

MAGNA METRO TOWNSHIP

ORDINANCE NO.: 22 - O - 01

DATE: February 8, 2022

**AN ORDINANCE OF THE MAGNA METRO TOWNSHIP
COUNCIL AMENDING CHAPTER 7.01 OF THE MAGNA
METRO TOWNSHIP MUNICIPAL CODE REGARDING
CEMETERIES**

WHEREAS, the Magna Metro Township ("Magna") is a Municipality pursuant to Utah Code §§ 10-2a-401 et seq.

WHEREAS, the Magna Metro Township Council desires to amend Chapter 7.01 of the Magna Metro Township Municipal Code regarding Cemeteries; and

WHEREAS, the Magna Metro Township Council feels this ordinance is in the best interest of the residents of the Magna Metro Township Council,

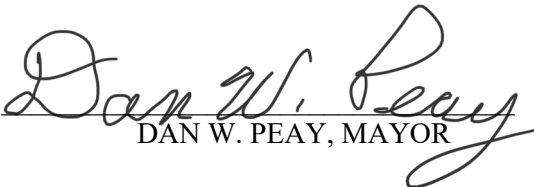
NOW, THEREFORE, BE IT ORDAINED by the Magna Metro Township Council, Magna, Utah:

Section 1. The Magna Metro Township Council hereby amends Chapter 7.01 of the Magna Metro Township Municipal Code regarding Cemeteries as found in Attachment A.

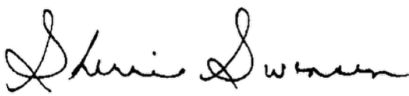
Section 2. This ordinance shall become effective upon publication or posting.

PASSED AND APPROVED by the Magna Metro Township Council, in Magna, Utah this 8th day of February 2022.

MAGNA METRO TOWNSHIP

BY: 
DAN W. PEAY, MAYOR

ATTEST:



SHERRIE SWENSEN,
SALT LAKE COUNTY CLERK
METRO TOWNSHIP CLERK/RECORDER

APPROVED AS TO FORM:



PAUL H. ASHTON
METRO TOWNSHIP ATTORNEY

VOTE BY COUNCIL:	AYE	NAY
MAYOR DAN PEAY	<u>Aye</u>	_____
ERIC BARNEY	<u>Aye</u>	_____
STEVE PROKOPIS	<u>Aye</u>	_____
TRISH HULL	<u>Aye</u>	_____
AUDREY PIERCE	<u>Aye</u>	_____

Effective Date of Ordinance: February 16, 2022

**SUMMARY OF
MAGNA METRO TOWNSHIP ORDINANCE NO. 22-O-01**

On the 8th day of February, 2022, the Magna Metro Township Council adopted Ordinance No. 22-O-01, Amending Chapter 7.01 of the Magna Metro Township Municipal Code to address Cemeteries within Magna.

A complete copy of Ordinance No. 22-O-01 is available in the office of the Magna Metro Township Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.

**Chapter 7.01
CEMETERIES**

Sections:

- 7.01.010 Purpose**
- 7.01.020 Definitions**
- 7.01.030 Administration**
- 7.01.040 Access and Conduct**
- 7.01.050 Liability for Errors**
- 7.01.060 Interment/Disinterment**
- 7.01.070 Rules Governing Lots, Graves, and Headstones**
- 7.01.080 Lot Ownership Privileges**
- 7.01.090 Decorum**
- 7.01.100 Miscellaneous**

7.01.010 Purpose

It is the desire of Magna Metro Township to operate and maintain a cemetery that is beautiful, dignified, and an appropriate final resting place for departed loved ones. The purpose of this chapter is to provide rules, regulations, and policies and procedures for that purpose.

7.01.020 Definitions

For the purpose of this chapter, the following terms, phrases, and words shall have the meanings herein expressed:

“Certificate Holder” shall mean the individual that possesses the right to use the burial plot for his or her interment together with the right to exercise the rights associated with the Certificate.

“Current Resident” Any member of a household whose primary place of residence can be shown by competent evidence to be within the municipal borders of Magna or within Magna's historic area from 6400 West on the east, 9400 West on the west, 2100 South on the north and 4100 South on the south.

“Fire” Open flame fires.

“Non-resident” Any person not a Current Resident.

“Lot” An area of ground in which burial rights are granted to an individual for the purpose of burial.

“Perpetual Care Cemetery” The term "perpetual care" in cemeteries has come to mean the providing of funds, to be held in perpetual trust, the income of which is to be expended in

keeping up forever the necessary care of the individual lots and graves, and the maintenance, repair and future renewal of the borders, drives, water and sewer systems.

“Purchaser” shall mean the individual who pays for burial privileges or the collateral right of use of any burial lot evidenced by a certificate of burial rights.

“Cemetery Staff” shall refer to the caretaker and/or employee(s) responsible for maintenance and care of the cemetery. It shall also refer to that same person who shall be responsible for the record or bookkeeping of cemetery files.

“Heir” An “heir” is someone who has inherited or is entitled to the right from a parent who is no longer living.

7.01.030 Administration

The Pleasant Green Cemetery shall be under the immediate supervision of the Magna Metro Township Administrator or designee assigned to manage plot sales, memorial park maintenance, and other duties related to the cemetery

7.01.040 Access and Conduct

1) Conduct.

(a) Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place is expected of all persons.

(b) No person shall injure, deface, take, or carry away from any grave or lot any monument, marker, tree, shrub, flower, ground, or any other property or ornament in the Pleasant Green Cemetery.

2) Location and Access. The Pleasant Green Cemetery is located at approximately 9200 West 3500 South, Magna, Utah 84044.

(a) Access to cemetery is restricted to daylight hours.

3) Traffic Rules, Driving and Parking.

(a) The provisions of the Magna Metro Township 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 ordinance. It shall be unlawful for any person to drive a motorized vehicle or other equipment within the municipal cemetery at a speed greater than 10 miles per hour.

(b) Vehicles must only drive on designated travel lanes within the Cemetery.

4.

4) Children. Children under the age of 12 years shall not be allowed in the cemetery unless accompanied by their parents, guardian, or other adult(s), 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.

5) Fires. NO open flame fires are allowed within the boundaries of the Cemetery.

6) Alcohol. NO alcohol is allowed within the boundaries of the Cemetery.

7.01.050 Liability for Errors

1) Damages and Liability. Magna shall not be liable for any of the following:

- (a) Damages Resulting from Normal Cemetery Operations. Magna shall not be liable for any damages occurring as a result of an error in interments, disinterment, paperwork, selling of plots etc., whether due to current issues with recordkeeping or resulting from past recording errors concerning locations of burials within the plots. Cemetery Staff will make every reasonable effort to correct, mitigate or rectify the situation.
- (b) Cemetery Maintenance. Magna shall not be liable for damages resulting from the mowing of weeds, cutting back of trees or other necessary routine maintenance.
- (c) Damages Resulting from Acts of Nature. Magna is not responsible for personal injury damages or damages to property caused by acts of nature.
- (d) Damages to Persons Visiting the cemetery grounds. Magna reserves the right to compel those coming into the Cemetery to obey all rules and regulations in effect currently, or any rules and regulations to be adopted in the future, any person entering the cemetery ground does so at their own risk and shall be solely responsible for any damages done to them or their property while on cemetery grounds. Magna shall not be held responsible for any injuries sustained at the cemetery.
 - (i) All disorderly person or any persons damaging headstones or other cemetery property may be ejected from the cemetery and will be held liable for any damages that incurred.

7.01.060 Interment/Disinterment

1) Human Remains. Interment within the cemetery is strictly limited to human remains only.

2) All interments must be compliant with local, county, and State law.

3) Registration of Burials. Before any deceased person may be buried in the cemetery, the deceased's relative or person having charge shall provide the Cemetery Staff with written documentation. The documentation shall contain: their name, birth date, location, date of death, burial date, the name of the cemetery, and the description of the grave's location.

4) Allotted burials per lot.

(a) The remains of no more than one person may be interred in any one grave, except in the case of the burial of cremains. Fees beyond the customary single burial fees will be charged as prescribed by the current fee schedule.

(b) In the case of a cremation's burial, the following shall be allowed:

- (i) a maximum of one(1) casket/vault burial with two (2) sets of human cremains, or
- (ii) up to two sets of human cremains per adult grave (if cremains were placed before casket/vault).

- 5) Permanent Enclosure/Headstone Removal. If a permanent enclosure and/or headstone is required to be removed to accommodate an additional burial in the grave, it will be removed by a third party that is acceptable to the Cemetery Staff and at the grave owner's expense.
- 7) Interment Supervision. All funerals, upon reaching the cemetery, shall be conducted under the supervision of the Cemetery Staff or designee.
- 8) Fees. All fees for digging, opening and closing graves are to be paid prior to opening the grave.
- 9) Cremains. All cremains must be buried by the Cemetery Staff, at a charge as prescribed by the current fee schedule.
 - (a) While vaults are not required for the burial of human cremains, the cemetery strongly recommends that cremains be buried in a permanent container that can be accommodated by a 16" x 16" x 24" space.
 - (b) If the cremains will be contained in a vault, the size requirements of the hole will increase, which may not allow for enough space to bury two(2) sets of cremains in one adult grave. The size of such a hole will vary and shall be provided by the funeral director prior to the burial.
- 10) Green Burials. Green burials are permitted only in the area of the Cemetery designated for green burials. No Vaults are required. If a casket is used, it must be of natural wood, with no metal nails, hinges etc. A casket made of natural reeds for the purpose of a green burial is allowed. Shrouds, which are made of all-natural fibers, 100% cotton, linen or silk, will be allowed. The deceased clothing must be made of 100% natural fibers, without any metal.
 - (a) Charges for a green burial will be in accordance with the current fee schedule.
- 11) Scheduling a Grave Opening. Arrangements for a grave opening (preparing a grave site for burial) must be made with the Cemetery Staff by the funeral director, the relatives, or person having charge of the deceased. Cemetery Staff will be responsible for the opening and closing of the grave. The required burial orders need to be filled out/submitted and fees paid.
 - (b) A 72-hour notice is required for burial.
 - (c) Liability for errors. Under no circumstances will Magna assume responsibilities for errors in opening graves when orders are given by telephone.
- 12) Interment Orders. An interment order for burial must be obtained prior to the opening of a grave. Necessary information and fees should be given to the Cemetery Staff by the family representatives or the funeral director. Proper and complete information is required for accurate record keeping.
- 13) State Transit Permit. Remains sent from other states must also be accompanied by a transit permit to be filed with the Pleasant Green Cemetery.
- 14) Holidays. No burials are permitted on Sundays or federal or state holidays unless prior approval has been received from the Municipal Administrator or Cemetery Staff. .

- 15) Vaults. Cement vaults are required for all burials with the exception of a green burial or a cremation burial.
- 16) Disinterment. Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The Cemetery Staff will schedule and direct the disinterment after applicable fees have been paid and documentation provided. A Funeral Director must be present when a body is leaving the cemetery.
 - (a) It is unlawful for any person to:
 - (i) Disinter a body buried in any cemetery except under the direction of the Cemetery Staff or designee who shall, before disinterment, require:
 - (1) Before disinterment, the Cemetery Staff or designee shall require a permit issued by a funeral home/mortuary and a written order from the owner of the burial right authorizing such removal, which shall be filed and preserved in a record kept for such purposes.
 - (ii) Disinter or remove the body of a person who has died from a contagious disease within five years after the burial date unless the body was buried in a hermetically sealed casket or vaults and is found to be so encased at the time of disinterment.

7.01.070 Rules Governing Lots, Gravesites, and Headstones

- 1) Ownership and Responsibilities. Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones are the responsibility of the owner. Magna will not be responsible for scratches and chips that occur from routine maintenance. Such happenings are a condition that goes with the privilege of placing markers in the cemetery.
- 2) It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in the cemetery except under the direction and supervision of Cemetery Staff.
- 3) Specifications for Headstones. It shall be unlawful for any person to place or to have placed any monument on any lot in the cemetery not made of metal inlay, stone, or cement.
 - (a) Headstone sizing recommendations. Maximum dimensions are as follows:
 - (i) Single Lot 40" in width not to exceed 36" in height unless a variance is granted by the Council.
 - (ii) Double Lot 84" in width not to exceed 36" in height unless a variance is granted by the Council.
 - (b) Any headstone/marker that exceeds the above dimensions requires prior written approval from Cemetery Staff.
 - (c) Only one headstone/marker and no other monument or marker will be permitted on the grave, except for military markers which will be placed at the foot of the grave. Headstones are to be placed at the head of the grave. Headstones will be placed in an orderly manner in pre-designated rows and as directed by the Cemetery Staff.

- (d) Headstones must be centered and not on edges of the grave and with sufficient foundation to ensure stability as determined by Cemetery Staff.
 - (e) Private mausoleums are not permitted.
 - (f) Placement of permanent markers is encouraged to take place within one year after interment.
- 4) Headstone Installation. Before a headstone/marker is installed, the owner or monument company must contact the cemetery to properly identify and mark the lot. Cemetery Staff must be present when headstones are installed.
- (a) A 72-hour notice is required to mark the lot for installation.
 - (b) No headstones may be installed between October 31st and March 1st.
- 6) Enclosures. Effective March 1, 2022 NO enclosures are allowed in the cemetery.
- 7) Interference with Excavation or Removal of Headstone. It is illegal to interfere with the excavation. The owner or responsible party is responsible for the cost of removal and replacement of a headstone/marker that must be moved for burial excavation. The Cemetery will move or make arrangements for the service with a local monument dealer at the owner's expense and charge the applicable fee.
- 8) Cemetery Supervision. All work in the cemetery including but not limited to interment, disinterment, planting, landscaping, grading, record keeping, placement of headstones/markers, construction, and all maintenance, improvements, and beautification of the grounds shall be approved by and done under the supervision of the Cemetery Staff.

7.01.080 Lot Ownership and Privileges

- 1) Sale Subject to Cemetery Policy. Every lot sold is subject to this chapter and the cemetery policy. The cemetery policy shall be subject to such changes as necessary to protect lot owners, the remains of the dead, and the cemetery's preservation.
- 2) Nature and Extent of Burial Rights. Only permissive burial rights are sold. Magna retains title to the cemetery property. Burial plot or gravesite certificates do not convey title to the land, only the right for burial of the named individual in said plot or gravesite; title remains with Magna.
- 3) Cemetery Fees. All Cemetery fees referred to herein shall be found on and are calculated using the Magna Fee Schedule. Magna Council approves all fees and may change or update cemetery fees at any time.
- 4) Rights Conveyed. Burial rights are conveyed to the person named therein and their heirs. All legal heirs are presumed to have legal claim to the rights of burial, unless specified differently in a legal will or by probate court. Burials by or of heirs, after the original parties named on burial certificates are deceased, require the permission of all known living heirs or a written determination by Court.
- 5) Cemetery Master File. The cemetery master file is considered to be the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a

clerical error. Magna will not be liable for misinformation given by the owner or their heir(s) and reserves the right to recall, correct, and re-issue the correct certificate.

- 6) Restrictions on Resale. Lots may be sold by individuals or Cemetery Staff with payment of transfer fees.
- 7) Unused/Unkempt Lots. Magna Metro Township shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkempt cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set for in Utah Code Annotated §8-5-1 et. Seq., or any other applicable law.

7.01.090 Decorum

- 1) Flower Regulations. All flowers, real or artificial, must be placed in a container or attached to the monument or placed in a container that does not interfere with cemetery maintenance.
 - (a) Flower Containers. Permanent containers must be a part of the marker/headstone or cast into the cement base.
- 2) Removal of Decorations. Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly.
- 3) Planting of Flowers, Trees, and Shrubs. The Pleasant Green Cemetery is not a perpetual care cemetery. Magna Town ordinance prohibits unauthorized planting of any trees, shrubs, or flowers within the cemetery.
- 4) Care and Upkeep Responsibility. Care and upkeep of the burial plot or gravesite is the sole responsibility of the purchaser/owner or their heir(s).
- 5) General Clean Up. The cemetery provides two(2) clean-up days per year. One is prior to Memorial Day, and the other around Labor Day. The cemetery reserves the right to remove any items placed on or around any grave at any time at its discretion or as items become unsightly without notice.
- 6) Right to care reserved to Magna. Magna reserves the right to enter upon any grave to perform necessary care and upkeep of all lots in its cemetery.
- 7) Holiday Décor. All Holiday and seasonal decorations placed on or around graves must be removed within 30 days. If items are not removed according to the timelines, the cemetery reserves the right to remove them at their discretion.

7.01.100 Miscellaneous

- 1) Office Records. The official cemetery records are kept at the Magna Town office. The location of all graves is shown by maps and by a system of recorded measurements in a database from fixed permanent landmarks.
- 2) Change of Address. All owners of burial rights or spaces are requested to notify the cemetery of any change of address.
- 3) Cemetery Fees. Fees for services are changed from time to time as approved by the Magna Council and can be found in the fee schedule.

- 4) Contractors and Outside Workers. Contractors and others working in the cemetery must make their business known to the cemetery staff before the work is started.
- 5) Boundaries/Infrastructure. The right to enlarge, reduce, re-plat, or change the boundaries of the cemetery or of a section or sections from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Magna.
- 6) Liability of Cemetery. Magna Cemetery Staff will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners but shall not be liable for any damage or loss.
- 7) Alteration and Repeal of Policies and Procedures. Magna reserves the rights to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto at its discretion.

Cemetery Fees
Pleasant Green Cemetery

Service(s) Provided	Fee for Resident	Fee for Non-Resident
Adult Plot	\$ 650.00	\$ 1,200.00
Opening/Closing fee	\$ 850.00	\$ 1,200.00
Infant burial 1/2 plot	\$ 350.00	\$ 650.00
Opening/closing fee	\$ 500.00	\$ 650.00
Cremaains/Urn burial	\$ 350.00	\$ 650.00
Opening/closing	\$ 500.00	\$ 650.00
Removal of existing headstone	\$ 100.00	\$ 200.00
Removal of decorative items or enclosures	\$ 100.00	\$ 200.00
Disinternment - No Reinternment Adult	\$ 650.00	\$ 650.00
Disinternment/ Reinternment -Adult	\$ 650.00	\$ 650.00
Disinternment Infant/ cremaains	\$ 325.00	\$ 325.00
Deed transfer or extra copy	\$ 50.00	\$ 70.00
Mark Plots	\$ 50.00	\$ 50.00
Returned Check Fee	\$ 50.00	\$ 50.00
Saturday Burial Additional Fee		
Service prior to Noon	\$ 200.00	\$ 200.00
Service Noon to 2:00PM	\$ 450.00	\$ 450.00