



CEMETERIES

POLICIES AND PROCEDURES

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Introduction

It is the desire of Nephi City Corporation to operate and maintain a cemetery that is beautiful, dignified, and an appropriate final resting place for departed loved ones.

In formulating these policies and procedures, it has been our desire to offer as much freedom of choice as possible while still preserving those regulations necessary in maintaining a high standard of beauty and efficiency.

We sincerely hope that you will assist us in this effort by adhering to these policies. We also solicit your comments and suggestions regarding general maintenance and operating procedures.

Any questions regarding these policies or requests not covered by policy can be discussed in person at the cemetery; by letter to Cemetery Superintendent, 21 East 100 North, Nephi UT 84648; or by calling the Recorder's Office at 435-623-0822.

History

This history is taken from the book "They Left a Record" and used by permission of Mrs. Sadie Greenhalgh:

The Nephi City Cemetery, located between Third North and Fifth East, was the first cemetery to be established in the city. It was many years before cemeteries were the places of beauty that we visit today.

There were no green lawns or caretakers. The day before Memorial Day every family went to the cemetery to rake the plots over and clean the weeds and rubbish and make things as attractive as possible. Most people remember the beautiful Pine Trees that adorned the North and East sides of the cemetery; and many within some of the lots. However, after many years the roots were tipping the headstones and doing other damage that it became necessary to remove them. In 1924 A.W. McCune, a millionaire of Salt Lake City, and a native of Nephi, donated one thousand dollars for the improvements of the Nephi City Cemetery as a memorial to his wife, Elizabeth Claridge McCune, who had just been buried there.

Water was piped, lawns planted and other improvements that have now been added to, making it the attractive cemetery we now have.

As the city cemetery became inadequate a much larger plot of ground was established north and east of the city. People have often wondered about the name of the Vine Bluff Cemetery. On this gentle slope, at the foot of the hills and east part of the cemetery, a vineyard of grapes was grown. A group of Nephi men formed a Company and raised grapes that were sold locally, and to a wine manufacturer in St. George. T.H.G. Parkes and W.E. Evans were two of the men involved in this venture, which did not prove to be successful. (other names cannot be located at this time) However, grapes were grown there and the name "Vine Bluff" was selected because of this.

April 17, 1923, over 400 citizens donated one day of labor in cleaning up the Vine Bluff Cemetery. Men with teams, carpenters, cement men, boys by the score and young girls all pitched in. Brush was removed and burnt in large bonfires. The old fence was torn down and a new one erected. The old entrance was abandoned and a new one made further to the north. Four large cement pillars were built to hang the gates later. A new graded road was built east through the center to the street running north and south. Stake Supt.(Y.M.M.IA.) T.H. Burton was chairman of the project and was assisted by Mayor Winn (7) and City Council. The cost of the improvements, counting labor and materials was estimated at from 12 to 15 hundred dollars. (Taken from Times News April 20, 1923)

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 shall be required of all persons.

B. **Location and Access:**

The Nephi City Cemetery is located at 400 North 400 East, Nephi, Utah. The Vine Bluff Cemetery is located at 1250 North 400 East, Nephi, Utah. Access to either cemetery is restricted to daylight hours.

C. **Speed Limit** The speed limit is 10 m.p.h.

D. **Driving and Parking:**

Vehicles must not drive or park on lawn areas or cut the corners at intersections.

E. **Animals:**

Horses, dogs, or other types of pets or livestock are not permitted in the cemetery grounds.

F. **Motorcycles, Bicycles, and All Terrain Vehicles (ATVs):**

Motorcycles and ATVs are not permitted in the cemeteries except for those used for maintenance, professional suppliers, or those that are part of a funeral procession. Bicycles are permitted but are subject to the same policies and procedures as motorized vehicles. Cutting corners and driving on the lawns are prohibited.

G. **Walkers and Joggers:**

The Nephi City Cemetery and Vine Bluff Cemetery are essentially public parks and will continue to be so. Walkers and joggers are therefore encouraged and welcome to enjoy the beauty and serenity of the cemeteries.

Burials

A. **Human Dead:**

Interments are limited to human dead. It shall be unlawful to bury human remains within the City, except at sites designated and approved by the City.

B. **Resident Defined:**

Resident: Any person currently residing within the incorporated limits of Nephi City or immediately prior to being placed in a health care institution

C. **Burial Permit:**

A permit for burial must be obtained prior to the opening of a grave. The necessary information and fees should be given to the city recorder by the family representatives or the funeral director. The information required is the name of the deceased, parents names, birth date, place of death, date of death, cause of death, the description of interment space (obtained from the cemetery master file, unless newly purchased), the location, date, and time of funeral services, the name of the funeral director or mortician, name of person reporting, and veteran status. Proper and complete information is required for accurate record keeping. These records shall be open to public inspection. Arrangements for a grave opening can be made at the office of the Nephi City Recorder by the funeral director or other responsible party. 48-hour notice is required before opening of a grave.

D. **Errors:**

Nephi City Corporation will not be responsible for any mistake occurring from the lack of precise and complete instructions as to the proper space on the lot where interment is desired. When a grave space on a lot cannot be opened where specified, the Cemetery Superintendent may, at his/her discretion, open it in such location on the lot as he/she deems best and proper, so as not to delay the funeral and affect the interment.

E. **State Transit Permit:**

Remains sent from other states must be accompanied by a transit permit to be filed in the recorder's office.

F. Hours When Burials Are Permitted:

Burials for normal working days are accepted from 8:00 a.m. to 4:00 p.m. No burials will be accepted on Sundays, Thanksgiving, Christmas Eve, Christmas Day, and during the Memorial Day weekend. Additional charges will be made for interments outside of regular business hours, Saturdays, and holidays.

G. Holiday Funerals:

Funerals on the following holidays will incur the Holiday Fee Schedule:

New Year's Day, Presidents' Day, Independence Day, Pioneer Day, Labor Day, Columbus Day, Veterans Day.

H. Burials Per Grave:

One interment only shall be allowed in a casket except a father or mother with an infant child, or two children buried at the same time. Not more than one adult casket is allowed in one grave space.

I. Vaults:

Vaults are required for all burials. Vaults should be of concrete, steel, fiberglass or other structurally sound materials as approved by the superintendent. No wood shall be used as a permanent part of the construction of any part of the vault.

J. Indigents:

Such lots as the city council shall from time to time designate will be reserved for the burial of indigent persons. Any burial right owner may donate grave spaces for a resident in need.

K. Orientation of Graves:

By design burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave spaces usually measure four feet wide by eleven feet long except on odd sized lots. Traditional burial custom has the wife placed to the left of the husband when facing east, however placement is a matter of choice. The superintendent will assist in this decision as needed.

L. Disinterment Permit:

Any request to disinter human remains shall comply with all state and local laws.

The City shall honor a request to disinter human remains upon written court order or a written request from the family with the burial right. Seven (7) days' notice must be given before the proposed disinterment is begun.

The City may decide to disinter human remains in instances where a natural or manmade disaster has exposed a grave and disinterment is necessary to protect the public health, safety, or welfare.

A family requesting a disinterment shall arrange for and pay any City fees and associated costs for a funeral director to be present at the time of disinterment.

1. Disinterment Prohibited.

The City shall not disinter the remains of a person who died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so encased at the time of disinterment. The City Cemetery Superintendent may refuse to perform a disinterment if he determines that such danger or threat exists.

2. Cemetery Responsibility and Liability:

A disinterment is the excavation and removal of vault, casket, and/or human remains. The necessary excavation required to open the grave space is the sole responsibility of the Cemetery Superintendent. All other procedures needed to remove a vault, casket, and/or human remains from the grave space are the responsibility of the individual named on the Disinterment Permit or their agent.

The City assumes no liability for any property damage, including damage to a casket, vault, headstone, etc. or for bodily injury sustained during a disinterment from causes beyond its reasonable control. The City is not liable for acts or omissions of any third party for any reason. The City is not liable for damage to the contents of any casket or adjacent burial spaces from causes beyond its reasonable control. The City is not liable for mental anguish, shock, or intentional or negligent infliction of emotional distress arising out of any disinterment.

M. Cremations:

Cremations will be treated as a regular burial including fees and services. Cremations require a sealable urn made of plastic, metal, cement, or other like material approved by the cemetery superintendent. If a family desires, a (1) cremation may be buried on top of an existing grave. Regular opening and closing charges will still apply.

Decorating Graves

A. Flowers on New Graves:

Decorations or flowers on new graves will be removed by the cemetery crew seven (7) days after the burial. Special flower mementos should be removed at the conclusion of services by family members. After the grave is closed the casket spray is placed on 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 other flower containers are covered by each succeeding row of flowers. Flowers are laid down to prevent them from being blown off the grave by nightly canyon winds.

B. All Other Grave decorations:

All decorations, real, or artificial flowers, must be placed

1. in a vase attached to the monument that is as durable as the monument. Typically, stone vases are installed with the monument by a professional monument company.
2. Outside of the mowing area. (Each headstone has a 6" concrete mow strip around it. The area between adjoining headstones can be a maintenance free area. Holiday decor in this area will be less likely to be disturbed during regular maintenance, however the patron will be responsible for the upkeep of decor and plant material.)
3. The placing of baskets, planter boxes, cans, plastic bottles or containers, etc. will not be permitted any time in the cemeteries, except during the Memorial Day Week Holiday and from November 1st to March 31st. **The placing of glass, jars, assorted rocks, shells, ammunition, wire, and metal spikes are at all times prohibited in the cemetery.**

C. Holiday Decorations:

All holiday decorations will be removed seven (7) days from said holiday. Christmas decorations will be allowed to stay on graves until the 15th of February.

D. Removal of Decorations:

Artificial, fresh-cut flowers, floral pieces, or other decorations will be removed without notice when they become scattered or unsightly.

E. Planting of Flowers, Trees, and Shrubs:

City ordinance prohibits the planting of any trees, shrubs, or perennial flowers or digging or disturbing the sod within the cemeteries without the permission of the cemetery superintendent. Approved plant donations are welcome and will receive designated and appropriate planting sites.

F. General Clean-Up:

All flowers and decorations not in permanent containers and those that are damaged or wilted in permanent containers will be removed from the cemetery during the first week of April and the fourth week of October each year. A holding area has been erected on the south end of the Vine Bluff Cemetery where decor can be retrieved up to one week after it has been removed from the marker. After one week, decorations will be disposed of and taken to the county landfill. Those who regularly bring in flowers are encouraged to wait until the spring and fall clean-ups are completed before freshening up their displays.

G. Clean up Dates:

April 1st

Monday following Memorial Day

First Monday of November

H. Memorial Day:

Cemetery crews begin early in the spring to prepare for Memorial Day. Preparations including mowing, watering, edging, spraying, planting, and tree pruning require all spring to accomplish.

The cemeteries will be prepared and ready for decorations by the Friday before Memorial Day. The sprinkler system will be turned off Friday afternoon through the end of Memorial week to allow for the placement of decorations.

The removal of decorations will begin on the Monday morning following Memorial Day. Anyone desiring to pick up their decorations should do so prior to the clean-up. All decorations are disposed of at the county landfill.

I. City Responsibility:

Nephi City Corporation and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Be aware that on occasion uncaring individuals have removed expensive flower arrangements without patron or city staff consent. Also be aware that consistent nightly wind and occasional wind bursts regularly and significantly affect monument decorations.

Headstone Policy

A. Ownership and Responsibilities:

Headstones are personal property. All headstones within the cemetery are the property of burial space owners, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones are 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 goes with the privilege of placing headstones in the cemetery.

It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in cemeteries except under the direction and supervision of the cemetery superintendent.

B. Specifications for Headstones:

It shall be unlawful for any person to place or to have placed any monument on any grave space in said cemetery not made of metal inlay, stone, or cement. Such monuments shall be securely set in a cement foundation of at least four inches deep with a cement mow strip no less than six inches around said headstone.

The following are headstone size regulations. Maximum lengths are for singles 40", for doubles 80", and for triples 120". Maximum height is 36". Maximum width of the cement base is 30". Any marker size that exceeds these recommendations requires the prior written approval of the cemetery superintendent.

Only one headstone and no other monument or foot marker will be permitted on the grave. The headstone shall be at the head of the grave. Headstones will be placed in an orderly manner in pre-designated rows and as directed by the cemetery superintendent.

Placement of a permanent marker is encouraged to take place within one year after interment.

C. Vases:

Vases shall be a permanent part of the headstone. Vases will not be affixed to the concrete mow strip.

Retractable vases are acceptable but should not be upright except when in use for holiday decorations. Planting rings may be cast into the cement mow curb and shall be placed at least two (2) inches from the outside edge of the cement base to prevent cracking.

D. Obstructions:

No iron ornaments, brackets, foot markers, flag poles, or other obstructions or installations except a headstone or monument will be permitted in the cemetery.

E. 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 services 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.

F. Other Recommendations:

Consult with a monument company on headstone materials suitable to handle conditions at the cemetery. Monuments are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from

maintenance equipment. It is recommended that raised headstones have a base that is at least 4" higher than the mow curb and have a rough base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument company should check the restrictions first to ensure that the stone will meet cemetery specifications.

G. Cemetery Supervision:

All work in the cemetery including but not limited to interments, disinterment, planting, landscaping, grading, record keeping, placement of monuments, grounds keeping, construction, and all maintenance, improvements, and beautification of the grounds shall be approved by and done under the supervision of the Cemetery Superintendent.

Lot Ownership and Privileges

A. Nature and Extent of Burial Rights:

Only permissive burial rights are sold. The city retains title to the cemetery property. A maximum of four (4) graves can be purchased by any one individual or concern. A certificate of burial rights will be issued to each purchaser after fees are paid in full.

B. Rights Conveyed:

Burial rights are conveyed to the person or persons named therein and their heirs. All legal heirs are presumed to have legal claim to the rights of burial, unless specified differently in a legal will or by probate court. Burials by or of heirs, after the original parties named on burial certificates are deceased, require the permission of all known living heirs.

The cemetery master file is the correct record. Any discrepancy between the master file and the certificate of burial rights will be considered a clerical error. The city reserves the right to recall, correct, and re-issue the correct certificate.

C. Cemetery Fees:

Fees for services are set by resolution by the city council and are subject to change from time to time as needed and without notice. A copy of the current fee schedule is available at the city recorder's office and on the city's website.

Additional charges will be made for interments on Saturdays, after hours, holidays, or special requests.

Fees associated with burial include, but may not be limited to:

1. Purchase of Burial Right - one space for burial in the cemetery
2. Perpetual Care - see next section
3. Capital Improvement fee
4. Weekend, after hours, Holiday Charge - see Burials section
5. Opening & Closing Grave - Opening and closing a grave are fees that cannot be prepaid. They are paid at the time of burial.

D. Transfer of Burial Right:

When a previously issued deed or certificate of burial right is purchased by, or transferred to a third party, or reverts to the city, the original shall be presented to the city recorder, and before a new certificate of burial right is issued covering said lot or burial space, the original deed or certificate shall be cancelled and the record changed. Transfer of burial right shall be recognized or executed only upon presentation and authentication by the city recorder. If a deed or certificate cannot be located by the individual or family for presentation to the recorder, the recorder may make such arrangements for transfer and /or burial as are equitable and appropriate for the circumstances. Transfers from one person to another is not allowed without approval from the City Recorder.

Questions regarding costs for transfer of burial rights from resident to resident, and resident to non-resident can be answered by the recorder and the current fee schedule adopted by resolution from the city council.

If a resident owner of a burial right wishes to transfer the right to another family member, they may bring the deed or burial right to the city recorder for reassignment. If a resident owner of a burial right wishes to transfer the burial right to a non-family, non-resident, the difference of resident vs non-resident fees must be paid.

E. Unused Lots:

Lots that have been unused, or have no written notice of claim or interest, for over 60 years, can be reclaimed by Nephi City Corporation. Every effort, practically and

legally, will be made to find the owner or legal heirs before the spaces or lots, by lawful means, will be reclaimed.

Should a certificate of title or right to a lot that has been reclaimed by the city be presented, the legal holder is entitled to be compensated at the buy-back price established by resolution by the city council. All proceeds from the resale of reclaimed property shall be placed in the perpetual care fund.

F. Purchase of Unused Lots or spaces by the City:

The city may buy back any unused lots or spaces of those desiring the action when directed by the owner, or all living heirs. The municipality hereby agrees to buy back any municipal cemetery grave space, which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less. The original deed of property ownership or burial rights must be turned in, or other documented proof of ownership must be given to the recorder before the purchase can be authorized.

Perpetual Care

A. Perpetual Care:

The care and upkeep of the cemetery provided by Nephi City includes but is not limited to: mowing grass at reasonable intervals, re-sodding and reseeded, leveling uneven areas, operating and maintaining sprinkler irrigation system, pruning trees and shrubs when necessary, removing wilted flowers and decorations, trimming around headstones, and other cleanup as needed. Perpetual care does not include repairing or replacing headstones, 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 which 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.

Voluntary contributions to the perpetual care fund will be graciously accepted.

Miscellaneous

A. Office - Records:

The official cemetery records are kept at the city recorder's office located at 21 East 100 North, Nephi, Utah. Office hours are posted on the door of City Hall or on the Nephi City website (nephi.utah.gov). All business pertaining to the cemetery is to be transacted at this office. All owners of lots or spaces are requested to notify the city Recorder's office of any change of address.

The location of burial space in the cemetery is shown by maps and by a system of recorded measurement from fixed survey markers located in the cemeteries. All maps and records are on file at the city recorder's office. Burial records are also located on the state's historical web site at

http://history.utah.gov/research_and_collections/cemeteries/index.html

Additional cemetery research may be found at

<http://www.findagrave.com> and <http://www.namesinstone.com/>.

B. Powers of Superintendent:

The Cemetery Superintendent, subject to the direction of the city council, is responsible for enforcing the policies and procedures of the cemetery. The cemetery superintendent may take such action necessary to protect property, graves, and the cemetery from injury; to preserve the peace and good order; and to prevent injury to the appearance of the lots, graves, headstones, grounds, and buildings.

C. Contractors and Outside Workers:

Contractors and others having work to do in the cemetery must make their business known to the cemetery superintendent or sexton before the work is started.

D. Boundaries, Roads, and Waterlines:

The right 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 and driveways, is hereby expressly reserved by Nephi City

Corporation. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

E. Location of Documents:

All maps, records, and other documents pertaining to the Nephi City Cemetery and the Nephi Vine Bluff Cemetery are on file at the city recorder's office.

F. Liability of Cemetery:

Nephi City personnel will, always, 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.

G. Alteration and Repeal of Policies and Procedures:

Nephi City Corporation reserves the right to make, amend, or repeal the policies and procedures of the cemeteries and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.