

ORDINANCE NO. 11

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.

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

11-11-5: ABANDONMENT OF BURIAL SPACE:

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

B. Failure to inter in any burial space within fifty (50) years from the date of purchase shall create a presumption that the same has been abandoned. This presumption shall not apply if a

written statement has been filed with the town clerk by the owner or the owner's heirs or assigns evidencing an intent to retain the specified burial spaces.

C. A presumed abandonment shall be deemed complete if:

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

and

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

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

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

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

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

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
PUBLISHED IN FULL this 28th day of February, 2023.

This ordinance was published in full on the Town of Breckenridge website on March 2, March 3, March 4, March 5 and March 6, 2023.

A public hearing on this ordinance was held on March 14, 2023.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON  
THE TOWN'S WEBSITE this 14th day of March, 2023. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

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Eric S. Mamula, Mayor

APPROVED IN FORM

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Town Attorney                      Date

This Ordinance was published on the Town of Breckenridge website on March 16, March 17, March 18, March 19 and March 20, 2023. This ordinance shall become effective on April 19, 2023.