

# **TOWN OF JACKSONPORT**

## **Ordinance No. 01-07**

This ordinance revises and replaces Ordinance 01-05:

### **An Ordinance Establishing and Regulating Town Cemeteries**

#### **SECTION 1 INTRODUCTION**

The need for a cemetery was recognized by the Town at the time of incorporation in 1869, and affirmed at the annual Town meeting of 1871, there had been a few deaths and burial took place on the Emanuel Cardy property, the site of the present cemetery. At the annual meeting of 1875, the electorate instructs the Town Board to purchase this property for use as a town cemetery. The resolution called for not less than one acre nor more than four acres. This was done on April 16, 1875 at a purchase price of \$100. There are no records of a plat for the cemetery at this time, but from the records it appears that the layout was similar to the present layout. In 1924, the lots were marked, but not platted and this marking called for 17 feet by 17 feet lots with a five foot wide walking space between lots. At the annual meeting of 1924, the electorate instructed the Town Board to purchase additional land from Coleman Cardy to enlarge the cemetery when needed, this was done, but the 1924 addition has not been platted. At the annual meeting of 1927, the name of the cemetery was officially changed from Town Cemetery to Lakeview Cemetery. In 1956, extensive work was done on Lakeview Cemetery and it was then platted and marked according to state statutes. This is also the first recorded time that the cemetery was officially dedicated meaning that according to statute it was ready for use.

**WHEREAS**, the Board of Supervisors of the Town of Jacksonport, upon recommendation of the Cemetery Committee have considered the regulation, operation and finances of the Lakeview Cemetery.

**NOW, THEREFORE**, the Board of Supervisors of the Town of Jacksonport, Door County, Wisconsin, do ordain as follows:

#### **SECTION 2.00 INTENT**

All cemeteries and subdivisions thereof operated by the Town of Jacksonport shall be ruled by the regulations herein set forth.

#### **SECTION 3.00 AUTHORITY**

1. The Town Board of Jacksonport by the adoption of this ordinance also incorporates into the ordinance Wisconsin State Statutes Chapter 157, Subchapter II as it related to municipal cemeteries and the conditions of this ordinance will automatically be altered due to any changes in the State Statute.
2. The Town of Jacksonport has specific authority, powers and duties, pursuant to Subchapter II of Chapter 157 Wisconsin statutes and since the Town Board of Jacksonport has village powers granted by the electorate, the Town Board has certain other powers as granted by Wisconsin State Statutes Sections 60.10, 60.22 and 61.34.

#### **SECTION 4.00 JURISDICTION**

The jurisdictional area of this Ordinance shall include Lakeview Cemetery at 6669 Highway 57 located on parcel 0160014292711B and such other cemeteries as approved by the Board.

#### **SECTION 5.00 ORDINANCES AND RESOLUTIONS REPEALED**

Ordinance 1-91 dated April 23, 1991 titled "Town of Jacksonport Cemetery Ordinance," Resolution 90-2, and a motion dated August 1, 1994 and all other rules of cemetery operation for the Town of Jacksonport, hereafter referred to as Town, are hereby rescinded, to be replaced by this ordinance.

## **SECTION 6.00 DEFINITIONS**

1. Plat: That section of the cemetery, which is differentiated according to time of incorporation into the cemetery, e.g., original plat, first addition, second addition, etc.
2. Lot: A section of eight burial sites contained within a specific lot. A lot for eight graves shall have a dimension of 16'x20'.
3. Gravesite or Burial site: Actual site of interment contained within a lot is 4'x10'.
4. Family Burial Sites: Must be contiguous, consisting of two or more sites, and the layout shall be determined by the Town Cemetery Committee.
5. Purchase Price: Actual cost in dollars to purchase a burial site. The purchase price entitles the purchaser to a burial site and care of that site thereafter.
6. Opening Fee: The fee charged by a funeral home to excavate the burial site and refill it once the burial has taken place. Included in the opening fee are normal excavation, and replacement. Not included are abnormal costs such as opening frozen ground or hammering rock.
7. Resident: An individual who has been a registered voter in the Town of Jacksonport for a minimum period of six consecutive months prior to purchasing the gravesite or lot. (This means property ownership is not a factor, but declaring and maintaining voter status for six consecutive months prior to purchase declares the intention to be a part of and a citizen of Jacksonport). An individual who can demonstrate to the satisfaction of the Cemetery Committee that they have occupied a dwelling unit in the Town for an extended period of time may be considered a resident.
8. Non-resident: For the purposes of this ordinance, anyone who does not meet the registered voter standard established above shall be considered a non-resident regardless of where they live or own property.
9. Calendar Year: A period of 12 consecutive months.
10. Immediate Family: Relatives consisting of husband, wife, sons, daughters, dependents and parents of husband or wife.

## **SECTION 7.00 LOT SALES AND ADMINISTRATION AND FINANCES**

1. Role of the Clerk: The Town Clerk shall be in general charge of all official records of the cemetery. The Town Clerk shall draw up and sign all conveyances for cemetery lots.
2. Purchasing Lots: Lots shall be available for sale to residents and non-residents. Upon request of an individual to purchase a lot, the Town Clerk shall first determine if the prospective purchaser of a cemetery lot is a resident of the Town of Jacksonport as defined above. The Town Clerk shall advise the prospective purchaser of the availability of lots in the cemetery and the price.
3. Limits on Lot Sales: Sales of gravesites shall be limited to no more than two gravesites per individual or four gravesites per married couple. This limit in conjunction with cremations would mean that eight burials could occur in those four gravesites. In addition, only members of a purchasers "immediate" family could be buried in those gravesites.
4. Recording Lot Sales: The purchase price is to be paid to the Town in full within 30 days upon receipt of bill, or a deed for the site will not be issued by the Town. Upon the payment of the appropriate fee, the Town Clerk shall record the sale of the lot and shall notify the Cemetery Committee of the lot sale. It shall be the responsibility of the gravesite owner to notify the Town Clerk of any change of address. Notices sent to the gravesite owner at the last address on file shall be considered proper legal notification.
5. Resale of Lots: The resale or transfer of lots to other individuals including (other than) members of an immediate family is prohibited. The Town retains exclusive buy back rights to burial sites for original sale price, without interest.
6. Ownership Rights: The owner of interment rights may dispose of them by will. If the owner dies intestate, the interment rights will descend to his or her heirs according to the laws of descent.

## **SECTION 8.00 FEES AND CHARGES**

1. Fees and Charges: The Town Board shall by motion or resolution establish annually during the adoption of the annual budget the fees and charges for the operation of the cemetery.
2. Fiscal Responsibility: The Town Board shall budget such monies as may be necessary to operate and maintain Lakeview Cemetery. It shall have the authority to accept gifts or money for perpetual care. All money collected for cemetery purposes shall be placed in the Cemetery Fund and made a part of the annual accounting.
3. Tax for Maintenance: The Electorate, by resolution, dated April 9, 1991, grants the Town Board the power to include in the annual budget any tax that may be necessary for upkeep and maintenance of Lakeview Cemetery, providing such budget is submitted to the electorate for approval as provided by State Statutes Section 60.10(3).

## **SECTION 9.00 CEMETERY COMMITTEE**

1. Creation of Cemetery Committee: In order to assist in the operation and maintenance of the cemetery there is hereby established a Cemetery Committee
2. Term of Office: The Committee shall consist of three members (one Town Board member, one resident with an initial one-year term and one resident with an initial three-year term. Subsequent citizen appointments shall be for three-year periods. The definition of resident as used above shall be a requirement for appointment to the Committee.
3. Duties and Responsibilities:
  - a. Staking burial sites along with a representative of the family
  - b. Dealing with funeral homes on burial details
  - c. Reporting to the Clerk for details of all burials
  - d. Overseeing the maintenance and grounds keeping of the cemetery
  - e. Prior to the annual meeting reporting to the Board on the cemetery operations
  - f. Making recommendations to the Board to improve the operations of the cemetery.
  - g. Review the policies and regulations as needed.

## **SECTION 10.00 ABANDONED LOTS**

1. Lakeview Cemetery has many cemetery lots or partial lots that could be considered as “abandoned” under the description of provided by State Statutes Section 175.115(2)(1).
2. The Cemetery Committee is authorized to take such action as described by State Statutes Section 157.115(2)(3) to redeem such lots as may be considered as “abandoned.” When these lots are redeemed, the Town Clerk is authorized to sell such lots.

## **SECTION 11.00 INTERNMENTS AND CREMAINS**

1. The remains of individuals who have been cremated shall be allowed to be interred in the cemetery. The maximum number of cremains (urns) place on one burial site is two (2).
2. Lot certificates and/or proof of lot ownership must be established with the Cemetery Committee at the time burial arrangements are made.
3. All burials shall be in concrete vaults or equivalent.
4. Removal of bodies from the cemetery shall only be permitted upon the receipt of a written request with the consent of the Cemetery Committee. The requesting party shall be responsible for all costs including removal, refilling the grave and any recording costs. The request for disinterment shall also include any permits required by the State of Wisconsin.
5. No pets or other animals shall be interred in the cemetery whatsoever.

## **SECTION 11.01 MEMORIAL STONE**

1. The memorial stone shall be limited to:
  - a. Persons cremated without burial;
  - b. Persons identified as deceased without discovery or otherwise memorialized; and
  - c. Or buried in another location.
2. Names to be placed on memorial stone for Jacksonport residents subject to Section 6.00 definitions; No. 7. residents

3. Lettering three lines; example  
Name: John Doe  
Birth Date: Jan 1, 1927  
Death Date: Jun 24, 2006.
3. Rates: Shall be for name engraving, share cost of stone, and perpetual care.; subject to section 8.00 fees and charges.

**SECTION 12.00 OPERATING POLICIES**

The Cemetery Committee shall prepare and recommend operating policies and regulations for the efficient and orderly operation of the cemetery, which shall be approved by the Town Board. These policies and regulations shall be amended as needed.

**SECTION 13.00 SEVERABILITY**

If any section or part of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Town inconsistent with this Ordinance to the extent of the inconsistency only are hereby repealed.

**SECTION 14.00 EFFECTIVE DATE**

This Ordinance shall be effective after adoption by the Board of Supervisors and publication or posting as provided by law.

Dated this 24 day of April, 2007

**Town of Jacksonport**

By: \_\_\_\_\_  
George Bagnall, Town Chairman

By: \_\_\_\_\_  
Aaron LeClair, Supervisor I

By: \_\_\_\_\_  
Jeanne Majeski, Supervisor II

**Attest:**

\_\_\_\_\_  
Eileen L. Phetteplace, Town Clerk

**Lakeview Cemetery Operating Policies and Regulations**  
Effective August 23, 2005

These rules and regulations have been established for the mutual protection of the owners of the gravesites. The operation of the Lakeview Cemetery is subject to the provisions of the Town Cemetery Ordinance as amended and such other rules and regulations as adopted by the Town Board from time to time.

**Plantings and Gravesite Decorations:**

Plants or flowers are to be planted only in a cultivated area the width of the stone marker, extending out from the base of the marker on the face side for a distance not greater than eight inches. The digging of holes is prohibited.

No artificial flowers shall be placed on or near the grave in the summer months (May 15-Sept. 15) except for the Memorial Day observance, Friday before thru Tuesday after. All artificial flowers shall be removed by June 1. Any remaining after that date shall be subject to removal and disposal by the Town and its employees.

Gravesite decorations, flags, wreathes, benches or other objects may remain until such time as in the opinion of the Cemetery Committee they become unsightly, hazardous or a maintenance problem.

Neither the Town nor the Cemetery Committee shall be responsible for the theft of or damage to any articles placed on graves or lots.

#### **Lot Care and Planting:**

Perpetual care includes the cutting of the grass and grooming the grounds at reasonable intervals. No privately owned lawn mowers shall be permitted on the Cemetery at any time.

The planting of trees, shrubbery and bushes shall only be permitted with the consent of the Cemetery Committee. The Cemetery Committee reserves the right to prune, trim or remove any shrubbery or spreading plants that have become unsightly, uncontrollable or a maintenance problem.

#### **Foundations:**

Foundations shall be concrete or stone a minimum of 4" thick, placed according to Town's instructions, and shall be below the surface.

The foundation for an upright marker can have a width of not more than 5" on each side of the marker.

#### **Markers:**

No markers shall be placed unless all fees and charges have been paid.

Maintenance of the markers shall be the responsibility of the gravesite or lot owner. Perpetual care provides for the maintenance of the grounds only.

All markers, flat or upright, must be placed on foundations. Individual markers shall be flat and not exceed 1 foot x 2 feet in size. Double markers shall be flat and not exceed 1 foot x 3 feet in size.

The top of the combined flat marker and foundation shall be level with the contour of the ground on all sides.

Family markers are allowed only as specified below. The maximum dimensions of a family marker shall be 4' long and 3' high. Placement of a family marker shall be determined by the Town.

All other types of designs of monuments, markers or mausoleums are hereby prohibited.

#### **Setting of Markers:**

Location of all markers shall be determined by the Town Cemetery Committee.

All markers to be erected and placed on the graves shall be of the specifications herein set forth. Failure to set the markers properly shall result in notification in writing to the company or individuals setting the markers, informing them as to the inappropriateness of their setting. The company/individual shall have 60 days from the day of notification to correctly set the marker. Should the company/individual fail to perform within the time limits, the Town of Jacksonport shall correct the marker's setting and bill the company/individual for the cost of correcting the fault.

#### **Rates Effective on July 1, 2005**

Rates for residents shall be \$500 per gravesite which includes a fee of \$250 for perpetual care.

Rates for non-residents shall be \$1,250 per gravesite which includes a fee of \$250 for perpetual care.  
Rates for engraving a name on the Town of Jacksonport memorial stone shall be \$350 which includes a fee of \$225 for perpetual care.

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