

Municipality of Killarney – Turtle Mountain

By-Law 5-2025

Being a by-law to provide 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, C.C.S.M. 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 "C" of the Fees and Charges By-Law.
- e) Funeral Directors must close the casket and fasten it securely before it is lowered into the grave.
- f) Only one cremains 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 "C" of the Fees and Charges By-law for fee schedule. All monies collected from sales of plots and niches will be used solely for cemetery purposes.
- b) Municipality of Killarney Turtle Mountain may set fees for items not listed in Schedule "C" of the Fees and Charges By-Law.
- c) 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.
- d) A maximum of two urns will be allowed per cremation plot.
- e) 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 "C" of the Fees and Charges By-Law.
- f) 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 funds are held by the Killarney Foundation.
- b) All monies collected for perpetual grave plot care shall be deposited in a separate endowment fund established for that purpose.
- c) The proceeds from the funds shall be utilized for cemetery maintenance and care as Council may designate.
- d) The fees for perpetual care are contained in Schedule “C” of the Fees and Charges By-Law.

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 6-2023, By-Law 8-1998, and any other By-Laws specific to cemetery operations and/or cemetery perpetual care funds/trusts 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 21st day of May, A.D., 2025.

Mayor

Chief Administrative Officer

Read a first time this 23rd day of April A.D., 2025.

Read a second time this 21st day of May A.D., 2025.

Read a third time this 21st day of May A.D., 2025.