

TOWN OF ROCKY MOUNTAIN HOUSE BYLAW NO. 17/09V

BEING A BYLAW OF THE TOWN OF ROCKY MOUNTAIN HOUSE TO PROVIDE FOR THE CONTROL AND REGULATION OF THE ROCKY MOUNTAIN HOUSE PINE GROVE CEMETERY.

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

1. DEFINITIONS

1. “Cemetery” means the cemetery in the Town of Rocky Mountain House known as the “Pine Grove Cemetery” owned and operated by and under the control of the Town.
2. “Perpetual Care” means the basic maintenance of all lots, columbarium and shall include leveling of the ground and the seeding and cutting of grass as required. It shall not include the maintenance, repair or replacement of monuments or markers.
3. “Plot” means a plot as shown on a plan of subdivision on record in the Town Office.
4. “Niche” means a single compartment of a columbarium large enough to house one or two cremation urns.
5. “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 one deceased member of the family.
6. “Town” means the Town of Rocky Mountain House.
7. “Council” means the Council of the Town of Rocky Mountain House.
8. “Manager” means the Chief Administrative Officer (CAO) for the Town, or any person acting under the CAO instructions, or other persons designated by the CAO or Town Council.
9. “Monument” means a memorial or tombstone, which shall extend above the surface of the ground.
10. “Caretaker” means the Town employee actually working at the cemetery under the instruction and supervision of the CAO or designate.
11. “Grave” means a plot used as a place of burial.
12. “Woody Ornamental” means any trees, shrubs, creepers and climbers.
13. “Flowering Ornamental” means any perennial, annual, and biannual flowering plant.
14. “Winter” means November 1 to April 30
15. “Summer” means May 1 to October 31

2. GENERAL

- a) The Manager shall have charge of the cemetery and shall exercise control over all persons employed therein.

- b) 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.
- c) 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 to the ground or dangerous or inconvenient to the public, the Town shall have the right to remove such woody ornamentals, or any parts thereof.
- d) 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.
- e) 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 representative appointed by the Town to be in charge of the cemetery may evict therefrom, using such force as is reasonably necessary, or deny entrance to any person who contravenes this Bylaw.
- f) 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.
- g) No person shall turn loose or allow going at large or feed any cattle, swine, horses, dogs or any other animal in the cemetery.
- h) 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.
- i) No person shall destroy, damage, deface or write upon any monument, tablet or other structure or object in any cemetery.
- j) 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.
- k) All grading, seeding of grass, and sodding work shall be done under the direction of the Town by employees of the Town.
- l) Benches of a style approved by the Town may be permitted in the cemetery under such conditions as the Town may order.

3. PLOTS and NICHES

- a) 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.
- b) The Manager shall supervise all sales of plots, niches and interments in the cemetery.
- c) Plots or niches in a cemetery shall be sold by the Town upon the purchaser paying the amounts shown in Schedule "A" of this Bylaw and on completion of an application to purchase a burial deed in the form of Schedule "C" hereto annexed. An individual may purchase a maximum of four (4) plots at any one time.
- d) The council may from time to time, by resolution amend the fees and charges for plots and service shown on "Schedule A" of this bylaw.
- e) The owner of a plot may transfer same only to the Town and shall be entitled to a refund of 85% of market value of the plot at the time of refund. The owner of a plot is responsible to pay a perpetual care fee at the time of plot purchase. Therefore, 5% of the original Perpetual Care funds received will be deducted for each year prior to the plot being transferred back to the Town. The remaining amount of Perpetual Care funds will then be refunded to the previous owner at the time that the plot ownership is transferred. No refund will be given to anyone owning a plot longer than twenty years.
- f) No plots or niches shall be used for any purpose other than burial grounds for human bodies, and the cremated remains of human bodies.
- g) 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.
- h) Fences, railings, walls, cooping, hedges, woody ornamentals, and flowering ornamentals in or around the plots are prohibited.
- i) The top of plots or graves shall be kept level with the surrounding ground.

4. BURIALS

- a) 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.
- b) No interment shall be permitted until a burial application and permit in the form of Schedule "C" hereto annexed has been completed and given to the Town. Such permit shall contain the following particulars:
 - Name of deceased
 - Date and time of burial

- Description of burial plot or niche
 - Name of undertaker or person responsible for burial
 - Name of applicant for burial permit
- c) Orders for Saturday, Sunday, holidays or winter burials must reach the office of the CAO seventy-two (72) hours before the burial is to take place, unless the Town for emergent reasons otherwise allows.

Additional charges in respect of burials or 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 set by motion of Council, and may be amended from time to time by motion of Council.

- d) The owner of a plot, or the person instructing the Town to open a grave shall give complete and precise instructions regarding the size and location of the grave, and the Town shall not be responsible for any errors resulting from the lack of proper instruction.
- e) Graves shall be opened and closed and interments made only by persons authorized to do so by the Town. No person or persons not under the control or supervision of the Town shall open or close any grave for the purpose of interring or removing a body.
- f) No grave for the burial of a deceased person shall be less than three (3) feet in depth from the surface of the ground surrounding the grave.
- g) No grave for the burial of cremated remains shall be less than eighteen (18) inches in depth from the surface of the ground surrounding the grave.
- h) Cremated remains may be interred in a plot (1.60m X 1.71m) or in the same plot (1.60m X 3.5m) with another body or in a plot (1.60m X 1.71m) with other cremated remains.

A maximum of four (4) cremated remains may be interred in the same plot (1.60m X 3.5m) as a body.

A maximum of four (4) cremated remains may be interred in one cremation plot (1.60m X 1.71m).

A maximum of eight (8) cremated remains may be interred in a single plot (1.60m X 3.5m).

- i) 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 interment of double depth, the family will not be permitted to be immediately grave side during the interment. Should there become safety concerns, as determined by the Town when prepping the plot, the Town has the right to discontinue and prepare a single depth grave.
- j) 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 from the surface of the ground to the bottom of the grave.

- k) 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 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.
- l) No second interment shall be permitted in any plot in the cemetery on which there are unpaid charges due and payable to the Town.
- m) The Town shall supply graves in the cemetery, without charge, for the unclaimed bodies of deceased persons.
- n) The Town shall supply graves in the cemetery, at a charge of 50% of the current plot price, for the bodies of indigent persons.
- o) All work in the immediate vicinity of a grave shall be discontinued during the burial service.
- p) All burials within the limits of the cemetery shall be under the supervision and control of the Town.
- q) 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.

5. MONUMENTS

- a) 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.
- b) No monuments shall be erected in the cemetery until an application is made to the Town and a permit in the form of Schedule "D" hereto annexed has been issued. Permit fees shall be charged in accordance with the amounts shown on "Schedule A" of this bylaw.
- c) When cremains are placed in a plot where a body has been interred, only flat monuments may be placed at the foot of the plot marking the cremains or added to the monument.
- d) No monuments shall be erected on Saturdays, Sundays, or holidays unless permission in writing has been granted by the Town.
- e) All monuments in Section B to Section M, 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).

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.

All monuments, excepting Section “B”, Plots 157 to 168, shall not exceed the following dimensions:

42 inches (900mm) in height, this includes monument base

18 inches (450mm) in width

42 inches (1050mm) in length, at a vertical extension from the foundation for single plots which would include multiple interment;

Monuments erected in Section “B”, Plots 157 to 168 shall not exceed 12 inches (300mm) in width and 24 inches (600mm) in length.

OR

60 inches (1500) in length, at a vertical extension from the foundation for side-by-side companion plots.

All foundations for erecting of 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.

All persons erecting monuments shall insure that such monuments are firmly secured to the foundation and that the foundation is adequate to carry the monument.

- f) All persons erecting monuments shall ensure that the surrounding areas are left in the same condition as found.
- g) No work shall be done upon any monument, nor shall any monument be removed from any grave or plot without permission from the Town.
- h) 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.

6. PERPETUAL CARE

- a) A perpetual care fee will be added to the purchase price of all burial and cremation plots or memorial wall.

- b) 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.
- c) Interest from the perpetual care fund shall be used for maintenance of the cemetery as determined by the Town.
- d) 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.
- e) Tax deductible donations will be accepted and held in the Pine Grove Cemetery Perpetual Care Reserve Fund.
- f) When plots are sold back to the Town the perpetual care fee shall be refunded as per section 3 e) of this bylaw.

7. VISITORS

- a) 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. VEHICLES IN CEMETERY

- a) No person shall drive any vehicles through the cemetery at a greater rate of speed than 20 km per hour.
- b) The Town may prohibit the driving of vehicles in any part of the cemetery.
- c) Unless authorized by the Town, no bicycle, motorcycle or horse shall be allowed in the cemetery except when it is a part of a funeral procession.
- d) The owner of any moving vehicle shall be responsible for any damage done by such vehicle within the boundaries of the cemetery.

9. FIELD OF HONOR

- a) The Town shall set aside an area which shall be known as the “Field of Honor” 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.
- b) 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 Schedule “A”. 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.

- c) In the case of private burials in the Field of Honor, 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.

10. PROVISIONS for RULES & REGULATIONS

- a) 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.

11. PENALTY

- a) 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 06/13V, Bylaw 12/06V and Bylaw 14/10V and Bylaw 17/09V shall come into effect upon the date on which it is finally read and passed.

Read a first time in Council this 5th day of December, 2017.

Read a second time in Council this 5th day of December, 2017.

Read a third and final time in Council this 12th day of December, 2017.

”Tammy Burke”
Mayor

“Corinne Newman, Interim CAO”

Chief Administrative Officer

SCHEDULE "A"
TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO.17/09 V

	<u>Size</u>	<u>Price</u>
Single Plots (3 years or over)	1.60m X 3.5m	\$ 500.00
Cremated Remains	1.60m X 1.00m	\$ 250.00
Cremated Remains (Section B)	.80m X 1.00m	\$ 250.00
Cremated Remains (Section C-M)	1.60m X 1.71m	\$ 250.00
Baby 0 to 2 Years of Age (Section C-M)	1.60m X 1.71m	\$ 250.00

Field of Honor-Department Requests – 50% of Current Single Plot Price

PERPETUAL CARE

Burial Plot	\$ 200.00
Cremation	\$ 150.00
Baby 0 to 2 Years of Age	\$ 150.00
Columbarium (includes Memorial Wall)	\$ 150.00

BURIALS

For the burial of the body of a deceased person three years or over

Summer	\$ 500.00
Winter	\$ 800.00
Summer – Weekends, Holidays, after 4:00 p.m. weekdays	\$ 700.00
Winter – Weekends, Holidays, after 4:00 p.m. weekdays	\$ 900.00

For the burial of the body of a deceased infant to ages of two years

Summer	\$ 275.00
Winter	\$ 400.00
Summer – Weekends, Holidays, after 4:00 p.m. weekdays	\$ 300.00
Winter – Weekends, Holidays, after 4:00 p.m. weekdays	\$ 425.00

For the burial of cremated remains of any body	
Summer	\$ 200.00
Winter	\$ 260.00
Summer – Weekends, Holidays, after 4:00 p.m. weekdays	\$ 365.00
Winter – Weekends, Holidays, after 4:00 p.m. weekdays	\$ 390.00

INTERMENTS AND DISINTERMENTS

For the disinterment of a deceased person of any age	\$ 700.00
For the disinterment of the cremated remains of any body.	\$ 250.00

Reinterments shall be at burial rates.

COLUMBARIUM

Columbarium Niche (includes plaque and initial open/close)	
Single Niche – one cremated remains	\$1200.00
Double Niche-two cremated remains	\$1600.00
Double Niche - Second Opening & Closing	\$ 75.00
Memorial Wall (with plaque and installation)	\$ 275.00

ADDITIONAL CHARGES

Monument Permit Fees	\$ 35.00
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ALL FEES ARE SUBJECT TO G.S.T.

SCHEDULE "B"
TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO. 17/09V

PART 1 – APPLICATION TO PURCHASE BURIAL DEED

Name of Applicant: _____ Date: _____

Address: _____ Phone: _____

In making this application, and in consideration of the Town of Rocky Mountain House selling to the undersigned, the undersigned acknowledges and agrees:

1. This application shall constitute a binding contract between the parties for the purchase of the lots specified, and all of the provisions of the Cemetery Bylaw as amended from time to time hereafter shall be deemed to be included as terms and conditions of this contract.
2. That the title deed issued for the lot or niche shall not be a title in fee simple, but shall be an easement or license only to use the burial lot.
3. That this agreement shall be binding upon the parties hereto, their respective heirs, executors, administrators, successors and, where permitted, their assigns.
4. The undersigned hereby waives, releases and discharges the Town, its officers, agents and employees from all claims, demands and rights of action which the undersigned may hereafter have against the Town for loss or damages, howsoever caused, resulting from the theft or vandalism to the monuments or grave markers situate with, upon or under the lots howsoever caused.

SIGNATURE OF APPLICANT

LOT DESCRIPTION Single () Infant () Cremation () Child () Field of Honor () Niche () \$ _____ Perpetual Care \$ _____ Total Payment Required \$ _____	Section: _____ Plot: _____ Niche _____
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In consideration of the payment in the amount herein set forth made by the Applicant. The Town hereby grants to the Applicant a burial lot or niche deed entitling the Applicant to a license or easement to use the burial lot herein described and have access thereto:

TOWN OF ROCKY MOUNTAIN HOUSE

Per: _____

SCHEDULE "C"
TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO. 17/09V

PART II – BURIAL APPLICATION & PERMIT

Name of Deceased: _____ Date: _____

Name of Applicant: _____ Phone: _____

Address: _____

Date of Death: _____

Date of Burial: _____ Time: _____

Service From: _____ Church/Chapel

LOT INFORMATION

SECTION: _____ **PLOT:** _____

Burial: Body () Ashes () Infant/Child () – check one \$ _____ **(I)**
Weekend () Holiday () After 4:00pm ()-check one
Summer () Winter () –please check one

Extra Depth () \$ _____ **(I)**

Other Charges _____ \$ _____ **(I)**

The Applicant acknowledges and agrees that a permit for burial is issued subject to the provisions of the Town of Rocky Mountain House Cemetery Bylaw and amendments thereto.

SIGNATURE OF APPLICANT

PERMIT FOR BURIAL

The Town of Rocky Mountain House grants permission for the burial of the above deceased in the Pine Grove Cemetery this _____ day of _____, 20__.

TOWN OF ROCKY MOUNTAIN HOUSE

The charges herein shall be invoiced to:	Plot:	\$_____ (I)
_____	Perpetual Care	\$_____ (I)
_____	Burial	\$_____ (I)
_____	Other:	\$_____ (I)
	TOTAL	\$_____ (I)

Invoice will be processed ____ day of _____, 20__.

SCHEDULE "D"
MONUMENT / MEMORIAL PLAQUE PERMIT
BYLAW NO: 17/09V

Permit No.:

Name of Monument Company: _____

Name of: Purchaser: _____ Deceased: _____

Location: _____ Section: _____ Plot: _____

Type of Monument: Flat: _____ Pillow: _____ Upright: _____

Size of Monument: _____ Height _____ Foundation Proposed: Yes ___ No ___

Description: _____

Date of Application: _____ Est. Date of Placement: _____

Permit Fee: _____ Cash _____ Cheque _____ Invoice _____

APPLICATION COMPLETED BY:

SIGNATURE OF APPLICANT: