

# VILLAGE OF BLOOMINGTON

## ORDINANCE NO. 2020-01

### AN ORDINANCE TO ESTABLISH AND INCORPORATE CHAPTER 16 ENTITLED “BLOOMINGTON PUBLIC CEMETERY” TO THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE.

NOW, THEREFORE, the Village Board of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

**Section I:** Chapter 16 entitled “Bloomington Public Cemetery” is to be established and incorporated into the Village of Bloomington Municipal Code to read as follows:

## **Chapter 16**

### **Bloomington Public Cemetery**

#### **16.01 Name**

The public burial ground of the Village of Bloomington shall be known as the Bloomington Public Cemetery.

#### **16.02 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. Burial means the entombment, inurnment or interment of human remains.
- B. Cemetery means a place set apart for the burial of the dead and includes not only the lots for interring bodies, but also the avenues, walks and grounds. The term "cemetery" refers exclusively to any cemetery that is owned by the village.
- C. Cemetery deed means a document signed by the village president and village clerk, by which ownership of a lot is transferred from the village to an individual.
- D. Cremaains means the ashes of a cremated human body.
- E. Grave means a piece of land that is used, or intended to be used, for an underground burial of human remains.
- F. Lot means a collection of two or more contiguous graves.

#### **16.03 Grave Use and Lots**

- A. Burial is prohibited in any cemetery grave that has not been paid in full. Burial is prohibited in any cemetery grave without prior village approval. Burial approval may be obtained from the Village Clerk, in accordance with such application procedure as may be required and upon payment of any burial fees as may be set by resolution of the Village Board.
- B. Under no circumstances will the Village assume responsibilities for errors in opening graves when orders are given by telephone or for any mistake occurring from want of precise and proper instructions as to the particular plot, size of grave, and location where interment is desired.

- C. All purchases of cemetery lots shall be by cemetery deed, executed through the Village Clerk. Each cemetery deed shall include the new owner's name, a description of the graves/lots purchased, the total price, and shall also expressly provide that the conveyance executed by the deed is made subject to all cemetery ordinances and bylaws then or subsequently in effect. Cemetery deeds shall be executed on the form prescribed by the Village attorney. The Village Clerk shall record said purchase on the official cemetery map and/or in the official cemetery computer files. Cemetery graves/lots available for purchase may be held for a potential purchaser for a period not to exceed 72 hours. Any earnest money deposited to hold a cemetery grave/lot will be refunded in the event a purchase does not take place.
- D. No owner may dispose of any cemetery graves or lots to another individual for remuneration. The transfer of ownership of a cemetery lot between individuals, other than by way of devise, bequest or intestacy, and subject to the provisions of Wis. Stats. §157.10, may be accomplished only by resale of the lot to the Village for the price of such lot as is then in effect, and the subsequent sale by the Village to the new owner for the same price. A fee, on file in the clerk's office and may be revised by Village Board resolution, will be imposed on all such resale transfers through the Village. No transfer or assignment of any lot or interest therein shall be valid until it has been recorded by the Village Clerk on the official cemetery map and/or in the official cemetery computer files.
- E. All fees are approved per resolution of the Village Board and are on file in the Village Clerk's office.
- F. Only an authorized grave digger may do the excavating of the grave.

#### **16.04 Burials**

- A. Only human remains shall be buried within the cemetery.
- B. Cremations shall be placed in burial containers.
- C. Caskets shall be placed in a burial receptacle made of reinforced concrete, fiberglass, or metal.
- D. Multiple burials in a single cemetery grave will be allowed only in the following combinations:
  - (1) One full size casket burial and one cremains burial.
  - (2) One full size casket burial and one infant burial.
  - (3) Parent and infant.
  - (4) Two children buried at the same time.
  - (5) Up to four cremations.
  - (6) Special circumstances with the approval of the Supervisor of the Cemetery or employee of the Village designated by the Supervisor.

- E. Burial orders given by the funeral home having charge of the burial of a person will be construed as orders from the grave/lot owner. After interment, no change in location can be made, except as authorized under Wis. Stats. §157.112, other than at the expense of the grave/lot owner. The funeral home making arrangements for the burial of a body is responsible for the payment of any burial fees required by subsection 6.03(B).
- F. The Village Clerk must be called prior to burials, placement of a gravestone or monument.
- G. All interments within the Cemetery are to be made before 3:00 p.m.
- H. There shall be no interments on the legal holidays of New Year's Day, Memorial Day, Independence Day, Thanksgiving Day and Christmas Day.
- I. The Village will not be liable for the identity of the person to be interred.

#### **16.05 Monuments and Markers**

- A. Only one gravestone/monument is allowed per grave.
- B. No graves shall be raised above the level of the lot.
- C. Markers are required to be flush with the ground.
- D. All monuments are required to be developed by a professional monument company.
- E. Base of marker is required to be larger than the headstone.
- F. All veterans' markers or plaques must be flush with the ground or placed beside the headstone. All veterans' rods shall be placed beside the headstone area in the foundation cement. No foot stones are allowed.
- G. A permit and staking are required to install a monument in the cemetery.

#### **16.06 Decoration of Graves**

- A. No shrubs, trees, plants, or flowers are to be planted on graves or lots. The Village Board reserves the right to authorize the removal or trimming of any tree, plant or shrub located within the cemetery.
- B. All urns must be placed in a stand.
- C. Artificial and cut flowers are permitted if clamped to the memorial or on a one-legged stand. No flowers shall be allowed on the ground.

- D. No curbing, platforms, steps, fences, hedges or other enclosures will be permitted on graves or lots.
- E. Complete general cleanup of all flowers and grave decorations will be scheduled in the early spring and late fall of each year. The specific dates will be posted at Village Hall. All unauthorized plantings and affects will be removed. Persons desiring the reuse of such materials should claim them prior to this time. The Village will not be responsible for memorials remaining on the gravesites after the cleanup dates.
- F. The Village claims no responsibility or liability, nor will accept any claims against it, for personal property that is lost, damaged or stolen in the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, explosions, or by any other means, whether the damage be direct or collateral.
- G. Artificial lighting or solar lights shall be in cement foundation by the headstone, not in the ground.

#### **16.07 Disinterment.**

- A. No person shall disinter any human remains in the cemetery, except under the direction of the Cemetery Supervisor. All disinterment shall comply with applicable state law.
- B. The order for disinterment shall include the name of the deceased, when and where born, when and where the place of death occurred, together with the name of parents and spouse, also the date of burial, as well as the name of the cemetery, with the initial letter of the plat, as well as the number of block, lot and burial number, and the place of destination if disinterred and transferred beyond the environs of the Cemetery.
- C. The Village assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.
- D. It shall be unlawful for any person to remove the body of a person who has died of a contagious disease within two years from the date of burial unless the body has been buried in a hermetically sealed coffin, or vault, and is found to be so encased at the time of removal.
- E. Fees for disinterment will be charged according to the work involved.
- F. The Cemetery Supervisor, and those employees or agents of the Village designated by the Supervisor, are the only ones who will be permitted to open and close graves with the following exceptions:

- (1) When the Cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the Village Clerk.
- (2) When the Coroner directs the disinterment for the purpose of holding an inquest and has filed with the Village Office their signed authorization to release the body to the Coroner or lawful agents. In such case, the disinterment must be made by the Coroner or lawful agents. Village employees will not be permitted to assist the Coroner or agents.

### **16.08 Cemetery Grounds**

- A. The designated hours shall be dawn to dusk.
- B. It shall be unlawful for any person to be in the Cemetery other than during the designated hours approved by the Village Board without the permission of the Board, and the presence of any unauthorized person during such other hours shall constitute trespassing.
- C. Because Cemetery grounds are sacredly devoted to the burial of the dead, strict observance of decorum due such a place and observance of all regulations will be required of all persons.
- D. Upon prior approval of the Village, individuals may purchase trees for planting in designated areas of the Cemetery. The types of trees and their placement shall be determined by the Village.

### **16.09 Conduct**

- A. All persons within the Cemetery should avoid conduct unbecoming a sacred place.
  - (1) No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the Cemetery, or which is marked by intensity or volume of sound, will be permitted within the environs of the Cemetery.
  - (2) No idling or loafing on the grounds or in any of the buildings will be permitted.
  - (3) The bringing of lunches or refreshments in the Cemetery or consuming them on the grounds will not be permitted.
  - (4) No alcoholic beverages will be permitted on the Cemetery grounds.
  - (5) Peddling or soliciting the sale of any commodity within the Cemetery will not be permitted.
  - (6) Placing of signs or notices of advertisements of any kind within the Cemetery grounds will not be permitted.
- B. It shall be unlawful to drive or park any vehicle over or across any lawn area or lot within the confines of the Cemetery.

- C. Children under 12 years of age are not permitted in the Cemetery unless accompanied by a responsible adult.
- D. No person, except police officers, security personnel and military personnel participating in a military service, shall have a firearm in the Cemetery.
- E. The removal of any grave decoration from another's lot is prohibited, excepting Village employees' removal of unauthorized decorations or authorized decorations for the purpose of cleaning or maintenance.

#### **16.10 Defacement or Littering**

- A. It is unlawful for any person to injure, molest, deface or otherwise damage, or remove any headstone from its foundation, curbing, urn, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the Cemetery. This shall not apply to employees of the Village who are performing their assigned work. This section shall not apply to any person who is removing flowers, vases or containers which such person has placed upon a Cemetery burial plot(s) or lot.
- B. It is unlawful for any person to throw or deposit on the Cemetery grounds the carcass of any dead animals, meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance or any object or substance that detracts from the beauty of the Cemetery.
- C. Any person convicted of the above actions will be responsible for payment of the cost and expenses involved to restore the property to its original state.

#### **16.11 Fees and Cemetery Fund**

- A. The Village Board shall establish fees and charges for the care, use, operation, and maintenance of the Cemetery by resolution. Information regarding fees is available at the Village Clerk's office.
- B. The Village Treasurer shall create and maintain a fund known as the Cemetery Fund, the purpose of which shall be to provide for the maintenance, expansion or general cemetery improvements of the Cemetery, and for the payment of any burial-related costs for which the Village is responsible. Prices of lots shall be fixed by the Cemetery Committee with approval of the Village Board. Such prices shall be adjusted in accordance with size and location. All lots shall be paid in full when purchased, for which a suitable cemetery deed will be issued. All proceeds from the sales of cemetery graves/lots shall be deposited in the Cemetery Fund. The Village Treasurer is designated the custodian of the fund and shall invest the fund as required by Wis. Stats. §157.11(9g). The Treasurer will submit a quarterly financial report on the status of the fund to the Village Clerk and annual report on the status of the fund to the Village Board.

C. Fifteen percent (15%) of the amount of the sale price of all cemetery lots sold shall be placed in the Cemetery Fund for perpetual care of the cemetery.

**16.12 Records and Reports**

The Sexton shall at all times keep an accurate record of all burials in the Cemetery. This record, besides containing all pertinent information relative to the person buried, shall contain a plat showing the exact location of the lot on which the grave is located. The Sexton shall make an annual report to the Village Board of the number of interments, funerals or burials.

**16.13 Violations and Penalties**

Any violation of this chapter is punishable by a fine of not less than One Hundred Dollars (\$100.00), exclusive of court costs and other statutory assessments.

**Section II:** This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this 1<sup>st</sup> day of December, 2020, by the Village Board of the Village of Bloomington, Grant County, Wisconsin.

VILLAGE OF BLOOMINGTON by:

\_\_\_\_\_  
Richard Udelhofen, President

**ATTEST:** I, Mary Culligan, Village Clerk-Treasurer, do hereby certify that the establishment and incorporation of Chapter 16 entitled “Bloomington Public Cemetery” to the Village of Bloomington Municipal Code has been approved by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on December 1, 2020.

\_\_\_\_\_  
Mary Culligan, Village Clerk-Treasurer

Date Adopted: \_\_\_\_\_

Effective Date: \_\_\_\_\_