

ORDINANCE NO. 2011-369

AN ORDINANCE AMENDING PROVISIONS OF TITLE 12 CHAPTER 28 OF THE ROOSEVELT CITY CODIFIED ORDINANCES PERTAINING TO THE ROOSEVELT MEMORIAL PARK.

BE IT ORDAINED by the City Council of Roosevelt City, Duchesne County, Utah that changes be made to provisions of Title 12 Chapter 28 of the Roosevelt City codified ordinances pertaining to the Roosevelt Memorial Park as follows:

New Section – Decoration of Graves

- A. All decorations must be placed and maintained within the cement border of the monument. Placement of benches shall be permitted upon approval of the Superintendent and must meet all regulations pertaining to monuments. There shall be no decorations of any kind placed in the grass area at any time except the week of the Memorial Day holiday. Any decorations placed shall not exceed thirty (30”) inches in height. All shepherd hooks are prohibited. Any decorations that are not in compliance with these provisions shall be removed. Roosevelt City will not be liable for any stolen or damaged decorations.
- B. To maintain proper safety and sacred decorum, the following rules shall be followed:
 1. Boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood or iron cases, lawn or yard ornaments, porcelain and/or similar articles, whirley-gigs or pinwheels, or wind chimes, shall not be placed at gravesites and are only allowed during the Memorial Day period. If so placed outside of this period of time, the City reserves the right to remove the same without notice.
 2. Due to the powerful turf equipment that is used for mowing and trimming on the cemetery grounds wire and glass containers will not be allowed. Any decorations that have wire or glass containers will be removed immediately and discarded.
 - a. All funeral flowers will be cleaned up one week following the services.
 - b. At the discretion of the cemetery staff, all old and unsightly decorations will be removed.
 3. Family members or cemetery staff shall remove all grave decorations within seven (7) days of any holiday. Those unable to retrieve such items within seven (7) days may contact the Sexton’s office for direction.
 4. Complete general cleanup of all flowers and grave decorations shall be scheduled on the following dates:
 - a. The first Monday in November for Fall cleanup.
 - b. The first Monday in April for mowing to prepare for Memorial Day.
 - c. Seven days after Memorial Day.
 5. The Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers that, through decay, deterioration, or damage have become unsightly litter or pose a maintenance or safety concern.

New Section – Transfer of Certificate of burial rights.

There will be no transfer of ownership within the first three (3) years of certificate issuance unless original purchaser should die. All requests to transfer a certificate into the name of another person must be done by submitting such request to the City Recorder or Superintendent in writing and upon surrender of the original certificate. Such request will require a fee set by resolution and adopted by the Roosevelt City Council.

New Section – Ownership Responsibilities.

- A. Headstones are the personal property of the owner(s) of the lots. All monuments within the cemetery are the property of lot owners, their heirs, or the responsible party that ordered and placed them or their successors in interest. All care and upkeep of the monuments is the responsibility of the owner or his successor in interest. The cemetery is maintained by City crews who exercise great care in keeping the ground groomed; however, the City is not responsible for inadvertent scratches and chips that occur from routine maintenance. Such happenings are a risk assumed by the owner(s) of the monuments and are a condition that goes with the privilege of placing markers within the cemetery.
- B. At the option of the Cemetery Sexton, if it is determined that the headstone presents a hazard, the Cemetery Sexton may perform such work to remedy the hazard.

12.28.060 Burials.

- A. Burial Sites: Definitions/Rules
 - 1. **General burial site** is construed to mean a space eight feet by four feet (8' x 4').
 - 2. **Baby grave site** is construed to mean a space four feet by four feet. Two baby graves may be buried on a single general burial site provided authorization is granted by the purchase(s) (if still living) or designated person having the original right of burial if purchaser(s) is (are) deceased.
 - 3. **Urn grave site** allows no more than two urns be buried on one general grave site.
 - 4. Combined Grave Sites. Generally, no more than one burial per grave site will be allowed in a general burial site except for:
 - a. Two urns
 - b. Two babies
 - c. One urn/baby
 - d. One regular burial/one urn
- B. Delivery For Burial. The deceased must be delivered to the cemetery at or before 2:30 p.m. for interment so the grave can be filled with earth that same day. There will be an overtime charged for burials requiring work after regular working hours.
- C. Prohibited Burial Days. Burials shall not occur on Christmas, New Years Day, Memorial Day, Saturday before Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Sundays. This includes one day prior to the holiday and one day after.

- D. Before any deceased person is buried in the municipal cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of such registrar, a permit duly issued by the state division of health or other authorized person shall be required by the Cemetery Sexton. After burial, the Cemetery Sexton shall endorse upon the permit a description of the location where the deceased is buried and shall enter all information contained in the permit in the cemetery records.

12.28.200 Landscaping by private persons.

Add “C. There shall be no person or person’s maintaining any grounds in the cemetery except upon prior approval of the Superintendent. This includes but is not limited to mowing, edging, use of any kind of fertilizers, pesticides, or herbicides.”

12.28.210 Placement of markers.

Change part A. to read “All markers shall be made of granite or like material and shall be set in cement with a cement border of a minimum of six (6”) inches to a maximum of eight (8”) inches on both the front and the back of the marker. There will be a border of not less than six (6”) inches in on either side of the marker. The maximum outside border measurement of a single grave shall not exceed four (4’) feet in length from side to side. The maximum outside border measurement of a double grave shall not exceed eight (8’) feet in length from side to side. The maximum outside border measurement from front to back of monument cannot exceed thirty (30”) inches in width. No monument shall exceed the height of thirty (30”) inches from the ground to the top of the monument. All flower cup and vase inserts must be within the borders of the monument on either side and cannot be placed in either the front or back of the monument border. Twenty-four hour notice must be given to the Cemetery Superintendent prior to placement of any marker. Thickness of cement base shall be no less than four (4”) inches.”

Change part C. to read “A monument preparation fee will be set by resolution and adopted by the Roosevelt City Council.”

12.28.260 Sale of Lots.

Add “E”. Cemetery fees are based on residency. As used herein, the term “resident” shall be and be defined as:

1. Any person who was domiciled within the corporate limits of Roosevelt, Utah, at the time of death, regardless of actual place of death; or
2. Any person owning real property within the corporate limits of Roosevelt, Utah, at the time of death, regardless of the residence of domicile of such person; or
3. Any person who was a legal resident of Roosevelt, Utah, at the time of death, regardless of domicile.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

It is the intention of the Roosevelt City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein.

EFFECTIVE DATE

This ordinance shall take effect upon publication as required by law.

Passed and approved this 5th day of April, **2011**, by the following vote:

Guy Coleman	Aye
Robert Yack	Absent
Dave Woolstenhulme	Aye
Lane Yack	Aye
David R. Labrum	Aye

SIGNED:

Vaun D. Ryan, Mayor

ATTEST:

Carolyn Wilcken, Recorder