

THE RURAL MUNICIPALITY OF WOODLANDS

BY-LAW NO. 2673/16

Being a by-law of the Rural Municipality of Woodlands governing public cemeteries.

The Council of the Rural Municipality of Woodlands, duly assembled, enacts as follows:

1. The following are the rules and regulations of the Rural Municipality of Woodlands (hereinafter referred to as the "Municipality") for the operation, maintenance and care of public cemeteries know as Bonnie Doon, Lake Francis, Meadow Lea, Ossawa and Warren, and any other that may at any time be operated by the Municipality.

INTERPRETATION

2. (1) The word "Owner" shall mean the proprietor or owner of a lot or plot to which he or she has or is entitled to a deed.
- (2) "Division Registrar" shall mean the Division Registrar appointed under the Vital Statistics Act of the Province of Manitoba.
- (3) "Lot" where used herein means the area of land sufficient for a single grave.
- (4) "Plot" where used herein means the area of land sufficient for more than one grave.
- (5) "Municipality" shall mean the Rural Municipality of Woodlands, its employees, servants and agents.
- (6) "Resident" shall mean any person who resides in the Rural Municipality of Woodlands or is a property owner.
- (7) "Former Resident" shall mean any person who was born and raised in the Rural Municipality of Woodlands.
- (8) "Non-resident" shall mean any person who does not qualify as a resident or former resident or is not a property owner.

INTERMENTS

3. (1) All persons applying for interments in Cemeteries whether as principals or undertakers, shall furnish to the Municipality, in addition to the burial permit issued by the Division Registrar, such particulars for the purpose of public records as required, before such interment is allowed.
- (2) Information required – In each case at the time of burial, the name of the deceased, the date and place of birth, place of death, date of death, age, lot or plot into which deceased is to be interred, name of Funeral Director, and the name(s), address and telephone number of the person(s) to receive the deed shall also be furnished to the Municipal Office so that an accurate register may be kept.
- (3) Telephone Orders – Where orders for interments are given by telephone, the Municipality will not be responsible for any errors, omissions or misunderstandings that may arise.
- (4) Charges Incurred – Persons ordering lots and plots shall be responsible for charges incurred.
4. (1) Prices and Terms – Plots and lots shall be sold at such prices and on such terms as may be fixed by the Municipality from time to time as per Schedule "A".
- (2) Remunerations Prohibited – Owners shall not allow interments to be made in plots or lots for remuneration, without the consent of the Municipality.

- (3) Authorization for Burial – The owner of a lot or plot may authorize the use of such lot or plot for the interment of another person by submitting to the Municipal Office the name of the person to be interred and into which lot or plot. Such authorization shall be signed by the owner of the lot or plot.
- (4) Notice of Transfers – To ensure the correctness of records of ownership and interments, no sale or other transfer of any lot or plot, or any interest therein shall be binding upon the Municipality until a duly executed transfer has been lodged with the Municipal Office specifying the name, address and contact information of the proposed transferee, and such particulars shall be recorded in a register to be kept for that purpose. A fee shall be payable upon each such transfer according to Schedule “A” to this By-law.
- (5) Proof of Inheritance – When the owner of a cemetery lot or plot dies and the holding passes to different owners before the new owners obtain registration of their interest, the Municipality shall require proof of such right to such interest. Proof in ordinary cases may consist of either:
- (a) If there is a will, by depositing with the Municipality a certified or notarized copy of the probate; or
 - (b) If there is no will, by depositing with the Municipality a certified or notarized copy of the letters of administration; or
 - (c) If there is no will or letters of administration, such proof as shall be satisfactory to the Municipality; or
 - (d) If a new owner wishes to have an interment made before he or she has obtained registration of such interest in a lot or plot, he or she shall satisfy the Municipality of the right to do so before the interment is permitted.
- (6) The Municipality reserves the right to designate special sections within cemeteries and to impose restrictions, including types of monuments and other markers to be employed therein.
- (7) Where no interment has been made in a lot or plot:
- (a) the Municipality may, upon receipt of an application therefore, and upon proof of ownership, refund the original purchase price or current price, whichever is the lesser, less 10% for service charge;
 - (b) in the case of family plots with two or more lots unused, repossession shall be at the discretion of the Municipality;
 - (c) for a period of 75 or more years and there are no heirs or assignees to be found, the Municipality shall be able to resell the said lots or plots in order to fully utilize the cemetery.
- (8) No person shall be permitted to sell or convey any lot or plot without first having obtained the approval of the Municipality. Approval shall not be withheld arbitrarily.
- (9) Ashes may be interred in the same lot with an earth burial. Four urns will generally be permitted in each lot. Up to two additional urns will be allowed in special circumstances with Municipal approval.

BODIES TO GRAVE

5. (1) Not more than one earth interment will be allowed in one lot. No interment will be made or allowed unless complete particulars are provided and the death is duly registered. One body only will be allowed in each coffin except in the cases of sisters, brothers, brother and sister not exceeding two years of age, or a mother and her child less than one year of age. In no case shall there be more than two remains contained in any casket placed in a lot. If any person whatsoever has reason to believe that any casket contains the remains of a person whose death has not been registered, same shall be reported to the Chief Administrative

Officer of the Rural Municipality of Woodlands, and interment withheld until a full enquiry is completed.

(2) No half lots will be sold in any of the municipal cemeteries.

GARDENERS AND GARDENING

6. Grading and Sodding (Improvements of Lots)

- (1) Any person doing planting or gardening work on a lot or plot must have the lot or plot cleaned up by September 15th of each year.
- (2) The grading and seeding or sodding of lots shall be under the control of the Public Works Foreman and shall conform to the section in which the lot lies.
- (3) Lot Plantings – Owners of lots or plots shall be allowed the privilege of planting flower beds on lots and plots, provided such lots have been stabilized and leveled to the satisfaction of the Public Works Foreman. The Municipality reserves the right to enter onto any lot where the grave is in a mounded condition regardless of any floral plantings to carry out leveling activities. No ground borders are allowed around planted areas.
- (4) No plant, flower, slip or cutting shall be removed anywhere in cemeteries without permission first being obtained from the Public Works Foreman, except in the case of individual lot owners who shall be permitted to remove plants from their own plots or lots.
- (5) Removal of Rubbish – Persons maintaining graves shall remove all rubbish to such places of deposit as are provided for the purpose.
- (6) Tree or Shrub Plantings – No tree or shrub may be planted inside or outside any burial lot. The Municipality reserves the right to prune, or remove, any tree or shrub extending outside the boundaries of any lot or plot.
- (7) Benches – No benches are to be placed in the cemeteries without written permission of Council. Any benches that are approved for placement must be mounted on a concrete base which extends to a minimum of six (6) inches around all sides of the bench and which is flush with the level of the surrounding ground.

FOUNDATIONS, MONUMENTS AND MARKERS

7. (1) Monuments and/or memorials may be erected or placed at a grave at the head of the grave only.
- (2) Notwithstanding subsection (1), no monument or memorial so erected or placed may be inconsistent with the general appearance and/or aesthetic nature of the cemetery at the time of its erection or placement. The Municipality will respond to complaints, either verbal or written, regarding said memorials or monuments. In the case of a written complaint the Municipality will investigate a complaint within ninety (90) days if the subject of the complaint is an installation or placement that has been undertaken in the previous twelve (12) months only and shall make a determination within six (6) months of the corrective action required. In the case of a verbal complaint the Municipality may investigate but is not obligated to do so.
- (3) Should any monument or tombstone become unsightly, dilapidated or dangerous, the Municipality may remove it and/or repair it provided it first makes all reasonable attempts to notify the owner of the need for repairs. Any costs incurred by the Municipality in remedying an unsightly, dilapidated or dangerous monument or tombstone may be recoverable from the owner.
- (4) All foundations shall be to such specifications needed to support the weight of the proposed monument or tombstone. All costs associated with the installation of foundations shall be borne by the owner of the lot or plot or the person responsible for ordering same. No foundation is required for monuments weighing less than one hundred pounds (100 lbs.) or for flat markers, regardless of weight or size.

- (5) The cost of installing flat markers shall be paid by the owner of the lot or persons ordering same.
- (6) Not more than one upright monument shall be erected on any one lot.
- (7) Regulation of Monuments on Standard Plots and Lots –
- (a) All monuments shall be installed in either a horizontal or vertical position and shall not exceed width of lot.
 - (b) Flat markers will be permitted, provided they are of granite or bronze or other like metal, and provided also that said marker is installed at grade level.
 - (c) Grave covers will not be allowed including crushed rock or granular material.
 - (d) Book markers or markers of other design with irregular surface contours will not be permitted.
 - (e) Markers of bronze or like metal when used on ash plots or as additional markers for ashes in family plots, shall be securely mounted on a granite base at least 3 inches in thickness.
 - (f) No monument, tombstone or headstone shall be constructed of limestone, fieldstone or sandstone.
- (8) Contractors, masons, stonecutters and other workmen shall lay planks on the lots and paths over which heavy material is to be moved, in order to protect them from damages.
- (9) Workmen shall cease work in the vicinity of a funeral until the conclusion of the service. Workmen will not be allowed to work in the cemetery grounds on Sundays except in the case of a funeral. Contractors shall be held liable for any damage to property while working in the cemeteries.

MATERIALS BROUGHT TO CEMETERY

8. All material brought into the cemetery, to be used in improving lots, shall be transported and deposited in the cemetery in such a manner as the Public Works Foreman shall direct, and all earth, stone and rubbish accumulated in improving any lot must be removed and deposited under the Public Works Foreman's direction, by the lot owners, or persons responsible therefore.

REMOVAL OF TREES

9. No tree growing within a lot or border or in, or on, the side of a road shall be removed except in the case of trees considered by the Municipality to be diseased or hazardous. Such diseased or hazardous trees shall only be removed under the direction of the Public Works Foreman.

REMOVAL OF DESIGNS

10. The Municipality may at any time cause any lot to be entered upon and cleaned of weeds and grasses and further cause to be removed from said lot any funeral design or floral piece which has wilted or faded, and any other article or thing which from its nature mars the beauty of the surrounding scenery or is unsightly.

ARTIFICIAL FLOWERS AND DESIGNS

11. (1) No artificial flowers of any kind will be permitted as permanent adornment on lots, except they be confined in a cut flower container, placed at the base of a marker.
- (2) The placement of artificial flowers into the turf of a lot or the continued use of artificial wreaths after the lot has been leveled and grassed over is not permitted.

OFFENCES

12. Any person who:
- (a) willfully destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone or other structure placed in a cemetery, or any fence, railing or other work

for protection or ornament of a cemetery, or of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within a cemetery; or

- (b) willfully destroys, cuts, breaks or injures any tree, shrub or plant in a cemetery; or
- (c) plays at any game or sport in a cemetery; or
- (d) discharges fire arms (save at a military funeral) in a cemetery; or
- (e) willfully and unlawfully disturbs persons assembled for the purpose of burying a body therein; or
- (f) commits a nuisance in a cemetery; or
- (g) drives a motor vehicle at a speed in excess of 20 km per hour on any road in the cemetery or on the grass, a lot or a plot therein or parks a vehicle in such a way or place that causes damage is guilty of an offence and subject to the penalties set out herein.

VEHICLES IN CEMETERY

13. No vehicle of any kind shall be allowed in any part of the cemetery, except roadways, without special permission of the Public Works Foreman. In no case will permission be given when injury to the cemetery may occur.

ENTERING THE CEMETERY

14. Any person found disturbing the quiet or serenity of a cemetery may be compelled to leave the grounds, and the Municipality shall prohibit the entrance to and cause expulsion from the cemeteries of persons who conduct themselves in such improper manner.

PRICE OF LOTS

15. The price of lots in cemeteries shall be fixed and determined from time to time by the Council, according to their location, as shown upon the plans of said cemeteries, and such prices, until further fixed, shall be those as set out in Schedule "A" or by reference in the Municipal Levies and Fees By-law, and such charge, any further charges shall include therein a sum to be set apart from the balance for the perpetual care of such lots, which perpetual care means the general care of such lots, as hereafter more specifically set forth in Section 19 hereof.
16. (1) All sums of money derived in any manner whatsoever from cemeteries shall be paid into the Municipal Treasury and all deeds for lots therein shall be issued and duly executed by the proper officers of the Municipality and such deeds shall be in the form following, that is to say:

KNOW ALL MEN BY THESE PRESENTS, that the Rural Municipality of Woodlands in consideration of _____ Dollars paid to it by _____ the receipt of which is hereby acknowledged, doth grant unto the said _____ his/her heirs and assigns a certain lot in the Cemetery of the said Municipality called _____ and situate in Section ____, Twp. ____, Range ____ West and which lot is delineated and laid down on a map of the said Cemetery, and is herein designed as _____ and containing a measurement of _____ superficial feet.

TO HAVE AND TO HOLD the herein above named premises unto and to the use of the said _____ heirs and assigns forever,

PROVIDED ALWAYS, that the same shall only be used as a place of sepulture; and that the same shall be used subject in all respects to the By-laws of the said Municipality now or hereinafter to be in force affecting the same.

WITNESS WHEREOF, the Chief Administrative Officer of the Municipality hath signed his name hereto, and hath fixed the Corporate Seal of the said Municipality this ____ day of _____ A.D. 20 ____.

Chief Administrative Officer

(2) The Deed referred to in Subsection (1) hereof shall not be issued until the location of the lot selected, and the purchase money therefore, is received by the Municipality.

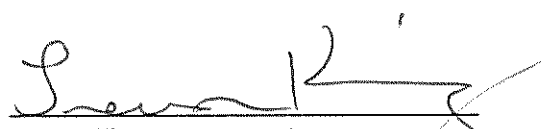
CARE OF PLOTS, LOT


17. The charges made by the Municipality for the purchase of single lot, or for lots as hereinbefore set out, include a sum to be set aside, invested and applied to and for the perpetual care of such lot or plot purchased. Perpetual care means "general care", such as cutting down grass, removal of weeds, and the maintenance of cleanliness in and about each lot.
18. (1) For the purpose of establishing and maintaining a perpetual maintenance fund for the care and maintenance of cemeteries in the Rural Municipal of Woodlands there shall be collected a perpetual care fee for each lot or plot, as set out in a Resolution of Council or in Schedule "A".
- (2) Perpetual care fees shall be collected at the time of purchase of a lot or plot.
19. (1) All lot sales and perpetual care fees collected shall be placed in the Public Cemeteries Trust Fund.
- (2) The annual interest earnings of the fund for the preceding year shall be paid to the Public Cemeteries Trust Fund, and shall be used at the discretion of Council for the care and maintenance and capital improvements of cemeteries in the Rural Municipality of Woodlands.

BURIAL OF INDIGENT POOR

20. Indigent poor shall be buried in such portions of cemeteries as may from time to time be designated by the Municipality.
21. The Municipality shall take all reasonable precautions to protect the property of lot owners but assumes no liability or responsibility whatsoever for the loss of or damage to, any monument, marker, or part thereof or any article or thing that may be placed on any lot, nor for any plant, tree, or shrub planted upon any lot.
22. This by-law shall come into force and effect from the date of final passage thereof.

DONE AND PASSED by the Council of the Rural Municipality of Woodlands, in Council duly assembled at Woodlands, Manitoba, this 15th day of November A.D. 2016.


 Trevor King
 Reeve


 Adam Turner
 Chief Administrative Officer

Read a First time this 8th day of November A.D. 2016.
 Read a Second time this 15th day of November A.D. 2016.
 Read a Third time this 15th day of November A.D. 2016.

SCHEDULE "A"

Bonnie Doon Cemetery	\$100.00 per lot plus G.S.T.
Lake Francis Cemetery	\$100.00 per lot plus G.S.T.
Meadow Lea Cemetery	\$100.00 per lot plus G.S.T.
Ossawa Cemetery	\$100.00 per lot plus G.S.T.
Warren Cemetery	\$100.00 per lot plus G.S.T.

PENALTIES

- (1) Any person or persons violating any of the provisions of this by-law, or failing to comply herewith, or who violates or fails to comply with any order made hereunder, shall severally for each and every violation and non-compliance respectively be guilty of an offence and liable on summary conviction to a fine of not less than \$40.00 in addition to costs, to include but not limited to restoration or remediation. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and each ten (10) days thereafter prohibited conditions are maintained, constitutes separate offences.
- (2) The application of the above penalty shall not be held to prevent the forced removal of prohibited conditions.