

ORDINANCE #42  
AN ORDINANCE ESTABLISHING A CEMETERY COMMISSION

BE IT ORDAINED AND ENACTED by the Supervisors of Benton County, IA

Section 1. A Cemetery Commission is hereby established to assume jurisdiction and management of Pioneer Cemeteries in Benton County, IA, pursuant to Section 331.325 of the Code of Iowa.

Section 2. The Commission shall consist of nine persons, residents of Benton County, Iowa, appointed by the Board of Supervisors as follows: Three of the members shall be appointed for a term expiring December 31, 2003, three for a term expiring December 31, 2004, and three for a term expiring December 31, 2005. Their successors in all cases shall be appointed for a term of three years, and all appointments to fill vacancies shall be for the unexpired term. The Commission shall at all times have at least four members who are currently township officials.

Section 3. The Commission shall select a chairperson, vice chairperson, secretary and treasurer, and such other officers, as the Commission shall deem necessary.

Section 4. The Commission shall have authority to establish such rules and regulations governing its organization and procedures, as it shall deem necessary.

Section 5. The Commission shall have all powers and duties relating to Pioneer Cemeteries, which may otherwise be exercised by township trustees under the Code of Iowa, except those pioneer cemeteries being maintained by township trustees, with the exception the Commission shall not have the authority to certify a tax levy.

Section 6. The Commission shall submit a proposed budget including the amount of available funds and proposed expenditures to the Benton County Auditor no later than January 1 of each year. The budget shall be subject to approval by the Board of Supervisors.

Section 7. The Commissioners shall receive no compensation for their services as such, but may be reimbursed for necessary expenses incurred in the performance of their duties.

Section 8. Access to pioneer cemeteries shall be negotiated with property owners where necessary.

Section 9. Should any part of this ordinance be held invalid, the remaining part shall be severable and shall continue to be in full force and effect.

Section 10. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

Section 11. This ordinance shall take effect and be in full force and effect after its passage and publication as required by law.

Passed and adopted by the Benton County Board of Supervisors on this 13th day of August, 2002.

BENTON COUNTY BOARD OF SUPERVISORS

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David H. Vermedahl, Chairman

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Ronald R. Buch

Edward E. Sass

ATTEST: \_\_\_\_\_

Jill Marlow  
Benton County Auditor

August 6, 2002 – Approved 1<sup>st</sup> Consideration of Ordinance #42  
August 9, 2002 – Approved 2<sup>nd</sup> Consideration of Ordinance #42  
August 13, 2002- Approved 3<sup>rd</sup> Consideration of Ordinance #42  
August 13, 2002 - Adopted Ordinance #42  
August 21, 2002 – Published Ordinance #42

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #42 and the dates of consideration and publication are correct.

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Jill Marlow, Benton County Auditor