

**THE TOWN OF NEEPAWA  
BY-LAW NO. 3149**

**BEING A BY-LAW OF THE TOWN OF NEEPAWA PROVIDING FOR THE REGULATION, MAINTENANCE, CARE AND  
OPERATION OF THE NEEPAWA RIVERSIDE 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 Neepawa Riverside Cemetery;

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

**1. DEFINITIONS**

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

- a. **Baby/Infant/Child** – shall refer to a young human being under the age of 24 months.
- b. **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.
- c. **Cemetery Custodian** – The Town of Neepawa employee responsible for the caretaking, maintenance and supervision of all Town of Neepawa staff at the Riverside Cemetery. The Cemetery Custodian may take such action necessary to protect property, graves, space owners and the cemetery from injury, and to preserve the peace and good order and prevent injury to the appearance of the lots, graves, grounds and buildings.
- d. **Columbarium** – means a structure designed for storing the ashes of dead human bodies or other human remains that have been cremated.
- e. **Flat Marker** – means a flat lawn marker that is placed flush with the surrounding turf.
- f. **Heir** – to take or hold a possession or rights by inheritance; one who inherits or is entitled to inherit property; one who received or is entitled to receive some endowment or quality from a parent or predecessor.
- g. **Inherit** – to come into possession of or receive especially as a right or divine portion; to receive from an ancestor as a right or title descendible by law at the ancestor's death; to receive as a devise or legacy; to receive from a parent or ancestor by genetic transmission; to have in turn or receive as if from an ancestor.
- h. **Landmark** – means corner pegs used to mark the boundaries of a lot or plot.
- i. **Lot** – means an area of land sufficient for a single grave.
- j. **Manager of Operations** – means the Manager of Operations of the Town of Neepawa or his Designate; hereinafter referred to as the Manager of Operations.
- k. **Mausoleum** – means a structure, wholly or partly above the level of the ground and designed for the burial or storage of dead human bodies.
- l. **Memorial** – means tombstones, headstones, and flat markers.
- m. **Monument** – means tombstones and headstones but excludes flat markers.
- n. **Monument Dealer** – means all individuals, firms, partnerships and corporations who manufacture, sell or install memorials in the regular course of business.
- o. **Non-Residents** – means a person(s), who at the time of purchase of the lot or interment date, is not a resident of the Town of Neepawa OR a person(s) who could not be added to the Town of Neepawa electors roll. A resident of a neighbouring municipality that contributes financially to the Town of Neepawa Riverside Cemetery would not be considered a non-resident.
- p. **Original Memorial** – means the first memorial placed on a lot or plot.
- q. **Original Flat Marker** – means the first marker placed on a lot or a plot.
- r. **Owner** – means the proprietor or owner of a lot or plot to which he has or is entitled to a deed.
- s. **Perpetual Care** – shall refer to the fee paid for the planting of flowers on a single grave for preservation, improvement, embellishment and maintenance in perpetuity and in a proper manner of lots.
- t. **Perpetual Care Funds** – means funds and property received by an owner for the purpose of providing perpetual care for flowers generally of a cemetery, columbarium, or of any particular part thereof, whether received under The Cemeteries Act or under the terms of a contract, trust, or gift otherwise.
- u. **Plot** – means an area of land sufficient for two or more graves.
- v. **Seasonal Care** – shall refer to the fee paid for the planting of flowers on one grave for the current calendar year in which the fee is paid.
- w. **Town of Neepawa** - means the Municipal Corporation of the Town of Neepawa; hereinafter referred to as the Town.

- x. **Town of Neepawa Riverside Cemetery** – hereinafter referred to as the Cemetery.

## **2. INTERMENTS**

- a. Whenever a lot is held by two or more person, an order for interment in such lot or any part thereof will be accepted by the Town Administration or Cemetery Custodian from any one of the said persons or their personal representative.
- b. All persons applying for interments in the Cemetery, whether as principals or undertakers, shall furnish to the Neepawa Riverside Cemetery Superintendent all necessary details in regards to the person required to be interred, the original cremation certificate, in addition to the burial permit issued by the division registrar, any other particulars required by the Town before such interment will be allowed.
- c. Information for all interments must be given and all charges prepaid at the administrative office of the Town of Neepawa, or satisfactory arrangements made in advance. Information given by telephone will be taken with particular care, but the Town of Neepawa will not be responsible for errors arising or resulting from this procedure. The person giving the order must give the space owner's full name, name of funeral director, the date and time of the funeral, the location of grave space to be used and if an earth burial whether a vault or box is required. Information to be supplied shall include the name of the deceased, place of death, date of death, age, 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 to receive the deed. Concrete vaults will not be allowed.
- d. 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.
- e. Persons ordering graves shall be held responsible for charges incurred.
- f. No grave, or columbarium shall be opened for interment or disinterment by any person not in the employ or under hire to the Town.
- g. The interment fee includes the opening and closing of the grave.
- h. Funeral Directors must close the coffin and fasten it securely before it is lowered into the grave.
- i. The Town shall charge the current interment fee for each committal whether carried out separately or more than one at the same time.
- j. Only one traditional burial and four (4) cremation burials may take place on each grave lot OR four (4) cremation burials. Two (2) cremation burials per Columbarium Niche, and four (4) cremation burials in the Cremation Gardens. Dimensions for the Columbarium Niche and Cremation Gardens are available by contacting the Town of Neepawa Cemetery Custodian or Administration Office.
- k. No funerals shall be held after 4:00 p.m. without having received prior permission from the Manager of Operations.

## **3. 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 of Operations. At least 24 hours notice should be given to the Manager of Operations of the time of the burial between May 1<sup>st</sup> to November 30. At least 48 hours notice should be given to the Manager of Operations between December 1<sup>st</sup> and April 30<sup>th</sup>. 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 ashes lot.

## **4. DISINTERMENTS**

- a. No disinterment shall be allowed without the consent of the Manager of Operations and the provision of such documentation as required by the Provincial Government. The disinterment of bodies shall be attended to by the Manager of Operations and the Cemetery Superintendent.
- ~~b.~~ No disinterment for the purpose of lowering remains to accommodate another interment shall be made.
- c. All disinterment costs for earth burials, including provincial and legal fees shall be borne by the person requesting the disinterment

## **5. 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 Cemetery Superintendent.
- b. The grading and seeding or sodding of all lots shall be under the control of the Town and shall conform with 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. No trees or shrubs shall be planted inside or outside and burial lot.
- f. No trees or shrubs or flowers shall be planted in the Cremation Gardens. Cut flowers are allowed in stick – in containers during frost free months and artificial flowers in stick – in containers will be permitted in winter months provided that the said containers are placed immediately adjacent to the memorial or marker.
- g. No glass containers or vases allowed.

## **6. 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 of Operations.
- b. Any person wishing to install any monument or flat marker or relocate any monument or flat marker shall first obtain permission from the Cemetery Custodian.
- c. Should any memorial become unsightly, dilapidated or dangerous, the Town may remove or repair it and where possible, recover the cost from the owner. The Town shall not be responsible for any damages to markers or monuments.
- d. No form of man made grave covers, including concrete or granite ledgers shall be allowed in the Cemetery.
- e. Mausoleums shall not be allowed in the Cemetery.

- f. Foundations are required for all monuments and shall be installed under specifications as provided by the Manager of Operations.
- g. The installation costs of the foundations shall be the amount as set out in Schedule A attached hereto, may be amended from time to time by resolution of Council.
- h. Any flat marker, may be installed by a monument dealer in compliance with standards set by the Manager of Operations 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 to a maximum of one (1) memorial per lot except in the Cremation Garden.
- k. Four (4) memorials per lot shall be permitted in the Cremation Garden excepting single ash lots, where only one memorial shall be permitted or unless otherwise specified.
- l. The dimension of the additional markers shall be 30.48 cm by 15.24 cm by 10.16 cm.
- m. The maximum width of a monument shall be 15.24 cm less than the width of the lot or plot and the monument shall be centred on the lot or plot.
- n. All monuments shall have an average thickness of at least 10.24 cm and a minimum thickness at any point of 7.62 cm. The base of the monument shall not exceed 45.72 cm in depth.
- o. 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.
- p. Persons other than Town Employees shall cease work in the vicinity of a funeral until the conclusion of the service.
- q. Only standard upright military monuments or flat markers placed and centred at the head of the lot shall be permitted as the original memorial on lots or plots so designated.
- r. All monuments and flat markers shall be constructed of permanent materials as approved by the Manager of Operations.

## **7. 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 Town.
- b. Said fees are contained in Schedule A hereto attached and may be revised by resolution of Council.
- c. Moneys from the sale of plots and lots 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 disinterment's shall be set out in Schedule A hereto attached 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 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 Town in writing. Schedule B – attach policy information
- g. When a lot is purchased for the intent of being used for more than one person, the names of those person(s) who are to be interred in those lots shall be given to the Administration staff at the time of purchase and will be recorded on the deed.
- h. Descent and Inheritance of Burial Rights - Burials by or of all heirs, after the original parties named on the original deed are deceased, requires the permission of living heirs, in writing, on the form, attached as *Schedule B*. The Town of Neepawa shall, in no way, be held responsible for failure to properly determine the legal successor ship of the said space owner. The heirs are entitled to the same use of the space as the original owners and are bound by the same policies and procedures.
- i. Transfer of Burial Rights - Owners of deeded lots may transfer their burial rights to other parties by filling out and signing the form attached as *Schedule C*. Original deeds must be presented prior to the transfer taking place. The files located at the administrative office of the Town of Neepawa are to be considered the correct record. The Town of Neepawa reserves the right to recall, correct and reissue the correct certificate.
- j. 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.
- k. 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.
- l. Persons may exchange lots or plots with the Town subject to first having paid the difference, if any for the said lot or plot.

## **8. PERPETUAL CARE**

- a. All monies collected for perpetual grave lot care shall be deposited in a separate trust fund established for that purpose.
- b. Upon receipt of the appropriate perpetual grave lot care fee, the Town will place a suitable marker on the grave so designated.
- c. The fees for Perpetual Care are contained in *Schedule A* hereto attached and forming part of this By-Law and shall be amended by resolution of Council as deemed necessary.
- d. The proceeds from the fund shall be utilized for the perpetual care of the particular grave designated by the payer, and otherwise shall be expended for such other Cemetery upkeep and care as Council may designate.
- e. Perpetual Care at the Cemetery, excluding the Cremation Garden shall provide an increased level of individual grave care and maintenance which shall include the planting and care of flowers on the grave.
- f. Each grave receiving perpetual care shall have flowers planted and care of the grave shall be as determined by Council from time to time.

**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. The cost for such maintenance and care is a part of the grave lot sale fee.
- b. No artificial flowers of any kind will be permitted as permanent adornment on graves. All markers, flowers, solar lights, etc. must be removed by October 1 of each year.
- c. All persons are required to confine themselves to the roads and walks and shall avoid walking on the lots and graves.
- d. Writing upon, scratching, defacing or damaging any memorial, fence, building or any equipment within the cemetery is strictly prohibited.
- e. No person(s) shall pick any flowers, either wild or cultivated, or mutilate or damage any tree, shrub or plant.
- f. 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 of Operations ; 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.
- g. No person(s) shall drive any vehicle at a speed in excess of twenty (20) 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.
- h. No pets shall be allowed in the Cemetery unless controlled by a leash.
- i. No person(s) is permitted to enter the Cemetery except through the gates provided therefore. Such gates will be open daily at hours as designated by the Town.
- j. 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 of Operations shall cause the expulsion from the Cemetery of any person(s) who conduct themselves in an improper manner.
- k. The burial of indigent poor shall be in such portion of the Cemetery as may be designated by the Town.
- l. 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.
- m. By-Law No. 3014 and any other By-Laws specific to Cemetery Operations are hereby repealed.

PASSED AND ENACTED AS A BY-LAW of the Town of Neepawa by the Council of the Town of Neepawa thereof duly assembled at the Beautiful Plains County Court Building in Neepawa, Manitoba this 17day of February A.D., 2015.

TOWN OF NEEPAWA

*ADRIAN DE GROOT*  
Mayor

*COLLEEN SINCHESTYN*  
CAO

Read a first time this 3 day of February, A.D., 2015

Read a second time this 17 day of February, A.D., 2015

Read a third time this 17 day of February, A.D., 2015

**SCHEDULE A TO BY-LAW NO. 3149 CEMETERY FEES 2015 - 2017**

<b>Grave Care</b>	<b>Neepawa Current</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Perpetual Care	\$843.31	\$1250	\$1375	\$1500
Seasonal Care	\$71.98	\$150	\$175	\$200

<b>Cremation Fees</b>	<b>Neepawa Current</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Columbarium Niche Sale	\$900.72	\$2500	\$2625	\$2750
Garden Lot Sale	\$506.66	\$850	\$900	\$925
Columbarium Opening	\$120.47	\$250	\$300	\$350
Garden Lot Opening	\$168.89	\$300	\$350	\$400
Grave Lot Opening	\$168.89	\$300	\$350	\$400

<b>Grave Lot Fees</b>	<b>Neepawa Current</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Grave Lot Sale	\$481.89	\$1000	\$1050	\$1100
Grave Lot Opening	\$450.37	\$750	\$775	\$825

<b>Baby Section Fees</b>	<b>Neepawa Current</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Grave Lot Sale	\$240.95	\$400	\$425	\$450
Grave Lot Opening	\$197.04	\$300	\$350	\$400
Perpetual Care	\$394.07	\$500	\$625	\$750
Seasonal Care	\$63.91	\$50	\$75	\$100

<b>Disinterment Fees</b>	<b>Neepawa Current</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Earth burials	\$602.37	\$1000	\$1500	\$2000
Ash burials	\$124.09	\$300	\$350	\$400
<i>all disinterment costs for earth burials, including provincial and legal fees shall be borne by the person requesting the disinterment</i>				

<b>Surcharges</b>	<b>Neepawa Current</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Funerals between 4 - 4:30	\$120.47	\$250	\$300	\$350
Funerals between 4:30 - 5	\$180.15	\$400	\$450	\$500
Weekends	\$240.95	\$400	\$450	\$500
Statutory Holidays & after 5	\$361.42	\$400	\$450	\$500
Winter Rate - short notice	\$112.59	\$400	\$450	\$500
Non-Residents Surcharge		\$250	\$300	\$350
<b>Owner Transfers (Deeds)</b>		<b>\$50</b>	<b>\$50</b>	<b>\$50</b>

<b>Grave Stone Foundation</b>	<b>2010 rates</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Up to 18"	\$53.97	\$75	\$80	\$85
19" - 30"	\$68.69	\$100	\$105	\$110
31" - 42"	\$83.71	\$125	\$130	\$135
43" - 54"	\$98.13	\$150	\$155	\$160
55" - 66"	\$112.85	\$175	\$180	\$185
67" - 78"	\$127.58	\$200	\$205	\$210
79" - 90"	\$142.29	\$225	\$230	\$235
91" - 102"	\$157.01	\$250	\$255	\$260

**SCHEDULE B TO BY-LAW NO. 3149**

**DESCENT AND INHERITANCE OF BURIAL RIGHTS**

Date of Application: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Name of person property deeded to: \_\_\_\_\_

Location of deeded property: \_\_\_\_\_  
*Lot/Niche*                      *Block/Columbarium*  
*Range/Presentation/Gardens*

Full Name of person to be interred: \_\_\_\_\_

Funeral Director/Funeral Home in Charge of Internment: \_\_\_\_\_

Address of Funeral Home: \_\_\_\_\_

Date of Interment: \_\_\_\_\_  
*(if applicable at time of filing)*

***The following declaration is signed by all living heirs of the owner of the original deed:  
(please see page 1 for definition of heirs)***

We, the family of \_\_\_\_\_ hereby give our permission for  
\_\_\_\_\_ to be interred at the above noted description.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

*Office note: To be filed in the appropriate cemetery burial record book.*

