

**THE MUNICIPALITY OF CLANWILLIAM-ERICKSON  
BY-LAW NO.28/15**

**BEING A BY-LAW OF THE MUNICIPALITY OF CLANWILLIAM-ERICKSON, PROVIDING FOR THE REGULATION, MAINTENANCE, CARE AND OPERATION OF THE MUNICIPAL 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 Municipality of Clanwilliam-Erickson has established and deems it expedient to continue a municipal 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 Municipality of Clanwilliam-Erickson duly assembled enacts as follows:

1. DEFINITIONS

For the purpose of the By-Law the following definitions shall apply:

- a. "Cemetery" – means land that is set apart or used as a place for the burial of dead human bodies or other human remains or in which dead human bodies or other human remains have been buried.
- b. "Block" – means an area of land consisting of a double row of plots on each side of the driveway. A block consists of 38 to 40 plots.
- c. "Lot" – means an area of land 18' x 18' consisting of 8 plots.
- d. "Plot" – means an area of land 4.5' x 9' sufficient for a single grave.
- e. "Flat Marker" – means a flat lawn marker that is placed flush with the surrounding turf.
- f. "Monument" – means tombstones and headstones.
- g. "Monument Dealer" – means all individuals, firms, partnerships and corporations who manufacture, sell or install monuments and flat markers in the regular course of business.
- h. "Owner" – means the proprietor or owner of a plot(s) to which he/she has or is entitled to a deed.
- i. "Municipality" – means the Municipality of Clanwilliam-Erickson.
- j. "Municipal Cemetery" – means the Cemetery situated at SE32-17-18W.

2. INTERMENTS

- a) A plot must be purchased from the Municipality prior to interment.
- b) All persons applying for interments in the Municipal Cemetery whether as principals or undertakers, shall furnish to the Municipality the burial permit issued by the division registrar. (A copy of a burial permit for cremation can be obtained at the crematorium.)
- c) Persons ordering graves to be opened and closed shall be held responsible for charges incurred.

- d) No grave shall be opened for interment or disinterment by any person not in the employ or approved by the municipality.
- e) The interment fee includes the opening and closing of the grave and shall be the responsibility of the Funeral Director or the person who is making the funeral arrangements.
- f) Funeral Directors must close the coffin and fasten it securely before it is lowered into the grave.
- g) Only one cremation urn shall be allowed in a plot where the plot contains a body. Up to four urns may be interred in a plot where there is no body.
- h) No funerals shall be held after 4:00 p.m.
- i) At least 48 hours of notice shall be given to the municipality prior to the time of digging the grave. The municipality will arrange for the plot to be marked for digging.

### 3. DISINTERMENTS

- a) No disinterment shall be allowed without consent of the Municipality and the provision of such documentation as required by the Provincial Government. The disinterment of bodies shall be attended to by a Funeral Director.
- b) No disinterment for the purpose of lowering remains to accommodate another interment shall be made.

### 4. GARDENERS, GRADING, SODDING AND IMPROVEMENTS

- a) The grading and seeding or laying of sod on all plots shall be under the control of the Municipality and shall conform to the section in which the plot lies.
- b) The planting of flower beds on graves is allowed provided the graves have been stabilized and levelled.
- c) The Municipality reserves the right to enter onto any plot where the grave is in a mounded condition to carry out levelling activities.
- d) Any person maintaining a grave site shall ensure that all rubbish is removed from the area.
- e) Cut & artificial flowers are allowed in stick-in containers during frost free months. All artificial flowers must be removed prior to October 31 of each year or be removed by the Municipality.

### 5. FOUNDATIONS, MONUMENTS AND MARKERS

- a) Each person involved in the erection or re-location of a monument, a flat marker, a landmark or any other work shall be subject to the control and direction of the Municipality.
- b) Any person wishing to install any monument or flat marker or relocate any monument or flat marker shall first obtain permission from the Municipality.
- c) Should any memorial become unsightly, dilapidated or dangerous, the Municipality may remove or repair it at the Municipality's discretion and where possible, recover the cost from the owner.
- d) Where a memorial is inadvertently damaged by a Municipal employee in the carrying out of his/her duties, to the extent that it is either structurally unsound or its appearance has been damaged, the

Municipality shall have carried out at its cost and its discretion, such repair as is within reason to ensure the memorial is returned to a structurally sound state or is refurbished to a reasonable appearance. The determination and opinion of a structurally sound memorial or the reasonable appearance of a memorial shall be in the sole discretion of the Municipality.

- e) Foundations are required for all monuments and shall be at least four (4) inches wider and longer than the base of the headstone.
- f) Any flat marker may be installed by a monument dealer in compliance with the standards set by the Municipality from time to time.
- g) Not more than one upright monument shall be erected on any one plot.
- h) Monument dealers and contractors shall ensure that proper precautions are taken to ensure that no damage occurs to plots or lots during installation of all monuments. Contractors shall be held liable for any damage to property while working in the Cemetery.
- i) All persons shall cease work in the vicinity of a funeral until the conclusion of the service.
- j) All monuments and flat markers shall be constructed of permanent materials as approved by the Municipality.

#### 6. CONDITIONS OF PURCHASE AND PRICING

- a) Plots shall be sold at such prices and on such terms as may from time to time be fixed or revised by Council resolution.
- b) Upon purchase of a plot, the Municipality shall issue a deed to the purchaser as set out in Schedule A.
- c) Monies from the sale of plots shall be set aside by the Municipality and shall be used only for maintenance of the cemetery as stated in the *Municipal Act*.
- d) The charges for any extra work or miscellaneous items that may be required shall be set by resolution of Council.
- e) The owner of a plot may authorize the use of his/her plot for the interment of another person by submitting the name of the person to be interred to the Municipality in writing.
- f) The charges for interment/disinterment shall be paid by the funeral home or the person(s) requesting the interment/disinterment.
- g) To ensure the correctness of records of ownership and interments, no sale of any plot shall occur until a duly executed deed (Schedule A) has been filed with the Municipality which specifies the name, address and/or other description of the proposed new owner and such particulars shall be recorded in a register to be kept for that purpose.
- h) When the owner of a Cemetery plot dies and the holding passes to a new owner, before the new owner can obtain registration of their interest to it, the Municipality requires proof of their right to such interest.
- i) The Municipality reserves the right to designate special sections within the Cemetery and impose restrictions including types of monuments and other markers to be utilized.
- j) Persons may sell or convey any plot subject to the original deed or receipt being returned to the Municipality.

- k) The Municipality will not buy back unused Cemetery plots; however ownership of an unused plot may be returned to the Municipality at no cost to the Municipality.

7. MISCELLANEOUS

- a) The Municipality at any time may enter upon any plot or lot to cause the cleaning of weeds and grass and further cause to be removed from the said lot any funeral design or floral piece which has wilted or faded and any other article or thing which is unsightly.
- b) Writing upon, scratching, defacing or damaging any memorial, fence or tree within the Cemetery is strictly prohibited.
- c) No person(s) shall pick any flowers, either wild or cultivated, or mutilate or damage any tree, shrub or plant.
- d) No vehicle of any kind shall be allowed in any part of the Cemetery, except the roadways, without first having obtained special permission from the Municipality; and such permission shall in no case be given when, from the nature of the soil caused by wet weather or other cause, injury to the Cemetery may occur.
- e) No person(s) shall drive any vehicle at a speed in excess of ten (10) kilometres per hour on any road within the Cemetery; nor drive on the grass or plots therein; nor park a vehicle in such a way to cause damage to any turf therein.
- f) No pets shall be allowed in the Cemetery.
- g) Any person(s) disturbing the quiet or good order of the Cemetery by noise or other improper conduct shall be compelled to leave the Cemetery. The Municipality shall cause the expulsion from the Cemetery of any person(s) who conduct themselves in an improper manner.
- h) The Municipality shall not assume any liability or responsibility for the loss of or damage to, any monument marker, and any part thereof, or any article of any type that may be placed on any plot or for any flowers or plants planted upon any plot.

MUNICIPALITY OF CLANWILLIAM-ERICKSON

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Mayor

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CAO

Read a first time this 25<sup>th</sup> of November, 2015.

Read a second time this 25<sup>th</sup> of November, 2015.

Read a third time this 9<sup>th</sup> of December, 2015.

SCHEDULE A

**Know All Men by These Presents**, that the Municipal Cemetery in consideration of \_\_\_\_\_ Dollars paid to it by \_\_\_\_\_ of \_\_\_\_\_ the receipt of which is hereby acknowledged, doth grant unto the said \_\_\_\_\_ his (or her) heirs and assigns a certain Plot in the Cemetery of the said Municipality of Clanwilliam-Erickson called Municipal Cemetery and situated in Section 32, Twp.17, Rge.18 West, and which plot is delineated and laid down on a map of the said Cemetery, and is herein designated as \_\_\_\_\_ and containing on admeasurement 4.5' x 9' superficial feet.

**To have and to hold** the herein above named premises unto and to the use of the said \_\_\_\_\_ heirs and assigns for ever \_\_\_\_\_.

**Provided Always**, that the same shall only be used as a place of sepulture; and that the same shall be used subject in all respects to the By-Laws of Clanwilliam-Erickson the said Municipality now or hereinafter to be in force affecting the same.

**Witness Whereof**, the Secretary-Treasurer of the said Municipality hath signed his name hereto, and hath fixed the Corporate Seal of the said Municipality of Clanwilliam-Erickson this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_\_.

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Secretary-Treasurer of the Municipality of Clanwilliam-Erickson