

## ORDINANCE NO. 2016- 3

### AN ORDINANCE ADOPTING CHAPTER 702 OF THE CODE OF ORDINANCES REGULATING CONTROL AND USE OF THE CITY CEMETERIES

The Common Council of the City of Richland Center, Wisconsin does ordain as follows:

#### SECTION 1:

Chapter 702 of the Code of Ordinances of the City of Richland Center is adopted to provide:

#### CHAPTER 702

#### CONTROL AND USE OF THE CITY CEMETERIES

**702.01 Identity of the Cemeteries Affected.** The City cemeteries of the City of Richland Center shall be subject to regulation by this Chapter. Where specifically stated, portions of this Chapter shall also apply to private cemeteries located within the City of Richland Center. The City cemeteries of the City of Richland Center are:

(a) The Original Cemetery, also known as the old cemetery, consisting of those lands in Blocks 29 and 30, Schoolcraft Addition, together with certain real estate with a residence thereon lying to the West thereof built for the sexton, which lands were conveyed to the City of Richland Center by the Richland Cemetery Association by Deed dated July 17, 1917, and recorded in the Office of the Register of Deeds for Richland County, in Vol. 63 of Deeds, page 168, and which conveyance was duly accepted by said City.

(b) The New Addition to the Richland Center Cemetery, consisting of those lands in Blocks 18, 19, 30, and 31 in Schoolcraft Addition to the City of Richland Center, as set forth in that certain plat of said New Addition approved December 15, 1942, and recorded March 12, 1943, at 9:00 A.M. in the office of the Register of Deeds for Richland County, in Vol. 3 Plats, Page 1.

(c) The First Addition to Faith Hill in the Richland Center Cemetery consists of those lands located on a Portion of Blocks 30 and 31 in Schoolcraft Addition to the City of Richland Center, as set forth in that certain plat of said First Addition to Faith Hill approved January 5, 1943, and recorded March 12, 1943 at 9:00 A.M. in the office of the Register of Deeds for Richland County, in Vol. 3 of Plats, Page 3.

(d) The Memorial Cemetery in the Richland Center Cemetery consisting of those lands included in the plat of said Memorial Cemetery as the same may be approved and recorded in the Office of the Register of Deeds for Richland County.

(e) The Cremation Memorial Garden north and east of the original cemetery.

(f) The Bowen Cemetery located in the Southwest Quarter of the Southwest Quarter of Section 4, Town 10 North, Range 1 East, as tax parcel 276-0433-1100

### **702.02 Control and Management of the City Cemeteries.**

**(1) Common Council.** The control and management of the City cemeteries shall be vested in the Common Council of the City of Richland Center. Said Common Council shall formulate such rules and regulations as it may deem expedient from time to time for the planting of vegetation and landscaping, for the erection, repair or arrangement of cemetery markers or other structures or improvements of whatever nature on cemetery grounds; and to otherwise provide for the management, protection, control and use of said cemetery grounds as authorized by and subject to the limitations of Chapter 157 of the Wisconsin Statutes, and any other applicable provision of the Wisconsin Statutes.

**(2) Property Committee.** The Property Committee of the Common Council in coordination with the Board of Park Commissioners is empowered to oversee the operation of the City cemeteries including cemetery personnel matters and either one may bring to the Common Council any issues related thereto which require Council action.

### **702.03 Cemetery Administrative Regulations.**

**(1) Conveyances of Cemetery Plots.** All conveyances of real estate hereafter made of lands in the Richland Center Cemeteries, including all additions thereto, shall be signed by the Mayor and attested by the City Clerk, and such conveyances shall be expressly limited to be for burial purposes only. No sale of such real estate shall be consummated and no deed shall be delivered to any such lands until the full purchase price, which includes the cost of perpetual care, shall have been paid in full.

**(2) Applications for Burial.** An application for burial shall be made to the City, and all information requested by the City shall be furnished prior to grave opening. Upon receipt by the City of all such information and the payment of the fee for opening of the grave and any related fees as may be set from time to time by the Board of Park Commissioners and the Property Committee, the City shall proceed with grave opening and the interment may be made.

**(3) Cemetery Records.** All records relating to cemetery lot ownership and burial information shall be kept in the office of the City Clerk.

**(4) Cemetery Fund.** The City Clerk is hereby designated as the legal custodian of all cemetery funds. Such cemetery funds shall be kept and maintained by the City of Richland Center, and said City Clerk shall credit all amounts received by the cemetery, from time to time for the sale of cemetery lots, together with all other sums which may be received in other similar

ways, and shall debit said fund with such expenditures, when made, as are permitted by Chapter 157 of the Wisconsin Statutes.

**702.04 Above Ground Structures Prohibited.** No person shall build, construct, erect or move onto the grounds of any City cemetery any mausoleum, crypt or structure intended to hold or contain the body of any deceased person or ashes thereof, which shall be wholly or partially above the surface of the ground, without the prior written consent of the Common Council, and further subject to the laws of the State of Wisconsin. Any such structure hereafter placed in violation this paragraph may be removed and disposed of by the City.

**702.05 Activities prohibited on cemetery grounds.**

(1) No person shall mar, injure, scratch, paint, deface, or remove all or any part of the tombstone, monument, grave marker or mausoleum upon the cemetery grounds, nor shall any person injure any tree, shrub, flower, bench, fountain, water spigot, or other improvement on the grounds of any cemetery grounds, whether installed by the City or owner of the cemetery or by or on behalf of any owner of a plot or lot, or by any veterans organization. Flags, plaques and flag holders placed on or abutting the graves of veterans shall be considered grave markers for purposes of this subsection.

(2) No person shall possess or consume any fermented malt beverages or intoxicating liquor on the cemetery grounds.

(3) No person shall operate any snowmobile on the cemetery grounds.

(4) No person shall operate any motorcycle, powered three-wheeler or all-terrain vehicle on the cemetery grounds except as permitted under (6).

(5) No person shall ride, lead or otherwise take any horse, dog or cat onto the cemetery grounds.

(6) No person shall operate or park any motor vehicle on the cemetery grounds except for the purpose of grave visitation or maintenance, attendance at interment services or the process of interment.

(7) The prohibitions set forth in this section in this section shall apply equally to any legally existing private cemetery located within the City of Richland Center.

**702.06 Penalties for Violations.**

(1) **Forfeiture.**

(a) Any person violating any provision of section 702.04 or subsection 702.05(1) of this chapter shall, upon conviction thereof, forfeit not less than \$200.00 nor more than \$500.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats. and restitution costs, if imposed, and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay.

(b) Any person violating any provision of sub. 702.05 (2) through (6), or violating any rule of the Property Committee, after such rule has been duly adopted and published shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay.

**(2) Other Remedies.** In addition to or as an alternative to the imposition of a forfeiture or other procedures under this Chapter, the City may, in circumstances deemed appropriate by the City, proceed by court action against any violation or violator of this Chapter for injunction or other remedy available to the City.

**(3) Remedies Not Exclusive.** Such proceeding seeking other remedies shall not be deemed waived by the City by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to proceeding for other remedies.

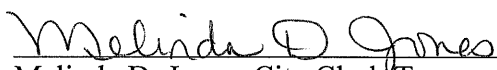
## SECTION 2:

This Ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 5th day of January, 2016

  
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Paul F. Corcoran, Mayor

Attest:

  
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Melinda D. Jones, City Clerk/Treasurer