

RESOLUTION NO. 8, SERIES OF 2011

A RESOLUTION RESTATING AND REVISING THE CITY'S CEMETERY REGULATIONS.

WHEREAS, under Section 2.60.030 of the Cañon City Municipal Code, the City Council shall, from time to time by resolution, prescribe: charges and fees for cemetery services and other rules and regulations pertaining to the use of the City's cemeteries and the use, transfer and conveyance of grave spaces therein.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF CAÑON CITY, pursuant to said Section 2.60.030, that the following cemetery regulations are hereby promulgated and that all prior resolutions or parts thereof that are in conflict with this resolution are hereby repealed.

1. GENERAL INFORMATION - DEFINITIONS

- a. "Adult space" - a standard 10' long space (for casket & vault over 48" in length).
- b. "Burial space" – A location within a City cemetery providing the ability to inter human remains.
- c. "Cemetery Foreman" - a person designated by Director of Parks to supervise the operation of municipal cemeteries and administer the rules, regulations and policies.
- d. "Child space" means a 7' x 3' space (for casket & vault 48" and under in length).
- e. "City" - the City of Cañon City, a municipal Corporation, being the owner and administrator of Lakeside and Greenwood Cemeteries.
- f. "Director of Parks" - the person appointed by the City Administrator to oversee cemetery operations.
- g. "Double depth burial" - two interments in one grave space.
- h. "Family member" for all purposes under these regulations shall mean a grandparent, parent, spouse, child or grandchild of a person who is the owner or legal holder of a Deed, Certificate of Ownership or Right of Internment Certificate granted or issued by the City. A family member may be given or acquire a right to be buried in the grave space of another family member who is named in the Deed, Certificate of Ownership or the Right of Internment Certificate granted or issued with respect to the grave space in question if such other family member gives written permission, on a form to be provided by the City Clerk's Office, for such burial to occur. In the absence of such written

permission, any person claiming a right to use or to designate the use of a grave space must obtain and present to the City Clerk a decree or other lawful order entered by a court of competent jurisdiction in a probate or other legal proceeding, wherein the ownership or right to use or to designate the use of the grave space in question was at issue and determined by the court or someone empowered by the court or by statute to make such determination. As an alternative to the presentation of such decree or court order, the City Clerk is hereby authorized to request, receive and rely upon other forms of documentation establishing, to the reasonable satisfaction of the City Clerk, the claimant's right to use or designate the use of such grave space.

- i. **"Funeral Escort"** – Escort services provided by the Cañon City Police Department for funeral processions.
- j. **"Installment Plan"** – Payment for purchase of a grave space or spaces (adult, child, or cremains) over a six-month period of time and paid for in monthly installments until paid in full.
- k. **"Memorial Wall"** shall mean that upright structure constructed on the cemetery grounds containing niches for interment of two ash burials per niche.
- l. **"Non-perpetual Care"** - areas of Lakeside and Greenwood Cemeteries which are not regularly irrigated. Non-perpetual care areas are maintained as needed.
- m. **"Owner"**, as used in these regulations, shall mean the person or persons in whose name or names a deed or certificate with respect to a specific grave space was granted or issued by a duly authorized official of the City. Status as an owner does not confer upon any person any rights greater than those set forth in such deed or certificate.
- n. **"Perpetual Care"** - areas of Lakeside Cemetery which are irrigated and maintained regularly.
- o. **"Pre-need sales"** - any space purchased 14 days in advance of actual use for burial and paid in-full before burial.
- p. **"Public Access"** - Public access to Lakeside or Greenwood Cemetery shall be from "sunrise to sunset" seven days a week. Public access between "sunset and sunrise" shall be considered "trespassing," unless approved by the Cemetery Foreman.
- q. **"Regular Operating Hours"** - 7:00 AM to 4:00 PM Monday through Friday, exclusive of Saturdays, Sundays and Holidays, and designated closures.

- r. **"Single depth burial"** - one interment in one grave space.
- s. **"Social Services Burial"** - the burial of a social services recipient in a designated section of a city owned cemetery or the burial of a social services recipient in a space pre-owned by the social services recipient.
- t. **"Standard Burial"** – the interment of one vault and casket.
- u. **"Unoccupied Space"** - burial space (s) which do not contain interred human remains and space(s) which do not have any type of structure or monument placements.
- v. **"Veteran"** - a person honorably discharged from one of the branches of the armed forces of the United States or one who, at the time of his death, was a member of the armed forces of the United States.

2. BURIALS - The City Administrator or his designee shall have the authority to make decisions or rules not specifically covered in these regulations.

2.1 No burials of any deceased person shall be permitted until:

- a. A burial permit has been delivered to the Cemetery Foreman containing all the information required by Statutes of the State of Colorado.
- b. All fees associated with the burial space and burial services have been paid in full prior to burial. Immediate burial needs may not be paid on the installment plan.
- c. The City has determined to its satisfaction that the person being interred has the legal right to use the burial space.

2.2 Opening and closing of graves shall be under the supervision of the Cemetery Foreman or his designee.

2.3 A minimum of twenty-four hour advance notice shall be required from the mortuary for all burials. The minimum period for such notification shall not include Saturday, Sunday or Holidays. Subject to the restriction at 2.5 hereof, Saturday morning burials shall be allowed only under the following conditions:

- a. Special arrangement fee is paid.
- b. Saturday service hours are 8:00 AM to 12:00 Noon. No funeral or graveside services shall be permitted after 12:00 Noon.

2.4.1. Late Fees - All funerals or graveside services conducted within a City cemetery shall be concluded no later than 4:00 PM on weekdays and no later than 12:00 Noon on Saturdays. Funeral Directors, families and other participants are respectfully asked to move away from the burial area, at or before the times specified above, so that City

cemetery staff may complete the interment. Funeral directors, families and other participants who choose to remain at the interment site, thereby preventing City cemetery staff from completing the interment immediately after the hours specified above, may be charged a late fee as specified herein.

- 2.5 No funeral, graveside service or interment may be scheduled on a Saturday which is a holiday designated or observed by the City, nor on a Saturday which is a part of an extended holiday weekend observed by the City and involving a Friday or Monday closure of most City facilities.
- 2.6 All sales of graves or other special arrangements are to be made during regular working hours or an additional fee will be charged at prevailing labor rates.
- 2.7 Only human remains are allowed to be interred in City cemeteries.
- 2.8 Ash Burials –
 - a. Standard burial spaces:
 - 1) A maximum of six (6) ash burials will be permitted in a regular single-depth standard burial space.
 - 2) A maximum of one ash burial will be permitted on top of an existing single depth standard burial for no additional grave space fee. The ash burial must be a burial of the remains of a “family member”, as that term is described in Section 1 of these regulations; and prior written permission for such ash burial must be or have been given, as the case may be, by the owner of the grave space or by a person legally authorized to determine how such grave space may be used
 - 3) Following an ash burial permitted under this paragraph, no standard interment shall be allowed, except when appropriate documents are filed to authorize the disinterment of the ash burial to allow a regular burial to be immediately followed by the re-interment of the ashes originally buried in the space.
 - b. Ash burial spaces:

A total of four (4) ash burials may be interred in the designated sections of the cemetery providing ash only burial spaces.
 - c. Memorial wall niches:

A total of two (2) ash burials may be interred in each niche in the Memorial Wall.
- 2.9 Monuments: Only one monument is allowed per grave space. Flat monuments are not allowed to be set on top of the actual internment space or to encroach upon adjoining grave spaces that are not owned by the owner of the grave space.

3. PURCHASE PRICE OF SPACES AND PRE-NEED SALES. The purchase price of a burial space shall be as follows:

- 3.1 Non-irrigated, non-perpetual care areas:
 - Adult space \$400.00
 - Child space \$275.00

3.2 Irrigated perpetual care areas of Lakeside Cemetery:

a. **General Public Sections** - Sections A through V, 6 through 52 shall be allowed to have upright monuments. Section 16B and K shall be restricted to flat monuments:

- 1) Adult space - single depth\$ 800.00
- 2) Adult space - double depth.\$1,300.00
(restricted to designated sections)
- 3) Child Space – (designated sections only).\$ 400.00
- 4) Ash Space – (designated sections only)
(A maximum of four (4) ash burials will be permitted in any ash space that is not in the Veterans section.)\$ 600.00
- 5) Memorial Wall – (2 ash burials per niche & marker) \$ 600.00
- 6) Conditioned spaces
In sections where a regular burial cannot be reasonably accommodated due to environmental factors (i.e. tree placement, roots, utilities, roadways, etc.) but an ash burial or burials could be accommodated, ash burials may be allowed. Location, use, number of ash burials to be permitted in each of these conditioned spaces, and limitations on placement of markers will be dictated by the environmental factors and will be at the sole discretion of the Cemetery Foreman. Such conditions shall be clearly identified on the Right of Interment Certificate issued to the purchaser. Purchase price for such spaces shall be at the same rate as the cost for ash spaces purchased elsewhere in the cemetery, regardless of the number of burials allowed.

- b. Veterans Sections - Sections 16, 16A, 16B and K and 49 inclusive are reserved for Veterans, spouses or dependent child and shall be double depth in designated sections and shall be limited to two interments per space. A Veteran and spouse or dependent child that wishes to be buried in the same space shall be required to install one double depth, double capacity concrete vault or two single concrete vaults at the time of the first burial. Exception: The second burial made on top of a concrete vault may be made in a "combination vault/casket" which meets all vault specifications if, but only if, such vault/casket was sold in a pre-need plan on or before May 2, 1994, and proof of such sale and the date thereof (deemed adequate by the Cemetery Foreman) is provided to the City.

Upright monuments - Sections 16, 16A, 49 only \$ 350.00

The base stone of any privately placed monument may not exceed 42" on any 4' wide Veterans space.

Flat monuments - Section K and 16B only \$ 350.00

Per agreement with the Fremont County Veterans Council, only two flat US Government bronze markers 12" x 24" or one 18" x 24" combination flat bronze marker with removable vase shall be used in section K. All other vases, pot ends, plantings or markers are prohibited.

Ashes - designated parts of 16B & K, 2 ash burials only, monument limitations as stated above \$ 350.00

The \$350.00 fee shall be considered the perpetual care fee for a veterans' space and the full amount of such fee be placed in the perpetual care fund. Such fee shall be paid one time on each space.

- c. Mausoleums - Fee shall be the cost of each space used plus setback requirement as specified by the Cemetery Foreman and consulting with the City Building Official.
- d. Pre-need Space Purchases (those spaces not needed for immediate burial): Grave space(s) may be purchased by signing a payment contract and paying a \$100.00 non-refundable deposit per space reserved. At any time during the installment period, if the monthly payments are not made, the purchaser's rights with respect to the space(s) will terminate. Notice of default of payment shall be made in writing to the purchaser at the last known address of record. The purchasing party shall be given thirty (30) days to bring the account current, including payment of a late payment fee of 1.5% of the unpaid outstanding balance or \$25 per month for every month in arrears, whichever is greater. If the purchaser's rights are terminated, the deposit and all additional sums paid prior to default shall be forfeited and the space(s) covered by the contract will be put on the market for resale to the public.

All fees must be paid in full before interments are made in the space(s) or monuments are placed on the space(s).

- e. Repurchase Price of Spaces – The City will repurchase pre-need space purchases for the original purchase price. Burial spaces which provide for only single burials will not be repurchased by the City.

4. OPENING, CLOSING, LATE FEES:

Opening and closing shall be performed by City employees only. The following fees shall be charged for opening and closing graves

- a. Adult single or double depth,
one approved vault \$ 750.00
- b. 1. Adult double depth, two approved
vaults installed at same time \$ 850.00
2. Upon second interment in
pre-installed vault \$ 450.00
- c. Small child or baby \$ 450.00
- d. Cremains:
1. Each separate interment \$ 300.00
2. Common vault/mausoleum/columbarium -
per interment documentation fee
(if City does not perform each interment service) \$ 100.00
3. Memorial wall – (City does interment). \$100.00
- e. Late fee for funeral services running past specified
time or funeral service participants preventing
staff from completing interment
. \$ 300.00

5. DISINTERMENT FEES:

5.1 The fee for disinterment shall be:

- a. Adult \$ 3,000.00
- b. Small child or baby \$ 1,500.00
- c. Cremains (with or without vault) \$ 300.00

5.2 The total charge for disinterment, if followed by re-interment in Lakeside Cemetery, will be the cost of disinterment plus the charges of the new grave or the difference between

the graves, open and close, container and installation. The Cemetery Foreman shall schedule all disinterments.

6. SPECIAL ARRANGEMENTS:

- a. The fee for interment on Saturday per grave \$ 800.00
Saturday burials and/or funeral shall take place
only between the hours of 8am – 12 noon)
- b. Tent request rain or shine \$ 75.00
- d. Funeral Escort Services: As set forth in Police Fee Policy

Funeral Escorts shall be pre-paid and must be arranged through direct contact with the Police Department by the mortuary or the family representatives. Cemetery personnel will not make arrangements for an escort on behalf of the mortuary or family representative.

7. CONTAINER INSTALLATION FEES:

7.1 Installation of any vault container shall be by City staff. The fee for installation shall be:

- a. Concrete or steel - single vault \$ 300.00
Two single vaults installed at same time \$ 300.00
- b. Fiberglass, Thermoplastic, cremain vault. \$ 100.00

8. LOCATIONS & INSPECTIONS:

Locates, relocates (2nd calls), and final inspection fee for all 3rd party installation work involving foundations, monuments, vaults, mausoleums and columbarium's . . \$100/call

9. CHARGES FOR INSTALLATION OF MONUMENT FOUNDATIONS, MONUMENTS AND OTHER FIXTURES:

The following charges shall be made by the City for labor and materials for its installation of monument foundations and other fixtures:

- a. Install or replace monument foundation per lineal inch \$ 3.00
(minimum fee \$30.00)
- b. Install, move, reset vase bases or pot ends each \$ 75.00
- c. Move, remove or reset existing monument or foundation . . . \$ 150.00

10. RIGHT OF INTERNMENT CERTIFICATE (ROIC): Upon payment in full of the purchase price for a burial space, the City shall issue a Right of Internment Certificate to the purchaser. No Certificate shall be issued in the absence of full payment of the purchase price. Right of Internment Certificates are available in the City Clerks Office or at Lakeside Cemetery.

11. RIGHT OF INTERNMENT CERTIFICATE (ROIC) TRANSFERS, REQUESTS FOR COPIES OF DOCUMENTS AND LOCATES:

- a. Right of Internment Certificate transfer per space(s) made only through City of Cañon City – New Right of Internment Certificate issued, 100% of fee placed in Perpetual care fund. \$ 100.00/ROIC issued
- b. Requests for copies of Deeds, Certificates of Ownership, Right of Internment Certificates, or field search or research. \$ Fee based on records/info request policy

12. TRANSFERS, ASSIGNMENTS OR REPURCHASE:

- a. Consent of City - Issuance of New Certificate. No transfer or attempt to transfer any interest in, to or with respect to any burial space or lot situated in any of the City's cemeteries shall be valid unless the City consents to the transfer; and all procedures and requirements set forth in this paragraph have been complied with.
- b. Procedures and Requirements. Such procedures and requirements shall include the following:
 - 1. A request for transfer of ownership of a burial space ("Request") shall be made in writing on a form to be provided by the City. Such Request shall:
 - a.) Identify the current owner of the burial space to be transferred;
 - b.) Describe the burial space to be transferred;
 - c.) Identify by name and address of the person to whom the burial space is to be transferred ("transferee");
 - d.) Contain a statement that the owner of the burial space to be transferred irrevocably transfers to the transferee all of his right, title and interest in and to the burial space to be transferred; and
 - e.) Be properly executed by the transferor and acknowledged by the City Clerk or a notary public. The City Clerk shall not

acknowledge any signature which is not made in the presence of the City Clerk or Notary Public.

2. No Request shall be received or acted upon by the City unless all documents required under this paragraph are delivered to the City Clerk at the time the Request is submitted.
3. No Request shall be accepted or acted upon by the City unless the transfer fee required by the City at the time of Request is submitted is paid upon submission of the Request.
4. If the person submitting the Request holds a Certificate of Ownership, or Right of Internment Certificate issued by the City relative to the burial space which is to be transferred, such Certificate must be delivered and surrendered to the City at the time the Request is submitted. Such Certificate shall be canceled by the City Clerk at such time as a new Right of Internment Certificate is issued to the transferee pursuant to the terms of this paragraph.
5. If the person submitting the Request holds a deed issued by the City relative to the burial space which is to be transferred, such deed shall be surrendered to the City Clerk and, if such deed was recorded prior to the surrender thereof, the owner of the burial space (as grantor) shall also execute a general warranty deed to the City (as grantee) conveying to the City the burial space described in the surrendered deed. The grantor of such burial space shall represent and warrant in said deed that said grantor is the owner of the burial space conveyed under the general warranty deed and that such burial space is free from liens and encumbrances. Said general warranty deed shall be properly executed and acknowledged and shall be recorded by the City Clerk prior to the issuance of a Right of Internment Certificate to the transferee. Costs of recording such general warranty deed shall be paid by the person requesting the transfer. Such recording cost shall be in addition to the transfer fee payable to the City.
6. Regardless of whether the person submitting the Request bases his claim to ownership of the burial space to be transferred upon a Right of Internment Certificate, Certificate of Ownership or a deed previously issued by the City, the transferee of a transferred burial space shall receive, upon full compliance with the requirements of this paragraph, a new Right of Internment Certificate covering the transferred burial space. The transferee shall have such rights and interests in and to the transferred burial space as are provided for in such new Right of Internment Certificate and the transferor shall have no remaining right, title or interest whatsoever in and to the transferred burial space as of the time the new Certificate is issued.

7. If at the time a Request is submitted, there is any indebtedness owing to the City relative to the purchase price of the burial space to be transferred, the City shall refuse to process the Request until such indebtedness (including principal, interest and all applicable fees and penalties) has been paid in full. No burial space with respect to which any such indebtedness remains owing may be transferred.
- c. Repurchase By The City. Conditions and procedures governing repurchase by the City of certain grave spaces shall include the following:
1. The City may repurchase for resale to the public certain contiguous burial spaces previously sold by the City. However, the City shall not repurchase single burial spaces.
 2. Any person wishing for the City to repurchase contiguous burial spaces shall make application therefore at the office of the City Clerk on forms provided by the City.
 3. The purchase price to be paid by the City for any repurchase pursuant to this subparagraph shall be the price originally paid for said burial spaces, as shown on City records.
 4. If the burial spaces to be repurchased by the City are represented by Certificates of Ownership, or Right of Internment Certificates, the originals of such Certificates shall be surrendered to the City Clerk together with an assignment by the owner of said Certificates to the City of all of said owner's right, title and interest under said Certificates. Upon receipt of said application, Certificates and assignment, the City Clerk shall cancel the surrendered Certificates of Ownership or Right of Internment Certificates and make the burial spaces previously represented thereby available for sale.
 5. If the burial spaces to be repurchased are represented by a deed previously issued by the City, the procedure for repurchase shall be the same as for burial spaces represented by Certificates of Ownership, or Right of Internment Certificates, except that, in addition to the assignment, the owner applying for repurchase by the City shall surrender his deed to the City Clerk and if, but only if, such deed had been recorded prior to the surrender thereof, also deliver to the City a general warranty deed conveying to the City all of the owner's right, title and interest in and to the burial spaces to be repurchased by the City and pay the cost of recording said deed.
- d. Rights of Inheritance. Nothing set forth herein shall operate or be interpreted to deprive any person of any right, title or interest in or to any burial space to which such person is entitled through inheritance; provided however that the City shall

always have the right to require that adequate proof, from any person claiming to have acquired any burial space through inheritance, be furnished. Such proof shall be in accordance with applicable Colorado statutes regarding devise, descent and distribution as they existed at the time of the death of the record owner of the burial space or spaces, the rights to which are claimed through inheritance. To the extent any person acquiring rights or title to any burial space received pursuant to the lawful order of any court having jurisdiction over the disposition of such burial space should wish to cause a Right of Internment Certificate to be issued in his name; or desires to transfer such rights to a third person; or desires to apply to the City for a permitted repurchase of contiguous burial spaces, the provisions of this paragraph, including but not limited to, the assignment and collection of fees and costs, shall apply.

13. DEPARTMENT OF SOCIAL SERVICES:

- a. Cemetery charges for an approved Social Services burial in any cemetery owned and operated by the City of Cañon City, may be adjusted as necessary to obtain maximum reimbursement from the Colorado Department of Social Services and the Fremont County Department of Social Services (FCDSS). Social Services recipients who have been approved by the FCDSS may be interred only in the following locations within City cemeteries:
 1. Designated Social Services section, when the recipient does not own a space for which full payment of the purchase price has been made prior to burial.
 2. Any space owned by the recipient or owned by any member of the recipient's family.
 3. Veteran's section, if the deceased person is a veteran or the spouse of a veteran.
- b. Payment of fees prescribed by Colorado Revised Statutes (26-2-129, C.R.S., as amended) for Social Services burials, when made to the City of Cañon City prior to burial, shall be considered final payment only for open/closing and vault installation services. A Social Services recipient may be interred in any space with respect to which full payment has been made prior to burial, and which is owned by the recipient or any member of the recipient's family. The perpetual care fee for a veteran's space shall be considered part of the reimbursement fee, when paid in full prior to burial in the designated veteran's sections for an approved Social Services veteran burial. 100% of said fee shall be applied to the perpetual care fund.
- c. FEES. Except as provided in subparagraph (d), the open/closing, vault installation, or inspection fee for any FCDSS approved burial shall be an amount equal to 25% of the maximum allowed reimbursement as prescribed by Colorado

Revised Statutes, or \$375.00, whichever is the greater amount. Notwithstanding the foregoing, if, but only if, funds made available pursuant to state statute remain available after payment of the minimum fee set forth in this subparagraph (c) and payment in full to non-city providers of funeral, burial or cremation services, the City may charge additional fees equal to the full amount of the balance of available funds or the full amount of all applicable fees and charges as prescribed in the current fee section of this resolution or ordinance of the City Council.

- d. If, but only if, the FCDSS approved burial is made in a previously owned space, the fee for a cremains earth burial will be \$200.00.

14. GRAVE AND MONUMENT SIZES:

- a. All monuments and foundations, when installed, must remain within the width dimensions of the grave space, the base stone must not exceed 18 inches in width and no stone may exceed 5 feet in height. A margin of three (3) inches of concrete foundation shall be required on each monolithic foundation. All foundations shall be flush with turf. Wood and plastic monuments are prohibited.
- b. Persons or monument suppliers are required to contact the Cemetery Office to confirm grave size and monument sizing limitations before a foundation order is processed or before a vendor produced foundation is installed.
- c. All monument deliveries to the cemetery must be reported to the Cemetery Foreman before they are placed on cemetery grounds.
- d. No foundation or monument may be placed on any space or grave until the total purchase price of the space(s) and all other applicable fees owing to the City are paid in full. No more than one upright monument shall be allowed per space. All monuments shall be kept at the head of the grave(s) in a straight line. No monument is allowed to encroach on interment. Monuments or foundations that are placed without the knowledge or approval of the City of Cañon City may be removed by staff.
- e. Monuments may not be removed without removal of the foundation and all removals shall have prior approval of the Cemetery Foreman.
- f. None of the following may be erected in any City Cemetery without prior permission of the Cemetery Foreman: monuments, vaults, tombs, fences, walls, mounds, vases, mausoleums, crosses, emblems, markers, benches, seats, chairs, or any other object. All flat government markers shall be installed flush with turf.
- g. Foundation orders will be accepted only after purchase price of the space(s) and all appropriate fees are paid in full. Application must be on forms available at cemetery office.

- h. Concrete foundation specifications shall be in accord with the *City Building Code standards*.
- i. All lettering on the Memorial Wall will be standard white 1” Roman lettering and must be approved by the cemetery prior to such lettering being authorized. Standard language shall include only the deceased’s name, date of birth and date of death.

15. DECORATIONS:

- 15.1 Restriction regarding planting of, shrubs, and flowers in Lakeside Cemetery: The City shall approve the type of planting and designate the locations of any permanent or perennial plantings. Cemetery employees may perform the planting services. Under no circumstances shall any plantings take place on or above any grave space, nor immediately in front of or behind any grave marker. No shrub, with a growth habit higher than 3' when fully grown, shall be planted within 5' of any grave marker. The planting of trees is expressly prohibited.
- 15.2 Cemetery Foreman shall cause plantings in violation to be removed: The Cemetery Foreman shall cause to be removed any and all trees, shrubs, flowers and other objects planted or placed in Lakeside Cemetery contrary to the above provisions. Plantings which block designated roads, alleys, utilities or vision shall be removed as needed to insure adequate access, safety and aesthetics.
- 15.3 Removal of decorations, funeral designs and floral pieces: The Cemetery Foreman shall cause to be removed all decorations, funeral designs and floral pieces which become unsightly or interfere with the maintenance of the Cemetery.
- 15.4 Removal of vases, jars and other floral containers: All persons leaving vases, jars, and other floral containers must remove the items they wish to save within 10 days after Memorial Day, Christmas and other holidays. All items not picked up within the specified time will be removed and will become the property of the City.
- 15.5 Temporary markers or stakes may be removed, as required by the Cemetery Foreman, for the purposes of maintenance. Veterans' stakes may be installed for two weeks during Memorial Day and Veterans Day, or any other applicable day, in sections 16, 16A, 16B, K, and 49, if labor is provided by volunteer organizations, coordinated by the Veterans Council.

16. MAUSOLEUMS OR COLUMBARIUMS: A “family” mausoleum or columbarium may be constructed in approved sections of Lakeside Cemetery upon a minimum of a four-lot block (hereinafter called "plot"). Such mausoleum or columbarium shall be centered upon the plot with setback requirements prescribed by the City. Plans and specifications for such mausoleum or columbarium shall be submitted to the City Building Official or his designee for his prior approval. Any such mausoleum or

columbarium shall be constructed of approved quality-grade granite upon a concrete foundation.

17. THIRD PARTY INSTALLATIONS:

17.1 Foundations, monuments and vases: Persons or vendors who request to make installation of foundations, monuments, pot ends or vases shall use the application forms provided by the City. Said application form shall be filed for verification of ownership and findings that the purchase price of the space(s) and all other fees have been paid.

17.2 Licenses and Insurance: All persons or vendors who want to install foundations and/or monuments in any City owned cemetery shall be licensed and insured. Such persons and vendors shall obtain from the City Building Official's Office a Limited Contractor's License upon the payment of the fee prescribed for such license. Liability and property damage insurance with combined single limit coverage shall be required by such person or vendor and satisfactory proof thereof shall be given to the City Building Official.

18. WARRANTY: All vendors, persons or others who install foundations, monuments or vase bases shall warrant same against defects in workmanship or installation for a period of two years from date of installation. Persons and vendors shall indemnify and hold harmless the City and its employees from and against all claims and attorney's fees and other costs resulting directly or indirectly from the performance of such work or installation.

19. BURIAL VAULTS, TESTING AND PRE-APPROVAL

19.1 Use of Vaults. Burial of human remains in a casket over 3 feet in length shall require the use of a burial vault in perpetual care sections of city owned cemeteries.

19.2 Performance. Burial vaults shall be designed for a maximum burial depth of seven feet from the bottom of the burial vault, with minimum soil cover of 18 inches, be capable of structurally withstanding passage of an axle load of 5.0 metric tons (11,000 pounds) after burial; and provide ease of installation. Vaults shall perform in a manner which will not allow casket or contents to be damaged or crushed under normal and customary maintenance operations in a cemetery.

19.3 Vault testing and pre-approval: Burial vaults proposed to be used in city owned and operated cemeteries shall be pre-approved. A functional test shall be required and will be made at the contractor's expense at the direction of the City Engineer or his designee, to insure that the burial vault, as furnished, will be capable of supporting load as stated in 3.2 above. The functional test will consist of one of the following loading conditions as directed by the City:

a. Unconfined loading: The burial vault will be placed on a flat surface with no support against the sides. The entire top of the vault will then be subjected to a simulated uniform load of 300 pounds per square foot with the area computed by

multiplying the greatest length by the width of the unit. Upon loading, the unit will attain no more than 1/2 inch of vertical or horizontal deflection. Upon removal of the load, the burial vault will sustain no more than 1/4 inch residual deflection. "Unconfined loading testing" shall be done in a laboratory and the vault vendor shall provide written test results which clearly indicate vault will perform as specified.

- b. Confined loading: The burial vault shall be placed on a flat surface above or below ground and covered with a granular soil material. The soil will be compacted thoroughly around and on top of the vault to a minimum thickness of 18 inches. A wheeled tractor or truck with an axle load of 5.0 metric tons (11,000 pounds) will be passed over the covered vault a minimum of 20 times in repetition. The vault must not show any signs of material deformity, overstress or cracking after uncovering. The City may require the "Confined loading test" to be performed on site by the vault vendor or by city staff at the discretion of the City. Each separate vault test, whether successful or unsuccessful, will cost the vault vendor \$500.00 if performed by city staff on-site. Such fee shall be paid in advance of the test. The City is not responsible for the cost of damage to or destruction of any vault tested on-site.

19.4 Specifications of burial vaults: Burial vaults shall be constructed of the manufacturer's current standard commercial reinforced concrete, thermoplastic/ thermosetting materials, reinforced fiberglass or 12 gauge steel. In addition, the following specifications shall apply:

- a. All vaults shall not exceed two component parts.
- b. Wood vaults are prohibited.
- c. Double depth burials shall only be made in vaults specifically approved by the City Engineer or his designee.
- d. All materials used in the construction of burial vaults shall be resistant against decomposition and corrosion.
- e. The date of manufacture and model number shall be inscribed on each burial vault delivered to the cemetery.
- f. Any change in materials or construction methods of a vault previously approved by the city shall require a re-testing and submittal of appropriate test results prior to usage of any such vault in City cemeteries.

19.5 Certification of Testing and Approval: The burial vault vendor shall submit to the City Engineer or his designee a "Certification of Compliance," which shall include design drawings, type of materials used, material specifications, methods of construction, testing procedure used and an analysis of all characteristics of materials specified and applicable

reference specifications. The City shall require a sample production model of the burial vault proposed to be used in city owned cemeteries for its inspection before approval is granted. The City reserves the right to verify the correctness of such Certificates of Compliance and to reject any (approved or unapproved) burial vault subsequent to "certification" not meeting performance specifications or visual inspection for damage or poor workmanship at the time of delivery to the cemetery.

20. EFFECTIVE DATE: These regulations shall be effective on and after April 4, 2011.

DATED this 4th day of April, 2011.

Tony Greer, Mayor

Becky Walker, MMC, City Clerk
City of Cañon City, Colorado