

ORDINANCE NO 2014-02 / 04-09-14

AN ORDINANCE ESTABLISHING CONDITIONS OF PURCHASE OF BURIAL PLOTS IN THE EMERY TOWN CEMETERY.

INTENT

It is the intent of this Ordinance to establish a binding contract for the purpose of purchasing burial plots and perpetual care services in the Emery Town Cemetery.

PURPOSE

The purpose of this Ordinance is to establish guidelines for payment of burial plots and perpetual care services in the Emery Town Cemetery for residents and non-residents

WHEREAS, this municipality establishes the following guidelines for payment plans when purchasing burial plots and perpetual care services in the Emery Town Cemetery.

WHEREAS, this municipality has determined that burial plots and perpetual care services purchased on a payment plan must be paid in full in a determinate amount of time.

NOW, THEREFORE BE IT ORDAINED by the legislative body of this municipality as follows:

Definitions

As used in this Ordinance:

- 1) "BUYER" is defined as the person or persons purchasing burial plots and/or perpetual care services.
- 2) "SELLER" is defined as Emery Town, Emery County, State of Utah.
- 3) "CONTRACT" is defined as the binding Agreement signed by the BUYER and the SELLER.
- 4) "LATE FEE" is defined as the dollar amount accrued when a payment is ten (10) days or more late.
- 5) "DEFAULT" is defined as non-payment of two or more consecutive monthly payments per contract terms, at which time the burial plots revert back to ownership by Emery Town.
- 6) "ASSIGNMENT" is defined as selling, transferring, gifting or any other avenue of giving ownership or unpaid contract to a third party.

- A) BUYER agrees to secure the purchase of burial plots and perpetual care services by paying the SELLER a down payment for no less than one-fourth (25%) of the total cost. The down payment will be applied to the total purchase price.
- B) Perpetual care services purchased at the time of need must be paid in full at the time of purchase.
- C) Pre-arranged payments will be made to the SELLER before or on the first (1st) day of each month following the original purchase date.
- D) Pre-arranged payments must be \$50.00 per month or more for four (4) or less burial plots.
- E) Pre-arranged payments must be \$100.00 per month or more for five (5) or more burial plots.
- F) A LATE FEE of \$10.00 will accrue on the total amount due if pre-arranged payment is not received by the SELLER by the first (1st) day of each month.
- G) Contract will default to the SELLER if the BUYER fails, at any time, to make two (2) consecutive payments to the SELLER. DEFAULT will result in the SELLER retaining the burial plots and having the right to sell the burial plots to any other buyer.
- H) All monies, including but not limited to, the down payment, subsequent monthly payments, and LATE FEES are non-refundable in the event the contract DEFAULTS.
- I) The CONTRACT constitutes the entire Agreement between the parties and there are no agreements, assurances, representations, or other obligations outside this Agreement which constitutes the exclusive and final terms for the purchase and sale set out. All previous negotiations and any agreements, statements, declarations or contractual provisions between the parties are merged in the contract.
- J) The CONTRACT shall apply to and bind the heirs, legal representatives, successors and assigns of the respective parties hereto and any party in default agrees to pay all costs and a reasonable attorney's fee in the enforcement thereof.
- K) Neither party may assign or delegate its rights obligations pursuant to the CONTRACT without the prior written consent of other. Any assignment or delegation in violation of this section shall be void

- L) The Town Council recognizes and agrees that, at times, a customer is unable to pay in a timely manner. The Town Council agrees that these will be reviewed and determined on a case-by-case basis by the Mayor and/or the Council

This Ordinance shall become effective immediately upon adoption and posting, as required by law, and deposited and recorded in the office of the Town Recorder, and accepted as required herein.

PASSED AND ADOPTED by the Emery Town Council, State of Utah, on the 14th day of May, 2014. by a unanimous vote.


Mistle Christiansen, Mayor

ATTEST:


Susan J. Cole, Municipal Recorder

VOTING

Varian Allen	<u>Aye</u>
Corinne Dalton	<u>Aye</u>
Wiley Pope	<u>Aye</u>
Pat Sundstrom	<u>Aye</u>

ORDINANCE 2014-02

I, THE DULY APPOINTED AND ACTING CLERK FOR THE TOWN OF EMERY, HEREBY CERTIFY THAT A COPY OF THE FOREGOING NOTICE, ORDINANCE 2014-02, AN ORDINANCE TO ESTABLISH CONTRACT REGULATIONS FOR THE PURCHASE OF BURIAL PLOTS AND PERPETUAL CARE SERVICES, IS AVAILABLE FOR REVIEW AT THE EMERY TOWN OFFICE MONDAY THROUGH THURSDAY, 8:00 A.M TO 4:30 P.M. THE OFFICE IS CLOSED FROM NOON TO 1:00 P.M.

ORDINANCE 2014-02 WAS UNANIMOUSLY ADOPTED BY THE EMERY TOWN COUNCIL ON MAY 14, 2014.

DATED THIS 14TH DAY OF MAY, 2014



Susan J. Cole, Municipal Recorder

CERTIFICATE OF POSTING

ORDINANCE 2014-02

I, THE DULY APPOINTED AND ACTING CLERK FOR THE TOWN OF EMERY, HEREBY CERTIFY THAT COPIES OF THE FOREGOING NOTICE WERE POSTED AT THREE (3) PUBLIC PLACES WITHIN THIS TOWN THE 15TH DAY OF MAY, 2014, WHICH PLACES ARE:

1. TOWN OFFICE
2. BULLETIN BOARD
3. RANDY'S SERVICE

DATED THIS 15TH DAY OF MAY, 2014



Susan J. Cole/Municipal Recorder