

CHAPTER 117

CEMETERIES

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117.01 DEFINITION. The terms “cemetery” and “Jefferson Cemetery” mean and include the cemetery located on East Lincolnway (the “east cemetery”) and the cemetery located at North Walnut Street (formerly owned by St. Joseph Catholic Church) (the “north cemetery”), which together constitute 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)

117.02 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)

117.03 APPLICABILITY. The rules and regulations set out in this chapter with reference to the maintenance and operation of the Jefferson Cemetery shall be considered as a part of any contract for use of any part of the cemetery, including instruments of conveyance issued by the City, and the taking and acceptance of any deed of conveyance by any person shall be considered to express such person’s assent to be bound by the rules and regulations promulgated by the City with reference to the care, maintenance, operation and upkeep of the Jefferson Cemetery.

117.04 MANAGEMENT. The general management of the Jefferson Cemetery shall be lodged in the Council, and may be delegated to a superintendent as a member of and constituting one of the departments of the City government, or delegated to a private contractor. The cemetery department may be joined with or consolidated with any other public department as the Council may prescribe. The

Council may employ a sexton and additional helpers as necessary for upkeep and maintenance of the cemetery or the Council may contract privately for the cemetery services.

117.05 INTERMENT RESTRICTIONS. The interment of all bodies in the Jefferson Cemetery shall be under the following conditions:

1. All bodies shall be so interred as to lie wholly within the bounds of any lot, the title to which has been by proper conveyance transferred with right of burial of the body thus to be interred, and in no event shall the body or any part of the casket or vault extend beyond the bounds of the lot, or into any alleys or streets of the cemetery.

2. All bodies shall be buried in graves to be excavated by the regular sexton employed by the superintendent of the cemetery, or such other authorized person as the superintendent may direct, and no person shall excavate for any burial except the duly authorized or employed sexton or agent of the superintendent.

3. All bodies shall be interred by excavation in the earth except that mausoleums or vaults may be constructed in the east cemetery provided they are constructed on the lots along the west edge of the platted portion of the east cemetery and the row of lots along the east edge of the east cemetery, and further provided that Lots 71X and 72X of the east cemetery are restricted to and used only for burial in mausoleums. No other lots within the cemetery shall be used for the construction of vaults or other types of burial save by interment in the earth.

4. Any monuments or memorials installed or placed within the cemetery shall be placed on foundations meeting specifications and conforming to the rules and regulations for the care and upkeep of the cemetery as promulgated by the Council. The cost of foundations shall be paid by the person installing the monument or memorial. No cornerstone shall be installed unless permission of the Council has first been obtained by resolution, and foot stones shall be permitted only on the east end of a burial space, provided they are level with the surface of the ground.

5. Within that part of the east cemetery described as follows:

In Block 10: lots 6 through 9, 18 through 21, 32 through 35, 44 through 47, 58 through 61, 70 through 73, 83 through 86, 96X through 100X, 7X, 19X, 33X, 45X, 59X, 71X and 84X;

In Block 11: lots 5 through 8, 17 through 20, lots 6X and 18X, 31 through 34, 43 through 46; 57 through 60, 69 through 72, 82X through 86X, 97X through 101X, 32X, 44X, 58X and 70X;

In Block 14: lots 1 through 4, 21 through 24, 27 through 30, 47 through 50, 53 through 56, 61 through 68, 73 through 76, 80X through 84X, 90X through 94X, 2X, 23X, 28X, 48X, 54X, 74X, 64X, 65X, 62Z, 66Z, 91Z, lots 5 through 8, 17 through 20, 31 through 34, 43 through 46, 57 through 60, 69 through 72, 85X through 89X, 6X, 18X, 32X, 44X, 58X and 70X;

In Block 15: all of said block except lots 1, 26, 27, 52, 53, 78, IX, 26X, 27X, 52X, 53X, 78X, 1Z, 26Z, 27Z, 52Z, 53Z and 78Z,

no monuments or memorials extending above the surface of the ground shall be erected or installed. Within the above-described area, markers may be placed at the head of the graves where bodies are interred, which markers shall be uniform in size and type of construction. Markers may be constructed, the tops of which are level with the surface of the ground, and under such further regulations and restrictions as may be contained in the rules and regulations as promulgated with reference to the cemetery.

6. Bodies may be interred only in caskets which must be placed in a concrete or steel grave liner or burial vault.

117.06 SALE OF INTERMENT RIGHTS.

1. 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.

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

2. The sale of any lot or fraction thereof shall be for the value thereof as fixed by the Council, plus an amount per square foot of ground sold necessary to the perpetual upkeep or maintenance thereof. Upon the receipt of any money for the sale of any such lot, the money received shall be divided so that the cost of the lots sold shall be placed in the General Cemetery Fund and the amount received for perpetual upkeep shall be placed in the Perpetual Care Fund.

117.07 GENERAL CEMETERY FUND. From the General Cemetery Fund there shall be paid the cost and expense of general maintenance and operation of the cemetery.

117.08 PERPETUAL CARE FUND. 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 General Cemetery Fund to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which 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)

117.09 EXECUTION OF DEEDS. Deeds of conveyance to cemetery lots shall be executed by the Clerk, in the name of and accounting by and to the authority of the City. All deeds shall convey only a right of interment and shall be subject to the provisions of this chapter and all lawful regulations adopted.

117.10 RECORDS KEPT BY CLERK. The Clerk shall keep a permanent record showing the ownership of each and every lot sold. The Clerk's records shall contain all information required by Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.311)

117.11 RECORDING OF TRANSFER OR ASSIGNMENT. No transfer or assignment of any plot, lot or grave, or any interest therein, shall be valid until such assignment or transfer has been recorded upon the books of the cemetery in the office of the Clerk.

117.12 SUBDIVISION OF LOTS OR PLOTS. The subdivision of plots or lots is not allowed, except by written consent of all parties interested therein and the consent of the Council; provided, however, a relative of any record owner may be buried in the plot or lot as provided for by the laws of the State.

117.13 ALTERATIONS AND CHANGES IN CEMETERY. The right and privilege, at any time and from time to time, to re-survey, enlarge, diminish, re-plat, alter in shape or size, or otherwise to change all or any part, portion or subdivision of the property mapped and platted, including the right to lay out, establish, close, vacate, eliminate or otherwise modify or change roads, walks or drives, and to file amended plats thereof, and to use the same for any purposes connected with or incident to the operation of the cemetery, is reserved to the City.

117.14 CERTAIN STREETS VACATED AND PLATTED INTO LOTS. The following streets or roadways have been and are vacated:

1. In the original part of the east cemetery, street numbers 3, 5, 7, 11, 13, 14 and 16, each vacated in full; number 4, vacated as to north 130.5 feet only; numbers 8 and 10, each vacated as to the north 108.5 feet only; roadways C and D vacated in full;
2. The east twenty-seven feet of roadway E in the east cemetery is vacated and the same is re-platted into two lots of equal size to be known as lots 71X and 72X.

All such streets and roadways as vacated have been platted into lots, the plat of which is on file in the Clerk's office.

117.15 LANDSCAPING AND MAINTENANCE. All grading, landscape work and improvements of any kind, and all care on plots, shall be done, and trees and herbage of any kind shall be planted, trimmed, cut or removed, and all openings and closings of plots, all interments, disinterments and removals shall be made by the City. All maintenance shall be by the City.

117.16 NAMES OF STREETS. For the purposes of identification, the streets and roadways of the original part of the east cemetery, and the first addition thereto, are known as follows:

1. The north-south streets are numbered by commencing at the extreme eastern edge of the east cemetery with number 1, and progressively numbering each successive street through number 16, on the extreme western edge of the east cemetery.

2. The east-west roadways are lettered by commencing at the extreme northern edge of the east cemetery with A and progressively lettering each successive roadway through I on the extreme southern edge of the plat. Roadway E is the roadway dividing the original part of the east cemetery and the first addition.

117.17 MAUSOLEUMS. Before any mausoleum is erected in the cemetery, the plans thereof shall first be submitted to the Council for its approval. Only mausoleum plans which insure that the mausoleum proposed to be constructed shall be of the most permanent type of construction will be approved by the Council.

117.18 RULES COVERING CEMETERIES GENERALLY.

1. **Injuring Cemetery Structures And Improvements.** It is unlawful to injure any tomb, vault, monument, gravestone or other structure or any fences, railing or other work for protection or ornamentation in any cemetery by defacing, removing, mutilating or destroying such structure.

2. **Injuring Cemetery Grounds.** It is unlawful to injure any tree, plant, shrub or lawn in any cemetery by destroying, damaging, defacing, breaking, cutting or driving over such tree, plant, shrub or lawn, or by throwing or leaving any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of the cemetery.

3. **Veterans.** Any veteran, as defined in Section 35.1 of the Code of Iowa, or a resident of the State who served in the armed forces of the United States, completed a minimum aggregate of ninety days of active Federal service and was discharged under honorable conditions, 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.