

Enterprise Municipal Code
Title 12 – Streets, Sidewalks and Public Places
Chapters 12-04 to 12-16

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12-04 Street Names and Property Addresses
- 12-08 Street and Sidewalk Construction, Maintenance and Use
- 12-12 Trees
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Chapter 12-04
STREET NAMES AND PROPERTY ADDRESSES

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- 12-04-010 Title.
- 12-04-020 Intent.
- 12-04-030 Address maps--Adopted.
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- 12-04-070 Numbers and addresses--Assignment--City guidelines.
- 12-04-080 Address numbers.
- 12-04-090 Address numbers--Display.

12-04-010 TITLE.

This chapter shall be entitled "the addressing ordinance of the City of Enterprise." (Ord. ST 1-1984 Part 1, 1984)

12-04-020 INTENT.

The intent of this chapter is to establish an orderly system for the designation of streets and the addressing of dwellings and other major structures and properties within the City for the purpose of enabling such structures and properties to be readily identified and located by emergency services, utility providers and the general public. (Ord. ST 1-1984 Part 2, 1984)

12-04-030 ADDRESS MAPS--ADOPTED.

The address and street designations within the City shall be as set forth on the official address map of Enterprise, which map is appended to the ordinance codified in this chapter and adopted as a part of this chapter. The designations as set forth on the map shall be considered as the official City street and address designations. (Ord. ST 1-1984 Part 3, 1984)

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12-04-040 MAPS--MAINTENANCE.

The official address maps shall be maintained by the City Recorder. (Ord. ST 1-1984 Part 6(1), 1984)

12-04-050 ADDRESS AND HOUSE NUMBER CHANGES.

All new addresses assigned shall be noted in the appropriate location on the official address map. Any changes in existing house numbers shall be determined by the City Council. (Ord. ST 1-1984 Part 6(2), 1984)

12-04-060 FUTURE STREET DESIGNATIONS--DETERMINATION.

Street designations of all future streets shall be determined at the time of authorization to construct or subdivision plat approval, as applicable. Any changes in official street designations shall be determined by the City Council. (Ord. ST 1-1984 Part 6(3), 1984)

12-04-070 NUMBERS AND ADDRESSES--ASSIGNMENT--CITY GUIDELINES.

The Recorder's office, City of Enterprise is delegated the responsibility for assigning all road numbers and/or names and the addresses of all dwellings and other addressable structures and properties. All new buildings shall be assigned an address designation at the time a building permit is issued. Such designations shall be assigned using the following general guidelines:

- A. All property and street numbers shall be assigned on a coordinate format in reference to a common base point which is located at the intersection of Main Street and Center Street.
- B. The length of blocks shall be as set forth on the official address system map. Each block shall encompass one hundred numbers to be evenly distributed.
- C. Even address numbers will be located on the right hand side going away from the base lines; odd numbers shall be located on the left hand side going away from the lines. (Ord. ST 1-1984 Part 5, 1984)

12-04-080 ADDRESS NUMBERS.

An address number shall be assigned to each existing dwelling unit, business, industrial, or other addressable structure. Hereafter all new buildings shall be assigned an address designation at the time a building permit is issued. (Ord. ST 1-1984 Part 4(1), 1984)

12-04-090 ADDRESS NUMBERS--DISPLAY.

All structures with a street address shall display the numerical designation thereof prominently on the front of the building or other location readily observable from the street using numbers at least three inches in height. (Ord. ST 1-1984 Part 4(2), 1984)

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Chapter 12-08
STREET AND SIDEWALK CONSTRUCTION MAINTENANCE AND USE

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- 12-08-010 Obstruction prohibited--Penalty.
- 12-08-020 Display of goods unlawful--Exception.
- 12-08-030 Encroachments--Notice--Contents.
- 12-08-035 Barrow pits.
- 12-08-040 Signs permitted when.
- 12-08-050 Conducting business unlawful--Exception.
- 12-08-060 Defects--To be reported to supervisor of streets.
- 12-08-070 Excavations--Permit--Application--Bond.
- 12-08-080 Excavations--Barricades and lights required.
- 12-08-090 Excavations--Specifications and procedures.
- 12-08-100 Using streets for construction of abutting structure--Permit required.
- 12-08-110 Public highways through City
- 12-08-120 Driveways across sidewalks--Construction-Permit.
- 12-08-130 Ditch or gutter--Obstruction unlawful.
- 12-08-140 Sidewalks--Failure to maintain--Repair to be done by supervisor of streets.
- 12-08-150 Sidewalks--Construction.
- 12-08-160 Sidewalks--Construction--Permit-Specifications.
- 12-08-170 Sidewalks--Construction--Inspection
- 12-08-180 Sidewalks--Weeds--Failure to remove after notice unlawful.
- 12-08-190 Canvas awnings--Height--Projection over sidewalk.
- 12-08-200 Cellar doors--Failure to maintain--Supervisor of streets may repair.
- 12-08-210 Violation--Penalty.

12-08-010 OBSTRUCTION PROHIBITED -- PENALTY

- A. It is unlawful for any person, without the consent of the City Council as hereinafter provided for, to cause any encroachment or obstruction upon any street, alley or sidewalk of this City, which hinders the free travel of pedestrians, teams, automobiles or other traffic along the streets or sidewalks or which obstructs the view along the same.
- B. It is unlawful for any person owning, occupying or having control of any premises to place, or permit to be placed upon or in the sidewalk, parking area, gutter or on the half of the street next to such premises:
 - 1. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
 - 2. Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the governing body first had and obtained.

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3. Any permanent or temporary structure, mechanism, device, vehicle or other thing of any kind or character except trees pursuant to the provisions of applicable ordinances.
- C. Any person violating, causing or permitting violation of subsection B of this section shall be guilty of a Class C misdemeanor. Any violator upon conviction shall be punishable by a fine of not more than one thousand dollars or a jail sentence not to exceed thirty days, or by both a fine and jail sentence. (Ord. 88-8-33 (part), 1988; Ord. 88-7-10-321-80, 1988; Ord. 10-321-80, 1980; prior code §433)

12-08-020 DISPLAY OF GOODS UNLAWFUL--EXCEPTION.

It is unlawful for any person, firm or corporation to use any part of the street or sidewalks within the City of Enterprise for the purpose of displaying any goods, wares or merchandise for sale or for displaying signs, billboards, advertising displays, or to park any motor vehicle thereon for the purpose of exhibiting or displaying the same for sale without a business license from the City of Enterprise. (Ord. 88-8-33 (part), 1988: prior code §437)

12-08-030 ENCROACHMENTS--NOTICE--CONTENTS--EXCEPTIONS--PERMIT REQUIRED.

If any street is encroached upon by a fence, building or otherwise, the supervisor of streets must, orally or in writing, give notice to the occupant or owner of the land, or person causing or owning the encroachment, or leave the notice at his place of residence, if he is known and resides in the City; if not, it must be posted on the encroachment, specifying the breadth of the street, the place and extent of the encroachment, and requiring him to remove the same within ten days thereafter. Unobtrusive landscaping that beautifies such as lawn, decorative rock, concrete/asphalt etc. shall be permitted when it does not alter the natural drainage flow line. Property owners shall apply for the necessary permit at the City Offices. Property owners who have such landscaping features in the public right-of-way do so at their own peril, meaning that the City may at any time remove such landscaping when it becomes necessary for the public good. The City shall not bear any expense for replacing landscaping. (Ord. 88-8-33 (part), 1988: prior code §431)

12-08-035 BARROW PITS.

- A. All barrow pits within the City of Enterprise shall remain at the grade and design established by the City of Enterprise and shall at no time be altered, diverted, filled, or obstructed in any manner without the approval and inspection by the City street department. Any alteration, including the filling or surfacing, installation of culvert, valley gutter or like device is prohibited unless the property owner applies for the necessary permit at the City Offices, and submits the appropriate plans and designs for approval. Installation shall be to design specifications and shall be inspected by the City. Property owners who alter barrow pits do so at their own peril, meaning that the City may at any time remove such culverts, valley gutters, etc. when it becomes necessary for the public good. The City shall not bear any expense for replacing such devices.
- B. Violations of this section will be punished as a misdemeanor under the provisions of Section 12-08-010(C) of this chapter. (Ord. 12.08.11.94 §1, 1994)

12-08-040 SIGNS PERMITTED WHEN.

All signs must be put up under the supervision of and to the satisfaction of the supervisor of streets and/or building inspector. (Ord. 88-8-33 (part), 1988: prior code §434)

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12-08-050 CONDUCTING BUSINESS UNLAWFUL--EXCEPTION

It is unlawful for any person to engage in or carry on any business, profession, trade, vocation or avocation on any street or sidewalk or in or from any automobile, vehicle, stand or structure located in or upon the streets or sidewalks of the City of Enterprise, without a City of Enterprise business license. (Ord. 88-8-33 (part), 1988: prior code §436)

12-08-060 DEFECTS--TO BE REPORTED TO SUPERVISOR OF STREETS.

All defects in public streets of the City of Enterprise coming to the knowledge of any officer or person in the employ of the City, shall be by him at once communicated to the supervisor of streets, who shall cause adequate repairs to be made, and until such repair is completed, he shall do whatever shall be necessary to protect the public from injury by reason of the defect. (Ord. 88-8-33 (part), 1988: prior code §424)

12-08-070 EXCAVATIONS--PERMIT--APPLICATION--BOND.

No permit for any street excavation shall be issued until written application therefore has been made to the supervisor of streets, signed by the party making the excavation or by the party at whose instance it is to be made; not until the applicant has filed with the supervisor of streets a bond of indemnity to the City, in such amount as the City Council shall direct, with sureties to be approved by the City Council, conditioned that the person making the excavation, will erect and maintain about the excavation, and until the street is restored to its normal condition, sufficient guards, signals, barricades and lights, to prevent accident, and will, as soon as may be after the completion of the work, restore the street to the same condition in which it existed prior to the excavation, and will remove rocks, dirt and rubbish from the street and will save the City harmless from any and all claims, liabilities, demands or damages, for any and all injuries by persons or property arising in any manner out of or by reason of any such excavation. (Ord. 88-8-33 (part), 1988: prior code §425)

12-08-075 BOND—DEFINITION.

“Bond” “Bond of Indemnity” or “Performance Bond” shall mean:

- a. A cash deposit with the City in an interest bearing account,
- b. A letter of credit, in a form approved by the City Attorney, issued by an approved financial institution registered and licensed to do business in the State of Utah, or
- c. A performance/payment bond issued by a surety company, registered and authorized to transact business as a surety in the State of Utah and having an agent designated for service in the state. Said surety company shall possess least an “A” policy holder’s rating and at least a “V” financial rating as determined by the most current edition of the “Best’s Ratings” for Surety & Insurance Companies or a reasonable equivalent thereto.
- d. A cashier’s check or a bank issued check paid to the order of the City of Enterprise, to be held in trust without interest, when the duration of the project is not expected to exceed thirty (30) days and when the project cost estimate does not exceed twenty thousand dollars (\$20,000.00).

All bonds shall be in an amount no less than the cost of the improvements or repairs being performed plus twenty five percent (25%) as determined by:

- a. An estimate of costs prepared by an engineer registered and licensed to practice in the State of Utah, paid for by the requesting party and approved by the City’s Engineer, or

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- b. An estimate or contract for construction of said improvements or repairs prepared by a contractor licensed in the State of Utah containing a fixed contract price for a period of at least six (6) months, which is reviewed and approved by the City's Engineer or designated official of the City.

Except for item "d." above, the duration of said bonds shall be a period of two (2) years from the date of issuance with fifteen percent (15%) remaining in effect for an additional period of one year after the improvements or repairs are deemed completed by the City Engineer or a designated official of the City as a "warranty bond" against defective workmanship and materials. When option "d." above is exercised, the City may retain fifteen percent (15%) as a "warranty bond" for a period of one year after completion of the improvements or repairs at its sole discretion according to the nature and complexity of the project. The City may release parts of the bond posted, at its sole discretion, upon request from the party posting the bond, only after the portion requested for release is reviewed by the City Engineer or a designated official of the City and determined to be a reasonable reflection of the percentage of the cost of work already completed. In the event the party required to post the bond fails to install or complete the improvements or repairs necessitating the bond, the City may declare the bond to be in default and request that it be forfeited and paid to the City who in turn shall pay all liens relating to the improvements or repairs and may utilize the remainder of the bond proceeds to complete the improvements or repairs. (Ord. 2006-03, 2006)

12-08-080 EXCAVATIONS--BARRICADES AND LIGHTS REQUIRED.

It is unlawful for any person, by or for whom any excavation is made in a public street for any purpose, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, together with the dirt, gravel or other material thrown there from, and to maintain such barricade during the whole time for which such excavation continues; and it shall be unlawful for any person to fail to have lighted lanterns or some other proper and sufficient lights fixed to parts of such barricade, or in some other proper manner over or near the excavation, and over and near the dirt, gravel or other material taken there from, and so kept from the beginning of twilight through the whole of every night during all the time such excavation exists. It is unlawful for any person maliciously or wantonly, and without legal cause to extinguish, remove or diminish the lights or tear down or remove any rail, fence or barricade fixed in accordance with the provisions of this section. (Ord. 88-8-33 (part), 1988: prior code §426)

12-08-090 EXCAVATION--SPECIFICATIONS AND PROCEDURES.

- A. Permit required. Prior to the commencement of any excavation removal, replacement, change or modification of any street, sidewalk, curb, gutter or other public way in the City a permit shall be obtained from the City and said permit shall set forth the specifications upon which said public way shall be changed, modified or constructed.
- B. It is unlawful for any person to excavate, remove or replace, change or modify any existing street, sidewalk, curb, gutter or other public way without first making writ-ten application and obtaining from the City a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to make such modifications in accordance with the specifications furnished by the City.
- C. Issuance of permits. The City shall issue a permit to a person who complies with the following conditions: The person completes an application for an excavation permit in substantially.
- D. Excavation shall be done in accordance with Section 12-08-070 and Section 12-08-080 of the City code.
- E. Definitions.

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"Emergency" means an unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or property, or which causes interruption of utility services.

"Excavation" means any digging into or under the surface of any street, sidewalk or public way and includes any breaking or undermining of the surface of any street, sidewalk, curb, gutter or public way, any tunneling under such surface, or any other activity effecting the physical characteristics of any street in a manner adverse to the common use of such street.

"Lateral excavation" is any excavation which is not a longitudinal excavation.

"Longitudinal excavation" is any excavation in the form of a trench running at an angle of forty-five degrees or less or parallel, to the street, sidewalk, or public way in which it is made, and does not obstruct said street in such a way that vehicular traffic cannot pass upon it, if it is a street commonly used for vehicular traffic.

"Street" means and includes not only any street but also any road, sidewalk or way the title of which is held by the City.

- F. Emergency excavation. If an emergency exists and there is reason to believe that such emergency may be alleviated or mitigated by excavation into or under street, and if it is not practicable, under the circumstances, to obtain an excavation permit prior to such excavation, then such excavation may be done without first obtaining an excavation permit. However, an excavation permit for such excavation shall be obtained as soon after such excavation is begun as is practicable and the City public works director or other authorized representative of the City shall inspect such excavation before it is backfilled.
- G. Restoration.
1. Trench backfill. In all areas where black-top has been removed, fill material shall be a flow able backfill purchased from a concrete purveyor, or consisting of one half bag of Portland cement per yard of sand mixed to a flow able consistency. Trench shall be filled to within three inches of road surface. Remainder of trench shall be filled with hot mix asphalt or Q.P.R. patching material and compacted to match the running surface of road. This will apply to trenches deeper than thirty inches.
 2. Trench backfill. Material for backfill shall be of select nature. All broken pavement, concrete, peat, vegetable matter, and similar materials obtained from the excavation shall be removed from the site prior to the beginning of backfilling. No frozen material shall be used as backfill. Material shall be compacted in uniform layers not exceeding eight inches in loose depth to ninety-six percent of maximum density, and shall not contain stones greater than two inches. Clean sand, as classified by the unified soil classification system, may be compacted in twelve inch layers. Water jetting will not be allowed except with special permission from the public works director. The applicant shall perform at no cost to the City all tests required by the City to assure proper compaction. This will apply to trenches less than thirty inches in depth.
 3. Restoration of surfaces. All street surfacing, curbs, gutters, sidewalks, driveways or other hard surfaces which have been removed in the course of performance of work authorized under the excavation permit issued by the City shall be restored in kind by the excavator, unless otherwise indicated in writing on said permit. Permanent resurfacing shall be complete in not less than seventy-two hours from the date of commencement of the excavation except for periods:
 - a. When permanent paving material is not available;

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- b. When authorized in writing by the public works director or other authorized representative of the City of Enterprise;
 - c. When weather conditions prevent permanent replacement. If a temporary repair has been made on a paved street with gravel and permanent repair cannot be made within seventy-two hours due to any conditions mentioned above, then the excavator shall be required to replace the gravel with cold mulch which shall be replaced with a permanent surface as specified by this section.
4. Restoration of gravel surface.
- a. General. Trenches excavated in gravel surface areas such as gravel roads, gravel shoulders, and unpaved driveways, shall have the gravel restored as described below.
 - b. Materials. Gravel surface material shall meet the following gradation requirements:
 - Passing No., one-inch sieve, one hundred percent
 - Passing No., one-half-inch sieve, seventy to one hundred percent
 - Passing No., four-inch sieve, forty-one to sixty-eight percent
 - Passing No., sixteen-inch sieve, twenty-one to forty-one percent
 - Passing No., fifty-inch sieve, ten to twenty-seven percent
 - Passing No., two-hundred-inch sieve, four to thirteen percent
- H. Construction. On the surface, after the sub-base has been graded, compacted, and approved by the City the general surface shall be placed to provide a minimum compacted thickness of six inches, or the thickness of the gravel surface removed, whichever is thicker. Materials shall be at near optimum moisture, and spread in uniform layers across the entire width of the area and compacted to ninety-six percent of maximum density as determined by AASHTOT-99. The surface shall be maintained to provide for a smooth flow of traffic without holes, bumps, etc., until final acceptance of work.
- 1. Bituminous surface. Where trenches are excavated through bituminous surfaced roads, driveways, parking areas, etc., the surface shall be restored and maintained as follows:
 - a. A temporary gravel surface shall be placed and maintained as required in subsection (G) (2) of this section after the required backfill and compaction of the trench has been accomplished.
 - b. All saw cuts to the existing paving shall be clean, straight lines as nearly parallel to the centerline of the trench as practical.
 - 2. Concrete surfaces. All concrete curbs, gutters, sidewalks and driveways shall be removed and replaced to the next joint or scoring line beyond the actually damaged or broken sections; or in the event that joints or scoring lines do not exist or are three or more feet from the removed or damaged section, the damaged portions shall be removed and reconstructed to neat, plane faces. All new concrete shall match, as nearly as possible, the appearance of adjacent concrete improvements.
- I. Inspection.
- 1. All construction work involving the installation or replacement shall be subject to inspection by the City and/or its appointed agent.
 - 2. Requests for inspection. Requests for inspection shall be made to the City by the person responsible for the construction at least twenty-four hours prior to the commencing of the work or within forty-eight hours after completion of the work.

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- J. Guarantee of work. The contractor, subdividor or person responsible shall warrant and guarantee (and post bond) the improvements or repairs and every part thereof, will remain in good condition for a period of one year after the date of inspected completion and agrees to make all repairs to and maintain the improvement or repair and every part thereof in good condition during the time with no cost to the City. (Res. 12-08-090, 1995: Ord. 88-8-33 (part), 1988: prior code §428)

12-08-100 USING STREET FOR CONSTRUCTION OF ABUTTING STRUCTURE--PERMIT REQUIRED.

It is unlawful for any person to occupy for use any portion of a public street for the erection or repair of any building abutting thereon, without first making application to and receiving from the supervisor of streets a permit authorizing the same. Any such permit may be revoked by the supervisor of streets, at any time, when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the supervisor of streets, the public good requires such revocation. (Ord. 88-8-33 (part), 1988: prior code §427)

12-08-110 PUBLIC HIGHWAYS THROUGH CITY.

Where public highways extend through the City of Enterprise they shall conform to the direction and grade and are subject to all regulations of other streets within this City. (Ord. 88-8-33 (part), 1988: prior code §439)

12-08-120 DRIVEWAYS ACROSS SIDEWALKS--CONSTRUCTION-PERMIT.

It is unlawful for any person to construct any driveway across sidewalk space; or to cut or change the construction of sidewalk, curb or gutter for the purpose of making a driveway, without first making written application and obtaining a permit so to do as required by ordinance. The acceptance of such permit shall be deemed an agreement on the part of such person to construct the driveway in accordance with specifications furnished by the City engineer. (Ord. 88-8-33 (part), 1988: prior code §444)

12-08-130 DITCH OR GUTTER--OBSTRUCTION UNLAWFUL.

It is unlawful for any person to make or place any obstruction of any kind or nature in or upon or over any irrigation ditch or any canal or any wastewater ditch or in or upon any gutter situated in or upon any street or sidewalk within the City limits of the City of Enterprise. No bridge or flume or conduit of any kind shall be placed or installed, in or upon any ditch, canal, or gutter within the City of Enterprise, Utah, without the permission from the supervisor of streets. Any obstruction or installation made in violation of the provisions of this section may be immediately removed by the supervisor of streets, and any person who violated the provisions of this section shall be subject to the general penalty hereafter and in this chapter provided for. (Ord. 88-8-33 (part), 1988: prior code §438)

12-08-140 SIDEWALKS--FAILURE TO MAINTAIN--REPAIR TO BE DONE BY SUPERVISOR OF STREETS

Wherever any person fails or neglects to keep the sidewalk adjoining a City lot or land owned by the person in good repair and free from obstructions, the same shall be repaired by the supervisor at the expense of such person. (Ord. 88-8-33 (part), 1988: prior code §430)

12-08-150 SIDEWALKS--CONSTRUCTION.

It is unlawful for any person, either as owner, agent, servant, contractor or employee, to construct any permanent sidewalk in the City of Enterprise, unless such sidewalk is constructed to lines and grades as given

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and established by the City engineer, unless special permission to deviate from such lines and grades is first obtained from the City Council. (Ord. 88-8-33 (part), 1988: prior code §441)

12-08-160 SIDEWALKS--CONSTRUCTION--PERMIT--SPECIFICATIONS.

It is unlawful for any person, either as owner, agent, servant, contractor, or employee to construct any permanent sidewalk in the City of Enterprise, without having first obtained a permit to do so, as required by ordinance. The acceptance of such permit shall be deemed an agreement upon the part of such person to construct the sidewalk in accordance with the specifications and grades furnished by the City engineer as to the character and quality of the work; and if the sidewalk is constructed of cement, the character and quality of the cement, the constituent parts of the mixture, and the thickness of the walk. When the walk is extended from the main sidewalk to the back of the curb already constructed, there shall be placed between the back of the curb and walk, an expansion joint designated by the City engineer. It is unlawful to construct any such sidewalk in violation of the specifications given by the City engineer. (Ord. 88-8-33 (part), 1988: prior code §442)

12-08-170 SIDEWALKS--CONSTRUCTION--INSPECTION.

Where property owners construct sidewalks, driveways and curb and gutters at their own expense, in compliance with the provisions of this chapter and the building inspector, the cost of indicating grades and lines and inspection shall be paid for by the property owner before issuance of the permit required. (Ord. 88-8-33 (part), 1988: prior code §443)

12-08-180 SIDEWALKS--WEEDS--FAILURE TO REMOVE AFTER NOTICE UNLAWFUL.

It is unlawful for the owner, occupant, or agent of any real property to neglect to cut and remove the weeds on the sidewalk in front of his premises after three days' notice from the street supervisor so to do. (Ord. 88-8-33 (part), 1988: prior code §432)

12-08-190 CANVAS AWNINGS--HEIGHT--PROJECTION OVER SIDEWALK.

It is unlawful for any person to construct or maintain any awning on or over any of the sidewalks within the limits of this City except as hereinafter provided. All canvas awnings shall be affixed to and suspended from the buildings, and where the sidewalks are not less than twenty feet wide, such awnings shall not project over the sidewalk to exceed ten feet; and no part of the awnings shall be less than seven feet above the grade of the sidewalk. Where the sidewalks are less than twenty feet in width, the awnings shall not project from the buildings to which they are suspended more than seven feet and no part thereof shall be less than seven feet above the grade of the sidewalk. (Ord. 88-8-33 (part), 1988: prior code §435)

12-08-200 CELLAR DOORS--FAILURE TO MAINTAIN--SUPERVISOR OF STREETS MAY REPAIR.

It is unlawful for the owner or occupant of any building having a cellar opening upon any street or sidewalk to fail to keep the door or other covering thereof in good repair and safe for the passage of the customary traffic on the street or sidewalk; and if the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering for twenty-four hours after notice from the supervisor of streets so to do, the supervisor shall forthwith cause such repairs to be made at the expense of the owner or occupant. (Ord. 88-8-33 (part), 1988: prior code §440)

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12-08-210 VIOLATION--PENALTY.

Any person who violates any of the provisions of this chapter shall be guilty of an offense and upon conviction shall be punished by a fine in any sum less than one thousand dollars or by imprisonment in the City jail not exceeding six months, or by both such fine and imprisonment; provided, that each day an obstruction or excavation is permitted to remain in violation of the provisions of this chapter shall be deemed a separate offense. (Ord. 88-8-33 (part), 1988: prior code §445)

Chapter 12-12
TREES

Sections:

- 12-12-010 Sidewalks--Shade trees--Responsibility for maintenance.
- 12-12-020 Failure to trim trees--Procedure for abatement.
- 12-12-030 Failure to trim trees--Costs for trimming.

12-12-010 SIDEWALKS--SHADE TREES--RESPONSIBILITY FOR MAINTENANCE.

When required by the City Council, the supervisor of streets, aided by the engineer, if needed, shall, where the same has not already been defined, cause a measurement to be made defining the outside limits of the sidewalks on any street of the City, (based on current right-of-way width), and establish the line of shade trees thereon, which shall in no case be closer than six (6) feet from the public sidewalk. Every person owning a City lot or land adjoining any such sidewalk is required to keep their tree branches from obstructing normal passage along the public sidewalk, and to keep the sidewalk in good repair and in the manner prescribed by, and to the acceptance of, the supervisor of streets. (Ord. 88-8-33 (part), 1988: prior code §429)

12-12-020 FAILURE TO TRIM TREES--PROCEDURE FOR ABATEMENT.

Whenever any person fails or neglects to properly trim any tree or trees that grow upon any lot or land owned by the person within the City of Enterprise, and such tree or tree branches extend outside of the property lines of such person so as to interfere with the legitimate use of any signal, telephone or power line, and owners of the signal, telephone or power line shall have the right, under the supervision of the supervisor of streets, to properly trim the tree or trees so that the tree or trees shall not interfere with the legitimate use of the signal, telephone or power lines, thereby eliminating danger to life and property. Additionally, when any such tree or trees obstructs normal passage along a public sidewalk and the owner fails to properly maintain such tree or trees after being notified of noncompliance, the City may exercise the option of trimming the tree or trees with the expense being borne by the owner. (Ord. 88-8-33 (part), 1988: prior code §446)

12-12-030 FAILURE TO TRIM TREES--COSTS FOR TRIMMING.

The expense attached to the trimming of such trees interfering with signal, telephone, or power lines shall be borne by the signal, telephone or power line company whose line the trees interfered with. (Ord. 88-8-33 (part), 1988: prior code §447)

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Chapter 12-16
CEMETERY

Sections:

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- 12-16-340 Burial of indigents.

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12-16-350 Telephone orders--Responsibility for errors.
12-16-360 Violations.

12-16-010 LOCATION.

The Enterprise City Cemetery boundaries are as follows:

Beginning at the southeast corner of the southeast quarter of the southwest quarter of Section 12, Township 37 North, Range 17 West, Salt Lake Base and Meridian, and running thence west thirty-eight (38) rods; thence north forty (40) rods; thence east thirty-eight (38) rods; thence south forty (40) rods to the point of beginning. (Ord. 8-200 §8-201, 1986)

12-16-020 NAME.

The burial ground of the municipality shall be known and designated by the name of The Enterprise City Cemetery. (Ord. 8-200 §8-202, 1986)

12-16-030 APPLICABILITY.

All cemeteries owned and/or maintained by the municipality or which may hereafter be acquired by the municipality wherever situated are declared subject to the provisions of this chapter. (Ord. 8-200 §8-203, 1986)

12-16-040 DECORUM--REQUIRED.

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. (Ord. 8-200 §8-233, 1986)

12-16-050 INJURY OF 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. (Ord. 8-200 §8-234, 1986)

12-16-060 LANDSCAPING BY PRIVATE PERSONS--PROHIBITED--EXCEPTION.

Except as provided by the rules and regulations of the governing body, is 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. (Ord. 8-200 §8-235, 1986)

12-16-070 MARKERS--RESTRICTIONS.

It is 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. (Ord. 8-200 §8-236, 1986)

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12-16-080 CHILDREN NOT ALLOWED--EXCEPTION.

Children under the age of ten 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. (Ord. 8-200 §8-231, 1986)

12-16-090 ANIMALS--PROHIBITED--EXCEPTION.

With exception of service animals and animals kept within the confines of a vehicle where they are to remain at all times while the vehicle is in the cemetery, no animal shall be allowed at any time in the cemetery. (Ord. 2012-01)

12-16-100 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 modified by this chapter.
- B. It is unlawful for any person to ride or drive within the municipal cemetery at a speed greater than five miles per hour. (Ord. 8-200 §8-230, 1986)

12-16-110 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 chapter after they have been adopted as official by the 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. (Ord. 8-200 §8-237, 1986)

12-16-120 RESTRICTING PORTIONS OF CEMETERY TO MEMBERS OF 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. (Ord. 8-200 §8-226, 1986)

12-16-130 BURIAL--PERMIT.

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 such registrar, a permit duly issued by the State Division of Health or other authorized person shall be required by 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. (Ord. 8-200§8-221, 1986)

12-16-140 CERTIFICATE OF BURIAL RIGHT.

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It is 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. (Ord. 8-200 §8-222, 1986)

12-16-150 BURIALS--REGISTRATION.

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. (Ord. 8-200 §8-223, 1986)

12-16-160 VAULTS.

- A. Unless in writing waived by the cemetery superintendent, it is unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete or steel, except in the case of an infant who may be buried in an approved combination casket vault. (Ord. 2002-05, 2003)

12-16-170 CARE OF LOTS AND GRAVES.

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. (Ord. 8-200 §8-228, 1986)

12-16-180 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. (Ord. 8-200 §8-227, 1986)

12-16-190 SALE OF LOTS--SPECIFICATIONS.

- A. The Recorder/clerk, and such other person as the governing body may designate, are 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 shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. 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. (Ord. 8-200 §8-251, 1986)

12-16-200 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. (Ord. 8-200 §8-243, 1986)

12-16-210 FEES AND CHARGES.

- A. The City Council shall approve by resolution any fee schedule(s) used by the City.

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- B. The amount of cemetery fees imposed by the provisions of this Chapter shall be deemed a debt to the City in any court of competent jurisdiction for the amount of any delinquent fees, penalties, attorney fees, and other reasonable costs in collecting the debt.
- C. All remedies prescribed under this Chapter shall be cumulative.
- D. Willful failure to comply with any provisions of this Section and/or related resolutions is a Class B misdemeanor and is punishable as such to the full extent allowed by law. (Ord. 99-05, 1999: Ord. 9-200 §8-240, 1986)

12-16-220 FEES--COLLECTION--DETERMINATION.

The Recorder/clerk and such other persons as the governing body may designate are authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include, but are not 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 amounts as are determined by the governing body from time to time by resolution. (Ord. 8-200 §8-241, 1986)

12-16-230 FEE 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.
- 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 a 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. (Ord. 8-200§8-242, 1986)

12-16-240 RESALE--RESTRICTIONS.

- A. From and after July 1, 1978, the lots sold by this municipality shall not be further sold, transferred, conveyed, or assigned to any person except the municipality or the original owner's heirs or descendants. The municipality agrees to buy back any municipal cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser plus eight percent (8%) interest compounded annually from the date of purchase to the date of repurchase, or the current price of a cemetery lot, as established by resolution, whichever is less.
- B. Whenever a certificate to burial rights or lots reverts to the municipality, as provided for in this section, 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 the payment.
- D. The burial rights for any lot or lots purchased prior to July 1, 1978, when conveyed to any other party than the municipality or the original owner's heirs or descendants, shall be transferrable upon

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relinquishment of the original deed or certificate of burial rights to the municipality and subsequent reissue of a new certificate of burial rights. The recorder/clerk shall collect a fee, established by resolution, for the cost of reissuing a certificate of burial rights. (Ord. 2004-04, 2004)

12-16-250 CONTRACTING FOR PERPETUAL CARE.

- 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 be 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 twenty percent of the total purchase price of the cost of the lot, and shall further provide for the payment of monthly installments over a period not to exceed twenty 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 municipality, and shall also pay interest at the rate of eight percent per year 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 municipality and the title thereof shall revert 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 or 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, the person shall pay a fee equal to ten dollars per year for such 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 subpart relating to perpetual care and maintenance and to payment of fees and costs pertaining thereto shall take effect and apply. (Ord. 8-200 §8-261, 1986)

12-16-260 ESSENTIAL PERPETUAL 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, re-sodding, 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 recklessly and intentionally caused by the municipality, and shall not include repair or replacement for markers or memorial structures damaged during routine maintenance and perpetual care. (Ord. 2012-01)

12-16-270 PERPETUAL CARE FUND--CREATED.

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- A. There 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 provided in this chapter.
- 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 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 created in this chapter and shall be so handled until changed by resolution to provide for the use of such accumulated interest. (Ord. 8-200 §8-271, 1986)

12-16-280 PERPETUAL CARE FUND--TREASURER--DUTIES.

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 one thousand dollars or more. The mayor shall advise the governing body of the availability of such funds. (Ord. 8-200 §8-272, 1986)

12-16-290 PERPETUAL CARE FUND--GOVERNING BODY--DUTIES.

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. (Ord. 8-200 §8-273, 1986)

12-6-300 PERPETUAL CARE FUND--USE OF 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 in this chapter. (Ord. 8-200 §8-274, 1986)

12-6-310 LOTS WITHOUT PERPETUAL CARE--MAINTENANCE CHARGES.

- 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 12-06-70, 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 bases of which the governing body may cause the burial rights therein to be forfeited and the rights to revert to the municipality. (Ord. 8-200 §8-281, 1986)

12-16-320 NONPAYING LOTS--COLLECTION OF COSTS--REVERSION.

- A. When any owner of any lot or portion of a lot in the cemetery fails to pay the cost of services rendered by the municipality or its employees in watering, beautifying, maintaining or caring for any lots or

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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 section. (Ord. 8-200 §8-282, 1986)

12-16-330 REVERSION OF LOTS--HEARING.

- A. The municipality may terminate the owner's right to use of unoccupied lot or lots in the municipal cemetery when there has been a six-month failure to pay the costs of maintenance provided by the municipality in the following manner:
1. The governing body shall fix a time and place of hearing before the governing body at which the owner shall be given the opportunity to present good cause as to why his right to future use of the lot or lots involved shall not be terminated and as to why the ownership of the lot or portions of lots shall not revert back to the municipality for resale by it.
 2. A notice of the time, place and purpose of the hearing to forfeit the owner's interest in the lot or parts of the lot shall be given by personal delivery of a written notice of the time, place and purpose of the meeting of the governing body by mailing a copy of the notice to the last-known address of the owner or owners.
 3. In the absence of an ability to make personal delivery of the written notice to the owner or owners, a notice of the hearing to forfeit rights to said lot or portions of lot shall be published at least once in a newspaper having general circulation in the county. The publication shall be made at least three weeks prior to the date of the hearing.
 4. If the owner is known to be deceased, then mailing of notice or delivery of notice shall be made to the last-known addresses of any known heirs.
 5. Copies of the notice shall also be posted in a conspicuous place in the offices of the municipality.
 6. At the time and place set for the hearing before the governing body, the governing body shall give the owner or owners an opportunity to be heard, a right to present witnesses and to submit evidence showing cause as to why the lot, or portions of the lot, shall not be forfeited to the municipality.
- B. After due consideration of all the facts presented at such hearing, the governing body may order, if it finds that there has been a failure to make payment of such costs or if no satisfactory arrangement has been proffered for making the immediate payment of such costs, that the lot or portions of lot shall revert to the municipality for resale and that all of the rights and privileges of the owner in the lot or lots are terminated.
- C. Thereafter, the municipality may make sale of the lots in the same manner as it makes sales of all other lots within the cemetery. (Ord. 8-200 §8-283, 1986)

12-16-340 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

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cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor may grant burial space for 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 in this chapter. (Ord. 8-200 §8-291, 1986)

12-16-350 TELEPHONE ORDERS--RESPONSIBILITY FOR ERRORS.

Under no circumstances will the municipality assume responsibilities for errors in opening graves when orders are given by telephone. (Ord. 8-200 §8-229, 1986)

12-16-360 VIOLATIONS.

- 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 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 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. (Ord. 8-200 §8-224, 1986)