

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE 2012-6**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL
AMENDING THE MUNICIPAL CODE CONCERNING THE OPERATION OF
THE HIGHLAND CEMETERY

WHEREAS, the Town is empowered by its home rule charter and Part 7 of Article 25 of Title 31 of the Colorado Revised Statutes to own and operate a cemetery; and

WHEREAS, Chapter 12.24 of the Municipal Code (the "Code") establishes the Highland Cemetery; and

WHEREAS, the Town Council desires to amend the Code to capture updates to the Colorado Statutes concerning the status of burial plots as interests in real property and to amend certain provisions regarding fees for plots within the cemetery.

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

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby amends the following sections of Town of New Castle Municipal Code:

12.24.040 - Fees for burial plots.

Burial plots in Highlands Cemetery shall be available for sale to residents and nonresidents at rates set by the town's fee schedule. A resident of New Castle for the purpose of this section shall mean any person whose current principal residence is within the town limits, or any person who has resided in the town for a total of twenty (20) years irrespective of his or her residence at the time of purchase of a burial plot, persons who are current record title owners of real property within the town limits, and persons who have owned real property in the town for a total of twenty (20) years. In order to establish twenty (20) years prior residence or ownership, the purchaser of the burial plot shall execute an affidavit ~~of residence~~ in a form prepared by the town clerk and if so requested by the clerk shall provide evidence of residency or ownership such as birth certificates, tax receipts, deeds or other documents that would verify the stated periods of residency or ownership.

12.24.050 - Sales record.

It shall be the duty of the town clerk to keep a record in his or her office of all lots and burial privileges sold in the Highland Cemetery, and to issue a permit for each such sale to the purchaser or purchasers. ~~, which permit shall be equivalent to a deed, and shall convey full title~~

to the lot or lots. Such permit shall make it clear it represents only a non-transferable right to be buried within the designated lot and in no way conveys title to any real estate.

12.24.130 Abandonment.

The Town shall follow the procedures set forth in C.R.S. § 31-25-708, as now existing or as hereafter amended, to reclaim title or permit rights to any abandoned burial plot.

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on December 18, 2012, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on January 2, 2013, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: _____
Frank Breslin, Mayor

ATTEST:

Melody Harrison, Town Clerk