

COUNCIL BILL NO. 10

Series 2023

A BILL FOR AN ORDINANCE ESTABLISHING THE AUTHORITY AND USE OF THE VALLEY BROOK CEMETERY.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. That a new chapter 11, entitled "VALLEY BROOK CEMETERY" be added to title 11 setting forth the public use of the cemetery:

CHAPTER 11: VALLEY BROOK CEMETERY

11-11-1: DEFINITIONS:

BURIAL SPACE: means a lot or portion thereof in any cemetery designed and intended for the interment of a human body but not used for such purpose.

CEMETERY: means any cemetery owned, managed, or controlled by any municipality in this state.

PURCHASER: means any person possessing a license or right of interment in any burial space

11-11-2: CEMETERY ESTABLISHED:

Pursuant to the provisions of section 31-25-702, C.R.S., the Valley Brook Cemetery ,

A 13.33 acre parcel of land located in Summit County, Colorado, being part of the Masonic Placer, U.S.M.S. 9616, as described in that deed from William McAdoo to the Town of Breckenridge recorded January 20, 1896 in Book 74 at Page 422 of the records of the Clerk and Recorder of Summit County, Colorado; commonly known and described as the "Valley Brook Cemetery," 905 Airport Road, Breckenridge, Colorado 80424

is hereby established as a municipal burial facility for the interment of cremated human remains.

11-11-3: PURCHASE OF BURIAL SPACE:

The town manager, or a designee thereof, is authorized to sign purchase agreements for the sale of interment sites for cremated human remains at any cemetery in the Town. The purchase agreement will provide for the conveyance of a privilege to use a specific burial space described on the cemetery plat.

11-11-4: PURCHASER PRICES AND FEES; MAINTENANCE REQUIREMENTS:

A. The price of burial spaces and any fees for use shall be established by administrative rules and regulations.

1 B. The department of public works shall maintain town improvements and has the authority
2 to close the cemetery during winter months. A purchaser of a burial site shall be solely
3 responsible for maintaining and/or improving burial spaces.
4

5 11-11-5: ABANDONMENT OF BURIAL SPACE:

6 A. The right of interment in any unoccupied burial space in the cemetery shall, upon
7 abandonment, revert to the Town, as provided below.

8 B. Failure to inter in any burial space within fifty (50) years from the date of purchase shall
9 create a presumption that the same has been abandoned. This presumption shall not apply if a
10 written statement has been filed with the town clerk by the owner or the owner's heirs or assigns
11 evidencing an intent to retain the specified burial spaces.

12 C. A presumed abandonment shall be deemed complete if:

13 1. The owner has been notified of the presumed abandonment in writing, mailed to the owner's
14 last known address, by the town clerk, or in the event that the address of the owner and/or the
15 owner's heirs cannot be ascertained, notice of such abandonment has been given by publishing
16 the same in a local newspaper once a week for five (5) consecutive weeks;

17 and

18 2. Neither the owner nor the owner's heirs or assigns have contacted the town clerk within sixty
19 (60) days after the date the notice of abandonment was mailed or after final publication of such
20 notice, whichever is applicable.

21 D. Upon abandonment, the Town may thereafter sell, transfer and convey the right to interment
22 therein, free and clear of any right, title or interest of the former owner.
23

24 11-11-6: CEMETERY RULES AND REGULATIONS: Rules and regulations of the use and
25 operation of the cemetery are set forth in the Valley Brook Cemetery rules and regulations
26 adopted, amended, altered from time to time by public works and/or the town clerk as the case
27 may be.

28 **Section 2.** The Town Council hereby finds, determines and declares that this ordinance
29 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,
30 and improve the order, comfort and convenience of the Town of Breckenridge and the
31 inhabitants thereof.

32 **Section 3.** This ordinance shall be published and become effective as provided by
33 Section 5.9 of the Breckenridge Town Charter.
34

1 INTRODUCTION, READ ON FIRST READING, APPROVED AND ORDERED
2 PUBLISHED IN FULL this 28TH day of February, 2023. A Public Hearing shall be held at the
3 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 14th day
4 of March, 2023, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of
5 the Town.

6
7 TOWN OF BRECKENRIDGE, a Colorado
8 municipal corporation
9

10
11
12 By: _____
13 Eric S. Mamula, Mayor
14

15 ATTEST:

16
17
18
19 _____
20 Helen Cospolich, CMC,
21 Town Clerk
22