

ORDINANCE NO 931

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF GLENWOOD, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE CEMETERY AND THE CEMETERY BOARD OF THE CITY OF GLENWOOD, IOWA.

BE IT ENACTED BY THE CITY OF GLENWOOD, IOWA:

SECTION AMENDED. Chapter 21, Section 01 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

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

The South 430 feet of the West 338.6 feet of the SW1/4 SW1/4 of Section 1; and the North 208.5 feet of the West 338.6 feet of the NW1/4 NW1/4 of Section 12; and all that part of the South 430 feet of the East 996.7 feet of the SE1/4 SE1/4 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 NE1/4 NE1/4 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.

SECTION AMENDED. Chapter 21, Section 04 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

21.04 TRUSTEESHIP. Pursuant to Iowa Code 523I.502, the city hereby states its willingness and intention to act as the trustee of the perpetual maintenance of interment spaces at the Glenwood Municipal Cemetery.

SECTION AMENDED. Chapter 21, Section 05 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

21.05 ESTABLISHMENT OF TRUST FUND.

1. A perpetual trust is hereby established for the Glenwood Municipal Cemetery in accordance with Iowa Code Ch 523I, the Iowa Cemetery Act. A restricted fund is created for the cemetery, to be known and designated as the perpetual care cemetery fund. The perpetual care cemetery fund shall be funded by the deposit of an amount equal to or greater than 20% of the gross selling price, or \$50, whichever is more for each sale of interment spaces within the cemetery. The fund

shall be administered in accordance with the purpose and provisions of Iowa Code Ch 523I.

2. The perpetual care fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.
3. 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 space 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.

SECTION AMENDED. Chapter 21, Section 06 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

21.06 RECORDS.

1. It shall be the duty of the City Clerk or the City Clerk's designee 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:
 - a. Plat. An accurate plat of the cemetery;
 - b. Lot owners. The names of the owners of all lots that have been sold including the amounts deposited in the perpetual care cemetery fund;
 - c. Lot descriptions. The correct description of all lots for sale and the price thereof, as shall be fixed by the City Council; and
 - d. Grave locations. The exact location of each grave upon each cemetery lot.
2. It shall be the duty of the City Clerk or the City Clerk's designees to make and keep a complete records identifying the owners of all certificate of interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall, among other things, include:
 - a. Sales or Transfers of Certificates 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 the 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.

SECTION ADDED. Chapter 21, Section 07 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

21.07 SALE OF LOTS. The sale of lots in the cemetery shall be evidenced by a certificate of interment rights signed and executed by the City Clerk or the City Clerk's designee for and on behalf of the city, and it shall be the duty of the City Clerk or the City Clerk's designee to collect the purchase price in full for any lot sold before delivering the certificate of interment rights for the same. No interment shall be made on any burial grave unless the same has been paid for. The certificate of interment rights shall disclose the amount of percentage of money to be placed in the perpetual care cemetery fund.

SECTION ADDED. Chapter 21, Section 08 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

21.08 FEES, CHARGES AND PAYMENTS.

1. The payment of all fees and charges shall be made at the office of the City Clerk, or the City Clerk's designee, where receipts will be issued for all amounts paid.
2. The 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 City Clerk or the City Clerk's designee, and shall be available for inspection by the general public.
3. The sale price of graves within the Glenwood Municipal Cemetery will be determined annually by the Council.

SECTION AMENDED. Chapter 21, Section 09 of the Code of Ordinances of the City of Glenwood, Iowa, is hereby amended to read in full as follows:

21.09 PERPETUAL CARE. General. The term PERPETUAL CARE shall be construed to mean the obligation which the city assumes to each year expend the net annual income of the perpetual care endowment set aside for the lot in furnishing such care as mowing and maintaining grass, raking and cleaning the lot and adjacent alleys, and filling of sunken graves. 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 of the 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.

SECTION ADDED. Chapter 21, Section 10 of the Code of Ordinances of the City of Glenwood, Iowa is hereby amended to read in full as follows:

21.10 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 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.

SECTION AMENDED. Chapter 21, Section 11 of the Code of Ordinances of the City of Glenwood, Iowa is hereby amended to read in full as follows:

21.11 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 person's heirs be or become nonresident, 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. 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.
4. 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.
5. Burials are prohibited on Sundays and the City observed holidays of New Years Eve, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and the day after, Christmas Day and the day after.
6. Requests for the opening of graves shall be made to the City Clerk's office twenty-four (24) hours before the funeral.

7. 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.

8. 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 agent of the owner.

9. 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 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.

SECTION ADDED. Chapter 21, Section 12 of the Code of Ordinances of the City of Glenwood, Iowa is hereby added to read in full as follows:

21.12 GENERAL REGULATIONS.

1. To ensure 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 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.

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

SECTION ADDED. Chapter 21, Section 13 of the Code of Ordinances of the City of Glenwood, Iowa is hereby added to read in full as follows:

21.13 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.

PASSED by the Glenwood City Council this _____ day of _____, 2023, and approved the _____ day of _____, 2023,



Ron Kohn, Mayor

ATTEST:



Jessica Alley, City Clerk

