

PUBLIC HEALTH ACT
R-038-2019
Registered with the Registrar of Regulations
2019-12-06

CEMETERY REGULATIONS

The Commissioner in Executive Council, on the recommendation of the Minister, under section 85 of the *Public Health Act*, S.Nu. 2016,c.13, and every enabling power, makes the annexed *Cemetery Regulations*.

Establishment or expansion of cemetery

1. A municipal corporation shall ensure that the establishment or expansion of a cemetery does not create a health hazard.

Proposal

2. (1) A municipal corporation shall submit to the Chief Public Health Officer its proposal to establish or expand a cemetery.

Information required

(2) The proposal must include

- (a) the design of the proposed cemetery or existing cemetery and proposed expansion;
- (b) a map of the municipality with the location of the proposed cemetery or existing cemetery and proposed expansion marked on it; and
- (c) a general description of the following:
 - (i) the location of buildings in the immediate vicinity of the proposed cemetery or existing cemetery and proposed expansion and their use,
 - (ii) the topography of the municipality,
 - (iii) the approximate degree and location of slopes in the immediate vicinity of the proposed cemetery or existing cemetery and proposed expansion,
 - (iv) wetlands, surface water run-off and drainage in the immediate vicinity of the proposed cemetery or existing cemetery and proposed expansion,
 - (v) the drinking water sources for the municipality,
 - (vi) the soil and vegetation at the proposed cemetery or existing cemetery and proposed expansion,
 - (vii) average groundwater elevation and its seasonal fluctuation at the proposed cemetery or existing cemetery and proposed expansion, and
 - (viii) roads and ditches in the immediate vicinity of the proposed cemetery or existing cemetery and proposed expansion.

Consideration by the Chief Public Health Officer

(3) The Chief Public Health Officer shall consider the proposal and, within 30 days after the proposal is received by the Chief Public Health Officer, advise the municipal corporation, in writing,

- (a) of any health hazards created by the proposed establishment or expansion of a cemetery;
or
- (b) of the absence of health hazards created by the proposed establishment or expansion of a cemetery.

Revise and resubmit proposal

(4) If the Chief Public Health Officer advises the municipal corporation of health hazards created by the proposal, the municipal corporation may revise and resubmit its proposal to the Chief Public Health Officer.

No health hazards

(5) The municipal corporation shall not begin to establish or expand a cemetery unless the Chief Public Health Officer has advised the municipal corporation that the proposal does not create any health hazards.

Cemetery Regulations

Deviation from proposal

(6) The municipal corporation shall not deviate from the proposal without first obtaining the written consent of the Chief Public Health Officer.

Operation of cemetery

3. The operator of a cemetery shall ensure that the operation of the cemetery does not create a health hazard, including by

- (a) preventing effluent or human remains from being brought to or flowing into any watercourse or body of water; and
- (b) ensuring that all caskets and human remains are sufficiently covered and secured to prevent the exposure of human remains to animals.

Coming into force

4. **These regulations come into force on the same day as section 36 of the Act comes into force, or if it is already in force, on the day these regulations are registered by the Registrar of Regulations.**