

**Village of Lake Nebagamon, Douglas County, Wisconsin
Amendment to the Municipal Code**

**Chapter 25, Sections 25.01 through 25.08 of the Municipal Code of the Village of Lake
Nebagamon entitled "Cemetery" is hereby created to provide as follows:**

Chapter 25

(created June 8, 2021)

CEMETERY

§25.01 Policy and Scope

§25.02 Definitions

§25.03 Cemetery Oversight

§25.04 Platting of New Cemetery Lots

§25.05 Purchase of Lots in Village Cemetery

§25.06 Ownership Rights of Burial

§25.07 Care of Lots

§25.08 Privileges and Restrictions

§25.01 POLICY AND SCOPE

- A. The Village Cemetery that is owned, operated, controlled, and maintained by the Village of Lake Nebagamon is done so 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 Village owned cemetery. Chapter 25 of the Village of Lake Nebagamon Municipal Code, along with the adopted Wis. Stats. §157.50(2), governs the construction, management, administration, platting, maintenance, and operation of the Village owned cemetery.

§25.02 DEFINITIONS

- A. Burial Entombment, internment, or interment and "bury" means to entomb, intern or inter.
- B. Human Remains The body of a deceased individual that is in any stage of decomposition or has been cremated.
- C. Lot A single grave lot platted in accordance with §148(4), whether or not occupied by a grave.
- D. Outer Burial Container 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.
- E. Sexton A Village employee, independent contractor employed or retained by the Village board, or person or persons appointed by the Village President and approved by the Village Board to administer, repair, maintain, manage, and operate the Village Cemetery or any part of the operations of the Village Cemetery consistent with this chapter. The fees for the Sexton duties shall be set by the Village Board for the Village of Lake Nebagamon and adjusted as the Village Board determines appropriate.
- F. Village Cemetery A cemetery owned by the Village of Lake Nebagamon for the burial of human remains.

§25.03 CEMETERY OVERSIGHT

- A. Cemetery Board

The Cemetery Board shall govern and oversee the Village Cemetery. The Cemetery Board shall have the powers granted herein and all powers granted under Wis. Stats. §157 - Subchapter II. The Cemetery Board shall operate the Village owned cemetery and make rules and regulations for the operation of such Village owned cemetery, subject to the approval of the Village Board. The Cemetery Board shall consist of the members of the Public Works Committee.

B. Maintenance of Records and Funds

The Village Clerk or Administrator shall maintain all financial records and funds relating to the Village Cemetery. The Village Clerk or Administrator shall, monthly, prepare and submit to the Cemetery Board a financial statement. The Cemetery Board shall make an annual report to the Village Board regarding the financial status of the Cemetery account during the Village budgeting process.

C. Sexton's Duties

The Village Clerk or Administrator shall act as the Cemetery Sexton. The Cemetery Sexton, or assigned designee, shall be responsible for the sale of lots, transfer of deeds, maintenance of burial records, internment locations, deposit of monies, preparation of inventory of available grave sites, grave openings / closings, and the burial of cremains.

§25.04 PLATTING OF NEW CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS

A. Platting

Before any new block of a Village cemetery is opened for the sale of cemetery lots for burial of human remains after the effective date of this chapter, the Village Board shall cause the blocks and lots to be platted.

B. New or Expanded Cemeteries

After the date of adoption of this chapter, any place in the Village where human remains are buried on private or public land without written permit approval of the Village Board and not timely removed within 30 days after receipt of written notice from the Village Board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this chapter, the Village may take action to abate the nuisance and recover its costs of doing so, as provided in the Village Public Nuisance Ordinance. This subsection does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with Wis. Stats. Chapter 157.

§25.05 PURCHASE OF LOTS IN VILLAGE CEMETERY

A. Price of Lots

The Village Board shall fix a price on all lots to be sold for burials in the Village Cemetery. Information on the price of lots and burial fees shall be made available to area funeral homes and copies may be obtained at the Village Office.

B. Sales of Lots

1. Persons or their authorized agents, desiring to purchase a lot in the Village Cemetery for burial are referred to the Sexton. The Sexton, or assigned designee, shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The Sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the Village Office. Upon receipt of the proper payment, the Clerk or Administrator shall issue a cemetery lot deed to the lot. The original deed from the Village and the records of the cemetery kept at the Village Office are the only evidence of title to any lot. The deed shall be sealed and signed by the Village President and the Village Treasurer.
2. Persons conveying any cemetery lot in the Village Cemetery shall comply with Wis. Stats §157.08 and this chapter.

§25.06 OWNERSHIP RIGHTS OF BURIAL

A. Ownership Conditions

1. The owner of a Village Cemetery lot, or his or her authorized agent, shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this chapter or any Village Cemetery Ordinance and Burial Rules.
2. Upon full payment by any persons of the purchase price of a Village Cemetery lot, the Village President and Village Treasurer shall issue a cemetery lot deed, under seal, as provided in Subsection B, and a copy of the deed shall be filed in the records of the Village as evidence of ownership of the lot. Lots for which lot deeds have been issued by the Village may not be subdivided except by consent in writing of the Cemetery Board.
3. All repossessed vacant lots in the Village Cemetery when resold are subject to the same fees and charges as other unoccupied lots.

B. Burial

1. In this subsection, "relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.
2. Any lot owner at the Village Cemetery acquires the lot solely for the purpose of burial of the owner at the time of the owner's death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the Village Clerk or Administrator for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.
3. Unless otherwise directed in a writing filed with the Village Clerk or Administrator by the lot owner under Subsection B(2), the Cemetery Board or the Sexton shall permit the burial of persons at the Village Cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:
 - a. The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.
 - b. When there is no surviving spouse, the lot owner's personal representative, or if none, the heirs of the owner may, by agreement in writing of those present, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the Village Clerk or Administrator. For purposes of this paragraph, "heirs" are those individuals who would inherit under Wisconsin's intestate statute.
 - c. If no agreement under Subsection B(3)(b) is filed, the Sexton may determine use, giving preference to relatives in the order listed in Subsection B(3)(1).

C. Ownership Rights

All burial rights in the cemetery lots located at the Village Cemetery and purchased from the Village shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the Village will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration; however, ownership rights may be conveyed pursuant to Subsection D below. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the domiciliary letters or letters of special administrators or final judgement in the decedent's estate must be delivered to the Village Clerk or Treasurer before the Village will recognize the change of ownership. If the deceased lot owner left not will, satisfactory proof of descent must be provided.

D. Resale of Lots

Lots owners may not resell or transfer lots or parts of lots in the Village Cemetery.

E. Reburial

1. In this subsection, "reburial" means to disentomb, disinter, or disinter human remains that are buried in a cemetery and reentomb, reinurn, or reinter the human remains in another grave,

mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.

2. Any reburial of any person buried in the Village Cemetery, or in any other cemetery in the Village, shall comply with the provisions of Wis. Stats. §157.112. Any person seeking reburial shall seek approval from the appropriate cemetery authority. A county authorization for disinterment and reinterment shall be required prior to any reburial under Wis. Stats. §69.18(4).

F. Village Repurchase of Lots

Unwanted lots may be sold back to the Village for the original price paid by the deed holder.

G. Burial of Human Remains Only

There shall be no burial plots used for the burial of any pets or other animal remains.

§25.07 CARE OF LOTS

A. Perpetual Care Fund for Village Cemetery

In order to assure reliable means for permanent care of the Village Cemetery, a perpetual care fund is created for the Village Cemetery. Income from this fund shall provide all or partial maintenance costs of the Village Cemetery. All lots sold in the Village Cemetery shall be charged a perpetual care fee included in the price of the lot and each grave shall be provided with perpetual care services under Subsection B. A record of the perpetual care fund shall be kept in the Village Office. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to Wis. Stats. §157.11(8) and (9).

B. Perpetual Care

The Village assumes to use the net annual income received from the investments of the perpetual care fund under Subsection A in furnishing perpetual care of graves in the Village Cemetery. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the Cemetery Board or the Sexton. The Village shall not be bound to make a separate investment of perpetual care funds, or designate a specific amount from each lot sale to go to the perpetual care fund. The proceeds from the lot sales and offered cemetery services shall be deposited into the cemetery fund and used by the Village as provided in this subsection. Nothing in this chapter shall be constructed as obligating the Village as to any alleged existing contract as to perpetual care. The Cemetery Board shall operate and maintain the Village Cemetery to provide proper and decent care of plots and graves, and it may employ a Sexton, staff, and any independent contractor necessary to provide such care.

C. Costs of Care are Fixed

The Cemetery Board shall annually fix, as required under Wis. Stats. §157.11(5), a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of the Village Cemetery to be paid from the following sources as determined by the Cemetery Board.

1. Income of the perpetual care fund.
2. From general funds of the Village.

D. General Improvements

The Cemetery Board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The Cemetery Board shall be responsible for determining proper and decent care of the cemetery. All graves shall be sod and mowed, when determined necessary by the Cemetery Board, Sexton, or Sexton's designee. The grade of the cemetery lots shall be determined by the same. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by the Cemetery Board or the Sexton. Resodding of existing graves or following disinterment will be done when determined necessary by the Cemetery Board, Sexton, or Sexton's designee.

E. Veterans' Graves

1. Pursuant to Wis. Stats. §45.85, the Cemetery Board shall at all times see that the graves 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 Wis. Stats. §45.85(1), the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The Cemetery Board shall report to the Douglas County Clerk on or before September 1 of each year, the locations of the graves cared for by the Cemetery Board under Wis. Stats. §45.85, together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

§25.08 RULES AND RESTRICTIONS

- A. No permanent trees, shrubs, or bushes allowed to be planted.
- B. No fences to be installed.
- C. Plot may hold one regular vault, or one existing vault and 2 cremains.
- D. Cremains do not need a vault.
- E. Lots may not be sold to anyone other than to the Village of Lake Nebagamon . Plots may be conveyed or given only to family members.
- F. The Sexton or his or her designee shall be the only one authorized to do the digging for a regular burial or the burial of cremains.
- G. No tents allowed between November 1 and April 30.
- H. Winter burials are allowed subject to weather conditions. The Cemetery Board in consultation with the Sexton will determine whether or not such conditions shall prevent a burial from taking place at that time.
- I. No Sunday or Holiday funerals or burials will be permitted.
- J. No headstones installed without Sexton, or Sexton’s designee, contact. Stones set in the wrong place or improperly installed will be removed and the replacement installation cost will be the responsibility of the monument installer.
- K. Mounds prohibited. No person may raise the level of the earth over any grave in the Village Cemetery above the general level of the cemetery lot.
- L. Items left on graves after October 1st may be removed.
- M. The Sexton, or Sexton’s designee, has the right to remove any item from a grave site that is considered unsightly, damaged, detrimental, dangerous or inconvenient for the care of the cemetery

BURIAL RATES November 2019	Monday - Friday	After 3pm	Saturday	After 3pm
PLOTS	300			
REGULAR BURIAL	700	800	800	900
WINTER	1400	1500	1500	1600
CREMATION BURIAL	400	500	500	600
WINTER	550	650	650	750

This Ordinance shall take effect upon approval and publication.

Dated the 8th day of June, 2021

By: Jim Jonassen
Jim Jonassen, Village President

ATTEST:
Daisha Nolan
Daisha Nolan, Village Clerk

Adopted: June 8, 2021

Notice Published: July 14, 2021