

## CHAPTER 115

# OPERATING A PERPETUAL CARE CEMETERY

115.01 Trusteeship

115.02 Establishment of Trust Fund

115.03 Sale of Interment Rights

115.04 Perpetual Care Registry

**115.01 TRUSTEESHIP.** Pursuant to Section 523I.502 of the Code of Iowa, the City of Creston hereby states its willingness and intention to act as the trustee for the perpetual maintenance of interment spaces in Graceland Cemetery.

### **115.02 ESTABLISHMENT OF TRUST FUND.**

1. A perpetual trust is hereby established for Graceland Cemetery in accordance with Iowa Code, Chapter 523I, the Iowa Cemetery Act. A restricted fund is created, to be known and designated as the “cemetery perpetual care fund,” which shall be funded by the deposit of an amount equal to or greater than twenty percent (20%) of the gross selling price, or fifty dollars (\$50.00), whichever is greater, for each sale of lot within the cemetery. The fund shall be administered in accordance with the purposes and provisions of Iowa Code Chapter 523I.

2. The cemetery perpetual care 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 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 information required by the Iowa Cemetery Act, including the amount or 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 amounts deposited in the cemetery perpetual care fund.

*(Ch. 115 – Ord. 16-163 – Jan. 16 Supp.)*