

**TOWN OF STONEWALL  
BY-LAW NO. 3/03**

By-law to regulate the Town of Stonewall Cemetery.

**WHEREAS** pursuant to By-law No. 9/84 a cemetery was established upon the following described lands:

The southerly ten (10) chains of the easterly ten (10) chains of the South West Quarter of Section Thirty-One, Township Thirteen, Range Two east of the Principal Meridian.

**AND WHEREAS** the said cemetery is located within the limits of the Town of Stonewall.

**AND WHEREAS** the Town of Stonewall made, under By-law No. 33/88, as amended, certain rules and regulations for the management of the said Cemetery.

**AND WHEREAS** the Town of Stonewall is desirous of revising and changing the rules and regulations for the management of said Cemetery.

**NOW THEREFORE** be it and it is hereby enacted as a by-law of the Town of Stonewall as follows:

A. DEFINITIONS

In this By-law;

- i) "CAO" shall mean the Chief Administrative Officer of the Town of Stonewall or his/her designate.
- ii) "Council" shall mean the Council of the Town of Stonewall
- iii) "Town" shall mean the Town of Stonewall

1. THAT the land above described be and the same is hereby appropriated and dedicated for the use as a public cemetery and for no other purpose, to be known as "The Stonewall Cemetery".

2. THAT a plan of the said Cemetery shall be duly filed and kept on file in the office of the Chief Administrative Officer (CAO) of the Town of Stonewall, aforesaid.

3. a) THAT the cost of a plot in said Cemetery shall be FIVE HUNDRED DOLLARS (\$500.00). No owner of a plot in said Cemetery shall transfer said plot without the written permission of the Town having been first obtained and in addition said plot cannot be sold for more than the amount at which said plot was purchased from the Town.

b) THAT in the case of a sale by the Town of a plot and upon payment and receipt of the purchase mount, a deed shall be issued by the Town to the person, or persons purchasing same; such deed to be executed by the CAO under the Seal of the Town, and such deed shall be duly registered by the CAO in a Register kept for that purpose and shall be then delivered to the purchaser.

4. a) The maximum number of burials in a plot shall not exceed the following;

- burial of two (2) human bodies and two (2) human ashes provided that the first burial of a human body shall be a minimum of nine (9) feet in depth, or;
  - burial of one (1) human body and three (3) human ashes, or;
  - burial of four (4) human ashes.
- b) i) The fee for the first burial of either a human body or ashes in a plot shall be included in the cost of the purchase of the said plot as set forth in paragraph numbered 3.a) hereof.
- ii) The fee for the second burial of either a human body or ashes in a plot shall be SEVENTY FIVE DOLLARS (\$75.00). There shall be no cost for the third and/or fourth burial in a plot subject to the maximum number of burials in a plot as prescribed in Section 4.a).
- c) Prior to any deceased person, either a human body or ashes, being buried in the said Cemetery, such burial shall be registered with the Town.
5. a) From the date of passage of this By-law there shall not be permitted any of the following to be installed upon any of the plots in the said Cemetery:
- i) Installation of any grave coverings
  - ii) The installation of curbing around any plots
  - iii) The placing of crushed rock on any grave
- b) Grave coverings and curbing may be placed around plots in circumstances where prior to the coming into force of this By-law a grave covering or curbing was installed on the adjoining plot, then a similar curbing or covering may be placed on the plot in question to complete the covering or curbing.
6. As a perpetual care Cemetery the Town shall, as soon as conveniently possible after the lapse of such a period as may reasonably suffice for the natural subsidence of the earth with which a burial has been filled up, cause the surface of such burial to be properly covered with sufficient clean earth fill and top soil and shall be sown with grass seed.
7. THE Town by their agents, employees and / or servants may at any time hereafter enter on to any plot or plots in the Cemetery whether the same have been sold or not;
- a) For the purpose of clearing trees, stone, brush, dirt, weeds or other growth, of any nature or kind
  - b) For the purpose of leveling same
  - c) For the purpose of straightening or removing any gravestone, monument, footstone or curbstone which is in danger of falling or is leaning out of line or is in any manner in the opinion of the Council unsightly or has been erected upon a plot or partly upon a plot other than the plot owned by the person to whom a deed shall have been issued
  - d) For the purpose of digging another burial adjacent
  - e) For the purpose of generally improving the said Cemetery or any plot or plots therein
  - f) For the purpose of removing from a plot any monument, effigy or enclosure which has been built or placed therein without the consent and approval of the Town or which shall be considered by the Council to be offensive or improper or to be injurious to the appearance of the surrounding plots or grounds.
  - g) For any other cause or reason whatsoever which the Council shall deem necessary in its right to maintain and keep the said Cemetery.

8. THAT no person, firm or corporation shall erect in the said Cemetery any gravestone or monument in, upon, or around any plot or burial without first obtaining a permit therefore from the Town. The application for said permit shall be in writing and shall be accompanied with such information inclusive of the size and weight of such gravestone and / or monument and the footing proposed to be put thereunder and such application for permit shall be accompanied by the required fee as prescribed in Schedule "A".

9. THAT, subject to Section 17.e), no person, firm or corporation shall plant or sow on any plot in the said Cemetery any flower, tree, shrub or other species of vegetation without first obtaining the written approval and consent of the Town and whether such consent has been obtained or not the Town may at any time order or direct the removal of the same without giving any reason therefor.

10. THE Town shall set aside such single burial plots, as it deems necessary for the interment of indigents. The Council shall set the fee, which may be charged, for such plots, or if so desired, the Council may provide such plot at no cost.

11. FOR the purposes of this By-law the Cemetery Committee shall be and consist of the Councillor in charge of the Parks and Arena Department, the Parks & Arena Manager and the CAO.

12. THE duties of the Cemetery Committee shall be:

- a) Subject to the provisions of this By-law the management of all matters relating to the general improvement of the Cemetery and to the maintenance of same, and to the employment of labour and the purchase of material for all purposes connected therewith.
- b) To report to the Council from time to time and at least once in every year on all matters connected with the duties imposed upon them and to recommend such action by the Council in regard thereto as may be deemed necessary.
- c) To consider and report from time to time on the question of the caretaking of the Cemetery and subject to the approval of the Council, from time to time, to appoint a Supervisor whose duties are as prescribed in Section 18. hereof.
- d) To supervise the books of accounts, documents and vouchers, in the office of the CAO and to verify and record all monies received and disbursed by the Town relative to the Cemetery.
- e) To prepare and submit to the Council on or before the fifteenth (15<sup>th</sup>) day of February, in each year a full and particular exhibit of the financial affairs of the Cemetery for the previous calendar year and to provide an estimate of the revenue and expenses for the operation of the Cemetery for the current calendar year inclusive of the amount of the appropriation for the Cemetery required to be raised by property taxes on the taxable assessment of the Town of Stonewall.
- f) To enforce and carry out the provisions of this By-law.

13. THE CAO shall be the treasurer of the Cemetery Committee and a special account shall be kept by said CAO in regard to the Cemetery and entries made therein of all monies received and disbursed in connection therewith.

14. ALL monies received by the Town for / or on behalf of the Cemetery shall be deposited by the CAO in a special Cemetery Account to be opened and kept in the Bank of the Town and all monies paid and disbursed in respect of the Cemetery shall be paid by cheque on such accounts and only on the authority of the Finance Committee of the Town.

15. ALL monies received on account of the Cemetery shall be used solely for the purpose of improving, caring for and beautifying the said Cemetery and for no other purpose with the exception of monies received from the sale of plots which shall be dealt with as prescribed in Section 16. hereof.

16. a) THE entire Cemetery is hereby designated as perpetual care and all funds received from the sale of plots from the date of passage of this By-law shall be deposited into a separate account and the interest only from said account shall be used for the expenses incurred in the general ongoing maintenance of the said Cemetery as a Perpetual Care Cemetery. Monies from the said separate account, may from time to time upon the approval of the Council, be used for the purpose of specific capital works and improvements to the said Cemetery.

b) The perpetual care of the plots in the Perpetual Care Section of the said Cemetery shall consist only of keeping such plots level and keeping the grass thereon cut at such times as the Parks and Arena Manager may consider necessary, as well as any other maintenance of the plots or grounds that may be required by the Parks and Arena Manager.

17. a) The following area is hereby designated as a Lawn Area in the Cemetery:

Sections A, B, C, D, E, F and G.

b) The following described plots located in the Lawn Section of the Cemetery are hereby reserved for the Stonewall Branch of the Canadian Legion and shall not be included in the Lawn Section of the said Cemetery:

Lots 1, 2, 3, 4, 5, 6, 33, 34, 35, 36, 37 and 38 in Section A, and  
Lots 1, 2, 3, 4, 5, 6, 33, 34, 35, 36, 37 and 38 in Section B.

c) In the Section referred to in paragraph b) hereof, any person who has served in the armed Forces shall be entitled to receive a plot at no cost in said Section.

d) Markers in the Lawn Section of the said Cemetery shall be of granite, bronze or marble and shall not be larger than 16 inches by 48 inches and the top of such marker shall be placed at ground level. No curbing, grave covering, upright headstones or footstones shall be placed in said Lawn Section.

e) No planting of flowers, shrubs or trees is permitted in said Lawn Section. Cut flowers may be placed in containers on graves in said Section and said containers must be placed entirely below ground level.

18. THE duties of the Cemetery Supervisor shall be as follows:

a) To authorize the work covered by the permit as prescribed in Section 18. hereof.

b) To supervise the location of all burial placements.

- c) To supervise construction and erection of all burial markers, and,
- d) Any such other duties as Council or the Cemetery Committee may designate.

19. IT shall be the duty of the Parks and Arena Manager to prevent any tombstone monument, or footstone being placed or built on any plot in the said Cemetery without all the provisions of this By-law in connection therewith having been first fully complied with.

20. ANY person who does any of the following is in breach of this By-law, and subject to the punishment set forth in paragraph No. 21 hereof:

- a) Willfully destroys, mutilates, defaces, injures or removes any tomb, gravestone, or other structure placed in the Cemetery or any fence, railing or other work for protection or ornament of the Cemetery, or of any tomb, monument, footstone or curbing or other structure aforesaid of any Cemetery plot within the Cemetery; or
- b) Willfully destroys, cuts, breaks or injures any tree, shrub or plant in the Cemetery; or
- c) Plays any game or sport in the Cemetery; or
- d) Discharges fire arms (save Military Funeral) in the Cemetery; or
- e) Willfully and unlawfully disturbs persons assembled for the purpose of burying a body therein; or
- f) Commits a nuisance in the Cemetery; or
- g) Erects or builds or attempts to cause to erect or build in the Cemetery any tombstone, monument, footstones or curbing without first having complied with this By-law and obtained the written consent and approval of the Town of Stonewall therefore.

21. a) Every person who contravenes, or refuses, neglects, omits, or fails to obey or observe, any provision of this By-law is guilty of an offence and is liable to pay for all costs occasioned by his unlawful act, and in addition thereto shall be liable upon summary conviction, to a fine not exceeding \$500.00 or to imprisonment for a term not exceeding one month, or to both such fine and such imprisonment.

- b) Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person is guilty of a separate offence for each day that it continues.

22. By-law Nos. 33/88 and 30/91 are hereby repealed.

23. THIS By-law shall come into force and take effect of the 1st day of \_\_\_\_\_, A.D., 2003.

**DONE AND PASSED** in Council assembled at the Town Hall, in the Town of Stonewall, in the Province of Manitoba this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2003

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 26<sup>th</sup> day of March A.D., 2003.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2003. , as amended

Read a third time this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2003.

**SCHEDULE "A"**  
**To By-law No. 3/03**

**RE: PERMIT FEES**

1. For the right to erect and place a headstone, footstone, flat marker, or any multiple headstone, footstone or flat marker;  
. . . \$50.00
  
2. For Department of Veteran's Affairs marker;  
. . . \$30.00