

**TOWN OF FRISCO  
CEMETERY**

**RULES AND REGULATIONS**



**Town of Frisco  
Colorado**

**November 15, 2022**

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## 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 seventy-two (72) 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. Additional fees will be assessed for any staff time after 3:00 p.m. or on Saturdays. 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. Under no circumstances will any "inverted tub" type containers be allowed. Any container used must have the seal of the lid on top of the container.

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 or cremains.

**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. Exception to this will be given to U.S. Military Veterans. An additional flat marker at grade will also be allowed.
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. In no case shall a marker be more than 42 inches in height including the base from grade.

3. All monuments or markers placed in the Town of Frisco cemetery shall be made up of a three part system. The first part is the foundation placed so that top of foundation is just below grade. The second part is the base of the monument / marker. The third part is the monument itself. See Headstone Approval Form for further details. Exception to this will be given to flat markers.
4. The inscription on the memorial shall be located at the top of the burial plot, facing the length of the interment.
5. 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.
6. The above ground interment of cremains (cremorials) is prohibited. All cremains shall be enclosed in an appropriate container and be interned in the earth.
7. Cut boulders will be allowed.
8. The bottom surface of all monuments or markers shall be cut level and true.
9. 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.
10. 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.
11. 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.
12. Temporary markers or ornaments shall not be used for more than one year and may be removed by the Town thereafter without notice.
13. 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.
14. 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. Requests to mark a plot for monument placement must be provided with no less than seventy-two (72) hours' notice, not including weekends or holidays.
5. Work shall proceed promptly until the erection of the memorial is completed.
6. While a funeral or interment service is being conducted, all work of any description shall cease.
7. 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.
8. 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.
9. 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.
10. Any person or entity that installs a monument / marker shall read and sign the Headstone Approval Form that is part of the Rules and Regulations of the Town of Frisco Cemetery. The installer is responsible for the removal from the property of all spoils created in association with installation. The Town will not supply any tools or materials for the installation. The Town will mark the proper location of the monument / marker as well as the proper direction the monument / marker shall face.

11. The Town is not responsible for settling, upkeep, or vandalism of any monuments.

**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.

Under no circumstances will interments or disinterment's be conducted when the snow depth is three (3) feet or more as measured at a central location within the cemetery property.

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.

**Summer Burials: May 16 to October 31**

Blocks 1 – 16 (Natural Area)	
Per Cremain	\$200.00
Per Casket	\$1,000.00
Blocks 17 – 27 (Turf Area)	
Per Cremain	\$300.00
Per Casket	\$1,200.00

**Winter Burials: November 1 to May 15 (see code section below)**

Blocks 1 – 16 (Natural Area)	
Per Cremain	\$300.00
Per Casket	\$2,500.00
Blocks 17 – 27 (Turf Area)	
Per Cremain	\$ 450.00
Per Casket	\$2,500.00

**§ 13-21. Winter Burials. [Added 05-16-95, Ord. 95-05; Amended 05-28-19, Ord. 19-06; 10-11-22, Ord. 22-11]**

The Town of Frisco shall accommodate winter burials to the extent reasonably possible; provided, however, that the Town Council has determined that burials and disinterment's beginning November 1 of each year and ending May 15 of the next subsequent year are generally not reasonably possible and shall only be permitted upon a finding by the Cemetery Superintendent that extraordinarily warm weather has substantially mitigated the practical difficulties inherent in winter burials.

**\* \$250 will be charged for any labor occurring after 3:00 p.m. or on Saturdays.**

**D. Monument Placement**

\$250 will be deducted from the \$500 monument deposit for monument placement locating occurring November 1 to May 15.

## CEMETERY MANAGEMENT

### Chapter 13 CEMETERY MANAGEMENT

- § 13-1. Establishment of Cemetery.
- § 13-2. Definitions.
- § 13-3. Appointment, Powers and Duties of Cemetery Board.
- § 13-4. Membership of Cemetery Board.
- § 13-5. Superintendent of Cemetery.
- § 13-6. Records, Issuance of Permits.
- § 13-7. Ownership of Lots and Burial Plots.
- § 13-8. Purchase of Lots and Burial Plots; Transferability.
- § 13-9. Rules and Regulations Adopted by Reference.
- § 13-10. Ownership; Management.
- § 13-11. Natural and Turf Areas in Cemetery.
- § 13-12. Interments and Disinterments.
- § 13-13. Disinterment Notice; Liability; Court Order Required.
- § 13-14. Application For and Selection of Lots and Burial Plots; Deeds.
- § 13-15. Transfer, Assignment and Repurchase of Lots and Burial Plots.
- § 13-16. Re-platting of Cemetery Boundaries; Roadways.
- § 13-17. Unclaimed Bodies.
- § 13-18. Protection Against Loss.
- § 13-19. Notification of Change of Address of Lot or Burial Plot Owner.
- § 13-20. Reserved.
- § 13-21. Winter Burials.

[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.

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

## CEMETERY MANAGEMENT

*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.

### **§ 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]**

## CEMETERY MANAGEMENT

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; 10-11-22, Ord. 22-11]**

The Cemetery Superintendent 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.
- 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.

## CEMETERY MANAGEMENT

**§ 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; 10-11-22, Ord. 22-11]**

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 Cemetery Superintendent 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; 10-11-22, Ord. 22-11]**

- 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 must be made at the office of the Town Clerk or the Clerk's designee. All applications for 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 Cemetery Superintendent or the Superintendent's designee.
- 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 retrieval by the owner for not less than thirty (30) days prior to disposing of the removed materials.

## CEMETERY MANAGEMENT

### **§ 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.
- 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.

## CEMETERY MANAGEMENT

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

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### **§ 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. Winter Burials. [Added 05-16-95, Ord. 95-05; Amended 05-28-19, Ord. 19-06; 10-11-22, Ord. 22-11]**

The Town of Frisco shall accommodate winter burials to the extent reasonably possible; provided, however, that the Town Council has determined that burials and disinterments beginning November 1 of each year and ending May 15 of the next subsequent year are generally not reasonably possible and shall only be permitted upon a finding by the Cemetery Superintendent that extraordinarily warm weather has substantially mitigated the practical difficulties inherent in winter burials.