

CITY OF SULLIVAN, ILLINOIS

ORDINANCE NO. 22-17

**ORDINANCE REVISING CHAPTER 9 – CEMETERY OF THE REVISED CODE OF
ORDINANCES OF THE CITY OF SULLIVAN, ILLINOIS**

**PASSED BY THE CITY COUNCIL
OF THE
CITY OF SULLIVAN, ILLINOIS
THIS 12th DAY OF SEPTEMBER 2022**

Published in pamphlet form by authority of the City Council
of the City of Sullivan, Moultrie County, Illinois,
this 13th day of September 2022

ORDINANCE NO. 22-17

**ORDINANCE REVISING CHAPTER 9 – CEMETERY OF THE REVISED CODE OF
ORDINANCES OF THE CITY OF SULLIVAN, ILLINOIS**

WHEREAS, the City of Sullivan, Moultrie County, Illinois, is a duly established and functioning municipal corporation; and

WHEREAS, the City of Sullivan currently has a Cemetery Board of Managers, and said Board has a President and Secretary; and

WHEREAS, the City of Sullivan pays for the majority of the annual budget of the City of Greenhill Cemetery; and

WHEREAS, the City of Sullivan currently has a fund titled "Perpetual Care Fund," but which is not a perpetual trust; and

WHEREAS, the City of Sullivan has determined that it is in the best interests of efficient administration and to further the health, safety, and welfare of the citizens of the City of Sullivan to abolish the Cemetery Board of Managers and its Officers;

WHEREAS, the City of Sullivan has determined that it is in the best interests of efficient administration of the City's finances to place all cemetery funds in an account known as the "Cemetery Fund"

BE IT ORDAINED by the Mayor and City Council of the City of Sullivan, Moultrie County, Illinois, that:

SECTION 1: The Sullivan Cemetery Board of Managers is hereby abolished and its Officers are hereby relieved of their positions with the appreciation and gratitude of the City. The Board of Managers and its officers shall return any documents, equipment, or property belonging to the cemetery or the City to City at their earliest convenience, but in no event, no later than twenty-one (21) days after passage of this Ordinance.

SECTION 2: The City Treasurer shall either transfer funds held in the cemetery's "Perpetual Care Fund" to the City "Cemetery Fund" or in the Treasurer's discretion, leave the funds where they are currently held, but retitle the "Perpetual Care Fund" account as the "Cemetery Fund" in all relevant locations, documents, and notations.

SECTION 3: CHAPTER 9 – CEMETERY shall be amended in its entirety to read as follows:

CHAPTER 9

CEMETERY

ARTICLE I – ADMINISTRATION

9-1-1 POSITION ESTABLISHED. The position of Cemetery Foreman is hereby established. The Cemetery Foreman shall be under the supervision and direction of the Commissioner of Public Affairs. 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 Commissioner of the Department of Public Affairs. Whenever a vacancy occurs in the position of Cemetery Foreman, such position shall be filled by appointment by the Commissioner of Public Affairs, with the advice and consent of the Council. The Commissioner of Public Affairs shall have the authority for any reprimand or discipline of the Cemetery Foreman. The Commissioner of Public Affairs shall have the authority to terminate the Cemetery Foreman with the advice and consent of the City Council. The Commissioner of Public Affairs shall have the authority to suspend the Cemetery Foreman until such time as a termination recommendation can be brought to the City Council for advice and consent.

9-1-2 DUTIES OF CEMETERY FOREMAN. Under the supervision and direction of the Commissioner of Public Affairs, 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. It shall also be the duty of the Foreman to keep a correct plat of Greenhill Cemetery together with a complete record of all persons who have purchased and own lots in the cemetery. Upon the sale of any lot, the Foreman shall cause to be prepared a deed for such a lot to be executed by the Mayor and attested by the City Clerk. The Cemetery Foreman shall have the authority, subject to the approval of the Commissioner of Public Affairs, 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 Commissioner of Public Affairs the suspension, layoff, discharge, reward or discipline of any such cemetery personnel, including the adjustment of grievances.

9-1-3 PERMIT ISSUANCE. 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 Cemetery Foreman. The Foreman 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 paid in full before issuing a burial permit to the applicant therefore, but under no other circumstances shall a permit be issued.

9-1-4 DIG GRAVES. When the Foreman is presented with a burial permit, he shall dig such graves 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 spaces sold by contract will be paid in full within one (1) year.

9-1-5 COUNCIL TO FIX PRICE OF CEMETERY LOTS. The City Council shall appraise the lots of Greenhill Cemetery as shown on the various recorded plats of the Cemetery and shall fix the sales 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.

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 Foreman of the Cemetery and upon the payment of the price of said lot, shall be entitled to a conveyance, executed by the Mayor and attested by the City Clerk under the corporate seal of the City, conveying to such person(s), 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 Foreman shall keep a record. The price to be paid by any person(s) purchasing any lots in the cemetery shall be the price outlined in section 9-1-9 of this chapter. No lot shall be used for burial purposes until the amount asked for such portion shall have first been paid to the Cemetery Foreman. Under no circumstances, shall the Foreman 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 City Council 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.

9-2-3 “CEMETERY FUND” ESTABLISHED. There shall be a “Cemetery Fund”, which shall be kept separate and apart from all other funds of the City. The City Council shall approve disbursements from the Cemetery Fund, which shall be monitored, maintained, and administered by the City Treasurer in the same manner as other City funds and accounts. Any warrants issued shall be paid from the “Cemetery Fund”.

ARTICLE III – REGULATIONS

9-3-1 **TRESPASSING**. It shall be unlawful for any person to 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 to cut or break any tree, shrub or plant in the cemetery, or willfully disturb the contents of any vault, tomb or grave.

9-3-2 **FENCES**. It shall be unlawful for any person to erect or construct any enclosure or fence on or around any lot in the cemetery; provided that this shall not be construed as to prevent any person from erecting any concrete or stone coping not over eighteen (18) inches in height.

9-3-3 **GARBAGE AND REFUSE**. It shall be unlawful to litter, dispose of, or place any garbage, rubbish, trash, waste materials, litter, debris 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.

9-3-4 **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. Each cremation, entombment and infant grave opening 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.

9-3-5 **BURIALS**. No deceased body shall be buried in the cemetery unless a permit therefore has been issued by the Foreman and signed by the Funeral Director.

9-3-6 **RECORDS**. The Foreman 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.

9-3-7 **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.

9-3-8 **UNLAWFUL ENTRY**. It shall be unlawful for any person(s), 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 Foreman. 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.

9-3-9 **LOITERING; EXCEPTIONS**. It shall be unlawful for any person(s) to loiter upon lots and graves of the 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.

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

9-3-11 OPERATION OF VEHICLES AND PARKING.

- (A) Vehicles may not be operated upon or obstruct any walks, walkways, paths or private lots in the cemetery. Vehicles may only be operated over a roadway open for vehicular traffic, except for a hearse in the course of a burial.
- (B) 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 taking deliveries in the cemetery or visiting any grave site.
- (C) It shall be the duty of the Foreman and/or the Police to direct all vehicular traffic and the Foreman is authorized to direct the parking or standing of all vehicles in the cemetery. No person shall disobey or disregard the directions of the Foreman relating to the movement or standing of all vehicles within the cemetery.

9-3-12 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. The City may remove, without notice, all flowers, real or artificial which remain over sixty (60) days.

9-3-13 PROPERTY DAMAGE. No person shall negligently, willfully or maliciously injure the fences, gates, decorations or other improvements on any cemetery lot in the cemetery. Nor shall any person remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault, or mausoleum in the 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 carrying out their duties

9-3-14 TREES, SHRUBS AND FLOWERS. It shall be unlawful for any unauthorized person to plant any tree, shrub or other plants 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.

9-3-15 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 Foreman of such cemetery along with the necessary fees. Burial permits are received after the funeral.

9-3-16 DISORDERLY CONDUCT; PENALTY. No person shall, within any cemetery in or under the control of the City, be guilty of any indecent activity, rioting or disorderly conduct, or use any profane, indecent or insulting language, or willfully or maliciously do or say anything calculated to disturb the quiet or unlawfully injure the feelings of any person(s) visiting said cemetery.

9-3-17 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.

ARTICLE V – 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]

SECTION 4: All previous ordinances in conflict with this ordinance are repealed to the extent of such conflict.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

SECTION 6: This ordinance shall be known as Ordinance 22-17.

PASSED the 12th day of September, 2022, by the City Council of the City of Sullivan, Moultrie County, Illinois, and deposited and filed in the office of the City Clerk of said City on that date.

	AYE	NAY	ABSTAIN	ABSENT
Glazebrook	✓			
Sherwood	✓			
Fowler	✓			
Woodworth	✓			
Booker	✓			

Carrie Creek

Carrie Creek, City Clerk

Signed by the Mayor of the City of Sullivan, Moultrie County, Illinois this 12th of September 2022.

Richard H. Glazebrook

Richard Glazebrook, Mayor

ATTEST:

Carrie Creek

Carrie Creek, City Clerk

STATE OF ILLINOIS)
)
COUNTY OF MOULTRIE)

CERTIFICATE

I, Carrie Creek, certify that I am the duly appointed and acting City Clerk of the City of Sullivan, Moultrie County, Illinois.

I further certify that on September 12, 2022, the Corporate Authorities of said municipality passed and approved Ordinance No. 22-17, entitled **ORDINANCE REVISING CHAPTER 9 – CEMETERY OF THE REVISED CODE OF ORDINANCES OF THE CITY OF SULLIVAN, ILLINOIS**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance 22-17, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Building, commencing on September 13, 2022, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

DATED at Sullivan, Moultrie County, Illinois, this 12th day of September, 2022.

Carrie Creek
Carrie Creek, City Clerk