

**GREEN RIVER UTAH**

**ORDINANCE NO. 2018-04  
AN ORDINANCE REGULATING PROCEDURES  
AT THE CITY OWNED CEMETERY**

**WHEREAS**, on October 9, 2018 the City Council (the “*Council*”) met in regular session to consider, among other things, setting procedures of the Green River City ordinances with respect to the cemetery owned and maintained by the City of Green River; and

**WHEREAS**, after careful consideration, the Council has determined that it is necessary to establish the following rules that will provide direction and information concerning procedures to the cemetery; and

**WHEREAS**, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of Green River to add this ordinance with respect to the cemetery to the City Code,

**NOW THEREFORE, BE IT ORDAINED by the Green River City Council that the following be adopted as an ordinance of the City of Green River.**

**CEMETERY**

**SECTION:**

- ?-?-1: Purpose, Scope, and General Supervision
- ?-?-2: Definitions
- ?-?-3: Sexton
- ?-?-4: Administration
- ?-?-5: Grave Lots
- ?-?-6: Burials And Disinterment
- ?-?-7: Headstones, Benches and Decorations
- ?-?-8: Perpetual Care Fund
- ?-?-9: Injury Or Disturbance Of Facilities; Penalty

?-?-1: **PURPOSE, SCOPE, AND GENERAL SUPERVISION:**

**PURPOSE:**

It is the intent of the City of Green River to establish the following rules that will provide direction and information concerning procedures with respect to the cemetery owned and maintained by the City of Green River.

## SCOPE:

The following policy will include but is not limited to contracts or arrangements concerning all aspects of cemetery maintenance and policies. This will include the City's responsibilities and the responsibilities of each party visiting and conducting business with the City cemetery. It will be the responsibility of individuals, mortuaries and monument/headstone companies, who are visiting or conducting business within the City cemetery to be guided by and to act according to the rules and regulations of this code.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City therefore reserves the right, without notice, to make exceptions, suspensions, or modifications to any of these rules and regulations, when, in the exercise of its discretion the same appear advisable, and such a temporary exception, suspension or modification shall in no way be construed as affecting the general application of such rule, or impose liability on the City therefore.

## GENERAL SUPERVISION OF CEMETERY:

The City shall take reasonable precautions to protect the property rights of the owners of burial-right agreement within the City cemetery 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.

## 2-2-2: DEFINITIONS:

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

**CERTIFICATE:** The Certificate of Burial Right.

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

EXHUMATION or DIS-INTERMENT:	The unearthing of any human remains.
INTERMENT:	The burial, entombment or inurnment of human remains.
GEOGRAPHIC LOCATION of GRAVES/SPACES:	Block Lot Space
OWNER:	The owner or purchaser of burial privileges as to any burial lot as evidenced by a certificate for said lot or by proved and recognized descent or devise from the original owner or by certificate issued by the city.
PERPETUAL CARE:	The general care and maintenance provided by the city for the cemetery, including but not limited to , filling in of sunken graves, cleaning and weeding of driveways, along fence line and vacant lots. Perpetual care shall not include repairing or replacing headstones or memorial structures of any kind, except when the need for repair or replacement is directly caused by the City.
PERMITS:	Any form provided by the City Cemetery staff to authorize work being done or services rendered.
RESIDENT:	Any person who has lived in the Green River Valley (whether inside or the surrounding area outside of city limits) for at least two (2) years at some time in their life.
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.

?-?-3:           SEXTON:

- A. Appointed; Duties: The mayor with approval from the city council shall designate a person to act as sexton. The person so appointed shall be responsible for the opening and closing of gravesites, so far as practicable, the prevention of destruction or defacing of any marker placed therein, the property maintenance of cemetery facilities, and such other duties as set forth in this chapter or as may be assigned by the city council. He/she will record all interments and exhumations in electronic format and books provided and maintained for that purpose
  
- B. Establishment Of Rules And Regulations: The sexton may from time to time with the advice and consent of the city council make such additional rules and regulations as he/she shall deem necessary and proper for the administration of the cemetery. Such rules and regulations shall not become effective until approved by resolution of the city council and a copy of said rules and regulations must be available for review by the public at all times with both the sexton and the city recorder.

?-?-4:           ADMINISTRATION:

- A. Graves Spaces – Application and Certification Requirements: All applications for purchase or conveyance of grave spaces shall be made at the City office. The Sexton will provide verification of the grave space(s) to be conveyed. Upon verification of receipt of the full purchase price, and any fees or costs as may be assessed, the Sexton shall deliver to each purchaser/grantee a Certification of Burial Right for each grave space, 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 that the purchaser shall abide by all ordinances and regulations now in force or hereinafter enacted concerning burials and the use, maintenance and care of the cemetery. The certificate shall be signed by the Mayor, and countersigned by the City Recorder and the Sexton. 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.

- B. The Sexton shall retain one of the duplicate copies of all Certificates of Burial Rights issued for the use of grave spaces, and shall maintain and keep current a plat showing the description and locations of all grave spaces, and if conveyed, the purchaser thereof, as part of the records of his/her office. A verified copy of all work orders and certificates will be maintained by the City and will at all times during regular business hours be open to public inspection.
- C. Subsequent Deeding of Grave Spaces by City: Whenever title to unused 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.

?-?-5: GRAVE LOTS:

- A. Sale Of Lot Certificates: All applications for lots shall be made to the Sexton who shall designate the lot or lots to be sold and the price thereof then in effect.
- B. Transfer Of Grave Lots: The City may purchase the burial rights of unused grave spaces. For any grave spaces purchased prior to 2011 the buyback price is \$150,000. Grave spaces purchased after 2011 will be purchased at the amount equal to the original purchase price.
  - 1. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this subsection, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given and the record shall be so changed.
- C. Abandonment: The fact that the grantee or holder of a lot or grave space(s) within the city cemetery 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 has not provided the care to the lots or grave space(s) provided uniformly to all lots or grave space(s), has not given to the city a written notice of claim or interest in the lots or grave space(s), or has not kept nor paid for perpetual care to keep the lots or grave space(s) free of weeds or brush, shall be evidence that the grantee or holder has abandoned the lots or grave space(s).

?-?-6: BURIALS AND DISINTERMENTS:

- A. Only Humans To Be Buried: There shall be no interment or burial of anything other than the remains of human bodies in the city cemetery and no interment of

any deceased human shall be made in any place within the city limits other than the city cemetery.

- B. Burial Permit Required: It shall be unlawful for any person to bury the body of a deceased person in the cemetery without first obtaining a burial permit and paying the required grave opening fee. No burial permit shall be issued by the city except to the holders of a "certificate of purchase" of the lot proposed to be used, or a written permit, signed by the owner of the certificate or such owner's nearest living relative, authorizing the use of such lot, which permit shall be filed with the City Recorder.
- C. City To Be Notified: All persons in charge of bodies to be buried in the cemetery must make the necessary arrangements for the opening of graves, time of arrival at the cemetery, supplier of vault and other pertinent matters at least forty eight (48) hours prior to any burial. Families desiring to purchase grave space for any burial must contact the Sexton at least forty eight (48) hours prior to burial time.
- D. Vaults Required: All earth interred remains 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 Sexton.
- E. Companion Burials: A grave is allowed to contain one full body and one cremated body or one full body and one child up to six years old or two cremains.
- F. Exhumations: It shall be unlawful for any person to disinter any human remains without the express permission and authorization of the sexton. Before disinterment, the sexton will require a written order from the owner of the grave space, authorizing such removal. All disinterments 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 headstones, roadways and fences shall be the responsibility of the grave space owner or the immediate family or legal representative thereof.
- G. Registration Of Burials: The sexton shall be the registrar of burials for the cemetery, and before burying any dead or disinterring any body which has been buried in the cemetery, the person requesting such burial or disinterment shall be required to furnish a certified copy of the death certificate of the deceased as

filed with the state bureau of vital statistics, which copy shall be kept with the records of the cemetery. In the event no death certificate has been prepared, the person requesting burial shall file a statement which shall include the name of the person deceased, when and where born, the date of death and the cause thereof, the name of the attending physician and also the date of burial and the lot and grave number where buried. In the case of the disinterment for reburial in another place, the statement shall also include the destination of the body, and if to be reburied within the cemetery the lot number and grave number of the new grave.

- H. Opening Grave Fee: No grave will be opened in the city cemetery until the payment of a fee for the labor and expenses of opening the grave.
- I. Burial Of Indigents: The sexton, with the advice and consent of the city council, may designate a portion of the cemetery for the burial of indigents. Whenever it is made to appear to the sexton that any person who died does not have an estate sufficient to pay the purchase price of a gravesite in the cemetery and the nearest relative or representative of such deceased person desires to have the body interred in the cemetery, the sexton may grant burial space for such deceased person upon written request.
- J. Prohibited Days: The city has established that there will not be burials on Sundays and the following holidays: New Year's Day, Memorial weekend (Saturday through Monday), Independence Day, Pioneer Day, Labor Day, Melon Days weekend (Friday through Sunday), Thanksgiving Day and Christmas Day.

?-?-7: HEADSTONES, BENCHES AND DECORATIONS:

- A. Headstones: All headstones/benches to be placed in any part of the cemetery shall be preapproved and under the supervision of the Sexton or designee. All headstones must be marked prior to placement. No heavy equipment is allowed in the cemetery. All headstones/benches must be installed during regular business hours, Monday thru Friday from 8:00 a.m. to 3:00 p.m.
  - 1. Maximum Size of Upright Headstones: Markers will not exceed sixty inches (60") in length, twenty four inches (24") in width, or thirty two inches (32") in height overall, including border and base. A double marker, representing two (2) family members on two (2) adjoining gravesites, will not exceed one hundred twenty inches (120") in length, twenty four inches (24") in width, or thirty two inches (32") in height overall, including border and base.

2. **Maximum Size of Flat Headstone:** The maximum size of a standard flat headstone will not exceed sixty (60") in length and twenty-four (24) inches in width, including border and base. A double marker, representing two (2) family members on two (2) adjoining gravesites, will not exceed one hundred twenty inches (120") in length, twenty four inches (24") in width, including border and base.
3. **Veterans Recognition Headstones:** They may be used as a primary headstone with the same restrictions and regulations as the aforementioned headstone criteria. When used as secondary headstones, they may be placed in the center of the grave space or at the foot of the grave in accordance with the requirements for flat headstones.
4. **Benches:** Benches may be placed in lieu of primary upright headstones and shall comply with the same dimensions as headstones. Benches shall be made of granite, or other durable material, 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. 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.
5. **Vases:** All permanent vases will be pre-poured within the cement base or incorporated as part of the headstone or bench.

B. **Plants And Flowers:** No shrubbery, vines, trees, flowers or other plants shall be planted in any part of the cemetery.

C. **Prohibited Decorations:** No glass or glass containers, fences, borders or cement pad. No decorations outside of the grave perimeter.

D. **Decoration Guidelines:** Boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, wood or iron cases, shepherds hooks, lawn or yard ornaments, porcelain and/or hanging baskets, etc., are personal property. All care and upkeep of the grave is the responsibility of the owner, their heirs, or the responsible party. The city does not undertake any responsibility or assume any liability for damage to or disrepair of any decorations. The city reserves the right to remove any decorations when necessary while opening and closing a surrounding grave.

?-?-8:            PERPETUAL CARE FUND:

The city shall maintain a perpetual care fund according to the laws of the state 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 and used for the purposes herein provided.

??-9: INJURY OR DISTURBANCE OF FACILITIES; PENALTY:

Any person who shall injure, molest, deface or disturb any headstone, tombstone, or any property in the city cemetery without authority from the city shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section ??? of this code.

PASSED AND ADOPTED by the City Council of the City of Green River, State of Utah, this 9th day of October, 2018.

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Mayor Travis Bacon

Attest: \_\_\_\_\_

City Recorder Conae Black