

Sunset Memorial Garden Cemetery

Rules and Regulations



STERLING
A Colorado Treasure

**Established
January 2020**

DISCLAIMER AND CAVEAT:

Whereas, the City of Sterling, Colorado, a municipal corporation (“City), and the County of Logan, a body politic and corporate (“County”), entered into that certain Intergovernmental Agreement (“IGA”) for the provision of Cemetery and Park Services at Sunset Memorial Gardens, on February 18, 2018, a copy of which is attached hereto; and,

Whereas, on _____, the City and County entered into that Intergovernmental Agreement, Appendix F, a copy of which is attached hereto, wherein the City and County agreed to continue to with the provisions outlined in the IGA; and,

Whereas, the IGA provides, in part, for the City and the County to determine the rules and regulations of Sunset Memorial Gardens; and,

Whereas, the City and the County have agreed upon certain rules and regulations concerning Sunset Memorial Gardens, provided, however, that in the event of a conflict regarding the proposed rules and regulations of Sunset Memorial Gardens and the IGA, that the terms, conditions, and provisions of the IGA shall control.

NOW THEREFORE, it is expressly understood and agreed between the City and the County that the following rules and regulations shall govern the operation of Sunset Memorial Gardens, provided, however, than in the event of a conflict regarding the proposed rules and regulations of Sunset Memorial Gardens and the IGA that the terms, conditions, and provisions of the IGA shall control.

(City and County signatures)

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1. INTRODUCTION

These are RULES AND REGULATIONS FOR THE OPERATION OF SUNSET MEMORIAL GARDENS and are for the mutual protection of all right of interment owners, Logan County and the City of Sterling, and provide the Cemetery with a uniform set of regulations.

The certificate of purchase of the lot or interment space and these rules and any amendments thereto shall be the sole agreement between Logan County, the City and the lot or interment space purchaser. The reference to the rules in the certificate of purchase of a Cemetery lot or interment space shall have the same force and effect as if these rules were set forth in full therein. Copies of these rules are available, at the Logan County Extension Office and the Department of Parks Library and Recreation office.

All rights of interment owners, visitors, Cemetery employees, persons working directly or indirectly for rights 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 Logan County the City of Sterling from time to time.

2. DEFINITIONS

Bronze Emblems – a 2.5 inch round bronze emblem with branch of military service cast into its face.

Bronze Military Flag Holders – a bronze emblem with branch of military service cast into its face designed to support a small flag with lugs on the back. Not to exceed seven inches in diameter with post attached to the back not to exceed twenty inches in length and ½ inch in diameter.

Bronze Niche Cover/Military Marker – Supplied by the United States Veterans Administration.

Burial Receptacle – container designed to enclose a casket for burial purposes.

Burial Space – a single space within a platted lot designed for the interment of a human body.

Cemetery – a burial park for earth burial and niche inurnment owned by the Logan County, Colorado, including:

- a) Land dedicated, reserved or used for interment purposes.
- b) Vegetation therein.
- c) Graves, niches or other interment spaces therein.
- d) Works of art therein.
- e) Roads, walkways and other structures of every kind therein.

City – The City of Sterling, Colorado.

City Council – The Elected Council of the City of Sterling, Colorado.

Columbarium – An arrangement of niches attached to a building or standing by themselves. A structure of vaults lined with recesses for urns containing cremated human remains.

County – Logan County Board of Commissioners and their designated representative.

Cremated Remains – The remains after the cremation process is completed.

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

Grave – A space of land in a Cemetery used for the burial of human remains.

Holiday – New Year’s Day –Martin Luther King Day - President’s Day – Memorial Day – Independence Day – Labor Day – Veteran’s Day – Thanksgiving Day – First Friday after Thanksgiving – Christmas Eve @ Noon - Christmas Day or upon any day that holidays are observed by Logan County or the City of Sterling.

Interment – The burial or the placement of remains in a grave space.

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

Late Funerals – Any funeral scheduled after 3:30 p.m. is a late funeral.

Lot – A platted lot within a Cemetery consisting of one or more interment spaces.

Memorial – A grave marker identifying a grave or graves. Also includes any flower vases as a permanent part of the memorial.

Niche – A space in a mausoleum or columbarium used for the inurnment of cremated human remains. Only containers measuring 11”x11”x11” or less will fit into the niche.

Niche Cover/Shutter – The outermost door made of granite covering a niche, also used to designate the names and information regarding persons entombed.

Ossuary – A container or receptacle, such as a vault, for the co-mingling of cremated remains.

Owner – The person or persons:

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

Perpetual Care – The general maintenance of lots and burial spaces, as well as the ground, walks, roadways, boundaries and structures within the Cemetery, to the end that said areas shall remain and be reasonably cared for as Cemetery grounds forever. Including but not limited to cutting at reasonable intervals, the general care and pruning of trees and shrubs that may be placed on the same by the County, and filling in sunken burial spaces by the City. Such care is, or course, subject to weather conditions and other factors beyond the control of the County. The term “Perpetual Care” shall in no way be construed as meaning the maintenance, repair or replacement of any memorial or monument 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; nor the repair or reconstruction of any marble, granite, bronze or concrete work on any section, lot or any portion or portions thereof damaged by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, insurrections, riots, or by order of any military or civil authority, invasions or causes beyond the reasonable control of the County/City, whether the damage be direct or collateral.

Superintendent – The Superintendent of Parks, Cemetery and Forestry for the City of Sterling.

Supervisor – Logan County Cemetery Supervisor

Urn – A container for cremated remains.

3. OWNERSHIP AND MANAGEMENT

Owned by the County

Logan County owns Sunset Memorial Cemetery. Both the County and City manage operation of the Cemetery.

Control by City Council

Sterling City Council will set all fees concerning the Cemetery.

Managed by the Cemetery Superintendent

The openings, closings, interments, inurnments and disinterment in the Cemetery shall be under the direction of Department of Parks, Library and Recreation (PLR), the Cemetery Superintendent or his designated representative. They in turn shall be responsible to the PLR Director and to the City Manager for direct and complete supervision of these related matters.

Cemetery Supervisor / Superintendent to enforce rules

The Cemetery Supervisor / Superintendent is expressly empowered to enforce these Rules and Regulations, and to exclude from the Cemetery any person violating the same. If any funeral director or other individual involved in the funeral or Cemetery business found by the Cemetery Supervisor / Superintendent to have violated these Rules and Regulations, such individual will be subject to exclusion from the Cemetery. Such individual shall only be readmitted by the Cemetery Supervisor / Superintendent upon proof that the violation did not occur, has been cured or other appropriate assurances are received. The Cemetery Supervisor / Superintendent shall have complete charge of the Cemetery grounds and buildings, and, at all times, shall have supervision of all persons within the Cemetery, including but not limited to the conduct of funeral processions (upon reaching a Cemetery), traffic, employees, lot owners and visitors.

Admissions to the cemetery

Entrance into the cemetery other than through the gated entrances is strictly forbidden. The County / City reserves the right to refuse admission to the Cemetery and to refuse the use of any of the Cemetery facilities to any person or persons who violate these Rules and Regulations or any other applicable law.

Finance Department

Fees, payments or charges for the right of interment or disinterment service shall be paid to the Director of Finance at the City Finance office. All applications for purchase, interment and disinterment orders, foundation and monument permits shall be made at the Cemetery office. All applications for transfer, assignments or repurchase of cemetery lots or interment spaces, or perpetual care permits, or special permits of any kind shall be made to the Finance Department with the approval of the Cemetery Superintendent. Only the Director of Finance is empowered to receive any and all moneys and payments and to issue receipts for the same in any and all transactions involving Cemetery property or services.

County / City not responsible for damage

The County / City shall take reasonable precautions to protect Owners and lots from loss or damage. However, the County / 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.

Liability for damage

Any person damaging, or causing to be damaged, any Cemetery property, whether owned by the County / City 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 Cemetery Supervisor / Superintendent.

County /City shall not discriminate

All decisions made by the County / 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, religion, ancestry, mental or physical handicap or age.

4. CONTROL OF WORK BY COUNTY / CITY**Work performed by County / City**

Except as otherwise provided herein, all grading, landscape work and improvements of any kind, and all care of lots, grounds buildings and vegetation shall be under direction of the Logan County Supervisor. The City will handle all opening or closing of graves, interments, inurnments, disinterment. The City shall review, approve, mark out and supervise all monument applications and installations.

Logan County will 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 Logan County Supervisor. He/she shall have the right to remove, alter or change such improvements or alterations at the expense of the owner. Said parties or their families shall keep up plantings on interment spaces by private parties, but the Cemetery Supervisor or designated representative shall have the right to maintain or remove them if not properly kept.

5. ROADWAYS AND REPLATTING**Right to replat, regrade and use property**

The rights to enlarge, reduce, replot 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 expressly reserved. The right to lay, maintain and operate or alter or change pipelines and/or gutters for sprinkler systems, drainage lakes, etc. is also expressly reserved; as well as the right to use Cemetery property, not sold to Owners, for Cemetery purposes, including the interring and preparing for interment of human bodies, or for anything necessary, incidental or convenient thereto. Logan County / City of Sterling reserves for itself and to those lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purpose of passage to and from other lots.

No right granted in roadways

No easement or right of interment is granted to any 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.

Right to close roadways

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

6. CONDUCT WITHIN THE CEMETERY

Traversing cemetery property

Persons within the Cemetery shall use only the roads or drives as thoroughfares and no person shall walk on the grass unless it is necessary to do so to reach a particular lot, except that a 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 the Cemetery other than the roads or drives as a thoroughfare is hereby declared a trespasser and the County / City shall in no way be held liable for any injury sustained by such trespassers.

Trespassers on cemetery lots

Only the right of interment Owner or his/her relatives and friends, authorized work persons or other authorized individuals shall be permitted on any Cemetery lot. Any other person thereon shall be considered a trespasser, and the County / City shall owe no duties to said trespasser to keep the property or the memorial thereon in a safe condition.

Children

Children under fifteen (15) years of age shall not be permitted within the Cemetery grounds or their buildings unless accompanied and supervised by an adult.

Forbidden activities

The scattering of cremated remains is not allowed in the Cemetery.

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

No person shall plant vegetation, in areas not approved by the Logan County Supervisor.

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.

No decoration of lots permitted other than in approved stone mounted vases.

Loud talking or noise shall not be permitted on the Cemetery grounds.

No person shall throw rubbish on any part of the grounds or buildings, except into designated receptacles.

Automobiles shall not be driven in the Cemetery at a speed greater than fifteen (15) miles per hour. Automobiles are not allowed to park or come to a complete stop in front of an open grave unless such automobiles are in attendance at a funeral.

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 are allowed only by permission of the Cemetery Supervisor/Superintendent or his designated representative.

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

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

The cemetery allows only Certified Service Animals on the premises. The owner or keeper of any animal trespassing upon the Cemetery grounds shall be liable for any damage done by the animal. Horses may be used in conjunction with funerals with the permission of the Cemetery Supervisor / Superintendent or designated representative.

Approaching the bereaved and soliciting memorial business within the Cemetery is prohibited.

Hours

The Cemetery office (located @ Riverside Cemetery) will be open from 7:00 A.M 4:00 P.M. Monday thru Friday except holidays. Sunset Memorial Gardens closes to public access after dark. The Cemetery grounds are open at 7:00 a.m. and closed after dark or 9:00 p.m. whatever comes first. Visitors are welcome on the Cemetery grounds during regular Cemetery hours.

Improprieties

All persons in the Cemetery shall conduct themselves with a level of decorum appropriate to the solemnity of the purposes and uses of the Cemetery and with respect for other persons and for property within the Cemetery.

Employees and Workers

County / City employees, as well as other workers, monument dealers, florists, or other persons working within the Cemetery shall conduct themselves with a level of decorum appropriate to the solemnity of the purposes and uses of the Cemetery at all times and in strict accordance with these Rules and Regulations.

7. SERVICE CHARGE

Payment of service charge

The amount or rates of a charge shall be established by City Council. A charge for any service rendered by Cemetery employees must be paid for prior to the time such service is rendered. The payment of the cemetery service charge relating to interment must be made before the interment is to take place. A fee, payment or charge for a cemetery use or service shall be paid to the City of Sterling at the Finance Department office. Available niches may not be reserved without payment. The right of interment in a burial space shall not accrue to the purchaser until the full purchase price of the same and the Perpetual Care fee has been paid in full to the Finance office.

8. PURCHASE OF THE RIGHT OF INTERMENT

Application for purchase

Application for the purchase of an individual inurnment space for inurnment purposes must be made at the Riverside Cemetery office.

Agreement conveys only the right of interment

Sales agreements shall grant to the purchaser the rights of interment for interment of human remains only, subject to these Rules and Regulations.

Change of address

It shall be the duty of the 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 Finance office shall be considered sufficient and proper legal notification.

Errors Corrections

The County / City reserves the right to correct any errors made, either in making interments or disinterment's or in the description, transfer or conveyance of any interment property. This may include canceling such conveyance and substituting and other interment property of equal value and in a similar location as far as possible, or as may be selected by the Director of Finance; or in the sole discretion of the Director of Finance, by refunding the amount of money paid on account of said purchase. In the event that such error shall involve the interment of the remains of any person in such property, the County / City reserves the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and provided in lieu thereof.

9. TRANSFER AND ASSIGNMENT

Consent of City

No transfer or assignment of the right of interment in any lot or burial space shall be valid without the prior written consent of the City, signed by the Mayor and attested by the City Clerk, endorsed upon such transfer or assignment, and thereafter recorded in the books of the City.

Indebtedness

The City shall have the right to refuse to consent to a transfer or an assignment to persons other than legitimate heirs of the original Owners as long as there is any indebtedness due the City by the Owner of record.

Transfer and charge

Transfer of interests in use of lots (family only) and interment spaces and all assignments shall be subject to a fee, which fee must be paid to the Director of Finance at the time of the transfer or assignment is recorded.

Transfer by descent

If no interment has been made in an interment space which has been transferred by certificate of purchase to an individual purchaser or purchasers by the City, or if all the remains have been lawfully removed there from, in the absence of a specific disposition thereof in the purchasers last will and testament, the lot shall, upon the death of the purchaser, descend in regular line of succession as described in the state statutes, subject to the City's right to reclaim unused lots and interment spaces as provided by the laws of the state of Colorado.

Contract sale by the City,

If, for any reason, it becomes necessary for any Owner to dispose of his or her interest in any columbarium interment space, the owner may make application at the City Finance office for repurchase of the interment space, interest in such interment space by the City. The City will deduct as its compensation for the sale, fifty per cent (50%) of the original selling price for such space(s) minus the original perpetual care fee. If the Perpetual Care fee has not been paid on such spaces, the current Perpetual Care fee will be deducted from the amount paid to the seller. Payment will be made for the interment space purchases, by the Director of Finance, when the purchaser has transferred to the City, by deed or certificate of purchase, all of her/his interest, as approved by the City Attorney. The sale shall be accomplished by a similar document to the one which created the purchaser's interest.

10. PERPETUAL CARE**Perpetual care fee**

The Perpetual Care fee collected from the purchasers of columbarium niches shall be set by the City Council.

Care of lots not now under perpetual care

General care will be given lots without Perpetual Care, in order that the general beauty of the Cemetery may be maintained. However, the County assumes no responsibility to maintain these lots in perpetuity. Whenever any lot needs attention, lots having Perpetual Care shall in every case have preference.

Record of payment of fee

The record books of the City and the receipt issued by the City shall show the amount of the Perpetual Care fee that has been required of the purchaser in each case.

Investment of fee

The money received for Perpetual Care shall be held in trust in the Perpetual Care Fund and invested as provided by law. The City reserves the right, however, either to handle all investments itself, or to deposit said funds with any person, company or corporation qualified to act as trustee or depository for such funds.

County / City to direct expenditures

The County / City shall expend the income from the Perpetual Care Fund in such a manner as will, in the judgment of the County / City, be most advantageous to the Owners as a whole. The County / City has the full power and authority to determine upon what property, for what purpose and in what manner the income from said Perpetual Care Fund, is expended for the care of, reconstruction, repair and maintenance of all or any portion of the Cemetery grounds. It may also expend said income for attorney's fee and other costs necessary to the preservation of the legal rights of the County / City in connection with the Cemetery.

11. INTERMENT

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 Sterling, Logan County and the State of Colorado.

Disposition-removal permit required

A Disposition-Removal 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 prior to any interment. Such permit must be provided to the Cemetery office.

Interment permit required

The County / City reserves the right to refuse interment in any burial space and to refuse to open any burial space for any purpose. Interment is only allowed upon issuance of permit by the Cemetery Supervisor / Superintendent or designated representative with written application by the interment space Owner or owners of record made out on forms provided by the Director of Finance and duly filed with the Director of Finance.

Manner and charges

Interments must be made in the manner set by the Cemetery Superintendent and only after payment of the applicable charges. City Council shall set the fees and charges and payment of the same will be required as a condition of interment.

Time and scheduling

Interments must be scheduled through the Riverside Cemetery office. Interments can be scheduled Monday through Saturday. There is an additional fee for Saturday and late interments. No interment or funeral services will be allowed on Sundays or on any holiday. There will be no funerals scheduled after 12:00 p.m. on Saturdays.

The Cemetery Superintendent, or his representative, shall appoint the time for the arrival of funeral processions at the Cemetery. When two funeral processions arrive at the same time, the funeral procession arriving first shall have precedence in entering the Cemetery and the other procession shall proceed in accordance with the instructions of the Cemetery Superintendent or his representative. No funeral procession will be permitted in the Cemetery after 3:30 p.m. except by special permission of the Cemetery Superintendent.

The Cemetery staff shall endeavor to provide traffic control to include signs with arrows to lead the funeral procession to the appropriate burial space or lot.

Notice of interment required

For interments on weekdays, twenty-four (24) hours advance notice must be given. Any reservation for an interment submitted after 12:00 p.m. Friday afternoon must be for no sooner than the following Monday 12:00 p.m. Any reservation submitted after 3:30 p.m. Friday afternoon must be for no sooner than the following Tuesday morning. Interment times on Saturdays must be reserved by 3:30 p.m. on the preceding Thursday. The Cemetery Superintendent or his designated representative must approve any exceptions to the above times.

Burial receptacle requirements

Acceptable Burial Receptacles – Every earth interment must be made in a burial receptacle made of appropriate materials, limited to concrete, steel or copper. Only approved receptacles shall be used. No burial receptacle of more than two pieces is allowed. The Cemetery Superintendent shall have the right to refuse any receptacle that is damaged or does not meet the specifics set forth in these Rules and Regulations.

Concrete – Concrete burial receptacles shall be made from proportions of cement, aggregates and water (conforming to the specifications stated below) combined in such a manner as to satisfy the strength requirements. Cement shall be Portland cement conforming to the specifications for Portland ASTM C-150. Aggregates shall consist of sand, 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” of 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 properly cured before delivery. 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 may not be accepted.

Steel – Steel burial receptacles shall be manufactured from steel sheeting. A minimum sheet thickness of 12 gauge 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 required. Bent cracked or damaged steel burial receptacles may not be accepted.

Copper – Copper burial receptacles manufactured from solid copper sheeting. A minimum sheet thickness of 10 gauge shall be used in the manufacturing of copper burial receptacles. Bent cracked or damaged copper burial receptacles may not be accepted.

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, if a casket is to be used. Bases for the receptacles are optional, provided that sufficient soil bearing and structural integrity is present without a base. Structural soundness and strength shall be obtained through the receptacle itself without any dependence upon the casket, if a casket is to be used.

Durability – Burial receptacles shall be constructed so as to be capable of providing adequate strength and durability for a minimum of 100 years. Manufacturers shall provide certificates of compliance and/or test results conducted according to standard or acceptable testing methods showing compliance with these specifications if requested by the Cemetery Superintendent.

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. Burial receptacles’ structural capabilities and conformance with these specifications shall be tested by a strength test, as described below. The Cemetery Superintendent may waive such testing requirements if, in his discretion, sufficient case histories or other test results are provided which indicate the successful performance of the particular burial receptacle. The Cemetery Superintendent shall have the right to require periodic retesting of any or all approved burial receptacles when deemed necessary due to failures of the burial receptacle discovered since approval.

Strength Test – When requested by the Cemetery Superintendent, a strength test shall be conducted at the supplier’s or manufacturer’s expense under the direction of the Cemetery Superintendent or his representative. Costs associated with delivery and removal of a receptacle to and from the test site, as well as any damage to the receptacle as a result of the test, shall be borne by the supplier or manufacturer. The strength test shall be conducted at Riverside Cemetery and shall be witnessed by City representatives and the supplier or manufacturer of the burial receptacle being tested. The strength test shall consist of the burial receptacle being placed in a simulated burial situation such as is common at Riverside Cemetery. Receptacles constructed with bases shall be tested fully assembled with the top unit installed on the base. The receptacle shall be buried and backfilled in the usual method used at the Cemetery. Backfill material not to exceed two feet in depth (measured at the shallowest point) shall be placed on top of the receptacle being tested.

After backfilling is completed, the burial receptacle must withstand passage of a backhoe or truck weighing 20,000 pounds maximum gross weight or approximately 5,000 pounds per wheel. The burial receptacle will be recovered and inspected for cracking, buckling, fractures, or other failures. If any substantial failure is found, the Cemetery Superintendent will disallow the use of the burial receptacle in the Cemetery. Any cracking, breaking or excessive settlement of the new ground may also result in the disallowance of the burial receptacle’s use in the Cemetery.

Columbarium niches

Columbarium memorials (niche shutter lettering) sandblasted lettering only. No bronze lettering, plates, or designs shall be allowed. White Litho Chrome paint only. No bronze plaques are allowed on the Columbarium units except for authorized veterans bronze niche covers.

First name, last and nick names will be a height of 1.25 inches. The word (Married and Married Date) will be a height of .75 inches. The birth date and death date will be a height of 1 inch.

From the bottom of the granite niche cover to the bottom of the death date is a space of 1.25 inches. From the bottom of the granite niche cover to the bottom of the birth date is a space of 2.75 inches. From the bottom of the granite niche cover to the bottom married and married date is a space of 5.875 inches. From the bottom of the granite niche cover to the bottom of the last name is a space of 8.75 inches. From the bottom of the granite niche cover to the bottom of the first name is a space of 10.5 inches. Nick names will be evenly spaced between married or married date and the person's last name, on the granite niche cover.

Emblems and insignias will be centered between top of the birth date and the bottom of the person's last name, with a minimum of 1 inch spacing. Spacing will be a minimum of 1 inch from the edge of the granite niche covering. Emblems and Insignias can only be allowed when married, married date and nick names are not being used. Nick names, when used, will be limited to one line and not to exceed 1 inch minimum spacing to the outer edge of the granite niche covering. Emblems, insignias and nick names are subject to final approval by the Cemetery Superintendent or their representative.

When lettering is used in the inside portion of an emblem or insignia the lettering will be .75 inches. The only font allowed on the granite niche covers is Mon 37.

Niche applications need to be approved by the Cemetery Superintendent or their representative before any work is to be done on a granite niche cover. The City of Sterling reserves the right to approve or reject any proposed niche applications.

Damage of incorrect font type or incorrect spacing done to the granite niche covering will be the responsibility of the requesting party or contractor. The repairs will be done by the City of Sterling and the cost of such repairs shall be charged to the requesting party or contractor.

No floral vases, vase hangers, wreaths, or decorations or solar lighting of any kind shall be attached to the niche shutters. Any such decorations will be removed by the Cemetery Superintendent or designated representatives immediately. Glass containers, tin cans and spiked cone containers shall not be allowed and will be removed immediately.

Funeral flowers, containers, baskets and easels will be removed and disposed of one day after the inurnment.

Niches at Sunset Memorial Cemetery will accommodate one urn with external dimensions not to exceed the inside dimensions of the niche.

The cremated remains of no more than one individual may be inurned in a single niche.

No flowers, artificial flowers/decorations of any kind will be allowed at the columbarium units at any time for holidays or special occasions.

Memory garden wall and ossuary

Memory Garden Wall Memorials shall be sand blasted lettering done by a designated company selected by the Cemetery Superintendent or his designated representative. No bronze lettering, plates or designs shall be allowed except for authorized veterans bronze plates. Names and birth year and death year shall be ¾ inch high Vermarco lettering. No full date inscriptions will be allowed.

No floral vases, wreaths or decorations of any kind will be attached to the monument. Any such decorations will be removed by the Cemetery Superintendent or designated representative immediately. Glass containers, tin cans and spiked cone containers shall not be allowed and will be removed immediately.

Funeral flowers, containers, baskets and easels shall be removed and disposed of within two days or sooner if they become unsightly.

Cremated remains are co-mingled in a vault (ossuary) and cannot be removed.

Casket not to be disturbed

Once a casket or other burial receptacle containing a body is in the confines of the Cemetery, no person shall be permitted to open a casket or touch the body without the written consent of the legal representatives of the deceased or a court order. Consent shall include legal written documents proving the authority of the legal representative(s). These requests shall be in writing from the legal representative(s).

Emergency interment

Arrangements for emergency interments must be made through the Cemetery Superintendent; after all financial conditions are satisfactory to the Director of Finance.

Interments involving virulent contagious disease

Advance notice must be given to the Cemetery Superintendent of the intention to inter the remains of any person who died of a virulent contagious disease, so that a proper time may be scheduled for the interment, and that proper arrangements made for the protection of the public and the Cemetery employees.

Disaster

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 Cemetery Superintendent. The Cemetery Superintendent has the authority to void any and all regulations necessary in order to handle the numerous interments as orderly and as quickly as possible.

Delays in interments caused by protest

The County / 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 met. The County / City shall be under no obligation to recognize any protests of interments unless served with a court order directing some other action.

Authorization of one lot owner sufficient

The City reserves the right to allow interment of the remains of any member of the immediate family of any one of several joint Owners on a lot or interment space upon the Owner(s) written authorization. No other persons may be interred in any burial space without the written consent of all Owners of the lot or interment spaces that are recorded as such in the books of the City.

Location of interment space

The applicant for an interment permit must specify the exact location on the interment space desired to be opened on the lot. All burial spaces must be at least three feet below the ground surface. When instructions regarding the location of a burial space on a lot cannot be obtained or are indefinite, or when, for any reason, the interment space cannot be opened where specified, the Cemetery Superintendent may, in his/her discretion, open it in such location on the lot as he/she deems best and proper so as not to delay the funeral; and the City shall not be liable for damages resulting from 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 or lot Owner, or their representatives after the digging has begun, been completed, or the burial has been made, the person requesting the change shall be responsible for the payment of applicable additional fees to the City. Such fees shall be paid before any work pursuant to the revised instructions.

City not responsible

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

Embalming; identity

The County / City shall not be responsible to verify the accuracy of any information provided to the County / City for its use or record keeping nor to verify the identity of any person to be interred. The County / City shall not be responsible to provide any forms required to be kept by other agencies or persons. The County /City is not responsible in any way for the embalming or other preparation of the body.

Interment of more than one body

No more than one body may be interred in a single burial space. The foregoing shall not apply in the case of cremated remains or infant remains. There may be one full burial and two cremated remains in any earth interment space. No more than one cremated human remains may be placed in a single niche. There may be one full burial and one infant burial in one full interment space and up to three infant burials in one full interment space.

Equipment

Tents, artificial grass, lowering devices and other equipment owned by private parties may be used. The County / City is not responsible for the malfunction of equipment used by its self or private contractors.

Interment of cremated remains

In order to inter cremated remains in the Cemetery, either in the ground or in a monument foundation, an interment permit must be obtained from the Cemetery office, and the applicable fees paid to the Director of Finance. The person(s) requesting interment of cremated remains may choose any adequate container for the cremated remains approved by the Cemetery Superintendent or designated representative. The City shall not be liable for the protection of the cremated remains, whether buried in concrete or not. In the event that the cremated remains must be relocated for any reason, the County / City shall not be responsible for any damage to the cremated remains or the container.

12. DISINTERMENT

Subject to laws and orders

In addition to these Rules and Regulations, a disinterment shall be subject to the orders and laws of Logan County and the State of Colorado.

Permission for disinterment

No disinterment of a body will be made without written permission of the surviving spouse or surviving children of the deceased. In the event that this cannot be obtained for any reason, an order of the district court will be required.

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.

Notice of disinterment required

The City reserves the right to require at least ten day notice prior to any disinterment. No disinterment will be allowed without the written permission of the Cemetery Superintendent. No disinterment will be made on any Saturday, Sunday, when it would interfere with regular funerals or legal holiday or on the day upon which any holiday is legally observed. A disinterment shall be done at the convenience of the City of Sterling as determined by the Cemetery Superintendent.

Payment of fees

Fees assessed by the City for a disinterment shall be made to the Finance Department prior to the disinterment.

Services provided

The services provided in connection with a disinterment include removing the burial receptacle, placing the same on top of the ground, and backfilling the empty burial space. The requesting party is responsible for removal of the disinterred remains, casket & receptacle from the Cemetery grounds and must do so forthwith.

County / City not responsible

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

13. DECORATION OF LOTS AND BURIAL SPACES

No live flowers may be planted and cultivated on any burial space at any time. No plantings to the rear or sides will be allowed. No containers may be used in front of the headstone unless set flush with the ground.

In the areas where there is a main memorial and a secondary flush memorial, no planting and no vases shall be allowed in front of the secondary flush memorial.

Artificial or fresh cut flowers may be placed in an approved vase November 1st through the 1st Monday in March, they will be discarded when dead, faded, broken or otherwise substantially deteriorated. Approved vases must be made of bronze & manufactured for cemetery use. Under no circumstances may glass, ceramics, bottles or jars be placed on the grounds.

Christmas blankets and wreaths are NOT allowed.

Artificial flowers in approved vases are allowed one week prior to Memorial Day and one week following and from November 1st through 1st Monday in March. The Cemetery Supervisor shall order the removal and disposal of all artificial sprays and wreaths when they become unsightly are blown off the burial spaces or not removed by the time frames outlined in these rules. Artificial flowers for holidays, birthdays or other special occasions are NOT allowed. No flowers, artificial flowers/decorations of any kind will be allowed at the columbarium units at any time for holidays or special occasions.

Bushes or trees of any kind are not allowed unless permission of the Supervisor is acquired prior to planting.

The placing of boxes, baskets, bricks, concrete blocks, plaques, statues, shells, stones, boulders, toys, ceramics, angels, candle rings, metal designs, ornaments, chairs, settees, unattached vases, spiked cone containers, glass, urns, fences, wood or metal cases, edging (metal, wood, or concrete), temporary grave markers, shepherds hooks, and similar articles upon lots or burial spaces shall not be permitted.

The County / City shall not be held liable for lost, misplaced or broken flower vases or for damage caused by the elements, thieves, vandals or by causes reasonably beyond its control. The County reserves the right to regulate the method of decorating lots and the right to regulate

decoration so that a uniform beauty may be maintained. The County reserves the right to remove any and all decorations at any time. The city shall not be responsible for any decorations. The County reserves the right to regulate the method decorating lots or interment spaces so that uniformity may be maintained. The County reserves the right to remove any decoration, flowers, floral designs, trees, shrubs, plants or herbage of any kind.

14. MEMORIALS, MONUMENTS, ETC.

All Monuments in Sunset Memorial Gardens shall be flush design. The County does not wish to unnecessarily interfere with a family's choice of a memorial. However, in fairness to other Owners and to preserve the beauty and harmony of the Cemetery, the County reserves the right to remove any structure or object that it deems injurious to the general appearance of the grounds. The County further reserves the right to approve or reject any proposed memorial, monument, or other structure or object, or placed on such based on the following rules and regulations:

Producers and retail dealers

Memorials, monuments, etc. placed in the Cemetery must be from approved producers and retail dealers. Monument and memorial dealers shall abide by the rules of the Cemetery. Workmen employed in monument work of any type within the Cemetery shall, as to the County operate as independent contractors and shall not violate any rule contained in these rules.

In order to procure approval of the County, retail dealers must agree to use only first grade natural stone from producers approved as provided above, and guarantee the memorial to be executed in first grade workmanship, with the agreement that should faults develop within five (5) years from the date of setting due to the setting, treatment or handling of the same by the memorial dealers, such memorial will be replaced without cost or delay to the County or the Owner.

Letter cutters, persons or firms who engage in the business of cleaning monuments and who are not connected with approved retail dealers excluding family members must notify the Cemetery Supervisor or his designated representative before any work in the Cemetery is commenced. It will be necessary for the person or firm to submit satisfactory evidence of their ability to properly perform the work for which they have been engaged.

Before approved retail dealers shall be permitted to erect any memorials, lay any foundations or do any work in the Cemetery, said retail dealers shall file with the Director of Finance, a good and sufficient bond or undertaking the penalty sum of \$10,000.00 with sureties thereon to be approved by the County, which shall be conditioned that the principle thereof shall conform and comply with all ordinances of the County and rules governing Sunset Memorial Cemetery, and that the principal will fully perform his guarantee covering the sale and erection of said memorial, which bond and undertaking shall be in favor of the County and shall be for its benefit as well as the benefit of lot and interment space purchasers in the Cemetery. Workmen employed in erecting or placing monuments or other structures or bringing materials into the Cemetery shall, as to the County, operate as independent contractors but shall be subject to the general supervision of the Cemetery Supervisor or his designated representative.

Persons engaged in erecting monuments or other structures are prohibited from attaching ropes or other devices to monuments, trees or shrubs, and are prohibited from scattering material or tools over adjoining lots, blocking roadways or walks, or leaving material or tools on the grounds longer than is absolutely necessary. Such persons must do as little injury to the ground, trees and shrubs as possible, remove all debris and restore the ground to its original condition at no cost to the County.

Damage done to lots, walks, trees, shrubs, drives or other property by the dealers or contractors or their agents, shall be repaired by the County, and the cost of such repair shall be charged to the dealer, contractor or his principal, at the County's option.

No material, machinery or other item used in 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, or under any circumstances when a funeral is in process; nor between Friday after 5:00 p.m. and 7:00 a.m. Monday morning; nor after 5:00 p.m. on weekdays and no work shall be done during said times. Nor shall such material be placed on lots adjoining the one on which such structure is to be erected, without special permission of the Cemetery Supervisor. No work shall be done on holidays, or from the Thursday before Memorial Day through the Memorial Day holiday.

Work shall proceed promptly until the erection of the memorial is completed.

While a funeral or an interment service is being conducted nearby, all work of any kind shall cease.

Any approved retail dealer or producer who violates these Rules and Regulations will be removed from the list of approved retail dealers and producers and will not be allowed to place its goods or provide its services within the Cemetery until the dealer or producer meets the approval of the Cemetery Supervisor.

Work done in the Cemetery by any person or company who is not on the list of approved retail dealers and producers, may have the work eliminated or removed by the Cemetery employees at the expense of such person.

No memorial or monument shall be allowed on any burial space(s) until the space(s) has been fully paid for, including Perpetual Care, and the certificate of purchase has been delivered to the purchaser and a permit issued by the Director of Finance.

Only one central memorial shall be allowed on an interment space, with the addition of one grass level foot marker at the base of the interment space.

A government memorial furnished by the Veteran's Administration may be set on an already marked burial space in compliance with these rules.

No person shall erect or place or cause to be erected or placed on any burial space(s) in the Cemetery any memorial that has not been approved by Cemetery Supervisor.

The area of the face of any memorial shall not be larger than the space will allow. Flat memorials shall have a minimum thickness of four inches (4”).

Bronze markers will be allowed at the foot of a grave when set flush in concrete with lugs and a five inch wash around the perimeter at a minimum thickness of four inches. If granite or marble is used it must be a minimum of four inches (4”) thick.

Memorials must be flush and at grass level.

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

While the County will endeavor to exercise due care to protect raised lettering, carving or ornaments on any memorial or other structure on any lot in the Cemetery, it disclaims any responsibility for damage thereto.

No coping, curbing, hedging grave mounds, borders, enclosures of any kind or walks of any kind shall be allowed on any burial space(s) in the Cemetery. The County reserves the right to remove the same without recourse, if so planted, erected or placed.

The use of tiles, bricks, gravel, crushed rock, oyster shells, cinders or other material on any burial space(s) in the Cemetery is prohibited. If used, such materials may be removed by the County without notice to the lot Owner.

Temporary memorials or ornaments shall not be allowed.

Iron crosses or other ornaments suggesting war or violent death or destruction fall outside of the harmony and ideals which the Cemetery is trying to portray and are prohibited.

The Cemetery will display memorials provided by the United States Veterans Administration as intended.

Metal flag holders may not be stuck in the ground on any interment space, as they are a deterrent and a hazard to normal proper mowing.

Design, finish and workmanship

Memorial dealers shall be required to furnish, for the approval of the Cemetery Superintendent, a blueprint or sketch of the proposed memorial monument, specifying size, location on lot or interment space, inscription, kind and quality of stone and the name of the producer supplying the stone. Bronze markers may be used as head stones when set with lugs and epoxy on a minimum of four inch rock pitch finish base made of granite and installed on a foundation with a minimum of five inch wash.

The Cemetery Superintendent shall have the power to refuse any plan or design for any memorial, which, in his/her opinion, on account of size, design, inscription, or kind or quality of the stone, is unsuited to the lot on which it is to be placed, or is out of harmony with the general

appearance of the section where located. The Superintendent shall advise the memorial dealer who in such case must alter the design to meet the approval of the Cemetery Superintendent before placing any such memorial on any lot or interment space.

The County reserves the right for the Cemetery Superintendent / Supervisor to stop all work of any nature whenever, in their opinion, proper preparations therefore have not been made; when work is executed in such a manner as to threaten life or property; when work lacks execution in accordance with specifications; or when any person violates any of the Cemetery rules.

The completed work is subject to the approval of the Cemetery Superintendent and, if unsatisfactory, it may be removed by the Cemetery Superintendent or his designated representative.

Die stones shall be finished on at least the front surface.

The name or inscription on each memorial must correspond with the name on record in the Finance Department, and no changes shall be made except upon request of the proper parties and by permission of the Cemetery Superintendent.

No memorial showing drill or toll marks or straining from rubber mats used for sand engraving shall be considered acceptable.

Materials

Memorials, markers or stonework of any kind shall be constructed from first grade natural stone from quarries approved by the Cemetery Supervisor. No artificial stone of any kind shall be permitted. Flat Bronze markers are allowed.

Columbarium

Columbaria shall be constructed only in areas designated for such structures. Such structures shall be built of first grade natural stone, similar in all respects to stone used in other memorials in the Cemetery, unless prior written approval is received from the Cemetery Supervisor for the use of an alternate material. Perpetual Care does not include any maintenance on private mausoleums or columbarium.

Plans, specifications and location on the areas shall be subject to the approval of the Cemetery Supervisor, and shall be constructed only in lots designated for such structures

Miscellaneous

Should any memorial, monument, mausoleum, tomb, etc. become unsightly, dilapidated or a menace to the safety of Cemetery visitors or workers, the County shall have the right to either correct the condition or to remove the same from the lot at the expense of the Owner.

There will be no removal of a monument or memorial from the Cemetery, except by the County, unless the interment space owner presents the written order or permission to the Cemetery Supervisor and permission then granted.

By presenting to the County proper written evidence to prove that any person ordering a memorial cannot or will not complete his/her contract for the purchase of the same, the dealer who sold the memorial may obtain permission from the Cemetery Supervisor 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 County for the expense of returning the burial space(s) to its original condition. The County shall at no time be responsible or liable for the removal of any memorial. Before granting permission for the removal of the same, the County may require a written guarantee or bond from the person or dealer removing the same, in favor of the County, to protect and save the County harmless from any and all liability of whatever kind or nature.

15. AMENDMENTS, EXCEPTIONS AND MODIFICATIONS

Amendments

The County / City hereby expressly reserves the right at any time, to adopt new rules or regulations or to amend, alter and/or repeal any rule, regulation, article, section, paragraph or sentence in these Rules and Regulations. Such new or amended rules and regulations shall be binding on the Owners of all lots and burial spaces regardless of the date such Owner acquired the right of interment.

Exceptions and modifications

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The County / City, therefore reserves the right, without notice, to make exceptions, suspensions or modifications to any of these Rules and Regulations, when, in its judgment, the same appear 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.