

CHAPTER 8. CEMETERIES**Article 8-1. General Provisions**

- 8-1-1. Definitions.**
- 8-1-2. Name Established.**
- 8-1-3. Cemeteries Covered.**
- 8-1-4. Penalty.**
- 8-1-5. Hours.**
- 8-1-6. Only Humans to be Buried.**
- 8-1-7. Vaults Required.**
- 8-1-8. Burial Rights and Ownership.**
- 8-1-9. Applicability of Traffic Regulations.**
- 8-1-10. Funeral Processions.**
- 8-1-11. Right to Maintain.**
- 8-1-12. Private Improvements Prohibited; Survey and Marking of Lots.**
- 8-1-13. Grave Markers.**
- 8-1-14. Duties of the City.**
- 8-1-15. Registration of Burials and Disinterments.**
- 8-1-16. Disinterments.**
- 8-1-17. Burial of Indigents.**
- 8-1-18. Infant or Youth Burial Plot.**
- 8-1-19. American Veteran Burial Plot.**
- 8-1-20. Animals Prohibited.**
- 8-1-21. Holiday Funerals.**
- 8-1-22. Fees.**
- 8-1-23. Resale Restricted.**
- 8-1-24. Damaging Property.**
- 8-1-25. Repealed.**
- 8-1-26. Repealed.**
- 8-1-27. Repealed.**
- 8-1-28. Repealed.**
- 8-1-29. Repealed.**
- 8-1-30. Repealed.**
- 8-1-31. Repealed.**
- 8-1-32. Repealed.**
- 8-1-33. Repealed.**

8-1-1. Definitions.

As used in this Chapter, the following words and phrases shall be defined as set out in this section unless the context clearly requires otherwise:

Burial shall mean the opening and closing of a grave for the interment of human remains.

Cemetery shall mean any cemetery owned or maintained by the City for the purpose of receiving human remains.

City shall mean the City of Orem.

Disinterment shall mean the removal from an interment space of human remains.

Human Remains shall mean either the body of a deceased human or the cremated body of a human.

Lot shall mean a grave site in the cemetery owned by the City.

Lot Owner or Purchaser shall mean the purchaser of burial rights or privileges evidenced by a Burial Rights Certificate.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-08-0011, Amended 05/13/2008)

8-1-2. Name Established.

The cemetery of the City shall be known and designated as the City of Orem Cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-3. Cemeteries Covered.

All cemeteries owned 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.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-4. Penalty.

Any person who violates any part of this chapter is guilty of a Class B Misdemeanor.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-5. Hours.

It shall be unlawful for any person other than City employees performing their duties to be in the cemetery between the hours of 11:00 p.m. and 6:00 a.m.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended May 13, 2008)

8-1-6. Only Humans to be Buried.

Only human remains may be buried in the cemetery. The City may permit cremated animal remains to be buried if the animal remains will fit in the casket with the human remains and the animal remains are buried concurrently with the interment. The City shall not disinter human remains in order to facilitate the placement of animal remains in the casket.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-7. Vaults Required.

It shall be unlawful for any person to be buried in the cemetery unless the casket is placed in a City approved vault made of concrete or another material that has similar structural properties as concrete. No wood shall be used in the construction of any part of any vault. Exceptions to the provisions of this section may be granted for infant or cremation burials only. In such instances, the design and construction of the burial vault shall be approved by the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-8. Burial Rights and Ownership.

All property including lots, plots and grave sites within the cemetery is owned by the City. A burial right is simply a right to be buried in the cemetery.

A. **Permit.** Burial shall not take place unless a proper burial permit has been issued by the City. Burial shall not begin any sooner than twenty four (24) hours after the issuance of a burial permit. Weekends and City observed holidays shall not be considered in determining the 24 hour period. Under no circumstances will the City assume responsibility for errors in opening graves when orders are given by telephone.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

B. **Taxes.** All burial rights conveyed shall be exempt from taxation.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

C. **Descent and Inheritance of Rights.** Burial rights in the cemetery are conveyed to a person or persons named therein and their heirs forever. All legal heirs are presumed to have legal right to the rights of burial, unless heirship to the contrary has been determined by a court of probate after named parties in the original Burial Rights Certificate are deceased.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

D. **Use of Lot.** No person, except the owner of the burial rights in a lot, shall be buried in that lot, unless a form provided by the City has been signed by the owner or legal heirs to those rights, giving permission for someone else to be buried in that lot.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

E. **Double Depth Burials.** Double depth burials are allowed in any location in the cemetery provided the water table and ground conditions allow for double depth burials. Double depth burials require separate vaults.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

F. **Burials per Lot.** Only one burial shall be allowed per lot except for double depth burials. The City may permit double depth burials or the burial of two infants or two sets of cremated remains as space in a lot may permit.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-9. Applicability of Traffic Regulations.

The provisions of the City traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall apply in the cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-10. Funeral Processions.

Funerals processions shall proceed to the cemetery under the direction of the funeral director. Within the cemetery, City employees shall direct traffic for the purposes of maintaining traffic flow and for the proper parking of vehicles. All vehicles in the cemetery shall be driven in a careful and orderly manner.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-11. Right to Maintain.

The City is responsible for the maintenance of the cemetery. The City reserves the right to enter upon any lot to perform all work necessary for the maintenance of the cemetery. The City shall not be responsible for the repair or replacement of markers or memorial structures of any nature, unless the City caused the damage or destruction to the marker or memorial structure.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-00-0041, Amended, 09/05/2000; Ord. No. O-06-0003; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-12. Private Improvements Prohibited; Survey and Marking of Lots.

A. **Private Improvements to Lots Prohibited.** It shall be unlawful for any person to erect or maintain any structure, fence, corner post, coping, or hedge of any kind upon any lot, street, or driveway in the cemetery, or grade the ground or land thereof. The City shall, upon request, furnish the boundary lines of lots. The City shall prohibit landmarks and any grading that might destroy or interfere with the general slope of the land.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/08)

B. **Plantings.** It shall be unlawful for any person to plant shrubs, trees, lawns, flowers, etc., place decorative stones, place monuments or markers, or

other permanent items or structures upon any lot in the cemetery without approval and direction from the City. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

C. Decorations. All grave decorations or arrangements, real or artificial, shall be allowed until such time as they become faded, worn, weathered, or otherwise unsightly after which they will be removed and disposed of by cemetery personnel.

1. Glass, porcelain, or other breakable containers are not allowed.

2. Any object(s) not kept on the headstone will be removed and disposed of by cemetery personnel. If a grave decoration is blown off a headstone, cemetery personnel will make every effort to place that decoration on the proper headstone, but if the decoration's location cannot be determined, it will be disposed of.

3. Exceptions:

(a) Beginning 12:00 a.m. the Friday before Memorial Day until 11:59 p.m. the Sunday following Memorial Day, grave decorations will be allowed anywhere on the burial lot. The first Monday following Memorial Day, all grave decorations will be removed and disposed of by cemetery personnel. Anyone wanting to keep their decoration(s) shall remove them before 11:00 p.m. the Sunday following Memorial Day.

(b) All grave decorations or arrangements, real or artificial, associated with any other specific holiday (themed decorations) shall be removed and disposed of by cemetery personnel no earlier than seven days following such holiday.

4. Once removed from the burial lot, grave decorations are disposed of and will not be saved or kept at the cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

D. Funeral Decorations. Funeral decorations will be allowed anywhere on the burial lot for a seven (7) calendar day period immediately following a burial. Anyone wanting to keep any decorations shall remove them before the seven (7) day period expires.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

E. Other Objects. For safety reasons, objects such as wires, sticks, pegs, pinwheels, or iron rods are not permitted and will be removed and disposed of by cemetery personnel. The only exception(s) to this are for funeral decorations and Memorial Day decorations.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

F. Damage/Theft. The City shall not be responsible or liable for flowers, grave decorations, or other personal property left on the headstone, on the burial lot, or anywhere at the cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-13. Grave Markers.

All headstones or grave markers in the Cemetery shall be restricted as to the size and general make-up. All grave markers shall be installed under the direction of the City. Within 30 days after the interment the owner of any burial rights or relatives of deceased persons buried in any lot shall place or cause to be placed upon the grave a suitable grave marker with the name of the deceased plainly inscribed thereon. If any person does not comply with this requirement, the City may install a grave marker to identify the deceased.

A. Number. Only one grave marker per lot shall be permitted regardless of the number of human remains buried in the lot.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

B. Size. All grave markers shall be placed on a concrete foundation at least six (6) inches thick and shall be a maximum length of forty (40) inches for single burials and eighty (80) inches for double burials and shall be a maximum width of forty (40) inches for single burials, double burials and double depth burials. The grave marker for the double depth burials shall be a maximum length of twenty (20) inches for each individual marker and shall be a maximum length of forty (40) inches for each double marker. The City Sexton shall not permit a grave marker to be installed that does not meet the specifications listed in this subsection.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

C. Type and Placement. All grave markers shall be placed flush with the lawn. No upright headstones shall be allowed in the cemetery. All grave markers shall be placed at the head of the lot.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

D. Other Markers. There shall be no markers, monuments or structures placed upon any lot other than those provided for in this Chapter.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-14. Duties of the City.

A. Burials. The City shall prepare a lot for burial upon request and after a burial permit has been issued

by the City. The City shall provide supervision for every interment and disinterment.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

B. Disputes. The City shall endeavor to carry out the wishes of the person or persons charged with the right and duty to control the disposition of a deceased person relating to the burial or disinterment of a deceased person or any other act relating to the disposition of human remains including the selection, design and placement of a grave marker. The City shall look to the provisions of Title 58, Chapter 9, Part 6 of the Utah Code Annotated (1953, as amended) to resolve any disputes unless directed otherwise by a court of competent jurisdiction.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-15. Registration of Burials and Disinterments.

The City Manager shall designate a Registrar of burials for the City. Before burying any dead in the cemetery, or before disinterring the body or cremated remains of any person who has been buried therein, the relatives or other persons having charge of the body shall be required to furnish in writing to the Registrar a statement of death, which shall be recorded in a record kept for that purpose by the Registrar. The statement shall include the name of the decedent, the place of death, the date of death and the name and address of the funeral director or other person requesting the interment. These records shall be open to public inspection.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-16. Disinterments

The City must balance its responsibilities for the health, welfare, and safety of its employees with the requests of a burial lot owner when asked to disinter human remains. Any request to disinter human remains shall comply with all applicable federal, state and local laws.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

A. Permitted. Subject to applicable federal, state and local laws, the City shall honor a request to disinter human remains upon written court order or a written request on a form provided by the City from the owner of the burial rights provided the disinterment may be accomplished without endangering the health, safety or welfare of the City’s employees or the public. The City may on its own initiative disinter human remains in instances where a natural or manmade

disaster has exposed a grave and disinterment is necessary to protect the public health, safety, or welfare.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

B. Prohibited. The City shall not disinter the remains of a person who died from a contagious disease within two 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.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

C. City’s Duties. The City Sexton shall determine whether a disinterment poses a danger to the health, safety, or welfare of City employees or the public. The City Sexton may refuse to perform a disinterment if he determines there is a danger to the health, safety, or welfare to City employees or the public. The City Sexton may also refuse to authorize a disinterment is he determines that the disinterment would disturb or damage an adjacent burial lot. The City Sexton may make his determination at any time during the disinterment process.

Upon a determination that a disinterment poses no danger to the health, safety, or welfare of City employees or the public and that the disinterment would not disturb or damage an adjacent burial lot, the City shall excavate and refill the burial lot.

The City shall comply with any court order.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

D. Requestor’s Duties. Absent a court order and at least seven working days prior to a disinterment, the requesting party shall submit a disinterment permit from the County Board of Health, the City’s Request for Disinterment form and pay all applicable fees prior to the City commencing any disinterment.

The requestor shall arrange for and pay any associated costs for a funeral director to be present at a disinterment.

The requestor shall arrange for and pay any associated costs for a licensed vault company to remove the vault and its contents from the burial lot. If the burial lot does not contain a vault or the City Sexton determines the existing vault has deteriorated to the point that it will not retain its structural integrity during the disinterment, the requesting party shall replace the deteriorated vault with a structurally sound vault at the requestor’s expense. The requestor shall arrange to dispose of any old vault in a manner meeting federal, state, and local laws.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

E. Liability. The City assumes no liability for any property damage, including damage to a casket, vault, memorial, etc. or for bodily injury sustained during a disinterment from causes beyond its reasonable control. The City is not liable for acts or omissions of any third party for any reason. The City is not liable for damage to the contents of any caskets or adjacent lots from causes beyond its reasonable control. The City is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any disinterment.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Renamed and Amended 5/13/2008)

8-1-17. Burials Outside Cemeteries.

It shall be unlawful to bury human remains within the City, except at sites designated and approved by the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-18. Burial of Indigents.

A portion of the cemetery may be designated for the burial of indigents. Whenever it is determined by the City Manager that any resident of Orem who has died, who does not have funds or an estate sufficient to pay the cost of a burial right in the cemetery, and whose nearest relative or representative desires to have the body of such deceased interred in the cemetery, the City Manager may grant a burial right for such deceased person at no cost. All strangers without known relatives or funds who die in the City may be accorded the same privilege.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-19. Infant or Youth Burial Plot.

A portion of the cemetery may be reserved for the burial of infants or youth. Vaults used in this area shall be a maximum of seventy (70) inches in length.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-20. American Veteran Burial Plot.

A section of the cemetery may be reserved for the burial of American Veterans and their spouses who are residents of the City at the time of their death. The City may require proof of residency.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-21. Animals Prohibited.

No animal shall be allowed in the cemetery except in the confines of a vehicle.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-22. Holiday Funerals.

Interments or disinterments in the cemetery shall not be allowed on New Year's Day, Civil Rights Day, Presidents' Day, Memorial Day weekend beginning Saturday morning through Memorial Day, Independence Day (July 4), Pioneer Day (July 24), Labor Day, Thanksgiving Day and the following Friday, Christmas Eve, Christmas Day, or any other City-observed holiday. In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. No interments or disinterments shall be allowed in the cemetery on any Sunday. (Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-99-0017, Amended, 4/13/99; Ord. No. O-06-0003, Amended 2/14/2006; Ord. No. O-08-0011, Amended 5/13/2008)

8-1-23. Fees.

All prices, fees and charges pertaining to the cemetery shall be established by resolution of the City Council. No burial, opening, closing, interment, or disinterment shall take place until all appropriate fees have been timely paid to the City.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93; Ord. No. O-08-0011, Amended 5/13/202008)

8-1-24. Resale Restricted.

No person who owns any burial rights or lots shall sell such burial rights or lots to any buyer except the City. The City hereby agrees to repurchase any unused burial right or cemetery lot. The City shall pay the amount that the right or lot was originally purchased for.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90; Ord. No. O-93-0011, Amended, 04/06/93)

8-1-25. Damaging Property.

It shall be unlawful for any person to damage, injure, or deface any monument, tree, shrub, lawn, building, structure, or facility, on the grounds of the cemetery. The City shall not be responsible or liable for flowers or other personal property left at the cemetery.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Rep&ReEn, 04/24/90)

8-1-26. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-27. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-28. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-29. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-30. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-31. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-32. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-33. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)

8-1-34. Repealed.

(Ord. No. 661, Revised, 04/10/90; Ord. No. 664, Repealed, 04/24/90)