

**TITLE 18
CITY CEMETERY**

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18.01.010 Name and Purpose.

The burial ground of Payson City, Utah shall be known and designated by the name of Payson City Cemetery. This cemetery is provided and reserved exclusively for the interment of human remains. It shall be unlawful for any person to inter human remains within the city limits, except in the Payson City Cemetery or other state approved endowment cemeteries. The purpose of the cemetery is to provide an appropriate final resting place for deceased individuals and allow loved ones a place of peace and tranquility at the location of the resting place.

18.01.020 Sexton-Creation of Office.

There is hereby created the office of city sexton. The city sexton may delegate responsibility to other city employees.

18.01.030 Sexton-Registrar of Burials.

The city sexton shall be the registrar of burials for the city. Before burying or disinterring any body, the persons having charge of said body shall be required to furnish a copy of the death certificate, or a statement of said death, which shall be recorded in a record kept for that purpose by the sexton. Such statement, as well as the record, shall include, if known, the name of the person deceased, when and where born, parentage, spouse, if any, the place and date of death, the date of burial, the name of responsible person or mortuary, veterans status, the name of the cemetery, the number of the block, lot, and position where said person is buried, and if disinterred and transferred beyond the corporate limits of Payson City, the place of destination.

18.01.040 Sexton-Charge of Cemeteries-Reports.

1. The city sexton, under the direction of the city manager, shall have entire care, control, management and superintendence of the city cemetery, and shall perform any such other duties in relation to the cemetery as are now, or may be hereafter, provided by ordinance, order or resolution of the city council or by the laws of the State of Utah.
2. The city sexton shall pay into the city treasury all monies collected by virtue of his office, shall make a full and complete report of his official doings to the city manager, and shall make other reports as the city council may from time to time require.

18.01.050 Sexton-Duties.

1. The sexton shall be responsible to keep the streets, alleys, walks, and avenues in the cemetery in good order and unobstructed so that free access can be had to any lot. The sexton shall cause a suitable marker to be erected upon the southeast corner of each lot with the number of the lot and the block inscribed thereon.
2. The sexton shall manage the opening and closing of all interments and disinterments. He shall have charge of a plat of the cemetery and shall at the request of any person wishing to purchase, point out any of the lots or parts of lots, unoccupied for sale, and upon application and payment of the price thereof into the city treasury, to make and execute a certificate of burial rights to the purchaser.
3. It shall be unlawful for any person to violate any portion of the Payson City Code or any rule or regulation as set forth in the Payson City Code or

hereafter enacted and published by the city cemetery. The city sexton shall be empowered to enforce all sections of the Payson City Code, other city ordinances, policies, procedures, rules, orders, and regulations established for operation of the city cemetery, including rules and regulations enacted to keep the cemetery, and the enclosure around said cemetery, in good maintenance and proper repair and to prevent the destruction or defacing of cemetery grounds. The sexton shall have the assistance of the Payson City Police Department and the Payson City Attorney's Office in enforcing, apprehending, and prosecuting violators of the Payson City Code, other city ordinances, rules and regulations.

18.01.060 Records of Conveyances.

1. The city sexton shall keep a plat of all conveyances executed under the provisions of this chapter, stating the property conveyed, the date of such conveyances, the name of the person to whom conveyed, and the amount received for the same.

2. Transfer of title of burial rights by the City shall hereafter be by certificate and shall comply with Section 8-5-7, Utah Code Annotated, 1953 (as amended). When a previously issued deed or certificate of burial rights is purchased by, or transferred to, a third party, or reverts to the city, the original shall be presented to the city sexton, and before a new certificate of burial rights is issued covering said lot, the original deed or certificate shall be canceled and the records so changed. Transfer from a grantor on a deed or on a certificate of burial rights shall be recognized only upon presentation and authentication by the city sexton. If a deed or certificate cannot be located by an individual or a family for presentation to the sexton, the sexton may make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances. Transfers from one person to another is not allowed without approval from the City.

18.01.070 Abandonment of Rights. (10-4-06)

1. Payson City shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkempt cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set forth in Utah Code Annotated §8-5-1 et. seq. (1953, as amended), or any other applicable law. Anyone wishing to sell a previously issued certificate of burial right must sell it back to the City for fifty percent of the current price set by resolution of the city council.

2. In the event that any owner of any lot or burial space or heir of such person subsequent to the completion of the abandonment proceedings as set forth hereafter, shall present to the sexton a deed, certificate, or proof of probate or other legal conveyance of the said lot or space, the city sexton, upon payment in full of all fees and costs assessable against the property, may issue a certificate of burial rights for an equivalent lot or burial space.

18.01.080 Opening Graves, Interment, and Disinterment.

1. Upon proper application of the owner of a lot, payment of the required fee, and three (3) working days notice, the sexton shall open the grave, unless the requested day is a recognized holiday pursuant to section 18.01.150. The sexton shall superintend every interment and shall fill up and neatly trim the grave immediately after depositing the vault and casket, and shall fill up and trim all graves that have settled or may hereafter settle. The city is not responsible for any error in opening graves when orders are given other than in writing.

2. Infant burial may occur in an area of the cemetery set apart for that purpose (Babyland Area). The grave space shall not be more than four (4) feet in length nor two (2) feet in width, and the charge for such burial including all the above listed charges shall be as set forth pursuant to Section 18.01.130. An infant may also be buried in a regular burial lot. A full lot must be purchased, however, the infant shall be buried using one half of the regular lot. The family may utilize the other half of the lot at a future time if the burial marker does not interfere with any maintenance issues.

3. It shall be unlawful for any person to be buried in the cemetery without the casket being placed in a permanent-type vault, which vault type must be approved by the sexton. An exception to the above-stated law shall be those individuals who are cremated, whose remains must be deposited in a waterproof, non-decaying container.

4. The policy for Payson City is that there shall not be any stacking of graves. Exceptions can be made for cremated remains and infant burials, upon approval of the city sexton.

5. 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, and all required forms are received.

18.01.090 Purchase of Burial Rights.

1. As required by Section 8-5-7, Utah Code Annotated (1953, as amended), the city shall sell only the right to be buried in the city cemetery. The purchase of burial rights in any lot or parcel shall be evidenced by a Certificate of Burial Rights and shall be sold for the prices and charges hereinafter set forth pursuant to Section 18.01.130 herein.

2. In addition to the purchase price, perpetual care and maintenance of cemetery lots shall be assumed by the city upon payment of the charges for such service as set forth pursuant to Section 18.01.130 herein.

18.01.100 Hedges, Copings, Monuments, etc.-Maintaining.

It shall be unlawful for any person to erect or maintain any fence, corner post, coping, hedge, flag pole, standing rack or boundary of any kind upon any lot, street, alley or walk in the cemetery, or grade the ground or land thereof. The sexton shall, whenever required, furnish the true lines of a lot according to an official survey, and shall prevent and prohibit any markings of the lot except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. It shall be unlawful for any person to plant any shrubs, trees, lawn, etc., or place any monument or marker upon any lot or lots in the cemetery without written permission from the city sexton. Monuments and markers are generally for the purpose of identifying those individuals who are interred at the Payson City Cemetery. Any person requesting to place a monument or marker in the cemetery for any other purpose must submit a written request to the sexton and receive written approval. Each request will be considered on a case-by-case basis. The decision will be in harmony with the purpose of the cemetery.

18.01.110 Specifications for Monuments, Markers, etc.

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

or third party, or damaged as a result of a failure to comply with the directions of the city sexton, or failure to comply with the following specifications:

1. It shall be unlawful for any person to erect or place any monument on any regular or veteran lot in the city cemetery, unless the same shall be placed in an approved concrete or on a granite foundation four (4) inches deep or deeper, if deemed necessary by the sexton, with a concrete or granite apron (lawnmower strip) not less than seven (7) inches wide around said monument. All concrete or granite bases must be straight up and down at 90 degree angles with no other angles allowed. For purposes of this chapter, a monument is defined to be: any structure, tree, plant, urn or any structure designed to perpetuate the memory of the dead; all other structures erected in the cemetery lots are hereby designated as "markers."
2. It shall be unlawful for any person to place any monument on any lot in the cemetery not made of non-ferrous or non-rusting metal, stone, or concrete.
3. All flower pots, vases, poles and other such devices must be placed at the sides of or in the front or back center of the monument.
4. Any allowed markers placed in the lawnmower strip, shall be flat and flush.
5. All babyland monuments and markers shall be flat and its width shall not exceed 24 inches and shall be placed in an approved concrete or on a granite foundation four (4) inches deep or deeper, if deemed necessary by the sexton, with a concrete or granite apron (lawnmower strip) not less than four (4) inches.

In order to avoid damage to the Payson City Cemetery grounds, all monuments and markers placed in the Cemetery between the dates of November 1st to March 1st shall be transported to the gravesite by either a handcart or by way of Payson City personnel.

18.01.115 Monuments and Markers in the Designated Veterans Area

1. The Payson City Cemetery has established a designated Veterans area. The exact location of the Veterans section can be obtained from the sexton.
2. In order to facilitate uniformity in the designated Veterans section of the cemetery, all monuments and markers shall conform to the following guidelines, in addition to the other requirements set forth in this ordinance:
 - a. The military provides a free granite stone. This stone is allowed provided that it is poured flat in the concrete or granite base.
 - b. A flat marker may be purchased from a monument company.

- c. A monument may be purchased from a monument company. The overall height of the monument shall not exceed 28 inches. Widths may vary.
- d. The monument shall be 90 degrees from the base. No “wedge” shaped monument or other monument that is not 90 degrees from the base shall be allowed in the Veteran area.

18.01.120 Operation of Vehicles and Speed Limit.

- 1. It shall be unlawful for any person to drive or operate a vehicle on cemetery grounds except on clearly designated areas designed for motor vehicle traffic.
- 2. It shall be unlawful for any person to drive or operate any motor vehicle within the limits of the city cemetery at a rate of speed greater than ten miles per hour, or in any other manner that would endanger persons or property.

18.01.130 Cemetery Fees.

The schedule of fees to be imposed for cemetery services shall be set by the City council from time to time by resolution.

18.01.140 Perpetual Care and Maintenance.

- 1. There is hereby created a perpetual cemetery improvement fund by Payson City. All funds collected by the city treasurer for perpetual care and maintenance (which shall include all fees collected by the sale of a lot, any other funds as may be received as gifts, or other funds as may be directed to be paid into the fund by the City Council) shall be accounted for under the heading of perpetual maintenance cemetery fund.
- 2. Defined. The term “perpetual care and maintenance” as used in this chapter shall include every grave and lot in the cemetery sold since its organization and shall mean filling of the grave, placing of topsoil upon the grave, filling and seeding or sodding of the grave site, watering and cutting of the grass, except in times of drought, keeping of roads and drives in proper repair, keeping the drainage system in proper repair, pruning of trees, shrubs, and keeping the cemetery in good condition. Charges shall be made for all other services and improvements according to the fee schedules established by the city council. If no fee has been

established for specific special services as requested, a reasonable sum based upon the cost to the city shall be assessed by the sexton.

- 3. No grave opening upon any lot or burial space upon which perpetual maintenance is owed shall be authorized until the perpetual maintenance has been paid to the city.
- 4. The city sexton is authorized to arrange and to maintain trees, shrubs and other landscaping to enhance the beauty of the cemetery.

18.01.150 Days When Burials Are Prohibited.

Burials shall not occur on Christmas Day, New Year’s Day, Human Rights Day, President’s Day, Memorial Day, Memorial Day Weekend, Thanksgiving Day, Fourth of July, Pioneer Day, Labor Day, and Sundays. Whenever a recognized holiday fall on a Saturday, the observed holiday will be the previous Friday. Whenever a recognized holiday falls on a Sunday, the observed holiday will be the following Monday. Provided, however, that a burial may be permitted on any of the days described above if the deceased died of a contagious disease, or if other health or welfare concerns so require.

18.01.160 East-West Burials.

All burials shall be with the length of the casket on an east-west alignment unless the lot or parcel is not large enough to allow east-west burial, then upon application to the sexton, such burial will be allowed to be on a north-south alignment. The sexton shall give permission for the irregular burials only under those circumstances when the markers would be compatible with others already established in the same area.

18.01.170 Curfew, and Defacing Property.

- 1. It shall be unlawful for any person not authorized by the city sexton to be in the cemetery from 10:00 p.m. to 6:00 a.m. of any day. A person will be considered to be “in the cemetery: if he or she is within the perimeter of the cemetery as established by a fence, or is upon any portion of the property set aside as present or future cemetery property as designated in the appropriate records of the city and county.
- 2. Cemetery patrons only are allowed in the cemetery. It shall be unlawful for any person to climb over or crawl under the cemetery fence or to

damage a cemetery fence.

3. Children under twelve (12) years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult eighteen (18) years of age or older.

4. It shall be unlawful to engage in recreational or other inappropriate activities on the cemetery property. No rollerblades, skate boards or bikes allowed.

5. It shall be unlawful for any person to injure or deface any monument, marker, tree, shrub or any other property in the city cemetery.

6. The sexton, any person working for the sexton's office or any peace officer is empowered to enforce the provisions of this section and to abate any vandalism or trespassing within the cemetery property.

7. Any violation of this chapter will constitute a class C misdemeanor.

18.01.180 Flowers & Decorations.

1. Decorations on graves are allowed throughout the year pursuant to the following guidelines:

Summer (March 15 –October 31): all decorations may remain on graves during a recognized holiday. City crews may begin removing decorations after seven days following recognized holidays during the summer months.

Winter (November 1 – March 15) all decorations are acceptable and can remain on the graves during the winter months as long as they are not damaging the cemetery grounds or obtrusive to neighboring graves. Any decoration that becomes faded, worn or unsightly will be removed and disposed of.

2. All flowers and other decorations must be confined to the headstone and its concrete or granite apron. For safety and maintenance reasons, breakable items (glass, ceramic, etc) containers, shepherd hooks and items driven into the ground such as iron, wires, sticks, illuminaries and pegs are prohibited and may be removed upon discovery.

3. Payson City, its employees and agents, shall not be responsible or liable for theft of, damage to, or injury arising from flowers, decorations, and other personal property left in the cemetery.

18.01.190 Animals Prohibited.

No dogs shall be allowed in the Payson City Cemetery unless confined in a vehicle. Dogs trained to assist the disabled shall be allowed in the Cemetery so long as it is properly leashed. It shall be unlawful for any person having the care of any animal to allow the animal to be within the cemetery, except physically confined in a motor vehicle.

18.01.200 Burial of Indigent Persons.

The city council may designate, from time to time, lots for the burial of indigent persons.

18.01.210 Rights of City and Certificate Holders.

1. In administering the cemetery, Payson City shall be entitled to all rights and prerogatives granted to it in law or equity, including the rights set forth in Title 8 of the Utah Code, or any subsequent amendments. The omission or failure to assert any right or prerogative by the City in any particular case shall not constitute a waiver of the right.

2. Upon payment of the purchase price for any lot or burial space, the certificate issued by the city sexton in the name of the purchaser shall vest the burial rights in the purchaser. The nature and extent of rights acquired by purchase of a certificate of burial rights shall be the right to use the burial space or lot for burial purposes only and subject to all rules, regulations, limitations and conditions imposed by the Payson City Code, other City ordinances, Utah State Law, and by the sexton as are necessary for efficient care of the cemetery.

3. The city reserves the right of easement over and across any lot or burial space in the cemetery for repair of turf, installation or maintenance of water pipes or water lines for the improvement of the cemetery, and for the opening and closing of adjacent graves. The sexton will be responsible to see that all the work is completed and the surface returned to proper condition after such installation or maintenance work.

4. All lots and parts of lots in the cemetery shall be exempt from execution and from taxation.