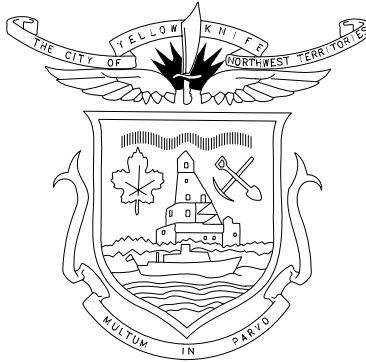


THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



CONSOLIDATION OF CEMETERY BY-LAW NO. 3965

Adopted March 25, 1997

AS AMENDED BY

**By-law No. 4016 – June 23, 1978
Fees and Charges By-law No. 4436, as amended**

**(This Consolidation is prepared for convenience only.
For accurate reference, please consult the City
Clerk's Office, City of Yellowknife)**

**CITY OF YELLOWKNIFE
BY-LAW NO. 3965**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to repeal and replace By-law No. 3810 as amended, a by-law to provide for the establishment and operation of cemeteries and regulate the disposal of the dead.

PURSUANT TO SECTION 103 of the *Cities, Towns and Villages Act*, R.S.N.W.T. 1988, c. C-8.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

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 dead body; |
| "Cemetery" | means the Lakeview Cemetery in the City of Yellowknife as identified in Schedule A of this by-law; |
| "City" | means the City of Yellowknife in the Northwest Territories; |
| "Coffin" | means a box in which human remains are buried; |
| "Urn" | means a box in which human, cremated remains are buried. |
| "Death" | means the death of a natural person and includes a stillbirth as defined in the <i>Vital Statistics Act</i> , R.S.N.W.T., 1988, c. V-3; |
| "Director" | means an employee of the City appointed as the Director of Community Services or designate; |
| "Infant" | means any person under the age of one (1) year; |
| "Marker" | means a memorial of granite, marble or bronze which is flush with the ground; |

| | |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "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 City of Yellowknife and any Peace Officer who is entitled by law to enforce the by-laws of the City of Yellowknife; |
| "Plot" | means a piece of ground set aside for the burial of human remains; |
| "Ratepayer" | means an assessed owner, shown on a municipal tax roll, who is or whose property is liable to taxation under the <i>Property Assessment and Taxation Act</i> ; |
| "Resident" | means a person who lives within the municipal boundaries of the City of Yellowknife; and, |
| "Senior Administrative Officer" | means the senior administrative officer of a municipal corporation appointed pursuant to the <i>Cities, Towns and Villages Act</i> , R.S.N.W.T., 1988, c. C-8, or designate. |

PART 2 - CEMETERY

3. Any burial of a human body or human, cremated remains in the municipality of Yellowknife shall be done in the Lakeview Cemetery as defined in Schedule A, attached to and forming part of this By-law.
4. Any burial in the Cemetery shall be done in accordance with the provisions of this By-law.
5. (a) Plots shall have the following uniform dimensions:
 - (i) infant plots shall be 1 metre wide by 1.5 metres long;
 - (ii) child and adult plots shall be 1.5 metres wide by 3 metres long; and,
 - (iii) plots for cremated remains shall be 1 metre wide by 1 metre long.
- (b) Plots shall be dug to a minimum depth of:
 - (i) 2 metres for the burial of human remains; and,
 - (ii) 1 metre for the burial of cremated remains.

6. Plots shall only be used for the purpose of interment of human bodies or cremated remains of a human body.
7. A coffin or urn shall fit within the dimensions of a single, respective plot.
8. Plots shall be used consecutively by order of Plot and Block number as identified in Schedule A, attached to and forming part of this By-law.

**Part 2, paragraph 9
as amended by By-law No. 4016 June 22/98**

9. Block 9-A as identified in Schedule A of this By-law, shall be designated as a Veterans' Field of Honour.

**Section 10
as amended by By-law No. 4436 Feb 12/07**

10. Family plots of one or more graves may be reserved upon payment of the fee prescribed in By-law No. 4436 or any successor by-law.
11. 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 City of Yellowknife, for the same price paid by the original purchaser.

PART 3 - INTERMENTS AND DISINTERMENTS

12. Plots shall be dug and disinterments shall be made only by employees so authorized by the City.
13. Notice for the preparation of a plot must be given to the Director at least sixteen 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.
14. Prior to interment of human remains at the Cemetery the following information shall be provided to the Director 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 number of next of kin.
15. Burial Permits may be obtained from the Senior Administrative Officer, or designate.
16. Prior to the burial of human, cremated remains the following information shall be provided to the Director in the format of a Cremation 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.

Section 17
as amended by By-law No. 4436 Feb 12/07

- 17. Interment and disinterment fees shall be charged for each burial applied for, in accordance with By-law No. 4436 or any successor by-law.
- 18. The Director shall maintain a cemetery registry containing the following information for each plot:
 - (a) reserved plots;
 - (b) date of interment;
 - (c) name of deceased;
 - (d) age and gender of deceased;
 - (e) name, mailing address and telephone number of next of kin; and,
 - (f) disinterments.
- 19. Only one body shall be buried in any plot unless prior written permission has first been obtained from the Director.
- 20. Upon receipt of prior written permission from the Director, cremated remains may be interred along with another deceased person in a single grave.

PART 4 - MARKERS AND MONUMENTS

- 21. 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.
- 22. (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 Director.
- 23. Prior to erecting a Monument or Marker on a plot, a Monument Permit shall be obtained from the Director as outlined in Schedule C attached to and forming part of this By-law. A detailed sketch of the proposed monument shall accompany the application for a Monument Permit.

24. All Markers or Monuments shall be placed in line at the head of the plot.
25. Foundations are required for all Monuments.
26. Only one monument per plot is permitted unless prior written permission is first obtained from the Director.
27. Foundations and Monuments shall be confined within the boundary of the approved plot.
28. Foundations and Monuments shall not disturb adjacent plots or landscaping.
29. Monuments shall be erected from June 1 to October 31, or such other time as may be granted in writing by the Director.
30. The City 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.
31. (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 City of Yellowknife shall do so and the cost for same shall be invoiced to the Government of the Northwest Territories, Department of Health and Social Services.
32. 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.

PART 5 - MAINTENANCE

33. Perpetual care of the Cemetery shall be provided by the City. 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.

34. The City may remove any stand, holder or other receptacle for flowers or plants which, in the opinion of the Director, are unsuitable for such a purpose or unsightly in appearance.
35. The City may remove any withered flowers and wreaths from plots.

PART 6 - GENERAL

36. No person shall walk upon graves, pick flowers, break or damage trees, plants or shrubs, or damage or deface any Plot, Marker or Monument.
37. No person shall disturb the quiet of the Cemetery.
38. No form of advertising shall be placed or displayed within the boundaries of the Cemetery.
39. No person shall canvas for orders, conduct business or distribute business cards in the Cemetery.
40. No person shall enter the Cemetery carrying a firearm unless such person is a Peace Officer or is participating in a military funeral.
41. Animals brought into the Cemetery must be on a leash at all times.
42. 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.
43. 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 City 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.

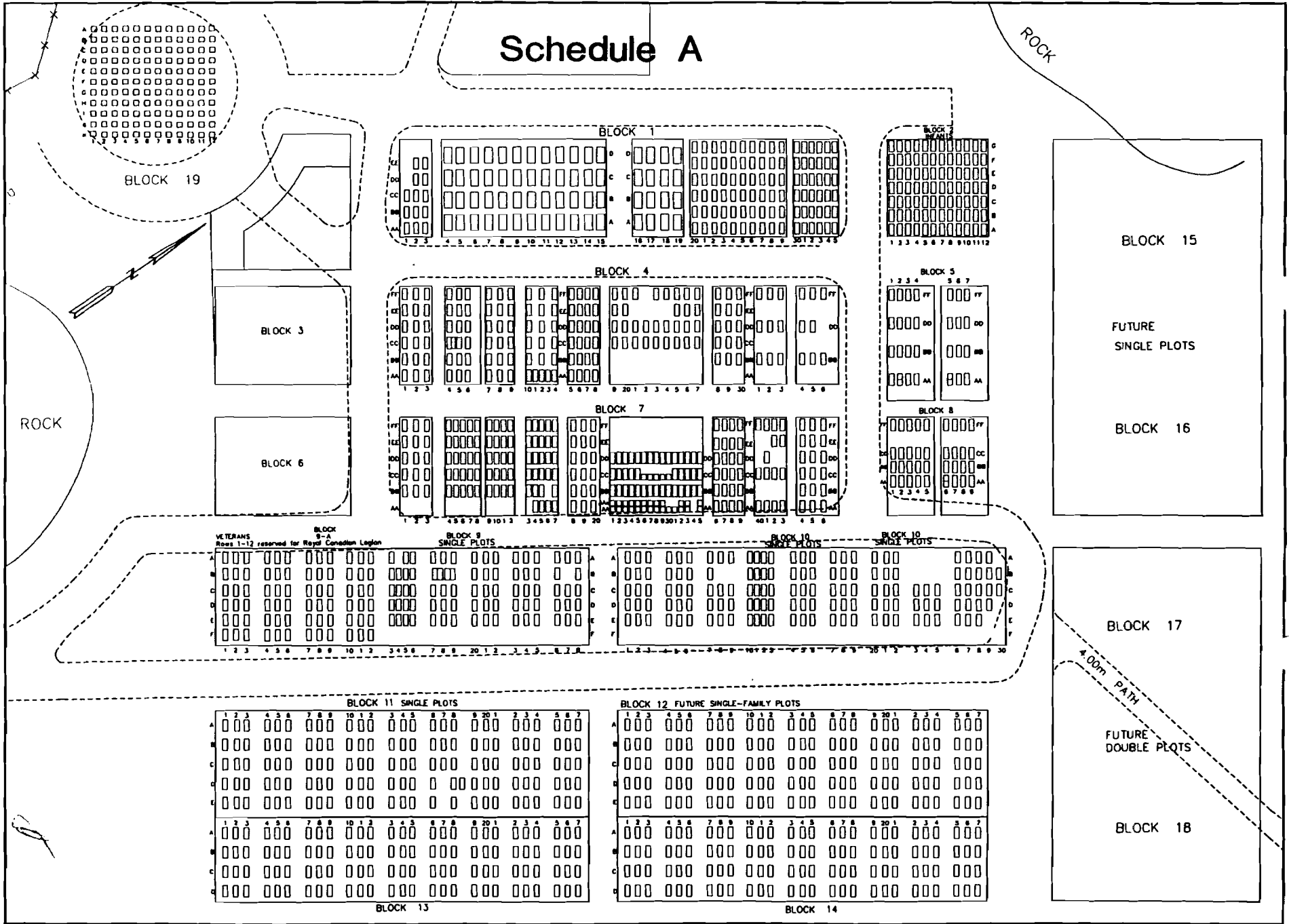
PART 7 - REPEAL

44. By-law No. 3810 is hereby repealed.

PART 8 - EFFECT

45. This By-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 57 of the *Cities, Towns and Villages Act*.

Schedule A



City of Yellowknife
Community Services Department

PROJECT **Attached to and Forming Part of**
By-Law No. 3965

TITLE **Lake View Cemetery**

FILE NUMBER
 LAKEVIEW.DWG

DATE
 18 MARCH 1997

CITY OF YELLOWKNIFE
BY-LAW NO. 3965
Schedule B

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Schedule B
deleted by By-law No. 4436 Feb 12/07

CITY OF YELLOWKNIFE
BY-LAW NO. 3965
Schedule C

Monument Permit

Application Date: _____ Placement Date: _____

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

Mailing Address: _____

City: _____

Postal Code: _____

Telephone: _____

Facsimile: _____

Plot Location: Block _____ Plot _____ Section _____

Foundation Size: Length _____ Width _____ Height _____

**Monument Size: Length _____ Width _____ Height _____

**Sketch to be attached

Inscription: _____

NOTE: Applicant shall have the siting of the headstone approved by the City's representative prior to installation. The City of Yellowknife 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: _____

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Schedule D

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Voluntary Penalties

| <u>Offence</u> | <u>Section</u> | <u>Penalty</u> |
|----------------------------------------|----------------|----------------|
| Failure to erect a marker or monument | 21, 22 | \$ 50.00 |
| Failure to clean up debris and rubbish | 32 | \$100.00 |
| Defacing any plot, marker or monument | 36 | \$500.00 |
| Disturbing the quiet of the Cemetery | 37 | \$ 75.00 |
| Advertising within the Cemetery | 38, 39 | \$ 50.00 |
| Carrying a firearm into the Cemetery | 40 | \$100.00 |
| Unleashed animal | 41 | \$ 50.00 |