

Ordinance Amendment relating to Plummer Cemetery Fees, Rules, and Regulations

STATE OF WISCONSIN
Town of Oshkosh
Winnebago County

Whereas, the Town of Oshkosh adopted the Code of Ordinances containing Plummer Cemetery Fees and Regulations.

Whereas, the town board appointed a Plummer Cemetery committee to advise and make recommendations to the town board.

Whereas, the Plummer Cemetery committee recommended changes to the Ordinance that created an additional Resolution 07-2023 which includes new fees and rules to be adopted separately.

Whereas, Title 7 – Chapter 11, rewritten as cited in Attachment A.

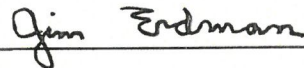
Whereas, Title 7 – Chapter 1 – Section 8, rewritten as cited in Attachment B.

Whereas, Title 11 – Chapter 3 – Section 8 (c) (7), rewritten as cited in Attachment C.

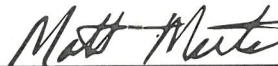
Therefore, be it resolved, the town board adopted the rewritten changes as stated in the above attachments.

Adopted this 28th day of August, 2023.

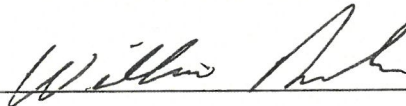
Town of Oshkosh town board



Jim Erdman

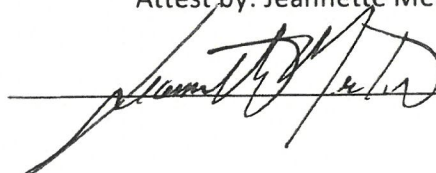


Matt Merten



William Demler

Attest by: Jeannette Merten/Town Clerk



Effective upon publication date:
September 14, 2023

Attachment A-Revised

Title 7 – Chapter 11

Plummer Cemetery-Purchase of Cemetery Lot(s) and Transfers

7-11-1	Purchase of Cemetery Lot
7-11-2	Resale and Transfer of Lots
7-11-3	Grave Lot Fees, Perpetual Care Fees, Burial Fees, and Cemetery Rules

Sec. 7-11-1 Purchase of Cemetery Lot

The Town Board-appointed Sexton will conduct the purchases and transactions of grave lot sites at Plummer Cemetery.

Sec. 7-11-2 Resale and Transfer of Lots

It is not allowed for a lot owner to sell all or a portion of owned lot(s). The lot(s) must first be deeded back to the Town of Oshkosh who in turn will resell the lot(s) to a new owner.

- (a) Any transfer request of a lot(s) from an owner or heir of owner returned/deeded back to the Town with proof of ownership there is no fee. The owner may qualify and request in writing for a refund payment of the original paid lot(s) price.
- (b) Any transfer of lot ownership given/gifted to another person/new owner, except for the condition stated in 7-11-1 (a), there is a fee of \$50.00 payable to the Town.

Sec. 7-11-3 Grave Lot Fees, Perpetual Care Fees, Burial Fees, and Cemetery Rules

Grave lot fees, perpetual care fees, burial fees, and cemetery rules, may occasionally be updated by Resolution established by the town board as shown in Exhibit A.

Cross Reference 11-8-8 Cemetery Regulations and 7-1-8 Dogs and Cats Restriction on Cemeteries and Parks.

Attachment A-Original

Title 7 – Chapter 11

Plummers Cemetery Lot Prices and Perpetual Care and Charges

7-11-1	Perpetual Care costs
7-11-2	Price of Lots
7-11-3	Resale of Lots
7-11-4	Limitations and Quantities on Lots Sold

Sec. 7-11-1 Perpetual Care costs

- (a) Town Residents:
 - (1) Four grave lot, \$700.00
- (b) Non-resident:
 - (1) Four grave lot, \$1400.00

Sec. 7-11-2 Price of Lots

- (a) Town Residents:
 - (1) Four grave lot, \$100.00
- (b) Non-resident:
 - (1) Four grave lot, \$200.00

Sec. 7-11-3 Resale of Lots

In the event a lot owner desires to sell all or a portion of his or her lot(s), it must first be deeded back to the Town of Oshkosh who in turn will resell the lot(s) to a new owner.

Sec. 7-11-4 Limitations and Quantities on Lots Sold

The Plummers Cemetery Sexton has the authority to sell 2, 4, or 8 lot packages with prices pro-rated based upon the four grave lot rate. Lots sold to a single purchaser are limited to one (1) 8-grave lot package.

Sec. 7-1-8 Dogs and Cats Restriction in Parks or Beaches.

No dog or cat shall be permitted in any Town of Oshkosh parks or beaches. An animal specially trained to lead blind or hearing-impaired persons and/or is a certified service dog shall be exempt from this section.

Attachment B - Revised

Attachment B - Original

- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his/her possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town Ordinance.
- (d) **Sale of Impounded Animals.** If the owner does not reclaim animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (e) **Town Not Liable for Impounding Animals.** The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Sec. 7-1-8 Dogs and Cats Restricted on Cemeteries and Parks.

No dog or cat shall be permitted in any Town of Oshkosh parks, cemeteries, or beaches. Every dog specially trained to lead blind or hearing-impaired persons shall be exempt from this Section.

Sec. 7-1-9 Duty of Owner in Case of Dog or Cat Bite.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to a law enforcement, humane or animal control officer and shall keep such dog or cat confined for not less than fourteen (14) days or for such period of time as a law enforcement, humane or animal control officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

Sec. 7-1-10 Injury to Property by Animals.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any

Under 11-3-8 (c) (7)

- (7) **Pets.** Pets, including animals of any species, and horses are prohibited in a cemetery unless the Cemetery Sexton gives consent. The exception is a certified service animal.

Cross Reference Exhibit A of Title 7, Chapter 11

Attachment C - Revised

Attachment C-Original

Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.

(c)

Specific Regulations.

- (1) ***Disturbing Cemetery Property.*** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lots owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
- (2) ***Protection of Cemetery Property.*** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any matter except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) ***Motor Vehicles.*** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) ***Speed Limit.*** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) ***Parking.*** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) ***Littering Prohibited.*** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) ***Pets.*** Pets, including animals of any species, and horses are prohibited in any cemetery.