

Town of Vernon Code Cemetery Code
Chapter 1 - General Provisions

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Section 1-1. Definitions.

As used in this Chapter, the following words and phrases shall be defined as set out in this section unless the context clearly requires otherwise:

- A. **Burial** shall mean the opening and closing of a grave for the interment of human remains.
- B. **Cemetery** shall mean any cemetery owned or maintained by the Town for the purpose of receiving human remains.
- C. **Town** shall mean the Town of Vernon.
- D. **Disinterment** shall mean the removal from an interment space of human remains.
- E. **Human Remains** shall mean either the body of a deceased human or the cremated body of a human.
- F. **Lot** shall mean a grave site in the cemetery owned by the Town.
- G. **Plot** shall mean eight (8) consecutive Lots purchased in prior years, but no longer available for sale.
- H. **Lot Owner or Purchaser** shall mean the purchaser of burial rights or privileges evidenced by a Burial.
- I. **Town Clerk** shall mean the person appointed by the Mayor and Council whose duty it is to sell burial lots, collect fees, and prepare and provide a certificate of Lot ownership to who provides services at the cemetery when authorized by proper authority.
- J. **Sexton** shall mean Town Council Member assigned to serve as the caretaker of the cemetery and cemetery records.

K. **Resident** shall mean a person who is continual physical resident of the Town of Vernon for the preceding six (6) months, or a person who has met these same requirements at the time of their death.

L. **Interment** shall mean the act of burying a dead person.

M. **Inurnment** shall mean to put into an urn, especially ashes after cremation, to bury.

N. **Infant** shall mean a child who is two (2) years of age or younger.

Section 1-2. Name Established.

The cemetery of the Town shall be known and designated as the Town of Vernon Cemetery.

Section 1-3. Cemeteries Covered.

All cemeteries owned or maintained by the Town, or which may hereafter be acquired by the Town, wherever situated, are hereby declared subject to the provisions of this Code.

Section 1-4. Duties of Sexton.

A. The Town Sexton under the direction of the Mayor and Town Council shall have entire control and superintendence of the Town Cemetery, and shall perform such other duties in relation to cemeteries as may be hereafter provided by the laws of the State of Utah or by ordinance, order or resolution of the Town Council.

B. The Town Sexton shall keep in proper repair the enclosure around the said cemetery and prevent its being entered by animals, and so far as practical shall prevent the destruction of or defacing of any tablet or marker placed or erected therein. He shall have charge of a duplicate plat of the cemetery and shall, at the request of any person wishing to purchase a burial right of any of the lots or parts of lots, point out any of the lots or parts of the lots unoccupied and available.

C. It shall be the duty of the Town Sexton to perform those duties required by law and this Chapter.

D. The Sexton shall direct the care of the cemetery by posting an annual bid for a person(s) to serve as caretaker whose job description shall include, but is not limited to mowing of all lots and graves as needed, watering once a week, as needed; maintain area (keep down weeds) twenty feet (20') around the outside perimeter of the cemetery, also around parking areas, flag pole, any memorial, and storage shed; removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots, and clear paths of snow for funerals, but shall not include repair or replacement of markers memorial structures. Caretaker will also twice knock down weeds in the Old Faust Cemetery. Once prior to Memorial Day and again in the month of August.

E. It shall be the duty of the Town Sexton to see that the owners of lots within the cemetery obey all rules and regulations made by the Town Council in regard to the care of said lots and in regard to the erection of fences or other obstructions and to enforce all other regulations herein provided; he shall keep the streets, alleys, walks and avenues in said cemetery in good order and unobstructed, so that every access can be had to any lot; he shall supervise the placing of markers, and if any person shall fail to comply with this ordinance, or rule or resolution passed pursuant thereto, or the instructions of the Sexton, the Sexton shall make the necessary corrections at the expense of the person owning or interring in said lot.

F. Whenever a Burial Right Certificate for a lot reverts to the Town, as provided in this Chapter or pursuant to State law, and before new certificates are issued covering said lot, the

original certificate shall be cancelled, a new certificate given, and the record so changed by the Cemetery Registrar and Sexton.

G. The Town Sexton is hereby empowered, with the approval of the Mayor and the Town Council, to make and enforce such other reasonable rules and regulations for the proper care and protection of the cemetery not in conflict with the provisions of this ordinance.

Section 1-5. Hours - Children to be Accompanied by Adults.

It shall be unlawful for any person other than Town employees performing their duties to be in the cemetery between the hours of 10:00 p.m. and 6:00 a.m. without the previous consent of the Sexton. Children under the age of fourteen (14) years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for attending authorized funerals or in the company of adults placing flowers on the grave of a deceased relative or friend or performing any other customary evidence of respect in accordance with their principles.

Section 1-6. Only Humans to be Buried - Prohibited Interments.

Only human remains may be buried in the cemetery. The Town may permit cremated animal remains to be buried if the animal remains will fit in the casket with the human remains and the animal remains are buried concurrently with the interment. The Town shall not disinter human remains in order to facilitate the placement of animal remains in the casket. No interment of any deceased human shall be made in any other place than within cemeteries devoted to that purpose, and it shall be unlawful to bury the body of any person within Vernon Town, except in a public or private cemetery located therein.

Section 1-7. Vaults Required.

It shall be unlawful for any person to be buried in the cemetery unless the casket is placed in a Town approved vault made of concrete or another material that has similar structural properties as concrete. No wood shall be used in the construction of any part of any vault. Exceptions to the provisions of this section may be granted for infant or cremation burials only. In such instances, the design and construction of the burial vault shall be approved by the Town.

Section 1-8. Burial Rights and Ownership.

All property including lots, plots and grave sites within the cemetery is owned by the Town. A burial right is simply a right to be buried in the cemetery.

A. No burial shall begin before seventy-two (72) hours after the Sexton is notified of the intent to bury. Weekends and observed holidays shall not be considered in determining the seventy-two (72) hour period.

B. Taxes. All burial rights conveyed shall be exempt from taxation.

C. Descent and Inheritance of Rights. Burial rights in the cemetery are conveyed to a person or persons named therein and their heirs forever. All legal heirs are presumed to have legal right to the rights of burial, unless heirship to the contrary has been determined by a court of probate after named parties in the original Burial Rights Certificate are deceased.

D. Use of Lot. No person, except the owner of the burial rights in a lot, shall be buried in that lot, unless a form provided by the Town has been signed by the owner or legal heirs to those rights, giving permission for someone else to be buried in that lot. No person who owns any burial rights or lots shall sell such burial rights or lots to any buyer except the Town.

E. Burials per Lot. Only one burial shall be allowed per lot. The Town may allow the burial of two infants or sets of cremated remains as space in a lot may permit.

Section 1-9. Right to Maintain.

The Town is responsible for the maintenance of the cemetery. The Town reserves the right to enter upon any lot to perform all work necessary for the maintenance of the cemetery. The Town shall not be responsible for the repair or replacement of markers or memorial structures of any nature, unless the Town caused the damage or destruction to the marker or memorial structure.

Section 1-10. Private Improvements Prohibited; Survey and Marking of Lots.

A. Private Improvements to Lots Prohibited. It shall be unlawful for any person to erect or maintain any structure, fence, corner post, coping, or hedge of any kind upon any lot, street, or driveway in the cemetery, or grade the ground or land thereof. The Town shall, upon request, furnish the boundary lines of lots. The Town shall prohibit landmarks and any grading that might destroy or interfere with the general slope of the land.

B. Plantings. It shall be unlawful for any person to plant shrubs, trees, lawns, flowers, etc., place decorative stones, place monuments or markers, or other permanent items or structures upon any lot in the cemetery without approval and direction from the Town Council.

C. Decorations. All grave decorations or arrangements, real or artificial, shall be allowed until such time as they become faded, worn, weathered, or otherwise unsightly after which they will be removed and disposed of by cemetery personnel.

1. Glass, porcelain, or other breakable containers are not allowed.

2. Any object(s) not kept on the headstone will be removed and disposed of by cemetery personnel. If a grave decoration is blown off a headstone, cemetery personnel will make every effort to place that decoration on the proper headstone, but if the decoration's location cannot be determined, it will be disposed of.

3. Exceptions:

- (a) Beginning 12:00 a.m. the Friday before Memorial Day until 11:59 p.m. the Sunday following Memorial Day, grave decorations will be allowed anywhere on the burial lot. The first Monday following Memorial Day, all grave decorations will be removed and disposed of by cemetery personnel. Anyone wanting to keep their decoration(s) shall remove them before 11:00 p.m. the Sunday following Memorial Day.

- (b) All grave decorations or arrangements, real or artificial, associated with any other specific holiday (themed decorations) shall be removed and disposed of by cemetery personnel no earlier than seven days following such holiday.

4. Once removed from the burial lot, grave decorations are disposed of and will not be saved or kept at the cemetery.

D. Funeral Decorations. Funeral decorations will be allowed anywhere on the burial lot for a seven (7) calendar day period immediately following a burial. Anyone wanting to keep any decorations shall remove them before the seven (7) day period expires.

E. Other Objects. For safety reasons, objects such as wires, sticks, pegs, pinwheels, or iron rods are not permitted and will be removed and disposed of by cemetery personnel. The only exception(s) to this are for funeral decorations and Memorial Day decorations.

F. Damage/Theft. The Town shall not be responsible or liable for flowers, grave decorations, or other personal property left on the headstone, on the burial lot, or anywhere at the cemetery.

Section 1-11. Grave Markers.

All headstones or grave markers in the Cemetery shall be restricted as to the size and general make-up. All grave markers shall be installed under the direction of the Town. Within 90 days after the interment the owner of any burial rights or relatives of deceased persons buried in any lot shall place or cause to be placed upon the grave a suitable grave marker with the name of the deceased plainly inscribed thereon. If any person does not comply with this requirement, the Town may install a grave marker to identify the deceased and recover the costs of such installation from the estate of the deceased or the responsible party.

A. Number. Only one grave marker per each human remains buried in a lot shall be permitted.

B. Size. All grave markers shall be placed on a concrete foundation at least six (6) inches thick and shall be a maximum length of forty (40) inches for single burials and eighty (80) inches for double burials. In those areas reserved for raised markers, such markers shall have a cement lawn strip not less six (6) inches wide surrounding the base of said marker, and shall not exceed thirty-six (36) inches in height above the lawn. The Sexton shall not permit a grave marker to be installed that does not meet the specifications listed in this subsection.

C. Other Markers. There shall be no markers, monuments or structures placed upon any lot other than those provided for in this Chapter.

D. Variance. Any person who wishes to seek a variance to the restrictions to grave markers as outlined herein shall be able to request a variance which may be granted by the Town Council based upon the Council's findings. The Council may require other restrictions or stipulations that it finds necessary to allow for a variance to the restrictions herein.

Section 1-12. Duties of the Town.

A. Burials. The Town shall prepare a grave lot for burial upon request.

B. Disputes. The Town shall endeavor to carry out the wishes of the person or persons charged with the right and duty to control the disposition of a deceased person relating to the burial or disinterment of a deceased person or any other act relating to the disposition of human remains including the selection, design and placement of a grave marker. The Town shall look to the provisions of Title 58, Chapter 9, Part 6 of the Utah Code Annotated (1953, as amended) to resolve any disputes unless directed otherwise by a court of competent jurisdiction.

Section 1-13. Registration of Burials and Disinterments.

The Mayor and the Town Council shall designate a Board Member to serve as Cemetery Registrar for the Town. Before burying any dead in the cemetery, or before disinterring the body or cremated remains of any person who has been buried therein, the relatives or other persons having charge of the body shall be required to furnish in writing to the Registrar a statement of death, which shall be recorded in a record kept for that purpose by the Registrar. The statement shall include the name of the decedent, when and where born and parents names, if known, the date and location of death and the cause thereof, together with the name of the attending physician or medical examiner, the name and address of the funeral director or other person requesting the interment, and the number of the grave, lot, block and plat where said person is to be buried. The Registrar shall also record the name, burial space and date of disinterment and the place of destination if disinterred and transferred beyond the limits of the Vernon Town Cemetery. These records shall be open to public inspection.

Section 1-14. Disinterments.

The Town must balance its responsibilities for the health, welfare, and safety of its employees with the requests of a burial lot owner when asked to disinter human remains. Any request to disinter human remains shall comply with all applicable federal, state and local laws.

A. Permitted. Subject to applicable federal, state and local laws, the Town shall honor a request to disinter human remains upon written court order or a written request on a form provided by the Town from the owner of the burial rights provided the disinterment may be accomplished without endangering the health, safety or welfare of the Town's employees or the public. The Town may on its own initiative disinter human remains in instances where a natural or manmade disaster has exposed a grave and disinterment is necessary to protect the public health, safety, or welfare.

B. Prohibited. The Town shall not disinter the remains of a person who died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

C. Town's Duties. The Town Sexton shall determine whether a disinterment poses a danger to the health, safety, or welfare of Town employees or the public. The Town Sexton may refuse to perform a disinterment if he determines there is a danger to the health, safety, or welfare to Town employees or the public. The Town Sexton may also refuse to authorize a disinterment if he determines that the disinterment would disturb or damage an adjacent burial lot. The Town Sexton may make his determination at any time during the disinterment process. Upon a determination that a disinterment poses no danger to the health, safety, or welfare of Town employees or the public and that the disinterment would not disturb or damage an adjacent burial lot, the Town shall excavate and refill the burial lot. The Town shall comply with any court order.

D. Requestor's Duties. Absent a court order and at least seven working days prior to a disinterment, the requesting party shall submit a disinterment permit from the County Board of Health, the Town's Request for Disinterment form and pay all applicable fees prior to the Town commencing any disinterment. The requestor shall arrange for and pay any associated costs for a funeral director to be present at a disinterment. The requestor shall arrange for and pay any associated costs for a licensed vault company to remove the vault and its contents from the burial lot. If the burial lot does not contain a vault or the Town Sexton determines the existing vault has deteriorated to the point that it will not retain its structural integrity during the disinterment, the requesting party shall replace the deteriorated vault with a structurally sound vault at the requestor's expense. The requestor shall arrange to dispose of any old vault in a manner meeting federal, state, and local laws.

E. Liability. The Town assumes no liability for any property damage, including damage to a casket, vault, memorial, etc. or for bodily injury sustained during a disinterment from causes beyond its reasonable control. The Town is not liable for acts or omissions of any third party for any reason. The Town is not liable for damage to the contents of any caskets or adjacent lots from causes beyond its reasonable control. The Town is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any disinterment.

Section 1-15. Burials Outside Cemeteries.

It shall be unlawful to bury human remains within the Town, except at sites designated and approved by the Town.

Section 1-16. Burial of Indigents.

A portion of the cemetery may be designated for the burial of indigents. Whenever it is determined by the Mayor that any resident of Vernon who has died, who does not have funds or an estate sufficient to pay the cost of a burial right in the cemetery, and whose nearest relative or representative desires to have the body of such deceased interred in the cemetery, the Mayor may grant a burial right for such deceased person at no cost. All strangers without known relatives or funds who die in the Town may be accorded the same privilege.

Section 1-17. Infant Burials.

Two infants may be buried in one regular cemetery space with the permission of the owner of the burial right.

Section 1-18. Animals Prohibited.

No animal shall be allowed in the cemetery except in the confines of a vehicle. This section does not apply to service dogs who are accompanying persons with disabilities, unless the dog is a danger or nuisance to others as specified by Section 62A-5b-104, U.C.A., 1953 as amended.

Section 1-19. Holiday Interments Prohibited - Time of Interment.

A. Interments or disinterments in the cemetery shall not be allowed on New Year's Day, Civil Rights Day, Presidents' Day, Memorial Day weekend beginning Saturday morning through Memorial Day, Independence Day (July 4), Pioneer Day (July 24), Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, Christmas Day, or any other Town-observed holiday. In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. No interments or disinterments shall be allowed in the cemetery on any Sunday.

B. Interments must be completed at the cemetery at or before four p.m. if the grave is to be filled in with the earth the same day.

Section 1-20. Fees.

All prices, fees and charges pertaining to the cemetery shall be established by resolution of the Town Council. No burial, opening, closing, interment, or disinterment shall take place until all appropriate fees have been timely paid to the Town or waived by the Mayor.

Vernon Town Cemetery Fees as Follows:

A.	Resident per lot	\$300.00
B.	Non-Resident per lot	\$800.00
C.	Resident Infant	No Charge
D.	Non-Resident Infant	\$300.00
E.	Resident Opening and Closing	\$300.00
F.	Non- Resident Opening and Closing Fees	\$500.00
G.	Disinterment of casket	\$1,500.00
L.	Disinterment of urn	\$500.00

Section 1-21. Purchase and Resale of Lots.

The number of lots purchased to be held in anyone person's name shall be ten (10). No person who owns any burial rights or lots shall sell such burial rights or lots to any buyer except the City. The City hereby agrees to repurchase any unused burial right or cemetery lot. The City shall pay the amount that the right or lot was originally purchased for.