



**Center Point Cemetery &
Center Point Memorial Cemetery
Policy & Procedure**

Approved

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Section 1: Forward

It is the desire of the City of Center Point to make the Center Point Cemetery and the Center Point Memorial Cemetery a quiet, beautiful place and a symbol of love and faith. To this end and for the mutual protection of lot owners, the following rules and regulations have been adopted by the City Council of the City of Center Point, Iowa, as the rules and regulations of Center Point Cemetery and the Center Point Memorial Cemetery.

All lot owners and visitors within the Cemetery and all lots sold shall be subject to these rules and regulations, amendments, or alterations. Reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth in full therein.

It is the duty of the City of Center Point to preserve the rights conferred on them under the laws of the State of Iowa for insuring the stability of improvements, the good appearance of the grounds, a respectful manner of interment and a proper observance of the sacredness of the Cemeteries.

The City reserves, at its option, to temporarily suspend or modify any rule or regulation and such temporary suspension or modification shall not be construed as affecting the general application and enforcement of such rules.

Section 2: Definitions

Cemetery

The term "Cemetery" is hereby defined to include a burial park for earth interments, a mausoleum for vault or crypt interments, a crematory and columbarium for cremation interments or a combination of one or more than one thereof.

Space

The term "space" shall apply to an area of 4' x 8'. "Space" shall be determined by the type of burial; i.e. adult, infant, ashes.

Lot

The term "lot" shall apply to numbered divisions as shown on the plat maps.

Memorial

The term "memorial" shall include a monument or marker or private mausoleum for family or individual use.

Deed

The term "deed" shall apply to the original conveyance given by the City of Center Point to the original purchaser.

Management

The term "Management" shall mean the person or persons duly appointed by the City of Center Point for the purpose of conducting and administering the Cemetery.

City Office

The term "City Office" shall mean the Office of the City Clerk located at 200 Franklin Street, Center Point, Iowa.

Perpetual Care

The term "perpetual care" shall be construed to mean the obligation which the City of Center Point assumes to use the net annual income received from the investment of the fund to furnish such care as covered by same, the fund to be invested in compliance of the laws of the State of Iowa.



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Section 3: Perpetual Care

At the time of purchase of a cemetery lot in either the Center Point Cemetery or the Center Point Memorial Cemetery, a fee shall be paid for the perpetual care of the cemetery lot. Monies to pay for the Perpetual Care shall be placed in a Perpetual Care Fund. This fund is an irrevocable trust from which deposits cannot be withdrawn, and the income from said fund shall be used by the City of Center Point for the maintenance, repair and care of both cemeteries: Center Point Cemetery & Center Point Memorial Cemetery.

Amounts paid for Perpetual Care shall be set by Resolution of the City Council, and payments made for the purchase of a cemetery lot shall first be credited to the Perpetual Care Fund.

If the owner of said lot wishes to sell the lot back to the City of Center Point as specified in Section 4 of this document, only the fee for the Cemetery Lot is to be refunded. Perpetual Care payments cannot be withdrawn from this irrevocable trust, even in the event of cancellation or sale back to the City of Center Point.

Section 4: Purchase of Lots

All lots sold and the use of such lots is subject to the rules and regulations of the Center Point Cemetery and the Center Point Memorial Cemetery now in effect or any amendments thereto. Any statements of employees or agents, unless confirmed in writing by the City Council, shall in no way bind the City.

Lots may be purchased on deferred payments, on terms embodied in a contract made with the City. No interment is allowed unless the lot has been paid for in full or arrangements have been made in writing and approved by the City Council.

Cost of cemetery lots, perpetual care and all other cemetery operations shall be set by Resolution of the City Council. Perpetual Care for these lots is to be paid at the time of the purchase. Any monies paid to the City of Center Point for the purchase of a Cemetery Lot shall first be credited to the cost for the Perpetual Care.

Cemetery lots must be purchased at the City Hall.

Policy - Procedure on Sale of Cemetery Lots and Perpetual Care will be provided to individuals who request a copy.

It is the duty of the lot owner to notify the City Office of any change in address.

Section 5: Ownership Rights of Interments

The surviving spouse of the lot owner shall have the first right of interment.

In the event the owner shall not have arranged for further interments, then the devisee or heirs as the case may be, of such owner, shall have the right of interment in the order of descent of title according to Cemetery Law.

If the owner of a lot gives permission for others to be buried on remaining spaces on the lot, this permission must be given in writing to the City Office, and the owner's signature shall be notarized.

Lot owners are forbidden to resell their lots or burial spaces upon their lots for remuneration in excess of current pricing.



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Section 6: Lot Care

A Perpetual Care Certificate will be issued to cover the cost of care of each lot sold in the Center Point Cemetery or the Center Point Memorial Cemetery, and will be issued at the time of a lot sale. The fee for the Perpetual Care for a cemetery lot will be the first amount paid and will be placed in the Perpetual Care Fund as explained in Section 2 of this document.

The Perpetual Care shall include the cutting of grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the management.

The general care or perpetual care assumed by the City of Center Point shall in no case mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, or the doing of any special or unusual work in the cemetery, including work caused by the impoverishment of the soil, nor does it mean the reconstruction of any marble or granite work on any section or lot, or any portions thereof in the cemetery caused by the elements, an act of God, common enemy, thieves, vandals, accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.

Filling, sodding, boxing, mounding or other work upon single graves or lot graves shall be done by persons contracted or employed by the City.

Section 7: Rules for Visitors

The cemeteries shall be closed from sundown to sunrise.

Persons within the cemeteries shall at all times maintain a decorum of speech and action, including avoidance of loud talking or other noise within earshot of graveside ceremonies if not part of the group participating in the ceremonies, and workers shall suspend their work when near such ceremonies.

Persons shall walk only on roads and walkways or footpaths except when absolutely necessary for maintenance of gravesites, inspection of plots, installation of markers or decoration of graves.

Only authorized City employees or lot owners shall cut, remove, or carry away flowers, trees, shrubs, plants or vines from any lot within the cemetery boundaries. Additionally, only City employees in the performance of their duties and/or lot owners shall remove, carry away or destroy any vases, flower pots, urns or other objects that have been placed upon a lot.

No person shall deface or otherwise damage any marker, headstone, monument, cemetery fence, or any other cemetery structure.

No person may consume or possess refreshments, liquors or beverages of any kind on the cemetery grounds.

No person shall allow any dog or other animal belonging to said person or under his or her control to run at large in the City cemeteries, or any part thereof.

No person, other than law enforcement officers and persons engaged in military funerals or like ceremonies whose functions require the carrying of firearms, may carry any firearm in or upon the City cemetery grounds.

Section 8: Privileges & Restrictions

The driving of motor cars or other vehicles through the gates or in the Cemetery at a speed greater than 15 mph is prohibited.

Driving any motor car or other vehicles across or upon any grave, lot or lawn or parking or leaving the same thereon is prohibited.

The City reserves the right to:

1. Enlarge, reduce, replat or change the boundaries or grading including the right to modify or change the location of or remove or re-grade roads, drives, or walks, or any part thereof.
2. Lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, et cetera.
3. Use Cemetery property not sold to individual plat owners for cemetery purposes, including interment of the dead or for anything necessary, incidental or convenient thereto.
4. Perpetual right and control of ingress and egress over lots for the purpose of passing to and from other lots.

Descriptions of lots shall conform to the Cemetery plats which are kept on file in the City Office.

The City reserves, and shall have the right to correct any errors that may be made in making interments, disinterment, or removals or in the description, transfer or conveyance of any interment property, either by canceling such conveyance or by replacing with a similar location, as may be selected by the City, or in the sole discretion of the City, or by refunding the amount of money paid on account of said purchaser.

In the event an error involves the interment of the remains of any person in such property, the cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Section 9: Interments & Disinterment

The following rules shall apply to burials within the City cemeteries.

1. The Cemetery will open for interments from 8:00 a.m. to 5:00 p.m. daily with the exception of Sundays and the following holidays:
 - New Year's Day
 - Memorial Day
 - July 4th
 - Labor Day
 - Thanksgiving Day
 - Friday after Thanksgiving
 - Christmas Eve Day
 - Christmas Day
 - New Year's Eve Day
 - a. Exceptions may be made where an unreasonable hardship may be caused or by order of the Board of Health.
2. Funeral Director must furnish the grave opener with the proper permits before any burial will be permitted.
3. Not more than one body shall be interred in one grave, vault, crypt or niche, except in the case of coincidental deaths of a mother and infant, or of twin born children. Ash residue from the cremation of a body may be interred in a burial space platted to permit the burial of an adult or adult-sized person; however, one adult burial space may be used for no more than the ashes of two persons, or for one body and the ashes of one person.
4. There shall be no traditional burials without an outside receptacle. Receptacles shall be of cement, steel or fiberglass. Cremains do not require a vault.
5. Arrangements for interments shall be made by the owner of the burial space, by a member or members of the family acting and authorized by law to act for the owner, or by an authorized Funeral Director, or other authorized agent of the owner.
6. Notice of interment must be given to the Clerk at least 48 hours in advance of burial. A longer time may be required by resolution-adopted rule for winter burials. The grave opener must be present at all interments and have full charge of opening, closing and sodding of all graves. (see section 6)
7. The City shall in no manner be liable for any delay in the interment of a body where

a protest to the interment has been made or where the rules and regulations of the cemeteries have not been complied with. The City shall be under no duty to recognize any protest of interment unless it is in writing and filed with the Clerk. The City shall not be responsible for errors resulting from orders or instructions given by telephone and the Clerk or grave opener may require such orders to be in writing before finalizing any action.

8. The City shall not be liable for the interment permit or for the identity of the body sought to be interred.
9. Disinterment shall be governed by the above rules 1, 3, 4, 5, 6, 7 and 8.
10. Matters of disinterment shall be controlled by Iowa Code 523I.309
11. Any veteran who is a landowner or who lives within the governmental subdivision may purchase an interment space and may be interred within the cemetery. Any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available and the surviving spouse of a veteran interred within the cemetery may purchase an interment space and be interred within the cemetery if such a space is available. For the purposes of this section, "veteran" means the same as defined in Iowa Code section 35.1

Section 10: Floral Decorations & Plantings

The Cemetery will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual plantings or urns of plants.

Your Cemetery encourages the use of floral tributes on the graves of your loved ones, however, the beauty and continuity of your Cemetery depends on the cooperative efforts of all families who have loved ones in our care. Therefore, some regulations of grave decorations must be adhered to.

Regulations Regarding Items Other Than Flowers

The permanent placing of boxes, ornaments, chairs, settees and similar articles may ONLY be located on the foundation - at the side of the monument. Such items must be permanently attached to the foundation or placed in areas other than in the permanent container at the side of the monument; the City reserves the right to remove the items.

Exceptions to this rule prevail on Easter, Mother's Day, Memorial Day and Father's Day - on these dates anything can be placed in the Cemetery; however, items not placed in containers which are permanently attached to the foundation may be disposed of by Cemetery personnel any time after the 5th day following the holiday.

Flower Regulations

Fresh cut flowers and plantings which are set into the permanent containers on the foundations will be permitted at all times. Flowers/plantings will be removed when they become unsightly.

Fresh cut flowers and fresh potted plants will be permitted on the grave at all times, but will be removed when they become unsightly. All flowers shall be placed on the foundations where possible. Planting flowers or digging up the turf on the graves is not permitted.

Artificial bouquets or plants which are set into the permanent containers on the foundations will be permitted at all times, but will be removed when they become unsightly.

Artificial wreaths and evergreen blankets are permitted between November 15 and March 15. All other memorials not permanently affixed to the foundation shall be removed by April 15 or the next business day if the 15th is on a weekend, of each calendar year.

Section 11: Memorial & Monument Regulations

In order to perpetuate the beauty and continuity of the Cemetery, the City reserves the right to enforce all rules and regulations here set forth and others that might seem necessary for a particular situation.

1. Monuments and grave markers of every description shall have suitable foundations adequate to prevent tipping or sinking.
2. Commercial monuments shall be of bronze or granite of recognized grade, containing no discoloration, flaws or weak spots. The size of the memorial is to be governed according to the ratio of the area of the face of the memorial to the size of the lot. The length of the base shall not exceed sixty percent (60%) of the width of the lot. Monuments shall not exceed thirty-six (36) inches in height.
3. Slabs of any kind will not be permitted as coverings for graves. Surface vaults will not be permitted.
4. If any vault, tomb, mausoleum or like structure in which bodies are entombed in the cemeteries shall fall into a state of dilapidation or decay, or shall be determined by the Council to be offensive or in any way injurious to the appearance of the cemeteries, no adequate provisions having been made by the owner for repair and preservation of such structure, the City shall have the right to remove the said offensive or objectionable structure and to inter anybody or bodies contained therein, in the earth upon the lot in which such structure was located, maintaining such lot thereafter in good and similar condition as done with other lots in the cemeteries.
5. No fences or enclosures around lots shall be permitted
6. All memorial work must be approved by the City or the City's designee as to material, design, inscription and location on the lot.
7. Any unauthorized Memorial work will be removed from the grave until proper arrangements have been made at the City Office.
8. No memorial work will be allowed on lots or graves until all cemetery obligations to the City are paid in full.
9. In the event that a lot is purchased for to cremation burials or 1 standard/1 cremains burial, only one monument per single lot is allowed. A "monument" may be a "Head Marker" (single stone), a "Flush Marker" (the temporary marker set by the funeral home), or "Companion Marker" (a single or double stone with more than one name inscribed).
10. Military markers will be allowed on lots.
11. Markers, in addition to the monument, may either be attached to the monument or flush with the ground.
12. Lots now containing a certain size or style of marker may be duplicated.

13. Only bronze, granite or marble will be permitted in all memorial work.
14. Any memorial work not approved by the City Council and not meeting the criteria set forth in this section shall be removed at the expense of the owner.
15. Striving for surrounding of peace and beauty as a setting for memorial work prohibits advertising of any description within the Cemetery. However, a small emblem or insignia inconspicuously located on the memorial will be permitted.
16. No monument will be permitted without a foundation permit. All foundations shall comply with City specifications or be subject to removal. Foundation specifications are stated in Section 12 of this document.

The temporary marker provided by the funeral directors are assumed to be short lived and the City assumes no responsibility for same.

Section 12: Foundations

The following specifications are for foundations installed in Center Point Cemetery and the Center Point Memorial Cemetery will be enforced by the City Council.

1. Foundations shall be of concrete, with a four-inch wash larger than the bottom base or first masonry course above ground of the structure to be erected, and of a three- to five-foot depth.
2. Foundation permits shall be obtained by any person, company or corporation, prior to installation of any foundation in either of the cemeteries, from the Clerk's office. The Council reserves the right to designate, by resolution, an individual or company to set all monument foundations in both cemeteries. All foundation permits shall set out the following:
 - a. Name of applicant, address, phone number, and owner of lot or space.
 - b. Location of foundation by lot number, space number.
 - c. Layout drawing indicating the lot size, space size, foundation location and distances in feet from lot or space boundary and any other information that is pertinent, such as unusual landmarks or terrain that may affect the location of proposed foundation.
 - d. Foundation permit shall be signed by person, company or corporation making application.
 - e. The Council or their designee shall approve the location of the foundation prior to installation, and the Clerk shall indicate the approval by signing and dating the permit.
 - f. The fee for a foundation permit for a monument shall be set by resolution of the Council, payable to the City. This fee is to be used toward perpetual care, and shall be deposited in the Perpetual Care Fund, the interest accrued to be receipted to the General Fund to cover the additional time and costs for maintenance and mowing around monuments. Notice of this change shall appear on the permit face to inform the applicant of the need for the charge. The fee will be charged for monuments only and does not apply to military or other horizontal markers.