

# TOWN OF METOMEN CEMETERY AND BURIAL SITE ORDINANCE

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SECTION I **TITLE/PURPOSE**

The title of this Ordinance is the "Town of Metomen Cemetery Ordinance". The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries and the burial of human remains and other cemetery uses and activities in the Town of Metomen

SECTION II **AUTHORITY**

The Town Board of the Town of Metomen has Village Power and the specific authority under Section 157.50(2) Wis Stats to adopt this Ordinance.

SECTION III **ADOPTION OF ORDINANCE**

The Town Board of the Town of Metomen, by this Ordinance, duly adopted with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Metomen and the Town Board of the Town of Metomen to regulate the construction, management, operation, and platting of cemeteries and the burial of human remains and other cemetery uses and activities in the Town of Metomen. References to statutes are to the Wisconsin Statutes in effect on adoption of the Ordinances and any successor statutes enacted thereafter.

SECTION IV **POLICY STATEMENT**

Any Town of Metomen Municipal Cemetery is owned and maintained by the Town of Metomen for the benefit of all citizens. Persons of all denominations and of all religions, of all creeds and races, shall be allowed to be buried in the Town of Metomen Municipal Cemetery. This shall specifically include Veteran burials. This Ordinance for construction, management, platting, and operation of any Town of Metomen Municipal Cemetery is adopted pursuant to Section 157.50(2) Wis Stats. Also certain provisions are set forth in this Ordinance to govern construction, management, administration, platting, and operation of any new cemetery or expanded cemetery of any other dedicated and owned by others persons in the Town of Metomen, and of any burial site in the Town of Metomen. The Town Board may adopt in writing additional Regulations and By-laws under Section 157.11(2) Wis Stats for operation, management and administration of any Town of Metomen Municipal Cemetery. The Town of Metomen reserves the right to amend any of this Ordinance to conform to newly developed cemetery practices. However, before this Ordinance is amended, a public hearing shall be held thereon before the Town of Metomen and a notice thereof shall be published in a local newspaper a least ten (10) days prior to such hearing. The Town Board, by Resolution, may designate, retain, or employ a person as Sexton or any other designee or Committee to act administratively and to manage, operate, and care for the Town of Metomen Municipal Cemetery pursuant to this Ordinance. The Town Board may adopt By-laws and Regulations Without a public hearing.

SECTION V **PLATTING OF NEW CEMETERY LOTS/NEW OR EXPANDED CEMETERY OPERATIONS**

- A. **PLATTING/ZONING** Before any new block of any existing Town of Metomen Municipal Cemetery or new or expanded Cemetery in the Town of Metomen is opened for the sale of cemetery lots or for burial of human remains, the Town Board, the Sexton, or the designee of the Town Board of the Town of Metomen, for a Town of Metomen Municipal Cemetery or any person or agent for any other cemetery, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Fond du Lac County. For all other new or expanded cemeteries to be platted, dedicated or constructed for cemetery use after the effective date of this Ordinance in the Town of Metomen, the person, corporation, order, society, or association note in Section 157.065 Wis Stats to construct, manage or operate such cemetery shall plat and record such plat as noted herein and under Section 157.07 Wis Stats. No new burial site for burial of human remains in the Town of Metomen, after the effective

date of the Ordinance, shall occur outside a dedicated, platted and constructed cemetery in full compliance with this Ordinance and Chapter 157 Wis Stats. Any new or expanded cemetery or any burial site shall comply with any land division or zoning ordinance applicable in the Town of Metomen.

- B. **SINGLE GRAVE SECTION.** The Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen shall designate, for any Town of Metomen Municipal Cemetery, certain lots as a single grave section, and such lots therein shall be platted and sold as single grave lots. Unused portions of such lots repossessed under Chapter 157 Wis Stats for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.
- C. **PURCHASE OF NEW LANDS.** The Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen shall not purchase, acquire or condemn any land for cemetery purposes without Town or Special Meeting approval of the Town electors under Chapter 157 Wis Stats.
- D. **PUBLIC EASEMENT IN CEMETERY.** No person in violation of Section 157.60 Wis Stats shall open or make any highway, Town road, private way or other public easement in or upon any cemetery burial site or location for burial of the dead in the Town of Metomen, unless written consent has been obtained by the proper State, County or Town authority (herein the Town Board).
- E. **NEW OR EXPANDED CEMETERIES.** No person or authorized agents of any cemetery shall construct, manage, plat, or operate any new or expanded cemetery of any type in the Town of Metomen, after the date of adoption of this Ordinance, without written approval of the Town Board. A cemetery for purposes of this Ordinance shall be any location for burial, as defined in Section 157.061(1) Wis Stats of human remains, as defined on Section 157.061(8) Wis Stats, in the Town of Metomen that has been dedicated as a cemetery as dedicated in defined in Section 157.061(4) Wis Stats, or as defined under common law. Proof of acceptance by the Town Board of the Town of Metomen, or any other cemetery authority of such burial sites for a cemetery, shall be necessary for a determination of a cemetery by the Town Board under this Ordinance. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted, as determined by the Town Board of the Town of Metomen, and then recorded with the Town Clerk and the Fond du Lac County Register of Deeds.
- F. **FIVE ACRE MINIMUM.** No cemetery shall be established or dedicated in the Town of Metomen, unless the Minimum acreage shall be at least five (5) contiguous acres. No mausoleum shall be established or used with less than the minimum acreage required under Section 157.12(2)(c) Wis Stats.
- G. **BURIAL SITES.** No person in the Town of Metomen shall disturb any burial site, as defined in Section 157.70(1)(b) Wis Stats, outside any dedicated cemetery, is dedicated or defined in Section 157.061(4) Wis Stats, or as defined by common law in violation of Section 157.70(2r) Wis Stats, nor shall the Town Board of the Town of Metomen transfer any such burial site to any person on land owned by the Town of Metomen, unless in compliance with Section 157.70(6m) Wis Stats.
- H. **SETBACK.** No plots may be plotted within the minimum setback as specified in the Town Of Metomen Zoning Ordinance

## SECTION VI

### PURCHASE OF LOTS

- A. PRICE OF LOTS. The Town Board of the Town of Metomen shall from time to time fix a price on all lots to be sold in any Town of Metomen Municipal Cemetery.
- B. SALE OF LOTS. Persons or their authorized agents desiring to purchase a lot in any Town of Metomen Cemetery is referred to the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen. The Town Board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen will issue a lot order to the prospective purchaser, or his agent, who will present the order at the Office of the Town Clerk. Upon receipt of proper payment payable to the Town Treasurer of the Town of Metomen, the Town Chair and the Town Clerk shall issue a deed to the lot in the form prescribed by the Town Attorney. The Deed from the Town of Metomen and the records of the cemetery are to kept by the Town Clerk or other designee of the Town of Metomen, this is the only evidence of Title to any lot. The deed shall be signed by the Town Clerk and Town Chair or other persons designated by the Town Board and sealed and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the Fond du Lac County Register of Deeds.
- C. COMPLIANCE WITH SECTION 157.08. WIS STATS. Persons conveying cemetery lots in the Town of Metomen at any Town of Metomen Municipal cemetery or other cemetery shall comply with Section 157.08 Wis Stats
- D. NOTICE OF BURIAL SITES IN THE TOWN. Any person who has located a burial site, as defined in Section 157.70(1)(b) Wis Stats, or suspected such burial site, or receives oral or written notice of such burial site or suspected burial site in the Town of Metomen, outside a dedicated cemetery in the Town of Metomen, shall immediately contact the Town Clerk. The Town Clerk shall, in writing, notice the Town Board of such burial site or suspected burial site.

## SECTION VII

### OWNERSHIP RIGHTS OF BURIAL OR INTERMENT

- A. OWNERSHIP CONDITIONS
  1. 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 the terms of this Town of Metomen Ordinance or any Town of Metomen Municipal Cemetery By-laws and Regulations. For purposes of this Ordinance "burial" shall mean entombment, inurnment, or interment.
  2. Upon full payment by any person of the purchase price of a lot, the Town Clerk and Town Chair for any Town of Metomen Municipal Cemetery lot will issue a cemetery deed, under seal, and the deed will be recorded in the records of the Town of Metomen as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the Town of Metomen, will not thereafter be divided except by consent in writing of the Town Board of the Town of Metomen. All lots are exempt from taxation and cannot be seized for debt (except those owned to the cemetery ) nor can they be mortgaged.

3. All repossessed vacant grave spaces in any Town of Metomen Municipal Cemetery shall be subject to the same fees and charges.
4. Any lot owner at any Town of Metomen Municipal Cemetery shall have acquired at any Town of Metomen Municipal Cemetery the lot for burial or interment of himself and members of this family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Town clerk) for the burial or interment of other persons. No remains shall be interred on a lot except the remains of one having an interest therein, or a relative, or the husband or wife of such person, or his or her relative, except by the written consent of all persons having an interest in the lot.

**B. INTERMENT/BURIAL**

Unless otherwise directed in writing and filed with the Town Clerk, the lot owner, his devisees, or his heirs, the Town of Metomen, the Sexton, or other designee of the Town Board of the Town of Metomen will permit the interment or burial of members of his family at any Town of Metomen Municipal Cemetery at the request of any interested person upon proof of eligibility for burial or interment as follows:

- a. The surviving spouse of the lot owner shall have the first right to interment or burial or to direct the right of interment or burial.
- b. When there is no surviving spouse, the devisees, or heirs of the owners may, by agreement in writing, determine who among them shall have the right of interment or burial or direction for interment or burial, which agreement shall be filed with the Town Clerk of the Town of Metomen.
- c. In the event the owner, his surviving spouse, his other devisees, or heirs have not made arrangements for future burials or interments, then the devisees or heirs, as the case may be, of such owner, shall have the right to interment in order of as follows: 1) Other spouse, 2) Eldest daughter, 3) Eldest son, 4) Youngest brother, 5) Youngest sister.
- d. If no such arrangement is applicable, then the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen may determine use.

**C. OWNERSHIP RIGHTS**

All interments or burial rights in the cemetery lots located at any Town of Metomen Municipal Cemetery and purchased from the Town of Metomen shall occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Town of Metomen will be recognized as owners or part owners of lots. Lot owners shall not allow burials or interments to be made in their lots for any remuneration or financial consideration. In case of 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 Town Clerk of the Town of Metomen before the Town of Metomen will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended by the Town of Metomen Municipal Cemetery lots and devise same to one person.

**D. RESALE**

Lot owners may not resell or transfer their lots in any Town of Metomen Municipal Cemetery except as outlined below:

1. The Town Clerk shall enter in the record kept for the purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Town Clerk until a fee of Twenty dollars (\$20) has been paid therefore.
2. Said fee shall go into the general Town of Metomen Municipal Fund.
3. Reconveyance of lots or parts of lots may be made only by written application to the Town Clerk, the same to be approved by the Town Board of the Town of Metomen. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

**E. DISINTERMENT**

Any interment or disinterment of any person buried in the Town of Metomen Municipal Cemetery shall comply with Section 69.18(4) Wis Stats. A disinterment order shall be required prior to any disinterment. A reburial shall comply with Section 157.112 Wis. Stats.

**F. USE OF REPOSSESSED LOTS**

Whenever possible, repossessed lots, under Chapter 157 Wis Stats, will be used for burials or interment before new areas of the cemetery are used or platted.

**SECTION VII**

**CARE OF LOTS AT THE TOWN OF METOMEN MUNICIPAL CEMETERY**

**A. INCOME**

The Town Board shall annually fix, as required under Section 157.10(5) Wis Stats, a sum necessary for the proper and decent care of cemetery lots and improvements of any Town of Metomen Municipal Cemetery, including obtaining from different sources, including funds from the County of Fond du Lac for Veteran's graves under Chapter 45 Wis Stats, sufficient income for such care, improvements, and operations. This sum shall not include special assessments, perpetual care funds, special charges, and any security or other income received to insure proper and timely placement of markers and monuments.

**B. ASSESSMENTS/CHARGES**

The Town Board may annually establish, upon proper notice, an assessment and collect such assessment under Section 157.11(7) Wis Stats with any such cemetery assessment lot amounts not to exceed amounts reasonably required for actual and necessary cost for cleaning and proper and decent care of cemetery lots and care and improvement of any Town of Metomen Municipal Cemetery. No burial or interment may occur until all proper charges and assessments, including marker or monument security payments, are paid in full, unless waived in writing by the Town board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen.

C. GENERAL IMPROVEMENTS

The Town Board of the Town of Metomen will direct and administer all improvements and maintenance within any Town of Metomen cemetery before and after any interments or burials. All graves will be sodded and mowed, when determined necessary by the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen. The grade of lots shall be determined by the Town Board, the Sexton, or other designee of the Town Board. The corners of all lots will, when purchased, if possible, be permanently marked by the Town Board, the Sexton, or other designee of the Town Board. Re-sodding of old interments or disinterment will be done when determined necessary by the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen.

D. CARE FOR VETERAN'S GRAVES

All cemeteries and other burial sites in the Town of Metomen shall provide proper and decent care for the graves and tombstones of Veterans under Section 45.185 Wis Stats, and the Town Board shall at all times see that such care is provided and that such funding is timely obtained from the County of Fond du Lac annually to aid in such care.

SECTION IX PRIVILEGES AND RESTRICTIONS

A. BY-LAWS AND REGULATIONS

The Town Board may adopt By-laws and Regulations for proper management and care of any Town of Metomen Municipal Cemetery and enforce such regulations under Section 157.11(2) Wis Stats. Persons shall comply with Section 157.11(2) Wis Stats in the platting if trees and shrubs, erecting of fences or other structures, and maintaining such in any to of Metomen Municipal cemetery.

B. NO MOUNDS

No mound in any Town of Metomen Municipal Cemetery shall be raised upon any grave above the General level of the lot.

C. LIMITATION ON STRUCTURES AND URNS

No hedges, fences, railings, embankments, depressions, or other enclosures of any kind will be permitted on or around lots in any Town of Metomen Municipal Cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia and other such objects may not be placed on lots without approval of the Town Board, the Sexton, or any designee of the Town Board and if so placed, will be removed by the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen without notice. Urns and vases are not permitted at any Town of Metomen Municipal Cemetery on lots sold after the passage of this Ordinance unless placed on top of the concrete pad that is part of the headstone. Urns and vases shall be removed by the Town of Metomen, the Sexton, or other designee of the Town Board as they become unsightly or deteriorated and shall not be replaced. However, before such an urn or vase is destroyed or discarded, the last owner of record of the lot shall be notified by registered or certified mail with receipt requested by the Town Clerk that such urn has been removed from the grave and will be destroyed unless the owner thereof claims same within thirty(30) days after mailing of such letter.

D. LANDSCAPING CONTRACT

All landscaping, mowing, and general care of lots, and other work in the Town of Metomen Municipal Cemetery will be done by the Town of Metomen, its officers, its employees, independent contractors, or agents, including and Sexton or other designee of the Town Board.

E. ACCESS TO LOTS/OPENING AND CLOSISNG OF BURIAL PLACE

The Town of Metomen reserves the right for its officers, employees, contractors, and agents, including the Sexton and designee of the Town board necessary to the performance of normal Town of Metomen Municipal Cemetery operations to enter upon or cross over any lot in any Town of Metomen Municipal Cemetery in the performance of such duties. The Town Board has the sole right to the opening and closing of burial or interment places used or to be used for burial of human remains in the Municipal Cemetery, unless by Court Order they are so ordered by a Court of record to open or close such places

F. NO LIABILITY FOR DAMAGES

The Town of Metomen and its officers, employees, contractors, and agents, including the Sexton, or other designee of the Town Board assume no liability for damages to property or of person, of for physical or mental suffering arising our of the performance of its normal operations related to the construction, management, operation, and patting of the Town of Metomen Municipal Cemetery, including proper and decent care of the cemetery, the lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at such cemetery. Any person who has witnessed mishandling of any corpse, improper burial or disturbance of any cemetery lot or other burial site in the Town of Metomen, including the Municipal Cemetery, shall timely report such mishandling of the corpse, improper burial or disturbance of such lot or burial site to the Town Clerk or Sexton, or other designee of the Town Board.

G. ALTERING PHYSICAL CONDITIONS

The Town of Metomen reserves the right to alter, change or close alleys, roadways, water mains, and other physical public properties at any Town of Metomen Municipal Cemetery

H. ENFORCEMENT OF REGULATIONS AND ORDINANCE

The Town Board may appoint, with citation issuance and service powers, an employee or agent of the Town of Metomen, including the Sexton, to administer and enforce its By-laws and Regulations and this Ordinance under Section157.11(2) Wis Stats.

SECTION X

TOWN OF METOMEN MUNICIPAL CEMETERY RULES FOR VISITORS

A. REFRESHMENT LIMITS

Persons or picnic parties with alcoholic beverages are not permitted within any Town of Metomen Municipal Cemetery



B. PET LIMITS

Pets will only be allowed in any Town of Metomen Municipal Cemetery when confined in a vehicle. Dogs may be utilized by those persons with sight-impairment while in the Cemetery. All other pets are prohibited without written consent of the Town Board, the Sexton or other designee of the Town Board.

C. FIREARM LIMITS

Firearms will not be allowed in any Town of Metomen Municipal 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. VISITOR CONTROLS

Visitors are required to use at all times the walks and drives whenever possible, and shall not pick or cut any flowers(either wild or cultivated); injure any shrub, tree, plant; or mar or deface any monument, stone, or structure in the cemetery. No person in any Town of Metomen Municipal Cemetery shall desecrate, remove or damage any grave, lot, or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or the written consent of the Town Board, the Sexton or other designee of the Town Board who are engaged in official cemetery duties for the Town of Metomen; nor shall any person without proper authority desecrate, remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures; nor shall any person without proper authority desecrate, remove damage, or destroy any vases, flower pots, urns, or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the written consent of the Town Board, the Sexton, or other designee of the Town Board.

E. VEHICLE CONTROLS

No riding of bicycles, motor bikes, all-terrain vehicles, snowmobiles, motorcycles, or other such vehicles will be allowed in any Town of Metomen Municipal Cemetery unless such vehicles are present in conjunction with the Municipal Cemetery business or authorized by the Town Board, the Sexton or other designee of the Town Board. Visitors are required to use designated drives at all times.

F. PROTECTION OF CEMETERY PROPERTY

No person shall trap in any cemetery or hunt, kill, injure, or disturb or attempt to injure or disturb any animals, birds, or waterfowl, wild or domestic, within any such Town of Metomen Municipal Cemetery in any manner except as provided by the Town Board, the Sexton or other designee of the Town Board; nor shall any person without written consent of the Town Board, the Sexton or other designee of the Town Board, climb any tree, break, cut down, trample upon, remove or in any manner injure, desecrate, remove, deface, write upon or in any manner damage or destroy any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any Town of Metomen Municipal Cemetery.

G. WORKING IN CEMETERY

All contractors or other persons, other Town officers, employees, or agents, including the Sexton or the Town of Metomen, having work in the Municipal Cemetery shall notice the Town Clerk, the Town Sexton, or other designee of the Town Board prior to commencement of such work. All contractors or others doing work in the Cemetery are held responsible for the cost for any damages or losses, and shall promptly pay the same to the Town Clerk upon determination of the amount by the Town Board.

SECTION XI

TOWN OF METOMEN MUNICIPAL CEMETERY INTERMENTS

A. DAYLIGHT INTERMENTS

Burials, interments, or disinterment at any Town of Metomen Municipal Cemetery will be made only during daylight hours.

B. OUTER CONTAINERS

All burials, interments, and disinterment at any Town of Metomen Municipal Cemetery shall be made in a permanent outer container excluding the use of wood.

C. GRAVE DIGGING

All graves at a Town of Metomen Municipal Cemetery or any other Cemetery or burial site in the Town of Metomen to be used for burials or interments shall be opened and dug at no cost or expense to the Town of Metomen but shall be under the direction to the Town Board, The Sexton, or other designee of the Town Board. Depth of graves shall conform with the Wisconsin State Board of Health specifications. The Town Board, the Sexton, or other designee of the Town Board may charge the full cost at any Municipal cemetery for any grave digging and opening service provided by the Town of Metomen, including the Sexton fees for staking the plot, if the Town Board has authorized such grave staking, grave openings, or digging service. The Town Board may also establish charges for snowplowing and seasonal access cost the lot owner as incurred by the Town of Metomen for interment, disinterment, or other burial services. Arrangements for any interment, disinterment or other burial services, including payments due to the Town of Metomen, shall be made at least forty-eight (48) hours in advance of the funeral service by contact to the Town Clerk, the Sexton, or other person designated by the Town Board. The hour for any funeral service must be so arranged so that the grave may be properly filled and all surplus earth removed before 4:30 p.m. on each day.

D. RESPONSIBILITY FOR MAINTENANCE OF FLOWERS, WREATH, ETC

There will be no responsibility on the part of the Town of Metomen, its officers, employees, contractors, or agents, including the Sexton, for the protection and maintenance of flowers, wreaths, emblems, urns, family or personal items, memorials, etc. Used or placed at any Town of Metomen Municipal Cemetery in conjunction with funerals, burials, interments, disinterment, or memorials.

E. NUMBER OF GRAVES PER LOT

The interment or burial of one body per grave shall be the requirement at any Town of Metomen Municipal Cemetery except in the following circumstances:

1. Two (2) remains from cremation shall be allowed in one (1) grave with one (1) head stone or Two(2) flat markers to be place only in line with other stones.
2. One (1) full-body and one (1) cremation shall be allowed in one (1) grave, with one(1) headstone or two(2) flat markers to be place only in with other stones.
3. All cremations shall be place in permanent outer container excluding the use of wood.

SECTION XII

**TOWN OF METOMEN MUNICIPAL CEMETERY MONUMENTS AND MARKERS**

A. LIMITATIONS

The Town of Metomen reserves the right for the Town Board, the Sexton, or other designee of the Town Board to refuse permission to erect any monument, marker, or foundation work not in keeping with the good appearance of the grounds at a Municipal cemetery. The size of the monument and /or stonework must be approved before said work will be permitted on a lot. Only one (1) monument or two flat markers will be allowed per lot. No foundation marker or monument shall be larger than the width of the lot or group of lots purchased. All monuments must be set in line with other monuments so far as possible as directed by the Town Board, the Sexton, or other designee of the Town Board. Government services monuments or markers will be surface grounded or attached to the monument or marker. All markers and monuments must have a cement foundation. No monument or marker will be more then five(5) feet in height. All markers shall be flush with the ground and parallel with existing markers. Temporary markers must be removed or replace with a permanent marker at any Municipal Cemetery within one (1) year of burial or interment. A pre-need marker may be placed on a lot or group of lots before interment or burial. Only permanent materials such as granite, marble, or standard bronze shall be used for outside and above ground portion of any marker or monument. Within one (1) year of burial, a marker or monument identifying the burial or interment must be place at the gravesite.

B. PAYMMENT

Any lot at a Town of Metomen Municipal Cemetery must be paid in full to the Town Clerk before markers, monuments, and foundation are set and before any Cemetery Deed conveyance. All outstanding Charges due the Town of Metomen must be paid prior to interment or burial. The Town Board shall establish the cost per lot, which shall include perpetual care and any annual assessment. The cost per lot purchase on the effective date of this Ordinance is \$250.00 dollars per lot , subject to increases or decreases by written Resolution of the Town Board at anytime. Also, a security payment may be required to insure that a proper marker or monument be place at the gravesite within the required timeline.

SECTION XIII

**TOWN OF METOMEN MUNICIPAL CEMETERY VAULTS AND MAUSOLEUMS**

A. **CONSTRUCTION OF VAULTS AND MAUSOLEUMS**

Construction of vaults and mausoleums in any Town of Metomen Municipal Cemetery is prohibited unless approved in writing by the Town Board.

SECTION XIV

**TREES, SHRUBS, AND FLOWERS AT TOWN OF METOMEN MUNICIPAL CEMETERY**

A. **TREE/SHRUB PLANTING**

The planting at any Town of Metomen Municipal Cemetery of trees and shrubs on newly purchased lots will not be permitted except by written consent of the Town Board, the Sexton, or other designee of the Town Board.

B. **FLOWERS/FLAGS**

All flower baskets, potted plants, ect., shall be removed by November 15 of each year. Fresh flowers may be used in any Town of Metomen Municipal Cemetery anytime. Container for flowers must be placed on top of the cement foundation or are to be 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. All flags placed on lots for Memorial Day shall be removed the following Flag day of each year.

C. **VINE/WREATH/MEMORIALS REMOVAL**

Vines that interfere with the proper care of lots or graves and injure the grass will be removed from any Town of Metomen Municipal Cemetery by the Town Board, the Sexton, or there designee of the Town Board when found objectionable. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the Town Board, the Sexton, or other designee of the Town Board.

SECTION XV **MISCELLANEOUS**

A. **NEGLECTED MONUMENTS OR MARKERS**

. The Town Board, the Sexton, or other designee of the Town Board may notice or attempt to notice in writing a lot owner that the monuments or markers are being neglected and that failure to comply with Regulations regarding proper care and management or to correct such neglect may be cause for forfeiture under Section 157.11(2) Wis Stats.

B. **FEE PAYMENT LOCATION**

All fees and charges as outlined for any Town of Metomen municipal Cemetery in the current schedule of fees and charges are payable to the Town Treasurer of the Town of Metomen at the Office of the Town Clerk, where receipts will be issued for the amounts paid.

C. SCHEDULE OF PAYMENTS

A schedule of the fees and charges for any Town of Metomen Municipal Cemetery, as established by the Town Board, the Sexton, or other designee of the Town Board, shall be on file in the Office of the Town Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.

D. SEXTON

The Town Board may hire or appoint a Town of Metomen employee or retain an independent contractor as a Sexton to administer, repair, maintain, manage, and operate, or any part of the operations or of the cemetery thereof. This Sexton may be a Town of Metomen employee or may, with proper insurance and indemnification protection for the Town of Metomen, 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, may designate powers and duties to the Sexton by written Resolution.

E. RECORDS

The Town Clerk of the Town of Metomen shall be responsible for and shall be the custodian of the records of the Town of Metomen Municipal Cemetery, including all records. The Town Clerk, Sexton and other Town Officials shall make available in a timely manner all such records in their custody requested by the Department of Regulation and Licensing in its audit function.

SECTION XVI PENALTIES

A. CITATION

The Town Board may establish a Citation Ordinance for enforcement of violations of this Ordinance and for any By-laws or Regulations.

B. PENALTIES

Any person who violates any provision of this Ordinance or any By-law or Regulations shall, upon conviction, be fined and shall forfeit for any By-law or Regulation violation under Section 157.11(2) Wis Stats not more than ten dollars, and for a violation of this Ordinance, nor less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) for each offense, together with the cost of prosecution. Each day that a violation continues shall be considered a separate offense. The Town Board may, where appropriate, seek Injunctive Relief action to prevent violation of the Ordinance and Chapter 157 Wis Stats. Furthermore, the Town Board or the Town of Metomen shall be permitted to withhold from any person the issuance of any Town of Metomen licenses, authorities, grants, or permits and any additional cemetery lot purchases and permit for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

SECTION XVII

EFFECTIVE DATE

This Ordinance is effective upon publication.

The Town Clerk shall properly publish this Ordinance as required under Section 60.80 Wis Stats, or it may be enacted and published with a Code of Ordinances under Section 66.0103 Wis Stats..

Adopted this 13 day of February 2006

Tom Soth  
Chairman

Scott Zacharias  
Supervisor

Alan Lawson  
Supervisor

Pearl Schickel  
Treasurer

Lynn Bonds  
Attest/Town Clerk

## **TOWN OF METOMEN**

### **Cemetery Resolution**

“ Be it hereby Resolved”, by the Town of Metomen Board, that the cemeteries own by the Town of Metomen , namely the Round Oak Cemetery, and the Union Prairie Cemetery, shall sell plots for the sum of \$150.00 dollars per plot, and a fee of \$40.00 dollars be charged for the placement of headstones. “Be it also resolved “ that in the new addition to the Union Prairie Cemetery, Row 13 to 22, all headstones shall be at ground level.

*Tom Scoda*  
*Lynn Bonds*