

Title 3 - Public Ways and Property

Chapter 1 - City Cemeteries

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3-1-1 Scope. This Chapter applies to all City owned Cemeteries to provide for the efficient regulations and operations of the City Cemeteries.

3-1-2 Sale of Lots. The City shall sell Cemetery lots for cash or by an installment method upon such terms and conditions as the City may prescribe. Whenever the City shall have sold a lot or lots in Cemeteries under its control and shall have received full payment therefore, it shall certify that fact to the Mayor and Clerk, whereupon it shall be the duty of such officers to execute and deliver to the purchaser, in the name of the City, a deed conveying the lot or lots so sold to the purchaser, which deed shall reserve to the City the right of care and control over the lot or lots thereby conveyed. All such deeds shall be recorded by the Clerk in a book kept by him for that purpose, without expense to the grantees therein.

3-1-3 Perpetual Care. The perpetual care of the Cemetery and lots therein and all monies collected for perpetual care, either by donation or monies paid for said care, shall be done in the following manner:

- A. The Mayor and City Clerk are authorized to enter into a contract on behalf of the City with any person, lodge, or other association for the perpetual care of any lot or lots in the Cemeteries under the control of the City, at and for a price or sum of money to be fully paid in advance, as fixed and determined by the City and, in such cases, shall issue a certificate evidencing the contract.
- B. All sums of money received by the City for the perpetual care of lots shall be, by such City, paid over at least once in each week to the Treasurer for the credit of the existing fund known as the "Cemetery Trust Fund" and such money shall not be disposed of except as provided in this Chapter.
- C. Whereas, under prior ordinances, rules, and regulations, the City has entered into contracts with certain persons for the perpetual care of certain lots in the Cemeteries, in consideration of certain sums of money paid to it in advance which are deposited in or invested in the Cemetery Trust Fund, it is hereby the duty of the City to care for such lots and maintain the same in a neat and attractive condition without expense to the owners.
- D. All monies heretofore or hereafter paid for the perpetual care of lots in the Cemeteries shall be kept by the Treasurer in a fund now known as the Cemetery Trust Fund, and none of the money, as to the principal thereof, shall ever be withdrawn or paid out of the Fund, except for investment as the Council may from time to time by resolution authorize or direct in the manner prescribed by Section 566.15 of the Code of Iowa and any amendments thereto.
- E. All income earned from the investments of the principal of the Cemetery Trust Fund shall be appropriated by the City Council to the City's general fund to assist in the

funding of the operation and improvement of the City Cemeteries in accordance with Chapter 566 of the Code of Iowa.

3-1-4 Special Trust Funds. The City Council may accept or reject Special Trust Funds offered to the City by individuals, corporations, or associations for the purpose of maintaining certain Cemetery lots under special conditions. If such trust funds are accepted by the City Council, an administrative service fee shall be charged to the trust fund, and the fee shall be established and adjusted from time to time by the City Administrator.

3-1-5 Trespass. Any person who shall trespass upon the City's Cemetery or any Cemetery by destroying, injuring, or defacing any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or any belongings to such Cemeteries, shall be deemed guilty of simple misdemeanor and shall be liable for any and all damages done.

3-1-6 Hours of Operation. City owned cemeteries shall be opened daily one-half hour before sunrise until one-half hour after sunset. It shall be unlawful for any person to be in any City owned cemeteries during any hours in which the cemeteries are not opened to the public, except with express permission of the Parks and Recreation Department.

3-1-7 Dogs Prohibited. It shall be unlawful for any person or persons, firm, association or corporation owning, keeping, sheltering, or harboring a dog to permit such dog to be in any city owned or operated cemetery at any time or under any conditions. However, this provision shall not apply to a certified and licensed service or guide dog while assisting a person with a disability or any police service dog used by the police department in the functions or duties of the police department.