

TOWN OF ALTONA
BY-LAW 1821/2024

Being a by-law of the Town of Altona to provide for the regulation, maintenance, care and operation of municipal cemeteries.

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 Town of Altona has established and deems it expedient to continue public cemeteries and to adopt rules and regulations for the maintenance of order in and for the proper care of same.

NOW THEREFORE the Council of the Town of Altona duly assembled enacts as a by-law as follows:

TITLE & PURPOSE

- 1.0 This by-law may be referred to as "The Town of Altona Cemetery By-Law".
- 1.1 This by-law is for the continuation of public cemeteries, including the adoption of rules and regulations for the maintenance of order in and for the proper care of such cemeteries.

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DEFINITIONS

2.0 In this by-law,

- a) "Administrator" means the Chief Administrator Officer or their designate.
- b) "Cemetery" or "Cemeteries" means the municipally owned land in the following locations:
 - Lot 74, Plan 406 in the 08-02-01-WPM in Altona, Manitoba at the corner of 4th Avenue NE and 6th Street NE; and
 - Lot 1, Plan 36323 in the NW-33-1-1-W on Highway 30 in the Municipality of Rhineland south of Altona, Manitoba.
- c) "Child plot" or "Infant plot" means an area of land sufficient in size for the interment of one child or infant casket.
- d) "Columbarium" means an above ground structure or building in a cemetery designed and used for the interment of the cremated remains of a deceased person.
- e) "Council" means the Council of the Town of Altona.
- f) "Cremated remains plot" means an area of land designated to be used solely for the interment of the cremated remains of a deceased person.

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- g) "Deed" means a certificate that gives the right of interment in a plot or niche.
- h) "Director" means the Director of the department responsible for the cemeteries operated by the Town of Altona or their designate.
- i) "Fee Schedule" means those fees regulated to the cemetery as established in Schedule "B" of The Town of Altona's Fees & Charges By-law.
- j) "Funeral Director/Home" means any individual, firm, partnership or corporation who arrange funerals on behalf of their private clients.
- k) "Grave" means any plot within the cemetery which has been used for the interment of human remains, including cremated remains but does not include columbarium.
- l) "Interment" means the burial, placement or scattering of human remains or cremated remains in a plot or niche.
- m) "Interment Fee" includes the charges for the opening and closing of a plot, cremated remains plot or niche, use of lowering device, grave linings, earth cover, and other necessary services.
- n) "Licensee" means a person who purchases a grave in the cemetery.

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- o) "Marker" means a flat memorial marker installed flush with the surrounding turf on a plot or cremated remains plot, in memory of a deceased person.
- p) "Memorial" means a monument, plaque or flat marker installed in memory of a deceased person.
- q) "Memory Wall" means a dedicated wall or location. Such as on the sides of a columbarium where many plates can be attached or insignia made to honour the memory of a deceased person.
- r) "Monument" means an upright memorial.
- s) "Niche" means a compartment in a columbarium for the interment of cremated remains of a deceased person.
- t) "Owner" means the owner of a plot, cremated remains plot, or niche.
- u) "Perpetual Care" means the preservation, improvement and maintenance in a proper manner of plots, monuments, columbarium and grounds including but not limited to scattering gardens, trees, fences, benches, planters, and other structures.
- v) "Plot" means an area of land sufficient for interment of one casket.
- w) "Scattering Bed" means an area of land set aside for the

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in-ground scattering of cremated remains.

- x) "Town" means the Town of Altona.
- y) "Urn" means a container intended for storage of human ashes and remains.

PURCHASE TERMS AND CONDITIONS

- 3.0 The purchase price of plots, cremated remains plots, and niches and other goods and services including interment fees, disinterment fees, foundations fees and other fees will be set in Schedule B of the Town of Altona Fees and Charges By-law.
- 3.1 No interment may be made, no deed may be given and no memorial may be erected or installed until all fees and the purchase price of the plot, cremated remains plots, or niche have been paid in full. Upon receipt of payment in the proper amount, the Town shall issue a Deed in the form set out in Schedule "A".
- 3.2 Cemetery plots, cremated remains plots and niches shall not be resold and no refunds will be given.
- 3.3 Any person who purchases a plot, cremated remains plot, or niche and any person placing a request for an interment will be responsible for all related costs and must comply with all applicable legislation.
- 3.4 Plots, cremated remains plots, or niches and other services or

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goods, can only be used for the purpose for which they are intended.

RULES AND REGULATIONS

4.0 The Director is hereby authorized to make rules and regulations, as set out in Schedule "B", for a cemetery or any part thereof, including, but not limited to, the following:

- (a) the designation of special sections within cemeteries, including restrictions or prohibitions on the types of interments or memorials, if any, that may be installed therein;
- (b) the information required to be provided prior to any interment;
- (c) the amount of notice required to be given prior to an interment, which may vary with the day or season;
- (d) the hours of operation of each cemetery and the times during which interments may occur;
- (e) the responsibilities of funeral directors, memorial dealers, or contractors within a cemetery;
- (f) the conduct of persons within a cemetery;
- (g) the construction, size, type, installation and location of any memorial;

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- (h) regulating, prohibiting or removing any landscaping, planting, gardening, fencing, railings, posts, the placement of any plantings or wreaths or any other construction;
- 4.1 The cemetery distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, thieves, vandals, explosions, and unavoidable accidents.
- 4.2 All maintenance and repairs of monuments and niches are the responsibility of the deceased's family or executor responsible for the estate.
- 4.3 The Town of Altona accepts no responsibility for normal or ongoing maintenance or repair of monuments and niches.
- 4.4 All records, maps and other data related to the cemetery will be kept at the Town of Altona Administration Office.
- 4.5 The speed limit within the Altona Cemetery is always a maximum of 10 km/h. All vehicles must always remain on the road.
- 4.6 Firearms are expressly prohibited from being carried, discharged or displayed at the cemetery unless permitted by the Altona Police Service or RCMP for ceremonial purposes.

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INTERMENTS

- 5.0 Cemeteries may only be used for the interment of human bodies or their cremated remains.
- 5.1 No remains may be interred except in an approved urn, casket, vault, or shroud, and except for an interment into a scattering bed.
- 5.2 No person may open a plot, cremated remains plot, niche or make use of a scattering bed for an interment or a disinterment unless employed by the Town or its authorized agent.
- 5.3 No remains may be interred or scattered without the knowledge and approval of the Administrator and without a Town employee or designate in attendance.
- 5.4 The maximum number of interments in a plot is one casket and four urns containing cremated remains.
- 5.5 The maximum number of interments in a child or infant plot is one casket and 2 urns containing cremated remains.
- 5.6 Only one body, shall be contained in each casket or urn.

CREMATED REMAINS PLOTS

- 6.0 In any cremated remains plot having dimensions of two feet by two feet (60.96 cms x 60.96 cms) a maximum of one urn

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may be interred at single depth.

DISINTERMENTS

- 7.0 No disinterment will be allowed from any cremated remains plot, niche, or scattering bed.
- 7.1 No disinterment may occur from any other area without the approval of the Administrator and the receipt of such documentation as required by law is first obtained, and the Administrator or designate attends the disinterment.

MEMORIALS

- 8.0 Any monument shall be no more than 3 feet (91.44 cms) in height, including base, no more than 4 feet (121.92 cms) in width and no more than 8 inches (20.32 cms) in thickness.
- 8.1 The base of any monument shall be no more than 40 inches (101.6 cms) in depth to provide clearance of at least 4 inches (10.16 cms) per side on the concrete base for maintenance purposes.
- 8.2 The owner of or person responsible for a memorial must ensure that it does not become unsightly, dilapidated, or dangerous, and in the event the owner or person responsible fails to do so, the Director may remove or repair any such memorial and recover the costs from the owner or person responsible.

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- 8.3 Only a Town of Altona employee or designate may place or install flat markers.
- 8.4 No more than one monument may be erected on any one plot.
- 8.5 No memorial is permitted in or on a scattering bed.

COLUMBARIUM

- 9.0 Only two urns with one cremated remains in each urn may be interred into a single niche.
- 9.1 The interior dimensions of a single niche are 12 inches in height, 12 inches in depth and 12 inches in width (30.48 cms X 30.48 cms X 30.48 cms).
- 9.2 All inscriptions will be of a standardized font, size and format approved by the Administrator consistent with inscriptions on the columbarium. All inscriptions will be engraved directly into the niche door with no plaques being allowed. Family members or the executor(s) of the deceased must fill out all required forms for inscription details.
- 9.3 All decorations placed at the columbarium are considered temporary and must be removed by the deceased's family members or executor otherwise they will be removed by Town employees 30 days after interment. Glass or ceramic containers shall be prohibited and may not be placed onto or attached to the columbarium.

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- 9.4 A niche may only be opened by written request of the niche licensee. A fee will be charged for each request opening and closing whether an urn is installed or not. All opening and closing will be performed by a Town employee or designate and will be documented.
- 9.5 The maintenance and repair of the columbarium structure are the responsibility of the manufacturer and Town. Any subsequent removal, handling and storage of urns will be carried out under the direction of the Director or designate. Full maintenance records with digital pictures will be kept for each of the occurrences.
- 9.6 The Town is not responsible for damage to the columbarium and its contents caused by acts of nature, vandalism, or unforeseen incidents. The Town will contact licensees and/or next of kin to the best of its ability in cases of urn retrieval due to damage to the columbarium and contents.
- 9.7 The Town is responsible for obtaining and maintaining all the records pertaining to the inurnments within, and of the maintenance of the columbarium.
- 9.8 The Town is not responsible for incorrect information or incorrect spelling on the engraving on the niche doors.

CORRECTION OF ERRORS

- 10.0 The Town or any employee thereof shall not be responsible for

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any mistakes resulting from lack of precise or proper instruction regarding the grave or on a plot or within a columbarium where an interment is to be or has been made.

PERPETUAL CARE RESERVE

- 11.0 The cemetery will have a separate Perpetual Care Reserve Fund created with a sum equal to 25% of the purchase price of a plot or cremated remains plot, or a sum equal to 15% of a niche purchase, or a sum equal to 10% of a scattering of cremated remains, set aside in the reserve, invested and applied to and for Perpetual Care.
- 11.1 The Town may, annually, utilize up to 100% of the previous year's earnings from the relevant Perpetual Care Reserve to undertake improvements or maintenance in the cemetery.

GENERAL

- 12.0 Where any person owes outstanding fees or charges, the Administrator may refuse to allow any other interments or work until all outstanding fees and charges are paid in full.

CEMETERY CLOSURE

- 13.0 The Administrator may close any cemetery from time to time as deemed necessary and appropriate.

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PENALTIES & ENFORCEMENT

- 14.0 Any person guilty of a breach of this By-law shall pay the administrative penalty outlined in Schedule "A" of the MBEA Enabling By-law No. 1760/2018 or request a review by a screening officer in accordance with Part II of said By-Law.
- 14.1 The amount of the administrative penalties set out in Schedule "A" to the MBEA Enabling By-law 1760/2018 may be amended from time to time by Resolution of Council.
- 14.2 The Director or their designate may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law.
- 14.3 Where an address for service must be determined, it shall be determined by using ownership records maintained by the Administrator.

REPEAL

- 15.0 By-laws No. 52/1948, 117/1951, 639/1970, 982/1979 and 1209/1985 are hereby repealed.

FORCE AND EFFECT

- 16.0 If any provision of this by-law is determined to be unenforceable or invalid, the remaining provisions of this by-law will continue to be valid and enforceable.

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16.1 This by-law shall come into force upon the passing thereof.

DONE AND PASSED in Council at The Town of Altona in the Province of Manitoba this 28th day of May, A.D. 2024.



Mayor



Chief Administrative Officer

READ a first time this 14th day of May, A.D. 2024.

READ a second time this 28th day of May, A.D. 2024.

READ a third time this 28th day of May, A.D. 2024.

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SCHEDULE "A"
CEMETERY DEED

In consideration of payment of the sum of \$_____, receipt of which is hereby acknowledged, the Town of Altona hereby issues and grants to

Owner(s)

Address

their heirs, representatives and assigns, the right of interment in:

q burial plot number _____, block number _____

q niche number _____, columbarium number _____

in the Altona Cemetery located on Lot 1, Plan 36323 of Section 33, Township 1, Range 1 West in the Municipality of Rhineland, Manitoba.

The Owner, and the Owner's heirs and assigns, shall have, hold and have the use of the above-named premises forever, provided always that the premises shall be used for the purpose of interment only, and are and shall be subject to all laws and by-laws of the Town of Altona as may be in force or adopted from time to time affecting or respecting the Altona Cemetery.

IN WITNESS WHEREOF the Chief Administrative Officer of the Town of Altona has signed their name and affixed the Town's Corporate Seal this _____ day of _____, 20__.

TOWN OF ALTONA

Chief Administrative Officer

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SCHEDULE "B"
CEMETERY RULES & REGULATIONS

Administration

1. All cemetery plots to be purchased at the Altona Town Office. Plots will be sold in a sequential fashion as determined by Administration.
2. Plots shall not be sold in advance. One additional plot may be purchased in advance to reserve an adjoining plot for the surviving spouse. Requests for any additional plots are subject to approval by Committee of the Whole.
3. Cemetery plots purchased shall not be resold or transferred. Refunds may be approved by Administration at the original purchase price less a transfer fee.
4. Upon purchase of a cemetery plot or columbarium niche, a deed shall be issued listing who the plot or niche is reserved for, the location, and the purchase price.
5. For cemetery plots, the cost for excavation and closing of the grave is the responsibility of the deceased's family and is normally coordinated with a funeral home director.
6. Location of plots purchased shall be marked for excavation by Town of Altona Public Works personnel.

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SCHEDULE "B"
CEMETERY RULES & REGULATIONS (CONTINUED)

7. All records, maps, and other cemetery data will be kept at the Town of Altona Administration Office.

Operations

8. A cremation urn may be placed on a plot that already has had a prior interment. More than one casket, or "grave stacking" will not be permitted.
9. A maximum of four urns may be interred on a regular plot. The urn must fit in a hole no larger than 16" X 16". Each urn must be marked with a permanent plaque marker which is flush with the ground surface, a maximum of four markers per plot.
10. Grave covers or above-ground level curbs made of concrete, fiberglass or other materials are not permitted.
11. Memorials shall be no more than 3 feet (91.44 cms) in height, including base, no more than 4 feet (121.92 cms) in width and no more than 8 inches (20.32 cms) in thickness.
12. Memorials must be placed on a concrete base with the top of the base at ground level to prevent shifting.
13. Fences, shrubs, trees, or any other plantings will not be permitted.

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CEMETERY RULES & REGULATIONS (CONTINUED)

14. All floral arrangements and flowers must be removed 30 days from the date of the memorial service. The Town reserves the right to remove and dispose of items such as but not limited to flowers, wreaths, containers, or other decorative pieces should they interfere with maintenance. The Town of Altona is not responsible for damaged or stolen items.

15. Town of Altona personnel will be responsible for and shall schedule the following maintenance activities to provide a reasonable amount of care and respectable appearance of the cemetery grounds:
 - mowing grass as necessary;
 - staking lots prior to excavation;
 - cleaning up excess dirt from new plots;
 - maintaining the appearance of plots;
 - maintaining cemetery tools and equipment;
 - pruning and watering trees;
 - removing snow as required;
 - overseeing contractor and volunteer work;
 - reporting any issues to the Administrator and/or Director.

16. The speed limit within the Altona Cemetery is always a maximum of 10 km/h. All vehicles must always remain on the road.

17. Firearms are expressly prohibited from being carried, discharged or displayed at the cemetery unless permitted by

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CEMETERY RULES & REGULATIONS (CONTINUED)

the Altona Police Service or RCMP for ceremonial purposes.

Liability

18. The Town of Altona assumes no responsibility for any loss or damage from maintenance activities and causes beyond its reasonable control such as but not limited to damage caused by the elements, an act of God, vandalism, theft, explosions, and unavoidable accidents.
19. All maintenance and repairs of memorials are the responsibility of the deceased's family.

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 CEMETERY RULES & REGULATIONS (CONTINUED)

Fees

The following fees are chargeable for the purchase of cemetery plots at the Altona Cemetery and are subject to GST:

Single Plot (maximum of 1 casket and/or 4 urns per plot)	\$900.00
per urn after first casket or urn	\$150.00
10 & under	No Charge
Columbarium niche	\$2,500.00

The following perpetual care reserve fund contributions form part of the fees shown above:

25% of burial plot fee	\$225.00
15% of columbarium niche fee	\$375.00

Columbarium opening/closing fee (for non-interment purposes)	\$250.00
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Disinterment	Actual Costs + \$50.00
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Deed replacement or transfer fee	\$50.00
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SCHEDULE "C"

PENALTIES FOR CEMETERY RELATED OFFENCES

Provision of By-Law No. 1821/2024	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
Section 4.6	Driving a vehicle more than 10 km/h in the Altona Cemetery	\$100.00	\$50.00
Section 4.7	Carrying, discharging or displaying a firearm without a permit within a cemetery	\$100.00	\$50.00