

ORDINANCE NO. 2021-24

AN ORDINANCE AMENDING CHAPTER 8.03 OF THE CENTERVILLE MUNICIPAL CODE REGARDING CEMETERY REGULATIONS TO ADD PROVISIONS FOR THE NEWLY INSTALLED NICHE WALL AND NICHE SPACES IN THE CITY CEMETERY

WHEREAS, the City has previously adopted Chapter 8.03 of the Centerville Municipal Code regarding Cemetery Regulations; and

WHEREAS, the City Council desires to amend certain provisions of Chapter 8.03 of the Centerville Municipal Code regarding Cemetery Regulations to add provisions for the newly installed niche wall and niche spaces in the City Cemetery; and

WHEREAS, the City Council finds the amendments to Chapter 8.03 of the Centerville Municipal Code as provided herein are in the best interest of the public health, safety, and welfare by providing regulations for the newly installed niche wall and niche spaces within the City Cemetery.

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

Section 1. **Amendment.** Chapter 8.03 of the Centerville City Municipal Code regarding Cemetery Regulations is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

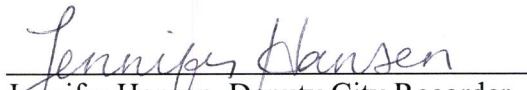
Section 2. **Severability Clause.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

Section 3. **Effective Date.** This Ordinance shall become effective immediately upon publication and posting, or thirty days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE, STATE OF UTAH, ON THIS 7th DAY OF DECEMBER, 2021

ATTEST:

CENTERVILLE CITY


Jennifer Hansen, Deputy City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Fillmore	<u>X</u>	_____	_____
Councilmember Ince	<u>X</u>	_____	_____
Councilmember Ivie	<u>X</u>	_____	_____
Councilmember McEwan	<u>X</u>	_____	_____
Councilmember Mecham	<u>X</u>	_____	_____

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.

Jennifer Hansen
JENNIFER HANSEN, ~~Deputy~~ City Recorder

DATE: 12-08-2021

RECORDED this 8th day of December, 2021.

PUBLISHED OR POSTED this 8th of December, 2021.



EXHIBIT A

CMC 8.03 (Cemetery Regulations)

8.03 Cemetery Regulations

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8.03.010 Purpose

It is the purpose of this Chapter to provide for the efficient operation, maintenance, and appearance of the Centerville City Cemetery and to set forth applicable procedures and fees for the sale of burial rights and burials within the City Cemetery.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.020 Legislative Authority

The City is authorized and has the power to layout, establish, maintain, and regulate cemetery grounds pursuant to applicable provision of Utah Code §§ 10-8-62 and 10-8-63. The City is further authorized to regulate burial rights within the City Cemetery pursuant to applicable provisions of Title 8 of the Utah Code.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.030 Designation

The City Cemetery is located at approximately 400 South and 600 East within Centerville City, and is hereby known and designated as the Centerville City Cemetery (City Cemetery). All burial grounds and cemeteries owned and/or maintained by the City, now or in the future, wherever situated, are hereby declared subject to the provisions of this Chapter.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.040 Definitions

The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

- (a) Block. The term “block” means six burial lots and shall be used as a means of geographical reference within the City Cemetery.
- (b) Burial Space. The term “burial space” means an area within a burial lot for which one Right of Burial may be sold.
- (c) Burial Lot. The term “burial lot” means a group of burial spaces and shall be used as a means of geographical reference within the City Cemetery.
- ~~(e)~~(d) Cremains. The term “cremains” means the ashes of a cremated human body.
- (e) Grave. The term “grave” means a burial space following the interment of a deceased person.
- ~~(d)~~(f) Inurnment. The term “inurnment” means the placement or burial of cremains in a niche space within the City Cemetery.
- ~~(e)~~(g) Marker. The term “marker” means a headstone flush with the surface of the ground.
- ~~(f)~~(h) Monument. The term “monument” means a headstone which extends above the surface of the ground.
- (i) Monument Marker Installation Permit. The term “Monument Marker Installation Permit” means a permit issued by the City prior to the installation of any monument or marker in the City Cemetery.
- (j) Niche Space. The term “niche space” shall mean a specifically designated niche space within a City approved niche wall for the inurnment of cremains.
- ~~(g)~~(k) Niche Wall. The term “niche wall” shall mean a City approved and installed columbarium located within the City Cemetery designated for the use and placement of cremains as more particularly provided herein.
- ~~(h)~~(l) Perpetual Care. The term “perpetual care” refers to the maintenance care that the City agrees to provide within the City Cemetery on a continual basis.

~~(j)~~(m) Plat. The term “plat” means a geographical area within the City Cemetery, designated by a letter in the alphabet (namely A, B, C, D, and E).

(n) Right of Burial. The term “Right of Burial” means the purchased right one has to be buried in the City Cemetery.

~~(j)~~(o) Right of Inurnment. The term “Right of Inurnment” means the purchased right one has to have cremains inurned in a City approved niche wall within the City Cemetery.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.050 Administration

Except as otherwise provided herein regarding criminal matters, the provisions of this Chapter shall be administered, interpreted, and enforced by the Parks and Recreation Director. Criminal violations shall be enforced by the Police Department.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.060 Regulation Of Burials

The City shall regulate the sale of burial rights and inurnment rights and all manner of burials, interments, disinterments, inurnments, and other matters regarding the use of and conduct within the City Cemetery in accordance with the provisions of this Chapter and any policies adopted pursuant hereto. It shall be unlawful for any person to be buried or inurned in the City Cemetery without compliance with the procedures and provisions set forth herein or adopted pursuant hereto.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.070 Registration Of Burials

Before any deceased person may be buried or his or her cremains inurned in the City Cemetery, the relatives, or person having charge of the deceased, shall provide the City with information about the deceased, as deemed necessary by the City, and in accordance with State law.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.080 Fees

The City Treasurer, or designee, is hereby authorized and required to collect, in advance, fees for the opening and closing of burial spaces, niche spaces, monument installation, or other services and the sale of burial rights or inurnment rights within the City Cemetery. The City Council shall adopt applicable fees for cemetery services and burial rights or inurnment rights to be set forth in the City Fee Schedule, and may review and amend such fees from time to time as deemed necessary and appropriate.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.085 Niche Wall

The City has designed and installed a niche wall within the City Cemetery for purposes of selling niche spaces for the inurnment of cremains. Additional niche walls may be installed as determined necessary and appropriate by the City Council.

8.03.087 Niche Wall Regulations

The following regulations shall apply to niche walls and niche spaces in the City Cemetery:

- (a) Only one set of cremains in an approved urn or container may be allowed to be placed in a single niche space.
- (b) All cremains shall be inurned in an urn or storage container that is of a sealed type and does not leak.
- (c) Niche spaces are to be used solely for cremains. No other items are to be stored or placed in niche spaces.

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) 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 cremains 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 cremains. Approved double depth vault burial spaces and burial spaces approved for the burial of infant or cremains 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 cremains ashes—buried in a burial space as more particularly set forth in the City Fee Schedule regarding burial right; but, each body or cremains 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. Cremains buried in a burial space as provided herein shall not be subject to the regulations and fees regarding the inurnment of cremains in a niche space.

- (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.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2019-05](#) on 3/19/2019

Amended by Ord. [2019-19](#) on 9/17/2019

8.03.095 Right Of Inurnment

- (a) It shall be unlawful for any person to inurn the cremains of a deceased person in the City Cemetery without first purchasing a Right of Inurnment certificate for a niche space from the City. The Right of Inurnment is not the purchase of a property interest within the City Cemetery, but merely a right to inurn someone's cremains in a specifically designated niche space in City approved niche walls. The Right of Inurnment may be labeled as Right of Burial in accordance with standard City forms and records.
- (b) The City Treasurer, or designee, may sell a Right of Inurnment in the City Cemetery for inurnment 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 niche spaces.
- (c) The City Treasurer, or designee, shall deliver to each purchaser a Right of Inurnment certificate for each niche 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 Inurnment 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 niche 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) Cremains buried in a burial space as provided in CMC 8.03.090 shall not be subject to the regulations and fees regarding the inurnment of cremains in a niche space as provided herein.

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

8.03.100 Restrictions On Resale

- (a) The Right of Burial or Inurnment sold by the City shall not be further sold to any person except the City. Additionally, the Right of Burial or Inurnment 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.
- (b) The City hereby agrees to buy back any Right of Burial or Inurnment 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 or niche spaces within the Cemetery are less than 10% of capacity ("Times of Need"), the City Manager may authorize the repurchase of necessary burial or inurnment rights at an optional incentive repurchase price set forth in the City Fee Schedule, subject to budget authority and funding for the cost of repurchase ("Times of Need Repurchase Price").
- (c) Whenever a Right of Burial or Inurnment 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 changed.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2019-19](#) on 9/17/2019

Amended by Ord. [2019-21](#) on 11/6/2019

8.03.110 Sale Subject To Rules

Every Right of Burial or Right of Inurnment sold is subject to rules and regulations that have been or may be adopted by the City. The rules and regulations shall be subject to such changes as are found necessary for the protection of the Right of Burial or Inurnment certificate holders, the remains of the dead, the preservation of the City Cemetery, or for any other reason deemed to be in the best interest of the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.120 Opening Burial Space

- (a) The presentation of a Right of Burial certificate from the City Treasurer, or person designated by the City, to the Parks and Recreation Director, shall be required prior to the opening of a burial space for the burial of a deceased person. However, upon a contract being entered into between any mortician and the City, wherein

the mortician agrees to be responsible and liable for fees for the opening of a burial space, and wherein that mortician will be liable for such fees and for perpetual care payments, the City Treasurer, or authorized person, may give the Parks and Recreation Director authority to open burial spaces without the presentation of a Right of Burial certificate.

- (b) No burial space shall be opened in the City Cemetery until payment of the interment fee as well as the appropriate perpetual care fees, if not already paid, as more particularly set forth in the City Fee Schedule.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.125 Opening Niche Space

- (a) The presentation of a Right of Inurnment certificate from the City Treasurer, or person designated by the City, to the Parks and Recreation Director, shall be required prior to the opening of a niche space for the burial of cremains. However, upon a contract being entered into between any mortician and the City, wherein the mortician agrees to be responsible and liable for fees for the opening of a niche space, and wherein that mortician will be liable for such fees and for perpetual care payments, the City Treasurer, or authorized person, may give the Parks and Recreation Director authority to open niche spaces without the presentation of a Right of Inurnment certificate.
- (b) No niche space shall be opened in the City Cemetery until payment of the inurnment fee as well as the appropriate perpetual care fees, if not already paid, as more particularly set forth in the City Fee Schedule.
- (c) Niche spaces shall only be opened and sealed by designated employees of the City subject to applicable fees set forth in the City Fee Schedule.
- (d) Niche spaces shall be opened for the purpose of inurnment or disinurnment only. Opening of niche spaces for viewing purposes shall not be permitted.

8.03.130 Vaults Required

- (a) Unless waived by the Parks and Recreation Director, in writing, it shall be unlawful for any person to be buried in the City Cemetery unless the casket ~~is shall be~~ placed in a vault made of concrete or fiberglass, or of such other material as approved by the City, substantially constructed and covered with a similar durable material that will prevent the collapse of the grave site over time.
- (b) No wood shall be used as a permanent part of the construction of any part of the vault.
- (c) Double depth vaults shall be permitted in Plat E of the City Cemetery in specific areas and burial spaces designated and approved by the Parks and Recreation Director.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.140 Errors

Under no circumstances will the City assume responsibilities for errors in opening graves or niche spaces due to inaccurate information provided by historical records, the owner of burial or inurnment rights, or his or her representative.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.150 Violations

It is a class "B" misdemeanor for any person to:

- (a) Disinter a body buried or cremains inurned in the City Cemetery, except under the direction of the Parks and Recreation Director and in accordance with State law.
- (b) Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
- (c) Inter or inurn anything other than human remains and related personal affects as may be contained in the casket or niche space.
- (d) Bury the body of any person within the City except in the City Cemetery or a private cemetery, unless by special permission of the City under such rules and regulations that may be prescribed by State law.
- (e) Attempt to bury any human remains without complying fully with the requirements of this Chapter.
- (f) Engage in any obscene or lewd (as defined by Utah criminal statutes) acts in the City Cemetery.
- (g) Consume alcoholic beverages and/or possess illegal drugs in the City Cemetery.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.160 Cemetery Hours

The City Cemetery shall be open to the public daily from sunrise until 10:00 p.m.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.170 Traffic Regulations

- (a) The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the City Cemetery, except as herein modified by this Chapter.
- (b) It shall be unlawful for any person to drive within the City Cemetery at a speed greater than 10 miles per hour.
- (c) It shall be unlawful to drive or park any vehicle over or across any lawn area or burial space within the confines of the City Cemetery, with exception of vehicles and equipment that have been approved by the Parks and Recreation Director, or designee.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.180 Animals

Animals shall not be allowed in the City Cemetery, except animals considered “working animals” accompanying and aiding an individual with a disability.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.190 Injury To Property

It shall be unlawful for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub, or any other property in the City Cemetery unless such an act is within the legal duties of fulfilling one’s job and such duties are permitted or have been requested by the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.200 Prohibited Conduct

Cemetery ground is devoted to the interment and repose of the dead. All persons within the City Cemetery should avoid conduct unbecoming a sacred place. The following conduct is prohibited within the City Cemetery.

- (a) No loud, boisterous, or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the boundaries of the City Cemetery.
- (b) No alcoholic beverages of any kind shall be consumed within the boundaries of the City Cemetery.
- (c) No illegal drugs shall be allowed within the boundaries of the City Cemetery.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.210 Monuments, Markers And Grave Decorations

It shall be unlawful for any person to erect, place, or cause to be placed, any marker or monument on any burial space or ~~niche space grave~~ in the City Cemetery in violation of the rules and regulations adopted by the City regarding the placement, construction, and design of all such markers. Right of Burial certificate owners are to make arrangements for the removal of currently existing double headstones from the burial space, prior to interment. The City shall not be responsible for damage to any marker or monument it is required to move.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.220 Monument Or Marker Installation Permit

It shall be unlawful for any monument company, or responsible party, to install any marker or monument in the City Cemetery without first obtaining a Monument or Marker Installation Permit from the City.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.230 Monument Or Marker Installation

Installation of all markers or monuments will be under the supervision of the Parks and Recreation Director or his or her designee. An installation appointment must be made with the City, by the monument company, or responsible party, at least 24 hours prior to installation. All monuments or markers shall be installed in accordance with the regulations set forth in this Chapter and all terms and conditions of the Monument or Marker Installation Permit.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.240 Marker Regulations

Subject to the provisions set forth herein, markers shall be allowed on burial spaces in any plat of the City Cemetery, including Plats "A", "B", "C", "D", and "E". Markers shall comply with and be subject to the following conditions and restrictions:

- (a) Markers for burial spaces shall be level with the lawn or ground surrounding the marker.
- (b) Markers shall be provided with a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the marker for a minimum distance of six inches.
- (c) The maximum width of a marker on a single burial space in Plat "A" or "B" shall not exceed 24 inches, and on a double burial space in Plat "A" or "B" shall not exceed 60 inches, both maximum widths excluding the concrete or stone base surrounding the marker.
- (d) The maximum width of a marker on a single burial space in Plat "C", "D", or "E" shall not exceed 28 inches, and on a double burial space in Plat "C", "D", or "E" shall not exceed 72 inches, both maximum widths excluding the concrete or stone base surrounding the marker.
- (e) Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, there shall only be allowed one marker per burial space or one monument per burial space (in areas of the City Cemetery where monuments are permitted).
- (f) Subject to monument and marker size and locations restrictions set forth in this Section and in CMC 8.03.250, if the Parks and Recreation Director approves a request to bury an infant or cremains ~~ashes~~ of a person in a burial space with another person buried therein, two markers may be permitted to be installed on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).
- (g) Subject to monument and marker size and locations restrictions set forth in this Section and in CMC 8.03.250, approved double depth burial spaces may contain two markers on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).
- (h) Markers may not be placed or installed on any burial space prior to the interment of remains within that burial space.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2018-09](#) on 5/1/2018

Amended by Ord. [2018-14](#) on 6/5/2018

Amended by Ord. [2021-02](#) on 2/2/2021

8.03.250 Monument Regulations

Subject to the provisions set forth herein, monuments are allowed for burial spaces in Plats "A", "B", "C", and "E" of the City Cemetery. Due to slope and access conditions, no monuments are allowed in Plat "D" of the City Cemetery. Monuments shall comply with and be subject to the following conditions and restrictions:

- (a) Monuments shall not extend less than 12 inches nor more than 36 inches above ground level, including the stone or concrete base required herein.
- (b) The maximum width of a monument on a single burial space in Plat "A" or "B" shall not exceed 24 inches, and on a double burial space in Plat "A" or "B" shall not exceed 60 inches, both maximum widths excluding the concrete or stone base surrounding the monument.
- (c) The maximum width of a monument on a single burial space in Plat "C" or "E" shall not exceed 28 inches, and on a double burial space in Plat "C" or "E" shall not exceed 72 inches, both maximum widths excluding the concrete or stone base surrounding the monument.
- (d) Monuments shall have a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the monument for a minimum distance of six inches on all sides.
- (e) Except as otherwise provided in CMC 8.03.240 for infant or cremation burials or double depth burial spaces, there shall only be allowed one monument per burial space (in areas of the City Cemetery where monuments are permitted) or one marker per burial space.
- (f) Monuments may not be placed or installed on any burial space prior to the interment of remains within that burial space.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2018-09](#) on 5/1/2018

Amended by Ord. [2018-14](#) on 6/5/2018

Amended by Ord. [2021-02](#) on 2/2/2021

8.03.255. Name Plates

One name plate shall be allowed for each niche space in the niche wall. Name plates shall be limited to the standard size provided by the City. One name plate and basic engraving provided by the City shall be included in the cost of the niche space. Except as otherwise provided herein for double face name plates, name plates may only include one name and the date of birth and death. A double name plate covering two niche spaces may be allowed at the discretion of the Parks and Recreation Director, in which case two names and two sets of date of birth and death may be engraved on the double name plate. Any revisions to or replacement of the original name plate shall be at the cost of the authorized owner of the niche space. Only the City is authorized to engrave and install

or replace niche wall name plates. Additional engraving may be approved by the Parks and Recreation Director, subject to additional fees.

8.03.260 Grave Decoration Regulations

- (a) All flowers and grave decorations for burial spaces are permitted in a vase or container placed inside the six inch cement mow strip any time. If necessary, from April 1 through November 1, the City will mow around flowers and grave decorations one time. Subsequently, at the time of the next mowing, flowers and grave decorations that have been previously mowed around will be discarded (with the exception of Memorial Day).
- (b) Funeral Flowers and Grave Decorations. Funeral flowers and grave decorations will be discarded when they become unsightly.
- (c) Memorial Day. The City will discard all remaining flowers and grave decorations that are not retrieved by the Monday following Memorial Day.
- (e)(d) Niche Wall. Not flowers or decorations are permitted on or around niche walls.
- (d)(e) Liability. The City claims no responsibility or liability, nor will accept any claims against it for loss or destruction of personal property left in the City Cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.270 Obstructions

Except as authorized by license or permit issued by the City, it shall be unlawful for any person to erect or maintain any fence, post, or boundary of any kind, to plant any vegetation, or to grade the ground or land within the City Cemetery. Any such obstructions found in the City Cemetery shall be removed under the direction of the Parks and Recreation Director.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.280 Perpetual Care

The perpetual care that the City agrees to provide for the City Cemetery shall consist of care of the cemetery generally, and shall include, at a minimum, filling the grave, seeding the grave with grass, and watering and cutting the grass within the budget limits of the cemetery. It shall not include repairing or replacing markers or monuments of any nature.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

Amended by Ord. [2019-05](#) on 3/19/2019

8.03.290 Perpetual Care Fund

There is hereby established a Perpetual Care Fund for the purpose of providing perpetual care funding for the maintenance, care, and operation of the City Cemetery. The creation, funding, and maintenance of such Perpetual Care shall comply with applicable provisions of State law, including, but not limited to, the Uniform Fiscal Procedures Act for Utah

Cities, as set forth in Utah Code §§ 10-6-101, et seq., and the State Money Management Act, as set forth in Utah Code §§ 51-7-1, et seq. The City shall establish, by resolution, a perpetual care fee to be assessed and deposited in the Perpetual Care Fund for each burial space, niche space, and/or interment, and/or inurnment. All perpetual care fees collected by the City shall be deposited in the Perpetual Care Fund and invested according to applicable State law. No grave or niche space shall be opened and no cremains or body shall be interred or inurned in any burial space in the City Cemetery until the perpetual care fee for the burial or niche space has been paid to the City as provided herein. The City shall periodically review the condition of the Perpetual Care Fund.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.300 Reversion Of Burial Spaces

It is the policy of the City to comply with the provisions of Title 8, Chapter 5, of the Utah Code Annotated, as amended, regarding the reversion of unused burial spaces. What is herein defined as a burial space is referred to in the Utah Code as burial lot.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.310 Additional Rules And Regulations

The City Council may adopt, by resolution, such additional rules and regulations concerning the care, use, operation, and maintenance of the City Cemetery as it shall deem necessary. Any change in the rules and regulations shall be adopted by the City Council before such changes shall be official.

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017

8.03.320 Penalty

Unless otherwise specifically provided, any person violating any of the restrictions, rules, or prohibitions as set forth herein shall be guilty of a class B misdemeanor, subject to fines and penalties provided by law, or enforced through the civil enforcement procedures set forth in CMC 1.06 (Civil Penalties).

HISTORY

Adopted by Ord. [2017-03](#) on 4/4/2017