

TOWN OF VIRDEN

BY-LAW NO. 2826

BEING A BY-LAW of The Town of Virden to establish and maintain a public cemetery and to adopt rules and regulations for the maintenance of, order in, and for the proper care of such cemetery.

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 Virden has established and deems it expedient to continue a public cemetery 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 Virden duly assembled enacts as follows:

PURPOSE AND DEFINITIONS

1. This by-law shall be known as the “Cemetery By-law” and is for the establishment and continuation of a public cemetery, including the adoption of rules and regulations for the maintenance of order in and for the proper care of such cemetery.
- 1.1 It is the objective of the Virden Municipal Cemetery to operate and maintain its cemetery in such a manner as to provide a peaceful resting place for loved ones who have died. The purpose of this by-law is to ensure service level standards are established for the care and operation of the Virden Municipal Cemetery. In addition to this by-law, operating procedures are also regulated by The Cemeteries Act of Manitoba.
2. Unless the context otherwise requires:
 - a) **Base** – means the bottom part or lower portion of a monument.
 - b) **Block** – means a section of the cemetery defined by roads and boundaries as posted in the Cemetery Chapel.
 - c) **Cemetery** – means the area set aside by the Town and used for the burial of human remains, including cremated remains of a deceased person(s).

- d) **Cemetery Manager** – means the person appointed or authorized by the Town to administer, manager, operate, and supervise the Cemetery, and includes the Chief Administrative Officer or their designate, a municipal employee, or a contracted service provider acting on behalf of the Town in accordance with this by-law.
- e) **Council** – means the Council of the Town of Virden.
- f) **Grave** – means any lot within the cemetery which has been used for the interment of human remains, including cremated remains but does not include columbarium.
- g) **Holiday** – means and includes any Statutory Holiday, Civic Holiday, or another general holiday which may be established by an level of Canadian Government.
- h) **Licensee** – means a person who purchases a grave(s) in the cemetery.
- i) **Marker** – means a memorial of granite or bronze finish flush with the ground.
- j) **Monument** – means a tombstone or memorial of granite marble, or other material approved by the Cemetery Manager which shall extend above the surface of the ground.
- k) **Non-Resident** – means a person or persons who do not contribute to the cemetery through means of municipal taxation.
- l) **Perpetual Care** – means the preservation, improvement, embellishment, and maintenance, in perpetuity and in a proper manner of lots, plots, tombs, monuments, or enclosure, in a cemetery or of compartments in a columbarium or mausoleum.
- m) **Perpetual Care Funds** - means funds and property received by an owner for the purpose of providing perpetual care generally of a cemetery, columbarium, or mausoleum, or of any particular part thereof, whether received
 - (a) under *The Cemeteries Act* of Manitoba or otherwise;
 - (b) under the terms of a contract, trust, or gift or otherwise;and includes moneys deducted and set aside under this by-law.
- n) **Town** – means Town of Virden.

- o) Urn** – means a container intended for the storage of human ashes or remains.
- p) Niche** – means a compartment in a columbarium for the interment of cremated remains of a deceased person.
- q) Veteran** – means a person who is serving or has honourably served in the Canadian Armed Forces, the Commonwealth or its wartime allies, the Merchant Navy or Ferry Command during wartime, as a Regular Member of the Royal Canadian Mounted Police, or as a Peace Officer in a Special Duty Area or on a Special Duty Operation.

MANAGEMENT

1. The Cemetery Manager shall supervise all sales of lots and plots in the cemetery and shall be responsible for care, custody and control of the cemetery.
2. The Cemetery Manager shall have custody and control of the plot plan of the cemetery and shall record thereon the name of the deceased person interred in each plot and the date of burial.
3. The Cemetery Manager shall maintain a file showing all burials and reservations by location.

DELEGATION OF AUTHORITY

1. Council may, by resolution, delegate any of its powers, duties, or responsibilities respecting the administration, operation, maintenance, and management of the Cemetery to a cemetery association, subject to any terms and conditions established by Council.
2. A cemetery association acting under such delegation shall exercise only those powers and perform only those duties expressly delegated by Council and shall comply with this by-law, the terms of delegation, and all applicable federal and provincial legislation.
3. The delegation of authority under this section does not limit Council's authority to amend, revoke, or otherwise exercise any power conferred upon it by this by-law or applicable legislation.

GENERAL RULES

1. Hours of operation for the cemetery.
2. Labourers of the cemetery are not permitted to do any work for licensees except upon order of the cemetery manager.
3. All persons, while in the cemetery shall conduct themselves in a quiet orderly manner.
4. No person shall bring in a dog or other domesticated pet into the cemetery with the exception of the pet being on a leash and shall not allow any such pet to defecate within the cemetery.
5. No person shall enter, exit or travel in a vehicle within the cemetery except on the established road system.
6. No vehicles shall travel in the cemetery at a speed greater than ten (10) kilometers per hour, provided that the Cemetery Manager may in their discretion prohibit vehicular traffic where the condition of the roads and/or weather conditions so warrant.
7. All persons, unless otherwise authorized, are required to confine themselves to avoid walking on graves.
8. All persons, except authorized individuals, are prohibited from picking flowers, either wild or cultivated, or damaging any tree, shrub, or plant in the cemetery.
9. No person shall be permitted to enter the cemetery except through regular entrances.
10. No all-terrain vehicles or snowmobiles shall be permitted within the limits of the cemetery.
11. No person shall write upon, scratch, deface or damage any monument, fence or other structure in or belonging to the cemetery.
12. No person shall engage or play any game or sport, or discharge any firearms, with the exception of a military funeral, in the cemetery or unlawfully disturb persons assembled for the burial of the deceased or commit a nuisance or behave in any indecent or unseemly manner at the cemetery.
13. Town employees or any peace officer is authorized to prohibit or eject any person disturbing the peace and quiet of the cemetery or causing damage to the cemetery.
14. Town employees may access any grave site or plot for the purpose of cutting grass, removing weeds and otherwise caring for the cemetery. They may remove any floral

piece or any article that is unsightly, wilted or broken, including stones, rocks and other personal items.

15. Floral arrangements and flowers shall be deemed as temporary placement items and the Town of Virden shall not accept responsibility for replacement should these items be removed. All floral arrangements and flowers must be removed within 30 days from the date of memorial service. All flowers and temporary placements shall be removed by October 30th each year.

PERPETUAL CARE

1. The Town shall provide ongoing care, preservation, improvement, embellishment, and maintenance of the Cemetery, subject to the terms of this by-law, available municipal resources and the annual budget approved by Council.
2. Perpetual care provided by the Town shall include reasonable general maintenance of the Cemetery grounds, including:
 - a) Mowing and trimming of grass in season;
 - b) General maintenance of internal roadways, walkways, drainage features, fences, trees and common areas, as determined necessary by the Cemetery Manager.
 - c) Reasonable removal of litter, dead floral tributes and other items not permitted under this by-law;
 - d) Maintenance of common landscaping and grounds in a manner consistent with the Town's operational practices and available resources; and
 - e) Other general maintenance activities the Town considers necessary for the orderly operation, safety and appearance of the Cemetery.
3. Perpetual care is general in nature and does not include individual or specialized care of any lot, plot, grave, monument, marker, memorial, enclosure, planting or decoration. Without limiting the generality of the foregoing, perpetual care does not include:
 - a) Cleaning, repairing, levelling, straightening, resetting, replacing, or restoring any monument, marker, memorial, vase, enclosure or other private improvement;
 - b) Repairing damage caused by weather, age, deterioration, vandalism, theft, acts of God, settlement of the ground, roots, insects, wildlife or other causes beyond the Town's reasonable control;

- c) Watering, pruning, replacing or maintaining flowers, shrubs, trees or other plantings placed by an interment rights holder or family member;
 - d) Maintaining decorative items, solar lights, artificial flowers, ornaments, flags, or other personal articles; or
 - e) Providing individual grave maintenance services unless separately authorized by Council in writing and subject to any applicable fee.
- 4. The interment rights holder, or the person responsible for a monument, marker or other private improvement, is responsible for its installation, care, repair, maintenance and replacement, subject to this by-law and any applicable Town requirements.

The Cemetery Manager may require the owner or person responsible to repair, remove, or make safe any monument, marker, memorial, enclosure, or other item that is unsafe, damaged, deteriorated, improperly installed or contrary to this by-law.

- 5. The Cemetery Manager may remove, relocate, trim, prune, or dispose of any decoration, planting, monument, marker, memorial, or other item where, in the Cemetery Managers opinion, the item:
 - a) Creates a safety hazard;
 - b) interferes with maintenance or cemetery operations;
 - c) is abandoned, deteriorated, or unsightly;
 - d) is contrary to this by-law; or
 - e) is necessary to remove or relocate due to operational, maintenance or public safety requirements.

Where reasonably practicable, the Cemetery Manager will attempt to provide notice the interment rights holder before taking action under this section. The Town is not responsible for loss of or damage to items removed in accordance with this by-law.

- 6. The Town does not guarantee the condition, appearance, stability of preservation of any individual lot, grave, monument, marker, memorial, planting, decoration, or other private improvement. General cemetery maintenance shall not be interpreted as an obligation by the Town to provide individual care or restoration services.
- 7. Where a perpetual care fee or contribution is established by Council, the fee shall be paid at the time and in the manner set out in Schedule "A" or agreement for interment

rights. Any such funds shall be used by the Cemetery Manager for the ongoing care and maintenance of the cemetery, subject to applicable legislation, this by-law and the Town's financial policies.

8. Nothing in this section limits the Town's authority to establish maintenance standards, cemetery fees, service levels, or operational practices through Council resolution, policy, annual budget or amendment to this by-law.

INTERMENTS/DISINTERMENTS

1. That no interment shall be made until the Town has been furnished with all documentation required by law, including burial permit issued by the Division Registrar.
2. That the Cemetery Manager shall be satisfied that all documentation, including payment has been completed before permitting any burial to proceed. **This does not include payment which shall be billed back to the funeral home or a payment plan arranged with the Town.**
3. That graves shall be opened for interment or disinterment only by persons in the employ or under hire by the Town of Virden. No grave shall be less than five (5) feet depth from the surface of the surrounding ground. Cremation graves shall be no less than three (3) feet.
4. That the Cemetery Manager be given forty-eight (48) hours notification of any proposed burial. Weekends and holidays shall be excluded in computing the required time.
5. That interments shall be conducted between the hours of 0830 hours (8:30 am) and 1600 hours (4:00 pm) except holidays, on which special arrangements will be required. Funeral arrivals later than 1600 hours (4:00 pm) shall be levied an additional surcharge in accordance with Schedule "A".
6. That planking, greens and other items necessary for interment or disinterment shall be the responsibility of the applicant. The Funeral Director or lease shall be responsible for the lowering of the casket into the designated plot.
7. That any funeral bookings taken by the Funeral Director must confirm availability of service times to the Cemetery Manager.
8. Only one (1) funeral service will be performed during any allotted time.
9. That only one burial shall be allowed in any standard cemetery plot, except that cremation remains may be interred in the same plot site as a relative. In no case will more than three (3) urns be permitted in any single plot. The original lease of the plot shall specify if cremated remains can be interred in the same plot and shall specify those remains permitted to be interred in the same plot.

10. That no disinterment of a casket shall be made in the cemetery except on production of a completed certificate signed by the Registrar of Vital Statistics, Province of Manitoba, and on the written authority of the Town. The Cemetery Manager shall be present during all disinterment's.
11. That all costs resulting from a disinterment shall be borne by the applicant requesting the disinterment. These costs shall include, but are not limited to, repair to damaged, adjacent graves or plots. The applicant shall be responsible for costs associated with disinterment of cremated remains and shall ensure the proper fill and landscaping is carried out.
12. That the costs shown in Schedule "A" shall be paid for services rendered prior to any interment being made and that burial plots will not be opened, nor the cemeteries opened to accommodate a burial, until such time as the charges for the burial plot, opening and closing, and perpetual care, payment has been arranged and a burial permit has been arranged with the Funeral Director.
13. In instances of relocation, the said existing memorial must meet current requirements as laid out by the Town, and if not, must be modified or adapted to do so. Any costs associated with these modifications are to be assumed by the family or representative.
14. Should a family or representative wish to install a replacement memorial, they must ensure that the new marker meets all of the requirements as set out by the Town.

VETERAN BURIALS

1. The Royal Canadian Legion, Branch No. 8 shall be entitled to keep separate and maintain a special portion within the cemetery to be known as the Legion Veterans Section.
2. Markers in these sections must meet the requirements of The Royal Canadian Legion Branch No. 8 which is a D.V.A. marker.

FOUNDATIONS, MARKERS & MONUMENTS

1. That no person shall install a monument tombstone or marker without the written permission of the Cemetery Manager. The application for this permit shall state the size and design of installation. The Cemetery Manager shall have the right to remove any markers or monuments which were installed without their approval. Any damage done to the monument or marker as a result of the removal shall not be compensated by the Town.

2. That only one (1) primary monument, tombstone, or marker shall be placed on any one cemetery plot, with the following exceptions:

- a) Where cremation remains are interred in the same plot with the remains of a relative, one flat marker per cremation on a single plot may be placed in addition to the existing monument.

3. That all foundations for monuments, tombstones shall be installed in a good and workmanlike manner acceptable to the Cemetery Manager.
4. That no fence or wall shall be erected around a grave or plot including posts of iron, concrete, or marble.
5. That all monuments, tombstones, or markers placed on graves or plots must be fashioned of granite, marble or stainless steel or other material of comparable durability at the Cemetery Managers discretion.
6. That the Cemetery Manager may remove or repair any monument, headstone, tombstone, marker, cribbing, foundation or any other items which have become dilapidated, or dangerous and the cost of doing the same may be recovered from the leasee or family.

Prior to removing or repairing any permanent item, the Cemetery Manager will make a reasonable attempt to contact the owner or family to notify the Town's intent. A notice by registered mail will be considered a reasonable attempt.

7. That notwithstanding any provisions in this by-law to the contrary, where grave or plot sites were developed or reserved prior to the adoption of this by-law and;
 - a) there are existing headstones and cribbing or other similar items, and/or
 - b) it can be reasonably shown that the original intent was to place similar items on neighboring reserved sites.

Existing headstones, cribbing, or other similar items may be maintained, repaired, or replaced similar items may be extended to neighboring reserved sites. The Town shall not be responsible for damage done to the cement covers, headstones, or cribbings as a result of digging the second interment.

Should the existing headstones or cribbing or covers not be in a good state of repair, the existing headstones, cribbing, or covers shall not be replaced and the existing regulations shall be strictly adhered to.

8. There shall be no planting of trees, shrubs, or flowers by leasees or their representatives unless authorized by the Cemetery Manager.
9. That damaged lights shall be removed and discarded and that the Town shall not be responsible for reimbursement or replacement. No more than two lights shall be permitted on each plot.
10. All foundations for monuments, headstones, or any other object whatsoever shall be laid under the direction of the Cemetery Manager.
11. The Town shall not be responsible for any maintenance to the foundation after installation, including damage caused from natural ground settlement or while carrying out regular maintenance of the cemetery.
12. The Cemetery Manager may remove any border, fence, railing, coping, hedge or any other bounding or enclosing material erected before the passing of this by-law which by reason of neglect or age becomes in a state of disrepair and the owner neglects or refuses to repair or remove same within thirty (30) days after written notice has been forwarded to them at the last known address.

MAINTENANCE

1. That no person, other than the leasee, the leasee's immediate family or next of kin may work, by special care or otherwise, any grave unless authorized in writing to do so by the Cemetery Manager.
2. That any person or firm wanting to perform work of a commercial nature in the cemetery must obtain all licenses and permits required by the Town and must provide the Town with any associated fees as required in this by-law or any other Town by-law, policy, or application, prior to the commencement of work.
3. That all workers must lay planks on lots or pathways over which heavy materials are to be moved, in such a manner so as to protect the cemetery property from damage.
4. That all person(s) performing work in the cemetery shall be held liable for any damage to the cemetery property and its contents as a result of such work.
5. That persons working in the cemetery at the time of a funeral shall cease such work until conclusion of service.
6. That the Town may revoke any permit, to perform work in the cemetery, with due cause.

7. That no tree, shrub, or flower shall be planted within the cemetery without prior permission from the Cemetery Manager.
8. The Town reserves the right to prune, remove or order a reduction in size or number, any trees, shrubs, or flowers on any grave or plot which were planter prior to the enactment of this by-law.

PLOT ALLOCATIONS AND RIGHTS

1. The cemetery plans approved by Council shall be the plan of the cemetery referred to and all interments shall be made and records kept in accordance with such plans.
2. A duplicate of such plan shall be kept by the Cemetery Manager.
3. The Cemetery Manager shall make selection and record the required particulars giving the number of the plot, lot, or grave, the number or letter of the section, and block, and the priced, on the presentation of the receipt issued by the Town for the proper amount.
4. Upon permanent allocation of an Adult Casket Burial Plot, one additional Adult Burial Plot may be reserved or the eventual casket burial of a specifically named person.

Upon a reservation being made, the person so reserving the plot shall sign an agreement and shall agree to pay the Town the perpetual care fees which shall not be refundable at the time of planned interment.

The person making the reservation for a Casket Burial Plot must advise the Town of any changes in their address, telephone number, or contact person.

5. All monies received for perpetual care shall be placed in a Trust Account, for perpetual care purposes. (See section 256 of The Municipal Act of Manitoba).

COLUMBARIUM

1. That only one urn and one cremated remains can be interred into a single urn niche. Two urn's and two cremated remains can be interred into a double niche.
2. Inscriptions will include given names, family names, dates of birth and death plus epithet. All written inscriptions will be of a standardized font, size and format approved by the Cemetery Manager consistent with inscriptions on the columbarium.
3. All decorations placed at the columbarium are considered temporary and will be removed by the Cemetery Manager 30 days after the interment. These items may be

claimed by the family members prior to removal. Glass or ceramic containers shall be prohibited and may not be placed on top or attached to the columbarium.

4. Except by discretion of the Cemetery Manager, a niche may only be opened by written request of the niche licensee. A fee will be charged for each requested opening and closing whether an urn is installed or not. All openings and closings will be performed by the Cemetery Manager and will be documented.
5. The maintenance and repair of the columbarium structures are the responsibility of the manufacturer and the Town. Any subsequent removal, handling, storage of urns will be carried out under the direction of Council.
6. The Town is not responsible for damage to the columbarium and its contents caused by acts of nature, vandalism, or unforeseen incidents. The Cemetery Manager 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.
7. The Town is responsible for obtaining and maintaining all of the records pertaining to the inurnments within, and of the maintenance of the columbarium.
8. The Town is not responsible for incorrect information or incorrect spelling on engraved niche doors.

CORRECTION OF ERRORS

1. The Town or any official, agent, or representative thereof shall not be responsible for any mistakes resulting from lack of precise or proper instruction regarding the grave or vault space on a lot or plot or within a columbarium where an interment is to be or has been made.

PENALTIES

1. Any person violating any of the provisions of this by-law shall upon conviction, be liable to a penalty not exceeding one thousand dollars (\$1,000.00) and costs, and in default of payment thereof to imprisonment for a period not exceeding thirty (30) days, unless said penalty and costs are sooner paid.

REPEAL

1. This by-law repeals and replaces all previous Town of Virden by-laws, policies, resolutions, rules, and administrative directives respecting the Cemetery. In the event of any conflict between this by-law and any previous policy, resolution, rule, or directive respecting the Cemetery, this by-law prevails.

DONE AND PASSED by Council of the Town of Virden, in open meeting, duly assembled,
this 11th day of August, 2026.



Mayor Tina Williams



Chief Administrative Officer, Neil Smith

Read a first time this 14th day of July, 2026.

Read a second time this 14th day of July, 2026.

Read a third time this 11th day of August, 2026.

TOWN OF VIRDEN

SCHEDULE "A" TO BY-LAW NO. 2826

PRICE LIST

SERVICE PROVIDED	COST
Lots Sale (1 Gravesite)	\$725.00
Niche Sale *	\$1,495.00
2026 Niche (New Columbarium)	\$1,595.00
Administration Fee (Formaly Locate Fee)	\$225.00
Weekend Surcharge	\$300.00
Monument Permit	\$60.00
Open/Close Traditional **	\$750.00
Open/Close Cremation **	\$350.00
Foundation > 48 inches	\$325.00
Foundation 48 + inches ***	
Niche Open/Close	\$200.00
Lot Transfer Fee	\$60.00
Perpetual Care/Trust Fund (GST Exempt) ****	\$300.00
Non-Resident Surcharge *****	\$250.00
Disinterment Fees	\$225.00

All fees effective as of May 1, 2020

* Niche costs may increase when a new columbarium is purchased

** Subject to change - cost determined by Contractor

*** Quotation on actual cost

**** Charged at the time of burial or niche placement

***** Charged to those residing at the time of burial outside of Town of Virden and the RM of Wallace-Woodworth

ALL PRICES ARE SUBJECT TO GST