

**TOWN OF LIBERTY GROVE
CEMETERY ORDINANCE # 1-11**

An ordinance for administration of Liberty Grove cemeteries.

Section 1.

All previous cemetery ordinances and all other rules of cemetery operation for the Town of Liberty Grove, hereafter referred to as Town, are hereby rescinded, to be replaced by this ordinance.

Section 2.

All cemeteries and subdivisions thereof operated by the Town of Liberty Grove shall be ruled by the regulations herein set forth.

Section 3.

Definitions:

A. **Plat:** That section of the cemetery which is differentiated according to time of incorporation into the cemetery, e.g., original plat, first addition, second addition, etc.

B. **Lot:** A section of eight burial sites contained within a specific lot. A lot for eight graves shall have a dimension of 16' X 20'.

C. **Burial site:** Actual site of interment contained within a lot is 4'X10'.

D. **Family Burial Sites:** Must be contiguous, consisting of 2 or more sites, and the layout shall be determined by the Town Administrator.

E. **Purchase Price:** Actual cost in dollars to purchase a burial site. The purchase price entitles the purchaser to a burial site and care of that site thereafter. See Sec. 4A

F. **Opening fee:** The fee set by the Town of Liberty Grove to excavate the burial site and refill it once the burial has taken place. Included in the opening fee are normal excavation, and replacement. Not included are abnormal costs such as opening frozen ground or hammering rock. See Section 4B.

G. **Resident:** A registered voter in the Town of Liberty Grove and/or a person who pays property tax to the Town of Liberty Grove and has done so for one calendar year or more including the calendar year preceding death.

H. **Calendar Year:** A period of 12 consecutive months.

I. **Non-Resident:** A person who is not a registered voter in the Town of Liberty Grove and has not paid property tax for one calendar year as defined in ordinance to the Town of Liberty Grove.

J. **Place of Residence:** For these purposes, shall mean residing within the said municipality for a continual period of 5 (five) months or greater per calendar year.

K. **Condominium owners or nursing home residents:** must have been residents of said municipalities for a period of one year to be eligible to purchase a burial site.

L. **Immediate family:** Relatives consisting of husband, wife, sons, daughters 18 years or younger, and parents of husband or wife.

M. **Property:** Real property consisting of land and/or buildings.

N. With respect to this ordinance, Sister Bay village residents may purchase burial sites at the resident price in Little Sister Cemetery only.

O. **Deed.** A deed for each site shall be issued to the owner of the site. Multiple sites may not be held by one individual.

P. **Flat Marker:** A marker and foundation that is level with the contour of the ground on all sides; that is, flush with the surface of the ground on all sides.

Section 4.

Fees:

A. Charge to purchase burial sites shall be determined by the Town Board of the Town of Liberty Grove, and may be changed without amendment to this ordinance. Contact Town Clerk for current fee.

B. The opening fee shall be set by the Town Board of the Town of Liberty Grove and may be changed as the need arises without amendment to this ordinance. Contact Town Clerk for current fee.

C. Shall the desires of a gravesite owner change from the original intention of burial, extra work by Town staff at the site above and beyond the normal procedures of opening and closing shall be charged on a time and materials basis.

Section 5.

Plantings:

A. Plants or flowers are to be planted only in a cultivated area the width of the stone marker, extending out from the base of the marker on the face side for a distance not greater than eight inches. No bushes or shrubs are allowed to be planted.

B. Plants: No artificial flowers shall be placed on or near the grave in the summer months (May 15 – Sept 15) EXCEPT for the Memorial Day observance, Friday before thru Tuesday after. All artificial flowers shall be removed by June 1. Any remaining after that date shall be subject to removal and disposal by the Town and its employees.

Section 6.

Cremation:

- A. Cremains: The maximum number of urns placed on one burial site is four (4).
- B. The Town will allow one regular burial and one cremation on a single lot.

Section 7.

Markers and Foundations:

A. Foundations.

1. Foundations shall be concrete or stone a minimum of 4" thick, and placed according to Town's instructions and shall be below the surface.
2. The foundation for an upright marker can have a width of not more than 5" on each side of the marker.

B. Markers.

1. All markers, flat or upright, must be placed on foundations.
2. Individual markers shall be flat and not exceed 1 foot x 2 feet in size.
3. Double markers shall be flat and not exceed 1 foot x 3 feet in size.
4. The top of the combined flat marker and foundation shall be level with the contour of the ground on all sides.
5. Family markers are allowed only as defined in section 3D of this ordinance. The maximum dimensions of a family marker shall be 4' long and 3' high. Placement of a family marker shall be determined by the Town.
6. All other types of designs of monuments, markers or mausoleums are hereby prohibited.

C. Setting of Markers

1. Location of all markers shall be determined by the Town of Liberty Grove and/or its designee.
2. All markers to be erected and placed on the graves shall be of the specifications herein set forth. Failure to set the markers properly shall result in notification in writing to the company or individuals setting the markers, informing them as to the inappropriateness of their setting. The company/individual shall have 60 days from the day of notification to correctly set the marker. Should said company/individual fail to perform within said time limits, the Town of Liberty Grove shall correct said marker's setting, and bill the company/individual for the cost of correcting the fault.

- D. Only flat markers will be permitted in the second addition of Little Sister Cemetery.

Section 8.

Rule regarding purchase and release of burial sites:

A. Residents as defined in the ordinance may purchase burial sites, and those sites may be used by the named owner of the site unless changed by Section 8 (E) of this ordinance.

B. The Town retains exclusive buy back rights to burial sites for original sale price, without interest.

C. The purchase price is to be paid to the Town of Liberty Grove in full within 30 days upon receipt of bill, or a deed for the site will not be issued by the Town.

D. Corporate officers or members whose corporation owns property in said municipalities may not purchase burial sites based upon membership in their respective corporations.

E. Upon the change in status of a gravesite owner by death or divorce or other situation, sites not used may be transferred to immediate family members only, provided they own no other sites in the cemetery, upon presentation of one of the following:

- a. A legal document detailing the terms of the transfer of ownership of the site.
- b. A signed, notarized agreement of the immediate family members designating to whom the site(s) shall be transferred.

F. Additional burials on sites that are not named owners of the site are limited to sons, daughters, mothers and fathers of the owner of the site and must be done by cremation. The limit to the extra burials is one (1). An additional flat marker may be placed on the site subject to the Town's instruction.

Section 9.

Severance Clause:

A. Provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.

This ordinance shall take effect after passage and notice as provided by law.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, this 20th day of April, 2011.

John Lowry, Chairman

Franklyn Forkert, Supervisor

Nancy Goss, Supervisor

Ann Miller, Supervisor

Robert Tidball, Supervisor

CERTIFICATION:

I, Walter L. Kalms, Clerk of the Town of Liberty Grove, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 20th day of April, 2011 by the Town of Liberty Grove Board of Supervisors.

Walter L. Kalms, Clerk/Administrator