

CHAPTER 22

CEMETERY BOARD OF TRUSTEES

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22.01 ESTABLISHED. The Cemetery Board of Trustees, hereinafter referred to as the Board, consists of three (3) members who are residents of the City, and two (2) members from outside the City limits who are residents of Monroe Township. All members are to be appointed by the Mayor with the approval of the Council for overlapping terms of six (6) years, except to fill vacancies. Each term shall commence on July 1. Members of the Board shall receive no compensation for their services.

22.02 VACANCIES. The removal of any trustee permanently from the City or Monroe Township, as applicable, or absence from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence, shall render the office of the trustee vacant. Vacancies on the Board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

22.03 POWERS AND DUTIES. The Board shall have full charge and control of the City cemetery, and all the powers and duties over cemeteries that are given to the City by State law are hereby delegated to and conferred upon said Board. Pursuant to Section 523I.502 of the Code of Iowa, the Board hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery properties.

(Code of Iowa, Sec. 523I.501 and Sec. 523I.502)

22.04 RULES AND REGULATIONS. The Board shall have power to adopt, by resolution, any and all reasonable rules and regulations for the use, management, adornment and control of the cemeteries under its control, which shall include, but not be limited to, rules and regulations in reference to the burial of the dead, care of the lots, maintenance of the cemetery, including employment of caretaker and assistants, sale of lots, fixing and determining all charges for services or materials, and the organization and meetings of said Board in a proper manner and not inconsistent with the laws of the State. All such rules and regulations shall be subject to Council approval. 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)

22.05 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. Said agreement for interment rights shall disclose all information required by Chapter 523I of the Code of Iowa. The Board shall have the exclusive power to sell lots, or parts of lots, in said cemeteries under its control and shall

have the right to delegate and confer such power upon any person, and upon such sale there shall be issued to the purchaser a certificate giving the correct description of the property sold to such person and the amount to be paid therefor, and upon said certificate being filed with the Mayor, and payment to the Mayor of the amount shown thereby, it shall be the duty of the Mayor to make, execute and deliver to said purchaser a deed conveying said premises, and the money so received by the Mayor shall be paid over to the City Treasurer for deposit in the proper cemetery funds within ten (10) days of receipt thereof. All of said deeds shall be countersigned by the Clerk.

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

22.06 PERPETUAL CARE. The Board, 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 Board, 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)

22.07 REPORTS TO THE COUNCIL. The Board shall make a written report to the Council of its activities annually or upon Council request. Its revenues and expenditures shall be reported annually in the manner of other departmental expenditures, and a copy shall be included in the Clerk's report to the Council.

22.08 VANDALISM IN CEMETERY. Any person who destroys, injures or defaces any grave, vault, tombstone, or monument, or any building, fence, tree, shrub, flower, or anything in or belonging to any cemetery under the jurisdiction of the City shall be liable for any and all damage, in addition to being subject to any other penalty imposed.

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