



**TOQUERVILLE CITY
ORDINANCE.2017.04**

CEMETERY VAULT BURIAL ALLOWANCE

AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH AMENDING TITLE 7 PUBLIC WAYS AND PROPERTY, CHAPTER 7 CEMETERY, SECTION 7-6, REGULATION OF CEMETERY AND BURIALS, ADDING A NEW SUBSECTION E-CREMATATIONS; AND RENUMERATE REMAINING SUBSECTIONS.

RECITALS

WHEREAS, Toquerville City has previously adopted and approved Cemetery Regulation of Cemetery and Burials within the Toquerville Cemetery; and

WHEREAS, City Council requested an amendment to establish regulations, and procedures for the cemetery sexton regarding the burial of cremation vaults; and

WHEREAS, the City Council finds it necessary for the protection and preservation of the public health, safety, and welfare.

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

1. Chapter 7 of the Toquerville Code, which governs the Cemetery is hereby amended and changed as follows (additions are underlined, deletions are ~~stricken~~):

7-7-6: REGULATION OF CEMETERY AND BURIALS:

ORDINANCE

E. Cremations:

1. Any single burial lot within the cemetery may occupy up to two (2) cremation urns. Urns must be placed in an urn burial vault. Urn burials shall include a placard on the surface above the urn denoting name, birth and death dates of deceased person.

2. Burials eligible with a casket and urns(s) are permitted only in section four (4) of the cemetery.

a. A casket cannot be placed above an urn.

b. If an urn is the first, by date, to be placed in section 4, then there can be no casket interred at a later date.

c. Urn burials must follow instructions as noted in E-1 (Cremations)

d. Urn placement subject to approval by cemetery sexton

e. Scattering cremation ashes on a purchased cemetery plot is permitted subject to the approval of the cemetery sexton and placement of identification marker

E.F. Vaults Required:

1. Unless in writing waived by the cemetery superintendent, it shall be unlawful for any person to lie buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel or brick lined, or of such other material approved by the city council, substantially constructed and covered with a similar durable material.

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

~~F.~~ G. Religious And Fraternal Organizations: The city may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families

~~G.~~ H. Sale Subject To Rules: Every lot 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 lot owners, the remains of the dead and the preservation of the cemetery.

~~H.~~ I. 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.

~~I.~~ J. Orders And Responsibilities For Errors: Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone.

~~J.~~ K. 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 chapter.

2. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than five (5) miles per hour.

~~K.~~ L. Children: Children under the age of eight (8) 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.

~~L.~~ M. 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.

~~M.~~ N. 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.

~~N.~~ O. Injury To Cemetery Property Prohibited:

1. It is a class B misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code, 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 the removal of same.

2. It shall be an infraction, subject to penalty as provided in section 1-4-1 of this code, for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery.

~~Θ.~~ P. 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 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.

~~P.~~ Q. Placement Of Markers:

1. 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.

2. All headstones or markers must have a concrete border twelve inches (12") wide installed flush with the surface of the lawn.

3. No monument will be more than three feet (3') high in sections 1 and 2 of the cemetery. In section 3, all monuments will be installed flush with the surface of the lawn.

~~Q.~~ R. Additional Rules And Regulations:

1. The city council may promulgate by ordinance such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.

2. 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 this chapter after they have been adopted as official by ordinance of the city council.

REPEALER. This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

SAVINGS CLAUSE: If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

EFFECTIVE DATE. This Ordinance shall take effect immediately upon approved by the City Council.

PASSED AND APPROVED THIS _____ DAY OF _____ 2017.

Paul Heideman	Aye ___	Nay ___
Keen Ellsworth	Aye ___	Nay ___

Mark Fahrenkamp	Aye ___	Nay ___
Brad Langston	Aye ___	Nay ___
Ty Bringhurst	Aye ___	Nay ___

CITY OF TOQUERVILLE a Utah Municipal Corporation

M. Darrin LeFevre, Mayor

Date _____

Attest: Dana M. McKim, City Recorder