

Resolution 2023-20

Graceland Cemetery Rules & Regulations

WHEREAS, good public policy requires written rules and regulations to insure consistent treatment of the public,

NOW THEREFORE, BE IT RESOLVED that the following rules and regulations of the Graceland Cemetery be adopted:

RULES AND REGULATIONS

SECTION 1: DEFINITIONS -

- A. **BLOCK** - An appropriate numbered and specifically designated area containing Lots and Grave Spaces.
- B. **CEMETERY** - As herein used shall mean the Graceland Cemetery located at 300 S. Main Street, Clintonville, WI 54929 and shall, further, refer to all cemetery property, grounds, equipment and structures both privately and publicly owned.
- C. **CEMETERY DEED** - The official document produced by the City of Clintonville for the conveyance of ownership of interment rights to a designated grave space(s) located within the Graceland Cemetery.
- D. **CONTRACTOR** - Any person, firm or corporation other than a City of Clintonville employee that is engaged in placing, erecting or repairing any memorial or monument, excavating and preparing grave sites for interments or performing any other work on the cemetery grounds.
- E. **CORPSE** - The deceased body of a human being.
- F. **CREMAINS** - The incinerated remains of a corpse.
- G. **CRYPT** - A repository for the entombment of human remains.
- H. **DISINTERMENT** - The removal of remains of a human corpse from their original place of interment.
- I. **DISPOSITION PERMIT** - As used in these Rules, Regulations and Policies shall mean a legal "Report of Final Disposition of a Human Corpse Burial Transit Permit" issued by the State of Wisconsin.
- J. **FOUNDATION** - A concrete base placed flush with the ground of a grave site, on which to erect monuments, headstones, markers or memorials.
- K. **GRAVE SPACE** - An interment rights within a plotted cemetery lot.
- L. **INTERMENT** – Burial or permanent disposition of the remains of a deceased person.
- M. **LOT** - A designated area within a block, containing a specific number of grave spaces.
- N. **MARKER** - Any headstone, memorial marker or structure placed upon any lot or grave space for the purpose of identification or memory of the interred.
- O. **MONUMENT** - Any headstone, memorial marker or structure placed upon any lot grave space for the purpose of identification or memory of the interred.
- P. **OWNER** - The owner of the rights of interment to a specific lot or grave spaces of which the owner has an official Cemetery Deed.

- Q. OUTER BURIAL CONTAINER - A container that surrounds a casket in order to prevent the ground from collapsing.
- R. PERPETUAL CARE AND MAINTENANCE FUND - The obligation of the City of Clintonville to maintain and care for the Graceland Cemetery sites for perpetuity from funds derived from the segregated Perpetual Care and Maintenance Fund.
- S. PERPETUAL CARE DEED - Is the official document produced by the City of Clintonville for the conveyance of a guarantee of Perpetual Care and Maintenance Fund for designated Grave Space(s) located within the Graceland Cemetery. This Deed is part of the Cemetery Deed.
- T. REMAINS - Those parts that remain of a corpse after the ravages of time, weather or destruction.
- U. SEALED VAULT - An Outer Burial Container or permanently sealed container that surrounds a casket, which should be constructed of a non-wood durable substance such as concrete.
- V. SECTION - An alphabetically designated area containing numerical Blocks, Lots and Grave Spaces.
- W. SEXTON – Contractor hired by the City of Clintonville to both manage grounds maintenance and burials.
- X. URN - A closed vessel used for the preservation of cremains.
- Y. URN VAULT - A container which is sealed and surrounds an urn in order to prevent the ground from collapsing and aids with finding the cremains in the future if needed.

SECTION 2: PURCHASE AND OWNERSHIP OF INTERMENT RIGHTS.

- A. Individuals, families or their agents, desiring to obtain interment rights to a Lot or Grave Space(s) in the Graceland Cemetery must contact the Sexton of the Graceland Cemetery in the City of Clintonville. The Sexton will either provide or arrange assistance in showing the Lots or Grave Space(s) available for the purchase of said interment rights.
- B. Upon having made a Lot or Grave Space selection and making the required full payment or the corresponding fees, the City of Clintonville will issue an official Cemetery Deed as evidence of interment rights. The City of Clintonville does not allow for the sale of interment rights for one-half (1/2) Grave Spaces.
- C. Each owner is vested with the ownership of the right of interment for the sole purpose of interment of human remains. Ownership will remain with the original purchaser(s). After the demise of the original purchaser(s), their interment rights shall pass to their spouse. Lineal descendants shall have equal rights of interments. In case that there are no lineal descendants then the nearest relative of the purchaser shall have the right of interment.
- D. In case of death of the grave owner, when the cemetery grave is disposed of through a probate proceeding, a certified copy of the final court document assigning the grave shall be filed with the City of Clintonville. If there is a non-probated will, a certified copy of the will must be delivered to the City of Clintonville before the Graceland Cemetery will recognize the change of ownership. If the deceased grave owner left no will and there is no probate satisfactory and sufficient proof of descent must be provided. It is recommended that the grave owner, in making their will, include a provision addressing the cemetery grave(s) and

devise to one (1) person. The Graceland Cemetery will not accept a transfer of interment space after interment of the original purchaser(s) unless all lineal descendants have agreed to the transaction.

- E. The owner may grant permission, which must be notarized and placed on file with the City of Clintonville, for the burial of other persons not related by lineage. No corpse shall be interred in a Grave Space except the corpse of one (1) having an interest therein, or a relative, or spouse of such person, except by the consent of all persons having an interest in ownership of interment rights to such Lot or Grave Space.
- F. All ownership of interments for Lots and Grave Spaces is exempt from taxation and cannot be seized for debt, except those owned by the cemetery, nor can they be mortgaged. All repossessed vacant grave spaces shall be subject to the same fees and charges.

SECTION 3: TRANSFER AND ASSIGNMENT OF INTERMENT RIGHTS.

- A. Lots or Grave Spaces, for which Deeds have been issued, will not be divided, transferred, sold or conveyed without the express written consent of the Public Works Director or designee.
- B. The sale or transfer of any interment rights by any owner shall not be binding upon the Graceland Cemetery or the City of Clintonville unless such sale or transfer is approved by the Sexton and has been recorded on all official documents provided by the City of Clintonville and signed/executed by the duly authorized representative(s) of the City of Clintonville. Said procedure is required in order that the Graceland Cemetery may, at all times, have a complete and accurate record of all owners and purchasers' rights of interments.
- C. The City of Clintonville may refuse consent to a transfer or to an assignment as long as there is any indebtedness due the Graceland Cemetery. All transfers of ownership or assignments shall be subject to a fee, which must be paid when the transfer or assignment is first filed.
- D. The City of Clintonville may, if requested to, purchase said Lot or Grave Space at the original price for which Lot or Grave Space was sold up to \$50 per grave, less the cost of Perpetual Care and Maintenance Fund.

SECTION 4: PERPETUAL CARE AND MAINTENANCE FUND.

- A. In order to assure a means for the permanent care of the Graceland Cemetery, a Perpetual Care and Maintenance Fund has been established and maintained. The term Perpetual Care and Maintenance Fund shall include the obligation of the City of Clintonville to both maintain and care for the Graceland Cemetery sites. It further includes the maintenance of turf, leaf disposal, graves, streets, fences and buildings as necessary in order to preserve the maintenance integrity of the cemetery. Such care does not include the maintenance or repair of any gravestones or monumental structures erected upon Lots or Grave Spaces nor the planting of flowers or ornamental plants/shrubs. All work shall be under the control of the Sexton or designee.
- B. Monies are added to the Perpetual Care and Maintenance Fund from a set portion of the total fee charged for the sale of interment rights for each Grave Space. All expenditures from this Fund shall be made at the discretion of the Common Council. The Common Council reserves the right to adjust said fees as necessary.
- C. All landscaping, care of lots and other work in the cemetery shall be ordered to be done by the Common Council or designee thereof. The City of Clintonville shall retain the ownership of aisles, including monument aisles. The Common Council, further, reserves the right for its

personnel and those persons or firms necessary to the performance of normal cemetery operations to enter upon or cross over any grave in the cemetery in carrying out the performance of such duties.

- D. The City of Clintonville, Common Council, its employees, or firms assumes no liability for damages to property or to persons, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control. Further, the City of Clintonville reserves the right to alter, change or close alleys, roadways, water mains and any other physical public properties of the cemetery.

SECTION 5: RULES FOR PATRONS AND VISITORS.

- A. In order to protect Graceland Cemetery from injury, damage or desecration, all patrons and visitors to the cemetery shall fully adhere to various rules and regulations as contained in the City of Clintonville Municipal Code as well as any future amendments thereof.
- B. Except as otherwise provided, any person who shall violate any provision of this section, or regulation, rule or order made hereunder shall be subject to a penalty per City ordinance.
- C. Graceland Cemetery business can be conducted thru the designated contractor. Current contractor contact information can be found on the City's website and at City Hall. Patrons and visitors may freely visit the Cemetery anytime between Sunrise to Sunset Monday through Sunday.
- D. No children under the age of 12 years old are to be permitted to be on cemetery grounds unless accompanied by their parents, guardians or some responsible person.
- E. Persons with refreshments, firearms (with the exception of honor guards), or domesticated animals - with the exception of service animals; will not be allowed on the grounds.
- F. No driving allowed on lots, or upon the grass.
- G. No driving allowed on roadways that are unplowed.
- H. The speed limit in the Cemetery is 5 mph.
- I. This is a Carry in, Carry out facility. You must remove any refuse that you bring in.
- J. No person shall willfully destroy, mutilate, injure or remove any tomb, monument, gravestone, building or other structure placed in the cemetery, or any fence, railing, sign or other work for the protection or ornamentation thereof, or shall willfully destroy or injure any tree, shrub or plant within the limits of the cemetery.
- K. Picking flowers is prohibited.
- L. No person other than authorized City of Clintonville personnel shall destroy bird nests/houses or kill any animal on the cemetery grounds.
- M. No Styrofoam or Mylar balloons allowed on grounds.
- N. No person shall feed animals on cemetery grounds, including bird feeders/houses.
- O. No person and/or group shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising material upon any structure, tree or other natural object within the cemetery except those official signs or notices posted by the Public Works Department.
- P. No persons shall use power equipment in the cemetery without prior approval from the Director of Public Works or designee.
- Q. These rules are subject to change at the sole discretion of the Common Council.

SECTION 6: RULES FOR CHAPEL

- A. The Chapel is available for rent through our website or in person at the DPW Coordinator's office at 30 S. Main St., Clintonville, WI 54929.
- B. There are chairs and a few tables available at the Chapel for a small service prior to burial.

SECTION 7: LANDSCAPING.

The Public Works Department or their designee maintains the right to either prevent or remove anything which is considered by the Common Council or Director of Public Works to be injurious to the immediate locality, presents costly impediments to the efficient and effective maintenance of the cemetery or which is prejudicial to the overall general good appearance of the grounds (without notification to lot owners). All landscaping, care of Lots and Grave Spaces and other work in the cemetery will be done by designees of the Common Council. To preserve the historic beauty of Graceland Cemetery and to allow for the efficient and effective maintenance of the cemetery grounds the following landscaping regulations shall be adhered to:

- A. No corner markers, curbing platforms, steps, fences, hedges, mulch, decorative stone, or other enclosures will be allowed. No mound of earth or turf shall be raised upon any grave above the general level of the lot by more than three (3) inches at the center of the lot.
- B. There will be a limit of 2 floral memorials permitted per Grave Space according to individual taste. All decorations must be placed on either side of the memorial (headstone) not in front of or behind. No other items are allowed (shepherd hooks, solar lights, Knickknacks etc.) except metal heart garden stakes (must be pushed in tight to the concrete foundation on back side of monument). If any metal heart garden stakes are left in the ground after Fall clean-up, the City and Sexton staff are not to be held responsible for the damage of such metal heart garden stakes if removed during winter burials. Anything made of glass, tin, aluminum, composite, wood, plastic or a lit flame/eternal candle as they are hazardous and or unsightly therefore are prohibited in the cemetery in order to avoid any possible interference with or damage from ongoing cemetery maintenance and upkeep.
- C. No fences will be permitted on or around graves.
- D. Artificial flowers and potted plants may be placed in either a vase, pot or urn planter and placed on either side of the base of the headstone in order to avoid any possible interference with or damage from maintenance and upkeep. An empty/unused vase, pot or urn planter is considered unsightly and injurious and will be removed by the Sexton or designee. No items placed near the monument will be placed directly into the ground (with the exception of the metal heart stakes).
- E. Fresh cut flowers may be used anytime and may remain until they become wilted or unsightly in the judgment of the Sexton. They may be placed in either a vase, pot or urn planter and be placed on either side of the base of the headstone in order to avoid any possible interference with or damage from ongoing maintenance and upkeep. The cemetery is not liable for any fresh cut or planted flowers. The City of Clintonville personnel or designated contractor is not responsible for damage of flowers and/or plants, vases or urns due to wildlife, or maintenance and upkeep near flowers and/or plants.
- F. The planting of trees, shrubs, flowers or plants in ground on Grave Spaces could seriously hinder the full usage of such and create hardships or safety issues; as a result, therefore the public planting of trees, shrubs, flowers or plants in ground will not be permitted.

- G. Trees/shrubs on any grave space that hinder the full usage of said grave space may only be removed with the consent of and under the direction of the Director of Public Works or designee.
- H. Anyone desiring a tree to be planted or a bench installed as a Memorial shall contact the Director of Public Works so the type and placement at the Graceland Cemetery can be approved.
- I. Benches are not allowed to be installed as monuments after October 10th, 2023, while benches that have been installed prior will be excepted. If metal heart garden stakes become unsightly or rusty, they shall be removed by the Sexton and held for 60 days. After 60 days they will be recycled. Please take your flowers, containers, etc. with you, do not leave them behind to be disposed of; Carry In, Carry Out.
- J. Any items which are not secured and become loose due to wind will be disposed of by the Sexton.
- K. Any unsightly or damaged items that are not removed in a timely manner will be so removed at the discretion of the Sexton.
- L. All flower arrangements, real or artificial, must be removed no later than October 15th of each year in order to allow for a thorough fall cleaning of the Cemetery. All unauthorized plantings will be removed at such time. Persons desiring to reuse such materials must claim them prior to that date or they will be discarded by the Sexton. Christmas, fall and winter arrangements may be placed after November 15th of each year. All Christmas, fall and winter arrangements must be removed no later than April 15th of each year for the spring cleaning of the cemetery. Spring and summer arrangements may be placed after May 15th of each year.
- M. EXCEPTIONS. During the fall and spring cleanup periods, an individual who has an anniversary of the death of their loved one may place a floral arrangement, decoration, etc. in their memory next to the headstone. You are required to notify the Sexton prior to placing.
- N. The City of Clintonville personnel and the Sexton are not responsible for any personal articles left at the grave site. Although every effort will be made to prevent either theft or vandalism of grave sites, neither the City of Clintonville nor the Sexton shall be held responsible for property lost, damaged or stolen from grave sites.

SECTION 8: INTERMENTS

- A. The Sexton shall be given thirty-six (36) hours' notice prior to the opening and preparation of a grave space for interment. Any and all applicable fees for preparation, opening, closing, replacing of sod and seeding of the grave space must be paid prior to performance of the service. The City of Clintonville or Sexton assumes no responsibility for the protection, maintenance, damage or vandalism to flowers, wreaths or any other item used in such funeral or interment proceedings.
- B. No burial will be permitted unless and until a legal Report of Final Disposition Burial Transit Permit has been presented to the cemetery Sexton. The interment of bodies of persons who have died of a contagious disease shall be made in strict accordance with the rules of the Wisconsin State Board of Health.

Further, the following guidelines shall apply:

1. Only human remains may be interred in the Graceland Cemetery.

2. Orders for burial given by the undertaker having charge of the burial of any person will be construed by the Common Council as orders from the lot owner themselves and, after interment; no changes in the location of graves will be made except at the expense of the lot owners.
3. Winter burials shall be allowed. However, an additional fee will be charged as established by the Common Council. Winter burials will begin November 15 and end April 1.
4. The interment of two (2) bodies in one (1) grave, one above the other, will not be allowed except in the case of mother and infant or two infants, buried at the same time (infants, stillborn and up to the age of two). Maximum burials per grave: one (1) full size burial with three (3) cremations, or four (4) cremation burials.
5. Interments will be made only during daylight hours.
6. Interments will be made Monday through Sunday; an additional fee will be charged as established by the Common Council for weekends and holidays. Also, an additional fee will be charged for burials after 3:00 p.m., this will need to be approved by the Sexton.
7. All interments shall be made in a permanently sealed outer burial container or sealed vault that is not constructed of wooden material.
8. All graves shall be excavated by the Sexton.

SECTION 9: CREMAINS

Cremains are the incinerated remains of a corpse. The cremation of a dead human body shall be considered as a final disposal of that body. Therefore, no additional permit covering transportation, interment or other disposal of the ashes of a cremated human body is required.

The following guidelines shall apply:

- A. Cremains must be disposed of in a respectable way.
- B. The scattering or dispersal of cremains over public grounds is not allowed in accordance with Wisconsin State Statutes.
- C. Three to four (3-4) cremains may be buried in a single grave space at the discretion of the Sexton.
- D. A fee for preparation, opening, closing, replacing sod and seeding of the cremation grave space must be paid to the Sexton in the name of City of Clintonville prior to the performance of the service.
- E. Cremains must be placed in an urn vault which is a permanently sealed container that surrounds an urn, which should be constructed of a non-wood durable substance. Cremains will not be allowed to be placed in a monument above ground unless the monument has been installed at Graceland Cemetery prior to September 12th, 2023.

In the event any such error shall involve the interment of the remains of any person, the City of Clintonville reserves, and shall have, the right to remove and reinter the remains in the correct space or in another burial space of equal value and similar location as may be substituted.

SECTION 10: DISINTERMENTS

Disinterment is the removal of remains of a human corpse from their original place of interment to another site. The disinterment of bodies from graves in the Graceland Cemetery will be solely made by the Common Council.

The following guidelines shall apply:

- A. Both Lot and Grave Space owners, and their heirs, desiring graves opened must first secure the necessary disinterment permit from the State of Wisconsin and deliver said documentation to the Sexton.
- B. A disinterment permit issued by the State of Wisconsin is the only authority required by law to transport disinterred remains and to reinter those remains. A burial permit is not required.
- C. Authorization must be obtained from the Sexton before any disinterment can take place. All removals will be made under the Sexton's direction.
- D. No death certificate is required in order to obtain a disinterment permit because the original death certificate has already been filed with the state and the local registrar at the place where death occurred.
- E. For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

SECTION 11: MONUMENTS AND MARKERS.

- A. The Sexton reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. The Common Council requires that grave markers, monuments, headstones, and foundations be purchased and set by a monument company/firm. Only one monument will be allowed upon a grave per owner and must not exceed to size restrictions. All monuments and markers, grass level or otherwise must have a concrete foundation with a border around the base of the monument. The size of the foundation (consider the 4" required border) will determine the largest size monument allowed, without first getting special permission from the Sexton who shall be the final word. A single grave foundation must not exceed 44" x 24", a double grave 88" x 24". Base and the tablet not to exceed 36" in height (if greater than 36" the moving of the monument is at the expense of the owner of the monument and moved by monument company/firm). Monuments will not be placed between December and March unless authorization is given by the Common Council.
- B. Monuments or markers, once placed on their foundation, shall not be removed without the authorization of the Sexton. The setting of monuments, stones and markers as well as the transportation of all tools, materials, etc. within the cemetery shall be subject to the supervision and control of the Sexton.
- C. The Cemetery does not supply monuments, name plates or gravesite markers.
- D. Authorization must be obtained from the Sexton prior to removing any monuments or markers.
- E. If there isn't enough room on the monument for engraving the name(s) of those buried as cremains; a monument can be buried flush with the ground in front/back of primary monument on grave side.

SECTION 12: RIGHTS OF THE CITY OF CLINTONVILLE.

- A. The City of Clintonville reserves the right for its employees and/or contractors to enter upon, across or through any lot in the cemetery, move any memorial/headstone in the course of carrying out the normal and accepted performance of their cemetery operations

without notice. The City of Clintonville, or its employees, assumes no liability for damages to property (including the Memorial/headstone or the concrete foundation the memorial/headstone is placed upon) or of person or for physical or mental suffering arising out of the performance of: normal cemetery operations, acts of vandalism, other damage or acts beyond its normal and reasonable control. The City of Clintonville reserves the right to construct, change or close roadways, water mains and other physical public properties of the cemetery.

- B. The City of Clintonville will take all reasonable precautions to protect all private property, lots and/or grave owner's property in the cemetery from either loss or damage. But the City of Clintonville distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the acts of thieves, vandals and rioters, wildlife, and from all acts of providence and nature including wind, tornadoes, hail, snow, rain and frost, regardless if the damage is direct or proximate.

All above rules and regulations are governed by Wisconsin State Statute Chapter 157 – Disposition of Human Remains.

ADOPTED on this 10th day of October, 2023.

The governing body of the City of Clintonville has authorized the above resolution by Resolution No: 2023-20 dated October 10, 2023.

Steve Kettenhoven, Mayor

Date Signed

ATTEST: _____
Peggy Johnson, Clerk