

# **ANNABELLA TOWN**

## **Cemetery Policies and Procedures**

**Upon adoption of this policy, it shall be recognized that cemetery policies adopted November 13, 2000 and June 9, 2004 be repealed.**

### **ANNABELLA TOWN CEMETERY POLICY**

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Revised February 2022

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# ANNABELLA TOWN CEMETERY POLICY

## INTRODUCTION

It is the desire of Annabella Town Corporation to operate and maintain a cemetery that is beautiful, dignified and an appropriate final resting place for departed loved ones.

In formulating these policies and procedures, it has been our desire to offer as much freedom of choice as possible while still preserving those regulations necessary in maintaining a high standard of beauty and efficiency.

We sincerely hope that you will assist us in this effort by adhering to these rules. We also solicit your comments and suggestions regarding general maintenance and operating procedures.

## **SECTION 1-DEFINITIONS. For the purposes of this policy, the following words and phrases shall have the following meanings:**

**Administrative Office:** The administrative office is located at Annabella Town Offices, 295 East 300 North, Annabella Utah where the clerk/recorder is located and responsible for all cemetery records.

**Burial Rights:** The right to be buried in a cemetery space; however, the property on which the space is located remains in the ownership by Annabella Town Corporation.

**Burial Transit Permit:** A permit that is required by the state to transport a deceased person from one state to the other for burial.

**Cremated Remains:** Cremated remains are the remains after a person has been cremated.

**Disinterment Permit:** A permit that is required by the state for the purpose of exhuming a burial to be transferred for burial in another place.

**Flat Marker:** A flat marker is one that is flush with the ground.

**Head of Household:** A single person who is at least 23 years old, a married couple or a domestic partnership shall be considered an individual or head of household for the purpose of these policies.

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

**Indigent:** An indigent is a person who does not have the means with which a burial right can be purchased.

**Marker:** An identification tool made of stone that is placed upon a grave which contains information about the person buried in that space.

**Perpetual Care:** Perpetual care is defined as the general care and maintenance necessitated by the natural growth and ordinary care which may be provided at reasonable intervals within the budget limits of the cemetery. It includes the planting, cutting, and watering and care of lawns, upkeep of buildings, walks and roadways. It also provides for the care of trees, shrubs and flowers planted by the cemetery personnel. Perpetual care does not provide for maintenance of monuments, markers, or flower vases.

**Permanent Container:** A metal or marble container permanently affixed to the marker or included in, but not separately attached to the concrete foundation.

**Person:** The term “person” shall mean individual, group, partnership, firm, corporation, or association.

**Resident:** A resident is a person who owns real property within the corporate limits of Annabella Town according to tax records and has a valid State ID listing the real property as their principal residence at the time of purchase.

**Superintendent:** That person is responsible for the general maintenance of the cemetery, enforcing cemetery policies and procedures. The Superintendent is under the direction of the Town Council.

**Grass Slant Marker:** A marker that has a gradual slant from ground level to a height of no more than four (4) inches.

**Upright Marker:** A marker that stands upright with a maximum height of thirty inches (30”) from ground level.

## **SECTION 2 -LOT OWNERSHIP AND PRIVILEGES**

### **A. Nature and Extent of Rights Acquired.**

- Upon payment of the purchase price of a space, the purchaser acquires the rights of burial in said space, subject to the policies and procedures of the cemetery.
- The Town retains title to the cemetery property.
- A maximum of four (4) spaces shall be purchased by any one individual, who is head of household, on a one-time basis. (Husband and wife or a domestic partnership are considered an individual.) A certificate of burial right will be issued to each purchaser after fees are paid in full.
- Any requests for more than four (4) spaces must be approved by the Town Council.
- No interment will be permitted in, or placement of marker allowed, on any space not fully paid for.
- No space shall be sold without perpetual care.

### **B. Descent and Inheritance of Burial Rights.**

- Burials by or of heirs, after the original parties named on burial certificates are deceased, will require the permission of the oldest living heir of the original party named. The proper form for this purpose may be obtained from the Annabella Town office. Annabella Town shall, in no way, be held responsible for failure to properly determine the legal succession of the said space owner.
- The heirs are entitled to the same use of the space as the original owners and are bound by the same policies and procedures.
- Burial rights may be placed on hold if lots are deemed to be inactive and heirs are unknown. These rights placed on hold may be reactivated in other locations.

### **C. Transfer of Burial Rights.**

- Owners of burial certificates may transfer their burial rights to other parties by filling out and signing forms provided by the Annabella Town office. The four (4) space limit will be considered before a transfer is authorized.
- The files located at the Annabella Town office regarding the Annabella Town Cemetery are to be considered the correct record. Any discrepancy between the administrative files and

the certificate of burial rights will be considered a clerical error or necessary change. Annabella Town reserves the right to recall, correct and re-issue any certificate in question.

- Transfer of burial rights cannot take place within 12 months of burial right purchase.

**D. Resale of Burial Rights**

- As stated in Section A, the purchase of a cemetery space does not include land, only the right of burial within that space.
- If a space is being sold back to Annabella Town or to another person, the space must meet the criteria of being a useable space. The determination of whether a space is useable will be the decision of the Annabella Town Cemetery Superintendent.
- An owner or heir holding title to a space may sell that space back to Annabella Town at any time. The amount the Town will pay for said space will be the amount originally paid for the space by the owner at the time of purchase.
- An owner or heir may sell a space for the original purchase price only. Burial rights may not be marketed or used as an investment venture.

**SECTION 3-BURIALS**

**A. General Requirements**

- Interments are limited to human dead.
- Information for all interments must be given and all charges paid at the Town office. Information given by telephone will be taken with particular care, but Annabella Town will not be responsible for errors arising or resulting from this procedure.
- The person giving the order must give the space owner's name, address, and all other information required on the burial report. This information includes: The name of deceased, date and place of birth, date and place of death, cause of death, name of mother and father, name of funeral director, date and time of funeral, location of grave space to be used.
- No interment will be permitted, or remains received, unless the proper written order is furnished. Remains sent from other states must also be accompanied by a burial transit permit and filed at the administrative office.
- Notice for opening of a grave must be given early enough to allow at least twenty-four (24) regular working hours for the grave to be prepared. Extra time may be required during winter months.
- Any existing headstone for a prior burial or a stone that has been placed as part of a pre-need funeral plan, will need to be moved to facilitate opening the grave. A monument company shall be contacted to remove the stone. The cost to move the stone will be billed as part of the fees associated with opening and closing of that space.
- Annabella Town will not be responsible for any mistakes occurring from lack of precise and proper instructions as to the location of proper space on the lot where the interment is desired. It is preferable that when several spaces are available within a lot, a family member or representative come to the Town Office and with the assistance of the Clerk, make the designation for the space desired. When it is not possible to open a specified space on a lot because of an existing older grave or other such circumstance, and the family has not responded to notification of the situation, the Superintendent may, at their discretion, open a space where they deem best and proper, so as not to delay the funeral and interment.
- The Town Council shall from time-to-time designate spaces to be reserved for indigent persons.

**B. Advance Payment of Burial Fee**

- For families who would like to acquire burial space in the Annabella Town Cemetery prior to need, spaces may be purchased through the Annabella Town Office. No more than four (4) spaces per household will be allowed.

**C. Hours When Burials Are Permitted**

- No funeral, memorial or interment services will be allowed in the cemetery on Sunday. On all other days, services will be allowed between the hours of 8:00 a.m. and 4:00 p.m.
- Additional charges will be made for interments made on Saturdays and for interments lasting longer or beginning after 4:00 p.m.
- Because of high numbers of traffic, people visiting and decorating family graves during the Memorial Day and Veterans Day weekends, no burials are to take place after 11:00 a.m. on the Friday before these holidays. Burials may resume after 8:00 a.m. the Tuesday following these holidays.

**D. Duty of Funeral Directors**

- The mortuary (funeral director), who is in charge of the funeral, must arrange the time for arrival at the cemetery so as to be finished with the service and away from the burial site before 4:00 p.m. They will be responsible for the faithful observance of all the policies and procedures concerning funerals and burials unless prior arrangements are made with the Town office. If service extends beyond 4:00 p.m., an overtime charge will be billed to the mortuary in charge of the burial.

**E. Vaults**

- Burial vaults are required for all burials and must be made of concrete or metal. Exceptions may be noted for infants and cremated remains. These containers may be made of concrete or a fiberglass composition material which has been approved by the cemetery Superintendent. Outside wooden boxes are not permitted.

**F. Excavating and Refilling of Graves**

- The Superintendent or someone employed by the Annabella Town will be in complete charge of every interment. No grave shall be opened, filled, refilled, or sodded except by the employees of Annabella Town and under the direction of the superintendent.

**G. Burials per Grave**

- One interment only shall be allowed in a casket, except a parent with an infant child, two children buried at the same time or a container with cremated remains. No more than one casket will be allowed in a grave.
- Double depth burials are not permitted.

NOTE: Cremated remains may be placed on top of existing grave with consent of surviving immediate heirs, upon verification that the existing burial is deep enough to accommodate an additional burial. However, any headstone or marker indicating their presence must be flush with surrounding lawn and shall not have any attached vases.

- No more than two (2) urns may be placed in one space.
- Cremated remains shall not be scattered on cemetery property.

**SECTION 4 -DECORATION OF GRAVES**

**A. Funeral Flowers and Floral Pieces**

- Floral pieces will be removed without notice when they become unsightly. Space owners desiring to retain floral pieces must remove them within five (5) days after the interment.

**B. Decorations and Containers**

- The placing of baskets, boxes, pots, jars, cans, wires, bottles, nick knacks, fences etc., shall not be permitted on sodded covered areas except during the Memorial Day holiday. Any

items placed on these areas are subject to removal as needed to perform on-going maintenance of the cemetery.

- Permanent containers must be a part of the marker or cast into the concrete foundation.
- All flower containers or vases in flat headstones must be of the sunken and a permanent part of the marker.

**C. Artificial Flowers**

- Artificial flowers are permissible if placed in a permanent container, but the location and use of such flowers shall be subject to the policies and procedures set forth.
- Artificial decorations will not be allowed on sodded areas from April 1st to October 31st, except during the Memorial Day holiday, with the exception that flowers may be placed in permanent containers on above the ground level monuments.
- Memorial Day decorations must be removed before 8:00 a.m. on the next Monday following Memorial Day.

**D. Fresh Cut Flowers**

- Fresh cut flowers are permitted in permanent containers anytime.

**E. Planting or Excavating**

- No planting of any type of plant material, digging or disturbing the sod within the cemetery will be permitted.

**SECTION 5-MONUMENTS AND MARKERS**

**A. Ownership and Responsibility**

- Monuments and markers on a grave space within the cemetery are the property of the space owner, their heirs or the responsible party that ordered and had them placed; with the exception of the government issued military markers or headstones authorized for veteran burial, their ownership remains with the government. However, maintenance of the monument is the responsibility of the owner.
- If a headstone becomes a safety concern, Annabella Town will contact responsible party. If Annabella Town cannot contact responsible party, the Town reserves the right to take care of correcting the problem.
- The cemetery is maintained by Town personnel who exercise great care in keeping the grounds groomed.
- Markers are subjected to extreme temperatures, snow, ice, sprinkler irrigation water and occasional nicks and chips from mowing, maintaining the grounds and opening and closing neighboring grave spaces.
- Annabella Town will not be responsible for inadvertent scratches and chips that occur from routine maintenance or vandalism. Such happenings are conditions that go with the privilege of placing the monument in the cemetery.
- A recommendation would be to consult a monument dealer on monument materials suitable to handle conditions at the cemetery. It is also recommended that upright or slant markers have rough nosed base edge rather than a polished smooth surface.

**B. Monuments and Markers**

- Because of water lines, sprinkler locations and roadways, any monument or marker erected in the Annabella Town Cemetery shall be restricted to a size and dimension specific to its location within the cemetery limits.
- Persons ordering a monument from a monument dealer should check, or cause to be checked, the restrictions first, to ensure that the stone will be permissible.
- Only one marker allowed per burial space unless cremations or a combination of a burial and a cremation are buried in the same space. A second marker can then be installed but MUST be a flat stone installed at ground level.

- If a monument company has been contacted to remove a monument for a burial, the monument company will also be responsible for returning the monument to its original location.

**C. Requirements for Markers**

- Markers must be composed of metal, stone or concrete. No sandstone markers will be allowed. All markers must be securely set in a finished grass level concrete or stone foundation of at least four (4) inches in depth, with a cement perimeter of not less than four (4) inches wide around the marker. Markers must be no higher than thirty (30) inches from ground level. Cement foundations of monuments or markers must be no deeper than twenty-four (24) inches, and no wider than forty (40) inches for a single grave or eighty (80) inches for a double grave to the outer perimeter of the cement foundation.

**D. Vases**

- All permanent vases must be attached to the stone foundation or cast into the concrete foundation at least two (2) inches from the edge of the stone or concrete foundation.
- Vases must be so that flowers do not lay on stone or grass and flowers must be at least four (4) inches above the container to allow for trimming around the edge of the foundation.

**E. Flagpoles**

- All flagpoles installed at grave locations throughout the cemetery must adhere to the following requirements:
  - Flagpoles must be a removable pole mounted in a concrete foundation on the south side of the marker, at least two (2) inches from the edge.
  - Worn and tattered flags will be removed by superintendent if family cannot be contacted and disposed of properly by the American Legion.
  - Flagpoles or other items for single headstones measuring forty-eight (48) inches wide must be within the concrete base.

**F. Shepherd’s Hooks**

- Shepherd hooks will be allowed so long as there is no more than two (2) inches from monument foundation. The hook must be over the stone so that anything flown from the hook would fall over the stone and not onto the grass.

**SECTION 6-GENERAL PLATTING AND LANDSCAPING**

**A. Boundaries, Roads and Waterlines**

The right to enlarge, reduce, re-plat or change the boundaries of the cemetery, or a section or sections thereof, from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Annabella Town Corporation. The right to lay, maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

**B. Location of Documents**

All original maps, records and other documents pertaining to the Annabella Town Cemetery are on file at the administrative office.

**SECTION 7-REGULATIONS GOVERNING ACCESS AND CONDUCT**

**A. Entrance Regulation**

Access to the Annabella Town Cemetery may be restricted to daylight hours.

**B. Improper Conduct**

Annabella Town Cemetery has been dedicated for the burial of the dead. Any behavior or conduct not keeping with this purpose is expressly forbidden.

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 Annabella Town Cemetery.

**C. Speed Limit**

The speed limit within Annabella Town Cemetery is five (5) miles per hour. Vehicles must stay on roadways while in the Annabella Town Cemetery. Cutting corners and driving on the lawns are prohibited.

**D. Animals**

Horses, dogs or any other type of pet or livestock are not permitted on the cemetery grounds. The owner of any such animal found to be in violation of the prohibition shall be cited for trespass.

**SECTION 8-PERPETUAL CARE**

**A. Perpetual Care Funds**

Fifty percent (50%) of 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 purpose of the upkeep and related capital improvements of the cemetery.

**SECTION 9-MISCELLANEOUS**

**A. Office - Records**

The official cemetery records are kept at the administration office of Annabella Town Corporation. The office is open weekdays from 7:30 a.m. until 4:00 p.m., with the exception of holidays. All business pertaining to the cemetery should be transacted at the administrative office.

The location of all graves is shown by maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the administrative office.

All owners of lots or spaces are requested to notify Annabella Town Corporation of any changes in their address.

**B. Powers of the Superintendent**

The cemetery superintendent, subject to the direction of the Town Council, is responsible for enforcing the policies and procedures of the cemetery.

The superintendent may take such action necessary to protect property, graves, space owners and the cemetery from injury, and to preserve the peace and good order and prevent injury to the appearance of the lots, graves, grounds and buildings.

**C. Prices and Charges**

The Town Council may establish or amend by resolution the fees charged for any service within the cemetery.

Prices and charges will be furnished by the administrative office of Annabella Town Corporation and are subject to change without notice.

**D. Contractors and Outside Workers**

Contractors and others having work in the cemetery must make their business known to the superintendent before work is begun.

**E. Disinterment**

Disinterment must be arranged for through the administrative office. All fees and permits must be given to the administrative office before disinterment is completed. The written order of the space owner, his legal representative, or an order from a competent authority in compliance with law must also be given.

**F. Liability of Cemetery**

Annabella Town Cemetery Personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the space owners but shall not be liable for any damage or loss.



**G. Alteration and Repeal of Policies and Procedures**

Annabella Town Corporation reserves the right to make, amend and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.

**H. Failure to Abide by Policies and Procedures**

Any person violating the provisions of the cemetery policies and procedures shall be guilty of a Class B misdemeanor and shall be fined accordingly.

Passed and approved this 14<sup>th</sup> of April, 2022.

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Brent Christensen, Mayor  
Annabella Town

Attest

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Tina Mitchell, Town Clerk

In Favor:

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Opposed:

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