

CEMETERY RULES SQUAW CREEK TOWNSHIP WARREN COUNTY, IOWA

Article 1 Applicability and Definitions

- 1.1 Applicability.** These rules apply to the cemeteries owned, maintained by, and located in, Squaw Creek Township, Warren County, Iowa.
- 1.2 Waivers and Modifications.** The Trustees, in their discretion, may waive or modify any requirement in these rules that is not mandated by law on one or more particular occasions without such modification constituting a binding precedent upon the Township.
- 1.3 Definitions.** For the purposes of these rules and certificates, agreements, and documents issued under the authority hereof, unless the context otherwise requires, terms used herein shall have the meanings set forth below.
1. “*Township*” means the township of Squaw Creek, located in Warren County, Iowa.
 2. “*Trustee*” or “*Trustees*” means the duly elected or appointed trustees of the Township. Whenever these rules refer to an act or decision by the Trustees, such act or decision shall be valid if approved by the Trustees in a manner authorized by Iowa law.
 3. “*Clerk*” means the duly elected or appointed Clerk of the Township.
 4. “*Cemetery*” means one of the following cemeteries located in the Township: Smith, Mount Tabor, or Indian Valley (Condit).
 5. “*Person*” means a human being, living or dead.
 6. “*Remains*” means the body of a deceased Person, whether or not cremated or reduced or altered by other means allowed by law, or any portion of a deceased Person’s body considered by surviving family or friends to represent that Person. A Person may not be considered to have more than one set of Remains for the purposes of Interment.
 7. “*Burial*” or “*Buried*” means the placement or existence of Remains below ground in a Cemetery.
 8. “*Entombment*” or “*Entombed*” means the encasing or existence of encased Remains above ground in a Cemetery.

9. “*Interment*” or “*Interred*” means the Burial or Entombment of Remains, or the existence of Buried or Entombed Remains, in a Cemetery.
10. “*Plot*” means a place within a Cemetery designated for the Interment of the Remains of one or more Persons or in which the Remains of one or more Persons has already been Interred.
11. “*Grave*” means a Plot or other place in a Cemetery in which Remains are already Interred.
12. “*Special Location*” means a designated location within a Cemetery, other than a Plot, which will be used for a Tomb, Bench or Memorial.
13. “*Tomb*” means a permanent marker with space within the marker for the Entombment of one or more Remains. A Tomb may also function as a Headstone for a Plot or Grave.
14. “*Bench*” means a permanent marker designed to allow one to sit on the same which may, also, be a Tomb or Memorial. A Bench may also function as a Headstone for a Plot or Grave.
15. “*Headstone*” means a permanent marker of a Plot or Grave placed to identify the Remains Buried or to be Buried therein, but which is not a Tomb or Bench.
16. “*Memorial*” or “*Memorialized*” means a Marker intended to remember a deceased Person for whom Remains are not Interred in the Cemetery, or the placement or marking of such Marker in memory of a Person.
17. “*Marker*” means a permanent Headstone, Tomb, or Bench identifying the Remains Interred in a Plot or within the Tomb or Bench, or Memorializing a deceased Person who is not Interred.
18. “*Open*” or “*Opening*”, when used in conjunction with a Plot, Grave, or Marker, means the breaking of ground or the opening of the Marker for the purpose of Interment.
19. “*Close*” or “*Closing*”, when used in conjunction with a Plot, Grave, or Marker, means the filling in of soil to ground level or the resealing of the Marker after Interment.
20. “*Interment Rights*” means the rights to place Remains in a specific Cemetery Plot or Plots for use as a final resting place, through Burial or Entombment, or the right to place a Memorial in a specific place in a Cemetery. “Interment Rights,” where reasonable in the context of these rules, shall include Interment Rights previously issued by deed or certificate, however titled.
21. “*Certificate of Interment Rights*” shall refer to a certificate or deed, issued by the Township, documenting Interment Rights, regardless of how titled. Unless otherwise restricted in the body of the Certificate of Interment Rights, a separate agreement, or

the rules and decisions of the Trustees, the title of the certificate or deed shall not be construed to limit the manner of Interment allowed.

22. “*Attending Township Representative*” means the Trustee, Clerk, or Person designated by the Trustees to be present at the time of Interment or placement of a Marker, or at a meeting at a Cemetery in advance of such, and authorized, as allowed in these rules, to make decisions or rule interpretations related to the Interment or placement.
23. “*Residency Tier*” shall refer to the Residency Tier designated on a Certificate of Interment Rights as determined under Section 2.4.
24. “*Written*” or “*In Writing*” shall mean by way of physical or electronic communication that may be read by the recipient.

Article 2

Interment Rights

- 2.1 **Sale of Interment Rights by Township.** The Clerk is hereby authorized to sell Interment Rights pursuant to these rules without further authorization by the Trustees unless required otherwise herein. Sale of Interment Rights may only occur by issuance of a Certificate of Interment Rights by the Clerk designating one or more Plots or Special Locations per certificate. The Clerk may only issue a Certificate of Interment Rights upon collection of the fees for such and upon full compliance with the rules herein. The Trustees may approve the issuance of Interment Rights for fees or compensation different than set forth in these rules.
- 2.2 **Notice Prior to Sale of Interment Rights.** Upon inquiry by any individual interested in the purchase of Interment Rights, the Clerk shall provide a written notice approved by the Trustees that includes all notices required by law or by direction of the Trustees. All Certificates of Interment Rights shall be accompanied by said notice.
- 2.3 **Information Collected by Clerk.** Prior to issuing a Certificate of Interment Rights, the Clerk shall collect the following information:
 1. The full name and address of the owner(s) of the Interment Rights. The owner(s) need not be the Person who pays for the Certificate.
 2. Sufficient information regarding the owner(s) to determine his, her, or their qualifications to be an owner(s) and Residency Tier as set forth in the next sections.
- 2.4 **Residency Tiers.**
 1. Residency Tier is determined at the time of purchase of Interment Rights based upon the status of the owner of those rights and recalculated at the time of the first Interment or placement of Memorial based upon the status of the first Person Interred

or Memorialized. In circumstances where a Certificate of Interment encompasses multiple Plots or Special Locations, such a redetermination shall be made at the time of first Interment or Memorialization for each Plot or Special Location, with the attendant collection of any additional fees owed. In circumstances where Interment Rights are purchased for the purpose of Interment or Memorializing one or more already deceased Persons, the Residency Tier shall be calculated directly upon the status of the Person(s) to be Interred or Memorialized.

2. Fees for Interment Rights are per Plot or Special Location and vary based upon the historical residency and relationships of the owner of the Interment Rights or first Person(s) Interred or Memorialized at that Plot or Special Location. In circumstances where spouses will co-own Interment Rights or the first Interment or Memorialization will be for multiple Persons, the fees shall be set to the highest Residency Tier of the co-owners or Persons to be first Interred. Residency Tiers, from lowest to highest, are as follows:
 - a. Township Resident. The fee per Plot or Special Location for a Person who has lived in the Township for at least ten years, or who, at the time of purchase or death, had lived in the Township for more than half of his or her life, shall be \$100. Different periods of residency in the Township may be aggregated for meeting the eligibility requirements of this subparagraph. Any veteran as defined in Iowa Code section 35.1 who owns property or lives within the Township at the time of purchase may purchase Interment Rights for himself or herself and for his or her spouse at the Township Resident rate, irrespective of the aforesaid requirements.
 - b. Spouses, Parents, and Children of Residents or Interred Individuals. The fee for a Person who does not qualify under subparagraph (a), above, but who is or was a spouse, parent, or child of a Township Resident or of a Person who was Interred in a Cemetery prior to January 1, 2010, shall be \$300. Divorce from a Township Resident, or from a Person who was Interred prior to January 1, 2010, shall not affect eligibility under this subparagraph.
 - c. Other Persons: The fee for Persons not qualifying under subparagraphs (a) or (b), above, shall be \$600.
3. The Clerk shall determine the Residency Tier of the owner(s) or Person(s) to be Interred before issuing a Certificate of Interment. The Clerk may rely upon his or her personal knowledge or that of the Trustees, the knowledge of Persons in the community, or attestations by the purchaser or owner(s) if such are found to be credible. The Clerk may, but need not, confer with the Trustees in determining a Residency Tier.
4. The Clerk shall report to the Trustees at the next occurring Trustee meeting all Certificates issued since the last reporting, along with the information and sources relied upon by the Clerk in determining the Residency Tier. The Trustees may direct the Clerk to conduct further inquiry or make inquiry of their own. If the Trustees

determine that a different Residency Tier applies to a Certificate sold, the Clerk shall notify the purchaser and owner(s) and remit or collect funds as necessary. If the purchaser or owner(s) refuses to remit additional funds owed due to a redetermination of Residency Tier, the Clerk shall cancel the Certificate and refund the fees paid. The Clerk shall not record a Certificate of Interment Rights until he or she has reported the sale of the Certificate to the Trustees at a meeting and the Trustees have approved recordation.

2.5 Certificates of Interment Rights. Ownership of Interment Rights shall be evidenced by a certificate bearing the signature of the Clerk. Each certificate shall:

1. Be uniquely numbered using the following scheme:
 - a. The number shall start with a letter to identify the Cemetery: “I” for Indian Valley, “M” for Mount Tabor, and “S” for Smith, followed by a hyphen.
 - b. If the certificate is for a special location within a Cemetery pursuant to Rule 4.8, immediately following the Cemetery identifier and hyphen above, shall be the word “Special” followed by a hyphen. Otherwise, immediately following the Cemetery identifier and hyphen above shall be a number reflecting the lot within the Cemetery in which the Plot(s) are located, followed by a hyphen.
 - c. If the certificate is for a special location within a Cemetery, immediately following the word “Special” and hyphen, above, shall be a consecutive number used for special locations in that Cemetery. Otherwise, immediately following the lot number and hyphen shall be a number reflecting the Plot within the lot.
 - d. Immediately following the plot number or special location number, if the Certificate is not the original Certificate issued for the Plot or special location, there shall be a capital letter to designate that the Certificate is a substitute or replacement Certificate. The first substitute or replacement Certificate shall use the letter “A”, the next “B” and so forth.
 - e. If, as permitted under these rules, the Certificate encompasses multiple Plots or Special Locations, separate Certificate numbers for each Plot or Special Location shall be enumerated on the single Certificate.
2. Shall indicate whether the Certificate supersedes in whole or in part prior Certificate(s), identifying the prior Certificate(s) by number and book and page at the Recorder’s Office, if known.
3. Shall set forth the full name of any Person(s) already Interred or Memorialized by Plot or Special Location;
4. Shall inform the holder that the Cemetery is not a perpetual care cemetery and that 100% of the consideration paid will be placed in the general cemetery fund.

5. Shall inform the holder that Opening and Closing services are not included in the purchase of the Interment Rights;
6. Shall inform the holder that the Township may require a deposit prior to Opening or Interment at the then established rate by the Township unless proof of purchase of a Marker, including charges for placement, or payment for marking an existing Marker, is provided;
7. Shall inform the holder that, if the first Interment or Memorialization is not to be by Burial and the Plot is one in which it is believed there are no Buried Remains, at the time of the first Interment, Memorialization, or placement of the Marker, the Person(s) arranging the Interment, Memorialization, or placement of the Marker may be charged for any probing or test digging deemed necessary by the Trustees to confirm that there are no Buried Remains.
8. Shall inform the holder that, if, for any reason, in the sole discretion of the Clerk or Trustees, the specific Plot(s) or Special Locations become unavailable or unusable, the Clerk or Trustees may designate a substitute Plot(s) or Special Locations within the same Cemetery;
9. Shall set forth the Residency Tier purchased and the current consideration value;
10. Shall inform the holder that additional fees will be owed if the Residency Tier of the first Person(s) Interred or Memorialized is higher than that indicated on the Certificate.
11. Shall inform the holder that, prior to the first Interment or placement of a Marker or Memorial, the holder may submit the Certificate for cancellation and refund of the consideration amount.
12. Shall inform the holder that the certificate may only be transferred to another Person(s) subject to the procedures and requirements set forth for such transfer in these rules;
13. Shall inform the holder that the Certificate shall expire upon the earlier of seventy-five (75) years after its issuance or five (5) years after the death of the owner unless submitted for reissuance to the original or inheriting owner and upon payment of any recordation and change of Residency Tier fees owed; and
14. Shall provide any other notices required by law.

2.6 Ownership, Transfer, Expiration, and Reissuance of Interment Rights.

1. The Interment Rights encompassed by a single Certificate of Interment Rights may only have one owner, excepting that spouses may jointly own Interment Rights. The owner (or one of the spouses therein) of Interment Rights must be a Person who intends to be Interred or Memorialized in one of the Plots or Special Locations encompassed by the Certificate, or related by blood or marriage within the fourth degree of consanguinity to someone who is, or who is intended to be, Interred or

Memorialized in one of the Plots or Special Locations encompassed by the Certificate. If, an owner does not meet this requirement, the Trustees may require the owner to sell or transfer the Certificate or return it to the Township for cancellation with a refund of the current consideration value of those Plots or Special Locations at which no Remains or Marker have been placed. If a Certificate encompasses one or more Plots or Special Locations at which Remains or a Marker have already been placed, and at which, under these rules, additional Interments or Memorialization could occur, at the request of the Owner, the Township shall issue a replacement Certificate for those plots or Special Locations only, with the Owner to pay the recordation fees of such.

2. The owner(s) of unused Interment Rights may transfer, sell, or devise Interment Rights to qualified owners by returning the Certificate to the Clerk with the information required by Section 2.3 and remittance of the difference between the current consideration value of the Certificate and the current fees for the Residency Tier of the new owner, if such amount is greater, plus the recordation fee. There shall be no refund if the current fees for the Residency Tier of the new owner(s) is less than the amount(s) previously paid. The Clerk shall make determinations of Residency Tier subject to Trustee review as with new sales of Certificates using the then current rules. Upon approval by the Trustees, the Clerk shall cancel and retain the original Certificate of Interment Rights and shall issue a new Certificate reflecting the new Residency Tier and a consideration value at that Residency Tier amount for each Plot or Special Location encompassed by the Certificate.
3. In circumstances where multiple Plots or Special Locations are encompassed by a single Certificate, an owner may transfer, sell, or devise a subset of the unused Plots or Special Locations covered by such Certificate. In such circumstance, a new Certificate will be issued to the new owner pursuant to subparagraph (2) above and a replacement certificate will be issued to the original owner to reflect the Plots or Special Locations retained by the original owner. The original owner will be responsible for payment of the recordation fees and any additionally owed residency tier fees for both replacement Certificates.
4. In circumstances where a Plot or Special Location has Remains Interred or a Marker or Memorial already in place, the Interment Rights for that Plot or Special Location may only be transferred if these rules would allow further Interment or Memorialization for that Plot or Special Location and the transferee qualifies as an owner by relation to one or more of the Persons already Interred or Memorialized.
5. The consideration value of a Certificate shall be set at the lower of the sum of the residency tier rates at the time of issuance or re-issuance associated with the Plots or Special Locations covered by the certificate or the total sum that has been paid for each such Plot or Special Location. A certificate covering multiple Plots or Special Locations shall set forth the consideration value for each Plot or Special Location. Recordation fees shall not affect or be included in consideration value. Funds received by the owner of Interment Rights who sells those Interment Rights will not increase the consideration value of a Certificate, unless those funds are remitted to the

Township. In no event shall the consideration value of a Certificate exceed the amount allowed by this paragraph.

6. Certificates of Interment shall expire upon the earlier of seventy-five (75) years after their issuance or five (5) years after the death of the owner(s) unless submitted for reissuance to the original owner(s) or transferred pursuant to the rules above.

2.7 Limits on Sales of Interment Rights. Ownership of Interment rights is limited to three Plots or Special Locations total per individual owner for all Cemeteries, unless a greater number is allowed by the Trustees. The Trustees may refuse to sell Interment Rights, or refuse to allow the transfer of Interment Rights if they reasonably suspect the purchaser or owner is seeking to do so for profit purposes.

2.8 Multiple Persons to Be Interred or Memorialized.

1. Only one Person's non-cremated Remains may be Interred in a Plot. The cremated Remains of up to three additional Persons may be Interred with the non-cremated Remains in the Plot. If no uncremated Remains will be Interred in a Plot, the cremated Remains of up to four Persons may be Interred in a Plot.
2. All Persons to be Interred in a single Plot or in two Plot(s) with a shared Marker must be related by marriage or to the first degree of consanguinity (parent-child) with one another.
3. All other rules apply to the Interment of multiple or additional Persons in a Plot, including the right of the Trustees to demand a deposit before any Interment occurs to secure proper marking of the Grave or Marker.
4. A single Memorial may only Memorialize individuals who are related by blood or marriage within the fourth degree of consanguinity.

2.9 Recording of Interment Rights. Upon each sale or transfer of Interment Rights, the Clerk shall collect from the purchaser or transferor the then current fee for recordation of Certificates of Interment in the County Recorder's office and shall, not greater than sixty days after approval of the Certificate by the Trustees, record such Interment Rights with the Recorder's Office. If a Certificate supersedes a prior Certificate(s) (as an amended, substitute or replacement Certificate for one or more of the same Plots or Special Locations), the Clerk shall advise the County Recorder of such, including the Book and Page numbers of the superseded Certificate(s).

Article 3

Interments

3.1 Plots. All Plots shall be of sufficient size and dimension to allow for the Burial of one non-cremated Person. Plots shall be uniquely identified in permanent records maintained

by the Clerk using measurements from fixed points or existing Graves such that they can be located with reasonable accuracy. Plots shall be organized in numbered lots. Plots within a lot shall be individually numbered. Plots shall measure ten (10) feet in length by four (4) feet in width. Plots in existing lots of Plots or Graves may conform to the prevailing dimensions of existing Plots or Graves, or dimensions that allow for integral subdivision of the width available. Under no circumstance shall a Plot measure less than eight (8) feet in length and forty (40) inches in width. Plots for which Interment Rights have already been sold may be re-dimensioned pursuant to this section provided that doing so does not significantly change their location within the Cemetery.

- 3.2 Verification Before Interment or Memorialization.** No Opening of a Plot or Marker for Interment or placement or marking of a Memorial may occur without the advance approval of the Clerk or Township Trustees. Before approving Opening, placement, or marking, the Clerk shall collect the full legal name, date of birth, and date of death of the Person to be Interred or Memorialized and shall confirm that the Person requesting Interment, placement, or marking has ownership rights.
- 3.3 Opening and Closing Services.** Plots and Markers must be Opened and Closed by a reputable, professional service or grave digger approved in advance by the Township Trustees. The Persons requesting or arranging an Interment shall be responsible for payment of all Opening and Closing services. The service or grave digger conducting the Opening and Closing must assume responsibility for any damage caused or associated with his or her services. The Trustees may require such service or person to provide proof of reasonable insurance to cover any damage that might be caused to the Cemetery or any Graves or Markers therein.
- 3.4 Funeral or Memorial Services.** The date, time, manner, and facilities of funeral or memorial services conducted at a Cemetery must be approved by the Trustees.
- 3.5 Burials of Uncremated Remains.** Graves dug for Burials of uncremated Remains must be at least sixty-six (66) inches in depth. No Uncremated Remains may be Buried other than within a casket manufactured by a reputable provider of caskets. Uncremated Remains may be Buried in a casket alone or in a casket placed within a vault.
- 3.6 Burials of Cremated Remains.** Graves dug for Burials of cremated Remains must be sufficiently deep such that there shall be at least one (1) foot of soil above the top of the urn. No cremated Remains may be Buried other than within an urn manufactured by a reputable provider of urns or other container approved by the Trustees or Township Representative.
- 3.7 Entombments.** A Tomb meeting the requirements of these rules must be placed before an Entombment may be conducted. Only cremated Remains may be Entombed.
- 3.8 Township Representation.** All Interments or Memorials and advance meetings in planning for an Interment or Memorial shall be attended by an Attending Township Representative. The Attending Township Representative shall be a Trustee, the Clerk, or other Person designated by the Trustees. The Attending Township Representative shall be

charged with ensuring compliance during the Interment or Memorial with these rules, and shall be authorized to make reasonable interpretations of these rules when such must be provided promptly in order to not disrupt a funeral, Interment or Memorial or the planning for a funeral, Interment, or Memorial. The Attending Township Representative may not authorize deviation from these Rules except as stated herein. The Attending Township Representative shall report on the funeral, Interment, or Memorial or planning for funeral, Interment, or Memorial in writing or in person at or before the next occurring Township Meeting. The Attending Township Representative shall be compensated at the then permitted rate for compensation of Township Trustees and Clerks.

- 3.9 Closing of Graves and Tombs.** Graves for Burials and Tombs must be Closed before sunset on the same day as the Interment. Graves and Tombs may be Closed after sunset provided such occurs on the same day and the Grave or Tomb is attended continuously from sunset to the Closing. If extenuating circumstances will not allow for the Grave or Tomb to be Closed on the same day as the Interment, the Grave or Tomb shall either be attended continuously until it is Closed or the service or grave digger shall take measures approved by the Attending Township Representative to ensure that the Remains will not be disturbed by wildlife or the elements until Closing can occur.

Article 4

Marking of Interments and Memorials

- 4.1 Marking of Interments.** Any Plot or Special Location in which a Person is Interred must, within six (6) months of the Interment of said Person, be permanently marked by a Marker complying with these rules with markings for all persons Interred therein, unless such time for the placement or marking of such is extended by the Trustees. The Persons arranging or requesting the Interment shall be responsible for the placement of the Marker and establishment of the permanent markings thereon as required herein. Unless otherwise approved by the Trustees, only one Marker may be placed per Plot.
- 4.2 Permanency of Markings.** Markers shall be made of durable stone and fabricated by a reputable monument or memorial maker. Markings shall be etched into a Marker with sufficient depth or otherwise affixed to the Marker such as to be expected to be legible indefinitely and to not reasonably be subject to being rendered illegible by the elements or ordinary vandalism. Memorials exclusively for Persons not Interred in the Cemetery may be made of less permanent materials as approved by the Trustees.
- 4.3 Required Markings.** Every Interment must be marked on a Marker complying with these rules with the following information regarding each Person Interred therein. A Marker may be pre-marked with information for a Person who is expected to be Interred therein with the information below (excepting date of death) only for a spouse or a Person related

by the first degree of consanguinity to a Person already Interred in and indicated on the Marker or, otherwise, only with the approval of the Trustees.

1. The Person's full legal name at the time of his or her death. Nicknames or maiden names may be included, but must be identified as such with the use of quotation marks or parentheses.
2. The date of the Person's birth.
3. The date of the Person's death.

4.4 Optional Markings. Additional markings on Markers may include statements of relationship to other Persons living or dead, sentimental statements, quotations, indications of profession or military service, etched images, or any other information or images approved by the Trustees. Obscene, vulgar, or profane words, sentiments, or images shall not be permitted. If the Trustees deem a marking to violate these rules, the Trustees may require the Person(s) who placed the markings to alter them or may undertake such alterations directly at such Person(s) expense.

4.5 Headstones. Unless a Grave is marked with a Bench or Tomb, it shall be marked with a Headstone. Headstones may mark one or two Graves. A Headstone marking a single Grave shall be limited to three (3) feet in width. A Headstone marking two Graves shall be limited to five (5) feet in width. A Headstone may only mark two Graves when those Graves are adjacent and contain or will contain spouses or individuals related to one another within the first degree of consanguinity. Headstones marking two Graves will clearly indicate such by the placement of separate and distinct markings for each Grave on the headstone and shall be centered between the plots. Headstones shall be at least one (1) foot wide. Headstones shall be at least six (6) inches in height and no taller than five (5) feet. Headstones shall have a thickness of at least six (6) inches and not more than two (2) feet. Headstones shall not exceed a thickness of 12 (twelve) inches for any portion extending higher than three (3) feet. Headstones must be placed in line with other Headstones at the end of the Plot(s) as designated by the Trustees.

4.6 Tombs. Unless otherwise approved by the Trustees, Tombs must meet the dimensional and placement requirements of Headstones. Only cremated Remains may be placed in a Tomb. Cremated Remains must be fully encased in the Tomb in such a manner such as to not be subject to removal or release due to the elements or ordinary vandalism. If no Persons are or will be Buried in the Plot, at the sole discretion of the Trustees, Tombs not in line with surrounding Headstones or larger than a Headstone may be permitted. In circumstances of multiple Interments in the Plot, a Tomb may also serve as a headstone for Persons Buried in the Plot.

4.7 Benches. Benches shall be permitted only with the approval of the Trustees, considering the overall aesthetic contribution of the Bench to the Cemetery. Benches must meet the requirements of Headstones and may also contained Entombed Remains, subject to the requirements for Tombs. If no Persons are or will be Buried in the Plot, Benches not in line with surrounding Headstones or larger than a Headstone may be permitted. In

circumstances of multiple Interments in the Plot, a Bench may also serve as a Headstone for Persons Buried in the Plot.

4.8 Memorials. Memorials may only be placed upon approval of the location, dimensions, and markings by the Trustees. Memorials placed on a Plot must meet the placement and dimension requirements of Headstones, unless otherwise approved by the Trustees.

4.9 Specially Placed Tombs, Benches and Memorials. Burials may only occur in Plots. In circumstances where no Burial will occur, the Trustees may approve the sale of Interment Rights for the placement of a Tomb, Bench, or Memorial at a Special Location in a Cemetery at which there is not a Plot if the Trustees determine that the overall aesthetic beauty of the Cemetery will not be adversely impacted. The Trustees may charge reasonable additional fees associated with the cost of measuring, marking, and recording in the official Township records the location for the specially placed Tomb, Bench, or Memorial. The Clerk shall ensure that the official township maps and other permanent records reflect the location at which the specially placed Tomb, Bench, or Memorial is or will be located.

4.10 Placement of Markers Before First Burial. Absent Trustee approval, Markers may not be placed before the Interment or Memorialization of the first Person represented by the Marker. Markers for Plots in which it is believed no Remains are Buried may only be placed prior to the first Burial in the Plot if the Trustees affirmatively conclude that the Plot contains no Buried remains by examination of records, probing, test digging, or other methods deemed sufficient by the Trustees. If probing or test digging are required, the Person(s) arranging for the placement of the Marker shall be charged the reasonable cost of such as a condition of placement of the Marker.

4.11 Foundation. All Markers shall be supported by a foundation such as to prevent the shifting or leaning of the Marker over time. Foundations shall underly the entire Marker and shall be flush to the surrounding earth. No part of a Marker or its foundation may be placed directly above Buried Remains such that exhumation of the Buried Remains would require removal or disruption of the Marker or its foundation. The following are acceptable foundations for Markers:

1. Firmly compacted earth, over which is placed at least eight (8) inches of fine gravel, over which is placed at least two (2) inches of poured or prefabricated concrete.
2. Footings extending below frostline to which the Marker is permanently affixed.
3. Any other foundation approved by the Trustees.

4.12 Additional Items. No other stones or markers shall be allowed, excepting veteran's markers next to a Marker. Metal or stone flower vases permanently affixed or a part of the Marker are permitted. Shepherd hooks, lanterns, and other metal post items may be placed so long as they are immediately adjacent to the Marker. Christmas blankets and wreaths shall be allowed but may not be placed until after Thanksgiving and must be removed by March 1st. Temporary artifacts, decorations, pots, and vases shall be allowed starting five days before Memorial Day but shall be removed by June 20th. Cut and artificial flowers

are permitted year-round, if placed on or immediately adjacent to the Marker. Persons placing items approved herein shall be expected to maintain the items, ensure that they will not be easily moved by wind, and remove them when they are worn or wilted. No plantings or fences are allowed without Trustee approval. The Trustees may remove and dispose of any items they deem inappropriate or unduly worn without notification to the Person who placed the item.

- 4.13 Deposits.** Before any Opening of a Grave for which there is not already a Marker, the Person requesting Opening must either make a deposit with the Trustees of an amount determined by the Trustees or provide proof acceptable to the Trustees that a Marker has been paid for with a monument or memorial maker, including fees for the placement thereof. Before any Opening of a Grave, Tomb, or Bench for which there is already a Marker, the Person requesting Opening must make either a deposit with the Township of an amount determined by the Trustees or provide proof acceptable to the Trustees that marking of the existing Marker for the Interment to occur has been paid for with a monument or memorial maker. Upon the placement of a Marker or the making of markings complying with these rules, the deposit will be returned. If a Marker or the making of markings is not placed or done within the time limits required by these rules, the Trustees may use the deposit to have a Marker created or markings placed, retaining in the Township accounts for the Cemeteries any unused balance.

Article 5

Visitation and General Rules

- 5.1 Visitation.** Except as provided in paragraph 5.4, below, no one is allowed on Cemetery property for any purpose other than visitation of a grave, matters related to an interment, Trustee approved events, or approved mowing or maintenance of the Cemetery. No alcoholic beverages are allowed on Cemetery property. Persons visiting a grave may bring food and non-alcoholic beverages for the purpose of consumption during the visitation in the form of a picnic, but must not discard any food, beverage or garbage on Cemetery property. Except as permitted in Article 4, no personal effects or physical items may be left on Cemetery property. No pyrotechnics, fireworks, fires, or open flames are permitted. The Cemeteries shall be open for visitation daily between 8 am and sunset. Deviation from the restrictions and visitation hours set forth in this rule shall require the advance approval of at least one Trustee or the Clerk.
- 5.2 Vehicles and Conveyances.** No vehicles or conveyances except for wheelchairs or other necessary mobility assistance devices and authorized grave diggers, monument providers, or funeral service providers associated with the providing of such services, are allowed within the fenced perimeter of a Cemetery, other than on a designated drive.
- 5.3 Parking.** Parking shall occur only at designated areas and only for the purpose of visitation, interment, Trustee approved events, mowing, or maintenance as set forth in paragraph 5.1, above. Parking on Cemetery property, including Cemetery parking lots and

drives for any other purpose is prohibited without Trustee approval. In circumstances where additional parking is necessary for visitation, interment, Trustee approved events, mowing, or maintenance, a Trustee, the Clerk, or Township Representative may approve parking within the fenced perimeter or elsewhere on Cemetery property.

5.4 Passage on Cemetery Drives or Parking Areas by Adjacent Landowners and Tenants.

Persons who own or are tenants of land that is only reasonably accessible by passing upon the driveway or parking area of a Cemetery may pass upon a Cemetery driveway or parking area for the purpose of accessing such land and may allow their guests to so pass. Such persons and their guests may not park vehicles or leave physical items, garbage, or debris on Cemetery property, may not linger or loiter while traversing Cemetery property, and must pass in a manner that will not cause damage to Cemetery property.

5.5 Vandalism or Damage to Markers or Graves. The Township shall be responsible for the repair of any damage to a Marker or Grave caused by the Township, its Trustees, Clerk, employees or agents. The Township shall not be responsible for damage to a Marker or Grave caused by other Persons, whether intentional or accidental. For damage for which the Township is not responsible for repair, the Clerk shall make reasonable effort to identify a relative with right to control under Iowa Code section 144C.5 of the Interred Persons for the damaged Marker or Grave. The Clerk shall so notify the relative and advise him or her of the damage and the need for repair. If the relative(s) of an Interred Person do not undertake to repair a damaged Marker or Grave within a reasonable period of time, the Township may conduct the repairs or replace a Marker at Township expense.