

**CHAPTER 35 -- CEMETERY**  
**SUBCHAPTER A – GENERAL**  
**§35.010 DEFINITIONS**

For purposes of this Chapter, the following terms will have the following meanings:

“Cemetery Lot” means any parcel of ground in the City Cemetery that is set aside for burials, and includes, Full Lots, Half Lots, and Single Grave Lots”

“Child” means a person who died prior to the twelfth anniversary of his or her birthday.

“City Cemetery” means the cemetery owned and operated by the City along State Highway B, and all of its additions. A map and plat of the City Cemetery are on file with the City Clerk.

“Double Grave Lot” means two adjacent side-by-side Single Grave Lots that are joined together for common burial.

“Footstone Marker” means a memorial stone or marker placed at the foot area of a grave.

“Full Lot” means ten (10) platted burial spaces in of the City Cemetery, except in the Original Section, which is eight platted (8) burial spaces.

“Half Lot” means one half of a Full Lot.

“Headstone Marker” means the main memorial marker placed at the head of a grave site. Headstone markers may be flat, angled, or upright.

“Infant Grave” means a grave dug to accommodate a casket of less than 4 feet in length.

“Marker” means a burial marker, gravemarker, tombstone, headstone, footstone, gravestone or other memorial identifying the occupant of a particular grave that may include such data as the name of the individual, date and place of birth, date and place of death. Markers do not include mausoleums, monuments, or columbarium.

“Mausoleum” means an external freestanding building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.

“Memorial Structure” means a marker, mausoleum, monument, Surface Lawn Crypt, or any other type of permanent structure that is allowed in the City Cemetery by existing ordinances of the City.

“Monument” means a statue, permanent bench, structure, obelisk, or sculpture erected as a memorial. A structure that meets the definition of a mausoleum is not a monument.

“New Addition” means the platted West, Center, and East Blocks of the City Cemetery, which is located in the area north of the pond, and north of the mausoleum and the maintenance shed.

“Non-resident” shall mean anyone other than a “Resident.”

“Original Section” means the original platted portion of the City Cemetery, which is generally located in the “lower” southern portion of the City Cemetery.

“Resident” means:

- A. Any individual who is domiciled within the City limits of Elsberry, Missouri at the time he or she purchases the Cemetery Lot at issue.
- B. Any individual, or estate representative, who is purchasing the Cemetery Lot to inter the remains of a decedent who was domiciled within the City limits of Elsberry, Missouri at the time of the decedent’s death.
- C. Any estate, or estate representative, who is purchasing the Cemetery Lot to inter the remains of a decedent who is related by blood or marriage within the second degree to an individual who was domiciled within the City limits of Elsberry, Missouri continuously for at least three years immediately prior to the decedent’s death.

“Rose Hill (Ligon Addition)” means the platted 'A' and 'B' sections of the City Cemetery, which is generally located on the right when entering the City Cemetery through the most easterly roadway.

“Single Grave Lot” means a platted space for burial of one person.

"Surface Lawn Crypt" means a solid sealed enclosure for the interment of the burial remains whose lid protrudes above the land surface and is not a mausoleum.

“Upright Marker” shall be any marker that protrudes more than one inch above ground level. (2021-09-003)

**§35.020. CITY NOT RESPONSIBLE FOR DAMAGE OR ITEMS**

The City is not responsible or liable for any damage or loss for any items, articles, or flowers left on burial sites. Nor is the City responsible or liable for any damage or loss to any memorial structures caused by the City or that is beyond the City’s control, such as that caused by natural elements, thieves, vandals, or civil disorder.

**§35.030. RIGHT OF CITY TO ENTER ON CEMETERY LOT TO WORK**

The City reserves the right to enter upon any Cemetery Lot and change the surface level thereof to conform with the surrounding ground and to do any such work considered to be for the betterment of the City Cemetery as a whole.

**SUBCHAPTER B – FINANCIAL**

**§35.100. SALE OF CEMETERY LOTS.**

1. The price to be charged for Cemetery Lots within the City Cemetery shall be as follows:
  - All Sections except Rose Hill:
  - Full Lot (10 graves) \$2,600.00
  - Half Lot (5 graves) \$1,500.00
  - Single Grave Lot ( 1 grave) \$350.00

PLUS the amounts stated in Subsection 2 below, if applicable.

Rose Hill (Ligon Addition)  
Full Lot (8 graves) \$2,100.00  
Half Lot (4 graves) \$1,200.00  
Single Grave Lot ( 1 grave) \$350.00

PLUS the amounts stated in Subsection 2 below, if applicable.

2. In addition to the above lot fees, a Non-resident purchaser shall also pay the following amounts at the time of purchase which shall be placed in Elsberry's Perpetual Care Cemetery Fund:

All Sections except Rose Hill:

Full Lot (10 graves) \$3,000.00

Half Lot (5 graves) \$1,500.00

Single Grave Lot (1 grave) \$300.00

Rose Hill (Ligon Addition)

Full Lot (8 graves) \$2,400.00

Half Lot (4 graves) \$1,200.00

Single Grave Lot (1 grave) \$300.00

3. Specified sites for the interment of cremains in the City Cemetery shall be sold at the Single Grave Lot price for the applicable area within the cemetery.

4. For all Cemetery Lots sold by the City in the City Cemetery after February 1, 2020, there shall be a fee of \$750.00 to inter the remains of each decedent who was not related by blood or marriage to the person who purchased the Cemetery Lot from the City. The fee shall not be applicable if the person who purchased the Cemetery Lot from the City was the estate, or estate representative, of the decedent who is being interred. The fee shall be paid to the City of Elsberry prior to the interment by, or on behalf of, the estate of the person to be interred. All deeds to Cemetery Lots executed after February 1, 2020 shall bear a notice of this restriction and fee. The purpose of this fee is to discourage commercial arbitrage of a limited resource by recouping the cost differential between residential and non-residential sales of lots when lots are resold after the original sale.”

(Ord. 6-1-1995; 9-1-1998; 02-1-2007; 2018-06-002; 2019-08-003; 2019-12-005; 2021-09-003; 2021-10-002)

**§35.110. REGISTRATION AND DIGGING OF GRAVES - FEES.**

1. The City Treasurer shall charge and collect full payment, in advance, the following fees for registration and digging graves and making interments at the City Cemetery from those parties requesting such services:

Grave Registration: \$150.00 (whether adult or infant, whether vault or box, or related to cremated ashes)

Grave Digging Fees:

Weekday (Non-holiday) Weekends/Holidays

Adult \$300 \$400

Double Depth \$550 \$650

Removal \$400 \$500

Double Depth Removal \$600 \$700

Infant \$125 \$125

Cremation \$150 \$250

2. All of the above fees shall be deposited in the Cemetery general fund.

3. All interments must be paid in full in advance. No interments shall be made at the expense of the City or on credit without a written order of the Board of Aldermen. (Ord. 2019-08-003; 2021-09- 003).

**§35.120 PERPETUAL CARE FEES.**

1. For mausoleums, there is hereby assessed an initial fee of \$1,000 for increased maintenance costs, due upon the issuance of the approved permit.

2. For Surface Lawn Crypts and monuments, there is hereby assessed an initial fee of \$500 for increased maintenance costs, due upon the issuance of the approved permit.

3. Such fees shall be jointly and severally owed by any owner of the grave or portion of the lot and the person requesting the interment.

4. Any amounts paid pursuant to this Section shall be segregated and deposited into the Perpetual Care Fund and used as set out in this Chapter.

(Ord 9-1-98; 2021-09-003)

**§35.130 MONIES TO BE PAID TO CITY TREASURER.**

The Treasurer of the City of Elsberry, Missouri, shall segregate the monies paid for the sale of Cemetery Lots, City Cemetery services, and perpetual care into two separate Cemetery Fund accounts which shall be known as:

The General Cemetery Fund

The Perpetual Care Fund

(Ord. 6-1-1995; 9-1-98)

**§35.140 GENERAL CEMETERY FUND.**

The monies deposited to the General Cemetery Fund shall be those funds received from the sale of Cemetery Lots, or from any other source, except as provided in sections 35.150. The monies shall be under the control of the Board of Aldermen and shall be used only for the benefit of the City Cemetery.

(Ord. 9-1-1998)

**§35.150. PERPETUAL CARE FUND.**

1. There is hereby continued the Perpetual Care Cemetery Fund for the preservation, care, upkeep and adornment of the City Cemetery. Any person desiring to contribute to the Perpetual Care of the City Cemetery, may do so by deposit, payment, or donation by will or by gift.
2. The monies deposited to the Perpetual Care Fund shall be used for perpetual preservation, care, upkeep, and adornment of the cemetery. The principal of the fund is to be kept intact and deposited in interest-bearing accounts or certificates, the interest to be used as provided herein, any unused interest to be added to principal. The monies shall be under the control of the Board of Aldermen for the above mentioned uses and purposes.

(Ord. 6-1-1986; 9-1-1998)

**§35.160 ACCOUNTS.**

The City Treasurer shall keep a full and correct account of all City Cemetery receipts showing from what source derived, and the amount of outstanding bills.

(Ord. 6-1-1986; 9-1-1998)

**SUBCHAPTER C – INTERMENT**

**§35.200 INTERMENTS**

1. Only human remains may be interred in the City Cemetery.
2. Burial of human remains must be in a concrete burial vault or equivalent burial receptacle.
3. No more than two (2) burial receptacles may be buried in a Single Grave Lot. A single receptacle may contain the remains or cremains of up to two persons, provided that if more than one person's remains or cremains are to be placed in a single burial receptacle, the original buried receptacle cannot be opened after burial to intern the second person's remains or cremains.
4. If two (2) burial receptacles are to be buried on a Single Grave Lot, the grave must be dug no less than eight (8) feet in depth for the first (1st) burial receptacle. If the City does not have a credible record of the depth of the first burial receptacle in its official records, then the owner of the Cemetery Lot at issue shall provide the City Clerk with a written statement under oath verifying that the initial burial receptacle was dug to eight (8) feet deep on the first (1st) burial receptacle together with documentation of that depth. The City Clerk shall identify such depth on the map of the City Cemetery.
5. The grave for the burial of a single person on a Cemetery Lot must be dug at least four and one-half (4.5) feet deep. The cremated remains of a second (2nd) individual may be buried above the original vault according to the rules for a cremated remains burial.
6. The grave for a Child, must be dug at least three (3) feet deep. If the Child was buried before another person that is to be buried in that grave, the party requesting a later burial in a double deep Cemetery Lot must request a written permission for disinterment from the City Clerk. The party requesting the second (2nd) burial is responsible for all costs for the disinterment, digging the grave to the required depth, and the interment of both vaults.
7. Cremated remains are to be buried in an approved burial receptacle within an approved vault and the grave dug at least three (3) feet deep. Scattering of ashes in the City

Cemetery is prohibited.

8. In all the interments, the top of the vault or container shall be at least twelve (12) inches below the surface of the ground.

9. At the time of burial of a second (2nd) person on a Single Grave Lot, the party requesting the second (2nd) burial must pay a grave digging fee at the rate published by the City prior to the interment.

10. Disinterment for any reason including the burial of a second (2nd) person's remains on a Single Grave Lot according to the preceding burial rules without written permission from the City is prohibited.

11. The cremated remains of one person may be interred on the same Single Grave Lot containing the remains a single person, provided it does not interfere with the existing interment and all of the applicable registration and digging fees are paid for the interment of the cremated remains.

(Amend. 2019-08-003; 2020-01-001; 2021-09-003; 2021-10-002)

### **§35.210. REGISTER OF INTERMENTS.**

The City Clerk shall keep a complete register of the ages of all persons interred in the City Cemetery, with the date of such interment, nationality, birth, and such other particulars as may be

required by the Board of Aldermen.

(Ord. 6-1-1986; 9-1-1998; 2021-10-002)

## **SUBCHAPTER D – MAUSOLEUMS, MARKERS, AND MONUMENTS**

### **§35.300 LOCATION AND RESTRICTIONS**

1. A mausoleum may be built only on a Full Lot and only one mausoleum may be built on a Full Lot.

2. A Surface Lawn Crypt or monument may be built only on a Double Grave Lot and only one Surface Lawn Crypt or monument may be built on a Double Grave Lot.

3. The maximum burials that may be made in a single mausoleum is ten. The capacity of a mausoleum will be established when the permit is issued. If no limit is stated in the permit, then the maximum number shall be ten.

4. The maximum burials that may be made in a Surface Lawn Crypt is two. The capacity of a Surface Lawn Crypt will be established when the permit is issued. If no limit is stated in the permit, then the maximum number shall be two.

5. A mausoleum must be located at the center of the Full Lot.

6. A Surface Lawn Crypt must be located at the center of the Double Grave Lot.

7. A Surface Lawn Crypt may not extend more than six inches above the surface of the Cemetery Lot it is on and the adjacent Cemetery Lots.

8. Mausoleums and monuments may not be more than twelve feet in height.

9. Mausoleums, monuments, and Surface Lawn Crypts must meet the applicable sections of the International Building Code (2009).

10. The Board of Aldermen may set aside a section or portion of the City Cemetery for the location of mausoleums.”

(Ord. 2021-09-003)

### **§35.310 NO CONSTRUCTION WITHOUT A PERMIT**

No person shall do any construction work of any kind whatsoever in the City Cemetery, except for approved opening of graves, nor cause any such work to be done in the City Cemetery without first obtaining a permit to do such work from the City.

### **§35.315 APPLICATION TO CONSTRUCT -- CONTENTS**

Any person who may desire to erect a mausoleum, monument, or Surface Lawn Crypt in the City Cemetery shall first submit a written application to the Board of Aldermen requesting permission to construct such mausoleum, monument, or Surface Lawn Crypt. The application fee shall be \$50.00 and shall be paid with the submission of the application. The application fee is nonrefundable.

Each such application shall include, at least the following information:

1. The name of the person proposing to erect the mausoleum, monument, or Surface Lawn Crypt.
2. The name of the contractor, if any, or the person who will be in immediate charge of the actual construction.
3. The number and location of lots purchased or to be purchased for the site.
4. The name of the ultimate owner, if different from the person proposing to erect the mausoleum, monument, or Surface Lawn Crypt.
5. The estimated date of start of construction and the date of completion.
6. The proposed burial capacity of the mausoleum or Surface Lawn Crypt.
7. The details of any private restrictions as to interment in the proposed mausoleum or Surface Lawn Crypt.
8. The details of any fund which the erector or ultimate owner proposes to establish for the perpetual maintenance and care of the lots and the mausoleum, monument, or Surface Lawn Crypt to be erected.
9. A detailed set of design and construction plans and specifications showing the dimensions, the type and kind of materials to be used in its construction, the number, location and description of any ornamental shrubs to be planted on the site, and an artist's or architect's conception of the completed structure.
10. Certification from a licensed architect or engineer that the mausoleum or Surface Lawn Crypt is structurally sound and a sound service life expectancy of at least 100 years.”

(Ord. 2021-09-003)

### **§35.320 STANDARDS FOR GRANTING A PERMIT**

1. In deciding whether to grant a permit for the construction of a mausoleum, monument, or Surface Lawn Crypt, the Board of Aldermen shall consider the following:

1. The proposed mausoleum, monument, or Surface Lawn Crypt is of an approved type that will enhance the general beauty of the City Cemetery,
2. It will be properly constructed in accordance with approved and accepted methods,
3. Sufficient space has been or will be purchased for the site so that the grounds surrounding the structure can be easily maintained and beautified without disturbing or interfering with surrounding graves or lots,
4. Any private restrictions to be imposed are reasonable and do not in conflict with

the Regulations and Ordinances for the City Cemetery.

5. Proper provision for the perpetual care and maintenance of the Cemetery Lots and the mausoleum, monument, or Surface Lawn Crypt to be constructed has been or will be provided prior to its completion,

6. It complies with all City Ordinances.

7. It will not interfere with, or place burdens, on the general care of the City Cemetery.

2. The Board of Aldermen may approve the application, approve the application with conditions, return the application for resubmission with comments, or deny the application.

(Ord. 2021-09-003)

### **§35.325 ISSUING THE PERMIT**

If the Board of Aldermen approves the application, the City Clerk shall issue the permit noting the date of completion and any special requirements or conditions imposed by the Board of Aldermen. For mausoleums and Surface Lawn Crypts, the permit shall also state the maximum number of burials permitted as determined by the Board of Aldermen. “

Ord. 2021-09-003)

### **§35.330 TIMELY COMMENCEMENT AND COMPLETION OF WORK**

The work for which any permit under this article is given shall be begun within thirty (30) days from the date of the permit and completed by the date stated in the permit. If the work is not so begun or completed, another permit shall be applied for (along with a new application fee), and a new permit obtained for before such work may be begun or completed.

### **§35.335 INSPECTIONS; DEVIATION FROM APPROVED PLAN; INTERMENT CONTINGENT UPON CERTIFICATE OF APPROVAL**

1. The City Inspector or other person designated by the Mayor, is hereby authorized and directed to make inspections of the mausoleum, monument, or Surface Lawn Crypt at suitable intervals during its erection to determine whether or not it is being constructed in accordance with the permit and the plans and specifications as approved by the Board of Aldermen. In the event that there shall be any deviation from the approved plans, specifications, and conditions, without prior written approval of the Board of Aldermen, the City Inspector or other person designated by the Mayor, is hereby authorized to immediately halt the construction of the mausoleum, monument, or Surface Lawn Crypt and report the deviation to the Board of Aldermen. If the Board of Aldermen fail to waive such deviation, the City Inspector or other person designated by the Mayor, shall cause a notice to be served on the erector of the mausoleum, monument, or Surface Lawn Crypt to either: (1) correct such deviation within thirty (30) calendar days, or (2) at the City's sole discretion, the City shall be authorized to remove such mausoleum, monument, or Surface Lawn Crypt or any part thereof all at the cost of the erector and/or owner of the Lot.

2. Upon the completion of the permitted mausoleum, monument, or Surface Lawn Crypt in accordance with the approved plans and specifications, the City Inspector or other person designated by the Mayor shall issue to the erector or ultimate owner a certificate of approval. No interment in a mausoleum, monument, or Surface Lawn Crypt shall be



made without the issuance of a certificate of approval.  
(Ord. 2021-09-003)

### **§35.340 PLACEMENT AND STANDARDS FOR MARKERS**

There may be placed on each grave in the City Cemetery a headstone marker and footstone marker that comply with this Chapter.

1. All headstone markers shall be placed on the west end of the respective grave sites. All footstone markers shall be placed on the east end of the respective grave sites.
2. All markers shall be placed in the center of the grave site's north-south axis so that they shall be in the line with other markers of the same type and in a position approved by the City Inspector or other person as designated by the Mayor.
3. Markers must be made of a permanent material.
4. Headstone markers must be placed by a professional marker installer. The installer must obtain approval from the City Clerk for the marker design and location prior to placing the marker.
5. Each such marker shall be placed on a permanent foundation with a concrete apron of a minimum width of four (4) inches outside the edge of the respective marker.
6. The raised portion of any headstone marker including foundation and apron must be at least six (6) inches minimum from either side of a Single Grave Lot. An upright headstone marker must be at least four (4) inches high from the top surface of the foundation. A flat headstone marker must be no more than one (1) inch above ground level at any point. The front to back thickness of the raised portion of any headstone marker including the base must be sixteen (16) inches or less.
7. When a headstone marker serves two (2) or more Single Grave Lots, a single headstone marker may be located centered on the two (2) Single Grave Lots and be no more than five (5) feet wide and sixteen (16) inches thick.
8. All headstone markers on a Single Grave Lot are to have a concrete foundation at least fourteen (14) inches deep. Foundations for headstone markers that are centered over two (2) Single Grave Lots are to have concrete foundations at least eighteen (18) inches deep. The foundation is to be level with the ground or if on sloping grades, the foundation is to be level with the ground on the uphill side. The foundation is to be sufficiently wide to support the headstone marker but the width may not be more than twenty-four (24) inches wide.
9. Not more than one (1) footstone marker is allowed on a Single Grave Lot. Footstone markers are to be no more than one (1) inch higher than the plane of the ground at any point. The east edge of the footstone marker to be located on a line thirty (30) inches from the foot of the Single Grave Lot. Individual footstone markers may be no larger than twenty (20) inches wide and thirty-two (32) inches long including the visible part of the foundation.
10. Veterans' memorial plaques may also be placed on the grave site.
11. If any marker headstone or footstone marker or its inscription is determined by the City to be offensive, the City may issue an order to deny placement of the offending item or to remove it if it has already been placed. The person wishing to place the offending marker may appeal the decision in writing to the City Board of Aldermen within fourteen (14) days of notice of the decision. If the Board of Aldermen do not sustain the appeal, the City Prosecutor shall file an information with the Municipal Court to determine if there is

a violation of the Ordinance. If a violation is found by the Municipal Judge, the City may require the offensive item to be replaced or altered at the owner or installer's expense. Should the owner or installer not comply, the City may remove the item.

12. Temporary markers are allowed up to a maximum of one (1) year after which they may be removed by the City without notice."

(Ord. 2021-09-003)

#### **§35.345. MONUMENTS.**

Monuments must be built on foundations that are adequate to bear the load.

#### **§35.350 FOUNDATIONS REQUIRED--INSTALLATION**

1. All Memorial Structures shall have suitable, properly mixed, set concrete foundations, which shall be installed at the grave site at the owner's expense.
2. All headstone markers shall be placed on foundation of a minimum of twenty-four (24) inches deep.
3. Footstone markers shall be placed on a concrete foundation of at least fourteen (14) inches in depth.
4. The top of the foundation shall be ground level.
5. All benches or similar types of memorials shall be placed upon a concrete foundation that has a depth at least equal to its height and/or weight.
6. The above standards are minimum requirements and the City may impose stricter or greater standards as the situation may require.
7. No memorial structure may be set until the foundation has been approved by the City Inspector or other person designated by the City. Failure to comply with this section may result in removal of the memorial structure. The owner must pay an inspection fee of fifty dollars (\$50.00).

(Ord. 2020-01-001; 2021-09-003)

#### **§35.355 REMOVAL OF DECAYED, DILAPIDATED, OR DANGEROUS MEMORIAL STRUCTURES.**

If any Memorial Structure shall fall into a state of dilapidation or decay, or shall be determined by the City to be offensive or in any way injurious to the appearance of the City Cemetery, and no adequate provisions have been made by the owner for repair and preservation of such structure, the City shall have the right to remove the structure and to inter any body contained therein in the earth upon the lot on which such structure was located, maintaining such lot thereafter in good and similar condition as done with other lots in the City Cemetery.

### **SUBCHAPTER E – REGULATIONS**

#### **§35.400 DECORATIONS.**

1. Flowers are to be maintained and removed when they become faded and unsightly.
2. Funeral flowers may remain on the grave for a maximum of three (3) days after burial. After this time period, the City may remove the funeral flowers without notice.
3. Flags may only be placed on or beside a headstone monument between three (3) days prior to and seven (7) days after Memorial Day, July Fourth (4th), and Veterans Day. Flags may be no larger than eighteen (18) inches by twelve (12) inches. All flags that are faded or torn or which contain offensive language or symbols, in the opinion of the City, will be removed by the City.

4. Grave blankets are allowed after November first (1st) but must be removed by March first (1st).
5. One (1) "eternal" or "memorial" type light is permitted per headstone monument. Only battery or solar operated styles that do not flash are allowed. The light must be securely mounted to the tombstone and be secured in such a manner that it cannot blow or fall off.
6. No plantings other than grass are permitted on grave sites.
7. No fences, stakes, curbs, corner markers, or rails shall be allowed, whether of material or living substance, to mark individual lots or graves.
8. The City reserves the right to remove and dispose of flowers that have become unsightly or become detached from a monument without notice or compensation. The City also reserves the right to remove all non-conforming materials including an eternal or memorial light if it becomes a maintenance issue or exceeds the number allowed without notice or compensation.  
(Ord. 9-1-1998); amend. Ord. 2016-11-002 [Nov. 8 2016]).

#### **§35.410 GRADING.**

No person owning a lot in the City Cemetery shall be permitted to grade or fill his lot above the natural elevation of the lots adjoining his, nor to fill or grade the same in any manner that will injure the appearance, usefulness or value of the adjoining lots.  
(Ord. 9-1-98)

#### **§35.420 TREES AND PLANTINGS.**

The Board of Aldermen is hereby given sole power and control over the matter of planting shade and ornamental trees and shrubs on the roads, drives, and avenues of the City Cemetery and of otherwise ornamenting same.  
(Ord. 9-1-1998)

#### **§35.430 RECREATIONAL ACTIVITIES**

No person may engage in any form of athletics, sport, or other recreational activity or event, whether organized or spontaneous, that is engaged in by one or more persons for the primary purpose of exercise, recreation, or enjoyment, including but not limited to the following: racing, skating, skateboarding, ball playing, kite flying, model airplane flying, throwing objects through the air, sunbathing, bicycling, loitering, and picnicking. This term does not include visitation, walking, hiking, or casual strolling.

#### **§35.440 GENERAL REGULATIONS**

The following rules shall govern the operation and maintenance of the City Cemetery:

1. Any placement on a grave site, drive, alley, or common areas that interferes with the City's orderly mowing or care of the Cemetery will not be permitted and will be removed.
2. No memorial structure shall be allowed on adjacent spaces or into the alleys or passage lines.
3. No trees, shrubbery or other growth, except grass, is to be planted on any grave or Cemetery Lot.
4. The City shall have the authority to remove any and all items that violate this Section.
5. Concrete vaults shall be required for all interments.

6. Care and placement of memorial structures shall be the responsibility of the grave owner.
7. Behaviors that do not respect the solemnity of the cemetery are prohibited.
8. Dogs must be on a leash at all times while on the premises and feces must be bagged and removed from the cemetery by the dog's owner and/or handler.”  
(Ord. 2021-09-003)

#### **§35.450 VISITATION HOURS.**

Hours of visitation at the City Cemetery shall be from sunrise to sunset. No person shall be in the City Cemetery beyond the hours of visitation unless they have received prior written permission from the Mayor or Board of Aldermen for that specific visit.”  
(Ord. 9-1-1998; 2021-09-003)

#### **§35.460 TIMES AND DURATION OF BURIAL SERVICES – EXTENDED TIME FEES.**

1. To allow for proper and timely interments, no funeral, burial, interment, committal, or memorial service shall commence at the Cemetery after 3:00 p.m. The duration of all funeral, burial, interment, committal, or memorial services, including associated grave side visitations, shall be no longer than one hour after those services begin. All visitors attending such services, and all persons associated with such services shall leave the Cemetery after the allotted one hour time period.
2. The funeral director or person responsible for the funeral, burial, interment, committal, or memorial service will be charged an additional extended time access fee of Fifty Dollars (\$50.00) per each one-half hour (or part thereof) that any attendees or participants of such services remain in the Cemetery after the one hour allotted time. This excess time access fee is in addition to any fines assessed for violation of this Chapter, including regulations concerning Cemetery hours and funeral duration. Payment of the excess time access fee does not excuse or exempt any person from liability for violations of this Chapter, including the regulations concerning Cemetery hours and funeral duration.”  
(Ord. 2020-10-002; 2021-09-003)

### **SUBCHAPTER F – OFFENSES**

#### **§35.500 VANDALIZING CEMETERIES AND PROPERTY**

1. It shall be unlawful for any person to vandalize, destroy, mutilate, disfigure, deface, break, injure, tear down, or remove any memorial structure grave, lot, fence, gate, tree, shrub, flower, decoration, memento, memorial, roadway, improvement, or any fixture belonging to any grave in the City Cemetery.
2. No person may disturb or remove the earth from any grave or Cemetery Lot without prior written approval of the Board of Aldermen.
3. It shall be unlawful for any person to remove any memorial structure grave, lot, fence, tree, shrub, flower, decoration, memento, memorial, or any fixture belonging to any grave in the City Cemetery in violation of this Chapter or without the approval of the Cemetery Lot Owner or the Board of Aldermen.

#### **§35.510 DRIVING OFF ROADWAYS**

It shall be unlawful for any person to his any vehicle upon any grounds of the Cemetery, except the established avenues, roads and driveways, or as permitted by the requirements or order of the

Board of Aldermen on funeral occasions.

**§35.530 DISCHARGING FIREARMS, FIREWORKS, OR EXPLOSIVES.**

It shall be unlawful for any person to discharge firearms or any other loud explosive charges in the City Cemetery. Exceptions may be made to allow for the discharge of firearms as part of the observance of military and/or law enforcement services, and for special memorial services. Said discharge of firearms to be conducted by organizations, with recognized knowledge of firearms use, such as the American Legion and the Veterans of Foreign Wars.

**§35.540 HUNTING**

It shall be unlawful to be on the City Cemetery grounds for the purpose of stalking, hunting, fishing or otherwise pursuing wildlife.

**§35.550 FUNERAL DISTURBANCE**

1. Every citizen may exercise their constitutional rights while being responsible for the abuse of those rights, but no person shall disturb, picket, or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral, visitation, or burial service at that place.

2. As used in this Section, "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

3. As used in this Section, "funeral", "visitation", and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three hundred (300) foot zone that is established under Subsection 1 above.

(Ord. 6-1-1986; 6-1-1995; 1-1-1998; 9-1-1998; 2-1-2003; 2013-03-001; 2013-05-003)