

**BYLAWS  
of the  
HINCKLEY-DESERET CEMETERY MAINTENANCE DISTRICT**

**ARTICLE I. AUTHORITY AND POWERS**

Section I. The authority and powers of the Hinckley-Deseret Cemetery Maintenance District were granted and established by the Millard County Commission on November 29, 1948, pursuant to Chapter 17, 1945 Session Laws of the State of Utah, which, after due and proper notice and election, recognized the District as a body politic and corporate with its recorded boundary. The Hinckley-Deseret Cemetery Maintenance District, hereafter sometimes called District, is now governed by the following Statutes of the State of Utah as amended:

- A. Title 1B2, Utah Code Annotated, 1953, as amended, relating to the "Cemetery Maintenance District Act."
- B. The District is also 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 Maintenance District are as follows:

- A. To maintain, improve, and beautify the cemeteries of the District;
- B. To purchase and hold land in trust for and to be dedicated and set aside for the uses and purposes of the District;
- C. To adopt policies and procedures for the information of morticians and families in order to carry out the fair, and orderly purpose of the District in a fair, compassionate, and convenient manner; and
- D. To assess and collect funds as a separate taxing district for the operation and maintenance of the District.

**ARTICLE III. ADMINISTRATIVE CONTROL BOARD OF TRUSTEES MEMBERSHIP**

Section 1. Membership of the Hinckley-Deseret Cemetery Maintenance District Board is appointive and shall be determined and governed by Title 17D, Utah Code Annotated, 1953, as amended, or any succeeding statutory provisions. All vacancies on the Cemetery District Maintenance Board shall be filled by following the procedures and requirements of Section 17D-1-303, Utah Code Annotated, 1953, as amended.

Section 2. When a vacancy occurs on the Cemetery District Maintenance Board, the Chairman of the Board shall notify the Millard County Board of Commissioners. The Millard County Board of Commissioners will advertise the vacancy and interview interested candidates. Cemetery Boards may make recommendations to the Millard County Board of Commissioners concerning candidates interviewing for vacancies; however, the final decision and appointment will be made by the Millard County Board of Commissioners.

Section 3. Board membership shall consist of residents who reside within the District and number no less than three and no more than nine.

Section 4. The term of each member of the Board of Trustees shall be four years. Terms shall be staggered so not all board member terms expire at the same time. A Board of Trustee member is not limited in the number of terms the member may serve.

Section 5. The Board shall elect a Chairman for a two-year term.

Section 6. The Board shall meet at times and locations as determined by the Board.

Section 7. The Board shall meet at least four times annually. Notice of all meetings shall be posted in three different locations.

Section 8. 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.
- 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 Secretary-Treasurer shall post notice of all meetings in three different locations.
- D. The Board shall have the authority to hire a sexton(s) and/or caretaker(s) for the cemeteries in the District.
- E. The Board shall have the authority to assess a fee for noncompliance of the Cemetery Policies and Procedures by families, morticians, and/or monument companies.

#### **ARTICLE IV. FUNDING**

Section 1. Funding for the Hinckley-Deseret Cemetery Maintenance District 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; and
- D. Clerical, legal, accounting and office expenses.

Section 2. Allocation of funds shall be as follows:

- A. Operating and Maintenance, Short-Term and Long-Term budgets shall be compiled by the Board during the month of October of each respective year.
- B. The District shall levy a tax, according to law, based on the budgets calculated, together with clerical, legal, and office expenses.
- C. 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 Hinckley-Deseret Cemetery Maintenance District Board of Trustees.

#### **ARTICLE V. RECORDS**

Section 1. Physical records of the Hinckley-Deseret Cemetery Maintenance 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; and
- C. The financial records of the District.

Section 2. The individual cemetery sexton and/or the Board shall keep the following records:

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

Section 3. Should cemetery records be requested by the Millard County Recorder, the recorder may not collect any fee for filing and/or recording.

These Bylaws were amended and unanimously approved by the Hinckley-Deseret Cemetery Maintenance District Board of Trustees on December 4<sup>th</sup>, 2019.



Chairman – Mike Anderson

**POLICIES AND PROCEDURES  
of the  
HINCKLEY-DESERET CEMETERY MAINTENANCE DISTRICT**

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 Hinckley-Deseret Cemetery Maintenance District Board of Trustees adopts the following policies and procedures for the information of families, morticians, and monument companies 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 District retains title to cemetery burial rights. Only eight (8) plots may be purchased by any one private individual. Commercial businesses are prohibited from purchasing plots. Cost for each burial plot is five hundred dollars (\$500.00) for residents of Millard County and one thousand five hundred dollars (\$1,500.00) for nonresidents, effective July 1, 2008.
2. If, after a period of sixty (60) years, plots have not been used, the District may reclaim the property by following the procedures outlined in Title 8, Chapter 5, 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. The following burial stipulations apply for all interments:
  - a. It is the responsibility of the family, or the family's authorized representative, to meet with a Cemetery District Representative (the Sexton, Caretaker, 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 cremains interments will be treated the same as vault burials.
  - b. The plot(s) shall be chosen and paid for at that time, unless previously purchased. All applicable fees shall be paid to the Cemetery District Representative before the burial site is prepared.
  - c. Interments or Disinterment's in the cemeteries will not be allowed on the following days: New Year's Day, President's Day, Good Friday Weekend, Friday through Monday of Memorial Day Weekend, Independence Day Observed, Pioneer Day Observed, Labor Day, Thanksgiving Day, Christmas Eve Day, and Christmas Day.
5. Vaults for traditional burials 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. Inspection and approval of the vault shall be by the Cemetery District Representative prior to interment.
6. Exceptions to the above listed vault requirement are permissible for infant and

cremains burials ONLY. Cremains require a sealable urn made of a non-corrosive material. Inspection and approval of the burial chambers for infants and cremains shall be by the Cemetery District Representative prior to interment.

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 north of the husband, unless otherwise requested.

8. Not more than one (1) casket per plot is allowed except for infants. There can be up to four (4) infant burials 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. The opening and closing of graves shall only be performed by cemetery personnel or individuals approved by the Cemetery District Board at a cost of three hundred dollars (\$300.00) and must be paid to the appropriate Cemetery District Representative before the digging is performed. This price is subject to change by vote of the Cemetery District Board.

10. Multiple use of a plot for cremains is permitted, IF space allows. Placing cremains above a previously interred traditional burial is permitted IF space allows. An opening and closing fee of one hundred fifty dollars (\$150.00) is required for each addition to the plot and must be paid to the appropriate Cemetery District Representative before interment.

11. Graveside services will be held in a timely and expedient manner. A Cemetery District Representative must be present at the opening and closing of the grave.

12. Headstone dimensions and placement requirements are as follows:

a. Maximum size of an above-ground headstone, including the base (where the monument meets the mow strip at ground level), shall not exceed seventy-two inches (72") in length, eighteen inches (18") in width, and thirty-six inches (36") in height. Installation must be confined within two burial plots.

b. Maximum size of a single plot above-ground headstone, including the base (where the monument meets the mow strip at ground level), shall not exceed thirty inches (30") in length, eighteen inches (18") in width, and thirty-six inches (36") in height.

c. Maximum size of a headstone that is not above ground level shall not exceed seventy-two inches (72") in length and eighteen inches (18") in width. Installation must be confined within two burial plots

d. Maximum size of a single plot headstone that is not above ground level shall not exceed thirty inches (30") in length and eighteen inches (18") width.

e. All above-ground and level-with-the-ground headstones are required to have a six-inch (6") mow-strip around the perimeter of the base.

f. Headstones must be confined within the space of a purchased plot.

g. No more than one (1) raised headstone per plot will be permitted.

h. There may be no more than three (3) headstones in one plot (one above-ground headstone and two level-with-the-ground headstones OR three level-with-the-ground headstones).

- i. The installation of a headstone above interred cremains is permanent. No additional cremains may be interred beneath that headstone.
- j. Headstones are considered the owner's property, and all care and upkeep is the owner's responsibility.
- k. Some sections of the cemeteries may have restrictions as to type and height of headstones.
- l. The Hinckley-Deseret Cemetery District recommends a properly identified headstone or permanent marker be installed within a year of burial.

13. A signed Cemetery District Headstone Installation Permit is required for each headstone placement. The permit shall be signed by the Buyer and the Monument Company Representative and presented to a Cemetery District Representative prior to the headstone installation or relocation.

- a. Notice shall be given to the Cemetery District Representative forty-eight (48) hours before any headstone shall be installed or relocated.
- b. Unauthorized placement of a headstone shall result in a fee of five hundred dollars (\$500.00), nonrefundable to the monument company.
- c. Incorrect placement of a headstone shall result in a fee of five hundred dollars (\$500.00), nonrefundable, to the monument company, for removal and resetting of an improperly placed headstone.

14. The Cemetery District Board 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 be responsible for the cost of removal and replacement of the headstone.

15. Disinterment and removal of remains from the cemetery is permitted by following the procedures and requirements of Title 26, Chapter 2, Utah Code Annotated, 1953, as amended. Arrangements for the disinterment must be made with a Cemetery District Representative forty-eight (48) hours in advance. A fee of one thousand two hundred dollars (\$1,200.00), plus all other applicable fees, is to be paid for opening and closing the grave to the Cemetery District Representative before disinterment.

16. Mausoleums are not permitted within the cemetery.

17. Pet or animal burials are not permitted within the cemetery.

18. Placement of benches, monuments, etc., that are not in a designated plot, are permitted only with Cemetery Board approval.

19. Planting of trees, shrubs, flowers, digging or disturbing the sod anywhere on cemetery property, is permitted only with Cemetery Board approval.

20. Decorations or flowers (natural or artificial) may remain if they are on the headstone or are in permanently attached vases that do not interfere with routine maintenance. Funeral flowers will be discarded after six (6) days, if not removed.

21. Flowers and other grave decorations are permitted for Memorial Day but must be removed after six (6) days.

22. The Hinckley-Deseret Cemetery Maintenance District shall have Workers Compensation and Employers Liability Insurance, as well as Fire and Casualty Property Insurance.

23. Anyone performing a service for the Hinckley-Deseret Cemetery Maintenance District shall have one million dollars (\$1,000,000) minimum Liability Insurance and name the District as additional insured and/or named insured accompanied by a certificate of accord.

24. In the event any of the above policies and procedures is violated, the District Cemetery Board shall be authorized to assess a penalty against the violating party (the family of the deceased, the mortuary, the monument company, a service provider, etc.). The penalty shall be determined by the Board after reviewing the circumstances and considering the inconvenience caused to the District.

25. All fees listed herein for cemetery services shall be paid to the Hinckley-Deseret Cemetery Maintenance District and are subject to change by a majority vote of the Board.

These policies and procedures were amended and unanimously approved by the Hinckley-Deseret Cemetery Maintenance District Board of Trustees on December 4<sup>th</sup>, 2019.

A handwritten signature in black ink, appearing to read "Mike Anderson", is written over a horizontal line.

Chairman – Mike Anderson