

Town of Baileys Harbor

Ordinance NO. 1-05

An Amendment to Ordinance Determining The System of Management and Operation of Town Cemeteries

The Town Board Supervisors of the Town of Baileys Harbor, Door County, Wisconsin, do ordain follows:

Sec. 1 Purpose/Statutory Authority

Pursuant to Section 157.50, Wis. Stats., the Town Board of Supervisors (Town Board) of the Town of Baileys Harbor (Town), Door county, Wisconsin, establishes a system of management and operation for town cemeteries.

Sec. 2 Prior Ordinances Repealed

Town of Baileys Harbor Ordinances 1-92 and 6-97, and any other Town of Baileys Harbor Ordinance with provisions inconsistent with this ordinance are hereby repealed and recreated as follows:

Sec. 3 Cemeteries Defined/Application of Ordinance

The Town is presently the owner of the one cemetery known as the “Town of Baileys Harbor Cemetery” located at the intersection of County Trunk Highway EE and Red Cherry Road in the Town. This ordinance is intended not only to apply to that cemetery, but all future cemeteries that the Town may own.

Sec. 4 Definition

1. Lot

Full Body Burial- A section of 8 burial sites contained within a specific plat.

A lot for eight (8) burial sites shall have a dimension of 20 feet by 20 feet.

Cremation Burial – A section of 8 burial sites contained within a specific plat.

A lot for eight (8) burial sites shall have a dimension of 20 feet by 10 feet.

2. Burial Sites

Full Body Burial- Actual site of interment contained within a lot shall be 5 by 10 feet

Cremation Burial- Actual site of interment contained within a lot shall be 5 by 5 feet

Sec. 5 Burial Regulation

Amendment to Sec 5 number 2.

1. **Full Body Burial**— One (1) remain and One (1) cremation or Two (2) cremations per burial site, Allowing One (1) Monument per burial site. Full body burials must be placed in a cement or steel vault.
2. **Cremation** - Two (2) cremations per burial site, allowing One (1) Monument per burial site

Sec. 6 Monuments

Amendment to Sec 6

All monuments shall be constructed of stone except Military Plaques which are constructed of bronze. All monuments shall be placed at the East end of the grave site and shall face towards the west. No placement of monument shall be done until approved by the designated town board representative. No less than forty-eight (48) hour notice shall be given to the designated town board representative prior to placement of monument. Only one monument shall be allowed per burial site except in the case of a Family Lot, Family Lot being all eight (8) burial sites purchased under one family surname. Only one (1) Family Sur Name Marker may be placed in the center of a Family lot with individual markers, no more than 8" tall, placed at the east or west end edge of each grave. The markers placed on the western edge of the Family lot will face east. All Markers to be erected and placed on the grave shall be of the specification herein set forth. Failure to set the markers properly may result in the notification in writing to the company or individuals setting the marker, informing them as to the appropriateness of their setting. The company/individual shall have sixty (60) days from the date of notification to correctly set the marker. Should said company/individual fail to preform the correction with said time limits, the Town of Baileys Harbor may correct said marker setting and bill the company/individual for the cost of correcting the deficiency.

Sec. 7 Purchase/Sale of Burial Sites

1. **Purchase**- All purchases of the burial sites shall be made through the Town Clerk or designated member of the Town board. Burial sites may be purchased by Baileys harbor property owners and non-property owners. Corporate officers or members whose corporation owns property in Baileys Harbor must purchase burial sites at the non-property owners' rates.
2. **Purchase Price**- The Town Clerk or the Town Board shall maintain a current schedule of the price for all burial sites. Such schedule may contain different prices for property or non-property owners in the Town.
3. **Payment**- Upon purchase, the purchase price is to be paid to the "Town of Baileys Harbor" within 30 days ion receipt of the bill or site immediately reverts to the Town.
4. **Resale of the Burial Sites**- The Town has a perpetual and exclusive First Right of Refusal to purchase any plots for original price, without interest, prior to any conveyance to another individual. All cemetery deeds issued by the Town shall contain a restriction on the deed referencing such First Right of Refusal provision.
5. **Transfer of Burial Site Deed**- A Burial Site Deed may be transferred, at no cost to the owner, to another family member. Family member being relatives consisting of husband, wife, son, daughter, sister, brother, father, mother, grandchildren and great

grandchildren. The original deed, the name and address of the transfer must be presented to the Town Clerk who will then issue a new deed. A Burial Site Deed may only be transferred once within the family.

Sec 8 Plantings (flowers, shrubs, etc.)

1. No person, without the permission of the Town Board, shall plant any seeds, plants, trees, shrubs or other types of plantings anywhere in the Town cemetery.
2. Potted plants or floral arrangements may be placed at the head of the burial site. All hanging floral arrangements shall be hung from a Sheppard's Stake placed at the head of the burial site.
3. Any dead plants or floral arrangements placed in the cemetery by the individuals shall be removed by those individuals. If at anytime the designated Town Board member, or Town maintenance personnel, determines plants or floral arrangements are spent they may remove them without notice.
4. If at anytime the designated Town Board member, or Town maintenance personnel, finds a planting violation they are to inform the burial site owner (or family) of the violation. The burial site owner (or family) has thirty (30) days to remove the violation. If at the end of the thirty (30) days the violation has not been removed the designated Town Board member, or Town maintenance personnel, may remove the violation. A removal fee of not less than \$50.00 may be charged to the burial site owner (or family).

Sec. 9 Operation of Vehicles

1. No person, without the written permission of the Town Board, shall operate or park any type of vehicle in any Town cemetery except automobiles, pick-up trucks, vans and vehicles used in the operation or maintenance of the cemetery, including the digging of graves. For this purpose, "vehicles" includes motorcycles, motorbikes, all-terrain vehicles, snowmobiles and trucks larger than pick-up trucks.
2. No person, without the written permission of the Town Board, shall operate or park any type of vehicle allowed in any Town cemetery by subsection (1) above, off of any roadway except when used in the operation or maintenance of such cemetery, including the digging of graves.

Sec. 10 Maintenance

All Town cemeteries shall be maintained by the Town, except that the Town shall not be responsible for potted plants or floral arrangements on graves or cremation remains sites.

Sec. 11 Records

The Town clerk or designated member of the Town Board shall retain a record of all purchases, sales and transfers of burial and cremation remains sites. To be included in said

record shall be the transactions and amounts paid or received, name and address of burial site owner, deed number, date of birth and burial date of the deceased.

Sec.12 Penalty

Any person violating any [provision of this Ordinance shall forfeit not less than \$50.00 nor more than \$100.00 for the first offense, and not less than \$100.00 nor more than \$200.00 for the second and subsequent offenses, plus court costs and penalty assessment. Each day a violation exists shall be considered a separate violation.

This Ordinance shall take effect upon passage and the day following its publication.

<u>Town Board Members</u>	<u>Aye</u>	<u>Nay</u>
D. Smith	X	
R. Schultz	X	
B. Anschutz	X	
P. Jacobs	X	
R. Thelen	X	

Certification:

I, Haley Adams, Clerk of the Town of Baileys Harbor, hereby certify that the above is true and correct copy of an ordinance that was adopted on the 14th day of October, 2019 by the Town Board of Supervisors.

Haley Adams, Town Clerk of Baileys Harbor