

CHAPTER 25

CEMETERY BOARD OF TRUSTEES

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25.01 PURPOSE. The purpose of this chapter is to regulate the operation of the Carlisle Municipal 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, and to provide for the establishment of rules and regulations relative to the same.

25.02 MANAGEMENT AND CONTROL. The general management of the Carlisle Municipal Cemetery shall be lodged in the Carlisle Cemetery Board of Trustees, who may delegate to a sexton (superintendent) certain duties and responsibilities so as to carry out the directions of the Board of Trustees and of the City Council, all in accordance with the rules, regulations and ordinances governing the operation of the Carlisle Municipal Cemetery.

25.03 AUTHORITY TO EMPLOY SEXTON. The Cemetery Board of Trustees shall, with the consent and approval of the City Council, have authority to employ a sexton and such additional employees as may be necessary, and at such wages or salary as the Council may, from time to time, prescribe.

25.04 MAINTENANCE CONTRACTS. The Cemetery Board of Trustees shall, when necessary, review contracts with third persons for upkeep, maintenance, and improvements of the Cemetery, and make recommendations as to the purchase or payment of said services or materials to the City Council, who shall review such recommendations and give approval to the same.

25.05 RULES AND REGULATIONS. The Cemetery Board of Trustees shall establish rules and regulations for the use of the cemetery relating to subdivision of the cemetery into lots, capacity of each lot, location of graves, type of plantings, monuments and markers that will be permitted for the proper and most attractive development of the cemetery, and all matters relating to the cemetery, including egress and ingress. 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)

25.06 CEMETERY BOARD OF TRUSTEES. The Carlisle Municipal Cemetery Board of Trustees shall consist of five resident members appointed by the Council for staggered five-year terms. Vacancies shall be filled in the same manner as the original appointment for the balance of the term. The Board shall carry out the duties outlined in this chapter, shall have the authority to elect its Chairperson and affix times for regular meetings, and shall have the power to call special meetings in the event it is deemed necessary.

25.07 MEETINGS. All meetings of the Carlisle Municipal Cemetery Board of Trustees shall be open to the public, and the agenda of meetings, special or regular, shall be posted within the City bulletin board in the Carlisle City Hall at least twenty-four (24) hours before said hearing, which agenda shall include subject matter and topics to be discussed or passed upon by said Board of Trustees, and it is prohibited that matters beyond the agenda be discussed or acted upon without the foregoing notice.

25.08 SEXTON. The sexton recommended to and selected by the Council shall supervise interment, and shall supervise and take proper care of the cemetery and see that no lot therein is used or occupied in violation of this chapter, or any other rules, regulations or statutes pertaining to the same.

25.09 RULES OF INTERMENT. No deceased person shall be interred in the cemetery unless the sexton has found that all requirements of the State, Federal, County and Municipal laws and ordinances have been complied with. Such requirements shall include establishing the following:

1. The lot in which burial is to be made has been fully paid for or arrangement has been made with reference to the payment of any balance that may be owed relative thereto.
2. The person arranging for such burial has a right to use such lot.
3. Such lot is not used beyond its capacity.
4. Proper record is made of the lot and age of the deceased person, and the exact location of the grave.

A plat shall be maintained by the sexton indicating thereupon the name of the person interred, the age of the deceased, former address, next of kin and location of the grave.

25.10 LOT VALUATION. The Carlisle Municipal Cemetery Board of Trustees shall place a value upon all unsold lots in the cemetery, and shall record such valuation on the official map and plan of said cemetery, which shall be kept on file and open for the public in the office of the City Clerk, who shall record the prices for which such lots are sold. There shall be no discrimination in the sale of the lots on any basis. There may, however, be a reduction and discount of lots from time to time, and notice thereof shall be given by posting in the City bulletin board the reduction as determined by the City Council. There is authorized the payment of commissions to salespersons for the sale of said lots. Said commissions may vary, as determined by the recommendation of the Carlisle Municipal Cemetery Board of Trustees and the approval of the City Council. All commissions shall be computed upon the net amount received after reduction for perpetual care.

25.11 PERPETUAL CARE. There shall be established by the City a trust fund referred to as the "Perpetual Care Trust Fund," which fund shall be permanently maintained by the City for expenses relative to the mowing and upkeep of the grave sites incorporated within the Carlisle Municipal Cemetery. Said fund shall be established by deducting from any sale of lots, regardless of price, an amount of the gross price, as heretofore established, which price shall not reflect discount. Twenty-five percent (25%) of said amount shall then be deposited within the perpetual fund heretofore referred to, and the interest from the earning of said perpetual care trust fund shall be devoted to the maintenance of lots, as heretofore stated. The corpus of said account shall not be used for any purpose, and shall be maintained and deposited in a government-guaranteed account so as to reflect the highest earnings possible.

25.12 METHOD OF PURCHASE. Any person desiring to purchase a particular lot or lots for the purpose for which it is intended shall be permitted to do so upon payment of the price fixed for such lots, or upon making arrangements according to rules and regulations or purchase agreements with reference to the purchase of lots on installment plans.

25.13 RECORD OF OWNERSHIP. The sexton, on behalf of the Carlisle Municipal Cemetery, shall keep full and complete records of ownership of all lots in the cemetery, of the burial capacities of each lot sold or unsold, the location of each grave, and the name of the persons buried in the grave that has been or shall be used, and the date of burial of each.

25.14 CEMETERY ACCOUNTS. The City Clerk shall keep full and detailed accounts of receipts and expenditures on the account of the cemetery, and shall be responsible, as provided by law, for the reporting of said monies to the City Council. Said funds are to be handled as all other funds are handled relative to the operation of the City.

25.15 REPORTS. The Carlisle Municipal Cemetery Board of Trustees shall annually make a report of the condition of the cemetery to the City Council, said annual report to contain recommendations with reference to improvement, expansion, or rules and regulations. The Board of Trustees shall furnish an annual recommendation with reference to the budgeting of funds relative thereto.

25.16 BEHAVIOR. It is unlawful to do any of the following in a cemetery:

1. Bring or have in possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any area except by permit issued by authorized City officials or the Cemetery Board.
2. Allow dogs or other domestic animals to run free in the cemetery. All dogs or other domestic animals shall be restrained at all times on adequate leashes.
3. Build or attempt to build a fire in any area of the cemetery. No person shall throw, or otherwise scatter lighted matches, burning cigarettes or cigars or other inflammable material within the cemetery area or any road or street abutting or contiguous thereto.
4. Enter an area posted as "Closed to the Public" or use or abet the use of any area in violation of posted notices.
5. Engage in any loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace.

25.17 CEMETERIES CLOSED. No person shall enter or remain within any cemetery between the hours of 10:30 p.m. and 6:00 a.m.