

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW # 552

A BY-LAW OF THE CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES TO PROVIDE FOR THE REGULATION AND CONTROL OF CEMETERIES IN THE TOWN OF FORT SMITH, PASSED PURSUANT TO SECTION 103 AND 182 OF THE CITIES, TOWNS AND VILLAGES ACT BEING CHAPTER C-8 OF THE R.S.N.W.T. 1988.

WHEREAS, the Council of the Corporation of the Town of Fort Smith, in the Northwest Territories, deems it to be in the public interest to provide for the regulation and control of cemeteries in the Town of Fort Smith;

NOW THEREFORE, the Council of the Town of Fort Smith, at a duly assembled meeting enacts as follows:

1. This By-law shall be cited as the "Fort Smith Cemetery By-Law".
2. DEFINITIONS:
 - A. "Cemetery" - means any cemetery in the Town of Fort Smith operated by and under the control of the Town of Fort Smith:

Specifically:
 1. St. Isidore's Cemetery - located along the south side of Marine Drive between Breynat Street and Simpson Street.
 2. St. John's Cemetery - located behind St. John's Anglican Hall at 131 McDougal Road.
 - B. "Town" means the Municipal Corporation of the Town of Fort Smith.
 - C. "Senior Administrative Officer" means the chief administrative officer of the Town of Fort Smith, or his/her designate.
 - D. "Plot" means a plot as shown on the central map of the cemetery on record in the Town Office. The dimensions shall be ten (10) feet in length and four (4) feet in width.
 - E. "Winter" - means from December 1st to May 31st.
 - F. "Summer" - means from June 1st to November 30th.
 - G. "Infant" - means a child from birth to the age of two (2) years.
 - H. "Child" - means a child from the age of three (3) years old to eighteen (18) years old.
 - I. "Adult" - means a person from the age of nineteen (19) to sixty-four (64) years old.

- J. "Senior Citizen" - means an individual sixty-five (65) years of age or older.
 - K. "Resident" - an individual has been resident in the Fort Smith area for at least six (6) months.
 - L. "Stand" or "Holder" - means a device that would hold flowers, a statue or a plant.
 - M. "Monument" - means an object, non offensive in nature, constructed of stone, concrete or wood which may have the following information displayed upon it: Name, date of Birth, date of Death, message and/or picture. A monument does not include any cover or curb or fencing surrounding a burial plot. The maximum size of a monument will be: Height = four (4) feet; Width = four (4) feet; and Depth = sixteen (16) inches.
3. Burial plots shall be used consecutively without reference to race, color or creed. The fee for a burial plot is set out in Schedule "A", attached to and forming part of this By-law. The exception being Section 4.
 4. Burial plots may be reserved upon payment of a fee as set out in Schedule "A", attached to and forming part of this By-law. Once Schedule "B", "Reservation of Burial Plot", is completed and payment is received, the burial plot shall be marked on the cemetery map as "RESERVED".
 5. Monies received from the sale of burial plots shall be distributed as follows:

Half to be allocated to the General Revenues of the Town of Fort Smith, the remaining half to a Perpetual Care Fund to be used for the ongoing maintenance and development of the cemeteries.
 6. Not more than one body shall be buried in any burial plot unless permission has first been obtained from the Senior Administrative Officer or his/her designate.
 7. Plots shall not be used for any purpose other than as places of burial of human bodies and/or cremated remains.
 8. Graves shall be dug and disinterments made only by persons employed or contracted by the Town of Fort Smith unless otherwise authorized by the Senior Administrative Officer or his/her designate.
 9. No interment or disinterment shall be permitted, in the cemeteries, until the information required by the appropriate ordinances or regulations has been submitted to the Senior Administrative Officer.

10. The procedure to be followed for the burial of any body or the disinterment of a body, shall be as follows:

A. Death and Burial in Fort Smith

- a. Issuance of a Death Certificate in accordance with the Vital Statistics Act.
- b. Issuance of a Burial Permit in accordance with the Vital Statistics Act.
- c. Completion of Schedule "B", Reservation of Burial Plot, attached to and forming part of this By-law.
- d. Authorization of a Work Order with the Town Office for the opening and closing of the grave, to contain the following information:
 1. Name of deceased
 2. Date, place and time of Funeral
 3. Name of Cemetery
 4. Location, as determined by the "Reservation of Burial Plot" form
 5. Signature and address of person responsible for arrangements
- e. Payment, as per Schedule "A" of this By-law, may be made at time of work order authorization or upon a invoice that will be issued within thirty (30) days.

B. Death Outside Fort Smith and Burial in Fort Smith

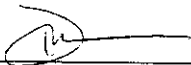
- a. A Death Certificate and a Burial Permit shall be attached to the coffin prior to transport.
- b. A copy of the Death Certificate or Burial Permit shall be given to the Town Office for the purpose of maintaining adequate cemetery records.
- c. Completion of Schedule "B", Reservation of Burial Plot, attached to and forming part of this By-law.
- d. Authorization of a Work Order with the Town Office for the opening and closing of the grave, to contain the following information:
 1. Name of deceased
 2. Date, place and time of Funeral
 3. Name of Cemetery
 4. Location, as determined by the "Reservation of Burial Plot" form
 5. Signature and address of person responsible for arrangements
- e. Payment, as per Schedule "A" of this By-law, may be made at time of work order authorization or upon a invoice that will be issued within thirty (30) days.

C. Disinterment and Reburial in Fort Smith

- a. Issuance of an Order authorizing the disinterment in accordance with the Vital Statistics Act/Coroners Act.
 - b. Issuance of a Reburial Permit in accordance with the Vital Statistics Act/Coroners Act.
 - c. Authorization of a Work Order with the Town Office for the opening and closing of the grave, to contain the following information:
 1. Name of deceased
 2. Date, place and time of disinterment and reburial
 3. Name of Cemetery
 4. Location of burial plot
 5. Signature and address of person responsible for arrangements
 - d. Payment, as per Schedule "A" of this By-law, may be made at time of work order authorization or upon a invoice that will be issued within thirty (30) days.
11. The use of rough boxes is optional and shall be left to the discretion of the family.
 12. The Town shall keep a Cemetery Register showing particulars of the burial plots reserved, burials and disinterments. It shall contain the following information: name of cemetery, name of deceased, date of Birth of deceased or approximate age, sex, date of death, date of burial or disinterment, resident or non-resident and next of kin. The Cemetery Register and Cemetery Maps shall be kept in the Town Office.
 13. Only one monument (constructed of stone or concrete) or a wooden cross shall be placed on each burial plot.
 14. The Town of Fort Smith shall reserve the right to level, grade, sow grass upon, repair, maintain and otherwise care for all burial plots and shall reserve the right to plant and remove trees within the boundaries of the cemeteries. Families may maintain burial plots themselves, after notifying the Town of their intention to do so.
 15. The Town shall reserve the right to remove from the cemetery any stand, holder or other receptacle for flowers or plants which may be unsuitable, unsightly or dangerous to the general public. To remove withered flowers and wreaths from the grave sites, it should be in consultation with the Estate whenever practical.
 16. The Senior Administrative Officer of the Town of Fort Smith shall have the right to remove any monument or inscription which in the Town's opinion is improper or offensive to good taste.

17. No person shall pick flowers, break or damage trees, plants or shrubs, nor damage or deface any grave or monument, or disturb the quiet of the cemetery.
18. No vehicle shall be driven upon any road, within the cemetery boundaries, which is less than 20 feet wide, with the exception of vehicles or equipment necessary to the operation and maintenance of the cemetery.
19. No form of advertising materials shall be placed or displayed within the boundaries of the cemeteries.
20. The Town, its agents or employees, shall not be responsible for any injury resulting to any person who enters the cemeteries or for any damage to any burial plot, memorial tablet, monument or other structure located within the cemeteries unless such injury or damage is shown to be caused by the negligence of the Town, its agents or employees.
21. Any person(s) who contravenes any provision of this By-law is guilty of an offense and upon summary conviction is liable to a fine not exceeding One Hundred Dollars (\$ 100.00) or imprisonment not exceeding One (1) month in duration on default of payment of fine.
22. That By-law # 5-77 and By-law # 255 are hereby rescinded.

READ A FIRST TIME THIS 9 DAY OF August, 1994
READ A SECOND TIME THIS 4 DAY OF October, 1994
READ A THIRD TIME THIS 4 DAY OF October, 1994



MAYOR



SENIOR ADMINISTRATIVE OFFICER



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 846

SCHEDULE "C"

CONSOLIDATED RATES AND FEES BY-LAW

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C. CEMETERY FEES	Fee	Subject to Applicable taxes
<u>Bylaw #552</u>		
1. Burial Plot		
Reserved Plot (Prepaid)	\$230.00	
Next Available Plot (Town Chooses)	\$115.00	
2. Burial Fees		
Infant (Winter)	\$175.00	
Infant (Summer)	\$115.00	
Child (Winter)	\$260.00	
Child (Summer)	\$200.00	
Adult (Winter)	\$345.00	
Adult (Summer)	\$230.00	
Senior (Winter)	No Charge	
Senior (Summer)	No Charge	
Cremated (Winter)	\$115.00	
Cremated (Summer)	\$60.00	
3. Disinterment and Reburial Fee		
Winter	\$460.00	
Summer	\$345.00	
(same price for: Infant, Child, Adult, Senior)		