

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 20

DATE: April 19, 2005

STAFF: Phil Carpenter

SUBJECT

First Reading of Ordinance No. 042, 2005, Amending the Rules and Regulations Governing Grandview and Roselawn Cemeteries to Allow the Placement of Monuments on Burial Spaces by Persons Other than the Owner.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

Periodically, the Cemetery Division needs to revise or update its rules and regulations to better meet the needs of the community. The last major update was done in February, 2004.

Cemetery staff have recently received inquiries from several people who want to place monuments on burial spaces where their relatives are interred, and for which the record owners cannot be located. These people are upset by the fact that their relatives' graves have no markers, but currently the rules and regulations do not allow anyone except the record owner of a burial space to have a marker or monument placed upon the space.

Cemetery staff and the City Attorney's office have developed a procedure under which a person who is not the owner of a burial space could have a monument placed on the space, provided that he or she is related to the person buried in the space; that the record owner cannot be located; and that the person making the request agrees to bear any associated costs, comply with all applicable Cemetery rules and regulations, and hold the City harmless from any claims arising out of the placement of the monument without the record owner's consent.

This Ordinance will authorize amendments to Section 14 of the Cemetery rules and regulations to implement this new procedure.

ORDINANCE NO. 042, 2005
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE RULES AND REGULATIONS GOVERNING
GRANDVIEW AND ROSELAWN CEMETERIES TO ALLOW THE PLACEMENT OF
MONUMENTS ON BURIAL SPACES BY PERSONS OTHER THAN THE OWNER

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 2004; and

WHEREAS, under the current Cemetery rules and regulations only the owner of a burial space may order the placement of a monument or marker upon the space; and

WHEREAS, several people have recently asked Cemetery staff to allow them to place monuments on the unmarked graves of relatives after trying without success to contact the owners of the spaces in which their relatives are buried; and

WHEREAS, Cemetery staff and the City Attorney's office have discussed this issue and concluded that it would be appropriate and in the best interests of the community to accommodate these requests, provided that the Cemetery rules and regulations are amended to permit such placement, and provided that the City is protected from liability for allowing a non-owner to place a monument on a burial space; and

WHEREAS, staff recommends that the Cemetery rules and regulations be amended to allow the placement of monuments on burial spaces by other than the record owner of the space.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Rules and Regulations Governing Grandview and Roselawn Cemeteries are hereby amended as follows:

Section 1. That subparagraph 14.2.4 relating to Grandview Cemetery is hereby amended to read as follows:

14.2.4 No ~~Owner~~ **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.

Section 2. That subparagraph 14.3.3 relating to Roselawn Cemetery is hereby amended to read as follows:

14.3.3 No ~~Owner~~ **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.

Section 3. That a new subsection 14.8 shall be added to read as follows, and the existing subsection 14.8 renumbered accordingly:

14.8 AUTHORITY TO PLACE MEMORIALS OR MONUMENTS

14.8.1 Only the Owner of a burial space may request that a memorial be placed on such burial space, except that a relative of the person interred in the space may request the placement of a memorial if there is currently no memorial on the space, and the Owner of the space cannot be located.

14.8.2 Before the Cemetery Supervisor may authorize placement of a memorial by a person who is not the Owner of a space, the requesting party must provide the Cemetery Supervisor with a notarized application, on a form provided by the City, stating that the requesting party:

(1) is related to the person interred in the space for which the memorial is being requested by blood, adoption, or marriage, and stating the nature of the relationship.

(2) understands that the Owner shall have the right to order the removal of the memorial, such removal shall be at the requesting party's expense, and the City shall have no liability related to such removal.

(3) agrees to pay the City's costs for sending a notice by certified mail with return receipt requested to the Owner at the Owner's last known address(es).

(4) agrees to indemnify, defend, and hold the City harmless from and against all claims, liabilities or causes of action whatsoever arising out of the City's agreement to place a memorial on a burial space without the consent of the Owner.

(5) understands that he or she must comply with all other applicable cemetery rules and regulations.

Introduced, considered favorably on first reading, and ordered published this 19th day of April, A.D. 2005, and to be presented for final passage on the 3rd day of May, A.D. 2005.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 3rd day of May, A.D. 2005.

Mayor

ATTEST:

City Clerk