

ORDINANCE 1981-10

ELSINORE TOWN CEMETERY ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ELSINORE, SEVIER COUNTY, UTAH, AS FOLLOWS:

SECTION 1: THERE IS HEREBY ENACTED AND ADOPTED AN ORDINANCE TO BE KNOWN AS THE "ELSINORE CEMETERY ORDINANCE"

SECTION 2: NAME OF THE TOWN CEMETERY. THE BURIAL GROUND OF THE TOWN OF ELSINORE SHALL BE KNOWN AND DESIGNATED BY THE NAME OF "THE ELSINORE TOWN CEMETERY".

SECTION 3: BURIAL-ESTABLISHMENT OF CEMETERIES-PERMITS. NO PERSON OR PERSONS SHALL BE ALLOWED TO BURY THEIR DEAD WITHIN THE LIMITS OF ELSINORE TOWN EXCEPT IN THE CEMETERIES, AND NO CEMETERIES SHALL BE ESTABLISHED UNLESS BY PERMISSION OF THE ELSINORE TOWN COUNCIL; AND NO PERSON, EXCEPT THE OWNER OF THE LOT UPON WHICH INTERMENT IS TO BE MADE, SHALL BURY IN THE ELSINORE CEMETERY WITHOUT FIRST OBTAINING A WRITTEN PERMIT FROM THE OWNER OF THE SAID LOT, WHICH PERMIT SHALL BE FILED WITH THE TOWN SEXTON.

SECTION 4: STATEMENT. BEFORE BURYING ANY DEAD BODY IN THE ELSINORE CEMETERY AND BEFORE TRANSPORTING ANY DEAD BODY BEYOND THE LIMITS OF THE TOWN, THE RELATIVES OR OTHER PERSONS HAVING CHARGE OF THE BODY, MUST FURNISH THE SEXTON A STATEMENT, IN WRITING, OF SUCH DEATH, WHICH SHALL BE RECORDED BY HIM. SAID STATEMENT AS WELL AS THE RECORD, SHALL INCLUDE THE NAME OF THE PERSON DECEASED, BIRTH NAMES OF HIS PARENTS OR OTHER RELATIVES, IF KNOWN; WHEN AND WHERE BORN, IF KNOWN; THE DATE AND CAUSE OF DEATH; TOGETHER WITH THE NAME OF THE ATTENDING PHYSICIAN OR CORONER, AS THE CASE MAY BE; ALSO, THE DATE OF BURIAL, AS WELL AS NAME OF THE CEMETERY, WITH NUMBER OF THE LOT WHERE SUCH BODY IS BURIED AND SUCH OTHER PERTINENT FACTS AS MAY BE NECESSARY; OR IF TRANSPORTED BEYOND THE LIMITS OF THE TOWN; THE PLACE OR DESIGNATION.

SECTION 5: INDIGENTS. SUCH LOTS IN THE ELSINORE CEMETERY AS THE TOWN COUNCIL SHALL FROM TIME TO TIME DESIGNATE, SHALL BE RESERVED FOR THE BURIAL OF INDIGENT PERSONS.

SECTION 6: HEADSTONES OR MARKERS. WITH THE EXCEPTION OF THOSE SPECIFIC LOTS OR BLOCKS IN ELSINORE CEMETERY WHERE APPROVAL IS EXPRESSLY GRANTED BY RESOLUTION OF THE TOWN COUNCIL, THE OWNER OF THE LOT, OR RELATIVES OF THE DECEASED PERSON BUYING IN THE CEMETERY ARE HEREBY REQUIRED TO ERECT HEADSTONES OR MARKERS WHICH SHALL BE OF THE FLUSH-TYPE, ONLY AT THE HEADS OF GRAVES AT THE TIME OF BURIAL WITH THE NAME OF THE DECEASED PLAINLY INSCRIBED THEREON.

SECTION 7: OFFENSE. ANY PERSON WHO SHALL INJURE, MOLEST, DEFACE ANY HEADSTONES OR MARKERS, CURBING, FENCE, MONUMENT, TREES, SHRUBS, OR FLOWERS, OR ANY OTHER PROPERTY IN THE ELSINORE CEMETERY SHALL, UPON CONVICTION, BE LIABLE TO A FINE IN ANY SUM NOT TO EXCEED ONE HUNDRED (\$100.00) DOLLARS, OR THIRTY (30) DAYS IN JAIL, OR BOTH SUCH FINE AND IMPRISONMENT.

SECTION 8: SEXTON. THE SEXTON SHALL TAKE CHARGE AND HAVE THE ENTIRE CONTROL AND SUPERINTENDENCE OF THE ELSINORE CEMETERY, SUBJECT TO THE ORDER AND DIRECTION OF THE TOWN COUNCIL, AND ANY ADVISORY BOARDS SHALL BE APPOINTED BY THEM, AND SHALL KEEP IN PROPER REPAIR THE ENCLOSURE AROUND THE CEMETERY AND PREVENT IT FROM BEING ENTERED BY CATTLE OR OTHER ANIMALS AND SO FAR AS PRACTICABLE, PREVENT THE DESTRUCTION OR DEFACING OF ANY GRAVESTONE, MONUMENT OR ERECTION THEREIN.

- A. COLLECTION OF FUNDS. ALL FUNDS COLLECTED FOR THE BENEFIT OF THE CEMETERY SHALL BE DELIVERED DIRECTLY TO THE TOWN CLERK WHO SHALL KEEP ACCURATE RECORDS AND ACCOUNTS THEREOF.

SECTION 9: PERPETUAL FUND. THERE IS HEREBY CREATED A PERPETUAL CEMETERY IMPROVEMENT FUND BY THE TOWN OF ELSINORE. ANYONE WHO PURCHASES OR BECOMES THE OWNER OF BURIAL LOTS OR BURIAL SPACES IN THE ELSINORE CEMETERY SHALL PAY TO THE TREASURER OF ELSINORE TOWN, A SUM DETERMINED FROM TIME TO TIME BY THE ELSINORE TOWN COUNCIL. SUCH SUMS SHALL BE PLACED IN THE PERPETUAL CARE CEMETERY IMPROVEMENT FUND. SAID

FUNDS SHALL BE USED BY THE TOWN FOR PERPETUAL CARE OF LOTS OR SPACES SOLD IN ACCORDANCE WITH THE RULES PROVIDED BY THE TOWN COUNCIL IN CONNECTION THEREWITH. THE PRINCIPAL COMMITTED OT THE PERPETUAL FUND SHALL BE PROTECTED AT ALL TIMES AND ONLY THE INCOME THERE FROM SHALL BE USED TO FUND THE NECESSARY EXPENDITURES TO BE INCURRED.

SECTION 10: PRICE OF LOTS. THE PRICE OF LOTS SHALL BE FIXED BY RESOLUTION OF THE TOWN COUNCIL FROM TIME TO TIME AND SHALL INCLUDE A SUM OF MONEY DETERMINED BY THE ELSINORE TOWN COUNCIL TO BE USED AS A PERPETUAL IMPROVEMENT FUND FOR THE CARE AND UPKEEP OF ANY LOTS SOLD AND NO LOTS SHALL HEREAFTER BE SOLD WITHOUT THE PURCHASER PAYING A SAID SUM IN THE PERPETUAL IMPROVEMENT FUND FOR THE CARE THEREOF, OR ARRANGING TO PAY SAID FUND TO THE TOWN IN ACCORDANCE WITH THE RULES WHICH MAY BE PROVIDED BY THE TOWN COUNCIL.

SECTION 11: CEMETERY ADVISEMENT COMMITTEE. THE TOWN COUNCIL, IN ITS DISCRETION, MAY, FROM TIME TO TIME, APPOINT SUCH ADVISORY COMMITTEES, TOGETHER WITH A CHAIRMAN THEREFORE FOR SUCH TERMS AND SPECIFIC PURPOSES AS ARE DEEMED NECESSARY FOR THE STUDY, MANAGEMENT OR IMPROVEMENT OF THE ELSINORE CEMETERY.

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SECTION 12: FORFEITURE. WHENEVER ANY PARTY OR PARTIES TO WHOM A LOT OR A PORTION OF A LOT IN THE CEMETERY HAS BEEN SOLD SHALL HAVE FAILED TO PAY TO THE TOWN SEXTON THE FULL PURCHASE PRICE FOR THE SAME, TOGETHER WITH THE REQUIRED SUM FOR ANNULA MAINTENANCE OR PERPETUAL UPKEEP THEROF, OR, FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF SAID SALE, AND WHO, AFTER DUE NOTICE FROM THE TOWN SEXTON, SHALL FAIL AND REFUSE TO PAY THE SAME, THEN AND IN THAT EVENT, SAID PARTY OR PARTIES SHALL FORFEIT ALL RIGHTS AND PRIVILEGES IN SAID LOTS AT THE OPTION OF THE TOWN COUNCIL, SAVE AND EXCEPT ONLY SUCH PORTIONS THEREOF AS ARE ACTUALLY USED FOR BURIAL PLACES OF DECEASED PERSONS. THE TOWN SHALL HAVE THE RIGHT TO SELL THE UNUSED PORTIONS OF SAID LOT OR LOTS TO COMPENSATE IT FOR THE UPKEEP OF THE PARTS USED.

SECTION 13: LOTS SOLD WITHOUT PAYMENT OF PERPETUAL IMPROVEMENT FUND. NO BURIAL SHALL HEREAFTER BE MADE IN ANY CEMETERY LOT ALREADY SOLD UNTIL THE OWNER THEREOF SHALL PAY INTO THE PERPETUAL IMPROVEMENT FUND THE AMOUNT REQUIRED FOR THE PERPETUAL CARE AND IMPROVEMENT OF SAID CEMETERY LOT.

SECTION 14: PENALTY. ANY PERSON VIOLATING ANY PROVISION OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION THEREOF, SHALL BE PUNISHED AS PROVIDED BY LAW.

PASSED AND ADOPTED BY THE ELSINORE TOWN COUNCIL ON THIS 13TH DAY OF OCTOBER, 1981.