

Village of Westfield, WI
Monday, December 29, 2014

Chapter 237. CEMETERIES

[HISTORY: Adopted by the Village Board of the Village of Westfield as Title 4, Ch. 5 of the 1985 Code. Amendments noted where applicable.]

§ 237-1. Village cemeteries; administration.

- A. The Village operates and maintains two cemeteries, Westfield South Cemetery and Westfield East Cemetery.
- B. The Village Board may, by resolution, authorize the conveyances of all or any part of any Village cemetery or may alter or vacate a cemetery plat or any part thereof.
- C. The Village Clerk-Treasurer is hereby designated as the Sexton for purposes of this chapter. The Public Works Director is designated as the Cemetery Maintenance Manager.

§ 237-2. Purchase or transfer of lots.

- A. Application; procedure. All applications for the purchase of lots in the cemeteries shall be made to the Village Clerk-Treasurer.
- B. Sales to be recorded; deed. Upon obtaining a receipt for the payment of the sum of money stated in the Clerk-Treasurer's certificate by the purchaser, the Clerk-Treasurer shall file an ownership card and record said purchase on the Official Cemetery Map. It shall then be the duty of the Clerk-Treasurer, in the name of the Village of Westfield, to grant a cemetery conveyance deed, showing the owner's name, the lot and the total sales price. The Clerk-Treasurer shall file all burial-transit permits.
- C. Assignment of lots. Should an owner assign or transfer a cemetery lot, said assignment shall be filed with the Village Clerk-Treasurer.

§ 237-3. Residency.

For the purposes of this chapter, any person who resides in the Village of Westfield shall be considered a resident. All other persons shall be considered to be nonresidents.

§ 237-4. Pricing of lots.

Grave spaces shall be priced as determined by the Village Board.

[1]: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 237-5. Perpetual care.

Perpetual care shall mean the cutting of the grass upon the lot or grave at reasonable intervals, the raking and cleaning of the lot or grave, and the pruning of shrubs and trees. It does not include maintenance or repair of

any gravestones or monumental structures erected upon lots or graves therein, nor the planting of flowers or ornamental plants.

§ 237-6. Conveyance of lots limited.

Not more than one standard lot (see § 237-11 below) or the equivalent thereof in either cemetery shall be sold to any one person. In the East Cemetery, each standard lot consists of six four-foot by twelve-foot grave spaces. (See attached diagram.^[1]) In the South Cemetery, because of its peculiar layout, the dimensions of a standard lot vary. A determination of the number of grave spaces in a standard lot in this cemetery will be made at the time of purchase.

[1]: *Editor's Note: The diagram is on file and available for review in the office of the Village Clerk-Treasurer.*

§ 237-7. Permanent vaults required.

- A. Type of vault required. The use of wooden grave boxes shall not be allowed in either cemetery. All caskets must be enclosed in an outside container made of concrete or steel, except for baby caskets (see Subsection B).
- B. Baby caskets. For infants less than six months of age, a polystyrene sealer-type casket is to be used for burial and is considered a permanent vault.

§ 237-8. Monuments, markers, urns, plantings and fences.

- A. Definitions. As used in this section, the following terms shall have the meaning indicated:

FLUSH MARKER

A marker installed so that its top surface is flush with the surrounding ground.

MARKER

A stone containing information specific to an individual or individuals (e.g., name, date of birth, date of death, etc.).

MONUMENT

A stone containing the family name and/or an inspirational message only.

- B. If flowers are planted, they must be planted or placed in metal containers in that area described as adjacent to and not more than 18 inches in back of any marker, and not greater than the length of any grave marker. The planting or placing of any article in front of any grave marker is prohibited. No planting of any type of plant, tree or shrub or placement of any article shall be permitted at either end of any grave marker or monument unless written permission has been given by the Cemetery Maintenance Manager.
- C. All grading, landscaping and improvements of any kind on cemetery plats shall be performed by Village personnel. The Village reserves the right to remove any alterations or plantings, at the owner's expense, which have not been approved by the Cemetery Maintenance Manager. Restoration of a recently opened and closed grave is the responsibility of the person who excavated the grave.
- D. No fences or hedges shall be erected around the lots. All cornerstones or other stones or copings shall be placed at the ground level so a lawn mower can be operated over them. Grave mounds shall not be raised above the level of the lot. Monuments and grave markers shall be permitted only upon lots which have been fully paid for and when they do not conflict with the restrictions contained herein.
- E. No monument shall be permitted on any lot of less than 12 feet by 12 feet (1/2 lot).
- F. The Cemetery Maintenance Manager shall approve the location of any monument or marker before it is placed on a lot.

- G. The maximum height of single, double and triple markers shall be not more than 18 inches above the ground.
- H. Grave markers shall be placed at the head of a grave and are defined as having a maximum length of 24 inches for a single marker and a maximum length of 42 inches for a double or a triple marker. Grave markers shall not be more than 12 inches thick.
- I. The use of vigil lights in the Village cemeteries is prohibited. Floral receptacles shall be of metal or clay and not larger than 12 inches in diameter and shall be removed by Village personnel as soon as they become unsightly. The Village shall not be liable for floral pieces, baskets, shrubs, trees, or frames which may be stolen or lost.
- J. Flush markers only shall be permitted in Section K of the Westfield East Cemetery. No planting of trees, shrubs or flowers is permitted on or around lots in this section. Also in this section, only one vase or wreath per grave is permitted.
- K. Any tree, shrub, plant, bush or artificial flowers situated anywhere within a cemetery that, in the opinion of the Cemetery Maintenance Manager, become detrimental to burial plats or are prejudicial to the general appearance of the cemetery may be trimmed, cut, or removed at the direction of the Cemetery Maintenance Manager. Any tree or shrub planted on any plat must have the prior approval of the Cemetery Maintenance Manager.
- L. The placing of boxes, shells, toys, ornaments, chairs, settees, vases, metal, glass or wood objects, iron cases, or similar articles is not permitted unless specifically permitted by other sections of this chapter.
- M. Urns may be placed on either side of a monument. The maximum height of metal, wood, cement or stone urns shall not exceed 26 inches, the base of the top of which shall not exceed 18 inches square or in diameter. "Urn" means a vase-like container used only for the planting of live plants. Only one urn shall be permitted per lot. Removal and inversion of the bowl of the urn to prevent winter frost damage is recommended.
- N. Wire basket-type plant holders, whether for live, cut, or artificial flowers, shall not exceed 31 inches in height and 18 inches in diameter of top or base and shall be light enough to be moved by one person. They shall be removed from the cemetery between December 1 and two weeks prior to Easter. There is a limit of one such planter per owner's lot.
[Amended 5-13-2003]
- O. Statuary shall not exceed 22 inches in height and can be placed only directly behind a headstone so as not to interfere with, or set wholly or partially on, another person's lot. When statuary is of a monumental structural size to be used in lieu of a monument, it shall meet the requirements of this section and § 237-9.
- P. A temporary marker shall be issued by the Village Clerk-Treasurer and placed by the Cemetery Maintenance Manager at the head of the grave site of interred remains where a permanent marker or monument has not been installed. The temporary marker shall identify the remains by name and such other information as is deemed appropriate. The marker shall remain installed until removed by the Cemetery Maintenance Manager at the time of installation of a permanent marker or monument.
- Q. No marble, sandstone, or man-made stone, except portland cement concrete, shall be used for foundations in either Village cemetery. No columnar or pillar-type headstones or monuments shall be placed in either Village cemetery. No grave markers shall be permitted at the foot of graves in either cemetery. One grave marker shall be permitted per single burial space. In case of more than one burial per space, additional names may be on the same stone, using its face or back.

§ 237-9. Maintenance and repair of gravestones and monuments.

The Cemetery Maintenance Manager may, by written order, provide that when a monument, gravestone or ornamental structure is broken beyond repair, or is in such condition so as to constitute a hazard to the public or to cemetery workers, the debris may be removed. The Cemetery Maintenance Manager, prior to ordering the removal of such debris, shall give six months' notice to the general public and owners of faulty stones and

order the person(s) with an interest in the grave(s) to remove the stones and/or to replace them with a marker of a size and material that meet the requirements of this chapter.

§ 237-10. Defacing cemeteries.

Except by authority, no person shall dig up, pull up, break down, or in any manner injure, remove, or deface any shrubbery, flowers, plants, grass plot or turf growing or being in and upon any part of the grounds of either cemetery, or injure or deface any building, monument, marker or other structure on a cemetery.

§ 237-11. Interment of cremated remains.

Section N of the East Cemetery has been platted and marked for the interment of cremated remains. Each standard lot of 12 feet by 24 feet in this section has been subdivided into twelve four-foot-square grave spaces, with a four-foot center aisle running the length of each lot. (See attached diagram.^[1]) Sections O and P are reserved for this use in the future. The following additional regulations apply to Sections N, O and P:

- A. Cremated remains shall be interred in a permanent container only, such as strenex or concrete. The cremated remains of a maximum of two persons may be interred in each four-foot-by-four-foot grave space.
- B. Only flat, flush-to-the-ground grave markers are allowed. The maximum size of such markers shall be one foot by three feet, except that the combination veteran and spouse marker may not exceed one foot by four feet. Markers must be approved by the Cemetery Manager prior to being set.
- C. No planting of live plants, shrubs or trees is allowed in these sections.
- D. Disinterment of permanent cremation containers contained cremated remains shall be allowed by permit issued by the Village Clerk-Treasurer and/or the Cemetery Manager.

[1]: *Editor's Note: The diagram is on file and available for review in the office of the Village Clerk-Treasurer.*

§ 237-12. Interment regulations.

- A. Clerk-Treasurer's records. No person shall inter any body or remains in any lot or part of a cemetery without first notifying the Clerk-Treasurer on or before the day of such interment and furnishing him/her with the necessary information to enable him/her to complete his/her records. No burial will be made without a proper burial transit permit.^[1]

[1]: *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- B. Severe weather. During severe weather conditions, the Cemetery Maintenance Manager shall decide, upon consultation with the funeral director responsible for burial, to postpone burial until suitable conditions exist. The funeral director shall provide care and storage for the remains until proper burial can be made.
- C. Grave space and lot defined. The term "grave space" as used herein shall be defined as the space required for one adult burial. Standard grave space dimensions shall be 12 feet by four feet. The term "standard lot" shall refer to a lot with dimensions of 12 feet by 24 feet.
- D. Interment of two bodies in one grave.
 - (1) The interment of two adult bodies in one grave (i.e., one above the other) is not allowed, except in the cases of an adult and an infant child, or two infant children buried at the same time.
 - (2) The interment of two cremated remains may be allowed in one adult grave or with other remains in one and the same grave. The minimum container requirement for cremated remains shall be a metal or plastic container.

E.

Orders of funeral director. Orders for burial given by the funeral director having charge of the burial of any person will be construed by Village officials as orders from the lot owner. After interment no changes in location of graves will be made except at the expense of the lot owner. A funeral director making arrangements for the interment of a body will be held responsible for the charges.

- F. Pallbearers. It is the funeral director's responsibility to provide the necessary pallbearers to adequately carry the casket to the grave site for burial. Except for postponed burials due to severe weather conditions when pallbearers are not available, other personnel may assist.

§ 237-13. Exhumation of bodies.

Exhumations must be made in compliance with the statutes and public authorities of the State of Wisconsin and the Village of Westfield.

§ 237-14. Responsibility of Village limited.

- A. Disclaimer. The Village of Westfield will take every reasonable precaution to protect all private property in the cemetery from loss or damage. However, the Village distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the acts of thieves, vandals, rioters and malicious mischief makers and from all acts of nature, which include unusual wind, tornadoes, cyclones, hail, and snow and frost, whether the damage is indirect or proximate.
- B. Limits of Village maintenance responsibility. The Village's responsibility with regard to the maintenance of the cemeteries is limited to:
- (1) Correction of acts performed by others in violation of this chapter.
 - (2) Mowing and trimming of weeds and grass.
 - (3) Maintenance and snow plowing of roads.
 - (4) Maintenance of water plumbing.
 - (5) Correction of damage caused in conjunction with performing these maintenance responsibilities.

§ 237-15. Owner responsibility.

Plat owners and/or their heirs are responsible for:

- A. Maintenance, repair, or replacement of any gravestone, monument, or memorial placed or erected upon a plat.
- B. Planting of flowers, shrubs, trees or ornamental plants (see § 237-8J above).
- C. Reconstruction of any marble, granite, bronze, or concrete work on any section of the plat for damage caused by vandals, the elements, or an act of God.
- D. Performing any special or unusual work for which permission has been received from the Cemetery Manager.

§ 237-16. Restrictions on cemetery use.

- A. Both cemeteries be are closed to the public after dark.
- B. Walking, driving or running over lots and graves is prohibited, except as is necessary for maintenance.

- C. Domestic animals (which includes farm animals) are not permitted in the cemeteries, nor are they allowed to be buried there for any reason.
- D. No person shall destroy bird nests, shoot or throw any missile at birds, or catch or kill any wild animal on the cemetery grounds.
- E. With the exception of ceremonial functions, such as Memorial Day observances, all persons are prohibited from carrying or discharging firearms and spring and air guns or using sling shots, archery equipment or other weapons in the Village cemeteries.
- F. Planks are required to be laid on cemetery paths or grass over which heavy material or equipment is to be moved.

§ 237-17. Applicability.

The provisions of this chapter apply to all property owners and persons using a cemetery (and to others as specified) and to all plats sold. A copy of this chapter shall be given to each plat owner at the time of purchase. Persons who are cemetery property owners as of the date of enactment of this chapter are not subject to the provisions of § 237-8D, F, G and N or § 237-9.