

*Rules and Regulations
Newton Union Cemetery
Newton, Iowa*

Forward

It is the desire of the City of Newton to continue to make Newton Union Cemetery a quiet, beautiful place and a symbol of love and faith. To this end and for the mutual protection of lot owners, the following rules and regulations have been adopted by the City Council of the City of Newton, Iowa, as the rules and regulations of Newton Union Cemetery.

All persons other than Cemetery personnel are not to use Cemetery files, books, desk, etc. without the permission of Cemetery management. Anyone not complying with this rule will be barred from the Cemetery office.

All lot or niche owners and visitors within the Cemetery and all lots or niches sold shall be subject to these rules and regulations, amendments, or alterations. Reference to these rules and regulations in the deed to a lot shall have the same force and effect as if set forth in full therein.

It is the duty of the City of Newton to preserve the rights conferred on them under the laws of the State of Iowa for insuring the stability of improvements, the good appearance of the grounds, a respectful manner of internment and a proper observance of the sacredness of the Cemetery.

The City reserves, at its option, to temporarily suspend or modify any rule or regulation and such temporary suspension or modification shall not be construed as affecting the general application and enforcement of such rules.

Section 1. Definitions

Cemetery Office: The term "Cemetery Office" shall mean the office maintained at Newton Union Cemetery, 1601 W. 4th St. N. Newton, Iowa.

Cemetery: The term "Cemetery" is hereby defined to include a burial park for earth interments, a mausoleum for vault or crypt interments, a crematory and columbarium for cremain interments or a combination of one or more than one thereof.

Deed: The term "deed" shall apply to the original conveyance given by the City of Newton to the original purchaser.

Domestic Animal: The term shall mean every tame member of the animal kingdom other than the genus and species Homo Sapiens.

Lot: The term "lot" shall apply to numbered divisions as shown on the plat maps.

Management: The term "Management" shall mean the person or persons duly appointed by the City of Newton for the purpose of conducting and administering the Cemetery.

Memorial: The term "Memorial" shall include the monument, grave marker, headstone, private mausoleum to include foundation and all attachments for family or individual use.

Niche: A place for cremations above ground located in a 96-unit columbarium.

Perpetual Care: The term "Perpetual Care" shall be construed to mean the obligation which the City of Newton assumes each year expend the net annual income of the perpetual care endowment set aside for the lot in furnishing such care as mowing grass, raking and cleaning the lot, filling of sunken graves and keeping monumental work in a vertical position. Where the income is sufficient it may be used in the perpetual care of avenues, alleys, fences, buildings and grounds in general.

Public Works Office: The term "Public Works Office" shall mean the Office of the Public Works Director located at 1700 N. 4th Ave. W., Newton, Iowa.

Space: The term "space" shall apply to an area of sufficient size to accommodate one interment. "Space" shall be determined by the type of burial; i.e. Adult, infant, ashes. Size of the space needed shall be determined by Cemetery Management.

Section 2. Perpetual Care

At the time of purchase of a cemetery lot in Newton Union Cemetery, a fee shall be paid for the perpetual care of the cemetery lot. Monies to pay for the perpetual care shall be placed in a Perpetual Care fund. This fund is an irrevocable trust from which deposits can not be withdrawn, and the income from said fund shall be used by the City of Newton for the maintenance, repair and care of Newton Union Cemetery.

Amounts paid for perpetual care shall be set by Resolution of the City Council, and payments made for the purchase of a cemetery lot shall first be credited to the Perpetual Care fund.

If the owner of said lot wishes to sell the lot back to the City of Newton as specified in Section 4 of this document, only the fee for the cemetery lot is to be refunded. Perpetual care payments cannot be withdrawn from this irrevocable trust, even in the event of cancellation or sale back to the City of Newton.

Section 3. Purchase of Lots or niches

All lots or niches sold and the use of such lots or niches is subject to the rules and regulations of Newton Union Cemetery now in effect or any amendments thereto. Any statements of employees or agents, unless confirmed in writing by the City Council, shall in no way bind the City.

Cost of cemetery lots or niches, perpetual care, burials and all cemetery operations shall be set by Resolution of the City Council.

Individuals purchasing cemetery lots will be advised that the perpetual care for these lots is to be paid at the time of the purchase. Any monies paid to the City of Newton for

the purchase of a cemetery lot or niche shall first be credited to the cost for the perpetual care.

Cemetery lots or niches must initially be purchased at the Cemetery Office at Newton Union Cemetery. Cemetery employees will then transfer the payment for the lots or niches and the lot or niche sale information to the Public Works Office.

If a purchase is made on a time-payment basis (contract), a downpayment in a minimum amount equal to 25% per burial space shall be made with the balance paid in 6 equal monthly installments starting with the month following the initial payment. Cemetery lot or niche ownership records will not show that the lot or niche has been purchased until payment is made in full for the lot or niche. In case of failure to pay any of said sums or to perform the conditions of the contract specified, the purchaser shall forfeit the money paid as liquidated damages and shall also forfeit all rights in or to the cemetery lot or niche or space, time being of the essence of the contract. No monuments or markers will be allowed to be placed on the lot or niche or space until complete payment is made according to the contract.

It is the duty of the lot or niche owner to notify the cemetery management of any change in address.

Section 4. Ownership Rights of Interments

- A. The surviving spouse of the lot or niche owner shall have the first right of interment.
- B. In the event the owner shall not have arranged for further interments, then the devisee or heirs as the case may be, of such owner, shall have the right of interment in the order of descent of title according to Cemetery Law.
- C. If the owner of a lot or niche gives permission for others to be buried on remaining spaces on the lot or niche, this permission must be given in writing to the Cemetery Office, and the owner's signature shall be notarized.
- D. The title to a cemetery lot or niche invests in the owner the right to use such lot or niche for burial of the human dead only.

If a lot or niche owner wishes to relinquish ownership of a cemetery lot or niche in Newton Union Cemetery, a transfer may be made only by the legal owner and then by surrendering the original deed and issuance of a new deed by the City to the new owners of lots or niches or parts of lots so transferred. A Lot Transfer fee for each transfer will be made to the City of Newton, and no transfer or sale is valid until entered on the cemetery records at the Public Works Office.

If a lot or niche owner wishes to cancel ownership in a vacant cemetery lot or niche in Newton Union Cemetery, the owner has the right to cancel by returning the deed to the City of Newton. A refund of the original cost of the cemetery lot or niche shall be made to the owner. Perpetual care costs are non-refundable.

If the owner of a cemetery lot or niche requests a transfer of a lot or niche from one section of Newton Union Cemetery to another section of Newton Union Cemetery, a Lot Transfer fee shall be paid by the owner to cover the cost of the transfer. If an increase in the sale price has been made since the original lot or niche was purchased, the owner shall be required to pay the difference from the original lot or niche price and the current lot or niche price.

Section 5. Lot Care

Perpetual care shall include the cutting of grass at reasonable intervals, the raking and cleaning of the grounds, and the pruning of shrubs and trees that may be placed by the management.

The general care or perpetual care assumed by the City of Newton shall in no case mean the maintenance, repair, or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the cemetery, including work caused by the impoverishment of the soil, nor does it mean the reconstruction of any marble or granite work on any section or lot, or any portions thereof in the cemetery caused by the elements, an act of God, common enemy, thieves, vandals, accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral other than as herein provided.

Section 6. Rules for Visitors

The cemetery grounds will be open to public, typically from sun-up to sundown daily, or as established by City Council resolution.

Rules and Regulations regarding use of the cemetery grounds are set by resolution of the City Council.

- The following is expressly prohibited:
- Loud or boisterous talking
- Idling or loafing on the grounds or in any of the buildings
- Bringing lunches or refreshments into the cemetery or consuming them on the grounds, unless a part of the burial ritual
- City ordinance prohibits dogs from running at large
- Firearms will be allowed in the cemetery for a military funeral only

Section 7. Privileges & Restrictions

No owner of any domestic animal, whether such animal is leashed or unleashed, shall cause or permit such animal, by action or inaction, to be on or within cemetery property owned or operated by the City at any time. This prohibition shall not apply to certified animals assisting persons with disabilities.

The driving of motor cars or vehicles through the gates or in the cemetery at a speed greater than 10 mph is prohibited.

Driving any motor car or other vehicles across or upon any grave, lot or lawn or parking or leaving the same thereon is prohibited.

No lot or niche shall be used for any other purpose than for the burial of the human dead.

The City reserves the right to:

1. Enlarge, reduce, replat or change the boundaries or grading including the right to modify or change the location of or remove or re-grade roads, drives, or walks, or any part thereof.
2. Lay, maintain and operate, or alter or change pipe lines or gutters for sprinkling systems, drainage, etc.
3. Use cemetery property not sold to individual plat owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto.
4. Perpetual right and control of ingress and egress over lots for the purpose of passing to and from other lots.

Descriptions of lots shall conform with the cemetery plats which are kept on file in the Cemetery Office and the Public Works Office.

The City reserves, and shall have the right to correct any errors that may be made in making interments, disinterments, or removals or in the description, transfer or conveyance of any interment property, either by canceling such conveyance or by replacing with a similar location, as may be selected by the City, or in the sole discretion of the City, or by refunding the amount of money paid on account of said purchased.

In the event an error involves the interment of the remains of any person in such property, the cemetery reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Section 8. Interments & Disinterments:

The cemetery will open for interments from 7:00 am to 5:00 pm daily with the exception of Sundays and the following holidays:

- *Memorial Day*
- *July 4th*
- *Labor Day*
- *Thanksgiving Day*
- *Christmas Day*
- *New Year's Day*

Exceptions may be made where an unreasonable hardship may be caused or by order of the Board of Health. Special interments made by this cause will require additional charge.

All funerals on entering the cemetery shall be under the charge of the cemetery management and once a casket containing a body is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, or agent shall be permitted to open the casket or to touch the body without the consent of the legal representative of the deceased or an order signed by a Court of Competent Jurisdiction.

All orders for interments in lots or niches must be signed by the owner of the lot or niche or the owner's legal representative. When this is impossible because of illness or other reasonable cause, fax or telephone permission will be accepted but will make the person calling responsible and any change of location made after the opening is begun shall be at the expense of the lot or niche owner. Should the lot or niche owner fail or neglect to make such designation, the cemetery reserves the right to make interment in accordance with normal cemetery procedure. The cemetery assumes no responsibility for any error in such location and an additional charge will be made for any change requested.

If cemetery management receives direction from a lot or niche owner or funeral home to open a grave site, and then a change is made after the site is opened, an additional charge will be assessed to the owner or funeral home making the initial request.

Cemetery personnel or designated contractual services hired by the City of Newton will be the only workers permitted to open and close graves.

No bodies shall be buried or interred within or on any lot or niche in the cemetery unless previous arrangements have been made with and permission given by the cemetery. Persons requesting openings will be responsible for payment of work.

Lots or niches shall not be used for any other purpose than the burial of human remains and shall be for members of the family only, except where written permission of the owner is filed with the city. All burials shall conform to the rules of the board of health of the state. Graves for adults shall not be less than 5' deep and for children not less than 3' deep. All graves shall be dug by cemetery personnel and shall be paid for in advance, or guaranteed by the undertaker in charge in writing. Graves shall be located on the lot or niche by the owner of the lot or niche, who is expected to keep a clear record of such internments. The interment of two bodies in one grave is not permitted, except in case of mother and infant or twin children, or two children buried at the same time or in the case of burial of cremated remains. The use of surface burial vaults is prohibited. A sectional concrete box or equivalent type of permanent box or container constructed so as to prevent the possibility of collapse thereof shall be required for all burials. Graves will be re-opened for inspection only for investigation. Removal of bodies from

graves shall be made only between June 1 and December 1 and the work shall be performed by cemetery employees and paid for in advance.

All charges for interments or services in connection therewith, shall be paid at the Public Works Office and payment of any and all indebtedness due the cemetery must be arranged for before interment is made.

The right is reserved by the City to require at least 1 business day notice in summer and 2 business days in winter when the ground is frozen, prior to any interment. All interments, disinterments and removals must be made in the manner, and upon the charges fixed by the City.

In order to eliminate sunken graves caused by the collapse of wooden outer containers, it is required that all burials must be made in outer receptacles made of reinforced concrete.

The cemetery will not be liable for the interment permits nor for the identity of the person sought to be interred.

Disinterments will be made in the manner prescribed by the Laws of the State of Iowa.

Burials shall be on lots or niches of sufficient size to accommodate the burial. Size of lot or niche shall be determined by cemetery management. In cremation burials, urns are permitted to be placed in the lot area occupied by a casket burial if sufficient space is remaining for the urn burial. Cemetery management will make the determination if there is space remaining on the lot, and will determine where the urn is to be placed on the lot.

Section 9. Floral Decorations & Plantings:

The cemetery will undertake to maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual plantings or urns of plants.

The cemetery encourages the use of floral tributes on the graves of loved ones, however, the beauty and continuity of the cemetery depends on the cooperative efforts of all families who have loved ones in the centeries care.

Clean-up Times will be the 4th week of March and the full week after the 4th of July holiday.

Regulations Regarding Items Other Than Flowers:

The permanent placing of toys, boxes, ornaments, chairs, settees and similar articles may ONLY be located on the foundation of the monument. Such items must be permanently attached to the foundation or placed in a permanent container on the foundation. The City of Newton is not responsible for these items and if items are placed in areas other than in the permanent container at the side of the monument, the City reserves the right to remove the items.

Flower Regulations:

- Fresh cut flowers and plantings when set into the permanent containers on the foundations will be permitted at all times. Flowers/plantings will be removed when they become unsightly.
- Fresh cut flowers, fresh potted plants and artificial bouquets or plants, etc. will be permitted on the grave at all times, but will be removed when they become unsightly. All items shall be placed on the foundations where possible. Planting flowers or digging up the turf is permitted only within 6" of the north, south or east sides of the grave markers.
- Artificial wreaths and evergreen blankets are permitted between November 1st and the March spring clean-up of each calendar year.

The City of Newton and Newton Union Cemetery do not assume any responsibility for the loss or damage of any floral decorations or other memorials or their containers.

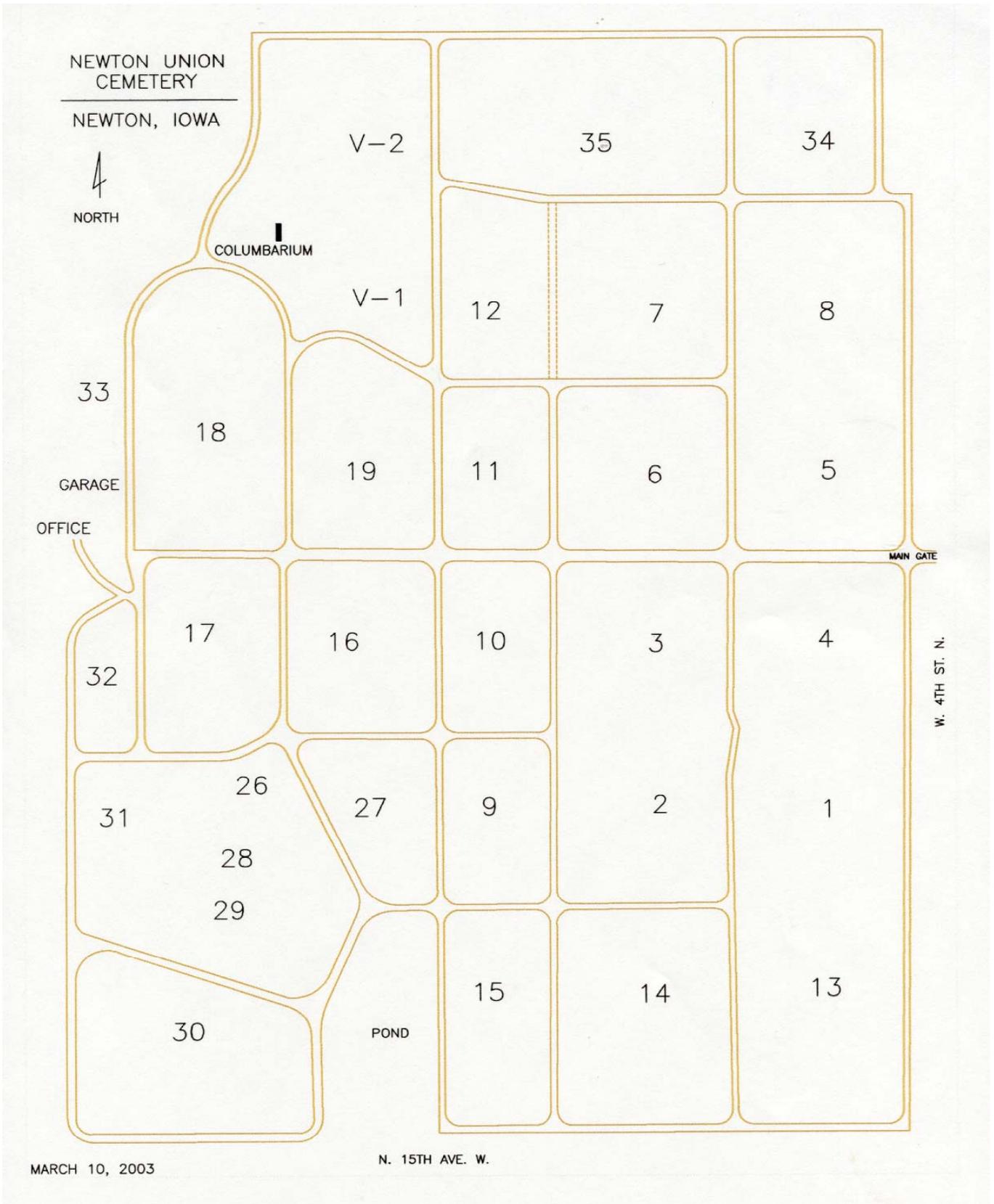
Section 10. Marker/Monument Regulations

In order to perpetuate the beauty and continuity of the cemetery, the City reserves the right to enforce all rules and regulations here set forth and others that might seem necessary for a particular situation.

1. All memorial work must be approved by the City as to material, design, inscription and location on the lot.
2. Any unauthorized memorial work will be removed from the grave until proper arrangements have been made at the cemetery office.
3. No memorial work will be allowed on lots or graves until all cemetery obligations to the City are paid in full.
4. In the event that a lot is purchased for multiple cremation burials, only 2 markers per single lot is allowed. A "monument" may be a "Head Marker" (single stone), a "Flush Marker" (the temporary marker set by a funeral home), or a "Companion Marker" (a single or double stone with more than one name inscribed).
5. The City has approved the purchasing of lots for the purpose of erecting a memorial. An area has been designated at Newton Union Cemetery for said memorials. Cost for the lot shall be the same as for a burial lot.
6. Military markers not located in the Veterans Sections are required to have a foundation. Markers shall be placed in the area of a normal setting and no military markers at foot of graves in Blocks 16 through 35 and both Veterans sections.
7. Lots now containing a certain size or style of marker may be duplicated.
8. Only granite or bronze will be permitted in all memorial work.

9. Any memorial work not approved by the cemetery management and not meeting the criteria set forth in this section shall be removed at the expense of the contractor.
10. Striving for surroundings of peace and beauty as a setting for memorial work prohibits advertising of any description within the cemetery. However, a small emblem or insignia inconspicuously located on the memorial will be permitted.
11. No monument will be permitted without prior approval of cemetery management. All foundations shall comply with City specifications or be subject to removal. Foundation specifications are stated in Appendix "A" to this document. Inspection permit costs for foundations are set by Resolution of the Newton City Council. It shall be the responsibility of the individual or company selling the monument to obtain any pay for the foundation inspection.
12. Cemetery management will show the monument salesperson or monument company representatives, in person, where the marker is to be placed.
13. If Cemetery personnel sets the foundation the company who sells the marker will be billed for same. The price of setting is set by the City Council. Foundations may be set by others in accordance with Cemetery rules and regulations.
14. Cemetery personnel will not help unload or place any markers for the salesperson.
15. All monument salespersons are to contact the cemetery management before constructing or pouring foundations on any lot in the cemetery. Please know whose name(s) will be on the monument or grave marker and the owner of the lot.
16. All monument companies will keep an up-to-date list of all foundations and markers delivered to Newton Union Cemetery and provide same to cemetery management on a yearly basis.
17. In Blocks 16 through 35, markers shall not exceed 12" in height.
18. In Blocks 16 through 35 no two- piece markers or monuments will be allowed.
19. After a salesperson has been billed for the setting of a marker, if the bill is not paid within 30 days, cemetery management has the right to refuse to let anyone else set any markers for this salesperson until all bills are paid.
20. The temporary marker provided by the funeral directors are assumed to be short lived and the City assumes no responsibility for same.

Map of Cemetery



Section 11. Columbarium Rules & Regulations

1. One (1) burial of ashes per niche.
2. Cemetery office will order all nameplates.
3. City of Newton is not responsible for the replacement of discolored or damaged bronze nameplates.
4. No plantings of trees, bushes or any other live plants is permitted by the Columbarium.
5. Objects placed on or around the Columbarium will be subject to removal by cemetery personnel.
6. Objects attached to a niche not to exceed the size of the niche and is subject to removal.

Appendix A Foundation Specifications for Newton Union Cemetery

The following specifications are for foundations installed in Newton Union Cemetery and will be enforced by the management.

Location: Cemetery staff shall mark the location of the lot for each foundation order and shall approve the location of the foundation on the lot. The contractor is responsible for the positioning of the foundation as per order given by monument company/funeral home, so long as that position is not in conflict with established city guidelines.

Size: The size of the foundation is determined by the size of the monument being placed on the foundation and a minimum of 5" on all sides of the marker/monument. Floral containers may be placed in the area at each end of the marker/monument. Example: A marker/monument that measures 36" x 10" would need a minimum foundation that measures 46" x 20".

NOTE: It shall be the responsibility of the individual or company selling the monument to contact the City of Newton, to assure the size of the lot will accommodate the foundation.

Depth: The foundation shall be dug at minimum of 1' deep, the full width of the foundation.

Inspection: The cemetery management shall inspect all foundations prior to delivery of concrete. If any violations are found, said violations must be corrected prior to delivery of concrete. All cost associated with the foundation will be the responsibility of the contractor and not the City of Newton.

Fee: An inspection fee established by City Council shall be charged for each foundation.

No stone shall be set or foundation constructed prior to the interment of all parties named without the permission of the cemetery superintendent or his representative.

The base or foundation shall be constructed to a minimum depth of 1' If set above vault at least 6" must contact vault. **SEE DIAGRAM.**

The top of the base or foundation shall be level in all directions with its top at the highest ground elevation.

All stones shall be set in line with the other stones in same row.

All forms for the bases or foundations shall be removed and backfilled within 2 weeks.

All foundations must be of concrete made of 3 parts sand or gravel to 1 part cement.

Stone Foundations & Stone Setting

