TOWN OF DEWEYVILLE

ORDINANCE # 2026-08-2

AN ORDINANCE TO MAINTAIN, MANAGE, REGULATE AND CONTROL THE DEWEYVILLE CEMETERY. THIS ORDINANCE REPLACES TOWN OF DEWEYVILLE ODINANCE # 2025-7

WHEREAS IT IS EXPEDIENT TO PASS AN ORDINANCE FOR THE MAINTENANCE, MANAGEMENT, REGULATION AND CONTROL OF THE DEWEYVILLE CEMETERY, OWNED AND OPERATED BY THE TOWN OF DEWEYVILLE,

BE IT ORDAINED BY THE DEWEYVILLE TOWN COUNCIL OF DEWEYVILLE TOWN

1. **Definitions:**

   (a) **Cemetery** means Deweyville Cemetery located in the Town of Deweyville, on State Highway 38, the land being set aside for the interment of human remains.
   (b) **Cemetery Services** means the opening and closing of a grave, the interring and disinterring of human remains.
   (c) **Human Remains** means a dead human body and includes a cremated human body.
   (d) **Inter** means the burial of human remains and includes the placing of human remains in a lot.
   (e) **Monument** means any marker, tombstone, plaque, headstone, cornerstone or other structure affixed to a burial plot/lot.
   (f) **Municipality** means the Town of Deweyville.
   (g) **Lot** means two or more plots in which the rights to inter have been sold as a unit.
   (h) **Plot means one area in the cemetery in which the rights to inter have been sold to an individual.**
   (i) **Price list** means the cemetery services and lot prices which are a part of the Fees Resolution of the Town of Deweyville.
   (j) **Cemetery plot/lot easement** means the Right to Inter human remains in a cemetery plot/lot.

2. **Sale and Transfer of Plots/Lots**

   (a) The plot/lot easement may only be sold or transferred by the **Town of Deweyville**. When right's to inter are purchased, a certificate of burial rights or deed (cemetery lot/plot easement) shall be completed and signed by the Mayor of Deweyville.
   (b) The plot/lot easement deed holders acquire only the right and privilege of burial of the dead and of constructing monuments, subject to the rules and regulations in force and approved by the Deweyville Town Council.
   (c) Payments for the plot/lot easement or cemetery services shall be made at the Deweyville Town Hall to the town Clerk.
   (d) The Town of Deweyville shall provide each deed holder at the time of sale: a copy of the cemetery contract, a copy of the cemetery ordinance, and upon payment in full, a certificate of burial rights showing plot/lot ownership.
   (e) The price for the plot/lot easement shall be set forth in the Deweyville Town Fee Resolution, as prescribed by the Town Council from time to time.
   (f) A Deweyville Cemetery lot/plot easement deed holder shall not transfer or sell ownership of a lot or any interest therein without first advising the Town of Deweyville in writing of intentions to do so. All such transactions are to be made and registered with approval of the Mayor and registered with the clerk of the Town of Deweyville.

(g) In the case of a transfer of ownership by will or bequest of a lot, the Town of Deweyville reserves the right to require the production of a copy of the will and/or other evidence sufficient to prove ownership.

(h) Proof of plot/lot easement must be provided by the Town of Deweyville and held by the deed owner to maintain the right to inter. If there is no proof of Right to Bury and the lot/plot claimant has no proof of communication with The Town of Deweyville, then The Town of Deweyville has the right to sell the right to inter as needed.

- Acceptable Proofs of Ownership (in Practice), The Town would generally accept a combination of the town's records plus:
  - Original or certified Certificate of Burial Rights / Deed from the town — This is the strongest and primary document. Town records (ledgers, maps) take precedence for who is recognized as owner.
  - Will or probate documents — Certified copy of the will, probate court order, or decree of distribution showing the plot passes to the claimant as well as the deed must be presented to the Town of Deweyville.
  - Trust documents — Certified excerpts or the relevant portions of the trust agreement naming the beneficiary/trustee for the burial rights.
  - Affidavit of Heirship along with the deed.
  - Notarized documents verifying family relationships, often combined with death certificates and a power of attorney for one heir to represent others. Many Utah towns (e.g., Meadow, Huntsville) explicitly accept these.

3. Interments:

(a) No interment shall be made without the written permission of the right to inter deed holder or his/her authorized representative.

(b) No interments shall take place without a burial permit or certificate of cremation, nor until the person making the arrangements for the interment has complied with all laws, rules, and regulations relative to burials.

(c) No burial shall be allowed in any lot/plot against which there are unpaid charges except under special circumstances.

(d) In each case of burial, a written statement giving the name, last residence, age, place of birth, place of death, date of death, sex, name of the deceased nearest relative or contact person, date of interment, description of where interred, and the name of the funeral director shall be provided so that an accurate record may be kept.

(e) The Town of Deweyville shall not be responsible for any error occurring from want of precise and proper instructions regarding the location of any burials, nor where such instructions are not given in writing, any such erroneous instructions shall be the sole responsibility of the persons or persons giving the same.

(f) Notice of each interment shall be given 48 hours previous thereto except under special circumstances.

(g) No interment shall be made on a Sunday or legal holiday except by an order of the Bear River Health Department.

(h) No grave shall be opened for interment by any person not in the employ of the Town of Deweyville.

(i) Only one interment in any one grave shall be permitted. (See Cremations section for specifics on cremations)

(j) Orders from funeral directors shall be construed as orders from owners.

(k) The setting up and removal of artificial grass, lowering devices, and other interment accessories

at a grave site are the responsibility of the funeral director.

(l) All funeral flowers and containers to be removed from the grave site within seven days or the same will be removed by the cemetery staff.

(m) The interment fee includes the opening and closing of the grave, earth cover, registration of the burial.

(n) All interment charges are payable in advance or at the time of interment except under special circumstances.

(o) Concrete vaults are required for all burials in the Deweyville Cemetery.

4. Disinterment:

(a) Disinterment of a body once properly interred shall not be made without the written consent of the Town of Deweyville and the owner of the lot, or by court order.

(b) Any monuments designating the location of an interment shall be removed at the time a disinterment is made.

(c) The charges for disinterment shall be twice the normal interment fee payable BEFORE disinterment occurs .

5. Cremations:

(a) Two urns (cremated remains) may be buried above another interment.

(b) Two urns (cremated remains) may be allowed in a single grave.

(c) High impact polymer or cement vaults are required for the burial of cremated remains within the Deweyville Cemetery.

6. Conduct Within the Cemetery:

(a) No person shall enter the cemetery except through an established entrance, nor shall they enter or be within the cemetery grounds before one half hour after sunrise and one-half hour before sunset, except police officers or authorized personnel of the Town of Deweyville.

(b) No person or persons under sixteen years of age shall enter the cemetery unless attended by an adult or adults responsible for their conduct or unless permission has been granted by the Town of Deweyville.

(c) No picnic party or alcoholic beverage shall be permitted in the cemetery.

(d) No person shall willfully destroy, mutilate, deface, write upon, injure or remove any tomb, monument, gravestone, or any structure placed within the cemetery, or any fence, railing or other work for the protection of the cemetery, nor shall any person willfully destroy, cut, break, or inure any tree, shrub, or plant within the limits of the cemetery, or play at any game of sport, or discharge firearms (save at a military funeral) nor willfully or unlawfully disturb any person or persons assembled for the purpose of burying any body therein; nor shall any person commit any nuisance or behave in an unseemly manner in the cemetery; nor shall any person in any way violate, desecrate or disfigure such cemetery, or any grave, tomb, tombstone, vault or other structure within the same, and no person shall pick or destroy flowers (wild or cultivated) growing in the cemetery.

(e) All workmen in any capacity within the cemetery whether as contractors, masons, stonecutters, erectors, helpers, vault truck operators, etc., are subject to the direction and control of the Town of Deweyville's authorized representatives. Any workman who causes damage or injury within the cemetery shall be personally responsible for such damage or injury; and in addition, thereto, his employer shall be liable therefore.

(f) Contractors, masons, stonecutters, erectors, vault truck operators, etc., shall lay planks on the lots

and paths over which heavy materials are to be moved, in other to protect the surface from injury. All work sites shall be left in a clean and orderly condition to the complete satisfaction of the Deweyville Town Cemetery Director.

(g) No parades other than funeral processions shall be admitted to or organized within the cemetery.
(h) No vehicle shall exceed a speed of 10 miles per hour nor shall any vehicle leave the roadways within the cemetery.
(i) Any person disturbing the quiet and good order of the cemetery by noise or other improper conduct or who violates any provision of these policies and procedures may be expelled from the cemetery.
(j) No metal detectors allowed on Deweyville Town property except by town officials.

7. Monuments

(a) Monuments shall be free from visible defects with respect to endurance and monument shall not be composed in whole or in part of wood or metal shall be erected.
(b) Only one monument shall be erected on any one plot. Exception, markers for buried cremations may be added to a plot if they are flush with the ground and do not exceed 12" x 12" in size.

(a) monument may span more than one plot if individual commissioning the monument holds the deeds for all plots. Monument must be placed at the center of the head end of plot(s) except where alignment with existing nearby monument justifies another location approved by the Deweyville Town Sexton.
(b) A cement base is required for all monuments. Base Foundations must be as large in area as the base of the monument, but the Town of Deweyville reserves the right to require a larger foundation, if deemed necessary. The cement base cannot extend beyond the size of the plot.
(c) Any monument or any inscription thereon shall be in keeping with the dignity and decorum of the cemetery. (No profanities, lewd statements, etc.)
(d) All markers shall be constructed wholly of granite, rock or marble.
(e) No marker, monument or other structure shall be erected or permitted on a lot until any accrued charges have been paid in full.
(f) Persons engaged in placing monuments shall provide planking adequate to protect the turf and shall remove materials and equipment immediately upon completion of the work.
(g) The site following the placing of a marker or monument shall be left in a clean and orderly condition to the satisfaction of the Deweyville Cemetery Director.
(h) No monument shall be erected or removed without the knowledge and supervision of cemetery staff.
(i) No monument or marker shall exceed **36 inches in height**. The height limitations do not include the base height. Maximum base height is 8 inches. (Maximum monument height is 44" with base)

8. Lot Decorations

(a) The care of the cemetery is under the direction of the Cemetery staff.
(b) Decorations of perishable or destructible materials are prohibited and shall be removed without notice, such as candles, containers of glass, structures of wood, etc.
(c) Floral tributes shall be removed from lots by the Cemetery staff within 7 days or as soon as they become unsightly,
(d) Urns, hanging baskets, or any other decorations or objects deemed unsuitable or unsightly are not permitted and shall be removed.
(e) No person shall do any work upon a burial plot without the permission of the Cemetery Director.

(f) No artificial flowers on the grass, they need to be on the monument or cement. They will be removed without warning if on the grass.
(g) Flowers or plants can be planted if the pot is affixed to the cement.
(h) No trees may be planted.
(i) Rubbish shall not be thrown on roads, walks or any part of the cemetery grounds.

9. Effective Date

The Deweyville Town Council specifically finds that it is necessary for the immediate preservation of the health, safety, and welfare of the present and future inhabitants of the Town that this ordinance take effect immediately, and therefore this ordinance shall take effect immediately after passage by the Town Council and subsequent posting as required by law.

This ordinance shall supersede all previous cemetery ordinances that pertain to the maintaining, regulating, and control of the Deweyville Cemetery.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF DEWEYVILLE, STATE OF UTAH, THIS 13 DAY OF Aug, 2026.

Curtis Whiteford; Mayor

ATTEST:

Stephanie Nelson; Clerk/Recorder

Voting:	Aye	Nay	Abstain	Absent
Mayor Whiteford	X			
Council Member Page	X			
Council Member Berger				X
Council Member Spackman	X			
Council Member Hunsaker				X