

ORDINANCE NO. 2019-21

AN ORDINANCE AMENDING SECTION 8.03.100 OF THE CENTERVILLE MUNICIPAL CODE REGARDING BURIAL REPURCHASES IN TIMES OF NEED FOR BURIAL RIGHTS IN THE CENTERVILLE CITY CEMETERY

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

WHEREAS, the City Council desires to amend Section 8.03.100 of the Centerville Municipal Code regarding the definition of "times of need" for purposes of burial repurchases; and

WHEREAS, the City Council has determined that the amendments to the Centerville Municipal Code as provided herein are desirable and necessary to provide the City more flexibility in repurchasing unused burial rights from owners during times of need.

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

Section 1. **Amendment.** Section 8.03.100 of the Centerville Municipal Code regarding Restrictions on Resale of Burial Rights 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.
- (a)(b)** 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 ~~10% five percent~~ of capacity ("~~Times of Need~~"), the City Manager may 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 ("~~Times of Need Repurchase Price~~").
- (b)(c)** 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

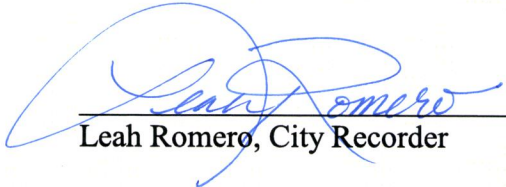
Section 2. **Severability Clause.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting.

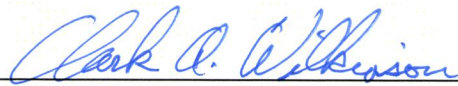
**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 6th DAY OF NOVEMBER, 2019.**

ATTEST:

CENTERVILLE CITY



Leah Romero, City Recorder

By: 

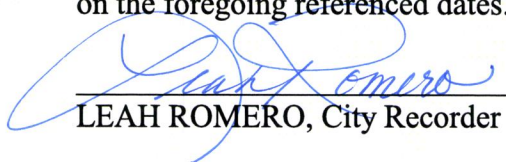
Mayor Clark A. Wilkinson

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: 11/6/2019

RECORDED this 6th day of November, 2019.

PUBLISHED OR POSTED this 7th of November, 2019.

