



## **THE RURAL MUNICIPALITY OF MACDONALD**

### **BY-LAW NO. 8/16**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to provide for the regulating of municipal cemeteries.

WHEREAS the provisions of The Municipal Act, C.C.S.M. c. M225 provides in part as follows:

#### **Spheres of jurisdiction**

232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
- (c) .....

#### **Maintenance of municipal cemeteries**

256 A municipality that operates a cemetery must keep the money received from the sale of plots in a separate account and use the money only for the maintenance of the cemetery.

AND WHEREAS the Council of the Rural Municipality of Macdonald deems it expedient and in the public interest to regulate the municipal cemeteries located on part 29-8-1E as shewn on Plan 38132 (Sanford), on part SE 26-9-2W shewn as Lot 1, Plan 13334 (Starbuck), and on the Northerly 208.75F of the Easterly 208.75F of the NE 18-9-2E (Oak Bluff);

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts as follows:

1. That the price for each lot or plot of approximately 5'x10' in size shall be Five Hundred Dollars (\$500.00) at the Oak Bluff and Sanford Cemeteries and One Hundred and Fifty Dollars (\$150.00) at the Starbuck Cemetery, the said funds to be held and set apart by the municipality and retained in a special account;
2. That a maximum of two (2) plots will be sold to an individual or organization and that the sale of more than two (2) plots will be subject to the approval of Council;
3. That the funds received from the sale of plots can be collected by the municipality or its agent;
4. That the funds received from the sale of plots shall be used for the purposes of improving, caring for, and beautifying the cemetery grounds, and for no other purposes but the expenditure of such funds shall be subject to the approval of Council;
5. That as a condition of the sale of plots, the use of the plot will be for the exclusive use of the purchaser, that the conveyance of the plot is non-transferable and if after at least 50 years from the date of sale of the plot none of the burial sites have been used, the municipality reserves the right to resell the plot;

6. That the maximum number of burial sites on a plot is limited to one (1) casket and two (2) cremations or a maximum of three (3) cremations;
7. That a maintenance fee will be due and payable to the municipality or its agent in the amount of Three Hundred Dollars (\$300.00) at the Oak Bluff and Sanford Cemeteries and One Hundred (\$100.00) at the Starbuck Cemetery prior to the burial of any casket or urn on any plot within the cemetery;
8. That the funds received from the maintenance fee referred to in Section 7 shall be held and set apart by the municipality and retained in a special trust fund;
9. That funds will be accepted from any person or group of person, or from the legal representative of a deceased person, the said funds to be held and set apart by the municipality and retained in a special trust fund;
10. That the funds established, set aside and maintained from the funds referred to in Section 8 and 9 including the income from investment of such a fund, shall be used for the perpetual upkeep and care of the cemetery as recommended by the local Cemetery Board or Committee but the expenditure of such funds shall be subject to the approval of Council;
11. That no burial will be allowed or is to take place without the permission of the municipality or its agent first having been obtained;
12. That no headstone or individual markers will be installed without the permission of the municipality or its agent first having been obtained
13. That all headstones shall be mounted on a concrete base which extends to a minimum of three inches around all sides of the stone and which is flush with the level of the surrounding ground;
14. That all individual markers for graves shall be flush mounted level with the surface of the ground;
15. That no fences, cornerstones, walls, curbs, concrete slabs or other barriers shall be placed around or upon individual graves or plots;
16. That the municipality shall have the right to remove headstones or individual markers installed in the cemetery contrary to the terms and conditions of this by-law and that all costs will be the responsibility of the person or persons who installed the headstones or individual markers in contravention of this by-law;
17. That the municipality, the local Cemetery Board or Committee shall have the right to remove any broken material, excess growth, or other material which, in the opinion of the majority of the members, is distracting from the appearance or the maintenance of the cemetery; and
18. That By-Law No. 14/05 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 10<sup>th</sup> day of May, A.D., 2016.

*Original Signed by*

“B. Erb”  
 Brad Erb  
 Reeve

“D. Hrehirchuk”  
 Daryl Hrehirchuk, CMMA  
 Chief Administrative Officer

Read a First time this 29<sup>th</sup> day of April, A.D., 2016

Read a Second time this 10<sup>th</sup> day of May A.D., 2016

Read a Third time this 10<sup>th</sup> day of May A.D., 2016