

## Ordinance 8-04 Series 2020

### AN EMERGENCY ORDINANCE OF THE TOWN OF JAMESTOWN, COLORADO ESTABLISHING RULES AND REGULATIONS FOR THE JAMESTOWN CEMETERY

WHEREAS, the Town of Jamestown is the owner of the Jamestown Cemetery, and

WHEREAS, the Town Board of Trustees wishes to maintain and preserve the natural aesthetics of the Cemetery, and

WHEREAS, municipal power to regulate cemeteries is provided in CRS §31-27-702, and

**WHEREAS, the Board of Trustees adopted rules and regulations for the Jamestown Cemetery in Ordinance 6-6, 2018, and**

**WHEREAS, The Board of Trustees now wished to amend the rules and regulations for the Jamestown Cemetery,**

NOW THEREFORE, BE IT ORDAINED BY THE TRUSTEES FOR THE TOWN OF JAMESTOWN, THAT:

Section 1. Rules and Regulations: for the Jamestown Cemetery are adopted as follows:

Section 2. Definitions:

*Burial Space*- a single space within a platted lot designed for interment of one body.

*Cemetery*- a burial park for earth and crypt entombments.

*Chair*- the person usually an elected official who is the chair of the Town Cemetery Committee. This person has primary responsibility for implementing this ordinance. If the Chair is absent or otherwise unable, cemetery responsibilities may be administered by the Town Clerk, Mayor or another elected official.

*Columbarium*- a vault with niches for urns containing the ashes of cremated bodies.

*Cremains*- the ashes of a cremated body.

*Disinterment*- the removal of the remains or cremains of a deceased person, the casket, if any, the burial receptacle from the ground or urn from the columbarium. The Town shall not be required to expose the vault or columbarium nor shall the Town be required to provide personnel or equipment to lift the vault, casket or burial receptacle from the ground.

*Double Burials*- the stacking or placement of one interment atop or above another.

*Immediate Family*- parents, siblings, spouse and children only.

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

*Lot*- a platted lot within the cemetery which may consist of more than one burial space.

*Niche*- a location within the columbarium vault designed to hold an urn containing the ashes of one cremated body.

*Occupied Burial Space*- an unmarked space which contains or shows evidence of containing any interred remains or a burial space that has a permanent marker.

*Resident*- an individual who has resided in the Town for ten consecutive years immediately prior to death or an individual who resided in the Town for ten consecutive years prior to residing outside the Town for the specific purpose of receiving care for health problems leading to death. The term also includes a member of the immediate family of a resident, a member of the immediate family of an individual already buried in the cemetery and a person designated as a resident by resolution of the Town Board.

*Residing*- the act of living within the Town limits of the Town of Jamestown a minimum of nine months of a twelve-month period as evidenced by a minimum of two of the following:

- Payment of Town water bills.
- Records of the Colorado Department of Motor Vehicles (driver's license).
- Records of the Boulder County Clerk (license plates)
- Voter Registration
- A copy of a current lease.

*Town*- the Town a Jamestown, a municipal corporation in the State of Colorado, being the owner and administrator of the cemetery.

*Unoccupied Burial Space*- a burial space which does not contain or is not known to contain any interred remains.

*Urn*- a vase or other container used to hold the ashes of a cremated body.

Section 3. Granting and Recording of Burial Rights: All applications for burial plots shall be made at the office of the Town Clerk and forwarded to the Chair of the Cemetery Committee (Chair). The Chair is hereby authorized to grant internment rights for such plots on behalf of the Town. The Chair shall exhibit the plat of the cemetery plots. The applicant shall submit the following information on an application form to be provided by the Town:

- a) Name, most recent address and other identification information of the person to be interred and the name and contact information for the person arranging the burial.
- b) Plot identification.
- c) The applicant shall be responsible for arranging and making all payments for costs associated with the burial.
- d) Interment shall be limited to residents of the Town as defined in this ordinance.
- e) The Chair shall keep an accurate, easily retrievable, and secure record of all transactions regarding the cemetery, including the names of the deceased and the identification of the plots used for internments.

#### Section 4. Burial Procedures:

- a) No internment or disinterment shall occur within the cemetery without a permit lawfully issued by the appropriate agency in the location of death.
- b) The Chair must receive notification at least 72 hours before all burials; provided that if a shorter notice must be given, for religious or other reasonable purposes, this advance notice requirement may be waived. The minimum period for such notification shall not include Saturday, Sunday or Town holidays and the notice period shall begin at 8:00 a.m. on a workday.
- c) After notifying the Chair the representative of the deceased shall set a burial time and submit an Application for Burial (Appendix A).
- d) A minimum of two hours shall be allowed between two separate burials on the same day.
- e) **No full casket burials shall be permitted.**
- f) The Chair will mark, in advance, the perimeter of the site in which cremains (urns) will be buried and will be available during regular business hours to meet with those handling the internment and to ensure that the correct burial site has been identified.
- g) The Town shall provide no services relating to the placement of the remains, including the placement of any monument.
- h) The Town does not provide excavation services for opening and closing of graves and shall not bear any associated costs.
- i) Only authorized excavators may open and close graves. All excavations must take place Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. and the Chair or other Town designee must be present to oversee excavations.
- j) Depth of graves shall conform to State of Colorado specifications.
- k) Following an internment or disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded. Excavators shall be responsible for costs of any damage resulting from their work and shall promptly notify the Town of such damages and repair them to the satisfaction of the Chair.

#### Section 5. Burial Rights:

- a) No burial rights for the cemetery shall be transferred or sold. The Town may, at its sole discretion may refuse to recognize or honor any such transfer or previous transfer.
- b) The Town recognizes that there are persons who have undocumented presumptions of rights to a burial plot in the cemetery whether they be resident or non-residents. The Town intends to identify those parties to the best of its ability as time goes by, adjudicate the specific circumstances, and establish any rights approved by the chair, in writing.

#### Section 6. Monuments:

- a) No mausoleums shall be permitted.
- b) All tombstones and grave markers (monuments) placed on plots are subject to the following requirements:
  - a. Monuments shall be made of stone, synthetic stone, concrete or other industry standard material. Brass plaques may be used.
  - b. Monuments are encouraged to contain at a minimum the "Name of Deceased", "Date of Birth" and "Date of Death" but not required.

Section 7. Miscellaneous Burial Regulations:

- a) No double burials of caskets are permitted. See Section 4.e) regarding full casket burials.
- b) The applicant is responsible for any damage to the cemetery or existing grave markers.
- c) The location and identity of plots in the cemetery may be obtained from the Chair.
- d) Only burials in strict compliance with this ordinance are permitted.

Section 8. Disinterment and Opening of Graves: No disinterment shall be allowed without permission of the State of Colorado in accordance with statutes and regulations and without the approval of the Town Board. No liability shall accrue to the Town for damages incurred during disinterment, including, but not limited to, damage to liners, caskets, or monuments.

Section 9. Maintenance and Care of Plots and Graves. The Chair shall manage the operation of the cemetery in coordination with the Town Clerk, Mayor, and the Town Board.

- a) The cemetery shall be operated in a manner as to procure a natural and pleasant effect, to protect and preserve the historic character and to ensure proper drainage of the grounds, the grade of all plots, and graves in the cemetery.
- b) Fences, railings, concrete blocks or other enclosures around plots and graves including trellises and headboards of every type and description shall be submitted for approval to the Chair. Any fences, railing, curbs or other enclosures around plots and graves shall be maintained by the heirs of the deceased. Concrete footers are prohibited. If such constructions are not maintained, fees for the care of the same may be assed to the heirs of the deceased. If no responsible party can be contacted and be responsive, the Town may remove the constructions. Constructions historically valuable may be maintained by the Town at its sole discretion.
- c) Plantings of any kind, including shrubs, trees, or flowers (perennial or annual) are prohibited.
- d) The Town reserves the right to remove trees, shrubs, and other plantings on gravesites which become dangerous or detrimental to adjacent grounds due to encroachment of roots and branches. The Town may also remove any items which are contrary to this ordinance or have become unsightly and no longer contribute to the beauty and dignity of the cemetery.

Section 10. Operation of Vehicles: No driving or riding shall be allowed. This section applies to bicycles but not wheelchairs required for handicap access. No other means of transportation is allowed. Parking is permitted in designated areas only.

Section 11. Animal Control: Persons bringing animals into the cemetery must maintain control over them at all times. Owners are prohibited from permitting their animal from defiling any gravesite.

Section 12. Visiting Hours. Cemetery visiting hours shall be daily from dawn to dusk. No one shall be allowed in the cemetery except during visiting hours.

Section 13. Enforcement: The Town shall have the authority to enforce all rules and regulations pertaining to the cemetery under this ordinance. Any person who violates any provision of this Ordinance shall be punished by a fine of not more than three hundred dollars

(\$300.00). Each day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted by any such person shall be deemed a separate offense.

Section 14. Repeal: All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

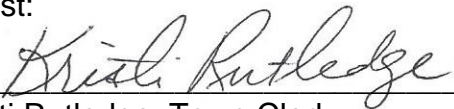
Section 15. Severability: If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof irrespective of the fact that any one part be declared invalid.

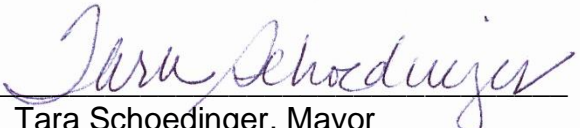
Section 16. Emergency Safety Clause; Ordinance Immediately Effective: The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide for safety of citizens and preservation of property, and particularly to permit the Chair to immediately begin adjudication of claims per Section 5. b) of this ordinance. This ordinance shall be effective upon adoption and signing by the Mayor if approved by three-fourths of the members of the Board of Trustees.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED BY  
TITLE THIS 3<sup>rd</sup> DAY OF AUGUST 2020.

TOWN OF JAMESTOWN, COLORADO

Attest:

  
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Kristi Rutledge, Town Clerk

  
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Tara Schoedinger, Mayor