

CEMETERY

RULES & REGULATIONS

Rules and Regulations concerning the Walden, Jackson County, and Rand Cemeteries

1. INTRODUCTION

These rules and regulations are adopted as the RULES AND REGULATIONS FOR THE OPERATION OF JACKSON COUNTY CEMETERIES and are for the mutual protection of all burial space owners and Jackson County.

All burial space owners, visitors, cemetery employees, persons working directly or indirectly for burial space owners, and all lot(s) or burial space(s) 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 Jackson County from time to time. The reference to these Rules and Regulations in the sales transaction form or any other document shall have the same force and effect as if set forth in full therein. Any and all work to be done in the Jackson County Cemeteries require the permission and notification of the *Jackson County Maintenance Supervisor* prior to beginning work.

Request or complaints should be directed to:
Jackson County Board of Commissioners
PO BOX 337
396 LaFever Street
Walden, CO 80480

2. DEFINITIONS

BURIAL RECEPTACLE/VAULT- Container designed to enclose a casket for burial purposes

BURIAL SPACE- A single space within a platted lot designed for the interment of one human body

CEMETERY- A burial park for earth burial owned by Jackson County including:

- (a) all land dedicated, reserved or used for interment purposes;
- (b) all vegetation therein;
- (c) all graves or other interment spaces therein;
- (d) all works of art therein;
- (e) all roads and other structures of every kind therein;
- (f) all equipment and facilities incident to the operation of the cemeteries.

COUNTY- Jackson County, Colorado

COMMISSIONERS BOARD- The Board of County Commissioners of Jackson County

CREMAINS- Cremated remains of a human body

DISINTERMENT- The removal of the buried remains of a deceased person, the casket, if any, and the burial receptacle from the ground

INTERMENT- The permanent disposition of the remains of a deceased person by earth burial

LOT- A plotted lot within a cemetery consisting of two burial spaces,
measuring 8'x12' in the Jackson County Cemetery
measuring 8'x8' in the Walden Cemetery
measuring 10'x10' in the Rand Cemetery

MEMORIAL- A marker or headstone for family or individual use

MONUMENT- Same as memorial

PERPETUAL CARE- The general maintenance of lots and burial spaces including but not limited to cutting and watering the grass upon the same at reasonable intervals, cleaning the same, filling in sunken burial spaces. Such care is, of course subject to weather conditions and other factors beyond the control of the County. The term "perpetual care" shall in no way be construed as meaning the maintenance, repair or replacement of any monument placed on lot(s) or burial space(s); nor the maintenance or doing of any special or unusual work; nor the repair or reconstruction of any marble, granite, bronze or concrete work on any section(s), lot(s) or any portion or portions thereof damaged by the elements, and act of God, common enemy, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, insurrections, riot, or by order of any military or civil authority, invasions or causes beyond the reasonable control of the County, whether the damage be direct or collateral.

3. OWNERSHIP AND MANAGEMENT

3.1. OWNED BY THE COUNTY

3.1.1. Walden, Jackson County, and Rand Cemeteries are owned and managed by the County of Jackson.

3.2. CONTROL BY COUNTY

3.2.1. The Jackson County Board of Commissioners has the right of general control of the cemeteries in all matters, whether or not they are specifically covered by these Rules and Regulations.

3.3. MANAGEMENT

3.3.1. The operation of the Cemeteries shall be under the direction of the Jackson County Clerk & Recorder and the *Jackson County Maintenance Supervisor*, who, in turn, shall be responsible to the Jackson County Board of Commissioners for complete supervision of the cemeteries in all matters.

3.4. COUNTY COMMISSIONERS TO ENFORCE RULES

3.4.1. The Jackson County Board of Commissioners will enforce these Rules and Regulations. If any funeral director or other individual involved in the funeral or cemetery business is found to have violated these Rules and Regulations, such individual may be excluded from the cemeteries. The individual will be notified by certified mail and will have thirty (30) days to present his case to the Board of County Commissioners.

3.5. ADMISSION TO CEMETERIES

3.5.1. The County reserves the right to refuse admission to the cemeteries and to refuse the use of any of the cemetery facilities to any person or persons whom may be deemed objectionable to the best interest of the cemeteries.

3.6. BUSINESS OFFICE

3.6.1. All fees, payments or charges for any cemetery property or service shall be paid at the Jackson County Courthouse, Clerk & Recorder's office. All applications for purchase, transfer, assignment or repurchase of cemetery lots, interment, disinterment orders, foundation and monument locations or special permits of any kind shall be made at the Jackson County Courthouse.

3.7. COUNTY NOT RESPONSIBLE FOR DAMAGE

3.7.1. The County shall take reasonable precautions to protect lot owners and lot(s) from loss or damage, however, the County disclaims any responsibility for loss or damage from causes beyond its reasonable control, including but not limited to damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage is direct or collateral.

3.8. LIABILITY FOR DAMAGE

3.8.1. Any person damaging, or causing to be damaged, any cemetery property, whether owned by the County 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 Board of County Commissioners.

3.9. COUNTY SHALL NOT DISCRIMINATE

3.9.1. All decisions made by the County and its employees in connection with the operation of the cemeteries shall be made without regard to race, creed, color, national origin, sex, marital status, religion, ancestry, mental or physical handicap or age.

4. CONTROL OF WORK BY COUNTY

4.1. WORK TO BE DONE BY COUNTY

4.1.1. Except as otherwise provided herein, improvements of any kind, and all care of lot(s), shall be done, and all opening or closing of graves and all interments, disinterment, or removals shall be made by the County, who may contract with outside vendors to do such work.

4.2. COUNTY MUST DIRECT AND MAY REMOVE IMPROVEMENTS

4.2.1. All improvements or alterations of property in the cemeteries shall be under the *direction* of and subject to the consent, satisfaction, and approval of the Board of County Commissioners, and should such changes be made without its consent, or, in the event that at any time, in its judgement, they become unsightly to the eye, the Board shall have the right to remove, alter or change such improvements or alterations at the expense of the lot or burial space owner.

5. ROADWAYS AND REPLATTING

5.1. RIGHT TO REPLAT, REGRADE, AND USE PROPERTY

5.1.1. The right to enlarge, reduce, re-plat and/or change the boundaries of the cemeteries is hereby expressly reserved. The right to maintain and operate is also expressly reserved; as well as is the right to use cemetery property, not sold to lot or burial space owners, for cemetery purposes, including the interring and preparing for interment of human bodies, or for anything necessary, incidental or convenient thereto. The County reserves for itself, and to those lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purpose of passage to and from other lots.

5.2. NO RIGHT GRANTED IN ROADWAYS

5.2.1. No easement or right of interment is granted to any lot or burial space owner in any road, drive or walk within the cemeteries, but such roads, drives, or walks may be used as a means of access to or within the cemetery.

5.3. RIGHT TO CLOSE ROADWAYS

5.3.1. The Board of County Commissioners shall have the right, at any time, to close any road, drive, or walk.

6. SERVICE CHARGES

6.1. PAYMENT OF CHARGES

- 6.1.1. The amount of rates of all charges shall be established by the Board of County Commissioners. All charges for any service rendered must be paid for at or prior to the time such services are rendered. The payment of the cemetery service charges relating to interment must be made at the time of interment.

7. PURCHASE OF THE RIGHT OF INTERMENT; ABANDONMENT

7.1. APPLICATIONS FOR PURCHASE

- 7.1.1. Applications for the purchase of the right of interment in lots or burial spaces must be made at the Jackson County Courthouse, County Clerk and Recorder's office, where plats showing the size and location of all lots and the schedule of prices will be kept on file.

7.2. AGREEMENT CONVEYS ONLY THE RIGHT OF INTERMENT

- 7.2.1. All sales agreements shall grant to the purchaser the right to use such lots for interment of human remains, only, subject to these rules and regulations. The fee title to all lots and burial spaces shall remain in the County, subject to the right of interment conveyed to the purchaser.

7.3. ERRORS MAY BE CORRECTED

- 7.3.1. The County reserves the right to correct any errors made by it in the description of the location of the lot or burial space to which the right of interment is conveyed, either by cancelling the sale and substituting in lieu thereof other burial space(s) or lot(s) of equal value and in a similar location as far as possible, or, in sole discretion of the County by refunding the amount of money paid on account of said purchase.

7.4. SINGLE BURIAL SPACES

- 7.4.1. Single burial spaces are available in the Jackson County Cemetery. These spaces are in Section 8, Block D, Lots 15 through 19. The Jackson County Cemetery has a Baby Section which is Section 1, Block C & D, Lots 1 through 7. The County Section is Section 1, Block C & D, Lots 16 through 24. ~~***What does "County" section mean?***~~

7.5. PAYMENT

- 7.5.1. Any available lot(s) or burial space(s) may be reserved by pre-payment in full.

7.6. ABANDONMENT BURIAL SPACES

- 7.6.1. **Reversion:** The right of interment in any unoccupied burial space shall, upon abandonment, revert to the County.

- 7.6.2. **Presumption:** Failure to intern in any burial space after sixty (60) years from the date of purchase shall create a presumption that the same has been abandoned; except that this presumption shall not apply when a letter of intent is filed by the

owner or the owner's heirs or assigns stating that the owner intends to keep specified burial spaces vacant.

7.6.3. **Notice Required:** Abandonment shall not be deemed complete unless the owner or his or her heirs or assigns shall be notified of the abandonment in writing, mailed to the owner's last known address by the Clerk and Recorder's office. In the event that the address of the owner or his or her heirs cannot be ascertained, then notice of such abandonment shall be given by publishing the same in a local newspaper once a week for two (2) weeks.

7.6.4. **Failure to Reply:** If the owner or his or her heirs or assigns fails to inform the County Clerk of an intention to retain the burial space(s) within sixty (60) days after the date of the Notice of Abandonment was mailed or after final publication of such notice, the abandonment shall become final and the County may thereafter sell, transfer, and convey the right to interment therein. The funds derived from any sale of an abandoned space shall be deposited in, and become a part of, the Cemetery Fund.

8. TRANSFER AND ASSIGNMENTS

8.1. REPURCHASE BY THE COUNTY

8.1.1. If, for any reason, it becomes necessary for any lot or burial space owner to dispose of his or her interest in any burial space, the owner may make application at the County Clerk's office for the repurchase of such spaces. No transfer or assignment will be allowed. The purchase price of the lot(s) or burial space(s) will be refunded to the purchaser, and the lot(s) will revert back to the County for resale.

9. PERPETUAL CARE

9.1. PERPETUAL CARE MANDATORY

9.2. PERPETUAL CARE FEE

9.2.1. The perpetual care fee is included in the plat fee at this time.

9.3. LOTS NOT NOW UNDER PERPETUAL CARE

9.3.1. There is not perpetual care at the Rand Cemetery.

10. INTERMENTS

10.1. SUBJECT TO LAWS AND ORDERS

10.1.1. In addition to these rules and regulations, all interments shall be subject to the orders and laws of Jackson County and the State of Colorado.

10.2. DISPOSITION- REMOVAL PERMIT REQUIRED

10.2.1. A disposition removal permit issued by the Colorado Department of Health, or, if the death occurred outside Colorado, a similar permit issued by the state in which the death occurred, is required prior to any interment. Such permit must be provided by the Funeral Director to the County.

10.3. MANNER AND CHARGES

10.3.1. All interment must be made in the manner set by the Board of County Commissioners only upon payment of the applicable charges.

10.4. TIME AND SCHEDULING

10.4.1. All interments must be scheduled through the County Clerk's office. Extra charges will be made for funerals on Saturdays, Sundays, or Holidays observed by Jackson County. ~~** extra fees for winter burial due to additional plowing/thawing??~~

10.5. NOTICE OF INTERMENT REQUIRED

10.5.1. Any reservation for an interment will require a 72 hour period for preparation of lot(s) or burial space(s). ~~** is this sufficient time in the winter**~~

10.6. CASKET NOT TO BE DISTURBED

10.6.1. Once a casket or other burial receptacle containing a body is in the confines of a 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 touch the body without the written consent of the legal representatives of the deceased or a court order.

10.7. EMERGENCY INTERMENTS

10.7.1. Arrangement for emergency interments must be made through the Board of County Commissioners upon proof of emergency.

10.8. INTERMENTS INVOLVING VIRULENT CONTAGIOUS DISEASES

10.8.1. Advance notice must be given to the County of the intention to inter the remains of any person who died of a virulent contagious disease so that a proper time may be appointed for the interment and proper arrangements made for the protection of the public and the cemetery crew.

10.9. EQUIPMENT

10.9.1. Artificial grass, lowering devices, and other equipment owned by the County shall be used in making interments except that equipment owned by private parties may be used in lieu of equipment owned by the County.

11. DISINTERMENT

- 11.1. In addition to these Rules and Regulations, all disinterment shall also be subject to any and all applicable order and laws of Jackson County and the State of Colorado.
- 11.2. Consistent with C.R.S. 148-13-101, no disinterment of a body will be made from the Jackson County Cemeteries without either a court order of a court of competent jurisdiction or a signed affidavit from the surviving spouse or next of kin, on a form provided by the County, stating that the disinterment is being requested for a valid reason, that the application is being made by a proper person, that there is no opposition to the disinterment by the surviving spouse, next of kin, or by the expressed wishes of a decedent, and that the affiant agrees to indemnify the County and hold it harmless from any liability that might result from the disinterment and release it from any claims the affiant may have, then or in the future by reason of the disinterment. A certified copy of determination of heirship from the Probate Court shall be attached to the foregoing affidavit. The Board of County Commissioners shall have the right to require a court order for disinterment at any time prior to the disinterment when circumstances exist or arise which indicate that there is a question as to the reason for the disinterment or as to whether there is opposition to the disinterment.
- 11.3. Disinterment of a body so that the lot or burial space may be sold for profit to the heirs of the deceased or to any other persons or removal contrary to the expressed or implied wish of the original lot or burial space owner is repugnant to the ordinary sense of decency and is absolutely forbidden.
- 11.4. The County reserves the right to require at least ten (10) days notice prior to any disinterment. No disinterment will be made on any Saturday, Sunday, or legal holiday or on the day upon which any holiday is legally observed.
- 11.5. All fees assessed by the County for disinterment shall be paid to the County prior to the disinterment.
- 11.6. The services provided in connection with disinterment include removing the remains of the deceased, the casket, if any, and the burial receptacle, placing the same on top of the ground, and back filling the empty burial space. The County shall exercise the utmost care in carrying out a disinterment but is assumes no liability for damage to any casket, burial receptacle or any other property during the disinterment process.
- 11.7. No disinterment shall be permitted prior to the receipt by the County of the requisite authorization from the state registrar or his/her duly designated local representative pursuant to C.R.S. 25-2-11.

12. DECORATION OF LOTS AND BURIAL SPACES

12.1. JACKSON COUNTY AND WALDEN CEMETERIES

- 12.1.1. Under no circumstances may glass vases be placed on the grounds.
- 12.1.2. No live flowers may be planted or cultivated on any burial space at any time.
- 12.1.3. Bushes or trees of any kind are not allowed on any burial space at any time.
- 12.1.4. The *Jackson County Maintenance Supervisor* may order the removal of decorations if they become unsightly.
- 12.1.5. No fences will be allowed around burial lot(s) or space(s) in the Walden Cemetery with the exception of fencing already present on December 31, 1994. If any of the fencing present on December 31, 1994 is removed, no fencing will be allowed to replace it. All fencing must be maintained in good condition ~~by the lot owners, heirs or assigns~~ or it is subject to removal by the County.
- 12.1.6. *Artificial flowers and other permitted decorations will be removed by the County after a period of two (2) weeks. Permitted decoration may be allowed for a period beyond this two (2) week period if the family/heirs perform the necessary maintenance such as weeding to retain the appearance of the cemetery.*

-or-

The County does not wish to unnecessarily interfere with a family's choice of memorialization. However, in justice to other lot owners and to preserve the beauty and harmony of the cemeteries, the Board of County Commissioners and the Jackson County Maintenance Supervisor reserve the right to remove any structure or object that it deems injurious to the general appearance of the grounds, or after a period of two (2) weeks to allow for the mowing and maintenance efforts of the County. If a family chooses to maintain the gravesite themselves, permitted decorations may remain for a period in excess of the two (2) week period. The County further reserves the right to approve or reject any proposed memorial, monument, etc.

13. MEMORIALS, MONUMENTS, ETC.

13.1. MISCELLANEOUS

- 13.1.1. All memorials and monuments shall be flat bronze or flat granite type in the new Jackson County Cemetery.
- 13.1.2. Should any memorial or monument become unsightly, dilapidated, or a menace to the safety of visitors, the Board of County Commissioners shall have the right to either correct the condition or remove the same at the expense of the lot owner.
- 13.1.3. No monument or memorial shall be removed from the cemeteries except by the County unless the written order or permission of the lot owner is presented to the County and permission is granted by the Board of County Commissioners.

14. AMENDMENTS, EXCEPTIONS, AND MODIFICATIONS

14.1. AMENDMENTS

14.1.1. The County may, and it hereby expressly reserves the right, to adopt new rules or regulations or to amend, alter, and/or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations. Such new or amended Rules and Regulations shall be binding on the owners of all lot(s) and burial space(s) regardless of the date such owner acquired the right of interment.

14.2. EXCEPTIONS AND MODIFICATIONS

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

ANY AND ALL WORK DONE IN THE JACKSON COUNTY CEMETERIES REQUIRES THE NOTIFICATION AND APPROVAL OF THE JACKSON COUNTY CLERK AND RECORDER AND THE JACKSON COUNTY MAINTENANCE SUPERVISOR.

CONCRETE VAULTS ARE REQUIRED IN ALL JACKSON COUNTY CEMETERIES. THE COSTS OF THESE VAULTS WILL BE CHARGED AT THE CURRENT COSTS CHARGED TO THE COUNTY BY THE SUPPLIER.

BOARD OF COUNTY COMMISSIONERS
JACKSON COUNTY, COLORADO

Betsy Blecha
Chair
Board of County Commissioners

Daniel E. Manville
County Commissioner

Jeff Benson
County Commissioner

May 31, 2017

PURCHASE OF LOTS

Walden, Rand, and Jackson County Cemeteries

\$100.00 per lot consisting of two burial spaces measuring:

8'x12' in the Jackson County Cemetery

8'x8' in the Walden Cemetery

10'x10' in the Rand Cemetery

Single graves sites measuring 8'x6' will be allowed in the Jackson County Cemetery in Block 8, Section D, Lots 15 through 19 at a cost of \$50.00. *any particular circumstances/reasons for burial here?*

OPENING AND CLOSING OF GRAVESITES **FEES**
Walden, Rand, and Jackson County Cemeteries

CASKET BURIAL

- OPENING/CLOSING- \$400.00
- VAULTS-will be charged at purchase price- see Clerk & Recorder for current pricing (est. \$500.00)
- * For *funerals burials* requiring work on Holidays and/or weekends, an additional \$100.00 will be charged.

CREMAINS

- \$100.00
- * For *funerals burials* requiring work on Holidays and/or weekends, an additional \$100.00 will be charged.

GRAVE LOCATION FEE

- Walden, Rand, and Jackson County Cemeteries
 - \$25.00

DISINTERMENT FEE

- CASKET- \$1,200.00
- URN- \$600.00