

TOWN OF SWAN RIVER CEMETERY POLICY

Being a Policy of the Town of Swan River, herein referred to as the Town, for the purpose of dedicating for *cemetery* purposes the land hereinafter described and for the purpose of providing regulations relative thereto.

WHEREAS the Town is the owner of the following property, namely: in the Town of Swan River, Manitoba, and being Lots 1, 2, 3, 4,5 and the North 57.1 feet of Lot 6, Plan No. 603 D.L.T.O. and a description of Lot 1, Plan No. 20568 D.L.T.O. in the NW ¼ Sec. 21 – Tp. 36 – Rge. 17W.P.M.

AND WHEREAS the Council of the said Town of Swan River deem it advisable to set such lands aside and dedicate the same for *cemetery* purposes,

AND WHEREAS the Council of the said Town of Swan River deems it advisable to provide certain regulations regarding the care, planning and management of the lands so dedicated,

AND WHEREAS the Council of the Town of Swan River deem it advisable that the land above described be set aside for the use as a *cemetery* and dedicated as such,

NOW THEREFORE the Mayor and Council of the Town of Swan River in open session assembled enacts as follows:

DEFINITIONS:

1. **Base** means the bottom part or lower portion of a *monument*.
2. **Block** means a section of the *cemetery* defined by roads and boundaries as shown on the Town plan thereof.
3. **CAO** means Chief Administrative Officer of the Town
4. **Caretaker** means the person in charge of the *cemetery*.
5. **Cemetery** means land within the Town set apart for or used as a place for the interment of the dead or in which human bodies have been buried.
6. **Columbarium** is a multi-*urn* storage structure with separate *vaults* for the internment of one to four *urns* per *vault* depending on *vault* size.
7. **Concrete Foundation** is a concrete footing (flush with the ground) that the *base* sits on.
8. **Deed** is the document issued to the *grave(s)* owner by the Town.
9. **Grave** means a sub-division of land for the purpose of a single burial and/or up to 4 *cremains* in the *cemetery* as shown on the Town plan thereof.

10. **Licensee** means a person who purchases a *grave(s)* in the *cemetery*.
11. **Marker** means a memorial of granite or bronze finish flush with the ground.
12. **Monument** means tombstone or memorial of granite or marble which shall extend above the surface of the ground.
13. **Plot** means an area under one license large enough for eight *graves*.
14. **Superintendent** means Superintendent of Works of the Town for the time being duly appointed, or anyone acting as such during his or her absence from duty for any cause.
15. **Urn** is a metal container intended for the storage of human ashes or cremains.
16. **Vault** is a single compartment within a *columbarium* for the purpose of interring 1 to 4 *urns* depending on size of vault and/or *urn*. Each *vault* includes its own door for the purpose of security and inscription.
17. **Veteran** is any person who has served in The Canadian Armed Forces or Reserve Force, has obtained a regimental number and has been a resident of The Rural Municipality of Swan River or The Town.

GENERAL RULES:

1. The *cemetery* gates shall be left open 24 hours per day or at Council's discretion.
2. Employees of the *cemetery* are not permitted to do any work for lot owners except upon order of the *Town of Swan River*, but are required to be civil and courteous to all visitors.
3. All persons, while in the *cemetery*, shall conduct themselves in a quiet and orderly manner.
4. No person shall turn loose, allow entrance at large, or feed any cattle, swine, horses, dogs or any other animal in the *cemetery*.
5. Persons within the *cemetery* shall use only the avenues, roads, walks and alleys and no one is permitted to walk upon or cross *graves* or *plots* unless it is necessary to do so to gain access to one's own *plot* or *grave*. The *cemetery* expressly disclaims liability for any injuries sustained by anyone violating this rule.
6. Persons visiting the *cemetery* or attending funerals are strictly prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing, or injuring any memorial, fence or other structure within the *cemetery* grounds.

7. Motor cars and vehicles in the *cemetery* shall travel only on the roadways provided for that purpose and shall not travel a greater rate of speed than 16 km per hour.
8. Children under 15 years of age are not permitted within the *cemetery* or its' buildings unless accompanied by persons of age to be responsible for them.
9. Receptacles for waste material are located at convenient places. The placing of rubbish on the drives and paths or on any part of the grounds including within the buildings is prohibited.
10. Fences, borders, railings, curbs, copings, trellises, walls, hedges or *grave* coverings of any kind in or around *graves* or *plots* are prohibited.
11. The *cemetery* hereby expressly reserves the right to adopt additional rules and regulations or to amend, alter or repeal any rule, regulation, articles, section, paragraph or sentences in these rules and regulations at any time and without notice.

GRAVES AND GRAVE OWNERS

1. The Town or such agent/agency as appointed by the Council of the Town shall administer all sales of *graves*, *plots* or *vaults* in the *cemetery* including the receipt of all monies therefore collected, and same for all charges pertaining to internments made in the *cemetery*, and shall forthwith turn over to the *CAO* all such money as received.
2. The Town shall keep a correct account of all monies received therefrom and of all expenditures made in connection with the *cemetery*, with the name and description of the *licensee* thereof and of every transfer and all other books necessary to keep a complete record of all business transacted by them in connection with the *cemetery*.
3. The Town may grant a *deed* to any person for the exclusive use of any *grave(s)* or *vault(s)* by *licensee*, *licensees'* heir, the executor or other administration. Said license to be subject to all the provisions of this policy and any amendments thereto, or any regulations passed from time to time by Council.
4. The fee for the said *deed* and all charges for work done at the *cemetery* shall be in accordance with the rates set out in Schedule "A" of this policy or as said Schedule may be amended from time to time by a resolution of Council.
5. No *grave(s)* or *vault(s)* shall be resold or transferred by the *licensee* but if not required by the *licensee* shall be transferred back to the Town. In case of transfer to the Town, the Town will refund to the *licensee*, all moneys paid by *licensee* at the date of the *deed* issuance.
6. Only *Veterans* and their spouses may be interred in the Legion Section (*Block 11*) excepting cremains of immediate family members within *veteran* and/or spouses reserved

or occupied *graves*. These *graves* are provided at no purchase price. Open/Close fees of Schedule "A" shall apply.

7. No *grave* or *vault* shall be used for any purpose other than for the burial of the human dead.
8. The *Town of Swan River* shall take all reasonable precautions to protect *licensee* and the property rights of *licensee* within the *cemetery* from loss or damage; but the *cemetery* distinctly disclaims all responsibility for loss or damage from causes beyond its' reasonable control, especially from damage caused by the elements, an act of God, common enemies, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided. (Some household insurance policies may cover *monument* damages.)
9. Memorial items other than the monument placed during the winter between October 15th and May 1st may be damaged by winter operations. For example moving headstones for an excavation during frozen conditions where the memorial items are frozen into the ground. Therefore, the Town of Swan River disclaims all responsibility for loss or damage to memorial items, excluding monuments, placed between October 15th and May 1st.
10. It is the duty of the *licensee* to notify the Town of any change in the *licensees'* post office address.

INTERMENTS AND DISINTERMENTS

1. No interment shall be made in the *cemetery* until the provisions of the Public Health Act and the Vital Statistics Act of the Province of Manitoba have been complied with, and with any Regulations issued thereunder and also shall have complied with the provisions of this policy.
2. Before an interment is made in any *grave* or *vault*, an application in writing shall be made to the Town and all fees for services as set forth in Schedule "A" shall be paid by the applicant.
3. Payment of any and all indebtedness due to the *cemetery* must be made before any interment will be made.
4. No interment of more than one casket shall be made on one *grave* except in the case of mother and child or two infants buried in one casket and up to a maximum of four cremains per *grave*. See schedule B.
5. No *grave* shall be less than five feet (three feet of earth from top of the outer box or *grave* liner to the surface of the ground) in depth from the surface of the surrounding ground.
6. All burials, other than cremains, shall require a minimum usage of a wooden outer box.

7. Whenever a *grave* or *vault* is held jointly by two or more parties, authority to inter in such a *grave* or *vault* or any part thereof will be accepted by the Town from any one of the said parties or their executors with proper authorization.
8. A notice of interment shall be provided to the Town at least 72 hours before interment during the period of November 1st to April 30th and at least 36 hours before interment during the period of May 1st to October 31st, except in the case of a person who died of a communicable disease or at the discretion of the authority having jurisdiction. Hours are counted through regular working days (Mon. to Fri.) only.
9. Interment shall be made only between the hours of 8:00 a.m. and 4:00 p.m. on days other than Sunday or Statutory Holidays. In case of extreme necessity or danger of contamination or infection, a physician's certificate or certificate by the Medical Health Officer will be required where interment is necessary on a Sunday or Statutory Holiday.
10. No casket interment shall be permitted in the *cemetery* without receipt of a burial permit by the *Town of Swan River*.
11. No cremain interment shall be permitted in the *cemetery* without receipt of a certificate of cremation by the Town of Swan River.
12. Outer cases for coffins or caskets shall be at the *cemetery* at least four hours before the hour set for the interment so as to give the correct idea of the size of the *grave* required. In case of burial taking place on Sunday or holidays, such outer cases shall be in the *cemetery* before noon of the day preceding each Sunday or holiday.
13. *Graves* shall be dug and interments made only by persons employed by the *Town of Swan River* or under the direction of the *Town of Swan River*. No person or persons not under the control or employment of the *Town of Swan River* shall open any *grave* or *vault* for the purpose of interring or removing the body or *urn*.
14. No person shall disinter or remove a body from any *grave* or *vault* without first producing a written order from the *licensee* of such *grave* and a permit for such disinterment or removal from the Provincial Medical Health Officer, including a disinterment permit and a new burial permit.
15. Owner of the *cemetery* shall furnish *graves* for strangers and for the poor of all denominations on the certificate of a clergyman that the deceased was a stranger or that the deceased and his or her relatives are poor.

COLUMBARIUM (Schedule C)

1. Except by discretion of the *Town of Swan River* a *vault* may only be opened by written request of the *vault licensee*. A fee will be charged for each requested opening and closing whether an *urn* is installed or not. All openings and closings will be performed by *cemetery* employees and will be documented.

2. All inscriptions will be engraved directly into the granite *vault* door. No bronze plaques are allowed. The inscriptions will include given names, family names plus dates of birth and death. Optional decorative emblems shall be a maximum of 2" x 2" as approved by the *Town of Swan River*. All written inscriptions will be of a standardized font, size and format as shown in Schedule "C". The initial inscription, excepting emblem, is included in the purchase price of the *vault* with subsequent inscriptions being the responsibility of the *licensee*.
3. All decorations placed at the *columbarium* are considered temporary and will be removed by *cemetery* employees 30 days after inurnment. These items may be claimed by family members prior to their removal. Glass or ceramic containers are prohibited. Decorations may not be placed on top of the *columbarium* or attached to the *columbarium* structure in any manner. Any decoration may be removed at the discretion of the *Town of Swan River* and such removal reported to the *licensee*.
4. The maintenance and repair of the *columbarium* structures are the responsibility of the manufacturer and Town. Any subsequent removal, handling and storage of *urns* will be carried out under the direction of the *Town of Swan River*. Full maintenance records with digital pictures will be kept for each occurrence.
5. The Town is not responsible for damage to the *columbarium* and its contents caused by acts of nature, vandalism or unforeseen incidents. The Town will contact *licensees* and/or next of kin to the best of its ability in cases of *urn* retrieval due to damage to the *columbarium* and contents.
6. The Town is responsible for obtaining and maintaining all records pertaining to the inurnments within, and maintenance of, the *columbarium*.

CORRECTION OF ERRORS

The Town or any official thereof shall not be responsible for any mistakes resulting from lack of precise or proper instruction regarding the *grave* or *vault* space on a lot or *plot* or within a *columbarium* where an interment is to be or has been made.

CARE OF GRAVES

1. The Town shall assume the general care of the entire *cemetery*. The *licensee* of *grave(s)* shall observe all rules and regulations passed from time to time by Council for keeping the *graves* or *plots* in order.
2. All *grave* surfaces are to be seeded to grass by the *Town of Swan River*.
3. A *licensee* desiring additional care of their *grave(s)* may arrange for such care with the *Town of Swan River*, who will be glad to give an estimate of the cost of the work desired.

4. No person shall be permitted to do any work on any *grave(s)* except with the consent of the *Town of Swan River*. However, *licensees*, heirs, executors, or administrators of any lot or *plot* shall have the right to cultivate trees, shrubs, or plants for the purpose of adorning their *grave(s)* providing such work is done under the supervision of and with the consent of the *Town of Swan River*. See Schedule B attached to this Policy.
5. The *Town of Swan River* shall, from time to time, report to the Council and *licensee* on the condition of any *monument* or *marker* which is in disrepair and it shall be the duty of the owner of such *monument* or *marker* to repair the same, without delay, to the satisfaction of the *Town of Swan River*.
6. Whenever any owner of a *monument* or *marker* neglects to make the required repairs or alterations, after being given due notice by the *Town of Swan River*, the *Town of Swan River* shall allow a period of thirty days to elapse after which time, he shall have power to remove such *monument* or *marker* from the *cemetery*, or to repair such *monument* or *marker* and charge the cost thereof to the *licensee* which may be recovered as a debt from the *licensee* to the Town.
7. No person shall remove the sod from any *grave*, or from any portion of a *grave* in the *cemetery* without first having obtained the written consent of the *Town of Swan River*.
8. Fences, borders, railings, curbs, walls, copings, hedges, trellises, *grave* coverings, etc. of any kind in or around the lot or *plot* in existence previous to the passing of this policy will be removed free of charge by the Town upon request by the *licensee*.
9. Any fence, border, railing, wall, curbing, coping, hedge, trellis, *grave* covering, etc. of any kind erected previous to the passing of this policy may be removed by the *Town of Swan River*, if, by reason of neglect or age it takes on a state of disrepair and the *licensee* neglects or refuses to repair or remove same within 30 days after a notice has been forwarded to *licensees'* last known address.
10. The *Town of Swan River* shall have authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the *cemetery* as soon as, in the judgment of the *Town of Swan River*, they become unsightly, dangerous, detrimental or diseased.
11. Family and or Friends are asked to remove all flowers, solar lights/panels, and memorial decorative items they wish to KEEP prior to October 15th. This request is to prevent possible damage to memorial keepsakes throughout the winter months. Example; Monument relocations due to winter grave excavations. The memorial items may be replaced at the headstone again after May 1st.
A general Fall Clean-up will commence on the Monday following the 15th of October. The cleanup will include removal of all flowers, live and plastic; it will also include the removal of any solar lights and panels, memorial decorative items that are NOT mounted directly to the headstone or foundation.

For clarity, any memorial items placed in or on soil surface surrounding the Monument will be removed.

12. The *Town of Swan River* reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants or herbage of any kind unless the *Town of Swan River* gives consent.
13. No person shall give money or other reward to any employee of the Town working in connection with the *cemetery* for *cemetery* services or attention.

ENFORCEMENT OF RULES

The *Town of Swan River* is hereby empowered to enforce all rules and regulations and to exclude from the *cemetery* any person violating them. The *Town of Swan River* shall have charge of the grounds and all buildings within the *cemetery*. The *Town of Swan River* shall supervise and control the conduct of funerals, traffic, employees, lot and *plot* owners and visitors.

PLANTS AND SHRUBS

1. The *Town of Swan River* will undertake to maintain, as may be practicable, the planting of trees and shrubs to preserve and maintain landscape features but will not undertake to maintain individual plantings or containers of plants.
2. The *Town of Swan River* shall not be responsible for frozen plants or herbage of any kind, or for planting damaged by the elements, thieves, vandals or by other causes beyond his or her control.
3. If any tree, shrub or plant situated on any *grave(s)* or part thereof shall, in the opinion of the *Town of Swan River*, become by means of its roots or branches in any way detrimental to any adjacent *grave(s)*, path or driveway, or to the general appearance of the *cemetery* or dangerous or inconvenient to the public, the *Town of Swan River* shall have the power to remove any such tree, shrub or plant or part thereof.
4. No trees or shrubs located on any *grave* or lot shall be cut down or trimmed except by permission of the *Town of Swan River*.

MONUMENTS, MARKERS OR CORNER POSTS (Schedule B)

1. All *monuments* shall be manufactured of granite, marble or bronze. All permanent *markers* shall be manufactured of granite or bronze. All permanent markers shall be approved by the Town before being placed at the gravesite.
2. Corner posts of granite or bronze may be placed only within the limits of the lot or *plot* to be thus marked and must be set in a *concrete foundation* protruding 2” on all sides and not project above the surface of the ground.
3. Only one *monument* for a casketed burial and four cremain *markers* shall be placed on a single *grave*.
4. a) All *monuments* shall be set at the head (most westerly 18”) of the grave or head center of a *plot* and shall be in a line designated by the *Town of Swan River* during office hours Monday to Friday from 8:30 a.m. – 4:30 p.m.
5. There shall be 12” in front of Monuments marker (Easterly) for property owner’s use from May 1st to October 15th. Memorial articles left at the grave site, including the 12” in front of the monument, after October 15th are subject to removal during fall cleanup.
6. a) Maximum monument dimensions (not including base) for a single grave are 42” wide and 24” high. Maximum base dimensions for a single grave are 44” wide and 10” high.
b) Maximum monument dimensions (not including base) for a double grave are 48” wide and 24” high. Maximum base dimensions for a double grave are 66” wide and 10” high.
7. Monuments with black headstones sitting on black bases must be installed with pins to prevent sliding movement.
8. Cremain *markers* may be inscribed on the original *monument* or shall consist of a flat *marker*, level and flush with the ground and be located at the head of the *grave* and touching the foundation of the *monument*.
9. For the protection of all *grave(s)* owners, any person or company erecting, cleaning, repairing or removing *monuments* or *markers* shall furnish the *Town of Swan River* with all the necessary information required by him or her.
10. All workmen employed on any work in the *cemetery* shall comply with all orders of the *Town of Swan River*.
11. Out of respect, all work of any description shall cease while a funeral or interment is being conducted nearby. All trucks and workmen shall withdraw to a reasonable distance from the location of the funeral service.

12. Each *monument* shall be set within a *concrete foundation* constructed under the direction of, and all specifications for the foundations furnished or approved by, the *Town of Swan River*.
13. The *concrete foundation* shall be a minimum of 4" thick and maintain an exposure of 3" on all sides of the *base*. The upper surface of the foundation shall be constructed flush to ground level and shall not project more than 3" from all sides of the *base* of the *monument*, to be erected thereon.
14. In the erection of *monuments*, the *Town of Swan River* shall in all cases, designate the place where the material to be used for the erection of such *monuments* is to be stored during the course of erection or excavation and all workmen moving any heavy materials over any paths or *graves* shall move same on planks or otherwise protect such path or lot from injury or damage
15. No *monument* or *marker* shall be erected on a Sunday or Statutory holiday and no work shall be permitted in connection with the erection, repairing or removing or cleaning of a *monument* or *marker* before sunrise or after sunset.

VARIOUS OFFENCES

Any person who

- (a) willfully destroys, mutilates, defaces, injures or removes any tomb, *monument*, *gravestone*, or other structure placed in a *cemetery*, or any fence, railing, or other work for protection or ornament of a *cemetery*, or of any tomb, *monument*, *gravestone*, or other structure aforesaid, or of any *cemetery* lot within a *cemetery*; or
- (b) willfully destroys, cuts, breaks, or injures any tree, shrub, or plant in a *cemetery*; or
- (c) plays at any game or sport in a *cemetery*; or
- (d) discharges firearms (excepting at military funerals) in a *cemetery*; or
- (e) willfully and unlawfully disturbs persons assembled for the purpose of burying a body therein; or
- (f) commits a nuisance in a *cemetery*;

is guilty of an offence and liable, on summary conviction, to a fine of not less than \$4.00, and not more than \$40.00 for each offence.

ACTION FOR DAMAGES

Any person who commits any of the offences specified above is liable to an action for damages or trespass in the name of the owner of the *cemetery* and is liable to pay all damages occasioned by the unlawful act or acts.

Schedule A

See current Town of Swan River fee schedule