

CEMETERY RULES & REGULATIONS

"LE MARS MEMORIAL CEMETERY" & "RESTHAVEN MEMORY GARDENS"

LE MARS, IOWA

The cemetery grounds owned and operated by the City of Le Mars are under the control of the Council, and the Council shall have the power to make additional rules and regulations for the cemetery by resolution as it may deem requisite and proper. The enforcement will help protect the Cemetery; create and preserve its beauty.

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 use of roads within the cemetery, the decorating of graves, the fees for services rendered in connection with interments or the placing of markers, and the cost of lots or payments for perpetual care as deemed necessary. Any veteran, who is eligible, may purchase a lot and be interred in the cemetery per the Cemetery Ordinance, Chapter 116.

LIABILITY:

No person may damage, destroy, remove, or deface any property within the Cemetery.

The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, monument, marker, or other article that has been placed in relation to an interment except for direct loss or damage caused by gross negligence of the cemetery.

RECORDS:

The Clerk or designee will make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The purchase of burial rights in the cemetery shall be evidenced by a right of burial receipt signed and executed by the City Clerk or designee for and on behalf of the City. It is the duty of the Clerk or designee to collect the purchase price for any lot sold before delivering the burial rights certificate. The payment of all fees and charges shall be made at the City offices where a right of burial receipt will be issued for all amounts paid.

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.

PERPETUAL CARE:

The term "Perpetual Care", used in reference to cemetery plots, shall mean the maintenance, repair, care to the end that such grounds shall remain and be reasonably cared for as cemetery grounds forever. 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.

The term perpetual care shall in no case be construed as meaning the maintenance, repair, or replacement of any gravestones or monumental structures or memorials placed or erected upon plots; nor the planting of flowers or ornamental plants; nor the maintenance or doing of any special or unusual work in the cemetery, nor does it mean the reconstruction of any marble, granite, bronze, or concrete work on any section or plot or any portion thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, or by the order of any military or civil authority, whether the damage shall be direct or collateral other than as herein provided.

VEGETATION/PLANTINGS/FLOWERS:

All landscaping (including the planting of trees, shrubs, flowers, bushes, etc.) will be done by the designated Cemetery personnel.

- 1) Floral designs or other decorations will be removed from the lots or graves as soon as the flowers become wilted or unsightly. Flowers may stay on the grave for 10 days after placement.
- 2) Flowers and decorative items must be in a vase on the monument or the base of the monument that is concrete (the wash) except during designated holidays. All items that are not on the intended foundation or headstone are subject to damage and/or removal for ground maintenance and snow removal. You may place artificial flowers and potted plants at the grave site 10 days before and 10 days after Easter Sunday and Memorial Day.
- 3) Lots shall not be used for any other purpose than as a place of burial for the human deceased.

PETS OR OTHER ANIMALS:

Pets or other animals, including cremated animal remains, are prohibited from being buried in city cemeteries.

Dogs are Prohibited and shall not be brought within the cemetery grounds. Signs are posted and Violators may be prosecuted.

MARKER/MONUMENT REGULATIONS:

To perpetuate the beauty and continuity of the cemetery, the City reserves the right to enforce all rules and regulations here set forth and others that might seem necessary for a particular situation.

- 1) All memorial work must be approved by the City as to material, design, and location on lot.
- 2) **Marker:** On a Single Lot, a maximum width, including a minimum of a 4" wash around marker, can only be 36 inches wide to allow for another wash base to be set in the next lot. On a Double Lot, a maximum width, including a minimum of a 4" wash around marker, can only be 72 inches wide to allow for another wash base to be set in the next lot.
- 3) Any unauthorized memorial work will be removed from the grave at the expense of the monument company, lot owner, or contractor until proper arrangements have been made with the City Administrator or designee.
- 4) Rights of Owners:
 - a) The owner of each lot shall have the right, subject to the approval of the City Administrator or designee and the ordinances of the Council, to erect any proper headstone, monument, or memorial thereon, except in Block 18, 23, and all of Resthaven Memory Gardens, which has been established as a memorial section, where only markers flush with the ground will be permitted.
 - b) Owners of lots may have extra work or repairs done upon their lots by leaving a written order with the City Administrator, specifying the work they wish done. The owner will be given an estimate of the cost of such work and upon the payment thereof, in advance, the work, insofar as it is consistent with the rules and regulations herein or adopted by resolution of the Council, will be promptly done.
- 5) Hedges, Structures, Large Urns, Fences, Wood Trellis, and Large Vases are Prohibited.
- 6) Enclosures of any type above ground, including cremation headstones, niches, columbariums, and mausoleums are prohibited in burial lots, and the City Administrator or designee is authorized to remove any enclosure heretofore erected, if desired by the owner, and to remodel lots in conformity with ordinance at the expense of the owner.

VEHICLES IN CEMETERY:

Vehicles, Bicycles, and Motorcycles shall not be driven in excess of five miles per hour, nor shall any vehicle be driven on any grounds of the cemetery other than the roadways.

Unauthorized machinery, heavy equipment, and snowmobiles (including farm equipment & grain trucks) are prohibited in the cemetery.

The roads and walkways will be kept in good condition and the lots kept clean by the City.

RESTRICTIONS ON ACTIVITIES OF VISITORS:

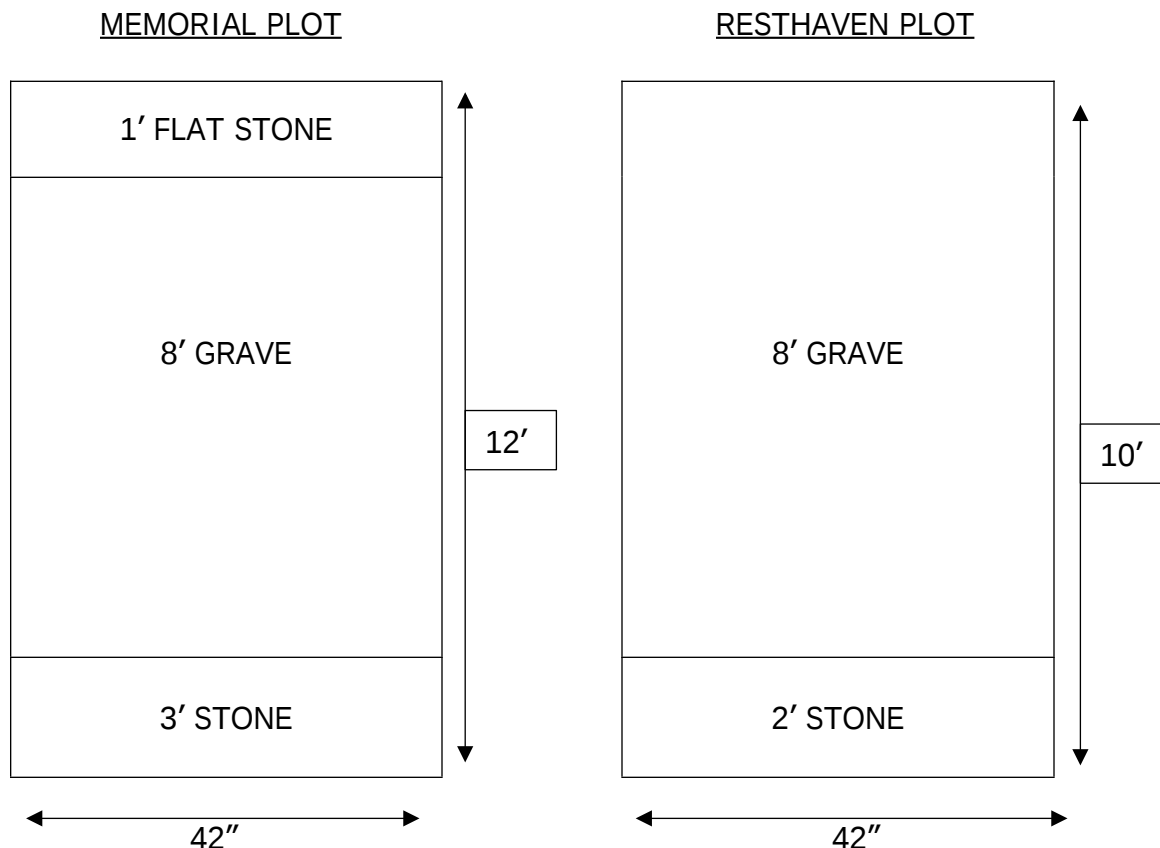
- 1) Visitors shall be allowed access to the cemetery at all proper times and must observe all rules now in force or that may be adopted for the regulation of the grounds.
- 2) All unauthorized persons and all those known to have violated any of the rules and regulations of the cemetery grounds, will not be permitted to enter the grounds.
- 3) The soliciting for contracts or orders for monuments, headstones, memorials, or other work in the cemetery grounds is prohibited. Signs, notices or advertisement of contractors, stonecutters, undertakers, or any other person are prohibited upon or within the cemetery grounds.
- 4) Shooting of firearms upon cemetery grounds is prohibited, except as military funerals or on Decoration Day (Memorial Day) or as otherwise authorized by the Council.
- 5) It is unlawful for any person to throw any wastepaper, cans, or other refuse upon the grounds of the cemetery.
- 6) The Cemetery prohibits spreading of ashes above ground.
- 7) All visitors should conduct themselves in a quiet manner that shall not disturb any service being held.

TRESPASSING AND DAMAGING:

It is unlawful for any person to deface or injure any grave, vault, tombstone or monument or any building, fence, tree, shrub, flower, or other thing belonging to a cemetery, or to dig any grave therein, or interfere with any grave, lot, street, or alley therein.

INTERMENTS:

- 1) All graves shall be dug by the City under the direction of the authorized City Administrator or designee.
- 2) A charge for opening and closing a grave and the sodding and seeding of the mound will be made at a current rate set by the City.
- 3) All burials must be authorized by the City as the record keeper of contracts.
- 4) No person shall have the right to sell owned burial spot(s) in the City Cemeteries without prior notice to the City of Le Mars. Burial spots may be passed down to surviving family. When burial spots are to be passed down or given to family or others, written authorization needs to be provided to the City. To keep records up to date, all changes of ownership need to be reported as soon as possible and the City of Le Mars will complete a Quit Claim Deed for transfer. The City will not sell already purchased lots, it is the responsibility of the owner or family member.
- 5) No more than one **(1)** ash and/or one **(1)** full burial **OR** two **(2)** ash burials per lot.
- 6) **Marker:** See MARKER/MONUMENTS REGULATION above, number (2).



VETERANS:

The City of Le Mars hereby sets aside at Memorial Cemetery the entire Block 13 for Military Veteran's by City Ordinance.

- 1) "Veteran" defined. The term VETERAN, as used in this section, shall be the same as defines those individuals who are eligible for a grave marker as set forth in Iowa Code § 35B.16, and as such section is from time to time amended.
- 2) Proof of eligibility for burial. No lot in the veteran's plot shall be deeded or conveyed, or permission given for the burial of any person therein, unless the eligibility of such persons for burial therein is first established to the satisfaction of the Cemetery Sexton or designee. Funeral homes shall provide to the Cemetery Sexton or designee when requested, all paperwork or documents related to said proof of eligibility.
- 3) Grave markers in Veteran's Block. Each grave shall be marked with one upright headstone in Granite or Marble, light in color, and meet Department of Veteran's Affairs specs in stone size. No double marker of any kind or additional marker shall be permitted for any single burial lot other than a flag holder. Only one casket or cremation burial shall be allowed per lot. (Note: A spouse at the time of Veteran burial may purchase adjoining lot.)
- 4) Reservists. At least one of these must be true: The Reservist was entitled to Retirement pay at their time of death (or would have been entitled if they were over 60 years old) or the Reservist was called to Active Duty for purposes other than training.
- 5) National Guard Members. At least one of these must be true: The National guard member was entitled to Retirement pay at their time of death (or would have been entitled if they were over 60 years old) or the National guard member served in a Federal status and for the period of time they were called to serve.
- 6) Applicability of general cemetery rules and regulations. The rules and regulations contained in this section are supplementary to the rules and regulations governing city cemeteries generally and are not intended to abrogate or impair restrictions and regulations imposed by such regulations which are applicable to the entire Le Mars Memorial Cemetery, except insofar as such general rules and regulations would permit anything prohibited by these rules for the veteran's plot.

NOTE: RESERVISTS and NATIONAL GUARD MEMBERS who have only limited Active-Duty Service for training aren't eligible in most cases. They may be eligible in certain situations, such as if they died during or as the result of the training.