

## ORDINANCE NO. 2023-10

### AN ORDINANCE AMENDING SECTION 8.03.085 OF THE CENTERVILLE MUNICIPAL CODE REGARDING NICHE WALLS TO ADD REFERENCE TO THE VETERANS MEMORIAL NICHE WALL LOCATED IN THE FREEDOM HILLS PARK AND AMENDING SECTION 8.03.090 OF THE SAME REGARDING THE INTERMENT OF INFANT OR CREMAINS IN A NON-DOUBLE DEPTH BURIAL SPACE

**WHEREAS**, the City Council desires to amend Section 8.03.085 of the Centerville Municipal Code regarding Niche Walls to add reference to the Veterans Memorial Niche Wall located in the Freedom Hills Park, as more particularly set forth herein; and

**WHEREAS**, the City Council finds the amendments to Section 8.03.085 are in the public interest to provide a regulatory framework for the Veterans Memorial Niche Wall in the Freedom Hills Park; and

**WHEREAS**, the City Council desires to amend Section 8.03.090 of the Centerville Municipal Code regarding the interment of infant or cremains in a non-double depth burial space, as more particularly provided herein; and

**WHEREAS**, the City Council finds the amendments to Section 8.03.090 are in the public interest to address the issues with the interment of infant or cremains in a double depth burial space.

### NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

**Section 1.**     **Amendment.** Section 8.03.085 of the Centerville City Municipal Code regarding Niche Walls is hereby amended to read in its entirety set forth as follows:

#### **8.03.085 Niche Walls**

The City has designed and installed a niche wall within the City Cemetery for purposes of selling niche spaces for the inurnment of cremains. The City has also designed and installed a Veterans Memorial Niche Wall in Freedom Hills Park. Additional niche walls may be installed as determined necessary and appropriate by the City Council. Any niche wall installed by the City, regardless of location, shall be subject to the terms and conditions of this Chapter 8.03 (Cemetery).

**Section 2.**     **Amendment.** Subsection 8.03.090(f) of the Centerville City Municipal Code regarding the burial of infant or cremains in burial space is hereby amended to read in its entirety set forth as follows:

#### **8.03.090 Right of Burial**

\* \* \*

- (f) Except as otherwise provided herein, ~~for infant or cremation burials or double depth burial spaces,~~ only one deceased person (body or cremains) may be buried in a burial space. Two deceased persons may be buried in

an approved double depth vault burial space in accordance with the provision of CMC 8.03.130. An infant or the cremains of a deceased person may be placed in a non-double depth burial space that is already occupied or not yet occupied by an interred with another deceased person upon written approval of the Parks and Recreation Director; provided, there is sufficient room in the burial space for such remains. The placement of an infant or the cremains of a deceased person shall not be allowed to be placed in a double depth burial space due to vault and access issues. Approved dDouble depth vault burial spaces, and non-double depth burial spaces approved for the burial of infant or cremains as provided herein, shall be subject to the marker and monument restrictions set forth in CMC 8.03.240 and CMC 8.03.250. The applicable burial right fee shall be paid for a burial space or double depth burial space. Only one burial right or burial space fee is required to be paid for double depth burial spaces and infant or cremains buried in a burial space as more particularly set forth in the City Fee Schedule regarding burial right, but, each body or cremains ashes buried therein shall be required to pay the applicable interment and perpetual care fees as more particularly set forth in the City Fee Schedule. Cremains buried in a burial space as provided herein shall not be subject to the regulations and fees regarding the inurnment of cremains in a niche space.

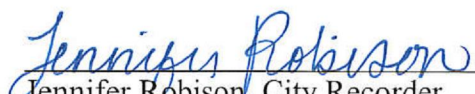
\* \* \*

**Section 2. Severability Clause.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

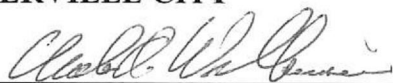
**Section 3. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE, STATE OF UTAH, ON THIS 17<sup>th</sup> DAY OF OCTOBER, 2023**

**ATTEST:**

  
Jennifer Robison, City Recorder

**CENTERVILLE CITY**

By:   
Mayor Clark A. Wilkinson

Voting by the City Council:

|                          | “AYE”             | “NAY”             | “ABSENT”          |
|--------------------------|-------------------|-------------------|-------------------|
| Councilmember Hirst      | <u>          </u> | <u>          </u> | <u>  X  </u>      |
| Councilmember Ince       | <u>  X  </u>      | <u>          </u> | <u>          </u> |
| Councilmember McEwan     | <u>  X  </u>      | <u>          </u> | <u>          </u> |
| Councilmember Mecham     | <u>  X  </u>      | <u>          </u> | <u>          </u> |
| Councilmember Summerhays | <u>  X  </u>      | <u>          </u> | <u>          </u> |

## CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published or posted as required by law.

Jennifer Robison  
JENNIFER ROBISON, City Recorder

DATE: 10/23/23

RECORDED this 23<sup>rd</sup> day of October, 2023.

PUBLISHED OR POSTED this 23<sup>rd</sup> of October, 2023.

