

Having been duly posted on the 30th day of June, 1999, and the public having the opportunity to comment on the propriety of the following regulation, the regulation will be duly promulgated and become effective on the 10th day of July, 1999.

RE: ADMINISTRATIVE REGULATION 1-99

Parks & Recreation Department
Cemetery Division
City of Grand Junction

Issued by: /s/ Erik Joseph Stevens 6/30/99
Erik Joseph Stevens, Director of Parks & Recreation Date

Topic:

The City operates and maintains the Municipal Cemeteries. The adoption of the rules and regulations referred to by this Administrative Regulation is necessary to administer all the various actions that occur in the operation of the cemeteries including but not limited to sales, contracts to purchase, perpetual care, development fee, rights to burial, transfer of ownership, abandoned grave spaces, burials, funerals, disinterments, monuments, markers, mausoleums, maintenance, landscaping, decorations, visitors and recordkeeping. The regulations are to ensure the uniform application of the City's policies.

The complete volume of the Rules and Regulations Pertaining to the Sale of Lots and Spaces is available in the Office of the City Clerk, City Hall, 515 28 Road, Grand Junction, Co. 81501.

**CEMETERIES
PARKS AND RECREATION DEPARTMENT
RULES AND REGULATIONS PERTAINING TO
SALE OF LOTS AND SPACES**

Administrative Regulation 99-01

Having been duly posted on the 30th day of June, 1999, and the public having the opportunity to comment on the propriety of the following regulation, the regulation will be duly promulgated and become effective on the 10th day of July, 1999.

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Section 1: SALE OF LOTS, CERTIFICATES OF OWNERSHIP

A. The City Manager shall keep accurate record of all burial spaces in the City cemeteries. The City shall sell burial spaces at such price or prices as may be directed by the City Council and contained in the rules and regulations for the City cemeteries. The City Manager shall issue a Certificate of Ownership to the purchaser of each burial space, which certificate shall contain a description of the burial space, purchase price, the name and address of the space owner and will include statement of perpetual care. The certificate shall state that it represents only a right to be buried and in no way conveys a title to the real estate and shall also state:

1. The ownership of that right is not transferable without the approval of the City Manager or his designee and the re-issuance of a new certificate to the new owner of the burial right, except that transfer of ownership may be effected by last will and testament or intestacy as provided for in Section 8 of this Regulation. All transfers must be recorded by the City and a fee for such transfer as established by resolution of City Council will be charged.
2. Any transfer of ownership interest by last will and testament or applicable laws of intestacy shall be reported immediately to the City Manager or his designee by the person receiving the ownership interest.
3. All changes in address of the owner shall be reported immediately to the City Manager or his designee.
4. A portion of the purchase price, such portion to be specified, shall be deposited into a trust fund and held as a permanent fund with the income of the fund to be devoted to the perpetual care and keeping of the burial space so endowed, except for spaces in areas designated for the burial of indigent persons. Indigence shall be demonstrated by affidavit or other documentary proof satisfactory to the City Clerk.
5. The resale of rights to a burial space by the owner of the right to another party for more than current price is prohibited.
6. Prior to the resale of any vacant burial space by the owner to any other individual or to the city, all monuments or markers must be removed at the owner's expense.

B. The Certificate of Transfer shall be signed with a facsimile of the City Manager's signature and attested by the signature of the City Clerk under the Seal of the City.

Section 2: RECORDS

Records of the City Clerk, other than the certificate as provided for in Section 1, shall show the date of purchase, the name of the purchaser, the description designating the burial right(s) space purchased and the purchase price. Indexing maintained by the City shall permit determination of location of the burial space by location as well as by owner's name.

A. Certificates of Ownership are evidence of ownership of a right to be buried in spaces listed on the certificate.

B. The owner of a Certificate of Ownership seeking to re-convey one or more spaces to another shall apply for and obtain a Certificate of Transfer from the City Clerk in the name of the other person. Upon submission of an application to convey the burial space rights, the original Certificate of Ownership shall be returned, canceled and re-issued to the new owner by the City Clerk. If any spaces enumerated on the original Certificate of Ownership are to be retained by the owner, then Certificates of Ownership shall be reissued by the City Clerk for each space in the name of each owner.

1. Upon application for reconveyance, the applicant shall provide the following information:
 - a. The grave space right(s) owned;
 - b. The spaces then used, if any;
 - c. Which owners have been issued a Certificate of Transfer, if any, for the particular space;
 - d. A statement that the owner truthfully believes that the owner holds and fully controls burial rights to the spaces for which the owner is applying for Certificates of Transfer and that the owner does indemnify the City as to all costs should any person(s) other than the transferee named subsequently present a Certificate of Transfer for the same space or spaces.
2. Upon submission of a complete application, the City Manager shall investigate and determine:
 - a. If any spaces for which Certificates of Transfer are sought are filled.
 - b. If any spaces are held by persons or firms other than the current Certificate of Ownership holder.
3. The City Clerk shall then issue the Certificate(s) of Ownership to the person(s) indicated by the then owner; however, any title impairment affecting the ownership of the burial right(s) shall be noted upon the respective Certificate of Ownership by the City Clerk. If any space is unendowed (except in areas platted for burial of indigent persons), then the endowment then payable shall be paid prior to the re-issuance of the new Certificate of Ownership. A record containing the application, the investigation results and a copy of the Certificate(s) of Transfer along with the chain of title notations, if any, shall be retained by the City Clerk.

C. The City may purchase back any unused Certificate of Ownership or any unused portion thereof under the terms and conditions listed below. The City Clerk shall purchase only those spaces for which ownership is clear. The City Clerk shall require an application for all purchase back requests. Upon submission of a completed application to the City Clerk and upon completion of the City Clerk's investigation, the City Clerk may purchase the Certificate of Ownership for any number of spaces identified on the certificate, except that the City Clerk shall not purchase spaces already filled, nor spaces where an apparently valid Certificate of Ownership remains outstanding. The purchase back price shall be the original purchase price including development fee, if paid, not to exceed the current prices and exclusive of the endowment fee less the following:

- a. 25% of the total current purchase price, excluding the endowment fee, or \$50, whichever is greater, shall be retained as administrative cost.
- b. In no case will the City buy back any space for more than the price of the lot and development fee at the time of purchase. The endowment fee will not be refunded.

- c. If a current installment contract for payment exists, the City shall retain 25% of the amount paid excluding the pro-rata share of the endowment fee, or \$50, whichever is greater.

D. Certificate of Ownership holders may consent to the burial of any deceased person. Such consent shall be in the form of an affidavit signed and notarized and shall bear the signature of at least one owner as shown on the Certificate of Ownership.

E. Lost Certificate of Ownership: The owner may apply for a lost title upon payment of a fee established by resolution of the City Council.

Section 3: FUNDS, DISPOSITION

All moneys, except moneys received for perpetual care endowments in accordance with Section 5, received from the sale of spaces in said cemeteries shall be held by the City and expended as shall be directed by the City Council for the maintenance, improvement, beautification and enlargement of said cemeteries as provided by Section 12-1 of the Code of Ordinances.

Section 4: INSTALLMENT PURCHASES

The purchase price and the endowment(s) for the lot(s) or space(s) purchased may be paid in installments, provided that the purchaser shall enter into a written contract wherein it is agreed that the number of installments shall not exceed eighteen (18) nor extend over a period of more than two (2) years, that no interest shall be added by the City to the purchase price during that two (2) years; that at least ten percent (10%) of the installment purchase price shall be paid at the time of the execution of said contract; failure to pay any installment for a period of sixty (60) days shall terminate the contract, together with any legal interest of the purchaser therein, and shall vest all payments previously made thereunder absolutely in the City. Notice of termination for failure of payment shall be given by the City to the purchaser's last known address by certified mail, return receipt. Until payment is completed in full, no Certificate of Transfer shall be issued for the lot(s) or space(s) described in said contract, nor shall any burial be allowed on such lot(s) or space(s), nor shall any monument or marker be allowed.

Section 5: PERPETUAL CARE

A. Charge for Perpetual Endowment: All grave spaces in the City cemeteries, except in areas platted for burial of indigent persons, shall be perpetually cared for by the City in accordance with Section 12-3 of the Code of Ordinances.

- 1. Perpetual care funds shall be due at the time of purchase of any lot(s) or space(s).
- 2. Except for areas platted for the burial of indigent persons, owners holding Certificates of Ownership shall purchase such perpetual care. The price of such endowment shall be established by resolution of the City Council.

B. Perpetual Care Funds: The City shall place the money derived from perpetual care endowments in distinct irrevocable endowment trust funds as required by Section 12-3 of the Code of Ordinances.

Section 6: DEVELOPMENT FEE

The development fee was established in 1986 to fund cemetery improvement projects. These projects are beyond the routine operations and maintenance costs that are funded by the perpetual care endowment interest earnings. As of January 1, 1998 the development fee was incorporated into the purchase fee.

A. No certificate of ownership shall be issued for any lot(s) or space(s) without the development fee first being paid.

B. No burial shall be allowed on any lot for which such development fee has not been paid. For burial of cremated remains, an infant or a child, such development fee shall be prorated in accordance with the graduated fee schedule for interment.

C. The Development Fee is established by resolution of the City Council.

D. Any Transfer of Ownership performed under Section 8 requires that any outstanding development fee be paid. No Certificate of Ownership will be issued by the City Clerk until such fee is paid in full.

Section 7: RIGHTS OF BURIAL SPACE OWNERS

A. **Interment Rights:** All lots, grave spaces and burial spaces conveyed shall be considered as a grant of a right by the City to the grantee for the purpose of burial, shall be presumed to be the sole and separate burial right of the person named as grantee; however, a grantee may inter the grantee's deceased immediate family member in the space, in accordance with the rules and regulations and fee schedule at the time of interment of spouse, child, mother, father or sibling. The burial of animals shall not be allowed.

B. **Consent to Burial:** Upon the death of any other relative than listed above or non-relative, the owner of a Certificate of Ownership may convey the right to burial in the space enumerated on the owner's certificate. The consent shall be evidenced by an approved Certificate of Transfer, which certificate shall be available only from the City Clerk. A certified death certificate shall be presented at the time of issuance of a Certificate of Transfer to a decedent by the City Clerk. Once burial occurs, the body may be disinterred only with an authorization pursuant to Section 19. Upon disinterment, burial rights for the space shall remain in the name of the Certificate of Transfer holder. The City Clerk shall maintain records of all burials.

C. **Right of Descent:** Upon the death of the owner, any unused burial spaces shall pass as provided in the owner's last will and testament to the owner's beneficiaries. Any unused burial spaces not effectively disposed of by the owner's last will and testament or otherwise shall pass to the owner's heirs as prescribed by the Colorado Probate Code.

D. **Official Records:** The official records of burial space owners shall be maintained by the City Clerk, and each burial space owner shall be registered by name and address. Such registration shall be the final governing record in determination of burial rights ownership.

E. **No Transfer Without Consent:** No burial spaces shall be transferable except with compliance with the procedures of the City Manager or as provided by law.

F. **Change of Address:** It shall be the duty of each and every burial rights owner to keep the City Clerk fully informed as to the owner's mailing address and to notify said City Clerk as to any changes thereof. Notice sent to any burial space owner at the last registered address on file with the City Clerk shall be considered sufficient and proper legal notice.

G. **Right to Ingress and Egress Reserved:** The City reserves to itself, and to those lawfully within the cemetery, a perpetual right to enter and to leave and conduct any lawful activity on or over any burial space and/or for passage to and from other spaces.

H. **No Right Granted in Alleyways:** No easement or right of interment is granted to any burial space rights owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery grounds or buildings as long as the cemetery uses the accessways for that purpose.

Section 8: TRANSFER OF OWNERSHIP

a. Method of Transfer: The transfer of right or any interest in any burial space shall be made only on forms provided by the City Clerk.

B. Consent and Approval: No transfer of any burial space shall be valid without the consent, in writing, of the City Clerk and endorsed upon such a transfer and thereafter recorded on the books of the City Clerk.

C. Time of Recognition: A Certificate of Transfer, in order to be valid, must be proper on its face and it must also be delivered to the grantee or some third person during the lifetime of the grantor, with the full intent to divest the grantor of grantor's interest. The transfer must also be presented to, approved by and transferred upon the record of, the City Clerk during the lifetime of the grantor; provided, however, that a transfer may also be made by the grantor in a last will and testament, or by the applicable laws of intestacy. An affidavit stating the applicant for the transfer is the heir must be submitted along with a copy of the will and application for transfer.

D. Indebtedness: The City Clerk may refuse to consent to a transfer of any burial space so long as there is any indebtedness due thereon by the registered owner thereof.

E. Care and Maintenance Must be Provided: Except for areas designated for the burial of indigent persons, no transfer of any burial space or interment right therein shall be approved and registered upon the books of the City Clerk nor shall interments therein be permitted until provision shall have been made for care and maintenance of such space by payment of the endowment amount specified in the rules and regulations for City cemeteries. This provision shall not apply to burial spaces conveyed by the City for which perpetual care endowment has been already provided.

F. Transfer Charges: All conveyances or transfers of rights in any burial space shall be subject to a charge fixed, from time to time, by resolution of the City Council, which charge must be paid when the transfer request is received for filing by the City Clerk.

Section 9: ABANDONED BURIAL SPACES

A. Reversion: The ownership or right in or to any unoccupied cemetery burial space shall upon disinterment and subsequent abandonment revert to the City.

B. Presumption: Failure to inter in any burial space(s) after twenty-one (21) years plus a life (defined as 100 years) from purchase, transfer or interment in adjacent spaces commonly owned, whichever is later in time, shall create and establish a presumption that the same has been abandoned; except that this presumption shall not apply when a letter of intent is annually filed by the owner or heir in title with the City Clerk stating the intention to keep specified spaces vacant.

C. Notice Required: Abandonment or reversion by disinterment shall not be deemed complete unless the registered owner(s) or their heirs or assigns shall be notified in writing, mailed to the last known or registered address, by the City Clerk. In the event that the address of the owner or owner's heirs cannot be ascertained, then notice of such abandonment shall be published in a newspaper of general circulation in Mesa County at least once a week for four (4) weeks.

The City may thereafter sell, transfer and convey the rights to use the space. The funds derived from any sale of an abandoned space shall be considered as a new grave space.

Article II - Interments

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Section 10: COMPLIANCE WITH APPLICABLE LAWS

Besides being subject to these rules and regulations for the City cemeteries, all interments, disinterments and removals are subject to the orders, rules, regulations and laws of the properly constituted authorities of the City and State.

A. Authorization for Interment: The City reserves the right to refuse burial in any burial space if complete, correct and proper procedures are not followed or the death is suspicious and under criminal investigation.

B. Facsimile and Telephone Authorization: The City may but shall not be obligated to complete certificates of transfer, endowment contracts or any or all other applications, contracts or paperwork via facsimile or telephone. The City shall not be held responsible for any order given by telephone, facsimile or for any mistake occurring from the want of precise and proper telephonic and/or facsimile transmissions. Any changes, adjustments or corrections necessitated by such mistakes shall be at the expense of the burial space owner or the owner's agent.

C. Burial Permits Issued: The Mesa County Bureau of Vital Statistics or other appropriate agencies shall issue a burial permit addressed to the City Clerk. No burial shall take place without a burial permit from the appropriate agency. In the case of cremated remains, such burial permit will accompany the body to the crematorium.

Section 11: TIME AND NOTICE OF INTERMENTS

The right is reserved by the City to insist upon notice at least twenty-four (24) hours prior to any cremation or interment, and at least ten (10) days notice prior to any disinterment or removal. Any exceptions must be approved by the cemetery supervisor.

All interments, disinterments and removals must be arranged for in advance, but no interments, disinterments, removals, cremation or interment service shall be permitted on the Saturday or Sunday before or on Memorial Day. Exceptions may be granted for extenuating circumstances by the City Clerk. However, the additional grave opening fee for Sundays and holidays will be charged.

Section 12: CONDITIONS FOR INTERMENT

A. No Interment Unless Paid in Full: No interment shall be permitted or memorial placed in or on any property not fully paid for. A promissory note or installment contract for purchase shall not be considered as payment and no rights shall be acquired by the burial space purchaser of said interment or interments until such property is fully paid for in cash. The City Clerk may accept from the legal representative of a deceased a bond or other surety or guaranty of payment.

B. More Than One Body: Not more than one body, or the remains of more than one body, shall be interred in one grave, vault, crypt or niche. However, with the written consent of the City Clerk, with the consent attached to the Certificate of Ownership, the remains of an infant may be buried in the grave space with the parent or cremated remains may be placed in the same grave, crypt or niche with one adult or infant burial or other cremated remains; provided, proper identification is made of such interment or interments on one crypt, niche, memorial or marker, and provided, the appropriate fees have been paid. In no event shall more than five (5) remains be allowed in one full size space (4' x 10' approximately).

Section 13: LIABILITY OF CITY

A. Delay From Protest: The City shall be in no way liable for any delay in the interment of a body where a protest to the interment has been made or where the rules, regulations and ordinances of the City or other applicable law have not been complied with. The City shall be under no duty to recognize any protests of interments unless they are in writing and filed with the City Clerk, or are by order of a court of competent jurisdiction.

B. Not Responsible for Identity: The City shall not be liable for information contained in the Certificate of Ownership or for any or all documents and records nor for the identity of the person sought to be interred, cremated or disinterred.

C. Errors May Be Corrected: The City shall not be liable and reserves and shall have the right to correct any errors that may be made by it, either in making interments, disinterments or removals, or in the description, transfer or conveyance of any space, by correcting as required any errors in form or substance made to any documents. In any event the liability of the City shall be no greater than the cost of the space(s) at the time of purchase.

Section 14: EQUIPMENT USED

Only the City shall open and close graves. The placement of urns by a monument company is allowed when the company is placing a marker or monument at the same time. Proper notice shall be given to the City Clerk's office.

Section 15: FUNERAL PROCESSIONS

Funeral processions, on reaching a cemetery, shall be under the guidance and control of the cemetery staff. Automobile and motorcycle engines must not be kept running in close proximity to any funeral during the services. Funeral services shall be scheduled at such a time where the service will be complete prior to 4:00 p.m. unless a surcharge has been paid to the City in advance.

Section 16: CHARGES FOR GRAVES

Fees shall be charged for all grave spaces, digging and filling of graves, disinterments, reinterments and the overtime services of the City employees. All fees so charged are to be paid to the City Clerk.

A. A graduated fee shall be charged for the opening and closing of graves in the burial of infants, children, adults and cremated remains; the schedule of graduated fees shall be established by resolution of the City Council.

B. For disinterments and reinterments, a fee shall be charged for infant, child and adult graves, which fee schedule shall be established by resolution of the City Council.

Section 17: CASKETS AND URNS NOT TO BE OPENED

Once a casket containing a body or an urn containing the remains of a body is within the confines of the cemetery, no funeral director, embalmer, assistant, employee or agent, nor any cemetery employee shall be permitted to open the casket or to touch the body or the remains of the body without the consent of a member of the immediate family, the legal representative of the deceased or without a court order or written consent filed with the City Clerk.

Section 18: REMOVAL OF BODIES PRIOR TO INTERMENT

Once a casket containing a body is within the confines of the cemetery and has been accepted for interment by the City cemetery supervisor, no funeral director, embalmer, assistant, employee or agent, nor any cemetery employee shall remove or permit the removal of the casket or body contained therein without the written consent of a member of the immediate family, nearest of kin, legal representative of the deceased or without a court order. A casket containing a body cannot be accepted for interment by the City cemetery supervisor until the supervisor receives a signed, properly completed burial order form and burial permit for the deceased.

Article III – DISINTERMENTS AND REMOVALS

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21 Removal for Autopsy

22 Removal of Remains for Resale Prohibited

23 Disinterment Responsibilities

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Section 19: NOTICE; AUTHORIZATION

The City reserves the right to require at least ten (10) working days notice prior to disinterment. Remains may be removed from a burial place only upon written notarized authorization or by court order. Before removal, each of the following shall also be provided to the City Clerk:

- A. Submittal of a death certificate by the nearest of kin or legal representative of the deceased.
- B. Submittal of the name of the funeral home and director who conducted the initial burial.
- C. If the remains are to be moved out of the cemetery to another location, submittal of an authorization permit from the State or the funeral home.

The City reserves the right to verify all documents submitted for a disinterment.

Section 20: CARE IN REMOVAL

The City shall exercise the utmost care in making a removal, but it shall assume no liability for damage incurred to any casket or burial case or urn or the contents thereof in making the removal.

Section 21: REMOVAL FOR AUTOPSY

A body may be removed from its burial place for autopsy purposes only upon or by order from a court of competent jurisdiction.

Section 22: REMOVAL OF REMAINS FOR RESALE PROHIBITED

Removal of a body or cremated remains so that the burial space may be resold or removal contrary to the expressed or implied wish of the original burial space owner is repugnant to the ordinary sense of decency and is absolutely forbidden.

Section 23: DISINTERMENT RESPONSIBILITIES

- A. The City shall be responsible for uncovering the casket, burial case or urn, raising the casket, burial case or urn to ground level if the casket, burial case or urn is intact, and covering the ground space.

B. The nearest of kin, legal representative of the deceased or other person ordered by a court of competent jurisdiction shall be responsible for the following:

1. Obtaining the necessary authorizations and information for disinterment as required in these regulations;
2. Arranging with a funeral home to have a funeral director or his designee present for all disinterments, and for the transfer of remains;
3. Arranging to have the remains removed from the cemetery immediately after disinterment; and
4. Purchasing a new casket, burial case or urn for remains when the disinterment produces a casket, burial case or urn which no longer exists or is no longer intact.

Section 24: REFUSAL TO CONDUCT DISINTERMENTS

The City reserves the right to refuse to conduct a disinterment if the required forms and information are not submitted or the disinterment responsibilities are not met. The City reserves the right to refuse to allow its staff to conduct a disinterment if the removal would present a health hazard to City staff or the public.

Article IV – MONUMENTS, MARKERS AND MAUSOLEUMS

Section 25 Permits and Types of Memorials Authorized

26 Placement and Size Limitations

27 Responsibility for Monument/Memorial Placement

28 Installation

29 City Liability

Section 25: PERMITS AND TYPES OF MEMORIALS AUTHORIZED

A. Monument sales companies, agents or employees shall comply with any and all rules and regulations for placing monuments, markers and other memorials. A design or sketch with the dimensions for the foundation and placement of the marker or monument or other such memorial may be required with the application. No memorial will be allowed on any grave or plot until the plot is fully paid for and the proper fees have been paid. The City reserves the right to reject and remove any memorial which, after being erected, does not comply with the established standards.

B. No monument or grave marker will hereafter be placed in the City cemeteries when made of materials other than granite, marble or bronze unless otherwise approved by the City Manager.

C. No foot markers shall be erected above ground level. Only flat, flush foot markers shall be allowed.

D. No corner markers shall be erected to extend above the ground.

E. No coping or other lot or grave enclosures shall be erected.

F. Freestanding crosses with a minimum of a four inch (4") granite base, statues on a four inch (4") granite base, as well as monoliths, shafts and columns are permitted, unless specifically prohibited in designated blocks or portions thereof by the rules and regulations for the City cemeteries.

G. Mausoleums are prohibited unless specifically permitted in designated blocks or portions thereof by the rules and regulations for the City cemeteries. The edge of a mausoleum must be at least eighteen inches (18") from the property line of another owner and no other burial shall be permitted upon the area

of ground required by the mausoleum. Exact placement of a mausoleum must be approved in advance by the City Manager.

H. Sarcophagi and ledger stones are prohibited.

Section 26: PLACEMENT AND SIZE LIMITATIONS

A. A memorial (customarily a family monument or marker) to be placed on a lot consisting of two (2) or more burials shall be located in the center of the lot.

1. When the memorial is located in the center of the lot, and if upright individual grave markers on the east side of the center memorial would abut the foundation of the center memorial, then the grave markers shall be flush markers.
2. Unless otherwise provided by specific provisions for specific blocks, monuments or markers to be placed on individual grave spaces shall be located on the west end of the grave space.
3. No head markers or monuments shall act as foot markers.

B. Unless otherwise limited or allowed by specific provisions for designated blocks, monuments and markers and other memorials shall not exceed three-fourths (3/4) of the width of the space or lot.

C. Monuments, markers and other memorials may be of any height but may be limited by the specific provisions of designated blocks or portions thereof, except that such restrictions shall not apply to markers erected by the Federal government for service personnel.

D. The placing of temporary memorials is prohibited, except those placed by a funeral home. They may be removed by cemetery personnel for maintenance.

E. Flush, flat grass markers of granite or standard bronze set flush with the established grade of the plot may be placed on any plots in the cemetery. Upright markers are permitted in the following cemeteries only:

- Calvary/St. Anthony
- Cremation Garden, designated plots only
- Crown Point
- Masonic
- Municipal, Block 6 and 10, Block 5-designated plots only
- Oddfellows (IOOF)
- Orchard Mesa Cemetery, Blocks A, B, C, F and G
- Veterans

In Block 6 of Municipal Cemetery, one monument for each two (2) grave sections will be permitted. In Veterans Cemetery, the only permitted markers are regulation Veterans headstones. An upright stone is allowed for a full size space with a veteran's flat marker designating the burial of cremains.

Section 27: RESPONSIBILITY FOR MONUMENT/MEMORIAL PLACEMENT, FOUNDATION AND BASES

A. Foundations for memorials must be built of concrete, solid masonry or granite to the satisfaction of the cemetery supervisor. Foundations for above-grade memorials shall be the length and at least the width of the memorial to be placed. The foundation shall be at least four inches (4") deep. The top of the foundation shall be flush with the ground and have a six inch (6") apron around the memorial.

B. Monument/memorial placement is the sole and absolute responsibility and liability of the company, person, employee or agent selling and placing the monument. Such liability and responsibility shall include safety of the public and cemetery personnel as well as liability for damage to other monuments, memorials, plantings, trees and cemetery equipment while in, on or installing a monument or memorial.

C. Monument companies' installer(s) shall fully cover foundation holes, if left unattended, with a material strong enough to withstand three hundred (300) pounds of weight and must place orange safety cones around the hole.

D. Where an existing foundation must be removed in order to add a new burial, the cost of replacing the foundation and memorial shall be the owner's responsibility.

E. Bases for monuments, markers or other memorials must be squared. No wedging will be permitted. The base must be rock pitch (rough cut) at least four inches (4") above the ground. If smooth cut, the corners must be rounded. The City accepts no responsibility for any damage incurred to such bases.

F. Vases or urns made of some metal or other nonbreakable material may be attached to the granite or marble base, or may be placed into the foundation.

Section 28: INSTALLATION

A. Persons engaged in erecting monuments shall not attach ropes to other monuments or trees. They shall not scatter any material, to include soil or waste material, over adjacent lots or to leave the same on the ground longer than is absolutely necessary. They are required to set work as soon as possible after entering the cemetery. They shall be financially responsible for any damage done by them to other monuments, the grass, trees, or any other object whatsoever in the cemetery. Monument companies shall annually file with the City Clerk a certificate of liability insurance in an amount no less than \$500,000.

B. Monument installers within the immediate vicinity of a funeral shall suspend their labors until the conclusion of the funeral service.

C. Monument companies and others, including but not limited to stone masons, monument purveyors and employees or agents thereof, are prohibited from placing their names on any work, monument or memorial.

D. No memorial work shall be done in the cemetery on Sundays or holidays. Approval shall be acquired from the cemetery supervisor for memorial work to take place on the Saturday before Memorial Day. The placement of floral pieces, flowers, flags or other non-permanent commemoration is permissible.

Section 29: CITY LIABILITY

The City shall not be liable for damage(s) or injury to any monument, memorial or marker from mowing and trimming activities occurring within the cemetery.

Article V – Grave Care

Section 30 Grave Care

31 Visitor Regulations

Section 30: GRAVE CARE

A. Perpetual Care: Perpetual care as supported by the Endowment Fund shall be held to mean:

1. Cutting of the grass at reasonable intervals:
2. Raking, cleaning and watering at reasonable intervals;
3. Reseeding or resodding, if necessary;
4. Machine trimming as closely as possible around markers, monuments and memorials at reasonable intervals; and
5. Removal of seedlings, saplings and weeds from, on and around monuments and markers.
6. It shall also be held to mean the general preservation of the cemetery roads, walks, fences, plantings and the pruning of shrubs and trees to the end that the cemetery shall remain and be reasonable cared for as a cemetery.
7. Perpetual care shall not be construed as meaning the maintenance, repair or resetting of any grave marker or memorial placed upon any lot or grave space. Neither does the term "perpetual care" mean doing of any special or unusual work on any lot nor the reconstruction of any marble, granite, bronze, concrete or stone work or rebuilding or repair of any monument, memorial or marker damaged by the elements, an act of God, common enemy, thieves, vandals, strikes, malicious mischief, unavoidable accidents, invasions, insurrections or riot whether the damage be direct or collateral, other than as herein provided.

B. Planting: The cemetery supervisor shall have charge of the planting of trees and shrubs in accordance with appropriate ornamentation of the grounds. No trees, spreading plants or shrubbery shall be planted or grown on the lots or spaces. Roses and certain evergreens, as determined by supervisor, may be planted in blocks specifically authorizing them but only by cemetery personnel.

C. Grading of Lots:

1. In order to produce a pleasing effect and to ensure proper drainage, the grade of all lots and graves will be determined by the cemetery supervisor and, if need be, may be changed as required.
2. Grading and digging on the lots by persons other than City employees may be done only under the direction of the cemetery supervisor.
3. All graves will be sodded level. No mounding will be allowed on any grave.

D. Unauthorized Work by Cemetery Employees: The employees of the cemetery are not permitted to perform any extra work for lot owners during working hours except at the direction of the cemetery supervisor.

E. Ornamental Appurtenances: No trellises, baskets, boxes, shells, toys, crockery, glassware or other objects are permitted on any lot or grave space, unless specifically authorized by the cemetery supervisor. The City is not responsible for any such items and they may be removed by cemetery personnel for maintenance.

F. American Flags Allowed: American flags of small or memorial size may be displayed in any part of the entire cemetery when flags are customarily displayed. The American flag is defined for this purpose as the flag of the United States of America.

G. Expense of Maintenance:

1. No expense for cleaning a monument necessitated by any cause whatsoever will be assumed by the cemeteries nor paid by the City.
2. The City shall not be responsible for scratching or chipping of any type of monument or marker resulting from routine maintenance of the cemetery.

H. Fences, Enclosures: No fences, railings, copings or other enclosures shall be permitted around graves.

I. Artificial Flowers:

1. No plastic flowers, arrangements or wreaths shall be placed in the City cemeteries between April 15 and November 1 each year with the exception of ten (10) days before and after Memorial Day. On April 15 of each year and ten (10) days after Memorial Day, City crews will remove all plastic flowers, arrangements and wreaths from grave sites in the City cemeteries.
2. When placement is allowed, artificial flowers will be permitted in the City cemeteries only when placed in urns or other containers made of some durable material, excluding glass, pottery or other such material which are permanently attached to the foundation base or marker. Urns or containers shall be placed and located so that they will not interfere with or hinder the mowing operations or other care required.
3. Artificial flowers, when placed in permanent containers and maintained as herein provided, will be allowed in the cemeteries at all times except during those periods as prescribed in this Regulation.

J. Placement and Removal of Natural Flowers and Wreaths: Natural flowers and floral arrangements may be placed or used on interment spaces throughout the year. These objects may be removed by the cemetery staff if the objects become injurious to the grass on the grave spaces, unsightly, dilapidated, or if they hinder mowing operations or other care of the cemeteries.

K. Removal of Articles Considered Objectionable: The cemetery supervisor may prohibit or remove from lots any article that the cemetery supervisor may consider objectionable.

Section 31: VISITOR REGULATIONS

A. Entrance into the cemeteries shall be through the designated entrance(s) only.

B. All persons are welcome to visit the cemeteries during the posted visiting hours while gates are open. Visitors shall at all times be orderly and shall not walk on flower beds or borders. Children shall not run at will in the cemeteries.

C. All persons are forbidden to pick or remove the flowers or plants without the cemetery supervisor's permission, or to injure trees or shrubs on any lot or grave, or to injure or deface any monument, vault, structure or other property.

D. Litter is prohibited. Litter, including but not limited to cigarette butts, must be disposed of in trash cans.

E. No persons with firearms shall enter the cemeteries except for military funerals or similar occasions, and any peace officer, sheriff or other law enforcement officer.

F. Pets are strictly prohibited, except for seeing eye or other physical assistance dogs on the cemetery grounds; pets shall minimally be confined to vehicles but are generally discouraged from being taken to the cemeteries.

G. No driving or riding of any vehicle, bicycle or other conveyance shall be allowed on lots or upon the lawns or walks. Physical assistance conveyances are exempt from this provision. All persons driving in the cemeteries shall be responsible for any damage done by them. The speed limit in cemeteries is ten (10) miles per hour.

H. The cemeteries are devoted to the interment and repose of the dead. All persons shall show due respect and observe the ordinances, rules and regulations of the City for the use of the cemeteries.

I. The City cemeteries are not public forums. Demonstrations, protests, parades, speeches or other forms of public activities are expressly forbidden in the City cemeteries. Educational activities may be allowed by the cemetery supervisor or the City Clerk. Nothing shall be construed as prohibiting any funeral service or the uniformed services of the United States, the military forces of the State, or any Colorado law enforcement or fire organization, when the service is approved by the City Clerk and held for the purpose of interring remains or honoring the dead.