

Human Interment

In unincorporated Delta County CO., the burial of human bodies on private property is allowed. The Delta County Health Department (The Department) defines a cemetery as a place where more than three bodies are buried. A cemetery may require special approval by the Delta County Planning Commission. People in incorporated areas should check with their municipal officials on what requirements their city or town might have.

While there are no specific standards for cemeteries, burials, and body preparation, etc. from an environmental perspective, we have developed these guidelines. The Department feels this practice needs to be regulated with the least amount of interference to the families involved, while mitigating the possible public health impacts.

The Department has developed specific burial recommendations. They include:

1. Every body must have a burial permit from the appropriate Vital Statistics Office. This is a requirement by State Statute (25-2-111 CRS) and the requirement for a burial permit is statewide.
2. The Department does not require any body container like a coffin or vault. Some religions may preclude body containers. The Department was unable to identify any special reason to require the body to be in a container or preserved in any other way. In most cases, from a disease perspective, the quicker the decomposition the better.
3. The Department recommends that the grave not be located in a significant drainage swale or near a watercourse. This is to keep the body from contaminating water or being washed out by high water. Interment should be as high and dry as possible.
4. Graves must be set back at least 100 feet horizontally from any spring, well, or other drinking water source.
5. The Department recommends that the body be covered by at least 4 feet of compacted soil. Odors can escape; and dogs, coyotes and other wild animals may find and exhume bodies in less than 4 feet of compacted soil.
6. The Department also recommends that the body be interred at least 4 feet above ground water. The body could conceivably contain the same disease agents that might pollute ground water.
7. The State Statutes require that the grave be permanently identified both at the site of the interment and on the legal documents for the property (25-2-111 (7)). Future owners or residents of the property could be perplexed if

they inadvertently discovered a body. Assumptions of a crime scene, a valuable ancient artifact, or other assumptions are possibilities. The Department feels permanent identification of the gravesite is important.

CREMATION

The Department would extend these same recommendations regarding the interment of cremains. Cremains from an approved crematory are biologically benign, however we would prefer consistency in handling the burial of the deceased.

On Site Cremations: There may be some real health and environmental issues with non-commercial cremation, but so far there have been no problems in Delta County. Many on-site cremations could create different outcomes and lot size may be a potential issue. A funeral pyre on a small city lot could certainly have a different outcome than the same activity in the middle of a 10,000-acre ranch. If many on-site cremations are conducted they may create Public Nuisance conditions. At that time, formal regulation may be required.

Cremation on ones own property is not prohibited but must follow some practical recommendations.

1. Adequate fuel to complete the task must be provided. It takes many millions of Btu's and a significant length of time for a cremation that results in nothing but ash with no identifiable body parts.
2. The cremation site must be as private as possible. The potential for odor and particulate fall out is there and could be an issue in certain areas.
3. An open burning permit is required according to Colorado Air Pollution Control Regulation #9. An application can be found online at:

<http://www.cdphe.state.co.us/ap/downpermitforms/ApplicationOpenBurning.doc>

The form may be completed and e-mailed to:
cdpheAPOpenburning@cdphe.state.co.us

25-2-111. Dead bodies - disposition - removal from state - records.

(1) Any person requested to act as funeral director for a dead body or otherwise whoever first assumes custody of a dead body shall, prior to final disposition of the body, obtain authorization for final disposition of the body. The office designated or established pursuant to section 25-2-103 in the county where the death occurred or, if such an office does not exist in the county where the death occurred, the coroner or the coroner's designee shall authorize final disposition of the body on a form prescribed and furnished by the state registrar. No body shall be buried, cremated, deposited in a vault or tomb, or otherwise disposed of, nor shall any body be removed from this state, until such authorization has been obtained, completed, and approved. The coroner or the coroner's designee shall include in the authorization notice of the requirements of subsection (7) of this section.

(2) A disposition permit issued under the law of another state which accompanies a dead body or fetus brought into this state shall be authority for final disposition of the body or fetus in this state.

(3) Repealed.

(4) Any person who removes from the place of death or transports or finally disposes of a dead body or fetus, in addition to filing any certificate or other form required by this article, shall keep a record which shall identify the body and such information pertaining to his receipt, removal, and delivery of such body as may be prescribed in regulations. Such record shall be retained for a period of not less than seven years and shall be made available for inspection by the state registrar or his representative upon demand.

(5) No sexton or other person in charge of any place in which interment or other disposition of dead bodies is made shall inter or allow interment or other disposition of a dead body or fetus unless it is accompanied by authorization for final disposition.

(6) Authorization for disinterment and reinterment shall be required prior to disinterment of a dead body or fetus. Such authorization shall be issued by the state registrar to a funeral director or person acting as such upon proper application.

(7) (a) The owner of land that is used to inter a dead human body shall record the burial within thirty days after the burial with the county clerk and recorder of the county in which the land is situated. The owner shall record the following:

(I) The dead person's name as it appears on the death certificate;

(II) The dead person's date of birth;

(III) The dead person's age at the time of death;

(IV) The cause of death;

(V) The name of the owner or owners of the property where the dead human body is interred;

(VI) The legal description of the property where the dead human body is interred if the person is interred on private property;

(VII) The reception number for the death certificate if recorded by the county clerk; and

(VIII) The latitude and longitude coordinates, such as those given by a global positioning system, that are verified by two witnesses or the county coroner, sheriff, or a designee of the county coroner or sheriff.

(b) This subsection (7) does not apply to dead human bodies interred in cemeteries, vaults, or tombs operated or maintained by public entities or businesses that inter people in the ordinary course of business and are available to the general public.

Source: L. 67: R&RE, p. 1059, § 1. C.R.S. 1963: § 66-8-11. L. 84: (1) amended, (3) repealed, and (5) and (6) added, p. 745, 751, §§ 9, 16, effective July 1. L. 85: (1) amended, p. 880, § 2, effective May 24. L. 2010: (1) amended and (7) added, (HB 10-1275), ch. 193, p. 827, § 1, effective August 11.