

CHAPTER 14

CEMETERY

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8-14-1: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

BLOCK : An area containing eight (8) plots.

BODY : The remains of one (1) human body (cremated or otherwise).

CEMETERY : The real property owned by the city and located at approximately 7800 South 1300 West, and the Wight's Fort Cemetery located at 9000 South 3501 West, West Jordan City, Salt Lake County , Utah, currently used and reserved for interment of the dead.

CERTIFICATE FEE : The fee charged by the city for issuing a duplicate certificate or to transfer a certificate of interment rights, as set forth in this chapter.

CITY : West Jordan City.

DISINTERMENT : The opening or excavation of an existing plot where deceased are interred.

FUNERAL : The ceremonies, rituals, processions, and memorial services held in connection with the burial, cremation, or memorial of a deceased person , including the assembly and dispersal of the mourners.

HALF BLOCK : An area containing four (4) plots.

INFANT : A fetus or a child up to two (2) years of age.

INTERMENT OR INTER : The burial of a body in a plot .

NONRESIDENT : Any person who is not a resident of West Jordan City .

PLOT : A legal and authorized gravesite generally measuring four feet one and one-half inches by eight feet six inches (4' 1 1/2" x 8'6"), and intended for interment.

RESIDENT : Resident of West JordanCity at the time of purchase of the burial plot , or any person who is a resident of West

Jordan City at the time of death.

RIGHT OF BURIAL AND/OR BURIAL RIGHT: The right for the holder of a right of burial certificate, or heir, to be buried in the city cemetery.

TRANSFER: To sell, donate, exchange, trade or convey a plot or block. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-2: USE OF CEMETERY REQUIRED:

No body of any deceased person shall be interred within the limits of the city except in the city Cemetery or in such other cemetery as may be established with the consent of the city council. (2001 Code § 26-1-101; § 8-14-1, amd. Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-3: PROCEDURES FOR USE OF CEMETERY:

A. Caskets or Coffins: Vertical stacking of vaults, caskets, coffins or urns is not allowed, unless otherwise specified in this document. All bodies, remains or other items buried with the body must be in a casket, coffin or urn. All caskets, coffins or urns must be enclosed in a concrete vault that is acceptable to the city or acceptable equal that must be approved by the parks superintendent. The casket, coffin or urn shall contain only the body or remains of the deceased, clothing and jewelry, and other small personal items that fit into the casket or coffin.

B. Excavating Plots: No person, other than city authorized personnel, shall excavate a gravesite unless authorized in writing by the city administrator or designee.

C. Application: The city shall not open a plot for interment, provide interment services, or disinterment services until the city has received a completed application for interment or disinterment, on the form provided by the city, signed by a relative of the deceased, ecclesiastical leader, or licensed funeral director representing the deceased, together with the fees as per the uniform fee schedule.

D. Payment of Fees: The fee to open and close the gravesite, as set forth in the current fee schedule, shall be paid in full prior to any interment or disinterment or funds must be guaranteed by grantor.

E. Additional Fees and Charges: Fees and costs in addition to those set forth in the current fee schedule may be charged for special circumstances requiring additional city staff, equipment or resources. Such additional charges shall be paid in full prior to any interment or disinterment or funds must be guaranteed by grantor.

F. Closing of Gravesites: City personnel shall close any open gravesite promptly after the casket or coffin is placed inside the vault. City staff will oversee cultural traditions on the closing of the graves but must be done by shovel only. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-4: FUNERALS AND INTERMENT:

A. Prohibited Days: Graveside services or interments shall not be conducted on any Sunday, New Year's Day, Memorial Day, Independence Day, Pioneer Day, Labor Day, Thanksgiving Day or Christmas Day.

B. Length of Services: Graveside services and/or interments shall not exceed two (2) hours in length, unless authorization is provided by the City Administrator or designee.

C. Funeral Processions: Upon entering the cemetery, all funeral processions shall be under the control and direction of city personnel.

D. Burial Plots: A maximum of two (2) burials may be made in any given burial plot, excluding two (2) full-sized adult vaults. The combinations are as follows:

One (1) adult vault

Two (2) infant vaults

Two (2) urn vaults

One (1) infant, one (1) urn vault

One (1) adult, one (1) infant vault

One (1) adult, one (1) urn vault (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-5: DISINTERMENT:

It is unlawful for any person to disinter any human body buried in the city cemetery or in any cemetery within the limits of the city except under the direction of the city sexton as follows:

A. Before disinterment, the city sexton shall require a permit issued by the board of health and a written order from the owner of the burial right authorizing such removal, which order shall be filed and preserved by the city sexton.

B. All such removals shall be recorded by the city sexton in a book kept for that purpose.

C. The city shall provide disinterment services only for persons buried in a non-biodegradable concrete vault and in accordance with applicable statutes, rules and regulations.

D. The requester shall provide a fee as determined by the city council in the uniform fee schedule.

E. No body shall be removed where the person has died of a communicable disease within five (5) years of the date of burial, unless the body was buried in a hermetically sealed coffin, which is still intact. The family of the deceased will need to provide the following:

1. A copy of the death certificate;
2. All original documentation from the funeral service provider stating what type of casket and vault were purchased;
3. Contact information of the mortuary handling the disinterment ; and
4. Family will need to be willing to purchase a new concrete vault if needed due to deterioration. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-6: MAINTENANCE AND OPERATION RESPONSIBILITY:

The parks superintendent or his/her designee shall be responsible for the maintenance and operation of the city cemetery . All markers, planting, improvements or other work of any nature or description must be done under his/her direction and control. No person owning burial rights in the city cemetery shall plant, grade or do any work in the cemetery except by his/her written permission. The parks superintendent shall keep a record of the death and place of burial of every person so reported to him/her. The record shall be open to inspection by the public. (2001 Code § 26-1-102; amd. 2009 Code; Ord. 15-23, 8-25-2015; § 8-14-2, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-7: GRAVE DECORATIONS:

Regulations for grave decorations are necessary for the safety of the public and city employees. The cemetery sexton, or other designee, shall adopt policies to address the type of decorations which may be left at the cemetery, the dimensions of said decorations, and the timing during which the decorations may be left. The adopted policy shall be posted at the cemetery. The adopted policy shall allow for holiday decorations to be set up three days prior to a holiday recognized by policy and left up for a minimum of seven days after such holiday. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 22-30, 12-7-2022; Ord. 25-01, 1-28-2025)

8-14-8: MARKERS AND MONUMENTS:

To properly maintain the cemetery and provide public safety to the city employees and cemetery visitors, the City sets forth the following marker and monument regulations:

A. Headstones, Tombstones And Markers: Raised markers are allowed in the cemetery . The owners of gravesites or relatives of deceased persons interred in the cemetery are required to erect and maintain, in a manner satisfactory to the city , and at the expense of the plot owner or relatives of the deceased, headstones, markers or other suitable monuments at the head of the gravesite, with the name of the deceased person plainly inscribed thereon. All headstones, tombstones or markers must be in an orderly row and reasonably in line with all other such markers in that block . All upright headstones must be drilled and doweled and adhesive applied to secure the headstone to the base. Bench headstones shall be allowed in the cemetery. The maximum base shall be no greater than eight inches (8") in length (side to side) and twenty four inches (24") in width (front to back). Design for said bench headstone can be found on attachment PK-180.

B. Stone Or Cement Base: All headstones, tombstones or markers shall have a stone or cement base ("base"), level with the ground. The maximum base for a single raised or flat headstone, tombstone or marker shall be no greater than forty-two inches (42") in length (side to side) and twenty-four inches (24") in width (front to back). The maximum base for a double raised or flat headstone, tombstone or marker shall be no greater than eighty inches (80") in length (side to side) and twenty-four inches (24") in width (front to back). Each headstone, tombstone or marker shall be located at least six inches (6") away from the outside perimeter of the cement base on all sides. The cement base must be at least four inches (4") thick.

C. Specifications For Raised Markers: Subject to the exceptions stated herein, the dimensions of a single raised headstone, tombstone, or marker shall not exceed thirty inches (30") in length (side to side) and twelve inches (12") in width (front to back), and forty-two inches (42") in height (top to bottom) measured in ground level. Subject to the exceptions stated herein, the dimensions of a double raised headstone, tombstone or marker shall not exceed sixty-eight inches (68") in length (side to side), twelve inches (12") in width (front to back), and forty-two inches (42") in height (top to bottom) measured from ground level. The Mayor or his/her designee may grant an exception to the height of a family marker, but in no event may the height of the headstone, tombstone or marker be more than sixty inches (60") above ground level. Only one (1) family marker shall be allowed for each eight (8) plots. Family markers must be aligned within the general alignment of raised or flat markers.

D. Specifications For Flat Markers: Flat markers shall not exceed the same length and width of the single or double. Flat markers shall not be smaller in surface measurement than eighteen inches (18") in length (side to side) and twelve inches (12") in width (front to back).

E. Materials: All headstones, tombstones or markers must be made of real bronze, glazed granite, or other permanent materials acceptable to the city administrator or designee. Headstones, tombstones, or markers shall not be made of wood, sandstone or any other material which is susceptible to decay.

F. Vases: All permanent vases shall be placed in the cement or stone base of the marker or monument and shall be recessed to ground level when not in use. Receptacles in the monument itself are allowed, provided they do not project horizontally beyond the base of the monument.

G. Liability For Damage Or Removal: The city shall not be held liable for damage to or removal of non-conforming headstones, tombstones, or markers, including any damage caused during cemetery maintenance or resulting from the city moving or transferring a monument, headstones, or markers for interment purposes. The maintenance and repair of grave markers including the repositioning of settled grave markers, is the responsibility of the individual who purchased the burial plot. The city assumes no responsibility for any damage, regardless of the source of damage, to any grave marker or monument.

H. Setting Of Markers Or Monuments: Grave markers or monuments shall not be set after October 15 until the following March 1, or as soon as weather conditions permit thereafter.

I. Repairs Or Resetting: If any monument or headstone becomes unsafe, unsightly, in need of repair or resetting, the city shall attempt to notify the owner of the relevant "certificate of burial rights" of such condition and shall request such person to make any needed repairs under the cemetery sexton's supervision. If the owner does not make the needed repairs, the city shall have the right to have the monument or headstone removed at the expense of the lot owner or purchaser to remove, replace, or repair any monument or marker.

J. Medallions: Any medallion issued through the U.S. Department of Veterans Affairs to a person who has served in one of the six (6) branches of the U.S. Military, or a foreign military, and all other non-veteran medallions shall be allowed to be affixed to a person's headstone.

K. Temporary Markers: Relatives of the deceased shall be allowed to place a temporary marker on the gravesite as long as the marker is made of material in accordance with subsection F of this same section and must be approved by the cemetery sexton. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 22-30, 12-7-2022)

8-14-9: SALE OF LOTS AND PERPETUAL MAINTENANCE:

The city cemetery sexton may sell only the right to be buried. All rights to be buried must be paid for in full at time of purchase. All money received from such sales shall be remitted promptly to the city treasurer. The city sexton shall deliver to each purchaser a certificate of burial right, which shall be described by plat, lot or portion of lot. Each certificate shall be signed by the mayor and attested by the city recorder. The city sexton shall keep duplicates of all certificates issued. All burial rights as provided in this section, together with all improvements, shall be exempt from execution and from taxation. (2001 Code § 26-1-103; amd. 2009 Code; § 8-14-3, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-10: RULES AND LANDSCAPING:

A. Recreational Activity: No recreational or athletic activities are permitted within the cemetery.

B. Noise: All visitors to the cemetery shall maintain a reasonable level of noise to avoid disturbing other visitors to the cemetery. Loud music, shouting, yelling, barking dogs and other loud noises are prohibited.

C. Damage or Removal of Headstones or Tombstones: It is unlawful to damage or remove any headstone, tombstone or marker located in the cemetery, or to desecrate any gravesite within the cemetery.

D. Motor Vehicles: Motor vehicles shall remain on clearly designated roadways within the cemetery, unless provided express consent by city personnel.

E. Planting of Bushes or Trees: No plants, bushes, trees, shrubs, flowers or other vegetation may be planted in the cemetery by anyone other than city personnel.

F. Visitation Hours: Cemetery hours shall be from seven thirty o'clock (7:30) A.M. to ten o'clock (10:00) P.M. of the same day, unless otherwise posted.

G. Signs and Advertisements: No unauthorized signs or advertisements shall be displayed within the cemetery.

H. Traffic Ordinances: City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect within the cemetery. The speed limit within the cemetery shall be five (5) miles per hour.

I. Children: Children under the age of sixteen (16) years of age shall not be allowed within the cemetery unless accompanied by a parent or a chaperone at least eighteen (18) years of age. Exceptions to this rule are allowed for persons attending an authorized funeral, placing flowers on a gravesite of a deceased relative or friend, or performing any other customary respect or respectful actions consistent with the environment maintained within the cemetery.

J. Surface Grade: No sections, plots, lots, blocks or plats shall be raised above the established grade.

K. Alcoholic Beverages: Alcoholic beverages are not allowed in the cemetery. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-11: PLATS RECORDED:

The city shall record plats of the city cemetery in accordance with Utah Code Annotated section 8-3-1, as amended periodically. (2001 Code § 26-1-105; amd. 2009 Code; § 8-14-4, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-12: TRANSCRIPTS FILED:

The city shall file transcripts of deeds, certificates of sale or evidences of burial rights in accordance with Utah Code Annotated section 8-3-3, as amended periodically. (2001 Code § 26-1-106; amd. 2009 Code; § 8-14-5, Ord. 17-30, 6-14-

2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-13: TERMINATION OF RIGHTS:

The city may terminate a person's burial right in the city cemetery and revest title to those rights in the city as permitted by and in accordance with Utah Code Annotated sections 8-5-1 through 8-5-6, as periodically amended. (2009 Code; amd. § 8-14-6, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-14: REPURCHASE OF CITY CEMETERY BURIAL LOTS:

The holder or owner of burial rights who does not intend to utilize those burial rights may tender to the city those burial rights for repurchase. The repurchase price shall be the amount originally paid by the owner of the burial rights. If the sale took place more than five (5) years previous, no administrative fee will be charged. If the sale took place less than five (5) years previously, an administrative fee will be charged in an amount periodically established in the city council's uniform fee schedule. (2001 Code § 26-1-107; amd. 2009 Code; § 8-14-7, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-15: TRANSFER OF CERTIFICATE:

The city sexton shall transfer a certificate of burial right in the city cemetery from the original owner to a successor upon proof of legal succession and payment of a transfer fee. The city shall in no way be responsible for a failure to properly determine the legal successorship of the lot owner purchaser. (2001 Code § 26-1-108; amd. 2009 Code; § 8-14-8, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-16: BURIAL OF INDIGENTS:

The city administrator and the parks superintendent may authorize the burial of indigents in the city cemetery without the payment of the fees required by this chapter. (2001 Code § 26-1-110; amd. 2009 Code; Ord. 15-23, 8-25-2015; § 8-14-9, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-17: REGULATIONS:

The parks superintendent may promulgate rules and regulations necessary for the operation of the city cemetery and not inconsistent with this chapter. (2001 Code § 26-1-111; amd. Ord. 15-23, 8-25-2015; § 8-14-10, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-18: PROHIBITED ACTS:

A. Animal Control: It is unlawful for any person to allow or permit animals to run at large or trespass on city cemetery grounds.

B. Injury to or Removal of Property: It is unlawful for any person to injure, deface, destroy or remove from the grave or lot any monument, marker, tree, shrub, flower, ground or any other property or ornament in the city cemetery, except by written permission of the parks superintendent. For the purposes of this subsection, the person who removes such property shall be deemed not to be the owner unless he has previously obtained from the parks superintendent written permission for such removal.

C. Vehicles: It is unlawful for any person, except for official city maintenance personnel in the performance of their duties, to drive any vehicle over any grave or upon any nonpaved area of the city cemetery, or to drive any motor vehicle at a speed in excess of five (5) miles per hour.

D. Dogs: It is unlawful for any person to allow any dog under his/her 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 city cemetery, even if under leash.

E. Certificate Required: It is unlawful for any person to inter any person in the city cemetery without first acquiring a right to be buried as evidenced by a duly issued certificate of burial right or other acceptable proof.

F. Disinterment: It is unlawful for any person to disinter any human body except as allowed in section 8-14-5 of this chapter. (2001 Code § 26-1-113; amd. 2009 Code; Ord. 15-23, 8-25-2015; § 8-14-11, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-19: FEES:

All fees shall be periodically adopted by the city council and set forth in the city uniform fee schedule. (2001 Code § 26-1-115; amd. 2009 Code; § 8-14-12, Ord. 17-30, 6-14-2017; Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)

8-14-20: NON-LIABILITY OF CITY FOR THEFT OR LOSS:

The city is not responsible for the theft or loss of personal belongings in the cemetery. (Ord. 17-30, 6-14-2017; amd. Ord. 19-48, 12-11-2019, Effective at 12 noon on January 6, 2020)