

Planning Commission Staff Report

March 26, 2015

Item 3

Applicant: Ben Peay

Location: 580 W Maple

Prepared by: Sean Conroy,
Community Development

Director

Public Hearing: Yes

Zone: OS-P

Attachments:

1. Application information.
2. OS-P Zoning Text Excerpt.
3. Utah Code.

REQUEST

Consideration of a Conditional Use Permit to allow a private cemetery at 580 West Maple Street in the Open Space and Parks (OS-P) zone.

BACKGROUND AND PROJECT DESCRIPTION

The applicant owns four parcels totaling approximately 8 acres located at 580 West Maple Street in the OS-P zone. The property has been used for agricultural purposes and includes a barn and a pavillion.

On March 4, 2015 the City Council approved a General Plan Land Use Designation amendment from Low Density Residential (LDR) to Public Facilities (PF) and a rezone amendment from Residential Agricultural (RA-1) to Open Space-Parks (OS-P) for the subject property. The applicant is now requesting a conditional use permit to allow a private cemetery on the property. The cemetery will include the following:

- Curb, gutter & sidewalk improvements along Maple Street;
- A wrought iron fence with stone pillars along the front property line;
- A one-way access point near the eastern property line and a one-way exit point near the western property line;
- Privacy fencing for the neighbors to the east and west;
- A 19' roadway that will allow 110 parking spaces at build out;
- A covered columbarium wall;
- A memorial plaza;
- Approximately 6,436 grave sites; and
- Landscaping.

The applicant anticipates that the site will be developed in phases with the first phase including the front 3-4 acres.

EVALUATION

Planning Commission Discretion: The review of a conditional use permit is considered an administrative review. The Commission's discretion is limited to a review of whether or not the proposal complies with the applicable state and local laws. A conditional use permit must be approved if reasonable conditions are proposed, or can be imposed, to mitigate any potential negative impacts. Conditional use permits cannot be denied based simply on public clamor or because the Commission is not supportive of allowing a particular use.

State Law: Utah Code Title 8, Chapter 3 outlines the requirements for cemeteries in the state (see attachment “3”). Some of the requirements include:

- A cemetery plat must be recorded;
- Each purchaser of a lot shall receive a certificate of burial right;
- Transcripts of lot sales shall be recorded semiannually;
- The establishment of a \$25,000 endowment care trust fund prior to beginning operation;
- A portion of each lot sale shall be deposited in the endowment fund; and
- Endowment care funds are placed with an independent trustee.

In addition to state code requirements, the Health Department requires that the owner obtain permits for internments and other burial operations. Please note, there are no state code requirements for depth of burials or burials in areas of potential high water table.

City Code: Mapleton City Code (MCC) Chapter 12.28 establishes requirements for a public cemetery, but does not address private cemeteries. MCC Chapter 18.80.030 indicates that a private cemetery is a conditional use in the OS-P zone, but does not identify any specific conditions that shall apply. The Commission may consider imposing specific conditions if it determines the conditions are needed to avoid reasonably anticipated detrimental effects and if the conditions are roughly proportional to the burdens potentially created by the project. Some potential impacts that a cemetery could create include traffic and parking, privacy, visual impacts due to lack of maintenance, etc.

Traffic, Parking and Circulation: According to the Institute of Traffic Engineer’s (ITE) traffic manual, a cemetery averages approximately 8 trips a day per acre. Based on the ITE manual, an eight acre cemetery would likely produce approximately 64 trips a day. This is a small amount of traffic and it is not anticipated to impact the level of service of Maple Street.

MCC Chapter 18.84 established the on-site parking requirement for various commercial uses. No parking requirement is established for a cemetery. However, chapter 18.84.270.G states the following:

“Required Parking; Uses Not Mentioned: The required off street parking for any building, structure or use of land of a type which is not listed in this section shall be determined by the planning commission. The planning commission shall be guided as much as possible by comparison with similar uses which are listed.”

The applicant is not proposing a parking area, but is proposing a 19 foot roadway system that will allow for a 12 foot travel lane and a seven foot parallel parking area. At build out, approximately 110 parking spaces would be provided. This should be more than sufficient to accommodate the traffic loads anticipated for the cemetery.

The applicant is proposing a one-way traffic circulation system with one entry point and one exit point. This should allow traffic to flow smoothly, even during peak traffic times.

Privacy: The applicant is proposing to install privacy fencing for the neighboring dwellings on the east and west sides of the property. This should largely mitigate any potential privacy concerns.

Aesthetics: The applicant is proposing a high quality entry with wrought iron fencing and stone pillars. The frontage will include a landscape planter behind the sidewalk, a decorative fence and trees behind the fence. The cemetery should improve and enhance Maple Street and contribute to the character of the community.

Signage: The OS-P zone only allows monument signs, guide signs, directional signs and wall signs. The sign ordinances outlines size limitation requirements for the residential zones and commercial zones, but is silent with regards to fencing on OS-P property. Staff recommends that the Commission use the following goals of the sign ordinance (CMC Chapter 18.86.010) to guide its review of any proposed signage:

A. To promote the health and well-being of the public, generally pedestrians and motorists, by minimizing obstruction, visual or otherwise, distraction, and related safety and traffic hazards within the city; and

B. To preserve and enhance the beauty of the city by minimizing visual clutter and regulating physical characteristics of and placement of signage within the city.

Restroom Facilities: The concept plan does not currently show restroom facilities on the plan. While a restroom facility may not be essential early on in the development, as the cemetery builds out a restroom facility would be desirable. In speaking with the applicant, they are considering options to provide restrooms at some point in the future. The Commission may want to discuss this topic with the applicant.

Conditions: Staff has included some conditions of approval to ensure that the proper process is followed as construction begins and as the cemetery operates into the future.

STAFF RECOMMENDATION

Approve the Conditional Use Permit with the attached special conditions.

SPECIAL CONDITIONS

1. A final plat shall be prepared for the property to be approved by the Community Development Director and City Engineer, and shall be recorded with the Utah County Recorder.
2. The cemetery shall comply with all applicable Utah State Code requirements and Utah County Health requirements.
3. The applicant shall obtain a business license from the City prior to the opening of the cemetery.
4. The applicant shall submit the required water shares/rights and pay applicable impact fees prior to each phase of the proposed subdivision as determined by the City Engineer.

5. The applicant agrees, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any appeal, claim, suit or other legal proceeding, to attach, set aside, void or annul any project approval.

Mapleton Cemetery
620 West Maple Street

- The intent of the cemetery is to provide an opportunity for burial within the City of Mapleton. It will also be place where people can go to meditate and visit their loved ones that have passed on before with the beautiful surroundings of Mapleton.
- Some of the services that will be provided are a memorial plaza, outdoor seating under a pavilion (possibility for small outdoor services), raised headstones and flat headstones. There will be several different options for burial vaults provided.
- Some of the design concepts will be: Maple Street improvements, including a secondary water pipe, sidewalk, curb, gutter and asphalt. New chain link fencing on the east and west sides of the property. New ornamental iron fencing with stone columns along Maple St with a stone entrance and monument sign. Maple Street will be decorated with shrubs and flower beds. The interior streets will be lined with trees. The roadways in the cemetery will be wide enough for cars to pass with parallel parking. The completed project will provide at least 110 parking spaces.

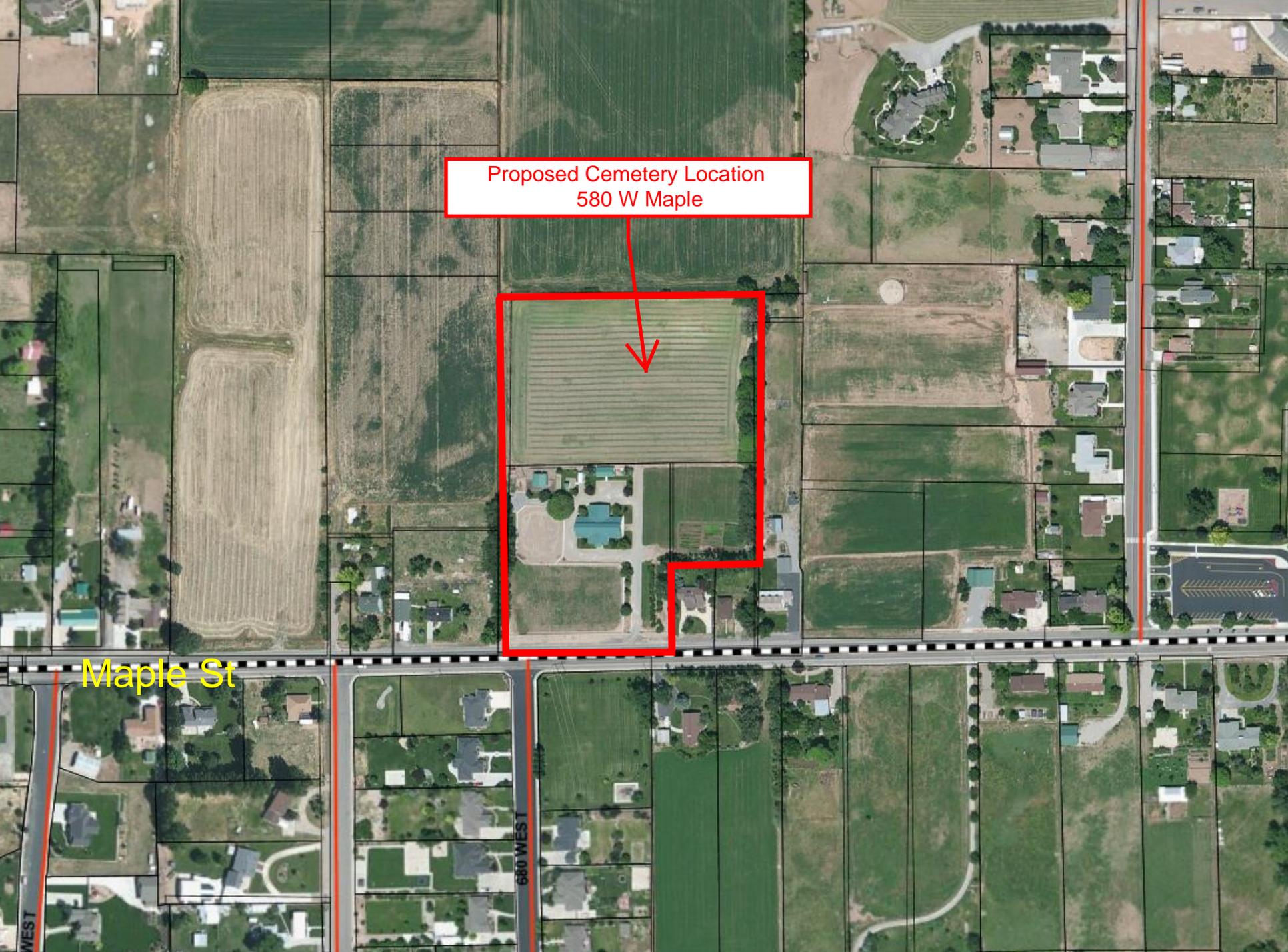
Proposed Cemetery Location
580 W Maple



Maple St

WEST

680 WEST



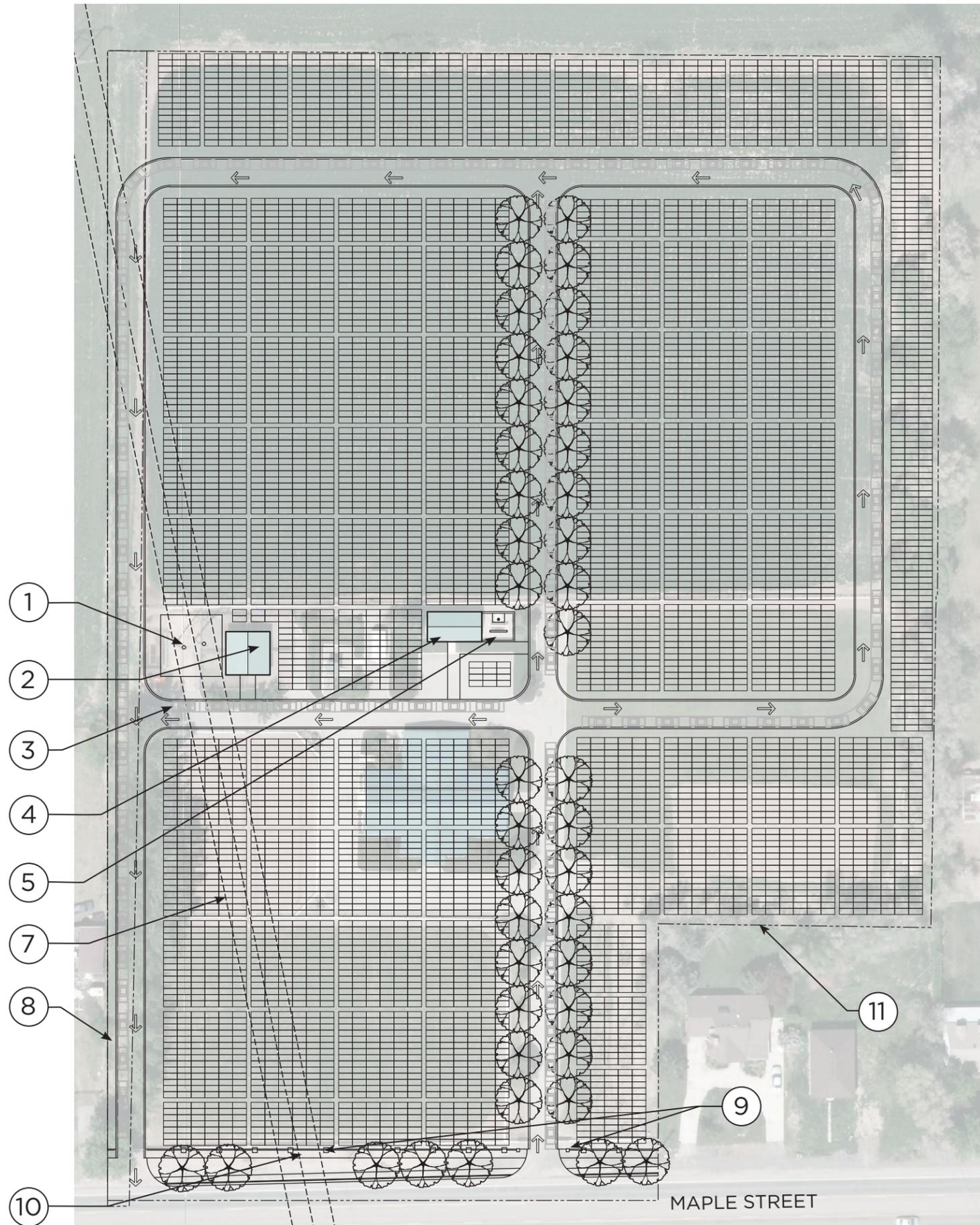
MAPLETON CEMETERY

CONCEPTUAL MASTER PLAN

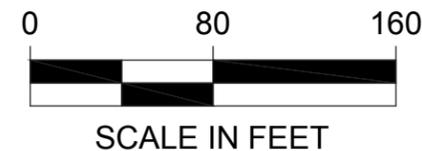
Grave Size: 4'x9'

Total number of graves: 6,436

Total number of parallel parking spaces: 110



- ① POWER LINE POLE BUFFER AREA
- ② COVERED COLUMBARIUM WALL AREA
- ③ PARALLEL PARKING TYP.
- ④ EXISTING PAVILION
- ⑤ MEMORIAL PLAZA
- ⑥ CEMETERY ROAD (TYP.) (19' WIDE)
- ⑦ POWER LINES
- ⑧ EASEMENT
- ⑨ WROUGHT IRON FENCE
- ⑩ PLANT BED ALONG OUTSIDE FENCE FOUNDATION
- ⑪ PROPERTY LINE



*Plan is based on county parcel data and is intended to be conceptual. Survey data is not included as part of this plan. Plan is subject to change based on final survey data.



OTHER J-U-B COMPANIES

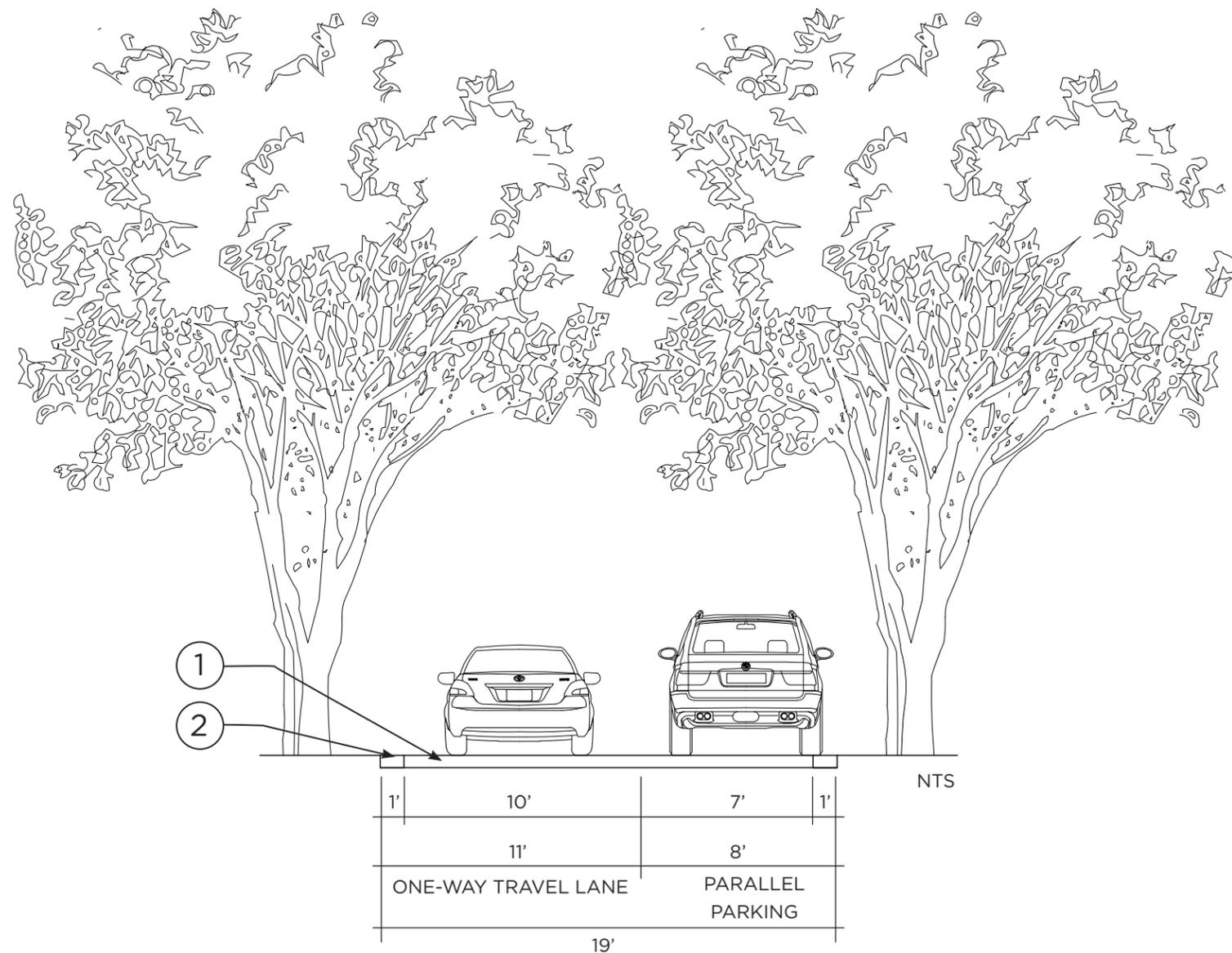
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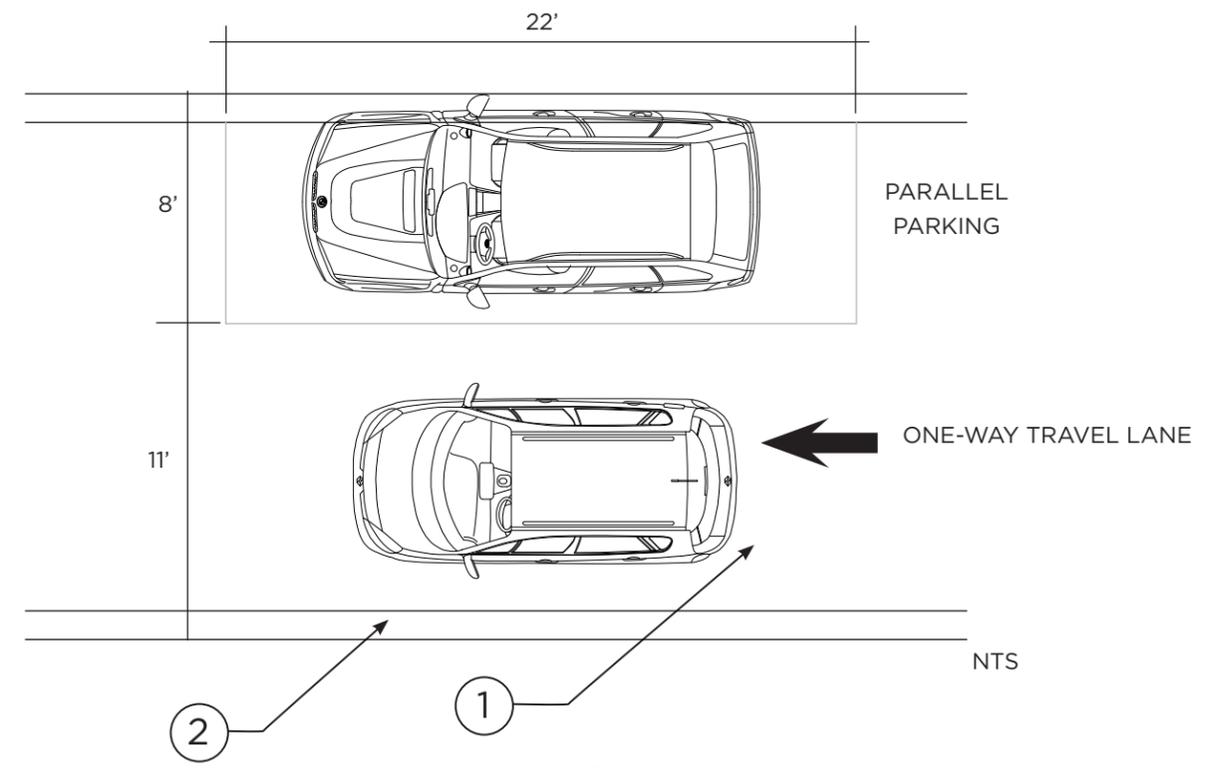
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SECTION/ELEVATION

- ① ASPHALT ROAD
- ② 12" FLUSH CONCRETE EDGE



PLAN

*Plan is based on county parcel data and is intended to be conceptual. Survey data is not included as part of this plan. Plan is subject to change based on final survey data.



J-U-B ENGINEERS, INC.



THE LANGDON GROUP
a J-U-B Company



GATEWAY MAPPING INC.
a J-U-B Company

OTHER J-U-B COMPANIES

Example of
privacy fencing



Example of
wrought iron
fencing and stone
pillars (smaller
scale)



Chapter 18.80

OS-P OPEN SPACE AND PARKS ZONE

18.80.010: PURPOSE AND INTENT:

The purpose and intent of the OS-P open space and parks zone is to establish areas anywhere in Mapleton City where only open space and generally undeveloped lands are to be encouraged. Development of a comprehensive network of permanent, multifunctional, and publicly owned open spaces shall be encouraged. All parks owned by the city may be given the OS-P zone designation. Land that has been legally deeded to the city or land that has had a conservation easement recorded on it as part of a transferable development right sending site, may be rezoned to the OS-P zone. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

18.80.015: DEFINITIONS:

OPEN SPACE: Any area or parcel of property dedicated to the city, within a recorded conservation easement, either public or private, or United States forest service land, that would be kept in its natural state for perpetuity, due to its inability to be used for typical recreational or residential uses.

PARKS: Any area or parcel of property dedicated to the city or within a conservation easement that is to be used for, or is currently developed for, recreational uses, such as, but not limited to, playgrounds, athletic fields, picnicking, or group gatherings. These areas would be landscaped and maintained in the same manner as other parks within the city. All park areas may be deeded to or dedicated to the city with the exception of a private cemetery or private park, as approved by Mapleton City and maintained by a private homeowners' association. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

18.80.020: PERMITTED USES:

The following uses are permitted in the OS-P zone:

City initiated parks, open spaces, trails, museums, cemeteries or other city related activities.

City owned accessory structures for storage of equipment.

City owned buildings and structures for recreation.

City owned or city initiated water detention and/or debris basins.

City owned water well, water storage tank and all related equipment.

Conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges and wetlands.

Forests and urban forests. (Ord. 2003-16, 6-4-2003, eff. 6-11-2003)

18.80.030: CONDITIONAL USES:

The following uses are conditional in the OS-P zone:

Horse stable or horse arena and related structures and equipment.

Private cemetery.

Private golf courses (except clubhouse, concessions and other commercial uses that will require a commercial zone, and project plan approval).

Private water detention and/or debris basin.

Private water well or at grade storage tank and related equipment

[Index](#) **Utah Code**

Title 8 Cemeteries

Chapter 3 Recording Plats and Conveyances

Section 1 Plats of cemeteries shall be recorded.
(Effective 5/13/2014)

Effective 5/13/2014

8-3-1. Plats of cemeteries shall be recorded.

- (1) An executive officer of an organization in control of a cemetery, including a municipality or a cemetery maintenance district, or an individual owner in control of a cemetery, offering burial lots for sale in any county, shall file and cause to be recorded in the office of the county recorder of the county within which the respective cemetery is situated an accurate plat of the cemetery.
- (2) The plat required under Subsection (1) shall clearly show:
 - (a) the sections of burial lots which have been disposed of and the names of the persons owning or holding each burial lot; and
 - (b) the sections of burial lots held for disposal.
- (3) An executive officer or owner shall file additional plats of any addition to a cemetery before offering for sale any burial lots located in the cemetery.
- (4) A county recorder may not collect any fee for filing and recording an original plat required under this section.

Effective 5/13/2014

8-3-2. Burial rights -- Certificates.

An executive officer of an organization in control of a cemetery, including a municipality or a cemetery maintenance district, or an individual owner in control of a cemetery, shall provide each purchaser of a lot or burial right located in the cemetery with a certificate of burial rights, properly executed.

Effective 5/13/2014

8-3-3. Transcripts to be filed for record.

- (1) No later than January 1 and July 1 of each year, the executive officer of an organization in control of a cemetery, including a municipality or cemetery maintenance district, or an individual owner in control of a cemetery with burial lots for sale, shall file with the county recorder of the county within which the cemetery is situated a transcript, duly certified by the executive officer or individual owner, of a deed, certificate of sale, or evidence of burial rights issued by the executive officer, individual owner, or the officer's or owner's designee during the preceding six months.
- (2) The county recorder shall file the transcript described in Subsection (1) without charge.

8-4-1. Entities subject to chapter -- Definitions.

- (1) An endowment care cemetery in this state, except those owned and operated by churches, religious or established fraternal societies, or incorporated cities, towns, or other political subdivisions of the state, shall comply with the requirements of this chapter.
- (2) As used in this chapter "endowment care cemetery" means a cemetery or mausoleum for crypt or vault interments, columbarium for permanent cinerary interments, or any other place providing lots or other interment space for the remains of human bodies that:
 - (a) represents to the public that it will care for, maintain, and embellish its property to preserve it from becoming unkempt and a place of reproach and desolation in the community in which it is located; and
 - (b) collects funds for the purpose stated in Subsection (2)(a).

8-4-2. Endowment care cemetery trust funds -- Deposits in endowment fund -- Reports -- Penalties for failure to file -- Investment of trust fund money -- Attestation.

- (1) An endowment care cemetery shall establish an endowment care trust fund pursuant to [Title 75, Chapter 7, Utah Uniform Trust Code](#).
 - (a) Any newly established endowment care cemetery or existing cemetery converting to an endowment care cemetery shall deposit a minimum of \$25,000 in the endowment care trust fund.
 - (b) Each endowment care cemetery shall deposit in the endowment care trust fund for each plot space sold or disposed of a minimum of:
 - (i) \$1.50 a square foot for each grave;
 - (ii) \$15 for each niche; and
 - (iii) \$60 for each crypt.
- (2)
 - (a) An endowment care cemetery shall collect endowment care funds only pursuant to a written contract of sale signed by the endowment care cemetery and the purchaser.
 - (b) The contract of sale shall specify the terms of the endowment care trust consistent with this section and the terms of payment.
 - (c) If requested by the purchaser, a copy of the endowment care trust shall be provided to the purchaser.
- (3)
 - (a) Each endowment care cemetery shall prepare an annual written report for the benefit of its trustor lot holders.
 - (b) The report shall contain:
 - (i) information determined to be reasonable and necessary to show compliance with the provisions of this chapter;
 - (ii) the number and square feet of grave space;
 - (iii) the number of crypts and niches sold or disposed of under endowment care during a specific period; and

- (iv) the dollar amount of sales, amounts paid, amounts receivable, and amounts deposited in endowment care funds for crypts, niches, and grave space during a specific period, set forth on the accrual basis as determined by the cemetery authority.
 - (c) An officer of the endowment care cemetery authority shall verify the report.
 - (d) The report shall be on file in the principal office of the endowment care cemetery and shall be made available upon request.
 - (e) The report shall be completed by the 15th day of the third month following the end of the endowment care cemetery's fiscal year.
- (4) An officer, director, partner, proprietor, or other person having control of the records of an endowment care cemetery shall provide the reports and records necessary to comply with the provisions of this chapter.
- (5) A person is guilty of a class A misdemeanor who willfully and intentionally fails to:
- (a) deposit funds collected as endowment care funds into the endowment care trust within 30 days of receipt of the funds; or
 - (b) prepare the report required by Subsection (3).
- (6) Endowment care funds may be invested separately or together. The investment income shall be divided between the funds in the proportion that each contributed to the invested amount.
- (7) Endowment care funds shall be invested in accordance with Section [31A-18-105](#) and [Title 75, Chapter 7, Utah Uniform Trust Code](#).
- (8) (a) An endowment care cemetery shall place endowment care funds with an independent trustee appointed by the endowment care cemetery.
- (b) A trustee may be independent even if it has common ownership with the cemetery.
 - (c) The independent trustee shall be a depository institution, as defined by Section [7-1-103](#), or an insurer, as defined in Section [31A-1-301](#).
- (9) (a) The trustee shall submit to the endowment care cemetery an annual independent attestation of the endowment care trust funds.
- (b) The attestation shall state:
 - (i) the total amount of the general and special endowment care funds invested by law;
 - (ii) the amount of cash on hand not invested;
 - (iii) the location, description, and character of the investments in which the special endowment care funds are invested;
 - (iv) the value of any securities held in the endowment care fund; and
 - (v) the actual financial condition of the funds.
- (10) (a) A trustee may not receive compensation for services and expenses, including audits, in excess of 5% of the income derived from an endowment care fund in any year.
- (b) If there are insufficient funds from the income derived from the endowment care trust fund to pay for the attestation of the endowment care funds, the endowment care

cemetery shall pay amounts due from funds other than the endowment care trust fund or income derived from that fund.

- (11) The income from an endowment care fund shall be used for the care, maintenance, and embellishment of the cemetery as determined by the endowment care cemetery, and to pay for administering the fund.

8-4-3. Withdrawals from endowment fund.

When the endowment care fund balance reaches \$100,000, the cemetery authority may withdraw the initial deposit of \$25,000 at the rate of \$1,000 for each additional \$3,000 added to the fund.

-4-4. Insufficiency in endowment fund.

- (1) An endowment care cemetery that maintains a trust fund that is not funded at least in the amount required by this chapter or any state or federal law applicable to the fund at the time of underfunding shall immediately deposit additional money to the endowment care trust fund in an amount to bring the fund into compliance with applicable law.
- (2)
 - (a) If the trustee of an endowment care trust fund determines that an insufficiency in the endowment care trust fund exists, the trustee shall provide written notice to the endowment care cemetery.
 - (b) If after 60 days of the notice to the endowment care cemetery, the endowment care cemetery has not deposited sufficient money into the fund, the trustee shall file, as a lien upon the property of the endowment care cemetery, a claim in behalf of the endowment care trust fund in the amount of the insufficiency.

8-5-1. Unused or unkept lots -- Notice procedures.

- (1) If a municipality or cemetery maintenance district owns a cemetery and has conveyed cemetery lots or parcels by deed with or without restrictions, and the grantee, or persons claiming through the grantee, for more than 60 years:
 - (a) have not used portions of the lots or parcels for purposes of burial and have not provided for the care of the lots or parcels beyond that uniformly provided for all lots of the cemetery, and during the 60-year period have not given the municipality or cemetery maintenance district written notice of any claim or interest in the lots or parcels; or
 - (b) have not used a portion of the lots or parcels for purposes of burial and have not kept the lots or parcels free of weeds or brush, but have allowed it to remain entirely unimproved for more than 20 years, and the lots or parcels are located in the portion of the cemetery where they adjoin or are adjacent to improved parts of the cemetery and by reason of their unimproved condition detract from the appearance of the cemetery, interfere with its harmonious improvements, and furnish a place for the growth of weeds and brush, then the municipality or cemetery maintenance district shall demand of the grantee or persons claiming through the grantee either of the following:
 - (i) that they file with the municipality or cemetery maintenance district a written notice of claim or interest in and to the lots or parcels recorded by evidence of their claim of ownership within 50 days after the service of a copy of the notice of demand; or
 - (ii) that they keep the premises clear of weeds and in a condition of harmony with other

adjoining lots.

- (2) The municipality or cemetery maintenance district shall serve a copy of the demand or notice required by Subsection (1) on the grantee or persons claiming through the grantee in accordance with the Utah Rules of Civil Procedure.

8-5-2. Action in district court for title to lots.

If either the grantee, or person claiming through the grantee, fails to comply with the demand or notice, the municipality or cemetery maintenance district may bring an action in the district court of the county in which the cemetery is located against all parties who have not responded to the notice for the purpose of terminating the rights of the parties in the lots or parcels and restoring the lots or parcels to the municipality or cemetery maintenance district free of any right, title, or interest of the grantee, persons claiming through the grantee, their heirs, or assigns. Any action to reclaim title to grave sites, parcels, or lots shall be brought and determined in the same manner as actions concerning other real property. The portion of any grave site, lot, or parcel in which a body is buried may not be included in any action to revest title to the lot, site, or parcel in the municipality or cemetery maintenance district, and the grave site in which a body is interred shall remain undisturbed together with any adjoining property so as to allow the proper approach to the grave site.

8-5-3. Abandonment -- Standards -- Prima facie evidence.

The fact that the grantee or holder of a lot or parcel in a cemetery has not used portions of the lots or parcels for the purpose of burial for more than 60 years shall be prima facie evidence that the grantee or holder had abandoned the lots or parcels if during that time the grantee or holder:

- (1) has not provided the care to the lots or parcels provided uniformly to all lots or parcels within the cemetery;
- (2) has not given to the municipality or cemetery maintenance district a written notice of claim or interest in the lots or parcels; or
- (3) has not kept the lots or parcels free of weeds or brush.

8-5-4. Copy of judgment to be filed with county recorder.

A certified copy of the judgment in the action to revest title to cemetery lots, sites, or parcels shall be filed with the county recorder in the county in which the lots, sites, or parcels are located.

8-5-5. Proceeds of resale of lots.

The proceeds from the subsequent resale of any lot or parcel, title to which has been revested in the municipality or cemetery maintenance district under Section 8-5-2 or 8-5-6, less the costs and expenses incurred in the proceeding, shall become part of the permanent care and improvement fund of the municipality or cemetery maintenance district, subject to subsequent disposition under [Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns](#), [Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities](#), or [Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts](#).

8-5-6. Alternative council or board procedures for notice -- Termination of rights.

- (1) As an alternative to the procedures set forth in Sections 8-5-1 through 8-5-4, a municipal council or cemetery maintenance district board may pass a resolution demanding that the

owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the county recorder, city recorder, or town clerk notice of any claim to the lot, site, or portion of the cemetery.

- (2) The municipal council or cemetery maintenance district board shall then cause a copy of the resolution to be personally served on the owner in the same manner as personal service of process in a civil action. The resolution shall notify the owner that the owner shall, within 60 days after service of the resolution on the owner, express interest in maintaining the cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to use the lot, site, or portion of the cemetery for a burial.
- (3) If the owner cannot be personally served with the resolution of the municipal council or cemetery maintenance district board as required in Subsection (2), the municipal council or cemetery maintenance district board shall publish its resolution:
 - (a) (i) for three successive weeks in a newspaper of general circulation within the county; and
 - (ii) in accordance with Section 45-1-101 for three weeks; and
 - (b) mail a copy of the resolution within 14 days after the publication to the owner's last known address, if available.
- (4) If, for 30 days after the last date of service or publication of the municipal council's or cemetery maintenance district board's resolution, the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of the cemetery for burial purposes, the owner's rights are terminated and that portion of the cemetery shall be vested in the municipality or cemetery maintenance district.

8-5-7. Sale of only right to be buried.

Municipalities and cemetery maintenance districts shall sell only the right to be buried in the cemetery and all cemetery lots or parcels sold by a municipality after April 29, 1985, or by a cemetery maintenance district after June 1, 2001 shall be rights to be buried only. Nothing in this section shall prevent municipalities or cemetery maintenance districts from imposing additional terms on the sale of rights to burial.

8-5-8. Municipal and maintenance district cemeteries -- Rights of lot holders -- Compensation -- Perpetual care charges.

- (1) The owner, grantee, or person claiming through the grantee shall have the right, on presentation of the certificate of title or right to burial to the municipality or cemetery maintenance district, for any lot or parcel which has reverted to the municipality or cemetery maintenance district, at the option of the municipality or cemetery maintenance district, to:
 - (a) be compensated for the lot or parcel at the reasonable value of the lot or parcel as of the date the certificate is presented to the municipality or cemetery maintenance district;
 - (b) receive a right to burial to another lot or parcel if the right to burial or title to the lot or parcel has been sold by the municipality or cemetery maintenance district; or
 - (c) receive the right to burial to the lot or parcel if the municipality or cemetery maintenance

district has not sold the right to burial to the lot or parcel.

- (2) Nothing in this section prevents a municipality or cemetery maintenance district from collecting unpaid perpetual care charges from a person claiming title or the right to burial.

Effective 5/13/2014

8-6-2. Policies adopted and records kept.

A cemetery maintenance district, municipality, individual, or other person that controls a cemetery shall:

- (1) adopt policies and procedures for the regulation of its affairs and the conduct of its business, including policies and procedures for the following:
 - (a) setting of prices and other charges for services;
 - (b) sale of burial rights;
 - (c) regulation of headstones;
 - (d) care of headstones;
 - (e) regulation of flowers, shrubs, or other foliage placed or planted on an individual burial site; and
 - (f) compliance with provisions of this title and other governing provisions of law; and
- (2) establish a record keeping system, including a secure backup of those records that is regularly updated.