



STONE CHURCH CEMETERY COMMISSION

BY-LAWS



March 31, 2025

STONE CHURCH CEMETERY COMMISSION
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STONE CHURCH CEMETERY COMMISSION BY-LAWS

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These by-laws are the rules and regulations that govern the STONE CHURCH CEMETERY COMMISSION and have been approved by the Registrar, *Funeral, Burial and Cremation Act, 2002 (FBCSA)*, Bereavement Authority of Ontario (BAO).

A: 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. The lot may be a grave in the ground, a crypt in a mausoleum or a niche in a columbarium.

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

Care and Maintenance Fund: The 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, be contributed to 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.

Cemetery Operator: Trustees of the Stone Church Cemetery Commission. The Trustees consist of a Chairperson, Secretary, Treasurer and between four and eight Trustees to manage the affairs of the cemetery. The Cemetery Operator may assign the day-to-day operations of the cemetery to a Cemetery Management Company.

Contract: For purposes of these by-laws, all purchasers of interment or scattering 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 BAO Consumer Information Guide and the Price List.

Corner Posts: 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) Any inground burial space intended for the interment of a child, adult or cremated human remains.

Interment Right: The right to require or direct the interment of human remains or cremated human remains in a grave, lot, niche or crypt 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 those 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.

Lot: For the purposes of these by-Laws, a single grave space.

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Marker: Any permanent memorial structure – monument, plaque, headstone, cornerstone or other structure or ornament affixed or intended to be affixed to a burial lot, mausoleum crypt, columbarium niche or other structure or place intended for the deposit of human remains which also may be used to indicate the location of a burial.

Niche: An individual compartment in a columbarium for the entombment of cremated human remains.

Plot: For the purposes of these by-laws, two or more lots in respect of which the rights to intern have been sold as a unit.

Scattering Right: The right to direct the spreading cremated remains over a designated area within a cemetery with the knowledge and permission of the cemetery operator and in keeping with the cemetery operator's by-laws.

Scattering Rights Holder: Any person who holds the right to scatter cremated human remains in a specified lot or other designated area within the cemetery.

B: GENERAL INFORMATION

B.1 Hours of Operation:

Visitation Hours: Cemetery is closed for the winter from December 1 to April 15 or as weather permits opening

Burial Hours: Weekdays from 8:00 am to 4:00 pm, and Saturdays 8:00 am to 2:00 pm Eastern Time

B.2 General Conduct:

The cemetery 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 respectful manner that shall not disturb any service being held. (See Safety Policy Procedures for more information.)

B.3 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.

B.4 All by-law amendments must be:

- A. Published once in a newspaper or electronically to ensure general circulation in the area in which the cemetery is located; and
- B. Conspicuously posted on a sign at the entrance of the cemetery; and
- C. Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

B.5 All by-laws and by-law amendments are subject to the approval of the Registrar, FBCSA, BAO.

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B.6 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 lot, plot, columbarium niche, mausoleum crypt, 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 Operator.

B.7 Public Register:

Provincial legislation – Section 110 of O. Reg. 30/11 requires all cemeteries to maintain a public register that is available to the public during regular office hours.

B.8 Pets or Other Animals:

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

B.9 Right to Re-Survey:

The Cemetery Operator 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.

B.10 Notice of Resale¹ and Transfer of Interment or Scattering Rights:

Interment Rights Holders may first offer the interment rights to the Cemetery Operator. If the Cemetery Operator does not wish to re-purchase the interment rights, the interment right may be sold to a third party for no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the Cemetery Operator and the Interment Rights Holder and purchaser meets the qualifications and requirements as outlined in the Cemetery Operator's by-laws.

C: CANCELLATION OR RESALE OF INTERMENT RIGHTS

Purchasers of interment or scattering rights holders acquire only the right to direct the burial of human remains and the scattering of cremated human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in the by-laws. In accordance with by-laws, no burial, entombment, scattering, 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 wishing to resell their interment rights may advise the cemetery operator of their intention prior to seeking a third-party buyer for their interment rights.

C.1 Cancellation of Interment Rights within 30 Day Cooling-Off Period:

- A purchaser has the right to cancel an interment or scattering rights contract within thirty (30) days of signing the interment or scattering rights contract, by providing written notice of the cancellation to the Cemetery Operator. The Cemetery Operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

¹ All resales of interment or scattering rights must be carried out through the Cemetery Operator.

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C.2 Cancellation of Interment or Scattering Rights after the 30-Day Cooling-Off Period:

- Upon receiving written notice from the purchaser of the interment or scattering rights, the Cemetery Operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment or scattering rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the Interment Rights Holder(s), the certificate must be returned to the Cemetery Operator along with the written notice of cancellation.
- If any portion of the interment or scattering rights has been exercised, the purchaser, or the Interment Rights Holder(s) are not entitled to cancel the contract or re-sell the interment or scattering rights.

C3. Resale of Interment or Scattering Rights after 30 Day Cooling-Off Period:

- Unless the interment or scattering rights have been exercised the purchaser retains the right to cancel the contract or re-sell the interment or scattering rights. Once payment for the interment or scattering rights has been made in full, and an interment rights certificate has been issued, the interment or scattering rights holder(s), as recorded on the cemetery records, has the right to re-sell the interment rights. Any resale of the interment right shall be in accordance with the requirements of the cemetery by-laws and in keeping with the *FBCSA* and O. Reg. 30/11 and 184/12
- If any portion of the interment or scattering rights has been exercised, the purchaser, or the Interment Rights Holder(s) are not entitled to re-sell the interment or scattering rights.

C.4 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 and scattering rights sold; and prescribed amounts for monuments and markers are 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. Contributions to the care and maintenance fund are not refundable except when interment or scattering rights are cancelled within the 30-day cooling off period.

C.5 Permit or Prohibit Resale² of Interment or Scattering Rights to a Third Party:

C.6 Requirements if Resale of Interment Rights or Scattering Rights Are Permitted by the Cemetery Operator

- The Interment or Scattering Rights Holder(s) who intend to sell their rights shall provide the following documents to the Cemetery Operator so that the Operator can be satisfied with the authority and identify of the seller, confirm the ownership of the rights and provide the third-

² All resales of interment or scattering rights must be carried out through the Cemetery Operator.

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party purchaser with the required certificate or other relevant documentation, including.:

1. An interment or scattering rights certificate endorsed by the current rights holder.
 2. If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available.
 3. If the resale involves scattering rights, a written statement of the number of scatterings rights.
 4. Any other documentation in the interment or scattering rights holder(s) possession relating to the rights.
- The third-party purchaser will be provided with the following documents by the Cemetery Operator:
 1. An interment or scattering rights certificate endorsed by the current rights holder.
 2. A copy of the cemetery's current by-laws.
 3. A copy of the cemetery's current price list.
 4. If the resale involves interment rights, a written statement of the number of lots that have been used in the plot and the number of lots that remain available.
 5. If the resale involves scattering rights, a written statement of the number of scattering rights available.
 6. Any other documentation in the Interment Rights Holder(s) possession relating to the rights.
 - The Cemetery Operator will require:
 1. A statement signed by the Rights Holder(s) selling the interment or scattering rights acknowledging the sale of the interment rights to the third-party purchaser.
 2. Confirmation that the person selling the interment or scattering rights is the person registered on the cemetery records and that they have the right to re-sell the Interment or scattering rights.
 3. The date of transfer of the interment or scattering rights to the third party.
 4. The name and address of the third-party purchaser(s).
 5. A statement of any money owing to the Cemetery Operator in respect to the interment or scattering Rights.
 - Once the endorsed certificate and all required authorization and information has been received by the Cemetery Operator from the rights holder(s), the Cemetery Operator will issue a new interment or scattering rights certificate to the third-party purchaser.
 - Upon completion of the above, and upon the issuance of the new interment or scattering rights certificate, the third-party purchaser or transferee(s) shall be considered the current Interment or Scattering Rights Holder(s) of the interment or scattering rights, and the resale or transfer of the interment or scattering rights shall be considered final in accordance with the cemetery by-laws and the *FBCSA*.
 - The Cemetery Operator may charge an administration fee for the issuance of a duplicate certificate in accordance with the price listed on the Cemetery Operator's current price list.
 - The Cemetery Operator does not prohibit the resale of an interment or scattering rights and may repurchase the interment or scattering rights from the Rights Holder(s) if the Cemetery Operator so desires and may negotiate a purchase price so long as the seller acknowledges being

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aware of the Cemetery Operator's current price list amounts for interment and scattering rights.

- The Interment or Scattering Rights Holder requesting the resale of the rights must return the interment or scattering rights certificate to the Cemetery Operator and the rights holder(s) must endorse the interment or scattering 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).

D: BURIAL OR SCATTERING OR INTERMENT OF CREMATED REMAINS

- Interment or Scattering Rights Holder(s) must provide written authorization prior to a burial, scattering, or an entombment taking place. Should the interment or scattering 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.
- 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 office prior to a burial, scattering or entombment taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains or scattering of cremated remains taking place.
- In accordance with the *FBCSA* and O. Reg 30/11 and 184/12, the purchaser of interment or scattering rights must enter into a cemetery contract, providing such information as may be required by the Cemetery Operator for the completion of the contract and the public register prior to each burial or entombment of human remains, or each scattering of cremated human remains.
- Payment must be made to the Cemetery Operator before a burial can take place.
- The Cemetery shall be given at least thirty-six (36) business hours of notice for each burial of human remains or scattering of cremated human remains.
- Graves and plots shall be opened and closed only by the Cemetery or those designated to do work on behalf of the Cemetery.
- To ensure that safe conditions are always maintained, families wishing to witness the closing of a plot or grave shall remain at a minimum distance of twelve (12) metres from the open grave.
- The Cemetery retains the right of passage over every lot or grave so that cemetery operations may be performed effectively.
- The Cemetery Board/Cemetery Representatives reserves all rights to provide the service and equipment of lowering device and grass dressing for all casket interments without an outer container and/or the purpose of winter storage of a casket into the vault and the

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removal of the casket for interment. This is to ensure the safety of all parties and to comply with the Cemetery's insurance policy.

- The Cemetery reserves the right to determine the location for the temporary mound and will make reasonable efforts to restore adjacent graves to their original condition as soon as possible following the closing of the grave.
- Funeral flowers, delivered to the Cemetery at the time of burial, will remain on the lot or grave for a minimum of five (5) days and will be removed at any time thereafter and disposed of by the Cemetery.
- No burials or memorials will be permitted until all arrears associated with the interment rights or Interment Rights Holder(s) are paid in full.
- A maximum of one (1) casket and two (2) cremated remains or three (3) cremated remains may be buried in each grave unless otherwise specified on the document for the purchase of the interment rights. Grave size is 39" x 120"
- A maximum of two (2) remains may be buried in a cremation grave with a cremation grave size of 36" x 36".
- Where urns are interred prior to casket interments, all attempts will be made to locate and temporarily remove urns to facilitate casket burials. There is no guarantee that urns or interments that took place without an urn can be located or will not be disturbed. Disinterment fees will be applied.
- In the event an Interment Rights Holder purchased their interment rights when a prior version of these Cemetery By-laws authorized a maximum number of burials less than those in this version of the by-laws, Interment Rights Holder(s) may request additional interments up to the maximum permitted in these by-laws, the Cemetery may grant such request in its sole and absolute discretion.
- The opening and closing of graves, niches or the scattering of cremated remains may only be conducted by cemetery operator or those designated to do work on behalf of the cemetery.
- Cremated remains may be scattered within a designated area of the cemetery.
- Cremated remains are not permitted to be scattered on a grave containing human remains without the consent of the Interment Rights Holder and in keeping with these by-laws.
- A scattering rights contract must be completed, and the payment of the scattering fee must be received before the scattering of cremated human remains within the cemetery can take place.
- Once scattered, cremated remains cannot be retrieved.

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- 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 local Medical Officer of Health is not required for the disinterment of cremated remains from a lot or the removal of cremated remains from the cemetery. The cemetery cannot guarantee that the human remains can be retrieved.
- 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).

E: MEMORIALIZATION

- 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 any part thereof.
- Memorials, including monuments, markers, plaques, etc., are owned by the Interment Rights Holder and the Cemetery Operator is not responsible for their loss or deterioration. The Rights Holder may choose to protect their memorials by adding insurance through their home policy.
- The Cemetery Operator reserves the right to determine the maximum size of monuments, their number and their location on each lot or plot. They must not be of a size that would interfere with any past or future interments. Refer to E1, E2, E3 or E4.
- 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.
- Should any monument or marker present a risk to public safety because it has become unstable, the Cemetery 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 at the expense of the Interment Rights Holder.
- 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

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as determined by the Cemetery Operator.

- A monument, 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, and proposed location.
- In keeping with the cemetery by-laws, only one upright monument, pillow marker or flat marker shall be erected within the designated space on any lot, in addition to one flat marker at foot of each grave. Refer to E1, E2, E3 or E4.
- The minimum thickness for flat markers shall be, for sizes up to 12" x 6", 3", and for sizes over 12" x 6", 4". Refer to E1.
- All monuments and markers shall be constructed of bronze or monumental grade granite, i.e., no boulders are permitted.
- No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the Interment Rights Holder(s) and/or marker retailer have been notified by the Cemetery Operator.
- All flat markers will be installed by the Cemetery Operator.
- Inscriptions on a monument can be on the front and the back. No inscription or image shall be placed on any monument or marker which may be seen as offensive or is not in keeping with the dignity and decorum of the Cemetery.
- Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with past or future interments.
- Foundations will be poured at a depth of at least 4'.

E.1 FLAT MARKERS REGULATIONS:

| PLOT | MAX SIZE |
|-----------|-----------|
| Single | 30" x 18" |
| Double | 36" x 18" |
| Cremation | 30" x 18" |

E.2 ADDITIONAL MARKERS

A maximum size of 24" x 18". Markers may go at the foot of the grave.

E.3 PILLOW MARKERS

| GRAVE | Width | Depth | Pad |
|-------|-------|-------|-----------|
| 1 | 24" | 16" | 30" x 22" |

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|---|-----|-----|-----------|
| 2 | 48" | 16" | 54" x 22" |
| 3 | 72" | 16" | 78" x 22" |
| 4 | 84" | 16" | 90" x 22" |

E.4 UPRIGHT MONUMENTS Maximum Overall Size including any Plinths Tablet thickness is a minimum of 8", the base must have a 3" wash

| GRAVE | Width | Height | Depth |
|--------------|--------------|---------------|--------------|
| 1 | 30" | 48" | 16" |
| 2 | 54" | 48" | 16" |
| 3 | 78" | 48" | 16" |
| 4 | 90" | 48" | 16" |

F: CARE AND PLANTING

A portion of the price of interment or scattering rights is trusted in the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds and markers. Services that can be provided through this fund include, but are not limited to, the following:

- Re-levelling and sodding or seeding of Lots or scattering grounds
- Maintenance of cemetery roads, sewers and water systems
- Maintenance of perimeter walls and fences
- Maintenance of cemetery landscaping
- Maintenance of mausoleum and columbarium
- Repairs and general upkeep of cemetery maintenance buildings and equipment

No person other than cemetery operator 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.

Flowers placed on a grave for a funeral shall be removed by the cemetery operator after five (5) days or the next scheduled lawn maintenance to protect the sod and maintain the tidy appearance of the cemetery.

G: 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, also ensuring general cemetery operations can be performed and that the respect and dignity of the cemetery can

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be maintained.

Prohibited articles will be removed and disposed of without notification.

- 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.
- Artificial flowers/wreaths may be placed in the cemetery only between October 15 and April 15. To prepare the grounds for spring, artificial flowers/wreath must be removed prior to May 1. Wreaths not removed by May 1 will be removed and disposed of by the Cemetery without notification.
- The cemetery reserves the right to remove solar lights from the grave or around the columbarium.
- Decoration Sunday Service is normally the third (3rd) Sunday in August. Artificial flowers/wreaths may be placed on grave two (2) weeks before and two (2) weeks after Decoration Sunday. If the artificial flowers/wreaths are not removed by September 1, they will be disposed of by the Cemetery without notification.
- Dogs or other pets are not permitted on the cemetery grounds.

H: CONTRACTOR/MONUMENT DEALER/FUNERAL HOME BY-LAWS

Any contract work to be performed within the cemetery requires a contract between the Interment Rights Holder and the Cemetery Operator before the work begins. Pre-approval includes, but is not limited to, landscaping, delivery of monuments and markers, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, and the location of the work to be performed. Contractors need to refer to the Monument Installation Procedures found on the website or by contacting the Cemetery Operator.

Prior to the start of any said work, contractors must provide proof of
WSIB coverage
evidence of liability insurance of not less than \$5 million.

- 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, on weekends or on statutory holidays, unless approval has been granted by the Cemetery Operator. Refer to section B.1 for hours of operation.
- No work will be performed at the cemetery except during the regular business hours of the cemetery.
- Contractors shall temporarily cease all operations if they are working within one hundred (100)

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meters of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.

- Contractors, monument dealers and suppliers shall lay when required, wooden planks on the burial lots and paths over which heavy materials are to be moved to protect the surface from damage.
- Contract will be required to return to the Cemetery, to clean up the ground if left in poor condition.
- The cemetery or those designated will collect all information and signed contracts from contractors, monument dealers, suppliers, funeral homes and vault companies.

I: COLUMBARIUM BY-LAWS

- Payment must be made to the Cemetery Operator before an interment may take place.
- Only the Cemetery Operator or those designated to do work on behalf of the cemetery, may open and seal niches for interments. This applies to the inside sealer and the niche front.
- To ensure quality control, desired uniformity and standard of workmanship, the cemetery reserves the right to inscribe all niche fronts or install all lettering, vases, adornments, or any other approved attachment.
- No person other than cemetery operator shall remove or alter niche fronts.
- The marker used on a niche shall be supplied and installed by the cemetery and the cost is included in the selling price.
- Items, e.g., photographs, additional script, flowers, may not be attached to the niche or at the base of the columbarium.
- The cemetery reserves the right to remove deteriorated or excessive quantities of flowers from the surrounding area.
- The inside dimension of each niche is 12 ½" x 12 ½" x 14. The Niche is designed to fit two standard sized urns.
- No items may be placed on the top surface or beside the base of the Columbarium.