

Chapter 130. City Cemetery Section

130.010. Definitions.

[CC §500.010; Ord. No. 24, 12-12-1963]

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein.

BOARD OF ALDERMEN

The Board of Aldermen of the City of Wright City, Missouri.

MUNICIPAL CEMETERY OR CEMETERY

The municipal cemetery of the City.

Section 130.020. Purchase of Cemetery Lots.

[CC §500.020; Ord. No. 24, 12-12-1963; Ord. No. 266, §1, 12-9-1993; Ord. No. 483 §I, 7-22-2004; Ord. No. 736 §I, 6-23-2011]

The purchase price of cemetery lots and graves for residents/property owners in the City limits of Wright City and non-residents is hereby fixed as follows:

Cemetery lot (containing one (1) grave):

Resident/property owners and business owners of real property in the City limits of Wright City	\$400.00
Resident/property owners and business owners of real property in Warren County, MO	\$600.00
Non-resident	\$800.00

No lot shall be sold by the City without a purchase of the appropriate Cemetery Endowment Certificate.

No single grave site shall contain more than two (2) caskets, one (1) casket and one (1) urn, or two (2) urn burials.

Section 130.030. No Retroactive Application.

[CC §500.030]

Prior to December 12, 1963, a whole cemetery lot consisted of eight (8) graves and a half lot of four (4) graves, but effective with lots sold from and after this date a "lot" shall be defined to contain (1) grave.

Section 130.040. Cemetery Lots To Be Conveyed By Deed.

[CC §500.040; Ord. No. 24, 12-12-1963]

The cemetery lots owned by this City shall be conveyed by deed signed by the Mayor, duly attested by the City Clerk, and shall vest in the purchaser, his or her heirs and assigns, a right in fee simple to such lot for the sole purpose of interment under the regulations of the Board of Aldermen.

Section 130.050. Transfer of Lots and Perpetual Care.

[CC §500.050; Ord. No. 24, 12-12-1963]

A transfer fee of fifty hundred dollars (\$50.00) shall be paid to the City for the transfer of cemetery lots from one (1) person to another person. No cemetery lot shall be transferred from one (1) person to another person unless a Cemetery Endowment Certificate has previously been purchased covering said lot.

Section 130.060. Plats of Cemetery To Be Recorded.

[CC §500.060; Ord. No. 24, 12-12-1963]

The City shall cause to be recorded in the proper office, a plat of its cemetery, showing its walks, ways, roads, avenues and the number and sizes of the burial lots therein, and the names of their respective owners, so far as such cemetery has been laid out in lots and sold; and annually, on or about the first day of January, the City shall file for record, so as to continue from year to year the original plat until it shall show the whole tract subdivided into lots and the owners' names, a corrected plat showing new thoroughfares and places, if any have been laid out, and all lots, with the names of the owners and the size indicated on each lot, sold since the previous January first; and such corrected plat shall be recorded by correcting and continuing the original plat first recorded.

Section 130.070. Proceedings To Enlarge Cemetery.

[CC §500.070; Ord. No. 24, 12-12-1963]

Whenever it shall become absolutely necessary to enlarge the public burial ground or cemetery, and when the City is interested in the enlargement of said cemetery, and the owner or owners of the adjoining land, cannot agree as to the price to be paid for the same, or for any other cause cannot secure a title thereto, the City may proceed to condemn the same, in the same manner as provided by law for condemnation, and on such condemnation, and the payment of the appraisalment as therein provided, the title of such land shall vest in the City for the purposes and uses only for which it was taken.

Section 130.080. Trust Properties For Benefit of Cemetery.

[CC §500.080; Ord. No. 24, 12-12-1963]

It shall be lawful for any grantor, deviser, donor or trustee to give, grant, devise, bequest or place in trust any real or personal property, or the income therefrom, for the use and benefit of the City Cemetery, or for the grading, seeding, sodding, mowing or otherwise maintaining, improving or beautifying of any grave, lot, stone, monument or mausoleum in the cemetery and the City is hereby authorized and empowered to receive and hold any such real or personal property, or the income therefrom, and expend the same for any or all such uses and purposes, under the terms and conditions of any such gifts, grants, devises, bequests or trust.

Section 130.090. Creation of Cemetery Endowment Fund.

[CC §500.090; Ord. No. 24, 12-12-1963]

There is hereby created a fund to be known and designated as the "Wright City Cemetery Endowment Fund." Said Fund, and any and all additions thereto, shall be forever kept intact and no part of the capital or principal, thereof shall ever be expended or disbursed. Said fund and all additions thereto shall be kept separate, apart and unmingled with any other funds of the said City. The sole purpose of said Fund shall be to provide a perpetual income wherewith to care for, maintain and preserve those lots and graves in the City's Cemetery designated on Wright City Cemetery Endowment Fund Certificates and to care for, maintain and beautify the cemetery of the City, and only the interest earned from the capital or principal of said Fund shall ever be defrayed for said purpose.

Section 130.100. City Treasurer As Endowment Fund Trustee.

[CC §500.100; Ord. No. 24, 12-12-1963]

The City Treasurer and his successor in office is hereby made the trustee, or custodian, of the said Wright City Cemetery Endowment Fund.

Section 130.110. Perpetual Care.

[CC §500.110; Ord. No. 24, 12-12-1963; Ord. No. 266 §III, 12-9-1993; Ord. No. 483 §II, 7-22-2004; Ord. No. 737 §I, 6-23-2011]

The purchase price of a Wright City Cemetery Endowment Certificate for residents/property owners of real property in the City limits of Wright City and non-residents guaranteeing to the purchaser of the said Cemetery Endowment Certificate perpetual care and maintenance of a designated lot and the grave, or graves, situated thereon is hereby fixed as follows:

Cemetery lot (containing one (1) grave):

Resident/property owners and business owners of real property in the City limits of Wright City	\$25.00
Resident/property owners and business owners of real property in Warren County, MO	\$37.50
Non-resident	\$50.00

Said Cemetery Endowment Certificate to be executed by the Mayor and the City Treasurer; said Endowment Certificate to have affixed thereto the Seal of the City.

Section 130.120. City May Receive Gifts For Endowment Fund.

[CC §500.115; Ord. No. 24, 12-12-1963]

The City Treasurer is authorized and empowered to receive and accept donations from all persons who desire to make donations to said Fund, amounts under twenty five dollars (\$25.00) as a gift to said Endowment Fund, issuing a receipt to the donor acknowledging receipt thereof, but no Endowment Certificate, or guarantee of care and maintenance of a lot or grave shall be executed to such donor, and no gift or donation shall be accepted as a partial payment of, nor will credit for the amount of the gift or donation be given the donor toward the purchase of a Wright City Cemetery Endowment Certificate.

Section 130.130. Make-Up of The Endowment Fund.

[CC §500.130; Ord. No. 24, 12-12-1963]

All funds received for the purchase of Endowment Certificates and all donations and gifts to the said Fund, shall become and accounted for as additions to the said capital, or principal, of said Fund and preserved intact with and as a part of said capital, or principal of said Fund for the accumulation of interest earnings thereon.

Section 130.140. Repealed By Ord. No. 266 §IV, 12-9-1993.

Section 130.150. Trustee's Bond.

[CC §500.150; Ord. No. 24, 12-12-1963]

The City Treasurer, shall before taking charge of, or custody of, said funds and annually thereafter at the January meeting of the Board of Aldermen enter into a good and sufficient fidelity bond in double the amount of the capital, or principal, of said fund on the date of the execution of such bond. Such bond shall be conditioned upon the faithful investment of said capital, or principal, of said fund in the securities hereinafter specified and in the manner hereinafter set out, and that he will faithfully and truly perform all the duties of said office of Trustee, or custodian, of the said Wright City Cemetery Endowment Fund; that he will invest the funds in his possession when they are available for investment in the manner

hereinafter specified, and safely deposit the said investments in the place provided by the Board of Aldermen and at the expiration of his term of office account for and transmit the same and all books and papers appertaining to his office to his successor in office, or any other officer that may be designated by the Board of Aldermen. The bond required may be either a personal or corporation bond: If a corporation bond the same shall be that of a well-known and solvent fidelity bonding company, duly licensed and authorized as such in the State. The premium for any corporation bond may be paid from the General Revenue Fund of the City.

Section 130.160. Annual Accounting of Endowment Fund.

[CC §500.160]

The City Treasurer, shall, at least once each year, at the regular January meeting of the Board of Aldermen, render a true and correct report and account of said Fund, and how and in what securities the same is invested. He shall promptly make such further and special reports from time to time as the Board of Aldermen may require to be made.

Section 130.170. Endowment Fund Depository.

[CC §500.170; Ord. No. 24, 12-12-1963]

It shall be the duty of the City Treasurer to deposit all funds received by him either for the sale of Wright City Cemetery Endowment Certificates and/or donation or gifts in a local bank and then with the approval of the Board of Aldermen, to invest all available funds in the securities hereinafter specified.

Section 130.180. Administration of Endowment Fund.

[CC §500.180; Ord. No. 24, 12-12-1963; Ord. No. 933 §I, 01-25-2018]

All interest accruing from the investment of the said Wright City Cemetery Endowment Fund, when and as the same accumulates, shall be received by the City in its General Fund, and shall be used by the City for the preservation, care, upkeep and adornment of such cemetery as specified in Section 130.090 and Section 214.020 RSMo., as amended.

Section 130.190. Legal Investments For Endowment Fund.

[CC §500.190; Ord. No. 24, 12-12-1963]

- A. The following securities, when subject to registration, are hereby declared to be proper investments for the capital, or principal of said Wright City Cemetery Endowment Fund, to-wit:
1. All bonds, or written interest bearing obligations of the Government of the United States of America;
 2. All bonds or written interest bearing obligations of the State of Missouri.
 3. Any bank which is authorized to do business in this state so long as the funds so deposited are protected by federal deposit insurance.
- B. If and when the said funds are deposited, or invested, as herein specified, the City Treasurer and his sureties shall not be liable for loss of the deposit, except for acts of infidelity on the part of the City Treasurer, or for loss occurring through default of such securities, provided however, that said securities be such whose issuance both in substance and form are of unquestioned legality.

Section 130.200. Regulation of Endowment Fund Securities.

[CC §500.200; Ord. No. 24, 12-12-1963]

It shall be the duty of the City Treasurer to have registered in the name of Wright City Cemetery Endowment Fund, by (Treasurer's name), City Treasurer and Ex-Officio Trustee, and successors in office, any and all securities purchased for the said Fund, immediately upon receipt by the Treasurer of the securities; and further, it shall be his or her duty to investigate before proposing the purchase of any issue of securities, if the same be subject to registration.

Section 130.210. Desecration of Cemetery.

[CC §500.210; Ord. No. 39, 12-9-1965]

No person shall write upon, cut, bruise, break, discolor or otherwise deface or injure any stone, monument, vault, fence or other structure within or around the municipal cemetery of the City.

Section 130.220. Unauthorized Presence in Cemetery.

[CC §500.220; Ord. No. 39, 12-9-1965]

No person not previously authorized by the Board of Aldermen, shall be permitted within the enclosure of the municipal cemetery of the City, after dark.

Section 130.230. Penalty.

[CC §500.230]

Any person convicted of violating any provision of this Chapter shall be penalized in accordance with Section 100.050 of this Code.

Section 130.240. Opening and Closing Graves.

[CC §500.240; Ord. No. 125, 5-11-1978]

No person, persons, firms or corporations, whether acting as an agent or servant of another or acting as principal for himself, themselves or itself, shall open or close a grave or open and close a grave or cause or direct another person to open or close or open and close a grave in the municipal cemetery of the City, without obtaining therefor a permit to be issued by the City Clerk. Said permit shall be issued by the City Clerk upon application therefor and payment of

Resident/property owners and business owners of real property in the City limits of Wright City	\$200.00
Resident/property owners and business owners of real property in Warren County, MO	\$300.00
Non-resident	\$400.00

fee for each opening and closing of a grave. The digging fee for an Urn measuring less than 16 inches by 16 inches by 24 inches is included in this Opening and Closing Fees.

Section 130.250. Permits Not Issued — When.

[Ord. No. 195 §1, 1-9-1986; Ord. No. 830 §I, 7-24-2014]

The City Clerk shall not issue a permit to open or close a grave or allow interments to be made on a lot for any person, other than the owner of said lot, unless an authorization for such opening, closing, and interment is given to the City Clerk, in writing, upon forms approved by the City Clerk, by said lot owner. In case of death of a lot owner, it shall be the duty of the heirs or devisees to file with the City Clerk satisfactory proof of the new ownership. All burial cases shall be constructed of concrete, with the exception of urn burials, which shall be in a sealed and waterproof urn container.

Section 130.260. Tree Planting Committee.

[Ord. No. 830 §II, 7-24-2014]

- A. There is hereby established a Tree Planting Committee consisting of three (3) members recommended to the Mayor by the Wright City Memorial Society. The members shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.
- B. The planting of shrubs, trees, bushes, flowers, or plants of any kind in the Wright City Cemetery is prohibited without the review and recommendation of the Tree Planting Committee. All such plantings shall have the final approval of the Board of Aldermen, after recommendation from the Tree Planting Committee.

Section 130.270. Monuments and Grave Markers.

- A. Henceforth all monuments and grave markers erected in the Cemetery of the City of Wright City shall be installed on a concrete base not less than eighteen (18) inches deep. The top of said base shall be ground level. In the event any person or persons fails to comply with this Article, the Chief of Police is hereby authorized and empowered to remove any marker or monument erected in violation of this Chapter. The City of Wright City shall have the authority to move any marker incorrectly placed at the expense of the lot owner.
- B. A permit shall be issued by the City upon application therefor and payment of fifty dollars (\$50.00) for each monument or marker placed. Flat Military markers are exempt from this fee but shall require a permit to be placed.

Section 130.280. Decorations / Artificial Flowers.

At all times, except as specified, artificial flowers or similar decorations may be placed upon or maintained upon a grave in the cemetery of the City of Wright City, Missouri. All flowers, wreaths and other decorations placed on graves on the following days will be allowed to remain there for a minimum of six (6) days: Easter; Memorial Day; Mother's Day; Father's Day; Fourth of July. Flowers and decorations placed at Christmas time must be removed by March first (1st). Flowers and other decorations placed on graves at any other time than those above mentioned days may be removed at any time. The caretaker of said cemetery is hereby authorized and empowered to remove artificial flowers or other similar decorations and to dispose of them forthwith if they are placed on the graves in violation of the above regulations.

Section 130.290. Planting Only by Authorized Employees.

No shrubbery or other plants shall be planted in the Cemetery of the City of Wright City by any person except authorized employees of the City of Wright City.

Section 130.300. Other Obstructions.

No structures, objects or obstructions such as trees, statuary, benches, etc., shall be placed on or around the graves without the approval of the City of Wright City, Missouri. The following will be not allowed: fences, coping, hedges or other enclosures. Wooden, iron, concrete or other crosses, tablets, metal wreaths, trellises, shepherd hooks with hanging baskets, bird houses, etc., shall not be placed upon graves or lots. No permanent vases.

Section 130.310. Glass Containers.

No glass containers or figurines of ceramic, plastic, metal, porcelain or similar material will be allowed in the cemetery and will be removed for the safety of the caretakers, employees of the City of Wright City and the public.

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