

CHAPTER 21

CEMETERY AND CEMETERY BOARD

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21.01 ESTABLISHMENT. The cemetery ground located on the following described property:

The South 430 feet of the West 338.6 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1; and the North 208.5 feet of the West 338.6 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12; and all that part of the South 430 feet of the East 996.7 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 lying East of U.S. Hwy. 275; Lot 2 and all that part of the North 839 feet of Lot 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 lying East of said U.S. Hwy. 275, all located in Township 72 North, Range 43 West of the 5th Principal meridian, Mills County, Iowa.

is hereby established as the Glenwood 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. 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.

(Ord. 769 – Sep. 05 Supp.)

(Code of Iowa, Sec. 523I.501 and Sec. 523I.502)

21.02 CEMETERY BOARD.

1. The Mayor shall appoint, subject to Council approval, three (3) persons to serve as members of the Cemetery Board for a period of three (3) years.
2. No public officer or salaried employee of the City may serve as a Board Member.
3. Any vacancy on the Board will be filled in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.
4. It will be the duty of the Cemetery Board to coordinate the administration, maintenance and policies of the Glenwood Municipal Cemetery.

5. The Cemetery Board will meet once a month on a regularly scheduled basis.

21.03 EMPLOYMENT.

1. The Sexton of the Glenwood Municipal Cemetery will be hired and dismissed from such position only with approval of the Mayor and City Council.

2. The salary of the Sexton will be set and approved by the Mayor and City Council.

3. Any part-time employment may be secured by the Sexton with approval of the City Administrator.

4. Any duties other than the Sexton's job description will be assigned by the City Administrator.

21.04 TITLES AND CONVEYANCES.

1. No person shall have title to any cemetery grave until the same has been paid for, and when the amount has been paid in full, a deed shall be issued.

2. Conveyances shall be by Cemetery Deed, a record of which shall be kept by the City Clerk.

3. No interment shall be made on any burial grave unless the same is paid for.

4. After a grave is fully paid for, the City Clerk shall deliver the Cemetery Deed to the County Recorder forthwith for recording and shall return the deed to the purchaser after such recording.

5. All deeds shall be executed by the Mayor and City Clerk as provided by law.

6. The sale price of graves within the Glenwood Municipal Cemetery will be determined annually by the Glenwood City Council.

7. The entire sales price of each lot shall be transferred to the City Treasurer.

8. Twenty percent of the sale price of each grave shall be deposited by the City Treasurer in the City's perpetual care fund as established pursuant to Section 21.10. An additional five percent of the sale price of each grave shall be deposited by the City Treasurer and delineated as repayment by the City to the perpetual care fund. The balance shall be deposited into the general cemetery fund.

(Ord. 738 – Jan-04 Supp.)

9. On graves owned by churches or benevolent societies any person may be buried with the consent of the trustees of the church or benevolent society.

10. No discrimination shall be made between grave owners or prospective purchasers of graves but privileges of the cemetery shall at all times be open to all persons upon equal terms, subject to rules and regulations herein.

21.05 CARE OF LOTS.

1. The City shall have full care of all graves within the Glenwood Municipal Cemetery.

2. There will be no planting of flowers, shrubs or trees. No concrete, ceramic or plastic pots, no iron hangers for hanging baskets will be allowed. No permanent articles will be allowed without prior approval. No one may dig holes for containers. Memorial Day decorations may be placed on the graves the Friday prior and may remain for one week after. Christmas decorations and winter blankets must be removed by April 1. Any other decorations will be removed on mowing day.

3. No litter of any kind shall be placed upon the cemetery grounds or driveways.

21.06 INTERMENTS.

1. All interments shall comply with the laws of the State and the rules and regulations of the Iowa State Board of Health.

2. If any grave owner is or becomes a nonresident of the City, or in the event of such person's death should all of said person's heirs be or become nonresidents, the Council may recognize any relative or family friend in controlling interments and shall be responsible only for good faith in making such recognition.

3. The City Council gives authority to the Sexton of the cemetery to determine who shall be qualified as a gravedigger in the cemetery. No grave shall be opened without first obtaining permission from the Cemetery Sexton.

4. Burials are prohibited on Sundays and the City observed holidays of New Years Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and the day after, Christmas Day and the day after. *(Ord. 815 – Oct. 08 Supp.)*

5. Requests for opening of graves shall be made to the City Clerk's office twenty-four (24) hours before the funeral.
6. Prior to burial, the receptacle containing the body shall be placed in an outside container consisting of a minimum construction of a concrete box. In the event of cremation, prior to the cremation burial, the receptacle containing the cremains shall be placed in an outside container consisting of a minimum construction of a concrete vault or a high impact polymer plastic vault. *(Ord. 653 – Mar. 00 Supp.)*
7. Arrangements for interments shall be made by the owner of the burial space, by a member or members of the family acting and authorized by law to act for the owner, or by an authorized undertaker, or other authorized agent of the owner.
8. The City shall in no manner be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations of the cemetery have not been complied with. The City shall be under no duty to recognize any protest of interment unless it be in writing and filed with the City Clerk. The City shall not be responsible for errors resulting from orders or instructions given by telephone and the Clerk and Cemetery Sexton may require such orders to be in writing before finalizing any action.

21.07 FEES. The City Council shall, from time to time, as deemed necessary by the Council, fix a schedule of fees which shall be collected for work performed in the cemetery under the jurisdiction of the City. The schedule of fees, so fixed, from time to time as deemed necessary by the Council, shall be placed on file in the office of the Clerk, and shall be available for inspection by the general public.

21.08 CLERK'S DUTIES.

1. It is the duty of the Clerk to collect all moneys from the sale of graves, from the care of lots and from all other purposes mentioned herein.
2. The Clerk shall deposit all moneys collected monthly to the credit of cemetery funds and shall from time to time, as the Council may direct, account for all such moneys to the Council.
3. 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:

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

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

(Ord. 769 – Sep. 05 Supp.)

21.09 GENERAL REGULATIONS.

1. To insure a proper landscape effect, and to protect the mutual rights of all grave owners, family monuments will be permitted on only lots of four spaces or more.
2. Family monuments shall be placed as directed by the Cemetery Sexton.
3. The foundations for monuments, markers and headstones shall be constructed in such a manner as to comply with the cemetery rules and regulations set forth by the City Council and shall be constructed under the supervision of the Sexton.
4. Foundations for family monuments shall extend in depth three feet from the top of the ground, and foundations for markers and headstones shall extend two feet from the top of the ground, and there shall be a four-inch wash.
5. No monument shall exceed four feet six inches in height above lawn grade, unless the design for the same shall have been first submitted to and approved by the Cemetery Sexton.
6. Grave markers shall be placed on the grave line and the inscription shall face the head of the lot.

7. Mausoleums are prohibited.
8. No monument shall be placed until the grave is fully paid for.
9. Veterans stickers shall be placed in concrete for permanent mounting.
10. No person shall drive any vehicle faster than 15 miles an hour or in a careless manner upon the cemetery roads or drive anywhere except upon such roads unless authorized by the Sexton.
11. Persons shall walk only on roads and walkways or footpaths except when absolutely necessary for maintenance of grave sites, inspection of plats, installation of markers or decorations of graves, or funeral services.
12. No homemade markers shall be placed on any grave.

(Ord. 687 – Apr. 02 Supp.)

21.10 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 appropriate 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)

(Ord. 769 – Sep. 05 Supp.)

21.11 LIABILITY. The City shall take reasonable precautions to protect lot owners and the property rights of lot owners within the cemetery from loss or damage, but it expressly shall not be liable for loss or damage beyond its control, and particularly, from damage caused by the elements, acts of God, common enemy, thieves, strikers, malicious mischief makers, explosions, unavoidable civil disorder, whether the damage be direct or consequential.