

[illegible]

WHEREAS, Lindon City finds it is necessary to amend the Cemeteries and Burials Regulations found in Lindon City Code; and

WHEREAS, the City desires to clarify and amend additional sections of the chapter to conform with other current practices; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, Chapter 8.32 of the Lindon City Code is hereby adopted and will read as follows:

CEMETERIES AND BURIALS

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8.32.030	Burial above ground prohibited.
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8.32.050	Only human burials permitted.
8.32.060	Vaults required.
8.32.070	Burial rights and ownership.
8.32.080	Burial permit required.
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64

65 Section 8.32.010 Definitions.

- 66 1. "Burial" means the opening and closing of a grave for the interment of a human remains.
- 67 2. "Cemetery" means any cemetery owned or operated by Lindon City for the purpose of
- 68 receiving the remains of deceased humans. The term also includes any cemetery operated within
- 69 the city limits of Lindon City.
- 70 3. "City" means Lindon City.
- 71 4. "Double Depth Burial" means the burial of the remains of two human bodies in the same
- 72 burial lot in separate vaults, one on top of the other.
- 73 5. "Double Burial" means the burial of two human bodies in adjacent burial lots.
- 74 6. "Infant" is defined as any child who is able to be buried in a casket no greater than thirty-six
- 75 inches (36") long.
- 76 7. "Lot" means a grave site in any cemetery owned by the City.
- 77 8. "Lot Owner or Purchaser" means the purchaser of burial rights or privileges evidenced by a
- 78 Burial Rights Certificate.
- 79 9. "Resident" is defined as a person who resides within the city and whose primary residence
- 80 has been within the city for at least thirty-one (31) days prior to a burial or purchase of burial
- 81 right.
- 82 10. "Veteran" is defined as anyone who has served in the Armed Forces of the United States,
- 83 including members of the National Guard and Reserves. A person who has had a dishonorable
- 84 discharge does not typically qualify as a Veteran. (Ord. 2014-15 amended 9/2/14) (Ord. 2012-4
- 85 amended 2/7/12, Ord. no. 3-94, amended 2-94, effective date 2-17-94; Ord. no. 11-92, enacted
- 86 11-5-92.)

87

88 Section 8.32.020 Interment in cemeteries.

89 No human remains shall be interred within the city limits of Lindon City except in a cemetery
90 operated by the city or a cemetery otherwise established and operated in accordance with the
91 laws of the State of Utah. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

92

93 Section 8.32.030 Burial above ground prohibited.

94 It is unlawful for any person to bury the body of a deceased person in any structure above the
95 ground. (Ord. no. 11-92, enacted 11-5-92.)

97 Section 8.32.040 Cemetery hours.

98 It shall be unlawful for any person other than city and cemetery employees performing their
99 duties to be in any cemetery between the hours of 11:00 p.m. and 6:00 a.m. (Ord. no. 11-92,
100 enacted 11-5-92.)

102 Section 8.32.050 Only human burials permitted.

103 There shall be no burial of anything other than the remains of human bodies in any cemetery.
104 (Ord. no. 11-92, enacted 11-5-92.)

106 Section 8.32.060 Vaults required.

107 It shall be unlawful for the remains of any dead human body to be buried in any cemetery unless
108 the casket is placed in a concrete or steel vault approved by the city sexton. No wood or
109 fiberglass shall be used in the construction of any part of any vault. Exceptions to the provisions
110 of this Section may be granted for infant or cremation burials only. In such instances, the design
111 and construction of the burial vaults shall be approved by the city sexton. (Ord. no. 11-92,
112 enacted 11-5-92.)

114 Section 8.32.070 Burial rights and ownership.

115 1. All property in a city cemetery, including lots, blocks, and grave sites, is the exclusive
116 property of the city. A burial right granted by the city is merely a right to be buried on city
117 property.

118 2. Burial rights in a city cemetery are granted to the person or persons named in the Burial
119 Rights Certificate.

120 3. No person, except the owner of the burial rights on a lot, shall be buried on that lot, unless a
121 form provided by the city sexton has been signed by the owner giving permission for someone
122 else to be buried on the lot.

123 4. Upon the death of the owner of the burial right, the burial right may be used for the burial of
124 the owner. If not so used, the burial right shall pass to the owner's heirs or beneficiaries in
125 accordance with applicable law, provided however, the burial right to any one lot shall not be
126 divided in fractional interests except as otherwise permitted by the city for infant and urn burials.
127 (Ord. 2014-15 amended 9/2/14) (Ord. no. 3-94, amended, 2-94, effective date 2-17-94; Ord. no.
128 11-92, enacted 11-5-92.)

130 Section 8.32.080 Burial permit required.

131 No remains of any dead human body shall be buried within any cemetery unless a proper burial
132 permit has been issued by the city sexton. Burial shall not begin any sooner than 24 hours after
133 the issuance of a burial permit.

134 (Ord. no. 11-92, enacted 11-5-92.)

136 Section 8.32.090 Exhumations.

137 No exhumations shall be permitted without written permission of the city sexton. It is unlawful,
138 within two years from the date of burial, for any person to exhume the body of a person who has

died of a contagious disease unless such body has been buried in a hermetically sealed coffin and is found to be so encased. All exhumations must comply with applicable state law. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.100 Double depth burials.

Double depth burials are not allowed in any location in any cemetery, except where double depth burial rights have previously been issued by the city. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.110 Burials per lot.

Only one burial shall be allowed per lot, except as follows:

- a. Double depth burial rights purchased prior to June 20, 2008 will be permitted.
- b. Burial of up to four (4) urns per full-size lot (40" x 100"), or two (2) urns per half-sized lot (40" x 50") is permitted.
- c. Burial of up to two (2) infants per full-size lot (40" x 100"), or one (1) infant per half-sized lot (40" x 50") is permitted.

(Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.120 Traffic regulations.

The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall apply in all city cemeteries. In addition the following traffic regulations apply in all city cemeteries:

1. It is unlawful for any person to drive a motor vehicle upon any cemetery lot, back over any grave, cut a corner or drive such vehicle upon any part of the cemetery which is not an established roadway; provided, however, that this provision shall not apply to city employee's in the discharge of their duties.
2. It is unlawful for any person to drive a motor vehicle within a city cemetery at a speed greater than ten (10) miles per hour in areas where speed limits are not posted, or at such other lesser speed as is reasonable and prudent under existing conditions, having regard for actual and potential hazards. Where speed limits are posted, it is unlawful for any person to drive a motor vehicle in excess of the posted speed limit.
3. Whenever signs have been installed by the city, directing traffic to proceed in one direction only upon any street in a city cemetery, it is unlawful for any person to disobey such signs and drive a motor vehicle in the opposite direction. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.130 Funeral processions.

Funeral processions passing through the city shall proceed to the place of interment under the direction of the funeral director. Within city cemeteries, city employees and/or funeral directors and their staff may direct traffic for the purposes of maintaining traffic flow and for the proper parking of vehicles. All vehicles in city cemeteries shall be driven in a careful and orderly manner. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.140 Right to maintain city cemeteries.

The city sexton shall have the right to enter upon any lot to perform all work necessary for the maintenance of any city cemetery. The city sexton, or appointed designee, shall be responsible

for the total maintenance of city cemeteries. The city shall not be responsible for the repair or replacement of grave markers of any nature. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.150 Plantings in city cemeteries.

~~No planting shall be allowed in city cemeteries~~ Planting of shrubs, trees, flowers, lawn, or other plantings, or placement of rocks, markers, or similar objects by private individuals is prohibited, except when such planting has been approved by the city sexton. In determining whether to allow private planting, the city sexton shall consider whether the planting is in harmony with the cemetery landscape and if the planting will interfere with cemetery maintenance and safety. Any object, flower, shrub, tree, or decoration not in compliance with this Section may be removed immediately by the city sexton. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.160 Grave decorations.

~~All natural floral arrangements in city cemeteries shall be allowed to remain until removal is required for maintenance purposes, but in any event not longer than five days. All floral arrangements may be removed by the city sexton at any time. Glass containers shall not be allowed. Any objects such as wires, sticks, pegs, irons driven into the ground, or any other objects which interfere with maintenance of a city cemetery shall not be permitted. All grave decorations and other personal property left in the city cemetery shall be presumed to have been abandoned to the city. Properly displayed flowers and decorations add to the beauty and character of the cemetery. In order to preserve the unique character of the cemetery the following rules and regulations for grave decorations have been established:~~

- a. Lindon City is not responsible or liable for any flowers or decorations left in the cemetery. All grave decorations and other personal property left in the cemetery shall be presumed to have been abandoned. Special mementos desired to be kept should be removed at the conclusion of the graveside service.
- b. Grave decorations or arrangements, real or artificial, shall be permitted if placed directly on top of the headstone. The decorations shall be allowed until such time as they become faded, worn, weathered, or otherwise unsightly after which they will be removed and disposed of at the discretion of cemetery personnel.
- c. Any object not kept on the headstone and placed in the grass area, or extending over the grass area, will be removed and discarded, except during the following circumstances:
 - i. Funeral decorations will be allowed anywhere on a new burial lot (including on the grass) for seven (7) days after the graveside service, after which all items will be removed and discarded.
 - ii. Beginning on the Friday before Memorial Day until the Sunday after Memorial Day, grave decorations will be allowed anywhere on the burial lot (including on the grass). After the first Monday following Memorial Day, cemetery personnel may remove and dispose of all grave decorations on the grass and other faded or worn flowers or decorations on the headstone.
- d. Decorations on trees, shrubbery, or fences are not permitted and will be removed and discarded.
- e. Except as noted above for new burials and Memorial Day, any objects driven into the ground such as wires, ornamental iron, shepherd hooks, solar lights, sticks, pegs,

- 231 flags, toys, air socks, balloons, outdoor lighting, pinwheels, etc. are not permitted and
232 will be removed and discarded.
- 233 f. Glass, porcelain, glass covered picture frames not mounted to the headstone, or other
234 breakable containers or objects are not allowed and will be removed and discarded.
- 235 g. Shepherd hooks or similar ornamental iron for hanging decorations are permitted if
236 secured to the headstone by means of holes drilled into the headstone or by other
237 secure attachment directly on top of the headstone. These hooks must be easily
238 removable by cemetery personnel and may not project horizontally beyond the
239 headstone (over the grass area) nor can they exceed six feet in height from the ground
240 elevation.
- 241 h. Outlining of headstones using bricks, rocks, flowers or other decoration or device is
242 prohibited.
- 243 i. Decorations or objects deemed hazardous, inappropriate, or conflicting with
244 maintenance of the cemetery may be removed and discarded at any time by cemetery
245 personnel.

246 (Ord. no. 11-92, enacted 11-5-92.)

247
248 Section 8.32.170 — Artificial flowers.

249 ~~Artificial flowers, windmills, toys, rocks, wrought iron, or other ornamentation shall not be~~
250 ~~placed in city cemeteries. The city sexton may remove and dispose of any such ornamentation at~~
251 ~~any time. (Ord. no. 11-92, enacted 11-5-92.)~~

252
253 Section 8.32.180 Private improvements prohibited.

254 It shall be unlawful for any private person to erect or maintain any structure, fence, corner post,
255 coping, or hedging of any kind upon any lot, street, or driveway in a city cemetery, or grade the
256 ground or land thereof. (Ord. no. 11-92, enacted 11-5-92.)

257
258 Section 8.32.190 Grave markers.

259 All headstones or grave markers in city cemeteries shall comply with the size, type, placement,
260 and other requirements of this Section. All grave markers shall be installed under the direction
261 of the city sexton. Within 90 days after the interment of any dead human remains in any lot, the
262 owner of any burial rights or relatives of the interred person shall place or cause to be placed
263 upon the grave a suitable grave marker with the name of the deceased person plainly inscribed
264 thereon. If any person does not comply with this requirement, the city may install a grave
265 marker to identify the deceased and collect the cost of the purchase and installation of the grave
266 marker from the persons otherwise responsible for the placement of such marker. Markers,
267 monuments, or structures other than those explicitly provided for in this Section shall not be
268 placed upon any lot.

269 1. Size of markers. All grave markers shall be placed on a concrete foundation at least six
270 inches thick and shall have a maximum length of 40 inches for single burials, and 80 inches for
271 double burials, and shall have a maximum width of 40 inches for both single burials and double
272 burials. Markers where infants or urns are buried shall not exceed 40" x 25".

273 2. Type of markers. All grave markers shall be placed flush with the ground. No upright
274 headstones shall be allowed in the cemetery.

275 3. Placement of markers. All grave markers shall be placed at the head of the grave. Exceptions
276 to this rule shall apply only in the Veteran's Section of city cemeteries, if such Section exists,

where one additional grave marker, supplied by the Veteran's Administration, may be placed at the foot of the grave. (Ord. 2014-15 amended 9/2/14) (Ord. no.11-92, enacted 11-5-92.)

Section 8.32.200 Burial of indigents.

A portion of any cemetery (either as a group of plots together or plots dispersed throughout the cemetery) may be designated by the City Council for the burial of indigents, provided however that indigents shall have no inherent right of burial in city cemeteries. Whenever it is determined by the City Administrator that any resident of Lindon who has died, who does not have funds or an estate sufficient to pay the cost of a burial right in the cemetery, and whose nearest relative or representative desires to have the body of such deceased interred in the city cemetery, the City Administrator may grant a burial right for such deceased person at no cost and waive all city fees associated with the burial. All strangers without known relatives or funds who die in the City may be accorded the same privilege. (Ord. no. 11-92, enacted 11-5-92.) (Ord. 2000-7, Amended, 10/04/2000)

Section 8.32.210 Infant or urn burial lot.

A portion of any cemetery may be reserved for the burial of infants or urns in reduced sized lots as established by the city. Vaults used in such portion of a cemetery shall be a maximum of thirty-six inches (36") in length. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.220 American veteran burial lot.

A portion of any cemetery may be reserved for the burial of American Veterans and their spouses. (Ord. 2014-15 amended 9/2/14) (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.230 Animals prohibited.

No animal shall be allowed in a city cemetery except in the confines of a vehicle. It shall be unlawful for the owner, agent, caretaker, or other person or persons in charge of any animal to permit any animal to run at large or trespass on any city cemetery grounds. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.240 Persons and activities not permitted in city cemeteries.

1. Only cemetery patrons are allowed in city cemeteries.
2. Children under 12 years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult 18 years of age or older.
3. It shall be unlawful to engage in recreational activities in city cemeteries. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.250 Holiday funerals.

Interments or exhumations shall not be allowed on any City observed holiday or on Sundays, or on Memorial Day weekend beginning on the Saturday preceding Memorial Day through Memorial Day; provided however, that a burial may be permitted on any of the days described above if the deceased died of a contagious disease. (Ord. 2012-4 amended 2/7/12, Ord. 2010-5, adopted 8/17/2010, Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.260 Fees.

323 All prices, fees, and charges pertaining to city cemeteries shall be established by resolution of the
324 city Council. No burial, opening, closing, interment, or exhumation shall take place until all
325 appropriate fees have been paid to the city and no certificate of burial rights shall be given to a
326 purchaser until the entire cost of the burial right has been paid in full. In addition, reasonable
327 charges may be imposed for digging of graves, inspections, and other services performed. Fees,
328 prices, and charges may be changed at any time, shall be part of the fee schedule within the city
329 budget, and shall be available for public inspection. The city may charge different fees for
330 residents and non- residents. Residency shall be determined by the residency of the named
331 owner as shown on the Certificate at the time of purchase of a right of burial. If a person to be
332 buried is deceased at the time of purchase of the burial right, residency shall be determined by
333 the residency of the deceased person, at the time of death. (Ord. no. 3-94, amended 2-94,
334 effective date 2-17-94; ord. no. 11-92, enacted 11-5-92.)

335
336 Section 8.32.270 Resale restricted.

337 No person who owns any burial right in a city cemetery shall sell such burial right to any buyer
338 except the city. In the event the city elects to repurchase the burial rights, the repurchase price
339 shall be the lesser of the original purchase price of the rights or the current selling price at the
340 time of repurchase. (Ord. no. 11-92, enacted 11-5-92.)

341
342 Section 8.32.280 No right to burial in specific location.

343 A burial right granted by the city does not entitle the owner thereof to any right to burial in a
344 specific location or lot in a specific city cemetery or even the right to burial in a city cemetery.
345 The city may substitute another lot if more than one right to burial for a specific lot has been sold
346 or if title to the lot or parcel has been sold by the municipality. The city may also refuse to bury
347 any person in a city cemetery and repurchase the burial right by paying the owner thereof the
348 reasonable value of the right on the date the certificate is presented to the city, or may provide
349 for burial rights in another private or public cemetery. (Ord. no. 11-92, enacted 11-5-92.)

350
351 Section 8.32.290 Care of lots.

352 The city shall determine the extent of care to be given to the city cemetery, including lots related
353 to sold and unsold burial rights. (Ord. no. 11-92, enacted 11-5-92.) (Ord. 2014-15 amended
354 9/2/14)

355
356 Section 8.32.300 Damaging property.

357 It shall be unlawful for any person to damage, injure, deface, take, or carry away any monument,
358 tree, shrub, lawn, building, structure, or facility, on the grounds of any city cemetery except with
359 the prior written permission of the city sexton. The city shall not be responsible or liable for
360 flowers or other personal property left at a city cemetery. (Ord. no. 11-92, enacted 11-5-92.)

361
362 Section 8.32.310 Burial information.

363 Relatives of a deceased person, funeral directors, and any other person requesting burial of a
364 body in the city cemetery shall provide the sexton information identifying the deceased,
365 including but not limited to decedent's name, place of death, and name and address of the funeral
366 director or other person making the interment. Written authorization must be made by a burial
367 right owner or successor in interest of the decedent prior to interment of a body in a lot. The city
368 will record and maintain a record of each Certificate of Burial Right. All new certificates will be

recorded with Utah County bi annually, no later than January 1 and July 1 of each year. The city will file an accurate plat of the cemetery with Utah County clearly showing sections of burial lots which have been disposed of and the names of persons owning each burial right and sections of burial rights held for disposal. Additional plats for additions to the cemetery will be filed with Utah County before offering for sale any burial rights located in the cemetery. (Ord. no. 11-92, enacted 11-5-92.) (Ord. 2014-15 amended 9/2/14)

Section 8.32.320 Forfeiture of burial rights.

A burial right or lot that remains unused for a period of 120 years after the date of issuance of the Certificate of Burial Right shall revert to the city in accordance with procedures and notice requirements set forth in Title 8, Chapter 5, U.C.A. and as may be amended hereafter. However, a burial right or lot will not revert to the city if the Owner provides proof of a valid interest in the burial right or lot within the time frames set forth in said statutes. Upon receiving proof of a valid interest in the burial right or lot, the city shall, at no cost to the owner, issue a new Certificate which shall be valid for an additional 120 years. The Owner of a burial right or lot that has reverted to the city, upon providing proof of a valid interest in a burial right or lot that was reclaimed, shall have a right to redemption or other compensation, at the option of the city, in accordance with state law. (Ord. no. 11-92, enacted 11-5-92.; Ord. no. 2014-9, Amended 4-1-14.)

Section 8.32.330 Rules and regulations.

The city sexton, with approval of the City Council, may prepare and enforce such other printed rules and regulations for the operation of city cemeteries as will cover matters necessary for, or useful in, the operation of city cemeteries, and which are not contained in this Code. (Ord. no. 11-92, enacted 11-5-92.)

Section 8.32.340 Violation misdemeanor.

Any person who violates any provision of this Chapter is guilty of a class C misdemeanor. Every day a violation of this Chapter continues shall constitute a separate violation. (Ord. no. 11-92, enacted 11-5-92.)


SECTION II: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby are repealed or amended as provided herein.

SECTION III: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect. If a provision of this ordinance is invalid in one or more of its applications, then the provision remains in effect for all applications that are severable from the invalid applications.


SECTION IV: This ordinance does not affect the rights or duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

414 **SECTION V:** This ordinance shall take effect immediately upon its passage and posting as
415 provided by law.
416

417 PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City,
418 Utah, this 15 day of November, 2016.
419

420
421 
422 Jeff Acerson, Mayor
423

424 ATTEST:

425 
426 Kathy A. Moosman, Recorder
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429
430

