

CHAPTER 2

Cemeteries

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SEC. 11-2-1 MANAGEMENT

The management and operation of the municipal cemeteries shall be the responsibility of the East Thorp Cemetery Association as provided in Section 2-4-6.

SEC. 11-2-2 PLATTING

Before any new block of a municipal cemetery is opened for the sale of lots, the Common Council shall cause it to be platted and recorded in the office of the Register of Deeds. Six (6) copies of the plat map shall be deposited with the cemetery association and six (6) copies with the City Clerk. The plat shall be designated so as to provide thorough access to each lot from either a road or walk. The cost of platting will not be included in the proposed budget submitted by the association, but shall be prepared and paid for by the City.

SEC. 11-2-3 SINGLE GRAVE SECTION

The cemetery association shall designate certain lots as a single grave section, and lots therein shall be platted and sold as single grave lots. Unused portions of lots repossessed for non-payment of assessments for care, may likewise be designated and sold as single graves or otherwise.

SEC. 11-2-4 PRICE OF LOTS

The Common Council shall, from time to time, fix a schedule of prices for all lots sold in the municipal cemetery and for all work done for private parties by the association and its employees. No lot or grave will be sold without perpetual care. The lots in the City Cemeteries shall be sold for One Hundred Fifty (\$150.00) Dollars, which sum includes the perpetual care charge of Sixty (\$60.00) Dollars and cost of Eleven (\$11.00) Dollars for recording the deed. The amount designated as the amount for perpetual care shall be placed in the perpetual care trust fund and shall be considered as full payment by the purchaser for care of the lot by the City in perpetuity.

SEC. 11-2-5 THE SALE OF LOTS

- (a) **Procedure and Issuance of Deeds.** The sale of lots in the municipal cemetery shall be under the control of the cemetery association, subject to the rules and regulations and general supervision of the City Council. Any applicant shall apply to the cemetery association and select from those lots available for sale, the lot which he desires to buy. He shall pay to the secretary or treasurer of the cemetery association, the purchase price of the lot, selected by him, including payment for perpetual care and recording the deed. The secretary or treasurer of the cemetery association shall execute and deliver to the purchaser a receipt showing payment for the lot selected; and the president and secretary shall execute a deed in the name of the East Thorp Cemetery Association in either the name of the purchaser or in the name of the person designated by the purchaser, which deed the secretary of the association shall cause to be recorded in the office of the Register of Deeds for Clark County, with instructions to the Register of Deeds that the recorded deed be returned to the secretary, who shall deliver it to the purchaser.
- (b) **Transfer.** All conveyances and transfers of lots in the municipal cemetery shall be in accordance with applicable Wisconsin statutes of lots previously sold, and may be registered with the cemetery association by presentation of the original deed on the back of which is written, "I hereby transfer to portions of said lot," and the endorsement of the original lot owner, his heirs,

administrators or assigns, along with the quit claim deed to that portion of the lot being transferred, or by presenting a Court order evidencing the transfer.

SEC. 11-2-6 CARE OF CEMETERIES

- (a) **Perpetual Care.** All lots hereafter sold in the municipal cemetery shall be provided with perpetual care services, the expense to be included in the price of the lot pursuant to Section 4 of this ordinance.
- (b) **Purpose of Perpetual Care.** Owners of lots previously sold without perpetual care may secure benefits of perpetual care by paying the secretary of the association a sum pursuant to a schedule which shall be set by the Common Council as a reasonable amount for the care of said lots in perpetuity. The sums to be charged are as follows: Fifty (\$50.00) Dollars for a full lot; Thirty (\$30.00) Dollars for a half lot; Twenty-five (\$25.00) Dollars for a single grave lot. Before perpetual care can be taken for lots already owned where no perpetual care was had, the past delinquencies must first be paid.
- (c) **Annual Assessments for Care.** Owners of lots who have not provided for perpetual care, shall pay to the secretary of the cemetery association an annual assessment for care, in the amount determined by the Common Council, which amount is Three (\$3.00) Dollars per lot per year, one Dollar and Fifty Cents (\$1.50) per half lot or single grave. All amounts so received shall be deposited in the cemetery association fund. Notice of such assessment shall be sent to the last known address of the lot owner pursuant to section 157.11 (7) of the Wisconsin statutes. Upon failure of said lot owner to pay said assessment for five consecutive years, the Common Council shall order the repossession of such lots, and shall offer for sale those portions not occupied.
- (d) **Definition of Care.** *Care*, either perpetual or annual, 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.

SEC. 11-2-7 CEMETERY ACCOUNTS

- (a) **Annual Appropriations.** The Common Council shall annually appropriate to the cemetery 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 cemetery association for the development, improvement, upkeep and care of the cemetery. Unless previously authorized by the Common Council, no debt or deficit shall be incurred which cannot be fully paid by monies in the cemetery account. The cemetery association shall, prior to August 15 of each year, submit to the Common Council a detailed estimate of the appropriation required for operations during the ensuing calendar year.
- (b) **Perpetual Care Trust Fund.** All monies received for perpetual care shall be credited to the perpetual care trust fund to be held by the cemetery association treasurer as trustee, and shall be invested as provided by Section 66.04 (2) of the Wisconsin statutes. The income from such trust fund shall be paid into the cemetery association treasury and shall not be used for any purpose except the care of the cemetery.
- (c) **Duties of Secretary of Cemetery Association.** The secretary of the cemetery association 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 or ornamentation of the cemetery or any lot or structure thereon. Such monies shall be invested pursuant to Section 66.04 (2) of the Wisconsin statutes in the same manner as monies in the perpetual care trust fund but separately accounted for. No additional compensation shall be paid the secretary for his duties under this ordinance and the bond of the secretary shall be had and paid for by the association to cover the performance of all such duties.

SEC. 11-2-8 REGULATIONS FOR IMPROVING LOTS

- (a) **Fences.** No fences for enclosures around lots shall be permitted.
- (b) **Graves.** Graves shall not be raised above the level of the lot.

- (c) **Monuments.** Monuments will conform to the general pattern found in the old cemetery. New sections not yet platted, shall be governed by an ordinance to be passed after such section is platted.
- (d) **Improvements by Lot Owners.** Lot owners shall have the right to cultivate trees, shrubs and plants within the lot only where such trees, plants, and shrubs are now located, of such kind or size which do not interfere with adjoining lots. No plants, flowers, pots, trees, or shrubs shall be put on any of the graves or lots in the municipal cemeteries. Owners shall not change the grade of any lot, nor interfere in any way with the general plan of landscaping the cemetery.
- (e) **Entry.** The association may have the sexton enter upon any lot and remove any shrub or tree which is deemed detrimental to the cemetery or the adjoining lots, or unsightly, or inconvenient to the public. He may also enter upon any lot and make any improvement deemed for the advantage of the ground.

SEC. 11-2-9 REGULATIONS FOR INTERMENT

- (a) **Payment of Charges.** No interment shall be allowed in any lot which has not been fully paid for, or where annual assessments for care of the lot are delinquent for one or more years.
- (b) **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, city health officer or City Clerk of the place where the death occurred. Such permit or certificate shall be retained by the secretary of the cemetery association 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 board of health.
- (c) **Notice.** Notice of interment must be given to the association at least 24 hours in advance. The sexton or an assistant must be present at all interments and shall have full charge of opening, closing and sodding all graves.
- (d) **Workmen.** Laborers working in the vicinity of a lot where an interment is in progress must suspend work and maintain silence during the progress of the service, and during the period immediately preceding and following.

- (e) **Interment Fee.** An interment fee of Twenty-five (\$25.00) Dollars, plus whatever additional costs that the City may charge for use of its air hammer or other equipment, must be paid to the secretary of the cemetery association and a receipt therefor presented before the sexton shall direct the digging of the grave.
- (f) **Requirements for Burial.**
 - (1) No burials will be allowed in the East Thorp Cemetery or any other municipal cemetery unless a vault or burial box of concrete, fiberglass or metal construction is used. Said purpose being to prohibit the use of any wooden boxes or boxes constructed of any other material that might result in the sinking of any grave.
 - (2) No more than (i) one casket and one cremains, or (ii) two cremains shall be interred in, on or under one lot. When a casket and cremains are both interred in one lot, the cremains shall be interred under the headstone.

SEC. 11-2-10 RECORDS

- (a) **Record Books.** The secretary of the cemetery association shall keep records consisting for each cemetery of (1) a lot book; (2) an index of lot owners; (3) an interment register; (4) a burial record; (5) a lot ownership record; and (6) a file of burial permits.
 - (1) **Lot Book.** The lot book shall contain a diagram of each lot sold in the cemetery and shall identify it by number of lot, number of block, date sold, and the name and address of owner. It shall also show by diagram the location and number of each grave, the name, burial number and grave number within the lot of each person buried in the lot.
 - (2) **Index of Lot Owners.** An index shall be maintained consisting of a card for each lot owner or joint owner, arranged by surname, showing the full name of the owner and the lot and block number of the lot owned.
 - (3) **Interment Register.** The interment register shall be kept in book form and shall contain a cumulative record of burials, showing in separate columns the date of interment, consecutive number of the burial, the full name, place of death, name and address of funeral director, lot and block, size of grave, location of grave in terms of feet from designated

- boundaries, and interment fee, for each burial.
- (4) **Burial Record.** The burial record shall consist of a cumulative card index, arranged alphabetically by surname, containing card for each person interred. Each card shall record the full name of the person buried, giving the surname first, the date of the burial, and the lot, block and grave number.
 - (5) **Lot Ownership Record.** The lot ownership record shall consist of the duplicate copies of the receipts issued at the time of the sale of the lots, numbered and filed in order of sale. Upon payment of the purchase price of a lot to the secretary of the cemetery association to be permanently retained in a loose-leaf binder.
 - (6) **File of Burial Permits.** The burial permits required by Section 69.48 (2) of the Wisconsin statutes shall be endorsed by the sexton with the date of the interment over his signature, and he shall deliver said burial permits to the secretary of the cemetery association for filing, which burial permits shall be retained by said secretary as a part of the permanent records of the association.

SEC. 11-2-11 POLICE REGULATIONS

- (a) **Regulations.** The following regulations shall apply in all municipal cemeteries:
 - (1) **Entry.** No person shall enter or leave except through the gates. No persons 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 secretary of the association or the City Clerk.
 - (3) **Dogs.** No person shall allow any 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 careless or 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; nor shall any person deface, injure or mark upon any markers, headstones,

monuments, fences or structures; nor shall any person other than owner injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed on any lot.

- (6) **Refreshments.** No person shall consume or possess refreshments or liquors on the property.
- (b) **Enforcement.** The cemetery association sexton shall maintain and shall eject any person whose conduct is objectionable or who violates this ordinance.

SEC. 11-2-12 PENALTIES

Any person, firm, association or corporation violating any of the provisions of this ordinance shall, upon conviction, forfeit not less than Ten (\$10.00) Dollars nor more than Two Hundred (\$200.00) Dollars for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty days for each violation. Each day that violation continues to exist shall constitute a separate offense.