

# *Rules & Regulations of the* **West Branch Municipal Cemetery** **West Branch, Iowa**

## **Forward**

It is the desire of the City of West Branch to make the West Branch Municipal Cemetery a quiet, beautiful place for the deceased where a sense of repose will be obtained by dignified landscape effects on a well maintained lawn. The West Branch Cemetery is to be a "Park of Memories". To secure these effects, the City has spent and will continue to expend, considerable sums of money, but to preserve these effects will require the cooperation of every lot owner. Anything which would mar the general beauty and harmony of the cemetery must be avoided. Peace and good order must prevail, and the sacredness of the place be maintained at all times. It is to this end that these rules and regulations have been made effective and the suggestions as contained herein are offered.

## **Purchase of Lots**

Persons desiring to purchase a lot in the cemetery are referred to the Cemetery foreman. The foreman will have available suitable plats showing size and price of lots, and such other information as may be required and will be pleased to render assistance to those desiring to make lot purchases. Upon having made a lot selection, the clerk will make the sale and a deed will be issued.

## **Ownership Rights of Interments**

The terms "lot owner" or "ownership" shall be construed to mean the right to use a lot, as purchased from the City for a consideration, for burial purposes only and under the existing or subsequent rules and regulations as prescribed by the City for such use.

Upon full payment of the purchase price of a lot, the City will issue a cemetery deed, under its seal, and the deed will be recorded in the records of the City as evidence of ownership of the lot. Lots, for which lot deeds have been issued by the City, will not therefore be divided except by consent of the City. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.

If the owner of a cemetery lot abandons said lot, it shall revert to the City under the provisions of Sec. 566.20 - 566.27 of the 1997 Code of Iowa.

The City shall have the right to assume, at all times, that the lot owner acquired the lot for the interment of the owner and members of the family. Unless otherwise directed in writing and filed with the City Clerk by the owner, the owner's devisees or owner's heirs, the cemetery will permit the interment of members of that family at the request of any interested person upon proof of eligibility for burial, as follows:

- a. The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
- b. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing and filed with the City Clerk, determine who among them shall have the right of interment or direction for interment.
- c. In the event the owner, the owner's devisees or owner's heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner shall have the right of interment in the order of need.

All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, a certified copy of the will must be delivered to the City Clerk before the City will recognize the change in ownership. If the deceased lot owner left no will, satisfactory proof of descent must be presented. Lot owners, in making their wills, would include the cemetery lot and will it to one person.

The title to a cemetery lot vests in the owner the right to use such lot for burial purposes only in accordance with the cemetery rules and regulations.

Lot owners may re-sell or transfer their lots. Lot owners desiring to dispose of lots may, upon surrender of the original deed, list such lot with the City Clerk for re-sale. The City, however, assumes no responsibility for satisfactory re-sale but will assist in making such re-sale at the earliest possible date. Upon satisfactory re-sale, the City must be notified of the new lot owner. All profits above the original sale price on transfer or re-sale shall accrue to the benefit of the West Branch Municipal Cemeteries.

### **Care of Lots**

In order to assure reliable means for permanent care, the perpetual care fund is maintained. Income from this fund will provide maintenance of the cemetery. This fund is composed of a portion of the money received from each lot sale. The amount set aside into the fund from each lot sale will vary from time to time as determined by the City Council. A record of such amount, as set by the City, shall be kept on file in the office of the City Clerk and cemetery foreman. The fund may also be increased by gifts, bequests, a portion of memorial charges and other service revenues.

The term "perpetual care" shall be construed to mean the obligation which the City assumes to use the net annual income received from investment of the fund, in furnishing such care as is furnished similarly endowed lots in the cemetery. Such care shall include maintaining the lawn; leaf disposal; filling sunken graves; and caring for avenues, alleys, fences, buildings and grounds, in general. It is understood that such expenditures shall be made at the discretion of the City. The City shall not be bound to make a separate investment of the money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund to the City and the proceeds therefrom used by the City in the manner as heretofore provided. Nothing herein shall be construed as modifying any existing contract as to perpetual care.

### **Privileges and Restrictions**

Each lot in the cemetery will, prior to its sale, be suitably marked by the City with a metal or concrete post placed on each lot corner and set level with the adjacent ground. To maintain accuracy and uniformity of marking, substitute or additional corner posts may not be used.

No mounds shall be raised upon any grave above the general level of the lot.

No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, glass jars, bottles, toys, cans and other unsightly objects not containing flowers, will not be permitted and when used will be removed by the City without notice. Flags, emblems and all other decorations may be used for a five (5) day period around Memorial Day but will be removed if interfering with the mowing and trimming of the cemetery, without responsibility for preservation, if still in place after the five (5) days. Permanent emblems may be used if said emblems comply with City requirements.

All landscaping, care of lots, and other work in the cemetery will be done by the City, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Advice and assistance will be cheerfully given (without charge) and may be of much value to those contemplating the purchase of monumental work or of making lot improvements.

The City reserves the right for its workmen, and those persons necessary to the performance of normal cemetery operation, to enter upon or cross over any lot in the cemetery in the performance of such duties.

The City, or its employees, assume no liability for damages, actual or mental anguish, in the performance of its normal operation, or loss by vandalism or other acts beyond its reasonable control.

The City reserves the right to furnish, supply and/or sell to its patrons such items as may be normally used within the cemetery such as flush floral receptacles. The City reserves the right to alter, change or close alleys, roadways, water mains and other physical properties of the cemetery.

### **Rules for Visitors**

The cemetery will be open to visitors at all times between the hours of 7:30 A.M. and one-half (1/2) hour after sunset.

Persons or picnic parties, with refreshments, will not be admitted. Dogs will not be allowed in the cemetery except when on a leash.

Firearms will be allowed in the cemetery only at military funerals.

Visitors are required to use the walks and drives and shall not: trespass on cemetery lots; pick any flowers (either wild or cultivated); injure any shrub, tree or plant; or mar or deface any monument, stone or structure in the cemetery.

Vehicles traveling within the cemetery shall proceed at not to exceed fifteen (15) miles per hour.

### **Interments**

Interments will not be made on Sundays or official City holidays without additional charges.

All interments shall be made in a permanent type outer container.

All graves shall be dug by the City under the direction of the foreman. Depth of graves shall conform to the ruling by the Iowa State Board of Health. The minimum depth will be five and one-half feet (5 1/2'), unless a flush top burial vault is used.

A charge for opening and closing a grave and the sodding and seeding of the ground will be made at a current rate set by the City. Payment of said charge shall be arranged in advance of interment by the person authorizing the

opening, and shall include opening of the grave, removal of excess material, refilling and sodding.

No burial will be permitted until a legal burial permit has been presented to the foreman. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.

The lot owner or funeral director shall designate the location of the graves on the lot to the foreman and any change of location made after the opening of the grave has begun, shall be at the expense of the lot owner. The cemetery will exercise its best judgment in making a location in order that the requested time for interment may be met. The cemetery assumes no responsibility for any error in such location and an additional charge will be made for any change requested.

The cemetery foreman shall be given forty-eight (48) hours notice for the opening and preparation of a grave prior to interment.

When several burials occur in a one or two day period, the cemetery foreman shall schedule them in as prompt and efficient a manner as possible, working in close cooperation with the funeral directors.

The interment of two bodies in one grave will not be allowed, except in case of a mother and infant or twin children, or two children buried at the same time. Two cremations will be allowed in one grave. No interments of any body other than that of a human being will be permitted.

The foreman, or his assistant, shall attend every interment and see that the rules, regulations and strict proprieties of the cemetery are observed.

As soon as flowers, wreaths, emblems, etc., used at funerals or placed on graves at other times, become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed.

### **Removals**

Removal of bodies from graves in the cemetery will only be made by the City in accordance with the requirements of the statutes of the State and the rules of the State Board of Health. Charges set by the City for removal will be payable in advance.

Lot owners or their heirs desiring graves opened, shall secure the necessary disinterment permit from the State and deliver same to the cemetery foreman. All removals will be made by the City under the supervision of a licensed embalmer.

For sanitary reasons, graves will not be re-opened for inspection except for official investigation.

### **Monuments**

Grave markers will be set according to regulations specified by the City. For large monuments, the City reserves the right to require the construction of a foundation of such material, size and design as will provide ample insurance against possible settlement or injury to the stone work. The top of the concrete foundation will be constructed approximately one inch (1") below the base of the stone work so as to permit the monument or marker to be set in a bed of cement mortar evenly covering the concrete base.

The setting of monuments, stones and markers, and the transportation of all tools, materials, etc., within the cemetery grounds shall be subject to the supervision and control of the foreman. Heavy trucking will not be permitted within the cemetery when, in the opinion of the foreman, such work might cause injury to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and rubbish removed immediately.

Stone or monumental work will not be permitted on a lot until the lot is fully paid for. The City reserves the right to refuse permission to erect any monumental work not in keeping with the good appearance of the grounds.

Stone work or monumental work, once placed on its foundations, shall not be removed except by permission of the cemetery foreman.

The following restrictions regarding monuments and grave markers apply to the sections of the cemetery as designated below:

ALL SECTIONS - the stones or markers must be placed upon the deeded lot only, and must be aligned with the stones or markers in the rest of the row.

MEMORIAL SECTION - no upright stones or markers will be allowed.

ALL OTHER SECTIONS - no size restrictions.

### **Trees, Shrubs and Flowers**

All landscaping, including the planting of trees, shrubs and flowers, will be done by the cemetery. Lot owners must consult with the foreman about matters pertaining to the general beautification, care and maintenance of lots in the cemetery. Existing individual lot plantings may be removed by the City when they become unsightly or undesirable and may not be replaced.

Fresh cut flowers may be used any time and will remain until, in the judgment of the foreman, they become wilted or unsightly. Containers for cut flowers must not be of a type to hold water when not in use, are to be level with the ground surface or of the type to be disposed of when flowers are removed.

Potted plants may be set on lots, without disturbing the sod, on special occasions such as Memorial Day, birthdays, anniversaries, etc., but, if not removed within five (5) days, will be picked up and destroyed if unsightly or preserved for use in beds within the cemetery if suitable.

Artificial decorations will be treated as fresh flowers and potted plants. Artificial pieces may be used at any time of the year.

No person will be permitted to trim, prune or remove branches from any tree or ornamental shrub in the cemetery, whether on his lot or not. All work of pruning or trimming trees and shrubs shall be done by the foreman or under his direction. Upon request, the foreman will do any pruning needed without charge.

Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the foreman or under his directions. The observance of this rule is necessary to prevent the theft of plants. Many plants, especially vines, interfere with the proper care of the lots and graves and injure the grass. Such plants will be removed when found objectionable. All graves and flower beds will be cleaned of tender plants after the first frost in the fall.

### **Fees, Charges and Payments**

The payment of all fees and charges are payable in advance and shall be made at the office of the City Clerk in the City offices, where receipts will be issued for all amounts paid.

A schedule of fees and charges, as established by the City Council, shall be on file in the office of the City Clerk. Such schedule may be changed from time to time, without advance notice, to conform with current economic conditions.

Price of lots shall in all cases include an amount for perpetual care as set by the City Council. Lot owners, or others, may voluntarily increase endowments through additional contributions or bequests.

### **Cemetery Charges**

#### ***Interment***

Summer	\$600
Winter	\$600 plus \$40 for gas if conditions require

Infant	\$150
Ashes	\$125
Saturdays	\$100 extra
Sundays & Holidays	\$200 extra

***Disinterments***

Cost varies according to size and location:

Suitcase Type (baby)	\$100
Half-sized Vault (child)	\$175 - 400
Full-sized Vault (adult)	\$400 - 700

***Lot Prices***

Expanded West Section:

\$250 per space sold in multiples of two (2)

Memorial Section:

\$100 per space sold as singles (1)

All Other Sections:

\$100 per space sold in multiples of two (2)

**Suggestions**

It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire section.

It is important that care be taken in selecting a monument to get a design which will harmonize with its surroundings and not be a monotonous repetition of other stones in the cemetery. Marble monuments are not permanent in this climate and their use should be avoided. Granite offers the greatest permanency of any of the stones commonly used. It is desirable that the cemetery foreman be consulted before ordering monumental work.

Prospective patrons may be free to visit the cemetery for information without obligation or pressure to select. Lot owners are urged to feel free to contact the cemetery foreman at any time if the meaning or intent of these rules and regulations are not clear or if other information is desired.

***Dated this 4th day of February 2009.***