

Cemeteries

Section

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7-6-1: City Cemetery

The burial ground of the City shall be known and designated by the name of Moroni City Cemetery. (1982 Code § 8-202)

7-6-2: Definitions

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

- **Lot:** The partial lots or single graves in the City cemetery.
- **Lot Owner or Purchaser and Grave Owner or Purchaser:** 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. (1982 Code § 8-202)

7-6-3: Applicability

All cemeteries owned and/or maintained by the City or which may hereafter be acquired by the City wherever situated are hereby declared subject to the provisions of this Chapter. (1982 Code § 8-203)

7-6-4: Cemetery Sexton

1. **Created:** There is hereby created the position of Cemetery Sexton. (1982 Code § 8-211; amd. 2000 Code)
2. **Duties:** The Cemetery Sexton shall have the general supervision and administration of the City cemetery, including, but not limited to: (1982 Code § 8-212; amd. 2000 Code)
 - a. Recommending to the City Council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
 - b. Subdividing the cemetery into lots and grave sites.
 - c. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
 - d. 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.
 - e. 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 City Recorder of such fact. The City Recorder/Clerk 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 City Recorder/Clerk.
 - f. Opening any graves in the cemetery upon application to him being made by the City Recorder/Clerk or by any person having the right to make such application and being responsible for dosing all graves.
 - g. 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 seven (7) days after original placement, except in emergency.

- h. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
- i. 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. (1982 Code § 8-212)

7-6-5: Burials

1. Permits Required:

- a. Before any deceased person is buried in the City cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of such registrar, a permit duly issued by the State Division of Health or other authorized person shall be required by the Cemetery Sexton. After burial, the Cemetery Sexton shall endorse upon the permit a description of the location where the deceased is buried and shall enter all of the information contained in the permit in the cemetery records. (1982 Code § 8-221; amd. 2000 Code)
 - b. 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 a right to burial based on a properly acquired certificate of burial right. (1982 Code § 8-222)
2. **Registration:** Before any deceased person may be buried in the City cemetery, the relatives or person having charge of the deceased shall provide the City Recorder/Clerk with a written statement which shall be filed by the City Recorder/Clerk, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave. (1982 Code § 8-223).

3. Permitted Burials:

- a. A standard lot is 132" in length by 49.5" in width and can accommodate: a. One (1) burial of human remains (*standard size casket and vault*)
- b. Up to four (4) cremated human remains, each in cremation containers that do not exceed 10" in length, 6" in height, and 8" in width.

- c. Two (2) non-cremated human remains in separate casket-vault combinations that do not exceed 46" in length, 15" in height, and 22" in width.
- d. One (1) casket-vault combination containing non-cremated remains that do not exceed 37" in length, 13" in height, and 17" in width, on top of an existing grave with the approval of the grantee holding the burial right.
- e. One (1) cremated human remains in a container that do not exceed 10" in length, 6" in height, and 8" in width, on top of an existing grave with the approval of the grantee holding the burial right.
- f. A half lot is 66" in length by 49.5" in width and can accommodate:
 - i. One (1) casket-vault combination that does not exceed 46" in length, 15" in height and 22" in width.
 - ii. Two (2) cremated human remains in cremation containers 10" in length, 6" in height and 8" in width.
- g. One (1) interment only will be allowed in a casket, except a father or mother with an infant child, or two children buried. at the same time. Standard double deep burials are not allowed at the Cemetery. The City Sexton will determine if there is sufficient space in the lot to accommodate these additional burials.

4. Monuments and Markers:

- a. Ownership and Responsibility: Monuments and markers are personal property. All monuments within the cemetery are the property of plot owners, their heirs, or the responsible party that ordered and placed them. Maintenance of the monuments is the responsibility of the owner.

The cemetery is maintained by city personnel who exercise great care in keeping the grounds groomed. The city will not be responsible for inadvertent scratches and chips that occur from routine maintenance or vandalism. Such happenings are a condition that come along with the privilege of placing the monument in the cemetery.

The city recommends plot owners to consult monument dealers relating to monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water and occasional nicks and chips from moving equipment. The city also recommends that upright or slant markers have rough nosed base or edge rather than a polished smooth surface.

- b. Monuments and Markers: All monuments or markers erected in the city's cemetery shall be restricted in size and general make-up and shall only be erected

by the issuance of a permit provided by the administrative office. Persons ordering a monument from a monument dealer should first check, or cause to be checked, the restrictions, to ensure that the monument will be permissible.

- i. Only one (1) marker is allowed per burial plot unless two infants, two cremations or a combination of a burial and a cremation are buried in the same plot. A second marker can then be installed but, **MUST** be a flat stone installed at ground level.
- ii. When it becomes necessary to remove a monument for a burial, the owner will be responsible to make the proper arrangements. Should the owner request Moroni City to remove the monument, the city shall not be held liable for any cost from damage that may occur during removal. The request for removing a monument will be given and fees paid for when all other required information, pertaining to the deceased person, is given to the administration office.
- iii. If a monument company has been contacted to remove a monument for a burial, the monument company will also be responsible for returning the monument to its original location.
- iv. In the event of a marker / monument, which was placed prior to this ordinance, needing repair or the potential for replacement, the replacement of that monument will be reviewed and determined on case by case basis by the sexton and city council. This review includes the potential to erect a replacement monument to the same dimensions as the previous monument.

c. Requirements for Markers

- i. Markers must be composed of metal, stone or cement. All markers must be securely set in a finished grass-level cement foundation that allows for at least four (4) inches from the edge of the foundation (on each side of the foundation) to the marker. Markers must be no higher than thirty-six (36) inches from ground level.
- ii. Cement foundations of monuments or markers must be no wider than twenty-four (24) inches, and no longer than forty-six (46) inches for a single grave or eighty (80) inches for a double grave to the outer perimeter of the cement foundation.

d. Additions to Markers: Vase and Flagpole additions to the monument will not be allowed. These must be included in the original base or foundation of the marker at the time of installation.

e. Vases:

- i. All permanent vases must be attached to the stone foundation or cast into the cement foundation at least two (2) inches from the edge of the cement foundation.
 - ii. Vases must sit above the container so flowers do not lay on the stone or grass or flowers must be at least four (4) inches above the container to allow for trimming around the edge of the foundation.
- f. Flagpoles: All flagpoles must adhere to the following requirements:
 - i. Flagpoles must be 1-inch pipe and 14 feet in height.
 - ii. Flagpoles must be the removable type
 - iii. Flagpoles must be mounted in the cement foundation on the south side of the marker, at least two (2) inches from the edge.
 - iv. Flags will be allowed to fly during any holiday but must be removed at any other time. This will be the responsibility of family members. Flagpoles that have not been used to fly flags in the cemetery over a two-year period will be removed.
- g. Shepherds' Hooks: Shepherd hooks will be allowed so long as there is a border of at least four (4) inches of concrete on all sides of the base from the hook. The hook must be over the monument so that anything flown or hanging from the hook will fall over the monument and not onto the grass.

5. Unlawful Acts:

- a. It is an infraction, subject to penalty as provided in Section 1-4-1 of this Code, for any person to:
 - i. Disinter any body buried in any cemetery, except under the direction of the Cemetery Sexton who shall, before disinterment, require 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.
 - ii. Disinter or remove the body of a person who has died from a contagious disease within two (2) 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.

- b. It is an infraction, subject to penalty as provided In Section 1-4-1 of this Code, to inter anything other than the remains of human bodies in cemeteries.
- c. It is an Infraction, subject to penalty as provided in Section 1-4-1 of this Code, to 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 Council under such rules and regulations that it may prescribe. (1982 Code § 8-224; amd. 2000 Code)

6. **Vaults:**

- a. Casket Burial Required; Exception: Unless in writing by the Cemetery Sexton, 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, fiberglass, steel or brick-lined, or of such other material approved by the City Council, substantiality constructed and covered with a similar durable material. (1982 Code § 8-225; amd. 2000 Code)
- b. Wood Prohibited: No wood shall be used as a permanent part of the construction of any part of the vault. (1982 Code § 8-225)
- c. Cremated Remains Burial: Cremated remains can be buried in any container that meets the dimensional guidelines listed in section three (3) above. Any containers larger than the dimensions listed can only be used with permission from the City Sexton. **Note:** Any cremation that is not buried in an approved outer container cannot be recovered. Cremation vaults must be approved by the City Sexton.

Those choosing to bury cremated remains in an approved cremation vault must do so in a concrete, marble, or non-biodegradable high impact polystyrene container. Please note that the size of this container may affect the amount of burials that can take place in a single or half space burial lot.

7-6-6: Fees and Charges

- 1. **Established:** 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. (1982 Code § 8-243)
- 2. **Collection:** The City Recorder/Clerk, 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.
(1982 Code § 8-241)

3. **Opening Graves:**

- a. 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.
- b. The presentation of a receipt from the City Recorder/Clerk or person designated by the City Council when presented to the Cemetery Sexton 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 agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the City Recorder/Clerk or authorized person may give the Cemetery Sexton authority to open graves without the presentation of a receipt from the City Recorder/Clerk or authorized person. (1982 Code § 8-242)

7-6-7: Lot Sales

1. **Authority; Records:** The City Recorder/Clerk, and such other person as the City Council may designate, is 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 City Recorder/Clerk shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The City Recorder/Clerk or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price and the type of maintenance services which are to be provided, e.g., perpetual care.
2. **Purchase Price, Scope of:** A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this Section shall not be construed to be in payment for cemetery services other than perpetual care.
3. **Services Included:** Perpetual care shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass and watering and cutting the grass. No other services are included. (1982 Code § 8-251)
4. **Improvements, Changes And Services:** No other improvements, changes or service, except perpetual care, shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the Cemetery Sexton 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. (1982 Code § 8-251; amd. 2000 Code)

5. Resale Restrictions:

- a. Whenever a certificate to burial rights or lots reverts to the City or becomes vested in the City for any reason, before new certificates are issued, the original certificate shall be cancelled or an assignment given and the record shall be so changed.
- b. The certificates shall be issued and signed by the Mayor and shall be attested by the City Recorder/Clerk. All lots or parts of lots, as provided in this subsection, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment. (1982 Code § 8-252; amd. 2000 Code)

7-6-8: Perpetual Care Lot

1. **Scope Of Care:** The essential perpetual care that the City agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, re-sodding, seeding and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the City. (1982 Code § 8-262)
2. **Contracting for Care:**
 - a. No grave shall be hereafter opened in the cemetery of this City until perpetual care upon the lot where the grave is to be opened shall have been contracted for with the City, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed. (1982 Code § 8-261)
 - b. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the City in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with reasonable attorney fees to the City, and shall also pay interest at the rate of eight percent (8%) per annum upon the past due

installments. All installments shall immediately become due upon the default of any of the installments; provided, however, that when perpetual care for any lot in the City cemetery or portion thereof, has not been paid for a period of ten (10) years, then, and in such an event, the unused portion of the lot shall thereafter escheat to the City, and the title thereof shall revert to the City, which shall thereafter have the right, option and privilege to sell and dispose of unused cemetery property, as is in this Chapter provided, upon condition that the City shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to the City.

- c. The City shall have the power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. The fee shall continue to be paid until such time as a further or additional interment shall be made on the lot, at which time the provisions of this subsection relating to perpetual care and maintenance and to payment of fees and costs pertaining thereto shall take effect and apply. (1982 Code § 8-261; amd. 2000 Code)

3. Fund Created; Use:

- a. There hereby is established a Perpetual Care Fund according to the laws of the State and this Chapter. All funds received from the sale of perpetual care services shall be placed in a special Perpetual Care Fund, invested in compliance with the laws of the State and used for the purposes herein provided.
- b. The income from the Perpetual Care Fund shall be used to pay the upkeep and development of the cemetery. The City may borrow from the Fund from time to time, but any funds borrowed shall be repaid to the Fund with interest thereon at the prevailing rate paid by the City to borrow funds from commercial lenders.
- c. If the City borrows from the Fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon money annually. Should it be found that the interest returned upon the Perpetual Care Funds shall be more than is required to pay for the operation and upkeep of the City cemetery, then the surplus shall be added to the principal amount of the Perpetual Care Fund herein created, and shall be so handled until changed by resolution to provide for the use of such accumulated interest. (1982 Code § 8-271)

4. Duties of Officials:

- a. **Treasurer**: It shall be the duty of the City Treasurer to keep an accurate record of the Perpetual Care Trust Fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the City Council and the laws of the State, and to advise the Mayor when funds are available for investment in the amount of one thousand dollars (\$1 ,000.OO) or more. The Mayor shall advise the City Council of the availability of such funds. (1982 Code § 8-272)
 - b. **City Council**: It shall be the duty of the City Council, when funds are available for investment, to direct by resolution all purchases of securities for the Perpetual Care Fund or to name a suitable trustee for such investment. (1982 Code § 8-273)
5. **Investment Income**: All income from investments held in the Perpetual Care Fund shall be quarterly credited to the Cemetery Maintenance Fund for use in providing the perpetual care as required herein. (1982 Code § 8-274)

7-6-9: Indigents

1. The City Council may by resolution designate a portion of the City cemetery to the burial of indigents. Whenever it is made to appear to the Mayor by proof submitted to him by the City Recorder/Clerk that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the Mayor may grant burial space for such deceased person at the request made to him by the City Recorder/Clerk. (1982 Code § 8-291)
2. The Mayor shall communicate his decision to both the City Recorder/Clerk and the Cemetery Sexton. The Mayor shall give report of his decision, whether affirmative or negative, to the City Council at its next regular meeting. All strangers without funds or other persons who may die in the City may be granted the privilege granted herein. (1982 Code § 8-291; amd. 2000 Code)

7-6-10: Rules and Regulations

1. **Authority to Regulate; Procedure:**
 - a. 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.
 - b. 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 Chapter after they have been adopted as official by resolution of the City Council.

- c. Any changes in the rules and regulations shall be adopted by the City Council before such changes shall be official. (1982 Code § 8-237)
2. **Lots Sold:** Every lot sold is subject to rules and regulations 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. (1982 Code § 8-227; amd. 2000 Code)
3. **Traffic Control:**
 - a. 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 Chapter.
 - b. It shall be unlawful for any person to ride or drive within the City cemetery at a speed greater than fifteen (15) miles per hour. (1982 Code 8-230)
4. **Children:** Children under the age of ten (10) 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. (1982 Code § 8-231)
5. **Animals:** 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. (1982 Code § 8-232)
6. **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. (1982 Code § 8-233)
7. **Errors in Opening Graves:** Under no circumstances will the City assume responsibilities for errors in opening graves when orders are given by telephone. (1982 Code § 8-229)

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. (1982 Code § 8-228)

7-6-12: Unlawful Acts

1. Injury to Property:

- a. It is a Class B misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code, for any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.
 - b. It shall be an infraction, subject to penalty as provided in Section 1-4-1 of this Code, for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery. (1982 Code § 8-234; amd. 2000 Code)
- 2. Landscaping by Private Persons:** Except as provided in 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 walkway in the cemetery or to grade the ground or land thereof. The Cemetery Sexton 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. (1982 Code § 8-235; amd. 2000 Code)
- 3. Placement of Markers:** It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated by the City Council regarding the placement, construction and design of all such markers. (1982 Code § 8-236)