

# DRAPER CITY CEMETERY

## RULES AND REGULATIONS

(See also Title 7, Chapter 14 of City Code.)

### CONDITION OF SALE OF BURIAL RIGHTS (After July 1985)

1. Sale of burial rights (general burial sites) in the City Cemetery shall be limited to no more than 8 per immediate family. However, an application for a special exception may be filed for consideration by the City Council. The term "immediate family", for purposes of these policies, shall be defined as those persons domiciled in the place of residence and who include: husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

2. Issuance of right to burial certificate does not convey any other privilege than the right to bury a person's body, (hereinafter called "the right to burial"), and is not a deed to convey title in fee simple to said ground or any part thereof.

3. Purchaser(s) of burial rights must designate one other person who may exercise the right of burial on each individual gravesite purchased. The right of burial may be transferred within the immediate family at any time if authorized by the lot purchaser(s) in writing (the form is provided by City). If the lot purchaser(s) is (are) deceased or incapable of transferring burial rights to others, then the designated alternative person holding the right to burial has the authority to transfer those rights on that particular gravesite. To prevent speculation in the sale of burial rights, such rights may not be transferred outside of the immediate family. All sale of burial rights shall be undertaken with the City at prices determined by the City.

4. A fee for transferring or amending burial rights shall be assessed by the City as established by the City Council and as amended by the City Council from time to time.

5. All burial rights shall be deemed vacated to the City upon the death of both the purchaser(s) and the designated alternative person who has the right of burial if not used for and on behalf of said purchaser(s) or their designee. Any heir or descendant of the purchaser has a preference over non-heirs or non-descendants to purchase the right to burial on said gravesite once vacated to the City. At the

discretion of the City, relatives or others may be given preference for the repurchase of burial rights, provided they supply necessary proof that prior rights have expired. The cost of buying a new burial right is the amount in full of the existing current prices. The right of preference shall expire one year after the City obtains the right.

6. Any purchaser or designated heir having the right to burial may at any time sell said "right" back to the City at the original purchase price.

#### **CONDITION OF SALE OF BURIAL RIGHTS (Prior to July 1, 1985)**

1. All purchasers of the right to burial on gravesites purchased before July 1, 1985, shall provide the City information involving the following at the time a request for burial is made:

*Designation of Heir Certification.* When the "right to burial" in the Cemetery was sold prior to July 1, 1985, the purchaser or his heirs had a perpetual right of burial subject to Cemetery Rules and Regulations. As the term "heir" has no set meaning and varies in its usage to mean a person named in the will or any degree of consanguinity to the deceased at the time of death, it is probable there will be more heirs than rights to burial available. As such, an "heir certification" shall be completed for each gravesite in the Cemetery or a certified order from the probate court showing which heir is entitled to the gravesite shall be furnished. An order from the probate court is preferred.

*Transfer of Burial Rights.* A transfer of the burial rights of the designated heir to another heir of the purchaser may be accomplished by submitting authorization for such transfer and the payment of the transfer fee. (Form provided by City.)

2. *Utah Code Annotated, Section 8-5-1, et seq.,* authorizes the City to reclaim any unused burial site "which has been unused for burial purposes for more than 60 years". The City Council, by virtue of its adoption of these rules and regulations, authorizes and mandates the City staff to reclaim any such site. Prior to reclaiming any lot, proper notification procedures as provided in the above-referenced statutes will be followed to provide opportunity for certifying the right of burial.

3. Descendants or other heirs shall have a preference over non-heirs or non-descendants in purchasing a new right to burial on the lots or lot being reclaimed. The preference expires one (1) year following the reclamation of the "right to burial" by the City. The cost of the new right to burial will be at current prices.

4. Any purchaser or designated heir having a right to burial may at any time sell back said "right to burial" to the City at the original purchase price.

#### **BURIAL SITES: Definitions/Rules**

*General burial site* is construed to mean a space eight feet by four feet.

*Baby grave site* is construed to mean a space four feet by four feet. Two baby graves may be buried on a single general burial site provided authorization is granted by the purchaser(s) (if still living) or designated person having the original right of burial if purchaser(s) is (are) deceased.

*Urn grave site* is a general burial site with requirements that the "right of burial" charges be the same as a general grave site. However, two urns may be buried on one general grave site.

*Combined Grave Sites.* Generally, no more than one burial per grave site will be allowed in a general burial site except for:

- a) Two urns
- b) Two babies
- c) One urn/baby
- d) One regular burial/one urn

*Resident.* As used herein, the term "Resident" shall mean and be defined as:

(1) Any person who was domiciled within the corporate limits of Draper, Utah, at the time of death, regardless of actual place of death; or

(2) Any person owning real property within the corporate limits of Draper, Utah, at the time of death, regardless of the residence of domicile of such person; or

(3) Any person who was a legal resident of Draper, Utah, at the time of death, regardless of domicile; or

(4) Any person who was formally domiciled within the corporate limits of Draper, Utah immediately prior to moving from the City for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care; or

(5) Any person having owned real property within the corporate limits of Draper City, Utah, for 20 years or more regardless of the residence or domicile of such person at the time of death

*Non-resident.* As used herein, the term "Non-resident" shall mean and be defined as any person who does not meet the definition of "Resident" as set forth herein.

## **DISINTERMENTS**

The City shall provide disinterment services only for those persons buried in vaults or in urns that are non-biodegradable.

## **PLACEMENT AND MAINTENANCE OF MARKERS, MONUMENTS, AND APPURTENANT PARTS**

1. Permits. An installation permit shall be required and shall be obtained from the City Office for all markers and monuments before installation thereof is authorized. Monument companies only will be permitted to install or remove monuments in the Cemetery. Monument companies doing work of any kind in the Cemetery are subject to the control or direction of the City. A 24-hour advance notice to the City is required prior to placement.

2. Fees. Fees for the installation of all markers and monuments shall be paid to the City before installation.

When burials are pending and when a marker is located where the grave is to be dug, it is the responsibility of the family to assure the marker is removed 24 hours before the funeral.

3. Cement Base. Upright markers and monuments installed in the Cemetery shall have a finished, grass level stone or cement base extending outward from the outer perimeter of the base or marker for a minimum distance of six inches (6") on the front and back and six inches (6") inches on each side. On flat markers, the minimum base extensions from the marker perimeters are six inches (6") front and back and six inches (6") on each side.

4. Specifications for Raised Markers. Maximum width is 24 inches not including the concrete base. Maximum width for single markers is 36 inches including the concrete base. Maximum width of companion markers is 72 inches without concrete base and 84 inches with concrete base. The cement base requirements described above also apply. In no instance shall raised markers exceed 36 inches above the ground level. An exception to the maximum width and height specifications for raised markers may be granted by the City Manager for a family marker. However, only one marker shall be allowed for every 16 burial sites or two plots.

5. Specifications for Flat Markers. Maximum width for single marker is 24 inches, not including the concrete base. Maximum width for single marker is 36 inches including concrete base. Maximum width of companion's marker is 72 inches without concrete base, and 84 inches with concrete base. The cement base requirements described above also apply.

6. Marker Maintenance. The City is not responsible for marker or base maintenance unless damaged by the City.

7. Vases. All permanent vases placed in the cement or stone base of the marker or monument 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 monument. Because of the potential for theft and/or vandalism, the installation of removable bases is discouraged.

8. One Marker Per Grave. No more than one marker per burial is permitted excepting government-provided veterans markers.

9. Payment of Fees. Charges for sale of burial rights must be paid before burial. Burial fees are due in full within 30 days of burial. No markers may be placed until all fees are paid.

## **FLOWER REGULATIONS**

1. Flowers Placed at Burials. Artificial and/or natural (live) flowers placed during burials will be removed after seven (7) days following the burial.

2. Artificial Flowers. Artificial flowers may be placed on grave sites from November 1st through March 1st of the following year without being subject to removal by City crews except for those instances when they must be removed to accommodate nearby burials. Artificial flowers may also be placed three (3) days prior to the "observed" Memorial Day of each year and must be removed within seven (7) days following the "observed" Memorial Day. Artificial flowers placed during other periods (except burials) are subject to removal at the next scheduled mowing or for other maintenance purposes (when flowers are faded or weathered). Artificial flowers will be removed off the grave site and/or from any vases (including recessed bases) except for those receptacles that are an integral part of upright markers that are located above the marker base.

3. Natural or Live Flowers. Natural or live flowers may be placed at any time but are subject to removal at the next scheduled mowing (except burials). Flowers that are severely wilted will be removed at that time. During the "observed" Memorial Day holiday, flowers may be placed three (3) days prior to the observed holiday. Flowers will be removed by City crews after seven (7) days following the "observed holiday". Natural or live flowers shall be placed in non-glass containers on the marker or adjacent cement collar.

4. Theft of Flowers. The City is not responsible for the theft or loss of flowers in the Cemetery.

## **FENCES AND OTHER REGULATIONS**

1. Fences. Fencing, railing, coping or other enclosures around lots or graves are prohibited.

2. Plantings. Planting of shrubs or flowers on or near any grave or lot is prohibited.

3. City's Right to Remove Non-conforming Objects. If any tree or shrub, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lots or walks, or interferes with the general appearance of the Cemetery, the City has the right to remove such trees and shrubs. The City reserves the right, without notice, to remove from burial sites all flowers and decorations of any kind and any unauthorized plantings that do not conform with the rules and regulations of the Cemetery.

4. Disturbing or Defacing Property. It is unlawful for any person, other than those authorized by the City, to take away any headboard, tombstone, monument, tree, shrub, flower or cut flower, or any other property or ornament in the City Cemetery. It is unlawful for any person to maliciously damage any monument, marker, tree, shrub, or other property in the City Cemetery.

5. Vehicle Operation. The motor vehicle speed limit within the Cemetery is 10 mph. Motor vehicles are permitted only within Cemetery asphalt roads and parking lots and only during daylight hours.

6. Animals Prohibited. Animals, whether leashed or unleashed, are prohibited from the Cemetery.

7. Theft or Loss of Personal Belongings. The City is not responsible for the theft or loss of personal belongings in the Cemetery.