

ORDINANCE NO. 701

RELATING TO THE MUNICIPAL CEMETERY AND ORCHARD MESA CEMETERY.

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

WHEREAS, the cemeteries known as the Municipal Cemetery and Orchard Mesa Cemetery and more particularly described by the plats thereof on file in the office of the City Clerk of the City of Grand Junction have already been established as municipal cemeteries of said City and designated as the Municipal Cemetery and Orchard Mesa Cemetery, and have been set apart to be used and maintained exclusively for cemetery purposes;

Section 1. That lots and grave plots be conveyed to the purchaser by certificate of purchase, a copy of which shall be filed by the City Clerk.

Section 2. That a maximum price of thirty-five dollars (\$35.00) be established for a single grave space in the Municipal Cemetery and Orchard Mesa Cemetery; and a maximum price of thirty-five dollars (\$35.00) be established as an endowment for perpetual care for a single grave space. The City Council shall request the City Manager to report as conditions warrant on the income and expense of each cemetery, and shall adopt by resolution a schedule of prices for (a) grave space, (b) endowment for perpetual care (c) opening and closing graves, (d) services incident to burials, disinterment, removal, or reburial of bodies, (e) constructing foundations for monuments and markers, and (f) special protective measures for monuments and markers, consistent with prevailing conditions.

Section 3. The City Council shall consider and approve by resolution the platting of additional areas in the cemeteries and shall designate by resolution the areas to be given perpetual care, and shall specify by resolution the limitations upon monuments, markers, vaults and special structures in any area. A designation once made shall be binding in perpetuity upon the purchaser of the grave space and the City.

Section 4. 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) 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;

(2) No lot or grave space shall be decorated by its owner or others with any trees, shrubs, or other plants;

(3) No monument or marker shall be placed in said cemetery which is constructed of material other than granite, marble or

bronze, of varieties approved by the City Manager, after the submission of samples by the producer. Certificates of conformance with approved samples shall be filed by the monument dealer guaranteeing replacement by the producer if the monument shall show discoloration, deterioration, chipping, cracking, or obliteration within twenty years after erection, resulting from causes beyond the reasonable control of the City. All monument and marker bases not in rough rock finish shall have rounded edges and corners having radii of not less than three-eighths (3/8) inches. The City shall take protective measures around all smooth finished bases as directed by the City Manager, for which a charge shall be made as provided under Section 2.

(4) The City shall construct all monument foundations, and shall set all corner and grave markers, at reasonable prices to be fixed by resolution of the City Council.

(5) No mausoleum or vault shall be erected except under special permit from the City Manager, in accordance with the approved regulations.

(6) 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 determination of such matters;

(7) 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;

(8) Raised markers will be permitted on fractional grave spaces only in those cases where they will conform to established monument lines.

(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 such rights, title and interest shall be 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 5. That all payments made and received for perpetual care of grave spaces in said cemeteries shall be kept separate and apart from all other funds of said City, and shall constitute permanent trust funds, for the purposes herein provided, to be known as the Municipal Cemetery Perpetual Care Fund and 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 Funds 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 6. That the City Clerk of said City shall keep and have custody of all books and records pertaining to said cemeteries, and shall issue all permits for burial, disinterment, and removal of bodies in said cemeteries, 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 cemeteries 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 7. That the City Manager shall be responsible for the management of the City cemeteries, and shall delegate the duties involved in improvement, maintenance and operation thereof to the Superintendent of Parks and Cemeteries. The City Manager shall report to the City Council the financial and physical status of the cemeteries and perpetual care funds, and shall incorporate in proposed annual budgets such allocations of funds as may be necessary for their proper management. The City Council shall levy and appropriate for the cemeteries the necessary funds in a manner consistent with all budgeting requirements.

Section 8. That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Passed and adopted this third day of July A.D. 1946.

/s/ Porter Carson
President of the Council

ATTEST:

/s/ Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 701, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 22nd day of June, A. D. 1946, 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 3rd day of July, A. D. 1946.

/s/ Helen C. Tomlinson
City Clerk

1st publication June 22, 1946
Last publication, July 6, 1946