

Little Rock Township Cemetery

14733 North Center Avenue

Plano, IL 60545

A Cemetery in the Township of Little Rock

Kendall County, Plano, Illinois

Cemetery Rules & Regulations

Revised & Effective 06/12/2019

Definitions

"Person" means any person, partnership, association, corporation, or other entity.

"Trustee" means any person authorized to hold funds under this Act. (COA)

"Care" means the maintenance of a cemetery and of the lots, graves, crypts, niches, family mausoleums, memorials, and markers therein; including: (i) the cutting and trimming of lawn, shrubs, and trees at reasonable intervals; (ii) keeping in repair the drains, water lines, roads, buildings, fences, and other structures, in keeping with a well maintained cemetery; (iii) maintenance of machinery, tools, and equipment for such care; (iv) compensation of employees, payment of insurance premiums, and reasonable payments for employees' pension and other benefits plans; and (v) to the extent surplus income from the care fund is available, the payment of overhead expenses necessary for such purposes and for maintaining necessary records of lot ownership, transfers, and burials.

"Care funds" as distinguished from receipts from annual charges or gifts for current or annual care, means any realty or personalty impressed with a trust by the terms of any gift, grant, contribution, payment, legacy, or pursuant to contract, accepted by any cemetery authority owning, operating, controlling or managing a privately operated cemetery, or by any trustee or licensee, agent or custodian for the same, under Section 3 of this Act, and the amounts set aside under Section 4 of this Act, and any income accumulated therefrom, where legally so directed by the terms of the transaction by which the principal was established.

"Cemetery" means any land or structure in this State dedicated to and used, or intended to be used, for the interment of human remains.

"Cemetery authority" means any person, firm, corporation, trustee, partnership, association or municipality owning, operating, controlling or managing a cemetery or holding lands for burial grounds or burial purposes in this State.

"Little Rock Township Cemetery and Little Rock Township Road District" means they are the Cemetery Authority as well as their licensed Cemetery Manager and Customer Service

LITTLE ROCK TOWNSHIP CEMETERY

14733 Center Ave. Plano. IL 60545

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Employees, that are owning, operating, controlling or managing a cemetery or holding lands for burial grounds or burial purposes in this State.

"Grave" means a space of ground in a cemetery, used, or intended to be used, for burial.

"Municipal cemetery" means a cemetery owned, operated, controlled or managed by any city, village, incorporated town, township, county, or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file. It is the duty of the applicant or licensee to inform the Department of any change of address within 14 days either through the Department's website or by contacting the Department's licensure maintenance unit. The address of record for a cemetery authority shall be the permanent street address of the cemetery.

"Applicant" means a person applying for licensure under this Act as a cemetery authority, cemetery manager, or customer service employee. Any applicant or any person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Burial permit" means a permit provided by a licensed funeral director for the disposition of a dead human body.

"Cemetery manager" means an individual directly responsible or holding himself or herself directly responsible for the operation, maintenance, development, or improvement of a cemetery that is or shall be licensed under this Act, irrespective of whether the individual is paid by the licensed cemetery authority or a third party. This definition does not include a volunteer who receives no compensation, either directly or indirectly, for his or her work as a cemetery manager.

"Cemetery operation" means to engage in any or all of the following, whether on behalf of, or in the absence of, a cemetery authority: (i) the interment, entombment, or inurnment of human remains, (ii) the sale of interment, entombment, or inurnment rights, cemetery merchandise, or cemetery services, (iii) the maintenance of interment rights ownership records, (iv) the maintenance of or reporting of interment, entombment, or inurnment records, (v) the

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maintenance of cemetery property, (vi) the development or improvement of cemetery grounds, or (vii) the maintenance and execution of business documents, including State and federal government reporting and the payment of taxes, for a cemetery business entity.

"Cemetery Oversight Database" means a database certified by the Department as effective in tracking the interment, entombment, or inurnment of human remains.

"Cemetery services" means those services customarily performed by cemetery personnel in connection with the interment, entombment, or inurnment of a dead human body.

"Consumer" means an individual who purchases or who is considering purchasing cemetery, burial, or cremation products or services from a cemetery authority, whether for themselves or for another person.

"Customer service employee" means an individual who has direct contact with consumers to explain cemetery merchandise, services, and interment rights and to execute the sale of those items to consumers, whether at the cemetery or an off-site location, irrespective of whether compensation is paid by the cemetery authority or a third party. This definition does not include a volunteer who receives no compensation, either directly or indirectly, for his or her work as a customer service employee.

"Employee" means an individual who works for a cemetery authority where the cemetery authority has the right to control what work is performed and the details of how the work is performed regardless of whether federal or State payroll taxes are withheld.

"Entombment right" means the right to place individual human remains or individual cremated human remains in a specific mausoleum crypt selected by a consumer for use as a final resting place.

"Funeral director" means a funeral director as defined by the Funeral Directors and Embalmers Licensing Code.

"Grave" means a space of ground in a cemetery used or intended to be used for burial.

"Immediate family" means the designated agent of a person or the persons given priority for the disposition of a person's remains under the Disposition of Remains Act and shall include a person's spouse, parents, grandparents, children, grandchildren and siblings.

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"Individual" means a natural person.

"Interment right" means the right to place individual human remains or cremated human remains in a specific underground location selected by a consumer for use as a final resting place.

"Inurnment right" means the right to place individual cremated human remains in a specific niche selected by the consumer for use as a final resting place.

"Licensee" means a person licensed under this Act as a cemetery authority, cemetery manager, or customer service employee. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Mausoleum crypt" means a grouping of spaces constructed of reinforced concrete or similar material constructed or assembled above the ground for entombing remains.

"Niche" means a space in a columbarium or mausoleum used, or intended to be used, for inurnment of cremated human remains.

"Parcel identification number" means a unique number assigned by the Cemetery Oversight Database to a grave, plot, crypt, or niche that enables the Department to ascertain the precise location of a decedent's remains interred, entombed, or inurned after the effective date of this Act.

"Person" means any individual, firm, partnership, association, corporation, limited liability company, trustee, government or political subdivision, or other entity.

"Public cemetery" means a cemetery owned, operated, controlled, or managed by the federal government, by any state, county, city, village, incorporated town, township, multi-township, public cemetery district, or other municipal corporation, political subdivision, or instrumentality thereof authorized by law to own, operate, or manage a cemetery.

"Term burial" means a right of interment sold to a consumer in which the cemetery authority retains the right to disinter and relocate the remains, subject to the provisions of subsection (d) of Section 35-15 of this Act.

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(765 ILCS 835/2) (from Ch. 21, par. 16)

Sec. 2. **The cemetery authority is hereby authorized to make by-laws or rules and regulations** for the government thereof, and to make rules regarding the driving of cars, motorcycles, carriages, processions, teams, and the speed thereof, the use of avenues, lots, walks, ponds, water courses, vaults, buildings, or other places within such cemetery, the operations and good management in such cemetery, the protection of visitors, the protection of employees, and for the maintenance of good order and quiet in such cemetery, all such rules to be subject to the rights of interment, entombment, or inurnment right owners, or others, owning any interest in such cemetery; and all persons found guilty of a violation of such rules shall be guilty of a petty offense and shall be punished by a fine of not less than \$100, nor more than \$500 for each offense. No judge shall be disqualified from hearing any cause that may be brought before him under the provisions of this Act, nor shall any person be disqualified from acting as a juror in such cause, by reason of any interest or ownership they or either of them may have in the interment, entombment, or inurnment rights of such cemetery.

(Source: P.A. 94-44, eff. 6-17-05.)

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Cemetery Rules

- Under Illinois law, the owner of an interment right has an easement in real property to be used solely for interment purposes. The fee title ownership of the underlying property remains in the entity or person that owns the cemetery.
- Under Illinois law, tenants in common are considered to own an equal undivided interest in the property and each of them has an equal right to the use of the property.
- Cemetery burial plots for interment and inurnment are permanent, no-term plots.
- One traditional burial per grave is allowed. Two cremains burials per grave are allowed. One traditional burial and two cremains burials per grave is allowed. Multiple depth burials are not permitted. Interring in between graves is not permitted.
- The mausoleums are no longer available for purchase.
- The transfer of a plot/plots may occur when the original deed is provided along with a form of identification. The Cemetery will not purchase plots back from Authorized Customers and will not handle the finances of sales to third parties.
- The transfer through heirship may occur after an affidavit for cemetery interment rights use detailing the heirs entitled to be buried in a family's rights is provided.
- Written authorization from a person or persons that are legally empowered to sign the authorization is required. The Cemetery may also require a release, indemnification and hold harmless agreement to be signed.
- ID must be provided and Section 5 of DORA (755 ILCS 65/5) must be followed.
- The person who has the right of disposition must view and confirm the exact grave location.
- Permits for inurnment are required and are the responsibility of the Authorized Customer.

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- Authorized Customers must provide the dimensions of the urn of the decedent to be inurned.
- All burials must utilize a burial vault or concrete grave liner.
- DHS low income funeral and burial benefits are available for those who qualify. Please visit www.dhs.state.il.us for more information.
- A disinterment must have a permit for disinterment – reinterment and a funeral director must be present. The Cemetery is not responsible for the condition of any burial container, casket or cloths associated with the disinterment.
- The Cemetery retains the right to correct any errors, encroachments, hazardous conditions, or wrongful interment or inurnment of human remains or cremated remains. Upon finding an error, the family will be notified, and the error will be corrected in a timely manner, weather permitting.
- Any headstone or marker placed on a lot (in sections 3 & 4) must be flush with the ground. Markers placed in sections 1 & 2 may conform to family markers already in place. The monument cannot exceed 4 feet (4') in length and 2 feet (2') in width.
- Placement and maintenance of headstones or monuments will be the responsibility and expense of the plot owner.
- Headstones/Monuments must be placed on the grave site within one (1) year of burial.
- Only one (1) headstone/monument per grave is allowed.
- Authorized customers and family members are not allowed to be present when the Cemetery or Cemetery's contractors are digging or using large equipment that create hazardous conditions. Disinterment's are the exception, and a Disinterment Viewing Disclosure Acknowledgement must be signed.
- It is the responsibility of the interment right owners to: maintain their current address and phone number with the Cemetery, to inform the Cemetery when any work needs to be performed, and to follow the rules and regulations of the Cemetery.

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General Rules

- Absolutely **NO ALCOHOL** is allowed on the premises.
- No planting or digging on plots is allowed.
- Only one (1) Shepherd's hook or heart & one (1) military marker may be stuck directly into the ground!
- Flags may not be stuck directly into the ground, but may be placed on a military marker or tied to a shepherd's hook.
- **GLASS, CERAMIC & PORCELAIN CONTAINERS/STATUES ARE PROHIBITED. NO BREAKABLE ITEMS.**
- One (1) flowerpot not to exceed 10 inches (10") in diameter, or two (2) 4-inch (4")/5-inch (5") flowerpots are allowed.
- Live flowers/plants may be placed on any occupied grave (not an unoccupied plot) that has a headstone and must be in a container made for outdoor use. Plastic watering globes are permitted.
- Artificial flowers/plants may be placed on any occupied grave (not an unoccupied plot) that has a headstone and must be in a container made for outdoor use.
- Flowerpots must be placed on monuments/headstones or on shepherd's hook. No flowerpots may be placed on the grass.
- Wire easel type (A frame) wreath holders, flower boxes, fences, planters over 10 inches (10"), bird houses exceeding 6 inches (6") & with open holes, and statues exceeding 16 inches (16") tall are ***prohibited***. One (1) bird house per occupied grave. Statues must be placed on the headstone. Hanging items must hang over the headstone. Items impeding maintenance will be removed.
- Grave blankets, wreaths and Poinsettia plants are allowed during winter months.

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- The Cemetery will remove all flowers/plants from all graves after they have become wilted or at the Cemetery Authority's discretion.
- Flower bouquets are allowed on new grave sites for a period of one (1) week or at the Cemetery Authority's discretion. After such time they will be removed.
- In order to maintain the appearance of the cemetery grounds to the highest standards, gravesites not in compliance with the rules & regulations will be notified to contact the cemetery office. Failure to make contact will result in the cemetery taking action to bring the gravesite into compliance.
- The cemetery will not be responsible for the condition of any headstones, monuments, urns, vases, cups, etc.
- It is a violation of the rules & regulations to place any object on a plot that is above ground and permanent in nature.
- The cemetery is not responsible for vandalism, acts of God, or any acts beyond the reasonable control of the cemetery.
- There will be clean up periods, for the time of one week, in the spring and fall during which the cemetery will remove and dispose of **ALL** decorations. Anyone wishing to keep decorations must remove them by **April 1st and November 1st**. The cemetery will not be responsible for any decorations left behind after this time! After the cleanup period, items may be returned to graves.
- The owner's family or next of kin is responsible to maintain, repair, reposition or remove monuments (including existing mausoleums) that have fallen into disrepair and are unsightly or appear to be potentially unsafe. In the event of the failure to take said action, the cemetery may remove any such monument (including existing mausoleums) and after six (6) months dispose of such in a manner producing the greatest financial benefit to the cemetery without any compensation due the owner, family or next of kin.

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- Visitors using the kitchen rental must cleanup afterwards or a \$90 cleaning fee will be imposed.
- The speed limit within the Cemetery is 5 mph.
- Loud music sounding from vehicles or individuals is prohibited.
- Visitors walking pets must pickup after and dispose of properly any and all pet waste.

(765 ILCS 835/2) (from Ch. 21, par. 16)

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(Source: P.A. 94-44, eff. 6-17-05.)

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Contractors

- Funeral homes must give the Cemetery a minimum of 72 hours' notice prior to the scheduling of a grave opening and funeral service.
- **ALL contractors** must notify the Cemetery **in writing** (email, fax, usps) when they will be on the premises and what work is going to be done. **An authorized representative for the Cemetery Authority must sign an approval for entry and work.** There are no exceptions to this, as the Cemetery needs to maintain detailed records.
- Any headstone or marker placed on a lot (in sections 3 & 4) must be flush with the ground to permit the mowing of grass around the monument. Markers placed in sections 1 & 2 can conform to family markers already in place. The monument cannot exceed 4 feet (4') in length and 2 feet (2') in width.
- Foundations for monuments may be no less than 24" in depth, using ¾" gravel, sand and portland cement.
- The base for any headstone or monument must be made of granite.
- No work, other than decorating, shall be performed in the cemetery except by an Approved Contractor. No monument may be installed or moved until all cemetery charges have been paid in full. This includes permit fees (see price list for permit fees).
- To become an Approved Contractor, the contractor must make an application with the cemetery. The contractor must be familiar with the cemetery rules & regulations and must carry liability insurance and workman's compensation insurance.
- Prior to any work being completed, an Approved Contractor shall provide a current certificate of insurance that names Little Rock Township Cemetery and Little Rock Township Road District as additional insured parties.
- Before any work can be performed, an Approved Contractor will obtain an Activity Permit. No work, except interment, will be permitted while a funeral or service is in progress. The Approved Contractor must submit an Activity Permit at least 48 hours prior to the intended start of work. The cemetery must receive a completed (in its

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entirety) Activity Permit from the Approved Contractor, and the cemetery must approve or deny the Activity Permit. Not until the Approved Contractor has received an approved Activity Permit can work begin.

- Unless waived in writing by the cemetery, the Approved Contractor shall remove all debris and unused or excess materials resulting from such work. This includes soil, rocks, and other materials removed from a plot that are not needed for the closing of a grave or backfilling of a monument foundation.
- The Approved Contractor may only leave the extents of the cemetery roadway to the extent required to perform said activity. Any ruts or damage left by a vehicle must be repaired. Any damage done by a contractor, including roadways, shall be repaired to the satisfaction of the cemetery at the sole cost of the contractor and/or owner. Unless other arrangements have been made, all repairs and/or replacements shall be completed within 30 days after the damage has been brought to the contractor and/or owner's attention. Failure to properly remedy the situation in the allotted time, may result in the necessary work being performed or authorized by the cemetery. In which case the costs sustained in such work as well as any collection costs and reasonable attorney fees shall be billed to the contractor and/or owner. No work will be permitted by any Approved Contractor that has an outstanding bill due to the cemetery.
- Any headstone/monument installed in violation of the cemetery rules & regulations may be removed by the cemetery, after voted on the Township Board of Trustees. Any removed monument may be sold or disposed of after six (6) months in a manner producing the greatest financial benefit to the cemetery and without any compensation due the owner, family or next of kin.

Any and/or all the Cemetery rules may be changed or modified at the discretion of the Cemetery Authority.

Cemetery visiting hours are from sunrise to sunset.

Cemetery office hours may vary.

A map of the cemetery and ability to search locations is available at:
http://www.illinois-cemeteries.com/Little_Rock_Township_Cemetery

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