

**TOWN OF PLYMOUTH
ROCK COUNTY, WISCONSIN
ORDINANCE NO. 2016-01**

AN ORDINANCE TO PERMIT AND REGULATE CEMETERIES

RECITALS

- A. The Town Board of the Town of Plymouth desires to acquire land to operate a municipal cemetery pursuant to § 157.50, Wis. Stats.
- B. The Town Board of the Town of Plymouth desires to regulate cemeteries as set forth herein.

NOW, THEREFORE, the Town Board of the Town of Plymouth, Rock County, Wisconsin, ordains as follows:

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of Plymouth 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 Plymouth has the specific authority under § 157.50(2), Wis. Stats., and general authority under its village powers under § 60.22, Wis. Stats., to adopt this ordinance.

SECTION III - 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 that is in any stage of decomposition or has been cremated.
- D. "Lot" means a single grave lot platted in accordance with Section V, whether or not occupied by a grave, or in the case of the Maple Grove Cemetery, it means a burial site.

- E. "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.
- F. "Sexton" means a Town employee or independent contractor employed or retained 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.
- G. "Town" means the Town of Plymouth Rock County, Wisconsin.
- H. "Town Board" means the board of supervisors for the Town of Plymouth, Rock County, Wisconsin, and includes designees of the board authorized to act for the board.
- I. "Town cemetery" means a municipal cemetery owned, operated, and maintained by the Town of Plymouth, Rock County, Wisconsin, under § 157.50, Wis. Stats., that is located within the Town.
- J. "Town chair" means the chairperson of the Town of Plymouth, Rock County, Wisconsin.
- K. "Town clerk" means the clerk of the Town of Plymouth, Rock County, Wisconsin.
- L. "Town treasurer" means the treasurer of the Town of Plymouth, Rock County, Wisconsin.
- M. "Wis. Stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION IV - STATEMENT OF POLICY

Every Town cemetery is owned, operated, directly controlled, and maintained by the Town for the benefit of citizens of all denominations, religions, sexes, creeds, and races, all of whom shall be allowed to be buried in a Town cemetery. This ordinance, adopted pursuant to § 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 V - 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 Town Board or the sexton for a Town cemetery and any person or agent for any other cemetery in the Town that is subject to § 157.065, Wis. Stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Rock County, Wisconsin, in accordance with § 157.065, Wis. Stats.
- B. Single grave section. The Town Board or 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 the 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 a permit approved by the Town Board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under Chapter 985, Wis. Stats. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted and filed with the Town clerk and recorded in the Office of the Register of Deeds for Rock County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to § 157.065 or 157.128, Wis. Stats. The minimum cemetery acreage must be at least 2 contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a Town, county, or other zoning ordinance. The Town Board shall have broad discretion when determining whether to approve a permit hereunder.
 2. After the date of adoption of this ordinance, any place in the Town where human remains are buried on private or public land without written permit approval of the Town Board and not timely removed within sixty (60) days after receipt of written notice from the Town Board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this ordinance, the Town may take action to abate the nuisance and recover its costs of doing so, as provided

in the Town of Plymouth Ordinance No. 1993-1. 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 VI - PURCHASE OF LOTS IN TOWN CEMETERY

- A. Price of lots and other fees. The Town Board may from time to time by resolution, fix a price on all lots to be sold for burials in any Town cemetery. The Town Board may also from time to time by resolution, fix fees for headstone placement, opening and closing lots, burials, or any other fee it deems reasonable in its discretion.
- 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, Town clerk, or sexton. The Town Board, Town clerk, or sexton, to the extent possible, 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. Upon receipt of proper payment to the Town treasurer, the Town chair and 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 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 Town clerk and Town chair or other persons so designated by the Town Board and sealed and acknowledged so as to entitle the purchaser to record the deed with the Register of Deeds for Rock County, Wisconsin.
 2. Persons conveying any cemetery lot in any Town cemetery shall comply with § 157.08, Wis. Stats., and this ordinance.

SECTION VII - 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 a portion of a lot for burial purposes only in accordance with the terms of this ordinance or any cemetery association bylaws and regulations.
 2. Upon full payment by any person of the purchase price of a Town cemetery lot, the Town clerk and Town chair shall issue a cemetery lot deed, under seal, as provided herein, 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.

3. All reposessed vacant lots in any Town cemetery when resold are subject to the same fees and charges as other unoccupied lots.

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.
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 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 Town clerk by the lot owner under paragraph 2, the Town Board or 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 Town clerk.
 - c. If no agreement under subdivision (b) is filed, the Town Board or the sexton may determine, 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

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 application filed with and approved by the Town clerk. The application shall be executed by the owner of the lots, or, if the owner is deceased, by a relative. The application shall state the lot and block number. Upon approval by the Town clerk, the owner of the lot shall execute a deed in the same form as an original deed from the Town, so as to entitle the purchaser to record the deed with the Register of Deeds for Rock County, Wisconsin.
2. The Town clerk shall enter in the record kept for that purpose, copies of all deeds of transfer and reconveyance of cemetery lots. No reconveyance deed may be received and filed by the Town clerk until a fee of \$100 has been paid therefor, which fee shall be deposited into the general Town municipal fund.

E. Reburial.

1. In this subsection, "reburial" means to disintomb, disinurn, or disinter human remains that are buried in a cemetery and reentomb, reinurn, 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 § 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 § 69.18 (4), Wis. Stats.

F. Use of repossessed lots. Whenever possible, lots repossessed under Chapter 157, Wis. Stats., in any Town cemetery will be resold and used for burials before new areas of the cemetery are used or platted.

SECTION VIII - CARE OF LOTS AT THE TOWN CEMETERY

A. Costs of care fixed. The Town Board shall annually fix, as required under § 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 Rock County to the Town for veteran's graves under subsection § 45.84, Wis. Stats.
 2. The Town's general budget.
 3. 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 Town Board or the sexton. The grade of the cemetery lots shall be determined by the Town Board or the sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the Town Board or the sexton.

SECTION IX - PRIVILEGES AND RESTRICTIONS IN TOWN CEMETERIES

- A. 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.
- B. Limitations on structures and urns.
1. In this subsection, "urn" means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the Town Board or sexton, that it cannot be readily moved from its placement on the lot. "Urn" does not include a vessel containing cremated human remains properly inurned on the lot.
 2. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted 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 may not be placed on lots without written approval of the Town Board or the sexton, and if so placed may be removed by the Town Board or the sexton without notice. Urns are not permitted at any Town cemetery on lots sold after the passage of this ordinance. Urns existing in Town cemeteries prior to the passage of this ordinance shall be removed by the Town or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail with return receipt requested by the Town clerk that the urn has been removed

from the lot and that it will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

- C. Landscaping. All landscaping, mowing, and general care of lots, 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, unless otherwise provided in writing by the Town Board.
- D. 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 supervisors, 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.
- E. No assumption of liability for damages. The Town's officers, employees, contractors, and agents, including the sexton and the Town Board supervisors, 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.
- F. Altering physical conditions. The Town Board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical improvements at any Town cemetery.
- G. Enforcement of regulations and ordinance. The Town Board may appoint, with citation issuance and service powers if applicable, any employee or agent of the Town, including the sexton, to administer and enforce this ordinance.

SECTION X - RULES FOR VISITORS TO TOWN CEMETERIES

- A. Visiting hours. Every Town cemetery shall be open to visitors at all times between the hours of 6 a.m. and one-half hour after the official sunset. Permission to enter any Town cemetery at any other time must be obtained from the Town Board or the sexton.
- B. Children. Children under 16 years of age shall not enter upon any Town cemetery except when accompanied by parents or guardians, unless this requirement is waived in writing by the Town Board or the sexton.
- C. Refreshments. Persons, including picnic parties, with food, refreshments, or alcoholic beverages, are prohibited within any Town cemetery.

- D. Dogs and other animals. 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-impairment or other disability while in the Town cemetery. All other pets or domestic animals are prohibited without written consent of the Town Board or the sexton.
- E. Firearms. Firearms, bows and arrows, slingshots and other like articles are prohibited in any Town cemetery except in conjunction with military funerals or specific memorial events permitted by the Town Board, the sexton, or other designees of the Town Board.
- F. Visitors.
1. Visitors to Town cemeteries are required to use existing walkways and roadways whenever possible.
 2. Except as otherwise provided herein, 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 written consent of the Town Board or 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. Damage any grave or lot.
 - b. Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
 - c. Remove, damage, or destroy any vases, flower pots, urns, or other objects that have been placed on any cemetery lot.
 - d. Move or remove any cemetery equipment without the written consent of the Town Board or the sexton.
 - e. Remove or damage any Town cemetery property not included within subdivisions (a) to (d).

- f. No person may loiter, cause a public nuisance, or engage in any sport of other recreational activity on any Town cemetery property without the written consent of the Town Board or the sexton.

G. Vehicles.

1. Motor vehicles traveling within any Town cemetery may not exceed 15 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.
2. 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 in writing by the Town Board or the sexton:
 - a. Snowmobiles;
 - b. Go-carts;
 - c. All-terrain vehicles;
 - d. Mopeds;
 - e. Motor bicycles;
 - f. Motorcycles;
 - g. Play vehicles and other amusement vehicles, including any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
3. 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 Town Board or 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 Town Board or the sexton.

- H. Protection of cemetery property. No person without written consent of the Town Board or 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.
- I. 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 Town Board or the sexton.
- J. Sound devices. No person may operate or play any amplifying system or sound device in any Town cemetery without the written consent of the Town Board or the sexton.
- K. 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 Town Board or 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 Town Board or sexton unless approved by the Town Board or the sexton.
- L. Working in cemetery. All contractors or other persons having work in the Town cemetery shall notify the Town clerk 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 XI - TOWN CEMETERY BURIALS

- A. Daylight burials. Except upon written approval of the Town Board or the sexton, burials at any Town cemetery shall be made only during daylight hours.
- B. 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 Town Board or the sexton. 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 Town Board or the sexton may 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. The Town Board or the sexton may also establish charges for 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 to 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 Town clerk or the sexton.

- C. Burial permit. No burial in the Town cemetery shall be permitted until a legal burial permit has been issued by the Town clerk or the sexton.
- D. 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. The Town Board may place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations in each Town cemetery.
- E. 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. Two 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.
 - 2. 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.
 - 3. All cremation remains shall be placed in a permanent outer burial container not constructed of wood.

SECTION XII - 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 a permit therefor from the office of the Town clerk or 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 Town Board or the sexton. Except as otherwise provided in this ordinance, under no conditions will the Town Board or the sexton construct monument or marker bases or erect monuments or markers on bases.

2. All markers and monuments must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the Town Board or the sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a 5-inch margin from the outer edges of the foundation.
3. 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 Town Board or the sexton. Unless special arrangements are made in writing with the Town Board or the sexton, such work shall be conducted between the hours of 7 a.m. and 5 p.m., Mondays through Fridays, except national holidays. Truck operation is not permitted within any Town cemetery when, in the opinion of the Town Board or the sexton, the truck operation may cause damage to the driveways or other Town cemetery property. Except with written permission of the Town Board or 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 Town Board or the sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds at a Town cemetery. The size of any monument or stonework must be provided to the Town Board or 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. Only one monument or marker shall be allowed per lot.
3. 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 Town Board or 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 5 feet in height.

4. Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
 5. A preneed marker may be placed on a lot or group of lots before burial.
 6. No materials other than granite, marble, or standard bronze may be used for outside and above-ground portions of any marker or monument.
 7. Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The Town Board or the sexton may require, at minimum, prior to burial, a deposit of \$1,000 payable to the Town treasurer to insure timely placement of a proper marker or monument. The Town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.
- C. Removal of monuments. A marker or monument, once placed at a Town cemetery on its foundation, may not be removed, except by written permission of the Town Board or the sexton.
- D. Payment. Any lot at a Town cemetery must be paid in full to the Town treasurer before markers, monuments, and foundations are set and before any cemetery deed is delivered. All outstanding charges due the Town must be paid prior to burial.

SECTION XIII - TOWN CEMETERY VAULTS AND MAUSOLEUMS

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

SECTION XIV - 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 except by written consent of the Town Board or the sexton.
- B. 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. All flags placed on

graves for Memorial Day shall be removed by the day following Flag Day of that year.

- C. Potted plants. Potted plants at any Town cemetery may be set on lots, without disturbing the sod, if removed within 5 days after being set. If a potted plant is not removed within 5 days of being set on the lot, the potted plant may be picked up and destroyed by the Town Board or the sexton of the Town or removed and preserved for planting within the Town cemetery.
- D. Artificial flower decorations; baskets. Artificial flower decorations are prohibited in any Town cemetery unless in a vase or pot and when so used will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the Town Board or the sexton.
- E. 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 as determined by the Town Board or the sexton. In case of doubt, the Town Board or the sexton of the Town 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 Town Board or the sexton will be removed by the Town Board or the sexton.
- F. 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 Town Board or 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.
- G. Vine, wreath, and memorial removals. Vines that interfere with the proper care of lots or graves or injure or damage the grass will be removed from any Town cemetery by the Town Board or the sexton when found objectionable. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the Town Board or the sexton.

SECTION XV - 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. The Town Board or the sexton may notify, or attempt to notify, in writing, a lot owner that any lot, or monument or marker thereon, is being neglected and that failure to comply with this ordinance, or failure to correct a neglected lot, may be cause for imposition of forfeitures under § 157.11(2), Wis. Stats.

- 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 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.

- D. Sexton. The Town Board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for a Town cemetery or any part of the operations. 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. 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 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.

SECTION XVI - PENALTIES

- A. Citation. The Town Board may establish a citation ordinance for enforcement of violations of this ordinance.

- B. Penalties. Any person who violates any provision of this ordinance shall, upon conviction, be fined and shall forfeit 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 service 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 XVII - EFFECTIVE DATE

This ordinance is effective on publication as provided by law.

Dean M Connell

Approved: _____

Dean Connell, Town Chairman

Attest: *Susan Douglas*
Susan Douglas, Town Clerk