City of Carroll

112 E. 5th Street Carroll, Iowa 51401-2799 (712) 792-1000 FAX: (712) 792-0139

MEMO TO: Mike Pogge-Weaver, City Manager MJP-W

FROM: Jack Wardell, Director of Parks and Recreation JW

DATE: October 7, 2020

SUBJECT: Cemetery Grave Decorations
- Review of Code of Ordinances – Chapter 115
- Policies and Procedures – Policy 0821 - Draft

Attached to this memorandum is Chapter 115 – Cemetery Ordinance. Staff would like to discuss a few of the items during the work session. The items to be discussed are:

115.09	GRAVE MARKERS.
115.11.7	Cremation Burials.
115.13	LANDSCAPING AND PLANTING.

Also attached is a new policy proposal. Currently there is no written policy in place to give staff direction and authority to discuss with the families the of placing flowers, memorials or other items on or near the headstones.

The sign in this memorandum does inform the families when the temporary flowers will be removed by cemetery staff but does not address many of the other concerns that will be reviewed at the workshop. Staff will be looking for direction on these few items.

CHAPTER 115

CEMETERY

115.01 Definition
115.02 Trusteeship and Establishment of Trust Fund
115.03 Cemetery Sexton
115.04 Perpetual Care Registry
115.05 Sale of Interment Rights
115.06 Perpetual Care
115.07 Rules and Regulations
115.08 Foundations
115.09 Grave Markers
115.10 Mausoleums
115.11 Additional Regulations
115.12 Memorial Work
115.13 Landscaping and Planting
115.14 Right to Replat
115.15 Transfers or Assignments
115.16 Gifts to Employees Prohibited

115.01 DEFINITION. The term "cemetery" means the City 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)

115.02 TRUSTEESHIP AND ESTABLISHMENT OF TRUST FUND. A perpetual trust is hereby established for the 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 rights within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code Chapter 523I. 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. The City hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces and cemetery property.

(Ord. 1605 – Jun. 16 Supp.)

115.03 CEMETERY SEXTON. The Cemetery Sexton shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council. The duties of the Cemetery 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 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. The registry shall include all the following:

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.

(Ord. 1605 – Jun. 16 Supp.)

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 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 by resolution.

(Ord. 1605 – Jun. 16 Supp.)

115.06 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 & 523I.508)

115.07 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.

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

115.08 FOUNDATIONS. All foundations under memorials or markers shall extend not less than thirty (30) inches below the surface of the ground and shall extend a minimum of five (5) inches on all sides of the stone or marker supported thereby. Said foundations shall be constructed and placed under the Cemetery Sexton's supervision.

115.09 GRAVE MARKERS. A grave marker and/or memorial line is to be established which shall extend twenty-four (24) inches from the head of the burial space toward the foot of the burial space. It is the intent of this provision that all markers and/or memorials be placed in uniform rows for the purpose of order and efficient maintenance.

115.10 MAUSOLEUMS. Private mausoleums may be erected by lot owners upon written request and submission of scale plans and specifications to the Council and approval. Additional payments for perpetual care shall be received, as determined by the Council, before permission is given for construction.

115.11 ADDITIONAL REGULATIONS. The interment of bodies and maintenance of graves shall be under the following restrictions:

1. Placement. All bodies shall be so interred to lie wholly within bounds of the space.

2. Excavations. All excavations are to be performed by the Sexton or such other authorized person as he may direct.

3. Grade. Grade of the space shall not be altered and enclosures to define the space and mounds over the grave are prohibited.

4. Appurtenances. Iron or wire work, arches and seats, are prohibited except by written permission of Council. Vases are permitted only when placed in line with the markers.

5. Family Memorials. Family memorials are allowed only on four spaces or larger, except by special written permission of the Council, and shall be of approved or certified granite or stone.

6. Burial Vaults. Nothing less than an earth-bearing cement, metal or fiberglass box may be used except for babies buried in Babyland.

7. Cremation Burials. Cremation burials shall be allowed on a space. No more than two (2) cremation burials shall be allowed on one space, or one burial vault and one cremation burial on the same space.

8. Other. Such other rules and regulations as are promulgated by the Council, or delegated to the City Manager, by the Council.

115.12 MEMORIAL WORK. No memorial work shall be placed on any lot until said lot is paid for in full.

115.13 LANDSCAPING AND PLANTING. All grading, landscaping work, improvements and care or removal of trees, shrubs and herbage shall be performed by the City.

115.14 RIGHT TO REPLAT. The right and privilege, at any time and from time to time, to resurvey, enlarge, diminish, replat, alter in shape or size, or otherwise to change all or any part, portion, or subdivision of the property mapped and platted, including the right to lay out,

establish, close, eliminate, vacate or otherwise modify or change roads, walks or drives, and to file amended plats thereof, and to use the same for any purpose connected with, or incident to the operation of a cemetery is hereby reserved to the City.

115.15 TRANSFERS OR ASSIGNMENTS. No transfer or assignment of any plot, lot or grave, or any interest therein shall be valid until such assignment or transfer shall have been recorded upon the books of the cemetery by the Clerk.

115.16 GIFTS TO EMPLOYEES PROHIBITED. No employees of the cemetery shall receive gratuities, the acceptance of which shall constitute reason for immediate dismissal.

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CITY OF CARROLL

POLICIES AND PROCEDURES MANUAL

Subject	Policy No.
Cemetery Grave Decorations	0821
Responsible Division(s), Office(s)	Related Policies & Procedures
Parks & Recreation Department	
Effective/Revision Date	Approval(s)

Purpose: To establish guidelines for the public in regards to the decoration of graves at the Carroll Cemetery. The City realizes the survivors of deceased loved ones have a desire to decorate the graves of those loved ones at various times throughout the year. The City also recognizes it has a responsibility to maintain the cemetery in an orderly and efficient manner. In order to provide an opportunity to meet both of these purposes the City hereby sets out the following policy.

1. Permanent gravesite decorations are permitted all year. However, they must be placed on the stone monument or concrete pads in line with the monuments Permanent decorations must be protected from the City's mechanical maintenance devises (i.e. mowers and weed eaters) by placing them in concrete or metal containers. The City will not be held responsible for decorations that may be removed by cemetery personnel or damaged by maintenance devices when decorations are placed incorrectly.
2. Temporary gravesite decorations are prohibited except for the following:
   a. Allowed for the Memorial Day holiday and for a period of two (2) weeks prior and following the holiday. Glass containers such as vases and jars are not permitted ever as they present a danger. For the Memorial Day holiday Cemetery personnel will begin removing temporary decorations on the Tuesday following the second Monday after Memorial Day.
   b. The period between Thanksgiving and March 1st is exempted from this rule. Temporary gravesite decorations may remain on the grave during the Thanksgiving to March 1st period.
   c. Temporary decorations are not permitted at any time, other than the two (2) weeks prior and following the internment to allow cemetery personnel to maintain the grounds.
3. Removal of temporary decorations for holidays from Thanksgiving to March 1st may begin on March 2nd.
4. Fresh flowers that have withered and died may be removed by Cemetery personnel at any time.

5. Any plant, shrub or tree in an area around the stone and not on the stone or on the concrete pad for the monument can be removed by the city for purposes of burial of the vault or urn. Also if work is needed for the safety of the visitors or city staff.
6. No planting of any type of plant material, digging or disturbing the sod within the cemetery will be permitted. Any plants, shrubs and or trees planted as of September 1, 2020 planted and in good health. Once dead the City has the right to remove and plant, shrub or tree not planted by the city and shall not replace by the owner.
7. In the event that interment spaces, memorials or memorialization's are damaged or defaced by acts of vandalism the city is not responsible for the damage.

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