



APPENDIX A

KANARRAVILLE CEMETERY RULES AND REGULATIONS

KANARRAVILLE TOWN CORPORATION
 40 South Main Street, HC 65 Box 148
 Kanarraville UT 84742 (435) 867-1852

1. Kanarraville Cemetery and Contact Information:

- a. Name: The burial ground of the Kanarraville municipality shall be known and designated the name of Kanarraville Cemetery.
- b. Cemeteries Covered: All cemeteries owned and/or maintained by the town, wherever situated, are hereby declared subject to the provisions of these Rules and regulations.
- c. Contact Information:

Town Sexton
 Mike Humes
 435-704-1215
cemetery@kanarraville.org

Town Clerk
 Heidi Loveland
 (435) 867-1852
heidi@kanarraville.org

Town Hall
 40 South Main Street
 HC 65 Box 148
 Kanarraville UT 84742

2. Purchase of Plots and Fees

- a. Plot Type, Conditions and Plot Purchase Price

Plot Type	Plot Description	Permitted Burial Types	Permitted Marker Types	Purchase Price
I	*Resident Single Full Plot	Casket or Urn(s)	Upright or Flat/Low Profile	\$200
II	Resident Single Full Plot	Casket or Urn(s)	Flat/Low Profile ONLY	\$200
III	Resident Urn Ground Plot	Single Urn ONLY	Flat/Low Profile ONLY	\$100
IV	Resident Single Urn – Columbarium Niche (CURRENTLY NOT AVAILABLE)	Single Urn ONLY	Bronze Cap Required	N/A
V	**Non-Resident Single Full Plot	Casket or Urn(s)	Upright or Flat/Low Profile	\$1500
VI	Non-Resident Single Full Plot	Casket or Urn(s)	Flat/Low Profile ONLY	\$1500
VII	Non-Resident Urn Ground Plot	Single Urn ONLY	Flat/Low Profile ONLY	\$750
VIII	Non-Resident Single Urn – Columbarium Niche (CURRENTLY NOT AVAILABLE)	Single Urn ONLY	Bronze Cap Required	N/A

- i. *RESIDENT: To be considered a “Resident”, Purchaser must meet the following requirements:
 - 1. Have a Driver’s License or UT listing an address in town limits
 - 2. Be a registered voter in Kanarraville – Zone 1
 - 3. Have your primary residence in town limits, or rent residential property in town for at least one year.
 - 4. Have a Kanarraville Town water meter connected to your residence
 - ii. **Non-Resident is defined as anyone who does not fit the description of a “Resident”.
- b. SALE OF PLOTS: The Town Sexton is authorized to sell plots and shall deliver to each purchaser a Certificate of Burial Rights for each plot purchased which shall describe the location of the plot. No more than four (4) plots can be sold to the same purchaser. A Burial Right conveyed shall be exempt from taxation. A free grave plot shall be given to Residents who have resided in Kanarraville for fifty (50) continuous years.
- i. The certificates shall be issued and signed by the Mayor and shall be attested by the Town Clerk. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from

execution and from taxation and assessment for care and maintenance charges from and after said payment.

- c. SALE SUBJECT TO RULE: Every plot sold is subject to Rules and Regulations that have been or may be adopted. The Rules and Regulations shall be subject to such changes as are found necessary for the protection of plot Purchasers, the remains of the dead and the preservation of the cemetery.
- d. PLOTS SHALL NOT BE RESERVED: Purchase Price for all plots must be fully paid (cash or check) at the time of sale to the Town Sexton. Checks shall be made out to the Kanarraville Town.
- e. FEE for OPENING AND CLOSING OF PLOT
 - i. Standard Opening and Closing Fee for casket burial is \$300. Additional costs may apply depending on the circumstances which are determined by the Town Sexton and/or the Town Board.
 - ii. Standard Opening and Closing Fee for single/double/triple urn burial is \$150. Additional costs may apply depending on the circumstances which are determined by the Town Sexton and/or the Town Board.
 - iii. No opening, closing or Interment, shall take place until all appropriate fees have been paid to the Town Sexton or Town Clerk.
 - iv. To arrange the opening/closing of a plot, please complete the [Kanarraville Cemetery Burial Application](#) and email it to the Town Sexton.
- f. RESTRICTION OF RESALE: The lots sold by Kanarraville for cemetery plots shall not be further sold, transferred, conveyed or assigned to any person except Kanarraville Town. The Town agrees to repurchase any unused Burial Right at the original purchase price as outlined on the Certificate of Burial Right and Purchase Agreement. Whenever a certificate to burial rights or plot reverts to the town or becomes vested in town for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be changed.

3. Burial Rights and Ownership

- a. All property including Sections, Blocks, and plot sites within the Cemetery are owned by the Town. The Town reserves the right of easement over and across any burial Section or plot for grass repairs, installation or maintenance of water lines, and for the opening and closing of adjacent plots.
- b. Purchase of Burial Right. In accordance with Utah Code Annotated § 8-5-7, Kanarraville Town shall sell only the right to be buried in the Cemetery and all Cemetery plots shall be rights to be buried only. All Burial Rights purchased shall be issued by Certificate, naming the Purchaser of the Burial Rights thereof, which rights remain at all times subject to cemetery management ordinances, resolutions, and regulations, as such now exist or as may be adopted or amended in the future.
- c. Certificate. A Cemetery Certificate for Burial Right and Burial Permit shall be issued by the Town for each plot purchased and will clearly describe the location of the plot within the Cemetery. A Certificate of Burial Right does not convey to or entitle the holder to any other privilege other than the right to bury the body of a deceased person, and is not a deed conveying title in fee simple or otherwise to the land or any part thereof. A burial shall not take place unless a Certificate has been issued by the Town. The Purchaser(s) of the Certificate for Burial Right has the exclusive right to exercise the rights associated therewith, whether for themselves or for another.
- d. Use of Plot. No person, except the Purchaser of the Burial Right of a plot, shall be buried in that plot, unless the Purchaser or legal heirs to those rights, give permission for someone else to be buried in that plot. All burials require a minimum of two(2) business day advance notice, excluding weekends and holidays. It is the Purchaser's obligation to convey accurate information regarding the timing, needs, and location of a burial.
- e. DESCENT AND INHERITANCE OF BURIAL RIGHTS: Upon the death of the plot Purchaser, the plot descends to those named in the last will and testament of the Purchaser or to the heirs designated by law. The town shall

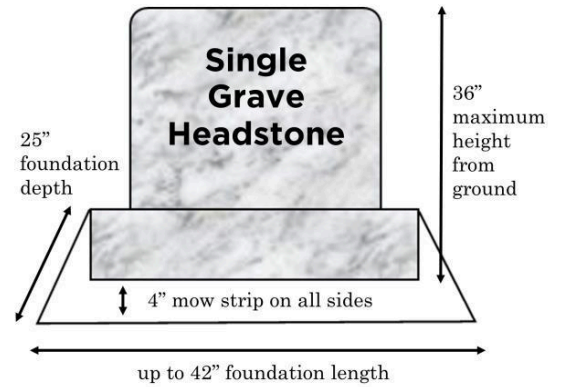
in no way be held responsible for a failure to properly determine the legal successorship of the said Purchaser. The heirs are entitled to the same use of the plot as the original Purchasers and are bound by the same Rules and Regulations.

- i. An heir may claim Burial Rights by proving the heir's identity and right of inheritance. All heirs designated as such by testamentary documents that appear valid on their face are presumed to have legal right to claim the Burial Rights, and the Town shall not be obligated to give notice regarding any transfer of a Burial Right to an heir.
- f. Reversion of Burial Right. Burial rights that have been unused, or have no written notices of claim or interest on, for more than sixty (60) years will be reclaimed by the Town. Every effort, practically and legally, will first be made to find the Purchaser or legal heirs before the Burial Right is reverted, in accordance with Title 8, Chapter 5 of the Utah Code, as amended.
- g. ERRORS MAY BE CORRECTED: The Town Sexton has the right to correct any errors made during interment or disinterment, or in the transfer or sale of grave plots. Errors may be corrected by, but not limited to: Substituting other interment rights of equal value and similar location; disinterment/re-interment of remains to the correct burial plot; or issuing a new, corrected Certificate of Burial Rights to the owner and voiding the incorrect Certificate of Burial Rights.
- h. Burials per Plot. See Burial Types in Section 2.
 - i. Casket: Only one (1) burial shall be allowed per plot space. Combined parent-infant burials may be authorized by the Town Sexton if, in the sexton's judgment, conditions at the plot allow for such combined burial.
 - ii. Urns: No more than two (3) urn burials shall be allowed in plot types I, II, V and VI. Only one Urn can be buried in plot types III, VI, VII and VIII.
 - iii. Combined Casket & Urn Burials may be authorized by the Town Sexton if, in the Sexton's judgment, conditions at the plot allow for such combined burial. No more than two (2) urns may be buried in a plot with a casket. The Urn(s) shall be placed in or above a casket but may not be placed under a casket.

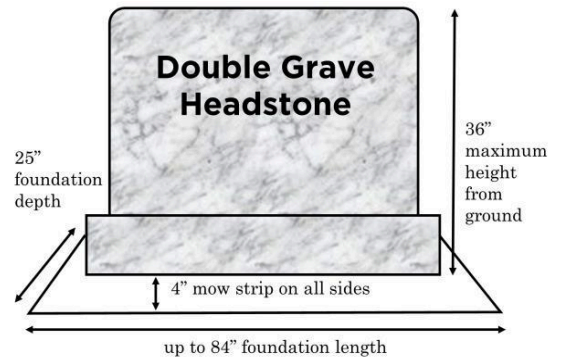
4. Plot Headstones, Memorial Structures, Monuments or Markers (Herein referred to as Markers)

- a. The Purchasers of Burial Rights or relatives of deceased persons interred in the Cemetery are required to erect and maintain, in a manner satisfactory to the Town, and at the expense of the Purchaser or relatives of the deceased, all headstones, markers or other suitable memorial structures. It shall be unlawful for any person to erect, place, or cause to be placed any Marker on any plot in the cemetery in violation of these Rules and Regulations promulgated by the Town regarding the placement, construction, and design of all such Markers.
- b. Care of plot Markers. All Markers within the Cemetery are the property of Burial Right Purchasers, their heirs, or the responsible party who are responsible for their care and upkeep. The Town shall not be responsible for the repair or replacement of Markers, including damage caused by nature or vandalism, unless the Town caused the damage or destruction to the Marker.
- c. Type and Size. A Marker and the concrete foundation must fit within the boundary of the plot or plots. All Markers shall have a stone or cement foundation, level with the ground, extending outward from the perimeter of the base of the Marker. The foundation shall be a minimum of four inches (4") on all sides, with a minimum thickness of four inches (4"). With the exception of holes placed for vases, the foundation must be a solid structure of concrete or stone. Markers will be of stone, concrete or a non-corroding durable composition and must be contained within the cement foundation. Upright Markers are allowed in the Cemetery but are subject to the following restrictions:

- i. For a Single Grave Headstone/Marker that will be placed over a single plot, the foundation shall not exceed forty-two inches (42") in length by twenty-five inches (25") in depth including a required four-inch (4") mow strip on all sides. The standard height for a Marker is thirty-six inches (36") above the surrounding or finished grade. Any Marker that exceeds a height of thirty-six (36) inches above the surrounding or finished grade must be approved by the Town Sexton and will be charged a setting fee starting at a minimum of \$150.



- ii. For a Double Grave Headstone/Marker, which will be placed over two (2) or more plots, the foundation shall not exceed eight-four inches (84") in length by twenty five-inches (25") in depth including a required four-inch (4") mow strip on all sides. The standard height for a double Marker is thirty-six inches (36") above the surrounding or finished grade. Any Marker that exceeds a height of thirty-six (36) inches above the surrounding or finished grade must be approved by the Town Sexton and will be charged a setting fee starting at a minimum of \$150.



- iii. For a flat/low profile Headstone/Marker, the depth and length dimensions for the Single or Double Marker as described above apply. The height of a flat Marker shall not be more than 6 inches above the surrounding finished grade.

- 1. A Flat/Low Profile Marker is REQUIRED for Plot Types II, III, VI, and VII. Attempts to place an upright Marker on these plot types will be removed at the cost of the purchaser or his or her heirs.

- d. Materials and Inscriptions. All Markers must be made of real bronze, glazed granite or other permanent materials. Markers shall not be made of wood, sandstone or any other material which is susceptible to decay. The name of the deceased person shall be plainly inscribed on all Markers.
- e. Placement. All Markers shall be placed at the head of the plot, which is located at the west end of the plot site. Exceptions to this shall apply only where one additional flat Marker, supplied by the Veterans Administration, may be placed at the foot of the plot, which is located at the east end of the plot site. Permanent plot Markers must be placed within 12 months of burial.
- f. Setting of Markers. It is preferred that a Marker be placed by a licensed and insured monument company. The Purchaser or a family member may set their own Marker but the Marker must be constructed and set according to specifications outlined by the Town Sexton.
- g. Removal and Replacement of Markers. Any Marker that impedes the opening or closing of any plot will be removed and replaced by a licensed and insured monument company, the expense of which will be paid by the Purchaser or the Purchaser's family members as an additional cost to the Opening and Closing fee.
- h. To arrange the placement of a Marker, please complete the [Kanarrville Cemetery Monument Placement Request Form](#) and email it to the Town Sexton.

5. Cemetery Rules and Penalties

- a. HOURS & Holiday Schedule:
 - i. Cemetery hours shall be from five (5:00) a.m. to eleven (11:00) p.m.
 - ii. Cemetery operating hours for graveside services and/or Interments and disinterments shall be conducted between the hours of nine (9:00) a.m. to four (4:00) p.m. Monday through Saturday. The cemetery is closed for burials on Sundays and officially observed holidays.
- b. SPEED: The speed limit of vehicles at the cemetery is 10 mph.
- c. DAMAGE TO CEMETERY PROPERTY: It is a Class B Misdemeanor for any person to tie or attempt to tie any horse, animal, or motor vehicle to any Marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.

It shall be an infraction for any person to injure, deface, break, destroy, or remove any headstone, tombstone, monument, tree, scrub, or any other property in the cemetery.

- d. Private Improvements Prohibited; Survey And Marking of Plots: It is unlawful for any person to erect or maintain any structure, fence, corner post, coping, or hedge of any kind upon any plot, street, or driveway in the Cemetery, or grade the ground or land thereof, including any structure or other improvement that would tend to have the effect of restricting access across and over any plot. The Town shall, upon request, furnish the boundary lines of plots. The Town shall prohibit landmarks and any grading that might destroy or interfere with the general slope of the land or the Town's use of the Cemetery. It is unlawful for any person to plant shrubs, trees, lawns, flowers, etc., place decorative stones, place Markers, or other structures in the Cemetery, including within the borders of plot Markers, without approval and direction from the Town.
- e. BURIALS AND DISINTERMENT: It is unlawful for any person to bury the body of a deceased person in the cemetery without first properly obtaining a certificate of burial rights from the Town Sexton.

Internment is limited to human remains. Direction for the internment shall be given to the Sexton. The person giving an order must be able to give the plot Purchaser's name and address, the name of the person being buried, the name of the Funeral Director, the date and time of the funeral, and the number of the burial certificate. Notice to open and close a plot must allow at least two days for the plot to be opened.

It is unlawful to disinter any body buried in Kanarrville Cemetery, except under the direction of the Sexton who shall, before disinterment, require a written permission from both the municipal health officer and the Purchaser of the plot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.

- f. VAULTS REQUIRED:
 - i. Casket: It is unlawful for any person to be buried in the Cemetery unless: (a) the casket is placed in a vault made of concrete, steel or their equivalent and (b) the vault is approved by the Town Sexton. No wood or fiberglass shall be used in the construction of any part of any vault. Vaults must be set and provided by a licensed vault/monument company.
 - ii. Urns: It is unlawful for cremains/urn to be buried in the Cemetery unless: (a) the cremains/urn are placed in a polypropylene vault or (b) an approved equivalent by the Town Sexton. Urn vaults must be provided by a licensed vault/monument company or funeral director but can be set in the plot by the family or funeral director.
- g. ONE INTERMENT PERMITTED: One interment only shall be allowed in a casket except a father or mother with an infant child, or two children buried at the same time. No more than one casket is allowed in a plot. Stacking is not allowed.
- h. RIGHT TO MAINTAIN: The Town reserves the right to enter upon any plot to perform all work necessary for the maintenance of the Cemetery. The Town is responsible for the total maintenance of the Cemetery. The Town retains the right to remove any Marker which it determines to be unsightly or dangerous.

- i. Funeral Decorations. All floral arrangements shall be allowed for five (5) days after the burial. After five (5) days they may be removed by the Town. Glass, porcelain or other breakable decorations or containers shall not be allowed. Any objects such as wires, sticks, pegs, shepherd hooks, or irons driven into the ground shall not be permitted.
- j. Plot/grave Decorations. Artificial flowers, windmills, toys, rocks, wrought iron, shepherd hooks or other such similar ornamentation are only allowed in the Cemetery on the Marker. Plot/grave decorations are subject to removal for the maintenance of the Cemetery when they become unsightly, tattered or torn. The Town shall not be responsible or liable for plot/grave decorations, personal belongings or other items that are removed, discarded, damaged, stolen, lost or destroyed.
- k. FUNERAL PROCESSIONS: Funeral processions shall proceed to the Cemetery under the direction of the funeral director. Within the Cemetery, Town employees may 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, quiet, and orderly manner following the designated speed limit.
- l. CHILDREN: Children under the age of 18 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, 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, performing service, or any other customary evidence of respect in accordance with their religious principles.
- m. Prohibited Activities
 - i. Recreational Activity. No recreational or athletic activities are permitted within the Cemetery.
 - ii. Noise. All visitors to the Cemetery shall maintain a reasonable level of noise to avoid disturbing other visitors to the Cemetery. Loud music, shouting, yelling, and other loud noises are prohibited.
 - iii. Alcoholic Beverages. Alcoholic beverages are not allowed in the Cemetery.
 - iv. Smoking Prohibited. Smoking in the Cemetery is prohibited
 - v. Animals Prohibited. No animal shall be allowed in the Cemetery except in the confines of a vehicle, with the exception of a horse drawn funeral procession. Animals include, without limitation, horses, dogs, cats.
- n. BURIAL OUTSIDE CEMETERY. It is unlawful to bury the body of any person within the Town, except at sites designated and approved as cemeteries by the Town.
- o. PENALTY: Any person who violates any part of the Kanarraville Cemetery Rules and Regulations may be found guilty of a class B misdemeanor.

6. DUTIES OF THE TOWN:

- a. Maintenance. The Town shall have the responsibility to reasonably maintain the Cemetery, other than plot Markers, and provide the basic services necessary for the operation of the Cemetery, including water, electricity, equipment and labor.
 - i. Remove floral pieces or displays left on any plot as deemed necessary to the appearance of the cemetery but not removed before five days.
 - ii. Keep the streets, alleys, and walkways free and unobstructed.
- b. Records. The Town and Town Sexton shall coordinate to maintain all records of plot sales, burials, and other records related to the administration of the cemetery, in accordance with all Town and State codes.
- c. Burials. The Town maintenance staff shall provide supervision for every interment. No other person other than Town-authorized personnel shall excavate a plot.

7. DUTIES OF THE SEXTON:

- a. Recommend to the Governing body new rules and regulations at the cemetery.
- b. Subdivide the cemetery into sections and plots.
- c. Maintain a record of the location of plots and prevent any lot from being used beyond its capacity.
- d. Keep a plat of the cemetery.
- e. Furnish the true lines of any plots according to official survey; shall prevent and prohibit any markings of the same except by official landmarks; and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.
- f. Burials. After a burial permit has been issued, the Town Sexton shall prepare and mark a plot for burial.
- g. Marker. The Town Sexton, shall prepare and mark a plot for placement of a Marker.