

ORDINANCE 11-05
AMENDMENTS TO TITLE 13 SECTION F
MUNICIPAL SERVICES - CEMETERY

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 13, Cemetery, which is in need of assorted revisions for the purpose of making corrections and bringing said Code up to date.

NOW, THEREFORE, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

**AN ORDINANCE AMENDING THE REGULATION REGARDING
THE CEMETERY WITHIN TITLE 13 SECTION F
OF THE CITY'S CODE OF REVISED ORDINANCES**

BE IT ORDAINED by the City Council of the City of North Logan, Cache County, State of Utah as follows:

SECTION I: CHANGES. Subparagraphs within Title 13F – Municipal Cemetery is hereby modified as follows (highlighted portion added, crossed through items deleted):

13F – 106. Burial Regulations. The following regulations shall govern burials within the cemetery:

- (A) ~~Burial Permit (Request for Burial Form). No body shall be interred, or remains received, unless a burial report is received from a licensed mortician and signed by the funeral director, which shall be an acknowledgment of the mortuary's obligation to pay for the burial, unless the burial charges have been paid in advance to the treasurer and receipt thereof is presented to the Sexton as a permit for the burial. The burial report or receipt shall reflect the full name of the deceased, the date and place of birth, the date and place of death, and the name and address of the person responsible for the disposal.~~
- (A) Burial Permit (Request for Burial Form). No body shall be interred, or remains received, unless a Request for Burial Form is completed in full and presented to the city. The Request for Burial Form shall reflect the full name of the deceased, the date and place of birth, the date and place of death, and the name and address of the person responsible for the burial.
- (B) Certificate of Burial Right (Deed) required. It is unlawful for any person to bury the body of a deceased person in the cemetery without first obtaining a certificate of burial right for the lot used, or producing satisfactory evidence, through legal documentation, of a right to burial based on a properly acquired/inherited certificate of burial right. (see 13F – 114. Descent and Inheritance of Burial Rights).
- (C) Excavating and refilling graves. The Cemetery Sexton is in complete charge of every interment. No grave shall be opened, filled, refilled, or sodded except by the employees of the cemetery under the direction of the Sexton.
- (D) Disinterments / Exhumations. The scheduling of disinterments shall be at the discretion of the Sexton. It shall also be at the discretion of the Sexton to refuse to disinter any person that would endanger the health and safety of cemetery employees. Disinterments may be postponed without notice if the Sexton deems it necessary to maintain the regular operation of the cemetery.

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- (E) Approval of Disinterments/Exhumations. No person shall disinter any body buried in such cemetery, unless under the direction of the Sexton, and before disinterment the Sexton shall require a permit from the board of health and a written order from the owner of the lot or the owner's legal representative, authorizing such removal, which order the Sexton shall file and preserve, and all such removals shall be recorded by the Sexton. It is unlawful to remove the
- (A) Owner Responsibility. The owners of the lots or relatives of deceased persons buried in such ground are required to erect and maintain in repair, tombstones or other suitable monuments at the head of graves with the names of the deceased plainly inscribed thereon. The Cemetery is maintained by City crews who exercise great care in keeping the grounds groomed. The City will not be responsible for inadvertent damage to monuments that occur from routine maintenance or burial operations. (Ord. 09-02)

13F – 111. Monuments / Grave Markers / Structures. Monuments shall be installed by private firms. The Sexton's office must receive a minimum of seventy-two (72) hours notice of monument installation. Installers are responsible for the removal of all excess debris and must make reasonable efforts to restore the plot to its original condition. All markers or monuments shall be set in a concrete foundation at least four inches (4") in depth. The foundations of all markers or monuments shall extend at least six inches (6"), but no more than ten inches (10"), past the edge of marker or monument and shall be flush with the ground.

- (A) Monument installation. Monuments are to be installed during regular business hours and under the direct supervision of the Cemetery staff. The cemetery staff will measure and indicate where the monuments are to be placed. Monuments not installed during City office hours and without the direct supervision of the cemetery staff, shall result in an administrative fine as dictated by city resolution, and will need to be re-installed.
- (B) Monument Base Preparation. Due to the slope of the Cemetery grounds, certain measures must be taken by the monument installer, in cooperation with cemetery staff, to ensure that the monuments will not slide or tip. Said measures shall include proper foundation preparation including compacting soils beneath the monument in compliance with standards set forth in the North Logan Design Standards and Technical Manual, along with pinning where cemetery staff deems necessary. The Cemetery staff must supervise all monument installations and ensure appropriate measures are applied.
- (C) Monument Material. All monuments/markers/headstones shall be made of granite or marble and shall be set in concrete. All text shall be etched/inscribed into the actual stone. All brass or bronze veteran markers must be approved by the cemetery sexton or deputy.
- (D) Monument Dimensions. A single monument cannot exceed 3' in length. A double, or triple monument cannot exceed 7' in length. No monument shall exceed 2' in width. No monument shall exceed ~~5'~~ 42" in height. Any concerns regarding the dimensions of monuments shall be addressed by the Sexton.
- (E) Grave/Monument orientation. By convention, burial spaces are laid in rows with the head of the grave at the west and the foot at the east. Individual grave tracts measure four feet wide by ten feet long. Traditional Burial custom has the wife placed to the left (north) side of the husband (south). The headstone is to be placed on the west side of the grave with the primary wording facing west. Any concerns regarding placement or orientation will be addressed by

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the Sexton.

(F) Moving of a Monument. In order to reduce the risk of damage to a monument, if a monument needs to be moved for a burial to take place, or for any other reason, when the dimensions of the monument to be moved exceed one foot (1') in height, two feet (2') in length, and eight inches (8") in depth, a monument company shall be required to move the monument, before and after the burial, so that the grave may be dug and the ground restored without impediment. Any movement of a monument shall be done under the direct supervision of the Sexton or Deputy.

(G) Only one monument will be allowed on each gravesite.

(H) Inappropriate or obscene items/wording on any monument is prohibited.

(I) Mowing strip regulations. Holes/provisions for the placement of flower vases are allowed on the north and/or south mowing strips of the monument/headstone. However, holes/provisions are not allowed on the east and/or west-side of the monument within the mowing strip, or within the east and/or west-side of the monument itself (see 13F-118. (A) Plantings).

(J) Family Monuments/Null Gravesites. Family monuments/headstones are permitted in the cemetery. Family monuments must follow the same standards and regulations as all other monuments/headstones including: notice, installation, precautions, dimensions, and orientation. In order to place a family monument within the cemetery a gravesite must be designated as null. No more than two gravesites may be designated as null per family monument. Before a gravesite can be considered for a null designation, a copy of the deed, or satisfactory evidence, through legal documentation, of a right to burial based on a properly acquired/inherited certificate of burial right (deed) must be submitted to the Sexton.

(K) Benches and Structures. Gravesites may only be used for the burial of the deceased or the placement of approved monuments. Individual lots owners may not designate gravesites as null for the placement of benches, landscaping, or other structures. Benches, structures, or landscaping of any kind, shall only be installed by the Cemetery staff in pre-designated areas. However, certain headstones that function as benches may be approved by the Sexton if they meet the standards set forth for all monuments.

(L) Lot Structures. No fences, foot markers, curbing, or other structures/installations, except an approved headstone or monument, will be permitted in the Cemetery.

(Ord. 09-02)

13F – 112. Purchase Prices and Fees. The City Council shall from time to time, by resolution, fix the size of lots, the price at which burial rights shall be sold, and the fees which shall be charged for the various cemetery services.

(A) Payment of Fees. Payment of opening and closing fees is to be done at the same time that the "request for burial form" and the "burial information form" are filled out. All burial charges must be paid in full before a burial may take place. However, upon written agreement between a licensed mortician and the City, a mortuary may accept liability for the opening and closing fees for burial. Said fees shall then be mailed to, or deposited at, the office of the City treasurer at the time of burial.

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- (B) Duplicate Certificate. A lost certificate (deed) can be reissued for a small fee and upon the filing of an Affidavit of Lost Certificate by the applicant for the new certificate. A new certificate (deed) will be issued if a change in ownership, through will or legal documentation takes place (see 13F – 114. Descent and Inheritance of Burial Rights). In the case of change of ownership, the old certificate (deed) must be relinquished to the City.
- (C) Number of lots available for purchase. Purchase of gravesites shall be limited to 10 gravesites per household.
- (D) Fees for Disinterments/Exhumations: Fees for disinterments/exhumations will be higher than regular opening/closing fees due to the increased time and care that must occur for a grave that is dug by hand.

(Ord. 09-02)

13F – 113. Restrictions of Resale. The right to burial sold by this municipality for lots, shall not be further sold, transferred, conveyed or assigned to any person except the municipality or legal heirs (see 13F – 114. Descent and Inheritance of Burial Rights). The municipality agrees to buy back any cemetery burial right which it may hereafter sell. The repurchase of such burial rights shall be for the original price paid by the purchaser, or the current selling price of the lot's burial rights, whichever is less. (Ord. 09-02)

13F – 116. Double Depth Burials. Double depth burials shall not be permitted in the North Logan Municipal cemetery. (Ord. 09-02)

13F – 117. Burial of Indigents. The governing body may by resolution designate a portion of the municipal cemetery to the burial of indigents. Indigents may be buried whenever it is made to appear to the Mayor by proof submitted to him that any person who has died does not have an estate sufficient to pay the purchase price of the burial rights in the cemetery. The Mayor may grant burial space for such deceased person if the nearest relative or representative of such deceased person desires to have the body of such deceased, interred in the cemetery. (Ord. 09-02)

13F – 118. Flowers/plantings/decorations. The following items shall govern the placement of items surrounding the headstones/monuments of the cemetery.

- (A) Plantings. The planting of trees, shrubs, woody plants, or flowers of any kind is prohibited within the cemetery without the written permission of the Sexton. Any planting of any kind that is not approved by the Sexton will be removed by the Cemetery staff without notice.
- (B) Graveside Flowers. Containers of flowers will remain on the grave for a period of at least one week following the graveside service. Flowers may remain longer, until out of condition, as determined by cemetery personnel. If family members request flowers to be disposed of at any time, Cemetery Personnel will accommodate.
- (C) Fresh cut flowers. Fresh cut flowers will remain until they appear to be out of condition as determined by cemetery personnel. Cemetery personnel will dispose of the flowers and the container provided for them.
- (D) Plastic flowers are allowed to be placed in the Cemetery, provided they are placed on the grave markers so as to allow maintenance of cemetery grounds. Plastic flowers may be

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removed at anytime if they are determined to be unsightly or cause problems with regular grounds maintenance.

- (E) Glass Containers Prohibited. Any glass jars, containers, decorations, etc., of any kind are prohibited within the Cemetery.
- (F) Flower Containers/Decorations/Sheppard's hooks. Small baskets, pots, ~~jars~~, cans, vases, ~~bottles~~, toys, decorations of any kind are acceptable as long as they remain within the 6" concrete base (mowing strip) on the north and/or south of the headstone/monument. Shepherds hooks, pinwheels, etc. , are permitted only within the places specifically provided for such in the headstone mowing strip. All decorations, vases, toys, etc., are discouraged on the east and/or west mowing strip of the headstone, as these items may need to be removed. Any decoration deemed to pose a hazard to cemetery personnel or visitors or otherwise interrupt the operation of maintenance machinery will be removed and disposed of without notice.

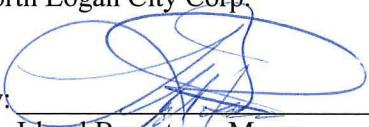
SECTION II: CONFLICT. To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION III: SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE. This ordinance shall become effective upon its passage and upon proper posting. Following its passage a copy of the Ordinance shall be posted as required by law.

ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 7th day of September, 2011.

North Logan City Corp.

By: 
Lloyd Berentzen, Mayor

ATTEST:


Scott Bennett, City Recorder

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CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 20th day of September, 2011, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 12-01 in a likely manner, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 2005 North 1200 East

WITNESS my hand this 20th day of September, 2011.



Scott Bennett, City Recorder