

ORDINANCE 2019-004 OF THE TOWN OF LAWRENCE, WISCONSIN
TO Create Chapter 49 – Cemetery Ordinance

The Town Board of Supervisors of the Town of Lawrence does ordain as follows:

Section 1: Town of Lawrence Ordinance is hereby amended by Creating Chapter 49 - Cemetery Ordinance to read as follows:

§ 49-1 General provisions.

- A. **Background.** The Town of Lawrence acquired ownership to and jurisdiction over the Lawrence Cemetery located in the Town of Lawrence as referenced by a Warranty Deed, duly recorded with the Brown County Register of Deeds on May 25, 2018. The tax parcel number is L-259. The Town of Lawrence acquired jurisdiction over the South Lawrence Cemetery located in the Town of Lawrence referenced as tax parcel numbers L-88-1 and L-88
- B. **Authority.** The Town of Lawrence shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery under its jurisdiction, including the ones legally described above, in accordance with state law and this chapter.
- C. **Purpose.** In order to protect cemeteries within the Town of Lawrence from injury, damage, or desecration, and for the purpose of preserving, improving, and beautifying cemeteries, these rules and regulations are enacted.
- D. **Definitions.** As used in this chapter, the following terms shall have the meanings indicated:

CEMETERY

Includes all cemetery property, grounds, equipment, and structures, both privately and publicly owned, which are located within the Town of Lawrence.

TOWN

The Town of Lawrence and/or its governing body.

- E. **Variation.** The rules and regulations contained herein may only be varied upon application to and permission from the Town.

FEES

- F. Fees for cemetery burial sites shall be established by the Town Board and included in the Town Fee Schedule.
- G. One-quarter (25%) of the cost of a lot or site is to be invested in a perpetual care fund. The income from the care fund is to be used only to maintain the cemetery lots and grounds.

Investment of perpetual care fund.

The perpetual care fund obtained from the Lawrence Cemetery Association and South Lawrence Cemetery Association, together with all additional perpetual care funds, shall be invested as provided in Chapter 881, Wis. Stats., under the direction of the Town Board

Transfer of Rights.

Owners of grave sites shall have the right to transfer or convey such rights to members of their family in

accordance with § 157.08, Wis. Stats., but such transfer and conveyance shall not be effective until filed with the Town and signed by the Town Administrator and the Town Clerk.

Sexton.

The Town shall employ a part-time sexton who shall be responsible for the supervision and care of the cemetery, and his hours of employment and compensation shall be fixed annually by the Town Board.

§ 49-2 Monuments, lots and burial.

- A. All monuments must be made from concrete, granite, marble, or bronze and must be erected by a monument dealer.
- B. Only one monument per grave shall be allowed.
- C. Enclosures of any kind around graves are prohibited.
- D. No monument over three feet in height shall be allowed.
- E. All monuments must be placed at the head of the grave.
- F. All monuments shall be erected on a concrete or granite base of sufficient depth and width to assure permanency of level support for the monument. Bases shall be of good quality and guaranteed by a contractor or monument dealer. Bases must be installed flush with the ground with at least three inches of unoccupied space from the edge of the base to any lot line.
- G. Any person purchasing a cemetery lot and/or grave must be an owner of residential property located within the Town, or a Town resident.
- H. Any person owning a lot and/or grave shall, before disposing, selling or otherwise transferring ownership of the lot, give the Town the first opportunity to purchase the lot at the going rate for a lot.
- I. Burials shall be conducted at reasonable times and may be postponed due to winter weather conditions or wet grounds or otherwise as may be specified by the Town.
- J. There shall be no more than three cremations in a single burial site.

§ 49-3 Opening Graves

Application for permission to open a grave shall be made to the Town Administrator or the Town Clerk, and such opening shall be in the manner prescribed by the Town Board in order to protect the adjacent lots.

§ 49-4 Excavation to be made by qualified persons

The excavation shall only be made by qualified persons who are approved by the Town Board, and the fee for each grave shall be fixed by the Town Board.

§ 49-5 Appearance of cemeteries.

- A. The Town shall regulate the method of decorating lots and/or graves so that uniform beauty is maintained.
- B. The planting of trees or shrubs is prohibited. Flowers may be planted in vases, flowerpots, or urns.

There shall be no direct planting in the ground. Placement of any planting shall be in accordance with Town policy.

§ 49-6 Protection of cemeteries.

- A. No person shall kill, injure, or disturb or attempt to kill, injure, or disturb any animals in the cemetery.
- B. No person shall cut, remove, damage, or carry away any cemetery property except as may be directed by the Town.
- C. No person shall move, remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, structures, signs, vases, flowerpots, urns, equipment, or other cemetery property.
- D. Visitors of the cemetery shall use only the avenues, roads, and walks, unless it is necessary to walk on the grass to visit a grave or to gain access to one's own lot.
- E. No person shall litter, dump, or deposit any rubbish, refuse, earth, or other material including any type of food item in the cemetery without the owner's consent.
- F. Pets, including animals of any species, are prohibited in the cemetery. This subsection shall not apply to a service animal as defined in § 106.52, Wis. Stats.
- G. No person shall operate or play any amplifying system or sound device in the cemetery unless as part of a military tribute or other Town authorized burial ceremony.
- H. No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in the cemetery, except cemetery regulations and other authorized signs.
- I. No person shall loiter, cause a nuisance, or engage in any sport in the cemetery.
- J. No person shall consume alcohol beverages or have in his or her possession any open container containing an alcohol beverage in the cemetery.
- K. Presence after hours prohibited. No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

§ 49-7 Motor vehicles.

- A. Motor vehicles are restricted to the roads and parking areas. Except for authorized maintenance vehicles, no person shall operate a motorized vehicle in the cemetery outside of areas designated as parking areas or areas where operation of such vehicles is specifically permitted. Any unlawfully parked motor vehicle may be towed or removed by the Town at the vehicle owner's expense.
- B. No person shall operate or make use of a play vehicle in the cemetery for recreational purposes. All non-recreational uses of play vehicles as defined in this section, if used as primary method of transportation to visit cemetery, shall conform with all motor vehicle regulations in this section. As used herein, a play vehicle shall include, but not be limited to, any coaster, skateboard, roller skates, sled, toboggan, bicycle, toy vehicle or recreational vehicles. If any of the types of play vehicles identified are used as transportation to get to the cemetery, they shall conform to all motor vehicle operating standards within the cemetery property. Children under 16 years of age are not permitted in the cemetery unless accompanied by an adult.

C. No person shall operate any motorized vehicle in the cemetery in excess of 15 miles per hour unless otherwise posted.

§ 49-8 Violations and penalties.

Failure to comply with the provisions of this chapter can result in a forfeiture of not less than \$75 nor more than \$1,000.

Section 2: Severability

If any provision of this ordinance is found invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 3: This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.

Dated at Town of Lawrence, Wisconsin on this 17th day of December 2019.


Introduced by: Supervisor Van De Hei

Seconded by: Supervisor Farvour

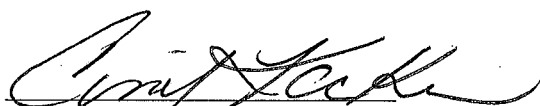
Vote: 5 ayes

0 nay

TOWN OF LAWRENCE


Town Chairman, Lanny Tibaldo

Attest:


Town Clerk, Cindy Kocken