

CHAPTER 9

CEMETERY

ARTICLE I – BOARD OF MANAGERS

9-1-1 **BOARD CREATED.** There is hereby created a Board of Managers of the Cemetery of the City, and the duties, term of office and members of said Board. **(65 ILCS 5/11-52.2-1)**

9-1-2 **MEMBERS; TERM OF OFFICE.** The Board shall consist of **five (5) persons**, one to be selected from each of the **five (5)** present wards of the City and the term of office of each of its members shall be **five (5) years**. The members of said Board shall be appointed by the Mayor with the advice and consent of the City Council and the members of said Board of Managers shall hold office for a term prescribed and until their successors are appointed, except the members of the first Board appointed hereunder shall draw lots as hereinafter prescribed so that the term of office of all of the members of said Board shall not expire at the same time. Said Board members shall hold office from appointment as follows:

One for **one (1) year**, one for **two (2) years**, one for **three (3) years**, one for **four (4) years** and one for **five (5) years** from the first Monday in May following their appointment and at their first regular meeting shall cast lots for their respective terms and annually thereafter, the Mayor, shall upon the first Monday in May of each year appoint as before, one member of such Board to take place of the retiring member, who shall hold office for **five (5) years** and until his successor is appointed as aforesaid.

9-1-3 **REMOVAL FROM OFFICE.** The Mayor may, with the consent of the Council remove any member of the Board of Managers for misconduct or nonperformance of duty or for misappropriation or wrongful use of funds or property and to require a just and proper accounting for the same. Vacancies in the Board of Managers occasioned by removals, resignations or otherwise shall be reported to the Council and be filled in like manner as original appointment. No Board member shall receive compensation as such.

9-1-4 **OFFICERS; BOND.** It shall be the duty of such Board of Managers, as soon as may be convenient after appointment, to meet and organize by selecting one of their number to be President and another of their number to be Clerk of such Board and also to elect a Treasurer of such Board who may or may not be a member of said Board and who before entering upon his duties as such Treasurer shall execute a bond to the people of the State of Illinois, for the use of said Board of Managers in a penal sum of not less than double the value of such money or funds coming into his hands as such Treasurer conditioned for the faithful performance of his duties and for the faithful accounting for all monies of funds which by virtue of his office comes into his hands, and to be substantially in the following form:

(Know all men by these presents, that we, _____
Principal, of the City of Carlinville, in the County of Macoupin and State of Illinois, and ____

sureties, of the same place are held and firmly bonded unto the people of the State of Illinois for the use of the Board of Managers of the City Cemetery of the City of Carlinville, Illinois in the sum of _____ Dollars lawful money of the United States, for the payment of which well and truly to be made to the said Board of Managers or its successors in office, we bind ourselves, our heirs, executors, and administrators jointly and severally, firmly by these present.

Witness our hands and seals this ____ day of _____, A.D., 20____.

The condition of the above obligation is such that whereas the above bounded is such that whereas _____ has been elected Treasurer of the Board of Managers of the City of Carlinville, Illinois; now therefore, if the said _____ shall with honesty and good faith discharge his duties as such Treasurer and shall account for all monies and property and other things, which may come into his possession or under his control therein as such Treasurer and make report as required by an ordinance of the said City of Carlinville, relative thereto, referred to herein and the duties therein prescribed to be performed by the said Treasurer made a part hereof, then this obligation is to be void, otherwise to remain in full force and effect.

(Seal.)
(Seal.)
(Seal.)
(Acknowledgment)

and with such securities as shall be approved by the Council of said City and preserved in the same manner as is the bond of the Treasurer of said City.

9-1-5 DONATIONS, MAINTENANCE AND CARE. Any person or persons whosoever, is and are hereby authorized and empowered to give, donate, devise or bequeath any sum of money, not less than **Fifty Dollars (\$50.00)**, or any funds, securities or property of any kind, the value of which shall not be less than **Fifty Dollars (\$50.00)**, to said Board of Managers in perpetual trust, for the maintenance, care, repair, upkeep or ornamentation of said cemetery or any lot or lots or grave or graves in said Cemetery specified in the instrument making such gift, donation, devise or bequest.

9-1-6 MONIES; PERPETUAL TRUST. The Board of Managers is hereby authorized and empowered to receive and hold in perpetual trust any money, securities, funds and property so given, donated, devised or bequeathed to it in trust and by its President and Clerk execute to the proper person a declaration of trust in writing; substantially in the following form:

DECLARATION OF TRUST

The Board of Managers of the City Cemetery of the City of Carlinville, Illinois, in consideration of _____ received by it from _____ hereby acknowledges and declares that it is possessed of said property in perpetual trust and that annually the said Board of Managers declare that **four percent (4%)** on the above trust fund will be expended to maintain, care for, repairs, upkeep, or ornament the following described lot or lots or grave or graves in the Carlinville City Cemetery, to-wit:

The said Board, further declares, that it will through its declaration, keep said Trust Fund intact and perpetually invest in bonds or securities legal for trust purposes in the State of Illinois, and the income thereon to the amount of **four percent (4%)** applied as aforesaid, and in keeping with the letter and spirit of a certain ordinance of said City relative thereto.

Given under our hands and seal this day of _____ A.D., 20_____.

President

Clerk

The Board of Managers shall have the right to convert the property into money and shall invest the proceeds thereof and the money so given, donated, and bequested to it. The principal of such Trust Fund shall be kept intact and perpetually inverted in bonds or securities legal for trust purposes in the State of Illinois, and the income thereof to the amount of **four percent (4%)**, shall be perpetually applied for the purpose specified in the instrument making such gift, donation, devise or bequest and for no other purpose.

9-1-7 TRUST FUNDS; RECORDS. The Treasurer of the Board shall have the custody of all money and property received in trust by said Board of Managers and shall pay out the same only upon the written order of said Board, signed by the President and Clerk thereof, and he shall keep permanent books of record of all such Trust Funds and all receipts and disbursements thereof, and for what purpose received and disbursed, and shall annually make a report in writing to said Board of Managers, under oath, showing balances, receipts and disbursements, including a statement showing the amount and principal of Trust Funds on hand and how invested, which report, shall be audited by said Board and if found correct, shall be transmitted to the Council of said City at the same time that the Treasurer of said City is required by Law to make his annual report and to be approved and preserved in the same manner, if found to be correct.

9-1-8 **PERMANENT RECORD OF BOARD.** The Clerk of the Board of Managers, in a book provided for such purposes, shall keep a permanent record of the proceedings of said Board, signed by the President and attested by the Clerk, and shall also keep a permanent record of the several Trust Funds, from what sources received, the amount thereof and for what uses and purposes, respectively, and he shall annually, at the time of transmitting the Treasurer's report to the Council, stating therein substantially the same matter required to be reported by the Treasurer of said Board, which report if found correct shall be approved and preserved by the said Council.

9-1-9 **CARE; CHARGES; MANAGEMENT.** The Board of Managers shall have the care, charges, management and control of the Cemetery under the supervision of the City Council and shall in conjunction with the City Council make provision and suitably mark and designate every perpetual care lot, or grave in said Cemetery.

9-1-10 **TRUST FUND; INCOME.** Any such trust executed to the Cemetery by its name shall vest in the Board of Managers and take effect to all interests and purposes as if executed to such Board, and Trust Fund, gifts, devises and bequests, herein described, and the income arising therefrom shall be exempt from taxation and from the operation of all Laws of Mortmain and the Laws against perpetuities. **(Ord. No. 12-5-27)**

9-1-11 **DUTY OF SEXTON.** Any sexton appointed by the Board of Managers as hereinbefore provided, shall enforce the provisions of this Code in relation to the Cemetery under his charge, and all the rules and regulations established by the Board of Managers for the protection of the same, and shall prosecute all violators thereof before any court of competent jurisdiction; and shall have the power to arrest and may arrest, without warrant, all persons found violating any provisions of this Code or of the Laws of the State relating to Cemeteries. **(1900 Code; Sec. 16-312 as amended.)**

9-1-12 **PLOT FEE.** The cost of purchasing a plot in the City Cemetery shall be **Two Hundred Fifty Dollars (\$250.00)** payable in advance.

ARTICLE II - REGULATIONS

9-2-1 **OUTER BURIAL CONTAINERS.** No person shall in any manner direct, authorize or permit a body to be buried in the Carlinville City Cemetery unless the grave where the body is to be placed contains an outer burial container which is made of concrete, metal or high strength plastic. Wooden outer burial containers shall not be used in graves at the City Cemetery. **(Ord. 1055; 4-16-84)**

9-2-2 **TRESPASSING.** It shall be unlawful for any person to injure, deface, remove or injure any vault, tombstone, monument, gravestone, or curbing or any article placed by the owner or persons in control of any lot, or shall cut or break any tree or shrub or plant in the cemetery, or willfully disturb the contents of any vault or tomb or grave.

9-2-3 **RIDING ON GRASS.** No person shall ride any horse or drive upon any private lot in the cemetery.

9-2-4 **FENCES.** It shall be unlawful for any person or lot owner in the Cemetery to erect or construct any enclosure or fence on or around any lot in the Cemetery; provided that this shall not be so construed as to prevent any person from erecting any concrete or stone coping not over **eighteen (18) inches** in height.

9-2-5 **GARBAGE AND REFUSE.** It shall be unlawful to dispose or place any garbage or other refuse, such as papers, cans, boxes, or other non-food waste substances and materials in any area of the Cemetery at any time.

9-2-6 **BURNING IN CEMETERIES.** It shall be unlawful to burn any refuse, such as papers, boxes, waste building materials or any other waste substances and materials in the cemetery without first securing a permit from the City.

9-2-7 **FEES.** A fee in an amount equal to the Perpetual Care Fee, plus the regular cost of opening a grave in any plot in the Cemeteries for which the Perpetual Care Fee has not been paid shall be paid before such grave is opened.

9-2-8 **BURIALS.** No deceased body shall be buried in the cemetery unless a permit therefor has been issued by the City Clerk.

9-2-9 **RECORDS.** The City Clerk or a designated representative shall keep a record of all permits issued, with the date of burial, name of deceased and upon what lot buried and such other information as may be required. **(65 ILCS 5/11-52.1-1 et seq.)**

9-2-10 **APPLICATION OF CITY CODE.** All provisions of the Municipal Code now in force or hereafter enacted relating to and defining public offenses in the City, insofar as the same shall be applicable, shall be in full force and effect in the City Cemetery.

9-2-11 **UNLAWFUL ENTRY.** It shall be unlawful for any person or persons, other than duly authorized officers, officials or employees of the City to enter or be upon the cemetery grounds during the time after sunset and before sunrise of any day without first obtaining the permission of the Superintendent. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established and open entrances or gateways.

9-2-12 **LOITERING; EXCEPTIONS.** It shall be unlawful for any person to loiter upon lots or graves of the City Cemetery or for the parent or guardian of any child under the age of **sixteen (16)** to permit such child to be within the cemetery grounds unless accompanied by an adult person; provided nothing herein shall be construed to prohibit any person having lawful business in the cemetery in connection with the improvement thereof or persons visiting the graves of relatives or friends from being in the cemetery in accordance with the rules.

9-2-13 **SPEED OF VEHICLES.** It shall be unlawful for any person to drive any vehicle in the cemetery faster than **ten (10) miles** per hour.

9-2-14 **OPERATION OF VEHICLES AND PARKING.**

(A) No person shall drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic or obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through said grounds except for purposes of making deliveries in the cemetery or visiting any grave site.

(B) It shall be the duty of the Superintendent and/or the police to direct all vehicular traffic and the Superintendent is authorized to direct the parking or standing of all vehicles in the cemetery. No person shall disobey or disregard the directions of the Superintendent relating to the movement or standing of all vehicles within the cemetery.

9-2-15 **GRAVE DECORATIONS (FLOWERS).** The placing of cut flowers or artificial flowers over individual graves shall be permitted; however, the City shall not be responsible for the care of such flowers or the containers in which they are placed. Furthermore, the City shall remove, without notice, all flowers, real or artificial which remain over **fifteen (15) days.**

9-2-16 **RUBBISH; DEBRIS.** It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter, or debris of any kind in the Cemetery.

9-2-17 **PROPERTY DAMAGE.** No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault or mausoleum or decoration on any cemetery lot in the cemetery or open, disturb or molest any grave or place of burial therein. This shall not prohibit acts by cemetery officers and employees or public officials in carrying out their duties.

9-2-18 **TREES, SHRUBS, AND FLOWERS.** It shall be unlawful for any unauthorized person to plant any trees, shrub or other plant in the cemetery except those permitted by the general landscape plan approved by the governing body of the City. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant, except as authorized by the cemetery rules.

(65 ILCS 5/11-52.1 et seq.)

(See Section 1-1-20 for penalty)