

Town of Daniels  
Burnett County

SECTION I - TITLE AND PURPOSE

The title of this Ordinance is the "Town of Daniels Lakeview Cemetery Ordinance." The purpose of this Ordinance is to regulate the construction, management, operation, and platting of Lakeview Cemetery, the burial of human corpses, and other cemetery activities.

SECTION II - AUTHORITY

The Town Board of the Town of Daniels 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 - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the construction, management, operation, and platting of Lakeview cemetery and the burial of human corpses and other Lakeview cemetery activities.

SECTION IV - DEFINITIONS

In this ordinance:

- A. "Burial" means interment or inurnment.
- B. "Cemetery" means a location for burial of human remains.
- C. "Human remains" means the body of a deceased individual that is in any stage of decomposition or has been cremated.
- D. "Plot" means a gravesite sized to accommodate one full-sized outer burial container and casket.
- E. "Lot," means a group of four contiguous plots, platted in accordance with Section VI.
- F. "Outer burial container" means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket or urn is placed or intended to be placed at the time of burial.
- G. "Sexton" means a town employee or independent contractor employed or retained by the town board to administer, repair, maintain, manage, and operate Lakeview cemetery or any part of the operations of Lakeview cemetery consistent with this ordinance.
- H. "Town" means the Town of Daniels, Burnett County, Wisconsin.
- I. "Town board" means the board of supervisors for the Town of Daniels, Burnett County, Wisconsin, and includes designees of the board authorized to act for the board.
- J. "Lakeview cemetery" means the municipal cemetery owned, operated, and maintained by the Town of Daniels, Burnett County, Wisconsin, under s. 1,57.50, Wis. statutes.
- K. "Town chair" means the chairperson of the Town of Daniels, Burnett County, Wisconsin.
- L. "Town clerk" means the clerk of the Town of Daniels, Burnett County, Wisconsin.
- M. "Town treasurer" means the treasurer of the Town of Daniels, Burnett County, Wisconsin.
- N. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

## SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

## SECTION VI - STATEMENT OF POLICY

Lakeview cemetery is owned, operated, directly controlled, and maintained by the Town for the benefit of all citizens. Persons of all denominations of all religions, sexes, creeds, and races, shall be allowed to be buried in Lakeview cemetery. This ordinance, adopted pursuant to s. 157.50(2), Wis. Stats., governs the construction, management, administration, platting, maintenance, and operation of Lakeview Cemetery.

## SECTION VII - PLATTING OF NEW CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS

**A. Platting.** Before any new block of Lakeview cemetery is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the town board or the sexton shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Burnett County, Wisconsin, in accordance with s. 157.065, Wis. stats.

**B. Cremation-only section.** The town board or the sexton shall designate certain contiguous lots as burial sites for cremated remains only. Lots within the cremation-only section shall be platted and sold as individual plots. Each plot shall be reserved for as many as four sets of cremated remains.

**C. Single-grave section.** The town board or the sexton shall designate certain contiguous lots as a single-grave section, and the lots within the single-grave section shall be platted and sold as individual plots.

**D. Purchase of new lands.** The town board or the sexton shall not purchase any land for cemetery purposes without approval of the electors of the town at a regular or special town meeting.

## SECTION VIII - PURCHASE OF LOTS IN LAKEVIEW CEMETERY

**A. Price of lots.** The town board shall from time to time by resolution fix a price on all lots and partial lots to be sold for burials in the town cemetery.

**B. Sales of lots and partial lots.**

1. The town shall sell only full lots (four contiguous grave plots) and half lots (two contiguous plots, bounded by walkway on one side) in sections of Lakeview cemetery other than the single-grave and cremations-only sections described in subsections VII (B) and (C) above. Exceptions to this rule shall be made when isolated plots in otherwise fully-utilized lots become available through resale to the town.

2. Persons, or their authorized agents, desiring to purchase a lot or partial lot in Lakeview cemetery are referred to the sexton. The sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. Upon receipt of proper payment to the town treasurer, the town chair and town clerk shall issue a cemetery deed to the lot or partial lot in the form prescribed by the town attorney. The original deed from the town and the records of the cemetery kept by the sexton or other designee of the town board are the only evidence of title to any lot. The deed shall be signed by the town clerk and town chair or other persons so designated by the town board and sealed and acknowledged so as to entitle

the purchaser to record the deed with the Register of Deeds for Burnett County, Wisconsin.

**C. Resale and transfer of lots and partial lots.** Lot owners may not resell or transfer lots or parts of lots in the town cemetery except as follows:

1. Private resale and transfer of lots or parts of lots will be permitted only upon written application filed with and approved by the town clerk. The application shall be executed by the owner of the property or, if the owner is deceased, by the legal heirs. The application shall state the lot and block numbers and, if a partial-lot sale, the plot number(s). Upon approval by the town clerk, the seller shall execute a deed in the same form as the original deed from the town under Section VIII, subsection B, so as to entitle the purchaser to record the deed with the Register of Deeds for Burnett County, Wisconsin.
2. Resale of lots and partial lots to the Town of Daniels shall be permitted only if authorized by the sexton and the town clerk. If the property to be resold to the town is the entire property originally purchased, the full purchase price will be returned to the seller. If only a portion of the property is resold to the town, the town will pay the seller a prorated portion of the amount paid to the town in the original transaction. The owner(s) of the property shall execute a deed in the same form as the original deed from the town.
3. The sexton or town clerk shall enter in the record kept for that purpose copies of all deeds of transfer and resale of cemetery lots and partial lots. No deed of transfer or resale may be received and filed by the town clerk until a fee, to be specified by the town board, has been paid therefore. The fee shall be deposited into the general town municipal fund.
4. Persons conveying any lot or partial lot in the town cemetery shall comply with s. 157.08, Wis. Stats and this ordinance.

## SECTION IX - OWNERSHIP RIGHTS OF BURIAL IN TOWN CEMETERY

**A. Ownership conditions.** The owner of a town cemetery lot, or his or 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 this ordinance and any town cemetery bylaws and regulations.

### **B. Burial.**

1. In this subsection, "relative" means a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.
2. Any lot owner acquires the lot solely for the purpose of burial of the owner at the time of the owner's death, and if the lot is owned jointly by spouses, either spouse is entitled to burial in that lot. The lot owner may grant written permission, which must be notarized and filed with the town clerk, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.
3. Unless otherwise directed in a writing filed with the town clerk by the lot owner under paragraph 2, the town board or the sexton shall permit the burial of persons at any town cemetery lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:
  - a. The lot owner, and surviving spouse of the lot owner, has the first right to burial or to direct the right of burial.
  - b. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the town clerk.
  - c. If no agreement under subdivision b. is filed, the town board may determine use, giving preference to relatives in the order listed in paragraph 1.

**C. Ownership rights.** All burial rights in the cemetery lots located at the town cemetery shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. 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 or final judgment in the decedent's estate must be delivered to the town clerk before the town 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 town cemetery lots and devise the lots to one person.

**D. Reburial.**

1. In this subsection, "reburial" means to disinter or disinter human remains that are buried in a cemetery and reinter or reinter the human remains in another grave located in the same cemetery.
2. Any reburial of any person buried in the town cemetery shall comply with the provisions of s. 157.112, Wis. stats. Any person seeking reburial of remains shall seek approval from the sexton or the town clerk. A county authorization for disinterment and reinterment shall be required prior to any reburial under s. 69.18 (4), Wis. stats.

**SECTION X - CARE OF LOTS AT THE TOWN CEMETERY**

**A. Perpetual care fund for town cemetery.** In order to assure reliable means for permanent care of the town cemetery, a perpetual care fund is created. Income from this fund shall provide all or partial maintenance costs of the town cemetery. All lots sold in the town cemetery shall be charged a perpetual care fee included in the price of the lot and each grave 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 treasurer. The fund may be increased by gifts, bequests, a portion of memorial charges, and other service revenues. Gifts shall be received, kept, and maintained pursuant to s. 157.10 (8) and (9), Wis. stats.

**B. Perpetual care.** The town intends to use the net annual income received from the investments of the perpetual care fund under subsection A in furnishing perpetual care of graves in the town cemetery. Perpetual care includes the maintenance of lawn, leaf disposal, filling sunken graves, raising and leveling markers, and caring for avenues, alleys, fences, signs, flags and flagpoles installed by the town, and grounds in general. Expenditures of income from the perpetual care fund shall be made at the discretion of the town board or the sexton. The town shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but a portion of the proceeds of each lot sale shall be added to the perpetual care fund of the town and the proceeds from the fund shall be used by the town as provided in this subsection. Nothing in this ordinance shall be construed as obligating the town as to any alleged existing contract pertaining to perpetual care. The town board shall operate and maintain the town cemetery to provide proper and decent care of the cemetery and the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.

**C. Costs of care fixed.** The town board shall annually fix, as required under s. 157.11 (5), Wis. stats., a sum necessary for the proper and decent care of graves and unoccupied cemetery lots and improvement of the town cemetery to be paid from the following sources, as determined by the town board:

1. Payments from Burnett County to the town for veteran's graves under subsection E and s. 45.84, Wis. stats.
2. Income of the perpetual care fund.
3. A tax levied by the town board.

**D. General improvements.** The town board shall direct and administer all improvements and maintenance within the cemetery before and after any burials. The town board shall be responsible for determining proper and decent care of the cemetery. All graves shall be reseeded and mowed, when determined necessary by the town board or the sexton. The grade of the cemetery lots shall be determined by the town board or the sexton. The corners of all cemetery lots shall, if possible, be permanently marked by the town board or the sexton. Reseeding of existing graves or following disinterment will be done when determined necessary by the town board or the sexton.

**E. Veterans graves.**

1. Pursuant to s. 45.85, Wis. stats., the town board shall at all times see that the graves and tombstones

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, and may employ all necessary assistance to carry out this section.

2. Pursuant to s. 45.85 (1), Wis. stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The town board shall report to the Burnett county clerk, on or before September 1 of each year, the locations of the graves cared for by the town board under s. 45.85, Wis. stats., together with the names of the deceased and the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

## SECTION XI - PRIVILEGES AND RESTRICTIONS IN LAKEVIEW CEMETERY

**A. Bylaws and regulations.** The town board may adopt bylaws and regulations for the management and care of the town cemetery and may enforce those bylaws and regulations under s. 157.11 (2), Wis. stats. The town board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under chapter 985, Wis. stats., in the county. If the person fails to comply within 20 days thereafter, the town board may cause the action required to be done and recover the expense from the person required to take the action.

**B. Mounds prohibited.** No person may raise the level of the earth over any grave in the town cemetery above the general level of the cemetery lot.

**C. Limitations on structures and flower urns.** No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in the town cemetery. Flagpoles, wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, solar lighting, personal items, and other similar objects may not be placed on lots without written approval of the town board or the sexton, and if so placed may be removed by the town board or the sexton without oral or written notice. Ground-level flower urns may be placed on lots for Memorial Day celebrations but must be removed within one week after the holiday. At all other times, ground-level flower urns are prohibited. Ground-level flower urns existing prior to the passage of this ordinance shall be removed by town employees as they become unsightly or deteriorated and shall not be replaced. Elevated flower urns with spike bases are allowed if the bases are inserted into soil immediately adjacent to and in line with the headstones.

**D. Landscaping.** All landscaping and mowing and any construction and maintenance work in the town cemetery shall be performed only by the town's officers, employees, independent contractors, or agents, including the sexton, unless otherwise provided in writing by the town board.

**F. Access to lots; opening and closing of burial places.** The town reserves the right for its officers, employees, contractors, and agents, including the sexton and the town board, necessary to the performance of normal town cemetery operations to enter upon or cross over any lot in the performance of any duties or work necessary under this ordinance. The town board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the town cemetery, unless so ordered by a court of record to open or close such places.

**G. No assumption of liability for damages.** 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 graves, or for loss by vandalism or other acts beyond its reasonable control.

**H. Altering physical conditions.** The town board reserves the right to alter, change, or close alleys, roadways, walkways, water sources, and other physical public properties at the town cemetery.

**I. Enforcement of regulations and ordinance.** The town board may appoint, with citation issuance and service powers, any employee or agent of the town, including the sexton, to administer and enforce its town

cemetery bylaws and regulations and this ordinance.

## SECTION XII - TOWN CEMETERY BURIALS

A. **Daylight burials.** Burials at the town cemetery shall be made only during daylight hours, unless with written approval of the town board or the sexton.

B. **Outer containers.** All burials and reinterments shall be made in a permanent outer burial container not constructed of wood. A permanent outer container for cremated remains is optional; however, use of non-breakable cremation urns or containers is recommended if no outer container is provided.

C. **Grave digging.** All non-cremation graves at Lakeview cemetery shall be opened and dug by town employees or agents under the direction of the town board or the sexton. Graves for cremated remains may be dug by town employees or by privately employed individuals, provided the excavation is completed under the supervision of the sexton or a designated town employee. Depth of graves shall conform to State of Wisconsin rules and specifications. The town board will charge the full cost for any grave digging and opening service provided by the town, including the fees for the sexton or other designee of the town board for staking the plot and supervising the excavation. The town board may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the town, shall be made with the town clerk, the sexton, or other person designated by the town board at least 48 hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and all surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the town clerk or the sexton.

D. **Reporting.** Individuals or funeral establishments requesting burial services in Lakeview cemetery shall forward to the sexton, as soon as possible, a copy of Wisconsin's **REPORT FOR FINAL DISPOSITION OF A HUMAN CORPSE** or, if death occurred in another state, that state's equivalent transit permit. The burial of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State of Wisconsin.

E. **Maintenance of flowers, wreaths, and other personal items at burial sites.** There shall be no responsibility on the part of the town, its officers, employees, contractors, or agents, including the sexton or other designees of the town board, for the protection and maintenance of flowers, wreaths, plants, emblems, flower urns, family or personal items, memorials, or similar items used or placed at the town cemetery in conjunction with funerals or burials, including disinterments, or memorial events.

F. **Number of graves per plot.** No lot at the town cemetery may be used for the burial of more than one body per plot, except as follows:

1. Four remains from cremation shall be allowed in one plot in the cremations-only section. One headstone may be placed in line with other headstones. Small flat markers set at sod level may be placed over individual remains.
2. In other sections of the cemetery, one full body and one remains from cremation, or two remains from cremation, shall be allowed in one plot, with one headstone placed in line with other stones and one small flat marker placed at sod level over each cremated remains.
3. Graves existing at the date of passage of this ordinance are not subject to the limitations outlined in subparagraphs (1) and (2) above.

G. **Seasonal burial; duty to bury.** The town board or the sexton shall provide for cemetery services and burials at the town cemetery during each season, including winter, in compliance with s. 157.114, Wis. stats. However, the town has no duty to bury, remove any human remains, or 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, state law, and any bylaws and regulation established by the town board. The town board may, at its discretion, charge additional costs to the person requesting burial to excavate frozen earth and to provide safe and timely access to and from the grave or burial site during burial services.

## SECTION XIII - TOWN CEMETERY MONUMENTS AND MARKERS

### A. Setting grave markers.

1. Grave markers, monuments, and foundations at the town cemetery may be set only after the person desiring to set the marker, monument, or foundation obtains permission from the town board or the sexton. Grave markers, monuments, and foundations at the town cemetery may be set by monument company employees or agents or other persons authorized by the lot owners, but not the town board or the sexton. Except as otherwise provided in this ordinance, under no conditions will the town board or the sexton construct monument or marker bases or erect monuments or markers on bases.
2. All markers and monuments including the small, flat markers designed to be set at sod level must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the town board or the sexton. The top of the foundation shall be constructed flush with the sod line. Whenever possible, all markers shall be set with, at minimum, a 5-inch margin from the outer edges of the foundation.
3. The setting of grave markers, monuments, and foundations, and the transportation of all tools and related materials within the town cemetery are subject to the supervision and control of the town board or the sexton. Unless special arrangements are made in writing with the town board or the sexton, such work shall be conducted between the hours of 9 a.m. and 5 p.m., Mondays through Fridays, except national holidays. Commercial truck operation is not permitted within the town cemetery when, in the opinion of the town board or the sexton, the truck operation may cause damage to the driveways or other town cemetery property. Except with written permission of the town board or sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

### B. Limitations. All of the following apply to monuments and markers in the town cemetery:

1. The town board or the sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds at a town cemetery. The size and shape of any monument or stonework must be provided to the town board or the sexton and approved before any work related to any monument, marker, or foundation will be permitted on a plot in the town cemetery.
2. Only one monument or marker shall be allowed per plot except as permitted in Sections VII (F) and XII (F) above and subparagraph 3 below.
3. No foundation marker or monument may be larger than the width of the plot or group of plots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the town board or the sexton. A government service flat marker may be installed in addition to the primary monument if the marker is installed with foundation at ground level or is attached to the primary monument or marker. No monument or marker may be more than 5 feet in height.
4. Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
5. A preneed marker may be placed on a lot before burial.
6. No materials other than granite, marble, or standard bronze may be used for outside and aboveground portions of any marker or monument.
7. Within one year after burial, a marker or monument identifying the burial shall be placed at the gravesite. The town reserves the right to place a marker or monument after the one-year period and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.
8. Graves existing at the date of passage of this ordinance are not subject to the limitations outlined in this subsection.

### C. Removal of monuments. A marker or monument, once placed on its foundation, may not be removed, except by written permission of the town board or the sexton.

**D. Payment.** Any lot must be paid in full to the town treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the town must be paid prior to burial.

#### SECTION XIV - TOWN CEMETERY VAULTS AND MAUSOLEUMS

Construction of vaults and mausoleums in Lakeview cemetery is prohibited.

## SECTION XV - TREES, SHRUBS, AND FLOWERS AT LAKEVIEW CEMETERY

A. **Tree and shrub planting.** The town will plant trees and shrubs in Lakeview Cemetery to ensure an esthetically pleasing appearance of the cemetery as a whole. Planting of additional trees and shrubs is prohibited except by written consent of the town board or the sexton.

B. **Tree and shrub removal.** Lot owners may, with the written consent of the town board or the sexton, remove large trees or shrubs on or adjacent to cemetery lots that hinder the full usage of the lot. The expense of the tree and stump removal shall be paid by the lot owners. Trees and shrubs that adversely affect cemetery operations, maintenance or attractiveness will be removed by town employees as an element of cemetery perpetual care.

C. **Fresh flowers and Flags.** All flower baskets at grave or lot sites at the town cemetery shall be removed by October 15 of each year. Fresh cut flowers may be used in the town cemetery at any time. Containers for cut flowers are to be of a type that is level with the ground surface and does not hold water when not in use; or of the type to be disposed of when flowers are removed. All flags placed on graves for Memorial Day shall be removed by June 30 of that year.

D. **Potted plants.** Potted plants may be placed on lots for Memorial Day celebrations but must be removed within one week after the holiday. At other times, potted plants may be set on lots in elevated, spike-based urns if placed in line with headstones. All potted plants shall be removed by October 15 of each year.

E. **Artificial flower decorations; baskets.** Artificial flower decorations are prohibited unless in a vase or pot and when so used will be treated as potted plants. Unfilled or unsightly baskets will be removed from the lot by the town board or the sexton.

F. **Flower beds.** Individual flowerbeds or growing plants are not permitted. Flower beds established before passage of this ordinance are excepted. However, existing flowerbeds that have been allowed to deteriorate or expand enough to detract from cemetery beauty will be removed by town employees.

G. **Winter Decorations.** Wreaths, bouquets of greens and other winter holiday decorations placed on graves shall be removed by January 15 of the year following the holiday.

## SECTION XVI – MISCELLANEOUS

A. **Neglected lots.** 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 town cemetery. The town board or the sexton may notify, or attempt to notify a lot owner that any lot, or monument or marker thereon, is being neglected and that failure to comply with this ordinance and town cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected lot, may be cause for imposition of forfeitures under s. 157.11 (2), Wis. stats.

B. **Schedule of payments.** A schedule of the fees and charges for the town cemetery, as established by the town board by resolution shall be on file in the office of the town clerk. The town board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.

C. **Sexton.** The town board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the town cemetery or any part of the operations or of the town cemetery pursuant to this ordinance. The sexton may be a town employee or may, with proper insurance and indemnification protection for the town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The town board shall be responsible for proper supervision of the sexton.

**D. Amendment of ordinance.** The town board reserves the right to amend this ordinance to facilitate creation of a cemetery association, as authorized by s. 157.50, Wis. Stats. The ordinance may also be amended to conform to any other newly developed cemetery practices or any other legal purpose that the town board deems necessary and appropriate. Before this ordinance is amended, a public hearing shall be held on the proposed amendment before the town board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior to the hearing.

**SECTION XVII - PENALTIES**

- A. Citation.** The town board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.
- B. Penalties.** Any person who violates any provision of this ordinance or any bylaws or regulations shall, upon conviction, be fined and shall forfeit for any bylaw or regulation violation of this ordinance, not more than \$500 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense under this ordinance. The town board may withhold the issuance of any town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

**SECTION XVIII - EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

Adopted this 13th day of JULY, 2010.

[Signatures of town board]

Attest: [Signature of town clerk]

*Matthew A. Sun* *Timothy A. Jales*  
*Edith H.*  
*Ellen M. Ellis, Clerk*