A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO ESTABLISH AND OPERATE A CEMETERY

WHEREAS pursuant to Section 103 of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c. C-8, and subsequent amendments thereto, which state:

- 103. A Council may, by by-law,
 - (a) provide for the establishment and operation of cemeteries; and,
 - (b) regulate the disposal of the dead.

AND WHEREAS the Council of the Municipal Corporation 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:

1.0 SHORT TITLE

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

2.0 INTERPRETATION

- 2.1 In this by-law:
- (a) "Adult" means any person over the age of eighteen (18) years;
- (b) "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:
 - i. an amphibious vehicle;
 - ii. a snow vehicle;
 - iii. a motorized vehicle mounted on three (3) wheels;
 - iv. a pedal bicycle with motor attachment; and,
 - v. any other vehicle prescribed to be included;

but does not include any vehicle that weighs more than 900 kg or any other vehicle prescribed as an exception to this definition;

- (c) "Bicycle" means a cycle having a number of wheels that is propelled by human power and on which a person may ride;
- (d) "Body" means the remains of a human corpse and includes cremated human ashes;
- (e) "Burial Plot" means a piece of ground set aside for the burial of human remains or cremated human ashes;
- (f) "Burial Permit" means a permit to bury, remove or otherwise dispose of a dead body;

INTERPRETATION (cont'd)

- (g) "By-law Enforcement Officer" means a person appointed by the Council of the Town of Inuvik to the position of By-law Enforcement Officer pursuant to section 171 of the Cities, Towns and Villages Act, R.S.N.W.T. 1988, c. C-8, and includes a Peace Officer;
- (h) "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;
- (i) "Child" means a person from three (3) to eighteen (18) years of age;
- (i) "Coffin" means a container in which human remains are buried;
- (k) "Death" means the death of a natural person and includes a stillbirth as defined in the Vital Statistics Act, R.S.N.W.T. 1988, c. V-3;
- (I) "Director of Public Services" means the person appointed by the Council of the Town of Inuvik as the Director of Public Services, and includes any person designated by him/her to act on his/her behalf;
- (m) "Infant" means any person under the age of three (3) years;
- (n) "Marker" means a memorial of a temporary nature put in place to identify the name of the deceased:
- (o) "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;
- (p) "Monument Permit" means a permit to put a monument on a specified burial plot;
- (q) "Motorcycle" means a motor vehicle that:
 - i. has two (2) or three (3) wheels;
 - ii. is designed for use on a highway; and,
 - iii. does not have a cab for the driver;
- (r) "Motor Vehicle" means a vehicle propelled or driven by power other than muscular power and includes a trailer, but does not include:
 - i. an aircraft, a marine vehicle or an all-terrain vehicle;
 - ii. a device that runs or is designed to run exclusively on rails; or,
 - iii. a mechanically propelled wheelchair;
- (s) "Peace Officer" means:
 - a member of the Royal Canadian Mounted Police;
 - ii. a by-law officer in respect of an offence under a municipal by-law; or,
 - iii. a person prescribed as a peace officer or one of a class of persons prescribed as peace officers;
- (t) "Local Resident" means any person who currently resides in the Town of Inuvik at the time of death;
- (u) "Canadian Resident" means a resident of Canada with Canadian citizenship status;

INTERPRETATION (cont'd)

- (v) "Non-resident" means a person without Canadian citizenship status:
- (w) "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 him/her to act on his/her behalf:
- (x) "Town" means the municipal corporation of the Town of Inuvik in the Northwest Territories;
- (y) "Urn" means a container in which human cremated ashes are buried; and,
- (z) "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 allterrain vehicle or a device that is designed to run on rails.

3.0 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 bylaw which shall be enforced by the Senior Administrative Officer or his or her designate.
- 3.3 (a) Plots shall have the following uniform dimensions:
 - (i) infant plots shall be one (1) metre wide by one point five (1.5) metres long;
 - (ii) child and adult plots shall be one point five (1.5) metres wide by three (3) metres long; and,
 - (iii) plots for cremated remains shall be one (1) metre wide by one (1) metre long.
 - (b) Plots shall be dug to a minimum depth of:
 - (i) two (2) metres for the burial of human remains; and,
 - (ii) 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 the prescribed waiver form attached as **Schedule "A"** and forming part of this by-law.
- 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 Plots shall be used consecutively by order of Plot and Block number as identified in **Schedule "C-1"** attached to and forming part of this by-law.

CEMETERY (cont'd)

- 3.8 Family plots of one or more graves may be reserved by submission of a Burial Plot Reservation Permit (see **Schedule "C-2"**), and upon payment in full of the fee prescribed in **Schedule "B"** attached to and forming part of this by-law. Reserved Plots shall not be subject to any increases in burial fees and 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.

4.0 INTERMENTS, DISINTERMENTS AND REINTERMENTS

- 4.1 The fees for burials, disinterments and reinterments are set out in **Schedule "B"** attached to and forming part of this by-law.
- 4.2 Plots shall be dug and disinterments 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 forty-eight (48) 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 his/her 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, in accordance with **Schedule "B"** attached to and forming part of this by-law, which may be amended from time to time by Council resolution.
- 4.7 The Director of Public Services or his or her 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:
 - (i) date of burial;
 - (ii) name of deceased;
 - (iii) age and gender;
 - (d) name, mailing address and telephone number of next of kin; and,
 - (e) reinterments or disinterments (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 Public Services or his or her designate, the cremated remains may be interred along with another deceased person in a single grave.

INTERMENTS, DISINTERMENTS AND REINTERMENTS (cont'd)

4.10 No interment or disinterment shall be permitted in the cemetery unless the information required by the appropriate ordinances or regulations have been submitted to the Senior Administrative Officer.

5.0 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 (a) 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.
 - (b) Temporary Markers or Monuments shall be replaced by a permanent Marker or Monument during the second year following the date of interment, or such other time as may be deemed appropriate by the Director of Public Services, or his or her designate.
- 5.3 Prior to erecting a permanent Marker or Monument on a Plot, written permission shall be obtained from the Town. A sketch of the proposed Monument shall accompany the written application.
- 5.4 All Markers or Monuments shall be placed in line at the head of the Plot.
- 5.5 Foundations are required for all Monuments.
- 5.6 Only one (1) Monument per Plot is permitted unless prior written permission is first obtained from the Director of Public Services, or his or her designate.
- 5.7 Foundations and Monuments shall be confined within the boundary of the approved Plot.
- 5.8 Foundations and Monuments shall not disturb adjacent plots or landscaping.
- 5.9 Monuments shall be erected from June 1 to October 31, or such other time as may be granted in writing by the Director of Public Services, or his or her designate.
- 5.10 The Town reserves the right to remove any Marker, Monument or inscription which, in the opinion of the Senior Administrative Officer, or his or her designate, is improper, offensive, or deemed as unsightly in appearance due to neglect and age.
- 5.11 (a) All cost 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.
 - (b) 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.
 - (c) 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.

MARKERS AND MONUMENTS (cont'd)

(d) 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 his/her designate.

6.0 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 receptacle for flowers or plants which, in the opinion of the Director of Public Services, are unsuitable for such a purpose or unsightly in appearance.
- 6.3 The Town may remove any withered flowers or wreaths from Plots.
- 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 his/her 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.

7.0 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 on a leash at all times and under 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, and for picking up any animal faeces deposited, and dispose of them outside of the boundaries of the Cemetery.
- 7.7 No all-terrain vehicles, bicycles, vehicles, motorcycles or motor vehicles will be driven within the Cemetery except upon designated roadways.

NOTE: Vehicles or equipment necessary for the operation and maintenance of the Cemetery or burial of persons are exempted from this provision.

GENERAL (cont'd)

- 7.8 Any person(s) found damaging, defacing or demolishing any Cemetery grave(s), Marker(s), Monument(s), or signage will be subject to a one thousand dollar (\$1,000.00) fine being levied and payment of any and all costs involved to restore or replace any damaged grave site(s), graves, Markers or Monuments or signage to its original state.
- 7.9 The Town, its agents or 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.
- 7.10 Every person who contravenes any provision of this by-law is guilty of an offence and is liable upon Summary Conviction (if a fine is not otherwise specified in **Schedule "D"** of the by-law) to:
 - a. for the first and each subsequent offence:
 - i. 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;
 - ii. 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;
- 7.11 In addition to any fine that may be levied, the court, subject to its jurisdiction, may order a person convicted of an offence under this by-law:
 - to pay any fee or charge that may otherwise be payable by the person to the Town in respect of any licence or permit that should have been obtained by the person; and,
 - ii. to do or refrain from doing any activity that the court may specify.
- 7.12 The By-law Enforcement Officer or his/her designate 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 voluntary penalty for the offence as listed in **Schedule "D"** attached to and forming part of this by-law, prior to the court date specified on the ticket.
- 7.13 Where a person does not act lawfully as required under this by-law, the council may direct that the act be done by the municipal corporation at the expense of the person in default.
- 7.16 By-laws #1772/H&S/00 and #1773/H&S/00 are hereby repealed. This by-law supersedes any previous cemetery by-laws or regulations in effect.

READ A FIRST TIME THIS 14TH DAY OF AUGUST, 2002 A.D.

READ A SECOND TIME THIS $\underline{14^{TH}}$ DAY OF \underline{AUGUST} , 2002 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 11TH DAY OF <u>SEPTEMBER</u>, 2002 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

SCHEDULE "A"

WAIVER FORM GRAVE OPENING AND CLOSING BY-LAW #2047/H&S/02

'1	Name	, orAdd	ress	
Phone	Home	Work	 Fax	
ь.				
Do he	reby apply to open grave # _	in the Tow	n of Inuvik's cemetery.	
1.	I will follow all instructions of the Town of Inuvik in opening and closing the grave.			
2.	I understand that the total costs for the grave opening and closing are the responsibility of the deceased's spouse and/or immediate family.			
3.	I will only use qualified operators for any heavy equipment used to open or close the grave site. I agree to provide the Town of Inuvik with proof of the qualifications of the heavy equipment operator(s) request to undertake the grave opening and closing on my behalf.			
4.	I will only take responsible s surrounding graves. I shall that the opening and closing damage to the cemetery or	follow any requirement g of the grave causes	ents of the Town of Inuvik	
5.	I agree to indemnify the Town of Inuvik for any expenses, claims, damages, or other costs (including legal costs on a solicitor and client basis) for any claim arising from any damage or alleged damage caused by me or any person acting on my behalf while opening or closing the grave.			
7.	I agree that the Town of Inu (including death) I or anyon grave.			
DATE	D at the Town of Inuvik in the	Northwest Territorie	es this	_ day of
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SCHEDULE "B"

FEES BY-LAW #2047/H&S/02

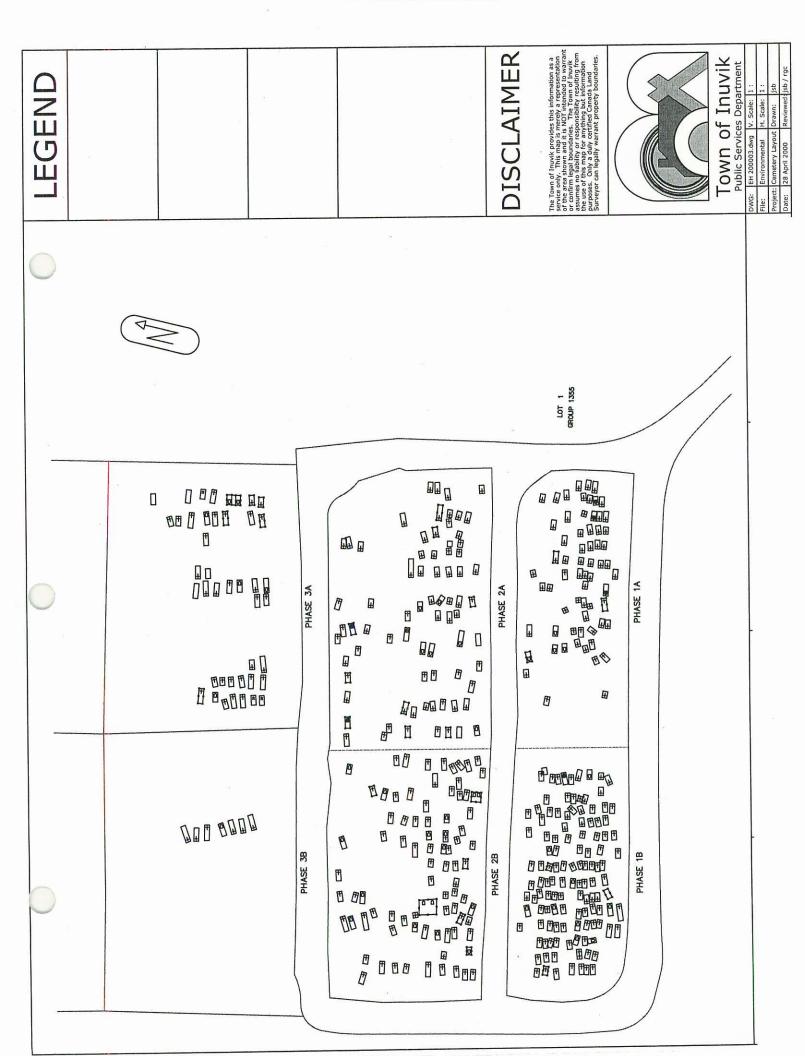
32 0	LOCAL RESIDENT	DISINTERMENTS REINTERMENTS	CANADIAN RESIDENT	NON-RESIDENT
Infant	n/a	\$1,500.00 + GST	\$1,500.00 + GST	\$11,500.00 + GST
Child & Adult	n/a	\$3,000.00 + GST	\$3,000.00 + GST	\$13,000.00 + GST

NOTE:

Special rates apply to Saturdays, Sundays and holidays. Supplementary rates are determined by the actual labour hours and labour rates to complete the Interment.

SCHEDULE "C-1"

CEMETERY MAP BY-LAW #2047/H&S/02



SCHEDULE "C-2"

BURIAL PLOT RESERVATION PERMIT

BY-LAW #2047/H&S/02

Plot Reserv	red for:	en en familie		
Name				
Mailing Add	ress			
Phone: F	lome	Work	Fax	
Contact Pe	rson for the Above:			
Name	1			
Mailing Add	ress			
Phone: F	lome	Work	Fax	
Plot Reserv	red:	*		
Row:	Plot		Grave:	
I,	lame	, of	Address	
Phone:				
8	Home	Work	Fax	
have reques	ted the reservation of	the above plot for _	NAME OF DECEASED	
	<u> </u>			
SIGNATURE - V	VITNESS			
SIGNATURE - 1	TOWN OF INUVIK		, H	
	te of Reservation:			
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Da	te of Reservation:			

SCHEDULE "D"

VOLUNTARY PENALTIES BY-LAW #2047/H&S/02

OFFENCE	SECTION	PENALTY
Failure to erect a marker or monument	5.1 5.2	\$100.00
Failure to clean up debris or rubbish	6.5	\$100.00
Defacing any plot, marker or monument	7.8	\$1,000.00
Disturbing the quiet of the cemetery	7.2	\$100.00
Advertising or conducting business within the cemetery	7.3	\$100.00
Unleashed animal(s) or animal faeces	7.6	\$100.00
Vehicles in non-designated areas	7.7	\$100.00
Destroying or defacing flowers, trees, shrubs or plants	7.1	\$250.00
Carrying a firearm into the cemetery	7.5	\$100.00

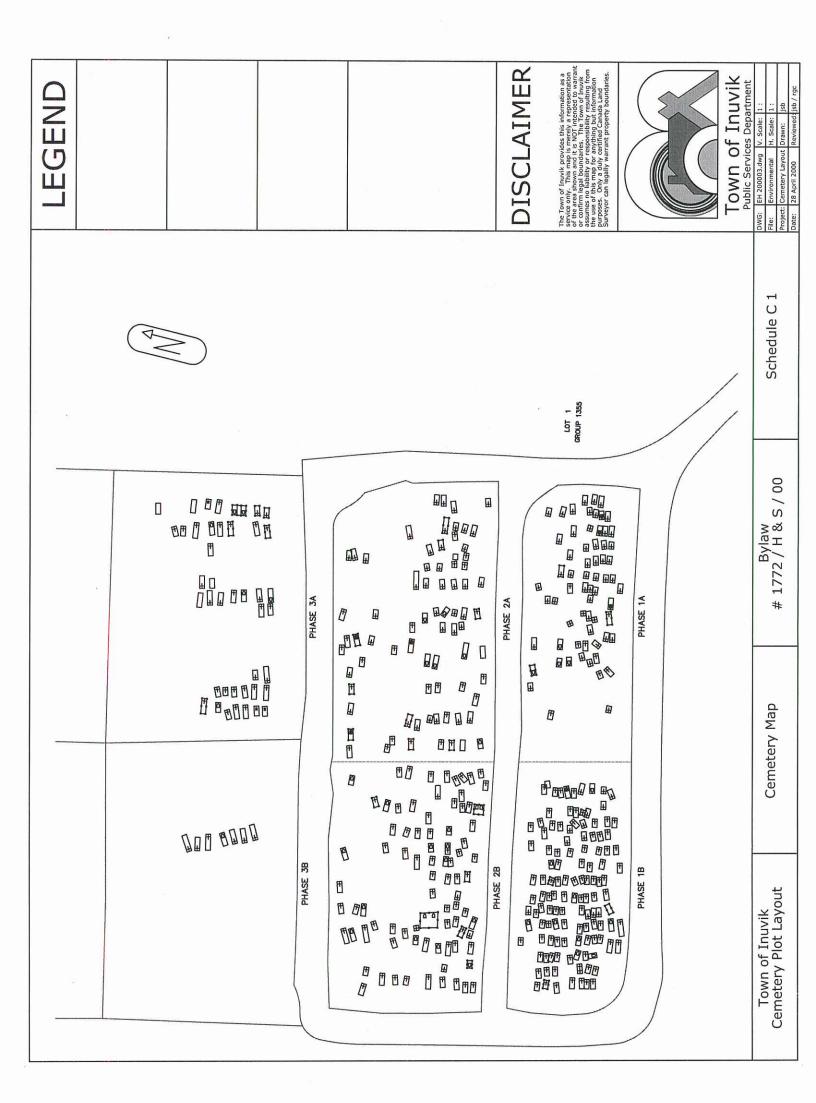
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LEGEND		The Town of Inturk provides this information as a service and of the annity in the metry a representation of or confirm legal boundaries. The Town of Town of Town of Inturk the use of this map for anything but information purposes. Only a duly certified Canada Land Surveyor can legally warrant property boundaries. Town of Inturking During Confirm of Inturking the University Confirm of Inturking the University Confirm of Inturking Confirm of Intu	DWG: EH 200003.4Wg V. Scale: 1: File: Environmental H. Scale: 1: Project: Cemetery Layout Drawn: jsb Date: 28 April 2000 Reviewed.jsb / rgc
		LOT 1 GROUP 1335	Schedule C 1
		HASE 3A PHASE 2A PHASE 1A PHASE 1A PHASE 1A	Bylaw # 1772 / H & S / 00
			Cemetery Map
	I I		Town of Inuvik Cemetery Plot Layout

SCHEDULE " C - 1"

CEMETERY MAP

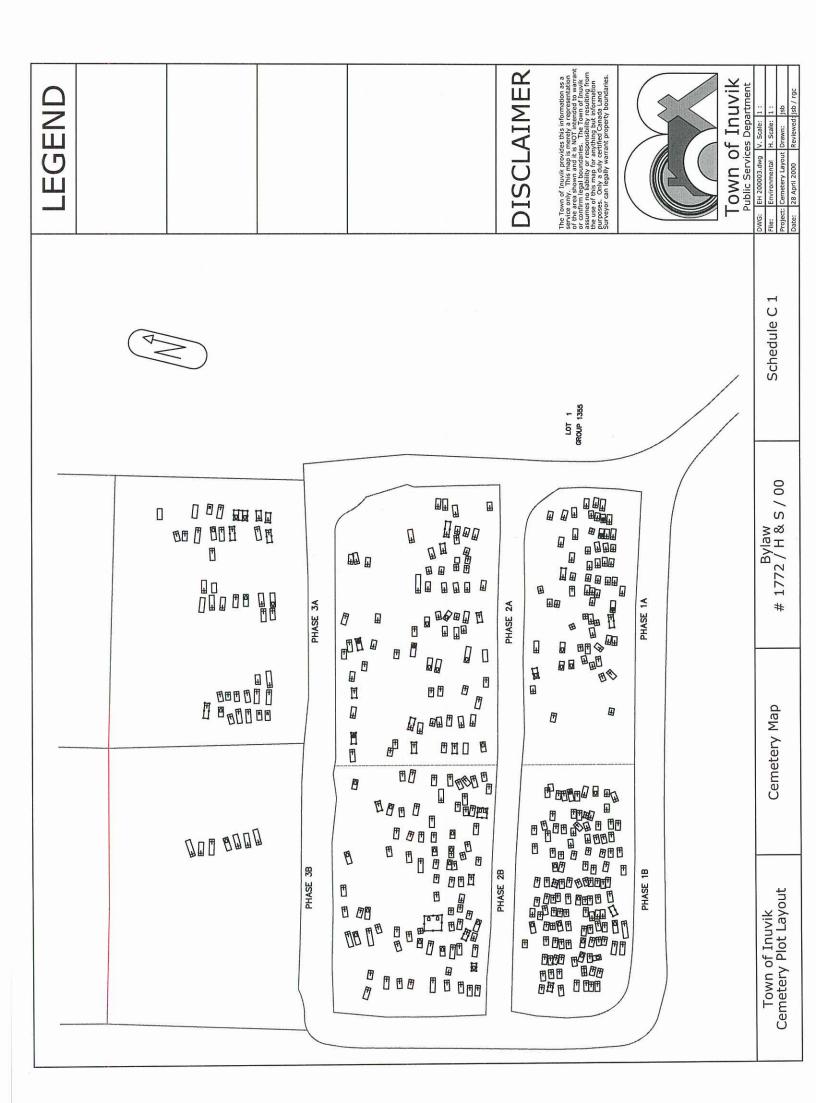
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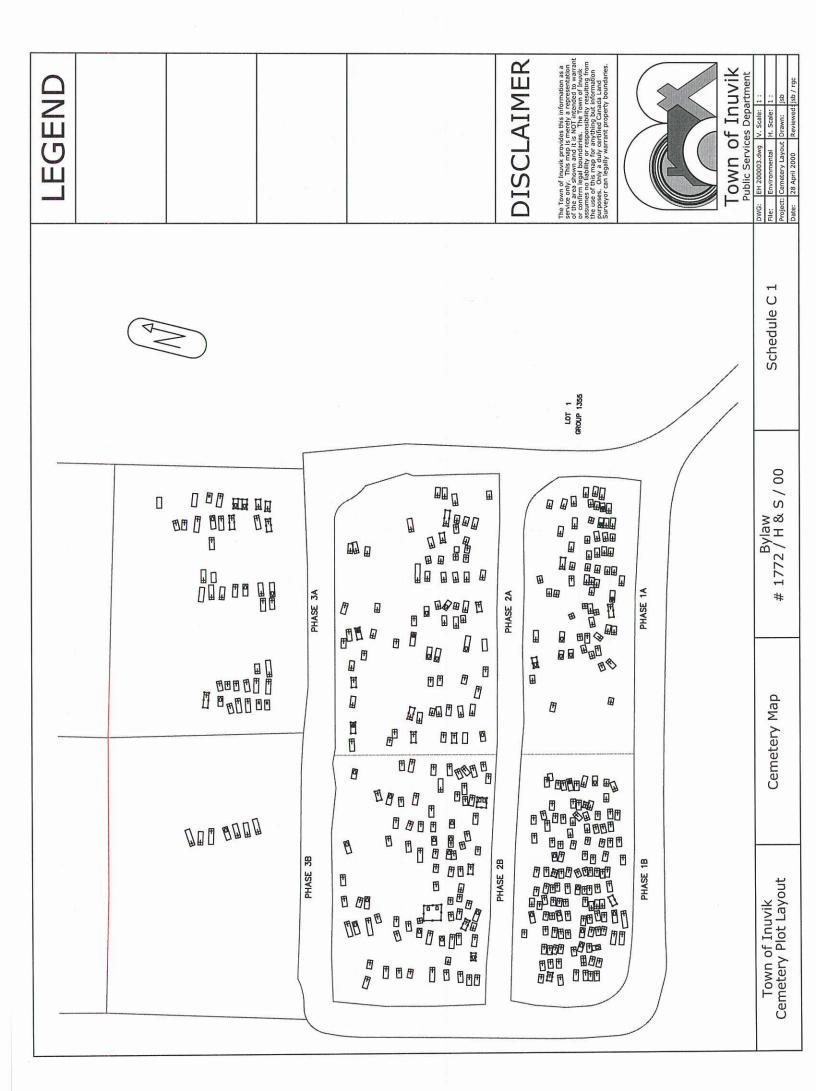


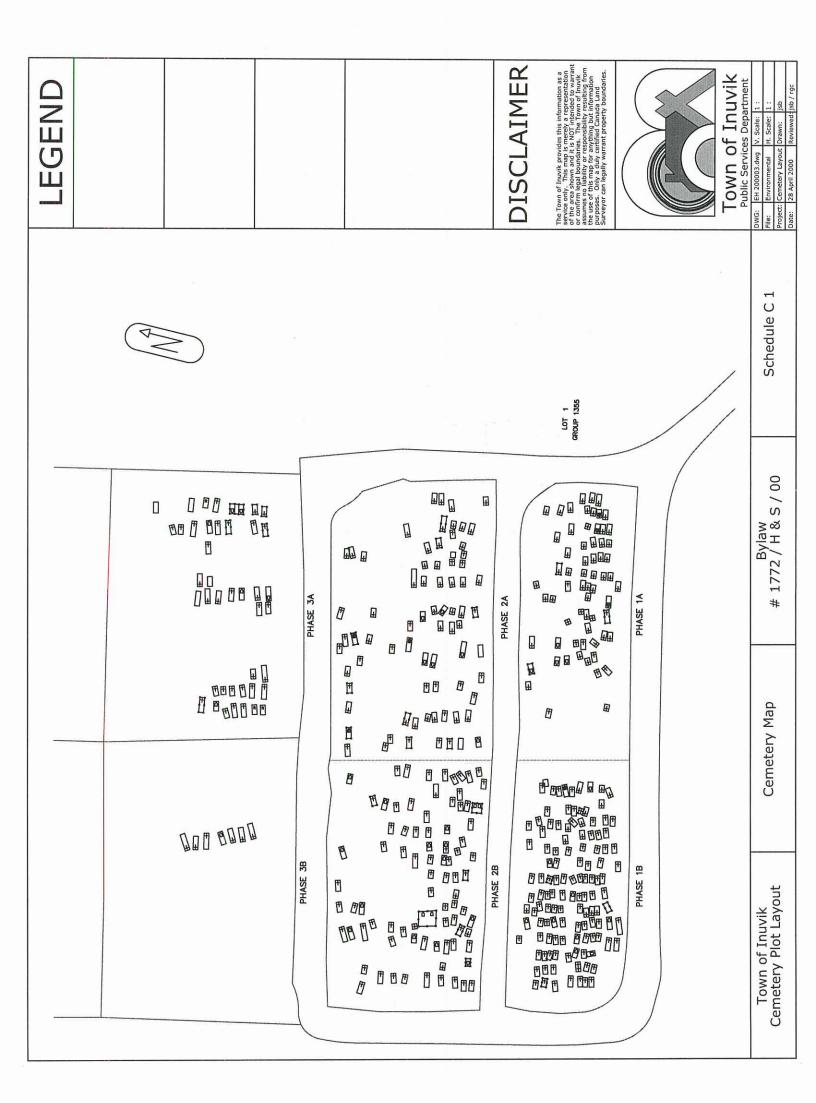
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CEMETERY MAP

BYLAW # 1772 / H & S / 00



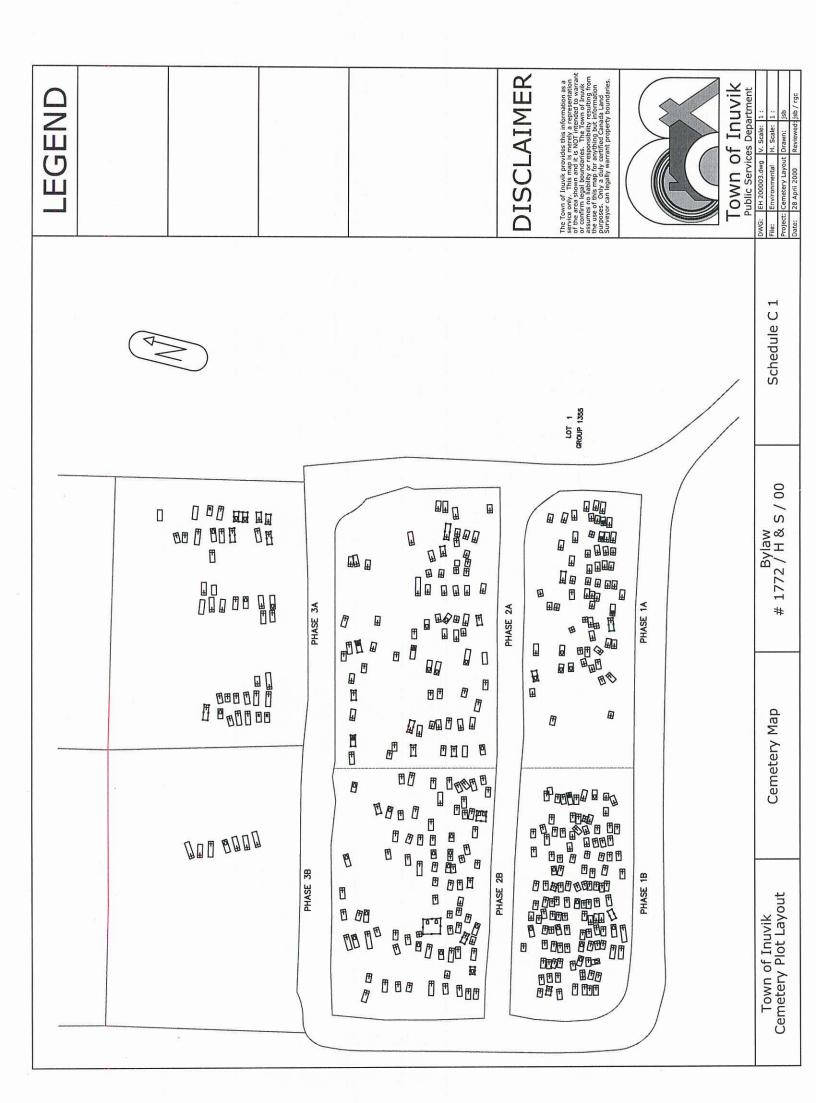


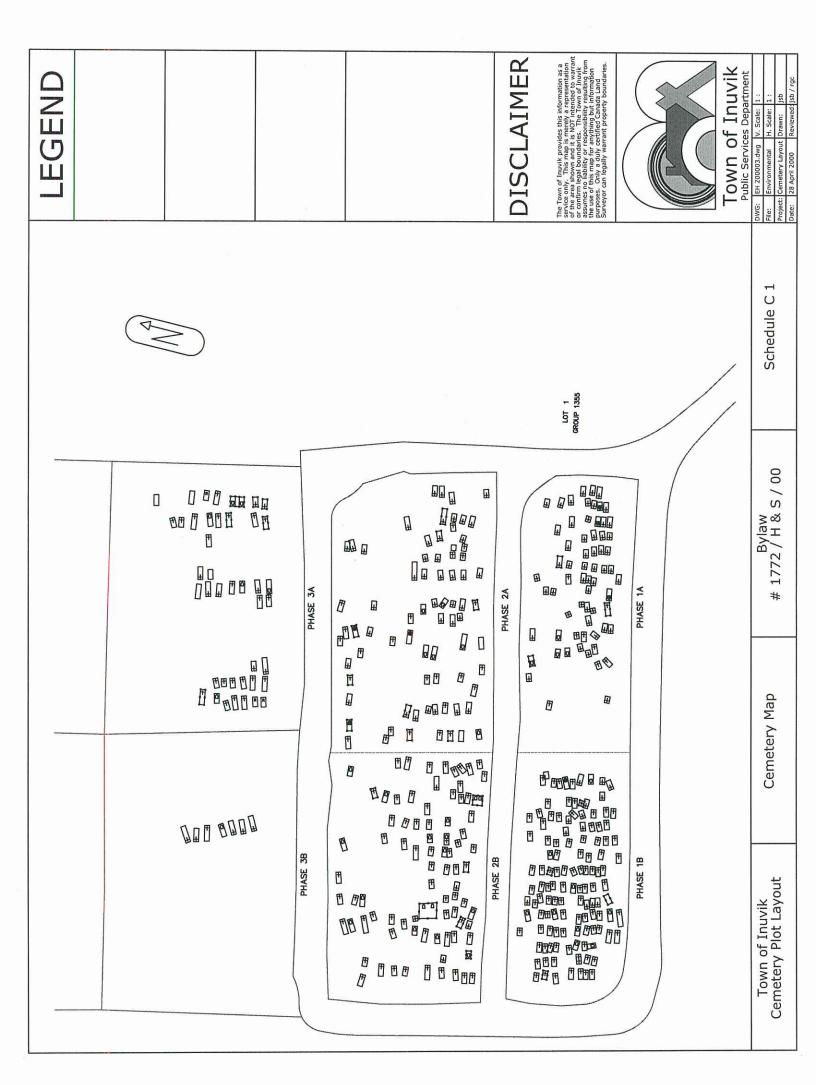


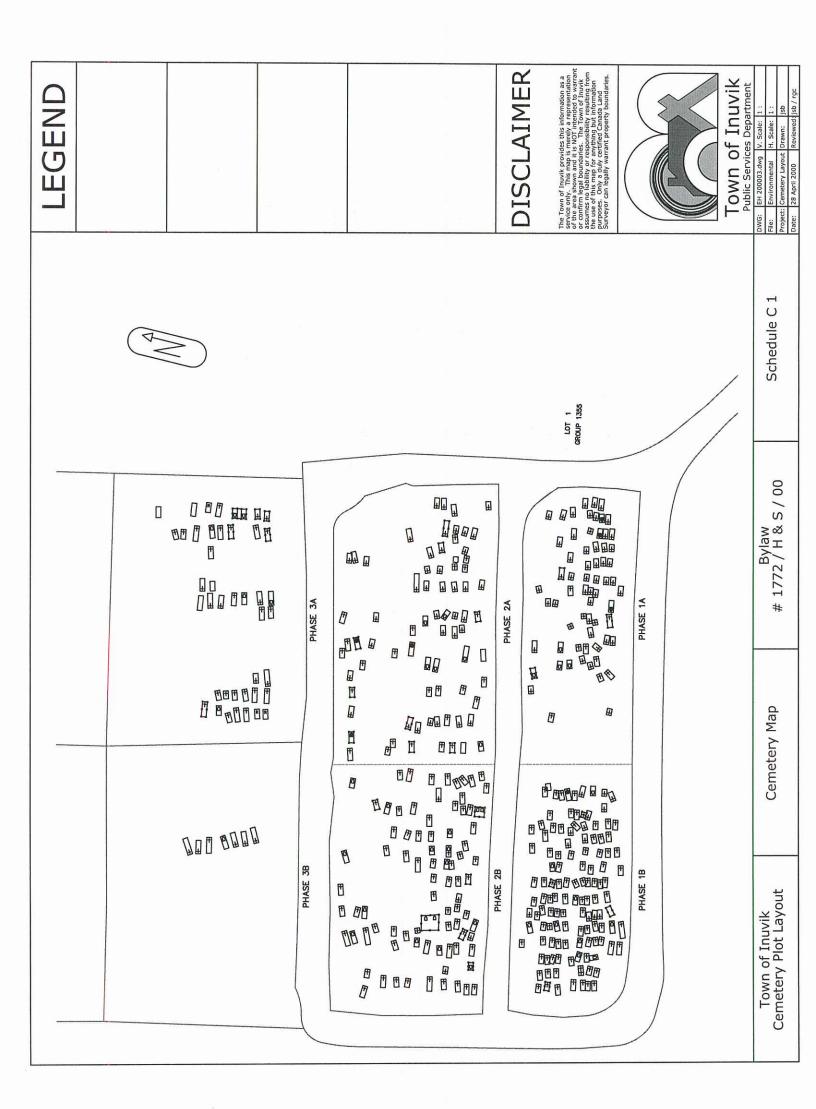
SCHEDULE " C - 1"

CEMETERY MAP

BYLAW # 1772 / H & S / 00







LEGEND	DISCLAIMER The Town of Involk provides this information as a service only. This map is reserved to representation of confirme leasurement and the supersentation of confirme leasurement and seasons beling very especially of the use of this map for anything but information purposes. Only a duly certified Canada Land Surveyor can legally warrant property boundaries. Town of Inuvik	DWG: EH 200003.40g V. Scale: 1 :
	Lor 1 GROUP 1385	Schedule C 1
	PHASE 3A PHASE 3A PHASE 1A PHASE 1A PHASE 1A	Bylaw # 1772 / H & S / 00
		Cemetery Map
		Town of Inuvik Cemetery Plot Layout

