

CEMETARY REGULATION ORDINANCE

JULY, 1982

An Ordinance to establish rules and regulations for the management of the town cemetary of the Town of Lafayette, Chippewa County, Wisconsin.

The Town board of the Town of Lafayette, Chippewa County, Wisconsin, does ordain as follows:

SECTION I - STATEMENT OF POLICY

The town cemetary is owned and maintained by the Town of Lafayette for the benefit of all citizens. Definite rules and regulations must be set up by the Town of Lafayette to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth to govern the town cemetary.

SECTION II - STATE STATUTES AND REGULATIONS ADOPTED

The applicable provisions of Chapter 157 of the Wisconsin Statutes together with all act supplementary thereto and amendatory thereof are hereby adopted and made a part of this ordinance.

SECTION III - RULES AND REGULATIONS

A. Purchase of Lots

1. Persons or their agents desiring to purchase a lot in the town cemetary are referred to the Town Clerk. The Clerk will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases.
2. All fees and charges as outlined in the current schedule fees and charges, are payable at the office of the Town Clerk or Treasurer, where receipts will be issued for the amounts paid and lot deeds issued.
3. A schedule of fees and charges as established by the Town Board, shall be on file in the office of the Town Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions
4. Upon full payment of the purchase price of a lot, the Town Clerk will issue a cemetary deed, under seal, and the deed will be recorded in the records of the Town as evidence of ownership of the lot.

B. Ownership of Rights of Interment

1. The lot owner or his 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 the cemetary rules and regulations.
2. Lots, or fractions of lots, for which lot deeds have been issued by the Town, will not thereafter be divided except by consent of the Town. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetary) nor can they be mortgaged.
3. All repossessed vacant grave spaces shall be subject to the fees and charges.
4. The lot owner shall have acquired the lot for interment of himself and members of his/her family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Town Clerk) for the burial of other persons. No corpse shall be interred in a lot except for the

corpse of one having an interest therein, or a relative, or the husband or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.

5. Unless otherwise directed in writing and filed with the Town Clerk, the lot owner, his devisees or his heirs, the cemetery will permit the interment of members of his family at the request of any interested person upon proof of eligibility for burial as follows:

a. The surviving spouse of the lot owner shall have the first right of interment or to direct the right of interment.

b. Where there is no surviving spouse, the devisees, or heirs of the owner, may by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the Town Clerk.

c. In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.

6. All burial rights in cemetery lots purchased from the Town occupy the same positions as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Town will be recognized as owners or part owners of lots. 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 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 cemetery lots and devise to one person.

7. Lot owners may not resell or transfer their lots or parts of lots except as outlined below:

a. The Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the the Clerk until a fee of five (5) dollars has been paid therefore.

b. Said fee shall go into the general fund.

c. Reconveyance of lots or parts thereof may be made only by written application therefor upon blanks furnished by the Town Clerk, the same to be approved by the Town Board Chairman. Such application shall be executed by the owners of the lots or if the owner is deceased, by the legal heirs. The application shall state the lot and block number or other identifying description.

#### C. Privileges and Restrictions

1. Each lot will, prior to sale, be suitably marked by the Town.

2. No mound shall be raised upon any grave above the general level of the lot.

3. No hedges, fences or enclosures of any kind will be permitted on or around lots or parts of lots.

4. All landscaping, care of lots and other work in the cemetery will be done by the Town.

5. The Town reserves the right for its workmen and those persons necessary to the performance of normal cemetery maintenance to enter upon or cross over any lot in the cemetery.

6. The Town, or its employees assumes no liability for damages to property or of person, or for physical or mental suffering arising out of the performance of its normal operations or for loss by vandalism or other acts beyond its reasonable controls.

D. Decorations and Monuments

1. Decorative accessories may be place in the cemetary only under the following conditions:

a. Artificial pieces, including grave blankets and wreaths, may be used only from October 1 until June 10, of each year.

b. Plants may be planted on lots on special occasions, such as Memorial Day, but will be removed by cemetary caretaker when they become unsightly or when they interfere with the proper care of the lots.

c. The Town shall reserve the right to remove decorations of any sort, including but not limited to urns, containers, artificial and real flowers, as they become unsightly or deteriorated in the opinion of the caretaker.

d. Fresh cut flowers may be used at any time and will remain until, in ~~the~~ judgment of the cemetary caretaker, they become wilted or unsightly. Containers of cut flowers are to be of a type 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.

e. Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.

2. Monuments shall be placed on lots only in accordance with the following regulations:

a. The Town reserves the right to require construction of a monument foundation of such size, material and design as will provide ample insurance against settlement or injury to stone work.

b. The top of the concrete foundation will be constructed flush with the ground line, and all markers will be set with a five inch margin.

c. The lot must be paid for in full, or other assurance given of payment before markers or monuments are set.

d. Temporary markers shall be removed at the end of six months and replaced with a permanent marker within one year.

e. Should any memorial become unsightly, dilapidated or a menace, the cemetary caretaker shall have the right to either correct the conditions or remove same.

E. Rules for Visitors

1. The cemetary will be open for visitors at all times between the hours of 8:00 a.m. and one-half hour before the official sunset. Permission to enter the cemetary at any other time must be obtained from the caretaker. Children under 16 years of age will be admitted only when accompanied by parents or guardians.

2. Picnics or parties will not be permitted.
  3. Pets will be allowed in the cemetery only when confined in a vehicle.
  4. Firearms will not be allowed in the cemetery, except in conjunction with military funerals, memorial services and law enforcement personnel.
  5. Visitors are required to use walks and drives whenever possible and shall not pick flowers, injure shrubs, plants or trees, or mar or deface any monument, stone or structure in the cemetery.
  6. Vehicles traveling in the cemetery shall not exceed fifteen (15) miles per hour.
  7. Riding of bicycles, motor bikes, motor cycles or other such vehicles shall not be permitted in the cemetery unless such vehicles are present in conjunction with cemetery business.
- F. Penalties. Any person convicted of a violation of any of the provisions of this ordinance shall forfeit not less than one dollar nor more than One hundred dollars for each violation.
- G. Severability. Every provision of this Ordinance shall be considered separable and the invalidity of any section, clause provision or portion hereof shall not affect the validity of any other portion.
- H. Effective Date. This Ordinance shall be effective upon passage and publication as required by law. This Cemetery Regulation Ordinance shall supersede any and all previous Cemetery Regulation Ordinances of the Town of Lafayette.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1982.

The foregoing Ordinance was duly adopted by the Town Board at a regular meeting of the Town Board of the Town of Lafayette on the \_\_\_\_\_ day of \_\_\_\_\_, 1982.

TOWN BOARD:

Donald Bouquet  
Chairman

Filed this 7<sup>th</sup> day  
of September, 1982.

Louis Wolfe  
Supervisor

Edna Frederick  
Deputy, Clerk

Ernest J. King  
Supervisor

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I further certify that copies of this Ordinance were posted in at least three public places in the Town of Lafayette.

Dated this 7<sup>th</sup> day of September, 1982.

Edna Frederick  
Deputy, Clerk