

18th July, 2007

CITY OF WINNIPEG

CEMETERIES BY-LAW

NO. 130/2007

RULES AND REGULATIONS

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DEFINITIONS – Words and phrases have the same meaning

“Child” means a human being from two to ten years of age

“Cremation Certificate” means the certificate provided by the funeral home or crematorium

“Depth” shall refer to the measurement taken from front to back of a monument, monument base, or foundation, and for a marker the depth shall refer to the measurement taken from the surface to the underside.

“Height” shall refer to the measurement taken from top to bottom of a monument, monument base or foundation and for a marker the height shall refer to the measurement taken from the top to the bottom of the marker face.

“Infant” means a human being under the age of two years

“Select Sections” means those areas where only Flat Markers are permitted and which must be placed at the foot of the lot/plot

“Summer Season” means the time period from May 1 to November 30 in any year

“Vase” means an open container intended as a receptacle for flowers

“Width” shall refer to the measurement taken from side to side of a monument, marker or foundation

“Winter Season” means the time period from December 1 to April 30 in any year

SALE OR TRANSFER

- 1 (1) No sale or other transfer of any lot, plot, cremated remains lot/plot cremorial, or niche or any interest therein will be accepted by the Administrator until a duly executed letter from the owner has been received specifying the name and address of the transferee and the appropriate fee has been paid in full;
 - (2) Where the lot, plot, cremated remains lot/plot, cremorial or niche is inherited, the new owner must provide proof of ownership to the Administrator by submitting a notarial copy of the probate or letters of administration; or such proof as is satisfactory to the Administrator.
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INTERMENTS

- 2 (1) The owner of a lot, plot, cremated remains lot/plot, cremorial or niche may authorize the interment of another person by submitting a written authorization to the Administrator specifying the location and the name of the person to be interred therein.
- (2) No interment or scattering will take place until the Administrator has received a copy of the Burial Permit or Cremation Certificate and the following information:
- (a) the full legal name of the deceased;
 - (b) the cemetery location, section and site number of the interment site to be used;
 - (c) proof of ownership or authorization for use of a interment site, where the deceased person is not the owner;
 - (d) place of birth;
 - (e) place of death;
 - (f) date of death;
 - (g) age;
 - (h) date of birth;
 - (i) day, date and time of interment;
 - (k) type of grave liner or vault (if used);
 - (l) the size of casket, urn or vault;
 - (m) name of funeral home/director;
 - (n) the name and address of person(s) listed as next of kin;
 - o) the owner's name(s) and address(es) and the person(s) to receive the Cemetery Deed and/or receipt for the property;
 - (p) where a Field of Honour lot is to be used, the regimental and/or service number;
 - (q) name of the person or company responsible for payment of the interment fees.
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- (3) A minimum of 24 hours prior notice, excluding Saturdays, Sundays and Civic or Statutory Holidays, must be given to the Administrator before the time of the burial during summer season, and 48 hours notice during winter season.
 - (4) The City is not responsible for any errors or omissions in information received.
 - (5) Funeral Directors are responsible for the secure closure of the casket or urn before interment can proceed.
 - (6) Funerals arriving at the cemetery gates at or after 3:30 p.m. will be assessed the surcharge as stated in the cemetery Fees and Charges. No funeral procession will be permitted to enter the gates after 5:00 p.m. All surcharges other than to a Funeral Director or Funeral Home shall be due and payable in full prior to the interment or scattering.
 - (7) Funeral Directors must remain for the duration of the service and provide notice to Cemetery staff that the service has ended.
 - (8) Workers must cease work in the vicinity of a funeral until the conclusion of the service.
 - (9) No person operating as, or for a business may work in a cemetery on Saturdays, Sundays, Civic and Statutory Holidays or after 4:30 p.m. on weekdays without written authorisation from the administrator.
 - (10) Where a tree or shrub requires removal from a lot/plot to enable an interment to take place a fee will be charged.
 - (11) The use of a vault or liner in an interment site will only be allowed where physically possible, and where permission is obtained at the time of arranging the interment, and on payment of all appropriate fees.
 - (12) All full casket interments shall allow for at least a three feet (36 inches) depth of soil above the casket to level with the surrounding ground.

LANDSCAPE IMPROVEMENTS, PLANTING AND GARDENING

- 3 (1) Persons desiring to do any planting or gardening work on a lot, plot, or cremated remains lot/plot for monetary gain must annually obtain written permission from the Administrator prior to commencing.
 - (2). Any grading, seeding or sodding must conform to the standards established for the section in which the lot, plot or cremated remains lot/plot is located.
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- (3) No tree, shrub or flower may be planted in sections of a cemetery reserved for the burial of cremated remains.
 - (4) No tree may be planted in any section or area of a cemetery without the written permission of the Administrator.
 - (5) The owner of a lot or plot may plant annual flowers or shrubs provided the lot or plot has been levelled and stabilized and subject to the following rules:
 - (a) annual plantings and vases must be placed in a half-moon shape adjacent to the memorial and must not extend more than two feet (61 cm) from the memorial or extend beyond the width of the lot, plot or cremated remains lot/plot and any shrub may have a maximum height of 4 ft. (122 cm).
 - (6) The Administrator may prune or remove any planting, or article which in the opinion of the Administrator:
 - (a) violates any of the rules and regulations or the relevant by-law;
 - (b) poses a hazard;
 - (c) is found to be diseased;
 - (d) extends beyond the dimensions of the lot, plot;
 - (e) is necessary to remove for repair, maintenance or interment work to be undertaken,without being liable for any damage caused thereby to the article or planting.
 - (7) No person may take a cutting of any planting, or pick any flower, either wild or cultivated, or mutilate or damage any tree, shrub or plant in a cemetery.
 - (8) Any person employed to maintain graves or memorials must remove all garbage to outside of the cemetery and must carry on their work under the direction of the Administrator.
 - (9) No person may attach any item, including any plant, flower, shrub, picture, flag or other such object, to a memorial, bench, tree, ossuary, crypt, or columbarium.
 - (10) Cut and artificial flowers are allowed in a vase with a maximum diameter of 8 inches (30.48 cm), constructed of material and finish that is acceptable to the Administrator and not exceeding an overall height of 20 inches.
 - (11) The placement of artificial flowers or wreaths in the ground of any lot, plot or cremated remains interment site is not permitted except for 10 working days after interment or during the winter season.
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- (12) All materials brought into a cemetery must be transported and deposited in the cemetery in such a manner as the Administrator approves.
- (a) All accumulated rubbish or excess materials must be removed and deposited in the designated location;
 - (b) The use of barbeques or other cooking vessels is not allowed on cemetery property.
- (13) No person may erect or maintain borders, fences, railings, copings, walls, curbs, enclosures or hedges in or around any lot, plot or cremated remains lot/plot.
- (14) No lot, plot or cremated remains lot/plot may be covered by any loose materials or a slab of cement or other similar material.

NO DEFACING OF CEMETERY PROPERTY

- 4 No person may write upon, scratch, deface or damage any memorial, fence, building or any other structure in or belonging to the cemetery.

VEHICLES IN CEMETERY

- 5 (1) No vehicle of any kind will be allowed in any part of the cemetery except on the roadways, without the permission of the Administrator.
- (2) No person may drive any vehicle at a speed in excess of 20 kilometres per hour; nor park a vehicle in such a way as to cause damage to any turf.

ENTERING THE CEMETERY

- 6 No person may enter a cemetery other than through the entrance gates.

NON-PERMITTED ACTIVITIES

- 7 (1) No person may disturb the quiet or good order of a cemetery by noise or other improper conduct and the Administrator may expel any person or prohibit the entrance of any person who conducts himself or herself in an improper manner.
- (2) No person may roller-blade, in-line skate or skateboard in a cemetery or take part in any activity contrary to the quiet setting of a cemetery.
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PETS

- 8 No person will allow any pet in the cemetery unless properly restrained and pet owners must remove any excrement.

NO WALKING ON GRAVES

- 9 No persons may walk on any lot, plot, or cremated remains lot/plot, or scattering bed except employees in the performance of their duties and responsibilities.

CONTRACTORS AND MEMORIAL DEALERS

- 10 (1) All contractors and memorial dealers must report to the cemetery office prior to commencing any work and are subject to the direction and control of the Administrator

MEMORIALS AND FOUNDATIONS

11 (1)

- (a) The Administrator may designate special sections within the cemeteries and impose restrictions on the types of memorials and other types of markers that may be installed therein;
- (b) Monuments or flat markers are permitted in designated sections of Brookside and Transcona Cemeteries. Only flat markers are permitted in the St. Vital Cemetery, with the exclusion of the Cremation Gardens where pillow markers as supplied by the city are permitted;
- (c) Memorial dealers must have in their possession a valid permit from the Cemeteries Administrator authorising for the installation, repair or refurbishment of a memorial;
- (d) A foundation is required for all upright, sloping or pillow monuments.

GENERAL RULES FOR FOUNDATIONS (EXCEPT ST. VITAL CEMETERY)

12 (1) All foundations must be either:

- (a) a continuous concrete beam construction, poured in place, having a minimum height of six inches (15.24 cm) and with a gravel or crushed stone sub-grade having a minimum in-ground depth of six inches (15.24 cm);
 - (b) a pre-cast concrete slab having a minimum height of six inches (15.24 cm) with gravel, crushed stone, or sand sub-grade having a minimum in-ground depth of six inches (15.24 cm);
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- (c) an individual foundation having a minimum thickness of six inches (15.24 cm) and with a gravel or crushed stone sub-grade having a minimum in-ground depth of six inches (15.24 cm); or
- (2) All foundations must be installed by City employees, or under the express authority of the Administrator.
- (3) Where an existing monument was installed without a foundation, or a individual foundation requires replacement as determined by the Administrator, the owner will be required to pay the appropriate fee in full prior to any work, or an interment being commenced.
- (4) The maximum width for individual foundations in all sections of a cemetery except for The Field of Honour is as follows:
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|----------------------------------|-----------------------|
| Infant Lots | 24 inches (60.96 cm) |
| Child Lots | 30 inches (76.20 cm) |
| 1/2 Double | 36 inches (91.44 cm) |
| Single | 42 inches (106.68 cm) |
| 1/2 Four Grave Plot: | 66 inches (167.64 cm) |
| Double (7' x 10' plot) | 78 inches (198.12 cm) |
| Double (8' x 10' or larger plot) | 90 inches (228.60 cm) |
- (5) The fees for installing a foundation must be paid in advance of installation.

GENERAL RULES FOR MEMORIAL TYPES, CONSTRUCTION AND MATERIALS:

- 13 (1) All memorials including vases must be constructed of granite, marble, or bronze or other permanent materials which have been approved by the Director, based upon test results satisfactory to the Director, verifying that the said proposed permanent material has a durability factor equivalent to that of granite, marble, or bronze.
- (2) Memorials must be constructed of one solid piece of approved permanent material.
- (3) Crosses of any kind are not allowed unless they are an integral part of the monument and made of approved materials.
- (4) Where it is necessary to remove memorials, markers or invertible vases to allow for a first interment, the fee shall be paid in full in advance.
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UPRIGHT MONUMENTS (BROOKSIDE & TRANSCONA CEMETERIES ONLY)

14 (1) A monument must be centred at the head of the lot or plot;

(2) The dimensions must be:

Depth:

A minimum of 3 inches (7.62 cm) to a maximum of 18 inches (45.72 cm) excluding the base.

Width:

A maximum width including the base of 6 inches (15.24 cm) less than the width of the lot or plot and where there are 2 or more lots or plots to a maximum of 90 inches (228.60 cm).

Height:

The maximum height including the base shall not exceed 54 inches (137.16 cm).

(3) All monument bases must have a minimum depth of 8 inches (20.32 cm) to a maximum depth of 18 inches (45.72 cm).

(4) All monuments excepting, those within Military Sections, must be secured to the base by not less than two, one-half inch thickness, stainless steel pins, with a minimum length of six inches, extending equal distance into the monument and base and placed at equal distances from the sides of the monument.

(5) Where a military monument is placed in a section other than a Field of Honour, it shall meet the Specifications as given by the Department of Veterans Affairs, have a foundation installed and the monument mounted on a base having the following dimensions:

width:	24 inches (60.96 cm)
depth:	10 inches (25.40 cm)
height:	6 inches (15.24 cm)

FLAT MARKER MEMORIALS (ALL CEMETERIES)

15 (1) Upon receipt of an Application form the flat marker must be delivered to the cemetery grounds in which it is to be placed and such marker must, upon delivery, be inspected and approved by city employees prior to being placed in such location as the City will determine. The City will not accept liability for any damage occurring to any marker following delivery and prior to installation unless an employee of the City has inspected and signed for the marker.

(2) FLAT MARKER DIMENSIONS.

(a) SINGLE MARKER FOR CREMAINS SECTIONS

Dimensions:	width:	20 inches (50.80 cm)
	height:	10 inches (25.40cm)
	depth :	4 inches (10.16 cm)

(b) SINGLE MARKER FOR FIELD OF HONOUR

(as an additional memorial only)

Dimensions:	width:	20 inches (50.80 cm)
	height:	10 inches (25.40 cm)
	depth :	4 inches (10.16 cm)

(c) SINGLE MARKER FOR INFANT AND CHILD SECTIONS

Dimensions:	minimum:	width:	20 inches (50.80 cm)
		height:	10 inches (25.40 cm)
		depth :	4 inches (10.16 cm)
	maximum:	width:	24 inches (60.96 cm)
		height:	12 inches (30.48 cm)
		depth :	4 inches (10.16 cm)

(d) SINGLE MARKER FOR MEDICAL SECTION
(BROOKSIDE CEMETERY ONLY)

Dimensions:	width:	20 inches (50.80 cm)
	height:	10 inches (25.40 cm)
	depth :	4 inches (10.16 cm)

(e) SINGLE MARKER ALL OTHER SECTIONS

Dimensions:	minimum:	width:	20 inches (50.80 cm)
		height:	10 inches (15.40 cm)
		depth	4 inches (10.16 cm)
	maximum:	width:	28 inches (71.12 cm)
		height:	20 inches (50.80 cm)
		depth :	4 inches (10.16 cm)

(f) DOUBLE MARKER - placed and centred on two or more graves, at head or foot as established for that section of the cemetery:

- including attached invertible vase if applicable

Dimensions:	minimum:	width:	20 inches (50.80 cm)
		height:	10 inches (25.40 cm)
		depth :	4 inches (10.16 cm)
	maximum:	width:	48 inches (121.92 cm)
		height	20 inches (50.80 cm)
		depth:	4 inches (10.16 cm)

REQUIREMENTS FOR INVERTIBLE VASES (not attached to memorials)

16 (1) Concrete or granite casing must encompass the full length of the vase and have only 9 inches (22.87 cm) diameter for circular casing or 9 inches (22.87 cm) on the diagonal for square casing. Invertible vase must be bronze or other material as approved by the Administrator.

(2) **Dimensions:** diameter/diagonal: 9 inches (22.86 cm) including casing

(3) Where invertible vases are not inverted by the owner, during the period 1st November until 1st May the owner will be liable for any and all damage.

FIELD OF HONOUR (BROOKSIDE AND TRANSCONA CEMETERIES ONLY)

17 (1) Headstone Specifications are contained in the document "VPPM – Commemorative Programs" as prepared by the Department of Veterans Affairs with respect to "Funeral and Burial Benefits - Grave Markers" and are available at the Cemetery office on request.

(2) Standard upright military monument placed and centred at the head of the lot will be permitted as the original memorial.

(3) One additional flat marker placed and centred below the original upright monument will be allowed, minimum size only.

(4) One invertible vase placed and centred below the original memorial will be allowed.

RESTRICTIONS FOR PLACEMENT OF MEMORIALS.

18 (1) CREMATED REMAINS LOTS

(a) One flat marker only, placed and centred at the foot of the lot will be permitted;

(b) One invertible or stick-in vase placed and centred at the head of the lot will be permitted.

(2) CREMATED REMAINS PLOTS

(a) Flat markers only, to a maximum of two, placed and centred on the plot, starting at the foot will be permitted;

(b) One invertible or stick-in vase, placed and centred on the plot, will be allowed.

(3) MEDICAL SECTION

(a) For cremated remains lots, one flat marker only, placed and centred at the foot of the lot will be permitted and one invertible vase placed and centred at the head of the lot will be permitted. For all other lots, the number of flat markers to be permitted will be at the discretion of the Administrator.

(4) INFANT AND CHILD SECTIONS

(a) One monument or flat marker placed and centred at the head of the lot will be permitted as the original memorial. One additional flat marker is allowed placed and centred below the original;

(b) The dimensions of the original monument or flat marker may be from the minimum to the maximum allowed in these sections. The dimensions of any additional flat marker may be only the size allowed in these sections;

(c) One invertible vase placed and centred below the original memorial or the memorial area will be allowed.

(5) SECTIONS D.1; D.2 SELECT; D.5; D.8; 27; AND THE MEDICAL CASKET INTERMENT SECTION (BROOKSIDE CEMETERY ONLY)

- (a) One flat marker only, centred at the foot of the lot or plot, will be permitted as the original memorial;
- (b) Additional flat markers, to a maximum of two, centered above the original marker and placed side by side will be allowed. The dimensions of any additional flat marker may be only the minimum size allowed in these sections;
- (c) Invertible vases to a maximum of one per lot or two per plot, placed and centered above the original memorial will be allowed.

(6) ALL OTHER SECTIONS

- (a) A memorial placed and centered at the head of the lot or plot will be permitted as the original memorial;
- (b) Additional flat markers, to a maximum of two, centered below the original memorial and placed side by side, will be allowed. The dimensions of any additional flat marker may be only the minimum size allowed in these sections;
- (c) Invertible vases to a maximum of one per lot or two per plot, placed and centered below the original memorial will be allowed.

Approved this 18th day of July, 2007.

Director of Planning, Property & Development
