

ELSINORE TOWN CEMETERY ORDINANCE #194

TABLE OF CONTENTS

Section 1: Definitions

Section 2: Cemetery Committee

Section 3: Lot Ownership and Privileges

Section 4: Burials

Section 5: Decoration of Graves

Section 6: Monuments and Markers

Section 7: General Plotting and Landscaping

Section 8: Regulations Governing Access and Conduct

Section 9: Miscellaneous

Section 10: Repealer and Severability

ELSINORE TOWN CEMETERY ORDINANCE

INTRODUCTION

It is the desire of Elsinore Town Corporation to operate and maintain a cemetery that is beautiful, dignified and an appropriate final resting place for departed loved ones.

In formulating these policies and procedures, it has been our desire to offer as much freedom of choice as possible while still preserving those regulations necessary in maintaining a high standard of beauty and efficiency.

We sincerely hope that you will assist us in this effort by adhering to these rules. We also solicit your comments and suggestions regarding general maintenance and operating procedures.

SECTION 1-DEFINITIONS. For the purposes of this ordinance, the following words and phrases shall have the following meanings:

Administrative Office: The administrative office is located at Elsinore Town Offices, 35 West Main, Elsinore Utah where the clerk/recorder is located and responsible for all cemetery records.

Burial Rights: The right to be buried in a cemetery space; however, the property on which the space is located remains in the ownership by Elsinore Town Corporation.

Burial Transit Permit: A permit that is required by the state to transport a deceased person from one state to the other for burial.

Cremated Remains: Cremated remains are the remains after a person has been cremated.

Disinterment Permit: A permit that is required by the state for the purpose of exhuming a burial to be transferred for burial in another place.

Flat Marker: A flat marker is one that is flush with the ground, and can be mowed over.

Heir: An heir is someone who has inherited or is entitled to the right from a parent who is no longer living.

Indigent: An indigent is a person who does not have the means with which a burial right can be purchased.

Installment Plan: An arrangement for payment by installments for burial plots or other cemetery fees.

Marker: An identification tool made of most likely stone that is place upon a grave which contains information about the person buried in that particular space.

Perpetual Care: Perpetual care is defined as the general care and maintenance necessitated by the natural growth and ordinary care which may be provided at reasonable intervals within the budget limits of the cemetery. It includes the planting, cutting, and watering and care of lawns, upkeep of buildings, walks and roadways. It also provides for the care of trees, shrubs and flowers planted by the cemetery personnel. Perpetual care does not provide for maintenance of monuments, markers or flower vases.

Permanent Container: A metal or marble container permanently affixed to the marker or included in, but not separately attached to the concrete foundation.

Person: The term "person" shall mean individual, group, partnership, firm, corporation or association.

Resident: A person which resides inside Elsinore Town limits or immediately prior to being placed in a health care institution.

Retired Fireman: A person who has volunteered for the Elsinore Fire Department for 10 consecutive years can receive a \$100 discount on the purchase of a cemetery plot.

Sexton/Superintendent: The person who is responsible for the general maintenance of the cemetery, enforcing cemetery policies and procedures under the direction of the Town Council. Also responsible for keeping cemetery records.

Slant Marker: A marker that has a gradual slant from ground level to a height of no more than five (5) inches.

Upright Marker: A marker that stands upright.

Veteran: Any person who qualifies for Veteran Status that can provide proof of Veteran status can receive \$100 discount on the purchase of a cemetery space.

SECTION 2 – CEMETERY COMMITTEE

A. Purpose of Committee.

- This citizen advisory committee is responsible for oversight of the buildings and grounds at the Elsinore Town Cemetery site.

B. Committee Members.

- ★ • Minimum of 5 member committee appointed by the Town Council.
- The Sexton will be one of the five members.

- The Committee Chair will be appointed by the Town Council with a term limit of four years, with the possibility of reinstatement.
- Identify maintenance needs, obtain cost estimates, and present recommendations to the Town Council.
- Prepare specifications for public construction projects, as requested by the Town Council. Evaluate competitive bids and make recommendation to the Town Council on award of public contract to lowest responsible bidder.
- Prepare budget requests for next year's budget for cemetery buildings and grounds activities.
- Review existing and proposed town ordinances relating to the town cemetery.
- Evaluate cemetery processes and make recommendations to the Town Council.
- Respond to public inquiries, investigate and resolve complaints, or refer to the Town Council for resolution.
- Report to the Town Council on all issues referred to the committee by the Town Council.
- Committee members shall faithfully discharge their duties as public officials to the best of their abilities. Applicable laws include: public records, ethics for local government officials, open meetings, misconduct in office, and private interests in public contracts.

C. Committee Chair Responsibilities.

- ✕ • Select and present candidates for the committee to the Town Council.
- The Chair has the responsibility to assign titles, responsibilities and case by case assignments to the other committee members.
- Responsible for identifying short-term and long-term needs, and developing operations and maintenance plans.
- Assure the efficient and economical use of the resources of public works activities, to accomplish short-term and long-term range objectives.
- The Committee Chair has the sole responsibility of making sure that all the appropriate steps have been taken to prepare the cemetery for Memorial Day and that it gets cleaned up in an appropriate and timely manner. This must include flags and lighting.

SECTION 3 -LOT OWNERSHIP AND PRIVILEGES

A. Nature and Extent of Rights Acquired.

- Upon payment of the purchase price of a space, the purchaser acquires the rights of burial in said space, subject to the policies and procedures of the cemetery.
- The Town retains title to the cemetery property.
- A certificate of burial right will be issued to each purchaser after fees are paid in full.

- No interment will be permitted in, or placement of marker allowed, on any space not fully paid for.
- No space shall be sold without perpetual care.

B. Descent and Inheritance of Burial Rights.

- Burials by or of heirs, after the original parties named on burial certificates are deceased, will require the permission of all living heirs of the original party named. The proper form for this purpose may be obtained from the Elsinore Town office. Elsinore Town Corporation shall, in no way, be held responsible for failure to properly determine the legal successor ship of the said space owner.
- The heirs are entitled to the same use of the space as the original owners and are bound by the same policies and procedures.

C. Resale or Transfer of Burial Rights

- As stated in Section A, the purchase of a cemetery space does not include land, only the right of burial within that space.
- Owners of burial certificates may transfer their burial rights to other parties by filling out and signing forms provided by the Elsinore Town office. The files located at the Elsinore Town office regarding the Elsinore Town Cemetery are to be considered the correct record. Any discrepancy between the administrative files and the certificate of burial rights will be considered a clerical error. Elsinore Town reserves the right to recall, correct and re-issue any certificate in question.
- If a space is being sold back to Elsinore Town or to another person, the space must meet the criteria of being a useable space. The determination of whether a space is useable will be the decision of the Elsinore Town Cemetery Sexton/Superintendent.
- An owner or heir holding title to a space may sell that space back to Elsinore Town at any time. The amount Elsinore Town is obligated to pay for said space is the amount originally paid by the owner at the time of purchase.
- An owner or heir may sell a space to anyone at any time for a price to be set by the owner. A fee of \$25.00 may be charged by the Town to complete the transfer. If the second owner or heirs thereof determine to sell a space back to Elsinore Town, the amount Elsinore Town will pay for said space will be the amount originally paid by the first owner of record.

SECTION 4-BURIALS

A. General Requirements

- Interments are limited to human dead.
- Interments will be arranged for only after the funeral director representing the family has contacted the cemetery office, or, if a family who is not utilizing an established mortuary wishes to make arrangements for burial, they must provide a Certified Death Certificate and a Burial/Transit Permit issued by the county and/or state of death, for the deceased to the Town Office at least 24 hours (weekend/holidays excluded) prior to the burial.

- Information for a decedent must be provided to Elsinore Town prior to the opening of the grave space. If a local mortuary is making arrangements with the Town Office, the cemetery charges may be placed on a previously approved account. If arrangements are being made from an out of area mortuary or by a family member, full payment for all applicable fees must be paid in full prior to the opening of the grave space.
- The person giving the order must provide the lot owner's name, address and other pertinent information for the burial report. This information is to include: the name of the deceased, date and place of birth, date and place of death, name and address of person responsible for disposition, complete name of mother and father (including maiden name); name and telephone of funeral director; date and time of service. (A newspaper obituary would be appreciated to be placed with a file.)
- Notice for opening of a grave must be given early enough to allow at least twenty-four (24) regular working hours for the grave to be prepared. Extra time may be required during winter months.
- Any existing headstone from a prior burial or a stone that has been placed as part of a pre-purchased funeral plan, will need to be moved to facilitate opening the grave. A monument company shall be contacted to remove the stone. ***The cost to move the stone will be billed as part of the fees associated with opening and closing of that space.***
- Elsinore Town will not be responsible for any mistakes occurring from lack of precise and proper instructions as to the location of proper space on the lot where the interment is desired. It is preferable that when several spaces are available within a lot, a family member or representative come to the Town Office and with the assistance of the Clerk, make the designation for the space desired. When it is not possible to open a specified space on a lot because of an existing older grave or other such circumstance, and the family has not responded to notification of the situation, the superintendent may, at their discretion, open a space where they deem best and proper, so as not to delay the funeral and interment.
- The Town Council shall from time to time designate spaces to be reserved for indigent persons. ***Elsinore Town Council deems that the cemetery will only provide one space per year for indigent burials.***

B. Advance Payment of Burial Fee, Installment Plan

- For families who would like to acquire burial space in the Elsinore Town Cemetery prior to need, spaces may be purchased through the Elsinore Town Office on an approved installment plan. Installment plans require a minimum down payment, amount may be found in the Elsinore Fee Schedule. The total amount must be paid in full within 12 months. If full payment is not received within 12 months, the Town reserves the right to keep all paid funds and the purchaser forfeits the reserved burial plots.
- The person ordering the opening of a grave will be held responsible for payment of all fees in preparation of the burial. Mortuaries shall be given 90 days from the time of burial to make full payment for the space used.

C. Hours When Burials Are Permitted

- No funeral, memorial or interment services will be allowed in the cemetery on Sunday or any of the holidays officially observed by Elsinore Town. On all other days, services will be allowed between the hours of 8:00 a.m. and 5:00 p.m.
- Additional charges will be made for interments made on Saturdays, Sundays, holidays and for interments lasting longer or beginning after 5:00 p.m.
- Because of high numbers of traffic, people visiting and decorating family graves during the Memorial Day and Veterans Day weekends, no burials are to take place after 11:00 a.m. on the Friday before these holidays. Burials may resume after 8:00 a.m. the Tuesday following these holidays.

D. Duty of Funeral Directors

- The mortuary (funeral director), who is in charge of the funeral, must arrange the time for arrival at the cemetery so as to be finished with the service and away from the burial site before 5:00 p.m. *They will be responsible for the faithful observance of all the policies and procedures concerning funerals and burials unless prior arrangements are made with the Town office.*

E. Vaults

- Burial vaults are required for all burials and must be made of concrete or metal. Exceptions may be noted for infants and cremated remains. These containers may be made of concrete, a fiberglass composition material or PVC type plastic which has been approved by the cemetery sexton/superintendent. Outside wooden boxes are not permitted.

F. Excavating and Refilling of Graves

- The sexton/superintendent or someone employed by the Elsinore Town Cemetery will be in complete charge of every interment. No grave shall be opened, filled, refilled, or sodded except by the employees of Elsinore Town and under the direction of the sexton/superintendent.

G. Burials Per Grave

- One interment only shall be allowed in a casket, except a parent with an infant child, two children buried at the same time or a container with cremated remains. No more than one casket will be allowed in a grave, except when the contract for such space specifically provides for such.
- An infant or cremated remains may be placed on top of a parent with consent of surviving immediate heirs. However, any headstone or marker indicating their presence must be flush with surrounding lawn and shall not have any attached vases. Cremated remains shall not be scattered on cemetery property

SECTION 5 -DECORATION OF GRAVES

A. Funeral Flowers and Floral Pieces

- Floral pieces will be removed without notice when they become unsightly. Space owners desiring to retain floral pieces must remove them within five (5) days after the interment.

B. Decorations and Containers

- The placing of baskets, boxes, pots, jars, cans wires, bottles, nick knacks, fences etc., shall not be permitted on sod covered areas except during the Memorial Day holiday also beginning November 1st through February 28th. Any items placed on these areas are subject to removal as needed to perform on-going maintenance of the cemetery.
- Permanent containers must be a part of the marker or cast into the concrete foundation.
- All flower containers or vases in flat headstones must be of the sunken and a permanent part of the marker.

C. Artificial Flowers

- Artificial flowers are permissible if placed in a permanent container, but the location and use of such flowers shall be subject to the policies and procedures set forth.
- Artificial decorations will not be allowed on sodded areas from March 1st to October 31st, except during the Memorial Day holiday, with the exception that flowers may be placed in permanent containers on above the ground level monuments.
- Artificial flowers and grave decorations are permitted on any location from November 1st to February 28th.
- Memorial Day decorations must be removed before 8:00 a.m. on the next Monday following Memorial Day.

D. Fresh Cut Flowers

- Fresh cut flowers are permitted in permanent containers anytime.

E. Planting or Excavating

- No planting of any type of plant material, digging or disturbing the sod within the cemetery will be permitted without approval of the Cemetery Committee, which includes the Sexton, and the Elsinore Town Council as a whole.

SECTION 6-MONUMENTS AND MARKERS

A. Ownership and Responsibility

- Monuments and markers on a grave space within the Cemetery are the property of the space owner, their heirs or the responsible party that ordered and had them placed; with the exception of the government issued military markers or headstones authorized for veteran burial, their ownership remains with the government. However, maintenance of the monument is the responsibility of the owner.
- The cemetery is maintained by Town personnel who exercise great care in keeping the grounds groomed.

- Elsinore Town will not be responsible for inadvertent scratches and chips that occur from routine maintenance or vandalism. Such happenings are conditions that go with the privilege of placing the monument in the cemetery.
- A recommendation would be to consult a monument dealer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water and occasional nicks and chips from mowing equipment, maintaining the grounds and opening and closing neighboring grave spaces. It is also recommended that upright or slant markers have rough nosed base or edge rather than a polished smooth surface.

B. Monuments and Markers

- Because of water lines, sprinkler locations and roadways, any monument or marker erected in the Elsinore Town Cemetery shall be restricted to a size and dimension specific to its location within the cemetery limits.
- Persons ordering a monument from a monument dealer should check, or cause to be checked, the restrictions first, to insure that the stone will be permissible.
- Only one marker allowed per burial space unless two infants, two cremations or a combination of a burial and a cremation are buried in the same space or a military service marker. A second marker can then be installed but MUST be a flat stone installed at ground level.
- When it becomes necessary to remove a monument for a burial, the owner will be responsible to make the proper arrangements. Should the request be that cemetery personnel remove the monument, Elsinore Town shall not be held liable for any cost from damage which may occur during removal and/or replacement.
- If a monument company has been contacted to remove a monument for a burial, the monument company will also be responsible for returning the monument to its original location.
- The person placing the order requesting the removal of the monument will be responsible for charges relative to the removal of the stone.

C. Requirements for Markers

- Markers must be composed of metal, stone or concrete. All markers must be securely set in a finished grass level concrete or stone foundation of at least four (4) inches wide around the marker. Markers must be no higher than thirty six (36) inches from ground level, including the base, unless approved by the Cemetery Committee and the Elsinore Town Council.
- Concrete foundations of monuments or markers must be no wider than twenty six (26) inches, and no longer than forty-six (46) inches for a single grave or eighty (80) inches for a double grave to the outer perimeter of the concrete foundation.

D. Vases

- All permanent vases must be attached to the stone foundation or cast into the concrete foundation at least two (2) inches from the edge of the stone or concrete foundation.

- Vases must sit above container so flowers do not lay on stone or grass or flowers must be at least four (4) inches above the container to allow for trimming around the edge of the foundation.

E. Flagpoles

- All flagpoles installed at grave locations throughout the cemetery must adhere to the following requirements:
- Flagpoles must be mounted in the concrete foundation on the south side of the marker, at least two (2) inches from the edge.
- *Worn and tattered flags will be removed by sexton/superintendent if family cannot be contacted and disposed of properly by the American Legion.*

F. Shepherd's Hooks

- Shepherd hooks will be allowed so long as there is four (4) inches of concrete on all sides of the base from the hook with the exception of the side of the stone or marker. The hook must be over the stone so that anything flown from the hook would fall over the stone and not onto the grass.

SECTION 7-GENERAL PLOTTING AND LANDSCAPING

A. Boundaries, Roads and Waterlines

- The right to enlarge, reduce, re-plot or change the boundaries of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Elsinore Town Corporation. The right to lay, maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

B. Location of Documents

- All original maps, records and other documents pertaining to the Elsinore Town Cemetery are on file at the administrative office.

SECTION 8-REGULATIONS GOVERNING ACCESS AND CONDUCT

A. Entrance Regulation

- Access to the Elsinore Town Cemetery may be restricted to daylight hours.

B. Improper Conduct

- Elsinore Town Cemetery has been dedicated for the burial of the dead. Any behavior or conduct not keeping with this purpose is expressly forbidden.
- No person shall injure, deface, take or carry away from any grave or lot any monument, marker, tree, shrub, flower, ground or any other property or ornament in the Elsinore Town Cemetery.

C. Speed Limit

- The speed limit within Elsinore Town Cemetery is 10 miles per hour. Vehicles must stay on driveways while in the Elsinore Town Cemetery.

D. Animals

- Horses, dogs or any other type of pet or livestock are not permitted on the cemetery grounds. The owner of any such animal found to be in violation of the prohibition shall be cited for trespass.

SECTION 9-MISCELLANEOUS

A. Office - Records

- The official cemetery records are kept at the administration office of Elsinore Town Corporation. The office is open weekday from 9:00 a.m. until 12 noon, with the exception of holidays. All business pertaining to the cemetery should be transacted at the administrative office.
- The location of all graves is shown by maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the administrative office.
- All owners of lots or spaces are requested to notify Elsinore Town Corporation of any changes in their address.

B. Powers of the Sexton/Superintendent

- The cemetery sexton/superintendent, subject to the direction of the Town council, is responsible for enforcing the policies and procedures of the cemetery.
- The sexton/superintendent may take such action necessary to protect property, graves, space owners and the cemetery from injury, and to preserve the peace and good order and prevent injury to the appearance of the lots, graves, grounds and buildings.

C. Prices and Charges

- The Town council may establish or amend by resolution the fees charged for any service within the cemetery.
- Prices and charges will be furnished by the administrative office of Elsinore Town Corporation and are subject to change without notice.

D. Contractors and Outside Workers

- Contractors and others having work in the cemetery must make their business known to the superintendent before work is begun.

E. Disinterment

- Disinterment must be arranged for through the administrative office. All fees and permits must be given to the administrative office before disinterment is completed. The written order of the space owner, his legal representative, or an order from a competent authority in compliance with law must also be given.

F. Liability of Cemetery

- Elsinore Town Cemetery Personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the space owners, but shall not be liable for any damage or loss.

G. Alteration and Repeal of Policies and Procedures

- Elsinore Town Corporation reserves the right to make, amend and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.

H. Failure to Abide by Policies and Procedures

- Any person violating the provisions of the cemetery policies and procedures shall be guilty of a Class B misdemeanor and shall be fined accordingly.

SECTION 10-REPEALER AND SEVERABILITY

A. Repealer

- Previous cemetery ordinances or parts thereof conflicting with this ordinance are hereby repealed.

B. Severability

- If any section, clause or portion of this ordinance is declared invalid by a court; of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Elsinore Town Corporation
35 West Main Street
Elsinore, Utah 84724
Phone: (435)527-3306 ~ Fax: (435) 527-4365

Monument Permit

Monument Company Name, Address & Phone Number

Name of Contact Person: _____ Phone: _____

Name, Address & Phone Number of Monument Purchaser

Delivery Date & Time: _____

Monument Description & Dimensions:

CHECK ALL THAT APPLY:

Base Dimensions

Stone Dimensions

Upright ☐ Length: _____
(No longer than 46 inches for a single
stone or 80 inches for a double stone)

Height: _____
(Height of upright monument shall be no
higher than 36 total inches from ground
including the height of the base)

level
Raised ☐ Width: _____
(No wider than 26 inches)

Flat ☐
Double ☐
Single ☐
Vases ☐
Flagpole ☐
Shepherd Hook ☐

In Concrete ☐ In Stone ☐

Name, Date and Location of Burial

Name of Deceased: _____

Death Date and or Burial Date: _____

Plat: _____ Block: _____ Lot: _____ Space: _____

Approved By: _____

Date: _____