

[https://library.municode.com/wi/racine/codes/code\\_of\\_ordinances?nodeId=PTIIMUCO\\_CH30CE](https://library.municode.com/wi/racine/codes/code_of_ordinances?nodeId=PTIIMUCO_CH30CE)

## Chapter 30 - CEMETERIES<sup>[1]</sup>

Footnotes:

--- (1) ---

**Cross reference**— Sale, possession or consumption of alcoholic beverages in certain public places prohibited, § 6-4; streets, sidewalks and certain other public places, ch. 82.

**State Law reference**— Cemeteries, Wis. Stats. § 157.061 et seq.; municipal cemeteries, Wis. Stats. § 157.50.

### ARTICLE I. - IN GENERAL

#### Sec. 30-1. - Penalty for violation of chapter.

Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to the forfeiture set out in section 1-15, together with the costs of prosecution.

(Code 1973, § 8.23.010)

#### Sec. 30-2. - Payment of forfeiture in lieu of court appearance.

- (a) Any person charged with a violation of the offenses listed under subsection (b) of this section may pay the amount enumerated therein at the police department in lieu of a court appearance. Persons wishing to contest charges contained in subsection (b) of this section may contact the police department to arrange a court appearance date.
- (b) The following forfeitures for the offenses listed herein may be paid at the police department:

Section number	Violation	Forfeiture
30-6(b)	Dogs in cemetery	\$ 50.00
30-6(c)	Speeding in cemetery (motor vehicle)	50.00
30-6(d)	Damage to cemetery property	300.00
30-7	Cemetery closing hours	100.00

(Code 1973, §§ 8.27.010, 8.27.020; Ord. No. 01-16, pt. 4, 6-23-16)

#### Sec. 30-3. - Interments.

Prior to any interment in any city-owned cemetery, there must be filed in the office of the cemetery supervisor a burial permit or burial transit permit. In no case shall interment be made other than by complete compliance with all conditions, rules and regulations governing cemeteries as particularly prescribed in this chapter and Wis. Stats. § 69.18. All charges for interments shall be set forth in a schedule of prices recommended annually by the cemetery board and approved by the common council.

(Code 1973, § 8.17.010; Ord. No. 5-98, pt. 2, 3-18-98)

Sec. 30-4. - Cemetery fees, disposition.

All fees paid to the city treasurer for cemetery services shall be placed to the credit of the general fund, except services related to the crypt complexes, which shall be deposited in the crypt fund as provided in section 30-84.

(Code 1973, § 8.08.010)

Sec. 30-5. - Care of grounds; records and reports.

All earth or rubbish accumulated in any city cemetery by proprietors of lots or other workmen must be carefully removed as soon as possible and deposited wherever the cemetery supervisor may direct, or removed from the cemetery grounds. Whenever any work is done by the cemetery supervisor or his employees within the cemetery grounds for private persons, the money received by the supervisor in his official capacity shall be accounted for and turned over to the city treasurer at least monthly. The supervisor shall keep in a book kept for that purpose an accurate itemized account of all the work done by him for private persons, the names of such persons and the date when such work was done, the price to be paid, the amount collected, etc. The supervisor shall make an annual report to the board and authorized manager showing the amount of work done during such month, the number of interments, the amount of moneys collected and any other facts relating to the welfare of the cemeteries. The board and the common council may request special reports from the authorized manager at any time.

(Code 1973, § 8.16.010; Ord. No. 5-98, pt. 3, 3-18-98)

Sec. 30-6. - Rules of conduct.

- (a) *Reserved.*
- (b) *Dogs.* No person shall allow his dog, whether it is at large or under the control of the owner or any other person, in any of the city's cemeteries.
- (c) *Speed limit.* No vehicle shall be driven on the grounds of any city cemetery at a faster rate of speed than 25 miles per hour.
- (d) *Damaging property.* No person shall pick flowers, break any tree, shrub or plant, vases or urns, or write upon, mark, deface or injure any monument, fence, coping or other structure in or belonging to the cemeteries.
- (e) *Enforcement.* It shall be the duty of the cemetery board, cemetery supervisor, city police and other city officers to enforce the rules and regulations relating to the cemetery grounds.

(Code 1973, §§ 8.18.010, 8.19.010; Ord. No. 5-98, pt. 4, 3-18-98; Ord. No. 06-13, pt. 1, 4-3-13)

Sec. 30-7. - Closing hours; attendance of minors.

- (a) All city-owned cemeteries shall be closed to the public and to all pedestrian and vehicular traffic during the nighttime, as that term is defined in Wis. Stats. § 990.01(23).
- (b) All city-owned cemeteries shall be closed to persons under the age of 18 years during daylight hours except as follows:
  - (1) When accompanied by a person 18 years of age or older for the purpose of visiting a gravesite.
  - (2) When in possession of written permission, duly authenticated and dated, from the cemetery supervisor or his authorized agent, for the purpose of visiting a gravesite.
  - (3) When a member of a group of mourners attending grave-side services for a decedent.
- (c) The provisions of subsection (a) of this section shall not be applicable to any police officer or law enforcement officer or city employee or agent who, at the time, is in the cemetery in an official capacity.

(Code 1973, §§ 8.22.010—8.22.030; Ord. No. 5-98, pt. 5, 3-18-98)

Secs. 30-8—30-30. - Reserved.

## ARTICLE II. - ADMINISTRATION

### DIVISION 1. - GENERALLY

Secs. 30-31—30-40. - Reserved.

### DIVISION 2. - BOARD OF CEMETERY COMMISSIONERS<sup>[2]</sup>

#### Footnotes:

--- (2) ---

**Cross reference—** Administration, ch. 2; policy on absenteeism of boards, committees, commissions, § 2-166.

Sec. 30-41. - Created; composition; compensation.

There is hereby created a board of cemetery commissioners, to be known as the cemetery board, consisting of four citizens of the city and one alderman of the common council. One of the four citizens may be a non-city resident residing in Racine County. No salary or compensation shall be paid to any member of the cemetery board for services on such board.

(Code 1973, § 8.01.010; Ord. No. 15-10, pt. 1, 10-27-10)

Sec. 30-42. - Election and appointment of members.

It shall be the duty of the common council at its regular meeting on the first Tuesday of February of each year to elect one citizen member to the cemetery board; and the alderman representative shall be appointed by the mayor subject to the approval of the common council on the third Tuesday of April in each year.

(Code 1973, § 8.01.011)

Sec. 30-43. - Terms of members; filling of vacancies.

The term of office of the citizen members of the cemetery board shall commence on March 1 following his election and such member shall hold this office for four years and/or until a successor has qualified. The alderman representative shall hold this office for one year or until a successor has qualified. Vacancies on the board shall be filled by the common council for the unexpired term of the person who has vacated such office.

(Code 1973, § 8.01.020)

Sec. 30-44. - Powers and duties.

The cemetery board, together with the department of parks, recreation and cultural services, shall have general supervision and charge of the cemeteries, subject to the rules and regulations established by the common council.

(Code 1973, § 8.01.030; Ord. No. 5-98, pt. 6, 2-18-98; Ord. No. 3-08, pt. 1, 6-17-08)

Sec. 30-45. - Prices for lots, burial spaces, crypts and services.

The cemetery board shall, on an annual basis, recommend to the common council a price to be fixed for lots, burial spaces, crypts and services in the city cemeteries which in its judgment shall be just. When approved by the common council, the prices so fixed shall take effect immediately.

(Code 1973, § 8.11.010)

Sec. 30-46. - Removal of members from office.

Upon written complaint being filed with the city clerk by any resident of the city, charging that any member of the cemetery board is not properly performing his duty, the common council shall, within 20 days after such complaint is filed with the city clerk, set a time for hearing such charges and shall notify the commissioner so complained of to appear before the common council at such time and make answer to the charges. If, after the hearing, the common council decides that the charges are true, the office of such commissioner shall be vacated and the common council shall at its next regular meeting proceed to elect a commissioner for the unexpired term of the commissioner so removed.

(Code 1973, § 8.01.040)

Secs. 30-47—30-55. - Reserved.

DIVISION 3. - AUTHORIZED MANAGER<sup>[3]</sup>

Footnotes:

--- (3) ---

**Cross reference—** Appointment of cemetery manager and director of city development, § 2-436; officers and employees, § 2-436 et seq.

**Note—** Ord. No. 5-98, pt. 7, adopted March 18, 1998, changed the title of div. 3 from "cemetery manager" to "authorized manager."

**Sec. 30-56. - Supervision of cemeteries.**

The cemeteries owned by the city shall be under the care of the department of parks, recreation and cultural services through an authorized supervisor designated by the director of parks, recreation and cultural services.

(Code 1973, § 8.05.010; Ord. No. 5-98, pt. 8, 3-18-98; Ord. No. 3-08, pt. 2, 6-17-08)

**Sec. 30-57. - Duties.**

The authorized supervisor shall provide general supervision of the cemetery and shall act as liaison with the cemetery board.

(Code 1973, § 8.05.020; Ord. No. 5-98, pt. 9, 3-18-98; Ord. No. 3-08, pt. 3, 6-17-08)

**Secs. 30-58—30-80. - Reserved.**

**ARTICLE III. - FUNDS<sup>[4]</sup>**

**Footnotes:**

--- **(4)** ---

**Cross reference—** Funds, § 46-156 et seq.

**Sec. 30-81. - Trust funds.**

The city treasurer is hereby designated the custodian of trust funds. The bond of the city treasurer shall also cover the faithful performance of his duties as such custodian and shall be conditioned for the proper investment of and accounting for such funds, the increase thereof and the payment thereof to his successor in office. Such funds shall be invested in bonds of the United States, or of this state, or of some county, city, village, town or school district in this state, or in bonds or notes secured by mortgages on real estate in amounts not exceeding one-half of the value of such real estate.

(Code 1973, § 8.03.010)

**Sec. 30-82. - Cemetery maintenance fund.**

There is hereby created and established a fund to be known as the cemetery maintenance fund. Such fund and any income derived therefrom shall be used by the cemetery board for the maintenance, expansion and development of city cemetery property; provided, that no part of the principal of such fund may be expended by the cemetery board without first obtaining the approval of the common council.

(Code 1973, § 8.04.010)

**Sec. 30-83. - Perpetual care fund.**

The cemetery individual perpetual care fund is hereby created. Any person may deposit in this fund a sum of money in an amount approved by the cemetery board, the interest therefrom to be used to secure extra care of lots or for any other purpose connected with a city cemetery as may be by him designated.

(Code 1973, § 8.09.010)

Sec. 30-84. - Garden court crypts construction and maintenance fund.

- (a) *Creation.* There is hereby created a garden court crypts construction and maintenance fund. The cemetery board shall have general care, control and supervision of such fund, which shall be created from the proceeds of the sale of units in the two sections of Mound Cemetery Garden Court Crypts constructed by W.R. Wadewitz in accordance with his offer made to the mayor and common council under item 7 of the official proceedings of the council for July 19, 1960, and in keeping with the acceptance of such offer by the mayor and common council by resolution known as item 91 of the official proceedings of the council for August 2, 1960. It shall be the duty of the city treasurer to act as treasurer of such fund.
- (b) *Duty of the cemetery board and the department of parks, recreation and cultural services.* It shall be the duty of the cemetery board and the department of parks, recreation and cultural services to prescribe rules and regulations for the management, care and use of the garden court crypts, including, but not by way of limitation, the fixing of the sale price of such units. The proceeds of the sale of units of the above referred to sections or any sections or units constructed from the proceeds of such fund shall be placed in the garden court crypts construction and maintenance fund.
- (c) *Use of fund.* The cemetery board may on its own motion use the proceeds of the garden court crypts construction and maintenance fund to build additional sections of garden court crypts as may be needed from time to time in either Mound or Graceland cemeteries; for maintenance or reconstruction of the two sections constructed by W.R. Wadewitz or any future sections, including landscaping, as may be constructed from the proceeds of such fund, or if the board determines that there is an excess in such fund over and above the requirements for maintenance of existing crypt areas or new crypt construction, it may in its discretion use such excess for general cemetery purposes. It is intended that the earnings of the fund shall become a part of the fund and that the authority of the cemetery board to use such fund shall apply not only to interest income but to the use of the principal as may be necessary in its discretion.
- (d) *Declaration of intention.* It is the intention of the common council in adopting this section that the power and authority given to the cemetery board with respect to the Mound Cemetery garden court crypts or any crypts constructed with the proceeds of the fund referred to in this section shall remain unchanged as long as there is a need for this type of facility in the city. The common council does further declare as its intention that should the need for this type of facility no longer exist it will dissolve such fund, but does hereby declare that whatever proceeds of the fund remain will be used wholly for cemetery purposes.

(Code 1973, §§ 8.21.010—8.21.040; Ord. No. 5-98, pt. 10, 3-18-98)

Secs. 30-85—30-105. - Reserved.

#### ARTICLE IV. - CEMETERY LOTS AND MAUSOLEUMS

##### DIVISION 1. - GENERALLY

Sec. 30-106. - Mausoleums.

Any person desiring to erect a mausoleum in any city cemetery shall, before commencing any work on the mausoleum, obtain the approval of the state department of industry, labor and human relations, as

provided in Wis. Stats. § 157.12, and shall also obtain the approval of the cemetery board of the plans and specifications for such mausoleum. Such person shall also deposit with the city treasurer a sum of money equal to eight percent of the estimated cost of such mausoleum, if the estimated cost of construction and installation of the mausoleum is \$20,000.00 or more. This money shall be deposited in the perpetual care fund and shall be used for the purpose of keeping such mausoleum in repair.

(Code 1973, § 8.10.010)

**State Law reference**— Mausoleums, Wis. Stats. § 157.12(2), (3).

Sec. 30-107. - Monuments.

Whenever any monument in a city cemetery shall be built or erected on a foundation of crushed stone or concrete, such foundation shall not be carried above the level or grade of the lot, and before such monument shall be erected the plans and specifications for such monument shall be approved by the cemetery supervisor. Plans or designs of any monument or structure proposed to be placed upon any burial lot, or any inscription proposed to be placed on monuments, shall be approved by the supervisor. If the supervisor shall not consent thereto, the monument or structure shall not be erected unless the consent of the cemetery board shall first be obtained.

(Code 1973, § 8.15.010; Ord. No. 5-98, pt. 11, 3-18-98)

Secs. 30-108—30-120. - Reserved.

DIVISION 2. - LOTS<sup>[5]</sup>

Footnotes:

--- (5) ---

**State Law reference**— Plots, Wis. Stats. § 157.07.

Sec. 30-121. - Sale; numbering of burial spaces.

Lots in city cemeteries shall be sold to any person, provided that no person shall purchase more than ten graves without the consent of the cemetery board. All lots shall be sold subject to the rules and conditions contained in this chapter and any ordinances of the city, and the deed of conveyance shall so state. Whenever any new block is laid out in any cemetery it shall be levelled off to the fixed grade and sodded or seeded with grass seed before any lots are sold therein. All lots shall be subdivided on the plat into burial spaces, which shall be designated by numbers so that the cemetery supervisor can properly keep the records required.

(Code 1973, § 8.06.010; Ord. No. 5-98, pt. 12, 3-18-98; Ord. No. 16-10, pt. 1, 11-10-10)

Sec. 30-122. - City clerk's records.

It shall be the duty of the city clerk to keep a record of all cemetery lots sold by the city, the amount received from the sales of such lots, and the names of the purchasers thereof.

(Code 1973, § 8.20.010)

Sec. 30-123. - Deeds.

The purchaser of a city cemetery lot shall pay the cemetery supervisor for such lot. The cemetery supervisor shall deposit such funds with the city treasurer at least monthly. The city clerk shall issue a deed of conveyance for the lot signed by the city clerk and the mayor. The deed shall contain a recitation that the lot is to be used for burial purposes only and that perpetual care thereof will be provided. All sums received from the sale of cemetery lots shall be placed in the cemetery maintenance fund.

(Code 1973, § 8.07.010; Ord. No. 5-98, pt. 13, 3-18-98)

**State Law reference**— Conveyance, Wis. Stats. § 157.08.

Sec. 30-124. - Improving lots.

The proprietor of each lot in a city cemetery shall have the right to erect any proper stone or bronze monument, subject to the approval of the authorized manager. No tree growing within the lot or border shall be cut down without the consent of the cemetery supervisor. Graves shall not be raised above the level of lots. No person shall place or construct wooden fences, palings or other wooden structures within the cemetery grounds, and the city reserves the right to forbid any enclosures, structures or inscriptions or any such improvements of the grounds as may be considered injurious or interfering with the general design or good appearance of the cemetery grounds.

(Code 1973, § 8.14.010; Ord. No. 5-98, pt. 14, 3-18-98)

**State Law reference**— Care of lots, Wis. Stats. § 157.11.