

BY LAWS
and
RULES AND REGULATIONS
Of
HINCKLEY-DESERET CEMETERY DISTRICT
and
DELTA-OASIS-SUTHERLAND CEMETERY DISTRICT

ARTICLE I. AUTHORITY AND POWERS

Section I. The authority and powers of the Hinckley-Deseret Cemetery District and the Delta-Oasis-Sutherland Cemetery District were granted and established by the Millard County Commission on August 7, 1946, and on November 29, 1948, respectively, pursuant to Chapter 17, 1945 Session Laws of the State of Utah, which, after due and proper notice and election, recognized the Districts as a body politic and corporate with their recorded boundaries. The Hinckley-Deseret Cemetery District and the Delta-Oasis-Sutherland Cemetery District, hereafter sometimes called Districts, are now governed by the following Statutes of the State of Utah as amended:

- A. Title 17A, Chapter 2, Utah Code Annotated, 1953, as amended, relating to "Independent Special District" and 17a-2-201 relating to Cemetery Maintenance Districts and the operation thereof.
- B. Title 17B Chapter 1, Utah Code Annotated, 1953, as amended, relating to a "Local District."
- C. The District and its cemeteries are subject to Title 8, Chapter 5, Utah Code Annotated, 1953, as amended, relating to Rights and Title to Cemetery Lots.

ARTICLE II. PURPOSE

Section 1. Purposes of the Hinckley-Deseret Cemetery District and the Delta-Oasis-Sutherland Cemetery District are as follows:

- A. To maintain, improve, and beautify the cemeteries of the Districts.
- B. To purchase and hold land in trust for and to be dedicated and set aside for the uses and purposes of the Districts.
- C. To adopt rules and regulations for the information of morticians and families in order to carry out the fair, and orderly purpose of the Districts in a fair, compassionate and convenient manner.
- D. The Districts are taxing districts and are in place to assess and collect funds for the operation and maintenance of the cemeteries within the Districts.

ARTICLE III. ADMINISTRATIVE CONTROL BOARDS OF TRUSTEES MEMBERSHIP

Section 1. Membership of the Cemetery Maintenance District Boards is appointive and shall be determined and governed by Title 17A, Chapter 1, Part 3, Utah Code Annotated, 1953, as amended, or any succeeding statutory provisions. All vacancies on the Cemetery Maintenance Boards shall be filled by following the procedures and requirement of Section 17A-1-303, Utah Code Annotated, 1953, as amended.

Section 2. Board membership shall consist of residents who reside within either District and number no less than three and no more than nine.

Section 3. The term of each member of the Boards of Trustees shall be four years, except that approximately half the members of the initial Boards of Trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the Board members expires every two years. A Board of Trustee member is not limited in the number of terms the member may serve.

Section 4. The Boards shall elect a Chairman for a two-year term.

Section 5. The Boards shall meet at times and locations as determined by the Boards.

Section 6. The duties of the respective officers shall be as follows:

- A. The Chairperson shall be the official representative and spokesperson of the District and shall conduct meetings. Special meetings of the Board shall be called when requested by any three or more members of the Board.
- B. The Secretary-Treasurer will notify Board members of meetings and is in charge of all records and disposition of funds of the District.
- C. The Board shall have the authority to hire a sexton(s) for the cemeteries in the District.
- D. The Board shall have the authority to assess a fee for noncompliance of the Cemetery Rules and Regulations by mortuaries and families.

ARTICLE IV. FUNDING

Section 1. Funding for the Districts is by taxation as provided by law and expenditures shall be as follows:

- A. Operating and Maintenance.
- B. Short-Term capital.
- C. Long-Term capital.
- D. Clerical, legal, accounting and office expense.

Section 2. Allocation of funds shall be as follows:

- A. An Operating and Maintenance , Short-Term and Long-Term, budget shall be compiled by the Boards during the month of October of each respective year to Districts.
- B. The Districts shall levy a tax, according to law, based on the budgets calculated, together with clerical, legal, and office expense.
- C. The Operating and Maintenance funds which are unused shall be retained by the District in a capital fund.
- D. Short-Term capital needs and requirements shall be budgeted on an annual basis.
- E. Long-Term capital needs shall be met by the individual needs and requirements of the District and within the discretion and determination of the Board of District.

ARTICLE V. RECORDS

Section 1. Physical records of the District shall be kept by the Secretary-Treasurer and shall include the following:

- A. Inventory of all real and personal property of the District.
- B. A record of all plot sales within the District.
- C. The financial records of the District.

Section 2. The individual cemetery sexton(s) and/or the Board will keep the following records:

- A. A map of the cemetery plots.
- B. A record of all interments made in the premises under his charge, stating the name of the decedent, date of birth, and date of death.
- C. This record is open to public inspection.

RULES AND REGULATIONS
of the
CEMETERY DISTRICTS

Maintaining, improving, and beautifying of cemeteries for the burial of the dead is declared to be one of the first considerations of a civilized people. It is to this end that the Cemetery Districts adopt the following rules and regulations for the information of families and morticians in order to carry out this solemn duty as compassionately as possible in a fair, efficient, and convenient manner and still offer as much freedom of choice as possible.

1. Only permissive burial rights are sold and the Districts retains title to cemetery burial rights. Only eight (8) plots may be purchased by any one private individual, and excludes all commercial businesses. Cost for each burial plot is five hundred dollars (\$500) for residents of Millard County and one thousand five hundred dollars (\$1,500) for nonresidents, effective July 1 2008.
2. If, after a period of sixty (60) years, plot/s have not been used, the District may reclaim the property by following the procedures under Title 8, Chapter 5, part 1, Utah Code Annotated 1953 as amended.
3. Burial rights are conveyed to the person named, their heirs and / or others so named and properly documented.
4.
 - a. It is the responsibility of the family, or the families' authorized representative, to meet with a Cemetery District Representative (C D R) this being the Sexton, Secretary or a Cemetery Board Member, at least forty eight (48) hours prior to a burial, unless the deceased will not be embalmed; in which case, notification will be made within two (2) hours after death is pronounced. Costs for non-embalmed burials will be the same as embalmed burials. All cremation internments will be treated the same as vault burials.
 - b. The plot shall be chosen and paid for at that time, unless it has been previously purchased. All applicable fees shall be paid to the C D R before the burial site is prepared.
 - c. Internments or Disinterments in the cemeteries will not be allowed on the following days: New Year's Day, President's Day, Memorial Day; Friday through Memorial Day, Independence Day - July 4th, Pioneer Day - July 24th, Labor Day, Thanksgiving Day; Thursday through Sunday, Christmas Eve and Christmas Day and all Federally Observed Holidays. If any such holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If any such holiday falls on a Sunday, the following Monday will be observed as the holiday.
 - d. Additional fees will be assessed for any burial after 4:00 p.m.
5. Vaults shall be structurally sound and made of concrete. The top and sides of the vault shall be perpendicular with square corners. The vault shall withstand the probing used at the time of locating the grave site. The vault exception is for infant and cremation burials. Inspection of the vault shall be by the Cemetery District Representative prior to internment.
6. Cremations require a sealable urn made of a non-corrosive material.

7. Burial plots are laid out in rows with the head of the grave to the west and the foot to the east. According to traditional burial custom, the wife will be placed to the left side of the husband, unless otherwise requested.
8. Not more than one (1) casket per plot is allowed except for infants. Then there can be up to four (4) infants per plot. Only one (1) interment will be allowed in a casket with the exception of a mother or a father with infant children, or two (2) minor children buried at the same time.
9. a. A Grave Digging (vault) shall only be performed by Cemetery Personnel at a cost of three hundred dollars (\$300.00) and must be paid to the appropriate Cemetery District Representative (C D R) before the digging is performed. This price is subject to change by Cemetery District vote.
- b. Double use of a plot, such as placing a cremation on top of the casket of a previously buried individual is permitted. Multiple cremations may be placed in one (1) grave site. However, a fee of one hundred fifty dollars (\$150.00) for Millard County residents and three hundred dollars (\$300.00) for nonresidents is required for each addition to the plot and must be paid to the appropriate C D R before interment.
10. Grave-side services will be held in a timely and expedient manner with a Cemetery District Representative present at the opening and closing of the grave.
11. Maximum size of a double headstone shall be six (6) feet long and three (3) feet tall. Maximum size of a single headstone shall be two (2) feet eight (8) inches long and three (3) feet tall. A Headstone must be confined within the space of a purchased plot. No more than one (1) raised headstone per plot will be permitted. Headstones for those who are cremated and placed on a multiple use plot with an existing raised headstone, must be no larger than eighteen (18) inches by eighteen (18) inches and be level to the ground. All headstones are required to have a six (6) inch cement mow-strip around the perimeter of the base.
- Headstones are considered the owner's property, and all care and upkeep is the Owner's responsibility.
- Some sections of the cemeteries may have restrictions as to type and height of headstones.
12. A Signed Cemetery District Headstone Permit is required. The Headstone Permit shall be signed by the Buyer and the Monument Company Representative and presented to a Cemetery District Representative prior to the headstone installation.
- a. Notice shall be given to the Cemetery District Representative forty-eight (48) hours before any headstone shall be installed.
- b. Unauthorized placement of a headstone shall result in a fee of five hundred dollars (\$500), nonrefundable, for removal and resetting of a confiscated headstone.

13. The Cemetery District has the right of refusal to move a headstone to permit a burial or if headstone maintenance is required; the Owner of the headstone shall stand the cost of removal and replacement of the headstone.

14. A disinterment and removal of remains from the cemetery is permitted by following the procedures and requirements of Title 26, Chapter 2, Part 17. Utah Code Annotated, 1953, as amended. Arrangements must be made with the sexton and a prior fee of one thousand two hundred dollars (\$1,200) plus all other applicable fees are to be paid for opening and closing of the grave to the appropriate Cemetery District.

15. Mausoleums are not permitted within the cemetery.

16. Pet or animal burials are not allowed within the cemetery.

17. Planting of trees, shrubs, flowers, digging or disturbing the sod is allowed only under the Cemetery Board's approval.

18. Decorations or flowers (natural or artificial) may be left if they are on the headstone or are in permanently attached vases if they do not interfere with routine maintenance. Funeral flowers will be discarded after six (6) days if not removed. Flowers and other grave decorations are permitted for Memorial Day, but must be removed after six (6) days.

19. The Hinckley-Deseret Cemetery District and the Delta-Sutherland-Oasis Cemetery District shall be covered under Liability Insurance Policies. Anyone performing a service for the Delta-Sutherland-Oasis Cemetery District or the Hinckley-Deseret Cemetery District shall have one million dollars (\$1,000,000) minimum Liability Insurance and name the above mentioned Cemeteries as additional insured and/or named insured accompanied by a certificate of accord.

20. In the event any of the above rules are violated, the District shall be authorized to assess a penalty against the violating party, whether it be the family of the deceased or the mortuary involved. The penalty shall be determined by the Board after reviewing the circumstances and considering the inconvenience caused to the District.

21. All Eagle Scout projects shall be considered by the Cemetery Board and sexton before being accepted or rejected. A donation of one hundred dollars (\$100) may be given each year per cemetery to help with the project.

22. All fees listed here-in for Cemetery Services shall be paid to the appropriate Cemetery District.

These rules and regulations were amended and unanimously approved by the CEMETERY DISTRICT BOARDS on the 1st day of November 2016.