

CEMETERY MANAGEMENT

Chapter 13 CEMETERY MANAGEMENT

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[HISTORY: Adopted by the Board of Trustees of the Town of Frisco 06-01-74, Ord. 74-06. Amendments noted where applicable.]

GENERAL REFERENCES

§ 13-1. Establishment of Cemetery. [Amended 08-05-80, Ord. 80-20; 09-05-89, Ord. 89-21]

Pursuant to the authority conferred by Section 31-25-702, Colorado Revised Statutes, the Town of Frisco hereby establishes, by ordinance, the Town of Frisco Cemetery within the corporate limits of the Town of Frisco.

§ 13-2. Definitions. [Amended 05-07-91, Ord. 91-09; 11-02-99, Ord. 99-17; 03-18-03, Ord. 03-06; 05-25-04, Ord 04-06; 06-09-09, Ord. 09-11]

As used in this chapter, the following terms shall have the meanings indicated:

Burial plot means a single space within the cemetery designated for the interment of the remains of one deceased person and four (4) cremains.

Cemetery means a burial park for earth and crypt interments located at 809 East Main Street, Frisco, Colorado and owned and administered by the Town.

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Cemetery superintendent means the Public Works Director or his or her designee, sometimes referred to as the Sexton.

Cremains mean the cremated remains of a human body.

Disinterment means the removal of the buried remains of a deceased person from an earth burial.

Frisco resident means a full time resident of Frisco and or a person owning Frisco property. Residents of Bills Ranch, Giberson Tract, Wiborg Park, Evergreen, Frisco Heights, and Frisco Terrace Subdivisions may purchase burial plots at the Town of Frisco resident rate. Former residents of Frisco with relatives buried within the cemetery may purchase lots or burial plots at the Summit County resident rate.

Interment means the permanent disposition of the remains of a deceased person by earth or crypt burial.

Lot means a platted lot within the cemetery-that may consist of more than one (1) burial space.

Memorial means a monument, marker, tablet or headstone for family or individual use.

Monument means a monument, marker, tablet or headstone for family or individual use.

Natural areas means Blocks 1 through 16, inclusive, of the Frisco Cemetery that contains natural grasses and have limited maintenance requirements.

Pauper gravesites means Block 1, Plots 9 and 24 located in the Frisco Cemetery designated for the burial of unclaimed bodies. Procedures for which are set forth under section 13-17, Unclaimed Bodies.

Rules and regulations mean the Town of Frisco Cemetery Rules and Regulations, as amended from time to time, adopted by the Cemetery Board as set forth herein.

Summit County resident means a Summit County resident shall be described as a full time resident or property owner outside the corporate boundary limits of the Town of Frisco, but within the limits of Summit County.

Turf area means Blocks 17 through 27, inclusive, of the Frisco Cemetery that contains landscaped areas, sod with irrigation, and receive regular maintenance by the Town.

§ 13-3. Appointment, Powers and Duties of Cemetery Board. [Amended 09-05-89, Ord. 89-21; 06-09-09, Ord. 09-11]

There shall hereafter be appointed by the Town Council of the Town of Frisco a Cemetery Board which shall have the entire supervision, control and management of the Town of Frisco Cemetery, and which Board is hereby authorized to make all necessary rules and regulations governing the operation of said cemetery.

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§ 13-4. Membership of Cemetery Board. [Amended 9-5-89, Ord. 89-21; 05-25-04, Ord. 04-06; 06-09-09, Ord. 09-11]

The Cemetery Board shall consist of the Mayor of the Town of Frisco, the Cemetery Superintendent, Town Clerk of the Town of Frisco, the Museum Manager, and one (1) permanent resident of the Town of Frisco to be appointed by the Town Council for a term of three (3) years, which appointee shall not be an official of the Town of Frisco. Each member shall have one (1) vote on all matters.

§ 13-5. Superintendent of Cemetery. [Amended 09-05-89, Ord. 89-21; 03-18-03, Ord. 03-06]

The Cemetery Superintendent shall have charge of the cemetery, keep the grounds thereof in good condition and provide for the making of such improvements as the Town Council, or the Cemetery Board thereof, shall direct in accordance with this chapter and the Rules and Regulations governing said cemetery. It shall be the duty of the Cemetery Superintendent to see that all requirements and provisions of the laws of the State of Colorado or the ordinances and Rules and Regulations of the Town of Frisco are complied with.

§ 13-6. Records; Issuance of Permits. [Amended 05-16-95, Ord. 95-05; 03-18-03, Ord. 03-06]

The Town Clerk of the Town of Frisco shall keep and have custody of all books, records, and maps pertaining to the cemetery and shall issue all permits for burial, disinterment and removal of bodies in said cemetery.

Burial permits shall be required for all interments and an "Authority for Final Disposition" form issued by the registrar in the county where the death occurred shall be required prior to their issuance. [Colorado Department of Health Regulation VI (a)].

§ 13-7. Ownership of Lots. [Amended 09-05-89, Ord. 89-21; 03-18-03, Ord. 03-06]

All applications for the purchase of lots or burial plots in the cemetery shall be made to the Town Clerk who shall sell said lots or burial plots at such price or prices as set forth in this chapter and in the Rules and Regulations. The Town Clerk shall give a cemetery deed to the purchaser of any lot or burial plot purchased and paid for, specifying the burial space numbers and the block, and shall enter the same in the Town's records. Such cemetery deed shall be signed by the Mayor and attested by the Town Clerk, under the Seal of the Town. No lot or burial plot shall be sold to or purchased by a funeral director or other person for purposes of resale or speculation. No interment shall be made until the full purchase price has been paid to the Town of Frisco.

§ 13-8. Purchase of Burial Spaces; Transferability. [Amended 03-18-03, Ord. 03-06; 06-09-09, Ord. 09-11]

- A. Upon payment of the full purchase price to the Town of Frisco, a cemetery deed by the Town of Frisco shall be executed and delivered to the purchaser conveying the burial plot or lot subject to the rights and reservations contained herein, in the Rules and Regulations and in the conveying instrument.

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- B. No transfer, assignment or conveyance of any property right or interest in a burial plot or lot shall be valid without the consent, in writing, of the Town of Frisco.

§ 13-9. Rules and Regulations; Applicability. [Added 05-07-91, Ord. 91-91; Amended 03-18-03, Ord. 03-06; 05-25-04, Ord. 04-06; 06-09-09, Ord. 09-11]

All lot and burial plot owners, visitors, cemetery employees, persons working directly or indirectly for lot or burial plot owners and all lots and burial plots sold shall be subject to the Rules and Regulations, as adopted and as may be amended from time to time by a resolution of the Cemetery Board. A true and correct copy of the Rules and Regulations are on file in the office of the Town Clerk and may be reviewed by any interested person between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

§ 13-10. Ownership; Management. [Added 05-07-91, Ord. 91-09; Amended 03-19-03, Ord. 03-06; 05-25-04, Ord. 04-06; 06-09-09, Ord. 09-11]

- A. The cemetery is owned and managed by the Town of Frisco, Colorado.
- B. The Town Council has the right of general control of the cemetery in all matters, whether or not they are specifically covered herein or by the Rules and Regulations.
- C. The Cemetery Superintendent shall have complete supervision of all activities within the confines of the cemetery grounds.
- D. All applications for purchase, transfer, assignment or repurchase of burial plots and lots, interment and disinterment orders, foundation and monument permits and annual care or special permits of any kind must be made at the office of the Town Clerk or his/her designated agent. Only the Town Clerk is empowered to receive any and all moneys or payments and to issue receipts for the same in any and all transactions involving cemetery property or services.
- E. There will be no new fences allowed in the Frisco Cemetery. Other than the perimeter fence that defines the boundaries of the Cemetery as a whole, all fences within the Cemetery shall be removed as follows: (1) a written notice requiring the removal of the fence within thirty (30) days shall be provided to the owner of the Lot on which the fence is located; provided, however, that if the Town records do not contain information sufficient to determine the identity of the owner of the subject Lot or the mailing address for such owner, then the written notice may be made by way of publication of the same in a newspaper of general circulation in Summit County; (2) the written notice shall advise the owner that the failure to remove the fence on or before the date indicated in the notice will result in the removal of the fence by the Town, at which time the Town will hold the removed materials for retrieval by the owner for a period of thirty (30) days prior to disposing of them; and (3) if an owner shall fail to remove a fence after notice is provided as set forth above, then the Cemetery Superintendent shall arrange for the removal of the subject fence and the holding of the same for

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retrieval by the owner for not less than thirty (30) days prior to disposing of the removed materials.

§ 13-11. Natural and Turf Areas in Cemetery. [Added 05-25-04, Ord. 04-06]

Blocks 1 – 16 of the Frisco Cemetery shall remain natural areas. Blocks 17 – 27 of the Frisco Cemetery shall remain turf areas.

§ 13-12. Interments and Disinterments. [Amended 05-07-91, Ord. 91-09; 03-18-03, Ord. 03-06; 05-25-04, Ord. 04-06]

- A. Besides being subject to the Rules and Regulations and this chapter, all interments and disinterments shall be subject to the orders and laws of the properly constituted authorities of the Town, county and state.
- B. The Town shall not be responsible for the identity of any person sought to be interred, nor shall the Town be responsible in any way for the preparation of the body.
- C. All excavations for interments and disinterments shall be conducted exclusively by the Town pursuant to the terms and conditions set forth in this chapter and the Rules and Regulations.
- D. Only human remains shall be permitted in the Frisco Cemetery. No animal remains shall be permitted under any circumstance.
- E. All human remains disposed of within the Town of Frisco shall be disposed in the Frisco Cemetery. Remains shall not be disposed on any other public or private property.

§ 13-13. Disinterment Notice; Liability; Court Order Required. [Added 05-07-91, Ord. 91-09; 03-18-03, Ord. 03-06]

- A. All disinterments shall be performed exclusively by the Town. The Town shall exercise the utmost care in making a removal, but it shall assume no liability for any damage to any casket or body incurred in making a removal.
- B. No disinterment of a body will be made without a court order, permission from the Colorado Department of Health, and written permission from a duly authorized representative of the deceased.

§ 13-14. Application For and Selection of Lots; Certificates of Title. [Added 05-07-91, Ord. 91-09; Amended 03-18-03, Ord. 03-06; 06-09-09, Ord. 09-11]

- A. Applications for the purchase of cemetery lots or burial plots must be made at the office of the Town Clerk, where plats showing the size, location and description of all lots and burial plots are maintained.

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- B. The deed for any cemetery lot or burial plot will not be delivered to any purchaser until the purchase price of the same and the cost have been paid to the Town Clerk in full. The location and description shall be shown on the title.
- C. All deeds shall grant the lot or burial plot owner(s) the right to use such lot(s) or burial plot(s) for the burial of human remains only, subject to this chapter and the Rules and Regulations. The fee title to any lot or burial plot conveyed to a purchaser shall remain in the Town subject to the right of burial conveyed to the purchaser.
- D. 48 hours notice is required to flag burial plot locations.

§ 13-15. Transfer, Assignment and Repurchase of Lots. [Added 05-07-91, Ord. 91-09; 03-18-03, Ord. 03-06; 06-09-09, Ord. 09-11]

- A. No transfer or assignment of any lot or interest therein shall be valid without the consent, in writing, of the Town, first to be had and endorsed upon such transfer or assignment, and which thereafter shall be recorded on the books of the Town.
- B. It shall be unlawful to purchase cemetery lots or burial plots for resale or gift to a person of a different residential price classification.

§ 13-16. Re-platting of Cemetery Boundaries; Roadways. [Amended 05-07-91, Ord. 91-09; 03-18-03, Ord. 03-06]

- A. The rights to enlarge, reduce, re-plat and/or change the boundaries or grading of the cemetery or of a section or sections from time to time, including the right to modify and/or change the locations of or to remove or re-grade roads, drives and/or walks or any part thereof, are hereby expressly reserved. The right to lay, maintain and operate or alter or change pipelines and/or gutters for sprinkling systems, drainage, lakes, etc., is also expressly reserved, as well as the right to use cemetery property not sold to individual lot or burial plot owners for cemetery purposes, including the interring and preparing for interment of dead human bodies or for anything necessary, incidental or convenient thereto. The Town reserves for itself and to those lawfully entitled thereto a perpetual right to ingress and egress over lots for the purpose of passage to or from other lots.
- B. No easement or right of interment is granted to any lot or burial plot owner in any road, drive or walk within the cemetery without the approval of the Cemetery Superintendent, but such road, drive or walk may be used as a means of access to the cemetery or buildings as the Town devotes to that purpose.
- C. The Cemetery Superintendent shall have the right, at any time, to close any road, drive or walk.

§ 13-17. Unclaimed Bodies. [Added 05-25-04, Ord. 04-06]

In the event a deceased, unclaimed body is found, it is the responsibility of Summit County to care for the corpse. The Town of Frisco requires all unclaimed bodies which will be buried in the Frisco Cemetery to be cremains only with any financial burden

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absorbed by Summit County. All rules, regulations, and burial procedures must be abided by Summit County.

§ 13-18. Protection Against Loss. [Amended 05-07-91, Ord. 91-09; 03-18-03, Ord. 03-06]

- A. The Town shall take reasonable precautions to protect lot and burial plot owners and the property rights of lot and burial plot owners within the cemetery from loss or damage; but the Town distinctly disclaims responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, a common enemy, thieves, vandals, strikers, malicious mischief-makers, explosions, unavoidable accidents, invasions, insurrections, riots or orders of any military or civil authority, whether the damage may be direct or collateral, other than as herein provided.
- B. Any person damaging or causing to be damaged any cemetery property, whether owned by the Town or an individual, will be held liable to repair said damaged property or to replace the property damaged to its former state, without delay, and in a manner satisfactory to the Cemetery Superintendent.

§ 13-19. Notification of Change of Address of Lot Owner. [Amended 05-07-91, Ord. 91-09; 03-18-03, Ord. 03-06]

It shall be the duty of the lot or burial plot owner to notify the Town of any change in his post office address. Notice sent to such owner at the last address on file in the office to the Town Clerk shall be considered sufficient and proper legal notification.

§ 13-20. Reserved.

§ 13-21. Rates and Charges. [Added 05-07-91, Ord. 91-09; Amended 11-02-99, Ord. 99-17; 03-18-03, Ord. 03-06; 06-09-09, Ord. 09-11]

The following are rates pertaining to the cemetery:

- A. Burial Plot.
 - 1. Frisco Residents and Property Owners: one hundred dollars (\$100.00) except for Block Nos. 17 through 27, and these shall be one hundred twenty-five dollars (\$125.00).
 - 2. Summit County Residents: one thousand five hundred dollars (\$1,500) except for Blocks Nos. 17 through 27, and these shall be one thousand eight hundred dollars (\$1,800.00).
 - 3. Out-of-County Residents: two thousand five hundred (\$2,500.00) except for Block Nos. 17 through 27, and these shall be three thousand (\$3,000.00).

The price for a lot shall be the aggregate of the price for each burial plot located within such lot.

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B. Disinterments.

The Town of Frisco is solely responsible for the excavating of disinterments. Disinterment fees are assessed on an hourly basis as determined by the Cemetery Superintendent.

B. Excavating Fee

The Town of Frisco is solely responsible for the excavating of interments and disinterments. In the event that the cremains of an unclaimed body is interred or disinterred in the Frisco Cemetery, excavating fees will be waived by the Town of Frisco.

The charge to open and close a grave is as follows:

Summer Burials: April 15 to October 31

Blocks 1 – 16 (Natural Area)

Per Cremain: \$200.00

Per Casket: \$600.00

Blocks 17 – 27 (Turf Area)

Per Cremain: \$300.00

Per Casket: \$900.00

Winter Burials: November 1 to April 14

Blocks 1 – 16 (Natural Area)

Per Cremain: \$300.00

Per Casket: \$900.00

Blocks 17 – 27 (Turf Area)

Per Cremain: \$450.00

Per Casket: \$1,350.00

All excavation for interments and disinterments shall be conducted exclusively by the Town, pursuant to the terms and conditions set forth in this chapter and the Rules and Regulations.

§ 13-22. Winter Burials. [Added 05-16-95, Ord. 95-05]

The Town of Frisco shall accommodate winter burials to the extent possible.