

## **CHAPTER 11 CEMETERY REGULATIONS**

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### **8-11-1: DEFINITIONS:**

**Burial:** the placement or interment of human remains in a burial space (e.g., full-body interment in a grave or crypt, urn of cremated remains in a niche, crypt or in-ground grave).

**Cenotaph:** A monument or empty tomb honoring a person buried elsewhere.

**Disinterment:** The removal of the buried remains of a deceased person.

**Grave:** A below-ground burial space.

**Gravestone:** Any object (such as a stone, plaque, headstone, monument, or monolith) identifying or marking a grave, gravesite, or burial place.

**Mausoleum:** Any large, imposing burial place, where part of the structure is above ground.

**Niche:** A shelf-like space in a columbarium structure used for burial.

**Sexton:** The City employee authorized to be responsible for cemetery operations and any designee of the Sexton.

**Space:** A single space within a cemetery designated for burial.

**Vault:** A container designed to enclose a casket or urn for burial. (Ord. 3214, 13-09-2018)

8-11-2: CEMETERIES UNDER CONTROL OF CITY: The Rose Hill Cemetery and Fielding Memorial Park shall be under the direct supervision and control of the City. (Ord. 3214, 09-13-2018)

8-11-3: TITLE TO CEMETERY LAND: The title to all land located within Rose Hill Cemetery and Fielding Memorial Park, not heretofore transferred or conveyed by deed or certificate, shall vest in the City, and shall be issued by a certificate executed by the Mayor and Clerk under the City seal. Such certificate shall vest title to the spaces so conveyed or transferred to the purchaser, their heirs and assigns, in fee simple, for burial purposes, subject to such conditions as may be imposed or prescribed by the City. (Ord. 2964, 8-14-14; Ord. 3214, 09-13-2018)

8-11-4: TRANSFER OF SPACE BY OWNER; TRANSFER FEE: A cemetery space may be transferred from one (1) person to another by surrendering the original or copy of original certificate, where available, to the Clerk, and requesting a new certificate for the subsequent owner. The City shall issue a new certificate upon the payment of a fee, as set from time to time by Resolution of the Council, and upon execution by the original owner(s) or legal representatives of an assignment of such certificate. (Ord. 2964, 8-14-14; Ord. 3214, 09-13-2018)

8-11-5: ISSUANCE OF CERTIFICATE BY CITY: A person desiring to purchase a space in a City cemetery shall make application to the City. Upon receipt of the application and payment of the purchase price for the space determined by Resolution of the Council, the City shall execute and deliver to the applicant a certificate evidencing ownership . In the event a certificate is lost or destroyed, the City may, upon adequate proof of ownership, issue a new certificate upon payment of a fee in an amount set from time to time by Resolution of the Council. (Ord. 3214, 09-13-2018)

8-11-6: CEMETERY OWNERSHIP RECORD: The Clerk shall keep a record of the ownership of all spaces located within the City cemeteries. Such record shall state the name and address of the owner, the purchase price paid for the space(s) and the date of sale. (Ord. 3214, 09-13-2018)

8-11-7: FEES; BURIAL RECORD: Any owner of a burial space desiring a burial in a City cemetery shall apply to the City. Upon payment of the proper fees, the City shall give the applicant the location of the burial space. The Clerk shall also enter in a book to be known as "The Burial Record" the name of the deceased, the date of burial, and age of the deceased, if known. (Ord. 3214, 13-09-2018)

8-11-8: DUTIES OF SEXTON: The Sexton shall, under the direction of the Mayor and Council, have general care of and make general improvements of all spaces in said cemeteries. The Sexton shall dig or allow or cause to be dug graves for burial in a City cemetery; provided that, if the person making application for burial desires to dig a grave, the Sexton shall approve and supervise such excavation and the location thereof. The Sexton shall fill all graves following burial, trim any grass, trees or shrubbery thereon and keep all spaces in a safe and attractive condition. The Sexton shall care for all grounds and foliage in the City cemeteries. The Sexton shall not permit burial without receipt of a Clerk's Certificate. (Ord. 3214, 09-13-2018)

The Sexton may enter upon any part of the cemetery, including any space, with equipment for the purpose of improving the appearance and condition of the space and the general appearance of the cemetery; to remove anything objectionable that may have been placed contrary to cemetery regulations; to remove any dead or dangerous tree, shrub, vine, or neglected fencing, railings, or enclosures; to remove any floral design or piece, which, in the discretion of the Sexton, has become unsightly or does not conform with this Chapter.

Morticians, undertakers, monument companies, contractors, religious representatives, florists, and other individuals or corporations working within a cemetery shall comply with this Chapter and shall perform all work in cemeteries under the direction and with the approval of the Sexton. (Ord. 3214, 09-13-2018)

8-11-9: GRAVE SPACES; DECORATIONS: All winter decorations, including artificial wreaths and sprays, shall be removed by April 1 of each calendar year in both City cemeteries. Artificial flowers, ornamental decorations, and the like, are not allowed at Fielding Memorial between April 15 and October 30 annually. Space owners may improve, cultivate, and care for their spaces and existing trees, shrubs, and plants, in accordance with the City's Trees and Shrubbery Ordinance and as approved by the Sexton. Space owners may set out plants and flowers in sound wood, concrete, or metal containers of such kind or size on their space(s) as do not interfere in any way with the general landscaping of the cemeteries, as solely determined by the Sexton. (Ord. 3214, 09-13-2018)

8-11-10: GRAVESTONES; GRAVE SPACES: The owner of any space in which a deceased person is buried may install a gravestone at the head of such space with the name of the deceased plainly inscribed thereon, as approved by the Sexton. Every grave space shall be at least five feet (5') deep measured from the surface of the ground to the bottom surface of the grave space opening.

All gravestones shall have a foundation. All gravestones, including foundation for individual spaces, shall be no more than forty inches by twenty-four inches (40"x24") and shall be flush with the surface of the ground. The location of all gravestones and construction foundations shall be approved by the Sexton.

Gravestones shall not be altered or moved without permission of the Sexton.

No person shall erect any monument, gravestone, headstone, or grave marker above the surface of the ground within the following sections of Fielding Memorial Park Cemetery: Wasatch Lawn, Sunset, Roselawn, Forest Lawn, Pinehurst, Parkhurst, Valley View, Nauvoo Lawn, LaCresta, Whispering Hope, Cloverdale, Willowlawn, Comorah, Restlawn and Memory Lane or as otherwise designated. (Ord. 3214, 09-13-2018)

8-11-11: IMPROVEMENT OF CEMETERY SPACES; GROUND MAINTENANCE: No person shall erect or maintain any fence, corner post, coping, wall, hedge, or boundary of any kind upon any space in a City cemetery. No trees or shrubs shall be planted in Rose Hill Cemetery or Fielding Memorial Cemetery without permission from the Sexton. No person shall grade the ground or land above any grave space in City cemeteries, or build any tomb,

mausoleum, or cenotaph upon the same, except with the permission and under the supervision of the Sexton. The Sexton shall, whenever requested, furnish the true lines of a space according to the official survey and shall prevent and prohibit the marking of the same in any manner prohibited by this Chapter.

No trees or shrubs shall be planted or removed without the consent of the Sexton. Tree removal shall be at the space owners' expense. Any trees or shrub in a City cemetery may be removed at the directive of the Sexton.

No steps, structures, or landscapes are allowed in a City cemetery, except for the following when approved by the Sexton:

At-grade concrete or similar durable material fencing located within the space boundaries. Concrete or similar durable material benches attached to an at-grade concrete or similar durable material foundation that extends at least four (4") inches beyond the bench in all directions, and located within the space boundary. (Ord. 2230, 5-22-97; Ord. 2638, 4-13-06; Ord. 3214, 09-13-2018)

8-11-12: PROHIBITED USES AND ACTIVITIES: Snow mobiles, off-highway vehicles, and all-terrain vehicles are prohibited in City cemeteries, unless in use by or at the direction of the Sexton.

There shall be no gathering of persons in excess of seventy-five (75) people without prior City approval (except during or incidental to a funeral occurring concurrent with a burial). (Ord. 2230, 5-22-97; Ord. 3214, 09-13-2018)

8-11-13: BURIALS: No cremation burials shall occur without the permission of the Sexton. The Sexton shall be given no less than forty-eight (48) hours or two (2) business days advanced notice of any funeral (in order to allow opening of the cemetery space). The opening and closing of a cemetery space shall be done by the Sexton. Winter burials (during extreme weather conditions) will occur only at the discretion of the Sexton. Burials will occur only on days the City is conducting business (i.e. including Saturdays but excluding Sundays and City-recognized holidays), unless specifically authorized by the Sexton and the City is reimbursed for all expenses related to such special burial.

Burial spaces are for human remains only. There shall be no animal remains in a City cemetery. The maximum following burials are allowed per burial space:

1. Coffin burial;
2. Coffin burial and up to two (2) cremation burials without vaults;
3. Two (2) cremation burials with vaults;
4. Three (3) cremation burials without vaults.

Every wooden casket shall be enclosed in a vault.

All burials shall be within a standard durable vault installed or constructed in each burial space before burial.

All cremation burials shall be in a permanently sealed container approved by the Sexton.

All burial spaces shall be opened and closed under the direction and control of the Sexton, except removals and reinterments supervised directly by the local health department. (Ord. 2230, 5-22-97; Ord. 2444, 4-11-02; Ord. 2508, 9-11-03; Ord. 2619, 9-8-05; Ord. 2664, 09-14-06; Ord. 2885, 10-27-11; Ord. 3214, 09-13-2018)

8-11-15: DISINTERMENT: No disinterment of an occupied grave space shall occur until and unless any and all permits and licenses and written authorization required by law for such disinterment on an occupied grave have been obtained from any applicable state or county agency, government unit or official, and a copy of the same has been filed by the City. The City reserves its authority to refuse to allow a disinterment of an occupied grave (and to refuse to issue a City disinterment permit for the same) when the disinterment of an occupied grave is not done pursuant to a court order issued by a court of competent jurisdiction.