

**TOWN OF SILT  
ORDINANCE NO. 9  
SERIES OF 2024**

**AN ORDINANCE OF THE TOWN OF SILT, COLORADO, REPEALING AND REPLACING  
CHAPTER 12.20 OF THE SILT MUNICIPAL CODE PERTAINING TO THE SKYLINE  
CEMETERY**

**WHEREAS**, pursuant to C.R.S. Section 31-15-103 and Section 1 of the Town's Home Rule Charter, the Board of Trustees ("Board") of the Town ("Town") has the authority to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, improve the morals, order comfort and convenience of such municipality and the inhabitants thereof; and

**WHEREAS**, Chapter 12 of the Silt Municipal Code addresses the cemetery and the rules and regulations that are to be followed; and

**WHEREAS**, the Town finds it necessary to update this section of code in order to better reflect the current and future use of the cemetery; and

**WHEREAS**, the Town gave proper and timely published and/or posted notice of the dates and times of the public hearings at which the Board considered this ordinance; and

**WHEREAS**, the Board finds and determines that the adoption of this ordinance is necessary and proper to provide for the safety, health, prosperity and order of the Town.

**NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF SILT,  
COLORADO, ORDAINS AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Chapter 12.20 of the Silt Municipal Code, "Cemetery", is hereby amended as follows, with Underlined Text added and ~~strikethrough text~~ deleted:

**Chapter 12.20 - Cemetery**

**12.20.010 Establishment and control.**

The Town has established a municipally-owned cemetery, known as Skyline Cemetery. The board of trustees shall have control of the operation of the cemetery through the establishment of cemetery rules, regulations and fees. The public works director or his designee shall serve as the sexton and have responsibility for the operation and maintenance of the municipal cemetery and the Town clerk shall have the responsibility for the sale of lots, recording of purchases and interments, and the maintenance of the cemetery map.

For any burial lot or space in Skyline cemetery where ownership or use rights have been transferred by the Town and in which no remains have been interred, no burial memorial has been placed, and no other improvement has been made for a continuous period of no less than seventy-five (75) years, the Town may reclaim the burial space.

There are no areas within the Skyline Cemetery boundaries designated for green burials.

---

### **12.20.020 Sale of (cemetery) lots.**

- A. Burial plots in Skyline Cemetery shall be available for sale to residents and non-residents. The board of trustees shall set the fees for cemetery plot perpetual care, opening and closing a grave, and the purchase of plots, both for in-town and out-of-town residents, by resolution annually, or more often as necessary. Those requesting a cemetery service shall contact the Town clerk, and submit the requisite fee, to the Town no less than five working days prior to interment. The Town clerk shall then deliver a properly executed deed of conveyance. The Town reserves the right, in its sole discretion, to convey specific lots.
- B. For the purposes of this section, the Town deems a deceased person as an "in-town" resident if he/she resided within the incorporated area of the Town of Silt for at least 12 months preceding his/her death. The Town may require proof of the deceased person's residency, which may include mortgage statements, utility statements, or rental housing receipts.

### **12.20.025 Location of burial plots**

All burial plots in Skyline Cemetery shall be located wholly within the boundary of the existing subdivided lot as laid out and designed on the Town's map of the Skyline Cemetery, as such may be amended by the board of trustees. Single plots shall be ten (10) feet in length and five (5) feet in width. The Town clerk upon receipt of the required payment for a burial plot, shall indicate the name of the purchaser and location of the plot on the cemetery map.

### **12.20.030 Conditions of conveyance.**

The rights, title and interest acquired by any person in and to any lot in the Town cemetery shall be subject to the following conditions:

- A. No cemetery lot shall be transferred by a purchaser, his successors or assigns without such transfer first having been approved by the Town clerk. The Town shall refuse to recognize and honor any such transfer unless and until it is first authorized by the Town clerk and entered into the official Town records. No utilization of a cemetery lot shall be made until compliance with this section is complete. The Town shall charge an administrative a transfer fee as set by the board of trustees annually, or more often as necessary.
- B. 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.
- C. Nothing in this section shall be construed to permit the sale or conveyance of any cemetery lots, which have been used for interment.

---

**12.20.035 Abandoned lots or burial spaces – Right to reclaim.**

- A. The Town may reclaim title to a burial space in a cemetery in which no remains have been interred, no burial memorial has been placed, and no other improvement has been made for a continuous period of no less than seventy-five years. Prior to reclaiming title to a burial space the Town shall give notice and provide opportunity for a hearing pursuant to the method therefor described in Section 31-25-708, C.R.S., as such may be amended.
- B. Upon reclaiming title, the Town may thereafter sell, transfer and convey the right to interment therein.

**12.20.040 Grave openings and closings.**

- A. The Town clerk shall be notified at least ~~two~~ three working days (exclusive of days the Town offices are closed to business) before a funeral. No grave on any lot shall be opened except with the permission of and under the direction of the sexton following three (3) working days of the Town's receipt of all required documents and after all fees have been paid in full.
- B. No lot or grave shall be opened, closed, filled, sodded or revegetated, except by Town employees, under the direction of the ~~public works director~~ sexton unless otherwise approved.
- C. 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~~ his/her heirs, or ~~his~~ his/her assignees in the office of the Town clerk.
- D. One casket may be interred in each lot. In addition to a casket, up to six cremains may be interred in a lot.
- E. No animals shall be buried in the Town cemetery.
- F. No disinterment shall be allowed without permission of the state 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.
- G. Arrangements for disinterment shall be made with the Town clerk. No disinterment shall be made except by Town employees, or as otherwise provided for by law. 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.

**12.20.050 Monuments and markers.**

- A. No monumental work shall be permitted on days that the Town offices are closed to business. ~~weekends or holidays.~~ The Town clerk shall be notified seven days before a monument or marker is placed on lot(s) and to allow sufficient time for the sexton to locate gravesite(s). 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.
- B. Monument 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.

- 
- C. No monuments and markers shall be placed in the cemetery between December 1st and April 1st. All monuments and markers shall be constructed of marble, bronze, granite, or other permanent materials specifically approved by the Town. All monuments and markers shall be set at the head of the lot and placed on a permanent foundation. No monument and marker shall exceed the width of the plot or inhibit the ability to prepare any plot for burial by both width and depth.
  - D. 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. The use of bricks, gravel, crushed rock, shells, or other similar materials are prohibited.
  - E. Benches shall not be allowed on any plot unless they serve as the headstone and have been approved by the Town prior to placement. Any secondary markers placed on a plot where a headstone already exists shall be placed flush with the ground.
  - F. The Town shall have the right to exclude or remove from any lot or grave space any monument, marker, structure, tree, plant or other object which for any reason has become or shall become unsightly, detrimental or conflicts with the rules and regulations of the cemetery.

#### **12.20.060 Decoration of lots.**

- A. Planting of live flowers, bushes or trees of any kind is prohibited on the lot. Artificial or fresh cut flowers may be placed on the lot in a metal or plastic vase at any time and as close to the headstone as possible. Glass containers are prohibited. Artificial or fresh cut flower sprays, wreaths, and evergreens may be placed on the lot. Items that are not located next to the headstone must be removed before the day of the week designated by the Town of each week to allow for the mowing and maintenance of the cemetery. All decorations will be discarded when dead, faded, broken, or otherwise in unsightly condition.
- B. All decorations will be discarded when dead, faded, broken or otherwise in unsightly condition as determined by the sexton.
- C. Small U.S. flags and memorial flags are permitted on the lot and as close to the headstone as possible. Flags will be removed when they become torn, frayed, or otherwise unsightly as determined by the sexton.
- D. All other decorations are prohibited.

#### **12.20.070 Maintenance responsibilities.**

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

#### **12.20.075 Damaging property prohibited.**

All persons are prohibited from damaging landscaping, breaking or injuring any tree, shrub or plant, or lounging on any individual lot or in any way damaging or defacing any monument, grave marker, structure or other property within the grounds.

---

### **12.20.080 Supervision of funerals.**

All funerals, upon arrival at the cemetery, shall be under the direct supervision of the sexton ~~public works director~~. The sexton 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. Permits shall be filed with the Town clerk.

### **12.20.090 Prior interment.**

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

### **12.20.100 Liability.**

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

### **12.20.110 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.

### **12.20.120 General rules and penalty.**

- A. The cemetery shall be open to the public from sunrise to sunset. It is unlawful for any person other than Town employees or other authorized personnel to be on the cemetery property during the hours the cemetery is closed.
- B. No person or persons shall be allowed to desecrate the cemetery by removing, destroying, or defacing the flowers, shrubs, trees, monuments, markers or any thing or object placed therein for the beautification of the cemetery; or by allowing any livestock and domestic animals to gain access to the cemetery.
- C. There is to be no discharging of firearms, firecrackers, rockets, or any other fireworks. This exclusion of firearms does not apply to military funerals or similar occasions.
- D. All other applicable Town Code provisions are in force in the cemetery unless specifically contradicted or altered by some provision of this Chapter. Without limitation, these include the prohibition on alcoholic beverages, the prohibition against unreasonable noise and against noise disturbance, the prohibition against injuring, destroying or defacing property, the prohibition against a public nuisance, the prohibitions against vandalism, the requirement that dogs be kept on a leash and their excrement be picked up by the dog's owner, keeper or harbinger, and the prohibition against littering.
- E. The operation or use of any audio devices, including radios or musical instruments or any other noise-producing device is prohibited unless prior approval has been received from the Town and said device is used as part of a memorial service.
- F. Loud talking shall not be permitted on the Cemetery grounds. Talking in a manner that disturbs others in the Cemeteries is prohibited, except in the event of emergency.
- G. No signs, notices or advertisements, other than those created by the Town related to Cemetery business, shall be permitted within the Cemetery grounds.

---

H. Violation of any of the provisions hereof shall be subject to the penalties set forth in Chapter 1.12 of the Silt Municipal Code.

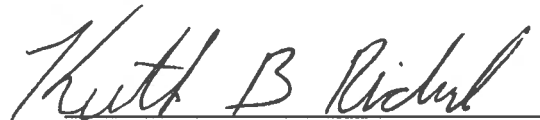
**Section 3.** All ordinances heretofore passed and adopted by the Board of Trustees of the Town of Silt, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

**Section 4.** If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

**INTRODUCED, READ AND APPROVED ON FIRST READING, a public hearing,** this 22<sup>nd</sup> day of July 2024, at 7:00 p.m. in the Municipal Building of the Town of Silt Colorado.


**PASSED, APPROVED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED,** this 12<sup>th</sup> day of August 2024.

TOWN OF SILT



Mayor Keith B. Richel

ATTEST:

  
Town Clerk Sheila M. McIntyre, CMC