

Copies of this notice and supporting information are on file for public inspection 8-12 a.m. Monday thru Friday, at Miles City Hall. A public hearing will be held Wednesday, May 4, 2016, at 7:00 p.m. at Miles City Hall.

ORDINANCE 16-2

AN ORDINANCE AMENDING TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 2 CEMETERY, CITY OF MILES CODE OF ORDINANCES:

BE IT ORDAINED by the City Council of the City of Miles, Iowa:

SECTION 1. PURPOSE. The purpose of this Ordinance is to amend Title IV Mental and Physical Health, Chapter 2 Cemetery to establish a perpetual care trust fund for the Mile Cemetery and to meet the requirements of the Iowa Cemetery Act.

SECTION 2. TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 2 CEMETERY, City of Miles Code of Ordinances (2011) is hereby amended as follows:

4-2-1 TRUSTEE. The City of Miles, Iowa, owns and operates a cemetery known as the Miles Cemetery. As provided in §523I.502, Code of Iowa (2015) (the "Iowa Cemetery Act"), the City of Miles, Iowa hereby states its willingness and intention to act as the permanent trustee for the perpetual maintenance of interment spaces in the Miles Cemetery.

4-2-2 SALE OF RIGHTS OF INTERMENT. The sale or transfer of interment rights in the Miles Cemetery shall be evidenced by a Certificate of Interment Rights and Interment Rights Agreement, which establishes and evidences the conveyance of the exclusive right of interment in an identified interment space, upon payment in full of the purchase price. The Certificate of Interment Rights and Interment Rights Agreement shall disclose all information required by Iowa Code Chapter 523I ("the Iowa Cemetery Act") including, but not limited to, the amount or percentage of money to be placed in the Perpetual Care Trust Fund as set forth in Section 4-2-4 of this Ordinance.

4-2-3 PRICE OF RIGHTS OF INTERMENT IN MILES CEMETERY. The price of the right of interment in a full lot (four interment spaces) shall be fixed at One Thousand Dollars (\$1000.00) for each full lot. The price of the right of interment in a one-half lot (two interment spaces) shall be fixed at Six Hundred Dollars (\$600.00) for each half lot.

4-2-4 ESTABLISHMENT OF TRUST FUND. A perpetual trust is hereby established for the Miles Cemetery in accordance with the Iowa Cemetery Act. A restricted fund is created to be known and designated as the "Perpetual Care Trust Fund". The Perpetual Care Trust Fund shall be funded with the deposit of an amount equal to twenty percent (20%) of the gross selling price from each sale of the right of interment in an interment space within the Miles Cemetery or \$50.00, whichever is greater. The Perpetual Care Trust Fund shall be administered in accordance with the purposes and provisions of the Iowa Cemetery Act.

The Perpetual Care Trust Fund shall be maintained separate from all operating funds of the Miles Cemetery. The principal of the Perpetual Care Trust Fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

4-2-5 PERPETUAL CARE REGISTRY. The Miles Cemetery shall maintain a registry of individuals who have purchased interment rights in Miles Cemetery subject to the Perpetual Care Trust Fund requirements of the Iowa Cemetery Act, which registry shall include the amounts deposited in the Perpetual Care Trust Fund.

4-2-6 CEMETERY CAPITAL FUND. A sum equal to twelve and one-half percent (12.5%) of the purchase price from each sale of the right of interment in an interment space within the Miles Cemetery shall be deposited into a Cemetery Capital Fund. The funds deposited into the Cemetery Capital Fund shall be invested at the direction of the City Council. The accrued interest and the principal in the Cemetery Capital Fund shall be used as needed in the discretion of the City Council to purchase additional land for the Miles Cemetery.

4-2-7 INTERMENT COSTS. The base fee for opening a single grave shall be Five Hundred Dollars (\$500.00). The basic fee for a multiple grave opening (one burial on top of another) shall be Five Hundred Dollars (\$500.00) for the bottom grave opening and Four Hundred Fifty Dollars (\$450.00) for the top grave opening. The basic fee for opening a baby grave shall be One Hundred Dollars (\$100.00). The basic fee for interment of urns containing ashes shall be One Hundred Fifty Dollars (\$150.00). The basic fee for interment of a small vault (2'x 2') containing ashes shall be One Hundred Fifty Dollars (\$150.00). The basic fee for interment of one limb shall be One Hundred Dollars (\$100.00).

During the winter months there shall be an additional fee assessed of One Hundred Fifty Dollars (\$150.00). If it is required that a grave be opened, or that a grave be filled, on Saturday, Sunday or a holiday, then there shall be an additional fee assessed of One Hundred Fifty Dollars (\$150.00).

4-2-8 HOURS CEMETERY IS CLOSED. The Miles Cemetery shall be closed during the time period from sunset to sunrise. No person shall enter into the Miles Cemetery during the time it is closed.

SECTION 2. SEVERABILITY CLAUSE. Should any section or provision of this ordinance be declared by the court to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.