

APPENDIX A

AMES MUNICIPAL CEMETERY RULES AND REGULATIONS

PURCHASE OF LOTS OR COLUMBARIUM NICHE

Persons desiring to purchase rights to interment in a lot, space, or columbarium niche in a city cemetery are referred to the Cemetery Superintendent for assistance. Once a selection is made, the superintendent will issue a report to the Finance Office of the City of Ames, where an invoice will be prepared. Upon receipt of payment and a signed agreement of interment rights from the purchaser(s), the superintendent's report will be forwarded to the City Clerk, who will then issue a certificate of rights for the lot or columbarium niche.

OWNERSHIP RIGHTS OF INTERMENT

The terms "Lot Owner" or "Ownership" shall be construed to mean the right to use a lot, space, or part of lot or columbarium niche, 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 term "Lot" shall include a columbarium niche, unless expressly stated otherwise. The terms "burial" or "interment" shall include use of a columbarium niche, unless expressly stated otherwise.

Upon full payment of the purchase price, the City will issue a Cemetery certificate of rights under its seal that will be recorded in the records of the City as evidence of ownership of rights to interment in the lot or columbarium niche. Lots or spaces for which deeds or certificates of interment rights have been issued by the City will not thereafter be divided except by consent of the Cemetery Superintendent. All lots are exempt from taxation and cannot be seized for debts, (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 owner acquired rights to a lot for the interment of the owner and members of the owner's family. Unless otherwise directed in writing by the owner in a document filed with the City Clerk, the cemetery will permit the interment of members of the owner's family at the request of any interested person upon proof of eligibility for burial, as follows:

- (a) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
- (b) When there is no surviving spouse, seventy-five percent (75%) of the known heirs of the deceased lot owner, or, if the lot is devised under a will of the deceased lot owner, seventy-five percent (75%) of the devisees may, by written agreement, determine who shall have the right of interment or power to direct interment in said lot. Heirs or devisees shall provide evidence of such agreement on forms provided by the City Clerk.
- (c) In the event the owner, devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner shall have the right of interment in the order of their need.

Only such persons as names appear on the Cemetery records of the City will be recognized as owners or part owners of lots.

The title to a cemetery lot vests in the owners the right to use such lot for burial purposes only, for themselves, their heirs, or for any such persons as they may choose to admit, in accordance with the Cemetery Rules and Regulations.

Transfer of title of rights to interment may be made only by surrender of the original deed or certificate of interment rights and issuance of new certificates of interment rights by the City to the new owners of lots or parts of lots so transferred. Substitution of an unused lot or niche for interment rights in a like lot or niche is permitted with approval of the Cemetery Superintendent. Charges may apply for these services, as prescribed by the fee schedule. Lot owners desiring to dispose of an unused lot may surrender the original deed or certificate to the City Clerk and be reimbursed by the City for the original purchase price of the lot. (Monies deposited into the perpetual care fund are non-refundable.) All profits above the original sale price on transfer or resale shall accrue to the benefits of the Ames Municipal Cemetery.

CARE OF LOTS

Prior to 1917, lots in the Ames Cemetery were cared for from the proceeds of lot sales, service charges, and yearly assessments on lot owners if and when they could be collected. Such an indefinite and unreliable plan resulted in inadequate care. In 1917 the City assumed responsibility for the Cemetery through transfer from the Ames Cemetery Association. In order to assure a more reliable means for permanent care, the City, by Ordinance No. 292, April 5, 1917, set up a perpetual care fund, from which the income provides maintenance of the Cemetery. This fund is composed of a portion of the money received from each lot sale. State law directs the minimum amount to be put into the fund and that the fund itself shall always remain intact, with only the annual income received from it being used toward furnishing care. The amount set aside into the fund from each lot sale will vary from time to time as determined by Council, and in accordance with the provisions of the Code of Iowa. The City shall maintain a record of such amount. The fund may also be increased by gifts, bequests, a portion of memorial charges, and other service revenues.

The term "Perpetual Care" shall be construed to mean the obligation which the City assumes to use the net annual income received from investment of the fund to provide for the perpetual maintenance of cemetery property. Such care shall include maintaining a pleasing lawn, leaf disposal, filling sunken graves, caring for avenues, alleys, fences, buildings, and grounds in general. It is being understood that such expenditures shall be made at the discretion and under the direction of the officer in charge of the Cemetery. The City shall not be bound to make a separate investment of the money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner as heretofore provided. Nothing herein shall be construed as modifying any existing contract as to perpetual care.

PRIVILEGES AND RESTRICTIONS

Each lot in the Cemetery (except a columbarium niche) will, prior to its sale, be suitably marked by the City with a metal or concrete post placed on each lot corner and set level with the adjacent ground. To maintain accuracy and uniformity of marking, substitute or additional corner posts may not be used.

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

No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wreaths, glass jars, bottles, toys, cans, and other unsightly objects will not be permitted and when used will be removed by the City without notice. Flags and emblems may be used for a five-day period around May 30th or special days but will be removed, without responsibility for preservation, if still in place after the five (5) days.

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

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

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

The Cemetery reserves the right to furnish, supply, and/or sell to its patrons such items as may be normally used within the Cemetery, such as floral pieces, floral receptacles, grave decorations, memorials, and vaults or other burial cases, etc.

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 alter, change, or close alleys, roadways, water mains, and other physical properties of the Cemetery.

RULES FOR VISITORS

The Cemetery will be open to visitors at all times between the hours of 8:00 a.m. and sunset. Permission to enter the Cemetery at any other time must be obtained from the Superintendent or Police Department.

Children less than fourteen years of age will be admitted only when accompanied by parents or guardians.

Persons or picnic parties with refreshments will not be admitted.

All dogs must be confined inside a vehicle, except for service animals.

Firearms will be allowed in the Cemetery only at Military funerals.

Motorcycles and horses will be allowed in the Cemetery only at funeral processions or parades.

Snowmobiles will not be allowed in the Cemetery.

Visitors are required to use the walks and drives and are forbidden to trespass on cemetery lots, 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.

Vehicles traveling within the Cemetery shall proceed at a speed not to exceed twenty (20) miles per hour.

INTERMENTS

All interments shall be made in a permanent-type outer container. The City reserves the right to supply a minimum quality outer case of sufficient strength to support earth covering at a cost plus handling charge if not otherwise supplied.

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

A charge for opening and closing a grave and the sodding and seeding of the mound will be made at a current rate set by the City, which charge shall be paid in advance of interment, and include opening of the grave, removal of excess material, refilling, and sodding.

The interment of the bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.

The lot owner or funeral director shall designate the location of the graves on the lot to the Superintendent and any change of location made after the opening of the grave has begun shall be at the expense of the lot owner. When definite information for locating a grave is not available in ample time for grave preparation to meet the time requested for interment, the cemetery will exercise its best judgment in making location in order that the requested time for interment may be met. The cemetery assumes no responsibility for any error in such location and an additional charge will be made for any change requested.

The Cemetery Superintendent shall be given twenty-four hours notices in summer and thirty-six hours notice in winter when the ground is frozen, 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 case of mother and infant, two cremation remains, twin children, or two children buried at the same time. No interment of any body other than that of a human being will be permitted.

The Superintendent or delegated representative is expected to attend every interment, and to see that the rules, regulations and strict proprieties of the Cemetery are observed.

As soon as flowers, wreaths, emblems, etc., used at funerals, or placed on graves at other times, become unsightly and faded, they will be removed and no responsibility for their protection or maintenance is assumed.

REMOVALS

Removals of bodies from graves in the Cemetery will only be made by the City in accordance with the requirements of the statutes of the State and the rules of the State Board of Health. Charges made by the City for removal will be based on the actual costs to the City of time and materials, with a minimum charge equal to twice the current charge for interment.

Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit from the State and deliver the same to the Cemetery Superintendent. All removals will be made by the City under the supervision of a licensed embalmer.

For sanitary reasons, graves will not be reopened for inspection except for official investigation.

STONE AND MONUMENTAL WORK

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

Installation work shall be done between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday (except on City holidays), or at such other times as may be arranged with the cemetery superintendent.

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 the foundation and memorial, and will not interfere with future grave openings.

Each monument or grave marker shall rest on a foundation approved by the City and paid for by the lot owner. An installation service charge shall also apply.

Grave markers will be set according to regulations specified by the City. Specifications and instructions governing the installation of memorials in specific sections of the cemetery are established by and available from the cemetery superintendent upon request. 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.

Family monuments may be used in designated areas only, on lots of 180 square feet in area or more. On lots containing less than 180 square feet of area, only grave markers may be used. Grave markers (sometimes called "headstones" or "foot stones") may extend no more than three (3) inches above the natural ground level. All grave markers 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.

The length of the base (including cap) of memorials or grave markers may not exceed 60 percent (60%) of the total width of the grave space, or of the total width of contiguous grave spaces under the ownership of one family. The width of the base (including cap) may not exceed fourteen (14) inches.

Stone or monumental work will not be permitted on a lot until the lot is fully paid for, 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.

The City of Ames has no obligation to repair memorials or memorialization in the event of damage or defacement by acts of vandalism, nor to restore them as a result of deterioration caused by age or weathering.

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.

"Restricted Monument Sections." In these sections of the Cemetery, monuments larger than double headstones will be permitted only on designated lots containing a minimum of 180 square feet, and when individual grave markers are used in addition to the family monument the top surface of such markers must be flush with the natural ground level.

"Burial Park Sections." Certain sections of the Cemetery have been designated as "Burial Park Sections." In such sections no monuments or grave markers will be permitted which extend more than three (3) inches above the ground surface of the lot.

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 percent (6%) of the lot area.

VAULTS, MAUSOLEUMS, COLUMBARIA

Vaults and mausoleums may be placed only on such lots as may be set aside or designated by the City for such structures. All applications for permits to erect such structures shall be made in writing to the Cemetery Superintendent. Complete plans and specifications of the proposed construction, including details of materials, workmanship, method of constructions, etc., shall accompany such application and the approval of the Cemetery Superintendent shall be obtained thereon before any construction work is begun. The right is reserved to prohibit the erection of any structure that is not considered safe, suitable, or desirable.

Vaults or mausoleums will not be permitted on lots containing less than four hundred (400) square feet, and the portion of the lot occupied by the building shall not exceed twenty-five percent (25%), as determined by the City.

A minimum setback of five (5) feet shall be required between the vault or mausoleum and the lot line. 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 over five (5) feet in height.

A columbarium shall have no attachments to the niche plates other than standard name and date plaques. The bronze niche plaque must be provided by the manufacturer of the columbarium through the Ames Municipal Cemetery.

TREES, SHRUBS, AND FLOWERS

All landscaping including planting of trees, shrubs, and flowers will be done by the Cemetery, but lot owners are urged to feel free to consult with the Superintendent regarding matters pertaining to the general beautification, care, and maintenance of lots in the Cemetery. Existing individual lot plantings that become unsightly or undesirable may be removed by the City. Voluntary or memorial contributions for enhancements to the cemetery grounds are welcome.

Fresh-cut flowers may be used and will remain until, in the judgment of the Cemetery, they become wilted or unsightly. Containers for cut flowers are to be of a type that is installed so as to be level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed. Flower containers and grave decorations not permanently installed may be removed and disposed of at the discretion of the cemetery staff.

Potted plants may be set on lots, without disturbing sod, on special occasions such as Memorial Day, birthdays, anniversaries, etc., but, if not removed within five (5) days, will be picked up and destroyed if unsightly, or preserved for use in beds within the Cemetery if suitable.

No person will be permitted to trim, prune or remove branches from any tree or ornamental shrub in the Cemetery whether on their lot or not. All work of pruning or trimming trees and shrubs shall be done by the Superintendent or under the directions of the Superintendent. Upon request the Superintendent will do any pruning needed without charge.

Plants or flowers may not be taken up or removed from the Cemetery or cuttings removed from plants without permission from the Superintendent or under the Superintendent's directions. The observance of this rule is necessary to prevent the theft of plants. Many plants, especially vines, interfere with the proper care of the lots and graves and injure the grass. Such plants will be removed when found objectionable. All grave and flower beds will be cleaned of tender plants after the first frost in the fall.

FEES, CHARGES AND PAYMENTS

The payment of all fees and charges shall be made at the City Finance Office in the City Hall, where receipts will be issued for all amounts paid.

A schedule of fees and charges as established by the City shall be made a part of these Rules and Regulations and may be changed from time to time by resolution of the City Council.

The price of lots shall in all cases include an amount for perpetual care at least equal to the minimum amount stipulated by Iowa State Law. The perpetual care fund is an irrevocable trust. Deposits cannot be withdrawn even in the event of cancellation. Lot owners or others may voluntarily increase endowments through additional contributions or bequests.

SUGGESTIONS

It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of an entire section.

It is important that care be taken in selecting a monument to get a design which will harmonize with its surroundings and not be a monotonous repetition of other stones in the Cemetery. Marble monuments are not permanent in this climate and their use should be avoided. Granite offers the greatest permanence of any of the stones commonly used. It is desirable that the Cemetery Superintendent be consulted before ordering monumental work.

Prospective patrons may feel free to visit the Cemetery for information without obligation or pressure to select. Lot owners are urged to feel free to contact the cemetery at any time if the meaning or intent of these Rules and Regulations are not clear or if other information is desired.

FEES FOR AMES MUNICIPAL CEMETERY AND ONTARIO CEMETERY
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Effective July 1, 2024

Lots

Adult	\$785.60/space	\$196.40 perpetual care ¹
Infant ³	\$160.00/space	\$40.00 perpetual care ¹

Interment (Does not include price of lot)

Full Burial:

Adult	\$982.00
Infant	\$328.00
Weekend/Holiday - Adult ²	\$1,366.00
Weekend/Holiday - Infant ²	\$459.00

Cremation:

Adult	\$560.00
Weekend/Holiday ²	\$665.00

For interments that require
Winter rate, add: \$250.00

Columbarium

Niche, Interment, and Plaque	\$2,862.00
(\$294.00 for perpetual care ¹)	

Disinterment:

Based on actual costs of time and materials;
Minimum charge is 2 x current charge for interment

Markers & Memorials

Installation service charge	\$50.00 each
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¹ The perpetual care fund is an irrevocable trust; monies deposited into the perpetual care fund are non-refundable. (*Iowa Code 523I.807*)

² City of Ames holidays are: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, two (2) days at Thanksgiving, and two (2) days at Christmas.
(*Res. #04-158, 4-27-04*)

³This fee is waived for City of Ames residents. An infant is defined as a child up to 24 months old.