

TITLE 8-000

MUNICIPALITY PROPERTY

CHAPTER 8-100. REGULATION AND CONTROL.

8-101. CONTROL OF PROPERTY. See U.C.A. 10-8-1 and 10-8-2.

8-102. ACQUISITION AND DISPOSAL. See U.C.A 10-8-2.

8-103. ERECTION AND CARE OF BUILDINGS. See U.C.A 10-8-5.

PART 8-110. CONTROL OF CITY PROPERTY.

8-111. UNLAWFUL USE.

Unless authorized by permit or other written authorization issued by the city or unless authority is granted by provisions of this code or other ordinance of the city now or hereafter enacted, it shall be a class B misdemeanor for any person to:

A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this city or utility, canal, ditch, construction or building.

B. Enter upon any property if this city contrary to posting or marking restricting or prohibiting use of the area.

C. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.

8-112. REPAIR OR RESTORATION.

The City Council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this city to repair or restore the property to its original condition prior to the damage, alteration or change.

8-113. FRANCHISE.

A. The city council may grant any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this city, and the provisions of sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

B. Any franchise or easement granted by this city shall be in writing and any franchise or easement not in writing shall be void.

8-114. ACTS EXEMPTED.

It shall not be a violation of this part where any person uses the public property of this city in the manner or for the purpose or purposes for which such property has been made available for public use.

CHAPTER 8-200. CEMETERIES

8-201. DEFINITIONS.

The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

A. The terms "lot 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 lot evidenced by a deed or burial right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.

B. The term "lot" shall include the partial lots or single graves in the city cemetery.

8-202. THE NAME.

The burial ground of this city, shall be known and designated by the name of SCIPIO CEMETERY.

8-203. CEMETERIES COVERED.

ALL CEMETERIES OWNED AND/OR MAINTAINED BY THE CITY WHEREVER (SUPPORT W/AMEND) situated by hereby declared subject to the provisions of this chapter. The Scipio Pioneer cemetery has only minimal care, until further monies are made available for updates and care.

PART 8-210. CEMETERY SEXTON.

8-211. OFFICE OF CEMETERY SEXTON.

There is hereby created the position of cemetery superintendent and known as Sexton.

8-212. DUTIES OF THE CEMETERY SEXTON.

The cemetery Sexton shall have the general supervision and administration of the city cemetery included but not limited to:

1. Recommending to the city council such additional rules and regulations as may be necessary for operation, maintenance, use and protection of the cemetery.

2. Subdividing the cemetery into lots and grave sites.
3. Maintaining a record of the location of graves and preventing any lot from being used beyond its capacity.
4. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
5. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots and parts of lots for sale; and upon disposal of any lots or part thereof, note and record such fact. After payment of the lot price has been received in the treasury, issue a certificate of burial of rights which shall describe the lot or grave to which the right of burial is granted. The certificate shall be signed by the Sexton and the Mayor.
6. Opening any graves in the cemetery upon application by any person having the right to make such application and being responsible for the closing all graves.
7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than five days after original placement except in emergency.
8. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
9. Erecting a suitable marker firmly set upon a corner of each lot with the number of the lot inscribed thereon and which location shall be shown in the cemetery records.

PART 8-220. REGULATION OF CEMETERY AND BURIALS.

8-221. BURIALS. Before any deceased person is buried in the city cemetery, a permit must be obtained, properly issued by the registrar of the registration district in which the death occurred or, in the abstinence of such registrar, a permit duly issued by the state division cemetery superintendent. After burial the cemetery Sexton shall endorse upon the permit a description of location where the deceased is buried and shall enter all the information contained in the permit in the cemetery records.

8-222. BURIAL PERMIT. It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of the right to burial based on a properly acquired certificate of burial right.

8-223. REGISTRATION OF BURIALS. Before a deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the Sexton with a

written statement which shall be filed by the Sexton, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and description of the location of the grave.

8-224. DISINTERMENT.

A. It is an infraction for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the cemetery Sexton who shall, before disinterment, require a written permission from both the county health officer and the owner of the lot or his or her heirs which written authorization shall be filed and preserved in a record kept for such purpose.

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

B. It is an infraction to inter anything other than the remains of human bodies in cemeteries.

C. It is an infraction to bury the body of any person within this city except in the city cemetery or a private cemetery, unless by special permission of the City Council under such rules and regulations that may prescribed

8-225. BURIALS.

A. Unless in writing waived by the cemetery Sexton it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete fiberglass steel or of such other material approved by the City Council sustainable sustainably constructed and covered with a similar durable material.

B. No wood shall be used as a permanent part of the construction of any part of the vault.

8-226. RELIGIOUS AND FRATERNAL ORGANIZATIONS.

The city may contract with religious and fraternal organizations to designate a responsible portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

8-227. SALE SUBJECT TO RULES. Every lot or single grave sold is subject to rules and regulation 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 lot owners the remains of the dead and the preservation of the cemetery.

8-228. CARE RESERVED.

The cemetery 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.

8-229. ORDERS AND RESPONSIBILITIES FOR ERRORS.

Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone.

8-230. TRAFFIC RULES.

A. The provisions of the cemetery 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.

B. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than 5 mph.

8-231. CHILDREN.

Children under the age of 8 years shall not be allowed in cemeteries unless occupied 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.

8-232. ANIMALS PROHIBITED.

No animal shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery. The only exception is if the animal is used for the physically impaired.

8-233. DECORUM.

A. Cemetery grounds are sacredly devoted to the internment and repose of the dead. Strict observance of decorum do such a place shall be required of all persons.

B. No discharge of firearms allowed except for military rights.

C. No hunting or target shooting permitted.

8-234. INJURY TO CEMETERY PROPERTY PROHIBITED.

A. It is a Class B misdemeanor for any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of

the cemetery for the purpose of injuring defacing or attempting to remove of same.

B. It shall be an infraction for any person to maliciously injure, deface, break, destroy or remove any headstone tombstone monument tree shrub or any other property in the cemetery.

C. The only exception to above would be for the purpose of replacing with new headstones.

D. Trees shrubs and other property can only be removed by approval of cemetery Sexton.

8-235. LANDSCAPING BY PRIVATE PERSONS.

Except as provided by the rules and regulations of the City Council, 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 lot or lots, street, alley or walk in the cemetery or to grade the ground or land thereof. The cemetery Sexton shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and provide 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.

8-236. PLACEMENT OF MARKERS.

It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated by the City Council regarding the placement, construction, and design of all such markers.

A. 6 inch mow strip around headstones will be flush with the ground.

B. Pins in markers to hold on base, all foot stones after date of this ordinance shall be flush with ground.

8-237. ADDITIONAL RULES AND REGULATIONS.

A. The City Council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.

B. The mayor may from time to time as the City Council deems necessary direct and publish A booklet of rules and regulations for the convenience of the purchasers of lots 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 the ordinance after they have been adopted as official by resolution of the City Council.

C. Any changes in the rules and regulations shall be adopted by the City Council before such changes shall be official.

PART 8-240. FEES AND CHARGES.

8-241. COLLECTION OF FEES.

The Sexton, and such other persons as the City Council may designate are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amounts as are determined by the city council and approved of from time to time by resolution.

8-242. FEE TO BE PAID FOR OPENING GRAVE.

A. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.

B. The presentation of a receipt from the Sexton or other person designated by the City Council when presented, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the Sexton or authorized person may give the authority to open graves without the presentation of a receipt.

8-243. PURCHASE PRICE AND FEES.

The city council along with direction of cemetery Sexton shall from time to time by resolution fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for various cemetery services to be provided.

PART 8-250. SALE OF LOTS.

8-251.

A. The Sexton, and such other person as the City Council may designate, are hereby authorized to sell the use of lots in the city cemetery for burial purposes only and to collect all sums arising from the sale. The Sexton shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the purchase price paid therefore. The Sexton or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continual maintenance or currently paid services.

B. 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. Payments made pursuant to this section shall not be construed to be in payment of cemetery services other than perpetual care or prepaid maintenance.

C. Perpetual care or prepaid continued maintenance shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass, and watering and cutting the grass.

No other services are included.

D. No other improvements, changes, or service, except perpetual care or prepaid continued maintenance shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery Sexton, written approval for such improvements, changes or service, which improvements, changes or services shall be subject to the rules and regulations promulgated by the City Council.

8-252. RESTRICTIONS OF RESALE.

A. From and after **JUNE 15, 2023**, The burial rights to lots sold by this city shall not be further sold, transferred, conveyed or assigned to any person except the city. The city hereby agrees to buy back any city cemetery gravelot which it made thereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.

B. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this part, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be cancelled or an assignment given, and the record shall be so changed.

C. The certificates shall be issued and signed by the mayor and shall be attested by the recorder. All lots or parts of lots, 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.

PART 8-260. PERPETUAL CARE.

8-261. CONTRACTING FOR PERPETUAL CARE.

A. No grave shall be thereafter opened in the cemetery of the city until perpetual care upon the lot where the grave is to open shall have been contracted for with this city, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body in turn therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person will pay the full price of perpetual care.

B. This city under advisement cemetery Sexton shall have power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. Until such time as a fee shall be fixed by resolution, said person shall pay a fee equal to ___ per year for such care and maintenance. The fee shall continue to be paid until such time as a further or additional internment shall be made on the lot, at which time the provisions of this subpart relating to perpetual care and maintenance and to payment of fees and cost pertaining thereto shall take effect and apply.

8-262. CARE INCLUDED. The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally and shall include, but is not limited to, mowing of all the lots and graves at reasonable intervals, resodding, seeding, and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the city.

PART 8-270. PERPETUAL CARE FUND.

8-271. PERPETUAL CARE FUND CREATED.

A. There hereby is established the perpetual care fund according to the laws of the state of Utah and this chapter. All funds received from the sale of the 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.

B. The interest income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery.

C. Under no circumstance can the town or cemetery committee draw from the perpetual care fund, except to place the money in a better interest drawing account.

8-272. DUTIES OF THE TREASURER.

It shall be the duty of the treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state of Utah, and to advise the mayor when funds are available for investment in the amount of \$1000 or more. The mayor shall advise the City Council of the availability of such funds.

8-273. DUTY OF THE CITY COUNCIL.

It shall be the duty of the City Council and cemetery Sexton when funds are available for investment to direct buy resolution all purchases of securities for the perpetual care fund or to name suitable trustee for such investment.

8-274 INCOME.

All income from investments held in the perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing the perpetual care as required therein.

PART 8-280. NONPERPETUAL CARE LOTS.

Every lot must have perpetual care.

8-282. REVERSION OF NONPAYING LOTS.

A. When any owner of any lot or portion of a lot in the cemetery shall have failed to pay the cost of services rendered by the city or its employees in watering, beautifying, maintaining or caring for any lots or portions thereof in the city cemetery for which Perpetual care has not been purchased in accordance with the provisions of this chapter, and such failure to pay has continued for a period of six months, the city may pursue collection of such costs in a court of law. A court action may be pursued

for the purpose of seeking judgment against the owner and therefore attaching any of the assets of the owner including an attachment of the lots or portion of lots upon which the owner has failed to make payment or maintenance service.

B. As an additional remedy, or in lieu of seeking collection in a court of law, the city may cancel the owners certificate or deed representing rights to burial or on an occupied lots or portions of lots and causing ownership of lots or portions thereof to revert back to the city by following the procedure set forth in this part.

8-283. PROCEDURE FOR REVERSION OF LOT TO CITY.

A. The city may terminate the owner's right to use of unoccupied lots or lots in the city cemetery when there has been a six month failure to pay the cost of maintenance provided by the city in the following manner:

1. The City Council shall fix a time and a place of hearing before the City Council at which the owner shall be given the opportunity to present good cause as to why his right to future use of the lot or lots involved shall not be terminated as to why the ownership of the lot or portions of the lot shall not revert back to the city for resale buy it.
2. A notice of the time, place, and purpose of the hearing to forfeit the owners interest in the lot or parts of the lot shall be given by personal delivery of a written notice of the time, place, and purpose of the meeting of the City Council or by mailing a copy of the notice to the last known address of the owner or owners.
3. In the absence of an ability to make personal delivery of the written notice to the owner or owners, a notice of the hearing to forfeit rights to said lot or portions of lot shall be published at least once in a newspaper in general circulation in the county. The publication shall be made at least three weeks prior to the date of the hearing.
4. The owner is known to be deceased, then mailing of notice or delivery of notice shall be made to the last known address of any known heirs.
5. Copies of the notices shall also be posted in a conspicuous place in the offices of the city.
6. At the time and place set for the hearing before the City Council, the City Council shall give the owner or owners an opportunity to be heard, a right to present witnesses, and to submit evidence showing cause why a lot or portions of the lot shall not be forfeited to the municipality.

B. After due consideration of all the facts presented at such hearing, the City Council may order, if it finds that there has been a failure to make payment of such costs or if no satisfactory arrangement has been profferred for making the immediate payment of such costs, that the lot or portions of lot shall revert to the city for release and that all the rights and privileges of the owner in the lot or lots are terminated.

C. Thereafter, the city may make sale of the lots in the same manner as it makes cells of all other lots within the cemetery.

PART 8-290. INDIGENTS.

8-291. BURIAL OF INDIGENTS.

A. 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 or proof submitted to him by the Sexton that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased in turned in the cemetery, the mayor with approval of the cemetery Sexton may grant burial space for such deceased person at the request made to them.

B. The mayor shall communicate his decision to the Sexton. The mayor shall give report of his decision, whether affirmative or negative, to the City Council at its next regular meeting. Not all strangers without funds or other persons who may die in the city maybe granted the privilege granted therein.