

**RURAL MUNICIPALITY OF LAC DU BONNET**

**MUNICIPAL CEMETERIES**

**BY-LAW NO. 2-18**

*Being a by-law of the Rural Municipality of Lac du Bonnet providing for the operation and maintenance of cemeteries within the Rural Municipality of Lac du Bonnet, and to repeal Bylaw #11-13 and any amendments;*

WHEREAS Section 232(1), of The Municipal Act states “A council may pass by-laws for municipal purposes respecting the following matters: (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation; and Section 232(2) (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

AND WHEREAS Section 256 of The Municipal Act states a municipality that operates a cemetery must keep the money received from the sale of plots in a separate account and use the money only for the maintenance of the cemetery;

AND WHEREAS cemeteries have been established on lands owned by the Rural Municipality of Lac du Bonnet in the Rural Municipality of Lac du Bonnet;

AND WHEREAS it is deemed expedient that regulations pertaining to these cemeteries be established and that the care and maintenance of the cemeteries be ensured;

NOW THEREFORE IT IS HEREBY ENACTED as a by-law of the Rural Municipality of Lac du Bonnet known as The Cemetery Bylaw in Council duly assembled, as follows:

Rules and Regulations and any amendments thereto constitute the sole agreement between the cemetery and the plot owner. The statement of any employee or agent, unless confirmed in writing by the municipality shall in no way bind the cemetery.

- 1) “**Schedule A**” sets out Management and Operations of the cemeteries.
- 2) “**Schedule B**” sets out Lac du Bonnet Cemetery Contacts
- 3) “**Schedule C**” sets out the Fee Schedule
- 4) The following locations shall be designated as public municipal cemeteries:
  - (i) **Red Deer Cemetery:** The most Northerly Two Hundred and Twenty Feet in depth of the most Easterly Two Hundred and Twenty Feet in Width of the North West Quarter of Section 24-15-9 EPM  
Roll # 44300, Civic Address #963 Holyk Road
  - (ii) **Brightstone Cemetery:** The most Northerly Three Hundred Feet in depth of the most Easterly Two Hundred and Fifty-Five Feet in Width of the North West Quarter of Section 18-15-10 EPM  
Roll #102731, Lot 4 of Plan 18138, Civic Address #861 Okrainec Road
  - (iii) **Polish Cemetery:** The most easterly Three Hundred and Five Feet of the most Southerly Four Hundred and Twenty-eight point Five feet in the Southeast Quarter of Section 30-15-10 EPM  
Roll # 111100, Civic Address # 804 Holyk Road

- (iv) **St. Mary's Cemetery (Sikora):** portion of the South West Quarter of Section 21-15-10 EPM bounded on the west near Sikora Road, nearing property belonging to Tax Roll # 105800, Civic Address # 4596 PR #317
- (v) **Lac du Bonnet Cemetery:** All that portion of the South East Quarter of Section 18-15-11 EPM  
Roll # 182900, Civic Address # 280 Smith Road
- (vi) **Lee River Cemetery:** All that portion of the Fractional South West Quarter of Section 17-15-12 EPM  
Roll #276300, Civic Address #519 Urban Road
- (vii) **Lettonia Cemetery:** All that portion of the North East Quarter of Section 18-16-12 EPM  
Roll # 306000, Civic Address # 116 Lettonia Lane
- (viii) **Riverland Cemetery:** South East Quarter of Section 22-15-11 EPM  
Roll # 203700, Civic Address #52 Anderson Way

5) THAT all cemeteries shall be laid out in a Cemetery Plan in the form of blocks and plots.

6) The plot space shall be of sufficient size to accommodate one adult interment, a minimum of **5.25 feet by 10.45 feet**, except where existing situations so prohibit. The term "lot" or "block" shall apply to a numbered system which consists of more than one plot; The installation of plot covers is not permitted unless written proof of arrangements were made at the time of purchasing their monument; prior to this by-law).

7) Ashes shall be buried not less than twenty-four (24) inches deep and in such a manner as to ensure that the container is covered by a minimum of twenty (20) inches of earth cover.

8) Any person who wishes to place a Columbarium Structure on a designated RM site must enter into an agreement with the Municipality and approved by council resolution.

Columbarium Specifications:

- 1) 54.75" in length, 41.75" and 66" in height
- 2) Niche outer doors consist of 1.25" granite
- 3) Will contain 24 niches
- 4) Each niche is designed to hold 2 standard sized urns
- 5) Pre-selected plaques must be purchased through the municipal office to ensure uniformity of design (reference to 11)

9) Anyone who would like to place any type of structure (eg: benches) in the cemetery must seek approval from the municipality

10) When purchasing a plot and/or niche, you shall be responsible for all charges and fees incurred and payment of those fees must be made and payable to the RM of Lac du Bonnet at the Municipal Office. Plot, niche & plaque fees are subject to change as determined by the municipality at any given time.

11) Columbarium niche plaques have been pre-selected by the municipality to ensure uniformity of design. These plaques must be purchased through our office. Plaques can be purchased simultaneously along with the purchase of the niche or one can enter into a written agreement to purchase the pre-selected plaque at a later date. The plaque for the Columbarium must include the name, month, day and year of birth. The date of passing plate will be ordered by the RM of Lac du Bonnet upon notification. Arrangements will be made for the placement of the plaque upon arrival.

12) That the Municipality will allow monies from a reserved plot to be transferred towards the purchase of a niche provided the owner(s) pay the difference between the price of the plot when they purchased and the current niche price.

13) That all grave liners and burial vaults will be the purchased based on the discretion of the owner of the plot. The municipality will not be responsible or liable for any issues regarding the burial sites

14) That once the interment has taken place. The municipality is not responsible or liable for the levelling the burial site.

15) THAT the Municipality will issue an official receipt of payment, to the purchaser of a plot. No transfers of plots shall be made without presentation of the said receipt and signed documentation stating that the receipt has been lost or destroyed thus authorizing the transfer to be made. The Municipality will not be held liable for a transfer being made without the receipt and/or documentation being returned;

16) THAT all pertinent information, documentation, maps, data, discs, any archival records, and original hard copy records must be filed with the Municipality Management Systems;

17) THAT all buildings, structures, equipment and materials which had been accumulated in each cemetery are the property of the Municipality for which they were obtained; All plot and block markers, structures, equipment and materials are owned by the RM and must remain where positioned.

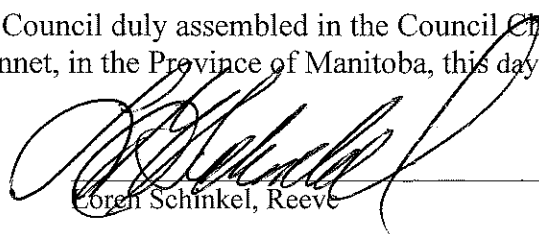
18) THAT the Town of Lac du Bonnet may provide the municipality a grant to cover management, operations, maintenance expenses and projects at the Lac du Bonnet Cemetery on an agreed cost shared formula; which shall be reviewed annually to ensure fair and equitable funding requirements.

19) THAT the Municipality reserves the right to designate special sections within the cemeteries and to impose restrictions in any part of the cemetery;

20) THAT the Municipality reserves the right to add other types of monuments, structures and other markers such as; columbarium's, mausoleums, and site markers that council feels necessary.

21) THAT the municipality reserves, and shall have the right to correct any errors that may be made either in interments, disinterment's, or in the description, transfer or conveyance of any interment property, either by cancelling such conveyance and/or substituting other interment property of equal purchase value and similar location with consultation of the plot owner. Should a refund be requested; the amount of money paid at the date of said purchase will be refunded at the municipalities discretion.

DONE, PASSED AND ENACTED by Council duly assembled in the Council Chambers of the Rural Municipality of Lac du Bonnet, in the Province of Manitoba, this day of

  
Corey Schinkel, Reeve

  
Tannis Lodge, Chief Administrative Officer

READ A FIRST TIME: February 23, 2018 Resolution # 2018 0045

READ A SECOND TIME: February 23, 2018 Resolution # 2018 0046

READ A THIRD TIME: February 13, 2018 Resolution # 2018 0071

## SCHEDULE "A"

### TO BYLAW NO. 2-18

- 1) Any person who is purchasing a plot(s) shall contact and visit the cemetery with a **Care Giver** and/or a Committee Member or any other person designated by the Municipality as listed in **Schedule B**;
- 2) All fees or charges for services are payable at the office of the Rural Municipality of Lac du Bonnet **as listed in Schedule C**. Fees and /or charges are subject to change. All fees include perpetual care expenses.
- 3) THAT the name of the deceased, date and place of birth, place of death, date of death, age, time of interment, type of burial, lot or plot, name of Funeral Home/Director, and any other information that can be provided so that accurate registration may be kept on file with the Municipality Management Systems.
- 4) Persons within the cemetery shall use only the designated roads, walkways. No one is permitted to walk upon or across lots or lawns unless it is necessary to do so to gain access to one's own plot.
- 5) The management expressly disclaims liability for any injuries sustained on the Cemetery grounds.
- 6) **The following things are prohibited:**
  - (a) The throwing of garbage on any part of the cemetery grounds.
  - (b) The planting of trees or shrubs
  - (c) Persons visiting the cemetery or attending funerals are strictly prohibited from removing flowers, wild or cultivated, breaking trees, shrubs, or plants, or from writing upon, defacing memorials, fence, or any other structure within the cemetery grounds.
- 7) All vehicles entering a cemetery shall be operated at reduced speed and remain on the designated roadway or access lane. Care must be taken not to cross any gravesite or cause damage to the grassed areas. Vehicles shall not be parked to block access into any cemetery.
- 8) The municipality has the right to enlarge, reduce, mark, re-plot or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations or remove or re-grade the roads, drives, or walks, or any part thereof is hereby reserved. The right to place, maintain, operate, or alter drainage, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes.
- 9) The management will take all reasonable precautions to protect the property rights of plot owners, within the cemetery from loss or damage; but the cemetery distinctly disclaims all responsibility and liability for loss or damage from causes beyond its reasonable control, including but not limited to; damage caused by the natural elements, thieves, acts of vandalism, explosions, unavoidable accidents, and invasions.
- 10) It is the responsibility of the plot owner (s) to notify the municipality of any change in address.
- 11) All urn interments must be paid for and registered with the municipality for accurate record keeping
- 12) No interment of two or more bodies shall be made in one plot except in the case of a mother and child or two infants buried in one casket.

- 13) Where more than one plot has been purchased by an individual or family, the location of an interment shall be designated by the owner of the plots. Should the plot owner fail or neglect to make such a designation, the management reserves the right to make the interment in the plot designated by the committee member in charge.
- 14) The municipality reserves the right to insist upon at least forty-eight hour (48) notice prior to any interment to ensure proper maintenance of site;
- 15) The municipality will not be responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular location in a plot, where interment is desired.
- 16) The municipality will not be liable for the interment permit nor for the identity of the person sought to be interred.
- 17) The municipality will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain existing individual plantings or urns of plants.
- 18) The municipality shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants, or herbage of any kind from the cemetery as soon, as in the judgment of the management, they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained.
- 19) The municipality shall not be liable for floral pieces, baskets, or frames in which, or to which, such floral pieces are attached beyond the acceptance of such floral pieces for cemetery services held in the cemetery.
- 20) The municipality shall not be responsible for plants damaged by the elements, thieves, vandals, or by other causes beyond its control. The removal of any flowers, floral designs, trees, shrubs or plants of any kind must be approved by management.
- 21) In the best interest of uniformity and to facilitate cemetery maintenance, only monuments or markers of stone or cement shall be placed at the head of the plot. All markers or monuments shall be set in a cement base. Plot covers are no longer permitted (with the exception of written proof that arrangements were made at the time of purchasing a monument prior to this by-law). Should this be the case, plot covers must be flush with ground

**SCHEDULE B**

**TO**

**CEMETERY BY-LAW NO. 2-18**

**Lac du Bonnet Cemetery Contacts**

- Lac du Bonnet Cemetery

John Pilon

- Riverland Cemetery

Jim Arthur

- Lee River Cemetery

Diane Neal

- Red Deer Cemetery Contacts

Contact the Municipal Office for assistance

- Lettonia Cemetery

Susan Karklin

- Brightstone, Polish, St. Mary's (Sikora)

Contact the Municipal Office for assistance

**Cemetery Committee Members:**

RM Representative and Chairperson Councillor: Frank Terra

Town Representative Councillor: Ken Lodge

Lana Dykstra

John Pilon

Jim Arthur

Susan Karklin

Diane Neal

For inquiries and contact information please call the Municipal Office at 204-345-2619

- 1) THAT the council of the municipality shall, by resolution, appoint all cemetery committee members;

**Cemetery Committee Responsibilities and Duties**

(i) General care of the cemetery,

(ii) Report to the Municipality of Lac du Bonnet all questions and/or concerns or required cemetery work such as; Grass cutting, brushing, drainage, summer and winter maintenance of the roads and parking areas, tree cutting, garbage removal,

(iii) Hold at least two annual meetings (Spring and Fall) at which the officers of the committee shall be reviewed, elected or re-elected and at which the estimated budgeted expenditures and revenues for the year shall be determined and submitted to the council of the municipality on or before March 1<sup>st</sup> of each year and must be signed by two officers of the committee, one of those being the chairperson,

(iv) A copy of the minutes of each cemetery committee meeting shall be forwarded to the RM of Lac du bonnet and retained with the Municipal Management Systems,

(v) No over expenditure of budgeted estimates shall be made without the prior authorization of council of the municipality;

2) THAT financial statements shall be prepared by the municipality following the year end of December 31<sup>st</sup> for presentation to the cemetery committee. However, two weeks notice is required to be given to the municipality if the statements are to be required for a committee meeting.

**SCHEDULE C**

**TO**

**CEMETERY BY-LAW NO. 2-18**

- 1) a) THAT the Care Giver & Cemetery Committee Members shall be paid Twenty Seven Dollars (**\$27.00**) plus mileage as per the rate set out by Council's Indemnity Bylaw for selling plots and/or attending the site. Payment will be made upon receipt and written reporting of visits to the Chief Administrative Officer or designate of the Municipality.  
b) Special projects which require

2) THAT the fee for a Cemetery Plot Space shall be \$500.00 plus GST, paid to the Municipality may include:

One plot space consists of one (1) full burial and or one (1) ash (urn).

For each plot space, an additional ash (up to a maximum of 5) may be purchased for a cost of \$50.00 each plus GST

3) THAT the fee for a Columbarium Niche space shall be \$750.00 plus GST paid to the Municipality and may include a maximum of 2 urns in each space. The interment of 2<sup>nd</sup> urn is an additional \$50 plus GST)

4) THAT the niche Plaque is an additional cost of \$585 plus GST

**Plot, niche and plaque fees are subject to change as determined by the municipality at any given time.**