

# Municipality of Killarney – Turtle Mountain

## By-Law 5 of 2020

**Being a by-law to repeal By-Law 6-1998, providing for the regulation, maintenance, care, and operation of all the cemeteries within the Municipality of Killarney -Turtle Mountain.**

WHEREAS the provisions of the Municipal Act provide as follows:

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;

AND WHEREAS The Cemeteries Act, RSM 1987 c.C30 authorizes and governs the establishment of rules and regulations pertaining to every cemetery established in the Province of Manitoba;

AND WHEREAS the Municipality of Killarney Turtle Mountain has established and deems it expedient to continue a public cemetery and to adopt rules and regulations for the maintenance, care, and operation of same.

NOW THEREFORE the Council of the Municipality of Killarney – Turtle Mountain duly assembled enacts as follows:

### 1. DEFINITIONS

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

- a) "Caretaker" means a public works employee under the direction of the CAO given the duties for maintenance and care of the cemeteries.
- b) "Cemeteries" means that area set aside by the municipality for the burial of human remains including cremated remains. For the purpose of this bylaw, cemeteries will refer to all of the cemeteries located within the boundary of the Municipality of Killarney Turtle Mountain, including but not limited to, Holmfield Cemetery, Ninga Cemetery and the Killarney Cemetery.
- c) "Columbarium" means an above-ground structure of vaults lined with recesses designed for storing ashes of human remains.
- d) "Cremation Plot" means an area of ground 4' wide by 6' long in the designated cremation area.
- e) "Flat Marker" means a flat lawn marker that is placed flush with the surrounding turf.
- f) "Landmark" means corner pegs used to mark the boundaries of a plot.
- g) "Memorial" means tombstones, headstones, and flat markers.
- h) "Monument" means tombstones and headstones but excludes flat markers.
- i) "Monument Dealer" means all individuals, firms, partnerships and corporations who manufacture, sell or install memorials in the regular course of business.
- j) "Original Memorial" means the first memorial placed on a plot.
- k) "Original Flat Marker" means the first marker placed on a plot.
- l) "Owner" means the proprietor or owner of a plot to which he has or is entitled to a deed.

- m) "Perpetual Care" means the preservation, improvement, embellishment and maintenance in perpetuity and in a proper manner of plots, cemetery grounds and the columbarium in the cemetery.
- n) "Perpetual Care Funds" means funds and property received by an owner for the purpose of providing perpetual care 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.
- o) "Plot" means an area of land 4' wide by 8' long

## 2. INTERMENTS

- a) All persons applying for interments in the Cemetery whether as principals or undertakers shall provide to the municipal office staff a completed "Notification of Cemetery Interment" Form as attached in Schedule "B".
- b) All requests should be submitted in writing. The Municipality of Killarney Turtle Mountain will not be responsible for any misunderstandings or errors.
- c) Deeds will be issued once all fees are paid in full.
- d) No grave, or columbarium shall be opened for interment or disinterment by any person without prior approval from the Municipality of Killarney Turtle Mountain. Failure to notify the Municipality prior to an interment or disinterment shall result in a fine as outlined in Schedule "A".
- e) Funeral Directors must close the casket and fasten it securely before it is lowered into the grave.
- f) Only one cremain shall be permitted in each single use container.
- g) Funerals held outside of Monday – Friday, 8:00 a.m. – 4:00 p.m. must have received prior permission from the Municipality of Killarney Turtle Mountain.

## 3. COLUMBARIUM SECTION:

- a. Not more than two (2) urns shall be allowed per single niche and not more than four (4) urns shall be allowed per freestanding family niche.
- b. No decorative attachment or ornamentation shall be permitted on any niche.
- c. All remains must be contained in a non-biodegradable urn.

## 4. DIGGING OF GRAVES

- a) 48 hours notice must be given prior to the digging of a grave, 8:00 a.m. – 4:00 p.m., Monday through Friday. Sundays and Statutory Holidays shall not form part of the required notice time for opening a grave. All digging will be arranged through the funeral home.

## 5. DISINTERMENTS

- a) All disinterments shall be conducted in accordance with Sections 23-27 of the Manitoba Public Health Act. (<http://web2gov.mb/laws/statutes/ccsm/p210e.php>)
- b) No disinterment shall be conducted without a municipal representative present on the Cemetery grounds.
- c) No disinterment for the purpose of lowering remains to accommodate another interment shall be made without permission of the owner of the plot, except for the burial of the owner thereof whose name appears on record with the town.

## 6. CEMETERY MAINTENANCE

- a) The Municipality of Killarney Turtle Mountain is solely responsible for maintenance such as plantings, grading, improving of graves, and mowing, but excluding memorials and has exclusive rights to enter plots.

#### 7. FOUNDATIONS, MONUMENTS AND MARKERS

- a) All gravesite work needs to be under the direction or with permission from the Municipality.
- b) The Municipality of Killarney Turtle Mountain will not be responsible for damage to monuments and markers.
- c) The Municipality of Killarney Turtle Mountain will determine whether monuments need to be straightened.
- d) Grave covers and mausoleums are not allowed in the cemetery.
- e) Foundations are required for all monuments and shall be installed under specifications as provided by the Municipality of Killarney Turtle Mountain.
- f) Not more than one upright monument shall be erected on any one plot. The monument must be in line with all other monuments in that row or on the cement ribbon where available.
- g) Monuments must have foundations which meeting the following specifications:
  - i. Be 15.24 cm less than the width of the plot.
  - ii. Be centered on the plot.
  - iii. Have a minimum thickness of 7.62 cm, and average thickness of 10.24 cm and a base not exceeding 45.72 cm in depth.
- h) One flat marker shall be allowed per each urn, up to a maximum of 2 per plot.
- i) Flat markers must meet the following specifications:
  - i. Must not exceed 30.48 cm x 15.24 cm x 10.16cm. Flat markers must be in line with all other markers in that row or on the cement ribbon where available.
- j) Any person working on plots, monuments and markers is liable for damages.

#### 8. CONDITIONS GOVERNING PLOTS

- a) See Schedule "A" attached for fee schedule.
- b) All monies collected from sales of plots and niches will be used solely for cemetery purposes.
- c) Municipality of Killarney Turtle Mountain may set fees for items not listed in Schedule "A".
- d) The sale or transfer of plots and/or niches:
  - i. May not be sold by owners
  - ii. May be transferred to others either in a will or with a letter of permission.
  - iii. May be returned to Municipality of Killarney Turtle Mountain without reimbursement.
  - iv. Will be returned to Municipality of Killarney Turtle Mountain if left dormant for 80 years.
- e) A maximum of two urns will be allowed per cremation plot.
- f) A maximum of two caskets and a total maximum of four interments will be allowed per plot.
  - i. Interment of third and fourth urns are subject to fees as per Schedule "A".
- g) Municipality of Killarney Turtle Mountain reserves the right to designate special sections for alternate use and to impose stipulations for monuments, markers, etc.

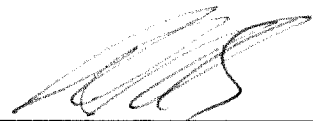
9. PERPETUAL CARE

- a) The perpetual care fund established in By-Law 6-1998 will continue to be utilized.
- b) All monies collected for perpetual grave plot care shall be deposited in a separate account established for that purpose and created by By-Law 6-1998.
- c) The proceeds from the fund shall be utilized for cemetery maintenance and care as Council may designate.
- d) 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.

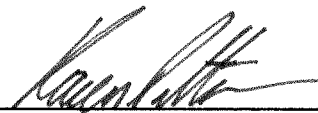
10. MISCELLANEOUS

- a) The Municipality of Killarney Turtle Mountain may at any time enter upon any plot to cause the cleaning of weeds and grasses and further cause to be removed from the said plot any funeral design or floral pieces which has wilted or faded and any other article or thing which is unsightly.
  - b) No artificial flowers of any kind will be permitted as permanent adornment on graves.
  - c) All items must be removed from every grave in the Cemetery both in Spring (by April 30) and Fall (by October 15), such as ornaments, solar lights, plant hooks, stuffed animals, etc. Only headstones and permanent vases on the headstone should remain. Items that remain after this date will be removed by the Municipality of Killarney Turtle Mountain.
  - d) No plantings will be allowed in the cemeteries by anyone other than the Municipality of Killarney Turtle Mountain.
  - e) Vehicles must remain on the roadways and restrict speeds to 10km/hr or less.
  - f) No pets shall be allowed in the cemetery unless controlled by a leash.
11. By-Law 6-1998 and any other By-Laws specific to cemetery operations are hereby repealed.

DONE AND PASSED as a By-Law of the Municipality of Killarney Turtle Mountain by the Council thereof, in open session assembled, this 28th day of October A.D., 2020.



Mayor



Chief Administrative Officer

Read a first time this 12th day of August A.D., 2020.

Read a second time this 28th day of October A.D., 2020.

Read a third time this 28th day of October A.D., 2020.

Municipality of Killarney – Turtle Mountain

Schedule "A"

Fees

---

**Price of Plots:**

4' x 8' cemetery plot	\$350.00
3 <sup>rd</sup> & 4 <sup>th</sup> urn interment per plot	\$750.00 /each

**Cremation Plots:**

Plot in designated cremation area	\$250.00
-----------------------------------	----------

**Columbarium:**

Single Niche in columbarium (up to 2 urns maximum per niche) **	\$1500.00
Free standing family niche (up to 4 urns maximum per niche)**	\$4000.00

\*\* All engraving of doors, and opening and closing of niches, shall be done, and invoiced through Wheatland Funeral Services.

**Failure to Notify:**

Failure to notify as per Section 2 9(d) of By-Law 5 of 2020	\$500.00/offense
--	------------------

**Location & Marking:**

Killarney/ Holmfield/ Ninga Cemetery:

i) Summer rate (April 15 – October 31)	\$75.00
ii) Winter rate (November 1- April 16)	\$150.00

\*\* For instances where the 48-hour notification has not been given, fees for marking graves will be doubled.

**Disinterment:**

Flat fee plus expenses	\$500.00
------------------------	----------

**Perpetual Care (applicable to each individual interred):**

Perpetual Care to be paid at time of interment	\$500.00
--	----------

All fees will be subject to applicable taxes.

Municipality of Killarney – Turtle Mountain, By-Law 5-2020

Schedule "B"

MUNICIPALITY OF KILLARNEY-TURTLE MOUNTAIN

NOTIFICATION OF CEMETERY INTERMENT

415 Broadway Ave., Box 10 Killarney, MB R0K 1G0

P. 204-523-7247 F 204-523-4637

Email: tmkly1@mts.net

Funeral Home \_\_\_\_\_

Date \_\_\_\_\_

<b>Section A – Cemetery Location &amp; Burial</b>																											
<input type="checkbox"/> Killarney Cemetery <input type="checkbox"/> Holmfield Cemetery <input type="checkbox"/> Ninga Cemetery <input type="checkbox"/> Other	Block: _____	Row: _____	Plot: _____																								
<b>Type of Service</b> <input type="checkbox"/> Traditional <input type="checkbox"/> Cremation <input type="checkbox"/> Columbarium	<b>Type of Plot</b> <input type="checkbox"/> Traditional Plot <input type="checkbox"/> Cremation Plot <input type="checkbox"/> Columbarium Single <input type="checkbox"/> Columbarium Family <input type="checkbox"/> Pre-Purchased Plot	<b>Location Marker</b> <input type="checkbox"/> Summer <input type="checkbox"/> Winter																									
Day/Date of Service: _____	Arrival Time: _____	Previous Burials in Plot: _____																									
<b>Section B – Purchaser Details</b> Name: _____  Address: _____  _____  Postal Code: _____  Phone: _____  Signature: _____		<b>Section C – Deceased Information</b> <input type="checkbox"/> Male <input type="checkbox"/> Female Surname: _____  Given Names: _____  Last Address of Deceased: _____  Date of Death: _____  Date of Birth: _____																									
<b>Section D – Summary of Charges</b>  <table style="width:100%; border: none;"> <tr> <td style="width:80%;"><input type="checkbox"/> Traditional Plot: \$350</td> <td style="width:20%; text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> 3<sup>rd</sup> &amp; 4<sup>th</sup> urn interment in plot \$750</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Cremation Plot \$250</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Columbarium Single Niche \$1500</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Columbarium Family Niche \$4000</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Perpetual Care \$500</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Location Marking:</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Summer Rate (Apr. 15 – Oct 31) \$75</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td style="padding-left: 20px;">Winter Rate (Nov 1 – Apr 16) \$150</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Failure to Notify \$500</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Disinterment \$500</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td> Total</td> <td style="text-align: right;"> \$ _____</td> </tr> </table>		<input type="checkbox"/> Traditional Plot: \$350	\$ _____	<input type="checkbox"/> 3 <sup>rd</sup> & 4 <sup>th</sup> urn interment in plot \$750	\$ _____	<input type="checkbox"/> Cremation Plot \$250	\$ _____	<input type="checkbox"/> Columbarium Single Niche \$1500	\$ _____	<input type="checkbox"/> Columbarium Family Niche \$4000	\$ _____	<input type="checkbox"/> Perpetual Care \$500	\$ _____	<input type="checkbox"/> Location Marking:		Summer Rate (Apr. 15 – Oct 31) \$75	\$ _____	Winter Rate (Nov 1 – Apr 16) \$150	\$ _____	<input type="checkbox"/> Failure to Notify \$500	\$ _____	<input type="checkbox"/> Disinterment \$500	\$ _____	 Total	 \$ _____	<b>Section E – Method of Payment</b>  <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Debit  Bill To: _____  _____  _____  _____	
<input type="checkbox"/> Traditional Plot: \$350	\$ _____																										
<input type="checkbox"/> 3 <sup>rd</sup> & 4 <sup>th</sup> urn interment in plot \$750	\$ _____																										
<input type="checkbox"/> Cremation Plot \$250	\$ _____																										
<input type="checkbox"/> Columbarium Single Niche \$1500	\$ _____																										
<input type="checkbox"/> Columbarium Family Niche \$4000	\$ _____																										
<input type="checkbox"/> Perpetual Care \$500	\$ _____																										
<input type="checkbox"/> Location Marking:																											
Summer Rate (Apr. 15 – Oct 31) \$75	\$ _____																										
Winter Rate (Nov 1 – Apr 16) \$150	\$ _____																										
<input type="checkbox"/> Failure to Notify \$500	\$ _____																										
<input type="checkbox"/> Disinterment \$500	\$ _____																										
 Total	 \$ _____																										
For Office Use Only    Date Paid: _____    Mapped: _____    Card: _____    Deed: _____    Office Record: _____    Website Record: _____																											