

CHAPTER 80**CEMETERY****Sections:**

- 80.1 Lot--Payment In Advance--Deed--Sale.
- 80.2 Care By Leisure Services Director.
- 80.3 Care--Generally--Assessment.
- 80.4 Lot Alterations.
- 80.5 Repairs.
- 80.6 Burial On Lot Of Another.
- 80.7 Ownership Records.
- 80.8 Director's Duties.
- 80.9 Opening And Closing Graves.
- 80.10 Moneys Disposition.
- 80.11 Prohibited Acts.
- 80.12 Lot Purchase Price.
- 80.13 Rules And Regulation Development.

SEC. 80.1 LOT--PAYMENT IN ADVANCE--DEED--SALE. Burial lots shall be paid for in advance before any burial is made therein and the purchase price shall include perpetual care thereof. All deeds executed for lots in the cemetery shall recite that such lot is sold for burial purposes only, and subject to all the rules, regulations and ordinances as are now in force or which hereafter may be enacted by the city council in relation thereto.

1. They shall be signed by the mayor, and countersigned by the city clerk under the seal of the city, and before delivery they shall be recorded in the office of the city clerk.
2. No person, having purchased a lot in the cemetery, shall be permitted to sell the same, but the city council may accept the surrender of a lot, or the unoccupied part thereof, when requested so to do, by refunding to the purchaser a sum not exceeding the original price.

SEC. 80.2 CARE BY LEISURE SERVICES DIRECTOR. All lots in the cemetery, the care of which is provided for by a deposit in the permanent care fund, shall be especially under the charge of the director, who shall properly seed the same as often as required, keep them mowed during the summer season, cut all grass around any marker or monument, and at all times keep such lots in a clean and attractive condition. At the request of any owner of such lot, the director may make needed repairs to any marker or

monument and render a bill to the owner for the cost of the same, which if not paid within a reasonable time shall be assessed to such owner and lot as provided in Section 80.3.

SEC. 80.3 CARE--GENERALLY--ASSESSMENT. No person, other than the owner or their heir, or a near relative or intimate friend, working without compensation, shall be permitted to care for any of the lots in the cemetery; but all lots for the care of which no provision has been made by a deposit in the permanent care fund shall be properly cared for by the duly authorized director under the direction of the city council. A special assessment of one cent per square foot shall be made against each and every occupied lot in the cemetery, where no other provision has been made, for the care of the same, payable at the office of the city clerk, without notice, on or before May 1st, of each year, and such assessment shall be delinquent on the first day of October following, at which date a penalty of twenty-five percent (25%) shall be added; and no further burials shall be made on any lot on which an assessment is due until the same, with all penalties, have been paid in full.

SEC. 80.4 LOT ALTERATIONS. It is unlawful for any person to place any coping around any lot in the cemetery, or to raise the surface of any lot more than six inches above the abutting street or walk, or to mound up any grave above the surface of the lot, more than three inches, but all lots shall be kept to a smooth and level grade.

1. Coping placed prior to the passing of the ordinance codified herein shall not be repaired and shall, upon order of the leisure services director, be removed when it becomes unsightly or in need of repair.
2. No tree, vine or shrub or other thing shall be planted on any lot except under the supervision and with the permission of the leisure services director; and no refuse or litter of any kind shall be left on any lot, or placed on the lot of another, or in the streets or alleys, nor shall any decayed flowers, shells, toys or metal designs, or any other unsightly thing, be left on any lot for a period longer than three days; otherwise it shall be the duty of the director to remove the unsightly thing, without notice.
3. Vases or urns for holding flowers, if neat and attractive, and of a permanent character, and soldiers' markers, if approved by the director, may be maintained at all times.

SEC. 80.5 REPAIRS. Should any monument, marker or other adornment become dilapidated, unsightly or objectionable to the director, the director shall notify the owner by mail, if his address is known, to make such repairs as may be required, or remove the same, within thirty days from the date of mailing such notice; at the expiration of which time, if compliance has not been made, it shall be the duty of the director to cause such repairs to be made, or such objectionable thing to be removed, who shall report the cost to

the city clerk, and a special assessment shall be made against such owner, if known, and against such lot, covering the cost of such work, as provided in Section 80.3.

SEC. 80.6 BURIAL ON LOT OF ANOTHER. The director is strictly forbidden to permit the burial of any person on the lot of another, without the express written permission of the owner, his heirs or legal representative.

SEC. 80.7 OWNERSHIP RECORDS. It shall be the duty of the city clerk to keep a record showing the names of all owners of lots in the cemetery, with lot and block or section number or section as herein required, and to collect the same from such owners, giving each a notice, by mail, to his last known address, before such assessment becomes delinquent.

1. In case of the death of any such owner, such notice shall be addressed to his next of kin, or to his legal representative, if he has one.
2. It shall be the duty of the city clerk to record, in the proper records of his office, all deeds for the purchase of lots, before delivery, and to do and perform all other acts and things required of him for the enforcement of these regulations.

SEC. 80.8 DIRECTOR'S DUTIES. It shall be the duty of the director to take full charge of the cemetery, under the general direction of the city council, and to see that these rules and regulations are, at all times, strictly complied with; to report to the city council any infractions of the same on the part of the owners, or any other person.

1. The director shall submit all controversies, relative to the duties, to the leisure services commission for adjustment, and, in general, do and perform all acts and things reasonably required of such officer, whether expressly mentioned herein or in his contract, necessary and proper for the maintenance of the cemetery.
2. The director shall especially keep all lots, streets, paths and grounds in the occupied part of the cemetery mowed during the summer season, and he shall properly care for all shade and ornamental trees in the cemetery.
3. The director shall do all proper acts and things necessary to maintain the grounds set apart for the burial of the dead in a neat, clean and attractive condition at all times.

SEC. 80.9 OPENING AND CLOSING GRAVES. The director shall have opened and closed all graves, except as otherwise provided for herein, and shall immediately remove all surplus dirt and other litter from the lot, and shall officiate at all interments, and conduct the funeral cortege to and from the place of burial, in an orderly manner.

1. A suitable canvas shall be supplied the director, who shall spread the same over the excavated dirt, screening the grounds from the unsightly appearance of such excavation, and when requested to do so he shall line the grave, and do such work in and about the premises as the owner may require, for which he shall make a charge for the actual cost of materials and of the reasonable labor employed in the performance of such work.

SEC. 80.10 MONEYS DISPOSITION. All moneys received by the director under these rules and regulations shall be paid to the city finance director within thirty days after receipt, who shall in turn deposit the moneys with the city treasurer.

SEC. 80.11 PROHIBITED ACTS. Any person or persons who congregate in the cemetery for any unlawful purpose, or any person who commits any act of vandalism therein, or creates a disturbance to the annoyance of others, or who uses any loud, boisterous, profane or indecent language, or who indecently exposes his person or the person of another within the cemetery, is guilty of a misdemeanor.

SEC. 80.12 LOT PURCHASE PRICE. All lots in the cemetery shall be sold at such prices as the city council may, from time to time, provide; and such part thereof as the city council may at any time designate shall be sold at a price to include their permanent care. Such part of the purchase price as it may determine shall be placed in the permanent care fund and the balance in the cemetery fund.

SEC. 80.13 RULES AND REGULATION DEVELOPMENT. The leisure services commission of the city council shall have the authority and it shall be their duty to formulate such rules and regulations as they may deem necessary and proper for the administration of the affairs of the cemetery. Any person guilty of a violation of any rule or regulation is guilty of a misdemeanor and upon conviction thereof shall be punished accordingly.

CHAPTER 81

THREE RIVERS PARK

Sections:

- 81.1 Area Designated.
- 81.2 Regulations.
- 81.3 Municipal Water Use.

SEC. 81.1 AREA DESIGNATED. The body of water and land adjacent thereto which lies immediately north of the municipal power plant southeast of the Cedar River along the north city limits is designated as "Three Rivers Park."

SEC. 81.2 REGULATIONS. It is the declared public policy of the city council that the park shall be a game refuge and shall be subject to the following regulations:

1. No person, firm or corporation shall use said body of water for swimming or boating, except for the maintenance of the park.
2. No person, firm or corporation shall drive or ride, or permit to be driven or ridden, any motor vehicle, motorcycle, bicycle or horse on or along the dikes surrounding said body of water, except authorized vehicles for the purpose of maintenance of the park and the municipal power plant.

SEC. 81.3 MUNICIPAL WATER USE. The city council reserves the use of said pond for cooling the engines located in the municipal power plant and for removal of water from and discharging into said pond, which water is utilized in cooling processes and without regard to conservation standards.

CHAPTER 82

(Amended by Ordinance 1131, Published 10/10/2023)

CEDAR RIVER RECREATION AND REGULATIONS

Sections:

- 82.1 Definitions.
- 82.2 Boat Operation Rules Compliance Required.
- 82.3 Boat Registration Numbers.
- 82.4 Boat Lights.
- 82.5 Restricted Areas and Hours.
- 82.6 Boat Traffic Rules.
- 82.7 Legal Operation.
- 82.8 Negligent Operation and Speeding.
- 82.9 Emergencies.
- 82.10 Docks and Wharves.
- 82.11 Procedure on Arrest.
- 82.12 Cutting Cedar River Ice--Prohibitions.
- 82.13 Cutting Cedar River Ice--Conditions.
- 82.14 Fishing in Portion of Waterworks System Prohibited.
- 82.15 Fishing From Bridges Prohibited.
- 82.16 Interference with Safety Cable Over Cedar River Dam.

SEC. 82.1 DEFINITIONS. When used in this chapter, the following words and terms shall have the meanings set forth in this section:

1. "Boat" means any vessel, including rafts, barges, canoes, rowboats or sailing vessels.
2. "Motorboat" means any vessel propelled in whole or part by an engine, motor or machinery, including vessels temporarily equipped with detachable motor.
3. "Person" means any individual, firm, corporation or partnership.

SEC. 82.2 BOAT OPERATION RULES COMPLIANCE REQUIRED. Every person or owner in control of any boat, while operating the same upon the Cedar River within the city limits, shall observe and conform to the rules and regulations established by this chapter.

SEC. 82.3 BOAT REGISTRATION NUMBERS. All boats capable of a speed of eight miles per hour or more, required to be registered with the State Conservation Commission or Coast Guard, shall have a registration number plainly marked upon both sides of the bow in figures not less than four inches in height in a color contrasting with the color of the boat. Numbering which conforms with Coast Guard requirements shall be sufficient.

SEC. 82.4 BOAT LIGHTS. All boats operating after sunset and before sunrise shall display lighted running lights during such period as follows:

1. A white light aft, to show all around the horizon;
2. A green light on the starboard side and a red light on the port side, or a combination red and green light in the fore part of the boat;
3. All canoes and rowboats shall have a white light aft, plainly visible for three hundred sixty feet.

SEC. 82.5 RESTRICTED AREAS AND HOURS.

1. No person shall operate a motorboat south of the Chicago Great Western Railroad Bridge before noon on any Sunday.
2. Water skiers, surfboard riders or aquaplanes or boats towing any of them, shall not come closer than twenty-five feet to any dock, boats or people along the bank participating in other activities, such as fishing, swimming, etc.
3. A boat or water craft shall not be operated at a speed in excess of 10 miles per hour before 7:00 a.m. or after 9:00 p.m. with the exception of special water events approved by the city council.
4. The area from the dam north 100 feet shall be considered a restricted area for recreational activities and such activities as boating, fishing and swimming shall be prohibited in this area at all times.

SEC. 82.6 BOAT TRAFFIC RULES. Boat traffic shall be governed by the following rules:

1. Meeting. When two boats are approaching each other in a head-on position, as to involve risk of collision, it shall be the duty of each boat to bear to the right and pass the other boat on its left side.
2. Crossing. When boats approach each other obliquely or at right angles, the boat approaching on the right shall have the right-of-way.

3. Overtaking. One boat may overtake any other on either side, but must grant right-of-way to the overtaken boat.
4. Approaching Dock. A boat approaching a dock or landing shall yield the right-of-way to any boat backing from such landing or docking.

SEC. 82.7 LEGAL OPERATION. It is unlawful to use a boat propelled in whole or in part by gas, gasoline or naphtha, unless the same is provided with a stock factory muffler, underwater exhaust or other modern device capable of adequately muffling the sound of the exhaust of the engine. "Adequate muffling" means that the motor exhaust at all times is so muffled or suppressed as not to create an excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device. No boats propelled by airplane-type propellers shall be operated without adequate and proper safeguards to prevent damage or injury by rotating propeller.

SEC. 82.8 NEGLIGENT OPERATION AND SPEEDING.

1. Every operator of a motorboat shall at all times navigate the same in a careful and prudent manner and at such rates of speed as not to endanger the life, limb or property of any person.
2. No person shall operate a motorboat at a rate of speed greater than will permit him, in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.
3. Nothing within the provisions of this section shall be construed to mean that the operator of a motorboat actually competing in a race or regatta, which is sanctioned by the Waverly Boat Club, shall not attempt to attain high speeds on a marked racing course.

SEC. 82.9 EMERGENCIES. All boat traffic during an emergency shall be under the direction of the police department of the city.

SEC. 82.10 DOCKS AND WHARVES. The erection and maintenance of all docks and wharves on public property shall be subject to the approval of the mayor and city council. No dock or wharf shall hereafter be erected within the city limits until the detailed plan thereof has been submitted to the mayor and written permission granted by the mayor for the construction.

SEC. 82.11 PROCEDURE ON ARREST. Whenever a peace officer or enforcement officer has reasonable cause to believe that a person has violated any provision of this chapter, any such officer may:

1. Arrest such person and take him before the mayor's court in the city; or
2. Without arresting prepare in triplicate a written summons to appear in court, containing the name and address of such person, the offense charged and the time and place where such person shall appear to answer the charge. Any person who fails to appear at the time and place designated in the summons is guilty of a misdemeanor and shall be punished accordingly.

SEC. 82.12 CUTTING CEDAR RIVER ICE--PROHIBITIONS. It is unlawful for any person, firm or corporation to cut or make holes of any size or for any purpose whatsoever in the ice of the Cedar River within the city limits, except in strict compliance with the conditions in this section and Section 82.13.

SEC. 82.13 CUTTING CEDAR RIVER ICE--CONDITIONS. Any person, firm or corporation cutting or making air holes in the Cedar River as aforesaid shall erect and maintain at such place a red flag in plain view during all hours of the day, and the dimensions of such flag shall be not less than twelve inches by eighteen inches, and the same shall be securely attached to a pole, and such person, firm or corporation shall erect and maintain at such place or places, in the same manner, a red-lighted lantern, during all hours of the night, for the purpose of warning persons of danger when going upon the river as aforesaid. Whenever the space made or cut in the ice exceeds eighteen inches in area, then, in that case, such person or persons are required to erect and maintain a substantial wire fence of two wires not less than thirty feet from the edge of the hole and four red flags during the day, and four red-lighted lanterns during the night, at each corner or side of the space so made, and any person violating the provisions of this section shall be subject to the penalty set forth in this code.

SEC. 82.14 FISHING IN PORTION OF WATERWORKS SYSTEM PROHIBITED. The use of any portion of any city-owned building or any part of the waterworks system of the city, including the municipal power plant, dam, sea wall and spillway, and also including the locks and retaining wall situated adjacent to the dam at the west side of the Cedar River, for fishing, is prohibited.

SEC. 82.15 FISHING OR JUMPING FROM BRIDGES PROHIBITED. The use of the Cedar River Parkway Bridge, the Waverly Rail Trail Bridge, the Bremer Avenue Bridge, the Adams Parkway Bridge, or any other bridge over the Cedar River, for fishing or jumping therefrom, is prohibited.

SEC. 82.16 INTERFERENCE WITH SAFETY CABLE OVER CEDAR RIVER DAM.

Any person who injures, removes, tampers or interferes with in any manner the safety cable erected over and across the Cedar River above the Cedar River dam is guilty of a misdemeanor.