

Platteville Mizpah Cemetery Rules & Regulations



**Located at
12837 WCR 32, Platteville, CO 80651**

Town of Platteville
400 Grand Avenue
Platteville, CO 80651
(970) 785-2245
(970) 785-2476 Fax
www.plattevillegov.org

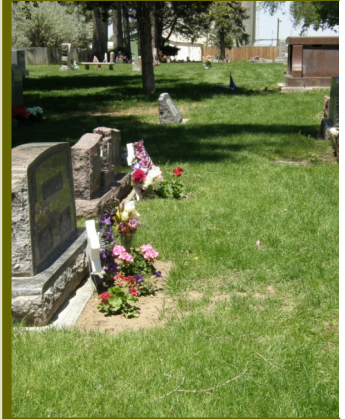


TABLE OF CONTENTS

CHAPTER 1: OWNERSHIP AND MANAGEMENT	3
1.1 OWNED BY TOWN OF PLATTEVILLE	3
1.2 CONTROL	3
1.3 TOWN MANAGER PRIMARY RESPONSIBILITY	3
1.4 GRIEVANCE PROCEDURE.....	3
1.5 PLATTEVILLE TOWN CLERK TO BE BUSINESS OFFICE OF CEMETERY	3
CHAPTER 2: GENERAL SUPERVISION OF THE CEMETERY.....	3
2.1 ADMISSION TO CEMETERY.....	3
2.2 PUBLIC WORKS DIRECTOR IN CHARGE OF ALL FUNERALS	4
2.3 CASKET NOT TO BE DISTURBED	4
CHAPTER 3: PURCHASE OF BURIAL SPACES	4
3.1 APPLICATIONS FOR PURCHASE.....	4
3.2 CERTIFICATE OF OWNERSHIP.....	4
3.3 RIGHTS CONVEYED BY CERTIFICATE OF OWNERSHIP.....	4
3.4 NOTIFICATION OF CHANGE OF ADDRESS	4
CHAPTER 4: TRANSFER AND ASSIGNMENT.....	4
4.1 CONSENT OF TOWN	4
CHAPTER 5: APPLICATION FOR BURIAL ORDER	5
5.1 NO INTERMENT WITHOUT BURIAL (INTERMENT) ORDER.....	5
5.2 WRITTEN APPLICATION REQUIRED	5
5.3 ASSESSMENTS AND CHARGES.....	5
5.5 NO LIABILITY OVER BURIAL RIGHTS	5
CHAPTER 6: NTERMENTS AND DISINTERMENTS	6
6.1 SUBJECT TO LAWS	6
6.2 MAXIMUM TIME ALLOWED	6
6.3 HOLIDAYS AND WEEKENDS.....	6
6.4 ADVANCE NOTICE OF INTERMENT REQUIRED.....	6
6.5 TIME OF FUNERAL/INTERMENT	6
6.6 EMERGENCY INTERMENTS	6
6.7 APPROVED PROTECTIVE CONTAINERS	6
6.8 LOCATION OF BURIAL SPACE	6
6.9 COORDINATION IN PERSON IS MOST DESIRABLE.....	7
6.10 DELAYS CAUSED BY PROTESTS	7
6.11 IDENTITY AND EMBALMING.....	7
6.13 INTERMENT OF CREMAINS.....	7
6.14 INFANT LOTS.....	7
CHAPTER 7: CORRECTION OF ERRORS.....	7
CHAPTER 8: DISINTERMENTS AND REMOVALS	7
8.1 NOTICE OF DISINTERMENT REQUIRED	7
8.2 CARE IN REMOVAL.....	8
8.3 PERMISSION FOR DISINTERMENTS	8
CHAPTER 9: CONTROL OF WORK BY TOWN.....	8
9.1 TOWN MUST DIRECT AND MAY REMOVE IMPROVEMENTS	8
CHAPTER 10: DECORATION OF LOTS.....	8
10.1 NO PLANTING OF LIVE FLOWERS.....	8
10.2 SPRAYS AND WREATHS.....	8
10.4 ITEMS NOT PERMITTED ON GRAVES.....	8
10.5 LIABILITY TO DECORATIONS	8

CHAPTER 11: ROADWAYS AND REPLATTING	9
11.1 RIGHT TO REPLAT, REGRADE AND USE PROPERTY.....	9
11.2 NO RIGHT GRANTED IN ROADWAYS.....	9
CHAPTER 12: CONDUCT OF PERSONS WITHIN THE CEMETERY	9
12.1 HOURS OPEN	9
12.2 CONDUCT.....	9
12.3 MINORS	9
12.4 REMOVAL OF FLOWERS, ETC. FORBIDDEN	9
12.5 FOOD	9
12.6 TRASH.....	9
12.7 VEHICLES OR TRUCKS AND HEAVY HAULING	10
12.8 PEDDLING OR SOLICITING.....	10
12.9 FIREARMS	10
12.10 DOMESTIC ANIMALS AND LIVESTOCK	10
12.11 POLICE AND DIRECTOR TO ENFORCE RULES.....	10
CHAPTER 13: FEES, GRATUITIES AND COMMISSIONS	10
CHAPTER 14: PROTECTION AGAINST LOSS	10
14.1 TOWN NOT RESPONSIBLE	10
14.2 LIABILITY FOR DAMAGES	10
CHAPTER 15: PERPETUAL CARE	11
15.1 PERPETUAL CARE.....	11
15.2 PERPETUAL CARE FEES	11
15.3 RECORD OF PAYMENT INTO PERPETUAL FUND.....	11
CHAPTER 16: PRIVATE MEMORIALS	11
CHAPTER 17: GENERAL CARE	11
CHAPTER 18: RULES FOR MEMORIAL WORK IN CEMETERY SECTIONS	11
18.1 PROCEDURES AND RETAIL DEALERS	11
18.2 MONUMENTS AND MARKERS	12
18.3 FOUNDATIONS.....	13
18.4 MISCELLANEOUS.....	13
CHAPTER 19: CERTIFICATE OF OWNERSHIP AND THESE RULES AND REGULATIONS SOLE AGREEMENT	14
CHAPTER 20: EXCEPTIONS, MODIFICATIONS AND AMENDMENTS	14
20.1 UNNECESSARY HARDSHIP – SPECIAL CASES.....	14
20.2 RIGHT TO AMEND RULES AND REGULATIONS	14
CHAPTER 21: VETERAN’S MEMORIAL MILITARY FUNERAL SERVICES	14
21.1 APPLICATION FOR MILITARY FUNERAL SERVICE.....	14
21.2 SERVICE COORDINATION	15
21.3 SERVICE FEES	15
APPENDIX A	16
APPENDIX “B” (MAP)	16
DIAGRAM “A”	17
DIAGRAM “B”	17
DIAGRAM “C”	17
DIAGRAM “D”	18
DIAGRAM “E”	18
DIAGRAM “F”	18

PLATTEVILLE MIZPAH CEMETERY RULES AND REGULATIONS

These Rules and Regulations are adopted as the RULES AND REGULATIONS COVERING PLATTEVILLE MIZPAH CEMETERY, and are for the mutual protection of all burial space owners and the Town of Platteville, and to insure the Cemetery a uniform and permanent beauty.

Any person on Cemetery grounds is subject to these rules and regulations, and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the Town of Platteville from time to time.

For purposes of these Rules and Regulations Public Works Director and Town Clerk inclusions will include designees.

CHAPTER 1: OWNERSHIP AND MANAGEMENT

1.1 OWNED BY TOWN OF PLATTEVILLE

The Cemetery is owned and managed by the Town of Platteville, Colorado.

1.2 CONTROL

The Board of Trustees has the right of general control of the Cemetery in all matters.

1.3 TOWN MANAGER PRIMARY RESPONSIBILITY

The Town Manager, under the direction of the Board of Trustees, shall supervise the Public Works Director, who shall manage the Cemetery.

1.4 GRIEVANCE PROCEDURE

Any person who disagrees with a decision of the Town concerning the Cemetery or who wishes to file a grievance shall go through the following channels: Public Works Director – Town Manager – Board of Trustees. If the issue is not resolved by this process, the party may request a hearing before the Board of Trustees, who shall consider the recommendations of staff, and provide the appealing party an opportunity to be heard before making its decision. Decisions by the Board of Trustees are final.

1.5 PLATTEVILLE TOWN CLERK TO BE BUSINESS OFFICE OF CEMETERY

All applications for purchase, transfer or assignment of cemetery burial spaces, interment and disinterment orders, foundation and monument permits, perpetual care or special permits of any kind shall be made at Town Hall. Only the Town Clerk's office is empowered to receive any and all monies or payments and to issue receipts for the same in any and all transactions involving cemetery property or service.

CHAPTER 2: GENERAL SUPERVISION OF THE CEMETERY

2.1 ADMISSION TO CEMETERY

Entrance into the Cemetery, except through approved entrances, is strictly forbidden. The Town reserves the right to refuse admission to the Cemetery and to refuse the use of any Cemetery facilities to any person whom the Public Works Director may deem objectionable in the best interest of the Cemetery.

2.2 PUBLIC WORKS DIRECTOR IN CHARGE OF ALL FUNERALS

All funerals upon reaching the Cemetery shall be under the supervision of the Public Works Director

2.3 CASKET NOT TO BE DISTURBED

Once a casket is in the confines of the Cemetery, no funeral director or his embalmer, assistant, employee, agent, the Public Works Director or any other person shall be permitted to open a casket or to touch any remains without a court order

CHAPTER 3: PURCHASE OF BURIAL SPACES

3.1 APPLICATIONS FOR PURCHASE

Application shall be made at the Town Clerk's Office where records show the size, location and description of all lots and burial spaces. The purchase price for spaces varies based upon type of space and whether the applicant is a resident or non-resident. The schedule of prices is located in Platteville Municipal Code Appendix A.

3.2 CERTIFICATE OF OWNERSHIP

No Certificate of Ownership for any burial space shall be issued until the purchase has been paid in full to the Town.

3.3 RIGHTS CONVEYED BY CERTIFICATE OF OWNERSHIP

The interest evidenced by each Certificate of Ownership shall consist only of the right of the owner or his/her appointee to use each burial space designated on his/her Certificate for burial of human remains subject to these Rules and Regulations, as amended, and the Platteville Municipals Code, as amended. Title to the real estate located within the boundaries of the Cemetery shall remain vested in the Town.

3.4 NOTIFICATION OF CHANGE OF ADDRESS

It is the duty of the burial space owner to notify the Town Clerk's Office of any change in his/her mailing address. Notice sent to an owner at his/her last known address on file with the Town shall be deemed sufficient and proper legal notice.

CHAPTER 4: TRANSFER AND ASSIGNMENT

4.1 CONSENT OF TOWN

No burial space shall be sold, transferred or conveyed by the owner thereof except in the official records of the Town. In order to affect a valid transfer of a burial space, the owner or owners thereof shall surrender to the Town the Certificate of Ownership or other reasonable evidence of title. Such owner or owners shall also execute a written assignment of the burial space designating the name and current address of the person or persons to whom such transfer is to be made. The signature of each owner named on the Certificate of Ownership is required in order to affect transfer of a burial space. Upon occurrence of all of the above and receipt of the required transfer fee, the Town Clerk's Office shall then issue a new Certificate of Ownership for the burial space to be transferred and deliver the same to the assignees designated to the assignment.

4.2 If the owner of any burial space has not purchased perpetual care for such space, no transfer or assignment of such burial space or burial shall be affected until perpetual care is purchased at the current rate.

- 4.3** The above provisions shall apply to any application for transfer made by the Personal Representative or, if none, the successors of a decedent who at the time of his/her death owned unused burial spaces.
- 4.4** A Certificate of Ownership is the primary document to prove ownership. In the event of an inconsistency between a Certificate of Ownership presented by an individual and the records maintained by the Town, the Town records shall be deemed correct.

CHAPTER 5: APPLICATION FOR BURIAL ORDER

5.1 NO INTERMENT WITHOUT BURIAL (INTERMENT) ORDER

No interment of burial shall be made unless a burial order (interment order) has first been issued by the Town, upon application.

5.2 WRITTEN APPLICATION REQUIRED

The Town Clerk's Office shall issue no burial order until written application, containing the following information, is furnished

- 5.2.1** Name, age, sex and place of death of the decedent to be interred.
- 5.2.2** The lot and space number of the burial space upon which interment is to be made.
- 5.2.3** Name, address and phone number of the funeral director in charge of the body.
- 5.2.4** The date and hour of the interment (refer to section 7.1).
- 5.2.5** Final Disposition to Town Hall prior to burial

5.3 ASSESSMENTS AND CHARGES

All assessments and charges, including perpetual care, shall be paid in full prior to issuance of a burial order.

5.4 EVIDENCE OF OWNERSHIP

If neither the decedent to be interred nor the person making application for the interment is shown on the records of the Town to be owner of burial space requested for the interment, the Town Clerk's Office shall require the applicant to furnish competent evidence sufficient to demonstrate either that the owner of the burial space as shown on the Town records has authorized the requested interment, or that the decedent or the applicant is the successor-in-interest of the record owner of the burial space. In the event that the record owner of the burial space is deceased, the Town Clerk's Office may, as a condition to issuance of the burial order, require the applicant to hold the Town harmless against any subsequent claims brought against the Town for the same burial space.

5.5 NO LIABILITY OVER BURIAL RIGHTS

The Town may not be held liable by any owners/co-owners with interest to burial spaces that dispute over burial rights.

CHAPTER 6: INTERMENTS AND DISINTERMENTS

6.1 SUBJECT TO LAWS

In addition to being subject to these Rules and Regulations, all interments and disinterment's shall be subject to the orders, statutes, ordinances and rules of law of the properly constituted authorities of the Town, the County and the State.

6.2 MAXIMUM TIME ALLOWED

Two hours is the maximum time allowed for the interment and service at the Cemetery. After the maximum time, overtime charges will apply.

6.3 HOLIDAYS AND WEEKENDS

No interment, interment services or disinterments will be allowed on weekends, legal holidays or on the day upon which any holiday is legally observed.

6.4 ADVANCE NOTICE OF INTERMENT REQUIRED

No interment shall be held any earlier than 10:00 A.M. on Monday morning unless the burial order shall have been issued prior to 1:00 P.M. on the preceding Thursday afternoon. No interment shall occur earlier than noon, 12:00 P.M. on Monday unless the burial order therefore shall have been issued prior to 11:00 A.M. on the preceding Friday. During the week, no interment shall occur any sooner than eight (8) working hours after the hour at which the burial order was issued. The Public Works Director may extend the foregoing periods of time during winter months when frost depth requires mechanical thawing or at any time deemed necessary because of emergencies.

6.5 TIME OF FUNERAL/INTERMENT

The Public Works Director shall coordinate with the Funeral Director the time for the arrival of the funeral/interment at the Cemetery. The Funeral Director shall contact the Public Works Director to notify the departure to the Cemetery. When two funerals are scheduled on the same day it is required to have one half (1½) hours minimum between the funerals/interments. No funeral will be permitted in the Cemetery after 1:00 P.M. except by advanced written permission of the Public Works Director.

6.6 EMERGENCY INTERMENTS

Arrangements for emergency interments may be made through the Public Works Director or Town Clerk's Office.

6.7 APPROVED PROTECTIVE CONTAINERS

Every earth interment shall be made in an outside receptacle of, concrete, or fiberglass with base. No metal arches or multiple-piece liners (three pieces or more) are permitted. The Public Works Director shall have the right to refuse any receptacle that is damaged or in any other way inadequate.

6.8 LOCATION OF BURIAL SPACE

When instructions regarding the location of a burial space on the lot cannot be obtained or are indefinite, or when for any reason the burial space cannot be opened where specified, the Public Works Director may, in his discretion, open the burial space in such location on the lot as he deems best and proper, so as not to delay the funeral. The Town shall not be liable for any damages for any error made with respect to such action by the Public Works Director.

6.9 COORDINATION IN PERSON IS MOST DESIRABLE

The Town shall not be responsible for any errors on any orders given by phone. Precise orders shall be finalized in writing prior to the burial. Faxed signatures and e-mails are acceptable alternatives to signed originals delivered in person.

6.10 DELAYS CAUSED BY PROTESTS

The Town shall not be responsible for any delay in the interment of a body where a protest to the interment has been made, or where the Rules and Regulations have not been complied with.

6.11 IDENTITY AND EMBALMING

The Town shall not be responsible for obtaining the burial order or for establishing the identity of any person sought to be interred or actually interred; nor shall the Town be responsible for the preparation of the body for interment.

6.12 ONE BODY PER SPACE

Not more than one body or the remains of one body may be interred in any one burial space, except in the case of members of the same family who will be interred in the same casket. The Town Clerk's Office must be notified in writing so the correct information is accurately recorded.

6.13 INTERMENT OF CREMAINS

The issuance of a burial order is required prior to the Interment of cremains, whether the cremains are interred in the ground or in a monument foundation. Cremains interred otherwise than in a casket shall be interred in Lot 247, but this provision shall not be construed so as to prevent the interment of cremains in a burial space located elsewhere in the Cemetery if the decedent or the person applying for the burial order is the owner of or is authorized to use such burial space for interment. If a space is used for a cremains interment then the right to intern a full body in the same space is surrendered. **See Diagram B– Appendix A**

6.14 INFANT LOTS

Interment of infants shall require the prior issuance of a burial order. Infants shall be interred in Lot No. 246, but this provision shall not be construed so as to prevent the interment of infants in a burial space located elsewhere in the Cemetery if the decedent or the person applying for the burial order is the owner of or is authorized to use such burial space for interment. **See Diagram C – Appendix A** Upon request to the Public Works Director, a relative may choose to purchase one adjacent space in the Infant Lot for burial of cremains – additional charges will apply. **See Fee Schedule Appendix A of the Platteville Municipal Code.**

CHAPTER 7: CORRECTION OF ERRORS

The Town reserves the right to correct any errors either in making interments or disinterment's or in the description, transfer or conveyance of any burial space, either by canceling such conveyance and substituting and conveying in lieu thereof any other burial space of equal value and in similar location as far as possible, or as may be selected by the Town at the expense of the Town; or in the sole discretion of the Town, by refunding the amount of money paid.

CHAPTER 8: DISINTERMENTS AND REMOVALS

8.1 NOTICE OF DISINTERMENT REQUIRED

The Town reserves the right to require at least ten (10) days notice prior to any disinterment. No disinterment will be made on any Saturday, Sunday or legal holiday or on the day upon which any holiday is legally observed. All disinterments shall be done at the convenience of the Public Works Director.

8.2 CARE IN REMOVAL

The Town shall exercise the utmost care in making a removal, but it shall not be liable for any damage to any casket, protective container or remains and contents incurred during a removal.

8.3 PERMISSION FOR DISINTERMENTS.

No disinterment of a body will be made without an order of a court of competent jurisdiction. If the Town disinters any remains pursuant to the provisions of Paragraph No. 8 (Corrections of Errors), a written work order signed by the Town Clerk's Office shall be deemed the written permission required herein.

CHAPTER 9: CONTROL OF WORK BY TOWN

9.1 TOWN MUST DIRECT AND MAY REMOVE IMPROVEMENTS

All grading, landscape work and improvements of any kind, all care of lots, all trees, shrubs and herbage of any kind shall be planted, trimmed, cut or removed by the Town. All improvements or alterations of individual burial spaces in the Cemetery shall be under the direction of and subject to the written consent, satisfaction and approval of the Public Works Director. Should they be made without such written consent; or, in the event, at any time, in the judgment of, the Public Works Director, improvements become unsightly to the eye or maintenance prohibitive, the Public Works Director shall have the right to remove, alter, or change such improvements or alterations at the expense of the lot or burial space owner.

CHAPTER 10: DECORATION OF LOTS

10.1 NO PLANTING OF LIVE FLOWERS

No live flowers may be planted and cultivated on any grave at any time.

10.2 SPRAYS AND WREATHS

Sprays and wreaths made from fresh cut flowers will be allowed, but they will be removed once they have died. Artificial sprays and wreaths will be allowed year round. The Public Works Staff shall remove all artificial sprays and wreaths when they become unsightly or are blown off of the graves.

10.3 HOLIDAY BLANKETS AND WREATHS

Holiday blankets and wreaths will be allowed from December 1st of one year through January 15th of the next year.

10.4 ITEMS NOT PERMITTED ON GRAVES

The placing of boxes, shells, stones, boulders, toys, metal designs, ornaments, chairs, benches (other than a headstone or memorial marker built as a bench, placed on the grave at the headstone location in compliance with the size regulations for a headstone), settees, glass, fences, wood or metal cases, temporary grave markers and similar articles upon lots, shall not be permitted, due to maintenance and safety concerns. Vases and urns will be permitted when permanently secured on the headstone or in the foundation.

10.5 LIABILITY TO DECORATIONS

The Town is not liable for lost, misplaced or broken items 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 graves and the right to remove any decorations so that a uniform beauty may be maintained. The Town will remove all items from the graves and cemetery every thirty (30) days - on the first of every month noting the exception of Section 10.3 and new burials occurring within that month.

CHAPTER 11: ROADWAYS AND REPLATTING

11.1 RIGHT TO REPLAT, REGRADE AND USE PROPERTY

The rights to enlarge, reduce, replat and change the boundaries or grading of the Cemetery or of a section or sections, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof, is hereby expressly reserved to the Town. The right to lay, maintain and operate, alter or change pipelines and gutters for sprinkling systems, drainage, lakes and other water courses, is also expressly reserved; as well as is the right to use cemetery property not sold to the public for Cemetery purposes, including the interring and preparing for interring and preparing for interment or for anything necessary, incidental or convenient thereto. The Town reserves a perpetual right to ingress and egress over burial spaces for the purpose of passage to or from, other burial spaces.

11.2 NO RIGHT GRANTED IN ROADWAYS

No easement or right of interment is granted to any burial space owner in any road, drive, or walk within the Cemetery, but such road, drive or walk may be used as a means of such access to the cemetery or buildings as the Town devotes to that purpose.

CHAPTER 12: CONDUCT OF PERSONS WITHIN THE CEMETERY

12.1 HOURS OPEN

The Cemetery shall be open for authorized persons to visit the burial area of their family or friends from dawn to dusk. Gates will be locked nightly by the Police Department

12.2 CONDUCT

Persons within the Cemetery grounds shall use only the roads, drives or walks as thoroughfares and no person shall walk on graves except that a worker may use that space necessary to perform the necessary care or services in connection with the burial space. Any person while on any portion of the Cemetery other than the roads, drives, or walks are hereby declared to be trespassers and shall in no way hold the Town liable for any injury sustained.

12.3 MINORS

Minors are not permitted in the Cemetery at any time unless accompanied by an adult family member.

12.4 REMOVAL OF FLOWERS, ETC. FORBIDDEN

All persons except Public Works employees are prohibited from gathering wild or cultivated flowers, breaking trees, shrubs or plants or feeding or disturbing birds and other animal life in the Cemetery.

12.5 FOOD

No food is permitted in the Cemetery.

12.6 TRASH

Throwing trash on any part of the grounds or buildings, except those receptacles designated by the Town is prohibited.

12.7 VEHICLES OR TRUCKS AND HEAVY HAULING

Vehicles are not allowed to drive over five (5) miles per hour and shall remain on designated roadways. Heavy hauling, trucks or commercial vehicles of any kind are not permitted within the Cemetery, except by permission of the Public Works Director.

12.8 PEDDLING OR SOLICITING

Peddling or soliciting of any kind is prohibited in the Cemetery.

12.9 FIREARMS

No firearms are permitted in the Cemetery, except at a Military/Police funeral or by legally authorized personnel.

12.10 DOMESTIC ANIMALS AND LIVESTOCK

No domestic animals or livestock shall be allowed in the Cemetery, unless it is a service animal. The owner or keeper of any such animal upon shall be liable for any damage done by said animals or livestock. The Town is not liable for any damage done by said animals or livestock and does not assume responsibility for keeping said animals or livestock out of the Cemetery.

12.11 POLICE AND DIRECTOR TO ENFORCE RULES

The Public Works Director and Law Enforcement are expressly empowered to enforce these rules and regulations and shall do so compassionately. The Public Works Director and Law Enforcement may exclude from the Cemetery property any person violating these Rules and Regulations, Laws and Municipal Codes. The Public Works Director shall have complete charge of the Cemetery grounds and buildings. And, at all times, shall have supervision of all persons within the Cemetery, including conduct, traffic, employees, burial space owners and visitors.

CHAPTER 13: FEES, GRATUITIES AND COMMISSIONS

No Town employee shall receive any fee, financial gratuity or commission, directly or indirectly. Donations can be made to the Cemetery.

CHAPTER 14: PROTECTION AGAINST LOSS

14.1 TOWN NOT RESPONSIBLE

The Town shall take reasonable precautions to protect burial space owners and their property rights within the Cemetery from loss or damage; but the Town is not responsible for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, enemy, thieves, vandals, strikers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage may be direct or collateral, other than as herein provided. Notwithstanding any provision to the contrary, the Town is relying on, and does not waive or intend to waive by any provision of these Rules and Regulations, the monetary limitations or any other right, immunity or protection provided by the Colorado Governmental Immunity Act, C.R.S. 24-10-101, *et sec.*, or otherwise available to the Town, its officers, attorneys or employees.

14.2 LIABILITY FOR DAMAGES

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.

CHAPTER 15: PERPETUAL CARE

15.1 PERPETUAL CARE

The term “perpetual care”, used in reference to burial spaces; means; and intending the general preservation of the lots and burial spaces and the grounds, walks, roadways, boundaries and structures.

The term “perpetual care” shall in no case be construed as meaning the maintenance, repair or replacement of any grave stones, monumental structures or memorials placed or erected on lots or burial spaces nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the Cemetery; nor does it mean the reconstruction of any marble, granite, bronze or concrete work of any burial space or on any portion of portions thereof in the Cemetery, damaged by the elements, enemy, thieves, vandals, strikers, explosions, insurrections, riots, or by the order of any military authority, invasion or causes beyond the reasonable control of the Town, whether the damage be direct or collateral.

15.2 PERPETUAL CARE FEES

Perpetual Care fees are included in the purchase price of a space as set by the Board of Trustees.

15.3 RECORD OF PAYMENT INTO PERPETUAL FUND

The records of the Town and the receipt issued by the Town shall show the amount of the perpetual care that has been required of the individual and set aside for perpetual care.

CHAPTER 16: PRIVATE MEMORIALS

Before any vault, tomb, sarcophagus, private mausoleum, or columbarium, is erected, the proprietor shall deposit with the Town a sum of money, set by the Board of Trustees to be sufficient to yield an income for the proper care of such structure in perpetuity.

CHAPTER 17: GENERAL CARE

The general care of maintenance of the Cemetery grounds, building, sprinkling system, roadways, drives, walks or paths, drains or other Cemetery property of a general nature shall be provided for in an annual appropriation derived from the Town.

CHAPTER 18: RULES FOR MEMORIAL WORK IN CEMETERY SECTIONS

18.1 PROCEDURES AND RETAIL DEALERS

18.1.1 Producers of monument materials, quarriers, quarriers who also manufacture memorials, and manufacturers of memorials who are not quarriers, to procure the approval of the Town, must agree to sell only first grade, clear stone for memorial purposes, and must guarantee that such stone is free from sap or anything that will cause rust or other stains, and that it will not check or crack, and must agree that should such faults develop within five (5) years from the date of setting, the memorial will be replaced without cost or delay to the Town.

18.1.2 Retail dealers shall agree to use only first grade stone from producers approved as provided in 18.1.1, and shall guarantee the memorial to be executed in first grade workmanship, with the agreement that should faults develop within five (5) years due to the setting, treatment or the handling of the same by the memorial dealer, such memorial will be replaced without cost or delay to the Town.

- 18.1.3** Letter Cutters, persons or firms who engage in the business of cleaning monuments, and who are not connected with established retail dealers already on the list of approved retail dealers, and all other persons or firms must secure a permit from the Public Works Director or the Town Clerk before any work in the Cemetery is commenced.
- 18.1.4** Workers employed in erecting or placing monuments or other structures, or bringing materials into the Cemetery, shall, be under the general supervision of the Public Works Director.
- 18.1.5** Persons engaged in erecting monuments, or other structures, are prohibited from attaching ropes or other devices to monuments, trees or shrubs or scattering material or tools over adjoining burial spaces or from blocking roadways or walks, or from leaving their material or tools on the grounds longer than necessary. They shall do as little injury to the ground, trees and shrubs as is possible and shall remove all debris and restore the ground to its original condition.
- 18.1.6** Damage done to burial spaces, walks, trees, shrubs, drives or other property by dealers, contractors or their agents shall be repaired by the Town, and the cost of such repair shall be charged to the dealer or the contractor.
- 18.1.7** No material, machinery or other thing for the construction of vaults, monuments or other structures, or the monuments or structures themselves shall be brought into the Cemetery until required for immediate use; nor under any circumstances when a funeral is in process; nor between Friday afternoon (3:00 P.M.) and Monday morning (8:00 A.M.); and no work shall be done during said time; nor shall such material be placed on burial spaces adjoining the one on which such structure is to be erected without written permission of the Public Works Director.
- 18.1.8** Work shall proceed promptly until the erection of the memorial is completed.
- 18.1.9** While a funeral or an interment service is being conducted nearby, all work described shall cease.
- 18.1.10** Approaching the bereaved and soliciting memorial business within the Cemetery is prohibited.

18.2 MONUMENTS AND MARKERS

- 18.2.1** No permanent memorial or grave marker shall be allowed on any burial space until the space has been fully paid for and the Certificate of Ownership has been delivered to the purchaser.
- 18.2.2** Only one central or family memorial shall be allowed on a family plot.
- 18.2.3** Only one monument or marker for each burial space will be permitted, excluding Veterans markers. If cremains have been interred in a burial space other than Lot 247, a ground mounted, flat grave marker no larger than 12" x 12" shall be allowed over the burial location of the cremains in addition to the one allowed monument or marker per burial space. This cremation marker shall not cause any additional maintenance issues or concerns and must be mounted in such a way to allow a mower to pass over without causing any damage to the machinery.

18.2.4 No burial space owner shall erect or place or cause to be erected or placed on any lot or space in the Cemetery, any memorial or marker which the Public Works Director has not approved.

18.2.5 The area of the face of the memorial shall not exceed twenty percent (20%) of the area of the burial space. The length of the base of the memorial shall not exceed seventy-five percent (75%) of the width of the burial space. The width of the base of the memorial shall not exceed twenty percent (20%) of the length of the burial space. **See Diagram D (Regular Burial), Diagram E (Cremains Section), Diagram F (Infant Section) - Appendix B.**

18.2.6 A maximum length of a single marker in the cremation section of 16 inches (16") with a maximum width of 16 inches (16") and a foundation not to exceed a length of 20 inches (20") by a width of 20 inches (20"). A maximum length of a double marker in the cremation section is 40 inches (40") with a maximum width of 16 inches (16") and a foundation not to exceed a length of 44 inches (44") by a width of 20 inches (20"). Vases shall be within the foundation area.

18.2.6A A double marker may be placed on two or more spaces.

18.2.7 The bottom surface of all monuments or markers shall be cut level and true.

18.2.8 While the Town will exercise due care to protect raised lettering, carving or ornaments on any memorial or other structure on any burial space in the Cemetery, the Town shall not be liable for any injury thereto.

18.2.9 No coping, curing, hedging, grave mounds, borders, enclosures of any kind, or walks of any kind shall be allowed to be built or placed on any lot or burial space in the Cemetery. The Town reserves the right to remove the same without recourse, if so planted, erected, or placed.

18.2.10 The use of tiles, bricks, and gravel, crushed rock, oyster shells, cinders or other material on any burial space in the cemetery is strictly forbidden.

18.3 FOUNDATIONS

18.3.1 All foundations for memorials, markers, mausoleums, and tombs, shall be installed by a Monument Company including those for a military monument.

18.3.2 All foundations shall be installed under the supervision of the Public Works Director.

18.3.3 No foundation shall be installed during Memorial Day weekend.

18.3.4 The Town assumes no responsibility for mistakes made by the Monument Company.

18.4 MISCELLANEOUS

18.4.1 Should any memorial, mausoleum or tomb become dilapidated or a menace to the safety of visitors, the Town shall have the right to either correct the conditions or to remove the same, at the expense of the owner.

18.4.2 No monument or marker shall be removed from the Cemetery, except by the Town, unless written order or permission of the owner is presented to the Town and permission is granted by the Town.

18.4.3 By presenting to the Town proper written evidence to prove that any person ordering a memorial cannot or will not complete his contract for the purchase of same, the dealer who sold the said memorial may obtain permission from the Town Clerk to remove the memorial from the Cemetery. In the event a memorial is removed by a memorial dealer, it shall be the duty of such memorial dealer to reimburse the Town of the expense of returning the burial space to its original condition. The Town is not responsible for the removal of any memorial and before granting permission for the removal of the same, may require a written guarantee or bond from the person or dealer removing the same, in favor of the Town, to protect and hold the Town harmless from any and all liability of whatsoever kind or nature.

CHAPTER 19: CERTIFICATE OF OWNERSHIP AND THESE RULES AND REGULATIONS SOLE AGREEMENT

The Certificate of Ownership of each burial space and these Rules and Regulations and any amendments thereto shall be the sole agreement by and between the Town and the owner. The reference to these rules and regulations in the Certificate of Ownership of a burial space shall have the same force and effect as if these rules and regulations were set forth in full therein.

CHAPTER 20: EXCEPTIONS, MODIFICATIONS AND AMENDMENTS

20.1 UNNECESSARY HARDSHIP – SPECIAL CASES

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Public Works Director therefore reserves the right, without notice, to make exceptions, suspensions or modifications in any of these rules and regulations, when, in his judgment, the same appear advisable; and such exceptions, suspensions or modifications shall in no way be construed as affecting the general application or enforcement of such rule or regulation.

20.2 RIGHT TO AMEND RULES AND REGULATIONS

The Board of Trustees may, at any time, adopt new rules or regulations, or amend, alter or repeal any rule, regulation or article, section, paragraph or sentence in these rules and regulations. Such new or amended rules or regulations shall be binding on the owners of all lots or burial spaces regardless of the date such owner acquired title.

CHAPTER 21: VETERANS MEMORIAL MILITARY FUNERAL SERVICES

21.1 APPLICATION FOR MILITARY FUNERAL SERVICE

An individual or organization submitting an application for a burial service at the Mizpah Cemetery of a United States military veteran may apply to use the Veterans Memorial shelter for a military funeral service. The veteran to be buried must have resided or have family who resides in Platteville or within the Weld County RE-1 School District boundaries. An applicant must abide by all other rules and regulations of the Mizpah Cemetery to use the Veterans Memorial shelter.

21.2 SERVICE COORDINATION

The Town shall coordinate military funeral services held at the Veterans Memorial shelter between the applicant and the Veterans Memorial Committee. The Committee shall be responsible for coordinating all aspects of the funeral service at the Veterans Memorial up to the point when the deceased veteran is transported to the burial site. The Town's public works staff will coordinate and assist with burial services at the gravesite once the military service has concluded.

21.3 SERVICE FEES

The Town will not assess additional fees for the use of the Veterans Memorial for qualified applicants. The Veterans Memorial Committee may accept donations for their services. Such proceeds will go towards the Veterans Memorial Fund for maintenance, upkeep and other improvements as approved by the Board of Trustees.

APPENDIX A

DEFINITIONS

BURIAL SPACE: A single space within a platted lot designed for the interment of one body or six (6) cremains. (Full body must be buried BEFORE any cremains or the full body burial is surrendered).

DESIGNATED INFANT BURIAL SPACE: A single space designed for the interment of one infant in Lot No. 246.

DESIGNATED CREMAINS BURIAL SPACE: A single space designated for the interment of cremains in Lot No. 247.

CEMETERY: A burial park for earth and crypt interments.

INTERMENT: Permanent disposition of the remains of a deceased person by earth or crypt burial.

LOT: A platted area within the Cemetery consisting of twelve (12) or more burial spaces. See **Diagram A-Appendix B**.

MEMORIAL/MONUMENT: Monument, grave marker or headstone identifying a grave or graves.

PERPETUAL CARE: The general care of the lots, burial spaces, grounds, walks, roadways, boundaries and structures.

RELATIVE: Family members including parents, grand-parents, siblings.

RESIDENT: A person whose legal residence is within the town limits of Platteville, Colorado, or someone who has maintained a legal residence within the town limits and has relocated to a retirement / nursing home. Immediate family members of a current resident to include parents and children of the resident who do not reside in Platteville may receive resident burial space purchase rates upon request.

NON-RESIDENT: Any person who does not qualify as a resident as defined in this section.

REMOVAL: A permanent removal disinterment

APPENDIX "B" (map)

DIAGRAM "A"

Regular lot diagram: Twelve spaces per lot; each space measuring 4 feet x 8 feet.

DIAGRAM "B"

Cremations space diagram: six (A, B, C, D, E, F, G, H) spaces - each space measuring 2 feet x 2 feet. Lot 247 (Cremation space A and E shall not be used but will be left on the map for reference since they were allowed as cremation burial spaces in the past.)

DIAGRAM "C"

Infant space diagram: Two (A, B) spaces – each space measuring 4 feet x 4 feet, twelve spaces per lot. Lot 246

DIAGRAM "D"

For a regular lot a memorial base can have a maximum length of 3 feet (36 inches), a maximum width of 1.6 feet (19.2 inches). There should be a minimum of 6 inches between the edge of the base and the edge of the foundation, around the full perimeter of the monument. The face of the memorial may be a maximum of 6.4 square feet. Memorials are to be placed on the west end of the space facing east.

DIAGRAM "E"

Memorials on Lot 247 (cremation section) can have a maximum length of 1.5 feet (18 inches), a maximum width of 0.4 feet (4.8 inches). The face of the memorial may be a maximum of 0.8 square feet.

DIAGRAM "F"

Memorials on Lot 246 (infant section) can have a maximum length of 3 feet (36 inches), a maximum width of 0.8 feet (9.6 inches). The face of the memorial may be a maximum of 3.2 square feet.

TOWN OF PLATTEVILLE - MIZPAH CEMETERY MAP

12837 WCR 32



DIAGRAM "A"

REGULAR LOT DIAGRAM

6	7
5	8
4	9
3	10
2	11
1	12

SPACE 247 CREMATION ONLY

A	B	C	D
E	F	G	H

DIAGRAM "B"

SPACE 246 INFANTS ONLY

A	B
---	---

DIAGRAM "C"

DIAGRAM "D"

T
O
W
N
O
F
P
L
A
T
T
E
V
I
L
L
E

US 85

NO AVAILIABLE SPACES IN OLD SECTION													OLD SECTION										NEW SECTION					Future Extension			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
11	10	13	14	39	40	65	66	91	92	117	118	143	144	169	170	195	196	221	222	247	248	273	274	299	300	Veterans' Memorial					
12	9	12	15	38	41	64	67	90	93	116	119	142	145	168	171	194	197	220	223	246	249	272	275	298	301						
13	8	11	16	37	42	63	68	89	94	115	120	141	146	167	172	193	198	219	224	245	250	271	276	297	302						
14	7	10	17	36	43	62	69	88	95	114	121	140	147	166	173	192	199	218	225	244	251	270	277	296	303						
15	6	9	18	35	44	61	70	87	96	113	122	139	148	165	174	191	200	217	226	243	252	269	278	295	304						
WC-3	WC-4	8	19	34	45	60	71	86	97	112	123	138	149	164	175	190	201	216	227	242	253	268	279	294	305						
WC-2	WC-5	7	20	33	46	59	72	85	98	111	124	137	150	163	176	189	202	215	228	241	254	267	280	293	306						
WC-1	WC-6	6	21	32	47	58	73	84	99	110	125	136	151	162	177	188	203	214	229	240	255	266	281	292	307						
16	5	5	22	31	48	57	74	83	100	109	126	135	152	161	178	187	204	213	230	239	256	265	282	291	308						
17	4	4	23	30	49	56	75	82	101	108	127	134	153	160	179	186	205	212	231	238	257	264	283	290	309						
18	3	3	24	29	50	55	76	81	102	107	128	133	154	159	180	185	206	211	232	237	258	263	284	289	310						
19	2	2	25	28	51	54	77	80	103	106	129	132	155	158	181	184	207	210	233	236	259	262	285	288	311						
20	1	1	26	27	52	53	78	79	104	105	130	131	156	157	182	183	208	209	234	235	260	261	286	287	312						
OLD SECTION													OLD SECTION										NEW SECTION					Future Extension			
NO AVAILIABLE SPACES IN OLD SECTION													NO AVAILIABLE SPACES IN OLD SECTION										NEW SECTION					Future Extension			

APPENDIX "B"

WALK-IN GATE

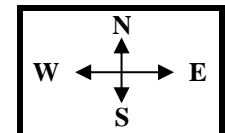
MONUMENT SIGN

WALK-IN GATE

MAIN GATE

WCR 32

12837 WCR 32 Platteville, Colorado 80651



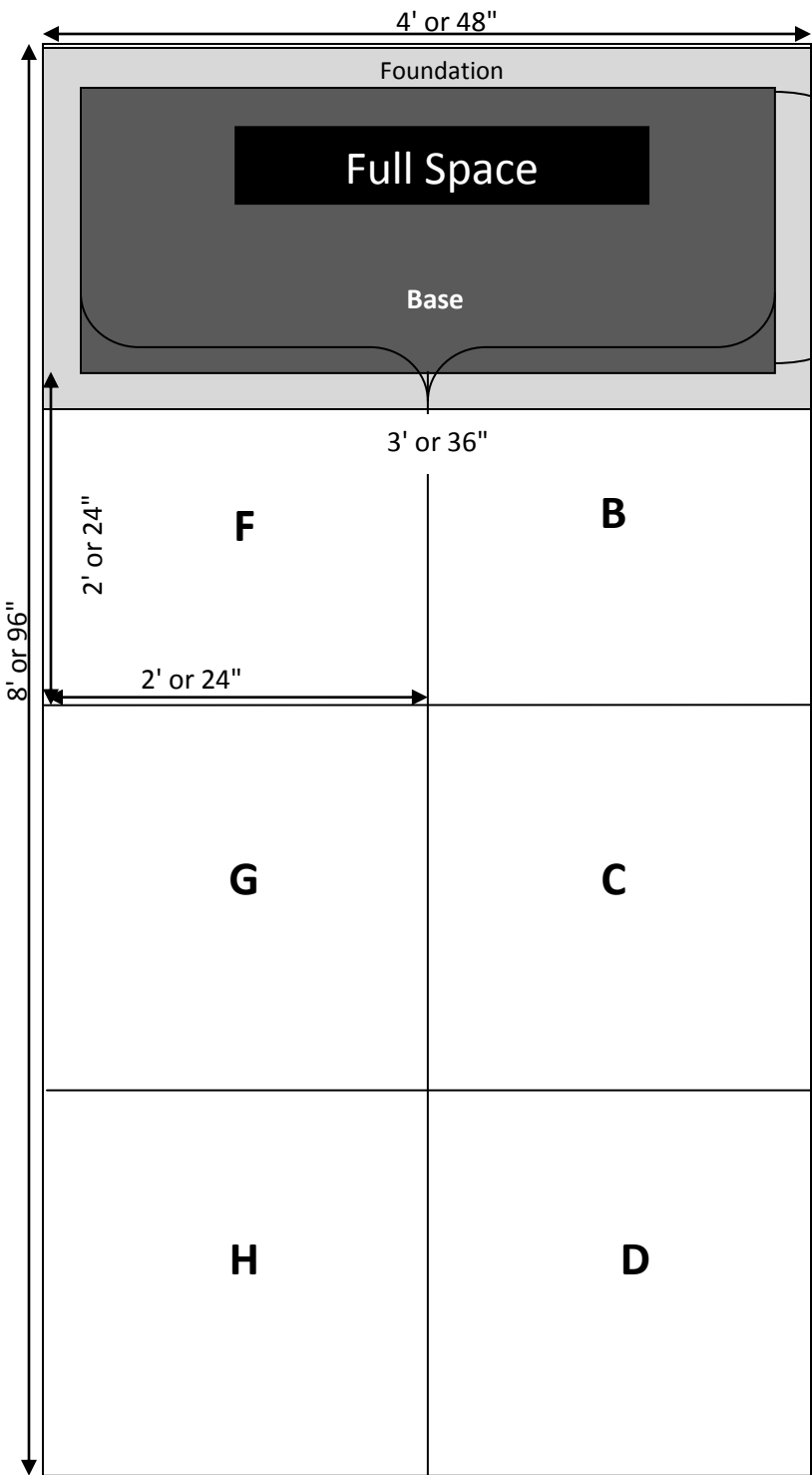


Diagram "D"

- Foundations may be as wide as the space owned.
- Maximum area of face is 6.4 square feet (or 76.8 square inches)
- A full space may contain up to one full body and 6 cremations on top. If a cremation is placed before a full body, the owner surrenders the right to place a full body burial at a later date.
- Only 1 marker per space is permitted, unless a military veteran.
- Full burial marker base size limit is 3' (or 36") by 1.6' (or 19.2")
- Infant burial marker base size limit is 3' (or 36") by 0.8' (or 9.6")
- Cremation burial marker base size limit is 1.5' (or 18") by 0.4' (or 4.8")

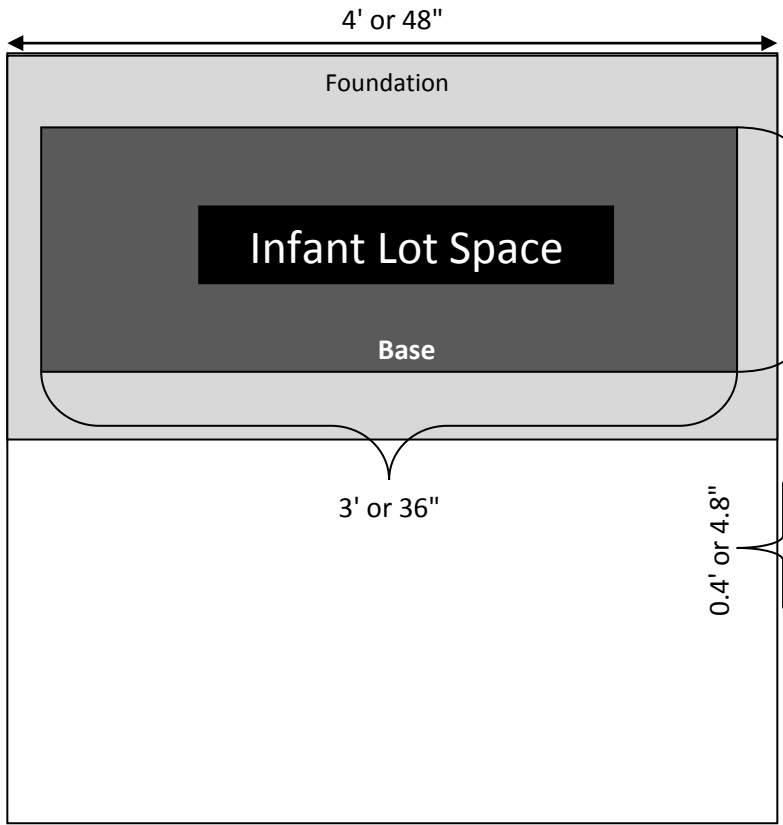


Diagram "F"

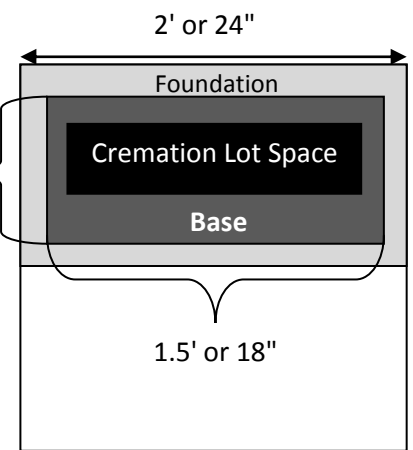


Diagram "E"