

**STURGEON CITY CODE**

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**CHAPTER 7: CITY PROPERTY**

**Article I: City Cemetery**

**Section 7.080           Mt. Horeb Cemetery Fund.**

That there is hereby established a fund for the perpetual preservation, care, upkeep and adornment of the Mt. Horeb Cemetery, Sturgeon, Missouri, and all future additions thereto, said fund to be known as the "Mount Horeb Perpetual Care Cemetery Fund". The Board of Aldermen shall appoint a Cemetery Committee to assist and advise Board in the administration of said cemetery and fund, the members of such committee to serve until successors are appointed.

(Ord. 304, Sec. 1, Approved and Effective May 27, 1969.)

**Section 7.090           Additions to Fund.**

That the City of Sturgeon may accept and acquire by bequest, gift or donation money or funds which are designated to be placed to the credit of said fund; and that all of the total sale price of each lot or burial plot hereafter sold in said cemetery, and all future additions to said cemetery, shall be deposited to the credit of said fund.

(Ord. 304, Sec. 2, Approved and Effective May 27, 1969.)

**Section 7.100           Funds to be Invested, Encroachment.**

Such monies and funds so placed in said fund shall be invested from time to time in bonds of the United States or State of Missouri or may be deposited in any bank or federally approved savings and loan association, and the income therefrom shall be expended for the preservation, care, upkeep and adornment of said cemetery as above provided and for no other purpose whatsoever. The principal of said fund shall not be encroached upon for any reason whatsoever.

(Ord. 304, Sec. 3, Approved and Effective May 27, 1969.)

**Section 7.110           Sale of Grave Spaces.**

1. The City shall sell cemetery spaces to persons wishing to purchase same in the Mount Horeb Cemetery and the Sturgeon City Cemetery at prices to be set by the Board of Aldermen by separate code.
2. Payment in full must be paid prior to delivery of deed and before any interments.
3. The City Clerk or designate shall keep a written and computer record of said space purchase.
4. The City Clerk or designate shall follow the current "Mount Horeb Cemetery Sales Check List".
5. Resale of Burial Spaces for profit is disallowed. The City will not sell spaces, lots, sections or any parcel of the cemetery(s) to persons, corporations, funeral directors or any other entity for the purpose of resale.
6. Resale of private spaces or lots by owner shall be allowed. However, the sale must be transacted through the City Clerk and appropriate records made thereof.

(Ord. 708, Sec. 3, Approved and Effective January 25, 2010; Ord. 509, Approved and Effective March 1, 1993; Ord. 420, Sec. 1 and Sec. 2, Approved and Effective September 28, 1981;)

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**Section 7.120 Expenditures From Fund.**

That all expenditures of said fund or any other cemetery fund or funds shall be allowed and paid in the same manner as other bills and accounts of the City, or in such manner as shall be the policy of the Board of Aldermen and its Cemetery Committee.

(Ord. 304, Sec. 5, Approved and Effective May 27, 1969.)

**Section 7.130 Deed Conveying Burial Places.**

The form of warranty deed to be delivered to the purchaser of all burial places, lots or plots shall be as follows:

**WARRANTY DEED  
STURGEON CEMETERY BURIAL LOT**

THIS DEED, made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between \_\_\_\_\_ State of Missouri, party of the first part, and \_\_\_\_\_ of the county of \_\_\_\_\_ and state of \_\_\_\_\_ party of the second part,

Witnesseth:

That the said party of the first part, for and in consideration of the sum of \_\_\_\_\_ dollars, to it paid by the said party of the second part, the receipt of which is hereby acknowledged, does by these presents grant, bargain and sell, convey and confirm unto the said party of the second part, the following described tract or parcel of land, situated in Boone County, and State of Missouri, to wit:

\_\_\_\_\_ of the Sturgeon Cemetery land to wit:

\_\_\_\_\_ in the section of said cemetery, according to the recorded plat thereof in the deed records of Boone County, Missouri, said cemetery also sometimes being known as the Mt. Horeb Cemetery, TO HAVE AND TO HOLD the same, together with all the rights, immunities, privileges and appurtenances to the same belonging unto said party of the second part, and to his heirs and assigns forever, in fee, to have and to use for the sole purpose of interment under the regulations of the Board of Aldermen of the City of Sturgeon, Missouri; and the said party of the second part for himself, his heirs, administrators, and assigns, hereby covenants with the said party of the first part, its successors, assigns, that the said party of the second part, his heirs or assigns prior to the erection or placing of a tombstone or grave marker on said herein above described lot or plot, shall first obtain the permission for same from the City; and further that half tombstones and grave markers shall be provided with adequate foundation; that no obstruction such as fence, tree, shrubbery, or otherwise shall be placed on said lot or plot; the purpose being to provide a uniform and flat surface for ideal mowing and maintenance; provided further, that any tombstone or grave marker or other obstruction placed in conflict herewith may be removed by the City.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its Mayor and attested by its City Clerk and its corporate seal to be affixed hereto, the day and year first above written.

\_\_\_\_\_  
Mayor

Attest:

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\_\_\_\_\_  
City Clerk

(Ord. 439, Sec. 6, Approved and Effective May 29, 1984.)

**Section 7.140 Other Cemetery Funds.**

The Board of Aldermen may also from time to time establish and maintain other funds and accounts and investments for the holding and depositing of other funds and monies separate and apart from the Mt. Horeb Perpetual Care Cemetery Fund the principal and income of which said other funds, accounts and investments may be used for such cemetery purposes as the Board shall deem most necessary for the general care and operation of the City cemeteries.

(Ord. 304, Sec. 7, Approved and Effective May 27, 1969.)

**Section 7.150 Special Trust Funds – Mt Horeb Cemetery**

That in addition to all other funds and accounts provided as aforesaid in this code, the City of Sturgeon may accept any bequest, gift or donation to be held by the City in trust for the perpetual maintenance and care of any burial place(s) or lot(s) specifically designated by the donor(s) of said bequest, gift or donation; provided, however, that the acceptance of any such bequest, gift or donation shall not be mandatory upon the City of Sturgeon and may be refused if the restrictions on the investment thereof or any other conditions attached thereto shall be deemed unreasonable by the Board of Aldermen, or if the administration of said gift or donation might, in the judgment of the Board of Aldermen, become onerous and a burden to the City. Provided, further, that the acceptance of any such bequest, gift or donation shall not constitute an undertaking on the part of the City to devote any other City funds to the maintenance and care of said burial place(s) or lot(s) in the event that the income from said investment gift, bequest or donation shall prove insufficient for the maintenance and care thereof, other than the general undertaking heretofore assumed by the City in the establishment of the Mt. Horeb Perpetual Care Cemetery Fund herein above in this code. Any such bequest, gift or donation which may be accepted by the City as aforesaid shall be held and kept separate and apart from all other funds of the City and there shall be no commingling of any such cemetery trust funds unless specific authority therefor be granted by the donor(s) thereof. If the donor(s) shall not otherwise specify, the fund shall be invested in the same manner as is provided by Section 7.100 of this code for the investment of the Mt. Horeb Perpetual Care Cemetery Fund. Provided, however, that in each case the acceptance of any such gift by the City shall be contingent upon a written agreement being executed by the donor(s) stipulating the terms and conditions, if any, of the gift, and all such bequests, gifts or donations shall be deemed irrevocable.

(Ord. 304, Sec. 8, Approved and Effective May 27, 1969.)

**Section 7.160 Legislative Purpose.**

It is the intention of this code to apply to, regulate and govern the real estate owned, operated and/or maintained by the City of Sturgeon, Missouri, as a City Cemetery, known as the Mt. Horeb Cemetery, together with all future expansion and additions to said Mt. Horeb Cemetery.

(Ord. 304, Sec. 9, Approved and Effective May 27, 1969.)

**Section 7.170 Grave Opening/Closing, Mechanical Devices**

1. Any code or rule to the contrary notwithstanding, a mechanical grave digger may be used in the City of Sturgeon's cemetery properties under a special permit issued for that purpose by the City Clerk, said permit to be limited to one grave and to any conditions stated therein set by the City Clerk.

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2. A grave space is five (5') feet wide, north to south and eleven (11') feet long west to east. The west end is reserved for monument erection

3. All graves shall be a uniform minimum depth of five and one-half (5 ½') feet for standard burial and a minimum depth of twenty-four (24") inches for cremation urn burial.

4. The rate for grave digging of one grave space is hereby set by separate code.

5. The City will flag all grave locations for the contractor.

6. Contractor will not park truck or equipment on cemetery lawn.

7. Contractor will place any excess dirt resulting from grave digging in designated area. (Note\* no dirt is to be deposited on cemetery lawn other than that which will be used to re-fill the grave)

8. Contractor will take every possible precaution to prevent damage to any monument, fence, tree, shrub, or other item in the cemetery. Contractor will also take appropriate measures to prevent damage to cemetery lawn with equipment.

It shall be unlawful for anyone to do any digging of graves in the cemeteries unless and until specifically contracted with by the City for this purpose. Contractor must provide proof of all required insurance and agree to abide by all rules and regulations established for the digging of graves in the cemeteries.

### ADDITIONAL CONTRACTOR OBLIGATIONS

1. Contractors shall indemnify the cemetery and City of Sturgeon and hold it harmless from any injuries suffered by contractor's employees while on cemetery premises as a result of the negligence or carelessness of the contractor or the contractor's employees or agents. Contractors will also indemnify the cemetery and City of Sturgeon and hold it harmless from and against all loss, liability, damage and expense incurred by Cemetery resulting from the contractor's employee's tortuous acts or omissions.

2. Contractors shall maintain at least \$1,000,000.00 in liability insurance coverage and maintain statutory workers' compensation coverage on all officers, partners, directors and employees involved in grave digging at the Sturgeon cemeteries.

3. Contractor shall annually provide a copy of said coverage to the City Clerk, City Hall, P.O. Box 387, 303 Station Drive, Sturgeon, MO 65284-0387.

4. Contractors are prohibited from falsely representing to owners that they are affiliated in any way, directly or indirectly with the City of Sturgeon or Sturgeon Cemeteries.

(Ord. 708, Sec. 6, Approved and Effective January 25, 2010; Ord. 382, Sec. 1, Approved and Effective June 27, 1977, amending Ord. 304.)

### **Section 7.180 Grave Opening/Closing - To Add Urn**

1. (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.260.)

2. All openings and closings of graves shall be performed by the City.

3. Urns added to occupied gravesites shall be buried at a depth between 2 ½ and 3 feet.

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4. From and after this date, there shall be no above-ground crypts erected in the City Cemetery.

5. The City's gravesite purchase agreement shall provide that headstones shall be erected in a timely manner. Erection within one year of burial shall be deemed timely.

(Resolution re "Establishing Fees and Rules Concerning Cemetery", Approved and Effective April 28, 2008)

### **Section 7.190 Cemetery User Fees**

(For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.260.)

(Ord. 711, Sec. 1, Approved and Effective February 22, 2010; Ord. 707, Sec. 1, Approved and Effective January 25, 2010, Repealed)

### **Section 7.200 Legislative Purpose; Sturgeon Cemetery.**

It is the intention of this code to apply to, regulate and govern the real estate owned, operated and/or maintained by the City of Sturgeon, Missouri, as a City cemetery, known as the Sturgeon Cemetery, together with all future expansions and additions to said Sturgeon Cemetery.

(Ord. 439, Sec. 9, Approved and Effective May 29, 1984.)

### **Section 7.210 Sturgeon Perpetual Care Cemetery Fund.**

That there is hereby established a fund for the perpetual preservation, care, upkeep and adornment of the Sturgeon Cemetery, Sturgeon, Missouri, and all future additions thereto, said fund to be known as the "Sturgeon Perpetual Care Cemetery Fund". The Board of Aldermen shall appoint a Cemetery Committee to assist and advise the Board in the administration of said cemetery and fund, the members of such committee to serve until successors are appointed.

(Ord. 439, Sec. 1, Approved and Effective May 29, 1984.)

### **Section 7.220 Bequests, Gifts, Donations.**

The City of Sturgeon may accept and acquire by bequest, gift or donation money or funds which are designated to be placed to the credit of said fund; and that all of the total sale price of each lot or burial plot hereafter sold in said cemetery, and all future additions to said cemetery, shall be deposited to the credit of said fund.

(Ord. 439, Sec. 2, Approved and Effective May 29, 1984.)

### **Section 7.230 Investment of Funds.**

Such monies and funds so placed in said fund shall be invested from time to time in bonds of the United States or shall be expended for the preservation, care, upkeep and adornment of said cemetery as above provided and for no other purpose whatsoever. The principal of said fund shall not be encroached upon for any reason whatsoever.

(Ord. 439, Sec. 3, Approved and Effective May 29, 1984.)

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### **Section 7.240            Fee for Burial Space, Conveyance by Deed.**

All lots and burial spaces sold after July 1, 1984, in the Sturgeon Cemetery and any addition to said Sturgeon Cemetery, shall be sold for cash at a consideration of fifty dollars per burial place and the City shall give the purchaser thereof a warranty deed to the said burial place, lot or plat, signed by the Mayor and City Clerk and having the City's seal affixed thereto. A "burial place" shall be deemed to mean the space for burying one body.

(Ord. 439, Sec. 4, Approved and Effective May 29, 1984.)

### **Section 7.250            Disbursements.**

That all expenditures of said fund or any other cemetery fund or funds shall be allowed and paid in the same manner as other bills and accounts of the City, or in such manner as shall be the policy of the Board of Aldermen and its Cemetery Committee.

(Ord. 439, Sec. 5, Approved and Effective May 29, 1984.)

### **Section 7.270            Other Cemetery Funds.**

That the Board of Aldermen may also from time to time establish and maintain other funds, accounts and investments for the holding and depositing of other funds and monies separate and part from the Sturgeon Perpetual Care Cemetery fund, the principal and income of which said other funds, accounts and investments may be used for such cemetery purposes as the Board shall deem most necessary for the general care and operation of the City cemeteries.

(Ord. 439, Sec. 7, Approved and Effective May 29, 1984.)

### **Section 7.280            Special Trust Funds – Sturgeon Cemetery**

That in addition to all other funds and accounts provided as aforesaid in this code, the City of Sturgeon may accept any bequest, gift or donation to be held by the City in trust for the perpetual maintenance and care of any burial place(s) or lot(s) specifically designated by the donor(s) of said bequest, gift or donation, provided, however, that the acceptance of any such bequest, gift or donation shall not be mandatory upon the City of Sturgeon and may be refused if the restrictions on the investment thereof or any other conditions attached thereto shall be deemed unreasonable by the Board of Aldermen, or if the administration of said gift or donation might, in the judgment of the Board of Aldermen, become onerous and a burden to the City. Provided, further, that the acceptance of any such bequest, gift or donation shall not constitute an undertaking on the part of the City to devote any other City funds to the maintenance and care of said burial place(s) or lot(s) in the event that the income from said investment, bequest, gift or donation shall prove insufficient for the maintenance and care thereof, other than the general undertaking heretofore assumed by the City in the establishment of the "Sturgeon Perpetual Care Cemetery Fund" herein above in this code. If the donor(s) shall not otherwise specify, the fund shall be invested in the same manner as is provided by Section 7.230 of this code for the investment of the Sturgeon Perpetual Care Cemetery Fund. Provided, however, that in each case the acceptance of any such gift by the City shall be contingent upon a written agreement being executed by the donor(s) stipulating the terms and conditions, if any, of the gift, and all such bequests, gifts or donations shall be deemed irrevocable.

(Ord. 439, Sec. 8, Approved and Effective May 29, 1984.)

### **Section 7.290            Cemetery Sexton**

1. Position of Cemetery Sexton Established

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- a. The Mayor shall, with the approval of the Board of Aldermen, appoint a person as Sexton who has been a resident of the City for a period of one (1) year prior to appointment.
- b. The Sexton shall, at the expiration of his term of office, deliver to his successor all books, charts, plats, tools and other things pertaining to his office, and shall impart to his successor all useful information in his possession as may better able his successor to discharge the duties of Sexton.

### 2. Duties of Cemetery Sexton

- a. The Sexton shall identify and mark all graves upon notification of a burial.
- b. The Sexton shall supervise the digging of all graves.
- c. The Sexton shall supervise the erection of monuments as described in Section 7.270 of this code.
- d. The Sexton shall investigate in a timely manner complaints received regarding the cemetery(s).
- e. The Sexton shall assist in the prosecution of all violations of the provisions of this code.
- f. The Sexton shall remove funeral service flowers within seven (7) days of burial.
- g. The Sexton shall from time to time review the lawn maintenance of the cemeteries to ensure that lawn care is being conducted in accordance with the specifications.
- h. The Sexton shall perform duties as assigned by the Cemetery Committee.

(Ord. 708, Sec. 4 & 5, Approved and Effective January 25, 2010)

### **Section 7.300          Erection of Monuments**

1. The owners of spaces shall be permitted to erect thereon a reasonable monument subject to the following:
  - a. Every monument or grave marker shall be placed upon a concrete apron (concrete base) that is even with the ground level and which shall extend beyond the perimeter of the monument or grave marker for a distance of four inches on all sides. The concrete apron shall be finished smooth and edged with an edging tool so as to have a smooth radius around the perimeter.
  - b. The concrete apron shall be at least thirty (30") inches below ground level, with no additional reinforcement required if the foundation is four feet (4') or less in length. The foundation will be flat across the bottom with square corners.
  - c. For foundations longer than four feet (4') there shall be one – half-inch (1/2") reinforcing steel bar for each six inches (6") of width in the longitudinal direction two inches (2") from the bottom of poured concrete and the same two inches (2") from the top of the poured concrete.
  - d. No other monuments or grave markers may be placed on a space or lot for an individual grave in addition to the first (1<sup>st</sup>) monument or grave marker.
  - e. Every monument or grave marker shall be erected on the west end of the space or lot, facing a rising sun with the name, dates of birth and death placed on the east side of the monument or on the grave marker so it can be read from the east end of the space or lot.

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- f. Any second (2<sup>nd</sup>) grave marker designating the burial or cremated remains may be placed adjacent to, and east of the first (1<sup>st</sup>) monument or other grave marker on a separate base, provided the second (2<sup>nd</sup>) grave marker is level with the ground. A marker designating the person buried as a veteran of the armed forces of the United States of America may be placed as a footstone. The base of the second (2<sup>nd</sup>) grave marker shall have a depth of at least eighteen (18) inches. The bronze veteran's plaques of either size may be permanently affixed to the west side of a permanent monument or grave marker as an alternate to the footstone.
- g. No footstones or corner stones shall be allowed, except as provided above for veterans of the armed forces of the United States of America.
- h. Further, every apron shall be installed subject to the above guidelines and shall be aligned exactly with all other aprons in the same row of this section. The Cemetery Sexton or designate shall provide assistance for this purpose.
2. The Monument shall be erected in the following manner:
- a. Monument companies must contact and make arrangements with the City Clerk or Sexton 48 hours prior to installation of footing.
- b. Installation of footing and/or monument must take place between the hours of 7:30 a.m. and 3:30 p.m. Monday through Friday. (Note\* special arrangements for Saturday installation with proper notice)
- c. The contractors will provide a copy of a signed work order and a diagram showing layout and location of monument 48 hours prior to the installation of the footing. The contractors will contact the City Clerk or Sexton 24 hours prior to actual monument installation. (\*Note, these can be faxed to 573-687-3474)
- d. Contractor will be charged an installation/ inspection fee per monument to be paid prior to the installation of the footing. Fee shall be set by separate code.
- e. The City will flag all monument locations for the contractor.
- f. All monuments will be placed at the head of the grave facing the east. All foot markers will be set flush with the ground.
- g. All monuments including head stone, vases and decorative sculptures will be set on a concrete pad.
- h. The length of monuments including the pad shall not exceed the width of the grave space. Except that in the case of a double or triple, the length shall not exceed the combined width of the grave spaces.
- i. Footing will be constructed of concrete blended appropriately with water in an appropriate container (such as a wheelbarrow or portable mixer) or from a concrete company. (No dry cement to be poured into the hole opening)
- j. All footings must cure for a minimum of 24 hours prior to actual installation of monument and covered in temperatures 32 degrees and below for cure time.
- k. All footing installations will be inspected by Cemetery Sexton or designate prior to contractor leaving cemetery.



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- l. All monuments and footings will be installed with contour of the ground.
- m. Contractor will not park truck or equipment on Cemetery lawn.
- n. Contractor will place any excess dirt resulting from footing installation in designated area. (Note\* no dirt is to be deposited on cemetery lawn)

It shall be unlawful for anyone to set any monument in the Cemeteries without first registering with the City, providing proof of all required insurance and agreeing to abide by all rules and regulations established for the erection of monuments in the cemetery.

Contractor shall guarantee all products for a period of at least 2-years, during which time the Contractor will make repairs or corrections in materials and installation within 30 days after receiving notification from the City Clerk or Sexton.

If any monument or grave marker is placed in conflict herewith or with City codes, the same may be removed by the City, as provided for by City code.

“Additional Contractor Obligations” as noted in Section 7.10, Numbers 6, 7, 8 applies.

3. When no monument is erected at time of interment, a temporary marker must be placed within one week of interment. A Permanent marker must be erected within one year of interment.

(Ord. 708, Sec. 7, Approved and Effective January 25, 2010)

### **Section 7.310 Burial of Bodies**

1. Every dead body which is buried in Sturgeon Cemetery properties shall be enclosed in a coffin or a casket. Such coffin or casket may or may not be placed in a vault (sealing or non-sealing burial case).

2. The ashes of a cremated body which are buried in Sturgeon Cemetery properties shall be enclosed in an urn or vessel for that purpose.

3. No more than two (2) urns or vessels will be allowed on one grave space. It shall also be allowable that one (1) urn or vessel be buried on top of a coffin or casket. Special requests may be made to the Board of Aldermen for special circumstances.

4. It shall be unlawful for any person to abandon, dispose of, desert, leave or scatter the ashes of a cremated human body or all or part of a dead human body within the City of Sturgeon or Cemetery properties without burying said ashes or body in the Sturgeon Cemetery properties in compliance with this code.

5. Only human bodies or human cremated ashes shall be buried in the Sturgeon Cemetery properties.

6. It shall be unlawful for any burial to take place without first registering with the City.

(Ord. 708, Sec. 8, Approved and Effective January 25, 2010)

### **Section 7.320 Maintenance of Grave Spaces**

The City and/or Cemetery Board will, after the ground is settled, level and seed until a reasonable stand of turf is established and maintain as such. No grave shall have a mound or any elevation of earth over said grave above

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the level of the earth adjacent thereto.

(Ord. 708, Sec. 9, Approved and Effective January 25, 2010)

### **Section 7.330. City Care of Cemeteries**

The Board of Aldermen may contract with any citizen of the City or other person for the care, repair, maintenance, digging of graves and mowing of the cemetery properties upon such terms as the Board may deem advisable. Such contract shall be accepted by resolution of the Board.

(Ord. 708, Sec. 10, Approved and Effective January 25, 2010)

### **Section 7.340 Decorations and Memorial Day**

1. The owners of spaces shall be permitted to ornament such space in any reasonable way subject to the following:
  - a. Decorations and adornments to graves and lots must be permanently affixed to the monument and limited to vases, sculptures and Veteran's bronze plaques.
  - b. No obstruction such as fence, railing, tree, shrubbery, shepherd's hooks, solar lights, electronic devices emitting sound or light, and any other decorations not permanently attached to the monument shall be placed on said space or lot, the purpose being to provide a uniform and flat surface for ideal mowing and maintenance.
2. Flowers and Decorations are allowed on the ground from November 1<sup>st</sup> to April 1<sup>st</sup>, and seven (7) days before Memorial Day and seven (7) days after Memorial Day.
3. The City of Sturgeon reserves the right to remove flowers and decorations otherwise

(Ord. 708, Sec. 11, Approved and Effective January 25, 2010)

### **Section 7.350 Times Closed to the Public**

It shall be unlawful for any person to be inside the premises of any City cemetery, including Mount Horeb Cemetery, between the hours of 9:00 p.m. and 6:00 a.m. of any day, except for any City employee while performing his or her City duties. Notice of the general cemetery closure provision may be given by the posting of one or more signs.

(Ord. 756, Sec. 2, Approved and Effective November 28, 2011; Ord. 708, Sec. 12, Approved and Effective January 25, 2010)

### **Section 7.360 Offenses**

It shall be unlawful for any person, while on land owned by the City of Sturgeon and operated by the City as a cemetery or cemeteries, to engage in any one of the following enumerated actions:

1. To drive any vehicle such that one or more of its tires shall roll or pass off the established roadways therein, except an officer of the law when necessary in the performance of his duties,
2. To possess or consume alcoholic beverages, including beer containing alcohol and any other beverage containing alcohol, or to be intoxicated,

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3. To spread or discard litter on the premises,
4. To loiter, engage in an act of vandalism, or to disturb any monument or symbol of respect to the dead, on said premises.
5. To park on the grass or other non-paved areas in the cemeteries unless specifically authorized by the City.
6. To pull down or in any manner destroy any gate, fence or railing around the cemetery or graveyard, or turn loose any animal onto said cemetery property.
7. Without lawful authority, erase, or deface any inscription upon any monument, slab, head or foot board, or stone; or write, carve, scratch, or in any manner deface any grave, stone, head or foot board.
8. Pull down or dig up or destroy in any manner any species of flower, shrub, shade or ornamental tree.
9. Discharge any kind of firearm on any cemetery property, except in the performance of a burial ceremony.
10. Drive on or through the cemetery lawn, including funeral processions, unloading casket, vault unloading and tent equipment unloading and loading.

(Ord. 708, Sec. 13, Approved and Effective January 25, 2010)

**Section 7.370          Penalty**

That any person who shall violate any provision of this part shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished therefor in accordance with the provisions of code relating to the punishment for misdemeanors.

Each violation shall be deemed a separate offense.

(Ord. 708, Sec. 14, Approved and Effective January 25, 2010)

Article II – Vacated Streets and Alleys

**Section 7.400          Vacated Streets**

The following streets have been vacated by action of the city Board of Aldermen, as specified:

<b>Block #</b>	<b>Street</b>	<b>Location</b>	<b>Date</b>	<b>Ordinance #</b>
	Clark	Between Turner & Wentz	11/22/1993	515
	Clark	Between Ruby & Audrain	11/23/1979	470
66	Davis	Adjacent to lots 12, 13, & 14	1/14/1991	491
41	Harris	25 ft between Wentz & Ogden	10/26/1998	560
	McDowell	Between Hicks & Allen	5/1/1991	486
	McDowell	West of Turner (to city limits)	6/22/1981	343
	Patton	West of Turner (to city limits)	6/22/1981	343
	Rockford	Between Blocks 17 & 18	8/29/1969	305
41	Rollins	Between Burks & McDowell	10/26/1990	560

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	Stone	Between Rollins & east city limits	5/11/1994	496
	Turner	Between alley blk 59 & Canada	5/21/1963	257
	Walker	Between Proctor and Francis	11/22/1993	515
	Walker	All of street south of Canada St.	6/27/1994	527
54	Wentz	Narrowed street 5 ft on west side between Stone & Harris	5/11/1994	526
	Wentz	All of street south of Canada St.	5/7/1979	396B
	Wentz	Narrowed street 15 ft on east side between Proctor & Francis	5/17/2001	590

**Section 7.410 Vacated Alleys**

The following alleys have been vacated by action of the city Board of Aldermen, as specified:

<b>Block #</b>	<b>Location</b>	<b>Date</b>	<b>Ordinance</b>
2	Adjacent lots 14-18 and 1-5	4/26/2010	719
9	All	11/22/1993 & 1/25/2010	515 & 710
10	All	11/22/1993	515
16	All	7/6/1971	309
19	All	7/6/1971	309
20	All	10/26/1998	560
34	West 175.66 ft	10/26/1998	560
36	Narrowed alley by 4 ft 3/5 in on north side	2/26/1967	289
41	All	6/22/1981	333
65	All	6/22/1981	343
8 (Proctor Place)	Part of alley, adjoining lots 13-16 & 1-4	7/8/2010	720

(Ord. 733, Approved and Effective on November 22, 2010)