

Town of Rock Cemetery Ordinance

Ordinance No. 2016-2

An ordinance establishing regulations and rules in town cemeteries

Section I – Title and Purpose

This ordinance is entitled "Town of Rock Cemetery Ordinance". The purpose of this ordinance is to establish a system for operation and maintenance of cemetery property in the Town of Rock.

Section II - Authority

The Town Board of the Town of Rock has the specific authority under Wis. stats. 157.50(2) to adopt this ordinance and shall be responsible for the general supervision and control of all cemeteries.

Section III - Cemetery Management and Operations

The cemetery identified as Lincoln – Rock Cemetery, also known as Nasonville Cemetery, was established in the Town of Rock by joint action of the Town of Rock and Town of Lincoln on May 4th, 1881. The Town of Rock is responsible for the direct operation and maintenance of Lincoln – Rock Cemetery. Cemetery costs and revenues are to be shared equally by the Town of Rock and the Town of Lincoln. The Town of Rock Board shall be responsible for appointing by resolution a sexton to manage and supervise care at the cemetery.

Section IV - Ordinances and Resolutions Repealed

Upon the effective date of this ordinance, all prior motions, resolutions, and ordinances are hereby rescinded, to be replaced by this ordinance.

Section V - Definitions

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. "Human remains" means the body of a deceased individual.
- D. "Cremains" means the ash remains of a cremated human body.
- E. "Lot". A section of eight, six, or four burial sites contained within a specific lot. A lot for eight shall have a dimension of 20 x 16.
- F. "Gravesite or Plot". A single gravesite or plot whether occupied or not by human remains.
- G. "Outer burial container" means a concrete or steel 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. This container may also be referred to as a vault.
- H. "Opening fee". The fee or charge assessed by a funeral home or contractor for digging a grave opening and for filling the grave after burial.
- I. "Sexton" means any person or independent contractor designated or retained by the town to administratively manage a town cemetery pursuant to this ordinance.

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, and races shall be allowed to be buried in a town cemetery.

Section VII - New or Expanded Cemeteries

- A. The town board shall not purchase any land for cemetery purposes the matter being duly noticed, discussed, and approved at a regular or special town meeting.
- B. 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 the written approval of the town board.

Section VIII - Purchase of Lots or Gravesites

- A. Price of plots. The town board shall from time to time by resolution fix a price on all plots to be sold for burials in any town cemetery. The fee shall be deposited in the Town of Rock general fund.
- B. Sale of plots or gravesites. A person desiring to purchase a plot in any town cemetery shall be referred to the cemetery sexton who shall provide price information and assist the public by answering questions.
- C. All plots or gravesites sold in a town cemetery shall be conveyed by a deed signed by the town clerk and chairman and filed in the Register of Deeds office. The sexton shall obtain a copy of each deed for cemetery records.

Section IX – Administration and Use of Plots

- A. When a cemetery lot or plot is purchased, the town treasurer shall issue a receipt to the purchaser.
- B. Persons conveying any cemetery plot or lot in any town cemetery shall comply with Wis. stat. 157.08, and this ordinance.
- C. The transfer of lots or plots thereof to another party must be reported to the Town of Rock sexton before said party will be allowed to use the transferred property. No person shall be recognized as owner or part owner of a lot or plot unless his or her name appears on cemetery records or they have proof of legal transfer. Copies of deeds and transfers shall be kept by the cemetery sexton.
- D. Any reburial of any person in a town cemetery shall comply with the provisions of Wis. stat. 157.112. The town chairman and sexton shall be notified in writing, at least 10 days prior to any disinterment or re-interment.
- E. Abandoned or Repossessed Lots or Plots
 1. The Town of Rock recognizes that there are cemetery plots which may be considered as abandoned under Wis. stat. 157.115 (2)(1).
 2. The town may take action under Wis. stat. 157.115 (2)(3) to redeem such plots as may be considered abandoned and to sell such plots.

Section X – Burial Rules

- A. Burials at the Town cemetery shall be made only during daylight hours, unless with written approval of the Town board.
- B. Before any grave is opened, the owner of the plot upon which it is to be placed shall consult with the sexton and/or town chairman at a minimum of 48 hours before such opening and shall follow their directions relating to the position upon which the grave shall

be placed.

- C. All burials shall be in concrete or steel vaults or urns.
- D. Traditional gravesites are to be opened and closed by a contractor selected by the plot owner, or assisting funeral home, and shall be at the expense of the owner. Openings for cremation urns may be conducted by a contractor but consultation with the cemetery sexton is required.
- E. No areas are designated of green burials.
- F. Interments permitted in one gravesite are as follows:
 - 1. The funeral director or designated official is required to be in attendance at every interment
 - 2. One body in a traditional burial
 - 3. One body and one remains from cremation (cremains)
 - 4. Two remains from cremation
- G. Disinterment of a body will not be made without proper authority in accordance with the laws of the State of Wisconsin. All permits must be presented to the Town board prior to disinterment.

Section XI - Monuments and Markers

- A. The Town of Rock reserves the right to place a temporary marker on plots purchased, but which do not have a monument or other marker placed on them. The cost of doing so will be incorporated into the purchase price of the plot.
- B. Grave markers, monuments, and foundations at any town cemetery may be set only after the person desiring to set the marker contacts the sexton who shall confirm placement of the markers in line with other such monuments or markers. Plots must have been paid for in full before any such markers or monuments are set.
- C. All markers and monuments must have a concrete base constructed and set to support the weight and size of markers and monuments. The base must leave a 5 inch margin from the monument to the outer edges of the base.
- D. Only one upright monument or marker and one flat marker shall be allowed per gravesite, or two flat markers per gravesite aligned in a row with other markers.
- E. The Town of Rock Board reserves the right to refuse permission for the erection of any monument or marker or to demand the removal of any monument or marker not in keeping with the good appearance of the grounds or which may be deemed offensive to any group or individual.
- F. The Town of Rock will not be responsible for the loss, damage, or defacing of any markers or monuments erected within cemeteries in the Town of Rock. While responsible care will be given to protect monuments and markers, responsibility for upkeep of markers, monuments and footings is that of the individual owners.

Section XII - Planting and Gravesite Decorations

- A. The planting at any town cemetery of trees and shrubs is prohibited without the permission of the town board.
- B. Natural flowers. Individual flower beds or growing plants other than trees or shrubs are permitted at any town cemetery but must be of a reasonable size as determined by the sexton and cemetery maintenance personnel. In case of doubt, the sexton or maintenance personnel should be consulted. Flower beds that are not regularly maintained, or become unsightly or undesirable, will be removed or condensed at the sexton's discretion.
- C. Fresh floral arrangements and floral pieces will be removed as soon as they become unsightly.

- D. Artificial flowers or decorations shall be placed on or near the grave from May 15th through June 15th each year. All artificial flowers and decorations remaining after June 15 shall be subject to removal and disposal by the town sexton or maintenance individuals.
- E. Prohibited Items. At no time shall glass containers, tin cans, fences, barriers, retaining walls, curbing, benches, or any other obstructions to maintenance be placed in the cemetery.

Section XIII - Rules for Visitors to Town Cemeteries

- A. Visiting hours. Every town cemetery shall be open to visitors between sunrise and sunset.
- B. Vehicles engaged in cemetery maintenance, burials, or general visits shall endeavor to remain on the asphalt or gravel portions of the cemetery. Vehicle damage to grass or gravesites shall be repaired to the satisfaction of the sexton or town board and the cost to do so shall be the responsibility of the individual or company causing the damage.
- C. Dogs are permitted in any town cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight impairments or other disability while in the town cemetery.
- D. No person may hunt or trap any animal in the cemetery without the consent of the sexton or town board.
- E. No person may mar or deface any monument, stone, sign, or structure in the cemetery nor remove any plant or shrub.
- F. Removal of any monument, stone, or permanently permitted decoration is prohibited without the consent of the sexton or town board.

Section XIV - Miscellaneous

- A. Sexton. The town board, by resolution, may designate, retain, or employ any other person to act administratively and to manage the town cemetery or any part of the operations of any town cemetery pursuant to this ordinance. The sexton may be a town officer or board member. The town board, consistent with this ordinance, shall designate the authority, responsibility, and duties to the sexton by written resolution. The town board shall be responsible for the proper supervision of the sexton.
- B. Fees and Charges. A schedule of fees and charges for any town cemetery, as established by the town board by resolution shall be on file in the office of the town clerk. The town board may by resolution change the fees and charges from time to time without advance notice to conform the fees and charges to current economic conditions.
- C. All fees and charges for any town cemetery are payable to the town treasurer and a receipt will be issued for the amounts paid.
- D. Amendment of ordinance. The town board reserves the right to amend this ordinance to conform to newly developed cemetery practices or any other legal purpose that the town board deems necessary and appropriate.
- E. Abatement. The town board may issue a written notice to a person or business responsible for a violation of this ordinance, if known, requiring that person or business 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 registered.
- F. 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 in Ch. 813, Wis. stats.

Section XV – 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 order, rule or regulation made or adopted hereunder, shall be subject to forfeiture of from \$100.00 to \$500.00 for each offense. Each day that a violation continues shall be considered a separate offense. Further, it is declared as a matter of public policy that any act in violation of this ordinance constitutes a public nuisance that is subject to abatement upon or of the Town board. The Town board may, where appropriate, seek injunctive relief action to prevent violations of this ordinance and Chapter 157 of Wisconsin Statutes. Furthermore, the Town board reserves the right to withhold from any person in violation of this ordinance and Chapter 157 of the Wisconsin Statutes, the issuance of any Town of Rock license, authorities, grants or permits and any addition cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

Section XVI - Effective Date

This ordinance is effective on publication or posting.
The town clerk shall properly post or publish this ordinance, as required under Wis. stat. 60.80.

Adopted this _____ day of _____ 20_____.

Town Chairman _____

Supervisor _____

Supervisor _____

Supervisor _____

Supervisor _____

Attest: Town Clerk _____