



RULES
AND
REGULATIONS

STORY CITY MUNICIPAL
CEMETERY

STORY CITY, IOWA

2024

FOREWORD

It is the desire of the City of Story City to make the Story City Municipal Cemetery a quiet, beautiful place for the deceased. To maintain this desire the following rules and regulations have been adopted by the City Council of the City of Story City, as the rules and regulations of the Story City Municipal Cemetery.

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

It is the duty of the City of Story 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 proper observance of the sacredness of the Cemetery.

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.

PURCHASE OF SPACES

All spaces sold and the use of such spaces is subject to the rules and regulations of Story City Municipal 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.

Persons desiring to purchase a space or parcel of lots in the Story City Municipal Cemetery are referred to the City Clerk's office. City personnel will have available suitable plats showing location and price of spaces, and such other information as may be required. Cost of cemetery spaces, perpetual care, burials, and all cemetery operations shall be set by Resolution of the City Council. Upon having made a space selection the purchaser of the space will make payment to City Hall, who shall at a later date, issue a certificate of interment. Individuals purchasing cemetery

spaces will be advised that the perpetual care for these lots is included in the purchase price of the space. Any monies paid to the City of Story City for the purchase of a cemetery space shall first be credited to the cost for the perpetual care.

OWNERSHIP RIGHTS OF INTERMENT

The terms “Space Owner” or “Ownership” shall be construed to mean the right to use a space, as purchased from the City for a consideration, for burial purposes only and under the existing or subsequent rules and regulations as prescribed by the City for such use. The City shall have the right to assume at all times that the space owner acquired his space for the interment of himself and members of his family.

- A. The surviving spouse of the space owner shall have the first right to interment or to direct the right of interment.
- B. 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 or direction for interment in the order of their need.
- C. If the owner of a space gives permission for others to be buried in remaining spaces of the lot, this permission must be given in writing to the City Clerk’s office and the owner’s signature shall be notarized.

If the space owner wishes to transfer ownership of a cemetery space in Story City Municipal Cemetery, a transfer may be made only by the legal owner or the devisee or heirs as the case may be, of such owner, and then by surrendering the original deed, completion of the Ownership Transfer Certificate and issuance of a new deed by the City to the new owners of space or parts of lots so transferred.

If a space owner wishes to relinquish ownership of a cemetery space in Story City Municipal Cemetery, a transfer may be made only by the legal owner or the devisee or heirs as the case may be, of such owner, and then by surrendering the original deed, explanation of relinquishment and approval

by the City Council. A refund of the original cost of the cemetery space shall be made to the owner. Perpetual care costs are non-refundable.

CARE OF SPACES

All Cemetery spaces or parcels of lots in the Story City Municipal Cemetery sold since the adoption of Ordinance No. 194 on February 6, 1940, are provided with Perpetual Care. Ordinance No. 194 also makes these rules and regulations effective and provides that all future space sales or parcel of lot sales shall be made with Perpetual Care.

Perpetual Care: The term “Perpetual Care” shall be construed to mean the obligation which the City of Story City assumes each year expend the net annual income of the perpetual care endowment set aside for the space in furnishing such care as mowing grass, raking and cleaning the space, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general. At the time of purchase of a cemetery space in Story City Municipal Cemetery, a fee shall be paid for the perpetual care of the cemetery space. Monies to pay for the perpetual care shall be placed in a Perpetual Care fund. This fund is an irrevocable trust from which deposits can not be withdrawn, and the income from said fund shall be used by the City of Story City for the maintenance, repair and care of Story City Municipal Cemetery. Amounts paid for perpetual care shall be set by Resolution of the City Council, and payments made for the purchase of a cemetery space shall first be credited to the Perpetual Care Fund. If the owner of said space wishes to sell the space back to the City of Story City, only the fee for the cemetery space 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 Story City.

An “Annual Care” charge will be made by the city on those spaces or partial lots in the older portions of the cemetery which are not at present under perpetual care. Space owners may, if they so desire, secure perpetual care for such spaces by paying the current charge made in new space sales. The City reserves the right to refuse to furnish services, or to permit the erection of any monumental work, or issue Cemetery deeds to those spaces not under

perpetual care or when the delinquent or current annual care charge has not been paid in advance.

The general care or perpetual care assumed by the City of Story City shall in no case mean the maintenance, repair, or replacement of any memorial placed or erected upon spaces, nor 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 space, 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.

PRIVILEGES AND RESTRICTIONS

Description of spaces shall conform to the cemetery plats which are kept on file at City Hall.

No mounds shall be raised upon any grave above the general level of the space. Mounds are difficult to maintain, as the sod grows in an unnatural position and is easily injured by the heat, drought, and frost. The City reserves the right at any time to remove unsightly mounds and to resod the grave at the general level of the space.

All landscaping, care of spaces, and other work in the Cemetery will be done by the city, but is desired that each space owner feel free to consult with those in charge of the Cemetery at all times.

The Cemetery reserves the right for its workmen and those persons necessary to performance of normal cemetery operation to enter upon or cross over any space in the Cemetery in the performance of such duties.

The Cemetery or its employees assume no liability for damage, actual or mental anguish, in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.

The City reserves the right to amend or change rules and regulations to conform with newly developed Cemetery practice.

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, etc.
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 spaces for the purpose of passing to and from other spaces.

The City reserves, and shall have the right to correct any errors that may be made in making interments, disinterments, or removals or in the description, transfer or conveyance of any interment property.

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.

RULES FOR VISITORS

The Cemetery will be open to visitors at all times between the hours of dawn and sunset, or as established by City Council Resolution.

The following is expressly prohibited:

- Persons or picnic parties with refreshments will not be admitted.
- Dogs will not be allowed in the Cemetery. This prohibition shall not apply to certified animals assisting persons with disabilities.

- Firearms will be allowed in the Cemetery only at Military funerals and patriotic services.
- Motorcycles and horses will be allowed in the Cemetery only at funeral processions or parades.
- Snowmobiles will not be allowed in the Cemetery.
- The cemetery shall not be used for after school children pick-up.
- The cemetery driveways are not to be used as a means to go from Hillcrest to Grand Ave, nor should the cemetery be used as a walkway for students going to or leaving the Elementary School.

Visitors are required to use the walks and drives and are forbidden to trespass on Cemetery spaces, or pick any flowers (either wild or cultivated) or injure any shrub, tree or plant, or mar or deface any monument, stone, or structure in the Cemetery. Visitors driving automobiles and stopping should park their automobiles in order to avoid congestion and passing in the east and west drives.

INTERMENTS & DISINTERMENTS

The Cemetery will not be open for Interments on Sundays or any holidays. If there will be a Saturday Interment, it will need to be scheduled before noon.

All graves shall be dug by the City under the direction of the Superintendent. Depth of graves shall conform to the ruling by the Iowa State Board of Health.

The use of surface burial vaults is prohibited. A sectional concrete box or equivalent type of permanent box or container constructed so as to prevent the possibility of collapse thereof shall be required for all burials. In order to eliminate sunken graves caused by the collapse of wooden outer containers, it is required that all burials must be made in outer receptacles made of reinforced concrete.

A charge for opening and closing a grave and the sodding and seeding of the mound will be made at a rate set by the city.

The City reserves the right to set aside portions of the Cemetery for the exclusive use of fraternal, and religious groups, upon the written request of such group.

The City will establish the location of the graves on the space unless otherwise requested in writing by the space owner or funeral director.

The Cemetery Superintendent shall be given 48 hours' notice for the opening and preparation of the grave prior to interment.

The interment of two bodies in one grave will not be allowed except in the case of mother and infant or twin children, or two children buried at the same time. Two urns may be buried in one space. Urns are also permitted to be placed in one space area occupied by a casket as long as the casket has been buried first. No interment of any body other than that of a human being will be permitted.

Disinterment of bodies from graves in the Cemetery will only be made by the City in accordance with the requirements of the statutes prescribed by the Laws of the State of Iowa. Charges made by the City for removal will be made in accordance with the difficulty of work and paid in advance.

Space owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State and deliver the same to the City Clerk's office. All removals will be made by the City under the supervision of a licensed embalmer. Graves will only be re-opened for inspection for an official investigation.

STONE AND MONUMENTAL WORK

All stone and monumental work shall be subject to the following regulations and requirements:

All memorial foundations shall be placed on solid ground not included in actual grave space except where grave liner is of permanent type and of sufficient strength to support the weight of foundation and memorial, and will not interfere with future grave openings.

Each monument or grave marker shall rest on a foundation constructed by a monument company or paid by the owner of the space or their family. If the family chooses to construct the foundation, the foundation will need to be approved by the Cemetery Superintendent.

Grave markers will be set according to regulations specified by the City. For large monuments the City reserves the right to require the construction of a foundation of such material, size, and design as will provide ample insurance against possible settlement or injury to the stone work. The top of the concrete foundation will be constructed approximately one (1) inch below the base of the stone work so as to permit the monument or marker to be set in a bed of cement mortar evenly covering the concrete base.

The setting of monuments, stones, and markers and the transportation of all tools, materials, etc., within the Cemetery grounds shall be subject to the supervision and control of the Superintendent. Heavy trucking will not be permitted within the Cemetery when in the opinion of the Superintendent such work might cause injury to the driveways.

All grave markers sometimes called, "headstones" or "footstones" shall be of bronze or a single piece of standard granite corresponding in color to the monument on the lot and with all lettering on the upper surface of the stone and flush with or below the stone surface. No raised lettering will be permitted. Grave markers shall preferably be set at the end of the grave nearest the front of the space.

Individual grave markers shall be placed with top surface at ground level.

Stone or monumental work will not be permitted on the space until the space is fully paid for, nor until the delinquent and current dues for the care of the lot are paid for in advance, and the City reserves the right to refuse permission to erect any monumental work not in keeping with the good appearance of the grounds.

Stone work or monumental work once placed on its foundation shall not be removed, except by permission of the Superintendent of the Cemetery or the City Administrator.

The following restrictions regarding monuments and grave markers apply to the sections of the Cemetery as designated below:

“Unrestricted Monument Sections” Certain designated portions of the older part of the Cemetery have unrestricted monument privileges which permit the erection of monuments or grave markers of any selected size and design where lot area is sufficient to place monuments on solid grounds and will not interfere with future grave openings.

“Burial Park Sections” Certain sections of the Cemetery have been designated as “Burial Park Sections” (1978 Addition; 1942 Addition; Blocks 1, 2, 9, 10 of the 1918 Addition; Lots 301 thru 344 and 370 thru 403; and the Baby Garden) with the idea of their development as a burial park. In such sections no monuments or grave markers will be permitted which extend more than four (4) feet above the ground surface of the lot. Horizontal grave markers or monuments on lots in these sections may not exceed six per cent (6%) of the lot area.

“Urn Spaces” Certain sections of the 1999 Addition of the Cemetery have been designated as “Urn Spaces”. In these sections monuments need to be smaller than a double lot monument or 42”.

Other Burial Park Sections have been designated for the use of flush type memorials only. In such sections memorials shall not extend above the surface of the lot and may not exceed six per cent (6%) of the lot area.

VAULTS AND MAUSOLEUMS

Vaults and mausoleums are not allowed in the Story City Municipal Cemetery.

FLORAL DECORATIONS & PLANTINGS

All landscaping including planting of trees, shrubs, and flowers will be done by the Cemetery. Existing individual lot plantings may be removed by the city when they become unsightly or undesirable and may not be replaced.

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.

Flower Regulations:

- Fresh cut flowers and plantings when 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, fresh potted plants and artificial bouquets or plants, etc. will be permitted on the grave at all times, but will be removed when they become unsightly. All items shall be placed on the foundations where possible.
- All floral decorations or other memorials placed for Memorial Day need to be removed seven (7) days after Memorial Day. Flags or emblems may be used for a seven (7) day period during this time or special days. All items not placed on the concrete foundation will be removed at this time.

Regulations Regarding Items Other Than Flowers:

- The permanent placing of toys, boxes, ornaments, and similar articles may ONLY be located on the foundation of the monument. Such items must be permanently attached to the foundation or placed in a permanent container on the foundation. The City of Story City is not responsible for these items and if items are placed in areas other than the permanent container at the side of the monument, the City reserves the right to remove the items.
- Sheperd hooks are permitted. Only one hook per space and it must be touching the foundation. Hanging pots and decorations must hang over the head stone. No heart shaped hooks allowed.

The City of Story City and Story City Municipal Cemetery do not assume any responsibility for the loss or damage of any floral decorations or other memorials or their containers.