

TITLE 8 ¹

PUBLIC PROPERTY

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CHAPTER 8-01. GENERAL PROVISIONS

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8-01-010. Legislative Authority.

Pursuant to the provisions of *Utah Code Ann.* § 10-8-1, as amended, the City is authorized and has power to control the finances and property of the City. In accordance with applicable statutory restrictions as set forth in *Utah Code Ann.* § 10-8-2, as amended, the City is authorized to purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the City, and to improve, protect, and do any other thing in relation to such property that an individual could do. Pursuant to the provisions of *Utah Code Ann.* § 10-8-5, as amended, the City is further authorized to erect buildings necessary for the use of the City and to provide for the care of such buildings.

8-01-020. Acquisition of Real Property.

The City is authorized to acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the City. Acquisition of property by eminent domain shall be for a necessary public purpose subject to the restrictions and procedures imposed by Title 78B, Chapter 6, of the Utah Code, as amended, regarding eminent domain proceedings, and applicable provisions of *Utah Code Ann.* § 10-8-2, as amended.

8-01-030. Disposal of Real Property.

Before the City may dispose of a significant parcel of real property, the City shall comply with the disposal of real property procedures and policies as set forth in Title 3, Chapter 6, of the Centerville Municipal Code, and applicable provisions of *Utah Code Ann.* § 10-8-2, as amended.

8-01-040. Unlawful Use.

Unless authorized by permit or other written authorization issued by the City or unless authority is granted by provisions of this Code or other ordinance of the City now or hereafter enacted, it shall be a class B misdemeanor for any person to: (1) construct, lay, excavate, erect, operate or maintain any improvement, equipment or facility over, under, across, in or through any property owned or controlled by the City; (2) enter upon any property of the City contrary to posting or marking, restricting or prohibiting use of the area; or (3) intentionally use or perform acts upon property of the City which materially impairs, alters, or damages the property.

¹ Amended by Ordinance No. 2013-14, September 17, 2013

8-01-050. Repair or Restoration.

In addition to any other penalty which may be imposed, the City may order any person who has damaged, altered or changed any property of the City to repair or restore the property to its original condition prior to the damage, alteration or change.

8-01-060. Authorized Use of Public Property.

The City may grant any person or entity a franchise, license, easement or permit, on such terms and conditions as deemed appropriate and necessary by the City, for the purpose of entering upon, constructing, building, using or maintaining facilities, equipment or improvements upon public property owned by the City. Any such franchise, license, easement or permit shall be in writing and issued or approved in accordance with applicable ordinances, rules and regulations.

8-01-070. Violations and Penalties.

Any violation of this Title shall be deemed a class "B" misdemeanor, subject to penalty and fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended. Violations may also be subject to civil penalties in accordance with applicable provisions of Title 1, Chapter 6 of the Centerville Municipal Code regarding civil enforcement procedures.

CHAPTER 8-02. PARKS AND PLAYGROUNDS

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8-02-010. Legislative Authority.

Pursuant to the provisions of *Utah Code Ann.* §§ 10-8-8 and 10-8-9, as amended, the City is authorized and has the power to layout, establish, maintain and improve parks, public grounds, playgrounds, recreation places, and swimming pools within the City for the benefit of its citizens. The City is further authorized pursuant to *Utah Code Ann.* § 10-8-11, as amended, to regulate the use of parks and public grounds, prevent and remove obstructions and encroachments thereon, and provide for the maintenance of the same. The City is further authorized to regulate the use, maintenance, naming and other aspects of parks and recreation within its jurisdiction in accordance with applicable provisions of State law, including, but not limited to *Utah Code Ann.* § 11-2-1, *et seq.*, as amended, regarding playgrounds and recreational facilities.

8-02-020. Parks Defined.

For purposes of this Chapter, a City park shall be defined as real property owned, leased, or controlled by the City and operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, and which is usually or may be planted with trees, lawns, and other landscaping and which may include within its boundaries facilities for sport, entertainment, recreation, picnicking, swimming or is planned for such future use. As used herein, City park shall refer to and include any City park, playground, trail, open space, ball fields, and similar public facilities.

8-02-030. Administration.

Except as otherwise provided herein regarding criminal matters, the provisions of this Chapter shall be administered, interpreted and enforced by the Parks and Recreation Director. Criminal violations shall be enforced by the Police Department.

8-02-040. Regulations and Fees.

The City may promulgate rules and regulations relating to City parks and may amend such rules and regulations from time to time. Fees for use of park facilities shall be adopted by the City and set forth in the City Fee Schedule.

8-02-050. Park Hours.

Unless otherwise provided by ordinance or resolution of the City Council, City parks may be used between the hours of 7:00 a.m. and 10:00 p.m. City parks shall not be used or occupied between the hours of 10:00 p.m. and 7:00 a.m., except by special permission of the City.

8-02-060. Park Reservations.

Certain facilities and areas within the City parks, as designated by the City, may be reserved by persons over the age of eighteen (18) by filling out and submitting a Park Pavilion Reservation Form in accordance with applicable Park Pavilion Reservation Policies, as adopted by the City. Applicable park reservation fees as set forth in the City Fee Schedule shall be paid at the time of reservation. Additional fees and deposit may be required for certain reservations as more particularly set forth in the Fee Schedule and applicable provisions of the Park Reservation Policies due to the nature of the event, the number of participants expected to attend, the duration of the event, etc. All reservations and use of park facilities shall be subject to and comply with applicable park policies, ordinances and regulations as adopted by the City.

8-02-070. Motor Vehicles.

(a) Motor Vehicles Specified. For purposes of this Section, motor vehicles include, but are not limited to, automobiles, trucks, off-road vehicles, ATVs, motorcycles, motor bikes, snowmobiles, and any and all other self-propelled mechanical vehicles.

(b) Locations. No motor vehicles may be driven at any place within a City park, other than in those areas specifically designated and posted as allowing such vehicles. This shall not apply, however, to motorized or self-propelled equipment or emergency vehicles used within the park by officers or employees of the City in the performance of their official duties.

(c) Snowmobiles and Off-Highway Vehicles. It shall be unlawful to operate or drive any snowmobile or other off-highway vehicle within any City park or recreation area at any time.

(d) Speed. It shall be unlawful to operate or drive any motor vehicle within any City park or recreation area at a speed in excess of that speed posted on the particular road, trail or pathway within the park.

(e) Manner of Operation. No motor vehicles, even though operated within the speed permitted on the places provided for such vehicles, shall be operated in a careless or reckless manner to such an extent that it will endanger the peace, health and safety of any other person within the City park area.

8-02-080. Parking Restrictions.

The City's Chief of Police and authorized designees are hereby authorized to restrict parking within City parks when the same is necessary to provide adequate access, unrestricted ingress and egress, and to assure that available parking within the park is preserved for persons using the park at any given time. Areas designated for no parking, handicapped parking, limited parking or limited time parking shall be designated by signs approved by the Chief of Police which shall give notice of the restrictions required. It shall be unlawful for any motor vehicle to be left unattended or parked within any area of a City park parking lot which does not comply with restrictions or requirements posted by the City. Any such vehicle is hereby declared to be a nuisance and may be removed at the direction of any police officer of the City. It shall be unlawful to park a motor vehicle in a parking place for a period of time longer than the permitted parking time. More than one citation or notice of infraction may be issued during a period of continuous violation.

8-02-090. Bicycles and Skateboards.

Except as otherwise posted, self-propelled vehicles such as bicycles, skateboards, roller skates, roller blades, scooters and similar types of vehicles may be used within City parks. No self-propelled vehicles shall be operated in a careless or reckless manner to such an extent that it will endanger the peace, health and safety of any other person within the City park area or in any way that will damage the facilities, plants or property within the park. When not in use, bicycles should be placed in bike racks or other designated parking areas within the parks.

8-02-100. Animals.

(a) Certain Animals Prohibited. Except as otherwise specifically provided herein, no person shall at any time within a City park bring or let loose any horse, mule, goat, sheep, swine, or any animal of a species which is ordinarily not domesticated.

(b) Domestic Pet Control. The owner or person in charge, care or custody of any domesticated animal within a City park shall immediately clean up and remove any feces deposited by such animal in any park area. The owner or person in charge, care or custody of any domesticated animal within a City park shall keep such animal on a leash during the time such animal is within the park. Unattended or unlicensed domestic animals found within any City park are subject to pickup by the animal control officer.

(c) Tethering Animals. No person shall hitch or fasten any animal to any tree or any other structure on park property.

8-02-110. Fires and Fireworks.

No person shall make or kindle a fire within a City park for any purpose unless such person shall do the same in designated areas and at designated times where a fireplace, grill, or other facility intended to contain a fire is available. No person shall discharge any fireworks within a City park, except as authorized by permit issued by the City in accordance with applicable provisions of Title 7, Chapter 7.

8-02-120. Defacing or Destruction of Property.

Except as permitted by the City, no person shall remove, injure, deface, destroy or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, sign, fence, bench, or other structure, apparatus or property within a City park; or cut, take or remove any plant, or mark or write upon any building, sign, fence, bench, equipment or other structure within a City park; or commit any other act of vandalism to public property.

8-02-130. Littering.

No dumping or littering shall be allowed on any City park premises. Unless otherwise specifically designated for recycling or green waste collection, no garbage generated outside of the park premises shall be transported to or dumped within the park or within any garbage receptacles belonging to the City and located within the park. Any garbage generated through use of the park premises shall be deposited within designated garbage, recycling or green waste receptacles.

8-02-140. Restroom Facilities.

No male person over six (6) years of age and no female person over six (6) years of age shall enter or use any restroom designated and marked for use by members of the opposite sex in a City park or playground, except that City personnel may, for maintenance purposes, enter any restroom upon posting. Exceptions may be made as a reasonable accommodation for physically or mentally disabled persons or family members who necessarily need to be accompanied by an adult or guardian.

8-02-150. Prohibited Activities.

It shall be unlawful to conduct or participate in any of the following activities within a City park:

- (a) To play or practice golf, except as part of classes or programs approved by the City.
- (b) To ice skate or ski, except in specific areas as designated by the City.
- (c) To hunt or fish.
- (d) To consume, sell or have in their possession any alcoholic beverage or illegal drugs.
- (e) To smoke.
- (f) To camp or lodge.

8-02-160. Prohibited Conduct.

No person shall engage in fighting or indulge in riotous, boisterous, intoxicated, threatening, promiscuous or indecent conduct or use any abusive, threatening, profane or indecent language in a City park. No person shall engage in any activities or conduct prohibited by law.

8-02-170. Commercial Sales Prohibited.

No commercial use or sales are permitted within City parks unless conducted in connection with a City-sponsored event or otherwise approved by the Parks and Recreation Director in limited circumstances as part of a park reservation. Limited sales may be approved for sales to invitees of the event or park reservation. Commercial use or sales of any kind during an event will require submission of a completed Park Pavilion Reservation Form and may be subject to additional restrictions and fees as set forth in the Park Pavilion Reservation Policies, as adopted by the City. No admission or other fees may be charged for events except in connection with a field-use agreement for ball fields.

8-02-180. Eviction.

Any person violating any of the instructions, signs or rules established by the City may be evicted from the park by any police officer of the City.

8-02-190. Penalty.

Unless otherwise specifically provided, any person violating any of the restrictions, rules or prohibitions as set forth herein shall be guilty of a class "B" misdemeanor, subject to penalty and fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended.

CHAPTER 8-03. CEMETERY REGULATIONS.

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8-03-010. Purpose.

It is the purpose of this Chapter to provide for the efficient operation, maintenance and appearance of the Centerville City Cemetery and to set forth applicable procedures and fees for the sale of burial rights and burials within the City Cemetery.

8-03-020. Legislative Authority.

The City is authorized and has the power to layout, establish, maintain and regulate cemetery grounds pursuant to applicable provision of *Utah Code Ann.* §§ 10-8-62 and 10-8-63, as amended. The City is further authorized to regulate burial rights within the City Cemetery pursuant to applicable provisions of Title 8 of the Utah Code Annotated, as amended.

8-03-030. Designation.

The City Cemetery is located at approximately 400 South and 600 East within Centerville City, and is hereby known and designated as the Centerville City Cemetery (hereinafter referred to as "City Cemetery"). All burial grounds and cemeteries owned and/or maintained by the City, now or in the future, wherever situated, are hereby declared subject to the provisions of this Chapter.

8-03-040. Definitions.

The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

- (a) Block. The term "block" means six (6) burial lots and shall be used as a means of geographical reference within the City Cemetery.
- (b) Burial Space. The term "burial space" means an area within a burial lot for which one Right of Burial may be sold.
- (c) Burial Lot. The term "burial lot" means a group of burial spaces and shall be used as a means of geographical reference within the City Cemetery.
- (d) Grave. The term "grave" means a burial space following the interment of a deceased person.
- (e) Marker. The term "marker" means a headstone flush with the surface of the ground.
- (f) Monument. The term "monument" means a headstone which shall extend above the surface of the ground.
- (g) Monument Marker Installation Permit. The term "Monument Marker Installation Permit" means a permit issued by the City prior to the installation of any monument or marker in the City Cemetery.
- (h) Perpetual Care. The term "perpetual care" refers to the maintenance care that the City agrees to provide within the City Cemetery on a continual basis.
- (i) Plat. The term "plat" means a geographical area within the City Cemetery, designated by a letter in the alphabet (namely A, B, C, D, and E).
- (j) Right of Burial. The term "Right of Burial" means the purchased right one has to be buried in the City Cemetery.

8-03-050. Administration.

Except as otherwise provided herein regarding criminal matters, the provisions of this Chapter shall be administered, interpreted and enforced by the Parks and Recreation Director. Criminal violations shall be enforced by the Police Department.

8-03-060. Regulation of Burials.

The City shall regulate the sale of burial rights and all manner of burials, interments, disinterments and other matters regarding the use of and conduct within the City Cemetery in accordance with the provisions of this Chapter and any policies adopted pursuant hereto. It shall be unlawful for any person to be buried in the City Cemetery without compliance with the procedures and provisions set forth herein or adopted pursuant hereto.

8-03-070. Registration of Burials.

Before any deceased person may be buried in the City Cemetery, the relatives, or person having charge of the deceased, shall provide the City with information about the deceased, as deemed necessary by the City, and in accordance with State law.

8-03-080. Fees.

The City Treasurer or such other person as the City may designate, is hereby authorized and required to collect, in advance, fees for the opening and closing of burial spaces, monument installation, or other services and the sale of burial rights within the City Cemetery. The City Council shall adopt

applicable fees for cemetery services and burial rights to be set forth in the City Fee Schedule, and may review and amend such fees from time to time as deemed necessary and appropriate.

8-03-090. Right of Burial.

(a) It shall be unlawful for any person to bury the remains of a deceased person in the City Cemetery without first purchasing a Right of Burial certificate from the City. The Right of Burial is not the purchase of a property interest within the City Cemetery, but merely a right to bury someone therein.

(b) The City Treasurer, or designee, may sell a Right of Burial in the City Cemetery for burial purposes only and collect all sums arising from the sales. The City is hereby empowered to regulate, by resolution, the selling price, size, and use of burial spaces.

(c) The City Treasurer, or designee, shall deliver to each purchaser a Right of Burial certificate for each burial space, showing the description thereof, and stating the price paid therefor. The City shall keep duplicates of all certificates issued as part of the City records.

(d) A Right of Burial certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price including the perpetual care fee. Payments made pursuant to this section shall not be construed to be payment for cemetery services other than perpetual care or prepaid maintenance.

(e) No other improvements, changes, or services, except perpetual care shall be made on any burial space without the certificate holder or heirs first submitting to, and receiving from the Parks and Recreation Director, written approval for such improvements, changes, or services, which improvements, changes, or services shall be subject to the rules and regulations promulgated by the City Council.

(f) No burial right for any specifically designated burial space may be purchased that would leave a single burial space left for purchase.

(g) Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, only one deceased person may be buried in a burial space. Two deceased persons may be buried in an approved double depth vault burial space in accordance with the provision of Section 8-03-130. An infant or the ashes of a deceased person may be placed in a burial space with another deceased person upon written approval of the Parks and Recreation Director; provided, there is sufficient room in the burial space for such remains. Approved double depth vault burial spaces and burial spaces approved for the burial of infant or ashes as provided herein, shall be subject to the marker and monument restrictions set forth in Section 8-03-240 and Section 8-03-250. Only one burial right or burial space fee is required to be paid for double depth burial spaces and infant or ashes buried in a burial space as more particularly set forth in the City Fee Schedule regarding burial right; but, each body or ashes buried therein shall be required to pay the applicable interment and perpetual care fees as more particularly set forth in the City Fee Schedule.

(h) Subject to the provisions of this Chapter, residents of the City may purchase a Right of Burial in the City Cemetery at any time; provided that a maximum of four (4) Rights of Burial may be purchased by the occupants of any one household unless there is immediate need for the use of more. Non-residents shall be permitted to purchase a Right of Burial in the City Cemetery on an immediate need basis only; provided that at the time of need, two (2) Rights of Burial may be purchased. For purposes of this Section, "resident" and "non-resident" shall have the meaning set forth in the City Fee Schedule regarding Cemetery and Park Fees.

8-03-100. Restrictions on Resale.

(a) The Right of Burial sold by the City shall not be further sold to any person except the City. Additionally, the Right of Burial shall not be pledged as security for any debt or transaction, shall not be lienable, and shall not be deemed subject to seizure for payment of any tax, debt or obligation except as specifically set forth herein. The City hereby agrees to buy back any Right of Burial which it may hereafter sell. The repurchase of such right shall be for the original price paid by the purchaser, or the current selling price, whichever is less.

(b) Whenever a Right of Burial certificate reverts to the City, as provided for by State law, or becomes vested in the City for any reason, before a new certificate shall be issued, the original certificate shall be canceled or reassigned, and the record shall be so changed.

8-03-110. Sale Subject To Rules.

Every Right of Burial sold is subject to rules and regulations that have been or may be adopted by the City. The rules and regulations shall be subject to such changes as are found necessary for the protection of the Right of Burial certificate holders, the remains of the dead, the preservation of the City Cemetery, or for any other reason deemed to be in the best interest of the City.

8-03-120. Opening Burial Space.

(a) The presentation of a Right of Burial certificate from the City Treasurer, or person designated by the City, to the Parks and Recreation Director, shall be required prior to the opening of a burial space for the burial of a deceased person. However, upon a contract being entered into between any mortician and the City, wherein the mortician agrees to be responsible and liable for fees for the opening of a burial space, and wherein that mortician will be liable for such fees and for perpetual care payments, the City Treasurer, or authorized person, may give the Parks and Recreation Director authority to open burial spaces without the presentation of a Right of Burial certificate.

(b) No burial space shall be opened in the City Cemetery until payment of the interment fee as well as the appropriate perpetual care fees, if not already paid, as more particularly set forth in the City Fee Schedule.

8-03-130. Vaults Required.

(a) Unless waived by the Parks and Recreation Director, in writing, it shall be unlawful for any person to be buried in the City Cemetery unless the casket shall be placed in a vault made of concrete or fiberglass, or of such other material as approved by the City, substantially constructed and covered with a similar durable material that will prevent the collapse of the grave site over time.

(b) No wood shall be used as a permanent part of the construction of any part of the vault.

(c) Double depth vaults shall be permitted in Plat E of the City Cemetery in specific areas and burial spaces designated and approved by the Parks and Recreation Director.

8-03-140. Errors.

Under no circumstances will the City assume responsibilities for errors in opening graves due to inaccurate information provided by historical records, the owner of burial rights, or his or her representative.

8-03-150. Violations.

It is a class "B" misdemeanor for any person to:

(a) Disinter a body buried in the City Cemetery, except under the direction of the Parks and Recreation Director and in accordance with State law.

(b) Disinter or remove the body of a person who has 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) Inter anything other than human remains and related personal affects as may be contained in the casket.

(d) Bury the body of any person within the City except in the City Cemetery or a private cemetery, unless by special permission of the City under such rules and regulations that may be prescribed by State law.

(e) Attempt to bury any human remains without complying fully with the requirements of this Chapter.

(f) Engage in any obscene or lewd (as defined by Utah criminal statutes) acts in the City Cemetery.

(g) Consume alcoholic beverages and/or possess illegal drugs in the City Cemetery.

8-03-160. Cemetery Hours.

The City Cemetery shall be open to the public daily from sunrise until 10:00 p.m.

8-03-170. Traffic Regulations.

(a) The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the City Cemetery, except as herein modified by this Chapter.

(b) It shall be unlawful for any person to drive within the City Cemetery at a speed greater than 10 miles per hour.

(c) It shall be unlawful to drive or park any vehicle over or across any lawn area or burial space within the confines of the City Cemetery, with exception of vehicles and equipment that have been approved by the Parks and Recreation Director, or designee.

8-03-180. Animals.

Animals shall not be allowed in the City Cemetery, except animals considered "working animals" accompanying and aiding an individual with a disability.

8-03-190. Injury to Property.

It shall be unlawful for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the City Cemetery unless such an act is within the legal duties of fulfilling one's job and such duties are permitted or have been requested by the City.

8-03-200. Prohibited Conduct.

Cemetery ground is devoted to the interment and repose of the dead. All persons within the City Cemetery should avoid conduct unbecoming a sacred place. The following conduct is prohibited within the City Cemetery.

(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 boundaries of the City Cemetery.

(b) No alcoholic beverages of any kind shall be consumed within the boundaries of the City Cemetery.

(c) No illegal drugs shall be allowed within the boundaries of the City Cemetery.

8-03-210. Monuments, Markers and Grave Decorations.

It shall be unlawful for any person to erect, place, or cause to be placed, any marker or monument on any burial space or grave in the City Cemetery in violation of the rules and regulations adopted by the City regarding the placement, construction, and design of all such markers. Right of Burial certificate owners are to make arrangements for the removal of currently existing double headstones from the burial space, prior to interment. The City shall not be responsible for damage to any marker or monument it is required to move.

8-03-220. Monument or Marker Installation Permit.

It shall be unlawful for any monument company, or responsible party, to install any marker or monument in the City Cemetery without first obtaining a Monument or Marker Installation Permit from the City.

8-03-230. Monument or Marker Installation.

Installation of all markers or monuments will be under the supervision of the Parks and Recreation Director or his or her designee. An installation appointment must be made with the City, by the monument company, or responsible party, at least twenty-four hours prior to installation. All monuments or markers shall be installed in accordance with the regulations set forth in this Chapter and all terms and conditions of the Monument or Marker Installation Permit.

8-03-240. Marker Regulations.

Markers shall be allowed on burial spaces in any plat of the City Cemetery, including Plats "A", "B", "C", "D", and "E". Markers shall comply with and be subject to the following conditions and restrictions:

- (a) Markers shall be level with the lawn or ground surrounding said marker.
- (b) Markers shall be provided with a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the marker for a minimum distance of six inches (6").
- (c) The maximum width of a marker on a single burial space in Plat "A" or "B" shall not exceed twenty-four inches (24"), and on a double burial space in Plat "A" or "B" shall not exceed sixty inches (60"), both maximum widths excluding the concrete or stone base surrounding the same.
- (d) The maximum width of a marker on a single burial space in Plat "C", "D", or "E" shall not exceed twenty-eight inches (28"), and on a double burial space in Plat "C", "D", or "E" shall not exceed seventy-two inches (72"), both maximum widths excluding the concrete or stone base surrounding the same.
- (e) Except as otherwise provided herein for infant or cremation burials or double depth burial spaces, there shall only be allowed one marker per burial space or one monument per burial space (in areas of the City Cemetery where monuments are permitted).
- (f) Subject to monument and marker size and locations restrictions set forth herein and in Section 8-03-250, if the Parks and Recreation Director approves a request to bury an infant or ashes of a person in a burial space with another person buried therein, two markers may be permitted to be installed on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).
- (g) Subject to monument and marker size and locations restrictions set forth herein and in Section 8-03-250, approved double depth burial spaces may contain two markers on such burial space, or one marker and one monument (in such areas of the City Cemetery that allow monuments).

8-03-250. Monument Regulations.

Monuments are allowed in Plats "A", "B", "C", and "E" of the City Cemetery. Due to slope and access conditions, no monuments are allowed in Plat "D" of the City Cemetery. Monuments shall comply with and be subject to the following conditions and restrictions:

- (a) Monuments shall not extend less than twelve inches (12") nor more than thirty-six inches (36") above ground level, including the stone or concrete base required herein.
- (b) The maximum width of a monument on a single burial space in Plat "A" or "B" shall not exceed twenty-four inches (24"), and on a double burial space in Plat "A" or "B" shall not exceed sixty inches (60"), both maximum widths excluding the concrete or stone base surrounding the same.

(c) The maximum width of a monument on a single burial space in Plat "C" or "E" shall not exceed twenty-eight inches (28"), and on a double burial space in Plat "C" or "E" shall not exceed seventy-two inches (72"), both maximum widths excluding the concrete or stone base surrounding the same.

(d) Monuments shall have a finished grass-level stone or concrete base extending outward from the outer perimeter of the base of the monument for a minimum distance of six inches (6") on all sides.

(e) Except as otherwise provided in Section 8-03-240 for infant or cremation burials or double depth burial spaces, there shall only be allowed one monument per burial space (in areas of the City Cemetery where monuments are permitted) or one marker per burial space.

8-03-260. Grave Decoration Regulations.

(a) All flowers and grave decorations are permitted in a vase or container placed inside the six inch cement mow strip any time. If necessary, from April 1 through November 1, the City will mow around flowers and grave decorations one time. Subsequently, at the time of the next mowing, flowers and grave decorations that have been previously mowed around will be discarded (with the exception of Memorial Day).

(b) Funeral Flowers and Grave Decorations. Funeral flowers and grave decorations will be discarded when they become unsightly.

(c) Memorial Day. The City will discard all remaining flowers and grave decorations that are not retrieved by the Monday following Memorial Day.

(d) Liability. The City claims no responsibility or liability, nor will accept any claims against it for loss or destruction of personal property left in the City Cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control.

8-03-270. Obstructions.

Except as authorized by license or permit issued by the City, it shall be unlawful for any person to erect or maintain any fence, post, or boundary of any kind, to plant any vegetation, or to grade the ground or land within the City Cemetery. Any such obstructions found in the City Cemetery shall be removed under the direction of the Parks and Recreation Director.

8-03-280. Perpetual Care.

The perpetual care that the City agrees to provide for the City Cemetery shall consist of care of the cemetery generally, and shall include, at a minimum, filling the grave, seeding the grave with grass, and watering and cutting the grass within the budget limits of the cemetery. It 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.

8-03-290. Perpetual Care Fund.

There is hereby established a Perpetual Care Fund for the purpose of providing perpetual care funding for the maintenance, care and operation of the City Cemetery. The creation, funding and maintenance of such Perpetual Care shall comply with applicable provisions of the laws of the State of Utah, including, but not limited to, the Uniform Fiscal Procedures Act for Utah Cities, as set forth in Title 10, Chapter 6 of the Utah Code Annotated, as amended, and the State Money Management Act, as set forth in Title 51, Chapter 7 of the same. The City shall establish, by resolution, a perpetual care fee to be assessed and deposited in the Perpetual Care Fund for each burial space and/or interment. All perpetual care fees collected by the City shall be deposited in the Perpetual Care Fund and invested according to applicable State law. No grave shall be opened and no body interred in any burial space in the City Cemetery until the perpetual care fee for the burial space has been paid to the City as provided herein. The City shall periodically review the condition of the Perpetual Care Fund.

8-03-300. Reversion of Burial Spaces.

It is the policy of the City to comply with the provisions of Title 8, Chapter 5, of the Utah Code Annotated, as amended, regarding the reversion of unused burial spaces. What is herein defined as a burial space is referred to in the Utah Code as burial lot.

8-03-310. Additional Rules and Regulations.

The City Council may adopt, by resolution, such additional rules and regulations concerning the care, use, operation, and maintenance of the City Cemetery as it shall deem necessary. Any change in the rules and regulations shall be adopted by the City Council before such changes shall be official.

8-03-320. Penalty.

Unless otherwise specifically provided, any person violating any of the restrictions, rules or prohibitions as set forth herein shall be guilty of a class "B" misdemeanor, subject to penalty and fines as set forth in *Utah Code Ann.* §§ 76-3-204 and 76-3-301, as amended.