

**CITY OF THOMPSON
BY-LAW NUMBER 1011-80**

[As amended by AM B/L 1053-81, 1750-2007, 1765-2008 and 1808-2009]

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.

WHEREAS there is established a public cemetery in the City of Thompson on the following described lands:

ALL of Block lettered "E" in the Townsite of Thompson in Township Seventy-eight (78) and Range Three (3) , West of the Principal Meridian, in Manitoba, as shown on a plan of subdivision registered in the Neepawa Land Titles Office as No. 768 ;

AND WHEREAS it is deemed expedient that rules, regulations and Regulations and tariffs be adopted to provide for the proper maintenance of the cemetery;

NOW THEREFORE BE IT ENACTED AND IT IS HERBY ENACTED by the Council of the City of Thompson, in Council duly assembled as follows:

1. THAT the following lands are hereby reserved as a public cemetery and for no other purpose

ALL of Blocked lettered "E" in the Townsite of Thompson in township seventy-eight (78) and Range Three (3), West of the Principal of Subdivision registered I the Neepawa Land Titles Office as No.768.

2. "Superintendent of Cemeteries" means the 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."

[AM B/L 1808-2009]

3. THAT the Manager of Assets and Infrastructure be named the Superintendent.

[AM B/L 1808-2009]

4. **RULES AND REGUALTIONS**

- a) 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 "B"

- b) No person shall permit any dog to run at large within the boundaries of the cemetery
- c) No person shall disturb the quiet and good order of the cemetery by noise or objectionable conduct. Alcoholic beverages and/or illegal drugs are not permitted at any time on the cemetery grounds. Children must be accompanied by parents or guardians who will be responsible for their behaviour.
[AM B\L 1808-2009]
- d) The Superintendent or any Designated Officer is authorized to prohibit or eject any person disturbing the peace and quiet of the cemetery.
[AM B\L 1808-2009]

To Control Commercial Operations

- e) No person, other than the owner, his immediate family or next of kin may work by special care or otherwise, any grave, unless authorized in writing to do so by the Superintendent.

Grass Maintenance, Stones Tripping

- f) 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.
- g) No person shall plant trees or shrubs on any plot, lot or grave. Flowers of an anticipated height of no greater than eighteen inches may be planted and cared for.
- h) The Superintendent or his or 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 floral piece or any other article that is unsightly, wilted or broken.
[AM B\L 1808-2009]

Maintenance

- i) *Rescinded*
[AM B\L 1808-2009]

Construction

- j) *Rescinded*
[AM B\L 1808-2009]

- k) *Rescinded*
[AM B\L 1808-2009]
- i) No person shall pick any wild or cultivated flowers, nor injure any tree, shrub or other growing things.
[AM B\L 1808-2009]
- j) No funeral service may be held, or interment made within the cemetery by any person not authorized by law to do so.
[AM B\L 1808-2009]
- k) 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.
[AM B\L 1808-2009]
- l) No cornerstone, wall, fence or curb to indicate the boundaries of a lot or grave shall be erected as an enclosure to a plot or grave.
[AM B\L 1808-2009]
- m) 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.
[AM B\L 1808-2009]
- n) All grave ornamentation shall conform with the City of Thompson Cemetery Ornamentation and Planting Policy.
[AM B\L 1808-2009]
- o) Rules and regulations made from time to time by Council shall be binding upon plot owners and upon all others to whom they apply.
[AM B\L 1808-2009]
- p) All monuments shall be constructed of (i) granite; (ii) marble; (iii) bronze; (iv) other permanent material approved by the Superintendent. All other monuments, including crosses made of wood or concrete are not allowed. Grave covers are not permitted.
[AM B\L 1808-2009]
- q) 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.
[AM B\L 1808-2009]

5. INTERMENTS

- a) 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.
- b) The Superintendent or his representative shall satisfy himself that all the documentation has been completed before proceeding with any burial.
- c) 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.
- d) Only one body shall be allowed in any standard plot in the cemetery except as follows:
 - (i) Children's graves may be accommodated with two in the standard plot.
 - (ii) Ash remains resulting from cremation shall be buried in a specific portion of the cemetery designated for that purpose.
- e) 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.

6. SALES AND CONVEYANCES

- a) On the sale of the plot, a receipt 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.
- b) A burial plot may be reserved for a period of fifteen years on payment of the full cost of the plot. After the expiry of the period of fifteen years, the plot again be reserved for the second fifteen 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. No title or deed shall be issued for any plot so reserved.

[AM B/L 1053-81]

7. ROADSIDE MEMORIALS

- a) "Roadside memorial" means a marker constructed, erected, posted or placed within the street to memorialize an event that resulted in a fatality.

[AM B/L 1808-2009]

- b) 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.

[AM B/L 1808-2009]

- c) 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.

[AM B/L 1808-2009]

- d) 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.

[AM B/L 1808-2009]

- e) 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.
- [AM B\L 1808-2009]
- f) Notwithstanding Section 7(e)(iv) breakable objects are permitted to be used during a memorial service but must be removed immediately following the completion of the service.
- [AM B\L 1808-2009]

Long-term Memorials:

- g) Prior to the expiration of the three hundred and sixty-five (365) day period referred to in Section 7(d), 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.
- [AM B\L 1808-2009]
- h) 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.
- [AM B\L 1808-2009]
- i) The City shall have the authority to remove any additional items such as flowers placed at the scene of the long-term memorial.
- [AM B\L 1808-2009]

Removal of Roadside Memorials:

- j) 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.
[AM B\L 1808-2009]
 - k) A roadside memorial removed by the City pursuant Section 7(h) shall not be retained by the City for reclaiming.
[AM B\L 1808-2009]
 - l) If still erected upon completion of its two-year term, a long-term memorial as erected pursuant to Sections 7(g) shall be removed by the City and shall not be retained by the City for reclaiming.
[AM B\L 1808-2009]
 - m) A roadside memorial that contravenes this By-law or is damaged or falls into disrepair may be removed by a designated employee and destroyed forthwith without notice.
[AM B\L 1808-2009]
8. **TARIFF OF CHARGES**
- a) The schedule of costs shown in Schedule “A” attached hereto shall be the costs approved by Council, and shall be paid for services rendered.
 - b) 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.
9. **PENALTIES**
- Penalties will be assessed in accordance with the terms and provisions of the City of Thompson Compliance By-law No. 1735-2007.
[AM B/L 1750-2007]
10. **THAT** City of Thompson By-Law Number 717 and any amendments thereto be rescinded
11. **THAT** the provisions and rates of this by-law shall come into full force and effect as of the 14th day of JULY , A.D. 1980.

READ a first time this 22nd day of May, A.D. 1980.
READ a second time this 23rd day of June, A.D. 1980.
READ a third time this 14th day of July, A.D. 1980.

DONE AND PASSED in the Council assembled this 14th day of July, A.D. 1980.

THE CITY OF THOMPSON

PER: _____
Mayor

PER: _____
Secretary Treasurer

SCHEDULE "A" TO BY-LAW #1011-80

Deleted in its entirety and Fees now located in the City of Thompson Fee and
Fine Schedule as per AM B/L 1765-2008

SCHEDULE "B" TO BY-LAW #1011-80

PLAN AND ROAD SYSTEM