

CHAPTER 140: CEMETERIES

Cross References--Administration, Title I; animals and dogs, Ch. 210; streets, sidewalks and other public places, Ch. 535; zoning, Ch. 400; funeral processions to be identified, §340.050.

ARTICLE I. GENERAL PROVISIONS

SECTION 140.010: PLACING FLOWERS, ORNAMENTS ON GRAVES

The placing of cut flowers, plastic flowers, or other grave decorations over or on individual graves shall be permitted without restriction from November first (1st) to April first (1st) of each year. The City shall not be responsible for the care of any such flowers, decorations or other ornaments placed in the cemetery. (Ord. No. 84-1873, §2, 12-10-84; CC 1988 §6-1)

Cross Reference--Except as provided for Maple Park Cemetery in §140.440.

SECTION 140.020: UNAUTHORIZED PLANTING PROHIBITED

It shall be unlawful for any unauthorized person to plant any tree, shrub or other plant in the cemetery except those permitted and approved by the City Council. The planting of trees and appropriate shrubbery shall be done by the City to harmonize with a general landscaping scheme. (Code 1972, §7-7; Ord. No. 84-1873, §4, 12-10-84; CC 1988 §6-2)

SECTION 140.030: DISPOSAL OF RUBBISH, ETC., PROHIBITED

It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter or debris of any kind in the City Cemetery. The City hereby retains the right, as incorporated by reference, in its deeds of conveyance, to remove any object or construction placed or permitted in violation of this Section or other applicable ordinance of the City. (Ord. No. 84-1873, §4, 12-10-84; CC 1988 §6-3)

SECTION 140.040: MONUMENTS IN OAK PARK CEMETERY

In Oak Park Cemetery, no monument types shall be allowed except as indicated in this Section in block 49 and block 63 on up.

1. Monuments shall be made of granite, or approved government markers in the case of veterans.
2. All monuments shall be flush with the surface to allow for complete and unrestricted use of lawn-mowing equipment.
3. Monuments shall be of a minimum thickness of four (4) inches and shall have a flat sawed bottom. Single grave markers shall be twenty-six (26) inches long and fourteen (14) inches wide. Double grave markers shall be forty-four (44) inches long and fourteen (14) inches wide. (Code 1972, §7-15; CC 1988 §6-4)

SECTION 140.050: TRESPASSING--INJURING, DEFACING PROPERTY

It shall be unlawful for any person to injure, deface or in any manner trespass upon any cemetery or burying ground belonging to the City or to any private association or to in any way injure any monument, gravestone, fence, tree, shrub, flowers or any other improvement placed thereon or therein by any person. It shall be unlawful to unhitch or feed teams or to ride horses, or to turn stock loose in any of the roadways or streets in or about cemetery. (Code 1972, §7-32; CC 1988 §6-5)

SECTION 140.060: GIFTS, DONATIONS, BEQUESTS

The City Council may receive special voluntary gifts, donations or bequests to be specifically applied to the betterment of the cemetery. (Code 1972, §7-33; CC 1988 §6-6)

SECTION 140.070: SUPERVISION OF PROPERTY--AUTHORITY TO EXCAVATE

The Sexton shall have the charge and supervision of the ground used for burial purposes, and shall preserve the same from trespass of persons or animals, and shall use due diligence to prevent the injury of any monument, gravestone, fence, trees, shrubbery, flowers or any other improvement placed by any person on such ground. He or his assistants are hereby given the exclusive authority to excavate and dig graves within the cemetery enclosure. (Code 1972, §7-34; CC 1988 §6-7)

SECTION 140.080: MAINTENANCE OF GROUNDS

It shall be the duty of the Sexton of Maple Park Cemetery to cut and remove the grass and weeds as often as the same may be necessary, or when directed to do so by the City Manager, from the walks, drives and lots of the cemetery. He shall at all times keep the gravestones in proper position and remove all surplus dirt and rubbish from the cemetery. He shall plant and care for trees of such kind and number as the City Manager may direct and require, when furnished him by the City. (Code 1972, §7-35; CC 1988 §6-8)

SECTION 140.090: USE OF BUILDINGS, PROPERTY BY SEXTON

The Sexton shall have the use, free of rent, of all buildings located on the cemetery tract, and shall have the use of all that portion of the same not used for burying purposes on such terms as the City Council may provide. (Code 1972, §7-36; CC 1988 §6-9)

SECTION 140.100: BURIAL OF PAUPERS

The Sexton, in the burial of persons buried as paupers, shall require a permit from the City Manager, and shall be allowed to locate the grave of every person not the owner of a lot in fee simple. (Code 1972, §7-39; Ord. No. 85-1891, 7-8-85; CC 1988 §6-10)

SECTION 140.110: RIGHT OF CITY TO ENTER UPON LOTS

The City reserves the right to enter upon any lot and change the surface level thereof to conform with the surrounding ground and to do any such work considered by it to be for the betterment of

the cemeteries as a whole. (Code 1972, §7-4; CC 1988 §6-11)

SECTION 140.120: CITY NOT LIABLE FOR DAMAGES

The City shall take reasonable precautions to protect lot owners and the property rights of owners within the cemeteries from loss or damage, but it expressly shall not be liable for loss or damage beyond its control, and particularly from damage caused by the elements, an act of God, common enemy, thieves, vandals and the like, whether the damage be direct or consequential. (Code 1972, §7-5; CC 1988 §6-12)

ARTICLE II. BURIAL LOTS

SECTION 140.130: EXECUTION OF SALE--KEEPING RECORDS, PLAT OF LOTS

- A. It is hereby made the duty of the Mayor, for and on behalf of the City, to sign and execute to persons entitled thereto, all certificates to purchasers of cemetery lots and to cause the same to be countersigned by the City Clerk, and to be attested to by the Seal of the City.
- B. The City Manager shall keep in his office a duplicate plat of all cemetery lots, with marginal references thereto, which shall at all times show the lots which have been sold, the date of sale, to whom sold and the lots remaining unsold. (Code 1972, §7-27; Ord. No. 85-1891, 7-8-85; CC 1988 §6-31)

SECTION 140.140: DISPOSITION OF PROCEEDS FROM SALE

Out of the proceeds of the sale of cemetery lots, all the money so realized from such sales shall go to the general funds of the City. (Code 1972, §7-28; CC 1988 §6-32)

SECTION 140.150: DEEDS

Purchasers of burial space in the City cemeteries shall be entitled, upon payment of the full purchase price of the space purchased, to a deed for the space purchased. Such deed vests in the purchaser a right in fee simple to such space for the sole purpose of sepulcher alone, for human bodies only, subject to the rules and regulations and ordinances governing the cemeteries. (Code 1972, §7-1; CC 1988 §6-33)

SECTION 140.160: LIMITATIONS ON RIGHTS OF LOT OWNERS

The purchaser of a burial lot in the City cemeteries purchases only burial right on that plot. The City reserves control of all the cemetery property. Owners of lots shall abide and be governed by all the rules and regulations which are now in effect or which may be enacted in the future. (Code 1972, §7-2; CC 1988 §6-34)

SECTION 140.170: TRANSFER

No transfer or assignment of any space or interest therein shall be valid without the consent of the City. (Code 1972, §7-3; CC 1988 §6-35)

SECTION 140.180: RECORDS KEPT BY SEXTON--PAYMENT IN FULL PRIOR TO BURIAL

- A. It shall be the duty of the Sexton to keep at the cemetery a plat of all cemetery lots, which shall at all times show the lots that have been sold, the date of sale, to whom sold, and lots remaining unsold.
- B. No burial shall be permitted on any lot in such cemetery, except in the free burial ground, nor shall any grave be dug by the Sexton, until the City Clerk has received full payment for the lot and the digging of the grave. It shall be unlawful to execute any deed to any person for a cemetery lot until such requirements have been fully met. (Code 1972, §7-40; CC 1988 §6-36)

SECTION 140.190: REPURCHASES BY CITY

The City may repurchase a cemetery grave lot if the owner can furnish the original deed, or a true and correct copy thereof. The repurchase price shall be limited to the total purchase price paid for the cemetery lot at the time the deed was granted. The City may limit the number of repurchases it will grant at any given point in time. (Code 1972, §7-30; CC 1988 §6-37)

SECTION 140.200: FENCES, ENCLOSURES--GRAVE DECORATIONS

No fences or enclosures around lots shall be permitted. No guardrail, boundary marker or other object or construction, except as provided in this Chapter, shall be placed or permitted on any lot at any time in the cemetery owned and maintained by the City. Further, all flowers, decorations, wire, nails, glass vases, jars, containers or other receptacles or devices used in connection with the placement of flowers or floral arrangements on grave sites is prohibited from April first (1st) through October thirty-first (31st) of each year.* However, from 5:00 P.M. on the Friday immediately preceding Memorial Day until 7:00 P.M. on the Sunday immediately following Memorial Day, it shall be lawful to place any grave decorations, cut flowers, or plastic flowers over individual graves. The employees of the City are authorized and directed to move and dispose of all such decorations, wire, nails, glass vases, jars, containers and receptacles except during the aforesaid decoration periods. (Code 1972, §7-6; Ord. No. 84-1873, §3, 12-10-84; CC 1988 §6-38)

**Note--Except as provided for Maple Park Cemetery in Section 140.440 of this Chapter.*

SECTION 140.210: REMOVAL OF DECORATIONS BY CITY

Any plantings, jugs or bric-a-brac of any description placed on any lot may be removed by the City. (Code 1972, §7-8; CC 1988 §6-39)

ARTICLE III. INTERMENTS

SECTION 140.220: RECORD TO BE KEPT--PERMITS

The Sexton shall also cause to be maintained at such office a record of the owner of each burial lot or interment space described in the current plat of the cemetery and a record of all dead human remains buried or interred at the cemetery, which record shall include the name of each

deceased person buried or interred at the cemetery, the date of burial or interment, the location of burial or interment and, if known, the name and address of the funeral director who provided the memorial service or other final arrangements for the deceased person. The Sexton shall cause reasonable assistance to be provided to burial lot or interment space owners in locating their lots or spaces and to the family or other interested persons in locating the place of burial or interment of deceased persons whose remains are buried or interred in the cemetery. (RSMo. §214.040.2)

SECTION 140.230: BURIALS IN OTHER THAN PRIVATE LOTS--RECORD

The Sexton shall at all times and in all cases keep a record showing the names of all persons buried at any other place than on a private lot. On the head board of the grave of each person so buried he shall place the number, in durable paint, which shall correspond with the number opposite the name of such person on his record book. (Code 1972, §7-38; CC 1988 §6-57)

SECTION 140.240: CHARGE FOR OPENING AND CLOSING GRAVES

The City Council shall from time to time establish by motion the charge for opening and closing graves in any of the City cemeteries. (Code 1972, §§7-9, 7-29; CC 1988 §6-58)

SECTION 140.250: PAYMENT IN FULL REQUIRED

Burials shall not take place on any lot until the full purchase price has been paid for same. (Code 1972, §7-10; CC 1988 §6-59)

SECTION 140.260: NUMBER OF BODIES PER GRAVE

There shall be no more than one (1) body buried in one (1) grave space, except that an infant child may be buried with its mother, if the overall height of the infant's casket or vault does not exceed eighteen (18) inches; or in the case where two (2) cremations are buried on the same lot. (Code 1972, §7-11; CC 1988 §6-60; Ord. No. 91-2030 §1, 2-11-91)

SECTION 140.270: RESPONSIBILITY FOR MAKING ARRANGEMENTS

Arrangements for interments shall be made by the owner of the burial space or by members of his family authorized to act in his behalf. (Code 1972, §7-12; CC 1988 §6-61)

SECTION 140.280: ADVANCE NOTICE TO CARETAKER

Notices of interment shall be given to the caretaker at least twenty-four (24) hours in advance and preferably forty-eight (48) hours in advance. (Code 1972, §7-13; CC 1988 §6-62)

SECTION 140.290: SUNDAY BURIALS

- A. It shall be unlawful to conduct funeral services or open or backfill graves on Sunday within the City.
- B. Should a body be received in such a state as to prohibit holding the same over Sunday, then a special permit will be issued by the City Clerk authorizing the opening of the grave, and the

necessary services attached thereto.

- C. Requests for an exception should be made to the City Clerk by the manager of a duly licensed mortuary, funeral home or by a licensed medical doctor. (Code 1972, §7-14; CC 1988 §6-63)

ARTICLE IV. MONUMENTS, VAULTS, HEADSTONES AND ORNAMENTS

SECTION 140.300: PLACEMENT OF MONUMENTS, MARKERS

There may be placed on each grave in the cemetery owned and maintained by the City a stone, monument or marker in accordance with this Chapter, which monument shall in every instance be placed with the west line of the monument base even with the west line of the lot on which the same monument is placed, so that all monuments shall be placed in the line with other markers and in a position approved by the Sexton of the cemetery. Each such marker or monument shall be placed on a cement base of permanent construction which base may be established pursuant to specifications of the City. (Ord. No. 84-1873, §5, 12-10-84; CC 1988 §6-81; Ord. No. 2001-2460 §I, 2-13-01)

SECTION 140.310: CONCRETE APRONS

Any permanent monument, tombstone, headstone or any other type of permanent erection as allowed by existing ordinances of the City shall be placed upon and surrounded by a concrete apron of a minimum width of four (4) inches outside the edge of each tombstone, monument, permanent ornament, or other object allowed to be placed on the cemetery lot with the exception that the Sexton may waive the requirement for the four (4) inch apron if existing stones on the lot do not have such an apron or the appearance of the lot would be adversely affected by the deviation from existing markers. The cemetery Sexton shall determine the depth of such apron from time to time. (Ord. No. 83-1834, §b, 11-14-83; CC 1988 §6-82; Ord. No. 2001-2460 §I, 2-13-01)

SECTION 140.320: ERECTION IN A STRAIGHT LINE

All monuments, tombstones and ornaments on cemetery lots, headstones, or other identifying monuments shall be erected on the cemetery lots in a straight line. (Ord. No. 83-1834, §a, 11-14-83; CC 1988 §6-83)

SECTION 140.330: FOUNDATIONS REQUIRED--INSTALLATION

Monument work and grave markers of every description shall have suitable foundations, which shall be installed at the lot owner's expense. (Code 1972, §7-16; CC 1988 §6-84)

SECTION 140.340: FOUNDATIONS--SPECIFICATIONS--APPROVAL BY CITY

All headstones shall be placed on a concrete foundation with a minimum of eighteen (18) inches of concrete, small footstones shall be placed on a concrete foundation with a minimum of twelve (12) inches in depth, all monuments, benches or other types of memorial serving a similar

purpose shall be placed upon a concrete foundation that has a depth at least equal to its height and/or weight. Any and all situations may be determined by the cemetery Sexton as deemed necessary. No marker may be set until the foundation has been approved by the cemetery Sexton. Failure to comply with this inspection procedure may result in removal of the marker. (Code 1972, §7-17; CC 1988 §6-85; Ord. No. 2001-2460 §I, 2-13-01)

SECTION 140.350: SLABS, SURFACE VAULTS PROHIBITED -- EXCEPTIONS

Slabs of any kind shall not be permitted as coverings for graves. Surface vaults shall not be permitted, except approved mausoleums. (Code 1972, §7-18; CC 1988 §6-86)

SECTION 140.360: REMOVAL OF DECAYED, DILAPIDATED, VAULTS, TOMBS, ETC.

If any vault, tomb, mausoleum or like structure in which bodies are entombed in the cemetery 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 cemeteries, 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 cemeteries. (Code 1972, §7-19; CC 1988 §6-87)

ARTICLE V. PERMITS FOR CONSTRUCTION

SECTION 140.370: REQUIRED

No person shall do any construction work of any kind whatsoever except opening of graves, nor cause any such work to be done in any City cemetery without first obtaining a permit to do such work from the City Clerk. (Code 1972, §7-20; CC 1988 §6-126)

SECTION 140.380: APPLICATION--ISSUANCE

Any person desiring to do any construction work as contemplated by this Article shall apply for a permit at City Hall and the City Clerk may issue it on a form to be supplied by the City, or if no such form is immediately available, then on an informal writing or form. The City Clerk shall not issue a permit to do any work or to do anything that is not in conformity, compliance and obedience with or to this Code or other City ordinance. The City shall not be estopped to take any appropriate action in the event a permit is given to do work forbidden by this Code or other ordinance. (Code 1972, §7-21; CC 1988 §6-127)

SECTION 140.390: TRANSFER

The permit required in this Article shall be for one (1) job or one (1) piece of work only and shall not be assignable. (Code 1972, §7-22; CC 1988 §6-128)

SECTION 140.400: USE BY PERMITTEE ONLY

No person shall obtain or take out a construction permit for the purpose of permitting someone else to use the same. (Code 1972, §7-23; CC 1988 §6-129)

SECTION 140.410: TIMELY COMMENCEMENT 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 if it is not so begun, another permit shall be obtained and paid for before such work may be begun or completed. (Code 1972, §7-24; CC 1988 §6-130)

SECTION 140.420: SCOPE OF WORK

The construction work as contemplated by this Article shall include, but not be limited to, erecting and placing of grave markers in the cemeteries, erecting and placing of foundations for grave markers and the erecting or placing of any object, except wreaths and flowers of a permanent nature on any grave lot, but shall not include the opening or digging of graves. (Code 1972, §7-25; CC 1988 §6-131)

ARTICLE VI. MAPLE PARK CEMETERY

SECTION 140.430: DESIGNATION OF MAPLE PARK CEMETERY

All that portion of land owned by the City adjacent to and west of Elliott Street and south of Prospect Street is hereby set apart for a cemetery and shall hereafter be known as Aurora Maple Park Cemetery. (Code 1972, §7-26; CC 1988 §6-13)

SECTION 140.440: PLACING FLOWERS, ORNAMENTS ON GRAVES

- A. The placing of cut flowers or plastic flowers or other grave decorations, over or on individual graves in Maple Park Cemetery shall be permitted. The following rules must be followed:
 - 1. No glass containers are to be used;
 - 2. Year-round decorations may be placed provided permission be granted by the Sexton in the type, location and size;
 - 3. Decorations will be permitted on Easter, anniversaries, Mother's and Father's days, Memorial Day, Independence Day, and Veterans Day, provided it is removed prior to the next mowing period.
- B. The City shall not be responsible for the care of any such flowers, decorations or other ornaments placed in the cemetery; however, when these decorations become unsightly, they shall be removed by the cemetery personnel. The Sexton shall store anything they consider of value for a period of one (1) month before disposing of this material. (Ord. No. 87-1948, §2, 7-13-87; CC 1988 §6-150)

SECTION 140.450: DISPLAY CASE

An enclosed display case will be erected inside the main entrance of the cemetery. A list of cemetery regulations, a map showing block and lot numbers and directions to the cemetery

office, and a statement that burial records are available there and in the office of the City Clerk will be displayed in the case. (Ord. No. 87-1948, §3, 7-13-87; CC 1988 §6-151)

SECTION 140.460: WATER LINES

Water lines will be maintained at all times. If repairs are necessary, they will be made promptly. (Ord. No. 87-1948, §4, 7-13-87; CC 1988 §6-152)

SECTION 140.470: CLOSING

The cemetery shall be closed between sundown and sunrise. Notice to this effect will be posted at the cemetery entrances. (Ord. No. 87-1948, §5, 7-13-87; CC 1988 §6-153)

SECTION 140.480: POLICE PATROL OF CEMETERY

The cemetery will be patrolled by City Police cars at irregular periods during hours of darkness, at least twice per night. (Ord. No. 87-1948, §6, 7-13-87; CC 1988 §6-154)

SECTION 140.490: MARKERS AND STONES PERMITTED

Raised markers and flat stones are both permitted, based on these regulations. The areas directly west of the two (2) existing types of markers will be used as extensions of those types. Location and erection of markers or stones shall be approved by the Sexton. (Ord. No. 87-1948, §7, 7-13-87; CC 1988 §6-155)

SECTION 140.500: SCREEN OF TREES ON PROPERTY BOUNDARIES

A natural screen of evergreen trees shall be located on the boundary lines on the east and south of the property west of main maintenance building. The hemlock variety is recommended. (Ord. No. 87-1948, §8, 7-13-87; CC 1988 §6-156)

SECTION 140.510: COMPARISON OF GRAVE AND LOT PRICES

Annually the Mayor and Council will compare grave and lot prices with other cemeteries in the area. Lot and plot prices shall be raised or lowered based on this study. (Ord. No. 87-1948, §9, 7-13-87; CC 1988 §6-157)

SECTION 140.520: MARKERS WITH VASES

In flat stone areas the use of bronze markers with built-in reversible vases shall be authorized on civilian as well as military stones. Such vases may be added to existing markers which lack them. (Ord. No. 87-1948, §10, 7-13-87; CC 1988 §6-158)

SECTION 140.530: CONCRETE CASKET BOXES REQUIRED

The use of concrete casket boxes or vaults will be required for all burials. In the case of charity burials ~~the cost of such casket boxes will be assumed by the City.~~ (Ord. No. 87-1948, §11, 7-13-

87; CC 1988 §6-159) in the portion of the cemetery referred to as "Potter's Field", a concrete casket box will not be required.

SECTION 140.540: CITY TO PROVIDE SEMI-PERMANENT MARKER

The City shall provide some sort of semi-permanent identifying marker for all burials, whether charity or fully paid, unless this is provided by the funeral home. (Ord. No. 87-1948, §12, 7-13-87; CC 1988 §6-160)

SECTION 140.550: BURIAL OF URNS

Burial of urns or other containers for cremated remains will be permitted on plots obtained as are those required for conventional burials. Prior notification of impending burials shall be given to the Sexton. Excavation for such containers will be at locations and depths in accordance with City policy, after approval by the Sexton. (Ord. No. 87-1948, §13, 7-13-87; CC 1988 §6-161)

SECTION 140.560: GROUND LEVEL MONUMENTS IN CERTAIN SECTIONS OF CEMETERY

- A. All grave monuments hereafter placed in Maple Park Cemetery, in blocks 63 to 110 inclusive, shall be placed at ground level to allow for complete and unrestricted use of lawn-mowing equipment.
- B. Monuments shall be made of granite or approved government markers in the case of veterans.
- C. Monuments shall be of a minimum thickness of four (4) inches and shall have a flat sawed bottom. Single grave markers shall be twenty-six (26) inches long and fourteen (14) inches wide. Double grave markers shall be forty-four (44) inches long and fourteen (14) inches wide. (Code 1972, §7-30.1; CC 1988 §6-106)

SECTION 140.570: CURBINGS--HEIGHT OF LOTS

- A. It shall be unlawful for any person to construct an enclosure of any lot in Maple Park Cemetery, which enclosures are commonly called curbing, or to fill any lot in the cemetery in excess of six (6) inches above the grade and contour of such lot.
- B. If any person shall violate any provisions of this Section by constructing a curbing around a lot in Maple Park Cemetery or filling a lot in the cemetery above the grade and natural contour of such lot, the caretaker of the cemetery shall forthwith remove such curbing or filling. (Code 1972, §7-31; CC 1988 §6-107)

ARTICLE VII. FEES AND CHARGES

SECTION 140.580: GRAVE OPENING FEES

The grave opening fee to be charged at City of Aurora cemeteries shall be three hundred dollars (\$300.00) per grave, four hundred dollars (\$400.00) per grave for Saturday funerals, five hundred dollars (\$500.00) per grave for City-observed holiday funerals. The fee for the burial of cremation remains shall be fifty dollars (\$50.00), one hundred dollars (\$100.00) for Saturday burials, one hundred fifty dollars (\$150.00) for City-observed holiday burials. (Ord. No. 88-

1968, §1, 7-11-88; CC 1988 §6-162; Ord. No. 2001-2460 §I, 2-13-01; Ord. No. 2002-2507 §1, 4-9-02; Ord. No. 2007-2776 §1, 11-13-07)

SECTION 140.590: CEMETERY LOT SALES

The fee for cemetery lot sales to be charged at the City of Aurora cemeteries shall be:

1 space	\$ 200.00
2 spaces or 1/4 of lot	400.00
5 spaces or 1/2 of lot	600.00
10 spaces or 1 full lot	1,000.00

(Ord. No. 88-1968, §2, 7-11-88; CC 1988 §6-163; Ord. No. 2002-2507 §1, 4-9-02)