

# Chapter 21

---

## CEMETERY

- 21.01 General Regulations
- 21.02 Application for Purchase of Lots
- 21.03 Burials
- 21.04 Perpetual Care
- 21.05 Injury to Grounds
- 21.06 Applicability of Chapter
- 21.07 Prices for Cemetery Lots and Charges
- 21.10 Penalty

**21.01 General Regulations**

All lots sold in the Sheboygan Falls Cemetery shall be subject to the following rules and regulations:

- (1) No disinterment shall be allowed in the cemetery without permission of the City Council.
- (2) The City Council, or its duly authorized agent, shall have the authority to enter any lot and remove therefrom any trees or shrubs when the same become detrimental to adjacent lots or avenue or inconvenient to passers, by reason of roots, branches or otherwise.
- (3) The City Council, or its duly authorized agent, shall have the authority to enter and remove from any lot any monument, effigy or enclosure or enclosures or any structure, which shall be determined by them to be improper, offensive or injurious to the appearance of the cemetery.
- (4) The City Council may from time to time lay out or alter avenues or walks and make such rules and regulations for the care of the grounds as they may deem proper and expedient.
- (5) No lot owner shall place any curbing or fence around their lot, and the City Council may remove the same at the cost of the lot owner. Lot owners may place the cremated ashes of as many persons on one lot as practical.
- (6) All graves dug shall be headed toward the west if practicable and headstones erected thereon shall be placed at the west end of such grave if practicable. The head of all graves and the headstones erected thereon shall be placed as near as possible on the same line from north to south. Before any grave is dug in the cemetery, the owners of the lot upon which it is to be placed shall consult the Sexton or other person whom the City Council may designate to have the control and care of the cemetery, and shall follow his directions relating to the position as regards the line from north to south upon which the grave shall be placed. Any person erecting a headstone upon any grave in the cemetery shall also consult the Sexton or other authorized person in charge of the cemetery as to the position in which the headstone shall be erected.
- (7) No grave in the cemetery shall be made or maintained with a crown or covering higher than three inches (3") above the level of the remaining portions of the lot upon which it is placed.

**21.02 Application for Purchase of Lots**

- (1) To Be Made to the City Clerk – All applications for the purchase of lots in the cemetery shall be made to the City Clerk, and he shall give such information in his possession to persons desirous of purchasing lots. He shall have a map on which all lots which have been or shall be sold or disposed of are designated by writing the name of the purchaser thereon. He also shall keep a record of all sales of lots which shall show ownership of lots already sold. At the request of any person wishing to purchase a lot, he shall grant a certificate describing the lot desired, the price and also certify that the same has not been sold. If such lot is not purchased within five (5) days of granting of such certificate, the Clerk shall issue another certificate to any person applying therefor.

- (2) Map of Cemetery Lots – The Sexton shall also be provided with a map on which all lots which have been or shall be disposed of shall be designated, by writing the name of purchaser thereon, and the City Clerk shall notify the Sexton of all deeds granted for lots and shall make entry for the same upon the Sexton's map.
- (3) Deeds – On the payment by the purchaser of the sum of money named in the Clerk's certificate to the City Treasurer and obtaining his receipt therefor, the Clerk shall make an entry of sale of such lot to the purchaser and it shall then be the duty of the Mayor and Clerk in the name of the City to grant a deed of such to the purchaser thereof.

### **21.03 Burials**

No person shall inter any body in any lot or part of cemetery without first notifying the Sexton and furnishing him with necessary information to enable him to complete his records according to the above provisions.

### **21.04 Perpetual Care**

- (1) Defined – Perpetual care shall mean the cutting of grass at reasonable intervals, raking and cleaning the lot or grave, pruning the shrubs and trees and such work as may be necessary to keep the lot or grave in good and neat condition in a manner as is now regularly done upon the lots and graves. The repair or replacing of any foundation, marker, or monumental structure, the planting of flowers or plants, or any special work, or the cleaning of monuments or stones is not included in the term perpetual care.
- (2) Perpetual Care Fund –
  - (a) Fund Name – The proceeds for perpetual care of all lots sold in the cemetery shall be placed in and become a part of a separate fund called Cemetery Perpetual Care Fund of Sheboygan Falls, Wisconsin.
  - (b) Origin of Funds – The City shall receive and hold in trust money all amounts received for perpetual care from the sale of lots sold in the cemetery and any amounts donated to the City or received by the City for perpetual care, the income of which is to be used for the care and improvement of the cemetery and of private lots thereon and their appurtenances located within the cemetery.
  - (c) Records – The City Treasurer shall receive any donations or perpetual care money and shall give a receipt therefor, which shall be recorded in a book to be kept for that purpose. The book shall state the name of the donor and give the amount received, the date when received, and the specific purpose to which the use thereof is appropriated.
  - (d) Withdrawals – Money may be withdrawn from the Cemetery Perpetual Care Fund and transferred to a different fund for any public work, but only upon the adoption of a resolution by three-fourths (3/4) of the members of the City Council.
  - (e) Interest – Whenever any money is transferred from the Cemetery Perpetual Care Fund to another fund, such other fund shall be liable for interest at the rate of not less than four percent (4%) per annum to the Perpetual Care Fund until the

amount withdrawn has been paid and such other fund shall also be indebted to the Perpetual Care Fund until the amount received from it shall be repaid.

- (f) Income – The income from the Perpetual Care Fund shall be used for the improvement, maintenance, repair, preservation or ornamentation of such lot, vault, tomb, or other structure in the cemetery as the Council may designate.
- (g) Investments – The City Council shall have complete control and management of such trust money and shall purchase securities issued or guaranteed as to the principal and interest of the United States Government or bonds or securities of any county, city, village, town or school district of the state, or in the case of a town, city or village in any bonds or securities issued under the authority of such municipality, whether the same create a general or municipality liability or liability of the property owners of such municipality liability or liability of the property owners of such municipality on such improvements made therein. The interest on these investments shall be collected by the City Treasurer and he shall make a semi-annual report to the City Council in which he shall itemize the securities and the amount of interest received. The City Council shall have the power of retaining some securities or selling them and purchasing others.
- (h) Deficiencies – If the income from the Perpetual Care Fund shall not be sufficient in any year to meet the expenses of maintaining the cemetery as set forth in subparagraph (f) hereof, then the City Council shall appropriate out of the general funds of the City an amount sufficient to provide for the deficiency between income and expense.

### 21.05 Injury to Grounds

No person shall, without authority, turn or drive in or upon any grounds of the cemetery any horses, cattle or other animals or leave pass upon such grounds. No person, except by authority, shall dig up, pull up, break or in any manner injure, remove or deface any shrubbery, flowers, plants, grass plat or turf growing or being in and upon any part of the cemetery grounds.

### 21.06 Applicability of Chapter

Any portion of this chapter which can be applied to portions of the cemetery already sold without causing material hardship to lot owners and which do not require removal of any structures or tampering of graves already in position on October 12, 1921, shall apply and be in force to sections of the cemetery which are sold and now in use.

### 21.07 Prices for Cemetery Lots and Charges<sup>1</sup>

- (1) Price of Lot
  - (a) Resident of Sheboygan Falls – \$500.00.
  - (b) Nonresident – \$700.00.

---

<sup>1</sup> Amended by Ordinance No. 2009-8. Enacted on November 3, 2009.

- (2) Charge for Grave Opening/Closing
  - (a) Any grave requiring an adult - of full-sized vault – \$750.00.
  - (b) Any grave requiring a four-foot to six-foot opening – \$750.00.
  - (c) Any grave requiring a baby vault twenty-four inches to forty-eight inches – \$750.00.
  - (d) Any grave for cremains – \$300.00.
  
- (3) Additional Charges
  - (a) Saturday funerals require an additional charge of \$250.00.
  - (b) Sunday or holiday funerals require an additional charge of \$350.00.
  - (c) Funerals requiring work after 3:30 p.m. any day require an additional charge of \$50.00 per hour per man.
  - (d) Funerals requiring work on Sunday or holidays require an additional charge of \$80.00 per half hour per man.
  
- (4) Charges for Disinterment – \$1,000.00

**21.10 Penalty**

Any person who shall violate any provision of this chapter, or any order, rule or regulation, made hereunder, shall be subject to a penalty as provided by Section 25.04 of this Municipal Code.