

Rules and Regulations

Evergreen and Fairview Cemeteries

Effective May 15, 2024

Definitions

Additional Rights of Interment – with the approval of the Manager, the rights for additional burials within owned spaces may be purchased where possible.

Annual Flowers – Flowers that, once planted, do not return after the current growing season.

Block – A portion of the cemetery that is usually defined by roads or other boundaries around its perimeter and is divided into lots and burial spaces.

Burial - The permanent disposition of human remains by burial, entombment, inurnment, or dispersal of cremated remains.

Burial Right - The right to inter in a burial space; this right is not title to land, but merely the right to be buried in a described space.

Burial Space- A grave space, crypt space, cremation garden space or niche used or intended to be used for the burial of human remains, which may include, double depth spaces for burial of two (2) caskets or one casket and one cremains container with one on top of the other .

Casket - A rigid container for the burial of a deceased human being.

Cemetery - A place of burial for earth interments, mausoleum for crypt entombments, columbarium for cinerary interments, or a combination of these. The cemeteries owned and operated by the City are Fairview and Evergreen Cemeteries. The City cemeteries shall be operated as an enterprise of the City.

Cemetery Office - The Administrative Offices located at Evergreen Cemetery, 1005 Hancock Expressway in Colorado Springs.

Child Space - A space of ground sized four (4) feet by five (5) feet for the burial of human remains.

Certificate of Ownership - A written document issued by the City to a purchaser of a grave space, which document evidence ownership of a right to be buried in a specific grave space .

Consent to Bury – Authorization by the owner of the Burial Rights and the next of kin of the deceased authorizing a burial.

Columbarium - An above ground structure containing niches for the inurnment of cremated human remains.

Cremains - Cremated human remains.

Cremation Service – A graveside service for the inurnment of cremated remains.

Crypt - An above ground receptacle for casketed human remains, usually in a mausoleum.

Direct Burial – The interment of casketed or cremated remains without a service, a scheduled time for interment, or the presence of clergy, family members or friends.

Disinterment - The removal of human remains from a burial space, either casketed or cremated remains.

Double Depth Burial Space - An adult burial space designated to accommodate the interment of two casketed burials or one casketed burial and one burial of cremated remains, one on top of the other.

Endowment- An irrevocable perpetual care endowment trust fund established by the City, for and devoted to the perpetual care and maintenance of the endowed burial spaces in the City cemeteries.

Entombment - The placing of human remains in a crypt.

Family - Those persons related by blood, marriage, or law, or descended from a common ancestor.

Flush Marker - A marker that does not rise above ground level.

Foundation Order – A permit for the installation of a monument, marker or memorial and the required foundation for such memorial indicating the dimensions, location, and purchaser. A fee and approval by the Cemetery are required.

Funeral Service – A service at graveside for the interment of casketed human remains.

Government Assisted Burials - Any funeral or burial assistance provided by county or state government to assist in the funeral and burial of a person.

Grave Space - A space of ground sufficient in size for burial of the remains of one adult or infant, one adult and one cremains or two (2) cremains, as specified by cemetery plat.

Immediate Family - Spouses and their children, whether living together or not.

Infant Space - A space of ground containing no more than 16 square feet of surface space.

Interment - The permanent disposition of human remains by burial, entombment, inurnment or dispersal.

Interment Fees - Those services necessary to open and prepare a burial space for the interment of casketed or cremated human remains, to close it after the interment, process the necessary documents, and to maintain the records of such burial. This also includes any necessary service items such as the lowering device, grave side greens, chairs, and pedestal for cremated remains.

Burial Rights -The purchase of the right to inter a specified number of human remains in a specific space(s). It is also known as Burials Rights.

Inurnment - The burial or placing of human cremated remains in a grave space or niche.

Ledger – A granite or marble marker that covers the entire grave space.

Lot - A unit of purchase which may contain either four (4), six (6) or eight (8) burial spaces as specified for the particular block.

Marker - One-piece stones used to mark individual graves.

Mausoleum - An above ground structure containing crypts for the entombment of human remains.

Memorial- A generic term which includes markers, monuments, mausoleum, crypts, urns, niche plates or other physical objects used to identify the occupant of a burial space.

Monument - A memorial of more than one piece.

Next of Kin - Relatives of a deceased person according to the Colorado laws of intestacy.

Niche - An above ground structure intended to hold cremated human remains.

Outer Burial Container – Any in ground container approved by the City Engineer to enclose a casket or urn, which keeps the ground from sinking over time (also referred to as a burial vault in the City Code).

Owner - The owner of the Burial Rights in the Cemetery who executed an at-need or preneed contract.

Preneed Product - The preneed purchase of an outer burial container at any time prior to the death of the intended occupant of the burial space.

Preneed Service - The purchase of a Burial Right, interment fee and/or vault supervision at any time prior to the death of the intended occupant of the burial space.

Preneed Right - The Owner's right to receive the purchased preneed service or product at the time of burial without additional compensation to the City.

Re-interment - The re-burial of previously disinterred human remains.

Sarcophagus – A burial enclosure for a single burial, constructed of granite or marble that is above or partially above ground.

Shroud – A biodegradable cloth intended to wrap a deceased human being for burial.

Upright Marker - A memorial that is constructed perpendicular to the ground.

Urn - A container for cremated remains.

VA - The Department of Veterans Affairs.

Outer Burial Container Supervision Fee - The fee customarily charged for supervising the installation of any outer burial container in the Cemetery.

Any term defined above written in the singular shall also include the plural.

General Provisions

Authority

The Manager is authorized to promulgate and adopt reasonable rules and regulations regarding the administration and operation of the enterprise, and the time, place, limitation, and extent of use of any enterprise property or facility including uses now existing or contemplated. Additional rules and regulations may be adopted as necessary to implement applicable Federal and State laws. Any rules or regulations adopted by the Manager shall be available for public inspection in the enterprise's administrative offices.

With the City Attorney's counsel, the Manager may propose, and the Parks, Recreation and Cultural Services Advisory Board shall consider, the adoption, amendment or deletion of any reasonable or necessary rules, regulations, policies, procedures, ordinances or resolutions affecting the City's stewardship of its cemetery enterprise, properties, and facilities. The recommendation of the Board shall be forwarded to City Council for final approval.

The general public, purchasers and users of cemetery services, visitors, vendors, monument companies and funeral homes are required to abide by all rules and regulations for the City cemeteries.

The most current Rules and Regulations supersede all previous Rules and Regulations.

Administration and Supervision of Cemeteries

The administration and supervision of the City cemeteries shall be conducted by the Manager or the Manager's Designee.

Cemetery Rules Enforcement

The Manager is hereby expressly empowered to enforce the Rules and Regulations of Evergreen and Fairview Cemeteries. The Manager shall have complete charge of the cemetery grounds and buildings as well as supervision of all persons within the cemeteries, including the conduct of funeral processions.

Control of Work

All grading, landscape work and improvements of any kind, care of burial spaces, all burial space openings and closings and all interments, disinterments and removals shall only be conducted under the supervision of the Cemetery Manager.

Cemetery Gates

Cemetery gates are open daily, including holidays, from 6 a.m. to 8 p.m. MST, April 16 through October 15; and from 7 a.m. to 6 p.m. MST, October 16 through April 15. Entrance into the cemeteries after the gates are closed is considered trespassing.

Cemetery Office Hours

The business office for both Evergreen and Fairview Cemeteries is located at Evergreen Cemetery. Evergreen Cemetery's office hours are from 8 a.m. to 4 p.m. MST, Monday through Friday. The office is not open on weekends and City holidays. Holidays may include New Year's Day, Martin Luther King Day, Presidents Day, Independence Day, Juneteenth, Memorial Day, Labor Day, Veterans Day, Thanksgiving Day and the day after Thanksgiving, Christmas Day, and any other City holidays. Please check the website for any additional closings. The Manager reserves the right to close the cemetery to visitors if conditions constitute a hazard to the public.

Official Records

The official records include all cemetery plats, certificates of purchase, certificates of ownership, certificate transfers, installment purchases, preneed service or product purchases, consents to bury and any other related information. Each Burial Right shall be registered by name and address of the owner. Such registration shall be the final governing record in determination of the owner of Burial Rights.

Conduct of Visitors

All visitors to the cemetery are expected to conduct themselves in a respectful manner. The following conduct must be adhered to:

- Vehicles must remain on roadways, and shall not exceed 15 mph.
- Animals must remain in vehicles, unless it is a service animal.
- Interfering with a funeral procession or service is prohibited.
- Children must be supervised.
- Picking or removing flowers or plants is prohibited unless the flowers or plants are on a space owned by the visitor.
- Unreasonably loud or disruptive music or sounds is prohibited.
- Rude or intimidating behavior towards staff or other visitors is prohibited.
- The illegal possession or discharge of firearms is prohibited.
- Entry into the cemetery is only permissible during business hours and only through the front gates.
- Harassing or hurting wildlife is prohibited.
- Remaining in the cemetery after hours, including camping or parking overnight, is prohibited.
- The possession or use of alcohol or illegal drugs is prohibited.
- Visitors must receive express written permission from the Manager to film.
- Urinating or defecating on cemetery grounds is prohibited.
- Cleaning and resetting historical markers is permitted with permission of the Manager.

The City cemeteries are not public forums. Demonstrations, protests, parades, speeches, or other forms of public expression activities are expressly forbidden in the City cemeteries. However, nothing in this sub-section shall be construed as prohibiting any funeral service or the uniformed services of the United States, the military forces of the State of Colorado, or any Colorado law

enforcement or fire organization, when the service is approved by the Manager and held for the purpose of interring remains or honoring the deceased persons buried in the cemetery.

Water

Evergreen Cemetery uses non-potable water for irrigation that is not suitable for human consumption. Potable water is available at the Cemetery Office. Fairview Cemetery uses potable water for irrigation.

Purchases and Transfers of Spaces and Services

Sale of Burial Spaces

The Burial Rights for all burial spaces are conveyed on a Statement of Charges form or Transfer form authorized by the Manager with payment receipted on a numbered Cemetery Receipt. Burial Rights can be paid by cash, check or credit card. A Certificate of Ownership will be issued to the owner(s) and mailed to their address on file with the Cemetery. The information contained in Cemetery records will be the final determination of ownership and rights of interment.

The right to inter in a burial space is not a title to land, but merely a right to be buried in a described space. Purchasers of space(s) and their family must adhere to the City Ordinance and these Rules and Regulations.

Each adult burial space includes the right to inter one casketed remain. Additional rights of interment may be purchased by the next of kin, at the discretion of the Manager. An individual who wishes to purchase additional rights and is not the owner, shall produce an affidavit as proof they are next of kin.

Installment Purchase

Installment purchases are available for the purchase of burial spaces and any related preneed cemetery services or products.

Written installment purchase contracts shall:

- Not include interest.
- Require, at the time of contract execution, cash payment of at least eight and one-half percent (8 1/2%) of the purchase price which shall be deducted from the amount to be paid in installments.
- Require payment of an administrative fee not to exceed ten percent (10%) of the total purchase price.
- Limit the number of installments to no more than four (4), nor extend over a period of more than twelve (12) months.
- Include an acknowledgment that failure to pay any installment within six (6) months of the installment due date shall terminate the contract together with any legal interest purchaser may have in the installment contract or burial space. Installment payments made pursuant to a contract terminated in accord with this section shall be forfeited.

The Manager shall not issue any certificate of ownership or permit burial in any burial space or deliver any preneed cemetery service or product covered by an installment contract until the purchaser has fulfilled the contractual obligations and paid the service or space purchase price in full.

Rights of Certificate Owners

Any burial space conveyed by a certificate of ownership or certificate of purchase shall be considered a grant of the right to burial or interment in the space described on the certificate. This right shall be personal to those named on the certificate who nevertheless retain the right to inter a deceased member of the immediate family in the space, subject to the cemetery rules and regulations.

Consent to Bury: A certificate owner may consent to the burial of any deceased person in the burial space described on the certificate. Consent shall be given on a dated and sequentially numbered form prescribed by the Manager. If practical, the owner must present a death certificate at the time consent is given to the Manager.

- The consent to bury shall remain valid for fifteen (15) days from the date it is filed with the Manager. Should no burial occur pursuant to the consent within fifteen (15) days, burial rights for the space shall revert to the certificate owner.
- No disinterment or removal of remains interred pursuant to a consent to bury shall be undertaken without the permission of the next of kin or legal representative of the deceased. In the event of disinterment, the consent to bury shall be void and burial rights for the space shall revert to the certificate owner.
- A consent to bury shall not act as a transfer of ownership of the burial space.

Upon the death of the certificate owner, any unused burial spaces shall pass as provided in the owner's last will and testament. Any unused burial spaces not effectively disposed of by the owner's last will and testament or otherwise shall pass to the owner's heirs as prescribed by the Colorado Probate Code.

No burial spaces shall be transferable except with the consent of the Manager in accord with this rule. The new owners of transferred spaces must adhere to the rules and regulations currently in place.

It shall be the duty of every burial space owner to keep the Manager fully informed of the owner's mailing and email address, and to notify the Manager of any changes. Written notice sent to any certificate owner at the last registered address on file with the Manager shall be considered sufficient and proper legal notice.

No easement or right of interment is granted to any certificate owner in any road, drive, alley or walk within the cemetery, but roads, drives, alleys, or walks may be used to access the cemetery grounds or buildings so long as the Cemetery Manager permits that use.

Fees

Fees established by City Council resolution shall be charged for all grave spaces, opening and closing of graves, disinterments and the overtime services of cemetery employees incidental to burial and any other service or product provided by the cemeteries. All fees must be paid in full prior to any interment, disinterment, or memorial setting.

Preneed Purchases

Interment fees and outer burial containers may be purchased prior to need along with the required vault supervision fee in accordance with the following general provisions:

- An owner purchasing a preneed outer burial container must also pay the appropriate Vault Supervision Fee at the time of the purchase of the preneed services.
- Preneed services and products must be attached to a specific burial space and a specific person.
- Preneed products or services may be transferred together with burial rights by will or intestate succession.
- Preneed products and services are not refundable and not subject to the buy-back provisions of City Code, Section 14.2.209.
- The owner has signed a written Preneed Purchase Agreement containing the following: The name of the owner, the identity of the burial space to which the preneed service or products will be attached, the full price of the preneed product or service purchased, and the date of the preneed purchase transaction.
- An acknowledgement that the cemetery staff has made full disclosure of the price of the preneed services or products.
- An acknowledgement of the transfer and buy back restrictions of the preneed service or product purchased.
- An acknowledgement that the preneed service or product is non-refundable.
- Preneed rights are valid for 75 years from the date the agreement is signed.

Transfer of Burial Rights

A transfer of certificate ownership of any burial space and any related preneed service or product may be made with the consent of the Manager.

Certificate ownership of any burial space and any related preneed service or product may be made:

- During the certificate owner's lifetime upon delivery of the certificate to the transferee or another third party with the owner's full intent to relinquish any right to occupy or use the burial space or related preneed services or products.
- By the certificate owner's last will and testament; or
- By the applicable laws of intestacy.

No transfer of a certificate of ownership shall be effective until approved by the Manager. Prior to approval, the Manager shall require the following:

- Completion of a transfer application.

- Proof of delivery of the certificate to the transferee or a third party during the owner's lifetime and of the owner's intent to relinquish the right to occupy or use the burial space or preneed service or product.
- Proof of testamentary transfer or intestate transfer.
- Surrender of the original certificate of ownership.
- Payment of any indebtedness or installment payment due on the burial space or any related preneed service or product.
- Payment of the endowment for any previously unendowed space not located within an unendowed area.
- Payment of any applicable transfer fee established by City Council resolution.
- Removal of any memorial that is not properly located on a space, at owner's expense.

The Manager shall give approval by issuing a new certificate of ownership to the transferee and shall record the transfer in the cemetery records.

Perpetual Care

Except for unendowed spaces and areas, all burial spaces in the City cemeteries shall be endowed and maintained in perpetuity by the City. An amount comprising at least fifteen percent (15%) of the sales price of an endowed burial space shall be deposited in the endowment within thirty (30) days after receipt of the purchase price.

Abandoned Burial Rights

Upon abandonment, the certificate ownership of or right in or to any unoccupied burial space shall revert to the Cemetery.

Failure to inter in any burial space within seventy-five (75) years of the date of purchase, last transfer, or last interment in adjacent, commonly owned spaces, whichever occurs later in time, shall create and establish a presumption that the space has been abandoned. This presumption shall not apply if the next of kin files a letter of intent with the Manager stating an intention to retain the specified spaces.

Abandonment shall not be deemed complete unless the registered certificate owner or the next of kin is notified in writing via first class mail, mailed to the last known or registered address, by the Manager. If the address of the owner or next of kin cannot be ascertained, then notice of abandonment shall be published in a newspaper of general circulation in El Paso County at least once a week for five (5) weeks.

The certificate owner or next of kin may file with the Manager a notice of intent to retain interest at any time during the required notice period or within sixty (60) days after receipt of notice of abandonment or after final publication, whichever occurs last. The notice shall contain the following information:

- The name and current address of the person giving notice.

- Proof in the form of an affidavit that the person giving notice is the original certificate owner, or the person is the recipient of the original certificate owner's testamentary transfer, or the person is the original certificate owner's next of kin; and
- An affirmative statement that the person giving notice wishes to retain the right to be buried in the identified burial space.

The Manager shall examine the proof provided and may request certified copies of documents to verify the claims of the person giving notice. If the Manager determines that the person's claim is valid, the Manager shall transfer the original certificate to the person giving notice, and a new seventy-five (75) year period must pass before abandonment of the space may be commenced again. If the Manager determines that the person's claim is not valid, the Manager shall provide a written determination to the person, and the space shall be abandoned.

A person may appeal the Manager's written determination that the person's claim is not valid to the Mayor within sixty (60) days of the date of the determination by filing a notice of appeal with the Mayor stating the grounds upon which the person is appealing. The Mayor shall review the Manager's determination and the notice of appeal and may choose to render a written decision based upon the documents submitted or may conduct a hearing.

If the Mayor chooses to conduct a claim appeal hearing, it shall be held within thirty (30) days of the date of the notice of appeal, unless the parties agree to a hearing date beyond that time. At the hearing, the person appealing the Manager's determination shall have the burden to show by a preponderance of evidence that the person's claim to an interest in the burial space is valid. As the claim appeal hearing is an administrative hearing, the Mayor shall not be bound by the Colorado Rules of Civil Procedure or the Colorado Rules of Evidence. The Mayor may consider hearsay evidence, or any other evidence reasonably calculated to assist the Mayor in rendering a decision and give it whatever weight the Mayor deems appropriate. Depending upon the nature or complexity of the claim appeal hearing, the Mayor may request that the person appealing, and Manager submit, prior to the hearing, any documentary or demonstrative evidence they plan to present during the hearing. At the conclusion of the hearing, the Mayor shall make written findings of fact and conclusions regarding the person's claim to the burial space. The Mayor may, at the conclusion of the claim appeal hearing, take the matter under advisement and issue the written findings of fact and conclusions within thirty (30) days.

The decision or determination of the Mayor shall in all cases be final and conclusive. The Mayor's decision may only be reviewed by the District Court pursuant to CRCP 106(a)(4).

If the certificate owner or the next of kin fails to contact the Manager within sixty (60) days after receipt of notice of abandonment, or after final publication, and fails to file a letter of intent to retain interest in the space, abandonment shall then become final, all rights to the certificate and the space shall immediately transfer to the Cemetery and the Cemetery may resell the space at the price established by City Council resolution. If after the time period for responding to a notice of abandonment a person with a legitimate interest in the certificate of ownership submits to the Manager a claim to the abandoned burial space and the Manager verifies the claim, the Manager shall transfer to the person, at no charge, a burial space that, to the extent possible, is equivalent to the abandoned burial space.

The Manager shall retain records of all abandoned spaces, as well as copies of the required notice published prior to abandonment, any claims, or notices of intent to retain interest in the burial space and any written determinations issued by the Manager in relation to these claims or notices.

Buy Back

The Cemetery may repurchase or buy back any certificate of purchase or certificate of ownership for any unused or unoccupied burial space under the following conditions:

- Ownership of the burial space is clear and evidenced by a valid certificate of purchase or certificate of ownership.
- The purchase price paid is reasonably ascertainable.
- The space is unused and unoccupied,
- No memorials are erected on the space,
- No apparently valid owner's permit remains outstanding,
- Sufficient funds for buy back are budgeted and appropriated.
- The certificate owner completes a buy back application.

If the burial space is eligible for buy back, the Manager may pay the certificate owner the original burial space purchase price (exclusive of the endowment) plus interest up to a rate of three percent (3%) per annum, compounded annually since date of purchase. The buyback price paid by the City shall not exceed the current price for a burial space established by City Council resolution, less the endowment.

At the Manager's discretion, a burial space eligible for buy back may be exchanged for another available space in the cemetery's inventory.

Under no circumstances shall the City buy back any preneed service or product associated with a repurchased burial space.

It shall be unlawful for a certificate owner to resell any burial space described on the certificate to a third person for an amount higher than the amount for which the City would buy back the space.

It shall be unlawful for a certificate owner to resell any burial space described on the certificate to a third person without first removing, at the owner's expense, any memorials erected on the space.

The Manager may promulgate rules and regulations to facilitate the administration of this section.

Cemetery Services

Application for Burials

The City reserves the right to refuse burial in any burial space for any purpose unless written authorization by the burial space owner of record is made out on forms provided by the Manager.

The Manager may authorize an interment of any member of the immediate family of the burial space owner upon written authorization by the owner, or if the owner is deceased, then if the interment is a member of the immediate family of the burial space owner.

Electronic authorization for immediate burial may be permitted by the Manager. However, the City shall not be held responsible for any order given by electronic means for any mistake occurring from the want of precise and proper electronic instructions as to the particular space, size, and location of a burial space where interment is desired. Any changes, adjustments or corrections necessitated by mistakes shall be at the expense of the burial space owner or the owner's agent.

Burial Permits are Issued by the El Paso County Bureau of Vital Statistics. Burial permits are required for all casket burials.

Cremation certificates from the crematory performing the cremation are required for all cremation burials.

Scheduling

All interments must be scheduled through the Evergreen Cemetery Office. Appointments are strongly suggested. The Cemetery requires at least 48 business hours notification for the proper preparation of a grave space. Services may be scheduled between 9:00 a.m. and 3:00 p.m. Monday through Friday. There are no services on weekends or holidays. Direct burials will be scheduled with the funeral home at a time and date convenient to the Cemetery.

Chapel

The historic chapel at Evergreen Cemetery is available for rental during regular Cemetery office hours. Renters are asked to respect the historic nature of the facility and remove all trash at the conclusion of the event. There is no running water at the chapel, but restroom facilities are available at the cemetery office.

Burials

All human remains brought into the cemetery for burial must be enclosed in a rigid container suitable for lowering into the grave with a standard lowering device, unless shrouded and securely wrapped to prevent any exposure of the remains or any fluids thereof, and on a burial board of sufficient strength to allow handling and lowering on a standard lowering device. Caskets may not be opened on cemetery grounds.

Outer Burial Containers

Outer burial containers approved for use in the cemeteries by the City Engineer shall be required for all burials at the City cemeteries, except in the following circumstances:

- Where burial is in an unendowed area of the cemetery.
- Where the Manager approves burial in an area of the cemetery designated for poor persons and where the expense of the burial is borne by public welfare.
- Where the Manager designates a burial space for infants, children, or cremains.

- Where the family has requested a Green Burial. To qualify as a Green Burial, the deceased must be enclosed in a biodegradable container or shroud. Metal Caskets do not qualify for Green Burials.
- Where the burial space owner requests and the Manager approves a special exception.

An applicant may provide and install an outer burial container purchased from any source, providing it has been tested and approved by the City Engineer.

For any exception to the vault requirement approved by the Manager, a tamping fee must be paid.

Scattering of Cremated Remains

No scattering of cremated remains over any grave or cemetery land by any person is allowed. All cremated remains must be placed in a burial space, niche, or Cremation Garden by Cemetery Staff.

Cremation Garden

The Cremation Garden at Evergreen Cemetery is available to those who wish a simple and cost-effective method of interring cremated remains. Cremated remains interred in the Cremation Garden are irretrievable and disinterments are not possible.

Services

Upon entering cemetery grounds, all services are under the supervision of the Cemetery.

Burial Permits and any payments due from the funeral home must be presented to the Cemetery prior to burial of the remains. If the service is for cremains to be inurned, funeral homes and families are required to bring the urn with them on the day of the service.

Funeral home representatives are asked to remain at the graveside until all family members have left the area.

Due to scheduling constraints, all services must conclude at 4:00 p.m., and no one is permitted to remain graveside after this time on the day of the service.

Service Flowers

Service flowers may be left at graveside after the conclusion of the cemetery service if placed properly in accordance with the decorations section. Service flowers will be removed and discarded when they become unsightly.

Removal of Bodies Prior to Interment

Once a casket containing a body is within the confines of the cemetery and has been accepted for interment by the Manager, no person shall remove or permit the removal of the casket or body without the consent of a member of the immediate family, next of kin, legal representative of the deceased or a court order. A casket containing a body cannot be accepted for interment

by the Manager until the Cemetery receives a completed burial order form and burial transit permit for the deceased.

Government Assisted Burials

The cemetery has reserved spaces in the unendowed section of the cemetery for the burial of persons approved for social service assistance. The cemetery does accept payment directly from families for burials with assistance from government agencies; all payments must come through the funeral home. A burial performed in such a space does not include any additional interment rights. If authorized by the next of kin of the deceased, additional rights of interment may be purchased in the space. Memorials may be authorized by next of kin or other authorized persons.

Disinterment

The Cemetery requires a minimum of ten (10) business days notice prior to a disinterment.

Disinterment fees are charged per remains to be disinterred.

Family members or members of the public are not allowed to attend disinterments or reinterments.

Before disinterment, reinterment or removal, each of the following shall also be provided to the Manager:

- A death certificate by the next of kin or legal representative of the deceased;
- The name of the funeral home and director conducting the initial burial;
- The name of the funeral home supervising the disinterment;
- If the body is to be moved out of the cemetery to another location, the authorization permit from the State by the next of kin, legal representative of the deceased or the funeral home.

The next of kin or the legal representative of the deceased shall:

- Obtain the necessary authorizations and information;
- Arrange with a funeral home to have a director present for the disinterment and transfer of remains;
- Arrange with a vault company to have a representative present, should the original concrete outer burial container fail and require replacement;
- Arrange for the remains to be removed from the cemetery immediately after disinterment, if the remains are being taken out of the cemetery;
- Provide a new casket or container for the remains should the original no longer exist or not be intact; and
- Pay a disposal fee for the outer burial container and/or casket.

Disinterments may be performed by third party vault dealers. The cemetery will open the space down to the outer burial container lid.

The Cemetery reserves the right to verify all documents submitted for a disinterment, to refuse to conduct a disinterment if the necessary forms and information are not submitted and to refuse

to permit or conduct a disinterment if removal would present a health hazard to cemetery staff or the public.

Removal for Autopsy

A body may be disinterred and removed from its burial place for autopsy purposes only upon written consent of the next of kin, legal representative of the deceased or by court order.

Removal for Resale Prohibited

It shall be unlawful to disinter a body or cremated remains if for the purpose of vacating the burial space for resale, or if removal would be contrary to the expressed or implied wish of the interred person or original certificate of purchase owner.

Space Decorations and Memorials

Decoration of Lots and Burial Spaces

It is strongly suggested that no items of high sentimental or monetary value be left on graves. The Cemetery is not liable for any damage, theft, or removal of any grave decorations. The City shall not be liable for any damage or injury to memorials from mowing and trimming the lawn or other maintenance practices performed during perpetual care of grave spaces.

Annual Flowers are the only planting allowed on a grave site. They may be planted within the six inches east of an upright marker only. No other items may be planted on a grave site, including trees, bushes, shrubs, and spreading plants.

American flags are allowed in cemetery vases or next to markers on Memorial Day and Veterans Day. Any flags that touch the ground or are in disrepair may be removed.

No balloons may be placed on a grave space or released into the air from cemetery grounds.

All vases must be attached to the base of a memorial, incorporated into a flush marker or in the ground within six inches of the east side of the memorial. The width of the marker and vase(s) cannot exceed three-fourths (3/4) of the spaces owned. Vases must be constructed of granite, marble, bronze, or zinc.

All grave decorations must be in a permitted cemetery vase or within the borders of the memorial base. No decorations are allowed on the grass. No decorations may be affixed to trees, hedges, or buildings.

The following items are allowed only in approved cemetery vases or within the confines of the memorial base. If the item is not properly placed, it may be removed and disposed of at any time.

Glass or ceramic
Wood of any kind
Metal sculptures

Rocks
Lanterns
Candles

Shepherd's hooks
Banners
Shells
Baskets

Fencing or borders
Temporary Markers
Solar lights
Trellises or arbors

Removal Of Items

The Manager may prohibit or remove from lots all chairs, settees, vases, artificial flowers, grave covers, toys, and any other item that the Manager, at their sole discretion, considers dangerous, unsightly, or objectionable.

Cemetery Clean-ups

Cemetery clean-ups are scheduled twice a year between November 1-15 and March 1-15. These clean-up periods are designed to clear the cemetery of any materials that interfere with the daily maintenance of the cemetery, that are unsightly, or that violate the rules regarding grave decorations. Cemetery clean-up dates will be posted on the Cemetery website.

Memorials

All memorials are the personal property of the owner of the Burial Rights. No memorial will be allowed on any space until the space is fully paid for and the proper fees have been paid. It is the responsibility of the owner and the monument dealer to be certain that any proposed memorial conforms to the Cemetery Rules and Regulations.

No memorial may be erected, moved, or changed without the express permission of the owner or the owner's next of kin, when the owner is deceased, except as provided for herein. The Cemetery reserves the right to reject and remove any memorial which, after being erected, does not comply with the requirements of this section, at the owner's expense. Additionally, the Cemetery reserves the right to move any memorial and/or foundation as necessary to facilitate a burial.

All memorials must be purchased and set through a professional monument dealer. In the case of a memorial provided by the VA, Cemetery staff may set such memorial. No home-made markers are allowed. Memorials purchased online must be delivered to a professional monument dealer for setting of the marker and the foundation.

Monument dealers shall comply with the rules and regulations for placing memorials prior to construction of the foundation. The monument dealer shall submit a Foundation Order and inspection fee prior to setting any memorial in the Cemetery. A permit fee shall be paid prior to installation.

The placement of memorials shall meet the following requirements:

- Only one (1) memorial is allowed per space.
- Footstones and corner markers are not allowed.

- Memorials are to be placed at the west end of the space.
- All memorials must be constructed of monument grade granite, marble, or quartzite. Bronze markers on a granite base are allowed in flush marker sections.

Memorial foundations must be installed in accordance with the following requirements:

- Foundations must be constructed of concrete or other foundation material approved by the Manager.
- Quartzite memorials may be wet set into a concrete foundation.
- Granite bases are not permitted as a foundation.
- Monument foundations must extend the entire length and width of the monument base.
- The foundation shall be ten (10) inches deep and shall be supported by auger holes filled with cement.
- Auger holes shall be eight (8) inches wide, thirty-one (31") inches deep and placed every twenty-four (24) inches for the length of the foundation.
- The top of the foundation shall be flush with the ground.
- Monument dealers must cover new foundation openings with boards that can hold a minimum of 300 pounds until the concrete foundation is poured.

Memorial design shall meet the following requirements:

- No words or images may be engraved on a memorial that would be considered profane or offensive to the general public. If there is a question of suitability, approval will be at the discretion of the Manager.
- Except for marble memorials provided by the VA, all granite or marble memorials must be a minimum of six (6) inches thick and be on a granite base.
- The base must be a minimum of six (6) inches thick with sides that are rock pitch (rough cut).
- Memorials cannot exceed three-fourths (3/4) of the width of the spaces purchased, unless specifically approved by the Manager.
- Custom or irregularly shaped memorials must be approved by the Manager.
- If a mausoleum is permitted by the Manager, the edge of a mausoleum must be at least six (6) feet from the property line of another owner and no other burial shall be permitted within those six (6) feet.

Temporary Markers are not allowed except for those provided by the monument dealer to mark the grave while the final memorial is on order. They must be removed when the permanent marker is installed.

When an existing foundation must be removed to add a new burial, the owner will be required to pay for any expenses necessary to reset the memorial and foundation on the grave site.

Memorial Height Restrictions

Height Restriction	Blocks
28" High	115,116,118,214,215,217,226,227,15A
36" High	208,209,212,203,213,241
16" High	220,228,229,230,
Government Markers only	221
12" High	235,236,237,238,240,
Flush Markers	117, 218, 225
No Markers allowed	242

Benches

All benches must be constructed of granite. No benches may be placed in easements. Benches must be placed on the west end of the space, in accordance with memorial placement requirements. Benches may not have a solid back that would interfere with the distribution of irrigation. They must follow all height restrictions applicable to the space.