



Public Health

February 6, 2004

To: Adrienne Lorantos, Boulder County Land Use

From: Susan Martino, Boulder County Public Health

Re: Burial or Cremation on private property in Colorado

There is no requirement that a dead human body or fetus be buried in an established cemetery. Bodies or fetuses may be buried on private land unless local ordinances prohibit it. Cremation is considered "final disposition" and the State retains no control over disposition of the ashes. Ashes may be disposed of as the next of kin desires except for any restriction by local ordinances. It is important to check any federal, county or local laws and ordinances first before disposing of remains.

Acquiring Permits for Burial and/or Cremation in Boulder County, Colorado

A funeral director is not required. The next of kin or someone legally designated by them (see note) will need to get a death certificate from the local registrar either in the county where the person died or from the Colorado Department of Public Health and Environment (CDPHE). The certificate must be completed and signed by the attending doctor.

Note: unless a person is legally named by the deceased in a will, court order or legal document to take care of funeral arrangements all permits will need to be issued to the next of kin or his designee. If the person is named in such a document, Boulder County Public Health (BCPH) will need to make a copy of that portion of the document which gives the person authority to act in this matter or BCPH will need to have something in writing from the next of kin authorizing the person to make the funeral arrangements. The completed death certificate will need to be filed with the local registrar in the county of death. That office will then issue a permit for the body's disposition.

If the body will be cremated on private property in Boulder County, a Disposition Permit will not be issued unless a Burning Permit has first been obtained from Boulder County Public Health/Environmental Health.

Handling of the body in Colorado

Embalming is not required if disposal is within 24 hours. However, a dead human body or fetus kept more than 24 hours before burial or cremation **MUST** be embalmed or properly refrigerated.

The requirement is not specific concerning type or brand of container used to contain the body or fetus. The intent is to preserve the public health and the dignity with which the dead human body is treated. **The dead human body or fetus must be in a "tightly sealed container that will prevent the leakage of fluids or odor."**

I couldn't find any Colorado requirements pertaining to depth of burial, depth of cover or protection of waterways. I have included in this memo the addresses of websites that can some provide information on these issues.

Recommended Procedures for Cremation on Private Property in Colorado

Prior to cremation the fire protection district where it will take place should be contacted for their approval and a Burning Permit along with Disposition Permit obtained from Boulder County Public Health.

The following recommendations are from Crist Mortuary based on their experience handling open-air cremations:

1. The burning site should be zoned Agricultural or perhaps Forest.
2. The site should have an adequate clearing to accommodate the cremation.
3. Arrangements should be made for an engine company from the fire protection district to be standing by on site during the cremation.
4. The body should be transported by hearse or ambulance to the cremation site.
5. A hard wood such as oak will need to be used for the fire fuel. The fire will need to be started with a clean burning fuel such as white gas or kerosene. The fire needs to burn at 1300-1800 F.
6. The fire will need to be built in a pit dug in the ground that will contain the heat, wood and ashes but allow the body to sit on top of the wood at ground level if the responsible party desires. The fire cannot exceed ground level. If the responsible party wants to have a pyre, someone with experience building funeral pyres such as a mortuary would need to be retained to oversee the cremation.
7. If the responsible party wants to bury the remains after cremation, at the site of the cremation, applicable zoning laws should be determined prior to burial of the cremated remains.

The following is a list of helpful websites dealing with cemetery regulations or guidelines in places outside of Colorado. The information on these sites may useful in creating guidelines for burial on private property in Boulder County.

1. <http://www.icfa.org/cemeteries.htm>
2. http://www.cfb.ca.gov/h_scode.htm
3. <http://www.guamattorneygeneral.com/gca/10gc030.pdf>
4. <http://www1.va.gov/vasafety/page.cfm?pg=602>
5. <http://www.funeralhomecompliance.com/manuals.htm>

If you have any additional questions or comments regarding this matter, please don't hesitate to call or e-mail me.