

ORDINANCE 2011-14

AN ORDINANCE AMENDING CHAPTER 18, MISCELLANEOUS PROVISIONS, OF TITLE 6, PUBLIC SAFETY, OF THE TOOELE COUNTY CODE, ENACTING SECTION 6-18-7, INDIGENT DEAD, WHICH PROVIDES FOR THE CREMATION OF DECEASED INDIGENT PERSONS' REMAINS, AND RENUMBERING THE REMAINING SECTIONS OF THE CHAPTER

WHEREAS, the state has recognized that the proper disposition of human remains is a proper county function as set forth in Utah Code Ann. § 17-53-221; and

WHEREAS, the prompt and proper disposition of human remains implicates issues of public health, the investigation and prosecution of homicides, the decreasing availability of burial plots, and society's general acceptance of cremation as a proper and dignified disposition of human remains; and

WHEREAS, Tooele County finds it necessary to adopt this ordinance establishing provisions for indigent dead to promote the public health, safety, and general welfare of County residents.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - SECTION RENUMBERED. Section 6-18-7, *Use of firearms for target shooting on "Big Pole Fire" property prohibited*, of the Tooele County Code is renumbered as Section 6-18-8.

SECTION II - SECTION RENUMBERED. Section 6-18-8, *Use of motorized vehicles on "Big Pole Fire" property prohibited*, of the Tooele County Code is renumbered as Section 6-18-9.

SECTION III - SECTION ENACTED. Section 6-18-7, *Indigent Dead*, of the Tooele County Code is hereby enacted to read as follows:

6-18-7. Indigent dead.

(1) Tooele County may contract with one or more funeral homes for the disposition of the remains of deceased indigent persons.

(2) The remains of indigent persons who die within the county shall be cremated; provided, however, that the remains of indigent homicide victims may, at the county's discretion, be buried in a plot designated by the county. The county's obligation for the cremation of any deceased indigent person's remains shall not include the costs associated with any service or memorial; the costs of interment of the cremains in any burial plot, grave, tomb, or mausoleum; or the costs of transportation of such cremains for such final disposition.

(3) The friends and family of a deceased indigent person shall have the right to attend and witness cremation services held under this section. If any surviving family member of a deceased indigent person so desires, cremated remains shall be deposited in an urn or other suitable container and custody thereof given to that family member. If a deceased indigent person has no known surviving family, or if family members decline custody of cremated remains, such remains shall be disposed of at the discretion of the mortuary responsible for cremation and such disposal shall be performed with all due respect for the dead.

(4) In the event that a deceased indigent person's surviving spouse, sibling, parent, or direct descendant objects to disposition by cremation, the county may provide a payment equal to the cost of cremation toward the burial or other disposition of that deceased indigent person; provided, however, that the county shall have no further responsibility for supplying any casket or crypt, providing a burial plot, paying for any funeral or burial services, or for transporting that deceased indigent person's remains, and the statutory requirements of Utah Code Ann. § 17-53-221 shall be deemed fully satisfied.


SECTION IV - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION V - EFFECTIVE DATE. This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

Ord. 2011-14

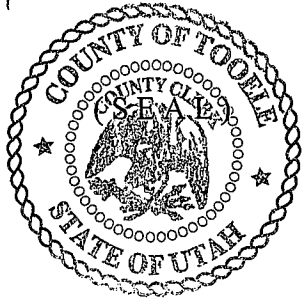
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 4th day of October 2011.

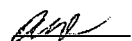
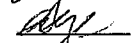
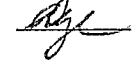
ATTEST:


Marilyn K. Gillette, Clerk

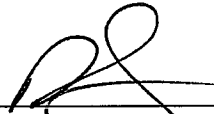
TOOELE COUNTY COMMISSION:


Colleen S. Johnson, Chairman



Commissioner Johnson voted 
Commissioner Clegg voted 
Commissioner Hurst voted 

APPROVED AS TO FORM:


Doug Hogan
Tooele County Attorney