

**ORDINANCE  
2010-01**

**AN ORDINANCE AMENDING TITLE 8 CHAPTER 2 (Cemeteries) OF THE  
WELLINGTON CITY REVISED ORDINANCES ADOPTED JULY 1, 1998.**

**WHEREAS**, Wellington City owns and operates a City Cemetery, and


**WHEREAS**, the Wellington City Council is desirous to update and amend Title 8 Chapter 2 of the Wellington City Revised Ordinances (Titled Cemeteries) as adopted July 1, 1998.

**NOW THEREFORE BE IT ORDAINED** by the City Council of Wellington City, Carbon County, Utah that Title 8 Chapter 2 (Cemeteries) be amended and revised as per the copy attached hereto and that any provisions of other ordinances or resolutions in conflict with this ordinance are hereby repealed. That this Ordinance shall take effect immediately upon adoption and is hereby ordered posted and published in the Sun Advocate, a newspaper of general circulation inside Wellington City.

Passed by a vote as follows by the City Council of Wellington at the regularly scheduled meeting of the City Council held on July 14, 2010.

Kirt Tatton	" Aye "
Amber Adair	" Aye "
Marvon Willson	" Aye "
Glen Wells	" Aye "
Paula Noyes	" Aye "

Attest:

  
*[Signature]*  
Ken Powell, City Recorder

Wellington City

By *[Signature]*  
Ben Blackburn, Mayor

# CHAPTER 8-2

## CEMETERIES

(As Amended by Ordinance 2010-01, adopted 7/14/2010)

Part

- 8-2-1. Definitions.
- 8-2-2. The Name.
- 8-2-3. Cemeteries Covered.
- 8-2-4. Cemetery Superintendent/Sextant.
- 8-2-5. Regulation of Cemetery and Burials.
- 8-2-6. Fees and Charges.
- 8-2-7. Sale of Lots.

### PART 8-2-1. DEFINITIONS.

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

1. The terms "lot owner" or "purchaser" and "grave owner or purchaser" shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.
2. The term "lot" shall include multiple spaces identified by a single lot number.
3. The term "space" shall mean a single grave space which measures four (4) feet by eight (8) feet.

### PART 8-2-2. THE NAME.

The burial ground of this city, shall be known and designated by the name of **Wellington City Cemetery**.

### PART 8-2-3. CEMETERIES COVERED.

All cemeteries owned and/or maintained by the city, wherever situated are hereby declared subject to the provisions of this chapter.

### PART 8-2-4. CEMETERY SUPERINTENDENT/SEXTANT.

Sections

- 8-2-4-001. Office of Cemetery Superintendent/Sextant.
- 8-2-4-002. Duties of the Cemetery

Superintendent/Sextant.

#### 8-2-4-001. OFFICE OF CEMETERY SUPERINTENDENT/SEXTANT.

There is hereby created the position of Cemetery Superintendent/Sextant. Said office shall be an appointive office whereby the mayor has the authority to appoint an individual to the office and the city council shall confirm the appointment with at least a two thirds majority vote of the city council before any such appointment can be made final. Nothing in this section shall prohibit the mayor from appointing a member of the city council as the Cemetery Department Head with full authority to act and perform the duties of the Cemetery Superintendent/Sextant.

#### 8-2-4-002. DUTIES OF THE CEMETERY SUPERINTENDENT/SEXTANT.

The Cemetery Superintendent/Sextant shall have the general supervision and/or administration of the City Cemetery including but not limited to:

1. Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
2. Subdividing the cemetery into lots and grave sites.
3. Maintaining a record of the location of graves and preventing any lot from being used beyond its capacity.
4. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
5. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon

disposal of any lots or part thereof, notifying the recorder of such fact. The recorder shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the recorder.

6. Cause the opening of any graves in the cemetery upon application to him being made by the recorder or by any person having the right to make such application and being responsible for closing all graves.
7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than five days after original placement except in emergency.
8. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
9. Erecting a suitable marker firmly set upon the northwest corner of each lot with the number of the lot inscribed thereon and which location shall be shown on the cemetery records.

## **PART 8-2-5. REGULATION OF CEMETERY AND BURIALS.**

### Sections

- 8-2-5-001. Burial Permit.
- 8-2-5-002. Registration of Burials.
- 8-2-5-003. Burials and Disinterment.
- 8-2-5-004. Vaults Required.
- 8-2-5-005. Sale Subject to Rules.
- 8-2-5-006. Care Reserved.
- 8-2-5-007. Orders and Responsibilities for Errors.
- 8-2-5-008. Traffic Rules.
- 8-2-5-009. Children.
- 8-2-5-010. Animals Prohibited.
- 8-2-5-011. Decorum.
- 8-2-5-012. Injury to Cemetery Property Prohibited.
- 8-2-5-013. Landscaping by Private Persons.
- 8-2-5-014. Placement of Markers.
- 8-2-5-015. Additional Rules and Regulations.
- 8-2-5-016. Types of Burials.

### **8-2-5-001. BURIAL PERMIT.**

It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of the right to burial based on a properly acquired certificate of burial right.

### **8-2-5-002. 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 recorder a statement which shall contain, if known, information about the deceased regarding his or her name, when and where born, the date of death, date of burial, name of cemetery and the description of the location of the grave.

### **8-2-5-003. BURIALS AND DISINTERMENT.**

1. It is a class B misdemeanor for any person to:
  - (a) Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from both the county health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
  - (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.
2. It is a class B misdemeanor to inter anything other than the remains of human bodies in cemeteries.
3. It is a class B misdemeanor to bury the body of any person within this city except in the city cemetery or a private cemetery, unless by special permission of the city council under such rules and

regulation that they may prescribe.

**8-2-5-004. VAULTS REQUIRED.**

1. It shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete.
2. No wood shall be used as a permanent part of the construction of any part of the vault.

**8-2-5-005. SALE SUBJECT TO RULES.**

Every lot or single grave sold is subject to rules and regulation that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.

**8-2-5-006. CARE RESERVED.**

The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

**8-2-5-007. ORDERS AND RESPONSIBILITIES FOR ERRORS.**

Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone.

**8-2-5-008. TRAFFIC RULES.**

1. The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this ordinance.
2. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than five miles per hour.

**8-2-5-009. CHILDREN.**

Children under the age of sixteen years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of 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 religious principles.

**8-2-5-010. ANIMALS PROHIBITED.**

No animal shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

**8-2-5-011. DECORUM.**

Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons.

**8-2-5-012. INJURY TO CEMETERY PROPERTY PROHIBITED.**

1. It is a class B misdemeanor for any person to injure or deface any monument, gravestone, tablet, marker, tree, shrub, fence, or enclosure on the premises of the Cemetery.

**8-2-5-013. LANDSCAPING BY PRIVATE PERSONS.**

Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley or walk in the cemetery or to grade the ground or land thereof. The cemetery superintendent shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

**8-2-5-014. PLACEMENT OF PRIMARY MARKERS.**

It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction, and design of all such markers.

1. Placement of markers or monuments shall be as outlined in figure 1,2 & 3 below and per the following specifications.

- a. The base of monuments shall not be larger than 2 feet X 4 feet X 4 inches for single monuments and 2 feet X 8 feet X 4 inches for double markers. The base shall be constructed of concrete or granite with smooth cut edges.
- b. Monument size specifications shall not exceed the dimensions outlined in figures 1, 2 & 3.
- c. All monuments constructed by other than licensed monument companies shall be approved by the Cemetery Superintendent/Sextant prior to installation.

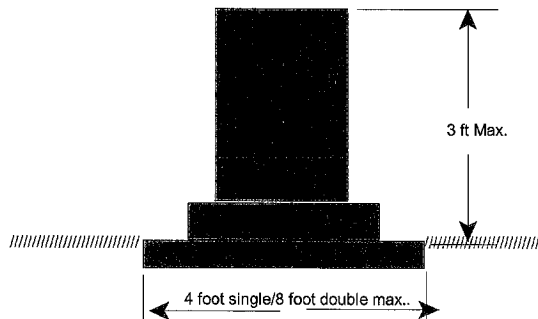


Fig. 1

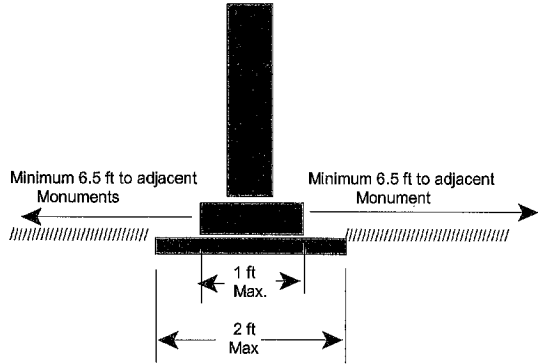


Fig. 2

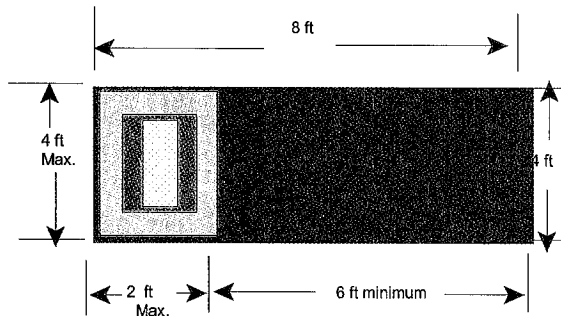


Fig. 3

**8-2-5-014(1). Placement of Secondary Markers.**

Secondary markers or monuments are not allowed in the Cemetery with the exception of Veteran monuments that are furnished by the Veterans Administration. The Cemetery Superintendent/Sextant shall approve all placements of Veteran monuments that are to be used as secondary markers. These markers are to be placed flat on the lot and shall be embedded flush in concrete with a six inch apron and placed on the lot flat below grass level. Ref. Figure 4.

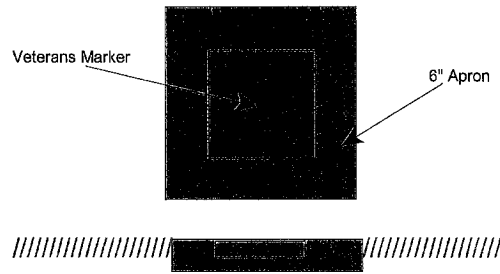


Figure 4

**8-2-5-014(2). Permit Required.**

It is a Class B misdemeanor for any person, firm, or employee of a firm to set any marker/monument upon any grave in the City Cemetery without first obtaining a permit from the office of the City Recorder.

**8-2-5-014(3). Moving, Removing and Adjusting the Placement of Monuments.**

Wellington City reserves the right for the Cemetery Superintendent/Sextant to authorize maintenance personnel to be able to move monuments for alignment purposes, to remove or move monuments temporarily to facilitate the opening or closing of any grave and to remove monuments that are deemed unsafe.

**8-2-5-015. RULES AND REGULATIONS.**

The following rules and regulations apply to the Cemetery.

1. Children under the age of 16 years shall not be allowed in the Cemetery unless accompanied by an adult, except for the purposes of attending authorized funerals,
2. No pets shall be allowed in the Cemetery except in the confines of a vehicle and must

be at all times retained within the confines of said vehicle while the vehicle remains in the Cemetery.

3. The erecting or maintaining of any fence, corner post, shepherd hook, coping or boundary of any kind, the planting of any vegetation upon any lot or lots, streets, alley or walk or to grade the ground thereof is prohibited.
4. All parking of vehicles (except authorized maintenance vehicles) shall be in the designated parking areas only.
5. The driving or parking on any grassed area is prohibited except by authorized maintenance vehicles.
6. The Cemetery is closed to all visitors from dusk to dawn.
7. All floral and imitation floral decorations, trinkets and memorabilia shall be removed within 7 days of placement.
8. All floral and imitation floral decorations shall be placed in shatter proof vase(s) upon the monument concrete base.

#### **8-2-5-015(1). ADDITIONAL RULES AND REGULATIONS.**

1. The city council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.
2. The mayor may from time to time as the city council deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the city council.
3. Any change in the rules and regulations shall be adopted by the city council before such changes shall be official.

#### **8-2-5-016. BURIALS.**

1. **Adults.**  
  
The burial of the remains of one (1) adult per grave space is permitted in the Cemetery. The practice of double stacking vaults is prohibited in the Cemetery.

2. **Children.**

The burial of the remains of one (1) child per grave space is permitted in the Cemetery. The practice of double stacking vaults is prohibited in the Cemetery.

3. **Infants.**

The burial of the remains of not more than two (2) infants per space is permitted in the Cemetery. Monuments shall either be flat for each grave or shall be a single monument placed at the head of the grave space. Placement record of each burial shall be kept by the Cemetery Superintendent and recorded in the official cemetery books.

4. **Cremations.**

The burial of the remains of not more than two (2) cremations per space is permitted in the Cemetery. Monuments shall either be flat for each grave or shall be a single monument placed at the head of the grave space. Placement record of each burial shall be kept by the Cemetery Superintendent and recorded in the official cemetery books.

### **PART 8-2-6. FEES AND CHARGES.**

#### **Sections**

- 8-2-6-001. Collection Of Fees.
- 8-2-6-002. Fee To Be Paid For Opening Grave.
- 8-2-6-003. Purchase Price And Fees.

#### **8-2-6-001. COLLECTION OF FEES.**

The recorder, and such other persons as the city council may designate, are hereby authorized and required to collect in advance, prices and fees for the opening and closing of graves or other services which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time by resolution.

#### **8-2-6-002. FEE TO BE PAID FOR OPENING GRAVE.**

1. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid or arrangements made with the city recorder for the paying of the fee.
2. The presentation of a receipt from the recorder or person designated by the city council when presented to the cemetery superintendent, shall be

authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician will be personally liable for such fees, the recorder or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the recorder or authorized person.

**8-2-6-003. PURCHASE PRICE 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 to be provided.

**PART 8-2-7. SALE OF LOTS.**

Sections

8-2-7-001. Sale.

8-2-7-002. Restrictions Of Sale.

**8-2-7-001. SALE.**

1. The recorder, and such other person as the city council may designate, are hereby authorized to sell the use of lots in the city cemetery for burial purposes only and to collect all sums arising from the sale. The recorder shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The recorder or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, describe the location of the lot and the purchase price.
2. A certificate and rights to burial shall be exempt from execution and taxation or assessment.
3. City shall maintain grave space by leveling, placing top soil on the grave, seeding the grave with grass, and watering and cutting the grass. No other services are included.

**8-2-7-002. RESTRICTIONS OF SALE.**

1. From and after January 1, 1997, the lots sold by this city shall not be further sold to any person, except the resale of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.
2. Lots may be transferred or assigned to other persons if the following procedures

are followed:

- (a) Any transfers or assignments must be handled through the office of the city recorder.
  - (b) The original lot deeds or rights of burial certificates must be surrendered to the city recorder or designated person before new rights of burial certificates can be processed.
  - (c) Payment of a transferral or assignment fee, the amount of such fee shall be set by the city council in the form of resolution.
3. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this part, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.
  4. The certificates shall be issued and signed by the mayor and shall be attested by the city recorder. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.

