

ORDINANCE NO. 2019-19

AN ORDINANCE AMENDING SECTION 8.03.090 OF THE CENTERVILLE MUNICIPAL CODE REGARDING RIGHT OF BURIAL AND SECTION 8.03.100 REGARDING RESTRICTIONS ON RESALE OF BURIAL RIGHTS IN THE CENTERVILLE CITY CEMETERY

WHEREAS, the City has previously adopted provisions regarding the right of burial within the Centerville City Cemetery and resale restrictions as more particularly set forth in Title 8, Chapter 3 of the Centerville Municipal Code; and

WHEREAS, the City Council desires to amend Sections 8.03.090 and 8.03.100 of the Centerville Municipal Code regarding City Manager discretion and approval for various decisions regarding right of burial purchases and resale restrictions; and

WHEREAS, the City Council has determined that the amendments to the Centerville Municipal Code as provided herein are desirable and necessary to provide consistent decision making procedures regarding right of burial and resale restrictions for burial rights with the Centerville City Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. **Amendment.** Subsection 8.03.090 of the Centerville Municipal Code regarding right of burial is hereby amended to read in its entirety as follows:

8.03.090. Right of Burial.

- (a) It shall be unlawful for any person to bury the remains of a deceased person in the City Cemetery without first purchasing a Right of Burial certificate from the City. The Right of Burial is not the purchase of a property interest within the City Cemetery, but merely a right to bury someone therein.
- (b) The City Treasurer, or designee, may sell a Right of Burial in the City Cemetery for burial purposes only and collect all sums arising from the sales. The City is hereby empowered to regulate, by resolution, the selling price, size, and use of burial spaces.
- (c) The City Treasurer, or designee, shall deliver to each purchaser a Right of Burial certificate for each burial space, showing the description thereof, and stating the price paid therefor. The City shall keep duplicates of all certificates issued as part of the City records.
- (d) A Right of Burial certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price and the perpetual care fee. Payments made pursuant to this Section shall not be construed to be payment for cemetery services other than perpetual care or prepaid maintenance.
- (e) No other improvements, changes, or services, except perpetual care shall be made on any burial space without the certificate holder or heirs first submitting to, and receiving from the Parks and Recreation Director, written approval for such improvements, changes, or services, which improvements, changes, or services shall be subject to the rules and regulations promulgated by the City Council.

~~(f) No burial right for any specifically designated burial space may be purchased that would leave a single burial space left for purchase, unless otherwise approved by the City Manager.~~

~~(g)~~(f) Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, only one deceased person may be buried in a burial space. Two deceased persons may be buried in an approved double depth vault burial space in accordance with the provision of CMC 8.03.130. An infant or the ashes of a deceased person may be placed in a burial space with another deceased person upon written approval of the Parks and Recreation Director; provided, there is sufficient room in the burial space for such remains. Approved double depth vault burial spaces and burial spaces approved for the burial of infant or ashes as provided herein, shall be subject to the marker and monument restrictions set forth in CMC 8.03.240 and CMC 8.03.250. Only one burial right or burial space fee is required to be paid for double depth burial spaces and infant or ashes buried in a burial space as more particularly set forth in the City Fee Schedule regarding burial right; but, each body or ashes buried therein shall be required to pay the applicable interment and perpetual care fees as more particularly set forth in the City Fee Schedule.

~~(h)~~(g) Subject to the provisions of this Chapter, a Right of Burial in the City Cemetery may be purchased in accordance with the provisions of the City Fee Schedule.

Section 2. Amendment. Subsection 8.03.100 of the Centerville Municipal Code regarding Perpetual Care obligations is hereby amended to read in its entirety as follows:

8.03.100. Restrictions on Resale.

- (a) The Right of Burial sold by the City shall not be further sold to any person except the City. Additionally, the Right of Burial shall not be pledged as security for any debt or transaction, shall not be lienable, and shall not be deemed subject to seizure for payment of any tax, debt or obligation except as specifically set forth herein. The City hereby agrees to buy back any Right of Burial which it may hereafter sell. Except as otherwise provided herein, the repurchase of such right shall be for the original price paid by the purchaser, or the current selling price, whichever is less ("Regular Repurchase Price"). In times of need, when available burial rights within the Cemetery are less than five percent of capacity, the City Manager may, ~~in his or her discretion,~~ authorize the repurchase of necessary burial rights at an optional incentive repurchase price approved by the City Council and set forth in the City Fee Schedule ("Times of Need Repurchase Price"), subject to budget authority and funding for the cost of repurchase.
- (b) Whenever a Right of Burial certificate reverts to the City, as provided for by State law, or becomes vested in the City for any reason, before a new certificate shall be issued, the original certificate shall be canceled or reassigned, and the record shall be so change

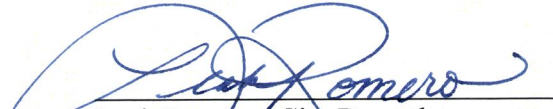
Section 3. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

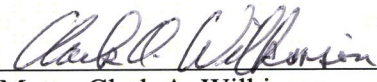
Section 4. Effective Date. This Ordinance shall become effective immediately upon publication or posting.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 17th DAY OF SEPTEMBER, 2019.**

ATTEST:

CENTERVILLE CITY


Leah Romero, City Recorder

By: 
Mayor Clark A. Wilkinson

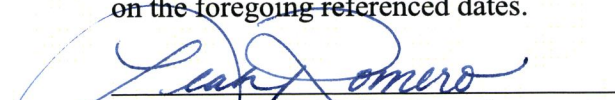
Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	☒	☐
Councilmember Ince	☒	☐
Councilmember Ivie	☒	☐
Councilmember McEwan	☒	☐
Councilmember Mecham	☒	☐



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.


LEAH ROMERO, City Recorder

DATE: Sept 18, 2019

RECORDED this 17 day of Sept, 2019.

PUBLISHED OR POSTED this 18 of Sept, 2019.