

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING
TITLE 7, CHAPTER 5 OF THE HURRICANE CITY CODE GOVERNING THE CITY
CEMETERY**

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 7, Chapter 5, Section 13 of the Hurricane City Code governing the City Cemetery; and

WHEREAS, City cemetery staff are occasionally required to move existing cemetery monuments to access and service cemetery plots, which can be problematic when the monuments are in multiple parts, which is generally the case when bench monuments have backs;

WHEREAS, the City Council deems this amendment necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane,

BE IT HEREBY ORDAINED that Title 7, Chapter 5, Section 13 of the Hurricane City Code shall be, and is hereby, amended as follows:

CHAPTER 5. - CEMETERIES

Sec. 7-5-1-12 Remains Unchanged

Sec. 7-5-13. – Placement of markers.

It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the City Council regarding the placement, construction and design of all such markers.

- A. *Ownership and responsibility.* Headstones are personal property. All monuments within the cemetery are the property of lot owners, their heirs or the responsible party that ordered and placed them. All care and upkeep of the monuments is the responsibility of the owner. The cemetery is maintained by City crews who exercise great care in keeping the grounds groomed. The City will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such happenings are a condition that go with the privilege of placing markers in the cemetery.
- B. *Size Limitations and Requirements.* All headstones or markers must be placed on a concrete pad or footing that provides a six-inch border around the base of the headstone or marker. The top of the concrete pad or footing must be flush with the surface of the lawn. Monuments and concrete borders must be placed within the boundary of the grave or graves of the owner in conformity with established rows. Monuments for single graves may not exceed 36 inches in width, not counting the concrete border. Monuments for double graves sharing a monument may not exceed 72 inches in width, not counting the concrete border. No monument may exceed a depth of 26 inches, including the concrete border. No raised monument may exceed a height of 42 inches above the concrete border. Monuments in the specific areas of the cemetery designated for infant and cremation burials shall be flat monuments with the top of monuments flush with the surface of the lawn and shall have maximum widths of 28 inches and maximum depths of 16 inches.

Bench monuments are permitted but benches with backs are not allowed; provided, however, that benches with backs shall be temporarily permitted for applicants that, prior to January 1, 2025, have applied to the City to place a bench in the cemetery or have paid a monument company for the design and construction of a bench to be placed in the cemetery on a specific plot. All permanent vases must be attached to the monument, stone, base or cast into the concrete border. No vases separate from the memorial will be permitted. Memorials will be placed in an orderly manner in predesignated rows as directed by the Cemetery Superintendent. Flat markers, level with the ground, with approval of the cemetery superintendent may be installed between established rows. No flower vases or containers, permanent or otherwise, will be permitted on the markers. Only one raised marker is permitted per grave. Family monuments must comply with this section. If a monument is determined by the Cemetery Superintendent to be oversized, interferes with the sprinkler irrigation system, or is otherwise in violation of this chapter, the owner shall pay for the necessary modifications.

- C. *Interference with excavation.* The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such service if contracted. If the owner or responsible party wishes, the City will make arrangements for the service with a local monument dealer at the owner's expense.
- D. *Recommendations.* Consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough nosed base or edge rather than a polished smooth surface.
- E. *Obstructions.* No fences, foot markers or other obstructions or installations except a headstone or monument will be permitted in the cemetery.

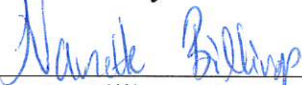
(1998 Code § 8-236; 2000 Code; Ord. 2005-20, 9-1-2005; Ord. No. 2022-51, 10-3-2022)

BE IT FURTHER ORDAINED that this Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

PASSED AND APPROVED this 20th day of April 2023.

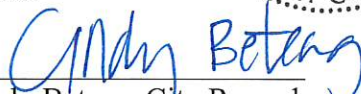


Hurricane City



Nanette Billings, Mayor

Attest:



Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 16th day of April 2023. Whereupon a motion to adopt and approve said Resolution was made by Joseph Prete and seconded by Dave Sanders. A roll call vote was then taken with the following results:

| | Yea | Nay | Abstain | Absent |
|---------------|----------|----------|---------|--------|
| Joseph Prete | <u>X</u> | — | — | — |
| David Sanders | <u>X</u> | — | — | — |
| David Hirschi | <u>X</u> | — | — | — |
| Kevin Thomas | — | <u>X</u> | — | — |
| Doug Heideman | <u>X</u> | — | — | — |

Cindy Beteag
Cindy Beteag, Recorder