

**TOWN OF STONEWALL
BY-LAW NO. 04-23**

Being a By-Law of the Town of Stonewall to establish and maintain a public Cemetery and to adopt rules and regulations for the operation, maintenance of, and for the proper care of the Cemetery.

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

THEREFORE The Council of the Town of Stonewall, duly assembled, enacts as follows:

1.0 The land described in Title 2530151 as Lot 4 Plan 51439 is known as The Stonewall Cemetery;

DEFINITIONS:

- 2.0 (a) "CEMETERY" means the Stonewall Cemetery as identified in Section 1.0
- (b) "TOWN" means the municipal corporation of The Town of Stonewall
- (c) "RESIDENT" means a person, who at the time of their purchase of a plot and/or a columbarium niche, owns property within the Town, or is a tenant resident of a dwelling which is their principal residence whether rented or leased such as but not limited to an apartment, suite, care home, dwelling, secondary suite, condominium unit or a similar form of a dwelling residence within the Town but shall not include a patient of the Stonewall & District Hospital
- (d) "NON-RESIDENT" is any person who does not qualify as a resident or is not a property owner
- (e) "VETERAN" means any person who is or has honourably served in the Canadian Armed Forces, Allied Forces, Reservists and Peacekeepers, as outlined in the guidelines of the Last Post Fund/Veteran Affairs Canada
- (f) "PLOT" is the area of land sufficient for use as one grave in the Cemetery
- (g) "FLAT MARKER" is a flat lawn marker that is placed flush with the surrounding turf
- (h) "HEIR" is one who inherits or is entitled to inherit property; or who received or is entitled to receive some endowment from a parent or predecessor
- (i) "LAWN SECTION" is an area of the cemetery set aside by the Town. The following plots shall be designated and reserved as the Lawn Section: Lots 1 to 38 inclusive in Sections C, D, E, F, and G

GENERAL RULES:

- 3.0 A plan of the Cemetery, including columbaria, shall be duly filed and kept on file in the office of the Chief Administrative Officer (CAO) of the Town of Stonewall;
- 4.0 All persons, unless otherwise authorized, are required to confine themselves to the avenues or walks to avoid walking on graves;
- 5.0 No vehicle is permitted to enter the Cemetery except through the regular entrances. No unauthorized person shall drive a vehicle over any part of the Cemetery except on the roadways. Cars and other vehicles shall be driven with care to a maximum speed limit of twenty (20) kilometres per hour;
- 6.0 No off-road vehicles, ATV's, snowmobiles, dirt bikes, amphibious vehicles, or dune buggies are permitted in the Cemetery;
- 7.0 No person shall ride a bicycle over any grave, nor lean same against any monument or marker;

- 8.0 All persons are prohibited from writing upon, scratching, defacing, mutilating, wilfully destroying, or injuring any monument, fence or other structure in or belonging to the Cemetery;
- 9.0 No person shall engage in any game or sport, or discharge any firearms (except at a military funeral) in the Cemetery;
- 10.0 No person shall wilfully or unlawfully disturb the quiet or good order of the Cemetery, or persons assembled for the burial of the dead, or commit a nuisance, or behave in any indecent or unseemly manner at the Cemetery;

SALE OF PLOTS & NICHE:

- 11.0 The CAO or designate shall make all sales of plots in the Cemetery including columbarium niches and shall receive all monies resulting from the sale of such plots;
- 12.0 The Town reserves the right to limit the number of plots developed and/or made available for sale each year; and to direct the area and sequencing of development and plot sales;
- 13.0 Any person wishing to purchase a plot or niche should select a location in consultation with the CAO or designate at the Town Office, or such other designated location, to pay for the selected plot or niche. No plot or niche is reserved until payment in full is received;
- 14.0 The fees for the purchase of plots and niches, interments in plots and niches, and the inscription on a niche at the Cemetery shall be in accordance with the rates set out in **Schedule "A"** attached and forming part of this By-Law;
- 15.0 Payment for all niche lettering is to be paid at time of niche purchase, as set out in **Schedule "A"**;
- 16.0 The identification and numbering of the columbarium niche units are set out in **Schedule "B"** attached and forming part of this By-Law;
- 17.0 Following the receipt of payment for the purchase of a plot or niche a Deed will be issued to the owner by the CAO or designate;
- 18.0 Any person acquiring a plot or niche under the provision of this By-Law shall only acquire the right and privilege of burial of the dead therein subject to the provisions of this By-Law and shall not be deemed to acquire any title to the land which shall remain vested in the name of the Town;
- 19.0 If the Town for any reason deems a previously purchased plot unusable, the Town will supply a similar plot at no cost to the original purchaser or heirs and the original plot shall revert to the Town;
- 20.0 Cemetery plots and niches may only be returned/resold to the Town, and in addition, plots and niches cannot be returned/resold for more than the amount at which the plot or niche was originally purchased from the Town. The form attached as **Schedule "C"** must be completed in order to finalize the return of a plot or niche for refund. Original deeds for the plot or niche must be returned to the Town prior to the completion of the refund;
- 21.0 The owner(s) of a plot or niche may authorize the use of such a plot or niche for the interment of another person by submitting the name of the person to be interred to the Town in writing using the form attached as **Schedule "D"** and forming part of this By-Law. The designation of burial rights requires signatures of all original owners or all living heirs. The Town of Stonewall shall, in no way, be held responsible for failure to properly determine the legal successorship of the said plot or niche owner;

- 22.0 Burials of all heirs, after the original parties named on the original deed are deceased, requires the permission of all living heirs, in writing, on the form, attached as **Schedule "D"**. The Town of Stonewall shall, in no way, be held responsible for failure to properly determine the legal successorship of the said plot owner. The heirs are entitled to the same use of the plot as the original owners and are bound by the Town of Stonewall Cemetery By-Law;
- 23.0 Where no interment has been made in a plot or niche for a period of 99 years after original purchase, the Town reserves the right to re-claim the plot. These plots may be resold or used at the discretion of the Town in order to fully utilize the Cemetery. The Town of Stonewall shall, in no way, be held responsible for failure to properly determine the legal successorship of the said plot or niche owner;
- 24.0 As per Section 256 of the Manitoba Municipal Act, the money received from the sale of Cemetery plots will be kept in a separate account and the money will be used only for the maintenance, improving, and beautifying of the Cemetery;

FIELD OF HONOUR:

- 25.0 The Town shall set aside an area which shall be known as the "Field of Honour," which shall be reserved for the burial of veterans. The following plots shall be designated and reserved as the Field of Honour:
- Lots 1, 2, 3, 4, 5, 6, 7, 8, 31, 32, 33, 34, 35, 36, 37, 38 in Sections A and B
- 26.0 Any person who at the time of their death is a Resident of the Town who has served in the Canadian Armed Forces or is a veteran as defined in this By-Law shall be entitled to receive a plot at no cost in the Field of Honour;
- 27.0 The burial of a Veteran's spouse shall be allowed in such Veteran's grave subject to the following regulations:
- (a) prior interment of the Veteran;
 - (b) payment of the interment charges established in **Schedule "A"** attached and forming part of this By-Law;
 - (c) Only one (1) human body and one (1) human ashes or two (2) human ashes are permitted in one (1) plot in the Field of Honour;

INTERMENTS:

- 28.0 No plot shall be used for any other purpose than for the burial of human remains;
- 29.0 No interment shall be permitted in the Cemetery until it has been properly registered with the Town Office;
- 30.0 Registration of interment must be made with the Town Office two (2) working days before the burial is to take place, unless the Head of the Parks & Arena Department, for emergency reasons, otherwise allows;
- 31.0 Plots and niches shall be opened and closed only by person(s) approved by the Town at the time the interment is registered under the supervision of the Head of the Parks & Arena Department or a Licensed Funeral Director;
- 32.0 The maximum number of burials in any one plot except in the Field of Honour shall not exceed the following:
- (a) burial of two (2) human bodies and two (2) human ashes provided that the first burial of a human body shall require a concrete vault and be a minimum of nine (9) feet in depth; or
 - (b) burial of one (1) human body and three (3) human ashes; or
 - (c) burial of four (4) human ashes

- 33.0 The maximum number of interments permitted in a columbarium niche is two (2) urns of human ashes;
- 34.0 Urns must be made of non-biodegradable bronze, marble, or granite for interment in a columbarium niche or Cemetery plot. Glass, ceramic, plastic, or wood urns are not permitted;
- 35.0 The Town shall make available plots in the Cemetery for unclaimed bodies of deceased persons and for the bodies of indigent persons and the current fees for plot and interment shall be charged to the appropriate government agency which is liable for the burial of such indigent person. If so desired, the Town may provide such plots at no cost;
- 36.0 No remains shall be disinterred or removed from the Cemetery for any purpose unless a Licensed Funeral Director is in charge, the RCMP are advised, a disinterment permit has been issued by the Director of Vital Statistics, and disinterment has been registered with the Town Office;
- 37.0 All disinterment costs for earth burials, including provincial and legal fees shall be borne by the person requesting the disinterment;
- 38.0 Subject to Provincial Regulations, the Town of Stonewall will not permit scattering of any cremated remains on the lands within the Stonewall Cemetery;

HEADSTONES, MONUMENTS, MARKERS AND NICHE PLAQUES:

- 39.0 All monuments, headstones, and markers must be of granite or bronze;
- 40.0 All monuments, headstones, footings, and markers require authorization of the Town prior to installation by obtaining a Cemetery Marker Permit using the form attached as **Schedule "E"** and forming part of this By-Law. Payment for Cemetery Marker Permits is to accompany the application in the amount set out in **Schedule "A"**. Permits will be issued once payment is received;
- 41.0 All monuments in the Field of Honour will be Veterans type upright markers consistent with existing markers;
- 42.0 All markers for spouses in the Field of Honour shall be **flat** and flush with surrounding turf, in centred alignment with the veteran's headstone, being a maximum of 24" X 12";
- 43.0 All markers in the Lawn Section shall be **flat** and flush with surrounding turf, being a maximum of 42" X 16". No curbing, grave covering, upright headstones or slant markers shall be placed in said Lawn Section;
- 44.0 Not more than one upright monument shall be erected on any one plot (with the exception of the designated "Lawn Section" as per Section 43.0). If a second marker is required it must be a flat marker, flush with surrounding turf, not to exceed 24" X 12";
- 45.0 All monuments shall be placed at the head of the plot or lot on solid ground and shall be in a line designated by the Town;
- 46.0 All monuments, headstones, and markers must be confined within the boundaries of the purchased plot(s);
- 47.0 If concrete runners are provided, all monuments shall be installed directly on the runner provided, with or without a base;
- 48.0 The Town shall not assume any liability, responsibility, or costs incurred as a result of vandalism, damage, or loss to monuments located in the Cemetery;
- 49.0 The Town may remove any monument, headstone, marker, footing, grave covering, or curbing that becomes dilapidated, dangerous, or unsightly due to neglect, age, or a state of disrepair within 30 days after written notice has been forwarded to the person(s)

listed on the deed (or their heirs) at the last known address. The Town of Stonewall shall, in no way, be held responsible for failure to properly determine the legal successorship of the said plot owner;

- 50.0 To maintain uniformity, columbarium niche plaques shall be engraved according to font style, and layout options as set out in **Schedule "F"** and ordered using the form attached as **Schedule "G"** and forming part of this By-Law. Epitaphs are not permitted on the columbarium niche plaques with the exception of protective service and military emblems, logos, insignia and symbols;
- 51.0 Attachments such as, but not limited to, flower holders, emblems, and pictures are not permitted on the columbarium plaques or niche units with exception of official insignia/emblems/logos/symbols by any protective service and military personnel;

FLORAL ARRANGEMENTS, LANDSCAPING, DECORATIVE ORNAMENTATION:

- 52.0 No plot shall be covered by any slab of concrete, grave covering, stone, gravel or other similar material. Plots will be sown to grass by the Parks and Arena Department and kept level with the surroundings once a reasonable period of time has passed to allow for the natural settling of the earth;
- 53.0 The installation of curbing around the perimeter of any plot is not permitted;
- 54.0 Subject to Section 64.0, no person shall, without the written permission of the Parks & Arena Supervisor, remove, break, or alter any tree, plant, or other object within the Cemetery;
- 55.0 The Town of Stonewall Parks Department shall perform a clean-up of the cemetery twice each year, from April 15th to May 1st and October 1st to 15th. As part of the semi-annual clean-up all artificial flowers, decorations or ornamental materials of any kind including, but not limited to, lawn ornaments, solar lights, borders, fences, railings, trellises, iron posts, or any items made of glass or china will be removed from the cemetery and discarded. Prior to the start of a clean-up period (before April 15th or October 1st) individuals must remove any items they wish to retain;
- 56.0 At the time of interment cut flowers, wreaths, and floral offerings may be placed on plots, but will be removed and disposed of by Town Staff after 30 days or if it interferes with maintenance of the Cemetery;
- 57.0 No person shall plant or sow on any plot in the Cemetery any flower, tree, shrub, or other species of vegetation without first obtaining the written permission from the Parks & Arena Supervisor. 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 or notice;
- 58.0 The Town shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plant, or herbage of any kind from the Cemetery as soon as they become unsightly, dangerous, detrimental or diseased;
- 59.0 Fresh and artificial flowers shall be permitted, provided they are in an approved receptacle permanently affixed to an upright monument;
- 60.0 Decorations or ornamental materials of any kind including, but not limited to, lawn ornaments, solar lights, borders, fences, railings, trellises, iron posts, or any items made of glass or china may not be placed on any plot in the Cemetery. The Town shall have authority to remove and dispose of all decorations or ornamental materials placed in the Cemetery;

OPERATION, MAINTENANCE, AND PROPER CARE:

- 61.0 The Town is the sole provider of general care and maintenance services of the entire Cemetery;

- 62.0 The Parks & Arena Supervisor for the Town shall be responsible for the appearance, improvements, care, maintenance, operation, and supervision of the Cemetery and the plots therein including but not limited to mowing the grass over graves, trimming growth around headstones and monuments, trimming of trees and shrubs, and levelling and seeding plots;
- 63.0 The Town employees may at any time enter on to any plot in the Cemetery whether the same have been sold or not for any cause or reason which the Town shall deem necessary for the proper care and maintenance or improvement of the Cemetery;
- 64.0 The plot owner (or heir) is responsible for all maintenance, repair, replacement, or levelling of monuments, headstones, or grave markers on their plot;

PENALTIES AND REPEAL

- 65.0 Pursuant to Regulation 50/97 of the Manitoba Municipal Act, any person found in contravention of this By-Law will be subject to the maximum fine allowed of \$1,000.00;
- 66.0 That By-Law No. 02-18 be hereby repealed in its entirety.

DONE AND PASSED as a By-Law of the Town of Stonewall by the Council, duly assembled in the Town Hall this 19th day of April, A.D. 2023.




MAYOR


CHIEF ADMINISTRATIVE OFFICER

Read a first time this 5th day of April, A.D. 2023;
Read a second time this 19th day of April, A.D. 2023;
Read a third time this 19th day of April, A.D. 2023.

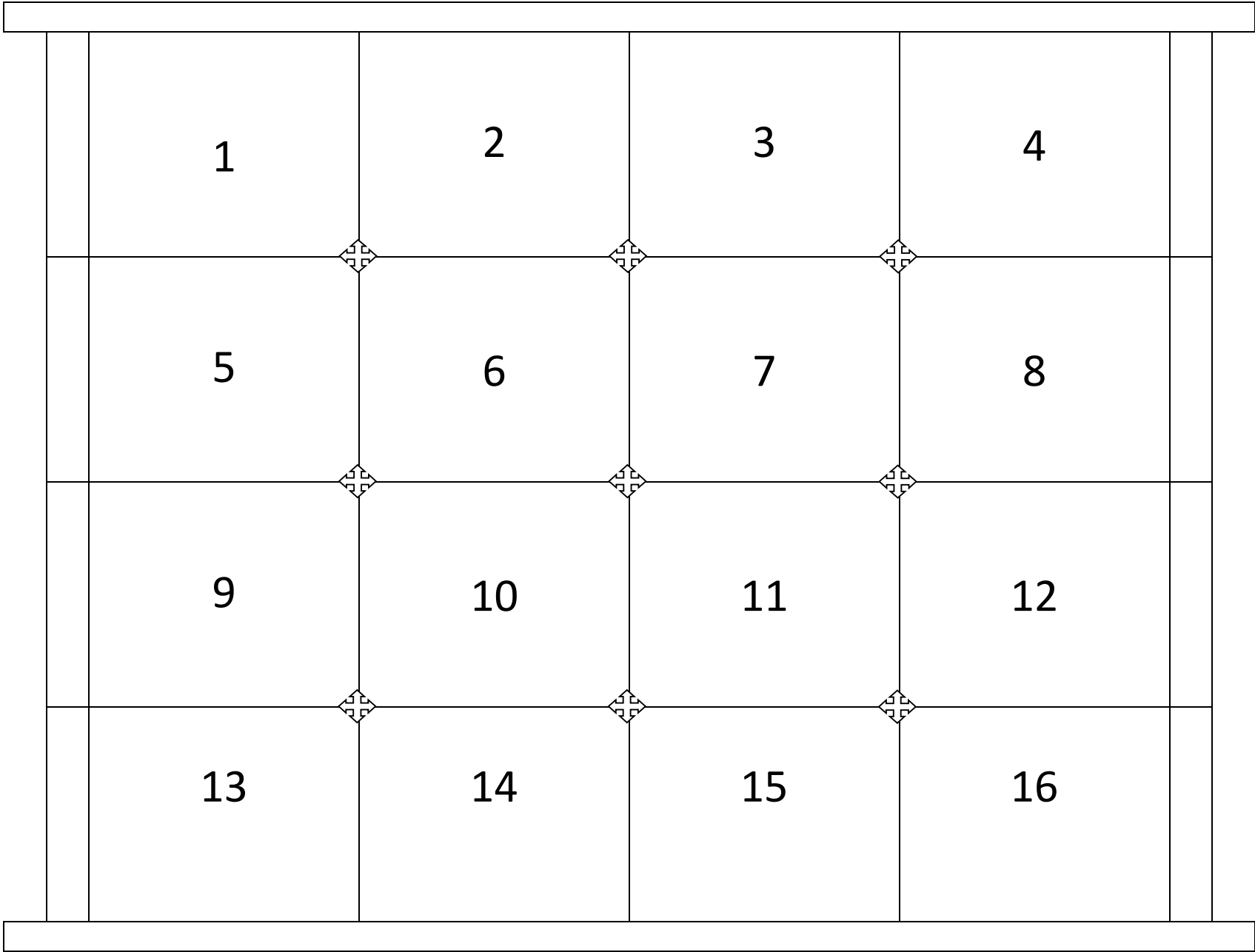
TOWN OF STONEWALL
SCHEDULE "A" TO BY-LAW NO. 04-23

STONEWALL CEMETERY FEE SCHEDULE

DESCRIPTION	RESIDENT COST	2023 NON-RESIDENT COST	2024 NON-RESIDENT COST	2025 NON-RESIDENT COST
Cemetery Plot (size 4' x 9')	\$1,000 + GST	\$2,000 + GST	\$2,000 + GST	\$2,000 + GST
Second Interment in same plot	\$ 500 + GST	\$1,000 + GST	\$1,000 + GST	\$1,000 + GST
Third & Fourth Internment	NO COST	NO COST	NO COST	NO COST
Legion Plot	NO COST	\$2,000 + GST	\$2,000 + GST	\$2,000 + GST
Legion Plot 2nd Interment	\$500 + GST	\$1,000 + GST	\$1,000 + GST	\$1,000 + GST
Columbarium Niche (size 12" x 12" x 11 5/8" depth)	\$1,750 + GST	\$2,500 + GST	\$3,000 + GST	\$3,500 + GST
Second Interment in same Niche	NO COST	NO COST	NO COST	NO COST
Niche Lettering (per container of ashes)	\$ 350 + GST	\$ 350 + GST	\$ 350 + GST	\$ 350 + GST
Cemetery Marker Permit	\$50	\$50	\$50	\$50
Department of Veteran's Affairs Marker	\$30	\$30	\$30	\$30

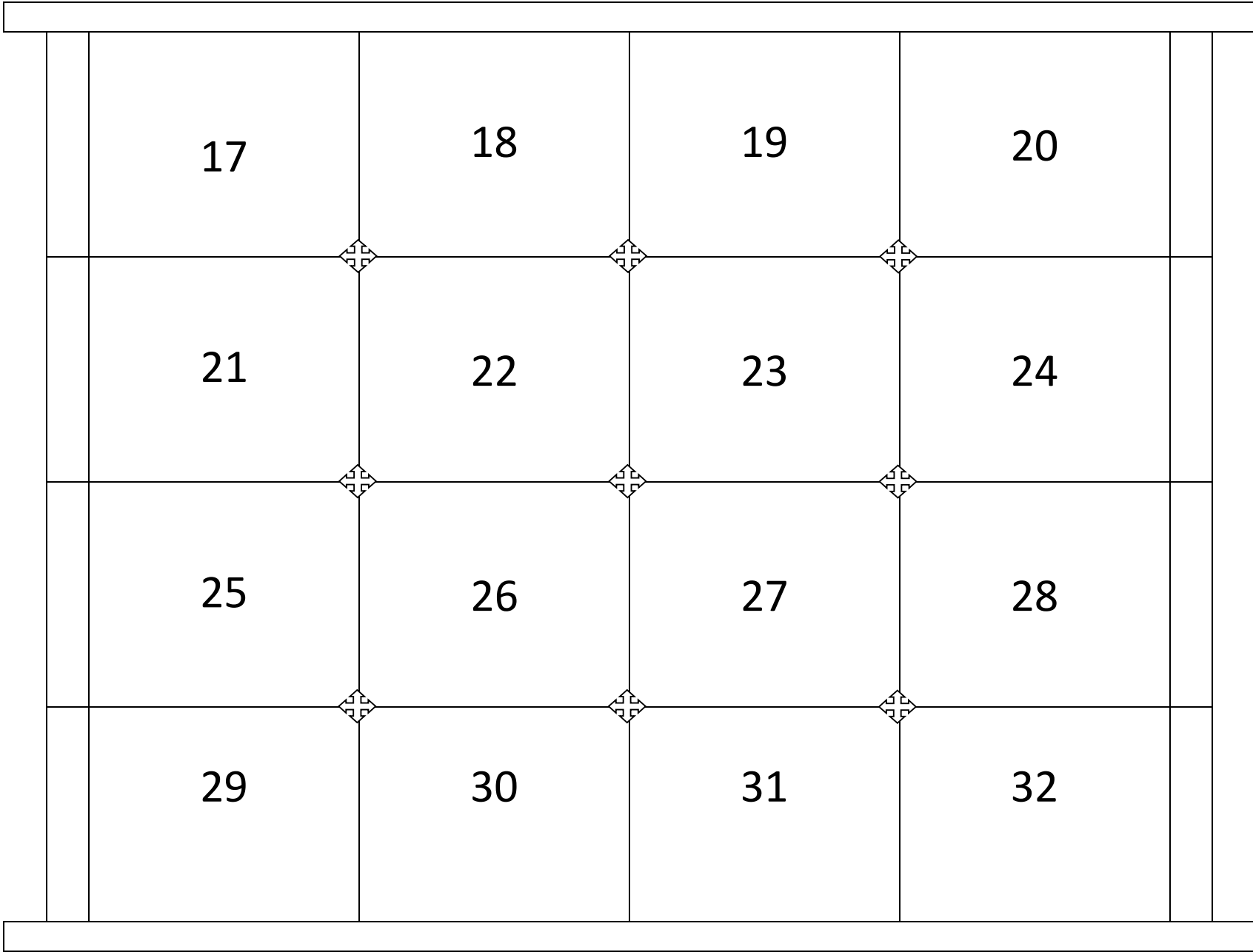
Please refer to By-Law No. 04-23 for more detailed information.

TOWN OF STONEWALL
SCHEDULE "B" TO BY-LAW NO. 04-23



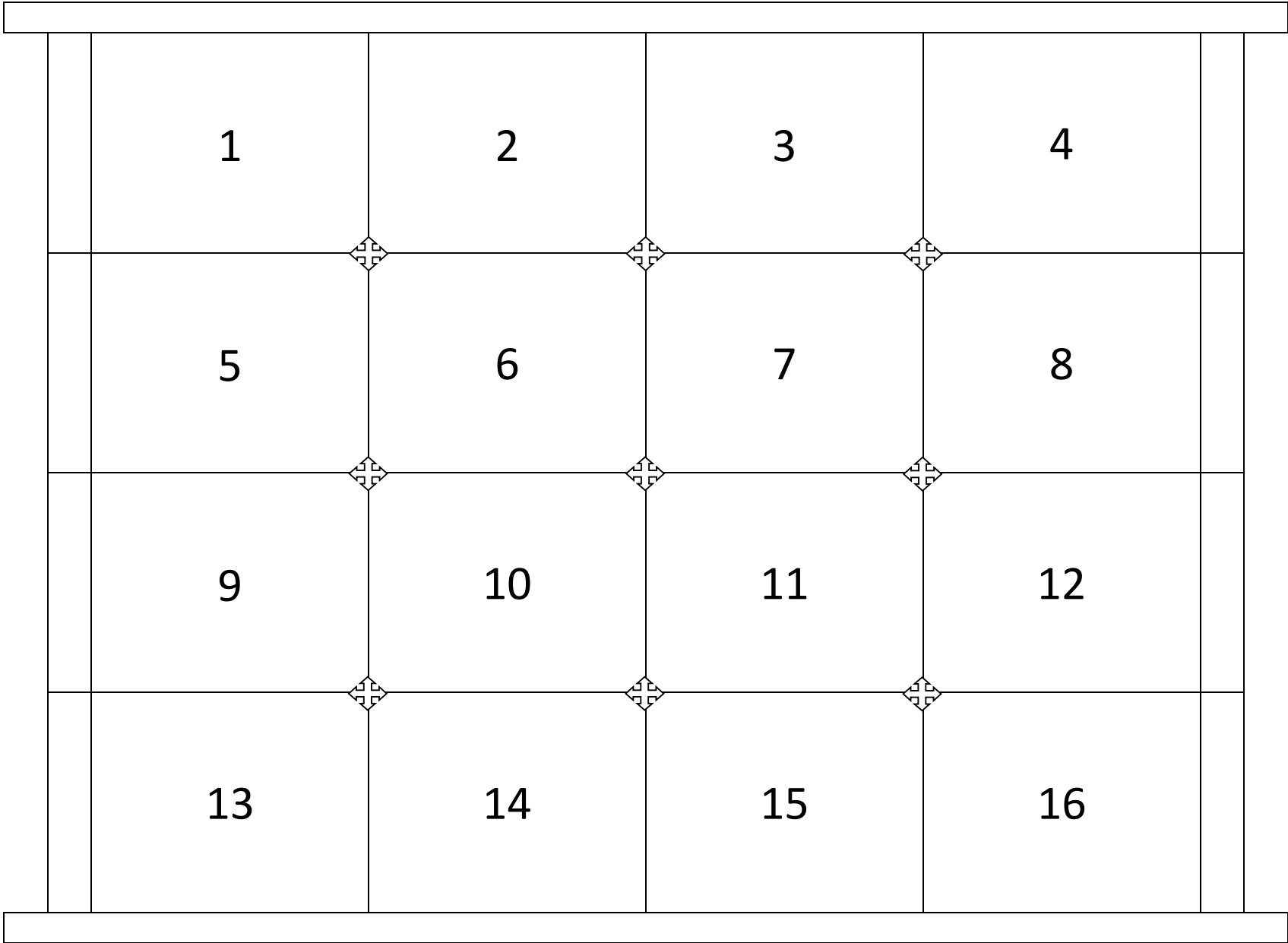
Numbered Niches On
NORTH Side

TOWN OF STONEWALL
SCHEDULE "B" TO BY-LAW NO. 04-23



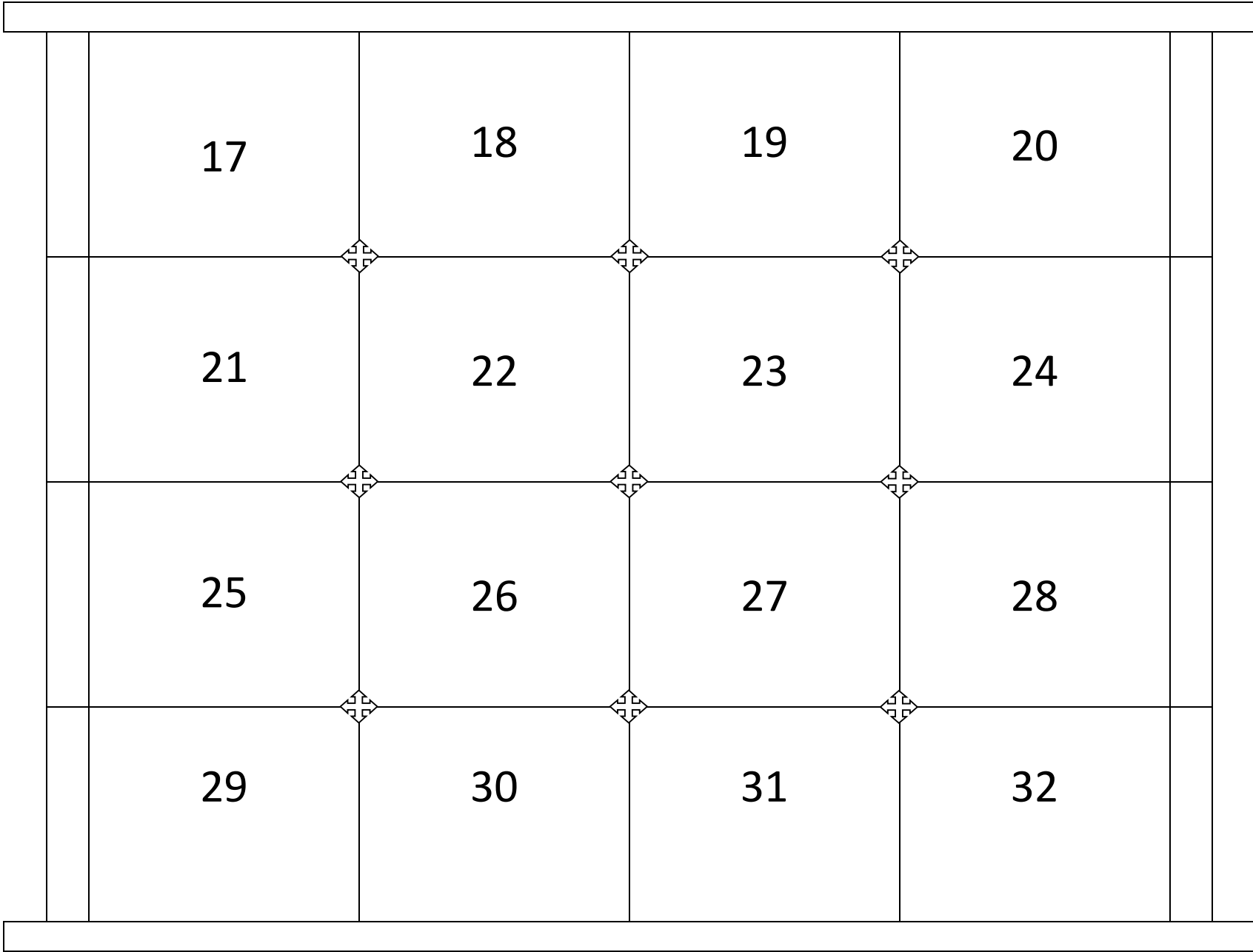
Numbered Niches On
NORTH Side

TOWN OF STONEWALL
SCHEDULE "B" TO BY-LAW NO. 04-23



Numbered Niches On
SOUTH Side

TOWN OF STONEWALL
SCHEDULE "B" TO BY-LAW NO. 04-23



Numbered Niches On
SOUTH Side

TOWN OF STONEWALL
SCHEDULE "C" TO BY-LAW NO. 04-23

RETURN OF PLOT OR NICHE

Date of Application:	
Name of Applicant:	
Mailing address of Applicant:	
Phone / Email of Applicant:	
Name of person(s) property deeded to:	
Location of deeded property:	(plot / columbarium address)

The following declaration is signed by original owner(s) OR all living heirs of the owner of the original deed:
 (definition of heirs as defined in the Cemetery By-Law)

I / We, the family of _____ hereby declare our intent to return the above noted plot / columbarium niche to the Town of Stonewall for a refund of _____.

I / We understand that all our rights to the above noted property are now relinquished and the Town of Stonewall may use or resell the property at their discretion.

I / We understand that the refund will be issued to the applicant _____ as identified above.

Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	

FOR OFFICE USE:

Original Deed has been returned and is attached

Copy of refund is attached

TOWN OF STONEWALL
SCHEDULE "D" TO BY-LAW NO. 04-23

DESIGNATION AND INHERITANCE OF BURIAL RIGHTS

Date of Application:			
Name of Applicant:			
Mailing address of Applicant:			
Phone / Email of Applicant:			
Name of person(s) on deed:			
Location of deeded property:	(plot / columbarium address)		
Full Name of person designated to be interred:			
Relationship to person(s) on the deed:			
<p>The following declaration is signed by the owner or all living heirs of the owner of the original deed: (definition of heirs as defined in the Cemetery By-Law)</p>			
<p>We, (the family of) _____ hereby give our permission for _____ to be interred in the above noted plot / columbarium niche.</p> <p>We understand the implication of the interment and how it affects the remaining number of interments available for the property.</p>			
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	
Printed Name:		Signature:	

**TOWN OF STONEWALL
SCHEDULE "E" TO BY-LAW NO. 04-23**

APPLICATION FOR CEMETERY MARKER PERMIT

DATE: _____ **APPLICANT/AGENT NAME:** _____

MONUMENT COMPANY ADDRESS: _____

EMAIL: _____ **PHONE:** _____

The undersigned hereby applies for a permit to place monument, headstone, or flat marker, according to the following specifications and in accordance with the By-laws of the Town of Stonewall and such additional specifications as may be provided therein:

PLOT (if known): _____

OWNER / NAME OF DECEASED: _____

WORK TO BE DONE	DETAILS	SIZE
MONUMENT / HEADSTONE		
FLAT MARKER		

Remarks: The applicant for this permit is hereby responsible for the placing of the monument, headstone, or flat marker wholly within the boundaries of the lot or lots indicated on this application and understand that By-law No. 02-18 requires that no such work shall be commenced without a permit first having been obtained from the Town of Stonewall.

Signature of Agent: _____

Upon payment of the sum of **\$50.00** the above-named agent of owner is hereby granted permission to erect the monument, headstone, or flat marker described above in accordance with the Cemetery By-law of the Town of Stonewall and the specifications as above described.

This permit expires if active work is not commenced within three months from date.

PERMIT NO. ISSUED

DATE ISSUED

TOWN OF STONEWALL
SCHEDULE "F" TO BY-LAW NO. 04-23

Double Urn
Options:

<p>FAMILY NAME GIVEN NAME YEAR - YEAR GIVEN NAME YEAR - YEAR</p>	<p>FAMILY NAME GIVEN NAME YEAR - YEAR GIVEN NAME YEAR - YEAR</p>
<p>FONT: ROMAN MODIFIED</p>	<p>FONT: COMMON GOTHIC</p>
<p>GIVEN NAME FAMILY NAME YEAR - YEAR</p>	<p>GIVEN NAME FAMILY NAME YEAR - YEAR</p>

Single Urn
Options:

TOWN OF STONEWALL
SCHEDULE "G" TO BY-LAW NO. 04-23

COLUMBARIUM ENGRAVING ORDER FORM

Name: _____

Date: _____

Address: _____

Phone: _____

Font Type: _____

Layout: _____

Signature _____

(For approval of spelling, dates and design) ***Please check carefully.***

The price includes all lettering done at the present time.

Sub Total \$ _____

Taxes \$ _____

TOTAL \$ _____