

# **OAKLAND CEMETERY**

## **RULES & REGULATIONS**

**Updated July 28, 2010**

For the mutual protection of every plot purchaser in Oakland Cemetery, The City of Centerville, Iowa, hereby adopts the following rules and regulations. All property owners and persons within the cemetery, and all plots sold, shall be subject to said rules and regulations, and subject, further, to such other rules and regulations, amendments or alterations as shall be adopted by the City of Centerville, Iowa, from time to time; and the reference to these rules and regulations in the deed or certificate of ownership to plots shall have the same force and effect as if set forth in full therein.

## **RULE 1. PERPETUAL CARE**

“Perpetual Care” shall mean the cutting of the grass upon the lot or grave at reasonable intervals; the raking and cleaning of the lot or grave; the pruning of the shrubs and trees, and such work as may be necessary to keep the lot or grave in good and neat condition; meaning and intending to continue forever similar work to that now regularly done upon the lots and graves in Oakland Cemetery. Under the agreement, however, the City of Centerville does not bind itself to maintain, repair, or replace any grave stones or monumental structures or foundations erected upon the lot or graves therein, nor to plant flowers or ornamental plants, nor to maintain mounds upon the graves, nor to do any special or unusual work.

## **RULE 2. ITEMS PLACED ON GRAVES/HEADSTONES**

The City of Centerville shall not be responsible for frames, pots, urns, vases, or containers of any type placed upon the grave.

## ***INTERMENTS & DISINTERMENTS GENERALLY***

### **RULE 3A. SUBJECT TO LAWS**

Besides being subject to these rules and regulations, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted authorities of the city, county, and state.

### **RULE 3B. GRAVE OPENING**

The funeral home in charge of the deceased shall contract with the gravedigger for opening of the grave. No grave shall be dug which doesn't conform to the laws of the State of Iowa. No grave shall be dug without first contacting the City of Centerville for verification of proper placement.

### **RULE 3C. DISINTERMENTS**

Prior to any disinterment, the City of Centerville shall be contacted. Proper paperwork from the State of Iowa shall accompany such a request.

### **RULE 3D. USE OF STONE, BRICK, OR CONCRETE**

The casket in earth interments shall be enclosed in a concrete box or vault, or in an outer wall of stone, brick, steel, or concrete. The employees of the vault company or seller of the box or vault shall make the actual installation. **NO** material shall be placed in the bottom of a grave so as to change the specifications of the grave, as required by the laws of the State of Iowa.

### **RULE 3E. ERROR MAY BE CORRECTED**

The City of Centerville reserves, and shall have, the right to correct any errors that may be made by it either in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City or, in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the City of Centerville reserves, and shall have, the right to remove and re-inter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The City of Centerville also reserves the right to substitute another grave space of equal value if after the sale of the space it is determined that the space cannot be used for interment.

### **RULE 3F. INTERMENT OF MORE THAN ONE BODY**

Not more than one body, shall be interred in one grave, vault, crypt or niche, unless such grave, vault, crypt or niche, has been purchased with the written agreement that more than one body, or the remains of more than one body, may be interred, except by written consent of the City and provided proper identification is made of such interment or interments on one regulation crypt, niche, memorial or marker. A total of two remains is the maximum per grave space. Options are One Casket and One Urn, or Two Urns.

### **RULE 3G. GRAVE SPACE**

Due to regulations and vault sizes, all grave spaces need to be 48" in width.

### ***PROPERTY RIGHTS OF PLOT OWNERS***

#### **RULE 4A. INTERMENT RIGHTS OF PLOT OWNERS**

All plots conveyed to individuals are to be the sole and separate property for burial purposes only of the owner named in the instrument of conveyance.

The spouse of an owner of any plot containing more than one interment space has a vested right of interment of his/her remains in the plot and any person thereafter becoming the spouse of the owner has a vested right of interment of his/her remains in the plot if more than one interment space is unoccupied at the time the person becomes the spouse of the owner.

No conveyance or other action of the owner without the written consent or joinder of the spouse of the owner divests the spouse of a vested right of interment, except that a final decree of divorce between them terminates the vested right of interment unless otherwise provided in the decree.

In a conveyance to two or more persons as joint tenants, each joint tenant has a vested right of interment in the plot conveyed.

Upon the death of a joint tenant, the title to the plot held in joint tenancy immediately vests in the survivor(s), subject to the vested right of interment of the remains of the deceased joint tenant.

A vested right of interment may be waived or terminated upon the interment elsewhere of the remains of the person in whom vested.

An affidavit by any person having knowledge of the facts setting forth the fact of the death of one joint tenant and establishing the identity of the surviving joint tenants' names in the deed to any plot, when filed with the City of Centerville, is complete authorization to the City to permit the use of the unoccupied portion of the plot in accordance with the directions of the surviving joint tenants or their successors in interest.

When there are several owners of a plot, or of rights of interment in it, they may designate one or more persons to represent the plot and file written notice of designations with the City. In the absence of such notice or of written objection to its so doing, the City is not liable to any owner for interring or permitting an interment in the plot upon the request or direction of any co-owner of the plot.

No vested right of interment gives to any person the right to have his remains interred in any interment space in which the remains of any deceased person having a prior vested right of interment have been interred, nor does it give any person the right to have the remains of more than one deceased person interred in a single interment space in violation of the rules and regulations.

#### **RULE 4B. DESCENT OF RIGHT OF INTERMENT**

If no interment is made in an interment plot which has been transferred by deed or certification of ownership to an individual owner, or if all remains previously interred are lawfully removed, upon the death of the owner, unless he has disposed of the plot either in his will by a specific device or by a written declaration filed and recorded in the office of the City, the plot descends to the heirs at law of the owner subject to the rights of interment of the decedent and his surviving spouse.

#### ***TRANSFERS OR ASSIGNMENTS***

## **RULE 5A. SALE OF SPACES**

If a lot owner decides not to use his spaces for burial purpose and wishes to sell same, they must be sold back to the City of Centerville for 80% of the purchase price.

## **RULE 5B. TRANSFER OF SPACES FROM ADDITIONS 1, 2, 3, OR MEMORIAL SECTION TO SHANAHAN ADDITION**

If a lot owner decides to transfer spaces from Additions 1, 2, 3, or Memorial Section to Shanahan Addition, credit shall be given for price paid for original lot, less \$50.00 for transfer fee.

## ***CONTROL OF WORK BY CITY***

### **RULE 6. WORK TO BE DONE BY CITY**

All grading, landscape work, and improvements of any kind, and all care on plots, shall be done, and all trees and shrubs and herbage of any kind shall be planted, trimmed, cut or removed. There will be no additional planting of trees, bushes, or flowers in the cemetery except for Memorial Day (see rule 16) or without prior written permission from the City. Decorations such as flower pots, plants, shepherd's hooks, candles, trinkets, etc., are not allowed. Only items permanently placed on the stone will be allowed.

All improvements or alterations of individual property in the Cemetery shall be under the direction of and subject to the consent, satisfaction and approval of the City. Should they be made without the City's written consent, the City shall have the right to remove, alter or change such improvements or alterations at the expense of the plot owner, or, in event, at any time in its judgment, they becomes unsightly to the eye. If you wish to plant a tree in the cemetery, contact City Forester at (641) 437-4339. Consideration for said planting will be given by the City Forester and approval must be obtained from the Cemetery Committee before any plantings are done.

## ***PROTECTION AGAINST LOSS OR DAMAGE***

### **RULE 7. City may charge for unusual repairs necessitated by acts of God, etc.**

In the event that it becomes necessary to repair or reconstruct any marble, granite, bronze or concrete work on any section or plot or crypt or niche, or any portion or portions thereof in the cemetery, mausoleum, or columbarium, which has been damaged by the elements, an Act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, the City shall give a 10-day written notice of the necessity for such repair to the plot owner of record. The notice shall be given by depositing the same in the United States mail addressed to the plot owner of record at his or her address stated on the books of the City. In the event the plot owner fails to repair the damage within a reasonable time, the City may direct that the repairs be made and charge the expense against the plot and to the plot owner of record.

## **FOUNDATIONS**

### **RULE 12.**

Footings underneath foundations shall be 42" below ground and must be bigger than the monument. All stones and plaques must have a foundation of 42" deep and be centered on the lot. Foundations must extend 4" past the granite headstone all the way around at the top. No new footstones are allowed in the Cemetery.

Headstones in the Good Samaritan Section are 8 inches X 16 inches maximum. If a headstone is subsequently placed on a Good Samaritan space which exceeds the limitations, the estate of the deceased or person placing the headstone shall be billed for the current price of a grave space.

## **MODIFICATIONS AND AMENDMENTS**

### **RULE 13. EXCEPTIONS AND MODIFICATIONS**

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of these rules and regulations when, in its judgment the same appear advisable; and such temporary exception; suspension or modification shall in no way be construed as affecting the general application of such rule.

The City may, and it hereby expressly reserves the right to, change any of the foregoing rules without notice to the plot owners when deemed necessary by circumstances.

### **RULE 14. MEMORIAL SECTION:**

All headstones, gravestones, or markers in the Memorial Section shall be installed to lay flat, flush and even with the earth in order to permit a power lawn mower to cut the grass by driving over the headstone, gravestone or marker. No ornamentation or vases above the surface of the stone is permitted. The City bears no responsibility for any damages occurring to plaques, vases, or any other ornamentation added to the flat headstones and placed in violation of the requirements of this section. Additionally, damage to stones not set flat, flush and even with the earth will not be the responsibility of the City.

### **RULE 15. SHANAHAN ADDITION:**

All headstones in the Shanahan Addition shall be placed on the continuous run foundations provided by the City. It is not permitted to place anything else on the grave plot except as may reasonably be placed on the foundation. Specifically, footstones, corner markers, etc. are not permitted in this section.

### **RULE 16. MEMORIAL DECORATIONS:**

The City will publish in the local newspaper dates that graves may be decorated for Memorial Day and when those decorations need to be removed. During this time, the City is not

responsible for those decorations. After the date when decorations are to be removed, the City may at its discretion remove any decorations that have become unsightly or interfere with the upkeep of the cemetery.

#### **RULE 17. MAUSOLEUMS**

Mausoleums may only be placed in the section of the cemetery designated for such structures. All interments must comply with State of Iowa regulations concerning interment in a mausoleum.