

**ORDINANCE NO. 08-13-2018**

**AN ORDINANCE REGULATING THE USE AND CARE OF THE EUREKA CITY CEMETERY.**

**WHEREAS**, Title 10 Chapter 3 and § 10-8-84 of the Utah Code authorizes the City Council to pass ordinances which are reasonably and appropriately related to the providing for the public health, safety, morals, convenience, order, prosperity, and general welfare of the City and its residents; and

**WHEREAS**, the City Council finds it is in the public's interest to enact regulations related to its city cemeteries pursuant to §8-6-2 of the Utah Code, relating to the setting of fees, sale of burial rights, regulation of headstones, care and maintenance of the cemetery, and compliance with state law;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA CITY, THAT THE FOLLOWING "CEMETERY ORDINANCE" BE ENACTED AS FOLLOWS:**

**I. NAME AND PURPOSE.**

A. Eureka City's burial grounds shall be known as the "Eureka City Cemetery," which shall be reserved exclusively for the interment of human remains.

B. It shall be unlawful for any person to inter human remains within the city limits, except in the Eureka City Cemetery or other state approved endowment cemetery.

C. There shall be no burial of anything other than the remains of human bodies in the Cemetery.

**II. HOURS.**

Access to the city cemetery is restricted to daylight hours only, or as posted at or near the entrance.

**III. BURIAL RIGHTS AND FEES.**

A. It shall be unlawful for any person to bury the body of a deceased person in the Cemetery without first obtaining a Certificate of Burial Right.

B. Burial rights may be purchased only from the City. The purchase of burial rights shall be evidenced by a Certificate of Burial Rights and shall be sold for the prices and charges reflected on the City's fee schedule at the time of purchase.

1. *Resident Fee.* The City Council shall adopt a fee for the purchase of a burial right and opening and closing of graves by a Resident. "Resident" means a person who has a fixed permanent home and principal establishment in Eureka for six (6) consecutive months immediately preceding the purchase of a burial right or opening and closing request, and does not claim residency in any other city, state or country. An individual retains Eureka residency if he or she leaves Eureka to serve in the armed forces of the

United States, or for religious or educational purposes, and does not claim residency in any other city, state or country. An individual retains Eureka residency if he or she leaves Eureka to be admitted into an assisted living center between the time of residency and use of burial right by said individual, and does not claim residency in any other city, state or country.

2. *Non-Resident Fee.* The City shall adopt a fee for non-residents. A "nonresident" is anyone who does not qualify as a Resident. Residency is determined at time of purchase.

C. OPENING AND CLOSING. No grave shall be opened until payment is made 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.

D. REGISTRATION OF BURIAL. Prior to any interment, all fees must be paid in full. Each burial shall be registered with the city recorder, including the name of the deceased, their birth date and place, cause of death, date of death, and location of burial spot.

E. RECORDS. The city recorder, and such other persons as the City may designate, are hereby authorized to sell the burial rights and to collect all sums arising from the sale. The city recorder shall keep a complete record of all sales, which record shall describe the location of the burial right purchased and the price paid therefor. The city recorder or designated person shall deliver to each purchaser a Certificate of Burial Right for each lot purchased.

#### **IV. RESALE RESTRICTED.**

No person who owns a burial right shall sell such right to any other buyer except the City. The City shall repurchase any unused burial right for the present value of such right.

#### **V. UNUSED LOTS.**

Lots that have been unused or have no written notice of claim or interest for over sixty (60) years are deemed abandoned and can be reclaimed by the city pursuant to the notice and reclamation provisions of Utah Code 8-5-1 et. seq., as amended.

#### **VI. DISINTERMENT.**

It shall be unlawful for any person to disinter any remains from the Cemetery without prior written authorization and approval of the City. In those circumstances where it is necessary to disinter or remove remains from the cemetery, all applicable state laws must be complied with.

#### **VII. VAULTS REQUIRED.**

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 brick lined, or of such other material

approved by the City Council, substantially constructed and covered with a similar durable material.

#### **VIII. ONE BURIAL PER GRAVE.**

No more than one casket per grave is permitted. "Double deep" burials are not permitted. One interment per casket shall be allowed except a mother with her infant child.

#### **IX. HEADSTONES; MARKERS**

A. The placing of monuments, markers, and vases is done so at the purchaser's own risk and shall be accomplished under the direction of the city and shall comply with all specifications herein. The city assumes no obligation or responsibility to repair or replace markers or monuments damaged by an owner, elements, or third parties.

B. Deadline. Owners or relatives of deceased persons buried in the cemetery are required to erect a headstone or other suitable monuments with the name of the deceased plainly thereon. If a headstone or monument is not erected within a six (6) month period after the interment, the City may place a suitable headstone in the prescribed place at the expense of the person owning or burying in said lot.

C. Concrete Apron. It shall be unlawful for any person to erect or place any monument on any lot in the city cemetery, unless the same shall be placed on a good, steel reinforced, concrete foundation four inches (4") deep or deeper.

D. Approved Materials. It shall be unlawful for any person to place any monument on any lot in the said cemetery made of any material other than noncorrosive metal, stone or concrete.

E. Size Limits. Markers, including the concrete apron, may not be larger than the space allowed for the burial.

F. Quantity Limits. Only one grave marker will be permitted on each grave. This marker shall be at the head of the grave, unless otherwise approved by the City.

#### **X. CEMETERY RULES.**

A. Decorations. Flowers and decorations must be confined to the headstone and its cement apron. Decorations shall be removed within five (5) days of placement. No glass containers are permitted.

B. Animals. No animals shall be allowed in the Cemetery.

#### **XI. PENALTY.**

Any person violating any of the provisions of this chapter shall be guilty of a Class "B" misdemeanor, subject to penalty as provided by state law.

## **XII. SEVERABILITY**

If any provisions or clause of this chapter or its application thereof to any person or circumstances 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 which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

## **XIII. PRIOR OR CONFLICTION PROVISIONS REPEALED**

This Ordinance repeals and replaces any prior or conflicting provisions that were previously adopted by the City.

## **XIV. EFFECTIVE DATE**

This amendment to the ordinance shall become effective on the date passed by the City Council of Eureka.

PASSED AND ADOPTED THIS 13<sup>th</sup> DAY OF August, 2018.

MAYOR OF EUREKA:

  
\_\_\_\_\_  
NICK CASTLETON

ATTEST:

  
\_\_\_\_\_  
CITY RECORDER