

CHAPTER 9

CEMETERIES

ARTICLE I – DEPARTMENT ESTABLISHED

9-1-1 **DESIGNATION OF CITY CEMETERIES.** The cemeteries of the City are hereby designated as the Old City Cemetery at 14th and Poplar Streets, and Tower Grove Cemetery. The plats thereof on file in the office of the City Clerk shall be and remain the lawful plats of said cemeteries and shall not be changed except by the order of the City Council.

9-1-2 **CEMETERY COMMITTEE.** The City cemeteries shall be under the supervision of the Cemetery Committee. Such Committee shall see to it that the grounds belonging to the cemeteries are properly cared for and protected, and that all provisions of the law and ordinances relating to cemeteries are enforced.

9-1-3 **SEXTON – APPOINTMENT; RESIDENCE QUALIFICATIONS; TERM OF OFFICE.** The Mayor, by and with the advice of the City Council, shall appoint some suitable person, who shall be a resident of the City, to act as sexton of cemeteries. He shall hold his office during the fiscal year in which he was appointed, unless sooner removed by the Mayor and City Council.

9-1-4 **SEXTON – DUTIES GENERALLY.** The Sexton appointed under the preceding section shall, under the direction of the Cemetery Committee, have charge of all municipal cemeteries and shall keep and preserve in good order and repair the grounds, buildings, avenues, walks and fences thereof, and shall also see that all the provisions of this Code and other ordinances relating to and all rules and regulations for the government of such cemeteries are enforced.

9-1-5 **SEXTON – COMPENSATION.** The salary of the Sexton shall be established by the annual appropriation ordinance.

9-1-6 **GRADE OF LOTS.** The grade of lots in the City cemeteries shall not be substantially changed from its position at the time of the sale.

ARTICLE II – GENERAL PROVISIONS

9-2-1 **PRICE OF LOTS.** The sale price of the lots in the City cemeteries shall be as follows:

For a twelve (12) grave lot	\$1,200.00
For a six (6) grave lot	600.00
For a one (1) grave lot	100.00

(Ord. No. 81-8; 08-11-81)

9-2-2 **SALE OF LOTS, ETC. – APPLICATIONS: PAYMENT.** All applications for the purchase of cemetery lots shall be made to the City Clerk, who shall receive the price of the lots.

9-2-3 **DEEDS AND DEED BOOK.** The Mayor and the City Clerk shall execute and deliver to the purchaser of a lot a deed under the corporate seal of the City for such lot. The City Clerk shall provide a book of blank deeds for cemetery lots, with stubs for each, on which stub shall be entered the number of the lot, the name of the grantee, the price of the same, and the date.

9-2-4 **CEMETERY FUND.** A cemetery fund is hereby created and established. The City Treasurer is required to keep a separate account thereof and enter to the credit of the same, from time to time, as required by him, except as provided in the following section, all moneys received from the sale of cemetery lots, all moneys derived from the digging of graves, all donations and all appropriations from the City Treasurer for cemetery purposes or otherwise. Such moneys shall be appropriated and used only for the care of and for improving, ornamenting and beautifying the cemetery grounds and paying the salary of the Sexton. The Cemetery Committee shall not expend the cemetery fund in advance of the receipts thereof, nor incur any debts on account of the cemetery without the consent of the City Council.

9-2-5 **INTERMENT – PERMIT REQUIRED: RESTRICTED TO LOT SPECIFIED IN PERMIT.** The Sexton shall make no interment without the delivery to him of a certificate of the City Clerk authorizing interment nor shall any interment to be made in any other lot than the one named in the certificate.

9-2-6 **INTERMENT – APPLICATION.** Any person desiring to make an interment in the cemetery shall apply to the City Clerk for a permit therefor.

9-2-7 INTERMENT – ISSUANCE OF PERMIT. Upon payment of the Sexton's fees and the sum charged, the City Clerk shall deliver to any applicant for permission to make an interment, a certificate.

9-2-8 INTERMENT – CONTENTS OF PERMIT. The certificate issued under the preceding section shall state the name of the deceased and the number of the lot in which the deceased is to be interred, and the City Clerk shall make an entry in a suitable book of the name of the deceased, the date of death, the disease, cause or manner of death, sex and color of deceased. If the deceased shall be a stranger or pauper without means and no person is chargeable with the interment or liable therefor, the Clerk's certificate shall so state.

9-2-9 INTERMENT – FEES. The City shall receive for the digging of each grave and attending to the interment of the body therein the sum of **One Hundred Twenty Dollars (\$120.00)**. Said sums shall be paid to the City Clerk when the burial certificate is issued. **(Ord. No. 81-8; 08-11-81)**

9-2-10 INTERMENT – ASSISTANCE FOR SEXTON. Should necessity demand the digging of more than **one (1) grave** at any one time, the Sexton shall be allowed to hire assistants. Such assistants shall be paid from the cemetery fund.

9-2-11 MONTHLY CHECK OF INTERMENT PERMITS. The Sexton shall, on the first Monday of each month, return to the City Clerk all the interment certificates received by him during the preceding month, and they shall be compared with the entries on the Clerk's books to see if they correspond thereto.

9-2-12 INTERMENT REGISTER. It shall be the duty of the Sexton to keep a well bound book in which he shall register all interments, stating the number of the lot, the name of the person buried and the age, sex and color, and he shall make a monthly report to the Council.

9-2-13 UNLAWFUL INTERMENT. It shall be unlawful to make interment or bury the dead body of any person at any place within the City limits or within **one-half (1/2) mile** thereof, except in the cemeteries designated as City cemeteries, or except in St. Andrew's Cemetery.

9-2-14 **INJURING OR DESTROYING MONUMENTS, ETC.** No person shall remove or carry away, or willfully, maliciously or negligently break, deface, destroy, or otherwise injure any monument, tombstone, tree, shrub, plant, vase, paling, fence, gate or any other property, article or thing belonging to, or placed or erected in any cemetery within or under the control of the City Council, nor shall such person pluck any flowers therein, or trespass upon or maltreat any grave therein, or violate any of the established rules or regulations for the government thereof.

9-2-15 **DISCHARGING FIREARMS OR FIREWORKS.** No person shall hunt, discharge firearms, set off or explode fireworks, except as part of any burial or other service, or shall otherwise trespass upon any cemetery or burying ground within the City, or within or under the jurisdiction of the City Council.

9-2-16 **MARKERS.** No person shall remove or carry away, or willfully, maliciously or negligently break, deface, or otherwise injure any monument, tombstone, tree, vase or any other property or thing belonging to, or placed or erected in any cemetery within or under the control of the Cemetery Committee.

9-2-17 **TRUST ACCOUNT.** There is hereby authorized and created, in accordance with the terms hereof, a special trust fund to be designated as the Cemetery Maintenance Fund, which fund shall be under the control and custody of the City Treasurer of the City of Murphysboro, Illinois.

Any moneys deposited pursuant to this Chapter shall be kept separate from all other municipal funds, shall be designated as the Cemetery Maintenance Fund, and held in trust for the purposes stated herein.

Any person or persons who may desire to provide a fund, the income of which shall be used to care for the annual maintenance of a burial lot or lots, may do so by depositing with the City Treasurer a fund in the amount hereinafter stated.

The amount or amounts to be deposited with the City Treasurer for the care of a lot or lots shall be as follows:

(A) For the maintenance of a single burial space, there shall be deposited the sum of **Fifty Dollars (\$50.00)**.

(B) For the maintenance of a two (2) burial space lot, there shall be deposited the sum of **Seventy-Five Dollars (\$75.00)**.

(C) For the maintenance of a three (3) burial space lot, there shall be deposited the sum of **One Hundred Dollars (\$100.00)**.

(D) For the maintenance of a four (4) burial space lot, there shall be deposited the sum of **One Hundred Twenty-Five Dollars (\$125.00)**.

(E) For the maintenance of a six (6) burial space lot, there shall be deposited the sum of **One Hundred Fifty Dollars (\$150.00)**.

(F) For the maintenance of an eight (8) burial space lot, there shall be deposited the sum of **One Hundred Seventy-Five Dollars (\$175.00)**.

(G) For the maintenance of a twelve (12) burial space lot, there shall be deposited the sum of **Two Hundred Fifty Dollars (\$250.00)**.

9-2-18 **ANNUALLY MAINTENANCE.** An annual fee for cemetery maintenance shall be collected as follows:

For a twelve (12) grave lot	\$15.00
For a six (6) grave lot	\$10.00

9-2-19 **INVESTMENTS – LOT CARE.** The City Treasurer is hereby authorized to invest such funds in bonds or other investments issued or guaranteed by the United States Government. From the income resulting from said investments, the City Treasurer shall pay annually for the care of the lots designated by the donors who have deposited money in said fund. The City Treasurer and City Clerk shall keep proper records designating the investment and the lots covered by such investments.

9-2-20 **RIDING ON GRASS.** No person shall ride any horse or drive upon any private lot in the cemeteries.

9-2-21 **FENCES.** It shall be unlawful for any person or lot owner in the cemeteries to erect or construct any enclosure or fence on or around any lot in the cemeteries; 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.

9-2-22 **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 in the cemeteries at any time.

9-2-23 **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 cemeteries without first securing a permit from the City Clerk.

9-2-24

GENERAL RULES FOR THE CEMETERY.

(A)

General Rules.

- (1) Shepherd Hooks are allowed **one (1)** per grave and must be set as close to the memorial as possible. Metal Stands, metal boxes, and metal pots are strictly prohibited. All such items will be removed without further notice.
- (2) Article such as glass jars, water cans, urns, crosses, votive lights or any kind of lighting, balloons, cartoon characters, signs, banners, statues (unless affixes to the monument), ceramics, or other inappropriate items are not allowed and will be removed without notice.
- (3) Decorations are checked weekly and those that have become unsightly or withered will be removed.
- (4) No outline of graves or memorials be striping a border of sod from around them. Outlining graves or memorials with metal frames, plastic landscape borders or crushed stone is not permitted.
- (5) No cutting, watering or fertilizing the lawn in the cemetery.
- (6) Perennial plantings, bushes, and trees are not permitted.
- (7) Pets are not permitted in the cemetery.

(B)

April 1st through November 1st – Decorations.

- (1) February 15th – March 15th, the cemetery will remove all winter decorations, and begin the ground preparation for the growing season. No decorations may be placed on graves during these weeks.
- (2) Natural cut flowers are permitted in approved plastic temporary pin-type cases or in ground permanent vases.
- (3) Potted plants are only allowed in pots fixed to the memorial or in plastic hanging baskets on a shepherd hook. Potted plants in concrete, terra cotta, or boxes are not allowed.
- (4) Artificial decorations are permitted. When they become faded or unsightly they will be removed.
- (5) Flags may be placed on graves only on Memorial Day, Independence Day, Labor Day, and Veterans Day. They may be placed **three (3) days** prior to the holiday and should be removed the first working day after the Holiday.

(C)

November 1st through March 31st.

- (1) October 15th – 31st is fall cleanup at the cemetery. Please do not place any decoration on a grave during these weeks.
- (2) Christmas decorations may be either artificial or real.
- (3) No Christmas lights allowed.
- (4) Christmas wreaths must be set on stand or easels and need to be removed immediately after the holidays.

(5) Evergreen blankets or grave coverings are not permitted at any time.

(D) Cemetery personnel reserve the right to remove from a gravesite or crypt any decoration that is in violation of the above rules, or whenever any decoration becomes unsightly or detrimental to the area.

(Ord. No. 03-11; 03-10-03)

(See 65 ILCS Sec. 5/11-52.1-2 and 5/11-52.2-2)