**CITY OF ELSBERRY**

**ORDINANCES RELATING TO CITY OF ELSBERRY CEMETERY**

**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 is 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 “Mausoleum” means an external free-standing 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 easternly

roadway.

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

"Surface lawn crypt" means a solid sealed enclosure for the internment 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 .

**§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**.

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

1. and 2.

New City Cemetery Lot Fees

9/10/2018

The Board of Aldermen passed a revised ordinance at the June 12, 2018 city council meeting in regards to the sale of cemetery lots at the City Cemetery.

CEMETERY FEES                               6-12-2018

|  |  |  |  |
| --- | --- | --- | --- |
|  | RESIDENTS | NON-RESIDENTS (INCLUDES PERPETUAL CARE FEE) | |
| NEW ADDITION |  |  |  |
| 10 GRAVES | $2,600.00 | $3,600.00 |  |
| 5 GRAVES | $1,500.00 | $2,000.00 |  |
|  |  |  |  |
| LIGON (ROSE HILL) |  |  |  |
| 8 GRAVES | $2,100.00 | $2,900.00 |  |
| 4 GRAVES | $1,200.00 | $1,600.00 |  |
|  |  |  |  |
| SINGLE SPACES INCLUDING CREMATION | |  |  |
| 1 SPACE | $  350.00 | $   450.00 |  |
|  | | | |
| RESIDENT AND NON-RESIDENT THE SAME | | | |
| REGISTRATION FEE | $150.00 |  |  |
|  | | | |
| MARKER FEE PER EACH  MARKER (HEADSTONE) | $ 50.00/MINIMUM | ALL MUST BE INSPECTED (SURVEYED) PRIOR TO PLACEMENT | |
|  |  |  |  |
| GRAVE DIGGING | WEEK DAY | WEEKEND/HOLIDAY |  |
| ADULT | $300.00 | $400.00 |  |
| DOUBLE DEPTH | 550.00 | 650.00 |  |
| REMOVAL | 400.00 | 500.00 |  |
| DOUBLE DEPTH REMOVAL | 600.00 | 700.00 |  |
| INFANT | 125.00 | 125.00 |  |
| CREMATION | 150.00 | 250.00 |  |
|  | | | |
| NON-RELATIVE INTERMENT FEE | $ 500.00 |  |  |

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 in the City Cemetery after February 13, 2007, there shall be a

fee of $500.00 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 13, 2007 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).

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

6. No interments shall be made, at the expense of the City otherwise than for cash in

advance, without a written order of the Board of Aldermen.

**§35.120 PERPETUAL CARE FEES**.

1. For cemetery Lots purchased prior to June 1, 1995, there is hereby assessed the following

annual fees for perpetual care:

Single Grave Lot $ 5.00

Half Lot $10.00

Full Lot $20.00.

2. For mausoleums, there is hereby assessed an initial fee of $1,000 for increased

maintenance costs, due upon the issuance of the approved permit.

3. 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.

4. Such fees shall be jointly and severally owed by any owner of the grave or portion of the

lot.

5. 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)

**§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 vault or equivalent.

3. The remains of no more than two (2) bodies may be buried in a Single Grave Lot.

4. If two (2) bodies 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. The owner of the Cemetery Lot at

issue shall provide the City Clerk with a written statement that it was dug to eight (8) feet

deep on the first (1st) burial. 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 container 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.

**§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 cause of demise, and such other

particulars as may be required by the Board of Aldermen.

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

**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, monument, 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.

**§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.

**§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 same can be easily maintained and beautified without disturbing or

interfering with surrounding graves or lots,

4. Any private restrictions to be imposed are not unreasonable or in conflict with the

Regulations and Ordinances for the City Cemetery, and

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.

**§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.

**§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 correct such deviation with thirty (30) calendar days or the City shall be

authorized to remove such mausoleum, monument, or surface lawn crypt or any part

thereof at the cost of the erector.

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 internment in a mausoleum, monument, or surface lawn crypt shall be

made without the issuance of a certificate of approval.

**§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. Nor 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 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.

**§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 with a minimum of and must

be placed on a concrete foundation at least fourteen (14) inches in depth 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

$20.

**§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.

4. No trees, shrubbery or other growth except grass is to be planted on any grave or

Cemetery Lot.

5. The City shall have the authority to remove any and all items that violate this

Section.

6. Concrete vaults shall be required for all interments.

7. Care and placement of memorial structures shall be the responsibility of the grave

owner.

8. Behaviors that do not respect the solemnity of the cemetery are prohibited.

9. 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.

**§35.450 OPEN, WHEN**.

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)

**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)

**CHAPTER 39 -- BOARD OF PUBLIC WORKS**

**§39.010. ABOLISHED**.

The ordinance relating to the establishment of the Board of Public Works for the City of Elsberry

is hereby repealed and the Board of Public Works is hereby abolished and directed to transfer all

books, records and funds of the said Board to the board of aldermen within ten (10) days from

June 4, 1974.

**CHAPTER 40 -- PLANNING COMMISSION**

**§40.010. COMPOSITION, APPOINTMENT, TERM, QUALIFICATIONS AND COMPENSATION**

**OF MEMBERS**.

The Planning Commission shall consist of seven members, including the mayor, a member of the

board of aldermen selected by the board of aldermen, the city engineer or similar city official and

four citizens appointed by the mayor and approved by the board of aldermen. All citizen

members of the Commission shall serve without compensation. The terms of each of the citizen

members shall be for four years, except that the terms of the citizen members first appointed shall

be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership

shall be filled for the unexpired term by appointment as aforesaid. The board of aldermen may

remove any citizen member for cause stated in writing and after public hearing.

**§40.020. COMMISSION OFFICERS, RULES, RECORDS, EMPLOYEES, EXPENDITURES**.

The Planning Commission shall elect annually, from its members, its own chairman, vice

chairman and secretary, and from time to time provide such rules and regulations not inconsistent

with the ordinances of the City or the laws 'of the state, for its own organization and procedure as

it may deem proper, provided, however, its chairman shall be elected from the appointed citizen

members. The Commission shall hold regular meetings and special meetings as they provide by

rule, and shall keep a record of its proceedings. These records shall be public records. The

Commission shall appoint the employees and staff necessary for its work, and may contract with

city planners and other professional persons for the services that it requires. The expenditures of

the Commission shall be within the amounts appropriated for the purpose by the board of

aldermen.

**§40.030. REPORTS**.

The Planning Commission shall make an annual report to the board of aldermen covering their

investigations, transactions, recommendations and such other and further reports relative thereto,

as it may deem proper or as required by the board of aldermen.

**§40.040. PURPOSE, POWERS AND DUTIES**.

1. The Commission shall make and adopt a city plan for the physical development of the

City and, in the preparation of the plan, the Commission shall make careful and

comprehensive surveys and studies of the existing conditions, and its probable future

growth, including recommendations relative to the location, length, width and

arrangement of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds,

recreation areas, boulevards or other public grounds or improvements, the platting of

public property into lots, plots, streets or alleys, the location of railroad or street car lines,

transportation or other channels for communication. of, any kind, the grouping of public

buildings, the design and placing of memorials, works of art, power and lighting plants,

street lighting standards, telegraph, telephone and electric poles, street name signs,

billboards or projecting signs, elimination of railroad grade crossings and other things

pertaining to the welfare, housing appearance or beauty of the City or any portion thereof.

2. Make recommendations in connection with the execution and detailed interpretation of

the city plan, and make such changes and adjustments in the plan as may be deemed

desirable from time to time.

3. Prepare and recommend to the board of aldermen rules controlling the subdivision of

land.

4. Make recommendations regarding the approval or disapproval of plats for land

subdivision. Such plats shall be referred to the Planning Commission before the board of

aldermen takes any action. Failure of the City Planning Commission to act within sixty

(60) days shall be deemed an approval.

5. Recommend from time to time legislation which may be desirable to further the purposes

of city planning.

6. Assume any other powers or duties as are provided by the ordinances of the City or as are

provided by Statute of the State of Missouri, relative to planning in this municipality.

**§40.050. ADOPTION OF PLAN, PROCEDURE**.

The Commission may adopt the Plan as a whole by a single resolution, or as the work progresses,

may from time to time adopt a part or parts thereof, ay part to correspond generally with one or

more of the functional subdivisions of the subject matter of the Plan. Before the adoption

amendment or extension of the Plan or portion thereof, the Commission shall hold at least one

(1) public hearing thereon. Fifteen (15) days notice of the time and place of such hearing shall be

published in at least one newspaper having general circulation within the City of Elsberry. The

hearing may be adjourned from time to time. The adoption of the Plan requires a majority vote

of the full membership of the Planning Commission. The resolution shall refer expressly to the

maps, descriptive matter and other matters extended by the Commission to form the whole or

part of the Plan, and the action taken shall be recorded on the adopted Plan or part thereof by the

identifying signature of the secretary of the Commission and filed in the office of the

Commission, identified properly by file number; and a copy of the Plan or part thereof shall be

certified to the board of aldermen and the city clerk; and a copy shall be recorded in the office of

the county recorder of deeds.

**§40.060. VIOLATION, PENALTY**.

Any person violating the provisions of this Chapter or any rules or regulations of the Planning

Commission, as promulgated under authority of this Chapter, is guilty of a misdemeanor and

upon conviction thereof, shall be fined not less than one hundred ($100.00) nor more than five

hundred dollars ($500.00), or by confinement in the county jail for not more than one year, or by

both such fine and confinement.