

## Subchapter 102. Cemeteries

102.1.PURPOSE. The purpose of this ordinance is to amend the existing TOWN OF PRESQUE ISLE CEMETERY ordinance (Original dated January 19, 1997).

102.2.AUTHORITY. The Town of Presque Isle has the authority, pursuant to s. 157.50, Wis. Stats. to enact this ordinance.

102.3.The Town of Presque Isle hereby adopts s. 157.07, 157.08, 157.11, and 157.50, Wis. Stats. by reference.

102.4.RULES AND REGULATIONS.

### (1). DEFINITIONS

- (a). Section: The first subdivision of cemetery lands made according to geographical expediency. Sections may vary in shape and dimensions.
- (b). Block: the first subdivision within a section. Blocks may vary in shape and dimensions.
- (c). Lot: the first subdivision within a block. Dimensions of a lot are 10 feet by 10 feet. Lots may vary in shape and dimensions.
- (d). Burial Space: The first subdivision within a lot. Dimensions of a burial space are 4 feet by 10 feet by 6 feet except for babies and cremations which may be of lesser dimensions.
- (e). Grave: An excavation in the earth in which a body is or is to be buried.
- (f). Interment: The burying of a body.
- (g). Disinterment: Removal of a body from a grave.
- (h). Perpetual Care: Grass cutting, trimming, seeding, filling, clearing of a burial space, pruning or cutting of trees, included in the price of a lot.
- (i). Cemetery Administrator: Oversees sales and issues deeds to burial spaces.
- (j). Cemetery Staff: Park Worker, Sexton and Town Supervisor

### (2). LOTS

- (a). The Cemetery Administrator shall maintain adequate records for his/her office and shall be responsible for platting of cemetery lands and be responsible for the sale of land in the cemetery.
- (b). Before any new block of a cemetery is opened for sale of burial space(s), the Cemetery Administrator shall cause it to be platted and recorded in the office of the Register of Deeds. Copies of the plat map shall be kept by the Cemetery Administrator and with the Town Clerk. The plat shall be so designed as to provide direct access to each burial space from either road or walk.
- (c). The Sale of burial spaces in the cemeteries is under the control of the Cemetery Administrator

subject to the rules and regulations of the Town Board. A purchaser shall apply to the Cemetery Administrator or designee and select from those burial spaces available for sale. Upon payment of the purchase price the Cemetery Administrator shall prepare a Deed to be signed and acknowledged. All receipts are to be in triplicate with one copy kept by the Cemetery Administrator, one by the Town Clerk and one by the purchaser.

- (d). A person owning a burial space(s) in a cemetery and wishing to sell such burial space(s) shall notify the Town Clerk, who shall return to the grantor the purchase price paid. A person wanting to transfer ownership of a lot may do so by presenting the original deed to the Cemetery Administrator with the written statement "I hereby transfer to (name of transfer) my cemetery lot# \_\_\_, Block # \_\_\_ in \_\_\_ cemetery". Signed and witnessed.
- (e). The Cemetery Administrator shall keep a set of records consisting of (1) a burial space book, (2) an index of land owners, (3) interment register, (4) land ownership record, and (5) file of burial permits.
- (f). No lot shall be used for any other purpose than for burial of human remains and the placing of appropriate markers as memorials.
- (g). All burial lots for sale shall be sold at the rates determined by the Town Board.

### (3). BURIAL

- (a). The burial space book shall contain a diagram of spaces sold and shall identify it by number of block, number of lot, date sold, and name and address of owner.
- (b). The interment register shall contain a record of burials showing date of interment, number of the burial, full name, place of death, name and address of funeral director, lot and block, and location of grave.
- (c). The filing of burial permits as required by Section 69.48(2) of the Wisconsin State Statutes shall be endorsed by the Cemetery Administrator and show the date of interment over his/her signature. The permits should be filed chronologically in a binder.
- (d). All interments and other matters relating to the disposal of bodies shall be conducted pursuant to State Statutes, orders of the State Division of Health and the Ordinances, rules and regulation of the Town.
- (e). Notice of interment shall be given to the Sexton at least 48 hours in advance (unless religion

requires more immediate burial (and the location of the grave shall be designated. The Sexton shall have full charge of opening and closing. Seeding of all graves shall be done by the Park Worker.

- (f). Any orders of burial given by a funeral director having charge of the burial shall be construed by the Town as orders from the lot owner. All charges incurred based upon the funeral directors orders, or orders issued in conjunction with the funeral director serving in the matter, shall be paid by the funeral director after interment. No changes in location of graves or burial spaces shall be made without consent of the burial lot owner or heirs.
- (g). All interments on lots owned by a single owner or joint owners shall be restricted to members of the family unless permission in writing from the lot owner(s) is filed with the Cemetery Administrator.
- (h). The interments of two bodies in one grave (that is one above another) shall not be allowed except in the case of mother and infant child or twin children, buried at the same time, but two or more interments of cremated remains may be allowed together or with other remains in one grave.
- (i). No rough wooden box shall be used for interment.
- (j). All caskets must be in a vault.
- (k). All interments shall be made under the direction and supervision of a licensed undertaker, upon written request of the land owners or the next of kin of the deceased. The removal of bodies from graves in the cemetery shall not be made between May 1 and September 15, unless the location is such that no damage will occur to adjoining graves or the general appearance of the grounds.
- (l). Should any single grave be vacated and the body removed from the cemetery the plot shall thereupon revert to the Town.
- (m). All bodies shall be buried with the head to the west.
- (n). No mounds will be allowed
- (o). All graves shall be filled to ground level.
- (p). Cremation burial is to be 2 feet deep.
- (q). Funeral designs and floral pieces will be removed as soon as they become unsightly.

#### (4). PLANTING

- (a). Enclosures around burial spaces by hedges or grave guards are prohibited.
- (b). If any trees or shrubs on a lot become detrimental to any adjacent lot, or unsightly, the Park Worker shall remove such trees or shrubs or the parts thereof, as in his/her judgment are

unsightly or detrimental.

- (c). Receptacles for flowers should be sunk level with the ground.
  - (d). The Park Worker shall have the right to remove from any part of the cemetery any monument, effigy, enclosure, or any structure which shall be determined to be improper, offensive or injurious to the appearance of the Cemetery.
  - (e). Artificial turf is not allowed in the Cemetery.
  - (f). Plantings of annuals/perennials must be within a worked up top soil bed. All plantings are to be at least 12 inches from adjoining lot and not more than 12 inches in front of the stone marker.<sup>1</sup>
  - (g). Artificial flowers are to be in a secure base within 12 inches in front of stone markers and must be removed from the cemetery by October 15 or the Park Worker will remove them.
  - (h). Pole hangers may not exceed 4 feet and must be placed at least 12 inches from any adjoining lot line. Banners and wind socks are not allowed.
  - (i). Park Worker will plant trees or shrubs as needed for ornamentation. No additional plantings will be permitted. Further, Park Worker will remove any tree, plant, shrub or structure which he/she shall deem injurious to the general good appearances of the graves or infringements on other lots.
- #### (5). MONUMENTS
- (a). No monument or grave marker shall be erected upon any burial space which has not been fully paid.
  - (b). Only one monument will be permitted on one lot.
  - (c). No monument shall be erected or set up without having a solid foundation of concrete, no less than 6 inches larger than the base. The base must project above the surface of the ground. A 6 inch wash shall be provided for monuments and a 4 inch was for markers.
  - (d). All grave markers shall be free and level on the bed thereof. Each marker shall be placed at the West end of such graves.
  - (e). Monument work or grave markers may be moved to the burial space on wheels, and planks are required to be laid on paths or grass over which heavy material is to be moved in order to protect the same from damage.
  - (f). The Town shall take every reasonable precaution to protect all private property and

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<sup>1</sup> A list of plants that would grow best in this climate has been prepared by the Presque Isle Beautification Committee and available through the Cemetery Administrator.

grave owners property in the cemetery from loss or damage, but is disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the act of thieves, vandals, riotous and malicious mischief makers, from all acts of providence including unusual winds, tornadoes, cyclones, hail, snow or frost, whether the damage is direct or proximate.

(g). Dealers' or manufacturers' cards or advertisements shall not be marked on any stone or placed anywhere within the cemetery.

(6). USE

(a). No Person shall enter or leave the cemetery except through the gates and only during daylight hours.

(b). Firearms are not permitted except on permission by the Cemetery Administrator, at Military funerals and on Memorial Day.

(c). No person, other than the owner of burial spaces or a cemetery employee, shall cut, remove, injure or carry away any flowers, shrubs, head stones, monuments, fences or structures.

(d). No person shall throw rubbish on the cemetery roads or any part of the cemetery grounds. Trash receptacles are located for that purpose.

102.5.VALIDITY. Shall any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof.

102.6.ENFORCEMENT: Cemetery Administrator and cemetery staff may have constable powers to enforce these rules and regulations.<sup>2</sup>

102.7.PENALTY. Any person who violates this ordinance may be required to forfeit \$10 for a first violation. Each day constitutes a separate violation.

102.8.EFFECTIVE DATE. This ordinance shall take effect after its passage and publication as required by law.

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<sup>2</sup> These rules must be posted at three conspicuous spots in the cemetery for enforcement.