

## CHAPTER 16 CEMETERY MANAGEMENT\*

\* **State law reference** – Municipal cemeteries, Wis. Stats. §157.50.

The Brooklyn Mt. Hope Cemetery ("cemetery") is owned and maintained by the Village of Brooklyn for the benefit of all its citizens. These Ordinances are established to ensure the proper maintenance and to prevent the abuse and destruction of the Cemetery.

### **Control and management.**

- A. The cemetery is under the control and management of the Village Board of the Village of Brooklyn.
- B. The cemetery is located within the Village of Brooklyn, Dane County, Wisconsin, as more particularly described in real estate documents located in the office of the Village Clerk/Treasurer.
- C. The cemetery shall be cared for and maintained by the Village of Brooklyn and placed under the control and management of the Village Board under the following terms and conditions, which terms and conditions may be modified or changed by the acts of the Village Board as conditions warrant:
  - (1) The cemetery shall be maintained in as neat and orderly and attractive appearance as the income of trust funds, private donations and appropriations by the Village will permit.
  - (2) The regulations contained in this article shall be applicable.

### **Platting of new cemetery lots.**

Before any new block of the cemetery is opened for the sale of lots, the Village Board shall cause it to be platted and recorded in the office of the Dane County Register of Deeds.

### **Sale of lots.**

- A. Pursuant to § 157.061(2m), Wis. Stats., "cemetery lot" means a grave or two or more contiguous graves, and when used in reference to the sale, purchase or ownership of a cemetery lot, includes the right to bury human remains in that cemetery lot.
- B. The Village Board shall, from time to time, fix a price on all lots to be sold or transferred in Mt. Hope Cemetery.
- C. Persons or their agents desiring to purchase a lot in the cemetery are referred to the Village of Brooklyn Clerk/Treasurer's office. The Village Clerk/Treasurer's office will have available suitable plats showing size and price of lots, and such other information as may be required. The Village of Brooklyn Public Works Department will render assistance to those desiring to make lot purchases.
- D. Fees shall be established annually by the Village Board. The fee will be charged at time of interment. Fees will cover such costs as marking the graves at time of burial, marking placement of monument and assisting with grave digging activities.

### **Ownership rights of interment.**

- A. The lot owner, 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 state law and the terms of this ordinance.
  - (1) Upon full payment of the purchase price of a lot, the Village Clerk/Treasurer shall issue a cemetery deed. The cemetery deed shall be signed by the Village Clerk/Treasurer and sealed with the Village Seal.
  - (2) While any person is buried in a cemetery lot, the cemetery lot shall be inalienable, without the consent of the Village, and on the death of the owner, ownership of the cemetery lot shall descend to the owner's heirs, but any one or more of such heirs may convey to any other heir his or her interest in the cemetery lot. No human remains may be buried in a cemetery lot except the human remains of one having an interest in the cemetery lot, or a relative, or the husband or wife of such person, or his or her relative, except by the consent of all persons having an interest in the cemetery lot and the Village.
- B. Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
  - (1) The Village Clerk/Treasurer shall enter in the record kept for that purpose all deeds of transfer

and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Village Clerk/Treasurer until a fee set by the Village Board has been paid therefore. Said fee shall go into the general municipal fund.

(2) Reconveyance of lots or parts of lots may be made only by written application to the Village Clerk/Treasurer. Such application shall be executed by the owner of the lots or, if the owner is deceased, by the legal heirs. The application shall state the section, block and grave number.

(3) No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person without the Village's written consent. If the owner of any lot or part thereof should sell or transfer the same without giving notice to the Village, except through probate, of such transaction, such sale or transfer shall be null and void.

#### **Care of lots.**

A. In order to ensure reliable means for permanent care, a care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. All lots sold in the cemetery shall be provided with care services, the cost of which will be included in the price of the lot.

B. Such permanent care funds shall be used for, but not be limited to, the maintenance of lawn, leaf disposal, filling sunken graves, and caring for avenues, alleys, fences, and grounds in general. It is understood that such expenditures shall be made at the discretion of the Village.

#### **Privileges and restrictions.**

A. All landscaping, care of lots and other work in the cemetery will be done by the Village, its employees, agents or contractors.

B. The Village reserves the right for its employees, agents, 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.

C. The Village, its agents or its employees, assumes no liability for damages to property or to person, or for physical or mental suffering arising out of the performance of its operations, or for loss by vandalism, or for other acts beyond its control.

D. The Village reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

#### **Rules for visitors.**

A. The cemetery will be open to visitors at all times from dawn to dusk. Permission to enter the cemetery at any other time must be obtained from the Public Works Department.

B. Alcoholic beverages and drugs are prohibited. No person shall consume or have in his/her possession any open container containing an alcohol beverage upon any cemetery property within the village unless the property is specifically named as being part of a licensed premises.

C. Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, slingshots and other like articles will not be allowed.

D. Visitors are required to use the walks and drives whenever possible and shall not pick any flowers (either wild or cultivated); injure any shrub, tree or plant; or mar or deface any monument, stone or structure in the cemetery.

E. No vehicle shall be driven in a municipal cemetery except on roads designated for that purpose, nor shall such vehicle be driven in a reckless manner.

F. No person shall operate any motorized vehicle in Mt. Hope cemetery in excess of ten (10) miles per hour unless otherwise posted.

#### **Interments.**

A. Interments will be made only during daylight hours unless with prior approval of the Public Works Department.

B. All interments shall be made in a permanent outer burial container as defined in § 157.061(11g), Wis.

Stats., excluding the use of wood.

C. No burial will be permitted until a report for final disposition of a human corpse has been presented to the Village Clerk/Treasurer and an authorization to open grave form has been completed.

D. There will be no responsibility on the part of the Village for the protection and maintenance of items used in conjunction with funerals, including but not limited to flowers, wreaths, and emblems.

E. The interment of two or more bodies, none of which are cremated remains, in one grave will not be allowed, except in special circumstances.

F. The interment of four cremated remains may be allowed in one lot. The minimum container requirement for cremated remains shall be as supplied by a crematorium.

#### **Monuments and markers.**

A. Regardless of the number of interments per grave, only one marker will be allowed on a lot, unless prior approval is received by the Public Works Director.

B. Grave markers and foundations will be set only by the monument company according to regulations specified by the Public Works Department. Except as herein otherwise provided, under no conditions will the Village construct monument or marker bases or erect monument or markers on bases. The Village reserves the right to require the construction of a foundation of such size, material and design as will provide ample protection against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground line. Whenever possible, all markers will be set with a six (6) inch margin (wash) and width of grade.

C. Unless special arrangements are made with the Public Works Department, the setting of monuments, stones and markers and the transportation of all tools and materials within the cemetery grounds shall be conducted between the hours of 7:00 a.m. and 4:00 p.m., Mondays through Fridays. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Public Works Department, such work might cause damage to the driveways. Except when special permission from the Public Works Department is obtained, all work as described in this section shall be completed and debris removed immediately.

D. The Village reserves the right to refuse permission to erect any monument not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the Public Works Department and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the Public Works Department.

E. Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the Village Board.

F. Temporary markers must be removed or replaced with a permanent marker within nine (9) months.

#### **Trees, shrubs and flowers.**

A. The planting of trees and shrubs or any other plant or flower on any lot will not be permitted.

B. The removal of any trees, shrubs and/or stumps will be done by the Village under the direction of the Public Works Department.

C. Fresh cut, potted or artificial plants and flowers are permitted on the lot; however, all plantings must be either attached directly to the monument or staked in the ground (using plant stands or shepherd hooks) directly adjacent to the cement wash at the base of the monument at the ends of the monument. No plants, flowers, etc., except during the months of December and January, may be placed at the front or back of the monument that will impede lawn maintenance. If these plants and flowers are not maintained and when they become unsightly or undesirable, they will be removed by the Village.

#### **Miscellaneous.**

A. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.

B. A schedule of the fees and charges, as established by the Village Board, shall be on file in the office of the Village Clerk/Treasurer. Such schedule may change from time to time without advance notice to

conform to current economic conditions.

C. The Village will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss and damage, but it expressly disclaims all responsibility for loss or damage to such property. By purchasing a cemetery lot, the purchaser expressly agrees to release and hold the Village harmless for any damage to such property.

Adopted November 12, 2012.

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Nadine Walsten, Village President

ATTEST: \_\_\_\_\_

Carol A Strause, Clerk-Treas.