

CHAPTER 16
CEMETERIES

- 16.01 Ownership and Operation
- 16.02 Sale of Lots or Grave Space
- 16.03 Persons Entitled to Burial
- 16.04 Interment
- 16.05 Disinterment
- 16.06 Monuments and Markers
- 16.07 Privileges and Restrictions for Lot Owner
- 16.08 Visitor Rules
- 16.09 Definitions

16.01 OWNERSHIP AND OPERATION.

- (1) STATE STATUTES ADOPTED. Pursuant to sec. 157.50, Wis. Stats., describing and defining regulations with respect to the 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.
- (2) VILLAGE BOARD TO BE CEMETERY BOARD. Pursuant to sec. 157.50, Wis. Stats., 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.
- (3) 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.
- (4) 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.
- (5) FEE SCHEDULE. The grave space fee, regular burial fee, cremains burial fee and transfer fee shall be established from time to time by resolution of the Village Board. All grave space fees include perpetual care.

16.02 SALES OF LOTS OR GRAVE SPACE.

- (1) 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 Sussex. The Village Clerk will either provide or arrange assistance in showing the Lots or Grave Space available for the purchase of said interment rights.
- (2) 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.
- (3) Each owner is vested with the ownership of the right of interment for the sole purpose of interment of human remains. Ownership will remain with the original purchaser(s). After the demise of the original purchaser(s), their interment rights shall pass to their spouse. Lineal descendants shall have equal rights of interments. In case that there are no lineal descendants then the nearest relative of the purchaser shall have the right of interment.
- (4) 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 unprobated will, a certified copy of the will must be delivered to the Village Clerk before the Village of Sussex will recognize the 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 Sussex will not accept a transfer of interment space after interment of the original purchaser(s) unless all lineal descendants have agreed to the transaction.

(5) The owner may grant permission, which must be notarized and placed on file with the Village Clerk, for the 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.

(6) 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 Sussex, nor can they be mortgaged. All repossessed vacant grave spaces shall be subject to the same fees and charges.

16.03 PERSONS ENTITLED TO BURIAL.

(1) Persons of all denominations, of all religions are allowed to be buried in any village owned cemetery.

16.04 INTERMENT.

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

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

(3) At least 36 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 Sussex assumes no responsibility for the protection, maintenance, damage or vandalism to flowers, wreaths or any other item used in such funeral or interment proceedings.

(4) 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 a contagious disease shall be made in strict accordance with the rules of the Wisconsin State Board of Health. Further, the following guidelines shall apply:

(A) Only human remains may be interred in any village owned cemetery.

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

(C) Winter burials (December 1 – April 1) shall be allowed. The Village Clerk shall be given 48 hours notice prior to the opening and preparation of a Grave Space for interment and an additional fee will be charged as established by the Village Board.

(D) 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 2), two small children buried in one casket, a full size burial with one cremation above or two cremation burials.

(E) All interments and burials shall be conducted Monday through Friday only, between the hours of 9:00 a.m. and 3:00 p.m.

(F) No burial shall be conducted or interment made on Saturdays, 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.

(G) All interments shall be made in a permanently sealed outer burial container or sealed vault that is not constructed of wooden material.

(H) All graves shall be excavated by the Village or its designated contractor.

(I) Spreading or burying ashes on the surface of any grave will not be permitted.

16.05 DISINTERMENT.

(1) No Disinterment and removal of a 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.

(2) A Disinterment Permit shall be obtained from the County Coroner by the person requesting the disinterment of a human body or cremains.

(3) All costs associated with the disinterment are the responsibility of the person requesting the disinterment.

16.06 MONUMENTS AND MARKERS.

(1) Only one upright type monument will be allowed on one Grave Space or portion thereof. This must be placed in the center of one end, unless specific permission is given by the Village Board or designated official for placing it otherwise. A second marker will be allowed at the opposite end of a grave space if authorized and must be flush with the ground.

(2) Only two markers shall be permitted per Grave Space. They can be one of an upright type and one of a flush marker type or two flush to the ground. The monument or marker and its cement foundation shall not exceed the width of the Grave Space.

(3) All upright monuments will be set on a cement slab type foundation that must be flush at ground level with a minimum border around the base of the upright monument of five inches. The cement foundation shall be no less than 4 inches in thickness.

(4) The flush marker shall also require a minimum cement border of five inches and shall be no less than four inches thickness.

(5) No upright monuments are permitted on Lots or Grave Spaces sold after June 1, 2015. Only flush markers are permitted with the necessary cement border.

(6) No Monuments or markers may be set without prior permission from the Village Clerk or designated official.

16.07 PRIVILEGES AND RESTRICTIONS FOR LOT OWNER.

- (1) 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 Village of Sussex employees or a village authorized contractor.
- (2) No persons, except Village of Sussex employees or village authorized contractors, will be allowed to disturb any grave marker or sod on any lot or grave.
- (3) All lot or grave owners wishing to make improvements to their lots must get permission from the Village Clerk or designated official before improvements are made.
- (4) Village employees 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.
- (5) No tree, shrub, bush or flowering plant shall be planted, removed, cut down or trimmed, within the border of any lot or grave, without the permission of the Village Clerk or designated official.
- (6) Natural flowers are permitted in pots placed in stands or hanging on a shepherd's hook. Approved pots may be up to 14 inches in diameter, a minimum of 22 inches from bottom of pot to the ground. The stand shall be of metal construction. The stand or hook should be placed next to the head stone. Only one stand or hook per Grave Space is permitted. All flowers are to be removed from the cemetery by October 15.
- (7) Artificial flowers shall be allowed in the cemetery during a period of time from April 15 through Labor Day. Artificial flowers are to be securely attached in a pot and placed in a plant stand or on a shepherd's hook so they do not interfere with mowing. Should the flowers begin to degrade and become a nuisance; village employees will remove them. Following Labor Day, village employees will remove and dispose of those flowers that remain. In no event will village employees be responsible for items placed on any grave.
- (8) At no time will jars, tin cans, unsightly plastic containers, food and beverages, stuffed animals, balloons, banners, signage or similar items or wire stands are allowed in the cemetery. The only decorative item allowed is the Veterans commemorative plaque with the American flag.
- (9) 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 the potted plants and not on the ground.
- (10) Winter decorations will be allowed only if attached to the headstone directly or in an above ground stand. All winter decorations will be removed by Village employees on April 1 annually or shortly thereafter.
- (11) At no time will fences, barriers, retaining walls or any other obstructions be allowed in the cemetery.

16.08 VISITOR RULES.

- (1) Cemetery visitors will be allowed in the cemetery from sunrise to sunset. Any person(s) found loitering on the grounds during closed hours will be subject to arrest.

- (2) All visitors are reminded that the cemetery is considered to be sacred ground for the dead. A strong observance of respect for all properties is required.
- (3) Any persons disturbing the tranquility of the cemetery by noise or other improper conduct will be asked to leave the grounds or be subject to arrest.
- (4) No animals (pets) will be allowed in the cemetery at any time. The only exceptions are service animals.
- (5) No motor vehicles other than street legal vehicles will be allowed in the cemetery at any time.
- (6) No motor vehicles shall be operated in the cemetery in excess of 10 miles per hour.
- (7) No motor vehicles will be allowed off designated roadways within the cemetery at any time with the exception of Village of Sussex employees or village authorized contractors, cemetery officials, monument companies and vault companies.
- (8) No picnics, parties or other similar gatherings will be allowed in the cemetery at any time.
- (9) The Village of Sussex or its employees assume no liability for property damage or acts beyond its ability to reasonably control.
- (10) The throwing of rubbish on driveways or on plotted areas is strictly prohibited.
- (11) Law enforcement and military personnel on official duty shall be the only persons allowed to possess weapons on cemetery property.

16.09 DEFINITIONS.

- (1) **CEMETERY.** As herein used shall mean the Lisbon Central Cemetery located at N67W25479 Silver Spring Drive in the Village of Sussex and shall, further, refer to all cemetery property, grounds, equipment and structures both privately and publicly owned.
- (2) **CEMETERY DEED.** The official document produced by the Village of Sussex for the conveyance of ownership of interment rights to a designated grave space(s) located within a village owned cemetery.
- (3) **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.
- (4) **CORPSE.** The deceased body of a human being.
- (5) **CREMAINS.** The incinerated remains of a corpse.
- (6) **DISINTERMENT.** The removal of remains of a human corpse from their original place of interment.
- (7) **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.

- (8) FOUNDATION. A concrete base placed flush with the ground of a grave site, on which to erect monuments, headstones, markers or memorials.
- (9) GRAVE SPACE. A single interment right within a plotted cemetery lot.
- (10) INTERMENT. Ground burial or other permanent disposition of the remains of a deceased person.
- (11) LOT. A designated area within a range, containing a specific number of individual grave spaces.
- (12) 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.
- (13) 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 Sussex.
- (14) PERPETUAL CARE. The obligation of the Village of Sussex to maintain and care for village owned cemetery sites for perpetuity.
- (15) REMAINS. Those parts that remain of a corpse after the ravages of time, weather or destruction.
- (16) 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.
- (17) URN. A closed vessel used for the preservation of cremains.