

ORDINANCE NO. 2022 - 002

AN ORDINANCE ADOPTING THE CHANGES IN THE PRICE CITY CEMETERY CODE

**WHEREAS**, in 1986 the Price City Council adopted Price City Ordinance No. 1393-86 adopting the Price City Cemetery Code (hereinafter "Cemetery Code"); and

**WHEREAS**, Price City has determined a need to update the Code for the care, maintenance and safety of cemetery operations; and,

**WHEREAS**, Price City has determined a need to update the Code for the safety and welfare of those visiting the cemetery grounds; and,

**WHEREAS**, Price City has reviewed the status of the Code and determined that updates and changes thereto are necessary to facilitate efficient and orderly administration of the Code; and,

**WHEREAS**, Price City Council has authorized and directed preparation and development of updates to the Code; and,

**WHEREAS**, Price City Staff, has recommended adoption of the proposed updates to the Code; and,

**WHEREAS**, the Price City Council has determined that the proposed updates to the Code provide for and facilitate comprehensive management and oversight of the cemeteries within Price City; and,

**WHEREAS**, the Price City Council has further determined that it is in the best interest of the health, safety and welfare of the city staff and residents of Price City to adopt the proposed updates to the Code; and,

**WHEREAS**, Price City Adopted Resolution #2022-03 on 02-23-2022 adopting operational policies and procedures and a fee schedule to be used in administration of cemetery services;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE PRICE CITY COUNCIL AS FOLLOW:**

**Section 1.** The Price City Council hereby adopts the updates to the Price City Cemetery Code as set forth in Exhibit "1,".

**Section 2.** All resolutions or ordinances or policies in conflict herewith are hereby repealed.

**Section 3.** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable.

**Section 4.** This ordinance shall take effect immediately upon its passage and publication.

PASSED AND ADOPTED BY THE CITY COUNCIL, PRICE CITY, STATE OF UTAH, THIS 23<sup>rd</sup>  
DAY OF February, 20 22

ATTEST:

  
Sherrie Gordon, Price City Recorder

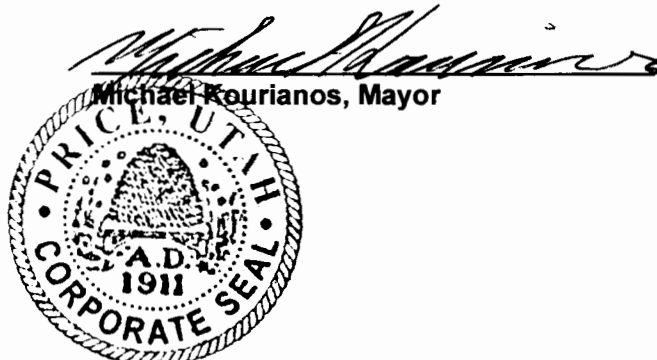


EXHIBIT 1 –  
PRICE CITY CEMETERY  
CODE

PRICE CITY CEMETERY CODE  
FEBRUARY 23<sup>rd</sup>, 2022  
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## CHAPTER 2.48

### 2.48.010 PURPOSE, SCOPE, AND GENERAL SUPERVISION

#### PURPOSE

It is the intent of Price Municipal Corporation, also referred to herein as "Price City" or "City", to establish the following rules that will provide direction and information concerning procedures with respect to the cemeteries owned and maintained by Price City, namely the Price City Cemetery and the Cliffview Cemetery.

#### GENERAL SUPERVISION of CEMETERIES:

The City shall take reasonable precautions to protect the property rights of the owners of burial right agreements within the City cemeteries from loss or damage, but hereby disclaims all liability for loss or damages caused by the elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

2.48.020 **DEFINITIONS.** The following words or phrases shall have the following meaning unless the context otherwise clearly states:

**BENCH:** A City approved structure for sitting which may also be placed in lieu of an upright headstone.

**CEMETERY:** Any burial ground owned or maintained by the City for the purpose of receiving the remains of deceased humans for interment.

**CERTIFICATE/DEED:** A Certificate or a Deed describing an exact location on a lot or cemetery map, indicates that all fees have been paid and is notarized, is considered a Right to Burial Certificate or Deed.

**CITY:** Shall mean Price City, Utah

**COLUMBARIUM:** A structure of vaults lined with recesses for receiving human cremains.

**CORTEGE:** A funeral procession.

**COUNCIL or CITY COUNCIL:** The City Council of Price City, Utah.

**CREMAINS:** The cremated remains of a human corpse. For the purposes of this policy, cremains also include the resomation processed remains of a human corpse.

**HEADSTONE:** An etched granite or similar hardness stone identifying the location where a deceased person is buried.

- A. Primary headstone is a headstone placed at the "head" of the grave or on the most western part of the grave space also known as the headstone row.
- B. Secondary headstone is a flat headstone that memorializes either a war Veteran or marks the location of the burial of cremated or resomation processed remains which are buried within the same grave space(s) which is placed on a single grave space in a location other than the headstone row.
- C. Headstone row is the area on the western end of the grave space for the placement of headstones.
- D. Companion/Double headstone is a headstone that marks the graves of two (2) burials which are buried North and South in continuous order.

**INDIVIDUAL:** All persons private, or corporate, including leaders of fraternal or religious organizations, heads of companies or corporations, owners of businesses or groups and heads of households.

**GEOGRAPHIC LOCATION of GRAVES/SPACES:**

- A. Section: An area of land containing one (1) or more lots used to designate the geographic location of graves.
- B. Lot: An area of land, generally numbered, containing one (1) or more burial spaces, used to designate the geographic location of graves.

- C. Half Lot: An area of land, containing one (1) or more burial spaces, used to designate the geographic location of grave spaces, which are located on the South side of an existing lot.
- D. Partial Lot: An area of land, containing four (4) or two (2) or more burial spaces, in continuous order, used to designate the geographic location of grave spaces, which are located on the East or West side of an existing lot.
- E. Space or Grave: An area of land used for burying human remains, and/or for placing a headstone in remembrance of an actual human being.
- F. Row: An area of land identifying a series of single grave spaces placed in continuous order, running North and South.

**HOLDER**: Individual(s) that have the Burial Rights only, within the City's cemeteries, and not own any parcel of land or space therein.

**MOW/MOWING STRIP**: A border made of cement, granite or similar hardness material, extending outward from the outer perimeter of the headstone base/pedestal for a minimum distance of four (4) inches which is set at ground level for maintenance/mowing purposes.

**PERPETUAL CARE**: A one-time fee paid for the maintenance of grave spaces, that the City agrees to provide at City's expense on a continual basis. This shall include, but is not limited to, mowing of all lots and grave spaces at reasonable intervals, re-sodding, seeding, re-seeding, and filling in sunken graves. Sodding the surface of the graves to ground level, removing dead flowers, trimming trees and shrubbery, raking and cleaning the lots, watering, fertilizing and pest management. It shall be unlawful for anyone, other than the City or contracted by the City, to apply any chemical, wet or dry, for fertilization, growth control or weed mitigation purposes to any and all of the landscape.

**PERMITS**: Any form provided by the City Cemetery staff to authorize work being done or services rendered.

**RESIDENT**: Any person who was domiciled within the corporate limits of Price City for six (6) months or more at the time of death, regardless of the actual place of death.

**RESOMATION PROCESSED REMAINS**: The remains of a human corpse processed through Alkaline Hydrolysis.

2.48.030 CEMETERY SUPERVISOR - PERMITS. The Cemetery Supervisor will not inter/disinter or permit the interment/disinterment of any deceased human unless the actual owner of the grave space is requesting the space to be opened and the deceased is accompanied by a Price City burial permit, and accompanied by a removal or transit permit provided by the State of Utah Public Health Department. A Price City cemetery disinterment order must be completed prior to any actions being taken.

2.48.040 CEMETERY SUPERVISOR - RULES & REGULATIONS. The Cemetery Supervisor may, with the consent and approval of the City Council, make such rules and regulations as necessary for the efficient operation of the City's cemeteries.

2.48.050 CEMETERY FEES. The City Council may establish or amend by resolution the fees charged for services rendered or equipment used for all work performed in the City's cemeteries. All fees charged shall be paid to Price City. (See Price City Cemetery Fee Schedule).

2.48.060 CEMETERY SPACES - SALE PRICE and QUANTITY LIMITS SET by COUNCIL. The City Council may establish by resolution the Burial Right fees for all grave spaces, and may limit the number of spaces it will allow individuals to purchase. The maximum quantity of unoccupied/vacant grave space Burial Rights which may be purchased by one (1) individual at any given time is limited to six (6). The exception is when a formal request to City Council to purchase additional Burial Rights is made.

2.48.070 MASONIC SECTION:

Per two certain Cemetery Deeds dated February 3, 1947, in which Carbon Lodge No. 16, F. & A. M. is named as Grantor and Price City is named as Grantee, perpetual care of the Masonic Section shall be provided by Price City at no additional costs to the users.

2.48.080 RIGHT TO BURIAL APPLICATION and CERTIFICATION

REQUIREMENTS. All Burial Rights for purchase shall be made to Price City. The Cemetery Supervisor or designee will provide verification of the grave space(s). Upon verification of receipt of any fees or costs paid, which may be assessed, the Cemetery Supervisor/or designee shall deliver to each purchaser/grantee a Certification of Burial Right, showing the description and stating the price paid, and any and all conditions and restrictions as may be imposed thereon. All grave spaces are conveyed subject to perpetual care, and the certificate shall so state. The certificate shall also state that such land is conveyed for the purpose of burying the human dead only, and each purchaser/grantee shall abide by all ordinances and regulations now in force or hereinafter enacted concerning burials and the use, maintenance and care of the cemeteries. The certificate shall be signed by the Mayor, and countersigned by the City Recorder and the Cemetery Supervisor. In the event of clerical error in the cemetery certificate, no interest in the subject grave space shall exist until a corrected certificate is furnished.

2.48.090 GRAVE SPACES - EXEMPT from CERTAIN TAXES and

ASSESSMENTS. All grave spaces, together with all improvements thereon, which are conveyed by City as provided in this section and Section 2.48.100, shall be exempt from execution of judgments and taxation.

2.48.100 GRAVE SPACES - DESCRIPTION PLAT and RECORD KEEPING.

The City shall retain one of the duplicate copies of all Certificates of Burial Rights issued and shall maintain and keep current a plat showing the description and

locations of all grave spaces A-verified copy of all work orders and certificates will be maintained by the City.

2.48.110 SUBSEQUENT DEEDING OF GRAVE SPACES BY CITY. Whenever the Right to Burial grave spaces have been unused, the grave spaces revert to or are purchased by the City. New certificates of Burial Rights will be issued by City when these grave spaces are thereafter purchased or otherwise conveyed. The original Certificate(s) of Burial Rights will be cancelled or a quit claim deed given and the records of City will be changed, to reflect the action taken.

2.48.120 REQUISITE for BURIALS. No person shall be allowed to bury human remains or human fetal remains within the limits of the City except in cemeteries. No cemetery within the City's municipal boundaries shall be established unless by permission of the City Council.

2.48.130 PERMISSION for BURIAL. No person except the owner of Burial Rights for any given space, in which interment is to be made, shall be buried in that grave space, unless written permission is first obtained from the owner(s). No grave will be opened until a "Request for Grave Opening" form has been signed by the person responsible for the burial and delivered to the Cemetery office.

2.48.140 BURIAL - RESPONSIBLE PARTY or PARTIES. Persons responsible for the deceased shall have full responsibility for the deceased's remains as they enter the grounds of either of the City's cemeteries and shall maintain complete charge of those remains and will cause the deceased to be lowered into the grave. The Cemetery Supervisor will then take charge of the remains and will proceed with the closing of the grave.

2.48.150 BURIAL - REQUIRING VAULTS. All earth interred remains within the City's cemeteries must be casketed and also encased in a vault made of concrete, metal, PVC/plastic, fiberglass, or similar material, substantially constructed to prevent the collapse of the grave site over time. Cremains are an exception to this requirement and do not require a vault, but shall be encased in a container approved by the Cemetery Supervisor.

2.48.160 EXHUMATIONS - PERMIT REQUIRED. It shall be unlawful for any person to disinter any human remains within the City's cemeteries without the express permission and authorization of the Cemetery Supervisor. Before disinterment, the Cemetery Supervisor or designee will require a written order, on required forms, from the Burial Rights owner authorizing such removal. All disinterment shall comply with applicable Utah laws. Headstone removal or transfer is the responsibility of the grave owner or the immediate family or legal representative thereof. Any repair of damages caused during headstone removal or transfer, to the surrounding landscapes,

headstones, irrigation systems, roadways and fences, shall be the responsibility of the grave space owner or the immediate family or legal representative thereof.

2.48.170 EXHUMATIONS - CONTAGIOUS DISEASE. It is unlawful for any person to remove the remains of any person who died of any contagious disease within two (2) years from the date of the deceased's burial, unless the deceased's body was buried in a hermetically sealed casket and is found to be so encased.

2.48.180 HEADSTONES/BENCHES. All headstones/benches to be placed in any part of the City's cemeteries shall first require issuance of a permit by the Cemetery Supervisor or designee and shall be restricted as to size and general makeup as governed by resolution adopted by the City Council. All headstones/benches must be installed during regular business hours. Charges may apply for installations performed outside of business hours. There will be no installations on Sunday. Exceptions may be considered and additional fees may apply. (See Price City Cemetery Fee Schedule)

I. UPRIGHT HEADSTONES:

A. Upright and flat headstones are both allowed in pre-designated rows marked "A", "B", "D", "E", and "F" in the Cliffview Cemetery, and in areas not designated as "restricted" in the Price Cemetery.

B. Only one (1) upright headstone will be allowed per grave space. Two (2) grave spaces in contiguous order may have either two (2) separate headstones or one (1) companion/double headstone as long as they are within common ownership.

C. Grave spaces originally counted as qualifying for the installation of an upright headstone will not be considered a second time for any additional upright headstone.

D. No upright headstone will be placed closer than eighteen (18) inches from any other upright headstone.

E. Installation of all headstones will be under the supervision of the Cemetery Supervisor.

F. Veterans Recognition headstones may be used as primary headstones, with the same restrictions and regulations as the aforementioned headstone criteria. When used as secondary headstones, they must be placed in the center of the grave space in accordance with the requirements for standard flat headstones.

G. All headstones must be oriented, surveyed and marked prior to placement. In identifying the proper location for placement, the area of the headstone will be marked in the center of each grave and to the extreme West edge of the single grave space. Prior notice of two (2) business days is required from the individual

or headstone company performing installations. Headstones, upright or flat, must stay within the criteria guidelines. Otherwise, they will not be installed until that criteria is met and approved.

II. BENCHES:

A. An adult grave space in an upright headstone section must be purchased on which to place benches. Benches may be placed in lieu of primary upright headstones. Benches placed in the headstone row, shall be oriented in such a way so as not to interfere with mowing, snow removal and other maintenance. Benches shall be made of granite, or other durable material not requiring maintenance by cemetery staff, and will be placed on a concrete pad and securely attached thereto in such a way that they may be removed from the pad if necessary.

Maximum headstone dimensions, including a four (4) inch mow strip apply.

B. It shall be the responsibility of the person(s) installing the bench(es), to repair, alter, realign, and maintain the bench(es) following original placement.

C. City does not undertake any responsibility or assume any liability for damage to or disrepair of any bench not placed by City, unless damage is caused by City.

III. PERMITS:

A signed cemetery Headstone/Bench Permit is required for the installation or removal of all headstones and benches. This permit may be obtained at the Cemetery Office during regular business hours.

IV. HEADSTONE STORAGE:

All headstones left at or shipped to the City cemeteries for storage until placement at gravesite are left at the owner's risk and the City will not incur nor accept any responsibility or liability for damages, loss or theft of such headstones. Storage at City cemeteries shall not exceed 15 days.

V. HEADSTONE INSTALLATION:

A. Damage to surrounding headstones, turf, landscape, trees, shrubs, irrigation systems, etc., during the installation or removal of a headstone shall be the responsibility of the individual or company performing such work. Headstones and benches can only be installed during regular business hours.

VI. HEADSTONE RESTRICTIONS:

A. If any headstone, bench, effigy, inscription, etching, item or structure of any kind placed upon any space is considered by the City to be offensive, unsightly or improper, the City hereby reserves the right to remove, repair or correct the same

at the expense of the owner, upon notice in writing to owner at their last known address on file with the City.

B. The City shall not be responsible for the repair, alteration, realignment or upkeep of any headstone or bench after original placement occurs, absent liability for damage caused by cemetery personnel. On occasion, work may be done, at the discretion of the Cemetery Supervisor, to prevent an unsightly condition or nuisance and, under certain circumstances, a reasonable charge may be assessed for this work.

C. All ceramic pictures will be inset, so that the outside of the picture is flush with the face of the stone.

D. All headstones shall be made of granite or material of a similar hardness.

2.48.190 HEADSTONES RESTRICTED HEADSTONE DISTRICTS (FLAT

HEADSTONES). There are hereby created in the Price Cemetery and the Cliffview Cemetery "Restricted Headstone Districts". In these areas only flat headstones shall be permitted, shall be composed of granite or a material of like hardness, and shall be placed such that no portion thereof shall extend above the surface of the sod line. A single headstone may be placed at the head of each grave, or one companion headstone may be placed at the head of two contiguous grave spaces in common ownership. In no event shall there be headstones placed at both the head and foot of each grave, however, exceptions will be made for Veterans secondary headstones, to be placed in the center of the graves. All headstones shall be governed and controlled by the issuance of a permit. The restricted headstone districts shall extend as follows:

A. In "F" Section, in the Price City Cemetery, at the Northeast corner of Lot 53, Section F, and running thence South 416 feet to the North boundary of the Masonic Cemetery; thence East 92 feet to the West boundary of the street bounding Lot 141, Section F; thence North 416 feet to the Northeast corner of lot 56, Section F; thence West 92 feet to the place of beginning. This described section of the district shall be known as "East Lawn".

B. In "O" Section, in the Price City Cemetery, at the Northwest corner of Lot 1, Section O, and running thence South 54 feet to the North boundary of Section G; thence East 524 feet to the West boundary of the street bounding Lot 27, Section O; thence North 54 feet to the North Boundary of Lot 26, Section O' thence West 542 feet to the place of beginning. This section of the district shall be known as the "O" Section.

C. In "N" Section, in the Price City Cemetery, beginning at the Northwest corner of Lot 1, Section N, and running thence South 216 feet to the South boundary of Lot 81, Section N; thence East 180 feet to the West boundary of the street

bounding Lot L, Section N; thence North 216 feet to the South boundary of the street bounding Lot A, Section N; thence West 180 feet to the place of beginning. This section of the district shall be known as "South Lawn".

D. In "M" Section, in the Price City Cemetery, beginning at the Northwest corner of Lot A, Section M, and running thence South 630 feet to the South boundary of Lot 151, Section M; thence East 100 feet to the Southeast corner of Lot 155, Section M; thence North 600 feet to the North boundary of Lot 5, Section M; thence West 30 feet to the North boundary of Grave 6, Lot 4, section M; thence, North 10 feet to the Northwest boundary of Grave 4, Lot 4, section M; thence West 10 feet to the Northwest corner of Lot 4, Section M; thence West 10 feet to the Northwest corner of Lot 4, Section M; thence North 20 feet to the Northeast corner of Lot C, Section M; thence West 60 feet to the place of beginning. This section of the district shall be known as "M" Section.

E. In "P" Section, in the Price City Cemetery, starting on the most Northeast corner of lot number ninety-six (96), including all lots in between, and ending on the most Southwest corner of lot one-hundred forty (140).

F. In "R" Section, in the Price City Cemetery, starting on the most Northwest corner of the lot number one-hundred twenty (120) including all lots between and ending on the most Southwest corner of lot one-hundred forty (140).

G. In the Cliffview Cemetery, there are lengths of land, running North and South identifying a specific area or series of single spaces, in contiguous order, which are identified as "Row C".

2.48.200 ANIMALS - PROHIBITED. It is unlawful for the owner, agent, and caretaker or other person in charge of animals to allow or negligently permit such animals to run at large or to trespass upon cemetery grounds, except (a) any animal kept in the confines of a vehicle will be allowed only if such animal is retained within the confines of said vehicle while the vehicle remains in the cemetery or (b) the animal is trained to aid a disabled person.

2.48.210 REGULATORY SIGNS. Where signs have been posted under the direction of the City Council on any City owned or City leased property, regulating walking, use of vehicles, parking, instructions as to animals, or containing other regulatory information, it shall be unlawful for any person to violate the provisions of such regulatory signs.

2.48.220 TRAFFIC ORDINANCES. The provisions of the City's traffic ordinances relative to the operation of vehicles and conduct of pedestrians will be in effect in the City's cemeteries.

2.48.230      PRESENCE in CEMETERIES AFTER DARK. It is unlawful for any person or persons to be in or upon the City cemeteries after dark.

2.48.240      UNUSED CEMETERY BURIAL RIGHTS HELD for 60 YEARS or MORE. In those instances where City has conveyed cemetery burial rights by deed, within its cemeteries or without restrictions, and the grantee, or persons claiming through the grantee, for more than sixty (60) years have not used portions of the burial rights for purposes of burial within the cemeteries, and during the sixty (60) year period have not given the City written notice of any claim or interest in the burial rights, then City shall demand of the grantee or persons claiming through the grantees either of the following, pursuant to Section 8-5-1, Utah Code Annotated, 1953 as amended:

A. File with City a written notice of claim or interest in and to the burial rights recorded by evidence of their claims of ownership within fifty (50) days after the service of the copy of the notice of demand, or

B. City shall serve a copy of the demand or notice required by subsection 1. on the grantee or persons claiming through the grantee in accordance with the Utah Rules of Civil Procedure.

2.48.250      ABANDONMENT. The fact that the grantee or holder of a Burial Right to a lot or grave space(s) within the City's cemeteries has not used portions of the lots or grave space(s) for the purpose of burial for more than sixty (60) years, and during the time (1) has not given to City a written notice of claim or interest in the lots or grave space(s), or (2) has not kept nor paid for perpetual care to keep the lots or grave space(s) free of weeds or brush, shall be prima facie evidence that the grantee or holder has abandoned the lots or grave space(s).

2.48.260      JUDGEMENT.

A certified copy of the judgment in the action to revest title to cemetery lots, sites, or graves space(s) within the City cemeteries shall be filed with the Recorder of Carbon County, Utah.

2.48.270      SALE of BURIAL RIGHT ONLY. City shall sell only the right to be buried in the City Cemeteries and all cemetery lots or grave space(s) sold after April 29, 1985 shall entitle the purchaser/grantee a right to be buried only. Nothing in this section shall prevent City from imposing additional terms on the sale of rights to burial.

2.48.280      SALE of BURIAL RIGHTS to THIRD PARTY. Burial Rights to any space which are sold by City after the effective date of this policy shall not be resold, transferred, conveyed, or assigned by owner or certificate holder to any person or entity other than Price Municipal Corporation or to the direct heirs of the owner or certificate holder.

2.48.290 REDEMPTION PROCESS. The owner, grantee, or person claiming through the grantee shall have the right, on presentation to the City of a certificate of title or a right to burial concerning any grave space or lot which has reverted to the City's ownership, any of the three alternatives listed below as may be allowed by City:

- A. Be compensated for the grave space(s) or lot at the reasonable value of the grave space or lot as of the date the certificate is presented to the City, or
- B. Receive a right to burial to another grave space or lot if the right to burial or title to the grave space or lot has been sold by the City, or
- C. Receive the right to burial to the subject grave space or lot if the City has not sold grave space or lot right to burial to the subject.

Nothing in this section prevents City from collecting unpaid perpetual care charges from a person claiming title or the right to burial.

2.48.300 REGULATION of BURIALS. The City may regulate the burial of the dead, consistent with Chapter 5, Title 8, of the laws of the State of Utah and the registration of deaths, direct the returning and keeping of bills of mortality, and impose penalties on physicians, Cemetery Supervisor, and others for any default therein.

The maximum number of burials per grave space within the City's cemeteries shall be allowed as follows:

- A. Only one (1) adult size full earth burial/interment is allowed per 4' x 10', 5' x 10' or 6' x 10' space, at a maximum depth of no more than five (5) feet; and
- B. Two (2) cremated or resomation processed remains are allowed to be buried per 36" x 30" cremains space, and will not exceed a maximum size vault or urn measuring larger than twelve (12) inches in height, twelve (12) inches in width and eighteen (18) inches in length measured from head to foot; and
- C. One (1) infant or two (2) cremated or resomation processed remains may be buried in an occupied adult grave space with permission from the owner(s) of the grave space. Infant vault/casket overall size shall not exceed fourteen (14) inches in height, sixteen (16) inches in width and twenty-four (24) inches in length. No more than four (4) cremated or resomation processed burials shall be allowed per adult/infant space and will not exceed a maximum size vault or urn measuring larger than twelve (12) inches in height, twelve (12) inches in width and eighteen (18) inches in length measured from head to foot; and
- D. Grave spaces are not sold for stacking or double depth burials; and
- E. Only one (1) cremated or resomation processed remains per niche inside of any and all columbarium spaces.

2.48.310 PENALTY. Any person who violates any of the provisions of this Code will be guilty of a Class B Misdemeanor.