

CHAPTER 21

MUNICIPAL CEMETERY

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21.01 CEMETERY ADMINISTRATOR. DUTIES. The Director of Public Works shall be responsible to the Council for the control and management of the municipal cemetery, for the direction of all assistants assigned to his supervision and for the administration of the provisions of this chapter and any supplemental rules and regulations adopted by the Council. As far as possible, the Director of Public Works shall utilize the services of existing City officials and employees.

21.02 PLATTING. Before any new block of a municipal cemetery is opened for the sale of lots, the Council shall cause it to be platted. Copies of the plat map shall be deposited with the Director of Public Works and the City Administrator. The plat shall be so designed as to provide direct access to each lot from either a road or walk.

21.03 PRICE OF LOTS. The Council shall, from time to time, fix a schedule of prices for all lots sold in municipal cemeteries based upon the recommendation from the Director of Public Works.

21.04 SALE OF LOTS. (1) **PROCEDURE; ISSUANCE OF DEEDS.** The sale of lots in municipal cemeteries shall be under the control of the City Administrator, subject to the rules and regulations and the general supervision of the City Council. Any applicant shall apply to the Director of Public Works and select from those lots available for sale the lot which he desires to buy. The City Administrator shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Administrator, Mayor, Director of Public Works and Office Clerk and sealed with the corporate seal and acknowledged so as to entitle it to be recorded.

(2) **TRANSFER.** The transfer in accordance with applicable Wisconsin Statutes of lots previously sold may be registered with the City Administrator upon the presentation of a quit claim deed or a certified copy of a court order evidencing transfer and payment of a transfer fee of \$10. (Question the Amount of Transfer Fee) The deed shall be executed and acknowledged in the manner set forth in Chapter 706, Wis. Stats., for recording purposes.

21.05 CARE OF CEMETERIES. All lots hereafter sold in municipal cemeteries shall be provided with perpetual care services, the expense to be included in the price of the lot pursuant to Section 21.03, shall include the cutting of grass upon the lot at reasonable intervals, the raking and cleaning of the lot, the pruning or trimming of trees or shrubs, and such work as may be necessary to keep the graves in neat condition, and for the care and maintenance of the cemetery; but shall not include maintenance or repair of any monuments, nor the planting of flowers or shrubs upon any lot.

21.06 CEMETERY ACCOUNT AND FUND. (1) **CEMETERY ACCOUNT.** The Council shall annually appropriate to the funds account such an amount as

is deemed necessary to maintain and operate the municipal cemeteries for the ensuing year. The monies in the account shall be expended under direction of the Director of Public Works for the development, improvement, upkeep and care of the cemetery.

(2) DUTIES OF THE CITY ADMINISTRATOR. The City Administrator shall serve as trustee to receive and hold monies in trust, according to the terms of any gift or bequest, the income of which is to be used for the improvement, maintenance, repair, preservation, expansion or ornamentation of the cemetery or any lot or structure thereon. Such monies shall be invested pursuant to Chapter 157, Wis. Stats., No additional compensation shall be paid the City Administrator for his duties under this chapter and the bond of the City Administrator shall also cover the performance of all such duties.

21.07 REGULATIONS FOR IMPROVING LOTS. (1) FENCES. No fences or enclosures around lots shall be permitted.

(2) GRAVES. Graves shall not be raised above the level of the lot.

(3) MONUMENTS AND MARKERS. Only one monument or marker which, taken together with its base shall not exceed 3 feet in height, may be erected on any lot or grave, such height to be measured from the ground, and the base area of such monument or marker together with the wash area shall not exceed 15% of the lot area or, in the case of a single grave marker, 15% of the grave area. All such monuments and markers shall be of bronze, granite or marble and no vertical joints therein shall be permitted. All foundations for monuments and other structures shall be of sufficient depth and stability to support the proposed structure. Monuments and markers shall not be placed out on the front yard of the grave site. The wash of a monument or marker must extend at least one foot from the monument in all directions, so as to provide proper space for mowing and lawn care in the cemetery. No plants may be cultivated on the wash area, but a potted plant may be placed on the wash area, as long as 4 inches is left between the edge of that pot and the edge of the wash.

(4) IMPROVEMENTS BY LOT OWNERS. Lot owners shall not cultivate trees, shrubs or plants within the lot. Owners shall not change the grade of any lot or interfere in any way with the general plan of landscaping in the cemetery.

(5) ENTRY BY DIRECTOR OF PUBLIC WORKS. The Director of Public Works may enter upon any lot and remove any shrub or tree which he deems detrimental to the cemetery or to an adjoining lot, or which is unsightly or inconvenient to the public. He may also enter upon any lot and make any improvement he deems to be advantageous for the grounds.

21.08 REGULATIONS FOR INTERMENT. (1) PAYMENT OF CHARGES. No

interment shall be allowed in any lot which has not been fully paid.

(2) **BURIAL PERMIT REQUIRED.** No interment shall be permitted or dead body received without a burial permit or removal certificate issued by the Register of Deeds, County Health Officer or Administrator of the place where the death occurred. Such permit or certificate shall be retained by the Director of Public Works or Office Clerk as part of his record. All interments, disinterments and other matters relating to the disposal of dead bodies shall be pursuant to the State Statutes and the orders of the State Department of Health and Family Services.

(3) **NOTICE.** Notice of interment shall be given to the Director of Public Works at least 24 hours in advance. The Director shall have full charge of opening, closing and sodding all graves.

(4) **WORKERS.** Laborers working in the vicinity of a lot where an interment is in progress shall suspend work and maintain silence during the progress of the service and during the period immediately preceding and following.

(5) **INTERMENT FEE.** An interment fee in the amount determined by the Director of Public Works and approved by the Council to include the digging of the grave for a cremation urn shall be paid to the City Administrator and a receipt therefor presented before the Director of Public Works shall direct the digging of the grave. Full burial digging costs are collected by the funeral home director.

21.09 RECORDS. The City Administrator's Office Clerk shall keep records consisting of such books, registers and files as the City Council may direct.

21.10 POLICE REGULATIONS. The following regulations shall apply in all municipal cemeteries:

(1) **ENTRY.** No person other than cemetery employees or police officers shall be within the cemetery except during daylight hours.

(2) **FIREARMS.** No person shall carry any firearms, except in the case of military funerals and on Memorial Day, without the written permission of the Director of Public Works.

(3) **CATS AND DOGS.** No person shall allow any cat or dog to run at large.

(4) **VEHICLES.** No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner.

(5) DISTURBING PROPERTY. No person, except the owner of the lot or a cemetery employee, shall cut, remove, injure or carry away any flowers, trees, shrubs, plants or vines from any lot or property. No person shall deface, injure or mark upon any markers, headstones, monuments, fences or structures.

(6) REFRESHMENTS. No person shall consume or possess alcoholic beverages.

(7) GENERAL. The Director of Public Works or Police Department personnel shall maintain order and shall eject any person whose conduct is objectionable or who violates this chapter.

21.11 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.