

## **Essex Cemetery Rules**

1. A lot/plot consists of 4 spaces. Lots may be sold in however many increments one wants not to exceed 5 unless Board approved. Areas may be designated for single only spaces. See 8h. The price of a space is \$100.00. An amount equal to \$100.00 in addition to the price of the space shall be required and must be deposited in a perpetual trust fund. A \$25.00 administration/marketing fee plus any outside fees may be charged for each activity described in paragraph 1 through 6.
2. Burials on a space can be: no more than 2 cremations, 1 cremation and 1 body or 1 baby (up to 1 year old) and 1 cremation. There will be a minimum requirement for the outer burial container of two piece concrete. Cremations must be in a permanent container.
3. The cost of opening and closing a grave will be determined by the grave service contacted by the mortuary.
4. Fees for interment, disinterment, entombment, or inurnment of human remains will be through private contractors with administrative/marketing fee of \$25.00 going to the City of Essex as described in 1 above. Private contractors are currently Kevin Behrhorst or his designee or as otherwise approved by Cemetery Board.
5. A space(s) may be turned back to the Cemetery Board/City of Essex. A return of \$100.00 shall be made. The perpetual care fund is an irrevocable trust whereby the deposits cannot be withdrawn. The trust's income shall be used by the cemetery for its care.
6. Owner of a space may transfer ownership of interment rights to a third party through the City Clerk. An administrative fee of \$25.00 plus any outside fees will be charged.
7. Private burials are prohibited. Only Iowa licensed mortuaries may supervise or conduct interment or disinterment of human remains.
8. IA Code 523I.304 sets forth a list for Rulemaking and Enforcement. A cemetery may restrict and limit the use of all property within the cemetery by rules that do, but are not limited to doing all of the following:

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- a. The Essex Cemetery is not responsible for artificial arrangements, containers or temporary grave markers. The City may remove decorations which present an obstruction to proper care and maintenance of graves or have deteriorated to such an extent as to present an unsightly appearance. Anything attached to the stone is not to be removed.

- b. There shall be no more than one stone/monument per space. It has to be of a size to list all names buried in the space. No foot stones, except government issued veterans at ground level (flat only). Medallions or plaques are allowed on stone/monument. A monument base needs to be no less than 4 inches wider than monument on all four sides. Base footing shall be three feet deep. Any and all plantings or installation of memorial benches will be a decision of the Board, exclusively.
  - c. Scattering of cremated remains within the cemetery is prohibited. Placement of cremains, see #2.
  - d. Burial of nonhuman remains is prohibited, unless placed in a casket of deceased, at the time of the interment of the human deceased.
  - e. Third parties are prohibited from opening, preparing for interment, or closing interment spaces unless specifically provided otherwise within the Essex Cemetery Rules.
  - f. Interment in any part of the cemetery not designated as an interment space is prohibited.
  - g. The use of space for any purpose inconsistent with the use of the property as a cemetery is prohibited.
  - h. No lots in the new section and the westerly most lots of first, second, and third addition in the old section of the cemetery will be designated for single space roles, designating new areas for singles spaces as needed.
9. Liability: The Essex Cemetery shall take reasonable precautions to protect space owners and the property rights of space owners within the cemetery from loss or damage, but it expressly shall not be liable for loss or damage beyond its control, and particularly, from damage caused by the elements, an Act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable civil disorder, whether the damage be direct or consequential.
10. The Essex Cemetery will require only licensed contractors to install a memorial.
11. City Clerk will have the rules for the contractors installing memorials. All persons selling a memorial or contractors for installation of memorial shall review the rules of the Essex Cemetery to ensure that any memorial will comply with those rules prior to ordering or manufacturing the memorial.
12. The City Clerk will have the cemetery map and will keep it current and available.
13. The internment agreement shall include the following:
- a. Sum of money paid by the purchaser/transferee.
  - b. Name and address of the purchaser/transferee.

- c. Unique numeric or alphanumeric identifier of space.
  - d. Used exclusively for burial purposes all in accordance with Essex Cemetery Rules.
  - e. Date of transfer
  - f. Signature of Seller/Grantor which can be the City Clerk or an Essex Cemetery Board of Trustee.
  - g. Acknowledged by a Notary Public.
14. For interments made on or after July 1, 2005, the cemetery board shall keep a record of each interment in the cemetery. The records shall include all of the following:
- 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 the interment space where the remains are interred.
15. Funeral home/mortician shall submit a timely burial report to the City Clerk.

**Receipt and Acknowledgement**

I, \_\_\_\_\_, the owner/purchaser/transferee of space \_\_\_\_\_ hereby receipt and acknowledge a copy of Essex Cemetery Rules having read and reviewed same.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner/Purchaser/Transferee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sales Person, City Clerk, or Trustee