

BICKNELL TOWN CEMETERY

CHAPTER 19-100. CEMETERIES.

19-101. DEFINITIONS. The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

- A. The terms "lot owner" or "purchaser" and "grave owner or purchaser" shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.
- B. The term "lot" shall include the partial plot or single graves in the municipal cemetery.

19-102. THE NAME. The burial ground of this municipality shall be known and designated by the name of Bicknell Town Cemetery.

19-103. CEMETERIES COVERED. All cemeteries owned and/or maintained by the Town of Bicknell or which may hereafter be acquired by the municipality wherever situated are hereby declared subject to the provisions of this chapter.

19-104. CEMETERY CARETAKER. There is hereby created the position of Cemetery Caretaker.

19-105. DUTIES OF CARETAKER.

- A. The cemetery caretaker shall have the general supervision and administration of the municipal cemetery including but not limited to:
  - 1. Recommending to the Town Council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
  - 2. Subdividing the cemetery into lots and grave sites.
  - 3. Maintaining a record of location of the graves and preventing any lot from being used beyond its capacity.
  - 4. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
  - 5. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of the plots, pointing out any of the lots for sale; and upon disposal of any lot, notifying the Clerk of such fact. The Clerk shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the caretaker and the clerk.
  - 6. Opening any graves in the cemetery upon application to him being made by the Clerk or by any person having the right to make such application and being responsible for closing all graves.



7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, per cemetery policy.

19-106. REGULATION OF CEMETERY AND BURIALS.

19-107. BURIALS. The caretaker shall dig or cause to be dug without delay any grave in the cemetery upon application to him being made by the owner or person in charge of any lot, after such owner or person in charge produces to the caretaker proper evidence that arrangement has been made at Town Hall for such grave to be dug. He shall supervise every interment and shall fill up and neatly trim the grave immediately after depositing the coffin and trim up all graves that have or may hereafter settle; he shall register the name, sex, parent, age, place of birth and date, if known, the death date and location, and the location of interment.

19-108. BURIAL PERMIT. It shall be unlawful for any person to bury the body of a deceased person in the municipal cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of a right of burial based on a properly acquired certificate of burial right or receipt of payment for same, for cancelled check for the same.

19-109. REGISTRATION OF BURIAL. Before any deceased person may be buried in the municipal cemetery, the relatives or person having charge of the deceased shall provide the clerk with a written statement, entitled "Caretaker's Grave Opening Order", which shall be filed by the clerk, which statement shall contain, if known, information about the deceased regarding name, when and where born, that date, location and date of death, date of burial, and the description of the location of the grave.

19-110. BURIAL AND DISINTERMENT

A. It is an infraction for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the Caretaker, who shall, before disinterment, require a written permission from a coroner, and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.

2. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be incased at the time of disinterment.

B. It is an infraction to inter anything other than the remains of human bodies in the cemetery.

C. It is an infraction to bury the body of any person within this Town except in the Bicknell Town Cemetery.

19-111. VAULTS REQUIRED.

A. Unless waived in writing by the Caretaker, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, or of such other material approved by the Bicknell Town Council, substantially constructed and covered with a similar durable material.

B. No wood shall be used as a permanent part of the construction of any part of the vault.



19-112. SALE SUBJECT TO RULES. Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.

19-113. CARE RESERVED. The Town reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

19-114. ORDERS AND RESPONSIBILITIES FOR ERRORS. Under no circumstances will the Town assume responsibilities for error in opening graves when orders are given by telephone.

19-115. CHILDREN. Children under the age of five years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

19-116. ANIMALS PROHIBITED. No animal shall be allowed in the cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

19-117. DECORUM. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons.

19-118. INJURY TO CEMETERY PROPERTY PROHIBITED. It shall be an infraction for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery.

19-119. LANDSCAPEING BY PRIVATE PERSONS. Except as provided by the rules and regulations of the Town Council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, or walk in the cemetery or to grade the ground or land thereof. The caretaker shall, whenever required, furnish the true lines of any lots according to final survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

19-120. PLACEMENT OF MARKERS. It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the Town Council regarding the placement, construction, and design of all such markers.

19-121. ADDITIONAL RULES AND REGULATIONS

A. The Town Council may adopt by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.

B. The Caretaker may from time to time, as the Town Council deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the Town Council.



- C. Any changes in rules and regulations shall be adopted by the Town Council before such changes shall be official.

18-122. FEES AND CHARGES.

19-123. COLLECTION OF FEES. The Town Clerk and other such persons as the Town Council may designate, are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include, but not be limited to, properly interring or disintering bodies and properly restoring the earth and ground, and recording each burial, disinterment or removal. The fees shall be such amounts determined by the governing body from time to time by resolution.

19-124. FEE TO BE PAID FOR OPENING/CLOSING GRAVE.

- A. No grave shall be opened in the cemetery until payment of a fee for the labor and expense in so opening and closing the grave shall be paid.
- B. The presentation of a receipt from the Clerk or person designated by the Town Council, when presented to the caretaker, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the Town wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees, the Clerk or authorized person may give the caretaker authority to open graves without the presentation of a receipt from the clerk. At the time of funeral services, all fees shall be collected by the caretaker or Clerk.

18-125. PURCHASE PRICE AND FEES. The Town Council shall from time to time by resolution fix the price at which burial lots shall be sold and the fees which shall be charged for the various cemetery services to be provided.

19-126. SALE OF LOTS.

19-127. SALE.

- A. The Clerk is hereby authorized to sell the use of lots in the municipal cemetery for burial purposes only and to collect all sums arising from the sale. The clerk shall keep a complete record of all sales, which record shall describe the location of the lot purchased and price paid therefore. The Clerk shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot and the purchase price.
- B. A certificate of rights to burial shall be exempt from execution and taxation after the full payment for the purchase price. Payments for the burial lot may not be construed as payment for other cemetery services, such as opening/closing of the grave.

19-128. RESTRICTIONS OF RESALE.

- A. From December 15, 1990, the lots sold by the Town of Bicknell shall not be further sold, transferred, conveyed or assigned to any person except the Town. The Town hereby agrees to buy back any Town cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be the original price paid by the purchaser or the current selling price of the lot, whichever is less.



- B. Whenever a certificate of burial rights or lots reverts to the Town, as provided for in this part, or becomes vested in the Town for any reason, before a new certificate is issued, the original certificate shall be cancelled or an assignment given, and the record shall be so changed.
- C. The certificates shall be issued and signed by the caretaker and attested by the Clerk.

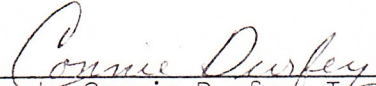
19-129. NONPERPETUAL CARE LOTS. All lots shall be nonperpetual care. Care and maintenance of all lots shall be provided for by certificate sales, burial charges and such donations from the Town and private sources as may be received.

19-130. BURIAL OF INDIGENTS.

- A. The governing body may by resolution designate a portion of the Town cemetery to the burial of indigents. Whenever it is made to appear to the Mayor by proofs submitted to him by the Clerk that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the Mayor may grant burial space for the deceased person as requested to him by the Clerk and/or caretaker.
- B. The Mayor shall communicate his decision to both the Clerk and the caretaker. The Mayor shall give a report of his decision, whether affirmative or negative, to the Town Council at its next regular meeting. All strangers without funds or other person who may die in the Town may be granted the privilege granted herein.

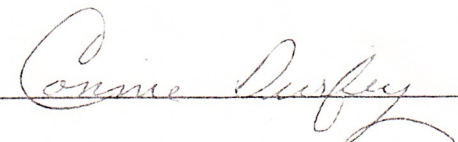
The above Ordinance was approved by a unanimous vote of the Bicknell Town Council on December 6, 1990. The Council has determined that this Ordinance affects the welfare of the community and is effective immediately upon posting.

  
Mayor Sherwood Albrecht

  
Attest: Connie Durfey, Town Clerk

CERTIFICATION OF POSTING

I, Connie Durfey, Town Clerk of the town of Bicknell, do hereby certify that I posted the Ordinance #18 "Cemeteries" at the Bicknell Post Office, Mt. Boulder Service, Blackburn Auto & Repair, Jenson Store, Red D Market, and the Bicknell Town Hall on December 14, 1990, at approximately 10:00 a.m.

 signature



DECORATIONS

Flowers on New graves - Decorations or flowers on new graves will be removed by the cemetery crew after seven (7) days. Special flower momentos should be removed at the conclusion of services by those interested. After the grave is closed the casket spray is placed at the center of the grave, other flower containers and wreaths are laid down in an orderly fashion around the spray with the containers extending outward. Only the last row of containers is visible, the others being covered by succeeding row of flowers. Flowers are laid down to prevent them from being blown around the cemetery.

Flower Policy - Flowers properly displayed add to the beauty and character of the cemetery. Flowers are allowed throughout the year. Bicknell Town and the cemetery caretaker will not be responsible for flowers or other personal property left in the cemetery. Be aware that on occasion uncaring individuals could remove expensive floral arrangements without patron or staff consent.

Flower Regulations - All flowers, real or artificial, must be placed in a container or attached to the monument. Flowers in movable containers must be placed on the headstone or base to insure easy access for grass cutting. No grass containers are permitted. Any objects, such as wires, irons, sticks, or pegs, driven into the ground are not permitted. Any object or decorations not in compliance will be removed immediately upon discovery.

General Clean-up - All flowers and decorations not in permanent containers and those that are wilted or damaged in permanent containers will be removed from the cemetery during the last week of March and the first week of April each year. All flowers and decorations picked up are taken to the Town dump for disposal. Those who bring in decorations intended for use during the entire year are encouraged to wait until the spring clean-up is completed before freshening their displays.

Memorial Day - The cemetery caretaker will begin preparation for Memorial Day the Monday prior to the holiday. Preparations include mowing, trimming and weeding, taking the whole week to accomplish. The sprinkling of the grass is stopped on Friday afternoon through the end of Memorial Day to allow for placement of decorations, unless hot weather make it necessary for the survival of the grass. Flower regulations as listed above will be strictly enforced. The clean-up of the cemetery will begin the Thursday morning following Memorial Day. Anyone desirous of picking up the wreaths or decorations should do so prior to Thursday. All decorations are disposed at the Town dump.

Planting of Flowers, trees, and Shurbs - Town Ordinance prohibits the planting of any trees, shurbs, or flowers in the cemetery without the permission of the caretaker. The caretaker will designate an appropriate planting area for any such donation or gift.

BURIALS

Ordering A Grave Opening - Arrangements for a grave opening can be made by the funeral director or a responsible party. The required permits need to be filled out and fees paid. The information required is the name of deceased, date and place of birth and death, names of parents of deceased, the place of interment, (obtained from the caretaker) the location, the date, and time of funeral services, and the name of the funeral director or mortician.

Burial Permits - A permit for burial must be filled out prior to the opening of a grave. The necessary information and fees should be given to the caretaker or the Town Clerk by the family representatives or the funeral director. Proper and complete information is required for accurate record keeping. No person, except the owner of the burial rights on a lot, shall be buried on that lot, unless a form provided by the caretaker has been signed by the owner or legal heirs to those right giving permission for the use of the lot. The permission slip must be turned in before the grave opening and will be kept as a permanent record.

Burials per Grave - Only one burial per space is allowed. A 48-hour or more notice is needed for preparation of burials.

Vaults - Vaults are required for all burials. Vaults should be of concrete, steel or other structurally sound material as approved by the caretaker and Town Council.

Orientation of Graves - Burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave tracts usually measure 4 feet wide and 8 feet long.

Disinterment or Exhumations - Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The caretaker will schedule and direct the exhumation after applicable fees have been paid. Consultation with a funeral director is required for this procedure. Town personnel cannot perform the exhumation beyond removing the soil.

CEMETERY REGULATIONS

Cemetery Fees - Fees for services are set by resolution of the Town Council and are changed from time to time as needed. A copy of current fee charges is available at the Town Office.

Burial Rights - The Town cemetery is deemed a public park and will remain so as long as Bicknell Town exists. Only permissive burial rights are sold. The Town retains title to the cemetery property. A certificate of burial rights will be issued to each purchaser after fees are paid in full.

Burial rights are conveyed to the person or persons named therein and their heirs forever. All legal heirs are presumed to have a legal claim to the rights of burial, unless specified differently in a legal will or by probate court. Burials by or of heirs, after the original parties named on burial certificates are deceased, requires the permission of all living heirs, in writing.

The cemetery master file is considered to be the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a clerical error. The Town reserves the right to recall, correct and reissue the correct certificates.

Transfer of Burial Rights - Owners of burial certificates may transfer their burial rights to other parties only in writing, as witnessed by a notary public. Payment of transfer fees as set by Town council are required before a new certificate is issued. The number of lots transferred to a new owner must be agreed upon by the Town Council, before a transfer is made.

Marker or Monument Fee - A permit is required to place headstones in the cemetery. Permits are available at the Town Office, or from the caretaker. Monument dealers may obtain permits at the time the monument is delivered.



Obstruction - No fences, foot markers or other obstructions or installations, except a headstone or monument will be permitted in the cemetery, unless approved by the Town Council.

Cemetery Supervision - All work in the cemetery, including but not limited to interments, disinterments, plantings, landscaping, grading, record keeping, placement of grave markers, groundskeeping, construction, and all maintenance, improvement and beautifying of the grounds shall be done under the supervision of the caretaker.

Unused Lots - Lots that have been unused for or have no written notice of claim or interest on for over 60 years can be reclaimed by the cemetery. Every effort, practically, and legally, will be made to find the owner or legal heirs before the lots, by lawful means will be reverted.

Should a certificate of title or right to a lot that has been reverted to the Town be presented, the legal holder is entitled to be compensated at the buy-back price established by resolution of the Town council. The deed of burial rights must be turned in or other documented proof of ownership must be given to the sexton before the purchase can be authorized.

Care - The care and upkeep of the cemetery provided by the Town includes but is not limited to, mowing grass at resonable intervals, resodding and reseedling, filling in sunken graves, sprinkler irrigation, trimming trees and shrubs when necessary, removing wilted flowers and decorations, edging around headstones, and other clean-up as needed. Care does not include repairing or replacing markers, monuments or other personal property.

Record Research - Copies of cemetery records for research, historical or genealogical purposes, will be made available upon payment of copy fees, which are set by resolution of the Town Council.

#### MONUMENTS AND MEMORIALS

Ownership and responsibility - Headstones are personal property. All monuments within the cemetery are the property of lot owners, their heirs, or the responsible party that ordered and placed them. All care and upkeep of the monuments is the responsibility of the owner. The cemetery is maintained by Town crews who exercise great care in keeping the ground groomed. The Town will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such happenings are a condition that go with the privilege of placing markers in the cemetery.

Requirements - After February 1, 1990, all markers or headstones must have a concrete border six inches wide installed flush with the surface of the lawn. All permanent vases must be attached to the monument, stone base or case into the concrete border. No vases separate from the memorial will be permitted. Memorials will be placed in an orderly manner in predesignated rows as directed by the caretaker. Flat markers, level with the ground, with approval of the caretaker may be installed between established rows. Family monuments must comply with this section.

A permit need to be obtained by the monument dealer or responsible party before a marker is placed.

Size of Monuments - A monument must be placed within the boundary of the grave or graves of the owner in conformity with established rows.

Recommendations - Consult with a monument manufacturer on monument material suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, sometimes snow, ice, sprinkler irrigation water and occasional nicks and chips from mowing equipment.