

# **AGENDA ITEM SUMMARY**

## **FORT COLLINS CITY COUNCIL**

**ITEM NUMBER: 21**

**DATE: February 3, 2004**

**STAFF: Virgil Taylor  
Phil Carpenter**

### **SUBJECT**

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First Reading of Ordinance No. 020, 2004, Adopting Updated Rules and Regulations Governing Grandview and Roselawn Cemeteries and Amending Section 23-156 of the City Code Pertaining to Cemetery Rules and Regulations.

### **RECOMMENDATION**

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Staff recommends adoption of the Ordinance on First Reading.

### **FINANCIAL IMPACT**

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The Cemetery Division periodically needs to revise/update its rules and regulations to better meet the needs of the community. One of the changes planned is the offering of Saturday burials, including in-ground burials, entombments and inurnments. Burial fees will be increased to cover the cost of providing Saturday burials.

### **EXECUTIVE SUMMARY**

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Every few years the Cemetery Division needs to revise/update its rules and regulations to better meet the needs of the community. Pursuant to Section 23-156 of the City Code, all cemeteries owned by the City shall be operated and maintained in accordance with rules and regulations adopted by the City Council by resolution, and knowing violation of such rules and regulations shall be unlawful. However, Article II, Section 6 of the City Charter states that all legislative enactments establishing any rule or regulation for the violation of which a penalty is imposed or limiting the use of private property shall be by ordinance. Because violation of cemetery rules and regulations could result in a criminal penalty, and because the rights of interment purchased by the public could be considered private property rights, the cemetery rules and regulations should be adopted by ordinance, and they have been so adopted in the past.

This Ordinance will amend Section 23-156 to require that cemetery rules and regulations be adopted by the City Council by ordinance rather than by resolution. It will also authorize a number of changes and updates to the Cemetery Rules and Regulations. The primary change is the offering of Saturday burials, including in-ground burials, entombments and inurnments, and establishing guidelines for the scheduling of Saturday burials. Other revisions include:

- Firearms regulation. Section 6.14 restricting firearms in the cemeteries would be removed in order to comply with the new state law that went into effect in 2003.
- New Memory Garden. The Memory Garden was built in 2001. This ordinance would establish regulations in Section 11.10 for its use and function.
- Date changes in Sections 13.1 and 13.2 for Memorial Day artificial flower/wreath removal. It is necessary to change the dates allowed for artificial decorations to enhance turf grass maintenance, decrease unsightly decomposing floral arrangements and to not interfere with Fathers Day decorations. The new dates for displaying artificial Memorial Day flower/wreath arrangements would be May 15 to June 10.
- Date change in Section 13.1 and 13.2 for winter holiday flower/wreath removal. These changes are necessary to remove dried wreaths and grave blankets in February instead of March because they dry out, turn brown and decompose causing litter. The new dates for displaying winter holiday flower/wreath arrangements would be December 1 to February 1.
- Changes to Sections 13.1 and 13.2 clarifying what types of items and materials may not be placed on cemetery grounds.
- Bonding requirement. On the advice of the Finance Department, the bonding requirement in Section 14.1.5 is being removed. The insurance requirement will be retained.
- Increasing the required thickness of memorials in Section 14.2. The thickness of flat memorials is four inches by industry standard. This reduces memorial breakage when vehicles are driven over them.
- Changes and additions to Section 14.3 regarding Roselawn's Garden of Remembrance section would be made to clarify types of memorials that can be used, where veterans and families can be buried, and what sections are open to the general public.
- Housekeeping items throughout. This includes correction of typos, capitalization of words, and changes to some language in the Rules and Regulations to make it easier for the staff and public to understand them.

A copy of the revised Rules and Regulations dated February 3, 2004, is on file for review in the City Clerk's Office.

ORDINANCE NO. 020, 2004  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING UPDATED RULES AND REGULATIONS  
GOVERNING GRANDVIEW AND ROSELAWN CEMETERIES AND AMENDING  
SECTION 23-156 OF THE CODE OF THE CITY OF FORT COLLINS  
PERTAINING TO CEMETERY RULES AND REGULATIONS

WHEREAS, the City operates two cemeteries, Grandview Cemetery and Roselawn Cemetery (the "Cemeteries") as part of its Cultural, Library and Recreational Services ("CLRS"); and

WHEREAS, rules and regulations for the operation of the Cemeteries were adopted by the Council in 1983, and were most recently revised in 1996, and amended in 2000; and

WHEREAS, the request that burials be allowed on Saturdays, as well as the addition of a new Memory Garden and changes in State law have required additions and changes to the existing rules; and

WHEREAS, CLRS staff have reviewed and updated the previously adopted rules and regulations in order to clarify and correct them, and to add new rules where necessary; and

WHEREAS, Section 23-156 of the City Code calls for the Council to adopt by resolution rules and regulations to govern the operation and maintenance of the Cemeteries, and states that the knowing violation of any such rules and regulations shall be unlawful; and

WHEREAS, pursuant to Article II, Section 6 of the City Charter, all legislative enactments establishing any rule or regulation for the violation of which a penalty is imposed or limiting the use of private property shall be by ordinance; and

WHEREAS, staff recommends that Section 23-156 of the City Code be amended to state that cemetery rules and regulations be adopted by ordinance rather than resolution in order to make it consistent with the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Rules and Regulations Governing Grandview and Roselawn Cemeteries are hereby repealed and readopted in the form that is on file in the City Clerk's Office and dated February 3, 2004.

Section 2. That Section 23-156(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 23-156. Rules and regulations.**

(a) All cemeteries owned by the city shall be operated and maintained in accordance with rules and regulations adopted by the City Council by ~~resolution~~**ordinance**.

Introduced, considered favorably on first reading, and ordered published this 3rd day of February, A.D. 2004, and to be presented for final passage on the 17th day of February, A.D. 2004.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading this 17th day of February, A.D. 2004.

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Mayor

ATTEST:

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City Clerk