

July 2012 – Amended January 2019

AURORA CEMETERY CORPORATION OPERATIONS, POLICIES, &  
REGULATIONS.

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Cindy Angers, Manager  
Monday to Friday 9:30am – 3:30pm

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

DEFINITIONS

1. BAO means “Bereavement Authority of Ontario
2. “Board” means the Board of Directors for the Aurora Cemetery Corporation comprised of persons appointed by the council for the Corporation of the Town of Aurora and members elected in accordance with the Letters Patent for the Aurora Cemetery Corporation.
3. “By-Laws” means the rules and regulations under which the Cemetery operates.
4. “Care and Maintenance” It is a requirement under the *Funeral, Burial and Cremation Services Act, 2002* 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. If no scattering rights are sold but scattering is permitted a prescribed amount must be contributed to the fund when the scattering is conducted. Interest earned from this fund is used to provide care and maintenance of lots, plots, markers and monuments at the cemetery.
5. “Contract” means for purposes of these by-laws, all purchasers of interment rights, 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 the price list.

6. "Certificate of Interment Rights" means 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 those specific interment rights.

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7. "Corner-posts" means any stone or other land markers set flush and level with the surface of the ground and used to indicate the location of a lot or plot.
8. "Interment Right" means the right to require or direct the interment of human remains or cremated human remains in a lot, grave, niche or crypt and to authorize the installation of a monument or marker.
9. "Interment Right Holder" means the person 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.
10. "Lot" means an area of land in the Cemetery containing, or set aside to contain human remains and includes a vault, crypt or a niche in a columbarium.
11. "Plot" means a parcel of land, sold as a single unit, containing multiple lots.
12. "Marker" means any permanent memorial structure that is set flush and level with the ground.
13. "Cornerstones" means a marker that sets flush with the ground used to mark the location of a burial lot.
14. "Monument" means a permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or lot.
15. "Niche" means an individual compartment in a columbarium for the entombment of cremated human remains.

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**Aurora Cemetery Corporation**

Visitation Hours: Dawn to Dusk

Office Hours: 9:30am to 2:30pm

Burial Hours: Monday to Friday 9:00am to 3:30pm

Saturday 9:00am to 2:00pm

The Board of directors of Aurora Cemetery Corporation (hereafter ACC) applies and ensures process and procedures utilized in operation of the cemetery are proper and correct with the guidelines set out in the *Funeral, Burial and Cremation Services Act, 2002 (FBCSA)*. To do so ACC has policies and regulations to direct the operations, with much of the task delegated to the Manager. Any person having queries or concerns is required to work with the Manager to acquire answers or solutions to their personal situation.

The Policies and Regulations for Cemetery Operations are set out below, and the policies listed are those which cause concerns or problems. It is hoped that putting these policies in writing for members and reviewing them with members will resolve many issues.

## **1. INTERMENT RIGHTS**

a) ACC provides the “rights” for any person to inter or bury a person in a grave, (a cemetery lot), a cremation grave or lot, or a niche (a cremains space in a columbarium). ACC cannot “sell” the grave or niche, but can only sell the “right” to use such grave or niche. Thus the property in which the grave, or the cremation lot or the columbarium is situated, always belongs to ACC, and remains the property of ACC. Any person purchasing “rights” has to accept the fact that ACC owns the grave or niche and can therefore continue to regulate the usage of such a grave or niche.

b) A person wishing to be buried in ACC must purchase “Interment Rights” from ACC. This is done as a contract between the person and ACC with the person purchasing the rights becoming a “Registered Member” of ACC. To ensure ACC has all necessary information as to the Registered Member and an “alternate member”

(who is made an Associate Member of ACC) the application form for purchase of the interment rights must be completed in full.

ACC can only take directions and authorization from a Registered Member or an Associate Member if the Registered Member is deceased or incapacitated. ACC has a Privacy Policy as is required by law, and by the *FBCSA*, and will only discuss who can be interred in a grave or lot with a Registered Member or the Associate Member. Many Registered Members have sufficient lots or grave for

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four or more burials and ACC must ensure it has the right person (Registered or Associate Member) deciding who can be buried in those lots.

On the few occasions when ACC must contact a member, it is the information on file for a Registered or Associate member which is utilized.

- c) If a person purchases Interment Rights, that purchase can be cancelled within certain time limits (30 days) under FBCSA, by providing written notice of the cancellation to the cemetery operator. The person shall receive the full refund up to 30 days after cancellation. If a grave, lot or niche is used at time of purchase any rights to reverse the transaction are voided. If the cancellation request is after the 30 day cooling off period the Interment Right holder will receive the amount paid at time of purchase minus the amount paid to the care & maintenance fund.
- d) All Members acknowledge that the Manager carries out all responsibilities for the operations of the cemetery, and at the direction of the Board of Directors. Although most of the material and information in this “kit” is concerned with the Board’s responsibility of maintaining a designated Ontario Heritage Site, the Manager also must carry out duties and responsibilities having regard for all employees, their safety including the rules set out in certain statute laws, etc. For those reasons these by-laws have several purposes, including employee safety and standards. The Manager attempts to be helpful and compassionate in dealing with Members, but also must have regard to other laws, rules and regulations. However, if any matter can be considered by the Board of Directors with a view to making a special exception, the Manager will advise you of that opportunity and you can determine if you wish to make a special request of the Board of Directors.
- e) Only a Right Holder can inform the ACC who is to be the Alternate Holder. If the Right Holder is deceased the Alternate Holder must contact the ACC and change information so the Alternate Holder then becomes Right Holder and then can make decisions such as who and where may be interred in a grave or lot.

f) **RESALE OF LOTS:**

The cemetery operator prohibits the resale of interment rights to a third party and will repurchase these rights from 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 the care and maintenance contribution amount previously made.

Transfers of interment rights cannot be prohibited so long as the purchaser meets the qualifications and requirements as outlined in the cemetery operators' by-laws.

The cemetery operator 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 and if there is a monument on any of the lots.

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The interment rights holder requesting the resale of the rights must return the interment rights certificate to the cemetery operator and interment rights holder must sign paperwork stating they want to sell back to cemetery. The appropriate paperwork must be completed before the cemetery operator reimburses the rights holder. If there are more than one rights holder all rights holder must sign paperwork.

**2. TRANSFER**

a) In cases of transfer of ownership by Will or request of Interment Rights, the Board reserves the right to require the production of a notarized letter to prove the person is the executor of the Right Holder if there is no will. Upon receipt of such proof and payment of applicable fee, the transfer shall be made.

**3. INTERMENTS**

- a) Any interment in a lot shall be determined by Right Holder only.
- b) Notice of interment shall be given to the Manager at least 48 hours in advance, 8 hours of which must be regular working hours – Monday through Friday, 9:30 am to 3:30 pm. The Board cannot be held responsible for having lots prepared for funerals unless such notice is given.
- c) Winter conditions dictate an extension of the notification period may be required.
- d) If a lower and fill is requested while family is present, we must be advised at the time of notice for the interment for this particular service.
- e) We strongly recommend an outer container for casket (vault or crypt) to preserve the ground from caving, and the safety of employees and the general public.

- f) An infant container not exceeding 40 inches may be interred at the head end of a lot in which a casket containing adult remains has been interred, provided space is available.
- g) In an adult single lot a casket and 2 cremations or four cremations may be interred.
- h) Remains to be buried must be enclosed in a container, sealed securely and of sufficient strength to remain intact. If not the family must sign a release & waiver stating that the container might not stay intact.
- i) A burial permit is issued by the Division Registrar and shows the death has been registered with the province. A Certificate of cremation is issued by a crematorium and must be submitted to the cemetery operator prior to the burial or inurnment of cremated remains. The fee must be paid in full before any interment can take place.
- j) Funeral corteges within the Cemetery shall follow the route indicated by the Manager, and the direction of staff or designator.
- k) The Cemetery shall not be held responsible for any errors made for any funeral arrangements made verbally. These arrangements should be made in writing.

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#### **4. DISINTERMENTS**

- a) No lot shall be opened for interment or disinterment by any person not in the employment of, or under direction of the Board, except under special circumstances, and by permission of the Board.
- b) No person shall remove human remains, except cremated remains from the Cemetery unless a certificate of a Medical Officer of Health and the Cemetery Board confirming that the FBCSA and the Regulations have been complied with is affixed to the container. A burial certificate under the Vital Statistics Act is not required to reinter human remains that have been disinterred according to the FBCSA and Regulations.
- c) The Cemetery will exercise all due care in making burials and interments but is not responsible for damage to any casket, urn or other container sustained during disinterment.

#### **5. CARE OF LOT/PLOT- FLOWERS**

- a) No person shall do any work upon a lot without first contacting the Manager or staff member authorized to approve the work being performed by right holder/ visitor or attendance of worker on site and policies regarding flowerbeds etc. must be complied with.
- b) Trees, shrubs, flowering or other plants maybe cultivated on lot, but only such varieties that are in keeping with the general plan of the grounds and subject to the approval of the Manager. No tree or shrub growing within any lot maybe removed or altered without the consent of the manager.
- c) A flower bed not exceeding the width of the monument and a depth of 18 inches from its base shall be permitted. A grey scalloped border must be installed either by our Staff or Right Holder. No flower bed until there is a monument or marker. You may have a Sheppard hook and hanging basket. All planting must be approved by the Manager.
- d) A shrub shall not exceed a height of three feet; a diameter of 14 inches, or obstructs an adjacent lot. Page 6
- e) If any tree or shrub situated in any lot shall have become by means of roots or branches or in any other way, detrimental to an adjacent lot, drain, road or walk, or unsightly or inconvenient to the public, the Board may remove such tree, shrub or parts thereof after 30 day notice to the Interment Right Holder for a small fee.
- f) Borders, fences, railing, walls, cut-stone coping and hedges in or around lot/plots are prohibited.
- g) ACC must conduct and operate a Cemetery for continuous use and therefore is responsible for the safety of it's employees, of visitors or invitees and also to maintain the machinery that is used on a daily basis in the Cemetery, therefore the list of endearments includes but is not limited to those which are set out hereafter, are not allowed to be placed on grave sites, memorials, markers or other designation to mark a burial lot or grave or niche, namely planter, angel, vase, candle, sign, plaque, marker, necklace, picture frame, wind wheel, statue, flower pot, stone, wind chime, coin, frisbees, birdhouse, hockey puck, golf ball, incense and holder, picture, hockey stick, liquor bottle, beer can, stuffed toy, toys, cups, mugs, plastic items such as bananas, grapes, cars or animals, magazines, wire insects, flower bed borders, solar lights. No plastic, glass, or stone. Only fresh flowers contained in a flowerbed surround are permitted which the cemetery staff can install for you for a small fee. The Manager is instructed to remove any of these items. When staff removes such items they are taken to the Operations Centre of the Cemetery, where you can pick them up, if no one has done so they

- are disposed of after 30 days. The ACC has no obligation to notify you on the removal of such items
- h) Nothing can be attached to the columbarium. The legion has permission to place poppies in acknowledgement of the veterans who are interred in the Cemetery.
  - i) Flowers can stay on the lot/plot ten days or until they wither after an interment.
  - j) Wreaths can be placed on a lot/plot from October 1 till April 1<sup>st</sup>. If you do not remove your wreath by April 1, your wreath will be taken to the Operation Centre and will be disposed if not collected after 30 days without notification
  - k) No unauthorized person shall lift or remove sod; move a cornerstone or lot marker.
  - l) The Cemetery shall not be responsible for loss or damage to any articles left upon a lot/plot.
  - m) The ACC reserves the right to remove all flowers, potted plants, and wreaths that have become withered or unsightly.

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## **6. MONUMENTS, FOUNDATIONS AND MARKERS**

- a) No monument, marker or other structure shall be installed or permitted on a lot without approval of the Manager. Monument Company must submit a description of monument with dimension and sketch of monument or flat marker before any work has started on stone.
- b) No inscription shall be placed on any monument or marker which is not in keeping with the dignity and decorum of the Cemetery. Any inscription that is done not in English has to be translated in English and approved by Manager before it can be added to the stone.
- c) No monument, footstone, marker or memorial of any kind shall be placed, moved, altered or removed without permission from the Manager. A Removal Permission Form must be completed before any removal can take place.
- d) There must be a special request letter submitted by the Rights Holder to get approval from the Board if the Right Holder wants an exemption to the size standard for a monument or marker. There is a fee for a special request.



- e) No monument or marker can be installed in the Cemetery without a completed Request Form containing the following information:  
 Interment Right Holder's name and address;  
 -Instructions for placement;  
 -Dimensions of flat marker, - height, width and length;  
 -Dimensions of the die and base – height, width and length;  
 -Overall size of the monument;  
 -Description of the monument color/design.
- f) Payment of the appropriate amount for the Care & Maintenance Fund in relation to the size of the marker/monument as set out in the FBCSA.
- g) If a monument or marker in the Cemetery presents a risk to public safety because it is unstable, the Manager is permitted to do whatever is necessary to reduce the risk.
- h) Minor scraping of the base portion of the upright monuments due to maintenance operations is considered by the Cemetery to be normal wear.
- i) No natural monuments to be accepted in the cemetery; all monuments must be supplied and fabricated by a monument company.
- j) The Board reserves the right to determine the maximum size of a monument and the number and location on each lot/plot. The maximum size for a single lot/plot:

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Single lot:	Height - 38" including 6-8" base, die – 30-32" Width – 30(base)"
2 Plots:	Height - 38" including 6-8" base, die – 30-32" Width - 48"(base)
3 Plots:	Height – 38" including 6-8" base, die – 30-32" Width - 54"(base)
4 Plots:	Height – 38" including 6-8" base, die – 30-32" Width - 68"(base)
Child Single:	Height – 30" including 6" base, die – 24" Width – 20"(base)

All depths of base are 14" and die is 8" thick.

- k) All monuments must be able to withstand a minimum of 100 lbs. of horizontal force applied anywhere on the monument without toppling. This must be achieved in the dry mode (no caulking).
- l) Where dowels are used they must be made of minimum 1/2" non corrosive material (preferably 300 series stainless steel) or bronze. The hole depth must be a minimum of 3" deep and no more than 1/8 larger in diameter than the diameter of the dowel.
- m) The die stones must be installed on a granite base. The height of the base shall be minimum 6". The top surface of the base must be both wider and longer than the die in order to provide a minimum margin of 2" or 3" of the surface of the base exposed on all sides. The bottom of the base shall be smooth sawn.
- n) The maximum width of a base is controlled by the width of the plot or lot where it will be installed. No base shall be closer than 3" to the lot width side lines on which it is to be installed.
- o) Monuments cannot be placed "Back to back" against another.
- p) Monuments must be centered at the head end of the lot except where alignment with existing nearby monuments justifies another location. Approval of the location must be obtained from the General Manager before a foundation and/or monument is installed.
- q) The Right Holder is responsible for payment for the foundation or marker installation.
- r) Foundations may be constructed between May 1<sup>st</sup> and October 31<sup>st</sup>. Monuments and markers may be delivered to the Cemetery from April 1<sup>st</sup> to November 30<sup>st</sup>. Weather permitting.
- s) The surface area of a foundation shall be flush with the surrounding ground levels and shall provide a level surface free of defects, and must be cured for a minimum of 48 hours before placing the monument.
- t) Subject to the size and quantity restrictions established for the respective section of the Cemetery, a flat marker may be permitted on a lot. Its placement must not interfere with the interment space. The maximum size for a flat marker is:

Baby/Child Lot: 12" x 10"

Adult burial lot: 18" x 24"

Double adult lot: 18' x 48"

Cremation Single: 16" x 20"

Double cremation: 18" x 24"

Thickness of flat markers is 4".

- u) Flat markers are to be flat on top and set flush and level with the ground; if there is an existing monument on the lot, if the flat marker is going at the top of lot it may be on a slight angle. A flat marker shall be installed by the staff at the expense of the Right Holder.
- v) The Board reserves the right to permit a marker to be placed on a lot in addition to the monument.
- w) Anything under 16" x 10" x 4' there is no Care & Maintenance to be paid.
- x) In case of an accident on the cemetery grounds by a third party the cemeteries Ins. does not cover the repairs to the monument. The family's house ins. covers it. Please make sure that you notify your insurance company how much the stone has cost. If an accident happens from our staff or a fallen tree for example then we are responsible to fix it.

## **7. RULES FOR MONUMENT DEALER, CONTRACTORS AND WORKERS**

- a) No monument or marker shall be delivered to the Cemetery without the proper paperwork. See Section 6-e.

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- b) No monument or marker will be delivered to the Cemetery until the foundation has been properly installed which is arranged through the Cemetery and the contractor is ready to proceed with the installation.
- c) Each company which does work in the Cemetery shall have WSIB, Occupational Health and Safety compliance standards, Environmental Protection, WHMIS coverage for its workers as well as a minimum of \$1,000,000 liability insurance, a copy of which must be provided to the Manager. Where a worker damages any lot, monument or other structure that worker and their company will be held liable for such damages.

- d) The demeanor and behavior of all workers employed by others in the Cemetery shall be subject to the control of the Manager.
- e) Workers shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the services.
- f) All work must be done during regular Cemetery hours, unless by special permission of the Manager.
- g) Heavy loads shall not be permitted in the Cemetery when the roads are in unfit condition.
- h) No monument dealer shall park on the lawn.
- i) All implements and materials used in the performance of any work shall be placed as directed by the Manager. All rubbish and surplus earth shall be removed in such manner as the Manager may order, otherwise the obstructions will be removed, and the expense charged to the monument dealer.

## **8. RULES FOR VISITORS**

- a) Visitors are always welcome at the Cemetery during the hours normally from dawn until dusk. Gates will be closed where the Manager deems the roads in the Cemetery are unsafe due to weather conditions.
- b) The Manager and his/her assistants are empowered and are required to preserve order and decorum in the Cemetery.
- c) No parades other than funeral processions shall be admitted to or be organized within the Cemetery. Except otherwise approved by the Cemetery Board.
- d) Children are welcome in the Cemetery grounds when with an adult, who shall be responsible for any damage done by them, and responsible for the child's behavior.
- e) Vehicles within the Cemetery shall be driven at a moderate rate of speed (15-20 km/hr) and shall not leave the avenues or park on the lawn.
- f) No recreation vehicles are allowed in the Cemetery.
- g) Owners of vehicles and their operators shall be held responsible for any damage done by them.

- h) Pets are permitted in the Cemetery grounds as long as they are on a leash and visitors clean up after them.
- i) No picnic or party shall be permitted in the Cemetery grounds.
- j) Any person who, in the Cemetery, damages or moves any tree, plant, marker, fence, structure or other article is liable to the Cemetery and any Right Holder. The amount of damages shall be the amount required to restore the Cemetery to the state that it was prior to the damage.
- k) Any complaints by Interment Right Holder or visitors should be made to the Manager, in writing. Controversies with workers or others on the grounds are to be avoided.
- l) Rubbish shall not be thrown on roadways, lots or walkways or any part of the grounds. Receptacles are provided at convenient points on the grounds for the deposit of refuse.
- m) Any person disturbing the quiet and good order of the Cemetery or who violates these by-laws will be expelled from the Cemetery.

## **9. CARE AND MAINTENANCE**

- a) A portion of the price of interment purchase is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery ground. Services that can be provided through this fund include:
  - Re-leveling and sodding or seeding of lots
  - Maintenance of cemetery roads, sewers and water systems
  - Maintenance of walls and fences
  - Maintenance of cemetery landscaping
  - Maintenance of mausoleum and columbarium
  - Repairs and general upkeep of cemetery maintenance buildings and equipment.