
Document Control Changes: Created 28 September 2010 (was CF-040-CR-10), revised 24 March 2015, New Format September 2016, revised 10 January 2019; revised March 14 2019; revised June 2020;

“CEDAR FORT CEMETERY REGULATIONS AND FEES”

BE IT RESOLVED by the Town Council of the Town of Cedar Fort, Utah that an ordinance setting forth procedures and Cemetery Regulations, including a fee schedule, for the sale of burial plots and policies in the Cedar Fort Town Cemetery be adopted.

Whereas, the Town of Cedar Fort Cemetery is of limited size and capacity; and

Whereas, procedures and regulations are necessary to ensure an orderly development of the existing and available space;

Now, therefore, the Town Council of the Town of Cedar Fort, Utah resolves:

1.0 Introduction

It is the desire of Cedar Fort Town to operate and maintain a cemetery that is beautiful, dignified, and an appropriate final resting place for departed loved ones. This ordinance is intended to provide rules, policies and procedures for that purpose.

2.0 Definitions

2.1 Certificate Holder: The term “Certificate Holder” shall mean the individual that possesses the right to use the burial plot for his or her internment together with the right to exercise the rights associated with the Certificate.

2.2 Current Resident: Any member of a household whose primary place of residence for the immediately preceding three years can be shown by competent evidence to be within in the Town of Cedar Fort. Notwithstanding the foregoing, any person that has been a resident of the Town of Cedar Fort for twenty consecutive years will be considered a Current Resident in perpetuity.

2.3 Former Resident: Any member of a household that can verify with competent evidence that they were a resident of the Town of Cedar Fort for at least seven consecutive years.

2.4 Non-resident: Any person not a Current Resident or Former Resident.

2.4 Plot: An area of ground in which burial rights are granted to an individual for the purpose of burial.

2.5 Purchaser: The term "purchaser" and shall mean the individual who pays consideration for burial privileges or the collateral right of use of any burial lot.

2.6 Sexton: The term "Sexton" shall refer to the caretaker and/or employee(s) responsible for maintenance and care of cemetery. It shall also refer to that same person who shall be responsible for the record or bookkeeping of cemetery files.

2.7 Town Council Member over Cemeteries: This is the Town Council member assigned to oversee the operation and function of the cemeteries and act as a liaison between the Council and the Sexton.

3.0 Conduct and Access

3.1 Conduct: Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place is expected of all persons.

3.2 Location and Access: The Cedar Fort Cemetery is located at approximately 200 S 100 W. Access to cemetery is restricted to daylight hours.

3.3 Traffic Rules, Driving and Parking: The provisions of the municipal 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.

It shall be unlawful for any person to drive a motorized vehicle or other equipment within the municipal cemetery at a speed greater than 10 miles per hour.

Vehicles must only drive on designated travel lanes within the Cemetery.

3.4 Motorcycles, Bicycles, and All Terrain Vehicles (ATVs): Motorcycles and all terrain vehicles (ATVs) are not permitted in the cemeteries except for those used for maintenance or professional suppliers or those that are part of a funeral procession. Bicycles are permitted, but are subject to the same policies and procedures as motorized vehicles. Cutting corners and driving on the lawns are prohibited.

3.5 Animals: Horses, dogs, or other types of pets or livestock are not permitted on the cemetery grounds unless part of a procession.

3.6 Children: Children under the age of 12 years shall not be allowed in the cemetery 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.

4.0 Burial

4.1 Human Dead: Interments are limited to human dead.

4.2 Ordering a Grave Opening: Arrangements for a grave opening (preparing a grave site for burial) must be made with the cemetery Sexton by the funeral director, the relatives, or person having charge of the deceased. The Town of Cedar Fort will be responsible for the opening the grave for the burial and closing of the grave after the services. The required certificates need to be filled out and fees paid.

The Cedar Fort Town Sexton MUST be contacted prior to excavating for burial to verify proper location and to certify that payment has been made for that plot or gravesite. No private contractors are allowed to open/close graves. Failure to do so will result in a penalty equal to DOUBLE the plot fee and criminal trespass charges will be pursued.

A written statement shall be provided to the cemetery administration, which statement shall contain: the name of the deceased; birth date and place; death date and place; burial date; age; gender; father, mother and spouse full name; veteran, branch of service, war; Certificate Holder name and address; funeral home. (Please see sample information sheet at end of ordinance.)

4.3 Errors: Cedar Fort Town will not be responsible for any mistake occurring from the lack of precise and complete instructions as to the proper space on the plot where interment is desired. When a grave on a plot cannot be opened where specified, the Sexton under direction from the superintendent may open it in such location on the plot as he/she deems best and proper, so as not to delay the funeral and affect the interment. Under no circumstances will the municipality assume responsibility for errors in opening graves when requests are given by telephone.

4.4 Burial Certificates: A certificate for burial must be obtained prior to the opening of a grave. Necessary information and fees should be given to the cemetery Sexton by the family representatives or the funeral director. Proper and complete information is required for accurate record keeping. A 24-hour notice is required for opening of a regular grave.

4.5 State Transit Permit: Remains sent from other states must also be accompanied by a transit permit to be filed in the Cedar Fort Town office.

4.6 Hours When Burials Permitted: Burials are accepted from 8:00 a.m. to 5:00 p.m. daily at the cemetery. No burials will be accepted on Sundays or on the holidays of

Christmas and Memorial Day (other holiday burials require the express permission of the Cedar Fort Cemetery Sexton).

4.7 Burials Per Grave: One interment only shall be allowed in a casket; except a father or mother with an infant child, or two children buried at the same time. Not *more* than one casket/vault is allowed in one grave.

4.8 Vaults: Vaults are required for all burials as required by Utah State Law.

4.9 Orientation of Graves: By convention, burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave plots measure six feet wide by eight feet long. Traditional burial custom has the wife placed on the north side of the husband; however, placement is a matter of choice.

4.10 Disinterment or Exhumations: Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The sexton will schedule and direct the exhumation after applicable fees have been paid. Consultation with a funeral director is recommended for this procedure.

4.11 Cremations: Cremations will be treated as a regular burial including fees, services, and opening and closing charges as noted. Cremations require a sealable urn made of plastic, metal, or other like material. Headstone placement for cremations also requires special approval.

5.0 Decorations and Flower Policy

5.1 Flowers on New Graves: family members should remove Special flower mementos at the conclusion of services. After the grave is closed the casket spray is placed at the center of the grave. Other flower containers and wreaths are laid down in an orderly fashion around the gravesite.

5.2 Flower Regulations: All flowers, real or artificial, must be placed in a container or attached to the monument or placed in a container that does not interfere with cemetery maintenance.

5.3 Flower Containers: Permanent containers must be a part of the marker or cast into the cement base.

5.4 Removal of Decorations: Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly.

5.5 Planting of Flowers, Trees, and Shrubs: Town ordinance prohibits unauthorized

planting of any trees, shrubs, or flowers within the cemetery. Turf may only be placed on a plot or gravesite and only with the approval of both the Sexton and Cemetery Councilperson.

Care and upkeep of the burial plot or gravesite is the sole responsibility of the purchaser.

Water will be provided by the Town, but individual purchasers are responsible to use the water in a prudent and frugal manner to minimize waste and to avoid damage to gravesites or other property. Abuse of this provision may result in costs being assessed to individual violators. Water may not be used for purposes outside the cemetery.

5.6 Landscaping by Private Persons: Except as provided by the rules and regulations of the governing body, 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, or street in the cemetery or to grade the ground or land thereof.

5.7 General Clean Up: Volunteer efforts are made each year to clean up the cemetery in May just before Memorial Day. All flowers and decorations not in permanent containers and those that are damaged or wilted in permanent containers should be removed from the cemetery during that time.

5.8 Town Responsibility: Flowers properly displayed add to the beauty and character of the cemetery. Cedar Fort Town and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Be aware that on occasion uncaring individuals have removed expensive flower arrangements without patron or staff consent.

6.0 Headstone Policy

6.1 Ownership and Responsibilities: Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones are the responsibility of the owner. The town will not be responsible for scratches and chips that occur from routine maintenance. Such happenings are a condition that goes with the privilege of placing markers in the cemetery.

It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in the cemetery except under the direction and supervision of the Sexton.

6.2 Specifications for Headstones: It shall be unlawful for any person to place or to have placed any monument on any lot in the cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least four inches deep with a cement mow strip not less than seven inches around the marker.

The following are headstone size recommendations. Maximum lengths are: singles 40", doubles 80", and triples 120". Maximum height is 36". Maximum width is 30". Any marker size that exceeds these recommendations requires the prior written approval of the Cedar Fort Cemetery Sexton.

Only one headstone and no other monument or marker will be permitted on the grave, except for military markers. Said headstone shall be at the head of the grave. Headstones will be placed in an orderly manner in pre-designated rows and as directed by the cemetery Sexton.

Placement of permanent markers is encouraged to take place within one year after interment.

6.3 Vases: All permanent vases must be attached to the stone base or cast into the cement base with at least two (2) inches from the edge of the cement base.

6.4 Obstructions: No iron ornaments, brackets, foot markers, flag poles or other obstructions or installations except a headstone or monument will be permitted in the cemetery.

6.5 Interference with Excavation: The owner or responsible party is responsible for the cost of removal and replacement of a marker that must be moved for the excavation of a grave. Cedar Fort will move or make arrangements for the service with a local monument dealer at the owner's expense and charge the applicable fee.

6.6 Recommendations: Patron is to consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough-nosed base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument dealer should ensure that the stone will meet cemetery specifications.

6.7 Cemetery Supervision: All work in the cemetery including but not limited to interment, disinterment, planting, landscaping, grading, record keeping, placement of grave markers, construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the Cedar Fort Town Council and Cemetery Sexton.

7.0 Lot Ownership and Privileges

7.1 Nature and Extent of Burial Rights: Only permissive burial rights are sold. Cedar Fort Town retains title to the cemetery property. Except in cases of immediate interment,

a person can advance-purchase burial plots in one of two ways:

7.1.1 A maximum of one gravesite plot may be purchased per Current Resident, Former Resident or non-resident.

Notwithstanding anything to the contrary, any Current Resident may purchase one additional plot at the Non-resident rate (the requirement to have a name assigned of to-be plot occupant is suspended for these purchases).

7.1.2 Rates for Current Residents:

Rates for Current Residents for all Cemetery services and purchases shall be those rates as published and adopted from time to time by the Town Council.

7.1.3 Rates for Former Residents:

Rates for Former Residents for all Cemetery services and purchases shall be two times (2x) those rates as published and adopted from time to time by the Town Council.

7.1.4 Rates for Non-residents:

Non-residents rates for gravesite plots shall be ten times (10x) and all Cemetery services shall be four times (4x) those rates as published and adopted from time to time by the Town Council.

In the event of that Cemetery services or gravesite plot are for a decedent, the status (Current Resident, Former Resident, or Non-resident) of the decedent immediately prior to death shall determine the fees for the decedent's interment and gravesite plot.

After all Fees are paid in full, a certificate of burial rights will be issued for each plot in the name of the Certificate Holder, which certificate will indicate the name of the Purchaser and the classification of the certificate. Proof of residency for the Certificate Holder is the responsibility of the Purchaser.

Burial plot or Gravesite Certificates do NOT convey title to the land, ONLY the right for burial of the named individual in said plot or gravesite; title remains with the Town. Any unauthorized or improper transactions concerning issued Certificates may render them null and void.

As of the effective date of this ordinance, NO unpaid cemetery burial plots or gravesites will be reserved. All previously reserved plots or gravesites not paid in full by the effective date of this ordinance will be released for purchase by others.

7.2 Rights Conveyed: Burial rights are conveyed to the person named therein and their heirs. All legal heirs are presumed to have legal claim to the rights of burial, unless specified differently in a legal will or by probate court. Burials by or of heirs, after the original parties named on burial certificates are deceased, require the permission of all known living heirs. Any adjustments to the burial certificate classification status and any fee changes will be made at the time of change of name or actual interment.

7.3 The cemetery master file is considered to be the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a clerical error. The town reserves the right to recall, correct, and re-issue the correct certificate.

7.4 Restrictions on Resale: Lots sold by Cedar Fort shall not be further sold, transferred, conveyed or assigned to any person except back to the Town. The Town hereby agrees to buy back any cemetery grave lot, which it may hereafter 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.

Burial plots or Gravesites are NOT for resale and are transferable ONLY to someone in the same fee category as the original issuance, or returned to the Town for reimbursement. Certificates must be returned to the Town for re-issue in the ultimate user's name.

7.5 Unused Lots: Lots that have been unused for, or have no written notice of claim or interest for over 10 years after the death of the Certificate Holder, the Town may reclaim the plot after making reasonable efforts to ascertain and contact the Certificate Holder's heirs.

Should a certificate or right to a lot that has been reverted to the town be presented, the legal holder is entitled to be compensated at the buy-back price established by the Cedar Fort Town Council. All proceeds from the resale of reverted property shall be placed in the Cemetery Fund.

7.6 Purchase of Unused Lots by the Town: The town may buy back the unused lots of those desiring the action when directed by the owner, or all living heirs, to do so at a buy-back price established by the Town Council. The Certificate of burial rights must be turned in, or other documented proof of ownership must be given to the recorder before the purchase can be authorized.

8.0 Miscellaneous

8.1 Office - Records: The official cemetery records are kept at the Cedar Fort Town office. The location of all graves is shown by maps and by a system of recorded measurements in a database from fixed permanent landmarks.

8.2 All owners of burial rights or spaces are requested to notify the Cedar Fort Town office of any change of address.

8.3 Powers of Cedar Fort Town Council: The Cedar Fort Town Council is responsible for enforcing the policies and procedures of the cemetery. The Cedar Fort Town Council may take such action necessary to protect property, graves, and the cemetery from injury; to preserve the peace and good order; and to prevent injury to the appearance of the lots, graves, grounds, and buildings.

8.4 Cemetery Fees: Fees for services are changed from time to time as approved by the Town Council.

8.5 Contractors and Outside Workers: Contractors and others working in the cemetery must make their business known to the Cedar Fort Town Councilor / Sexton before the work is started.

8.6 Boundaries, Roads, and Waterlines: The right to enlarge, reduce, re-plat, or change the boundaries of the cemetery or of a section or sections from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Cedar Fort Town. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

8.7 Liability of Cemetery: Cedar Fort Town personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners, but shall not be liable for any damage or loss.

8.8 Alteration and Repeal of Policies and Procedures: Cedar Fort Town reserves the rights to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto.

8.9 Transfer of Certificate: Any modification, re-issuance, or corrections to a burial certificate (not caused by a scrivener's error by the Town) where a certificate must be corrected or re-issued, then a \$25 fee will be charged in addition to all other fees otherwise assessed as a result of the change to the Burial Certificate.

8.10 Irrigation of Plots: Any person using water to irrigate a burial plot must only water during the period of time set forth in the schedule established from time to time and published by the Cemetery Sexton. Anyone that fails to follow the schedule or watering outside of designated times will result in a fine of \$250 per day or occurrence.

This Ordinance becomes effective upon passage by the Town Council of the Town of Cedar Fort, Utah.

Passed by the Town Council this 11th day of June 2020 in a regularly scheduled monthly meeting on the Town Council of the Town of Cedar Fort, Utah.

TOWN OF CEDAR FORT

By David Gustin
Mayor

ATTEST:

Laura Lyon
Town Clerk

Date: June 11, 2020



Mayor David Gustin
Councilmember Ellen Cibula
Councilmember Laura Ault
Councilmember Wyatt Cook
Councilmember Rett Messersmith

Voted Yea DG
Voted Yea EC
Voted Yea LA
Voted Yea WC
Voted Yea RM

CEDAR FORT ORDINANCE # CFO-150-CR-2020
Title: Cemetery Regulations, Policies and Fees

June 2020
Page 11 of 11

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, CARA LYON, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 11 day of June 2020, entitled

“CEDAR FORT CEMETERY REGULATIONS AND FEES”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 11 day of June 2020.



CARA LYON
Cedar Fort Town Recorder



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Cara Lyon, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 11 day of June 2020 and herein referred to as:

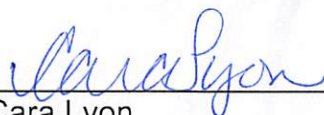
“CEDAR FORT CEMETERY REGULATIONS AND FEES”

SUMMARY:

The above named ordinance was revised to remove an annual water fee (\$7.50) for burial sites that are irrigated by their family or friends; add penalties for failure to follow watering schedule.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store



Cara Lyon
Cedar Fort Town Recorder

Date of Posting June 11, 2020

