

**ORDINANCE #2012-5 (Amended 3 – 2017)**  
**STATE OF WISCONSIN**  
**Town of Prairie Lake**  
**County of Barron**

**THE TOWN OF PRAIRIE LAKE CEMETERY ORDINANCE**

The Town Board of the Town of Prairie Lake, Barron County, Wisconsin, does ordain as follows:

**Section 1. Title**

This ordinance shall be cited as the “Town of Prairie Lake Cemetery Ordinance” and hereinafter referred to as “this ordinance.”

**Section 2. Authority**

This ordinance is adopted by the powers granted to the Town of Prairie Lake by the Town’s adoption of Village powers under Wis. Stat. § 60.10 and § 61.34. Any amendment, repeal or re-creation of the statutes relating to this ordinance made after the effective date of this ordinance is incorporated into this ordinance by reference on the effective date of the amendment, repeal or re-creation.

**Section 3. Purpose and Intent**

This ordinance establishes the supervision and rules for cemeteries located in the Town of Prairie Lake.

**Section 4. Applicability and Scope**

This ordinance applies to privately-operated and Town of Prairie Lake-operated cemeteries within the Town of Prairie Lake. Definitions: The terms used herein shall have the same meaning as contained in Wisconsin Statutes Chapter 157.

**Section 5. Cemeteries owned and operated by the Town of Prairie Lake**

1. The Otterholt and Pleasant Plain Cemeteries are owned and operated by the Town of Prairie Lake. The Town Board shall have general supervision and control of both cemeteries. The Town Board shall be responsible for the operating and maintenance of both Town cemeteries, including, but not limited to, the selling of all lots and graves, maintaining accurate records of all sales, and orders for work on all private lots.
2. All business shall be transacted through the Town of Prairie Lake Town Board including, but not limited to orders for work, bills paid, companies, and lost and found articles.
3. Lots and Lot sales
  - a) Lots in the town cemeteries are reserved for, and limited to, residents past and present of the Town of Prairie Lake.
  - b) No lot shall be used for any other purpose than the burial of the human dead and the placing of appropriate markers as memorials.

- c) Persons desiring to purchase a lot or grave shall call the town cemetery sexton or designated cemetery official to make an appointment. This official shall assist those persons interested in making a grave selection.
- d) When the lot or grave is paid in full, a receipt will be issued to purchaser by the Town of Prairie Lake treasurer.
- e) The transfer of lots or parts thereof to another party must be reported in writing to the Town of Prairie Lake sexton before said party will be allowed to use the transferred property. No person shall be recognized as owner or part owner of a lot unless his or her name appears on the cemetery records or they have proof that they are legal heirs.
- f) The purchase of lots for the purpose of erecting a mausoleum or any above ground structure must be approved by the Town Board.
- g) For convenience, safety and appearance, the Town of Prairie Lake will not allow any other equipment but its own or that of a vault company to be used for grave service.

#### 4. Visitor's Rules

- a) Law enforcement authorities and military personnel on official duty shall be the only persons allowed to possess weapons on cemetery property.
- b) Cemetery visitors will be allowed in the cemetery from sunrise to sunset. Any person(s) found loitering on the grounds during closed hours will be subject to arrest. All visitors are reminded that the cemetery is considered to be sacred ground for the dead, and that a strict observance of all proprieties due such a place will be required.
- c) Any persons disturbing the tranquility of the cemetery by noise or other improper conduct will be asked to leave the grounds or be subject to arrest.
- d) No motor vehicles other than street legal vehicles will be allowed in the cemeteries at any time.
- e) No picnics, parties or other similar gatherings will be allowed in the cemeteries at any time.
- f) No pets/animals are permitted in the cemetery except service animals.
- g) The Town Board members or its employees assume no liability for property damage or acts beyond its ability to reasonably control.
- h) The throwing of rubbish in cemetery areas is strictly prohibited.

#### 5. Burial Rules

- a) No grave will be laid out or dug and closed by anyone other than a designated cemetery official unless special permission is given by cemetery officials.
- b) If an outside party digs a grave a \$100.00 refundable deposit must be given to the Town of Prairie Lake to ensure that the site is properly opened, closed and finished in a timely fashion. Upon successful completion of closing and

finishing the site including sod or seeding of the grave the deposit will be returned. All sites shall be level with no mounding.

- c) No interment shall take place without the burial permit and proper papers in place with all laws having been complied with. Two adult interments in one grave (one on top of another) will not be permitted. An infant child or cremations will be allowed at the foot end of an adult grave. Not more than two (2) cremations are permitted in one grave space.
- d) In areas not designated for green burials, interment will not be allowed unless in a cement or steel vault. No cremations shall be scattered on any lot or cemetery property except in designated green burial areas.
- e) The funeral director or designated official is required to be in attendance at every interment.
- f) The director or maintenance official shall have the right to enter upon any lot and remove any structure, display or inscription placed on the lot that is deemed by said director or maintenance official to be offensive, improper or injurious to the appearance of the lot or grounds.
- g) A minimum 48-hour notice to cemetery officials should be given prior to interment.
- h) Fresh floral arrangements and floral pieces will be removed as soon as they become unsightly.
- i) Any person engaged in work while in the vicinity of a burial must suspend their labor during the service at the grave.
- j) Disinterment of a body will not be made without proper authority in accordance with the laws of the state of Wisconsin. All permits must be presented to cemetery officials prior to disinterment so that proper arrangements can be made.

#### 6. Privileges and Restrictions for Lot Owners

- a) Perpetual care of cemeteries which covers mowing, tree trimming, spring raking and noxious weed trims will be assumed by cemetery employees only, unless permission is granted to volunteer groups to do civic projects by the Town Board or sexton.
- b) No persons, except cemetery employees or authorized contractors will be allowed to disturb any grave markers or sod on any lot or grave.
- c) All lot or grave owners wishing to make improvements must consult the director or cemetery official before any improvements are made.
- d) The cemetery maintenance official reserves the right to enter upon any lot for the purpose of trimming or removing any tree or shrub as to its effect upon the natural appearance of the cemetery in general.
- e) Trees will be removed when they are deemed dead, diseased or detrimental to any adjacent lot, monument, walkway, or driveway because of roots, branches or otherwise.

- f) No tree or shrub shall be planted, removed, cut down or trimmed, within the border or any lot or grave, without the permission of the cemetery maintenance official.
- g) At no time will jars, tin cans, unsightly plastic containers or wire stands be construed as permanent decorations and allowed in either cemetery. In no event will cemetery officials be responsible for items placed on any grave.
- h) At no time will fences, barriers, retaining walls or any other obstructions be allowed in the cemetery.

#### 7. Winter Burials

- a) Because the town cemeteries in the Town of Prairie Lake are considered abandoned cemeteries, winter burials are not required. When there is snow cover making grave location nearly impossible, burials in the old sections of the Otterholt and Pleasant Plain Cemeteries will not be permitted.
- b) If burial is possible, and arrangement exceptions are made through the Town Board by the family of the deceased, all expenses of the winter burial are at the family's expense, including all grave locating and marking, all digging of frozen ground, proper grave finishing in the spring and snow plowing of the cemetery roads which will be charged at regular hourly plowing rate. Funeral directors must contact the Town Board member or the Sexton in advance to make arrangements and obtain estimates of costs.

#### 8. Monument Rules

- a) No monument, foundation or marker will be allowed to be placed on the lot unless the grave site is paid for in full.
- b) Monuments, grave markers and foundations will be set only by reputable monument companies or cemetery officials according to the rules specified in these regulations.
- c) All permanent headstones or foot stones must have at least a 4 inch margin around the base of said stone.
- d) All monuments must be set in line with other monuments so far as possible as directed by the cemetery official.
- e) Stones or monuments once placed on their foundations shall not be removed except by permission of the cemetery officials.
- f) All markers placed on the east end (foot end) of the grave must be flush to the nominal ground level. At no time will above-ground markers be allowed on the east end of a grave.
- g) All monuments shall be of good quality materials built by reputable monument companies. No vertical joints will be permitted as part of the monument structure. All foundations for monuments and other structures must be of sufficient depth into the ground in order to support it. No monument or marker shall be erected until the foundation has been approved by the cemetery maintenance official.

- h) The Town of Prairie Lake Town Board reserves the right to place a temporary marker on a grave until the permanent marker is placed.
- i) The Town Board reserves the right to refuse permission for the erection of any monument not in keeping with the good appearance of the grounds. Persons engaged in placing vaults, monuments or other structures are prohibited from attaching ropes, cables or chains to trees, shrubs or other structures within the cemetery.
- j) Workmen engaged in placing stones or monuments shall provide suitable boards on the ground for the truck to run over. Immediately after the job is finished all boards, rubbish and excess dirt must be removed and the grounds left in good clean condition comparable to before the work had begun at the gravesite.
- k) While responsible care will be given to protect monuments and all markers, the Town of Prairie Lake will not be responsible for loss or damage to markers or monuments erected within the cemeteries.
- l) Any variances to these rules must be brought before the Town Board for approval.

#### **Section 6. Private Cemeteries Rules and Regulations**

1. All private cemeteries in the Town of Prairie Lake shall comply with Section 157 of the Wisconsin statutes.
2. Landowners intending to establish a private cemetery must obtain a permit from the Town of Prairie Lake prior to the interment of Human Remains.
3. All Human Remains to be buried (outside of designated green burial areas) in the Town of Prairie Lake shall be either placed in a vault made of non-decomposable material (i.e. concrete, metal or like material), or; the Burial Site, or Cemetery Lot, if there are or will be more than one burial site, shall be surrounded by a metal fence a minimum of 8 feet in height, such that 6 feet of said fence extends above the grade and 2 feet extends below grade and encircles the entire Burial Site, or Cemetery Lot such that it prohibits animals from accessing the Burial Site or Cemetery Lot.
4. Anyone operating a Cemetery Lot on private lands shall be required to post an annual performance bond with the Town in an amount to be determined annually by the Town, based on the number of Burial sites, and the cost of exhuming the bodies for relocation if the cemetery is abandoned. Initial minimal performance bond shall be in an amount of not less than \$50,000.00.
5. No Cemetery Lot shall be located within 10 feet of the side property line, or 30 feet from a Town right of way.
6. No Cemetery Lot shall be located within 75 feet of a well, stream or waterway if burial was done in a vault, otherwise, 250 feet from a well, stream or waterway.
7. No Cemetery Lot shall be placed in violation of the limitations set by Wisconsin Statute 157.065 (2).

8. Every burial of human remains on private lands shall require submission of an application evidencing compliance with the terms and conditions of this Ordinance and applicant will pay the required fee.

### **Section 7. Green Burials**

1. Green Burials may only occur in the Town of Prairie Lake in designated green cemetery areas at Pleasant Plain Cemetery. The Town Board has responsibility for the designation of green cemeteries.
2. All lots in green cemeteries shall be one and a half times the width of a normal cemetery lot and the cost of a lot shall be at one and a half times the cost of a regular lot.
3. Embalming: Embalming is not allowed. Funeral directors and morticians must be instructed not to use embalming fluids, but rather to use alternatives such as refrigeration, dry ice, or closed casket.
4. Outer burial containers and liners: Vaults and similar outer containers are inconsistent with green burial and are not permitted.
5. Biodegradable containers and coverings: All burials shall be made in biodegradable containers such as shrouds, blankets, bare wood caskets, urns, and cremain grade cardboard boxes. Shrouds, blankets or drapes are preferred because they require less disruption of the root systems where the burial takes place. Caskets cannot be made with metal or precious woods. Containers shall be constructed of sufficient strength to support the weight of an adult body.
6. Cremation Remains: Cremation remains are accepted in green cemeteries. If the cremains are buried in an urn, all urns must be biodegradable.
7. Grave Markers: All burial sites will have permanent grave markers in place within six months of interment. Simple, unfinished local stones or wooden logs may be used temporarily for a period not to exceed 60 days if desired for identifying the burial location.
8. Planting of Flowers, plants, shrubs and trees: Flowers, decorative plants, shrubs and trees may not be planted at the cemetery without first securing permission of the Town Board.
9. Floral Tributes and Decorations: In keeping with preserving the natural environment, floral tributes and other objects must be removed after the completion of services. Religious identifiers may be buried with the individual's body.
10. Designated green cemetery areas shall be mowed with the same frequency as the adjoining cemetery, if any, and no less than once every spring, summer, and fall season during the year.

### **Section 8. Severability**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Prairie Lake would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any

person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereof.

**Section 9. Penalties**

Failure to abide by the provisions herein shall incur a penalty as established in the Schedule of Penalties, Fees and Deposits for each occurrence, and/or day, of non-compliance with any provision, condition or requirement contained herein.

**Section 10. Effective Date**

This ordinance shall become effective upon adoption by the Town Board and publishing or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Prairie Lake on December 11, 2012. It was amended and adopted as amended by the Town Board of the Town of Prairie Lake on March 14, 2017.

Filed this 11<sup>th</sup> day of December, 2012,  
in the Office of the Town Clerk  
Amended version filed the 14<sup>th</sup> day of  
March, 2017.

Karn Moe  
Karn Moe, Clerk

Dale Lehner  
Dale Lehner, Chairman

Janice Rustong  
Janice Rustong, Supervisor

Wayne Brenholt  
Wayne Brenholt, Supervisor