

**TOWN OF ATHELSTANE
CEMETERY ORDINANCE
ORDINANCE #18**

SECTION 1 – NAME

The name of the cemetery will be: **Forest Home Cemetery.**

SECTION 2 – MANAGEMENT and OPERATIONS

The business, property management, operation and control of said cemetery shall be vested in the members of the Athelstane Town Board and the Clerk of Athelstane.

SECTION 3 – HOLDING PROPERTY

The Town Board shall be authorized to hold not exceeding eighty (80) acres of land to be used exclusively for the burial grounds.

SECTION 4 – PLATTING

The Town Board of Athelstane shall authorize a registered land surveyor to survey and plat such portions of the lands as may from time to time be required for burial, into lots, drives and walks and record a map thereof in the office of the Marinette County Register of Deeds. No such map or plat shall be recorded unless laid out and platted to the satisfaction of the Town Board of Athelstane. The Town Board shall cause the same to be recorded within 30 days of the date of such approval, together with the evidence of the Town's approval, which shall be a copy of the resolution adopted by the Town Board, certified by the Town Clerk and affixed to such map or plat. Failure to do so shall make the plat void and of no effect.

SECTION 5 – CONVEYANCES

- A. After the map is so recorded, the Town Board may sell and convey platted lots, expressly restricting the use to burials, and upon such other terms, conditions and restrictions as it may direct. Conveyances shall be signed by the Town Board. The Town Clerk shall enter in a book kept, for that purpose, the date, consideration, name and residence of the grantee before delivering the conveyance.
- B. The Town Board may sell and convey for other than burial purposes any portion of its cemetery in which there shall have been no lots sold or conveyed and no burials made. If the Town Board finds that the proposed sale is for the best interests of the cemetery and the rights of none to whom lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its finding, and authorizing the

- conveyance. The order shall be effective when recorded in the Marinette County Register of Deeds Office.
- C. The Town Board may vacate or re-plat any portion of its cemetery upon the filing of a verified petition by the Town Board of Athelstane describing the portion and setting forth the facts and reasons therefore. The Town Board shall, by Order, fix a time for hearing upon not less than thirty days' notice by publication in a newspaper at least three weeks successively. The owners of all lots affected by the proposed vacating or re-platting shall be served with a written notice either personally or by registered mail at least thirty (30) days before the time fixed for hearing. If the Town Board finds that the proposed vacating or re-platting is for the best interest of the cemetery and that the rights of none to whom lots have been conveyed will be injured, it shall enter an order reciting the jurisdictional facts and its findings and authorizing the vacating or re-platting of the lands of the cemetery. The order shall be effective when recorded in the Marinette County Register of Deeds Office.
 - D. The town board shall from time to time by resolution fix a price on all lots to be sold for burials in Forest Home Cemetery in the Town of Athelstane.

SECTION 6 – USE OF PROCEEDS

The proceeds of the sale shall be placed into ATHELSTANE General Fund.

SECTION 7 – IMPROVEMENT, CARE AND REGULATIONS

- A. The Town Board shall erect and maintain a suitable fence around the perimeter of the Town Cemetery.
- B. The Town Board shall also have authority to make rules and regulations as it deems necessary.

SECTION 8 – MEMORIAL STONE REGULATIONS

- A. Lot owners or memorial dealers must consult the sexton or appointed person to ascertain if there is space on the lot for the desired memorial before order is place.
- B. Steps, curbing or coping of any kind are prohibited on lots. Covers for underground vaults may not be exposed above ground.
- C. Dealers or manufacturers cards or advertisements shall not be placed within the cemetery property.
- D. Mausoleums – refer to Wisconsin Stats 157.12.
- E. Guy rope must not be fastened to other objects without first obtaining permission. Contractors and workmen in whatever capacity employed shall be required to clean up after operations and restore the grounds to its original conditions.
- F. Materials used for memorials must be of granite or standard bronze or such other material as may be specifically authorized by the Town Board. Materials for government issued markers may duplicate existing markers on all veterans' plots. Government markers outside of veterans' plot must be granite or standard bronze.

- G. The term: “monument” shall mean any stone that complies with Section 9, paragraph A.
- H. No individual monument shall be erected in the following designated plats: American Legions, GAR and VFW. Only one monument will be allowed on any one lot.
- I. Individual markers shall not be over 24 inches in length or 12 inches in width.
- J. Double markers shall not be over 36 inches in length or 12 inches in width.
- K. All markers shall be of the flat type, finished with a level bottom of uniform thickness and not over 6 inches in depth.
- L. Grave markers shall be of the flat type with above ground level exposure not to exceed 2 inches.
- M. Only one grave marker will be allowed on any one grave.
- N. Flat type markers shall be set by the monument company at the east end of the individual grave.
- O. Foundations for monuments may be constructed by any individual approved by the Town Board and shall be of any size and depth deemed proper by the sexton or appointed person. Final grade shall be no less than 1 inch above the highest point at the location.

SECTION 9 – GRAVE MONUMENT BLOCKS

- A. One monument per lot is permitted. The base of the monument shall be proportionate to the size of the monument.
- B. The size shall be limited to the following overall dimensions.

Minimum	LENGTH 2’6”	WIDTH 6”	HEIGHT 1’4”
 Maximum	 LENGTH 4’0”	 WIDTH 10”	 HEIGHT 3’0”

- C. Grave markers shall be the flat type with above ground level exposure not to exceed two (2) inches.
- D. All monuments shall be erected at the east end of the lot and central to the lot north to south; all markers shall be erected at the east end of the grave.
- E. Portable flower receptacles will be permitted. Planting of trees and shrubs is not permitted on these lots.

SECTION 10 – RULES AND REGULATIONS

- A. No person shall plant shrubs, bushes or trees. See WI Stats 157.11.
- B. No person shall landscape any lot or lots.
- C. No person shall mark, paint, deface or otherwise mutilate any property in the cemetery.

- D. No person shall have in his possession any firearm except peace officers and military attendants at funerals.
- E. No person shall engage in violent, abusive, indecent, profane, boisterous and unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke disturbance in the cemetery.
- F. No person under the age of ten years shall be allowed in the cemetery unless accompanied by a parent, guardian or caretaker.
- G. Dogs are permitted in the cemetery only when confined in a vehicle or if the dog is a service animal accompanying a person with sight-impairment or other disability while in the cemetery. All other pets or domestic animals are prohibited without written consent of the town board or the town clerk.
- H. Potted plants and/or artificial flowers, wreaths or crosses may be placed in the cemetery in an area not to exceed the length of the monument/marker and not to exceed twelve inches in width.
- I. Only one casket is allowed per individual plot.
- J. A limit of two (2) cremation urns is allowed per individual lot.
- K. All rules, regulations and prices are subject to change at any time without notice.
- L. All flowers and decorations must be removed by May first of every year, due to cemetery lawn care and maintenance. If decorations are not removed, they will be removed at the expense of the town and discarded. You may put decorations back on the lots the second Saturday before Memorial Day of every year.

SECTION 11

The Town Board of Athelstane adopts State Statute 157.114(2). The Town of Athelstane shall provide year-round burials at the Forest Home Cemetery. Any burials from December 1st through April 1st shall be assessed an additional fee of \$350.00. The fee for marking a grave shall be \$100.00.

SECTION 12

Any determination not described in these by-laws will be determined under State Stats.

SECTION 13

This ordinance shall take effect and be in full force from and after its passage and publication or posting as required by law

SEVERABILITY

In the event that any section or sections herein shall be ruled unconstitutional by any competent court, such determination shall not affect the validity or effectiveness of the others sections of this Ordinance and the remainder of said Ordinance shall remain in effect.

This ordinance adopted by the Town Board of the Town of Athelstane on this 9th day of February, 2016.

The Town Board of Athelstane

By: _____ Attest _____
John Dobratz - Chairman Janice DuChateau - Clerk

Harold Tesch Jr - Supervisor

David Jose - Supervisor