

**TAYLORSVILLE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**MEETING DATE:** September 21, 2011

**AGENDA ITEM:** Approve Ordinance 11-17 adopting the Taylorsville Cemetery Rules and Regulations.

**PUBLIC HEARING REQUIRED – YES** \_\_\_ **NO** **X**

**ORDINANCE** **X** **RESOLUTION**

**PRESENTER:** John Inch Morgan

**ISSUE SUMMARY:** Consideration of approval for Ordinance 11-17 adopting the Taylorsville Cemetery Rules and Regulations.

**COMMISSION / ADVISORY BOARD RECOMMENDATION:** N/A

**STAFF RECOMMENDATION:** N/A

**CITY ATTORNEY (Approved as to form):** N/A

**ATTACHMENTS:** Ordinance No. 11-17  
Taylorsville Cemetery Rules and Regulations and Fee Schedule

**ACTION REQUIRED:** Council Approval

**TAYLORSVILLE, UTAH  
ORDINANCE NO. 11-17**

**AN ORDINANCE ADOPTING  
TAYLORSVILLE CEMETERY RULES  
AND REGULATIONS**

**WHEREAS**, the Taylorsville City Council (the "Council") met in regular meeting on September 21, 2011, to consider, among other things, adopting Taylorsville Cemetery Rules and Regulations; and

**WHEREAS**, the Taylorsville Cemetery Board has recommended various rules and regulations for Taylorsville Cemetery ("Rules") a copy of which is attached hereto; and

**WHEREAS**, the Council has reviewed and given input on the Rules; and

**WHEREAS**, the Council has determined that it is in best interest of the health, safety, and welfare of the inhabitants of the City to adopt the Rules, a copy of which is attached.

**NOW, THEREFORE, BE IT ORDAINED** by the Council that the Rules be adopted.

This Ordinance, assigned Ordinance No. 11-17, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this 21st day of September, 2011.

**TAYLORSVILLE CITY COUNCIL**

By: \_\_\_\_\_  
Jerry Rechtenbach, Chairman

**VOTING:**

Bud Catlin	Yea	___	Nay	___
Larry Johnson	Yea	___	Nay	___
Dama Barbour	Yea	___	Nay	___
Morris Pratt	Yea	___	Nay	___
Jerry Rechtenbach	Yea	___	Nay	___

**PRESENTED** to Mayor of Taylorsville for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Russ Wall, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Cheryl Peacock Cottle, Recorder**

# Taylorville Cemetery Rules and Regulations

Adopted September 21, 2011

## A. MISSION STATEMENT:

The mission of the cemetery is to provide an affordable, peaceful, and well-maintained permanent resting place and memorial for the deceased.

## B. GENERAL PROVISIONS:

The cemetery is owned by the City, and shall be operated and maintained by the City or its designee. Cemetery records shall be maintained by the City or its designee.

## C. DEFINITIONS:

1. "Body" means the remains of one human body (cremated or otherwise).
2. "Cemetery" means the real property owned by City located at approximately 4567 South Redwood Road, Salt Lake County, Utah, currently used and reserved for interment of the dead.
3. "Deed Transfer" means the fee charged by the City for issuing a duplicate certificate or to transfer a certificate of interment rights, as set forth herein.
4. "City" means City of Taylorville.
5. "Disinterment" means the opening or excavation of an existing Plot.
6. "Infant" means a fetus or a child less than two (2) years of age.
7. "Interment" or "Inter" means the burial of a body in a Plot.
8. "Plot" or "Gravesite" means a legal and authorized gravesite generally measuring four feet, one and one-half inches (4' 1½") by eight feet, six inches (8'6") and intended for interment.
9. "Nonresident" means any person who is not a resident.
10. "Resident" means at the time of purchase:
  - (1) Any person who was domiciled within City at the time of death, regardless of the actual place of death;

- (2) Any person who was a legal resident of City at the time of death;
- (3) Any person who had been domiciled in City, but moved from City for the purpose of receiving medical treatment or living in a residential care facility; or
- (4) Any person who had been domiciled in City for a continuous period of 15 years or more, regardless of the person's domicile at the time of death.

11. "Transfer" means to sell, donate, exchange, trade, or convey a Plot.

#### **D. OWNERSHIP AND CERTIFICATES:**

1. **Rights of Ownership.** In accordance with UTAH CODE ANN. § 8-5-7, ownership of a Plot within the cemetery shall provide only the right to be interred in the cemetery and is not a deed to convey title to real property.

2. **Purchase of Plots.** Residents must provide evidence in a form acceptable to the City that they are a Resident. Residents and nonresidents may purchase Plots in the cemetery for the price listed on the attached Fee Schedule. All Plots shall be sold in groups of two (2) unless an exception is granted by the Mayor or designee. The purchase price for each Plot or Block includes perpetual care with no maintenance fee to be assessed. All Plots purchased for the resident rate shall be clearly marked on the certificate to indicate that the owner paid the resident price for the Plot or Block. Plots are not intended for resale. This expression of intent does not apply to owners of Plots as of the effective date hereof.

3. **Certificate of Ownership.** Owners of each Plot(s) shall be issued a certificate of interment rights which describes the location of the Plot within the cemetery. The City shall retain duplicate records of all certificates of interment rights issued by the City. City records shall be the official record of ownership for all Plots. The certificate of interment shall include a statement that uses of the Plots are subject to these rules including a statement that the Plots are not intended for resale.

4. **Filing of Transfers.** On the first day of January and July of each year, the City shall file with the Salt Lake County Recorder a transcript of any and all deeds, certificates of interment rights, or evidences of interment rights issued during the preceding six months.

5. **Transfer of Plots.** A certificate of interment rights for an unoccupied Plot or Block may be transferred by the owner of the Plot, provided such transfer is not for resale with respect to transfers of a Plot that were acquired after the effective date hereof, by: (1) completing a Plot transfer form, (2) paying the Deed Transfer, (3) either appearing in person and producing photo identification proving the owner's identity, or have the owner's signature on the Plot transfer form notarized by a licensed notary, and (4) provide evidence in a form acceptable to the City that the transferee is a family member of such owner or has been donated to a person without consideration. The transfer of certificates of interment rights owned by deceased

persons shall be completed in accordance with the Utah Uniform Probate Code. If Plots purchased at the resident rate are transferred to a nonresident who is not the Plot or Block owners' spouse, parent, sibling, child, grandchild, or great-grandchild, the transferee must pay the difference between the residential rate and nonresidential rate, at the time of transfer, prior to a new certificate being issued for the transfer. For every Plot or Block transferred, a new certificate of interment right shall be issued and the old certificate of interment rights shall be null and void.

6. **Duplicate Certificates of Interment Rights.** Duplicate certificates of interment rights may be issued upon written application of owner and payment of the Deed Transfer. Duplicate certificates of interment rights shall be clearly marked with the words "Duplicate Certificate."

7. **Abandonment and Forfeiture of Plots.** The City may terminate the rights of owners of Plots in accordance with UTAH CODE ANN. § 8-5-1, *et seq.*

#### **E. PROCEDURES:**

1. **Caskets or Coffins.** No more than one body may be buried in any one Plot. Vertical stacking of vaults, caskets, 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 concrete vault that is acceptable to the City. 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 into the casket or coffin.

2. **Excavating Plots.** No person other than City-authorized personnel shall excavate a gravesite unless authorized in writing by the Mayor or designee.

3. **Application.** The City shall not open a Plot for interment, provide interment services, or disinterment services until the City has received a completed application for interment or disinterment, on the form provided by the City, signed by a relative of the deceased, ecclesiastical leader, or licensed funeral director representing the deceased together with the fee as provide herein.

4. **Proof of Plot Ownership.** If the deceased is the sole owner of the Plot, the City shall verify the identity of the deceased prior to interment. If the Plot is owned by someone other than the deceased, written permission in a form acceptable to the City from the owner of the certificates of interment rights shall be required prior to any interment.

5. **Payment of Fees.** The fee to open and close the gravesite, as set forth on the attached Fee Schedule, shall be paid in full prior to any interment or disinterment.

6. **Additional Fees and Charges.** Fees and costs in addition to those set forth in the attached 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.

7. **Closing of Gravesites.** City personnel shall close any open gravesite promptly after the casket or coffin is placed inside the vault.

8. **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.

#### **F. FUNERAL AND INTERMENT:**

1. **Prohibited Days.** Graveside services or interments shall not be conducted on any Sunday, New Year's Day, Memorial Day, Independence Day, Pioneer Day, Labor Day, Thanksgiving Day, or Christmas Day.

2. **Hours of Services.** Graveside services or interment shall be conducted between the hours of 8:00 a.m. and 2:00 p.m., unless otherwise approved by the Mayor or designee.

3. **Length of Services.** Graveside services and/or interments shall not exceed two (2) hours in length unless authorization is provided by the Mayor or designee.

4. **Funeral Processions.** Upon entering the cemetery, all funeral processions shall be under the control and direction of City personnel.

5. **Grave Decorations.** Any grave decorations, funeral designs, flowers, or other items are subject to removal for maintenance (lawn mowing, etc.), which generally occurs on Tuesday or Wednesday of each week. If an interment occurs Monday through Wednesday of the week, then removal will occur on Tuesday or Wednesday of the next week. If an interment occurs on Thursday through Saturday of the week, then removal will occur in the second week thereafter.

#### **G. RULES AND LANDSCAPING:**

1. **Recreational Activity.** No recreational or athletic activities are permitted within the cemetery.

2. **Noise.** All visitors to the cemetery shall maintain reasonable level of noise to avoid disturbing other visitors to the cemetery. Loud music, shouting, yelling, barking dogs, and other loud noises are prohibited.

3. **Damage or Removal of Headstones or Tombstones.** It is unlawful to damage or remove any headstone, tombstone, or marker located in the cemetery or to desecrate any gravesite within the cemetery.

4. **Animals.** Animals are not allowed on cemetery property except within the confines of a vehicle and must remain within the vehicle.

5. **Motor Vehicles.** Motor vehicle shall remain on clearly designated roadways within the cemetery unless provided express consent by City personnel.

6. **Planting of Bushes or Trees.** No plants, bushes, trees, shrubs, flowers, or other vegetation may be planted in the cemetery by anyone other than City personnel.

7. **Visitation Hours.** Cemetery hours shall be from 6:00 a.m. to 10:00 p.m. of the same day, unless otherwise posted.

8. **Signs and Advertisements.** No unauthorized signs or advertisement shall be displayed within the cemetery.

9. **Traffic Ordinances.** City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be effect within the cemetery. The speed limit within the cemetery shall be five (5) miles per hour.

10. **Children.** Children under the age of sixteen (16) years of age shall not be allowed within the cemetery unless accompanied by a parent or a chaperone at least eighteen (18) years of age. Exceptions to this rule are allowed for persons attending an authorized funeral, placing flowers on a gravesite of a deceased relative or friend, or performing any other customary respect or respectful actions consistent with environment maintained within the cemetery.

11. **Surface Grade.** No sections, plats, or Plots shall be raised above the established grade.

12. **Alcoholic Beverages.** Alcoholic beverages are not allowed in the cemetery.

#### **H. MARKERS AND MONUMENTS:**

1. **Fencing or Dividers.** No Plot or Block 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 Mayor or designee.

2. **Headstones, Tombstones, and Markers.** Raised markers are not allowed in the cemetery except in the designated area of the cemetery. The owners of gravesites or relatives of deceased persons interred in the cemetery are required to erect and maintain, in a manner satisfactory to the City, and at the expense of the Plot owner or relatives of the deceased, headstones, marker, or other suitable monuments at the head of the gravesite with the name of the deceased person plainly inscribed thereon. All headstones, tombstones or markers must be in an orderly row and reasonably in line with all other such markers in that Block.

3. **Cement Base.** All headstones, tombstones, or markers shall have a stone or cement base, level with the ground, extending outward from the outer perimeter of the base of the headstones, tombstones, or markers shall be six (6) inches on all sides, with a minimum thickness of four (4) inches.

4. **Specifications for Raised Markers.** Where allowed, the width of a single raised headstone, tombstone, or marker shall not exceed twenty-four (24) inches, not including the base. The width of a raised double headstone, tombstone, or marker shall not exceed forty-two (42) inches, not including the base. The height of single or double raised headstones, tombstones, or markers shall not exceed forty-two (42) inches above ground level. An exception to the maximum height and width requirement may be granted by the Mayor or designee for a family marker, but in no event, more than 60 inches above ground level. Only one family marker shall be allowed for each eight (8) Plots. Family markers must be aligned within the general alignment of raised or flat markers.

5. **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.

6. **Materials.** All headstones, tombstones, or markers must be made of real bronze, glazed granite or other permanent materials acceptable to the Mayor or designee. Headstones, tombstones, or markers shall not be made of wood, sandstone, or any other material which is susceptible to decay.

7. **Vases.** All permanent vases placed in the cement or stone base of the 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.

8. **Liability for Damage.** The City shall not be held liable for damage to headstones, tombstones, or markers, including any damage caused during cemetery maintenance or resulting from City moving or transferring the headstones, tombstones, or markers for interment purposes.

## **I. DECORATING GRAVESITES AND OTHER REGULATIONS:**

1. **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.

2. **Theft or Loss of Personal Belongings.** The City is not responsible for the theft or loss of personal belongings in the cemetery.

## **J. EFFECTIVE DATE:**

These rules shall be effective October 01, 2011.

# FEE SCHEDULE

## TAYLORSVILLE RESIDENT

Opening and closing of grave (Weekdays)	\$450
(Weekend and holidays)	\$500
Cremations (standard cremation receptacle)	\$150
Infant burials	\$150
Price for interment rights Adult	\$1,150
Child or cremation	\$600
Deed Transfer Fee	\$45

## NONRESIDENT OF TAYLORSVILLE

Opening and closing of grave (Weekdays)	\$540
(Weekend and holidays)	\$600
Cremations (standard cremation receptacle)	\$180
Infant burials	\$180
Price for interment rights Adult	\$2,088
Child or cremation	\$900
Deed Transfer Fee	\$50

## DISINTERMENT

Adult	\$1,500
Infant	\$500
Cremations	\$500