

RURAL MUNICIPALITY OF LAC DU BONNET

MUNICIPAL CEMETERIES

BY-LAW NO. 9-15

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:

1) Definitions:

"Municipality" for the purpose of this by-law the term "municipality" shall mean the Rural Municipality of Lac du Bonnet

"Management" shall mean Council or Chief Administrative Officer or designate of the Rural Municipality of Lac du Bonnet, and where applicable, shall also mean the cemetery committee.

"Columbarium" means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated

2) "Schedule A" sets out Management and Operations of the cemeteries.

3) 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 Okraivec 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

3) THAT all cemeteries shall be laid out in a Cemetery Plan in the form of blocks and plots and/or lots. a) 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;

b) each Niche Space (including doors) is constructed of 1-1/4" solid granite. The size of each niche is 12-1/2" x 12-1/2" x 12-1/2"

4) THAT the Care Giver shall be paid Twenty Dollars (\$27.00) plus mileage as per the rate set out by Council's Indemnity Bylaw for selling plots and lots 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.

5) THAT the installation of plot covers be disallowed.

6) THAT the fee for a Cemetery Plot Space shall be \$450.00 plus a \$50.00 administration fee paid to the Municipality and may include

1 full body burial and up to five (5) ash burials = One Plot Space

/OR

Six (6) ash burials = One Plot Space

/OR

Niche Space; max of 2 urns in each space = One Plot Space

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.

9) Families are responsibility for engraving and any other related work.

10) THAT persons ordering plots and lots 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;

11) THAT plot and lot fees may change on such terms as may be fixed by the Municipality from time to time.

12) THAT all fees include perpetual care expenses.

13) 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;

14) 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;

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

16) 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 markers, structures, equipment and materials must remain where positioned.

17) 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 1st 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;

18) THAT the Rules and Regulations attached hereto as Schedule "A" of this by-law shall be deemed to be a part of this by-law;

19) THAT 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. {Section 256 The Municipal Act}

20) THAT the Town of Lac du Bonnet may provide the municipality a grant to cover management, operations, and maintenance expenses at the Lac du Bonnet Cemetery on a agreed to costing formula and may be reviewed annually to ensure fair and equitable funding requirements;

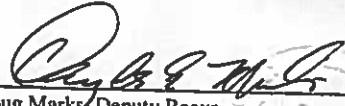
21) THAT the Municipality reserves the right to designate special sections within the cemeteries and to impose restrictions in any part of the cemetery;

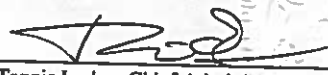
22) THAT the Municipality reserves the right to add other types of monuments, structures and other markers such as columbarium's, mausoleums, site markers that council feels necessary;

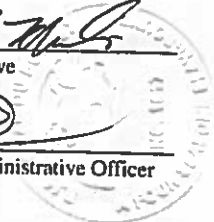
23) THAT financial statements shall be prepared by the municipality following the year end of December 31st for presentation to the cemetery committee. However, two weeks notice is required to be given to the municipality if the statements are to be required for a committee meeting;

24) THAT the municipality reserves, and shall have, the right to correct any errors that may be made either in making interments, disinterment or removals, or in the description, transfer or conveyance 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 as far as possible, or as may be selected by the management, or, in the sole discretion of the management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the management reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

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 3rd day of December A.D. 2013.


Doug Marks, Deputy Reeve


Tannis Lodge, Chief Administrative Officer



READ A FIRST TIME: June 9, 2015

Resolution # 2015 0304

READ A SECOND TIME: November 26, 2015

Resolution # 2015 0584

READ A THIRD TIME: January 12, 2016

Resolution # 2016 0027

SCHEDULE "A"

TO BYLAW NO 9-15

1. Any person who is purchasing a plot or plots 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. Fees and / or charges are subject to change.
3. 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.
4. The management expressly disclaims liability for any injuries sustained on the Cemetery grounds.
5. Persons visiting the cemetery or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking trees, shrubs, or plants, or from writing upon, defacing memorials, fence, or any other structure within the cemetery grounds.
6. All Motor Vehicles must be kept quiet and under complete control at all times. Vehicles must stop when a funeral procession is in progress and must not pass a funeral procession.
7. The following things are prohibited:
 - (a) The driving of motor vehicles through the cemetery grounds at excessive speeds.
 - (b) The driving of any motor vehicles across or upon any grave site, lot, lawn.
 - (c) Parking or leaving any motor vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing same.
 - (d) The throwing of garbage on any part of the cemetery grounds.
8. Children under fifteen years of age are not permitted within the cemetery, or its buildings, unless accompanied by an adult.
9. No plot shall be used for any other purpose than for the burial of the human deceased.
10. The right to enlarge, reduce, 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 lay, maintain and operate, or alter or change pipe lines gutters for sprinkling systems, drainage, et cetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental, or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto a perpetual right to ingress and egress over plots for the purpose of passing to and from other plots.
11. 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 for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any

military or civil authority, whether the damage be direct or collateral, other than as herein provided,

12. It is the responsibility of the plot owner (s) to notify the municipality of any change in address.
13. The instrument of conveyance of these 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.
14. 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.
15. 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.
16. The management reserves the right to insist upon at least forty-eight hour (48) notice prior to any interment to ensure proper maintenance of site;
17. The management 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.
18. The management will not be liable for the interment permit nor for the identity of the person sought to be interred.
19. The management 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 individual plantings or urns of plants.
20. The management 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.
21. The management 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.
22. The management shall not be responsible for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals, or by other causes beyond its control.
23. The management reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage if any kind, unless the management gives consent.
24. 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 lot or plot. All markers or monuments shall be set in a cement base, said base to be flush with the ground level and if cement cover is to be placed on a plot, it must cover the entire plot and must be flush with ground level.
25. Besides being subject to these Rules and Regulations, all interments, disinterment, and removals are made subject to the orders and laws of the properly constituted public authorities.

SCHEDULE B
TO
CEMETERY BY-LAW NO. 9-15

Lac du Bonnet Cemetery Contacts

- Lac du Bonnet Cemetery

John Pilon

- Riverland Cemetery/Lee River Cemetery Contacts

Jim Arthur

- Red Deer Cemetery Contacts

Tony Spiloway

- Lettonia Cemetery

Susan Karklin phone

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

Contact any committee member for assistance or/and Municipal office

Cemetery Committee Members:

RM Representative and Chairperson Councillor Frank Terra
Town Representative Councillor Ken Lodge

Jim Arthur.....
Tony Spiloway.....
Susan Karklin.....
Phyllis Podolsky.....
Gord Emberley.....

Other Contacts

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