

CHAPTER 8-CEMETERY

CITY OF FENNIMORE
(repealed and recreated 11/13/2006)

8.01 Prairie Cemetery

8.02 Penalty

8.01 PRAIRIE CEMETERY

(1) Management and Control.

(a) Committee in Charge. The management and control of the Prairie Cemetery, now a municipal cemetery owned and operated by the City of Fennimore shall be in the Buildings, Parks, Pool and Cemetery Committee, subject to the general supervision of the Common Council. That said committee shall act generally as a commission operating said cemetery. The City Clerk shall be secretary of said committee, and said committee is hereby authorized to delegate any of its day to day duties to said clerk. There shall also be a cemetery superintendent, to be appointed by the Common Council upon advise of the committee who shall serve until removed by action of the Common Council, unless his service be terminated by resignation or death. The Superintendent shall be responsible to the Common Council and the said committee for the control and management of all municipal cemeteries, for the direction of all assistants assigned to his supervision, and for the administration of the provisions of this ordinance and any supplemental rules and regulations adopted by the Common Council. To the extent possible the Superintendent shall utilize the services of existing city officials and employees.

(b) Report. Not later than February 1 of each year the superintendent shall submit to the Common Council and the Committee a report of the activities and affairs of the municipal cemeteries for the preceding calendar year.

(c) Compensation. The Superintendent shall be compensated in a manner determined by the Common Council.

(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 copies of the plat shall be deposited with the cemetery superintendent and six copies with the City Clerk. The plat shall be so designed as to provide access to each lot from either a road or walk.

(3) Single Grave Selection. The common council shall designate certain lots as a

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single grave selection, and lots therein shall be platted and sold as single grave lots. Unused

portions of lots repossessed for nonpayment of assessments for care may likewise be designed and sold as single graves, or otherwise.

(4) Price of Lots. The Common Council upon the advise of the committee shall from time to time fix a schedule of prices for all lots sold in municipal cemeteries and for all work done for private parties by the Superintendent and his assistants, including charges to be made for the use of any public vault. Sixty per cent (60%) of the funds so derived shall be credited by the City treasurer to 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.

(5) Sale of Lots

(a) Procedure: Issuance of Deeds. The sale of lots in the municipal cemetery shall be under the control of the City Clerk, subject to the rules and regulations and the general supervision of the committee and the Common Council. Any applicant shall apply to the City Clerk and select from those lots available for sale the lot which he desires to buy. To obtain title to the lot, the applicant shall pay to the City treasurer the purchase price in full. The City Treasurer shall make a duplicate receipt, giving one to the purchaser and the other to the City Clerk. The City Clerk shall then issue a deed to the lot in the form prescribed by the City attorney. The deed shall be signed by the Mayor and City Clerk and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the County Register of Deeds.

(b) Transfer of Lots Previously Sold. Present owners of lots may transfer said lot subject to the approval of the City by presenting the original deed to the City Clerk with the following endorsement, to-wit: "I/we hereby transfer to (name of new owner) the herein described lot or portions of lot: _____." The City shall then issue a new deed or deeds in the manner above set forth to the new owner or owners. No charge shall be made by the City for such transfer, except that the new owner or owners must pay for recording their deed or deeds.

(c) Use of Lot. The owners of lots may use said lots for burial purposes only, and such ownership and use is subject to all the rules and regulations of this ordinance and all subsequent acts, resolutions or ordinances and rules adopted by the committee and the Common Council.

(6) Care of Cemeteries.

(a) Perpetual care. All lots hereafter sold in municipal cemeteries shall be

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provided with perpetual care services, the expense to be included in the price of the lot pursuant to 8.01(4) of this chapter.

(b) Purchase of Perpetual Care. Owners of lots previously sold without perpetual care may secure the benefits of perpetual care by paying to the City Treasurer a sum pursuant to a schedule which shall be set by the Common Council and the Committee as a reasonable amount for the care of said lots in perpetuity.

(c) Annual Assessments for Care. Owners of lots who have not provided for perpetual care shall pay to the City Treasurer an annual assessment for care, in the amount determined by the Common Council upon advice from the committee. All amounts so received shall be deposited in the operating and maintenance account. Notice of such assessments shall be sent to the last known address of the lot owner pursuant to s. 157.11(7), Wis. Stats. Upon failure of said lot owner to pay said assessment for five (5) consecutive years, the Common Council upon advice of the committee 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.

(7) Cemetery Accounts. There shall be one account for the cemetery, a cemetery trust fund account. All income from perpetual care funds shall be placed in the cemetery trust fund. All other income shall be placed in the General City Fund to be expended for the development, improvement, upkeep and care of the cemetery. All such expenditures shall be under the direction of the Cemetery Committee. All funds shall be disbursed by order check in the same manner as other municipal funds and shall be authorized or approved in the same manner as the disbursements as other municipal funds.

All monies received for perpetual care shall be deposited in the cemetery trust fund account and from time to time shall be invested as provide by Wisconsin law. The income from the trust accounts shall be paid into the General City Fund and shall not be used for any purpose except for the care of the cemetery.

(8) Regulations for Improving Lots.

(a) Fences. No fences or enclosures around lots shall be permitted.

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

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(c) Memorials are Allowed Subject to the following Regulations:

- (1) Memorials shall not exceed 60 percent of the length of the lot:
2 grave lot: Maximum die length 3'8", maximum base length 4'8";
3 grave lot: Maximum die length 7'0", maximum base length 9'0".
2 grave burial estate: Maximum die length 9'0", maximum base length 12'0".
 - (2) No artificial material shall be allowed. All memorials shall be made of natural granite, marble, or bronze. Cast stone or Terrazzo is prohibited.
 - (3) All single installations with the exception of the central memorial shall be flush with the ground.
 - (4) All foundations shall project a full six (6) inches around the base of monuments, or around monoliths, and a full six (6) inches around and beyond the rock work of slant face memorials.
 - (5) Foundations shall be excavated the full width and length of projected size to a depth of at least 2'6" with piers at each end an additional 2'6".
 - (6) There shall be no cement above grade level.
 - (7) There shall be at least 9'0" between lot line and memorial on the grave side plot.
 - (8) The foundation shall be placed 6" from the lot line on memorial side of lot and the base shall be 1 foot 0 inches from the lot line.
 - (9) An area plan of each memorial shall be submitted for approval along with a \$5.00 fee. Plan to be drawn on 8-1/2 by 11 inch paper horizontally to a scale of 1 inch to 1 foot 0 inches. A plot plan showing the positions of graves and memorial will be returned.
 - (10) No work of any kind shall be permitted without the permission of the Superintendent. The Superintendent will stake out all memorial work.
 - (11) Violators of these rules shall be barred from the cemetery until the violation has been corrected at the violator's expense, to the satisfaction of the committee and the Common Council.
- (d) Improvement by Lot Owners. Lot owners shall not have the right to cultivate trees, shrubs and plants within the lot. Owners shall not change the grade of any lot, nor

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interfere in any way with the general plan of landscaping the cemetery. Owners shall be permitted, as well as other persons, to place potted plants, cut flowers and wreaths in metal stands to be provided by the persons so placing said potted plants, cut flowers and wreaths upon such lot or lots.

(e) Entry by Superintendent. The Superintendent may enter upon any lot and remove any shrub or tree which is prohibited by this ordinance, or which is unsightly, or inconvenient to the public. He may also enter upon any lot and make any improvement deemed for the advantage of the grounds.

(9) Regulations of Interment

(a) Payment of Charges. Not 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 two 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 Village Clerk of the place where the death occurred. Such permit or certificate shall be retained by the Superintendent 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 Superintendent at least 24 hours in advance of the funeral director. The Superintendent or an assistant must be present at all interments and he shall have full charge of the 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. The chapel shall be available to lot owners at no cost when weather conditions make it impracticable or possible to open graves. Graves will be opened at any time for actual cost of opening with the minimum fee of \$35.00. The fee shall be paid to the City Treasurer by the funeral director and upon receipt thereof the Superintendent shall direct the digging of the grave.

(10) Records. The City Clerk, acting as clerk for the cemetery superintendent, shall keep records for the superintendent consisting for each cemetery of (1) a lot book; (2) an index or lot owners; (3) an interment register; (4) a burial record; (5) a lot ownership record; and (6) a file of burial permits.

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(a) Lot Book. The lot book shall contain a diagram of each lot sold in the cemetery and shall identify it by number of block, number of lot, date sold and 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.

(b) 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.

(c) 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.

(d) Burial Record. The burial record shall consist of a cumulative card index, arranged alphabetically by surname, containing a 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.

(e) Lot Ownership Record. The lot ownership record shall consist of the duplicate copies of the receipts issued at the time of sale of the lots, numbered and filed in order of sale. Upon payment of the purchase price of a lot to the City Treasurer, the Treasurer shall transmit the duplicate receipt to the City Clerk to be permanently retained in a loose leaf binder.

(f) File of Burial Permits. Burial permits shall be endorsed by the superintendent with the date of the interment over signature, the permits filed chronologically in a binder.

(11) Police Regulations

(a) Entry. No person shall enter or leave except through the gates. No person other than cemetery employees or police officers shall be within the cemetery except during daylight hours.

(b) Firearms. No person shall carry any firearms except in the case of military funerals and on Memorial Day.

(c) Animals. No person shall allow any animal to run at large or on a leash.

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

(e) Disturbing Property. No person except the owner of the lot or a cemetery employee shall cut, remove, injure or carry away any flowers, potted plants, or wreaths; nor shall any person deface, injure, or mark upon any markers, headstones, monuments, fences or structures; nor shall any person other than the owner or cemetery employee injure, carry away or destroy any vases, flower pots, urns or other objects which have been placed upon any lot.

(f) Intoxicants. No person shall possess or consume any intoxicating liquor or fermented malt beverage in any cemetery.

(g) General. The cemetery superintendent shall maintain order and shall eject any person whose conduct is objectionable or who violates this ordinance.

(h) Re-Use of Burial Site. The Reuse of any burial site is prohibited ie: once a space has a burial on it, it cannot be resold for use by another.

8.02 PENALTY

Any person violating any of the provisions of this chapter shall, upon conviction, suffer a forfeiture as set forth in s. 25.04 of this code.