

# Monte Vista Cemetery Policies and Procedures

Effective: April 3, 2018



## ***Mission Statement***

It is the intent of the Monte Vista Cemetery Association to manage and maintain the Monte Vista Cemetery in a manner that preserves the beauty, dignity, and historical and cultural value of the cemetery and those who rest there.

## **INTRODUCTION**

It is the desire of the Monte Vista Cemetery Association to operate and maintain a cemetery that is beautiful and an appropriate resting place for departed loved ones.

In formulating these policies and procedures, it has been our desire to offer as much freedom of choice as possible while recognizing those regulations necessary to maintain a high standard of beauty and efficiency.

We sincerely hope that you will assist us in this effort by adhering to these rules. We also encourage your suggestions and comments regarding general maintenance and operation procedures.

## **DEFINITIONS**

**Administrative Office:** The administrative office is located at 121 Adams Street, Monte Vista, Colorado 81144. All inquiries, purchases, and cemetery records are at this location.

**Burial Rights:** the right to be buried in a cemetery space after such space has been purchased.

**Cremains:** Cremains are the remains of a person who has been cremated.

**Disinterment Permit:** A permit that is required by the state for the purpose of exhuming a burial to be transferred for burial in another place

**Flat Marker:** a flat marker is one that is flush with the ground.

**Head of Household:** a single person who is at least 21 years old or a married couple.

**Heir:** an heir is someone who has inherited or is entitled to the right from a parent or relative who is no longer living, or anyone named as an heir in a will or last testament.

**Indigent:** an indigent is a person who does not have the financial means with which a burial right can be purchased.

**Installment Plan:**an arrangement made by the administration and an individual for the purchase of burial space/s.

**Marker:** an identification tool made of stone that is placed upon a grave which contains information about the person buried in that particular space.

**Plaque:** an identification tool placed on an existing stone or marker to further identify an additional burial in the same plot. As in a full burial with a cremains in one space.

**Perpetual Care:** perpetual care is defined as the general care and maintenance necessitated by the natural growth and ordinary care which may be provided at regular and reasonable intervals within the budget limits of the cemetery. It includes the planting, cutting and watering and care of the lawns, upkeep of buildings, walks and roadways. It also provides for the care of trees and shrubs located on the cemetery grounds. It does not provide for the maintenance of monuments, markers or flower vases.

**Permanent Container:**a metal, marble or stone container permanently affixed to the marker or included in, but not separately attached to the cement foundation.

**Administrator/manager:** the administrator/manager is responsible for enforcing cemetery policies and procedures and assisting in the preservation of historical records. The administrator is also responsible for the sale and recording of all lots and plots in the cemetery, issuing deeds to said lots and plots and recording all information and details having to do with these sales. As well as measuring spaces and communication with funeral homes and families and making funeral arrangements, scheduling the opening/closing of graves and communicating information to all parties involved in a timely manner. The administrator/manager is responsible for the details of lot sales, funeral arrangements and the general bookkeeping of cemetery business.

**Slant Marker:** a marker that has a gradual slant from ground level to a height of no more than four (4) inches.

**Upright Marker:** any marker that stands upright

## **LOT OWNERSHIP AND PRIVILEGES**

### **A. Nature and Extent of Rights Required**

Upon full payment of the purchase price of a space or spaces, the purchaser (s) acquire the rights of burial in said space, subject to the policies and procedures of the cemetery. No interment will be permitted in, or markers allowed, on any space not fully paid for. No space shall be sold without perpetual care, including spaces in "Potters Field" and spaces provided for indigent burials.

### **B. Descent and Inheritance of Burial Rights**

Burials by or of heirs, after the original parties named on plot certificates have died requires the permission of living heirs either in writing or by the reassignment and legal recording of the deed transfer.

### **C. Re-Issuance of a Deed:**

There is no charge for re-issuance of a deed passed on through family. Reissue to a non-family member through the cemetery association a fee of \$50 will be assessed. The heirs are entitled to the same use of the space as the original owners and are bound by the same policies and procedures.

### **D. Transfer of Burial Rights**

Owners of burial plots may transfer their burial rights to other parties only by approval of the cemetery board. Payment and transfer / recording fees are required before a new deed will be issued. The deed along with the files at the administrative office shall be considered the correct record. In the event of a discrepancy between administrative files and a deed shall be discussed and resolved by the association board at the earliest date possible, and files amended or a resolution with the deed holder shall be sought.

### **E. Resale of Burial Rights**

If a space is being sold back to the Monte Vista Cemetery association or anyone else, it must meet the criteria of a useable space. The determination of whether a space is usable will be the decision of the Monte Vista Cemetery Association. The Monte Vista Cemetery Association retains the right of first refusal to purchase back the space before it is sold to someone else.

An owner or heir holding deed to the space may sell that space back to the cemetery at any time. The amount the cemetery will pay, if they choose to purchase, will be the same amount that the space was purchased for.

The owner or heir may sell a space to anyone at any time for a price to be set by the owner, but only with prior approval of the cemetery board.

## **BURIALS**

### **A. General Requirements**

Interments are limited to human dead. Interment will be made only after a permit for burial has been filled out by a family representative or mortician prior to the opening of a grave. Information for all interments must be given and all charges prepaid at the administrative office of the cemetery. All such orders must be made in writing. The person giving the order must give the name, address, and all other information on the burial report. This information includes the name of the deceased, date and place of birth of the deceased, date and place of death, name and address of person responsible for disposition, name of mother and father of the deceased, name of the funeral director, date and time of funeral, the location of grave space to be used. Notice of opening and burial shall be given to all cemetery personnel early enough to allow for all cemetery maintenance work to be halted or completed prior to burial. An email with a follow up text to all parties shall be made at the earliest possible time to allow for watering to be stopped and mowing operations to be completed. Extra time may be required during the winter months as well as for military burials. While cemetery personnel will exercise due diligence in marking and finding burial spaces, the Monte Vista Cemetery Association and its constituents will not be responsible for mistakes occurring from lack of precise and proper instruction, or the historic lack of precise measurement or misplaced burials. When instructions regarding the location of a grave on a lot cannot be opened where specified, the superintendent or sexton may, at his/her discretion, open it in a location on the lot as he/she deems best and proper, so as not to delay the funeral and affect the interment. If possible, the family shall be notified of the discrepancy and involved in the final decision. No interment will be permitted, or remains received, unless the proper written order is furnished. Remains from other states must be accompanied by the proper legal transit permit and filed at the administrative office.

#### **1. Notification of Burial**

The Cemetery office shall receive at least two (2) working days advance notice, prior to scheduling interment of remains. From November 01 to May 01 three days are required. To avoid confusion, the mortuary is required to contact the cemetery office prior to scheduling an interment.

#### **2. Interment Requirements**

Colorado Department of Health requires the Authority for Final Disposition Form shall be delivered to the Cemetery administrative office prior to closing of the grave.

**3. Arrangements**

All persons making arrangements for Interments shall be referred directly to the cemetery office for payment of any outstanding charges prior to opening the grave.

**B. Lot Limitations**

The Monte Vista Cemetery allows one casket in a single space. Also allowed is one casket and one cremains in a single space. Two cremains will also be allowed in a single space. In either of the latter cases, the markers for both must be placed at the top of the space in line with the rest of the cemetery markers. Scattering of ashes is discouraged at the Monte Vista Cemetery. The Board discourages any scattering of ashes above ground.

**C. Fairyland**

Fairyland is a space set aside at the Monte Vista Cemetery for the low-cost burial of infants and small children. No adult burials are allowed in Fairyland. The lot sizes are smaller and cost considerably less. Caskets are not to exceed 40" in length. Markers and stones must not be more than 15 inches tall or 15 inches long and in accordance with all other cemetery policies.

**D. Advance Payment of Burial Fee**

Spaces may be purchased on an installment plan if purchased in advance of need when the proper arrangements are made at the Cemetery administrative office. An installment plan requires a non-refundable deposit of 25% of the total cost of the space/s to be purchased and the remaining balance to be paid in full within 2 years. If full payment has not been received within 2 years, the space/s will revert back to the Monte Vista Cemetery. NO refund will be given to the purchaser for the deposit or amount paid.

An installment plan is not allowed at the time of burial. The person ordering the grave will be responsible for payment of all fees in preparation of the burial. Mortuaries shall be given 60 days from the time the burial is performed to make payment in full.

No grave shall be opened until all fees have been paid.

**E. Hours When Burials are Permitted**

No burial or interment will be allowed in the cemetery on Sunday or any holiday, except by special permission of the board of directors.

On all other days, funerals will be allowed between the hours of 8am and 4pm.

Winter hours may vary allowing for weather conditions.

**F. Duty of Funeral Directors**

Funeral directors in charge of funerals, must arrange the time for arrival at the cemetery so as to be out of the grounds before 4pm. They will be held for faithful observance of all policies and procedures concerning funerals and burials. When a funeral extends beyond 4pm on a regular working day, and overtime charge will be made to the mortuary in charge of the funeral.

**G. Vaults**

Vaults are not a requirement at the Monte Vista Cemetery. They are highly recommended, however, to prevent subsidence. A mortuary or family may supply their own vault. Or they are available for purchase through the Monte Vista Cemetery Association.

**H. Evacuating and Refilling of Graves**

The mortuary or an employee of the cemetery will be in complete charge of every interment. No graves shall be opened, filled, refilled or sodded except by the direction of an employee of the.

**I. Burials per Grave**

One interment only shall be allowed per casket, except in the case of a father or mother with an infant child, or two children buried at the same time. No more than one casket shall be allowed in one space. One casket and one cremains or two cremains shall be allowed in a single space.

**J. Errors**

The cemetery administrator, as he/she deems proper, shall correct any errors made in the interment so, disinterment, removals, or in these scripting, transfer or conveyance of any interment property. The Association Board shall be informed of all changes and historic errors as they are discovered.

**K. Graves**

No grave, after having settled, will be allowed to remain over one and one-half (1 ½ inches) above the surface of the lot, no abrupt sides are permitted.

**L. Burials**

No burial of the remains of other than immediate family members or blood relations of the owner of a lot shall be permitted until a written release is filed by the owner, his heirs or assigns, in the office of the secretary.

## **DECORATION OF GRAVES**

### **A. Funeral Pieces and Floral Pieces**

Floral pieces will be removed without notice when they become unsightly. Space owners desiring to retain floral pieces must remove them within five (5) days after the interment.

### **B. Flower Containers and Flowers**

The placing of baskets, boxes, pots, jars, cans, etc. is allowed, as long as they are placed on the grave stone or marker in such a way as to be out of the walk path of others. They are subject to removal without notice should they pose a hazard to others or impede mowing operations.

### **C. Artificial Flowers and Decorations**

Artificial flowers are permissible if placed in a permanent container or are placed out of the way of mowing and watering operations and walkways. The location and use of such flowers shall be subject to the policies and procedures set forth and may be removed without notice. Artificial decorations will be subject to the policies and procedures and may be removed without notice.

### **D. Fresh Cut Flowers**

Fresh cut flowers are permitted at the cemetery anytime but are subject to the policies and procedures of the cemetery and may be removed anytime without notice.

### **E. Planting and Excavating**

No planting of any type of plant material, digging or disturbing of the sod within the cemetery will be permitted without permission of the board and will be supervised by a cemetery employee.



## Monuments and Markers

### A. **Ownership and Responsibility**

Monuments and markers are personal property. All monuments within the cemetery, are the responsibility of the owner or heirs. The cemetery is maintained by the personnel who exercise great care in keeping the grounds groomed. The cemetery will not be responsible for inadvertentscratches and chips that occur from routine maintenance or from vandalism, or from normal weathering and age. The cemetery association and the board of directors will not be held responsible for any headstones, vases, or accessory items there-of.If a stone or marker has fallen or moved into the path of the mowing operations, roadways, the walkway or normal maintenance pathways, the cemetery will make an attempt to set the stone right so as to proceed with normal maintenance. We in no way take responsibility for the normal aging weathering and shifting of markers and stones over time.

### B. **Monuments and Markers**

#### 1. **Contractors**

No monument should be erected until a written order has been obtained from the association. People engaged in erecting monuments or other structures are not permitted to attach ropes to other monuments or two trees or shrubs. Planks must be provided from dumping stonework and rolling it on the paths, gutters or grass. They will not be permitted to scatter material or rubbish over adjacent lots, or to leave the same on the ground longer than is necessary. They are required to set their work as soon as possible after it enters the cemetery and remove any rubbish upon leaving. Contractors will be held responsible for any damage done by them to other monuments, grass, Trees, or any other objects what so ever in the cemetery. Monument firms or others are not permitted to place their names on any work within the view for advertising. No work shall be permitted to be done on the day before Memorial Day, nor will material of any kind be admitted to the cemetery on this day. Workmen mustsuspend their labors within the immediate vicinity of a funeral until the conclusion of all services.

#### 2. **Markers, Monuments and Above Ground Tombs**

No tomb will be allowed until the plans and locations have been approved by the board of directors. The Board of Directors reserves the right to prohibit the erection of any above ground tomb, Monument, headstone, or marker that may be considered by the board as inappropriate either in material, design, workmanship, or

location. The plans and specification of any tomb must be submitted to the board of directors for approval before the work is begun.

- i. A family monument will be permitted on any full or half lot but must be located at the head of the lot or of the half lot.
- ii. Foot markers will not be allowed in any block or section of the cemetery.
- iii. Up right markers will be allowed in section 12 but are not to exceed 24 inches in height.
- iv. All monuments, tablets, headstones, and markers must be put up or removed under the supervision of a cemetery employee or a reputed monument contractor. Cutting additional names or letters on monuments or headstones or other work or removal after the same has been placed in position, will require a written authority from the owner.
- v. Bases for monuments, markers, etc. must be squared sufficiently to allow them to rest firmly on the foundation. No wedging will be permitted.
- vi. Monument firms will be held responsible for any damage done to other monuments, grass, trees, or any other object what so ever in the cemetery.
- vii. The Board of Directors reserves the right to prohibit the placing of any bolt, Monument, or marker upon a plot until the plot is fully paid for.
- viii. In no instance will permission be given to the erection of tombs as a receptacle for bodies above the ground if they will be objectionable or injurious to surrounding lots.

### **3. Foundations**

Foundations will be required for all monuments and markers with the exception of flat stone markers. All foundations must be a fiber mesh concrete mix, to increase the strength of the concrete, or granite, placed flush with the ground, and of ample size and depth to properly carry the size and weight of the stone. All concrete foundations must be 24 inches wide and at least 4 inches deep for stones up to 30 inches long and 16 inches high, or 5 inches deeper on longer stones, and have a border of at least 4 inches on all sides of the memorial.

Flat stone markers that are flush with the ground only shall be allowed to be placed without a concrete foundation if requested by the family.

**4. Grades**

In order to produce a natural and pleasing effect and to also assure proper drainage over the entire cemetery, the grade of all lots of graves will be determined by the Board of Directors, and if need be, altered as the exigencies may require

**5. Trees and Shrubbery**

The Board of Directors will plant of trees and shrubs in accordance with the general plan for the organization of the grounds. If any tree or shrub standing in any lot by means of its roots, branches, or otherwise, become detrimental to the adjacent lots or walks, or interfere with the general design of the cemetery, the board shall have the right, and it shall be there duty to remove such trees or shrubs or any part there of as in their judgement may seem best. An employee of the cemetery, shall have charge of the planting of all trees and shrubs for the ornamentation of the cemetery based on direction from the board of directors. No persons shall disturb the sod, plants, or flowers upon any lot in the cemetery, except with the permission of the board of directors. All work upon or decoration of lots in groups within the cemetery shall be under the supervision an employee of the cemetery, and any person desiring to do any work on any lot or grave, shall first consult the Cemetery administrative office in reference thereto.

**6. Animals**

No dogs, cats or any other animal of any description shall be buried at the Monte Vista Cemetery.

**7. Ornaments and Fixtures**

The Board of Directors reserves the right, without notice, to remove or prohibit the placing of objectionable ornaments, chairs, settings, vases, glass cases, artificial flowers, toys, or any other articles that may be considered objectionable by then. Flowers shall be placed in the place provided on the foundation and shall not interfere with the mowing of the grass or the sexton may remove them without notice. Fences, railings, hedges, copings, and other enclosures around lots or graves are prohibited and will be removed without notice. Nothing other than flowers, and vases there in containing the same, or wreaths, flags, and other temporary decorations which will be removed as soon as they become unsightly, and unless previous arrangements have been made, the sexton will not return any items to the owners.

**8. Boundaries, Roads and Waterways**

The right to enlarge, reduce, re-plat or change the boundaries of the cemetery, a section or sections thereof, from time to time, including the right to modify or change the locations of roads and drives is hereby expressly reserved by the Monte Vista Cemetery Association. All changes must be board approved. The right to dig, maintain and operate ditches and canals for water supply or drainage is also expressly reserved.

**9. Location of Documents**

All original records and other documents pertaining to the Monte Vista Cemetery are on file at the administrative office.

**Regulations Governing Access and Cemetery Conduct**

- A. Entrance into the cemetery except through the main entrance is strictly forbidden.
- B. The Cemetery office shall be ready to give information or render assistance to lot owners and visitors during normal business hours on each day of the week except July 4<sup>th</sup>, Labor Day, Veterans Day, Thanksgiving Day Christmas Day and New Year's Day.
- C. Entrance into the Cemetery after dark is prohibited.
- D. Visitors are welcome to visit the cemetery while the gates are open. Visitors are expected at all times to be orderly, and shall not walk on the flower beds, grad lots or borders. Children visiting the cemetery must be accompanied by a responsible adult. Loitering in the cemetery is strictly prohibited. All trash and refuse must be picked up and thrown away by any visitor.
- E. All persons are prohibited from plucking or removing flowers or decorations from any grave in which they are not associated. Visitors are prohibited from breaking or injuring any tree, shrub, or plant monument, vault or structure or other property within the cemetery grounds.
- F. Loud boisterous talking and profane language is prohibited. No person will be allowed to disturb the quiet or good order of the place in any way.
- G. All people are prohibited from hunting or in any way disturbing the birds, fowl or discharging firearms or fireworks within or over any portion of the cemetery. This exclusion does not apply to Military funerals or similar occasions.

- H. Motorcycles and all-terrain vehicles(ATV's) are not permitted on the grounds except as needed for maintenance or as part of a funeral procession and are subject to the same policies and procedures as motorized vehicles. Cutting corners and driving on lawns is prohibited.
- I. It is common convention in the cemetery for burials to be made with the head to the west and the feet to the east. It is also a common tradition for a husband to be buried on the right side of the wife. Members may at their own discretion intern bodies in a different configuration from this common convention. However, head markers must be located at the normal head end of the space in alignment with the other markers in that row regardless of burial configuration.
- J. A common Family Monument is permitted on any full or half lot but must be located at the head of the lot or the half lot.
- K. Foot Markers are not allowed in any Block or Section of the Cemetery.
- L. All graves shall be at least six (6) inches within the boundary line of the burial plot and full burials shall be at least 4 ½ feet in depth.
- M. No iron or wirework will be allowed on lots.
- N. Grave spaces cannot be adorned or fenced around in a manner that makes grass mowing difficult.
- O. The board of directors may close any walks or driveways now existing in the Cemetery or establish grades.
- P. All persons making arrangements for interments shall be referred directly to the Cemetery administrative office for payment of any outstanding charges prior to the opening of the grave.
- Q. The board of directors reserves the right to prohibit the placing of any vault, monument, or marker upon a plot until the plot is fully paid for.
- R. Information regarding the cost of lots or graves may be ascertained from the Cemetery office.

- S. The board of directors reserves the right to alter, amend, revoke, or add to the foregoing rules and regulations from time to time, as experience may suggest, and their judgment approves. You as a lot owner are a member of the Monte Vista Cemetery Association, and the board of directors desires your cooperation and help in keeping our cemetery in first class condition.

## **FEES**

- A. The price and fee schedule has been included as an annex at the end of this document and will be updated periodically by the board of directors.
- B. All lots or partials of ground in said block, the prices of which are not fixed in the foregoing schedule, shall be sold for such prices or under such conditions and limitations as shall be determined and fixed by the Board of Directors.
- C. No lot or part of a lot shall be sold to a Funeral Director, or any other person, firm or corporation for resale in whole or part.
- D. All lots in any section of the Cemetery shall be sold with permanent care.
- E. The cost of disinterring bodies and reburials that are to be made in same cemetery shall be not less than two times the current burial fee and such disinterment shall be in accordance with the laws of the State Board of Health.
- F. The business of the Cemetery will be conducted on a cash basis, and all assessments in arrears must be paid in full on each lot, and any other indebtedness shall be paid in full before interment can be made.
- G. If any assessments are in arrears of five years or more, The Secretary and/or Administrative Manager may advice said persons in arrears by certified, return receipt requested mail, that the same must be taken care of immediately; however, if no response to said letter is made within thirty days from date of letter, said Secretary shall then be authorized to transfer any remaining unused spaces back to the cemetery for payment of assessment arrearage.

## **MISCELLANEOUS**

### **A. Office Records**

The official cemetery records are kept at the administration office located at 121 Adams St., Monte Vista, CO. The office is open weekdays from nine until five with the exception of holidays. All business pertaining to the cemetery should be transacted at the administrative office. The location of graves is shown by Maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the administrative office. All owners of lots or spaces are requested to notify the Monte Vista Cemetery Association office of any changes in their address.

The Cemetery office shall have available upon request all financial records, an accounting of all transactions pertaining to the cemetery, burials and Interments as well as minutes of meetings for all stakeholders.

### **B. Powers of the Administrator**

The cemetery administrator and cemetery employees are subject to the direction of the Monte Vista Cemetery Board of Directors. They are responsible for enforcing the policies and procedures of the cemetery. The administrator may take such action necessary to protect property, graves, space owners and the cemetery from injury, and to preserve the peace in good order and prevent injury to the appearance of the lots, graves, grounds and buildings under the direction of and with permission from the Monte Vista Cemetery Association board of directors.

### **C. Prices and Charges**

The Monte Vista Cemetery Association may establish or amend the fees charged for any service within the cemetery. Prices and charges will be furnished by the administrative office and are subject to change without notice.

### **D. Contractors and Outside Workers**

Contractors and others having work in the cemetery must make their business known to be the administrator before work is begun.

### **E. Disinterment's**

Disinterment must be arranged for through the administrative office. All fees and permits must be given to the administrative office before disinterment is begun. The written order of the space under his legal representative or an order from a competent authority in compliance with the law must also be given.

### **F. Liability of Cemetery**

Monte Vista Cemetery personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of space owners but shall not be liable for any damage or loss.

**G. Alteration and Repeal of Policies and Procedures**

Monte Vista Cemetery reserves the right to make, amend and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.

**H. Failure to Abide by Policies and Procedures**

Any person violating the provisions of the cemetery policies and procedures shall be guilty of a class B misdemeanor and shall be fined accordingly.