

ORDINANCE #2023-01
CEMETERY ORDINANCE
TOWN OF SHERMAN, DUNN COUNTY WISCONSIN

TABLE OF CONTENTS

<u>Section</u>	Page No.
<u>Section I Purpose</u>	2
<u>Section II Authority</u>	2
<u>Section III Fees And Expenses</u>	2
<u>Section IV Definitions</u>	2
<u>Section V Rules, Privileges, And Restrictions</u>	3
<u>Section VI Trees, Shrubs, And Flowers At Town Cemetery</u>	4
<u>Section VII Care Of Burial Sites</u>	4
<u>Section VIII Purchase Of Burial Sites And Related Services</u>	5
<u>Section IX Town Cemetery Monuments and Markers</u>	5
<u>Section X Town Cemetery Burials</u>	6
<u>Section XI Ownership Rights Of Burial Sites</u>	7
<u>Section XII Miscellaneous</u>	7
<u>Exhibit A Cemetery Map</u>	8
<u>Exhibit B Monument, Marker, Foundation, and Collar Diagrams</u>	9

The Town Board of the Town of Sherman, Dunn County Wisconsin, does ordain as follows:

SECTION I - PURPOSE

This ordinance is intended to ensure a beautiful and well cared for **Cemetery** for the benefit of family members and loved ones for quiet reflection and enjoyment. The Sherman **Cemetery** is a sacred place to be respected. We welcome all religions, sexes, races, and national origins.

The Town of Sherman **Cemetery** is located at N8425 County Road F, Menomonie, Wisconsin, 54751 and is owned, operated, directly controlled, and maintained by the town for the benefit of all citizens. This ordinance has been adopted pursuant to s. [157.50 \(2\)](#), Wis. stats., and regulates the construction, management, administration, platting, maintenance, and operation of the town **Cemetery** and of any new town **Cemetery** or expanded town **Cemetery** of any other type in the town, and any existing or new cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

SECTION II - AUTHORITY

The Town Board of the Town of Sherman has the specific authority under s. [157.50 \(2\)](#), Wis. stats., and general authority under its village powers under s. [60.22](#), Wis. stats., to adopt this ordinance.

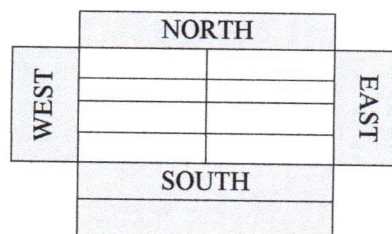
SECTION III – FEES AND EXPENSES

All fees and expenses related to the purchase of burial sites and related expenses are in the Town of Sherman Cemetery Fees Ordinance 2023-02.

SECTION IV – DEFINITIONS

A. This Ordinance incorporates terms defined in this ordinance which are designated with quotation marks around the words and terms defined in Wisconsin Statutes Section 157.061 which are designated in bold and with the first letter capitalized. The **Cemetery** is plotted in portions of the land as follows:

1. "Lot" means eight "burial sites". A diagram of the "lots" in existence as of the effective date of this ordinance is attached as Exhibit A and will be updated from time-to-time as "lots" are added or modified. The current version of the "lots" may be obtained by contacting the "sexton". The eight "burial sites" for all "lots" are arranged as follows:



2. "Burial site" means one space in a "lot" designated for one or two **Human Remain(s)**. "Burial site" size is approximately 5 feet by 10 feet. A traditional **Burial** opening is approximately 3 feet by 8 feet 2 inches. A cremains **Burial** opening is approximately 2 feet by 2 feet.
3. One "burial site" may be used for any of the following:
 - a. One traditional **Burial**
 - b. One traditional **Burial** and one cremains
 - c. Two cremains
4. "Monument" means a multi-piece stone used to mark the head of the "burial site".
5. "Marker" means a single piece stone used to mark the head or foot of the "burial site". The "marker" may be placed flat on the ground or angled to the ground.
6. "Foundation" means a separate piece made of stone/granite/concrete that is placed flush with the ground. The "monument" is placed on top of the "foundation".
7. "Collar" means a single piece of granite or concrete that the "marker" is placed within and used for the purpose of minimizing settlement or damage to the monument or marker.
8. "Sexton" means a town employee or independent contractor employed or retained by the town board to administer, repair, maintain, manage, and operate a town **Cemetery** or any part of the operations of a town **Cemetery** consistent with this ordinance. In the event no person is specifically designated as "sexton" by the town board, "sexton" means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for the town.

SECTION V – RULES, PRIVILEGES, AND RESTRICTIONS

- A. The **Cemetery** shall be open to visitors between sunrise and sunset.
- B. The following is not permitted in the Cemetery:
 1. Loud talk and boisterous conduct.
 2. Recreational activity, such as snowmobiling, ATV riding, bicycles, or motorcycles.
 3. Sitting, lounging, or climbing on "monuments", "markers", or trees, on "burial sites" or grounds of the **Cemetery**.
- C. All landscaping, mowing, general care, and other work, construction or maintenance in the town **Cemetery** shall be performed by the town by its officers, employees, or independent contractors.
- D. Dogs are permitted in the town **Cemetery** only when the dog is a service animal accompanying a person with a disability. Owners are responsible for cleanup attributable to their animals. All other pets or domestic animals are prohibited.
- E. Weapons are prohibited in the **Cemetery** except in conjunction with military funerals or specific memorial events permitted by the town board, the "sexton", or other designees of the town board. At all other times, firearms, bows and arrows, slingshots, fireworks, and other like articles are prohibited.

SECTION VI - TREES, SHRUBS, AND FLOWERS AT TOWN CEMETERY

- A. It is the town’s desire to allow families and friends to express their remembrance of their loved ones and at the same time keep the grounds well maintained and attractive to all.
1. The planting of trees and shrubs on “burial site(s)” is prohibited except by written consent of the town board.
 2. No structures, hedges, fences, railings, embankments, depressions, containers for flowers or plants, or other enclosures of any kind are permitted on or around “burial sites”. Below grade or permanent planters existing prior to January 2023 are allowed to be maintained by family members or loved ones, but no new replacement of planters will be allowed.
 3. Flags may be placed on the “foundation”/“collar” or as near the “monument”/“marker” as possible.
 4. All “burial site” items are to be placed on the side or on top of the “monument”/“marker”/stone/bench or on the foundation of the “monument” or “collar” of the “marker” so that lawn equipment may pass by. Standing items, including wreaths, must be stake driven or pedestal supported. Flowers, potted plants, or artificial flowers/plants are to be planted in pedestal planters. Fresh cut flowers or bouquets can be set on the “foundation”/“collar” or “monument”/“marker”. Annually, all pots, flowers, and items in and around “burial sites” must be removed as follows, or they will be removed and disposed of by the Caretaker or “sexton”:

Summer/Fall Flowers/Items	Remove by October 15
Christmas Flowers/Items	Remove by January 15
Potted Plants	Water and care for regularly or remove after 10 days
Funeral Flowers	Remove two weeks after Burial
Flags	Remove when they become torn and faded

SECTION VII - CARE OF “**BURIAL SITES**”

- A. In order to assure reliable means for permanent cemetery maintenance and care of the town **Cemetery**, a perpetual care fund has been created. Income from this fund shall provide all or partial maintenance costs. All “burial sites” purchased after the effective date of this Ordinance shall be charged a perpetual care fee included in the price of the “burial site” as stated in the Town of Sherman Cemetery Fees Ordinance 2023-02 (but not less than 15 percent of the “burial site” cost as stated in Wisconsin Statute section 157.11(9)(g)(c)). All “burial sites” shall be provided with perpetual care services under subsection B. A record of the perpetual care fund shall be kept in the office of the town clerk. For “burial sites” that have been abandoned, the town will fill sunken “burial sites” and raise “monuments” and “markers” as the budget allows. Expenditures of net annual income received from the investments of the perpetual care fund shall be made at the discretion of the town board.
1. Financial gifts are accepted for the maintenance of the **Cemetery** pursuant to s. [157.11 \(8\)](#) and [\(9\)](#), Wis. stats. The person giving the gift may designate the gift goes to the perpetual care fund or the general maintenance budget for the **Cemetery**. Checks shall be made payable to Town of Sherman and sent to the town clerk.

- B. Perpetual care includes the maintenance of the entire **Cemetery** grounds including mowing and maintenance of the lawn, leaf disposal, trimming trees and shrubs, cleanup of debris, cleanup of a “burial site” area before and after a **Burial**, maintenance of the **Cemetery** parking lot, and caring for avenues, alleys, fences, buildings, and grounds in general.
- C. Filling sunken “burial sites”, raising and cleaning “monuments” and “markers” are the responsibility of family and loved ones.
- D. In addition to caring for the **Cemetery**, the town board will honor our veterans by seeing that the “burial sites”, “monuments”, and “markers” of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care.
- E. The town board shall annually budget, as required under s. [157.11 \(5\)](#), Wis. stats., a sum necessary for the proper and decent care of “burial sites” and unoccupied “burial sites” and improvement of the town **Cemetery** to be paid from the following sources as determined by the town board:
 1. Annual town budget; and
 2. Income of the perpetual care fund.

SECTION VIII - PURCHASE OF BURIAL SITES AND RELATED SERVICES

- A. Prices related to the purchase of “burial sites” and related expenses and services are contained in the Town of Sherman Cemetery Fees Ordinance 2023-02.
- B. To purchase a “burial site” or related services, contact the “sexton”. The “sexton” shall have necessary documents and render assistance to those desiring to make “burial site” purchases and related services. Upon receipt of proper payment, the “sexton” shall issue a **Cemetery** deed for the “burial site” to the purchaser(s), signed by the “sexton”, and sealed with an original seal. The purchaser(s) shall keep the original Deed as documentation of ownership of the “burial site”. A copy of the deed shall be filed in the town’s records as evidence of ownership of the “burial site”.

SECTION IX - TOWN CEMETERY “MONUMENTS” AND “MARKERS”

- A. To assist with maintaining the **Cemetery** grounds and to keep a uniform appearance, the following applies for setting “monuments” and “markers”:
 1. Every interment must have a permanent “monument” or “marker”, to assure the loved one’s “burial site” is forever marked. “Monument”, “marker”, “foundation”, and “collar” diagrams are attached as Exhibit B.
 - a. A “monument” is multi-piece stone or granite used to mark a grave and is carved with the identifying information about the loved one(s) (commonly referred to as a headstone). The part that stands upright is typically called the tablet and is usually located at the front (head end) of an individual “burial site” or family plot. The second piece is the horizontal base that is placed under the tablet and is above ground (although one base is typical, a monument may have multiple bases under the tablet). All monuments must have a “foundation” which is a single piece of stone/granite/concrete that is set in the ground with the top of it level with the ground. One “monument” is allowed on a “burial site” and shall be placed in the front two feet (head end) of the “burial site”.

b. A “marker” is a single piece of stone/granite/concrete carved with the identifying information about the loved one(s) that either (1) sits level with the ground (called a flat marker and includes bronze plaques) A flat “marker” may be either at the front (head) or bottom (foot) of the “burial site”). “Markers” placed at the bottom of the “burial site” must be set within the last two feet of the “burial site”. One or two flat “markers” are permitted on each “burial site”. “Collars” are encouraged but not required for flat markers. or (2) has a sloping top surface (called a slant, bevel or pillow “marker”) and is located at the front (head end) of the “burial site” or family plot. One slant/bevel/pillow marker is permitted on a “burial site” and requires a foundation or “collar”.

c. A “foundation” or “collar” is a single piece of stone/granite/concrete that is set in the ground with the top of it level with the ground on which a “monument” or “marker” is set. The construction of a “foundation” or “collar” shall be of such size and design as to minimize settlement or damage to the “monument” or “marker”. There shall be a minimum of a 5-inch margin from the outer edges of the “foundation” or “collar” to the outer edges of the “monument” or “marker”.

B. All the following apply to “monuments” and “markers”:

1. To aid with recordkeeping, it is recommended that within one year of **Burial** a permanent “monument” or “marker” will be placed.
2. A “monument” or “marker” must be made of a durable material such as granite, marble, standard bronze, or stone for the above-ground portions.
3. All “monuments”, “markers”, “foundations”, and “collars” must be set by a monument company. All transportation of tools and related materials, within the town **Cemetery** is subject to the supervision and control of the “sexton”. The “sexton” will coordinate with the monument company, so truck operation does not cause damage to the driveways or other town **Cemetery** property.
4. A “monument” or “marker”, once placed may not be removed, except by written permission of the “sexton”.
5. The care of “monuments”, “markers”, “foundations” and “collars” are the responsibility of the family members and loved ones. Please stay aware of any deterioration from time, frost, or other cause, and have them repaired or replaced. Before repairs, replacements, releveling, is done, please notify the “sexton”.

SECTION X - TOWN **CEMETERY BURIALS**

- A. The town board, by its officers, employees, contractors, and agents, including the “sexton”, has the sole responsibility to direct the opening and closing of “burial sites” unless so ordered by a court of record to open or close such places. No individual may open or close a “burial site”.
- B. For “burial” and reinterments, outer concrete vaults are encouraged but not required to aid with **Cemetery** management and to help avoid ground sinkage.
- C. The town board or the “sexton” shall provide for **Cemetery** services and **Burials** at the town **Cemetery** during each season, including winter, whenever practicable, in compliance with s. [157.114](#), Wis. stats. However, the town has no duty to allow the **Burial** or removal of any **Human Remains**, unless those requesting **Burial** or disinterment are or will be in full compliance

with this ordinance, and state law. The town board may, at its discretion, charge additional costs to the person requesting **Burial** to provide safe and timely access to and from the “burial site” during **Burial** services.

SECTION XI – OWNERSHIP RIGHTS OF “BURIAL SITES”

- A. The owner of a “burial site”, or his/her/their family or loved one, upon proof of ownership as identified on the deed or otherwise documented, shall have the right to use a “burial site” or sites in accordance with the terms of this ordinance and applicable law.
- B. The “sexton” shall permit the **Burial** of persons at the request of any interested person upon proof of ownership for a “burial site”. The owner, and all co-owners of the “burial site(s)” as identified on the deed, have the first right to **Burial** in the identified “burial site”.
 1. Owners may not resell their “burial site(s)”. Owners may transfer their “burial site(s)” to another person(s) as follows:
 - a. The owners have the right to transfer their “burial site(s)” to persons they identify as the new owners of the identified “burial site(s)” or to the Town of Sherman at no cost on the form approved by the “sexton”. The application shall be signed by the owner of the “burial site(s)”, or, if the owner is deceased, by the legal heirs. The application shall clearly state the “burial site(s)” being transferred. The “sexton” will issue a new deed documenting the transfer.
 2. The “burial site” shall occupy the same position as real estate. Only persons whose names appear on the deed will be recognized as owner(s) of the “burial site(s)”. In case of the death of a “burial site” owner, when the “burial site” is disposed of by a will, and when ownership is to be determined, a copy of the will or final judgment in the decedent's estate must be delivered to the “sexton” before the town will recognize the change of ownership. If the deceased owner left no will, satisfactory proof of descent must be provided. It is recommended that owners, in making their wills, include a provision covering the town **Cemetery** “burial site(s)” and devise each “burial site” to one person. The “sexton” will issue new deeds in accordance with this paragraph.
- C. In this subsection, reburial means to disentomb, disinter, or disinter **Human Remains** that are buried in a **Cemetery** and reentomb, reinurn, or reinter the **Human Remains** in another “burial site”, **Mausoleum** space, or other place used or intended to be used for the **Burial** of **Human Remains** that are in the same or another **Cemetery**. Any reburial of any person buried in a town **Cemetery**, or in any other **Cemetery**, shall comply with the provisions of s. [157.112](#), Wis. stats. Any person seeking reburial shall contact the “sexton” to coordinate the necessary services. A county authorization for disinterment and reinterment shall be required prior to any reburial under s. [69.18 \(4\)](#), Wis. stats.

SECTION XII – MISCELLANEOUS

- A. Construction of vaults and **Mausoleums** is prohibited unless approved in writing by the town board.
- B. The town, and its officers, employees, contractors, and agents, including the “sexton” and the town board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management,

operation, maintenance, care, and platting of the town **Cemetery**, including care of the **Cemetery**, any “lot”, and the “burial sites”, or for loss by vandalism or other acts beyond its reasonable control of the town.

- C. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Exhibit A – Cemetery Map

North																		
West	224	197	196	169	168	141	140	9	8	7	6	5	4	3	2	1	East	
	223	198	195	170	167	142	139	10	11	12	13	14	15	16	17	18		
	222	199	194	171	166	143	138	27	26	25	24	23	22	21	20	19		
	221	200	193	172	165	144	137	28	29	30	31	32	33	34	35	36		
	220	201	192	173	164	145	136	45	44	43	42	41	40	39	38	37		
	219	202	191	174	163	146	135	46	47	48	49	50	51	52	53	54		
	Road																	
	218	203	190	175	162	147	134	63	62	61	60	59	58	57	56	55		
	217	204	189	176	161	148	133	64	65	66	67	68	69	70	71	72		
	216	205	188	177	160	149	132	81	80	79	78	77	76	75	74	73		
	215	206	187	178	159	150	131	82	83	84	85	86	87	88	89	90		
	214	207	186	179	158	151	130	99	98	97	96	95	94	93	92	91		
	213	208	185	180	157	152	129	100	101	102	103	104	105	106	107	108		
	212	209	184	181	156	153	128	117	116	115	114	113	112	111	110	109		
211	210	183	182	155	154	127	118	119	120	121	122	123	124	125	126			
South																		

Each numbered square equals one Lot.

Each Lot consists of 8 Burial Sites.

See Town of Sherman Cemetery Ordinance, Section IV, for detailed definitions.

Exhibit B – Monument, Marker, Foundation, and Collar Diagrams



Monument – multi-piece stone used to mark the head of the burial site.

Foundation – separate piece of stone/granite/concrete placed flush with the ground. The monument is placed on top of the foundation.


Marker – a single piece of stone used to mark the head or foot of the burial site.

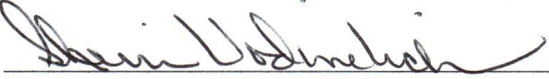


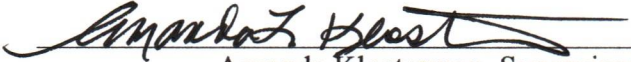
Collar – a single piece of granite or concrete that the marker is placed within.

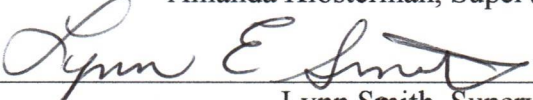
Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by section 60.80 Wis. Stats.

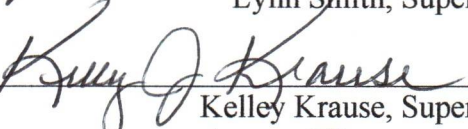
ADOPTED this 18th day of April 2023.


Chase Potter, Chairman


Sherri Vodinelich, Supervisor #1


Amanda Klosterman, Supervisor #2


Lynn Smith, Supervisor #3


Kelley Krause, Supervisor #4


Ashley Score, Clerk/Treasurer