

Rules and Regulations Governing the Erie Cemetery

1. Purpose.

These rules and regulations (the "Rules") shall be held to be the minimum requirements enacted for the mutual protection of all lot and interment rights owners at the Erie Cemetery (the "Cemetery") and the Town of Erie (the "Town") and to ensure the Cemetery remains a safe, reverent, clean, orderly, uniform, and permanent beauty. The Cemetery is owned by the Town, but is not a Town Park or recreation facility and is hereby declared to be nonpublic forum, maintained by the Town as a place of solemn remembrance of and memorial to the deceased.

2. Definitions.

As used in these Rules, the following terms shall have the following meanings:

Blocks - The numerically labeled sub areas of the Cemetery aligned in a north-south layout.

Burial Space - A single space within a platted lot or block in the Cemetery designed for the interment of body or cremains as set forth in these Rules.

Cemetery - A place set aside for the permanent placement of human remains.

Cenotaph - The memorialization of an individual without the remains present.

Columbarium - An above-ground structure, containing niches, intended for the placement of human cremated remains.

Cremains - The final remains of a deceased person processed by means of cremation.

Cremation - The flame-based process by which a body is reduced to ashes and bone fragments.

Decorations - The adornment, ornamentation, additional memorialization, or other form of embellishment of a lot.

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.

Final Disposition - The burial, interment, inurnment, or other disposition of a dead body.

Grave - The area within a burial space that is dug for the interment of remains whether full body or cremated remains.

Interment - The permanent placement of the remains of a deceased person by earth burial.

Interment Agreement - The provisional right to interment for the sole use and purpose of final placement of remains in a specified location in the Cemetery, subject to these Rules, including without limitation the termination of this provisional right to interment, that conveys exclusive right to use the property for its intended purpose and does not convey actual ownership of the property, because the ownership of the land is retained by the Town.

Inurnment - The placement of the cremains of a deceased person in an urn.

Lot - A platted space within the Cemetery.

Monument - A permanent memorial for one or more persons, that may consist of a flush or upright marker, ledger stone or bench.

Natural Burial - The interment of a body in the soil in a manner that does not inhibit decomposition, but allows the body to be returned to the earth naturally, where the body is typically shrouded or placed in a biodegradable container.

Ossuary - A chamber designed to hold the scattering and co-mingling of cremated remains of which the remains are non-recoverable.

Scattering - The placement of loose cremated remains.

Section - A burial area in the Cemetery.

Section Marker - The physical reference points throughout the Cemetery delineating ground spaces.

Town Clerk – The Erie Town Clerk or designee.

Urn - A physical container that holds and protects the cremains of a deceased person.

Vault - The outer burial container that holds and protects the casket or urn of a deceased person. Vaults may be made of concrete, metal, or poly materials.

3. Applicability.

A. General. These Rules shall apply to all lot and interment right owners, visitors, Cemetery employees, and persons working for lot owners, and all property in the Cemetery.

B. Exceptions and Modifications. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. In such an instance the Town shall have the right, without notice, to make exceptions or modifications to these Rules.

C. Amendments. The Town expressly reserves the right at any time to adopt new rules or regulations and to amend, alter or repeal any provision of these Rules. Such new or amended rules and regulations shall be binding on the owners of all lots, burial spaces, or interment rights regardless of the date such owner acquired such title or right.

4. Administration.

A. Management. The Town's Board of Trustees has delegated management of the Cemetery to the Town Clerk, who is responsible for direct and complete supervision of the Cemetery. The Town reserves the right to engage outside contractors to perform any of the administrative and operational functions as needed.

B. Admission. Entrance into the Cemetery except through the main entrance is strictly forbidden. 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 whom the Town deems inconsistent with the purpose of the Cemetery.

C. Hours. Unless closure is otherwise posted for a private service or Cemetery maintenance, the Cemetery shall be open to the public from 8:00 a.m. to 6:00 p.m. (September - May) and 7:00 a.m. to 9:00 p.m. (June - August).

D. Records. The Town Clerk shall keep all records of the Cemetery, which records shall include plats showing the size, location and description of all lots.

5. Purchase of Interment Rights.

A. Application. Applications for the purchase of interment rights to Cemetery lots or individual burial spaces shall be filed with the Town Clerk.

B. Immediate Use. When a space has not been previously purchased, full payment prior to burial is required, unless the mortuary involved assumes full responsibility for payment.

C. Indigency. When a request is made by a mortuary to inter an individual with insufficient funds to cover expenses, the Town will work within the expense

allowance granted by the Department of Social Services if the deceased was a Town resident for at least 90 consecutive days at some point in time, or at the time of death, and the Town may require proof of prior residency. This shall not prohibit the Town from participating in any arrangement with other cemeteries or mortuaries, the purpose of which is to share expenses in cases not covered by Department of Social Service allowances. Selection of the location of a grave will be at the sole discretion of the Town.

D. Burial Limitations. An interment agreement grants to the lot owner or owners the right to use such lots for burial of human remains only, subject to these Rules.

E. Abandonment. An interment that is not completed within the timeframe specified in the interment agreement shall be deemed abandoned, and the deposit shall be refunded, and the property returned to "available" status.

F. Transfer or Assignment. No transfer or assignment of any right of interment, or interest therein is valid without the Town's prior written consent, which shall be retained by the Town Clerk. The Town may refuse to consent to a transfer or an assignment if the owner owes any fees to the Town.

6. Rights and Responsibilities of Town.

A. Work. Except as otherwise provided in these Rules, all grading, landscape work, improvements of any kind, and all care of lots, and shall be performed by the Town. All trees, shrubs and bushes of any kind shall be planted, trimmed, cut or removed by the Town and all opening and closing of graves may only be performed by the Town.

B. Alteration of Improvements. All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction, and approval of the Town. If improvements or alterations are made without the Town's written consent, or, if at any time in the Town's judgment, they become unsightly, the Town may order such improvements or alterations removed or modified without consent of the lot owner.

C. Modifications. The Town reserves the right: to enlarge, reduce, replat or change the boundaries or grading of the Cemetery or any part thereof; to modify or change the locations of or remove or regrade roads, drives or walks; and to lay, maintain and operate or alter or change pipelines and or gutters for sprinkling systems, drainage, and lakes.

D. Access. The Town reserves for itself and others lawfully using the Cemetery a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

E. Disclaimer. The Town shall take reasonable precautions to protect lots in the Cemetery from loss or damage but the Town disclaims responsibility for loss or

damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage may be direct or collateral, other than as herein provided.

7. Interments.

A. Subject to Law. In addition to being subject to these Rules, all interments shall be subject to the applicable regulations of Weld County, the State of Colorado, and the federal government.

B. Application.

1. A burial application shall be filed with the Town Clerk.
2. The application must specify the exact location of the burial space desired to be opened and provide proof of interment rights to that burial space. The Town is not responsible for any order given by telephone, or for any mistake occurring for want of precise and proper instructions as to the location of the burial space.
3. Applications should specify the date and time of the desired interment ceremony, provided that at least 3 business days' prior notice is required.
4. The Town Clerk shall, upon proper application and payment, issue a burial order to the Parks and Recreation Department setting forth the grave space, time of burial and time of closing.

C. Time. No interments are allowed between the hours of 12:00 p.m. Saturday through 8:00 a.m. Monday. No burials will be allowed on Town holidays. Arrangements for expedited burials must be made through the Town Clerk.

D. Disasters. In the event of a natural, man-made, or medical disaster which results in immediate increased demand for space and numerous burials in the Cemetery in a short amount of time, Town staff will work additional hours as deemed necessary by the Town to meet such demand.

E. Inclement Weather and Other Contingencies. The Town reserves the right to postpone or reschedule grave openings and interment services due to inclement weather and other adverse conditions.

F. Casket Not to be Disturbed. Once a casket containing a body is in the confines of the Cemetery, no funeral director or their embalmer, assistant, employee, agent, Cemetery official or employee, or any other person may open a casket or to touch a body without a court order. If no court order is provided, and it is deemed necessary

to open the casket, the funeral home will need to return the casket to the funeral home to do so.

G. Size. The size of a burial space is 5'-0" wide by 10'-0" long, so the maximum size of the grave within the space is 4'-0" wide by 8'-0" long. The grave is aligned to the foot of the burial space leaving a 2'-0" wide area the full width of the top of the burial space reserved for placement of a monument and base. Grave depth is 5'-0". No burial of any kind is allowed within the monument area.

H. Grave Liners and Urn Vaults. Every casket interment must be made in an approved outer enclosure (vault) of steel, concrete or poly material. Other than a Natural Burial, every in-ground placement, casket or urn, requires an outer enclosure.

I. Number. A maximum of 4 placements may be interred in one burial space, with a maximum of one casket placement. Each grave space is allotted 2 placements. For a 3rd and 4th placement, an additional interment right will be required for each placement.

J. Natural Burial. Natural burial is permitted in the Cemetery only under the following conditions:

1. Anyone selecting natural burial must sign a waiver noting no disinterment of a naturally buried body is possible or permitted.
2. All burial applications and fees must be completed and paid prior to scheduling a burial and families are responsible for making all other arrangements necessary through the funeral home.
3. No vault or outer container is required for a natural burial, though a vault or container without a top may be placed upside down over the body for protection and to allow for body contact with the earth.
4. Grave opening size and depth for natural burials will be the same as for standard burials.
5. A biodegradable casket (i.e. wood, wicker, paper mache, or other natural fibers) or a natural fabric body shroud is required. All bodies shall be enclosed for burial.
6. A licensed funeral home or service must be used when delivering a body to the Cemetery for natural burial. The funeral home is solely responsible for providing all means necessary to conduct a natural burial in a safe and respectful natural burial. The Cemetery is not responsible for issues related to natural burials.
7. The Town will close the grave following the natural burial service.

8. Placement of monuments on natural burial graves shall be the same as for other burials.

K. Equipment. The Town is not responsible for providing tents, artificial grass, lowering devices and other equipment in making interments, disinterments and removal of monuments.

L. Identification. An identification marker shall be placed at the specific lot/space desired prior to the grave being opened. The Town shall not be liable for identification errors made by family in their communication with the Town.

M. Identity. The Town is not responsible for the identity of any body to be interred.

N. Errors. The Town reserves the right to correct any errors either by canceling a conveyance and substituting and conveying in lieu thereof other interment property of equal or greater value and in similar location as much as possible, as may be selected by the Town, or in the sole discretion of the Town, by refunding fees paid.

O. Delays. The Town shall not be liable for any delay in any interment where a protest to the interment has been made, or where these Rules have been violated. The Town reserves the right under such circumstances to instruct a funeral home to place the body in a receiving vault until the full rights have been determined. The Town is under no duty to recognize any protests of interments unless they are made in writing and filed with the Town Clerk within 14 calendar days of the interment.

8. Disinterments.

A. Subject to Law. In addition to being subject to these Rule, disinterments shall be subject to the applicable regulations of Weld County, the State of Colorado, and the federal government.

B. Permission. No disinterment shall be made without either a court order of a court of competent jurisdiction or a signed affidavit from the next of kin of the deceased, on a form provided by the Town, stating that the disinterment is being requested for a valid reason, that the application is being made by a proper person, that there is no opposition to the disinterment by the next of kin or by the expressed wishes of the decedent, and that the affiant agrees to indemnify the Town and hold it harmless from any liability that might result from the disinterment and release it from any claims the affiant may have, then or in the future, by reason of the disinterment. The Town Clerk shall have the right to require a court order for disinterment at any time prior to the disinterment when circumstances exist or arise which indicate that there is a question as to the reason for the disinterment or as to whether there is opposition to the disinterment.

C. When Prohibited. Disinterment of a body so that the lot or burial space or interment rights may be sold for profit to the heirs of the deceased or to any other persons, or removal contrary to the expressed or implied wish of the original lot or burial space owner is repugnant to the ordinary sense of decency and is absolutely forbidden.

D. Notice. The Town shall be notified at least 10 days prior to any disinterment.

E. Time. Disinterments shall be conducted between the hours of 9:00 a.m. and 2:00 p.m. No disinterment will be made on any Saturday, Sunday, or Town holiday.

F. Cremation Urn Vaults. Urn vault disinterment requires a signed affidavit from the next of kin on a form provided by the Town, and the Town cannot guarantee the condition of the urn vault or the cremated remains.

G. Fees. All fees assessed by the Town for disinterments and any administrative fees shall be paid to the Town Clerk prior to the disinterment.

H. Responsibility. The Town will, if possible, expose the vault or in the case of burial without a vault, expose the casket, burial receptacle, or urn. The Town will not provide either personnel or equipment to lift the vault, casket, or burial receptacle from the ground. The Town cannot guarantee the condition of the recoverability of the previously interred remains. All disinterments of a body are the responsibility of the family. Anyone wishing to disinter a body shall procure the services of a competent funeral home and equipment operator who must be licensed to do business in the Town prior to disinterment.

9. Memorial Work in Cemetery.

A. Approval. All monuments and foundations shall be approved by the Town prior to placement. The Town assumes no responsibility for an incorrect placement if placed prior to contacting the Town.

B. Monument Foundations.

1. All monuments shall have a foundation stone of either concrete or granite. The lot owner, at its own expense, shall procure the services of a monument company for foundation work.

2. The monument company shall file an application for a placement permit from the Town Clerk at least 3 business days prior to installation.

3. Monument foundations shall adhere to the following dimensions:

a. Single Monument Foundation: 54" long x 24" wide x 4" deep high-strength concrete or granite set on 4" compacted earth or crushed-stone;

centered in back 24" of undisturbed soil at the top of the burial space. Monument shall be centered on top of the foundation, with minimum 2" clear-to-edge of foundation around all sides of the monument. Concrete shall cure for at least 3 days prior to placement of monument.

b. Double Monument Foundation: 72" long x 24" wide x 6" deep high-strength concrete or granite set on 6" compacted earth or crushed-stone; centered in the back 24" of undisturbed soil at the top of the burial space. Monument shall be centered on top of the foundation, with minimum 2" clear-to-edge of foundation around all sides of the monument. Concrete shall cure for at least 3 days prior to placement of monument.

c. Combined Family Lot: Dimensions for a monument base for a monument for a combined family lot of more than 2 burial spaces shall not exceed those for a double monument base.

C. Monuments.

1. The lot owner, at its own expense, shall procure the services of a monument company for monument placement.

2. Only one upright monument and base is permitted on each burial space. One additional flat monument is permitted to identify cremains interred in the same lot. A double monument and base may be placed jointly on 2 burial spaces.

3. Single upright monuments shall not exceed 44" in length, 6" in width for the upright, 12" for the base, and 36" in height.

4. Single slant monuments shall not exceed 44" in length, 12" width, and 36" in height.

5. Double upright monuments shall not exceed 66" in length, 6" in width for the upright, 12" for the base, and 36" in height.

6. Flat/flush monuments (bronze or granite) are permitted on burial spaces. Monuments shall not exceed 36" in length and 20" in width for a single placement, and 48" in length and 20" in width for a double placement.

7. Veterans' monuments (upright or flush) supplied by the government may be made of bronze, granite, or marble.

8. Only monuments made of solid (non-laminated) granite, marble, or bronze shall be installed on burial spaces.

9. While the Town will exercise due care to protect raised letters, carving or ornaments on any monument or other structure on any lot, the Town disclaims responsibility for any damage thereto.

10. Monuments that do not comply with these standards may be installed only with the Town's prior written permission. Anyone desiring such monuments shall submit scaled drawings of the desired monument at least 14 days prior to placement. The Town reserves the right to deny any custom monument that is inconsistent in appearance, size, or design with other monuments in the Cemetery or in the surrounding burial spaces, and to remove any custom monument without recourse or prior notice to the lot owner if installed without permission.

11. Grave borders, coping, curbing, covers, grave mounds, enclosures of any kind, or pedestrian paving of may be installed only with the Town's prior written permission. Anyone wishing to install such improvements shall submit scaled drawings of the desired improvements at least 14 days prior to installation. The Town reserves the right to deny placement of such improvements that are inconsistent in appearance, size or design with other improvements in the Cemetery or in the surrounding burial spaces, and to remove the same without recourse and without prior notice to the lot owner, if installed without permission.

D. Removal. Should any marker or monument be installed without the services of an approved monument company, become unsightly, dilapidated, or a menace to the safety of visitors, the Town may correct the condition or remove the same at the expense of the lot owner. Unless removal is initiated by the Town, no marker or monument shall be removed from the Cemetery without a written request from the lot owner and the Town's prior written approval.

10. Plantings.

A. Authority. The Town is solely authorized to plant trees, shrubs, plants, and grass ornamentation in the Cemetery. Private planting of any kind is prohibited; provided that existing plantings may remain, but shall not be maintained by the Town.

B. Removal. If any existing plant material deteriorates or becomes unsightly, in the sole discretion of the Town, it will be removed without notice.

11. Decorations.

A. Placement. Artificial flowers, flags, small signs, shepherd hooks, whirly-gigs, stuffed animals, and other decorations shall be placed on the monument or foundation and securely attached to the monument. The Town may approve temporary decorations such as flags or other commemorative displays to recognize special occasions. The Town reserves the right to remove items that become dislodged, broken, or are lying on the ground.

B. Removal.

1. The Town may remove decorations, in its sole discretion, if they become faded or broken, or if they create a safety hazard or cause additional maintenance burdens.
2. To provide a clean and more easily maintained facility, the Town will biannually remove all decorations not securely placed on headstone foundations. The removal periods are the month of February and the month of September (post Labor Day). Temporary headstone markers more than one year old and decorations of all type, regardless of condition, will be removed during these periods. Items may be retained (for no more than one month) if they have perceived value, for return to the family.

11. Prohibited Acts.

- A. Conduct.** All persons visiting the Cemetery shall show due respect for the deceased and the purpose of the Cemetery. Loud talking and use of profane language is prohibited.
- B. Damage to or Destruction of Property.** It is unlawful for any person to damage, remove, or destroy any existing trees, shrubs, plants, signage, gate posts, fences, walls, roads, walks, or other site elements located in the Cemetery.
- C. Advertising.** Advertisements of any kind are prohibited in the Cemetery.
- D. Animals.** Animals are permitted within the Cemetery, but shall be leashed at all times, and shall comply with all applicable provisions of the Erie Municipal Code.
- E. Scattering or Direct Burial of Cremains.** Scattering or direct burial of cremains is prohibited.

12. Fees.

- A. Assessment.** Fees shall be assessed as provided in Section 2-10-9 of the Erie Municipal Code and as established by resolution of the Board of Trustees.
- B. Schedule.** The current schedule of fees is updated by the Town Clerk, and listed on the Mount Pleasant page on the Town's website.
- C. Disposition.** Fees from the sale of lots and grave sites, and from interment and disinterments shall be placed in the Town's General Fund.

13. Donations.

Donations to the Cemetery shall be placed in the Perpetual Care Fund.