

Ordinance No. 569

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSCEOLA, IOWA, BY AMENDING PROVISIONS PERTAINING TO THE PARK AND RECREATION BOARD AND CEMETERY

BE IT ENACTED by the City Council of the City of Osceola, Iowa:

SECTION 1. SECTION MODIFIED. Chapters 24 and 115 of the City of Osceola Code of Ordinances are hereby repealed and replaced with the following

CHAPTER 24

PARK AND RECREATION BOARD

24.01 Board Created
24.02 Board Organization
24.03 Board Meetings

24.04 Duties of the Board
24.05 Limitations

24.01 BOARD CREATED. A Park and Recreation Board is hereby created to advise the City Council on matters concerning playgrounds and community facilities dedicated to recreation. It shall also plan and oversee City programs and encourage other programs for the leisure time activities of the City's residents of all ages.

24.02 BOARD ORGANIZATION. The Board shall consist of five members, all citizens of the City, appointed by the Mayor with the approval of the Council, for overlapping terms of four years. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as the original appointment.

24.03 BOARD MEETINGS. The meetings of the Board shall be considered open public meetings and held at the call of the Chairperson or upon request of the Mayor. The Board shall keep minutes of its proceedings, which shall be a matter of public record. The presence of three members shall be necessary to constitute a quorum.

24.04 DUTIES OF THE BOARD. The Park and Recreation Board shall act as an advisory board to the Mayor and City Council and shall possess the following duties:

1. Advise the Council on the location, design, development and operation of parks and recreation facilities.
2. Create subcommittees to study specific problems in the areas of recreation, parks and open space.
3. Advise the City on future park and recreation needs for inclusion in land use and capital improvements programs through input to the Mayor.
4. Conduct public forums, assist neighborhoods and advise consultants and the City on the development of neighborhood, community and regional parks for Council approval.
5. Recommend to the Council any rules or regulations necessary for the regulation of parks and open spaces.

6. Manage, oversee, create or eliminate recreation programs at the recommendation of the Park and Recreation Staff.
7. Recommend to the Council annual capital improvements concerning parks and recreation.
8. Undertake any special studies or projects as requested by the Mayor and City Council.

24.05 LIMITATIONS. The Board makes recommendations only and is not empowered to stop any action of the City or to enact any legislation or policy of the City.

CHAPTER 115

CEMETERY

115.01 Definition
 115.02 Trusteeship
 115.03 Cemetery Superintendent Appointed
 115.04 Duties of Superintendent
 115.05 Records
 115.06 Sale of Interment Rights

115.07 Perpetual Care
 115.08 Cemetery Lots Without Perpetual Care
 115.09 Annual Care
 115.10 Rules and Regulations
 115.11 Expenditures
 115.12 Annual Report

115.01 DEFINITION. The term “cemetery” means the Osceola Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the Code of Iowa and which shall be operated under the provisions of Chapter 523I of the Code of Iowa and this chapter.

(Code of Iowa, Sec. 523I.501)

115.02 TRUSTEESHIP. Pursuant to Section 523I.502 of the Code of Iowa, a Cemetery Subcommittee of the Osceola City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property. The subcommittee shall consist of the Mayor and both At-large Council Members. The Mayor shall be a voting member of the subcommittee and chairperson.

(Code of Iowa, Sec. 523I.502)

115.03 CEMETERY SUPERINTENDENT APPOINTED. The Cemetery Subcommittee shall appoint, upon the recommendation of the City Administrator, a Cemetery Superintendent who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Parks and Recreation Director.

(Code of Iowa, Sec. 372.13[4])

115.04 DUTIES OF SUPERINTENDENT. The duties of the Cemetery Superintendent are as follows:

(Code of Iowa, Sec. 372.13[4])

1. **Supervise Openings.** Supervise the opening of all graves and be present at every interment in the cemetery;
2. **Maintenance.** Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Board.

115.05 RECORDS. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
 - A. The name and last known address of each owner or previous owner of interment rights.
 - B. The date of each purchase or transfer of interment rights.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - A. The date the remains are interred.
 - B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

115.06 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the Code of Iowa. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Board.

(Code of Iowa, Sec. 523I.310)

115.07 PERPETUAL CARE. The Cemetery Subcommittee, by resolution, shall accept, receive and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Board, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery to be used in caring for or maintaining the individual property of the donor in the cemetery, or interment spaces which have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest, or the terms of the sale or purchase of an interment space and Chapter 523I of the Code of Iowa.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

115.08 CEMETERY LOTS WITHOUT PERPETUAL CARE. Owners of lots or other interested persons may secure perpetual care on lots or parts of lots in the older portions of the cemetery not having perpetual care by the payment to the City of the perpetual care charges at the rates specified in the rules and regulations.

115.09 ANNUAL CARE. An annual care charge as specified in the rules and regulations shall be made by the City on those lots in the older portions of the cemetery which are not at present under perpetual or endowed care. The City reserves the right to refuse to furnish maintenance service, or to permit the erection of any monumental work on those lots not under perpetual or endowed care or when the annual care on such lot has not been paid in advance.

115.10 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available. (*Ord. 508 – Jul. 13 Supp.*)

(*Code of Iowa, Sec. 523I.304*)

115.11 EXPENDITURES. The Council shall have control of the expenditure of all funds.

115.12 ANNUAL REPORT. The Cemetery Subcommittee shall make a report to the Council immediately after the close of the fiscal year. The report shall contain a statement of all fees and charges collected and the amount of money expended in the maintenance of the cemetery during the year, with such further information as may be required by the Council.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law. All current Park and Recreation and Cemetery regulations are henceforth adopted by the City Council and shall remain in effect

First reading passed 15th day of November, 2016.

Second reading passed 6th day of December, 2016.

Third reading passed 20th day of December, 2016.


Thomas J Kedley, Mayor

ATTEST:


Ty Wheeler, City Administrator Clerk