

Chapter 135

CITY CEMETERY

Section 135.010. Designation and Boundaries. [Ord. No. 2 §1, 1-4-1965]

The City of Wellington, Missouri, accepts and receives from the Grand Lodge of Missouri Independent Order of Odd Fellows the real estate as hereinafter described, to wit:

Part of Southwest fractional quarter of Section Fifteen (15), Township Fifty (50) Range Twenty-eight (28), commencing at the corner of J. M. Cole's shop lot, North 50° West 2 poles 12½ links from a Lynn Tree South Side of the Independence Road 30 inches in diameter, thence North 15½° West 13 poles and 13 links, thence North 74½° East 2 poles 11 links, thence North 15½° West 8 poles 4 links, thence South 74½° West 10 poles, thence South 15½° East 21 poles 17 links to Independence Road, thence North 74½° East 7 poles 14 links to the beginning; and a tract of land Fifty (50) feet East and West by 152 feet North and South, said land being located in the Southwest fractional quarter of Section Fifteen (15), Township Fifty (50), Range Twenty-eight (28), and being a part of Lot Twenty-nine (29) of Suburban Addition as shown on the recorded plat of Wellington, Missouri as extended June 16, 1896, and being more particularly described as a strip off said Lot No. 29, Suburban Addition, lying East of the North end of the Mount Olivet Cemetery and adjacent thereto 50 x 152, and also another strip off said Lot 29, Suburban Addition, lying North of said Cemetery 17□ feet by 165 feet; also a tract of land beginning at a stake 38 feet from the Northeast corner of and in the North line of the first Addition to Mt. Olivet Cemetery thence with said line North 74½° East 86 feet to a stake, thence North 15½° West 132 feet to a stake thence South 74½° West 86 feet to a stake thence South 15½° East 132 feet to the beginning said last described tract containing 26/100 of an acre and being a part of Lot 29 Suburban Addition to Wellington, Missouri, and situated in the Southwest quarter of Section 15, Township 50, Range 25; in Lafayette County, Missouri;

to hold and perpetually care for said real estate as a public cemetery and to be named "City Cemetery".

Section 135.020. Duties of Board of Aldermen. [Ord. No. 2 §2, 1-4-1965]

The Board of Aldermen may provide for the survey, platting, grading, fencing, ornamenting, improving, may impose penalties and fines, and may pass ordinances as may be necessary regulating, protecting and governing said cemetery, the owners of lots therein, visitors thereto, and punish trespassers therein, and the officers of the City of Wellington shall have full jurisdiction and power in enforcing such rules and ordinances.

Section 135.030. Cemetery Lots. [Ord. No. 2 §3, 1-4-1965]

The cemetery lots shall be conveyed by deed, signed by the Mayor, countersigned by the Clerk, under the Seal of the City, specifying that the purchaser to whom the same is issued is the owner of the lot described therein by numbers, as laid down upon the official map or plat of such cemetery made by the City, for the purpose of interment, and such certificate shall vest in the purchaser, his/her heirs or assigns, a right in fee simple to such lots, for the sole purpose of interment, under the regulations of the Board of Aldermen. Such certificates shall be entitled to be recorded in the office of Recorder of Deeds of Lafayette County without further acknowledgement, and such description of lots shall be deemed and recognized as sufficient description thereof. The Board of Aldermen may limit the number of lots owned by the same person at the same time, and may prescribe rules for enclosing, adorning and erecting monuments, tombstones and ornaments on cemetery lots, and prohibit any improper adornment thereof; but no religious test shall be made to the ownership of the lots, or the burials had therein, or for the ornamentation of graves or lots.

Section 135.040. Trustees — Perpetual Care Fund. [Ord. No. 2 §4, 1-4-1965; Ord. No. 2009-11 §1, 11-10-2009]

The Mayor shall appoint two (2) Aldermen to serve with the City Treasurer as trustees. Said trustees shall serve at the pleasure of the Mayor or until their successor is elected or appointed. Said trustees are hereby authorized and ordered to establish a fund for the preservation, care, upkeep and adornment of said City Cemetery, such fund to be known as "Perpetual Care Cemetery Fund", and they may accept and acquire by gift or donation, money or funds to be placed to the credit of such perpetual care cemetery fund. Such monies and funds so placed in such Perpetual Care Cemetery Fund shall be invested from time to time in bonds of the United States Government or of the State of Missouri, and the income therefrom shall be expended for the preservation, care, upkeep and adornment of said cemetery and for no other purpose whatsoever. The principal of said Perpetual Care Cemetery Fund shall not be encroached upon for any purpose whatsoever and no money shall be transferred out of such Perpetual Care Cemetery Fund except for the purpose of being invested as herein provided for.

Section 135.050. Annual Report. [Ord. No. 2 §5, 1-4-1965]

The said trustees shall keep a separate record book of all receipts and disbursements and a detailed account of the management of all monies in the perpetual trust fund, and shall at the first (1st) regular meeting of the Board of Aldermen in the month of January of each year file with the Mayor their annual report, which shall be presented to the Board of Aldermen and by motion spread upon the minutes of that meeting.

Section 135.060. Administration of Trust Income. [Ord. No. 2 §6, 1-4-1965]

If, at any time the purposes of this Chapter are not carried into effect or if the appointed trustees fail to maintain and care for the said City Cemetery in keeping with the income from said trust fund then and in that event the County Court of the County of Lafayette, State of Missouri, shall appoint some other organization, group, or individual to administer the trust income as herein provided and in accordance with the provision of law of the State of Missouri.

Section 135.070. Fee To Purchase Cemetery Space. [Ord. No. 2010-04, 8-9-2010]

The fee to purchase a space in the Wellington Cemetery is six hundred dollars (\$600.00); three hundred dollars (\$300.00) per space and three hundred dollars (\$300.00) perpetual care.