

CHAPTER 115

CEMETERY

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115.01 DEFINITION. The term “cemetery” means the Elmwood Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

(Code of Iowa, Sec. 523I.501)

115.02 TRUSTEESHIP. Pursuant to Section 523I.502 of the *Code of Iowa*, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

115.03 CEMETERY SUPERINTENDENT. The Public Works Director shall serve as the Cemetery Superintendent and shall have charge of the cemetery except as provided otherwise herein. It shall be the duty of the Superintendent to maintain the cemetery grounds in general, to open graves, to attend every interment and to see that the rules, regulations and strict proprieties of the place are observed; to aid in the collection of annual care fees, and all other charges that may become due to the City, and to aid in the sale of lots and to devote adequate time to the management, control and maintenance of the cemetery grounds and affairs.

115.04 RECORDS. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

1. Sales or Transfers of Interment Rights.
 - A. The name and last known address of each owner or previous owner of interment rights.
 - B. The date of each purchase or transfer of interment rights.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - A. The date the remains are interred.
 - B. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

115.05 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. 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 established by the Council.

(Code of Iowa, Sec. 523I.310)

115.06 INTERMENTS. All interments shall be regulated according to the following:

1. All interments must be restricted to members of the owner's family unless the owner or the owner's legal representative, without charge or remuneration, consents in writing that others be interred there.
2. All lots that have been sold shall be held for interment of human remains only and not held for other purposes.
3. All interments including the interments of cremains must be in a vault of concrete, stone or non-corrosive metal of good quality. The use of wooden boxes is prohibited.
4. Cremains may be interred without a vault provided sufficient measures are taken to assure no movement of the cremains to ground water sources and to assure no subsidence of the ground covering the remains.
5. There shall be a maximum of one coffin or two cremains interred in each space with the exception that in Lots 13 and 14 of Block 18 (Baby-Land), wherein half spaces are sold, there may be one infant-sized vault or one cremains interred per half space.

115.07 PLANTINGS. No tree, shrub or plant of any kind, except grass, shall be planted on any cemetery lot, except by permission of the City Council.

115.08 PERPETUAL CARE. The Council, by resolution, shall accept, receive, and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery, to be used in caring for or maintaining the individual property of the donor in the cemetery or interment spaces that have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest or the terms of the sale or purchase of an interment space and Chapter 523I of the *Code of Iowa*.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

115.09 BABY-LAND. Lots 13 and 14 in Block 18 are restricted to the burial of infants under one (1) year of age. Half spaces will be sold in this area for seventy-five dollars (\$75.00) per half space, thirty-seven and one-half dollars (\$37.50) of which is to be deposited in the perpetual care fund, and the balance to the cemetery fund.

115.10 PRICE OF SPACES AND LOTS. The sale price of lots or spaces is as follows:
 \$350.00 per space or \$1,500.00 per lot (5 spaces).

115.11 COST OF GRAVE OPENINGS.

Full Burial:

	April 1 – October 30		November 1 – March 31
Weekdays 8 am – 3 pm	\$450	8 am – 1 pm	\$500
Weekdays after 3 pm and Saturdays	\$550	After 1 pm and Saturdays	\$600
Sundays and holidays	\$650		\$700
For caskets over 24"	Add \$150		Add \$200

Cremations:

	April 1 – October 30		November 1 – March 31
Weekdays 8 am – 3 pm	\$175	8 am – 1 pm	\$250
Weekdays after 3 pm and Saturdays	\$225	After 1 pm and Saturdays	\$300
Sundays and holidays	\$275		\$350
If remains container is larger than 12"	Add \$25		Add \$50
If remains are not put in separate space (put in space where there is already a casket)	Add \$50		Add \$75

115.12 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery’s obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

(Code of Iowa, Sec. 523I.304)

115.13 REMOVAL OF DECORATIONS. Any potted or cut flowers not in permanent containers will be removed two weeks after Memorial Day. Any items in urns permanently attached to the headstones will be removed after Labor Day. Any items put on graves during the winter will be removed the first day of spring.

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