

ORDINANCE NO. 2024-03

AN ORDINANCE AMENDING SECTION 8.03.085 OF THE CENTERVILLE MUNICIPAL CODE REGARDING NICHE WALLS TO ADD REFERENCE TO THE VETERANS MEMORIAL NICHE WALL LOCATED IN THE FREEDOM HILLS PARK, AMENDING SECTION 8.03.090 OF THE SAME REGARDING RIGHTS OF BURIAL, AND ENACTING SECTION 8.03.094 OF THE SAME REGARDING THE INTERMENT OF INFANT OR CREMAINS

WHEREAS, the City Council desires to amend Section 8.03.085 of the Centerville Municipal Code regarding Niche Walls to add reference to the Veterans Memorial Niche Wall located in the Freedom Hills Park, as more particularly set forth herein; and

WHEREAS, the City Council finds the amendments to Section 8.03.085 are in the public interest to provide a regulatory framework for the Veterans Memorial Niche Wall in the Freedom Hills Park; and

WHEREAS, the City Council desires to amend Section 8.03.090 and enact Section 8.03.094 of the Centerville Municipal Code regarding rights of burial the interment of infant or cremains, as more particularly provided herein; and

WHEREAS, the City Council finds the amendments to Section 8.03.090 and the enactment of Section 8.03.094 are in the public interest to address the issues with the interment of infant or cremains in the Centerville Cemetery.

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

Section 1. **Amendment.** Section 8.03.085 of the Centerville City Municipal Code regarding Niche Walls is hereby amended to read in its entirety set forth as follows:

8.03.085 Niche Walls

The City has designed and installed a niche wall within the City Cemetery for purposes of selling niche spaces for the inurnment of cremains. The City has also designed and installed a Veterans Memorial Niche Wall in Freedom Hills Park. Additional niche walls may be installed as determined necessary and appropriate by the City Council. Any niche wall installed by the City, regardless of location, shall be subject to the terms and conditions of this Chapter 8.03 (Cemetery).

Section 2. **Amendment.** Subsection 8.03.090(f) of the Centerville City Municipal Code regarding Right of Burial is hereby amended to read in its entirety set forth as follows:

8.03.090 Right of Burial

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- (f) Except as otherwise provided herein for double-depth burial spaces and infant or cremation burials, 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. ~~Infant and cremains of a deceased person may be placed with another interred or inurned deceased person in accordance with the provisions of CMC 8.03.094. An infant or the cremains 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 cremains 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 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. 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.~~

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Section 3. Enactment. Section 8.03.094 of the Centerville Municipal Code regarding Infant and Cremation Burials is hereby enacted to read in its entirety as follows.

8.03.094 Infant and Cremation Burials.

- (a) An infant or the cremains of a deceased person may be placed in a non-double-depth burial space that is already occupied or not yet occupied by an interred or inurned deceased person upon written approval of the Parks and Recreation Director; provided, there is sufficient room in the burial space for such remains.
- (b) An infant or the cremains of a deceased person may be allowed in a double-depth burial space upon written approval of the Parks and Recreation Director under the following required conditions. Prior to the interment or inurnment of an infant or the cremains of a deceased person in a double-depth burial space, the required double-depth vault must be provided and installed. Once the double-depth vault is in place, the bottom chamber must be filled first and may contain one deceased person in a casket or an infant and/or the cremains of a deceased person. Once the bottom chamber is filled, the second chamber may be filled with one deceased person in a casket or an infant and/or the cremains of a deceased person. Due to size limitations of double-depth vault chambers, an infant or cremains of a deceased person cannot fit in a double-depth vault chamber with a casket.
- (c) Double-depth vault burial spaces and non-double depth burial spaces approved for the burial of infant or cremains as provided herein, shall be subject to the marker and monument restrictions set forth in CMC 8.03.240 and CMC 8.03.250.

- (d) The applicable burial right fee shall be paid for a burial space or double-depth burial space for the burial of a deceased person, infant, or cremains. Only one burial right or burial space fee is required to be paid for infant or cremains buried in a burial space, but each body or cremains buried therein shall be required to pay the applicable interment and perpetual care fees as more particularly set forth in the City Fee Schedule.
- (e) 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.
- (f) Cremains may be placed in an existing interred casket but shall be subject to the disinterment fees set forth in the City Fee Schedule. Any inurnment of additional cremains in an existing interred casket or burial space shall be subject to the marker and monument restrictions set forth in CMC 8.03.240 and CMC 8.03.250.

Section 4. 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 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 6th DAY OF FEBRUARY, 2024**

ATTEST:

Jennifer Robinson
Jennifer Robinson, City Recorder

CENTERVILLE CITY

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	"ABSENT"
Councilmember Hayman	<u>✓</u>	_____	_____
Councilmember Hirst	<u>✓</u>	_____	_____
Councilmember Mecham	<u>✓</u>	_____	_____
Councilmember Plummer	<u>✓</u>	_____	_____
Councilmember Summerhays	<u>✓</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 as required by law.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 2/7/2024

RECORDED this 7th day of February, 2024.

PUBLISHED OR POSTED this 7th of February, 2024.

