

PUBLIC HEALTH ACT  
**CONSOLIDATION OF CEMETERY REGULATIONS**

R-038-2019

In force January 1, 2020

*(Current to: January 9 2020)*

**AS AMENDED BY :**

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

A copy of a regulation of Nunavut can be obtained from the Territorial Printer at the address below. The *Nunavut Gazette* and this consolidation are also available online at <http://nunavutlegislation.ca> but are not official statements of the law.

Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

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## GLOSSARY OF TERMS USED IN CONSOLIDATIONS

### *Miscellaneous*

c.	means "chapter".
CIF	means "comes into force".
NIF	means "not in force".
s.	means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
Sch.	means "schedule".

### *Citation of Acts*

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (Note: The Supplement is in three volumes.)
S.N.W.T. 1996,c.26	means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
S.Nu. 2002,c.14	means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

### *Citation of Regulations and other Statutory Instruments*

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
SI-005-98	means the instrument registered as SI-005-98 in 1998. (Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.)
SI-012-2003	means the instrument registered as SI-012-2003 in 2003. (Note: This is a Nunavut statutory instrument made on or after January 1, 2000.)

## 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.

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.