

CHAPTER 14

CEMETERY

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CHAPTER 14

CEMETERY

SECTION 14-1. Office of Sexton.

There is hereby created the office of City Sexton which office shall fall under the supervision of the Department of Leisure Services.

Amended by Ordinance Number 1108-17

SECTION 14-2. Duties.

It shall be the duty of the Sexton to take charge of the City Cemetery and to improve the ground therein under the direction of the Department of Leisure Services. He shall dig or cause to be dug all graves required for the burial of the dead therein, and keep a record of the same and perform such other duties in relation to the cemetery as may be required.

Amended by Ordinance Number 1108-17

SECTION 14-3. Sexton to Attend All Interments, etc.

The Cedar City Sexton shall attend to every interment in the Cedar City Cemetery in person or by a competent deputy. He shall fill up and neatly trim all graves immediately after depositing the coffin and fill up and trim all graves that have or hereafter may sink. He shall register the names, ages, and parentage of all persons interred therein, the place of their interment, and their place of birth and death.

Amended by Ordinance Number 1108-17

SECTION 14-4. Burial Information.

Relatives of a deceased person, funeral directors, and any other person requesting burial of a body in the Cedar City Cemetery shall provide the Sexton information identifying the deceased, including but not limited to decedent's date of birth, death and residence. Written authorization must be made by a plot owner or his heir prior to interment of a body in a plot. If no designated heir is established, all parties that may have claim to said plot must give written authorization to inter a body.

Amended by Ordinance Number 1108-17

SECTION 14-5. Sexton to Keep Record.

The Sexton shall keep a true and complete record of the death and place of burial of every person so reported to him. He shall also keep a like record of all permits issued in pursuance of this chapter. All records kept in pursuance of this chapter shall be the property of the City, and at all reasonable times be open to the inspection of the public, and at the termination of his employment the Sexton shall turn all such property over to his successor in office; and he shall report fully to the Leisure Services Department Head as often as is required.

Amended by Ordinance Number 1108-17

SECTION 14-6. Sale of Lots. Burial Right.

The Sexton is hereby empowered to sell burial rights in any unsold lots in the City Cemetery and any payment therefore shall be paid to the City Treasurer. The City Council is hereby empowered to regulate by Resolution the selling price of burial rights in lots or fraction of lots. The Sexton shall notify the City Recorder of any sale of burial rights in any lots and to whom the sale was made and shall note said sale on the cemetery plat. Upon such notification, the Mayor shall execute a Certificate of Burial Right for lot or portion of lot purchased which shall be delivered upon full payment. All certificates so executed shall contain a restriction that the lot shall be used only as a burial place and shall run to the purchaser and his heirs.

SECTION 14-7. Those Entitled to Burial Right.

The grantee of any burial right and his or her spouse, father, mother, children and grandchildren shall be entitled to be buried on said lot so long as burial space remains but no other person without written consent, to be filed with the Recorder, of all persons herein named who have reached majority.

SECTION 14-8. Money to be Expended on Cemetery.

All money arising from the sale of burial rights in a lot or lots shall be reserved as a fund and appropriated exclusively to the maintenance, upkeep and expansion of the cemetery.

Amended by Ordinance Number 1108-17

SECTION 14-9. Burial of Deceased Person.

It shall be unlawful to bury or inter the remains of any deceased persons in any place within Cedar City, Utah except in the Cedar City Cemetery or in any duly licensed private cemetery or burial facility.

(a) All burials shall be in an approved burial vault that is capable of withstanding a passage load of 5.0 metric tons after burial. All vaults will be set up and placed in the City prepared burial opening by the responsible vault company. Cemetery personnel will ensure that all vaults are properly installed. All backfill around the vault shall be done by Cedar City.

SECTION 14-10. Burial Fees.

All persons desiring to inter bodies in the Cemetery shall pay in advance to the City Treasurer, burial fees as shall be fixed by resolution. The City Council may set said fees commensurate to the work to be done and the size of the grave to be dug.

SECTION 14-11. Collection of Fees.

It shall be the duty of the Sexton to see that the fees provided for in the last preceding section are paid in advance to the Treasurer and the Sexton shall not dig or cause to be dug any grave in the cemetery or perform any other burial service until all fees connected with said burial have been paid in advance.

SECTION 14-12. Plats to be Recorded.

The Sexton shall immediately file and cause to be recorded in the office of the County Recorder of Iron County, State of Utah, an accurate plat of the Cedar City Cemetery, which said plat shall clearly show the burial plots which have been disposed of and the names of the persons owning or holding the same, and the burial lots held for disposal, and thereafter the Sexton shall file additional plats of any additions to said Cemetery before offering for sale any burial lots therein.

SECTION 14-13. Transcripts of Burial Rights to be Filed with County Recorder.

On the first day of January and of July of each year, the Sexton shall file with the County Recorder of Iron County, Utah a transcript duly certified by him of any and all burial rights issued by Cedar City to any cemetery lots during the preceding six months. The County Recorder shall file said abstracts without charge and make any and all necessary notations upon the plats of said cemetery theretofore filed in his office as provided by law.

SECTION 14-14. Prohibited Activity.

The Sexton shall not, either directly or indirectly, act or serve as agent, employee, or salesman for any person or company furnishing materials used at the cemetery or for any person or corporation selling grave markers or monuments.

SECTION 14-15. Perpetual Care.

Upon payment in full of the purchase price of any burial right in any lot together with such additional fee as may be set forth by Resolution of the City Council in connection with the erection of upright monuments or headstones, the owner shall be entitled to perpetual care by the City, on said Lot. The City Council may determine, however, the extent of care to be given.

SECTION 14-16. Yearly Maintenance and Care.

The Sexton shall be tasked with the custody and care of the cemetery. These duties shall include conducting regular maintenance and cleaning. In addition, it will be the duty of the Sexton to organize and complete 3 yearly cleanups that comply with section 14-19 of this ordinance. The cleanups will take place during the month of March, and 5 days after Memorial Day and Veterans Day.

Amended by Ordinance Number 1108-17

SECTION 14-17. Recorder Shall Keep Record.

The Recorder shall keep a record in a book to be kept for the purpose, of all conveyances executed, stating the number of lot and block conveyed, the date of such conveyance, the person to whom conveyed, and the amount received for the same.

SECTION 14-18. Markers in Cemetery.

No person owning a lot in the City Cemetery or any person or firm selling markers to persons owning lots in the Cedar City Cemetery shall plant, grade, or do any work inside the Cemetery except by written authority obtained from the City Sexton; for purposes of this ordinance, the Sexton shall be authorized to issue such written authority.

All markers shall be placed in the concrete slab where the size of the slab is no less than 16 inches larger in length and width of the marker to be placed on the slab. The slab cannot exceed the boundaries of the lot or lots purchased.

The concrete base shall be used for the sole purpose of setting monuments on. No item shall be affixed to or inserted into the concrete base for any reason.

Markers shall not exceed the height of three (3) feet.

Amended by Ordinance Number 1108-17

SECTION 14-19. Flowers, Decorations and Shrubbery.

No permanent planting of any kind or description shall be permitted in and about any marker or headstone or upon any grave from and after the effective date of this Ordinance except for landscaping done by the City.

Flowers or other decorations placed upon any grave within said Cemetery shall be removed by the Sexton after five (5) days from the date the same was placed upon said grave.

No permanent decoration shall be affixed to markers or placed on gravesites. Prolonged placement of flowers and decorations shall not be permitted at ground level but only on raised portions of monuments that exceed 5 inches.

All decorations and flowers are to be contained within the boundaries of the maker placed upon the gravesite except for 3 days before and 5 days after the following holidays: Memorial Day, Independence Day and Veterans Day. Upon which all decorations remaining at ground level will be removed and disposed of.

No decorations made of glass, ceramic, porcelain and fragile materials or dangerous items shall be permitted. Upon the advice and consent of the Friends of the Cemetery Board, the Sexton may reject other decorations that cause a safety concern.

Refer to exhibit A of this ordinance for further clarification of these rules.

Amended by Ordinance Number 1108-17

SECTION 14-20. Abandonment and/or Termination of Rights and Title to Cemetery Lots

1. Abandonment – Standards – Prima Facia Evidence.

The fact that the grantee or holder of a lot or parcel in a cemetery has not used portions of the lots or parcels for the purpose of burial for more than 60 years shall be prima facie evidence that the grantee or holder has abandoned the lots or parcels if during that time the grantee or holder:

- a. has not provided care to the lots or parcels; or
 - b. has not given to the City a written notice of claim or interest in the lots or parcels.
2. A Cemetery Plot may be preliminarily deemed abandoned upon the Sexton and City Attorney affirming that:
- a. More than 60 years have passed since a grantee, holder, or person with written designation rights, has used portions of the lots or parcels for purposes of burial, as anticipated under UCA 8-5-3; and
 - b. There does not exist in the Sexton's records a written designation right which identifies persons yet living that may designate those entitled to be buried in the plot.
3. Upon this preliminary finding, the City Council may pass a resolution demanding that the owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the city recorder notice of any claim to the lot, site, or portion of the cemetery.
4. The City will then have a copy of the resolution personally served on the owner. The resolution shall notify the owner that the owner shall, within 60 days after service, express interest in maintaining the cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to use the lot, site, or portion of the cemetery for a burial.
5. If the owner cannot be personally served with the resolution of the City as required by Section 14-20(4), the City will publish its resolution:
- a. for three consecutive weeks in a newspaper of general circulation within the county, and

- b. mail a copy of the resolution within 14 days after the publication to the owner's last known address, if available.
6. If, for 30 days after the date of service or last date of publication of the City's resolution, the owner or person with a legal interest in the cemetery lots fails to state a valid interest in the use of the cemetery lot, site, or portion of the cemetery for burial purposes, the owner's rights are terminated and that portion of the cemetery shall be vested in the City.

Added by Ordinance Number 1108-17.

SECTION 14-21. Resale of lots

1. A lot which has been designated abandoned and/or terminated after following the procedures outlined under section 14-20, shall be held for thirty (30) days to allow descendants of the original lot owner the ability to purchase said lot. These lots will be resold to descendants on a first come first serve basis. Following the expiration of this thirty (30) day period, the resale of the lot will be made available to the general public.
2. Lots will be resold at a price outlined under section 14-6 of this ordinance, plus the cost to publish the resolution.
3. All money arising from the resale of lots will be used as outlined under section 14-8 of this ordinance.

Added by Ordinance Number 1108-17.

Exhibit - A



Cedar City Cemetery Decorations Guidelines

In order to ensure a safe, aesthetic and enjoyable environment for patrons of the cemetery year-round, the Cemetery staff would like you to be aware of the following guidelines on where to place decorative items on the headstones of your loved ones. This allows the patrons and cemetery crew to be safe while working around the headstone.

- **TEMPORARY ZONE:** Please place all ground-level flowers and decorations to the sides of the headstone, preferably on the concrete base area. This allows staff to work in front and behind the headstone without damaging anything you have placed near your loved-one's headstone. This is called the "Temporary Zone" and items for this area would be potted plants, flower arrangements on wire stands, solar lights or anything else inserted in the ground. This includes shepherd's hooks, which are one of the larger safety hazards in the Cemetery and are discouraged. If they are used, shepherd's hooks should be in line and centered with the headstone so anyone passing by does not run into, or get caught on, the end of the hook. Items in the "Temporary Zone" should be removed within 5 days of the holiday. Any items remaining after the 5 days will be removed and discarded by the Cemetery Staff and Volunteers during the cleanup.
- **SMALL & LIGHT ITEMS:** Smaller and lighter items (toy cars, stuffed animals, trinkets and knickknacks) that may get caught or moved by machinery (mowers and line trimmers) should be placed on top of the headstone or on an elevated section of the headstone to minimize the potential of the decoration being disturbed. These items may remain on the headstone as long as they do not detract from the look and safety of the Cemetery. The Sexton will remove these items once they become unsightly or unsafe. The use of fragile and breakable items (glass, ceramic, etc.) are discouraged. If they break it is difficult to remove all the broken pieces and any that are not removed are a serious hazard to patrons and staff.

Below is an illustrated example for suggested placement of items to memorialize your loved one.

