

CHAPTER 9

CEMETERY

ARTICLE I - ADMINISTRATION

9-1-1 **BOARD ESTABLISHED.** A cemetery Board of Managers is hereby established.

(A) The Board shall consist of **four (4) managers** appointed by the Mayor with the advice and consent of the City Council.

(B) The managers shall serve concurrent **two (2) year** terms or until their successors are approved. The appointments shall be made on **May 1st** of every **second (2nd) year** after the initial appointment.

(C) The Board of Managers shall establish and maintain all policies and practices for the operation of the City Cemetery.

(D) The Board of Managers shall receive all moneys from sales of cemetery lots and all gifts and legacies to said cemetery. Any gift or legacy of real or personal property may be converted to cash. All cemetery property and funds, whether received by sale of lots or by gift or legacy, shall be prudently invested and the income therefrom applied by the Board to the care and maintenance of the cemetery.

(E) The Board of Managers shall meet at least **three (3) times** a year and organize in accordance with the state statutes. They shall operate in accordance with the statute and any revisions thereof, and all applicable ordinances of the City. **(See 65 ILCS Sec. 5/11-52.1-2)**

9-1-2 **OATH; QUORUM; PLACE OF MEETING; TIME; ETC.** The members of the Board of Managers of Greenhill Cemetery, before entering upon the discharge of their duties, shall take and subscribe before some officer authorized to administer the same, an oath that they will faithfully execute and discharge the duties required of them, and shall file such oath with the City Clerk. 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 at the City Council rooms or other place as may be designated by the Board of Managers, 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 government, and for the full and complete execution of their powers and duties, and submit a copy thereof to the City Council for confirmation.

9-1-3 **DUTIES OF THE BOARD.** The Board of Managers shall manage, control and supervise the cemetery under the direction of the Mayor. The ordinances passed by the City Council governing the cemetery shall control the Board of Managers in all its actions.

9-1-4 **OFFICERS.** As soon as convenient after appointment, the Board of Managers shall meet and shall organize by selecting one of its members to be President and another to be Secretary of the Board. The City Treasurer shall be the Treasurer of the Board of Managers. **(See 65 ILCS Sec. 5/11-52.1-2)**

9-1-5 **TREASURER'S RESPONSIBILITIES.** The Treasurer shall have the custody of all money and property received in trust by the Board of Managers, and shall pay out the same only upon the written order of the Board, signed by at least **two (2)** of them, and he shall keep permanent books of record of all such trust funds and of all receipts and disbursements thereof, and for what purposes received and disbursed. The Treasurer shall annually make a written report to the 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. This report shall be audited by the Board, and if found correct, shall be transmitted to the City Council, at the same time that the Treasurer is required by law to make his report, to be approved and preserved in the same manner, if found to be correct. **(See 65 ILCS Sec. 5/11-52.1-2)**

9-1-6 **SECRETARY'S DUTIES.** The Secretary of the Board of Managers shall keep, in a book provided for such purpose, a permanent record of the proceedings of the Board, signed by the President and attested by the Secretary, and shall also keep a permanent record of the several trust funds, from what sources received, the amounts thereof, and for what uses and purposes, respectively, and he shall annually, at the time of transmitting the Treasurer's report to the Secretary, make a written report, under oath, to the City Council, stating therein, substantially the same matter required to be reported by the Treasurer of the Board. The Secretary's report, if found to be correct, shall be approved and preserved by the City Council. The Mayor shall have the power to remove from office any or all of the Board of Managers or the Treasurer, for non-performance of duties or for misappropriation or wrongful use of the funds or property, and to require a just and proper accounting for the same. **(See 65 ILCS Sec. 5/11-52.1-2)**

9-1-7 **SECRETARY TO ISSUE PERMIT.** Any person applying for a burial permit for burial in any cemetery owned or controlled by the City, shall obtain a permit for burial or removal duly signed by the Secretary of the Board of Managers. The Secretary shall

first determine that such person has the right to bury the person in the cemetery, and that all costs to the City, including the purchase price of the portion of any lot to be so used, and the cost of grave digging, have been fully paid before issuing a burial permit to the applicant therefor, but under no other circumstances shall a permit be issued.

9-1-8 POWERS OF THE BOARD. The Cemetery Board of Managers shall have the powers and authority provided by **Chapter 65, Section 5/11-52.1-1 of the Illinois Compiled Statutes.** The Board shall have the power to hire the help for the maintenance of the cemetery with the approval of the City Council.

9-1-9 POSITION ESTABLISHED. The position of Cemetery Foreman is hereby established. Whenever a vacancy occurs in the position of Cemetery Foreman, such position shall be filled by appointment by the Mayor, with the advice and consent of the Council. The Cemetery Foreman shall be an appointed employee of the City and shall receive such compensation as may be fixed from time to time by the Council. **(Ord. No. 12-20; 10-23-12)**

9-1-10 DUTIES OF CEMETERY FOREMAN. It shall be the duty of the Cemetery Foreman to take charge of Greenhill Cemetery and preserve the same from injury, to attend all burial ceremonies within said cemetery, to mow grass and weeds, trim trees, assist patrons in locating lots upon which burials are to be made and give necessary directions regarding the same, to superintend all work done within said Cemetery, remove excess earth from new graves and use the same toward filling in older and sunken graves or depressions, and to do all ordinary repair work necessary to be done upon buildings, fences, gates, drains and driveways, and other public property of Greenhill Cemetery, as directed by the Board of Managers. The Cemetery Foreman shall have the authority, subject to the approval of the Mayor, to hire a sufficient number of suitable and qualified subordinate employees to perform the duties of cemetery maintenance, to direct the work of any such subordinate employees and to effectively recommend to the Mayor the suspension, layoff, discharge, reward or discipline of any such cemetery personnel, including the adjustment of grievances. **(Ord. No. 12-20; 10-23-12)**

9-1-11 POLICE POWER. The Cemetery Foreman shall have the authority to issue a "notice to appear" as defined in Section 107.1(c) of the Code of Criminal Procedure of 1963 **(725 ILCS 5/107-1(c))** for any violation of any ordinance of the City in relation to Greenhill Cemetery that may come to his knowledge, and for such limited purpose the Cemetery Foreman is hereby designated as a "peace officer" within the meaning of Section 2-13 of the Criminal Code of 1961 **(720 ILCS 5/2-13).** **(Ord. No. 12-20; 10-23-12)**

9-1-12 NAMED. All of those tracts of land heretofore and now used as cemeteries and the additions thereto, in the City which have been dedicated as cemeteries, are hereby rededicated for that purpose and shall continue to be known as Cemeteries and shall be used only for that purpose and subject to such rules and regulations as may be hereafter passed by the Council.

9-1-13 **SUPERINTENDENT OF CEMETERIES.** It shall be the duty of the Superintendent to keep a correct plat of the Cemetery together with a full and complete record of all persons who have purchased and own lots in the cemetery. Upon the sale of any lot, the Superintendent shall cause to be prepared a deed for such a lot to be executed by the Clerk.

9-1-14 **CONTROL OF CEMETERY.** The Superintendent shall have control of the Cemetery under the direction of the Board of Managers and shall keep the Cemetery in good order, clean of all rubbish, cut all grass and weeds from and walks and passage ways and perform such other duties as may be required by the City Council.

9-1-15 **DIG GRAVES.** When the Superintendent is presented with a burial permit, he shall dig such grave as may be designated in the permit. All graves shall be dug so that the bottom of the coffin shall be at least **six (6) feet** below the surface of the ground. Any burial space used will be paid for by agreement with the funeral home director or prior arrangements with the family. All space or spaces sold by contract will have the space or spaces paid for at prevailing rates within **one (1) year**.

9-1-16 **BOARD TO FIX PRICE OF CEMETERY LOTS.** The Board of Managers of Greenhill Cemetery shall appraise the lots as shown on the various recorded plats of said Cemetery, and shall fix the sale price thereof, and may reappraise those that remain unsold, from time to time, as they deem necessary. The charge per burial space is established at **Four Hundred Dollars (\$400.00)** per space. **(Ord. No. 02-01; 02-25-02)**

ARTICLE II – FINANCES

9-2-1 SALE OF LOTS AND CONVEYANCE THEREOF. Any person wishing to purchase a lot in said Cemetery, shall make application to the Secretary of the Board of Managers and upon the payment of the price of said lot, shall be entitled to a conveyance, executed by the President of said Board and attested by the Secretary of the Board, under the corporate seal of the City, conveying to such person or persons, exclusive use of such lot for the purpose specified in this Chapter, subject to the control of the City Council by this Article, of which conveyance, the Secretary shall keep a record. The price to be paid by any person or persons purchasing any lots in the Cemetery shall be the price marked or designated in the plat of the Cemetery, as the price of the lot; provided that a portion of such lot may be sold separately, and, in such case, the Board of Managers shall have the power to ask a reasonable proportionate increase in the price fixed, before any sale of the same may be consummated. The Board of Managers shall also have the power to grant an option to a prospective purchaser of any lot pending future stated payments, upon the payment of a reasonable down payment upon the same; provided that no party of any lot shall be used for burial purposes until the proportionate amount asked for such portion shall have first been paid to the Board of Managers, and provided, further, that any prospective purchaser of such lot, having made any such payment upon any such option for a Cemetery lot, who shall forfeit his rights under the terms of such option, shall be entitled, upon demand having first been made to the Secretary of the Board of Managers, a proportionate amount of such lot equivalent to the amount so paid upon said option; except that the Board shall not be required to execute a deed for any portion in such manner as to divide individual grave spaces in said lot; and, under no circumstances, shall the Board be required to execute a deed for any portion of any lot until the same has been fully paid for. The terms of any such option shall provide that, upon a failure of the holder thereof to fully comply with its stated terms for a period in excess of **thirty (30) days**, such holder shall lose and relinquish all of his rights under such option, except as otherwise provided by this Article.

9-2-2 FUNDS USED EXCLUSIVELY FOR CEMETERY. All receipts on account for Greenhill Cemetery, whether arising from the sale of lots therein, from donations, from appropriations, from the City Treasury, or otherwise, shall be expended and applied under the direction and control of the Board of Managers, exclusively, for the operation of said Cemetery, including protecting, ornamenting, improving and laying out of the grounds of said Cemetery, and the avenues, walks and lots therein. But the Board of Managers shall not expend the monies of the Cemetery funds, in advance of the receipts thereof, nor incur any debts on account of said Cemetery, without the prior consent of the City Council.

9-2-3 "CEMETERY FUND" AND "PERPETUAL CARE FUND"
ESTABLISHED. There shall be and are hereby created **two (2) funds**, one to be known as the "Cemetery Fund", and the other to be know as the "Perpetual Care Fund" which said funds shall be by the City Treasurer, kept, respectively, separate and apart from all other funds of the City. **Eighty percent (80%)** of the proceeds from the sale of all lots in Greenhill Cemetery, or from the sale of lots in any and all other sections that shall or may hereafter be added to the Cemetery, and all income or earnings of the "Perpetual Care Fund", together with all of the fees for digging graves, or any other special work, shall be placed in the "Cemetery Fund" hereinbefore created. The balance of said funds so received shall be placed in the "Perpetual Care Fund" as herein provided. Monies so deposited in the "Cemetery Fund" shall be paid out by the City Treasurer, only in the manner provided for in this Chapter and the Municipal Code. Monies so deposited in the "Perpetual Care Fund" shall remain and be kept in the fund by the City Treasurer as a perpetual trust fund and shall be paid out only upon City Warrants, issued as provided in Chapter 1 of the Municipal Code, but for the sole purpose of investment as provided by the Municipal Code, and any bonds purchased with the funds shall be retained by the City Treasurer, and accounted for as assets of said "Perpetual Care Fund". Any monies received by the City Treasurer on account of interest accrued upon any such investments, shall be deposited in the Cemetery fund, and may be paid out for the purpose and in the manner prescribed for the Cemetery Fund. **(See 65 ILCS Sec. 5/11-52.2-1)**

ARTICLE III – REGULATIONS

9-3-1 **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.

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

9-3-3 **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.

9-3-4 **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.

9-3-5 **FEES.** Grave openings shall be **Six Hundred Fifty Dollars (\$650.00)** per opening during the week (Monday – Friday), and shall be **Seven Hundred Fifty Dollars (\$750.00)** per opening during weekends (Saturday – Sunday) and City holidays. Cremations and infant grave openings shall be **Three Hundred Fifty Dollars (\$350.00)** per opening during the week (Monday – Friday), and shall be **Four Hundred Fifty Dollars (\$450.00)** during weekends (Saturday – Sunday) and City holidays. **(Ord. No. 17-35; 12-26-17)**

9-3-6 **BURIALS.** No deceased body shall be buried in the cemetery unless a permit therefor has been issued by the Superintendent and signed by the Funeral Director.

9-3-7 **RECORDS.** The Superintendent 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. **(See 65 ILCS Sec. 5/11-52.1-1 et seq.)**

9-3-8 **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.

9-3-9 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.

9-3-10 LOITERING; EXCEPTIONS. It shall be unlawful for any person to loiter 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.

9-3-11 SPEED OF VEHICLES. It shall be unlawful for any person to drive any vehicle in the cemetery faster than **ten (10) miles per hour.**

9-3-12 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.

9-3-13 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 may remove, without notice, all flowers, real or artificial which remain over **sixty (60) days.**

9-3-14 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.

9-3-15 **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.

9-3-16 **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.

9-3-17 **REMOVAL OR BURIAL PERMIT REQUIRED.** No burial or interment of any person shall take place in and from the City, nor in any cemetery within the corporate limits of the City or within the control of the City, nor shall the (dead) body of any person be removed from any cemetery in the City for the same shall have first been procured and surrendered to the Superintendent of such cemetery along with the necessary fees. Burial permits are received after the funeral.

9-3-18 **DEFACING OR DESTROYING PROPERTY; MISUSE OF WALKS; PENALTIES.** No person shall negligently, willfully or maliciously injure the fences, gates or other improvements, or shall cut, break or injure or carry away any tree, sapling, shrub, flower, vine, stake, post, chain or any ornamental thing, or shall deface, destroy, mutilate or injure any of the monuments, tombstones, vaults, or ornaments of any kind in any cemetery within the control of the City, except such as are around or on their own respective lots, or who shall drive or propel any automobile, motorcycle, carriage, or other vehicle, except one being used as a hearse in the course of a burial ceremony, upon any walks, walkways, paths or private lots in such cemetery.

9-3-19 **INDECENCY, DISORDERLY CONDUCT; PENALTY.** No person shall, within any cemetery in or under the control of the City, be guilty of any indecent, rioting or disorderly conduct, or who shall use any profane, indecent or insulting language, or shall willfully or maliciously do or say anything calculated to disturb the quiet or injure the feelings of any person or persons visiting said Cemetery, except a police officer in the line of duty.

9-3-20 **PLACING, DEPOSITING, OR SCATTERING OF ASHES.** It shall be unlawful for any person to place, deposit, or scatter the ashes of a deceased human or animal on the grounds of any public cemetery or burial ground, or on any other public property of the City. **(Ord. No. 14-20; 07-14-14)**

(See 65 ILCS Sec. 5/11-52.2-1 et seq.)

ARTICLE IV – PENALTY

9-4-1 **PENALTY.** The City may prosecute violators of this Chapter under the provisions of **Section 1-1-20 “General Penalty”** of the Municipal Code.

[NOTE: The Cafeteria Court procedures in Section 1-1-26 of Chapter 1 shall apply to this Chapter.]