



Sunnyside Cemetery Rules and Regulations

Adopted: April 28, 2016

VICTOR SUNNYSIDE CEMETERY RULES AND REGULATIONS

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VICTOR SUNNYSIDE CEMETERY RULES AND REGULATIONS

The VICTOR SUNNYSIDE CEMETERY (the Cemetery) RULES AND REGULATIONS are adopted for the mutual protection of all interment right owners and the City of Victor, and to ensure the Cemetery is of uniform and permanent beauty.

Any person on Cemetery grounds or interested in interment at the Cemetery is subject to these Rules and Regulations, and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the City of Victor from time to time.

Any document issued by the City of Victor prior to the adoption of these regulations which contains the terms “plot,” “interment plot,” “grave,” “grave site,” “certificate of ownership” or any other such nomenclature may be interpreted as meaning “interment right.” There is no implied ownership of any real property related to the operation of this Cemetery by anyone other than the City; only a right of interment may be owned or transferred.

CHAPTER 1: DEFINITIONS

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

Contributing non-resident is a person who resided in an area served by the City’s water system but outside the legal boundaries of the City of Victor at the time of their death or who owned or had interest in ownership of property within the City’s legal boundaries at the time of their death.

Cremains means the ashes of a cremated human body.

Funeral/memorial service, means a ceremony at which a dead person’s remains or cremains is interred.

Immediate family member means a parent, brother, sister, child, spouse or domestic partner.

Interment means the permanent underground disposition of the remains or cremains of a deceased person.

Interment right means a particular right to inter the remains or cremains of a deceased person in a specific interment space. Ownership of interment right does not imply ownership of any land or any other interest in real property.

Interment space means a space used for the interment of a maximum of one remains and two cremains or, if no remains, a maximum of four cremains. Generally an interment space is four feet wide by 10 feet long.

Memorial/monument/marker means a monument, grave marker or headstone identifying a grave or graves.

Remains means a dead human body.

Resident means a person who: 1) resided within the legal boundaries of the City of Victor, Colorado, at the time of their death, 2) resided within the legal boundaries of the City of Victor, Colorado, immediately prior to their move to a nursing home, hospital or hospice facility prior to their death, or 3) immediate family members of a current resident or a previously interred person at the Cemetery.

CHAPTER 2: OWNERSHIP AND MANAGEMENT

2.1 OWNED BY CITY OF VICTOR

Cemetery is owned and managed by the City of Victor, Colorado.

2.2 CONTROL

The City Council and City staff have the right of general control of the Cemetery in all matters. The City reserves the right to fix the days and hours when a permit may be obtained, when a funeral/interment may be conducted or when a memorial/monument/marker may be delivered to and/or installed at the Cemetery.

2.3 CEMETERY LIAISON

The City Council may appoint an individual to act as Cemetery liaison on matters concerning the Cemetery, who shall act in an advisory capacity to the City Council and City staff.

2.4 GRIEVANCE PROCEDURE

Any person who disagrees with a decision of the City concerning the Cemetery or who wishes to file a grievance shall go through the following channels: City Clerk, then City Administrator. If the issue is not resolved by this process, the party may request a hearing before the City Council, who shall consider the recommendations of staff, and provide the appealing party an opportunity to be heard before making its decision, which shall be final.

2.5 CITY CLERK'S OFFICE TO BE BUSINESS OFFICE OF CEMETERY

All applications for purchase, transfer or assignment of Cemetery interment rights, interment or disinterment requests, memorial/monument/marker installations or any other requests shall be made at the office of the City Clerk. Only the City Clerk's office is empowered to receive any and all monies or payments and to issue receipts for same in any and all transactions involving Cemetery property or services.

CHAPTER 3: GENERAL SUPERVISION OF THE CEMETERY

3.1 ENTRANCE TO CEMETERY

Entrance into the Cemetery, except through approved entrances, is strictly forbidden. The City reserves the right to refuse admission to the Cemetery and to refuse the use of any Cemetery facilities to any person whom they may deem objectionable to the best interest of the Cemetery.

3.2 CITY COORDINATION OF FUNERALS/INTERMENTS/DISINTERMENTS AT CEMETERY

All funerals, interments and disinterments shall be coordinated with City staff.

3.3 CASKET NOT TO BE DISTURBED

Once a casket is in the confines of the Cemetery, no funeral director or his embalmer, assistant, employee, agent, or any other person shall be permitted to open a casket or to touch any remains without a court order.

CHAPTER 4: ELIGIBILITY FOR INTERMENT AND PURCHASE OF INTERMENT RIGHT

4.1 APPLICATION FOR PURCHASE OF INTERMENT RIGHT

Application shall be made on a form provided by the City Clerk's office where records show the size, location and description of all interment spaces. The purchase price for spaces will vary

based upon whether the applicant is a resident or non-resident. The current schedule of prices is located in City of Victor Fee Schedule.

4.2 ELIGIBILITY FOR PURCHASE OF INTERMENT RIGHT

Any person may purchase an interment right, the fees for which are established by Resident/Non-resident status as specified in the City of Victor Fee Schedule. The residency requirement applies to the decedent, not the applicant or relative of the applicant.

4.3 PAYMENT

No Certificate of Interment Right shall be issued until the fee has been paid in full to the City.

4.4 RIGHTS CONVEYED BY CERTIFICATE OF INTERMENT RIGHT

The interest evidenced by each Certificate of Interment Right shall consist only of the right of the owner or his/her appointee to use the interment space designated on the Certificate for interment of human remains subject to these Rules and Regulations, as amended, and the Victor Municipal Code, as amended. Title to the real estate located within the boundaries of the Cemetery shall remain vested in the City.

4.5 NOTIFICATION OF CHANGE OF ADDRESS

It is the duty of the Interment Right Certificate owner to notify the City Clerk's office of any change in mailing address. Notice sent to an owner at the last known address on file with the City shall be deemed sufficient and proper legal notice.

4.6 NO LIABILITY OVER INTERMENT RIGHTS

The City shall not be held liable for disputes over ownership of interment rights.

CHAPTER 5: TRANSFER AND ASSIGNMENT

5.1 Transfer, sale, or conveyance of any interment right must be coordinated through the City. A valid transfer, sale, or conveyance requires signatures of any listed owner, or evidenced representative of any listed owner, on an affidavit outlining such intent. Upon receipt of such affidavit, surrender of the original certificate or evidence of ownership, payment of required fees, including any additional difference between original purchase price and current purchase price based on residency, the City will cause the issuance of a new Certificate of Interment Right. A change in ownership that would result in a decrease of fees from the original purchase price will not be refunded.

5.2 The above provisions shall apply to any application for transfer made by a personal representative or, if none, the successors of a decedent who at the time of the decedent's death owned unused interment rights.

5.3 A Certificate of Interment Right is the primary document to prove right to the interment. In the event of an inconsistency between a Certificate of Interment Right presented by an individual and the records maintained by the City, the City records shall be deemed correct.

CHAPTER 6: INTERMENT/DISINTERMENT ORDER

6.1 WRITTEN APPLICATION REQUIRED

Application for an Interment/Disinterment Order shall be made on a form provided by the City Clerk's office which shall contain the following information:

- 6.1.1 Name, age, sex, date and place of birth and death of the decedent to be interred/disinterred.
- 6.1.2 The space number assigned by the City to the Certificate of Interment Right in which interment is to be made, unless it is changed pursuant to Section 6.4 of these Rules and Regulations.
- 6.1.3 Name, address and phone number of the funeral director in charge of the body and the decedent's personal representative.
- 6.1.4 Requested date and hour of the interment/disinterment.
- 6.1.5 Proof of ownership of interment right or application and payment for purchase of interment right.
- 6.1.6 Proof of payment as required by these Rules and Regulations.

6.2 EVIDENCE OF INTERMENT RIGHT OWNERSHIP REQUIRED

If neither the decedent to be interred nor the person making application for the interment is shown on the records of the City to be owner of necessary interment right, sufficient evidence of such shall be provided to the City Clerk. If no evidence of ownership can be provided by applicant for interment in a specific space, payment for the interment right at the current rate will be required.

6.3 MONUMENT DEPOSIT REQUIRED

Prior to the issuance of an Interment Order, a refundable memorial/monument/marker deposit shall be paid pursuant to Section 14.2 of these Rules and Regulations.

6.4 ASSESSMENTS, CHARGES AND DEPOSITS

All assessments, charges and deposits shall be paid in full prior to issuance of an Interment/Disinterment Order in accordance with the City of Victor Fee Schedule, as amended from time to time.

CHAPTER 7: INTERMENTS AND DISINTERMENTS

7.1 INTERMENT/DISINTERMENT ORDER REQUIRED

No interment or disinterment shall be made unless an Interment/Disinterment Order has first been issued by the City following application and payment of fees subject to the City of Victor Fee Schedule.

7.2 SUBJECT TO LAWS

In addition to being subject to these Rules and Regulations, all interments and disinterments shall be subject to the orders, statutes, ordinances and rules of law of the properly constituted authorities of the City, County, State and Federal governments.

7.3 MAXIMUM TIME ALLOWED

Two hours is the maximum time allowed for the interment and funeral service at the Cemetery.

7.4 TIME OF FUNERAL/INTERMENT

The funeral director or other responsible individual shall contact the City Clerk's office to coordinate the schedule of the funeral/interment at the Cemetery. When two funerals are

scheduled on the same day it is required to have two hours minimum between the funerals/interments.

7.5 OPENING AND CLOSING INTERMENT SITE

6.4.1 No person or entity other than the City, or its contracted designee, shall open and/or close interment sites.

6.4.2 The fee for this service is the responsibility of the applicant and is in accordance with the City of Victor Fee Schedule and must be paid prior to the issuance of the Interment/Disinterment Order.

7.6 LOCATION OF INTERMENT SPACE

When excavation of an interment space cannot be completed at the specified location, then the City may, at its discretion, authorize opening of an interment space in such location as it deems best and proper, so as not to delay the funeral. The City shall not be liable for any damages or any error made with respect to such action.

7.7 COORDINATION IN PERSON IS MOST DESIRABLE

The City shall not be responsible for any errors on any orders given by phone. Precise orders shall be finalized in writing prior to the interment. Faxed signatures and e-mails are acceptable alternatives to signed originals delivered in person.

7.8 DELAYS CAUSED BY PROTESTS

The City shall not be responsible for delay of any interment/disinterment where a protest to the interment/disinterment has been made, or where violations of the Rules and Regulations exist.

7.9 IDENTITY AND PREPARATION OF REMAINS/CREMAINS

The City shall not be responsible for obtaining the Interment/Disinterment Order or for establishing the identity of any person sought to be interred or actually interred; nor shall the City be responsible for the preparation of the body for interment.

7.10 INTERMENT OF REMAINS

Not more than one body or the remains of one body may be interred in any one interment space, except in the case of members of the same family who will be interred in the same casket concurrently. Remains must be interred inside a sealed casket, in a space excavated to a minimum depth of six feet.

7.11 INTERMENT OF CREMAINS

Cremaains must be interred in a sealed vessel with no less than 12 inches from the top of the vessel to the surface. Interment of cremaains is permitted on top of a previously interred body. The interment of cremaains in a previously unused interment site shall render that site unavailable for future interment of cremaains.

7.12 MAXIMUM INTERMENT

A single interment space may be used for the interment of a maximum of one remains (except as spelled out in 7.10 above) and two cremaains or, if no remains, a maximum of four cremaains.

7.13 SPREADING OF ASHES

The spreading of ashes (cremaains) is prohibited in the Cemetery.

7.14 DISINTERMENT OF REMAINS OR CREMAINS

7.14.1 The issuance of an Interment/Disinterment Order is required prior to the disinterment of remains or cremains.

7.14.2 The City reserves the right to require at least 10 days' notice prior to any disinterment.

7.14.3 The City may require an order from a court of competent jurisdiction prior to issuance of a Disinterment Order.

7.15 VIOLATION

It shall be a violation to excavate a gravesite or open or close an interment space without an Interment/Disinterment Order.

CHAPTER 8: CORRECTION OF ERRORS

The City reserves the right to correct any errors either in approving interments or disinterments or in the description, transfer or conveyance of any interment right, either by canceling such conveyance and substituting and conveying in lieu thereof any other interment right of equal value and in similar location as far as possible, or as may be selected by the City, or in the sole discretion of the City, by refunding the amount of money paid.

CHAPTER 9: IMPROVEMENTS AND DECORATIONS

9.1 CITY MUST DIRECT AND MAY REMOVE IMPROVEMENTS

All grading, landscape work and improvements of any kind, all care of spaces, all trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed by the City. All improvements or alterations of individual interment spaces in the Cemetery shall be under the direction of and subject to the written consent, satisfaction and approval of the City. Should improvements become unsightly to the eye or maintenance prohibitive, the City shall have the right to remove, alter, or change such improvements or alterations.

9.2 SPRAYS AND WREATHS

Sprays and wreaths made from fresh cut flowers will be allowed, but must be removed once they have died. Artificial sprays and wreaths will be allowed year round. The City may remove all artificial sprays and wreaths when they become unsightly or are blown off of graves.

9.3 ITEMS NOT PERMITTED ON GRAVES

Placement of items other than an approved headstone or memorial monument are not permitted without express written permission from the City.

9.4 LIABILITY FOR LOSS OR DAMAGE TO DECORATIONS

The City is not liable for lost, stolen, misplaced or broken items or for damage by the elements, vandalism or by causes beyond its control. The City reserves the right to regulate the method of decorating graves and the right to remove any decorations so that a uniform beauty may be maintained.

CHAPTER 10: ROADWAYS AND REPLATTING

10.1 RIGHT TO REPLAT, REGRADE AND USE PROPERTY

The rights to enlarge, reduce, replat and change the boundaries or grading of the Cemetery or of a section or sections, 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 to the City. The right to lay, maintain and operate, alter or change pipelines and gutters for sprinkling systems, drainage, or other water courses, is also expressly reserved; as well as is the right to use Cemetery property not obligated to the public for interment purposes, including the interring and preparing for interment or for anything necessary, incidental or convenient thereto. The City reserves a perpetual right to ingress and egress over interment spaces for the purpose of passage to or from other interment spaces.

10.2 NO RIGHT GRANTED IN ROADWAYS

No easement or right of interment is granted to any interment right owner in any road, drive, alleyway or walk within the Cemetery, but such road, drive, alleyway or walk may be used as a means of such access to the Cemetery or buildings as the City devotes to that purpose.

CHAPTER 11: CONDUCT OF PERSONS WITHIN THE CEMETERY

11.1 HOURS OPEN

The Cemetery shall be open to the public for respectful visitation as prescribed by the City. Gates may be locked nightly. The City reserves the right to change hours or close the Cemetery for any purpose at any time without notice.

11.2 CONDUCT

Persons shall visit the Cemetery only for respectful visitation purposes and shall use only the roads, drives, alleyways or walks as thoroughfares and no person shall walk on graves except that a worker may use that space necessary to perform the necessary care or services in connection with an interment.

11.3 MINORS

Minors are not permitted in the Cemetery at any time unless accompanied by an adult family member unless in the act of respectful visitation of an immediate family member's interment site.

11.4 REMOVAL OF FOLIAGE FORBIDDEN

All persons except City designees are prohibited from gathering wild or cultivated flowers, breaking trees, shrubs or plants or feeding or disturbing birds and other animal life in the Cemetery.

11.5 LITTERING PROHIBITED

Littering on any part of the grounds or buildings is prohibited.

11.6 VEHICLES, TRUCKS AND HEAVY HAULING

Vehicles are not allowed to drive over five miles per hour and shall remain on designated roadways. Heavy hauling, trucks or commercial vehicles of any kind are not permitted within the Cemetery, except by permission of the City.

11.7 FIREARMS

No firearms are permitted in the Cemetery, except at a Military/Police funeral or by those legally authorized.

11.8 DOMESTIC ANIMALS AND LIVESTOCK

No domestic animals, other than service dogs, and no livestock shall be allowed in the Cemetery. The owner or keeper of any such animals shall be liable for any damage done by said animals or livestock. The City is not liable for any damage done by said animals or livestock and does not assume responsibility for keeping said animals or livestock out of the Cemetery.

11.9 POLICE TO ENFORCE RULES

The City is expressly empowered to enforce these Rules and Regulations pursuant to its police power. The City may remove or restrict access to Cemetery property to any person violating these Rules and Regulations, laws or the Municipal Code.

CHAPTER 12: PROTECTION AGAINST LOSS

12.1 CITY NOT RESPONSIBLE

Notwithstanding any other provision to the contrary, no term or condition of this regulation shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101 et. seq., CRS, as now or hereafter amended. Liability for claims for injuries to persons or property arising out of negligence of the City of Victor, its departments, institutions, agencies, boards, officials and employees is controlled and limited by the provisions of Section 24-10-101 et. seq., CRS, and the risk management statutes, Section 24-30-1501, et. seq., CRS, as now or hereafter amended.

12.2 LIABILITY FOR DAMAGES AND/OR THEFT

Any person damaging, or causing to be damaged or removing any Cemetery property, whether owned by the City or an individual, will be held liable to repair said damaged property or to replace the property damaged or stolen to its former state, without delay, and in a manner satisfactory to the City and will be subject to lawful prosecution.

CHAPTER 13: RULES FOR WORK IN CEMETERY

13.1 No work of any kind shall be conducted by any person or contractor other than the City without express written permission from the City.

13.2 Workers employed in erecting or placing monuments or other structures, or bringing materials into the Cemetery shall be under the general supervision of the City.

13.3 Persons engaged in erecting memorials/monuments/markers or other structures, are prohibited from attaching ropes or other devices to memorials/monuments/markers, trees or shrubs or scattering material or tools over adjoining interment spaces or from blocking roads, drives, alleyways or walks, or from leaving their material or tools on the grounds longer than necessary. They shall do as little injury to the ground, trees and shrubs as is possible and shall remove all debris and restore the ground to its original condition.

- 13.4** Damage done to interment spaces, walks, trees, shrubs, drives or other property by any person, contractors or their agents shall be repaired immediately and they shall bear the cost of such repair.
- 13.5** No material, machinery or other equipment/tools used for the digging of graves, installation of monuments/markers/memorials or other structures, or the memorials/monuments/markers or structures themselves shall be brought into the Cemetery until required for immediate use. No work shall be done during a time when a funeral is in progress or during any time the Cemetery is closed.
- 13.6** Work shall proceed promptly and continuously until completed.
- 13.7** Approaching the bereaved and soliciting memorial business within the Cemetery is prohibited.

CHAPTER 14: MEMORIALS, MONUMENTS AND MARKERS

- 14.1** No permanent memorial/monument/marker shall be allowed on any interment space until a Certificate of Interment Right has been issued.
- 14.2** Prior to the issuance of an Interment Order, a refundable monument deposit for the interment of any remains or cremains shall be paid in accordance with the City of Victor Fee Schedule. The deposit shall be held by the City until a suitable marker has been placed on the interment space. Failure of the responsible party to place said monument within a six-month period shall entitle the City to use said deposit to purchase and install a suitable monument.
- 14.3** Only one monument for each interment space is permitted without express written permission from the City.
- 14.4** The area of the face of the memorial shall not exceed 20% of the area of the interment space. The length of the base of the memorial shall not exceed 75% of the width of the interment space. The width of the base of the memorial shall not exceed 20% of the length of the interment right. The height shall be limited to six feet.
- 14.5** A single larger monument may be placed on two or more spaces, the dimensions which shall comply with Section 14.4.
- 14.6** The minimum information required on any memorial, monument or marker shall consist of the full name, date of birth and date of death of the decedent.
- 14.7** Bases of monuments must be level.
- 14.8** No coping, curbing, hedging, grave mounds, borders, enclosures of any kind, or walks of any kind shall be allowed to be built or placed on any interment space in the Cemetery without express written permission from the City. The City reserves the right to remove the same without recourse. The use of tiles, bricks, gravel, crushed rock, oyster shells, cinders or other material on any interment space in the Cemetery is strictly forbidden without express permission of the City.
- 14.9** Any vault, tomb, sarcophagus, private mausoleum, or columbarium is prohibited.

- 14.10** Should any memorial, monument or marker become dilapidated or a menace to the safety of visitors, the City shall have the right to repair the condition without recourse.
- 14.11** No memorial, monument or marker shall be removed from the Cemetery, except by the City, unless written order or permission of the owner is presented to the City and permission is granted by the City.
- 14.12** Discrepancies regarding payment for memorials, monuments and markers must be resolved between the monument retailer and the purchaser.

CHAPTER 15: HARDSHIP – SPECIAL CASES

Special cases may arise in which the enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of these Rules and Regulations when, in its judgment, the same appear advisable. Such exceptions, suspensions or modifications shall in no way be construed as affecting the general application or enforcement of such rule or regulation or any other rule or regulation.

CHAPTER 16: CERTIFICATE OF INTERMENT RIGHT AND THESE RULES AND REGULATIONS

16.1 SOLE AGREEMENT

The Certificate of Ownership of each interment right and these Rules and Regulations and any amendments thereto shall be the sole agreement by and between the City and the Certificate holder. The reference to these Rules and Regulations in a Certificate of Interment Right shall have the same force and effect as if these Rules and Regulations were set forth in full therein. These Rules and Regulations are applicable to any and all certificates of interment right or any other presumed proof of ownership regardless of a lack of reference to these Rules and Regulations thereon or the date of the issuance of such Certificate or proof of ownership as it relates to the adoption of these Rules and Regulations.

16.2 RIGHT TO AMEND RULES AND REGULATIONS

The City Council may, at any time, adopt new rules or regulations, or amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these Rules and Regulations. Such new or amended rules or regulations shall be binding on the certificate holders of all spaces or interment spaces regardless of the date such certificate was issued.

CHAPTER 17: RIGHT OF ENACTMENT AND ENFORCEMENT

These Rules and Regulations are enacted and enforced pursuant to Chapter 11, Article 6 of the City of Victor Municipal Code.