

ORDINANCE NO. 2019-05

AN ORDINANCE AMENDING SECTION 8.03.090 OF THE CENTERVILLE MUNICIPAL CODE REGARDING PURCHASE OF RIGHT OF BURIAL IN THE CENTERVILLE CITY CEMETERY AND SECTION 8.03.280 REGARDING PERPETUAL CARE OF THE CEMETERY

WHEREAS, the City has previously adopted provisions regarding the purchase of right of burial and perpetual care obligations within 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 8.03.090 of the Centerville Municipal Code to eliminate provisions regarding purchase of right of burial and to refer to the Fee Schedule for such provisions; and

WHEREAS, the City Council desires to amend Section 8.03.280 of the Centerville Municipal Code regarding perpetual care obligations; 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 provisions regarding right of burial and perpetual care obligations 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) 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) Subject to the provisions of this Chapter, ~~residents of the City may purchase~~ a Right of Burial in the City Cemetery may be purchased in accordance with the provisions of the City Fee Schedule. at any time; provided that a maximum of four Rights of Burial may be purchased by the occupants of any one household unless there is immediate need for the use of more. Non-residents shall be permitted to purchase a Right of Burial in the City Cemetery on an immediate need basis only; provided that at the time of need, two Rights of Burial may be purchased. For purposes of this Section, "resident" and "non-resident" shall have the meaning set forth in the City Fee Schedule regarding Cemetery and Park Fees.

Section 2. Amendment. Subsection 8.03.280 of the Centerville Municipal Code regarding Perpetual Care obligations is hereby amended to read in its entirety as follows:

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; ~~except when the need for repair or replacement is directly caused by the City.~~

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 19th DAY OF MARCH, 2019.**

ATTEST:

CENTERVILLE CITY

Mackenzie Wood
Mackenzie Wood, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

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

Mackenzie Wood
MACKENZIE WOOD, City Recorder

DATE: 3/22/2019

RECORDED this 22 day of March, 2019.

PUBLISHED OR POSTED this 21 of March, 2019.

