

RESOLUTION 94-07
RULES AND REGULATIONS
TOWN OF DUNN BURYING GROUND

WHEREAS, the adoption of Town of Dunn Ordinance 18-01 established a system for operation and maintenance of a town cemetery, and

WHEREAS, rules and regulations are needed to manage and operate such cemetery,

BE IT RESOLVED that the Dunn Town Board hereby adopts the following rules and regulations for the operation and management of the town cemetery:

Purpose:

These rules and regulations are designed for the protection of owners of interment rights as a group. They are intended, not to restrain, but rather prevent the inconsiderate from taking unfair advantage of others. Their enforcement will help protect the Cemetery and create and preserve its beauty. These rules and regulations are hereby adopted as rules and regulations of the Cemetery, and all owners of interment rights, visitors, and contractors performing work within the Cemetery shall be subject to said rules and regulations, amendments or alterations as shall be adopted by the Town Board of the Town of Dunn from time to time.

Definitions:

1. The term "assignment:" shall mean the assignment of burial rights by the buyer, or the buyer's heirs, successors, or authorized agent.
2. The term "buyer" shall mean the purchaser of burial rights of interment.
3. The term "Care Fund" shall mean one or more accounts or other investments established for the care of the cemetery.
4. The term "cemetery" as herein used shall mean Dunn Burying Ground or its successors or assigns.
5. The term "cemetery lot" shall mean a designated area within a section set forth and appropriately numbered on the master plat of the cemetery consisting of three contiguous graves.
6. The term "cemetery sexton" shall mean the person as appointed by the Town Board under Section 3 of Ordinance 18-1 (Chapter 18 of the General Code of Ordinances of the Town of Dunn).
7. The term "contract" shall mean the interment, or inurnment rights.

8. The term "contractor" shall mean any person, firm or corporation or anyone engaged in, or performing any work on the cemetery grounds, other than an employee of the cemetery.
9. The term "grave space" shall mean a single burial right within a platted cemetery lot.
10. The term "interment" shall mean interment, or burial of the remains of a deceased person.
11. The term "memorial" shall mean any marker upon any lot placed thereupon for the purpose of identification or memorialization.
12. The term "officers of cemetery" shall mean the Town Board of the Town of Dunn.
13. The term "owner" shall mean the owner of rights of interment.
14. The term "section" shall mean a designated area within the cemetery appropriately numbered on the master plat of the cemetery containing within its bounds cemetery lots and grave spaces as designated.

SUPERVISION OF CEMETERY:

The supervision of the cemetery is under the direction of the sexton.

1. The cemetery shall take reasonable precaution to protect the property and markers within the cemetery from loss or damage; but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
2. The cemetery reserves, and shall have, the right to correct any errors that may be made by it, either in making interments, disinterments or removals, or in inscription, transfer, or conveyance.
3. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or of a section or sections, from time to time, including the right to modify or change the location of any cemetery lot or any part thereof or to remove or regrade roads, drives and walks, is hereby expressly reserved as well as is the right to use cemetery property for cemetery purposes. The cemetery reserves to itself, and to those lawfully entitled thereto, a perpetual right to ingress or egress over all lots.

4. All grading, road work, landscape work, and improvements of any kind, and all care of lots, shall be done; and all openings and closing of grave spaces, and all interments, disinterments, and removals shall be made by the cemetery or its contractors.
5. It is the right of the cemetery to regulate the restrictions of each section as to planting privileges and the size and types of memorials and approval shall be obtained from the sexton prior to any work being done.
6. All trees, shrubs and plants of any kind as approved by the sexton shall be planted, trimmed, cut or removed by owner of the grave site or their assigns. If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, be or become detrimental to adjacent lots or avenues, or if for any other reason its removal is deemed necessary, the cemetery shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in its judgement seems best.

BURIAL RIGHTS:

Burial rights in the Town of Dunn Burying Ground are provided in accordance with the procedures hereby established. The lots so provided are with the understanding and agreement that:

1. The Town of Dunn grants buyers and assigns the right to use the lot for **BURIAL PURPOSES ONLY**.
2. All lots are provided with maintenance and care.
3. Burial rights to not more than six (6) graves may be purchased by any one buyer without prior Town Board approval. A buyer of more than one space may identify which spaces are reserved for specific persons. An owner may elect to make such a designation in writing and the record of such designation shall be maintained by the Clerk/Treasurer.
4. Assignment of burial rights by the buyer of record must be filed with the sexton of the Dunn Burying Ground. The price for assignment of Burial Rights may not exceed the original contract price.

CONTRACT:

There will be a contract for every grave space, or a combination of graves on one lot under the same contract. All spaces must be paid for at the time of sales by the purchaser, or the funeral home if sale is at the time of need. The price of lots will be determined by the Town of Dunn as stated in Appendix A.

INTERMENTS:

1. Use of the lot:
 - a. A grave space in Dunn Burying Ground shall be an area not less than three and one-third feet in width and twelve feet in length.
 - b. The records of sections, lots and graves as recorded at the Office of the Town Clerk/Treasurer shall be considered valid and graves so reported shall not be changed or disturbed except by complying with disinterment procedure.
 - c. A lot in the Dunn Burying Ground may be used only for the interment of human remains, as a location for approved monument or memorial to the persons interred thereon and for the planting of suitable approved flowers, shrubs and trees.
 - d. A grave space in the Dunn Burying Ground may be occupied by the remains of only one individual with the following exceptions:
 1. Parent/Guardian and child using the same container.
 2. Up to three infants can be buried in one grave space.
 3. One cremated remains and one remains in casket and vault may occupy one grave site.
 4. Up to six (6) cremated remains may occupy a single grave site.
2. Interment Procedure:
 - a. Burial in the Dunn Burying Ground is permitted only upon approval of an application for interment by the cemetery sexton, filed with the Town Clerk/Treasurer. An application for interment shall include:
 1. A permit for burial issued by a person authorized to issue burial permits as provided in Section 69.42 of the Wisconsin Statutes.
 2. The name and address of the next of kin of the deceased and the name and address of the person authorizing the interment.
 3. The section number, the block number, the lot number and the grave space in which interment is to be made.

- b. The Town of Dunn is not responsible for error occurring by reasons of transmission of orders by telephone or lack of precise, complete instructions.
- c. The Town of Dunn shall not be held liable for accepting an application for interment if the application includes erroneous or illegal information or authorization, and the cemetery sexton may refuse to honor an application if in his or her opinion there is any doubt as to the correctness and validity of the application.
- d. The cemetery sexton will determine and locate the grave space upon any lot. He/she may select and open a grave space at his/her own discretion when proper instructions as to location are not given or when such procedure is necessary in order that a funeral will not be delayed.
- e. Cement or steel vaults are required.
- f. Sunday and Holiday burials are permitted only upon approval of the sexton.

DISINTERMENTS:

Disinterments in the Town of Dunn Burying Ground will be permitted only upon approval of an application for disinterment approved by the cemetery sexton and filed with the Town Clerk/Treasurer. The application for disinterment shall consist of:

- 1. A disinterment permit.
- 2. A certificate which gives the full name of the remains and a complete description of the location of the grave including section number, lot number and grave space.
- 3. A statement of ownership of the lot together with the written consent of the owner or next of kin of the lot, if known and can reasonably be obtained.
- 4. Disinterments will be done only weekdays, Monday through Friday excluding holidays.

FLOWERS AND PLANTINGS:

In order to insure a more desirable and uniform appearing cemetery at all seasons of the year, and so that better care may be given to all cemetery lots, the following regulations shall govern all planting. The cemetery is not responsible for the theft or damage to anything placed on the graves or lots.

All proposed plantings on cemetery lots are subject to the written approval of the cemetery sexton and shall conform to the following general guide lines:

1. The planting of perennials or annuals over 36" tall shall not be permitted.
2. The area of planting shall be limited to the front and ends of the marker and shall not extend over 12 inches on to the grave site, and shall not extend beyond the grave site.
3. All spiny, prickly, thorny or large spreading shrubs or bushes are not permitted and will be removed.
4. All urns must be placed next to the markers or in line with other markers.
5. Broken or unplanted urns will be removed.
6. Overgrown, unsightly, detrimental or illegal plantings will be removed by the cemetery.
7. Any decorations that the family wants preserved must be elevated from the ground and/or removed by April 15 for spring clean-up.
8. Glass containers of any type or unsightly tin cans will not be permitted. Permanent flower vases (pop-up urns) are encouraged.
9. No unattended vigil lights, eternal flames, candles, or other similar contrivances will be permitted.

FOUNDATIONS FOR MEMORIALS:

Due to regulations and restrictions pertaining to the types and sizes of memorials permitted, it is suggested that the cemetery sexton be consulted before orders are placed. The Town of Dunn reserves the exclusive right to reject all work which, on account of design, workmanship, material or faults of any kind, is in its opinion unsatisfactory.

1. All memorials in the Dunn Burying Ground shall be placed on a concrete base and approved by the cemetery sexton.
2. All foundations will be installed in accordance with the following procedures:
 - a. All orders for foundations must be in writing and shall be filed at the office of the Clerk/Treasurer of the Town of Dunn not less than fifteen days prior to the placement of the memorial. The order shall show section number, lot number, the desired location upon the grave, and accurate dimensions of the memorial.
 - b. Concrete foundations will be even with ground surface and shall be level. Foundations shall extend five inches beyond the base of the memorial on

each side and have proper landscaping.

3. Foundations will not be constructed for any memorial to be placed on a grave that is not paid for.
4. All bronze flush markers are to be mounted on a four-inch thick piece of granite and must have a minimum of 1 and 1/2 inch border of granite exposed with a five (5) inch wash below granite.
5. All above-ground markers will have a minimum five (5) inches of rough exposed surface.
6. All monuments over graves shall attach to vaults to prevent tipping.
7. No laminated wood memorials of any type will be permitted.

PLACEMENT OF MEMORIALS:

Memorials may be placed upon cemetery lots in accordance with the following rules:

1. On a single grave: not more than one single raised marker.
2. On two graves: not more than one single raised markers per grave for a total of two; or in lieu thereof, only one double marker.
3. On three graves: not more than one single raised marker per grave for a total of three; or not more than one single and one double marker for a total of two markers; or not more than one triple marker; or, in lieu of markers, one monument.
4. On four or more graves: not more than one monument plus one single marker per grave; or, in lieu of a single marker per grave, one double marker for each two graves.
5. Head stones are to be placed at the head of the grave. Veterans markers may also be placed on the back of the head stone.

DESIGN:

1. The design for each memorial to be placed in the Dunn Burying Ground shall be submitted to the sexton for approval before work on construction of the memorial is started.
2. The design of all memorials to be placed on the Dunn Burying Ground shall conform to the following regulations:

- a. A two-piece monument consisting of die and base shall not exceed an overall height of six feet six inches. Memorials larger than this are subject to permission of the sexton. A monolith type monument (one piece) shall not exceed seven feet in height without the permission of the cemetery sexton.
- b. A single marker shall not exceed 24 inches in length, 12 inches in width, and 36 inches in height, and shall not be less than 12 inches in length, 8 inches in width and 6 inches in height. Single bronze, ground-level markers shall not exceed 24 inches in length and 12 inches in width, or be less than 8 inches in length or 6 inches in width and shall consist of one-piece, exclusive of the concrete base.

MEMORIALS, MONUMENTS, MARKERS, AND STONE WORK:

1. Definition and description of monuments and markers approved for placement in Dunn Burying Ground:
 - a. A monument is defined as a stone or bronze structure which rests on a base, and which exceeds any of the following dimensions: 42 inches in length, 12 inches in width, and 18 inches in height. The term monument includes a bench, bird bath, settee, urn or sundial.
 - b. A marker is defined as a memorial not less than 12 inches in length, 6 inches in width, and 6 inches in height, and not more than 42 inches in length, 12 inches in width, and 18 inches in height.
 - c. A double marker shall not exceed 48 inches in length, 12 inches in width, and 36 inches in height, and shall not be less than 24 inches in length, 12 inches in width and 6 inches in height.
 - d. All dimensions are measured from the pitch line (cut line). This is the line that defines the site of the grave, where the grave is dug.
2. Memorials, monuments and markers eligible for approval for placement in the Dunn Burying Ground must be constructed of natural stone or U.S. Standard bronze. All stone shall be of highest quality first grade, clear stone finished with an exceptionally high quality workmanship.
3. Rules for placing monuments:
 - a. Workmen engaged in placing memorials or doing any other work, shall provide suitable planks on which to move the same, and immediately after the work is completed all rubbish must be cleared away and the ground left clean and in good condition.

- b. Adjoining lots, paths or roads where work is being done must not be blocked or damaged.
- c. All workmen engaged in erecting memorials or other structures are prohibited from tying ropes to trees, shrubbery or other objects, and are prohibited from cluttering grounds longer than is necessary. The surrounding graves must be restored to their proper condition.
- d. In cases of neglect, any necessary removal or repair work will be made by the cemetery employees or contractors at the expense of the responsible grave owner, heirs or assigns, or the contractor.

MODIFICATIONS AND AMENDMENTS:

- 1. At any time the Town Board may adopt, and it hereby expressly reserves the right to adopt new rules and regulations, or to amend, or repeal these Rules and Regulations.
- 2. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The town board, therefore, reserves the right, without notice to make exceptions or modifications in any of the Rules and Regulations when, in its sole discretion, the same appear advisable to avoid hardship and to fulfill the purpose of these Rules and Regulations. Such exceptions or modifications shall in no way be construed as affecting the general application of the Rules and Regulations.

Dated this 9th day of August, 1994.



Edmond P. Minihan, Chairman

Attested:

Rosalind Gausman
Rosalind Gausman, Clerk Treasurer

