

# CHAPTER 8-CEMETERIES

## CITY OF FENNIMORE

*(History: Repealed and Recreated by Ordinance #2019-02, effective 3/29/2019)1*

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### 8.01 CEMETERY ESTABLISHED

The burial ground of the city of Fennimore shall be known as "Prairie Cemetery." Prairie Cemetery is owned and maintained by the city of Fennimore for the benefit of all its citizens.

### 8.02 DEFINITIONS

- (1) Burial: Entombment, inurnment or interment.
- (2) Business Day: Any calendar day except Saturday and Sunday, and except the following business Holidays: New Years Day (January 1), Good Friday, Memorial Day, Independence Day (July 4), Labor Day, Veterans Day (November 11), Thanksgiving Day and the Day After, Christmas Eve (December 24), and Christmas Day (December 25).
- (3) Business Hours: Business Day between the hours of 8:00 am and 3:00 pm.
- (4) Cemetery: Any land, including mausoleum on the land, that is used or intended to be used, exclusively for the burial of human remains.

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<sup>1</sup> History: (Repealed and Recreated Ordinance #2019-02, adopted 3/25/2019, published 3/28/2019, effective 3/29/2019)

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- (5) Cemetery Lot: A grave or 2 or more contiguous graves, and when used in reference to the sale, purchase, or ownership of a cemetery lot, includes the right to bury human remains in that cemetery lot.
- (6) Cremation: To reduce a dead body to ashes by fire, especially as a funeral rite.
- (7) Disinterment: To take out of the place of interment, exhume, unearthen.
- (8) Grave: A piece of land that is used or intended to be used for an underground burial of human remains, other than a burial in an underground mausoleum space.
- (9) Human Remains: the body of a deceased individual that is in any stage of decomposition or has been cremated.
- (10) Interment: The act or ceremony of interring; burial.
- (11) Legal Holidays: New Years Day (January 1), Memorial Day, Independence Day (July 4), Thanksgiving Day, and Christmas Day (December 25).
- (12) Plat: A plot of ground, or a plan or map, as of land.
- (13) Sale: A transfer for consideration of any interest in ownership, title or right to use.

### 8.03 MANAGEMENT AND CONTROL

- (1) State Statutes Adopted. Wis. Stat. § 157, describing and defining regulations with respect to the platting and operation of municipal cemeteries, is hereby adopted by reference and made a part of this chapter as if fully set forth herein. Where the requirements of the statute and the provisions of this Code conflict, the stricter requirement shall govern.
- (2) The management and control of the Prairie Cemetery shall be the committee as referenced in Chapter 2 of the Fennimore Municipal Code, subject to the general supervision of the Common Council. The City Clerk shall be secretary of said committee, and said committee is hereby authorized to delegate any of its day to day duties to said clerk or designee. There shall also be a cemetery superintendent, to be appointed by the Common Council upon recommendation of the committee who shall serve until removed by action of the Common Council, unless appointed superintendent's service be terminated by resignation, termination, or death. If no superintendent is appointed, the Director of Public Works shall be considered the superintendent. The superintendent shall be responsible to the Common Council and the said committee for the control and management of the Prairie Cemetery, for the direction of all assistants assigned to superintendent's supervision, and for the administrative provisions of this ordinance and any supplemental rules and regulations adopted by the Common

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Council. To the extent possible, the superintendent shall utilize the services of existing city officials and employees.

- (3) Report. Upon request, the superintendent shall submit to the Common Council and the Committee a report of the activities and affairs of the municipal cemeteries for the preceding calendar year.
- (4) Records. The City Clerk, acting as clerk for the cemetery superintendent shall keep records for the superintendent according to policies and procedures established in the Clerk's office.
  - (a) Records shall be filed by Cemetery Section, Block Number, Lot Number, and Space and include the following (if available):
    - i. The name of the person(s) purchasing the lot.
    - ii. The full name including previous & surname(s) and date of birth for the person(s) whom will be buried in the lot.
    - iii. The address, current or last known, of the person buried or to be buried.
    - iv. The date of death.
    - v. The date of burial.
    - vi. The exact location in the cemetery where the deceased is/will be buried.
    - vii. A copy of the Cemetery Deed with the receipt (if available).
    - viii. Such records may also include the following (if available):
      1. The Funeral Director name and address
      2. Burial Vault.
      3. The type and style of grave marker, monument, or other memorial used.
      4. The name of the person authorizing the burial and their relationship to the deceased.
  - (b) There shall be a record of burial permits, either paper or digital, and shall be filed in one location in the City Clerk's Office.
  - (c) There shall be a digital list of all lots in the cemetery that includes the following:
    - i. Full Name of person buried or to be buried including previous and surnames.
    - ii. Section, Block Number, Lot Number and Space Number.
    - iii. Birth Date.
    - iv. Date of Death
    - v. Date of Burial.
    - vi. Payment amount.
    - vii. Date Paid.
    - viii. These records may also include any applicable notes or information for

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ease of future access.

- (5) Compensation. The superintendent shall be compensated in a manner determined by the Common Council.
- (6) Platting. Before any new block of the cemetery is opened for the sale of lots, the Common Council shall cause it to be platted and the plat shall be recorded in the office of the Register of Deeds. Two (2) copies of the plat shall be deposited with the cemetery superintendent and two (2) copies with the City Clerk's Office. The plat shall be so designed as to provide access to each lot from either a road or walk.

### 8.04 INTERMENTS AND DISINTERMENTS

- (1) All interments and disinterment's shall be made in accordance with the laws of the State of Wisconsin.
- (2) Payment of charges. No interment shall be allowed in any lot which has not been fully paid for.
- (3) Fees. Graves will be opened any time for fees charged pursuant to the City of Fennimore current fee schedule. The fee shall be paid to the City Treasurer by the funeral director and upon receipt thereof, the superintendent shall direct the digging of the grave. Winter and Holiday services will be charged an additional fee as set forth in the current fee schedule. Fees for disinterment will be charged according to the work involved, with a base fee established by the Council or according to the current schedule
- (4) Only human remains shall be interred within Prairie Cemetery.
- (5) Burial Permit Required. No interment shall be permitted, or dead body received without a burial permit or removal certificate issued by the coroner or medical examiner of the county where the death occurred or by such other official as may be permitted by law to issue such permits or certificates. Such permit or certificate shall be retained by the superintendent or designee, as part of record held in the City Office. All interments, disinterment's, and other matters relating to the disposal of dead bodies shall be pursuant to state law.
- (6) The superintendent or an assistant/designee must be present at all interments and he or she shall have full charge of the opening, closing, and sodding all graves. Notice of interment must be given to the superintendent at least 48 hours in advance by the funeral director. The City of Fennimore assumes no responsibility for the protection, maintenance, damage, or vandalism to flowers, wreaths, or any other item used in such funeral or interment proceedings.
- (7) No person, except the deed holder of a lot upon which interment is to be made,

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shall use a plot or lot in the Cemetery, without first obtaining written permission from the deed holder of said lot, or nearest relative of the deed holder thereof, or legal heirs. Such permission shall be filed in advance with the City Hall Office.

- (8) Cremated remains shall be placed in burial containers.
- (9) There will be no more than one body in one grave space except in the following instances:
  - (a) Parent and infant.
  - (b) Two children buried at the same time.
  - (c) Up to two (2) cremations.
  - (d) One body and up to two cremations.
  - (e) Special circumstances with the approval of the supervisor or his or her designee.
- (10) All interments within the Cemetery are to be made before 3:00 p.m. if the grave is to be filled in with earth the same day unless approved by the supervisor.
- (11) There shall be no interments on the legal holidays.
- (12) It shall be unlawful for any body to be interred in the Cemetery unless the casket is placed in an approved burial vault.
- (13) The Supervisor or city employees designated by the supervisor of the Cemetery, are the only ones who will be permitted to open and close graves with the following exceptions:
  - (a) When the Cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the City Hall Office.
  - (b) When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the City Hall Office the signed authorization to release the body to coroner and designated lawful agents. In such case, the disinterment must be made by the coroner or designated lawful agents. City employees will not be permitted to assist the coroner or designated lawful agents.
- (14) Liability: Under no circumstances will the City assume responsibility for the condition of any casket or vault involved in any removal.
- (15) The City reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterment or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be

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selected by the City Hall Office, or, in the sole discretion of the City Hall Office, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the disinterment of the remains of any person in such property, the Cemetery reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

### 8.05 SALE OF LOTS

- (1) Procedure: Issuance of Deeds. The sale of lots in the cemetery shall be under the control of the City Clerk, subject to the rules and regulations and the general supervision of the committee and the Common Council. Any applicant shall apply to the City Clerk and select from those lots available for sale the lot which he or she desires to buy. To obtain title to the lot, the applicant shall pay to the City Treasurer the purchase price in full. The City Treasurer shall make a duplicate receipt, giving one to the purchaser and the other to the City Clerk. The City Clerk shall then issue a deed to the lot in the form prescribed by the City attorney. The deed shall be signed by the City Clerk or Deputy Clerk. The purchaser may record this deed with the County Register of Deeds.
- (2) Transfer of Lots Previously Sold. Present owners of lots may transfer said lot subject to the approval of the City by presenting the original deed to the City Clerk with the following endorsement, to-wit: "I/we hereby transfer to (name of new owner) the herein described lot or portions of lot: \_\_\_\_." The City shall then issue a new deed or deeds in the manner above set forth to the new owner or owners. Fees charged for lot transfers shall be charged according to the current fee schedule.
- (3) Use of Lot. The owners of lots may use said lots for burial purposes only unless otherwise approved by City Council, and such ownership and use are subject to all the rules and regulations of this ordinance and all subsequent acts, resolutions or ordinances and rules adopted by the committee and the Common Council.
- (4) No holding for future sale shall be allowed.
- (5) For individuals who wish to sell their burial plots back to the City, the City will purchase the lot at the original purchase price on record less a \$20.00 administrative fee. *Refunds of previous perpetual care funds will not be returned.*
- (6) Re-use of Burial Site. The re-use of any burial site is prohibited. Once a space has a burial on it, it cannot be resold for use by another.

### 8.06 MONUMENTS, MEMORIALS, AND MARKERS.

- (1) All veterans' rods shall be placed beside the headstone area in or beside the

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foundation cement. No foot stones are allowed.

- (2) The initial grave markers and foundations will be set only by a monument company according to regulations specified by the City. The City reserves the right to require the construction of a foundation of such size, material and design as will provide amply insurance against settlement or injury to the stone work.
- (3) The City 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 will be in accordance with the rules of the cemetery as issued by the City and approved before said work is permitted on the lot.
- (4) Stone work or monument work, once placed on its foundation, shall not be removed, except with permission of the City.
- (5) All single installations except for the central memorial shall be flush with the ground.
- (6) No artificial material shall be allowed. All memorials shall be made of natural granite, marble, or bronze. Cast stone or Terrazzo is prohibited.
- (7) All foundations shall project a full six (6) inches around the base of monuments, or around monoliths, and a full six (6) inches around and beyond the rock work of slant face memorials.
- (8) There shall be no cement above grade level.
- (9) There shall be at least 9'0" between lot line and memorial on the grave side plot. The foundation shall be placed 6" from the lot line on memorial side of lot and the base shall be 1'0" from the lot line.
- (10) No work of any kind shall be permitted without the permission of the Superintendent or designee. The Superintendent or designee will stake out all memorial work.
- (11) Violators of these rules shall be barred from the cemetery until the violation has been corrected at the violator's expense, to the satisfaction of the committee and the Common Council.

### 8.07 DECORATION OF GRAVES / IMPROVEMENTS

- (1) Graves shall not be raised above the level of the lot. Owners shall not change the grade of any lot, nor interfere in any way with the general plan of landscaping the cemetery.
- (2) All urns must be placed in a stand.

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- (3) Shrubs, trees, plants, or flowers:
  - (a) Lot owners shall not have the right to cultivate or plant any trees, shrubs, plants, or flowers.
  - (b) Owners shall be permitted, as well as other persons, to place potted plants, cut flowers, and wreaths in metal stands provided by person(s) so placing potted plants, cut flowers, and wreaths upon such lot or lots.
  - (c) The Superintendent or designee may enter upon any lot and remove any shrub or tree which is prohibited by this ordinance, or which is unsightly, or inconvenient to the public. Superintendent or designee may also enter upon any lot and make any improvement deemed for the advantage of the grounds.
- (4) Cleanup: Complete general cleanup of all flowers and grave decorations will be scheduled at the following approximate times: the 3<sup>rd</sup> week of April and the 4<sup>th</sup> week of October annually. Any items not removed by these clean-up dates that are determined by cemetery personnel to be unsightly or unkept may be disposed of by cemetery personnel.
- (5) The placing of winter wreaths or sprays is permissible from November 1 to March 15. After March 15, they may be disposed of by cemetery personnel.
- (6) The City shall have no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the cemetery.
- (7) Artificial lighting or solar lights shall be placed beside the headstone area in or beside the foundation cement.
- (8) No fences or enclosures around lots shall be permitted.

### 8.08 CEMETERY HOURS

Designated Hours shall be dawn until dusk. It shall be unlawful for any person to be in the cemetery other than during hours approved by the Council without the permission of the Council, and the presence of any unauthorized person during such other hours shall constitute trespassing.

### 8.09 TRAFFIC AND SAFETY REGULATIONS

- (1) The superintendent or appointed designee shall maintain order and shall eject any person whose conduct is objectionable or who violates this ordinance.
- (2) Entry. No person shall enter or leave except through the gates. No person other

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than cemetery employees or police officers shall be within the cemetery except during daylight hours.

- (3) Vehicles.
  - (a) No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the cemetery.
  - (b) Only vehicles and equipment that have been approved by the superintendent shall be permitted within the Cemetery.
- (4) Because Cemetery ground is devoted to interment and repose of the dead, strict observance of decorum due such a place shall be required of all persons.
- (5) Peddling or soliciting the sale of any goods or services within the Cemetery is prohibited.
- (6) Placing of signs or notices of advertisements of any kind within the Cemetery is prohibited.
- (7) Firearms. No person shall carry any firearms except in the case of military funerals and on Memorial Day.
- (8) Animals. No person shall allow any animal to run at large.
- (9) Intoxicants. No person shall possess or consume any intoxicating liquor or fermented malt beverage in the cemetery.

### 8.10 DEFACEMENT OR LITTERING OF CEMETERY

- (1) It is unlawful for any person to injure, molest, deface or otherwise damage, or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the cemetery. This section shall not apply to employees of the City who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon any cemetery burial plot or lot.
- (2) It is unlawful for any person to throw or deposit in any part of the Cemetery the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that detracts from the beauty of said Cemetery.
- (3) Any person(s) convicted of the above actions will be responsible for payment of the cost and expenses involved to restore the property to its original state.

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### **8.11 FEES AND CHARGES**

The Common Council upon recommendation of the committee in charge shall establish fees and charges for the care, use, operation, and maintenance of the Cemetery from time to time by resolution.

### **8.12 PENALTY**

Any person violation any provision(s) of this chapter shall, upon conviction, be subject to a forfeiture as set forth in Chapter 25 of this Municipal Code.