

ORDINANCE NO. 20-05

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 9 – CEMETERIES
ADOPTED OF THE CITY OF MASCOUTAH, ILLINOIS.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Amending CHAPTER 9 – CEMETERIES, as attached.

SECTION 2: This ordinance shall be in full force and effect May 1st, 2020, after passage, approval and publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman Baker, seconded by Councilman Weyant, adopted on the following roll call vote on the 16th day of March, 2020, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
John Weyant	<u>√</u>	—	—
Pat McMahan	<u>√</u>	—	—
Mike Baker	<u>√</u>	—	—
Walter Battas	<u>√</u>	—	—
Gerald Daugherty	<u>√</u>	—	—

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 16th day of March, 2020.

ATTEST:

Mayor

Melissa A. Schanz
City Clerk
(SEAL)

Chapter 9 - CEMETERIES
ARTICLE II. - REGULATIONS

Sec. 9-2-1. - Burial permit required.

Persons desiring to bury a corpse in the cemetery shall first obtain a permit to bury as required under the laws of the State of Illinois and the sexton is strictly prohibited from burying any corpse in the cemetery unless such permit is first obtained and filed in the office of the city clerk.

(Ord. No. 420)

Sec. 9-2-2. - Prices.

- (a) The price of single graves in the city cemetery shall be ~~\$450.00~~ **\$600.00**.
- (b) There shall be paid into the cemetery trust fund the amount of one-third of the cost of the grave for perpetual care.
- (c) There shall be paid into the cemetery purchase fund the amount of one-third of the cost of the grave for the purchase of additional land, improvements, extensions, and other necessary expenses in connection with said cemetery.
- (d) The price of a single infant grave in the city cemetery shall be \$175.00.
- (e) A bequest of \$500.00 may be paid to the cemetery trust fund for perpetual care that includes one arrangement of flowers to be placed on a designated grave space each Memorial Day.
- (f) There shall be no more than two burials per grave space: one casket burial and one cremated remains or two cremated remains. The fee for right of second burial shall be \$150.00 in addition to the grave opening charge in section 9-2-7.
- (g) The price for a disinterment shall be one and one-half times the grave opening charge in section 9-2-7.
- (h) ~~A late fee of \$175.00 shall be charged for a burial scheduled for after 3:00 p.m.~~

(Ord. No. 574; Ord. No. 673, 09-20-76; Ord. No. 01-103, 04-16-01; Ord. No. 07-15, § 1, 8-20-07; Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)

Sec. 9-2-3. - City clerk's register.

It shall be the duty of the city clerk to keep a correct record of all such lots sold, numbering each deed when issued, and countersigning all such certificates of purchase, and procure the mayor's signature, and affix the seal of the City of Mascoutah thereon.

(Ord. No. 420)

Sec. 9-2-4. - Deeds transferred.

When deeds for cemetery lots are transferable upon duly executed deed by the owner thereof designating the transferee; the city clerk shall change the register of lots upon proper notification and filing of such deed transferring said lot or lots. The price for a deed transfer shall be \$25.00.

(Ord. No. 420; Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)

Sec. 9-2-5. - Flowers, trees, shrubs, and memorials.

The owners of lots shall not have the right to place shrubs or trees on their lots except with the permission of the city manager and under his supervision.

The owners of lots shall not have the right to plant or place flowers (real or artificial) on the ground. Flowers (real or artificial) and memorials must be located on the headstone or foundation and are not allowed to be placed on the grass or dirt. *Exceptions:* November-January to allow for Christmas flowers and grave blankets; the week directly preceding and following Easter to allow for Easter flowers and crosses; and holidays recognizing the armed forces to allow for flags and memorials (i.e. Memorial Day and Veterans Day).

(Ord. No. 420; Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)

Sec. 9-2-6. - Curbs or artificial elevations prohibited.

No curb or artificial elevation shall be placed on or around any graves nor shall excessive mound or elevations be permitted and all graves shall hereafter be so maintained to permit same to be freely mowed with a power or mechanical mower; nothing herein shall prohibit the erection and maintenance of markers, monuments or headstones or the maintenance of curbs now in place.

Prior to the placing of any foundation for marker or monuments in said cemetery a permit must be secured from the city clerk. The sexton of the cemetery shall check and file said permit and shall inspect and supervise the placing of said foundation. The size of all monuments shall not exceed four feet in height or width, providing the height of said monument shall reasonably correspond to the width of same. Other markers (other than the headstone) shall be erected in a way that is level with the ground allowing cemetery equipment to go over them.

(Ord. No. 420; Ord. No. 574; Ord. No. 01-103, 04-16-01; Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)

Sec. 9-2-7. - Grave opening charges.

The charge for opening and closing a grave shall be ~~\$550.00~~ **\$700.00** for full size grave and ~~\$250.00~~ **\$300.00** for ashes and \$200.00 for an infant grave, which charge shall include lowering device as regularly furnished. The charge for opening and closing

a grave on Saturday shall be ~~\$700.00~~ **\$900.00** for full size grave and ~~\$350.00~~ **\$450.00** for ashes and \$300.00 for an infant grave. There shall be no graves opened or closed on Sunday. The charge for opening and closing a full size grave on a holiday shall be ~~\$850.00~~ **\$1,100.00** and the charge for opening and closing for ashes shall be ~~\$450.00~~ **\$600.00** and the charge for opening and closing for an infant shall be \$400.00. Holiday charges shall also apply to the Saturday directly preceding or following a Monday or Friday holiday.

(Ord. No. 01-103, 4-16-01; Ord. No. 04-09, § 1, 4-19-04; Ord. No. 07-15, § 1, 8-20-07; Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)

Sec. 9-2-8. - Prohibits glass containers.

No flowers or other decorations shall be placed on or about graves in glass containers, or containers commonly known as China. Nothing herein shall prohibit the decoration of graves by the use of flowers contained in clay pots, metal cans, or paper mache containers.

(Ord. No. 420)

Sec. 9-2-9. - City employees only authorized to perform work.

It shall be unlawful for any person other than the Sexton of the Mascoutah Cemetery or other legally constituted agent or employee of the City of Mascoutah, Illinois, to engage in, do, or perform any of the work, services, or labor about, or upon any grave, lot of cemetery ground, within the limits of said Mascoutah Cemetery which is, constitutes, or falls within the work, services, labor, or duties to be performed by or under the sexton of said cemetery.

(Ord. No. 420)

Sec. 9-2-10. - Reserved.

Editor's note— Ord. No. 07-15, § 1, adopted August 20, 2007, repealed § 9-2-10, which pertained to salary of sexton and derived from Ord. No. 420.

Sec. 9-2-11. - Sunday burials.

No burials or interments shall be permitted or allowed in the City Cemetery on Sundays.

(Ord. No. 01-103, 04-16-01)

Sec. 9-2-12. - Sale of graves.

The city shall pay 20 percent of the current price of a grave as specified in section 9-2-2 per grave site to present owners of graves who wish to sell any grave sites or lots or parts of lots. The purchase to be conditioned upon the availability of funds in the cemetery purchase fund.

(Ord. No. 939, 01-16-95; Ord. No. 16-05, § 1, 3-21-16)

Sec. 9-2-13. - Vaults.

All burials shall require the use of a vault or outside container (excluding burials of cremains).

(Ord. No. 574; Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)

Sec. 9-2-14. - Cemetery sexton.

The sexton shall cause all laws in relation to cemeteries to be enforced and shall carry out the orders as he may receive them from the city manager. He shall preserve the fences, grounds, and keep the property in repair and shall prevent as far as possible the defacement, and destruction of the tombstones, monuments, enclosures or other things erected within said cemetery. He shall perform all duties pertaining to his office as are or may be imposed by law or resolution of the city council.

(1900 Code)

Sec. 9-2-15. - Not to destroy, injure, etc.

No person shall willfully, or maliciously, cut down, break down, level, demolish, or otherwise destroy, injure or damage any railing, fence or other enclosure around or upon the Mascoutah Cemetery or any cemetery within the city limits, or any gates or posts thereon, or shall remove, break, injure or deface any tomb or other stone, or any post, plank, board or any inscription thereon, or shall cut down, destroy, injure or remove any tree or shrub standing or growing upon such cemetery.

(1900 Code)

Sec. 9-2-16. - Reserved.

(Ord. No. 01-103, 04-16-01)

Sec. 9-2-17. - Hours open to the public.

The city cemetery shall be open to the public from dawn to dusk daily.

(Ord. No. 98-122, 9-21-98; Ord. No. 04-09, § 1, 4-19-04)

Sec. 9-2-18. - Dogs/animals.

It shall be unlawful for anyone to walk any animal, whether on a leash or loose, in any of the cemeteries within the City of Mascoutah.

(Ord. No. 98-122; 09-21-98)

9-2-19. - Scheduling.

All burials will be scheduled to occur between the hours of 8:30 a.m. and 3:00 p.m. Monday thru Saturday.

For a burial to occur on a Saturday, burial must be scheduled by noon on the Thursday prior, ~~otherwise there will be a late fee of \$175.00 added to the grave opening charges.~~

For a burial to occur on a Monday holiday, burial must be scheduled by noon on the Friday prior, ~~otherwise there will be a late fee of \$175.00 added to the grave opening charges.~~

(Ord. No. 13-02, § 1, 3-18-13, eff. 5-1-2013)