

**Ordinance No 19-15-01**  
**Town of Pleasant Valley Town Cemetery Ordinance**  
**CHAPTER 13 – CEMETERY**  
**ARTICLE - OPERATING POLICIES AND REGULATIONS**

**SECTION 13.1 TITLE AND PURPOSE.**

This Ordinance is entitled “Town of Pleasant Valley Town Cemetery Ordinance” The purpose of this Ordinance is to establish regulations governing the operation and maintenance of cemeteries within the Town’s jurisdiction.

**SECTION 13.2 AUTHORITY**

The Town Board of the Town of Pleasant Valley 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.

**SECTION 13.3 ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, confirming the authority, powers, and duties noted in Chapters 60 and 157 Wisconsin Statutes, and has established, pursuant to these chapters and this ordinance, those powers and duties of the Town Board of the Town of Pleasant Valley to manage and operate certain cemeteries located in the Town.

**SECTION 13.4 DEFINITIONS**

In this ordinance:

- A. “Burial” means entombment, inurnment, or interment.
- B. “Cemetery” means any location for burial of human remains in the town.
- C. “Human remains” means the body of a deceased individual that is in any stage of decomposition or has been cremated.
- D. “Lot” means a single grave lot platted in accordance with Section 13.6, whether or not occupied by a grave.
- E. “Outer burial container” means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.
- F. “Sexton” means a town employee, person, committee or independent contractor designated to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations pursuant to this ordinance.
- G. “Town” means the Town of Pleasant Valley, Eau Claire County, Wisconsin.
- H. “Town Board” means the board of supervisors for the Town of Pleasant Valley, Eau Claire County, Wisconsin, and includes designees of the board authorizes to act for the board.
- I. “Town cemetery” means any municipal cemetery owned, operated, and maintained by the Town of Pleasant Valley, Eau Claire County, Wisconsin under s. 157.50 Wis. Stats., that is located within the town.
- J. “Town chair” means the chairperson of the Town of Pleasant Valley, Eau Claire County, Wisconsin.
- K. “Town clerk” means the clerk of the Town of Pleasant Valley, Eau Claire County, Wisconsin

L. "Town treasurer" means the treasurer of the Town of Pleasant Valley, Eau Claire County, Wisconsin.

M. "Wis. Stats." Means the Wisconsin Statutes, including successor provisions to cited statutes.

### **SECTION 13.5 STATEMENT OF POLICY**

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

The Town reserves the right to amend this ordinance to conform to newly developed cemetery practices and to amend By-laws and regulations, provided that as to any such changes, notice of a public hearing to be held thereon before the Town Board shall be thereof be published, posted at least (10) days prior to such hearing.

### **SECTION 13.6 PLATTING OF NEW CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS**

- A. **Platting.** Before any new block of any existing Town cemetery or any other new or expanded cemetery in the Town is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the Town Clerk for a Town cemetery and any person or agent for any other cemetery in the Town that is subject to s. 157.065, Wis. Stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Eau Claire County, Wisconsin in accordance with s. 157.065 Wis. Stats.
- B. **Single grave section.** The Town Clerk shall designate, for any Town cemetery, certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots.
- C. **Purchase or expanded cemeteries.** The Town shall not purchase any land for cemetery purposes without approval of the electors of the Town at a regular or special Town meeting.
- D. **New or expanded cemeteries.** No person or authorized agent of any cemetery may construct, manage, plat, or operate any new or expanded cemetery of any type in the Town, after the date of adoption of this ordinance, without written permit approval of the Town Board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under chapter 985, Wis. Stats. Any new or expanded cemetery to be approved by the Town Board shall be, at a minimum, properly platted and filed with the Town Clerk and recorded in the Office of the Register of Deeds for Eau Claire County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. Stats. The minimum acreage size of a new or expanded cemetery in the Town shall be determined by the Town Board. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance.

### **SECTION 13.7 CEMETERIES OWNED AND OPERATED BY THE TOWN**

- A. The Hadleyville Cemetery is owned and operated by the Town. The Town Board shall have general supervision and control of the cemetery. The Town Board shall be responsible for the operating and maintenance of the cemetery, including, but not limited to, the selling of all lots and graves, maintaining accurate records of all

sales, maintenance of lawn, filling sunken graves, raising markers, caring for fences and grounds in general.

- B. All business shall be transacted through the Town Board including, but not limited to orders for work, bills paid companies and lost and found articles.
- C. The Town, and its officers , employees, contractors, and agents, including the sexton and the Town Board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any Town cemeteries, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a Town cemetery.

### **SECTION 13.8 PURCHASE OF LOTS IN TOWN CEMETERY**

- A. **Price of lots.** The Town Board shall from time to time by resolution fix a price on all lots to be sold for burials in any Town cemetery.
- B. **Sales of lots.**
  - 1) Persons or their authorized agents desiring to purchase a lot in the Town cemetery are referred to the Town Clerk.
  - 2) Lots in the Town cemetery are reserved for, and limited to, residents past and present of the Town of Pleasant Valley.
  - 3) No lot shall be used for any other purpose than the burial of the human dead and the placing of appropriate markers as memorials.
  - 4) The Town Clerk shall issue a lot order for a selected lot to a prospective purchaser, or his or her agent.
  - 5) When the lot is paid in full, a receipt will be issued to purchaser by the Town of Pleasant Valley Treasurer. The Town Clerk shall issue a cemetery lot deed to the lot. The original deed from the Town and the records of the cemetery kept by the Town Clerk are the only evidence of title to any lot.
  - 6) The purchase of lots for the purpose of erecting a mausoleum or any above ground structure must be approved by the Town Board.
  - 7) The transfer of lots or parts thereof to another party must be requested in writing to the Town Clerk before said party will be allowed to use the transferred lots. No person shall be recognized as owner or part owner of a lot unless his or her name appears on the cemetery records or they have proof that they are legal heirs.
  - 8) For convenience, safety and appearance, the Town will not allow any other equipment but that of a vault company or a designee by the Town Board.

### **SECTION 13.9 BURIAL IN TOWN CEMETERY**

- A. **Daylight burials.** Burials at any Town cemetery shall be made only during daylight hours, unless with written approval of the Town Board or designated sexton.
- B. **Outer container.** All burials and reinterments, at any Town cemetery, shall require a minimum of a concrete permanent outer burial container or grave liner.
- C. **Grave digging.** No grave shall be laid out or dug and closed by anyone other than a designated cemetery official unless special permission is given by cemetery officials. All graves at a Town cemetery and any other cemetery in the Town to be used for burials shall be opened and dug at no cost or expense to the Town. All graves shall conform to State of Wisconsin rules specifications. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and all surplus earth removed before sunset on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the Town official or designated sexton.

- D. **Number of graves per lot.** No lot at any Town cemetery may be used for the burial of more than one body except in the following circumstances:
- 1) Two remains from cremation shall be allowed in one lot with one headstone or two flat markers to be placed only in line with other stones.
  - 2) One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with other stones.
  - 3) All cremation remains shall be placed in a permanent outer burial container not constructed of wood. No cremation shall be scattered on any lot or cemetery property.
- E. **Green burials.** No areas are designated for green burials.
- F. **Interment.** The funeral director or designated official is required to be in attendance at every interment. No interment shall take place without proper papers in place with all laws having been complied with. Any person engaged in work while in the vicinity of a burial must suspend their labor during the service at the grave.
- G. **Disinterment.** Disinterment of a body will not be made without proper authority in accordance with the laws of the State of Wisconsin. All permits must be presented to cemetery officials prior to disinterment.

### **SECTION 13.10 MONUMENTS AND MARKERS IN TOWN CEMETERY**

- A. **Setting grave markers.** No monument, foundation or marker will be allowed to be placed on the lot unless the grave site is paid in full.
- 1) Grave markers, monuments and foundations at any Town cemetery may be set by reputable monument company employees or agents or other persons authorized by the lot owners or cemetery officials according to the rules specified in these regulations.
  - 2) All markers must have a cement foundation. The top of the foundation shall be constructed flush with the ground line and be of such size and design as will provide ample insurance against settlement or damage to the monument or marker. Whenever possible, all markers shall be set with, at minimum a five-inch margin from the outer edges of the foundation.
  - 3) The setting of grave markers, monuments and foundations, and the transportation of all tools and related materials, within any Town cemetery is subject to the supervision and control of the Town Board or the sexton. Truck operation is not permitted when, in the opinion of the Town Board or sexton, truck operation may cause damage to the driveways or other Town cemetery property.
- B. **Limitations.** All of the following apply to monument and markers in Town cemeteries.
- 1) The Town Clerk may refuse permission to erect any monument, marker or foundation not keeping with the good appearance of the grounds at a Town cemetery. The size of any monument or stonework must be provided to the Town Clerk and approved before any work related to any monument, marker or foundation will be permitted on a lot in a Town cemetery.
  - 2) Only one monument or marker shall be allowed per lot.
  - 3) No foundation, marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments as far as possible or as directed by the cemetery officials. No monument or marker may be more than 5 feet in height.

- 4) Temporary markers shall be removed or replaced with a permanent marker within one year. The Town Clerk may require, at minimum, prior to burial, a deposit of \$1,000.00 payable to the Town Treasurer to insure timely placement of a proper marker or monument. The Town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of said marker or monument.
- 5) Removal of a marker or monument, once placed at a Town cemetery on its foundation, may not be removed, except by written permission of the Town Board.
- 6) Responsibility for upkeep of markers, monuments and footings is that of the individual owners. While responsible care will be given to protect monuments and markers, the Town will not be responsible for loss or damage to monuments or markers erected within a Town cemetery.

### **SECTION 13.11 VAULTS AND MAUSOLEUMS IN TOWN CEMETERY**

- A) Construction of vaults and mausoleums in any Town cemetery is prohibited unless approved in writing by the Town Board.

### **SECTION 13.12 TREES, SHRUBS AND FLOWERS IN TOWN CEMETERY**

- A. **Tree and shrub planting.** The planting of trees and shrubs on any lots or parts of lots in any Town cemetery is prohibited except by written consent of the Town Clerk.
- B. **Large tree removal.** Lot owners may, with written consent of the Town Clerk remove large trees and stump on or adjacent to cemetery lots in any Town cemetery that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid for by the lot owners.
- C. **Fresh flowers.** All flower baskets at grave or lot sites at any Town cemetery shall be removed by October 15 of each year. Fresh cut flowers may be used in any Town cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed. Deteriorated or unsightly flowers will be removed from the lot by the sexton.
- D. **Flags.** American flags will be allowed to be placed by persons during the calendar year one (1) week prior to Memorial Day to Veterans Day. Flags left after one week of Veterans Day may be removed by the sexton and retained for persons to reclaim for a reasonable length of time (December 1) of each year.
- E. **Potted plants.** Potted plants at any Town cemetery may be set on lots, without disturbing the sod, if removed within 5 days after being set. If a potted plant is not removed within 5 days of being set on the lot, the potted plant may be picked up and destroyed by the sexton or removed and preserved for planting within the Town cemetery.
- F. **Artificial flower decorations; baskets.** Artificial decorations are prohibited in any Town cemetery unless in a vase or pot. Deteriorated or unsightly decorations, flowers or baskets will be removed from the lot by the sexton. All artificial decorations shall be removed by October 15 of each year.
- G. **Flowers and plants.** No flowers or plants may be planted directly into the ground and are prohibited unless in a vase or pot in any Town cemetery. Deteriorated or unsightly flowers or plants will be removed from the lot by the sexton. All flowers shall be removed by October 15 of each year.
- H. **Vine, wreath and memorial removals.** Vines, wreath and memorial or personal memorabilia items that interfere with the proper care of lots or graves or may damage the grass will be removed from any Town cemetery by the sexton when found objectionable.

### **SECTION 13.13 VISITOR RULES TO TOWN CEMETERY**

A. **Visiting hours.** Every Town cemetery shall be open to visitors at all times between the hours of 8 a.m. and one-half hour after official sunset. Visitors are required to use existing roadways whenever possible.

B. **Dogs and other animals.** Dogs and other animals are permitted in any Town cemetery only if confined in a vehicle or if the dog is a service animal accompanying a person with sight-impairment or other disability while in the Town cemetery.

C. **Firearms.** Except in conjunction with military funerals or specific memorial events permitted by the Town Board use of firearms is prohibited in any Town cemetery. In the event that the Town Board separately authorizes the posting of signs under s. 943.13(2), Wis. Stats., the carrying of firearms may be prohibited, except in the case of the events specifically permitted above. Bows and arrows, crossbows, and slingshots are not to be brought into any Town cemetery in accord with s. 28.03(2), Wis. Stats. No hunting or trapping is allowed in any Town cemetery.

### **SECTION 13.14 ABANDONED LOTS**

A. In this subsection:

1. "Abandoned lot" means any grave space of a cemetery lot that is not owned by the Town of the cemetery in which the cemetery lot is located if that grave space has not been used for the burial of human remains and if, according to the records of the Town, all of the following apply during the 50-year period immediately preceding the date on which the notice requirement under par. (C) is satisfied:

a. No owner has transferred any ownership interest in the cemetery lot to any other person.

b. No owner has purchased or sold another cemetery lot space in the cemetery.

c. No other grave in that cemetery lot or adjoining cemetery lot or space that is owned or partially owned by an owner has been used for the burial of human remains.

d. No grave marker, monument or other memorial has been installed on the cemetery lot.

e. No grave marker, monument or other memorial has been installed on any other cemetery lot, in the same cemetery, that is owned or partially owned by an owner.

f. The Town has not been contacted by an owner or assignee or received any other notice or evidence to suggest that an owner or assignee intends to use the cemetery lot for a future burial of human remains.

2. "Assignee" means a person who has been assigned in the deceased owner's will or in any other legally binding written agreement, or who is entitled to receive under Wis State ch. 852, an ownership interest in the abandoned cemetery lot.

3. "Owner" means a person named in the records of the Town who has an ownership interest in a cemetery lot and a right to bury human remains in the cemetery lot.

B. The Town may not resell an abandoned lot unless the Town complies with the requirements in this subsection.

C. The Town Clerk shall mail to each owner, at each owner's last-known address, a notice of the Town's intent to resell the abandoned lot as provided in this subsection. If an owner is buried in the cemetery in which the abandoned lot is located or if the Town has any other evidence that reasonably supports a determination by the Town Clerk that the owner is deceased, no notice is required under this paragraph.

1. The Town recognizes that most cemetery records prior to 1973 are incomplete or were completely destroyed in a fire. The Clerk will make every attempt to identify the lot owner, however most of the records only contain a first initial and last name.
- D. If no notice is required under par. (C) or if, within 60 days after notice is mailed under par. (C), no owner or assignee contacts the Town Clerk to express an intent to use the abandoned lot for a future burial of human remains, the Town Clerk shall publish in a newspaper of general circulation in the county in which the abandoned lot is located, a class 3 notice under WI State Stat ch. 985 that includes all of the following:
1. The location of the abandoned lot.
  2. The name and last-known address of each owner.
  3. A statement that, unless an owner or assignee contacts the Town Clerk within the period specified in par. (E) the Town intends to resell the abandoned lot as provided in this subsection.
- E. If within 60 days after notice is published under par. (D) no owner or assignee contacts the Town Clerk to express an intent to use the abandoned lot for a future burial of human remains, the Town shall bring an action in the circuit court of the county in which the abandoned lot is located for a judgment that the cemetery lot is an abandoned lot and an order transferring ownership of the abandoned lot to the Town.
- F. If within one year after the circuit court enters a judgment and order under par. (E) no owner or assignee contacts the cemetery authority to express an intent to use the abandoned lot for a future burial of human remains, the cemetery authority may resell the abandoned lot, except as provided in par. (G). The payment of principal shall be deposited into the care fund. Before depositing the payment of principal into the care fund, the Town may retain an amount necessary to cover the Town's administrative and other expenses related to the sale, but the amount retained may not exceed 50 percent of the proceeds.
- G. If at any time before an abandoned lot is resold under par. (F) an owner or assignee contacts the Town Clerk to express an intent to use the abandoned lot for a future burial of human remains, the Town may not resell the abandoned lot, and ownership of the abandoned lot shall be transferred to the owner or assignee. The Town shall pay all costs of transferring ownership under this paragraph.
- H. Nothing in this subsection prohibits a Town from seeking the authority to resell more than one abandoned lot by publishing a single class 3 notice under par. (D) or bringing a single action under par. (E) that applies to all of the abandoned lots for which such authority is sought.

### **SECTION 13.15 MISCELLANEOUS**

- A. **Fee Payment Location.** All fees and charges as outlined for any Town of Pleasant Valley Cemetery in the current schedule of fees and charges are payable to the Town Treasurer of the Town of Pleasant Valley at the Office of the Town Clerk, where receipts will be issued for the amount paid.
- B. **Schedule of Payments.** A schedule of fees and charges for any Town cemetery, as established by the Town Board by resolution shall be on file in the office of the Town Clerk. The Town Board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.
- C. **Sexton.** The Town Board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain and provide care for the Town cemetery or any part of the operations or of any proper insurance and indemnification protection for the Town, its officers, employees and agents be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this ordinance, shall designate the authority, responsibility and duties to the sexton by

written resolution. The Town Board shall be responsible for proper supervision of the sexton. Should the Town Board fail to designate a sexton, the Town Clerk shall perform the sexton's duties under this ordinance.

**SECTION 13.16 PENALTIES**

A. **Citation.** The Town Board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.

B. **Penalties.** Any person who violates any provision of this ordinance, or any order, rule or regulation made or adopted hereunder, shall be subject to forfeiture of from \$100.00 to \$500.00 for each offense. Each day that a violation continues shall be considered a separate offense. Further, it is declared as a matter of public policy that any act in violation of this ordinance constitutes a public nuisance that is subject to abatement upon order of the Town Board. The Town Board may, where appropriate, seek injunctive relief action to prevent violations of this ordinance and Chapter 157 of Wisconsin Statutes. Furthermore, The Town Board reserves the right to withhold from any person in violation of this ordinance and Chapter 157 of the Wisconsin Statutes, the issuance of any Town of Pleasant Valley license, authorities, grants or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

**SECTION 13.17 SEVERABILITY**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Pleasant Valley would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereof. All other ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed insofar as they conflict with this ordinance.

**SECTION 13.18 EFFECTIVE DATE**

This ordinance shall take effect upon passage and publication by law.

The town clerk shall properly publish this ordinance, as required under s. 60.80, Wis. Stats.

Adopted this 14<sup>th</sup> day of January, 2019.

Town Board, Town of Pleasant Valley

\_\_\_\_\_  
Dan Hanson, Town Chairman

Attested \_\_\_\_\_  
Jennifer Meyer, Clerk

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Dan Green, Town Supervisor

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Douglas Nelson, Town Supervisor