

RESOLUTION NO. 219-2020

RESOLUTION TO AMEND THE "CEMETERY REGULATIONS"

WHEREAS, on May 19, 1998, Urbandale, Iowa, approved Ordinance 98-19, to accept ownership of the non-perpetual care cemetery known as the McDivitt Grove Cemetery, Webster Township, Iowa, transferred to the City of Urbandale, Iowa, by the Webster Township Board of Trustees; and

WHEREAS, the City of Urbandale, Iowa, approved "Cemetery Regulations" to govern the operation of the McDivitt Grove Cemetery; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF URBANDALE, IOWA:

CEMETERY REGULATIONS for MCDIVITT GROVE CEMETERY UNDER the CONTROL of the CITY OF URBANDALE, IOWA

SECTION 1. CORRECTION of ERRORS

1. Correction of Errors: The City reserves and shall have the right to correct any errors that have been made by the previous owners of the cemetery transferring to the City, or that may be made by it either in making interments, disinterments, or removals, or in the sale, description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting therefore and conveying in lieu thereof other interment property of equal value and similar location, as far as possible, or as may be selected by the City, or in the sole discretion of the city, by refunding the amount of money paid for such purchase. In the event the City elects to refund the purchase price and the price cannot be verified, the amount to be refunded shall be determined by the City Council after permitting the person to receive the refund to be heard. If the errors involve interment of the remains of any person, the City reserves and shall have the right to remove and transfer those remains to other property of equal and similar location.

SECTION 2. INTERMENT

1. Interment Human Only: Interment is restricted to human bodies and cremated human remains.
2. Interment Container: Each interment, at a minimum, shall utilize a grave liner sufficient to support the weight of the earth. Interment shall be in a permanent type outer container according to any applicable State laws or regulations. Interment in a columbarium niche shall be in a sealed container which can fit within the individual niche.
3. Interment for Death by Contagious Disease: Interment of a human body when death was caused by a contagious disease shall be in strict accordance with the rules of the State Board of Health.
4. Interment Number of Human Bodies: Interment in one grave shall be limited to one human body, except in the case of a parent and/or infant child or infant children, or one human body and one cremated human remains. Interment in a columbarium shall be limited to one human cremated remains per niche.
5. Interment Number of Cremated Human Remains: Interment in one grave shall be limited to two cremated adult human remains, except in the case of a parent and/or infant child or infant children. Interment in a columbarium shall be limited to one human cremated remains per niche.
6. Application of Interment: The City has the authority to allow an interment of any family member of any of the several owners of a lot upon the authorization of one of the owners.
7. Interment Location Doubtful: When instructions regarding location of any interment space in a lot cannot be obtained or are indefinite, or when for any reason the interment space cannot be opened or specified, the City or authorized representative may open it in such location in the lot as deemed best and proper so as not to delay the funeral and the City shall not be liable in damages for any errors so made.
8. Interment Delays: The City shall not be responsible or liable for any order given verbally or for any mistake occurring from the want of precise and proper written instructions as the particular space size, and location in a lot where interment is desired. The City shall in no way be liable for any delay in the interment of a body where a protest to the interment has been made, or where the provisions of this chapter have not been complied with. Protest of interment shall not be valid unless it is in writing and filed with the City Clerk.
9. Interment Location Incorrect: The City shall designate the location of the lot(s) to the City's grave opener or contractor hired by the City to open the grave. If the lot owner incorrectly identified the lot location, the lot owner will pay the expense after the opening of the incorrect grave has begun. If the City incorrectly identified the lot location based on the City's records, the City will pay the expense after the opening of the incorrect grave has begun.

SECTION 3. GRAVE MANAGEMENT

A. Grave Openings:

1. 48 Hours-Notice: The City will be given forty-eight (48) hours-notice for the opening and preparation of a grave prior to interment.
2. Grave Opening: All graves shall be dug by the City or a contractor hired by the City to dig the graves. The contractor shall be required to provide the City with a Certificate of General Liability insurance in the minimum amount of \$1,000,000. The City assumes no responsibility for the services of the contractor, and shall be named as the additional insured.
3. Remove Excess from Grave Opening: It is the responsible of the City, or when a contractor is hired to dig the grave, it is the responsible of the contractor, to remove any excess material, refill, seed and sod as required by the City.
4. Mounds Not Allowed: No mounds shall be raised upon any grave above the general level of the lot, except for the first twelve (12) months immediately following an interment.
5. More than One Burial: When more than one burial occurs in a one or two day period, the City shall schedule them in as prompt and efficient manner as possible, working in close cooperation with the funeral director(s).

B. Grave Reopening:

1. Official Investigation: Graves will not be reopened for inspection except for official investigation.
2. Permit to Open: Lot owners, or their heirs, desiring a grave to be opened shall secure the necessary disinterment permit from the State and deliver the same to the City.

C. Removals from Grave:

1. Removal in Accordance with State Rules: Removal of human bodies or cremated human remains 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, and if required, under the supervision of a licensed embalmer.
2. Removal of body: Removal of a body or the cremated remains of a body by the heirs so that the lot may be sold for profit to themselves or removal contrary to the express written direction of the original lot owner, is prohibited. A body or the cremated remains of a body may be removed from its original lot to a larger or better lot in a cemetery when there has been an exchange or purchase for that purpose. The City shall not be liable for any damage to any casket, burial case, or urn that may be incurred in making such removal.
3. Removal Charge: Charges set by the City for removal will be payable in advance.

SECTION 4. COLUMBARIUM MANAGEMENT

A. Columbarium Opening:

1. 48 Hours-Notice: The City will be given (48) forty-eight hours-notice for the opening and preparation of a columbarium niche prior to interment.
2. Prior to Service: All columbarium niches shall be opened by City of Urbandale staff and properly prepared for the service at a minimum of 1 (one) hour prior to the service. Openings will be done Monday through Friday, between 8:00am and 3:00pm. This preparation shall consist of the removal of the outer faceplate, niche seal plate and cleaning of the niche space to remove all foreign matter considered to be unsightly.
3. After Memorial Service: After memorial service, City of Urbandale staff shall perform the duties of closing the space, and replace the outer faceplate.

B. Columbarium Niche Reopening:

1. Official Investigation: Columbarium niches will not be reopened for inspection except for official investigation.
2. Permit to Open: Lot owners, or their heirs, desiring a columbarium niche to be opened shall secure the necessary disinterment permit from the State and deliver the same to the City.

C. Removals from Columbarium Niche:

1. Removal in Accordance with State Rules: Removal of cremated human remains from a columbarium 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, and if required, under the supervision of a licensed embalmer.
2. Removal of Cremated Remains: Removal of the cremated remains of a body by the heirs so that the niche may be sold for profit to themselves or removal contrary to the express written direction of the original niche owner, is prohibited. The City shall not be liable for any damages to any burial case, or urn that may be incurred in making such removal.
3. Removal Charge. Charges set by the City for removal will be payable in advance.

SECTION 5. MAINTENANCE of CEMETERY

A. Decorations (Fresh Cut and Artificial Flowers, Artificial Decorations):

1. Fresh Flowers: Fresh cut flowers may be used any time and will remain until in the judgment of the City they become wilted or unsightly. Containers for cut flowers are

to be disposed of when flowers are removed unless the container is a permanent part of the monument.

2. Potted Plants: Potted plants, including annual plants, are allowed in containers, as long as the container sets completely on the monument or base. Maintenance of potted plants is the sole responsibility of the owner and/or subsequent heir. All pots/containers will be removed in October, unless attached to monument. Artificial decorations are permitted to be used.
3. Decorative Items: Flowers, wreaths, emblems, or other decorative items placed on lots or graves at funerals, will be allowed to remain in place at the discretion of the City.
4. No Maintenance of Decorative Items: No responsibility is assumed for the protection or maintenance of decorative items placed on lots or graves.
5. Right to Remove Items: The City or authorized representative has at least 3 seasonal clean-up events per year. Notice of clean-up is posted on the City's website. The City reserves the right to remove and destroy any prohibited items, flowers, wreaths, emblems, or other decorative items as deemed necessary by the City. The City may also remove decorations with language or symbols which are profane, abusive, or threatening.
6. Specific to Columbarium: The use of decorations either placed on the ground or in freestanding easels or stands or attached directly by wire, tape, glue or other similar method is prohibited.
7. Prohibited Items for All Interment Spaces: Ornaments, glass in any form, shepherds hooks, lights, candles, ropes, strings, and items of similar nature are not permitted.

B. Maintenance of Vegetation (Lawn, Plantings):

1. Grounds Maintenance: The City will provide or hire a contractor to provide regular maintenance to the cemetery grounds and vegetation.
2. Permanent Plantings: The City is the only authorized authority to determine permanent landscaping; planting of trees, shrubs, and flowers, in the cemetery.
3. Pruning / Removal Not Allowed: No person will be permitted to prune, trim or remove branches from any tree or ornamental shrub in the cemetery, whether on their lot or not. All work of pruning and trimming trees and shrubs shall be done under the direction of the City. Requests for pruning and trimming should be made to the City.
4. Objectionable Plants Removed: 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 grave and flower beds will be cleaned of tender plants after the first frost in the fall.
5. Hedges Borders and Other Lot Enclosures Not Allowed: No rock, wood chips, hedges, fences, landscape edging or enclosures of any kind will be permitted on or around the lots.
6. Right to Remove Unauthorized Plantings: The City reserves the right to remove unauthorized plantings, including the removal of existing plantings on individual lots, when such plantings become unsightly or undesirable. The City is under no obligation to replace the plantings and is under no obligation to compensate the owner(s) and/or heir(s) of the lot for the plantings.

C. Maintenance of Cemetery:

1. Care of Lots: All care of lots and other work in the cemetery will be done by the City. Lot owners are free to contact the City at any time regarding concerns about the maintenance of their lots.
2. Cross Over Lots: The City reserves the right for its workers and those persons necessary to the performance of normal cemetery operations, to enter upon or cross over any lot in the cemetery in the performance of such duties.
3. Changes to Cemetery: The City reserves the right to alter, change, or close alleys, roadways, water mains, and other physical properties of the cemetery.
4. Care of Cemetery Improvements: The City will maintain the existing or future physical improvements of the cemetery grounds (fence, gate, road, sidewalks).
5. Changes in Cemetery: The City may enlarge, reduce, replace or change the boundaries or gradings of a cemetery or of a section thereof, or to modify or change location of or remove or regrade lots, drives, or walks therein and to lay, maintain, and operate or alter or change pipelines or gutters for sprinkling systems, drainage, and other purposes, and to use cemetery property which has not been sold to individual lot owners for cemetery purposes, including the interment of human bodies or anything necessary, incidental or convenient thereto. The City shall have a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots and may permit others to pass over for specific reasons.
6. Improvements or Alterations of Lots: An improvement or alteration of a lot cannot be accomplished until the consent of the City has been received. All improvements or alterations shall be accomplished according to the regulations established by the City for the improvement. If any improvement or alteration of a lot is made without the consent of the City, the City shall have the right to order the same removed, altered, or changed at the expense of the lot owner.

SECTION 6. HEADSTONE, TOMBSTONE, MONUMENT, OR OTHER INDICATOR (HEREAFTER, GRAVE MARKERS) TO INDIVIDUALLY IDENTIFY A DECEASED

A. Maintenance of Grave Markers to Individually Identify a Deceased:

1. Non-Perpetual Care: Maintenance of the cemetery does not include perpetual care, and does not include repairs to a headstone, tombstone, monument, or other indicator (hereafter, "grave markers") to individually identify a deceased.
2. Grave Marker/Columbarium Niche is Private Property: The grave marker/niche is the private property of the individual(s) who purchased it and subsequent heir(s), and shall be maintained by the owner(s) and/or subsequent heir(s).
3. Owner(s) Repair Grave Marker/Columbarium Niche: It shall be the responsibility of the owner(s) and/or subsequent heir(s) of the grave marker/niche to make repairs to a grave marker/niche after notice by the City, in writing, sent by ordinary mail.
4. If City Repairs Grave Marker: If the City is unable to locate the owner(s) and/or subsequent heir(s) of a grave marker which is in need of repair, the City or designated representative may authorize reasonable repairs to be paid for by the City. The City is not obligated to repair a grave marker to its approximate state when

original. The City has the right to remove a grave marker that is in disrepair. The City is not obligated to replace a grave marker with the like or same.

5. Right to Remove Unauthorized Grave Marker: Any grave marker that is placed upon a lot without the approval of the City may be removed by the City and cost thereof assessed to the person(s) placing the unauthorized marker.
6. Footstones: Footstones are not allowed.

B. Grave Markers (Headstone, Tombstone, Monument):

1. Settings of Grave Markers: Grave markers will be set according to the regulations determined by the City. For large grave markers, 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 damage to the grave marker. The top of the concrete foundation will be constructed approximately one (1) inch below the base of the grave marker in order to set the grave marker in a bed of cement mortar evenly covering the concrete base. Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the City.
2. Maximum width: The maximum width of the concrete foundation on a single lot is 42 inches. The maximum width, when centered on two lots, is 72 inches.
3. Setting of Grave Marker Subject to Supervision: The setting of the grave markers and the transportation of all tools, materials, etc., within the cemetery grounds shall be subject to the supervision and control of the City. Heavy trucking will not be permitted within the cemetery when, in the opinion of the City, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.

C. Tombs and Mausoleums:

1. Right to Prohibit Structure: Tombs and mausoleums may be placed only on such lots as may be set aside or designated by the City for such structures. Prior approval is required by the City for such structures. The City reserves the right to prohibit the erection of any structure that is not considered safe, suitable or desirable.

D. Columbarium Niches:

1. Engraving: In order that the appearance of the columbarium shall remain uniform, the font, size and design specifications for the engraving on the niche units will be prescribed by the City. The engraving on the niche front will include the first name, middle initial and last name of the individual and is included in the cost of the niche. An optional engraved rose may be added to the niche front, at an additional fee.

SECTION 7. REGULATIONS for VISITORS

1. Cemetery Hours: The cemetery will be open to visitors at all times between the hours of 6:00 a.m. and 10:30 p.m. Permission to enter a cemetery at any other time must be obtained from the City or the Police Department.
2. Adult Supervision: A child or children under twelve (12) years of age should be accompanied in the cemetery by parent(s) or guardian(s), or other adult(s).
3. Unauthorized Firearms Not Allowed: Firearms will be allowed in a cemetery only at military funerals, military displays honoring the dead, or in the possession of a Police Officer.
4. Trespassing and Vandalism Not Allowed: Any person who trespasses upon a cemetery under the jurisdiction of the City by defacing, damaging, destroying or removing any grave marker or other form of notification identifying the location of the deceased, grave, burial, or other form of interment; or any grounds or vegetation (flower, shrub, tree, etc.); or physical improvements (fence, gate, sidewalk, etc.); or anything in or belonging to the cemetery, is guilty of a misdemeanor and liable for any and all damage.
5. Speed Limit: Vehicles traveling within a cemetery shall proceed at a speed not to exceed ten (10) miles per hour.

SECTION 8. LOTS/COLUMBARIUM NICHES

1. Sale of Lots/Niches: McDivitt Grove cemetery shall be divided into lots/niches and a plat of these lots/niches shall be made and kept on file in the office of the Department of Parks and Recreation. A person purchasing a lot/niche shall receive a deed for the lot/niche from the City upon the payment of the purchase price. If available, the buyer of the lot/niche will provide name of the individual to be buried in the lot/niche. The deed to the lot/niche shall be issued under the seal of the City. Each deed shall contain a statement that the lot/niche is in a non-perpetual care cemetery. A cemetery lot shall be used for burial purposes only in accordance with this chapter and any applicable rules and regulations of the City or the State. No partial lots will be sold except by special permission of the City. Unless special permission is granted by the City, no interment shall be permitted or a memorial placed in or on any lot/niche not paid for in full. No right of interment shall be granted to any lot owner in any road, drive, alley or walk within the cemetery.
2. Lot Paid in Full before Setting Grave Marker: Stone work or monument work for a grave marker will not be permitted on a lot until the lot is fully paid for.
3. Repurchase of a Lot/Columbarium Niche by the City: A lot/niche owner shall not be permitted to resell or otherwise transfer ownership of a lot/niche to another. A lot/niche owner may sell or surrender a lot/niche back to the City for the price originally paid, providing no permanent grave markers have been set and/or faceplate engraving has been done. In the event a deceased is the owner of a lot/niche, the City may buy the lot/niche back from the estate of the deceased for the price originally paid. If the estate is not probated, the City may repurchase the lot/niche for the purchase price from the surviving partner, and in the event the surviving partner is deceased, the children of the owner, upon receipt of an affidavit from the person or persons to receive payment that the owner's estate will not be

probated, that they are the proper person or persons to receive the payment, and that they will indemnify and hold the City harmless from any loss in the event they are not the property party to receive payment. The City may resell any lot/niche repurchased at the price determined by the City Council.

4. Sole Agreement: The deed of ownership and any provisions in the ordinance, any amendments thereto, and the cemetery regulations, shall be the sole agreement between the City and the lot/niche owner. It shall be the duty of the lot/niche owner to notify the City, in writing, of any changes in the lot owner's residency or address. Notices sent to a lot/niche owner at the last address on file with the City shall be considered sufficient and proper legal notification.
5. Administrative markers in Cemetery: Each lot in the cemetery may be suitably marked by the City with a metal or concrete marker placed on each lot corner and set level with the adjacent ground. The City shall maintain the row and lot markers or other forms of notification utilized for administrative purposes by the City to determine the location of a lot or of a deceased.
6. Cemetery Revenue: Revenue received from the sale of lots and columbarium niches shall be received into the General Fund of the City of Urbandale, Iowa, and shall not be obligated to be used for the perpetual care of the cemetery or the burial lots therein.
7. Set and Amend Cemetery Prices: The City Council, by resolution, shall periodically determine the price at which the non-perpetual care cemetery lots shall be sold to the public.

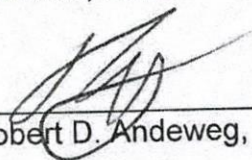
Single lot (Resident):	\$ 400.00
Single lot (Non-Resident):	\$ 500.00
Columbarium Niche (Resident):	\$1,100.00
Columbarium Niche (Non-Resident):	\$1,200.00

The above lot and columbarium niche fees do not include any provision for perpetual care.

SECTION 9. CEMETERY REGULATIONS

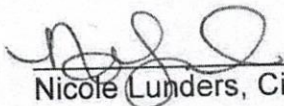
Amend Cemetery Regulations: These "Cemetery Regulations" may be amended, by resolution of the City Council.

PASSED AND APPROVED this 1st day of December, 2020.



Robert D. Andeweg, Mayor

ATTEST:



Nicole Lunders, City Clerk

RESOLUTION 251-2022

AMENDMENT TO "CEMETERY REGULATIONS"

WHEREAS, the City of Urbandale owns and operates a non-perpetual care cemetery in accordance with Iowa Code 566A.5, commonly known as "McDivitt Grove Cemetery"; and

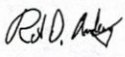
WHEREAS, the City of Urbandale, Iowa, Municipal Code, Chapter 91.08 approved "Cemetery Regulations" to govern the operation of the McDivitt Grove Cemetery, which were last updated on December 1, 2020; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF URBANDALE, IOWA: add the following:

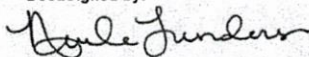
SECTION 7. REGULATIONS for VISITORS

6. Dogs in Cemetery: Dogs are prohibited on cemetery grounds, except when a dog is a service animal.

PASSED AND APPROVED this 18th day of October, 2022.

DocuSigned by:

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Robert D. Andeweg, Mayor

Attest:

DocuSigned by:

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Nicole Lunders, City Clerk