



welcome neighbors.

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**Rules and Regulations  
Of  
Mount View Cemetery**

Adopted January 26, 2021

Introduction

These rules and regulations are adopted as the RULES AND REGULATIONS OF THE MOUNT VIEW CEMETERY (“Rules and Regulations”), and are for the mutual protection of all rights of interment owners (“Owners”) and the Town of Bennett (“Town”), and are intended to provide the Cemetery with a uniform and permanent beauty.

All Owners, visitors, Cemetery employees, persons working directly or indirectly for rights of Owners, and burial lots sold shall be subject to these Rules and Regulations, and subject further to such other rules and regulations, amendments or alterations as may be adopted by the Town from time to time. Reference to these Rules and Regulations in the Town’s other documents shall have the same force and effect as if set forth in full therein.

Inquiries regarding the Cemetery should be directed to:

Cemetery Technician

207 Muegge Way

Bennett, Colorado 80102

303-644-3249

**Ownership and Management – General Supervision of the Cemetery**

The Cemetery is owned, operated and managed by the Town of Bennett.

The Town Board of Trustees has the right of general control of the Cemetery in all matters, whether or not they are specifically covered by these Rules and Regulations.

**Office for Official Business of Cemetery** – Applications for the purchase, transfer, assignment or repurchase of Cemetery lots, interment and disinterment orders; foundation and monument permits; or special permits of any kind must be made to the Cemetery Technician on all approved forms. All fees, payments or charges for any interment or service shall be payable to the Town of Bennett.

**Town not Responsible for Damage** – The Town shall take reasonable precautions to protect Owners and lots from loss or damage, and shall use reasonable care in the opening and closing of burial spaces. However, the Town disclaims and shall have no liability or responsibility for loss or damage to persons or property resulting from any use of the Cemetery, including, but not limited to, damage caused by the elements, an act of God, thieves, vandals, malicious mischief makers, or unavoidable accidents, whether the damage is direct or collateral. Further, any liability of the Town for damage to person or property, or for other actions subject to the Colorado Governmental Immunity Act, C.R.S. 24-10-101 et seq. (“Act”), shall be determined in the manner and to the extent provided by said Act. Nothing in these Rules and Regulations is intended or shall constitute a waiver of any limitations on liability or other protections of the Act.

**Liability for Damage** – Any person damaging, or causing to be damaged any Cemetery property, whether owned by the Town 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 Director.

**Town Shall not Discriminate** – All decisions made by the Town and its employees in connection with the operation of the Cemetery shall be made without regard to race, creed, color, national origin, gender, sexual orientation, marital status, religion, ancestry, mental or physical handicap, or age.

#### **Control of Work by the Town**

**Work to be done by the Town of Bennett** – Except as otherwise provided herein, all grading, landscape work and improvements shall be done; all trees, and shrubs shall be planted, trimmed, cut or removed; and all opening or closing of graves for all interments or disinterments shall be made by the Town, or persons designated by the Town.

#### **Conduct Within the Cemetery**

**Cemetery Hours** – The Cemetery grounds are open from dawn to dusk.

**Be Respectful of Services and Other Mourners** – Silence all cell phones and electronic devices. Please look after your children.

**Traversing Cemetery Property** – Persons within the Cemetery shall use only the roads, drives, or walks as thoroughfares. Any person using any portion of a Cemetery other than the roads, drives or walks as a thoroughfare may be excluded from the Cemetery by the Public Works Director.

**Prohibited Activities** – The scattering of cremated remains is not allowed in the Cemetery. All persons are prohibited from gathering flowers, either wild or cultivated, breaking trees, shrubs, or plants, or feeding or disturbing birds or other animal life within the Cemetery.

## **Interments**

**Subject to Laws and Orders** – In addition to the Rules and Regulations, all interments shall be subject to the orders and laws of the Town, Adams County, and the State of Colorado.

**Application for Interment** – The Town reserves the right to refuse interment in any lot and to refuse to open any grave for any purpose if proper written application is not filled with the Cemetery Technician.

**Manner and Charges** – All interments must be made in the manner set by the Cemetery Technician and only after payment of applicable charges.

**Approved Casket Burial Receptacles** – Every earth interment of a casket must be in an outside receptacle vault, the actual installation of which shall be made by the producers of such receptacles. The Cemetery Technician shall have the right to refuse any such receptacle that is damaged or in any way inadequate as determined by the Technician.

**Interment of Cremated Remains** – In order to inter cremated remains in the Cemetery, the person(s) requesting the interment of cremated remains must choose an adequate container for the remains of a size no larger than 16" long x 16" wide x 19" tall, and all fees must be paid in full. The Town shall not be responsible for the protection of the cremated remains. In the event that the cremated remains must be relocated for any reason, the Town shall not be responsible for any damage to the cremated remains or to the container.

**Services provided by the Town** – The services provided by the Town, in connection with interments, are limited to the opening and closing of the burial space.

**Time and Scheduling** – All interments must be scheduled, in advance, through the Cemetery Technician. Interments may be scheduled Monday through Friday from 7:30 am to 4:30 pm. Applications for weekend and holiday interments may be considered by the Cemetery Technician. There is an additional fee for weekend and holiday services. The time for the arrival of a funeral procession at the Cemetery, shall be as approved by the Cemetery Technician. No funeral procession will be permitted in the Cemetery after 4:30 pm, except by special permission of the Cemetery Technician.

**Emergency Interments** – Arrangements for emergency interments must be made through the Cemetery Technician, upon proof of emergency.

**Health and Safety** – Advance notice must be given to the Cemetery Technician of the intention to inter the remains of any person who dies of a virulent contagious disease so that proper time may be scheduled and allotted for the interment and proper arrangements made for the protection of the public and Cemetery employees.

**Interment of More than One Body** – No more than one body may be interred in a single burial lot, except in the case of cremated remains.

## **Disinterment**

In addition to the Rules and Regulations, all disinterments shall be subject to the orders and laws of Adams County and the State of Colorado.

**Permission for Disinterments** – No disinterment of a body, will be made, without either an order of a court or competent jurisdiction, or a signed affidavit from the surviving spouse or next of kin, on a State approved form, 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 the decedent, and that the affiant agrees to indemnify the Town 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. In addition to such requirements, the time and any Town work requested for the disinterment shall be subject to approval of the Cemetery Technician. The Cemetery Technician 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.

**Disinterment Prohibited Under Certain Circumstances** – 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 for removal contrary to the expressed or implied wish of the original Owner shall be absolutely forbidden.

**Notice of Disinterment Required** – The Town reserves the right to require at least ten days' notice prior to any disinterment. No disinterment will be made on a Saturday, Sunday, holiday or on the day upon which any holiday is observed. All disinterments shall be done at the convenience of the Cemetery Technician.

**Payment of Fees** – All fees assessed by the Town for disinterments shall be made prior to the disinterment.

**Services Provided** – The services provided by the Town, in connection with disinterments, are limited to the opening and closing of the burial space. The party responsible for removal of the disinterred remains from the Cemetery grounds must do so immediately and without delay.

**Town not Responsible** - The Town shall endeavor to exercise reasonable care in opening and closing the burial space, but shall have no liability or responsibility for any damage to any casket, burial receptacle, the remains of the deceased, or any other property during the disinterment process.

**Location of Burial Space** – The application for an interment permit must specify the exact location on the lot of the burial space desired to be opened. All burial spaces must be at least 6" from the boundary of the lot and must be at least 5' in depth for adult burials, and of a proportionate depth for children. This must be done in sufficient time to allow the opening and closing of the grave.

When instructions regarding the location of a burial space on a lot cannot be obtained or are indefinite, or when, for any reason, the burial space cannot be opened where specified, the Cemetery Technician may, in his or her discretion, open it in such a location on the lot as the Technician deems best and proper; and the Town shall not be liable for damages resulting from any such change.

If, for any reason, instructions concerning the location of the burial space to be opened are changed by the funeral director, Owner, or the representatives after the digging has begun, been completed, or the burial has been made, the person requesting the change shall be responsible for the payment of applicable additional fees to the Town. Such fees shall be paid before any work is performed under the revised instructions. Any requested change in instruction must be made in writing.

### **Purchase of the Right of Interment**

**Applications for Purchase** – Applications for the purchase of the right of interment must be made at Town Hall, on the approved application form, where plats showing the size, location and description of all lots and the schedule of prices will be kept on file.

**Agreement Conveys Only the Right of Interment** – All sales agreements shall grant to the purchaser the right for interment only and only for human remains, subject to these Rules and Regulations. The fee title to all lots and burial spaces shall remain in the Town, subject to the right of interment conveyed to the purchaser.

**Errors may be Corrected** – The Town reserves the right to correct any errors made by it in the description of the location of the burial space(s) to which the right of interment is conveyed, either by canceling the sale and substituting in lieu thereof other burial spaces(s) of equal value and in a similar location, or in sole discretion of the Town by refunding the amount of money paid for said right of interment.

**Payment** – The right of interment in a burial space shall not accrue to the purchaser until the full purchase price of the same has been paid to the Town.

**Change of Address** – It shall be the duty of the Owner to notify the Cemetery Technician in writing of any change in the Owner's mailing address. Notice sent to such Owner at the last address on file with the Cemetery Technician shall be considered sufficient and proper legal notification.

### **Transfers and Assignments**

**Consent of Town** – No transfer or assignment of the right of interment in any lot or burial space shall be valid without the prior written consent of the Cemetery Technician.

**Indebtedness** – The Town shall have the right to refuse to consent to a transfer or an assignment to persons other than legitimate heirs of the original Owner(s) as long as there is any indebtedness due the Town by the Owner of record.

**Repurchase by the Town** – If, for any reason, it becomes necessary for any Owner to dispose of his or her interest in any burial space, the Owner may make application to the Cemetery Technician for repurchase of the Owner's interest in such burial space by the Town, and the Town may elect to repurchase the burial space at a price equal to the original purchase price. The payment price will be paid to the Owner at the time the Owner has conveyed all of the Owner's rights and interest in the lot to the Town of Bennett by instrument in a form required by the Town, such conveyance to be free and clear of all liens, encumbrances, and other rights whatsoever.

### **Decorum of Lots and Burial Spaces**

The Town shall not have responsibility or liability for damage, loss, disappearance, destruction or theft of any flower, vases, or other decorations or items of personal property of any kind planted or placed at an interment site or elsewhere. Such items may be removed and disposed of by the Public Works Director without notice.

The Town reserved the right to regulate the method of decorating lots and the right to remove and dispose of any decoration so that a uniform beauty may be maintained.

### **Memorials and Monuments**

The Town does not wish to unnecessarily interfere with a family's choice of memorialization. In fairness to other Owners, and to preserve the beauty and harmony of the Cemetery, the Town reserves the right to reject or later to remove and dispose of any structure or object that it deems injurious to the general appearance of the Cemetery. The Town further reserves the right to approve or reject any proposed memorial, monument, or other structure or object, based on the following rules and regulations:

1. No monument or grave marker will be admitted to the Cemetery when made with other material than granite, marble or real bronze.
2. Only surface mount monuments or markers are allowed in the (new) East section of the Cemetery, described as East of the first row of graves in sections 36 through 41.
3. The completed work is subject to the approval of the Cemetery Technician, and if unsatisfactory, it may be removed by the Cemetery Technician.
4. No memorial or monument shall be removed from the Cemetery, except by the Town, unless a written order or permission or the lot owner is presented to and approved by the Cemetery Technician.

### **Exception and Modifications**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town, therefore reserves the right for the Town to make exceptions, suspensions, or modifications in any of these Rules and Regulations, when, in his/her reasonable judgement, the same appear advisable.

## Cemetery Rules and Regulations

1. Flowers must be planted within 10" of the front of monuments.
2. No live plantings, except in approved vases. The Town reserves the right to remove and dispose of any overgrown or unapproved plantings. Any plantings left unattended to hinder lot care will be removed and disposed of.
3. No trees or shrubs will be allowed except those planted by the Town.
4. Christmas blankets and wreaths will be allowed from December 1<sup>st</sup> thru January 24<sup>th</sup> and then will be removed and disposed of by the Town of Bennett.
5. Sprays and wreaths made from fresh cut flowers will be allowed, but they will be removed and disposed of within two (2) weeks, or when it is deemed, by the Public Works Director's discretion when they become unsightly or detrimental.
6. The placing of boxes, shells, stones, boulders, toys, metal designs, ornaments, chairs, settees, vases, glass, urns, fences, wood or metal cases, temporary grave markers & similar articles upon lots, shall not be permitted.
7. No fences, temporary markers or glass vases are allowed.
8. The Town shall not be held liable for lost, misplaced or broken flower vases, or for damage by the elements, thieves, vandals or by causes beyond its control. The Town reserves the right to regulate the method of decorating lots & the right to remove and dispose of any decoration so that a uniform beauty may be maintained.
9. Mount View Cemetery is a native grass cemetery. The Town will maintain and preserve the grass during the summer months with bi-weekly mowing and string trimming.
10. All trash shall be placed in designated receptacles. Trash is removed weekly.

### **11. Watering**

There is limited non-potable water available at the Cemetery for family and visitors to hand-water, trees, flowers or shrubs. If the Town feels like water is being abused or misused the Town has the right to shut off water for public use.

12. **Animals** – No dogs, horses, or any other animal shall be allowed in the Cemetery without the permission of the Public Works Director.