

CEMETERY ORDINANCE #38

AN ORDINANCE RELATING TO THE OPERATION OF THE MUNICIPAL CEMETERY, PRESCRIBING PENALTIES FOR VIOLATION, AND REPEALING ALL FORMER ORDINANCES WITH REFERENCE THERETO.

Be it Ordained by the Council of the Town of Buffalo, Iowa:

SECTION 1. Establishment and Location. The land hereto fore used as a burial place and any other land secured for this purpose, is set aside as the cemetery of the municipality and its establishment and use as a cemetery of the municipality is hereby confirmed and approved.

SECTION 2. Committee. The cemetery shall be under the control of a cemetery committee, consisting of three members of the council, appointed by the mayor, but such control by the committee shall be subject to the supervision and control of the entire council.

SECTION 3. Sale of Lots. The price of lots shall be fixed by the council by resolution. The price of each lot sold in the future shall include perpetual care for the lot. The clerk shall have charge of selling the lots, at the prices fixed by the council, and upon receipt of the purchase price he shall make out a deed for the lot, which deed shall be signed by the mayor and clerk and delivered to the purchaser. (5570)

SECTION 4. Provisions of Deed. The deed for each lot shall convey the lot to the purchaser and to his family, and heirs for a burial place. A lot cannot be conveyed by the owner to any other person without the approval of a majority vote of the entire council. (10213-d1--10213-d8)

SECTION 5. Payment for Lots. Full payment for any lot must be made to the clerk, or arrangements and terms to be approved by a majority vote of the council shall be made for payment for the same, before the deed is issued for the lot or any burial is made.

SECTION 6. Size of Lot. The size of each burial lot in the 1st. addition to the municipal cemetery is hereby established to be 10'-0" x 16'-0". The head of the

grave is to be parallel with a line 2'-0" from the west line of the lot.

SECTION 7. Recording Deed. The deed for each lot shall be recorded with the clerk in a book kept by him for that purpose. For the recording of such deed, the clerk shall be entitled to a fee of fifty cents for each instrument recorded, to be paid by the party desiring the record made. (5570)

SECTION 8. Cemetery Fund. The proceeds from any tax for cemetery purposes or from the sale of lots and from other sources connected therewith, except the amounts set aside as a perpetual care fund, shall be placed in the cemetery fund, and shall only be expended in improving, enlarging or extending the cemetery, and upon matters incidental thereto.

SECTION 9. Perpetual Care Fund. A perpetual care fund is established to provide for the perpetual care of lots in the cemetery. No part of the principal of the perpetual care fund shall ever be used but shall be kept as a trust fund and invested in bonds of the United States, Federal farm loan bonds, bonds issued by authority of law by cities, towns, counties, school and drainage districts. (10212)

SECTION 10. Money Perpetual Care Fund. All bequests made to the perpetual care fund, all money paid by lot owners for perpetual care shall be placed in the perpetual care fund. Any owner of a lot heretofore sold shall have his lot cared for perpetually by paying into the perpetual care fund the sum of One Hundred Dollars (\$100.00) for any lot 16'x16' or smaller.

SECTION 11. Interest How Used. The interest from the perpetual care fund shall be used for the care of the lots of those owners who have paid into the fund the amount fixed in this ordinance for perpetual care.

SECTION 12. Superintendent of Cemetery. The council shall at its first regular meeting in April of each year, or as soon thereafter as may be, employ a superintendent of cemetery who shall attend to the work of improving the grounds, and have general charge of the same, under the general supervision of the cemetery committee. He shall have charge of the digging of the graves and interment of the bodies therein. He shall hold his office during the pleasure of the council and receive such compensation and on such terms as may be fixed from time to time by

the council by resolution. (5663)

SECTION 13. Other Employees. The cemetery superintendent and such other employees of the cemetery as the council shall appoint, shall take and subscribe to an oath before the mayor, similar to that required by law of constables or police officer, and upon the taking of such oath, they shall have and exercise all the powers of peace officers within ~~the cemetery grounds~~ the cemetery grounds, and shall have power to arrest any and all persons engaged in violating the laws of the state or ordinances of the municipality in reference to the protection, care and preservation of cemeteries, and of trees, shrubberies, plants, structures, grass and adornments therein. (5568)

SECTION 14. Burial. The superintendent of cemetery shall familiarize himself with the state law and the rules of the state board of health, in regard to the burial and disposal of dead bodies, and shall see that all laws and rules of the state board of health, in regard to the burial and disposal of dead bodies, are strictly complied with. (231E and following sections)

SECTION 15. Fees. The superintendent shall charge such fees for opening graves, caring for lots and other work done for lot owners as the council shall fix by resolution. All fees and charges shall be paid by the person ordering the same. The superintendent shall pay to the treasurer, by the tenth of each month, all fees or money collected during the preceding month, taking the treasurer's receipt therefor in duplicate, one of which shall be filed with the clerk.

SECTION 16. Rules and Regulations. The council shall by resolution, passed by a majority vote of the entire council, adopt rules and regulations in regard to the care of lots, fix the prices that will be charged for the care of the lots, for opening graves and for all other cemetery work done by municipal employees.

SECTION 17. Superintendent Report. The superintendent of cemetery shall, at the first regular meeting of the council in April of each year, make a full and detailed report, of the past fiscal year, of all his acts during the year, and attach to his report a complete list of all municipal property in his possession.

SECTION 18. Powers and Duties. He shall have such other powers and perform

such other duties as may be provided by the council, the ordinances or the laws of state, and shall transmit to his successor in office all books, papers, records, documents and property belonging to the municipality, together with an invoice of the same, in his custody or appertaining to his office.

SECTION 19. Offense. It shall be unlawful to destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or any structure in the cemetery, or destroy, cut, break, or injure any tree, shrub, plant or lawn within or about the limits of the cemetery or drive at an unusual or forbidden speed over the avenues or roads therein, or drive outside of the avenues and roads and over any grass, grave, or private lot.

SECTION 20. Offense. It shall be unlawful to dump or deposit any dirt, sand or material of any kind upon any street or alley in the cemetery, except by permission and under the direction of the superintendent or cemetery committee, or cut any grass or weeds and deposit the same on any other lot or upon any street or alley of the cemetery.

SECTION 21. Offense. It shall be unlawful for anyone, except the owner thereof, to damage, mar, injure, destroy, remove or carry away any shrub, tree, flower, vase, wreath, bouquet, basket or decoration placed upon any grave or on any lot in the cemetery.

SECTION 22. Penalties. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty days, or to a fine not exceeding one hundred dollars. Whenever the fine and costs imposed for the violation of this ordinance are not paid, the person convicted may be committed to jail until the fine and costs are paid, not exceeding thirty days. (5714)

SECTION 23. All ordinances or parts of ordinances relating to the operation of the municipal cemetery passed prior to the passage of this ordinance are hereby repealed.

SECTION 24. This ordinance shall be in force and effect from and after its passage and publication as provided by law.

Passed by the Council of the Town of Buffalo, Iowa this 1st
day of October, 1945.

Approved by the Mayor of the Town of Buffalo, Iowa this 11th
day of October, 1945.

ATTEST: Walter J. Pagel, Clerk
Town of Buffalo, Iowa

Thomas J. Unsworth, Mayor
Town of Buffalo, Iowa

I, Walter J. Pagel, Clerk of the Town of Buffalo, Iowa do hereby certify that I published the foregoing Ordinance by posting publicly in the Town of Buffalo, Iowa three (3) copies thereof as follows: One (1) copy at the Mayor's Office, One (1) copy at the Post Office and One (1) copy at the Buffalo Savings Bank on the 15th. day of October, 1945.

Walter J. Pagel, Clerk.
Town of Buffalo, Iowa