

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2011-31

***Being a by-law to establish the Transfer and Sale of Interment Rights;
Cemetery Operations and Maintenance and Establish Rates for the
Asphodel-Norwood Cemeteries Board***

1. Definitions

The following definitions shall apply to this by-law:

- 1.1.1 TOWNSHIP means The Corporation of the Township of Asphodel-Norwood.
- 1.1.2 CEMETERY means Norwood-Asphodel Cemetery.
- 1.1.3 BOARD means The Asphodel-Norwood Cemeteries Board.
- 1.1.4 CARETAKER means the Cemetery caretaker as appointed by the Board to serve at the pleasure of the Board.
- 1.1.5 CORNERSTONE means a flat marker set flush with the ground.
- 1.2 All other terms have the definition as in *The Cemeteries Act* (Revised).
- 1.3 All undefined terms have their plain and ordinary meaning.

2. General Administration

- 2.1 The owner of the Cemetery is the Township of Asphodel-Norwood.
- 2.2 The Cemetery is operated by the Board.
- 2.3 The Board shall be composed of seven members, appointed by the Council of the Township of Asphodel-Norwood.
- 2.4 The Cemetery is a non-profit business and is operated solely for the benefit of the public.
- 2.5 The Board may make by-laws affecting the operation of the Cemetery and all said by-laws are subject to the provisions of the Cemeteries Act (Revised) and all its regulations.
- 2.6 These by-laws have been approved by the Registrar of the Ministry of Consumer Services.

3. Restrictions

- 3.1 No person shall do anything of any nature to alter the Cemetery in any way unless they receive permission from the Caretaker. The Board shall have the power to prohibit any activity in the Cemetery.
- 3.2 No persons shall be allowed in the Cemetery between sunset and sunrise without the written permission of the Board.
- 3.3 No motorized recreational vehicles are allowed in the Cemetery.
- 3.4 No vehicle within the Cemetery shall exceed a speed of 20 km/hour and all vehicles shall at all times remain in the established roadways inside the Cemetery.
- 3.5 No person shall play games within the Cemetery.
- 3.6 No person shall loiter within the Cemetery.
- 3.7 No children under the age of twelve (12) shall be admitted into the Cemetery with the exception of those children who are accompanied by an adult who shall be responsible for their conduct.

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2011-31

- 3.8 The Board shall have the power to order the removal of any decorations, ornaments, trees, plants, flowers or any other thing placed or fixed in the Cemetery.

4. Transfer and Sale of Interment Rights

- 4.1 The Board shall sell interment rights in the Cemetery.
- 4.2 An interment rights holder in the Cemetery shall not sell interment rights except to the Board.
- 4.3 A transfer of interment rights shall not be made by the Board until a duly executed request for transfer in Form 8.5 has been deposited with the Board.
- 4.4 No sale or transfer of the interment rights shall be made while any payment is owing on said interment rights.
- 4.5 If interment rights were sold prior to 1955 and no fee for care and maintenance was levied at that time, the Board may charge the interment rights holder a one-time fee for care and maintenance at a rate approved by the Registrar.
- 4.6 Upon each sale of interment rights in the Cemetery, the Board shall provide the interment rights holder with each of the following:
- a) A copy of the contract
 - b) A copy of the Cemetery by-laws
 - c) An interment rights certificate
- 4.7 The Board shall file with the Registrar a price list which shall set out the prices of interment rights and Cemetery services and supplies available in the Cemetery.
- 4.8 The Board shall include in the price of interment rights the following amounts which shall be deposited in to the care and maintenance funds upon the sale of a lot;
- a) For in-ground grave for a person 16 years of age or older, a sum equal to the greater of 40% of the said price or \$150.00; and
 - b) For an in-ground grave for a person less than 16 years of age or cremated remains, a sum equal to 40% of the selling price.
- 4.9 Interment rights holders shall provide the Board with timely written notice of any change in their mailing address.

5. Cemetery Operations and Maintenance

- 5.1 The Board and Caretaker shall maintain the grounds of the Cemetery to insure the safety of the public and to preserve the dignity of the Cemetery.
- 5.2 All outside contractors working inside the Cemetery must;
- a) Receive the written permission of the Board;
 - b) Carry the proper insurance and compensation coverage; and
 - c) Repair all damage and clean up all debris resulting from their presence in the Cemetery.

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2011-31

6. Interments and Disinterment's

- 6.1 An interment shall not be allowed if the price for the interment rights and for the opening and closing of the lot has not been paid in full.
- 6.2 No person shall be interred other than the interment rights holder in the Cemetery until the Board receives the written permission of the interment rights holder or the personal representative of the interment rights holder.
- 6.3 No interment shall be made in the Cemetery until the Caretaker receives a valid burial permit and the Board issues a certificate of interment rights. For a cremation, a certificate of cremation must be submitted prior to the interment.
- 6.4 No disinterment shall be made by the Cemetery until the provisions of Section 51 of the Cemeteries Act (Revised), have been complied with.
- 6.5 The Board must receive written notice at least one day prior to any interment in the Cemetery.
- 6.6 The Board must receive written notice at least seven days prior to any disinterment in the Cemetery.
- 6.7 All in-ground graves for a person of 16 years of age or older shall measure at least 2.44 m long and 0.91 m wide, excluding space for the marker.
- 6.8 All in-ground graves for cremated human remains shall measure at least 1.22 m long and 0.4 m wide excluding space for the marker. No more than four cremated human remains may be interred in a grave as described in paragraph 6.7.
- 6.9 All interred human remains shall be buried at least 0.61 m beneath the natural level of the ground surface.
- 6.10 No buildings shall be erected within 4.57 m of any lot.

7. Markers and Monuments

- 7.1 No marker shall be placed on a lot for which a certificate of interment rights has not been issued.
- 7.2 Markers shall only be made of the following materials:
 - a) Granite
 - b) Marble
 - c) Bronze
- 7.3 If a marker is more than two and one-half inches above the level of the ground, it must be set in a concrete foundation two inches wider than the base of the marker and to a depth of four feet.
- 7.4 It is highly recommended that every lot for which interment rights are sold should include cornerstones to permanently establish the boundaries of the lot.
- 7.5 One marker is permitted per lot in the Cemetery.
- 7.6 The Township shall deposit the following amounts in the care and maintenance fund upon the installation of a marker;
 - a) For installing a flat marker measuring less than 173 square inches the sum of \$0.00.
 - b) For installing a flat marker measuring 173 square inches, the sum of \$50.00.

**THE CORPORATION OF THE
TOWNSHIP OF ASPHODEL-NORWOOD**

BY-LAW No. 2011-31

- c) For installing an upright marker measuring less than four feet in height and less than four feet in length including the base, the sum of \$100.00; and
- d) For installing an upright marker greater than four feet in height or greater than four feet in length including the base, the sum of \$200.00.

Read a first, second and third time and finally passed this 12th day of July 2011.

Reeve Douglas J. Percy

Clerk Valerie J. Przybilla