

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 22-11**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, BY AMENDING CHAPTER 13, CONCERNING CEMETERY MANAGEMENT, AT SECTIONS 13-6, CONCERNING RECORDS AND THE ISSUANCE OF PERMITS; 13-9, CONCERNING RULES AND REGULATIONS; 13-10, CONCERNING OWNERSHIP AND MANAGEMENT; AND 13-21, CONCERNING WINTER BURIALS.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the Town owns and operates a cemetery, and this ordinance is adopted pursuant to the Town's home rule authority in order to protect the cemetery and better align the management of the cemetery amongst the Town's administrative departments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 13-6, concerning records and the issuance of permits, of Chapter 13 of the Code of Ordinances of the Town of Frisco, Colorado ("Code"), concerning the Town cemetery, is hereby amended to read as follows:

§ 13-6. Records; Issuance of Permits.

The ~~Town Clerk~~ Cemetery Superintendent of the Town of Frisco shall keep and have custody of all books, records, and maps pertaining to the cemetery and shall issue all permits for burial, disinterment and removal of bodies in said cemetery. Burial permits shall be required for all interments and an "Authority for Final Disposition" form issued by the registrar in the county where the death occurred shall be required prior to their issuance. [Colorado Department of Health Regulation VI (a)].

Section 2. That section 13-9 of the Code, concerning cemetery rules and regulations, is hereby amended to read as follows:

§ 13-9. Rules and Regulations; Applicability.

All lot and burial plot owners, visitors, cemetery employees, persons working directly or indirectly for lot or burial plot owners and all lots and burial plots sold shall be subject to the Rules and Regulations, as adopted and as may be amended from time to time by a resolution of the Cemetery Board. A true and correct copy of the Rules and Regulations are on file in the office of the ~~Town Clerk~~ Cemetery Superintendent and may be reviewed by any interested person between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted.

Section 3. That section 13-10 of the Code, concerning ownership and management of the cemetery, is hereby amended to read as follows:

§ 13-10. Ownership; Management.

- A. The cemetery is owned and managed by the Town of Frisco, Colorado.
- B. The Town Council has the right of general control of the cemetery in all matters, whether or not they are specifically covered herein or by the Rules and Regulations.
- C. The Cemetery Superintendent shall have complete supervision of all activities within the confines of the cemetery grounds.
- D. All applications for purchase, transfer, assignment or repurchase of burial plots and lots must be made at the office of the Town Clerk or the Clerk's designee. All applications for interment and disinterment orders, foundation and monument permits and annual care or special permits of any kind must be made at the office of the Cemetery Superintendent or the Superintendent's designee ~~Town Clerk or his/her designated agent.~~ ~~Only the Town Clerk is empowered to receive any and all moneys or payments and to issue receipts for the same in any and all transactions involving cemetery property or services.~~
- E. There will be no new fences allowed in the Frisco Cemetery. Other than the perimeter fence that defines the boundaries of the Cemetery as a whole, all fences within the Cemetery shall be removed as follows: (1) a written notice requiring the removal of the fence within thirty (30) days shall be provided to the owner of the Lot on which the fence is located; provided, however, that if the Town records do not contain information sufficient to determine the identity of the owner of the subject Lot or the mailing address for such owner, then the written notice may be made by way of publication of the same in a newspaper of general circulation in Summit County; (2) the written notice shall advise the owner that the failure to remove the fence on or before the date indicated in the notice will result in the removal of the fence by the Town, at which time the Town will hold the removed materials for retrieval by the owner for a period of thirty (30) days prior to disposing of them; and (3) if an owner shall fail to remove a fence after notice is provided as set forth above, then the Cemetery Superintendent shall arrange for the removal of the subject fence and the holding of the same for retrieval by the owner for not less than thirty (30) days prior to disposing of the removed materials.

Section 4. That section 13-21 of the Code, concerning winter burials, is hereby amended to read as follows:

§ 13-21. Winter Burials Prohibited.

The Town of Frisco shall accommodate winter burials to the extent reasonably possible; provided, however, that the Town Council has determined that burials and disinterments beginning November 1 of each year and ending May 15 of the next subsequent year are generally not reasonably possible, and shall only be permitted upon a finding by the

Cemetery Superintendent that extraordinarily warm weather has substantially mitigated the practical difficulties inherent in winter burials.

Section 5. Effective Date. This ordinance shall take effect pursuant to the Home Rule Charter of the Town of Frisco, Colorado.

ADOPTED ON SECOND READING AND PUBLICATION BY TITLE ORDERED ON
THE 11TH DAY OF OCTOBER, 2022.

Town of Frisco, Colorado:

Mayor Hunter Mortensen

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk