

Chapter 20 - CEMETERIES AND BURIAL

Section 20.01 PURPOSE

The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the Town of Turtle.

Section 20.02 POLICY

All Town of Turtle Cemeteries are owned and maintained by the Town of Turtle for the benefit of all citizens. Persons of all denominations and of all religions, of all creeds and races, shall be allowed to be buried in the Town of Turtle Cemeteries. This shall specifically include Veteran burials. This Chapter for construction, management, platting, and operation of Town of Turtle Cemeteries is adopted pursuant to section 157.50(2) of the Wisconsin Statutes. Also, certain provisions are set forth in this Chapter to govern construction, management, administration, platting, and operation of any new cemetery or expanded cemetery of any other type dedicated and owned by other persons in the Town of Turtle, and of any burial site in the Town of Turtle. The Town Board may adopt in writing additional Regulations and By-laws under section 157.11(2) of the Wisconsin Statutes for operation, management, and administration of any Town of Turtle Cemetery. The Town of Turtle reserves the right to amend any of this Chapter to conform to newly developed cemetery practices and to amend By-laws and regulations. However, before this Chapter, By-laws or regulations are amended, a public hearing shall be held thereon before the Town Board and a notice thereof shall be published in a local newspaper at least ten (10) days prior to such hearing. The Town Board, by Resolution, may designate, retain, or employ a person as Sexton or any other designee or Committee to act administratively and to manage, operate, and care for the Town of Turtle Cemeteries pursuant to this Chapter.

Section 20.03 PLATTING OF NEW CEMETERY LOTS AND NEW OR EXPANDED CEMETERY OPERATIONS

(a) Platting/Zoning

Before any new block of any existing Town of Turtle Cemetery or other new or expanded Cemetery in the Town of Turtle is opened for sale of cemetery lots or for burial of human remains, the Town Board, the Sexton, or the designee of the Town Board, or any person or agent for any other cemetery, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Rock County. For all other new or expanded cemeteries to be platted, dedicated or constructed for cemetery use after the effective date of this Chapter in the Town of Turtle, the person, corporation, order, society, or association noted in section 157.065 of the Wisconsin Statutes to construct,

manage, or operate such cemetery shall plat and record such plat as noted herein and under section 157.07 of the Wisconsin Statutes. No new burial site nor new burial of human remains in the Town of Turtle, after the effective date of this Ordinance, shall occur outside a dedicated, platted and constructed cemetery in full compliance with this Chapter and Chapter 157 of the Wisconsin Statutes. Any new or expanded cemetery or any burial site shall comply with any land division or zoning ordinance applicable in the Town of Turtle.

(b) Single Grave Section

The Town Board, the Sexton, or other designee of the Town Board shall designate, for any Town of Turtle Cemetery, certain lots as a single grave section, and such lots therein shall be platted and sold as single grave lots.

(c) Purchase of New Lands

The Town Board, the Sexton, or other designee of the Town Board shall not purchase, acquire or condemn any land for cemetery purposes without Town or Special Meeting approval of the Town electors under Ordinance 157 of the Wisconsin Statutes.

(d) Public Easement in Cemetery

No person in violation of section 157.60 of the Wisconsin Statutes shall open or make any highway, Town road, private way or other public easement in or upon any cemetery burial site or location for burial of the dead in the Town of Turtle, unless written consent has been obtained by the proper State, County or Town authority.

(e) New or Expanded Cemeteries

No person or authorized agents of any cemetery shall construct, manage, plat, or operate any new or expanded cemetery of any type in the Town of Turtle, after the date of adoption of this Chapter, without written approval of the Town Board. A cemetery for purposes of this Chapter shall be any location for burial, as defined in section 157.061(1) of the Wisconsin Statutes, of human remains, as defined in section 157.061(8) of the Wisconsin Statutes, in the Town of Turtle that has been dedicated as a cemetery as “dedicated” is defined in section 157.061(4) of the Wisconsin Statutes, or as defined under common law. Proof of acceptance by the Town Board of the Town of Turtle, or any other cemetery authority of such burial sites for a cemetery, shall be necessary for a determination of a cemetery by the Town Board under this Chapter. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted, as determined by the Town Board, and then recorded with the Town Clerk and the Rock County Register of Deeds.

(f) **Size of Cemetery**

The size of a new cemetery in the Town of Turtle shall be determined by the Town Board after receiving a recommendation from the Cemetery Committee.

(g) **Burial Sites**

No person in the Town of Turtle shall disturb any burial site, as defined in section 157.70(1)(b) of the Wisconsin Statutes nor shall the Town Board transfer any such burial site to any person on land owned by the Town of Turtle, unless in compliance with section 157.70(6m) of the Wisconsin Statutes.

Section 20.04 PURCHASE OF LOTS

(a) **Price of Lots**

At the Town of Turtle Cemeteries the Town shall from time to time fix a price on all lots to be sold in any Cemetery.

(b) **Sale of Lots**

Persons or their authorized agents desiring to purchase a lot in any Town of Turtle Cemetery are referred to the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board. The Town Board, the Town Clerk, the Sexton, or other designee of the Town Board will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board will present the order at the Office of the Town Clerk. Upon receipt of proper payment payable to the Town Treasurer of the Town of Turtle, the Town Chair and the Town Clerk shall issue a deed to the lot in the form prescribed by the Town Attorney. The Deed from the Town of Turtle and the records of the cemetery kept by the Town are the only evidence of title to any lot. The deed shall be signed by the Town Clerk and Town Chair or other persons so designated by the Town Board and sealed and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the Rock County Register of Deeds.

(c) **Compliance with Section 157.08 of the Wisconsin Statutes**

Persons conveying cemetery lots at any Town of Turtle Cemetery shall comply with section 157.08 of the Wisconsin Statutes.

(d) **Notice of Burial Sites in the Town**

Any person who locates a burial site, as defined in section 157.70(1)(b) of the Wisconsin Statutes, or suspected burial site, or receives oral or written notice of such

burial site or suspected burial site in the Town of Turtle, outside a dedicated cemetery in the Town of Turtle, shall immediately contact the Town Clerk of the Town of Turtle. The Town Clerk shall, in writing, notify the Town Board of such burial site or suspected burial site.

Section 20.05 OWNERSHIP RIGHTS OF BURIAL OR INTERMENT

(a) Ownership Conditions

- (1)** The lot owner or his or her authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this Town of Turtle Chapter or any Town of Turtle Cemetery By-laws and Regulations. For purposes of this Ordinance “burial” shall mean inurnment or interment.
- (2)** Upon full payment of any person of the purchase price of a lot, the Town Clerk and Town Chair for any Town of Turtle Cemetery lot will issue a cemetery deed, under seal, and the deed will be recorded in the records of the Town of Turtle as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the Town of Turtle, will not thereafter be divided except by consent in writing of the Town Board of the Town of Turtle. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
- (3)** Any lot owner at any Town of Turtle Cemetery shall have acquired the lot for burial or interment of himself and members of his family. However, the lot owner may grant written permission (placed on file with the Town Clerk) for the burial or interment of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband or wife of such person, or his or her relative, except by the written consent of all persons having an interest in the lot.

(b) Interment/Burial

Unless otherwise directed in writing and filed with the Town Clerk, the lot owner, his/her devisees, or his/her heirs, the Town of Turtle, the Sexton, or other designee of the Town Board will permit the interment or burial of members of his/her family at any Town of Turtle Cemetery at the request of any interested person upon proof of eligibility for burial or interment as follows:

- (1)** The surviving spouse of the lot owner shall have the first right to interment or burial or to direct the right of interment or burial.

- (2) When there is no surviving spouse, the devisees, or heirs of the owners may, by agreement in writing, determine who among them shall have the right of interment or burial or direction for interment or burial, which agreement shall be filed with the Town Clerk of the Town of Turtle.
- (3) In the event the owner, his surviving spouse, his other devisees, or heirs shall not or cannot arrange for future burials or interments, then the devisees or heirs, as the case may be, of such owners, shall have the right to interment in order of as follows: 1) Other spouse, 2) Eldest daughter, 3) Eldest son, 4) Youngest brother, 5) Youngest sister.
- (4) If no such arrangement is applicable, then the Town Board, the Sexton, or other designee of the Town Board of the Town of Turtle may determine use.

(c) **Ownership Rights**

All interments or burial rights in the cemetery lots located at any Town of Turtle Cemetery and purchased from the Town of Turtle shall occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Town of Turtle will be recognized as owners or part owners of lots. Lot owners shall not allow burials or interments to be made in their lots for any remuneration or financial consideration. In case of death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the Town Clerk of the Town of Turtle before the Town of Turtle will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended by the Town of Turtle that lot owners, in making their wills, include a provision covering the Town of Turtle Cemetery lots and devise same to one person.

(d) **Resale**

Lot owners may not resell or transfer their lots or parts of lots in any Town of Turtle Cemetery except as outlined below:

- (1) The Town Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Town Clerk until a fee, set by the Town Board, has been paid therefore.
- (2) Said fee shall go into the cemetery fund of the Town of Turtle.

- (3) Reconveyance of lots or parts of lots may be made only by written application furnished by the Town Clerk, the same to be approved by the Town Board. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

(e) **Disinterment**

Any interment or disinterment of any person buried in a Town of Turtle Cemetery shall comply with section 157.112 of the Wisconsin Statutes. A Disinterment Permit shall be required prior to any disinterment or re-interment under section 69.18(4) of the Wisconsin Statutes.

Section 20.06 CARE OF CEMETERY LOTS

(a) **Cemetery Fund**

In order to assure reliable means for permanent care, a cemetery fund is created for all Town of Turtle Cemeteries. Income from this fund will provide all or partial maintenance costs of each cemetery. The fund may be increased by gifts, bequests, and contributions.

(b) **Permanent Care**

Permanent care shall be provided by the Town of Turtle and shall include the maintenance of lawn, leaf disposal, filling sunken graves and raising markers, caring for avenues, alleys, fences, buildings, and grounds in general. The Town of Turtle shall operate and maintain the Town of Turtle Cemeteries to provide proper and decent care of the cemeteries, the graves, and it may employ the Sexton, the staff, and any independent contractor necessary to provide such care.

(c) **Funds For Care Of Cemeteries**

The Town Board shall annually fix, a sum necessary for the proper and decent care of cemetery lots and improvement of any Town of Turtle Cemetery, including obtaining from different sources, including funds from the County of Rock for Veteran's graves under Chapter 45 of the Wisconsin Statutes, sufficient funds for such care, improvements, and operations.

(d) **Assessments/Charges**

The Town Board may annually establish, upon proper notice, an assessment and collect such assessment under section 157.11(7) of the Wisconsin Statutes with any such cemetery assessment lot amounts not to exceed amounts reasonably required for actual and necessary costs for cleaning and proper and decent care of cemetery lots and care and improvement of any Town of Turtle Cemetery. No burial interment may occur until all

proper charges and assessments, including marker or monument security payments, are paid in full, unless waived in writing by the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board.

(e) General Improvements

The Town Board of the Town of Turtle will direct and administer all improvements and maintenance within the cemetery before and after any interments or burials. All graves will be filled and refilled, when determined necessary by the Town Board, the Sexton, or other designee of the Town Board or the Cemetery Committee. The grade of lots shall be determined by the Town Board, the Sexton, or other designee of the Town Board of the Town, or the Cemetery Committee.

(f) Care for Veteran's Graves

All cemeteries and other burial sites in the Town of Turtle shall provide proper and decent care for the graves and tombstones for Veterans under section 45.185 of the Wisconsin Statutes, and the Town Board shall at all times see that such care is provided and that such funding is timely obtained from the County of Rock annually to aid in such care.

Section 20.07 PRIVILEGES AND RESTRICTIONS

(a) By-Laws and Regulations

The Town Board shall adopt By-laws and Regulations for proper management and care of any Town of Turtle Cemetery and shall enforce such regulations under section 157.11(2) of the Wisconsin Statutes. Persons shall comply with section 157.11(2) of the Wisconsin Statutes in the planting of trees and shrubs, erecting of fences or other structures, and maintaining such in any Town of Turtle Cemetery.

(b) No Mounds

No mound in any Town of Turtle Municipal Cemetery shall be raised upon any grave above the general level of the lot.

(c) Limitations on Structures and Urns

No hedges, fences, railings, embankments, depressions, or other enclosures of any kind will be permitted on or around lots in any Town of Turtle Cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia and other such objects may not be placed on lots without verbal approval of the Town Board, the Sexton, or any designee of the Town Board and if so placed, will be removed by the Town Board, the Sexton, or other designee of the Town Board without notice. Urns are not permitted at any Town of Turtle Cemetery on lots sold after the passage of this

Chapter. Existing urns shall be removed by the Town Board, the Sexton, or other designee of the Town Board as they become unsightly or deteriorated and shall not be replaced. However, before such an urn is destroyed or discarded, the last owner of record of the lot shall be notified by registered or certified mail with return receipt requested by the Town Clerk that such urn has been removed from the grave and will be destroyed unless the owner thereof claims same within thirty (30) days after mailing of such letter.

(d) Landscaping Contract

All landscaping, mowing, and general care of lots, and other work in the Town of Turtle Cemeteries will be done by the Town of Turtle, its officers, its employees, independent contractors, or agents, including any Sexton or other designee of the Town Board.

(e) Access to Lots/Opening and Closing of Burial Place

The Town of Turtle reserves the right for its officers, employees, contractors and agents, including the Sexton and other designee of the Town Board necessary for the performance of normal Town of Turtle Cemetery operations to enter upon or cross over any lot in any Town of Turtle Cemetery in the performance of such duties. The Town Board of the Town of Turtle has the sole right to the opening and closing of burial or interment places used or to be used for burial of human remains in the Town of Turtle Cemeteries unless by Court Order they are so ordered by a Court of record to open or close such places.

(f) No Liability for Damages

The Town of Turtle and its officers, employees, contractors, and agents, including the Sexton, or other designee of the Town Board assume no liability for damages to property or to person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, and platting of the Town of Turtle Cemeteries; including proper and decent care of the cemetery, the lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at such cemetery. Any person who has witnessed mishandling of any corpse, improper burial or disturbance of any cemetery lot or other burial site in the Town of Turtle, including the Town of Turtle Cemeteries, shall timely report such mishandling of the corpse, improper burial or disturbance of such lot or burial site to the Town Clerk or Sexton, or other designee of the Town Board.

(g) Altering Physical Conditions

The Town of Turtle reserves the right to alter, change, or close alleys, roadways, water mains, and other physical public properties at any Town of Turtle Cemetery.

(h) Enforcement of Regulations and Ordinance

The Town Board may appoint, with citation issuance and service powers, an employee or agent of the Town of Turtle, including the Sexton, to administer and enforce its By-laws and Regulations and this Ordinance under section 157.11(2) of the Wisconsin Statutes.

Section 20.08 TOWN OF TURTLE CEMETERY RULES FOR VISITORS

(a) Hours for Visitors

Any Town of Turtle Cemetery will be open to visitors at all times between the hours of 8:00 a.m. and one-half hour after the official sunset. Permission to enter any Town of Turtle Cemetery at any other time must be obtained from the Town Board, the Sexton, or other designee of the Town Board. The Town of Turtle, by its Town Board, shall not allow the use at any time of the Town of Turtle Cemeteries for uses that would create a public nuisance that are not directly related to cemetery uses and that would likely cause desecration of the cemetery grave, cause disturbance and interference with the burial ground, the burial lots and any monuments located therein.

(b) Firearm Limits

Firearms will not be allowed in any Town of Turtle Cemetery except in conjunction with military funerals. At all other times firearms, bows and arrows, slingshots, and other like articles will not be allowed.

(c) Visitor Controls

Visitors are required to use at any Town of Turtle Cemetery the walks and drives whenever possible, and shall not pick or cut any flowers (either wild or cultivated); injure any shrub, tree, plant; or mar or deface any monument, stone, or structure in the cemetery. No person in any Town of Turtle Cemetery shall desecrate, remove or damage any grave, lot, or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or the written consent of the Town Board, the Sexton or other designee of the Town Board who are engaged in official cemetery duties for the Town of Turtle; nor shall any person without proper authority desecrate, remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures; nor shall any person without proper authority desecrate, remove, damage, or destroy any vases, flower pots, urns, or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the written consent of the Town Board, the Sexton, or other designee of the Town Board.

(d) Vehicle Speed Controls

Motor vehicles traveling within any Town of Turtle Cemetery shall not exceed fifteen (15) miles per hour. No motor vehicle, except authorized maintenance vehicles, shall be driven except on roads designated for that purpose, nor shall such motor vehicles be driven in a reckless manner.

(e) Vehicle Controls

No riding of all-terrain vehicles, snowmobiles, or other such vehicles will be allowed in any Town of Turtle Cemetery unless such vehicles are present in conjunction with the Town of Turtle Cemetery business or authorized by the Town Board, the Sexton or other designee of the Town Board.

(f) Protection of Cemetery Property

No person shall trap in any cemetery or hunt, kill, injure, or disturb or attempt to injure or disturb any animals, birds, or waterfowl, wild or domestic, within any such Town of Turtle Cemetery in any manner except as provided by the Town Board, the Sexton or other designee of the Town Board. Nor shall any person without written consent of the Town Board, the Sexton, or other designee of the Town Board, climb any tree, break, cut down, trample upon, remove or in any manner injure, desecrate, remove, deface, write upon or in any manner damage or destroy any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any Town of Turtle Cemetery.

(g) Parking

No person, without the written consent of the Town Board, the Sexton, or any other designee of the Town Board, shall park any motor vehicle in any Town of Turtle Cemetery on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park a motor vehicle on any such cemetery property for any purpose except engaging in official cemetery business. Any parked motor vehicle parked more than twenty-four (24) hours, without written consent of the Town Board, the Sexton, or other designee of the Town Board, shall be towed or removed by the Town Board, the Sexton, or other designee of the Town Board.

(h) Littering/Soliciting/Advertising Prohibited

No person shall litter, dump, or deposit any rubbish, refuse, earth, or other material, including any advertising in any Town of Turtle Cemetery without the written consent of the Town Board, the Sexton, or any other designee of the Town Board.

(i) **Sound Devices**

No person shall operate or play any amplifying system or sound device in any Town of Turtle Cemetery without the verbal consent of the Town Board, the Sexton, or any other designee of the Town Board.

(j) **Authorized Notices**

No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object in any Town of Turtle Cemetery, except under these regulations. No person shall remove, deface, or damage in any manner any official sign or notice posted in any Town of Turtle Cemetery unless approved by the Town Board, the Sexton, or other designee of the Town Board.

(k) **Loitering Prohibited**

No person shall loiter or cause a nuisance or engage in any sport or exercise on any Town of Turtle Cemetery property without the written consent of the Town Board, the Sexton, or other designee of the Town Board.

(l) **Play Vehicles Prohibited**

No person shall operate or make use of a play vehicle upon any cemetery property of the Town of Turtle without the written consent of the Town Board, the Sexton, or other designee of the Town Board. As used in this provision, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.

(m) **Working in Cemetery**

All contractors or other persons, other than Town officers, employees, or agents, including the Sexton of the Town of Turtle, having work in the Town of Turtle Cemeteries, shall give notice to the Town Clerk, the Town Sexton, or other designee of the Town Board prior to commencement of such work. All contractors or others doing work in the Town of Turtle Cemeteries are held responsible for the cost for any damages or losses, and shall promptly pay the same to the Town Clerk upon determination of the amount by the Town Board.

Section 20.09 CEMETERY INTERMENTS

(a) **Daylight Interments**

Burials, interments, or disinterment at any Town of Turtle Cemetery will be made only during daylight hours.

(b) Outer Containers

All burials except cremations or infant burials must be in a steel or concrete vault. All cremation burials must be in a rigid container. The cemetery contractor, at the expense of the owner, will handle vault preparation and sealing.

(c) Grave Digging

All graves at a Town of Turtle Cemetery or any other Cemetery or burial site in the Town of Turtle to be used for burials or interment shall be opened and dug at no cost or expense to the Town of Turtle but shall be under the direction of the Town Board, the Sexton, or other designee of the Town Board. Depth of graves shall conform to the Wisconsin State Board of Health specifications. The Town Board, the Sexton, or other designee of the Town Board may charge the full cost at any Town of Turtle Cemetery for any grave digging and opening service provided by the Town of Turtle, including the Sexton fees for staking the plot, if the Town Board has authorized the Town of Turtle or its officers, employees, contractors, or agents, including the Sexton, to provide such grave staking, grave openings, or digging service. The Town Board, the Sexton, or other designee of the Town Board may also establish charges for snowplowing and seasonal access costs to the lot owner as incurred by the Town of Turtle for interment, disinterment, or other burial services. Arrangements for any interment, disinterment, or other burial services, including payments due to the Town of Turtle, shall be made at least forty-eight (48) hours in advance of the funeral service by contact to the Town Clerk, the Sexton, or other person designated by the Town Board. The hour for any funeral service must be so arranged so that the grave may be properly filled and all surplus earth removed before 4:30 p.m. on each day.

(d) Disposition Permit

No burial or interment in any Town of Turtle Cemetery will be permitted until a legal disposition permit has been presented to the Town Clerk, the Sexton, or other designee of the Town Board. The interment or burial of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State Board of Health.

(e) Responsibility for Maintenance of Flowers, Wreaths, and Similar Items

There will be no responsibility on the part of the Town of Turtle, its officers, employees, contractors, or agents, including the Sexton, for the protection and maintenance of flowers, wreaths, emblems, urns, family or personal items, memorials and similar items used or placed at any Town of Turtle Cemetery in conjunction with funerals, burials, interments, disinterment, or memorials.

(f) Number of Graves Per Lot

The interment or burial of one body per grave shall be the requirement at any Town of Turtle Cemetery. Interment or burial of two bodies in one grave will not be allowed except in the case of Mother and infant, twin children, two children buried at the same time, two cremations, or one cremation and one conventional burial.

(g) Seasonal Interment/Duty to Bury

The Town Board, the Sexton, or other designee of the Town Board shall provide for cemetery services, burials, and interments at any Town of Turtle Cemetery during each season, including Winter, whenever practicable. However, the Town of Turtle has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are in compliance with this Chapter, State law, and any Regulation of Rules established by the Town Board. The Town of Turtle reserves the right to charge special and reasonable fees to recover costs for any burial cost incurred during difficult weather conditions.

Section 20.10 CEMETERY MONUMENTS AND MARKERS

(a) Set Grave Markers/Protect Driveways

Grave markers, monuments, and foundations at any Town of Turtle Cemetery will be set only by the monument company persons or other persons authorized by the lot owners, but not the Town Board, the Sexton, or other designee of the Town Board. Except as herein otherwise provided, under no conditions will the Town Board, the Sexton, or other designee of the Town Board construct monument or marker bases or erect monument or markers on bases. The Town Board, the Sexton, or other designee of the Town Board 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 top of the concrete foundation will be constructed flush with the ground line. Whenever possible, all markers will be set with a five (5) inch margin. A permit for placement of foundation, markers, and monuments shall be available from the Office of the Town Clerk, the Sexton, or other designee of the Town Board. The setting of monuments, stones, and markers and the transportation of all tools, materials, and similar items, within a Town of Turtle Cemetery ground shall be subject to the supervision and control of the Town Board, the Sexton, or other designee of the Town Board. Unless special arrangements are made with the Town Board, the Sexton, or other designee of the Town Board, such work to be conducted between the hours of 8:00 a.m. and 4:00 p.m. Mondays through Fridays except on national holidays. Heavy trucking will not be permitted within any Town of Turtle Cemetery when, in the opinion of the Town Board, the Sexton, or other designee of the Town Board, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.

(b) Limitations

The Town of Turtle reserves the right for the Town Board, the Sexton, or other designee of the Town Board to refuse permission to erect any monument, marker, or foundation work not in keeping with the good appearance of the grounds at a Town of Turtle Cemetery. The size of the monument and/or stonework must be provided to the Town Board, the Sexton, or other designee of the Town Board and approved before said work will be permitted on a lot. Only one (1) monument or marker will be allowed per lot. No foundation marker or monument shall be larger than the width of the lot or group of lots purchased. All monuments must be set in line with other monuments so far as possible as directed by the Town Board, the Sexton, or other designee of the Town Board. Government service monuments or markers will be surface grounded or attached to the monument or marker. All markers and monuments must have a cement foundation and made of durable material. All markers must be flush with the ground and parallel with existing markers. Temporary markers must be removed or replaced with a permanent marker at any Town of Turtle Cemetery within one (1) year of burial or interment. A pre-need marker may be placed on a lot or group of lots before interment or burial.

(c) Removal of Monuments

Marker or monumental work, once placed at a Town of Turtle Cemetery on its foundation, shall not be removed, except by written permission of the Town Board, the Sexton, or other designee of the Town Board.

Section 20.11 VAULTS AND MAUSOLEUMS

Construction of vaults and mausoleums in any Town of Turtle Cemetery is prohibited unless approved in writing by the Town Board.

Section 20.12 TREES, SHRUBS AND FLOWERS

(a) Tree/Shrub Planting

The planting at any Town of Turtle Cemetery of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by written consent of the Town Board, the Sexton, or other designee of the Town Board.

(b) Large Tree Removal

Lot owners may remove under the written consent of the Town Board, the Sexton, or other designee of the Town Board large trees on grave sites in any Town of Turtle Cemetery that hinder the full usage of the grave site. The expense of the tree and stump removal will be paid for by the lot owners.

(c) **Fresh Flowers, Flags and Decorations**

Fresh flowers, flags and decorations may be used in any Town of Turtle Cemetery. The spring and fall clean-up dates of the Town of Turtle Cemeteries are April 1st to 15th and October 1st to 15th. All flowers, flags and decorations must be removed prior to these dates. Responsibility for upkeep of markers, monuments and footings is that of the individual owners.

(d) **Limitation on Flower Beds**

Individual flower beds or growing plants are permitted at any Town of Turtle Cemetery but must be of a reasonable size as determined by the Town Board, the Sexton, or other designee of the Town Board. In case of doubt, the Town Board, the Sexton, or other designee of the Town Board should be consulted. If these beds are not maintained and when they become unsightly or undesirable, they will be removed by the Town Board, the Sexton, or other designee of the Town Board.

Section 20.13 MISCELLANEOUS

(a) **Fee Payment Location**

All fees and charges as outlined for any Town of Turtle Cemetery in the current schedule of fees and charges are payable to the Town Treasurer of the Town of Turtle at the Office of the Town Clerk, where receipts will be issued for the amounts paid.

(b) **Schedule of Payments**

A schedule of the fees and charges for any Town of Turtle Cemetery, as established by the Town Board, the Sexton, or other designee of the Town Board, shall be on file in the Office of the Town Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.

(c) **Sexton**

The Town Board may hire or appoint a Town of Turtle employee or retain an independent contractor as a Sexton to administer, repair, maintain, manage, and operate, or any part of the operations or of the cemetery thereof, of any Town of Turtle Cemetery. This Sexton may be a Town of Turtle employee or may, with proper insurance and indemnification protection for the Town of Turtle, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of year. The Town Board, consistent with this Chapter, may designate powers and duties to the Sexton by written Resolution.

(d) Records

The Town Clerk of the Town of Turtle shall be responsible for and shall be the custodian of the records of the Town of Turtle Cemeteries, including all public records. The Town Clerk, Sexton and other Town officials shall make available in a timely manner all such records in their custody requested by the Department of Regulation and Licensing in its audit function.

Section 20.14 PENALTIES

Any person who violates any provision of this Chapter, or any order, rule or regulation made or adopted hereunder, shall be subject to a forfeiture. Each day that a violation continues shall be considered a separate offense. The Town Board may, where appropriate, seek injunctive relief action to prevent violations of the Chapter and Chapter 157 of the Wisconsin Statutes. Furthermore, the Town Board of the Town of Turtle shall be permitted to withhold from any person in violation of this Chapter and Chapter 157 of the Wisconsin Statutes, the issuance of any Town of Turtle licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.