

**CHAPTER 9**

**CEMETERY BOARD**

**ARTICLE I GENERALLY**

**9 1 1 DEPARTMENT ESTABLISHED.** There is hereby established a department of municipal government which shall be known as the Cemetery Department. It shall consist of the Cemetery and Finance Committee, the Cemetery Board, the Cemetery Sexton, the Cemetery Clerk and the cemetery employees. **(65 ILCS 5/11 52.1 2, 5/11 52.2 1) (Ord. No. 1460; 06-15-09)**

**9 1 2 BOARD ESTABLISHED.** There is hereby created a Cemetery Board, which shall have the control, supervision and direction of the City Cemetery of this City, subject to the direction or approval of the City Council. **(#558; 11 4 63)**

**9 1 3 APPOINTMENT.** The Mayor, with the advice and consent of the City Council, shall appoint a Board of **three (3) persons** who shall be known as the Cemetery Board of Managers, who shall hold their offices for a period of **two (2) years**, or until their successors are appointed.

**9 1 4 ORGANIZATION; BOND.** The Board of Managers shall meet and organize by selecting **one (1)** of their number to be President and another of their number to be Clerk of the Board, and also to select a Treasurer of such Board, who may or may not be one of their number, and who, before entering upon his duties as such, shall execute a bond to the People of the State of Illinois for the use of the Board of Managers, in a penal sum not less than double the value of the money or property 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 hands, and to be in such form and with such sureties as may be approved by the City Council, to be approved and preserved in the same manner as is the bond of the Treasurer of such City.

**9 1 5 TREASURER CUSTODIAN OF FUNDS.** 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, and shall quarterly make a report in writing 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 which report shall be audited by the

Board, and if found to be correct, shall be transmitted to the City Council at the same time that the City Treasurer is required by law to make reports. **(#558; 11 4 63)**

**9 1 6 INVESTMENTS.** The Board of Managers in making investment of any such funds as authorized to be invested by the Board shall not invest in securities other than bonds of the United States, or of Federal Loan Banks, or Municipal bonds of this State, or bonds, stock or debentures issued by Building and Loan Associations organized pursuant to the laws of this State, or in mortgages on improved and productive real estate in this State, being first liens thereon; and such real estate being worth at least twice the amount loaned thereon. **(#558; 11 4 63)**

**9 1 7 GIFTS & BEQUESTS.** The Board of Managers are authorized and empowered to receive in trust from the proprietors or owners of any lot or lots in the Cemetery, or from any person interested in the maintenance of the Cemetery, any gift, device or bequest of any money or property, which may be donated to the Board of Managers for the use and maintenance of the Cemetery. The Board of Managers shall have the right to convert any devise or bequest of property, real or personal, into money and invest the same as in this Code provided and apply the income thereof perpetually for the care of the Cemetery or the care and maintenance of the Cemetery as shall be specified in the gift, bequest or devise, and as may be provided by this Code. **(#558; 11 4 63)**

**9 1 8 VESTING.** Every gift, bequest or devise for any of the purposes mentioned in this Code made to the Cemetery, by its name having a Board of Managers, appointed by law, shall vest in such Board of Managers, and take effect to all intents and purposes as if made to such Board; and shall not fail because such Cemetery may not be incorporated. **(#558; 11 4 63)**

**9 1 9 PERMANENT RECORDS; REMOVAL OF OFFICERS.** The Clerk of the Board of Managers, in a book provided for such purpose, shall keep a permanent record of the proceedings of the Board, signed by the President and attested to 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 quarterly 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 the Board; which report, if found to be correct, shall be approved and preserved by the 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 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. **(Ord. No. 558; 11-04-63)**

**9-1-10**     **ADDITIONAL DUTIES.**     The Cemetery Board shall have the powers vested in it by **Chapter 760, Section 100/1, et seq.**, and such other powers and duties as may be delegated to it from time to time by the City Council.

**9-1-11**     **RECOMMENDATIONS.**     The Cemetery Board shall make recommendations to the City Council, or its committee, from time to time as to the policies to be pursued and laws necessary for the efficient operation of the City Cemetery.

**9-1-12**     **COUNCIL DELEGATE.**     In addition to the Cemetery Board, the Mayor shall annually appoint **three (3) Aldermen** (Cemetery and Finance Committee), as non-voting members of the Board. They shall meet with the Cemetery Board and shall keep the City Council informed as to all matters coming before the Board.

**9-1-13**     **CEMETERY SEXTON AND CEMETERY CLERK.**     There is hereby created the offices of Cemetery Sexton and Cemetery Clerk. The Cemetery Sexton shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the City Council at the first meeting in May. The Cemetery Sexton shall receive a salary established and set by the City Council. The Cemetery Clerk shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the City Council at the first meeting in May. The Cemetery Clerk shall receive a salary established and set by the City Council. **(Ord. No. 1460; 06-15-09)**

**(See 760 ILCS Sec. 100/1 through 100/24; 65 ILCS Sec. 5/11-52.1)**

## ARTICLE II - REGULATIONS

**9-2-1**        **NAMED.** All of that tract of land heretofore and now used as a cemetery and the addition thereto in the City of Chester which has been dedicated as a cemetery, is hereby rededicated for that purpose, and shall continue to be known as "Evergreen Cemetery" and shall be used only for that purpose and subject to such rules and regulations as may be hereafter passed by the Council.

**9 2 2**        **CEMETERY CLERK – PLAT AND RECORDS.** It shall be the duty of the Cemetery Clerk to keep a correct plat of the Evergreen Cemetery together with a full and complete record of all persons who have purchased and own lots in the cemetery, and upon the sale of any lot, shall cause to be prepared a deed for such a lot to be executed by the City. The Cemetery Clerk shall be under the direction of the Cemetery Sexton and shall perform such other duties as may be assigned by the Cemetery Sexton. **(Ord. No. 1460; 06-15-09)**

**9 2 3**        **CEMETERY SEXTON    CONTROL OF CEMETERY.** The Cemetery Sexton shall have control of the Cemetery under the direction of the Mayor and the general supervision of the Cemetery and Finance Committee and the Cemetery Board and shall keep the Cemetery in good order, clean of all rubbish, cut all grass and weeds from the walks and passage ways and perform such other duties as may be assigned by the Mayor. **(Ord. No. 1460; 06-15-09)**

**9 2 4**        **DIG GRAVES.** Upon the presentation to the Cemetery Sexton by any person of a burial permit, he/she shall, without further fee, dig such grave as may be designated in the permit. Any grave so dug by him/her shall be dug so that the bottom of the coffin shall be at least **six (6) feet** below the surface of the ground. **(Ord. No. 1460; 06-15-09)**

**9 2 5**        **DAMAGE TO PROPERTY.** 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 Evergreen Cemetery, or willfully disturb the contents of any vault or tomb or grave.

**9 2 6**        **RIDING ON GRASS.** No person shall ride any horse or drive upon any private lot in the Evergreen Cemetery.

**9 2 7**        **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.

**9 2 8 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 Evergreen Cemetery at any time. **(#627; 3 1 71)**

**9 2 9 BURNING IN CEMETERY.** It shall be unlawful to burn any refuse, such as papers, boxes, waste building materials or any other waste substances and materials in the Evergreen Cemetery without first securing a permit from the City Clerk. **(#627; 3 1-71)**

**9 2 10 FEES.** The City shall charge a fee in an amount equal to the Perpetual Care Fee, plus the regular cost of opening a grave in any plot in the Cemetery. The fees shall be determined and set by the Cemetery Board. **(#608; 12 2 68)**

**9 2 11 BURIALS.** No deceased body shall be buried within the limits of the City, at any other place than in the Evergreen Cemetery or an addition thereto or a designated cemetery. With each burial in the Evergreen Cemetery, the Cemetery Clerk shall issue a deed for that plot.

**9 2 12 RECORDS.** The Cemetery Clerk shall cause to be kept a record in a well bound book 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. **(Ord. No. 1460; 06 15 09)**

**9-2-13 GRAVE DECORATIONS.** 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 **six (6) months**. Decorations that interfere with cemetery maintenance, or become unsightly, will be removed at the discretion of the Cemetery Sexton.

**9-2-14 HOURS CEMETERY OPEN TO PUBLIC.** The Evergreen Cemetery shall be open to the public from sunrise to sunset of the same day. Anyone who is present in the Evergreen Cemetery from sunset to sunrise of the following day without the permission of the Mayor or Cemetery Sexton shall be guilty of trespass. **(Ord. No. 1787; 02-22-23)**

**(See 65 ILCS 5/11 52.1 2 and 5/11 52.2 2)**