



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH  
FORT SMITH CEMETERY BY-LAW 950**

---

A BY-LAW OF THE MUNICIPAL 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 70 OF THE CITIES, TOWNS AND VILLAGE ACT S.N.W.T. 2013.

WHEREAS, the Council of the Municipal 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. That 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 three (3) meters in length and one and one quarter (1.25) meters in width.

E. “Winter” – means from December 1<sup>st</sup> to May 31<sup>st</sup>.

F. “Summer” – means from June 1<sup>st</sup> to November 30<sup>th</sup>.

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) years old to sixty-four (64) years old.

J. “Senior Citizen” – means an individual sixty-five (65) years of age or older.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH  
FORT SMITH CEMETERY BY-LAW 950

---

- K. “Resident” – an individual that has been a 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 stoned, 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 if a monument will be: one and one quarter (1.25) meters in height, by one and one quarter (1.25) meters in width, by forty (40) centimeters in depth.
3. That burial plots shall be used consecutively without reference to race, colour or creed. The fee for the burial plot is as set out in the Consolidated Rates and Fees By-Law.
4. That burial plots may be reserved upon payment of a fee as set out in the Consolidated Rates and Fees By-Law. Once Schedule “A”, “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 allocated to the General Revenues of the Town of Fort Smith.
6. Not more than one body shall be buried in any burial plot unless permission has first be 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 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 a 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 “A”, Reservation of Burial Plot, attached to and forming part of this By-Law.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH  
FORT SMITH CEMETERY BY-LAW 950**

---

- 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 and burial.
  - 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 the Consolidated Rates and Fees By-Law, may be made at time of work order authorization or upon an invoice that will be issued within thirty (30) days. Invoices will only be issued to organization paying the burial fees for an individual.

**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 “A”, 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 and burial.
  - 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 the Consolidated Rates and Fees By-Law, may be made at time of work order authorization or upon a invoice that will be issued within thirty (30) days. Invoices will only be issued to organization paying the burial fees for an individual.

**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.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH  
FORT SMITH CEMETERY BY-LAW 950

---

- 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 the Consolidated Rates and Fees By-Law, may be made at time of work order authorization or upon an invoice that will be issued within thirty (30) days. Invoices will only be issued to organization paying the burial fees for an individual.
11. The use of rough boxes is required.
12. The Town shall keep a Cemetery Register showing particulars of the burial plots reserved, burials and disinterment. 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 reserves 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 of disturb the quiet of the cemetery.
18. No vehicle shall be driven upon any road, within the cemetery boundaries, which is less than six (6) meters 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.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH  
FORT SMITH CEMETERY BY-LAW 950

---

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 of \$100.
22. That By-Law 552 is hereby repealed.

READ A FIRST TIME THIS 16<sup>th</sup> DAY OF June, 2015 A.D.

READ A SECOND TIME THIS 16<sup>th</sup> DAY OF June, 2015 A.D.

READ A THIRD TIME THIS 16<sup>th</sup> DAY OF June, 2015 A.D.

MAYOR

SENIOR ADMINISTRATION OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.

SENIOR ADMINISTRATION OFFICER



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH  
FORT SMITH CEMETERY BY-LAW 950

Schedule "A"  
Reservation of Burial Plot

Choose one: \_\_\_\_\_ St. Isidore's Cemetery  
\_\_\_\_\_ St. John's Cemetery

Lot Reserved for: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Mailing Address

Contact Person for the Above:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Mailing Address

Plot Reserved:

Cemetery: \_\_\_\_\_ 01 St. Isidore : 02 St. John

Row: \_\_\_\_\_ (Alpha)

Plot: \_\_\_\_\_ (Numeric)

Grave: \_\_\_\_\_ (Numeric)  
(Only used for multiple occupancy)  
(ie: spouses/family)

\*\*\*\*\*

I, \_\_\_\_\_, have requested the reservation  
Name

of the above plot for \_\_\_\_\_.  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witnessed by

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name for the Town of Fort Smith

\*\*\*\*\*

Date of Reservation: \_\_\_\_\_

Date Payment Received: \_\_\_\_\_

\_\_\_\_\_  
Initials

Receipt Number: \_\_\_\_\_