

THE CITY OF FLIN FLON

**BY-LAW NO. 2021-05**

Being a By-Law of The City of Flin Flon to adopt rules,  
Regulations, for public cemeteries

PASSED: March 16, 2021

WHEREAS it is expedient to adopt rules, regulations, and tariffs for the maintenance of order in and for the proper care of same, and

WHEREAS this By-Law is authorized under the provisions of The Municipal Act, S.M. 1996, c. 58, Chap. M225, now

THEREFORE the Council of The City of Flin Flon, in Council duly assembled, enacts as follows:

1. **RULES AND REGULATIONS**

The following rules and regulations for the maintenance and care of the cemeteries may be altered, varied, repealed, or added to as occasion may require, by further by-law.

- a) Wherever in the following rules the words "Chief Administrative Officer" and "Cemetery Superintendent" shall occur, the same shall mean respectively the Chief Administrative Officer and Cemetery Superintendent appointed by the Council to such positions and any persons authorized to act in their stead.
- b)
  - i) The Cemetery Superintendent may deny vehicle access to any or all parts of the cemeteries when, in his opinion, such access would be detrimental to either the cemetery or the quiet and good order of the cemetery.
  - ii) Section 1 b) i) shall not apply to City vehicles in the performance of duties related to the cemeteries.
- c) No animals are allowed on the grounds, except guide dogs.
- d) No person is permitted to enter the cemeteries except through the regular entrances.
- e) Any person disturbing the quiet or good order of the cemeteries by noise or other improper conduct shall be ordered to leave the grounds.
- f) No person shall be allowed to perform or undertake any work of special care of a grave, unless permission is granted by the Cemetery Superintendent.
- g) All work and clean up shall be done under the direction and approval of the Cemetery Superintendent.
- h) The City may perform maintenance at any time, including the removal of weeds, grass, and any permanent article it deems to be unsightly or unsafe.
- i) All persons are prohibited from picking any flowers, either wild or cultivated, or mutilating or injuring any tree, shrub or plant within the cemetery boundaries.
- j) No cemetery memorial shall be placed in any cemetery without the filing of the approved documentation or the permission of the Cemetery Superintendent.
- l) All markers placed upon a plot or grave shall be of granite, marble, stone, cement, or other approved materials.
- m) All workmen employed in the erection of any permitted monuments, tombstones, landmarks, or any other work, shall be subject to the control and direction of the Cemetery Superintendent.

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**RULES AND REGULATIONS** (cont'd.)

- n) Except as in this By-Law otherwise provided, the following regulations shall apply to all cemeteries.
- i) No corner stones, wall, fences, or curbs to indicate the boundaries of the lot or grave shall be erected as an enclosure to the plot or grave.
- ii) Headstones, not to exceed 42", including base, or plaque, not to exceed 18" X 36", may be placed at the head of each plot, lot, or grave. All such placement is to be made under the direction of the Cemetery Superintendent.
- iii) Only one (1) cemetery marker or monument shall be erected on a single plot, and only one (1) double cemetery marker or monument shall be erected on a double plot, regardless of the numbers of burials in a plot.
- iv) In the event that a family or representative wishes to release a cemetery plot back to the City, and a memorial is already in place on this plot, it will be the sole responsibility of the family or representative to remove or relocate the said memorial (under the direction of the Cemetery Superintendent), and these individuals must assume all costs associated with this action.
- v) In instances of relocation, the said existing memorial must meet current requirements of The City of Flin Flon, 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.
- vi) Where an existing memorial is to be removed or relocated at the request of a family or representative, the removal or relocation must be done within thirty (30) days of the date that the plot release form has been completed, signed, and submitted to The City of Flin Flon.
- vii) Should a family or representative wish to install a replacement memorial, they must ensure that the new marker meets all of the requirement of The City of Flin Flon listed in Sub-Section 4.
- viii) No trees, shrubs, or flowers may be planted on any plot, lot or grave, unless approved by the Cemetery Superintendent. Any and all actions in this regard will be performed by authorized City of Flin Flon employees only. All containers for flowers or other items must be permanently attached, or in an unbreakable container, to the cemetery memorial. For example, flowers must be in a vase, wind chimes must be permanently attached or in a permanently attached unbreakable container. Under the Cemetery Superintendent's direction, the Cemetery Supervisor may remove any item at any time, in order to ensure the property appearance and maintenance of the Flin Flon Cemeteries.

**2. INTERMENTS**

- a) 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, as set out in Schedule "A" attached to this By-Law have been paid and a burial permit received from the Funeral Director.
- b) No interment shall be allowed until the Cemetery Superintendent has been furnished with a Burial Permit issued by the Funeral Director.
- c) All persons applying for an interment in any cemetery shall furnish to the Cemetery Superintendent all particulars for the purpose of record to the City before such interment is allowed.

- d)
  - i) Graves shall be dug and interments made only by persons in the employ of the City, and under the direction of the Superintendent. The Superintendent shall be entitled to receive forty-eight (48) hours notice to prepare graves for the interment of persons other than in cases where the body to be interred is shipped in, where the required notice shall be twenty-four (24) hours, and in computing the required notice to be given the Superintendent, Sundays and legal holidays shall be excluded, and such notice shall state the size of the casket at the top, or shall state the size of the case, and this latter shall be particularly mentioned, and also the location of the grave in the plot shall be mentioned.
  - ii) Section 6 d) i) shall not apply in cases where religious requirements would require the interment before the 24 hour period.
- e) One casket only will be allowed to be buried in a grave,
- f) It is permissible to place a maximum of 6 cremation urns into a grave containing one casket, providing that arrangements are made in accordance with Subsection 4 (e) of this By-Law.
- g) No disinterment will be allowed until the requirements of The Vital Statistics Act as to disinterments shall have been fully complied with, and a permit issued by the Provincial authorities. The disinterment of bodies shall be attended to by the Cemetery Superintendent.
- h) In the case of all burials, including cremations, the casket or cremation urn must be enclosed in an outershell or rough box.
- i) No cremated remains shall be buried in a reserved or full depth plot, except in designated cremation plots, or unless as specified in subsection 2 (f) of this By-law.
- j) In the case of all burials, including cremations, occurring after the date of enactment of this By-Law, the family or representative must ensure that any existing memorial meets all of the requirements of The City of Flin Flon listed in Sub-Section 1. If not, the memorial must be modified or adapted to the requirements. Any costs associated with these modifications are to be assumed by the family or representative.

### **3. INDIGENT BURIALS**

The burial of indigent persons, whether resident of The City of Flin Flon or otherwise, shall be in the regular burial plot, and not in a portion of the cemeteries set apart for the burial of indigents, the current or regular charges for plot and interment shall be charged to the department within the Province of Manitoba, having jurisdiction, whichever is liable for the burial of such indigent person.

### **4. PLOT ALLOCATIONS & RIGHTS**

- a) The plans of subdivision approved by Council, shall be the plan of the cemeteries herein referred to and all interments shall be made and records kept in accordance with such plans.
- b) A duplicate of such plan shall be kept by the Cemetery Superintendent.
- c) Except as hereunder provided, permanent allocation of a burial plot, lot, or grave, may be made only for the burial of a recently deceased person.
- d) To obtain the permanent allocation of any burial plot, lot, or grave, according to said plan, payment of the charges are per the attached schedule, shall be required.
- e) The Cemetery Superintendent 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 price, on the presentation of a receipt issued by the City for the proper amount.

- f) i) Upon the permanent allocation of an Adult Casket Burial Plot, one additional Adult Burial Plot may be reserved for a period of 15 years only, for the eventual casket burial of a specifically named person.
- ii) Upon a reservation being made as per Section 4 f) i), the person so reserving the plot shall sign a Reservation Agreement, as per Schedule "B" to this By-Law, and shall pay to the City the fees as set out in Schedule "H" of By-Law 2019-03.
- iii) The person so making a reservation for a Casket Burial Plot must advise the City of any changes in address, telephone number, or contact person.
- g) No reservations shall be allowed in that portion of the cemetery set aside for the burial of babies.
- h) All monies received from the permanent allocation or reservation of burial plots, shall be placed in an Operating Account. All monies received for perpetual care shall be placed in a Trust Account, for perpetual care purposes. (See Section 256 of The Municipal Act, S.M. 1996, C. 58, Chap. M225)

**5. TARIFF OF CHARGES**

The tariff of charges will be to the Fees, Fines & Charges By-Law 2019-03 – Schedule H.

**6. GENERAL**

Any person violating any of the provisions of this By-Law is guilty of an offence and liable on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000.00) and costs, and in default of payment thereof, to imprisonment for a term not exceeding thirty (30) days, unless the said penalty and costs are paid.

**7.** By-Laws 25/2000 are hereby repealed.

PASSED AND ENACTED AS A BY-LAW OF THE CITY OF FLIN FLON, THIS 16<sup>th</sup> DAY OF MARCH , A.D. 2021.

*Original Signed by Cal HUNTLEY*  
 .....  
 Mayor

*Original Signed by Glenna DASCHUK*  
 .....  
 Chief Administrative Officer

Read a first time this 2<sup>nd</sup> day of March , A.D. 2021 .  
 Read a second time this 16<sup>th</sup> day of March , A.D. 2021 .  
 Read a third time this 16<sup>th</sup> day of March , A.D. 2021, DONE AND FINALLY PASSED.