

ORDINANCE NO: 2026 - 05

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING TITLE 7 CHAPTER 6 OF THE LAVERKIN CITY CODE PERTAINING TO OPERATION AND MAINTENANCE OF CEMETERIES WITHIN THE CITY OF LAVERKIN.

WHEREAS the City Council of LaVerkin has previously adopted Title 7 Chapter 6 of the LaVerkin City Code pertaining to operation and maintenance of cemeteries within the City of LaVerkin (hereafter referred to as the “Cemetery Ordinance”); and

WHEREAS said City Council deems it necessary to update and clarify various provisions of the Cemetery Ordinance to better reflect current laws, needs and standards; and

WHEREAS said City Council deems it necessary and desirable for the preservation and protection of the welfare of the residents of the City of LaVerkin,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that Title 7 Chapter 6 of the LaVerkin City Code (the Cemetery Ordinance) be amended in its entirety to read as follows:

## CHAPTER 6 CEMETERIES

SECTION:

- [7-6-1: City Cemetery](#)
- [7-6-2: Definitions](#)
- [7-6-3: Applicability](#)
- [7-6-4: Cemetery Sexton](#)
- [7-6-5: Burials](#)
- [7-6-6: Fees and Charges](#)
- [7-6-7: Lot Sales](#)
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- [7-6-14: Penalty](#)

**7-6-1: CITY CEMETERY:**

The burial ground of the city shall be known and designated by the name of LaVerkin Cemetery. (1982 Code § 8-202)

## **7-6-2: DEFINITIONS:**

The following words or phrases shall have the following meanings, unless the context otherwise clearly requires:

**BURIAL:** The interment of human remains, including cremated remains.

**BURIAL LOT:** The location, by section and block, identified in a city cemetery for the future exercise of a burial right, or the memorial to a deceased person, including historically created half burial lots.

**BURIAL VAULT:** A structure used to hold a casket or container of cremated remains.

**CERTIFICATE OF BURIAL RIGHT:** A document issued by the city identifying the individual who may be buried in a burial lot.

**CREMATED REMAINS:** The remains of a deceased human that have been reduced to ashes.

**CEMETERY SEXTON:** A cemetery sexton is the caretaker and manager of a cemetery, responsible for its daily operations, maintenance, record-keeping, and coordinating burials, ensuring the grounds are kept dignified and organized, with duties ranging from grave preparation and plot sales to assisting families and enforcing regulations. The role originates from church caretakers (sextons) and involves overseeing property, but in modern cemeteries, it's focused on managing all aspects of the grounds and burials, sometimes with specialized staff for digging or administration.

**DISINTERMENT:** The permanent removal of a casket or cremated remains from a burial lot.

**EXHUMATION:** The temporary removal of human remains from a burial lot.

**GRAVE:** A burial lot in which human remains, including cremated remains, have been buried or which has been excavated in anticipation of burial.

**HEADSTONE:** A marker or monument used to identify the person interred in a burial lot.

**LOT:** The partial lots or single graves in the city cemetery.

**LOT OWNER OR PURCHASER AND GRAVE OWNER OR PURCHASER:** The owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner. (1982 Code § 8-202)

**MARKER:** A headstone that is flat, flush to the natural grade of a grave, identifying the person whose remains are buried in the grave.

**MEMORIALS:** Items placed on a burial lot as a remembrance.

**MONUMENT:** A headstone that is upright, located on a grave, identifying the person whose remains are buried interred in the grave

**PLOT:** Each single gravesite within a lot.

**PLOT:** Each single gravesite within a lot.

**7-6-3: APPLICABILITY:**

All cemeteries owned and/or maintained by the city or which may hereafter be acquired by the city wherever situated are hereby declared subject to the provisions of this chapter. (1982 Code § 8-203)

**7-6-4: CEMETERY SEXTON:**

- A. Created: There is hereby created the position of cemetery sexton. (1982 Code § 8-211; amd. 1998 Code)
- B. Duties: The cemetery sexton shall have the general supervision and administration of the city cemetery, including, but not limited to:
  - 1. Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
  - 2. Subdividing the cemetery into lots and grave sites.
  - 3. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
  - 4. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the city clerk/recorder of such fact. The city clerk/recorder shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the city clerk/recorder. (1982 Code § 8-212; amd. 1998 Code)

**7-6-5: BURIALS:**

- A. Certificate Required: It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of a right to burial based on a properly acquired certificate of burial right. (1982 Code § 8-222)
- B. Registration: Before any deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the city clerk/recorder with a written statement which shall be filed by the city clerk/recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave. (1982 Code § 8-223)
- C. Vaults:
  - 1. Unless in writing waived by the cemetery sexton, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel-or brick lined, *Polypropylene, or Industry - standard Vaults of and such or of such other material*

approved by the city council, substantially constructed and covered with a similar durable material.

2. No wood shall be used as a permanent part of the construction of any part of the vault. (1982 Code § 8-225; amd. 1998 Code)
- C. Burial Days: Monday through Saturday, except City-observed State and Federal holidays, except New Year's Day, Memorial Day, Thanksgiving Day, and Christmas Day. When the City-observed State and Federal holiday falls on a Saturday, this includes the actual holiday and the preceding day; when it falls on a Sunday, this includes the actual holiday and the following day. Except as otherwise ordered by the Mayor (in exceptional circumstances), there shall be no interments on Sundays. New Year's Day. July 4th. Pioneer Day. Veterans Day. Thanksgiving Day. Christmas Day. or Friday through Monday of the Memorial Day weekend
- D. Interment: Persons desiring to arrange for an interment must contact the City at least 48 hours prior to the scheduled time of interment. Failure to do so may prevent the scheduling of the interment at the desired time; if the sexton or other applicable City official determines that the interment may practically occur at the desired time of interment,
  1. Interment (and associated graveside services or visits) may be scheduled until 2:30 p.m. and shall finish within two hours from the scheduled time; and all visitors will be clear of the grave site prior to the end of such two-hour period and no later than 4:30 p.m. for an afternoon interment, to give City employees sufficient time to complete all associated services and needed site-restoration by 5:00 p.m.
- E. Unlawful Acts: It shall be unlawful for any person to:
  1. Disinter any body buried in any cemetery, except under the direction of the cemetery sexton who shall, before disinterment, require written permission from both the Southwestern district health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
  2. Disinter or remove the body of a person who has died from a contagious disease within two (2) years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
  3. Inter anything other than the remains of human bodies in cemeteries.
  4. Bury the body of any person within the city, except in the city cemetery or a private cemetery, unless by special permission of the city council under such rules and regulations that it may prescribe. (1982 Code § 8-224; amd. 1998 Code)

#### **7-6-6: FEES AND CHARGES:**

- A. Established; Authority: The city council shall, from time to time by resolution, fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided. (1982 Code § 8-243)
- B. Collection: The city clerk/recorder, and such other persons as the city council may designate, are hereby authorized and required to collect in advance, prices and fees for the opening and closing of

graves or other services which shall include, but not be limited to, properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time by resolution. (1982 Code § 8-241)

C. Opening Graves:

1. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.
2. The presentation of a receipt from the city clerk/recorder or person designated by the city council when presented to the cemetery sexton, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the city clerk/recorder or authorized person may give the cemetery sexton authority to open graves without the presentation of a receipt from the city clerk/recorder or authorized person. (1982 Code § 8-242; amd. 1998 Code)

**7-6-7: LOT SALES:**

- A. Authority and Records: The city clerk/recorder, along with any other individual designated by the city council, is authorized to sell burial rights only to individuals. Upon the sale of a burial right, the city will issue a certificate of burial right. This certificate grants the individual named within it the non-transferable right to be buried in the identified burial lot. However, the certificate of burial right only conveys a license for burial and does not confer any title, fee, or other ownership or possessory interest in the burial lot itself.
- B. An individual may purchase more than one burial right, as long as each issued certificate identifies the individual entitled to be buried in the corresponding lot. However, one individual may be named in no more than two certificates. Any certificate of burial right that does not designate the individual eligible for burial in the identified lot is invalid, except in the following circumstances:
  1. While alive, the individual named in the certificate must provide written consent for any other remains to be interred in the identified burial lot.
  2. After that individual has passed away, the burial of any other remains may be authorized by:
    - a) The surviving spouse of the individual named in the certificate, or
    - b) If no spouse survives, a descendant who must provide proof of power of attorney for the individual named in the certificate.
    - c) The descendant may either obtain written consent from all surviving descendants of the individual named in the certificate (by representation), or they must notify all descendants in writing of their intent to permit other remains in the burial lot. This notification must explicitly state that any objections to the proposed burial must be submitted to the city in writing within thirty (30) days.

If the city does not receive any objections within that thirty-day period from the date the last notice was mailed, the descendant may consent to the burial of other remains in the

lot. Conversely, if an objection is received within thirty (30) days from that date, the descendant cannot consent to the burial of other remains.

Before notifying descendants of the intent to consent to the burial of other remains, the descendant must inform the city of this intent, provide the names and last known addresses of all known surviving descendants of the individual named in the certificate, and deliver copies of the notices to the city, along with proof of mailing. The legally recognized guardian of any minor or incapacitated descendant may act on behalf of that minor or incapacitated descendant.

- C. Purchase Price, Scope Of: A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care.
- D. Services Included: Perpetual care shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass and watering and cutting the grass. No other services are included.
- E. Improvements, Changes And Services: No other improvements, changes or service, except perpetual care, shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery sexton written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the city council. (1982 Code § 8-251; amd. 1998 Code)
- F. Resale Restrictions:
  - 1. From and after March 15, 1982, the lots sold by the city shall not be further sold, transferred, conveyed or assigned to any person except the city. The city hereby agrees to buy back any city cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser or the current selling price of the lot, whichever is less.
  - 2. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this subsection, or becomes vested in the city for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given and the record shall be so changed. (1982 Code § 8-252)
  - 3. The certificates shall be issued and signed and attested by the city clerk/recorder. All lots or parts of lots, as provided in this subsection, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment. (1982 Code § 8-252; amd. 1998 Code)

#### **7-6-8: PLACEMENT OF MONUMENTS AND MARKERS:**

- A. Upright monuments and primary headstones are allowed in all sections of the cemetery, but they must not exceed 36 inches in height at their tallest edge. Any monument or headstone that stands above the sod level is classified as an upright stone. Monuments and headstones that are level with the sod are also permitted. The dimensions for monument and headstone bases are restricted; they must not

exceed 42 inches in length and 24 inches in width for a single plot. For two consecutive plots, the base length cannot exceed 84 inches while still maintaining the 24-inch width.

1. A plot that has been designated for cremation remains of no more than two people. The Monuments/Markers must be flush with the sod line
- B. If an individual purchased a headstone or marker which exceeds the 36-inch maximum height, that headstone or marker shall be allowed only if written proof is furnished to the sexton showing that the headstone or marker was purchased prior to Month \_\_\_\_\_ Date \_\_\_\_\_ Year \_\_\_\_\_.
- C. Permitted Markers or Additional Stones. Any secondary marker must be flush with the sod line. The dimensions of the marker or stone shall not exceed 24 by 12 by six inches. The base upon which it is placed may not exceed 36 by 24 by six inches. A secondary marker, stone, may be permitted if the additional marker or stone identifies a currently unidentified individual within the same burial lot. Stones or markers that identify an individual already identified through another stone or marker within that same burial lot shall be prohibited. The only exception shall be veteran markers. No more than two markers or stones may be permitted in a single burial lot.
- D. Materials Permitted. All monuments, headstones, or markers shall consist of granite, bronze, or other durable material approved by the sexton.
- E. Authorization. Any individual, family, group, or the like must obtain approval from the sexton prior to the placement of any monument, headstone, or marker

#### **7-6-9: PERPETUAL CARE LOTS:**

- A. Scope Of Care: The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the city. (1982 Code § 8-262)
- B. Contracting For Care:
  1. No grave shall be hereafter opened in the cemetery of this city until perpetual care upon the lot where the grave is to be opened shall have been contracted for with the city, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed. (1982 Code § 8-261)
  2. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the city in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with reasonable attorney fees to the city, and shall also pay interest at the rate of eight percent (8%) per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments; provided however, that when perpetual care for any lot in the city cemetery or portion thereof, has not been paid for a period of ten (10) years, then, and in such an event, the

unused portion of the lot shall thereafter escheat to the city, and the title thereof shall revert to the city, which shall thereafter have the right, option and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that the city shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to the city. (1982 Code § 8-261; amd. Ord. 2005-12, 4-6-2005)

3. The city shall have the power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. (Ord. 2005-12, 4-6-2005)

C. Fund Created; Use:

1. There is hereby established a perpetual care fund according to the laws of the state and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state and used for the purposes herein provided.
2. The income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery. (1982 Code § 8-271; amd. 1998 Code)

- D. Duties Of Treasurer: It shall be the duty of the city treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state. (1982 Code § 8-272; amd. 1998 Code)

- E. Investment Income: All income from investments held in the perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing the perpetual care as required herein. (1982 Code § 8-274)

**7-6-10: INDIGENTS:**

The city council may by resolution designate a portion of the city cemetery to the burial of indigents. Whenever it is made to appear to the mayor and city council by proof submitted to them by the city clerk/recorder that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor and city council may grant burial space for such deceased person at the request made to him by the city clerk/recorder. (1982 Code § 8-291; amd. 1998 Code)

**7-6-11: RULES AND REGULATIONS:**

A. Authority To Regulate; Procedure:

1. The city council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.
2. The mayor may, from time to time as the city council deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this chapter after they have been adopted as official by resolution of the city council.

3. Any changes in the rules and regulations shall be adopted by the city council before such changes shall be official. (1982 Code § 8-237)
- B. Lots Sold: Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery. (1982 Code § 8-227)
- C. Traffic Control:
  1. The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this chapter.
  2. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than five (5) miles per hour. (1982 Code § 8-230)
- D. Children: Children under the age of *Sixteen (16)* years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles. (1982 Code § 8-231)
- E. Animals: No animal shall be allowed in any cemetery, except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery. (1982 Code § 8-232)
- F. Decorum: Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons. (1982 Code § 8-233)
- G. Errors In Opening Graves: Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone. (1982 Code § 8-229)
- H. Religious And Fraternal Organizations: The city may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families. (1982 Code § 8-226)
- I. Placement of Flowers, Plants and Other Items of Decoration: All adornments should be placed on the headstone or in a prescribed receptacle within the concrete foundation of the headstone. Items should not be placed on or in the grass surrounding the headstone, thus allowing staff to trim and edge without incident or movement of items. Shepard hooks are allowed but are restricted to one per headstone. Adornments, including but not limited to potted plants, flags, floral wreaths, and flowers in vases are allowed, but will be removed without notice by cemetery employees when they become withered, discolored, torn, broken or vandalized.
- J. Holidays: The city reserves the right to remove all flowers, plants or other items of decoration from the city cemetery grounds after seven (7) calendar days following any holiday or at such earlier time and/or other date if said flowers, plants or other items of decoration have died or become broken. The owner of all such flowers, plants or other items of decoration shall be responsible to remove the same within the above time periods if the owner desires to preserve such items; otherwise, all such items will be removed and disposed of by cemetery personnel

- K. Temporary memorials: Temporary memorials, including but not limited to potted plants, flags, floral wreaths and flowers in vases, will be removed without notice by cemetery employees when they become withered, discolored, torn, broken or vandalized. Funeral flowers will be allowed to remain for three (5) business days, after which cemetery employees may remove them based on the above criteria. Other temporary memorial items such as glass containers, wires, sticks, iron rods, pegs, ceramic pots or other containers that may pose safety hazards will be removed by cemetery employees.

**7-6-12: CARE AND MAINTENANCE; RIGHT TO ENTER:**

The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries. (1982 Code § 8-228)

**7-6-13: UNLAWFUL ACTS:**

A. Injury To Property: It shall be unlawful:

1. For any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.
2. For any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery. (1982 Code § 8-234; amd. 1998 Code)

B. Landscaping By Private Persons:

1. Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot/Burial plot or lots/Burial plots lot or lots, street, alley or walk in the cemetery of this section, or to grade the ground or land thereof. The cemetery sexton shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land
2. **Plants:** Plants that existed from the date of this passing Month\_\_\_\_\_ Day\_\_\_\_\_ Year\_\_\_\_\_ will be able to remain, but if plants remain unkempt for one year or grow too large, they may be removed by cemetery personnel. The city retains the right to determine when plants have grown too large. (1982 Code § 8-235; amd. 1998 Code; Ord. 2002-14, 12-18-2002)

- C. **Placement Of Markers:** It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction and design of all such markers. (1982 Code § 8-236)

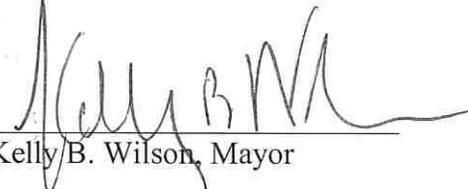
**7-6-14: PENALTY:**

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (1998 Code)

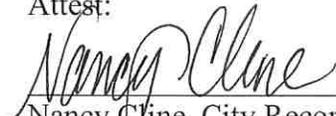
BE IT FURTHER ORDAINED that this ordinance shall take effect at the earliest possible time allowed by Utah law after publication or posting.

PASSED AND APPROVED by the City Council of LaVerkin , Utah, this 18th day of February, 2026.



  
Kelly B. Wilson, Mayor

Attest:

  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the 18<sup>th</sup> day of February, 2026, whereupon a motion to adopt said Ordinance was made by Scot Pectol and seconded by Darren Prince.  
A roll call vote was then taken with the following results:

NAME	VOTE
<u>John Valenti</u>	<u>Yes</u>
<u>Amanda Barr</u>	<u>Yes</u>
<u>Scot Pectol</u>	<u>Yes</u>
<u>Darren Prince</u>	<u>Yes</u>
<u>Micah Gubler</u>	<u>not present</u>

  
Nancy Cline, City Recorder