

## THE RURAL MUNICIPALITY OF PRAIRIE LAKES

### BYLAW NO. 6, 2018.

BEING A BYLAW OF THE RURAL MUNICIPALITY OF PRAIRIE LAKES TO AMEND BY-LAW NO.4, 2016 TO PROVIDE FOR THE MANAGEMENT OF THE HILLSIDE CEMETERY, BELMONT MANITOBA.

WHEREAS the Rural Municipality of Prairie Lakes owns and operates the cemetery known as Hillside Cemetery, being Plan 1650 in S.W. ¼ Section Twenty (20) Township Five (5) Range Fifteen (15) West of the Principal Meridian in Manitoba;

AND WHEREAS The Cemeteries Act C.C.S.M. c. C30 governs the operation, maintenance and care of every cemetery;

AND WHEREAS it is deemed expedient to pass a by- law in accordance with The Cemeteries Act for the purpose of setting rules and regulations for the operation, maintenance and care of Hillside Cemetery, and any other cemetery that may be at any time operated by the Municipality.

NOW THEREFORE, THE COUNCIL OF THE R. M. OF PRAIRIE LAKES, IN OPEN SESSION ASSEMBLED, HEREBY ENACTS AS A BY-LAW AS FOLLOWS:

#### **PART ONE - ADMINISTRATION**

##### **1. CITATION**

This by-law may be referred to as "The Cemetery By-Law".

##### **2. CONTINUING CONSOLIDATION**

1) The Chief Administrative Officer may cause to be prepared and printed, and kept up to date, a continuing consolidation of this by- law, and indices and appendices thereto, and may make such arrangements with respect thereto, and with respect to matters incidental thereto, as may be required.

##### **3. LIST OF SCHEDULES:**

- 1) Schedule "A" – Deed Form
- 2) Schedule "B" – Transfer of Deed Form

##### **4. AMENDMENT OF SCHEDULES**

Council of the R.M. of Prairie Lakes may from time to time, by resolution, amend each and every schedule attached to this by-law.

##### **5. INTERPRETATION**

In all parts of this by- law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

##### **6. DEFINITIONS**

- 1) In this by-law:
  - a) "Cemetery" means land that is set aside by the Municipality and used for the burial of human remains, including cremated remains.
  - b) "Municipality" means the Rural Municipality of Prairie Lakes.
  - c) "Division Registrar" means a Division Registrar appointed under *The Vital Statistics Act* of the Province of Manitoba.
  - d) "Grave" means any lot within the cemetery which has been used for the interment of human remains, including cremated remains.
  - e) "Lot" means the area of land sufficient for a single Grave.
  - f) "Crypt" means a structure, wholly or partly above the level of the ground and designed for the storage of dead human bodies.
  - g) "Owner" means the proprietor or owner of a lot to which he has or is entitled to a deed.
  - h) "Perpetual Care" means the preservation, improvement, embellishment, and maintenance, in perpetuity and in a proper manner of Lots, Plots, tombs, monuments or enclosures, in a Cemetery.

i) "Plot" means the area of land sufficient for more than one Grave, and contains not more than eight lots.

## 7. PLOT DIMENSIONS

- 1) Each Plot measures Sixteen (16') Feet by Sixteen (16') Feet and contains Eight (8) Lots;
- 2) Each Lot measures Four (4') Feet by Eight (8)' Feet;
- 3) A Map of the Hillside Cemetery shall form part of this By-Law and be attached hereto as Schedule "C".

## 8. INTERMENTS AND DISINTERMENTS

### 1) General

- a) No person shall dig or open any Grave or cause any Graves to be dug or opened in any place within the Municipality other than that now used and/or hereinafter appropriated for the purpose of a Cemetery;
- b) No cremated remains shall be interred or scattered on any public property other than approved locations.
- c) All interments and disinterment's of a deceased person must be conducted in strict compliance with provincial and/or federal legislation.
- d) The opening and closing of gravesites shall be the responsibility of the Estate or the family of the deceased and the Municipality assumes no responsibility for the opening and closing of gravesites.
- e) Municipal staff will mark all graves prior to opening at the request of the Funeral Director, Estate Representative or family member. The presence of an Estate Representative, Funeral Director or family member is **mandatory** when Municipal Staff perform this service.

### 2) Interments

- a) Every person who arranges for an interment shall furnish to the Municipal Administration Office:
  - i) an acknowledgement that the death has been registered;
  - ii) a copy of the burial permit issued by the Division Registrar;
  - iii) the personal particulars of the deceased person in the prescribed form;
  - iv) a copy of the deed to the Lot or Plot if requested.
- b) Any person responsible for arranging interment of the deceased, where that person or the deceased person does not own the Lot, written permission must first be obtained from the Owner or immediate family, a copy of which must be provided to the Municipal Office.
- c) The person responsible for arranging interment shall be responsible for all charges incurred, in accordance with this By-Law.
- d) Ashes may be interred in the same Grave with the remains of a relative, but no more than four urns will be permitted in each single Grave.

### 3) Disinterment's

- a) No disinterment shall be made until the applicant has obtained and filed such documents and consents as may be required by the Province of Manitoba from time to time. All handling of interred remains are the responsibility of the Funeral Director.
- b) No disinterment for the purpose of lowering remains to accommodate another interment shall be made without permission of the owner of the Lot or Plot, except for the burial of the owner thereof whose name appears on record at the offices of the Municipality.
- c) No disinterment will be allowed until the requirements of "The Vital Statistics Act" as to disinterment's have been fully complied with.

## 9. FOUNDATIONS, MONUMENTS AND MARKERS

### 1) General

- a) Contractors, masons, stonecutters or other workmen shall lay planks on the Lots and paths over which heavy materials are to be moved to protect the Cemetery from damage.
- b) Contractors, masons, stonecutters and other workmen are responsible to repair any damage done to turf to the satisfaction of the Council.
- c) Workmen shall cease work in the vicinity of a funeral until conclusion of the service.
- d) The Municipality shall not assume any responsibility or costs incurred as a result of vandalism to monuments located in the Cemetery.

### 2) Foundations

The Municipality shall not be responsible for any maintenance to the foundation after installation, including damage caused from natural ground settlement.

### 3) Headstones, Monuments and Markers

- a) Headstones shall be placed at the head of the Grave or Plot.
- b) All headstones or monuments shall be placed in such a manner as to maintain, wherever possible, a proper alignment.
- c) All headstones erected, shall be confined within the boundaries of the respective family Lots or Plots purchased; and any straightening of headstones necessitated through settlement shall be the responsibility of and at the expense of the owner.
- d) Not more than one upright **monument** shall be erected on any one Plot, except that in the event that a Plot has been purchased and a monument erected prior to the effective date of this by- law, and where the monument is not in a central position of the Plot for the obvious purpose of accommodating a matching companion monument at a later date, special application may be made to Council, by variation of this section, to provide for one additional matching monument.
- e) Additional headstones shall not be placed to memorialize persons whose bodies are buried as second interments in any Plot, but the Council may grant permission to place flat markers at the head and in front of the existing headstone, or such other location as it may decide.
- f) **No Grave Plot shall be covered by a full or partial cement grave cover.**
- g) The Municipality may remove any monument or headstone which has become unsightly, dilapidated or dangerous and may recover any cost from the owner.

### 4) Accessories

- a) Markers or memorials of marble, granite or bronze placed on the corners or at the head or foot of Lots or Graves are all that will be allowed and shall be placed so as not to project above the surface of the ground, except when erected as headstones or monuments.
- b) Statuary and open urns intended as receptacles for flowers and forming an integral part of a headstone/monument shall not be installed in the Cemetery unless such statuary and urns are contained within the limits of the base of the monument.
- c) After the passing of this by- law, borders, fences, railings, trellises, copings, hedges, iron posts or any ornamental material shall not be constructed in or around any Grave or Lot.
- d) Borders, fences, railings, trellises, copings, or hedges in existence before the passing of this by- law will be removed free of charge by the Municipality upon written request by the owner.
- e) The Municipality may remove any border, fence, railing, coping, hedge or any other bounding or enclosing material erected before the passing of this by-law which, by reason of neglect or age becomes in a state of disrepair and the owner neglects or refuses to repair or remove same within thirty (30) days after written notice has been forwarded to him at his last known address.

f) Monuments, plaques, headstones, or any other type of landmark shall be exclusively for the purpose of memorializing deceased persons in the Cemetery. Any message which advertises a business, or condones a specific act, or is in any way inconsistent with the purpose of memorializing a deceased person or persons shall not be allowed in the Cemetery.

g) Notwithstanding the above noted section f), donated or sponsored items such as park benches, trees and flower pots, shall be permitted in the Cemetery providing the design, location and any inscription, has received previous written approval of the Council.

#### **10. GARDENERS AND GARDENING**

1) Except for Lot owners who may remove plants from their own Lots or Plots, no person shall remove any plant, flower, slip or cutting from the Cemetery.

2) Gardeners, florists, or memorial erectors employed to maintain Graves shall remove all rubbish, sod, earth, etc. to such places of deposit as are provided for the purpose.

3) No person shall plant any tree or shrub inside or outside any burial Lot without prior written permission from Council. The Municipality reserves the right to prune, or order to reduce in size or remove to ground level any tree or shrub extending outside the boundaries of any Lot or Plot.

4) Cut flowers and/or fraternal emblems shall be permitted, provided that the flower container and/or emblem is adjacent to the base and/or marker.

5) Council will order to be removed or prevent the placing of any stand, holder, vase or other receptacle for flowers or plants which is deemed to be unsuitable for such purpose or is unsightly in appearance or is not physically attached to the monument or base.

6) The Municipality will remove from any grave any funeral design or floral piece which has become wilted, or any other article or thing which, in its opinion, is unsightly.

7) The Municipality may, at any time, enter upon any Lot for the purpose of cleaning of weeds and grass.

8) Herbaceous perennials and annual flowers of a suitable character, may be planted and maintained on a Grave in permitted areas. No person other than a member of the immediate family of the owner of the grave or person/contractor appointed by the immediate family shall be allowed to perform, execute or carry into effect the work of special care of a grave, written confirmation of such must be provided to and approved by Council.

#### **11. ARTIFICIAL FLOWERS AND DESIGNS**

No person shall place artificial flowers into the turf of a grave or as a permanent adornment on a grave, but artificial flowers confined in a cut flower container may be placed at the base of a marker; however, the artificial flowers are to be removed from the Cemetery between Thanksgiving and Easter in each year. Any artificial flowers left at a grave site in contravention of this By-Law will be removed and discarded by Municipal staff.

#### **12. CONDUCT OF PERSONS IN A CEMETERY**

1) **No person shall:**

a) walk on Graves; or

b) write upon, scratch, deface or injure any monument, fence, building or other structure in a Cemetery; or

c) pick any flower, damage any tree or shrub, or remove any tree, shrub or plant from a Cemetery; or

d) bring a dog or other pet into a Cemetery except on a leash or other physical control, and is then responsible for cleaning up and removing any pet waste; or

e) disturb the quiet or good order of a Cemetery.

### **13. PRICE OF LOTS AND OTHER CHARGES**

- a) Cemetery Lots are for sale for the sum of five hundred (\$500.00) dollars each, and shall be sold as near to the numerical order as shown on the Cemetery Map attached hereto and marked as Schedule "C" to this By-Law.
- b) Storage in lieu of interment at the Hillside Cemetery Crypt, between November 1 and April 30, in any year (storage at any other time is not permitted), is subject to a charge of twenty-five (\$25.00) dollars per month.
- c) An Inurnment fee of Two Hundred (\$200.00) dollars be set for each and every additional urn placed in an already sold plot.
- d) Transfers or Assignment of Lot, Lots or Plot is subject to a charge of One hundred (\$100.00) dollars per transfer/assignment.

The charges, as stated above, and any other charges for services relating to the Hillside Cemetery shall be fixed and determined by the Municipality from time to time.

### **14. DEEDS**

- 1) All deeds for Lots shall be issued and duly executed by the Chief Administrative Officer of the Municipality and shall be in the form as shown and attached hereto as Schedule "A".
- 2) No deed shall be issued under subsection 1) until the Chief Administrative Officer has defined the location of the Lot selected and the purchase money prescribed by such certificate has been paid.

### **15. TRANSFERS OR ASSIGNMENTS OF LOTS**

- 1) No person shall sell, transfer, convey or assign any Lot or Plot except by filing a transfer with the Chief Administrative Officer of the Municipality.
- 2) Where the owner of any Lot or Plot requests to transfer the Lot or Plot back to the Municipality the Transfer Fee, as set out in Section 12, shall be waived and fifty (50%) percent of the price paid by the purchaser, at the time of purchase, shall be refunded to said purchaser or heir.
- 3) Where the application for transfer is made by the owner, he shall file a duly executed transfer which shall state the consideration for the transfer and the name and address of the transferee.
- 4) Where the application for transfer is made by a personal representative of a deceased owner, he shall file with the transfer a certified, notarized or sworn copy of Letters Probate or Letters of Administration.
- 5) A transfer may be in the form as shown in Schedule "B", attached hereto.
- 6) The Municipality will charge a Transfer Fee as set out in Section 12.
- 7) No person shall purchase a Plot having more than eight Lots and no funeral director or undertaker shall purchase any Lot or Plot except for his personal use.

### **16. POWERS AND DUTIES OF THE MUNICIPALITY**

- 1) The Municipality may:
  - a) reserve the right to designate special sections within cemeteries and impose restrictions, including types of monuments and other markers to be employed therein.
  - b) construct a Crypt.
- 2) The Municipality shall keep a register in which shall be entered, with respect to each Lot or Plot in the Cemetery:
  - a) the date on which it is sold;
  - b) the name and address of the person to whom it was sold;
  - c) the name and address of any person to whom it is transferred, and the date of the transfer; and
  - d) the date when a dead human body is buried or interred in it.

## 17. PENALTIES

- 1) Any person who violates, contravenes, disobeys or refuses, omits, neglects, fails to observe, obey or comply with any or all provisions of this by-law is guilty of an offence and is liable on summary conviction to a fine not exceeding \$500.00 or to imprisonment for a term not exceeding 3 months, or to both such fine and such imprisonment.
- 2) Pursuant to Section 249 of *The Municipal Act* where such contravention, refusal, neglect, omission, or failure to obey or observe continues for more than one day, the person is guilty of a separate offence for each day that it continues.

## 18. REPEAL

### a) Repeal of By-Laws

By-Law No. 4, 2016 is hereby repealed.

### 2) Coming Into Force

This By-Law shall come into full force and effect on the day after being passed by Council.

DONE AND PASSED AS A BY-LAW OF THE R.M. OF PRAIRIE LAKES BY THE COUNCIL THEREOF IN OPEN SESSION ASSEMBLED THIS 8<sup>th</sup> DAY OF AUGUST, 2018.

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Reeve.

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Chief Administrative Officer.

Read a first time this *11<sup>th</sup> day of July, 2018*  
Read a second time this *11<sup>th</sup> day of July, 2018*  
Read a third time this *8<sup>th</sup> day of August, 2018*



**Schedule "B" to By-Law No. 6, 2018  
RM OF PRAIRIE LAKES**

**TRANSFER FORM**

I, \_\_\_\_\_, being the Owner  
of \_\_\_\_\_, at the Hillside Cemetery, Belmont, Mb. do hereby  
(state Lot or Plot as described in the Deed)  
in consideration of the sum of \$ \_\_\_\_\_ paid to me by \_\_\_\_\_  
\_\_\_\_\_, the receipt of which sum I hereby  
(state name and address of transferee)  
acknowledge, transfer to said \_\_\_\_\_ all my estate and interest in said  
(name of transferee)  
\_\_\_\_\_.  
(Lot, Lots, Plots)

In Witness Whereof I have hereunto subscribed my name this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

Signed in the presence of:

\_\_\_\_\_/\_\_\_\_\_  
Witness Owner