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## **RULES AND REGULATIONS**

### **Preface**

These rules and regulations, set into effect by the Aurora Cemetery Association Board, are intended to insure the sacred character of the Aurora Cemetery and to establish and maintain good order, the following rules and regulations are in effect.

Plot holders should consider these rules carefully. By doing so, they are cooperating in making the Aurora Cemetery the kind of cemetery we desire for our dead.

Particular attention is called to the sections pertaining to change of address and change of ownership brought about by the death of the plot holder. These changes should be reported to the cemetery office immediately.

**Effective: May 2015**

**Supersedes all previous editions**

## RULES AND REGULATIONS OF THE AURORA CEMETERY Aurora Texas

These Rules and Regulations are designed for the mutual protection of the Owners of Interment Rights within the Aurora Cemetery. Their enforcement will help protect the Aurora Cemetery and create and preserve its beauty. These Rules and Regulations have been adopted as the Rules and Regulations of the Aurora Cemetery, and all Owners of Interment Rights, visitors and persons performing work within the Aurora Cemetery shall be subject to these Rules and Regulations, and all amendments or modifications hereto, as shall be adopted by the Aurora Cemetery Association, Inc., from time to time.

For the mutual protection and benefit of plot holders of Aurora Cemetery, certain rules and regulations have been adopted by the Aurora Cemetery Association Board (Herein after, "ACA" or "Board") as the Rules and Regulations of the Aurora Cemetery. All plot holders and persons within the cemetery, and all plots, shall be subject to said rules and regulations and such amendments or alterations thereof or additions thereto as shall be adopted by the Board from time to time; and the reference to these rules and regulations in the document conveying the right of interment shall have the same force and effect as if set forth in full therein.

### DEFINITIONS

*IN GENERAL... The terms used in these Rules and Regulations shall have the same meaning as said terms are defined in Article 912a-1 of the Texas Revised Civil Statutes governing cemeteries, except as otherwise specifically defined in these Rules and Regulations.*

- **"Block"** shall be construed to refer to multiple lots. "Blocks" are numbered on the plat of the cemetery.
- **"Burial space"** (also synonymous with "Lot" or "Plot") shall be construed to refer to an individual space for one burial.
- **"Care"** shall mean that general care of the cemetery as herein defined.
- **"Cemetery"** as used herein shall mean all the property for earth burials, entombments and any Niche for interment of cremations.
- **"Conveyance or Assignment Of Burial Space or Lots"** Any conveyance or transfer of ownership of burial space or lots shall not be deemed valid by the Aurora Cemetery Association until notification of such conveyance or transfer of ownership is made known to the Secretary and is recorded on the books of the Association.
- **"Curbing of Lots"** Curbing of lots is prohibited with the exception of "existing curbs."
- **"Decorations"** Effective July 13, 2009, borders/fences, glass containers, edging, sand, gravel, wood chips, glass marbles, ornaments, or toys are not permitted with the exception of benches in place prior to this date.
- **"Deed", "Deed of Interment", or "Certificate of Ownership"** shall be construed to refer to an instrument conveying the right of interment in the Aurora Cemetery.
- **"Descent of Right Of Interment"** In the absence of the specific stated disposition of burial spaces or lots that have been conveyed to an owner who has deceased, either by last will and testament or in testate remaining burial spaces or lots except the one burial space, which shall be reserved for the surviving spouse, shall be used by

remaining family members in the descent of heir ship, or as is needed, with the spouse's approval.

- **“Entombment”** shall herein mean burial above ground in a mausoleum crypt or niche.
- **“Errors May Be Corrected”** The Board of Trustees reserves, and shall have, the right to correct any errors that may be made by it either in the description, transfer or conveyance of any interment property, either by cancellation of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location in as much as possible, or as may be selected by the Trustees, or, in the sole discretion of the Trustees, by refunding the amount of money paid on account of said purchase.
- **“Flags, small”** may be displayed on Memorial Day & Veterans Day. They may be placed the week prior to each of these days and will be removed shortly following the observance of these days.
- **“Flowers - Live or Artificial”** may not be stuck directly in the ground; except they may be stuck directly in the ground next to the Tombstone/Headstone for special days i.e.; Christmas, Easter, Veterans Day, Memorial Day, Mother’s Day, Father’s Day & Decoration Day (Memorial Day weekend). These flowers may be put out the week prior to these special days, but will be removed shortly following the observance of these days.
- **“Grave”** shall mean a space of ground in a cemetery used, or intended to be used, for the burial of human remains.
- **“Grave Liner or Vault”** Any burial after April 6, 1995 will be required to have an outside container for the casket of a concrete box or vault.
- **“Interment”** is meant either earth burial or entombment.
- **“Interment for Human Remains Only”** No interment of any body, or the cremated remains of any body, other than that of a human being shall be permitted in the cemetery.
- **“Interment Rights of Burial Space Owners”** All "Lots" and "Burial Spaces" conveyed shall be presumed to be the sole and separate property of the person or persons named as grantee in the instrument of conveyance; provided, however, that the husband or wife shall have a vested right of interment of his or her body in any burial plot conveyed to the other, which right shall continue as long as he or she shall remain the husband or wife of the owner or shall be his or her wife or husband at the time of such owner's demise. No conveyance or other action, without the joinder therein or by written consent attached thereto, shall divest such husband or wife of such vested right of interment; provided, however, that a final decree of divorce between them shall terminate such vested right of interment unless it shall be otherwise provided by such decree of divorce.
- **“Lot”** or **“Plot”** shall include and apply to one or more than one adjoining grave, or one or more than one adjoining crypt or niche. The terms “Lot” and “Plot” are considered synonymous throughout this publication

- **“Lot Holder”** or **“Plot Holder”** shall include person or persons who have purchased
- **“Lot Sale”** or **“Plot Sale”** the board president and secretary/treasurer of the Aurora Cemetery Association are the parties granted permission to sale lots/plots, and execute or transfer deeds of ownership.
- **“Management”** shall mean the person or persons duly appointed by the Board for the purpose of conducting and administering the Aurora Cemetery.
- **“Memorial”** shall include monument, tombstone, headstone, grave marker, or tablet, or inscription on crypt front or fronts, for one or more deceased persons.
- **“Niche”** shall mean any space of sufficient size to entomb the cremated remains of a human person.
- **“No Preferential Treatment”** No lot owner may expect more attention than the general care given the cemetery.
- **“No Stack Burials”**
- **“Owner”** shall be construed to refer to the individual or individuals having the right of interment in the Aurora Cemetery, by fully executed notarized deed.
- **“Owners - Bound by Rules and Restrictions”** The owner of right of interment shall be bound by all applicable rules and restrictions now or hereafter in force.
- **“Owners - Change in Address”** Owners must notify the Association of any change in their post office address. Notice sent to a lot owner at the last address on file of the Secretary of the Association shall be considered sufficient and proper legal notification.
- **“Superintendent of Grounds”** shall be deemed to include any general officer of the Board of Trustees of the Aurora Cemetery Association.
- **“Tombstones/Headstones”** of a permanent type must be placed at the head of burial spaces with appropriate footing. The Tombstones/Headstones is required to be in place within six months of burial. It must not extend beyond the boundaries of the burial space with the exception of double markers which may be centered at the head of two spaces.
- **“Trimming of Shrubbery”** The cemetery reserves the right to remove or trim all existing shrubbery or other growth extending beyond the boundaries of any specific lot. If any tree, shrub, or plant standing upon any space, by means of its roots, branches, or otherwise, is or becomes detrimental to adjacent spaces or alley ways or roads, or if for any other reason its removal is deemed necessary, the Cemetery Board of Trustees shall have the right to correct the existing condition.
- **“Urns or flower boxes”** (no more than 3 feet in length) may be placed close to the Tombstone/Headstone, but must not be placed on other parts of grave space. Any artificial flower that is deteriorating or is badly faded will be removed.

**SECTION I.**  
**Admission to Cemeteries**

The management reserves the right to refuse admission to any Cemetery and to refuse the use of any Cemetery equipment or facilities at any time to any person or persons, as the rules, judgment and tradition may dictate.

**SECTION II.**  
**Owners of Lots**

- A. Interment Rights within the Aurora Cemetery shall be used for no purpose other than for the interment and/or memorializing of human remains.
- B. A Deed of Interment Rights shall be issued to each Owner upon full payment of the purchase price of a lot/space.
- C. Every Deed shall be subject to
  - 1. All applicable laws and governmental regulations;
  - 2. The Sections of Incorporation and other documents establishing the Aurora Cemetery, as now in force or as hereafter amended or adopted, whether or not as set forth herein.
- D. The Deed, Purchase Agreement, and these Rules and Regulations, and any amendments hereto, shall constitute the sole agreement between the Aurora Cemetery Association, Inc. and the Owner, and no statement of any sales agent or other employee of the Aurora Cemetery to the contrary shall bind the Aurora Cemetery Association, Inc.
- E. The person named in the Deed of Interment Rights issued and of record will be presumed to be the Owner of the Interment Rights unless the Aurora Cemetery Association, Inc. approves in writing the transfer or assignment of ownership in accordance with these Rules and Regulations as they now exist or may hereafter be amended. All Interment Rights conveyed to individuals shall, unless stated otherwise, be presumed to be the sole and separate property of the Owner named in the Deed of Interment Rights.
- F. Upon the receipt of an Order of Distribution by a court having jurisdiction over the estate of a deceased Owner, the Aurora Cemetery Association shall revise its records to reflect ownership of Interment Rights in accordance with such an order.
- G. If an Owner dies without having transferred unused Interment Rights either by a specific devise in the Owners will or by a written direction furnished to the Aurora

Cemetery Association:

1. Any unused Interment Rights descend to the heirs at law of the Owner in accordance with the laws of descent and distribution of the State of Texas, subject to the Interment Rights of the deceased and his or her surviving spouse.
  2. Where such a transfer of ownership results in multiple Owners of any Interment Rights, each Co-Owner shall have the right to be interred in any Interment Space of the Co-Owners which has not been used at the time of that Co-Owners death, and the consent of the other Co-Owners shall not be required for any such interment;
  3. It is prohibited for any Co-Owner to convey any Interment Right, or authorize the interment of anyone other than a Co-Owner, without the consent of all other Co-Owners of that Interment Right.
- H. Upon the death of a joint tenant, title to Interment Rights held in joint tenancy immediately vests in the survivor or survivors, subject to the vested Interment Right of the remains of the deceased joint tenant.
- I. When there are two or more Owners, they may designate one or more persons for the purpose of granting authorization for the interments, memorializing, etc. with respect to the Interment Rights of such Owners. Any such designation shall be made in writing and furnished to the Aurora Cemetery. In the absence of such designation, the Aurora Cemetery shall not be held liable for acting on any direction of any Co-Owner, provided no other Co-Owner has notified the Aurora Cemetery of any objection to the cemetery's acting on such direction.
- J. The Aurora Cemetery shall have the right to refuse to consent to a transfer or to an assignment of any Interment Right until the purchase price of the Interment Right has been paid in full.

### **SECTION III**

#### **Arrangements for Funerals and Interment**

- A. The management shall have the right to request those wishing to make a selection of a lot (plot), or arrange for an interment, to call the Cemetery Office in ample time to complete arrangements before closing time of such Cemetery Office. If a Funeral Director or another Agent is representing the lot (plot) holder, the arrangements made by the agent with management are binding on said lot (plot) holder.
- B. No organization(s) or person(s), except those approved by the President of the Aurora Cemetery Association will be permitted to conduct services in any cemetery.

- C. The management may accept a request for an interment or opening of a plot for any purpose upon proper written authorization from any plot holder of record, unless there are written instructions to the contrary on file in the Cemetery Office. To avoid inconvenience, the management may accept from the plot holder a telegraphed or facsimile interment authorization. The fax number is 817-636-2784 and email address is [auroracemetery@gmail.com](mailto:auroracemetery@gmail.com)
- D. The management shall not be liable for any order received by telephone or any error occurring from lack of proper instructions as to the size of a casket or to a particular grave location where interment is to be made. The management reserves the right to charge an equitable fee whenever additional labor costs result from such errors.
- E. The management shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made, or where the rules and regulations have not been complied with, or where said rules and regulations shall forbid such interment; and further, the management reserves the right, under such circumstances, to refuse admission to the cemetery until full rights have been determined. Any protest shall be required to be in writing and filed in the Cemetery Office.

**SECTION IV.  
Interment Procedure**

- A. All funerals shall be subject to and comply with the directions of management while they are within the cemetery.
- B. All funeral service providers shall pay a fee of \$75.00 to cover the cost of leveling the grave post-interment.
- C. A Burial Permit for each funeral, is required by the board. It must be presented to the management before interment is completed.
- D. The management shall not be liable for the Burial Permit, or responsible for the accuracy of the data contained in said permit, or for the identity of the person to be interred.
- E. The casket may not be opened at any time within a cemetery without the express written permission (and in the presence) of the management. The management reserves the right to refuse permission to anyone to open the casket or to touch the body without the consent of the legal representative of the deceased or without a Court Order. In the event necessity requires, the management may take appropriate steps to correct any obnoxious or improper condition.

- F. The interment of cremated remains will be permitted only in accordance with the laws of the State of Texas and the regulations of the Aurora Cemetery Association.
- G. No disinterment or removal shall be allowed except with the permission of the management and with written authorization of the plot holder and nearest of kin, and with proper legal procedure, except as otherwise granted to management in the rules and regulations.
- H. The management shall have the right to designate the hour and manner in which interments, disinterment, and removals will or will not be permitted. All interments, disinterment, and removals shall be subject to the payment of such charges as may be fixed by the management.
- I. Besides being subject to the rules and regulations, all interments and removals shall be subject to the orders and laws of the city, county and state, including the Regulations of the Department of Health.
- J. Only persons employed by or contracted by Aurora Cemetery, shall be used in making interments, disinterment or removals.

**SECTION V.  
Correction of Errors**

- A. The management reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterment or removals, or in the description, transfer, or conveyance of any rights or lot (plot), either by canceling such conveyance and submitting and conveying in lieu thereof another interment right or lot (plot) of equal value and similar location.
- B. It is the sole discretion of the management, to refund any money paid on account of said purchase; however, it is not required.
- C. In the event any such error shall involve the interment of the remains of any person in any lot (plot), the management reserves, and shall have, the right to remove and re-inter the remains in such other lot (plot) of equal value and similar location as may be substituted and conveyed in lieu thereof.

**SECTION VI.  
Instructions to Lot (Plot) Holders and Lot (Plot) Holders' Rights**

- A. Persons arranging for interments must visit the Cemetery Office where the

management will aid them in effecting the necessary arrangements.

- B. The management reserves the right to specify the terms of purchase of all interment rights in lots (plots) and the manner in which said right shall be held or exercised.
- C. The Purchase Agreement or Deed grants the plot holder the “right of interment” of one human dead person according to the rules and regulations outlined herein. The Purchase Agreement or Deed does not convey any ownership in the plot, lot, crypt or niche. The ownership of all premises within the cemetery remains with Aurora Cemetery.
- D. Should the lot (plot) holder fail to carry out the terms of the purchase agreement, the management may declare said agreement cancelled and all rights of the purchaser in and to the lot (plot) forfeited. In the event of such default the management reserves, and shall have, the right immediately or at any time thereafter, without notice, at its discretion, to remove to single graves, to be chosen by the management, each of the remains then interred in said lot (plot). The management, further, shall have the right to remove any memorial that may have been placed on said lot (plot).
- E. No coping, curbing, fencing, hedges, borders, or enclosures of any kind shall be allowed around the lot (plot) or around any grave. The management reserves the right to remove same, without notice, if so erected, planted or placed.
- F. Objects of cement, iron, wood, glass, plastic, paper and other materials and other miscellaneous statues or objects as well as objects of a temporary nature, are not permitted. Only vases approved by the management may be used for silk or cut flowers. The management reserves the right to remove any objects which are erected, planted, or placed in violation of this rule.
- G. All grave interments shall be made with concrete outside liner or burial vaults constructed in accordance with specifications determined by management. Variations of the afore-mentioned must be deemed appropriate and approved by the management.
- H. The remains of one human being only shall be interred in any one grave, unless such grave has been purchased with written agreement, or unless permission is granted by written agreement of the management, that more than one body may be interred, and provided that proper identification is made of such interment or interments on one regulation memorial or marker. The management reserves the right to permit or authorize the interment of more than one human remains in one grave or crypt. The management may exercise this right with reference to single

crypts or single graves or any section of graves. The fee for such an interment will be set by management.

- I. All graves shall be filled, tamped, and finished to the same level as the surrounding ground, and shall be covered completely with sod. No planting of any kind shall be permitted in the sod or in any location within the cemetery.
- J. The use of the plot is for the plot holder or the plot holder's relatives for interment purpose only and not for resale or profit. By special permission of management, a person not a member of the plot holder's family may be interred in said plot, but in no case shall a plot holder have any right to sell, transfer, exchange, or in any manner dispose of said plot or any part thereof, any right or interest therein, or any use of said plot, without written permission of the management.
- K. The management may purchase back a plot which the plot holder wishes to dispose of. The value of the plot will be determined by the management at that time.
- L. In the event of the death of the plot holder, any and all privileges of the plot holder shall pass according by the Laws of the State of Texas. (Refer: Arts. 912a, 2570 and 2571, Texas Revised Civil Statutes.)

## **SECTION VII.**

### **Service Charges and Payments**

- A. The management shall have the right to fix a charge and time of payment for each interment, disinterment, removal, plot transfer or return, and for the performance of any other service rendered by the management. All work in connection with such service shall be subject to the determination and supervision of said management.
- B. Any indebtedness due for work performed on a lot (plot) must be paid before any memorial may be erected.
- C. Any indebtedness for the plot must be paid within the provisions of the sales contract.
- D. A chart of current fees for services and plots is maintained at the Cemetery Office.

## **SECTION VIII.**

### **Right to Replat**

- A. The following rights and privileges are hereby expressly reserved to the management to be exercised at any time or from time to time for the erection of buildings, or for any purpose or use connected with, incident to, or convenient for, the care,

preservation of, or preparation for disposal or interment of human dead bodies, or other cemetery purpose:

1. To re-survey, enlarge, diminish, replat, alter in shape or size or otherwise to change all or any part or portion of any cemetery.
  2. To lay out, establish, close, eliminate, or otherwise modify or change, the location of roads, walks, or drives, provided ingress and egress to and from any plot is preserved or is allocated to the plot holder.
- B. The following rights and privileges are hereby expressly reserved to the management to be exercised at any time or from time to time:
1. Easements and rights-of-way over and through all of the premises of any cemetery for the purpose of installing, maintaining and operating pipe lines, conduits for sprinklers, drainage, electric, or communication lines, or for any other cemetery purpose.

### **SECTION IX. No Easement Granted**

No easement or right of interment is granted to any lot (plot) holder in any road, drive, alleyways, or walk within any cemetery, but such road, drive, alleyway, or walk may be used as a means of access to the cemetery and its buildings and land as the management devotes such road, drive alleyway, or walk to that purpose.

### **SECTION X. Use of Cemetery**

- A. *Visitors* — Visitors within any cemetery shall use only the avenues, roads, and walks, unless it be necessary to walk on the grass to gain access to one's plot. The management expressly disclaims liability for any injuries sustained by anyone violating this rule.
- B. *Trespassers* — Only the lot (plot) holder and his/her relatives or friends shall be permitted on a plot in any cemetery. Any other person thereon shall be considered a trespasser, and the management shall owe no duty to said trespasser to keep the property, or the memorial thereon, in a reasonable safe condition.
- C. *Children* — Children under fifteen years of age are not permitted within any cemetery, unless accompanied by a legal guardian.
- D. *Animals* — Animals are not allowed within any cemetery.
- E. *Lawns* — Lawns shall not be disturbed for any purpose except under the supervision of the management.

- F. *Ornaments and Flower Vases* — the right is reserved to regulate the method of decorations of lots (plots) so that uniform beauty may be maintained. The use of boxes, shells, toys, metal designs, ornaments, vases, glass, plastic, concrete, vigil lights, hanging banners, wind socks, kites or crockery jars and containers, wood or metal cases, potted plants, etc. shall not be permitted on any lot (plot) and such Sections shall be removed by the management. All flower vases must be installed with the approval of the management.
  
- G. *Motor Vehicles* — Automobiles, funeral cars, and trucks must be kept under control at all times, and must observe posted speed limits. At no time shall such vehicles drive through the gates or within any cemetery at a speed in excess of 10 miles per hour. Automobiles may not park or come to a full stop before an open grave unless such automobiles are in attendance at the funeral.
  
- H. *Bicycles and Motorcycles* — the management reserves the right to refuse admission of bicycles and motorcycles to the cemetery.

**SECTION XI.**  
**Conduct in the Cemetery**

- A. Any conduct which interferes with the rights of others or which in the opinion of management detracts from the operation of a cemetery is prohibited.
  
- B. Rubbish — throwing of rubbish on the roads, driveways, paths, walks, or any part of the grounds of the cemetery is prohibited. Receptacles for waste materials are located at convenient intervals.
  
- C. Picnicking — Picnicking or partaking of any refreshments by visitors within any cemetery is prohibited.
  
- D. Flowers and Shrubs — No one shall pluck any flower, or break any branches, or remove, injure, or cut any tree, plant, or shrub without specific permission of the management. Furthermore, no one shall plant any flowers, trees, plants or shrubs within the cemetery.
  
- E. Peddling or Solicitation — No one will be permitted to peddle flowers, plants, or any other Section or items, or to solicit the sale of any commodity whatsoever within any cemetery.
  
- F. Signs and Advertising — No signs, notices, or advertising of any kind shall be allowed within any cemetery except those place by the management.

- G. Improper Assemblages — the management reserves the right to forbid and prevent assemblages which it deems improper.

## **SECTION XII.**

### **Grading and Improvements**

- A. The management reserves the exclusive right to do all grading, landscape work, improvements of any kind, and all care of lots (plots); likewise to plant, trim, cut, or remove all trees, shrubs, and herbage within the cemetery and right-of-way.
- B. All improvements or alterations of lots (plots) in any cemetery shall be under the direction of, and subject to the approval of the management; and should they be made without its written consent, said management reserves the right to remove, alter, or change such improvements or alterations at the expense of the plot holder.
- C. The management reserves the right to use legally approved chemical applications to beautify and maintain the cemetery properties.

## **SECTION XIII.**

### **Cemetery Hours**

- A. The management shall have the right to fix the opening and closing hours of the cemetery.
- B. Approved visiting hours are from 8:00a.m. to sunset.

## **SECTION XIV.**

### **Outside Workers**

- A. No workmen other than employees/volunteers or contractors of the management are permitted to work in the cemetery unless authorized in writing by the management.
- B. Plot Holders may have certain work done in accordance with these Rules and Regulations at their own expense upon written application to the management; prices to be agreed upon and paid before said work is done.

## **SECTION XV.**

### **Employees/Volunteers**

- A. Employees/Volunteers of Aurora Cemetery are not permitted to do any work for lot (plot) holders except upon the order of the management, but are required to be civil and courteous to all visitors.

- B. The management shall have the right to maintain guards if in its discretion it deems it necessary, but is under no legal obligation to do so.

**SECTION XVI.  
Loss or Damage**

- A. The management disclaims all responsibility for loss or damage beyond its reasonable control, and especially from damage by an act of God, the elements, earthquakes, war, common enemy, air raids, invasion, insurrections, riots, order of any military or civil authority, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, or any cause similar or dissimilar beyond control of the management, whether the damage be direct or collateral.
- B. In the event it becomes necessary to reconstruct or repair any section of lot (plot), including graves, crypts or niches, or any portion thereof in any cemetery, which has been damaged by such causes, the management shall give ten-day (10) written notice of the necessity for such repair to the lot (plot) holder of record.
- C. The notice shall be given by depositing the same in the United States mail, with postage thereon duly prepaid, addressed to the lot (plot) holder of record, at his or her address stated on the books of the management.
- D. In the event the lot (plot) holder fails to repair the damage within a reasonable time, the management may direct that the repairs be made and charge the expense against the lot (plot) and to the lot (plot) holder of records.

**SECTION XVII.  
Lot (Plot) Holders Change in Address**

- A. It shall be the duty of the lot (plot) holder to notify the management of any change in his post office address.
- B. Notice sent to a lot (plot) holder at the last address in the management's records shall be considered sufficient and proper legal notification.

**SECTION XVIII.  
Care**

- A. The Aurora Cemetery is operated by Aurora Cemetery Association, Inc., a non-profit corporation, is an IRS Coded 501(c)(13) cemetery. All monies are used for cemetery purposes; a portion is set aside for investment, and the proceeds thereof are used to

provide general care. "Income Care" is to be understood as that care and maintenance necessitated by natural growth and ordinary wear, and includes cutting of lawns, and the cleaning and maintenance of roadways, walks, and buildings, provided there are sufficient funds for these purposes.

- B. The term "Income Care" shall in no case mean the maintenance, repair or replacement of any memorial placed or erected upon any lot (plot); nor the planting, cutting, watering or care of any privately planted tree or shrub; nor the planting of flowers or ornamental plants; nor the doing of any special or unusual work in any cemetery; nor does it mean the reconstruction of any granite, bronze, or concrete work on any section of the lot (plot), or any portion or portions thereof in any cemetery, injured or damaged by any cause, direct or indirect, beyond the management's reasonable control.
- C. "Special Care" shall include only those specific services set forth in Special Care agreements with the lot (plot) holder, provided said services are not inconsistent with the purpose for which the cemeteries have been established and are being maintained.

#### **SECTION XVIII.**

##### **Memorial and Rules for Memorial Work**

- A. Memorial Dealers shall abide by all the rules and regulations of the Aurora Cemetery.
- B. Memorials are the property of the plot holder. Installation, maintenance and care are subject to the rules and regulations set forth in this document. The plot holder must obtain a permit from the Cemetery Office prior to placing a monument in any cemetery.
- C. The management reserves the right at all times to approve and prescribe the kind, size, design, symbolism, craftsmanship, quality and material of memorials, inscriptions, monuments, or markers placed or to be placed in any cemetery. All memorials are subject to the approval of management prior to the placement, and acceptance or rejection shall be based upon such approval.
- D. The management also reserves the right to issue under separate cover detailed regulations and instructions pertaining to the kind, size, design, symbolism, craftsmanship, quality, and material of memorials, inscriptions, monuments, or markers to be placed in any cemetery. Said detailed regulations and instructions, and all amendments thereto, are hereby made a part of these rules and regulations.

- E. The management reserves the right to fix the days and hours when any memorial may be delivered to any cemetery.
- F. All memorial work, or placement or removal of any memorial shall be on written order of the plot holder, except as otherwise provided in these rules and regulations.
- G. Independent Monument Dealers or contractors who build memorial foundations are required to comply with specifications and directions established by the management.
- H. A detailed plan and design of all memorials must be submitted to the management for approval on the form furnished before a permit will be issued. If the memorial does not conform to the approved plan and design, it will be the sole responsibility of the Monument Dealer to correct any errors or deficiencies in workmanship or material.
- I. The location and position in which a memorial is to be placed or erected on a plot shall be entirely subject to the approval, and shall be under the supervision of the management.
- J. Non-cemetery employees, in placing or erecting monuments and other structures, or bringing in materials in regard to such work, shall operate as independent contractors, but such work must conform to the regulations made by the management.
- K. Non-cemetery workers, in placing or erecting monuments, building foundations and other structures, are prohibited from scattering their material over adjoining plots, or from blocking roads or walks, or from leaving their material on the ground longer than is absolutely necessary, or from attaching ropes to trees or shrubs. When any heavy material is to be moved over lawns, protection for the ground cover must be laid to prevent injury to the ground cover.
- L. Damage done to plots, walks, drives, trees, shrubs, landscaping, or other property by non-cemetery workers, monument dealers, or contractors, or their agents, may be repaired by the management; and cost of such repairs shall be charged to the monument dealer or contractor, or his principal.
- M. The management reserved the right to stop all work of any nature when, in its opinion, proper preparations therefore have not been made; or when work is being done in such a manner as to endanger life or property; or when work is not being executed according to specifications; or when any reasonable request on the part of the management is disregarded; or when any person employed on the work violates

any rule of the management.

- N. While management will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial or other structure, on any plots, it disclaims responsibility for damage or injury thereto.
- O. The management reserves, and shall have, the right to correct any error that may be made by its employees or by any other person or persons in the location or placing of a memorial in any cemetery.
- P. Should any memorial, marker, monument, tombstone become unsightly, dilapidated, or a menace to the safety of persons within the cemetery, the management shall have the right, after 30-days (thirty) notice to the plot holder of record, either to correct the condition or to remove the same, in either case at the expense of the plot holder.
- Q. Soliciting memorial sales or memorial work within any cemetery is not permitted.
- R. Contractors performing work within any cemetery must provide the Cemetery Office proof of insurance. The requirements of said insurance may be obtained at the Cemetery Office during normal working hours.

**SECTION XX**  
**Burial regulations**  
**(Site opening/closing/disinterment)**

- A. Grave / Burial Regulations
  - 1. It is the responsibility of the Funeral Home/Director to notify the President and Secretary of the Aurora Cemetery Association of any activity planned or taken to any gravesite at any time.
  - 2. Vaults are required, except for Cremations.
  - 3. Bodies per grave:
    - i. 1 adult/casket; or
    - ii. 2 infants, one level, not stacked;
  - 4. Cremations:
    - i. 4 urns or up to 4 urns per grave
    - ii. Urns may be placed over an existing buried vault.
    - iii. Cremation remains are not allowed to be placed or spread above ground, unless they are in a sealed container attached to the headstone.
  - 5. The Board President and Secretary must be notified before any interment is held.
  - 6. Personal excavating of the grave is strictly prohibited.

7. No grave or burial will be allowed above ground.
  8. Burial of pets is NOT allowed.
- B. Grave Opening and Closing
- C. Grave Recovery after Opening and Closing
1. Fees for excavating a burial site will be set by the Aurora Cemetery Association Board
  2. Each funeral home shall pay a post-interment fee of \$75.
- D. Disinterment / Exhumation
1. All requests for disinterment of remains (including cremated remains) will be directed to a funeral home, which will facilitate the process.
  2. A permit, signed by all family members will be required.
  3. The permit shall be filed at the Aurora Cemetery Office before the disinterment/exhumation occurs.
  4. There will be no disinterments on weekends, holidays or during the winter months (November through March).
  5. The Aurora Cemetery Association, its officers, volunteers or employees, will not be held responsible for any damages that may occur to a headstone, vault, casket or remains during a disinterment process.
  6. If it is deemed that a vault is unable to be removed, the site will be considered unsellable and maintained by the owners of the site.

**SECTION XXI.**  
**In General**

- A. The statements of any employee/volunteer of the Aurora Cemetery shall not be binding upon the management, except as such statements coincides with the document conveying the right of interment, and with these rules and regulations.
- B. The rules and regulations shall apply to any mausoleum now in existence or which may hereafter be erected in the Aurora Cemetery.
- C. The Aurora Cemetery through its management reserves the right, without notice, to make temporary exceptions, suspensions, or modifications of any of these rules and regulations, when, in its judgment, the same appears advisable, and such temporary exception, suspension, or modification shall in no way be considered as affecting the general application of such rules and regulations.

- D. In all matters not specifically covered by these rules and regulations, the management reserves the right to do anything which in its judgment is deemed reasonable in the premises, and such determination shall be binding upon the plot holder and all parties concerned.
  
- E. The Aurora Cemetery through its management reserves the right at any time and from time to time to change, amend, alter, repeal, rescind or add to these rules and regulations or any part thereof, or to adopt any new rule or regulation with respect to its cemeteries or anything pertaining thereto.

**SECTION XXII.**  
**Amendments to the Rules and Regulations**

The Rules and Regulations may be amended by the Board of Trustees at any regular meeting or at any special meeting called for that purpose, such amendment of the Rules and Regulations must be approved by a super majority vote of the board members present at called meeting.

The above Rules and Regulations were approved by the Aurora Cemetery Association Board on this the \_\_\_\_\_ day of \_\_\_\_\_ 2015, at the Aurora City Hall, 303 Derting Rd Aurora, TX 76078.

Aurora Cemetery Office is located in the Aurora City Hall at  
303 Derting Rd. Aurora, TX 76078  
Phone: 817-636-2783 Fax: 817-636-2784  
Email: auroracemetery@gmail.com

APPROVED AS TO FORM:

\_\_\_\_\_  
Joe E. Smith, President

ATTEST:

\_\_\_\_\_  
Dr. Toni L. Wheeler, Secretary/Treasurer