

**ORDINANCE NO. 09-21-2021A**

**AN ORDINANCE AMENDING  
TITLE 12, SECTION 12.15  
OF THE WEST POINT CITY CODE  
REGARDING CEMETERY REGULATIONS**

**WHEREAS**, the West Point City Council for and on behalf of West Point City, State of Utah (hereinafter referred to as the “City”) has determined to amend Title 12, Section 12.15 of the West Point City Code - *Cemetery*, and

**WHEREAS**, a public hearing was duly held and the interested parties were given an opportunity to be heard; and

**WHEREAS**, the City Council has duly considered said amendments; and

**WHEREAS**, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendments be adopted;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY, UTAH as follows:**

**Section One:            Adoption of Amendments & Restructure of Existing Chapters**

Title 12, Chapter 15 - *Cemetery* of the West Point City Code is hereby amended and adopted to read as contained in Exhibit A, attached hereto and incorporated by this reference.

**Section Two:            Ordinance to Conform with Amendments**

The West Point City Manager is hereby authorized and directed to make all necessary changes to the West Point City Code to bring the text into conformity with the changes adopted by this Ordinance.

**Section Three:            Severability**

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

**Section Four:**      **Effective Date**

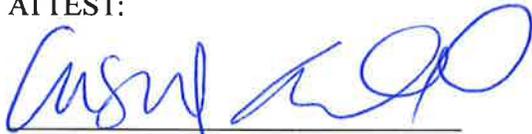
This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

DATED this 21<sup>st</sup> day of September, 2021.

WEST POINT CITY, a Municipal Corporation

By:   
Erik Craythorne  
Mayor

ATTEST:

  
Casey Arnold  
City Recorder



**EXHIBIT A**

*Chapter 12.15 - Cemetery*

## Chapter 12.15

### CEMETERY

- 12.15.010     Definitions
- 12.15.020     Cemetery Name
- 12.15.030     Cemetery Hours
- 12.15.040     General Cemetery Etiquette
- 12.15.050     Duties of City Manager
- 12.15.060     Fees & Charges
- 12.15.070     Capital Improvement Fund
- 12.15.080     Regulations Governing Access & Conduct
- 12.15.090     Sale of Burial Rights
- 12.15.100     Interments
- 12.15.110     Disinterment
- 12.15.120     Monuments & Markers
- 12.15.130     Decoration and Maintenance of Burial Plots

#### 12.15.010 – Definitions

In this chapter, the following words or phrases shall have the following meanings unless the context otherwise clearly indicates:

“Block” shall apply to numbered divisions as shown on the record plat which consists of two or more plots.

“Block marker” refers to the cement blocks approximately eight inches by eight inches by eight inches used by the cemetery and located in each corner of the block area.

“Cemetery” shall mean any cemetery owned or maintained by the city for the purpose of receiving the remains of deceased humans for earth interments.

“Cemetery office” shall mean the main office maintained at West Point City Municipal Center.

“Cemetery visitor(s)” shall mean any person visiting or entering the cemetery grounds.

“Certificate” referred to herein shall mean burial right certificate.

“Certificate holder” is intended to mean and shall be construed to mean the owner or purchaser of burial rights and privileges, or the collateral right of use of any burial plot, evidenced by a burial right certificate or by proved and recognized descent or devise from the original owner.

“City” shall mean West Point City, Utah, whether or not so designated.

“Council” or “city council” shall mean the City Council of West Point City, Utah.

“Human remains” shall be construed to mean any portion relating to that of a deceased human being.

“Interment” shall refer to the procedure of placing a deceased person or human remains into a permanent burial space.

“Marker” means a tombstone or headstone flush with the surface of the ground made of granite, marble, or metal substances.

“Monument” shall include a headstone or similar memorial item made of granite, marble, or metal substances which extends above the surface of the ground, but not exceeding three-feet (3’) in height.

“Mowing Season” shall refer to the time period of April 1st to October 1st of each year wherein weekly and/or daily landscape maintenance is completed by the city.

“Perpetual care” shall refer to the maintenance care that the city agrees to give and shall consist of care of the cemetery generally, but shall not include repairing or replacing marker or monument structures of any nature, except when the need for repair or replacement is directly caused by the city.

“Person” shall mean an individual, group, partnership, firm, corporation or association.

“Plat” shall mean a land area developed for the cemetery that is bordered by roadways and is one or more lots and contains numbered divisions (“blocks”) that are further divided into “plots” and designated by a letter in the alphabet (namely A, B, C, D, E, F, G, and H)

“Plot” shall apply to a space of sufficient size to accommodate the interment of human remains that is within a block and designated by a letter in the alphabet (i.e., A, B, C, D, E, F, G, and H). Plots are further defined as follows:

1. “Full-Size Plot” refers to a space that is approximately 49.5 inches by 99 inches (49.5” x 99”) and can accommodate an adult casket. The maximum number of urns or infant interments in a full-size plot is two and one marker or monument per plot.
2. “Half-Size Plot” refers to a space that is approximately 49.5 inches by 49.5 inches (49.5” x 49.5”) and can accommodate one urn or one infant casket that is within the maximum vault size for a half-size plot.

“Resident” shall be defined as follows:

1. Any person who was domiciled within the corporate limits of West Point City, Utah, at the time of death, regardless of the actual place of death.
2. Any person owning real property within the corporate limits of West Point City, Utah, at the time of death, regardless of the residence or domicile of such person.
3. Any person who was a legal resident of West Point City, Utah, at the time of death, regardless of domicile.

4. Any person who was formerly domiciled within the corporate limits of West Point City, Utah, immediately prior to moving from the city for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care.

“Responsible party” shall refer to any person selected by the family of the deceased to act in its behalf and can include the heir apparent, religious leader, mortician, funeral director, or any other person the family selects in choosing plots, making available information on the deceased party, and taking full liability for the family obligations concerning the services performed on the cemetery’s property.

Words. Single words shall include the plural, and masculine words shall include the feminine and neuter. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 10-19-2010 § 1; Ord. 05-05-2009. Code 2000 § 12-3-1].

#### **12.15.020 – Cemetery Name**

The burial ground of West Point City shall be known and designated by the name of West Point City Memorial Cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-2].

#### **12.15.030 – Cemetery Hours**

It shall be unlawful for any person to be in the cemetery other than during hours approved by the city. The presence of any unauthorized person during such other hours without the permission of the city shall constitute trespassing. [Ord. 05-05-2009. Code 2000 § 12-3-12].

#### **12.15.040 – General Cemetery Etiquette**

All visitors shall follow all rules and regulations herein and strive to assist in West Point City’s goal of operating and maintaining a cemetery that is beautiful, dignified, and an appropriate final resting place for loved ones. Visitors are encouraged and expected to show proper respect for both the living and those interred by adhering to the following general guidelines:

- A. Do not touch any monuments or markers without permission and do not remove any decorations or objects placed thereupon.
- B. Children are encouraged to visit the cemetery, but parents are advised to keep them nearby and not to let them play on any of the monuments or markers. Teaching children to have respect for any cemetery is encouraged. While it is an important open space, a cemetery is not a playground and should not be treated as such.
- C. If a funeral is occurring, consider visiting at another time. Never block or impede funeral processions.
- D. Always strive to be respectful by keeping voices low and avoiding bad language; people may be within earshot seeking solace. Do not talk on a cell phone, as voices tend to carry in open spaces.

- E. No loud music shall be played, including while driving or parking in the Cemetery.
- F. Do not leave trash or other such items behind. Litter shows disrespect to those who come to visit the cemetery as well as to the cemetery officials striving to maintain the cleanliness of the cemetery.
- G. Dogs and other pets are prohibited.
- H. Report incidents of vandalism or theft to the police or to the cemetery administrator.
- I. When visiting the cemetery by car, follow the roadways, watch out for pedestrians and people who may not be paying attention, drive slowly, and remain off the grass. If the lane is narrow and another car approaches, offer to move your car until they can get through.
- J. As a general rule, it is best not to approach strangers as they may prefer to be left alone within the peace of their surroundings; of course, it is perfectly acceptable to offer help to anyone who is seemingly in need.

**12.15.050 – Duties of City Manager**

- A. It shall be the duty of the city manager, or his representative(s) and designated cemetery official(s), to supervise, manage, operate, maintain and improve the cemetery in accordance with the provisions of the city ordinances and the rules and regulations adopted by the city council including but not limited to the following:
- B. Keep a true and correct plat of the cemetery showing the location of all burial plots and such other information as the city council may prescribe and shall keep or have kept such other records regarding the cemetery as the city council shall direct.
- C. Direct the layout and digging of all plots required for burial therein, to direct all removals, changes and other authorized operations.
- D. Take charge of all funeral corteges while in the environs of said cemetery and regulate all traffic within the cemetery as deemed necessary.
- E. Approve all claims chargeable against the cemetery and furnish such information regarding the cemetery as the city council may from time to time require.
- F. Employ such help as shall be necessary to carry out the duties prescribed by the city ordinances and by the rules and regulations adopted by the city council.
- G. Promulgate additional regulations concerning the care, use, maintenance and government of the cemetery not in conflict herewith, as shall, from time to time, prove necessary.
- H. Any person or firm desiring to perform any work within the cemetery must first secure the approval and written permission of the city manager or representative. All settings of vases, markers and monuments, and all plantings of trees, shrubs and flowers, must be approved by the city before the work is commenced and all work shall be performed under direction of the city. [Ord. 02-17-2015A §

1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-4).

#### **12.15.060 – Fees & Charges**

The city council shall establish fees and charges for the care, use, operation, and maintenance of the cemetery from time to time by resolution. [Ord. 05-05-2009. Code 2000 § 12-3-17].

#### **12.15.070 – Capital Improvement Fund**

There is hereby established a capital improvement fund for future expansion of new burial sites and portions thereof and construction of fixtures as deemed necessary in the cemetery. There shall be deposited in the fund the portion of the burial right fees as established from time to time by resolution of the city council. The sum total of these monies deposited and interest accrued thereon shall be used solely for the purposes of capital improvement or expansion of the cemetery. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-9].

#### **12.15.080 – Regulations Governing Access & Conduct**

It is of the utmost importance that there should be strict observance of the proprieties in the cemetery. Hence, all persons within the cemetery should avoid conduct unbecoming a sacred place. The following regulations shall be enforced:

- A. No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery, or which is marked by intensity or volume of sound, will be permitted within the environs of the cemetery.
- B. No alcoholic beverages of any kind will be permitted within the environs of the cemetery.
- C. Loitering is not permitted within cemetery grounds.
- D. Peddling or soliciting the sale of any commodity within the cemetery will not be permitted.
- E. Placing of signs or notices of advertisements of any kind within the cemetery will not be permitted.
- F. Brandishing or discharging firearms within the cemetery except by any military escort accompanying a veteran's funeral or attending memorial services will not be permitted within the environs of the cemetery. [Ord. 02-17-2015A § 1; Ord. 08-19-2014B § 1; Ord. 05-05-2009. Code 2000 § 12-3-13].
- G. Traffic regulations:
  - a. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the cemetery.
  - b. Only vehicles and equipment that have been approved by the city manager, or his representative, may traverse any lawn area.

- c. No motorcycles will be permitted within the environs of the cemetery, except those being involved with a funeral cortege.

H. Defacement or littering of cemetery:

- a. It is unlawful for any person to injure, molest, deface, or otherwise damage or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the cemetery. This section shall not apply to the city manager or employees of his representatives who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a cemetery burial plot(s) or lot.
- b. It is unlawful for any person to throw or deposit in any part of the cemetery the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that detracts from the beauty of said cemetery.
- c. Any person(s) convicted of the above actions will be responsible for payment of the cost and expenses involved to restore the property to its original state. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-14].

I. Animals in cemetery:

- a. It shall be unlawful for any person to take any animal into the cemetery or permit any animal owned or in the custody of such person to enter the cemetery, except an animal kept in the confines of a vehicle allowed only if such animal is retained within the confines of said vehicle while the vehicle remains in the cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-15].

**12.15.090 – Sale of Burial Rights**

- A. The city is hereby authorized to sell the use of burial plot(s) in the cemetery for interment purposes only and to collect all sums arising from such sale. The city shall keep a complete record of all sales, which record shall describe the location of the burial plot(s) purchased and the price paid therefor. The purchaser shall receive a receipt describing each right of use so purchased, together with the amount paid and the balance, if any. The city shall retain a duplicate copy in the cemetery receipt book.
- B. The city council may establish by resolution the burial right fee for all cemetery lots or parts thereof and may include the perpetual care fee on said plots or parts thereof.
- C. It shall be unlawful for any person to bury the remains of a deceased person in the cemetery without first paying in advance, and before the opening of the plot to be occupied, the full cost for use of said plot.

- D. A burial right certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for any cemetery services.
- E. Burial rights to any plot or lot may be transferred, conveyed, or assigned by the purchaser or certificate holder to any person. Burial rights to any plot or lot shall not be sold except to West Point City. The city hereby agrees to buy back the use of any plot or lot for the original price paid or 50 percent of the current value, whichever is greater. All transfers and conveyances must be accepted by and documented with West Point City.
- F. Whenever plots or lots are transferred, or revert to the city, or become vested in the municipality for any reason, the original certificate shall be canceled, and the record shall be so changed before new certificates are issued. A transfer fee as set forth from time to time by resolution of the city council shall be paid to the city recorder for such transaction. The city shall be the sole judge of the size of the plot or the number of plots to be sold to any person or family.
- G. No work may be performed until all fees are paid. Plots may be purchased in advance, but residential status will be determined at the time of interment based on the residential status of the deceased at the time of death, and nonresident rates may apply. All other fees must be paid at the time of interment.
- H. In the event the city or any party desires to exchange one plot(s) inside the cemetery with another plot(s), they may do so by informing the city of their desire and paying for the certificate transfer fee.
- I. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, walks, or any part thereof, is hereby reserved. The right to lay, maintain, operate, alter or change pipelines for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners or plots reclaimed for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-7].

#### **12.15.100 – Interments**

- A. Nothing other than human remains shall be interred within the West Point City cemetery, and no cemetery shall be established without the express written permission of the city council.
- B. Before burying human remains in the cemetery, there shall be procured from the cemetery office an interment order for the deceased person in such plot, lot, block and plat as may be designated by the responsible party. This order must be executed at least forty-eight (48) hours prior to the scheduled funeral service.
- C. Under no circumstances will the city assume responsibility for errors in opening plots when orders are given by telephone or for any mistake occurring from want of precise and proper instructions as to the particular plot, size of plot, and location where interment is desired.

- D. Funeral directors must schedule the use of the cemetery, have the interment order signed, and have fees paid in full before arrangements with the family are concluded.
- E. No person, except the certificate holder of a lot upon which interment is to be made, shall use a plot or lot in the cemetery, without first obtaining written permission from the certificate holder of said lot, or nearest relative of the certificate holder thereof, or legal heirs, which permission shall be filed with the cemetery office.
- F. No interment of two or more bodies shall be made in one plot except in the case of a parent and child buried in one casket, two infants buried in one casket, or an urn and casket as approved by the city manager or his designee.
- G. The human remains must be delivered to the cemetery at or before 3:00 p.m. for interment if the plot is to be filled in with earth the same day.
- H. There shall be no interments on Sundays or the legal holidays of New Year's Day, Memorial Day, Independence Day, Pioneer Day, Thanksgiving Day and Christmas Day.
- I. Burial plot spaces are placed in rows with the head of the casket at the west and the foot of the casket at the east. The monument or marker is placed at the west end of the burial space.
- J. All remains placed within a full-size casket shall be placed in a vault made of concrete, stone, or metal (copper, steel, bronze, etc.) that is twelve (12) gauge or heavier. Infant caskets and urns may be also be placed in a vault made of reinforced polyethylene material. All vaults must be sealed.
- K. Cremated remains that are placed in an urn are not required to be placed in a vault if the urn is constructed of concrete, stone, metal, reinforced polyethylene material, or substantially similar material that is pre-approved by the city manager or his designee. All urns must be sealed.
- L. The dimensions of a full-size vault must not exceed forty-inches wide by ninety-inches deep by forty-inches tall (40" x 90" x 40"), unless pre-authorization is received from the city manager or his designee.
- M. A portion of the cemetery is designated for the burial of infants and urns and is subject to the following regulations:
  - a. All burials therein must meet the same requirements as outlined in regards to vault or urn material. All urns and vaults placed in this section must not exceed forty-eight inches wide by forty-eight inches deep by twenty-five inches tall (48" x 48" x 25"), unless pre-authorization is received from the city manager or his designee.
  - b. All monuments or markers therein must not extend above the level of the ground.
- N. No plot will be opened in the cemetery until the interment fee, burial right fee and other applicable fees, as established from time to time by resolution of the city council, are paid in full. The interment fee is solely determined by the residential status of the deceased at the time of death and not by the person(s) who assumes responsibility for paying for interment. The city may make other arrangements as approved by the city manager.

- O. Once a casket containing the human remains is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, agent, or any other person shall be permitted to open the casket or to touch the body without the written consent of the legal representative of the deceased or any order signed by a court of competent jurisdiction.
- P. West Point City employees designated by the city manager are the only persons who will be permitted to open plots and will do so according to section 12.15.110, with the following exceptions:
  - a. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the city.
  - b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the cemetery office his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. City employees will not be permitted to assist the coroner or his agents.
- Q. The city will not be liable for the identity of the person to be interred.
- R. The city council, with the advice of the city manager, may designate a portion of the cemetery for the burial of indigents. A burial of an indigent in the cemetery must be approved and administered by current policy as set forth by Davis County in conjunction with local morticians prior to interment.
- S. Certificate holders shall not allow interments in their plots or lots in return for remuneration of any kind.
- T. Persons responsible for the deceased will have full liability for the remains of the deceased when it enters the grounds of the cemetery and will have complete charge of those remains and will cause the deceased to be lowered into the plot site. After this has been accomplished, the city will take charge of the remains and will proceed thenceforth with the closing of the plot.
- U. The city has the perpetual right of ingress and egress over any part of the cemetery burial plat areas and shall use reasonable care in protecting all existing turf, markers, monuments, flowers, decorations, trees or existing shrubbery in order to cause the opening and closing of plots with the required vehicles, equipment, tools and personnel.
- V. Saturday and after-hours services will be charged an additional fee as set forth by resolution of the city council in addition to the standard interment fee.

**12.15.110 – Disinterment**

- A. No person shall disinter any human remains in the cemetery, except under the direction of the city manager. All disinterments shall comply with applicable state law.
- B. The order for disinterment shall include the name of the deceased, when and where born, when and where the place of death occurred, together with the name of parents and spouse, also the date of burial, as well as the name of the cemetery, with the initial burial plot identified as designated, including the block number, and the place of destination if disinterred and transferred beyond the environs of the cemetery.

- C. If the disinterment is to be transported outside the environs of the cemetery, the cemetery office shall require a written order for disinterment together with a burial transit permit from the Davis County department of health to be executed by the certificate holder or his heirs authorizing such removal at least one week prior to the day of the disinterment.
- D. The city assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.
- E. It shall be unlawful for any person to remove the body of a person who has died of a contagious disease within two years from the date of burial unless the body has been buried in a hermetically sealed coffin, or vault, and is found to be so encased at the time of removal.
- F. Fees for disinterments will be charged according to the work involved, with a base fee established by the city council.
- G. The cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the cemetery office, or, in the sole discretion of the cemetery office, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the disinterment of the remains of any person in such property, the cemetery reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- H. In the event of disinterment, the right to burial of said plot(s) reverts to the city and the value at time of purchase will be applied to re-interment, if in the West Point City cemetery. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 05-05-2009. Code 2000 § 12-3-6].

**12.15.120 – Monuments & Markers**

- A. The certificate holders for spaces or relatives of the deceased person(s) buried in the cemetery may not install or remove, or cause the installation or removal of, any type of permanent monuments and markers on any plot space(s) without first obtaining the approval of the city.
- B. Permanent monuments and markers shall either be flush with the ground or no taller than thirty-six inches (36") in height, except for the portion of the cemetery designated specifically for the burial of infants and urns. All markers located in the infant and urn section of the cemetery must be flush with the ground. Secondary markers must be flush with the ground.
- C. Permanent monuments and markers shall have and be set in a finished, grass-level cement base or apron (commonly known as a mow strip) extending outward from the outer perimeters of the stone or metal monuments or markers for at least six inches (6") and be at least four inches (4") in depth. The purpose of the mow strip is so that the lawn may be cut conveniently without contact to the headstone or marker.

- D. The combined length (extending north/south) of the mow strip and monument or marker shall not be longer than forty-six inches (46") for a single headstone and ninety-two inches (92") for a double headstone. The combined width (extending west/east) of the mow strip and monument or marker shall not be longer than forty inches (40") for both single and double headstones. At the discretion of the city manager or his representatives, monuments and markers deemed oversized shall be moved by a monument company at the expense of the monument owner.
- E. The inscription with the name(s) of the deceased on all monuments or markers in the cemetery shall be inscribed so that a person may be able to read the inscription from left-to-right when facing east. Exceptions may be pre-approved by the city manager or his designee.
- F. Permanent holes in the mow strips for placement of flower vases, shepherd hooks, and similar items are allowed on the north and/or south mow strips of the monument or marker. The outer edge of the hole must be within four inches (4") of the mow strip. Holes shall be flush with the ground.
- G. The installation of all permanent monuments and markers will be under the supervision of the city. A notice to the cemetery office by the monument company or responsible party must be made at least 24 hours prior to the installation.
- H. The outside west edge of the mow strip of all primary monuments and markers shall be inset three inches (3") from the front (west) line of the plot space. Exceptions may be pre-approved by the city manager or his designee.
- I. Temporary Markers. One temporary marker shall be permitted per burial plot for a maximum of six (6) months from date of interment, or as otherwise approved by the city manager. The temporary plot marker shall not exceed eighteen (18") inches in length (extending north/south) and eighteen (18") inches in height. Temporary plot markers must be attractive and made of durable material to withstand the elements.
- J. Failure to comply with the above regulations for plot monuments and markers will justify the city in refusing the placement of said monuments and markers. Any and all costs involved with altering said monuments and markers in order to comply with the above regulations will be borne by those having ordered said monuments and markers.
- K. Before any monuments and markers may be placed on any plot(s), the full purchase price for use of said plot(s) must be paid in full whether or not the plot(s) are occupied with human remains. [Ord. 02-17-2015A § 1; Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 10-19-2010 § 2; Ord. 05-05-2009; Ord. 01-15-2008 § 1. Code 2000 § 12-3-10].

#### **12.15.130 – Decoration and Maintenance of Burial Plots**

- A. Decorations are subject to the following restrictions at all times:
  - 1. No person(s) shall erect a fence, coping, or corner post, or plant trees, flowers, shrubbery, hedges, or other boundary marker or obstruction upon any burial plot(s) or lot, nor grade the ground thereof. Any such obstructions in the cemetery shall be removed under the direction of the city manager or his designee. Nothing in this section shall prohibit the planting and

maintaining of trees, shrubs, flowers, bushes, fences and other installations by the city manager or his designee in his official capacity. [Ord. 02-17-2015A § 1; Ord. 05-05-2009. Code 2000 § 12-3-16].

2. In no case may decorations encroach onto other positions or plots.
3. All decorations shall be placed only upon the primary monument or marker or mow strip, except as provided in subsection B of this section and the following:
  - a. Funeral flowers, floral pieces, or decorations may remain on the burial space for two (2) weeks following the interment. If not removed, these will be removed and discarded without notice by cemetery officials when they become unsightly or after two (2) weeks, whichever may occur first.
4. Pinwheels, shepherd's hooks, and other fixtures that are inserted into the ground must be placed within two inches (2") of the mow strip and shall not extend over or cover any ground that is outside of the burial plot space.
5. Solar lights are permitted if they are mounted on the concrete mow strip or inserted within two inches (2") of the mow strip, except as prohibited during the mowing season as outlined in subsection B of this section.
6. A total of two shepherd's hooks may be placed on the north and/or south of the plot monument or marker but must be within two inches (2") of the mow strip. Permanent holes for shepherd's hooks may also be drilled into the north and/or south mow strips within four inches (4") of the monument or marker. Shepherd's hooks are not permitted on secondary markers. Shepherd's hooks, including decorations placed thereon, may not exceed thirty-six inches (36") in height.
7. Decorations may not exceed thirty-six inches (36") in height, measured from the ground to the top of the decoration, except as provided in this section. Helium-filled balloons may exceed this height but may be removed at any time by cemetery officials after forty-eight (48) hours.
8. Decorations may be placed on the secondary, flat marker that is located on a burial plot position the week immediately before and the week immediately after Memorial Day, Independence Day, and Veterans Day. Decorations not removed within one week following these holidays may be removed without notice at the sole discretion of cemetery officials. No decorations shall be placed upon secondary markers at all other times.
9. Perishable food items placed on a monument or marker shall be removed within forty-eight (48) hours and may only be placed upon the monument or marker and shall not encroach onto other positions or plots.
10. Items from any food consumed in the cemetery (containers, utensils, leftovers, etc.) shall be removed immediately after consumption. Patrons should take care to honor the sanctity of the cemetery and assist in all efforts to maintain a clean and well-groomed sanctuary in respect of the loved ones interred.
11. No alcohol, cigarettes, drug paraphernalia, etc., shall be brought into the cemetery or placed upon any monument or marker.

12. Other decorations that utilize wires, pegs, glass, or other containers that may pose safety hazards shall not be permitted in the cemetery.
  13. Arbors are not permitted. These items or similar items will be removed and discarded by cemetery officials without giving notice.
  14. Artificial (dried, silk, or plastic) flower decorations and any fresh cut flowers are permitted in a sunken vase at any time but will be removed when they become unsightly or during the complete cemetery cleanings. Flower pots, baskets, holders and monument or decorations are permitted on the headstone, shepherd's hooks, or mow strip, except as prohibited in subsection B of this section.
  15. At the sole discretion of cemetery officials, all items that appear unsightly or cause interference with maintenance may be removed and discarded without notice.
- B. Decorations are subject to the following restrictions during the "Mowing Season" (defined as annually beginning April 1 and ending October 1), except as provided in subsections A(3)&(8) of this section:
1. No decorations or items may be placed on any part of the plot other than the monument or marker during the mowing season. Any decorations placed upon the mow strip may be removed and discarded by city officials at any time and without notice if such decorations interfere with the maintenance and landscaping, except as provided in subsection B(4) of this section.
  2. Fragile decorations that are easily broken or damaged, such as solar lights and items made of fragile materials (i.e., glass, porcelain, ceramic, and similar) are not permitted to be placed upon or around any monument, marker, mow strip, or plot space within the cemetery. If such items are placed, the city is not responsible for any damage caused and such items may be removed and discarded at any time without notice.
  3. Decorations placed upon primary monuments or markers may be removed at any time and without notice if such items interfere with maintenance or landscaping.
  4. During the mowing season, decorations may be placed upon the mow strip and within two-inches (2") of the mow strip for the week before and the week after Memorial Day and Independence Day. In no case may decorations encroach onto other plots. Items not removed within one week following these holidays may be removed and discarded without notice by cemetery officials.
  5. Secondary, flat markers that are located on burial plots may not have any decorations placed directly on them, except for the week before and the week after Memorial Day and Independence Day. At all other times decorations should be placed upon the primary monument or marker.
- C. A complete cemetery cleaning and detailing will take place twice each year on the first Thursday in May and the first Thursday in October (weather permitting). Before detailing dates, cemetery patrons should remove all decorations they do not want discarded. All decorations will be removed and possibly discarded by cemetery officials at that time. At the sole discretion of

cemetery officials, items deemed of value will be stored for one month and released to the owner by the cemetery administrator.

- D. During the winter months, cemetery maintenance will be performed on an as-needed basis, weather permitting. Any decorations deemed to be unsightly by cemetery officials will be discarded at any time and without notice.
  - a. All winter holiday decorations not removed within two (2) weeks following the winter holiday season (defined as ending January 2<sup>nd</sup> of each year) may be removed and discarded at the sole discretion of cemetery officials.
- E. The cemetery accepts no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, explosions, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided. [Ord. 08-06-2013B § 1 (Exh. A); Ord. 06-19-2012A § 1 (Exh. A); Ord. 01-15-2008 § 2. Code 2000 § 12-3-11].