

CHAPTER 4

Cemeteries (2012-11)

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
12-4-1	Definitions		
12-4-2	Cemetery Oversight		
12-4-3	Care and Management of the Cemeteries		
12-4-4	General Regulations		
12-4-5	Maps		
12-4-6	Records		
12-4-7	Price of Lots		
12-4-8	Sale of Lots		
12-4-9	Permits; Village Not Liable		
12-4-10	Landscaping and Improvements		
12-4-11	Correction of Errors		
12-4-12	Cemetery Funds		
12-4-13	Right to Maintain		
12-4-14	Maintenance and Repair of Gravestones or Monuments		
12-4-15	Disclaimer - Responsibility of Village Limited		
12-4-16	Penalties		

SEC. 12-4-1 DEFINITIONS.

- (a) "Block" means a portion of a cemetery encompassing a number of sections.
- (b) "Burial" means the entombment, inurnment or interment of human remains.
- (c) "Cemetery" means a place set apart for the burial of the dead and includes not only the lots for interring said bodies but also includes avenues, walks, and grounds.
- (d) "Foundation" means a slab that is at least 3 inches thick with at least one inch of crushed stone under the slab that is installed at ground level.
- (e) "Grave" means 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.
- (f) "Gravestone" means a stone or marker with an inscription placed, installed, or erected near the grave.
- (g) "Lot" means a grave in a Village-owned cemetery.
- (h) "Lot owner" or "purchaser" means the purchaser of burial rights or privileges evidenced by a conveyance of property located within the cemetery.
- (i) "Monument" means a large stone with an area for the inscriptions and a foundation for at least four lots.
- (j) "Non-resident" means any person(s) who is not a resident.

- (k) “Resident” means any person who has resided in the Village for one full year immediately prior to the purchase of a cemetery lot or who owns taxable property in the Village of Caledonia.
- (l) “Section” means a portion of a cemetery that embraces 8-10 (eight to ten) lots.
- (m) “Village” means the Village of Caledonia.
- (n) “Village cemetery” means the Caledonia Memorial Park cemetery.

SEC. 12-4-2 CEMETERY OVERSIGHT.

- (a) **Establishment.** The Caledonia Parks and Recreation Commission shall govern and oversee the Village Cemetery.
- (b) **Oversight Duties.**
 - (1) The Caledonia Parks and Recreation Commission shall:
 - a. Advocate on behalf of lot owners regarding all matters pertaining to the Village cemetery.
 - b. Advise the Village on the care and maintenance of the Village cemetery.
 - c. Advise the Village on recommended improvements in the cemetery as needed.
 - d. Advise the Village on the adoption of operating rules and procedures regarding the Village cemetery.
 - (2) The Caledonia Parks and Recreation Commission shall make written findings and recommendations to the Village Board.
 - (3) The Caledonia Parks and Recreation Commission shall have all additional duties assigned by the Village Board or by Village Ordinances.
- (c) **Limitation of Authority.** No officer or member of the Caledonia Parks and Recreation Commission shall commit or purport to commit the Village Board or the Village of Caledonia to any course of action, contract, obligation or indebtedness with respect to the Village cemetery.

SEC. 12-4-3 CARE AND MANAGEMENT OF THE CEMETERIES.

- (a) The operating policies and procedures and the management, care, and maintenance of Village-owned cemeteries shall be established by the Caledonia Parks and Recreation Commission unless the Village Board adopts a resolution that transfer such authority to the Village Board or some other commission or committee.
- (b) The Village Board shall designate a Cemetery Sexton. This person shall have the responsibility of working within the organizational structure of the Village and using administrative support departments of the Village to manage all cemeteries, arrange for the sale of lots, record burials, maintain all records, and act as a liaison to the Caledonia Parks and Recreation Commission.
- (c) The applicable provisions of Ch. 157 of the Wisconsin Statutes relating to cemeteries, as amended from time-to-time, are incorporated herein by reference.

SEC. 12-4-4 GENERAL REGULATIONS.

- (a) **Hours.** It shall be unlawful for any person other than Village employees performing their duties to be in the cemetery between dusk and dawn the next day
- (b) **Only Humans to be Buried.** There shall be no burial of anything other than the remains of human bodies in the cemetery.
- (c) **Animals Prohibited.** No animal shall be allowed in the cemetery except in the confines of a vehicle or as a service animal.
- (d) **Applicability of Traffic Regulations.** The provisions of Title 10 of this Code, Motor Vehicles and Traffic, shall apply in the cemetery.
- (e) **Applicability of Park Regulations.** Except as otherwise provided in this Chapter, the provisions of the Village Park Regulations in Village Code Section 12-1-1 shall apply in the cemetery, including, but not limited to, the 15 mph speed limit.
- (f) **Funeral Processions.** Funeral Directors shall contact the Cemetery Sexton to make arrangements for funeral processions.
- (g) **Burials.**
 - (1) Interment. The ownership of a lot consists of the right of interment. Such lots can be used for no other purpose and cannot be divided into smaller portions. Interments shall be restricted to the persons designated in the certificate of ownership or to any other person upon the filing with the Village an affidavit authorizing the burial of such other person, and no transfer or assignment of any lot or interest therein shall be valid and effective until the same has been recorded by the Clerk and the Cemetery Sexton upon and within the appropriate books and records. No owner or holder of a certificate of ownership shall allow any interments to be made for remuneration.
 - (2) Removal of Bodies. Disinterment must be made by an approved contractor in compliance with the statutes and public authorities of the State of Wisconsin and with permission of the Cemetery Sexton.
 - (3) Cemetery Burial. Contractors approved by the Village shall conduct cemetery burials.
- (h) **Type of Required Vault.**
 - (1) The use of wooden grave boxes shall be allowed in any of said cemeteries. No burial of the remains of any person six months or more of age at the time of death shall be permitted unless the casket is enclosed in a grave box or vault made of concrete, marble, or rustproof metal.
 - (2) Baby Caskets. For infants less than six months of age, a polystyrene sealer type casket is to be used for burial and is considered a permanent vault.
- (i) **Cemetery Sexton Records.** No person shall inter any body or remains in any lot or part of the Cemetery without first notifying the Cemetery Sexton of such intention and furnishing the Sexton with the necessary information to enable the Sexton to complete his or her records. No burial will be made without a proper death certificate or burial permit.
- (j) **Severe Weather.** During severe weather conditions, the Cemetery Sexton shall decide, upon consultation with the undertaker responsible for burial, whether or not to postpone burial until suitable conditions exist. The undertaker shall provide care and storage for the remains until proper burial can be made.

- (k) **Orders of Undertaker.** Orders for burial given by the undertaker having charge of the burial of any person will be construed by the Cemetery Sexton as orders from the lot owner himself, and after interment no changes in location of graves will be made except at the expense of the lot owners. Undertakers making arrangements for the deposit of a body will be held responsible for the lot fees if they have not been previously paid.

SEC. 12-4-5 MAPS.

Cemetery lands, or such parts thereof as may from time-to-time be required, shall be surveyed and subdivided into sections, blocks, lots, or other subdivisions as may be necessary to accurately describe, number, and record the sale and conveyance of interment spaces of suitable size for burial in accordance with §157.07, Wis. Stats. A detailed map or plat showing all sections, blocks, lots, or other subdivisions together with such avenues, paths, alleys, and walks designated and numbered as may be proper, shall be filed with the Cemetery Sexton and recorded with the Office of the Register of Deeds for Racine County after such map or plat has received the acceptance and approval of the Village and County Board, if necessary, and certified by the Village Engineer or a registered land surveyor. Said map shall be periodically updated as deemed appropriate by the Village. All sales, conveyance or transfers of interment spaces shall be by reference to said map or plat. The map or plat shall be filed with the Cemetery Sexton and a copy kept with the Village Clerk.

SEC. 12-4-6 RECORDS.

The Village Clerk shall keep a record and the Cemetery Sexton shall maintain a duplicate record, in numerical order, and alphabetical index, of all certificates, transfers, orders, and permits as provided for by this Chapter. The record herein required to be kept shall include, in addition to other information deemed necessary, the name and address of the purchaser, the amount paid for the lot, the date of sale, a lot or part thereof sold, the portion of any lot occupied and the portion vacated by disinterment, transfer or disinterment of any body, and the place from which and to which said body were removed, and the persons to which certificates are transferred and assigned, together with the date thereof. Said records shall also indicate the name, age, and sex of the deceased, the date of death, the name of the undertaker employed and the date of burial.

SEC. 12-4-7 PRICE OF LOTS; CONVEYANCE TRANSFER FEE AND SURVEYING FEE.

- (a) **Price of lots.** The price of lots shall be determined giving consideration to the number of unsold adult lots remaining in the cemetery, the annual cost of maintenance, and the perpetual cost of maintenance in accordance with §157.11(5), Wis. Stats. The price of the lots shall be set by the Village Board from time-to-time by resolution with consideration of a recommendation from the Cemetery Sexton and the Caledonia Parks and Recreation Commission.

- (b) **Conveyance Transfer Fee.** It shall be the duty of the Cemetery Sexton, or his or her designee, to collect a fee to cover Village administrative expenses whenever any cemetery lot is conveyed, except for the sale from the Village to a new owner. Such fee shall be paid by the owner and/or the transferee as agreed between them and will be deposited in the cemetery fund. The Conveyance Transfer Fee shall be set by the Village Board from time-to-time by resolution with consideration of a recommendation from the Cemetery Sexton and the Caledonia Parks and Recreation Commission.
- (c) **Surveying Fee.** From time-to-time it may become necessary as determined by the Cemetery Sexton or the Village, to resurvey a lot. If it is determined that a lot needs to be resurveyed and such resurvey is occurring as needed as part of a transfer of the lot or is requested by the owner or transferee, the owner and/or transferee shall pay a surveying fee to the Village to cover administrative costs and preparing or obtaining the survey. The surveying fee shall be set by the Village Board from time-to-time by resolution with consideration of a recommendation from the Cemetery Sexton and the Caledonia Parks and Recreation Commission. Such fee shall be prepaid to ensure collection of the fee.

SEC. 12-4-8 SALE OF LOTS.

- (a) **Application.** All applications for the purchase of a lot(s) in the cemetery shall be made to the Cemetery Sexton. The Cemetery Sexton shall issue to persons wishing to purchase a lot a certificate describing the lot desired, the price, and certify that the same has not been sold. If the purchase is not made within 10 calendar days of the granting of such certificate, the certificate shall expire and become null and void. The Cemetery Sexton may thereafter issue another certificate to any person applying therefor.
- (b) **Sales to be Recorded: Deed.** On payment to the Cemetery Sexton of the sum of money named in the Cemetery Sexton's certificate and in accordance with a resolution setting prices and upon issuing a receipt, the Cemetery Sexton shall file an ownership card and shall then record said purchase on the official cemetery map. It shall be the responsibility of the Village President and the Village Clerk in the name of the Village of Caledonia to grant a cemetery conveyance deed, showing the owner's name, the lot purchased, and the total sale price. A separate deed shall be issued for each lot sold.
- (c) The Cemetery Sexton will not allow a burial to take place until the fees for the sale of the lot have been completely paid.
- (d) **Conveyance of Lots Limited.**
 - (1) The owner of a lot, as indicated in the deed issued by the Village of Caledonia, shall have burial rights in such lot. The owner shall not transfer burial rights by any means other than affidavit as permitted under Section 12-4-8(d)(2).
 - (2) The owner of a lot may consent to the burial of a person other than the owner listed in the deed by signing an affidavit authorizing such burial. Such affidavits, available from the Village of Caledonia, must be signed by the present owners, notarized, and returned to the Village of Caledonia for recording.
 - (3) The Village of Caledonia, upon the Cemetery Sexton's recommendation, may repurchase unused lots if requested by the owner or the owner's successor or assign. The maximum repurchase amount shall be the original purchase price as indicated

- on the cemetery conveyance deed at the time the lot was first sold by the Village or the current lot price established by the Village, whichever is less.
- (4) Lots may be transferred by owners to other persons or the Village upon filing an Affidavit of Transfer of Ownership and the payment of a conveyance transfer fee to the Village. The ownership card shall be updated and the purchase shall be recorded on the official cemetery map. However, no new deed will be issued. The owner shall complete and sign an Affidavit of Transfer of Ownership in a form prescribed by the Village and such affidavit shall be filed with the cemetery deeds.
 - (5) If the owner of a lot dies, the lot may be conveyed in accordance with state and federal statutes pertaining to the distribution of property.

SEC. 12-4-9 PERMITS; VILLAGE NOT LIABLE.

The mortician, heirs of the decedent, or other representatives or agents of the decedent must secure all permits or authorizations for interments, disinterment and removals and other cemetery services prior to the act of burial or removal. Under no circumstances will the Village assume responsibility for errors in opening graves when orders are given by telephone. The Village shall not be responsible for the interment certificate nor for the identity of the person sought to be interred.

SEC. 12-4-10 LANDSCAPING AND IMPROVEMENTS.

All grading, landscape work and improvements of any kind and all care and supervision shall be done, and all trees and shrubs shall be planted, trimmed, cut or removed, and all openings and closings of lots and all interments, disinterment, and removals shall be made only by the Village or with the written consent and approval of the Village. The Cemetery Sexton and his or her authorized representatives shall have charge of the grounds and buildings and at all times shall have supervision and control of all persons in the cemetery.

SEC. 12-4-11 CORRECTION OF ERRORS.

In the event an error shall occur involving the interment of the remains of any person, the Village has the right to remove and re-inter the remains in such other property of equal value and similar locations as may be substituted and conveyed in lieu of the mistaken property in accordance with §157.112, Wis. Stats.

SEC. 12-4-12 CEMETERY FUNDS.

The Village shall maintain a cemetery fund to which all moneys received from the sale of lots within the confines of a cemetery owned, operated, or under the management or control of the Village shall be deposited. The said fund shall be maintained for general improvements, maintenance, repair, and care of the cemeteries, or the purchase and acquisitions of additional grounds for cemetery purposes and shall not be used for any other purpose.

SEC. 12-4-13 RIGHT TO MAINTAIN.

- (a) The Village reserves the right to enter upon any lot to perform all work necessary for the maintenance of the cemetery. The Village is responsible for the total maintenance of the cemetery.
- (b) **Funeral decorations.** Funeral decorations will be allowed anywhere on a burial lot for a seven (7) calendar day period immediately following a burial. Any lot owner, heir to a lot owner or individual authorized by a lot owner wanting to keep any decorations shall remove them before the seven (7) day period expires. Items remaining after 7 days, except as provided for in Sec. 12-4-13(e), will be removed and disposed of by Village personnel.
- (c) **Gravestones, Monuments and Foundations.**
 - (1) The Caledonia Parks and Recreations Commission may establish a limitation on the use of flat versus ornate above ground gravestones and monuments. Any limitations may differ between lots, blocks and sections of a cemetery. The purpose and intent of this subsection, shall be to eliminate, over time, the installation of above ground ornate gravestones and monuments. The Caledonia Parks and Recreations Commission may modify by policy subsections (2) through (4) as the cemetery phases to flat gravestones and monuments.
 - (2) A gravestone shall be placed at the head of the lot (the west side of the lot). A monument cannot be used for fewer than four lots, and each monument must serve an equal or nearly equal (i.e., within one lot) number of lots to the east and west. The Cemetery Sexton must approve monument and gravestone placement before installation can occur. The Cemetery Sexton shall approve all gravestones and monuments before installation. If a lot owner would like to appeal the decision, the Caledonia Parks and Recreation Commission shall make a determination on the appeal.
 - (3) When a gravestone or monument is placed, a foundation must be used. The foundation must have at least a minimum of three inches of visible foundation around the gravestone or monument.
 - (4) The length of a single gravestone cannot be less than 20 inches nor more than 30 inches. The length of a double gravestone cannot be less than 36 inches nor more than 48 inches. A monument shall not be less than 30 inches nor more than 48 inches. If a monument is placed, no additional gravestones shall be installed.
 - (5) An inspection fee shall be charged for the inspection of the foundation and the gravestone or monument. The inspection fee shall be set by the Village Board from time to time by resolution with consideration of a recommendation from the Cemetery Sexton, and the Caledonia Parks and Recreation Commission.
- (d) **Damage/Theft.** The Village shall not be responsible or liable for flowers, grave decorations, or other personal property left on the gravestone or monument, on the burial lot, or anywhere in the cemetery.
- (e) **Lot Maintenance Rules.** The rules regarding maintenance of cemetery lots shall be set by the Village Board from time-to-time by resolution with input from the Cemetery Sexton, and the Caledonia Parks and Recreation Commission.

SEC. 12-4-14 MAINTENANCE AND REPAIR OF GRAVESTONES OR MONUMENTS.

The Village shall have no obligation or responsibility to maintain or repair gravestones or monuments in a cemetery. The Village may take action to address any gravestone or monument that is determined to be unsafe, including but not limited to, the removal of such gravestone or monument. In the case of removal, the Village will send a written notice to the last known address of the lot owner, if it can be determined. Any gravestones or monuments removed shall not be replaced by the Village

SEC. 12-4-15 DISCLAIMER-RESPONSIBILITY OF VILLAGE LIMITED.

The Village of Caledonia will take every reasonable precaution to protect all private property or lot and grave owner's property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the act of thieves, vandals, rioters, and malicious mischief makers and from all acts of Providence including unusual wind, tornadoes, cyclones, hail, snow and frost, whether the damage be indirect or proximate.

SEC. 12-4-16 PENALTIES.

Any person violating any provision of this Chapter shall be subject to the penalties in Section 1-1-6 of the Village of Caledonia Code of Ordinances.