

**TOWN OF BUENA VISTA, COLORADO  
ORDINANCE NO. 03  
(SERIES OF 2018)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,  
AMENDING ARTICLE VIII OF CHAPTER 11 OF THE BUENA VISTA  
MUNICIPAL CODE REGARDING THE RULES AND REGULATIONS  
FOR THE MT. OLIVET CEMETERY**

**WHEREAS**, the Board of Trustees desires to update the Rules and Regulations for the Mt. Olivet Cemetery.

**NOW, THEREFORE, BE IT ORDAINED BY THE TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, THAT:**

**Section 1.** Section 11-134 of the Town of Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 11-134. - Burial procedures.**

(a) No interment or disinterment shall occur within the Cemetery without a permit lawfully issued by the appropriate agency in the location of death.

(b) No burial shall take place until the Town Clerk has received payment in full for the burial plot and an interment agreement has been executed.

(c) The Town Clerk must receive a completed burial permit and the corresponding permit fee at least seventy-two (72) hours prior to a burial; provided that, if shorter notice must be provided for religious or other reasonable purposes, this advance notification requirement may be waived. The minimum period for such notification shall not include Saturday, Sunday or Town holidays, and the notice period shall begin at 8:00 a.m. on any workday.

(d) A minimum of two (2) hours shall be allowed between two (2) separate burials on the same day.

(e) The Town of Buena Vista does not provide excavation service for opening or closing graves, and shall not bear any associated costs. Only professional excavators may open and close graves. Excavators and/or the funeral home arranging the excavation must contact the Town Clerk's office at least 48 hours prior to any grave opening, interment, or disinterment to inform Town staff of when an excavation will take place. All excavations must occur during regular Town business hours and a staff member from the Public Works Department must be present at the cemetery to oversee all excavations. Depth of graves shall conform to State of Colorado specifications. Following an interment or

disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded. Excavators are responsible for the costs of any damages resulting from their work and shall promptly notify the Town of such damages and repair them to the satisfaction of the Public Works Director. For cremains only, interments may be conducted without professional assistance and without Public Works supervision. In such cases, Public Works staff will mark in advance the perimeter of the site in which the cremains are to be buried, and will be available during regular business hours to meet with those handling the interment of the cremains, at their request, in order to ensure that they have identified the correct burial site.

(f) Notice upon application for burial shall be given to the Town Clerk of the intention to bury the remains of any person who dies of a contagious disease, so the proper time can be appointed and suitable arrangements made for the safety of the public health and the Cemetery employees.

**Section 2.** Section 11-136(b) of the Town of Buena Vista Municipal Code is hereby deleted, and Section 11-136(c) is renumbered to 11-136(b).

**Section 3.** A new Section 11-137(c)(4) is hereby added to the Town of Buena Vista Municipal Code to read as follows:

The placement of headstones or other markers shall be supervised by a Public Works staff member, and shall take place during regular Town business hours. The Town Clerk shall be contacted at least 48 hours prior to installation of headstones or other markers to allow for coordination with Public Works staff.

**Section 4.** A new Section 11-140(g) is hereby added to the Town of Buena Vista Municipal Code to read as follows:

The Town reserves the right to remove trees, shrubs, or other plantings on gravesites which become dangerous or detrimental to the adjacent grounds because of encroachment of roots or branches. The Town may also remove any items which are contrary to this Article, the Code, or which have become unsightly and no longer contribute to the beauty and dignity of the cemetery.

**Section 5.** Section 11-147 is hereby repealed and reenacted to read as follows:

**Sec. 11-147. - Presumed rights and certificates of ownership.**

The Town recognizes there may be residents and nonresidents who have undocumented rights to burial sites in the Cemetery. The Town intends to identify those parties, determine their rights, and execute an appropriate interment agreement to memorialize their rights. Only persons whose names appear on cemetery deeds or interment agreements will be recognized as owners of sites. In case of the death of a site owner, when the site is disposed of by a will, a certified

copy of the will or final distribution in the decedent's estate must be delivered to the Town Clerk before the Town will recognize the change of ownership. If the deceased site owner died intestate, satisfactory proof of descent must be provided. If the decedent has a number of direct descendants still living, notarized letters/statements must be provided to the Town showing agreement among all direct descendants regarding the disposition of cemetery sites before a new interment agreement will be provided designating a new owner.

**Section 6.** Section 11-148 of the Town of Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

**Sec. 11-148. - Disclaimer on sale of plots.**

Since the Town has not controlled burials in the Cemetery from its inception, and since no consistent and complete records exist as to persons buried and at what location, all grants of burial rights are contingent upon the excavation of the burial site. In those cases where a previous burial is unearthed, the owner of the plot may select a different available plot.

**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 9<sup>th</sup> day of January, 2018.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.**



TOWN OF BUENA VISTA, COLORADO

By: Mark Jenkins  
Mark Jenkins, Mayor Pro Tem

ATTEST:

Paula Barnett  
Paula Barnett, Town Clerk