

ORDINANCE NO. 2013 - 05

**AN ORDINANCE PROVIDING FOR THE ORGANIZATION, CONTROL,
AND MAINTENANCE OF FACILITIES AND SERVICES
AT THE WENDOVER CITY CEMETERY**

Be it enacted and ordained by the City Council of Wendover City, Utah as follows:

SECTION ONE: PURPOSE.

The City of Wendover, Tooele County, Utah is authorized by law to regulate boundaries within the geographic boundaries of the City. The City finds the adoption of this ordinance necessary and appropriate for the organization, maintenance and care of the facilities and services at the City Cemetery. The City passed ordinances to this effect in 1991, 2005, 2006 and 2008. This ordinance is for the purpose of bringing clarity to City rules and regulations in this regard.

SECTION TWO: ENACTMENT.

Wendover City hereby adopts this ordinance entitled, Cemetery Organization, Control, Maintenance of Facilities and Services which Title, Chapter and Sections are hereby adopted and enacted as a part of the Wendover City Code. Title 4, Cemetery, Chapter 1: General Provisions as enacted by this ordinance is attached hereto and by reference is made a part hereof, as though fully set forth:

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Title 4: Cemetery

Chapter 1: General Provisions

Sections:

- 4-1-1 Definitions
- 4-1-2 Cemetery's Name
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- 4-1-16 Animals in Cemetery
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- 4-1-18 Fees and Charges
- 4-1-19 Penalties
- 4-1-20 Intent

Section 4-1-1 Definitions.

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

- (1) Block. The term "Block" shall mean a land area of one or more lots.
- (2) Cemetery. The term "Cemetery" shall mean any Cemetery owned or maintained by the City for the purpose of receiving the remains of deceased humans for earth interment
- (3) Cemetery Office. The term "Cemetery Office" shall mean the main office maintained as the Wendover City Offices, 920 East Wendover Blvd., Wendover, Utah.
- (4) Certificate. The term "Certificate" referred to in this Ordinance shall mean Burial Right Certificate.
- (5) Certificate Holder. The term "Certificate Holder" is intended to mean and shall be construed to mean owner or purchaser of burial rights and privileges, or the collateral right of use of any burial plot, evidenced by a Burial Right Certificate or by proved and recognized descent or devise from the original owner.

- (6) City. The term “City” as hereafter used in this Ordinance shall mean Wendover City, Utah, whether or not so designated.
- (7) Council or City Council. The terms “Council” or “City Council” shall mean the City Council for the City of Wendover, Utah.
- (8) Human Remains. The term “Human Remains” shall be construed to mean any portion relating to that of a deceased human being.
- (9) Lot. The term “Lot” shall apply to numbered divisions as shown on the record plat which consists of two or more plots.
- (10) Lot Marker. The term “Lot Marker” refers to the cement blocks approximately six (6) inches by six (6) inches by twelve (12) inches used by the Cemetery and located in the northeast corner of the lot or plot
- (11) Marker. The term “Marker” means a temporary, small grave name plate which an insert may be provided to temporarily mark the location of an interment.
- (12) Monument. The term “Monument” shall include a tombstone or headstone of granite, marble, or metal substances which shall be at least flush with the surface of the ground and not exceeding four and a half feet (4 1/2’) in height.
- (13) Perpetual Care. The term “Perpetual Care” shall refer to the maintenance care that the City agrees to give and shall consist of care of the Cemetery generally, but shall not include repairing or replacing marker or monument structures of any nature, except when the need for repair or replacement is directly caused by the City.
- (14) Person. The term “Person” shall mean individual, group, partnership, firm, corporation or association.
- (15) Plat. The term “Plat” shall mean a land area designated by a letter in the alphabet (namely A, B, C, D, and E) that is bordered by roadways and is one or more blocks.
- (16) Plot. The term “Plot” shall apply to a space of sufficient size to accommodate one adult interment approximately forty (40) inches by ninety-six (96) inches or one infant interment approximately twenty-eight (28) inches by fifty-two (52) inches.
- (17) Responsible Party. The term “Responsible Party” shall refer to any person selected by the family of the deceased to act in its behalf and can include the heir apparent, religious leader, mortician, funeral director, or any other person the family selects in choosing graves, making available information on the deceased party, and taking full liability for the family obligations concerning the services performed on the Cemetery's property.

- (18) Sexton. The term “Sexton” shall mean the appointed keeper of the Cemetery as appointed by the City Administrator, and whose duties are described in this Ordinance.
- (19) Words. Single words shall include the plural, and masculine words shall include the feminine and neuter.

Section 4-1-2 Cemetery Name.

The burial ground of the City of Wendover, Utah shall be known and designated by the name “Needlepoint Gardens.” The Cemetery may also be referred to as the “Wendover City Cemetery.”

Section 4-1-3 Cemetery Sexton.

The position of Cemetery Sexton is hereby created.

Section 4-1-4 Duties of the Cemetery Sexton.

- (1) Maintenance of Cemetery. It shall be the duty of the Cemetery Sexton, or his representative, to supervise, manage, operate, maintain and improve the Cemetery in accordance with the provisions of the City Ordinances and the rules and regulations adopted by the City Council.
- (2) Cemetery Records. It shall be his duty to keep a true and correct plat of the Cemetery showing the location of all burial plots and such other information as the City Council may prescribe and shall keep or have kept such other records regarding the Cemetery as the City Council shall direct.
- (3) Layout/Digging of Ground. He shall direct the layout and digging of all graves required for burial therein, to direct all removals, changes and other authorized operations.
- (4) Funeral Corteges. He shall take charge of all funeral corteges while in the environs of said Cemetery and to regulate all traffic within the Cemetery as deemed necessary.
- (5) Claims Against Cemetery. He shall approve all claims chargeable against the Cemetery and shall furnish such information regarding the Cemetery as the City Council may from time to time require.
- (6) Employment of Others. He may employ such help as shall be necessary to carry out the duties prescribed by the City Ordinances and by the rules and regulations adopted by the City Council.
- (7) Additional Regulations. He shall have the authority to promulgate additional regulations, with the approval of the City Council, concerning the care, use, maintenance and government of the Cemetery not in conflict herewith, as shall from time to time prove necessary.

- (8) Authorization of All Work. Any person or firm desiring to perform any work within the Cemetery must first secure the approval and written permission of the Sexton. All settings of vases, monuments and all plantings of trees, shrubs and flowers must be approved by the Sexton before the work is commenced and all work shall be performed under his direction.
- (9) Removal of Grave Decorations and Floral Displays. It shall be the duty of the Sexton to remove floral pieces or displays left on any grave as he deems necessary.

Section 4-1-5 Internments.

- (1) Dead Must Be Buried in Cemetery. Nothing other than human remains shall be interred within the Wendover City Cemetery, and no Cemetery shall be established without the express written permission of the City Council.
- (2) Interment Order Is Required. Before burying human remains in the Cemetery, there shall be procured from the City Office an Interment Order for the deceased person in such plot, lot, block and plat as may be designated by the responsible party. This order must be executed forty-eight (48) hours prior to the scheduled funeral service.
- (3) Orders and Responsibilities. Under no circumstances will the City assume responsibilities for errors in opening graves when orders are given by telephone or for any mistake occurring from want of precise and proper instructions as to the particular plot, size of grave, and location where interment is desired.
- (4) Schedule Use of Cemetery. Funeral directors must schedule the use of the Cemetery, have the Interment Order signed, and have fees paid in full before arrangements with the family are concluded.
- (5) Right of ownership to Bury. No person, except the certificate holder of a lot upon which interment is to be made, shall use a plot or lot in the Cemetery, without first obtaining written permission from the certificate holder of said lot, or nearest relative of the certificate holder thereof, or legal heirs, which permission shall be filed with the City Office.
- (6) Number of Bodies Per Interment. No interment of two or more bodies shall be made in one grave except in the case of a parent and child or two infants buried in one casket.
- (7) When Body Must Be Delivered For Burial. The human remains must be delivered at the Cemetery at or before 3:00 p.m. (November 1 to April 30) and at or before 4:00 p.m. (May 1 to October 31) for interment if the grave is to be filled in with earth the same day.

- (8) No Interments on Sunday or Holidays. Except in cases of emergency, there shall be no interments on Sundays or legal holidays observed and approved by the City Council. No interments or removals whatsoever will be permitted between 12:00 noon on the Friday before Memorial Day and 12:00 noon on the Tuesday after Memorial Day.
- (9) All Interments Must Be in Vaults, Exception for the Burial of Infants. It shall be unlawful for any remains to be interred in the Cemetery unless the casket or urn shall be placed in a vault made of reinforced concrete, stone or metal. The remains of infants may be interred in a casket-vault combination.

Section 4-1-6 Disinterment.

- (1) Direction of Disinterment's. No person shall disinter any human remains in the Cemetery, except under the direction of the Sexton. All disinterment's shall comply with applicable State Law.
- (2) Order for Disinterment. The Order for Disinterment shall include the name of the deceased, when and where born, when and where the place of death occurred, together with the name of parents and spouse, also the date of burial, as well as the name of the Cemetery, with the initial letter of the plat, and the place of destination if disinterred and transferred beyond the environs of the Cemetery.
- (3) Burial Transit Permit. If the disinterment is to be transported outside the environs of the Cemetery, the City Office shall require a written Order For Disinterment together with a Burial Transit Permit from the Tooele County Department of Health to be executed by the certificate holder or his heirs authorizing such removal at least one (1) week prior to the day of the disinterment.
- (4) Disinterment Responsibility. The City assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.
- (5) Disinterment of Bodies of Persons Dying From contagious Diseases. It shall be unlawful for any person to remove the body of a person who has died of a contagious disease within two (2) years from the date of burial unless the body has been buried in a hermetically sealed coffin, or vault, and is found to be so encased at the time of removal.
- (6) Disinterment Fee. Fees for disinterment's will be charged according to the work involved, with a base fee established by the City Council.

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- (7) Correction of Errors. The Cemetery reserves, and shall have the right to correct any errors that may be made by it either in making interments, disinterment's or removals, or the description, transfer or conveyance of any interment property, either by cancelling such conveyance and substituting any conveying in lieu of other interment property of equal value and similar location as far as possible, or as may be selected by the City Office, or, in the sole discretion of the City Office, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the disinterment of the remains of any person in such property, the Cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- (8) Cost Credit. In the event of disinterment, the right to burial of said plot(s) reverts to the City and the value at time of purchase will be applied to re-interment, if in the Wendover City Cemetery.
- (9) All Interments Must Be In Vaults. It shall be unlawful for any remains to be interred in the Cemetery unless the casket or urn shall be placed in a vault made of reinforced concrete, stone, or metal.
- (10) Fees To Be Paid For Opening Grave. No grave will be opened in the Cemetery until the payment of interment fee, burial right fee and other applicable fees as established from time to time by Resolution of the City Council are paid in full to the satisfaction of the City Recorder. The presentation of the Interment Order from the City Office to the Sexton will be his authority to open or cause to be opened a grave for the burial of the deceased. However, upon a verbal or written contract being entered into between the mortician and the City wherein the said mortician agrees to guarantee, be responsible and liable for fees for the opening of a grave, or any other applicable fees related to the interment, and be personally liable for such fees, the City Office may give the Sexton authority to open graves. The said mortician then has thirty (30) days from date of interment to pay in full all outstanding fees related to his guaranteeing of payment.
- (11) The Casket Within The Cemetery. Once a casket containing the human remains is within the confines of the Cemetery, no funeral director nor his embalmer, assistant, employee, agent or any other person, shall be permitted to open the casket or to touch the body without the written consent of the legal representative of the deceased or an order signed by a court of competent jurisdiction.

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- (12) Persons Permitted to Open Graves. The Sexton, and those employees of the City designated by the Sexton, are the only persons who will be permitted to open graves with the following exceptions:
- a. When the Cemetery is directed to make a disinterment by order of a court of a competent jurisdiction and a certified copy of such order has been filed with the City Office.
 - b. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the City Office his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. City employees will not be permitted to assist the coroner or his agents.
- (13) The Deceased Identity. The City will not be liable for the identity of the person to be interred.
- (14) Burial of Indigents. The City Council, with the advice of the Sexton, may designate a portion of the Cemetery for the burial of indigents whenever it is made to appear to the Sexton, by proof submitted to him by the City Recorder, that any person who has died does not have an estate sufficient to pay the purchase price of burial rights in the Cemetery, and the nearest relative or responsible party of such deceased person desires to have the body of such deceased interred in said Cemetery, the Sexton may grant burial space privileges for such deceased person at the request made to him by the City Recorder . The Sexton shall give report of his decision, whether affirmative or negative, to the City Council at their next regular meeting.
- (15) Remuneration to Certificate Holder. Certificate holders shall not allow interments in their plots or lots in return for remuneration of any kind.
- (16) Interment Responsibility of Responsible Party. Persons responsible for the deceased will have full liability for the remains of the deceased when it enters the grounds of the Cemetery and will have complete charge of those remains and will cause the deceased to be lowered into the grave site. After this has been accomplished, the Sexton or his representative will take charge of the remains and will proceed thenceforth with the closing of the grave.
- (17) Access to Interment Area. The Sexton or his representative has the perpetual right of ingress and egress over any part of the Cemetery burial plat areas and shall use reasonable care in protecting all existing turf, monuments, grave flowers, grave decorations, trees or existing shrubbery in order to cause the opening and closing of graves with the required vehicles, equipment, tools and personnel.
- (18) Overtime Charges. Saturday services will be charged an additional fee as set forth by Resolution of the City Council in addition to the standard interment fee.

(19) Infant Burials.

- a. In lieu of a concrete, stone or metal vault, the use of casket-vault combination is permissible for the burial of infants' remains. Otherwise, a concrete, stone or metal vault shall be used as required elsewhere in the Cemetery.
- b. In the event of disinterment, the right to burial reverts to the City and the value will be applied to re-interment, if in the Wendover City Cemetery.

Section 4-1-7 Sale of Burial Rights.

- (1) Duties of City Recorder. The City Recorder, and such other persons as the City Recorder may designate, are hereby authorized to sell the use of burial plot(s) in the Cemetery for interment purposes only and to collect all sums arising from such sale. The City Recorder shall keep a complete record of all sales, which record shall describe the location of the burial plot(s) purchased and the price paid therefore. The purchaser shall receive a receipt describing each right of use so purchased, together with the amount paid and the balance, if any. The City Recorder shall retain a duplicate copy in the Cemetery receipt book.
- (2) Price Set by City Council. The City Council may establish by Resolution the burial right fee for all Cemetery lots or parts thereof and shall include the perpetual care fee on said lots or parts thereof.
- (3) Lot Payment Required Prior to Burial. It shall be unlawful for any person to bury the remains of a deceased person in the Cemetery without first paying in advance, and before the opening of the plot to be occupied, the full cost for use of said plot.
- (4) Burial Right Certificate. A Burial Right Certificate 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 any Cemetery services.
- (5) Restrictions of Resale. Burial rights to any plot or lot shall not be sold, transferred, conveyed, or assigned by the purchaser or certificate holder except to the City or to direct heirs. The City hereby agrees to buy back the use of any plot or lot for the original price paid.
- (6) Certificate Transfer Fee. Whenever plots or lots are transferred, or revert to the City, or become vested in the municipality for any reason, the original Certificate shall be cancelled, and the record shall be so changed before new Certificates are issued. A transfer fee as set forth from time to time by Resolution of the City Council shall be paid to the City Recorder for such transaction. The City shall be the sole judge of the size of the plot or the number of plots to be sold to any person or family.

- (7) Installment Purchase Contract. Upon adoption of this Ordinance, the creation of the Installment Purchase Contract will take effect. Said contract will be executed in accordance with the following conditions:
- a. Nonrefundable deposit of 25% of cost of each space made on the date of purchase.
 - b. Balance paid within eighteen (18) months of purchase date.
 - c. No interest charged on balance.
 - d. Installment Purchase Contract executed on the date of purchase.
 - e. If default occurs, the spaces revert to the City and payments made are forfeited to the City.

The provisions of said Contract shall be governed by the City Council and changes, amendments, alterations may be implemented by the City Council as the need may arise. In no event shall title to any plot or lot pass to the purchaser, nor shall any person be buried therein until the purchase price for the use of said plot or lot thereof has been paid in full.

- (8) Forfeiture of Burial Rights. The failure to pay the full purchase price within eighteen (18) months from the date a contract was signed by the purchaser shall result in the forfeiture of all right, title or interest in the purchaser's burial plot(s). The forfeiture shall become effective ten (10) days after written notice to the purchaser which shall be sent certified United States Mail, return receipt requested.
- (9) Plot Exchange. In the event the Sexton or any party desire to exchange one plot(s) inside the Cemetery with another plot(s) they may do so by informing the City Recorder of their desire and paying for the Certificate Transfer Fee .
- (10) Correction of Errors. See section 4-1-6 No. 7
- (11) Right to Re-plat. The right to enlarge, reduce, re-plat or change the boundaries of grading of the Cemetery or a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives, or walks, or any part thereof is hereby reserved. The right to lay, maintain, operate, alter or changed pipelines for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use Cemetery property not sold to individual plot owners or plots reclaimed for Cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto.

Section 4-1-8 Reclamation.

- (1) Reclamation of Unused Lots. The City shall reclaim any unused burial site which has been unused for burial purposes for more than one hundred (100) years from the date a purchase agreement is signed by the purchaser. The City Council by virtue of its adoption of this Ordinance, authorizes and mandates the Sexton to reclaim any such site(s). Prior to reclaiming any lot or portion thereof, proper notification procedures, as provided in Section 4-1-7 No. 8, above, will be followed. The City Council reserves the right to amend the notification procedure as to extend the process of said procedure. Descendants or other heirs shall have preference over non-heirs or non-descendants in purchasing a Burial Right on the lots or portions thereof being reclaimed. The cost of the burial right(s) will be at current purchase price.
- (2) Forfeiture of Burial Rights. See section 4-1-7 No. 8

Section 4-1-9 Perpetual Care.

- (1) Perpetual Care Fund. A perpetual care fee in the amount set forth from time to time by Resolution of the City Council shall be required for each burial plot(s) upon the sale of the burial plot use. The fee paid for perpetual care shall be kept in a special fund. The annual interest income from the perpetual care fund shall be used to assist in the care, maintenance and operation of the Cemetery.
- (2) Perpetual Care Defined. Perpetual care shall be deemed to include general grounds maintenance, but shall not include repairing or replacing monuments of any nature, except when the need for repair or replacement is directly caused by the City.

Section 4-1-10 Capital Improvement Fund.

- (1) Establishment of Capital Improvement Fund. There is hereby established a Capital Improvement Fund for future expansion of new burial sites and portions thereof and construction of fixtures as deemed necessary in the Cemetery, and there shall be deposited in the fund 1/3 of the burial right fees after the effective date of this Ordinance. The sum total of these monies collected and deposited and interest accrued thereon will go solely for the purposes of capital improvement or expansion of the Cemetery.

Section 4-1-11 Monuments.

- (1) Installation/Removal. The certificate holders of spaces or relatives of the deceased person(s) buried in the Cemetery may not install or remove, or cause the installation or removal, of any type of monument on any grave space(s) without first obtaining the approval of the Sexton.
- (2) Height Requirement. Monuments shall be at least flush with the surface of the ground and not exceeding four and a half feet (4 1/2') in height.

- (3) Cement Border. Grave monuments shall have and be set in a finished, grass-level cement base or apron (commonly known as a mow strip) extending outward from the outer perimeters of the stone or metal grave monuments for at least four inches (4"), so that the lawn may be cut conveniently without contact to the headstone or marker.
- (4) Length of Grave Monument. The combined length (extending north/south) or the mow strip and grave marker shall not exceed forty inches (40") for a single headstone; eighty inches (80") for a double headstone; or one hundred twenty inches (120") for a triple headstone.
- (5) Installation. The installation of all grave monuments will be under the supervision of the Cemetery Sexton. A notice to the City Office by the Monument Company or responsible party must be made at least twenty four (24) hours prior to the installation.
- (6) Location of Grave Monuments. All grave monuments shall be set with the outside west edge of the burial space on the marker placement line as established by the Sexton or his representative.
- (7) Failure to Comply. Wendover City shall place marker on any an grave following the interment but before a monument is placed.
- (8) Burial Right Paid Prior to Setting of Headstones. Before any marker or monument may be placed on any plot(s), the full purchase price for use of said plot(s) must be paid in full whether or not the plot(s) are occupied with human remains.
- (9) Marker/Monument Moving Fee. When the need arises to move from its location either a marker or monument in order to inter human remains, a fee will be assessed on the Interment Order in addition to the interment fees. This fee will be governed and set forth by the City Council and may change from time to time as the City Council may deem necessary. The monies collected will be designated as part of the operating budget of the Cemetery.
- (10) Family Monument. A family monument will be allowed to be installed in Plats D and E only if the certificate holder has burial rights to the entire lot(s).

Section 4-1-12 Decoration of Graves.

- (1) Removal of Funeral Flowers and Decorations. Funeral flowers and floral pieces or decorations will be removed and discarded without notice when they become unsightly.
- (2) Artificial Flowers. Artificial (dried, silk, or plastic) flowers or grave decorations are not permitted from April 1 to November 1 with the exceptions of holidays. Any fresh cut flowers are permitted in a sunken vase at any time but will be removed when they become unsightly.

- (3) Holiday Decorations. All holiday decorations will be removed within seven (7) days (with the exception of Christmas). Christmas decorations will be removed and discarded no later than the first Monday in March of the following year.
- (4) General Cemetery Cleanup. Complete general cleanup of all flowers and grave decorations will be scheduled at the following times:
 - a. The first Monday in April (for mowing until Memorial Day).
 - b. The Monday following Memorial Day.
 - c. The first Monday in November.
- (5) Removal of Personal Property. The Cemetery claims no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the Cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, explosions, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

Section 4-1-13 Cemetery Hours.

It shall be unlawful for any person to be in the Cemetery without the permission of the City Council, and the presence of any unauthorized person during such other hours shall constitute trespassing.

Section 4-1-14 Traffic and Safety Regulations.

- (1) Speed Limit. It shall be unlawful for any person to drive at a speed greater than fifteen (15) miles per hour in the Cemetery.
- (2) Driving/Parking on Lawn Areas. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the Cemetery.
- (3) Approved vehicles/Equipment. Only vehicles and equipment that have been approved by the Sexton, or his representative, may traverse any lawn area.
- (4) Decorum. Because Cemetery ground is devoted to interment and repose of the dead, strict observance of decorum due such a place shall be required of all persons.
- (5) Motorcycles. No motorcycles will be permitted within the environs of the Cemetery, except those being involved with a funeral cortege.

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- (6) Observance of the Properties. It is of the utmost importance that there should be strict observance of the properties in the Cemetery. Hence, all persons within the Cemetery should avoid conduct unbecoming a sacred place.
- a. Noise. No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the Cemetery, or which is marked by intensity or volume of sound, will be permitted within the environs of the Cemetery.
 - b. Alcoholic Beverages. No alcoholic beverages of any kind will be permitted within the environs of the Cemetery.
 - c. Loitering. No idling or loafing on the grounds or in any of the buildings will be permitted within the environs of the Cemetery.
 - d. Food. The bringing of lunches or refreshments into the Cemetery or consuming them on the grounds will not be permitted within the environs of Cemetery.
 - e. Soliciting. Peddling or soliciting the sale of any commodity within the Cemetery will not be permitted.
 - f. Signs. Placing of signs or notices of advertisements of any kind within the Cemetery will not be permitted.
 - g. Firearms. Bringing firearms into the Cemetery except by a military escort accompanying a Veteran's funeral or attending memorial services will not be permitted within the environs of the Cemetery.
- (7) Penalty for Violation. Any person convicted of violating the requirements of this title and chapter shall be guilty of a Class B Misdemeanor, and shall be subject to a fine of no less than fifty dollars (\$50.00).

Section 4-1-15 Defacement and Littering of Cemetery.

- (1) Injury to Articles of Property. It is unlawful for any person to injure, molest, deface, or otherwise damage, or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the Cemetery. This Section shall not apply to the Sexton or employees of his department who are performing their assigned work. This Section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a Cemetery burial plot(s) or lot.
- (2) Litter. It is unlawful for any person to throw or deposit in any part of the Cemetery the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that detracts from the beauty of said Cemetery.
- (3) Penalty for Violation. Any person convicted of violating the requirements of this section shall be guilty of a Class B Misdemeanor, shall be ordered to pay any and all costs associated with the Cemetery property and appurtenances to its original condition, and shall also be subject to a fine of no less than fifty dollars (\$50.00).

Section 4-1-16 Animals in Cemetery.

It shall be unlawful for any person to take any animal into the Cemetery or permit any animal owned or in the custody of such person to enter the Cemetery, except an 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.

Section 4-1-17 Erecting of Fences, or Copings, or Planting of trees, Hedges, etc., Prohibited.

No person(s) shall erect a fence, coping, or corner post, or plant trees, flowers, shrubbery, hedge, or other boundary marker or obstruction upon any burial plot(s) or lot, nor grade the ground thereof. Any such obstructions in the Cemetery shall be removed under the direction of the Sexton. Nothing in this Section shall prohibit the planting and maintaining of trees, shrubs, flowers, bushes, fences and other installations by the Sexton in his official capacity.

Section 4-1-18 Fees and Charges.

The City Council shall establish fees and charges for the care, use, operation, and maintenance of the Cemetery from time to time by Resolution.

Section 4-1-19 Penalties.

Any person violating any of the provisions of this Chapter or any rules or regulations established herewith shall be deemed guilty of a misdemeanor and, upon conviction thereof shall, unless a different penalty is provided in specific cases, be punished by a fine not to exceed \$1,000.00 or by imprisonment for up to six (6) months, or by both such fine and imprisonment.

Section 4-1-20 Intent.

The intent of this Ordinance is that the titles shown at the beginning of any Section or Subsection of this Ordinance shall not be deemed to constitute the meaning or content of such a Section or Subsection or any other Section or Subsection, but are provided solely for the facility and convenience of locating information within the Ordinance.

SECTION THREE: REPEALER.

Any part of a Wendover City Ordinances, as previously adopted, that are in conflict with the provisions of this Ordinance, are hereby repealed to the extent of such conflict. Further, Wendover City Ordinances 1991-02, 2005-02, 2006-03, and 2008-02, are repealed in their entirety.

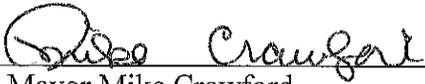
SECTION FOUR: SEVERABILITY.

If any section, paragraph, clause or provision of this ordinance shall be held invalid, unlawful or unenforceable, the same shall not effect the validity or enforceability of the remaining provisions of this Ordinance.

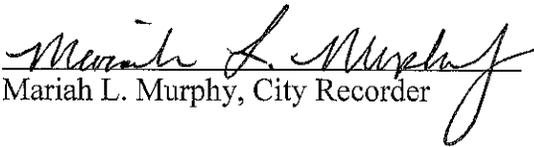
SECTION FIVE: EFFECTIVE DATE.

This ordinance, shall take effect upon the publication of a short summary in a newspaper of general circulation within Wendover City, as provided by law.

ADOPTED AND PASSED BY THE CITY COUNCIL OF WENDOVER CITY, UTAH, THIS 17TH DAY OF OCTOBER, 2013.


By Mayor Mike Crawford

ATTEST:


Mariah L. Murphy, City Recorder

10-17-13
Date

(SEAL)