ORDINANCE NO. 2026-02

AN ORDINANCE OF THE TOWN BOARD OF THE TOWN OF CHARLESTON, UTAH, REPEALING ORDINACE 2014-02 AND RESOLUTION 2001-05 IN THEIR ENTIRETY AND REPLACING THEM WITH A REVISED ORDINANCE FOR THE GOVERNANCE OF THE CHARLESTON TOWN CEMETERY WITHIN THE CHARLESTON TOWN MUNICIPAL CODE.

WHEREAS, pursuant to Title 8-1 et seq. of the Utah Code Annotated, and other pertinent provisions of the laws of the State of Utah, the Town Council of the Town Charleston (the "Town Council") desires to provide for the establishment, improvement, and care of a municipal cemetery for the burial of the dead in Charleston Town, Wasatch County, Utah (the "Town"); and

WHEREAS, the Town Council finds it in the best interest of the Town, its residents, and others requiring use of the Town Cemetery to establish updated regulations and policies for governing the Charleston Town Cemetery; and

WHEREAS, the Town Council wishes to establish update regulations and policies for governing the Charleston Town Cemetery.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CHARLESTON, UTAH:

SECTION 1. Repeal of Previous Ordinance and Resolution: Ordinance Number 2014-02 is hereby repealed, in its entirety and Resolution 2001-05 is hereby repealed in its entirety and any other Town ordinances or resolutions that may conflict with this ordinance are hereby repealed to the extent they conflict with this ordinance;

SECTION 2. Adoption: the CHARLESTON TOWN CEMETERY GOVERNING ORDINANCE, as shown in EXHIBIT "A", is hereby adopted;

SECTION 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED by the Town Board of Charleston Town, Utah, this 7th day of April, 2026 by the following vote:

	YES	NO	ABSENT
Council Member Scott Solum	___X_____	_____	_____
Council Member Don Sant	___X_____	_____	_____
Council Member Jim Brown	___X_____	_____	_____
Council Member Michael Bauer	___X_____	_____	_____
Mayor Doug Clements	___X_____	_____	_____

By: _____
Town Mayor

Attest: _____

Town Clerk

Seal:

Approved as to form:

_____
Town Attorney

EXHIBIT "A"

AN ORDINANCE FOR THE GOVERNANCE OF THE CHARLESTON TOWN CEMETERY

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Section 1 Conduct and Access

A. Conduct. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum shall be required of all persons.
B. Location and Access. The Charleston Town Cemetery is located at 2800 US-189 Scenic, Charleston Town, Utah. Access to the cemetery is restricted to daylight hours.
C. Speed Limit. The speed limit is 10 miles per hour.
D. Driving and Parking. Unauthorized persons are prohibited from driving any motor vehicle upon cemetery lots, backing over any grave, cutting corners, or driving off established roadways.
E. Animals. No animals are permitted to run at large or trespass on the cemetery grounds.
F. Off-Road Vehicles. Motorcycles and all-terrain vehicles are prohibited except for those involved in maintenance or funeral processions.

Section 2 Sexton

Appointment. A town Sexton shall be appointed by the Town Mayor subject to confirmation by the Town Board. The Sexton shall serve and be paid under his/her primary Title of Public Works Director, which pay shall be determined by the Town Board.

Section 3 Duties and Powers of the Sexton

A. Duties of the Sexton. It shall be the duty of the Sexton to take charge of the Town cemetery under the supervision of the Council Member assigned to the cemetery. The Sexton shall be responsible to improve the grounds thereof, subject to the approval of the Town Board. The Sexton will dig or cause to be dug, all graves required for burial of the dead therein and keep a record of the same. The Sexton. Will also file with the County Recorder an accurate plat map clearly showing the sections of the burial lots which have been disposed of and the names of the persons owning the same pursuant to section 8-3-2 of Utah State Code. The Sexton shall also adhere to Section 8-3-3 and supply the County Recorder with a transcript, any and all deeds, certificates of sale or evidence of burial rights issued by the Town during the preceding six months, on the first day of January and July of each year.
B. Powers of Sexton. The Sexton, subject to the direction of the Town Council, is responsible for enforcing the policies and procedures of the cemetery. The Sexton may take such actions as necessary to protect property, graves, lot holders, and the cemetery from injury; to preserve peace and good order; and to prevent injury to the appearance of the lots, graves, grounds, and buildings.

Section 4 Burials and/or Disinterment

A. Allowed Burials. Only HUMAN remains shall be buried in the Charleston Town cemetery. It shall be unlawful to bury the body of any deceased person within the limits of Charleston Town, except in the designated burying ground located therein. All bodies buried in the Charleston Town Cemetery must also be buried in vaults.
B. Ordering a Grave Opening. By contacting the Sexton, arrangements for a new grave opening must be made by the funeral director or other responsible party at least 48 hours in advance of the burial. The required information is the name of the deceased, the place of the interment, authorization by the burial plot holder, the location, date and time of funeral services, and the name of the funeral director or mortuary.
C. Errors. Charleston Town will not be responsible for any mistakes arising from the lack of precise and complete instructions as to the proper space on the lot where interment is desired. When a grave on a lot cannot be opened where specified, the Sexton 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.
D. No person shall be allowed to bury their dead in said cemetery without first obtaining a Title for the Sexton to the lot in which they bury such dead; provided, however, that upon written, notarized document of permission, filed with the Sexton, form any person owning any lot in said cemetery authorizing the burial of ta deceased person therein, such person may be buried in such lot. No person shall disinter anybody buried in said cemetery except under the direction of the Sexton. Before disinterment, the Sexton shall require written permit or order according to Utah State Law authorizing such removal, which said permit or order he shall file and preserve, and all such removals shall be recorded by him in a book, or other median, kept for that purpose. The Sexton will schedule and direct the exhumation after applicable fees have been paid. Consultation with a funeral director is required for this procedure.

Section 5 Permits for Burial

A. Burial Permits. The necessary information including a copy of the certified death certificate and fees shall be paid to the Town Clerk prior to interment. The Town Sexton, before burying the body of any deceased person in the Town Cemetery, or before permitting the removal of the body of any person buried therein, shall require a certificate to do so, or order from the proper person authorized to issued such a document by the State of Utah, and a record thereof shall be kept by the said Sexton of such burial or removal.
B. State Transit Permit. Remains sent from other states must also be accompanied by a transit permit to be filed with the Town Clerk.
C. Hours when Burials Permitted. Burials are accepted between 9 a.m. and 4 p.m. daily at the cemetery. No burials will be accepted on Sundays and holidays. Additional charges will be made for internments on Saturdays.

Section 6 Burial Rules

A. Burials per Casket. Only one interment shall be allowed in a casket except for a father or mother with an infant child, or two children buried at the same time.
B. Burials per Grave.
    a. No more than one full size or two infant caskets are allowed in one grave.
    b. One full-size and two cremations or three cremations are allowed in one grave.
C. Vaults. Concrete vaults are required for all burials.
D. Indigents. Indigent burial spaces MAY from time to time be designated by the Mayor and/or Sexton with the consent of the Town Council and will be for the burial of indigent persons.
E. Cremations.
    a. Cremation burials require a sealable urn made of metal or other like material approved by the Sexton and must be buried in a 12 by 12-inch concrete vault. The vault must be buried at least 18 inches below the ground surface level. One full-size and two cremations or three cremations are allowed in one grave.
    b. Cremations will be treated as a regular burial including opening and closing fees and fees for other services.

Section 7 Decorations and Flower Policy

A. Flowers for New Graves. Decorations or flowers on new graves will be removed by the cemetery staff after seven days. Special flower mementos should be removed at the conclusion of services by family members. 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.
B. Flower Regulations.
    a. Flower Placement. All flowers, real or artificial, must be placed in a container or attached to the monument or placed in a container that does not interfere with cemetery maintenance.
    b. Flower Containers.
        i. Permanent containers must be part of the monument or cast into the cement base.
        ii. Glass containers are not allowed.
    c. Artificial Flowers/Fresh Cut Flowers and other Decorations. Artificial or fresh cut flowers and any other decorations will be permitted at any time provided they do not interfere with the upkeep of the cemetery such as grass mowing, edging and burial services.
    d. Holiday Decorations. All holiday decorations may be removed by the cemetery staff after seven days.

e. Removal of Decorations. Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly.
f. Planting of Flowers, Trees, and Shrubs. The planting of any trees, shrubs, or flowers or digging or disturbing the sod within the cemetery is prohibited. Tree donations or gifts will receive designated and appropriate planting sites, when available.
g. 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 early spring and late fall weather dependent. All flowers and decorations picked up are put in the garbage for disposal.
h. Memorial Day Preparation. Cemetery staff begin early in the spring to prepare for Memorial Day. Preparations include mowing, watering, edging, spraying, planting, and tree trimming, and require all spring to accomplish.
i. Town Responsibility. Flowers properly displayed add to the beauty and character of the cemetery. Charleston Town and the cemetery staff will not be responsible for flowers and other personal property left in the cemetery. Please be aware that on occasion uncaring individuals have removed expensive flower arrangements without permission or staff knowledge.

Section 8 Headstone/Monument Policy

A. Ownership and Responsibilities. Headstones are personal property. All headstones within the cemetery are the property of the lot holder, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones is the responsibility of the owner. The cemetery is maintained by Town staff who exercise great care in keeping the grounds groomed. The Town will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such events are conditions that go with the privilege of placing monuments in the cemetery. It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in said cemetery except under the direction and supervision of the Sexton. A soft stone such as sandstone is not recommended for headstones.
    a. Specifications for Headstones. It shall be unlawful for any person to place or to have placed any monument on any lot in the Charleston cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least four inches deep with a cement mow strip not less than six inches around said monument. Any monument size that exceeds the following dimensions requires written approval from the Sexton. Headstone designs require written approval from the Sexton, before installation, to ensure that the headstone will meet cemetery specifications. The following are maximum headstone sizes:
        i. Maximum lengths are:
            1. singles-36 inches;

2. doubles-84 inches; and
3. triples-132 inches.

ii. Maximum width is 30 inches.

iii. Maximum height is 36 inches.

b. Number of Headstones. Only one headstone per grave is permitted. Said 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 Sexton.

c. Placement of permanent monuments. Placement of permanent headstones or monuments is encouraged to take place within one year after internment.

d. Permanent Vases. All permanent vases must be attached to the stone base or cast into the cement base, with at least two inches from the edge of the cement base.

B. Obstructions. No metal ornaments, brackets, foot monuments, flag poles, or other obstructions or installations, except a headstone or monument, will be permitted in the cemetery.

C. Modifications. If a monument is determined by the Sexton to be oversized and interferes with the sprinkler irrigation system, the owner will be required to pay for the necessary modifications.

D. 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.

E. Recommendations. Consult with a monument manufacturer on monument 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 mowing equipment. It is recommended that raised monuments have a rough-nosed base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument dealer should check, or cause to be checked, the restrictions first, to ensure that the stone will meet cemetery specifications.

F. Cemetery Supervision. All work in the cemetery, including but not limited to internments, disinterment, planting, landscaping, grading, record keeping, placement of grave monuments, grounds keeping, construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the Sexton.

Section 9 Lot Ownership and Privileges

A. Certificates of Ownership. The Town Mayor shall make and execute a certificate of ownership to the purchaser of any lot purchase in the Charleston Town Cemetery according to Utah Code Annotated 8-3-2.

B. Nature and Extent of Burial Rights. Only permissive burial rights are sold. The Town retains Title to the cemetery property. A certificate/receipt of burial rights for each grave site in the cemetery will be issued to each purchaser after the applicable fees are paid in

full. A burial right certificate may be used to bury only the owner of the right named in the certificate or a person related to that owner by blood, marriage, or adoption. The named owner of a certificate, or his or her legal heirs, must give written permission at the time of the burial for use by a specific deceased individual of the specific grave site identified in the certificate, subject to all applicable Town ordinances and policies. For all purchases of burial rights made after the effective date of this section, as revised, a person may own in his or her name at any given time no more than two grave site certificates for future burial. Any exception MUST be approved by the Sexton and Town Council.

C. Record of Rights Conveyed. 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. The Town reserves the right to recall, correct, and re-issue the correct certificate.

D. The Sexton shall record in a book, or other medium, a brief description of each conveyance so executed or made, showing the date of the instrument, the name of purchaser, the number of the lot or fraction thereof and such other information as may be required by order or resolution of the Town Board. The Sexton shall also record upon the cemetery plat the name of the purchaser and the lot number (or fraction thereof), transferred at the time of making such record, and will file such deeds with the Wasatch County Recorder pursuant to Utah Code Annotated 8-3-3.

E. Transfer of Ownership of Certificate. Burial right certificates for a specific grave site may be transferred and re-issued to a different owner, in accordance with the standards contained in this Code, by written application to the Sexton or Assistant Sexton, by the certificate owner or his or her legal heirs. The Sexton shall re-issue the certificate upon the applicant's payment of any required fees and compliance with all applicable standards and procedures. Charleston Town reserves the first right of purchase on resale of burial right certificates. Burial right certificates purchased after January 1, 2010, may be re-purchased by Charleston Town for a fee equal to the original purchase price.

Section 10 Unused or Unkept Lots – Notice Procedure

A. Unused Lots. Ownership of burial rights for grave sites that have been unused for 60 years or longer may revert to the Town in accordance with the following procedures and Utah Code.

1. Definitions.
    a. Cemetery Lot: A designated space within the Charleston Town Cemetery for the burial of human remains.
    b. Lot Owner: The individual(s) listed in the cemetery records as the purchaser of the burial plot.
    c. Abandoned Lot: A cemetery lot that has remained unused for burial purposes for 60 years or more, with no evidence of maintenance, interest, or claim by the owner or heirs.

    d. Reclamation: The legal process by which the Town reclaims ownership of an abandoned lot for future use.
2. Identification of Abandoned Lots. Any cemetery lot that remains unused for 60 years or more shall be presumed abandoned. The Town shall conduct periodic reviews of burial records to identify potentially abandoned lots. A reasonable effort shall be made to locate the original owner or their heirs using available contact information and public records.
3. Notice of Abandonment. If no owner or heir is found, the Town shall issue a Notice of Abandonment, which shall include:
    a. A description of the cemetery lot in question.
    b. The name of the last known owner.
    c. A statement that the lot will revert to the Town unless a valid claim is made within 30 days.
    d. The notice shall be:
4. Mailed to the last known address of the owner or heirs (if available).
5. Published in a newspaper of general circulation and on the Utah Public Notice Website for two consecutive weeks (per Utah Code §8-5-3).
6. Posted at Town Hall for public viewing.
7. Response Period. The owner or heir must submit a written claim to the Town within 30 days of the date of the final notice publication. If a claim is submitted, the claimant must provide:
    a. Proof of ownership or legal heirship.
    b. Payment of any outstanding fees or maintenance costs (if applicable).
8. Reclamation Process. If no valid claim is received within the specified time, the Town may proceed with reclaiming the lot. The Town Council shall pass a Resolution of Reclamation, officially terminating the original owner's burial rights. The reclaimed lot shall be returned to the Town inventory and may be resold or designated for public use.

Section 11 Action in District Court for Title to Lots

It is the purpose of this ordinance that the Town have the remedies at its disposal for taking action against individual or legal persons not responding to or complying with notice given as stated in Section 10 of this Ordinance as allowed by 8-5-2, Utah Code Annotated, and as from time to time may be amended.

If either the grantee, or person claiming through the grantee, fails to comply with the demand or notice, Town may bring and action in the district court of the county in which the cemetery is located against all parties who have not responded to the notice for the purpose of terminating the rights of the parties in the lots or parcels and restoring the lots or parcels to the municipality or cemetery maintenance district free of any right, Title, or interest of the grantee, person claiming through the grantee, their heirs, or assigns. Any action to reclaim Title to grave sites,

parcels, or lots shall be brought and determined in the same manner as actions concerning other real property. The portion of any grave site, lot, or parcel in which a body is buried may not be included in any action to re-vest Title to the lot, site, or parcel in the Town and the grave site in which a body is interred shall remain undisturbed, together with any adjoining property so as to allow the proper approach to the grave site.

Section 12 Perpetual Care

A. Nature of Care. The care and upkeep of the cemetery provided by the Town includes, but is not limited to, mowing the grass at reasonable intervals, laying of sod, reseeding, filling in sunken graves, sprinkler irrigation, trimming trees and shrubs when necessary, removing wilted flowers and decorations, edging around headstones, and other clean-up as needed. Perpetual care does not include repairing or replacing monuments, permanent vases or other personal property.
B. Perpetual Care Fees. This fee is collected and used for the general care, maintenance, and improvement of the cemetery. Unless otherwise specified, perpetual care fees are included in the charges for burial rights. Voluntary contributions to perpetual care costs will be graciously accepted.

Section 13 Miscellaneous

A. Office Records. The official cemetery records are kept by the Sexton. All business pertaining to the cemetery is to be transacted with the Sexton. All maps and records are on file at the Town office. All owners of lots or spaces are requested to notify the Sexton of any change of address.
B. Cemetery Fees. Fees for services are set by resolution of the Town Board and are changed from time to time as needed and without notice. A copy of the current fees charged is available from the Sexton or the Town clerk. Additional charges will be made for interment on Saturdays.
C. Contractors and Outside Workers. Contractors and others having work to perform in the cemetery must make their business known to the Sexton before work starts.
D. Boundaries, Roads, and Waterlines. The right to enlarge, reduce, replat, or change the boundaries of the cemetery or of a section or sections from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Charleston Town. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.
E. Location of Documents. All maps, plats, records, and other documents pertaining to the Charleston Town Cemetery are on file within the office of the Sexton.
F. Liability of Cemetery. Charleston Town personnel will always exercise diligence and reasonable care in the protection of the rights and property of the lot holders but shall not be liable for any damage or loss.

G. Alteration and Repeal of Policies and Procedures. Charleston Town reserves the right to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto.

Section 14. Penalties

A. Violations of this ordinance shall be deemed a Class "B" misdemeanor and the Town Attorney, at his or her discretion, may separately bring action before any competent court having jurisdiction to enjoin the continuation of any prohibited condition and impose a civil penalty of up to $1,000 per day plus costs and reasonable attorney's fees.
B. Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any sentence or fine shall not exempt the offender from compliance with the requirements of this Ordinance.