

# TOWN OF NIVERVILLE

## BYLAW NO. 787-18

**BEING A BYLAW OF THE TOWN OF NIVERVILLE** providing for the regulation, maintenance, care and operation of Niverville's cemeteries.

**WHEREAS** *The Cemeteries Act* governs the operation, maintenance and care of every cemetery within the Province of Manitoba;

**AND WHEREAS** it is deemed expedient to pass a bylaw in accordance with *The Cemeteries Act* for the purpose of setting rules and regulations for the operation, maintenance and care of cemeteries under the Town of Niverville's jurisdiction.

**NOW THEREFORE BE IT AND IT IS HEREBY ENACTED** as a bylaw of the Town of Niverville, in Council duly assembled as follows:

### 1. Definitions

- a. **Cemetery** – means lots, graves, grounds and buildings under the Town of Niverville's jurisdiction.
- b. **Cemetery Custodian** – the Town employee responsible for the caretaking, maintenance and supervision, if applicable, of cemetery.
- c. **Columbarium** – means a structure designed for storing the ashes of deceased human remains that have been cremated.
- d. **Deed** – The land remains the property of the Town. The Interment Rights Holder of record is the person that is named on the official **Deed**/Certificate of Interment Rights.
- e. **District Registrar** – shall mean the Division Registrar appointed under the Vital Statistics Act of the Province of Manitoba.
- f. **Lot** – means an area of land sufficient for a single grave.
- g. **Memorial** - a permanent monument, flat marker, a landmark or any other commemorative work honoring a deceased human.
- h. **Object** – temporary items placed on a memorial or the concrete curb which are not permanently affixed to the memorial or concrete curb.
- i. **Operations Manager** – means the Operations Manager of the Town of Niverville or his Designate; hereafter referred to as the Operations Manager.
- j. **Perpetual Care** – shall refer to the fee paid for the preservation, improvement, and maintenance in perpetuity of all lots within the cemeteries.
- k. **Plot** – means an area of land sufficient for two or more graves.
- l. **Town** – means the Town of Niverville.
- m. **Youth** – shall refer to a young human under the age of twelve (12) years at time of their death.

### 2. Interment

- a. All requests for interment shall be submitted to the Town with a minimum of forty-eight (48) hours notice. The notice shall include the dimensions of the coffin and/or case and the location of the grave in the cemetery. Weekends and Statutory Holidays shall not form part of the required notice time for opening a grave.
- b. Interment Rights to a lot cannot be given or taken without first notifying the Town in writing. At time of request for interment, if applicable, the official deed shall be provided to the Town.
- c. All persons applying for interment in a cemetery shall furnish to Town administration office all necessary details with respect to the person requiring to be interred and the burial permit issued by the Division Registrar before interment is allowed.
- d. Information for all interments must be given and all fees prepaid at the Town administration office. Information given by telephone, electronic means or in person, will be taken with particular care, but the Town will not be responsible for errors, omissions or misunderstandings that may arise. The person giving the order must provide the following information:
  - a. the lot owner's full name;
  - b. name of funeral director;
  - c. the date and time of the interment;

- d. the location of lot to be used and if an earth burial, whether the space to accommodate a vault or box is required;
  - e. the name of the deceased;
  - f. place and date of death;
  - g. age of the deceased; and
  - h. the name of the person who is to receive the deed.
- e. No grave or columbarium shall be opened for interment or disinterment by any person not in the employ or under hire to the Town.
  - f. The interment fee includes the opening and closing of the grave or columbarium.
  - g. Funeral directors must close the coffin and fasten it securely before it is lowered into the grave.
  - h. The Town shall charge the current interment fee for each committal whether carried out separately or more than one at the same time.
  - i. Only one (1) traditional burial or four (4) cremation burials will be permitted on each lot. Two (2) cremation burials are permitted per Columbarium Niche. Dimensions for the Columbarium Niche are available by contacting the Town administration office.
  - j. No interment shall be held after 4:00 p.m. without having received prior written permission from the Operations Manager.
  - k. All persons including Town Employees shall cease work in the vicinity of an interment until the conclusion of the committal.

### **3. Disinterments**

- a. No disinterment shall be allowed without the prior written consent of the Town and the provision of such documentation as required by the Provincial Government. The disinterment of bodies shall be attended to by the Operations Manager and/or the cemetery supervisor.
- b. No disinterment for the purpose of lowering remains to accommodate another interment shall be made.
- c. All disinterment costs for earth burials, including provincial and legal fees shall be borne by the person requesting the disinterment and shall be prepaid to the Town.

### **4. Gardeners / Grading / Sodding and Improvements of Graves**

- a. No private planting or any gardening work on any lot is permitted other than that completed by a Town employee as authorized by the Operations Manager.
- b. The grading, seeding or sodding of all lots shall be under the control of the Town and shall conform with the section in which the lot lies.
- c. The Town reserves the right to enter onto any lot where the grave is in a mounded condition to carry out levelling activities.
- d. Any persons honouring a deceased human at a grave site will be limited to placement of cut flowers (no glass containers, vases or artificial flowers permitted) on the top of the grave or if a concrete curb is in place, cut flowers or an object may be placed on the concrete curb provided the item(s) does(do) not interfere with the maintenance of the cemetery. Solar lights, luminaries and other objects placed on the grass are not permitted and shall be removed by maintenance staff.

### **5. Foundation / Monuments & Markers**

- a. Each person involved in the placement or re-location of a memorial shall be subject to the control and direction of the Operations Manager/or his designate. Prior written permission is required from the Town.
- b. Only upright memorial monuments are permitted having a maximum depth of 8 inches.
- c. Should any memorial become unsightly, dilapidated or dangerous in the sole opinion of Operations Manager, the Town may remove or repair it and where possible, recover the cost from the deceased's family. The Town shall not be responsible for any damages to memorials.
- d. No form of man-made grave covers, including concrete, granite or other ledger material shall be allowed in the cemetery.
- e. Mausoleums shall not be allowed in the cemetery.
- f. Not more than one upright memorial shall be erected on any lot.

- g. An additional flat cremation marker(s), dimensions of which shall be a maximum of one (1) foot by six (6) inches by six (6) inches, shall be permitted on subsequent interments in any lot to a maximum of one (1) upright memorial and four (4) flat marker memorials per lot. Markers must be placed in the ground with the top of the cremation marker level with the surrounding ground.
- h. All upright memorials may not exceed four 4' high with the maximum width of a memorial being one (1) foot less than the width of the lot and the memorial shall be centered on the lot or a plot.
- i. All upright memorials shall be placed on cemetery curbing if provided in the cemetery, or alternatively on a base as per Town specifications.
- j. Monument dealers and contractors shall obtain written permission from the Town prior to the commencement of any work in the cemetery. They must also ensure that proper precautions are taken to ensure that no damage occurs to lots or plots during installation of all monuments, and will be held liable for any damage to the property while working in the cemetery.
- k. All monuments and cremation markers shall be constructed of permanent materials as approved in writing by the Operations manager.

## **6. Conditions of Purchase & Pricing**

- a. Lots shall be sold at such prices and on such terms as may be in effect from time to time. No discount shall apply to plots. Said fees are contained in Schedule A hereto attached and may be revised by resolution of Council.
- b. Moneys from the sale of lots shall be held in trust by the Town and shall be used for the sole purpose of purchasing cemetery land and buildings, equipment and labour for improving, caring for and beautifying the cemetery grounds.
- c. The charges for interments and disinterment's, extra work or miscellaneous items shall be set out in Schedule A hereto attached and may be revised by resolution of Council.
- d. The owner of the deed for a lot may authorize the use of such a lot for the interment of another person by submitting the name of the person to be interred to the Town in writing together with a copy of the Certificate of Interment Rights. (See Schedule B)
- e. When a lot is purchased for the intent of being used for more than one person, the names of those person(s) who are intended for interment in the lot shall be given to the Town administration office at the time of purchase and will be recorded on the deed.
- f. Descent and Inheritance of Certificate of Interment Rights – Burials by or of all heirs, after the original parties named on the original deed are deceased, requires the permission of living heirs, in writing, on the form, attached as Schedule B. The Town shall, in no way, be held responsible for failure to properly determine the legal successorship of the lot. The heirs are entitled to the same use of the lot as the original owners and are bound by the same policies and procedures.
- g. Transfer of Interment Rights – owners of deeded lots may transfer their burial rights to other parties by filling out and signing the form attached as Schedule C. Original copy of a deed must be presented prior to the transfer taking place. The files located at the administrative office of the Town are to be considered the correct record. The Town reserves the right to recall, correct and reissue the Certificate of Interment Rights.
- h. When an owner of a lot dies, and the lot by way of inheritance transfers to the new owner(s) before the new owner(s) can obtain registration of the interest to it, the Town requires written proof of their right to such interest either by:
  - i. A certified or notarial copy of the probate of the will; or
  - ii. If there is no will, a certified or notarial copy of the letters of administration.
- i. The Town 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 at the discretion of the Town exchange lots with the Town subject to paying the difference, if any, for the lot.

## **7. Perpetual Care**

- a. All monies collected for perpetual grave lot care shall be deposited in a separate trust fund established for that purpose by the Town and shall be utilized for the perpetual care of the cemetery.

- b. The fees for perpetual care are contained in Schedule A hereto attached and forming part of this By-law and shall be amended by resolution of Council as deemed necessary.
- c. Perpetual care at the cemetery shall provide a level of individual grave care and maintenance which shall include mowing the grass, staking of lots, clean up of dirt and rubbish, maintenance of lots and internal road systems, maintenance or rental of cemetery tools and equipment, tree pruning and watering, and spring/fall clean ups.

**8. Miscellaneous**

- a. The Town may at any time enter upon any lot to cause maintenance of the weeds and grasses 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 in the Town’s opinion, unsightly. The cost for such maintenance and care is part of the grave lot sale fee.
- b. All persons are required to confine themselves to the roads and walks and shall avoid walking on the lots.
- c. Writing upon, scratching, defacing or damaging any memorial, fence, building or any equipment within the cemetery is an offense under *The Cemeteries Act*.
- d. No person(s) shall mutilate or damage any tree, shrub, or plant.
- e. No vehicle of any kind shall be allowed in any part of the cemetery except the roadways, without first having obtained permission from the Operations Manager; and such permission shall in no case be given when due to soil or weather conditions, damage to the cemetery may occur.
- f. No person(s) shall drive any vehicle at a speed of greater than twenty (20) kilometers per hour on any road within the cemetery; nor drive on the grass or lots therein; nor park a vehicle in such a way to cause damage to any turf therein.
- g. No pets shall be allowed in the cemetery unless controlled by a leash.
- h. No person(s) is permitted to enter the cemetery except through the gates provided thereof. Such gates if applicable, will open daily at hours as designated by the Town.
- i. 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 Operations Manager or his designate shall cause the expulsion from the cemetery of any person(s) who conduct themselves in an improper manner.
- j. The Town shall complete its responsibilities of burial of a body in accordance with Division 8 of *The Municipal Act*.

PASSED AND ENACTED AS A BYLAW of the Town of Niverville by the Council of the Town of Niverville duly assembled in Niverville, Manitoba this 23<sup>rd</sup> day of January 2018.

TOWN OF NIVERVILLE

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Manager

Read a first time this 9<sup>th</sup> day of January, 2018.  
Read a second time this 9<sup>th</sup> day of January, 2018.  
Read a third time this 23<sup>rd</sup> day of January, 2018.

**SCHEDULE A: "CEMETERY FEES"**

Amended March 6, 2018, resolution number 73-18  
Amended February 4, 2020, resolution number 33-20

	2020	2021	2022
<b>Plot Purchase Price</b>			
Conventional	\$1,800.00	\$1,800.00	\$1,850.00
Youth Rate (under 12)	\$500.00	\$500.00	\$550.00
Opening & Closing - Conventional	\$900.00	\$900.00	\$950.00
Opening & Closing – Cremation	\$425.00	\$425.00	\$475.00
<i>Opening &amp; closing is not included in purchase price of conventional burials and charged per urn / coffin to be buried on lot.</i>			
<b>Columbarium Price</b>			
2 niche unit	\$1,550.00	\$1,600.00	\$1,650.00
3 niche unit (if available)	\$2,250.00	\$2,250.00	\$2,250.00
Plaque	\$550.00	\$550.00	\$550.00
Columbarium Care	\$800.00	\$800.00	\$800.00
<i>Columbarium Niche &amp; Plaque are due at time of reservation.</i>			
<i>Columbarium Care is due at time of burial.</i>			
<i>Opening &amp; closing is included in purchase price up to number of urns capacity.</i>			
<b>Disinterment</b>			
Conventional	\$1,500.00	\$1,500.00	\$1,500.00
Conventional – Ash	\$750.00	\$750.00	\$750.00
Columbarium	\$250.00	\$250.00	\$250.00
<i>All provincial organization and legal fees for disinterment would be charged in addition to the above fee.</i>			
<b>Miscellaneous</b>			
Evening Surcharge (interment after 4:00 pm)	\$320.00	\$320.00	\$320.00
Holiday Surcharge	\$320.00	\$320.00	\$320.00
Owner Transfers (Deeds)	\$100.00	\$100.00	\$100.00
Weekend Surcharge	\$320.00	\$320.00	\$320.00

*All rates are subject to change and may be completed by resolution of Council as part of updates to the Niverville Fees & Fines schedule. Please see fee schedule for current rates.*





**SCHEDULE D**

**“CERTIFICATE OF INTERMENT RIGHTS”**

**CEMETERY DEED**

KNOW ALL PERSONS BY THESE PRESENT, that the TOWN OF NIVERVILLE in consideration of

\_\_\_\_\_ Dollars paid to it by \_\_\_\_\_ of

\_\_\_\_\_, the receipt of which is hereby acknowledged, doth grant unto the

said person called \_\_\_\_\_ and situated in \_\_\_\_\_

and which lot is delineated and laid down on a map of the said Cemetery, and is herein designated as

\_\_\_\_\_ and containing a measurement \_\_\_\_\_ superficial feet.

TO HAVE AND TO HOLD the herein above-named premises unto and to the use of the said

\_\_\_\_\_ heirs and assigns forever \_\_\_\_\_.

PROVIDED ALWAYS, that the same shall be used subject in all respects to the by-laws of the Town of

Niverville the said \_\_\_\_\_ now or hereinafter to be in force affecting the same.

WITNESS WHEREOF, the Town Manager of the TOWN OF NIVERVILLE hath signed his name hereto, and

hath fixed the Corporate Seal of the said \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Town Manager  
Town of Niverville