

Title 8 ► Chapter 5

Village Cemetery

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Sec. 8-5-1 Policy Statement.

- (a) **Purpose.** The Village Cemetery is owned and maintained by the Village of Bangor for the benefit of all citizens. Definite rules and regulations must be set up by the Village Board to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in this Chapter to govern the cemetery. The Village reserves the right to amend or change any of these Ordinances to conform with newly developed cemetery practices.
- (b) **Management.** The Village Cemetery shall be subject to the control of the Village Board and the Board may, from time to time, acquire lands for cemetery purposes as the same required, contiguous to said described premises, in the manner provided by law. The Board shall have full power and authority to exercise general supervision over said cemetery and shall regulate the manner of burial and shall designate who shall be buried in the public grounds. When acquiring new cemetery land, lots should be a minimum of twelve (12) feet in length.
- (c) **Sexton.** The Village Board shall appoint a Sexton and shall prescribe his/her duties and fix the salary to be received by him/her for the discharge of such duties.

Sec. 8-5-2 Platting of New Cemetery Lots.

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

Sec. 8-5-3 Purchase of Lots; Repurchase by Village.

- (a) **Price of Lots.** The Village Board shall fix a price on all lots to be sold in the municipal cemetery:
- (1) The cost for lots for Village residents will be:
 - a. Two Hundred Fifty Dollars (\$250.00) for one (1) space;
 - b. Four Hundred Fifty Dollars (\$450.00) for two (2) spaces;
 - c. Six Hundred Fifty Dollars (\$650.00) for three (3) spaces;
 - d. Eight Hundred Fifty Dollars (\$850.00) for four (4) spaces; and
 - e. One Thousand Fifty Dollars (\$1,050.00) for five (5) spaces.
 - (2) The cost for non-Village residents will be:
 - a. Four Hundred Fifty Dollars (\$450.00) for one (1) space;
 - b. Seven Hundred Fifty Dollars (\$750.00) for two (2) spaces;
 - c. One Thousand One Hundred Dollars (\$1,100.00) for three (3) spaces;
 - d. One Thousand Four Hundred Fifty Dollars (\$1,450.00) for four (4) spaces; and
 - e. One Thousand Eight Hundred Dollars (\$1,800.00) for five (5) spaces.
 - (3) Monument companies erecting memorials or markers will be required to pay an inspection fee to the Village Administrator before setting monuments. The fee covers the expense of verifying the grave location and to insure foundation specifications are met. The fee shall be Twenty-five Dollars (\$25.00) payable to the Bangor Village Administrator.
- (b) **Sale of Lots.** Persons or their agents desiring to purchase a lot in the cemetery shall be referred to the Village Administrator or to his/her duly authorized agent. The Sexton 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 Administrator will issue a deed to the lot in the form prescribed by the Village Attorney. The deed shall be signed by the Village Administrator and Village President and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the County Register of Deeds if desired. The Sexton will report each sale to the Village Administrator. The Village Administrator will report each sale to the Cemetery Sexton.
- (c) **Repurchase of Lots.** Cemetery lots shall be repurchased by the Village pursuant to Section 8-5-4(d)(3). Village Board approval is required for any lot repurchaser.

Sec. 8-5-4 Ownership Rights of Interment.

- (a) **Compliance with Chapter.**
- (1) The lot owner or his/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 the cemetery rules and regulations.
 - (2) Upon full payment of the purchase price of a lot, the Village Administrator will issue a cemetery deed, and the deed will be recorded in the records of the Village as evidence of ownership of the lot. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
 - (3) The lot owner shall have acquired the lot for interment of himself/herself and members of his/her family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Village Administrator) for the burial of other persons.
- (b) **Family Member Interment.** Unless otherwise directed in writing and filed with the Village Administrator, the lot owner, his/her devisees, or his/her heirs, the cemetery will permit the interment of members of his/her family at the request of any interested person upon proof of eligibility for burial as follows:
- (1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
 - (2) 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 direction for interment, which agreement shall be filed with the Village Administrator.
 - (3) In the event the owner, his/her devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need, with written consent(s) per Subsection (d)(2) provided to the Village.
- (c) **Burial Rights.** All burial rights in cemetery lots purchased from the Village 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 Village 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 Village Administrator before the Village will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise same to one (1) person.
- (d) **Resale or Transfer of Lots.** Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
- (1) The Village Administrator 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 Sexton until a fee has been paid therefor. Said fee shall go into the general cemetery fund.

- (2) Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the Village Administrator. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. Intrafamily reconveyance/transfer requires the written consent of all immediate family members. The application shall state the lot and block number.
- (3) Except as provided herein, the owner of a cemetery lot may only sell, transfer or assign the same or the unused portion thereof back to the Village of Bangor. Sale to third parties is not permitted. The Village shall repurchase such lots at the original purchase price.
- (e) **Repossessed Lots.** Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

Sec. 8-5-5 Care of Lots.

- (a) In order to assure reliable means for permanent care, a perpetual care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. The fund may also be increased by gifts, bequests, a portion of memorial charges, and other service revenues.
- (b) "Perpetual care" shall be construed to mean the obligation which the Village assumes to use the net annual income received from the investments of the fund, in furnishing such care as is furnished similarly endowed lots in the cemetery. Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, filling sunken graves and raising of markers, caring for avenues, alleys, fences, buildings, and grounds in general. It is understood that such expenditures shall be made at the discretion of the Village. The Village shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the Village and the proceeds therefrom used by the Village in the manner as heretofore provided. Nothing herein shall be construed as obligating the Village as to any alleged existing contract regarding perpetual care.

Sec. 8-5-6 Privileges and Restrictions.

- (a) **Plants and Decorations.**
 - (1) **Planting Restricted.** The planting of trees and shrubs by private individuals is prohibited. Any planting must be done by cemetery personnel.
 - (2) **Decorations.** Decorations may only be placed in planters and only at times to be set by the Village Board.
 - (3) **Planters.** Planters must be placed on the side or end of monument.
 - (4) **Liability.** Decorations and planters are placed at the risk of the persons making such placement. The Village shall not be liable for any damage or loss of any plantings, decorations or planters.

- (5) **Enclosures.** No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and, if so placed, will be removed by the Village without notice.
 - (6) **Artificial Flowers.** A limited amount of artificial flowers displayed in the cemetery must be in containers and placed on the extension. Any artificial flowers not in containers will be removed from the cemetery by the Sexton.
 - (7) **Wire Stands.** Wreaths on wire stands must also be placed at the head of the lot near the monument or marker.
 - (8) **Fresh Flowers.** Fresh cut flowers may be used anytime and will remain until, in the judgment of the Sexton, they become wilted or unsightly. Containers for cut flowers are to be a type level with the ground surface and not holding water when not in use or of the type to be disposed of when the flowers are removed.
 - (9) **Potted Plants.** Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but will be picked up and destroyed if unsightly.
 - (10) **Mounds.** No mound shall be raised upon any grave above the general level of the lot.
 - (11) **Permitted Plants.** The following plants and shrubs may be planted on grave lots under the supervision of the Sexton:
 - a. Arborvitae, of small growth.
 - b. Iris, lilies, peonies, or any other related or tuberous plant.
 - c. Ivy, myrtle, phlox, or any other spreading or creeping plant.
 - (12) **Permitted Placement Dates.** Dates for filling flower pots are May 1st and will be emptied after October 1st. Winter decorations are allowed after November 1st and will be removed after March 1st.
- (b) **Landscaping.** All landscaping, care of lots and other work in the cemetery will be done by the Village, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. Their advice will be cheerfully given without charge and may be of much value to those contemplating the purchase of or improvements to cemetery lots. The Village shall retain the ownership of all aisles, including monument aisles.
- (c) **Village Rights.**
- (1) The Village reserves the right for its workers 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.
 - (2) The Village, or its employees, assumes no liability for damages to property or of persons, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
 - (3) The Village reserves the right to alter, use, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

Sec. 8-5-7 Rules for Visitors.

- (a) The cemetery will be open to visitors at all times between the hours of 8:00 a.m. and one-half (1/2) hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the Sexton or the Village Board.
- (b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- (c) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within any municipal cemetery.
- (d) Dogs will only be allowed in the cemetery when confined in a vehicle.
- (e) Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots and other like articles will not be allowed. Driving golf balls is prohibited.
- (f) Visitors are required to use the walks and drive 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.
- (g) Vehicles traveling within the cemetery shall not exceed fifteen (15) miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner.
- (h) No riding of bicycles, motor bikes, snowmobiles, motorcycles or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery business.

Sec. 8-5-8 Interments and Disinterments.

- (a) **Interments.**
 - (1) Interments will be made only during daylight hours.
 - (2) All interments shall be made in a permanent outer container excluding the use of wood.
 - (3) All graves shall be dug by the Village under the direction of the Sexton or his authorized agent. Depth of graves shall conform to the Wisconsin State Board of Health specifications. Seeding will be done by the Village.
 - (4) No burial will be permitted until a legal burial transit permit has been presented to the Sexton. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.
 - (5) There will be no responsibility on the part of the Village for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
 - (6) When definite information for locating a grave is not available thirty-six (36) hours prior to grave preparation to meet the time requested for interment, the cemetery may

exercise its best judgment in making a location order that the requested time for interment may be met. The cemetery assumes no responsibility for any error or inconvenience of such location and an additional charge will be made for any change requested.

- (7) The Sexton or his agent shall, whenever possible, be given thirty-six (36) hours' notice to assure the opening and preparation of a grave prior to interment. Barring unforeseen or other untoward circumstances, such grave shall be opened and prepared in time for interment.
 - (8) The number of burials per gravesite permitted are as follows; there shall be a fee for interments, including for second or third burials per grave:
 - a. One (1) burial per grave plus two (2) cremains.
 - b. One (1) adult burial per grave plus one (1) infant burial and one (1) cremain.
 - c. One (1) adult burial per grave plus two (2) infant burials.
 - d. Three (3) cremains per grave.
 - (9) Above ground burials will not be allowed.
 - (10) Pets or other animals shall not be buried in the cemetery.
- (b) **Disinterments.**
- (1) Disinterments of bodies from graves in the cemetery will be made only by the Village in accordance with the requirements of the State Board of Health. Charges set by the Village for removal must be paid in advance.
 - (2) Lot owners, or their heirs, desiring graves opened may secure the necessary disinterment permit from the State and deliver the same to the Cemetery Sexton. All removals will be made by the Village under the supervision of a licensed embalmer.
 - (3) For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

Sec. 8-5-9 Monuments and Markers.

- (a) **Grave Markers.**
- (1) Grave markers and foundations will be set only by the monument company according to regulations specified by the Village. Monuments shall not be more than five (5) feet in height to the base or to the base of the cross if the monument has a surmounted cross. Except as herein otherwise provided, under no conditions will the Village construct monument or marker bases or erect monument or markers on bases.
 - (2) Grave markers shall be set with a suitable foundation. Foundations for markers must be laid flush with the ground. Markers must be on a foundation of at least eight (8) inches in depth, with a wash of at least four (4) inches wide. Monuments (4 feet in height or above) require a twelve (12) inch foundation with a four (4) inch wash. The Village reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the

stone work. The top of the concrete foundation will be constructed flush with the ground line. Grave markers will be set on a straight line on the back side of the lot. Whenever possible, all markers will be set with a five (5) inch margin, with twelve (12) to fifteen (15) inches on at least one (1) end. Verbal permission to set markers is required and shall be available from the office of the Sexton or his/her assistant.

- (b) **Setting of Monuments.** The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and control of the Sexton. Unless special arrangements are made with the Sexton, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except on national holidays. Whenever possible, at least twenty-four (24) hours' notice shall be given to the Sexton that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Sexton, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
- (c) **Village Approval of Monuments.** The Village 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 must be given to the Sexton or his/her agent 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 Sexton or his/her assistant.
- (d) **Changing Monuments.** Stone work or monumental work, once placed on its foundation, shall not be removed, except by permission of the Cemetery Sexton.
- (e) **Lot Payment Required.** The lot must be paid in full or other assurance given of payment before markers and monuments are set.
- (f) **Temporary Markers.** Temporary markers must be removed or replaced with a permanent marker within one (1) year.
- (g) **Additional Head or Foot Markers.** Any additional head or foot markers must be set flush with the ground. Bronze government markers may be placed on the backside of a family stone.

Sec. 8-5-10 Vaults and Mausoleums.

Construction of vaults and mausoleums is prohibited.

Sec. 8-5-11 Trees, Shrubs and Flowers.

- (a) The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted.

- (b) Lot owners may remove under the direction of the Sexton large trees on grave sites that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.
- (c) Fresh cut flowers may be used anytime. Containers for cut flowers are to be a type 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.
- (d) Potted plants may be set on lots, without disturbing the sod, on special occasions, such as Memorial Day, birthday, anniversary, etc., but if not removed within five (5) days will be picked up and destroyed if unsightly. Other potted plants shall only be placed in pedestal or raised planters. No tripod flower stands are permitted.
- (e) A limited number of artificial decorations are prohibited unless in a vase or pot and, when used, will be treated as potted plants. The Sexton reserves the right to remove unsightly or out-of-season decorations.
- (f) Individual flower beds of growing plants are permitted but must be of a reasonable size. In case of doubt, the Sexton should be consulted. If these beds are not maintained and when they become unsightly or undesirable, they will be removed by the Village.
- (g) Plants of flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Sexton or under his/her direction.
- (h) Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.

Sec. 8-5-12 Miscellaneous.

- (a) **Lot Care by Owners.** 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) **Payment of Fees.**
 - (1) All fees and charges as outlined in the current schedule of fees and charges are payable at the office of the Village Administrator, where receipts will be issued for the amounts paid.
 - (2) A schedule of the fees and charges, as established by the Village Board, shall be on file in the office of the Village Administrator and Sexton. Such schedule may charge from time to time without advance notice to conform with current economic conditions.
- (c) **Protection of Cemetery Disclaimer.** The Village will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly 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 wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.

