

**CITY OF BRIGHTON CEMETERIES
2017-2018**

I. BRIGHTON MUNICIPAL CODE

- a. Section 2.44.010 of the Brighton Municipal Code allows the City Council to establish rules and regulations for the operation of the Brighton cemeteries.
- b. The following Rules and Regulations, duly enacted by the City Council of the City, shall be binding on the owners of all lots in the Brighton cemeteries regardless of the date such owner acquired title. Any subsequent amendments to these Rule and Regulations are incorporated herein by this reference.
- c. These Rules and Regulations are intended to supplement the provisions of Article 2-44 of the Brighton Municipal Code and any conflict therewith shall be superseded by the Code.

II. OWNERSHIP AND MANAGEMENT

- a. The Brighton Cemeteries are owned and managed by the City of Brighton.
- b. The Brighton City Council has the right of general control of the Brighton cemeteries in all matters, whether or not such matters are specifically set forth in these Rules and Regulations.
- c. The Brighton Cemeteries are under the direction and control of the Parks and Recreation Department Director, who may delegate such authority to the Cemetery Manager or other appropriate designee. The Parks and Recreation Director and the Cemetery Manager shall have supervisory responsibility for all activities within the Brighton cemeteries. In the Rules and Regulations, when approval is at the discretion of the Cemetery Manager, the exercise of such discretion by the Cemetery Manager is subject to the final authority of the Director of Parks and Recreation.
- d. City Council will annually adopt a schedule of fees and costs for all City cemeteries.
- e. Although the City of Brighton takes reasonable precautions to protect each lot owner's property within the City's cemeteries from loss or damage, the City is not responsible for any loss or damage resulting from the elements (such as wind, rain, snow, flood, etc.), an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, or insurrections, whether the loss or damage is direct or collateral, other than herein provided.

III. PURCHASE OF LOTS

- a. All gravesites at the Elmwood and Fairview cemeteries are sold for cash and all sales are final.

- b. The selection of lot spaces will be made exclusively at the cemeteries.
- c. Names of gravesite purchasers will be kept on file. Documents or Certificates identifying lot spaces allow the owner(s) the right and license to burial and placement of memorials only and are subject to applicable law and these Rules and Regulations.
- d. Gravesite lots will only be sold Monday through Friday, except on holidays, during normal business hours.
- e. Gravesite lots which have been sold, shall not be re-purchased by the City.
- f. Gravesites for infants are considered to be three feet by four feet. Any grave greater than four feet in length is considered an adult gravesite.
- g. A schedule of fees and costs is posted in the cemetery office. Such fees and costs are subject to change by resolution of the City Council.
- h. A plot book showing available gravesites and their location is located in the cemetery office.
- i. When purchasing a full size gravesite, the purchaser will determine, at the time of purchase, whether there is to be one burial or one burial with up to four (4) cremations at that site or up to eight (8) cremations at that gravesite. Each grave may have no more than one upright monument and one flat marker.
- j. A cemetery deed conveys only the right of interment, and does not grant to the holder any right or interest in real property. All sales agreements shall grant to the purchaser the right to use such burial spaces for interment of human remains or the interment of human remains with the cremated remains of pets, subject to these Rules and Regulations.
- k. **Discount for Veterans and Their Spouses.**
 - (i) Veterans killed in action and the surviving spouse of a Veteran killed in action who are residents of Brighton at the time of burial will receive a one hundred percent (100%) discount on the purchase of a burial space at either Elmwood or Fairview Cemetery. The discount applies only to the burial space and does not include the fees for opening and closing or perpetual care.
 - (ii) Upon the presentation of form DD 214, Honorably Discharged Veterans and their spouse who are residents of Brighton at the time of burial will receive a ten percent (10%) discount on the purchase of a burial space at either Elmwood or Fairview Cemetery. The discount applies only to the burial space and does not include the fees for opening and closing or perpetual care.
- l. **Determination of Residency.** To be eligible for the 'Resident Rate' for burial at the Cemeteries of Brighton, the person to be interred in the grave space shall satisfy one of the following conditions:
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- (i) Ownership or rental of property within the corporate limits of the City of Brighton (verification of the payment of City of Brighton property taxes); or
 - (ii) Ownership of a business located within the corporate limits of the City of Brighton (verification of a business license and sales tax license issued by the City of Brighton and verification of payment of City of Brighton property taxes); or
 - (iii) Wards of the State living in a group home located within the corporate limits of the City of Brighton; or
 - (iv) Military personnel/families who maintain an address within the corporate limits of the City of Brighton; or
 - (v) Citizens of Brighton who are registered to vote in the City of Brighton; or
 - (vi) Full time City employee receiving benefits (or retired full time employee receiving benefits); or
 - (vii) A person who was a resident of the City of Brighton prior to placement in a nursing home or other assisted living facility located outside of the corporate limits of the City of Brighton within five (5) years preceding the requested interment in a Brighton cemetery; or
- m. **Acceptable Proof of Residency.** The following are acceptable proof that the person to be interred is/was a resident of the City of Brighton:
- (i) A current Colorado Driver's License with a City of Brighton address;
 - (ii) A current Colorado motor vehicle registration with a City of Brighton address;
 - (iii) A Lease Agreement for property within the corporate limits of the City of Brighton, with a term of at least one year;
 - (iv) A current City of Brighton utility bill with address within the corporate limits of the City of Brighton;
 - (v) Property tax records
 - (vi) Note: If the person to be interred resided at a nursing home or other assisted living facility at time of interment, two of the above will be accepted to verify residency within one year of passing.
- n. **Payment Plan.** Cemetery Lots may be purchased through a payment plan, according to the requirements set forth below and in the *Sales Agreement Brighton Cemeteries*:
- (i) The payment plan is only available for the costs associated with purchase of the grave site and perpetual care, and NOT for the costs for opening and closing, which costs are payable at the time of burial.
 - (ii) An administrative fee in the amount of One Hundred Dollars (\$100.00) is due for each grave site to be purchased under the payment plan. The administrative fee is in addition to the costs for the purchase of the grave site and perpetual care.
 - (iii) In order for a burial to take place, the grave site and open-closing costs must be paid full.

- (iv) A headstone will NOT be set on any grave site for which all of the required costs have not been paid in full. If more than one grave site is being purchased, the headstone will only be placed on the grave site(s) for which full payment has been received.
- (v) Everyone participating in the payment plan must execute the *Sales Agreement Brighton Cemeteries* and comply with all of the terms thereof.

IV. TRANSFERS

- a. Transfer of any gravesite lot or interest therein shall be valid only with the written/notarized consent of all interested parties.
- b. The original deed must be provided at the office of Elmwood Cemetery. A new Deed will be prepared and recorded.
- c. If the original deed or certificate of title cannot be produced, legal proof of ownership shall be provided to the City, together with a notarized affidavit indemnifying the City from any claim associated with said transfer.
- d. All transfers shall be made at the office of Elmwood Cemetery, 14800 Old Brighton Road, Brighton Co. 80601, phone # 303-655-2090 during normal business hours.
- e. In the absence of a specific disposition of a burial space in the owner's last will and testament, the lot or burial space shall, upon the death of the owner, descend according to the intestate rules of succession as described in the state statues. It shall be the responsibility of the descendants to provide legal documentation of heirship to the City prior to, and as a condition of, the transfer of any lot or burial space.

V. INTERMENT

- a. Interment will be scheduled only after presentment of the original deed or certificate of title and after all required fees and costs have been paid for the gravesite. If the original deed or certificate of title cannot be produced, legal proof of ownership shall be provided to the office at Elmwood Cemetery, together with a notarized affidavit indemnifying the City from any claim associated with said interment.
- b. Requests for funerals received on a Friday before noon, will be honored for the following Tuesday morning, except with prior approval of the Cemetery Manager for an earlier date. The Cemetery needs at least two (2) full days advance notice for a funeral. The party making the funeral requests, shall come to Elmwood cemetery and complete the required paperwork and make full payment in person, at least two (2) full days prior to the service date.
- c. All grave opening and closing shall be done by the City of Brighton cemetery staff only. When instructions/information regarding the location of a burial space on a lot cannot be obtained or are unclear or undeterminable, or when, for any reason, the burial space cannot

be opened where specified, the Cemetery Staff may locate the burial space and open it in such location on the lot as deemed appropriate and proper; and the City shall not be liable for any claims or damages asserted for such change. If, for any reason, instructions concerning the location of the burial space to be opened are changed by a Funeral Director, burial space owner or their representatives after the digging has commenced, been completed, or the burial has been made, the person requesting the change in location shall be responsible for the payment of all applicable fees for said change. All such fees shall be paid before any work is commenced pursuant to the revised instructions.

- d. The City is not responsible for any order given by telephone, or for any mistake occurring for want of precise and proper instructions as to the particular space, size or location in a lot where an interment is desired.
- e. Funerals shall be permitted at the Brighton cemeteries between 9:00 AM and 3:00 PM, unless otherwise approved by the Cemetery Manager.
- f. Graveside services will not be set after 2:00 p.m.
- g. There is an additional cost for interments taking place on Saturday, and the fees for Saturday services may vary, according to the time of day requested. Funeral homes have to be in the cemetery by 11:00 a.m. and completed by noon. A schedule of fees and costs is posted in the cemetery office.
- h. A cemetery staff member shall lead the funeral procession to the gravesite.
- i. The City shall not be responsible for confirming the identity of any person sought to be interred; nor shall the City be responsible in any way for the preparation of the body.
- j. If two parties are scheduled to arrive at approximately the same time, the first party arriving shall have precedence in entering the cemetery. The second to arrive shall wait and continue only at the direction of a cemetery staff member.
- k. To provide for the safety of persons attending burials, only the immediate family, or family representatives designated by the family, may attend the lowering of the casket after the service, and only at the discretion of the Cemetery manager. The family will be required to go to the nearest road, not at the gravesite, to stand or to sit in a car, before our lowering will begin.
- l. No one may open a casket that is in the confines of a City cemetery without proper legal authority and when necessary, only by order of a court or competent jurisdiction.
- m. Cremains shall not be buried on an existing gravesite, without proper documentation and authorization, approved by the Cemetery manager. Cremains may not be scattered anywhere in the cemetery.
- n. **Interments involving virulent contagious diseases:** Advance written notice must be provided to the Cemetery Office of the intention to inter the remains of any person who has 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 health, safety and welfare of the public and Cemetery Staff.

- o. Interment in any one full size lot is limited as follows: one (1) set of remains: or one set of remains with up to four (4) sets of cremains; or up to eight (8) sets of cremains.
- p. Scattering or spreading of cremains on burial spaces or any other area of the Cemeteries is prohibited.

VI. COLUMBARIUM NICHEs

- a. All columbarium memorials shall be Bronze plates. The Cemetery staff shall order all bronze plates. No designs, emblems, or insignias shall be allowed.
- b. Vase hangers, glass containers, tin cans, spike cone containers or decorations of any kind shall not be attached to niche shutters or otherwise displayed, and will be removed immediately.
- c. Special locations for columbarium floral tributes will be provided by the cemetery and only those locations may be used.
- d. Funeral flower containers, baskets, and easels will be removed and disposed of when they become unsightly.
- e. Single niches will accommodate an urn with an external dimension not to exceed 11” high by 10” long.
- f. A double niche will accommodate an urn with external dimensions not to exceed 11” high, 5” wide by 5 ½” long.
- g. Columbarium perpetual care fees cover all maintenance of the columbarium structure itself. Fees for opening, closing, and disinterment are not included.
- h. The cremated remains of no more than one individual may be inurned in a single niche. No more than 2 individuals may be inurned in a double niche.
- i. **Payment Plan.** Niches may be purchased through a payment plan, according to the requirements set forth below and in the *Sales Agreement Brighton Cemeteries*:
 - i. The payment plan is only available for the costs associated with purchase of the niche and perpetual care, and NOT for the costs for opening and closing, which costs are payable at the time of burial.
 - ii. An administrative fee in the amount of One Hundred Dollars (\$100.00) is due for each niche to be purchased under the payment plan. The administrative fee is in addition to the costs for the purchase of the niche and perpetual care.
 - iii. In order for a burial to take place, the niche and open-closing costs must be paid full.
 - iv. Everyone participating in the payment plan must execute the *Sales Agreement*

Brighton Cemeteries and comply with all of the terms thereof.

VII. PUBLIC ASSISTANCE INTERMENTS

- a. Public Assistance interments are buried in the Public Assistance Section of the cemetery in a burial site selected at the sole discretion of the Cemetery Manager.
- b. Public Assistance interments may only be scheduled on Monday through Friday, and not on holidays.
- c. To qualify for public assistance interment, proof of Brighton residency at the time of death is required.
- d. A polyurethane vault will be provided by the Mortuary. Grass/Flat markers only will be allowed on Public Assistance interments, to be provided by the family, and shall not exceed 2 feet by 1 foot in size.

VIII. DISINTERMENT

- a. Disinterment shall only be permitted when legally authorized and shall be subject to the cemetery work schedule, the applicable fee schedule, and other related conditions. The City shall undertake the disinterment with due care, but assumes no liability for any associated damages.
- b. The only person who may be present at a disinterment, other than the cemetery crew, is the authorized funeral director.

IX. VAULTS

- a. All burials in the Brighton cemeteries shall include approved top seal polyurethane liners, except when the burial site is too small to accommodate the liner.
- b. Special vaults may be used with the prior written approval of the Cemetery Manager.
- c. Vaults not purchased from the City may be subject to a vault inspection fee in the amount set forth in the City's Annual Fee Resolution.

X. FOUNDATIONS, MONUMENTS AND MARKERS

- a. The Brighton cemetery staff shall install all concrete or granite foundations for gravesite

- monuments.
- b. Foundations may not be placed between the second Monday of May and the first Monday of June or during freezing weather.
 - c. Foundations for all upright markers shall be made of granite, at least 4" in depth and shall extend at least 4" in all directions beyond the base of the memorial, monument or marker. All flat flush markers require a 4" boarder of either concrete or non-polished granite.
 - d. The cemetery shall provide a temporary marker for one year or until a permanent marker is placed, at no charge. If the marker is not returned to the cemetery, a charge shall be assessed to the owner of the burial site.
 - e. The length of a monument shall not exceed forty inches (40") for a single grave or eighty-eight inches (88") for a double grave. All new monuments shall not exceed thirty-six inches in height as measured from the top of the concrete foundation. Base of monuments are not to exceed 12 inches in width.
 - f. Upright monuments and markers will not be allowed in the Babyland, Cremation, and Public Assistance Sections, and vases or potholes will not be permitted in the Public Assistance Section.
 - g. Only solid granite and bronze monuments and memorials, are allowed. Grass markers may have a hideaway vase receptacle fixed in the granite, but such receptacles shall not into the marker's cement foundation.
 - h. The Cemetery Manager shall approve all monuments.
 - i. The Cemetery Manager shall approve the location of all monuments and shall schedule the placement of all monuments. Monuments shall not be placed on a Saturday, Sunday, or Holidays.
 - j. While the City shall exercise due care to protect carvings, or other structures on any monument in the cemetery, the City disclaims any responsibility for any damage thereto.
 - k. Only licensed monument companies will be allowed to place a monument in the Cemeteries.

XI. DECORATION OF LOTS

- a. Families may have decorations in the attached vases at all times. Staff will not remove any item from vases unless they become unsightly. The decorations can be no wider than the monument and may not extend more than 12" above the monument. Grass markers may have decorations in a hideaway vase, but may not have loose items placed on top of the grass marker or the foundation.
- b. Plantings will not be allowed on a gravesite.

- c. Flowers are not allowed on the face of the columbarium niche. Instead, they may be placed at the base of the niche.
- d. Placement of fresh-cut and artificial sprays and wreaths on gravesites shall be allowed from seven (7) days before Memorial Day, to seven (7) days following Memorial Day, beginning with the holiday.
- e. Families will be allowed to decorate the graves and monuments from November 15th to March 1st. The staff will not remove any items during this time unless the decorations are damaging the turf or become unsightly.
- f. Families may place decorations for Easter, Mother's Day, Father's Day, 4th of July, Labor Day and Halloween, two days before the holiday and the decorations may remain for seven (7) days, beginning with the holiday. After March 1, all decorations shall be removed. Decorations shall be removed before these ending dates if they become unsightly, detrimental, etc. The items placed must be kept within 6" in front of the monument, in order for our staff to do the mowing and trimming necessary.
- g. Any plant material that becomes or may become detrimental to foundations, irrigation, or adjacent lots because of height, width, roots, trunks, etc. shall not be permitted and will be removed.
- h. Placement of flowers must be in a bronze Hideaway vase and shall be permitted only in approved flat marker locations. Decorations in attached monument vases must be within the approved foundation work and shall be no greater than thirty-six inches in height. Approval must be given by the Cemetery Manager.
- i. The Cemetery may receive donations of suitable plant material that shall be placed in a Pre-determined location in the cemetery for screening, care, and overall design, the plant material must be approved by the Cemetery manager.
- j. Families may place items on the monument, but they must be securely attached to the monument. Any item on the ground will be picked up and placed on the shelves/containers behind the cemetery office. Decorations are not allowed on the concrete foundation. Any breakable items of glass, plastic, etc. will not be allowed.
- k. Decorations in the trees and shrubs will be at the discretion of the Cemetery Manager.
- l. Structures are not permitted to be built or placed on any grave in the Brighton cemeteries. Examples of prohibited material, but not limited to:

Borders	Curbing	Windmills, Chimes, etc.
Enclosures	Grave Mounds	Glass vases
Hedging	Walks	Any type of breakable material

There are certain items that have been placed in the cemeteries in years past, that have

been Grand fathered in and that are no longer allowed.

- m. The City reserves the right to remove the same if so planted, erected, or placed.
- n. The covering of graves with any material other than turf is forbidden. Examples of prohibited material, but not limited to:
 - Bricks
 - Crushed Rock
 - Cinder
 - Rock Glass Gravel
 - Oyster Shell Tiles

Cemetery staff may remove these without notice to the lot owner.

- o. The City/Cemetery shall not be held liable for lost, misplaced, or broken flower vases or for damage by the elements, thieves, vandals, or by causes beyond their control. The City reserves the right to regulate the method of decorating lots and the right to remove any decoration in order that uniform beauty may be maintained.
- p. Babyland/Section 5 at Elmwood and Section 13 at Fairview, shall have decorations picked up the first Monday of each month.
- q. Recognizing that severe winds occasionally occur at the Fairview Cemetery, all decorations at Fairview Cemetery shall be securely fixed to the upright portion of the monument. . Cemetery staff will remove anything that is not securely attached to the monument and place it at the north end of the shop at Fairview Cemetery.

XII. CONDUCT WITHIN THE CEMETERY

- a. Visitors are welcome on the cemetery grounds from dawn to dusk.
- b. The cemetery office is open during normal business hours, summer hours (May through October) are: 8:00 AM to 5:00 PM, Monday through Friday, winter hours (November to April) are: 7:30 to 4:30. Maps, price lists, brochures and cemetery rules and regulations can be found in the Cemetery lobby.
- c. Alcohol is not permitted in the cemetery boundaries.
- d. The gathering or removal of flowers by anyone other than the grave owners or Cemetery staff is prohibited within the Brighton cemeteries.
- e. The breaking of trees, shrubs or plants is prohibited within the Brighton cemeteries.
- f. Loitering shall not be permitted on cemetery grounds. Excessive noise will not be permitted in the cemetery.

- g. Pets will be allowed in the cemeteries, they must be on a leash and owners will be responsible for picking up after them. The owner of any animal that trespasses upon cemetery grounds shall be liable for any damage done by the animal. The City shall not be liable for any damage caused by animals and does not assume any responsibility for keeping animals out of the cemetery.
- h. The City of Brighton shall use reasonable care, to reasonably and regularly maintain all Brighton cemetery grounds in good order and repair, free from all dangerous conditions and in a manner befitting such memorial places.

XIII. FAITHFUL FRIENDS AT ELMWOOD CEMETERY RULES

- a. One full burial or two cremated burials per each 4'x2' grave/lot
- b. No plantings of any type allowed
- c. In granite vases will be allowed, inverted so they can go in the ground when not in use
- d. Monuments will be flat/flush granite markers, or bronze on granite. Single headstones will be 30"x14" **without** the border and double markers will be 60"x14" **without** the border
- e. Grave/lot sizes will be 4'x2'
- f. Opening and closing cannot be pre-paid
- g. All other cemetery rules will apply at the discretion of the cemetery staff