

## CHAPTER 115

### CEMETERY

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115.01 **DEFINITIONS.** For use in this chapter the following terms are defined.

1. "Cemetery" means the Union Cemetery.  
(*Code of Iowa, Sec. 523I.501*)
2. "Trusteeship" means the City of Guthrie Center hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Union Cemetery.  
(*Code of Iowa, Sec. 523I.502*)

115.02 **CEMETERY SEXTON APPOINTED.** The Council shall appoint a Sexton who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

(*Code of Iowa, Sec. 372.13 [4]*)

115.03 **DUTIES OF SEXTON.** The duties of the Sexton are as follows:

(*Code of Iowa, Sec. 372.13[4]*)

1. Supervise Openings. Supervise the opening of all graves and be present at every interment in the cemetery;
2. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Council.

115.04 **RECORDS.** It is the duty of the Sexton 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:

1. Plat. An accurate plat of the cemetery;
2. Lot Owners. The names of the owners of all lots that have been sold;
3. Lot Descriptions. The correct description of all lots for sale and the price thereof, as shall be fixed by the City Council;

4. Grave Locations. The exact location of each grave upon each cemetery lot.

**115.05 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 the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund. The Certificate of Interment Rights shall be signed and executed by the Mayor and the Clerk for and on behalf of the City of Guthrie Center. It is the duty of the Clerk to collect the purchase price for any rights sold before delivering the Certificate of Interment Rights for the same. 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 set out in the rules and regulations then in effect as adopted by the Council.

**115.06 ESTABLISHMENT OF TRUST FUND.** A perpetual trust is hereby established for Union Cemetery in accordance with Iowa Code. 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 and/or lot within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code.

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.

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

**115.07 PERPETUAL CARE REGISTRY.** The cemetery shall maintain a registry of individual who have purchased interment rights in the cemetery subject to the care fund requirement of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

**115.08 RULES AND REGULATIONS.** The rules and regulations for the cemetery shall be adopted, and may be amended from time to time, by resolution of the Council and shall cover the hours of opening and closing, the use of roads within the cemetery, the hours for burials, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers and the cost of interment space and/or lots or payments for perpetual care as deemed necessary.

**115.09 TRESPASSING OR VANDALISM IN CEMETERY.** Any person who trespasses upon any cemetery under the jurisdiction of the City by destroying, injuring or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to the cemetery is guilty of a misdemeanor and liable for any and all damage.

*(Code of Iowa, Sec. 716.1)*

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