

ORDINANCE NO. 80-4

AN ORDINANCE CONFIRMING AND ADOPTING THE CREATION AND ESTABLISHMENT OF A CEMETERY, AUTHORIZING THE COLLECTION AND USE OF TRUST FUNDS AND ESTABLISHING RATES IN RESPECT TO THE CEMETERY.

WHEREAS, the Village of Chatham heretofore has created and established a cemetery to be known as Chatham Municipal Cemetery together with provisions for acceptance of fees and the issuance of permits and deeds respectively for grave openings and lots; and

WHEREAS, it is necessary, convenient and expedient to confirm, ratify and adopt the establishment of such cemetery and such acceptance of fees and issuance of permits and deeds respectively for grave openings and lots and to fix fees and provide for fees for the sale of lots and for grave openings;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as follows:

Section 1: The creation and establishment of Chatham Municipal Cemetery in the Village of Chatham, Illinois, be and the same hereby is ratified, adopted and confirmed.

Section 2: Chatham Municipal Cemetery shall be situated upon the tract described in Annex A, attached hereto, incorporated herein and made a part hereof.

Section 3: No grave shall be opened in and no body shall be interred in Chatham Municipal Cemetery unless the Village of Chatham first shall have issued a permit therefor upon such forms as may be prescribed therefor by the Village of Chatham and Illinois Department of Public Health. No permit shall be issued by the Village of Chatham unless there first shall be deposited with the Village of Chatham a permit from the Illinois Department of Public Health for disposal of a dead human body.

Section 4: The plat of the Chatham Municipal Cemetery heretofore made, subdividing the cemetery grounds into divisions, blocks, squares and lots, designated and numbered thereon, having been approved by the Board of Trustees and recorded in the Recorder's Office of the

county, is hereby declared to be the lawful plat of Chatham Municipal Cemetery. The same shall not be changed except by vote of the Board of Trustees.

Section 5: The Board of Trustees shall cause to be dug all graves, attend to the interment of all dead bodies and fill up, trim, keep and preserve the graves in good order. The depth of each grave shall be in accordance with currently accepted practice and standards generally in use in recognized, reputable cemeteries and as required by law.

Section 6: The following schedule of fees is hereby established with respect to acquisition of burial plots from and grave openings by the Village of Chatham in Chatham Municipal Cemetery:

- A. For purchase of burial plots and obtaining deed therefor:
 - (i) For Residents of the Village of Chatham \$25.00
 - (ii) For Nonresidents of the Village of Chatham \$100.00
- B. For grave openings and closings:
 - (i) Mondays through Fridays, except holidays recognized by the Village of Chatham \$100.00
 - (ii) For Saturdays, Sundays and holidays \$150.00

All fees shall be paid in advance in full, and no deed from the Village of Chatham for the purchase of a burial plot shall be delivered and no grave shall be opened unless the requisite fee therefor first shall have been paid to the Village of Chatham.

Section 7: Gifts, bequests or other money may be received by the Village Board of Trustees in trust from the owners of, or persons interested in the cemetery lots or grounds, and the money shall be invested as hereinafter provided. The income thereof shall be applied for the care of the lot or ground and the cemetery grounds in accordance with the terms of the agreement to be issued to such persons.

Section 8: The form and agreement for trust fund care shall be in the form of Annex B, attached hereto, incorporated herein and made a part hereof.

Section 9: No permit required herein shall be issued by the Village of Chatham unless all fees required therefor first shall have been paid to the Village.

Section 10: The cemetery deed shall be in the form of Annex C, attached hereto, incorporated herein and made a part hereof.

Section 11: All applications for the purchase of lots or graves shall be made to the Board of Trustees at the Village Hall. Upon payment being made, the purchaser shall be given a deed signed by either the President or the Secretary of the Board of Trustees and countersigned by the Village Clerk under the corporate seal.

The Board of Trustees shall determine the portion of the sale price which will be reasonably required to carry out the provisions for care. Such portion of the price shall be held by the Village Board under the provisions of Sections 7 and 8 hereinabove set forth.

Section 12: All funds or property received in trust on the purchase of lots under Section 10, or as gifts, grants, bequests, devises or contributions under Section 7 or pursuant to trust fund care agreements under Section 8 of this Ordinance, shall be placed in the custody, management and control of a bank or trust company designated by the Board. Said funds shall be invested by the Board under the laws of Illinois relating to the care funds of municipal cemeteries, and more particularly under Section 3 of "An Act To Regulate The Care Funds of Cemeteries, etc."

Section 13: The expenses of managing, investing and caring for the trust funds vested in the Board shall be paid from the income of said funds. The net income from the investment of such trust funds, after management, investment and care expenses, shall be allocated and used for the care of the lots and the general care and maintenance of the cemetery in accordance with the terms and provisions of the respective purchase agreements, trust fund care agreements, gifts, grants, devises, contributions and bequests, the Deeds issued by the Board, the ordinances of the Village and the laws of the State of Illinois.

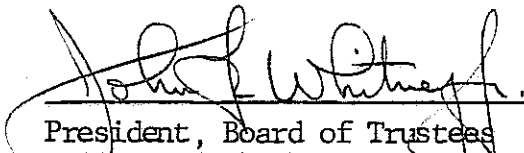
Section 14: A record of the lots for which trust fund care has been provided shall be kept by the Board of Trustees. It shall be their duty to provide such care to the respective lots or grounds so

far as the income of the funds shall permit and to provide the lots with appropriate markers indicating that they are under trust fund care. They shall report the cost of the care of such lots annually to the Board of Trustees and from time to time report the conditions of the lots under trust fund care and make suggestions and recommendations in reference to the care as they deem necessary.

Section 15: All ordinances, resolutions and parts thereof in conflict herewith be and the same hereby are repealed.

Section 16: This Ordinance shall be effective upon passage, approval and publication as provided by law.

PASSED March 11, 1980
APPROVED March 11, 1980
PUBLISHED _____



President, Board of Trustees
Village of Chatham

ATTEST:



Village Clerk

ANNEX A

Legal Description

ANNEX B

THIS AGREEMENT Made this _____ day of _____, A.D. 19____
between _____,
and the Board of Trustees of the Village of Chatham for and on behalf of
the Village of Chatham, a municipal corporation, County of Sangamon and
State of Illinois.

WITNESSETH: That _____ has
deposited with the Board of Trustees _____ Dollars
(\$ _____) in consideration of which the Board of Trustees and their
successors in office, do hereby agree to receive and hold the said sum
in trust forever, and invest the same with other funds of like character,
and apply the net income therefrom, insofar as said trust fund net income
permits, from time to time to the care of the _____
of Lot No. _____ in Block No. _____ in Chatham Municipal Cemetery and
the general care of said cemetery. For purposes of this agreement,
"general care" shall mean: maintaining in good order cemetery grounds
and the lots therein; maintaining, replacing, improving and constructing
drains, water lines, roads, walks, fences, buildings and other appur-
tenances therein; procuring and maintaining in good condition the machinery,
tools and equipment needed for general care purposes as within the discre-
tion of the Board of Trustees may be deemed necessary or appropriate;
caring for and maintaining the foundations for monuments and markers;
and for such administrative expenses and costs as may be entailed thereby.
The net income from said trust funds shall be construed to mean the in-
come actually received by the Board of Managers from such care trust
funds less the necessary costs of administering said fund.

The distribution of the income for the purposes hereinabove
set forth regarding the particular work to be done from time to time and
the specific percentages of income apportioned thereto shall at all times
be in the discretion of the Board of Trustees.

THE SURPLUS, if any, of said net income at the end of each year,
is to remain as a SINKING FUND and shall, along with current income, be

utilized for the purposes hereinabove set forth, and for such other cemetery development purpose, as the Board of Trustees deems necessary.

PROVIDED, HOWEVER, That the said Board of Managers shall never be held responsible for their conduct in the discharge of said trust except for good faith and such reasonable diligence as may be required of mere gratuitous agents.

IN WITNESS WHEREOF, the President of the Board of Trustees of the Village of Chatham, or the Secretary of the Board of Trustees, together with the Village Clerk of the Village of Chatham, Illinois, have hereunto affixed their signatures and the corporate seal of the Village of Chatham, Illinois, this _____ day of _____, A.D. 19__.

President
Secretary

COUNTERSIGNED:

Village Clerk

ANNEX C

THE VILLAGE OF CHATHAM
A MUNICIPAL CORPORATION
OF THE STATE OF ILLINOIS

In Consideration of _____ Dollars paid to the Village of Chatham, a municipal corporation of the State of Illinois, by _____
_____ in conformity with the provisions of the ordinance of the said Village, the said Village, hereby sells and conveys unto the said _____ Lot No. _____ in Block No. _____, in _____ addition, in Chatham Cemetery, as platted and recorded in the office of the Recorder of Deeds of Sangamon County, Illinois, and in the office of the Village Clerk of said Village.

To Have And To Hold the same, with its appurtenances, until the said _____, (his) (her) (their respective) heirs and assigns, forever, for a place of burial, and for no other use or purpose whatever; conditioned, nevertheless, that no transfer or assignment of any square or lot, or any interest therein, shall be valid until approved by the Board of Trustees of said Village, and subject, also, to such ordinances, general rules and regulations as said Board may from time to time establish; and the Village of Chatham hereby covenants with the said _____, (his) (her) (their respective) heirs and assigns, that Chatham Cemetery, as platted and recorded as aforesaid shall forever be kept and preserved as a place of burial for the dead.

This instrument further Witnesseth that, Whereas, _____ Dollars per grave of the total consideration paid by said _____
_____ is for the purpose of income care, the said Village of Chatham does hereby agree to receive and hold the said sum of _____ Dollars, per grave, in trust forever and to invest the same with other funds of like character and apply the prorated income therefrom from time to time to the care of the said grave, and the surplus of the income from the trust funds, if any, at the end of each year, is

to remain a sinking fund and be not used for any other purpose but the taking care of said grave and cemetery grounds.

The income care to be furnished shall consist of cutting of the lawn on the grave at reasonable intervals and the general maintenance and improvement of the cemetery insofar as the net income derived from the amount deposited in trust will permit.

In Witness Whereof the said Village of Chatham has caused its corporate seal to be hereto affixed and has caused its name to be signed to these presents by the President of the Board of Trustees thereof, and attested by the Village Clerk on this _____ day of _____, A.D. 19__.

VILLAGE OF CHATHAM, a municipal corporation of the State of Illinois

By _____
President of the Board of Trustees
of the Village of Chatham

ATTEST:

Village Clerk of the Village of Chatham