

Fayette Cemetery Policy

Introduction

The Fayette Town Cemetery is a sacred space designated for the respectful interment of loved ones. This policy is established to comply with Utah Code Title 8 (Cemeteries) and other applicable state regulations to maintain the dignity and solemnity of the cemetery while ensuring safety, proper record-keeping, and preservation of public health.

a. Human Dead:

Interments are limited to human dead. It shall be unlawful to bury human remains within the Town, except at sites designated and approved by the Town.

b. Resident Defined:

Resident: Any person currently residing within the incorporated limits of Fayette Town or immediately prior to being placed in a health care institution. Any exception to this definition needs written approval from the town council.

Decorating Graves

1. Respectful Decoration:

Grave sites should be decorated in a manner that respects the deceased and does not interfere with surrounding plots. Fayette Cemetery, which does not have grass, prohibits excessive decorations that may disrupt the overall appearance or interfere with adjacent burial sites. All decorations must be removable, and no permanent structures or alterations are allowed without prior approval from the town.

2. Prohibited Items:

In compliance with Utah Code § 8-5-1, the planting of trees, flowers, shrubs, or other vegetation without explicit written permission from the town is prohibited. No glass, wire, metal spikes, or hazardous items that could pose a safety risk to visitors or cemetery staff may be used in decorations.

3. Clean up and Spraying:

Cemetery crews begin early in the spring to keep the cemetery looking nice. Preparations include mowing, watering, spraying of herbicides, planting of approved vegetation, and required pruning. Fayette town and its staff will not be responsible for the inadvertent damage to or killing of vegetation on existing grave sites. From this day forward it is recommended that any sentimental decorations or vegetation be removed from the cemetery.

4. Holiday and Temporary Decorations:

Temporary decorations are welcome but must be removed before their appearance deteriorates, or they begin to blow around the cemetery. To ensure the cemetery remains orderly, Fayette Town will remove any decorations left after this period, in accordance with Utah Code's provisions for maintaining public cemeteries.

5. Removal of Decorations:

In compliance with Utah Code § 8-5-3, the town reserves the right to remove any artificial or real flowers and other decorations when they become unsightly or scattered. The cemetery staff may remove items without prior notice to families to maintain the cemetery's dignity and cleanliness. All flowers and decorations not in containers or attached to a grave. AND those that are damaged or wilted in containers will be removed from the cemetery.

Plot Modifications

1. Modifications and Alterations:

- a. No individual or family may modify a plot, The Town of Fayette retains all rights to the land and only sells the right to be buried on that land. Modifications include changes to headstones, markers, borders, or other elements, without explicit written permission from Fayette Town. Unauthorized alterations are prohibited under Utah Code Title 8 and may be corrected at the expense of the plot owner or their heirs.
- b. The town of Fayette retains the right to refuse the opening of any grave that is deemed unsafe to open due to placement of hazardous material on, in, or around the plot. OR those found in violation or defying any of the following ordinance.

2. Grave Markers:

The installation or modification of headstones must comply with Utah Code § 8-3-1. Markers must be made of durable materials, such as stone or metal, and must follow town regulations concerning size and placement. All headstones must be installed under the supervision of the town to ensure compliance with state regulations and cemetery policies. No modifications to surrounding graves will be made that interfere with the viewing of grave markers.

3. Borders, Fences and Obstacles:

Nothing will be placed around, in front of or in the burial place that will interfere with the digging of the grave. No border or fence will be allowed that cannot be easily removed and extends over four inches in height from the ground. If such a barrier exists removal will be at the owner's expense. If it is determined that there is a more feasible way to handle the barrier the solution must be approved by the town council before any modifications are made.

Burial and Record Keeping

1. Permits and Burial Rights:

Per Utah Code § 8-2-1, burial rights are subject to town approval, and burial permits must be obtained from Fayette Town before interment. Accurate and complete information is required for all interments to ensure proper record-keeping, in compliance with state laws.

2. Plot Ownership and Transfers:

a. The purchase of burial rights:

In compliance with Utah Code § 8-5-7, The purchase of burial rights does not confer ownership of land but rather the right to inter. All transfers of burial rights must comply with Utah Code § 8-2-2 and be processed through the town's records office. The sale of burial rights for more than the original purchase price is strictly prohibited. Transfer fees, where applicable, must be paid in accordance with town and state guidelines.

b. Transfer of Burial Right:

When a previously issued deed or certificate of burial right is purchased by, or transferred to a third party, or reverts to the Town, the original shall be presented to the Town recorder, and before a new certificate of burial right is issued covering said lot or burial space, the original deed or

certificate shall be canceled and the record changed. The transfer of burial rights shall be recognized or executed only upon presentation and authentication by the Town recorder. If a deed or certificate cannot be located by the individual or family for presentation to the recorder, the recorder may make such arrangements for transfer and /or burial as are equitable and appropriate for the circumstances. Transfers from one person to another are not allowed without approval from the Town Recorder. Questions regarding costs for transfer of burial rights from resident to resident, and resident to non-resident can be answered by the recorder and the current fee schedule adopted by resolution from the Town council. If an owner of a burial right wishes to transfer the right to another family member, they may bring the deed or burial right to the Town recorder for reassignment. If a resident owner of a burial right wishes to transfer the burial right to a non-family, non-resident, the difference of resident vs non-resident fees must be paid.

c. Rights Conveyed:

Burial rights are conveyed to the person or persons 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. The cemetery master file is the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a clerical error. The Town reserves the right to recall, correct, and re-issue the correct certificate.

3. Grave Preparation, Opening, and Closing:

All grave opening, closing will be done by an approved vendor. Approved vendors can be located at the town office. All grave markings and measurements will be by the town. If a vendor other than an approved vendor is purchased by the family, there shall be a fee of up to \$100 per hour attached to the burial fee for the supervision of a town employee. No driving over, bracing, or any other modification to an existing grave will be made to dig another grave. The Town of Fayette reserves the right to refuse service if the town AND/ OR vendor deems the risk to life or safety too high to dig, OR there is an object in the way that hinders preparing a burial site. No graves will be open in the old part of the cemetery without the consent of the Town of Fayette.

4. Cremations:

Cremations will be treated as a regular burial including fees and services. Cremations require a sealable urn made of plastic, metal, cement, or other like material approved by the cemetery superintendent. If a family desires, a (1) cremation may be buried on top of an existing grave after receiving approval from the Town of Fayette. Regular opening and closing charges will still apply and must be done through an approved vendor.

5. Cemetery Fees:

Purchase of Burial Right one space for burial in the cemetery. All proceeds from the sale of property shall be placed in the cemetery care fund.

Cemetery fees are as follows but not limited to:

Individual Burial Plot

\$250 for Residents

\$1,000 for Non-Residents

Opening and Closing a Burial Plot

\$300 for Residents

\$750 for Non-Residents

6. Burial Permit:

A permit for burial must be obtained prior to the opening of a grave. The necessary information and fees should be given to the Town recorder by the family representatives or the funeral director. The information required is the name of the deceased, parents' names, birth date, place of death, date of death, cause of death, the description of interment space (obtained from the cemetery master file, unless newly purchased), the location, date, and time of funeral services, the name of the funeral director or mortician, name of person reporting, and veteran status. Proper and complete information is required for accurate record keeping. These records shall be open to public inspection. Arrangements for a grave opening can be made at the office of the Fayette Town Recorder by the funeral director or another responsible party. 72-hour notice is required (when feasible) before the opening of a grave. Violations may result in disinterment at the family's expense or a \$1,000 expense in fines

7. Errors:

Fayette Town will not be responsible for any mistake occurring from the lack of precise and complete instructions to the proper space on the lot where interment is desired. When a grave space on a lot cannot be opened where specified, the Cemetery Superintendent / Town Council may, at his/her/their discretion, open it in such location on the lot as he/she/they deem best and proper, so as not to delay the funeral and affect the interment. Any errors made on the family's part due to negligence or lack of approval will be fixed at the family's expense.

8. State Transit Permit:

Remains sent from other states must be accompanied by a transit permit to be filed in the recorder's office.

9. Hours When Burials Are Permitted:

Burials for normal working days are accepted from 8:00 a.m. to 4:00 p.m. No burials will be accepted on Sundays, Thanksgiving, Christmas Eve, Christmas Day, and during the Memorial Day weekend. Additional charges will be made for interments outside of regular business hours, and holidays.

10. Holiday Funerals:

Funerals on the following holidays will incur the Holiday Fee Schedule: New Year's Day, Presidents' Day, Independence Day, Pioneer Day, Labor Day, Columbus Day, Veterans Day.

11. Burials Per Grave:

One interment only shall be allowed in a casket except for a father or mother with an infant child, OR two children buried at the same time. Not more than one adult is allowed in one grave space. Exceptions include cremation and the written approval of the Town Council.

12. Vaults:

Vaults are required for all burials. Vaults should be of concrete, steel, fiberglass or other structurally sound materials as approved by the Cemetery Superintendent / Town Council. No wood shall be used as a permanent part of the construction of any part of the vault.

13. Indigents:

Such lots as the Town Council may from time to time designate will be designated for the burial of indigent persons. Any burial right owner may donate grave spaces for a resident in need. No exchange of money is allowed in this situation and written approval from the Town Council must be obtained

14. Orientation of Graves:

By design burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave spaces usually measure four feet wide by eleven feet long except on odd sized lots. Traditional burial customs have the wife placed to the left side of the husband when facing east, however placement is a matter of choice. The superintendent will assist in this decision as needed.

15. Office Records:

The official cemetery records are kept at the Town Recorder's office located at 80S 100E, Fayette, Utah. Office hours are posted on the door of Town Hall or the town's web site. All business pertaining to the cemetery is to be transacted at this office. All owners of lots or spaces rights are requested to notify the Town Recorder's office of any change of address. The location of burial space in the cemetery is shown by maps and by a system of recorded measurement from fixed survey markers located in the cemeteries.

All maps and records are on file at the town recorder's office.

General Cemetery Conduct

1. Prohibited Activities:

Visitors must respect the cemetery's sacred nature. Under Utah Code § 8-3-2, unauthorized activities such as recreational activities, and the presence of animals (except service animals) are prohibited. Vehicles must remain on designated paths, and visitors are required to comply with access hours.

a. Planting living vegetation.

No living plant, tree, grass, or bush is allowed inside of the cemetery boundaries. Any exception to this rule must be obtained through the express written consent of the Town Council. Violation of this rule will result in removal of the vegetation after an attempt to notify the family has been made.

2. Access:

The cemetery is open to visitors during daylight hours only, in accordance with the Utah Code. Visitors are expected to always respect the quiet and solemn nature of the grounds.

3. **Disinterment:**

Disinterment must comply with Utah Code § 8-6-1, requiring a court order or written family consent, along with approval from the town and compliance with state health regulations.

a. Disinterment Prohibited:

The Town 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 encased at the time of disinterment. The town cemetery superintendent / town council may refuse to perform a disinterment if he determines that such danger or threat exists.

4. **Cemetery Responsibility and Liability:**

A disinterment is the excavation and removal of vaults, caskets, and/or human remains. The necessary excavation required to open the grave space is the sole responsibility of the Cemetery Superintendent / Town Council. All other procedures needed to remove a vault, casket, and/or human remains from the grave space are the responsibility of the individual named on the Disinterment Permit or their agent. The Town assumes no liability for any property damage, including damage to a casket, vault, headstone, etc. or for bodily injury sustained during a disinterment from causes beyond its reasonable control. The Town is not liable for the acts or omissions of any third party for any reason. The Town is not liable for damage to the contents of any casket or adjacent burial spaces from causes beyond its reasonable control. The Town is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any disinterment.

Liability and Enforcement

1. **Town Liability:** In accordance with Utah Code § 8-4-1, Fayette Town and its staff will exercise due diligence in maintaining the cemetery grounds but will not be liable for theft, vandalism, or damage to headstones, decorations, or other personal property left at the cemetery. Fayette Town and its staff will not be liable for any injuries or collapsing of an open grave due to improper digging, or modifications to the surrounding ground to include the unauthorized addition of dirt and gravel to the site.
2. **Enforcement:** The Cemetery Superintendent, under the direction from the Town Council and in compliance with Utah Code § 8-5-2, is responsible for enforcing these policies.

Unauthorized actions or violations of cemetery rules may result in fines or penalties in line with Utah law, OR refusal of services.

3. Town Responsibility:

Fayette Town and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Be aware that on occasion uncaring individuals have removed expensive flower arrangements without patron or Town staff consent. Also be aware that consistent nightly wind and occasional wind burst regularly and significantly affect monument decorations.

4. Ownership and Responsibilities:

Headstones are personal property. All headstones within the cemetery are the property of burial rights 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. The cemetery is maintained by Cemetery Superintendent / Town Council who exercise great care in keeping the grounds groomed. The Town will not be responsible for scratches and chips that occur. Such happenings are a condition that goes with the privilege of placing headstones in the cemetery. It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in cemeteries except under the direction and supervision of the Cemetery Superintendent / Town Council.

5. Interference with Excavation:

The owner or responsible party is responsible for the removal and replacement of a marker or barrier that must be moved for the excavation of a grave, or for the expenses of such services if contracted. If the owner or responsible party wishes, the town may accept responsibility and plan with a local monument dealer at the owner's expense.

6. Cemetery Supervision:

All work in the cemetery including but not limited to interments, disinterment, planting, landscaping, grading, record keeping, placement of monuments, grounds keeping, construction, and all maintenance, improvements, and beautification of the grounds shall be approved by and done under the supervision of the Cemetery Superintendent / Town Council. Failure to do so may result in fines and additional expenses.

A. Powers of Superintendent:

The Cemetery Superintendent, subject to the direction of the Town council, is responsible for enforcing the policies and procedures of the cemetery. The cemetery superintendent may take such action necessary to protect property, graves, and the cemetery from injury; to preserve the peace and good order; and to prevent injury to the appearance of the lots, graves, headstones, grounds, and buildings.

B. Contractors and Outside Workers:

Contractors and others having work to do in the cemetery must make their business known to the town council before the work starts.

7. **Unused Lots:**

In compliance with Utah Code § 8-5; Lots that have been unused, or have no written notice of claim or interest, may be reclaimed by Fayette Town. Every effort, practically and legally, will be made to find the owner or legal heirs before the spaces or lots, by lawful means, will be reclaimed. Should a certificate of title or right to a lot that has been reclaimed by the Town be presented, the legal holder is entitled to be compensated at the buy-back price established on the certificate at the time of sale OR be given the opportunity to select an equivalent lot. All proceeds from the resale of reclaimed property shall be placed in the cemetery care fund.

8. **Purchase of Unused Lots or spaces by the Town:**

The Town may buy back any unused lots or spaces when directed by the owner, OR all living heirs. The municipality hereby agrees to buy back any municipal cemetery grave space, which it may hereafter sell. The purchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less. The original deed of property ownership or burial rights must be turned in, or other documented proof of ownership must be given to the recorder before the purchase can be authorized. Any unknown original purchase price will be defaulted at the price of \$100.00

9. **Boundaries, Roads, and Waterlines:**

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

10. Liability of Cemetery:

Fayette Town personnel will, always, 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.

11. Alteration and Repeal of Policies and Procedures:

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