

ORDINANCE NO. 17-2011

AN ORDINANCE REPEALING CHAPTER 12.24 (CITY CEMETERY) OF THE LEHI CITY CODE IN ITS ENTIRETY, AMENDING CURRENT CITY CEMETERY POLICIES AND PROCEDURES, AND ADOPTING THE AMENDED CITY CEMETERY POLICIES AND PROCEDURES AS NEW CHAPTER 12.24 OF THE LEHI CITY CODE.

WHEREAS, currently the operation of the Lehi City Cemetery is governed by internal policies and procedures because over the passage of time Lehi City Code Chapter 12.24 has become outdated; and

WHEREAS, City staff has been working on a revision of those policies and procedures to enhance the efficient operation of the cemetery and to ensure good record keeping practices regarding the sale of spaces for burial plots; and

WHEREAS, because the operation of the city cemetery directly affects the public's interest in procuring affordable, peaceful, and well-maintained resting places for the deceased City staff is recommending that cemetery policies and procedures be put into ordinance form and replace current Chapter 12.24; and

WHEREAS, on August 9th and August 23rd, 2011, the City Council held duly noticed public meetings to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) current Lehi City Code Chapter 12.24 is outdated and adopting city cemetery policies and procedures in ordinance form more effectively notifies the public as to the operation of the city cemetery; and (ii) such action furthers the health, safety and welfare of the citizens of Lehi.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lehi City, Utah, as follows:

PART I:

Current Chapter 12.24 is hereby repealed in its entirety

PART II:

A new Chapter 12.24 is hereby adopted as follows:

CHAPTER 12.24
CITY CEMETERY

SECTION:

- 12.24.010: Purpose
- 12.24.020: General Provisions
- 12.24.030: Definitions
- 12.24.040: Ownership and Certificates
- 12.24.050: Procedures
- 12.24.060: Funeral and Interment
- 12.24.070: Rules and Landscaping
- 12.24.080: Markers and Monuments
- 12.24.090: Decorating Gravesites and Other Regulations

12.24.010: **PURPOSE:** The purpose of the cemetery is to provide an affordable, peaceful, and well- maintained permanent resting place and memorial for the deceased.

12.24.020: **GENERAL PROVISIONS:** The cemetery is owned by the City, and shall be operated and maintained by the City Parks Department. Cemetery records shall be maintained by the City.

12.24.030 **DEFINITIONS:**

- A. “Body” means the remains of one human body (cremated or otherwise), or the remains of a mother and such mother’s infant child.
- B. “Cemetery” means the real property owned by Lehi City, used and reserved for interment of the dead
- C. “Certificate fee” means the fee charged by the City for issuing a duplicate certificate or by transferring certificate or transferring interment rights, adding names or documents to the certificate records, as set forth therein.
- D. “City” means Lehi City Corporation
- E. “Disinterment” means the opening or excavation of an existing space
- F. “Fee Schedule” means the current Lehi City fee schedule as adopted and amended by the Lehi City Council
- G. “Infant” means a fetus or a child up to two (2) years of age
- H. “Interment” or “Inter” means the burial of a body into a space
- I. “Lot” means an area containing (8) spaces

- J. “Nonresident” means any person who is not a resident of Lehi City
- K. “Resident” means any person who is a legal resident of Lehi City
- L. “Space” means a legal and authorized gravesite generally measuring five(5) feet by ten(10) feet, and intended for interment
- M. ”Transfer” means to sell, donate, exchange, trade or convey a space.

12.24.040: **OWNERSHIP AND CERTIFICATES:**

- A. Rights of Ownership. In accordance with UTAH CODE ANN § 8-5-7, the City shall sell only the right to be interred in the City cemetery. The purchase of interment rights in any lot or space as evidenced by a certificate of interment rights shall provide only the right to be interred in the cemetery, and is not a deed to convey title to real property.
- B. Purchase of spaces. Residents must provide evidence in a form acceptable to the City that they are a resident of Lehi City. Residents and nonresidents may purchase spaces in the cemetery for the current prices listed and as adopted by the Lehi City Council ~~and Mayor~~ on the fee schedule. The purchaser may purchase space(s) of one (1) to a maximum of eight (8). The purchase price for each space includes perpetual care with no maintenance fee to be assessed, and must be paid for in full at the time of purchase. There are no sale agreements or payment arrangements. All spaces purchased for the resident rate shall be clearly marked on the certificate to indicate that the owner paid the resident pricing for the space(s).

Absolutely No Cemetery space will be held or reserved. Spaces can be traded for other spaces, but the owner will be required to pay the difference between the original cemetery space(s) and the current published cemetery space price. Purchaser is to list two (2) persons as beneficiary recipients of their said spaces in the event that the purchaser is deceased and has remaining spaces left.

- C. Certificate of Ownership. Owners of each space(s) shall be issued a certificate of interment rights which describes the location of the space(s) within the cemetery. The City shall retain a duplicate record of all certificates of interment rights issued ~~by the City~~. City records shall be the official record or ownership for all spaces. The certificate of interment rights shall include a statement that uses of the space(s) are subject to these rules.
- D. Transfer of Spaces. A certificate of interment rights for an unoccupied space(s) may be transferred by the owner(s) of the space(s), by: (1) presenting the original deed or certificate, (2) completing a space transfer

form, (3) paying the certificate fee for each new certificate that is required by virtue of the transfer, and(4) either appearing in person and producing photo identification proving owner identity, or have the owner's signature on the space transfer form notarized by a licensed notary. The transfer of certificates of interment rights owned by deceased persons may be completed in accordance with the Utah Uniform Probate Code. If a deed or certificate cannot be located by an individual or a family for presentation, the Parks Manager or his/her designee may, with the authorization of the City Administrator, make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances.

If space(s) are purchased at the resident rate and are transferred to a nonresident who is not the space(s) owner's spouse, parent, sibling, child, grandchild, or great grandchild, prior to a new certificate being issued the transferee must pay the difference between residential rate and nonresidential rate at the time of transfer. and pay the certificate fee charge. For every space transferred, a new certificate of interment rights shall be issued and the old certificate shall be null and void and remitted with the transfer forms and requests.

- E. Duplicate Certificates of Interment Rights. Duplicate certificates of interment rights may be issued upon written request of owner and payment of the certificate fee. Duplicate certificates of interment rights shall be clearly marked with the words "Duplicate Certificate".
- F. Abandonment and forfeiture of Space(s). The City Council may terminate the rights of owners of space(s) in accordance with the UTAH CODE ANN.§ 8-5-1, *et seq.*

12.24.050: **PROCEDURES:**

- A. Caskets or Coffins. No more than one body may be buried in any one space, or two (2) infants, or a maximum of six (6) cremains in any one space, upon approval of the Parks Manager or his/her designee. Vertical stacking of caskets, vaults, coffins or urns is not allowed. All bodies, remains, or other items buried with the body must be in a casket, coffin or urn. All caskets, coffins, or urns must be enclosed in a City approved concrete vault. The casket, coffin, or urn shall contain only the body or remains of the deceased, clothing and jewelry, and other small personal items that fit therein.
- B. Excavating Spaces. Authorized City personnel shall be responsible for the excavation of gravesites. The Parks Manager or his/her designee may allow a third party to excavate a gravesite. Authorization must be provided in writing.

- C. Application. The City shall not open a space for interment, provide interment services, or disinterment services until the City has received a completed application form for interment or disinterment, signed by a relative of the deceased, ecclesiastical leader, or licensed funeral director representing the deceased together with the fee as provided herein.
- D. Proof of Ownership. If the deceased is the sole owner of the space, the City shall verify the identity of the deceased prior to interment. If the space is owned by someone other than the deceased, written permission in a form acceptable to the City from the owner of the certificate shall be required prior to any interment.
- E. Payment of fees. The fee to open and close a gravesite, as set forth on the fee schedule, shall be paid prior to any interment or disinterment. Mortuaries that collect opening and closing gravesite fee will be billed on a monthly basis.
- F. Additional Fees and Charges. Fees and costs in addition to those set forth in the Fee Schedule may be charged for special circumstances requiring additional City staff, equipment, or resources. Such additional charges shall be paid in full prior to any interment or disinterment.
- G. Closing of Gravesites. City personnel shall close any open gravesite promptly after the casket or coffin is placed in the vault.
- H. Disinterment Services. The City shall provide disinterment services only for persons buried in a non-biodegradable vault and in accordance with applicable statutes, rules and regulations.

12.24.060: **FUNERAL AND INTERMENT:**

- A. Prohibited Days. The City will not provide interment or disinterment service on the following days: Sundays, New Year's Day, Independence Day, Pioneer Day, Labor Day, Memorial Day, Thanksgiving Day or Christmas Day.
- B. Hours of Services. Graveside services or interments shall be conducted between the hours of 8:00 a.m. and 3:00 p.m., unless otherwise approved by the Parks Manager or his/her designee.
- C. Length of Services. Graveside services and or interments shall not exceed two (2) hours in length unless authorization is provided by the Parks Manager or his/her designee.
- D. Funeral Processions. Upon entering the Cemetery, all funeral processions shall be under control and direction of the Parks Manager or his/her designee.

- E. Gravesite Decorations. Any grave decoration, funeral design, flowers or other items left at a gravesite are subject to be removed for maintenance purposes. Removal of flowers, grave decoration, etc. will occur after seven (7) days or as the weather will allow.

12.24.070: **RULES AND LANDSCAPING:**

- A. Recreational Activity. No recreational or athletic activities are permitted within the cemetery. Walking or jogging on designated roadways is allowed.
- B. Noise. All visitors to the cemetery shall maintain reasonable levels of noise to avoid disturbing others visitors and or neighbors at the cemetery. Loud music, shouting, yelling, barking dogs and all other loud noises are prohibited.
- C. Damage or Removal of Headstones or Markers. It is unlawful to damage or remove any headstone, tombstone or marker or City property located in the Lehi City Cemetery, or to desecrate any gravesite within the cemetery. Violators will be prosecuted to the full extent of the law.
- D. Placement of Markers, Headstones Etc. No placement of grave markers, headstones, etc. shall occur without pre-authorization by the Parks Manager or his/her designee.
- E. Animals. Domestic and companion animals are not allowed on cemetery property unless properly restrained. Properly restrained animals shall not be allowed to urinate or defecate on a gravesite, headstone, grave marker, etc. The owner of a properly restrained animal is responsible to remove any fecal matter his/her animal(s) deposit on cemetery property.
- F. Individual Landscaping. No private mowing or digging will be allowed within the cemetery. Flowers may not be planted without permission of the Parks Manager or his/her designee. No private individual shall plant any tree, shrub or bush. Any plant, tree, shrub, or bush planted by a private individual without permission from the Parks Manager or his/her designee will be removed and disposed of.
- G. Motor Vehicles. Motor vehicles shall remain on clearly designated roadways within the cemetery unless provided express consent by City personnel.
- H. Visitation Hours. Cemetery hours shall be from 7:00 a.m. to 11:00 p.m. daily, unless otherwise noted.
- I. Signs and Advertisements. No unauthorized signs or advertisement shall be displayed within the cemetery.

- J. Traffic Ordinances. City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect within the cemetery. The speed limit within the cemetery shall be five (5) miles per hour.
- K. Children. Children under the age of sixteen (16) years shall not be allowed within the cemetery unless accompanied by a parent or a chaperone whom is at least eighteen (18) years of age. Exceptions to this rule are allowed for persons attending an authorized funeral service, placing of flowers on a gravesite of a deceased relative or friend, or performing any other customary respect or respectful actions consistent with the environment maintained within the cemetery.
- L. Surface Grade. No blocks, lots or spaces shall be raised above the established grade.
- M. Alcohol or tobacco. Consumption of Alcohol beverages and Smoking is not allowed in the Cemetery at any time.

12.24.080: **MARKERS AND MONUMENTS:**

- A. Fencing and Dividers. No space shall be defined by fences, railings, coping, hedges, trees, shrubs, embarking depression, or any other markers to describe its corners or boundaries, unless approved by the Parks Manager or his/her designee.
- B. Headstones and ~~or~~ Markers. Raised markers are allowed in the cemetery. The owners of the certificate of space or relatives of interred persons in the cemetery are required to erect and maintain in a manner satisfactory to the City, and at the expense of the space certificates holder or relatives of deceased, a headstone, or marker or other suitable monument at the head of the gravesite with the name of the deceased person inscribed thereon. All headstones, or markers must be in an orderly row and reasonably in line with all other such markers in that lot. On a cremation, or space with more than one (1) remains, one headstone for the entire space is allowed unless approval of Parks Manager-or his/her designee is given.
- C. Cement Base. All headstones and markers shall have a stone or cement base, level with the ground, extending outward from the perimeter of the base of the headstone or marker and shall be six (6) inches on all sides, with a minimum thickness of four (4) inches.
- D. Specifications for Raised Headstone or Marker
 - 1. For a single raised headstone or marker: The width (side to side) shall not exceed forty-eight (48) inches, not including the r six (6) inch apron; The height shall not exceed forty-eight (48) inches, including the base of the headstone or marker; The depth shall not exceed twenty-four (24) inches, not including the apron.

2. For a Double a Raised Headstone or Marker: The width (side to side) of a raised double headstone, or marker shall not exceed seventy-six (76) inches, not including the six (6) inch apron. The height and depth specifications are the same as a single raised headstone or marker ~~Any other must be approved by the Mayor or the Sexton.~~
- E. Specifications for Flat Markers. Flat markers shall not be smaller in surface measurement than twelve (12) inches by eighteen (18) inches, not including the base and not larger than twenty-one (21) inches by forty-two (42) inches, not including the base.
- F. Materials. All headstones or markers must be made of real bronze, glazed granite or other permanent materials acceptable to the City and designees. Headstones or Markers shall not be made of wood, sandstone or any other material which is susceptible to decay.
- G. Vases. All permanent vases placed in the cement or the stone base of a headstone, or marker or monument ~~and~~ shall be recessed to ground level when not in use. Receptacles in the monument itself are allowed provided they do not project horizontally beyond the base of the monument, marker or headstone.
- H. Liability for Damage. The City is not liable for any damage(s) to headstones, markers or monuments, unless the damage is due to the City's negligent, reckless, or intentional conduct.

12.24.090: **DECORATING GRAVESITES AND OTHER REGULATIONS:**

- A. Removal of Items. If the City removes grave decorations, funeral designs, flowers or other items, then such items shall be retained for the period of two (2) days before being discarded. The City shall not be liable for any items that are discarded, damaged or destroyed. Grave decorations will be removed weekly for normal maintenance, with the exception of the week of Memorial Day.
- B. Theft or Loss of Personal Belongings. The City is not responsible for the theft or loss of personal belongings within the cemetery.
- C. It shall be unlawful for any person to inter human remains within the City limits, except in the Lehi City Cemetery.

PART III:

A. If a provision of this Ordinance 17-2011 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various section, clauses and paragraphs are hereby declared

to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

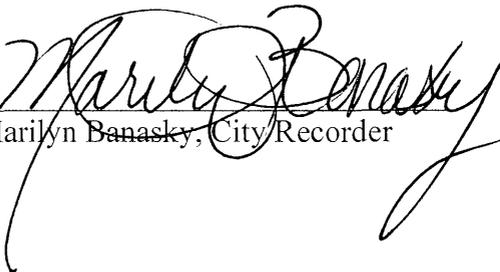
C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and adopted by the Lehi City Council this 23rd day of August, 2011.


Bert Wilson, Mayor

Attest:


Marilyn Banasky, City Recorder

