



**ORDINANCE NO. 13-2016**

**AN ORDINANCE ADOPTING AMENDMENTS  
TO CHAPTER 8-7 – CITY CEMETERY**

WHEREAS, in order to enhance the efficient operation of the Lehi City Cemetery, and to allow for the burial of cremains in available single plots, city staff is proposing amendments to Chapter 8-7 – City Cemetery; and

WHEREAS, on February 9<sup>th</sup>, 2016, the Municipal Council held duly noticed public meetings to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) Lehi City Code Chapter 8-7 should be amended as shown on the attached Exhibit “A”; and (ii) such action furthers the health, safety and welfare of the citizens of Lehi.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Lehi City, Utah, as follows:

PART I:

Current Chapter 8-7 is hereby amended as shown in Exhibit “A”.

PART II:

A. If a provision of this Ordinance 13-2016 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various section, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and adopted by the Lehi City Council this 9th day of February, 2016.

ATTEST:

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Bert Wilson, Mayor

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Marilyn Banasky, City Recorder

## CHAPTER 7

### CITY CEMETERY SECTION:

- 8-7-1: Purpose
- 8-7-2: General Provisions
- 8-7-3: Definitions
- 8-7-4: Ownership And Certificates
- 8-7-5: Procedures
- 8-7-6: Funeral And Interment
- 8-7-7: Rules And Landscaping
- 8-7-8: Markers And Monuments
- 8-7-9: Decorating Gravesites And Other Regulations !2R!
- 8-7-10: Infant Cemetery
- 8-7-11: Cremain Interment

#### 8-7-1: PURPOSE:

The purpose of the cemetery is to provide an affordable, peaceful and well maintained permanent resting place and memorial for the deceased. (Ord. 11-2012, 4-24-2012)

#### 8-7-2: GENERAL PROVISIONS:

The cemetery is owned by the city, and shall be operated and maintained by the city parks department. Cemetery records shall be maintained by the city. (Ord. 11-2012, 4-24-2012)

#### 8-7-3: DEFINITIONS:

!DEF! BODY: The remains of one human body (cremated or otherwise) or the remains of a mother and such mother's infant child.

CEMETERY: The real property owned by Lehi City, used and reserved for interment of the dead.

CERTIFICATE FEE: The fee charged by the city for issuing a duplicate certificate or by transferring certificate or transferring interment rights, adding names or documents to the certificate records, as set forth therein.

CITY: Lehi City Corporation.

DISINTERMENT: The opening or excavation of an existing space. FEE SCHEDULE: The current Lehi City fee schedule as adopted and amended by the Lehi City council.

INFANT: A fetus or a child up to two (2) years of age.

INTERMENT OR INTER: The burial of a body or cremains into a space.

LOT: An area containing (8) spaces.

NONRESIDENT: Any person who is not a resident of Lehi City. RESIDENT: Any person who is a legal resident of Lehi City.

SPACE: A legal and authorized gravesite generally measuring five feet by ten feet (5' x 10') and intended for interment.

TRANSFER: To sell, donate, exchange, trade or convey a space. (Ord. 11-2012 4-24-2012) !  
DEFEND!

#### 8-7-4: OWNERSHIP AND CERTIFICATES:

A. Rights Of Ownership: In accordance with Utah Code Annotated section 8-5-7, the city shall sell only the right to be interred in the city cemetery. The purchase of interment rights in any lot or space as evidenced by a certificate of interment rights shall provide only the right to be interred in the cemetery, and is not a deed to convey title to real property.

B. Purchase Of Spaces: Residents must provide evidence in a form acceptable to the city that they are a resident of Lehi City. Residents and nonresidents may purchase spaces in the cemetery for the current prices listed and as adopted by the Lehi City council on the fee schedule. The purchaser may purchase spaces of one to a maximum of eight (8). The purchase price for each space includes perpetual care with no maintenance fee to be assessed, and must be paid for in full at the time of purchase. There are no sale agreements or payment arrangements. All spaces purchased for the resident rate shall be clearly marked on the certificate to indicate that the owner paid the resident pricing for the space. Absolutely no cemetery space will be held or reserved. Spaces can be traded for other spaces, but the owner will be required to pay the difference between the original cemetery space and the current published cemetery space price. Purchaser is to list two (2) persons as beneficiary recipients of their said spaces in the event that the purchaser is deceased and has remaining spaces left.

C. Certificate Of Ownership: Owners of each space shall be issued a certificate of interment rights which describes the location of the space within the cemetery. The city shall retain a duplicate record of all certificates of interment rights issued. City records shall be the official record or ownership for all spaces. The certificate of interment rights shall include a statement that uses of the space are subject to these rules.

D. Transfer Of Space: A certificate of interment rights for an unoccupied space may be transferred by the owner of the space by: 1) presenting the original deed or certificate; 2) completing a space transfer form; 3) paying the certificate fee for each new certificate that is required by virtue of the transfer; and 4) either appearing in person and producing photo identification proving owner identity, or have the owner's signature on the space transfer form notarized by a licensed notary. The transfer of certificates of interment rights owned by deceased persons may be completed in accordance with the Utah uniform probate code. If a deed or certificate cannot be located by an individual or a family for presentation, the parks manager or his/her designee may, with the authorization of the city administrator, make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances. If spaces are purchased at the resident rate and are transferred to a nonresident who is not the space owner's spouse, parent, sibling, child, grandchild or great grandchild, prior to a new certificate being issued, the transferee must pay the difference between residential rate and nonresidential rate at the time of transfer, and pay the certificate fee charge. For every space transferred, a new certificate of interment rights shall be issued and the old certificate shall be null and void and remitted with the transfer forms and requests.

E. Duplicate Certificates Of Interment Rights: Duplicate certificates of interment rights may be

issued upon written request of owner and payment of the certificate fee. Duplicate certificates of interment rights shall be clearly marked with the words "duplicate certificate".

F. Abandonment And Forfeiture Of Space: The city council may terminate the rights of owners of spaces in accordance with Utah Code Annotated section 8-5-1 et seq. (Ord. 11-2012, 4-24-2012)

#### 8-7-5: PROCEDURES:

A. Caskets Or Coffins: No more than one body may be buried in any one space, or two (2) infants, or a maximum of six (6) cremains in any one space, upon approval of the parks manager or his/her designee. Vertical stacking of caskets, vaults, coffins or urns is not allowed. All bodies, remains or other items buried with the body must be in a casket, coffin or urn. All caskets, coffins or urns must be enclosed in a city approved concrete vault. The casket, coffin or urn shall contain only the body or remains of the deceased, clothing and jewelry, and other small personal items that fit therein.

B. Excavating Spaces: Authorized city personnel shall be responsible for the excavation of gravesites. The parks manager or his/her designee may allow a third party to excavate a gravesite. Authorization must be provided in writing.

C. Application: The city shall not open a space for interment, provide interment services or disinterment services until the city has received a completed application form for interment or disinterment, signed by a relative of the deceased, ecclesiastical leader or licensed funeral director representing the deceased, together with the fee as provided herein.

D. Proof Of Ownership: If the deceased is the sole owner of the space, the city shall verify the identity of the deceased prior to interment. If the space is owned by someone other than the deceased, written permission in a form acceptable to the city from the owner of the certificate shall be required prior to any interment.

E. Payment Of Fees: The fee to open and close a gravesite, as set forth on the fee schedule, shall be paid prior to any interment or disinterment. Mortuaries that collect opening and closing gravesite fee will be billed on a monthly basis.

F. Additional Fees And Charges: Fees and costs in addition to those set forth in the fee schedule may be charged for special circumstances requiring additional city staff, equipment or resources. Such additional charges shall be paid in full prior to any interment or disinterment.

G. Closing Of Gravesites: City personnel shall close any open gravesite promptly after the casket or coffin is placed in the vault.

H. Disinterment Services: The city shall provide disinterment services only for persons buried in a nonbiodegradable vault and in accordance with applicable statutes, rules and regulations. (Ord. 11-2012, 4-24-2012)

#### 8-7-6: FUNERAL AND INTERMENT:

A. Prohibited Days: The city will not provide interment or disinterment service on the following days: Sundays, New Year's Day, Independence Day, Pioneer Day, Labor Day, Memorial Day,

Thanksgiving Day or Christmas Day.

B. Hours Of Services: Graveside services or interments shall be conducted between the hours of eight o'clock (8:00) A.M. and three o'clock (3:00) P.M., unless otherwise approved by the parks manager or his/her designee.

C. Length Of Services: Graveside services and/or interments shall not exceed two (2) hours in length, unless authorization is provided by the parks manager or his/her designee.

D. Funeral Processions: Upon entering the cemetery, all funeral processions shall be under control and direction of the parks manager or his/her designee.

E. Gravesite Decorations: Any grave decoration, funeral design, flowers or other items left at a gravesite are subject to be removed for maintenance purposes. Removal of flowers, grave decoration, etc., will occur after seven (7) days, or as the weather will allow. (Ord. 11-2012, 4-24-2012)

#### 8-7-7: RULES AND LANDSCAPING:

A. Recreational Activity: No recreational or athletic activities are permitted within the cemetery. Walking or jogging on designated roadways is allowed.

B. Noise: All visitors to the cemetery shall maintain reasonable levels of noise to avoid disturbing other visitors and/or neighbors at the cemetery. Loud music, shouting, yelling, barking dogs and all other loud noises are prohibited.

C. Damage Or Removal Of Headstones Or Markers: It is unlawful to damage or remove any headstone, tombstone or marker, or city property located in the Lehi City Cemetery, or to desecrate any gravesite within the cemetery. Violators will be prosecuted to the full extent of the law.

D. Placement Of Markers, Headstones, Etc.: No placement of grave markers, headstones, etc., shall occur without preauthorization by the parks manager or his/her designee.

E. Animals: Domestic and companion animals are not allowed on cemetery property unless properly restrained. Properly restrained animals shall not be allowed to urinate or defecate on a gravesite, headstone, grave marker, etc. The owner of a properly restrained animal is responsible to remove any fecal matter his/her animal deposits on cemetery property.

F. Individual Landscaping: No private mowing or digging will be allowed within the cemetery. Flowers may not be planted without permission of the parks manager or his/her designee. No private individual shall plant any plant, tree, shrub or bush. Any plant, tree, shrub or bush planted by a private individual without permission from the parks manager or his/her designee will be removed and disposed of.

G. Motor Vehicles: Motor vehicles shall remain on clearly designated roadways within the cemetery, unless provided express consent by city personnel.

H. Visitation Hours: Cemetery hours shall be from seven o'clock (7:00) A.M. to eleven o'clock (11:00) P.M. daily, unless otherwise noted.

I. Signs And Advertisements: No unauthorized signs or advertisements shall be displayed within the cemetery.

J. Traffic Ordinances: City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect within the cemetery. The speed limit within the cemetery shall be five (5) miles per hour.

K. Children: Children under the age of sixteen (16) years shall not be allowed within the cemetery unless accompanied by a parent or a chaperone whom is at least eighteen (18) years of age. Exceptions to this rule are allowed for persons attending an authorized funeral service, placing of flowers on a gravesite of a deceased relative or friend, or performing any other customary respect or respectful actions consistent with the environment maintained within the cemetery.

L. Surface Grade: No blocks, lots or spaces shall be raised above the established grade.

M. Alcohol Or Tobacco: Consumption of alcohol beverages and smoking is not allowed in the cemetery at any time. (Ord. 11-2012, 4-24-2012)

#### 8-7-8: MARKERS AND MONUMENTS:

A. Fencing And Dividers: No space shall be defined by fences, railings, coping, hedges, trees, shrubs, embarking depression or any other markers to describe its corners or boundaries, unless approved by the parks manager or his/her designee.

B. Headstones, Markers And Monuments: Raised headstones, markers and monuments are allowed in the cemetery. The owners of the certificate of space or relatives of interred persons in the cemetery are required to erect and maintain in a manner satisfactory to the city, and at the expense of the space certificate holder or relatives of deceased, a headstone or marker or other suitable monument at the head of the gravesite with the name of the deceased person inscribed thereon. All headstones, markers and monuments must be in an orderly row and reasonably in line with all other such markers in that lot. On a cremation, or space with more than one remains, one headstone for the entire space is allowed, unless approval of the parks manager or his/her designee is given.

C. Headstone, Marker And Monument Bases: All headstones, markers and monuments shall have a stone or cement base, level with the ground, extending outward from the perimeter of the base of the headstone or marker and shall be six inches (6") on all sides, with a minimum thickness of four inches (4").

D. Specifications For Raised Headstone, Marker Or Monument:

1. For a single raised headstone, marker or monument, the width (side to side) shall not exceed forty eight inches (48"), not including the six inch (6") base. The height shall not exceed forty eight inches (48"), including the base of the headstone, marker or monument. The depth shall not exceed twenty four inches (24"), not including the base.

2. For a double raised headstone, marker or monument, the width (side to side) of a raised double headstone, marker or monument shall not exceed seventy six inches (76"), not including the six inch (6") base. The height and depth specifications are the same as a single raised headstone,

marker or monument.

E. Specifications For Flat Markers: Flat markers shall not be smaller in surface measurement than twelve inches by eighteen inches (12" x 18"), not including the base and not larger than twenty one inches by forty two inches (21" x 42"), not including the base.

F. Materials: All headstones, markers and monuments must be made of real bronze, glazed granite or other permanent materials acceptable to the city and designees. Headstones, markers and monuments shall not be made of wood, sandstone or any other material which is susceptible to decay and/or erosion.

G. Vases: All permanent vases placed in the cement or the stone base of a headstone, marker or monument shall be recessed to ground level when not in use. Receptacles in the monument itself are allowed, provided they do not project horizontally beyond the base of the monument, marker or headstone.

H. Permanent Gravesite Decorations: All permanent gravesite decorations must be approved by the park manager or his/her designee. Shepherd hooks, works of art and solar lights, if installed, must be placed in the cement or stone base of the headstone, marker or monument. There must be holes for these items to be placed and any damage to the base, headstone, marker or monument caused by adding holes, or due to the holes, is the owner's responsibility. Shepherd hooks, works of art and solar lights placed in bases, headstones, markers or monuments cannot project horizontally beyond the base in any horizontal direction. Shepherd hooks, works of art and solar lights placed in headstones, markers or monuments shall not exceed seven feet (7') in height from the ground.

I. Liability For Damage: The city is not liable for any damage to headstones, markers or monuments, unless the damage is due to the city's negligent, reckless or intentional conduct. (Ord. 11-2012, 4-24-2012)

#### 8-7-9: DECORATING GRAVESITES AND OTHER REGULATIONS:

A. Removal Of Items: If the city removes grave decorations, funeral designs, flowers or other items, then such items shall be retained for the period of two (2) days before being discarded. The city shall not be liable for any items that are discarded, damaged or destroyed. Grave decorations will be removed weekly for normal maintenance, with the exception of the week of Memorial Day.

B. Theft Or Loss Of Personal Belongings: The city is not responsible for the theft or loss of personal belongings within the cemetery.

C. Prohibited Interment Outside Cemetery: It shall be unlawful for any person to inter human remains within the city limits, except in the Lehi City Cemetery. (Ord. 11-2012, 4-24-2012)

#### 8-7-10: INFANT CEMETERY:

A. There is hereby created a section of the cemetery reserved for the burial of Infants.

- B. Unless modified by provisions of this section 8-7-10, all other provisions found in this Chapter 8-7 shall apply to the Infant Cemetery.
- C. Burial in the Infant Cemetery is only available to Infants as defined above.
- D. No permanent gravesite decorations are allowed in the Infant Cemetery. This includes, but is not limited to, shepherd hooks, works of art, and solar lights.
- E. No permanent vases are allowed in the apron, cement, or the stone base of a headstone.
- F. Purchase of burial spaces is on an as-needed basis for the burial of an infant only. Spaces are available to residents and nonresidents for the prices listed as adopted by the Lehi City Council on the most recent fiscal year fee schedule. Residents must provide an acceptable form of proof of residency to the City. The purchaser may purchase no more than one (1) space in a given transaction. The purchaser will not be permitted to select a burial space; instead, an authorized city representative will determine the order and placement of burial.
- G. Transfer of spaces within the Infant Cemetery is not permitted.
- H. Raised headstones are not allowed in the Infant Cemetery. All headstones must be flush with the ground.
- I. Flat markers shall be eight (8) inches by sixteen (16) inches, not including the apron.

8-7-11: CREMAIN INTERMENT:

- A. The city will identify single spaces in the cemetery to make available for the interment of cremains. Each space that is available will be split into half spaces. A maximum of two (2) cremains may be interred in each half space.
- B. Unless modified by provisions of this section 8-7-11, all other provisions found in this Chapter 8-7 shall apply to cremain spaces.
- C. No permanent gravesite decorations are allowed on cremain spaces. This includes, but is not limited to, shepherd hooks, works of art, and solar lights.
- E. No permanent vases are allowed in the apron, cement, or the stone base of a headstone for cremain spaces.
- F. Cremain spaces are available to residents and nonresidents for the prices listed as adopted by the Lehi City Council on the most recent fiscal year fee schedule. Residents must provide an acceptable form of proof of residency to the City. The purchaser may purchase no more than one (1) space in a given transaction. The purchaser will not be permitted to select a burial space; instead, an authorized city representative will determine the order and placement of burial.
- G. Raised headstones are not allowed for cremain spaces. All headstones must be flush with the ground and only one marker is allowed for each cremain space.

H. Flat markers shall be a minimum of eight (8) inches by sixteen (16) inches, not including the apron, and a maximum of twelve (12) by twenty-four (24) inches, not including the apron.