

RESOLUTION 2020 -03

A RESOLUTION ESTABLISHING A NEW PRICE CITY CEMETERY CODE AND FEE SCHEDULE FOR THE REGULATION AND OPERATION OF THE CEMETERIES OWNED AND MAINTAINED BY PRICE CITY.

WHEREAS, Price City operates and maintains municipal cemeteries known as the Price City Cemetery and the Cliffview Cemetery, hereinafter referred to as "City Cemeteries", within its corporate limits for the benefit of its residents and non-residents; and

WHEREAS, Price City is desirous of updating its policies and procedures with respect to the operation and maintenance of the said City Cemeteries; and

WHEREAS, Price City charges certain fees for services rendered at the said City Cemeteries; and

WHEREAS, circumstances require that the fees for such services be increased to enable Price City to continue the operation of its City Cemeteries and to continue providing necessary services;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Price City Council as follows:

Section I. Adoption of Policies and Procedures:

That the Policies and Procedures which are attached hereto, including "Price City Cemetery Code 2020", "Exhibit A- Cemetery Fee Schedule", and "Exhibit B- Headstone Diagrams" be adopted and made part of the Price Municipal Code and published in Chapter 2.48 thereof.

Section II. Repealer:

Resolution No. 2017-11 dated July 26, 2017 and Resolution No. 2006-21, dated January 24, 2006, Price City Cemetery Code approved as of January 24, 2007, and Resolution No. 2006-08 dated April 26, 2006, and other provisions of other resolutions in conflict with this resolution, are hereby repealed.

Section III. Severability:

The provisions of this resolution and the provisions adopted or incorporated by reference are severable.

Section IV. Effective Date:

In the opinion of the City Council of Price City, it is necessary for the preservation of the peace, health, and safety of the City and the inhabitants thereof that this resolution take effect immediately after its approval and adoption.

PRICE CITY CEMETERY CODE
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CHAPTER 2.48

2.48.010 PURPOSE, SCOPE, AND GENERAL SUPERVISION

PURPOSE

It is the intent of Price Municipal Corporation, also referred to herein as "Price City" or "City", to establish the following rules that will provide direction and information concerning procedures with respect to the cemeteries owned and maintained by Price City, namely the Price City Cemetery and the Cliffview Cemetery.

SCOPE

It will be the responsibility of individuals, mortuaries and monument/headstone companies, who are visiting or conducting business within the City cemeteries to be guided by and to act

GENERAL SUPERVISION of CEMETERIES:

The City shall take reasonable precautions to protect the property rights of the owners of burial right agreements within the City cemeteries from loss or damage, but hereby disclaims all liability for loss or damages caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

2.48.020 **DEFINITIONS.** The following words or phrases shall have the following meaning unless the context otherwise clearly states:

BENCH: A City approved structure for sitting which may also be placed in lieu of an upright headstone.

CEMETERY: Any burial ground owned or maintained by the City for the purpose of receiving the remains of deceased humans for interment.

CERTIFICATE/DEED: A Certificate or a Deed describing an exact location on a lot or cemetery map, indicates that all fees have been paid and is notarized, is considered a Right to Burial Certificate or Deed.

CITY: Shall mean Price City, Utah

COLUMBARIUM: A structure of vaults lined with recesses for receiving human cremains.

CORTEGE: A funeral procession.

COUNCIL or CITY COUNCIL: The City Council of Price City, Utah.

CREMAINS: The cremated remains of a human corpse. For the purposes of this policy, cremains also include the resomation processed remains of a human corpse.

EXHUMATION or DIS-INTERMENT: The unearthing of any human remains.

HEADSTONE: An etched granite or similar hardness stone identifying the location where a deceased person is buried.

- A. Primary headstone is a headstone placed at the "head" of the grave or on the most western part of the grave space also known as the headstone row.
- B. Secondary headstone is a flat headstone that memorializes either a war Veteran or marks the location of the burial of cremated or resomation processed remains which are buried within the same grave space(s) which is placed on a single grave space in a location other than the headstone row.
- C. Headstone row is the area on the western end of the grave space for the placement of headstones.
- D. Companion/Double headstone is a headstone that marks the graves of two (2) burials which are buried North and South in continuous order.

INDIVIDUAL: All persons private, or corporate, including leaders of fraternal or religious organizations, heads of companies or corporations, owners of businesses or groups and heads of households.

INTERMENT: The burial, entombment or inurnment of human remains.

GEOGRAPHIC LOCATION of GRAVES/SPACES:

- A. Section: An area of land containing one (1) or more lots used to designate the geographic location of graves.
- B. Lot: An area of land, generally numbered, containing one (1) or more burial spaces, used to designate the geographic location of graves.
- C. Half Lot: An area of land, containing one (1) or more burial spaces, used to designate the geographic location of grave spaces, which are located on the South side of an existing lot.
- D. Partial Lot: An area of land, containing four (4) or two (2) or more burial spaces, in continuous order, used to designate the geographic location of grave spaces, which are located on the East or West side of an existing lot.
- E. Space or Grave: An area of land used for burying human remains, and/or for placing a headstone in remembrance of an actual human being.
- F. Row: An area of land identifying a series of single grave spaces placed in continuous order, running North and South.

HOLDER: Individual(s) that have the Burial Rights only, within the City's cemeteries, and not own any parcel of land or space therein.

MOW/MOWING STRIP: A border made of cement, granite or similar hardness material, extending outward from the outer perimeter of the headstone base/pedestal for a minimum distance of four (4) inches which is set at ground level for maintenance/mowing purposes.

PERPETUAL CARE: A one-time fee paid for the maintenance of grave spaces, that the City agrees to provide at City's expense on a continual basis. This shall include, but is not limited to, mowing of all lots and grave spaces at reasonable intervals, re-sodding, seeding, re-seeding, and filling in sunken graves. Sodding the surface of the graves to ground level, removing dead flowers, trimming trees and shrubbery, raking and cleaning the lots, watering, fertilizing and pest management. It shall be unlawful for anyone, other than the City or contracted by the City, to apply any chemical, wet or dry, for fertilization, growth control or weed mitigation purposes to any and all of the landscape.

PERMITS: Any form provided by the City Cemetery staff to authorize work being done or services rendered.

RESIDENT: Any person who was domiciled within the corporate limits of Price City for six (6) months or more at the time of death, regardless of the actual place of death.

RESOMATION PROCESSED REMAINS: The remains of a human corpse processed through Alkaline Hydrolysis.

RESPONSIBLE PARTY: Any person designated by the family of the deceased to act on its behalf, including, an heir or personal representative of the deceased, a member of the clergy or other religious leader, mortician, funeral director or any other person the family authorizes to choose graves, make available information on the deceased party, assume liability for the family's obligations concerning the funeral cortege or services performed on the City's cemetery property.

2.48.030 **SUPERVISION of WORK in CEMETERY.** All work within the City's cemetery grounds shall be conducted under the direction and supervision of the Cemetery Supervisor.

2.48.040 **CEMETERY SUPERVISOR - DUTIES.** The Cemetery Supervisor (previously referred to as Sexton), shall be created for supervision of the City cemeteries, and will have the duty to excavate or cause to be excavated all graves required for the burial of the deceased in City's cemeteries. The Cemetery Supervisor or their designee shall also record all interments and exhumations in books provided and maintained for that purpose.

2.48.050 **CEMETERY SUPERVISOR - PERMITS.** The Cemetery Supervisor will not inter/disinter or permit the interment/disinterment of any deceased human unless the actual owner of the grave space is requesting the space to be opened and the

deceased is accompanied by a Price City burial permit, and accompanied by a removal or transit permit provided by the State of Utah Public Health Department. A Price City cemetery disinterment order must be completed prior to any actions being taken.

2.48.060 CEMETERY SUPERVISOR - RULES & REGULATIONS. The Cemetery Supervisor may, with the consent and approval of the City Council, make such rules and regulations as necessary for the efficient operation of the City's cemeteries.

2.48.070 CEMETERY FEES. The City Council may establish or amend by resolution the fees charged for services rendered or equipment used for all work performed in the City's cemeteries not in conjunction with perpetual care. All fees charged shall be paid to Price City. (See Exhibit "A" Fee Schedule).

2.48.080 CEMETERY SPACES - SALE PRICE and QUANTITY LIMITS SET by COUNCIL. The City Council may establish by resolution the Burial Right fees for all grave spaces, and may limit the number of spaces it will allow individuals to purchase. The maximum quantity of unoccupied/vacant grave space Burial Rights which may be purchased by one (1) individual at any given time is limited to six (6). Exceptions are:

- A. Burials requiring more than six (6) spaces may purchase the number of Burial Rights necessary.
- B. A formal request to City Council to purchase additional Burial Rights.

2.48.090 CEMETERY PERPETUAL CARE FEE

PORTION DEFINED:

The City Council shall establish the Perpetual Care Portion of the burial right fee per space and may amend such by resolution from time to time. (See Exhibit "A" Fee Schedule)

MASONIC SECTION:

Per two certain Cemetery Deeds dated February 3, 1947, in which Carbon Lodge No. 16, F. & A. M. is named as Grantor and Price City is named as Grantee, perpetual care of the Masonic Section shall be provided by Price City at no additional costs to the users.

2.48.100 RIGHT TO BURIAL APPLICATION and CERTIFICATION REQUIREMENTS. All Burial Rights for purchase shall be made to Price City. The Cemetery Supervisor or designee will provide verification of the grave space(s). Upon verification of receipt of any fees or costs paid, which may be assessed, the Cemetery Supervisor/or designee shall deliver to each

purchaser/grantee a Certification of Burial Right, showing the description and stating the price paid, and any and all conditions and restrictions as may be imposed thereon. All grave spaces are conveyed subject to perpetual care, and the certificate shall so state. The certificate shall also state that such land is conveyed for the purpose of burying the human dead only, and each purchaser/grantee shall abide by all ordinances and regulations now in force or hereinafter enacted concerning burials and the use, maintenance and care of the cemeteries. The certificate shall be signed by the Mayor, and countersigned by the City Recorder and the Cemetery Supervisor. In the event of clerical error in the cemetery certificate, no interest in the subject grave space shall exist until a corrected certificate is furnished.

- 2.48.110 GRAVE SPACES - EXEMPT from CERTAIN TAXES and ASSESSMENTS. All grave spaces, together with all improvements thereon, which are conveyed by City as provided in this section and Section 2.48.100, shall be exempt from execution of judgments and taxation.
- 2.48.120 GRAVE SPACES - DESCRIPTION PLAT and RECORD KEEPING. The City shall retain one of the duplicate copies of all Certificates of Burial Rights issued and shall maintain and keep current a plat showing the description and locations of all grave spaces A-verified copy of all work orders and certificates will be maintained by the City.
- 2.48.130 SUBSEQUENT DEEDING OF GRAVE SPACES BY CITY. Whenever the Right to Burial grave spaces have been unused, the grave spaces revert to or are purchased by the City. New certificates of Burial Rights will be issued by City when these grave spaces are thereafter purchased or otherwise conveyed. The original Certificate(s) of Burial Rights will be cancelled or a quit claim deed given and the records of City will be changed, to reflect the action taken.
- 2.48.140 PURCHASE of UNUSED PROPERTIES. The City may purchase the burial rights to unused grave spaces in the City's Cemeteries at the amount equal to the original purchase price for such spaces or such other amount as may be approved by the City.
- 2.48.150 REQUISITE for BURIALS. No person shall be allowed to bury human remains or human fetal remains within the limits of the City except in cemeteries. No cemetery within the City's municipal boundaries shall be established unless by permission of the City Council.
- 2.48.160 PERMISSION for BURIAL. No person except the owner of Burial Rights for any given space, in which interment is to be made, shall be buried in that grave space, unless written permission is first obtained from the owner(s). No grave will be opened until a "Request for Grave Opening" form has been signed by the

person responsible for the burial (responsible party) and delivered to the Cemetery office.

- 2.48.170 FEE to be PAID for OPENING GRAVE. No grave will be opened in the City Cemeteries until the payment of a fee for the labor and expenses of opening the grave is paid in full, including any applicable overtime and or equipment rental. (See Exhibit "A" Fee Schedule)
- 2.48.180 BURIAL - RESONSIBLE PARTY or PARTIES. Persons responsible for the deceased shall have full responsibility for the deceased's remains as they enter the grounds of either of the City's cemeteries and shall maintain complete charge of those remains and will cause the deceased to be lowered into the grave. The Cemetery Supervisor will then take charge of the remains and will proceed with the closing of the grave.
- 2.48.190 BURIAL - REQUIRING VAULTS. All earth interned remains within the City's cemeteries must be casketed and also encased in a vault made of concrete, metal, PVC/plastic, fiberglass, or similar material, substantially constructed to prevent the collapse of the grave site over time. Cremains are an exception to this requirement and do not require a vault, but shall be encased in a container approved by the Cemetery Supervisor.
- 2.48.200 BURIAL SCHEDULE, DELIVERY for BURIAL. The City requires a MINIMUM of two (2) business days advance notice to the Cemetery Supervisor prior to all burials. Regular cemetery operating hours are Monday thru Friday from 7:00 A.M. to 3:00 P.M. A charge for burials requiring any City employee to work after 3:00 P.M. and on Saturday's and holidays shall apply per fee schedule. There will be no burials on Sunday. (See Exhibit "A" Fee schedule.
- 2.48.210 EXHUMATIONS - PERMIT REOUIRED. It shall be unlawful for any person to disinter any human remains within the City's cemeteries without the express permission and authorization of the Cemetery Supervisor. Before disinterment, the Cemetery Supervisor or designee will require a written order, on required forms, from the Burial Rights owner authorizing such removal. All disinterment shall comply with applicable Utah laws. Headstone removal or transfer is the responsibility of the grave owner or the immediate family or legal representative thereof. Any repair of damages caused during headstone removal or transfer, to the surrounding landscapes, headstones, irrigation systems, roadways and fences, shall be the responsibility of the grave space owner or the immediate family or legal representative thereof.

2.48.220 EXHUMATIONS - CONTAGIOUS DISEASE. It is unlawful for any person to remove the remains of any person who died of any contagious disease within two (2) years from the date of the deceased's burial, unless the deceased's body was buried in a hermetically sealed casket and is found to be so encased.

2.48.230 HEADSTONES/BENCHES. All headstones/benches to be placed in any part of the City's cemeteries shall first require issuance of a permit by the Cemetery Supervisor or designee and shall be restricted as to size and general makeup as governed by resolution adopted by the City Council. All headstones/benches must be installed during regular business hours, Monday thru Friday from 7:00 A.M. to 3:00 P.M. Charges may apply for installations performed after 3 P.M. and on Saturdays and holidays. There will be no installations on Sunday. Exceptions may be considered and additional fees may apply. (See Exhibit "A" Fee Schedule)

I. MAXIMUM SIZE of HEADSTONES

- A. STANDARD UPRIGHT HEADSTONE: Dimensions including a minimum four (4) inch mowing strip around the perimeter will not exceed twenty-four (24) inches in depth, by thirty-two (32) inches in height. The headstone will not exceed the dimension of the individual grave space as measured from North to South. (See Exhibit "B" Headstone Dimensions)
- B. OVERSIZED UPRIGHT HEADSTONE: A headstone which exceeds the standard sized headstone in length, depth or height, including any permanently attached structures (i.e. shepherd's hooks, flag poles, etc.). The maximum dimensions of an oversized headstone, including a minimum of a four (4) inch mow strip around the perimeter will not exceed twenty-four (24) inches in depth forty (40) inches overall height, nor extend beyond the length of an individual grave space. The maximum length of an oversized, upright, companion headstone will not exceed one-hundred (100) inches in overall length, measured North to South. An authorization form, signed by the Burial Rights owner, and the Cemetery Supervisor, shall be submitted and any applicable fees shall be paid prior to the installation of an oversized headstone. (See Exhibit "A" Fee Schedule)
- C. INFANT or CREMAINS HEADSTONE: These secondary headstones will not exceed, including a four (4) inch mow strip, twelve (12) inches in depth by twenty-four (24) inches in length and will be set flush with ground level.
- D. STANDARD FLAT HEADSTONE: Including a minimum of a four (4) inch mow strip, the maximum size of a standard flat headstone will not exceed twenty-four (24) inches in depth, and will not exceed the dimension, in length of the individual grave space as measured from North to South. All flat headstones must be set flush at ground level. (See Exhibit "B" Headstone Dimensions)

- E. OVERSIZED FLAT HEADSTONE: A flat headstone which exceeds the standard sized flat headstone in depth. The maximum dimensions of an oversized flat headstone including a minimum of a four (4) inch mow strip around the perimeter will not exceed the length of an individual grave space. The maximum length of an oversized, flat, companion headstone will not exceed one-hundred (100) inches in overall length, measured North to South. All oversized flat headstones must be set flush at ground level. An authorization form, signed by the owner of the grave space and the Cemetery Supervisor, shall be submitted and any applicable fees shall be paid prior to the installation of an oversized flat headstone. (See Exhibit "A" Fee Schedule)
- F. LEDGER PLATE: These must be made of granite or similar material which covers, but does not exceed the entire width and length of an entire single grave space, including a minimum of a four (4) inch mow strip. Ledger plates shall not exceed a height of one (1) inch above ground level. All ledger plates are considered oversized headstones and applicable fees shall be paid before installation. (See Exhibit "A" Fee Schedule)

II. UPRIGHT HEADSTONES:

- A. Upright and flat headstones are both allowed in pre-designated rows marked "A", "B", "D", "E", and "F" in the Cliffview Cemetery, and in areas not designated as "restricted" in the Price Cemetery.
- B. Only one (1) upright headstone will be allowed per grave space. Two (2) grave spaces in contiguous order may have either two (2) separate headstones or one (1) companion/double headstone as long as they are within common ownership.
- C. Grave spaces originally counted as qualifying for the installation of an upright headstone will not be considered a second time for any additional upright headstone.
- D. No upright headstone will be placed closer than eighteen (18) inches from any other upright headstone.
- E. Installation of all headstones will be under the supervision of the Cemetery Supervisor.
- F. Veterans Recognition headstones may be used as primary headstones, with the same restrictions and regulations as the aforementioned headstone criteria. When used as secondary headstones, they must be placed in the center of the grave space in accordance with the requirements for standard flat headstones.

- G. All headstones must be oriented, surveyed and marked prior to placement. In identifying the proper location for placement, the area of the headstone will be marked in the center of each grave and to the extreme West edge of the single grave space. Prior notice of two (2) business days is required from the individual or headstone company performing installations. Headstones, upright or flat, must stay within the criteria guidelines. Otherwise they will not be installed until that criteria is met and approved.

III. BENCHES:

- A. An adult grave space in an upright headstone section must be purchased on which to place benches. Benches may be placed in lieu of primary upright headstones. Benches placed in the headstone row, shall be oriented in such a way so as not to interfere with mowing and other maintenance. Benches shall be made of granite, or other durable material not requiring maintenance by cemetery staff, and will be placed on a concrete pad and securely attached thereto in such a way that they may be removed from the pad if necessary. Maximum headstone dimensions, including a four (4) inch mow strip apply.
- B. It shall be the responsibility of the person(s) installing the bench(es), to repair, alter, realign, and maintain the bench(es) following original placement.
- C. City does not undertake any responsibility or assume any liability for damage to or disrepair of any bench not placed by City, unless damage is caused by City.

IV. VASES:

All permanent vases will be incorporated as part of the headstone or bench. Upright headstones must have their vases set on top of, or be a part of the pedestal and not be placed in the mow strip/foundation. However; headstones poured without a pedestal must have a retractable vase to secure and contain decorations. Vases on Flat headstones, or headstones without a pedestal, have to be flush with the headstone or set below grade level. It must be retractable or one that can be inverted within the headstone, when not in use. Only retractable vases are allowed on flat headstones.

V. PERMITS:

A signed cemetery Headstone/Bench Permit is required for the installation or removal of all headstones and benches. This permit may be obtained at the Cemetery Office during regular business hours.

VI. HEADSTONE STORAGE:

All headstones left at or shipped to the City cemeteries for storage until placement at gravesite are left at the owner's risk and the City will not incur nor accept any responsibility or liability for damages, loss or theft of such headstones. Storage at City cemeteries shall not exceed 15 days.

VII. HEADSTONE INSTALLATION:

- A. Damage to surrounding headstones, turf, landscape, trees, shrubs, irrigation systems, etc., during the installation or removal of a headstone shall be the responsibility of the individual or company performing such work.

Headstones and benches must be installed during regular business hours.

- B. The City Council may establish fees to cover the cost of cemetery staff marking the geographical location for headstone/bench installation.

VIII. HEADSTONE RESTRICTIONS:

- A. If any headstone, bench, effigy, inscription, etching, item or structure of any kind placed upon any space is considered by the City to be offensive, unsightly or improper, the City hereby reserves the right to remove, repair or correct the same at the expense of the owner, upon notice in writing to owner at their last known address on file with the City.

- B. The City shall not be responsible for the repair, alteration, realignment or upkeep of any headstone or bench after original placement occurs, absent liability for damage caused by cemetery personnel. On occasion, work may be done, at the discretion of the Cemetery Supervisor, to prevent an unsightly condition or nuisance and, under certain circumstances, a reasonable charge may be assessed for this work.

- C. All ceramic pictures will be inset, so that the outside of the picture is flush with the face of the stone.

- D. All headstones shall be made of granite or material of a similar hardness.

- E. Temporary name plates or signs are allowed for thirty (30) days, after which they will be removed.

2.48.240 HEADSTONES RESTRICTED HEADSTONE DISTRICTS (FLAT HEADSTONES). There are hereby created in the Price Cemetery and the Cliffview Cemetery "Restricted Headstone Districts". In these areas only flat headstones shall be permitted, shall be composed of granite or a material of like

hardness, and shall be placed such that no portion thereof shall extend above the surface of the sod line. A single headstone may be placed at the head of each grave, or one companion headstone may be placed at the head of two contiguous grave spaces in common ownership. In no event shall there be headstones placed at both the head and foot of each grave, however, exceptions will be made for Veterans secondary headstones, to be placed in the center of the graves. All headstones shall be governed and controlled by the issuance of a permit. The restricted headstone districts shall extend as follows:

- A. In "F" Section, in the Price City Cemetery, at the Northeast corner of Lot 53, Section F, and running thence South 416 feet to the North boundary of the Masonic Cemetery; thence East 92 feet to the West boundary of the street bounding Lot 141, Section F; thence North 416 feet to the Northeast corner of lot 56, Section F; thence West 92 feet to the place of beginning. This described section of the district shall be known as "East Lawn".
- B. In "O" Section, in the Price City Cemetery, at the Northwest corner of Lot 1, Section O, and running thence South 54 feet to the North boundary of Section G; thence East 524 feet to the West boundary of the street bounding Lot 27, Section O; thence North 54 feet to the North Boundary of Lot 26, Section O' thence West 542 feet to the place of beginning. This section of the district shall be known as the "O" Section.
- C. In "N" Section, in the Price City Cemetery, beginning at the Northwest corner of Lot 1, Section N, and running thence South 216 feet to the South boundary of Lot 81, Section N; thence East 180 feet to the West boundary of the street bounding Lot L, Section N; thence North 216 feet to the South boundary of the street bounding Lot A, Section N; thence West 180 feet to the place of beginning. This section of the district shall be known as "South Lawn".
- D. In "M" Section, in the Price City Cemetery, beginning at the Northwest corner of Lot A, Section M, and running thence South 630 feet to the South boundary of Lot 151, Section M; thence East 100 feet to the Southeast corner of Lot 155, Section M; thence North 600 feet to the North boundary of Lot 5, Section M; thence West 30 feet to the North boundary of Grave 6, Lot 4, section M; thence, North 10 feet to the Northwest boundary of Grave 4, Lot 4, section M; thence West 10 feet to the Northwest corner of Lot 4, Section M; thence West 10 feet to the Northwest corner of Lot 4, Section M; thence North 20 feet to the Northeast corner of Lot C, Section M; thence West 60 feet to the place of beginning. This section of the district shall be known as "M" Section.

- E. In "P" Section, in the Price City Cemetery, starting on the most Northeast corner of lot number ninety-six (96), including all lots in between, and ending on the most Southwest corner of lot one-hundred forty (140).
- F. In "R" Section, in the Price City Cemetery, starting on the most Northwest corner of the lot number one-hundred twenty (120) including all lots between and ending on the most Southwest corner of lot one-hundred forty (140).
- G. In the Cliffview Cemetery, there are lengths of land, running North and South identifying a specific area or series of single spaces, in contiguous order, which are identified as "Row C".

2.48.250 DECORUM. Cemetery grounds are devoted to the sacred interment and repose of the dead. Strict observance of proper decorum due such a place shall be required of all persons. In order to maintain property safety and reverential dignity, the following rules governing decorations shall be followed:

I. DECORATION of GRAVES and REMOVAL of DECORATIONS:

Days of observance are: Birthdates, death dates, wedding anniversaries, Mother's and Father's Day, Veteran's Day, Memorial Day and Christmas Day.

- A. The City does not assume responsibility or liability for any items placed on graves or mow strip/foundation. The City shall not be responsible or liable for any disposed, lost, damaged, or stolen items, nor for the return of any decorations.
- B. Funeral flowers and floral pieces not removed within seven (7) days of a funeral will be removed and discarded by cemetery staff.
- C. With the exception of days of observance, decorations are required to be in vases or securely attached to the headstone or pedestal. If a pedestal is not present, there must be a vase installed to contain secured decorations. If placed outside the headstone or pedestal, the City reserves the right to remove and discard the same without notice.
- D. Fences, borders, boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, lawn or yard ornaments, porcelain and/or similar articles, whirly-gigs or pinwheels, wind chimes, flags, flag poles, or hanging baskets, hand-made metal items, bottled beverages, dolls, glass beads or stones, wires and stakes are subject to removal without notice.
- E. Shepherd's hooks are allowed but cannot extend beyond the outside edges of the mow strip/foundation and shall not exceed over forty (40) inches in

overall height). Shepherd's hooks in violation of this are subject to removal without notice.

- F. Decorations may be placed on the headstone or pedestal up to seven (7) days prior to any day of observance, and shall be removed within seven (7) days following any holiday. Those unable to retrieve such items within seven (7) days may contact the Cemetery Supervisor's office for direction. Any decorations not so removed will be discarded by cemetery staff.
- G. December holiday decorations may be placed on the headstones or pedestals beginning on December 5 of each calendar year. All December holiday and New Year's Day holiday decorations placed outside of the headstone must be removed by January 7 of each calendar year. Any such decorations remaining after January 7th shall be removed by cemetery staff and discarded.
- H. The Cemetery Supervisor shall have the right and authority to order the removal and disposal of any and all live and artificial plants and flowers, emblems, displays, containers, or other decorations that, through decay, deterioration, or damage have become unsightly litter or pose a maintenance or safety concern.

II. TREES SHRUBS and FENCES.

- A. Any planting of a tree, shrub, flower(s) or plant by unauthorized individuals is prohibited.
- B. The Cemetery Supervisor or designee shall have the authority to prune, remove or transplant any existing tree, shrub, plant or anything on the cemetery grounds when he/she considers such action necessary for proper upkeep of the cemetery grounds.
- C. No permanent or temporary fences or borders of any kind, including but not limited to, metal, wood, plastic or resin, hedges, curbing, stone or gravel borders will be permitted around the circumference of grave spaces or headstone within the City's cemeteries.

2.48.260 POLICE JURISDICTION. The City hereby grants jurisdiction over its cemeteries, within the corporate limits of the City, to the City Police Department and to such other persons as the City Council may authorize, to enforce all applicable laws, ordinances and regulations.

2.48.270 ANIMALS - PROHIBITED. It is unlawful for the owner, agent, and caretaker or other person in charge of animals to allow or negligently permit such animals to run at large or to trespass upon cemetery grounds, except (a) any animal kept in the confines of a vehicle will be allowed only if such animal is retained within

the confines of said vehicle while the vehicle remains in the cemetery or (b) the animal is trained to aid a disabled person.

2.48.280 REGULATORY SIGNS. Where signs have been posted under the direction of the City Council on any City owned or City leased property, regulating walking, use of vehicles, parking, instructions as to animals, or containing other regulatory information, it shall be unlawful for any person to violate the provisions of such regulatory signs.

2.48.290 INJURY to HEADSTONE or OTHER PROPERTY. It will be unlawful for any person to maliciously injure, deface, or damage any headstone, tombstone, bench, curbing, fence, monument, tree, shrub or flower or any other property in the City's cemeteries. The City shall take reasonable precaution to protect the property rights of the owners of perpetual care agreements within the City's cemeteries, but it will not be responsible for and expressly disclaims all liability for loss or damages caused by the elements, acts of God, sinkholes or high water table, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral other than herein provided.

2.48.300 TRAFFIC ORDINANCES. The provisions of the City's traffic ordinances relative to the operation of vehicles and conduct of pedestrians will be in effect in the City's cemeteries.

2.48.310 PRESENCE in CEMETERIES AFTER DARK. It is unlawful for any person or persons to be in or upon the City cemeteries after dark.

2.48.320 UNUSED CEMETERY LOTS HELD for 60 YEARS or MORE. In those instances where City has conveyed cemetery lots or grave space(s) by deed, within its cemeteries or without restrictions, and the grantee, or persons claiming through the grantee, for more than sixty (60) years have not used portions of the lots or grave space(s) for purposes of burial within the cemeteries, and during the sixty (60) year period have not given the City written notice of any claim or interest in the lots or grave space(s), then City shall demand of the grantee or persons claiming through the grantees either of the following, pursuant to Section 8-5-1, Utah Code Annotated, 1953 as amended:

- A. File with City a written notice of claim or interest in and to the lots or grave space(s) recorded by evidence of their claims of ownership within fifty (50) days after the service of the copy of the notice of demand, or
- B. City shall serve a copy of the demand or notice required by subsection 1. on the grantee or persons claiming through the grantee in accordance with the Utah Rules of Civil Procedure.

2.48.330 FAILURE to COMPLY with CITY NOTICE. If either the grantee, or persons claiming through the grantee fail to comply with the demand or notice, referred in 2.48.320 above, City may bring an action in the Seventh District Court in and for Carbon County, against all parties who have not responded to the notice for the purpose of terminating the rights of the parties in the lots or grave space(s) and restoring the lots or grave space(s) to Price City, free of any right, title, or interest of the grantee, persons claiming through the grantee, their heirs, or assigns. Any action to reclaim title to grave space(s), or lots shall be brought and determined in the same manner as actions concerning other real property. The portion of any lot or grave space in which remains are buried shall not be included in any action to revest title to the lot or grave space within a City cemetery and the gravesite in which remains are interred shall remain undisturbed.

2.48.340 ABANDONMENT. The fact that the grantee or holder of a Burial Right to a lot or grave space(s) within the City's cemeteries has not used portions of the lots or grave space(s) for the purpose of burial for more than sixty (60) years, and during the time (1) has not given to City a written notice of claim or interest in the lots or grave space(s), or (2) has not kept nor paid for perpetual care to keep the lots or grave space(s) free of weeds or brush, shall be prima facie evidence that the grantee or holder has abandoned the lots or grave space(s).

2.48.350 JUDGEMENT.

A certified copy of the judgment in the action to revest title to cemetery lots, sites, or graves space(s) within the City cemeteries shall be filed with the Recorder of Carbon County, Utah.

2.48.360 ALTERNATIVE COUNCIL PROCEDURE for NOTICE-TERMINATION of RIGHTS.

- A. As an alternative to the procedures set forth above, the Price City Council may pass a resolution demanding that the owner of a lot or grave space(s), 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 of the lot or grave space(s), or parcel.
- B. The City Council shall then cause a copy of the resolution to be personally served on the owner in the same manner as personal service is accomplished in a civil action. The resolution must notify the owner that the owner must, within sixty (60) days after service of the resolution on the owner, express interest in maintaining the cemetery lot or grave space(s) and submit satisfactory evidence of an intention to use the lot or grave space(s), for a burial.

- C. If the owner cannot be personally served with the resolution of the City Council as required in Subsection (2), the City Council must publish its resolution for three successive weeks in a newspaper of general circulation within the county and mail a copy of the resolution within fourteen (14) days after the publication to the owner's last known address, if available.
- D. If, for thirty (30) days after the last date of service or publication of the City Council's resolution, the owner or person with a legal interest in the cemetery lot(s) or grave space(s), fails to state a valid interest in the use of the cemetery lot(s) or grave space(s) for burial purposes, the owner's rights are terminated and those lot(s) or grave space(s) of the cemetery shall be vested in City.

2.48.370 IMPROVEMENT FUND. The proceeds from the subsequent resale of any lot(s) or grave space(s), title to which has been revested in Price City under Sections 2.48.330 or 2.48.360, less the costs and expenses incurred in the proceeding, shall become part of the permanent care and improvement fund of the City, subject to subsequent disposition under the Uniform Fiscal Procedures Act.

2.48.380 SALE of BURIAL RIGHT ONLY. City shall sell only the right to be buried in the City Cemeteries and all cemetery lots or grave space(s) sold after April 29, 1985 shall entitle the purchaser/grantee a right to be buried only. Nothing in this section shall prevent City from imposing additional terms on the sale of rights to burial.

2.48.390 SALE of BURIAL RIGHTS to THIRD PARTY. Burial Rights to any space which are sold by City after the effective date of this policy shall not be resold, transferred, conveyed, or assigned by owner or certificate holder to any person or entity other than Price Municipal Corporation or to the direct heirs of the owner or certificate holder.

2.48.400 REDEMPTION PROCESS. The owner, grantee, or person claiming through the grantee shall have the right, on presentation to the City of a certificate of title or a right to burial concerning any grave space or lot which has reverted to the City's ownership, any of the three alternatives listed below as may be allowed by City:

- A. Be compensated for the grave space(s) or lot at the reasonable value of the grave space or lot as of the date the certificate is presented to the City, or
- B. Receive a right to burial to another grave space or lot if the right to burial or title to the grave space or lot has been sold by the City, or
- C. Receive the right to burial to the subject grave space or lot if the City has not sold grave space or lot right to burial to the subject.

Nothing in this section prevents City from collecting unpaid perpetual care charges from a person claiming title or the right to burial.

2.48.410 CEMETERIES - PURCHASE and OPERATION. City may purchase, hold and pay for lands within or without the corporate limits for the burial of human remains, and have and exercise police jurisdiction over those lands, and over any cemetery used by the inhabitants of the City, and City may survey, plat, map, fence, ornament and otherwise improve, manage and operate public burial and cemetery grounds and convey cemetery lots or grave spaces owned by the City, and pass ordinances and resolution for the protection and governing of these grounds, consistent with the laws of the State of Utah. The City may contract for the care and improvement of cemeteries and cemetery lots or grave spaces, and for any compensation for the care and improvement thereof and receive deposits for the care thereof and invest the deposits in securities and accounts approved by City, and pay the cost of the care thereof from any proceeds from the investment.

2.48.420 REGULATION of BURIALS. The City may regulate the burial of the dead, consistent with Chapter 5, Title 8, of the laws of the State of Utah and the registration of deaths, direct the returning and keeping of bills of mortality, and impose penalties on physicians, Cemetery Supervisor, and others for any default therein.

The maximum number of burials per grave space within the City's cemeteries shall be allowed as follows:

- A. Only one (1) adult size full earth burial/interment is allowed per 4' x 10', 5' x 10' or 6' x 10' space, at a maximum depth of no more than five (5) feet; and
- B. Two (2) cremated or resomation processed remains are allowed to be buried per 36" x 30" cremains space, and will not exceed a maximum size vault or urn measuring larger than twelve (12) inches in height, twelve (12) inches in width and eighteen (18) inches in length measured from head to foot; and
- C. One (1) infant or two (2) cremated or resomation processed remains may be buried in an occupied adult grave space with permission from the owner(s) of the grave space. Infant vault/casket overall size shall not exceed fourteen (14) inches in height, sixteen (16) inches in width and twenty-four (24) inches in length. No more than four (4) cremated or resomation processed burials shall be allowed per adult/infant space and will not exceed a maximum size vault or urn measuring larger than twelve (12) inches in height, twelve (12) inches in width and eighteen (18) inches in length measured from head to foot; and
- D. Grave spaces are not sold for stacking or double depth burials; and

E. Only one (1) cremated or resomation processed remains per niche inside of any and all columbarium spaces.

2.48.430 PENALTY. Any person who violates any of the provisions of this Code will be guilty of a Class B Misdemeanor.

EXHIBIT A

CEMETERY FEE SCHEDULE

Right to Burial — Grave Space*

	<u>Resident</u>	<u>Non-Resident</u>
Flat Headstone		
Adult/Child	\$ 700	\$ 850
Cremains	\$ 500	\$ 600
Upright Headstone		
Adult/Child	\$ 850	\$ 1000
Cremains	\$ 625	\$ 750

*Right to Burial — Grave Space Fees include a Perpetual Care Fee of \$350

Interment/Burial/Re-Interment

	<u>Resident</u>	<u>Non-Resident</u>
Monday through Friday		
Adult/Child	\$ 350	\$ 575
Cremains	\$ 175	\$ 300
Saturday/Holiday		
Adult/Child	\$ 700	\$ 1,150
Cremains	\$ 350	\$ 600
Additional Charge for Overtime Hours on Burials (After 3:00pm)	\$ 200	\$325

<u>Exhumation/Disinterment</u>	<u>Monday through Friday</u>	<u>Saturday/Holiday</u>
Adult/Infant/Vaulted/Unvaulted	\$ 1,500	\$ 3,000
Remains	\$ 750	\$ 1,500

Additional Charges/Services

Oversized Headstone Fee	\$ 300
Deed Transfer Fee	\$ 50
Headstone Marking Fee (Primary, Secondary, Veteran, Memorial)	\$ 10

Equipment Rentals:

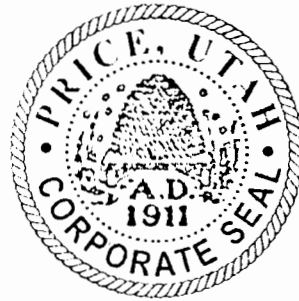
Chairs (includes up to two (2) quad chair expandable sets)	\$ 10
Greens (includes up to two (2) 12'x12' artificial turf greens)	\$ 10
Small Canopy (includes up to two (2) 10'x10' canopies)	\$ 30
Large Canopy (includes one (1) 12'x15' heavy canvas canopy)	\$ 150

PASSED AND ADOPTED by the City Council of Price City, State of Utah, this 26 day
of February _____ 2020

Price City, a Municipal Corporation

By: *Michael Kourianos*
Michael Kourianos, Mayor

Attest:



Sherrie Gordon
Sherrie Gordon, City Recorder