EPHRAIM CITY ORDINANCE
ECO 17 - 02

AN ORDINANCE OF THE CITY COUNCIL OF EPHRAIM, UTAH
REPEALING AND REPLACING ECO 12-03, GOVERNING THE PARK
CEMETERY OF EPHRAIM CITY, UTAH.

WHEREAS, the Ephraim City Council has the desire to update the Cemetery Ordinance
establishing management procedures, fees, and rules and regulations regarding the use and
maintenance of the cemetery; and

WHEREAS, the Cemetery Board has recommended to the City Council the adoption of these
guidelines in accordance with, and to establish good cemetery operations;

WHEREAS, the following supersedes and repeals the previous Ephraim City Cemetery
Ordinance, and shall define and govern the Park Cemetery.

NOW THEREFORE BE IT ORDAINED by the Ephraim City Council as follows:

Part 1

I. DEFINITIONS:

BODY REMAINS: Corpse or human body remains including ashes from cremation or
any other way of describing the remains of a deceased person.

BURIAL PLOT/ CREMATION: A designated parcel within the City Cemetery four (4) feet wide by
four (4) feet long. (4' X 4')

BURIAL PLOT/ TRADITIONAL: A designated parcel four (4) feet wide by ten (10) feet long within
the City Cemetery for purposes of containing the remains of the dead.

BURIAL VAULT: A vault made of concrete, fiberglass, steel, or brick-lined or of such
other material approved by the Cemetery Sextant substantially
constructed and covered with a similar durable material for the
purpose of containing a casket.

CEMETERY BLOCK: A division of the cemetery consisting of 64 cemetery lots used in
describing the location of individual Burial Plots.

CEMETERY LOT: A designated parcel within the Cemetery consisting of eight (8)
burial plots used in describing the location of individual Burial plots.
CEMETERY SEXTANT: The Public Works Director or any other person as designated by the City Council.

CERTIFICATE OF BURIAL RIGHTS: A deed, certification, or other means of conveyance of burial rights from the City to a purchaser.

CITY: The municipal government of Ephraim, Utah.

CITY RECORDER: For purposes of this ordinance, “City Recorder” shall mean City Recorder or other such person as assigned.

DISINTER/DISINTERMENT: To exhume the body remains of the dead.

HEAD END: The end of the burial plot designated for the placement of markers or monuments; generally the west end.

INDIGENT: Person suffering from extreme poverty.

INTER/INTERMENT: To bury the body remains of the dead.

MARKER(S): A flat stone or other suitable material set at grade level and inscribed with the name of the deceased and any other pertinent information.

MONUMENT(S): A vertical stone or other suitable material inscribed with the name of the deceased and any other pertinent information, placed on a cement base at least four (4) inches above ground level.

PARK CEMETERY: The entire land area owned by the City of Ephraim for burial purposes and generally located between 550 North and 700 North on the west side of Main Street.

PERMITTED PLANT STAND(S): Vertical stake(s) used to hold a pot or other decoration. The stake(s) must be attached to the monument/marker base and cannot exceed four (4) feet in height nor exceed a maximum decoration/pot diameter of twelve (12) inches. This does not include temporary wreath stands.

PIONEER CEMETERY: The historic burial area located approximately 1 mile north of Ephraim. Future burials cannot occur within this cemetery.

PLOT OWNER: The owner or purchaser of burial privileges or the collateral right of use of any burial plot evidenced by a burial certificate for a described plot or by proved and recognized descent or devise from the original owner. All plots are exempt from taxation and cannot be seized for debt (except those owed to the City) nor can they be mortgaged.
RESIDENT:
1. One who has primary residence within Ephraim City.
2. Those with homes connected to Ephraim water, Ephraim sewer, and/or Ephraim power.
3. Health impaired individuals who resided in Ephraim for at least 10 years, but due to varying factors must live in a rest home or other care facility, including family homes, outside of Ephraim City.

II. ADMINISTRATION AND MANAGEMENT:

A. CITY COUNCIL AUTHORITY TO ADOPT RULES AND REGULATIONS: The City Council shall formulate and establish such fees, rules and regulations for the protection of the Cemetery and the governance of matters pertaining to the Cemetery as shall from time to time be found necessary to properly protect the property therein and maintain the Cemetery in suitable and proper condition.

B. CEMETERY MANAGEMENT: All work in the City Cemetery is subject to the direction and control of the Cemetery Sextant.

C. CEMETERY BURIAL REQUIRED: It is unlawful to bury the body remains of any person within the limits of the City, except in the Park Cemetery.

D. CEMETERY HOURS: The City Cemeteries shall be open from sunrise to sunset.

E. REGISTRATION OF BURIALS:

1. The City Recorder shall be the registrar of burials for the City, and before burying any dead in the City Cemetery, the relatives or other persons having charge of the body shall be required to furnish to the City Recorder a written statement of the death, which shall be recorded in a record kept for that purpose by the City Recorder. Such statements, as well as the record, shall include the name of the person deceased, when and where born, if known, any military service, the date of death and the cause thereof, together with the name of the attending Funeral Service Director.

2. If Body Remains are being transported from out of the state of Utah, a copy of the Burial Transit Permit must be provided to the City Recorder.

3. Not later than the tenth day of each month, the City Recorder shall send the local County Registrar a list of all Interments made in the Ephraim City Cemetery during the preceding month.

F. CLEAN-UP DATES: The cemetery grass is mowed each Wednesday and Thursday from March to October. In the case of inclement weather, mowing could be delayed. Flowers, etc. must be removed prior to mowing with the exception of those for new burials, which will be allowed to remain for a period of seven (7) days. Exceptions to above will be posted. Items which may have an estimated value of $25 or more will be retained for thirty
(30) days. Following a 30-day holding period, these items will be disposed of. The City is not responsible for the return of any removed object, decoration, plant, or container.

III. AUTHORITIES AND FEE SUMMARY:

A. **FEE CHANGES:** The City Council shall, from time to time by resolution, fix the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided.

B. **FEE COLLECTION:** The City Recorder is hereby authorized and required to collect in advance, all fees, including burial rights.

   1. Burial Rights Fee: A fee to secure burial rights for a particular plot with the Ephraim Cemetery. The purchaser may either pay the full purchase price for burial rights or enter into a contract wherein payment shall be agreed.
   2. Care and Maintenance Fee: A fee to provide for the care and maintenance of the City Cemetery.
   3. Interment Fee: Includes the grave or urn opening and closing fee.
   4. Monument Locating Fee: A fee to ensure the proper placement of a monument/marker.
   5. Transfer Fee: A fee for the transfer of burial rights (plot sales) from one owner to another.

C. **GRAVE OPENING AUTHORITY:** No grave shall be opened in the City Cemetery until full payment of all fees has been made.

IV. PURCHASE OF BURIAL RIGHTS:

A. **BURIAL RIGHTS:** The City Recorder is hereby authorized to sell burial rights in the City Cemetery for burial purposes only and to collect all fees arising from the sale. The City Recorder shall keep a complete record of all sales, which record shall describe the location of the plot purchased and the price paid therefore. The City Recorder shall deliver to each purchaser a Certificate of Burial Rights for each plot purchased, which certificate shall, among other things, describe the location of the plot, the purchase price, and the type of maintenance services which are to be provided.

B. **NATURE OF TITLE TO GRAVES:** The legal title to all property in the cemetery shall reside in the City. The purchasers of any grave site or lot within the Cemetery shall acquire only the right to be buried or bury the remains of other persons and to have said grave site or lot cared for in accordance with City policies and rules with respect to the care and maintenance of the Cemetery.

C. **PLOT IMPROVEMENTS:** No improvements, changes, or modifications, shall be made on any Plot by a person including the Certificate holder or his heirs without first submitting to and receiving from the Cemetery Sextant or designee, written approval for such improvements, changes or modifications, which improvements, changes or modifications shall be subject to the rules and regulations contained herein.
D. RESALE TRANSFER RESTRICTIONS:

1. The Certificate of Burial Rights of a Cemetery Plot vests the purchaser the right to use such plot for burial purposes only, for themselves, their heirs, or any such person(s) as they may choose to permit, provided that such admission is free of charge and without compensation, and that the purchaser has the names of those persons, for whom permissions for burial rights have been given entered into the City records.

2. Certificates of Burial Rights may not be transferred from the original purchaser to a new owner without approval by the City and issuance of a new certificate. A transfer fee in such amount as established by resolution of the City Council shall be paid for the processing and issuing of a new certificate. Transferees of burial rights are also bound to all existing and current fees and regulations, to include the price of burial rights and care and maintenance fees, and non-resident fees where applicable, to be paid for at the time of transfer.

3. Whenever a Certificate of Burial Rights reverts to the City, as provided for in this subsection, or becomes vested in the City for any reason, before a new certificate is issued, the original certificate shall be canceled or an assignment given and the record shall be so changed.

4. The Certificates of Burial Rights shall be issued and signed by the Mayor and shall be attested by the City Recorder.

E. INHERITANCE OF BURIAL RIGHTS: Heirs may acquire rights to cemetery plots. Heirs must prove legal power of attorney or legal inheritance before rights to cemetery plots can be reassigned. Heirs acquiring burial rights are also bound to all existing and current fees and regulations to include the price of burial rights and care and maintenance fees, and non-resident fees, where applicable, to be paid for at the time of transfer. The City shall have no liability for a failure to properly determine the legal succession of the rights for any cemetery space.

F. ABANDONMENT THROUGH NONUSE: Any Plot which has remained empty without burial use for a period in excess of sixty (60) years will be presumed to have been abandoned by the plot purchaser, and in the interest of best utilization of cemetery space, such plots may be reclaimed and sold by the City in the manner provided in this section; provided, the previous owner or someone holding the right of the previous owner, upon presentation of satisfactory evidence of an intent to use the space for a burial, shall be allowed to retain burial rights in said plot.

G. RECLAIM OF ABANDONED PLOT BY CITY: The Cemetery Sexton shall advise the City Recorder of an apparent abandonment through nonuse of a plot or burial space, and the City Recorder shall determine from the cemetery records when the original deed was issued and whether a sixty (60) year abandonment exists. If so, the City Council may pass a resolution voiding the original deed and declaring the property abandoned. The resolution shall be served upon anyone claiming ownership by publication for three (3) successive weeks in a newspaper of general circulation within Sanpete County and a copy of the resolution shall be mailed within fourteen (14) days after such publication to the last
known address of the owner of record or any heirs known to the City. Upon the expiration of thirty (30) days after the last publication of the resolution, unless an owner has come forward, all rights in the plot or space shall be terminated and thereafter be vested in the City.

V: CARE:

A. SCOPE OF CARE: The City agrees to provide care of the Cemetery generally, which shall include, but is not limited to, mowing of all plots at reasonable intervals, re-sodding, seeding, and filling in sunken graves, sodding the surface of the graves to level, removing wilted flowers and containers, and trimming trees and shrubbery when necessary, raking and cleaning the plots, but shall not include repairing or replacing markers or monuments of any nature, except when the need for repair or replacement is directly caused by the City.

B. FUNDS: Funding for applicable improvements and development of the Cemetery shall be derived from the City’s capital improvements fund and shall be set apart for that purpose as part of the City’s budgeting process in compliance with applicable laws and ordinances.

VI. INTERMENT:

A. NOTICE: No Interment shall be permitted in the City Cemetery except upon notice to the City Recorder and a work order issued to the Cemetery Sextant. The City strongly recommends that notice be given as soon as possible.

B. FEES PAID: No burial plot shall be opened nor interment made until all fees have been fully paid.

C. BURIALS: All burials shall be under the direction of the Cemetery Sextant or designee.

D. OPENING AND CLOSING OF THE GRAVE: the opening and closing of a grave must be done by the City Sextant or designate unless specific permission to do otherwise is obtained from the City Council.

E. BURIAL VAULT: Other than that of an infant or cremation, no casket shall be interred unless enclosed in a concrete burial vault or approved concrete grave liner (box).

F. MULTIPLE BURIALS: Vertical stacking of caskets is prohibited. If more than one burial is made in a single traditional grave plot, the first burial shall be at the head end of said plot. The following combinations are permitted in any given traditional grave plot:

1. One (1) adult vault, or
2. Two (2) urns, or
3. Two (2) child vaults
4. Two (2) infants or
5. One (1) vault and one (1) urn, or
6. One (1) child vault and one (1) infant
G. **BURIAL OF INDIGENT:** The Sexton, with the advice and consent of the City Council, may designate a portion of the Cemetery for the burial of indigents. Whenever it is made to appear to the Mayor that any person who has died does not have an estate sufficient to pay the purchase price of a grave site in the Cemetery, and where no immediate family exists, and where the deceased was previously an active resident of Ephraim, the Sexton may grant burial space for such deceased person upon written request of the next of kin, without the payment of fees required by this title.

H. **BURIAL HOURS:** Unless prior arrangements are made, all burials shall take place as to allow the complete burial process during regular City business hours. The City reserves the right to limit the number of burials which can be performed on a single day.

I. **GRAVESIDE SERVICES:** Graveside services may be held at the Gravesite. Serving of food or beverage in the Cemetery is prohibited.

J. **STORAGE:** The City does not provide temporary storage of caskets or urns.

**VII. MONUMENTS AND MARKERS:**

A. **MONUMENTS/MARKERS:** Monuments/markers are permitted in the City Cemetery subject to the regulations of this Ordinance. No more than one monument or marker shall be permitted for each grave, unless permission is received by the Cemetery Sexton to do otherwise. In this instance it must be a flat marker located close to the head end of the grave.

B. **MAINTENANCE:** The City is not responsible for the purchase, installation, maintenance, or damage to any monument/marker unless the damage results from a City activity.

C. **CONSTRUCTION:** No monument/marker, or any part thereof, may be constructed of wood, or any other material which is not approved by the Cemetery Sextant.

D. **PLACEMENT:** Monuments/markers must be placed at the head end of the burial plot.

E. **INSTALLATION:** Installation of the monument/marker shall be performed by a monument/marker company. All monuments/markers shall be placed in accordance with the instructions and conditions of the Cemetery Sextant, and only after payment of the monument/marker locating fee. Attaching ropes or cables to trees or other objects in the Cemetery, and placing material on adjoining plots is prohibited. Planks or plywood must be placed over grass or paths any time a vehicle is driven on it. Where feasible, a lightweight portable trailer/dolly should be used to move headstones rather than driving a vehicle on the lawn.

Heavy trucks will not be permitted within the Cemetery when, in the opinion of the Cemetery Sexton, such work might cause damage to the grounds or driveways. Once begun, all monument and stone work is to be completed and any accumulated debris is to be removed from the site within a one-day period. All work must be done during regular
Cemetery hours of operation, Monday through Friday, unless by special permission from the Cemetery Sexton.

F. **MONUMENT/MARKER REQUIREMENTS**

1. Concrete Border: A four (4) inch wide concrete border is required around all monuments/markers, including those that are flat.

2. Vertical Monument Foundations: Each monument shall be placed on a concrete foundation which will be a minimum thickness of four (4) inches.

3. Flat Markers: Flat markers must be placed flush with the contour of the ground to accommodate for care and maintenance issues.

4. Monument/Marker Dimensions: The maximum monument/marker size the City shall allow is eighty (80) percent (up to 36 inches) of a single plot width excluding concrete border. A single monument/marker may be placed on two adjacent plots under the same ownership; however, the monument/marker may not exceed sixty (60) percent (up to 72 inches) of the combined width. No monument/marker may exceed four feet (48 inches) in height. A waiver for height may be granted based on receiving written approval from the City Council.

G. **GRASS CARE FACILITATION:** As is practicable, placement of all monuments/markers shall be made so as to facilitate the use of mechanical cleaning and mowing equipment.

H. **MONUMENT/MARKER TIMELINE:**

1. Arrangements should be made by the family to place a temporary plaque on the grave site within three days of the interment for identification purposes.

2. Occupied grave plots must be marked with a permanent monument or marker within one year after burial. Monuments/markers may be placed prior to the burial of the deceased; however, if the monuments/markers must be moved to open the grave, a moving fee will be assessed based on actual cost of doing so.
VIII. **PLANTINGS AND DECORATIONS:**

A. **POTTED PLANTS:**

1. One plant stand is permitted per grave plot.

2. The City is not responsible for maintenance and care of plants and plant stands. The City is not responsible for stolen plants or permitted plant stands. Plant stands that are vacant or unused for more than one year are subject to removal.

3. The City reserves the right to remove all plants or plant stands which interfere with routine maintenance of the City Cemetery or which become unsightly, dangerous, or diseased on the burial plot in which they are situated or to any other burial plot, path, or roadway.

B. **OTHER OBJECTS:**

1. Vases or containers integrated into a monument or marker are allowed.

2. Enclosures such as fences and coping are prohibited and subject to immediate removal.

3. The City reserves the right to remove any object which interferes with routine maintenance of the Cemetery or which is unsightly, overgrown, or dangerous on the burial plot in which it is situated or to any other burial plot, path, or roadway. All unauthorized plantings and objects are subject to immediate removal by the City.

C. **PERMANENT PLANTINGS OF TREES AND SHRUBBERRY:**

1. Permanent plantings of trees, shrubbery, and flowers are not permitted within the City Cemetery except those by the City or those authorized in writing by the Cemetery Sextant.

2. The Cemetery Sextant shall select appropriate locations for and quantities of authorized plantings.

3. The City may refuse to sell any burial plot adjacent to a burial plot or pathway containing a tree if the City determines excavating a grave on the burial plot is detrimental to the tree.

4. The City reserves the right to remove any planted tree, shrub, or flower which interferes with routine maintenance of the Cemetery or which is unsightly, overgrown, dangerous, or diseased. All unauthorized plantings are subject to immediate removal.
IX. **PROHIBITED ACTS:**

A. **ANIMALS:** All animals, domesticated or otherwise, are prohibited in the Cemetery except as provided in Paragraph B of this section. It is unlawful for the owner, agent, caretaker or other person in charge of livestock to allow or negligently permit animals to run at large or trespass on Cemetery grounds.

B. **DOGS:** It is unlawful for any person to allow any dog under his control or ownership, other than a guide or service dog specially trained for that purpose, accompanying a blind, visually handicapped, hearing impaired or otherwise physically disabled person, to be within the Cemetery, even if under leash.

C. **VANDALISM/THEFT:** It is unlawful for any person to injure, deface, carry away from the grave any monument, marker, tree, shrub, flower, or any other property or ornament in the City Cemetery, except by written permission of the rightful owner or the Cemetery Sextant.

D. **VEHICLES:** It is unlawful for any person, except for those installing monuments/markers, or official City maintenance personnel in the performance of their duties, to drive any vehicle over any grave or upon any non-paved area of the Cemetery.

---

**Part 2**

**VIOLATION AND PENALTY:** Any person, firm, corporation, contractor, or otherwise, whether action as a burial permit holder or on behalf of the burial permit holder, who violates or refuses to comply with any of the provisions of this chapter, shall be guilty of a Class C misdemeanor and, upon conviction, shall be punished as defined in Utah state law. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

---

**Part 3**

**REPEALER:** All former codes, or parts thereof, conflicting or inconsistent with provisions of this ordinance or of the code hereby adopted, are hereby repealed.

---

**Part 4**

**EFFECTIVE DATE:** This ordinance shall take effect immediately upon publishing, as required by law, deposited and recorded in the office of the City Recorder, and accepted as required herein.
APPROVED, PASSED, and ADOPTED this ___ day of February, 2017.

By __________________________
Mayor Richard Squire

COUNCIL VOTE

Tyler Alder
Margie Anderson
Alma Lund
John Scott
Richard Wheeler

Aye ___ Nay ___
Aye ___ Nay ___
Aye ___ Nay ___
Aye ___ Nay ___
Aye ___ Nay ___

ATTEST:

Leigh Ann Warnock, City Recorder