

TITLE FOUR - MUNICIPAL PROPERTY

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CHAPTER 1 - MUNICIPAL PROPERTY IN GENERAL

4-1-010. Buildings.

The city may erect and maintain such buildings and facilities as may be necessary to meet the needs of the city.

4-1-020. Other Property.

The city may own and maintain such other property, real, and personal, in order to provide services to its residents, or to provide for their health, safety, and/or welfare. The city may exercise any power set forth in Utah Code Ann. §10-8-1 et seq.

4-1-030. Unlawful Use.

Unless authorized by permit or ordinance, it shall be a Class B Misdemeanor for any person to:

- A. Gain entry or attempt to gain entry to any public property after closing hours, provided any state law stating a more serious criminal penalty shall take precedence over this section;
- B. Intentionally use or perform acts on property of the municipality which materially impairs, alters, or damages the property.

4-1-040. Extrication and Emergency Equipment.

- A. The rescue truck and extrication equipment will always respond with an ambulance call to any accident scene involving automobiles, motor vehicles, and/or trains.
- B. Fire apparatus, in addition to the rescue truck and extrication equipment, will respond to accidents when requested by Dispatch or the officer in charge at the scene.
- C. The party receiving the service of the ambulance, rescue truck and extrication equipment, or fire apparatus will be billed for each apparatus (ambulance, rescue truck, fire) which responds. (ordinance #4-20-11A)

4-1-050. Disposal or Lease of Public Property.

- A. No public property having an estimated value in excess of one hundred dollars (\$100.00) shall be disposed of or released to anyone other than the City, unless such property has been declared surplus by the City Finance Director or designee.
- B. Whenever public property is surplus, unused, obsolete, unsuitable or otherwise no longer needed, the department head having control of such property shall notify the City Finance Director or designee. The City Finance Director or designee may notify other City departments of the availability of such property. The City Finance Director or

designee shall supervise any transfer of such property to any other department. If no use can be made or can be expected to be made within the reasonably foreseeable future, the property shall be disposed of in accordance with this section.

C. The City Finance Director or designee shall prepare a listing of all City-owned property which s/he feels is no longer needed by the City and which can be declared surplus. After an item has been declared surplus, the property may be disposed of or leased. If an item has an estimated salvage value over twenty thousand dollars (\$20,000), the City Council shall approve its disposal. All disposals, leases and/or subleases of public property shall be made, in accordance with law, under the direction of the City Finance Director or designee.

D. Except as otherwise required by State law, boundary line agreements and deeds conveying unneeded portions of rights of way or easements may be executed without declaring the property surplus.

E. Before disposing of a significant parcel of real property, the City shall comply with the provisions of Utah Code Ann. §10-8-2(4). For purposes of this section, a significant parcel of real property is defined to be any parcel with an area or a net area after an exchange resulting in a conveyance greater than 3,000 square feet. Reasonable notice shall constitute posting a sign on the property to be disposed at least fourteen (14) days and publishing notice in a newspaper of local circulation at least fourteen (14) days prior to a public hearing concerning the disposition. (ordinance 71520A)

CHAPTER 2 - CEMETERIES

4-2-010. Cemeteries in General.

Salem City will own and maintain a cemetery for the interment of deceased human bodies. The cemetery will operate pursuant to cemetery policies, rules, and regulations as established from time to time by the city council.

4-2-020. Intermit to be in Cemeteries.

No dead human body shall be interred within the limits of the city, except in the cemetery operated by the city or otherwise established in accordance with the law.

4-2-030. Records.

The city recorder shall keep a record of all sales of cemetery lots and burial rights therein, showing the number of the lot and block and burial place sold, the date of sale, the person to whom sold, and the amount received for the same. The recorder shall further keep record of all transfers of cemetery lots and burial places which are properly made and filed in his or her office. The recorder shall further keep and maintain permanent records of the name, date of death, and location of all persons buried in the city's cemeteries.

4-2-040. Fees.

The city may charge a reasonable fee for the right to be buried in a cemetery lot, which sum shall be fixed by the city council. The charge for burial rights shall include the necessary costs for future perpetual care and maintenance for such lot or burial place. In addition, reasonable charges for the digging of graves, inspections, and other services performed may be imposed. All fees shall be paid to the city treasurer and shall be prepaid prior to the receiving of any services.

4-2-050. Forfeiture.

The city shall have the right to reclaim, by forfeiture, any cemetery lot which has remained unused. In claiming any such forfeiture, the city shall comply with the provisions of Utah Code Ann. §8-5-1 et seq. as it may from time to time be amended.

4-2-060. Sell/Registration.

- A. The city recorder, or such other person as the city council may designate, is hereby authorized to sell only the right to be buried in the city cemetery, and to collect all sums arising from the sale.
- B. The right to burial may be granted by deed and shall be exempt from execution, taxation, or assessment for care and maintenance from and after full payment of the purchase price. Payments made shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.
- C. Perpetual care of prepaid continued maintenance shall be deemed to include the filling of the grave and the placing of top soil upon the grave, planting or sodding the grave with grass, and watering and cutting the grass. No other services are included.

- D. Before any deceased person may be buried in a municipal cemetery, the relatives or person having charge of the deceased shall provide the recorder or the designated person with a written statement which shall be filed by the recorder, which statement shall contain 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, the date of burial, and the description and location of the grave.

4-2-070. Control and Maintenance.

The superintendent of buildings and grounds, or such other officer as may be assigned to perform the duties herein set forth, under the direction of the city council, shall have the care and control of the maintenance and operation of the city's cemeteries. All markers, plantings, improvements, or other work of any nature or description must be done under the direction and control of the superintendent of buildings and grounds or such other designated person. No person owning a right of burial in the city's cemetery shall plant, grate, or do any other work in such cemetery except by written authority first had and obtained from the city council. The city council shall, by resolution, designate the type of markers, grade of ground, plantings, and other improvements which may be permitted in the city's cemetery.

4-2-080. Vehicular Traffic.

- A. It is unlawful for any person to drive any motor vehicle upon any cemetery lot, back over any grave, cut corners, or drive any vehicle upon any part of the cemetery which is not an established roadway. This provision shall not apply to the city employees in the discharge of their duties.
- B. It is unlawful for any person to drive a motor vehicle in the city cemeteries at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Where speed limits are posted, it is unlawful for any person to drive a motor vehicle in excess of the posted speed limit.
- C. Whenever signs have been installed by the city directing traffic to proceed in one direction only upon any street in the city cemetery, it is unlawful for any person to disobey such signs and drive a motor vehicle in the opposite direction.

4-2-090. Defacing or Removing Shrubs or Markers.

No person shall injure, deface, take, or carry away from any grave or lot, any monument, marker, tree, shrub, flower, ground, or any other property or ornament in the city cemetery, except with written permission of the superintendent of buildings and grounds.

4-2-100. Animals.

It is unlawful for the owner, agent, caretaker, custodian, or other person or persons in charge of any animal to allow or negligently permit animals to run at large or trespass on cemetery grounds.

4-2-110. Landscaping.

Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any marker or monument, any fence, cornerpost, coping, or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley, or walk in the cemetery or degrade the ground or land thereof. The cemetery superintendent shall, whenever requested, furnish the true lines of any lots according to the official survey, and shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent or prohibit any grading thereof that might destroy or interfere with the general slope of the land. Permission to erect any such marker or landscaping may be granted by written resolution of the city council.

4-2-120. Penalty.

Any person violating any provision of this chapter is guilty of a Class C Misdemeanor.

CHAPTER 3 - PARKS AND RECREATIONAL FACILITIES

4-3-010. Parks and Recreational Facilities in General.

The city may establish parks and other recreational facilities for the enjoyment and benefit of its residents. The city council may establish rules and regulations concerning the use of such facilities, including reasonable charges for the use, at the discretion of the council.

4-3-020. Alcohol Prohibited.

The possession, sale, or consumption of alcoholic beverages is prohibited on the premises of any park or other recreational facility.

4-3-030. Traffic Control.

- A. It is unlawful for any person to drive a motor vehicle within the city's parks or recreational facilities at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Where speed limits are posted, it is unlawful for any person to drive a motor vehicle in excess of the posted speed limit.
- B. Whenever signs have been installed by the city directing traffic to proceed in one direction only upon any street in the city's parks or recreational facilities, it is unlawful for any person to disobey such signs and drive a motor vehicle in the opposite direction.
- C. It shall be unlawful to park or stop a vehicle in a park or recreational facility except in areas which have been designated for vehicular parking by signage, striping, or otherwise.

4-3-040. Hours.

All parks and recreational facilities shall close no later than 12:00 midnight. The council, by resolution, may establish earlier closing times for specific parks or facilities.

4-3-050. Reservations.

The city council may allow reservations for the use of recreational facilities and pavilions. The charges for reservations may be set by the council. The council may appoint a member of the office staff to keep and coordinate reservations. The council may enact such other rules and regulations pertaining to reservations as it deems advisable.

Parks, other than pavilions, may not be reserved, but are to remain open to the public during permitted hours of usage.

4-3-060. Violations - Penalties.

- A. Any person violating any provision of this chapter is guilty of a class C misdemeanor.

- B. Any person or group violating any provision of this chapter, shall, in addition to the penalties of subparagraph (A), be prohibited from the use of the parks or recreational facilities for a period of one year.