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#### Section 8-100 Regulation and Control

#### Section 8-101 Control of Property

Cities see U.C.A. 10-8-1 and 10-8-2. Towns see U.C.A. 10-13-1 and 10-13-5.

#### Section 8-102 Acquisition and disposal

Cities see U.C.A. 10-8-2.

#### Section 8-103 Erection and Care of Buildings

See U.C.A. 10-8-5.

#### Section 8-110 Control of Municipal Property

#### Section 8-111 Unlawful use

Unless authorized by permit or other written authorization issued by the municipality or unless authority is granted by provisions of this code or other ordinance of the municipality now or hereafter enacted, it shall be a class B misdemeanor for any person to:

- A.** Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this municipality any utility, canal, ditch, construction or building.
- B.** Enter upon any property of this municipality contrary to posting or marking restricting or prohibiting use of the area.
- C.** Intentionally use of perform acts upon property of the municipality which materially impairs, alters, or damages the property.

#### Section 8-112 Repair Or Restoration

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The governing body, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change.

#### Section 8-113 Franchise

**A.** The governing body may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this municipality, and the provisions of sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

**B.** Any franchise or easement granted by this municipality shall be in writing and any franchise or easement not in writing shall be void.

#### Section 8-114 Acts Exempted

It shall not be a violation of this part where any person uses the public property of this municipality in the manner or for the purpose or purposes for which such property has been made available for public use.

#### Section 8-115 City Parks

**A.** The Kanab City Park shall be closed to the public at 11:00 p.m. daily. The City Park will be open to the public at 6:00 a.m. each day of the week.

**B.** It shall be unlawful for any person to be in the City Park or any vehicle to be parked in the City Park or on the street adjacent to the City Park, between the hours of 11:00 p.m. and 6:00 a.m. daily, except as provided in this ordinance.

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**C.** The chief of police may issue permits allowing individuals to remain in the City Park past the 11:00 p.m. closing hour. Such permit shall also allow such individuals to park their vehicles in the City Park or on adjacent streets. This procedure is given to allow the law enforcement officials adequate notice to provide their services to patrons using the City Park during the late night hours.

**D.** The City Park shall be considered as that portion of the City of Kanab lying within the following described boundaries: from the corner of Main Street and 405 North, east to 100 East, then north to the Squaw Trail Street and then south to the point of beginning.

**E.** Any violation of this section shall be punished as an infraction.

#### Section 8-116 City Park Reservation

**A.** Any individual, group, or other organization may reserve areas of the City Park for the use and enjoyment of their group or organization, for a period of time not exceeding 12 hours.

**B.** Any adult representative of the group or other organization desiring to reserve the City Park may do so by filing a signed reservation application with the City Clerk and obtaining the City Clerk's signature on said reservation application. The reservation application shall be in substantially the following form:

#### RESERVATION OF CITY PARK

1. Name of Applicant: \_\_\_\_\_
2. Address of Applicant: \_\_\_\_\_
3. Telephone No. of Applicant: \_\_\_\_\_
4. Name or nature of group or organization \_\_\_\_\_
5. Number of people expected: \_\_\_\_\_
6. Area of park to be reserved: \_\_\_\_\_
7. Number of hours requested: \_\_\_\_\_
8. Date and time of reservation: \_\_\_\_\_

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I hereby agree in behalf of my group or organization that we will obey all City laws or restrictions while using the Kanab City Park. I further agree to leave the City Park in a clean and orderly fashion upon the conclusion of our outing. I hereby submit \$25 with this application as a deposit and security for the proper cleanup of the area of the City Park used.

C. The City Clerk shall maintain a reservation calendar for the City Park and will approve such reservations as are not in conflict with other City Park reservations on a first come basis, and upon the submission of the signed reservation application and deposit.

D. The City Clerk shall have posted appropriate notices in the City Park indicating the areas reserved at least one (1) day in advance of any reservation. Said notice will show the name of the party or organization, the date and time of reservation, the area of the park reserved and the length of the reservation.

E. The Chief of Police shall have authority to cancel any reservation if he finds the individual or group is in violation of any of the City Ordinances or park restrictions or are otherwise becoming disorderly. The Chief of Police, upon such determination, shall thereby ask the individual or group to remove themselves from the City Park.

F. The City Clerk shall require deposit of a \$25 fee to ensure that the City Park is left in a neat and orderly manner upon conclusion of the parties reservation. \$10 of said fee will be refunded upon request of the party and after inspection by the City Police, if the reserved area is sufficiently cleaned up.

#### Section 8-200 Cemeteries

#### Section 8-201 Definitions

The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

A. The terms "lot owner" or "purchaser" and "grave owner or purchaser" shall mean the owner or purchaser of burial privileges or the collateral

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right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.

B. The term "lot" shall include the partial lots or single graves in the municipal cemetery.

#### **Section 8-202 The Name**

The burial ground of this municipality, shall be known and designated by the name of Kanab City Cemetery.

#### **Section 8-203 Cemeteries Covered**

All cemeteries owned and/or maintained by the municipality or which may hereafter be acquired by the municipality wherever situated are hereby declared subject to the provisions of this chapter.

#### **Section 8-210 Cemetery Superintendent**

#### **Section 8-211 Office of Cemetery Superintendent**

There is hereby created the position of cemetery superintendent.

#### **Section 8-212 Duties of Cemetery Superintendent**

**A.** The cemetery superintendent shall have the general supervision and administration of the municipal cemetery including but not limited to:

1. Recommending to the governing body such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
2. Subdividing the cemetery into lots and grave sites.
3. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.

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4. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
5. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the recorder/clerk of such fact. The recorder/clerk shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the recorder/clerk.
6. Opening any graves in the cemetery upon application to him being made by the recorder/clerk or by any person having the right to make such application and being responsible for closing all graves.
7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than 3 days after original placement except in emergency.
8. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
9. Erecting a suitable marker firmly set upon the northwest corner of each lot with the number of the lot inscribed thereon and which location shall be shown on the cemetery records.

#### **Section 8-220 Regulations of Cemetery and Burials**

#### **Section 8-221 Burials**

Before any deceased person is buried in the municipal cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of the register, a permit duly issued by the state division of health or other authorized person shall be required by

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the cemetery superintendent. After burial, the cemetery superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all of the information contained in the permit in the cemetery records.

#### **Section 8-222 Burial Permit**

It shall be unlawful for any person to bury the body of a deceased person in the municipal cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of a right to burial based on a properly acquired certificate of burial right.

#### **Section 8-223 Registration of Burials**

Before any deceased person may be buried in the municipal cemetery, the relatives or person having charge of the deceased shall provide the recorder/clerk with a written statement which shall be filed by the recorder/clerk, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave.

#### **Section 8-224 Burials and Disinterment**

**A.** It is an infraction for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from both the municipal health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
2. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the

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body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

**B.** It is an infraction to inter anything other than the remains of the human bodies in cemeteries.

**C.** It is an infraction to bury the body of any person within this municipality except in the municipal cemetery or a private cemetery, unless by special permission of the governing body under such rules and regulations that it may prescribe.

#### **Section 8-225 Vaults Required**

**A.** Unless in writing waived by the cemetery superintendent, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel, or brick-lined or of such other material approved by the governing body, substantially constructed and covered with a similar durable material.

**B.** No wood shall be used as a permanent part of the construction of any part of the vault.

#### **Section 8-226 Religious and Fraternal Organizations**

The municipality may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

#### **Section 8-227 Sale Subject to Rules**

Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.

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#### **Section 8-228 Care Reserved**

The municipality reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

#### **Section 8-229 Orders and Responsibilities For Errors**

Under no circumstances will the municipality assume responsibilities for errors in opening graves when orders are given by telephone.

#### **Section 8-230 Traffic Rules**

**A.** The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery except as herein otherwise modifies by this ordinance.

**B.** It shall be unlawful for any person to ride or drive within the municipal cemetery at a speed greater than ten miles per hour.

#### **Section 8-231 Children**

Children under the age of 12 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

#### **Section 8-232 Animals Prohibited**

No animals shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

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#### **Section 8-233 Decorum**

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.

#### **Section 8-234 Injury to Cemetery Property Prohibited**

**A.** It is a class B misdemeanor for any person to tie or attempt to tie any horse, animal, or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence, or enclosure on the premises of the cemetery for the purpose of injuring, defacing, or attempting the removal of same.

**B.** It shall be an infraction for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery.

#### **Section 8-235 Landscaping By Private Persons**

Except as provided by the rules and regulations of the governing body, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley, or walk in the cemetery or to grade the ground or land thereof. The cemetery superintendent shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

#### **Section 8-236 Placement of Markers**

It shall be unlawful for any person to erect, place, or cause to be placed any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated by the governing body regarding the placement, construction and design of all such markers.

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#### **Section 8-237 Additional Rules and Regulations**

- A.** The governing body may promulgate by resolution such additional rules and regulations concerning the care, use, operation, and maintenance of the cemetery as it shall deem necessary.
- B.** The mayor may from time to time as the governing body deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the municipal cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the governing body.
- C.** Any changes in the rules and regulations shall be adopted by the governing body before such changes shall be official.

#### **Section 8-240 Fees and Charges**

#### **Section 8-241 Collection of Fees**

The recorder/clerk, and such other persons as the governing body may designate, are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amount as are determined by the governing body from time to time by resolution.

#### **Section 8-242 Fee to be Paid For Opening Grave**

- A.** No grave shall be opened in the municipal cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.

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B. The presentation of a receipt from the recorder/clerk or person designated by the governing body when presented to the cemetery superintendent, shall be authority to open grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the municipality wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the recorder/clerk or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the recorder/clerk or authorized person.

#### **Section 8-243 Purchase Price and Fees**

The governing body shall from time to time by resolution fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided.

#### **Section 8-250 Sale of Lots**

#### **Section 8-251 Sale**

A. The recorder/clerk, and such other person as the governing body may designate, are hereby authorized to sell the use of lots in the municipal cemetery for burial purposes only and to collect all sums arising from the sale. The recorder/clerk or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance, or currently paid services.

B. A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment for cemetery services other than perpetual care or prepaid maintenance.

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**C.** Perpetual care or prepaid continued maintenance shall be deemed to include the filling of the grave, the placing of top soil upon the grave, seeding the grave with grass, and watering and cutting the grass. No other services are included.

**D.** No other improvements, changes, or service, except perpetual care or prepaid continued maintenance shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery superintendent, written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the governing body.

#### **Section 8-252 Restrictions of Resale**

**A.** From and after November 1, 1978, the lots sold by this municipality shall not be further sold, transferred, conveyed or assigned to any person except the municipality. The municipality hereby agrees to buy back any municipal cemetery grave lot which it may hereafter sell. The purchaser, of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.

**B.** Whenever a certificate to burial rights or lots reverts to the municipality, as provided for in this part, or becomes vested in the municipality for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.

**C.** The certificates shall be issued and signed by the mayor and shall be attested by the recorder/clerk. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.

#### **Section 8-260 Perpetual Care**

#### **Section 8-261 Contracting For Perpetual Care**

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- A.** No grave shall be hereafter opened in the cemetery of this municipality until perpetual care upon the lot where the grave is to be opened shall have been contracted for with this municipality, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed.
- B.** The agreement shall provide for a down payment in the amount of 20 percent of the total purchase price of the cost of installments over a period not to exceed 20 months. The monthly installments shall be in the amounts equal to the balance of the contract divided by the number of months which the contract is to run, plus two months extra payment to pay for the privilege of making the payments in installments or six percent of the balance, whichever is less.
- C.** The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the municipality in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with a reasonable attorney's fee to the percent per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments provided, however, that when perpetual care for any lot in the municipal cemetery or portion thereof, has not been paid for a period of ten years, then, and in such an event, the unused portion of the lot shall thereafter escheat to this municipality, which shall thereafter have the right, option, and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that this municipality shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to this municipality.
- D.** This municipality shall have power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. Until such time as the fee shall be fixed by resolution, said person shall pay a fee equal to \$20.00 per year for such

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care and maintenance. The fee shall continue to be paid until such time as a further or additional interment shall be made on the lot, at which time the provisions of this subject relating to perpetual care and maintenance and to payment of fees and costs pertaining thereto shall take effect and apply.

#### **Section 8-262 Care Included**

The essential perpetual care that the municipality agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding, and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the municipality.

#### **Section 8-270 Perpetual Care Fund**

#### **Section 8-271 Perpetual Care Fund Created**

**A.** There hereby is established a perpetual care fund according to the laws of the state of Utah and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state of Utah and used for the purposes herein provided.

**B.** The income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery. The municipality may borrow from the fund from time to time, but any funds borrowed shall be repaid to the fund with interest thereon at the prevailing rate paid by the municipality to borrow funds from commercial lenders.

**C.** If the municipality borrows from the fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon money

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annually. Should it be found that the interest returned upon the perpetual care funds shall be more than is required to pay for the operation and upkeep of the municipal cemetery, then the surplus shall be added to the principal amount of the perpetual care fund herein created, and shall be so handled until changed by resolution to provide for the use of such accumulated interest.

#### **Section 8-272 Duties of Treasurer**

It shall be the duty of the treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the governing body and the laws of the state of Utah, and to advise the mayor when funds are available for investment in the amount of \$1,000 or more. The mayor shall advise the governing body of the availability of such funds.

#### **Section 8-273 Duty of Governing body**

It shall be the duty of the governing body when funds are available for investment to direct by resolution all purchases of securities for the perpetual care fund or to name a suitable trustee for such investment.

#### **Section 8-274 Income**

All income from investments held in the perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing the perpetual care as required herein.

#### **Section 8-280 Non-perpetual Care Lots**

#### **Section 8-281 Maintenance Charges on Lots without Perpetual Care**

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**A.** Every lot for which perpetual care has not been purchased and with reference to which the owner has established a right to directly provide for maintenance and care, notwithstanding the provisions of section 8-288, shall be maintained and cared for to the extent and in accordance with the standards established by the governing body for care and maintenance of all lots of the cemetery.

**B.** In the event that the owner fails to provide the requisite care and maintenance for non-perpetual care lots, the cemetery superintendent shall furnish care and maintenance at rates established by the governing body.

**C.** All such charges shall become a personal liability of the owner of the lots and, in addition thereto, shall constitute a lien against the lots upon the basis of which the governing body may cause the burial rights therein to be forfeited and said rights to revert to the municipality.

#### **Section 8-282 Reversion of Nonpaying Lots**

**A.** When any owner of any lot or portion of a lot in the cemetery shall have failed to pay the cost of services rendered by the municipality or its employees in watering, beautifying, maintaining or caring for any lots or portions thereof in the municipal cemetery for which perpetual care has not been purchased in accordance with the provisions of this chapter, and such failure to pay has continued for a period of six months, the municipality may pursue collection of such costs in a court of law. A court action may be pursued for the purpose of seeking judgment against the owner and thereafter attaching any of the assets of the owner including an attachment of the lots or portions of lots upon which the owner has failed to make payment for maintenance service.

**B.** As an additional remedy, or in lieu of seeking collection in a court of law, the municipality may cancel the owner's certificate or deed representing rights to burial on the unoccupied lots or portions of lots and causing ownership of lots or portions thereof to revert back to the municipality by following the procedure set forth in this part.

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#### **Section 8-283 Procedure for Termination of Cemetery Lot Rights; Sale of rights to Burial**

**A.** By way of resolution, the municipality may demand that the owner of a lot, site, or portion of a municipal cemetery file with the city recorder notice of any claim to the lot, site, or parcel if it has been unused for burial purposes for more than sixty (60) years.

**B.** After passing the resolution, the municipality must serve notice on the owner that the owner must, within sixty (60) days after service of the resolution, express interest in maintaining the cemetery lot, site or parcel and submit satisfactory evidence of an intention to use the lot for a burial.

**C.** Service on the owner must be accomplished by personal service of a copy of the resolution in the same manner as personal service of process in a civil action. If the owner cannot be served personally with a copy of the resolution for three (3) successive weeks in a newspaper of general circulation within the county and mail a copy of the resolution within fourteen (14) days after the first publication to the owner's last known address, if available.

**D.** If the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the days of personal service or of the first publication, the owner's rights are terminated and that portion of the cemetery shall be vested in the municipality.

**E.** The owner, grantee, or person claiming through the grantee shall have the right, upon presentation of the certificate of title or right to burial to the municipality, for any lot which has been reverted to the municipality, to one of the following at the option of the municipality:

(1) Compensation for the lot at the reasonable value of the lot as of the date the certificate is presented to the municipality;

(2) Receipt of a right to burial in another lot if the right to burial or title to the lot has been sold by the municipality; or

(3) Receipt of a right to burial to the lot if the municipality has not sold the right to burial to the lot.

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The municipality shall first collect unpaid perpetual care charges from a person claiming title or the right to burial.

**F.** The municipality shall sell only the right to be buried in municipal cemeteries.

#### Section 8-290 Indigents

#### Section 8-291 Burial of Indigents

**A.** The governing body may by resolution designate a portion of the municipal cemetery to the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the recorder/clerk that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person at the request made to him by the recorder/clerk.

**B.** The mayor shall communicate his decision to both the recorder/clerk and the cemetery superintendent. The mayor shall give report of his decision, whether affirmative or negative, to the governing body at its next regular meeting. All strangers without funds or other persons who may die in the municipality may be granted the privilege granted herein.

#### Section 8-300 Kanab City Library

#### Section 8-301 Kanab City Library By-Laws

##### **ARTICLE 1: NAME**

This organization shall be called The Board of the Kanab City Library existing by virtue of the provisions of the Utah Code Annotated 9-7-401, and exercising the powers and authority and assuming the responsibilities delegated to it under the said statute.

##### **ARTICLE II: MEMBERSHIP**

Section 1. A vacancy on the board should be filled as soon as possible after a member notifies the appointing body of his/her resignation. A new member appointed to fill a vacancy serves the remainder of that term and then may be appointed to serve the first full term. The appointing body will make public

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notification of that vacancy for any interested and qualified person to apply.

**Section 2.** A new board member shall be interviewed and recommended by the Library Board with the final appointment made by the Kanab City Council. library Board members shall be citizens of Kanab City and regular library users holding valid and current library cards.

**Section 3.** The Library Board will consist of six (6) members.

**Section 4.** Each Library Board member shall serve a three (3) year term and may not serve more than two consecutive full terms.

Section 5. All current members of the Library Board shall be voting members, with the exception of the Kanab City Councilperson appointed as liaison over the library by the Kanab City Council. The Library Board Chairperson shall vote when needed as a tiebreaker or as part of a quorum.

**Section 6.** Board members shall strive to be consistent in their service to the library. They shall not have more than three (3) consecutive unexcused absences from board meetings without notification to the current board Chair. In this case, the Library Board will ask for a letter of resignation. The city governing body may remove any board member for misconduct or neglect of duty.

Section 7. A new board member has the right to an orientation given by the Library Board Chairperson and the Library Director to help understand and be made familiar with library functions and board activities.

#### **ARTICLE III: OFFICERS**

**Section 1.** All Library Board appointments shall be made before July 1st of each year.

**Section 2.** The officers of the Library Board shall be a Chairperson, a Vice-Chairperson and a Secretary, elected from among the appointed board members at the annual meeting of the board.

**Section 3.** A nominating committee shall be recommended by the Chair and approved by the board, ninety (90) days prior to the annual meeting, who will present a slate of officers at the annual meeting. Additional nominations may be made from the floor.

**Section 4.** Officers shall serve a term of one year from the annual meeting at which they are elected and until their successors are duly elected. Officers may be re-elected.

**Section 5.** The Chair shall preside at all meetings of the Library Board, authorize calls for any special meetings, execute all documents authorized by the board and generally perform all duties associated with that office.

**Section 6.** The vice-chair, in the event of absence or disability of the Chair, or of a vacancy in that office, shall assume and perform the duties and functions of the Chair.

**Section 7.** The secretary shall keep a true and accurate record of all meetings of the board, co-ordinate with the Library Director to give public notice of all regular and special board meetings, and shall perform such of there duties as are generally associated with that office.

#### **ARTICLE IV: MEETINGS**

**Section 1.** The regular meetings shall be held each month, the date and hour to be set by the board at its annual meeting.

**Section 2.** The annual meeting, which shall be for the purpose of the election of officers and the adoption of an annual report, shall be held at the time of the regular meeting in June.

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**Section 3.** The order of business for regular meetings shall include, but not be limited to, the following items which shall be covered in the sequence shown so far as circumstances will permit.

- a. Roll call of members
- b. Disposition of minutes of previous regular meeting and any intervening special meetings.
- c. Director's financial report of the library.
- d. Progress and service report of the director
- e. Committee reports
- f. Unfinished business
- g. New business
- h. Public presentation to, or discussion with, the board
- i. Adjournment

**Section 4.** Special meetings may be called by the Secretary at the direction of the Chair, or at the request of two (2) members, for the transaction of business as stated in the call for meeting.

**Section 5.** A quorum for the transaction of business at any meeting shall consist of 2/3 of its members. This quorum must be present at the meeting or contacted by telephone. In case of telephone contact, the results shall be put in the following month's minutes.

**Section 6.** Conduct of meetings: Proceedings of all meetings shall be governed by Robert's Rules of Order.

#### ARTICLE V: LIBRARY DIRECTOR AND STAFF

**Section 1.** The Library Board shall make recommendations to the Kanab City Council, who shall hire a qualified Library Director who shall be the executive and administrative officer of the library on behalf of the board and under its review and direction. The Director shall specify the duties of other employees and shall be held responsible for the direction and supervision of the staff, for the care and maintenance of library property, for an adequate and appropriate selection of books and other materials in keeping with the stated policy of the board, for quality customer service, and for library financial operation by tracking the budget that is appropriated from Kanab City and staying within its limitations. The librarian shall act as the executive officer for the Library Board.

**Section 2.** Library Director and staff are to attend appropriate training sessions given by the State Library Board to complete and maintain certification.

**Section 3.** The Director shall give public notice of meetings and prepare press releases as needed.

**Section 4.** Removal of Director or Board Chair. In case of misconduct or gross neglect of duties a Director or Chair can be removed with a recommendation and majority vote of Library Board members. the board shall state the reasons in writing for the dismissal and refer to City Council for their consideration/action. The board shall consult with the appropriate government officials and shall obtain legal advice from the City Attorney.

#### ARTICLE VI: COMMITTEES

**Section 1.** The Chair shall appoint committees of one (1) or more members each for such specific purposes as the business of the board may require from time to time. The committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after the final report

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is made o the board.

**Section 2.** All committees shall make a progress report to the board at each of its regular meetings until they have been discharged or completed their purpose for which they are appointed.

Updated and adopted by the Kanab City Library Board May 8, 2002.

#### Section 8-302 Overdue Library Materials

**A.** All material borrowed from the Kanab City Library is due back to the library fourteen (14) days after the material is checked out. Any borrowed material not returned within that time period shall begin to accrue a fine of ten (10) cents per day until the borrowed material is returned.

**B.** It shall be unlawful for any borrower to retain any book, newspaper, magazine, pamphlet, manuscript or other material belonging in or to, or on deposit with the Kanab City Public Library, or any branch or bookmobile operated in connection therewith, for a period exceeding fourteen (14) days after notification by first class mail to the borrower's address on file.

**C.** The borrower shall be deemed to be notified of the overdue status of library materials charged him/her on the date of mailing of said notices to the borrower's address on file with the library.

**D.** After the expiration of twenty-one (21) days, a final notice shall be sent to the borrower by first class mail requesting that the borrowed material(s) be returned immediately.

**E.** Within ten (10) days after mailing the final notice to the borrower, the Kanab City Library may file a complaint against the borrower for an infraction of the Kanab City Code. If convicted, the borrower may be subject to a fine forfeiture or both as per Chapter 1, Section 323 of the Kanab City Code.

**KANAB CITY PUBLIC LIBRARY** - TELEPHONE: (801) 644-2394

DATE \_\_\_\_\_

OVERDUE NOTICE

### Section 8: MUNICIPAL PROPERTY

Users Name & Address \_\_\_\_\_

Borrower's Card Number \_\_\_\_\_

According to our records, you have not returned the library material listed below. According to our records the amount due for accrued fines as of the above date is \$\_\_\_\_\_. This fine accrues at the rate of ten (10) cents per day until the material is returned. Please return the material and money for each item within 21 days. You will not be able to check out additional library material until your record is clear.

Please call the Circulation Desk at 644-2394 immediately if our records are in error. If no one else has requested the materials you may bring it in to renew it. We no longer renew overdue materials by phone.

For quicker assistance, please bring this letter with you.

Author Title Date Due Price

**KANAB CITY PUBLIC LIBRARY - TELEPHONE: (801) 644-2394**

DATE \_\_\_\_\_

#### **FINAL NOTICE**

Borrower's Card Number \_\_\_\_\_

User's Name & Address \_\_\_\_\_

This is your final notice to return the item(s) listed below. You have ten (10) days from the time in which this notice was mailed to return the item(s) and pay a fine which, as of the above date, is \$\_\_\_\_\_. This fine accrues at the rate of 10 cents per day.

If the item(s) have not been returned and your fine paid within the above-stated time period, a complaint may be filed against you as per the below-stated ordinance. If found guilty, you may be subject to a fine, forfeiture, or both.

Author Title Date Due Price

#### **Section 8-500 Airports**

#### **Section 8-501 Creation and Establishment of an airport Advisory Board**

The Kanab City Airport Advisory Board shall consist of seven (7) members, each to be appointed by the Kanab Mayor with the advice and consent of the Kanab City Council. The Kanab City Council may designate by resolution the composition of the Kanab City Airport Advisory Board. It is the intent of this Ordinance that the Kanab City Airport Advisory Board not consist of members all of whom are from the same field of expertise. The seven (7) members of the Kanab City Airport Advisory Board shall be residents of Kanab City and owners of property within said city. At least

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five (5) of the seven (7) members shall hold no other public office or position within the City of Kanab. The Kanab City Council shall appoint a representative from among its members to act as a liaison between the Kanab City Council and the Kanab City Airport Advisory Board.

#### **Section 8-502 Term of Office**

The terms of office for the six (6) Kanab City Airport Advisory Board members who are not members of the Kanab City Council shall be for three (3) years. The Kanab City Airport Advisory Board members terms shall be staggered so that no more than two (2) members' terms shall expire at the same time. The term of the office for the Kanab City Council member designated as liaison for the Kanab City Airport Advisory Board shall correspond to his tenure of office as Kanab City Council member, and to his appointment as liaison with the Kanab City Airport Advisory Board. Appointments to office will be made on or before the first Monday in May of each year.

#### **Section 8-503 Vacancies and Removals For Cause**

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Kanab City Council. The Kanab City Council shall have the right to remove any member of the Kanab City Airport Advisory Board for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend Kanab City Airport Advisory Board meetings.

#### **Section 8-504 Compensation**

The Kanab City Airport Advisory Board shall serve without compensation, except that the Kanab City Council shall provide for reimbursement of the Kanab City Airport Advisory Board for actual expenses incurred, upon presentation of proper receipts and vouchers.

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#### **Section 8-505 Officers**

The Kanab City Airport Advisory Board shall elect a Chairman and a Chairman Elect from among its members, whose terms in such offices shall be for one (1) year. The Kanab City Airport Advisory Board Chairman shall vote only in the case of a tie. The Chairman Elect shall have been a member of the Airport Advisory Board before being elected to that position, and, at the end of his or her term as Chairman Elect shall become Chairman unless the Kanab City Airport Advisory Board shall vote otherwise. In the absence of the Chairman, the Chairman Elect shall serve as Chairman Pro-Tem.

#### **Section 8-506 Quorum and Vote**

A quorum shall consist of four (4) members and a Chairman or Chairman Pro-Tem. A motion shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present.

#### **Section 8-507 Employees: Expenditures**

The Kanab City Airport Advisory Board may, upon the approval of the Kanab City Council, employ experts and staff, including consultants and a secretary, and pay such expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this ordinance, providing that such expenditures may not exceed the amount appropriated for the operation of the Kanab City Airport Advisory Board by the Kanab City Council.

#### **Section 8-508 Duties and Responsibilities**

The duties and responsibilities of the Advisory Board are as follows:

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1. The Kanab City Airport Advisory Board may adopt such rules and procedures as it may deem necessary for the proper conduct of its business.
2. To keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.
3. To study the problems and determine the needs of the Kanab City Airport.
4. To adopt and then periodically review and update a Kanab City Airport Plan which designates the specific uses upon the municipal airport.
5. To assist in the dissemination of news and information regarding the Kanab City Airport.
6. To consider, investigate, make finding, report, and recommend upon any special matter or question within the scope of its work when requested by the City Council.
7. To make recommendations concerning the proper operation and welfare of the Kanab City Airport.

#### **Section 8-509 Review by City Council**

The City Council shall have the right to review the conduct, acts, and decisions of the Airport Advisory Board. Any person may appeal any ruling or order of the Commission to the City Council who may hear the matter and make a final decision.