

RURAL MUNICIPALITY OF OAKVIEW

By-Law No. 2018-6

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF OAKVIEW PROVIDING FOR THE REGULATION, MAINTENANCE, CARE AND OPERATION OF THE RAPID CITY CEMETERY.

Whereas the Cemeteries Act authorizes and governs the establishment of rules and regulations pertaining to every cemetery established in the Province of Manitoba;

And Whereas it is deemed expedient to pass a by-law in accordance with The Cemeteries Act for the purpose of setting rules and regulations for the operation, maintenance and care of Rapid City Cemetery, and any other cemetery that may be at any time operated by the Rural Municipality of Oakview;

Now Therefore the Council of the Rural Municipality of Oakview in open session duly assembled enacts as follows:

1) **Purpose**

This by-law shall be known as the “**Rapid City Cemetery By-law**”.

2) **Definitions:** Unless the context otherwise requires:

- a) “Cemetery” means that area set aside by the Municipality and used for the burial of human remains, including cremated remains.
- b) “Cemetery Director” means the Chief Administrative Officer of the R. M. of Oakview or appointed designate.
- c) “Cemetery Foreman” means the LUD of Rapid City appointed employee or designate.
- d) “Council” means the Council of the Rural Municipality of Oakview.
- e) “Fee Schedule” means those fees related to the Cemetery as established annually (in January – Schedule C to be updated yearly) by Council in conjunction with their budget deliberations and maintained by the Chief Administrative Officer.
- f) “Grave” means any lot within the cemetery which has been used for the interment of human remains, including cremated remains.
- g) “Hours of Operation” means Monday to Friday 8:00 am to 4:00 pm as it pertains to the Rapid City Cemetery.
- h) “Legal Holiday” means and includes any Statutory Holiday, Civic Holiday, or any other general holiday which may be established by any level of Canadian Government.
- i) “Liner” means any product, such as wooden, steel, fiberglass or concrete, used to enclose a casket and approved by the Cemetery Director.
- j) “Lot” means any location established for use as a single grave, whether occupied or not, within the cemetery.
- k) “Owner” means the proprietor or owner of a lot to which he has or is entitled to a deed of title for a cemetery lot, regardless of whether one has been requested by or issued to that person, and includes any agent or person appointed to represent the owner, and in the case where the owner is deceased their heirs or executors.
- l) “Perpetual Care” means the mowing of grass and trimming around monuments, trees and shrubs.

- m) "Plot" means an area of land sufficient for more than one Grave, and contains not more than eight lots.
- n) "Municipality" means the Rural Municipality of Oakview.

3) List of Schedules

- a) Schedule "A" – Deed Form
- b) Schedule "B" - Transfer of Deed Form
- c) Schedule "C" – Fee Schedule

4) Conditions of Purchase and Pricing

- a) Plots and lots shall be sold at such prices and on such terms as may from time to time be fixed by the Municipality.
- b) Moneys from the sale of plots and lots shall be set aside by the Municipality and shall be used for the purpose of improving, caring for and beautifying the cemetery grounds.
- c) The Municipality shall transfer from the sale of each lot the sum of \$50.00 to the Cemetery Trust Fund.
- d) The owner of a lot or plot may authorize the use of such a lot or plot for the interment of another person by submitting the name of the person to be interred to the Municipality in writing.
- e) To ensure the accuracy 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 filed with the Municipality which specifies the name, address and/or other description of the proposed transferee and such particulars shall be recorded in a register to be kept for that purpose.
- f) 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 Municipality requires proof of their right to such interest either by:
 - a. A certified or notarial copy of the probate of the will shall be deposited with the Municipality.
 - b. If there is no will, a certified or notarial copy of the letters of administration shall be deposited with the Municipality.
- g) The Municipality reserves the right to designate special sections within the cemetery and impose restrictions including types of monuments and other markers to be utilized.
- h) Persons may sell or convey any lot or plot subject to the completion of the transfer of deed from "Schedule B" and the original deed or receipt being returned to the Municipality.
- i) Persons may exchange lots or plots with the Municipality subject to first having paid the difference, if any for the said lot or plot.

5) Rules and Regulations

- a) All persons, unless otherwise authorized, are required to confine themselves to the avenues or walks, to avoid walking on graves.

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- b) All persons are prohibited from writing upon, scratching, defacing or injuring any monument, fence or other structure in or belonging to the Cemetery.
- c) All persons, except authorized employees, are prohibited from picking flowers, either wild or cultivated, or mutilating or injuring any tree, shrub or plant in the cemetery.
- d) No unauthorized person shall drive a vehicle over any part of the cemetery except on the roadways, and no person shall ride a bicycle over any grave, nor lean same against any monument or marker, nor leave same on any lot for any period of time.
- e) No dogs or animals shall be allowed in the cemetery, except guide dogs.
- f) No person is permitted to enter the cemetery except through the regular entrances.
- g) No person shall engage or play at any game or sport, or discharge any firearms (except at a military funeral) in the cemetery, or unlawfully disturb persons assembled for the burial of the dead, or commit a nuisance, or behave in any indecent or unseemly manner at the cemetery.
- h) No all-terrain vehicles or snowmobiles shall be allowed within the limits of the cemetery.

6) Interment and Disinterment

a) General

- a. No person shall dig or open any grave or cause any graves to be dug or opened in any place within the Municipality other than that now used and/or hereinafter appropriated for the purpose of a cemetery; nor shall any person inter or deposit or cause to be interred or deposited any human remains in any grave within the Municipality other than as aforesaid.
- b. Notwithstanding subsection (a), no cremated remains shall be interred on any public property other than approved locations.
- c. All interments and disinterment's of a deceased person must be conducted in strict compliances with provincial and/or federal legislations.
- d. All persons applying for an interment in the Cemetery, whether as principals, agents or funeral directors, shall furnish to the Cemetery Director such particulars for the purpose of record, as the Municipality requires before such interment will be allowed.
- e. Any applicant for interment who does not own the lot must obtain a written order from the owner, and file same with the Cemetery Director prior to an interment order being issued. If the owner is deceased, then this permission must be received from the immediate family of the owner or executor.
- f. Graves shall be dug and interments made only by persons in the employ of the Municipality, and under the direction of the Cemetery Director.

b) Notice

- a. During the period from October 15 to April 15, forty-eight (48) hours notice, exclusive of Saturdays, Sundays, and Legal Holidays, must be given to the Cemetery Director to prepare graves for the interment of human remains.

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b. During the period from April 16 to October 14, twenty-four (24) hours notice, exclusive of Saturdays, Sundays, and Legal Holidays, must be given to the Cemetery Director to prepare graves for the interment of human remains.

c) Interment

- a. Every regular grave shall be a minimum of six feet in depth from the surface of the ground surrounding the grave.
- b. No extra-depth graves shall be permitted.
- c. Any regular grave shall have no more than four interments with the following restrictions:
 - i. Ashes may be interred in the same grave with the remains of a relative but no more than three urns will be permitted in each single grave.
- d. Interment on a Saturday, Sunday or Legal Holiday is subject to the payment of a surcharge as noted in the fee schedule.
- e. Interments shall be conducted between 0830 hours (8:30 a.m.) and 1600 hours (4:00 p.m.) daily except Saturdays, Sundays, and Legal Holidays, on which day's special arrangements and additional surcharge in accordance with the fee schedule shall be made.
- f. Whenever liners for caskets are used in burials, such liners shall be at the cemetery one business day prior to the time set for the interment.

d) Disinterment

- a. No disinterment will be allowed until the requirements of "The Vital Statistics Act" as to disinterment have been fully complied with: a permit issued by the Provincial Authorities and in the case of cremated remains, authorization received from the Cemetery Director. The disinterment of bodies shall be attended by the Cemetery Foreman. Municipal staff will only expose to the liner or casket. All handling of interred remains are the responsibility of the Funeral Director.
- b. No person shall remove cremated remains from a grave without first producing a written order from the Cemetery Director.

7) Monument Regulations

- a) All monuments, headstones, landmarks, grave coverings or any other work done by a monument company, funeral home, or any other business or organization requires the authorization from the Cemetery Director.
- b) The foundation will have a minimum 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.
- c) The Municipality shall not be responsible for any maintenance to the foundation after installation including damage caused from natural ground settlement.
- d) The Municipality shall not assume any responsibility or costs incurred as a result of vandalism to monuments located in the cemetery.
- e) Borders/Fences/Railings
 - a. After the passing of this by-law, borders, fences, railings, trellises, copings, hedges, iron posts or any ornamental material shall not be constructed in or around any grave or lot.

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- b. Borders, fences, railings, trellises, copings, or hedges in existence before the passing of this by-law will be removed free of charge by the Municipality upon request in writing.
- c. The Municipality may remove any border, fence, railing, coping, hedge, or any other bounding or enclosing material erected before the passing of this by-law which by reason of neglect or same within thirty (30) days after written notice has been forwarded to the owner or heir at their last known address.
- d. Markers or memorials of marble, granite or bronze placed on the corners or at the head or foot of lots or graves are all that will be allowed and shall be placed so as not to project above the surface of the ground, except when erected as headstones or monuments.
- f) All headstones erected, shall be confined within the boundaries of the respective family lots or graves purchased; and any straightening of headstones necessitated through settlement by reason of such headstone having been placed so as to project over the opening, due to their extreme size, shall be the responsibility and at the expense of the owner.
- g) All headstones or monuments shall be placed in such a manner as to maintain, wherever possible, a proper alignment.
- h) Monuments, plaques, headstones, or any other type of landmark shall be exclusively for the purpose of memorializing deceased persons in the cemetery. Any message which advertises a business, is condoning a specific act, or is in any way inconsistent with the purpose of memorializing a deceased person or persons shall not be allowed in the cemetery.
- i) Notwithstanding the above noted Section 8, donated or sponsored items such as park benches and flower pots, shall be permitted in the cemetery providing the design, location and any inscription, has received previous written approval of the Cemetery Director.

8) Floral Arrangements / Landscaping

- a) Cut flowers, including artificial flowers, and/or fraternal emblems shall be permitted, provided that the flower container and/or emblem is adjacent to the base and/or marker.
- b) The Cemetery Foreman will remove or prevent the placing of any stand, holder, vase, or other receptacle for flowers or plants that is deemed to be unsuitable for such purpose or is unsightly in appearance.
- c) The Cemetery Foreman will remove from any grave any funeral design or floral piece which has become wilted, or after a period of ten (10) days, whichever is sooner, or any other article or thing which is in his/her opinion unsightly.
- d) The Municipality may at any time cause any lot to be entered upon and cleaned of weeds and grass.
- e) 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 workman employed by the Municipality under the direction of the Cemetery Foreman.
- f) Herbaceous perennials and annual flowers of a suitable character may be planted and maintained on a grave in permitted areas. No person other than a member of the immediate family of the owner of the grave, or person/contractor appointed by the immediate family shall be allowed to perform, execute or carry into effect the work of special care of a grave, written confirmation of such must be provided to and approved by the Cemetery Director.

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- g) 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 Cemetery Foreman shall direct; and all earth, stone and rubbish accumulated in improving any lot must be removed and deposited under his direction by the owners at their expense.
- h) The grading and sodding of all lots shall be under the control of the Cemetery Foreman, and made to conform to the section in which the lot may lie.

9) Penalty

- a) Any person violating any of the provisions of this by-law shall, upon summary conviction, be liable to a penalty not exceeding One Thousand (\$1000.00) Dollars and costs, or to imprisonment for a period not exceeding thirty (30) days, or to both such fine and such imprisonment.

That By-Law No. 2-10 (Town of Rapid City) is hereby repealed.

DONE AND PASSED in Council duly assembled at Oak River in the Province of Manitoba this **26th** day of March, 2019 A.D.

Original signed by Brent Fortune
Reeve

Original signed by Diane Kuculym
Chief Administrative Officer

Read the first time this 26th day of February, 2019.
Read a second time this 12th day of March, 2019.
Read a third time this 26th day of March, 2019.

RURAL MUNICIPALITY OF OAKVIEW

DEED

The Rural Municipality of Oakview in consideration of \$_____ paid to it by (insert name)
_____ of (insert address)_____ the receipt whereof is hereby
acknowledged do grant unto the said (insert name)_____ his (or her) heirs and
assigns a certain Lot(s) in the Cemetery, called Rapid City Cemetery and situated in the Rural
Municipality of Oakview, and which lot(s) is described and laid down on a map of the said
Cemetery, and is herein designated as

Lot(s) _____ in Plot _____ in Section _____ and containing a
measurement of 4 feet x 8 feet (old) 5 feet x 10 feet (new).

PROVIDED ALWAYS, that the same shall be used subject in all respects to the by-laws of the
Rural Municipality of Oakview the said (insert name)_____ now or hereinafter to be in force
affecting the same.

WITNESS WHEREOF, the Chief Administrative Officer of the R. M. of Oakview or appointed
designate, has signed their name to this document, and has fixed the Corporate Seal of the
said Municipality this _____ day of _____, A.D. 2____.

Chief Administrative Officer
(or appointed designate)
Rural Municipality of Oakview

RURAL MUNICIPALITY OF OAKVIEW

RAPID CITY CEMETERY

TRANSFER FORM

I, _____, being the Owner of Lot(s) _____ in
Plot _____ in Section _____, do hereby in consideration of the sum of
\$ _____ paid to me by _____, the
(State name and address of transferee)
receipt of which sum I hereby acknowledge, transfer to said _____ all
(name of transferee)
my estate and interest in said Lot(s) _____ in Plot _____ in Section _____ .
I have signed this document in the presence of this witness this _____ day of
_____ A.D. 2____.

Signed in the presence of:)
)
)
_____))
Witness) Owner
)
)

**RURAL MUNICIPALITY OF OAKVIEW
RAPID CITY CEMETERY
FEE SCHEDULE**

		2018
Lots	Rural Municipality of Oakview Ratepayer/Resident	\$ 450.00
	Non-Ratepayer/Non-Resident	\$ 700.00
Interment Summer		
	Casket	\$ 760.00
	Cremation	\$ 480.00
Interment Winter		
	Casket	\$ 1,140.00
	Cremation	\$ 840.00
Miscellaneous		
	After 4:00 pm Interments (per hour)	\$ 70.00
	Weekend / Legal Holiday Surcharge	
	casket	\$ 425.00
	cremated remains	\$ 225.00
Disinterment Fees		
	Casket - 3 times the prevailing interment rate	Cremated Remains – 1 ½ times the prevailing interment rate
Columbarium		
	Top Rows	\$900.00
	Middle Rows	\$750.00
	Bottom Rows	\$600.00
	Opening & Closing Fees	\$100.00
	After hours, weekends, & Holidays	\$200.00
	All lettering to be directed to Rapid City Memorials	