

CHAPTER 24

CEMETERY

**ARTICLE I
GENERAL**

SECTION 24-0: APPLICABILITY

The contents of this Chapter shall be applicable to the Lena Village Board, the Board of Managers of the Lena Cemetery, any Lena Village employees, and/or any persons or contractors who enter into or have in any manner any relationship with the Lena Cemetery.

SECTION 24-1: DEFINITIONS (Amended 6/12/06)

“OPERATING FUND” All monies not in “The Perpetual Trust Fund”, from all sources, including, but not limited to: sale of cemetery lots, tax income, and interest income, used for the operation of the cemetery.

“PERPETUAL TRUST FUND” Also known as the “The Endowment Fund”, this is the fund containing all monies earmarked by donors to be used in the perpetual care of the cemetery. Under Illinois Statute, the principal of this fund is to be invested, and only the interest may be used for the operation of the cemetery. (Passed 07/14/08)

“SEXTON” An employee of the cemetery who is responsible for the care and upkeep of the cemetery property to include insuring that all grave sites are properly excavated and refilled.

SECTION 24-2: VILLAGE BOARD RESPONSIBILITIES

The Village President and Board of Trustees shall have the care, charge, management and control of the cemetery, and among other things, shall;

(A) Appoint a Cemetery Board of no less than three, but no more than five members, pursuant to 65 ILCS 5/11-52.2-1. The salary of the Cemetery Board shall be fixed, from time to time, by the Village Board. One member of the Cemetery Board shall hold the position of Cemetery Board Treasurer. (Amended 11/08/04)

(B) Appraise the value of each burial space and each columbarium niche owned by the Village (current appraisal is \$500 per burial space and \$1000 per columbarium niche as of November 2019); (Amended 10/10/05) (Amended 07/14/08) (Amended 10/14/19)

(C) Make all reasonable rules and regulations for the conduct of the cemetery; and

(D) Fix the fees and charges for services and facilities of the cemetery, to include, as of January 2020, either a:

1. “Burial Fee” of \$600 that includes the Grave Opening and Closing Fee & Maintenance Fee (\$200) and Grave Digging Fee (\$400); or a
2. “Cremation Fee” of \$350 that includes the Columbarium Opening and Closing and Maintenance Fees; and a “Foundation Fee” from \$250-750, depending on the size of the planned foundation. (Amended 07/14/08) (Amended 10/14/19)

SECTION 24-3 through 24-8. RESERVED

**ARTICLE II
BOARD OF MANAGERS**

SECTION 24-9: BOARD OF MANAGERS, GENERAL

(A) Once appointed to the board (Section 2-32), the appointees, amongst themselves, shall select for the positions of President, Clerk and Treasurer, the latter who may or may not be a member of the board. Only the Treasurer shall be required to execute a bond. Said bond shall be for an amount not less than double the value of the treasury. The salary of the Board of Managers shall be fixed by ordinance from time to time by the Village Board. In accordance with Village Board minutes, the Board of Managers' President, and Clerk shall receive an annual salary of \$500 each, while all other Board of Managers' members are to receive \$300 annually. (Amended 7/12/04) (Amended 07/14/08)

(B) To be appointed to the Board of Managers, the qualifications outlined in Section 2-31 must be met. Additionally, the statutes described in Sections 2-38 (Compensation) and 2-41 (Records) shall be applicable. Terms of office shall be in compliance with 65 ILCS 5/11-52.2-1.

SECTION 24-10: REMOVAL FROM

The Board of Managers and all other cemetery employees may be removed at any time by the Village President, with the consent of the Village Board, with or without cause.

SECTION 24-11: MEMBER DUTIES, SPECIFIC

The members of the Board of Managers and other employees shall, as appropriate:

- (A) Have charge of the cemetery;
- (B) Employ a sexton, or other employees, prescribe their duties, and fix their salaries;
- (C) Administer and preserve all records of the cemetery, particularly with reference to the ownership of all burial spaces and columbarium niches; (Amended 10/14/19)
- (D) Receive funds for the maintenance of individual burial spaces and columbarium niches and expend such funds for the purpose designated; (Amended 10/14/19)
- (E) Insure that the public grounds, walks and street are kept free of inappropriate vegetation and obstructions;
- (F) Keep the potter's field and the grave sites of all veterans of the United States Armed Services in good order and maintenance;
- (G) Enforce any and all Village ordinances concerning the cemetery and report violations thereof to the Village Police Department and to the Village President;
- (H) Have the power to direct how and where any remains not belonging to the owner of any burial space or niche, shall be interred, and to prevent the interment of any body in any which is the property of another, without the consent in writing of the owner of such burial space or niche; (Amended 10/14/19)
- (I) Be subject to the orders and direction of the Village President and the Village Board;

(J) Keep a record of all interments in the cemetery, stating the name, year of birth, and date of death, and the burial space or columbarium niche in which the deceased shall be interred. Said record shall be compiled electronically and shall be maintained as a public record; (Amended 10/14/19)

(K) Make a detailed quarterly financial and administrative report to the Village Clerk;

(L) Wait on perspective purchasers of burial spaces or columbarium niches, showing the exact location, with price and legal description and make sale thereof; (Amended 10/14/2019)

(M) Deliver to the purchaser of any burial spaces a deed, or a Bill of Sale to any purchaser of a columbarium niche, describing the section, lot and space number; (Amended 10/14/19)

(N) Cause to be dug all graves in the cemetery; attend to the interment of all persons therein; attend to all disinterments; backfill and keep filled all graves therein. In backfilling, only dirt and clay shall be used. The use of sticks, stones, gravel and/or rubbish of any kind is prohibited; (Amended 10/14/19)

(O) Insure that all grasses, shrubs, plants and trees in the cemetery are seasonally mowed, trimmed and cut so as to maintain the cemetery in a most presentable and attractive condition;

(P) Insure that all public buildings, fences and sidewalks in the cemetery are maintained in good order and condition; and

(Q) Ascertain that all graves hereafter dug, except those of infants or cremation burials, are at least five feet deep.

SECTION 24-12 through 24-17. RESERVED

**ARTICLE III
RECORDS AND FEES**

SECTION 24-18: INTERMENT SPACE DEEDS & BILLS OF SALE (Amended 10/14/2019)

Upon the payment to the Cemetery Board of Managers of the sum at which the burial space or niche has been appraised, the Board of Managers shall issue a deed (burial space) or bill of sale (niche) to the purchaser, which deed or bill of sale shall be signed and acknowledged by the Village President before some officer authorized to take acknowledgments of deeds, and countersigned by the Village Clerk under the corporate seal of the Village. Said deed or bill of sale shall convey full title of said burial space or columbarium niche to the purchaser, his heirs and assigns forever for burial purposes only. (Amended 10/14/19)

SECTION 24-19: DEATH CERTIFICATE

Upon the death of any person in the Village, the funeral director or person in charge of the funeral of such person shall cause a certificate of death and a burial permit to be made as required by the laws of the State.

SECTION 24-20: BURIAL PERMITS

Before the remains of any deceased person shall be interred in the cemetery, there shall be presented to the Board of Managers' clerk a burial permit (Form EDPH VR-205) or cremains disposition permit, as required per 77 IAC 500.50(d)(1) or 77 IAC 500.50(d)(3), made as provided in Section 24-42, and thereupon the clerk shall make a record of such death in the Village. (Amended 10/14/19)

SECTION 24-21: DISINTERMENT PERMIT

Before the remains of any deceased person heretofore interred in any cemetery owned or controlled by the Village shall be disinterred, there shall be presented to the Board of Managers' clerk, a proper disinterment permit issued by the Illinois Department of Public Health through the Registrar of Stephenson County and an Illinois licensed funeral director. The clerk shall then make the Sexton aware of the authorized permit and direct the Sexton to coordinate the disinterment with the requesting funeral director. (Amended 10/14/19)

SECTION 24-22: PERMITS

Said permits when thus received by the Board of Managers' clerk shall be filed and preserved by him/her among the records of said office.

SECTION 24-23: SPACES; DESIGNATION AND APPLICATION

(A) Burial spaces and columbarium niches in said cemetery shall be known and designated, as heretofore, by their section number and number of the lot as the same are numbered on the recorded plat of the same, recorded in the Office of the County Clerk and Recorder, Stephenson County, Illinois. (Amended 10/14/19)

(B) Applications for burial spaces or columbarium niches in said cemetery shall be made to the Board of Managers. Said Board shall be provided with a book containing a list of all burial spaces and niches in said cemetery, with the number of each section, lot and space thereof, as marked on the plat, together with the columns ruled for entry when sold, the name of the purchaser, date when sold, and the amount paid. (Amended 10/14/19)

SECTION 24-24 through 24-30. RESERVED

**ARTICLE IV
FINANCIAL POLICIES**

SECTION 24-31: INVESTMENT POLICY

The policies defined in Chapter 8, Article VIII, Sections 8-71 through 8-84 shall be applicable to all cemetery financial matters and transactions.

SECTION 24-32: MONIES RECEIVED

The Board of Managers and all other employees shall not retain for their own use, any fees or charges coming into their hands, as board members or employees.

SECTION 24-33: TRUST FUNDS

The Board of Managers may receive from any person bequests or donations of money for the purpose of keeping a certain burial spaces or niches in good order and repair. Such funds shall be kept together in a separate account from all other funds belonging to or under the control of the Board of Managers' Treasurer and shall be known as "The Perpetual Trust Fund", (also known as the "The Endowment Fund"). Under Illinois Statute (760 ILCS 95/), the principal of this fund shall be kept intact, and only the interest earned shall be used as operating funds of the cemetery. (Amended 6/12/06) (Amended 10/14/19)

SECTION 24-34: CEMETERY OPERATING FUND (Amended 10/14/19)

There is hereby established a fund to be known as the Cemetery Operating Fund. The Board of Managers is authorized and directed to segregate the funds obtained from the sale of burial spaces and columbarium niches and to utilize the income from same in addition to tax monies received for the operation of the cemetery. All such funds may be invested from time-to-time at the discretion of the Board of Managers who are directed to secure the best interest income available. These funds shall further be under the jurisdiction of the Board of Managers who shall report annually to the Village Board as to the income and expenses of the fund as well as a list of the investments held by the Board of Managers. All investment programs shall be confined to the State of Illinois and be in compliance with the same guidelines governing the Village Board investments. (Amended 6/12/06) (Amended 10/14/19)

SECTION 24-35 through 24-40. RESERVED

**ARTICLE V
INTERMENTS
(Amended 10/14/19)**

SECTION 24-41: PROHIBITED

No person shall inter any remains in any burial space or niche in said cemetery until such burial space or niche has been paid for; provided, that any person wishing to purchase a burial space or niche who shall be unable to pay for the same at that time, shall be permitted to execute a note payable to the Village, due within three months after date, with security to be approved by the Board of Managers, and the purchaser when said note is paid shall be entitled to a deed or bill of sale of said burial space or niche. (Amended 10/14/19)

SECTION 24-42: WITHOUT PERMIT

It shall be unlawful for any employee of any cemetery owned or controlled by the Village, or for any funeral director or other person to inter or disinter the remains of any deceased person in or from such cemetery until a permit thereof has been issued as herein is provided. (Amended 10/14/19)

SECTION 24-43: INJURY TO MONUMENTS AND GRAVES

It shall be unlawful for any person to deface or injure any monument or stone, or any grave, or any part of the columbarium including individual niches, or injure or destroy any plant planted or erected in said cemetery, or interfere with the Board of Managers or any other employee in the discharge of their duties. (Amended 10/14/19)

SECTION 24-44: UNLAWFUL ACTIONS

It shall be unlawful for any person to dispose of any vegetation and/or rubbish anywhere in said cemetery, except in an appropriate trash receptacle provided by the cemetery. (Amended 10/14/19)

SECTION 24-45: BURIAL LOTS EXEMPT FROM SALE (Amended 10/14/19)

Burial lots number 246, 247, and 268 are hereby set apart and exempt from sale and are hereby reserved as a public burial ground for paupers and other poor persons. Said lots collectively shall also be known as "Potter's Field." (Amended 10/14/19)

SECTION 24-46 through 24-98. RESERVED

**ARTICLE VI
PENALTIES**

SECTION 24-99: PENALTIES

Any person found in violation of this chapter shall be fined \$100.00 - \$500.00.