

BY-LAW NO. 16-12

-of-

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-law of the Rural Municipality of Springfield Governing Public Cemeteries.

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

1. The following are the rules and regulations of the Rural Municipality of Springfield (hereinafter referred to as the "Municipality") for the operation, maintenance and care of public cemeteries known as Sunnyside, Millbrook, Prairie Grove and Queen's Valley, and any other that may at any time be operated by the Municipality.

INTERPRETATION

2. (1) Wherever in the following rules and words "Supervisor" shall occur, the same shall mean the Supervisor or the Supervisors representative in charge of each of the Municipal cemeteries. 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 Springfield, its employees, servants and agents.

(6) "Resident" shall mean any person who resides in the Rural Municipality of Springfield or is a property owner.

(7) "Former Resident" shall mean any person who was born and raised in the Rural Municipality of Springfield.

(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 Supervisor, 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, time of interment, type of grave liner (if one is to be used), 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 Supervisor so that an accurate register may be kept.

(3) The Supervisor shall be in attendance at each interment.

(4) 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.

(5) Charges Incurred - Persons ordering lots and plots shall be responsible for charges incurred.

Notwithstanding the above, charges incurred shall be billed within one (1) month and payment made within a maximum of two (2) months from the time of billing.

(6) Opening of Graves - No grave shall be opened for interment or disinterment by any person not under the direction of the Supervisor.

(7) Included in Interment Fee - Interment fees include the opening and closing of graves.

(8) Interments on Sundays and Statutory Holidays - Except in cases of extreme necessity, such as danger of contagion or infection, or in case of an epidemic, interments or entombments shall not be allowed on Sundays or Statutory Holidays, unless by order of Public Health.

(9) Closing the Casket - Funeral Directors shall close the coffin and fasten it securely before it is lowered into the grave.

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 Supervisor 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. A non-resident burial may be subject to additional fees if buried within a resident plot or lot

(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 Supervisor 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, on payment of a perpetual care fee, where applicable. Four urns will generally be permitted in each lot Up to two additional urns will be allowed in special circumstances with Supervisor approval subject to one perpetual care fee being paid.

DIGGING OF LOTS, SIZE OF COFFINS

5. (1) Lots shall only be dug and interments made by persons under the direction of the Supervisor. At least 24 hours previous notice must be given to the Supervisor of the time of burial (48 hours mandatory December 1st to April 30th), and such notice shall further state the size of the coffin at the top, or if in a case, the size of the case, and this latter shall be particularly mentioned, and also the location of the graves in the plot. Sundays and Statutory Holidays shall not form part of the required notice time for opening a grave.

(2) Grave liners are required in Sunnyside Cemetery.

BODIES TO GRAVE

6. (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 the Supervisor or any other 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 Springfield, and interment withheld until a full enquiry is completed.

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

DISINTERMENTS

7. (1) No disinterment will be allowed without the consent of the Municipality and such documentation as the Provincial Government requires being produced. All disinterment of bodies shall be attended to by the Supervisor.

GARDENERS AND GARDENING

8. Grading and Sodding (Improvements of Lots)

(1) Any person wishing to do planting or gardening work on a lot or plot must first obtain the permission and approval of the Supervisor.

(2) The grading and seeding or sodding of lots shall be under the control of the Supervisor, 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 Supervisor. 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 nor around lots in newer parallel sections.

(4) Gardening of any kind for reward or pecuniary consideration will not be permitted without a permit first being obtained from the Municipality and payment therefore of such fee.

(5) No plant, flower, slip or cutting shall be removed anywhere in cemeteries without permission first being obtained from the Supervisor, except in the case of individual lot owners who shall be permitted to remove plants from their own plots or lots.

(6) Removal of Rubbish - Gardeners or florists employed to maintain graves shall remove all rubbish to such places of deposit as are provided for the purpose and must carry on all work under the direction of the Supervisor.

(7) Tree or Shrub Plantings - No tree or shrub may be planted inside or outside any burial lot without the express permission of the Supervisor in writing. The Municipality reserves the right to prune, or remove, any tree or shrub extending outside the boundaries of any lot or plot.

(8) Ashes Sections - No trees or shrubs may be planted by the owner of a lot, or anyone else on behalf of the owner, in sections of the cemeteries reserved for the burial of ashes.

FOUNDATIONS, MONUMENTS AND MARKERS

9. (1) All workmen employed installing monuments, tombstones, landmarks or any other work shall be subject to the control and direction of the Supervisor.

(2) You must have Supervisor approval prior to any monument, tombstone or marker being installed, regardless of size.

(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 monuments or tombstone may be recoverable from the owner.

(4) No foundations for monuments and tombstones shall be installed except under the direct supervision of the Supervisor. 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) All flat markers shall be installed under the supervision of the Supervisor. The cost of installing flat markers shall be paid by the owner of the lot or the persons ordering same.

- (6) (a) Not more than one upright monument shall be erected on any one lot.
 - (b) Every marker and monument requiring a foundation shall be placed in that part of the lot or plot designated therefore at the time the lot or plot was purchased.
- (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 as foot markers but may be used on those sections where headstones are allowed, provided they are placed at the head of the lot.
 - (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, headstone or marker shall be constructed of limestone, fieldstone or sandstone. Markers of cast construction or other fabrication shall only be permitted subject to satisfactory tests as may be required and approved by the Municipality. In addition to all other requirements of this by-law, the manufacturer or his agent may be required to provide a warranty guaranteeing the uniformity of the product and providing for the replacement of any such markers that may become defective through natural causes.

(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. Contractors shall be held liable for any damage to property while working in the cemeteries.

MATERIALS BROUGHT TO CEMETERY

10. 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 Supervisor shall direct, and all earth, stone and rubbish accumulated in improving any lot must be removed and deposited under the Supervisor's direction, by the lot owners, or persons responsible therefore.

REMOVAL OF TREES

11. 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 Supervisor.

REMOVAL OF DESIGNS

12. 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

13. (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

14. 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

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

ENTERING THE CEMETERY

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

PRICE OF LOTS

17. (1) 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, and 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 21 hereof.

(2) Charges for interment and disinterment shall be set out in by Resolution of Council or by reference in Schedule "A" or by reference in the Municipal Levies and Fees By-Law.

18. (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 _____ in consideration of Dollars paid to it by _____ of _____ the receipt of which is hereby acknowledged, doth grant unto the said _____ h _____ heirs and assigns a certain lot in the Cemetery of the said _____ called _____ (and situated in Section __, Twp. __, Range __, East,

(_____ or _____) and which lot is delineated and laid down on a map of the said Cemetery, and is herein designated 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 for ever, 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 _____ 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 _____ 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 deposited by the Supervisor with the Municipality.

CARE OF PLOTS, LOTS

19. 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.

20. (1) For the purpose of establishing and maintaining a perpetual maintenance fund for the care and maintenance of cemeteries in the Rural Municipality of Springfield 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 in the following manner -

- i) at the time of purchase of a lot or plot;
- ii) at the time of a transfer of ownership of a lot or plot;
- iii) at the time of grave opening for an earth or ash burial;
- iv) at any time a deed holder wishes, prior to any grave opening.

21. (1) All lot sales and perpetual care fees collected shall be placed in the Public Cemeteries Trust Fund.

(2) On the first day of January 1990 and each year thereafter, 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 the Cemetery Committee for the care and maintenance and capital improvements of cemeteries in the Rural Municipality of Springfield.

BURIAL OF INDIGENT POOR

22. Indigent poor shall be buried in such portions of cemeteries as may from time to time be designated by the Municipality.

23. 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.

24. That By-law 08-05 of the Rural Municipality of Springfield be and is hereby rescinded.

25. 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 Springfield, in Council duly assembled at Oakbank, Manitoba, this 3rd day of May, A.D. 2016.

Bob Bodnaruk
Reeve

Colleen Draper
Assistant Chief Administrative Officer

Read a First time this 19th day of April, A.D. 2016.
Read a Second time this 3rd day of May, A.D. 2016.
Read a Third time this 3rd day of May, A.D. 2016.

SCHEDULE "A" TO BY-LAW 16-12

RESIDENTS / FORMER RESIDENTS

	LOT	CARE	G.S.T.	TOTAL
SINGLE	180.00	360.00	27.00	567.00
SINGLE (cement base)	315.00	360.00	33.75	708.75
ASH LOT (Sunnyside only)	100.00	200.00	15.00	315.00
ASH LOT (cement base) (Millbrook and Prairie Grove only)	90.00	180.00	13.50	283.50

NON-RESIDENTS

SUNNYSIDE

SINGLE (cement base)	710.00	1410.00	106.00	2226.00
ASH LOT	200.00	400.00	30.00	630.00

MILLBROOK

SINGLE	360.00	720.00	54.00	1134.00
SINGLE (cement base)	450.00	900.00	67.50	1417.50
ASH LOT (cement base)	180.00	360.00	27.00	567.00

QUEENSVALLEY

SINGLE	360.00	720.00	54.00	1134.00
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PRAIRIE GROVE

SINGLE	360.00	720.00	54.00	1134.00
SINGLE (cement base)	450.00	900.00	67.50	1417.50
ASH LOT (cement base)	180.00	360.00	27.00	567.00

DEED TRANSFER	\$50.00			
INTERMENT FEE	DETERMINED BY THE FEE BEING CHARGED BY THE PERSON OR PERSONS PERFORMING THE SERVICES.			
DISINTERMENT FEE	TWICE THE PREVAILING INTERMENT FEE			

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. 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 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.