

BY-LAW NO. 2021-02

BEING A BY-LAW of the Rural Municipality of Whitehead to establish and maintain a public cemetery and to adopt rules and regulations for the maintenance of, order in, and for the proper care of such cemetery.

WHEREAS the Cemeteries Act C.C.S.M. c. C30 authorizes and governs the establishment of rules and regulations pertaining to every cemetery established in the Province of Manitoba;

AND WHEREAS the Rural Municipality of Whitehead has established and deems it expedient to continue a public cemetery and to adopt rules and regulations for the maintenance of, order in, and for the proper care of same.

NOW THEREFORE BE IT RESOLVED that the Council of the Rural Municipality duly assembled and enacts as follows:

**SHORT TITLE**

1. This By-law shall be known as the "Alexander Cemetery By-law".

**DEFINITIONS**

2. In this by-law,
  - a. **"ACT"** means *The Cemeteries Act C.C.S.M. c. C30 and The Municipal Act of Manitoba C.C.S.M. c. M225* and associated regulations, as amended.
  - b. **"ADMINISTRATION"** means Municipal office administration staff.
  - c. **"AUTHORIZATION"** means written authorization signed by the Chief Administrative Officer (CAO) or designate.
  - d. **"CEMETERY"** means area set aside by the municipality for the burial of human remains, including cremated remains.
  - e. **"COUNCIL"** means Council of the Rural Municipality of Whitehead
  - f. **"FEE SCHEDULE"** means fees as shown the Annual Fee Schedule By-law
  - g. **"GRAVE"** means any lots within the cemetery which has been or will be used for the interment of human remains, including cremated remains.
  - h. **"LOT"** means any locations established for use as a grave, whether occupied or not.
  - i. **"MEMORIAL"** means tombstone, headstone, and flat markers.
  - j. **"MONUMENT"** means tombstone and headstone.
  - k. **"ORIGINAL FLAT MARKER"** means the first marker placed on a lot or plot.
  - l. **"OWNER"** means that person on record with the municipality who is entitled to receive a deed of title for a cemetery lot and includes any agent or person appointed to represent the owner, and in the case where the owner is deceased their heirs or executors.
  - m. **"PERPETUAL CARE"** means fee collected with the purchase of a lot or plot to cover maintenance costs for the cemetery.
  - n. **"PLOT"** means any location established for use of a grave sufficient for two or more graves.

**PURCHASES**

3. Any current resident or previous resident of the municipality, wishing to purchase a lot or plot will be assigned the next available lot/plot in the numerical sequence and pay for same as set out in the fee schedule (includes perpetual care fee). No lot or plot is reserved until payment in full is received. No refunds will be issued. Selection outside of the numerical sequence will not be permitted.
4. Following the purchase of a lot or plot, the Municipality shall issue a Deed to the purchaser.
5. Ownership of a lot or plot can be transferred to a family member.
6. An owner may sell any lot or plot with the approval of the Municipality.
7. The Municipality has the right to take ownership, where there are no heirs or family members, of a lot or plot that has been unused for 100 years and resell same.
8. Ownership of a lot or plot can be returned to the Municipality at no cost to the Municipality.

## **RULES AND REGULATIONS**

### **GENERAL**

9. The Cemetery shall be closed to the public after sunset and before sunrise of each day.
10. The municipality shall be responsible for all maintenance of the cemetery with cost of same provided by the perpetual care fund.
11. All persons, except authorized employees, are prohibited from picking flowers, either wild or cultivated, damaging, or injuring any tree, shrub, or plant in the Cemetery.
12. No person shall write on, scratch, deface or damage any headstone, monument, or memorial.
13. No unauthorized person shall drive a vehicle over any part of the Cemetery except on the roadways. No person shall ride a bicycle over any grave, nor lean same against any monument or markers. No vehicle shall travel in the Cemetery at a speed greater than 20km/hr.
14. All Off-road, All-terrain, or snowmobiles are prohibited in the Cemetery with the exception of Municipal vehicles.
15. Non municipal equipment is strictly prohibited unless authorization is granted by Administration.
16. All pets shall be on a leash or other such restraint and confined to the walkways and roadways.
17. No person shall engage in any game or sport in the Cemetery, or unlawfully disturb persons assembled for the burial of the dead.
18. No person shall behave in a disorderly manner, disturbing the quiet or good nature of the Cemetery, or any improper conduct or language.
19. Municipal employees have the right to remove any person from the Cemetery who is in convention of this by-law.

### **INTERMENTS AND DISINTERMENTS**

20. All interments and disinterments of a deceased person must be conducted in strict compliance with provincial and/or federal legislation.
21. Contractors whom are approved by Administration shall be responsible for the opening and closing of an interment or disinterment.
22. No grave shall be opened for internment or disinterments by any person not employed or approved by the municipality.
23. No disinterment for the purpose of lowering remains to accommodate another interment shall be made.
24. No disinterment will be allowed until the requirements of "The Vital Statistics Act" as to disinterment's have been fully complied with and a permit issued by the Provincial Authorities. The disinterment of bodies shall be attended by a municipal employee.
25. Gravesites are for human remains only.
26. At least 3 days of notice during the frost-free months and 5 days during the other times, shall be given to the municipality prior to the time of digging the grave. The municipality will arrange for the plot to be marked for digging.

27. Burial costs will be determined at the time of burial. If a burial is completed by a contractor; the contractor will set the cost of same.
28. Any regular grave shall have no more than the following restrictions:
  - a. Two caskets and 2 urns; or
  - b. One casket and 3 urns; or
  - c. A maximum of four urns; or
  - d. Other combinations as approved at the sole discretion of Administration.

#### **MONUMENT REGULATIONS**

29. All monuments, landmarks, or any other work done by a monuments company, funeral home, or any other business, organization, individual is subject to the approval of the municipality. Any work completed in contravention of any approval may be removed or altered at the expense of the offending party.
30. All monuments shall be constructed of durable materials such as: granite, marble, or rock.
31. No form of manmade grave covers, including concrete or granite ledgers shall be allowed in the Cemetery.
32. An original flat marker shall be placed until, within reasonable time, replaced with the permanent monument.
33. All foundations for monuments, or any other object whatsoever shall be laid by an approved individual of the municipality.
  - a. The municipality shall not be responsible for any maintenance to the foundation after installation, including damage caused by ground settling.
  - b. The municipality shall not be responsible for any cost incurred as a result of vandalism to monuments located in the Cemetery.
34. More than one upright monument is permitted at a gravesite but shall be confined to the boundaries of the respective family lots or graves purchased.
35. Flat markers may be installed by a monument dealer in compliance with the standards set by the municipality.
36. A flat high-quality piece of iron shall be placed above and directly over the urn, followed by the construction of filling the opening.
37. Monuments, or any other markers shall be exclusively for the purpose of memorializing deceased persons in the Cemetery. Any message which advertises a business or is not consistent with the purpose stated shall not be allowed in the Cemetery.
38. Contractors hired for work by the municipality or on behalf of a family will be liable for any damages that occur to any monument in the Cemetery.

#### **FLORAL ARRANGEMENTS/LANDSCAPING/DECORATIVE ORNAMENTS**

39. Fresh and artificial flowers are permitted, provided they are placed in a receptacle that is attached to the headstone, monument, or marker.
40. Municipal staff will remove from any grave floral placements which has become wilted, or after a period of 10 days, or any other items placed that are considered in their opinion unsightly.
41. Borders, fencing, railings, trellises, hedges, iron posts shall not be constructed in or around any grave or lot.

42. Glass objects, toys, trinkets, apparel, keepsakes, solar lights, posters or signage, any size potted live or artificial flowers, vases, ornaments are strictly prohibited on or near a monument or grave.
43. No shrubs, planters, trees, or bushes shall be planted in the cemetery, and no trees or shrubs growing therein shall be removed, destroyed, pruned, or damaged.

**REPEAL**

44. That by-law no. 1065 be repealed.

**PENALTY**

45. Any person violating any of the provisions of this By-law shall, upon conviction, be liable to a penalty not exceeding One Thousand Dollars (\$1,000) and costs of damages.

**SEVERABILITY**

46. If any provision of this by-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

DONE AND PASSED by the Rural Municipality of Whitehead in regular session this 12<sup>th</sup> of July A.D. 2021

*Originally Signed by*  
Allan Sutherland  
Reeve

*Originally Signed by*  
Cindy Izzard  
Chief Administrative Officer

Read a first time this	14 <sup>th</sup> day of	June	A.D.	2021
Read a second time this	12 <sup>th</sup> day of	July	A.D.	2021
Read a third time this	12 <sup>th</sup> day of	July	A.D.	2021