

**THE TOWN OF MINNEDOSA
BY-LAW NO. 2519**

**BEING A BY-LAW OF THE TOWN OF MINNEDOSA, PROVIDING FOR THE REGULATION, MAINTENANCE, CARE
AND OPERATION OF THE MINNEDOSA CEMETERY.**

WHEREAS Sections 340, 341, 342 of Subdivisions VIII of Division V of part V of The Municipal Act provides as follows:

340 The Council of any municipality may pass by-laws:

- a.
- b. for selling or leasing portions of such land for the purpose of interment in family vaults or otherwise, and for declaring in the conveyance for the terms on which any such portion is to be held;
- c.
- d.
- e. for preventing the violation of cemeteries, graves, tombs, tombstones or vaults where the dead are interred;
- f. for accepting from a person or group of persons, or from the legal representative of a deceased person, a sum or sums of money and agreeing:
 - i. to establish, set aside and maintain, therewith a fund, the income from which the perpetual upkeep and care of a cemetery, or a designated part thereof, or a designated grave or graves therein, will be defrayed; and
 - ii. to invest any such a fund in like manner as sinking funds may be invested as provided in Division III of Part VIII.

341

342 All moneys received from the sale or leasing of lots within any public cemetery shall be set apart by the municipality and retained in a special account and shall be used for the purposes of improving, caring for and beautifying the cemetery grounds and for no other purposes.

AND WHEREAS it is deemed expedient and in the public interest to provide for the regulation, maintenance, care and operation of the Minnedosa Cemetery;

NOW THEREFORE BE IT AND IT IS HEREBY ENACTED as a By-Law of the Town of Minnedosa, in Council duly assembled as follows:

1. DEFINITIONS

For the purpose of this By-Law the following definitions shall apply:

- a. "Cemetery" – means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains have been buried.
- b. "Columbarium" – means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated.
- c. "Flat Marker" – means a flat lawn marker that is placed flush with the surrounding turf.
- d. "Landmark" – means corner pegs used to mark the boundaries of a lot or plot.
- e. "Lot" – means an area of land sufficient for a single grave.
- f. "Mausoleum" – means a structure, wholly or partly above the level of the ground and designed for the burial or storage of dead human bodies.
- g. "Memorial" – means tombstones, headstones, and flat markers.
- h. "Monument" – means tombstones and headstones but excludes flat markers.
- i. "Monument Dealer" – means all individuals, firms, partnerships and corporations who manufacture, sell or install memorials in the regular course of business.
- j. "Niche" – means the compartment within the Columbarium for storing the ashes of dead human remains or other human remains that have been cremated.
- k. "Original Memorial" – means the first memorial placed on a lot or plot.
- l. "Original Flat Marker" – means the first marker placed on a lot or a plot.
- m. "Owner" – means the proprietor or owner of a lot or plot to which he has or is entitled to a deed.
- n. "Plot" – means an area of land sufficient for two or more graves.
- o. "Public Works & Utilities Manager" – means the Manager of the Public Works and Utilities Departments or his Designate; hereinafter referred to as the "Manager".
- p. "Town of Minnedosa" - means the Municipal Corporation of the Town of Minnedosa; hereinafter referred to as the Town.
- q. "Town of Minnedosa Cemetery" – means the Town of Minnedosa Cemetery; hereinafter referred to as the Cemetery.

2. COLUMBARIUM

- a. Niches shall hold only one or two cremations.
- b. Choice of lettering styles and layouts shall be similar to those laid out in Schedule 'A'.
- c. Epitaphs are not allowed.
- d. Attachments such as bronze flower holders are not permitted.

3. INTERMENTS

- a. All persons applying for interments in the Cemetery whether as principals or undertakers, shall furnish to the Manager in addition to the burial permit issued by the division registrar, any other particulars required by the Town before such interment will be allowed.
- b. Information to be supplied shall include the name of the deceased, date of birth, date of death, age, residence, date and time of interment, lot or plot into which the deceased is to be interred, name of Funeral Director, and the name of the person who is making funeral arrangements.
- c. Where orders for interments are given by telephone, or any other form of telecommunications the Town will not be responsible for any errors or misunderstandings that may arise.
- d. Persons ordering graves shall be held responsible for charges incurred.
- e. No grave, or columbarium shall be opened for interment or disinterment by any person not in the employ or under hire to the Town.
- f. The interment fee includes the opening and closing of the grave.
- g. Funeral Directors must close the coffin and fasten it securely before it is lowered into the grave.
- h. Only one cremation shall be permitted in each container and the Town shall charge the current interment fee for each committal whether carried out separately or more than one at the same time.
- i. No funerals shall be held after 4:00 p.m. without having received prior permission from the Manager.

4. DIGGING OF GRAVES, COFFIN SIZE

- a. Graves shall be dug and interments made only by persons in the employ of the Town or under hire to the Town and under the direction of the Manager. At least 48 hours notice should be given to the Manager of the time of the burial. The notice shall include the size of the coffin at the top, or the size of a case and the location of the grave in the plot. Sundays and Statutory Holidays shall not form part of the required notice time for opening a grave.
- b. Up to four urns may be interred in any cremation section lot.

5. DISINTERMENTS

- a. No disinterment shall be allowed without the consent of the Manager and the provision of such documentation as required by the Provincial Government. The disinterment of bodies shall be attended to by the Manager.
- b. No disinterment for the purpose of lowering remains to accommodate another interment shall be made without permission of the owner of the lot or plot, except for the burial of the owner thereof whose name appears on record with the town.

6. GARDENERS, GRADING, SODDING AND IMPROVEMENTS OF GRAVES

- a. Persons desiring to do planting or any gardening work on a lot or plot must first obtain the permission and approval of the Town.
- b. The grading and seeding or laying sod of all lots shall be under the control of the Town and shall conform to the section in which the lot lies.
- c. (1) Owners of lots or plots shall have the privilege of planting flower beds on graves and plots provided the graves have been stabilized and levelled.
(2) The Town reserves the right to enter onto any lot where the grave is in a mounded condition to carry out levelling activities.
- d. Any person maintaining a grave site shall ensure that all rubbish is removed from the area.
- e. Cut & artificial flowers are allowed in stick-in containers during frost free months. All artificial flowers must be removed prior to September 30th of each year or be removed by the Town.

7. FOUNDATIONS, MONUMENTS AND MARKERS

- a. Each person involved in the erection or re-location of a monument, a flat marker, a landmark or any other work shall be subject to the control and direction of the Manager.
- b. Any person wishing to install any monument or flat marker or relocate any monument or flat marker shall first obtain permission from the Manager.
- c. Should any memorial become unsightly, dilapidated or dangerous, the Town may remove or repair it at the Town's discretion and where possible, recover the cost from the owner.
- d. Where a memorial is inadvertently damaged by a Town employee in the carrying out of his/her duties, to the extent that it is either structurally unsound or its appearance has been damaged, the Town shall have carried out at its cost and its discretion, such repair as is within reason to ensure the memorial is returned to a structurally sound state or is refurbished to a reasonable appearance. The determination and opinion of a structurally sound memorial or the reasonable appearance of a memorial shall be in the sole discretion of the Town.
- e. No form of man made grave covers, including concrete or granite ledgers shall be allowed in the Cemetery.
- f. Mausoleums shall not be allowed in the Cemetery.
- g. Foundations are required for all monuments and shall be at least four (4) inches wider and longer than the base of the headstone.
- h. Any flat marker, may be installed by a monument dealer in compliance with standards set by the Manager from time to time.
- i. Not more than one upright monument shall be erected on any one lot.
- j. Additional flat markers shall be permitted on subsequent interments in any lot or plot.
- k. Four (4) memorials per lot shall be permitted in the Cremation Section.
- l. Monument dealers and contractors shall ensure that proper precautions are taken to ensure that no damage occurs to lots or plots during installation of all monuments. Contractors shall be held liable for any damage to property while working in the cemetery.

- m. Persons other than Town Employees shall cease work in the vicinity of a funeral until the conclusion of the service.
- n. All monuments and flat markers shall be constructed of permanent materials as approved by the Manager.

8. CONDITIONS OF PURCHASE AND PRICING

- a. Plots, lots and niches shall be sold at such prices and on such terms as may from time to time be fixed or revised by the Council by resolution
- b. Upon purchase of plot, lot or niche, the Town shall issue a deed to the purchaser as set out in Schedule 'B'.
- c. Moneys from the sale of plots, lots and niches shall be set aside by the Town and shall be used for the purpose of improving, caring for and beautifying the cemetery grounds.
- d. The charges for interments and disinterments shall be set out by Council and may be revised by resolution of Council.
- e. The charges for any extra work or miscellaneous items that may be required shall be set by resolution of Council.
- f. The owner of a lot, plot or niche may authorize the use of such a lot, plot or niche for the interment of another person by submitting the name of the person to be interred to the Town in writing.
- g. To ensure the correctness of records of ownership and interments, no sale of any lot or plot shall occur until a duly executed transfer (Schedule 'C') has been filed with the Town which specifies the name, address and/or other description of the proposed new owner and such particulars shall be recorded in a register to be kept for that purpose.
- h. When the owner of a cemetery lot or plot dies and the holding passes to the new owners before the new owners can obtain registration of their interest to it, the Town requires proof of their right to such interest either by:
 - i. A certified or notarial copy of the probate of the will shall be deposited with the Town.
 - ii. If there is no will, a certified or notarial copy of the letters of administration shall be deposited with the Town.
- i. The Town reserves the right to designate special sections within the cemetery and impose restrictions including types of monuments and other markers to be utilized.
- j. Ashes may be interred in the same grave with the remains of a relative, on payment of a regular opening fee. No more than four (4) urns are permitted in each single grave.
- k. Persons may sell or convey any lot or plot subject to the original deed or receipt being returned to the Town.
- l. The Town will not buy back unused cemetery lots or plots, or columbarium niches; however ownership of an unused cemetery lot, plot or niche may be returned to the Town at no cost to the Town.

9. MISCELLANEOUS

- a. The Town may at any time enter upon any plot or lot to cause the cleaning of weeds and grasses and further cause to be removed from the said lot any funeral design or floral piece which has wilted or faded and any other article or thing which is unsightly.
- b. No artificial flowers of any kind will be permitted as permanent adornment on graves; all artificial flowers must be removed prior to September 30th of each year or be removed by Town staff.
- c. Writing upon, scratching, defacing or damaging any memorial, fence, building or any equipment within the cemetery is strictly prohibited.
- d. No person(s) shall pick any flowers, either wild or cultivated, or mutilate or damage any tree, shrub or plant.
- e. No vehicle of any kind shall be allowed in any part of the cemetery, except the roadways, without first having obtained special permission from the Manager; and such permission shall in no case be given when, from the nature of the soil caused by wet weather or other cause, injury to the cemetery may occur.
- f. No person(s) shall drive any vehicle at a speed in excess of ten (10) kilometres per hour on any road within the Cemetery; nor drive on the grass or lots therein; nor park a vehicle in such a way to cause damage to any turf therein.
- g. No pets shall be allowed in the Cemetery unless controlled by a leash.
- h. Any person(s) disturbing the quiet or good order of the Cemetery by noise or other improper conduct shall be compelled to leave the Cemetery. The Manager shall cause the expulsion from the Cemetery of any person(s) who conduct themselves in an improper manner.
- i. The burial of indigent poor shall be in such portion of the Cemetery as may be designated by the Town.
- j. The Town shall not assume any liability or responsibility for the loss of or damage to, any monument marker, and any part thereof, or any article of any type that may be placed on any lot or for any flowers or plants planted upon any lot or plot.
- k. By-Law No. 2317 and any other By-Laws specific to Cemetery Operations are hereby repealed.

TOWN OF MINNEDOSA

Mayor

CAO

Read a first time this 26th day of June, A.D., 2012
Read a second time this 3rd day of July, A.D., 2012
Read a third time this 3rd day of July, A.D., 2012