

**TOWN OF LEMONWEIR, JUNEAU COUNTY, WISCONSIN
CHAPTER 14**

**ORDINANCE GOVERNING TOWN-OWNED CEMETERIES
ADOPTED 12/12/2023**

The Town Board of the Town of Lemonweir, Juneau County, Wisconsin, for the purpose of governing the operation and maintenance of town-owned cemeteries, does ordain as follows:

Section 1. State Laws Adopted

1.01 The statutory provisions as set forth Chapter 157 of the Wisconsin Statutes and all amendments and revisions thereto, describing regulations with respect to the operation of public cemeteries are hereby adopted and by reference made a part of this ordinance as if fully set forth herein.

Section 2. Subject Cemeteries

2.01. The Town of Lemonweir has acquired the Rose Cemetery, located in PT SW ¼ NW ¼, Section 22, T15N, R4E, Town of Lemonweir, Juneau County, Wisconsin (Parcel# 290180782) , by *RESOLUTION #08-2023-RC RESOLUTION TO ACCEPT TRANSFER ROSE CEMETERY TO TOWN OF LEMONWEIR* by the Rose Cemetery Association and accepted by the Town Board on August 8, 2023.

2.02 The Town of Lemonweir shall operate the Rose Cemetery as a public burial ground, subject to the rules and regulations set forth herein

Section 3. Cemetery Board

3.01. A Cemetery Board shall be made up of the current duly elected Town Board Supervisors #2 & #3, and two volunteer citizens herein referred to as the Cemetery Board along with the Town Administrator keeping all cemetery records. Citizen volunteers shall be appointed by the Town Chair and approved by the Town Board. Terms shall be 3-years in staggering terms beginning in 2024.

3.02 It shall be the duty of the Cemetery Board to supervise the care and maintenance of the cemeteries that are subject to these rules and to enforce all regulations relating to the operation of said cemeteries as provided for in the past or to the best of their ability. The Cemetery Board may contract a caretaker / caretakers; they must provide a copy of liability insurance.

3.03 The Cemetery Board shall select a Chairperson, a Treasurer and a Clerk or a Clerk/Treasurer.

3.04 The Clerk and Treasurer or Clerk/Treasurer may be paid a salary as set forth from time to time by the Cemetery Board.

Section 4. Care of Records

4.01 The Treasurer or Clerk/Treasurer shall keep an accurate record of all receipts and disbursements.

4.02 The Clerk or Clerk/Treasurer shall use his/her best efforts to keep an accurate map showing all burial lots sold and all burial lots available for sale based on the records at hand.

Section 5. Sale of Graves

5.01 The Clerk or the Clerk/Treasurer is hereby authorized to sell burial lots.

5.02 All burial lots shall be sold at rates set by the Town Board (see fee schedule).

5.03 The sale rates for burial lots shall be reviewed annually by the Cemetery Board and shall be adjusted accordingly.

5.04 Each burial lot space sold shall be burial space for one grave, except of a mother/infant, twin children or 2 children buried at the same time, two (2) cremations, one (1) burial and one cremation may occupy one grave lot, or in a special circumstance with the approval of the cemetery board chairperson or his/her agent.

5.05 Alienation, disposition and use of cemetery lots and mausoleum spaces shall follow Wis. State Stats. 157.10 (2) (a) 1-4, (b), (3), (4), (5), (6), and (7). (RE: remaining lots of family block—1. spouse or domestic partner; 2. Children including by adoption; 3. Grandchildren, including by adoption; 4. To the cemetery authority; (b) cemetery lot is not part of a decedent's net estate for purposes of s. 852.01. Any other disposition shall require written consent of all persons having an interest in the lot to be filed with the Town Clerk of the Town of Lemonweir.

5.06 The Town of Lemonweir Town Board shall initially establish a fee schedule for sale of grave sites and other cemetery services. Upon annual review and recommendation by the Cemetery Board, shall update said fees by resolution to stay at competitively current rates. The fee schedule shall be made available through the Town Administrator.

Section 6. Perpetual Care

6.01 The Cemetery Board shall provide for the perpetual care of all burial lots and shall employ a caretaker/caretakers who shall keep all grass mowed, collect all trash or rubbish, and perform such other duties as the Cemetery Board shall deem necessary to the general appearance and operation of the cemetery. The caretaker/caretakers shall be paid an hourly rate or a quoted rate for the job as determined by the Cemetery Board.

6.02 All burial lot sales shall be deposited in the general fund

6.03 No burial lot shall be used for burial unless the burial lot is fully paid for.

Section 7. Opening of Burial Lot for Graves.

7.01 No grave shall be opened for burial purposes without notifying the Clerk or the Chairperson of the Cemetery Board, either of whom shall contact the grave digger after the grave is marked for the opening of said grave.

7.02 The cost of opening a grave shall be determined by the Cemetery Board.

7.03 If required by state law to provide winter burials, the Cemetery Board may establish a different cost for opening a grave when the ground is covered with snow or is frozen than when it is not covered with snow or is not frozen.

7.04 A \$250.00 burial fee shall be assessed for all burials in the cemetery, except for residents of the Town of Lemonweir and for persons who were residents of the Town of Lemonweir prior to admission to a nursing home, hospital or other similar facility. This fee may be adjusted from time to time as determined by the Town Board.

7.05 No vehicles, including, vault trucks, monument trucks and funeral coaches will be allowed off the main roads of the cemetery.

7.06 Any person or entity that opens a grave must provide an acceptable certificate of insurance annually to the Cemetery Board prior to opening of a grave.

Section 8. Interments

8.01 Interments shall not be made except during daylight hours

8.02 All interments shall be made in a permanent outer container excluding the use of wood. The casket or urn in every earth interment shall be enclosed in a concrete box, concrete vault, metal vault, copper vaults or a plastic vault which meets the following minimum specifications

(a) Concrete Box. Shall be made of concrete reinforced with wire. The cover shall be affixed to the box in a manner which will avoid horizontal, movement when in place.

(b) Concrete Vault. Shall be made of concrete reinforced with wire. The cover when in place shall seal the unit and form a rigid receptacle

(c) Metal Vault. Shall be made of 12 gauge or heavier metal covered with asphalt, galvanizing or porcelain. The cover when in place shall seal the unit to form a rigid receptacle

(d) Copper Vault. Shall be made of 12 gauge or heavier solid copper. The cover when in place shall seal the unit and form a rigid receptacle.

(e) Plastic Vault. Approved plastic or fiberglass. The cover when in place shall seal the unit and form a rigid receptacle.

8.03 Receiving box or vault dealers shall complete installation of the receiving boxes or vaults at least one-half (½) working hour prior to the established funeral time.

8.04 The Clerk/Treasurer or a Cemetery Board member shall be notified at least 48 hours before interment

8.05 Each burial lot space shall be burial space for one grave, except of a mother/infant, twin children or two (2) children buried at the same time, two (2) cremations, one (1) burial and one (1) cremation may occupy one grave lot, or in a special circumstance with the approval of the cemetery board chairperson or his/her agent.

Section 9. Privileges and Restrictions

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

9.02 No hedges, fences or enclosures of any kind shall be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and, if so placed, will be removed by the Cemetery Board or their designee without notice.

9.03 No person shall plant any trees or shrubs on cemetery property or on newly purchased lots or parts of lots without the express written permission of the Cemetery Board. The Cemetery Board has the right to cut or remove any plantings that is not desirable or that is a nuisance in caring for the cemetery.

9.04 Fresh flowers, flags and decorations may be used in the Rose Cemetery. Responsibility for upkeep of markers, monuments and footings is that of the individual owners. Memorial Day flowers and decorations can be placed after May 10th or after spring clean-up and shall be removed by October 15th. Winter decorations can be placed after November 1st and shall be removed before May 10th. Lot owners are encouraged to keep decorations at a minimum.

9.05 Individual flower beds or growing plants are not permitted at Rose Cemetery unless in urns of durable material and construction and must be placed within 6 inches of the marker. Wreaths shall be attached to a fixed stand or the marker. Wreaths, Styrofoam crosses, natural and artificial flowers will be removed if they become unsightly or undesirable by the Cemetery Board or other designee of the Town Board without notice.

9.06 The Town of Lemonweir reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.

9.07 The Town of Lemonweir, 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 operation, or for loss by vandalism or other acts beyond its reasonable control.

9.08 No fires of any kind shall be allowed anywhere in the cemetery without the permission of the Cemetery Board.

9.09 The Town of Lemonweir reserves the right to alter, change or close alleys, roadways, and other physical public properties of the cemetery.

9.10 The Town of Lemonweir reserves the right to fill in any graves that have sunken or caved in if the gravesite is not taken care of in a reasonable length of time as the Cemetery Board sees fit. Black dirt will not be furnished by the town. Dirt from the stock pile will be used. Individuals may put a fill on a lot with the approval of a cemetery board member.

Section 10. Vaults and Mausoleums

10.01 Construction of vaults and mausoleums is prohibited.

Section 11. Grave Markers

11.01 Monuments are required and must be erected within two years of date of death for all burials unless approved by the Cemetery Board.

11.02 All grave markers (monuments) placed in the subject cemeteries shall be placed on a concrete base, the surface of which shall be level with the ground, and on center within the monument aisle. Such base shall be at least six (6) inches wider than the stone or marker placed thereon and 24-inches in length and shall conform to cemetery construction requirements.

11.03 All monuments must be on center within the monument aisles.

11.04 The Cemetery Board reserves the right to prohibit the installation of monument bases by anyone other than monument company personnel, cemetery personnel or individuals so designated by the Cemetery Board.

11.05 Only those persons authorized by the Cemetery Board may straighten monuments.

11.07 Monument aisles are the property of the respective cemetery.

11.08 No monument may be installed without adequate notice to and without the express permission of the Cemetery Board. All monument placements shall be first marked for location by the Cemetery Board or their designee. A Staking Fee of \$50.00 shall be charged.

11.09 The Cemetery Board reserves the right to require the removal of any monument, the installation of which does not comply with the requirements of this Ordinance.

Section 12. Destruction or Theft

12.01 Any person who shall destroy, mutilate, or remove any monument, gravestone, building, or other structure placed in the cemetery, or who shall destroy or injure any tree or shrub, or s\who shall be guilty of the theft of any plant, flower, or other decoration from any cemetery grave other than his own, shall be duly prosecuted according to the laws of this state.

Section 13. Size of Cemetery

13.01 The Rose Cemetery is currently 4.44 acres. Any expansion beyond the existing boundaries shall not be determined without Town or Special Meeting approval of the Town electors and advisement of legal counsel under Wisconsin State Statutes Chapter 157.

13.02 Undeveloped and unplatted areas within the boundaries of the Rose Cemetery may be cleared of trees and brush and platted under the direction of the Town Board if determined that the community need and financial burden is feasible.

13.03 Necessity of an additional driveway and any adjustments in location of the existing drive shall be determined by the Town Board upon recommendation of the Cemetery Board.

Section 14. Visitors

14.01 The Rose Cemetery will be open to visitors at all times between the hours of 6:00 a.m. and 8:00 p.m.. Permission to enter the Rose Cemetery at any other time must be obtained by the Cemetery Board. The Town of Lemonweir, by its Town Board shall not allow the use at any time of the Rose Cemetery for uses that would create a public nuisance that are not directly related to cemetery uses and that would likely cause desecration of the cemetery grave, cause disturbance and interference with the burial ground, burial lots and any monuments located therein.

14.02 Firearms will not be allowed in the Rose Cemetery except in conjunction with military funerals. At all other times firearms, bows and arrows, slingshots, and other like articles will not be allowed. No hunting of any type shall be allowed in the Rose Cemetery boundaries.

14.03 Motor vehicles travelling within the Rose Cemetery shall not exceed ten (10) miles per hour. No riding of all-terrain vehicles, snowmobiles, or other such vehicles will be allowed in the Rose Cemetery unless such vehicles are present in conjunction with Rose Cemetery business or authorized by the Cemetery Board. In addition, no person shall operate or make use of a play vehicle upon cemetery property. A "play vehicle" shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

14.04 No parking of any motor vehicle shall be parked on any grassy or seeded area or upon any other location except a designated parking area. Any parked motor vehicle not involved in official cemetery business that is parked for more than 24 hours without written consent of the Cemetery Board, shall be towed or removed by order of the Cemetery Board.

14.05 No person shall loiter or cause a nuisance including operating or playing any amplifying system or sound device without written consent of Cemetery Board on the Rose Cemetery grounds.

14.06 Also see Section 9

Section 15. Severability

15.01 Any action declaring any section, clause or provision of this Ordinance to be invalid shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared invalid.

Section 16. Effective Date

16.01 This ordinance shall take effect and be in force upon passage.

Adopted by the Town Board of the Town of Lemonweir on this 12th day of December, 2023

/s/ John J. Burch, Chairperson

/s/ Matthew Vaughan, Supervisor

/s/ Carl B. Miller, Supervisor

/s/ Jon Gosda, Supervisor

Robert L. Smith, Supervisor

ATTEST:

/s/ Carin E. Leach, Town Administrator

Posted: April 29, 2024

ROSE CEMETERY FEE SCHEDULE

EFFECTIVE DATE 3/12/2024

(Fees shall be reviewed by the Cemetery Board and proposed to the Town Board for approval annually)

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| Grave sites: | \$450 |
| 2 nd Use Fee: | \$250 |
| Non-Resident Charge: | \$250 |
| Staking Fee-monuments: | \$50 |
| Grave Reassignment Fee: | \$150 |

Services & Fees for opening of full grave, cremation burial, winter burials & snowplow fees shall be arranged and charged by the funeral home as authorized by the Cemetery Board.

(Fees shall be collected by the town at time of grave site purchase except as stated above)