

CHAPTER 10

CEMETERIES

ARTICLE I – GENERAL PROVISIONS

10-1-1 **DEFINITIONS.** The following definitions shall apply in this Chapter:

City: The City of Red Bud, Illinois.

Cremains: The cremated remains of an individual.

Grave Markert or Headstone: A stone intended to indicate the location of a particular grave which shall be set on a foundation level with the ground at the head of the grave.

Interment: The opening and/or closing of a gravesite, including, but not limited to, original interments, disinterments, or reinterments.

Municipal Cemetery or Cemtery: Refers to the Old City of Red Bud Cemetery and the current City of Red Bud Cemetery unless otherwise specified.

Perpetual Care: The unending and continuous care of a gravesite as outlined in this Chapter and any statutes. Perpetual care shall not be construed to mean any of the following:

(A) The maintenance, repair, or replacement of any gravestone placed or erected on a plot.

(B) The planting or placement of flowers, ornamental plants or decorations, or maintenance thereof, on a plot.

(C) The reconstruction of any marble, granite, bronze, or concrete work on any plot, or any portion thereof, in the cemetery.

Plot: A single grave for one person purchased by an individual.

Private Cemetery: Refers to all other cemeteries within the City of Red Bud not owned or controlled by the City of Red Bud, unless otherwise specified.

10-1-2 **CEMETERIES ESTABLISHED.** The land owned by the City known as the current City of Red Bud Cemetery and a certain piece of land owned by the City known as the Old City of Red Bud Cemetery are hereby established and dedicated to burial purposes. There shall be no other cemetery within the City limits unless created and authorized by the City Council. There shall be private cemeteries within the City from time to time as established by private citizens or groups in accordance with provisions of **Chapter 40** of the Revised Code of the City, any other ordinances or statutes.

10-1-3 **CEMETERY SUPERVISION.** The care of all municipal cemeteries shall be under the supervision of the City Superintendent, who shall have charge, management and control of such cemeteries. The City Superintendent shall see to it that the grounds belonging to the same are properly cared for and protected, and that all provisions of the law and ordinances relating to cemeteries and all rules for the cemetery are enforced. The City Superintendent shall supervise and direct the ornamenting, adorning, embellishing and improving of the grounds thereof, and the avenues, walks and squares therein, if any may be directed by the City Council.

10-1-4 CEMETERY CARE.

(A) As long as the cemeteries shall remain the property of the City, the City shall have the authority to maintain all cemetery roadways, walkways, and other appurtenances in a safe and reasonable condition; keep all cemetery grounds mowed, trimmed and free from trash and leaves; repair (not replace) any monument, grave marker, or headstone damaged by vandals and/or deemed necessary by the City Superintendent; remove any coping, curb, private corner posts or other structures illegally placed in the cemetery as deemed necessary to allow easier maintenance of the grounds; level or realign any monument, grave marker, or headstone as deemed necessary to assure proper and uniform maintenance of the grounds; tamp, fill, and seed all graves experiencing settling as soon as the condition of the soil permits.

(B) Private cemeteries within the City limits shall remain the property of private citizens, who shall have the obligation to maintain said private cemeteries, as well as all appurtenances, cemetery roadways and walkways, in a safe and reasonable condition according to any applicable statutes.

(C) The City disclaims all responsibility for loss or damage beyond reasonable control and especially from the acts of thieves, vandals, rioters or mischief makers, and from all acts of providence, including wind, tornadoes, hail, snow or freeze damage.

10-1-5 CEMETERY RULES AND REGULATIONS. The following shall be the rules and regulations of the municipal cemetery:

(A) No planting of shrubbery, flowers or trees will be permitted on plots. It shall not be permitted to place flowers in glass jars or tin cans upon the graves. Receptacles for cut flowers should be attached to the headstone, etc., or to the concrete headstone foundation. Only authorized personnel may plant shrubbery, flowers or trees in the cemetery.

(B) Decorations that interfere with cemetery maintenance will be removed at the discretion of the City Superintendent. Funeral designs and floral pieces placed upon the grave after burial will be removed as soon as they become unsightly or after **fifteen (15) days**, whichever comes first.

(C) All foundations for headstones or grave markers will be placed into the ground to a minimum depth of **two (2) feet** and level with the ground. The only materials allowed for headstones or grave markers are granite and bronze. A single headstone shall not exceed **forty (40) inches** in width and shall be placed in the center of the foundation on each side. A double headstone shall not exceed **eighty (80) inches** in width and shall be placed in the center of the foundation on each side. No stone whatsoever shall exceed **forty-four (44) inches** in height. All stones shall be affixed to the concrete foundation to the satisfaction of the City Superintendent. The base of each headstone or grave marker shall not exceed **sixteen (16) inches** from front to back and it shall be placed in the center of the foundation on each side. The foundation of the headstone or grave marker shall extend beyond the base of the headstone or grave marker **two (2) inches** on each side.

(D) Veteran's markers may be attached to the headstone (front or back), or can be placed as the headstone at the head of the grave. Any veteran marker not attached to or used as a headstone, shall be flush with the ground.

(E) Only grave markers or headstones are permitted. No other monuments or mausoleums are permitted in the cemetery.

(F) The City Superintendent shall have the right to remove any structure placed upon a plot for which approval has not been obtained.

(G) It shall be unlawful for any person or persons to trespass upon any municipal cemetery from sundown to sunrise, except for authorized officers, officials or

employees of the City. It shall also be unlawful to enter or exit the cemetery in any way other than established and open entrances or gateways.

(H) No person shall hunt, discharge firearms, or set off or explode fireworks, except as part of a burial or other service, in the cemetery within the City, or within or under the jurisdiction of the City.

(I) It shall be unlawful to drive any vehicle faster than **ten (10) miles** per hour in the cemetery. No person shall drive or move any vehicle within the cemetery except over a roadway open for vehicle traffic, or obstruct any path or driveway within the cemetery open to vehicle traffic. No person shall use the cemetery or any driveway therein as a thoroughfare or drive any vehicle through said grounds, except for the purposes of a funeral, making deliveries in the cemetery or visiting a gravesite.

(J) It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter or debris of any kind in the cemetery.

10-1-6 CEMETERY VIOLATIONS.

(A) No person shall remove or carry away, or willfully, maliciously, or negligently break, deface, destroy or otherwise injure any marker, monument, mausoleum, tree, shrub, plant, vase, paling, fence, gate or other property, article or thing belonging to, or placed or erected in, any cemetery or private cemetery within or under control of the City, 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 of the municipal cemetery or any other ordinance of the City.

(B) Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than **Seventy-Five Dollars (\$75.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE II – SALE OF PLOTS

10-2-1 PRICE OF LOTS. A single plot in the current City Cemetery shall be **Five Hundred Dollars (\$500.00)**, in accordance with the Price List attached hereto as "Attachment A" and incorporated herein by reference, which shall be given to each applicant. No plots shall be sold in the Old City of Red Bud Cemetery. The price for a plot ensures that the City will perpetually care for said plot in accordance with this Chapter and applicable statutes. All money paid for plots shall be deposited into the City's General Fund and shall only be used for maintenance and care of the cemetery.

10-2-2 APPLICATION AND PAYMENT. A person may apply in person for an available burial plot upon request to the City Clerk who shall receive the price of the plot. Each sale shall be made with a Contract for Sale, attached hereto as "Attachment B" and incorporated herein by reference. Payment in full for the purchase of any cemetery plot shall be made in full at the time of purchase. Persons wishing not to pay with cash may pay by check, cashier's check or money order. If for any reason, payment made with means other than cash is not fulfilled, the purchase of the plot will be considered void and the plot will be available for resale by the City. After payment in full, the applicant shall be given a receipt, attached hereto as "Attachment C" and incorporated herein by reference, which together with the Contract for Sale shall represent proof of ownership of the right of burial to the designated plot.

10-2-3 EXCHANGE OR RESALE. No person shall sell their plot or exchange their plot with another person without the approval of the City Clerk. A person wishing to sell their plot may also sell it back to the City in return for the purchase price paid at the time the plot was purchased.

10-2-4 RECORDS. The City Clerk shall keep and maintain a list of all burial plots sold as well as contact information for each person purchasing a plot. Also, the City Clerk shall report all burials to the appropriate state authorities within the required time. Additionally, a map of the cemetery which shows all plots, blocks, sections, avenues, walks, alleys and paths must be kept and maintained by the City Clerk. The City Superintendent shall certify that they acknowledge, accept and adopt the map. The City Clerk shall apply to the appropriate state authorities for an exemption under state laws, as appropriate.

ARTICLE III – INTERMENTS

10-3-1 APPLICATION FOR PERMIT. Provided that the cemetery plot on which the interment is being made has been previously purchased, any licensed funeral director or their agent who wishes to make an interment in the cemetery, shall contact the City Clerk at least **twenty-four (24) hours** prior to the interment and shall apply to the City Clerk for a permit as soon as possible thereafter. In the event the lot has not been previously purchased, the City Clerk shall be contacted at least **forty-eight (48) hours** prior to the time of interment to assure that payment and proper arrangements can be made. Upon payment for the plot, a grave opener permit, attached hereto as "Attachment D" and incorporated herein by reference, shall be prepared by the City Clerk and issued to the applicant. Failure to follow the provisions of this Section may result in a rescheduling of the burial except when religious practices require interment as soon as possible following death. No grave preparation may begin without obtaining a grave opener permit.

10-3-2 CONTENTS OF PERMIT. The permit issued under the preceding section shall state the name of the deceased and the number of the plot in which the deceased is to be interred. The City Clerk shall keep a record of the name of the deceased, date of death, age, funeral director, date of interment and location of interment.

10-3-3 OPENING AND CLOSING OF GRAVES. The individual plot owner's family shall be responsible for hiring appropriate persons, approved by the City Clerk, to open and close the grave as well as supervise the burial.

10-3-4 RULES OF INTERMENT. No interment shall be allowed without having complied with the following:

(A) A grave opener permit shall be obtained from the City Clerk authorizing interment. No interment shall be made in any other plot than the one named in the permit.

(B) A burial permit from the public health officer as required by law shall be obtained.

(C) Full payment of the City Cemetery for the plot must be made.

(D) Verification that such lot is not used beyond its capacity must be made. One casket and one cremains, or two cremains per plot, owned by deceased are allowed. It is understood that cremains must follow the Price List. Caskets may not be placed on top of each other and only one casket per plot is allowed.

(E) All caskets shall be at least **fifty-four (54) inches** below ground level in the cemetery.

10-3-5 VAULTS. The interment of any casket without being enclosed in an outer receptacle or vault fabricated of concrete with a one piece lid, or of steel, or of other material approved by the City Superintendent, is prohibited.

10-3-6 **PROHIBITED INTERMENT.** It shall be unlawful to inter any remains, other than human bodies, in all municipal cemeteries. It shall be unlawful to make any interment or bury the dead body of any person within the City limits, except in a municipal or private cemetery. Any interment in the municipal cemetery in violation of this Chapter may be corrected by the City at the expense of the family of the deceased.

10-3-7 **GRAVE MARKERS.** All temporary grave markers shall be removed after **one (1) year** and each grave shall be marked by a permanent headstone or grave marker in accordance with this Chapter.

10-3-8 **DISINTERMENT.** No body shall be disinterred without the permission of the City. All costs of the disinterment shall be paid by the family of the person being disinterred or other appropriate authority.

(Ord. No. 1276; 05-07-12)

ATTACHMENT "A"

CITY OF RED BUD CEMETERY (CURRENT)

PRICE LIST

*These prices are effective as of May 14, 2012.

Single Plot in Current City of Red Bud Cemetery (includes perpetual care)	\$500
-burial space for one person	
-perpetual burial	
-subject to all cemetery regulations in effect	

**City of Red Bud Cemetery only provides the service of sale of cemetery grave(s) to customers and the associated perpetual care of cemetery grave(s) with dedicated and other necessary funds. Any other services and merchandise such as vaults, preparation of the gravesite and monuments shall be the responsibility of the customer or their family.

ATTACHMENT "B"

CONTRACT FOR SALE OF CEMETERY PLOT

(signed copy must be given to customer)

This contract is made this _____ day of _____, 20____, by and between City of Red Bud Cemetery (hereinafter called "Cemetery") and _____, the Customer(s) (hereinafter called "Customer"), for the sale and purchase of a cemetery plot(s) for the Customer. The Cemetery provides no other services to any Customer or individual beyond the sale of cemetery plot(s) and its associated perpetual care. The purchase of a cemetery plot(s) only gives the Customer the right to be buried in the plot(s) and does not give the Customer the same rights as purchasing real estate as commonly understood in the business world.

The Customer named above hereby purchases a cemetery plot(s) known as _____, as designated and laid out on the cemetery map, and in consideration for the cemetery plot(s) gives \$_____ to the City of Red Bud Cemetery. The Customer hereby purchases said cemetery plot(s) by paying with _____ (cash, personal check, cashier's check or money order). If the cemetery plot(s) is not paid in full by the Customer, then the sale is considered void and the plot will be available for resale by the Cemetery. Once the cemetery plot(s) is paid in full, a receipt for the above purchase is hereby given to the Customer. Said funds shall be deposited into the City of Red Bud General Fund as dedicated funds for the perpetual care of said purchased cemetery plot(s).

City Cemetery only provides the service of sale of cemetery plot(s) to Customers and the associated perpetual care of cemetery plot(s). Any other services and merchandise such as vaults, preparation of the gravesite and monuments shall be the responsibility of the Customer or their family.

The Customer has hereby been provided with a copy of the City Cemeteries Ordinance and acknowledges receipt and review thereof. The Customer, and their assigns, heirs and legatees, also agree to fully comply with said Cemetery Ordinance. In particular, the monument on the purchased cemetery plot shall comply with the Cemetery Ordinance and any nonconforming monument may be removed by the Cemetery. The plot(s) purchased cannot be sold, assigned or transferred by the Customer to anyone else without the approval of the City.

Any questions regarding the cemetery plot(s) may be directed to the City Clerk, at their address of 200 East Market Street, Red Bud, Illinois 62278, or at their phone number of 618-282-2315.

Customer

City Clerk

Address

Phone Number

ATTACHMENT "C"

RECEIPT FOR SALE OF CEMETERY PLOT

City of Red Bud Cemetery hereby receives payment in amount of \$_____ and in form of _____ (cash, personal check, cashier's check or money order) from _____, Customer(s). This represents payment for cemetery plot(s) known as _____, as designated and laid out on the cemetery map, which the Customer(s) has hereby purchased this _____ day of _____, 20____, pursuant to their Contract for Sale of Cemetery Plot. If the cemetery plot(s) is not paid in full by the Customer, then the sale is considered void and the plot will be available for resale by the Cemetery.

City Clerk

ATTACHMENT "D"

GRAVE OPENER PERMIT

The City of Red Bud hereby allows _____, as agent for _____
_____ (plot owner) to open a grave for _____
_____ (deceased) at the location of _____
_____ (grave identification) in the current City of Red Bud
Cemetery on the ____ day of _____, 20____. The deceased was _____
years old and died on _____, 20____.

Dated: _____

City Clerk