

## CHAPTER 9

## CEMETERY

## ARTICLE I – GENERALLY

**9-1-1 LOCATION.** The location of the cemetery shall be the land now owned by the Village of Cobden, Illinois, to-wit:

A part of the south one-half (S ½) of the southeast quarter (SE ¼) of Section #19, in Township Eleven (11) South, Range 1 (1) West, of the Third (3<sup>rd</sup>) Principal Meridian, containing 10.42 acres, more or less, bounded and described as follows, to-wit:

Beginning at the southwest corner of the southeast quarter (SE ¼) of the southeast quarter (SE ¼) of Section #19, in said Township and Range, thence running north 86 degrees, 50 feet east, 720 feet; to a stone; thence running south 81 degrees west 160 feet; thence running south 46 degrees west 232 feet, thence running north 77 degrees 45 feet west 72 feet; thence running south 50 degrees 40 feet west 67 feet; thence running north 85 degrees west, 261 feet to a stone; thence running south 2 degrees 45 feet west east 470 feet to a stone on the south line of said Section #19; thence running east along the Section line 242 feet to the point of beginning, also a strip of land 10 feet wide, beginning at the northwest corner of the above described land, following a meandering line 10 feet back from the face of the bluff, and extending about 750 feet in a northeasterly direction to the northeast corner of the original cemetery, all situated in the County of Union, in the State of Illinois, now known as the Cobden Cemetery, is and shall remain dedicated to burial purposes only. **(Ord. No. 148; 07-07-30)**

**9-1-2 MANAGEMENT AND SUPERVISION.** The Board of Trustees of the Village shall have the care, charge, management and control of the Cobden Cemetery. **(See 9-3-1 et seq.)**

**9-1-3 COST OF SPACES.**

(A) A person residing within the Village limits or with a Cobden mailing address desiring a grave space or spaces shall pay the Village Clerk **Three Hundred Dollars (\$300.00)** per grave space.

(B) A person who is not a resident of the Village shall pay the Village Clerk **Three Hundred Fifty Dollars (\$350.00)** per grave space.

(C) An additional fee of **Forty Dollars (\$40.00)** will be charged for recording the deed at the Union County Clerk's Office.

(D) Several pauper spaces are hereby established at a cost as provided by the Illinois Department of Public Aid, which shall include the cost of the space, plus digging the grave. **(Ord. No. 847; 02-07-11)**

## ARTICLE II - REGULATIONS

**9-2-1 RULES GOVERNING THE CEMETERY.** The ownership of all cemetery lots and burial spaces shall be subject to the following and to such other rules as may, from time to time, be prescribed by the Board of Trustees of the Village.

(A) Lots or blocks may be improved at the convenience of the owner thereof, provided that when **two (2) persons** or more own a lot, or block in common, the whole must be improved at the same time. However, the construction of walls will not be permitted in the cemetery. **(Ord. No. 652; 10-18-99)**

(B) No tree standing on any lot or on the border thereof shall be cut down or destroyed without the permission of the Board of Trustees of the Village.

(C) All injurious, offensive and detrimental monuments, effigies, structures and inscriptions are expressly prohibited and forbidden.

(D) No lot, block, or part of the same, shall be used for any purpose whatever, other than for a place of burial for the dead.

(E) All workmen, at any time employed in or about the improvement, ornamentation or embellishment of any lot or block, or any monument, stone or other structure upon or connected with the same, or subject to the control and direction of the Board of Trustees, and any workmen refusing to comply with the rules herein stated or which may hereafter be fixed by the Board of Trustees of the Village, may be prohibited from working in or about the cemetery.

(F) Masons, stonecutters, and all other workmen are prohibited from bringing into the cemetery grounds, material in large quantities in advance of its immediate use, or in any unprepared condition, and blocks of stone and marble must be dressed to design and dimensions for setting outside the grounds; mortar must be prepared and brought to the ground in prepared state and in reasonable quantity, and all chips, cuttings and other rubbish must be removed from the grounds immediately on completion of work.

(G) Concrete vaults, concrete boxes, or other similar devices shall be permitted in the Cobden Cemetery only at the discretion of the Cemetery Employee and/or Village Superintendent, with the exception of Memorial Gardens where such devices will be permitted. **(Ord. No. 642; 11-02-98)**

(H) There shall be no monuments which protrude above the ground level permitted in Memorial Gardens.

(I) It shall be unlawful to set or plant any tree, shrub, or flowers anywhere in the Cobden Cemetery without first getting permission of the Board of Trustees of the Village as to the location of such.

(J) The placement of mausoleums will not be permitted in any area of the Cobden Cemetery.

(K) Riding or driving through the grounds at a greater rate of speed than at the rate of **fifteen miles per hour (15 MPH)**, and riding or driving at any place within the grounds except on Avenues, Streets, or Roadways, is expressly forbidden.

(L) Loud talk and a boisterous demeanor during the progress of a funeral or burial service are expressly prohibited, and all peace officers are especially charged with the duty of aiding the authorized Village employment in enforcement of this rule. **(Ord. No. 658; 02-07-00)**

**9-2-2 RULES GOVERNING INTERMENTS.** All interments in the Cobden Cemetery shall be governed by the following and such other rules as may, from time to time, be prescribed by the Board of Trustees of the Village:

(A) A Village employee shall lay off the outlines of all graves, see that the same are properly dug and filled, and that all rules governing interment are observed.

(B) All single graves shall be numbered in consecutive order and the Village Clerk is required to keep a record of the same.

(C) Only one burial will be permitted per grave space. No graves shall be reopened for the purpose of depositing another corpse therein.

(D) The interment of the cremains of two persons shall be allowed in one grave space provided that the container for each cremains shall measure no larger than three feet (3') in width and three feet (3') in length. (#2016-948; 12/05/2016)

(E) All dead human bodies or the remains of persons interred in the earth which are not encased in a concrete, fiberglass, or other similar hardback outer enclosure shall have a cover of not less than 18 inches of earth at the shallowest point over the receptacle in which such body or remains are placed. (405 ILCS 5/2)

(F) All live flowers and containers will be removed from gravesite after (5) days to prevent the accumulation of debris in the cemetery. The use of glass containers is prohibited. (#888; 09/03/2013)

(G) The cost of opening a single grave shall be as follows:

Weekday – Three Hundred Fifty Dollars (\$350.00)

Weekday service beginning later than 2:00 p.m. –

Five Hundred Dollars \$500.00)

Weekend/Holiday – Five Hundred Dollars (\$500.00)

(H) The cost of opening a single grave for cremated remains shall be as follows:

Weekday – Two Hundred Twenty Five Dollars (\$225.00)

Weekday service beginning later than 2:00 p.m. –

Three Hundred Twenty Five Dollars (\$325.00)

Weekend/Holiday – Three Hundred Twenty Five Dollars (\$325.00)

(I) When any person or persons shall call upon a Village employee to perform any labor upon lots or graves, extra from his regular duties, such person or persons shall pay the Village Clerk for such service.

(J) No part of the cemetery shall be used for any purpose other than the burial and interment of the bodies of human beings. (#848; 2/07/2011)

**9-2-3 HUNTING, ETC. – PENALTY.** No person shall hunt, discharge firearms, set off or explode fireworks, except as a part of a burial service, or otherwise trespass upon the cemetery. **(765 ILCS 835/1)**

**9-2-4 INJURY TO MONUMENTS.** It shall be unlawful to remove or carry away, or willfully, maliciously or negligently break, deface, destroy, or otherwise injury any monument, tombstone, trees, shrub, plant, vase, paling, fence, gate, or any other property, article or thing belonging to or placed in the Cobden Cemetery, or to pluck any flower therein, or trespass thereon. Whoever violates the provisions of this Section or any one of them shall be punished according to the provisions of **Section 1-1-20** of this Code, and upon conviction thereof, and in addition thereto, shall be liable for the cost and expense of the damage so done. **(765 ILCS 835/1)**

**9-2-5 TRESPASS.** No person, on foot or in a vehicle shall trespass upon the cemetery property between the hours of **8:00 P.M. to 8:00 A.M.** **(765 ILCS 835/1)**

### **ARTICLE III – BOARD OF MANAGERS**

**9-3-1 CEMETERY BOARD – APPOINTMENT.** The Mayor with the advice and consent of the Village Board of Trustees shall appoint **three (3) persons** who shall constitute and be called “The Board of Managers” of the Cobden Cemetery Perpetual Trust Fund. They shall hold their positions for **three (3) years** and until their successors are duly appointed and qualified, and shall serve without compensation. **(60 ILCS 130/1.1)**

**9-3-2 ORGANIZATION OF BOARD.** A majority of members of the Board shall constitute a quorum for the transaction of business, and they may hold general or special meetings in the Village Hall at such times as they may by order direct, and they may make and establish such reasonable by-laws, rules and regulations as may be necessary for their own government, and for the full and complete execution of their powers and duties and the use of Village owned cemeteries.

The Board of Managers shall organize, selecting one of the number to be President and another to be Clerk, and also may elect a Treasurer, who may or may not be a member of the Board.

**9-3-3 TREASURER.** The Treasurer before entering upon his duties as such shall execute a bond in the penal sum of not less than double the value of such money or funds coming into his hand as such Treasurer, condition for the faithful performance of his duties and for the faithful accounting for all money or funds which by virtue of his office comes into his hands, and to be in such form and with such securities as may be prescribed and approved by the Village Board of Trustees, to be approved and preserved in the same manner as is the bond of the Treasurer of the Village.

The Treasurer of said Board shall have the custody of all money and property received by said Board of Managers from all sources, and shall pay out the same only upon the written order of said Board, signed by the Mayor and Clerk thereof, and shall keep permanent books of records of all such funds, and all receipts and disbursements thereof, and for what purposes received and disbursed, and shall annually make a report in writing to said Board of Managers and to the Village Board of Trustees 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 transmitted to the Village Board of Trustees at the same time that the Treasurer of the said Village is required by law to make his report, and to be approved and preserved in the same manner, if found to be accurate and correct.

**9-3-4 CLERK.** The Clerk of said Board of Managers shall keep a permanent record of the proceedings of the Board in a book provided for that purpose, and shall also keep a permanent record of the several trust fund, from what sources received, the amount hereof and for what uses and purposes, respectively, and he shall annually, at the time of transmitting the Treasurer's Report to the Village Board of Trustees, make a report in writing under oath, to the Village Board of Trustees stating therein, substantially the same matter required to be reported by the Treasurer of said Board, which report, if found correct, shall be approved and preserved by the said Village Board of Trustees.

**9-3-5 POWERS OF VILLAGE TRUSTEES.** The Mayor and Village Board of Trustees 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 funds or property, and to require a just and proper accounting for the same.

The said Board of Managers shall have the care, charge, management and control of such Cobden Cemetery Trust Funds, under the supervision of the Village Board of Trustees.

**9-3-6 DONATIONS, GIFTS AND DUTIES OF BOARD.** The Board of Managers is hereby authorized and empowered to receive in trust from the proprietors or owners of any lot or burial space in the Cobden Cemetery or from any person interested in the maintenance of the same, any gift, donation, devise or bequest of money or any funds, securities, or property of any kind, in perpetual trust, for the maintenance, care, repair, and upkeep or ornamentation of the Cobden Cemetery, or any lot or lots, or grave or graves in said Cemetery. The Board of Managers shall have the right to convert the property into money and shall invest same in good, safe, interest-bearing securities. The Board of Managers shall at all times maintain at least **One Hundred Seventy-Five Thousand Dollars (\$175,000.00)** as principal in said trust fund, and said sum shall be kept intact, and perpetually invested, and any excess of principal above said sum and the income received from the investment of the principal of said trust fund shall perpetually be applied for the care of the cemetery lots or the care and maintenance of the cemetery, as shall be approved and directed by the Board of Managers. **(Ord. No. 828; 12-07-09)**

**9-3-7 VESTING OF GIFTS, BEQUESTS AND DEVISES.** Every gift, bequest or devise, for any of the purposes mentioned in this Article, relating to the perpetual care and maintenance and upkeep, made to "The Cobden Cemetery Perpetual Trust Fund" by its name, shall vest in the Board of Managers and take effect for all intents and purposes as if made to said Board.

**9-3-8 EXEMPTIONS PERTAINING TO TRUST FUND.** The trust funds, gifts, bequests, and devises mentioned in this Article, to be held in perpetual trust by the Board of Managers and the income arising therefrom, shall be exempt from taxation, and from the operation of all laws of Mortmain and from the laws against perpetuities and accumulations.

**9-3-9 CEMETERY FUNDS.** There is hereby created and established a Cemetery Fund, which shall constitute a general operating fund, and the Treasurer of the Village is required to keep a separate account thereof, and enter to the credit of the same all moneys received from the sale of cemetery lots, blocks, or burial spaces, except such part thereof as is herein set aside to the Board of Managers in perpetual trust, that is, all donations for cemetery purposes not made or for the use of "The Cobden Cemetery Perpetual Trust Fund" herein provided above. Such other money as shall be appropriated from the Village Treasury for cemetery purposes, shall become a part of the Cemetery Fund and shall be appropriated and used for the care, maintenance, and expansion of the cemetery. **(Ord. No. 140; 05-17-82)**

**9-3-10 BURIAL SPACE CERTIFICATE.** No interment or burial of any dead body shall be made in the cemetery (except in same lot therein by consent of the owner thereof), until the undertaker or person having charge of such burial, or some person for him, shall exhibit to the Sexton a permit or certificate of burial space. Any person not being the owner of a lot, applying for a certificate of burying space in the grounds set apart for that purpose shall be entitled to the same upon payment to the Village Clerk the price of such space, which certificate, issued thereupon by the Village Clerk, shall be in substantially the following form:

**CEMETERY 9-3-11**

I, \_\_\_\_\_, Village Clerk of Cobden, in the County of Union in the State of Illinois, do hereby certify that \_\_\_\_\_ has paid into the Treasury of the Village of Cobden, \_\_\_\_\_ Dollars, and is entitled in consideration thereof to space in the Cobden Cemetery for the interment of the body of \_\_\_\_\_, Deceased.

Witness my hand and seal of said Village, the date above given.

\_\_\_\_\_  
VILLAGE CLERK

Provided that the dead body of the person, who, in his lifetime was not the owner of a lot and whose relatives or friends are unable to purchase a burial space may be interred or buried, if such person was an actual resident of the Village at the time of his death, in part of the cemetery allotted for such burial. **(See Section 9-1-3)**

**9-3-11 DEED; ACKNOWLEDGEMENT; FORM.** The form of deed provided for in this Chapter shall be substantially as follows:

THE GRANTOR, the Village of Cobden, in the County of Union, and State of Illinois, for and in consideration of \_\_\_\_\_ DOLLARS, in hand paid, Convey and Warrant to \_\_\_\_\_ of the County of \_\_\_\_\_ and the State of \_\_\_\_\_, the following described real estate, to-wit:

Lot Number \_\_\_\_\_ Block Number \_\_\_\_\_ in Cobden Cemetery situated in the Village of Cobden, in the County of Union, in the State of Illinois, as shown by the recorded plat thereof; said lot to be used for burial purposes only, and be subjected together with the owner or purchaser thereof, to all lawful ordinances now in force, or which may hereafter be passed by the Village Board of Trustees.

Witness our hands and the corporate seal of the Village of Cobden, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
President, Village Board of Trustees

\_\_\_\_\_  
Village Clerk

The certificate of acknowledgement of the deed shall be in the following form, to-wit:

STATE OF ILLINOIS     )  
COUNTY OF UNION    )        ss

I, \_\_\_\_\_, a Notary Public, in and for the County in the State aforesaid, do hereby certify that \_\_\_\_\_, President of the Board of Trustees of the Village of Cobden, and \_\_\_\_\_, Village Clerk of the Village, to me personally known as the President of the Board of Trustees of the Village of Cobden and Village Clerk of the Village respectively, in the County and State, and also known to me as the persons whose names are affixed to the foregoing instrument, appeared before me this day in person and acknowledged their signing, sealing and delivering the said instrument as the free and voluntary act of the Village of Cobden, for the consideration and purpose therein set forth, and that they were duly authorized to execute the same by the Board of Trustees of the Village of Cobden.

In witness whereof, I have set my hand and notarial seal hereto this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.