

### **13.16.010 Introduction**

A. **Purpose.** The Parowan City Council is hereby authorized to purchase sufficient property necessary to service the needs and interment of its citizens. That portion of the tract that has been surveyed and planned thereof shall be filed with the City Recorder and shall be known as the Parowan City Cemetery. The City may expand its location and shall be deemed to have expanded the same upon recording of property with the City Recorder and identifying on the plat therein that the same has been reserved for interment purposes.

Parowan City shall make reasonable efforts to operate and maintain a cemetery that is a serene and beautiful final resting-place for departed loved ones. The City shall offer as much freedom of choice as possible while still preserving the regulations necessary to maintain a high standard of beauty, tranquility, and safety. Each citizen shall comply with the rules, regulations and policies adopted in this Ordinance, unless a variance is granted upon good cause shown.

B. **All Dead to Be Interred In Cemetery.** No person shall bury any dead body within the City except in the Cemetery. No Cemetery shall be established except upon authorization of the City Council.

C. **Graves.** All graves shall be dug, when practicable, five feet deep and at least six inches within the line of the lot.

D. **Removal of Bodies.** No person shall disinter any body buried in the Cemetery except under the direction of the Sexton. Before permitting any such disinterment, the Sexton shall require a written order of the owner of the Cemetery lot or the person in charge of such lot or a certified order from a court of appropriate jurisdiction. It shall be unlawful to remove the body of a person who has died of a contagious disease within two years after the date of burial, except when such body has been buried in a hermetically sealed coffin, or except upon the order of a court of appropriate jurisdiction.

#### HISTORY

*Amended by Ord. [2021-04-01](#) on 4/8/2021*

### **13.16.020 Sexton**

A. **Duties.** The Sexton shall attend to every interment in person or by a competent deputy. The Sexton, under the direction of the Mayor, is responsible for enforcing the policies and procedures of the cemetery. The Sexton may take such action necessary to protect the cemetery from injury. The safety of visitors, preserving the grounds and appearance of the cemetery, and promoting serenity, peace, and good order is of paramount importance. All of the records kept by the Sexton shall be deposited with the City Recorder, at the City Office, and shall be opened to inspection by the public during regular office hours.

B. **Cemetery Supervision.** All work in the cemetery including but not limited to interment, disinterment, planting, landscaping, grading, placement of grave markers, grounds keeping, construction, and all maintenance, improvement, and beautifying shall be approved by and performed under the supervision of the Sexton.

C. **Cemetery Records.** The official cemetery records and maps are kept at the office of Parowan City, under the direction of the Parowan City Recorder at 35 East 100 North, Parowan City, Utah and shall be available during normal business hours, except for observed state and federal holidays. All cemetery business shall be transacted at the City Offices. Owners of burial rights are required to keep current contact information on file with the City Recorder. Information shall be posted at the Cemetery Building to access burial locations.

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.030 Purchase Of Burial Rights**

**A. Nature and Extent of Burial Rights.** Only permissive burial rights are sold; Parowan City retains title to the cemetery property. Purchases of burial rights are subject to the Parowan City ordinances and policies governing cemetery burial rights. Each burial right will require a separate and specific name for each right purchased. The amount for each burial right shall be set by resolution, and may be amended from time to time by the City Council.

1. Resident Pre-Purchase. A Resident shall be described as a member of a household whose primary place of residence can be shown to be established in the City of Parowan, Utah in the current year. Each individual Resident of a household is limited to a maximum of 1 burial right.

2. Non- Resident. A Non- Resident shall be described as an individual who does not have permanent residence in Parowan City. A purchase by a non-resident is limited to one burial right at the time of need and one burial right adjacent to the one purchased at time of need, if immediately requested.

3. The Parowan City Council may designate certain areas for single burials.

4. Burial Rights shall be paid in full at time of purchase, as established in the fee schedule adopted by City Council at the time of purchase.

5. Authority to sell burial rights and issue certificates of burial rights is vested in the City Recorder. The cemetery master file is considered to be the correct record; any discrepancy between the master file and the certificate will be deemed a clerical error. Parowan City reserves the right to recall, correct, and reissue a corrected certificate.

**B. Descent and Inheritance of Burial Rights.** Upon the death of the owner, the burial rights descend to those named in the decedent's will or the heirs as designated by law. An affidavit of heirship, together with the power appointing one of the heirs to represent all, or a certified copy of the decree of distribution of the estate of the deceased must be presented to the City. In the absence of such documentation, it shall be the responsibility of any applicant, under Utah state laws and guidelines to determine heirship and successorship, which may require a judicial order. The City shall have the right to deny burial if ownership cannot be satisfactorily established by the City. The heirs are entitled to the same use of the burial rights as the original owner and are bound by the same rules and regulations upon establishing ownership of the burial right.

**C. Restrictions on Resale.** Resale of burial rights is prohibited. Unused burial rights that are no longer needed or wanted will be transferred back to Parowan City for the amount paid, less administration fees set by resolution. In the event the amount of purchase cannot be determined, Parowan City will buy back the burial right for not more than \$100.00.

**D. Unused Lots.** Rights to lots that have been unused, or have no written notice of claim or interest on for over sixty years, may be reclaimed by Parowan City in accordance with Utah State law, as thereafter amended. Lots with unpaid perpetual care may be reclaimed by the City after duly notifying the owner or heirs.

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.040 Burial**

**A. Human Deceased.** Interments are limited to Human deceased.

**B. Burial Permit.** A family representative or the funeral director shall obtain a burial permit from the city office. Required information for the permit includes the name of the deceased, birth and death dates, birth and death place, names of parents and spouse, the exact location of the interment, the location, date, and time of the funeral service, and the name of the funeral director or mortician. A twenty-four-hour notice is required.

**C. Ordering a Grave Opening.** Once a burial permit is completed and the fees paid, the city office shall contact the cemetery sexton and arrange for the grave to be opened. The sexton will mark the burial site and the grave will be dug by Parowan City or its designated representative.

**D. Errors.** Parowan City shall not be responsible for any mistakes occurring due to the lack of precise and complete instructions concerning the designated burial placement on the desired lot. If unforeseen circumstances prevent placing a grave where specified, the Sexton may, at his discretion, open it in such location on the lot as he deems best and proper, so as not to delay the funeral and affect the interment.

**E. State Transit Permits.** A state transit permit shall be filed with the City Recorder and must also accompany remains sent from other states.

**F. Hours when Burials Permitted.** Burials are accepted from 8:00 am to 4:00 pm. No burials will be accepted on Sundays, Holidays or 3 days prior to and including Memorial Day and Labor Day.

**G. Vaults & Caskets.** Vaults are required for all burials. Vaults and caskets will be of concrete, steel, wood, fiberglass, brick, or other structurally sound materials approved by the Sexton.

**H. Indigent Burials.** From time to time the city council may designate areas reserved for the burial of indigent persons.

**I. Orientation of Graves.** Burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave tracks usually measure 4 feet wide by 11 feet long except on odd size lots. Traditional burial custom has the wife placed to the left side of the husband, (the left side being north), however it is a matter of personal choice.

**J. Disinterment or Exhumations.** Cemetery grounds are sacredly devoted to the interment or repose of the dead. In circumstances that make it necessary to disinter or remove remains from the cemetery, it shall be done in compliance with all applicable state laws. The City Recorder, with the approval of the Mayor, will order the exhumation after applicable fees as established by Resolution are paid and permits filed.

**K. Cremations.** A cremation is treated as a regular burial. Burial fees are set by resolution of the City Council. Cremations require an urn made of plastic, metal, or other like material that can be sealed and approved by the Cemetery Sexton. If a family desires, an urn may be buried on top of an existing interment. The burial fee for cremations, as outlined in the city fee policy will still apply. Two or three cremations may be placed in one gravesite, with the applicable burial fee charged for each burial. However, only one headstone or marker per grave is allowed. When a cremation is placed on top of an existing burial, an additional marker may be placed on the headstone to mark gravesite of cremated remains. Maximum number of remains on any gravesite: 1 (one) traditional burial and 3 (three) cremations, or as determined by Sexton.

**L. Interments.** All Interments will be by burial in the platted lots established by the Parowan City Council. No above ground interments of any kind are allowed. Multiple interments are allowed as stated in (K) of this section.

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.050 Headstones And Monuments**

A. **Grave Markers.** A temporary grave marker shall be placed on the grave by the funeral home or other responsible party immediately following the burial. A permanent marker should be placed on the grave within six months of interment. One reasonable request for extension may be granted for good cause shown.

B. **Ownership & Responsibility.** All headstones and monuments within the cemetery are the personal property of the responsible party (or their heirs) that ordered and placed them. Notwithstanding the same, they shall not be removed without Parowan City's approval. The care and upkeep of the markers is the sole responsibility of the owners.

C. **Disclaimer.** Cemetery workers are conscientious in their efforts to keep the cemetery grounds well-groomed and they exercise great caution as they maneuver the mowing equipment around the headstones. Parowan City shall not be responsible for inadvertent scratches and chips that may occur to a headstone due to routine maintenance which shall be placed at the risk of the owners of the headstone. Parowan City shall not be responsible for any acts of vandalism or damages caused by thoughtless individuals, wildlife, weather conditions, or natural disasters.

D. **Permits Required.** It is unlawful for any person to place or have placed any headstone upon any lot or lots in the cemetery except under the direction of the Sexton. All headstones and markers require permission from the Sexton or deputy and a 48-hour notice prior to placement. Headstones may not be set on Sundays, holidays and/or three days before and after Memorial Day without special written permission of the Sexton.

E. **Monument Foundation Area (Headstone Area).** The monument foundation area is the area at the end of the gravesite 2'6" in depth and the width of the gravesite. Parowan cemetery has multiple gravesite widths, and owners shall verify grave dimensions before commissioning monuments. Parowan City shall not be responsible for errors in sizing of the headstone.

F. **Headstone Specifications.** The Cemetery Sexton will mark the grave for the positioning of the headstone at the head of the grave. Only one headstone or marker is allowed for each grave. It may be a single monument designating a single burial, a double marker designating two burial sites, or a combined marker designating no more than four burial sites.

All headstones or flat markers shall be of metal, stone, or cement. Flat markers must be set in a cement foundation at least 4 inches deep with a 6-inch mow strip around the marker. Raised headstones shall be set in a concrete foundation at least 6 inches deep with a cement mow strip not less than 6 inches around the headstone.

G. **Recommendations.** It shall be the responsibility of the Owner to consult with a monument manufacturer or dealer to determine monument materials suitable to the climate and other conditions of the Parowan City Cemetery. Monuments are subject to temperature extremes, including frost, snow and ice, and irrigation water that has a high mineral content which may cause damage to a headstone.

H. **Vases.** All permanent vases shall be attached to the stone base or cast into the cement base at least two inches from the edge. Vases cast into the cement base must be kept in working order so as to be flush with the ground when not in use.

I. **Special Service Emblems.** American Legion and Veterans of Foreign Wars medallions are allowed year-round in the cemetery. Medallions shall be attached permanently on the headstone base in a way that will not interfere with the mowing and maintenance of the cemetery. Emblems must be kept clean, polished and in good repair befitting the nature of the recognition. Other service emblems, medallions, special recognitions, or citations are allowed on Memorial Day and Veterans Day holidays.

## HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.060 Decorations And Flowers**

**A. Flowers on New Graves.** Cemetery workers shall remove dead or unsightly decorations and flowers on new burials no sooner than five (5) days after they are originally placed on the gravesite. Family members shall remove special floral mementos or personal keepsakes at the conclusion of services. After the grave is closed, the casket spray is placed at the center of the grave. Other flower containers and wreaths may be 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 by winds.

**B. Flower and Decoration Regulations.** All decorations and flowers must be in a container or attached to the monument. Flowers in moveable containers must be placed on the headstone or base to ensure easy access for lawn maintenance.

**C. Flower Containers.** Baskets, boxes, plastic containers, wreath holders, etc. on grass areas during the mowing season are not allowed, except during the Memorial Day holiday. Flower containers shall not be glass or any material that may cause damage to mowing equipment or present a safety hazard to visitors. Displays secured with wire, metal hooks, pegs, or rocks must be removed when the display is removed. Permanent containers shall be part of the marker or cast into the cement base. The flower container (vases) cast into the cement base must be kept in working order to be flush with the ground when not in use.

**D. Artificial Flowers.** Artificial flowers are allowed from November 1st to March 31st. During the mowing season, artificial flowers must be in containers attached to the headstone or in movable containers placed on the headstone or cement mow strip. They will be removed if they interfere with the maintenance of the cemetery.

**E. Fresh Cut Flowers.** Fresh cut flowers are allowed any time provided they do not interfere with the maintenance, mowing, or edging of the grass.

**F. Removal of Decorations.** Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly, unsafe or a nuisance for maintenance personal.

**G. Planting of Flowers, Trees, and Shrubs.** The planting of any trees, shrubs, or flowers, etc. in the cemetery by individuals is prohibited and all such plantings will be removed. All landscaping shall be done under the direction of the Cemetery Sexton.

**H. General Clean-Up.** All flowers and decorations not in permanent containers or attached to the headstone and those that are damaged or wilted will be removed from the cemetery during the first week of April and the fourth week of October of each year. All flowers and decorations removed by the cemetery staff shall be taken to the dump. Special baskets and containers will be placed by the shed; if the owners do not pick them up within 7 days they will be discarded.

**I. Memorial Day.** Cemetery workers begin preparing for Memorial Day around the first of April each year. The work is on-going throughout April and May. No decorations shall be placed at the cemetery until the Friday afternoon before Memorial Day.

**J. Memorial Day Decorations.** Memorial Day decorations will be removed after 7 days. Artificial flowers in permanent vases or containers located on monument foundation area will not be removed. Clean-up will start the Monday following Memorial Day; people wishing to keep their decorations must pick them up before clean up begins or they will be discarded.

**K. City Responsibility.** Flowers properly displayed add to the beauty and character of the cemetery. Parowan City and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Parowan City shall not be responsible for uncaring individuals who take expensive floral arrangements and decorations without consent.

**L. Flat Headstone Areas.** During the mowing season, all flowers and decorations in the flat headstone areas must be placed on the headstone or in permanent vases attached to the base so workers can mow around them.

**M. Other Decorations.** Any decoration not listed such as, but not limited to: hanging flower hooks, wind chimes, windmills, or any other wind operated decoration, solar lights, flags and benches must not interfere with maintenance or use of any area of the cemetery or gravesite. All decorations shall be kept within the monument or head stone foundation area. Decorations must not protrude or hang over other gravesites, walkways, paths, or maintenance equipment travel routes.

**N. Bench Placement.** Seating Benches may be donated and placed by private individuals in open areas after City Council approval. All locations and bench sizes shall be pre-approved by the City Council on a case-by-case basis upon the recommendation of the Cemetery Sexton. Benches shall be constructed of durable and maintenance free materials and set on a reinforced concrete pad.

1. Benches set on burial plots shall be placed in the head stone or monument foundation area of the said plot, and are subject to the requirements stated in 13.16.050 of this policy.

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.070 Perpetual Care**

**A. Perpetual Care.** The price of a burial right includes the one-time perpetual care fee for the maintenance of the cemetery. The care and upkeep provided by Parowan City includes, but is not limited to, mowing grass at reasonable intervals, sodding and reseeding, filling sunken graves, sprinkler irrigating, trimming trees and shrubs when necessary, removing wilted flowers and decorations, edging around headstones, and other cleanup as needed. Perpetual care does not include repairing or replacing markers, monuments, or other personal property.

**B. Use of Funds from Sales of Lots.** A certain percentage of revenue from the sale of the right to be buried in the cemetery, shall be reserved in a perpetual fund to be used exclusively for the improvement and care of the cemetery. The amount of revenue derived from the sale of the right of burial, and the amount of revenue reserved from each sale to be deposited in the perpetual fund shall be determined and established by a resolution of the City Council from time to time as deemed necessary to cover the costs for improvements and care of the cemetery.

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.080 Additional Requirements And Uses**

**A. Cemetery Fees.** Fees are set by resolution of the Parowan City Council and are subject to change from time to time as needed without notice. A current fee schedule may be obtained from the city office.

**B. Required Permits.** Required permits include but are not limited to burial permits, disinterment permits, monument placement permits, bench permits, and permits for work on existing headstones.



**C. Contractors and Outside Workers.** Private contractors and others wishing to do work in the cemetery shall obtain a permit from the city office and notify the Cemetery Sexton before work is started.

**D. Interference with Excavation.** The owner or responsible party is responsible for the removal and replacement of a monument that must be moved for the excavation of a grave, or for the expenses of such services if contracted by Parowan City.

**E. Obstructions.** No iron ornaments, brackets, foot markers (other than those that already exist), flag poles or other obstructions or installations except a headstone or monument will be allowed in the cemetery.

**F. Public Use.** The cemetery is considered a public area; the public is encouraged and welcome to enjoy the beauty and serenity of the cemetery as long as such use does not interfere with the operation and maintenance of the cemetery.

**G. Liability of Cemetery.** Parowan City personnel will take reasonable efforts in the protection and care of the cemetery; however, Parowan City shall not be responsible or liable for any damages or loss to personal property.

**H. Conduct.** Cemetery grounds are sacred and devoted to the interment and repose of the deceased. Strict observance of decorum due such a place is required of all persons.

**I. Driving.** Vehicles shall observe the speed limit of 10 miles per hour, keep to the right of the roadway, and shall not be driven on the grass.

**J. Parking.** All parking shall be located at the East end of the cemetery or along the far right of the roadway. Parking on the grass is prohibited and shall be subject to citation.

**K. Motorcycles.** Only street legal motorcycles are permitted in the cemetery and are subject to the same driving and parking policies as all motorized vehicles. Recreational riding in the cemetery is not allowed.

**L. Animals.** Horses, dogs, or other types of pets or livestock are not permitted on the cemetery grounds. Exceptions to this are service animals and horses used in funeral processions.

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

### **13.16.090 Protection Of The Cemetery**

**A. Defacement Or Destruction Prohibited.** No person shall deface, destroy, or otherwise harm or damage any part of the City Cemetery, including, but not limited to, the fence or other enclosure, or any headstone, tablet, monument, or other ornamentation erected therein. The Sexton shall take such action as he deems appropriate to prevent such damage. He shall report to the City Council all such damage and make recommendations to that body for prevention of the same.

**B. Penalty.** Unless otherwise designated, any person violating any provision of this Title either by failing to do the acts required herein or doing any act prohibited herein shall be guilty of a Class B Misdemeanor and, upon conviction thereof, shall be subject to punishment by a fine not to exceed \$1,500, by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment.

*Thank you for help us maintain a safe and beautiful cemetery.*

#### HISTORY

Amended by Ord. [2021-04-01](#) on 4/8/2021

