

ORDINANCE NO. 2016-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SHENANDOAH, IOWA, 1997, BY AMENDING PROVISIONS PERTAINING TO CEMETERY CODE OF ORDINANCES Shenandoah, Iowa and Ordinance 1999-03 and Amendment thereof Duly Passed July 14, 2015.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHENANDOAH, IOWA:

SECTION 1. SECTION MODIFIED. Chapter 115 and prior amendments thereto is modified and the following addition is adopted with the addition of Section 115.16.

Chapter 115

SECTION 115.16

1. **TRUSTEESHIP.** Pursuant to section 5231.502 of the Code of Iowa, City of Shenandoah, Page County, Iowa hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Rose Hill Cemetery.

2. **ESTABLISHMENT OF FUND.** A perpetual trust is hereby established for Rose Hill Cemetery in accordance with Iowa Code Chapter 5231, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the "perpetual care cemetery fund", which shall be funded by the deposit of an amount equal to or greater than twenty-five percent of the gross selling price, or \$50.00, whichever is more, for each sale of Rose Hill Cemetery space(s), lots or plots within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code chapter 5231.

The perpetual care cemetery fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

3. **SALE OF INTERMENT RIGHTS.** The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by the Iowa Cemetery Act, including the amount or percentage of money to be placed in the perpetual care cemetery fund.

City Clerk shall be the city official to sign the interment agreement. City to charge an administrative fee as adjusted from time to time.

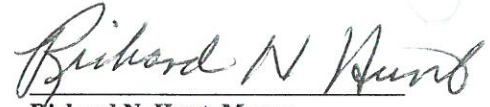
4. **PERPETUAL CARE REGISTRY.** The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

SECTION 2. Anything contained herein that is in conflict with the existing cemetery ordinance is superior and controlling and any and all interpretation shall be in favor of Section 115.16.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED by the Council this 12th day of April, 2016, and **APPROVED** this 12th day of April, 2016.


Richard N. Hunt, Mayor

ATTEST:


Karla Gray, City Clerk

I certify that the foregoing was published as Ordinance No. 2016-01 on the 20th day of April, 2016.


Karla Gray, City Clerk