

TITLE 6. CEMETERIES*

Chapter 1.	In General
Chapter 2.	Cemetery Superintendent
Chapter 3.	Regulation of Cemetery and Burials
Chapter 4.	Fees and Charges
Chapter 5.	Sale of Burial Spaces
Chapter 6.	Cemetery Maintenance and Decorations
Chapter 7.	Perpetual Care
Chapter 8.	Indigents

Chapter 1. In General

6-1-1	Definitions
6-1-2	The Name
6-1-3	Cemeteries Covered

6-1-1 Definitions. The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

“Block” means an area of the cemetery generally containing 8 lots.

“Burial Space Owner” or “purchaser” and “grave owner or purchaser” shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial space evidenced by a deed or burial right for a described burial space or by proved and recognized descent or devise from the original owner.

“Burial Space” means a legal and authorized gravesite generally measuring four feet by eight feet, for which one Right of Burial may be sold.

“Columbarium” The Columbarium consists of niches which are uniform in size that accommodate urns (or vases) for the interment of the cremated ashes of human remains.

“Infant” means a fetus or a child up to two (2) years of age.

“Lot” means an area generally containing eight burial spaces.

“Ossuary” The area within the center of the standing columbarium that accommodates cremated human remains in separate urn bags.

“Plat” means an area containing multiple Blocks, namely Plat A, B, C and D.

“Resident” means any person who is a legal resident of Clinton City defined as follows:

(a) Any person who had a permanent home within the corporate limits of Clinton City, Utah at the time of death, regardless of the actual place of death.

(b) Any person owning real property within the corporate limits of Clinton City, Utah at the time of death, regardless of the residence of such person.

(c) Any person who had a permanent home in the corporate limits of Clinton City, Utah immediately prior to moving from the City for the purpose of receiving medical or residential care.

(d) Any married person who owns burial rights in two adjacent spaces and buries his or her spouse in one of those spaces while both are residents, regardless of his or her residence at the time of death.

History: 9/84, 02/15, 10/20

6-1-2 The Name. The burial ground of this city shall be known and designated by the name of Clinton City Cemetery.

History: 9/84

6-1-3 Cemeteries Covered. All cemeteries owned and/or maintained by the City or which may hereafter be acquired by the Municipality wherever situated are hereby declared subject to the provisions of this chapter.

History: 9/84, 02/15

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Chapter 2. Cemetery Superintendent

- 6-2-1 Office of Cemetery Superintendent
- 6-2-2 Duties of Cemetery Superintendent

6-2-1 Office of Cemetery Superintendent.

There is hereby created the position of cemetery superintendent.

History: 9/84

6-2-2 Duties of Cemetery Superintendent. The

Cemetery Superintendent shall have the general supervision and administration of the Municipal Cemetery including but not limited to:

- (1) Recommending to the City Manager such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the Cemetery.

- (2) Subdividing the Cemetery into burial spaces.

- (3) Maintaining a record of the location of the graves and preventing any burial space from being used beyond its capacity.

- (4) Keeping a duplicate plat of the Cemetery and, at the request of any person wishing to purchase a burial space, indicating available burial spaces for sale.

- (5) Opening any graves in the Cemetery upon application being made by the City Manager, Recorder or by any person having the right to make such application and being responsible for closing all graves.

- (6) Keeping the streets, alleys, walks and avenues in the Cemetery in good order and unobstructed.

History: 9/84, 02/15

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Chapter 3. Regulation of Cemetery and Burials

- 6-3-1 Interments – Interment Order – Duties of Cemetery Superintendent – Records of Interments – Information Filed with Local Registrar
- 6-3-2 Burials and Disinterment
- 6-3-3 Infant Burials
- 6-3-4 Burial of Cremains
- 6-3-5 Orientation of Graves
- 6-3-6 Hours of Burials
- 6-3-7 Vaults Required
- 6-3-8 Sale Subject to Rules
- 6-3-9 Care Reserved
- 6-3-10 Orders and Responsibilities for Errors
- 6-3-11 Traffic Rules
- 6-3-12 Children
- 6-3-13 Animals Prohibited
- 6-3-14 Decorum
- 6-3-15 Injury to Cemetery Property Prohibited
- 6-3-16 Landscaping by Private Persons
- 6-3-17 Placement of Markers – Ownership of Markers – Care and Maintenance of Markers
- 6-3-18 Marker Size – Marker Material – Marker Interference with Excavation
- 6-3-19 Additional Rules and Regulations

6-3-1 Interments-Interment Order-Duties of Cemetery Superintendent--Records of Interments--Information Filed with Local Registrar.

(1) A licensed funeral director or family representative can arrange for a grave opening. An interment order for a burial must be filled out and fees paid, prior to the opening of a grave. The family representative or the funeral director should give the necessary information and the fees to the Cemetery Clerk.

(2) The Cemetery Clerk shall keep a record of all interments made in the premises, stating the name of the decedent, place of death, date of burial, and name and address of the funeral director or other person making the interment. This record shall be open to public inspection. A city clerk shall maintain the interment records.

(3) Not later than the tenth (10th) day of each month the Cemetery Clerk shall send to the Davis County Health Department a list of all interments made in the Clinton City Cemetery during the preceding month. The list shall be on forms provided by the state registrar.

History: 9/84, 02/15

6-3-2 Burials and Disinterment.

(1) It is a class C misdemeanor for any person to:

(a) Disinter any body buried in any cemetery, except under the direction of the Cemetery Superintendent who shall, before disinterment, require a written permission from both the County Health Officer and the owner of the burial space or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.

(b) Disinter or remove the body of a person who has died from a contagious disease within two (2) years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so encased at the time of disinterment.

(c) It is a class C misdemeanor to inter anything other than the remains of human bodies and their interment containers in cemeteries.

(d) It is a class C misdemeanor to bury the body of any person within this city except in the City Cemetery or a licensed private cemetery unless by special permission of the governing body under such rules and regulations that it may prescribe.

History: 9/84, 05/99, 02/15

6-3-3 Infant Burials. The possibility exists for Infants to be buried (stacked) on top of an existing burial vault owned by the family. This is dependent upon the depth of the original burial. Limited to two per space. Half spaces (4'x4') limited to two infant burials may be purchased. A special section of the Cemetery has been established for the burial of infants. Spaces in this section are 1/4th the size of the full size spaces. Headstones in the infant section must be confined to the individual space, a maximum size of 24" wide including the 4" mow strip.

6-3-4 Burial of Cremains.

(1) **In-ground Plots.** Full spaces (8' X 4') limited to 4 Cremain burials may be purchased. Half spaces (4'X 4') limited to 2 Cremain burials may be purchased. Cremains may also be buried (stacked) on top of an existing burial vault owned by the family, limited to 2 per space.

(2) **Columbarium Niche Regulations.** No more than two urns or vases can be placed within a single niche. The urns must be either 5 1/2" x 5 1/2" x 7" square or a vase size of 10" high x 6" diameter.

(3) **Ossuary Space Regulations.** Cremains to be placed in the ossuary shall be in double-layered urn bags.

(4) **Cremaim Interment.** Cremains will not be placed in the columbarium or ossuary by anyone other than a City of Clinton cemetery employee.

History: 10/20

6-3-5 Orientation of Graves. By convention, burial spaces are laid in rows with the head of the grave at the West and the foot to the East. Individual full size grave spaces measure four feet wide by eight feet long. Placement is a matter of choice and the Superintendent will help in the decision as necessary.

6-3-6 Hours of Burials. Burials are accepted Monday-Saturday from 8:00 a.m. to 4:00 p.m. Burial services extending past 3:00 p.m. on weekdays will be assessed an overtime fee. Saturday burials will also be assessed an overtime fee. No interments are allowed on Sundays, or the following holidays: New Years, Memorial Day (between 12:00 noon the Friday before Memorial Day and 12:00 noon the Tuesday after Memorial Day), Independence Day, Pioneer Day, Thanksgiving Day, and Christmas Day. All other minor Holidays will be charged the Special Rate as established by the Clinton City Council.

6-3-7 Vaults Required. Vaults are required for all burials except cremains contained in urns. Vaults constructed out of materials other than concrete or steel must be approved by the Superintendent.

History 9/84, 02/15

6-3-8 Sale Subject to Rules. Every burial space or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of burial space owners, the remains of the dead, and the preservation of the Cemetery

History: 9/84

6-3-9 Care Reserved. The City reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries

History: 9/84

6-3-10 Orders and Responsibilities for Errors. Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone.

History: 9/84

6-3-11 Traffic Rules.

(1) The provisions of the City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the Cemetery, except as herein otherwise modified by this ordinance.

(2) It shall be unlawful for any person to ride or drive within the City cemetery at a speed greater than ten (10) miles per hour.

History: 9/84

6-3-12 Children. Children under the age of 14 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

History: 9/84

6-3-13 Animals Prohibited. Domestic animals are not permitted on Cemetery grounds, except for service animals to assist the disabled. Owners are responsible for cleaning up after their animal.

History: 9/84, 02/15

6-3-14 Decorum. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons. Neither alcoholic beverages nor smoking are permitted on Cemetery grounds.

History: 9/84, 02/15

6-3-15 Injury to Cemetery Property Prohibited.

(1) It shall be a Class C misdemeanor for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub, or any other property in the Cemetery.

History: 9/84, 05/99, 02/15

6-3-16 Landscaping by Private Persons. Except as provided by the rules and regulations of the governing body, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any burial space, street, alley or walk in the Cemetery or to grade the ground or land thereof. The Cemetery Superintendent shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. All work

in the Cemetery including, interments, placement of markers, plantings, landscaping, grounds keeping, construction, all maintenance, improvements and beautifying of the grounds will be done under the supervision of the Superintendent.

6-3-17 Memorial Garden

(1) The Memorial Garden is landscaped with shrubs, flowers, and trees. Flower holders, vases, or other fixtures shall not be attached to the columbarium, nor shall flowers or other decorations placed near or affixed to the niches be permitted. Clinton City has the right to remove anything placed on or near the Columbarium Garden area.

(2) Floral arrangements are permitted to be located in the landscaped area of the Memorial Garden at the time of interment, but will be removed 24 hours later.

(3) Clinton City is not responsible for any loss or damage caused by an act of elements, thieves, vandals or any malicious doings to personal property.

History: 9/84, 02/15, 10/20

6-3-18 Placement of Markers – Ownership of Markers – Care and Maintenance of Markers. It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any burial space in the Cemetery in violation of this ordinance.

(1) Memorials will be placed in an orderly manner in pre-designated rows as directed by the Superintendent. Flat markers not protruding more than ½ inch above ground level with the lawn, are approved for any Plat of the Cemetery. Raised markers are only allowed in Plat “A” and “B” of the Cemetery. Patrons wishing to place more than one marker per space must have permission from the Cemetery Superintendent. Family monuments must comply with this section. When cremains and/or infants are placed on top of an existing occupied space, an additional marker will be allowed on the space but it must be a flat marker.

(2) Headstones are personal property. All monuments within the Cemetery are the property of the space owners, their heirs, or the responsible party that ordered and placed them. Repairing or replacing markers or memorial structures is the responsibility of the space owner except when the need for repair or replacement is directly caused by the City.

(3) The Cemetery is maintained by City crews, who exercise great care in keeping the grounds groomed. The City will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such happenings are a condition that will go with the privilege of placing markers in the Cemetery.

History: 9/84, 02/15

6-3-19 Marker Size – Marker Material – Marker Interference with Excavation.

(1) All headstones or markers must have a concrete border (four inches) wide installed flush with the surface of the lawn. The combined length of the mow strip and grave marker shall not exceed (40”) forty inches for a single space; or (80”) eighty inches for a double space. Headstones in the infant section must be confined to the individual space, a maximum size of 24” wide including the 4” mow strip.

(2) Except for veteran’s markers, all monuments/markers/headstones shall be made of granite or marble and shall be set in concrete or granite unless approved by the Cemetery Superintendent.

(3) Markers are subject to temperature extremes, snow, ice, sprinkler irrigation, water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough nosed base or edge rather than a polished smooth surface.

(4) The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave or for the expense of such services to be undertaken. If the owner or responsible party wishes, the City can also arrange for this service with a local monument dealer, pre-payment is required.

6-3-20 Inscriptions of Niche Cover and Memorial Band.

(1) The inscription of columbarium niche covers will allow for the surname name, given name, date of birth, and date of death. Niches receiving the cremated remains of (2) two persons may be inscribed with both persons’ information. No other information shall be permitted on the niche cover.

(2) The inscription of the ossuary memorial band will allow the full name, birth year, and death year. No other information shall be permitted on the memorial band.

The font will be uniform on all niches, and the memorial band and determined by the City at the recommendation of the inscription company. Font size may have some slight deviation, depending on the size of the names given.

History, 02/15, 10/20

6-3-21 Additional Rules and Regulations.

(1) The governing body may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the Cemetery as it shall deem necessary.

(2) The City Manager may from time to time as the governing body deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of burial space in the City Cemetery. Such rules and regulations shall constitute

a part of the terms and conditions under which owners and users may utilize the Cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the governing body.

(3) Any changes in the rules and regulations shall be adopted by the governing body before such changes shall be official.

History: 9/84, 02/15

Chapter 4. Fees and Charges

- 6-4-1 Collection of Fees
- 6-4-2 Fee to be Paid for Opening Grave
- 6-4-3 Fee to be Paid for Perpetual Care
- 6-4-4 Fee to be Paid for Disinterment
- 6-4-5 Purchaser Price and Fees

6-4-1 Collection of Fees. The Cemetery Clerk and such other persons as the City Manager may designate, are hereby authorized and required to collect in advance, fees for the opening and closing of graves, perpetual care of graves, disinterment of bodies and other services. The fees shall be such amounts as are determined by the governing body from time to time by resolution.

History: 9/84, 02/15

6-4-2 Fee to be Paid for Opening Grave.

(1) No grave shall be opened in the City Cemetery until payment of the fee for the labor and expense for the opening the grave has been paid.

(2) The presentation of a receipt of pre-payment to the Cemetery Clerk shall be authority to open a grave for the burial of a deceased person.

(3) An after hours fee will be assessed for burials after 3:00 p.m. Monday thru Friday. Saturday burials will also be assessed an overtime fee.

History: 9/84, 02/15

6-4-3 Fee to be paid for Perpetual Care.

(1) No grave shall be opened in the City Cemetery until the perpetual care fee for the space where the grave is to be opened has been paid.

(2) Care Included. The essential perpetual care that the City agrees to give shall consist of care of the Cemetery generally, and shall include, mowing of all

burial spaces at reasonable intervals, re-sodding, seeding and filling in sunken graves, sodding the surface of the graves to level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the graves and straightening of tilting stones or markers.

History: 02/15

6-4-4 Fee to be paid for Disinterment.

(1) No grave shall be re-opened or disinterred in the City Cemetery until payment of the fee for the labor and expense for the opening of the grave and restoring the grounds shall have been paid.

(2) The removal of the cremains from the niche shall be considered a disinterment. At that time the niche shall be forfeited to Clinton City and resold. The etched or engraved niche front shall remain the property of the family. The cost of replacing the niche front shall be the responsibility of the City.

(3) Cremains placed in the Ossuary Space are not eligible for disinterment.

History: 02/15, 10/20

6-4-5 Purchaser Price and Fees. The governing body shall from time to time by resolution fix the size of burial space, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided.

History: 9/84

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Chapter 5. Sale of Burial Spaces

- 6-5-1 Burial Plot Sale
- 6-5-2 Conveyed Rights
- 6-5-3 Restrictions of Resale
- 6-5-4 Reversion of Unused Lots
- 6-5-5 Columbarium Niche and Ossuary Space Purchase

6-5-1 Burial Plot Sale.

(1) The Cemetery Clerk, and such other person as the City Manager may designate, is hereby authorized to sell the use of burial spaces in the City Cemetery for burial purposes only, and, to collect all sums arising from the sale. Only permissive burial rights are sold. The City retains title to the Cemetery property. The Cemetery Clerk shall keep a complete record of all sales, which record shall describe the location of the burial space purchased and the price paid therefore. The Cemetery Clerk shall deliver to each purchaser a certificate of burial rights for each burial space purchased, which certificate shall, among other things, describe the location of the burial space, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care.

(2) A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price and fees. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.

(3) The Cemetery Master File is the correct record. Any discrepancy between the Master File and the certificate of burial will be considered a clerical error. The Superintendent reserves the right to recall, correct and reissue the correct certificates.

History: 9/84, 02/15

6-5-2 Conveyed Rights.

(1) Upon the death of a burial space owner, the burial space passes to those named in his or her will or to his or her heirs perpetually as designated by law. Clinton City shall in no way be held responsible for failure to properly determine the legal successorship of any burial space. The heirs are entitled to the same use of the burial space as the original owners and are bound by the same rules and regulations. No person, except the owner of the burial rights on a space will be buried on that space, unless a form provided by the Cemetery Clerk has been

signed by the owner or legal heirs to those rights giving permission for the use of the space. The permission slip must be turned in before the grave opening and will be kept as a permanent record.

(2) If there is no other legal documentation for conveyance the City will use the following criteria:

(a) Conveyance would be made to the burial space owner's surviving spouse. If there is no surviving spouse, then to the eldest surviving child. If there is no surviving child, then the owner's youngest surviving sibling. If there is no surviving spouse, child or sibling of owner, and the grave(s)/niches are not sold back to the Clinton City during the administration of the burial space owner's estate or otherwise provided for by will, the City may convey the grave(s)/niches to any of the burial space owner's parents, siblings or descendants.

(3) Columbarium niches are only conveyable if they have not yet been used.

History: 9/84, 02/15, 10/20

6-5-3 Restrictions of Resale.

(1) All burial spaces sold by the City shall not be further sold, transferred, conveyed or assigned to any person other than living heirs or back to the City of Clinton. The City may also buy back unused cemetery plots upon request from the owner, or by all living heirs, at the buyback price established by resolution of the City Council.

(2) Whenever a certificate to burial rights or burial spaces is assigned to any living heirs, reverts to the City, as provided for in this section, or becomes vested in the City for any reason, before new certificates are issued, the original certificate shall be cancelled and the record shall be so changed by the Cemetery Clerk.

(3) The certificates shall be issued and signed by the City Recorder. All burial spaces as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.

History: 9/84, 9/05, 02/15

6-5-4 Reversion of Unused Lots. Cemetery burial spaces purchased after the adoption of these rules will revert to the City if such have not been used within sixty (60) years of issuance of the Burial Rights Certificate. No such reversion shall occur, however, until the City has sent written notice to the Owner's last known address as set forth in the City

records. Such notice will be sent at least sixty days prior to the date of reversion. If the owner of the burial space notifies the City Recorder in writing within sixty days from the City's mailing of the aforementioned notice, that he or she still intends to use the burial rights certificate, the reversion of such burial space will be extended for another sixty (60) year period. If the City does not receive this written notification, the burial space shall revert back to the City. All Burial Rights Certificates for burial spaces are issued subject to this right of reversion and the City's reservation of a perpetual right of ingress and egress over burial spaces for the purpose of operation and maintenance.

History: 02/15

6-5-5 Columbarium Niche & Ossuary Space Purchase.

(1) The Cemetery Clerk, and such other person as the City Manager may designate, is hereby authorized to sell columbarium niches and ossuary space. The Cemetery Clerk shall keep a complete record of all sales, which record shall describe the location of the columbarium niche or that it was ossuary space purchased and the price paid.

(2) Purchase of a Columbarium Niche or Ossuary

Space does not constitute a "burial space owner" as defined in this Chapter.

(3) Columbarium niche and ossuary space purchase is made by paying the applicable charges, as established in the current City Fee Schedule.

(4) Applicable charges will be required to be paid in advance for the opening of a sealed niche for any other reason. The niche face plate installation or removal shall be by Clinton City cemetery employees only.

(5) Clinton City will not buy back previously used columbarium niches. If cremains are removed, the niche is forfeited back to the City of Clinton for re-sale.

(6) The cost of cremation and urns shall be paid by the family or legal representative of the deceased. Clinton City only provides the final resting place for the cremated remains and for the inscription of the niche cover or band.

History: 10/20

Chapter 6. Cemetery Maintenance and Decorations

- 6-6-1 Mowing Schedule
- 6-6-2 Decorations
- 6-6-3 General Instructions for Flowers and other Decorations
- 6-6-4 Memorial Day
- 6-6-5 Spring General Cleanup
- 6-6-6 Winter General Cleanup

6-6-1 Mowing Schedule. The mowing schedule will begin on the first business day of April and run until October 31st. City maintenance crews will normally mow and trim the Cemetery each Thursday during the summer schedule, weather permitting.

6-6-2 Decorations. Properly displayed flowers and other decorations add to the beauty and character of the Cemetery. Flowers and other decorations should be dignified and tasteful. Decorating must be done in a way that does not create a safety hazard, impede proper maintenance, infringe on other graves, diminish the character of the Cemetery or offend others. Decorations that are in violation will be removed without notice. The Cemetery Superintendent will not contact individual families if decorations are not in keeping with cemetery regulations.

(1) Responsibility for Decorations. Clinton City and the Cemetery staff will not be responsible for flowers or other personal property left in the Cemetery.

6-6-3 General Instructions for Flowers and Other Decorations. Flowers and other decorations must be confined to the headstone and its cement apron so that they do not interfere with mowing and trimming operations. All decorations that are properly placed upon the headstone or its surrounding concrete apron will remain, or in the case of flat headstones (ground level) will be removed and replaced after the mower has passed over. Wilted flowers or other unsightly decorations will be removed and disposed of. Different rules apply for Memorial Day and New Burial.

(1) Fresh Cut Flowers. Fresh cut flowers are permitted when placed in sunken vases, or in movable containers or loosely without containers as long as they are confined to the headstone or its cement apron. City mowing crews will dispose of

fresh cut flowers as they become wilted or if they are blown off of the marker and interfere with mowing.

(2) Artificial Flowers. Artificial flowers placed on any marker or its apron will remain until they become faded and unsightly at which time City mowing crews will dispose of them.

(3) Other Decorations. Holiday decorations, shepherd hooks, solar lights, pinwheels and other ornaments are permitted as long as they are located on the headstone or its surrounding cement apron. Wire anchors and glass jars can damage mowing and trimming equipment and are not allowed; mowing crews will remove and dispose of them.

(4) Flowers and Decorations Following a New Burial. Special mementos should be removed at the conclusion of services by the family. Flowers will be removed from new graves after they have become unsightly, normally after (7) seven days.

6-6-4 Memorial Day. Memorial Day is observed on the last Monday of May. On the Thursday prior to Memorial Day City crews perform a thorough clean-up preparing the Cemetery for this important day. After the cleanup, decorations may be placed anywhere on the burial space including the grass or headstone where they may remain until the 2nd Thursday following Memorial Day at which time another general clean-up will take place during which all remaining natural flowers and decorations will be disposed of and removed. Patrons should remove flowers and decorations they wish to keep prior to this general clean-up.

6-6-5 Spring General Clean-Up. Since mowing is not necessary during the winter months, flowers and decorations are allowed to remain or be removed by the patrons. On the first Thursday in April mowing crews perform a spring clean-up where all flowers and decorations are removed and disposed of with the exception of shepherd hooks and vases that are attached to the monument.

6-6-6 Winter General Clean-Up. The winter clean-up schedule starts on November 1st and is in effect until the first Thursday in April. On the first Thursday of each month during this period and as weather permits, crews will remove unsightly decorations.

History: 02/15, 10/20

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Chapter 7. Perpetual Care Fund

- 6-7-1 Perpetual Care Fund Created
- 6-7-2 Duties of Treasurer and City Manager
- 6-7-3 Duty of Governing Body
- 6-7-4 Income

6-7-1 Perpetual Care Fund Created.

(1) There hereby is established a perpetual care fund according to the laws of the State of Utah and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the State of Utah and used for the purposes herein provided.

(2) The income from the perpetual care fund shall be used to pay the upkeep and development of the Cemetery. The City may borrow from the fund from time to time, but any funds borrowed shall be repaid to the fund with interest thereon at the rate set by the City Council by resolution.

(3) If the City borrows from the fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon money annually. Should it be found that the interest returned upon the perpetual care funds shall be more than is required to pay for the operation and upkeep of the City Cemetery, then the surplus shall be added to the principal amount of the perpetual care fund herein created, and shall be so handled until changed by resolution to provide for the use of such accumulated interest.

History: 9/84

6-7-2 Duties of Treasurer and City Manager. It shall be the duty of the Treasurer and the City Manager to monitor the records of the Perpetual Care Fund account to see that the principal portion thereof is properly invested in accordance with the directions of the City Council and the laws of the State of Utah. The Treasurer, with the advice and consent of the City Manager, shall ensure the investments are legally maintained and as productive as possible.

History: 9/84, 03/10, 02/15

6-7-3 Duty of the Governing Body. It shall be the duty of the City Council to provide by resolution, from time to time as needed, directions to the City Manager and Treasurer on handling the Perpetual Care funds and provide investment authorization as needed. As part of the annual City budget, the City Council shall decide how much of the Perpetual Care fund interest shall be utilized in that fiscal year's operation and maintenance of the City Cemetery.

History: 9/84, 03/10, 02/15

6-7-4 Income. All income from investments of the Perpetual Care fund, except those funds allocated for the current fiscal year, shall be re-invested immediately for maximum Perpetual Care fund productivity.

History: 9/84, 03/10, 02/15

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Chapter 8. Indigents

6-8-1 Burial of Indigents

6-8-1 Burial of Indigents.

(1) The City Council may by resolution designate a portion of the City cemetery to the burial of indigents. Whenever it is made to appear to the Mayor by proof submitted by the Recorder that any person who has died does not have an estate sufficient to pay the purchase price of a burial space in the Cemetery, and that the nearest relative or representative of such deceased person desires to

have the body of such deceased interred in the Cemetery, the Mayor may grant burial space for such deceased person at the request made by the Recorder.

(2) The Mayor shall communicate the decision to both the recorder and the Cemetery Superintendent. The Mayor shall give report of the decision, whether affirmative or negative, to the City Council at its next regular meeting. All strangers without funds or other persons who may die in the City may be granted the privilege granted herein.

History: 9/84, 02/15

**Editor's note: Title 6 repeals, in Toto, Ordinance No. 2-77*
