

ORDINANCE NO. 555

AN ORDINANCE RELATING TO ORCHARD MESA CEMETERY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1. That the cemetery known as Orchard Mesa Cemetery and more particularly described by the plat thereof on file in the office of the City Clerk of the City of Grand Junction, is hereby established as a municipal cemetery of said City and designated as Orchard Mesa Cemetery, and is hereby set apart to be used and maintained exclusively for cemetery purposes.

Section 2. That all grave spaces in those parts of said cemetery which are platted as Blocks A, B, C, and F, shall be sold at the price of \$15.00 per grave space, and shall not be sold except with the payment of endowment for perpetual care thereof at the rate of fifty cents per square foot, and no burial shall be permitted therein until the purchase price of the grave space and endowment for perpetual care thereof has been fully paid; and that all other grave spaces in said cemetery shall be sold for such prices and upon such conditions as the City Council may determine and provide by resolution.

Section 3. That the rights, title and interest acquired by any person in and to any grave space in said cemetery shall be subject to the following conditions:

- (1) Markers only shall be erected or placed upon any single grave space;
- (2) No lot or grave space shall be marked or defined by any fence, coping, railing, hedge or embankment, nor shall any lot be filled above the established surrounding grade;
- (3) No lot or grave space shall be decorated by its owner or others with any trees, shrubs, or other plants;
- (4) No monument or marker shall be placed in said cemetery which is constructed of material other than granite or bronze, and every monument or marker shall be constructed of the same material throughout;
- (5) The City shall construct all monument foundations and shall set all corner and grave markers, at reasonable prices to be fixed by the City Manager;
- (6) No mausoleum or vault shall be erected except under special permit from the City Manager, who shall have absolute discretion in such matter;
- (7) The City shall have the right to remove from any lot or grave space any tree, shrub, or other structure which, for any reason,

has become, or shall become, unsightly or detrimental to said cemetery, and the City Manager shall have the absolute determination of such matters;

(8) The City shall have the right to exclude from any lot or grave space any monument, marker, structure, tree, plant, or other object, which conflicts with the rules and regulations of said cemetery, or which, in the opinion of its City Manager, will be detrimental or injurious to the general appearance of said cemetery;

(9) The City shall not be liable for any injury or damage to any monument, marker, or other structure in said cemetery, resulting from any cause beyond its reasonable control; and,

(10) Subject to any and all further or different conditions provided by any rules and regulations hereafter adopted under this Ordinance, or provided by any ordinance of said City.

Section 4. That all payments made and received for perpetual care of grave spaces in said cemetery, after deduction of proper costs of establishing and perpetuating such endowment plan, shall be kept separate and apart from all other funds of said City, and shall constitute a permanent trust fund for the purposes herein provided, to be known as the Orchard Mesa Cemetery Perpetual Care Fund, and the same shall be invested and reinvested in such bonds as the City Council of said City may determine by resolution, provided that no investment thereof shall be made except in securities in which estate funds may now be, or may hereafter be, invested under the Laws of the State of Colorado, except that such funds may be invested in bonds of any Special Improvement District within said City of Grand Junction. The principal of said Fund shall be preserved as an endowment for the perpetual care and maintenance of grave spaces in said cemetery, and the income from said Fund shall be used solely for such purpose. And the aforesaid funds shall be entirely independent of, and in addition to, payments made for the purchase of lots or burial spaces for which perpetual care is purchased.

Section 5. That the City Clerk of said City shall keep and have custody of all books and records pertaining to said cemetery, and shall issue all permits for burial, disinterment, and removal of bodies in said cemetery, and, with the City Manager or President of the City Council, shall execute and issue, to those having paid therefor, appropriate certificates of purchase of grave space in said cemetery and contracts for perpetual care thereof, in such form as the City Manager may determine, and in compliance with the provisions of this Ordinance and any and all rules and regulations made thereunder.

Section 6. That the City Manager is hereby authorized and empowered to fix, from time to time, reasonable charges for the opening and closing of graves, and for the services of employees of the City at said cemetery, incident to burials, disinterment,

removal or reburial of bodies, and to make, enforce, and modify or repeal, from time to time, such rules and regulations as he may deem advisable for the management, use, improvement and maintenance of said cemetery, and for the administration of said endowment fund, not inconsistent with the provisions hereof.

Section 7. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed and adopted this 7th day of October, A. D. 1936.

/s/ G. W. Oates  
President of the Council

ATTEST:

/s/ Helen C. Tomlinson  
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 555, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at the regular adjourned meeting of said body held on the 9th day of September, A. D. 1936, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 7th day of October, A. D. 1936.

/s/ Helen C. Tomlinson  
City Clerk

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