

CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

**CEMETERIES BY-LAW
NO. 1996/78**

**A By-law of THE CITY OF WINNIPEG relating
to Cemeteries.**

The Municipal Council of THE CITY OF WINNIPEG, in Council assembled, enacts as follow:

1. The following are the rules and regulations of The City of Winnipeg (hereinafter referred to as the "City") for the operation, maintenance and care of the cemetery known as Brookside Cemetery, the cemetery known as St. Vital Cemetery, and the cemetery known as Transcona Cemetery, and any other that may be at any time operated by the City.

INTERPRETATION

2. **"Director"** means the Director of Planning, Property and Development or designate.

added 7954/2002

"Division Registrar" means a Division Registrar appointed under the Vital Statistics Act of the Province of Manitoba.

amended 4015/85, 6595/95

"Flat marker" means a flat lawn marker that is placed flush with the surrounding turf.

amended 4015/85, 6595/95

"Landmark" means corner pegs used to mark the boundaries of a lot or plot.

amended 4015/85, 6595/95

"Lot" means the area of land sufficient for a single grave.

amended 4015/85, 6595/95

"Memorial" means tombstones, headstones and flat markers.

amended 4015/85, 6595/95

"Monument" means tombstones and headstones but excludes flat markers.
amended 4015/85, 6595/95

"Monument dealer" means all individuals, firms, partnerships and corporations who manufacture, sell, or install memorials in the regular course of business.
amended 4015/85, 6595/95

"Original memorial" means the first memorial placed on a lot or plot.
amended 4015/85, 6595/95

"Original flat marker" means the first marker placed on a lot or plot.
amended 4015/85, 6595/95

"Owner" means the proprietor or owner of a lot or plot to which he has or is entitled to a deed.
amended 4015/85, 6595/95

"Plot" means the area of land sufficient for two or more graves.
amended 4015/85, 6595/95

INTERMENTS

3. (1) All persons applying for interments in the Cemeteries whether as principals or undertakers, shall furnish to the Director, in addition to the burial permit issued by the division registrar, such particulars for the purpose of record as he requires, before such interment be allowed.
amended 7954/2002

INFORMATION REQUIRED

- (2) In each case at the time of burial, the name of the deceased, 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 in case of a family plot or a single lot used for Double Depth the name(s) of the person(s) to receive the deed shall also be furnished to the Director so that an accurate register may be kept.
amended 7954/2002
- (3) An employee of the City shall be in attendance of each interment.

TELEPHONE ORDERS

- (4) Where orders for interments are given by telephone, the City will not be responsible for any errors or misunderstandings that may arise.

CHARGES INCURRED

- (5) Persons ordering graves will be held responsible for charges incurred.

Notwithstanding the above, charges incurred in either St. Vital and Transcona Cemeteries may be billed within one (1) month and payment made within two (2) months from the time of billing.

OPENING OF GRAVES AND VAULTS

- (6) No grave or vault shall be opened for interment or disinterment by any person not in the employ or under hire to the City.

INCLUDED IN INTERMENT FEE

- (7) The interment fee includes the opening and closing grave, use of lowering device, grave linings, earth cover, and other necessary services.

INTERMENTS ON SATURDAYS, SUNDAYS AND STATUTORY HOLIDAYS

- (8) 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 made on Saturdays (except Saturdays occurring on a long weekend), Sundays or Statutory Holidays, unless by order of the Provincial Board of Health.

amended 3434/83

CLOSING THE CASKET

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

DOUBLE DEPTH AT TIME OF FIRST INTERMENT

- (10) For grave opening at extra depth at the time of the first interment, the charge shall be the prevailing opening charge plus one-half thereof as shown in Schedule A.

DOUBLE DEPTH WHERE NO REQUEST WAS MADE FOR EXTRA DEPTH AT TIME OF FIRST INTERMENT

- (11) (a) A period of twenty-five years shall elapse from the time of the first interment before a second burial will be permitted.
- (b) The charge shall be the prevailing opening charge, plus the appropriate amount shown in Schedule A.
- (c) Burial in the same grave of the following relationships only will be permitted: father, mother, sister, brother, wife, husband, son, daughter, grandson, granddaughter, grandfather, grandmother.
- (d) A second burial shall not be permitted if the first burial was made into a concrete or metal grave liner or if the first burial lies beneath a concrete grave cover.
added 3120/82

INTERMENTS IN SUB-SURFACE ASH CRYPT SECTION

- (12) One cremen only shall be permitted in each container and the City shall charge the current interment fee for each committal whether carried out separately or more than one at the same time.

LATE FUNERALS

- (13) Funerals arriving at the cemetery gates after 4:00 p.m. will be assessed a surcharge as shown in Schedule "A" to this By-law. The surcharge will be assessed against the Funeral Home making the arrangements and the Funeral Home will be notified of the amount of the surcharge the next working day following the funeral. No funeral will be permitted to enter the gates after 5:00 p.m.
added 3341/82

4. **INSTALMENT PLAN**

- (1) Lots and Preferred Single Graves may be purchased on the instalment plan and in advance of need. When such purchases are made final payment of the monies owed must be made within one (1) year of purchase.

PRICES AND TERMS

- (2) Plots and Lots shall be sold at such prices and on such terms as may from time to time be fixed by the City. Where sales are made on the instalment plan no interment shall be made therein until the purchase price has been fully paid except that in the case of Double and Family plots permission will be granted for one interment upon purchaser executing an agreement to purchase and paying one-half of the purchase monies in addition to the usual burial charges, but no deed shall be given until payment in full of the purchase price has been made. No monument shall be erected unless and until the whole purchase price has been paid.

REMUNERATIONS PROHIBITED

- (3) Owners shall not allow interments to be made in plots or lots for a remuneration, without the consent of the City.

AUTHORIZATION FOR BURIAL

- (4) 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 Director the name of the person to be interred and into which lot or plot. Such authorization to be signed by the owner of the lot or plot.
amended 7954/2002

NOTICE OF TRANSFERS

- (5) 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 City until a duly executed transfer has been lodged with the Director specifying the name, address and occupation or other description of the proposed transferee, and such particulars shall be recorded in a register to be kept for that purpose. A fee of two (\$2.00) dollars shall be payable upon each such transfer.
amended 7954/2002

PROOF OF INHERITANCE

- (6) When the owner of a cemetery lot or plot dies and the holding passes to new owners before the new owners can obtain registration of their interest to it, the City requires proof of their right to such interest. This proof in ordinary cases may consist of either:

- (a) If there is a will, by depositing with the City a certified or notarial copy of the probate.
 - (b) If there is no will, by depositing with the City a certified or notarial copy of the letters of Administration.
 - (c) If there is no will or letters of administration such proof as shall be satisfactory to the City.
 - (d) If a new owner wishes to have an interment made before he has obtained registration of his interest in a lot or plot, he shall satisfy the City of his right to do so before the interment shall be permitted.
- (7) The City reserved the right to designate special sections within the cemeteries and impose restrictions, including types of monuments and other markers to be employed therein.
- (8) Where no interment has been made in a lot or plot, the City 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. In case of family plots with two or more lots unused or double plots on flat stone sections, repossession shall be at the discretion of the City.
- (9) No person shall be permitted to sell or convey any lot or plot except with the approval of the City, first had and obtained, which approval shall not be withheld arbitrarily.
- (10) Ashes may be interred in the same grave with the remains of a relative, on payment of regular opening fee. No more than two urns will be permitted in each single grave.

DIGGING OF GRAVES, SIZE OF COFFIN

5. (1) Graves shall be dug and interments made only by persons in the employ of the City or under hire to the City, and in both instances this shall be under the direction of the Director. At least 24 hours previous notice must be given to the Director of the time of burial (48 hours notice mandatory December 1 to April 30), 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 grave in the plot. Sundays and Statutory holidays shall not form part of the required notice time for opening a grave.
- amended 4015/85; 7954/2002*

DEPTH OF EARTH ON SECOND INTERMENT

- (2) Where a second interment is made in a grave, the second interment shall have not less than forty (40) inches of earth over top of the outside container.

BODIES TO GRAVE

6. (1) Not more than two earth interments will be allowed in one lot. No interment will be made or allowed unless full particulars are given and the death 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 with her child under one year of age. In no case shall there be more than four remains contained in two caskets placed in a lot. If the Director or any other person whatsoever has reason to believe that any casket contains the remains of more than one person other than those cases hereinbefore provided for, or that the casket contains the remains of a person whose death has not been registered, the same shall be reported to the Director, and interment withheld until a full enquiry has been made.
amended 4015/85; 7954/2002
- (2) (i) Subject to clause (ii), up to two urns may be interred in any ashes lot having dimensions of at least two feet by two feet (60.96 cm x 60.96 cm) provided that the first such urn is interred at double depth;
- (ii) Up to two urns may be interred in any ashes lot in the medical section having dimensions of at least two feet by two feet (60.96 cm x 60.96 cm) and both such urns may be interred at single depth;
- (iii) Up to four urns may be interred in any ashes plot having dimensions of three feet by three feet (91.44 cm x 91.44 cm) or two feet by four feet (60.96 cm x 121.92 cm) provided that the first two of such urns are interred at double depth.
amended 4015/85
- (3) Subsections 1 and 2 shall not apply to Sub-surface Ash Crypt Section 32, Brookside Cemetery.

DISINTERMENTS

7. (1) No disinterment will be allowed without the consent of the Director and such documentation as the Provincial Government requires has first been obtained. The disinterment of bodies shall be attended to by the Director.
amended 6595/95; 7954/2002
- (2) No disinterment for the purpose of lowering remains to accommodate another interment shall be made without permission of the owner of the lot or plot, except for the burial of the owner thereof whose name appears on record at the offices of the City.
- (3) No disinterment shall be made of the first interment from any grave in which a second interment has been made unless the second interment is disinterred at the same time for burial in another plot.
- (4) No disinterments shall be allowed from the crypts in the Sub-surface Ash Crypt Section.

GARDENERS AND GARDENING

GRADING AND SODDING (IMPROVEMENTS OF GRAVES)

8. (1) Persons desiring to do planting or any gardening work on a lot or plot must first obtain the permission and approval of the Director.
amended 4015/85; 7954/2002
- (2) The grading and seeding or the sodding of all lots shall be under the control of the Director, and made to conform with the section in which the lot lies.
amended 4015/85; 7954/2002

GRAVE PLANTINGS

- (3) Owners of lots or plots shall have the privilege of planting flower beds on graves and plots if they so desire, provided the graves have been stabilized and levelled. The City reserves the right to enter onto any lot where the grave is in a mounded condition regardless of floral plantings to carry out levelling activities.
- (4) Gardening of any kind for reward or pecuniary consideration will not be permitted without first obtaining from the City a permit for such purpose and paying therefore a fee as may be negotiated.

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

amended 4015/85; 7954/2002

REMOVAL OF RUBBISH

- (6) 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 their work under the direction of the General Manger.

amended 4015/85

HOURS OF WORK

- (7) Private gardeners or florists or their employees shall not work in the cemeteries on Sundays, public holidays or after 4:30 P.M. on week days.

TREE OR SHRUB PLANTING

- (8) No tree or shrub may be planted inside or outside any burial lot without the expressed permission of the Director. The City reserves the right to prune, in order to reduce in size or remove to ground level, any tree or shrub extending outside the boundaries or any lot or plot.

amended 6595/95; 7954/2002

ASHES SECTIONS

- (9) No tree or shrub or flower may be planted by the owner of a plot, or anyone on behalf of the owner, in sections of the cemeteries reserved for the burial of ashes. Cut flowers only in stick-in containers may be placed on a plot in said sections during frost free months and artificial flowers in stick-in containers will be permitted during winter months.

FOUNDATIONS, MONUMENTS AND MARKERS

9. (1) Each person involved in the erection or relocation of a monument, a flat marker, a landmark or any other work shall be subject to the control and direction of the Director.

amended 4015/85; 7954/2002

- (2) Any person wishing to
- (a) install any monument or flat marker, regardless of size; or (b) relocate any monument or flat marker;
- shall submit a written application stating the size and design of the installation or re-installation to the Director and obtain a permit authorizing the same.
amended 4015/85; 7954/2002
- (3) Statuary and open urns intended as receptacles for flowers, and forming integral parts of a monument are not permitted in St. Vital Cemetery, but are permitted in Brookside Cemetery and Transcona Cemetery.
amended 4015/85
- (4) Should any memorial or mausoleum become unsightly, dilapidated or dangerous, the City may remove or repair it and recover the cost from the owner.
amended 4015/85
- (5) (a) A foundation shall be required for all monuments weighing one hundred pounds (45.36 kg) or more.
amended 4015/85
- (b) All foundations shall be installed by or under the express authority of the City.
amended 4015/85
- (c) The foundations shall be either:
- (i) a continuous beam construction, having a minimum depth of eight inches (20.32 cm) and be underlain by a gravel or crushed stone sub-grade having a minimum depth of eight inches (20.32 cm); or
amended 4015/85
 - (ii) a pre-cast or poured in place concrete slab having a minimum thickness of four inches (10.16 cm) with a gravel, crushed stone, or sand sub-grade having a minimum depth of four inches (10.16 cm).
amended 4015/85

- (d) The cost of installing each foundation shall be the amount set out in Schedule "A" hereto and shall be paid in advance by the owner of the plot or lot or the persons ordering the same.
amended 4015/85
- (6)
 - (a) Any flat marker, regardless of size, may be installed by a monument dealer, or by employees of the City, in compliance with requirements set out by the Director from time to time.
amended 7954/2002
 - (b)
 - (i) Where the flat marker is to be installed by the City, the flat marker shall be delivered to the cemetery grounds in which it is to be placed and such marker shall, upon delivery, be placed in such location as the City may from time to time determine.
amended 4015/85
 - (ii) The City shall not be held liable for any damage occurring to the marker following delivery and prior to installation unless the marker has been received by an employee of the City and a signature obtained.
amended 4015/85
 - (iii) The cost of installing a flat marker shall be the amount set out in Schedule "A" hereto and shall be paid in advance by the owner of the lot or plot or the person ordering the same.
amended 4015/85
 - (c)
 - (i) Where the flat marker is to be installed by a monument dealer, the marker shall not be delivered to the respective cemetery grounds prior to the time of installation.
amended 4015/85
 - (ii) The City shall not be responsible for the flat marker prior to installation by the monument dealer in accordance with this sub-section.
amended 4015/85
- (7)
 - (a) Not more than one upright monument shall be erected on any one lot.
amended 4015/85

- (b) (i) Subject to sub-section 10.(2), on subsequent interments in any lot or plot, additional flat markers, to a maximum of three memorials per lot shall be permitted, except in the ashes and baby sections, when a maximum of two memorials per lot shall be permitted, further excepting the single ash lots, where only one memorial shall be permitted.

amended 4015/85

- (ii) The dimensions of these additional markers shall be twenty inches by ten inches by four inches (50.80 cm x 25.40 cm x 10.16 cm).

- (iii) When only one additional marker is placed on a lot or plot, it shall be placed above the original memorial in sections D.1, D.2, Plots 1939 to 2416, D.5, D.8, 27 and the Medical Earth Burial Section of Brookside Cemetery, and below the original memorial in all other sections of Brookside Cemetery, and in all sections of the St. Vital and Transcona Cemeteries.

- (iv) When two additional markers are placed on a lot or plot, they shall be placed side by side above the original memorial in sections D.1, D.2, Plots 1939 to 2416, D.5, D.8, 27 and the Medical Earth Burial Section of Brookside Cemetery and below the original memorial in all other sections of Brookside Cemetery, and in all sections of the St. Vital and Transcona Cemeteries.

amended 4015/85

DIMENSIONS OF MONUMENTS ON STANDARD LOTS AND PLOTS

- (8) (a) The maximum width of a monument shall be six inches (15.24 cm) less than the width of the lot or plot and the monument shall be centred on the lot or plot as the case may be.

amended 4015/85

- (b) No monument shall have an average thickness less than four inches (10.24 cm), or a minimum thickness at any point less than three inches (7.62 cm), and the base of the monument shall not exceed eighteen inches (45.72 cm) in depth.

amended 4015/85

- (c) The maximum height of a monument shall be four and one-half feet (137.16 cm), including the base.

amended 4015/85

- (9) Contractors, masons, stonecutters and other workmen shall lay planks on the lots and paths over which heavy materials are to be moved, in order to protect them from injury.
amended 4015/85
- (10) Workmen shall cease work in the vicinity of a funeral until the conclusion of the service. Workmen will not be allowed to work in cemetery grounds on Sundays. Contractors shall be held liable for any damage to property while working in the cemeteries.
amended 4015/85
- (11) No personal marker(s) or monuments shall be permitted in the Sub-surface Ash Crypt Section.
amended 4015/85

HEADSTONES AND FLAT MARKERS

- 10. (1) On those sections in Brookside designated as select and including plots 1939 to 2416 in double-grave section D.2., in those sections in all cemeteries designated for the burial of ashes, and in all sections contained within St. Vital Cemetery including the Roman Catholic area, the erection of monuments is prohibited.

MONUMENTS AND FLAT MARKERS

- (2) Subject to the requirements contained in sub-section 9.(7) and Section 11, memorials will be permitted in all sections of the Brookside, St. Vital and Transcona Cemeteries, upon the following conditions:
amended 4015/85

BROOKSIDE CEMETERY

Sections D.1; D.2, Plots 1939 to 2416; D.5; D.8; 27; and the Medical Earth Burial Section

Only a flat marker centered at the foot of the lot or plot shall be permitted as the original memorial. The original marker shall have minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and maximum dimensions of 28" x 20" x 4" (71.12 cm x 50.80 cm x 10.16 cm) for lots, and with minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and with maximum dimensions of 48" x 20" x 4" (121.92 cm x 50.80 cm x 10.16 cm) for plots.

amended 4015/85

Single Ash Lots

Only one flat marker placed and centered at the foot of the lot shall be permitted. The dimensions of the marker shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm).

amended 4015/85

Family Ash Plots

Only flat markers, to a maximum of two, placed and centered at the foot of the plot shall be permitted. The dimensions of the markers shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm). Each marker may accommodate two sets of ashes to a maximum of four sets per plot.

amended 4015/85

Medical Ash Section

Only flat markers, to a maximum of two shall be permitted. The dimensions of the marker shall be 16" x 8" x 4" (40.64 cm x 20.32 cm x 10.16 cm).

amended 4015/85

Baby Section and for Children under the age of 10 years

A monument of a flat marker placed and centered at the head of the lot shall be permitted as the original memorial. The dimensions of a marker shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm).

amended 4015/85

Military Sections

Only a standard upright military monument placed and centred at the head of the lot shall be permitted as the original memorial

amended 4015/85

All other sections

A monument or a flat marker, placed and centered at the head of the lot or plot shall be permitted as the original memorial. An original flat marker shall have minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and maximum dimensions of 28" x 20" x 4" (71.12 cm x 50.80 cm x 10.16 cm) for lots, and minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and maximum dimensions of 48" x 20" x 4" (121.92 cm x 50.80 cm x 10.16 cm) for plots.

amended 4015/85

ST. VITAL CEMETERY

All section except the Baby and Ashes Sections

Only a flat marker centered at the head of the lot or plot shall be permitted as the original memorial. The original marker shall have minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and maximum dimensions of 28" x 20" x 4" (71.12 cm x 50.80 cm x 10.16 cm) for lots, and with minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and with maximum dimensions of 48" x 20" x 4" (121.92 cm x 50.80 cm x 10.16 cm) for plots.

amended 4015/85

Single Ash Lots

Only one flat marker placed and centred at the foot of the lot shall be permitted. The dimensions of the marker shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm).

amended 4015/85

Family Ash Plots

Only flat markers, to a maximum of two, placed and centered at the foot of the plot shall be permitted. The dimensions of the markers shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm). Each marker may accommodate two sets of ashes to a maximum of four sets per plot.

amended 4015/85

Baby Section and for children under the age of 10 years

A flat marker measuring 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm), placed and centered at the head of the lot shall be permitted as the original memorial.

amended 4015/85

All sections presently in use, except the Baby Ashes and Military Sections

A monument or flat marker centered at the head of the lot or plot shall be permitted as the original memorial. An original marker shall have minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and maximum dimensions of 28" x 20" x 4" (71.12 cm x 50.80 cm x 10.16cm) for lots, and with minimum dimensions of 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm) and with maximum dimensions of 48" x 20" x 4" (121.92 cm x 50.80 cm x 10.16cm) for plots.

amended 4015/85

Single Ash Lots

Only one flat marker placed and centred at the foot of the lot shall be permitted. The dimensions of the marker shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm).

amended 4015/85

Family Ash Plots

Only flat markers, to a maximum of two, placed and centered at the foot of the plot shall be permitted. The dimensions of the markers shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm). Each marker may accommodate two sets of ashes to a maximum of four sets per plot.

amended 4015/85

Baby Section and for Children under the age of 10 years.

A monument or flat marker placed and centered at the head of the lot shall be permitted as the original memorial. The dimensions of a marker shall be 20" x 10" x 4" (50.80 cm x 25.40 cm x 10.16 cm).

amended 4015/85

Military Sections

Only a standard upright military monument placed and centered at the head of the lot shall be permitted as the original memorial.

amended 4015/85

11. (a) All monuments shall be constructed of:

- (i) granite;
- (ii) marble;
- (iii) bronze;

- (iv) other permanent materials which have been approved by the Director, based upon test results satisfactory to the Director, verifying that the said proposed permanent material has a durability factor equivalent to that of granite, marble or bronze. The applicants shall be responsible for all costs associated with obtaining the test results required as aforesaid;
amended 7954/2002
 - (v) or any combination of the materials listed above, which has been approved by the Director, based on test results satisfactory to the Director, verifying that the said proposed combination of materials has a durability factor equivalent to that of granite, marble or bronze. The applicants shall be responsible for all costs associated with obtaining the test results required as aforesaid.
amended 4015/85; 7954/2002
- (b) All flat markers shall be constructed of:
- (i) granite;
 - (ii) bronze;
 - (iii) other permanent materials which have been approved by the Director, based upon test results satisfactory to the Director, verifying that the said proposed permanent material has a durability factor equivalent to that of granite or bronze. The applicants shall be responsible for all costs associated with obtaining the test results required as aforesaid;
amended 7954/2002
 - (iv) or any combination of the materials listed above, which has been approved by the Director, based on test results satisfactory to the Director, verifying that the said proposed combination of materials has a durability factor equivalent to that of granite or bronze. The applicants shall be responsible for all costs associated with obtaining the test results required as aforesaid.
amended 4015/85; 7954/2002

MATERIALS BROUGHT TO CEMETERY

12. 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 Director shall direct, and all earth, stone and rubbish accumulated in improving any lot must be removed and deposited under his direction, by the lot owners, or persons responsible therefore.

amended 4015/85; 7954/2002

FENCES AND POSTS

13. (1) All corner stones or improvements indicating the boundaries of lots, must be placed on the lot itself and no fence of wood, or iron, or walls, coping, curbing of brick, stone or marble shall be erected as an enclosure on single graves or plots.
- (2) Posts of iron, stone, concrete or marble, on the corners of single graves or plots, are all that will be allowed and shall be placed so as not to project above the surface of the ground.

DAMAGE TO TREES

14. 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 City to be diseased or hazardous. Such diseased or hazardous trees shall only be removed by employees of the City.

REMOVAL OF DESIGNS

15. (1) The City 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 shall mar the beauty of the surrounding scenery or is unsightly.
- (2) Notwithstanding sub-section (1) any floral pieces placed on a sub-surface Ash Crypt at time of interment, or at any other time, shall be removed or will be removed by the City after five days.

ARTIFICIAL FLOWERS AND DESIGNS

16. (1) No artificial flowers of any kind will be permitted as permanent adornment on graves, except they be confined in a cut flower container and placed at the base of a marker.
- (2) The placement of artificial flowers into the turf of a grave or the continued use of artificial wreaths after the grave has been levelled and grassed over is not permitted.

NO WALKING ON GRAVES

17. All persons are required to confine themselves to the roads and walks, and shall avoid walking on the lots and graves.

NO DEFACING OF MEMORIALS, STRUCTURES OR FENCES

18. Writing upon, scratching, defacing or damaging any memorial, fence, building, or any structure in or belonging to the cemeteries is prohibited.

amended 4015/85

PICKING FLOWERS

19. No person shall pick any flowers, either wild or cultivated, or mutilate or damage any tree, shrub or plant.

VEHICLES IN CEMETERY

20. No vehicle of any kind shall be allowed in any part of the cemetery, except the roadways, without the special permission of the Superintendent; 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 said cemetery may occur.

RAPID DRIVING

21. No person shall drive any vehicle at a speed in excess of 20 kilometres per hour on any roads in the cemeteries; nor drive on the grass or lots therein; nor park a vehicle in such a way to cause damage to any turf therein.

DOGS

22. Dogs and other pets shall not be allowed in the cemeteries unless controlled by chain or other sufficient guard.

ENTERING THE CEMETERY

23. No person is permitted to enter the cemeteries except through the gates provided therefore, such gates being open the hours of 8 A.M. and sunset daily, and no person shall enter the cemeteries except through such gates and then only during the hours the said gates are open as foresaid.

24. Any person disturbing the quiet or good order of the cemeteries by noise or other improper conduct, may be compelled to leave the grounds; and the Director shall prohibit the entrance to and cause expulsion from the cemeteries of persons who conduct themselves in an improper manner.

amended 4015/85; 7954/2002

PRICE OF LOTS

25. (1) The price of lots in the cemeteries shall be fixed and determined from time to time by the City, according to their location as shown upon the plans of said cemeteries, deposited in the office of the Director, and such prices, until further fixed, shall be those as set out in Schedule A to this By-law as amended from time to time, and such charge, and any further charge shall include therein a sum to be set apart for the perpetual care of such lots which perpetual care shall mean the general care of such lots as hereafter more specifically set forth in Section 28 thereof.

amended 4015/85; 7954/2002

(2) The charges for interments and disinterments shall be set out in Schedule A as amended from time to time.

(3) The charges for monument installations and other charges that may be required, shall be set out in Schedule A as amended from time to time.

DEEDS

26. (1) Deeds for cemetery plots shall be issued by the Director.

amended 7954/2002

(2) The Deed mentioned in Subsection (1) hereof shall be issued only upon the certificate of the Director defining the location of the lot selected and upon full payment of the purchase money therefore prescribed in such certificate.

amended 7954/2002

NUMBER IN PLOT

27. The number of earth burials in any plot shall be made upon the basis of allowing not less than 30 square feet for each adult grave.

CARE OF PLOTS, GRAVES

28. The charges made by the City for the purchase of single graves or for plots as hereinbefore set out include a sum to set aside, invested and applied to and for the perpetual care of the grave or plot purchased.

amended 5720/91

PERPETUAL MAINTENANCE FUND - BROOKSIDE

29. For the purpose of creating, building up, and maintaining a perpetual maintenance fund for the care and maintenance of Brookside Cemetery there shall be paid to the Sinking Fund Trustees of the City of Winnipeg, during the years 1960 to 2004, both inclusive, and not later than the first day of June of each of the said years, a sum equal to twenty-five per centum of the proceeds of the sale of plots and graves in said Brookside Cemetery sold during the preceding year. The said monies shall be so paid over to the said Trustees for investment and administration and shall be treated in the same manner as interest and sinking fund charges. Commencing the first day of January, 1991, and upon each and every first day of January thereafter the said Trustees shall pay out fifty per centum of the yearly earnings of the fund for the previous year to the City of Winnipeg. The said yearly earnings shall be applied to offset the cost of the care and maintenance of Brookside Cemetery.

amended 5720/91

PERPETUAL MAINTENANCE FUND - ST. VITAL

30. For the purpose of creating, building up, and maintaining a perpetual maintenance fund for the care and maintenance of St. Vital Cemetery there shall be paid to the Sinking Fund Trustees of the City of Winnipeg, during the years 1979 to 2004, both inclusive, and not later than the first day of June of each of the said years, a sum equal to twenty-five per centum of the proceeds of the sale of plots and graves in said St. Vital Cemetery sold during the preceding year. The said monies shall be so paid over to the said Trustees for investment and administration and shall be treated in the same manner as interest and sinking fund charges. Commencing the first day of January, 1991, and upon each and every first day of January thereafter the said Trustees shall pay out fifty per centum of the yearly earnings of the fund for the previous year to the City of Winnipeg. The said yearly earnings shall be applied to offset the cost of the care and maintenance of St. Vital Cemetery.

amended 5720/91, 5939/92

PERPETUAL MAINTENANCE FUND - TRANSCONA

31. For the purpose of creating, building up, and maintaining a perpetual maintenance fund for the care and maintenance of Transcona Cemetery there shall be paid to the Sinking Fund Trustees of the City of Winnipeg, during the years 1979 to 2029, both inclusive, and not later than the first day of June of each of the said years, a sum equal to twenty-five per centum of the proceeds of the sale of plots and graves in said Transcona Cemetery sold during the preceding year. The said monies shall be so paid over to the said trustees for investment and administration and shall be treated in the same manner as interest and sinking fund charges. Commencing the first day of January, 1991, and upon each and every first day of January thereafter the said Trustees shall pay out fifty per centum of the yearly earnings of the fund for the previous year to the City of Winnipeg. The said yearly earnings shall be applied to offset the cost of the care and maintenance of Transcona Cemetery.

amended 5720/91

BURIAL OF INDIGENT POOR

32. The burial of indigent poor shall be in such portions of the cemeteries as may from time to time be designated by the City.

33. The City shall take reasonable precautions to protect the property of lot owners but they assume no liability or responsibility for the loss of or damage to, any monument, marker, crypt, or part thereof or any article of any type that may be placed on any lot or crypt, or for any plant, tree, or shrub planted upon any lot.

PENALTIES

34. (1) Any person or persons who shall violate any of the provisions of this By-law, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanour, punishable by a fine of not less than \$25.00 or more than \$25.00 in addition to costs. In the case of non-payment of fine and costs by imprisonment or not less than seven days nor more than thirty days. The imposition of one 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 when not otherwise specified, each ten days that prohibited conditions are maintained, shall constitute a separate offence.

- (2) The application of the above penalty shall not be held to prevent the forced removal of prohibited conditions.

35. This By-law shall come into force and effect from the date of the passing thereof.

PREVIOUS BY-LAWS REPEALED

36. When this By-law comes into force the following by-laws shall be repealed:

- (1) By-law No. 19063 and all amendments thereto, being a by-law of the City of Winnipeg for the operation and regulation of Brookside Cemetery.
- (2) By-law No. 3088 and all amendments thereto, being a by-law of the former Rural Municipality of St. Vital for the operation and regulation of St. Vital Cemetery.
- (3) By-law No. 29/59 and all amendments thereto, being a by-law of the former town of Transcona for the operation and regulation of Transcona Cemetery.

DONE AND PASSED in Council assembled, this 14th day of June, 1978.

SCHEDULE A
amended 7947/2001

**CEMETERIES BRANCH
2003 - 2005 FEES SCHEDULE**

Schedule A

Effective January 1st, annually

<u>LOT & PLOT CHARGES</u>	2003	2004	2005
BROOKSIDE CEMETERY: (Upright Monument and Flat Markers permitted)			
Continuous Foundation (36)	\$995.00	\$1,015.00	\$1,035.00
Flat Marker Only (D-8 single lot)	\$995.00	\$1,015.00	\$1,035.00
Continuous Foundation (33,33C, 35C)	\$1,250.00	\$1,275.00	\$1,300.00
Infant up to 2 Years of Age (44B)	\$195.00	\$200.00	\$205.00
Child 2 to 10 Years of Age (42A)	\$415.00	\$425.00	\$435.00
Field of Honour (Regimental No. required)	\$995.00	\$1,015.00	\$1,035.00
Double Plot - No Foundation (D8)	\$2,065.00	\$2,105.00	\$2,145.00
Double Plot - With Foundation (D10)	\$2,490.00	\$2,540.00	\$2,590.00
Single Cremation Lot (Block 3)	\$455.00	\$465.00	\$475.00
Niche (Plaque or Engraving) (see Note 5 Below)	\$1,615.00	\$1,645.00	\$1,680.00
ST. VITAL CEMETERY: (Flat Marker Memorials only)			
All Sections	\$995.00	\$1,015.00	\$1,035.00
Infant up to 2 Years of Age (Block 6)	\$195.00	\$200.00	\$205.00
Family Cremation Plot Block 6	\$905.00	\$925.00	\$945.00
Single Cremation Lot Block 6	\$455.00	\$465.00	\$475.00
Niche (Plaque only) (see Note 5 Below)	\$1,615.00	\$1,645.00	\$1,680.00
Round Columbarium - Standard Niche	\$1,650.00	\$1,685.00	\$1,720.00
Round Columbarium - Premium Niche	\$1,710.00	\$1,745.00	\$1,780.00
Round Columbarium - Third interment	\$205.00	\$210.00	\$215.00
TRANSCONA LOT CEMETERY: (Upright Monument and Flat Marker permitted)			
Continuous Foundation (22 & 23)	\$1,250.00	\$1,275.00	\$1,300.00
No Foundation (20)	\$995.00	\$1,015.00	\$1,035.00
Infant up to 2 Years of Age (2B or 7)	\$195.00	\$200.00	\$205.00
Single Cremation Lot (Block 15 & 23A)	\$455.00	\$465.00	\$475.00
Military Lot (Regimental # Required) (see Note 6 Below)	\$995.00	\$1,015.00	\$1,035.00
Niche (Plaque or Engraving) (see Note 5 Below)	\$1,615.00	\$1,645.00	\$1,680.00
INTERMENT FEES:			
CASKETS:			
Up to and including 4 feet	\$260.00	\$265.00	\$270.00
Over 4 feet:			
May 1 to Nov. 30 (Single Depth)	\$615.00	\$625.00	\$635.00
" " (Double Depth)	\$935.00	\$955.00	\$975.00
Dec. 1 to Apr 30 (Single Depth)	\$680.00	\$695.00	\$710.00
" " (Double Depth)	\$1,005.00	\$1,025.00	\$1,045.00

**CEMETERIES BRANCH
2003 - 2005 FEES SCHEDULE**

Schedule A**Effective January 1st, annually**

<u>LOT & PLOT CHARGES</u>	2003	2004	2005
CREMATED REMAINS:			
May 1 to Nov. 30 (Single Depth)	\$230.00	\$235.00	\$240.00
" " (Double Depth)	\$345.00	\$350.00	\$355.00
Dec. 1 to Apr 30 (Single Depth)	\$260.00	\$265.00	\$270.00
" " (Double Depth)	\$390.00	\$400.00	\$410.00
Sub-surface Ash Crypt	\$200.00	\$205.00	\$210.00
Interment with existing Casket	as noted above	as noted above	as noted above
Interment at same time as Casket burial	50% of regular rate	50% of regular rate	50% of regular rate
Two interments at same time, same grave	75% of reg. rate ea.	75% of reg. rate ea.	75% of reg. rate ea.
Two interments at same time, diff. grave	same as above	same as above	same as above

DISINTERMENT FEES:

Casket Burials: 3 times the prevailing interment rate.

Cremated Remains - single depth: one and one-half times the prevailing interment rate.

Cremated Remains - double depth: 2 times the prevailing interment rate.

LATE FUNERAL SURCHARGES:

Funerals arriving at cemetery gate:

- Between 3:30 and 3:59 p.m.:	\$190.00	\$195.00	\$200.00
- Between 4:00 and 4:29 p.m.:	\$260.00	\$265.00	\$270.00
- Between 4:30 and 4:59 p.m.:	\$345.00	\$350.00	\$355.00

CANCELLATION OF INTERMENT REQUESTS:

A charge of 50 % of the interment fee is required for cancellation once opening services have been performed.

MONUMENT FOUNDATIONS:

Cement Slab - Single:			
42" for lot size 4' x 10'	\$230.00	\$235.00	\$240.00
36" for double plot size 7' x 10'			
Cement Slab - Double:	\$460.00	\$470.00	\$480.00
60" for any lot			
78" for plot size 7' x 10', 60" for any lot			
90" for plot size 8' x 10'			
66" for four grave plot			
Cement Slab 24" - Infant Section:	\$135.00	\$140.00	\$145.00
Cement Slab 30" - Child Section:	\$195.00	\$200.00	\$205.00

INSTALLATION CHARGES:

Single Marker - including Field of Honour	\$95.00	\$95.00	\$100.00
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**CEMETERIES BRANCH
2003 - 2005 FEES SCHEDULE**

Schedule A**Effective January 1st, annually**

<u>LOT & PLOT CHARGES</u>	2003	2004	2005
Single Marker with attached vase	\$125.00	\$130.00	\$135.00
Double Marker - larger than 28"	\$125.00	\$130.00	\$135.00
Double Marker with attached vase	\$165.00	\$170.00	\$175.00
Military Upright Monument	\$125.00	\$130.00	\$135.00
Memorial Vase	\$95.00	\$95.00	\$100.00
Single marker & vase, at same time	\$150.00	\$155.00	\$160.00
Double marker & vase, at same time	\$175.00	\$180.00	\$185.00
 MONUMENT INSTALLATION - PERMITS:			
Per application	\$10.00	\$10.00	\$10.00
 BURIAL RECORD SEARCH:	\$9.35	\$9.35	\$9.35
For information other than location or on cemetery website			
	\$18.69	\$18.69	\$18.69
 METAL VASE:			

NOTES:

1. G.S.T. to be added to all fees
2. No interments permitted after 5:00 p.m. on regular business days.
3. The Cemetery Branch requires 24 hours notice for interments during the period May 1 to November 30.
4. The Cemetery Branch requires 48 hours notice for interments during the period December 1 - April 30.
5. Niches are an inclusive price and includes: the niche; the opening of the niche for two interments of cremated remains; and the plaque or engraving on the niche (2 services only for plaque/engraving).
6. Lots offered at no cost to Veterans with military service. Does not include cost of foundation.