

**300 - PUBLIC WAYS AND PLACES**

**310 - Public Parks and Roadways**

**311 - Parks**

HISTORY: 1958 Municipal Code; Amended On August 1, 1996 by Ordinance No. 402

**311.1. DAILY PARK HOURS.**

The parks shall be open daily to the public from five o'clock in the morning until eleven o'clock at night, unless prior written approval is obtained from the Town Manager. No person, except employees of the Town, shall remain in any park at any other time.

**311.2. DESTRUCTION OF PARK PROPERTY UNLAWFUL.**

**311.2.1.** It shall be unlawful to cut, mark, break, climb upon, or in any way injure or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other structures or property within or upon park premises.

**311.2.2.** It shall be unlawful to bring upon park premises any vegetation, or take away from any park premises any vegetation, or to go upon the grass, lawn or turf of the parks wherever the sign "Keep Off the Grass" is posted.

**311.3. HUCKSTERING PROHIBITED.**

It shall be unlawful to offer any article or thing for sale within the parks except by written permission from the Town Board of the Town of Limon.

**311.4. DISTURBANCE OF THE PEACE.**

It shall be unlawful, within the parks of the Town of Limon to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, or by loud or unusual noises, or by unseemly, profane, vulgar, obscene, or offensive language or conduct, or to assault, strike, or fight another, or to in any way breach the peace.



**320 - Other Public Ways**

**321 - Sidewalks, Curbs and Gutters**

HISTORY: 1958 Municipal Code

**321.1. PERMIT AND FEE FOR SIDEWALK CONSTRUCTION.**

**321.1.1. LICENSE REQUIRED.**

No person shall construct, repair or replace any sidewalk or curb within the Town of Limon unless he is the holder of a cement layer's license issued to him by the Town Clerk of the Town of Limon, as hereinafter provided.

**321.1.2. RESERVED.**

**321.1.3. CONTRACTOR'S GUARANTEE.**

The contractor expressly guarantees all sidewalks laid by him, for a period of two years from and after its final completion and acceptance, and agrees to maintain it and make all necessary repairs of the same during the period above named without additional charge or cost to the property owners of the Town of Limon. This guaranty shall include all repairs growing out of imperfections or unsuitability of material or composition, too great or too little moisture, defects in workmanship, or settling of fills or excavations, or any change in or damage to the curb by reason of expansion of said walks. The determination of the necessity for repairs rests entirely with the Town Board, or some person or committee by it appointed for that purpose, whose decision shall be final and obligatory upon the contractor and the guaranty herein stipulated shall extend to the whole body of the sidewalk and the repairs required under it may extend to a total reconstruction of the whole body of such sidewalk, if, in the judgment of the Town Board, such total reconstruction shall become necessary. If repairs or reconstruction of any sidewalk shall become necessary as aforesaid, within the said guarantee period and the contractor shall fail or refuse to begin the necessary repairs or reconstruction as herein required, within ten days from the date the Town Clerk shall mail the contractor a written notice to make such repairs or shall fail thereafter to diligently prosecute the same to completion, then the Town may proceed to have said repairs or reconstruction done in any manner and by whomsoever it may deem best, and charge the cost of the same to the contractor, to be recovered by said Town by suit upon the bond of such contractor.

**321.1.4. APPLICATION.**

Every contractor, before laying any curb, gutter or sidewalk within the Town of Limon, shall file with the Town Clerk an application for a permit, which application shall describe the location of the proposed sidewalk and shall be signed by the contractor. The fee for such permit shall be one dollar (\$1.00) and no permit shall issue except to the holder of a Cement Layer's License. Contractors shall notify the Town Clerk before commencement of actual construction of the date actual work will be commenced so that inspections can be made by the Town inspector while work is in progress.

**321.1.5. CONSTRUCTION; MATERIALS.**

All sidewalks or curbing hereafter laid or constructed in the Town of Limon shall be in strict conformity with the following rules, regulations and specifications, both as to materials and workmanship, and shall in all particulars comply with the standards and requirements of the Town of Limon, under the supervision and approval of the Town Board.

**321.1.5.1.MIX.** The mix of ingredients shall not be less than the following proportions, by measure: One part cement to two parts screened sand and three parts rock or gravel, with the requisite amount of water, sufficient to test 2,700 pounds per inch.

**321.1.5.2.CROSS DRAINS, ALLEY GUTTERS.** Alley returns and alley curbing shall be installed at the time of constructing the street curb where necessary for drainage.

**321.1.5.3.SIDEWALKS IN RESIDENCE AREAS.** Streamlined combination sidewalk and gutter shall be constructed in all residential areas where no curbs or sidewalks have been built adjacent to any frontage within the block and may be constructed within any residential block at the option of the owner of adjacent property. Such sidewalk and gutter shall be constructed in accordance with the plans and specifications now or hereafter approved by the Town Board and on file in the office of the Town Clerk. In instances where a different type of curb, gutter or sidewalk is in place adjacent to any frontage within the block, the new construction may conform to the type thereof.

**321.1.5.4.CURBING IN COMMERCIAL AREAS.** Curbing in commercial areas shall be of six-inch head curb with one-inch batter or slope, and twenty-four inch gutter.

**321.1.5.5.SIDEWALKS IN COMMERCIAL AREAS.** Sidewalks in commercial areas shall be four inches thick and built from the property line to rear of curb with the expansion joints between the walk and curb.

**321.1.5.6.TYPE OF FINISH.** The face of the curb and gutters shall be of a smooth finish. Sidewalks shall have a float finish and the surface shall be sufficiently rough so as to prevent pedestrians from slipping thereon when the walk is wet.

**321.1.5.7.MATERIAL FROM EXCAVATIONS.** Material from excavations for sidewalks, or otherwise, shall not be deposited back of the curb line in excess of what is necessary to bring the park area to grade for back-filling, and shall in no case be deposited on lawns or sidewalks. Gutters shall be kept free from obstruction to flow at all times, and all persons are hereby forbidden to deposit any materials which may cause obstruction to flow in the streets or gutters.

**321.1.5.8.DRIVEWAYS.** Where driveways cross any sidewalk the thickness of the concrete construction shall be increased to six inches or more.

**321.1.5.9.GRADE.** Where curbs have been constructed along the lateral boundaries of the portion of the street designated for vehicular traffic, the outer edge of the sidewalk shall be elevated above the top level of such curb at a distance of one-third of an inch for each foot of space between the inner edge of such curb and the outer edge of the sidewalk.

**321.1.5.10. IDENTIFICATION.** The name of the cement used, the name of the contractor and the year in which the sidewalk was laid shall be stamped in block letters at least one inch long and three eighths of an inch deep at each extension of sidewalk to curb and at all places where the work adjoins a sidewalk to curb and at all places where the work adjoins a sidewalk laid at a prior time.

**321.1.5.11. PROTECTION.** All sidewalks and curbs shall be thoroughly protected from injury by heat or cold until it has received its final set.

**321.1.5.12. CORNERS.** All sidewalks constructed abutting on corner lots shall be continued beyond the point of junction and to the inner edge of curb lines as established.

**321.1.6. GRADE CERTIFICATES.**

No grades for sidewalks or curbs shall be furnished by the Town Board to any person not the holder of a grade certificate issued by the Town Clerk. Applications for grade certificates shall be in writing, shall set forth the description of the property where such grade is to be established and shall be signed by the applicant, who shall, at the time of filing such application, pay to the Town Clerk a fee of \$15.00 for such certificates and, in addition thereto, the sum of \$8.00 for the first 150 feet, or fraction thereof, of grade desired. For grades longer than 150 feet, applicant shall pay \$23.00 as above provided, and ten cents for each additional foot of grade desired.

**321.1.7. CURB CUTS.**

No curb shall be cut, or section removed for driveway purposes, unless a permit so to do has been granted by the Town Board, and then only upon such terms as may be prescribed.



**330 - Maintenance and Care of Public Property**

**331 - Collection and Removal of Rubbish and Hygienic Regulations Pertaining to Public Property**

HISTORY: 1958 Municipal Code

**331.1. IMPROPER ACCUMULATION AND STORAGE OF RUBBISH; RIGHTS OF ENTRY; NUISANCE.**

**331.1.1.** The Town Board or any of their authorized representatives may order the owner, occupant, or agent of the owner of any premises upon which there is an accumulation of any rubbish, ashes, garbage or other waste matter to remove such rubbish, ashes or other waste matter, or in case of garbage to permit the person or company authorized by contract with the Town of Limon, to remove, within reasonable time if such accumulation is:

**331.1.1.1.**Offensive to sight, or

**331.1.1.2.**In a condition which fosters the propagation of rats or vermin or flies or other insects; or

**331.1.1.3.**Otherwise unsanitary, prejudicial, or in any manner hazardous to the public health.

**331.1.2.** Such order shall be made in writing, delivered whenever feasible, personally to the owner, occupant, or agent of the owner, or, where such personal delivery is not feasible, posted conspicuously at the premises.

**331.1.3.** Such order shall specify a reasonable period within which compliance shall be had.

**331.1.4.** For purposes of ascertaining violations of this code and investigating complaints made hereunder, whenever reasonable cause for investigation appears, the right of entry onto any premises at any reasonable time to conduct a reasonable inspection or investigation is hereby granted to the Town Board, or any of their authorized representatives.

**331.1.5.** In the event that any order lawfully issued in pursuance of Section **331.1.1.** is not complied with in such reasonable time as is specified, the particular instance of improper accumulation or storage of rubbish, ashes, or garbage is hereby declared to be a nuisance and may be summarily abated by the Chief of Police.

**331.1.6.** It shall be unlawful to refuse to comply with any order lawfully issued in pursuance of Section **331.1.1.**

**331.1.7.** It shall be unlawful to hinder, prevent, or refuse to permit any lawful inspection or investigation authorized in pursuance of Section **331.1.1.**

**2. UNLAWFUL DISPOSAL AND REMOVAL OF RUBBISH; TOWN BOARD'S AUTHORITY OVER DUMP AREA.**

**331.2.1.** It shall be unlawful for any person, firm, or corporation in disposing of or removing any rubbish, or other waste matter, to litter, deposit, or cause to be deposited upon any premises other than those designated as Official City Dumps by the Town Board or their authorized representative. Provided, however, that it shall be lawful to deposit bits of waste paper and the like in waste disposal containers maintained throughout the Town by the Town.

**331.2.2.** It shall be unlawful to dispose of or remove ashes of any premises other than those reserved for that purpose within the area or areas designated as official Town dumps by the Town Board or their authorized representatives.

**331.2.3.** It shall be unlawful to deposit garbage or food processing wastes from canneries, slaughter houses, packing houses, or similar industries, condemned food products, or waste petroleum products at any official Town dump, except when and where permitted and except in accordance with the rules and regulations promulgated by the Town Board under the authority of this section.

**331.2.4.** The Town Board shall have authority to prescribe rules and regulations in the following matters or areas of the official Town dumps:

**331.2.4.1.** Designation of the area.

**331.2.4.2.** Areas segregated within such dump areas for the disposal of certain materials;

**331.2.4.3.** Prohibitions of certain materials altogether, such as food processing wastes, waste petroleum products, etc.

**331.2.5.** Where the Town of Limon has entered into a contract with a private person or company for the collection of garbage, no one else shall remove or cause to be removed, any garbage from private houses, hotels, restaurants, stores or any other places, and garbage shall be removed at the time and in the manner required by the contract.

### **331.3. CLEANING SIDEWALKS.**

**331.3.1.** The owner, occupant, or agent or the owner of any building, property, or vacant lot in the Town of Limon is required to maintain the sidewalks, the parking and the curbs, i.e., the area from the property line to the gutter, adjoining said building, property, or vacant lot in a clean condition and to remove snow and ice from adjoining sidewalks immediately after every snowfall.

**331.3.2.** It shall be unlawful to sweep refuse or other waste material into the gutter.

### **331.4. UNLAWFUL TO DEPOSIT REFUSE ON STREETS AND PUBLIC PLACES.**

It shall be unlawful to deposit in or litter any street, alley, or public place with ashes, sod, earth, sand, or gravel, any rubbish, waste paper or garbage or any other waste material.

### **331.5. HANDBILL AND CIRCULAR DISTRIBUTION.**

If circulars, hand bills, advertisements, or other literature are distributed to private premises the distribution shall be only in compliance with the following procedure:

**331.5.1.** The circulars, handbills, advertisements, or other literature shall first be firmly bound or folded or shall be securely affixed or confined in some position near a principal entrance to obviate the likelihood of dispersal by the wind or the littering of any area.

**331.5.2.** It shall be unlawful not to comply with section **331.5.1.**, and it shall be unlawful to select or employ any person who distributes circulars, handbills, advertisements, or other printed literature except in accordance section **331.5.1.**

**331.5.3.** It shall be sufficient evidence to support a conviction under the terms of this section to allege and prove that any particular area was found unduly littered and unsightly by a specific kind of circular, handbill, advertisement, or other literature which was distributed by an identified distributor. However, this evidence may be rebutted by proof of the fact that the distribution was made in accordance with section **331.5.1.**

**331.5.4.** This section shall not apply to newspapers or other literature which are ordered by or sold to the owner or occupant of the premises, nor shall it apply to any United States mail.

### **331.6. BURNING OF TRASH AND WASTE MATERIAL.**

**331.6.1.** It shall be unlawful for any person to burn, or allow to be burned, upon premises owned or controlled by them, or upon public streets and alleys adjacent to said premises, any rubbish, waste paper, wood or other inflammable material, except as provided by code or ordinance by the Town Board.

**331.6.2.** No waste paper or other rubbish that has a tendency to blow with the wind or float in the air shall be burned on private or public property except in an enclosed incinerator or container of wire, metal, or other non-flammable material.



## 340 - Occupancy of Public Property

### 341 - Parades, Assemblies and Meetings

HISTORY: 1958 Municipal Code.

#### 341.1. PERMITS NECESSARY FOR PROCESSIONS AND OPEN-AIR MEETINGS.

**341.1.1.** No parade or procession shall be allowed upon any street or public way in the Town, nor shall any open-air public meetings be held upon any ground abutting upon any street or public way in the Town, until a permit in writing therefore shall first be obtained from the Mayor.

**341.1.2.** Application to conduct such parade or procession or open-air meeting shall be made in writing to the Chief of Police by the person or persons in charge or control of, or responsible therefore.

**341.1.3.** Such application shall, in the case of a parade or procession, set forth the route along which such parade or procession is to proceed, the time of starting, the name or names of the person, firm, corporation, or society in control thereof or responsible therefor, and the purpose of such parade or procession.

**341.1.4.** In case of an open-air meeting, the application shall specify the place at which it is desired to hold such meeting, the purpose thereof, the name of the person, firm, corporation, or society in control thereof or responsible therefor, the time at which such public meeting is to be held, and the probable duration thereof.

**341.1.5.** Upon such application being made the Chief of Police shall investigate or cause to be investigated the person, corporation, or society making such application and the truth of the statement made in such application regarding the purpose or object of such parade, procession, or open-air public meeting.

**341.1.6.** If he shall find that such parade, procession, or open-air public meeting is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, or unnecessarily interfere with the public use of the streets and ways of the Town or the peace and quiet of the inhabitants thereof, he shall issue such permit to the person, firm, corporation or society making application therefor, without fee or charge.



## 350 - Survey and Platting

### 351 - Excavation

HISTORY: 1958 Municipal Code.

#### 351.1. UNLAWFUL TO EXCAVATE WITHOUT A PERMIT.

It shall be unlawful for any person, firm, or corporation to dig up, open, or excavate, or cause to be dug up, opened, or excavated, any street, alley, sidewalk, or other public place within the corporate limits of the Town of Limon, without first having secured a permit therefor from the Town Clerk. Such permit shall be kept at the site of the excavation while the work is in progress and shall be exhibited upon request to any police officer or representatives of the Town Board.

#### 351.2. FORM OF APPLICATION.

Application for a permit to excavate shall be made upon a blank form provided by the Town Clerk and shall recite specifically and illustrate by sketch, or plan, the exact location, depth, extent, nature and purpose of the excavation desired to be made, the purpose for which privilege is requested, and the duration of time required for work.

#### 351.3. ISSUANCE OF PERMITS.

The Town Clerk shall grant permits to dig in, open, excavate, or cause to be dug up, opened, or excavated, any street, alley, sidewalk or other public place in the Town of Limon, to those enumerated in Sections **351.3.1.** and **351.3.2.**

**351.3.1.** Any person, firm, or corporation possessing by code, ordinance, or resolution, or contract of the Board, general or special power to excavate in, or perform other work as aforesaid in or upon streets, alleys, sidewalks, or other places.

**351.3.2.** Any person, firm, or corporation, filing application under Section **351.2.**, which application shall pertain to excavation work which shall comply with the requirements of Section **351.4.**

**351.4. CONDITIONS OF PERMIT; FEES; EXCEPTIONS.**

All permits shall be issued according to the provisions of this code and subject to such rules, regulations, directions, and limitations regarding the time to be required for the work and the manner in which the work is to be performed, as the Town Board may prescribe. Such permits shall be conditioned that all work performed thereunder shall be in accordance with the rules and regulations of the Town Board which shall provide for the proper care and protection of the streets, alleys, sidewalks and other public places of the Town of Limon, and persons and property thereupon. Further, such permits shall be conditioned that all work done thereunder shall be only such work as is allowed by the Town of Limon and specified in the code, ordinance, resolution, or contract of the Board, or application submitted under Section **351.2**.

**351.4.1.** Applicants shall pay a fee of Three Dollars (\$3.00) to the Town Clerk before the issuance of such permit; provided, however, that this provision shall not apply to permits heretofore issued. No permit issued under the provisions hereof shall be for more than one excavation project.

**351.4.2.** An excavation permit shall not be required for work on sidewalks, curbs, gutters, or driveways if such work is done in accordance with the terms of the provisions of a code relating thereto.

**351.5. LENGTH OF CONSTRUCTION; TIME LIMIT ON WORK.**

It shall be unlawful to stop up or obstruct more than the space of one block and one intersection at the same time in any one street, or to keep the same blocked up for more than two days after the repairing is finished.

**351.6. TOWN CLERK TO KEEP RECORDS OF ALL EXCAVATION PERMITS.**

The Town Clerk shall keep a record of all applications made for excavation permits, and of the permits so issued. It shall be the duty of every person, firm, or corporation to furnish upon request, to the Town Clerk, information regarding the location in any street, alley, sidewalk, or other public place of the Town of Limon, of any pipe or other structures installed, maintained, or utilized by such person, firm, or corporation.

**351.7. UNLAWFUL TO EXCAVATE WITHOUT PRESCRIBED SAFETY APPLIANCES.**

**351.7.1.** It shall be unlawful for any person, firm, or corporation to dig or cause to be dug, any hole, drain, ditch, or any other excavation in any street, alley, sidewalk, or other public place in the Town of Limon, without providing during the night time sufficient red lights to be placed, with suitable barricade or temporary fence around such hole, drain, ditch, or other excavation, in order to prevent persons, animals, and vehicles from sustaining injury. During the daytime the barricade shall be maintained, but red warning lights are not required.

**351.7.2.** Every excavation shall further be protected at all times by traffic safety appliances as prescribed by the Town Board in order to minimize the disruption of the flow of traffic in the vicinity of the excavation.

**351.8. UNAUTHORIZED REMOVAL OF SAFETY APPLIANCE UNLAWFUL.**

It shall be unlawful to damage, displace, remove, or interfere with any barricade, warning light, or any other safety appliance which is lawfully placed around or about any street, alley, sidewalk, or other excavation or construction work in the Town of Limon.

**351.9. BACK FILLS.**

Back fills shall be made in accordance with the plans and specifications furnished by the Town Board. Such plans and specifications shall conform with accepted engineering standards, and shall be specifically adapted to the particular conditions of travel, load, requirements, terrain, subsoil moisture, etc., where the back-fill is to be affected. In the event of settlement or subsidence of a particular excavation or part thereof, the permittee who had performed the excavation work shall be responsible for all repaving and repair costs occasioned thereby.

**351.10. EXCAVATIONS ON PAVED STREETS AND ALLEYS.**

No permit to excavate in any paved or hard topped or oil-mat street or alley shall be issued unless the applicant therefor shall have first deposited with the Town Clerk a sum of money to be fixed by the Town Board, sufficient to cover the entire expense of replacing the paving or surfacing material. If the amount is insufficient, the excavator shall pay to the Town Clerk the deficiency within ten (10) days after notice from the Town Board. Pavement and surfacing shall be replaced by the Town of Limon. Excavators in paved or hard topped streets and alleys shall take care to separate surfacing material

from the soil removed from such excavation. Upon completion of their work, excavators shall back-fill excavations as required by Section 351.9.

**351.11. UNLAWFUL TO OBSTRUCT CONSTRUCTION OPERATIONS.**

It shall be unlawful to hinder or obstruct any paving operations or excavations conducted in conformance with the provisions of this Code.

**351.12. LIABILITY FOR DAMAGES.**

Any person, firm, or corporation who shall undertake work pursuant to a permit issued under the provisions of this Code, or to perform work under contracts with the Town of Limon or by virtue of permission obtained from the Board in accordance with the provisions of codes and/or ordinances of the said Board, shall be answerable for any damage occasioned to persons, animals, or property by reason of carelessness or negligence connected with such work.



**352 - Street and Building Numbering System**

HISTORY: 1958 Municipal Code; Amended on October 3, 1996 by Ordinance No. 405

**352.1. EVERY BUILDING TO BE NUMBERED.**

It is the duty of the owner or occupant of every building in the Town of Limon to number each such building in the manner provided herein.

**352.2. ASSIGNMENT OF NUMBER BY TOWN BOARD.**

The Town Board shall assign to every building its proper number.

**352.3. ASSIGNMENT OF BUILDING NUMBERS.**

**352.3.1.** Numbers heretofore assigned to lots or buildings, except as hereinafter provided, shall remain the numbers of such lots or buildings respectively.

**352.3.2.** In cases of mistake or conflict in street names or building numbers, the Town Manager shall direct and make proper adjustments in accordance with the spirit of this code.

**352.4. DUTY TO USE ASSIGNED NUMBERS.**

**352.4.1.** It is the duty of the owner or occupant of any buildings upon the streets of Limon upon which the said system of numbering has been adopted and in which official numbers have been provided for by assignment by the Town Board to number his building in accordance with the assignment.

**352.4.2.** It shall be unlawful for any such owner or occupant to retain or use or to permit to be retained or used upon any such building any number other than the number designated by assignment by the Town Board.



**360 - Pershing Memorial Cemetery**

(Entire Chapter added by Ordinance No. 488 on December 29, 2003.)

**360.1. Establishment and Control.**

**360.1.1.** The Town has established a municipally-owned cemetery, known as Pershing Memorial Cemetery, herein called the "Cemetery".

**360.1.2.** The Board of Trustees shall have control of the operation of the Cemetery through the establishment of rules, regulations and fees as recommended by the Cemetery Board.

**360.1.3.** The Town Manager or designee shall serve as the sexton and have responsibility for the operation and maintenance of the Cemetery.

**360.1.4.** The Town Clerk shall have the responsibility for the sale of lots, recording of purchases and interments, and the maintenance of the Cemetery map.

**360.2. Cemetery Fees.**

The Board of Trustees shall determine the Cemetery fees including the purchase price of a lot, the cost of opening and closing the grave and a perpetual care fee and other fees as established by resolution.

**360.3. Conditions of Sale and Conveyance.**

**360.3.1.** Upon full payment of the purchase price of the lot to the Town Clerk, the Town Clerk shall deliver a properly executed deed of conveyance.

**360.3.2.** The rights, title and interest acquired by any person in and to any lot in the Cemetery shall be subject to the following conditions:

**360.3.2.1.** No cemetery lot shall be transferred by a purchaser, successors or assigns for any reason.

**360.3.2.2.** Any purchaser or the legally authorized representative of a deceased purchaser wishing to resell a cemetery lot shall sell the lot only to the Town, in which case the Town shall pay the price which was originally paid for the lot, as noted on the deed or in the Town records, subject to availability of funds for such repurchase. The Town shall sell the lot at the current resell price.

**360.3.3.** Nothing in this section shall be construed to permit the sale or conveyance of any cemetery lots, which have been used for interment.

**360.3.4.** The Town reserves the right to designate certain lots as unavailable for sale.

**360.4. Grave Openings and Closings.**

**360.4.1.** The Town Clerk shall be notified at least two working days (exclusive of holidays) before a funeral, unless the service is for an immediate burial request.

**360.4.2.** No lot or grave shall be opened, closed, filled, sodded or revegetated, except by Town employees, under the direction of the Town Manager or designee.

**360.4.3.** No burial of the remains of other than the immediate family of the owner of the lot shall be permitted until a signed written notice is filed by the owner, his heirs, or his assignees in the office of the Town Clerk.

**360.4.4.** One casket may be interred in each lot. Instead of a single casket, up to four cremains may be interred in a single space.

**360.4.5.** No animals shall be buried in the Cemetery.

**360.4.6.** No disinterments shall be allowed without permission of the State of Colorado in accordance with applicable statutes and regulations, and

without the permission of the owner of the lot or the surviving next of kin of the deceased. If the consent of such persons cannot be obtained, an order of the County Court shall be sufficient.

**360.4.7.** Arrangements for disinterment shall be made with the Town Manager. No disinterment shall be made except by Town employees, or as otherwise provided for by law.

**360.4.8.** The Town shall not be liable for any injury or damage, including but not limited to, damage to monuments, markers, caskets, liners, and vegetation for a disinterment.

**360.4.9.** All caskets and urns will be enclosed in an approved concrete, stone or fiberglass outer burial container.

**360.4.10.** No burials will be permitted on Sunday or holidays without the prior approval of the Town or on the recommendation of the Colorado Department of Public Health and Environment Department.

**360.5. Monuments and Markers.**

**360.5.1.** Every grave shall be marked with a permanent marker or monument.

**360.5.2.** No marker or monumental work shall be permitted on weekends or holidays without prior approval of the Town Manager.

**360.5.3.** The Town Manager shall be notified four days before a monument or marker is placed on lot(s) and to allow sufficient time for the Town Manager to locate gravesite(s).

**360.5.4.** The Town shall assume no responsibility for the correct location of any monument or marker, and any changes resulting from incorrect placement will be made at the lot owner's or monument firm's expense.

**360.5.5.** Monument and Marker firms or installers shall be held responsible for any damage done by them to other monuments, markers, grass, trees, walkways, roads, etc., in the Cemetery.

**360.5.6.** All monuments and markers shall be constructed of marble, bronze, granite, or other permanent materials specifically approved by the Town.

**360.5.7.** All monuments and markers shall be set at the head of the lot.

**360.5.8.** Vertical or ground level monuments and markers will be allowed in Cemetery Sections 1-9, except that only the ground-level monuments and markers will be allowed in Cemetery Section 9, lots 1, 2, 3, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33 and 34, as they are developed.

**360.5.9.** Vases included on flat, ground level monuments and markers, shall be of the "flip down", inverted, type construction to facilitate flush consistency with the monument or marker when inverted.

**360.5.10.** Only one monument or marker will be allowed for each lot, even if more than one cremains exists in said lot.

**360.5.11.** No lot shall be marked or defined by any fence, coping, railing, hedge or embankment, nor shall any lot be filled above the established grade.

**360.5.12.** The use of tiles, bricks, gravel, crushed rock, shells, or other similar materials are prohibited.

**360.5.13.** No monument or marker will be permitted which is cut in the silhouette of dogs, cattle, any animal or any grotesque figure.

**360.5.14.** A 5-inch concrete platform will surround the edge of the monument or marker.

### **360.6. Decoration of Lots.**

**360.6.1.** Planting of live flowers, bushes or trees of any kind is prohibited on the lot and will be removed by the Public Works Department.

**360.6.1.1.** Artificial or fresh cut flowers may be placed on the lot in a metal or plastic vase at any time.

**360.6.1.2.** Glass containers are prohibited.

**360.6.1.3.** Artificial or fresh cut flower sprays, wreaths, and evergreens may be placed on the lot, but must be placed in a location as not to interfere with the routine maintenance of the lot.

**360.6.1.4.** All decorations will be discarded when dead, faded, broken, or otherwise in unsightly condition.

**360.6.2.** Small U.S. flags and memorial flags are permitted on the lot. Flags will be removed when they become torn, frayed, or otherwise unsightly.

**360.6.3.** All other decorations are prohibited.

### **360.7. Maintenance Responsibilities.**

The Town shall care for and maintain all roads, walks, pathways, grass, ground, shrubbery and improvements in the Cemetery; provided, however that lot owners are to maintain all monuments and markers erected on their lots.

### **360.8. Supervision of Funerals.**

**360.8.1.** All funerals, upon arrival at the Cemetery, shall be under the direct supervision of the Town Manager or designee, which may include other Town staff or licensed mortician.

**360.8.2.** The Town Manager shall not permit the interment or other disposition of any body in the Cemetery unless the body is accompanied by a burial, removal or transit permit.

**360.8.3.** Permits shall be filed with the county of record.

### **360.9. Prior Internment.**

**360.9.1.** Nothing herein shall be construed to affect or alter the rights of persons who, prior to the adoption of this chapter, were interred in the Cemetery.

**360.9.2.** The Town Clerk shall maintain a list of all prior interments, within the limits of reasonably available interment information.

### **360.10. Liability.**

The Town shall not be liable for any injury or damage to any cadaver, personal effects, monument, marker, landscaping, improvement, or other structure or item in the Cemetery resulting from any cause beyond its reasonable control.

### **360.11. Burial in Approved Cemetery Within Town Required.**

The interment of any deceased person within the corporate limits of the Town, except in the duly authorized cemetery by authorized personnel of the Town, is prohibited.

### **360.12. General Rules and Penalty.**

**360.12.1.** The Cemetery shall be open to the public from sunrise to sunset.

**360.12.2.** Visitors are reminded that the grounds are sacredly devoted to the interment of the dead, and that strict observance to appropriate decorum will be required of all.

**360.12.3.** The Town Manager or specific designee are authorized to remove all persons who commit any indecorum or violate these rules.

**360.12.4.** No person or persons shall be allowed to desecrate the cemetery by removing, destroying, or defacing the flowers, shrubs, trees, monuments, markers or anything or object placed therein for the beautification of the cemetery; or by allowing any livestock and domestic animals to gain access to the cemetery.

**360.12.5.** Taking flowers, unless those from next of kin, is strictly prohibited.

**360.12.6.** Visitors must keep vehicles only on designated roadways.

**360.12.7.** The Town shall have the right to refuse any portion of any parcel of the cemetery for the use of any specific person or activity.

**360.12.8.** No advertisement of any form will be permitted in the cemetery, only discreet informational tags of service rendered in dimensions of no more than 2 inches by 3 inches.

**360.12.9.** Any person who violates the provisions of this code shall, upon conviction, be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day that such violation shall continue shall constitute a separate and distinct offense.

