

**EVERGREEN CEMETERY ASSOCIATION**  
**Deer Trail, Colorado**  
**RULES AND REGULATIONS**

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**Section I. Establishment and Control**

- A. The Evergreen Cemetery Board of Directors ("Board") shall have control of the operation of the cemetery through the establishment of cemetery rules, regulations and fees. The Board shall also have responsibility for the operation and maintenance of the cemetery and for the sale of plots, recording of purchases and interments, and the maintenance of the cemetery map.
- B. It shall be the duty of the President of the Board to enforce all rules, keeping in mind the consideration and welfare of all concerned.
- C. All money collected shall be used only for the improvement and care of Evergreen Cemetery. All Board members shall serve without pay.
- D. Board replacements shall be chosen by current Board members.

**Section II. Sale of plots**

- A. The Board shall determine the cemetery charges including the purchase price of a plot and the cost of opening and closing a grave. Upon full payment of the purchase price of the plot, the Board shall deliver a properly executed deed of conveyance. The Board reserves the right to designate certain plots as unavailable for sale.

- B. Cemetery fees shall be as follows:

	<u>WITH COMMUNITY TIES</u>	<u>WITHOUT COMMUNITY TIES</u>
Purchase price per plot -	\$450	\$2,500
Grave opening and closing - (may increase for weekends)	\$650	\$1,350
Burial of cremains (each)	\$100	\$ 200

- C. Pre-payment for opening and closing services will not be allowed.
- D. For purposes of this section, "with community ties" means having family or historical community connections with Deer Trail and its surrounding communities.

**Section III. Conditions of Conveyance**

The rights, title and interest acquired by any person in and to any plot in Evergreen Cemetery shall be subject to the following conditions:

- A. No transfer of a cemetery plot shall be valid without prior consent of the Board, and having therefore been entered into the official Evergreen Cemetery records. An administration fee of \$25 shall be assessed for each transfer made to an heir or family member. The fee charged for a transfer to non-family persons will be the difference between the original cost of the plot and the current price of the plot. No utilization of a cemetery plot shall be made until compliance with this section is complete. An administrative fee of \$25 shall be assessed for each transfer.

- B. Any plot owner, or the legally authorized representative of a deceased owner, wishing to sell a cemetery plot shall sell the plot only to the Cemetery, in which case the Board shall pay the price which was originally paid for the plot, as noted on the deed or in the cemetery records, subject to availability of funds for such repurchase. The Board shall resell the plot at the current selling price.
- C. Nothing in this section shall be construed to permit the sale or conveyance of any cemetery plots which have been used for interment or inurnment.
- D. If any plots appear to be abandoned, after a lengthy period of time, and no transfer paperwork has been received. The Board will take all reasonable steps to contact owners or heirs. If contact is unable to be made, ownership of the plots will revert back to the Cemetery, as per State statutes, and may be resold.

#### **Section IV. Grave openings and Closings**

- A. The opening of all graves shall be strictly in accordance with the rules of the Board. The Board shall be notified of date of burial and location of the grave, which must conform to maps, plats and records of the Cemetery.
- B. A burial permit, as required by law, must be submitted prior to interment or inurnment.
- C. One casket may be interred in each plot. In addition to a casket, up to 2 cremains may be interred in the plot. Four cremains may be interred in a plot not containing a casket.
- D. Caskets must be encased in a cement vault. No vault is required for cremains.
- E. If muddy conditions exist, the Board reserves the right to postpone the burial until conditions improve.
- F. No animals shall be buried in Evergreen Cemetery.
- G. Digging of any kind in the Cemetery is strictly prohibited, except by permission and under supervision of the Board.
- H. No disinterment shall be allowed without permission of the State in accordance with applicable statutes, and without permission of the owner, or heirs, of the plot. If consent of such persons cannot be obtained, a County Court order will be needed.

Arrangements for disinterment shall be made only by the Board. The Board shall not be liable for any injury or damage, including but not limited to, damage to monuments, markers, caskets, liners, and vegetation. Cost of disinterment and any such damages, shall be paid by requesting party.

Ownership of disinterred plots shall revert to the Cemetery.

#### **Section V. Monuments and Markers**

- A. ALL GRAVES MUST HAVE A PERMANENT MARKER of marble, bronze, granite, or other materials specifically approved by the Board. All monuments and markers shall be placed at the head of the plot. Permission must be obtained from the Board to set any permanent item, such as benches, signs, markers, etc. at any other location on the plot.

- B. Markers are also required for cremains, as specified in (A). If cremains are placed on top of a casket, markers must be flat to the ground, or name, dates, etc. can be placed on an existing monument if space permits.
- C. NO MONUMENT SHALL BE HIGHER THAN THREE FEET TALL.
- D. No plot shall be marked or defined by any wall, fence, coping, railing, hedge, or embankment, etc. nor shall any plot be filled above established grade. The use of tiles, bricks, gravel, crushed rock, shells, artificial grass or other similar materials is prohibited.
- E. No monuments or markers will be placed in the cemetery between December 1 and April 1.

**Section VI. Decoration of Plots**

- A. Planting of live flowers, bushes, or trees is prohibited on the plot. If grass is planted it must be gramma or buffalo.
- B. Artificial holiday decorations may be placed on graves Nov. 1 - May 1, and Memorial day - June 10, and should be removed after these dates. Any decorations left beyond these dates are subject to damage or removal for mowing and trimming. They will be disposed of when they become faded, unsightly or in disarray.
- C. Small flags are permitted on the plot beside the headstone. Flags will be removed when they become torn, frayed or faded.

**Section VII. Liability**

- A. The Board shall not be liable for any injury or damage to any cadaver, personal effects, monument, marker, landscaping, improvements, or other structure or item in the cemetery resulting from any cause beyond its reasonable control.

**Section VIII. General Rules and Penalties**

- A. No person(s) shall be allowed to desecrate the cemetery by removing, destroying, or defacing the flowers, shrubs, trees, monuments, markers, or any object placed therein for the beautification of the cemetery, or by allowing any livestock or domestic animals to gain access to the cemetery.
- B. No recreational, motorized, off road vehicles, or towed vehicles shall be allowed in the Cemetery.
- C. Violations of any of the provisions hereof shall be subject to penalties of Colorado Law.

Any of the above regulations may be updated or revised at the discretion of the Cemetery Board.