

**BRUSH MEMORIAL CEMETERY
RULES AND REGULATIONS**

Effective: January 29, 2013

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BRUSH MEMORIAL CEMETERY RULES AND REGULATIONS

1.0 INTRODUCTION

These Rules and Regulations are adopted for the operation of the City of Brush Memorial Cemetery and are for the mutual protection of all Right of Interment owners and the City of Brush, and are intended to provide the Cemetery with a uniform and permanent beauty.

All Right of Interment owners, visitors, Cemetery employees, persons working directly or indirectly for Right of Interment owners and all rights of interment spaces sold shall be subject to these Rules and Regulations, and subject further to such other rules and regulations, amendments or alterations as shall be adopted by the City of Brush from time to time. Reference to these Rules and Regulations in the City's sales transactions or any other document shall have the same force and effect as if set forth in full therein.

2.0 DEFINITIONS

The following definitions shall apply:

Burial Receptacle: Container designed to enclose a casket for burial purposes.

Burial Space: A space of land in a Cemetery used or intended to be used for the interment and or inurnment of human remains.

Burial Vault: The container designed to enclose a casket or urn for burial purposes.

Cemetery: A burial park for earth burial and niche inurnment owned by the City of Brush, including:

- a) all land dedicated, reserved or used for interment purposes;
- b) all vegetation therein;
- c) all graves, niches, or other interment spaces therein;
- d) all works of art therein;
- e) all roads, walkways and other structures of every kind therein;
- f) all equipment and facilities related to the operation of the Cemetery.

Cemetery: All of the Brush Memorial Cemetery, including North, South, and New North.

City: The City of Brush, Colorado.

City Council: The Council of the City of Brush, Colorado.

Columbarium: An arrangement of niches that may stand by itself.

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Conventional Burial: Interment of human remains in the earth (non-cremation).

Cremated Remains: The remains of a human body after the cremation process is complete.

Disinterment: The removal of the interred remains of a deceased person, the casket, and the burial receptacle from the ground.

Disinurnment: The removal of the inurned remains of a deceased person, the urn, and the burial receptacle from the ground or Columbarium.

Foundation: The base or foundation upon which a memorial is installed.

Grave: A space of land in a Cemetery used or intended to be used for the interment and or inurnment of human remains.

Interment: The burial of human remains.

Inurnment: The placement of cremated human remains in a container and placement of such container in a niche or grave.

Lot: A platted lot within a Cemetery consisting of six burial spaces.

Memorial: A monument, grave marker or headstone identifying a grave or graves. Also an inscription identifying a niche.

Monument: Same as memorial.

Niche: A space in a columbarium used or intended to be used for the inurnment of cremated human remains.

Opening/Closing: A process by which a grave is dug or niche is opened for the interment of human remains and the back filling or closing of a grave or niche.

Owner: The person or persons:

- a) to whom the Cemetery has conveyed a right or rights of interment; or
- b) who have acquired such right or rights by transfer in accordance with these rules and regulations; or
- c) who hold such right or rights by inheritance.

Perpetual Care: the general maintenance of burial spaces, as well as the grounds, walks, roadways, boundaries and structures within the Cemetery, to the end that said areas shall remain and be reasonably cared for as Cemetery grounds. The term "perpetual care" shall in no way be construed as meaning the maintenance, repair or replacement of any memorial, or monument erected on burial spaces.

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Right of Interment/Inurnment Owner: A person who has lawfully purchased a burial space or niche in the Cemetery for the burial of human remains.

Right of Interment/Inurnment Certificate: A document issued by the City which designates the owner of the burial space.

Urn: A container for cremated remains.

3.0 ADMINISTRATION AND ENFORCEMENT

3.1 OWNED BY THE CITY

The Brush Memorial Cemetery, including the North, South and New North, are owned and managed by the City of Brush.

3.2 CONTROL BY CITY COUNCIL

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

3.3 MANAGEMENT

The City Clerk, together with the Director of Parks and Recreation and Cemetery Supervisor shall manage the Cemetery, including but not limited to the upkeep of the grounds, sales and service, all record keeping, the enforcement of the Rules and Regulations adopted by the City Council, and the making of such improvements as the City Council may direct from time to time.

3.4 CITY NOT RESPONSIBLE FOR DAMAGE

The City shall take reasonable precautions to protect the rights of interment owners and burial spaces from loss or damage. However, the City disclaims any responsibility for loss or damage from causes beyond its reasonable control, including but not limited to damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage is direct or collateral.

3.5 LIABILITY FOR DAMAGE

Any person damaging, or causing to be damaged any Cemetery property, whether owned by the City or an individual, will be held liable to repair said damaged property or to replace the damaged property to its former state, without delay, and in a manner satisfactory of the City.

3.6 CITY SHALL NOT DISCRIMINATE

All decisions made by the City and its employees in connection with the operation of the Cemetery shall be made without regard to race, creed, color, national origin, sex, marital status, sexual orientation, religion, ancestry, mental or physical handicap or age.

BRUSH MEMORIAL CEMETERY RULES AND REGULATIONS

4.0 APPLICATION OF REGULATIONS

4.1 COMPLIANCE WITH REGULATIONS

All right of interment/inurnment owners, visitors, Cemetery employees, persons working directly or indirectly for right of interment/inurnment owners and all burial spaces sold shall be subject to these rules and regulations, and subject further, to such rules and regulations, amendments or alterations as shall be adopted by the City in the future. The reference to these rules and regulations in the right of interment/inurnment certificate shall have the same force and effect as if set forth in full therein.

4.2 EXCEPTIONS AND MODIFICATIONS

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City, therefore, reserves the right without notice to make exceptions, suspensions or modifications in any of these Rules and Regulations, when, in its best judgment, the same appears advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application or enforcement of these Rules and Regulations.

4.3 AMENDMENTS

The City may choose, and hereby expressly reserves the right, to adopt new rules and regulations or to amend, alter and/or repeal any fee, rule, regulation, article, section, paragraph or sentence in these Rules and Regulations. Such new or amended rules and regulations shall be binding on the right of the interment owners of all burial spaces and niches regardless of the date such right of interment owner acquired the right of interment. These Rules and Regulations, having been adopted by resolution by the City Council, may only be amended by adoption of a subsequent amending resolution.

5.0 RIGHTS AND RESPONSIBILITIES OF CITY

5.1 WORK TO BE DONE BY CITY

Except as otherwise provided herein, all grading, landscape work and improvements of any kind, and all care of burial spaces shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed, and all opening or closing of graves and all interments, inurnments, disinterments, or removals shall be made by the City.

5.2 CITY MUST DIRECT AND MAY REMOVE IMPROVEMENTS

All improvements or alterations of property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the City, and should such changes be made without the City's consent, or in the event that at any time, the improvements or decorations become deteriorated, the City shall have the right to remove, alter, or change such improvements or alterations.

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5.3 RIGHT TO REPLAT, REGRADE AND USE PROPERTY

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

5.4 NO RIGHT GRANTED IN ROADWAYS

No easement or right of interment is granted to any right of interment owner in any road, drive or walk within the Cemetery, but such roads, drives or walks may be used as a means of access to or within the Cemetery during normal operating hours.

5.5 RIGHT TO CLOSE ROADWAYS

The City shall have the right, at any time, to close any road, drive or walk within the Cemetery.

5.6 WHEN CITY IS NOT RESPONSIBLE

The City shall take reasonable precautions to protect right of interment/inurnment owners within the Cemetery, from loss or damage. The City distinctly disclaims responsibility for loss or damage from causes beyond its reasonable control and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, 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.

6.0 CONDUCT WITHIN THE CEMETERY

6.1 TRAVERSING CEMETERY PROPERTY

Persons within the Cemetery shall use only the roads, drives or walks as thoroughfares and no person shall walk on the grass unless it is necessary to do so to reach a particular lot, except that an authorized worker may use such space as is necessary to perform maintenance or other services in connection with a lot. Any person using any portion of a Cemetery other than the roads, drives or walks as a thoroughfare is hereby declared to be a trespasser and the City shall in no way be held liable for any injury sustained by such trespassers.

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6.2 FORBIDDEN ACTIVITIES

All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubs or plants, or feeding or disturbing birds or other animal life within the Cemetery.

6.3 HOURS OF VISITATION

Visitors are welcome on Cemetery grounds during regular hours between 8 a.m. and dusk.

6.4 RUBBISH

Throwing rubbish on any part of the grounds or buildings, except into designated receptacles, is prohibited.

6.5 VEHICLES

Vehicles shall not be driven in the Cemetery at a speed greater than fifteen (15) miles per hour. Vehicles shall not be parked or stopped in front of an open grave unless the occupant(s) are attending a burial service.

6.6 TRUCKS AND HEAVY HAULING

Heavy hauling trucks or commercial vehicles of any kind are not permitted within the Cemetery grounds, unless they have a business purpose for being in the Cemetery, and then only by permission of the City.

6.7 BICYCLES, MOTORCYCLES AND RECREATIONAL VEHICLES

No bicycles, motorcycles or recreational vehicles shall be allowed in the Cemetery except such as may be in attendance at burial service, or visiting a particular grave site. All vehicles must be properly licensed and legal for highway use.

6.8 PEDDLING OR SOLICITING

Peddling or soliciting the sale of flowers or plants or any other goods or commodities is prohibited in the Cemetery.

6.9 FIREARMS

No open carrying of firearms or carrying of illegal weapons as defined in the Brush Municipal Code and or Colorado Revised Statute shall be permitted within the Cemetery. This does not include firearms or weapons as allowed for a military burial service or similar occasion, by Colorado certified peace officers or pre-approved military personnel. Concealed weapons or handguns are allowed, only if properly permitted under state law.

6.10 NOTICES OR ADVERTISEMENTS

No signs, notices or advertisements, other than those created by the City related to Cemetery business, shall be permitted within the Cemetery grounds.

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6.11 DOGS, HORSES AND OTHER ANIMALS

No dogs (unless designated and trained for the disabled), horses or any other animal shall be allowed in the Cemetery or in any of the Cemetery buildings. The owner or keeper of any animal which trespasses upon the Cemetery grounds shall be liable for any damage done by the animal. Horses may be used in conjunction with burial service with the permission of the City. The City shall not be liable for any damage caused by animals and does not assume responsibility for keeping animals out of the Cemetery.

6.12 IMPROPRIETIES

It is of the utmost importance that there should be strict observance of the proprieties of the Cemetery, whether embraced in these Rules and Regulations or not. No improprieties will be allowed, and the City, shall have the power to prevent improper assemblages and the like.

6.13 EMPLOYEES AND WORKERS

City employees, as well as other workers, monument dealers, florists, funeral directors, or other persons working within the Cemetery shall conduct themselves with decorum at all times and in strict accordance with these Rules and Regulations.

6.14 LOUNGING ON GROUNDS

No person shall be permitted to sit or lounge on any of the grounds, graves or monuments within the Cemetery, or in any of the Cemetery buildings except in connection with a visit to a particular burial space or lot.

7.0 PURCHASE OF BURIAL SPACES

7.1 APPLICATION FOR PURCHASE

Applications for the purchase of the right of interment or inurnment must be made at the City Clerk's Office where plats showing the size, location and description of all burial spaces, and niches and the fee schedule will be kept on file.

7.2 CERTIFICATE CONVEYS ONLY THE RIGHT OF INTERMENT

All Sales Agreements shall grant to the purchaser the right to use such burial spaces for interment or inurnment of human remains, subject to these Rules and Regulations or any subsequent amendments. The fee title to burial spaces shall remain in the City, subject to the right of interment conveyed to the purchaser.

7.3 ERRORS MAY BE CORRECTED

The City reserves the right to correct any errors made in the description of the lot or burial space to which the right of interment is conveyed, either by canceling the sale and substituting in lieu thereof other burial space(s) or lot(s) of equal value and in similar location, or in sole discretion of the City, by refunding the amount of money paid for said right of interment.

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7.4 PAYMENT

The purchase price for burial spaces may be paid in full at the time of purchase or by payment plan established by the City. All burial spaces will be paid in full prior to interment.

7.5 PAYMENT PLAN

Any available lot(s) or burial space(s) may be reserved without payment for a specific purchaser for a period not to exceed sixty (60) days. The right of interment in a burial space shall not accrue to the purchaser until the full purchase price of same has been paid. The City may extend financing for burial spaces, under the following terms:

- 7.5.1 A demonstrated need as determined by the City;
- 7.5.2 Pursuant to a written purchase agreement in a form approved by the City; A minimum down payment of 10% for each burial space purchased. Accrued payments shall not be refunded in the event of payment default by the purchaser;
- 7.5.3 The purchase agreement shall specify minimum monthly payments; The purchase agreement shall specify that the purchaser shall be in default for non-payment 60 days after the due date of any payment. In the event of default, all payments shall be forfeited and the grave space shall become available for sale by the City. Notice of termination for failure of payments shall be given by the City to the purchaser's last known address. If the purchaser does not contact the City Clerk or designee within thirty (30) days of mailing, the purchase agreement shall be null and void. This time limit may be extended by the City for hardship or compassionate reasons.
- 7.5.4 All Cemetery spaces shall be paid in full prior to the erection of any monument.

7.6 RESALE OF GRAVE SPACES

The City shall not enter into resale negotiations between the right of interment owner and a second party. No lot or space shall be sold to or purchased by a funeral director or other persons for purposes of resale or speculation. Funeral directors may act as a representative in the transfer of right of interment/inurnment.

7.7 CHANGE OF ADDRESS

It shall be the duty of the right of interment owner to notify the City of any change in the owner's mailing address. Notice sent to such owner at the last address on file in the Clerk's Office shall be considered sufficient and proper legal notification.

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7.8 CHARGES FOR VETERANS

Grave spaces within a designated Veteran's section shall be free of charge for Veterans. The fee for the foundation shall also be waived. However, existing opening and closing fees shall be charged.

7.9 CHARGES FOR INDIGENTS

The City Council shall establish reduced fees and charges which shall apply to the interment of any person who dies leaving an estate of insufficient size to pay the regular fees and charges and the persons legally responsible for the support of such person are unable to pay such regular fees and charges. In making such a determination of indigence, the City may rely on information received from the funeral director as to the financial status of the deceased. To the extent possible, space shall be made available at the City's discretion in the Cemetery for the burial of indigents.

7.10 CONTAINERS EXCEEDING 40" x 96"

Additional grave space(s) shall be purchased to accommodate containers exceeding 40" x 96". Fees for the extra space shall be consistent with the current price of individual burial spaces as set forth in Section 15.

7.11 PERPETUAL CARE FEE

All purchases of rights of interment shall also include the payment of a perpetual care fee. This fee shall be set by the City Council for the various sections of the Cemetery.

7.12 INVESTMENT OF FEES FOR PERPETUAL CARE

The City Treasurer shall place the money derived for perpetual care in a separate fund to be known as the Cemetery Perpetual Care Fund, and shall invest the money of the fund in securities or insured deposits as approved by the City Council. The interest derived therefrom shall be expended in caring for the burial spaces thus endowed, and the principal on deposit in said fund may be expended only for improvements of a capital nature upon approval of the City Council by resolution, in present or future Cemetery grounds. In addition to the Cemetery Perpetual Care Fund, any gifts received from donors for the benefit of the Cemetery shall be separately accounted for and expended as the donor provides, or if there is no such donor provision, as the City shall determine.

8.0 ABANDONED BURIAL SPACES

8.1 REVERSION

The right of interment in any unoccupied burial space shall, upon abandonment, revert to the City.

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8.2 PRESUMPTION

Failure to inter in any burial space after seventy-five (75) years from the date of purchase shall create a presumption that the same has been abandoned; except that this presumption shall not apply when a letter of intent is filed by the owner or the owner's heirs or assigns stating that the owner intends to keep specified burial spaces vacant.

8.3 NOTICE REQUIRED

Abandonment shall not be deemed complete until the owner or his or her heirs or assigns shall be notified of the abandonment in writing, mailed to the owner's last known address, by the City Clerk. In the event that the address of the owner or his or her heirs cannot be ascertained, then notice of such abandonment shall be given by publishing the same in a local newspaper once a week for five (5) weeks.

8.4 FAILURE TO REPLY

If the owner or his or her heirs or assigns fails to inform the City of an intention to retain the burial space(s) within sixty (60) days after the date of Notice of Abandonment was mailed or after final publication of such notice, then abandonment shall become final and the City may thereafter sell, transfer, and convey the right to interment therein. The funds derived from any sale of an abandoned space shall be deposited in, and become a part of, the City funds as set forth in Section 7 of these Rules and Regulations.

9.0 TRANSFER AND ASSIGNMENTS

9.1 CONSENT OF CITY

No transfer or assignment of the right of interment in any lot or burial space shall be valid without a written and verified consent from the owner of record or rightful heirs, delivered to the City, which consent shall thereafter be recorded in the Cemetery records.

9.2 INDEBTEDNESS

The City shall have the right to refuse to consent to a transfer or an assignment as long as there is any indebtedness due the City by the owner of record.

9.3 TRANSFER BY DECEDENT

In the absence of a specific disposition of a burial space in the owner's last will and testament, the lot or burial space shall, upon the death of the owner, decedent in regular line of succession as described in the state statutes to the heirs of the owner. It shall be the responsibility of the descendant or descendants to provide legal documentation of heirship to the City prior to transfer of any lot or burial space.

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9.4 TRANSFER FEE

All transfer of rights to burial spaces and all assignments shall be subject to a fee set by City Council and identified in the Fee Schedule in Section 15.

10.0 INTERMENTS

10.1 SUBJECT TO LAWS AND ORDERS

In addition to these Rules and Regulations, all interments shall be subject to the orders and laws of the City of Brush, Morgan County, and the State of Colorado.

10.2 AUTHORITY FOR FINAL DISPOSITION PERMIT REQUIRED

A Disposition Permit issued by the Colorado Department of Health, or, if the death occurred outside Colorado, a similar permit issued by the state in which the death occurred, is required for interment. Such permit must be provided to the City Clerk.

10.3 MANNER AND CHARGES

All interments must be made in the manner set by the Cemetery Supervisor and only after payment of the applicable charges, or guarantee of payment.

10.4 TIME AND SCHEDULING

All requests for interment/inurnment must be made at least twelve working hours before the scheduled interment/inurnment and the City shall not issue burial orders for interment/inurnment less than one and one-half hours apart. All interment/inurnment must be scheduled through the City. No interment/inurnment will be allowed on Sundays unless ordered by health officials or there is a demonstrated health emergency by the immediate family. No funeral procession will be permitted in the Cemetery after 3:00 p.m. Monday through Saturday. Saturdays, holidays (the time which City employees legally observe time off), or special permitted Sunday burials shall be subject to an additional burial service fee as set out in Section 15. Any exception must be approved by the City.

10.5 CASKET/URN REQUIRED

Every interment/inurnment in the Cemetery shall be made in a casket/urn. Burial caskets or casket/vaults must have a secure closure system in place.

10.6 BURIALS NOT TO BE DISTURBED

Once a casket, urn or other burial receptacle containing a human remains is in the confines of the Cemetery, no person shall be permitted to open casket, urn or other burial receptacle or touch the body without the written consent of the legal representatives of the deceased or a court order. A Cemetery official must be present and witness the opening.

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10.7 BURIAL VAULT REQUIREMENTS

There are no vault requirements for the Old North or South Cemetery. However, all earth interments (except cremations) in the New North Cemetery require a concrete or steel burial vault.

- 10.7.1 Concrete: At a minimum, cement shall be Portland cement conforming to the specifications for Portland Cement ASTM C-150. Aggregates shall consist of sand-gravel, gravel, crushed stone or limestone. The particles shall be clean, hard, tough, durable, and of uniform quality; free from soft, thin elongated pieces, disintegrated stone, dirt or organic or other injurious materials occurring either free or as a coating. Water used in mixing concrete shall be clean and free from deleterious amounts of acids, alkaline, or organic materials. Wire fabric or synthetic fibers shall be placed in the entire field of the bottom section. Metal reinforcing or synthetic fibers shall be accurately placed and secured in position to insure against displacement during placement of the concrete. The reinforcing shall be free from rust, scale, oil, ice or other coating that will destroy or reduce the bond. Metal reinforcing shall be protected by a minimum of ½" concrete. Concrete proportions, consistency, and air content shall be such as to provide a mixture which will readily work around the reinforcing and into all corners of the forms. The total air content shall not be less than 4% but not more than 7%. Concrete shall be cured for a minimum of 28 days except that concrete using Type III (high-early) cement, shall be cured for a minimum of seven days. Concrete receptacles showing cracks, exposed aggregate, exposed reinforcing, broken corners, or faces that are warped or not true in depth or line shall not be accepted.
- 10.7.2 Steel: Steel burial receptacles shall be manufactured from steel sheeting. A minimum thickness of 12 gauges shall be used in the manufacturing of steel burial receptacles. Galvanized coating, painting, or other corrosion protection may be used, as well as increased metal thickness, to provide the durability desired. Bent, cracked or damaged steel burial receptacles shall not be accepted.
- 10.7.3 Design: Burial receptacles shall be designed to obtain their strength from their shape and construction, taking into consideration the material used. They shall be designed specifically for use as containers to be placed in a burial space. Receptacles shall be of adequate size to completely enclose the casket. Structural soundness and strength shall be obtained through the receptacle itself without any dependence upon the casket, if a casket is to be used.

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10.7.4 Durability: Burial receptacles shall be constructed so as to be capable of providing adequate strength and durability for a minimum of 100 years.

10.7.5 Strength: Burial receptacles shall be designed for a maximum burial depth of eight feet from the bottom of the unit, and, after burial, with a minimum soil cover of 24", shall be capable of structurally withstanding passage of a backhoe or truck weighing 20,000 pounds maximum gross weight or approximately 5,000 pounds per wheel.

10.8 MAUSOLEUMS

Single or double Mausoleum burials outside of a City designated facility shall not be allowed.

10.9 DISASTERS

In the event of a disaster which results in numerous interments in the Cemetery, additional interment hours shall be allowed, as deemed necessary by the City Clerk. The City Clerk has the authority to void any and all regulations necessary in order to handle the numerous interments as orderly and as quickly as possible.

10.10 DELAYS IN INTERMENTS CAUSED BY PROTESTS

The City shall in no way be held liable for any delay in the interment of a body where a protest to the interment has been made, or where these Rules and Regulations have not been complied with. The City shall be under no obligation to recognize any protests of interments unless they are made in writing and filed with the City Clerk.

10.11 AUTHORIZATION OF ONE BURIAL SPACE OWNER SUFFICIENT

The City reserves the right to allow interment of the remains by any member of the immediate family, of any one of several common burial space owners upon written authorization of any such common burial space owner. No person other than a member of an immediate family may be interred in any burial space without the written consent of all common burial space owners. No interment shall be permitted in any burial space which has no current legal owner registered with the City Clerk.

10.12 DETERMINATION OF BURIAL SPACE FOR INTERMENT/INURNMENT

The application for an interment permit must specify the exact grave space desired to be used. Burial, half in one burial space, half in another will not be permitted.

When instructions regarding the location of a burial space on a lot cannot be obtained or are indefinite, or when, for any reason, the burial space cannot be opened where specified, the Cemetery Supervisor may open it in such location on the lot as deemed best and proper; and the City shall not be liable for damages for any such change. If, for any reason, instructions concerning the location of the burial space to be opened are changed by the Funeral Director, burial space owner or their representatives after the digging has begun, been completed, or the burial has been made, the person

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requesting the change shall be responsible for the payment of applicable additional fees to the City. Such fees shall be paid before any work is done pursuant to the revised instruction.

10.13 ORDERS GIVEN BY TELEPHONE

The City shall not be held responsible for any order given by telephone, or for any mistake occurring as a result of failure to provide precise and proper instructions as to the particular space, size or location where an interment is desired.

10.14 ERRORS MAY BE CORRECTED

In the event that an error is made in the description of the location of the burial space to which the right of interment is purchased and remains are subsequently interred in such space, the City reserves the right to remove and transfer such remains to such other property of equal value and in a similar location as may be available, at the expense of the City.

10.15 IDENTITY

The City shall not be responsible for the identity of any person sought to be interred.

10.16 INTERMENT OF MORE THAN ONE BODY

No more than one body may be interred in a single earth burial space except as provided below:

10.16.1 In the case of one conventional burial and up to three cremated remains in one single burial space. A waiver must be signed by the lot owner when cremated remains must be removed to facilitate an earth burial.

10.16.2 In the case of three cremated remains in one single space.

10.16.3 In the case of members of the same family who will be interred in the same burial receptacle.

10.17 EQUIPMENT

Only tents, artificial grass, lowering devices and other equipment owned by the City shall be used in performing opening and closings of burial spaces. Any exceptions must be approved by the City.

10.18 INTERMENT OF CREMATED REMAINS

In order to inter cremated remains in the Cemetery, either in the ground or in a columbarium niche, an application for inurnment must be obtained from the City and applicable fees paid. The person(s) requesting inurnment of cremated remains may choose any adequate container for the cremated remains approved by the City. The City shall not be liable for the protection of the cremated remains. In the event that the

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11.3 DISINTERMENT PROHIBITED UNDER CERTAIN CIRCUMSTANCES

Disinterment of a body so that the lot or burial space may be sold for profit to the heirs of the deceased or to any other persons, or removal contrary to the expressed or implied wish of the original lot or burial space owner, shall be absolutely forbidden.

11.4 NOTICE OF DISINTERMENT REQUIRED

The City reserves the right to require at least ten days' notice prior to any disinterment. No disinterment will be made on any Saturday, Sunday or legal holiday or on the day upon which the holiday is observed by City employees. All disinterments shall be done at the convenience of the City.

11.5 PAYMENT OF FEES

All fees assessed by the City for disinterments shall be paid prior to the disinterment.

11.6 SERVICES PROVIDED

The services provided in connection with disinterments include removing the remains of the deceased, the casket or urn, and any burial receptacle, placing the same on top of the ground, and backfilling the empty burial space. The party responsible for removal of the disinterred remains from the Cemetery grounds must do so forthwith at the party's own expense.

11.7 CITY NOT RESPONSIBLE

The City shall endeavor to exercise the utmost care in carrying out a disinterment but it assumes no liability for damage to any casket, burial receptacle, the remains of the deceased, or any other property during the disinterment process.

12.0 DECORATION OF BURIAL SPACES

12.1 FLOWERS, SPRAYS, WREATHS

12.1.1 In consideration of the safe operation of maintenance equipment and the well being of City personnel, all flowers, whether fresh or artificial, shall be firmly placed within permanent vases, glued or set firmly upon the concrete foundations. Only brackets specifically designed to be attached to a monument shall be allowed to hold flowers on a monument. The City may, without notice, prohibit or remove from anywhere in the Cemetery, any chairs, settees, vases, glass, cases, flowers, grave covers, or any other articles that may be considered inappropriate or hazardous to maintenance equipment or personnel. With the exception during funeral services and seasonal tributes, no artificial flowers shall be placed on the grass at any time.

12.1.2 The City shall not be held liable for lost, misplaced or broken flower vases, decorations, or for damage caused by the elements, thieves, vandals or by causes reasonably beyond its control.

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12.2 PLANTING OF VEGETATION

Planting by individuals is restricted to holes or permanent vases provided within or attached to the foundations. If any tree, shrub, vine, or plant growing upon any burial space becomes a hazard, the City shall have the right to remove or trim same. Similarly, the City is not responsible for the care or condition of any vegetation planted by individuals.

12.3 FENCES, RAILINGS, OR OTHER OBSTRUCTIONS

Fences, railings, or other obstructions are prohibited and will be removed without notice.

12.4 SEASONAL TRIBUTES IN TURF AREAS

Flowers and decorations are permitted on the turf from the Thursday before Memorial Day until the Monday after Memorial Day; and from the Friday before Thanksgiving until March 1 of each year.

12.5 DECORATION REMOVAL

The Cemetery Supervisor or designee shall, without notice, remove decorations from any burial space which may create a safety hazard, cause additional maintenance burdens or become unsightly. Decorations will be disposed of at the City's discretion.

13.0 MEMORIAL WORK IN CEMETERY

13.1 MONUMENTS AND MARKERS

13.1.1 No monument or marker will be permitted on any burial space until the space has been fully paid for and a certificate conveying rights of interment or inurnment has been delivered to the purchaser. For indigent interments, the right to place a monument shall be not be granted until the full price of a regular grave space and interment services at the time of burial, have been paid.

13.1.2 All monument or markers shall be constructed of granite, bronze, or marble, with the exception of monuments in the Veterans Section which shall be only flat granite. All monuments and markers shall be contained within the confines of the foundation. No wedging with sprawls, wood, or dirt shall be used to stabilize the monument or marker. No foot stones, ledgers or full grave covers will be permitted.

13.1.3 Should any memorial or monument, or vase, etc. become dilapidated or a menace to the safety of Cemetery visitors or workers, the City shall have the right to either correct the condition or to remove the same.

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13.1.4 No monument or memorial shall be removed from the Cemetery except by the City, unless the written order or permission of the right of interment owner is presented to the City and permission is granted by the City.

13.1.5 In the case of more than one interment or inurnment in the same grave space, any and all monuments and markers shall be within the confines of the foundation.

13.2 FOUNDATIONS

13.2.1 Foundations shall be required for all monuments and markers and shall be constructed by the City, unless special permission is granted to a bonded retail monument dealer for the purpose of accommodating an unusually heavy stone. If the monument is larger than the foundation, the placing of that stone may be refused until satisfactory arrangements have been made. Allowable alterations of the foundations shall be paid for by the lot owner.

13.2.2 The City shall schedule all foundation installations. In no event shall any foundations be laid three days prior to Memorial Day through June 1. The City will make every effort to install foundations in a timely manner after the order has been completed.

13.2.3 All foundation fees shall be paid in advance. Fees for the construction of foundations shall be set by City Council and adjusted from time to time as indicated on the Schedule of Fees in Section 15.

13.2.4 Grave spaces purchased in the New North will include the fee of a single foundation indicated on the Schedule of Fees in Section 15.

13.3 RETAIL MONUMENT DEALERS

Retail monument dealers shall have sole responsibility for the direction of inscriptions. The City strongly encourages dealers to visit the site to ascertain the direction monuments face in a particular Section. No assumption should be made as to the location of the interred.

13.3.1 Persons or firms engaged in erecting monuments are prohibited from attaching ropes or guys to other monuments or trees within the Cemetery. Any necessary guys shall be set on the walks or drives and removed immediately after use. No debris or rubbish shall be scattered over adjoining burial spaces by persons or firms erecting monuments or other structures or engaging in any other kind of work in the Cemetery. All work shall be completed as soon as practicable and debris shall be

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removed at the expense of the lot owner and contractor, who shall be jointly and severally liable for the costs incurred by the City in the removal thereof.

- 13.3.2 Monument firms shall be held responsible for any damage suffered by other monuments or markers, grass, trees, or any other object whatsoever in the Cemetery. All such firms shall at all times be subject to the control and direction of the City. Monument firms and others are prohibited from placing their names on any work.
- 13.3.3 All monument work shall be suspended in the immediate vicinity of a funeral until the conclusion thereof. No monument work other than cleaning shall be permitted in the Cemetery on Sundays and holidays.
- 13.3.4 Approaching the bereaved and soliciting memorial business within the Cemetery is prohibited.
- 13.3.5 No monument or memorial shall be delivered to the Cemetery until the applicable foundation charges have been paid.

14.0 COLUMBARIUM

- 14.1 Niches will accommodate an urn with external dimensions not to exceed 11" high by 11" wide by 10.5" long in a single niche unit and 11" high by 11" wide and 20" in a double depth niche unit.
- 14.2 The cremated remains of no more than one individual may be inurned in a single niche and two cremated remains in a double niche.
- 14.3 No engraving on niche fronts will be allowed until the niche is paid for.
- 14.4 Flowers, tributes, rosaries, etc., may be placed only in or attached to authorized vases properly installed on niche fronts and must not overlap into surrounding niches. The use of tape and/or wire will only be permitted to secure objects to vases. The use of epoxy adhesives, stickers, tape, wire, etc., is not permitted to place objects on any niche front. Niche owners who violate this rule will be held responsible for replacing niche fronts that have been damaged by these substances. The Cemetery reserves the right to remove any and all objects placed on or between niche fronts that are not properly placed in or attached to an authorized vase. Cemetery personnel will not be held responsible for unauthorized items taken off niche doors or out of vases.

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- 14.5 All authorized vases must be purchased from the City of Brush at a fee established in Section 15.

14.6 NICHE FRONT ENGRAVINGS

To ensure the beauty and harmony of the columbarium garden and to simplify the engraving process, it is necessary to restrict niche front engravings and set written standards. Only firms approved by the City shall engrave on niche fronts. The following standards shall apply to all niche engravings:

- 14.6.1 Family name text is in the Mon Shadow font.
- 14.6.2 All other text is in the Monfskc Regular font.
- 14.6.3 Font size is 1.25”.
- 14.6.4 All line spacing is 0.5”. Exceptions to this are:
Layout 4 has a 1.25” spacing between date of top person and name of bottom person.
Layout 5 has a 2.25” spacing above and below family name.
Layout 6 has a 2.25” spacing below family name.
- 14.6.5 Position of family name shall be centered top to bottom and left to right, except in Layout 4.
- 14.6.6 Layout 1 is the standard for a double niche sharing the same last name. If applicable, male name shall be at the top.
- 14.6.7 Layout 2 is the standard for a single niche for Columbine and Larkspur Columbarium.
- 14.6.8 Layout 3 is the secondary option for a single niche in Columbine and Larkspur Columbarium, if the first name and middle/maiden names are more than 15 characters.
- 14.6.9 Layouts 2 and 3 are restricted to Columbine and Larkspur Columbarium single niches.
- 14.6.10 Layout 4 is the standard for a double niche with two different last names. If applicable, male name shall be at the top.
- 14.6.11 Layout 5 is the standard for a single-use double niche for Hibiscus and Marigold Columbarium.

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14.6.12 Layout 6 is the secondary option for a single-use double niche in Hibiscus and Marigold Columbarium, if the first name and middle/maiden names are more than 15 characters.

14.6.13 Layouts 5 and 6 are restricted to single-uses of double niches in Hibiscus and Marigold Columbarium.

<p>NAME 1925 ~ 2010 FAMILY NAME NAME 1925 ~ 2010</p> <p>1</p>	<p>NAME FAMILY NAME 1925 ~ 2010</p> <p>2</p>	<p>NAME MAIDEN NAME FAMILY NAME 1925 ~ 2010</p> <p>3</p>
<p>NAME FAMILY NAME 1925 ~ 2010 NAME FAMILY NAME 1925 ~ 2010</p> <p>4</p>	<p>NAME FAMILY NAME 1925 ~ 2010</p> <p>5</p>	<p>NAME MAIDEN NAME FAMILY NAME 1925 ~ 2010</p> <p>6</p>

14.7 COLUMBARIUM MEMORIAL BENCHES

14.7.1 When available, memorialization is allowed on memorial benches in the Columbarium niche area for a fee outlined in the Schedule of Fees in Section 15

14.7.2 All columbarium memorial bench memorialization (bench lettering) shall be complementary to existing lettering on columbarium niche fronts, and shall be contained within the space provided on the memorial bench.

14.7.3 Memorial benches shall not be lettered until memorialization rights have been paid in full.

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15.0 FEE SCHEDULE

15.1 Grave Spaces	
Designated baby section	\$50
\$20 to General Fund	
\$30 to Cemetery Perpetual Care Fund	
Single grave space in North and South Cemetery	\$450
\$260 to General Fund	
\$190 to Cemetery Perpetual Care Fund	
Single grave space in New North Section (foundation included)	\$525
\$260 to General Fund	
\$190 to Cemetery Perpetual Care Fund	
Veteran grave space	\$.00
Indigent grave space	\$225
\$130 to General Fund	
\$ 95 to Cemetery Perpetual Care Fund	
15.2 Columbarium Niches	
Single Niche	\$450
\$150 to General Fund	
\$300 to Cemetery Perpetual Care Fund	
Double Niche	\$600
\$175 to General Fund	
\$425 to Cemetery Perpetual Care Fund	
Columbarium Memorial Bench	\$1,800
Niche vase	\$65
15.3 Opening and Closing Fee	
Person up to six years of age	\$100
Earth burial indigent qualified	\$250
Cremated remains interred in the ground	\$250
Earth burial	\$550
Cremated remains interred within a niche	\$200
Cremated remains interred in the designated indigent section	\$100
Additional fee for Saturday, after hours, holiday above fee doubled	

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Sunday burials as permitted	\$800
Transfer of Ownership Fee	\$25
15.4 Disinterment	
Disinterment of conventional burial	\$1200
Disinterment of cremated remains	\$500
15.5 Interment Chapel	
Interment Chapel used in conjunction with a burial service	\$00
Interment Chapel solely for a memorial service	\$150
Interment Chapel solely for a memorial service held on Saturday	\$300
15.6 Foundation Fees	
Infant (28" x 16")	\$50
Single (40" x 22")	\$90
Double (80" x 22")	\$150
Triple (120" x 22")	\$225
Veteran (40" x 22")	\$.00
Removal of foundation/1/2 of foundation fee stated above	

Effective: January 29, 2013

PASSED, ADOPTED AND APPROVED by the City Council of the City of Brush at a regular meeting thereof on January 28, 2013.

/s/ Andrea J. Strand _____
City Clerk

/s/ Daniel R. Scalise _____
Mayor

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Adopted by Resolution Number 18-97 Dated October 27, 1997

Amended by Resolution Number 12-02 Dated August 12, 2002 (grave size)

Amended by Resolution Number 18-06 Dated November 27, 2006(fees)

Amended by Resolution Number 06-09 Dated November 9, 2009 (niches)

Amended by Resolution Number 06-10 Dated April 12, 2010 (fees)

Amended by Resolution Number 01-11 Dated Jan. 10, 2011 (niche engraving)

Amended by Resolution Number 2013-3 Dated January 28, 2013 (fees and times)