

76-003
76-09-02B

ORDINANCE NO. 119

AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR MAINTENANCE AND OPERATION OF THE MANTUA TOWN CEMETERY.

Section 1. Appointment of superintendent.

The cemetery superintendent shall be appointed by the mayor, subject to confirmation by the town board.

Section 2. Salary of superintendent.

The council shall fix by ordinance or resolution the salary of the cemetery superintendent.

Section 3. Duties of superintendent.

It shall be the duty of the cemetery superintendent to take charge of the cemetery, to improve the grounds thereof, under the supervision of the town board, to dig or cause to be dug, all graves required for the burial of the dead therein, to keep a record of burials and removals and to take charge of all funeral corteges while in the cemetery.

Section 4. Superintendent may make rules and regulations.

The cemetery superintendent may, with the approval of the town board, by resolution, make such rules and regulations for the governing of the cemetery, not in conflict herewith, as shall from time to time prove necessary.

Section 5. Burial permit.

Before burying the body of any deceased person in the city cemetery, there shall be procured from the town clerk, and presented to the cemetery superintendent, a permit to bury the deceased person in such lot, block and plat as may be designated.

Section 6. Information to be obtained by superintendent before burial.

Before burying anybody in the town cemetery the cemetery superintendent shall require relatives or persons having charge of the body to furnish in writing upon blank forms provided by the town board for that purpose a statement of the death, giving the name of the person deceased, with the names of his parents or other relatives, date and place of birth, date and place of death, the cause of death, the name of the attending physician, if any, the size of outside box and the plat, block and lot where the person is to be buried. The superintendent shall keep a record of and shall report such information, upon blanks furnished for the purpose, to the town clerk.

Section 7. Sale of lots.

The town clerk is hereby empowered to sell lots, at the rate prescribed in this section of from time to time by the town board, in the cemetery, and to collect, before use of the lots, all amounts arising from such sales. He shall give to each purchaser a certificate describing each lot or part of lot so purchased, together with the price thereof, which certificate, when presented to the town clerk, shall entitle the purchaser to receive from the clerk a cemetery deed to the purchased lot, the same having been surveyed and staked. Parts of lots shall be sold only in plats that shall from time to time be designated by the town board or someone authorized by it.

*Amended
Resolution 96-12-19A
Resolution 2013-09-19*

Where title to purchased lots is to be transferred or reverts to the city, the original deeds shall be cancelled and the record so corrected. A \$5.00 transfer fee shall be charged the transferee for each transfer of any burial tract or tracts from one owner to a resident of Mantua Town and an additional fee of \$60.00 for each transfer of any burial tract or tracts to a non-resident of Mantua Town. The town shall be the sole judge of the size of the lot or the number of lots to be sold to any person or family.

Amended Resolution 96-12-19 A

That no one person shall be allowed to purchase more than eight burial spaces, one burial tract, and that the burial spaces shall be sold according to the following schedule:

Bona-fide residents of Mantua Town	\$50.00 per burial space
Non-Residents of Mantua Town	\$100.00 per burial space

Section 8. Charges; clearing lot after burial.

The town clerk is hereby authorized and directed to collect, at rates prescribed from time to time by the council; for all the services specified by law or ordinance, including the digging of a grave and furnishing of material and installation of a vault or other services performed and shall include the replacing of earth in all graves dug by the cemetery superintendent and the removal of all excess material from the lot. The superintendent is entitled to clear away all rubbish, flower design after ten days from burial.

Amended Resolution 79-108 85-002 2013-09-19

<u>Burials</u>	<u>Town Residents</u>	<u>Non-Residents</u>
All persons	\$60.00	\$60.00

Section 9. Burial in cemetery required; permission required to establish cemetery; permit to bury in another's lot.

No person shall be allowed to bury the dead within the limits of the city except in the cemetery, and no cemetery shall be established unless by permission of the town board. No person except the owner of the lot upon which interment is to be made shall bury in the town cemetery without first obtaining a written permit from the owner of the lot, upon blank forms to be furnished by the town, which permit shall be filed with the cemetery superintendent.

Section 10. When body must be delivered for burial; burial on Sunday.

The remains must be delivered at the cemetery at or before 4:00 P.M. for interment if the grave is to be filled in with earth the same day. No remains will be received at the cemetery during the first day of the week, Sunday.

Section 11. Disinterments.

No person shall disinter any body buried in the cemetery, except under the direction of the cemetery superintendent. Before disinterment, the superintendent shall require a written order from the owner of the lot, on blanks furnished by the town, authorizing such removal. It shall be unlawful to remove the body of a person who has died of a contagious disease within two years after the date of the burial, unless such body has been buried in a hermetically sealed coffin and is found to be so incased.

2. As to charges for disinterments, see section 8 of this Code.

Section 12. Permits to be filed with town clerk.

The cemetery superintendent shall file all permits, whether for burial or disinterment, with his quarterly report to the town clerk.

Section 13. Headboards or markers required.

The owners of lots or relatives of deceased persons buried in the city cemetery are hereby required to place headboards or markers at the heads of graves at the time of burial, with the name of the deceased plainly inscribed thereon. All markers shall be of a suitable material and be erected according to regulations of the town board.

Section 14. Cement border around headstone or marker.

No permanent headstones or markers of marble or granite or other rock construction shall be installed in the cemetery without also installing a cement border around such headstone or marker six inches in width, which border shall be flush with the lawn so that the lawn may be cut conveniently without contact with the headstones or markers.

Section 15. Injury to tombstone or other property.

Any person who shall injure, molest or deface any headboard, tombstone, curbing, fence, monument, tree, shrub or flower or any other property in the town cemetery shall, upon conviction, be liable to a fine in any sum not exceeding two hundred dollars or to imprisonment not to exceed six months or to both such fine and imprisonment.

Section 16. Cemetery hours.

No person shall visit the cemetery between the hours of 10:00 P.M. and 5:00 A.M. without the previous consent of the cemetery superintendent.

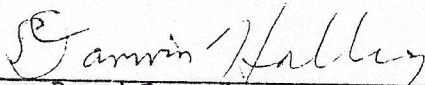
Section 17. Trees, shrubs, fences, foot markers, etc.

It shall be unlawful for any person to plant, place, maintain or cause to be planted, placed or maintained in the town cemetery any trees, shrubs, flowers, bushes, fences, foot markers, or any direction of the cemetery superintendent.

Nothing in this section shall prohibit the planting and maintaining of trees, shrubs, flowers, bushes, fences and other installations by the cemetery superintendent in his official capacity.

Section 18. In the opinion of the President and Town Board of the Town of Mantua, it is necessary for the peace, health and safety of the inhabitants of the Town of Mantua that this ordinance shall become effective immediately upon posting. This Ordinance shall be deposited in the office of the Clerk of the Town of Mantua and posted in three public places within said Town and shall take effect immediately upon its first such posting.

PASSED AND ADOPTED by the Town Board of Mantua Town, Utah
this 2 day of Sept, 1976.


Town Board President

(Mantua Town Seal)

Ralph J. Yonley
[Signature]
Resairie Hall
[Signature]
 Town Board Members

ATTEST:

Howard N. Hansen
 Town Clerk

CLERK'S CERTIFICATE

This is to certify that I, Howard N. Hansen, the duly appointed, qualified and acting Town Clerk of Mantua Town, Utah, on the 11th day of Sept duly posted three (3) copies of the attached Ordinance Establishing The Rules And Regulations For Maintenance And Operation Of The Mantua Town Cemetery, passed by the Town Board of Mantua Town, Utah on the 2nd day of Sept. 1976, in the following three public places:

- Helbert Jensen's Service
- L. & R. Campground
- L. O. S. Church House

I make this Certificate for the purpose of showing that copies of said Ordinance were duly posted in three public places in the Town of Mantua on the above date.

Dated this 11th day of Sept. 1976.

Howard N. Hansen
Town Clerk

(Mantua Town Seal)

TOWN OF MANTUA
409 NORTH MAIN STREET
MANTUA UTAH, 84324

POLICY REGARDING RESIDENCY FOR CEMETERY FEES

EFFECTIVE 06/01/2012

During the Town council meeting of May 3 2012, Mayor Butler decided that the standard for determining residency regarding cemetery fees would be that of the State of Utah's definition. A person must live within the corporate limits of the Town of Mantua for at least 6 months prior to their death to be eligible for resident rates. Residency further requires maintaining a domicile and not merely being a property owner or subject to any fees levied by the town.

The Town Council made 3 exceptions to the state residency rule. Any person meeting the following criteria shall be deemed a resident if their death occurs while away due to any of the circumstances listed below.

1. Any person who has been forced (due to age or inability to care for themselves) to reside in a nursing home or with a family member.
2. Any person who has been called as a missionary for not to exceed 3 year's service.
3. Any person called up to serve in the United States Military, being drafted or recalled to service for the duration of their duty.

Fees shall be applied in accordance with the current fee schedule as determined from time to time by the Mantua Town Council.

Phil Facer, Mantua Town Council

US legal definition of a **Bona fide** resident:

A bona fide residency requirement asks a person to establish that he or she actually lives in a certain location. This can be established by the address listed on the driver's license, voter registration card, income tax return and the like.

This should clear up the cemetery ordinance **76-9-02B** of a "bona fide" resident when selling of a plot or lot.