



TOWN COUNCIL MEETING - HEARING NOTICE

1777 N Meadowlark Dr, Apple Valley
Wednesday, June 21, 2023 at 6:00 PM

HEARING NOTICE

Public Notice is given that the Town Council of Apple Valley, Washington County, Utah will hold Public Hearings on **Wednesday, June 21, 2023 at 6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Public Hearing will be held on the following topics:

1. Update Title 14.13.090 Restriction On Burial and Adopt Title 14.13.170 Private Cemeteries For Human Interment, Ordinance-O-2023-28.

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Town Clerk and Recorder for the Town of Apple Valley, hereby certify that this Hearing Notice was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov on the 6th day of June, 2023.

Dated this 6th day of June, 2023

Jenna Vizcardo, Town Clerk and Recorder

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

**APPLE VALLEY
ORDINANCE O-2023-28**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.13.090 Restrictions On Burial” of the Apple Valley Municipal Code is hereby *amended* as follows:

AMENDMENT

14.13.090 Restrictions On Burial

It shall be unlawful for any person to bury the body of a deceased person within the town limits, except in a cemetery as described in section 14-13-0230 of this chapter, unless it is a private cemetery as regulated in section 14-13-170. No grave in the cemetery shall be opened or filled, refilled, or sodded, except by employees of the town under the direction of the sexton. All parts of a burial or cremation vault shall be at least two feet (2’) below the surface of the ground. One (1) interment only shall be allowed in a casket except for a parent with their infant child, two (2) children who are buried at the same time, or one (1) cremated remains placed in the casket at the time of burial. Double Depth burials are allowed.

SECTION 2: **ADOPTION** “14.13.170 Private Cemeteries For Human Interment” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

14.13.170 Private Cemeteries For Human Interment(*Added*)

- A. Private cemeteries, by definition, are not intended for general public use, being restricted to relatives and other close associations of a particular family or families. Private cemeteries may exist under the following rules:
1. Private cemeteries located on a parcel with an existing residential and/or agricultural principal use(s) must be recorded as a deed restriction and must be recorded at the time of sale, accompanied by a map exhibit showing the exact location of the private cemetery on the property.
 2. Private cemeteries must also be clearly delineated by a fence or low wall to separate it from the rest of the lot.
 3. A private cemetery cannot exist on a lot smaller than twenty-five (25) acres in size and the lot cannot be subdivided in the future to be smaller than the

required lot size of twenty-five (25) acres.

4. The private cemetery shall not comprise more than five (5) percent of the total area of the lot that the private cemetery is o.

5. There shall be no principal building in the private cemetery area.

6. Burial sites in the private cemetery may not be sold and are not intended for general public use outside of family members.

B. It is the responsibility of the property owner to govern necessary processes for the private cemetery, such as interments, services, maintenance, and record keeping, subject to the other requirements of this chapter. The establishment of a legal organization to govern these processes for a private cemetery is encouraged, but not required. A death certificate must be filed for those deceased and intended for burial in a private cemetery.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect from June 21, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley