

**CITY OF THOMPSON  
BY- LAW NUMBER 1925-2015**

**BEING A BY- LAW OF THE CITY OF THOMPSON TO DEFINE THE LOCATION OF A PUBLIC CEMETERY, AND TO ADOPT RULES AND REGULATIONS FOR ITS OPERATIONS.**

**BEING A BY-LAW** of The City of Thompson 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 City of Thompson 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 City of Thompson 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.
2. Unless the context otherwise requires:
  - a) "**Authorization**" means written authorization signed by the Superintendent of the Cemetery.
  - b) "**Base**" means the bottom part or lower portion of a monument.
  - c) "**Council**" means the council of the City of Thompson.
  - d) "**Columbarium**" means an above ground structure in a cemetery designed and used for the interment of cremated remains of a deceased person/s.
  - e) "**Conforming Ornamentation**" means items that do not pose a hazard to cemetery workers and the public or materials that do not include glass, metal, ceramic or rock
  - f) "**Fees and Fines**" means those fees and fines regulated to the Cemetery as established annually by Council in conjunction with their budget deliberation.

- g) **"Grave"** means any lot or plot within the Cemetery which has been interment of human remains, including cremated remains but does not include columbarium.
- h) **"Grave Ornamentation"** means any object that is placed on a grave for decorative or memorial purposes.
- i) **"Holiday"** means and includes any Statutory Holiday, Civic Holiday, or any other general holiday which may be established by any level of Canadian Government.
- j) **"Infant"** means any individual under the age of 1 years.
- k) **"Monument"** means a tombstone or memorial made of granite, marble or other material approved by the Superintendent of the Cemetery which shall extend above the surface of the ground.
- l) **"Niche"** means a compartment in a Columbarium for the interment of cremated remains of human remains.
- m) **"Non-Conforming Ornamentation"** means any loose object that presents a hazard to cemetery workers or the public due to the potential for becoming entangled in maintenance equipment and/or being projected by this equipment.
- n) **"Ornamentation"** means any object that is placed on a grave or roadside memorial for decorative or memorial purposes.
- o) **"Owner"** means that person on record with the City who is entitled to receive a deed of title for a cemetery lot, regardless of whether one has been requested by or issued to that person and includes any agent or person appointed to represent the owner, and in the case where the owner is deceased their heirs or executors.
- p) **"Reserved Plot"** means any lot that is reserved for future burial of human remains.
- q) **"Roadside Memorial"** means a marker constructed, erected, posted or placed within the street to memorialize an event that resulted in a fatality.
- r) **"Rough Box"** means a structural enclosure made from plywood or other acceptable material used for encasing a casket for the interment of human remains.
- s) **"Superintendent of the Cemetery"** means the Manager of Assets and Infrastructure or a person named or appointed by the City from time to time to manage the care, custody and control of the cemetery; hereinafter referred to as the "Superintendent."

- t) **“Temporary Ornamentation”** means temporary ornamentation accompanying funeral services and ornamentation adorning graves to commemorate special occasions.
- u) **“Urn”** means a metal container intended for storage of human ashes or remains.

### RULES AND REGULATIONS

3. No vehicle shall enter, exit, or travel within the cemetery except on the established road system, as the same is shown on the cemetery plan attached hereto and marked Schedule “A”
4. The cemetery shall be closed to the public after sunset and before sunrise of each day.
5. All persons are prohibited from writing upon, scratching, defacing or injuring any monument, fence or other structure in or belonging to the Cemetery.
6. No person shall dump refuse or household items on or in the Cemetery area or roadways.
7. All persons entering the cemetery are required to confine themselves to the avenues or walkways to avoid walking on graves and shall show respect for the grounds, the people visiting loved ones and those who are at rest.
8. No person shall permit any dog to run at large within the boundaries of the cemetery or access roadways leading to or around the cemetery.
9. No person shall disturb the quiet and good order of the cemetery by noise or objectionable conduct. Children must be accompanied by parents or guardians who will be responsible for their behaviour.
10. Alcoholic beverages and/or illegal drugs are not permitted at any time on the cemetery grounds.
11. The Superintendent or any Designated Officer is authorized to prohibit or eject any person disturbing the peace and quiet of the cemetery.
12. No person, other than the owner, his/her immediate family or next of kin may work by special care or otherwise, on any grave, unless authorized in writing to do so by the Superintendent.
13. No monument, tombstone, headstone, or other erection or covering on a grave shall cover more than ten percent of the total area of the gravesite. Unless Authorized by the Superintendent of Cemetery
14. No person shall plant trees, flowers or shrubs on any plot, lot or grave.

15. The Superintendent or his/her designate may trespass on any plot, lot, or gravesite for the purpose of maintenance, cutting grass and otherwise caring for the cemetery, and may remove any wooden cross, floral piece or any other article that is in poor condition, wilted or broken.
16. No person shall pick any wild or cultivated flowers, nor injure any tree, shrub or other growing things.
17. No funeral service may be held, or interment made within the cemetery by any person not authorized by law to do so.
18. Seventy-two hours notification of any proposed burial shall be given to the Superintendent of any proposed burial. Saturdays, Sundays and statutory holidays shall be excluded in computing the required notice.
19. No cornerstone, wall, fence or curb to indicate the boundaries of a plot or grave shall be erected as an enclosure to a plot or grave.
20. Only one cemetery marker or monument shall be erected on a single plot, and only one double cemetery marker or monument shall be erected on a double plot regardless of the number of burials in a plot.
21. All grave ornamentation shall conform to the City of Thompson Cemetery Ornamentation and Planting guidelines as described within the by-law.
22. Rules and regulations made from time to time by Council shall be binding upon plot owners and upon all others to whom they apply.
23. All monuments shall be constructed of:
  - (i) granite;
  - (ii) marble;
  - (iii) bronze;
  - (iv) other permanent material approved by the Superintendent.
24. All other monuments, including crosses made of concrete are not permitted and may be removed subject to Section 13 of this by-law.
25. A Cross made of wood used as a monument must be approved by the Superintendent and must be maintained by the plot owner. The Superintendent has the right to remove any cross that is not in good condition with prior notice to the plot owner.
26. Grave top covers are not permitted (see Non Conforming Ornamentation).
27. Plot owners are required to install a permanent grave marker (headstone, monument, etc.) within two (2) years of a burial. After this point the City of Thompson will install a standard grave marker and shall be permitted to seek recovery of the cost from the plot owner.

28. Personal benches/chairs, no person shall place and leave a bench or chair of any type on or around a plot. Plot owners who currently have a bench on their plot(s) will be grandfathered in. However, they will be responsible for the maintenance, care and upkeep of their plot. The superintendent has the right to remove any bench/chair from a plot should he/she deems that the plot is not being maintained.

### **INTERMENTS**

29. No interment shall be made until the office of the Superintendent has been furnished with all the documentation required by law, including a burial permit issued by the Division Registrar.
30. The Superintendent or their designate shall satisfy themselves that all the documentation has been completed before proceeding with any burial.
31. The Superintendent 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 the burial.
32. Only one (1) body shall be allowed in any standard plot in the cemetery except as follows:
- (i) Infant graves may be accommodated with two (2) in the standard plot.
  - (ii) Where one (1) burial of an adult in a single or double plot with a memorial head stone there may be a maximum of two (2) burials of cremated remains. With a small ground level memorial placed at the head of the memorial.
  - (iii) Ash remains resulting from cremation shall be buried in a specific portion of the cemetery designated for that purpose, unless interment is arranged with the Superintendent as to section (ii) above.
33. No disinterment 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 written authority of the Superintendent. The Superintendent or his/her designate shall be present during all disinterment.

### **SALES AND CONVEYANCES**

34. On the sale of the plot, a receipt, title and deed therefore shall be provided to the purchaser and the receipt shall state the name of the purchaser, the amount paid, and the number of the plot being purchased.

35. A burial plot or plots may be reserved for a period of ten years on payment of the full cost of the plot(s). After the expiry of the period of ten years, the plot again may be reserved for the second ten year period following the notice and by returning a signed form provided by the City. If after one year the reservation has not been renewed as a result of a second such notice, the plot shall be deemed to be available for sale. A receipt shall be provided showing the name of the person holding the reserved plot, the amount paid, the date of reserve and the plot number reserved. A title or deed shall not be issued for any plot so reserved.
36. Any person holding a reserved plot, should this person be cremated, the family may choose to bury the cremated remains in a plot currently owned by that person (see interments Section 32 "ii"). The family may chose to cancel the reserved plot and the City will make these funds available towards the opening and closing cost to bury the cremated remains in the City of Thompson Cemetery. The person making this request must provide proof that this plot is legally owned by them to the satisfaction of the Superintendant of Cemeteries.

### **COLUMBARIUM**

37. Not more than two (2) urns shall be allowed per niche. Families must use niche urns or an urn of comparable size. Urns must be non-biodegradable.
38. To maintain uniformity, a bronze memorial plaque will be utilized and a maximum of two (2) plaque service requirement will be permitted.

### **ROADSIDE MEMORIALS**

39. A person must not place or post, or cause the placing or posting of a roadside memorial within a street if it:
- i) is a hazard or obstruction to vehicular or pedestrian traffic;
  - ii) is attached to or obstructing a directional sign, a traffic control device or a sign erected, placed or authorized by the City of Thompson, the Province of Manitoba or the Government of Canada, including the post or standard supporting the sign or traffic control device;
  - iii) causes damage to property, including trees or a structure within a street;
  - iv) is located within a median or traffic island;
  - v) is attached to a pole, wall or other structure by something other than clear adhesive tape.

40. A person must not place or post, or cause the placing or posting of a roadside memorial within any street unless the roadside memorial displays on its face:
- i) the name and telephone number of the person responsible for placing or posting the memorial or causing it to be placed or posted; and
  - ii) the date the memorial was placed or posted.
41. The person placing or posting, or causing to be placed or posted, a roadside memorial within any street must remove it within three hundred and sixty-five (365) days of the date of the event that resulted in the fatality.
42. A person must not place or post, or cause the placing or posting of a roadside memorial that:
- i) is larger than one (1) metre in height as measured from the roadway surface;
  - ii) is larger than one (1) metre in width as measured along the roadway;
  - iii) is larger than one (1) metre in depth as measured perpendicular to the roadway; or
  - iv) contains or uses breakable objects, including items made of glass or ceramic.
  - v) contains objects that might attract children, such as teddy bears, dolls or other toys.
43. Notwithstanding Section 42 (iv) breakable objects are permitted to be used during a memorial service but must be removed immediately following the completion of the service.

#### **LONG-TERM MEMORIALS**

44. Prior to the expiration of the three hundred and sixty-five (365) day period referred to in Section 41, a person may apply in writing to the City to allow for a long-term memorial such as a small plaque or similar device to be erected at the site of the roadside memorial which may remain for an additional two (2) years following the termination of the initial 365 day period.
45. The particulars of the erection of the long-term memorial must receive approval from Council and the City shall have the authority to set any requirements and/or restrictions regarding the long-term memorial.
46. The City shall have the authority to remove any additional items such as flowers placed at the scene of the long-term memorial.

### **REMOVAL OF ROADSIDE MEMORIALS**

47. A roadside memorial is permitted to be placed within a street on condition that it may be removed by or on behalf of the City of Thompson in order to allow work to be done on or within the street without notice to the person who owns or has placed the roadside memorial.
48. A roadside memorial removed by the City pursuant Section 46 shall not be retained by the City for reclaiming.
49. If still erected upon completion of its two-year term, a long-term memorial as erected pursuant to Sections 45 shall be removed by the City and shall not be retained by the City for reclaiming.
50. A roadside memorial that contravenes this By-Law or is damaged or falls into disrepair may be removed by a designated employee of the City and destroyed forthwith without notice.

### **ORNAMENTATION**

51. To ensure the long term maintenance of the cemetery can be properly and efficiently undertaken in order to maintain the feeling of serenity and dignity as befits the cemeteries of this type.
52. All grave ornamentation shall conform to the City of Thompson Ornamentation and planting as outlined.
53. The Superintendant or his/her designate will be permitted to use his/her discretion when determining which objects must be removed in keeping with this By-Law.

### **CONFORMING ORNAMENTATION**

54. Conforming ornamentation including flower holders or vases, crosses, vigil lights and statues are permitted on memorials if they are:
  - i) Unbreakable;
  - ii) Permanently secured to the base of the memorial;
  - iii) Do not exceed 24 inches above the height of the memorial;
  - iv) Do not project beyond the edge of the memorial base.



### **NON-CONFORMING ORNAMENTATION**

55. Non-conforming ornamentation refers to any object that has deteriorated or become damaged. Examples of non-conforming ornamentation include but are not limited to:

- i) Any loose object placed on the grave site including the marker that is made of glass, ceramic, rock or metal;
- ii) Any object that is placed anywhere on the grave other than the surface of the marker;
- iii) Any object that due to its size or material maybe instable on the marker.
- iv) Any object that has become weathered or deteriorated significantly.
- v) Grave top ground covers which include ornamental stones, rock, shrubs, bushes.

56. Further examples of non-conforming objects include: glass of any description, glass vases, picture frames with glass, china, as well as but not limited to food items, toys, flags, pinwheels, etc.

### **TEMPORARY ORNAMENTATION**

57. Temporary ornamentation is permitted on the following occasions:

- i) Easter, Mother's Day, Father's Day, Christmas;
- ii) Any other day to commemorate the following occasions;
- iii) Birthday or anniversary and the date of passing.

58. Temporary ornamentation will be removed fourteen (14) days after the specified holiday or as soon as they become faded or in poor condition

59. Temporary ornamentation accompanying funeral services such as wreaths and flower arrangements will be removed sixty (60) days after the burial. (Families may have the option of selecting one (1) item of ornamentation, which meets the city Ornamentation Policy, to remain in place until the installation of a permanent grave marker can be arranged.)

**TARIFF OF CHARGES**

- 60. The schedule of costs shown shall be rates as outlined in the City of Thompson Fees and Fines Schedule approved by Council, and shall be paid for services rendered.
- 61. Where burials are requested at times not normally worked by City Employees, the charges shall be increased to offset the additional costs to the City, including staff benefits.

**PENALTIES EFFECTIVE**

- 62. Any person who violates, contravenes, disobeys, refuses, omits, neglects or fails to observe, obey or comply with any provision of this By-Law is guilty of an offense and is liable to a fine in accordance with the terms and provisions of the City's Compliance By-Law No. 1735-2007.

**REPEAL, DATE AND COMING INTO FORCE**

- 63. THAT City of Thompson By-Law Number 1011-80, and any amendments thereto are hereby rescinded.
- 64. THAT the provisions and rates of this By-Law shall come into full force and effect as of the 11<sup>th</sup> day of May, A.D. 2015.

Read a first time on this      27<sup>th</sup>      day of   April      A.D. 2015

Read a second time on this   11<sup>th</sup>      day of   May      A.D. 2015

Read a third time this      11<sup>th</sup>      day of   May      A.D. 2015

DONE AND PASSED as a By-Law of the City of Thompson, in the Province of Manitoba this 11<sup>th</sup> day of May A.D. 2015.


The City of Thompson

Per:



Mayor

Per:



A/City Manager

SCHEDULE "A" TO BY-LAW 1925-2015

PLAN AND ROAD SYSTEM

