

## CHAPTER 115

CEMETERY

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115.01 DEFINITION. The term "cemetery" means the Sunny Hill Cemetery, which is a municipal cemetery under the provisions of Sections 566.14 to 566.18 to the Code of Iowa.

115.02 RECORDS. It is the duty of the Clerk to make and 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.

115.03 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. 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 in effect as adopted by the Council.

115.04 PERPETUAL CARE. 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. The Council, by resolutions, shall also receive and expend all moneys and property donated or bequeathed for perpetual care. The assets of the perpetual care fund shall be invested as permitted by State law. The City shall use the income from such investments in caring for the property of the donor or lot owner or as provided in the terms of such gift or donation, or as agreed in the instrument for sale and purchase of a cemetery lot.

(Code of Iowa, Sec. 566.14, 566.15 and 566.16)

115.05 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.

115.06 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 permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lots has not been paid in advance.

115.07 TRESPASSING OR VANDALISM IN CEMETERY. Any person who trespasses 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 is guilty of a misdemeanor and liable for any and all damage.

(Code of Iowa, Sec. 716.1)

115.08 MONUMENTS AND MARKERS GENERALLY.

1. Only one central or family memorial shall be allowed where two or more burial spaces are owner by a family and shall be set in line with other memorials located in the same section of the cemetery.
2. No lot owner shall erect or place or cause to be erected or placed on any lot in the cemetery any memorial or marker disapproved by the representative of the Council.
3. The size of the memorial is to be governed according to the ratio of the area of the face of the memorial to the size of the lot. The length of the base shall not exceed sixty percent (60%) of the width of the lot.
4. Markers may be placed at the end of the grave, farthest from the base of the monument in the lots or burial spaces.
5. All markers on the same family spaces shall be uniform.
6. Corner posts shall be of the same material as the monument or marker and shall be placed flush with the grave. Initials shall be cut in, not raised. Corner posts shall be at least six inches (6") in length and not

more than six inches (6") square on the face, and dressed where they abut on adjacent lots and set in cement.

7. No coping, curbing, fencing, hedging, grave mounds, borders or enclosure of any kind shall be allowed around any lot or family burial spaces. No walks of brick, chert, cinders, tile, stone, marble, terra cotta, sand, cement, gravelly or wood shall be allowed on any lot.

8. The monument or marker shall be erected per specifications on file with the Clerk's office.

9. Ground level (flush) memorials and markers are allowed, but at the owner's risk as to maintenance and damage. The same shall be erected per specifications on file in the Clerk's office.

115.09 USE OF VAULT. All caskets must be enclosed in a vault before actual burial.

115.10 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 payment for perpetual care as deemed necessary.

115.11 INTERMENT OF CREMAINS. Not more than one body shall be interred in one grave, vault, crypt, or niche, except in the case of the coincident deaths of a mother and infant, or of twin born children. Ash residue from the cremation of a body may be interred in a burial space platted to permit the burial of an adult or adult-sized person; however, one adult burial space may be used for no more than the ashes of four persons, or for one body and the ashes of one person. All statutes, ordinances, rules and regulations pertaining to the recording of the deceased persons' names in the cemetery records and the use of acceptable memorials shall apply.