

ORDINANCE NO. 297

AN ORDINANCE AMENDING SECTION 9-3-5 OF THE SUGAR CITY MUNICIPAL CODE ADDING A NEW SUBSECTION E. REGULATING THE BURIAL OF HUMAN BODIES AND ADDING A NEW CATEGORY TO SECTION 9-3-6, THE LAND USE SCHEDULE, REPEALING AND CANCELING ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the Mayor and City Council find it to be in the best interests of the City of Sugar City and the citizens thereof that the burial of human bodies be limited to cemeteries owned and operated by a subdivision of the state of Idaho or cemeteries which comply with the Endowment Care Cemetery Act of the state of Idaho; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Sugar City that a new Subsection 9-3-5 E. is enacted as follows:

Cemeteries: Notwithstanding any provision of law to the contrary, its shall be unlawful to bury or store the remains of any human body within the City except within a cemetery owned or operated by a political subdivision of the State or within a cemetery that complies with the Endowment Care Cemetery Act of the state of Idaho, or except where the remains are in the temporary care and custody of a public agency or public official, a state-licensed funeral establishment or an educational institution accredited or funded by the State.

AND

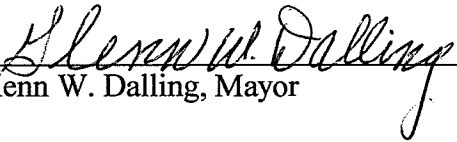
A new use is hereby added to the Land Use Schedule in Section 9-3-6, entitled "Cemetery". The Land Use Schedule shall indicate that cemeteries are permitted only in R2 and R3 zones, by special use permit. It shall also be noted that "Private Cemeteries are not permitted. (See Section 9-3-5 E.)"

The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

Upon publication, this ordinance shall be in full force and effect.


Passed and duly enacted as an ordinance of the City of Sugar City at a regular session of the City Council.

APPROVED, ADOPTED, and SIGNED this 24th day of May, 2012.



Glenn W. Dalling, Mayor

ATTEST:



Sharon L. Bell, City Clerk

(SEAL)

