

## RULES AND REGULATIONS

### BURKE SCHOOL CEMETERY AND HOEPKER ROAD CEMETERY

#### TOWN OF BURKE, DANE COUNTY, WISCONSIN

Pursuant to an ordinance adopted by the Town Board of the Town of Burke, Dane County, Wisconsin (hereinafter, "the Town") on July 13, 2005, the following Rules and Regulations regarding the use, operation and maintenance of the Burke School Cemetery and Hoepker Road Cemetery (hereinafter collectively "the Cemetery" unless otherwise specified) are adopted and enacted by the Town Board of the Town of Burke on this 3<sup>rd</sup> day of August, 2005:

#### DEFINITIONS

1. "Assignment" shall mean the assignment of burial rights by the buyer, or the buyer's heirs, successors, or authorized agents.
2. "Buyer" shall mean the purchaser of burial rights of interment.
3. "Cemetery lot" shall mean a designated area within the Cemetery set forth and numbered on the master plat of the Cemetery, consisting of a number of contiguous gravesites.
4. "Grave site" shall mean a single burial right within a platted cemetery lot; however burial of the cremains of two persons may be made on one gravesite.
5. "Memorial" shall mean any marker upon any lot placed thereupon for the purpose of identification or memorialization.

#### SUPERVISION OF CEMETERY

1. The Cemetery is under the direction and supervision of the Town Administrator, who may delegate or assign responsibilities as he or she deems in the best interest of the Town and the Cemetery and within the Rules and Regulations adopted by the Town Board.
2. The Town shall take reasonable precautions to protect the property and markers within the Cemetery from loss or damage; however, the Town expressly disclaims all responsibility for loss or damage from causes beyond its reasonable control, including but not limited to loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, malicious mischief makers, explosions, unavoidable

accidents, invasion, insurrection, riots or by order of any military or civil authority, whether the loss or damage be direct or collateral, other than herein provided.

3. The Town 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.
4. The right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery or of a section of sections thereof, 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 to the Town, as well as is the right to use Cemetery property for cemetery purposes. The Town reserves to itself, and to those lawfully entitled thereto, a perpetual right to ingress or egress over all lots.
5. All grading, roadwork, landscape work, and improvements of any kind, and all care of lots shall be done by or at the direction of the Town. All openings and closing of grave spaces and all interments, disinterments and removals shall be made by the Town or at the direction of the Town. The Town Administrator may retain one or more contractors to perform these services. The costs for all openings and closing of grave spaces and for all interments, disinterments and removals shall be paid by the person or persons requesting such services.
6. It is the right of the Town to regulate and determine planting provisions regarding any and all vegetation (including but not limited to trees, shrubs, flowers and other plants, whether in containers or not) and to regulate and determine the size and types of markers or memorials that may be placed within the Cemetery. Approval shall be obtained from the Town Administrator or his/her designee before planting of any vegetation or placement of any marker or memorial.
7. All trees, shrubs and plants of any kind, as approved by the Town Administrator or his/her designee, shall be planted, trimmed, cut or removed by the owner of the grave site or his/her assigns. If any tree, shrub or plant standing upon any lot, by means of its roots, branches or otherwise, is or becomes detrimental to adjacent lots or roadways, or if for any other reason its removal is deemed necessary, the Town shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing. The cost for doing so shall be billed to the owner of the gravesite or his/her assigns or successors.

## DOCUMENTATION OF PURCHASE

There will be a deed for transfer of ownership of each lot in the Cemetery. The deed shall reflect the price paid, with the price to be determined by the Town Board and attached to these Rules and Regulations as an Appendix. The purchase price must be paid at or before the time the deed is issued. The Town shall retain a copy of each deed, and the deed shall be recorded with the Dane County Register of Deeds.

## BURIAL RIGHTS

1. The Town grants buyers and assigns of a lot the right to use the lot for the purpose of burial of human remains only and for the placement of memorials, flowers, shrubs or other vegetation.
2. Each gravesite may be used for the burial of the remains of one individual; however the burial of cremated remains of two individuals may be made on a single gravesite.
3. Burial rights to not more than six (6) lots may be purchased by any one buyer without prior Town Board approval. A buyer of more than one lot may identify which gravesites are reserved for specific purposes; however, such a designation is not required. An owner desiring to make such a designation may make the designation in writing directed to the Town Administrator of the Town of Burke. The Town Administrator shall maintain a record of such designations, and use of the grave sites shall be made pursuant to the designation unless subsequently changed or amended by the buyer or his/her heirs, successors or assigns
4. Assignment of burial rights or sale of a lot by the buyer or owner of record, or his/her, heirs, successors or assigns, must be filed in writing with the Town Administrator. The price charged by the buyer or owner of record for assignment of burial rights may not exceed the original purchase price paid to the Town.
5. Assignments or sale of burial rights may be made on a lot-by-lot basis; assignment of gravesites shall not be made.

## INTERMENT PROCEDURES

1. Burial in the Cemetery is permitted only upon approval of an application for interment, filed with the Town Administrator. The application shall include:

- a. The name and address of the next of kin of the deceased and the name and address of the person authorizing the interment.
  - b. The lot number and the grave space in which the interment is to be made
  - c. Date and time of interment.
  - d. Payment of fees for opening and closing grave or burial site.
2. The Town of Burke is not responsible for error occurring by reason of lack of transmission of orders or lack of precise, complete instructions.
  3. The Town of Burke shall not be held liable for accepting an application for interment if the application includes erroneous or illegal information or authorization, and the Town may refuse to honor an application of there is any doubt as to the correctness and/or validity of the application.
  4. The designee of the Town Administrator shall determine and locate the gravesite upon any lot and shall 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.
  5. Cement or steel vaults are required for the burial of human remains. For the burial of cremated remains, no cement or steel vault is required.
  6. Sunday and holiday burials are permitted only upon approval of the Town Administrator or his/her designee.
  7. Mausoleums, columbarium's or other aboveground facilities or structures for the placement of remains or cremated remains shall not be allowed.

## DISINTERMENTS

Disinterments in the Cemetery will be permitted only upon approval of an application for disinterment approved by the Town Administrator or his/her designee. The application 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 lot number and grave site number and/or location.
3. A statement of ownership of the lot together with the written consent of the owner or next of kin of the owner of the lot, if known and can reasonably be obtained.
4. Disinterments will be done only on weekdays, excluding holidays.

## MEMORIALS

1. A memorial, made of natural stone or U.S. Standard bronze, shall mark each gravesite that is occupied by the burial of remains or cremated remains. At the Burke School Cemetery, each memorial shall be at least twelve (12) inches high, with flush or ground level memorials prohibited. At the Hoepker Road Cemetery, flush or ground level memorials are not prohibited. The memorial shall be placed at the location designated by the Town Administrator's designee and shall be placed within four months of burial unless some longer time is approved by the Town Administrator's designee. In the interim between the time of burial and the time of placement of the memorial, a temporary marker shall be placed and maintained at the location determined for the memorial.
2. All costs for placement of memorials and temporary markers shall be paid by or on behalf of the person who has applied for the interment permit.
3. Each memorial shall be placed on concrete base and approved by the Town Administrator's designee. Concrete bases will be even with ground surface, and shall be level. Bases shall extend five inches beyond the base of the memorial on each side and have proper landscaping.
4. No laminated wood memorials of any type will be permitted.
5. The design of each memorial shall be submitted to and approved by the Town Administrator or his/her designee prior to placement, and the Town Administrator or his/her designee shall determine the location for placement of the memorial.
6. Memorials 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 12 inches in height unless an exception to these

requirements is made to and approved by the Town Administrator or his/her designee.

7. Flush or ground level memorials (which are allowed only at the Hoepker Road Cemetery) are to be mounted on a four-inch thick piece of granite, and must have a minimum of 1 and ½ inch border of granite exposed with a five (5) inch wash below granite.
8. All monuments over graves shall attach to vaults to prevent tipping.
9. The Town Administrator or his/her designee may approve memorials that vary from these rules if it is determined that the memorial or location of the memorial will not have a negative impact on the Cemetery or lots in the Cemetery.
10. A bench, birdbath, settee, urn, sundial or similar object may be placed on a lot, with prior approval of the Town Administrator or his/her designee.
11. Rules for placing memorials:
  - a. Prior to placement of a memorial, approval of the location and design must be obtained.
  - b. Workers engaged in placing memorials or doing any other work shall provide suitable planks on which to move the memorial, and immediately after the work is completed all rubbish or waste must be cleared away. The ground must be left clean and in good condition.
  - c. Adjoining lots, paths or roads where work is being done must not be blocked or damaged.
  - d. All workers 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 gravesites must be restored to their proper condition.
  - e. In case of neglect or failure to comply with these rules for placement of memorials, any necessary removal or repair work will be made by the Town's employees, agents or contractors at the expense of the responsible lot owner, heirs or assigns or the contractor.

## PLANTINGS

Lot owners, heirs or assigns may plant trees, shrubs, flowers or other plantings on lots. However, prior to doing so, a request for permission to make a planting

must be made to the Town Administrator or his/her designee, and approval must be obtained. The request shall specify what is proposed to be planted and the precise location where the planting will be made. The request must also state who will be responsible for care of the planting and removal of the planting if it does not survive. By allowing the planting, the Town does not agree to maintain or care for the planting.

#### AMENDMENTS AND MODIFICATIONS

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 appears 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. Moreover, the Town Administrator or his/her designee is given discretion in the Rules and Regulations to make certain decisions; this reservation by the Town Board of the rule to make exceptions or modifications is not intended to diminish or otherwise reduce the discretion given to the Town Administrator or his/her designee in these Rules and Regulations.

Dated this 3rd day of July, 2005.

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Kevin Viney, Town Chairman

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Amy Volkmann, Town Clerk