



Guidelines for the Disposition of Human Remains on Private Property in Boulder County, CO

November 30, 2021

This document is intended to provide Boulder County Public Health's (BCPH) guidelines regarding handling of a body, grave or burial site setbacks, burial and/or cremation permitting requirements, and procedures for cremation on private property.

To date, Colorado law does not require 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 responsible party desires except for any restrictions by federal, county or local laws and ordinances. Check laws and ordinances first before burying or disposing of remains.

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

A funeral director is not required. In Colorado, you can obtain a death certificate if you are related to the deceased person or if you can prove that you have a legal interest in the death certificate. For more information, see the BCPH Registrar's website at <https://www.bouldercounty.org/records/public/death-certificates/> The disposition permit will need to be obtained from the local Registrar in the county where the person died. In order to obtain a disposition permit, a death certificate must be completed and signed by the attending doctor.

Note: Unless an alternative person is identified by the deceased to take care of funeral arrangements in a will, court order, or other legal document, all permits will need to be issued to the next of kin or their designee. If the person is named in such a legal document, BCPH will need to make a copy of that portion of the document which gives the person authority to act in this matter. If not available, BCPH will require a written document 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.

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 kept properly refrigerated at between 36° - 39° Fahrenheit (F). If the person died of a contagious disease, local or state health officials must be consulted before arranging for the disposition of the body.

The dead human body or fetus must be in a "tightly sealed container that will prevent the leakage of fluids or odor." There is no requirement concerning the specific 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 body is treated.

Burial Site Requirements

Verify the planned burial site or property is zoned for this use. Contact Boulder County Community Planning prior to making burial arrangements at planner@bouldercounty.org

Grave or burial site setbacks:

Prior to burial, determine if the property has other easement or setback requirements in addition to those listed below:

1. The grave or burial site should be 10' to all property lines.
2. The grave or burial site should be 25' to waterlines.
3. The grave or burial site should be 50' to waterways.
4. The grave or burial site should be 100' to all wells.
5. The grave or burial site should not be sited in a flood plain or flood way.



Grave or burial site sizing recommendations (standard gravesite sizes):

1. 3' x 8' for pre-placed lawn crypt burials.
2. 5' x 10' for double-depth interments in a 7-foot excavation.
3. 6' x 10' for single depth, side-by-side interment when soil conditions make excavation below 5' impractical.

Recording the Burial

Contact the Boulder County Recording Division at 303-413-7770 or recording@bouldercounty.org Burials on private property must be recorded with the county clerk within 30 days. (State law, HB 10-1275 – “Concerning a Requirement that the Location of a Private Burial Be Recorded” requires the owner of land used to inter a dead human body to record the location with the county clerk and recorder.)

Procedures for Open-Air Cremation on Private Property

1. Prior to cremation: Verify the planned cremation site or property is zoned for that use. Contact Boulder County Community Planning before making cremation arrangements at planner@bouldercounty.org.
2. Contact the Boulder County Sheriff Office (BCSO) Fire Management for any fire/weather related restrictions. Fire restrictions can be enacted either by the Sheriff or the Board of County Commissioners. If an exemption to fire restrictions is needed, BCSO Fire Management can provide an application. BCSO Fire Management may be reached at bcsfiremanagement@bouldercounty.org or by calling the Boulder County Communications Center at 303-441-4444 and request the on-duty Fire Duty Officer be paged to contact the responsible party overseeing the ceremony.
3. Contact the local fire protection district (FPD) for notification and approval. The local FPD may choose to have an engine on-scene or standby.
4. Contact Boulder County Communications Center at 303-441-4444 for notification upon start and completion of ceremony.
5. Ceremony should start no earlier than 2-hours before sunrise and conclude 2-hours before sunset to minimize the settling of smoke and air into nearby communities or homes.
6. Contact the BCPH Registrar or the Registrar in the county of death to obtain a disposition permit for the decedent.
7. BCPH recommends the following based on common practices:
 - The site should have an adequate clearing to accommodate the cremation.
 - Prior to cremation pacemakers, prostheses, silicone implants, and any radioactive isotope cancer treatments should be removed from the body. The body should be transported by hearse or ambulance to the cremation site.
 - A hard wood, such as oak, should be used to fuel the fire. The fire will need to be started with a clean burning fuel such as white gas or kerosene. The fire needs to burn between 1300° - 1800° F.
 - To determine if proper temperatures are being maintained during the cremation, the fire temperature should be monitored using a non-contact infrared temperature gun or infrared thermometer. The fire should be built in a pit dug in the ground that will contain the heat, wood, and ashes, while allowing the body to sit on top of the wood, at ground level, if the responsible party desires.
 - If the responsible party wants to have a funeral pyre, someone with experience building funeral pyres, such as mortuary staff, would need to be retained to oversee the cremation. If the responsible party wants to bury the remains at the site of the cremation, see the Burial Site Requirements above.
 - Per Colorado Department of Public Health and Environment, burial or spreading of ashes, outside established cemeteries, might be permitted by whoever manages or governs the land. This may be a city, county, national park service, federal bureau of land management, etc. It is important to check with the managing or governing entity before disposing of remains.

References

1. Boulder County, Colorado. (2021, August 1). Recording Division. <https://www.bouldercounty.org/records/recording/>
2. Boulder County, Colorado. (2021, February 10). Death Certificates. <https://www.bouldercounty.org/records/public/death-certificates/>
3. Carroll, E. L., & Smith, M. (2018). *Burning questions: Investigations using field experimentation of different patterns of change to bone in accidental vs deliberate burning scenarios*. Carroll and Smith_2018_Green version.pdf. http://eprints.bournemouth.ac.uk/30424/1/Carroll%20and%20Smith_2018_Green%20version.pdf
4. Colorado Department of Public Health and Environment (CDPHE). (2021). State Rules Regarding Burial or Cremation. <https://cdphe.colorado.gov/state-rules-regarding-burial-or-cremation>.
5. Informed Final Choices. (2021, June 1). Crestone End-of-Life Project. <https://informedfinalchoices.org/crestone/>.
6. International Cemetery, Cremation and Funeral Association (ICCFA). (2021, July 16). Colorado - US Funerals Online. <https://www.us-funerals.com/funeral-guide/colorado/#.YRVWRYhKiUI>.
7. Keene, Valerie A. (2019, July 8). *Burial & Cremation Laws in Colorado*. www.nolo.com. <https://www.nolo.com/legal-encyclopedia/burial-cremation-laws-colorado.html#1>.
8. Kim, M. (2021, June 11). *How cremation works*. <https://science.howstuffworks.com/cremation1.htm>.
9. State of Colorado Office of Funeral Home and Crematory Registration. (2021). Funeral Home and Crematory HOME | Division of Professions and Occupations. <https://dpo.colorado.gov/FuneralCrematory#:~:text=The%20Colorado%20Office%20of%20Funeral,in%20the%20State%20of%20Colorado>.
10. Steed, T. (2020, December 2). *The Maximum Amount of Time You Can Refrigerate a Body*. <https://wilsonsfuneraladvice.com/how-long-can-a-body-be-refrigerated/>.
11. U.S. Department of Veterans Affairs; Office of Acquisition, L. and C. O. of C. and F. M. (2009, March 6). *VA.gov: Veterans Affairs*. National Cemetery Administration (NCA) DESIGN & CONSTRUCTION CRITERIA. <https://www.cfm.va.gov/til/nca.asp>.
12. Veronese, K. (2015, December 16). *Do Bodies Sit Up During Cremation?* <https://gizmodo.com/do-bodies-sit-up-during-cremation-5934164>.