

HILLSIDE CEMETERY RULES & REGULATIONS HANDBOOK



CITY OF FORT LUPTON, COLORADO

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CITY OF FORT LUPTON

HILLSIDE CEMETERY RULES AND REGULATIONS

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CITY OF FORT LUPTON, COLORADO

HILLSIDE CEMETERY RULES AND REGULATIONS

CHAPTER 1: OWNERSHIP AND MANAGEMENT

RULE 100: APPLICABILITY

The Rules and Regulations are adopted to cover Hillside Cemetery, and are for the mutual protection of all space owners and the City of Fort Lupton, to insure the Cemetery is uniform and remains permanently beautiful.

All burial space owners, visitors, Cemetery employees, persons working directly or indirectly for burial space owners and all burial spaces sold, shall be subject to these rules and regulations, and subject further, to such other rules and regulations, amendments or alterations as shall be adopted by the City of Fort Lupton from time to time; and, the reference to these rules and regulations in the certificate of ownership to spaces shall have the same force and effect as if set forth in full therein.

RULE 110: OWNERSHIP AND MANAGEMENT

The Hillside Cemetery is owned and managed by the City of Fort Lupton Colorado.

RULE 120: CONTROL BY CITY COUNCIL

The City Council has the right of general control of the Cemetery in all matters, whether or not they are specifically covered by these rules and regulations.

Modifications to the Hillside Cemetery Rules may be made by ordinance or resolution adopted by the City Council.

RULE 125: CONTRIBUTIONS AND DONATIONS

The City Council is empowered to accept donations from any source to be used for the management and care of the Hillside Cemetery.

RULE 130: DUTIES AND RESPONSIBILITIES OF THE CITY ADMINISTRATOR

The Management of the Cemetery shall be under the direction of the City Administrator or designee. The City Administrator or designee shall be responsible for direct and complete supervision of the Cemetery in all matters.

The City Administrator is authorized to promulgate regulations, guidelines and procedures, consistent with the Rules adopted by the City Council and the Fort Lupton Municipal Code, as are reasonably necessary and appropriate to implement the Rules contained in the Hillside Cemetery Rules and Regulations Handbook.

RULE 140: BUSINESS OFFICE

The business office of the Hillside Cemetery shall be the Office of the City Clerk. All applications for purchase, transfer, assignment or repurchase of Cemetery spaces; interment and disinterment orders; inurnment and disinurnment orders; foundation and monument permits; perpetual or annual care or special permits of any kind must be made at the Office of the City Clerk. Only the Office of the City

Clerk is empowered to receive any and all monies or payments for the same in any and all transactions involving Cemetery property or services.

Regulation 140.1 Customers desiring to make a physical on-site inspection, in order to select a burial space are required to meet with the appropriate personnel at the Hillside Cemetery. The City Clerk will coordinate available spaces with the Public Works Manager or his designee who shall then identify those spaces to the customer. If a site is selected, the City representative shall complete a "Verification of Grave Site for At-Need/Pre-need Purchase" form. This form is required to have the signature of the City representative and the customer. The City representative will then give a copy to the customer who will then be required to return it to the City Clerk to complete the purchase.

RULE 150: SURVEY OF CEMETERY; PLAT, SPACES AND MAPS

The City Council shall cause the Hillside Cemetery to be surveyed, laid out and platted into spaces, duly numbered, by a professional engineer and land surveyor registered with the State, and a map thereof made and certified under the hand of said engineer and filed with the City Clerk; a copy of said plat, duly certified by the Mayor and City Clerk, shall be filed with the County Clerk and Recorder.

RULE 160: CERTIFICATE OF PURCHASE SOLE AGREEMENT

The certificate of purchase of the burial space(s) is restricted by these rules and any amendments thereto. The reference to these rules in the certificate of purchase of a Cemetery space or interment space shall have the same force and effect as if these rules were set forth in full therein. Ownership of cemetery spaces is subject to the Cemetery Rules and Regulations of the City of Fort Lupton, Colorado. Copies of Hillside Cemetery Rules and Regulations are available for inspection at the Office of the City Clerk and shall be provided with Certificate of Purchase.

CHAPTER 2: GENERAL SUPERVISION AND CARE OF THE CEMETERY

RULE 200: ADMISSION TO THE CEMETERY

Entrance into the Cemetery except through designated entrances is strictly forbidden. The City reserves the right to refuse admission to the Cemetery and to refuse the use of any of the Cemetery facilities to any person or persons whom the Public Works Manager may deem objectionable to the best interests of the Cemetery.

RULE 210: PUBLIC WORKS MANAGER IN CHARGE OF ALL FUNERALS

All funerals upon reaching the Cemetery shall be under the supervision of the Public Works Manager or designee.

RULE 230: GENERAL CARE OF CEMETERY PROPERTY

The general care and maintenance of the Cemetery grounds, buildings, sprinkler systems, roadways, drives, walks or paths, drains or other Cemetery property of a general nature shall be provided for in an annual appropriation derived from the general revenues of the City.

It shall be the policy of the City to maintain the Cemetery grounds, buildings and other infrastructure in good repair and with a uniform neatness and cleanliness appropriate to a cemetery; keep and maintain a record keeping system that is accurate and timely to avoid errors and embarrassment; and to provide prompt and courteous service with regard to interments, inurnments and removals. Due to the number of departments involved, it shall be the goal of the City to ensure that all maintenance work, record keeping and services be well coordinated. To this end, the City shall maintain clear and concise record outlining responsibilities for each and every function of the Cemetery.

Regulation 230.1: Responsibilities for Cemetery Functions. This regulation outlines departmental responsibilities for each function of the Cemetery. The functions and responsible departments are as follows:

- A. Cemetery Administrator: The City Administrator serves as the Cemetery Administrator. The Cemetery Administrator or designee is responsible for direct and complete supervision of all matters related to the Cemetery; to ensure that the functions of the Cemetery are well coordinated and the level of service is appropriate; to coordinate policy issues with the Cemetery Committee and City Council; and to ensure that the laws of the State, the ordinances and resolutions of the City of Fort Lupton, and the Cemetery Rules and Regulations are properly carried out.
- B. Office of the City Clerk: The City Clerk oversees the business office and is responsible for all records related to the activities of the Cemetery. The City Clerk conducts all sales of burial spaces and the repurchase of same; maintains the documentation of transactions such as the issuance of deeds/certificates of title, and other information such as fees and charges, burial permits, plat maps, historical records and a permanent copy of the Cemetery Rules and Regulations; coordinates funeral arrangements between funeral directors or families, who are requesting said arrangements and the Public Works Manager; issues monument foundation or the placement of memorial, headstones; and serves as the point of contact for customer service issues and concerns and other requests for information.

- C. Public Works Manager: The Public Works Manager or designee is responsible for managing the day-to-day maintenance and irrigation of the Cemetery grounds and structures; locating burial spaces for open/closing and monument foundations, including inspection and approval of placement and installation of said monuments or headstones; assisting customers with identifying grave sites to visit or purchase, opening and closing columbarium spaces; supervising all funerals; ensuring the use of approved grave vaults; enforcing the Rules and Regulations of the cemetery; ensuring that the appropriate equipment is utilized or approving the use of equipment provided by other entities/parties; setting up the tent, lowering devices, chairs and other equipment; and removing unacceptable, unsightly or deteriorated decorations or inappropriate monuments/markings; and maintaining and repairing roadways and drainage systems.

- D. Finance Director: The Finance Director is responsible for maintaining and investing Perpetual Care funds; and maintaining required payroll and budget records.

CHAPTER 3: INTERMENTS, INURNMENTS AND REMOVALS

RULE 300: INTERMENTS, INURNMENTS AND REMOVALS SUBJECT TO LAW

No interment/inurnment shall be made in Hillside Cemetery or removal of any body until all permits required by law and all the information necessary to complete the records of the Cemetery have been furnished to the City Clerk. No body shall be removed from the Cemetery after the burial of such body except upon written permission according to the laws of the State. (Ordinance No. 2006-761 Section 11-65)

After the funeral service, and all attendees leave, the City will lower the casket. Due to safety concerns, no family members or friends of the deceased will be allowed to remain within the confines of the cemetery while the casket is being lowered.

Regulation 300.1: 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 or to touch a body without the consent of the legal representative of the deceased, or without a court order duly authorized.

RULE 305: TIME AND CHARGES

All interments, inurnments and removals must be made at the time and in the manner fixed by the City Clerk and upon payment of such charges as are fixed by the City Council.

RULE 310: SATURDAY AFTERNOONS, SUNDAYS AND HOLIDAYS

No interments, inurnments or removals will be allowed on Saturday afternoons, Sundays, or any of the following holidays (or upon the days that these holidays are legally observed):

- * New Year's Day (January 1st)
- * Martin Luther King, Jr. Day (third Monday in January)
- * President's Day (third Monday in February)
- * Memorial Day (last Monday in May)
- * Independence Day (July 4th)
- * Labor Day (first Monday in September)
- * Veteran's Day (November 11th)
- * Thanksgiving Day (fourth Thursday in November)
- * Day after Thanksgiving Day
- * Christmas Day (December 25th)

RULE 315: NOTICE OF INTERMENT/INURNMENT REQUIRED

Any funeral requests must give 24-hour advance notice through the City Clerk's office. The Public Works Manager or the City Clerk must approve any exceptions.

RULE 320: EMERGENCY BURIALS

Arrangements for emergency burials must be made through the City Clerk's office with approval of the Public Works Manager or designee and upon proof of emergency.

The City shall not allow arrangements for emergency burials simply for convenience or accommodation.

RULE 325: CITY TO APPOINT TIME OF FUNERAL

The City Clerk shall appoint the time for the arrival of the funeral at the Cemetery and shall allow at least three hours between the times of arrival of funerals to be held on the same day. When two funerals arrive at the Cemetery at the same time, the funeral arriving first shall have precedence in entering the Cemetery and the other funerals shall proceed at the discretion of and in accordance with instructions to be given by the Public Works Manager. No funeral will be permitted in the Cemetery after 3:00 P.M. The Public Works Manager may, at his discretion, waive the three-hour requirement between times of arrivals of funerals.

RULE 330: FUNERAL REQUESTS FOR INTERMENT/INURNMENT

The City reserves the right to refuse interment/inurnment in any space, and to refuse to open any burial space for any purpose except by or on behalf of the space(s) owner(s) or heirs.

RULE 335: MUST USE APPROVED GRAVE LINERS OR VAULTS

Every earth interment must be made in an outside receptacle of steel or concrete, the actual installation of which shall be made at the discretion of the Public Works Manager. No metal arches or multiple piece liners (3 pieces or more) will be allowed. The Public Works Manager shall have the right to refuse any receptacle that is damaged or in any other way inadequate.

RULE 340: AUTHORIZATION OF SPACE OWNER(S)

The City reserves the right to allow interment/inurnment of the remains of any member of the immediate family of any one of several common burial spaces upon the written and notarized authorization of the burial space(s) owner(s)/(heirs). No persons may be interred/inurned in any burial space without the written consent of all owners of the same who are recorded as such on the books of the City or as provided in Rule 610.

RULE 345: LOCATION OF INTERMENT/INURNMENT SPACE

All graves must be at least six inches (6") within the boundary of the space and must be at least five and a half feet (5½") in depth for adult burials and of a proportionate depth for children.

When instruction regarding the location of an interment space(s) cannot be obtained, or is indefinite, or when for any reason, the burial space cannot be opened where specified, the Public Works Manager may, in his discretion, cause it to be opened in such location on the burial space as he deems best and proper, so as not to delay the funeral and the City shall not be liable in damages for any error so made.

RULE 350: ORDERS GIVEN BY TELEPHONE

The City shall not be held responsible for any order given by telephone, or for any mistakes occurring for want of precise and proper instructions as to the particular space, size or location where an interment is desired.

RULE 355: ERRORS MAY BE CORRECTED

The City reserves the right, and shall have the right to correct any errors that may be made by it either in making interments, inurnments or removals or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and in similar location as far as possible, or as may be selected

by the City; or in sole discretion of the City, by refunding the amount of money paid on account. In the event such error shall involve the interment of remains of any such property, the City 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 at the expense of the City.

RULE 360: DELAYS IN INTERMENTS/INURNMENTS CAUSED BY PROTEST

The City shall in no way be held liable for any delay in the interment/inurnment of a body where a protest to the interment/inurnment has been made, or where the rules and regulations have not been complied with; and further, the City reserves the right, under such circumstances to return the body to the funeral director until the issue(s) is/has been resolved and the funeral director will certify in writing that the body was returned. The City shall be under no duty to recognize any protest of interments/inurnments unless it is in writing and filed in the Office of the City Clerk.

RULE 365: NOT RESPONSIBLE FOR EMBALMING OR IDENTITY

The City shall not be responsible for the interment/inurnment permit nor for the identity of any person sought to be interred; nor shall the City be responsible in any way for the preparation of the body.

RULE 370: NO INTERMENT/INURNMENT PERMITTED UNLESS ALL FEES PAID

No interment/inurnment shall be permitted or any memorial placed in or on any burial space(s) not fully paid for including perpetual care fees, opening and closing costs, and any other appropriate fees and charges adopted by the City Council.

RULE 375: INTERMENT OF MORE THAN ONE BODY

Not more than one casket may be interred in one burial space except by written consent of the Mayor. The foregoing shall not apply in the case of cremains.

RULE 380: CITY'S EQUIPMENT MUST BE USED

Tents, artificial grass, lowering devices and other equipment owned by the City must be used exclusively (except as specified below), in making interments, inurnments and removals.

Equipment owned by private parties may be used in lieu of equipment owned by the City if approved in advance by the Public Works Manager, in which case the charges made shall be the same as though equipment owned by the City were used.

RULE 385: INURNMENT OF CREMAINS

- A. When a casket containing the cremated remains of any person is to be interred in the Cemetery, either in the ground or in a monument foundation setting, an order from the City Clerk shall be obtained as for earth burial and a fee as set by Resolution of the City Council, shall be paid to the Office of the City Clerk.
- B. Cremated remains shall be buried in an appropriate receptacle of steel or concrete. Scattering of cremains is prohibited.
- C. Cremains shall be limited to no more than 4 individual underground urns to a burial space and one individual urn in a headstone setting.

RULE 390: BURIAL IN APPROVED CEMETERIES WITHIN CITY REQUIRED

The interment/inurnment of any deceased person within the corporate limits of the City, except in platted and duly authorized cemeteries shall be prohibited.

CHAPTER 4: FEES AND CHARGES

RULE 400: PAYMENT OF SERVICE CHARGES

The payment of the Cemetery service charges to the Office of the City Clerk must be made prior to or at the time of the order of interment/inurnment or disinterment/disinurnment and removal.

RULE 410: AMOUNT OF CHARGES

All charges for any service rendered by Cemetery employees must be paid for at, or prior to, the time such services are rendered and at rates fixed by the City. The amount of rates of all charges shall be established by Ordinance or Resolution of the City Council.

All fees and charges shall be compiled and maintained in Appendix B of the Cemetery Rules and Regulations Handbook.

CHAPTER 5: SALE OF SPACES AND BURIAL SPACES

RULE 500: SALE OF BURIAL SPACES

- A. Upon the filing of such plat with the City Clerk, as aforesaid, the Office of the City Clerk shall maintain records that lists each burial space and affixes the price for each burial space, which may be sold. Upon the payment to the Office of the City Clerk of the price of any said burial space(s) by the purchaser, the City Clerk is hereby authorized and empowered to execute and deliver to said purchaser or purchasers a good and sufficient deed. (Ordinance 2007-761 Section 11-64)
- B. The Office of the City Clerk shall maintain the official plat showing the size, location, and description of all blocks, spaces and burial spaces and shall maintain the schedule of prices on file.

Regulation 500.1: At the time of need burial spaces may not be sold on installments. Burial spaces sold in advance (pre-need) must pay in full for both the burial space and the perpetual care fee. Other fees and charges, such as opening/closing, engraving, Saturday services, etc., must be paid at time of interment/inurnment and at the prices then applicable.

RULE 510: CERTIFICATE OF TITLE

The Certificate of Title aka Certificate of Purchase or Deed for any Cemetery burial space will be delivered to any purchaser when the purchase price of the same and the cost of perpetual care has been paid to the Office of the City Clerk in full.

CHAPTER 6: PROPERTY RIGHTS OF SPACE OWNERS

RULE 600: INTERMENT/INURNMENT RIGHTS OF SPACE OWNERS

Deeds may be owned or assigned to individuals or held in joint tenancy with one or more persons or fraternal or veteran organizations. The owner(s) of a certificate of purchase has the right to be interred/inurned in any burial space(s) owned. Owner(s) may direct that any other person be interred there, provided that concurrence in writing from all owners is filed with the City.

The City must be advised of an assignment, to maintain accurate records, and may collect a fee for changing its records to show the change. Pursuant to Rule 710, prepaid burial space(s) may not be sold and owners wishing to sell their burial space(s) must sell them back to the City.

RULE 610: DESCENT OF RIGHT OF INTERMENT/INURNMENT

Burial space(s) may be willed to any person, fraternal or veteran organization. Unused spaces will be presumed to be inherited by the surviving spouse of any owner, or if none, in joint tenancy by all descendants of owners who do not leave a Will. If deceased owners leave no surviving spouse and no Will and have no descendants, ownership of unused spaces reverts to the City.

CHAPTER 7: TRANSFERS OR ASSIGNMENTS

RULE 700: CONSENT OF CITY

Transfer or assignment of any burial space(s) as inherited or as received as a gift shall be recognized by the City upon receipt of legal proof of said transfer of assignment and which shall then be recorded on the books of the City.

RULE 710: REPURCHASE BY THE CITY

- A. A purchaser of a pre-need burial space(s) who later decides he or she does not want said burial space(s) must sell the burial space(s) back to the City for the amount originally paid. No burial space(s) are to be sold other than back to the City.
- B. The payment price will be made to the burial space(s) owner when they have conveyed to the City of Fort Lupton by deed or certificate of title a good and sufficient title or notarized document.

CHAPTER 8: CONTROL OF WORK BY CITY

RULE 800: WORK TO BE DONE BY CITY

Except as otherwise provided herein, all grading, landscape work and improvements of any kind, and all care of spaces, shall be done by the City. All trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed by the City. The City shall make opening or closing of graves and all interments and inurnments. The City shall supervise all disinterment or removals at the Council approved fee plus costs to be determined by the Public Works Manager at the time arrangements for removal are made.

RULE 810: CITY MUST DIRECT AND MAY REMOVE IMPROVEMENTS

All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the Public Works Manager. Should any improvements/alterations be made without the written consent or they become unsightly to the eye, the Public Works Manager shall have the right to remove, alter or change such improvements or alterations at the expense of the owner.

CHAPTER 9: DECORATION OF SPACES

RULE 900: DECORATIONS

- A. Live flowers may be planted and cultivated on any grave at any time as long as they are contained in a flowerpot hole in the foundation and headstone setting.
- B. Artificial or fresh cut flowers may be placed in an unbreakable vase in the headstone setting at any time. However, they will be discarded when dead, faded, broken or anything of a similar nature.
- C. Sprays and wreaths made from fresh cut flowers will be allowed, but they will be removed within two (2) weeks, or if in the Cemetery Superintendent's opinion, when they become unsightly or detrimental.
- D. Christmas blankets and wreaths will be allowed from December 1st through March 1st.
- E. Artificial sprays and wreaths will be allowed at any time. The Public Works Manager or designee shall remove all artificial sprays and wreaths when they become unsightly or blown off of graves.
- F. Bushes or trees of any kind, except rose or peony, are not allowed, including juniper, pfitzer, or the like. Rose bushes or peonies will be allowed as long as they are contained in a headstone setting.
- G. A maximum of two single shepherd's hooks are allowed, directly to the side of and over-hanging the memorial.
- H. The placing of boxes, shells, stones, boulders, toys, metal designs (except for shepherd's hook), ornaments, chairs, settees, vases, glass, urns, fences, wood or metal cases, temporary grave markers and similar articles upon graves, shall not be permitted.
- I. A maximum of six ornaments or decorations, in addition to the shepherd's hooks, subject to approval by the authorized public works personnel, are allowed on the monument foundation and/or base of headstone.
- J. Nothing may be attached in any manner to any surface of the columbarium.

RULE 910: LIABILITY FOR DECORATIONS

The City shall not be held liable for lost, misplaced or broken flower vases, memorabilia, etc. or for damages by the elements, thieves, and vandals or by causes beyond its control. The City reserves the right to regulate the method of decorating spaces and the right to remove any decoration so that a uniform beauty may be maintained.

CHAPTER 10: ROADWAYS AND REPLATTING

RULE 1000: RIGHT TO REPLAT, REGRADE AND USE PROPERTY

The right to enlarge, reduce, and replat and/or change the boundaries or grading of the Cemetery or of a section or sections, from time to time including the right to modify and/or change the locations of, or remove or regrade roads, drives and/or walks, or any part thereof is hereby expressly reserved. The right to lay, maintain and operate or alter or change pipelines and/or gutters for sprinkler systems, drainage, lakes, etc., is also expressly reserved; as well as, the right to use Cemetery purposes, including the interring and preparing for interment of human bodies, or for anything necessary, incidental or convenient thereto. The City reserves for itself and to those lawfully entitled thereto, a perpetual right to ingress and egress over spaces for the purpose of passage to or from other spaces.

RULE 1010: NO RIGHT GRANTED IN ROADWAYS

No easement or right of interment is granted to any space owner in any road, drive, or walk within the Cemetery, without the approval of the Public Works Manager, but such road, drive or walk may be used as a means of access to the Cemetery or buildings as the City devotes to that purpose.

CHAPTER 11: RULES OF CONDUCT

RULE 1100: CHILDREN

Children under fifteen (15) years of age shall not be permitted within the Cemetery or its buildings, unless accompanied by proper persons to care for them.

RULE 1105: REMOVAL OF FLOWERS, ETC, FORBIDDEN

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubs or plants, or feeding or disturbing fish or birds or other animal life within the Cemetery.

RULE 1110: REFRESHMENTS PROHIBITED

No person shall be permitted to have refreshments within the Cemetery grounds. This rule will not prohibit City employees from eating their lunch on the Cemetery grounds in connection with their regular employment.

RULE 1115: LOUNGING ON GROUNDS

Persons shall not be permitted to loiter on any of the grounds, graves, or monuments within the Cemetery, or in any of the Cemetery buildings.

RULE 1120: LOUD TALKING

Loud talking shall not be permitted on the Cemetery grounds. The use of profane language is forbidden.

RULE 1125: VISITOR HOURS

Visitors are welcome on the Cemetery grounds during the regular hours of sunrise to sunset.

RULE 1130: TRASH AND RUBBISH

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

RULE 1135: BICYCLES, VEHICULAR TRAFFIC, AUTOMOBILES, TRUCKS, AND OTHER EQUIPMENT

- A. Automobiles shall not be driven through the Cemetery at a speed greater than fifteen (15) miles per hour.
- B. Heavy hauling, trucks or commercial vehicles, of any kind are not permitted within the Cemetery grounds, except on business or in connection with the Cemetery work, and then only by permission of the Cemetery Superintendent.
- C. No bicycles or motorcycles or all terrain vehicles shall be admitted in the Cemetery except as may be in attendance at funerals or on business.

RULE 1140: 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.

RULE 1145: FIREARMS

No firearms shall be permitted within the Cemetery, except at a military funeral or similar occasion, by a Police Officer, or by special permit from the Cemetery Superintendent.

RULE 1150: NOTICES OR ADVERTISEMENTS

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

However, the City reserves the right to post signs and notices, in appropriate places, in or within the grounds of the Cemetery. Such signage may include Rules of Conduct, visiting hours, or other such information as is necessary to allow everyone to enjoy a peaceful and clean environment.

RULE 1155: DOGS AND OTHER ANIMALS

Dogs, except those used for hearing or visually impaired persons, shall not be allowed in the Cemetery grounds or in any of the Cemetery buildings. The owner or keeper of any dog, which trespasses upon the Cemetery grounds, shall be liable for any damage done by said dog. The City shall not be liable for any damage done by dogs or other animals and does not assume responsibility for keeping dogs or other animals out of the Cemetery grounds.

RULE 1160: HOURS OF CEMETERY GROUNDS

The Cemetery grounds will be open as posted. (Sunrise to Sunset)

It shall be further unlawful for any person to enter the grounds of Hillside Cemetery at any time between sunset and sunrise.

RULE 1165: IMPROPRIETIES

It is of the utmost importance that there should be strict observance of the proprieties of the Cemetery, whether embraced in these rules or not, as no improprieties will be allowed, and the Cemetery Superintendent and/or police officers shall have the power to prevent improper assemblages.

RULE 1170: INJURIES TO CEMETERY GROUNDS, ORNAMENTS AND/OR MONUMENTS

It shall be unlawful for any person to willfully ride or drive upon any place within Hillside Cemetery other than platted driveways, or to willfully tamper, deface, injure or destroy any monument, tomb, grave or gravestone, grass space, walkway, driveway, building or any other part thereof associated with Hillside Cemetery.

RULE 1175: PUBLIC WORKS MANAGER TO ENFORCE RULES

The Public Works Manager is hereby expressly empowered to enforce these rules and regulations, and to exclude from the Cemetery property any person violating the same. The Public Works Manager shall have complete charge of the Cemetery grounds and buildings, and, at all times, shall have supervision of all persons within the Cemetery, including the conduct of funerals, traffic, employees, burial space owners and visitors.

RULE 1180: CITY EMPLOYEES

Employees within the Cemetery grounds shall conduct themselves with decorum at all times and with strict accordance with these rules and regulations, and this applies to outside workers, stone masons, florists, etc., as well as to those persons directly employed by the City.

RULE 1182: FEES, GRATUITIES AND COMMISSIONS MAY NOT BE ACCEPTED BY CITY EMPLOYEES

No person, while employed by the City, shall receive any fee, gratuity or commission, except from the City, either directly or indirectly, under penalty of immediate dismissal. All fees, payments or charges for any Cemetery property or service shall be paid to the City at the Office of the City Clerk.

CHAPTER 12: PROTECTION AGAINST LOSS

RULE 1200: WHEN CITY IS NOT RESPONSIBLE

The City shall take reasonable precautions to protect burial space(s) owners, and the property rights of burial spaces(s) owners, within the Cemetery from loss or damage; but the City 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.

RULE 1210: LIABILITY FOR DAMAGES

Any person damaging, or causing to be damaged, 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 to its former state, without delay, and in a manner satisfactory to the Public Works Manager.

CHAPTER 13: PERPETUAL CARE

RULE 1300: PERPETUAL CARE

Every purchaser of a burial space in a cemetery owned by the City shall be required, in addition to the payment of the price fixed for said space, pay a perpetual care fee in connection with the purchase of such burial space. Such fee shall be in the amount established from time to time by the City Council, which fee shall be invested and the interest thereof shall be used by the City to grade, and seed lawn grass and take perpetual care of the burial spaces for which such fees are paid. It shall be the duty of the Finance Director to keep a separate fund, and the fund so created shall be known and designated as the "Perpetual Care Fund".

Perpetual care of spaces and burial spaces shall be funded through the City's budget until such time as it becomes self-supporting.

Regulation 1300.1: The term "perpetual care", used in reference to burial spaces, columbarium, shall be held to mean the cutting and watering of the grass upon the same at reasonable intervals; the raking and cleaning of the same; and, the general care and pruning of the trees or shrubs that may be placed on the same by the City; meaning and intending the general preservation of burial spaces, columbarium, and the grounds, walks, roadways, boundaries and structures to the end that said grounds shall remain and be reasonably cared for as Cemetery grounds except for circumstances beyond the City's control.

RULE 1310: NO BURIAL OR INURNMENT SPACES SOLD WITHOUT PERPETUAL CARE

All burial or inurnment spaces shall be sold only with perpetual care.

RULE 1320: PERPETUAL CARE EXCEPTIONS

Every purchaser of a burial space in a cemetery owned by the City shall be required, in addition to the payment of the price fixed for said space, to pay a perpetual care fee in connection with the purchase of such burial space. Such fee shall be in the amount established from time to time by the City Council, which fee shall be invested and the interest thereof shall be used by the City to grade, seed lawn grass and take perpetual care of the burial spaces for which such fees are paid. It shall be the duty of the Finance Director to keep a separate fund, and fund so created shall be know and designated as the "Perpetual Care Fund".

The term "perpetual care" shall in no case be construed as meaning the maintenance, repair or replacement of any grave stones, monumental structures or memorial placed or erected on spaces or burial space(s) nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the Cemetery; nor does it mean the reconstruction of any marble, granite, bronze or concrete work on any section or space, nor on any portion or portions thereof in the Cemetery, damaged by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, insurrections, riots, or by the order of any military authority, invasions or causes beyond the reasonable control of the City, whether the damage be direct or collateral, other than as herein provided.

RULE 1330: INVESTMENT OF PERPETUAL CARE FUND

The money received for perpetual care shall be held in trust and invested as provided by law.

RULE 1340: EXPENDITURES LIMITED TO INCOME

At such time when perpetual care becomes self-supporting, perpetual care, whether applied to, burial space(s) or to any space within the confines of the Cemetery, shall be limited absolutely to the income received from the investment of the perpetual care fund. No part of the principal being expended, anything herein stated to the contrary notwithstanding.

RULE 1350: FUNDS MAY BE DEPOSITED WITH OTHERS OF LIKE CHARACTER

It is understood and agreed between the purchaser and the City that any or any or all of said funds may be deposited with others of like character and intent, to the end that the income from such accumulated general fund shall be used for the general improvement and perpetual care as above defined; and, the perpetual care of the Cemetery shall be limited to the net income received from the investment of such funds.

RULE 1360: CITY COUNCIL TO DIRECT EXPENDITURES

The income from the perpetual care fund shall be expended by the City Council in such manner as will, in its judgment, be most advantageous to the property owners as a whole. The City Council is hereby given the full power and authority to determine upon what property, for what purpose, and in what manner the income from said perpetual care fund shall be expended, and it shall deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the cemetery grounds, and, it may also expend said income for attorney's fees and other costs necessary to the preservation of the legal rights of the City.

RULE 1370: AMOUNT OF DEPOSIT

The amount of said perpetual care fund to be collected from the purchases of cemetery burial space(s) shall be set by the City Council.

RULE 1380: RECORD OF PAYMENT INTO PERPETUAL CARE

The record books of the City shall show the amount of the perpetual care fund that has been required of the individual and set aside as herein before stated in each case.

RULE 1390: BURIAL SPACES NOT NOW UNDER PERPETUAL CARE

If any burial is made in a burial space on which the perpetual care has not been paid, the perpetual care for such space shall be paid at the time of, or prior to burial.

CHAPTER 14: PRIVATE MEMORIALS

RULE 1400: PRIVATE MEMORIALS

Any private vault, tomb, sarcophagus, private mausoleum or columbarium is prohibited except when incorporated within a headstone.

CHAPTER 15: RULES FOR MEMORIAL WORK

RULE 1500: MEMORIAL WORK

- A. All memorial or stonework of any kind shall be done by Memorial/Monument Companies.
- B. Letter cutters, persons or firms who engage in the business of stone cutting or cleaning monuments, must notify the Public Works Manager or designated employee before any work in the Cemetery is commenced.
- C. Persons engaging in erecting monuments or other structures are prohibited from attaching ropes or other devices to monuments, trees, or shrubs, and, are prohibited from scattering their materials or tools over adjoining spaces and interment spaces, from blocking roadways or walks, or from leaving their material or tools on the grounds longer than is absolutely necessary. They must do as little injury to the ground, trees, and shrubs as is possible and must remove all debris and restore the ground to its original condition.
- D. Damage done to burial spaces, interment spaces, memorials, walks, trees, shrubs, drives and other property, by the dealers or contractors or their agents, shall be repaired by the City, and the cost of such repair shall be charged to the dealer or the contractor or to his principal.
- E. No material, machinery or other things for the getting of monuments, memorials, or other structures, or the memorials or monuments, or structures themselves shall be brought into the Cemetery until required for immediate use; nor between Friday evening and Monday morning, or between 3:00 p.m. and 8:00 a.m.; and no work shall be done during said time; nor shall such materials be placed on spaces or interment spaces without special permission of the Cemetery Superintendent. Work shall proceed promptly until the erection of the monument or memorial is completed. No work shall be done on legal holidays.
- F. While a funeral, interment or inurnment service is being conducted nearby, all work of any description shall cease.
- G. Approaching the bereaved, and soliciting monument, memorial, or any other type of business within the Cemetery is absolutely prohibited.
- H. Monument and memorial dealers shall abide by the rules of the Cemetery.

RULE 1510: MEMORIAL PLACEMENT

- A. No memorial will be allowed on any space or interment space until the burial space(s) have been fully paid.
- B. Only one memorial for each grave is permitted. Cornerstones are prohibited.
- C. No burial space(s) purchaser shall erect or place, or cause to be erected or placed, on any burial space in the Cemetery, any memorial of which the Public Works Manager disapproves. Iron crosses, wagon wheels, inappropriate memorial design, etc., are out of harmony with the ideals the Cemetery is trying to portray, and are prohibited.
- D. The City disclaims responsibility for any injury to raised lettering, carving, or ornaments on any memorial on any burial space(s) in the Cemetery.

- E. Headstone settings shall be placed at the west end of the grave and shall be limited to maximum of twenty-four inches (24") in depth and the width of the burial space(s).
- F. 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 burial space in the Cemetery. The City reserves the right to remove the same, without recourse, if so planted, erected, or placed.
- G. The use of tiles, bricks, sand, gravel, crushed rock, oyster shell, cinders or other material on any space or interment space in the Cemetery is strictly forbidden. The Public Works Manager may remove any of these used without notice to the burial space owner.

RULE 1520: DESIGN, FINISH, AND WORKMANSHIP

- A. If, in the opinion of the Public Works Manager, the plan or design for any memorial, which on account of size, design, inscription or kind or quality of stone is unsuited to the space or interment space on which it is to be placed or is out of harmony with the general appearance of the section where it is located, he shall so advise the memorial dealer who in such case must alter the design to meet the approval of the Public Works Manager before placing such memorial on any burial space(s).
- B The City reserves the right for the Public Works Manager to stop all work of any nature, whenever, in his opinion, proper preparations therefore have not been made; or when work is being executed in such a manner as to threaten life or property; or when any reasonable request on the part of the Public Works Manager has been disregarded; or when work is not being executed in accordance with specifications; or when any person employed on the work violates any of the Cemetery Rules and Regulations.
- C The completed work is subject to the approval of the Public Works Manager and if unsatisfactory, it may be removed by the Public Works Manager upon approval of the Cemetery Administrator.

RULE 1530: MATERIALS

- A. All memorials or stonework of any kind shall be constructed from first grade, clear, natural stone. No artificial stone of any kind shall be permitted.
- B. No foundation will be placed between Friday evening and Monday morning or Memorial Day weekend.
- C. The City must be contacted for a Monument Foundation Permit, which will provide the grave location and width. Grave space must be located and marked with some type of physical markings by an appointed City employee.
- D. The Monument base must not exceed the width of the burial space(s).
- E. Two footer holes are required for all bases three feet (3') long or longer. One footer hole is required on bases less than three feet (3') long.
- F. All foundations must be inspected by the appointed City employee.
- G. Concrete bases may be cast in place or precast.

Regulation 1530.1 Monument/Memorial companies who wish to schedule a time to place a monument or headstone at the Cemetery must complete the Monument Foundation Permit and allow for forty-eight (48) hours notice.

RULE 1540: MISCELLANEOUS

- A. Should any memorial become unsightly, dilapidated or a menace to the safety of visitors, the Public Works Manager shall have the right to either correct the condition or to remove the same, at the expense of the burial space(s) owner.
- B. No memorial shall be removed from the Cemetery except by the City, unless the written order or permission of the space or interment space owner be presented to the Public Works Manager and permission granted by the Public Works Manager.
- C. By presenting to the Public Works Manager proper written evidence to prove that any person ordering a memorial cannot or will not complete his contract for the purchase of the same, the dealer who sold the said memorial may obtain permission from the Public Works Manager to remove the memorial from the Cemetery. In the event a memorial dealer removes a memorial, it shall be the duty of such memorial dealer to reimburse the City for the expense of returning the Cemetery space or interment space to its original condition. The City shall, at no time, be responsible or liable for the removal of any memorial before granting permission for the removal of the same, may require written guarantee or bond from the person or dealer removing the same in favor of the City to protect, and save the City harmless from any and all liability of whatever kind or nature.

CHAPTER 16: MEMORIAL FUND

RULE 1600: MEMORIAL FUND

The City of Fort Lupton has established a dedicated memorial fund for the Hillside cemetery. These donations are to be held in trust to be utilized as indicated by the donor. It shall be the duty of the Finance Director to keep a separate fund, and the fund so created shall be known and designated as the "Memorial Fund".

RULE 1605: PURPOSE; DESIGNATED –VS- UNDESIGNATED

Generally, the purpose of the Memorial fund shall be to improve the infrastructure and facilities of the Cemetery, to memorialize its inhabitants, to enhance its visual identity to provide a sanctuary for loved ones, and to enrich the heritage of the community.

Designated: Donations for the Memorial Fund that are designated shall be held in trust to expend in strict accordance with the desires of the donor. The City reserves the right to refuse any designated donation that does not, in its opinion, meet the stated purpose of the Memorial Fund.

Undesignated: Donations for the Memorial Fund that are not designated for a specific purpose may be utilized for any lawful activity authorized by the City Council that help to meet the stated purpose of the Memorial Fund. Unless otherwise specified by the donor, donations that are not designated will be held for one hundred eighty (180) days to provide time for the donor to designate the funds for a specific purpose.

RULE 1610: INVESTMENT OF MEMORIAL FUND

The money received from donations or from accumulated earnings shall be held in trust and invested as provided by law.

RULE 1620: EXPENDITURES LIMITED TO INCOME

Expenditures from the Memorial Fund shall be limited to donations received and income earned from the Memorial Fund.

RULE 1630: FUNDS MAY BE DEPOSITED WITH OTHERS OF LIKE CHARACTER

It is understood and agreed between the donor and the City that any or all of said funds may be deposited with others of like character and intent, to the end that the income from such accumulated funds shall be used for the purposes designated by the donor or for general improvements for the cemetery as determined by the City Council if no designation is made.

RULE 1640: CITY COUNCIL TO DIRECT EXPENDITURES

Unless designated by a donor, the income from the Memorial Fund will be expended by the City Council in such manner as will, in its judgment, benefit the Cemetery – its grounds, infrastructure and facilities. The City Council is hereby given the full power and authority, but will consider input from the Cemetery Committee, to determine where, for what purpose, and in what manner the income from said Memorial Fund shall be expended, and it shall deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the cemetery.

RULE 1650: RECORD OF DONATION

The record books of the City shall document the amount of any donations to the Memorial Fund.

CHAPTER 17: GIFTS AND DONATIONS

RULE 1700: GIFTS AND DONATIONS

Gifts, donations, bequests, etc., made on behalf of the Hillside Cemetery, whether through the Cemetery Fund or Memorial Trust Fund are valuable sources of revenue for the Cemetery and can help the City make improvements, beautify the grounds, or purchase equipment that might not otherwise be possible based on existing funds. As a result, it is important to protect the integrity of the gift, to ensure that the funds are used appropriately, and that the donor is properly recognized.

- A. The Finance Director shall properly account for gifts, donations, bequests, etc. The City shall track, if possible, the name and address of the donor, date of the donation, amount, designation or purpose, and source if the donation is made on behalf of another.
- B. Physical gifts, such as trees, plants or shrubbery, shall require the approval of the Public Works Manager or his/her designee to ensure that the gift is appropriate for the Cemetery and to establish a proper location for the gift.
- C. All gifts, regardless of size or type, should be acknowledged and recognized as soon as possible. The Finance Department will send a letter of appreciation to any donor who includes their name and address.
- D. Significant gifts will be presented to the City Council for special recognition. In addition, the City may take additional measures, other than by letter, to show its appreciation. Such measures include, but are not limited to, public recognition, plaques and certificates, and/or signage.

RULE 1710: INVESTMENT OF FUNDS

The money received from gifts or donations may be held in trust and any funds not expended for the purpose in which they were donated may be invested, while held by the City of Fort Lupton, as provided by law.

RULE 1720: EXPENDITURES LIMITED TO INCOME

It is expected that most gifts will be small amounts that may not, in its totality, be of sufficient amount to accomplish the purpose of the donor. As a result, the City will hold the funds until the purpose can be accomplished.

RULE 1730: FUNDS MAY BE DEPOSITED WITH OTHERS OF LIKE CHARACTER

It is understood and agreed between the donor and the City that any or all of said funds may be deposited with others of like character and intent, to the end that the income from such accumulated monies shall be used for the purposes established by the donor.

RULE 1740: CITY COUNCIL TO DIRECT EXPENDITURES

The income from gifts and donations shall be expended by the City Council in such manner as will, in its judgment, accomplish the stated goal/purpose of the donor pursuant to the City's financial policies.

APPENDIX "A"

DEFINITIONS

The word and terms used in this handbook have the meaning indicated as follows, unless the context in which the word is used clearly indicates otherwise:

Block means a platted section of the cemetery that contains multiple lots and burial spaces.

Burial Space means a single space, or space, within a platted block and lot designated for the interment/inurnment of one body or cremains.

Cemetery means a burial park for the permanent disposition of the remains of a deceased person.

Cemetery Administrator means the City Administrator or his designee.

Columbarium means a sepulcher vault with recesses in the walls designated for the inurnment of cremains.

Headstone Setting means an area for a monument or memorial marker, to be located on the west end of a burial space(s) and limited to a maximum of twenty-four inches (24") in width and the depth of the burial space(s).

Immediate Family means parents, children, spouses and siblings only.

Infant means children less than three (3) years of age.

Interment means the permanent disposition for the remains of a deceased person by earth or crypt burial.

Inurnment means the permanent disposition of the cremated remains of a deceased person by earth or columbarium.

Lot means a platted space within the Cemetery consisting of more than one burial space.

Memorial means an approved monument, marker, tablet or headstone for family or individual use.

Perpetual Care means the general care and ongoing maintenance of the grounds, shrubs, walks, roadways, boundaries and structures within the Hillside Cemetery.

Attachment "B"
Resolution 2017R048

HILLSIDE CEMETERY FEES AND CHARGES EFFECTIVE JANUARY 1, 2018

BURIAL SPACES		
ADULT BURIAL		
Pre Need:		
Site	\$1,000.00	
Perpetual Care	\$525.00	
Total Pre-Need:		\$1,525.00
At Interment:		
Opening/Closing	\$1,100.00	\$1,100.00
Total Adult Burial:		\$2,625.00

INFANT BURIAL		
Pre-Need		
Site:	\$300.00	
Perpetual Care	No Fee	
Total Pre-Need:		\$450.00
At Interment:		
Open/Closing	\$300.00	\$300.00
Total Infant Burial:		\$750.00

COLUMBARIUM			
Single Niche	First Inurnment	Second Inurnment	
Pre-Need:			
Section (Inurnment Space)	\$650.00		
Perpetual Care	\$150.00		
Total Pre-Need:	\$800.00		
At Inurnment:			
Opening/Closing	\$150.00	\$150.00	
Engraving	\$170.00	\$170.00	
Total at Inurnment:	\$320.00	\$320.00	
Total Columbarium Inurnment:	\$1,120.00	\$320.00	

OTHER	
Cremains Opening/Closing (on existing lot)	\$530.00
Disinterments (grave) plus costs	Cost + \$2,500.00
Disinurnments (cremains for lot or columbarium) plus costs	\$225.00
Saturday Services	\$800.00
Approved Monument Foundation Setting Fee	\$100.00
90 day hold for per burial space (nonrefundable)	\$125.00
Delayment of Arrival	\$150.00 per hour

Note: Fee structure for Columbarium is based on one section (inurnment space).

APPENDIX "C"
CEMETERY SIGNAGE
HILLSIDE CEMETERY RULES & REGULATIONS

1. Live flowers may be planted and cultivated on any grave at any time as long as they are contained in a flowerpot hole in the foundation and headstone setting.
2. Artificial or fresh cut flowers may be placed in an unbreakable vase in the headstone setting at any time. However, they will be discarded when dead, faded, broken or anything of a similar nature.
3. Sprays and wreaths made from fresh cut flowers will be allowed, but they will be removed within two (2) weeks, or if in the Cemetery Superintendent's opinion, when they become unsightly or detrimental.
4. Christmas blankets and wreaths will be allowed from December 1st through March 1st.
5. Artificial sprays and wreaths will be allowed at any time. The Public Works Manager or designee shall remove all artificial sprays and wreaths when they become unsightly or blown off of graves.
6. Bushes or trees of any kind, except rose or peony, are not allowed, including juniper, pfitzer, or the like. Rose bushes or peonies will be allowed as long as they are contained in a headstone setting.
7. A maximum of two single shepherd's hooks are allowed, directly to the side of and overhanging the memorial.
8. The placing of boxes, shells, stones, boulders, toys, metal designs (except for shepherd's hook), ornaments, chairs, settees, vases, glass, urns, fences, wood or metal cases, temporary grave markers and similar articles upon graves, shall not be permitted.
9. A maximum of six ornaments or decorations, in addition to the shepherd's hooks, subject to approval by the authorized public works personnel, are allowed on the monument foundation and/or base of headstone.
10. Nothing may be attached in any manner to any surface of the columbarium.

The City shall not be held liable for lost, misplaced or broken flower vases, memorabilia, etc. or for damages by the elements, thieves, and vandals or by causes beyond its control. The City reserves the right to regulate the method of decorating spaces and the right to remove any decoration so that a uniform beauty may be maintained.

APPENDIX "D" MAP OF CEMETERY



Revised 7/16/2004