

# HILL TOP CEMETERY RULES AND REGULATIONS



October 21, 2021

Per Resolution No 2021-17

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## 1.0 Introduction

These Rules and Regulations for the Hill Top Cemetery are adopted for the mutual protection of all burial plot and lot Owners, burials, and the Town of Pagosa Springs (the “Town”) and for the purpose of insuring the uniform and permanent beauty of the Cemetery. The Rules and Regulations intend to preserve the natural mountain aesthetic of the cemetery land and establish the expectation of professional management of the cemetery into the future.

All burial plot and lot Owners, visitors, Town employees, persons working directly or indirectly for burial plot and lot Owners and all burial plots and lots sold shall be subject to these Rules and Regulations, and subject further, to such other ordinances, 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 certificate of ownership to burial plots and lots shall have the same force and effect as if set forth in full therein.

Rules and regulations have been adopted as interpretation of Chapter 7, Article I, “Cemeteries” of the Town of Pagosa Springs Municipal Code.

## 2.0 Definitions

For the purpose of these Rules and Regulations, the following terms and words shall have the following meaning:

Burial lot – a platted lot within the cemetery and may consist of more than one burial plot.

Burial plot – a single space within the Cemetery designated for the interment of no more than one body and one cremains, or two (2) cremains.

Cemetery – a burial park for earthen interments .

Cemetery Superintendent – the Public Works Director and/or their designees, also referred to as the Sexton.

Cremains - the cremated remains of a human body.

Decedent – a person who has died.

Decorations – shall be deemed to include all structures, ornaments, plantings, or other embellishments, with the exception of monuments and markers, which are placed on cemetery spaces with the intention of improving their appearance.

Disinterment – the removal of the buried remains of a deceased person from earth burial.

Hill Top Cemetery – The cemetery land located at 400 County Road 411 ADJACENT TO THE North 8<sup>th</sup> Street Right of Way with a legal description of Subdivision: TOWN OF PAGOSA SPGS PS Sec: 14 Twn: 35 Rng: 2W A PARCEL OF LAND LOCATED IN SE4NE4; (HILL TOP CEMETERY) PS HILLTOP CEMETERY; TOWN OF PAGOSA SPGS Block: 15 Lot: 1-2 PS Sec: 14 Twn: 35 Rng: 2W; TOWN OF PAGOSA SPGS Block: 15 Lot: 3 AND:- Lot: 4 PS Sec: 14 Twn: 35 Rng: 2W PS; TOWN OF PAGOSA SPGS Block: 14 Lot: 1-2 PS Sec: 14 Twn: 35 Rng: 2W; TOWN OF PAGOSA SPGS PS Sec: 14 Twn: 35 Rng: 2W A PARCEL OF LAND LOCATED IN GLO LOT 14; PS ODD FELLOWS

Human – a human being as defined by legal and biological means at the time of adoption of these rules and regulations. Used interchangeably with “person” in this document.

In-Town Cemetery Rate – Amount charged to a resident.

Interment – the permanent disposition of the remains of a deceased person by earth burial.

Interment Rights – the purchase of a burial plot or space to which you have the right to be buried or to designate the burial of someone else.

Memorial – a designated monument, marker, tablet, monolith, or headstone for family or individual use.

Owner - the person who is named in the original interment agreement as the grantee of the interment rights to a burial plot or lot or the person who has inherited ownership of the interment rights to that burial plot or lot.

Out-of-Town Cemetery Rate – Amount charged to a non-resident.

Perpetual Care – The general maintenance of lots and burial spaces, as well as the ground, walks, roadways, boundaries, and structures within the Cemetery, to the end that said areas shall remain and be reasonably cared for as Cemetery grounds in perpetuity.

Remains - a human corpse or cremains.

Resident – a person for whom it can be confirmed resided or owned property in the Town of Pagosa Springs and/or Archuleta County, Colorado for a period exceeding six (6) months immediately prior to death. Also applies to the immediate family members of the plot owner.

Town – The Town of Pagosa Springs

## 3.0 General Applications of Rules and Regulations

All owners, visitors, employees, persons who are employed, directly or indirectly, by owners and all burial plots and lots sold shall be subject to these Rules and Regulations, and subject, further, to such other ordinances, rules and regulations, amendments or alterations as shall be adopted by the Town from time to time. The reference to these Rules and Regulations contained in other documents shall have the same force and effect as if set forth in full therein. These Rules and Regulations shall be on file and available for public examination in the office of the Town Clerk. Failure to comply with any rule or regulation promulgated under this Article shall be deemed a violation of the Town of Pagosa Springs Municipal Code.

### 3.1 Administration and Supervision

The supervision of the Cemetery shall be by direction of the Town Council through the Cemetery Superintendent and their designees, who will employ such persons as may be necessary for the care and maintenance of the Cemetery. The Cemetery Superintendent and their designees are responsible for all permits and forms that further the intent of these Rules and Regulations.

### 3.2 Duties of the Cemetery Superintendent

It shall be the duty of the Cemetery Superintendent to supervise all decorations of plots, lots and graves, supervise plant care for all vegetation, maintain and repair roads and streets, endeavor to prevent the defacing, destruction, or damage of memorials and other property in the Cemetery, grant required permits, and carry out and enforce these Rules and Regulations of the Cemetery.

### 3.3 Map and Records of Cemetery

It shall be the duty of the Town Clerk to keep a map and the records of the Cemetery and issue certificates of purchase for cemetery lots and permits required by these Rules and Regulations, except that Excavation Permits shall be issued by the Cemetery Superintendent pursuant to Section 7.8 herein. No permits shall be issued without the name and address of the owner of the interment rights to the plot or lot and the plot or lot and section number for which application is made.

### 3.4 Closing Roads & Establishing Grades

The Town shall have the right to close any road in the Cemetery heretofore existing or hereafter constructed and to establish grades.

### 3.5 Indemnification

The Town shall not be responsible for any acts or omissions related to the Cemetery. The Town may at any time require a written indemnification and hold harmless agreement from any person requesting that the Town take or not take any action related to the Cemetery.

### 3.6 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.

### 3.7 Errors May Be Corrected

The Town shall have the right to correct any errors, either in making interments or disinterments, or in the description, transfer, or conveyance of interment rights to any interment property, or in the location of lots, plots, or blocks, or in the performance of unapproved burials. Corrections can be made:

- a. either by canceling such conveyance of interment rights and substituting and conveying in lieu thereof, interment rights to another burial plot or lot of equal value and, to the extent possible in a similar location; or
- b. at the sole discretion of the Town, by refunding the amount of money paid on account for said purchases of interment rights and plot purchase. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. Disinterment is the final and last option to be considered by the Town in remedying errors.

### 3.8 Amendments

The Town reserves the right, at any time, to adopt new rules and regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these Rules and Regulations. Such new or amended Rules and Regulations shall be binding on all Owners.

## 4.0 Purchase of Interment Rights

### 4.1 Application for Purchase

Applications for the purchase of cemetery lots or burial spaces must be made at the Town Clerk's office. The scheduled prices for the lots are set by the Town Council by resolution. Full payment of all costs and fees prior to burial is required. An exception to this policy may be made when the mortuary involved assumes full responsibility for payment or the decedent is aged 2 years or younger, in which case the Town costs and fees will be waived.

## 4.2 Rights of Owners

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. Scattering of ashes or remains is not allowed on cemetery property. The fee title to any lot or space conveyed to the purchaser shall remain in the Town subject to the right of burial conveyed to the purchaser.

The interment rights to a burial plot and lot shall be the property only of the person named as grantee in the original Cemetery deed or interment agreement. However, the spouse of the grantee at the time of their death shall have a right of interment of their remains in the grantee's plot or lot. Moreover, it shall be presumed that the grantee has acquired a plot or lot for the use of their immediate family. Unless the presumption is overcome, the Town shall allow interment of any member of the immediate family—subject to the available space in the plot or lot. Members of the grantee's immediate family shall include only the parents, siblings, children, grandchildren, and great grandchildren--whether by birth or adoption--of the grantee and of their spouse at the time of the grantee's death, and spouses of each such person at the time of their death. The presumption may only be overcome by a written, authenticated statement by the grantee that they did not acquire the plot or lot for family use. A written statement shall be considered authenticated if it was witnessed by a notary public at the time of its creation, or by two other witnesses at the time it was created, or if it was handwritten and a professional hand-writing expert certifies that the statement was written by the grantee.

## 4.3 Trees

The purchase of rights does not allow for the removal of trees (dead or in a plot) by an owner. The Town will endeavor to minimize the loss of purchased plot use due to new growth. Historic growth of trees that make the use of a plot impossible will be dealt with in the same manner as Section 3.7. Burials by a tree will be disallowed if it impacts more than  $\frac{1}{4}$  of the roots of a single tree, measured by surface area; this impact will be assessed as cumulative over a 10-year period.

## 4.4 Indigent

When a request is made by a mortuary to inter an individual with insufficient funds to cover the expenses, the Town will work with the mortuary and any other county, state, or federal agency to share the expenses if the deceased was a continuous Archuleta County resident three months prior to death.

## 4.5 Non-Human Remains

Hill Top Cemetery shall only accept the remains or cremains of human beings as biologically and legally defined. No animal, pet, wild animal, or other non-human may be interred.

# 5.0 Transfers or Assignments

## 5.1 Transfer, Assignment or Conveyance of Property Right in Cemetery

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, and thereafter being recorded on the books of the Town. Town shall only allow transfer to any member of the immediate family. Members of the grantee's immediate family shall include only the parents, siblings, children, grandchildren, and great grandchildren--whether by birth or adoption--of the grantee and of their spouse at the time of the grantee's death, and spouses of each such person at the time of their death. 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.



The right of interment shall be automatically terminated upon the interment elsewhere of the remains of the person or persons who had been entitled thereto.

Donation of burial space can be made to the Town to be reserved for future use at the discretion of the Cemetery Superintendent. Donated burial space cannot be re-sold.

## 5.2 Resale of Interment Rights to Plots and Lots

The interment rights in any burial plot or lot shall not be sold or purchased for the purposes of resale, transfer, or speculation. Resale of interment rights to cemetery plots or lots shall be made through the Town. A person wishing to sell their interment rights to a plot or lot shall present the Town with their cemetery deed or interment agreement in order to determine the reimbursement amount. The original owner of the interment rights to the plot or lot shall be reimbursed the amount originally paid.

## 5.3 Reversion of Plot or Lot to Town

In accordance with the provisions of Section 31-25-708 of the Colorado Revised Statutes and any successor statutes, the Town may reclaim ownership and all rights to a burial plot or lot that contains no remains, monuments, or markers for a period of 75 years or more without any compensation at all to its owner.

# 6.0 Perpetual Care

## 6.1 Perpetual Care Mandatory

All lots or burial spaces shall be sold with perpetual care, the fee to be set by resolution of the Town Council.

## 6.2 Perpetual Care Fee

A perpetual care fee shall be collected from the purchasers of lots or burial spaces. The fee shall be set by the Town Council by resolution after recommendation by the Cemetery Superintendent and/or Town Clerk who shall determine the necessary cost of the care of said lands.

## 6.3 Lots Not Now Under Perpetual Care

All lots and burial spaces purchased prior to January 1, 2018, require a perpetual care fee be paid at the time of opening and closing of the burial space. The amount of such fee shall be the amount that is currently being charged on the other lots and burial spaces.

## 6.4 Purpose of Perpetual Care

The one-time, per plot, perpetual care fee is intended to provide for the long-term maintenance of the Cemetery grounds and records. This maintenance is intended to prevent the cemetery from falling into disrepair and to preserve the native, natural appearance of the cemetery; including but not limited to occasional cutting of grasses, raking, irrigation, the general care and pruning of trees and shrubs, snow removal, road maintenance, pathway maintenance, fire mitigation, filling-in of sunken burial spaces, signage, and records. It is understood that Hill Top Cemetery is a rural, mountain cemetery and that the care of the land will endeavor to maintain this aesthetic by prioritizing native grasses, bushes, and trees, minimizing the impact of burials on the general topography of the land, and prioritizing the natural serenity of the area. The level of maintenance is determined by the Town Council and the responsibility of the Cemetery Superintendent. Such care is subject to weather conditions and other factors beyond the control of the Town of Pagosa Springs.

The term “Perpetual Care” shall in no way be construed as meaning the maintenance, repair, or replacement of any memorial, monument, or monolith placed or erected on lots or burial spaces; nor the

planting of flowers or ornamental plants; nor the doing of any special or unusual work; nor the repair or reconstruction of any section, lot, or any portion or portions thereof damaged by the elements, act of God, common enemy, thieves, vandals, strikers, malicious makers, etc. beyond the reasonable control of the Town, whether the damage be direct or collateral. The Town shall owe no duty to any person using any part of the Cemetery and bear no liability of any kind to maintain the Cemetery grounds in a safe condition.

## 7.0 Interments

### 7.1 Subject to Laws and Orders

Besides being subject to these Rules and Regulations, all interments shall be subject to the orders and laws of the properly constituted authorities of the Town of Pagosa Springs, Archuleta County, the State of Colorado, and the Federal Government.

### 7.2 Application for Interment

Any interment in the Cemetery shall be first approved by the Cemetery Superintendent on an Interment Application. Application for interment shall include an "Authority for Final Disposition" form issued by the Colorado Department of Public Health and Environment or other documentation relating to the death. An application for interment must be submitted to the Cemetery Superintendent at least two (2) business days before the burial time proposed by the applicant.

### 7.3 Time of Interments

Notification for Monday interments must be received prior to 12:00 noon the previous Thursday. No interments will be allowed between 3:00 pm Saturday and 8:00 a.m. Monday or on any Federal Holiday.

### 7.4 Emergency Burials

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

### 7.5 Casket Not to be Disturbed

Once a casket containing a body is in the confines of the cemetery, no funeral director or his embalmer, assistant, employee, agent, cemetery official or employee, or any other person shall be permitted to open a casket, burial shroud, or burial trundle, without a court order.

### 7.6 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 or cremains.

### 7.7 Burial Specifications

In order to maintain accurate records, not more than one body and one (1) cremains may be interred in one burial space. In the case of cremains, a maximum of two (2) cremated remains will be allowed in a single burial plot.

All graves shall be at least six inches from the boundary of the burial plot and shall be at least six (6) feet in depth measured from the bottom of the excavation to the lowest ground level. In the case of cremains, there shall be at least three (3) feet of earth above the highest point of the container and ground level. The grave site shall not be mounded higher than 12 inches above surrounding ground level, and only directly above the casket. The final 3 inches of fill shall consist of soils matching the surrounding surface area or imported topsoil approved by the Cemetery Superintendent. The plot shall be seeded at the time of burial

with a seed mix specified and provided by the Cemetery Superintendent. The seed shall be cast and furrowed with a rake to enhance propagation.

## 7.8 Excavations

No excavations in preparation for a burial shall be completed without an Excavation Permit issued by the Cemetery Superintendent. Excavation may be completed by the family or designee without the need for a contractor; however, if heavy equipment is used to excavate, the contractor shall be a licensed contractor with the Town. The Superintendent shall issue the permit if he/she is satisfied that the excavator possesses the equipment, technical competence and good intention to excavate without causing injury to people or permanent damage to the burial plot in question and other parts of the Cemetery grounds. Excavation times are from 7am to 2pm Monday through Thursday. Every excavation must be inspected for proper location and depth by the Town.

## 8.0 Disinterments

Besides being subject to these Rules and Regulations, all disinterments shall be subject to the orders and laws of the properly constituted authorities of the Town of Pagosa Springs, Archuleta County, the State of Colorado, and the Federal Government.

### 8.1 Permission for Disinterment

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 surviving spouse or next of kin, 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 surviving spouse, 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.

### 8.2 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 federal holiday or on the day upon which a federal holiday is legally observed.

### 8.3 Town Not Responsible for Disinterments

All disinterments of a body or cremains will be the responsibility of the family. The Town shall not assume responsibility for any disinterments. Families wishing to disinter a body or cremains shall procure the services of a competent funeral director who must first provide evidence of liability insurance satisfactory to the Town of Pagosa Springs.

## 9.0 Decoration of Lots and Burial Plots

All decorations, plantings, and/or permanent installations shall remain within the boundaries of an owner's burial plot or lot. It is intended that any decorations of lots and plots do not detract from the natural, native, mountain appearance of the cemetery. Any items deemed to be in disrepair or to be unsightly will be removed by the Town.

### 9.1 Flowers

Artificial or fresh cut flowers may be placed immediately adjacent to a monument or marker at any time.

However, flowers will be discarded by the Cemetery Superintendent when deemed unsightly.

## 9.2 Sprays and Wreaths

Sprays and wreaths will be allowed, but they may be discarded by the Cemetery Superintendent when deemed unsightly.

## 9.3 Christmas Blankets and Wreaths

Christmas blankets and wreaths will be allowed from Thanksgiving Day through January 31<sup>st</sup>.

## 9.4 Fencing, Benches, and Other Articles

Fences, railings, curbs, hedges, pavers, and/or other bordering items around lots and plots are not allowed. Fences and other bordering applications erected prior to January 2, 2018 will be allowed to remain if they are in good condition and properly maintained by the owner. Expansion or wholesale replacement of existing areas/items is not allowed.

Additionally, the placing of benches, boxes, pavers, shells, bark, artificial turf, carpeting, stones, rock, boulders, toys, mulch, metal designs, ornaments, chairs, bric-à-brac, settees, tshatshkes, unattached vases, glass, urns, wood or metal cases and/or similar articles upon lots shall not be permitted and will be removed.

## 9.5 Planting of Trees, Shrubs, Plants, Flowers

The Town has exclusive authority in planting trees, shrubs, plants, and/or flowers for ornamentation of the cemetery. Requested plantings shall be reviewed and approved by the Cemetery Superintendent. All other plantings are prohibited. If any trees, shrubs, bushes, and/or flowers growing in the cemetery shall become detrimental, in the sole discretion of the Town, they will be removed without notice.

## 9.6 Maintenance

Maintenance of any decorations shall be the responsibility of the owner.

## 9.7 Liability for Decorations

The Town shall not be held liable for lost, misplaced, stolen, disposed of, removed, or broken decorations.

# 10.0 Conduct of Persons Within the Cemetery

## 10.1 Hours Grounds Open

The Cemetery grounds will be open for visitation from 7:00 am to 7:00 pm, seven days a week.

## 10.2 Visitors

Visitors within the Cemetery grounds shall conduct themselves with decorum at all times and with strict accordance with these Rules and Regulations. This applies to outside workers, stone masons, florists, etc., as well as to those persons directly employed by the Town.

## 10.3 Tours and Events

### a. Approved Activities

Any special activity or event on cemetery property must be approved in advance by the Cemetery Superintendent. Permissible activities include, but are not limited to, holiday/memorial services, weddings, monument unveiling ceremonies, educational, historical, or cultural awareness tours, public recognition ceremonies, religious events, family or church gatherings, photography or nature appreciation, conservation, beautification, or cemetery improvement activities.

#### **b. Restricted Activities**

The cemetery is not for sensational or entertainment purposes. Any tours or events marketed as haunted, paranormal, or involving ghosts, spiritualists, or mediums are strictly prohibited from the cemetery. Any tour vehicles marked as haunted or involving ghosts are strictly prohibited from the cemetery.

Athletic events, treasure hunting, scavenger hunting, loud gatherings, and other activities or events determined to be offensive, disrespectful, or disruptive to the dignity and character of the cemetery will not be permitted.

#### **c. Registration**

All cemetery tours and events must register with the Public Works Department at least twenty-four (24) hours prior to entering the cemetery.

The registration of activities shall include the entire period the activity will take place, including any setup, gathering, and clean up.

#### **d. Tour and Activity Conflicts**

Interment services shall have priority over tours, special activities, and events in all cemeteries. The Cemetery Superintendent, or their designated representative, has the discretion to exclude tours or groups from any portion of the cemetery. Any tours or tour vehicles near a funeral service should leave the area at once. Tours should not operate within sight of a funeral service.

#### **e. Violations**

Any individual or organization that habitually violates the Rules and Regulations of Municipal Cemeteries will be prohibited from holding future tours or events in the cemetery.

### **10.4 Trespassers on Cemetery Property**

Trespass on Cemetery property is as defined in CRS 18-4-504 and applies to persons that unlawfully enters or remains in or upon the premises of another and conducts him or herself in a way or under a circumstance prohibited by a Colorado trespass law; or is aware that the conduct is practically certain to cause a result prohibited by the law or these rules and regulations. The Town shall owe no duty to any person using any part of the Cemetery and bear no liability of any kind to maintain the Cemetery grounds in a safe condition.

### **10.5 Rubbish**

Throwing rubbish on any part of the grounds or buildings, except those designated by the Town, is prohibited.

### **10.6 Automobiles**

Automobiles shall not be driven through the Cemetery at a speed greater than five (5) miles per hour. Vehicular traffic is limited to improved, named, and signed roadways only.

### **10.7 Trucks and Heavy Hauling**

Heavy hauling, trucks, or commercial vehicles of any kind are not permitted within the Cemetery grounds, except when they are conducting business or are in connection with Cemetery work, and then only by permission of the Cemetery Superintendent.

### **10.8 Peddling or Soliciting**

Peddling of flowers or plants or the soliciting for the sale of any commodity is absolutely prohibited within the confines of the Cemetery.

### **10.9 Firearms and Hunting**

No firearms shall be permitted within the Cemetery, except at a military funeral or similar occasion, by a Police Officer, by written permission of the Cemetery Superintendent, or as permitted by the Colorado Concealed Carry Act, § 18-12-201, *et seq.*, C.R.S. Hunting or in any way disturbing birds or fowl, or

discharging firearms, fireworks, or other missiles within or over any portion of the Cemetery or around the gates, fences or roads adjoining the same is prohibited.

#### 10.10 Notices of Advertisements

No signs or notices or advertisements of any kind shall be permitted within the Cemetery.

#### 10.11 Damage of Cemetery Property

No person shall deface, damage, destroy or injure any memorials or other property in the Cemetery or perform other acts, which may be prohibited in the Rules and Regulations as adopted by the Town.

#### 10.12 Candles, Votive Candles, Fires

No person shall light or allow to burn any candles, votive candles, fire-lit objects of any type, or fires anywhere within the Cemetery or Cemetery Property.

#### 10.13 Smoking Prohibited

Smoking is prohibited in the Cemetery and on Cemetery Property. Signs shall be posted at the entrance to the Cemetery indicating that smoking is prohibited in the Cemetery and on Cemetery Property.

### 11.0 Fees, Gratuities and Commissions

#### 11.1 Fees

Any request required or permitted by these Rules and Regulations shall be submitted to the Town Clerk or Cemetery Superintendent as required by these Rules and Regulations with the appropriate fee established for such request. A copy of the Town's current fee schedule is available from the Town Clerk. Any Cemetery charges shall be paid prior to the services being rendered.

#### 11.2 Fees, Gratuities and Commissions May Not Be Accepted by Town Employees

No person, while employed by the Town shall receive any fee, gratuity, or commission, except from the Town, either directly or indirectly, under penalty of immediate dismissal.

### 12.0 Rules for Memorial Work in Cemetery Sections

Only two (2) memorials for each burial plot are permitted and must be related to the number of burials in the plot. It must be placed a minimum of 6" inside all plot or lot boundaries. All memorials must be less than 60" tall, including the foundation. A family memorial spanning several plots requires approval by all owners affected by the placement of the memorial. Memorials are to be constructed of durable materials and in a robust manner to ensure the long-term identification of plots and lots. Generally, durable materials consist of stone, rock, concrete or heavy steel, aluminum, or other metal. No memorials shall be constructed of wood or plastic of any kind. Memorials should be of a size, or secured in a way, that makes moving, stealing, and/or tampering difficult. No memorial is to be affixed to a tree, bush, shrub, stump, or other feature of the cemetery.

No owner shall erect or place, or cause to be erected or placed, on any lot or burial plot in the Cemetery any memorial which is obscene or offensive. Memorials or decorations suggesting or depicting violent death or destruction are prohibited. The Cemetery Superintendent will use their discretion in determining the appropriateness of memorials and decorations.

A temporary marker, erected for no longer than twelve months, is required upon interment. A temporary marker must identify the remains that have been interred. A permanent memorial must be erected immediately after the temporary marker is removed.

Mausoleums, columbarium niches, tombs, crypts, burial structures, or similar are not permitted.

The Cemetery Superintendent must be notified before any memorial work occurs in the cemetery.

### 12.1 Deposit for Monument

A refundable deposit for a grave marker is required prior to the time of burial unless a copy of a paid receipt from a monument company is provided. If a permanent grave marker is placed, or scheduled to be placed, on the burial plot within twelve (12) months from interment, said deposit shall be refunded, without interest, within 30 days of placement. If a permanent grave marker is not placed, or scheduled to be placed, on the gravesite within twelve (12) months from interment, the deposit will be used by the Town of Pagosa Springs to purchase and place a grave marker on the burial plot. The fee for a refundable deposit for a grave marker is set forth in the Town's fee schedule.

### 12.3 Foundations

Foundations are required for any permanent monument. Foundations for monuments shall not exceed 44 inches in width for any single burial space. Foundations and memorials spanning multiple plots will be addressed on a case-by-case basis. All foundations should extend a minimum of two (2) inches beyond the length and width of the memorial base stone.

### 12.2 Damage to Monuments

While the Town will exercise due care to protect memorials or other structure on any lot or burial plot in the Cemetery, it disclaims responsibility for any damage thereto. If monuments are pushed over or damaged by an act of vandalism or an act of God or accident, the Town will not be held responsible. The Town will endeavor to notify owners of observed damage. Owners are responsible for the care and maintenance of the monuments erected on their plots. Damaged monuments will be preserved on the plot to which they belong for identification purposes only.