

CHAPTER 5
CEMETERIES*

Sec. 5-1. Effect of chapter.

From and after the effective date of this ordinance, for the mutual protection of lot owners and the cemetery as a whole, the following rules and regulations have been adopted by the City of Harrisburg, as the rules and regulations of all City cemeteries and all lot owners and visitors within the cemetery and all lots sold, shall be restricted by the provision of this chapter. Also subject further, to such other rules and regulations, amendments or alterations as shall be adopted by the City of Harrisburg from time to time and the reference to these rules and regulations in the deed or certificate of ownership to a lot shall have the same force and effect as if set forth in full therein. (Ord. No. 713, § 1, 11-15-66; Ord No. 1211, § 2, 2-1-94; Ord. No. 1727 § 3, 4-6-17)

Sec. 5-2. Definitions.

(a) Above ground mausoleum: The term above ground mausoleum shall mean a space for a single interment that is five (5) feet by twenty (20) feet minimum comprising of two (2) plots or a double interment that is ten (10) feet by twenty (20) feet minimum comprising of four (4) plots with the marker placed on the west side and the opening on the east side.

(b) Cemetery: The term cemetery is hereby defined to include a burial park for earth interments, vaults or urns.

(c) Cemetery Office: The term Cemetery Office shall mean the main office maintained at the maintenance shop at 1250 West Sloan.

(d) Certificate of Ownership: The term certificate of ownership shall apply to the original conveyance given by the cemetery to the original purchaser.

(e) Interment: The term interment shall mean the permanent disposition of the remains of a deceased person by cremation and interment, entombment, or burial.

(f) Lot: The term lot shall apply to numbered divisions as shown on the record plat which consists of two or more plots.

(g) Lot Marker: The term lot marker refers to any means used by cemetery to locate corners of the lot or plot.

(h) Management: The term management shall mean the Commissioner of Public Property or his authorized representative for the purpose of conducting and administering the cemetery.

*Cross reference - Commissioner of Public Property, § 2-111 et seq.

State law reference - Power of city to establish and regulate cemeteries, 65 ILCS 5/11-49-1.

Editor's Note - Ordinance 1211 adopted 2-1-94 deleted the text of Chapter 5 in its entirety and replaced it with Ordinance language.

Editor's Note - Ordinance 1727 4-6-17 deleted the text of Chapter 5 in its entirety and replaced it with the present language.

(i) Marker: The term marker means a memorial flush with the ground.

(j) Memorial: The term memorial shall include a monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, lot enclosure, urn and crypt and niche place.

(k) Monument: The term monument shall include a tombstone or memorial of granite, marble or other natural stone which shall extend above the surface of the ground.

(l) Plot: The term plot shall apply to a space of sufficient size to accommodate one adult interment approximately five (5) feet by ten (10) feet.

Sec. 5-3. General Rules.

(a) The cemetery office hours shall be Monday through Friday from 7:00 am to 3:00 pm with the exception of the following holidays: New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve and Christmas Day.

(b) Employees of the cemetery are not permitted to do any work for lot owners except upon order of the Superintendent but are required to be courteous to all visitors.

(c) All fees or charges for services are payable to the Superintendent or his designee.

(d) Persons within the cemetery shall use only the avenues, roads, walks and alleys, and no one is permitted to walk upon or across lots or lawns unless it be necessary to do so to gain access to one's own lot. The cemetery expressly disclaims liability for any injuries sustained by anyone violating this rule.

(e) Persons visiting the cemetery or attending funerals are prohibited from picking flowers, wild or cultivated, breaking or injuring any tree, shrub or plant, or from writing upon, defacing or injuring any memorials, fence or other structure within the cemetery grounds.

(f) Vehicles must be kept under complete control at all times. When meeting a funeral procession, vehicles must stop until the procession passes. Vehicles must not pass a funeral procession going the same direction. Horns should not be sounded within the cemetery.

(g) The following acts are prohibited:

1. Driving any motor vehicle or other vehicle through the gates or in the cemetery at excessive speeds. A speed greater than fifteen (15) miles per hour shall be considered excessive.
2. Driving any vehicle across or upon any grave, lot or lawn or parking or leaving the same thereon;
3. Parking or leaving any vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same;

4. Making a complete or partial reverse turn of any motor vehicle or vehicle on any road or driveway within the cemetery; or
5. Driving any motor vehicle through any cemetery except when entering said cemetery to conduct business therein or when directed by a law enforcement officer.

(h) No all-terrain vehicles, motorcycles or motor-driven cycles will be admitted to the cemetery except such as may be in attendance at funerals or on business.

(i) Children under fifteen years of age are not permitted within the cemetery, or its buildings, unless accompanied by a responsible adult.

(j) The placing of boxes, shells, toys, metal designs, ornaments, chairs, settees, vases and similar articles, upon lots may be permitted and, if so, management reserves the right to remove those items which cause additional or undue hardship for management's ability to meet guidelines set forth in Sec. 5-5 of this Chapter.

(1) Flower Regulations:

- No floral decorations are allowed on the ground during mowing season;
- Decorations are allowed in approved vases, hanging baskets, and monument saddles; or
- Management shall remove any decoration which is unsightly or dilapidated.

(k) The following acts are prohibited:

- Loud or boisterous talking;
- Idling or loafing on the grounds or in any of the buildings;
- Bringing lunches or refreshments into the cemetery or consuming them on the grounds;
- Peddling or soliciting the sale of any commodity within the cemetery;
- Placing of signs or notices or advertisements of any kind within the cemetery;
- Bringing dogs into the cemetery or any of its buildings. Exceptions are made for specially trained service animals;
- Bringing firearms into the cemetery except by a military escort accompanying a veteran's funeral or attending memorial services;
- Participating in any recreational activity. However, walking, jogging and bicycling will be allowed on paved or graveled cemetery roadways except during funeral services;
- Disposing of rubbish and trash on drives and paths or in any part of the cemetery grounds except in containers provided at various locations by the cemetery; or
- Any conduct unbecoming a sacred place.

(l) It is the duty of the Public Property Commissioner to see that the rules and regulations are complied with and it is his or her duty to see that order is maintained and to protect and promote the best interests of the cemetery. To that end, he or she is authorized to make temporary additional rules which may be needed, from time to time, to meet emergencies which are not covered by the Rules and Regulations contained in this chapter.

(m) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The management, therefore, reserves the right to make exceptions, suspensions, or modifications of any of these Rules and Regulations, without notice, and such temporary exception, suspension or modification shall in no way be construed as affecting the general application of such Rules and Regulations.

(n) The City of Harrisburg hereby expressly reserves the right to adopt additional Rules and Regulations or to amend, alter or repeal any rules, regulation, article, section, paragraph or sentence in these Rules and Regulations, at any time. Sufficient notice will be given by the management on any rule change that will create expense, hardship, or inconvenience to lot owners or individuals having business with the cemetery.

Sec. 5-4. Lots and lot owners.

(a) City cemetery lots shall be purchased at the cemetery office. The cemetery Superintendent or his designee is authorized to conduct the sale of such lots. No burial will be allowed on such lot until the purchase price is paid in full.

(b) After payment of the purchase price, the City will issue a deed of conveyance describing the purchased lot.

(c) No lot shall be used for any other purpose than for the burial of the human dead.

(d) No easement or right of interment is granted to any lot owner in any area designated by management as a road, drive, alley or walks.

(e) The right to enlarge, reduce, re-plat or change the boundaries or grading of the cemetery, or a section or sections, from time to time, including the right to modify or change the locations of or remove or regrade roads, drives or walks, or any part thereof is hereby reserved. The right to lay, maintain and operate utilities or alter or change pipe lines or gutters for sprinkling systems, drainage, and etcetera, is also expressly reserved, as well as is the right to use cemetery property not sold to individual lot owners for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. The City of Harrisburg reserves to itself and to those lawfully entitled thereto a perpetual right of ingress and egress over lots for the purpose of passing to and from other lots.

(f) Descriptions of lots will be in accordance with the cemetery plats which are kept on file at the management's office.

(g) Management will take all reasonable precautions to protect lot owners, and the property rights of lot owners, within the Cemetery from loss or damage. But the City disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

(h) The instrument of conveyance of these Rules and Regulations and any amendments thereto constitute the sole agreement between the City of Harrisburg and the lot owner. The statement of any employee or agent, unless confirmed in writing by management, shall in no way bind the City. All lots conveyed by deed and owner of lots are subject to these Rules and Regulations.

Sec. 5-5. Care of lots.

(a) The general care of the cemetery is assumed by management and includes the cutting of the grass at reasonable intervals, the cleaning of the grounds, and the pruning of shrubs and trees within any cemetery.

(b) The general care assumed by management shall in no case mean the maintenance, repair or replacement of any memorial, tomb, or mausoleum placed or erected upon lots, nor the doing of any special or unusual work in the cemetery. Nor does it mean the reconstruction of any marble or granite work on any section or lot, or any portion or portions thereof in the cemetery, caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or by the order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

(c) Management reserves the right to perform cemetery improvement projects that fall outside the scope of general care.

(d) Management will determine, based on operational needs and budgetary constraints, the level of care and personnel required for cemetery maintenance.

Sec. 5-6. Correction of errors.

The management reserves, and shall have, the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting any conveyance in lieu thereof with other interment property of equal value and similar location as far as possible, or as may be selected by management, or, at the sole discretion of management, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the management reserves, and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

Sec. 5-7. Descent of titles.

(a) The laws of the State of Illinois governs the descent of title to cemetery lots as well as other matters pertaining to assignments, conveyances, devises, trust deeds and inalienability. Management will assist any lot owner who desires information or advice on questions pertaining to their lot.

(b) All lots purchased from the City constitute rights in real property and only the names that appear on the records of the City will be recognized as owners. In the case of the death of a cemetery lot owner and the lots are disposed of by will, a certified copy of the will shall be delivered to the City Clerk in order to correct the change in ownership. In the event the decedent dies intestate, a certified copy of proof of heirship shall be presented to the City Clerk's office.

(c) All transfers of ownership of lots shall be in deed form and shall be presented to the City Clerk before a replacement deed will be issued.

(d) A "Release and Indemnification Agreement" may be entered into at the sole discretion of management.

Sec. 5-8. Interments, disinterments and removals.

(a) The cemetery will open for interments, disinterments and removals daily with the exception of Thanksgiving Day and Christmas Day. Disinterments will be Monday through Friday only. (See 5-9 for fee structure.)

(b) Funeral directors, prior to burial, must have all applicable portions of the burial permit satisfied and on file with the City Clerk's office.

(c) When an interment is to be made in a lot, the physical on sight location must be made by management to locate the correct lot for interment.

(d) The cemetery Superintendent and the employees of the City are the only persons permitted to open plots.

(e) All charges for interments, disinterments and removals in connection therewith, shall be paid to the Superintendent or his designee who will issue a receipt therefore.

(f) All indebtedness due the City must be paid before or at the time the interment will be made.

(g) The right is reserved by management to insist upon at least twenty-four hours' notice prior to any interment and at least one week prior notice to any disinterment or removal. Disinterments will be done during times of favorable ground conditions only.

(h) All disinterments will be conducted through a licensed funeral director.

(i) All interments, disinterments, and removals must be made at the time and in the manner as set forth by management and based upon the fees established by the City (See 5-9 for fee structure.)

(j) Besides being subject to the Rules and Regulations set forth in this chapter, all interments, disinterments, and removals are made subject to the orders and laws of the properly constituted public authorities.

(k) The City is not responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular space, size of grave, and location in a lot where interment is desired. On site location must be made by management when determining the proper lot for interment.

(l) The City will not be liable for the burial permit nor the identity of the person sought to be interred.

Sec. 5.9. Burial permits and fees.

(a) Management shall supply a burial permit application form.

(b) The following fees are hereby set forth:

Grave Openings:

Monday through Friday until 3:00 pm.....	\$500.00
After 3:00 pm.....	\$75.00 per hour extra
Saturday until 3:00 pm.....	\$600.00
Sunday and Holidays until 3:00 pm.....	\$700.00
For Interment of Cremains.....	\$250.00
 Burial Permit Only.....	 \$100.00

There will be no graves opened or serviced on Thanksgiving Day or Christmas Day. There will be no grave openings after 3:00 pm on Saturday, Sunday or Holidays. Holidays are New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Easter, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve and Christmas Day.

Sec. 5-10 Plants and shrubs.

(a) Management will maintain, as may be practicable, the planting of trees and shrubs, to preserve and maintain landscape features, but does not undertake to maintain individual planting or urns or plants.

(b) There shall be no individual beds of shrubbery or flowers allowed on the grounds except by special permission of the Commissioner of Public Property.

(c) Management shall not be responsible for any kind of plantings damaged by the elements, vandals, thieves or by other causes beyond its control. The management shall have the further authority to remove all floral designs, flowers, weeds, trees, as in the judgment of management they become unsightly, dangerous, detrimental, or diseased, or when they do not

conform to the standard maintained.

(d) Management shall not be liable for floral pieces, baskets, or frames in which or to which, such floral pieces are used for services held in the cemetery.

(e) Management reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage, that management has planted or cares for.

Cross reference - City tree ordinance, § 9.5-11 et seq.

State law reference - Injuring trees in cemeteries, 765 ILCS 835/1.

Sec. 5-11. Enforcement of rules.

Management is hereby empowered to enforce all Rules and Regulations and to exclude from the cemetery any person violating same. Management shall have charge of the grounds and buildings including the conduct of funerals, traffic, employees, lot owners and visitors and at all times shall have supervision and control of all persons in the cemetery. Persons committing serious violations of cemetery rules are subject to arrest.

Sec. 5-12. Specifications for memorial work and memorial design.

(a) Only one central or family memorial should be placed on a family lot.

(b) Mausoleums or tombs either wholly or partially above the ground will be constructed only in lots designated by management.

(c) Plans, specifications and location of the mausoleum or tomb on a lot are subject to approval of management.

(d) Work of any description will cease while a funeral or interment is being conducted nearby. It is also required that trucks and workmen withdraw to a reasonable distance from the location of the funeral service.

(e) Soliciting is not permitted in any cemetery.

(f) Monuments, markers, mausoleums and tombs shall be of quality granite, marble or other natural stone.

(g) Monument retailers and independent stone setters shall agree to set monuments and markers in conformity with cemetery requirements and in accordance with the Trade Standards of proper methods of handling and settings. All joints shall be sealed against moisture with non-staining material.

(h) Guidelines for grave lot dimensions approximately:

Dimensions -

Lot(s)	Length & Width
1 Grave	10 feet by 5 feet
2 Grave	10 feet by 10 feet
4 Grave	20 feet by 10 feet
8 Grave	20 feet by 20 feet

The above listed dimensions may vary depending on geographic and topographic features or as determined by cemetery plat maps.

(i) The corners of each lot will be marked with stone or metal posts set at ground level. All corner posts shall be located by management.

(j) Management retains authority to reject any plan or design for a memorial which is unsuitable to the lot on which it is to be placed. If the plan for the memorial is rejected, such rejections shall be made within 10 days and explanation given. Upon request, any rejected application shall be promptly reviewed by the Commissioner of Public Property.

(k) Should any monument, mausoleum or tomb become unsightly, dilapidated, or a safety hazard the City shall have the right to remove same. An effort will be made to locate the owners.

(l) Advertising within the cemetery is prohibited.

(m) All workmen employed by outside firms while working within the cemetery are subject to all Rules and Regulations set forth in this chapter.

(n) Management has the right to correct or remove any memorial which is unsightly, damaged or creates a hazard.