

**TOWN OF FRISCO  
CEMETERY**

**RULES AND REGULATIONS**



**Town of Frisco  
Colorado**

**June 9, 2009**

**Table of Contents**

Page

1.	Definitions.....	1
2.	General Applications of Rules and Regulations.....	2
3.	Interments – Generally.....	3
4.	Unclaimed Bodies.....	5
5.	Disinterments and Removals.....	6
6.	Property Rights of Owners.....	7
7.	Transfers or Assignments.....	8
8.	Landscaping; Lot and Burial Plot Improvements.....	8
9.	Decoration of Lots and Burial Plots.....	8
10.	Conduct of Persons Within the Cemetery....	9
11.	Fees, Gratuities and Commissions.....	11
12.	Rules for Memorial Work in Cemetery Sections.....	11
13.	Rates and Charges... ..	13

## FRISCO CEMETERY

These Rules and Regulations for the Frisco Cemetery are adopted for the mutual protection of all burial plot and lot Owners and the Town of Frisco (the "Town") and for the purpose of insuring the uniform and permanent beauty of the Cemetery.

All burial plot and lot Owners, visitors, Cemetery employees, persons working directly or indirectly for burial plot and lot Owners and all burial plots and lots sold shall be subject to these Rules and Regulations, and subject further, to such other ordinances, rules and regulations, amendments or alterations as shall be adopted by the Town from time to time. The reference to these Rules and Regulations in the certificate of ownership to burial plots and lots shall have the same force and effect as if set forth in full therein.

### 1. Definitions

For the purpose of these Rules and Regulations, the following terms and words shall have the following meaning:

*Burial plot* means a single space within the Cemetery designated for the interment of the remains of one deceased person or 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.

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

*Cremains* means the cremated remains of a human body.

*Disinterment* means the removal of the buried remains of a deceased person from 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 spaces at the Town of Frisco resident rate. Former residents of Frisco with relatives buried within the Town of Frisco Cemetery may purchase lots or burial spaces 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 and may consist of more than one burial plot.

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

*Natural area* means Blocks 1 through 16, inclusive, of the Frisco Cemetery which contains natural grasses and has limited maintenance requirements.

*Owner* means the person who is listed in the records kept by the Town as owning an interest in a burial plot or lot.

*Pauper gravesites* means a number of plots located in the Frisco Cemetery designated for the burial of unclaimed bodies. Procedures are set under 13-13, Unclaimed Bodies, of the Frisco Code.

*Turf area* means Blocks 17 through 27, inclusive, of the Frisco Cemetery which contain landscaped areas, kept grass, and receive regular maintenance by the Town.

## **2. General Applications of Rules and Regulations**

### **A. Compliance with Rules and Regulations**

All Owners, visitors, employees, persons who are employed, directly or indirectly, by Owners and all burial plots and lots sold shall be subject to these Rules and Regulations, and subject, further, to such other ordinances, rules and regulations, amendments or alterations and shall be adopted by the Town from time to time. The reference to these Rules and Regulations contained in other documents shall have the same force and effect as if set forth in full therein.

### **B. Indemnification**

The Town shall not be responsible for any acts or omissions related to the Cemetery. The Town may at any time require a written indemnification and hold harmless agreement from any person requesting that the Town take or not take any action related to the Cemetery.

### **C. Error May Be Corrected**

The Town shall have the right to correct any errors that may be made by it, either in making interments, or disinterments, or in the description, transfer, or conveyance of any interment property. Corrections can be made:

1. Either by canceling such conveyance and substituting and conveying in lieu thereof, another burial plot or lot of equal value and, to the extent possible, similar location; or
2. At the sole discretion of the Town, by refunding the amount of money paid on account for said purchases. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

### **D. Amendments**

The Town reserves the right, at any time, to adopt new rules and regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these Rules and Regulations. Such new or amended Rules and Regulations shall be binding on all Owners.

**E. Adoption of Regulations**

The Town shall adopt rules and regulations governing the Cemetery. Such rules and regulations shall be available and provided upon request by the Town Clerk to each party responsible for a burial.

**F. Admission to Cemetery; Supervision of Funerals; Disturbance of Graves**

Entrance to the Cemetery is strictly forbidden except through designated entrances. The Town reserves the right to refuse admission to the Cemetery and to refuse the use of any of the Cemetery facilities to any person or persons whose behavior the Town deems objectionable to the best interests of the Cemetery.

All funerals, upon reaching the Cemetery, shall be under the supervision of the Cemetery Superintendent or his assistants.

Once a casket containing a body is in the confines of the Cemetery, no one shall be permitted to open a casket or to touch a body without the consent of the legal representatives of the deceased or without a court order.

**3. Interments – Generally**

**A. Subject to Laws**

Besides being subject to these Rules and Regulations, all interments shall be subject to the orders and laws of the properly constituted authorities of the Town, Summit County and the State of Colorado.

**B. Time and Burial Charges**

All interments must be made at the time and in the manner fixed by the Cemetery Superintendent and upon payment of such charges as are fixed by the Town.

**C. National Holidays and Sundays**

No interment or interment service will be allowed on Sundays or on any National Holiday.

**D. Application for Interment**

Any interment in the Cemetery must be first approved by the Cemetery Superintendent on a "Reservation for Interment/ Disinterment" application. Application for interment shall include an "Authority for Final Disposition" form issued by the registrar in the county where the death occurred. The Town reserves the right to refuse interment in any burial plot.

In order to encourage careful work and timely placement of approved permanent grave markers, a deposit in the amount of \$500.00 shall be submitted at the time of application for interment. The deposit will be held until a permanent grave marker has been installed. The deposit shall be retained by the Town if an approved permanent grave marker has not been installed within one year, or if damage to turf, irrigation systems or town-owned property has occurred. The installation and the monument installed shall comply with all Town laws and with these Rules and Regulations, including but not limited to section 12 hereof, concerning memorial work in cemetery sections

Only human remains shall be permitted in the Frisco Cemetery. No animal remains shall be permitted under any circumstance.

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.

Any reservation application submitted to the Cemetery Superintendent after 3:00 p.m. Friday afternoon must be for no sooner than Monday morning. At least forty-eight (48) hours prior notice must be given for any interment. Any exception must be approved by the Cemetery Superintendent.

There will be no new fences allowed in the Frisco Cemetery.

**E. Burial Specifications**

Not more than one (1) body or the remains of one (1) body may be interred in one (1) burial plot. The foregoing shall not apply in the case of cremains. In the case of cremains, a maximum of four (4) cremated remains will be allowed in a single burial plot.

**F. Town to Designate Time of Funeral**

The Cemetery Superintendent shall designate the time for the arrival of the funeral at the Cemetery and shall allow at least one-half hour between the times of arrival of funerals to be held on the same day. When two funerals arrive at the Cemetery at the same time, the funeral arriving first shall have precedence in entering the Cemetery and the other funerals shall proceed at the discretion of and in accordance with instructions to be given by the Cemetery Superintendent. No funeral will be permitted in the Cemetery after 3:00 p.m. except by written permission of the

Cemetery Superintendent. The Cemetery Superintendent may, at his or her discretion, waive in writing the one-half hour between times or arrival of funerals.

**G. Emergency Burials**

In the event of a disaster, which results in numerous burials for the Cemetery, the Cemetery crew will work as deemed necessary by the Cemetery Superintendent. The Cemetery Superintendent shall have the authority to void any and all of these Rules and Regulations as necessary in order to handle the numerous burials as orderly and as quickly as possible.

**H. Delays in Interments Caused by Protests**

The Town shall in no way be held liable for any delay in the interment of a body where a protest to the interment has been made or where the Rules and Regulations or other applicable ordinances have not been complied with; and, further, the Town reserves the right, under such circumstances to place the body in a receiving vault until the full rights have been determined. The Town shall be under no duty to recognize any protest of interment unless it is in writing and filed in the Office of the Town Clerk.

**I. Approved Burial Containers**

Every earth interment must be made in a state approved sealed outer container approved by the Cemetery Superintendent. The actual installation of which shall be made under the supervision of the Cemetery Superintendent's designees. The Cemetery Superintendent shall have the right to refuse any such container that is damaged or is in any other way inadequate.

The Town reserves the right to allow interment of the remains of any member of the immediate family of any one (1) of the several common lot Owners upon the written authorization of any such common lot Owner. No person, other than a member of an immediate family, may be interred in any burial space without the written consent of all Owners of the same who are recorded as such on the books of the Town or their heirs.

In case cremated remains are not buried in a casket, such remains shall be buried in a sealed outer container approved by the Cemetery Superintendent.

**J. Excavations**

All excavations in preparation for a burial shall be conducted exclusively by the Town after payment of an excavation fee to the Cemetery Superintendent as set forth herein.

**4. Unclaimed Bodies**

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

## **5. Disinterments and Removals**

### **A. Permission for Disinterments**

No disinterment of a body will be made without either (i) a court order of a court of competent jurisdiction or (ii) certificate from the Department of Health and a signed affidavit from the surviving spouse or next of kin, on a form satisfactory to the Town stating that:

1. There is no opposition to the disinterment by the surviving spouse, next of kin, or by the expressed wishes of the decedent; and
2. That the affiant agrees to indemnify the Town and hold it harmless from any liability that might result from a disinterment and release it from any claims that affiant may have, then or in the future, by reason of the disinterment.

### **B. Subject to Laws**

Besides being subject to these Rules and Regulations, all disinterments shall be subject to the orders and laws of the properly constituted authorities of the Town, Summit County and the State of Colorado.

### **C. Time and Burial Charges**

All disinterments must be made at the time and in the manner fixed by the Cemetery Superintendent and upon payment of such charges as are fixed by the Town.

### **D. National Holidays and Sundays**

No disinterment will be allowed on Sundays or on any National Holiday.

### **E. Application for Disinterment**

Any disinterment in the Cemetery must be first approved by the Cemetery Superintendent. Requests for permission to disinter must be provided on a "Reservation for Interment/Disinterment" application.

**Any reservation submitted to the Cemetery Superintendent after 3:00 p.m. Friday afternoon must be for no sooner than Monday morning. At least forty-eight (48) hours prior notice must be given for any disinterment. The Cemetery Superintendent must approve any exception.**

The Town reserves the right to require at least ten (10) days notice prior to any disinterment. No disinterment will be allowed except on the written application and approvals contained hereto.



**F. Removal for Profit Prohibited**

Removal, by the heirs, of a body so that the lot or burial plot may be sold for profit to themselves or to any other persons or removal contrary to the expressed or implied wish of the original lot or burial plot Owner, is repugnant to the ordinary sense of decency and is absolutely forbidden.

**G. Care in Removal**

The Town shall provide the necessary services for all disinterments from the Cemetery. The Town shall not assume any liability for any damage to a casket, urn or other such container incurred in making a removal. Removals will be made at an hourly rate as determined by the Cemetery Superintendent.

**H. Excavations**

All excavations for disinterments shall be conducted exclusively by the Town after payment of an excavation fee to the Cemetery Superintendent as set forth herein is paid. Excavation does not include any duties typically performed by a mortuary, including but not limited to, raising or lowering of a casket.

**6. Property Rights of Owners**

**A. Interment Rights of Owners**

All burial plots and lots conveyed shall be the sole and separate property of the person or persons named as grantee in the Cemetery deed provided, however, that the husband or wife of the grantee shall have a vested right of interment of his or her body in any burial plot or lot conveyed to the other. No conveyance or other action, without the written consent attached thereto, shall divest such husband or wife of such vested right of interment; provided, however that a final decree of divorce between them shall terminate such vested right of interment, unless it shall be otherwise provided by such decree of divorce. In all conveyances to two or more persons as joint tenants, each joint tenant shall have a vested right of interment of his or her remains in the burial plot or lot so conveyed. Upon the death of a joint tenant, the title to the burial plot or lot theretofore held in joint tenancy immediately vests in the survivor or survivors, subject to the vested right of interment of the remains of the deceased joint tenant Owner. A vested right of interment as in this rule provided may be waived and shall be terminated upon the interment elsewhere of the remains of a person entitled thereto.

**B. Descent of Right of Interment**

If no interment has been made in a lot or burial plot which has been transferred by deed to an Owner by the Town, or if all the bodies have been lawfully removed there from, the absence of specific disposition thereof in the Owner's last will and testament, the whole of said lot or burial plot, except the one burial plot which must be reserved to the surviving husband or wife of the Owner, unless waived by such survivor,

shall, upon the death of the Owner, descend in regular line of succession to the heirs of said Owner.

**7. Transfers or Assignments**

**A. Repurchase by the Town**

If for any reason it becomes necessary for any Owner to dispose of his interest in or title to any Cemetery lot or burial plot, he may make application at the Office of the Town Clerk for repurchase of his interest in or title to such lot or burial plot by the Town. The Town may elect to repurchase the lot or burial plot at a price equal to original price paid. The payment price will be made to the Owner when he or she has conveyed to the Town by deed or certificate of title a good and sufficient title.

**8. Landscaping; Lot and Burial Plot Improvements**

**A. Work to be Done by Town**

Except as otherwise provided herein, all grading, landscape work and improvements of any kind, and all care of lots and burial plots, shall be done, and all trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed by the Town.

**B. Town Must Direct and May Remove Improvements**

All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and written approval of the Cemetery Superintendent, and should they be made without his written consent, or, in the event, at any time, in his judgment, they become unsightly to the eye, he shall have the right to remove, alter or change such improvements or alterations at the expense of the Owner.

**9. Decoration of Lots and Burial Plots**

A. Artificial or fresh cut flowers may be placed in a vase at any time. However, flowers will be discarded when the Cemetery Superintendent deems them unsightly. Glass-vases are forbidden. Any vase may be removed by the Town without notice.

B. Sprays and wreaths made from fresh cut flowers will be allowed, but they will be removed when, in the Cemetery Superintendent's opinion, they become unsightly.

C. Christmas blankets and wreaths will be allowed from December 1<sup>st</sup> through March 1<sup>st</sup>.

D. Artificial sprays and wreaths will be allowed from May 1<sup>st</sup> through June 15<sup>th</sup> and from December 1<sup>st</sup> through March 1<sup>st</sup>. The Superintendent shall remove all artificial sprays and wreaths when they become unsightly.

E. Trees and shrubs of any kind are not allowed.

F. The placing of boxes, shells, stones, boulders, toys, metal designs, ornaments, chairs, settees, glass, urns, fences, wood or metal cases, and similar articles upon lots and burial plots, shall not be permitted.

G. Liability to Decorations

The Town shall not be held liable for lost, misplaced or broken flower vases or for damage by the elements, thieves, vandals, or by causes beyond its control. The Town reserves the right to regulate the method of decorating burial plots and lots and the right to remove any decoration so that a uniform beauty may be maintained.

## **10. Conduct of Persons Within the Cemetery**

**A. Hours Grounds Open**

The Cemetery grounds will be open for visitation from 8:00 a.m. to 8:00 p.m., seven days a week.

**B. Visitors**

Visitors within the Cemetery grounds shall conduct themselves with decorum at all times and with strict accordance with these Rules and Regulations. This applies to outside workers, stone masons, florists, etc., as well as to those persons directly employed by the Town

**C. Trespassers on Cemetery Property**

Only the Owner or his relatives shall be permitted on any Cemetery lot or burial plot. Any other person thereon shall be considered to be a trespasser, and the Town shall owe no duty to said trespasser or Owner or relative to keep the property or the memorial thereon in a reasonably safe condition.

**D. Lounging on Grounds**

Strangers shall not be permitted to sit or lounge on any of the grounds, graves or monuments within the Cemetery, or in any of the Cemetery buildings.

**E. Rubbish**

Throwing rubbish on any part of the grounds or buildings, except those designated by the Town, is prohibited.

**F. Automobiles**

Automobiles shall not be driven through the Cemetery at a speed greater than five (5) miles per hour, and shall not be permitted to drive on grass unless authorized by the Cemetery Superintendent or his designee.

**G. Trucks and Heavy Hauling**

Heavy hauling, trucks, or commercial vehicles of any kind are not permitted within the Cemetery grounds, except when they are conducting business or are in connection with Cemetery work, and then only by permission of the Cemetery Superintendent.

**H. Peddling or Soliciting**

Peddling of flowers or plants or the soliciting for the sale of any commodity is absolutely prohibited within the confines of the Cemetery.

**I. Firearms and Hunting**

No firearms shall be permitted within the Cemetery, except at a military funeral or similar occasion, by a Police Officer, or by written permission of the Cemetery Superintendent. Hunting or in any way disturbing birds or fowl, or discharging firearms, fireworks, or other missiles within or over any portion of the Cemetery or around the gates, fences or roads adjoining the same is prohibited.

**J. Notices of Advertisements**

No signs or notices or advertisements of any kind shall be permitted within the Cemetery.

**K. Dogs/Animals**

Dogs or other animals shall not be allowed in the Cemetery grounds. The Owner or keeper of any dog or animal that trespasses upon the Cemetery grounds shall be liable for any damage done by said dog or animal. The Town shall not be liable for any damage done by dogs or other animals and does not assume responsibility for keeping dogs or other animals out of the Cemetery grounds.

**L. Improprieties**

It is of the utmost importance that there should be strict observance of the proprieties of the Cemetery whether embraced in these rules or not, as no improprieties will be allowed, and the Cemetery Superintendent shall have the power to prevent improper assemblies.

**M. Damage of Cemetery Property**

No person shall deface, damage, destroy or injure any monuments, markers or other property in the Cemetery or perform other acts, which may be prohibited in the Rules and Regulations as adopted by the Town.

**N, Parking**

Parking on the grass is not permitted unless authorized by the Cemetery Superintendent or his designee. Signage will be placed on the designated day of interment indicating allowed parking areas. Persons

within the cemetery grounds shall use only the roads, drives or walks as thoroughfares, and no person shall walk on the grass, except if that is the only way to reach his or her burial plot or lot, or except that a workman may use that space necessary to perform the necessary care or services in connection with the burial plot or lot. Any persons while on any portion of the cemetery other than the roads, drives or walks are hereby declared to be trespassers and shall in no way hold the Town liable for any injury sustained.

## **11. Fees**

### **A. Fees**

Any request required or permitted by these Rules and Regulations shall be submitted to the Town Clerk or Cemetery Superintendent as required by these Rules and Regulations with the appropriate fee established for such request. A copy of the Town's current fee schedule is available from the Town Clerk. Any Cemetery charges must be paid prior to the services being rendered.

## **12. Rules for Memorial Work in Cemetery Sections**

### **A. Monuments and Markers**

1. Only one monument or marker for each burial plot shall be permitted. Only one central or family memorial shall be allowed on a lot.
2. The area of the memorial face shall not exceed ten (10) square feet. The base of the memorial shall not exceed four (4) feet in width or two (2) feet in depth. Any marker shall be at least four (4) inches thick. The foundation for such base shall be determined by the size of the monument or marker.
3. The inscription on the memorial shall be located at the top of the burial plot, facing the length of the interment.
4. In flat marker sections, grave markers shall be of one piece of approved stone or bronze and shall not exceed two feet in length or one foot in width. Double grave markers may be used and shall not exceed one foot in width and four feet in length.
5. The bottom surface of all monuments or markers shall be cut level and true.
6. While the Town will exercise due care to protect monuments and markers or other structure on any lot or burial plot in the Cemetery, it disclaims responsibility for any damage thereto.
7. No coping, curbing, hedging, grave mounds, boarders, enclosures of any kind, or walks of any kind shall be allowed to be built or placed on any lot or burial plot in the Cemetery. The Town

reserves the right to remove the same without recourse, if so planted, erected or placed.

8. The use of tiles, bricks, and gravel-crushed rock, oyster shells, cinders or other material on any lot or burial plot in the Cemetery is strictly forbidden and may be removed by the Town without notice.
9. Temporary markers or ornaments shall not be used for more than one year and may be removed by the Town thereafter without notice.
10. No Owner shall erect or place, or cause to be erected or placed on any lot or burial plot in the Cemetery any memorial which is obscene or offensive.
11. Ornaments suggesting war or violent death or destruction are out of harmony with the ideals which the Cemetery is trying to portray. Their use immediately after interment is considered temporary and they shall be removed within thirty (30) days after they are placed on any burial plot or lot.

**B. Design, Finish and Workmanship**

1. Memorial dealers shall be required to furnish for the approval of the Cemetery Superintendent, a sketch of the proposed memorial or marker, specifying size of, base, monument, and foundation, inscription, and materials and color.
2. The Cemetery Superintendent shall have the power to reject any plan or design for any memorial, which on account of size, design, inscription, or kind or quality of stone, in his or her opinion, is unsuited to the lot on which it is to be placed or it otherwise inconsistent with these Rules and Regulations.
3. No monument or grave marker will be permitted, which is cut in imitation of a log, stump or animal, or of any object which would itself not be allowed to remain in the Cemetery.
4. Work shall proceed promptly until the erection of the memorial is completed.
5. While a funeral or interment service is being conducted, all work of any description shall cease.
6. The Town reserves the right for the Cemetery Superintendent to stop all work of any nature, whenever, in his or her opinion, proper preparations have not been made.
7. The completed work is subject to the approval of the Cemetery Superintendent, and if unsatisfactory, may be requested to be removed or be removed by the Cemetery Superintendent at the expense of the Owner.

8. No monument shall be removed from the Cemetery, except by the Town, unless the written permission of the Owner is presented to the Cemetery Superintendent and the Cemetery Superintendent grants written permission. The Town shall not remove any monument from the Cemetery without the express written permission from the Owner presented to the Town.

### **13. Rates and Charges**

#### **A. Burial Plot**

All burial plot purchase prices shall be paid to the Town Clerk in accordance with the fee schedule set forth below:

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 (\$1,500.00) 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 dollars (\$2,500.00) except for Block Nos. 17 through 27, and these shall be three thousand dollars (\$3,000.00).

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

#### **B. Disinterment Fee**

Disinterment fees are assessed on an hourly basis as determined by the Cemetery Superintendent. The Cemetery Superintendent may require a deposit from the party requesting a disinterment to secure payment for such service.

#### **C. Excavating Fee**

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.

In the event that the remains of an unclaimed body is interred or disinterred in the Frisco Cemetery, excavating fees will be waived by the Town of Frisco.

**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