

CHAPTER 17
SPRING GREEN CEMETERY

- 17.01 Purpose
- 17.02 Authority
- 17.03 Applicability and Scope
- 17.04 Policy
- 17.05 Definitions
- 17.06 Management
- 17.07 Maintenance
- 17.08 Fees and receipts
- 17.09 Ownership Rights
- 17.10 Sale and Transfer of Lots
- 17.11 Records
- 17.12 Monuments, Markers and Foundations
- 17.13 Interments
- 17.14 Landscaping
- 17.15 Decorations
- 17.16 Public Nuisance
- 17.17 Penalties
- 17.18 Exceptions
- 17.19 Liability
- 17.20 Severance Clause

17.01 PURPOSE.

The Chapter is enacted in order to manage the burial of human remains within the Spring Green Cemetery; to provide for the administration, maintenance, and perpetual care of the Spring Green Cemetery; to protect it from injury, damage, or desecration; and to maintain its aesthetic.

17.02 AUTHORITY.

The Town Board of the Spring Green 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. Any amendment, repeal or re-creation of the statues relating to this Chapter made after the effective date of this Chapter is incorporated by reference on the effective date of the amendment, repeal or re-creation.

17.03 APPLICABILITY AND SCOPE.

This Chapter shall apply to the Spring Green Cemetery in Spring Green Township, Sauk County, Wisconsin.

17.04 POLICY.

The Spring Green Cemetery is owned, operated, directly controlled and maintained by the Town. Persons of all denominations of all religions, sexes, creeds and races shall be allowed to be buried in the Cemetery.

17.05 DEFINITIONS.

- (1) Block. A one-fourth (1/4) subsection of a Section that is further divided into eight (8) adjacent lots, each of which contains 6 gravesites.
- (2) Burial. Entombment, inurnment, or interment and "bury" means to entomb, inurn, or inter.
- (3) Cemetery. The Spring Green Cemetery, located on STH 60 in the Town of Spring Green, Sauk County, Wisconsin, and is owned, operated, and maintained by the Town of Spring Green, Sauk County, Wisconsin, under s. 157.50, Wis. Stats.
- (4) Deed. A document that conveys a right of interment and conveys nothing regarding land ownership within the Cemetery.
- (5) Grantee. A person to whom a right of interment or deed has been issued.
- (6) Grave Site. Site of interment, whether or not occupied by a human remains, of dimensions four (4) feet wide by nine (9) feet in length.
- (7) Human remains. The body of a deceased individual that is in any stage of decomposition or has been cremated.
- (8) Lot. Six (6) adjacent grave sites, within a particular Block within a particular Section.
- (9) Mausoleum. An external free-standing building constructed as a monument enclosing the interment space or burial chamber of a deceased person or people.
- (10) Marker. A marker that is flush to the ground, sometimes called a "grass marker."
- (11) Monument. A tablet that stands upright out of the ground within the monument row, sometimes called a "headstone."
- (12) Opening fee. The fee set by the Town Board to excavate the burial site and refill it once the burial has taken place. Included in the opening fee are normal excavation and replacement; not included are abnormal costs such as opening frozen ground or hammering rock.

- (13) Outer burial container. Any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket or urn is placed or intended to be placed at the time of burial, sometimes called burial vault.
- (14) Owner. Same as Grantee.
- (15) Sales docent. Any individual appointed by the Town Board to act as salesperson of the right of interment within the Spring Green Cemetery.
- (16) Section. A partition of the Cemetery containing four (4) Blocks, each of which contains eight (8) Lots, each of which contains six (6) gravesites.
- (17) Sexton. 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 by the Town Board 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.
- (18) Town. The Town of Spring Green, Sauk County, Wisconsin.
- (19) Town Board. The Chairperson and Supervisors for the Town of Spring Green, Sauk County, Wisconsin.
- (20) Town Chair. The Chairperson of the Town of Spring Green, Sauk County, Wisconsin.
- (21) Town Clerk. The Clerk of the Town of Spring Green, Sauk County, Wisconsin.
- (22) Town Treasurer. The Treasurer of the Town of Spring Green, Sauk County, Wisconsin.
- (23) Wis. Stats. The Wisconsin Statutes, including successor provisions to cited statutes.

17.06 MANAGEMENT.

The Town Board shall have supervision of the Cemetery and shall be responsible for its proper management. The Town Board may adopt additional rules and regulations relating to the Cemetery as it deems proper, and such rules and regulations shall be deemed part of this chapter.

17.07 MAINTENANCE.

The Town shall provide all maintenance for those gravesites existing in the Cemetery, and any other cemetery maintained and administered by the Town of Spring Green after the adoption of this ordinance. The Town in its annual budget shall hereafter appropriate a sum sufficient to adequately provide for maintenance expenses.

17.08 FEES AND RECEIPTS

- (1) The Town Board shall from time to time fix a price for right of interment and opening fee. Exceptions may be made by written approval of the Town Board by contacting the Town Clerk. Prices may be changed by the Town Board without amendment to this ordinance. Contact the Town Clerk for current fee schedule for residents and non-residents.
- (2) The Town Board may, at its discretion, charge additional costs to the person requesting burial for abnormal costs such as opening frozen ground, and in order to provide safe and timely access to and from the grave during burial services.
- (3) Cemetery receipts shall be deposited into the Town of Spring Green general fund.
- (4) All monetary donations shall be utilized solely for the care and maintenance of the cemetery, managed as a line item in the Town of Spring Green budget.

17.09 OWNERSHIP RIGHTS

- (1) Ownership conveys a right of interment only. The Town of Spring Green retains ownership of all land within Cemetery property.
- (2) The owner of a gravesite, or his or her authorized agent, shall have the right to use it for burial purposes only in accordance with the terms of this ordinance or any town cemetery rules and regulations.
- (3) All gravesites repossessed under Ch. 157, Wis. Stats. when sold are subject to the same fees and charges as other unoccupied lots.
- (4) Whenever possible, lots repossessed under Ch. 157, Wis. Stats., will be resold and used for burial before new areas of the Cemetery are used or platted.

17.10 SALE OR TRANSFER OF GRAVESITES.

- (1) Any gravesite in the Cemetery must be paid in full prior to burial.
- (2) The Town retains exclusive buy back rights to burial sites for the original sale price without interest. (This means individuals may not resell gravesites.)

- (3) Cemetery gravesites may be sold by the Town Clerk, Town Chair, or Cemetery sales docent. All such sales shall be on a signed form, sometimes referred to as a deed or a right of interment conveyance, and shall grant a right of burial only and shall not convey any other title to the burial site.
- (4) Transfer of the right of burial may be effected by the owner of record only by letter or other written document. If more than one person has an ownership interest in the gravesite, the written consent of all persons having an ownership interest in the gravesite is required to permit the burial of a person other than an owner or owner's spouse. The Town Clerk shall record the transfer in the Town records.
- (5) Upon the change in status of a gravesite owner by death or divorce or other circumstance, the surviving spouse shall have first right to burial or to direct the right of burial. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing, determine who among them shall have the right of burial or direction for burial, which agreement shall be filed with the Town Clerk.
- (6) If no agreement under subdivision (5) is filed, the Town Board or Sexton may determine use by the owner's relatives. (This means there is no obligation to convey a right of burial to a particular devisee or heir when no agreement is filed with the Town Clerk.)
- (7) The Town Board may sell any abandoned Cemetery gravesite. An abandoned gravesite meets all of the requirements of s. 157.115(2), Wis. Stat.

17.11 RECORDS.

- (1) The Town Clerk shall maintain records concerning all burials, burial permits, sales of rights of interment, and all other related communication.
 - (a) Such records shall include the name(s) and address(es) of the grantee(s), the consideration paid, the exact location(s) of interment rights, and the date of sale. This information shall be available to Town Supervisors at any time and for public inspection upon filing of an appropriate written request.
 - (b) Other other identifying information shall be provided at the time of interment such as age, date of birth, date of death, date of interment, undertaker in charge, name of person authorizing the burial, and as the Town Clerk may deem appropriate, or the Town Board or Cemetery Committee may from time to time direct.
 - (c) The type of vault, and type and style of marker shall be provided to the Town Clerk within a reasonable time after interment.

- (d) As deemed reasonable, other information may be communicated to the Town Clerk for keeping with the official digital historical record (e.g. additional information engraved on the marker), which may be posted online for public access.

17.12 MONUMENTS, MARKERS AND FOUNDATIONS.

- (1) No markers shall be placed unless the gravesites(s) have been paid in full.
- (2) Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
- (3) A pre-need marker may be placed on a gravesite or group of gravesites before burial.
- (4) A marker or monument, once placed on its foundation, may not be removed except by written permission of the Town board or Sexton.
- (5) Maintenance of the monuments and markers shall be the responsibility of the gravesite or lot grantee. Perpetual care provides for the maintenance of the grounds only.
- (6) A foundation made of stone or concrete a minimum of four (4) inches thick must be provided for all new markers and monuments. The foundation must extend a minimum of five (5) inches on all sides (N., S., E., W.) beyond the marker or monument at ground level.
- (7) Plant hangars and vases must be placed in a prepared hole in the foundation or marker, within the foundation limits.
- (8) Individual markers may be placed outside the monument row containing a family marker and shall be flush to the ground with an extended five (5) inch foundation.
- (9) Military stones may be placed outside the monument row and shall be flush to the ground with an extended five (5) inch foundation.
- (10) No materials other than granite, marble, bronze or other such material may be used for outside and above-ground portions of any marker or monument.
- (11) All monuments and markers to be erected and placed on the graves shall be of the specifications herein set forth. Failure to set the monument(s)/marker(s) properly shall result in notification in writing to the company/individual setting the monument(s)/marker(s), informing them as to the inappropriateness of their setting. The company/individual shall have 45 days from the day of notification

to correctly set the monument(s)/marker(s). Should the company/individual fail to perform within the time limits, the Town of Spring Green shall correct the setting and bill the company/individual for the cost of correcting the fault.

- (12) The Town Board or Sexton may refuse permission to erect or cause to be removed any monument, marker, or foundation not in keeping with the good appearance of the grounds.

17.13 INTERMENTS.

- (1) The Town Board or Sexton shall provide for burials at the 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 rules and regulations established by the Town Board or Cemetery Committee.
- (2) No person shall inter any body in the Cemetery without first providing the Town Clerk a legal burial permit.
- (3) Only those authorized by the Town Board or Cemetery Committee may dig graves. The minimum depth of graves shall be established by the Town Board from time to time and all graves shall be dug in strict conformity with the Town Board policy then in effect.
- (4) The opening fee shall include the removal of soil, leveling of the grave, and restoring of grass. The opening fee shall be set by the Town Board. The fee schedule is set by the Town Board, and exceptions to the fee schedule are made via the Sexton and Town Clerk.
- (5) The Sexton may require at least thirty-six (36) hour notice to any interment to allow for the identification of the burial site and to permit contact of an authorized grave digger.
- (6) The Sexton shall receive at least one (1) week notice prior to any removal.
- (7) Burials shall be made only during daylight hours, unless with written approval of the Town Board or Sexton.
- (8) All burials in the Cemetery, including cremations remains, shall be made in a permanent outer burial container not constructed of wood.
- (9) No lot in the Cemetery may be used for the burial of more than one body except in the following circumstances:

- (a) Two remains from cremation shall be allowed in one (1) gravesite with one (1) monument or two (2) flat markers to be placed only in line with other stones. (See 17.12(9).)
 - (b) One full body and one remains from cremation shall be allowed in one (1) gravesite, with one (1) monument or two (2) flat markers to be placed in line with other stones.
 - (c) A Sexton may grant permission for burial of a second body in a gravesite where unusual circumstances make that an appropriate form of interment, such as interment of a child with an adult, interment of 2 infants or small children, or more than one cremation cask.
- (10) Double depth interment is not allowed.
 - (11) No animal may be buried at the Cemetery.
 - (12) No ashes may be spread at the Cemetery.
 - (13) The Town shall not be held responsible for any mistake from improper burial.

17.14 LANDSCAPING.

- (1) All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the Cemetery shall be performed by the town, its officers, employees, independent contractors, or agents, including any sexton, unless provided in writing by the Town Board.
- (2) No planting of trees, shrubbery or bushes is allowed in the Cemetery, except by explicit approval by the Cemetery Committee.
- (3) No flowers, shrubs, trees or landscaping of any type are permitted on the graves or walkways. No person shall landscape any gravesite(s). The Town Board reserves the right to remove any landscaping.
- (4) The Town reserves the right to prune, trim or remove any shrubbery or spreading plants that have become unsightly, uncontrollable or a maintenance problem.

17.15 DECORATIONS.

- (1) Permitted decorations are limited to floral arrangements, either real or artificial, which must be placed only at the marker that is on the main monument row except for wire-in-ground floral stands and sprays on fresh graves.
- (2) Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots

without written approval of the Town Board or Sexton.

- (3) All decorations, including bouquets and wreaths, either fresh or artificial, will be removed at the discretion of the caretaker or Sexton without oral or written notice.

17.16 PUBLIC NUISANCE.

- (1) Uses that may create a public nuisance or may be likely to cause a desecration of any portion of the Cemetery, cause a disturbance, interference or damage to the burial ground, the burial lots, markers/monuments or any other portion of the Cemetery are strictly prohibited.
- (2) The Sauk County Sheriff's Department may patrol Cemetery property to ensure compliance with these regulations.

17.17 PENALTIES.

- (1) Any person who violates any provision of this ordinance or rules and regulations shall, upon conviction, be fined and shall forfeit for any rule or regulation violation under s. 157.11(2), Wis. Stats., not less than \$10 nor more than \$100 and for a violation of this ordinance, not less than \$100 nor more than \$250 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. The Town Board may withhold the issuances of any town licenses, authorities, grants, or permits and any additional Cemetery lot purchases and permits for burial and disinterment until the violation has been abated and all penalties and costs satisfied.
- (2) In lieu of or in addition to any other penalty for a violation of this ordinance the Town Board may seek injunctive relief to enjoin any continuing violation of this ordinance as provided in Ch. 813, Wis. Stats.

17.18 EXCEPTIONS.

All exceptions to this ordinance shall be documented in writing by the Town Board and permanently filed in the Cemetery records by the Town Clerk.

17.19 LIABILITY.

The Town of Spring Green and its officers, employees, contractors and agents including Sexton(s) or other designee of the Town Board assume no liability for damages to property or of person or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation and platting of the Cemetery, including proper and decent care of the Cemetery, the lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control.

17.20 SEVERANCE CLAUSE.

Provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.