

ORDINANCE NO. 2017- 22

AN ORDINANCE AMENDING SECTION 22.100 AND REPEALING AND RECREATING SECTION 22.101 OF THE MUNICIPAL CODE OF THE VILLAGE OF PEWAUKEE, WAUKESHA COUNTY, WISCONSIN, RELATED TO MANAGEMENT, RULES, AND REGULATIONS OF THE VILLAGE OF PEWAUKEE FOREST HILL CEMETERY

WHEREAS, the Department of Public Works and the Village Clerk have reviewed current rules, regulations, and administration of the Forest Hills Cemetery and have proposed amendments to the same; and

WHEREAS, the Municipal Code does not provide for definition of terms as related to Cemeteries; and

WHEREAS, the Village Board has reviewed the recommendations made by the Village Clerk to revise the current rules, regulations, and administration of the Forest Hills Cemetery; and

WHEREAS, the Village Board has reviewed the recommendations made by the Village Clerk for inclusion of definition of terms as related to Cemeteries; and

WHEREAS, in order to establish more efficient means of administration of the Forest Hills Cemetery and any future cemetery of the Village of Pewaukee, the Village Board is desirous of amending the Village Ordinances.

The Village Board of the Village of Pewaukee, Waukesha County, Wisconsin do ordain as follows:

Section I

The Village Board of the Village of Pewaukee does hereby Repeal and Recreate Chapter 22 of the Village Code of Ordinances in the following respects:

Sec. 22.100. – OWNERSHIP AND OPERATIONS.

- (a) STATE STATUTES ADOPTED. Pursuant to Wis. Stats. Sec. 157.50, describing and defining regulations with respect to the platting and operation of municipal cemeteries, are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter.

- (b) VILLAGE BOARD TO BE CEMETERY BOARD. Pursuant to Wis. Stats. Sec. 157.50, the Village Board is vested with control of all properties owned by the Village for cemetery purposes and shall provide in perpetuity for the management, care, and operation of said cemeteries.

- (c) CARE FUNDS. All care funds held by or transferred to the Village shall be deposited into the Village's cemetery fund. An accounting of funds utilized for the management, care, and operation of cemeteries controlled by the Village shall be provided and reviewed as part of the Village's annual budgeting process.
- (d) MANAGEMENT AND OPERATION. A system of management and operation of said cemetery, in the form of a "Management Plan" shall be adopted and amended from time to time by resolution of the Village Board. Use of the cemetery shall be in compliance with the approved plan.
- (e) FEE SCHEDULE. The grave space fee, regular burial fee, cremains burial fee, and additional applicable fees shall be established from time to time by resolution of the Village Board. All grave space fees include perpetual care.

Sec. 22.101 – SALES OF LOTS OR GRAVE SPACE.

- (a) Individuals, families, or their agents, desiring to obtain interment rights to a Lot or Grave Space in any Village owned cemetery must contact the Village Clerk for the Village of Pewaukee. The Village Clerk will either provide or arrange assistance in showing the Lots or Grave Space available for purchase of said interment rights.
- (b) Upon having made a Lot or Grave Space selection and making the required full payment, the Village Clerk will issue an official Cemetery Deed which will include the Perpetual Care Deed as evidence of interment rights. The title to the land remains in the office of the Village Clerk.
- (c) In case of death of the lot owner, when the cemetery lot is disposed of through a probate proceeding, a certified copy of the final court document assigning the lot shall be filed with the Village Clerk. If there is an un-probated will, a certified copy of the will and such other documents as the Village may deem necessary shall be delivered to the Village Clerk before the Village of Pewaukee will recognize change of ownership. If the deceased lot owner left no will and there is no probate, satisfactory and sufficient proof of descent must be provided. It is recommended that the lot owner, in making their will, include a provision addressing the cemetery lot(s) and devise to one person. The Village of Pewaukee will not accept a transfer of interment space after interment of the original purchaser(s) unless all lineal descendants have agreed to the transaction. In the case of joint ownership, the interment rights shall pass to the surviving spouse. Lineal descendants shall have equal rights of interments. In case that there are no lineal descendants then the nearest relative of the purchaser(s) shall have the right of interment.
- (d) The owner may grant permission in a form acceptable to the Village, which must be notarized and placed on file with the Village Clerk, for burial of other persons not related by lineage. No corpse shall be interred in a Grave Space except the corpse of one having an interest therein, or a relative, or spouse of such person, except by the consent of all persons having an interest in ownership of interment rights to such Lot or Grave Space.

- (e) All ownership of interments for Lots and Grave Spaces is exempt from taxation and cannot be seized for debt, except those owned by the Village of Pewaukee, nor can they be mortgaged. All repossessed vacant Grave Spaces shall be subject to the same fees and charges.

Sec. 22.102 – PERSONS ENTITLED TO BURIAL.

- (a) Persons of all denominations, of all religions are allowed burial in any Village owned cemetery.

Sec. 22.103 – INTERMENT.

- (a) All interments shall be made in accordance with the laws of the State of Wisconsin.

- (b) No interment will be permitted on any grave unless the purchase price of the Grave Space has been paid in full.

- (c) At least 48 hours' notice is necessary whenever interments are to be made. Notice is to be made to the Village Clerk or designee. Any and all applicable fees for preparation, opening, closing, replacing of sod, and seeding of the grave space must be paid prior to performance of the service. The Village of Pewaukee assumes no responsibility for the protection, maintenance, damage, or vandalism to flowers, wreaths, or any other item used in such funeral or interment proceedings.

- (d) No burial will be permitted unless and until a legal *Report of Final Disposition Burial Transit Permit* has been presented to the Village Clerk or designee. The interment of bodies of persons who have died of contagious disease shall be made in strict accordance with the rules of the Wisconsin State Board of Health. Further, the following guidelines shall apply:

- (1) Only human remains may be interred in any Village owned cemetery.

- (2) Orders for burial given by the undertaker having charge of the burial of any person will be construed by the Village of Pewaukee as orders from the lot owners themselves and, after interment; no changes in the location of graves will be made except at the expense of the lot owners.

- (3) Winter Burials (December 1 – March 31) shall be allowed. The Village Clerk shall be given 72 hours notice prior to the opening and preparation of a Grave Space for interment and an additional fee may be charged as established by the Village Board.

- (4) The interment of two bodies in one grave will not be allowed except in the case of a parent and infant (stillborn and up to the age of two), two small children buried in one casket, a full size burial with one cremation above, or two cremation burials.

- (5) All interments and burials conducted outside of the regular business hours of 8 a.m. to 3 p.m., Monday through Friday, shall incur an additional fee as set forth by the Village Board.

- (6) No burial shall be made on Sundays or on official holidays, except in those cases of contagious disease or for some other reason where necessity for immediate burial

may be urgent. An additional fee will be charged as established by the Village Board. In such cases, prior approval must be received from the Village Clerk or designated official.

- (7) All interments shall be made in a permanently sealed outer burial container or sealed vault that is not constructed of wooden material.
- (8) All graves shall be excavated by the Village or its designated contractor.
- (9) Spreading or burying ashes on the surface of any grave will not be permitted.

(e) The Village will be responsible for restoring the lawn on new graves and for filling sunken graves and re-establishing the lawn. The lawn will be restored with topsoil, seed, and mulch.

Section 22.104 – DISINTERMENT.

- (a) No Disinterment and removal of a human body or cremains shall be made without the written consent of the owner or owners of the lot or grave space and that of any surviving spouse, children, or parents of the deceased or pursuant to the order of a court with jurisdiction.
- (b) A Disinterment Permit shall be obtained from the County Coroner by the person requesting the disinterment of a human body or cremains.
- (c) All costs associated with the disinterment are the responsibility of the person requesting the disinterment.

Section 22.105 – MONUMENTS AND MARKERS.

- (a) Only one upright type monument will be allowed on one Grave Space or portion thereof, with a maximum stone size of 36”L x 16”W.
- (b) Only one upright type monument will be allowed on two adjoining lots deeded to the same owner(s), with a maximum stone size of 54”L x 16”W.
- (c) All monuments must be placed at the end of the Grave Space adjacent to the designated walkway aisle, in the center, unless specific permission is given by the Village Board or designated official for placing it otherwise.
- (d) Veterans graves are provided the right to place their bronze Veteran’s plaque provided by the Government by either bolting it the back of their existing monument, or by requesting an additional foundation to be poured for the setting of the plaque on the grave. This additional foundation shall be at the expense of the lot owner(s).
- (e) All upright monuments will be set on a concrete slab type foundation that must be flush at ground level with a border measurement determined by the Department of Public Works but not less than three inches. The concrete foundation shall be no less than 4 inches in thickness.

- (f) No monument or marker may be erected until the foundation therefor has been approved by the Village Clerk (or designee) or a representative thereof. Each metal grave marker placed as a temporary marker by the funeral home or other person shall be removed as soon as a monument or permanent marker is installed or one year after the date of the burial, whichever comes first.
- (g) The installation of any foundation for any monument will be scheduled and completed by Village Staff only.

Sec. 22.106 – PRIVILEGES AND RESTRICTIONS FOR LOT OWNER

- (a) Perpetual care of the cemetery which includes lawn care, tree care, spring and fall clean up, snow removal, monument and marker maintenance, and capital improvements will be assumed by the Village of Pewaukee employees or a village authorized contractor.
- (b) Village employees or a village authorized contractor reserve the right to enter any lot for the purpose of trimming or removing any tree or shrub, if necessary. Trees will be removed when they are deemed dead, diseased, or detrimental to any adjacent lot, monument, marker, walkway, or driveway because of roots, branches, etc.
- (c) No persons, except Village of Pewaukee employees or village authorized contractors, will be allowed to disturb any grave marker or sod on any lot or grave.
- (d) No trees or shrubs shall be planted without the written permission of the Village Clerk (or designee).
- (e) All lot or grave owners wishing to make improvements to their lots must get written permission from the Village Clerk (or designee) before improvements are made.
- (f) A lot owner may plant annuals, perennials, or bulbs in Section G and Section H, provided they do not exceed 12 inches from the edge of the monument or marker foundation into the owner's lot or grave site.
- (g) Planting will also be allowed between individual markers when the individual markers belong to the same family and are in the same lot. These plantings shall not extend past the width of the monument or marker foundation.
- (h) All weeding of flower beds on the graves shall be done by the owner and must be maintained or they will be removed.
- (i) A lot owner may place authorized decorations upon graves within the owner's lot or upon the owner's grave site, but any such decoration is done at the risk of the owner and the Village assumes no responsibility therefor.

- (j) All grave coverings of any sort placed upon any lot or grave site by the owner shall be removed by the owner no later than April 1.
- (k) Natural and artificial flowers are permitted if displayed in a permanent monument mounted vase. Should the flowers begin to degrade or become a nuisance; the Village reserves the right to remove them.
- (l) One Shepherd's hook/basket decoration is allowed per Grave Site, provided it is placed at the left back corner of the monument so as to allow for the one hanging basket to hang directly over the monument.
- (m) At no time will jars of any material, tin cans, boxes, freestanding vases, unsightly plastic containers, food and/or beverages, shells, signage or similar items, wire stands, furniture, or clothing be allowed in the cemetery. Small personal effects such as stuffed animals and freestanding pictures or frames shall be permitted for 30 days from the date of burial, the Village reserves the right to remove items should they be determined unsightly, degraded, or unreasonably interferes with the maintenance of the cemetery.
- (n) Objects not described above, including knick-knacks, solar lights and lanterns, wind chimes, etc. that are not incorporated into a monument, are allowed only in planted flower beds and not in the grassy areas of the owner's lot or grave site.
- (o) At no time will fences, barriers, retaining walls, or any other obstructions be allowed in the cemetery.
- (p) Easel decorations are allowed for the following observed holidays: Memorial Day, July 4th, Labor Day, and Veteran's Day. Decorations will be allowed to be up seven calendar days before the holiday and seven days after the holiday.
- (q) Decorations for personally observed days including birthdays, Mother's Day, Father's Day, anniversaries, religious holidays, and such shall be allowed. These decorations are allowed to be up seven calendar days before the observance and seven days after the holiday.
- (r) Any objects removed from grave sites will be stored in the Village cemetery garage for a period of two weeks and then disposed of.
- (s) The cemetery does not permit the use of biodegradable burial containers or green burials without sealed vaults

Sec. 22.107 – DEFINITIONS

- (a) BLOCK. A designated area within a range, containing Sections of a specific number of lots or Grave Sites.

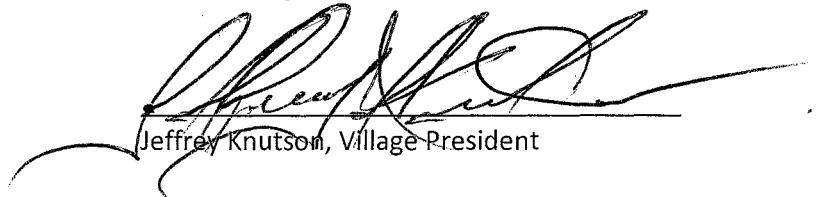
- (b) CEMETERY. As herein used shall refer to all cemetery property, grounds, equipment, and structures both privately and publicly owned within the Village of Pewaukee.
- (c) CEMETERY DEED. The official document produced by the Village of Pewaukee for the conveyance of ownership of interment rights to a designated grave space(s) located within a village owned cemetery.
- (d) CONTRACTOR. Any person, firm, or corporation other than a village employee that is engaged in placing, erecting, or repairing any memorial or monument, excavating and preparing grave sites for interments or performing any other work on the cemetery grounds.
- (e) CORPSE. The deceased body of a human being.
- (f) CREMAINS. The incinerated remains of a corpse.
- (g) DISINTERMENT. The removal of remains of a human corpse from their original place of interment.
- (h) DISPOSITION PERMIT. As used in these Rules, Regulations, and Policies shall mean a legal "Report of Final Disposition of a Human Corpse Burial Transit Permit" issued by the State of Wisconsin.
- (i) FOUNDATION. A concrete base placed flush with the ground of a grave site, on which to erect monuments, headstones, markers, or memorials.
- (j) GRAVE SPACE. A single interment area within a plotted cemetery section. With rights of interment as described otherwise herein.
- (k) INTERMENT. Ground burial or other permanent disposition of the remains of a deceased person.
- (l) LOT. A designated area within a range, containing a specific identifying number
- (m) MARKER/MONUMENT. Any headstone, memorial marker, or structure placed upon any lot or grave space, for the purpose of identification or memory of the interred.
- (n) OWNER. The owner of the rights of interment to a specific lot or grave space of which the owner has an official Cemetery Deed on file at the Village of Pewaukee.
- (o) PERPETUAL CARE. The obligation of the Village of Pewaukee to maintain and care for village owned cemetery sites for perpetuity.
- (p) REMAINS. Those parts that remain of a corpse after the ravages of time, weather, or destruction.
- (q) SEALED VAULT. An Outer Burial Container or permanently sealed container that surrounds a casket, which should be constructed of a non-wood durable substance such as concrete.

(r) SECTION. A designated area within a range, specifically a Block, containing a specific number of lots or Grave Sites.

(s) URN. A closed vessel used for the preservation of cremains.

This Ordinance shall take effect immediately upon passage and publication as required by law.

Passed and adopted this 5th day of December, 2017, by the Village Board of the Village of Pewaukee.



Jeffrey Knutson, Village President

ATTEST:



Chaz Schumacher, Village of Pewaukee Clerk