



**TOWN OF DILLON
CEMETERY**

RULES AND REGULATIONS

**Town of Dillon
Colorado**

August, 2017

Per Resolution No. 14-12, Series of 2012

Per Resolution No. 27-16, Series of 2016

Per Resolution No. 37-17, Series of 2017

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DILLON CEMETERY ADVISORY COMMITTEE

The Dillon Cemetery located in Dillon, Colorado was established in 1885 and moved to its current location in 1962. The Cemetery Advisory Committee (“Committee”) was established in 2003 to advise the Dillon Town Council regarding ongoing and newly identified needs of the Dillon Cemetery so as to perpetuate the dignity and history of the site and those individuals interred there. The Committee assists in the planning and maintenance of this significant resource and ensures that our cemetery remains a valuable asset to our community.

The Mission Statement for the Committee is to determine and implement strategies to protect, preserve, and promote the Dillon Cemetery. The duties and responsibilities of the six-member Cemetery Advisory Committee are to act as an advisory body to the Town Council and the Planning and Zoning Commission on policies and actions concerning the cemetery; to work cooperatively with the community to create and maintain a cemetery that will serve the users now and into the future; to recommend fees such that the Perpetual Care Fund remains solvent and can fund future capital improvements and ongoing maintenance; and to identify fundraising opportunities.

For your convenience, an underground water tank has been installed near the entrance of the cemetery for watering your plants and trees that may need a little extra tender, loving care. The Committee has also installed a flagpole lit with a solar panel in order to light the flag at night; identified and named roads within the cemetery; and currently, the Cemetery Committee is in the process of fundraising for unmarked gravesites. If you are interested in donating to this project, checks may be made out to Town of Dillon and mailed to Dillon Town Hall, P.O. Box 8, Dillon, CO 80435.

The Dillon Cemetery is an important asset to the community that utilizes the cemetery as a window to the past, a pleasurable landscape of solitude and reflection, or a final resting place. If you have any questions, please feel free to contact the Dillon Town Clerk’s office at (970) 262-3406 or the Cemetery Advisory Committee, Town of Dillon, PO Box 8, Dillon, CO 80435. Donations are welcome.

The Town of Dillon and the Dillon Cemetery Advisory Committee thank you for your interest in the Dillon Cemetery.

Respectfully,

Dillon Cemetery Advisory Committee

DILLON CEMETERY

These Rules and Regulations for the Dillon Cemetery are adopted for the mutual protection of all burial plot and lot Owners and the Town of Dillon (the “Town”) and for the purpose of insuring the uniform and permanent beauty of the Cemetery.

All burial plot and lot Owners, visitors, Cemetery employees, persons working directly or indirectly for burial plot and lot Owners and all burial plots and lots sold shall be subject to these Rules and Regulations, and subject further, to such other ordinances, rules and regulations, amendments or alterations as shall be adopted by the Town from time to time. The reference to these Rules and Regulations in the certificate of ownership to burial plots and lots shall have the same force and effect as if set forth in full therein.

Rules and regulations have been adopted as interpretation of Chapter 11, Article VII, “Cemeteries” of the Dillon Municipal Code.

1. Definitions

For the purpose of these Rules and Regulations, the following terms and words shall have the following meaning:

Burial lot – a platted lot within the cemetery and may consist of more than one burial plot.

Burial plot – a single space within the Cemetery designated for the interment of the remains of one deceased person or two (2) cremains for all plots sold after January 1, 2016.

Cemetery – a burial park for earth and crypt interments located in Dillon, Colorado and owned and administered by the Town.

Cemetery Superintendent – the Public Works Director or his or her designee, sometimes referred to as the Sexton.

Cremains - the cremated remains of a human body.

Dillon Resident – (In Town) a resident of the Town of Dillon, a property owner of the Town of Dillon, a current Town of Dillon employee, or a past or present elected official.

Disinterment – the removal of the buried remains of a deceased person from earth burial.

Interment – the permanent disposition of the remains of a deceased person by earth or crypt burial.

Memorial – a designated monument, marker, tablet or headstone for family or individual use.

Owner - the person who is named in the original interment agreement as the grantee of the interment rights to a burial plot or lot or the person who has inherited ownership of the interment rights to that burial plot or lot.

Remains - a human corpse or cremains.

Summit County Resident – a resident or property owner of Summit County, Colorado.

2. General Applications of Rules and Regulations

A. Compliance with Rules and Regulations

All owners, visitors, employees, persons who are employed, directly or indirectly, by owners and all burial plots and lots sold shall be subject to these Rules and Regulations, and subject, further, to such other ordinances, rules and regulations, amendments or alterations as shall be adopted by the Town from time to time. The reference to these Rules and Regulations contained in other documents shall have the same force and effect as if set forth in full therein. The rules and regulations shall be on file and available for public examination in the office of the Town Clerk. Failure to comply with any rule or regulation promulgated under this Article shall be deemed a violation of the Dillon Municipal Code.

B. Administration and supervision

The supervision of the Cemetery shall be by direction of the Town Council through the Cemetery Superintendent, who will employ such persons as may be necessary for the care and maintenance of the Cemetery.

C. Duties of Cemetery Superintendent

It shall be the duty of the Cemetery Superintendent to supervise all decorations of plots, lots and graves, supervise plant care for all vegetation, maintain and repair roads and streets, endeavor to prevent the defacing, destruction or damage of memorials and other property in the Cemetery, grant permits required for any improvements, and carry out and enforce the rules and regulations of the Cemetery.

D. Map and records of Cemetery

It shall be the duty of the Town Clerk to keep a map and the records of the Cemetery and issue required interment agreements and permits. No permits shall be issued without the name and address of the owner of the interment rights to the plot or lot and the plot or lot and section number for which application is made.

E. Cemetery interment agreements; purchase of interment rights to spaces

Upon payment of the full purchase price of interment rights to a plot or lot to the Town, a cemetery interment agreement executed by the Mayor conveying the interment rights therein shall be delivered to purchaser. The interment agreement shall contain a description of the space and the purchase price for the interment rights.

F. Closing roads; establishing grades

The Town shall have the right to close any road in the Cemetery heretofore existing or hereafter constructed and to establish grades.

G. Indemnification

The Town shall not be responsible for any acts or omissions related to the Cemetery. The Town may at any time require a written indemnification and hold harmless

agreement from any person requesting that the Town take or not take any action related to the Cemetery.

H. Forestation

Any diseased or infested trees or noxious weeds will be removed, in accordance with Chapter 7, Article IV, “Weeds and Brush” and Article V, “Trees”, of the Dillon Municipal Code.

I. Error May Be Corrected

The Town shall have the right to correct any errors that may be made by it, either in making interments, or disinterments, or in the description, transfer, or conveyance of interment rights to any interment property. Corrections can be made:

- either by canceling such conveyance of interment rights and substituting and conveying in lieu thereof, interment rights to another burial plot or lot of equal value and, to the extent possible, similar location; or
- at the sole discretion of the Town, by refunding the amount of money paid on account for said purchases of interment rights. In the event such error shall involve the interment of the remains of any person in such property, the Town reserves the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

J. Amendments

The Town reserves the right, at any time, to adopt new rules and regulations, to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these Rules and Regulations. Such new or amended Rules and Regulations shall be binding on all Owners.

K. Adoption of Regulations

The Town shall adopt rules and regulations governing the Cemetery. Such rules and regulations shall be available and provided upon request by the Town Clerk to each party responsible for a burial.

3. Interments – Generally

A. Subject to Laws

Besides being subject to these Rules and Regulations, all interments shall be subject to the orders and laws of the properly constituted authorities of the Town, Summit County and the State of Colorado.

B. Time and Burial Charges

All interments shall be made at the time and in the manner fixed by the Cemetery Superintendent and upon payment of such charges as are fixed by the Town.

C. Burial Days

No interment or interment service will be allowed on Sundays or on any National Holiday, except as directed by the Cemetery Superintendent. Saturdays will require additional fees due to overtime.

D. Application for Interment

Any interment in the Cemetery shall be first approved by the Cemetery Superintendent on a "Reservation for Interment/Disinterment" application. Application for interment shall include an "Authority for Final Disposition" form issued by the Colorado Department of Public Health and Environment or other documentation relating to the death. Permits shall not be issued for funerals less than one (1) hour apart. The Town reserves the right to refuse interment in any burial plot or lot.

An application for interment must be submitted to the Cemetery Superintendent at least seventy-two (72) hours before the burial time proposed by the applicant.

E. Burial Specifications

Not more than the remains of one (1) body may be interred in one (1) burial plot except by written consent of the Cemetery Superintendent or in the case where members of the same family will be interred in the same casket. The foregoing shall not apply in the case of cremains. In the case of cremains, a maximum of two (2) cremated remains will be allowed in a single burial plot for all plots sold after January 1, 2016.

All graves shall be at least six inches from the boundary of the burial plot and shall be at least five and one-half (5 ½) feet in depth. In the case of cremains, there shall be at least sixteen (16) inches of earth above the highest point of the approved sealed container and ground level.

F. Town to Designate Time of Funeral

The Cemetery Superintendent shall designate the time for the arrival of the funeral at the Cemetery and shall allow at least one (1) hour between the times of arrival of funerals to be held on the same day. All interments/disinterments, including excavation, shall be performed between 8:00 a.m. – 3:00 p.m. Any services, including the opening and closing of a gravesite which extend beyond normal hours of operation of 8:00 a.m. – 3:00 p.m., will require the Saturday fee due to overtime.

G. Emergency Burials

In the event of a disaster, which results in numerous burials at the Cemetery, the Cemetery crew will work as deemed necessary by the Cemetery Superintendent. The Cemetery Superintendent shall have the authority to override any of these Rules and Regulations, as necessary, in order to handle the numerous burials as orderly and as quickly as possible.

H. Excavations

Except as provided immediately below, all excavations in preparation for a burial shall be conducted exclusively by the Town of Dillon after payment of the required excavation fee to the Cemetery Superintendent. Trees, shrubs, and other vegetation may be cut back or removed for interment (and disinterment).

A family may request permission from the Cemetery Superintendent to excavate itself for interred cremains, which only includes the urn and approved urn vault. The Superintendent shall grant such permission if he is satisfied that the family possesses the equipment, technical competence and good intention to excavate without causing injury to people or permanent damage to the burial plot in question and other parts of the Cemetery grounds.

I. Coffins

Any coffin or other type of container for a corpse must be sufficiently sturdy and rigid so that it may be lowered into the grave by the Cemetery's equipment without bending, cracking, or breaking.

4. Disinterments and Removals

A. Permission for Disinterments

No disinterment of a body will be made without either (i) a court order of a court of competent jurisdiction or (ii) certificate from the Department of Health and a signed affidavit from the surviving spouse or next of kin, on a form satisfactory to the Town stating that:

- there is no opposition to the disinterment by the surviving spouse, next of kin, or by the expressed wishes of the decedent; and
- that the affiant agrees to indemnify the Town and hold it harmless from any liability that might result from a disinterment and release it from any claims that affiant may have, then or in the future, by reason of the disinterment.

B. Subject to Laws

Besides being subject to these Rules and Regulations, all disinterments shall be subject to the orders and laws of the properly constituted authorities of the Town, Summit County and the State of Colorado.

C. Time and Burial Charges

All disinterments shall be made at the time and in the manner fixed by the Cemetery Superintendent and upon payment of such charges as are fixed by the Town.

D. National Holidays and Sundays

No disinterment will be allowed on Sundays or on any national holiday, except as directed by the Cemetery Superintendent. Exceptions may be made by prior arrangement through and exclusively by the Cemetery Superintendent.

E. Application for Disinterment

Any disinterment in the Cemetery shall be first approved by the Cemetery Superintendent. Requests for permission to disinter shall be provided on a “Reservation for Interment/Disinterment” application.

An application for disinterment must be submitted to the Cemetery Superintendent at least forty-eight (48) hours before the disinterment time proposed by the applicant.

The Town reserves the right to require at least ten (10) days notice prior to any disinterment. No disinterment will be allowed except on the written application and approvals contained hereto.

F. Removal for Profit Prohibited

Removal, by the heirs, of a body so that the interment rights to the burial plot or lot may be sold for profit to themselves or to any other persons or removal contrary to the expressed or implied wish of the original Owner of the interment rights to a burial plot or lot, is repugnant to the ordinary sense of decency and is absolutely forbidden.

G. Care in Removal

The Town shall provide the necessary services for all disinterments from the Cemetery. The Town shall not assume any liability for any damage to a casket, urn or other such container incurred in making a removal. Charges for removals will be made at an hourly rate as determined by the Cemetery Superintendent.

H. Excavations

All excavations for disinterments shall be conducted by or supervised exclusively by the Town after initial deposit of an excavation fee to the Cemetery Superintendent as set forth herein is paid. Any trees, shrubs and vegetation may be impacted or removed for disinterment.

Excavation does not include any duties typically performed by a mortuary, including but not limited to, raising or lowering of a casket. Notwithstanding anything to the contrary set forth in these Rules and Regulations, family members may request permission from the Cemetery Superintendent to excavate for interred cremains, which only includes the urn and approved urn vault, of their relatives which are contained in an approved sealed container.

5. Rights of Owners

A. Interment Rights of Owners

The interment rights to a burial plot and lot shall be the property only of the person named as grantee in the original Cemetery deed or interment agreement. However, the spouse of the grantee at the time of his or her death shall have a right of interment of his or her remains in the grantee’s plot or lot.

Moreover, it shall be presumed that the grantee has acquired a plot or lot for the use of his or her immediate family. Unless the presumption is overcome, the Town shall allow interment of any member of the immediate family—subject to the available space in the plot or lot. Members of the grantee’s immediate family shall include only the parents, siblings, children, grandchildren, and great grandchildren—whether by birth or adoption— of the grantee and of his or her spouse at the time of the grantee’s death, and spouses of each such person at the time of his or her death. The presumption may only be overcome by a written, authenticated statement by the grantee that he or she did not acquire the plot or lot for family use. A written statement shall be considered authenticated if it was witnessed by a notary public at the time of its creation, or by two other witnesses at the time it was created, or if it was handwritten and a professional hand-writing expert certifies that the statement was written by the grantee.

The right of interment shall be automatically terminated upon the interment elsewhere of the remains of the person or persons who had been entitled thereto.

B. Inheritance of Burial Plot or Lot

Subject to provisions of Subsection 6C below, the interment rights to a burial plot or lot shall be transferred to the heir or heirs of the grantee in accordance with the laws of the State of Colorado. The provisions concerning interment rights stated in these Rules and Regulations shall continue to apply to the burial plot or lot regardless of any transfer of ownership.

6. Transfers or Assignments

A. Transfer, assignment or conveyance of property right in Cemetery

No transfer, assignment or conveyance of any property right, interment right or interest in the Cemetery shall be valid without the consent in writing of the Town. The Town shall not consent to the transfer of any property right, interment right or interest in the Cemetery upon which there is any indebtedness due the Town.

B. Selling interment rights to plots and lots for resale

The interment rights in any burial plot or lot shall not be sold to or purchased by a funeral director or other person for purposes of resale or speculation. Resale of interment rights to cemetery plots or lots shall be made through the Town Clerk's office. A person wishing to sell his or her interment rights to a plot or lot shall present the Town Clerk with his or her cemetery deed or interment agreement, which will be held in the Town offices, and the interment rights to the plot or lot shall be made available for sale. At such time as it is resold by the Town Clerk, the original owner of the interment rights to the plot or lot shall be reimbursed the amount originally paid therefore.

C. Reversion of Plot or Lot to Town

In accordance with the provisions of Section 31-25-708 of the Colorado Revised Statutes and any successor statutes, the Town may reclaim ownership and all rights to a burial plot or lot that contains no remains, monuments or markers for a period of 75 years or more without any compensation at all to its owner.

7. Decoration of Lots and Burial Plots

All decorations, plantings and permanent improvements shall remain within the boundaries of an owner's burial plot or lot.

A. Flowers

Artificial or fresh, cut flowers may be placed immediately adjacent to a monument or marker at any time. However, flowers will be discarded by the Cemetery Superintendent when he deems them unsightly.

B. Fresh Sprays and Wreaths

Sprays and wreaths made from fresh cut flowers will be allowed, and they may be removed within two weeks, or if in the Cemetery Superintendent's opinion, when they become unsightly.

C. Christmas Blankets and Wreaths

Christmas blankets and wreaths will be allowed from December 1st through March 1st.

D. Artificial Sprays and Wreaths

Artificial sprays and wreaths will be allowed from May 1st through June 15th and from December 1st through March 1st. The Cemetery Superintendent may remove all artificial sprays and wreaths when they become unsightly.

E. Fencing

Plot or lot fencing and ornamental boundaries are discouraged. If erected, fences shall be 6" inside all plot or lot boundaries and easily disassembled for future interments/disinterments and requires a permit approved by the Cemetery Superintendent. It is the responsibility of the lot/plot owner to maintain installed fences. If the Cemetery Superintendent deems existing fences unsightly, he/she shall contact the lot/plot owner and request maintenance to said fencing. If, after making this request, satisfactory maintenance, repairs or upgrades, are not conducted within the prescribed timeframe, the fencing may be removed without further notice.

F. Maintenance

Maintenance of any improvements shall be the responsibility of the owner.

G. Liability for Decorations

The Town shall not be held liable for lost, misplaced or broken decorations or for damage by the elements, thieves, vandals, or by causes beyond its control.

8. Conduct of Persons Within the Cemetery

A. Hours Grounds Open

The Cemetery grounds will be open for visitation from 7:00 a.m. to 9:00 p.m., seven days a week.

B. Visitors

Visitors within the Cemetery grounds shall conduct themselves with decorum at all times and with strict accordance with these Rules and Regulations. This applies to

outside workers, stone masons, florists, etc., as well as to those persons directly employed by the Town

C. Trespassers on Cemetery Property

Only the owner, his relatives and friends and authorized Cemetery workers will be permitted on any Cemetery lot or plot. Any other person thereon shall be considered a trespasser, to whom the Town shall owe no duty, and bear no liability, of any kind to maintain the lot or plot in a safe condition. A person within the Cemetery grounds shall use only the roads, drives, and walks for transit, except that such a person may walk on the grass only if that is the only way to reach the plot or lot which he or she has a reason to visit or work on. Any person using any other part of the Cemetery shall be considered a trespasser, to whom the Town shall owe no duty, and bear no liability, of any kind to maintain the Cemetery grounds in a safe condition.

D. Rubbish

Throwing rubbish on any part of the grounds or buildings, except those designated by the Town, is prohibited.

E. Automobiles

Automobiles shall not be driven through the Cemetery at a speed greater than five (5) miles per hour. Vehicular traffic is limited to improved roadways only.

F. Trucks and Heavy Hauling

Heavy hauling, trucks, or commercial vehicles of any kind are not permitted within the Cemetery grounds, except when they are conducting business or are in connection with Cemetery work, and then only by permission of the Cemetery Superintendent.

G. Peddling or Soliciting

Peddling of flowers or plants or the soliciting for the sale of any commodity is absolutely prohibited within the confines of the Cemetery.

H. Firearms and Hunting

No firearms shall be permitted within the Cemetery, except at a military funeral or similar occasion, by a Police Officer, or by written permission of the Cemetery Superintendent. Hunting or in any way disturbing birds or fowl, or discharging firearms, fireworks, or other missiles within or over any portion of the Cemetery or around the gates, fences or roads adjoining the same is prohibited.

I. Notices of Advertisements

No signs or notices or advertisements of any kind shall be permitted within the Cemetery.

J. Dogs/Animals

The owner of any dog or other animal that enters the Cemetery grounds shall be liable for any damage done by that animal. The ordinances codified in Chapter 7, Article VI, "Animals and Fowl," of the Dillon Municipal Code apply to the Cemetery.

K. Improprieties

It is of the utmost importance that at all times propriety in the Cemetery be strictly observed. The Cemetery Superintendent has the power to prevent or stop any behavior which he deems to be an impropriety, as well as the power to prevent or stop assemblies which he deems to constitute or to be likely to constitute an impropriety.

L. Damage of Cemetery Property

No person shall deface, damage, destroy or injure any memorials or other property in the Cemetery or perform other acts, which may be prohibited in the Rules and Regulations as adopted by the Town.

M. Candles, Votive Candles, Fires

No person shall light or allow to burn any candles, votive candles, fire-lit objects of any type, or fires anywhere within the Cemetery or Cemetery Property.

N. Smoking Prohibited

In conformance with Town of Dillon Municipal Code Section 7-7-30 and C.R.S. § 25-14-206, smoking is prohibited in the Cemetery and on Cemetery Property. Signs shall be posted at the entrance to the Cemetery indicating that smoking is prohibited in the Cemetery and on Cemetery Property.

9. Fees, Gratuities and Commissions

A. Fees

Any request required or permitted by these Rules and Regulations shall be submitted to the Town Clerk or Cemetery Superintendent as required by these Rules and Regulations with the appropriate fee established for such request. A copy of the Town's current fee schedule is available from the Town Clerk. Any Cemetery charges shall be paid prior to the services being rendered.

B. Fees, Gratuities and Commissions May Not Be Accepted by Town Employees

No person, while employed by the Town shall receive any fee, gratuity or commission, except from the Town, either directly or indirectly, under penalty of immediate dismissal.

10. Rules for Memorial Work in Cemetery Sections

A. Monuments and Markers

1. One upright monument or marker and two flat markers for each burial plot shall be permitted. The upright monument shall be located at the top (head) of the burial plot, facing the length of the interment. Only one central or family memorial shall be allowed on a lot. Monuments and markers shall be made of a permanent, non-deteriorating material. They shall contain the name of the deceased and dates of birth and death, if available. The base of an upright memorial shall not exceed four (4') feet in width or two (2') feet in depth. Any upright marker shall be at least four (4") inches thick and not exceed four feet (4') in height. The foundation for such base shall be determined by the size of the monument or marker. In flat marker sections, grave markers shall be of one piece of approved material and shall not exceed two

feet in length or two foot in width. Double grave markers may be used and shall not exceed two foot in width, four feet in length, and not exceedfour feet (4') in height..

- a. For all plots sold prior to January 1, 2016, up to four (4) flat stones may be placed on each burial plot as individual markers, no larger than two feet (2') x two feet (2').
 - b. For all plots sold after January 1, 2016, up to two (2) flat stones may be placed on each burial plot as individual markers, no larger than two feet (2') x two feet (2').
2. Memorial dealers shall be required to furnish a "Permit for Plot Improvement Form" containing a sketch of the proposed memorial or marker, specifying size, base, monument, and foundation, inscription, materials and color for the approval of the Cemetery Superintendent. The Cemetery Superintendent shall have the power to reject any plan or design for any memorial, which on account of size, design, inscription, or kind or quality of stone, in his or her opinion, is unsuited to the lot on which it is to be placed or it otherwise inconsistent with these Rules and Regulations.
 3. No Owner shall erect or place, or cause to be erected or placed on any lot or burial plot in the Cemetery any memorial which is obscene or offensive.
 4. The Town reserves the right for the Cemetery Superintendent to stop all work of any nature, whenever, in his or her opinion, proper preparations have not been made. The completed work is subject to the approval of the Cemetery Superintendent, and if unsatisfactory, may be requested to be removed or be removed by the Cemetery Superintendent at the expense of the Owner.
 5. No monument shall be removed from the Cemetery, except by the Town, unless the written permission of the Owner is presented to the Cemetery Superintendent and the Cemetery Superintendent grants written permission. The Town shall not remove any monument from the Cemetery without the express written authorization.
 6. Temporary markers shall not be used for more than one year. Monuments must be placed by the designated plot owner or their designee, within one (1) year of interment. A five hundred dollar (\$500.00) refundable deposit for a grave marker is required prior to the time of burial unless a copy of a paid receipt from a monument company is provided. If a permanent grave marker is placed on the burial plot within twelve (12) months from interment, said deposit shall be refunded, without interest. If a permanent grave marker is not placed on the gravesite within twelve (12) months from interment, and reasonable communication with the plot owner or designee has not resulted in the placement of a marker, the deposit will be used by the Town of Dillon to purchase and place a grave marker on the burial plot. The fee for a refundable deposit for a grave marker is set forth in Appendix 19-A of the Dillon Municipal Code.
 7. While the Town will exercise due care to protect monuments and markers or other structure on any lot or burial plot in the Cemetery, it disclaims responsibility for any damage thereto.
- B.** A "Permit for Plot Improvement Form" approved by the Cemetery Superintendent is required for any improvements on a plot or lot other than routine maintenance of gravesite.

11. Perpetual Care and Perpetual Care Fund

A. Perpetual Care

All grave spaces in the Cemetery shall be perpetually cared for by the Town. However, owners of lots may perform routine maintenance and other work not in conflict with established rules and regulations.

B. Perpetual Care Fund

Money for the perpetual care fund may be obtained from three (3) or more separate sources: donations and gifts, Town appropriation and the sale of interment rights to cemetery lots. The Town Treasurer shall place the money obtained for perpetual care in a separate fund to be known as the "Cemetery Perpetual Care Fund," and shall invest the money in securities or insured deposits as approved by the Town Council. The interest derived from the Cemetery Perpetual Care Fund shall be used in caring for the cemetery. The principal of Cemetery Perpetual Care Fund shall be used as follows: money obtained from donations and gifts and Town appropriation may be spent on cemetery-related expenses; money obtained from the sale of cemetery lots shall not be spent, but shall remain in the Cemetery Perpetual Care Fund in perpetuity in order to generate interest to be spent in caring for the cemetery.

C. Cemetery Capital Fee

Money obtained from a fee on the sale of all cemetery plots may be spent on cemetery-related expenses. The fee for the cemetery capital fee is set forth in Appendix 19-A of the Dillon Municipal Code, and shall be held by the Town in the Cemetery Perpetual Care Fund.

12. Rates and Charges

A. Burial Plot

All burial fees shall be paid to the Town Clerk as set forth in Chapter 19 of the Dillon Municipal Code.

B. Disinterment Fee

Disinterment fees are assessed on an hourly basis as determined by the Cemetery Superintendent.

C. Excavating Fee

All excavations for interments and disinterments shall be conducted exclusively by the Town, pursuant to the terms and conditions set forth in this chapter and the Rules and Regulations.

Notwithstanding anything to the contrary in this chapter, family members may request permission from the Cemetery Superintendent to excavate for interred cremains, which only includes the urn and approved urn vault, of their relatives in accordance with the procedures set forth in the Rules and Regulations.

D. Penalties

Any person who violates any provision of this Article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as set forth in Chapter 19 of the Dillon Municipal Code.