

CITY OF GREELEY, COLORADO

ORDINANCE NO. 38, 2016

AN ORDINANCE OF THE CITY OF GREELEY AMENDING SECTIONS 14.36.010, 14.36.020, 14.36.020, 14.36.030, 14.36.040, 14.36.050, 14.36.060, 14.36.070, 14.36.080, 14.36.090, 14.36.100, 14.36.110, 14.36.120, 14.36.140, AND 14.36.150 OF THE GREELEY MUNICIPAL CODE OF ORDINANCES REGARDING LINN GROVE CEMETERY.

WHEREAS, in 2016 City of Greeley staff undertook a comprehensive review of Title 6 of the Greeley Municipal Code of Ordinances regarding licenses; and

WHEREAS, Section 6.04.170 required that Cemetery Contractors obtain a license from the City in order to construct or install concrete borders and foundations, and/or erect monuments within Linn Grove cemetery; and

WHEREAS, Chapter 14.36 of the Greeley Municipal Code of Ordinances relates to operations within Linn Grove Cemetery; and

WHEREAS, staff recommends that the Cemetery Contractors license be removed from Title 6, and instead, a permit requirement be added to Chapter 14.36; and

WHEREAS, the Cemetery Contractors permit will require anyone wishing to perform work within the cemetery to obtain an annual permit and to maintain liability insurance; and

WHEREAS, staff recommends additional updates be made to Chapter 14.36 in order to update the terminology to be consistent with modern practice; and

WHEREAS, it is in the best interests of the citizens of the City of Greeley that this ordinance be adopted.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

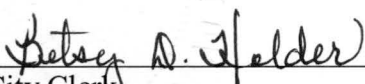
Section 1. Sections 14.36.010, 14.36.020, 14.36.020, 14.36.030, 14.36.040, 14.36.050, 14.36.060, 14.36.070, 14.36.080, 14.36.090, 14.36.100, 14.36.110, 14.36.120, 14.36.140, and 14.36.150 of the Greeley Municipal Code of Ordinances shall be amended as set forth on Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. This ordinance shall become effective five (5) days following its final publication, as provided by the Greeley City Charter.

DONE AND DATED THIS 20th DAY OF December, 2016.

ATTEST:

CITY OF GREELEY, COLORADO


City Clerk


Mayor

Chapter 14.36 - Linn Grove Cemetery

14.36.010 - Sale of SPACESlots.

It shall be the duty of the Superintendent of Cemeteries CEMETERY ADMINISTRATOR to keep an accurate record of all sales of BURIAL SPACESlots in Linn Grove Cemetery, showing the name of the RIGHT OF INTERMENT/INURNMENT purchaser with the number of the SPACE OR SPACES lot or lots purchased, in a book provided by the City for that purpose. When any person selects a SPACE OR SPACESlot or lots, the CEMETERY ADMINISTRATOR Superintendent shall give such person a receipt AND A RIGHT OF INTERMENT/INURNMENT DEED showing the legal description of such SPACE OR SPACES lot or lots and collect the FEEprice for SUCH SPACE OR SPACES the lot or lots. The sale price of all cemetery SPACESlots shall be set in accordance with Section 1.05.010 of this Code.

14.36.020 - Interment; permits required.

No interment shall be made in this cemetery until the proper ~~death certificate and all permits required~~ by law and all the information necessary to complete the records of this cemetery have been furnished to the ~~City Clerk or the Superintendent of the Cemetery~~ ADMINISTRATOR, AND THE PROPER FEES HAVE BEEN PAID, and no interment shall be made within such cemetery without a permit from the City Clerk, which permit shall be presented to the Superintendent of the Cemetery and by him or her returned to the City Clerk with his or her monthly report made next after the burial pursuant to such permit.

14.36.030 - Disinterment; permit required.

No INTERRED CORPSEbody shall be removed from the cemetery after the burial of such body WITHOUT APPLICABLE STATE, COUNTY AND MUNICIPAL PERMITS AND AUTHORIZATIONS, except upon the written permission of the Mayor or by resolution of the City Council, which permit of the Mayor or City Council must be presented to the Superintendent and returned by him or her to the City Clerk with his or her next monthly report. The CEMETERY ADMINISTRATOR Superintendent is instructed to refuse all burials offered or removals requested without full compliance with this Section.

14.36.040 - Opening and closing graves; notice required.

The opening and closing of graves for an interment or disinterment in the cemetery shall be done by City employees. A notice of not less than SIXTEEN (16) BUSINESS ~~twenty-four (24)~~ hours must be given to insure proper preparation of the grave.

14.36.050 - ~~Items on lot;~~ CONTRACTORS permit required.

The lot owner, holder or representative OR CONTRACTOR OF THE OWNER OF THE GRAVE SPACE shall obtain a AN ANNUAL CONTRACTORS permit from the CEMETERY ADMINISTRATOR administrative authorities AND PAY ANY FEES before PERFORMING ANY WORK WITHIN THE CEMETERY. THE APPLICANT FOR ANY CONTRACTORS PERMIT MUST MAINTAIN LIABILITY INSURANCE IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR OF FINANCE WITH PROOF OF THE SAME TO BE PRESENTED AT THE TIME OF SUBMISSION OF THE PERMIT APPLICATION. ~~the erecting or planting of anything upon the lot or the removal of anything from the lot.~~

14.36.060 CONTRACTORS permit refusal for designated cause.

The CEMETERY ADMINISTRATOR City shall have the right to refuse a CONTRACTOR permit to persons or firms whose work is not satisfactory or whose employees disobey rules or violate ordinances regulating the cemetery.

14.36.070 - Perpetual care limitations.

The City shall undertake to give all SPACES lots sold in Linn Grove Cemetery perpetual care, which shall include the maintenance of TURF AND GRADES a lawn thereon, but the City does not undertake

and agree to make any repairs on any monuments, headstones, vaults or other improvements that are erected or placed on the SPACE lot or plot.

14.36.080 - Plantings and monument setting.

The City reserves the right to fully control the settings of monuments, ~~and the plantings of ANY VEGETATION, trees, shrubbery and flowers~~ PLACEMENT OF DECORATIONS AND/OR ANY WORK ON CEMETERY GROUNDS, and to adopt such rules and regulations for the GOVERNING government of CEMETERY OPERATIONS ~~the grounds and use and control of lots necessary to promote the general objects of the cemetery.~~

14.36.090 - Nonliability of City.

The City shall not be responsible for the ANY deterioration or damage to ANY AND ALL MONUMENTS, PRIVATELY PLANTED VEGETATION, DECORATIONS, ORNAMENTS, CHAIRS, SETTEES, VASES, GLASS JARS, ARTIFICIAL FLOWERS, TOYS, WATERING CANS OR OTHER ARTICLES PLACED BY ANY PARTY UPON OR IN A SPACE. ~~such lot or plot or to the possessions of the purchasers.~~

14.36.100 - Articles interfering with maintenance; removal.

The CEMETERY ADMINISTRATOR ~~City administrative authorities~~ shall have the right to remove enclosures or any kind of curbing or coping around a SPACE lot, DECORATIONS, ornaments, chairs, settees, vases, glass jars, artificial flowers, toys, watering cans or other articles which interfere with the watering, mowing and maintenance of Linn Grove Cemetery.

14.36.110 - Marker or monumental works.

The ~~City Council~~ CITY shall reserve the right to prohibit the erection of any marker or monumental work that may be ~~considered by the City Council~~ DETERMINED to be inappropriate, whether in material, design, workmanship or location or which might interfere with the general effect or obstruct any principal view. The ~~City Council~~ CITY shall reserve the right to require the removal of any structure which the City Council deems to be offensive, improper or injurious to the appearance of the surrounding SPACES ~~lots~~ or grounds. City authorities shall have the right and it shall be their duty to enter upon such SPACE lot and remove the offensive or improper object, and they may do so without notice to the owner.

14.36.120 - Grades establishment.

The City shall establish the grades of SPACES ~~lots~~, walks and driveways and alter the same as the City deems requisite and proper to promote the general objectives of the cemetery.

14.36.140 - Animals in Linn Grove Cemetery prohibited; exception.

- (a) It is unlawful for any person to take an animal into Linn Grove Cemetery, regardless of whether the animal is on a leash or is confined, if notices have been properly posted by the Cemetery ~~ADMINISTRATOR~~ Manager, or a designee thereof, to enforce the rules and regulations promulgated pursuant to Section 14.36.150.
- (b) It is not a violation of this Section when the person WITH A DISABILITY, INCLUDING BUT NOT LIMITED TO A BLIND, VISUALLY IMPAIRED, DEAF, HARD OF HEARING, OR OTHERWISE PHYSICALLY DISABLED PERSON, IS ACCOMPANIED BY AN ASSISTANCE ANIMAL SPECIALLY TRAINED FOR THAT PERSON. ~~is blind or deaf and the animal brought onto the premises is an aid dog specifically trained to assist the disabled.~~

14.36.150 - Authority.

- (a) The Cemetery ADMINSTRATORManager shall have the authority to enforce the rules and regulations for the property management, operation and control of the cemetery within the City and all rules and regulations adopted by the City Council which affect or are applicable to the cemetery.
- (b) Upon the discretion of the Cemetery ADMINISTRATORManager, any such rules and regulations may be posted at conspicuous places in the cemetery in a manner which will give notice to the public of the proscribed behavior and the effective date thereof.