

History

This history is taken from “A History of Levan” Chicken Creek Camp, Daughters of Utah Pioneers.

On July 16, 1868, a committee consisting of Amos Gustin, William Morgan, and Jacob Hofheins were appointed to select a site suitable for a cemetery. They chose a place which is still our cemetery today. The road then followed along the south side of the creek to the place chosen. The first sexton appointed was William Dye. The first person buried there was Amos Sly.

In 1974, a perpetual care fund was started for the Levan Cemetery, which money was used to place grass in the cemetery. Prior to this time, family members of the deceased cared for their own lots.

In 2006, Levan Town received a grant to make cemetery improvements. Those projects included: building a six foot fence and installing cattle guards at the entrance and exit of the cemetery; installing a sprinkling system; building a maintenance shed; grading roads in cemetery; installing a new Cemetery sign; installing a new flagpole for Memorial Day; expanding and developing the cemetery to the south; and running electrical service to the cemetery. In 2009, Levan Town installed a Veteran’s Memorial.

In recent years, the roads have been paved throughout the cemetery, a new sprinkling system was installed and hydroseeding was done in the new section of the cemetery, which allowed the opening of that section for burials.

We continually strive to make the cemetery a beautiful place that is an honor to those who have gone before us and a refuge for those still living.

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Definitions

- A. Lot Owner or Purchaser:** The terms “lot owner” or “purchaser” and “grave owner or purchaser” shall mean the owner or purchaser of burial privileges or the collateral 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. Lot:** The term “lot” shall include the partial lots or single graves in the municipal cemetery.
- C. Superintendent:** The term “Superintendent” shall refer to the Levan Town Council.
- D. Sexton:** The term “Sexton” shall refer to the caretaker and/or employees responsible for maintenance and care of cemetery.
- E. Administrator:** The term “Administrator” shall refer to the employee responsible for the record or book-keeping of cemetery files. If an employee is not given the duties of cemetery administrator it shall be the responsibility of the Levan Town clerk/recorder to serve as administrator for the cemetery.

Conduct and Access

- A. Conduct:** 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.
- B. Location and Access:** The Levan Cemetery is located at approximately 400 S 600 E. Access to cemetery is restricted to daylight hours.

- C. Traffic Rules, Driving and Parking:** 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 modified by this ordinance.

It shall be unlawful for any person to ride or drive within the municipal cemetery at a speed greater than 10 miles per hour.

Cars must not drive or park on lawn areas or drive on corners.

- D. Motorcycles, Bicycles, and All Terrain Vehicles (ATVs):** Motorcycles and all terrain vehicles (ATVs) are only permitted in the cemetery on designated roads and can only be used for ingress or egress or for maintenance or professional suppliers or those that are part of a funeral procession.

Bicycles are permitted, but are subject to the same policies and procedures as motorized vehicles. Cutting corners and driving on the lawns are prohibited.

- E. Animals:** Horses, dogs, or other types of pets or livestock are not permitted on the cemetery grounds except for those used as part of a funeral procession. Service animals are allowed

- F. 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.

- G. No Smoking/Vaping, alcohol, or drugs are allowed on Levan Cemetery grounds.**

Burial

- A. Human Dead:** Interments are limited to human dead.
- B. Ordering a Grave Opening:** At the Levan Town Office arrangements for a grave opening can be made with the cemetery administrator by the funeral director, the relatives, or person having charge of the deceased. The required permits need to be filled out and fees paid.

A written statement shall be provided to the cemetery administration, which statement shall contain the information required by the Cemetery Administrator. (Please see sample information sheet at end of booklet.)

The cemetery administrator may be contacted by calling (435) 623-1959 or in person at 20 North Main, Levan, Utah during regular office hours, which are Monday-Thursday 8:30-12:30.

- C. Errors:** Levan Town will not be responsible for any mistake occurring 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 under direction from the superintendent may 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. ***Under no circumstances will the municipality assume responsibility for errors in opening graves when orders are given by telephone.***
- D. Burial Permits:** A permit for burial must be obtained prior to the opening of a grave. The necessary information and fees should be given to the cemetery administrator by the family representatives or the funeral director. Proper and complete information is required for accurate record keeping. Payment of applicable fees (burial right and opening/closing) and a 48 hour notice are required for opening a grave.
- E. State Transit Permit:** Remains sent from other states must also be accompanied by a transit permit to be filed in the Levan Town office.

- F. Hours When Burials Permitted:** Burials are accepted from 8:00 a.m. to 4:00 p.m. daily at the cemeteries. No burials will be accepted on Sundays or on holidays recognized by Levan Town including Memorial Day weekend (Thursday-Tuesday) and Christmas Eve Day.
- G. Burials Per Grave:** One interment only shall be allowed in a casket except a father or mother with an infant child, or two children buried at the same time. Not more than one casket is allowed in one grave. Infant remains (not in a vault) or cremains may be interred at a later date.
- H. Vaults:** Vaults are required for all burials as required by Utah State Law.
- I. Indigents:** Such lots as the Levan Town Council shall from time to time designate will be reserved for the burial of indigent persons.
- J. Orientation of Graves:** By convention, burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave tracks usually measure four feet wide by eight feet long except on odd sized lots. Traditional burial custom has the wife placed on the north side of the husband; however, placement is a matter of choice. The sexton will assist in the decision as needed.
- K. Disinterment or Exhumations:** Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The sexton will schedule and direct the exhumation after applicable fees have been paid. Consultation with a funeral director is recommended for this procedure.
- L. Cremations:** Cremations will be treated as a regular burial including fees, services, and opening and closing charges.
- 1. Burials per grave.** Interment of the cremated remains of up to 3 individuals in one grave shall be permitted. Each must be placed in separate containers. The cremated remains of one person may be interred in the same grave space as a buried individual not cremated. The cremated remains must be buried at the same time or after the individual not cremated.

2. **Monuments.** Only one above ground monument will be allowed on each grave. Any other marker will require prior approval by cemetery administration.

3. The cremated remains of an individual may be buried without a vault, but require a sealable urn made of plastic, metal, or other like material.

Decorations and Flower Policy

- A. Flowers on New Graves:** Decorations or flowers on new graves will be removed by the cemetery crew after seven (7) 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 by nightly canyon winds.
- B. Obstructions:** Ornamentation (including flowers) that obstructs the mow strip is allowed as long as the obstructed area is maintained by the placer of the ornamentation. If the area is not maintained or the obstructed area becomes unsightly the town reserves the right to remove the ornamentation. Attempts will be made to contact the family of the plot owner, and ornamentation will be stored for 30 days before being disposed of.
- C. Holiday Decorations:** All holiday decorations will be removed after seven (7) days.
- D. Removal of Decorations:** Artificial and fresh-cut floral pieces and other decorations may be removed without notice when they become unsightly.
- E. Planting of Flowers, Trees, and Shrubs:** Town ordinance prohibits the planting of any trees, shrubs, or flowers or digging or disturbing the sod within the cemeteries.

F. Landscaping by Private Persons: It shall be unlawful for any private 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.

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 April and October each year. All flowers and decorations picked up are taken to the Juab County landfill for disposal. Those who regularly bring in flowers are encouraged to wait until the spring and fall cleanups are completed before freshening up their displays.

H. Memorial Day: Cemetery crews begin early in the spring to prepare for Memorial Day. Preparations including mowing, watering, edging, spraying, planting and tree trimming require all spring to accomplish.

The cemeteries are prepared and ready for decorations by Friday afternoon. The sprinklers are turned off Friday afternoon through the end of Memorial week to allow for the placement of decorations.

The removal of decorations will begin the Monday morning following Memorial Day. Anyone desirous of picking up their wreaths or decorations should do so prior to Monday. All decorations are disposed of at the Juab County landfill.

I. Town Responsibility: Flowers properly displayed add to the beauty and character of the cemetery.

Levan Town and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Be aware that on occasion uncaring individuals have removed expensive flower arrangements without patron or staff consent.

Headstone Policy

- A. Ownership and Responsibilities:** Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones are the responsibility of the owner. The cemetery is maintained by town crews 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 happenings are a condition that goes with the privilege of placing markers in the cemetery.
- B. Headstones and Markers:** It shall be unlawful for any person to erect, place or cause to be placed any headstone or marker on any lot in the cemetery in violation of the rules and regulations adopted by the governing body regarding the placement, construction, and design of all such markers. Headstones and markers must be placed under the direction of the Cemetery Sexton.
- C. Specifications for Headstones:** It shall be unlawful for any person to place or to have placed any monument on any lot in said cemetery not made of metal inlay, stone, or concrete. Such monument shall be securely set in a concrete foundation of at least four inches deep with a concrete mow strip not less than six inches (6") around said marker.

The following are headstone size recommendations. Maximum lengths are: singles 40", doubles 80", and triples 120". Maximum height is 36". Maximum width is 24". All of these measurements include a mow strip not less than six inches (6") wide around said marker.

Only one headstone and no other monument or marker will be permitted on the grave. 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 cemetery sexton. In the case of the additions of infant remains or cremains in a burial spot, a marker that is flush with the ground may be added with the approval and under the supervision of the Cemetery Sexton.

Placement of permanent markers is encouraged to take place within one year after interment.

- D. Modifications:** If a headstone or marker is determined by the sexton to be oversized and interfering with the sprinkler irrigation system, the owner will pay for the necessary modifications (applicable to stones placed after July 1, 2009).
- E. Interference with Excavation:** The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such services if contracted.
- F. Recommendations:** Consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough-nosed base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument dealer should check, or caused to be checked, the restrictions first, to ensure that the stone will meet cemetery specifications.
- G. Cemetery Supervision:** All work in the cemetery including but not limited to interment, disinterment, planting, landscaping, grading, record keeping, placement of grave markers, grounds keeping, construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the Levan Town Council.

Lot Ownership and Privileges

- A. Nature and Extent of Burial Rights:** Only permissive burial rights are sold. Levan Town retains title to the cemetery property. A maximum of eight (8) burial rights may be purchased per couple or household who own residential property located within Levan Town boundaries. Non-residents may purchase a maximum of four (4) burial rights per couple or household. A certificate of burial rights will be issued to each purchaser after fees are paid in full.

B. Rights Conveyed: Burial rights are conveyed to the person or persons named therein and their heirs. All legal heirs are presumed to have legal claim to the rights of burial, unless specified differently in a legal will or by probate court. Burials by or of heirs, after the original parties named on burial certificates are deceased, require the permission of all known living heirs.

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.

C. Restrictions on Resale: From and after March 15, 1911, 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 repurchase price of such lots shall be set by resolution by the Levan Town Council.

D. Unused Lots: Lots that have been unused for, or have no written notice of claim or interest on, for over 60 years can be reclaimed by Levan Town. Every effort, practically and legally, will be made to find the owner or legal heirs before the lots, by lawful means, will be reverted.

Should a certificate of title or right to a lot that has been reverted to the town be presented, the legal holder is entitled to be compensated at the buy-back price established by resolution of the Levan Town Council. All proceeds from the resale of reverted property shall be placed in the perpetual care fund.

E. Purchase of Unused Lots by the Town: The town may buy back the unused lots of those desiring the action when directed by the owner, or all living heirs, to do so at a buy-back price established by resolution of the city council. The deed of burial rights must be turned in, or other documented proof of ownership must be given to the recorder/clerk or designated administrator before the purchase can be authorized.

Perpetual Care

- A. Perpetual Care:** The essential perpetual care and upkeep of the cemetery provided by the municipality includes but is not limited to: mowing grass at reasonable intervals, replacing sod and 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 markers, monuments, or other personal property. No burial right will be sold without perpetual care.
- B. Perpetual Care Fees:** This fee is collected and kept in a special fund which may be used for the general care, maintenance, and improvement of the cemetery. Perpetual care fees are included in the charges for certificates of burial rights. They are considered paid in full at the time of interment.

Voluntary contributions to the perpetual care fund will be graciously accepted.

Miscellaneous

- A. Office - Records:** The official cemetery records are kept at the Levan Town office. The office is open Monday through Thursday from 8:30 a.m. until 12:30 p.m., with the exception of holidays. All business pertaining to the cemetery is to be transacted at this office.
The location of all graves is shown by maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the Levan Town office.

All owners of burial rights or spaces are requested to notify the Levan Town office of any change of address.

- B. Powers of Levan Town Council:** The Levan Town Council is responsible for enforcing the policies and procedures of the cemetery. The Levan Town Council may take such action necessary to protect property, graves, space owners, and the cemetery from injury; to preserve the peace and good order; and

to prevent injury to the appearance of the lots, graves, grounds, and buildings.

- C. Cemetery Fees:** Fees for services are set by resolution of the Levan Town Council and are changed from time to time as needed and without notice.

A copy of current fees charged is available at the Levan Town office and on the Levan Town website.

- D. Contractors and Outside Workers:** Contractors and others working in the cemetery must make their business known to the Levan Town Council or sexton before the work is started.

- E. Boundaries, Roads, and Waterlines:** The right to enlarge, reduce, re-plot, 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 Levan Town. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.

- F. Location of Documents:** All maps, plats, records, and other documents pertaining to the Levan Cemetery are on file at the Levan Town office.

- G. Liability of Cemetery:** Levan Town personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the burial right owners, but shall not be liable for any damage or loss.

- H. Alteration and Repeal of Policies and Procedures:** Levan Town reserves the rights to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.

- I. Walkers and Joggers:** The Levan Cemetery is a public park and will continue to be so. Walkers and joggers are therefore encouraged and welcome to enjoy the beauty and serenity of the cemeteries.

Cemetery Information Sheet (Sample)

Grave location: _____

Deceased (full name, including maiden): _____

Birth date (month, day, year): _____

Birth place (city, county, state, country): _____

Death date (month, day, year): _____

Death place (city, county, state, country): _____

Burial date (month, day, year): _____

Age: _____

Gender: _____

Father full name: _____

Mother full name (including maiden): _____

Spouse full name (including maiden): _____

Veteran (Y/N) _____

War: _____

Branch of Service: _____

Owner/Contact Information: _____

Address: _____

Phone: _____

Funeral Home (Name, Address, Phone): _____