

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 Board of Trustees.

(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 Village Cemetery.

(D) The Village Clerk shall receive all moneys from sales of cemetery lots and all gifts and legacies to said cemetery. Any gift of 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 and organize in accordance with the state statutes and shall operate in accordance with the statute and any revisions thereof, and all applicable ordinances of the Village. **(See 65 ILCS Sec. 5/11-52.1-2)**

9-1-2 **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 Village Board governing the cemetery shall control the Board of Managers in all its actions.

9-1-3 **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 Clerk of the Board. The Village Treasurer shall be the Treasurer. Before entering upon his duties, the Treasurer shall execute a bond to the People of the State of Illinois for the use of the Board of Managers in a penal sum of not less than double the value of the 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 property which, by virtue of his office, comes into his possession.

The bond shall be in such form and with such sureties as may be approved by the Village Board appointing the Board of Managers, to be approved and preserved in the same manner as is the bond of the Treasurer. **(See 65 ILCS Sec. 5/11-52.1-2)**

9-1-4 TREASURER'S RESPONSIBILITIES. The Treasurer shall have the custody of all money and property. 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 Village Board, 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)**

9-1-5 CLERK'S DUTIES. The Clerk 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 Clerk, 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 Village Clerk, make a written report, under oath, to the Village Board, stating therein, substantially the same matter required to be reported by the Treasurer of the Board. The Clerk's report, if found to be correct, shall be approved and preserved by the Village Board. 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)**

9-1-6 POWERS OF 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.**

9-1-7 COUNCIL DELEGATE. In addition to the Board of Managers, the Mayor shall annually appoint **one (1) Trustee**, as a non-voting member of the Board. The Trustee shall meet with the Cemetery Board and shall keep the Village Board informed as to all matters coming before the Board of Managers.

9-1-8 NAMED. All of those tracts of land heretofore and now used as cemeteries and the additions thereto, in the Village 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 Village Board.

ARTICLE II - REGULATIONS

9-2-1 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.

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

9-2-3 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. Footstones shall be flush with the ground and no other obstructions shall be permitted. **(Ord. No. 575; 03-06-06)**

9-2-4 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, except in containers provided for that purpose.

9-2-5 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.

9-2-6 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.

9-2-7 RECORDS. The Village Clerk 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.)**

9-2-8 APPLICATION OF VILLAGE CODE. All provisions of the Municipal Code now in force or hereafter enacted relating to and defining public offenses in the Village, insofar as the same shall be applicable, shall be in full force and effect in the Village Cemetery.

9-2-9 UNLAWFUL ENTRY. It shall be unlawful for any person or persons, other than duly authorized officers, officials or employees of the Village 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 Village Clerk. 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.

9-2-10 LOITERING; EXCEPTIONS. It shall be unlawful for any person to loiter upon lots and graves of the Village 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.

9-2-11 SPEED OF VEHICLES. It shall be unlawful for any person to drive any vehicle in the cemetery faster than **ten (10) miles** per hour.

9-2-12 OPERATION OF VEHICLES AND PARKING. 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.

9-2-13 GRAVE DECORATIONS (FLOWERS). The placing of cut flowers or artificial flowers over individual graves shall be permitted; however, the Village shall not be responsible for the care of such flowers or the containers in which they are placed. Furthermore, the Village shall remove, without notice, all flowers, real or artificial which remain over **fifteen (15) days**. No floral decorations allowed on the ground during the mowing season, **March 1st** through **October 31st**. Except for the following holiday in which they may be placed on the grave not more than **three (3) days** before or **seven (7) days** after: Easter, Mother's Day, Father's Day, 4th of July and Labor Day. **(Ord. No. 575; 03-06-06)**

9-2-14 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.

9-2-15 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 Village. 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.

(See 65 ILCS Sec. 5/11-52.1-1 et seq.)