

ORDINANCE NO. 2017-490

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA, 2011, BY ADDING A NEW SECTION ON PERPETUAL CARE CEMETERY

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

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Independence, Iowa, is amended by adding a new section 115, entitled PERPETUAL CARE CEMETERY, which is hereby adopted to read as follows:

115 PERPETUAL CARE CEMETERY. The term “perpetual care cemetery” means the Oakwood Cemetery, which is a municipal cemetery under 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)

115.01 TRUSTEESHIP. Pursuant to section 523I of the *Code of Iowa*, the City of Independence here by states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Oakwood Cemetery.

115.02 ESTABLISHMENT OF TRUST FUND. A perpetual trust is hereby established for Oakwood Cemetery in accordance with Iowa Code chapter 523I, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the “perpetual care cemetery fund.” The fund shall be administered in accordance with the purposes and provisions of Iowa Code chapter 523I.

The perpetual care cemetery fund shall be maintained separate from all operating funds of the cemetery and the principal of the fund shall not be reduced voluntarily except as specifically permitted by the Iowa Cemetery Act and applicable administrative regulations.

115.03 SALE OF INTERMENT RIGHTS. The sale of transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights of 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 the Iowa Cemetery Act, including the amount of percentage of money to be placed in the perpetual care cemetery fund.

115.04 PERPETUAL CARE REGISTRY. The cemetery shall maintain a registry of individuals who have purchased interment rights in the cemetery subject to the care fund requirements of the Iowa Cemetery Act, including the amounts deposited in the perpetual care cemetery fund.

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. REPLACE AND REPEAL. All resolutions, Ordinances or parts thereof, to the extent the same may be in conflict herewith, are hereby repealed and replaced.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage,

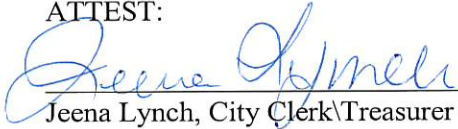
approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this 25th day of July, 2017.



Bonita Davis, Mayor of the City of Independence, IA

ATTEST:



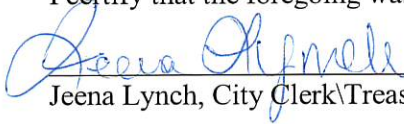
Jeena Lynch, City Clerk/Treasurer of the City of Independence, IA

First Reading: June 26, 2017

Second Reading: July 10, 2017

Third Reading: July 24, 2017

I certify that the foregoing was published as Ordinance No.2017- 490 on the 28th day of July, 2017.



Jeena Lynch, City Clerk/Treasurer