

Chapter 19
FERRYVILLE CEMETERY

- 19.01 Village Cemeteries
- 19.02 Policy
- 19.03 Control & Management
- 19.04 Powers & Duties
- 19.05 Sale of Lots
- 19.06 Ownership Rights
- 19.07 Care of Lots
- 19.08 Privileges & Restrictions
- 19.09 Conduct
- 19.10 Interment & Disinterment
- 19.11 Monuments & Markers
- 19.12 Trees, Shrubs & Flowers
- 19.13 Miscellaneous

19.01 VILLAGE CEMETERIES:

This chapter shall create rules and regulations with regard to properties known as the Ferryville Cemetery which has been transferred to the Village of Ferryville by the Ferryville Cemetery Association and such cemetery shall be subject to the provisions herein.

19.02 POLICY STATEMENT:

The Ferryville Cemetery, hereafter referred to as the Cemetery, is owned and maintained by the Village of Ferryville for the benefit of its citizens. This Ordinance is established to insure proper maintenance and oversight control of the Cemetery.

19.03 CONTROL AND MANAGEMENT OF THE FERRYVILLE CEMETERY:

- (1) Management: The Cemetery is under the control and management of the Village Board of the Village of Ferryville carried out by the Cemetery Committee.
 - (a) The Village President shall appoint, subject to approval by the Village Board, 3 citizens, one of which must be a resident of the Village of Ferryville, for terms of 3 years, to serve as the Cemetery Committee. The Committee shall elect a Chairperson.
- (2) Area: The Cemetery is located within the Village of Ferryville, Crawford County, Wisconsin, as more particularly described in real estate documents on file in the office of the Village Clerk.
- (3) Conveyance: At their April, 2006 meeting, the Ferryville Cemetery Association, which was organized to care for and maintain the Cemetery, voted to convey the Cemetery property and all of the trust funds pertaining thereto to the Village of Ferryville. The Village of Ferryville, by letter dated March 6, 2009 informed the Wisconsin Department of Regulation and Licensing of the pending conveyance of the cemetery by the Village. By resolution dated April 15, 2009, the Village Board accepted the conveyance of the Cemetery property and trust funds.

- (4) Regulation: The Cemetery shall be cared for and maintained by the Village of Ferryville and is 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:
 - (a) The name "Ferryville Cemetery" shall be retained.
 - (b) The Cemetery shall be maintained in as neat and orderly and attractive appearance as the income of the trust funds and appropriations by the Village will permit.
 - (c) The regulations contained in this Chapter shall be applicable.

19.04 POWERS AND DUTIES:

General Supervision and charge of the cemetery grounds is assigned to the Cemetery Committee, which includes the laying out of cemetery lots, the sale thereof, and providing the recording of ownership of all lots to the Village Clerk.

- (1) The Village Clerk shall keep all necessary records of all burials, of all burial permits and of the transfer of ownership of cemetery lots.
- (2) All funds, including trust funds, shall be maintained under the control of the Village Treasurer. All expenses will be paid by the Village Treasurer, following approval by the Cemetery Committee and approval by the Village Board.
- (3) The Cemetery Committee shall prepare an annual budget in December of each year and the budget shall be adopted and approved by the Village Board.
 - (a) The following fees shall be set as a part of the budget:
 - Price of lots (including "perpetual care cost")
 - Site preparation fee (if applicable)
 - Interment or disinterment fee
 - Transfer & re-conveyance fee
- (4) The Cemetery Committee is responsible for the operation of the cemetery, working with the Director of Public Works, the Village Clerk, and the Village Treasurer.
- (5) The Ferryville Cemetery Trust Funds shall be managed by the Village Treasurer in accordance with state law.

19.05 SALE OF LOTS:

All sales of cemetery lots in the Ferryville Cemetery shall be governed by this section.

- (1) Definition of Cemetery Lot: Pursuant to section 157.061(2m), Wis. Stats., "Cemetery Lot" means a grave or (2) or more contiguous graves. Ownership of a cemetery lot, includes the right to bury human remains in that cemetery lot.
- (2) Price of Lots: The Village Board shall establish a price on all lots to be sold in the Ferryville Cemetery.

- (3) Sale of Lots: Persons or their agents desiring to purchase a lot in the Cemetery shall be referred to the Cemetery Committee who shall 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. An additional fee shall be allotted to perpetual care.
- (4) Site Preparation Fee: 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 grave digging activities.
- (5) Burials per Lot:
 - (a) There will be a limit of four (4) urns per gravesite for cremation.
 - (b) There will be a limit of one (1) vault and two (2) urns per gravesite.

19.06 OWNERSHIP RIGHTS OF INTERMENT:

- (1)
 - (a) The lot owner or his/her authorized agent shall have the right to use the lot or portion of the lot for burial purposes only in accordance with state law and the terms of this ordinance.
 - (b) Upon full payment of the purchase price of a lot, the Village Clerk shall issue a Cemetery Deed.
 - (c) 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 only 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.
- (2) Lot owners may not resell or transfer their Lots or parts of Lots except as outlined below:
 - (a) The Village 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 Village Clerk until a fee set by the Village Board has been paid therefore. Said fee shall be maintained in an account established by the Village Treasurer.
 - (b) Reconveyance of lots or parts of lots may be made only by written application to the Village Clerk. 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.
 - (c) 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.

19.07 CARE OF LOTS:

- (1) In order to ensure reliable means for permanent care, a Perpetual 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.
- (2) Such perpetual care funds shall be used for, but not be limited to, the maintenance of lawn, leaf disposal, filling sunken graves, caring for fences and grounds in general. It is understood that such expenditures shall be consistent with the annual budget, and approved by the Cemetery Committee and the Village Board.

19.08 PRIVILEGES AND RESTRICTIONS:

- (1) All landscaping, care of lots and other work in the Cemetery shall be done by the Village, its employees, agents or contractors.
- (2) 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.
- (3) 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.
- (4) The Village reserves the right to alter, change or close roadways, water sources and other physical public properties of the Cemetery.
- (5) The Village assures that the roadway shall be usable and accessible to the owner of the property/residence adjacent to the Cemetery on Cemetery Road.

19.09 CONDUCT IN THE CEMETERY:

The following regulations shall govern the public in the cemetery of the Village.

- (1) The Cemetery will be open to visitors at all times from dawn to dusk. No person shall loiter on the cemetery grounds after dark.
- (2) Visitors shall keep on the paths, walkways and not walk over lots to take a shortcut through the cemetery.
- (3) Automobiles or other motor vehicles shall not be operated or driven within the cemetery at a speed in excess of 15 miles per hour.
- (4) No riding of bicycles, motor bikes, motorcycles, snowmobiles or other such vehicles will be allowed in the Cemetery unless such vehicles are present in conjunction with Cemetery business. No person shall ski, sled ride, or in any other way use the Cemetery property for recreational activities that would tend to disrupt the quiet and good order of the Cemetery.
- (5) Dogs will only be allowed in the Cemetery when confined in a vehicle.
- (6) No person shall throw rubbish on the cemetery grounds.

- (7) No person shall pluck or remove flowers, either wild or cultivated, or break any tree, shrub or plant, or write upon, deface, or injure any marker, monument, or structure in or belonging to the cemetery.
- (8) Unsupervised minors are not allowed in the cemetery.
- (9) Firearms are not permitted in the cemetery, except those used by law enforcement and military companies.
- (10) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.

19.10 INTERMENT AND DISINTERMENT:

- (1) Interments will be made only during daylight hours unless with prior approval of the Cemetery Committee.
- (2) No interment or disinterment shall be made without a written permit issued by the Cemetery Committee.
- (3) All interments shall be made in the permanent outer burial container as defined in sec. 157.061(11g), Wis. Stats., excluding the use of wood.
- (4) All graves shall be dug at no cost to the Village but with the permission of the Cemetery Committee.
- (5) No burial will be permitted until a Report of Final Disposition of a Human Corpse has been presented to the Cemetery Committee and an Authorization to Open Grave form has been completed. The Cemetery Committee will file such forms with the Village Clerk.
- (6) 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.
- (7) The interment of two (2) or more bodies, none of which are cremated remains, in one (1) grave will not be allowed, except in special circumstances with the approval of the Cemetery Committee.
- (8) The interment of four (4) cremated remains may be allowed in one (1) lot. The minimum container requirement for cremated remains shall be as supplied by the crematorium
- (9) No disinterment shall be made without a written permit issued by the County Coroner. The permit shall be filed with the Village Clerk. Disinterment and removal of the body shall not be made without the permission of the Cemetery Committee, the lot owner, and the next of kin of the deceased.
- (10) There shall be an established permit fee for each interment or disinterment.

19.11 MONUMENTS AND MARKERS:

- (1) Regardless of the number of interments per grave, only one (1) marker will be allowed on a lot.
- (2) Grave markers and foundations will be set only by the monument company according to regulations. Each marker shall be placed on a concrete slab 4 inches thick with a minimum of 3 reinforcing rods no smaller than 3/8 inches in diameter, 2 rods of which shall be spaced 6 inches from the outside edge of said slab and the third in the center of the slab and laying parallel to the other two. Such slabs shall not exceed 24 inches in width and 48 inches in length for a single marker and not to exceed 72 inches in length for a family marker and shall be installed at ground level.
- (3) Except as herein otherwise provided, under no conditions will the Village construct monument or marker bases.
- (4) 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. Whenever possible, all markers will be set with a five (5) inch margin.
- (5) Unless special arrangements are made with the Cemetery Committee, the setting of monuments, stones and markers and the transportation of all tools, materials, within the Cemetery ground shall be conducted between the hours of 7:00 a.m. and 3:00 p.m., Mondays through Fridays, except on national holidays. Heavy trucking will not be permitted within the Cemetery when, in the opinion of the Cemetery Committee, such work might cause damage to the driveways. Except with special permission from the Cemetery Committee is obtained, all work as described in this section shall be completed and debris removed immediately.
- (6) 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 Cemetery Committee 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 Cemetery Committee.
- (7) Stone work or monumental work, once placed on its foundation, shall not be removed, except by permission of the Cemetery Committee.
- (8) Temporary markers must be removed or replaced with a permanent marker within nine 9 months.
- (9) The Village Board shall have the right to enter and direct the removal from any lot, any monument, effigy or enclosure, or any structure, which shall be determined by them to be improper, offensive, or injurious to the appearance of the Cemetery.
- (10) Dealers' or manufacturers' cards or advertisements shall not be marked on any stone or placed anywhere within the Cemetery limits.

19.12 TREES, SHRUBS AND FLOWERS:

- (1) The planting of trees and shrubs or any other plant or flower on any lot will not be permitted.
- (2) The removal of any trees, shrubs and/or stumps will be done under the direction of the Cemetery Committee.

- (3) 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 on 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 Cemetery Committee.

19.13 MISCELLANEOUS:

- (1) 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.
- (2) A schedule of the fees and charges, as established by the Village Board, shall be on file in the office of the Village Clerk, Village Treasurer and available to the Cemetery Committee. Such schedule may be changed from time to time without advance notice to conform to current economic conditions but will be confirmed each year as set in the approved budget.
- (3) 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.