

Title 15
PUBLIC PROPERTY

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15.04 Cemetery

Chapter 15.04
CEMETERY*

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* For statutory provisions authorizing cities and towns to establish cemeteries and to regulate the burial of the dead, see I.C.A. 368.28

15.04.010 Cemetery Trustees. The City Council is created as Trustees in perpetuity to manage and control the City Cemetery. The City Council is created as trustees in perpetuity to accept and receive funds for perpetual care of the City Cemetery as provided by Section 566.14 of the 2003 Code of Iowa, and to invest such funds so received as provided by Section 566.15 of the 2003 Code of Iowa.

15.04.020 Lot—Payment Required. No person, having contracted for the purchase of a lot in Fairview Cemetery, shall have, or claim any right or interest therein, or to the unoccupied part thereof, or be entitled to a deed there to, or be permitted to make further burials therein, until the full purchase price thereof has been paid to the City, and if the payment has not been made within six months from the date of the contract, the right is reserved to the City to declare the contract absolutely void; and the City Council may direct the sale of the lot, or the unoccupied part thereof, to any other person, and may, if they so elect, cause the removal of any remains buried thereon, to any other part of the cemetery. (Ord. 3-63 §1, 1963)

15.04.030 Deeds for Lots. All deeds executed for lots in the cemetery shall recite that the lot is sold for burial purposes only, and subject to all the rules, regulations and ordinances as are now in force or which hereafter may be enacted by the City Council in relation thereto. They shall be signed by the Mayor, and countersigned by the City clerk under the seal of the City, and before delivery, they shall be recorded in the office of the City clerk. No person, having purchased a lot in the cemetery, shall be permitted to sell the same, but the City Council may accept the surrender of a lot, or the unoccupied part thereof, when requested so to do, by refunding to the purchaser a sum not exceeding the original price. (Ord. 3-63 §2, 1963)

15.04.040 Care of Lots by Custodian. All lots in the cemetery, the care of which is provided for by a deposit in the permanent care fund, shall be especially under the charge of the custodian, who shall properly seed the same as often as required; keep them mowed close to the ground during the entire summer season; cut all grass around any marker or monument with shears, if necessary, and at all times keep the lots in a clean and attractive condition. At the request of any owner of the lot, the custodian may make needed repairs to any marker or monument and render a bill to the owner for the cost of the same, which if not paid within a reasonable time shall be assessed to the owner and lot. (Ord. 3-63 §3, 1963)

15.04.050 Price of Lots. All lots in the cemetery shall be sold at such prices as the City Council may, from time to time, provide; and such part thereof as the City Council may at any time designate, shall be sold at a price to include their permanent care; such part of the purchase price as they may determine shall be placed in the permanent care fund and the balance in the cemetery fund. (Ord. 3-63 §4, 1963)

15.04.060 Clerk's Duties. It is the duty of the City Clerk to keep a record showing the lot and block number and the ownership thereof. He shall further show the date and the name of the individual as the lots are occupied. It is the duty of the City clerk to record, in the proper records of his office, all deeds for the purchase of lots, before delivery, and to do and perform all other acts and things required of him for the enforcement of this chapter and the rules and regulations adopted by the City Council. (Ord. 3-63 §5, 1963)

15.04.070 Ornamentation Restrictions. It is unlawful for any person to place any coping around any lot in the cemetery, or to raise the surface of any lot more than six inches above the abutting street or walk, or to mound up any grave above the surface of the lot, more than three inches, but all lots shall be kept to a smooth and level grade. Coping placed prior to the passing of the ordinance codified herein shall not be repaired and shall upon order of the City Council be removed when it becomes unsightly or in need of repair. No tree, vine or shrub, or other thing, shall be planted on any lot except under the supervision and with the permission of the custodian; and no refuse, or litter of any kind, shall be left on any lot, or placed on the lot of another, or in the streets or alleys, nor shall any decayed flowers, shells, toys or metal designs, or any other unsightly thing be left on any lot for a period longer than three days; otherwise it shall be the duty of the custodian to remove the unsightly thing, without notice. Vases or urns, for holding flowers, if neat and attractive, and of a permanent character, and soldiers' markers may be maintained at all times. (Ord. 3-63 §6, 1963)

15.04.080 Notice of Need for Repairs. Should any monument, marker, or other adornment, become dilapidated, unsightly, or objectionable, the City clerk shall notify the owner by mail, if his address be known, to make such repairs as may be required, or remove the same, within thirty days from the date of mailing the notice; at the expiration of which time, if compliance has not been made, it is the duty of the custodian to cause the repairs to be made, or the objectionable thing to be removed, who shall report the cost to the City clerk, and it shall be assessed as a special assessment as provided by law.(Ord. 3-63 §7, 1963)

15.04.090 Burial Restrictions. The custodian is strictly forbidden to permit the burial of any person on the lot of another, without the express written permission of the owner, his heirs or legal representative. (Ord. 3-63 §8, 1963)

15.04.100 Foundations for Monuments, Markers. All foundations or monuments or markers on any of in the cemetery shall be constructed by the custodian under the general supervision of the City Council, and the cost of the same shall be charged against the monument dealer or firm erecting the monument or marker. (Ord. 3-63 §9, 1963)

15.04.110 Custodian's Duties. It is the duty of the custodian to take full charge of the cemetery, under the general direction of the City Council, and to see that these rules and regulations are, at all times, strictly complied with; to report to the City Council any infractions of the same on the part of the owners, or any other person. He shall have all the power of a peace officer, and may make arrests for willful violations of these regulations, and shall assist in the prosecution of the same, in any action before the Mayor or a magistrate. He shall submit all controversies, relative to his duties to the City Council for adjustment, and in general, do and perform all acts and things reasonably required of such officer, whether expressly mentioned herein, or in his contract, necessary and proper for the maintenance of the cemetery. (Ord. 3-63 §10, 1963)

15.04.120 Burial Supervision. The custodian shall have supervision of all burials and the setting of monuments and markers and shall open and close all graves, prepare the burial site, remove all excess dirt and other litter after the burial and shall report to the City clerk within three days the name and location of the burial. (Ord. 3-63 §11, 1963)

15.04.130 Vandalism--Disorderly Conduct. Any two or more persons who shall congregate in the cemetery for any unlawful purpose, or any person who shall commit any act of vandalism therein, or create a disturbance to the annoyance of others, or who shall use any loud, boisterous, profane, or indecent language, or who shall indecently expose his person, or the person of another within the cemetery, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine not more than one hundred dollars or imprisoned for a time not exceeding thirty days. (Ord. 3-63 §12, 1963)

15.04.140 Regulations--Formulation--Violation. The City Council shall have the authority and it shall be their duty to formulate such rules and regulations, as they may deem necessary and proper for the administration of the affairs of the cemetery. Any person guilty of a violation of any rule or regulation shall be guilty of a misdemeanor and upon conviction thereof be punished accordingly. (Ord. 3-63 §13, 1963)

15.040.020 Fairview Cemetery Perpetual Maintenance

1. TRUSTEESHIP. Pursuant to section 523I.502 of the Code of Iowa, Denver hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Fairview Cemetery.
2. ESTABLISHMENT OF TRUST FUND. A perpetual trust is hereby established for Fairview Cemetery in accordance with Iowa Code chapter 523I, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the “perpetual care cemetery fund,” which shall be funded by the deposit of an amount equal to or greater than twenty percent of the gross selling price, or \$50.00, whichever is more, for each sale of interment space within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code chapter 523I.
 1. The perpetual care cemetery 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. SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by certificate of interment rights or other instrument evidencing the conveyance of exclusive rights shall disclose all information required by the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund.
4. PERPETUAL CARE REGISTRY. The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

(Ord. 6-2018)

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