

## CHAPTER 110

### CEMETERY

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**110.01 DEFINITION.** The term "cemetery" means the Graceland Cemetery, which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 of the Code of Iowa.

**110.02 CEMETERY SUPERINTENDENT APPOINTED.** The City Manager shall appoint a cemetery superintendent who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council and City Manager.

*(Code of Iowa, Sec. 3 72.13[4])*

**110.03 DUTIES OF SUPERINTENDENT.** The duties of the cemetery superintendent are as follows:

*(Code of Iowa, Sec. 3 72.13[4])*

1. Supervise openings. Supervise the opening of all graves and be present at every interment in the cemetery;
2. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the City Manager.

**110.04 RECORDS.** It is the duty of the City Manager to make, and for the Clerk to keep a permanent record of all interments made in the cemetery, which record shall at all times be open to public inspection. The record shall, among other things, include:

1. Plat. An accurate plat of the cemetery;
2. Lot Owners. The names of the owners of all lots that have been sold;

3. Lot Descriptions. The correct description of all lots for sale and the price thereof, as shall be fixed by the City Council;
4. Grave Locations. The exact location of each grave upon each cemetery lot.

**110.05 SALE OF LOTS.** The sale of lots in the cemetery shall be evidenced by a deed signed and executed by the Mayor and the Clerk for and on behalf of the City, and it is the duty of the Clerk to collect the purchase price for any lot sold before delivering the deed of conveyance for the same. A portion of the sale price as specified by the rules and regulations established by the Council shall be set aside and deposited in the perpetual care endowment fund of the cemetery.

*(Code of Iowa, Sec. 566.14)*

**110.06 FEES, CHARGES AND PAYMENTS.** The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as set out in the rules and regulations then in effect as adopted by the Council. Purchase of grave spaces and perpetual care shall be paid upon applying for the purchase. Interments and disinterments shall be paid prior to the work being started.

*(Ord. 93-1428)*

**110.07 PERPETUAL CARE.** The term "perpetual care" shall be construed to mean the obligation which the City assumes each year to expend the net annual income of the perpetual care endowment fund set aside for the lot in furnishing such care as mowing grass, raking and cleaning the lot and adjacent alleys, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general. Expenditures shall be made at the discretion and under the direction of the Council and the City shall not be bound to make any separate investment of the sum of money set aside as perpetual care, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner heretofore provided.

*(Code of Iowa, Sec. 566.14)*

**110.08 PERPETUAL CARE ON LOT SALES.** Future lot sales in the cemetery shall be made with the perpetual care provided for, at the rates specified in the rules and regulations as adopted by the Council, under and by virtue of the terms of this chapter.

*(Code of Iowa, Sec. 566.16)*

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**110.09 CEMETERY LOTS WITHOUT PERPETUAL CARE.** Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the City of the perpetual care charges at the rates specified in the rules and regulations.

**110.10 ANNUAL CARE.** An annual care charge as specified in the rules and regulations shall be made by the City on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The City reserves the right to refuse to furnish maintenance service, or to permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.

**110.11 RULES AND REGULATIONS.** The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the Council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of lots or payments for perpetual care as deemed necessary.

**110.12 TRESPASSING OR VANDALISM IN CEMETERY.** Any person who shall trespass upon any cemetery under the jurisdiction of the City by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to the cemetery shall be guilty of a misdemeanor and liable for any and all damage.

*(Code of Iowa, Sec. 716. 1)*

**110.13 MONUMENT FEES.** Permits are required for the installation of monuments. The permits will be issued at the Clerk's Office. No installations will be allowed without proof of receiving a permit. The fees and charges shall be established by resolutions of the Council. *(Ord. 93-1428)*

**110.14 VETERAN GRAVE SPACES.** Shall be provided for individual veterans upon receiving payments from the County Commission of Veterans Affairs at rates charged for like care and maintenance of other lots of similar size in the same cemetery, as provided in Iowa Code Sections 35B.13, 35B.14, 35B.15, 35B.17, and 35B.18. *(Ord. 93-1428)*

**110.15 CITY LOTS (Potters Field).** Shall be provided for needy individuals upon certification from the County Human Services Department that said individual has no resources to pay for the lot and perpetual care. Interment fee shall be required in advance of the burial. No monument work on the grave shall be allowed until the full price of the grave space and perpetual care is paid in advance. *(Ord. 93-1428)*

**110.16 CREMATION LOTS.** Shall be provided for cremains only, with each individual space being 5' by 5' and shall only be allowed to contain two separate cremains. The fees and charges shall be established by resolution of the Council. *(Ord. 99-1526-A -Apr. 99 Supp.)*