

# TOWN OF PLUM LAKE

## STATE OF WISCONSIN

### VILAS COUNTY

#### Ordinance 2023-006

#### Municipal Cemetery Ordinance

##### SECTION I: TITLE AND PURPOSE

The title of this ordinance is the Municipal Cemetery Ordinance. The purpose of this ordinance is to regulate the construction, management, operation and platting of the cemeteries, the burial of human remains, and other cemetery uses and activities in the Town of Plum Lake.

##### SECTION II: AUTHORITY

The Town Board of the Town of Plum Lake, Vilas County, Wisconsin, 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. The Town Board may appoint and oversee a Cemetery Committee.

##### SECTION III: ADOPTION OF ORDINANCE

This ordinance is adopted by a majority of the Town Board on roll call vote, with a quorum present and voting and proper notice having been given.

##### SECTION IV: DEFINITIONS

In this cemetery ordinance:

**Burial** means under ground interment or inurnment of human remains.

**Bury** means to inter or inurn.

**Cemetery** means any land that is intended to be used for burial of human remains in the Town of Plum Lake.

**Chair** means the Town Chair, Chairman or Chairperson of the Town of Plum Lake, Vilas County, Wisconsin.

**Clerk** means the Town Clerk of the Town of Plum Lake, Vilas County, Wisconsin.

**Conveyance(s)** means action or process of completing the paperwork required by the Town Board for a cemetery deed.

**Columbarium** means an above ground building, structure, or part of a building or structure that is used or intended to be used for the inurnment of cremated remains.

**Gravesite** means the portion of platted cemetery land (lot) intended to be used or is being used for an underground burial of human remains.

**Human remains** means the body or any part of the body of a deceased individual that is in any stage of decomposition or has been cremated.

**Outer burial container** means any permanent container that is placed or intended to be placed into the burial excavation of a gravesite and into which a casket is placed or intended to be placed at the time of burial.

**Reburial** means to disinter or disinter human remains that are buried in a gravesite.

**Sayner Cemetery** means the cemetery located in Sayner, Vilas County, Wisconsin.

**Star Lake Cemetery** means the cemetery located in Star Lake, Vilas County, Wisconsin.

**Town** means the Town of Plum Lake, Vilas County, Wisconsin.

**Town Board** means the Chair, Chairman or Chairperson and the Supervisors for the Town of Plum Lake, Vilas County, Wisconsin.

**Town Cemetery(ies)** means the municipal cemeteries of Sayner and Star Lake, Vilas County, Wisconsin, located within the Town of Plum Lake, Vilas County, Wisconsin, that are owned, operated, and maintained by the Town of Plum Lake, Vilas County, Wisconsin, under §157.50, Wis. Stats.

**Town Chair** means the Chair, Chairman or Chairperson of the Town of Plum Lake, Vilas County, Wisconsin.

**Town Clerk** means the Clerk of the Town of Plum Lake, Vilas County, Wisconsin.

**Town Treasurer** means Treasurer of the Town of Plum Lake, Vilas County, Wisconsin.

**Treasurer** means the Town Treasurer of the Town of Plum Lake, Vilas County, Wisconsin.

**Winter grave digging** means anytime the ground is frozen or there is more than four (4) inches of snow in the cemeteries.

**Wis. Stats.** means the Wisconsin Statutes, State of Wisconsin, including successor provisions to cited statutes.

## **SECTION V: STATEMENT OF POLICY**

The Town cemeteries are owned, operated, directly controlled, and maintained by the Town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in the Town cemeteries. This ordinance, adopted pursuant to §157.50 (2), Wis. Stats., governs the construction, management, administration, platting, maintenance and operation of the Town cemeteries and of any new cemetery or expanded cemetery of any other type in the Town of Plum Lake including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

## **SECTION VI: GENERAL ADMINISTRATION**

- A. The general administration of the Town of Plum Lake cemeteries shall be vested in the Town Board of the Town of Plum Lake, Vilas County, Wisconsin.
- B. The Town Board shall be vested with all of the powers and responsibilities as set forth in Chapter 157, Wis. Stats.
- C. The Town Board shall submit its recommendations for improvements of the Town cemeteries at the Annual Town Meeting in accordance with §157.50 (5), Wis. Stats.

## **SECTION VII: NEW AND EXPANDED CEMETERY OPERATIONS**

The Town Board shall not purchase any land for cemetery purposes without the approval of the electors of the Town at a regular or special Town meeting. Before the sale of any gravesites in any new or expanded cemetery, that has been approved by the Town Board, the gravesites shall be platted and filed with the Clerk and recorded in the office of the Register of Deeds for Vilas County, Wisconsin, in accordance with §157.065, Wis. Stats. No cemetery shall be located, established, or dedicated in violation of any Town ordinance(s), Vilas County ordinances(s), or other Wisconsin zoning ordinance(s).

## **SECTION VIII: PURCHASE AND OWNERSHIP OF GRAVESITE**

- A. Persons, or their authorized agent(s), desiring to purchase a gravesite in any Town cemetery for burial are referred to the Town Clerk's office. The Clerk will have available maps showing size, price (fee) of gravesite(s), any other fees that may be required, render assistance to those desiring to purchase gravesite(s), to include application, map(s), copy of the Municipal Cemetery Ordinance and the Rules and Regulations and any other needed information.
- B. The Town Board shall have the authority to order the sale and conveyance of platted gravesite(s) especially restricting their use to burial. At the time of purchase, a cemetery deed shall be issued subject to the approval of the Town Board. All conveyances shall be signed by two members of the Town Board and attested by the Clerk. The signature of the Chair on the conveyance shall be notarized. A copy of each deed of sale shall be retained by the Clerk with the cemetery records in a separate file known as the "Cemetery File". The "Cemetery File" shall be maintained current and show the date of purchase, name, resident, mailing address and phone number of each purchaser and all subsequent transactions pertaining to said gravesite. Each purchaser of a gravesite shall be notified at the time of sale that their deed should be recorded in the office of the Register of Deeds for Vilas County, Wisconsin.
- C. The owner of a Town cemetery gravesite shall have the right to use the gravesite for burial purposes only in accordance with the terms of this ordinance in any Town cemetery. The owner of the gravesite(s) has the original deed. The owner of the gravesite may sell the gravesite back to the Town Board at the original price at which it was purchased. The Town Board may then sell that gravesite(s) at the price (fee) gravesites are currently being sold. Heirs have the right of first refusal at the time of sale. Heirs of the gravesite owner and the Town Board, whether the owner is alive or deceased, shall abide by the wishes of the owner, as so stated on the owner's original deed.
- D. Resolution 2013 RES-13-004, previously approved by the taxpayers of the Town of Plum Lake, provides a continuing grant of authority for the Town Board to buy back gravesite(s) in the cemeteries that are for sale from those who originally purchased them without requiring the approval of the Town electors.

## **SECTION IX: GRAVESITE AND BURIAL FEES**

- A. The price (fee) of all gravesite(s), burial fees and any other related fees shall be determined from time to time by the Town Board. Said fees shall be in accordance with the size and location of the gravesite(s).
- B. All gravesite(s) fees must be paid in full when purchased.
- C. The Town Board shall assess fees; to mark a gravesite for burial, the marking of the foundation and monument or marker on a gravesite, according to the Cemetery Schedule of Fees. These fees must be paid in full in advance of burial.

## **SECTION X: CEMETERY SCHEDULE OF FEE**

- A. The Clerk shall maintain a Cemetery Schedule of Fees, approved by the Town Board, which includes fees for a gravesite and cemetery services. These fees may be adjusted periodically without advanced notice. The Cemetery Schedule of Fees will be included in the Town of Plum Lake Fee Schedule.

- B. All fees paid by the purchaser for gravesite, burial, and cemetery services shall be paid to the Treasurer. Receipts for such fees paid, shall be issued to the purchaser by the Treasurer. The Treasurer shall deposit said fees into the appropriate cemetery funds.

## **SECTION XI: CARE OF CEMETERY**

- A. The Town Board is responsible for determining proper and decent care of the Town cemeteries. The Town Board shall direct and administer all improvements, maintenance, and care within each cemetery. All landscaping, mowing and general care of gravesites and other work, construction or maintenance in the Town cemeteries shall be performed by the Town of Plum Lake personnel, independent contractors, and/or the Cemetery Committee members.
- B. Veterans Gravesites:
  - 1. Pursuant to §45.85, Wis. Stats., the Town shall at all times see that the gravesites and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.
  - 2. Pursuant to §45.85 (1), Wis. Stats., the expense of the care of the gravesites and tombstones shall be borne by the county where the gravesites are located, except where suitable care is otherwise provided and the amount of the expense charged the county for the care may not exceed the charge made for the care of other gravesites in the same cemetery. The Town Board shall report to the Vilas County Clerk, on or before September 1 of each year, the locations of the gravesites cared for by the Town Board under §45.85, Wis. Stats., together with the names of the deceased and the amount claimed for care of the gravesites for the fiscal year from the previous July 1 to June 30.

## **SECTION XII: RULES AND REGULATIONS**

The Town Board is hereby authorized from time to time to make such rules and regulations governing; the use, operation, appearance of cemeteries, and burial procedures as it deems to be in the best interest of the cemeteries. The Town will take all responsible precautions to protect gravesite owners and their property within the Town of Plum Lake cemeteries from loss, damage or injury but the Town shall not be responsible for any loss, damage or injury.

## **SECTION XIII: BEREFT BURIAL AREA**

Any destitute resident of the Town of Plum Lake, without any known responsible attachments, as deemed by said Town Board, shall be buried in a gravesite with a flat marker.

## **SECTION XIV: MISCELLANEOUS**

- A. Any person may obtain a copy of this document, Ordinance 2023-006, Municipal Cemetery Ordinance, from the Clerk.
- B. The Town is not responsible for any “Acts of God” damage to any type of plants, decorations, gravesites, foundations, monuments and/or markers within any of the cemeteries.
- C. All gravesite (lot) purchases and burials, foundation, monument and/or marker placement completed before the adoption of this ordinance, are grandfathered in.

**SECTION XV: PENALTIES AND ENFORCEMENT**

The Town Board shall have the authority to enforce the various provisions of this ordinance by injunction, prohibiting or terminating any use in violation hereof. In addition, any violations related to this ordinance, established by the Town Board from time to time, may be subject to a fee, per violation, per each day, together with the cost of prosecution.

**SECTION XVI: SEVERABILITY**

If any of the provisions of this ordinance shall be held to be illegal or unconstitutional by any Court, the part so held to be illegal or unconstitutional shall be stricken from this ordinance and the remaining portions of this ordinance shall remain in full force and effect the same as if such stricken portion had not been initially adopted.

**SECTION XVII: REPEAL AND REPLACE**

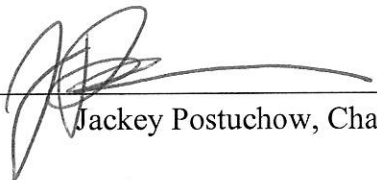
This Municipal Cemetery Ordinance, Ordinance 2023-006, repeals and replaces Ordinance No. 80-2 and Resolution 2013 RES-004.


**SECTION XVIII: EFFECTIVE DATE**


This ordinance is effective on publication or posting.

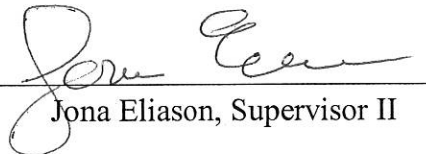
The Clerk shall properly post or publish this ordinance, as required under §60.80, Wis. Stats.

Adopted this 14<sup>th</sup> day of Nov, 2023

  
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Jackey Postuchow, Chair

  
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Attest: Kim Lechner, Clerk

  
\_\_\_\_\_  
Kevin Rasmussen, Supervisor I

  
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Jona Eliason, Supervisor II