

## Title 8 ► Chapter 4

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# Village Cemetery

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### Sec. 8-4-1 Policy Statement

Oakwood Cemetery is owned and maintained by the Village of Merrilan for the benefit of all citizens. Definite rules and regulations must be set up by the Village Board to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in this Chapter to govern the cemetery. The Village reserves the right to amend or change any of these Ordinances to conform with newly developed cemetery practices.

### Sec. 8-4-2 Oakwood Cemetery Association Board.

- (a) **Purpose.** There has been in existence for a considerable length of time an organization known as the Oakwood Cemetery Association established to manage and operate the Oakwood Cemetery Association located within the Village of Merrilan, Jackson County, Wisconsin; and,
- (1) Throughout the existence of such cemetery association, there have been established specific guidelines as to the composition of the governing body of such association or the duties, powers and responsibilities of such governing body: and,

- (2) Although such cemetery association has operated quite smoothly throughout its long existence, it would be in the best interests of all of the citizens of the Village of Merrilan if more specific guidelines were established concerning such cemetery association.
- (b) **Creation of Governing Bodies.** There has been created a governing body to supervise, maintain and control the Oakwood Cemetery located within the Village limits of the Village of Merrilan with such governing body to be known as the “Oakwood Cemetery Association Board”.
- (c) **Composition of Board.**
  - (1) The Oakwood Cemetery Association Board shall consist of at least two (2) members. They shall be as follows:
    - a. The Secretary-Treasurer of the Oakwood Cemetery Association.
    - b. A citizen of the Village of Merrilan appointed by the Village President of the Village Board subject to Board approval.
  - (2) The Secretary-Treasurer of the Oakwood Cemetery Association shall serve on such Board as long as such parties holds said position. The citizen so appointed shall serve a two (2) year period.
- (d) **Compensation.** By Statute, no compensation shall be paid to the members of such Oakwood Cemetery Association. However, such Oakwood Cemetery Association may establish out-of-pocket expenses to be paid to the individual members if same is deemed necessary.
- (e) **Meetings.** The Oakwood Cemetery Association Board shall meet annually. Clearly, more frequent meetings may be held if the Board deems same to be necessary and appropriate.
- (f) **Powers, Duties and Responsibilities.** The Oakwood Cemetery Association Board shall have power to make decisions necessary for the efficient operation of the Oakwood Cemetery Association including the establishment of fees and lot management. Such Board shall have full financial powers and responsibilities and their decisions shall not be subject to the Village Board approval. The reports submitted to the Village Board are only for informational purposes in order to provide the citizenry of the Village of Merrilan with **an** accounting of the operations of the cemetery association. Village Board control relating to the appointment of the membership of the Oakwood Cemetery Association Board shall be sufficient to maintain and guarantee efficient operation of the cemetery association.

### **Sec. 8-4-3 Platting of New Cemetery Lots.**

Before any new block of a municipal cemetery is opened for the sale of lots, the Village Board shall cause it to be platted and recorded in the office of the Register of Deeds.

### **Sec. 8-4-4 Purchase of Lots.**

- (a) **Price of Lots.** The Oakwood Cemetery Association Board shall, fix a price on all lots to be sold in the municipal cemetery.

- (b) **Sale of Lots.** Persons or their agents desiring to purchase a lot in the cemetery shall be referred to the Cemetery Secretary-Treasurer, who 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. Upon having made a lot selection, the Secretary-Treasurer will issue a deed to the lot. The deed shall be signed by the Village Clerk-Treasurer and Village President and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the County Register of Deeds if desired.
- (c) **Perpetual Care.** At the time of lot purchase, a one-time perpetual care fee shall be paid.

### **Sec. 8-4-5 Ownership Rights of Interment.**

- (a)
  - (1) The lot owner or his/her authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
  - (2) Upon full payment of the purchase price of a lot, the Cemetery Secretary-Treasurer will issue a cemetery deed, and the deed will be recorded in the records of the Cemetery as evidence of ownership of the lot. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
  - (4) The lot owner shall have acquired the lot for interment of himself/herself and members of his/her family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Cemetery Secretary-Treasurer for the burial of other persons.
- (b) Unless otherwise directed in writing and filed with the Cemetery Secretary-Treasurer, the lot owner, his/her devisees, or his/her heirs, the cemetery will permit the interment of members of his/her family at the request of any interested person upon proof of eligibility for burial as follows:
  - (1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
  - (2) When there is no surviving spouse, the devisees, or heirs of the owners, 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 Cemetery Secretary-Treasurer.
  - (3) In the event the owner, his/her 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.
- (c) All burial rights in cemetery lots purchased from the Cemetery occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the

cemetery records of the Village 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 Cemetery Secretary-Treasurer before the Cemetery 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 same to one (1) person.

- d) (1) The Secretary-Treasurer 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 Sexton until a fee has been paid therefor. Said fee shall go into the general cemetery fund.
- (2) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the Secretary-Treasurer. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

## **Sec. 8-4-6 Privileges and Restrictions.**

### **(a) Plants and Decorations.**

- (1) **Planting Restricted.** The planting of trees and shrubs by private individuals is prohibited. Any planting must be done by cemetery personnel.
- (2) **Decorations.** Decorations may only be placed in planters and only at times to be set by the Cemetery Board.
- (3) **Planters.** Planters must be placed on the side or end of monument.
- (4) **Liability.** Decorations and planters are placed at the risk of the persons making such placement. The Cemetery shall not be liable for any damage or loss of any plantings, decorations or planters.
- (5) **Enclosures.** No hedges, fences or enclosures of any kind will 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 without notice.
- (6) **Artificial Flowers.** A limited amount of artificial flowers displayed in the cemetery must be in containers and placed on the extension. Any artificial flowers not in containers will be removed from the cemetery by the Sexton.
- (7) **Wire Stands.** Wreaths on wire stands must also be placed at the head of the lot near the monument or marker.
- (8) **Fresh Flowers.** Fresh cut flowers may be used anytime and will remain until, in the judgment of the Sexton, they become wilted or unsightly. Containers for cut flowers are to be a type level with the ground surface and not holding water when not in use or of the type to be disposed of when the flowers are removed.

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- (9) **Potted Plants.** Potted plants may be set on lots, without disturbing the sod, or special occasions, such as Memorial Day, birthday, anniversary, etc., but will be picked up and destroyed if unsightly.
- (b) **Landscaping.** All landscaping, care of lots and other work in the cemetery will be done by the Village, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be given without charge and may be of much value to those contemplating the purchase of or improvements to cemetery lots. The Village shall retain the ownership of all aisles, including monument aisles.
- (c) **Village Rights.**
- (1) The Village and Cemetery reserves the right for its workers 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.
  - (2) The Village and Cemetery, or its employees, assumes no liability for damages to property or of persons, 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 control.
  - (3) The Village and Cemetery reserves the right to alter, use, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

## Sec. 8-4-7 Rules for Visitors.

- (a) The cemetery will be open to visitors at all times between the hours of 8:00 a.m. and one-half (1/2) hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the Sexton or the Village Board or Cemetery Board.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.
- (d) Dogs will only be allowed in the cemetery when confined in a vehicle.
- (e) Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots and other like articles will not be allowed. Driving golf balls is prohibited.
- (f) Visitors are required to use the walks and drive whenever possible and shall not pick any flowers (either wild or cultivated), injure any shrub, tree or plant, or mar or deface any monument, stone or structure in the cemetery.
- (g) Vehicles traveling within the cemetery shall not exceed fifteen (15) miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner.
- (h) No riding of bicycles, motor bikes, snowmobiles, motorcycles or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery

## **Sec. 8-4-8 Interments and Disinterments.**

### **(a) Interments.**

- (1) Interments will be made only during daylight hours.
- (2) All interments shall be made in a permanent outer container excluding the use of wood.
- (3) All graves shall be dug under the direction of the Sexton or his/her authorized agent. Depth of graves shall conform to the Wisconsin State Board of Health specifications. Seeding will be done by the Village.
- (4) No burial will be permitted until a legal burial transit permit has been presented to the Sexton. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.
- (5) There will be no responsibility on the part of the Village for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- (6) When definite information for locating a grave is not available thirty-six (36) hours prior to grave preparation to meet the time requested for interment, the cemetery may exercise its best judgment in making a location order that the requested time for interment may be met. The cemetery assumes no responsibility for any error or inconvenience of such location and an additional charge will be made for any change requested.
- (7) The Sexton or his/her agent shall, whenever possible, be given thirty-six (36) hours notice to assure the opening and preparation of a grave prior to interment. Barring unforeseen or other untoward circumstances, such grave shall be opened and prepared in time for interment.
- (8) One (1) burial per grave space will be allowed except that two (2) burials (cremains) per grave space will be allowed if the remains are cremated.
- (9) Above ground burials will not be allowed.
- (10) Pets or other animals shall not be buried in the cemetery.

### **(b) Disinterments.**

- (1) Disinterments of bodies from graves in the cemetery will be made only in accordance with the requirements of the State Board of Health. Charges for removal must be paid in advance.
- (2) Lot owners, or their heirs, desiring graves opened may secure the necessary disinterment permit from the State and deliver the same to the Cemetery Sexton.
- (3) For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

## **Sec. 8-4-9 Monuments and Markers.**

- (a) All foundations for monuments and double markers must have at least eight (8) inches thickness of concrete and six (6) piers of two and one-half (2-1/2) foot depth below the

eight (8) inch foundation. There must be at least two (2) three-eighths (3/8) inch reinforcing rods. The margin around the base of the stone must be five (5) inches.

- (b) The foundation for a single marker must be at least six (6) inches in depth, with a margin around the base of the stone of five (5) inches. Single markers must be placed in the wet cement (at the cemetery) but above ground, not flush.
- (c) All foundations must have gravel mixed with the cement. No pre-cast foundations will be permitted.
- (d) No monument or marker may be erected in the cemetery without the supervision of the cemetery superintendent. No monument or marker may be placed in the cemetery without a foundation. No concrete foundation may be placed in the cemetery without the approval of the superintendent.
- (e) Foot stones are not permitted. Only one (1) stone/monument per grave will be permitted.
- (f) The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and control of the Sexton. Unless special arrangements are made with the Sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except on national holidays. Whenever possible, at least twenty-four (24) hours' notice shall be given to the Sexton that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Sexton, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
- (g) The Village reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the Sexton or his/her agent and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the Cemetery Sexton or his/her assistant.
- (h) Stone work or monumental work, once placed on its foundation, shall not be removed, except by permission of the Cemetery Sexton.
- (i) The lot must be paid in full or other assurance given of payment before markers and monuments are set.
- (j) Temporary markers must be removed or replaced with a permanent marker within one (1) year.
- (k) Bronze government markers may be placed on the backside of a family stone.

## **Sec. 8-4-10 Vaults and Mausoleums.**

Construction of vaults and mausoleums is prohibited.

## **Sec. 8-4-11 Trees, Shrubs and Flowers.**

- (a) The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted

- (b) Lot owners may remove under the direction of the Sexton large trees on grave sites that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.
- (c) Fresh cut flowers may be used anytime. Containers for cut flowers are to be 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.
- (d) Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but if not removed within five (5) days will be picked up and destroyed if unsightly.
- (e) A limited number of artificial decorations are prohibited unless in a vase or pot and, when used, will be treated as potted plants. The Sexton reserves the right to remove unsightly or out-of-season decorations. Artificial flowers not in urns will be removed by June 15th.

### **Sec. 8-4-12 Miscellaneous.**

- (a) It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.
- (b) All fees and charges as outlined in the current schedule of fees and charges are payable to the Cemetery Clerk-Treasurer, where receipts will be issued for the amounts paid.
- (c) A schedule of the fees and charges, as established by the Village Board, shall be on file in the office of the Village Clerk-Treasurer and Sexton. Such schedule may change from time to time without advance notice to conform with current economic conditions.
- (d) The Village will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.
- (e) Burials within the Village are prohibited outside of a platted cemetery. Cremains may not be deposited on public property.