

## **Rules and Regulations Governing the Erie Cemetery**

### **1. Declaration of Purpose.**

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

### **2. Definitions.**

As used in these rules and regulations, the following terms shall have the meanings indicated:

**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 a body or cremains as set forth in these rules and regulations.

**Cemetery** – A burial park for earth interments.

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

**Cremation** – The process to prepare a deceased person for the burial or inurnment of their ashes and bone remains.

**Decorations** – The adornment, ornamentation, additional memorialization, or other form of embellishment of a lot in accordance with these rules and regulations.

**Director** – The director of the Department of Parks and Recreation for the Town. The Department of Parks and Recreation shall have the right of general control of the cemetery in all matters, whether such matters are specifically covered by these rules and regulations or not.

**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 will expose the vault or in the case of burial

without a vault, expose the casket, burial receptacle, or urn. The Town shall not be required to provide either personnel or equipment to lift the vault, casket, or burial receptacle from the ground.

**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 or inurnment of the remains of a deceased person.

**Interment** – The permanent disposition of the whole body remains of a deceased person by earth burial.

**Interment Agreement** – The provisional right to interment for the sole use and purpose of receiving interment, entombment or inurnment within the cemetery; this interment, entombment or inurnment right as assigned in the Agreement may not be transferred without the express written approval of the Town and is subject to these rules and regulations, including without limitation the termination of this provisional right to interment should there appear to be abandonment of this right and the Town is unable to locate the owner or the owner's heirs or assigns.

**Inurnment** – The final disposition of the cremains of a deceased person by means of burial or placement in an urn.

**Lot** – A platted lot within the cemetery and may consist of more than one burial space.

**Monument** – A monument, flush marker, tablet, or headstone for family or individual use in accordance with these rules and regulations.

**Natural Burial** – The interment of an unembalmed body in the soil in a manner that does not inhibit decomposition but allows the body to be naturally returned to the earth.

**Remains** – The final remains of a deceased person.

**Scattering** – The controlled scattering of cremains by way of direct burial in a prepared opening in a grave without an urn or urn vault.

**Section** – The overall burial areas within the cemetery.

**Town Clerk** – The Town employee responsible for all public information, purchase transactions and recordkeeping, and monitoring of cemetery operations and rules and regulations governing the cemetery.

**Urn** – A vase or other container that holds and protects the cremains of a deceased person.

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

### **3. Application of Regulations.**

#### **A. Compliance with Regulations.**

All lot or interment right owners, visitors, cemetery employees, persons working directly or indirectly for lot owners and all lots sold shall be subject to these rules and regulations, and subject further, to such other 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 interment agreement to burial spaces shall have the same force and effect as if set forth in full therein.

#### **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, suspensions, or modifications in any of these rules and regulations.

#### **C. Amendments.**

The Town may, and it hereby expressly reserves the right at any time or times, to adopt new rules or regulations, to amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these rules or regulations. 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 and Enforcement.**

#### **A. Owned and Controlled by the Town of Erie.**

The cemetery is owned and managed by the Town of Erie. The Town has the right of general control of the cemetery in all matters, whether or not such matters are specifically covered by these rules and regulations.

**B. Managed by the Director/Town Clerk.**

The management of the cemetery is delegated by the Director to the Town Clerk who in turn shall be responsible for direct and complete supervision of the cemetery in all matters.

**C. Business Office.**

All applications for purchase, transfer, assignment or repurchase of cemetery lots, interment and disinterment orders, or placement of monuments must be made through the Town Clerk at Town Hall.

**D. Admission to Cemetery.**

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 or persons whom the Town may deem inconsistent with the Town's declared purpose of the cemetery. Unless closure is otherwise posted for a private service or cemetery maintenance, the cemetery shall be open to the public 8:00 a.m. to 6:00 p.m. (September – May) and 7:00 a.m. to 9:00 p.m. (June – August).

**5. Purchase of Interment Rights.**

**A. Applications for Purchase.**

Applications for the purchase of interment rights to cemetery lots or individual burial spaces must be made at the Town Clerk's office where plats showing the size, location and description of all lots and the schedule of prices will be kept on file. The schedule of prices for the lots and columbarium niches are set by the Board of Trustees by ordinance.

**B. Immediate Use.**

In cases where a space has not been previously purchased, full payment prior to burial is required. The only exception to this policy will be when the mortuary involved assumes full responsibility for payment.

**C. Indigent.**

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 three months prior to or at the time of death. 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 discretion of the Town.

**D. Interment Agreement Conveys Only the Right of Burial.**

All Interment Agreements shall grant to the lot owner or owners the right to use such lots for burial of human remains only, subject to these rules and regulations. The fee title to any lot, space or niche conveyed to a purchaser shall remain in the Town subject to the right of burial conveyed to the purchaser.

**E. Fees.**

Current fees for burial lots and interments are updated by the Town Clerk. Refer to the Mount Pleasant page on the Town of Erie website for current standard fees and additional fees to be charged for burials after 3:00 PM on weekdays and on Saturday mornings.

**6. Transfers or Assignments.**

No transfer or assignment of any burial space, 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, thereafter being recorded on the books of the Town. The Town shall have the right to refuse to consent to a transfer or an assignment if there is any indebtedness due the Town by the owner of record.

**7. Rights and Responsibilities of Town.**

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

Except as otherwise provided herein, all grading, landscape work, improvements of any kind, and all care of lots, 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 shall be made 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 approval of the Director. If improvements or alterations made without the Town's written consent, or, if at any time in the Town's judgment they become unsightly to the eye, the Director shall have the right to order such improvements or alterations removed or altered or changed without consent of the lot owner. Refer to Section 10 of these rules and regulations for permitted decoration of lots.

**C. Right to Replat, Regrade and Use Property.**

The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or of a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof, is hereby expressly reserved in the Town. 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 grave space owners, for cemetery purposes, including without limitation the interring and preparing for interment of remains, 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.

**D. When Town is Not Responsible.**

The Town shall take reasonable precautions to protect lot owners, and the property rights of lot 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, 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.

**8. Interments and Inurnments.**

**A. Subject to Laws and Orders.**

In addition to being subject to these rules and regulations, all interments shall be subject to the orders and laws of the properly constituted authorities including without limitation of the Town of Erie, Weld County, the State of Colorado, and the Federal Government.

**B. Application Required.**

Prior to burial, a burial application shall be submitted to and approved by the Town. The burial application must specify the exact location of the burial space desired to be opened, and provide proof of interment rights to that burial space. Applications should specify the date and time of the desired interment ceremony, subject to all other requirements under these rules and regulations for required notice.

**C. Time of Interments and Inurnments.**

At least 48 hours' notice must be given to the Town for a request for the preparation of a grave for an interment or inurnment. Notification for Monday interments must be

received prior to 12:00 noon the previous Thursday. No interments or inurnments will be allowed between the hours of 12:00 p.m. Saturday through 8:00 a.m. Monday. No burials will be allowed on Town holidays.

**D. Emergency Burials.**

Arrangements for emergency burials must be made through the Town Clerk's Office and upon proof of emergency.

**E. 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, the cemetery staff will work additional hours deemed necessary by the Town Administrator or the Director to meet such demand. The Town Administrator or Director shall have the authority to make exceptions to any and all regulations necessary in order to handle the numerous burials as orderly and as quickly as possible.

**F. 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 conditions out of its control.

**G. 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 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.

**H. Burial Space and Grave Size.**

The size of a burial space is 5'-0" wide by 10'-0" long. Thus, 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. Refer to Burial Diagrams in the Appendix for additional information.

**I. Approved Grave Liners and Cremation Urn Vaults.**

Every casket interment must be made in an approved outer liner of steel or concrete supplied by the funeral home. Every cremation urn inurnment must be in an approved poly, concrete, or metal urn vault supplied by the funeral home. Notwithstanding the

foregoing, interment of a body using natural burial practices or inurnment by way of a controlled scattering of cremains is permitted in burial spaces within the cemetery in accordance with Section 8(K) and 8(L) of these rules and regulations. Refer to Burial Diagrams in the Appendix for additional information.

**J. Number of Interments/Inurnments.**

Not more than one set of remains may be interred in one burial space, except as provided below:

1. Two cremain inurnments in lieu of one casket interment.
2. One casket interment and one cremains inurnment.

**K. Natural Burial.**

Natural Burial involves the interment of an unembalmed body in a biodegradable casket or shroud in a grave to ensure body contact with the earth. Interment using natural burial practices is permitted in the cemetery only under the following conditions:

1. Families selecting natural burial practices shall notify the Town Clerk of their intentions at the time of burial application.
  - a. Families selecting natural burial are required to sign a waiver noting no disinterment of a naturally buried body is possible or permitted.
  - b. Additional fees are required for natural burial for the placement of additional soil following future settling of the grave. Refer to Cemetery Fees listed on the Cemetery page on the Town of Erie website.
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. Because bodies to be interred using natural burial practices are typically not embalmed, proper handling must be provided or managed by a licensed funeral home or service when delivering a body to the cemetery for burial.
4. 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.



5. Grave opening size and depth for natural burials will be the same as for standard burials. Refer to Burial Diagrams in the Appendix for additional information.
6. A biodegradable casket (i.e. wood, wicker, paper mache, or other natural fibers) or a natural fabric body shroud is required for burial. All bodies shall be enclosed for burial.
7. The funeral home is solely responsible for providing all means necessary to conduct a natural burial. It is the responsibility of the funeral home to manage and conduct a safe and respectful natural burial per the requirements of these rules and regulations. The cemetery will in no way be held responsible for issues related to natural burial services.
8. The cemetery will close the grave following the natural burial service. Settling of the grave will take place over time and the cemetery will place additional soil at the time of settling to level the burial space to maintain a safe surface condition. This placement of additional soil is included in the fees for a natural burial.
9. Placement of monuments on natural burial graves shall be the same as the requirements listed for other burials. Refer to Monument Placement Diagrams in the Appendix for additional information.

**L. Scattering or Direct Burial of Cremains.**

Scattering or direct burial of cremains without an urn or urn vault is permitted within a burial space only under the following conditions:

1. Burial applications are required for the scattering or direct burial of cremains and all fees must be paid to the Town Clerk prior to placement. Families selecting this type of final disposition are required to sign a waiver acknowledging retrieval of scattered cremains is not possible or permitted.
2. Scattering of cremains is permitted in a burial space only in a controlled scatter or direct burial of ashes within an opening prepared by cemetery staff, and under the direction of a licensed funeral director as part of a service.
3. Scattering or direct bury of cremains shall be placed in a grave opening with 18" minimum soil cover provided after the scattering or direct burial of the cremains is complete. Open scattering of cremains on the surface of the burial space is not permitted under any circumstances.

4. Placement of monuments on scattering or direct burial graves shall be the same as the requirements for other burials. Refer to Monument Placement Diagrams in the Appendix for additional information.

**M. Use of Equipment.**

Tents, artificial grass, lowering devices and other equipment in making interments, disinterments and removals shall be the responsibility of the funeral home in charge of the burial or disinterment.

**N. Inurnment of Cremains.**

In order to inurn cremains in the cemetery, the applicable fee must be paid to the Town of Erie. The Town shall not be liable for the protection of any cremains. Every cremation urn inurnment must be in an approved poly, concrete, or metal urn vault supplied by the funeral home.

**O. Location of Interment Space.**

When instructions regarding the location of an interment space on a lot cannot be obtained, or are indefinite, or when for any reason the burial space cannot be opened where specified, the Town may, in its discretion, open the space in such location on the burial lot as it deems best and proper so as not to delay the funeral. The Town shall not be liable in for damages for any error or change made.

**P. Not Responsible for Embalming or Identity.**

The Town shall not be responsible for the interment permit nor for the identity of any persons sought to be interred; nor shall the Town be responsible in any way for the preparation of the body for burial.

**Q. Orders Given by Telephone.**

When making arrangements for burial, the exact location (i.e. block, lot or space) must be provided to the Town. The Town shall not be held 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.

**R. Errors May be Corrected.**

The Town reserves the right, and shall have the right to correct any errors that may be made by it (either in making interments, inurnments, or disinterments, or in the description transferring or conveying any interment property) either by canceling a conveyance and substituting and conveying in lieu thereof other interment property of

equal 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 the amount of money paid on account of said purchase. In the event such error shall involve the existing interment of the remains in such property, a person requesting removal shall assume full responsibility for disinterment which shall be carried out pursuant to Section 9 of these rules and regulations.

**S. Delays in Interment Cause by Protest.**

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 have not been complied with. Further, 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 shall be under no duty to recognize any protests of interments unless they are made in writing and filed with the Town Clerk within 2 weeks of the interment.

**9. Disinterments.**

**A. Subject to Laws and Orders.**

In addition to being subject to these rules and regulations, all disinterments shall be subject to the orders and laws of the properly constituted authorities including without limitation of the Town of Erie, Weld County, the State of Colorado, and the Federal Government.

**B. Permission for Disinterments.**

No disinterment of a body or cremains will 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. Disinterment Prohibited Under Certain Circumstances.**

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 of Disinterment Required.**

The Town reserves the right to require at least ten days' notice prior to any disinterment. Disinterments must be conducted during the hours of 9:00 a.m. and 2:00 p.m. No disinterment will be made on any Saturday, Sunday, or Town holiday.

**E. Disinterment of Cremation Urn Vaults.**

Cremation urn vaults may be disinterred only for the placement of a second urn for a burial service or for transport to another cemetery or placement location. Urn vault disinterment requires a signed affidavit from the next of kin on a form provided by the Town stating that the disinterment is being requested for a valid reason.

**F. Payment of Fees.**

All fees assessed by the Town for disinterments shall be paid to the Town Clerk's office prior to the disinterment.

**G. Town Not Responsible for Disinterments.**

All disinterments of a body will be the responsibility of the family. The Town shall not assume responsibility for any disinterments. Families wishing to disinter a body shall procure the services of a competent funeral home and equipment operator who must provide evidence of liability insurance satisfactory to the Town prior to disinterment operations.

**10. Memorial Work in Cemetery.**

**A. Producers and Retail Dealers.**

1. Persons or firms who engage in the business of monument letter cutting, cleaning monuments, providing flowers, or other services, who are not connected with established retail monument dealers, must secure permission from the Director or the Town Clerk before any work in the cemetery is commenced. In order to procure such permission, the person or firm must submit satisfactory evidence to the Town Clerk of their ability to properly perform the work for which they have been engaged.

2. Retail monument dealers engaged in erecting or placing monument bases, monuments, or other structures shall be considered general contractors and must provide evidence of liability insurance satisfactory to the Town.

3. Persons engaged in erecting monuments are prohibited from attaching ropes or other devices to adjacent monuments, trees, or shrubs and are prohibited from setting their material or tools over adjoining lots, blocking roadways or walks, or from leaving their material or tools on the grounds longer than is absolutely necessary. Care must be given to do as little damage to the grounds, trees and shrubs as is possible; all construction debris must be removed and the grounds must be restored to its original condition within a reasonable time after erection of the monument or other burial structure.

4. All construction and installation work of any kind shall cease while a funeral or an interment service is being conducted on a nearby burial space.

## **B. Monument Foundations.**

1. All monument foundations shall be the responsibility of the lot owner. The lot owner shall procure the services of a monument company for foundation work in the cemetery. Charges for such work will be paid directly by purchaser to the monument company.

2. At least 48 hours prior to placement of a monument foundation, the monument company shall submit an application for a placement permit and proof of insurance in an amount acceptable to the Town. The monument company shall adhere to these rules and regulations and any applicable installation diagrams for the placement of monument foundations.

3. Prior to placement of a monument foundation, monument company staff shall meet with the Town Clerk to allow the Clerk to confirm the burial lot(s). The Town assumes no responsibility for an incorrect placement for any foundation or monument if placed prior to contacting the Town Clerk.

4. Monument foundations shall adhere to the following dimensions:

a. Single Monument Foundation: 48" long x 24" wide x 4" deep high-strength concrete or granite set on 4" compacted 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. Refer to Section 10(C) for permitted monument dimensions and placement requirements. Concrete shall be allowed to cure for three days minimum

prior to placement of monument. Refer to Monument Placement Diagrams in the Appendix for additional information.

b. Double Monument Foundation: 72" long x 24" wide x 6" deep high-strength concrete or granite set on 6" compacted 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 be allowed to cure for three days prior to placement of monument. Refer to Monument Placement Diagrams in the Appendix for additional information.

c. Dimensions for a monument base for a monument for a combined family lot of more than two burial spaces shall not exceed those for a double monument base.

### **C. Monuments.**

1. Placement of all monuments shall be the responsibility of the lot owner. The lot owner shall procure the services of a monument company for monument placement in the cemetery. Charges for such work will be paid directly by purchaser to the monument company.

2. Only one upright monument and base is permitted on each burial space. One additional flat marker is permitted to identify cremains inurned in the same lot. A double marker and base may be placed jointly on two burial spaces. Refer to Monument Placement Diagrams in the Appendix for additional information.

3. Single upright monuments shall not exceed 44" in length, 20" in width, and 36" in height.

4. Double upright monuments shall not exceed 68" in length, 20" in width, and 36" in height.

5. Flat bronze, granite, or marble Veteran's markers are permitted on burial spaces in the cemetery. Markers shall not exceed 32" in length and 26" in width unless permission is requested and approved by the Town Clerk.

6. Flat markers shall be placed on a concrete, granite, or crushed stone base sufficient to support the marker in a flat, stable position. Flat markers used for placement of cremains on a casket grave shall be placed 12" from the front edge of the upright monument base and be aligned square to it. Refer to Monument Placement diagrams in the Appendix for additional information.

7. Custom designed stone monuments (i.e. tablets, ledgers, grave covers, or other special designs) are permitted on a burial space in the cemetery only with permission of the Town Clerk. Families desiring such monuments must submit scaled drawings of the desired monument and apply for a permit from the Town Clerk at the time of burial or a minimum of two weeks in advance for review. The Town reserves the right to deny any custom monuments that are inconsistent in appearance, size, design, or other characteristics with the other monuments in the cemetery or in the surrounding burial spaces, and to remove any custom monument without recourse and without prior notice to the lot owner if erected without a permit.

8. Grave borders, coping, curbing, covers, grave mounds, enclosures of any kind, or pedestrian paving of any kind shall be allowed on burial spaces in the cemetery only with express written permission of the Town Clerk. Families desiring such improvements must submit scaled drawings of the desired improvements and apply for a permit from the Town Clerk at the time of burial or a minimum of two weeks in advance for review. The Town reserves the right to deny placement of such improvements that are inconsistent in appearance, size, design, or other characteristics with the other improvements in the cemetery or in the surrounding burial spaces. The Town reserves the right to remove the same without recourse and without prior notice to the lot owner, if so erected or placed.

9. Only markers and monuments made of first-grade granite, marble, or bronze shall be permitted for placement on burial spaces in the cemetery.

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

#### **D. Miscellaneous.**

1. 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 shall have the right to correct the condition or remove the same at the expense of the lot owner.

2. Unless removal is initialed by the Town, no marker or monument shall be removed from the cemetery without a written request for removal being submitted to the Town Clerk by the lot owner and permission granted by the Town.

## **11. Decoration of Lots.**

### **A. Regulation of Decorations.**

1. The Town understands the importance of decorating graves to families as part of the grieving process. The Town shall permit reasonable types and amounts of decorations on burial spaces but also strives to maintain an orderly, respectful, and clean cemetery appearance for the peaceful enjoyment of the cemetery by all lot owners. The Town therefore reserves the right to regulate the location, type, number, and materials of burial space decorations to maintain a clean and respectful appearance and safe site conditions within the cemetery and to remove those that become detrimental or placed without permit.

2. A number of burial space decorations have been installed in the past that are no longer permitted under these rules and regulations. Existing non-compliant decorations may remain in place only in accordance with the conditions of these rules and regulations.

3. The Town shall not be held liable for lost, misplaced, or broken decorations or for damage by the elements, thieves, vandals or by causes beyond its control.

### **B. Decorations - Built.**

1. Built decorations on burial spaces in the form of lot borders, grave covers, benches, and pavement are allowed in the cemetery only in accordance with the following conditions:

a. Families desiring to place built decorations must submit scaled drawings of the desired improvements and apply for a permit from the Town Clerk at the time of burial or a minimum of two weeks in advance for review. The Town requires a two-week period for review prior to issuing a decision and permit. The Town reserves the right to deny placement of such built decorations that are inconsistent in appearance, size, design, or other characteristics with the other built decorations in the cemetery or in the surrounding burial spaces.

b. Lot borders shall be constructed of granite, concrete, interlocking concrete blocks, or metal edging only. Borders made of plastic, wood, or non-locking concrete blocks are not permitted and will be removed by the Town.

c. Built decorations such as fences, railings, and similar improvements are not permitted in the cemetery and will be removed by the Town.



- d. Built decorations may not exceed the boundaries of the burial space at any time. Built decorations which do exceed the boundaries of a space or otherwise impede the access to and enjoyment of adjacent burial spaces will be removed by the Town.
- 2. Built decoration in the form of pavers or pavement are allowed in the cemetery only in accordance with the following conditions:
  - a. Pavement shall be stone, concrete unit pavers, poured-in place concrete, or graded crushed stone edged with metal edger only. Crusher fines/decomposed granite paving is not permitted.
  - b. Pavement shall be installed entirely on the burial space and shall not exceed its boundaries. Pavement which does exceed the boundaries of a space or otherwise impedes the access to and enjoyment of adjacent burial spaces will be removed by the Town.
  - c. Pavement types shall be kept to one material per installation and not include a mix of different types, sizes, or colors.
- 3. The Town reserves the right to remove built decorations that break, fall into disrepair, or otherwise become detrimental to the cemetery in terms of appearance or safety at the Town's sole discretion with no prior notice to lot owners and shall in no way be held responsible for their loss by removal.

### **C. Decorations – Plants.**

The Parks and Recreation Department has exclusive authority in the planting of all trees, shrubs, and other plantings in the cemetery. Planting of trees, shrubs, and other types of woody plants by any other person or entity on burial spaces is strictly prohibited. Non-planted floral decorations are allowed in the cemetery only in accordance with the following conditions:

- 1. Burial service flowers, wreaths, grave blankets, and similar plant decorations may remain on the grave lot for up to two weeks following burial, or until they become dead, faded, or detrimental to the appearance or safety of the cemetery.
- 2. Holiday flowers wreaths, grave blankets, and similar decorations may be placed on burial spaces one week prior to the following holidays and will removed one week following the holiday: Memorial Day, Mother's Day, Independence Day, Veterans Day, Thanksgiving, and Christmas.

3. Planted perennial and annual flowers and grasses may be placed on burials spaces only if they meet the following conditions:

a. Plantings are confined within vases, pots, or edged beds near the monument on the burial space and do not spill onto adjacent lots.

b. Plantings are cared for, kept alive and in good condition, do not become scattered across the lot, or fall into other states of visual disorder.

c. Additional planting is allowed if the burial space incorporates a built border as allowed in these rules and regulations.

4. Several woody plantings have been installed in the past that are no longer permitted. Existing non-compliant plantings may remain despite these rules and regulations but may not be replaced once removed the Town if these plantings die, become unsightly, or fall into disrepair. The existence of these existing non-compliant plantings in no way grants Town approval of lot owners to place additional non-compliant plantings.

5. The Town reserves the right to remove plant decorations that die, become unsightly, and become detrimental to the cemetery in terms of appearance or safety at the Town's discretion with no prior notice to lot owners and will in no way be held responsible for their loss by removal.

#### **D. Decorations - Artificial.**

1. Artificial flowers, flags, small signs, shepherd hooks, whirly-gigs, stuffed animals, and other types of artificial burial space decorations are allowed in the cemetery only in accordance with the following conditions:

a. Decorations are confined closely to the burial space monument and do not spill onto adjacent lots.

b. Decorations are in good condition and are not faded, torn, broken, or fallen into states of disrepair detrimental to the appearance or safety of the cemetery.

c. Decorations are not made of glass, sharp metals, or other materials detrimental to the appearance or safety of the cemetery.

2. The Town reserves the right to remove all noncompliant artificial decorations at its discretion with no prior notice to lot owners and will in no way be held responsible for their loss by removal.

**E. Decorations – Restricted or Prohibited.**

1. Placement of loose shells, stones, toys, metal objects, ornaments, statues, and similar articles are permitted only on the monument base, monument, or within an edged bed adjacent to the monument and within the burial space boundaries. Those located elsewhere on the burial space that may impact aesthetics, site safety, or maintenance operations will be removed by the Town.
2. Placement of loose boxes, chairs, unattached benches, unattached vases, food and beverages, glass of any kind, fences, and similar loose articles which create unsafe site conditions are not permitted and will be removed by the Town.
3. The Town reserves the right to remove noncompliant decorations at its discretion with no prior notice to lot owners and will in no way be held responsible for their loss by removal.

**12. Prohibited Acts.**

**A. Entry to Cemetery.**

1. It is unlawful for any person to enter the cemetery grounds except during regular hours of operation unless written permission has been requested and obtained from the Town Clerk.
2. Unless closure is otherwise posted for a private service or cemetery maintenance, the cemetery shall be open to the public 8:00 a.m. to 6:00 p.m. (September – May) and 7:00 a.m. to 9:00 p.m. (June – August).

**B. Conduct of Persons.**

1. All persons visiting the cemetery shall show due respect and observe all proprieties due a cemetery. 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 whom the Town may deem inconsistent with the Town's declared purpose of the cemetery.
2. Loud talking and use of profane language is forbidden.
3. Loitering is not permitted inside the cemetery.
4. Bicycles and motorcycles are prohibited inside the cemetery.

**C. Damage to or Destruction of Property.**

1. It shall be unlawful for any person to damage, remove, or destroy any existing trees, shrubs, or other plants located in the cemetery.
2. It shall be unlawful for any person to damage, remove, or destroy any existing signage, gate posts, fences, walls, roads, walks, or other site elements located in the cemetery.

**D. Advertising Prohibited.**

No signs or notices or advertisements of any kind shall be permitted in the cemetery.

**E. Animals.**

All domestic animals including without limitation dogs and horses are forbidden in the cemetery.

**F. Smoking Prohibited.**

Open burning of any kind, including without limitation the burning of cigarettes, candles, lighters, or matches is prohibited in the cemetery.

**13. Payment of Fees.**

**A. Assessment.**

Fees will be assessed as provided in Section 2-10-9 of the Erie Municipal Code.

**B. Disposition of Proceeds.**

1. Sale of Lots and Grave Sites: All monies received from the sale of lots and grave sites shall be placed in the general fund.
2. Burials or Disinterments: All monies received from burial or disinterment charges shall be placed in the general fund.
3. Donations: All donations received shall be placed in the perpetual care fund.

**C. Expenditure of Funds.**

1. Funds shall be used for capital improvements or major maintenance or repair of the cemetery.

2. Funds shall be disbursed through the regular annual budgetary process, an annual allocation and all bills approved by the Board of Trustees of the Town prior to payment.

3. Funds shall be invested in the most prudent manner as part of the ordinary responsibility of the Town Treasurer.

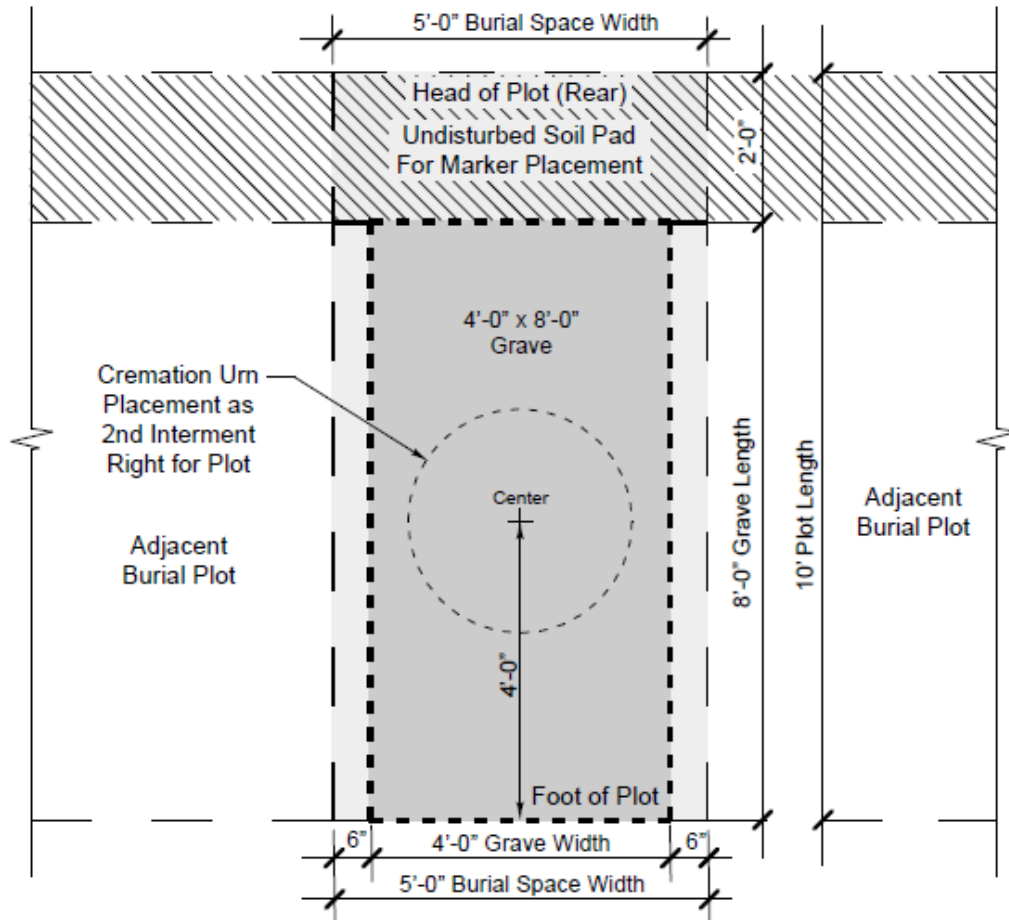
**14. Records, Receipts and Burial Orders.**

The Town Clerk or designee shall keep all records of the cemetery in the Town Hall and shall receive all required payments to the cemetery. The Town Clerk or designee shall, upon proper payment and notification, issue a burial order to the Parks and Recreation Department setting forth the grave space, time of burial and time of closing.

## APPENDIX

### Casket Burial Diagram

Mt. Pleasant Cemetery, Town of Erie, CO



Casket Burial Plot

Not to Scale

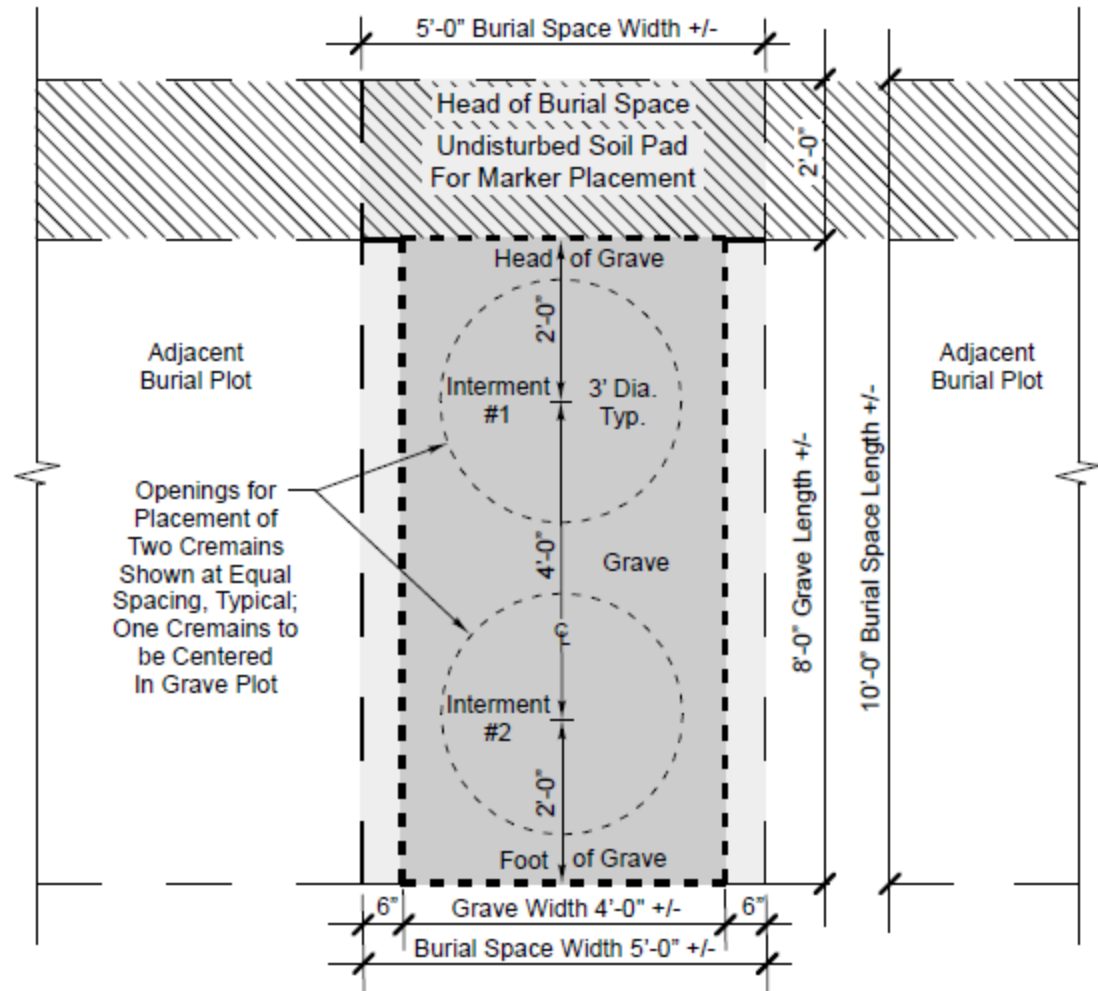
#### Notes:

1. All casket burial spaces are 5'-0" wide by 10'-0" long, typical, and grave plots are 4'-0" wide by 8'-0" long, within each space as shown. Double burial spaces combine two single spaces for a total of 10'-0" x 10'-0."
2. All casket graves are to be centered in the plot width and aligned to the foot of the graveplot to provide a 2'-0" wide area of undisturbed soil for monument placement at head of the plot.
3. Depth of casket grave is to be 5'-0" minimum to allow for placement of casket vault/outer container, urn vault if selected, and 18" soil cover on top.
4. Upright markers are to be placed only within the undisturbed soil pad located at the head of the plot. Refer to Monument / Foundation Diagrams.
5. Only one upright marker shall be placed for up to two interments or one casket and one cremains with cremated remains.
6. Supplemental interment of one cremated remains is allowed in a burial space. Cremains must be placed within the grave plot only. One additional flat marker is allowed to identify the cremains.
7. Refer to Cemetery Rules and Regulations for additional information.

9/2020

# Cremation Burial Diagram

Mt. Pleasant Cemetery, Town of Erie, CO



Cremation Burial Plot

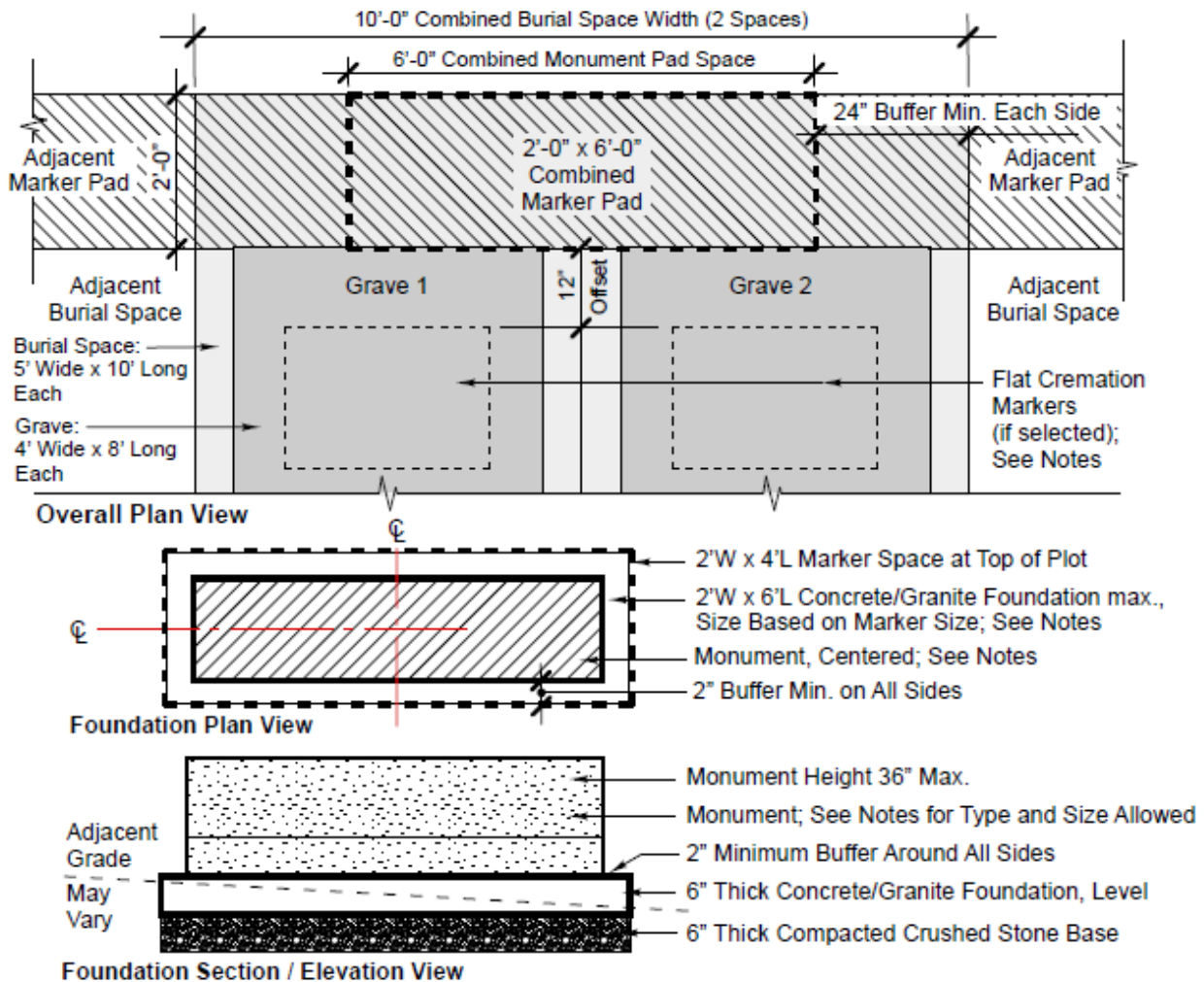
Not to Scale

## Notes:

1. Cremation burial spaces are 5'-0" wide by 10'-0" long (+/-), typical. Grave plots within each are 4'-0" wide by 8'-0" long (+/-). Space sizes may vary based on plot location within the cemetery.
2. Cremains shall be placed within an urn and urn vault or other outer container only within the interment space shown to provide a 2'-0" wide area of undisturbed soil for marker placement at the top of the burial space.
3. Up to two (2) cremains may be placed in one plot, as shown; one cremains to be centered in plot.
4. Depth of grave for cremation burial shall be 3'-0" minimum, or as sufficient to allow for placement of an urn vault or other outer container and 18" soil cover on top.
5. Upright grave markers are to be placed only within the undisturbed soil pad located at the head of the burial space. Refer to Monument / Foundation Diagrams for additional information.
6. Two flat markers may be placed, one for each of two (2) cremated remains.
7. Refer to Cemetery Rules and Regulations for additional information.

# Double Monument / Foundation Diagram

Mt. Pleasant Cemetery, Town of Erie, CO



## Double Monument and Foundation Detail

Not to Scale

### Notes:

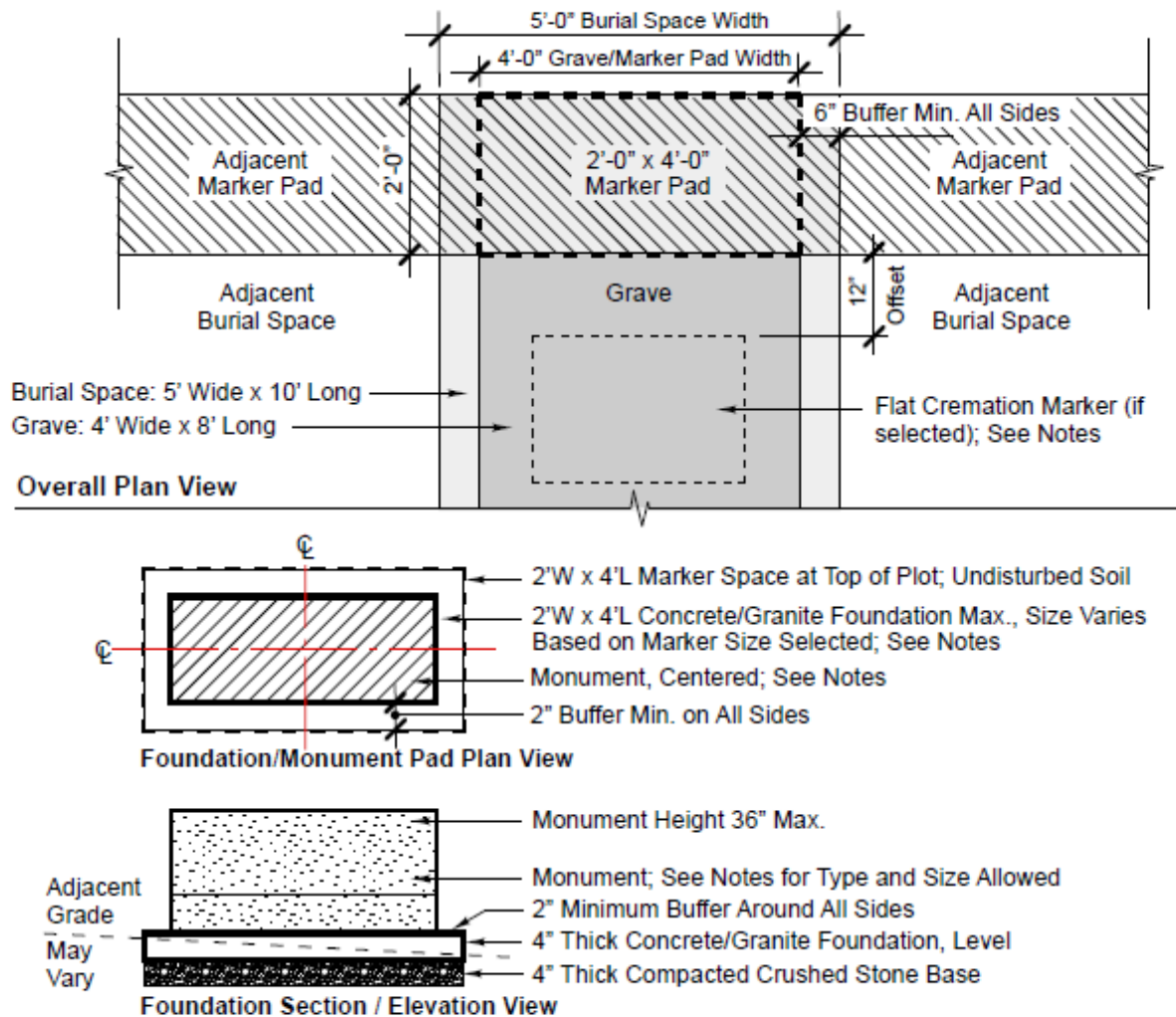
1. Placement of monuments and foundations require a permit obtainable from the Town Clerk.
2. Placement of monuments and foundations are the responsibility of the plot owner.
3. Only one upright monument is allowed per burial space; type and size may vary per owner. One additional flat marker is permitted to identify cremated remains placed in the same burial space.
4. Double marker foundation size shall not exceed 2'-0"W x 6'-0"L. Minimum 2" buffer all sides of monument.
5. Double monument size shall not exceed 68"L x 20"W x 36"H.
6. Plot owners desiring custom monuments are required to submit design diagrams showing size, materials, and placement details for approval by the Town Clerk. Refer to Cemetery Rules and Regulations.
7. Concrete/granite foundation size shall be based on size of marker, but shall not exceed 2'-0" x 6'-0" for a double marker. Monument shall be centered on foundation.
8. Concrete/granite foundation shall be 6" thick minimum, set on 6" minimum crushed stone base and be installed straight and level to the adjacent grade.
9. Refer to Town of Erie Cemetery Rules and Regulations for additional information.

9/2020



# Single Monument / Foundation Diagram

Mt. Pleasant Cemetery, Town of Erie, CO



## Single Monument and Foundation Detail

Not to Scale

### Notes:

1. Placement of monuments and foundations require a permit obtainable from the Town Clerk.
2. Placement of monuments and foundations are the responsibility of the plot owner.
3. Only one upright monument is allowed per burial space; type and size may vary per owner. One additional flat marker is permitted to identify cremated remains placed in the same burial space.
4. Single marker foundation size shall not exceed 2'-0"W x 4'-0"L. Minimum 2" buffer on concrete foundation is required around all sides of selected monument.
5. Monument size shall not exceed 44"L x 20"W x 36"H; Refer to Rules and Regulations.
6. Plot owners desiring custom monuments are required to submit design diagrams showing size, materials, and placement details for approval by the Town Clerk. Refer to Cemetery Rules and Regulations.
7. Concrete/granite foundation size shall be based on size of marker, but shall not exceed the 2'-0" x 4'-0" for a single marker. Monument shall be centered on foundation.
8. Concrete foundation shall be 4" thick minimum, set on 4" minimum crushed stone base, level to grade.
9. Refer to Town of Erie Cemetery Rules and Regulations for additional information.

9/2020