

Town of La Pointe Cemetery Ordinance

Chapter 220

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of La Pointe Cemetery Ordinance." The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries, the burial of human corpses, and other cemetery uses and activities in the Town.

SECTION II - AUTHORITY

The Town Board of the Town of La Pointe has the specific authority under s. 157.50 (2), Wis. Stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the construction, management, operation, and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the Town, including cemeteries that are not owned, operated, or controlled directly by the Town. If any part of the ordinance is found to be invalid or unconstitutional, the remaining sections will still be applied to the maximum extent practicable.

SECTION IV - DEFINITIONS

Terms not defined below will be given their plain and ordinary meaning according to a dictionary definition.

In this ordinance:

- A. "Burial" means entombment, inurnment, or interment and "bury" means to entomb, inurn, or inter.
- B. "Cemetery" means any location for burial of human remains in the Town.
- C. "Cremains" means the ashes of a cremated human body.
- D. "Greenwood Cemetery" means the Town-owned cemetery located on Middle Road in La Pointe, WI.
- E. "Human remains" means the body of a deceased individual that is in any stage of decomposition or has been cremated.

- F. "Lot" means a single grave lot platted in accordance with Section VII, whether or not occupied by a grave.
- G. "Outer burial container" means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.
- H. "Revetment" means a retaining wall or facing of masonry or other material around a cemetery plot or grave.
- I. "Sexton" means one or more Town employees or independent contractors employed, retained or assigned by the Town Board to administer, repair, maintain, manage, and operate a Town cemetery or any part of the operations of a Town cemetery consistent with this ordinance. In the event no person is specifically designated as "Sexton" by the Town Board, "Sexton" means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the Town cemetery or any part of the operations or of any Town cemetery pursuant to this ordinance.
- J. "Town" means the Town of La Pointe, Ashland County, Wisconsin.
- K. "Town Board" means the board of supervisors for the Town of La Pointe, Ashland County, Wisconsin, and includes designees of the board authorized to act for the board.
- L. "Town cemetery" means a municipal cemetery owned, operated, and maintained by the Town of La Pointe, Ashland County, Wisconsin, under s. 157.50, Wis. stats., that is located within the Town.
- M. "Town Chair" means the chairperson of the Town of La Pointe, Ashland County, Wisconsin.
- N. "Office of the Town Clerk" means the clerk of the Town of La Pointe, Ashland County, Wisconsin.
- O. "Town treasurer" means the treasurer of the Town of La Pointe, Ashland County, Wisconsin.
- P. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or

"subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - STATEMENT OF POLICY

Every Town cemetery is owned, operated, directly controlled, and maintained by the Town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, races and national origins, shall be allowed to be buried in a Town cemetery. This ordinance, adopted pursuant to s. 157.50 (2), Wis. stats., governs the construction, management, administration, platting, maintenance, and operation of any Town cemetery and of any new cemetery or expanded cemetery of any other type in the Town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

SECTION VII - NEW BURIALS, CEMETERIES, AND CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS

- A. Platting. Before any new block of any existing Town cemetery or any other new or expanded cemetery in the Town is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the Sexton for a Town cemetery and any person or agent for any other cemetery in the Town that is subject to s. 157.065, Wis. stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Ashland County, Wisconsin, in accordance with s. 157.065, Wis. stats.
- B. Single grave section. The Sexton shall designate, for any Town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots. Unused portions of grave sections repossessed under chapter 157, Wis. stats., for nonpayment of assessments for care shall likewise be designated and sold as single-grave lots.
- C. Purchase of new lands. The Town Board or Sexton shall not purchase any land for cemetery purposes without approval of the electors of the Town at a regular or special Town meeting.
- D. New or expanded cemeteries.
 - 1. No person or authorized agent of any cemetery may conduct any burial, or construct, manage, plat, or operate any new or expanded cemetery of any type in the Town, after the date of adoption of this ordinance, without meeting all requirements described in the Town of La Pointe and Ashland County Zoning Ordinances. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted and filed with the Office of the Town Clerk and recorded in the Office of the Register of Deeds for Ashland County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. stats. No cemetery shall be located, established, or dedicated in violation of a Town, county, or other zoning ordinance.

2. After the date of adoption of this ordinance, any place in the Town where human remains (not including cremains) are buried on private or public land without written permit approval of the Town Board and not timely removed within 14 days after receipt of written notice from the Town Board to remove said remains is declared to be a public nuisance. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. stats., and this ordinance.

SECTION VIII - PURCHASE OF LOTS IN TOWN CEMETERY

- A. Price of lots. The Town Board shall from time to time by resolution fix a price on all lots to be sold for burials in any Town cemetery as published in the Town's Fee Schedule.
- B. Sales of lots.
 1. Persons, or their authorized agents, desiring to purchase a lot in any Town cemetery for burial are referred to the Town Board, Office of the Town Clerk, or Sexton. The Town Board, Office of the Town Clerk, or Sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The Town Board, Office of the Town Clerk, or Sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the Office of the Town Clerk. Upon receipt of proper payment to the Town treasurer, the Town Chair and Office of the Town Clerk shall issue a cemetery lot deed to the lot in the form prescribed by the Town attorney. The original deed from the Town and the records of the cemetery kept by the Office of the Town Clerk or other designee of the Town Board are the only evidence of title to any lot. The deed shall be signed by the Office of the Town Clerk and Town Chair or other persons so designated by the Town Board and sealed and acknowledged.
 2. Persons conveying any cemetery lot in any Town cemetery shall comply with s. 157.08, Wis. stats., and this ordinance.

SECTION IX - OWNERSHIP RIGHTS OF BURIAL IN TOWN CEMETERY

- A. Ownership conditions.
 1. The owner of a Town cemetery lot, or his or her authorized agent, shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this ordinance or any Town cemetery bylaws and regulations.
 2. Upon full payment by any person of the purchase price of a Town cemetery lot, the Office of the Town Clerk and Town Chair shall issue a cemetery lot deed, under seal, as provided in Section VIII, subsection B., and a copy of the deed shall be filed in the records of the Town as evidence of ownership of the lot. Lots for which lot deeds have

been issued by the Town may not be subdivided except by consent in writing of the Town Board.

B. Burial.

1. In this subsection, "relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece, first cousins, and second cousins.
 2. Any lot owner at any Town cemetery acquires the lot solely for the purpose of burial of the owner at the time of the owner's death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the Office of the Town Clerk, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.
 3. Unless otherwise directed in a writing filed with the Office of the Town Clerk by the lot owner under paragraph 2, the Sexton shall permit the burial of persons at any Town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:
 - a. The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.
 - b. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the Office of the Town Clerk.
 - c. If no agreement under subdivision b. is filed, the Sexton may determine use, giving preference to relatives in the order listed in paragraph 1.
- C. Ownership rights. All burial rights in the cemetery lots located at any Town cemetery and purchased from the Town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the Town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will or final judgment in the decedent's estate must be delivered to the Office of the Town Clerk before the Town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is

recommended that lot owners, in making their wills, include a provision covering the Town cemetery lots and devise the lots to one person.

D. Resale. Lot owners may not resell or transfer lots or parts of lots in any Town cemetery except as follows:

1. Reconveyance of lots or parts of lots may be made only upon written request filed with and approved by the Office of the Town Clerk. The request shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The request shall state the lot and block number and original deed if possible. Upon approval by the Office of the Town Clerk, the owner of the lot shall execute a deed in the same form as an original deed from the Town under Section VIII, subsection B.
2. The Office of the Town Clerk shall enter in the record kept for that purpose copies of all deeds of transfer and reconveyance of cemetery lots.
3. The fee shall be deposited into the Town's general municipal fund.

E. Reburial.

1. In this subsection, "reburial" means to disinter, disinterment, or disinter human remains that are buried in a cemetery and reinter, reinterment, or reinter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.
2. Any reburial of any person buried in a Town cemetery, or in any other cemetery in the Town, shall comply with the provisions of s. 157.112, Wis. stats. Any person seeking reburial shall seek approval from the appropriate cemetery authority. A county authorization for disinterment and reinterment shall be required prior to any reburial under s. 69.18 (4), Wis. stats.

SECTION X - CARE OF LOTS AT THE TOWN CEMETERY

A. Costs of care fixed. The Town Board shall annually fix, as required under s. 157.11 (5), Wis. stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of any Town cemetery to be paid from the following sources as determined by the Town Board:

1. Payments from Ashland County to the Town for veteran's graves under subsection F and s. 45.84, Wis. stats.
2. A tax levied by the Town Board.

B. General improvements. The Town Board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The Town Board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sodded and mowed, when determined necessary by the Sexton. The grade of the cemetery lots shall be determined by the Sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the Sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the Sexton.

C. Veterans graves.

1. Pursuant to s. 45.85, Wis. stats., the Town Board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.
2. Pursuant to s. 45.85 (1), Wis. stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The Town Board shall report to the Ashland County clerk, on or before September 1 of each year, the locations of the graves cared for by the Town Board under s. 45.85, Wis. stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

SECTION XI - PRIVILEGES AND RESTRICTIONS IN TOWN CEMETERIES

A. Bylaws and regulations. The Town Board may adopt bylaws and regulations for the management and care of any Town cemetery and may enforce those bylaws and regulations under s. 157.11 (2), Wis. stats. The Town Board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under chapter 985, Wis. stats., in the county. If the person fails to comply within 20 days thereafter, the Town Board may cause the action required to be done and recover the expense from the person required to take the action. The Town Board may also impose a forfeiture not exceeding \$10 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under chapter 778, Wis. stats.

B. Mounds prohibited. No person may raise the level of the earth over any grave in a Town cemetery above the general level of the cemetery lot.

C. Limitations on structures. No structures, hedges, trees, fences, railings, embankments, revetments, depressions, or other enclosures of any kind are permitted to be installed on or

around lots in any Town cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects placed on lots may be removed by the Sexton without oral or written notice at the Sexton's discretion. The Sexton may deny requests to install, decorate or leave objects determined in the Sexton's judgement to be unreasonable and/or inappropriate. Urns existing in Town cemeteries shall be removed by the Town or the Sexton as they become unsightly or deteriorated and shall not be replaced.

- D. Landscaping. All landscaping, mowing, and general care of lots, with the exception of flowers, and other work, construction or maintenance in the Town cemetery shall be performed by the Town by its officers, employees, independent contractors, or agents, including any Sexton, and lot owners.
- E. Access to lots; opening and closing of burial places. The Town reserves the right for its officers, employees, contractors, and agents, including the Sexton and the Town Board, necessary to the performance of normal Town cemetery operations to enter upon or cross over any lot in any Town cemetery in the performance of any duties or work necessary under this ordinance. The Town Board, by its officers, employees, contractors, and agents, including the Sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the Town cemetery, unless so ordered by a court of record to open or close such places.
- F. No assumption of liability for damages. The Town, and its officers, employees, contractors, and agents, including the Sexton and the Town Board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any Town cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a Town cemetery.
- G. Altering physical conditions. The Town Board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any Town cemetery.
- H. Enforcement of regulations and ordinance. The Town Board may appoint, with citation issuance and service powers, any employee or agent of the Town, including the Sexton, to administer and enforce its Town cemetery bylaws and regulations and this ordinance.

SECTION XII - RULES FOR VISITORS TO TOWN CEMETERIES

- A. Dogs and other animals. No animals other than service animals are permitted in any Town cemetery unless confined in a vehicle or with permission from the Sexton. Owners must clean up after their animal.

B. Visitors.

1. Visitors to Town cemeteries are required to use existing walkways and roadways whenever possible.
2. Except as provided in Section XVI, no person in any Town cemetery may do any of the following:
 - a. Pick or cut any flowers, either wild or cultivated.
 - b. Injure any shrub, tree, or plant.
 - c. Mar or deface any monument, stone, or structure.
3. No person, except the owner of the cemetery lot, a person with the cemetery lot owner's consent, or a person with the consent of the Sexton who is engaged in official cemetery management and care duties for the Town, may do any of the following in a Town cemetery:
 - a. Remove any cemetery markers, headstones, monuments, fences, or structures.
 - b. Remove any vases, flower pots, urns, or other objects that have been placed on any cemetery lot.
 - c. Move or remove any cemetery equipment.
 - d. Remove any Town cemetery property not included in subdivisions a. to c.
4. Recreational Activities.
 - a. In this paragraph, "recreational activity" means any activity undertaken for the purpose of exercise, relaxation, or pleasure, including practice or instruction in any such activity. "Recreational activity" includes hunting, trapping, camping, bowling, billiards, nature study, dancing, horseback riding, horseshoe pitching, birdwatching, motorcycling, operating an all-terrain vehicle, ballooning, curling, throwing darts, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, weight and fitness training, sightseeing, cutting or removing wood, animal training, harvesting the products of nature, sport shooting, and any other sport, game, or educational activity.
 - b. No person may loiter, cause a public nuisance, or engage in any sport or other recreational activity on any Town cemetery property without the written consent of the Town Board and Sexton.

C. Cemetery Chapel. The chapel was built to be used for funeral services and a place of contemplation. The conditions of this ordinance apply to the chapel and its use.

D. Vehicles.

1. Motor vehicles traveling within any Town cemetery may not exceed 5 miles per hour. No motor vehicle, except authorized maintenance vehicles for the Town, shall be driven except on roadways designated for that purpose, nor shall any motor vehicles be driven in a reckless manner in the cemetery. No motor vehicle shall use the cemetery road as a short-cut or pass-through.
2. No person may ride, operate, or make use of any of the following vehicles in any cemetery except on roadways designed for motor vehicles:
 - a. Mopeds.
 - b. Motor bicycles.
 - c. Motorcycles.
 - d. Bicycles.
3. No person may ride, operate, or make use of any of the following vehicles in any cemetery unless the vehicles are present in conjunction with the Town cemetery business or are authorized by the Sexton:
 - a. Snowmobiles.
 - b. Go-carts.
 - c. All-terrain vehicles (ATV).
 - d. Utility task vehicles (UTV) and side by sides.
 - e. Play vehicles and other amusement vehicles, including any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
4. No person, without the written consent of the Town Board, or the Sexton, may park or abandon any motor vehicle in any Town cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park or abandon a motor vehicle on any Town cemetery property for any purpose except engaging in official cemetery business. Any motor vehicle parked more than 24 hours, without written consent of the Sexton, shall be declared abandoned by the Town Board and may be towed or removed, or caused to be towed or removed, by the Sexton.

E. Protection of cemetery property. No person without written consent of the Sexton may do any of the following:

1. Trap, hunt, kill, injure, or disturb, or attempt to trap, hunt, kill, injure, or disturb any animal, bird, or waterfowl, wild or domestic.
2. Climb any tree.
3. Break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure,

equipment, official notice, sign, or other property within any Town cemetery, except as otherwise provided in this ordinance.

- F. Littering, soliciting, and advertising prohibited. No person may litter, dump, or deposit any rubbish, refuse, earth, or other material, including any placement of advertising, in any Town cemetery without the written consent of the Sexton.
- G. Authorized notices. No person may post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any Town cemetery, except with the written consent, or at the direction, of the Sexton. No person shall remove, deface, or damage in any manner any sign or notice posted in any Town cemetery by or at the direction of the Sexton unless approved by the Sexton.
- H. Working in cemetery. All contractors or other persons having work in the Town cemetery shall notify the Town Clerk, Public Works Director or the Sexton prior to commencement of the work. All contractors or others doing work in the Town cemetery are responsible for the cost for any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the Town Board, pay that sum to the Town Board.

SECTION XIII - TOWN CEMETERY BURIALS

- A. Daylight burials. Burials at any Town cemetery shall be made only during daylight hours, unless with written approval of the Sexton.
- B. Outer containers/vaults. All burials and reinterments other than cremains, at any Town cemetery, shall be made in a permanent outer burial container not constructed of wood, such as concrete.
- C. A lot size is seventeen (17) feet by seventeen (17) feet with eight (8) grave spaces.
- D. Grave size. A grave space for caskets only in the Greenwood Cemetery must be at least five (5) feet deep, and must not exceed fifty-one (51) inches wide and one hundred and two (102) inches long.
- E. Grave digging. All graves at a Town cemetery and any other cemetery in the Town to be used for burials shall be opened and dug at no cost or expense to the Town but shall be under the direction of the Sexton if a written agreement is in place with the cemetery owner/board. The minimum depth of graves shall be established by the Town Board from time to time and all graves shall be dug in strict conformity with the Town Board policy then in effect. The Sexton shall charge the full cost for any grave digging and opening service provided by the Town at any Town cemetery, including the fees for the Sexton or other designee of the Town Board, for staking the plot, if the Town Board has authorized the Town or its officers, employees, contractors, or agents, including the Sexton or other designees, to provide grave

staking, grave openings, or digging services. The Sexton may also establish charges for winter burials that may include snowplowing and seasonal additional access costs to the lot owner incurred by the Town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the Town, shall be made with the Office of the Town Clerk, the Sexton, or other person designated by the Town Board at least 48 hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and all surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the Office of the Town Clerk or the Sexton.

- F. Application for Burial. No burial in the Town cemetery shall be permitted until a completed Application for Burial and associated fees have been received by the Town of La Pointe.
- G. Maintenance of flowers, wreaths, and other personal items at burial sites. There shall be no responsibility on the part of the Town, its officers, employees, contractors, or agents, including the Sexton or other designees of the Town Board, for the protection and maintenance of flowers, wreaths, plants, emblems, urns, family or personal items, memorials, or similar items used or placed at any Town cemetery in conjunction with funerals or burials, including disinterments, or memorial events.
- H. Number of graves per lot. No lot at any Town cemetery may be used for the burial of more than one body except in the following circumstances:
 - 1. Up to four (4) remains from cremation shall be allowed in one lot with one (1) headstone/monument or four (4) flat markers to be placed only in line with other stones.
 - 2. Parent/guardian and child may use the same container.
 - 3. One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with other stones.
 - 4. One (1) infant can be buried in one grave space.
 - 5. All cremation remains shall be placed in a permanent outer burial container.
- I. Seasonal burial; duty to bury. The Sexton shall provide for cemetery services and burials at any Town cemetery during each season, including winter, whenever practicable, in compliance with s. 157.114, Wis. stats. However, the Town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are or will be in full compliance with this ordinance, state law, and any bylaws and regulation established by the Town Board. The Town Board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services.

SECTION XIV - TOWN CEMETERY MONUMENTS AND MARKERS

A. Setting grave markers.

1. Grave markers, monuments, and foundations at any Town cemetery may be set only after the person desiring to set the marker, monument, or foundation obtains permission from the Sexton. Grave markers, monuments, and foundations at any Town cemetery may be set by monument company employees or agents or other persons authorized by the lot owners, but not the Sexton.
2. The setting of grave markers, monuments, and foundations, and the transportation of all tools and related materials, within any Town cemetery is subject to the supervision and control of the Sexton. Unless special arrangements are made in writing with Sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except national holidays. Truck operation is not permitted within any Town cemetery when, in the opinion of the Sexton, the truck operation may cause damage to the driveways or other Town cemetery property. Except with permission of the Sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

B. Limitations. All of the following apply to monuments and markers in Town cemeteries:

1. The size of any monument or stonework must be provided to the Sexton and approved before any work related to any monument, marker, or foundation will be permitted on a lot in a Town cemetery.
2. No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the Sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 3 feet in height.
3. Temporary markers shall be removed or replaced with a permanent marker.
4. A preneed marker may be placed on a lot or group of lots before burial.

C. Removal of monuments. A marker or monument, once placed at a Town cemetery on its foundation, may not be removed, except by prior notification to the Sexton.

D. Payment. Any lot at a Town cemetery must be paid in full to the Town treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the Town must be paid prior to burial.

SECTION XV - TOWN CEMETERY VAULTS AND MAUSOLEUMS

Construction of vaults, mausoleums and chapels in any Town cemetery is prohibited unless approved in writing by the Town Board.

SECTION XVI - TREES, SHRUBS, AND FLOWERS AT TOWN CEMETERY

- A. Tree and shrub planting. The planting at any Town cemetery of trees and shrubs on newly purchased lots or parts of lots is prohibited.
- B. Large tree removal. Lot owners may, with the written consent of the Sexton, remove large trees on or adjacent to cemetery lots in any Town cemetery that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid for by the lot owners.
- C. Fresh flowers and flags. All flower baskets at grave or lot sites at a Town cemetery shall be removed by October 15 of each year. Fresh cut flowers may be used in any Town cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed.
- D. Potted plants. Potted plants at any Town cemetery may be set on lots without disturbing the sod. If a potted plant is not removed by October 15, the potted plant may be picked up removed by the Sexton or removed and preserved for planting within the Town cemetery.
- E. Artificial flower decorations; baskets. Artificial flower decorations will be treated as potted plants (see D above). Unfilled or unsightly baskets will be removed from the lot by the Sexton.
- F. Flower beds. Individual flower beds or growing plants other than trees or shrubs are permitted at any Town cemetery but must be of a reasonable size not to exceed the dimension of the plot as determined by the Sexton. In case of doubt, the Sexton should be consulted. Flower beds or growing plants that are not maintained, become unsightly or undesirable, or are not of a reasonable size as determined by the Sexton will be removed by the Sexton.
- G. Plant or flower removal. Plants or flowers planted in a Town cemetery may not be taken up or removed by any person, nor cuttings removed therefrom, without written consent from the Sexton, except that plants in flower beds and growing plants authorized under subsection F may be removed or cut by the person who planted the flower bed or growing plant.
- H. Wreath, and memorial removals. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without consent of the Sexton.

SECTION XVII - MISCELLANEOUS

- A. Neglected lots. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire Town cemetery.
- B. Schedule of payments. A schedule of the fees and charges for any Town cemetery, as established by the Town Board by resolution shall be on file in the office of the Office of the Town Clerk. The Town Board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.
- C. Fee payment location. All fees and charges for any Town cemetery in the current schedule of fees and charges adopted under subsection B are payable to the Town treasurer at the office of the Office of the Town Clerk, where receipts will be issued for the amounts paid.
- D. Sexton. The Town Board, by resolution, may designate, retain, or employ a one or more persons as Sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the Town cemetery or any part of the operations or of any Town cemetery pursuant to this ordinance. The Sexton may be a Town employee or may, with proper insurance and indemnification protection for the Town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this ordinance, shall designate the authority, responsibility, and duties to the Sexton by written resolution. The Town Board or its designee shall be responsible for proper supervision of the Sexton.
- E. Amendment of ordinance. The Town Board reserves the right to amend this ordinance to conform with newly developed cemetery practices or any other legal purpose that the Town Board deems necessary and appropriate. Before this ordinance is amended, a public hearing shall be held on the proposed amendment before the Town Board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing.

SECTION XVIII - PENALTIES

- A. Citation. The Town Board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.
- B. Penalties. Any person who violates any provision of this ordinance or any bylaws or regulations shall, upon conviction, shall forfeit for any bylaw or regulation violation under Section XI, subsection A, of this ordinance and s. 157.11 (2), Wis. stats., not more than \$10, and for a violation of this ordinance, not less than \$100 nor more than \$500 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. The Town Board may withhold the issuance of any Town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

C. Abatement.

1. In lieu of or in addition to any other penalty for a violation of this ordinance, if the violation consists of a physical condition, the Town Board may issue a written notice to the person responsible for the violation, if known, requiring the person responsible to [abate or remove] the violation within 10 days of receipt of the notice. Service of notice shall be by personal service or registered mail with return receipt requested.
2. If the person responsible for the violation of this ordinance is unknown or the person responsible has not [abated or removed] the violation within 10 days of receipt of the notice described in paragraph 1., the Sexton, or some other person designated by the Town Board, may immediately abate or remove the violation in a manner approved by the Town Board. The cost of the abatement or removal may be recovered from the person responsible for the violation.

D. Injunctive relief. In lieu of or in addition to any other penalty for a violation of this ordinance the Town Board may seek to enjoin any continuing violation of this ordinance as provided in Ch. 813, Wis. stats.

SECTION XVIII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The Office of the Town Clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

Adopted this _____ day of _____, 20__.

James Patterson, Chairman

Attest,
Micaela Montagne, Town Clerk

Mike Anderson, Supervisor

Sue Brenna, Supervisor

Posted on _____

John Carlson, Supervisor

Glenn Carlson, Supervisor