

CHAPTER 10

CEMETERY

ARTICLE I – GENERALLY

10-1-1 LOCATION OF CEMETERY. The tracts of land not owned by the City and heretofore used as a cemetery or burial place together with such additions thereto as may hereafter be made shall be continued and used for that purpose only, and the terms and provisions hereinafter set out shall govern the control of the City Cemetery of the City of Mt. Sterling, Illinois.

10-1-2 DIVISION OF CEMETERY. The tracts of land shall be divided and set apart as heretofore set forth, and the same shall be sold to purchasers by the lot.

10-1-3 DEED TO TRACTS. Every purchaser of a lot as aforesaid upon the payment of the price thereof to the Treasurer of the Cemetery Board shall receive a deed for the lot so purchased, to be made and executed by the President of the Cemetery Board or the sexton as the Board may see fit in the following for, to-wit:

CEMETERY DEED

KNOW ALL MEN BY THESE PRESENTS;

That the Board of Managers of the Mt. Sterling City Cemetery, in consideration of the sum of _____ DOLLARS, paid by _____ the receipt whereof is hereby acknowledged, has granted, bargained and sold, and does hereby grant, bargain, sell and convey unto the said _____, his heirs, and assigns, forever, _____ the MT. STERLING CITY CEMETERY. To Have and to Hold, said _____, the said _____, heirs and assigns, forever, for a BURIAL PLACE, and for no other purpose whatever, and subject to such regulations as shall be established by the Board of Managers of the Mt. Sterling City Cemetery in relation to said cemetery.

In Testimony Whereof: We, _____ and _____, President and Secretary of the Board of Managers of the Mt. Sterling City Cemetery, have hereunto set our hands and seals, this _____ day of _____, A.D. __.

President

Secretary

STATE OF ILLINOIS)
)
COUNTY OF BROWN)

I, _____, in and for said county, do hereby certify that _____ and _____, President and Secretary of the Board of Managers of the Mt. Sterling City Cemetery, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and _____ Seal, this _____ day of _____, A.D. __.

10-1-4 PERPETUAL CARE. Pursuant to the terms of this Chapter the Cemetery Board is hereby authorized to assume the control of the perpetual care fund for the City for maintaining any cemetery lot owned by any person making a deposit for the purpose of keeping it in a neat and orderly condition. The sums shall be deposited with the Cemetery Board Treasurer, and he shall loan out at the current rate of interest and the interest on such sums shall be kept for the upkeep of any lot owned by the one making such deposit, under the order of the Cemetery Board.

10-1-5 PERPETUAL CARE RECEIPT. Every purchaser of a cemetery lot may upon payment of sum designated by the Board of Managers by entitled to permanent maintenance of said lot.

PERPETUAL CARE RECEIPT

The Board of Managers of Mt. Sterling City Cemetery, hereby acknowledges receipt of the sum of _____ DOLLARS from _____ of _____, said sum to be added to the Permanent Care Fund maintained by said Board of Managers and the income therefrom to be used for the general care and upkeep of said Mt. Sterling City Cemetery.

In consideration of said payment said Board of Managers undertakes that it will not levy any further annual assessments for the care and maintenance of Lot No. _____, in the _____ Addition to the Mt. Sterling City Cemetery, located in Brown County, Illinois and recorded in the cemetery records in the name of _____.

Dated at Mt. Sterling, this _____ day of _____, A.D. __.

Board of Managers
Mt. Sterling City Cemetery

By _____
President

Secretary

10-1-6 BOARD APPOINTMENT. The Mayor by and with the consent of the Council shall appoint **four (4) persons** who shall constitute and be called the "Board of Managers" of the City Cemetery. They shall hold their positions for **three (3) years** and until their successors are duly appointed and qualified and shall serve without compensation. Only **one (1) member** of the City Council may be a member of the Cemetery Association Board at any one time.

10-1-7 ORGANIZATION OF BOARD. A majority of the members of the Board shall constitute a quorum for the transaction of business, and they may hold general or special meetings in the City Hall at such times as they may by order direct, and they may make and establish such reasonable by-laws, rules and regulations as may be necessary for their own powers and government, and for the full and complete execution of their powers and duties and the use of City owned cemetery.

The Board of Managers shall organize, selecting one of their number to be President and another to be Clerk, and also may elect a Treasurer, who may or may not be a member of the Board.

10-1-8 TREASURER. The Treasurer before entering upon his duties as such shall execute a bond in the 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 money or funds which by virtue of his office comes into his hands, and to be in such form and with such securities as may be prescribed and approved by the City Council, to be approved and preserved in the same manner as is the bond of the Treasurer of such City.

The Treasurer of said Board shall have the custody of all money and property received by said Board of Managers from all sources, 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 records of all such funds, and all receipts and disbursements thereof, and for what purposes received and disbursed, and shall annually make a report in writing to said Board of Managers and to the City Council 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 City Council at the same time that the Treasurer of said City is required by law to make his report and to be approved and preserved in the same manner, if found to be correct.

10-1-9 CLERK. The Clerk of the Board of Managers shall keep a permanent record of the proceedings of the Board in a book provided for that purpose, and shall also keep a permanent record of the several trust funds, from what sources received, the amounts thereof and the time of transmitting the Treasurer's report to the City Council, make a report in writing under oath, to the City 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 City Council.

10-1-10 POWERS OF CITY COUNCIL. The City Council shall have the power to remove from office any or all of the Board of Managers or the Treasurer for nonperformance or neglect of duties or for misappropriation or wrongful use of said funds or property and to require a just and proper accounting for the same.

The Board of Managers shall have the care, charge, management, and control of such cemetery, under the supervision of the City Council.

10-1-11 BOARD DUTIES. The Board of Managers shall have control, superintendence and charge of said cemetery and its appurtenances, and shall have the power and authority to employ and define the duties of a competent caretaker for said cemetery. His salary shall be fixed by the City Council.

10-1-12 CEMETERY LOTS APPRAISED; FEE. The Board of Managers shall appraise the square or lots which remain unsold in said cemetery and may reappraise those that remain unsold, from time to time, as may be necessary. The fee per single space per lot shall be **Four Hundred Dollars (\$400.00)**.

ARTICLE II - REGULATIONS

10-2-1 **APPLICATION OF CITY LAWS.** All provisions of the City 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.

10-2-2 **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 caretaker or City officer in charge of the cemetery. 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.

10-2-3 **TRESPASSING OR LOITERING; EXCEPTIONS.** It shall be unlawful for any person to loiter or trespass upon lots and 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.

10-2-4 **SPEED OF VEHICLES.** It shall be unlawful for any person to drive any vehicle in the cemetery faster than **ten (10) miles per hour.**

10-2-5 **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 cemetery caretaker and/or his assistants to direct all vehicular traffic and the caretaker is authorized to direct the parking or standing of all vehicles in the cemetery. No person shall disobey or disregard the directions of the caretaker relating to the movement or standing of all vehicles within the cemetery.

10-2-6 **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.

10-2-7 **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 City Cemetery.

10-2-8 **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.

10-2-9 **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.