

CEMETERY ORDINANCE

Ordinance No. 4-04

The Town Board for the Town of Lanark ordains as follows:

Section One: Title/Purpose.

This Ordinance is entitled "Cemetery Ordinance." The purpose of this Ordinance is to establish regulations governing the operation and maintenance of cemeteries within the Town's jurisdiction.

Section Two: Authority.

The Town Board of the Town of Lanark has the specific statutory authority, powers and duties, pursuant to sec. 157.50 (2001-2002) Wis. Stats., and/or adoption of village powers under Sec. 60.10, (2001-2002) Wis. Stats., to acquire and convey by gift, purchase or condemnation of land for cemeteries within or without the boundaries of the Town of Lanark and to determine, upon any acquisition, by ordinance; the system of management and operation of the cemetery, including appropriations for cemetery improvements.

Section Three: Adoption of Ordinance.

The Town Board of the Town of Lanark has, by adoption of this Ordinance, confirmed the authority, powers, and duties noted in Chapters 60 and 157, (2001-2002) Wisconsin Statutes, and has established, pursuant to these chapters and this ordinance, those powers and duties of the Town Board of the Town of Lanark to manage and operate certain cemeteries located in the Town of Lanark.

Section Four: Management and Operations.

The Town Board of the Town of Lanark shall provide the management, control, operation and care for the Town of Lanark Cemeteries - Badger Cemetery and Hillside Cemetery. The Town Board of the Town of Lanark shall employ or retain person(s) to maintain the cemetery. The Town Chair of the Town of Lanark or his or her designee shall be the person primarily in charge of the daily cemetery operations.

Section Five: Regulations.

The Town of Lanark shall develop, approve and enforce written regulations respecting any Town of Lanark cemetery operation in compliance with Chapter 157, (2001-2002) Wis. Stats., including any physical management and any fiscal management requirements. These regulations will be in the possession of the Town of Lanark Clerk.

Section Six: Conveyances and Contracts.

The Town Chair and the Town Clerk of the Town of Lanark shall sign all conveyances for cemetery lots. The Town Clerk shall be responsible to maintain the cemetery books detailing the names of the grantee, the consideration and the residence of the grantee. The Town Board of the Town of Lanark may sell all personal property associated with the cemeteries and all land not used for cemetery purposes are subject to the restrictions in Chapter 157 (2001-2002) Wis. Stats. The Town Board of the Town of Lanark may lease the cemeteries to a cemetery association(s) for preservation and may contract with the association(s) to use cemetery funds. The Town Board of the Town of Lanark shall annually or more often, if necessary, establish the proper charges for cemetery lot purchases and the proper charges of the perpetual care maintenance costs.

Section Seven: Investments and Improvements.

The Town Board of the Town of Lanark for the care and improvement of the cemeteries, care and maintenance of avenues leading to the cemeteries and for operation expenses shall use the money received from the sale of lots of the Town of Lanark Cemeteries. The Town meeting may authorize the Town Board of the Town of Lanark to appropriate up to five hundred dollars (\$500.00) in any year for the improvement of the Town of Lanark Cemeteries if the cemetery is under the supervision of the Town Board of the Town of Lanark.

Section Eight: Plat Approval. The Town Board of the Town of Lanark shall, by resolution, approve, to its satisfaction, all cemetery plats or maps for burial lands in the Town of Lanark used by any cemetery association or cemetery within the Town of Lanark. The Town Clerk of the Town of Lanark, upon approval by the Town Board of the Town of Lanark, shall certify the resolution and affix it to the plat or map.

Section Nine: Transfer to Town. The Town Board of the Town of Lanark may, by resolution, accept, by transfer, the real estate, funds and personal property of any cemetery association in the Town of Lanark.

Section Ten: 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 Eleven: Effective Date. This Ordinance shall be effective after adoption by the Town Board and publication or posting as provided by law.

Approved: April 12, 2004

Posted: April 14, 2004