

ORDINANCE NO. 940

AN ORDINANCE AMENDING CHAPTER 116 – CEMETERIES  
IN THE CITY OF LE MARS, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LE MARS, IOWA AS  
FOLLOWS:

That Chapter 116 Cemeteries is hereby amended, to wit:

**SECTION 1. SECTION MODIFIED.** Section 116.06 of the Code of Ordinances of the City of Le Mars, Iowa is repealed and the following adopted in lieu thereof:

**116.06 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 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 established by the Council.

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

**SECTION 2. SECTION MODIFIED.** Section 116.07 of the Code of Ordinances of the City of Le Mars, Iowa is repealed and the following adopted in lieu thereof:

**116.07 ESTABLISHMENT OF TRUST FUND.** A perpetual trust is hereby established for the City of Le Mars in accordance with the 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 lot 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.

**SECTION 3. NEW SECTION.** The Code of Ordinances of the City of Le Mars, Iowa is amended by adding Section 116.13, entitled TRUSTEESHIP, which is hereby adopted to read as follows:

**116.13 TRUSTEESHIP.** Pursuant to Section 523I.502 of the Code of Iowa, the City of Le Mars hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Le Mars Memorial and Resthaven Cemeteries.

**SECTION 4. NEW SECTION.** The Code of Ordinances of the City of Le Mars, Iowa is amended by adding Section 116.14, entitled PERPETUAL CARE REGISTRY, which is hereby adopted to read as follows:

**116.14 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.

All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

The Ordinance shall be in full force and effect following its passage and publication as provided by law.

PASSED AND APPROVED 4<sup>th</sup> day of April, 2017.

ATTEST:

\_\_\_\_\_  
Dick Kirchoff, Mayor

\_\_\_\_\_  
Beverly Langel, City Clerk

CLERK'S CERTIFICATE

STATE OF IOWA            )  
                                      \*SS  
PLYMOUTH COUNTY        )

I, Beverly Langel, City Clerk of City of Le Mars, Iowa, certify that the foregoing Ordinance was passed by a duly constituted quorum of the City Council of the City of Le Mars, Iowa, meeting in regular session on the 4<sup>th</sup> day of April, 2017, and that said Ordinance was published in the official newspaper, The Le Mars Daily Sentinel, in its issue dated this 7<sup>th</sup> day of April, 2017.

SEAL

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Beverly Langel, City Clerk

First Reading: 04/04/17  
Second Reading: Waived  
Third Reading: Waived