

## CHAPTER 45

### CITY CEMETERIES

**45.01 Policy.** The Greenwood Cemetery and Hillside Cemetery are owned and maintained by the City of Platteville for the benefit of all citizens. Any additional cemetery lands that may be acquired by the City of Platteville shall be subject to this Chapter. The responsibility for the day to day operation and maintenance of City Cemeteries, the enforcement of this ordinance and any rules and regulations adopted by the Common Council is hereby delegated to the Street Superintendent under the supervision of the Director of Public Works.

**45.02 Authority to Issue Rules and Regulations.** The Street Superintendent under the supervision of the Director of Public Works shall have the authority to issue additional rules and regulations governing the cemetery land and its use and maintenance. Such rules and regulations shall be in writing and shall be presented to the Common Council for approval.

#### **45.03 Designation of City Cemeteries.**

- (a) Greenwood Cemetery. The Greenwood Cemetery is located on Greenwood Avenue and is more properly described as:

A part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, Township 3 North, Range 1 West, 4<sup>th</sup> P.M., City of Platteville, Grant County, Wisconsin, described as follows:

Commencing at the Northeast corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, thence South 00 degrees 11' East 16.50 feet; thence West 920.10 feet; thence South 371.01 feet; thence North 89 degrees 57' West, 133.09 feet; thence North 00 degrees 03' East, 135.00 feet; thence North 29 degrees 25' East, 270.80 feet to the point of beginning. All being part of Lot 2, Block 67, of the Assessment Plat of the City of Platteville, Grant County, Wisconsin, (comprising 0.75 acres);

All of Lot No. Four (4) of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 16, Township 3 North, Range 1 West, 4<sup>th</sup> P.M., City of Platteville, EXCEPTING THEREFROM a strip of land along the entire North side thereof one hundred five and five tenths (105.5) feet in width and also EXCEPTING from the tract remaining after the above exception a piece of land in the North East corner of said remaining tract belonging to Hannah H. Meyers and being 40 feet wide East and West and 224 and  $\frac{5}{10}$  feet in length North and South;

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AND ALSO EXCEPTING THEREFROM property commencing at the NE corner of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 16, T3N, R1W, 4<sup>th</sup> P.M. City of Platteville, Grant County, Wisconsin; thence S 00 degrees 11' E, 676.41 feet to the point of beginning; thence S 44 degrees 49' W, 403.08 feet; thence S 89 degrees 39' W, 536.75 feet; thence N 81 degrees 52' W; 137.06 feet; thence northwesterly along an arc of a 115.00 foot radius curve, concave easterly, whose long chord is N 40 degrees 54' 30" W, 150.77 feet; thence S 00 degrees 03' W, 157.68 feet; thence East, 1056.40 feet; thence N 00 degrees 11' W, 313.59 feet to the point of beginning. All being a part of Lot 4, Block 67 of the Assessment Plat of the City of Platteville, Grant County, Wisconsin.

This cemetery comprises 20.95 acres, more or less.

- (b) Hillside Cemetery. The Hillside Cemetery is located on State Highway 80/81 and is more properly described as:

A part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 15 and a part of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 22, Township 3 North, Range 1 West, 4<sup>th</sup> P.M., City of Platteville, Grant County, Wisconsin, described as follows:

Commencing at a point 1,519 feet West of the SE Corner of Section 15, T3N, R1W of the 4<sup>th</sup> P.M., Grant County, Wisconsin; thence S 110 feet; thence W 209 feet; thence S 00 degrees 24' E, 413.1 feet; thence N61 degrees 32' W, 284.3 feet; thence N65 degrees 08' W, 171.5 feet; thence N 40 degrees 45' E, 33.5 feet; thence N 54 degrees 41' W, 245.3 feet; thence N 44 degrees 15' W, 54 feet; thence W 41 feet; thence N44 degrees 15' W, 152.5 feet; thence E 32 feet; thence N 40 degrees W 135.96 feet; thence N 11 degrees 30' W, 125.4 feet; thence N 76 degrees E, 287.1 feet; thence N 72 degrees E, 257.4 feet; thence N 66 degrees 15' E 454.08 feet; thence S 68 degrees 30' E, 138.6 feet; thence S to the Point of Beginning.

This cemetery comprises 15 acres, more or less.

**45.04 Platting of New Cemetery Lots.** No cemetery lots may be sold and conveyed until the requirements of Wisconsin Statutes Section 157.07 have been satisfied.

### 45.05 Purchase of Lots.

- (a) A Cemetery Lot shall be defined as set forth in Wisconsin Statutes Section 157.061 (2m).
- (b) Price of Lots. The Common Council shall, from time to time, fix a price on all lots to be sold or transferred in City cemeteries.

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- (c) Sale of Lots. The City shall have available suitable plats showing the size and price of lots, and other such information as may be required, and will assist those desiring to make lot purchases. Upon receipt of full payment (no partial payments allowed), the City Clerk shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the Grant County Register of Deeds.

### **45.06 Ownership Rights of Interment.**

- (a) The lot owner or his/her authorized agent shall have the right to use a lot for burial purposes only in accordance with the terms of the cemetery rules, regulations and applicable State Statutes.
- (b) Upon payment of the purchase price, the City Clerk will issue a cemetery deed, under seal, and the deed will be recorded in the records of the City as evidence of ownership of the Lot.
- (c) No corpse shall be interred in a lot except the corpse of the owner, or said heirs and assigns, except by the consent of all persons having an interest in the lot.
- (d) Absent such written consent as provided in (c), the cemetery will permit the interment of members of his/her family at the request of any interested person as follows:
  - 1. The surviving spouse of the lot owner shall have right of first interment or to direct the right of interment.
  - 2. When there is no surviving spouse, the heirs of the owners, may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk.
  - 3. In the event the owner or his/her heirs have not arranged for future interments, then the heirs of the owner shall have the right to interment in order of need.
- (e) Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. 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 will must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. Lot owners are encouraged to include a provision in their wills devising unused cemetery lot(s) to one (1) person.

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- (f) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
1. The City Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots.
  2. Reconveyance of lots or parts of lots may be made on a notarized quitclaim deed. Such quitclaim deed shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The quitclaim deed shall state the legal description of the space(s).
  3. No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person except as provided herein. All other transfers, except transfers under probate laws, shall be null and void.

### **45.07 Care of Lots.**

- (a) In order to assure for the permanent care of City Cemeteries, a perpetual care fund shall be maintained. Income from this fund shall be used for the maintenance costs of the cemetery. All lots sold in City cemeteries shall be provided with perpetual care services, the expense to be included in the price of the lot.
- (b) Such perpetual care shall be limited to the maintenance of the lawn, leaf disposal, filling sunken graves, caring for streets, alleys, fences and the grounds in general. It is understood that such expenditures shall be made at the discretion of the City.
- (c) The perpetual care fund shall be administered in accordance with Wisconsin Statutes Section 157.11.

### **45.08 General Rules and Regulations.**

- (a) No mound shall be raised upon any grave above the existing grade.
- (b) No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans or other such objects may not be placed on lots, and if so placed, will be removed by the City without notice.
- (c) All landscaping, care of lots and other work in the cemetery will be done by the City.
- (d) The City reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.

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- (e) The City is not responsible for damages or injuries to persons or property occurring as a result of vandalism, acts of God or nature, or from the performance by the City of its normal operations of the cemetery. Nothing herein shall preclude claims from being asserted based upon the negligent acts or omissions of the City or its officers, agents or employees.
- (f) The City reserves the right to alter, change or close streets, alleys, utilities and other physical properties of the cemetery.

### **45.09 Rules for Visitors.**

- (a) All City cemeteries will be open for visitors at all times between the hours of sunrise to sunset. Permission to enter the cemetery at any other time must be obtained from the City.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Alcoholic beverages are not permitted within any City cemetery.
- (d) Domestic animals are not permitted within any City cemetery, except when confined to a vehicle. This does not apply to Service Animals.
- (e) Weapons are not allowed in any City cemetery except in conjunction with military funerals.
- (f) Visitors are required to use the streets, alleys and walks whenever possible and shall not pick flowers (wild or cultivated); injure any shrub, tree or plant; or mar or deface any monument, stone or structure in the cemetery.
- (g) No vehicle shall be driven in any City cemetery except on roads designated for that purpose, nor shall any vehicle be driven in a reckless manner.

### **45.10 Interments.**

- (a) Interments will be made only during daylight hours unless with prior approval of the City.
- (b) All interments shall be made by placing the coffin in a permanent outer container, made from metal or concrete.
- (c) All graves dug by City personnel shall be at rates established by the Common Council. Any graves dug by personnel other than City personnel shall be done according to standards established by the City and under its direction. A reduced

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fee, as established by the Common Council, shall apply to recover costs involved in the supervision of graves dug by personnel other than City personnel.

- (d) No burial shall be permitted until a Report for Final Disposition of a Human Corpse or equivalent has been presented to the City.
- (e) The City assumes no responsibility for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- (f) There will be no more than one (1) body in one grave except in the following instances:
  - 1. Parent and infant.
  - 2. Two (2) children buried at the same time.
  - 3. Up to four (4) cremains.
  - 4. One body and up to two (2) cremains.
  - 5. Special circumstances with the approval of the City.
- (g) Regardless of the number of interments per grave, only two (2) markers will be allowed on a lot.
- (h) No non-human remains shall be interred in City Cemeteries.

### **45.11 Monuments and Markers.**

- (a) Monuments and markers shall be in accordance with the rules and regulations issued by the City for each individual City cemetery.
- (b) The initial grave markers and foundations will be set only by a monument company according to regulations specified by the City. The City reserves the right to require the construction of a foundation of such size, material and design as will provide amply insurance against settlement or injury to the stone work.
- (c) The setting of monuments, stones and markers shall be subject to the supervision and control of the City. Unless special arrangements are made with the City, such work shall be conducted between the hours of 8:00 a.m. and 3:00 p.m., Monday through Friday, except on designated City holidays.
- (d) The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work will be in accordance with the rules of the cemetery as issued by the City and approved before said work is permitted on a lot.
- (e) Stone work or monument work, once placed on its foundation, shall not be removed, except with permission of the City.

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- (f) The City reserves the right to adjust markers or monuments that have shifted due to weather, frost or other action.
- (g) Temporary markers must be removed or replaced with a permanent marker within one (1) year, unless a specific exemption in writing is approved by the City.

**45.12 Vaults and Mausoleums.** Construction of vaults and mausoleums is permitted only in those areas certain to contain bedrock and subject to the rules of the cemetery as issued by the City.

### **45.13 Trees, Shrubs and Flowers.**

- (a) The planting of trees and shrubs in the cemetery is prohibited. Flowers may be planted in accordance with the rules of the cemetery as established by the City.
- (b) No person may plant, in the cemetery, trees or shrubs nor erect or maintain fences or structures or monuments or maintain same in violation of this ordinance or the rules and regulations adopted by the Common Council.
- (c) The City may, in its sole discretion, remove any trees, shrubs and/or stumps.
- (d) Fresh cut, potted and artificial flowers are permitted on the lot, subject to the rules of the cemetery as issued by the City. If these flowers are not maintained and become unsightly or undesirable, they will be removed by the City without notice.

### **45.14 Miscellaneous.**

- (a) All fees and charges as outlined in the current schedule of fees and charges are payable at the office of the City Treasurer in advance of a burial where receipts will be issued for the amounts paid.
- (b) A schedule of fees and charges, as approved by the Common Council, shall be on file in the offices of the City Clerk. Such schedule may be amended from time to time as determined by the Common Council.
- (c) The City shall take reasonable precautions to protect all private property, lots and/or grave owner's property in the cemetery from loss or damage, but it expressly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including but not limited to wind, tornado, hail, snow, frost and rain, whether the damage be indirect or proximate.

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- (d) The City cemetery trust fund shall be managed in accordance with Chapter 881 of the Wisconsin Statutes.

### **45.15 Enforcement.**

- (a) Persons owning cemetery lots shall comply with this ordinance and the rules and regulations adopted by the Common Council.
- (b) Enforcement of this ordinance and the rules and regulations adopted for the cemeteries shall be through the procedure set forth in Wisconsin Statutes Section 157.11(2).