

WALLSBURG TOWN CEMETERY ORDINANCE **Revised 04/10/2025**

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Section 2.16.010 Conduct and Access

- A. Conduct. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum shall be required of all persons.
- B. Location and Access. The Wallsburg Town Cemetery is located at 100 East 200 North, Wallsburg, Utah. Access to the cemetery is restricted to daylight hours.
- C. Speed Limit. The speed limit is 10 miles per hour.
- D. Driving and Parking. Unauthorized persons are prohibited from driving any motor vehicle upon cemetery lots, backing over any grave, cutting corners, or driving off established roadways.
- E. Animals. No animals are permitted to run at large or trespass on the cemetery grounds.
- F. Off-Road Vehicles. Motorcycles and all-terrain vehicles are prohibited except for those involved in maintenance or funeral processions.

Section 2.16.020 Cemetery Sexton

- A. Appointment. The Town Council shall appoint a Cemetery Sexton, with the Town Clerk serving as the Assistant Sexton.
- B. Duties of the Sexton. It shall be the duty of the sexton to take charge of the Town cemetery under the supervision of the Council Member assigned to the cemetery. The sexton shall be responsible for care and improvement of the grounds. The sexton will dig or cause to be dug, all graves required for burial of the dead and keep a record of the same.

Section 2.16.030 Burials

- A. Only HUMAN remains shall be buried in the Wallsburg Town cemetery.
- B. Ordering a Grave Opening. By contacting the Sexton, arrangements for a new grave opening must be made by the funeral director or other responsible party at least 48 hours in advance

of the burial. The required information is the name of the deceased, the place of the interment, authorization by the burial plot holder, the location, date and time of funeral services, and the name of the funeral director or mortuary.

- C. Errors. Wallsburg Town will not be responsible for any mistakes occurring from the lack of precise and complete instructions as to the proper space on the lot where interment is desired. When a grave on a lot cannot be opened where specified, the sexton may, at his/her discretion, open it in such location on the lot as he/she deems best and proper, so as not to delay the funeral and affect the interment.
- D. Burial Permits. The necessary information including a copy of the certified death certificate and fees shall be paid to the Town Clerk prior to interment.
- E. State Transit Permit: Remains sent from other states must also be accompanied by a transit permit to be filed with the Town Clerk.
- F. Hours when Burials Permitted. Burials are accepted between 9 a.m. and 4 p.m. daily at the cemetery. No burials will be accepted on Sundays and holidays. Additional charges will be made for internments on Saturdays.
- G. Burials per Grave. Only one interment shall be allowed in a casket except for a father or mother with an infant child, or two children buried at the same time. Not more than one full size or two infant caskets are allowed in one grave. One full-size and one cremation or two cremations are allowed in one grave.
- H. Vaults. Concrete vaults are required for all burials.
- I. Indigents: Indigent burial spaces MAY from time to time be designated by the Mayor and/or sexton with the consent of the Town Council and will be for the burial of indigent persons.
- J. Orientation of Graves. By convention, burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual graves measure four feet wide and eight feet long except on odd size lots. Traditional burial custom has the wife placed to the left of the husband; all exceptions must be made in writing. The sexton will assist in decisions as needed.
- K. Disinterment or Exhumations. Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery, all applicable laws must be complied with. The sexton will schedule and direct the exhumation after applicable fees have been paid. Consultation with a funeral director is required for this procedure.
- L. Cremations. Cremation will be treated as a regular burial including fees and services. Cremations require a sealable urn made of metal or other like material approved by the Cemetery Sexton and must be buried in a 12 by 12-inch concrete vault. The vault must be

buried at least 18 inches below the ground surface level. One full-size and one cremation or two cremations are allowed in one grave. However, opening and closing fees will be applied.

Section 2.16.040 Decorations and Flower Policy

- A. Flowers and New Graves. Decorations or flowers on new graves will be removed by the cemetery staff after seven days. Special flower mementos should be removed at the conclusion of services by family members. After the grave is closed the casket spray is placed at the center of the grave. Other flower containers and wreaths are laid down in an orderly fashion around the spray with the containers extending outward. Only the last row of containers is visible, the others being covered by each succeeding row of flowers. Flowers are laid down to prevent them from being blown around the cemetery.
- B. Flower Regulations. All flowers, real or artificial, must be placed in a container or attached to the monument or placed in a container that does not interfere with cemetery maintenance.
- C. Flower Containers. Permanent containers must be part of the marker or cast into the cement base. Glass containers are not allowed.
- D. Artificial Flowers/Fresh Cut Flowers and other Decorations. Artificial or fresh cut flowers and any other decorations will be permitted at any time provided they do not interfere with the upkeep of the cemetery such as grass mowing and edging.
- E. Holiday Decorations. All holiday decorations may be removed by the cemetery staff after seven days.
- F. Removal of Decorations. Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly.
- G. Planting of Flowers, Trees, and Shrubs. The planting of any trees, shrubs, or flowers or digging or disturbing the sod within the cemetery is prohibited. Tree donations or gifts will receive designated and appropriate planting sites.
- H. General Clean-up. All flowers and decorations not in permanent containers and those that are damaged or wilted in permanent containers will be removed from the cemetery during early spring and late fall weather dependent. All flowers and decorations picked up are put in the garbage for disposal.
- I. Memorial Day. Cemetery staff begin early in the spring to prepare for Memorial Day. Preparations include mowing, watering, edging, spraying, planting, and tree trimming, and require all spring to accomplish.
 - 1. The cemetery is prepared and ready for decorations by Friday afternoon before Memorial Day weekend. The sprinklers are turned off Friday morning through the end of Memorial Day to allow for the placement of decorations.

2. The removal of decorations will begin the Monday morning following Memorial Day. Anyone desirous of picking up their wreaths or decorations should do so prior to that Monday.

- J. Town Responsibility. Flowers properly displayed add to the beauty and character of the cemetery. Wallsburg Town and the cemetery staff will not be responsible for flowers and other personal property left in the cemetery. Be aware that on occasion uncaring individuals have removed expensive flower arrangements without permission or staff knowledge.

Section 2.16.050 Headstone Policy

A. Ownership and Responsibilities. Headstones are personal property. All headstones within the cemetery are the property of the lot holder, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones is the responsibility of the owner. The cemetery is maintained by Town staff who exercise great care in keeping the grounds groomed. The Town will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such events are conditions that go with the privilege of placing markers in the cemetery. It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in said cemetery except under the direction and supervision of the Cemetery Sexton. A soft stone such as sandstone is not recommended for headstones.

B. Specifications for Headstones. It shall be unlawful for any person to place or to have placed any monument on any lot in said cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least 4 inches deep with a cement mow strip not less than six inches around said marker. The following are maximum headstone sizes: Maximum lengths are singles, 36 inches; doubles, 84 inches; and triples 132 inches. Maximum width is 30 inches. Maximum height is 36 inches. Any marker size that exceeds these dimensions requires written approval from the Cemetery Sexton. Headstone designs require written approval from the Cemetery Sexton, before installation, to ensure that the headstone will meet cemetery specifications.

1. Only one headstone per grave is permitted. Said headstone shall be at the head of the grave. Headstones will be placed in an orderly manner in pre-designated rows and as directed by the Cemetery Sexton.

2. Placement of permanent markers is encouraged to take place within one year after interment.

C. Vases. All permanent vases must be attached to the stone base or cast into the cement base with at least two inches from the edge of the cement base.

D. Obstructions. No metal ornaments, brackets, foot markers, flag poles, or other obstructions or installations, except a headstone or monument, will be permitted in the cemetery.

E. Modifications. If a monument is determined by the sexton to be oversized and interfering with the sprinkler irrigation system, the owner will pay for the necessary modifications.

F. Interference with Excavation. The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such services if contracted.

G. Recommendations. Consult with a monument manufacturer on 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 mowing equipment. It is recommended that raised markers have a rough-nosed base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument dealer should check, or cause to be checked, the restrictions first, to ensure that the stone will meet cemetery specifications.

H. Cemetery Supervision. All work in the cemetery, including but not limited to interments, disinterment, planting, landscaping, grading, record keeping, placement of grave markers, grounds keeping, construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the Cemetery Sexton.

Section 2.16.060 Lot Ownership and Privileges

A. Nature and Extent of Burial Rights. Only permissive burial rights are sold. The Town retains title to the cemetery property. A certificate/receipt of burial rights for each grave site in the cemetery will be issued to each purchaser after the applicable fees are paid in full. A burial right certificate may be used to bury only the owner of the right named in the certificate or a person related to that owner by blood, marriage, or adoption. The named owner of a certificate, or his or her legal heirs, must give written permission at the time of the burial for use by a specific deceased individual of the specific grave site identified in the certificate, subject to all applicable Town ordinances and policies. For all purchases of burial rights made after the effective date of this section, as revised, a person may own in his or her name at any given time no more than two grave site certificates for future burial. Any exception MUST be approved by the sexton and Town Council.

B. Record of Rights Conveyed. The cemetery master file is considered to be the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a clerical error. The Town reserves the right to recall, correct, and re-issue the correct certificate.

C. Transfer of Ownership of Certificate. Burial right certificates for a specific grave site may be transferred and re-issued to a different owner, in accordance with the standards contained in this Code, by written application to the Sexton or Assistant Sexton, by the certificate owner or his or her legal heirs. The sexton shall re-issue the certificate upon the applicant's payment of any required fees and compliance with all applicable standards and procedures. Wallsburg Town reserves the first right of purchase on resale of burial right certificates. Burial right certificates purchased prior to January 1, 2010, may be re-purchased by Wallsburg Town for a fee of \$100

per certificate. Burial right certificates purchased after January 1, 2010, may be re-purchased by Wallsburg Town for a fee equal to the original purchase price.

D. Unused Lots. Ownership of burial rights for grave sites that have been unused for 60 years or longer may revert to the Town in accordance with the following procedures and Utah Code.

1. Definitions.

- Cemetery Lot: A designated space within the Wallsburg Town Cemetery for the burial of human remains.
- Lot Owner: The individual(s) listed in the cemetery records as the purchaser of the burial plot.
- Abandoned Lot: A cemetery lot that has remained unused for burial purposes for 60 years or more, with no evidence of maintenance, interest, or claim by the owner or heirs.
- Reclamation: The legal process by which the Town reclaims ownership of an abandoned lot for future use.

2. Identification of Abandoned Lots. Any cemetery lot that remains unused for 60 years or more shall be presumed abandoned. The Town shall conduct periodic reviews of burial records to identify potentially abandoned lots. A reasonable effort shall be made to locate the original owner or their heirs using available contact information and public records.

3. Notice of Abandonment. If no owner or heir is found, the Town shall issue a Notice of Abandonment, which shall include:

- A description of the cemetery lot in question.
- The name of the last known owner.
- A statement that the lot will revert to the Town unless a valid claim is made within 30 days.

The notice shall be:

- Mailed to the last known address of the owner or heirs (if available).
- Published in a newspaper of general circulation and on the Utah Public Notice Website for two consecutive weeks (per Utah Code §8-5-3).
- Posted at Town Hall for public viewing.

4. Response Period. The owner or heir must submit a written claim to the Town within 30 days of the date of the final notice publication. If a claim is submitted, the claimant must provide:

- Proof of ownership or legal heirship.
- Payment of any outstanding fees or maintenance costs (if applicable).

5. Reclamation Process. If no valid claim is received within the specified time, the Town may proceed with reclaiming the lot. The Town Council shall pass a Resolution of

Reclamation, officially terminating the original owner's burial rights. The reclaimed lot shall be returned to the Town inventory and may be resold or designated for public use.

Section 2.16.070 Perpetual Care

A. Nature of Care. The care and upkeep of the cemetery provided by the Town includes, but is not limited to, mowing the grass at reasonable intervals, laying sod, reseeding, filling in sunken graves, sprinkler irrigation, trimming trees and shrubs when necessary, removing wilted flowers and decorations, edging around headstones, and other clean-up as needed. Perpetual care does not include repairing or replacing markers, monuments, or other personal property.

B. Perpetual Care Fees. This fee is collected and used for the general care, maintenance, and improvement of the cemetery. Unless otherwise specified, perpetual care fees are included in the charges for burial rights. Voluntary contributions to perpetual care costs will be graciously accepted.

Section 2.16.080 Miscellaneous

A. Office Records. The official cemetery records are kept by the sexton. All business pertaining to the cemetery is to be transacted with the sexton. All maps and records are on file at the Town office. All owners of lots or spaces are requested to notify the sexton of any change of address.

B. Powers of Sexton. The Cemetery Sexton, subject to the direction of the Town Council, is responsible for enforcing the policies and procedures of the cemetery. The sexton may take such actions as necessary to protect property, graves, lot holders, and the cemetery from injury; to preserve peace and good order; and to prevent injury to the appearance of the lots, graves, grounds, and buildings.

C. Cemetery Fees. Fees for services are set by resolution of the Town Board and are changed from time to time as needed and without notice. A copy of the current fees charged is available from the sexton or the Town clerk. Additional charges will be made for interment on Saturdays.

D. Contractors and Outside Workers. Contractors and others having work to perform in the cemetery must make their business known to the sexton before work starts.

E. Boundaries, Roads, and Waterlines. The right to enlarge, reduce, re-plat, or change the boundaries of the cemetery or of a section or sections from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Wallsburg Town. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

F. Location of Documents. All maps, plats, records, and other documents pertaining to the Wallsburg Town Cemetery are on file with the Cemetery Sexton.

G. Liability of Cemetery. Wallsburg Town personnel will always exercise diligence and reasonable care in the protection of the rights and property of the lot holders but shall not be liable for any damage or loss.

H. Alteration and Repeal of Policies and Procedures. Wallsburg Town reserves the right to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto.