

EXPLANATION FOR COUNCIL RE BY-LAW NO. 4015/85

This By-law amends the Cemeteries By-law.

F. N. STEELE,
City Solicitor.

BY-LAW NO. 4015/85

A By-law of The City of Winnipeg to amend the Cemeteries By-law, being By-law No. 1996/78 and amendments thereto.

THE CITY OF WINNIPEG, IN COUNCIL ASSEMBLED, ENACTS
AS FOLLOWS:

By-law No. 1996/78 of The City of Winnipeg, as amended by By-laws Nos. 3120/82, 3341/82 and 3434/83 is further amended as follows:

1. Section 2 thereof is hereby deleted and the following substituted therefor:

- (1) "Division Registrar" means a Division Registrar appointed under the Vital Statistics Act of the Province of Manitoba.
- (2) "Flat marker" means a flat lawn marker that is placed flush with the surrounding turf.
- (3) "General Manager" means the General Manager of Parks and Recreation or his designate.
- (4) "Landmark" means corner pegs used to mark the boundaries of a lot or plot.
- (5) "Lot" means an area of land sufficient for a single grave.
- (6) "Memorial" means tombstones, headstones, and flat markers.
- (7) "Monument" means tombstones and headstones but excludes flat markers.
- (8) "Monument dealer" means all individuals, firms, partnerships and corporations who manufacture, sell, or install memorials in the regular course of business.
- (9) "Original memorial" means the first memorial placed on a lot or plot.
- (10) "Original flat marker" means the first marker placed on a lot or plot.
- (11) "Owner" means the proprietor or owner of a lot or plot to which he has or is entitled to a deed.
- (12) "Plot" means an area of land sufficient for two or more graves.

2. The following sections thereof or sub-sections are hereby amended by deleting the word "Superintendent" where it occurs therein and substituting therefor the words "General Manager":

- (1) sub-section 5.(1), in line 4 thereof;
- (2) sub-section 5.(1), in line 6 thereof;
- (3) sub-section 6.(1), in line 10 thereof;
- (4) sub-section 8.(1), in line 3 thereof;
- (5) sub-section 8.(2), in line 2 thereof;
- (6) sub-section 8.(5), in line 3 thereof;
- (7) sub-section 8.(6), in line 5 thereof;
- (8) section 12, in line 3 thereof;
- (9) section 24, in line 3 thereof; and
- (10) sub-section 25.(1), in line 5 thereof.

3. Sub-section 6.(2) thereof is hereby deleted and the following substituted therefor:

- 6.(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.

4. Section 9 thereof is hereby deleted and the following substituted therefor:

- 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 General Manager.
- (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 General Manager and obtain a permit authorizing the same.
- (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.
- (4) Should any memorial or mausoleum become unsightly, delapidated or dangerous, the City may remove or repair it and recover the cost from the owner.
- (5) (a) A foundation shall be required for all monuments weighing one hundred pounds (45.36 kg) or more.

- (b) All foundations shall be installed by or under the express authority of the City.
 - (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
 - (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).
 - (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.
- (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 General Manager from time to time.
- (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.
 - (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.
 - (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.
- (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.
- (ii) The City shall not be responsible for the flat marker prior to installation by the monument dealer in accordance with this sub-section.
- (7) (a) Not more than one upright monument shall be erected on any one lot.
- (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.

- (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.
- (8) Dimensions of Monuments on Standard Lots and Plots
- (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.
 - (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.
 - (c) The maximum height of a monument shall be four and one-half feet (137.16 cm), including the base.
- (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.
- (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.
- (11) No personal marker(s) or monuments shall be permitted in the Sub-surface Ash Crypt Section.

5. Sub-section 10.(2) thereof is hereby deleted and the following substituted therefor:

MONUMENTS AND FLAT MARKERS

10.(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:

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 centred 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.

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).

Family Ash Plots

Only flat markers, to a maximum of two, placed and centred 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.

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).

Baby Section and for Children under the age of 10 years

A monument or a flat marker placed and centred 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).

Military Sections

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

All other sections

A monument or a flat marker, placed and centred 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.

ST. VITAL CEMETERY

All sections except the
Baby and Ashes Sections

Only a flat marker centred 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.

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).

Family Ash Plots

Only flat markers, to a maximum of two, placed and centred 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.

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 centred at the head of the lot shall be permitted as the original memorial.

TRANSCONA CEMETERY

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

A monument or flat marker centred 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" (71.92 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.

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).

Family Ash Plots

Only flat markers, to a maximum of two, placed and centred 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.

Baby Section and for Children under the age of 10 years

A monument or a flat marker placed and centred 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).

Military Sections

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

6. Section 11 thereof is hereby deleted and the following substituted therefor:

(a) All monuments shall be constructed of:

- (i) granite;
- (ii) marble;
- (iii) bronze;
- (iv) other permanent materials which have been approved by the General Manager, based upon test results satisfactory to the General Manager, 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;
- (v) or any combination of the materials listed above, which has been approved by the General Manager, based on test results satisfactory to the General Manager, 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.

(b) All flat markers shall be constructed of:

- (i) granite;
- (ii) bronze;
- (iii) other permanent materials which have been approved by the General Manager, based upon test results satisfactory to the General Manager, 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;
- (iv) or any combination of the materials listed above, which has been approved by the General Manager, based on test results satisfactory to the General Manager, 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.

7. Section 18 thereof is hereby deleted and the following substituted therefor:

NO DEFACING OF MEMORIALS, STRUCTURES OR FENCES

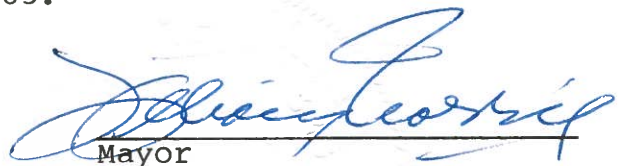
18. Writing upon, scratching, defacing or damaging any memorial, fence, building or any structure in or belonging to the cemeteries is prohibited.

8. Schedule "A" thereof, as amended is hereby further amended by deleting the section entitled "Monument Foundations" and substituting the following:

MONUMENT FOUNDATIONS

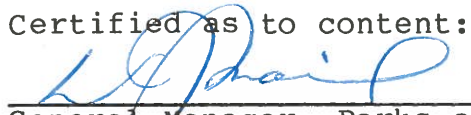
	<u>1983</u>	<u>1984</u>	<u>1985</u>
Cement Slab or Continuous Beam - per lot	\$62.00	\$70.00	\$78.00
Cement Slab - baby section	-----	40.00	45.00
Cement Slab - children's section	-----	60.00	69.00.

DONE AND PASSED in Council assembled this 30th day
of May, A.D. 1985.

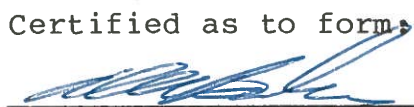

Mayor


Deputy City Clerk

Certified as to content:


General Manager, Parks and Recreation Department.

Certified as to form:


for City Solicitor.