

**Town of Basalt, Colorado
Ordinance No. 24
Series of 2022**

**ORDINANCE OF THE TOWN COUNCIL OF BASALT, COLORADO,
ADOPTING RULES AND REGULATIONS FOR THE BASALT FAIRVIEW
CEMETERY PURSUANT TO SECTION 11-154 OF THE BASALT MUNICIPAL
CODE**

RECITALS

- A. The Town of Basalt ("Town") is a Colorado home-rule municipality, duly organized and existing under the Town's Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado.
- B. The Town owns and manages the Basalt Fairview Cemetery as a municipal cemetery (the "Cemetery").
- C. Pursuant to Section 11-154 of the Basalt Municipal Code (the "Code"), the Town maintains rules and regulations governing the use of all lots and grave plots in the Cemetery (the "Cemetery Rules").
- D. The Town wishes to update the Cemetery Rules to allow for better administration of the Cemetery, as set forth herein.
- E. At a public meeting on November 22, 2022, the Town Council approved this Ordinance on first reading and set a public hearing and second reading for this Ordinance for December 13, 2022 for a meeting beginning no earlier than 6:00 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.
- F. At a public hearing and second reading on December 13, 2022, the Town Council heard evidence and testimony as offered by the Town Staff and members of the public.
- G. The Town Council finds and determines it is in the best interests of the Town to adopt the Cemetery Rules as provided herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
BASALT, COLORADO, AS FOLLOWS:**

- 1. Recitals. The foregoing recitals are incorporated herein as findings of Town Council.
- 2. Cemetery Rules. The Town Council hereby repeals and replaces the Cemetery Rules for the Basalt Fairview Cemetery, as set forth in **Exhibit A**.

3. Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.
4. Effective Date. This Ordinance shall be effective 14 days after final publication of the Ordinance in accordance with the Town Home Rule Charter.

READ ON FIRST READING, ORDERED PUBLISHED AND SET FOR PUBLIC HEARING TO BE HELD ON December 13, 2022 by a vote of 6 to 0 on November 22, 2022.

READ ON SECOND READING AND ADOPTED, by a vote of 7 to 0 on December 13, 2022.

TOWN OF BASALT, COLORADO

By: _____
William G. Kane, Mayor

ATTEST:

Pamela Schilling, Town Clerk

First Publication: Thursday, December 1, 2022
Final Publication: Thursday, December 22, 2022
Effective Date: Thursday, January 5, 2023

EXHIBIT A CEMETERY RULES

BASALT FAIRVIEW CEMETERY RULES AND REGULATIONS AS PER ARTICLE VIII – SECTION 11-151 et al.

Pursuant to Article VIII, Section 11-154, Basalt Municipal Code, the Town Council of the Town of Basalt, Colorado, adopts the following Rules and Regulations for Basalt Fairview Cemetery in Basalt, Colorado.

No interment or disinterment shall be made within the Basalt Fairview Cemetery without a permit lawfully issued by the appropriate agency of the State of Colorado in accordance with the statutes of the State of Colorado and all provisions of the Town of Basalt Municipal Code, ordinances, and these Rules and Regulations governing the use of the Basalt Fairview Cemetery. The Town Clerk shall keep an accurate record of all interment or disinterment permits issued for Basalt Fairview Cemetery.

Town Not Responsible for Disinterments

All disinterment of a body will be the responsibility of the family or legally authorized representative. The Town shall not assume responsibility for any disinterment. Families wishing to disinter a body shall procure the services of a competent funeral director who must first provide evidence of liability insurance satisfactory to the Town of Basalt. Schedules for disinterment must be approved by the Town Manager.

Fees

Fees for the purchase of plots, and opening, closing of graves, interment, disinterment, perpetual care, weekend services, full burials or burial of cremains, weekend or holiday burials, or other costs as may be recognized, shall be adopted by the Town Council by and set forth in the Town's Schedule of Fees, as amended from time to time. Plot purchases are based on the fees in place at the time of purchase. Open/Close, perpetual care, or other services with recognized costs will be charged according to the fee schedule in effect at the time of burial.

Plot Fees are divided into categories:

1. Within Town of Basalt limits;
2. Outside of Basalt Town Limits, but within 81621 and 81642 zip codes;
3. Outside of the 81621 and 81642 zip codes.

Conveyance of Cemetery Lots

A cemetery lot is 5-feet by 8-feet. Cemetery lots may be transferred by a purchaser to a relative by blood or marriage. All other transfers shall be to the Town. Such transfer shall be approved by the Town Manager and recorded with the Town Clerk. No cemetery lot or lots shall be transferred by a purchaser, his successor or assigns, without such transfer first having been approved by the Town Clerk.

Any person or the legally authorized representative of a deceased person wishing to resell a cemetery lot to the Town may do so, in which case the Town will pay no more than the price the Town collected at the time the lot was purchased as can be most closely determined by deed, receipt, or historic records showing costs during the same or similar time period at the Basalt Fairview Cemetery.

Nothing in this section shall be construed to permit the sale or conveyance of any cemetery lot or lots which have been used for interment.

Burials and Interments

A plot may contain the following: One headstone per plot (it can hold multiple names of cremains within the plots)

- 1 full casket burial per plot.
- Up to 4 cremains per plot are allowed.
- 1 full casket burial per plot and up to 4 cremains per plot provided the casket is the first burial with cremains buried on top of the casket.

Plots will not be split in half for the purpose of cremains or sale.

Notice of a funeral/service must be provided to the Town of Basalt by the Funeral Director, family, or legally authorized representative at 72 hours prior to the funeral/service. The Town Clerk will notify the Cemetery Caretaker or his/her appointee of the need for excavation of a grave space in Basalt Fairview Cemetery at least 48 hours before the service/funeral.

Graves normally are not dug in the winter months. If it is possible to provide this service, the Town Manager may negotiate a separate fee for this service which may include, but is not limited to, additional staff time, overtime, and equipment costs.

Basalt Fairview Cemetery accepts only standard burials of human remains or cremains and full casket burials. No pets or animals are allowed to be buried in the cemetery.

For more natural organic burials, bodies must be encased in some form of casket – fiberglass, wood, bamboo, wicker and cardboard are examples of acceptable materials. No vault is required.

Funeral pyres are not allowed.

General Rules

Cemetery Hours shall be from sunup to sundown each day.

No lot or grave shall be opened, closed, filled, sodded, or revegetated, except by Town employees. Grading and digging of plots by persons other than Town employees is strictly prohibited unless permission is granted by the Town Manager.

Graves may be decorated with natural materials such as cut flowers or plants in removable/portable containers that are not made of glass.

No plants or trees shall be planted other than those placed by the Town.

Fencing, railings, concrete curb, or other enclosures around lots and graves are prohibited. No iron work or wire work shall be allowed on the lots. Any article made of iron on any cemetery lot at the time of the adoption of these Rules and Regulations, which begins to rust or deteriorates, shall be painted, repaired or removed at the election of the owner.

No foundation or monument markers are to be placed in the Basalt Fairview Cemetery unless they are placed by a licensed memorial company or grave headstone company, or approved by the Town Manager. No foundation or monument markers are to be placed on weekends or holidays.

The Town Clerk must be notified seven days before a monument or marker is placed on a lot.

Planting of flowers, trees, or shrubs is prohibited unless approved by the Town Manager. Decorations may be placed on the monuments in a secure position for seven days after a funeral and Memorial Day. Decorations should be properly fastened so as not to interfere with the maintenance of the cemetery.

The Town Manager or his/her designee may prohibit or remove from lots any chairs, settees, vases, glass vases, artificial flowers, unauthorized grave covers, toys, or any articles that are considered by the Town Manager not in keeping with the purpose of this section or the ordinance authorizing these Rules and Regulations.

Monument firms are required to meet with the Public Works Director or his designee at least one week prior to the construction of the foundation for monuments and markers.

Monument firms shall be held responsible for any damages and shall be subject to the direction and control of the Public Works Director or designee while on cemetery grounds.

No monuments or markers shall be placed in the cemetery between December 1st and April 1st.

All monuments and markers shall have level bottoms and be set upon foundations.

The top of each foundation shall be set at or below ground level.

Foundations shall be centered in the lot and minimum of six inches shall remain between the edge of the foundation and the front and sides of the lots.

Only one monument or marker shall be permitted on each lot and shall be set at the head of the lot.

Single grave monuments or markers shall not exceed three feet in length, three feet in height and one-and-one-half feet in width.)

Candles, Votive Candles, Fires

No person shall light or allow to burn any candles, votive candles, fire-lit objects of any type, or fires anywhere within the Cemetery or Cemetery Property.

Animals

Only service animals will be permitted in the cemetery unless otherwise permitted by the Town Manager. Pets must be restrained by a leash or within a carrier at all times. Pet caretakers and pet owners are prohibited from permitting or allowing their pets to dig or litter any grave site in accordance with Town ordinances. Pet caretakers and pet owners are responsible for any damage done by animals in their charge.

Vehicles

Riding or driving faster than 5 miles-per-hour is prohibited in the Basalt Fairview Cemetery. All vehicles shall be kept off the grass unless being operated by Town employees for installation or maintenance purposes.

All persons driving in the cemetery shall be held responsible for any damage done by them.

No vehicles are allowed in the cemetery overnight, unless they are Town or contracted vehicles being operated by the Town for installation or maintenance.

No vehicles are allowed to park on Cemetery Road leading into the Cemetery.