

## **SECTION 1.0 INTRODUCTION**

**Section 1.01. Title.** This ordinance shall be known as, referred to, or cited as the Cemetery Ordinance, Town of Silver Cliff, Marinette County, Wisconsin.

**Section 1.02. Purpose and Intent.** The purpose of this ordinance is to regulate the establishment and use of the Silver Cliff Cemetery, located at W14289 County Road C.

**Section 1.03. Statutory Authorization.** This ordinance is adopted pursuant to the authorization granted in Wisconsin Statute 60.22.

**Section 1.04. Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, when this ordinance imposes greater restrictions, the provisions of this ordinance shall govern

**Section 1.05. Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Silver Cliff, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**Section 1.06. Severability.** If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## **SECTION 2.0 DEFINITIONS**

Monument- Headstone or other grave marker.

Plot- A platted portion of land designed for the purpose of the burial of human remains.

Sexton- The person charged by the town with the oversight of the cemetery.

## **SECTION 3.0 MANAGEMENT AND OPERATIONS**

The business, property management, operation, and control of Silver Cliff Cemetery shall be vested in the members of the Silver Cliff Town Board and the Clerk and Treasurer of Silver Cliff.

## **SECTION 4.0 HOLDING PROPERTY**

The Town Board shall be authorized to hold not exceeding (80) acres of land to be used exclusively for burial of the dead.

## **SECTION 5.0 PLATTING**

The Town Board of Silver Cliff shall authorize a registered surveyor to survey and plat such portions of the lands as may from time to time be required for burial, into plots, driveways, and walks and record a map thereof in the office of the Marinette County Register of Deeds. No such map or plat shall be recorded unless laid out and platted to the satisfaction of the Marinette County Board and the Town Board of Silver Cliff. The Town Board shall cause the same to be recorded within 30 days of the date of such approval, together with the evidence of the Town and County Board's approvals, which shall be a copy of the resolution, adopted by the County Board and the Town Board, certified by the County Clerk and the Town Clerk, and affixed to such map or plat. Failure to do so shall make the plat void and of no effect.

In the event the Silver Cliff Cemetery needs to be expanded, the Town Board may first contact the owners of unused plots to inquire about buying back those plots at a cost not to exceed the original purchase price.

## **SECTION 6.0 CONVEYANCES**

**Section 6.01. Recording.** After the map is so recorded, the Town Board may sell and convey plots, expressly restricting the plot use to burials, and upon such other terms, conditions, and restrictions as it may direct. Conveyances shall be signed by the Town Board or designee. The sexton or other town designee shall enter in a book kept for that purpose, the date, consideration, name, and address of the grantee before delivering the conveyance. The Town Clerk shall also keep a duplicate book or electronic record of all plots, including dates of conveyance, consideration, and names and addresses of grantees. The sexton or other designee shall also prepare a quarterly report for the Town Board which contains a list of plots sold, cemetery-related expenses, cemetery improvements, and burials performed, including plot numbers.

**Section 6.02. Replatting.** The Town of Silver Cliff may vacate or replat any portion of the cemetery, subject to Wisconsin State Statute 157.07(5).

**SECTION 7.0  
USE OF PROCEEDS**

All proceeds from the sale of cemetery plots shall be deposited in the general fund of the Town of Silver Cliff.

**SECTION 8.0  
IMPROVEMENT, CARE, AND REGULATIONS**

A. General care of the cemetery is provided by the Town of Silver Cliff and includes keeping the grass cut, pruning trees, shrubs, and plantings, and maintaining the roads, entrances, gazebo, and fencing when and where it is deemed necessary. (Plants and decorations placed on plots will not be maintained by the Town.)

B. The Town Board may make additional regulations for management and care of the cemetery. The Board may require any person owning or controlling a plot to do whatever is necessary to comply with the regulations by giving reasonable personal notice in writing, either served personally or by registered mail, otherwise by publication once a week for three successive weeks in a newspaper published in the county, and if the owner/controller fails to comply within thirty days thereafter, the Board may cause it to be done and recover the expense from the owner/controller. No exceptions to these rules and regulations will be permitted unless granted in writing by the Silver Cliff Town Board. If special situations arise, a variance may be requested of the Town Board.

C. Dealers' or manufacturers' cards or advertisements shall not be placed within the cemetery property.

D. Guy ropes shall not be fastened to trees or other objects without first obtaining permission from the sexton or town designee. Contractors and workmen, in whatever capacity employed, shall be required to clean up after operations and restore the grounds to its original condition.

E. No person shall mark, paint, deface, or otherwise mutilate any property in the cemetery.

F. No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance in the cemetery.

G. Pets shall be permitted in the cemetery, provided they are leashed or otherwise restrained and under the control of their owner(s) at all times. Owners shall clean up after pets and are liable for any damage caused by said pets.

H. Promptly following burial, the death certificate shall be sent to the sexton or other town designee, who shall note in the records the name of the deceased and the number of the plot which is occupied.

I. All rules, regulations, and prices are subject to change at any time without notice.

## SECTION 9.0 PLOT REGULATIONS

A. Plot owners or monument dealers must consult the sexton or town designee to ascertain if there is space on the plot for the desired monument before an order for the monument is placed.

B. All monuments shall be erected on a suitable cement or concrete foundation. Foundation and monument must not exceed the width of the plot.

C. Plot corner markers will be placed by the sexton or town designee. No other corner posts or markers of any kind will be permitted.

D. Steps, curbing, or coping of any kind are prohibited on plots. Covers for underground vaults may not be exposed above ground.

E. People wishing to hand-dig a burial spot for an urn may do so under the supervision of the sexton or other town designee.

F. Each plot may hold one casket, one casket and one urn, or three or fewer urns.

G. No person shall plant shrubs, bushes, or trees on any plot or walkway.

H. Plants and/or artificial flowers, wreaths, crosses, or other decorations may be placed on cemetery plots in an area not to exceed the width of the plot. Plants and other decorations may not encroach on neighboring plots or walkways. It is recommended that your monument have a pre-cast masonry foundation with eight-inch ends and you use this space for the aforementioned decorations.

I. The Town of Silver Cliff is not responsible for the damage or theft of anything placed on a plot.

## SECTION 10.0 DETERMINATIONS

Any determinations not described in this ordinance will be determined under State statutes.

## SECTION 11.0 ENFORCEMENT AND PENALTY

**Section 11.01. Enforcement.** The Town of Silver Cliff's constable and/or board members shall be empowered to investigate and/or issue citations for violations of this ordinance.

**Section 11.02. Penalties.** Violation of the provisions of this ordinance may result in citation issuance. Upon receipt of notice of certain violations the offender may be given thirty days to correct said violation and notify the Town Board of Silver Cliff of the correction. Failure to comply may result in a daily fine until said violation is corrected. Failure to correct the violation in a second consecutive 30-day period and to pay any fines assessed will result in a municipal court appearance. The offender may be liable for all

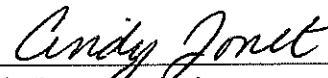
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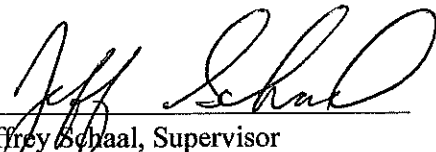
outstanding fines and court costs.

This ordinance shall take effect upon passage and publication as required by law.

Adopted this 14 day of March, 2017 by the Town Board of the Town of Silver Cliff.

  
Henry Burkhal, Chairman

  
Cindy Jonet, Supervisor

  
Jeffrey Schaal, Supervisor

  
Steffanie Bishop, Clerk