

TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO. 2026/03

BEING A BYLAW OF THE TOWN OF ROCKY MOUNTAIN HOUSE, IN THE PROVINCE OF ALBERTA, PURSUANT TO THE PROVISIONS OF THE *MUNICIPAL GOVERNMENT ACT*, BEING CHAPTER M 26.1 OF THE REVISED STATUTES OF ALBERTA, 2000 AND AMENDMENTS THERETO, FOR THE PURPOSE OF REGULATING THE USE AND DISPOSITION OF THE CEMETERY LANDS AND PROPERTY WITHIN THE TOWN OF ROCKY MOUNTAIN HOUSE.

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended or repealed and replaced from time to time, authorizes a Municipality to provide regular services provided by or on behalf of a Municipality.

AND WHEREAS, the *Cemeteries Act*, RSA 2000, Chapter C-3, as amended or repealed and replaced from time to time and the regulations passed thereunder, requires a Municipality which owns and operates cemeteries within its boundaries to operate and maintain the cemeteries in accordance with the *Cemeteries Act* and any regulations passed thereunder;

AND WHEREAS the *Cemeteries Act*, RSA 2000, Chapter C-3, as amended or repealed and replaced from time to time and the regulations passed thereunder, require every operator of a Cemetery to make Bylaws, including bylaws respecting the organization, operation and management and the rights, privileges and responsibilities of the Cemetery operator.

NOW THEREFORE, the Municipal Council of the Town of Rocky Mountain House duly assembled enacts as follows:

1. TITLE

1.1. This Bylaw may be cited as the "**Cemetery Bylaw**".

2. DEFINITIONS

- 2.1. "**Act**" means the *Cemeteries Act*, RSA 2000, Chapter C-3, as amended, repealed or replaced from time to time.
- 2.2. "**Block**" means a section within the Cemetery (Old, A to K) which contains Plots.
- 2.3. "**Burial**" means the interment of Human Remains or Cremated Remains in a Plot.
- 2.4. "**Burial Deed**" means the application for a Burial Plot or Niche deed.
- 2.5. "**Caretaker**" shall mean a Town employee authorized to the perform duties at the Cemetery under the instruction and supervision of the CAO or designate.
- 2.6. "**Cemetery**" shall mean the "Pine Grove Cemetery" in the Town of Rocky Mountain House owned, operated, and under the control of the Town.
- 2.7. "**Columbaria**" means multiple Columbarium.
- 2.8. "**Columbarium**" means a structure designed for storing the ashes of deceased human bodies or other Human Remains that have been cremated.
- 2.9. "**Council**" means the Council of the Town of Rocky Mountain House.

- 2.10. **"Cremated Remains"** means the remnants of the human body that remain following the cremation process.
- 2.11. **"Cremation Plot"** means a Plot intended exclusively for the Interment of Cremated Remains.
- 2.12. **"Disinterment"** means the unearthing (exhumation) of Human Remains or Cremated Remains from a closed or sealed burial Plot.
- 2.13. **"Family Plot"** means a plot or a number of Plots which lie adjacent to one another, and which are to be reserved for the Burial of more than once deceased member of the family.
- 2.14. **"Field of Honour"** means an area in the cemetery reserved for eligible Veterans and their spouse.
- 2.15. **"Flat Marker"** means a Monument of approved material placed on any Plot set level with the ground on the Monument runner or Monument area placed at the foot of the Plot.
- 2.16. **"Flowering Ornamental"** means any perennial, annual or bi-annual flowering plant.
- 2.17. **"Full Burial Plot"** means the maximum sized Plot available at the Cemetery capable of accommodating one casket, or one casket and up to four (4) Cremated Remains.
- 2.18. **"Grave"** means a Plot used as a place of burial of Human Remains or Cremated Remains.
- 2.19. **"Grave Liner"** shall mean a concrete, plastic or metal rough box placed in a Grave to house a casket.
- 2.20. **"Human Remains"** means a deceased person's remains that have not been cremated.
- 2.21. **"Indigent Persons"** means a person suffering from extreme poverty or impoverished.
- 2.22. **"Infant Plot"** means a 1.60 m x 1.71 m plot for the exclusive Internment of a person under two (2) years of age found in the "Infant Sections" of the Cemetery.
- 2.23. **"Interment"** means, a manner prescribed by the *Act* and this Bylaw, placing Human Remains in a suitable container underground, or Cremated Remains in a suitable container underground.
- 2.24. **"Inurnment"** means the opening and closing of a Burial Plot, or Niche in a Columbarium for Cremated Remains.
- 2.25. **"Lot"** means a set of subdivisions within a block of the Cemetery containing a number of Plots.

- 2.26. **"Manager"** means the Chief Administrative Officer (CAO) for the Town, or any person delegated by the CAO to be Manager.
- 2.27. **"Monument"** means a structure in a Cemetery placed or constructed on a Plot or Niche for the purpose of memorializing individual(s) and may include a Flat Marker, Pillow Monument, Upright Monument, Niche bronze plaque, or memory wall plaque.
- 2.28. **"Monument Runner"** means an uninterrupted length of concrete on which upright Monuments or pillow Monuments must be placed. This can be referred to as a Foundation or a Ribbon.
- 2.29. **"Niche"** means a single compartment within a Columbarium for one or two urns containing Cremated Remains.
- 2.30. **"Non-Resident"** means a person who does not reside in the Town of Rocky Mountain House or Clearwater County immediately preceding their death or does not reside in the Town of Rocky Mountain House or Clearwater County at the time an application to purchase a Plot or Niche was made.
- 2.31. **"Perpetual Care"** means the preservation, improvement, embellishment, and maintenance in perpetuity and in a proper manner of Plots, Monuments, Columbarium, or other space in a Cemetery, in accordance with the *Cemeteries Act*.
- 2.32. **"Perpetual Care Fee"** means the one-time fee charged for the purpose of providing ongoing care of the Cemetery, as listed in the Town's Rates and Fees Bylaw.
- 2.33. **"Plot"** means a subdivision within a Lot of the Cemetery to be used for Burial of Human Remains or Cremated Remains, also referred to as a Grave.
- 2.34. **"Purchaser"** means the person, heir or legal representative, who purchases or owns an Interment or Inurnment right, giving them the Right of Interment or Inurnment, or to name another person for Interment or Inurnment, and may be referred to as an Owner.
- 2.35. **"Resident"** means a person who has resided within the Town of Rocky Mountain House or Clearwater County immediately preceding their death or their application to purchase a Plot or Niche.
- 2.36. **"Summer"** means the months of May 1 to October 31 inclusive.
- 2.37. **"Summer Rates"** means the fees charged for Cemetery services during Summer as stated in the Town's Rates and Fees Bylaw.
- 2.38. **"Town"** means the Municipality of the Town of Rocky Mountain House in the Province of Alberta.
- 2.39. **"Urn"** means an approved vessel used for holding ashes from Cremated Remains.
- 2.40. **"Veteran"** means a former member of the Armed Forces of Canada, or any Armed Forces of a country allied with Canada who served in any war, as determined by

the Department of Veterans Affairs Canada.

- 2.41. **"Visitors' Hours"** means daytime hours where visitors can be in the Cemetery. No person shall enter or remain in the Cemetery between the hours of 10:00 pm of any day and 6:00 am of the next day following.
- 2.42. **"Woody Ornamental"** means any trees, shrubs and creeping or climbing plants.
- 2.43. **"Working Hours"** means the hours of work between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding general or statutory holidays observed by the Town.
- 2.44. **"Winter"** means the months of November 1 to April 30 inclusive.
- 2.45. **"Winter Rates"** means the fees charged for Cemetery services during Winter as stated in the Town's Rates and Fees Bylaw.

3. GENERAL

- 3.1. The Manager shall have charge of the Cemetery and shall exercise control over all persons employed therein.
- 3.2. The Town shall have authority to remove any weeds or grass, funeral designs or floral pieces which may become wilted, or any other article or thing, which is in its opinion, unsightly.
- 3.3. If, in the opinion of the Town, any Woody Ornamentals situated on or about the Cemetery shall become, by means of their roots or branches, prejudicial to the general appearance of the ground or dangerous or inconvenient to the public, the Town shall have the right to remove such Woody Ornamentals, or any parts thereof.
- 3.4. The Town shall have the right to remove fences, borders, railings, walls, hedges, cooping, and other enclosures now in existence as it may deem advisable after 30 days' notice of the intention to do so has been given to the owner of the Plot, or to his relatives if the owner is deceased. If relatives of the deceased are unknown, a public notice shall be placed in a newspaper circulated in the Town.
- 3.5. Whenever the Owner of a Monument neglects to make the required repairs or alterations to a Monument within thirty (30) days after receiving notice from the Town to do so, the Town shall have the power to repair such Monument and charge the cost thereof to the owner which may be recovered as a debt from the Owner to the Town.
- 3.6. All grading, seeding of grass, and sodding work shall be done under the direction of the Manager.
- 3.7. Benches of a style approved by the Town may be permitted in the Cemetery under such conditions as the Town may order.

4. PLOTS AND NICHES

- 4.1. The plans of subdivision of the lands made available by the Town for Burial for

purposes now on record at the Town Office, together with all subsequent plans of subdivision of such lands approved by the Town, shall be the plans of the Cemetery herein referred to and all Interments shall be made and records kept by the Town in accordance with such plans. Copies of all such plans shall be available for inspection free of charge at the Town office during normal office hours.

- 4.2. The Manager shall supervise all sales of Plots, Niches and Interments in the Cemetery.
- 4.3. Plots or Niches in a Cemetery shall be sold by the Town upon the Purchaser paying the amounts shown in the Rates and Fees Bylaw and on completion of the Burial Deed Purchase form. An individual may purchase a maximum of four (4) Plots at any one time.
- 4.4. The "Infant Sections" of the Cemetery are sections exclusively designated for Infant Plots and the burial of bodies of children and urns containing Cremated Remains of children zero (0) to two (2) years of age.
- 4.5. The Council may from time to time, by resolution, amend the fees and charges for Plots and service shown on the Rates and Fees Bylaw.
- 4.6. The Owner of a Plot may transfer the Plot only to the Town and shall be entitled to a refund of 85% of the market value of the Plot at the time of refund. The Owner of a Plot is responsible for paying a Perpetual Care Fee at the time of Plot purchase. Therefore, 5% of the original Perpetual Care Fees received will be deducted for each year prior to the Plot being transferred back to the Town. The remaining amount of Perpetual Care Fees will then be refunded to the previous Owner at the time that the Plot ownership is transferred. No refund will be given to anyone who owns a Plot longer than twenty years.
- 4.7. No Burial Deed shall be resold to any other party; however, Burial Deeds may be transferred from one family member to another family member, but no transfer shall be valid unless such transfer is duly registered with the Town and a Document Registration Fee as found in the Rates and Fees bylaw is paid.
- 4.8. The Purchaser shall either reserve the right to use the Interment or Inurnment space for themselves or authorize the use for another person. Such authorization must be in writing and signed by the Purchaser. A Purchaser may only designate one Interment or Inurnment space or lot for their own use.
- 4.9. The Purchaser must assign the name to the Plot, and a Burial Deed will be produced for each person.
- 4.10. When a Plot or Niche is held by two or more Purchasers, an order for Interment or Inurnment will be accepted by the Town from any one of the Purchasers.
- 4.11. Where no Burial Deed exists for ownership beyond the original Purchaser, or there is a dispute among a deceased family or others concerning the ownership of Interment rights or Inurnment rights of a Burial Plot or Niche, the Town shall recognize Interment rights in the following order of priority:
 - a. To the person who has been designated by virtue of transfer recorded with the

Town

- b. To the person who has been designated as Plot owner in the will of the deceased
 - c. To the personal representative or executor designated in the will of the Purchaser
 - d. The spouse or adult interdependent partner of the Purchaser if the spouse or adult interdependent partner was living with the Purchaser at the time of death
 - e. The surviving children of the Purchaser
 - f. The surviving grandchildren of the Purchaser
 - g. The surviving brothers and sisters of the Purchaser
 - h. The surviving nephews and nieces of the Purchaser
- 4.12. Once ownership has been determined for a Burial Deed without original Purchaser, the Town will require documentation to complete the request to transfer the Burial Deed. These documents may be but are not limited to a will designating the inheritance of the Plot, birth certificate showing proof of relationship, or other public documents showing proof of relationship.
- a. A Document Registration Fee will be charged to complete the transfer of Burial Deed as referenced in the Rates and Fees Bylaw.
 - b. The Transferee will be charged the Perpetual Care Fee as referenced in the Rates and Fees Bylaw for transfers.
- 4.13. No Plots or Niches shall be used for any purpose other than burial grounds for human bodies, and the Cremated Remains of human bodies. Non-human organic remains are prohibited.
- 4.14. No person other than any employee of the Town, or the Owner of a Plot or Niche or his agent, shall be permitted to care for any Plot in any Cemetery.
- 4.15. Fences, railings, walls, cooping, hedges, Woody Ornamentals, and Flowering Ornamentals in or around the Plots are prohibited.
- 4.16. The top of Plots or Graves shall be kept level with the surrounding ground.

5. BURIALS

- 5.1. Disinterment of a body shall not take place until a permit for Disinterment is issued by the Provincial Director of Vital Statistics and delivered to the Town.
- 5.2. No Interment shall be permitted until a completed Burial Application form, a Vital Statistics Burial Permit, and applicable fees have been submitted to the Town. Such Burial Application shall contain the following particulars:

- a. Name of deceased
 - b. Date and time of burial
 - c. Description of burial plot or niche
 - d. Name of undertaker or person responsible for burial
 - e. Name of applicant for burial permit
- 5.3. Orders for Saturday, Sunday, holidays or Winter burials must be submitted to the Town Office during regular business hours seventy-two (72) hours before the Burial is to take place, unless the Town for emergent reasons otherwise allows.
- 5.4. Additional charges in respect of Burials carried out on a Saturday, Sunday, Statutory holiday, a declared holiday, or after 4:00 p.m. weekdays shall be set in accordance with the Rates and Fees Bylaw amended from time to time by motion of Council.
- 5.5. The owner of a Plot, or the person instructing the Town to open a Plot shall give complete and precise instructions regarding the size and location of the Plot, and the Town shall not be responsible for any errors resulting from the lack of proper instruction.
- 5.6. Plots shall be opened and closed, and Interments made only by persons authorized to do so by the Town.
- 5.7. No Plot for the Burial of a deceased person shall be less than three (3) feet in depth from the surface of the ground surrounding the Plot.
- 5.8. No Plot for the Burial of Cremated Remains shall be less than eighteen (18) inches in depth from the surface of the ground surrounding the Plot.
- 5.9. Cremated Remains may be interred in the following manner:
- a. A maximum of four (4) Cremated Remains may be inurned in the same Plot 5' 3" x 11' 6" (1.60m X 3.5m) above a full body Interment.
 - b. A maximum of eight (8) Cremated Remains may be inurned in a single Plot 5' 3" x 11' 6" (1.60m X 3.5m).
 - c. A maximum of four (4) Cremated Remains may be inurned in one Cremation Plot 5' 3" x 5' 7" (1.60m X 1.71m).
 - d. A Niche may be purchased based on single or double Urns.
 - The size of the Niche is 12" H x 12" W x 14" D (30 cm H x 30 cm W x 35 cm D).
 - It is recommended the urn be no larger than 10" H x 10" W x 5" D (25 cm H x 25 cm W x 12.5 cm D) to accommodate up to two Urns in the Niche.
- 5.10. No longer will first Internments for double depth Graves be permitted unless they were purchased, with the notation on Town records, of a double depth prior to July 22, 2014. Should there be a requirement for a first Internment of double depth,

the family will not be permitted to be immediately graveside during the Internment. Should there be safety concerns, as determined by the Town when prepping the plot, the Town has the right to discontinue and prepare a single depth Grave.

- a. The body of an adult person shall not be interred in the same Grave in which a body has previously been interred unless the first body has been buried at a depth of at least eight (8) feet (2.438 m) from the surface of the ground to the bottom of the Grave.
 - b. When more than one body is interred in the same Grave, the last Interment shall be at a depth of at least three (3) feet (0.914 m) from the surface of the ground to the top of the coffin or casket and in no case shall the bodies of more than two adult persons be interred in the same Grave.
- 5.11. No further Interment or Monument shall be permitted in or on any Plot in the Cemetery on which there are unpaid charges due and payable to the Town.
 - 5.12. The Town shall supply Plots in the Cemetery, without charge, for the unclaimed bodies of deceased persons.
 - 5.13. The Town shall supply Plots in the Cemetery, at a charge of 50% of the current plot price, for the bodies of Indigent Persons.
 - 5.14. All work in the immediate vicinity of a Plot shall be discontinued during the Burial service.
 - 5.15. All Burials within the limits of the Cemetery shall be under the supervision and control of the Town.
 - 5.16. Concrete liners/vaults or fiberglass liners/vaults are required for all Burials of the body of a deceased person 3 years or older. This requirement may be dispensed with by the CAO if in their opinion there are valid religious or personal preference reasons to do so.

6. MONUMENTS

- 6.1. All persons employed in the construction and erection of Monuments or doing other work in the Cemetery shall be subject to the direction and control of the Town.
- 6.2. No Monument or marker shall be erected in the Cemetery until a Monument Permit application is submitted to the Town and approved. Monument Permit fees shall be charged in accordance with the amounts shown on the Rates and Fees Bylaw.
- 6.3. Not more than two (2) Monuments shall be placed upon a single Plot, with only one (1) Monument placed at the head of the Grave and the second structure being that of a Flat Marker.
- 6.4. When Cremains are placed in a Plot where a body has been interred, only a Flat Marker may be placed at the foot of the Plot marking the Cremated Remains. Alternatively, name and dates may be added to the existing Monument.

- 6.5. No Monuments shall be erected on Saturdays, Sundays, or holidays unless permission in writing has been granted by the Town.
- 6.6. All Monuments in Section B to Section K, excepting Section "D", Plots 51 to 150, shall be placed on the foundation provided by the Town and shall be confined within the boundaries of the respective lots, with the vertical front edge of the Monument being 3 inches (75mm) from the front edge and the vertical rear edge of the Monument at least 3 inches (75mm) with the exception of foundations constructed prior to May 4, 1993 which will relax the front and rear vertical clearance to ½ inch (12.5mm).
- 6.7. Section "D", Plots 51 to 150 shall be placed on the foundation provided by the Town and shall be confined within the boundaries of the respective lots, with the vertical front edge of the Monument being 1 inch (25mm) from the front edge and the vertical rear edge of the Monument at least 1 inch (25mm) from the back edge.
- 6.8. All Monuments, excepting Section "B", Plots 157 to 168, shall not exceed the following dimensions:
 - a. Upright Monuments:
 - 42 inches (900 mm) in height,
 - Monument base 18 inches (450 mm) in width,
 - 42 inches (1,050mm) in length.
 - 60 inches (1,524 mm) in length for side-by-side companion plots
 - b. Pillow Monuments:
 - 12 inches (305 mm) in height,
 - Monument base 18 inches (450 mm) in width,
 - 42 inches (1,050mm) in length.
 - c. Flat Markers must be mounted flush with the surface of the ground and must be at the foot of the Plot:
 - Must not exceed 24 x 48 inches (609 x 1,219 mm) for a full Burial Plot,
 - Must not exceed 24 x 40 inches (609 x 1,016 mm) for a Cremation Plot.
- 6.9. Monuments erected in Section "B", Plots 157 to 168 shall not exceed:
 - 12 inches (300mm) in width and 24 inches (600mm) in length.
- 6.10. All foundations for erecting Monuments shall be level, be flush with the ground, be made of concrete, and be:
 - 4 inches (100mm) in depth minimum,
 - 24 inches (600 mm) in width, OR
 - 3 inches (75mm) minimum clearance at all edges of the Monument excepting in Section D Plots 51 to 150 which shall have a 1 inch (25mm) minimum clearance at all edges of the Monument.
- 6.11. All persons erecting Monuments shall ensure that such Monuments are firmly secured to the foundation and that the foundation is adequate to carry the Monument.
- 6.12. All persons erecting Monuments shall ensure that the surrounding areas are left

in the same condition as found.

- 6.13. No work shall be done upon any Monument, nor shall any Monument be removed from any Grave or Plot without permission from the Town.
- 6.14. Existing Grave covers will be allowed to remain only in Section A and the Old part of the Cemetery. No Grave cover in any part of the Cemetery shall be replaced by another Grave cover.

7. PERPETUAL CARE

- 7.1. A Perpetual Care Fee will be added to the purchase price of all Burial and Cremation Plots, Niches, or memorial wall as found in the Rates and Fees Bylaw.
- 7.2. The Cemetery Perpetual Care Reserve Fund shall be established for the future care of the Cemetery once the Town establishes that the Cemetery is full as determined by the CAO.
- 7.3. Interest from the Perpetual Care Fund shall be used for maintenance of the Cemetery as determined by the Town.
- 7.4. Perpetual Care to be supplied by the Town shall not include the care, maintenance, upkeep, repair or replacement of any Monument or Marker which has been placed in the Cemetery.
- 7.5. Tax deductible donations will be accepted and held in the Pine Grove Cemetery Perpetual Care Reserve Fund.

8. VISITORS

- 8.1. No person shall enter or remain in the Cemetery between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day following.
- 8.2. No person shall disturb the quiet or good order of the Cemetery by improper noise, improper conduct or otherwise. A member of the Royal Canadian Mounted Police or Community Peace Officer/Bylaw Officer appointed by the Town may evict the person, using such force as is reasonably necessary, or deny entrance to any person who contravenes this Bylaw.
- 8.3. No animals shall be allowed in the Cemetery unless such animal is on a leash and under the control of an adult person over the age of 18.
- 8.4. Any Society desiring to hold a memorial service shall give the Town at least ten (10) days' notice in writing of their intention to do so.
- 8.5. No person shall destroy, damage, deface or write upon any monument, tablet or other structure or object in any cemetery.
- 8.6. No person shall deposit any paper, sticks, or refuse of any kind on any portion of the land within the boundaries of the cemetery except in receptacles provided for that purpose.

9. VEHICLES IN CEMETERY

- 9.1. No person shall drive any vehicle through the Cemetery at a greater rate of speed than 15 km per hour.
- 9.2. The Town may prohibit the driving of vehicles in any part of the Cemetery.
- 9.3. Unless authorized by the Town, no offroad motorized vehicle or horse shall be allowed in the Cemetery except when it is a part of a funeral procession.
- 9.4. The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the Cemetery.

10. FIELD OF HONOR

- 10.1. The Town shall set aside an area which shall be known as the "Field of Honour" which shall be reserved for Burial of service and ex-servicemen and women of the Naval, Military, Air and Auxiliary Forces and their spouse upon request of a relative or the Department of Veterans' Affairs or Department of National Defense.
- 10.2. In the case of all burials made under the auspices of the Department of Veterans Affairs or the Department of National Defense, the said Department shall be required to pay for the opening and closing of Graves, in accordance with the Rates and Fees Bylaw. Requests by these Departments are only required to pay 50% of the current Plot price for the above service persons and the full fee for Perpetual Care.
- 10.3. In the case of private burials in the Field of Honour, the party requesting such Burial shall be required to pay the current Plot price and the usual fees for the opening and closing of the Grave.

11. PROVISIONS for RULES & REGULATIONS

- 11.1. The Council may make rules and regulations not inconsistent with this Bylaw for the effectual carrying out of this Bylaw and for the efficient management, control and regulation of the Cemetery.

12. PENALTY

- 12.1. Any person who commits a breach of any of the provision of this Bylaw shall on conviction for such breach, be liable to a penalty of not less than One Hundred (\$100.00) dollars and not exceeding One Thousand (\$1,000) dollars exclusive of costs, or in the case of non-payment of the fine and cost imposed to imprisonment for any period not exceeding sixty (60) days.

This Bylaw shall repeal Bylaw 17/09V shall come into effect upon the date on which it is finally read and passed.

READ a first time this 3rd day of March, 2026.

READ a second time this 3rd day of March, 2026.

UNANIMOUS CONSENT for third reading this 3rd day of March, 2026.

READ a third and final time this 3rd day of March , 2026.



Mayor



Chief Administrative Officer