CHAPTER 111

CEMETERY

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111.01 DEFINITION. The term "cemetery" means the Kelley Community Cemetery, which is 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)

111.02 TRUSTEESHIP. Pursuant to Section 523I.502 of the *Code of Iowa*, the 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)

111.03 CEMETERY COMMITTEE. The Mayor shall appoint, subject to Council approval, a Cemetery Committee which shall operate the cemetery in accordance with the rules and regulations therefor. The Committee shall consist of five members who shall serve for overlapping three-year terms. The Mayor may appoint persons to fill vacant unexpired terms, subject to Council approval. The Cemetery Committee shall monitor and supervise the Cemetery Superintendent and shall propose to the Council amendments, revisions or modifications to the cemetery rules and regulations.

111.04 CEMETERY SUPERINTENDENT. The Cemetery Superintendent shall be appointed by the Cemetery Committee. The duties of the Cemetery Superintendent are as follows:

1. Supervise the cemetery generally and make recommendations to the Cemetery Committee concerning the operation, maintenance and improvement of the cemetery.

2. Supervise all work performed in the cemetery.

3. Monitor and supervise the opening and closing of all graves in accordance with instructions received from proper authorities and personally attend all interments and disinterments or delegate that authority.

4. Monitor, supervise, and control the installation of all foundations and determine the position of monuments, markers and memorials to insure conformity with the cemetery rules and regulations.

5. Enforce the rules and regulations of the cemetery as adopted by the Cemetery Committee.

6. Assist the Clerk in maintaining accurate records of all burials in the cemetery pursuant to the cemetery rules and regulations.

7. Perform such other duties as may be assigned from time to time by the Council or by the Cemetery Committee.

111.05 RECORDS. 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)

1. Sales or Transfers of Interment Rights.

   A. The name and last known address of each owner or previous owner of interment rights.

   B. The date of each purchase or transfer of interment rights.

   C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.

2. Interments.

   A. The date the remains are interred.

   B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.

   C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

111.06 SALE OF INTERMENT RIGHTS. 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. Said fees and charges shall be based upon the charges as established by the Council.

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

111.07 PERPETUAL CARE. 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, or to the cemetery, or to the person in charge of the cemetery 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, and 523I.508)

111.08 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, 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. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for

interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

(Code of Iowa, Sec. 523I.304)