

ORDINANCE NO. 242

AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR THE EVERGREEN CEMETERY, OWNED BY THE TOWN OF HUGO, LINCOLN COUNTY, COLORADO, AND TO FURTHER ESTABLISH FINES AND/OR PENALTIES FOR THE VIOLATION OF THE RULES AND REGULATIONS.

Whereas, the town of Hugo, hereinafter referred to as the "Town", in the County of Lincoln, State of Colorado, is the body corporate operating as a statutory town pursuant to the general statutes of the State of Colorado; and

Whereas, Colorado Revised Statutes, C.R.S. 31-25-702, gives to the governing bodies of municipalities the power and authority to establish and regulate municipal cemeteries within or without the municipality; and

Whereas, the Board of Trustees, hereinafter referred to as the "Board" has determined that rules and regulations should be in place for Evergreen Cemetery for the benefit of all citizens and families with members buried in or to be buried in the Evergreen Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUGO, COLORADO:

1.0 Establishment and Control.

1.1 The Town has established a municipally-owned cemetery, known as Evergreen Cemetery, herein called the "Cemetery".

1.2 The Board of Trustees shall have control of the operation of the Cemetery through the establishment of rules, regulations and fees.

1.3 The Public Works Director or designee shall have responsibility for the operation and maintenance of the Cemetery.

1.4 The Town Clerk shall serve as the sexton of the cemetery and have the responsibility for the sale of lots, recording of purchases and interments, and the maintenance of the Cemetery map.

2.0 Cemetery Fees. The Board of Trustees shall determine the Cemetery fees including the purchase price of a lot, the cost of opening and closing the grave and other fees as established by resolution.

3.0 Conditions of Sale and Conveyance.

3.1 Upon full payment of the purchase price of the lot to the Town Clerk, the Town Clerk shall deliver a properly executed deed of conveyance.

3.2 The rights, title and interest acquired by any person in and to any lot in the Cemetery shall be subject to the following conditions:

3.2.1 No cemetery lot shall be transferred by a purchaser, successors or assigns for any reason.

3.2.2 Any purchaser or the legally authorized representative of a deceased purchaser wishing to resell a cemetery lot shall sell the lot only to the Town, in which case the Town shall pay the price which was originally paid for the lot, as noted on the deed or in the Town records, subject to availability of funds for such repurchase. The Town shall sell the lot at the current resell price.

3.3 Nothing in this section shall be construed to permit the sale or conveyance of any cemetery lots, which have been used for interment.

3.4 The Town reserves the right to designate certain lots as unavailable for sale.

3.5 Any one person may purchase a maximum of eight (8) lots. Any exceptions must be made by the Board of Trustees.

4.0 Grave Openings and Closings.

4.1 The Town Clerk shall be notified at least two working days (exclusive of holidays) before a funeral, unless the service is for an immediate burial request.

4.2 No lot or grave shall be opened, closed, filled, sodded or revegetated, except by Town employees, under the direction of the Public Works Director or designee, unless prior approval and arrangements have been made with the public works director.

4.3 No burial of the remains of other than the immediate family of the owner of the lot shall be permitted until a signed written notice is filed by the owner, his heirs, or his assignees in the office of the Town Clerk.

4.4 One casket may be interred in each lot. Instead of a single casket, up to three cremains may be interred in a single space.

4.5 No animals shall be buried in the Cemetery.

4.6 No disinterments shall be allowed without permission of the State of Colorado in accordance with applicable statutes and regulations, and without the permission of the owner of the lot or the surviving next of kin of the deceased. If the consent of such persons cannot be obtained, an order of the District Court shall be sufficient.

4.7 Arrangements for disinterment shall be made with the Public Works Director. No disinterment shall be made except by Town employees, or as otherwise provided for by law.

4.7.1 The Town shall not be liable for any injury or damage, including but not limited to, damage to monuments, markers, caskets, liners, and vegetation for a disinterment.

5.0 Monuments and Markers.

5.1 Every grave shall be marked with a permanent marker or monument.

5.2 No marker or monumental work shall be permitted on weekends or holidays without prior approval of the Public Works Director.

5.3 The Public Works Director shall be notified four days before a monument or marker is placed on lot(s) and to allow sufficient time for the Public Works Director to locate gravesite(s).

5.4 The Town shall assume no responsibility for the correct location of any monument or marker, and any changes resulting from incorrect placement will be made at the lot owner's or monument firm's expense.

5.5 Monument and Marker firms or installers shall be held responsible for any damage done by them to other monuments, markers, grass, trees, walkways, roads, etc., in the Cemetery.

5.6 All monuments and markers shall be constructed of marble, bronze, granite, or other permanent materials specifically approved by the Town.

5.7 All monuments and markers shall be set at the head of the lot.

5.8 Only one monument or marker will be allowed for each lot, even if more than one cremains exists in said lot.

5.9 No lot shall be marked or defined by any fence, coping, railing, hedge or embankment, nor shall any lot be filled above the established grade.

5.9.1 The use of tiles, bricks, gravel, crushed rock, shells, or other similar materials are prohibited.

5.10 No monument or marker will be permitted which is cut in silhouette without prior approval from the public works director.

5.11 A 5-inch concrete base will surround the edge of the monument or marker.

6.0 Decoration of Lots.

6.1 Planting of live bushes or trees of any kind is prohibited on the lot without prior approval from the Public Works Director.

6.1.1 Artificial or fresh cut flowers may be placed on the lot in a metal or plastic vase at any time.

6.1.2 Glass containers are prohibited.

6.1.3 Artificial or fresh cut flower sprays, wreaths, and evergreens may be placed on the lot, but must be placed in a location as not to interfere with the routine maintenance of the lot.

6.1.4 All decorations will be discarded when dead, faded, broken, or otherwise in unsightly condition.

6.2 Small U.S. flags and memorial flags are permitted on the lot.

6.2.1 Flags will be removed when they become torn, frayed, or otherwise unsightly.

7.0 Maintenance Responsibilities.

7.1 The Town shall care for and maintain all roads, walks, pathways, grass, ground, shrubbery and improvements in the Cemetery; provided, however that lot owners are to maintain all monuments and markers erected on their lots.

8.0 Supervision of Funerals.

8.1 All funerals, upon arrival at the Cemetery, shall be under the direct supervision of the Public Works Director or designee, which may include other Town staff or licensed mortician, unless prior arrangements are made with the Public Works Director.

8.2 The Public Works Director shall not permit the interment or other

disposition of any body in the Cemetery unless the body is accompanied by a burial, removal or transit permit.

8.3 Disposition permits shall be filed with the county of record.

9.0 Prior Interment.

9.1 Nothing herein shall be construed to affect or alter the rights of persons who, prior to the adoption of this ordinance, were interred in the Cemetery.

9.2 The Town Clerk shall maintain a list of all prior interments, within the limits of reasonably available interment information.

10.0 Liability.

10.1 The Town shall not be liable for any injury or damage to any cadaver, personal effects, monument, marker, landscaping, improvement, or other structure or item in the Cemetery resulting from any cause beyond its reasonable control.

11.0 Burial Prohibited.

The interment of any deceased person is prohibited within the Town of Hugo corporate limits.

12.0 General Rules and Penalty.

12.1 Visitors are reminded that the grounds are sacredly devoted to the interment of the dead, and that strict observance to appropriate decorum will be required of all.

12.2 The Public Works Director or specific designee are authorized to remove all persons who commit any indecorum or violate these rules.

12.3 No person or persons shall be allowed to desecrate the cemetery by removing, destroying, or defacing the flowers, shrubs, trees, monuments, markers or any thing or object placed therein for the beautification of the cemetery; or by allowing any livestock to gain access to the Cemetery.

12.4 Taking flowers, unless those from next of kin, is strictly prohibited.

12.5 Visitors must keep vehicles only on designated roadways.

12.6 The Town shall have the right to refuse any portion of any parcel of the cemetery for the use of any specific person or activity.

12.7 No advertisement of any form will be permitted in the cemetery, only discreet informational tags of service rendered in dimensions of no more than 2 inches by 3 inches.

12.8 Any person who violates the provisions of this ordinance shall, upon conviction, be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.

SECTION II. - SEPARABILITY

If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.

SECTION III. - REPEALER

All acts, orders, resolutions, ordinances, or parts thereof, of the Town that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

SECTION IV. - RECORDING AND AUTHENTICATION

This Ordinance shall be in full force and effect thirty days after final publication, adoption, and signature of the Mayor. The Town Clerk shall further record this Ordinance in the Town Book of ordinances pursuant to statute and publish this Ordinance forthwith.

Adopted and Approved this _____ day of

_____, 2014

MAYOR

ATTESTED:

TOWN CLERK

Published in the Eastern Colorado
Plainsman on the _____ day of

_____, 2014