

**RURAL MUNICIPALITY OF LAC DU BONNET
MUNICIPAL CEMETERIES
BY-LAW NO. 09-20**

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 By-Law No. 2-18.

WHEREAS *The Cemeteries Act, CCSM c.C30* authorizes and governs the establishment of rules and regulations pertaining to every cemetery established in the Province of Manitoba;

AND WHEREAS Section 256 of *The Municipal Act* provides in part 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;

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;

AND WHEREAS it is deemed expedient and in the best interest of the residents of the Rural Municipality of Lac du Bonnet to have the ability to enter into a service agreement with the Town of Lac du Bonnet for the usage of the Lac du Bonnet Cemetery.

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

THAT the following locations shall be designated as public municipal cemeteries:

- a) **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
- b) **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
- c) **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
- d) **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
- e) **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
- f) **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
- g) **Lettonia Cemetery**: All that portion of the North East Quarter of Section 18-16-12 EPM
Roll # 306000, Civic Address # 116 Lettonia Lane
- h) **Riverland Cemetery**: South East Quarter of Section 22-15-11 EPM
Roll # 203700, Civic Address #52 Anderson Way

Definitions:

- a) "COLUMBARIUM" means the above ground structure in a cemetery designed and used for the interment of cremated remains of a deceased person/s.
- b) "FLAT MARKER" is a flat lawn marker that is placed flush with the surrounding turf.
- c) "MONUMENT" means headstone and tombstone which shall extend above the surface of the ground.
- d) "NICHE" means a compartment on a Columbarium for the interment of cremated remains of human remains.

- e) "RESIDENT" means person who at the time of their purchase of a plot and/or columbarium niche, owns property within the Rural Municipality of Lac du Bonnet, or is a tenant resident of a dwelling which their principal residence whether rented, leased such as but not limited to an apartment, suite, dwelling, secondary suite, condominium unit of a similar form of a dwelling residence within the Municipality.
- f) "NON-RESIDENT" is any person who does not qualify as a resident or is not a property owner.
- g) "URN" means a metal container intended for storage of human ashes or remains.

General Rules:

1. All cemeteries shall be laid out in a cemetery plan in the form of blocks and plots and will be kept on file in the Rural Municipality of Lac du Bonnet Administrative Office.
2. The Municipality reserves the right to designate special sections within the cemeteries and to impose restrictions in any part of the cemetery.
3. Persons within the cemetery shall use only the designated roads and walkways. No person 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 Municipality expressly disclaims liability for any injuries sustained on the cemetery grounds.
5. No vehicle is permitted to enter the cemeteries except through the regular entrances. No unauthorized person shall drive a vehicle over any part of the cemetery except on the roadways. Cars and other vehicles shall be driven with care to a maximum speed limit of twenty (20) kilometers per hour;
6. The Municipality will take all reasonable precautions to protect the property rights of plot owners, within the cemetery from loss or damage; but the Municipality distinctly disclaims all responsibility and liability for loss or damage from causes beyond its reasonable control, included but not limited to; damage caused by the natural elements, acts of vandalism, unavoidable accidents, and invasions.
7. All pertinent information, documentation, maps, data, or any archival records must be filed within the Municipality Records Management systems.

Sale of Plots and Niches:

8. All fees are listed in Schedule A and are to be made payable to Rural Municipality of Lac du Bonnet. Fees and or charges are subject to change as determined by the municipality.
9. Any person wishing to purchase a plot or niche should select a location in consultation with the CAO or designate at the municipal office and pay for selected plot or niche. No plot or niche is reserved until payment in full is received;
10. The name of the deceased, date and place of birth, date and place of death, age, time of interment, type of burial, lot or plot, name of Funeral Home/Director and any other pertinent information to ensure accurate registration will be kept of file at the municipal office.
11. The Municipality will issue an official receipt of payment to the purchaser of a plot or Niche. No transfers of plots shall be made without presentation of the said receipt or 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.
12. 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 at the time of purchase and the current niche price.
13. The Municipality reserves and shall have the right to correct any errors that may be made either in internments, 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 Municipality's discretion.
14. If the Municipality for any reason deems a previously purchased plot unusable, the Municipality will supply a similar plot at no cost to the original purchaser or heirs and the original plot shall revert to the municipality.

Internments:

15. No plot should be used for any other purpose than for the burial of human remains;
16. No interment shall be permitted in any of the cemeteries until it has been properly registered at the municipal office;
17. The Municipality reserves the right to insist upon at least forty-eight hours (48) notice prior to any interment to ensure proper maintenance of the site;
18. The plot space shall be a sufficient size to accommodate one adult interment, a minimum of **5.25 feet by 10.45 feet** except where existing situations so prohibit;

19. The niche space shall be sufficient size to accommodate 2 standard size urns, interior niche dimensions **12.5" in length, 12.5" in width and 14" in depth.**
20. 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.
21. The cost of excavating, closing and leveling the grave must be borne by those in charge of arrangements for the deceased. Plots will be seeded with grass by the Municipality once a period of time has passed to allow for the natural settling of the earth.
22. The municipality is not responsible or liable for the levelling of the burial site after interment.
23. No interment of two or more bodies shall be made in one plot except in the case of a parent and child or two infants buried in one casket.
24. The installation of plots covers is not permitted unless written proof of arrangements were made at the time of purchasing their monument prior to the by-law.
25. All grave liners and burial vaults will be 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.
26. 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 Municipality reserves the right to make the interment in the plot designated by the CAO or designate.
27. Any person who wishes to place a Columbarium Structure on a designated municipal cemetery must enter into an agreement with the Municipality and be approved by council resolution.
28. Subject to provincial regulations the Rural Municipality of Lac du Bonnet will not permit scattering cremated remains on the lands within the municipal cemeteries.
29. The municipality will not be liable for the interment permit nor for the identity of the person sought to be interred.

Headstones, Monuments, Markers and Niche Plaques:

30. A Cemetery Marker Permit attached as **Schedule B** must be purchased for any installation of cemetery headstone, monument, or flat marker. Included with the permit fee noted in Schedule A will be a final inspection to determine compliance with all regulations.
31. All monuments, headstones, footings, and markers require authorization of the Municipality prior to installation by obtaining a Cemetery Marker Permit using the form attached as Schedule B and for part of this By-Law. Payment for Cemetery Marker Permits is to accompany the application in the amount set out in Schedule A. Permits will be issued once payment is received;
32. All monuments, headstones, and markers must be of granite or bronze unless otherwise authorized by the Municipality.
33. In the best interest of uniformity and to facilitate cemetery maintenance all monuments or markers shall be placed at the head of the plot. All markers must be set in a cement base.
34. All monuments, headstones, and markers must be confined within the boundaries of the purchased plot(s);
35. If concrete runners are provided, all monuments shall be installed directly on the runner provided, with or without base;
36. The Municipality may remove any monument, headstone, marker, footing, grave covering or curbing that becomes dilapidated, dangerous, or unsightly due to neglect, age or a state of disrepair. The Rural Municipality of Lac du Bonnet shall, in no way, be held responsible for determining the legal successorship of the said plot owner.
37. To maintain uniformity, columbarium niche plaques must be purchased through the municipality at the time of the purchase of the niche. 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 Rural Municipality of Lac du bonnet upon notification. The Municipality will be responsible for the installation of plaques on each niche.
38. Attachments such as but not limited to, flower holders, emblems, and pictures are not permitted on the columbarium plaques or niche units with exception of official insignia/emblems/logos/symbols by any protective service and military personnel;
39. 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.
40. Anyone who would like to place any structure (eg: benches, planters, fences) in the cemetery must seek approval from the municipality.

Floral Arrangements, Landscaping, Decorative Ornamentation:

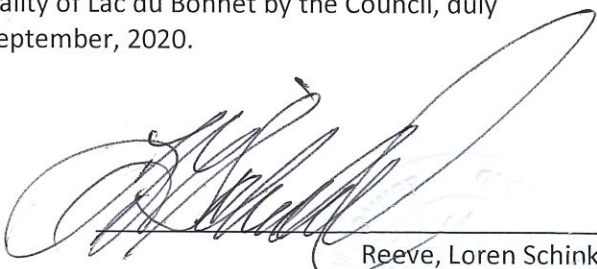
41. No plot shall be covered by any slab of concrete, grave covering, stone, gravel, or other similar material.
42. The installation of curbing around the perimeter of any plot is not permitted;
43. No person shall without written permission of the CAO or designate remove, break, or alter any tree, plant, or other object within the cemetery.

44. No person shall without written permission of the CAO or designate plant any flower, tree, shrub, or other species of vegetation. Whether such consent has been obtained or not, the Municipality may at any time order the removal of the same without explanation or notice;
45. The Rural Municipality of Lac du Bonnet shall perform a clean-up of all cemeteries twice each year, from May 1st to May 15th and October 1st to October 15th. As part of the semi-annual clean up all artificial flowers, decorations or ornamental materials of any kind including, but not limited to, lawn ornaments, solar lights, borders, fences, railings, trellises, iron posts, or any items made of glass or china will be removed from the cemetery and discarded. Prior to the start of a clean-up period (before May 1st or October 1st) individuals must remove any items they wish to retain;
46. The municipality shall have authority to remove all floral designs, flowers, weeds, trees, shrub, or herbage of any kind from the cemeteries as soon as they become unsightly, dangerous, detrimental or diseased;
47. The Municipality shall have authority to remove and dispose of all decorations or ornamental materials placed in the cemeteries;
48. The municipality shall not be responsible for plants or ornamental materials damaged by the elements, thieves, vandals, or by other causes beyond its control.
49. At the time of internment cut flowers, wreaths, and floral offerings may be placed on plots, but will be removed and disposed by the municipality if it interferes with regular maintenance of the cemeteries.

Operation, Maintenance, and Proper Care:

50. The Rural Municipality of Lac du Bonnet is the sole provider of general care and maintenance services of all municipal cemeteries;
51. The Municipality shall be responsible for the appearance, improvements, care, maintenance, operation, and supervision of the cemeteries and the plots therein including but not limited to mowing the grass over graves, trimming growth around headstones and monuments, trimming of trees and shrubs, and seeding of plots;
52. All buildings, structures, equipment, and materials which has 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 Rural Municipality of Lac du Bonnet and must remain where positioned.
53. 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 party 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.
54. The plot owner (or heir) is responsible for all maintenance, repair, replacement or leveling of monuments, headstones, grave markers, and grave caps on their plot;

DONE AND PASSED as a By-Law of the Rural Municipality of Lac du Bonnet by the Council, duly assembled in the Council Chambers this 8th day of September, 2020.



 Reeve, Loren Schinkel



 Chief Administrative Officer, Cameron Bell

READ A FIRST TIME: August 25, 2020

RESOLUTION: 2020 0237

READ A SECOND TIME: August 25, 2020

RESOLUTION: 2020 0238

READ A THIRD TIME: September 8, 2020

RESOLUTION: 2020 0257

**RURAL MUNICIPALITY OF LAC DU BONNET
SCHEDULE "A" TO BY-LAW NO. 09-20**

CEMETERY FEE SCHEDULE

DESCRIPTION	RESIDENT COST	NON-RESIDENT COST
Cemetery Plot (size 5.25' x 10.45')	\$750.00 + GST	\$1000.00 + GST
Additional Ash Internment (maximum 5 urns per plot)	\$100.00/urn + GST	\$150.00/urn + GST
Columbarium Niche (size 12.5" x 12.5" X 14" depth)	\$750.00 + GST	\$1000.00 + GST
Second Ash Internment in same Niche	\$100.00+ GST (Additional Urn)	\$150.00 + GST (Additional Urn)
Niche Plaque (must be purchased through the municipality)	\$585.00 + GST	\$585.00 + GST
Cemetery Marker Permit	\$250.00 + GST After final inspection \$200.00 will be returned to permit holder in the form of a cheque.	\$250.00 + GST After final inspection \$200.00 will be returned to permit holder in the form of a cheque.

Please refer to By-Law No. 09-20 for more detailed information and specifications.

**RURAL MUNICIPALITY OF LAC DU BONNET
SCHEDULE "B" TO BY-LAW NO. 09-20**

APPLICATION FOR CEMETERY MARKER PERMIT

Date: _____ **Applicant/Agent Name:** _____

Address: _____

Email: _____ **Phone:** _____

The undersigned hereby applies for a permit to place monument, headstone, or flat marker, according to the following specifications and in accordance with the By-Laws of the Rural Municipality of Lac du Bonnet and such additional specifications as may be provided therein:

Block & Plot: _____

Owner/ Name of the Deceased: _____

WORK TO BE DONE	DETAILS	SIZE
MONUMENT/HEADSTONE/FLAT MARKER		
FINAL PLOT INSPECTION		
LANDSCAPING OR DECORATIVE ORNAMENTATION		

Remarks: The applicant for this is hereby responsible for the placing of the monument, headstone, or flat marker wholly within the boundaries of the lot or lots indicated on this application and understand that By-Law No. 09-20 requires that no such work shall be commenced without a permit first having been obtained for the Rural Municipality of Lac du Bonnet.

Signature of Agent: _____

Upon payment of the sum of **\$250.00** the above named agent of owner is hereby granted permission to erect the monument, headstone, or flat marker described above in accordance with the Cemetery By-Law No. 09-20 of the Rural Municipality of Lac du Bonnet and the specifications as above described.

Upon final inspection done by the Rural Municipality of Lac du Bonnet Public Works Department, \$200.00 deposit will be refunded in the form of a cheque.

Permit No. Issued

Date Issued