

# RIVERDALE MUNICIPALITY BY-LAW 2019-07

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**BEING A BY-LAW TO ESTABLISH A CEMETERY COMMITTEE FOR THE RIVERDALE MUNICIPALITY: TO ADOPT RULES AND REGULATIONS FOR MAINTENANCE OF ORDER IN, FOR THE PROPER CARE OF SUCH CEMETERY, AND TO SET RATES FOR PURCHASE OF PLOTS AND FOR OPENING AND CLOSING OF PLOTS IN SAID CEMETERY.**  
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WHEREAS it is deemed necessary to establish a Public Cemetery and to adopt rules and regulations for the maintenance of order in and for the proper care of same.

NOW THEREFORE the Council of Riverdale Municipality in Council assembled enacts as follows:

1. Being all that portion of the South-West Quarter of Section Twenty-Five (25), in Township Twelve (12) and Range Twenty-One (21), West of the Principal Meridian in Manitoba, as shown in Certificate of Title No. 42650 of the Brandon Land Titles Office, is hereby ratified and confirmed, and the said lands comprised in the said Deeds are hereby established a Public Cemetery for Riverdale Municipality, known as the Rivers Cemetery.

A Committee to be known as the Cemetery Committee shall have the management and control of the said Cemetery. The Committee shall be comprised of the Riverdale Municipal Council as a whole. The function of the Cemetery Committee shall be the management, control, and proper care of the Rivers Cemetery.”

2. Notwithstanding the foregoing, in the event of an emergency arising out of any burial requiring immediate attention, the Mayor and the Chairman of such Committee are hereby authorized to take such action as they deem expedient and necessary.

### RULES AND REGULATIONS

3. The following shall be the Rules and Regulations for the maintenance and care of the Cemetery, and such Rules and Regulations may, from time to time, be altered, varied, repealed, or added to as occasion may be required by further by-law:
  - (a) Wherever in the following rules the word "Chief Administrative Officer" shall occur the same shall mean the Chief Administrative Officer (CAO) of the Municipality or any person authorized to act instead.
  - (b) "Administration" shall refer to the municipal office administration staff.
  - (c) The "municipality" shall refer to Riverdale Municipality Administration and/or the Cemetery Committee as a whole.
  - (d) The word "proprietor" or "Owner" shall mean the proprietor or owner of a plot to which he/she is entitled.
  - (e) A "selected" grave is hereby defined as a grave selected by the purchaser thereof in any location other than the one in which interments are being made at the time of such purchase, and are in sequence.
  - (f) All persons applying for an interment in the said Cemetery, whether as principals, agents or undertakers shall furnish to administration such particulars for the purpose of record as the Municipality requires before such interment be allowed.
  - (g) No interment shall be allowed until the municipality is

## RIVERDALE MUNICIPALITY BY-LAW 2019-07

furnished with a burial or cremation certificate.

If the applicant wishes to inter a body in a plot not owned by him, he shall obtain an order from the proprietor of the lot in which such interment is to be made, or from his legal representative, and upon filing same with Administration, apply for a permit as aforesaid.

- (h) (i) The purchaser shall make selection from the Plan now in the Office of Administration of such plot, lot, or grave as he may desire to purchase, and Administration shall provide particulars giving the number of the plot or grave, the number or letter of the Section, and Block and the price. Administration shall issue a receipt for the proper amount and a Permit for interment of the body.
- (ii) Further that not more than 4 gravesites be sold to one person or one family without investigation and approval by the Riverdale Municipal Council.
- (i) (i) Graves shall be dug and interments made only by the persons in the employ of Riverdale Municipality and under the direction of the Municipality. The Municipality shall be entitled to receive forty-eight (48) hours notice to prepare graves for the interment of persons other than in cases where the body to be interred is shipped in, where the required notice shall be twenty-four (24) hours, and in totalling the required notice to be given the municipality, legal holidays shall be excluded, and such notice shall 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 grave in the plot shall be mentioned.
- (ii) One body only, will be allowed to be buried in a grave except in a case where the first opening of the grave was eight feet in depth, and except in the case of children under two years of age when a burial may be made above another body.
- (j) No disinterment will be allowed until the requirements of "The Vital Statistics Act" as to disinterment's shall have been fully complied with and a permit issued by the Provincial Authorities. The disinterment of bodies shall be attended to by the Municipal Operations Foreman or by a municipal employee delegated by him.
- (k) The grading and sodding of all lots shall be under the direction of the Municipal Operations Foreman, and made to conform to the Section in which the lot may lie.
- (l) All workmen employed in the erection of monuments, tombstones, landmarks, or any other work, shall be subject to the control and direction of the municipality.
- (m) All foundations for monuments, headstones, or any other object whatsoever shall be laid under the direction of the Municipality, with a projection of three inches, horizontally, on all sides of such monument, headstone, or other object at ground level, such projection to be on the same level as the surface of the surrounding turf.
- (n) All material brought into the Cemetery to be used in improving lots shall be transported and deposited in the Cemetery in such manner as the municipality shall direct, and all earth, stone, and rubbish accumulated in improving any lot must be removed and deposited under its direction by the lot owners or at their expense.
- (o) No corner stones, walls, fences or curbs to indicate the boundaries of the plot or grave shall be erected as an enclosure to the plot or grave, except as provided in the next

## RIVERDALE MUNICIPALITY BY-LAW 2019-07

following sub-section.

- (p) All markers placed upon a plot or grave shall be of granite, marble, stone, cement or other like material, and shall not project above the surfaces of the ground except when erected as a headstone or monument.
  - (q) No monument, tombstone, headstone or other memorial shall be placed in said Cemetery without prior notice to the Municipal Office.
  - (r) All foundations or headstones erected, shall be confined within the boundaries of the respective family plots or graves purchased; and any straightening of headstones necessitated through settlement by reason of such headstones having been placed so as to project over the opening, due to their extreme size, shall be done, by and under the direction of the Municipality at the expense of the owner.
  - (s) All headstones or monuments shall be placed in such a manner to maintain, wherever possible, a proper alignment.
  - (t) Grave covers of any material are not permitted.
  - (u) No trees or shrubs shall be planted in the cemetery and no trees or shrubs growing therein shall be moved, destroyed, pruned or otherwise interfered with, except by the employees of Riverdale Municipality and under the direction of the Municipality. Herbaceous perennials and annual flowers or artificial flowers of a suitable character may be planted on a grave, but must be maintained by the owner at his own risk.
  - (v) The Committee may at any time cause any lot to be entered upon and cleaned of weeds and grass, and further cause to be removed from the said lot any funeral design or floral piece which has wilted or become broken and any other article or thing which from its nature shall mar the beauty of the surrounding scenery, or is unsightly.
  - (w) All persons are required to confine themselves to the avenues or walkways, and avoid walking on lots and graves.
  - (x) All persons are prohibited from writing upon, scratching, defacing or injuring any monument, fence or other structure in or belonging to the Cemetery.
  - (y) All persons are prohibited from picking flowers, either wild or cultivated, or mutilating or injuring any tree, shrub or plant in the Cemetery.
  - (z) No vehicle shall be allowed in any part of the cemetery except on designated roadways.
  - (aa) Dogs are not allowed in the grounds.
  - (bb) No person is permitted to enter the Cemetery except through the regular entrance.
  - (cc) No person other than a member of the immediate family of the owner of the grave shall be allowed to perform, execute or carry into effect the work of special care of a grave, unless permission is granted by the Municipality.
  - (dd) Three urns containing ashes of cremated persons, or one coffin and two urns containing ashes of cremated persons will be permitted per gravesite, except in the case where the first opening of the grave was eight feet precedent to burying one body above the other, where two coffins and no urns will be allowed per gravesite.
7. The plans of subdivision into sections, blocks, and lots or graves of

# RIVERDALE MUNICIPALITY BY-LAW 2019-07

the lands described in Certificate of Title No. 42650, now on record in the office of Administration together with all subsequent plans of subdivision of such lands, approved from time to time by the Council, shall be the plan of the Cemetery herein referred to, and all interments shall be made and records kept in accordance with such plan.

- 8. On the sale of any burial plot, lot or grave according to said Plan and payment of the purchase price thereof, a Deed and a brief copy of the rules and regulations shall be issued to the purchaser, to whom he may appoint, which Deed may be in the words and form following:

"This is to certify that Riverdale Municipality in consideration of \$\_\_\_\_\_ paid to it by\_\_\_\_\_

of

(The receipt whereof is hereby acknowledged) doth grant unto the said his (or her) heirs and assigns, Lot No.\_\_\_\_ in Block\_\_\_\_, and Section No. \_\_\_\_\_ as shown on a Plan of the Public Cemetery of Riverdale Municipality, adopted by By-Law of Riverdale Municipality, No. \_\_\_\_\_, which Public Cemetery is established by said By-Law No.\_\_\_\_\_.

TO HAVE AND TO HOLD the same unto and to the use of the said his (or her) heirs and assigns, for the purpose only of a burial plot and subject to all such regulations and by-laws as may be adopted from time to time or passed by the Council of Riverdale Municipality, respecting the said Public Cemetery.

IN WITNESS WHEREOF the Corporate Seal of Riverdale Municipality has been hereto affixed, attested by the signature of the C.A.O."

- 9. All monies received from donations or the sale of plots and graves shall be set apart and retained in a special account and the interest and/or proceeds, only, thereby shall be used for the purpose of improving, caring for and beautifying the Cemetery grounds, and for no other purposes.

FEES OR CHARGES – As outlined in Appendix “A”

- 10. THAT By-Law No. 4-2003 is hereby repealed.

DONE AND PASSED by the Council of Riverdale Municipality, in meeting duly assembled, at Rivers, in Manitoba, this 18th day of June A.D. 2019.

*Original signed by T. Gill*

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Mayor – Todd Gill

*Original signed by K. Bridgeman*

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Chief Administrative Officer

Read a first time this	<u>4<sup>th</sup></u>	day of	<u>June</u>	A.D.	<u>2019</u>
Read a second time this	<u>4<sup>th</sup></u>	day of	<u>June</u>	A.D.	<u>2019</u>
Read a third time this	<u>18<sup>th</sup></u>	day of	<u>June</u>	A.D.	<u>2019</u>

# RIVERDALE MUNICIPALITY BY-LAW 2019-07

## SCHEDULE "A" CEMETERY FEES

### 1. Cemetery

#### a) Digging

- Conventional Casket

1. Charges for interment (Based upon a six-foot-deep grave) and for opening and closing of grave for any of the purposes hereinafter set forth, shall be as follows:

\$400.00 + gst

2. For extra depth of interment to provide for simultaneous burial of two bodies (or for first body, with second body at a later date) in one grave:

\$500.00 + gst  
(including the divider board)

- Cremations \$ 100.00
- After 3:30 pm during the week or anytime on weekends  
An additional \$150.00 to be added to the cemetery digging rates
- No burials on Statutory/Observed Holiday weekends
- Permissions: A letter from the executor or the trust to accompany the request to bury urn on top of existing casket.
- Administration fee of \$150.00 to find locates when there is no burials
- (CM) Columbarium Monument "Ashes are in the monument"
- In case it may be desired to have a body disinterred, the price for such disinterment, if performed by Riverdale Municipality, shall be negotiated with the Cemetery Committee

#### b) Plots - \$300.00

Plots are approximately 4 x 10 – up to 4 Cremations allowed

The foregoing charges shall include perpetual general care, such care meaning and being the preserving of the proper gradients, the cutting down of grass, in season, the removal of weeds, and such other general care as will maintain a condition of cleanliness in and about such plots, lots, or graves.

#### c) Columbarium Niche \$2,000.00

- Includes opening the niche door twice for urn placement  
(12x12x12: fits 2 standard size urns)
- Includes (1) one Memory Wall Plaque

Other Niche opening requests \$100.00 each time  
Permission: Must provide a letter from the executor or the trust to request the opening of the niche. Only municipal personnel are authorized to open the niches.

If owner or trust wants to sell a purchased niche they must sell it back to the Municipality at the original cost. A niche cannot be transferred from purchaser to purchaser.

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## RIVERDALE MUNICIPALITY BY-LAW 2019-07

- After 3:30 pm during the week or anytime on weekends  
An additional \$150.00 to be added to the costs
- d) Flowers: Only allowed in Wreath Vase Ends.
- e) An administration fee of \$150.00 to be charge for doing locates that do not involve burials
- f) GPR (Ground Penetrating Radar) investigation – If the Municipality is challenged on a grave site location that the client pays for the GPR cost if the Municipal records grave site location is proven to be incorrect and that the Municipality pays if the results are contrary to the locations in the Rivers Cemetery