

Chapter X.
Cemetery District.

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Section 6.7.10. Name And Purpose.

The Town's burial grounds shall be known and designated by the name "Bluff Town Cemetery". This cemetery is provided and reserved exclusively for the interment of human remains. It shall be unlawful for any person to inter human remains within the town limits, except in the Bluff Town Cemetery or other state approved endowment cemetery.

Section 6.7.20. Definitions.

It is the intent of this section to more fully set forth the meaning of certain terms and phrases utilized within the zoning ordinance in order to facilitate understanding of said terms and phrases in the sense intended by the Bluff Town Council.

For purposes of this chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense,

words in the single number include the plural number, words in the plural number include the singular. The words “shall” and “will” are mandatory, and “may” is permissive. Words not defined shall be given their common and ordinary meaning.

The following words and terms shall have the meanings ascribed to them in this chapter:

Burial. “Burial” means the interment of human remains.

Certificate of Burial. “Certificate of Burial” means a certification, or other means of conveyance, of burial rights from the Town to a purchaser.

Cremation Plot. “Cremation Plot” means a designated parcel that is two (2) feet wide by (2) feet long within the Town Cemetery for purposes of containing the cremated remains of the dead.

Cremated Remains. “Cremated Remains” means the ashes of an incinerated, deceased person.

Disinterment/Exhumations. “Disinterment/Exhumation” means the removal of a casket from a plot.

Funeral Flowers. “Funeral Flowers” means flowers placed on the grave at time of burial.

Grave. “Grave” means an excavation in the ground for burial purposes.

Cemetery Lot. “Cemetery Lot” means a group of eight (8) contiguous plots.

Memorials. “Memorials” means items placed on a grave as a remembrance. Temporary memorials include, but are not limited to, potted plants, flags, floral wreaths, flowers in vases. Semi-permanent memorials include, but are not limited to perennial flowers.

Monument/Grave Marker. “Monument/Grave Marker” means a marker that is used to identify the person buried in a plot.

Plot. “Plot” means a designated parcel that is five (5) feet wide by twelve (12) feet long within the Town Cemetery for purposes of containing the remains of the dead.

Resident. “Resident” means any member of a household whose permanent place of residence (domicile) is within the Town of Bluff.

Sexton. “Sexton” means a person who is appointed to oversee the daily operation of the cemetery, burials and services.

Veteran. “Veteran” means a person recognized by the Veterans Administration as having veteran’s status.

Section 6.7.30. Cemetery Board.

Powers and Duties. The Cemetery Board, under the direction of the Town Council, has the entire charge of the cemetery and is authorized to enforce the rules and regulations

pertaining thereto. They may take such action as may be necessary, though not expressly set forth herein, in order to protect the property of grave and plot certificate holders, to protect the cemetery from damage, and to preserve the peace, economy and good order of the cemetery. It shall be the duty of the Cemetery Board to keep the cemetery plat and related records up to date. The Town Recorder shall keep records of charges and payments made pursuant to the cemetery. The Sexton or appointed representative of the Cemetery Board shall attend every interment in the cemetery and shall register the names and ages of all persons interred with the place of their interment. One Cemetery Board member shall supervise the opening and closing of graves.

Section 6.7.40. Sexton.

Powers and Duties. The Cemetery Sexton shall be responsible for the orderly and lawful operation of the cemetery. The Sexton shall also be responsible for all duties in the cemetery Sexton job description as adopted by the Bluff Town Council.

Section 6.7.50. Cemetery General Provisions.

- A. Location of Cemetery. The Bluff Cemetery is located in Section 29 of the San Juan County survey, and shall be known as the Bluff Town Cemetery.
- B. Rights of Burial. Each lot shall contain eight (8) plots. Purchasers of plots within the cemetery shall acquire the rights of burial in each plot in perpetuity, subject to the rules and regulations herein prescribed.
- C. Purchase of Burial Rights. The Cemetery Board treasurer is hereby authorized to sell burial rights in the Town Cemetery for burial purposes only. The Cemetery Board treasurer shall keep a complete record of all sales. The Cemetery Board treasurer shall deliver to each purchaser a Certificate of Burial Rights for each plot purchased, which certificate shall, among other things, describe the location of the plot, grave number, and purchase price. Purchasing requirements of burial plots are as follows:
1. Only one certificate per individual shall be sold at the resident price;
 2. Current residents may purchase a burial plot at the resident price. All nonresidents shall purchase burial plots at the nonresident price;
 3. Burial plots may be transferred in accordance with Town policy as stated on the reverse side of the Certificate of Burial Rights; and
 4. See Town of Bluff Fee Schedule for burial plot prices.
- D. Nature of Title to Graves. The legal title to all property in the cemetery shall reside with the Town. The purchasers of any plot within the cemetery shall acquire only the right to be buried or bury the remains of other persons and to have said plot cared for in accordance with Town policies and rules with respect to the care and maintenance of the cemetery.

E. Plot Improvements. No improvements, changes, or modifications, shall be made on any plot by any person including the certificate holder or his/her heirs unless previously approved by the cemetery board.

F. Monies collected for the cemetery shall be used for the upkeep, maintenance and operation of the cemetery.

Section 6.7.60. Conveyance; Descent and/or Inheritance.

A. Abandonment Through Non-Use. Any plot or burial space that has remained empty without burial use for a period in excess of sixty (60) years will be presumed to have been abandoned by the lot purchaser. See Utah Code 8-5-01, Unused or Unkept Lots.

B. Burial Rights, Transfers and Replacements. Certificates of Burial Rights may be transferred from the original purchaser to a new owner. The original certificate must be signed and notarized by the certificate holder or his/her executor whereupon the Cemetery Board will issue a new certificate. Proof of executor will be required. A transfer fee in such amount as established by the Town of Bluff Fee Schedule shall be paid for the processing and issuing of a new certificate.

C. Resale, Transfer Restrictions. The Certificate of Burial Rights of a cemetery plot vests the purchaser the right to use such plot for burial purposes only, for themselves, their heirs, or any such person(s) as they may choose to permit, provided that such transfer is free of charge and without compensation, and that the purchaser has the names of those persons for whom permissions for burial rights have been given entered into the Town Cemetery Records. A certificate of transfer must take place in accordance with section 6.7.60. (B)

D. Replacement of Lost Certificate. A replacement certificate will be issued upon proof of ownership based upon Bluff Town Cemetery records.

Section 6.7.70. Burial Permits and Fees.

A. Permits. No body shall be interred, or remains received unless the burial charges have been paid in advance to the Town Recorder and receipt thereof is presented to the cemetery Sexton who then will issue a Certificate of Burial. The Certificate of Burial shall reflect the full name of the deceased, the date and the place of birth, the date and place of death and the name and address of the person responsible for the interment. No body shall be interred, or remains received, without a Town of Bluff Certificate of Burial.

B. Fees.

1. The Town bookkeeper is hereby authorized and required to collect the required fees. See Town of Bluff Resolution 85.

2. Fees shall be in such amounts as established by resolution in the Town of Bluff Fee Schedule.

3. For any other service rendered, the Town shall collect a reasonable amount to be determined in advance. See Town of Bluff Resolution 85.

4. Disinterment shall be of casket only.

Section 6.7.80. Ordering a Grave Opening.

Arrangements for a grave opening must be made with the cemetery Sexton by the funeral director, the relatives, or person having charge of the deceased. The Town of Bluff will be responsible for the opening of the grave for the burial and closing of the grave after the services. The required certificates need to be filled out and fees paid prior to opening a grave. The Bluff Town Sexton must be contacted 48 hours prior to excavating for burial to verify proper location and to certify that payment has been made for that plot. The Town shall maintain a list of contractors who have authority to open and close graves. No private contractors are allowed to open/close graves. Failure to do so will result in a penalty and criminal trespass charges will be pursued.

Section 6.7.90. Burial Hours/Designated Days and Scheduling.

A. Graveside services or interments shall be allowed between the hours dawn to dusk.

B. Scheduling of Services or Interment. To the extent possible, all graveside services and interments must be arranged through the Sexton at least forty eight (48) hours in advance of the time set. Any exception to the provisions of this chapter shall be by the approval of the Cemetery Board only and will result in the payment of additional fees. The Town recognizes that there may be religious or other considerations that require an earlier burial.

Section 6.7.100. Interment Allowed in One Grave.

A. One interment only shall be allowed in a casket except for the following:

1. A parent with their infant child;
2. Two (2) children who are buried at the same time; or
3. One cremated remains placed in the casket at the time of interment of another.

B. Double depth burials shall not be permitted in the Bluff Town Cemetery.

C. No more than one (1) casket shall be allowed in a grave plot. A grave plot may contain two (2) cremation remains.

Section 6.7.110. Cremation Plots.

- A. A separate section of the cemetery shall be designated for Cremation plots.
- B. Cremation plot size shall be 2 ft. by 2 ft.
- D. The top of the cremation vault shall be at least twelve (12) inches below ground level.
- E. Cremation burials shall not be allowed when the frost level is greater than four (4) inches.

Section 6.7.120. Grave Markers and Memorials.

- A. Identification of Graves. All graves shall be identified by a permanent marker or monument made of metal, stone or cement and placed at the head of the grave. Where burial of the remains of more than one (1) person in a single plot is permitted by this code, either a joint, combined monument or small individual markers may be used, provided they can be adequately accommodated within the size limits of the plot, but, in any event, the form and size of the monument or marker shall be within the discretionary approval of the Cemetery Board.
- B. Cremation Monument Size and Placement. Monuments inside the area set aside for cremation burials, shall not be more than 1 ft. x 1 ft. and shall be placed in the center of the plot.
- C. No Monument or Marker on Grave. In the event the Certificate of Burial Rights holder of a plot, or relatives of a deceased person buried in such plot do not place a monument or marker with the name of the deceased plainly inscribed thereon upon the grave within one year (365 days) after interment, the Sexton shall have the right to do so with a minimal stone or cement marker at the expense of the person responsible for the interned within said plot.
- D. Semi-Permanent Memorials and Vegetation. No person shall have the right to plant shrubs, flowers or other semi-permanent memorial items on a plot without the approval of the Sexton. No grave in the cemetery shall be filled, refilled or sodded, except under the direction of the Sexton. Approval will be based on the following criteria:
 - 1. interference with other plots.
- E. All memorial lighting within the cemetery shall comply with Bluff's Exterior Lighting Ordinance 2022-18-10. Lighting shall be fully shielded and directed downward to minimize light pollution. This provision is intended to protect the community's dark skies, preserve the natural character of the cemetery, and maintain consistency with townwide lighting standards.

Section 6.7.130. Conduct and Access.

A. Conduct. 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. Traffic Rules, Driving and Parking. The following provisions of the municipal traffic ordinances relative to the operation of vehicles shall be in effect in the cemetery, except as herein otherwise modified by this ordinance:

1. It shall be unlawful for any person to drive a motorized vehicle or other equipment within the municipal cemetery at a speed greater than ten (10) miles per hour;
2. Vehicles must only drive on designated travel lanes within the cemetery except for vehicles with authorized personnel;
3. Motorcycles, bicycles, and all terrain vehicles (ATVs) are permitted in the cemetery but are subject to the same policies and procedures as motorized vehicles;
4. Cutting corners and driving on graves is strictly prohibited
5. Overnight parking or camping is prohibited within the municipal cemetery.

C. Animals.

1. Animals, including livestock and domestic pets, are permitted within the cemetery.
2. All animals shall remain under the immediate control of their owner or handler at all times, including by leash, lead, harness, verbal control, or reins, as applicable.
3. Animals shall remain on established drives and walkways and shall not traverse planted or memorialized areas.
4. The owner or handler of any animal shall immediately remove and properly dispose of all animal waste.
5. Animals shall not disturb funeral services, cemetery visitors, wildlife, or landscaping, and shall not damage gravesites, markers, or improvements.
6. Horse-drawn conveyances are permitted for funeral processions or authorized tours, provided the operator maintains control of the animals and complies with the clean-up requirements of this subsection.
7. Any violation of this subsection shall constitute a nuisance and may result in removal of the animal from the premises and denial of future access.

Section 6.7.140. Exhumation.

No disinterment shall be allowed in the Bluff Town Cemetery without first securing the services of a Utah licensed mortuary and obtaining a disinterment permit from Town of Bluff. All Town fees associated with the disinterment shall be paid before the Town

disinterment permit is issued. See Town of Bluff Fee Schedule. All disinterment arrangements shall be coordinated through the Bluff Town Sexton.

All disinterments shall be of the casket only.

Section 6.7.150. Severability.

If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the chapter provision in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the Town and the provider; provided, that the Town shall give the provider thirty (30) days, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

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