

**TOWN OF FAIRPLAY**

901 Main Street  
P. O. Box 267  
Fairplay, CO 80440  
719-836-2622

**CEMETERY AGREEMENT**

Name of Deceased \_\_\_\_\_

Date of Birth \_\_\_\_\_ Date Deceased \_\_\_\_\_

Date of Burial \_\_\_\_\_ Casket \_\_\_\_\_ Cremains \_\_\_\_\_

Placement in Cemetery \_\_\_\_\_

Funeral Home \_\_\_\_\_

Funeral Home Address/Phone \_\_\_\_\_

Relative to Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Relative to Contact: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

The following documents must accompany the Cemetery Agreement before it will be deemed complete:

\_\_\_\_\_ Proof of Residency

\_\_\_\_\_ Completed Cemetery Agreement

\_\_\_\_\_ Authority for Final Disposition

\_\_\_\_\_ Death Certificate

\_\_\_\_\_ Payment of Grave Opening and Closing Fees

\_\_\_\_\_ Payment of Monument Deposit (separate check)

I have read and do hereby agree to the Rules and Regulations for the Fairplay Cemetery.

\_\_\_\_\_  
Applicant Signature

**FEES FOR INTERMENTS**

Opening and Closing Grave for Casket - \$300.00

Opening and Closing Grave for Cremains - \$150.00

Additional Charge for Opening and Closing of Grave on Weekend or Holiday - \$225.00

Additional Fee may be charged if a contractor must be hired due to extenuating circumstances, such as frozen ground. The cost of these types of services may be significant.

Paid by: \_\_\_\_\_

Amount: \_\_\_\_\_ Date deposited \_\_\_\_\_

Address: \_\_\_\_\_

Receipt acknowledged by: \_\_\_\_\_

**FEES FOR DISINTERMENTS**

Disinterment of Casket - \$100

Disinterment of Cremains - \$50

These fees are for administrative tasks. The Town will not participate in the process of disinterment except to insure that proper approvals and documentation are in place.

Paid by: \_\_\_\_\_

Amount: \_\_\_\_\_ Date deposited \_\_\_\_\_

Address: \_\_\_\_\_

Receipt acknowledged by: \_\_\_\_\_

**MONUMENT DEPOSIT**

Monument Deposit - \$300.00

Paid by: \_\_\_\_\_

Amount: \_\_\_\_\_ Date deposited \_\_\_\_\_

Address: \_\_\_\_\_

Receipt acknowledged by: \_\_\_\_\_

**REFUNDED DEPOSIT**

(Refund deposit upon placement of permanent monument.)

Refunded to: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Amount Refunded: \_\_\_\_\_ Date Refunded: \_\_\_\_\_

To be refunded to: \_\_\_\_\_

Address: \_\_\_\_\_

# Rules and Regulations for Fairplay Cemetery

## Section 1 Designation and Definitions

- A. Designation: The property and all additions that may hereafter be made thereto, now known as the Fairplay Cemetery (hereafter referred to as “the Cemetery”), is designated the Town Cemetery of Fairplay and is set apart and shall be maintained forever for the burial of the dead. Residency requirement must be met to be buried in the Fairplay Cemetery.
- B. Definitions:
1. “Town” – The Town of Fairplay, a municipal Corporation in the State of Colorado, being the owner and administrator of the Cemetery.
  2. “Cemetery Supervisor”: The Cemetery Supervisor will be appointed by the Town Administrator. The Cemetery Supervisor shall provide for supervision of the care, repair, preservation and restoration of the Cemetery. The Cemetery Supervisor shall have authority to conduct the affairs of the Cemetery, including the ability to make decisions regarding all functions of the Cemetery not specifically assigned to the Town Board of Trustees. The Cemetery Supervisor may designate others to perform the tasks herein assigned to the position.
  3. “Double Burials”: The stacking, or placement of one interment atop or above another.
  4. “Fraternal Plots”: A group of plots set aside and so designated by the Town Board for the burial of members of a specific fraternal organization.
  5. “Immediate Family”: The parents, the spouse and children only.
  6. “Occupied Burial Space”:
    - a. An unmarked or temporary burial space which contains or shows evidence of containing any interred remains; and
    - b. A burial space that has a permanent marker.
  7. “Plot Size”: A standard 4’ x 10’ long space.
  8. “Resident”:
    - a. An individual who resided in the Town for five consecutive years prior to and at the time of death; or
    - b. An individual who resided in the Town for five consecutive years prior to residing outside the Town for the specific purpose of receiving care for health problems leading to death; or
    - c. A member of the immediate family of an individual already buried in Fairplay Cemetery; or
    - d. A person designated as a resident by Proclamation of the presiding mayor.
  9. “Residing”: The act of living within the Town Limits of the Town of Fairplay a minimum of 9 months of a 12 month period as evidenced by a minimum of two of the following: 1) Payment of Town water and sewer billings, 2) Records of the Colorado Motor Vehicle Department (driver’s license), 3) Records of the Park County Clerk and Recorder (license plates), or voter registration.

10. "Unoccupied Burial Space": A burial space, which does not contain, or is not known to contain any interred remains.

## **Section 2 Powers and Duties of the Cemetery Supervisor**

The Cemetery Supervisor shall designate and supervise an appropriate person or persons to maintain the grounds of the Cemetery in good condition, attend to the trimming of vegetation, see to the enforcement of rules of the Town Board as they apply to the care and upkeep of the Cemetery, make such improvements as the Town Board may direct, manage the preparation of graves for all who are in possession of the proper certificate of death and burial permit, and shall have such graves in readiness for the appointed time of burial. The Cemetery Supervisor of the Town shall enforce the rules and regulations governing the use and operation of Fairplay Cemetery.

## **Section 3 Application for Cemetery Plot**

All applications for burial plots in the Cemetery shall be made at the office of the Town Clerk. The applicant shall submit a complete cemetery agreement with all required attachments and necessary documentation establishing residency. The Town Clerk shall keep an accurate, easily retrievable, and secure record of all plots and any other transactions of the cemetery showing the names of the interred.

## **Section 4 Burial Procedures**

No interment or disinterment shall occur within the Cemetery without a permit lawfully issued by the appropriate agency in the location of death, the laws of the State of Colorado, and all provisions of the Town of Fairplay ordinances and these Rules and Regulations governing the operation and use of the Cemetery.

- A. No burial shall take place until the Town Clerk has received a completed cemetery agreement, all required attachments, and payment in full.
- B. The Town Clerk must receive notification at least seventy-two (72) hours before all burials. The minimum period for such notification shall not include Saturday, Sunday or Town holidays and the notice period shall begin at noon on any workday.
- C. Payment to the Town Clerk of fees for interments and disinterments must be made in accordance with Section 5.
- D. There shall be no opening and closing of graves on a Saturday, Sunday or a Town holiday, except upon the declaration of emergency circumstance by the County Coroner or Town Clerk, in which case the cost of an opening and closing of a grave shall be an additional \$225 for interment.
- E. A monument deposit of \$300 shall be collected before any burial. This deposit shall be returned as soon as an appropriate monument of lasting quality, as determined by the Cemetery Supervisor is placed on the burial plot. If such a monument is not properly placed within six months of the burial, the deposit shall be retained by the Town of Fairplay and used to purchase an appropriate monument.
- F. After notifying the Town Clerk and payment of required fees, the representative of the deceased shall contact the Cemetery Supervisor prior to setting a burial time and present a tentative schedule. The Cemetery Supervisor shall insure that resources are available to accommodate the schedule. Once an acceptable time for burial has been agreed to between the Town and the representative of the deceased the Cemetery Supervisor will notify the representative, and the Town Clerk of the exact time and day to commence activities and to cease activities. The Cemetery Supervisor will also coordinate a plan for parking and pedestrian access with the representative.
- G. A minimum of two hours shall be allowed between two separate burials on the same day. At the time a burial is scheduled for completion, all pedestrians and automobiles associated with the burial must leave the Cemetery grounds if another burial is scheduled.
- H. The Town will provide services to excavate the burial site to accommodate the requested type of burial in a timely manner. The Town will provide services to backfill the excavated area after the burial in a timely manner between May 1<sup>st</sup> and November 1<sup>st</sup>. Between November 1<sup>st</sup> and May 1<sup>st</sup> the Town may hire a qualified excavator at the cost of

the family of deceased. This may be a significantly higher cost. The Town will provide no other services related to the placement of the remains, including placing of the monument or landscaping.

- I. 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 5 Fees for Interments and Disinterment**

- A. The following fees shall be collected for opening and closing graves in the Cemetery:
  1. \$300 for opening and closing graves for casket space burials.
  2. \$150 for opening and closing graves for cremains.
- B. A \$300 monument deposit at time of any burial.
- C. The fee of \$100 shall be collected for disinterment of caskets from the Cemetery and \$50 for disinterment of cremains. These fees are for administrative tasks, the Town will not participate in the process of disinterment except to insure that proper approvals and documentation are in place.

### **Section 6 Caskets and Monuments**

- A. The top of all crypts and vaults must be a minimum of 3 feet below ground level.
- B. No mausoleums shall be permitted.
- C. All crypts, caskets, urns, or vaults, must be approved by the Cemetery Supervisor, or a designee, for adequacy of construction prior to placement.
- D. All tombstones and grave markers (“monuments”) placed on plots in the Cemetery must meet the following requirements:
  1. Cemetery Supervisor must be notified for approval of Monument, placement, and time of placement.
  2. A monument of appropriate and lasting quality shall be placed on the plot within six months of the interment, unless an extension is granted by the Cemetery Supervisor.
  3. Monuments shall be made of stone, synthetic stone, or concrete. Brass plaques may be used. Exemptions from these materials may be granted by the Cemetery Supervisor.
  4. Monuments shall contain the name of the deceased, the date of birth, and the date of death. Additional verbiage shall not contain any language that is ethnically, religiously, or politically divisive in nature. The Town reserves the right to have any language removed or altered at its sole discretion.
  5. Monuments shall be permanently placed in ground. Monuments are limited to a maximum height of three feet, unless plans are submitted to the Cemetery Supervisor for approval. The Supervisor will determine whether the monument is engineered to take into account the slope of the ground, the weight of the monument, its stability on the ground at the location at which it shall be placed, and its ability to withstand adverse weather conditions and most types of vandalism.

### **Section 7 Miscellaneous Burial Regulations**

- A. There shall be the allowance of multiple burials for cremains in one plot. These burials shall not be “double burials” and shall be limited to 4 per plot.
- B. No double burial of caskets is permitted.
- C. The Town Clerk shall not permit any burials except in strict compliance with these Rules.
- D. The Cemetery Supervisor shall ensure that all caskets are permanently marked with a metal spike in each corner of burial site. Cremains are to be marked with one spike directly in the center of burial hole above cremains.

## **Section 8 Disinterment and Opening of Graves**

No disinterment shall be allowed without permission of the State of Colorado in accordance with its statutes and regulations and without the permission of the Town Board and the owner of the plot or owner's descendants. If the consent of the owner cannot be obtained, an order of the Court in accordance with Colorado law shall be sufficient. No disinterment shall be made except by qualified contractors. Disinterment shall be allowed only upon payment in full of the fees outlined in Section 5C above. The time of disinterment will be designated by the Cemetery Supervisor. No liability shall accrue to the Town for damages incurred during the disinterment including, but not limited to, damage to liners, caskets or monuments.

## **Section 9 Maintenance and Care of Plots and Graves**

The Cemetery Supervisor shall manage the operation of the Cemetery.

- A. In order to procure a natural and pleasant effect, to protect and preserve the historic character, and to ensure proper drainage of the grounds, the marking, decoration and grade of all plots and graves in the Cemetery shall be determined by the Cemetery Supervisor.
- B. Grading and digging on plots by other than employees of the Town or others authorized by the Town is prohibited.
- C. Plots shall not be higher than the level of the adjoining ground, except where deemed appropriate by the Cemetery Supervisor.
- D. All fences, railings, cement curbs or other enclosures around plots and graves, including trellises and headboards of every type and description, shall be submitted for approval to the Cemetery Supervisor. Any fences, railings, curbs or other enclosures around plots and graves shall be maintained by the heirs of the deceased. If no responsible party can be contacted and be responsive, the Town may remove the constructions. Such constructions deemed historically valuable may be maintained by the Town at its sole discretion.
- E. All foundations and monuments placed in the Cemetery shall be set by a licensed memorial company, grave headstone company, Town employee or contractor approved by the Cemetery Supervisor.
- F. The planting of living flowers, trees, shrubbery or other plant life on a gravesite as permanent landscaping shall be submitted for approval by the Cemetery Supervisor.
- G. The Cemetery Supervisor may prohibit or remove from plots any chairs, settees, vases, glass cases, artificial flowers, unauthorized grave covers, toys or any articles that are considered by the Cemetery Supervisor not in keeping with the purpose of this section. Empty vases and arches without vines are not allowed to remain on plots. Paper boxes and other unsightly articles shall not be thrown about the grounds.

## **Section 10 Obtaining of Plot Location**

The location and identity of plots in the Cemetery may be obtained from the Cemetery Supervisor by appointment during regular Town business hours.

## **Section 11 Operation of Vehicles**

Riding or driving faster than 5 MPH is prohibited in the Cemetery and only allowed in designated areas. No driving or riding shall be allowed on plots, lawns or walks. This section also applies to bicycles but not wheelchairs required for handicapped access. No other means of transportation is allowed. All persons driving or riding in the Cemetery shall be held responsible for any damage done by them, their vehicles, or by any animals in their charge. Vehicles shall not be turned around in any avenues, but shall be driven forward following roadways. Parking shall be in designated areas only. Exceptions will be considered by the Cemetery Supervisor, or a designee, for burials or other functions and the specifics thereof specified for individual requests.

## **Section 12 Fraternal Society Plots**

No fraternal society shall establish a new group of plots except by applying for special permission from the Town Board. Fraternal society plots (including fences, gates, monuments and vegetation) shall be

maintained and cared for by the society. If a society demonstrates neglect of its plot, an annual fee of \$500 shall be levied for the care of said plot. A fraternal society may request relief from the maintenance requirement from the Town Board.

**Section 13                      Animal Control**

Persons bringing animals to the Cemetery shall maintain control over them at all times. Owners are prohibited from permitting their animals from defiling any gravesite.

**Section 14                      Visiting Hours**

Cemetery visiting hours shall be from one (1) hour before sunrise to one (1) hour after sunset. No one shall be allowed in the Cemetery except during visiting hours.

**Section 15                      Disclaimer on Location 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 plots are contingent upon the excavation of the burial site. In those cases where a previous burial is unearthed, location of another plot shall be required. In this case burial times may need to be extended.

