

ORDINANCE NO. 91-6

TOWN OF RUTLAND CEMETERY ORDINANCE

Section 1. TITLE/PURPOSE

This ordinance is entitled " The Town of Rutland Cemetery Ordinance." The purpose of this ordinance is to set out guidelines and standards for the operation of the Rutland Center Cemetery and the Graves Cemetery located in the Town of Rutland.

Section 2. AUTHORITY

The Town Board of the Town of Rutland has the specific statutory authority, powers, and duties, pursuant to Sec. 157.50, (1988-1989) Wis. Stats., and its adoption of village powers under Sec. 60.10, (1988-1989) Wis. Stats., to acquire and convey by gift, purchase or condemnation of land for cemeteries within or without the boundaries of the Town of Rutland and to determine, upon any acquisition, by ordinance, the system of management and operation of the cemetery, including appropriations for cemetery improvements.

Section 3. ADOPTION OF ORDINANCE

The Town Board of the Town of Rutland has, by adoption of this ordinance, confirmed the statutory authority, powers and duties noted in Chapters 60 and 157, (1988-1989) Wis. Stats., and has established, pursuant to these chapters and this ordinance, those powers and duties of the Town Board of Town of Rutland to manage and operate certain cemeteries located in Town of Rutland.

Section 4. DEFINITIONS

"Cemetery" means a graveyard, burial ground or place set apart for interment of the dead.

Section 5. MANAGEMENT AND OPERATIONS

The Town Board of Town of Rutland, by this ordinance, establishes that the management, control, operation and care of the cemeteries known as the Graves Cemetery and the Rutland Center Cemetery shall be provided by the Town Board of Town of Rutland. The Town Board of Town of Rutland shall employ or retain persons to maintain the cemeteries.

Section 6. REGULATIONS

The Town Board of Town of Rutland shall develop, approve and enforce written regulations respecting any Town of Rutland cemetery operation in compliance with Chapter 157, (1988-1989) Wis. Stats., including any physical management and any fiscal management requirement. These regulations will be in the possession of the Town Clerk.

Section 7. ANNUAL STATEMENT

The Town Board of the Town of Rutland shall have prepared an annual statement of the transactions of the Graves Cemetery and the Rutland Center Cemetery and the financial condition of the Graves Cemetery and Rutland Center cemetery including an accounting of receipts and expenditures. The money received from the sale of lots at the Graves Cemetery and Rutland Center Cemetery shall be used by the Town Board of the Town of Rutland for the care and improvements of the cemeteries, care and maintenance of avenues leading to the cemetery and operation expenses.

Section 8. CONVEYANCES AND CONTRACTS

The [Town Chairman and the] Town Clerk of the Town of Rutland shall sign all conveyances for cemetery lots. The Town Clerk shall be responsible to maintain the cemetery books detailing the names of the grantee, the consideration and the residence of the grantee. The Town Board of the Town of Rutland may sell all personal property associated with the cemeteries and all land not used for cemetery purposes are subject to the restrictions in Chapter 157, (1988-1989) Wis. Stats. The Town Board of the Town of Rutland may lease the cemeteries to a cemetery association or associations for preservation and may contract with the association(s) to use cemetery funds. These leases and contracts will terminate at will by the Town Board of the Town of Rutland. The Town Board of the Town of Rutland shall annually or more often, if necessary, establish the proper charges for cemetery lot purchases and the proper charges of the grave openings and perpetual care maintenance costs.

Section 9. INVESTMENTS

The Town Board of the Town of Rutland shall invest the money received from the Maeta Nichols Estate for perpetual care as provided in Chapter 881, (1988-1989) Wis. Stats. The Town Board of the Town of Rutland has the right, at any time, to terminate the perpetual care fund and place the money in the general fund if the Town of Rutland owns the cemeteries and provides all maintenance expenses in providing for grave sites in the cemetery or cemeteries at the time of termination of the fund. If these funds prove inadequate, the Town of Rutland Board shall cover any and all operational expenses from general revenue.

Section 10. PLAT APPROVAL

The Town Board of the Town of Rutland shall, by resolution, approve, to its satisfaction, all cemetery plats or maps for burial lands in the Town of Rutland used by any cemetery association or cemetery within the Town of Rutland. The Town Clerk of the Town of Rutland, upon approval by the Town Board of the Town of Rutland, shall certify the resolution and affix it to the plat or map.

Section 11. EFFECTIVE DATE

This ordinance shall be effective upon adoption and posting.

Adopted this 4th day of June, 1991.

S/Robert W. Plummer
Robert W. Plummer, Chairman

S/Keith Onsrud
Keith Onsrud, Supervisor

S/ Diane McCallum
Diane McCallum, Supervisor

S/Dale Furseth
Dale Furseth, Supervisor

ATTEST: S/Dawn George

Dawn George, Clerk

Posted: July 5, 1991

TOWN OF RUTLAND CEMETERY REGULATIONS

Cost of Burial Lots:

1) Rutland Center Cemetery \$200.00/ Single grave [6-24-03]

2) Graves Cemetery \$200.00/Single grave [6-24-03]

3) Graves Cemetery Addition \$200.00/Single grave [6-24-03]

4) Purchase of Multiple Lots \$700.00/4 grave spaces [6-24-03]

Cost of Grave Opening: \$250.00+ actual additional costs incurred due to weather (Ie frost removal) [Revised February 1, 1994]

Cost of opening for cremation: \$50.00 [6-24-03]

Other requirements and/or regulations:

1) All monuments must be placed on a cement base that is placed flush with the ground and extending a minimum of 8" around the base of the monument to facilitate mowing and maintenance around the monuments. This applies to all new monuments placed in any Town of Rutland cemeteries. It further applies to replacement of existing monuments, but not to the restoration of existing monuments.

2) All proceeds from the sale of cemetery lots will be deposited in the Perpetual Care Fund and not in the Town General Funds as long as the separate account exists.

3)

Resolution No. 92-1

WHEREAS, the Rutland Town Board wishes to establish conformity within the new Addition to Graves Cemetery regarding the placement of markers, and WHEREAS, there is at present no written policy for use now or in the future,

NOW THEREFORE, BE IT RESOLVED, that all headstones should be placed along the westernmost edge of the gravespace(s) with the lettering facing east.

BE IT FURTHER RESOLVED, that footstones be placed on the easternmost edge of the gravespace(s) so as not to interfere with adjacent lots. (Adopted March 1992)

4) It was decided to amend the cemetery policy to allow no live trees or shrubs and to state a specific time when decorations must be removed or they will be disposed of. (Adopted June 3, 2003)

A sign will be placed at the cemeteries as follows:

**“Please keep the cemetery clean.
Remove summer flowers by October 1.
Remove winter flowers by April 1.
Flowers and decorations must be placed parallel with the marker.
Thank You.”**

(Adopted June 24, 2003)

ORDINANCE 03-09

AN ORDINANCE AMENDING RUTLAND ORDINANCE 91-6 REGULATING THE USE OF CEMETERY GROUNDS.

WHEREAS, the Town of Rutland operates cemeteries pursuant to the authority of §157.50 and its village powers adopted under §60.10 of the Wisconsin Statutes; and

WHEREAS, on June 4, 1991, the Town Board enacted Ordinance 91-6 providing for the management and operation of the cemeteries established by the Town; and

WHEREAS, Ordinance 91-6 provides for the Town Board to establish written regulations governing the operation of such cemeteries; and

WHEREAS, the Town Board is authorized pursuant to its police powers and §60.22 of the Wisconsin Statutes to regulate activities on lands under the Town's jurisdiction; and

WHEREAS, the Town Board has determined that certain restrictions should be placed on the use of cemetery lands within the Town to protect the public health, safety and welfare;

NOW, THEREFORE, the Town Board of Rutland, Wisconsin, does ordain as follows:

Section 1. Ordinance 91-6 is hereby amended to read as follows:

6. REGULATIONS. (a) General Management.

The Town Board of Town of Rutland shall develop, approve and enforce written regulations respecting any Town of Rutland cemetery operation in compliance with Chapter 157, Wis. Stats., including any physical management and any fiscal management requirement. All regulations adopted pursuant to this section shall be available for review at the office of the Town Clerk.

(b) Dogs Prohibited on Cemetery Property. No person shall allow any dog in his or her care, custody or control to enter onto, or remain within, any cemetery operated by the Town. This paragraph shall not apply to service and guide dogs and to any dog specially trained for, and while being used by, a law enforcement officer for the purpose of detecting, preventing or responding to any crime.

(c) Closing Hours. No person shall enter onto, or remain within, any cemetery operated by the Town from sunset to sunrise, unless written permission is granted by the Town Board. This paragraph shall not apply to any authorized Town employee or contractor performing services on behalf of the Town, nor to any law enforcement officer acting in the normal course of his or her duties.

(d) Penalty. Any person who shall violate the provisions of pars. (b) or (c) shall forfeit \$100 plus all applicable court costs and assessments. Each day on which a violation continues shall constitute a separate offense.

Section 2. The provisions of this ordinance are intended to be severable. If any provision of this ordinance shall be declared invalid or unenforceable, such determination shall not affect the remaining provisions hereof.

Section 3. This ordinance shall take effect the day after publication as provided by law.

Enacted this __3rd____ day of September, 2003.

s/Dale Beske
Dale Beske, Chairman

Attest: s/Dawn George
Dawn George, Clerk