

THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER

BY-LAW NO. 2186/GEN/16

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BEING A BY-LAW of the Town of Hay River, for the regulation and control of the cemetery and columbarium in the Town of Hay River, in the Northwest Territories, pursuant to the Cities, Towns and Villages Act, SNWT, 2003, C. 22, S.70;

WHEREAS the Council of the Municipal Corporation of the Town of Hay River deems it to be in the public interest to provide for regulation and control of the cemetery and columbarium in the Town of Hay River.

NOW THEREFORE, the Council of the Town of Hay River, in session duly assembled, enacts as follows:

- That Schedule "B" of By-law No. 2186/GEN/11 "Schedule of Fees" is hereby repealed in its entirety and replaced by Schedule "B" attached to and forming part of the by-law.

SHORT TITLE

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

PART 1 - DEFINITIONS

2. In this by-law:

"burial permit"	means a permit to bury, cremate, remove or otherwise dispose of a deceased person (human remains);
"cemetery"	means the Hay River Riverside Cemetery in the Town of Hay River as identified in Schedule A of this by-law;
"columbarium"	means a structure designed for storing cremated remains;
"town"	means Municipal Corporation of the Town of Hay River;
"coffin"	mean a box in which human remains are buried;
"urn"	means a container manufactured for the express purpose of containing cremated remains;
"infant"	means a child from birth to the age of two (2) years;
"child"	means a child from the age of three (3) years old to eighteen (18) years old;
"adult"	means an individual from the age of nineteen (19) years and older;
"plot"	means a piece of ground set aside for the burial of human remains;

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"niche"	means a recessed space in a columbarium used or intended to be used for the interment of cremated remains;
"monument"	means a memorial of stone or other material which projects above the ground;
"officer"	means a person who is appointed in accordance with the <i>Cities, Towns and Villages Act</i> as a By-law Officer to enforce the by-laws of the Town of Hay River and any Peace Officer who is entitled by law to enforce the by-laws of the Town of Hay River;
"Senior Administrative Officer"	means the senior administrative officer of a municipal corporation appointed pursuant to the <i>Cities, Towns and Villages Acts</i> , R.S.N.W.T. 2003, c. C-8, or designate.

PART 2 - CEMETERY

3. i) Any burial of a human body or human, cremated remains in the municipality of Hay River shall be buried in the Hay River Riverside Cemetery as defined below:

The whole of Lot 2, in the Town of Hay River in the Northwest Territories according to a Plan of survey filed in the Land Titles Office under the number 125.

ii) 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 his or her designate.

iii) 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.

iv) 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.

v) Plots shall only be used for the exclusive purpose of interment of human bodies or cremated human remains.

vi) A coffin or urn shall fit within the dimension of a single respective plot.

vii) Plots shall be used consecutively by order of Plot and Block number as

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identified in (Schedule A) attached to and forming part of this by-law.

viii) Family plots of one or more graves may be reserved by submission of a Burial Plot Reservation Permit (see Schedule B) and upon payment in full of the fee prescribed in Fees and Charges Bylaw No. 2431, as amended or replaced from time to time. Reserved Plots shall not be subject to any increases in burial fees for ten years following the date of reservation and shall be marked as "RESERVED" on the cemetery map. Burial fees shall be the fee in effect at the time of reservation for a period of 10 years from the reservation date. Thereafter, burial fees will be charged at the rate prescribed by the Fees and Charges Bylaw No. 2431, as amended or replaced from time to time."

ix) Plots reserved before the death of the person or persons 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 Hay River, for the same price paid by the original purchaser. If transferred or sold reservations are deemed invalid.

x) Reserved Plots are for a 10-year period and may, at the end of this 10-year period be renewed or returned. The fee would change as to the current bylaw in place and for the resident or non-resident status application. If returned there will be a 25% non-refundable holdback fee.

PART 3 – INTERMENTS AND DISINTERMENTS

4. i) Plots shall be dug and disinterments shall be made only by employees so authorized by the Town.

ii) Notice for the preparation of a plot must be given to the Town at least sixteen (16) regular working hours prior to the time set for the burial with Saturday, Sunday and statutory or declared holidays not being classified as regular working hours.

iii) Prior to interment of human remains at the Cemetery the following information shall be provided to the Town in the format of a 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 of next of kin.

iv) Burial Permits may be obtained from the Senior Administrative Officer, or designate.

v) The Director of Public Works shall maintain a cemetery registry containing the following information of each plot or niche and a copy is to be kept at the Town Office:

- (a) distinct identification number to locate each interment site;
- (b) reserved plots;
- (c) date of interment;
- (d) name of deceased;
- (e) age and gender of deceased;

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- (f) name, mailing address and telephone number of next of kin; and,
- (g) disinterment or reinternments.
- (h) fee paid

vi) Only one body shall be buried in any plot unless prior written permission has first been obtained from the Senior Administrative Officer.

vii) Upon receipt of prior written permission from the Senior Administrative Officer cremated remains may be interred along with another deceased person in a single plot. (No more than two cremated remains per plot). However with written permission they may be able to have additional cremated remains placed in the plot.

viii) No interments or disinterment shall be permitted in the cemetery unless the information required by the appropriate ordinances or regulation have been submitted to the Senior Administrative Officer.

ix) Interment and disinterment fees shall be charged and collected in accordance with the Fees and Charges Bylaw No. 2431, as amended or replaced from time to time."

PART 4 – MARKERS AND MONUMENTS

5. i) At the time of interment, a temporary marker or monument shall be in place which marks the location of the grave, identifying the name of the deceased.

ii) (a) Temporary Markers or Monuments shall be installed 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 Senior Administrative Officer.

iii) Prior to erecting a Monument or Marker on a plot, a Monument Permit shall be obtained the Town as outlined in Schedule F attached to and forming part of this by-law. A detailed sketch of the proposed monument shall accompany the application for a Monument Permit.

iv) All Markers or Monuments shall be placed in line at the head of the plot.

v) Foundations are required for all Monuments.

vi) Only one Monument per plot is permitted unless prior written permission is first obtained from the Senior Administrative Officer.

vii) Foundations and Monuments shall be confined within the boundary of the

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approved plot.

viii) Foundations and Monuments shall not disturb adjacent plots or landscaping.

ix) Monuments shall be erected from June 1 to October 31, or such other time as may be granted in writing by the Senior Administrative Officer.

x) The Town reserves the right to remove any Marker, Monument or inscription which, in the opinion of the Senior Administrative Officer, is improper, offensive or due to neglect and age, deemed as unsightly in appearance.

xi) (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 Government of the Northwest Territories, Department of Health and Social Services does not erect a foundation, marker or monument, the Town of Hay River shall do so and the cost for same shall be invoiced to the Government of the Northwest Territories, Department of Health and Social Services.

xii) Niches shall be marked with nameplates of the following dimensions:
11.5 cm length – 6.5 cm height

PART 5 - MAINTENANCE

6. i) Perpetual care of the Cemetery shall be provided by the Town. Perpetual care includes the right to landscape any part of the Cemetery which shall consist of grading, sodding, mowing, placement of flowers, trees, shrubs or other plants.

ii) The Town may remove any stand, holder or other receptacle for flowers or plants which, in the opinion of the Senior Administrative Officer are unsuitable for such a purpose or unsightly in appearance.

iii) The Town may remove any withered flowers and wreaths from plots.

iv) 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 by the contractors or workers.

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PART 6 – GENERAL

7. i) No person shall cross upon graves, pick flowers, break or damage trees, plants or shrubs, or damage or deface any plot, marker, monument or grave.
- ii) No person shall disturb the quiet of the Cemetery or persons assembled there to conduct a burial ceremony or for the purposes of visiting deceased friends or family.
- iii) No form of advertising shall be placed or displayed within the boundaries of the Cemetery.
- iv) No person shall canvas for orders, conduct business or distribute business cards in the Cemetery.
- v) No person shall enter the Cemetery carrying a firearm unless such person is an officer or is participating in a military funeral
- vi) Animals brought into the Cemetery must be on a leash at all times and under the control of the handler.
- vii) No all terrain vehicles (ATVs), bicycles, motorcycles or motor vehicles will be allowed within the Cemetery.

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

viii) Any person who violates any provision of this By-law, for which no specific punishment is provided, is guilty of an offence and is liable upon Summary Conviction to a fine not exceeding;

- (a) two thousand dollars (\$2,000.00) for an individual; or,
- (b) ten thousand dollars (\$10,000.00) for a corporation.

xi) An officer may issue a Summary Offence Ticket Information in the form prescribed by the Summary Conviction Procedures Act and Regulations, to any person who violates any provision of this By-law and such person may, in lieu of prosecution, pay the Town a 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.

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READ A FIRST TIME this 11th day of January, 2016.



Mayor

READ A SECOND TIME this 11th day of January, 2016.




Mayor

READ A THIRD AND FINAL TIME this 11th day of January, 2016.



Mayor

CERTIFIED that this bylaw has been made in accordance with the requirements of the CITIES, TOWNS AND VILLAGES ACT, S.N.W.T. 2003, and the bylaws of the Municipal Corporation of the Town of Hay River on this 11th day of January, 2016.



Senior Administrative Officer

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SCHEDULE "A"

Town of Hay River Riverside Cemetery Survey

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SCHEDULE "C" CEMETERY BYLAW BURIAL PLOT RESERVATION PERMIT

Plot Reserved for: Name		
Mailing Address		
Home Phone:	Cell/Work:	Fax:

Contact Person for the Above: # One (next of kin) Name		
Mailing Address:		
Home Phone:	Cell/Work:	Fax:
Contact Person for the Above: # Two (next of kin) Name		
Mailing Address:		
Home Phone:	Cell/Work:	Fax:
Contact Person for the Above: # Three (next of kin) Name		
Mailing Address:		
Home Phone:	Cell/Work:	Fax:

Plot Reserved: Number:

I,	of		
Phone:	Home:	Cell/Work:	Fax:
have requested the reservation of the above plot for:			

Signature – Witness

Signature – Town of Hay River

Office use only:

Date of Reservation:	
Date Payment Received:	
Receipt Number:	Initials:

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SCHEDULE "D" CEMETERY BYLAW VOLUNTARY PENALTIES

<u>OFFENCE</u>	<u>PENALTY</u>
Failure to erect a marker or monument	\$ 50.00
Failure to clean up debris and rubbish	\$ 100.00
Defacing any plot, marker or monument	\$ 500.00
Disturbing the quiet of the Cemetery	\$ 50.00
Advertising within the Cemetery	\$ 50.00
Carrying a firearm into the Cemetery	\$ 100.00
Unleashed animal or animal faeces	\$ 50.00
Vehicles in non-designated areas	\$ 100.00
Destroying or defacing flowers, trees, shrubs or plots	\$ 250.00

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SCHEDULE "E"
COLUMBARIUM

Dimensions of Niches:

Top Units:

29.21 cm H X 29.21 cm W X 29.21 cm L

Bottom Units:

29.21 cm H X 29.21 cm W X 50.80 cm L

Columbarium Layout

Hay River View

D8	D7	D6	D5	D4	D3	D2	D1
C8	C7	C6	C5	C4	C3	C2	C1
A1	A2	A3	A4	A5	A6	A7	A8
B1	B2	B3	B4	B5	B6	B7	B8

Mackenzie Drive

SCHEDULE "F"

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MONUMENT PERMIT

Application Date: _____ Placement Date: _____

Applicant's Name: _____ Deceased's Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

Plot Location: _____

Foundation Size:

Length: _____ Width: _____ Height: _____

Monument Size (Sketch to be attached):

Length: _____ Width: _____ Height: _____

Inscription:

NOTE: Applicant shall have the setting of the headstone approved by the Town's representative prior to installation. The Town of Hay River assumes neither liability nor responsibility for loss or damage of, or to, foundation or monument or part thereof, or any article of any description placed on the subject lot.

For office use only:

Approved by: _____ Date: _____

Amend: _____ Date: _____

Special Instruction: _____
