to convening meetings at the call of members aforesaid shall be served by the most expedient manner as determined by the Board.

8.03 Place of Meetings. Meetings shall be held at the Office of the Corporation, or at such other place as designated by the President.

8.04 The fiscal year end of the Corporation shall be the 31<sup>st</sup> day of December in each year.

## 9. RESPONSIBILITIES AND DUTIES

The responsibilities and duties of the Board shall be:

- (a) to supervise the Cemetery generally;
- (b) to be responsible for the maintenance and repair of the grounds, fences and structures in connection with the Cemetery;
- (c) to approve the allocation of all grave sites and the acceptability of all tombstones erected thereon in the Cemetery;
- (d) to establish all charges and to collect same for burial, annual maintenance and perpetual care;
- (e) to select a President and other necessary Officers to oversee the work of the Corporation;
- (f) to call the Annual General Meetings of the Corporation and any other meetings deemed necessary to the work of the Corporation.

## **SCHEDULE "A"**

Parts of Lots 2 and 3, registered Plan 216, formerly the Township of London, now in the City of London, in the County of Middlesex, in the Province of Ontario, more particularly described as follows:

COMMENCING at the south easterly angle of said Lot number 3;

THENCE northerly along the easterly limit of said Lot number 3, 379';

THENCE westerly at right angles to the easterly limit of said Lot number 3, 32';

THENCE south westerly in a straight line 518" more or less to a point in the southerly limit of said Lot number 2 a distance of 376' from the point of commencement (measured along the southerly limits of said Lots number 2 and 3);

THENCE easterly along the southerly limits of said Lots number 2 and 3, 376' to the place of beginning, save and except that portion of Lots 2 and 3 having an areas of 7, 341 square feet more or less, expropriated by the Corporation of the City of London for the purpose of a public highway, as more particularly described in instrument number 237753.

## STANDING ORDERS

- (1) To become a member the applicant or spouse has to be of the Jewish faith
- (2) Membership joining fee is as per fee schedule
- (3) Membership, and therefore right to a plot, is non-transferable nor may it be re-sold
- (4) Upon the demise of a member, at the time of interment there is a one-time perpetual care charge, collected by the Funeral Director and forwarded to the Treasurer of the cemetery, to be deposited in the perpetual care account at Royal Trust.
- (5) If someone wishes to be interred in Restmount, but is not a member at the time of their demise, an initiation fee has to be paid by certified cheque to the Funeral Director or officer of the Cemetery, before an interment can take place
- (6) On the erection of a headstone, there is also a one-time care and maintenance charge, collected by the monument maker and forwarded to the Treasurer of the Cemetery, to be deposited in the headstone care and maintenance account (part of the perpetual care account) at Royal Trust
- (7) **No interments** can be performed of **Saturdays or Jewish holidays**, and only recognized Jewish symbols will be allowed or any others which are sanctioned by the Board. Inscriptions must be consistent with the Jewish faith
- (8) Cemetery plan is at the premises of Logan Funeral Home, 371 Dundas Street, London, Ontario N6B 1V5 (tel: 519.433.6181)
- (9) Members are responsible for all funeral expenses, including the opening and closing of the plot, which is carried out by Woodland Cemetery. The Funeral Director will advise of all other costs
- (10) The maximum height of a headstone may not exceed forty inches (1.016 meters) above the standard monument foundation nor can the foundation itself exceed fourteen inches (35.56 cm) in depth or more than 2/3 of the width of a single plot. A double-width marker may be erected across 2/3 of the width of two adjacent family plots as long as the height and depth restrictions previously mentioned are maintained. Neither coping around the grave, footstones, nor an above ground structure is allowed.
- (11) The separately contained cremated remains of up to 3 individuals may share a single plot.
- (12) Cremated remains may not share a plot with a standard burial.
- (13) Remains of any lower animals may not be buried in the cemetery.

- (14) Landscape and maintenance is carried out by a contractor designated by the Board. Any landscaping problems should be directed to Sue Richmond, Gerald Wright, or Susan Agranove
- (15) For those wishing to visit the cemetery keys may be obtained at the PetroCan on Oxford St., Logan Funeral Home, 371 Dundas Street, London, ON N6B 1V5 and at the Temple office @ 519-858-4400. As well, some members of the board have keys. Please ensure they are returned.
- (16) Specific plots cannot be reserved however; a preferred final resting place can be indicated to members of Restmount Temple Israel Cemetery. Contact Gerald Wright or Susan Agranove to notify them of your preferences. Each membership is entitled to one plot. For lineal descendents up to six (6) plots can be indicated.