

**STATE OF WISCONSIN**  
**Town of St. Germain, Vilas County**

**Code of Ordinances**  
**Chapter 18 – Cemetery**  
Adopted April 21, 2020

**18.01 PURPOSE:** The purpose of this ordinance is to regulate the construction, management, operation, and platting of the Town of St. Germain cemetery, the burial of human remains, and other cemetery activities.

**18.02 AUTHORITY:** The Town of St. Germain has the general authority to enact this ordinance under its village powers of §60.22, Wis. Stats. and specific authority under §157.50(2), Wis. stats.

**18.03 DEFINITIONS:** In this ordinance,  
Burial means entombment, inurnment, or interment.

Bury means to entomb, inurn, or inter.

Cemetery means the St. Germain Town Cemetery.

Grave site means the portion(s) of a cemetery lot used or intended to be used for an underground burial of human remains, other than a burial in an underground mausoleum space.

Human remains means the body of a deceased individual that is in any stage of decomposition or has been cremated.

Lot means a cemetery parcel consisting of one grave site, or two or more contiguous grave sites, and, when used in reference to the sale, purchase ownership of a cemetery lot, includes the right to bury human remains in that cemetery lot.

Mausoleum means a building, structure or part of a building or structure that is used or intended to be used for the burial of human remains.

Outer burial container means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.

Preneed contract means an agreement for the sale of cemetery services and merchandise that is to be delivered after the date of the initial payment for the cemetery services and merchandise, or for the sale of an undeveloped space.

Reburial means to disentomb, dis-inurn, or disinter human remains that are buried in a cemetery and re-entomb, re-inurn, or reinter the human remains in another grave, mausoleum space, or other place used or intended to be used for the burial of human remains that is located in the same cemetery.

Sexton means a cemetery official designated by the town board to administer, repair, maintain, manage, and operate the town cemetery or any part of the operations of a town cemetery consistent with this chapter.

Town means the Town of St. Germain, Vilas County, Wisconsin.

Town Board means the board of supervisors for the Town of St. Germain, Vilas County, Wisconsin.

Town Cemetery means a municipal cemetery located within the town that is owned, operated, and maintained by the Town of St. Germain, Vilas County, Wisconsin, under §157.50, Wis. stats.

Town Chair means the chairperson of the Town of St. Germain, Vilas County, Wisconsin.

Town Clerk means the clerk of the Town of St. Germain, Vilas County, Wisconsin.

Town Treasurer means the treasurer of the Town of St. Germain, Vilas County, Wisconsin.

Winter grave digging means any time the ground is frozen or there is more than four inches of snow in the cemetery.

Wis. stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

- 18.04 STATEMENT OF POLICY:** The St. Germain town cemetery is owned, operated, directly controlled, and maintained by the town board for the benefit of all citizens. Persons of all denominations and of all religions, sexes, creeds, and races shall be allowed to be buried in a town cemetery. This chapter of the St. Germain Code of Ordinances, adopted pursuant to §157.50(2), Wis. stats., governs the construction, management, administration, platting, maintenance, and operation of the town cemetery and of any new cemetery or expanded cemetery of any other type in the town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

#### **18.05 GENERAL OPERATION OF CEMETERY**

- (A) The town board shall have ultimate management responsibility of the cemetery:
- (1) A Cemetery Sexton shall be appointed by the town board:
    - a. The sexton position shall be maintained for the purpose of performing day-to-day operational duties as specified in Appendix A of this chapter and as prescribed throughout this chapter.
    - b. The person serving as sexton may also serve as an elected or appointed town clerk, town treasurer, or combined clerk/treasurer, but may not serve on the town board. The sexton position shall be structured as independent and separate from any other town officer capacity.
    - c. Actions of the sexton shall be subject to review and overrule by the town board.
  - (2) The town board has the discretion of using staff and equipment of the Town Public Works Department and/or other available resources to open and close

graves, to maintain cemetery grounds and for any other cemetery related purposes.

- (B) A bank account dedicated solely to the cemetery shall be the depository of all cemetery revenues and the source of all cemetery expense payments which shall be approved by the town board in the same manner as other town expenses. The Public Works Department shall be reimbursed from the cemetery account to offset Public Works expenses.

**18.06 PURCHASE OF LOTS IN TOWN CEMETERY:** Lots shall be sold subject to the rules and conditions prescribed within this chapter.

- (A) Price of lots: The prices of lots to be sold for burials in the town cemetery are adjusted periodically by the town board. They appear in Appendix B to this chapter.

- (B) Sale of lots:

- (1) The sexton shall render assistance to all persons desiring to purchase a lot in the town cemetery by maintaining a cemetery plat map, as prescribed in §157.07, Wis. stat., and showing the size and location of available lots.
  - (2) Upon receipt of full payment for the purchased lot(s), the sexton shall prepare a notarized Cemetery Deed, signed by both the sexton and any current town board member, and provide a copy of such to the town clerk.
  - (3) Original cemetery deeds shall be forwarded by the sexton to the Vilas County Register of Deeds for recording. The purchaser will receive the original Cemetery Deed from the County Register of Deeds.

- (C) Repossessioned lots: All repossessioned vacant lots, when resold, are subject to the same fees and charges as other unoccupied lots.

**18.07 CEMETERY LOT EXPANSIONS:** Before any new block is opened for the sale of cemetery lots, the town board shall cause the blocks and lots to be platted and filed with the town clerk and recorded in the Office of the Register of Deeds for Vilas County, Wisconsin, in accordance with §157.065, Wis. stats.

**18.08 OWNERSHIP CONDITIONS AND RIGHTS OF BURIAL**

- (A) Ownership conditions:

- (1) Owners of a town cemetery lot, or an authorized agent, shall have the right to use the lot only for burial purposes in accordance with the terms of this chapter.
  - (2) Lots for which deeds have been issued on or after May 1, 2020 may not be subdivided except by consent of the sexton.
  - (3) All repossessioned vacant lots in any town cemetery when resold are subject to the same fees and charges as other unoccupied lots.

- (B) Burial:

- (1) Cemetery lots are sold solely for the purpose of burial of the owner at the time of the owner's death. If a lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the sexton, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership

interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.

- (2) Unless otherwise directed in a writing filed with the sexton by the lot owner under subsection (1), the sexton shall permit the burial of persons at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:
    - (a) The lot owner, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.
    - (b) When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the sexton.
    - (c) If no agreement is filed, the sexton may determine use, giving preference to relatives in the following order: parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.
- (C) Ownership rights: All burial rights in town cemetery lots deeded on or after May 1, 2020 shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the 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 or final judgment in the decedent's estate must be delivered to the sexton before the town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided.
- (D) Resale: Lot owners may not resell or transfer lots or parts of lots except as follows:
  - (1) Reconveyance of lots or parts of lots may be made only upon written request filed with and approved by the sexton. The request shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The request shall state the lot legal description as it appears on the cemetery deed. Upon approval by the sexton, the owner of the lot shall execute a deed in the same form as an original deed from the town under §18.06(B) of this chapter.
  - (2) The sexton shall enter in the record kept for that purpose copies of all deeds of transfer and reconveyance of cemetery lots.
- (E) Reburial: Any reburial of any human shall comply with the provisions of §157.112, Wis. stats. Any person seeking reburial shall seek approval from the sexton. A county authorization for disinterment and re-interment shall be required prior to any reburial under §69.18(4), Wis. stats.

**18.09 PRIVILEGES AND RESTRICTIONS:** The town board may require any person owning or controlling a cemetery lot to comply with the cemetery rules set forth in Appendix C to this chapter by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under §985, Wis. stats. If the person fails to comply within 20 days thereafter, the town board may cause the action required to be done and recover the expense from the person required to take the action. The town board may issue citations for non-compliance as set forth in §18.15 of this chapter.

## 18.10 CARE OF CEMETERY LOTS

- (A) Perpetual care: Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings, and grounds in general. The town board shall operate and maintain the cemetery to provide proper and decent care of the graves, and it may employ a sexton, staff, and any independent contractor necessary to provide such care.
- (B) Costs of care fixed: In accordance with §157.11(5), Wis. stat., the town board shall annually fix the sum necessary for the care of cemetery lots and care and improvement of the cemetery, or to produce sufficient income for those purposes.
- (C) Assessments against unoccupied lots: The town board may annually assess, upon town cemetery lots not occupied by graves, amounts not to exceed the amounts reasonably required for actual and necessary costs for care of cemetery lots and care and improvement of the cemetery pursuant to §157.11(7), Wis. stats. Notice of the assessment, along with a copy of §157.11, Wis. stats., shall be mailed to each owner or person having charge of a cemetery lot, at the owner's or person's last-known mail address, directing payment to the cemetery authority within 30 days and specifying that such assessments are a personal liability of the owner or person. When uniform care of a cemetery lot has been given for 2 consecutive years or more for which assessments are unpaid, after notice as provided in §157.11(2), Wis. stats., the right to burial is forfeited until delinquent assessments are paid. When uniform care has been given for 5 consecutive years or more and the assessments are unpaid, upon like notice, title to all unoccupied parts of the cemetery lot shall pass to the town, as cemetery authority, and may be sold, the payment of principal to be deposited in the Town cemetery bank account. The Town may use a portion of the deposit necessary to cover the Town's administrative and other expenses related to the sale, but the amount used may not exceed 50% of the proceeds.
- (D) General improvements: The sexton shall arrange for improvements and maintenance within the cemetery before and after any burials. The sexton shall also be responsible for determining proper and decent care of the cemetery. All graves shall be seeded and mowed, when determined necessary by the sexton. The grade of the cemetery lots shall be determined by the sexton. The corners of all cemetery lots shall, when purchased, if possible, be permanently marked by sexton. Re-sodding of existing graves or following disinterment will be done when determined necessary by sexton.
- (E) Veterans graves:
  - (1) Pursuant to §45.85, Wis. stats., the sexton shall at all times see that the graves and tombstones of all veterans, including women's auxiliary organizations created by act of Congress, who shall at any time have served in any branch of the armed forces of the United States, and of the spouses or surviving spouses of all those veterans, receive proper and decent care, and may employ all necessary assistance to carry out this section.
  - (2) Pursuant to §45.85(1), Wis. stats., the expense of the care of the graves and tombstones shall be borne by the county where the graves are located, except where suitable care is otherwise provided and the amount of expense charged the county for the care may not exceed the charge made for the care of other graves in the same cemetery. The sexton shall report to the Vilas county clerk, on or before September 1 of each year, the locations of the graves cared for by the town under §45.85, Wis. stats., together with the names of the deceased and

the amount claimed for care of the graves for the fiscal year from the previous July 1 to June 30.

#### **18.11 BURIALS**

- (A) Outer containers: All burials and re-interments shall be in a permanent outer burial container not constructed of wood.
- (B) Grave digging: All grave digging and closing shall be under the direction of the sexton. Fees for all services related to site preparation and restoration shall be assessed by the sexton. The fees schedule, which the town board may revise without advance notice, is as provided in Appendix B to this chapter. Winter grave digging is subject to an additional fee and will be done at the discretion of the Sexton if conditions allow.
- (C) Cremation Burials: Pursuant to §157.113, Wis. stat., no person may deposit any cremated human remains in a cemetery, including in the casket of another person, without the permission of the cemetery Sexton. All cremation remains shall be placed in a permanent outer burial container not constructed of wood.
- (D) Number of burials per grave: No grave may be used for the burial of more than one body except in the following circumstances:
  - (1) Up to three remains from cremation shall be allowed in one full size grave with one headstone or up to three flat markers to be placed in line with other stones.
  - (2) One full body and one remains from cremation shall be allowed in one grave, with the cremains placed above the full body burial, with one headstone or two flat markers to be placed in line with other stones.

#### **18.12 MONUMENTS AND MARKERS**

- (A) Setting grave markers:
  - (1) Grave markers, monuments, and foundations may be set only after the person desiring to set the marker, monument, or foundation obtains authorization from the sexton and the sexton has marked the location of the foundation. Grave markers, monuments, and foundations may be set by monument company representatives or other persons authorized by the lot owners. Unless otherwise provided in this chapter, under no conditions will the town construct monument or marker foundations or erect monuments or markers on foundations.
  - (2) All markers and monuments must have a concrete foundation with dimensions at least five inches larger in all directions than the marker or monument. The top of the foundation shall be constructed flush with the ground line.
  - (3) The setting of grave markers, monuments, and foundations, and the transportation of all tools and equipment needed for the job, is subject to supervision and control of the sexton. Truck operation is not permitted when, in the opinion of the sexton, the truck operation may cause damage to the driveways or other town cemetery property.
  - (4) Unless special arrangements are made with the sexton, the setting of grave markers, monuments and foundations shall be conducted between sunrise and sunset, daily, except national holidays. All work shall be completed promptly, and all debris removed immediately.



- (B) Limitations: All of the following apply to monuments and markers:
- (1) No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 5 feet in height.
  - (2) Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
  - (3) A preneed marker may be placed on a lot or group of lots before burial.
  - (4) No materials other than granite, marble, or standard bronze may be used for outside and above-ground portions of any marker or monument.
  - (5) Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The sexton may require, at minimum, prior to burial, a deposit of \$1,000 payable to the town to insure timely placement of a proper marker or monument. The town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.
- (C) Removal of monuments: A marker or monument, once placed on its foundation, may not be removed except by permission of the sexton.
- (D) Payment: Any lot at a town cemetery must be paid in full to the town before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the town must be paid prior to burial.

**18.13 VAULTS AND MAUSOLEUMS:** Placement of vaults and mausoleums is prohibited unless approved in advance by the sexton.

**18.14 SCHEDULE OF FEES**


- (A) The town board shall maintain a schedule of fees to be assessed by the sexton for cemetery services. Fees may be adjusted periodically without advance notice. The fees schedule appears as Appendix B to this chapter.
- (B) Fees for cemetery services are payable to the town and may be delivered to the sexton.

**18.15 FORFEITURE:** Any person who violates any provisions of this chapter may be subject to a forfeiture of \$100.00 plus court costs for the first violation, \$150.00 plus court costs for the second violation and \$200.00 plus court costs for all subsequent violations.

**18.16 SEVERABILITY:** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**18.17 EFFECTIVE DATE:** This chapter shall be in full force after the date of its town board passage, notice after passage per §60.80 Wis. stat. and elector authorization for the Town to accept transfer of the cemetery land at the April 21, 2020 annual town meeting. The effective date of this chapter shall be May 1, 2020.

Adopted this 21<sup>st</sup> day of April 2020



Tom Christensen  
Town Chairman

Attest



Tom Martens  
Town Clerk



**STATE OF WISCONSIN**  
**Town of St. Germain, Vilas County**

**Code of Ordinances**  
**Chapter 18 – Cemetery**  
**Appendix A –Sexton Duties**

**Job summary:** The cemetery sexton has primary responsibility for all aspects of the Town Cemetery. The position is appointed by the town board for an unspecified term. While there are other town officials or employees who also have cemetery responsibilities (as described in Chapter 18 – Cemetery, St. Germain Code of Ordinances, it is the sexton's responsibility to prompt those other individuals to perform when needed. The town board provides assistance to the sexton when requested by the sexton or when situations are observed by board members that suggest intervention by the board is warranted.

**Essential duties:** The following provides a general outline of sexton duties but is not an exhaustive list. Additional expectations of the sexton are defined within Chapter 18 and/or in the Employee Position Description maintained by the town board:

1. Being reasonably accessible to the public to answer cemetery related questions and provide services described herein.
2. Maintaining an accurate map of the cemetery depicting cemetery sections, plots and grave sites within each section, which graves are occupied, which graves are sold but vacant and which graves are available to purchase.
3. Maintaining a detailed electronic spreadsheet of all plot data from which deeds can be prepared and cemetery activity can be reviewed.
4. Collecting fees as prescribed in Appendix B of Chapter 18 – Cemetery and delivering fees collected to the town treasurer within a time frame stipulated by the town board.
5. Selling cemetery lots, preparing notarized cemetery deeds and forwarding the deeds to the Vilas County Register of Deeds for recording. A copy of all notarized deeds must also be delivered to the town clerk within a time frame stipulated by the town board.
6. Marking headstone foundations.
7. Coordinating with the Town Public Works Department for specified services such as assistance with marking graves, opening and closing graves, routine and special maintenance of the cemetery grounds and other services as authorized by the town board and maintaining a detailed list of Public Works Department services provided to enable financial reimbursement of those services from the cemetery bank account maintained by the town treasurer.
8. Verifying that payments received from funeral homes for burial services correspond with services provided.
9. Presenting cemetery status reports to the town board quarterly or as requested by the board.

Adopted this 21st day of April 2020.

Attest



Tom Christensen  
Town Chairman



Tom Martens  
Town Clerk


STATE OF WISCONSIN  
Town of St. Germain, Vilas County

Code of Ordinances  
Chapter 18 – Cemetery  
Appendix B – Cemetery Fees

PURCHASE / SERVICE / PERMIT		FEE
1	Purchase grave site, full	\$500.00
	Purchase grave site, cremation	\$300.00
2	Cemetery Deed preparation, per lot (includes recording)	\$50.00
3	<b>Weekday Service</b> – Monday through Friday	
	Grave digging, full	*\$600.00
	Grave digging, cremation	*\$200.00
	*Plus \$2,500.00 for winter digging (if conditions allow)	
	<b>Weekend Service</b> – Saturday and Sunday	
	Grave digging, full	*\$700.00
	Grave digging, cremation	*\$300.00
	*Plus \$2,500.00 for winter digging (if conditions allow)	
4	Grave staking (per grave)	*\$25.00
	*Plus \$250 for winter staking (if conditions allow)	
5	Grave monument/foundation staking (per grave) (not available during winter)	\$25.00

These fees are effective on publication and posting and repeal and replace all previous Town of St. Germain Cemetery Fees or St. Germain Memorial Cemetery Association fees.

Adopted this 26<sup>th</sup> day of May 2022.

  
Tom Christensen, Town Chairman

Attest:

  
June Vogel, Town Clerk

**STATE OF WISCONSIN  
Town of St. Germain, Vilas County**

**Code of Ordinances  
Chapter 18 – Cemetery  
Appendix C – Cemetery Rules**

In addition to the provisions of Chapter 18 – Cemetery, St. Germain Code of Ordinances, the following rules shall apply as shall the forfeiture provisions of section 18.15 of Chapter 18.

The Town will take all reasonable precautions to protect lot owners and their property within the St Germain Cemetery from loss, damage or injury, but the Town shall not be responsible for any loss, damage or injury. The Town is not responsible for theft or damage to personal belongings placed on or near interment spaces.

**BURIAL RULES:** (Also refer to §18.11 of Chapter 18)

1. No grave shall be dug until the lot is paid in full.
2. No grave shall be dug until marked by the sexton.
3. While winter burials are not prohibited, winter surcharges may apply from approximately mid-December through March depending on snow and ground frost conditions. The sexton shall use discretion in applying this rule in the interest of preventing damage to existing graves, markers and mechanical equipment. Deferred burials will take place in the spring as soon as possible.
4. Undertakers making burial arrangements are responsible for the payment of all burial related fees.

**FLOWERS AND DECORATIONS**

1. Benches, trellises and other permanent lot structures are prohibited unless approved prior to installation by the sexton.
2. Curbing or fences around lots is prohibited.
3. Gravel or other ground cover materials which could interfere with the use of a cemetery grounds maintenance equipment is prohibited.
4. Planting of trees, shrubs or live plants on plots is prohibited. Any such plantings may be removed without notice to the lot owner.
5. The grounds will be cleared of decorations each spring and fall beginning approximately May 1<sup>st</sup> and October 1<sup>st</sup>. Grave decorations should be removed at least ten days in advance of those dates. The town reserves the right to remove all flowers, wreaths or other decorations whose appearance and condition warrant removal and/or violate the Cemetery's rules and regulations; such as dead wreaths, broken wind chimes, faded flowers, torn flags, etc. The Town will not be liable for any flower or decoration removed or lost by any cause.

**VISITORS:**

1. Graves are to be respected at all times.
2. Mourners are to be respected at all times. Interfering in any way with a funeral or the privacy of mourners is prohibited.
3. Vehicle use other than on established cemetery driveways without approval of the sexton is prohibited.

4. Littering is prohibited. All debris, including smoking materials such as cigarette butts, must be removed from the cemetery grounds.
5. Loitering, engaging in any sport or other recreational activity or in any conduct that could be regarded as a public nuisance is prohibited within the cemetery.
6. Parking motor vehicles within the cemetery in any location other than a designated parking area is prohibited unless authorized by the sexton. Any motor vehicle parked within the cemetery for more than 24 hours without consent of the sexton, shall be considered abandoned and may be towed or removed at the discretion of the sexton.
7. Trapping, hunting, killing, injuring or disturbing any living creature, whether wild or domestic, or attempting to do so, is prohibited unless authorized by the sexton, an authorized animal control officer, humane officer or any other law enforcement personnel.
8. Distribution or placement of advertising, notices, posters or any other informational material within the cemetery without authorization of the sexton is prohibited.
9. Operating or amplifying any sound system or sound making device within the cemetery without authorization of the sexton is prohibited.

Adopted this 21st day of April 2020.

Attest:

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Tom Christensen  
Town Chairman

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Tom Martens  
Town Clerk