

BOARD OF MANAGERS JACKSONVILLE CITY CEMETERIES

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RULES AND REGULATIONS JACKSONVILLE CITY CEMETERIES

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INTRODUCTION

The rules herein are necessary for the protection of lot and grave owners, for the proper conduct and good order of the cemeteries. They may sometimes seem arbitrary, however, they are written for the protection of all lot owners. There are invariably reasons for each one.

The management of every cemetery desires to have the cemetery, under its charge, to be the finest. It constantly works toward that end. Therefore, it must view the cemetery, as a whole, whereas the lot owner is apt to see only his lot. The individual lot must be in harmony with the whole. It is the management's duty to blend each lot into such plan.

A frequent management problem concerns who has the right of interment on a lot; who has the right to direct interments on a lot; and who has the right to sell or transfer the unused portions of a lot. Rules concerning this are necessary because lot owners often give little consideration until a death occurs and a grave must be opened. To follow the normal procedures of law, concerning inheritance rights after a death has occurred, is possible, because of the time element, because strip or fractional division of a cemetery lot would often make the lot unusable or undesirable, and because it would not often accomplish the desires of the purchaser. The rules herein, concerning this, simply carry out the wishes of the owners in nearly all cases. If a purchaser or owner has desires, contrary to this position of these rules, they need simply record them with the cemetery office. For the small percentage of lot owners within whose family there is a disagreement, the rules clearly establish the rights of its various members.

These rules allow the cemetery to inter in spite of the disagreement. When the rules are fairly written, they are actually performing a service for these families.

It is indeed noteworthy that only a small percentage of the cemetery lot owners will ever become too involved with these rules. For most lot owners, they simply provide protection. For the managers, they provide a legal basis of procedure.

Courts have recognized the need for cemetery rules and regulations; they have supported such rules when they were fairly written.

“The conveyance or transfer of lots in said cemetery from the City to purchasers may be by deed or certificate in such form as the cemetery board may prescribe, signed by the President, under the corporate seal without acknowledgement and such deed or certificate shall vest the title to the lot so conveyed or transferred to the purchaser, his heirs and assigns in FEE SIMPLE for burial purposes only, subject to such reasonable conditions, rules and regulations as the cemetery board of said City may prescribe.”

All deeds issued to purchasers by the City of Jacksonville contain this stipulation:

“And subject also to such general rules and regulations as the City Council of the said City, and the Board of Managers of said Cemetery, may from time to time establish.”

These rules and regulations, as well as cemetery prices, are subject to change without notice. Cemetery Board action, as recorded in their minutes, is authorization for change or amendment. Memorandums prepared and distributed by the management to funeral homes, monument dealers, etc..., concerning prices and policy, are a part of the rules and regulations of the Jacksonville cemeteries.

The sale of lots is to be made by the cemetery personnel or the City Clerk's Office staff in the Municipal Building, 200 West Douglas Avenue, Jacksonville, Illinois.

THE MANAGEMENT

It shall be the duty of the management to control and superintend all work, to plat and landscape, to purchase or contract for such work or materials as they deem necessary, to appraise from time to time all unsold lots, to expend cemetery funds as necessary, to establish rules and regulations deemed necessary to properly maintain and perpetuate the cemetery in the best possible manner, and to cause to be removed, any unsightly or improper enclosure, monument and/or fixtures.

The board shall have the control, charge and superintendence of the cemeteries and its appurtenances.

LOCATION

Diamond Grove Cemetery is located in the southwest part of Jacksonville. Jacksonville East Cemetery is located in the northeast part of the City.

HOURS

Cemeteries are open every day from dawn to dusk.

RECORDS

All records of the cemeteries are safeguarded against possible destruction. Permanent records are stored in a security vault. The location of lots and single graves is indicated on cemetery office plats, and they are indicated on the grounds by a system of recorded measurements from fixed and indestructible landmarks. Sections and subdivisions are recorded in the Jacksonville Cemetery offices.

GENERAL RULES

The certificate of ownership, these rules and regulations and any amendments thereto, shall be the sole agreement between the management and the lot owner. The statement of any sales agent or other agent shall in no way bind the management.

Jacksonville cemeteries are non-sectarian and are maintained for every race, creed or color.

The management is responsible for the development, good order and conduct of the cemeteries. The management may take such action as it deems to be necessary to protect the property of lot and grave ownership to preserve peace and good order and for the safety of all persons within the cemeteries.

The managing superintendent and his assistants shall, at all times, have the supervision and control of all persons in the cemeteries, including the conduct of funerals, traffic, employees, visitors, lot and grave owners, workmen, to whom the privilege has been extended to conduct work on the grounds, and all other persons within the grounds.

The management reserves, to itself, the right to alter or change any walk, entrance, fence, drive, street, alley, grade, drain, lake or unsold vacant lot.

If anything is placed on or in any lot or grave, which shall be deemed offensive, improper, injurious or unsuitable, or not in keeping with the rules of the management, it shall be removed without notice and the management assumes no responsibility for such articles. Special cases may arise in which the literal

enforcement of a rule may impose unnecessary hardship. The management, therefore, reserves to itself, without notice, to temporarily suspend or modify any rule or regulation, and such temporary suspension or modification shall not be construed as affecting the general application or enforcement of such rule.

It is the duty of each lot owner to notify the management of any change in his post office address. Notice sent to a lot or grave owner, at the last address on file in the Cemetery office, will be considered sufficient and proper legal notification.

DISCLAIMER

The management will take reasonable precaution to protect the property of lot and grave owners, properly within the cemeteries, from injury, loss or damage, but it distinctly disclaims responsibility for injury, loss or damage, whether direct or collateral, from the acts of thieves, vandals, rioters, strikes and malicious mischief makers, from all acts of providence – including winds, tornadoes, cyclones, hail, snow, frost, explosion or lightning – and from all causes beyond its reasonable control.

Persons remaining after closing time are subject to trespassing violation.

The management will use reasonable care in examining trees and removing those that are apparently unsound, and removing dangerous limbs and branches; but it expressly disclaims responsibilities for damage either to persons or property, resulting from falling trees or parts of trees.

The management will not be responsible for loss or damage to any portable articles left upon any lot, grave or other part of the cemeteries. (Your homeowner's policy may cover such damage.) Any other damage should be reported to the City on a specially prepared form that is available in the City Clerk's office and the Superintendent's office.

Every effort will be made to finish work ordered at the time promised for completion, but the management will not be responsible for completion of work, of any nature whatsoever, if delayed by unfavorable weather conditions, strikes, riots or other causes beyond its control.

Persons on cemetery grounds shall use only the avenues, walks, alleys and roads. Any person injured while walking on the grass, unless that be the only way to reach a plot, or while on any portion of the cemetery, other than the avenues,

walks, alleys or roads, shall in no way hold the management liable for any injuries sustained.

LOTS

The management reserves the right to do all work upon lots by its own workmen.

Jacksonville cemetery lots are conveyed by special deed for burial purposes only, and are subject, at all times to the Statutes of the State of Illinois. All amendments thereto, now or hereafter, at any time in force, are subject to all laws, ordinances and regulations of the City of Jacksonville, all municipal authorities having jurisdiction of said cemeteries, now or at any time hereafter in force, are subject to all by-laws, rules and regulations of Jacksonville cemeteries and all amendments thereto, now or at any time hereafter, in force.

The transfer of a lot is a privilege that may be extended in special cases; but no lot owner has the right to transfer his lot. No transfer or assignment of a lot, or any part thereof, shall be valid unless approved and recorded by the management of Jacksonville cemeteries. All transfers must be made through the City Clerk's Office on approved forms and recorded therein.

No monuments or markers will be placed on lots prior to the completion of payments for said lots and without permission from cemetery personnel.

As of January 7, 2000 every cemetery lot owner is entitled to erect a footstone on each grave marking the identity of the person interred, on those plots where a family monument already exists.

This amendment is an affirmation of past practice in the older section of Diamond Grove Cemetery and Jacksonville East Cemetery, and does not apply to the new sections of the cemeteries, which have different rules pertaining to markers.

INTERMENTS

ALL BURIAL OPENINGS AND CLOSINGS, WHICH INCLUDES ASH AND VAULT BURIALS, WHETHER UNDER HEADSTONES OR ON THE GRAVE SITE, SHALL BE PERFORMED BY THE CEMETERY STAFF

All interments shall be made at such depth as to allow approximately two feet of earth cover, except individual mausoleums.

When instructions for opening a grave are indefinite or, when the grave cannot be opened in the location specified, for any reason, the Superintendent may order it opened at such location in the lot as may seem best, under the circumstances. The management will not be responsible for any mistakes occurring in orders for the opening of a grave or similar work, unless order is made in writing over the signature of the lot owner.

The management will not be responsible for any mistakes occurring where orders are given by telephone. In the absence of contrary instructions to the management, it is understood that undertakers are acting as agents for the lot owner and with full authority in placing orders with the management for interments.

The management, upon request, may permit the burial of cremated remains in the same grave with another body, UPON PAYMENT OF THIS NEW BURIAL. Separate grave markers will not be allowed in such cases, and grave markers with death dates shall not be allowed prior to actual burial and payment of burial charges. When ash burials are present there will be a total of no more than 2 burials per any one space.

No interment of any body, other than that of a human being, will be permitted.

DISCOUNTED BURIAL POLICIES

Burial locations of discounted burials will be determined by the Cemetery Superintendent unless such burial is on a lot owned by a friend/relative, etc. Written permission for a burial on lots owned by a friend/relative must be received by Cemetery personnel prior to approval or pricing of burial arrangements. **All discounted burials will take place prior to 11:00am on weekdays only.** No discounted burials will be scheduled after hours or weekends or holidays.

Burial lots and burial charges for discounted burials must be **paid in full** at the cemeteries or the City Clerk's Office prior to burial arrangements. No payments will accepted or billed through the funeral homes.

All discounted burials will be cremains burials. There will be two discounted burials per burial space. There may, however, be only one grave marker per burial space.

ADVANCE NOTICE OF INTERMENT OR DISINTERMENT

The management reserves the right to insist upon at least twenty-four (24) hours advance notice before any cremation or interment will be permitted. In the event that a weekend or holiday intervenes between the date of application for service and the date of interment or cremation, at least forty-eight (48) hours advance notice is required. Three (3) days notice shall be given prior to any disinterment or removal. In addition to the foregoing notices, all services and/or other changes incurred or to be incurred shall be paid in advance and in accordance with the time limits stated above. The management may refuse such services for any violation of this rule. Cemetery personnel **MUST** be notified before the interment or disinterment of any remains. At no time will the "Sprinkling of Ashes" be permitted in the cemeteries.

CORRECTION OF INTERMENT ERRORS

In the event of error related to the improper placement of the remains of any person, the Board of Managers reserves and shall have the right to remove and to reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu of the mistaken property.

MANAGEMENT SELECTION OF INTERMENT SPACE UPON OWNER'S FAILURE

When instructions from the plot owner, regarding location of an interment space in a plot cannot be obtained or are indefinite, or when for any reason the interment space cannot be opened where specified, the management may, in its discretion, open it in such location in the plot as it deems best and proper, so as not to delay the funeral. The management shall not be liable in damages for any error so made.

Funeral designs and floral pieces will be removed as soon as they become unsightly. Employees will decline to attempt to find them after so removed.

REMOVALS

No disinterment will be allowed without permission from the management, and then only upon signature of the next of kin of the person whose body is to be removed. Within the discretion of the Board of Managers, disinterment or removal may be allowed, upon filing with the Managing Superintendent a sworn affidavit by the next of kin of the decedent whose body is to be removed, setting forth the

kinship of the affiant and the desire of said affiant to disinter or remove the body of the deceased.

The removal of the bodies of deceased relatives for profit or change in the expressed or implied wish of their deceased kin is repugnant to the ordinary sense of decency and is absolutely forbidden.

The management will exercise the utmost care in making a removal but assumes no liability for damage to any burial case of any nature whatsoever in making the removal.

Removal from the cemetery will require a removal permit from the Health Department.

MARKER AND MONUMENT FOUNDATIONS

All repairs and/or resetting of grave markers and stones must be done by authorized monument company personnel. Work must be done under the supervision of the superintendent of the cemeteries. A date and time for the work to be done will have to be agreed upon. Cemetery personnel must be notified before the interment or disinterment of any remains. **AT NO TIME WILL THE "SPRINKLING OF ASHES" BE PERMITTED IN THE CEMETERY.**

SIZE OF MARKER AND FOUNDATION

Minimum size of a cement marker shall be eight inches by 12" (8" x 12") plus a four-inch (4") border.

Formula for foundations shall be made of not less than four (4) parts gravel and sand to one (1) part cement. Total foundation, plus border, shall not be less than 12" deep, and not less than two six-inch (6") holes shall be drilled or dug with overall depth 36 inches, filled with concrete to support. (Size of foundation will determine number needed.) Foundations must be at ground level.

TREES, SHRUBS, PLANTING AND LANDSCAPING

Trees will not be removed to make additional burial space, unless the management deems it advantageous to the general appearance of the grounds. No plantings of any nature are allowed on any lots.

AUTOMOBILES

Automobiles shall not be driven through the grounds at a speed greater than 25 miles per hour and must always be driven on the right-hand side of the cemetery roadway. Automobiles are not allowed to be parked or to come to a full stop in front of an open grave, unless such automobiles are in attendance at the funeral. The management reserves the right to exclude automobiles and motorcycles when necessary.

MISCELLANEOUS

Fences, copings, hedges, or other enclosures around or within lots or graves will not be allowed. Wooden, iron, concrete or other crosses, tablets, metal wreaths, trellises, or miscellaneous articles, shall not be placed upon graves or lots. They will be removed without notice when found.

Soliciting or passing out pamphlets, literature, etc..., by dealers, salesmen, or others, will not be permitted within the cemeteries. No signs, notices, or advertisement, of any kind, shall be allowed in the cemeteries, unless placed by the management.

Peddling of flowers or plants, or soliciting the sale of any commodity other than by employees of the association under its direction, is prohibited within the confines of the cemeteries.

Picnics, parties, refreshments, liquor, go-carts and pets are not allowed in the cemeteries.

State laws subject the offender to severe penalties for the violation, disturbance, destruction, injury or removal of any property, of whatever nature, within the boundaries of the cemeteries.

The Cemetery Superintendent shall have the right to determine where plywood boards are placed when delivering vaults to grave openings.

Management reserves the right to travel over any lot necessary for interment or erection of monuments.

SHEPHERD'S RODS

All rules will apply to both Diamond Grove Cemetery and Jacksonville East Cemetery.

One rod with no more than two hooks for two hanging items per headstone will be allowed.

Rods will be made of 5/8" diameter solid steel type material.

Rods will **not** be set in concrete bases in any section.

Rods are to be placed on the west side of marker, in center with the loop and basket facing east in Sections T, U, and V of Diamond Grove; and Sections A, B, C, and D of Eastview in East Cemetery.

Rods placed in all other sections of the cemeteries will be placed against the stone.

Rods will have a minimum of 18 inches from the bottom of the basket to ground level.

Rods will be approximately 48 inches above the ground (overall height).

The board reserves the right to remove and replace rods in improper locations.

The board reserves the right to remove any hanging baskets not properly maintained.

Shepherd's rods, meeting the specifications and properly maintained at all times, need not be removed.

Identification of rods is permitted, if owner so desires. This would enable cemetery and vault personnel to replace rods in proper locations.

The board reserves the right to temporarily remove rods to gain access to equipment for burial purposes.

DECORATIONS

Grave decorations are permitted on the following days and are to be removed ten days after Easter, Memorial Day, Mother's Day and Father's Day.

July 4th decorations will be allowed from July 4th at 7am to 7am on July 5th.

Christmas decorations will be allowed from Thanksgiving Day until March 1st.

If you wish to retain wreaths, flowers, or containers, they must be removed by March 1st. Any item remaining after this date will be removed by cemetery personnel.

No decorations will be attached to columbarium niches in any way at any time. Decorations can be placed at the base of the columbarium on previously stated holidays. They may remain for ten days after the holiday, and will be removed by cemetery staff after that.

Today, more and more families are realizing the emotional and economical advantage of securing burial property during lifetimes. Decisions can be made together without the pressure and confusion that often accompanies the loss of a loved one. Cost and availability of burial space changes with every year and arrangements made now can relieve the burden later when income may be reduced by retirement or long illness. At Diamond Grove Cemetery and Jacksonville East Cemetery, you will find qualified, caring personnel available to help you with these important tasks.

Individual and family burial lots are available in both Diamond Grove Cemetery and Jacksonville East Cemetery at reasonable fees. Each lot is sold with a warranty deed that includes a general care (formerly called perpetual care) agreement that provides for the maintenance of grass, shrubs, and trees on around the grave site. All monies received through this agreement are protected by the general care fund, assuring you and your family of continual care and service throughout the years.

In addition, special bequests in memory of loved ones are always welcomed and placed in the general care fund, unless otherwise specified.

We invite you to visit Diamond Grove Cemetery and Jacksonville East Cemetery, at any time during the year, to observe the peaceful serenity and natural beauty of the grounds and the warm understanding and dedication of our associates.

Superintendent's Offices are located:

Diamond Grove Cemetery
1601 South Lincoln Avenue
Phone: 217-479-4651

Jacksonville East Cemetery
600 Myrtle Street
Phone: 217-479-4652

City Clerk's Office is located:

200 W. Douglas Avenue
Phone: 217-479-4613