

Town of La Grange Town Cemetery Ordinance

Ordinance # 3-17

Date 13 MARCH 17

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of La Grange Town Cemetery Ordinance." The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries, the burial of human remains, and other cemetery uses and activities in the town.

SECTION II - AUTHORITY

The Town Board of the Town of La Grange has the specific authority under s. 157.50 (2), Wis. stats., and general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the construction, management, operation, and platting of cemeteries and the burial of human remains and other cemetery uses and activities in the town, including cemeteries that are not owned, operated, or controlled directly by the town.

SECTION IV - 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. In cases of cremations, the term "cremains" may be utilized synonymously with "human remains."
- D. "Lot" means a block of 8 graves in Block 1-4 of the Town of La Grange cemetery. It has no official meaning in the new sections of the cemetery.
- 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. "Site" means a burial plot (10' x 4' in the new section of the cemetery and 9 1/4' x 4' in the old section.)

H. "Town" means the Town of La Grange, Monroe County, Wisconsin.

I. "Town Board" means the board of supervisors for the Town of La Grange, Monroe County, Wisconsin, and includes designees of the board authorized to act for the board.

J. "Town cemetery" means a municipal cemetery owned, operated, and maintained by the Town of La Grange, Monroe County, Wisconsin, under s. 157.50, Wis. stats., that is located within the town.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters.

SECTION VI - STATEMENT OF POLICY

Every town cemetery is owned, operated, directly controlled, and maintained by the town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in a town cemetery. This ordinance, adopted pursuant to s. 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 VII - NEW BURIALS, CEMETERIES, AND CEMETERY SITES 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 sites 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 s. 157.065, Wis. stats., shall cause the blocks and sites to be platted and recorded in the Office of the Register of Deeds for Monroe County, Wisconsin, in accordance with s. 157.065, Wis. stats.

B. Single grave section. All unsold sites, whether "new" or unused portions of grave sections repossessed under chapter 157, Wis. stats., shall be designated and sold as single-grave sites.

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. 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 written approval of the town board. Approval, approval on condition, or denial of a request 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 Monroe County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. stats.

SECTION VIII - PURCHASE OF SITES IN TOWN CEMETERY

A. Price of sites. The town board shall from time to time by resolution fix a price on all sites to be sold for burials in any town cemetery.

B. Sales of sites.

1. Persons, or their authorized agents, desiring to purchase a site in any town cemetery for burial are referred to the town board, town clerk, or sexton. The town board, town clerk, or sexton shall have available suitable plats showing size and price of sites, and any other information that may be required, and render assistance to those desiring to make site purchases. The town board, town clerk, or sexton shall issue a site order for a selected site to the prospective purchaser, or his or her agent, who shall present the order at the office of the town clerk. Upon receipt of proper payment to the town treasurer, the town chair and town clerk shall issue a cemetery site deed to the site 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 site. A copy of the signed deed will be retained by the Town Clerk.

2. Persons conveying any cemetery site in any town cemetery shall comply with s. 157.08, Wis. stats., and this ordinance.

SECTION IX - OWNERSHIP RIGHTS OF BURIAL IN TOWN CEMETERY

A. The owner of a town cemetery lot/site, or his or her authorized agent, shall have the right to use a lot/site or portion of a lot/site for burial purposes only in accordance with the terms of this ordinance.

B. Upon full payment by any person of the purchase price of a town cemetery site, the town clerk and town chair shall issue a cemetery site deed as provided in Section VIII, subsection B. Written requests for subdividing or selling of lots/sites by the deed owner can be authorized by the Town Board or Sexton, but ultimately lot/site owners are responsible for validating ownership rights. Note that ownership conveyed as part of a deed only extends to the right to be buried on the identified lots/sites and does not equate to actual land ownership.

C. All repossessed vacant sites in any town cemetery when resold are subject to the same fees and charges as other unoccupied sites.

SECTION X - CARE OF SITES AT THE TOWN CEMETERY

A. Perpetual care fund for town cemetery. In order to assure reliable means for permanent care of town cemeteries, a perpetual care fund is created for town cemeteries. Income from this fund shall provide all or partial maintenance costs of the town cemeteries. All sites sold in any town cemetery shall be charged a perpetual care fee included in the price of the site and each grave shall be provided with perpetual care services under subsection B. A record of the perpetual care fund shall be kept in the office of the town clerk. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to s. 157.11 (8) and (9), Wis. stats.

B. Perpetual care. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, and caring for avenues, alleys, fences, and grounds in general. Expenditures of perpetual care funds shall be made at the discretion of the town board. The town board shall operate and maintain the town cemetery to provide proper and decent care of town cemeteries and the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.

C. Costs of care fixed. The town board shall annually fix, as required under s. 157.11 (5), Wis. stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery sites and improvement of any town cemetery to be paid as a regular annual budget line item with augmentation from the perpetual care fund, as deemed appropriate by the town board.

D. 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 seeded and mowed, when determined necessary by the town board or the sexton. The

grade of the cemetery sites shall be determined by the town board or the sexton. Reseeding of existing graves or following disinterment will be done when determined necessary by the town board or the sexton.

E. Veterans graves.

1. Pursuant to s. 45.85, Wis. stats., the town board shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.

2. Pursuant to s. 45.85 (1), Wis. stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The town board shall report to the Monroe county clerk, on or before September 1 of each year, the locations of the graves cared for by the town board under s. 45.85, Wis. stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

SECTION XI - PRIVILEGES AND RESTRICTIONS IN TOWN CEMETERIES (See SECTION XVI for additional information.)

A. Bylaws and regulations. The town board may adopt bylaws and regulations for the management and care of any town cemetery and may enforce those bylaws and regulations under s. 157.11 (2), Wis. stats.

B. 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 site.

C. 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 site or is of such weight, as determined by the town board or sexton, that it cannot be readily moved from its placement on the site. "Urn" does not include a vessel containing cremated human remains properly inurned on the site.

2. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around sites 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 in the ground outside of the headstone or headstone base, and if so placed may be removed by the town board or the sexton without oral or written notice. Urns are not permitted at any town

cemetery on sites 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 site 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 site and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

D. Landscaping. All landscaping, mowing, and general care of sites, 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.

E. Access to sites; 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, necessary to the performance of normal town cemetery operations to enter upon or cross over any site 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, unless so ordered by a court of record to open or close such places.

F. No assumption of liability for damages. The town, and its officers, employees, contractors, and agents, including the sexton and the town board, 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 site, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a town cemetery.

G. Altering physical conditions. The town board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any town cemetery.

H. Enforcement of regulations and ordinance. The town board may appoint, with citation issuance and service powers, any employee or agent of the town, including the sexton, to administer and enforce its town cemetery bylaws and regulations and this ordinance.

SECTION XII - RULES FOR WORKING IN TOWN CEMETERIES

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 XIII - TOWN CEMETERY BURIALS

A. Daylight burials. Burials at any town cemetery shall be made only during daylight hours, unless with approval of the town board or the sexton.

B. Outer containers. All burials and reinternments, at any town cemetery, shall be made in a permanent outer burial container not constructed of wood (with the exception of cremains which do not require an outer container.)

C. 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 is established at approximately 6'. 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, if the town board has authorized the town or its officers, employees, contractors, or agents, including the sexton or other designees, to provide grave staking, grave openings, or digging services. The town board or the sexton may also establish charges for snowplowing and seasonal additional access costs to the site 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 with 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 midnight on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the town clerk or the sexton.

D. Maintenance of flowers, wreaths, and other personal items at burial sites (See SECTION XVI for additional information.) 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 disinterment, or memorial events. The town board shall place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations to each town cemetery.

E. Number of graves per site. No site at any town cemetery may be used for the burial of more than one body except in the following circumstances:

1. Up to 6 remains from cremation may be allowed in one site with one headstone to be placed in line with other stones.
2. One full body and six remains from cremation shall be allowed in one site, with one headstone to be placed in line with other stones.

F. Seasonal burial and duty to bury. The town board or the sexton shall provide for cemetery services and burials at any town cemetery during each season, including winter, whenever practicable, in compliance with s. 157.114, Wis. stats. However, the town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are or will be in full compliance with this ordinance, state law, and any bylaws and regulation established by the town board. The town board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services.

SECTION XIV - 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 approval 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 site owners
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.

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 site in a town cemetery.
2. Only one monument or marker shall be allowed per site except for specific exceptions associated with military service plaques.

3. No foundation marker or monument may be larger than the width of the site or group of sites 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 when no longer servicable.

5. A preneed marker may be placed on a site or group of sites 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.

C. Payment. Any site at a town cemetery must be paid in full to the town treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the town must be paid prior to burial.

SECTION XV - TOWN CEMETERY VAULTS AND MAUSOLEUMS

Construction of above ground vaults and mausoleums in any town cemetery is prohibited unless approved in writing by the town board.

SECTION XVI - TREES, SHRUBS, FLOWERS, AND DECORATIONS

A. Tree and shrub planting. The planting at any town cemetery of trees and shrubs on newly purchased sites or parts of sites is prohibited except by written consent of the town board or the sexton.

B. Large tree removal. Site owners may, with the written consent of the town board or the sexton, remove large trees on or adjacent to cemetery sites in any town cemetery that hinder the full usage of the site.

C. Fresh flowers and flags. All flower baskets 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. D. Potted plants. Potted plants at any town cemetery may be set on sites, 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 site, the potted plant may be picked up and destroyed by the town board, the sexton of the town, or maintenance personnel or removed and preserved for planting within the town cemetery.

E. Artificial flower decorations and 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, unsightly, or unkempt baskets or arrangements will be removed from the site by the town board, the sexton, or maintenance personnel.

F. Flower beds. Individual flower beds or growing plants are not permitted at any town cemetery unless approved by the town board or sexton. Unsightly or unkempt beds will be mown or weed whacked at town maintenance personnel's discretion.

G. 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.

H. Vine, wreath, and memorial removals. Items that interfere with the proper care of sites or graves or injure or damage the grass will be removed from any town cemetery by the town board, the sexton, or maintenance personnel when found objectionable.

SECTION XVII - MISCELLANEOUS

A. Neglected sites. It is urged that site owners interest themselves in the present and future care of their sites, as a single neglected site mars the beauty of the entire town cemetery. The town board or the sexton may notify, or attempt to notify, in writing a site owner that any site, or monument or marker thereon, is being neglected and that failure to comply with this ordinance and town cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected site, may be cause for imposition of forfeitures under s. 157.11 (2), Wis. stats.

B. Schedule of payments. Installments or any other remittance aside from full per site fees are not authorized for the purchase of a site.

C. Fee payment location. All fees and charges for any town cemetery in the current schedule of fees and charges adopted under subsection B are payable to the town treasurer at the office of the town clerk, where receipts will be issued for the amounts paid.

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 the town cemetery or any part of the operations or of any town cemetery pursuant to this ordinance. 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 retained under written contract for a fixed time of years. 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.

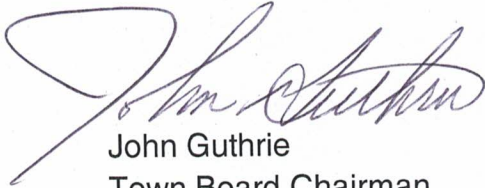
E. Amendment of ordinance. The town board reserves the right to amend this ordinance to conform with newly developed cemetery practices or any other legal purpose that the town board deems necessary and appropriate.

SECTION XVII - EFFECTIVE DATE


This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

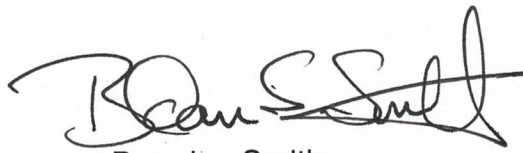
Adopted this 13 day of March, 2017



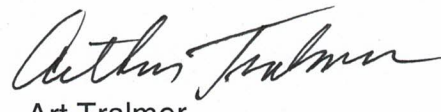
John Guthrie
Town Board Chairman



Kyle Gibbens
Supervisor



Brendan Smith
Supervisor



Art Tralmer
Clerk

Township of LaGrange

Cemetery Deed

THIS INDENTURE, Made the ____ day of _____, A.D. 20__ between the Town of LaGrange, in the County of Monroe and State of Wisconsin, party of the first part, and _____ party of the second part, witnesseth, that the said party of the first part, for and in consideration of the sum of _____ Dollars, duly paid to the Board of Supervisors of the said Town of LaGrange, by the said party of the second part, the receipt whereof is hereby acknowledged, have given, granted, bargained, sold and conveyed, and by these presents do give, grant, bargain, sell and convey, to the said party of the second part, themselves and their heirs and assigns, all that certain lot of land, situated in the County of Monroe and State of Wisconsin, particularly described as Lot/Site Numbers _____ in Block Number _____, of the Town Cemetery of the Town of LaGrange, as the same is designated in the map of the survey of said Town Cemetery, filed in the office of the Town Clerk of said Town of LaGrange, to have and to hold the said described premises as a burial ground, to be used for burial purposes and no other, to the only proper use and benefit of the said party of the second part themselves and their heirs and assigns forever.

In Testimony Whereof, I, _____ Chairperson of the Board of the Town of LaGrange, having executed this Deed, in the name of the said Town of LaGrange, and for and in behalf of the said Town of LaGrange, have hereunto signed my name and affixed my seal as Chairperson of said Board of Supervisors.

Done in Presence of:

 _____ } _____ (SEAL)
 _____ , Chairperson

Attest:

_____ Town Clerk.
 Arthur Tralmer

State of Wisconsin, Monroe County ss. On this _____ day of _____ A.D. 20____, personally came before me the above named _____ Chairperson of the Board of Supervisors of the Town of LaGrange and acknowledged the execution of the foregoing Deed, as such Chairperson, freely and voluntarily, for the uses and purposes therein mentioned.

 Arthur Tralmer, Notary

Township of LaGrange

Perpetual Care Contract

KNOW ALL PERSONS BY THESE PRESENTS, That the Town of LaGrange, Monroe County, Wisconsin, in consideration of the sum of _____ Dollars (_____) to said Town duly paid by _____ has contracted and agreed with the said Town and with heirs and personal representatives of _____ for the perpetual care and preservation of Site/Lot _____ in Block _____, Town of LaGrange cemetery, as platted and recorded in the office of the Town Clerk in and for the Town of LaGrange, Monroe County, Wisconsin.

Said Town hereby covenants and agrees to care forever for said lot in strict compliance with the rules and regulations of said association, and forever hereafter to do and perform for and upon said lot all things necessary to be done to keep said lot in order and such things as may hereafter be required by any order or rule of said association to be done in or upon said lot; but that this association shall not be liable for the natural wear or crumbling of any monument, marker or stone now or hereafter upon said lots and that said lots shall be forever hereafter exempt from any tax or assessment of any name or nature hereafter made by said cemetery association for any purpose whatever.

IN WITNESS WHEREOF, The Chairperson of said Town has hereunto set their hand this _____ day of _____, A.D. _____ and the Town Clerk of said Town has countersigned the same.

_____, Chairperson, Town of LaGrange

Countersigned, _____

Arthur Tralmer, Clerk, Town of LaGrange