

## ORDINANCE NO. 1784-2024

### AN ORDINANCE TO AMEND DIVISION 1 OF CHAPTER 8 OF TITLE 6 OF THE CODE OF ORDINANCES OF THE CITY OF ONALASKA RELATED TO THE CITY CEMETERY

THE COMMON COUNCIL OF THE CITY OF ONALASKA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Division 1 of Chapter 8 of Title 6 Public Works related to the City Cemetery is hereby deleted in its entirety and replaced as follows:

## Chapter 8 City Cemetery

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### Division 1 General Provisions

#### 6.08.11 General Provisions

##### A. Policy Statement.

1. **Purpose.** The City of Onalaska Cemetery is owned and maintained by the City for the benefit of all residents and cemetery users. Definite rules and regulations must be set up by the Common Council to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in the Ordinances of this Section to govern the cemetery. The City reserves the right to amend or change any of these Ordinances to conform with newly developed cemetery practices.
2. **Management.**
  - a. **Management.** The management and control of the cemetery of the City of Onalaska shall be vested in the Council's Administrative Committee.
  - b. **Powers.**
    - i. The Committee shall have the power to adopt rules, regulations, terms and conditions of sales of lots, perpetual care, opening of graves and to make any and all regulations necessary to maintain and manage the cemetery.
    - ii. The Committee shall have the authority to employ necessary personnel for the proper care and maintenance of the cemetery and to determine the conditions and remuneration for the employees.
    - iii. The City Clerk and City Treasurer shall be the Secretary-Treasurer of the Cemetery Fund and shall keep records of all receipts and disbursements.
3. **Administration and Maintenance.** The City Cemetery shall not have a Sexton. The City of Onalaska Department of Public Works shall be responsible for the daily administration and maintenance of the City of Onalaska cemetery.

##### B. Platting of New Cemetery Lots.

1. **Platting.** Before any new block of a municipal cemetery is opened for the sale of lots, the City shall cause it to be platted and recorded in the office of the La Crosse County Register of Deeds.
2. **Single Grave Section.** The Common Council or its designee shall designate certain lots as a single grave section, and lots therein shall be platted and sold as single grave lots. Unused portions of lots repossessed for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.

##### C. Privileges and Restrictions.

1. No mound shall be raised upon any grave above the general level of the lot.
2. No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans and other such objects may not be placed on lots and, if so placed, will be removed by the City without notice. Urns and vases are not permitted on lots.

3. Each block in the cemetery will, prior to sale, be suitably marked by the City with metal, brick or concrete.
  4. The City reserves the right for its workers and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
  5. The City, or its employees, assumes no liability for damages to property or of persons, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.
  6. The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.
- D. **Miscellaneous.**
1. It is urged that lot owners interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery.
  2. All fees and charges as outlined in the current schedule of fees and charged are payable at the office of the City Clerk, where receipts will be issued for the amounts paid.
  3. The City will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of Providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.
  4. For purposes of this Section, an infant shall be defined as a person under the age of two (2) years old.
- E. **Rules and Regulations.** All use of the City Cemetery shall be governed as outlined in Title 6, Chapter 8 of the City Ordinances and the City of Onalaska Rules and Regulations Standards, as periodically updated by the Administrative Committee.

#### 6.08.12 Purchase of Lots

- A. **Sale of Lots.** Persons or their agents desiring to purchase a lot in the cemetery shall be referred to the City of Onalaska Department of Public Works. The City of Onalaska Department of Public Works will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having a lot selection, the City of Onalaska Department of Public Works will issue a lot order to the prospective purchaser, or their agent, who will present the order at the office of the City Clerk. Upon receipt of proper payment, the City Clerk shall issue a deed to the lot in the form prescribed by the City Attorney. The deed shall be signed by the City Clerk and Mayor and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the La Crosse County Register of Deeds. Lots are sold on a first-come, first-serve basis. Payment must be made in full, lots will not be held or reserved.
- B. **Price of Lots.** The price of a lot shall be as set forth on the City of Onalaska Fee Schedule. The price of a lot(s) shall be paid at the office of the Financial Services Director no later than 5:00 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.
- C. **Fees.** The fees charged for opening graves or vaults (including ashes buried in a vault) shall be as set forth on the City of Onalaska Fee Schedule. All fees shall be paid at the office of the City Clerk no later than 5:00 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.
- D. **Cemetery Deed and Transfer Charges.**
1. The consideration for the cemetery lots must be paid in full prior to the transfer of the deed.
  2. There shall be a charge for the transfer of the ownership of cemetery gravesites in order to cover the various administrative costs in effecting a transfer. Cost of transfer of a gravesite shall be as set forth on the City of Onalaska Fee Schedule and this expense shall be borne by the seller of the gravesite.
- E. **Marker and Monument Fees.**
1. Marker and Monument fees shall be as set forth on the City of Onalaska Fee Schedule and shall be invoiced by the City of Onalaska at the time of placement of the marker/monument.

#### 6.08.13 Ownership Rights of Internment

- A. The lot owner or their authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations.
1. Upon full payment of the purchase price of a lot, the City Clerk will issue a cemetery deed, and the deed will be recorded in the records of the City as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the City, will not thereafter be divided except by consent of the City. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged.
  2. All repossessed vacant grave spaces shall be subject to the same fees and charges.



3. The lot owner shall have acquired the lot for interment of themselves and members of the owner's family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Clerk) for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband, or wife of such person, or their relative, except by the consent of all persons having an interest in the lot.
- B. Unless otherwise directed in writing and filed with the City Clerk, the lot owner, the owner's devisees, or the owner's heirs, the cemetery will permit the interment of members of the owner's family at the request of any interested person upon proof of eligibility for burial as follows:
  1. The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
  2. When there is no surviving spouse, the devisees, or heirs of the owners, may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk.
  3. In the event the owner, the owner's devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.
- C. All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. 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 must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise the same to one (1) person.
- D. Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
  1. The City Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the City Clerk until the transfer fee has been paid therefor. Said fee shall go into the general municipal fund.
  2. Reconveyance of lots or parts of lots may be made only by written application therefor upon blanks furnished by the City Clerk, the same to be approved by the Administrative Committee. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.
  3. No owner of a cemetery lot shall sell, transfer or assign the same or the unused portion thereof to any other person without the City's consent. The City shall have the right of first refusal to repurchase such lot or part thereof at the current grave price. If the owner of any lot or part of a lot should sell or transfer the same without giving notice to the City, except through probate, of such transaction, such sale or transfer shall be null and void.
- E. Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

#### **6.08.14 Care of Lots**

- A. For each saleable lot the distribution of funds is as follows: eighty percent (80%) for Cemetery Operating, ten percent (10%) for Perpetual Care, and ten percent (10%) for Capital Improvements in the Cemetery. A record shall be kept on file in the office of the City Clerk. The fund may also be increased by gifts, bequests, a portion of memorial charges and other service revenues.
- B. "Perpetual care" shall be construed to mean the obligation which the City assumes to use the net annual income received from the investments of the fund in furnishing such care as is furnished similarly endowed lots in the cemetery. Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, filling sunken graves and raising of markers, caring for avenues, alleys, fences, buildings and grounds in general. It is understood that such expenditures shall be made at the discretion of the City. The City shall not be bound to make a separate investment of money set aside for perpetual care from a particular lot sale, but the same shall be added to the perpetual care fund of the City and the proceeds therefrom used by the City in the manner as heretofore provided. Nothing herein shall be construed as obligating the City to any alleged existing contract as to perpetual care.

#### **6.08.15 Rules for Visitors**

- A. The cemetery will be open to visitors between the hours of one-half (1/2) hour before sunrise and one-half (1/2) hour after the official sunset. Permission to enter the cemetery at any other time must be obtained from the City of Onalaska Department of Public Works.
- B. Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- C. No food or beverage is permitted within the cemetery. No food or beverage may be left at any grave, food or beverage will be removed immediately.



- D. All pets must be on a leash no longer than six (6) feet and under the control of the owner at all times. Pets shall only be allowed on paved surfaces. Pet owners are required to curb their pets and dispose of waste in an appropriate waste receptacle.
- E. Firearms shall not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots and other like articles shall not be allowed.
- F. Visitors are required to use the walks and drive whenever possible and shall not pick any flowers (either wild or cultivated), injure any shrub, tree or plant, or mar or deface any monument, stone or structure in the cemetery.
- G. Vehicles traveling within the cemetery shall not exceed five (5) miles per hour. No vehicle shall be driven except on roads designated for that purpose, nor shall such be driven in a reckless manner. Vehicles may only park on established roadways.
- H. Recreational walking, running, and bicycling are allowed only on paved surfaces.
- I. The disposal of waste and litter is prohibited unless in the conjunction with general clean-up and cemetery business.

#### 6.08.16 Interments and Disinterment

##### A. Interments.

1. Interments will be made only during daylight hours.
2. All interments shall be made in a permanent, non-biodegradable, outer container. The use of wood is not allowed for an outer container.
3. All graves shall be dug by the City under the direction of the City of Onalaska Department of Public Works. Depth of graves shall conform to the Wisconsin State Board of Health specifications. A charge for opening and closing a grave, including the sodding and seeding of the plot will be made at a current rate set by the City. Said charge will be paid to the City Clerk prior to performance of the service. No burial will be allowed until all fees have been paid to the City Clerk and an authorization has been issued. This authorization must be presented to the City of Onalaska Department of Public Works.
4. No burial will be permitted until a legal burial transit permit has been presented to the City of Onalaska Department of Public Works. The interment of bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health.
5. There will be no responsibility on the part of the City for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
6. The lot owner or funeral director shall designate on the interment form the location of the graves on the lot to the City of Onalaska Department of Public Works and any change in location made after the opening of a grave has begun shall be at the expense of the lot owner. When the definite information for locating a grave is not available forty-eight (48) hours prior to grave preparation to meet the time requested for interment, the cemetery may exercise its best judgment in making a location order that the requested time for interment may be met. The cemetery assumes no responsibility for any error or inconvenience of such location and an additional charge will be made for any change requested.
7. The City of Onalaska Department of Public Works shall, whenever possible, be given forty-eight (48) hours' notice to assure the opening and preparation of a grave prior to interment. Barring unforeseen or other untoward circumstances, such grave shall be opened and prepared in time for interment.
8. When several burials occur in a one (1) or two (2) day period, said burials may be scheduled at the discretion of the City of Onalaska Department of Public Works, but in a prompt and efficient manner. A minimum of two (2) hours will be scheduled between internments.
9. The interments of two (2) adult bodies in one (1) grave will not be allowed, except in case of mother and infant, twin children, or two (2) children buried at the same time or in special circumstances with the approval of the Administrative Committee.
10. An approved concrete liner or approved concrete vault shall be required when a body is interred.
11. No interment of any body or cremains of any body other than that of a human being will be permitted in the cemetery.
12. Where a human body has been cremated, the cremains may be interred. The Administrative Committee shall make proper regulations as to the receptacles and the number of interments allowed on a single lot. Four (4) cremains or three (3) cremains and one (1) full body burial shall be allowed on any one (1) lot, provided that the one (1) full body burial must be placed first before any cremains can be buried. No exceptions to the maximum number of interments shall be made. No cremains shall be scattered on private lots or on cemetery property.
13. If any structure, display or inscription placed in or on any lot is determined by the Administrative Committee to be offensive or improper or injurious to the appearance of the surrounding lots or grounds, the Administrative Committee shall have the right to enter upon such lot and remove the offensive or improper object or objects.



14. No tree growing within or beside any lot shall be cut down or disturbed or any structure upon or around any lot be removed or disturbed without the consent of the Administrative Committee.
15. The interment of up to four (4) cremains shall be allowed in a single adult grave space, as set forth above. This grave space can have only one (1) single upright marker in addition to one flush mount monument and may contain the names of each individual interred.

**B. Infant Burial.**

1. When infants are buried in the "Infant Burial Section" of the cemetery, all markers shall be placed at the head of the grave site and shall be flush with the ground.
2. When infants are buried on existing occupied grave sites not designated as "Infant Burial Section," markers shall be flush with the ground. See Section 15 above for monument and marker limitations.
3. Infants buried on unoccupied grave sites other than in the "Infant Burial Section" shall be buried at the head of the grave site so as not to interfere with future burial in the same grave. See Section 15 above for monument and marker limitations.
4. The interment of only one (1) cremains will be allowed in a single infant grave site within the infant burial section.

**C. Disinterments.**

1. Disinterments of bodies from graves in the cemetery shall be made only by the City in accordance with the requirements of the State Board of Health. Charges set by the City for removal must be paid in advance.
2. Lot owners, or their heirs, desiring graves opened may secure the necessary disinterment permit from the State and deliver the same to the City of Onalaska Department of Public Works.
3. For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

- D. Interment of Ashes in Monuments.** In the event that ashes of a deceased are to be interred inside a monument, the City shall be notified in writing of such interment prior to the interment. In addition, the name of each deceased whose ashes are so interred shall be engraved on the monument. A charge as set forth on the City of Onalaska Fee Schedule shall be paid to the City for the ashes of each deceased interred in a monument, which sum shall be paid prior to such interment.

### **6.08.17 Monuments, Markers, Vaults and Mausoleums**

**A. Monuments and Markers.**

1. Grave markers and foundations will be set only by the monument company according to regulations specified by the City. Except as herein otherwise provided, under no conditions will the City construct monument or marker bases or erect monument or markers on bases. The City reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground line. All foundations must be six (6) inches thick with a four (4) inch overlap of the base of the monument and have a one and one-half (1 ½) inch diameter hole on top for placement of a flower pot holder. Large monuments may require thicker foundations unless reinforcing is used. A permit shall be required from the office of the City Clerk, with a fee as outlined in the City Fee Schedule. Monuments or markers are allowed on single grave sites with a maximum length of thirty-four (34) inches by sixteen (16) inches wide, except in the "Infant Burial Section" where flush markers are allowed only. Two (2) grave lots can have either single or double markers or monuments of sixty-eight (68) inches in length and sixteen (16) inches in width. Three (3) graves may have a monument suitable to the size of the lot.
2. The setting and design of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and approval of the City of Onalaska Department of Public Works. Unless special arrangements are made with the City of Onalaska Department of Public Works, such work shall be conducted between the hours of 8:00 a.m. and 3:00 p.m., Mondays through Fridays, except on national holidays. Whenever possible, at least twenty-four (24) hours' notice shall be given to the City of Onalaska Department of Public Works that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the City of Onalaska Department of Public Works, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.
3. The City reserves the right to refuse permission to erect any monument work not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the City of Onalaska Department of Public Works and approved before said work will be permitted on a lot. All monuments must be set in line with other monuments so far as possible as directed by the City of Onalaska Department of Public Works.
4. Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the City of Onalaska Department of Public Works.



5. The lot must be paid in full or other assurance given of payment before markers and monuments are set.
6. Temporary markers must be removed or replaced with a permanent marker within one (1) year.
7. All monuments and markers must be of granite which has a known reputation for durability and permanence in color. Veterans' Administration markers of bronze are acceptable.

**B. Vaults and Mausoleums.**

1. All vaults constructed, lots enclosed, monuments erected and other improvements made shall be under the supervision of the Administrative Committee.
2. Plans for a vault, tomb or mausoleum must be submitted to the Administrative Committee for its approval.

**6.08.18 Trees, Shrubs, Flowers, and Decorations**

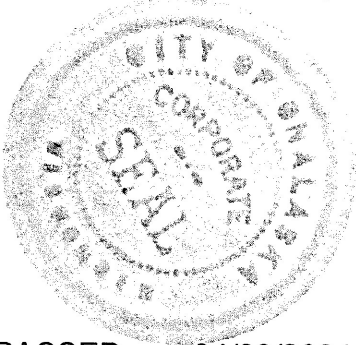
- A. The planting of trees and shrubs on lots or parts of lots will not be permitted except by approval of the City of Onalaska Department of Public Works. No yew trees or evergreens of any kind will be allowed on cemetery lots. If any existing yew trees or evergreens die, they cannot be replaced. If not taken care of properly, they will be removed. Nothing will be allowed to hang from any tree, shrub, monument or marker, etc. (e.g.: bird feeders, windsocks, bird houses, etc.)
- B. Lot owners may request the City of Onalaska Department of Public Works remove large trees on gravesites that hinder the full usage of the gravesite. The expense of the tree and stump removal shall be paid for by the lot owners.
- C. Fresh cut flowers may be used anytime. Containers for cut flowers are to be of a type level with the ground surface and not holding water when not in use, or of the type to be disposed of when flowers are removed. The planting of perennial flowers is prohibited. If these plants and flowers are not maintained and when they become unsightly or undesirable they will be removed by the City without notice.
- D. A flower vase as recommended by the cemetery in front of markers or monuments is permissible. Any vase or vase stand that is not in use for one (1) year or more will be removed by the City of Onalaska Department of Public Works without notice. Shepherd hooks will be allowed, one (1) per site, and must be at least twenty-four (24) inches from the lowest part of the hanging pot to the ground, and installed immediately against the monument. Winter decorations will be allowed after November 15th but will be removed April 15th and disposed of. Other artificial pieces, including grave blankets and wreaths may be used during this period only. Wreaths on wire stands must also be placed at the head of the lot.
- E. Artificial decorations are prohibited unless in a vase or pot, when used, will be treated as potted plants. All artificial flowers displayed in the cemetery must be in containers and placed at the head of the grave lot. Any artificial flowers not in containers will be removed from the cemetery by the City of Onalaska Department of Public Works without notice. Urns are not permitted. Existing urns shall be removed by the City as they become unsightly or deteriorated and shall not be replaced. However, before such an urn is disposed of the last owner of record of the lot shall be notified by registered or certified mail with return receipt requested that such urn has been removed from the grave and will be disposed of unless the owner thereof claims the same within thirty days after mailing of such letter.
- F. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the City of Onalaska Department of Public Works or under its direction.
- G. Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.
- H. No benches will be allowed on private lots.
- I. All landscaping, care of lots and other work in the cemetery shall be done by the City of Onalaska Public Works department or its designee, but it is desired that each lot owner feel free to consult with those in charge of the cemetery at all times. The City shall retain the ownership of all aisles, including monument aisles.
- J. Twice per year, spring and fall, all decorations, natural or artificial must be removed from grave spaces to allow for the general cleanup of the cemetery. The cemetery is open to the public for cleanup and removal of decorations from April 1 to April 15 and October 15 to November 1. New summer decorations may be placed after May 1. New winter decorations may be placed after November 15. The City is not responsible for decorations disposed of during spring or fall clean-up. Public Works staff will start City cleanups on April 15th and November 1st of each year.
- K. The following decorations/memorials are not permitted: toys, mementos, food, figurines, lighting, border edging, fencing, benches, rocks, gravel, bricks, or mulch. Styrofoam constructed decorations, vases, solar lights, hanging decorations and standing easels are prohibited.
- L. All shepherd hooks must be placed as close as possible to the left or right side of the marker. Basket must hang over the marker with no decorations infringing upon adjacent grave lots. One shepherd hook is allowed per lot.



- M. The City is not responsible for reimbursement for any plants, memorials or decorations removed or damaged by City Staff during normal maintenance activities.
- N. The City has the right to remove and maintain (trim) any tree or shrub situated on any lot which becomes, by means of roots, branches, condition or in any other respect, detrimental to the adjacent lots, roads or general appearance of the grounds. Trees or shrubs may also be removed or trimmed which restrict access to grave sites for burials or maintenance purposes.
- O. Funeral flowers and other decorations/memorials may be placed and left on a grave site for up to five (5) days after interment has taken place. Public Works staff will remove flowers and decorations after five (5) days and dispose of them if they do not meet the requirements of this section.

SECTION II. This Ordinance shall take effect and be in force from and after its passage and prior to publication although it will be published in due course.

Dated this 9<sup>th</sup> day of April, 2024.



CITY OF ONALASKA

By: Kim Smith  
Kim Smith, Mayor

By: JoAnn A. Marcon  
JoAnn Marcon, Clerk

PASSED: 04/09/2024  
APPROVED: 04/09/2024  
PUBLISHED: 04/16/2024



**FISCAL IMPACT OF ORDINANCE 1784-2024**

Amend Div. 1, Ch. 8, Title 6 - City Cemetery

Amanda Jackson, City Attorney

Amanda Jackson 4/3/24 (JM)  
Signature Date

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this Ordinance
- Will require an amendment to the Fee Schedule
- Will require an amendment to the Schedule of Deposits

Sabrina Steger, Finance Director

Sabrina Steger 3/27/24  
Signature Date

- No Fiscal Impact
- Budgeted Item
- Will need \$ \_\_\_\_\_ for \_\_\_\_\_ to meet the requirements of this Ordinance