

**Town of Wascott
Douglas County, Wisconsin**

Ordinance 2017-01

**Amendment to Ordinance 2014-04
Wascott Kreide Cemetery Ordinance**

PART I. All ordinances pertaining to the Wascott Kreide Cemetery adopted prior to the date of adoption of this ordinance, are hereby repealed, and Rules and Regulations of the Wascott Kreide Cemetery are hereby re-created as provided herein.

PART II. The Town Board of the Town of Wascott do ordain as follows:

Section I. Purpose.

It is the desire of the Town of Wascott to maintain the Wascott Kreide Cemetery as a quiet and beautiful place and a symbol of love and faith. To this end and for the mutual protection of lot owners, the following rules and regulations have been adopted by the Town Board of Wascott, WI as the Rules and Regulations of the Wascott Kreide Cemetery.

Section II. Authority.

The Town Board of the Town of Wascott has the specific authority under § 157.50 (2), Wis. Stats., and general authority under its village powers under § 60.22, Wis. Stats., to adopt this ordinance.

Section III. Cemetery Plat.

The real estate dedicated for the Wascott Kreide Cemetery is described as: NW 1/4 and SW 1/4-SW 1/4-SW 1/4 NW 1/4 Section 25-T43N-R12 W. The official updated plat or map of the cemetery shall be kept on file in the office of the Town Clerk-Treasurer and shall be recorded in the office of the Register of Deeds.

The cemetery is divided into three sections:

Sections I and II consists of “lots” which may accommodate 1-8 burial sites. The “lot” is the unit of ownership. All lots in Sections I and II have been sold.

Section III consists of 5’ x 10’ burial “sites,” the unit of ownership. Each site accommodates one full burial and 3 cremations. Sites are currently available for sale.

The Wascott Kreide Cemetery shall be operated and maintained by the Town of Wascott.

Section IV. Purchase of Sites or Lots.

A. Individuals or their agents desiring to purchase a site or lot in the cemetery, are referred to the Town Clerk-Treasurer. The Clerk-Treasurer will have available suitable plats showing size and price of sites/lots, and such other information as may be required, and will render assistance to those desiring to make a purchase. Upon selection of an available site/lot, and upon full payment of the purchase price, a deed will be issued by the Town Clerk-Treasurer, signed by the Town Chair and the Town Clerk-Treasurer.

B. Before delivering the deed to the grantee, the Clerk-Treasurer shall enter on permanent records kept for that purpose, the date and consideration and the name and address of the grantee.

C. Lots for which deeds have been issued by the Town may, only with consent of the Town, be divided.

D. All site/lot owners are responsible for notifying the Town Clerk-Treasurer of any change in address. Any notice required to be sent by the Town to the owner, shall be mailed to the owner's last-known address.

Section V. Transfer and Re-conveyance of Lots.

A. No site/lot may be sold by the owner, except to the Town of Wascott, and at the original purchase price. The Town shall refund the original purchase price to the owner or legal heir(s).

B. Re-conveyance of sites/lots from the owner to a family member may be made upon application to the Town Clerk-Treasurer. Such application shall be executed by the owner of the site/lot, or if the owner(s) is deceased, by the legal heirs. The application shall state the section, lot and site numbers to be transferred.

C. Upon approval of the application by the Clerk-Treasurer, the return of the original deed to the Town, and payment of a \$25 re-conveyance fee, the Town Clerk-Treasurer shall issue a new deed which shall be signed by the Town Chair and the Town Clerk-Treasurer.

D. The Clerk-Treasurer shall enter all deeds of transfer and re-conveyance of cemetery sites/lots into the Town records established for this purpose.

Section VI. Abandonment of Lots.

If one or more sites within a cemetery lot remain unoccupied for fifty or more calendar years from date of purchase, the ownership of such space shall revert to the Town unless the current owner of the space can be located. The Town Clerk-Treasurer shall make a reasonable attempt to locate a current owner.

The intent to resell the abandoned lot(s) shall be so declared by resolution of the Town Board. The procedures set forth in §157.115 (2) (c) through (h), Wis. Stats., shall be followed.

Section VII. Ownership Rights of Interment.

A. Only those persons whose names appear on the cemetery deed records of the Town will be recognized as owners or part owners of sites/lots. The owner or his authorized agent shall decide who will be buried in the site/lot in accordance with the terms of the cemetery rules and regulations. Upon death of the owner, ownership rights shall descend as provided under subsection B, unless a beneficiary designation has been filed under subsection E.

B. While any person is buried in a cemetery lot, the cemetery lot shall be inalienable, without the consent of the cemetery authority, and upon the death of the last owner, full ownership of the lot shall descend as follows:

- 1) To the owner's surviving spouse or domestic partner.
- 2) If there is no living spouse or domestic partner, to the owner's children, including by adoption.
- 3) If there are no living children, to the owner's grandchildren, including by adoption.
- 4) If there are no living grandchildren, to the cemetery authority (Town of Wascott).

C. No human remains may be buried in a site/lot except the human remains of the owner or a relative, or the spouse of an owner, or his or her relative, except by the consent of the majority of owner. Upon written consent of the majority of owners, permission may be granted for the burial of other persons.

D. A cemetery site/lot is not part of a descendant's net estate for purposes of § 852.01 Wis. Stats. (interstate succession).

E. The site/lot owner may file a written beneficiary designation to designate specific person(s) to whom ownership shall descend upon the owner's death.

F. A lot owner may in writing reserve a specific site within a lot for burial of a specific person. The reserved status shall expire upon the death of the person for whom the site is reserved if not used for burial of that person. The directive shall be in writing and filed with the Clerk-Treasurer.

G. Upon the death of a site/lot owner, when the cemetery property is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the Clerk-Treasurer before the Town approves and records the change of ownership. If the deceased owner left no will, satisfactory proof of descent must be provided. It is recommended that site/lot owners, in making their wills, include a provision covering the cemetery lots and devise same to one person.

Section VIII. Cemetery Maintenance and Care.

The Town of Wascott is committed to the maintenance of its cemetery and shall provide for the care of cemetery grounds, to include: grounds maintenance, filling sunken graves, raising markers, roads, fences (if present), trees and shrubs, and buildings maintenance.

Section IX. Privileges and Restrictions.

A. Each lot in the cemetery is suitably marked by the Town with a metal post placed on the southwest corner. To maintain accuracy and uniformity of marking, substitutes or additional corner posts may be used only if approved by the Cemetery Committee.

B. No mound shall be raised above the ground level at any site.

C. No hedges, fences, or enclosures of any kind will be permitted on or around sites/lots.

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

E. The Town, 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 operations; or for loss by vandalism or other acts beyond its reasonable control.

F. The Town reserves the right to alter, change or close roadways, water lines, and other physical public properties of the cemetery.

Section X. Interments.

A. A gravesite may be opened or closed only upon request from the Clerk-Treasurer. The Cemetery Committee shall mark the grave site and provide grave dimension requirements to the attending funeral home. The attending funeral home is responsible for the opening and closing of the grave.

B. The person responsible for burial arrangements is required to obtain a written interment permit from the Clerk-Treasurer. No burial will be permitted until a report for final disposition has been presented to the Clerk-Treasurer.

C. All graves shall be headed on the West and facing East.

D. All interments except cremations shall be made in a permanent outer burial container that shall be constructed of cement or steel. The standard dimensions of an adult burial excavation shall measure no less than 8 feet in length by 4 feet in width by 5 feet in depth.

E. The interment of cremated remains are permitted only in appropriate rigid receptacles and must be interred, not scattered. The standard dimensions of a burial excavation for cremains shall be no less than 2 feet in length by 2 feet in width by 2 feet in depth.

F. Fees for burial site location, administrative and maintenance costs related to burial shall be paid to the Town Clerk-Treasurer and are due upon issuance of the interment permit. The cost for excavation of the grave shall be billed directly by the attending funeral home.

H. There will be no responsibility on the part of the Town for the protection and maintenance of flowers, wreaths, emblems, etc. used in conjunction with funerals.

I. The interment of two bodies in one site will not be allowed, except in the case of a mother and infant, two children buried at the same time, or in special circumstances with the approval of the Town Chair.

J. Up to four interments are allowed in one site if three are cremains and are placed on top of a full burial.

K. In Sections I and II, one interment is allowed on a 5' by 10' lot; two interments are allowed on a 10' by 10' lot; four interments on a 10' by 20' lot; and six interments on a 16' by 16' lot.

L. In Section III, one interment is allowed on a 5' by 10' site; four interments on a 10' x 20' lot.

Section XI. Disinterments.

A. Disinterment of human remains from graves in the cemetery will be made only by the Town in accordance with the requirements of the State Board of Health. Charges set by the Town for burial site location and opening and closing the grave must be paid prior to disinterment.

B. Site/lot owners, or their family members, desiring graves opened are required to secure the necessary disinterment permit from the state and deliver same to the Clerk-Treasurer. All removals will be made by the Town under the supervision of a licensed embalmer as may be required.

C. Graves will not be reopened for inspection except for official investigation.

Section XII. Monuments and Markers.

A. Monuments or markers may be erected only after obtaining written permission from the Clerk-Treasurer. Monuments or markers are required to meet these specifications:

- 1) Monuments or markers, except Federal government markers, must be erected at the head (the West side) of the gravesite and shall be oriented to have the inscriptions facing to the East.
- 2) Federal Government markers may be placed at the foot of the gravesite, flush with the ground.

B. There may be one standing monument or marker per site. Two markers may be set on a single site if approved by the Town Chair or Clerk-Treasurer. One of these markers must be a flush or foot marker.

C. The town reserves the right to refuse the placement of any marker or monument that the Town Chair or Clerk-Treasurer feels affects the good appearance of the cemetery grounds or adversely affects the maintenance of said grounds.

Section XIII. Trees, Shrubs, Flowers and Decorations.

A. The planting of trees and shrubs will not be permitted within the cemetery unless approved by the Cemetery Committee. Any tree or shrub maintenance or removal shall be performed by the Town at Town expense.

B. Annuals, such as geraniums may be planted around the gravestones. Such plantings are not to extend beyond 12 inches around the gravestones. Plants are to be maintained by the family and subject to removal at the discretion of the Cemetery Committee. Potted plants or cut flowers may be placed on the graves, to be removed at the discretion of the Cemetery Committee when they become unsightly. Glass vases are not permitted.

C. No person shall excavate any earth, or alter the grade of any site/lot. No marble chips, gravel stones, bricks, plastic, wood, metal or fiberglass liners shall be permitted.

D. No person shall place improvements or cornerstones indicating the boundaries of sites/lots, nor shall anyone place fences of wood or iron, or walls, coping or curbs of brick, concrete, stone or marble on any lot as an enclosure thereof.

E. The permanent placing of toys, boxes, ornaments, chairs and similar articles may only be located on the foundation of the monument. The Town of Wascott is not responsible for these items and if items are placed in areas other than in a permanent container at the side of the monument, the Town reserves the right to remove the items.

F. Winter arrangements such as wreaths must be removed by the second week in April. Summer arrangements must be removed by November 1.

Section XIV. Records.

A. The Clerk-Treasurer shall keep the permanent official records for the Wascott Kreide Cemetery to include:

- 1) A copy of the cemetery plat records with an index to identify the owner of each site/lot on the cemetery plat.
- 2) Site/lot owner records: copy of deed showing the section-lot-site(s) purchased, date deed issued, purchase price, name and address of site/lot owner; records of transfer of ownership back to the Town; and records of all re-conveyances.
- 3) Interment records: name of the deceased, last known address, date and place of death, date of burial, type of burial, location of grave in the cemetery, copy of report for final disposition (or equivalent state report), name and address of funeral home or cremation service, name of person authorizing the burial and relationship to deceased, type of burial vault (if any), and type and style of grave marker.
- 4) Disinterment records: identification of decedent, date of disinterment, date and site of re-interment, and authorization for disinterment and re-interment under § 157.112, Wis. Stats.

B. The Cemetery Committee and the Town Clerk-Treasurer shall keep duplicate records of all burials, lot and deed sales.

C. The Cemetery Committee shall keep the cemetery database updated and will work with the Clerk-Treasurer to coordinate data entry and paper files.

D. The Clerk-Treasurer will develop and modify forms as needed to gather information and maintain required cemetery records.

Section XV. Cemetery Fees and Charges.

A. A schedule of cemetery fees and charges shall be established by the Town Board and shall be on file in the office of the Town Clerk-Treasurer. Such schedule may change from time to time without advance notice to conform to current economic conditions.

B. Current fees are set forth in the Uniform Fee Schedule on file in the office of the Clerk-Treasurer.

Section XVI. Miscellaneous.

A. The Town Board may, and it hereby expressly reserves the right, at any time or times, with or without notice to owners, to adopt new rules and regulations, or to amend, alter and/or repeal any rule, regulation and/or section or paragraph and/or sentence in this Ordinance.

B. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town Board, therefore, reserves the right, without notice, to make exceptions or modifications in any of the Rules and Regulations when in its judgment, the same appear advisable, and such temporary exceptions or modifications shall in no way be construed as affecting the general application of such.

C. The Cemetery Committee will assist in cemetery oversight, planning, operation and maintenance as outlined in the Cemetery Committee Job Description on file in the Office of the Clerk-Treasurer.

Adopted by the Town Board this 6th day of June, 2017.

James Boughner, Chairperson

Bob Fritzke, Supervisor

Bill Stapp, Supervisor

Doug Hanson, Supervisor

Jan K Jenson, Supervisor

Attest: Jeannette Atkinson, Clerk-Treasurer