



***CONSOLIDATED* BY-LAW NO. 2712/H&S/23**

WHEREAS pursuant to the Cities, Towns, and Villages Act, S.N.W.T.2003, C-22, and subsequent amendments thereto, which state:

AND WHEREAS the Council of the Town of Inuvik deems it desirable and necessary to establish a cemetery and determine the rules and regulations under which it is to be operated;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Town of Inuvik in Council duly assembled enacts as follows:

1. SHORT TITLE

1.1 This by-law may be cited as the “Cemetery By-law”.

2. DEFINITIONS

In this by-law, the following terms shall have the following meanings:

2.1 **“Adult”** means any person over the age of eighteen (18) years;

2.2 **“All-terrain Vehicle”** means a motorized vehicle that runs on wheels, tracks, skis, air cushions, or any combination of wheels, tracks, skis or air cushions and is designed for cross-country travel on land, water, snow, ice, marsh, swamp or other natural terrain and without limiting the generality of this definition, includes:

- a) an amphibious vehicle;
- b) a snow vehicle;
- c) a motorcycle with a motor that has a piston displacement of seventy-five (75) cubic centimeters or less;
- d) any other vehicle prescribed to be included but does not include any vehicle that weighs more than nine hundred (900) kilograms, or any other vehicle prescribed as an exception hereto.

2.3 **“Bicycle”** means a cycle having several wheels that are propelled by human power and on which a person may ride;

2.4 **“Body”** means the remains of a human corpse and includes cremated human ashes;

- 2.5 **“Burial Plot”** means a piece of ground set aside for the burial of human remains or cremated human ashes;
- 2.6 **“Burial Permit”** means a permit to bury, remove or otherwise dispose of a dead body;
- 2.7 **“Municipal Enforcement Officer”** means a person appointed by the Council of the Town of Inuvik to the position of By-law Enforcement Officer pursuant to the Cities, Towns, and Villages Act;
- 2.8 **“Cemetery”** means the area designated within the surveyed municipal boundaries, pursuant to Section 3, and which is owned, operated, and under the control of the Town of Inuvik;
- 2.9 **“Child”** means a person from three (3) to eighteen (18) years of age;
- 2.10 **“Coffin”** means a container in which human remains are buried;
- 2.11 **“Council”** means the Council of the Municipal Corporation of the Town of Inuvik.
- 2.12 **“Death”** means the death of a natural person and includes a stillbirth as defined in the Vital Statistics Act, SNWT 2011, C.34;
- 2.13 **“Director of Infrastructure”** means the person appointed by Council as the Director of Infrastructure and includes any person designated by the Director of Infrastructure to act on their behalf;
- 2.14 **“Infant”** means any person under the age of three (3) years;
- 2.15 **“Marker”** means a memorial of a temporary nature put in place to identify the name of the deceased;
- 2.16 **“Monument”** means a memorial of granite, marble, bronze or other material of a permanent nature which may be flush with the ground or project, or may be above ground identifying the deceased person in a particular burial plot;
- 2.17 **“Monument Permit”** means a permit to put a monument on a specified burial plot;
- 2.18 **“Motorcycle”** means a motor vehicle that:
- a) has two (2) or three (3) wheels;
 - b) is designed for use on a highway; and,
 - c) does not have a cab for the driver;
- 2.19 **“Motor Vehicle”** means a vehicle propelled or driven by power other than muscular power and includes a trailer, but does not include:
- a) an aircraft, a marine vehicle, or an all-terrain vehicle;
 - b) a device that runs or is designed to run exclusively on rails; or,

- c) a mechanically propelled wheelchair;
- 2.20 **“Officer”** means:
 - a) a Municipal Enforcement Officer, or;
 - b) a Peace Officer who is entitled by law to enforce the by-laws of the Town;
- 2.21 **“Local Resident”** means any person who currently resides in the Town of Inuvik at the time of death;
- 2.22 **“Canadian Resident”** means a resident of Canada with Canadian citizenship status;
- 2.23 **“Non-resident”** means a person without Canadian citizenship status;
- 2.24 **“Senior Administrative Officer”** means the person appointed by the Council of the Town of Inuvik as the Senior Administrative Officer pursuant to the Cities, Towns, and Villages Act, and includes any person designated by them to act on their behalf;
- 2.25 **“Town”** means the Municipal Corporation of the Town of Inuvik in the Northwest Territories;
- 2.26 **“Urn”** means a container in which human cremated ashes are buried; and,
- 2.27 **“Vehicle”** includes any vehicle designed to travel on land that is drawn, propelled, or driven by any kind of power, including muscular power, but does not include an all-terrain vehicle or a device that is designed to run on rails.

3. **CEMETERY**

- 3.1 Any burial of a human body or human cremated remains in the Town of Inuvik shall be buried in the cemetery as defined below:

The whole of Lot 1 in Group 1355 in the Town of Inuvik in the Northwest Territories according to a plan of survey filed in the Land Titles Office under the number 191.
- 3.2 Any burial in the cemetery shall be done in accordance with the provisions of this by-law which shall be enforced by the Senior Administrative Officer or their designate.
- 3.3 Plots shall have the following uniform dimensions:
 - a) infant plots shall be one (1) metre wide by one point five (1.5) metres long;
 - b) child and adult plots shall be one point five (1.5) metres wide by three (3) metres long; and,

- c) plots for cremated remains shall be one (1) metre wide by one (1) metre long.

Plots shall be dug to a minimum depth of:

- a) two (2) metres for the burial of human remains; and,
- b) one (1) metre for the burial of cremated remains.

- 3.4 The spouse or an immediate family member of the deceased may request permission from the Town of Inuvik to arrange for the opening and closing of the grave as part of their grieving process. Such a request will be at the sole cost of the bereaved spouse or immediate family member making the request and will be subject to them signing a waiver on a form established by the Town.
- 3.5 Plots shall only be used for the exclusive purpose of interment of human bodies or cremated human remains.
- 3.6 A Coffin or Urn shall fit within the dimensions of a single respective plot.
- 3.7 Except for plots reserved in accordance with section 3.8, plots shall be used consecutively by order of Plot and Block number, as identified on the cemetery map maintained by the Town.
- 3.8 A person determined by the Town to be an eligible local person, in accordance with eligibility criteria established by the Town, may reserve a family burial plot of one or more graves by submitting a burial plot reservation application on a form established by the Town and paying the applicable plot reservation fee prescribed in Fees and Charges Policy FM.021. Reserved burial plots shall be marked as "RESERVED" on the cemetery map.
- 3.9 Plots reserved before the death of the person(s) whose body or bodies are to be interred therein, shall not be transferred, or sold to any other person or persons, except to resell back to the Town of Inuvik for the same price paid by the original purchaser.
- 3.10 Town Council hereby:
 - a) delegates to the Senior Administrative Officer or designate the power to prescribe where burial plots are to be located; and
 - b) directs that the Senior Administrative Officer or designate keep and maintain a record of such locations, which shall be open to public inspection during normal business hours.

4. INTERMENTS, DISINTERMENT'S, AND REINTERMENTS

- 4.1 Fees for burials, disinterment's, and reinterments are set out in the Fees and Charges Policy FM.021 as amended.

- 4.2 Plots shall be dug, and disinterment or reinterments shall only be made by authorized Town employees or contractors (except as outlined in section 3.4 above).
- 4.3 Notice for the preparation of a Plot must be given to the Town at least seventy-two (72) regular working hours prior to the time set for the burial. Saturday, Sunday, and statutory or declared holidays are not classified as regular working hours.
- 4.4 Burial Permits may be obtained from the Senior Administrative Officer or their designate.
- 4.5 Prior to the burial of human or cremated remains, the following information shall be provided to the Town in the format of a Cremation or Burial Permit:
 - a) name of deceased;
 - b) place of death;
 - c) date of death;
 - d) age of deceased;
 - e) gender of deceased; and,
 - f) name, mailing address and telephone number of next of kin.
- 4.6 Interment, disinterment, or reinterment fees shall be charged for each burial or disinterment applied for
- 4.7 The Director of Infrastructure or their designate, shall maintain a cemetery registry containing the following information for each Plot:
 - a) distinct identification number to locate each interment site;
 - b) reserved plots;
 - c) burials:
 - d) date of burial;
 - e) name of deceased;
 - f) age and gender;
 - g) name, mailing address and telephone number of next of kin; and,
 - h) reinterments or disinterment's (i.e. where a body is to be reinterred or disinterred and the date).
- 4.8 Only one (1) full-sized child or adult coffin shall be buried in any Plot at any time.
- 4.9 Upon receipt of prior written permission from the Director of Infrastructure or their designate, the cremated remains may be interred along with another deceased person in a single grave.
- 4.10 No interment or disinterment shall be permitted in the cemetery unless the information required by the appropriate ordinances or regulations has been submitted to the Senior Administrative Officer.

5. MARKERS AND MONUMENTS

- 5.1 At the time of interment, a temporary Marker or Monument shall be in place which marks the location of the grave and identifies the name of the deceased.
- 5.2 Temporary Markers or Monuments shall be erected immediately following interment by the family of the deceased, executor of the estate, or by another person so designated by the family of the deceased, funeral home or executor of the estate.
- 5.3 All Markers or Monuments shall be placed in line at the head of the burial plot.
- 5.4 Foundations are required for all Monuments.
- 5.5 Only one (1) Monument per Plot is permitted unless prior written permission is first obtained from the Director of Infrastructure or their designate.
- 5.6 Foundations and Monuments shall be confined within the boundary of the approved Plot.
- 5.7 Foundations and Monuments shall not disturb adjacent plots or landscaping.
- 5.8 Monuments shall be erected from June 1 to October 31, or such other time as may be granted in writing by the Director of Infrastructure, or their designate.
- 5.9 The Town reserves the right to remove any Marker, Monument, or inscription which, in the opinion of the Senior Administrative Officer, or designate, is improper, offensive, or deemed as unsightly in appearance due to neglect and age.
- 5.10 All costs of construction, erection, and installation of any foundation, Marker, or Monument shall be the responsibility of the family of the deceased, executor of the estate, or of another person so designated by the family of the deceased, funeral home or executor of the estate.
- 5.11 In circumstances where interment costs are the responsibility of the Government of the Northwest Territories, Department of Health and Social Services, the Department shall ensure that a foundation, Marker, or Monument is erected.
- 5.12 Where the bereaved family or the Department of Health and Social Services does not erect a foundation, Marker, or Monument, the Town of Inuvik shall do so and the cost for same shall be invoiced to the bereaved family or the Department of Health and Social Services.
- 5.13 No work shall be done upon any Monument or Marker, nor shall any Monument or Marker be removed from any grave or Plot without the prior consent of the Senior Administrative Officer or designate.

6. MAINTENANCE

- 6.1 Perpetual Care of the Cemetery shall be provided by the Town of Inuvik. This includes the right to landscape any part of the Cemetery and includes grading; sodding; mowing; and placement of flowers, trees, shrubs, or other plants.
- 6.2 The Town may remove any stand, holder, or other receptacles for flowers or plants which, in the opinion of the Director of Infrastructure, are unsuitable for such a purpose or unsightly in appearance.
- 6.3 The Town may remove any withered flowers or wreaths from Plots.
- 6.4 Only the Town of Inuvik shall have the right to level, grade, sow grass upon, repair, maintain and otherwise care for all Plots, and shall have the right to plant and remove trees in any part of the Cemetery unless prior consent has been obtained from the Senior Administrative Officer or their designate.
- 6.5 All earth, debris, and rubbish arising or resulting from work done on any Plot by, or on behalf of the owner of the Plot, must be immediately cleaned up and removed from the Cemetery.

7. GENERAL

- 7.1 No person shall walk, jump, run, or ride across upon graves; pick flowers; break or damage trees, plants, or shrubs; or damage or deface any Plot, Marker, Monument, or grave.
- 7.2 No person shall disturb the quiet of the Cemetery or persons assembled there to conduct a burial ceremony or be with their deceased friends and/or family.
- 7.3 No form of advertising materials shall be placed or displayed within the boundaries of the Cemetery.
- 7.4 No person shall canvass for orders, conduct business, or distribute business cards within the boundaries of the Cemetery.
- 7.5 No person shall enter the Cemetery carrying a firearm or discharge a firearm within the boundaries of the Cemetery unless such person is a By-law Enforcement Officer or is participating in a military funeral.
- 7.6 Animal(s) brought into the Cemetery must be always on a leash and under the control of their handler. The handler will be responsible for ensuring that the animal(s) do not urinate or defecate on any graves, Monuments, or Markers,
- 7.7 The handler will be responsible for picking up any animal feces deposited by animals brought into the cemetery by them and disposing of the feces in a proper disposal container.

- 7.8 No all-terrain vehicles, bicycles, vehicles, motorcycles, or motor vehicles will be driven within the Cemetery except upon designated roadways.
- 7.9 Vehicles or equipment necessary for the operation and maintenance of the Cemetery or burial of persons are exempted from this provision.
- 7.10 Any person(s) found damaging, defacing, or demolishing any cemetery burial plot(s), marker(s), monument(s), or signage will be subject to the specified penalty for the offense as listed in Schedule A attached to and forming part of this by-law and payment of any of all costs involved to restore or replace any damaged burial plot site(s), burial plot(s), marker(s), monument(s) or signage to its original state.
- 7.11 The Town, its agents, or its employees shall not be responsible for any injury resulting to any person who enters the Cemetery, or for any damage to any Burial Plot, marker, monument, or other structure located within the Cemetery, unless such injury or damage is shown to be caused by the negligence of the Town, its agents, or employees.

8. OFFENSES

- 8.1 Every person who contravenes any provision of this by-law is guilty of an offense and is liable upon Summary Conviction (if a fine is not otherwise specified in Schedule A attached to and forming part of this by-law) to:
- a) for a person, to a fine not exceeding two thousand dollars (\$2,000.00), or to imprisonment for a term not exceeding six (6) months, or to both;
 - b) for a corporation, to a fine not exceeding ten thousand dollars (\$10,000.00), or to imprisonment for a term not exceeding six (6) months, or to both.
- 8.2 An Officer may issue a Summary Offence Ticket in the form prescribed by the *Summary Convictions Procedures Act* to any person who contravenes any provision of this by-law, and such person may, in lieu of prosecution, pay the Town of Inuvik the specified penalty for the offense as listed in Schedule A attached to and forming part of this by-law, prior to the court date specified on the ticket.

9. SEVERABILITY

- 9.1 If any provision or part of a provision of this by-law is declared by a court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative circumstances, the balance of the by-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

10. REPEALS

10.1 By-Law 2047/H&S/02 is hereby repealed.

11. EFFECT

11.1 This by-law shall come into effect upon the day of its final passage.

This consolidation is prepared for convenience only. The official record of this by-law is the original signed and sealed version, together with any amendments duly passed by Council. In the event of a discrepancy, the official record shall prevail.

Consolidated with:

2772/H&S/26