



## THE RURAL MUNICIPALITY OF MACDONALD

### BY-LAW NO. 4/26

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD  
to repeal By-Law No. 8/16, providing for the regulation,  
maintenance, care and operation of municipal cemeteries.

WHEREAS Subsection 232(1) of The Municipal Act, provides in part as follows:

Spheres of jurisdiction

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;
- (c) .....

AND WHEREAS The Cemeteries Act, authorizes and governs the establishment of rules and regulations pertaining to every cemetery established in the Province of Manitoba;

AND WHEREAS the Council of the Rural Municipality of Macdonald deems it expedient and in the public interest to regulate the municipal cemeteries and to adopt rules and regulations for the maintenance, care and operation of same;

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in meeting duly assembled, enacts as follows:

Title

1. This by-law may be referred to as the "Cemetery By-Law".

Definitions

2. Unless otherwise expressly provided in this by-law or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act and The Cemeteries Act.

a. In this by-law,

"Cemetery" means that area set aside by the municipality for the burial of human remains including cremated remains. For the purposes of this by-law, cemeteries will refer to the following:

- Oak Bluff – located on Lot 1, Plan 65544 WLTO in part NE $\frac{1}{4}$  18-9-2E.
- Sanford – located on Lot 1, Plan 38132 WLTO in part S $\frac{1}{2}$  29-8-1E
- Starbuck – located on Lot 1, Plan 13334 WLTO in part SE $\frac{1}{4}$  26-9-2W.

"Flat Marker" means a flat lawn marker that is placed flush with the surrounding turf.

"Grave" means a plot within the cemetery which has been or will be issued for interment but does not include a columbarium.

“Heir” means one who inherits or is entitled to inherit property, on who received or is entitled to receive some endowment from a parent or predecessor.

“Interment” means the burial or placement of human remains or cremated remains in a plot or niche in a cemetery.

“Monument” means an upright tombstone, headstone but excludes flat markers.

“Niche” means a compartment in a columbarium for the interment of cremated remains of a deceased person.

“Plot” means the area of land approximately 5’ x 10’ sufficient for use as one grave in the cemetery.

### General Rules

3. No vehicle is permitted to enter the cemetery except through the regular entrance. No unauthorized person shall drive a vehicle over any part of the cemetery except on the roadways. Vehicles shall be driven with care to a maximum speed limit of 20 kilometres per hour.
4. No all-terrain vehicles, or snowmobiles are permitted in the cemetery.
5. No person shall ride a bicycle on any grave, nor lean same against any monument or marker.
6. No person shall discharge any firearms (except at a military funeral) in the cemetery.
7. 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 and Niches

8. Any person wishing to purchase a plot or niche should select a location and attend the Municipal Office to pay for the selected plot or niche. No plot or niche is reserved until full payment for the plot or niche fee and maintenance fee are received at the rates set out in the Municipality’s Fees and Charges By-Law.
9. That the funds received from the sale of a plot or niche set out in the Municipality’s Fees and Charges By-Law shall be used for the purposes of improving, caring for and beautifying the cemetery grounds.
10. That the funds received for the maintenance fee associated to the sale of a plot or niche set out in the Municipality’s Fees and Charges By-Law shall be used for the purposes of perpetual upkeep and care of the cemetery.
11. 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.
12. That a maximum of two plots or two niches will be sold to an individual or organization and that the sale of more than two plots or two niches will be subject to the approval of Council;
13. Any person acquiring a plot or niche under the provisions of this by-law shall only acquire the right and privilege of burial of the dead herein 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 municipality.

14. That as a condition of the sale of plots, the use of the plot will be for the exclusive use of the purchaser, that the conveyance of the plot is non-transferable. Where no interment has been made in a plot or niche for a period of 50 years from the date of original purchase, the municipality reserves the right to re-claim the plot or niche. These plots or niches re-claimed may be resold or used at the discretion of the municipality in order to fully utilize the cemetery. The municipality shall in no way be held responsible for failure to properly determine the legal successorship of the said plot or niche owner.
15. As per Subsection 256 of The Municipal Act, A municipality that operates a cemetery must keep the money received from the sale of plots in a separate account and use the money only for the maintenance of the cemetery.

#### Interments

16. No plot or niche shall be used for any other purpose than for the burial of dead human remains or cremated dead human remains.
17. No interment shall be permitted in a cemetery until it has been properly registered with the municipal office.
18. Plots and niches shall be opened and closed only by person(s) approved by the municipality at the time the interment is registered under the supervision of the municipality, designate or licensed funeral director.
19. The maximum number of burials in any one plot shall not exceed the following:
  - a) Burial of one human body and two human ashes; or
  - b) a maximum of three human ashes.
20. The maximum number of interments permitted in a columbarium niche is two urns of human ashes.
21. No remains shall be disinterred or removed from the cemetery for any purpose unless a licensed funeral director, the RCMP are advised, a disinterment permit has been issued by the Director of Vital Statistics and disinterment has been registered with the municipal office.
22. All disinterment costs for earth burials, including provincial and legal fees shall be borne by the person requesting the disinterment.
23. Subject to Provincial Regulations, the municipality will not permit scattering of any cremated remains on the lands within the cemetery.

#### Headstones, Monuments, Markers and Niche Plaques

24. No headstone, monument, marker or niche plaque can be installed without the authority of the municipality.
25. That all headstones, monuments shall be mounted on a concrete base which extends to a minimum of three inches around all sides of the stone and which is flush with the level of the surrounding ground.
26. That all flat markers for graves shall be flush with the surrounding turf.
27. All headstones, monuments and markers must be confined within the boundaries of the purchased plot(s).
28. The municipality shall not assume liability, responsibility or costs incurred as a result of vandalism, damage or loss to monuments in the cemetery.

29. The municipality or designate may remove any headstone, monument or marker 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 municipality shall, in no way, be held responsible for failure to properly determine the legal successorship of the said plot owner.

30. That By-Law No. 8/16 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba, this 24<sup>th</sup> day of February, A.D. 2026.

THE RURAL MUNICIPALITY OF MACDONALD

*Original Signed by:*

*Brad Erb*

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Brad Erb  
Reeve

*Daryl Hrehirchuk*

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Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

*Read a First time this 10<sup>th</sup> day of February, A.D. 2026.*  
*Read a Second time this 24<sup>th</sup> day of February, A.D. 2026.*  
*Read a Third time this 24<sup>th</sup> day of February, A.D. 2026.*