

Fillmore City Cemetery

Policies and Procedures

Introduction

It is the desire of Fillmore City to operate and maintain a cemetery that is a serene and beautiful final resting-place for departed loved ones. We offer as much freedom of choice as possible while still preserving the regulations necessary to maintain a high standard of beauty, tranquility, and safety. We solicit your support in adhering to these policies. We also invite your comments and suggestions regarding general maintenance and operating procedures.

Please call the city office (435)743-5233 if you have any questions regarding these policies. Written inquiries and requests for exceptions must be submitted in writing to the Fillmore City Recorder, 75 West Center Street, Fillmore, UT 84631, or emailed to recorder@fillmoreutah.gov. Any deviation from policy requires the approval of the Fillmore City Council.

Thank you for your cooperation in keeping the cemetery safe and beautiful.

Conduct and Access

A. Conduct. Cemetery grounds are sacred and devoted to the interment and repose of the deceased. Strict observance of decorum due such a place is required of all persons.

B. Access. The Fillmore City Cemetery is located at 350 East 635 South. Access is limited to daylight hours.

C. Driving. Vehicles must observe the speed limit of 10 miles per hour and keep to the right of the roadway. Please refrain from cutting corners and driving on the lawn; it could damage the sprinkling system.

D. Parking. There is a small parking area at the east end of the cemetery, or you may park along the far right of the roadway; please leave enough space for other vehicles to pass on the left. Parking on the lawns could damage the sprinkling system and is prohibited.

E. Motorcycles. Only street legal motorcycles are permitted in the cemetery and are subject to the same driving and parking policies as all motorized vehicles. Recreational riding in the cemetery is not allowed.

F. Animals. Horses, dogs, or other types of pets or livestock are not permitted on the cemetery grounds. Exceptions to this are dogs used by the blind and horses used in funeral processions.

Burials

A. Human Deceased: Interments are limited to human deceased.

B. Burial Permit: A family representative or the funeral director must obtain a burial permit from the city office. Required information for the permit includes the name of the deceased, birth and death dates, birth and death place, names of parents and spouse, the exact location of the interment, the location, date, and time of the funeral service, and the name of the funeral director or mortician. A twenty-four-hour notice is required.

C. Ordering a Grave Opening: Once a burial permit is completed and the fees paid, the city office will contact the cemetery sexton and arrange for the grave to be opened. The sexton will mark the burial site and the grave will be dug by Fillmore City or its designated representative.

D. Errors: Fillmore City is not be responsible for any mistakes occurring for due to the precise and complete instructions concerning the designated burial placement on the desired lot. If unforeseen circumstances prevent placing a grave where specified, the Sexton may, at his discretion, open it in such location on the lot as he deems best and proper, so as not to delay the funeral and affect the interment.

E. State Transit Permits: A transit permit must be filed with the City Recorder and must also accompany remains sent from other states.

F. Hours when Burials Permitted: Burials are accepted from 8:00 am to 4:00 pm at the cemetery. No burials will be accepted on Sundays, Christmas or Memorial Day.

G. Vaults & Caskets: Vaults are required for all burials. Vaults and caskets should be of concrete, steel, wood, fiberglass, brick, or other structurally sound materials approved by the Sexton.

H. Indigent Burials: From time to time the city council shall designate areas reserved for the burial of indigent persons.

I. Orientation of Graves: Burials spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave tracks usually measure 4' wide by 11' long except on odd size lots. Traditional burial custom has the wife placed to the left side of the husband, (the left side being North), however it is a matter of personal choice.

J. Disinterment or Exhumations: Cemetery grounds are sacredly devoted to the interment or repose of the dead. In circumstances that make it necessary to disinter or remove remains from the cemetery, it shall be done in compliance with all applicable state laws. The City Recorder, with the approval of the Mayor, will order the exhumation after applicable fees are paid and permits filed.

K. Cremations: A cremation is treated as a regular burial. Burial fees are set by resolution of the City Council. Cremations require an urn made of plastic, metal, or other like material that can be sealed and approved by the Cemetery Sexton. If a family desires, an urn may be buried on top of an existing grave. The burial fee for cremations, as outlined in the city fee policy will

still apply. Two or three cremations may be placed in one gravesite, with the applicable burial fee charged for each burial. However, only one headstone or marker per grave is allowed. When a cremation is placed on top of an existing burial, an additional flat monument marker may be placed on the grave to mark the location of the cremated remains.

L. Prohibited Burial Dates: Burials may be prohibited on and around major holidays, including but not limited to the Fourth of July, Thanksgiving, and Christmas.

Decorations & Flowers

A. Flowers on New Graves: Cemetery workers will remove dead or unsightly decorations and flowers on new burials no sooner than five (5) days after they are originally placed on the gravesite. Family members should remove special floral mementos or personal keepsakes at the conclusion of services. After the grave is closed, the casket spray is placed at the center of the grave. Other flower containers and wreaths are laid down in an orderly fashion around the spray with the containers extending outward. Only the last row of containers is visible, the others being covered by each succeeding row of flowers. Flowers are laid down to prevent them from being blown around the cemetery by winds.

B. Flower & Decoration Regulations: All decorations and flowers must be placed in a container or attached to the monument. Flowers in moveable containers must be placed on the headstone or base to ensure easy access for lawn maintenance.

C. Flower Containers: Baskets, boxes, plastic containers, wreath holders, etc. on sodded areas during the mowing season are not allowed, except during the Memorial Day holiday. Flower containers must not be glass or any material that may cause damage to mowing equipment or present a safety hazard to visitors. **Displays secure with wire, metal hooks, pegs, or rocks must be removed when the display is removed.** Permanent containers must be part of the marker or cast into the cement base. The flower container (vases) cast into the cement base must be kept in working order to be flush with the ground when not in use.

D. Artificial Flowers: Artificial flowers are allowed anywhere from November 1st to March 31st. During the mowing season, artificial flowers must be in containers attached to the headstone or in movable containers placed on the headstone or cement mow strip. They will be removed if they interfere with the maintenance of the cemetery.

E. Fresh Cut Flowers: Fresh cut flowers are allowed any time provided they do not interfere with the maintenance, mowing, or edging of the grass.

F. Removal of Decorations: Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly.

G. Planting of Flowers, Trees, and Shrubs: City ordinance prohibits the planting of any trees, shrubs, or flowers, etc. in the cemetery by individuals. All landscaping shall be done under the direction of the Cemetery Sexton.

H. General Clean-Up: All flowers and decorations not in permanent containers or attached to the headstone and those that are damaged or wilted will be removed from the cemetery during the first week of April and the fourth week of October of each year. All flowers and decorations picked up by cemetery staff are taken to the dump. Special baskets and containers will be placed by the shed; if the owners do not pick them up within 7 days they will be discarded.

I. Memorial Day: Cemetery workers begin preparing for Memorial Day around the first of April each year. The work is on-going throughout April and May. Please do not place any decorations at the cemetery until the Friday afternoon before Memorial Day.

J. Memorial Day Decorations: Memorial Day decorations will be removed after 7 days. Artificial flowers in permanent vases or containers will not be removed. Clean-up will start the Monday following Memorial Day; people wishing to keep their decorations should pick them up before clean-up begins.

K. City Responsibility: Flowers properly displayed add to the beauty and character of the cemetery. Fillmore City and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Please be aware that sometimes uncaring individuals take expensive floral arrangements and decorations without consent.

L. Flat Headstone Areas: During the mowing season, all flowers and decorations in the flat headstone areas must be placed on the headstone or permanent vases attached to the base so workers can mow around them. These will not be removed unless they become unsightly or a maintenance problem.

Headstones & Monuments

A. Grave Markers: A temporary grave marker shall be placed on the grave by the funeral home immediately following the funeral. A permanent marker must be placed on the grave within six months of interment.

B. Ownership & Responsibility: All headstones and monuments within the cemetery are the personal property of the responsible party (or their heirs) that ordered and placed them. The care and upkeep of the markers is the sole responsibility of the owners.

C. Disclaimer: Cemetery workers are conscientious in their efforts to keep the cemetery grounds well groomed and they exercise great caution as they maneuver the mowing equipment around the headstones. Fillmore City is not responsible for inadvertent scratches and chips that may occur from regular maintenance. Such happenings are a condition that accompanies the privilege of placing markers in the cemetery. Fillmore City is not responsible for any acts of vandalism or damages caused by thoughtless individuals, wildlife, weather conditions, or natural disasters.

D. Permits Required: It is unlawful for any person to place or have placed any headstone upon any lot or lots in the cemetery except under the direction of the Sexton. All headstones and

markers require a permit from the City and a twenty-four-hour notice prior to placement. Headstones may not be set on Sundays, holidays, or two days before and after Memorial Day.

E. Headstone Specifications: The Cemetery Sexton will mark the grave for the positioning of the headstone at the head of the grave. Only one headstone or marker is allowed for each grave. It may be a single monument designating a single burial, a double marker designating two burial sites, or a combined marker designating no more than four burial sites.

All headstones or flat markers shall be of metal, stone, or cement. **Flat markers** must be set in a cement foundation at least 4 inches deep with a 6-inch mow strip around the marker. **Raised headstones** shall be set in a concrete foundation at least 6 inches deep with a cement mow strip not less than 6 inches around the headstone; it may be set on a base not more than 9 inches high. A headstone may not exceed a maximum height of 36 inches, excluding the base. The length of the headstone, including the two 6-inch mow strips may not exceed 3 feet 8 inches for a single marker or 6 feet for a double marker.

F. Recommendations: Please consult with a monument manufacturer or dealer to determine monument materials suitable to the climate and other conditions of the Fillmore City Cemetery. Monuments are subject to temperature extremes, snow and ice, and irrigation water that has a high mineral content. It is recommended that raised markers have a rough-nosed base or edge rather than a polished, smooth surface. Before ordering a headstone from a monument dealer, please be aware of the restrictions to ensure that it will meet the cemetery specifications.

G. Vases: All permanent vases must be attached to the stone base or cast into the cement base at least two inches from the edge. Vases cast into the cement base must be kept in working order so as to be flush with the ground when not in use.

H. Special Service Emblems: American Legion and Veterans of Foreign Wars medallions are allowed year-round in the cemetery. It is recommended that the medallions be attached permanently on the headstone base in a way that will not interfere with the mowing and maintenance of the cemetery. Emblems must be kept clean, polished and in good repair befitting the nature of the recognition.

Other service emblems, medallions, special recognitions, or citations are allowed on Memorial Day and Veterans Day holidays.

G. Interference with Excavation: The owner or responsible party is responsible for the removal and replacement of a monument that must be moved for the excavation of a grave or for the expenses of such services if contracted. If the owner or responsible party wishes, the city will make arrangements for the services with a local monument dealer at the owner's expense.

I. Cemetery Supervision: All work in the cemetery including, but not limited to, interment, disinterment, planting, landscaping, grading, placement of grave markers, grounds keeping,

construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the Cemetery Sexton.

J. Bench Placement. Benches will be placed in open areas or on a designated burial plot belonging to the bench owner. All locations will be approved by the city council on a case-by-case basis upon the recommendation of the Cemetery Sexton. A permit fee, as listed in the Fillmore City Fee Schedule, will accompany the bench placement request application. Benches will be no more than four (4) feet in length and two (2) feet in width. Each bench will be constructed from durable and maintenance free materials.

Lot Ownership & Privileges

A. Nature & Extent of Burial Rights: Only permissive burial rights are sold. The city retains title to the cemetery property. Purchasers of graves are subject to all ordinances and policies that govern the cemetery. Any one individual or concern can purchase a maximum of four graves. A certificate of burial rights will be issued to each purchaser after fees are paid in full. Authority to sell any burial rights in the cemetery is vested only in the City Council and in the City Recorder. The cemetery master file is considered to be the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a clerical error. Fillmore City reserves the right to recall, correct, and reissue the correct certificate.

B. Descent and Inheritance of Burial Rights: Upon the death of the lot owner, the lot descends to those named in his/her will or to his/her heirs as designated by law. An affidavit of heirship, together with the power appointing one of the heirs to represent all, or a certified copy of the decree of distribution of the estate of the deceased lot owner must be presented to the city. If no such documentation is presented, the city shall act upon its best judgment in determining heirship and successorship. The heirs are entitled to the same use of the lot as the original owner and are bound by the same rules and regulations.

C. Restrictions on Resale: All lots sold by Fillmore City shall not be further sold, transferred (except by inheritance), conveyed, or assigned to any person except Fillmore City. The city agrees to buy back any municipal cemetery grave lot, which the city may resell. The repurchase of such lots shall be for the original price paid by the purchaser.

D. Unused Lots: Lots that have been unused, or have no written notice of claim or interest on, for over sixty (60) years can be reclaimed by Fillmore City. Every effort, practically and legally, will be made to find the owner or legal heirs before the lots, by lawful means, will be reverted. Also, lots with unpaid perpetual care may be reclaimed by the city after duly notifying the owner or heirs.

E. Purchase of Unused Lots by the City: The city may buy back the unused lots of those desiring the action when directed by the owner, or all living heirs, to do so at the price originally paid. The deed of burial rights must be turned in or other documented proof of ownership must be given to the City Recorder before the purchase can be authorized.

F. Restrictions on Lot Sales: Persons purchasing burial lots must be a current Fillmore City resident or have a parent or grandparent that lived in Fillmore.

Perpetual Care

A. Perpetual Care: The care and upkeep of the cemetery provided by Fillmore City includes, but is not limited to, mowing grass at reasonable intervals, sodding and reseeding, filling sunken graves, sprinkler irrigation, trimming trees and shrubs when necessary, removing wilted flowers and decorations, edging around headstones, and other cleanup as needed. Perpetual care does not include repairing or replacing markers, monuments, or other personal property. No lot will be sold without perpetual care.

B. Perpetual Care Fees: This fee is collected and kept in a special fund that may be used for the general care, maintenance, and improvement of the cemetery. Perpetual care fees are included in the charges for certificates of burial rights. They are considered paid in full at the time of interment. Voluntary contributions to the perpetual care fund will be graciously accepted.

Miscellaneous Policies

A. Powers of Sexton: The Cemetery Sexton, subject to the direction of the City Council, is responsible for enforcing the policies and procedures of the cemetery. The Sexton may take such action necessary to protect property, graves, space owners, and the cemetery from injury. The safety of visitors, preservation of cemetery grounds, preserving cemetery appearance, and promoting peace and good order are of paramount importance.

B. Cemetery Supervision. All work in the cemetery including but not limited to

C. Cemetery Fees: Fees for services are set by resolution of the City Council and are changed from time to time as needed without notice. A copy of current fees charged is available at the city office.

D. Contractors and Outside Workers: Contractors and others having work in the cemetery must obtain a permit from the city office before work is started in the cemetery. They must also make their work known to the Cemetery Sexton before the work is started.

E. Required Permits: Fillmore City requires permits before work from outside contractors is started. These include, but are not limited to, the following: burial permits, monument placement permits, work performed on existing headstones, disinterment, etc.

F. Boundaries, Road, and Waterline: The rights to enlarge, reduce, re-plat, or change the boundaries of the cemetery or a section or sections from time to time, including the right to modify or change the locations of roads, are expressly reserved by Fillmore City. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

G. Location of Documents: All maps, plats, records, and other documents pertaining to Fillmore City Cemetery are on file at the city office.

H. Liability of Cemetery: Fillmore City personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners, but shall not be liable for any damage or loss.

I. Alteration and Repeal of Policies and Procedures: Fillmore City reserves the right to make, amend, and repeal the policies and procedures of the cemetery.

J. Walkers and Joggers: The cemetery is a public park and will continue to be so. Walkers and joggers are encouraged and welcome to enjoy the beauty and serenity of the cemetery.

Revision: April 2003, October 2021

Miscellaneous

A. Office-Records: The official cemetery records are kept at the City Recorder's office. The office is open weekdays from 8:00 am until 5:30 pm Monday – Thurs and Friday 8:00am to 12:00pm, and all federal holidays. All business pertaining to the cemetery is to be transacted at this office. The location of all graves is shown by maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the City Recorder's office. Also, a map and directory is located at the kiosk on the cemetery grounds. All owners of lots or spaces are requested to notify the City Recorder's office of any change of address.