

# CITY OF ELKHART, IOWA

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## Elkhart Cemetery

531 E Walnut Street

### Rules and Regulations

#### Plots:

- The **sole** purpose of all plots shall be as burial places for the human dead.
- **A full plot contains four spaces numbered from South spaces 1 & 2 to North spaces 3 & 4.**
- **Burials shall place the head west and the feet east, with the headstone facing east. Exceptions are allowed if consistent with previous burials on a family plot(s).**
- The sale of all plots from the City to an Owner is evidenced by Certificates of Interment Rights issued after the plots are paid in full or transferred.
- **Elkhart Cemetery records including database, deeds, Certificates of Interment, and maps shall be maintained in Elkhart City Hall.**
- The sale or transfer of plots by plot owners will be allowed **provided properly signed documentation of such sale or transfer is filed in Cemetery records in Elkhart City Hall.**
- With regard to abandonment of plots, if a plot is unoccupied for a period of 75 years, the City may serve notice on the owner of record or the owner's heirs declaring the plot is considered to be abandoned. Such notice shall be served personally or by mailing notice via certified mail at the last known address. If the address cannot be ascertained, notice of abandonment shall be given by one publication of the notice in the official newspaper of the City. If the owner or the heirs do not respond within three years from the date that the notice is served, the abandonment is considered to be complete. Ownership of the plot shall revert to the City allowing the City to sell and convey title to the plot. Source: Code Section 566.20-566.27 of the Code of Iowa.

#### Care & Maintenance:

- The Cemetery roads, walks, and grass will be kept in good condition, with trees and shrubbery pruned when necessary. Reasonable judgment will be used in removing trees and/or limbs in unsound or dangerous condition.
- Improvements within the grounds of the Cemetery and upon the plots shall be under the control and direction of the City of Elkhart before and after interments have been made. The right of ingress and egress across existing burial plots is by granted specific permission only. The right of

ingress and egress across existing burial plots is granted to others for the purpose of passage to and from other plots and to provide normal cemetery operations.

- Shrubs, Trees and Flowers:
  - No tree **or flower plantings, including perennials**, are allowed, unless approved for the outside perimeter of the Cemetery by the Elkhart City Council.
- Installation of benches needs to be approved by the City of Elkhart.
- No hedges, fences or other plot enclosures of any kind will be permitted on or around plots.
- Decorative items such as fresh flowers, artificial flowers, **and plants must be contained in a vase or pot. Other decorative items including wreaths on stands, emblems, lawn hooks, solar lights or other items are allowed. All decorative items must be immediately next to or attached on the memorial.**
- **Cemetery clean up days are typically held in May and July. Exact dates to be posted at the cemetery. All untended decorative items will be removed on clean up days.**
- Glass containers of any type are forbidden.
- Neither the Cemetery Association nor the City will be responsible for damage due to weather conditions, thieves, vandals or causes beyond their control.
- Pets are allowed in the Cemetery only on leash or similar restraint, with the requirement to clean up after them.
- Complaints/questions should be directed to Elkhart City Hall.

#### **Memorials:**

- The term “memorial” means any stone, marker, monument marking a grave site.
- No memorial work of any kind shall be set without a foundation of a concrete base that starts below the frost line.
- The location/position of the memorial shall be determined using the records of the City Clerk.
- If a memorial sinks, tilts, or becomes misaligned within 12 months of installation, and the belief is that it is due to faulty installation, notice will be given by the Cemetery Association/City Clerk to the installer to correct the damage.
- No memorial may be erected on any plot **until the City has been notified in advance so interment rights can be verified and the plot properly marked by City personnel.**

#### **Interment and Funerals:**

- Arrangements for interments shall be made with City Hall at least three days prior to interment **and City personnel will locate and mark each burial space.**
- Opening and closing of graves for cremain burials, using a locate form, may be done by the family, if dug with hand tools. All cremain burials shall **be dug at least 36 inches deep and have a minimum 24” soil cover over the cremain urn or container.**
- The spreading of cremated remains above ground is strictly prohibited.
- Two cremain burials will be allowed in one space.

- A container of the family’s choice **that is made of hard plastic, metal or concrete** will be required for each cremain burial. Other materials are allowed if contained within a concrete vault.
- All body burials shall require a casket within a *concrete vault*.
- One body burial per space is permitted.
- All body burial grave openings and closings, based upon a **completed** locate form, will be performed by the City-approved Sexton, whose fees for such services will be paid directly to him.
- All closed graves shall not have soil above ground level.
- Burials are allowed any day of the week, at any time a family wishes.

**Prices and Fees:**

For those persons residing in or having resided within the limits of the **City of Elkhart:**

Full Plot - 4 spaces	\$400.00
Half Plot - 2 spaces	\$200.00
Single Plot - 1 space	\$100.00

For those persons who are related to persons residing in or having resided within the limits of the **City of Elkhart -or- those persons residing outside city limits but within the Elkhart fire district:**

Full Plot - 4 spaces	\$800.00
Half Plot - 2 spaces	\$400.00
Single Plot - 1 space	\$200.00

For those persons residing outside the limits of the **City of Elkhart** and without any relatives residing in or having resided within the limits of the **City of Elkhart:**

Full Plot - 4 spaces	\$2,400.00
Half Plot - 2 spaces	\$1,200.00
Single Plot - 1 space	\$600.00