

Prepared by: Juli Seydell Johnson, Director of Parks & Recreation, 410 E. Washington St., Iowa City, IA 52240, (319)356-5104

RESOLUTION NO. 17-65

RESOLUTION ADOPTING REGULATIONS FOR OAKLAND CEMETERY REGARDING THE RIGHTS OF LOT OWNERS, MAINTENANCE PRACTICES AND RULES FOR VISITORS AND RESCINDING RESOLUTION NO. 09-239.

WHEREAS, Section 10-7-2 of the City Code provides for the establishment of regulations governing the operation of Oakland Cemetery by resolution; and

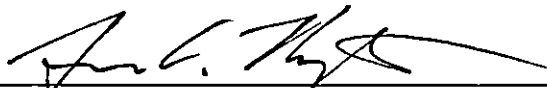
WHEREAS, the City Council of Iowa City last adopted such regulations by schedules by Resolution No. 09-239; and

WHEREAS, it is in the public interest to revise said regulations shown on the attachment entitled "Oakland Cemetery Regulations."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF IOWA CITY, IOWA that;

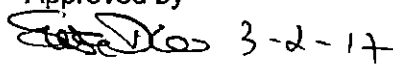
1. Resolution No. 09-239 is rescinded.
2. The attached "Oakland Cemetery Regulations" governing the operation of Oakland Cemetery is hereby adopted.

Passed and approved this 7th day of March, 2017.



 MAYOR

ATTEST: 
 CITY CLERK, Deputy

Approved by
 3-2-17

 City Attorney's Office

Resolution No. 17-65

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It was moved by Botchway and seconded by Dickens the Resolution be adopted, and upon roll call there were:

| AYES: | NAYS: | ABSENT: | ABSTAIN: | |
|----------|---------------|---------------|---------------|-------------|
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Botchway |
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Cole |
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Dickens |
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Mims |
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Taylor |
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Thomas |
| <u>X</u> | <u> </u> | <u> </u> | <u> </u> | Throgmorton |

OAKLAND CEMETERY REGULATIONS

Purchase of Lots

Persons desiring to purchase a lot or niche in Oakland Cemetery are referred to the cemetery staff. Following the selection of a lot or niche, the prospective buyer will need to pay for said lot/niche in full by either cash or check. The purchaser will be given a receipt for the transaction. The cemetery staff will take all funds and lot sale information to the City Clerk to have the deed issued, recorded and mailed to the purchaser.

Cemetery deeds will be placed only in the name(s) of a living person(s), except in the case of a single space purchased by the estate of the deceased when there are no living relatives. At the time of need, the cemetery must be fully paid prior to the opening of the grave or niche.

Ownership Rights

The term "lot owner" or "ownership" shall be defined as the right to use a lot or niche, or part of a lot, as purchased from the City for burial purposes only, and under the existing and subsequent rules and regulations as prescribed by the City for such use.

Lots or fractional lots, for which the City has issued lot deeds, will not thereafter be divided except by consent of the City. All lots and niches are exempt from taxation and cannot be seized for debt (except those owed to the Cemetery) nor can they be mortgaged.

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

- a. The surviving spouse of the lot/niche 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, determine who among them shall have the right of interment or direction of interment, which agreement shall be notarized and filed with the City Clerk.
- c. In the event the owner, devisees, or heirs shall not have arranged for future interment, then the devisees or heirs as the case may be, of such owner, shall have the right to interment in order of their need.

The City Clerk shall notify the Cemetery personnel of any changes in deed recording.

All burial rights in Cemetery lots/niches purchased from the City occupy the same position as real estate at the death of the owner. Only persons whose names appear on the Cemetery records of the City will be recognized as owners or part owners of lots/niches. In the case of the will, a certified copy of the will shall be delivered to the City Clerk before the City will recognize the change in ownership. If the deceased lot/niche owner left no will, satisfactory proof of descent shall be presented.

The title of a Cemetery lot/niche invests the owner the right to use such lot(s) for burial purposes only, for themselves, their heirs, or any such person(s) as they may choose to admit, provided such admission is free of charge and without compensation and in accordance with the Cemetery Rules and Regulations. Lot/niche owners may not resell or transfer their lots/niches or parts of lots to anyone whomsoever. Transfer may be made only to the owner's spouse or children by the surrender of the original deed and issuance of a new deed by the City to the new owners of lots/niches or parts of lots so transferred. Lot/niche owners desiring to dispose of lots/niche(s) or parts of lots, may upon surrender of the original deeds, sell the lots/niche(s) or part of lots, back to the City for a price not to exceed the original purchase price of the lot/niche. Niches cannot be repurchased if any engraving has been done.

Certain older lots, no longer usable due to their small size, would have no resale value and are best left open. Said lots could be used, with the permission of the owners or heirs thereof, to further the Cemetery beautification plan.

Interment

The funeral director, or person(s) making arrangements, for the interment shall, as soon as there is knowledge of a pending service, notify the Cemetery staff. Said notification, including all information pertaining to the gravesite and additional information as required, shall be provided by the funeral director or person(s) assuming responsibility for the service. Based on the information given to them, Cemetery staff will locate the exact site and determine the earliest possible time a service can be held. When definite information for locating the gravesite is not available, the Cemetery staff will exercise its best judgment in making the location. The Cemetery assumes no responsibility for any error in such a location.

If a burial permit is required by the Code of Iowa, Chapter 144.32, no burial will be allowed until a burial permit is provided to the Cemetery staff.

A charge for opening and closing the grave or niche, as well as the sodding or seeding of the grave, will be made at a current rate set by the City. The payment of said charge becomes the responsibility of the individual(s) in charge of interment. The account becomes due upon receipt of a statement issued by the City of Iowa City. Individuals, who make the arrangements, if not a funeral director, must make payment prior to the grave or niche opening.

Graves shall be dug by Cemetery staff and shall conform to all applicable state laws. Only Cemetery staff shall open niches.

A member of the Cemetery staff shall be present at every interment or service.

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.

If a permanent type of outer container is not used for the interment, a special charge will be levied to cover the extra maintenance required. Said special charge is listed in the Schedule of Rates and Charges. In areas of Oakland Cemetery established prior to January 1, 2000, the minimum container used for the interment of an adult body shall be an enclosed container with a bottom strong enough to support the weight of the body when lifting at each end. Full body interments made in areas established after January 1, 2000 require a permanent-type container of concrete or other approved material.

The interment of more than one body in a single casket will not be allowed except in the case of a parent and infant or two children interred at the same time. The limitation of numbers of cremated remains allowed in one full body grave space purchased prior to July 1, 1991 is regulated only by space. Full body adult graves purchased after June 30, 1991 are limited to a maximum of four cremated remains each and only if planned in advance. In all cases, multiple interments and/or cremated remains, marker regulations must be observed.

Interments requiring special consideration(s) of utilizing equipment not normally available to the Cemetery staff could be provided upon request. Adequate time must be allowed for preparation. Fees and charges must reflect the cost of the extra equipment, time and materials. Such practices must be arranged by advance notification.

In addition to interment of cremated remains on family lots, there are two areas available for the interment of single cremated remains and a columbarium for the interment of single cremated remains. Locations and size restrictions can be obtained from Cemetery staff. Exceptions to allowing one cremated remains to a single space or niche will be made only in case of a parent and infant or two children interred at the same time. Only one urn may be placed in a niche. Cremated remains must be interred or inurned and may not be distributed into the atmosphere.

Single burial spaces for infants/babies are available in two areas - Babyland with 2' x 4' spaces and Innocence with 2.5' x 4.5' spaces.

No interments of a body other than that of a human being will be permitted.

Should weather become a factor, or when several burials occur in a one (1) or two (2) day period, the Cemetery staff shall schedule interments, working in close cooperation with the funeral directors. To avoid conflict, it will be necessary to honor service communications from the funeral directors according to the time received.

Whenever possible, interments will be scheduled to enter Oakland Cemetery no later than 3:00 p.m. Monday through Saturday. Interments that require work being done other than during regular work hours Monday through Friday will be charged extra at the current overtime rate for

actual time spent. Interment normally will not be scheduled on Sunday or an official City holiday.

Removal (Disinterment)

Removals of bodies from graves in Oakland Cemetery will be done only by the City, in accordance with the requirements or the statutes of the State and the rules of the State Board of Health. Charges made by the City for removal will be made in accordance with the difficulty of the work and are payable in advance. The minimum charge will be equal to twice the current charge for opening a grave of similar size.

Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State and deliver it to the Cemetery staff.

Public Lots

Grandview Addition, Lots 60 through 70 and Lots 77 through 78 and Valleyview Lots 53 through 78 and Lots 131 through 156 have now been designated as a burial ground for those persons for whom no other place is provided. The graves will normally be dug in sequence and in an orderly fashion except in the case of a requested reservation of a space for a spouse or sibling(s). The requested reservation shall be made in writing and must be renewed annually. If the person being interred in the reserved space doesn't meet welfare requirements, the space must be purchased at the current rate and the full interment charge must be paid. The Cemetery staff shall record all interments.

The west one-fourth (W 1/4) of block thirteen (13) of Oakland Cemetery and any additional space that may be required shall be designated as burial ground for any soldier who died in the service of his/her country and the same is hereby dedicated to all members of the Armed Forces.

If no funds are available for the interment of the deceased either from the estate of the deceased or from other private sources, the City of Iowa City will bill the funeral director or person(s) making arrangements for payment of services rendered by Oakland Cemetery. Said billing shall ask that the City of Iowa City be paid for its service to the fullest amount or by not less than 33 1/3% of all available funds. All available funds are the total funds available from Federal agencies, State agencies, County agencies and other private sources.

Stone and Monument Work

Monument dealers and the purchasers are encouraged to contact the Cemetery office prior to ordering a monument to check on monument restrictions.

The City of Iowa City does not engage in stone or monument installation or repair; however, all stone and monument work within Oakland Cemetery shall be subject to the following regulations and requirements:

All monuments must either be flush with the ground or be at least four inches (4") in height. The base for all-flush monuments or upright markers must correspond as closely as possible to the contour of the existing soil surface. No monument may be installed in such a fashion that it extends beyond the boundaries of the designated lot or grave, or that will interfere with future grave openings or the movement of the Cemetery maintenance equipment.

Monuments and/or foundations may not be wider than 65% of the width of the space or spaces and may not be more than 24" from the front to back. Monuments may not be larger than the base. By request, exceptions may be made on larger lots in areas of the Cemetery that were established prior to 1974 or in areas of the 2001 expansion that will not interfere with the opening of graves or the movement of equipment.

Polished bases or monuments polished to the ground are not recommended, and the City of Iowa City or its employees assume no liability for the actual damages in the performance of normal maintenance operations.

The setting of monuments and the transportation of all tools, materials, etc., within the Cemetery grounds shall be subject to the supervision and control of the Cemetery management. No unnecessary damage to the existing turf will be allowed, and all debris is to be removed from the Cemetery except soil. Excess soil must either be removed from the Cemetery or may be placed in the Cemetery stockpile. It may not be used to fill in low areas or distributed on adjacent lots. Heavy trucking will not be permitted within the Cemetery when, in the opinion of the Cemetery management, such work might cause damage to the grounds or driveways. Once begun, all monument and stone work is to be completed and any accumulated debris is to be removed from the site within a seven-day period. All work must be done during regular Cemetery hours of operation, Monday through Friday, unless by special permission from the Cemetery management.

The local climate is such that marble is not recommended as a suitable material for monument use. Granite is a much more durable stone. Bronze is an acceptable material. Cemetery management prior to installation must approve other material.

Only those lot pins set by the City of Iowa City are allowed in areas where lots/spaces are pinned individually.

Stone work or monuments of any sort, once established in Oakland Cemetery, may not be removed except by permission of the Cemetery management. Details

concerning monument restrictions for specific areas of Oakland Cemetery are found in Individual Lot Restrictions.

Vaults and Mausoleums

Vaults or mausoleums are not permitted on lots less than 400 square feet and the portion of the lot occupied by the building shall not exceed 25%. In no case will permission be given to set the building nearer to the lot line than five (5) feet. Where the vault or mausoleum exceeds five (5) feet in height, the setback shall be five (5) feet plus one (1) foot for each additional foot or fraction thereof.

All applications for permits to erect such structures shall be made in writing to the Cemetery management. Complete plans and specifications of the proposed construction, including details of materials, workmanship, method of construction, etc., shall accompany such an application, and the approval of the City of Iowa City shall be obtained before any construction work is begun. The City of Iowa City reserves the right to prohibit the erection or any structure that is not considered to be safe, suitable, desirable or appropriate.

Before any vault or mausoleum may be erected, the lot owner shall pay the City an amount of not less than ten percent (10%) of the cost of the structure. Check is to be made payable to the City of Iowa City and submitted to the Finance Department, and will be used by the City for the future care and maintenance of the structure and grounds. Vaults and mausoleums may be placed only on such lots considered to be appropriate for said purpose by the Cemetery management.

Maintenance Practices

Oakland Cemetery, a non-perpetual care cemetery, assumes all responsibility for the maintenance of all lots that have been sold or will be sold. All monies previously collected for perpetual care will be held in a separate trust and interest therefrom will be used to maintain graves deeded under perpetual care. Landscaping and maintenance of the Cemetery, including all lots therein, shall be under the direction of the Cemetery staff.

Permission for all permanent plantings must be acquired from the Cemetery staff. Permanent plantings that are planted without permission may be removed without notice. Generally, it will not be possible to locate evergreen or shrub plantings directly on the gravesite. In most cases, a nearby location will be designated as part of a group planting to enhance the entire area.

Existing individual lot plantings may be trimmed or removed by the Cemetery staff when they have become unsightly or unmanageable. Individual plantings so removed may be replanted as a part of a group planting.

No hedges, fences, or enclosures of any kind will be permitted on or around lots. Any objects that are obstructing the general maintenance of the Cemetery shall be removed without notice. Existing enclosures will be removed when they have deteriorated to an unattractive or unsafe condition.

Live flowers in plastic or paper mache' containers are most welcome and may be used at all times. Annuals or perennials planted on the graves must be limited to a small area directly next to the monument and must be mulched and tended by the planter. Plantings must be kept weed and grass free, and those that are not tended and become unsightly shall be removed without notice by Cemetery staff. Plantings must be on the respective lot and not extend more than 12" from the monument. The Cemetery staff assumes no responsibility for the preservation, maintenance, or protection of any type of grave decoration. Plants that must be removed for grave opening will be set to the side and are the planter's responsibility to replant.

Placement of funeral or special anniversary flowers will be allowed for a period of approximately five days; after this period, they will be removed. Notification of placement of special flowers will be given to the Cemetery Superintendent. Artificial wreaths, artificial flowers, and holiday decorations may be used any time between November 15 to the end of February and for a period of four (4) days before and five (5) days after Memorial Day. After that period, if not claimed, they will be removed from the site. The Cemetery staff assumes no responsibility for lost or stolen articles. The use of flags and emblems may be used for a period of four (4) days before and five (5) days following Memorial Day, but they will be removed and stored, without responsibility for preservation, if still in place on the sixth day following Memorial Day.

All wooden boxes, glass jars and bottles, toys, cans, wired flowers, and other objects that might create a mowing hazard will not be permitted during the mowing season except as designated and, when used, will be removed and disposed of by the Cemetery staff without notice. Shepherd's crooks are permitted, but when used they must be placed directly next to the side of the monument with the crook over the monument. All paintings or decorations placed on the crook must comply with all Cemetery decoration rules. Exceptions may be made in Babyland and Innocence sections if approved by the Cemetery management.

The City of Iowa City reserves the right for its staff and other persons to enter upon or cross over any lot in the Cemetery when deemed necessary to the performance of normal Cemetery operation.

The City of Iowa City reserves the right to move monuments for the purpose of machine digging graves. The City of Iowa City assumes the responsibility for resetting the monument in a timely manner.

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

The lot owner should feel free to consult with the Cemetery staff regarding any item or clarification of the rules and regulations at any time.

Rules for Visitors

Visiting hours for the Cemetery are from 7:30 a.m. to 9:00 p.m. Visitors are requested to use designated walks and drives and not to trespass unnecessarily on Cemetery lots, pick any flowers, damage any shrub, tree or plant, or mar or deface any monument, stone or structure in the Cemetery. The use of materials such as are necessary to produce the art form known as rubbings or tracings are prohibited on any monument, stone or statuary within the boundary of Oakland Cemetery.

Controlled use permits are required for all special projects or groups entering the Cemetery for purposes other than attending funeral services or a grave visitation. Special use permits are available at the Cemetery office or on the City of Iowa City web page at www.icgov.org. Arrangements must be made well in advance of need. Filming or videotaping of funeral proceedings is not allowed without permission from the immediate family.

Brown Street is designated as the entrance and exit for vehicles in Oakland Cemetery.

Vehicles traveling within the Cemetery shall observe the hours of visitation as previously stated and shall proceed at a rate not to exceed ten (10) miles per hour. Drivers should be aware at all times of the City's right to alter, change or close alleyways, roadways, and other physical properties of the Cemetery.

Firearms will be allowed inside the Cemetery only for use at military funerals. Special permission must be obtained in advance from the Cemetery Superintendent.

Individual Lot Restrictions

Graceland, lots 1-281, Grandview, Prospect Hill, Fernland, Fairview and all numbered block sections, except for lots numbered above 92 in block 9 and 108 in block 29, are designated as having unrestricted monument privileges that permit the installation of both family monuments and individual grave monuments where the lot area is of sufficient size. The monument must be placed on solid ground and shall not interfere with future grave openings or the movement of Cemetery maintenance equipment.

On Graceland Drive, the monument must be on the west for lots 1-110 and lots 160-208. The monument must be on the east for lots 111-159. Additional monuments, if used, must be flush with the contour of the existing ground.

Glenview, Cedarview, Sunny Slope, and lots numbered above 92 in block 9 and 108 in block 29 have flush monuments. Only one monument per grave or a double monument, as for husband and wife, for two adjoining graves is permitted.

Innocence (an infant/baby area) monuments are restricted to 65% of the width of the space, or 20 inches, and may not be more than 10 inches from front to back. The monument must be placed at the west end of the lot and placed flush with the contour of the existing soil.

Babyland monuments are restricted to 65% of the width of the space, or 15.6 inches, and may not be more than 9 inches from front to back. The monument must be placed at the west end of the lot.

The monument must be on the west end of all lots in Rose Hill, Oak Green, and Graceland lots 282-331. Foot stones, if used, must be flush with the contour of the existing soil. Foot stones may be placed at any time on lots that are 12 feet long, but may be placed after burial only on lots that are 10 feet long.

Oak Ridge, lots 1-94 and 285-380: monuments must be flush with the contour of the ground and must be placed at the north end of the lot. Lots 95-188 and 381-466: monuments must be placed at the north end of the lot. Lots 189-284: monuments must be placed at the south end of the lot.

Sunrise: Lots 1-39, 105-126, 160-172 and 192-198: monuments must be flush with the contour of the ground and must be placed at the north end of the lot. Lots 40-78, 127-144, 173-182, and 199-204: monuments must be placed at the south end of the lot. Lots 79-104, 145-159 and 183-191: monuments must be placed at the north end of the lot.

In Deerview: all monuments must be flush with the contour of the ground and must be placed at the west end of the lot.

Forrest Lawn: lots 1-26, 53-80, 129-137, and 162-174: monuments must be flush with the contour of the ground and must be placed at the north end of the lot. Lots 109-118, and 138-146: monuments must be placed at the north end of the lot. Lots 27-52, 81-108, 119-128 and 147-161: monuments must be placed at the south end of the lot.

In Oakview: monuments must be flush with the contour of the ground and must be placed at the north end of the lot.

Valleyview: lots 27-78, 131-156, 209-236, 284-302, 341-359 and 398-416: monuments must be flush with the contour of the ground and must be at the west end of the lot. Lots 1-62, 105-130, 183-208, 303-321, 360-378 and 417-435: monuments must be placed at the west end of the lot. Lots 79-104, 157-182, 237-283, 322-340 and 379-397: monuments must be placed at the east end of the lot.

Hickoryview: lots 44-85, 166-203, 275-305, 347-356, 380-397, 416-440, 490-514, 569-598, 654-677, 722-740 and 774-788: monuments must be flush with the contour of the ground and must be placed at the west end of the lot. Lots 1-43, 127-165, 241-274, 327-347, 398-415, 441-464, 515-540, 599-628, 678-699, 741-757 and 789-803: monuments must be placed at the west end of the lot. Lots 86-126, 204-240, 306-326, 357-362, 365-379, 456-489, 541-568, 629-

653, 700-721 and 758-773: monuments must be placed at the east end of the lot. Lots 363 and 364: monuments must be flush with the contour of the ground and must be placed at the east end of the lot.

Forestview and Cherish Columbarium: the City reserves the right to approve the design and lettering of any niche face or bud vase. The face of a niche is 12" by 12". All engraving, inscription, lettering, symbols, insignias, etc. are to be cut into the polished face. No coloring or highlighting is allowed. The lettering for the name and dates shall be #9 Condensed Roman. Additional sayings must be #20 Vermarco.

Attachments are limited to one small bud vase for cut flowers in the mowing season and artificial when allowed (see maintenance section of rules). No temporary attachments such as tape, wire, string or stickers are allowed. All bud vases shall be of the same style, size and color. Bud vases must be mounted on the right side of the niche and the decorations may not encroach on adjoining niches.

Fees and Payments

The payment of fees and charges is due when billed by the City. Fees, rates and charges shall be specified herein or as established by the City Council.

Revised: 3/17