

**APPLE VALLEY
ORDINANCE O-2023-26**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “10.40 Private Cemeteries For Human Interment” of the Apple Valley Land Use is hereby *added* as follows:

BEFORE ADOPTION

10.40 Private Cemeteries For Human Interment (Non-existent)

AFTER ADOPTION

10.40 Private Cemeteries For Human Interment(*Added*)

- A. Private Cemeteries, by definition, are not intended for general public use, being restricted to relatives and other close associations of a particular family or families. Private cemeteries may exist under the following rules:
1. Private cemeteries located on a parcel with an existing residential and/or agricultural principal uses(s) must be recorded as a deed restriction and must be recorded at the time of sale, accompanied by a map exhibit showing the exact location of the private cemetery on the property.
 2. Private cemeteries must also be clearly delineated by a fence or low wall to separate it from the rest of the lot.
 3. A private cemetery cannot exist on a lot smaller than twenty-five (25) acres in size and the lot cannot be subdivided in the future to be smaller than the required lot size of twenty-five (25) acres.
 4. The private cemetery shall not comprise more than five (5) percent of the total area of the lot that the private cemetery is on.
 5. There shall be no principal building in the private cemetery area.
 6. Burial sites in the private cemetery may not be sold and are not intended for general public use outside of family members.
- B. It is the responsibility of the property owner to govern necessary processes for the private cemetery, such as interments, services, maintenance, and record keeping, subject to the other requirements of **AVMC Chapter 14.13 Cemeteries**. The establishment of a legal organization to govern these processes for a private cemetery is encouraged, but not required. A death certificate must be filed for those deceased and intended for burial in a private cemetery.
- C. Refer to AVMC Chapter 14.13 for cemetery regulations.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect from August 16, 2023.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Jarry Zaharias	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley