

## Chapter 176

### CEMETERIES

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and release of burial sites.

[HISTORY: Adopted by the Town Board of the Town of Washington 7-18-2006 by Ord. No. 2006-7 (Ch. 9, Subch. II of the 1986 Code). Amendments noted where applicable.]

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§ 176-1. Repealer.

All previous cemetery ordinances and all other rules of cemetery operation for the Town of Washington, hereafter referred to as "Town," are hereby rescinded, to be replaced by this chapter.

§ 176-2. Applicability.

All cemeteries and subdivisions thereof operated by the Town shall be ruled by the regulations herein set forth.

§ 176-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CALENDAR YEAR — A period of 12 consecutive months.

FAMILY BURIAL SITES FOR COFFINS — Must be contiguous, consisting of two or more sites, and the layout shall be determined by the Town Clerk/Treasurer.

IMMEDIATE FAMILY — Relatives consisting of husband, wife, sons or daughters.

NONRESIDENT — A person who is not a registered voter in the Town of Washington and has not paid property tax for one calendar year as defined in ordinance to the Town of Washington.

OPENING FEES — The fee set by the Town to excavate the burial site and refill it once the burial has taken place. Included in the opening fee are normal excavation and replacement. Not included are abnormal costs such as opening frozen ground or hammering rock. See § 176-4B.

PLACE OF RESIDENCE — For these purposes, shall mean residing within the said municipality for a continual period of seven months or greater per calendar year.

PLAT — That section of the cemetery which is differentiated according to time of incorporation into the cemetery, e.g., original plat, first addition, second addition, etc.

PROPERTY — Real property consisting of land and/or buildings.

PURCHASE PRICE — Actual cost in dollars to purchase a burial site will be set by the Town Board. The purchase price entitles the purchaser to a burial site and care of that site thereafter. See § 176-4.

RESIDENT — A registered voter in the Town of Washington and/or a person who pays property tax to the Town of Washington and has done so for one calendar year or more, including the calendar year preceding death.

**§ 176-4. Fees.**

- A. Charge to purchase burial sites shall be determined by the Town Board of the Town of Washington, and may be changed without amendment to this chapter. Contact the Town Clerk/Treasurer for the current fee.
- B. The opening fee shall be set by the Town Board of the Town of Washington and may be changed as the need arises without amendment to this chapter. Contact the Town Clerk/Treasurer for the current fee.

**§ 176-5. Plantings.**

- A. Plants or flowers are to be planted only in a cultivated area the width of the stone marker, extending out from the base of the marker on the face for a distance not greater than eight inches. No bushes or shrubs are allowed to be planted.
- B. Plants. No artificial flowers shall be placed on or near the grave in the summer months (May 15-Sept. 15) except for the Memorial Day observance, Friday before through Tuesday after. All artificial flowers shall be removed by June 1. Any remaining after that date shall be subject to removal and disposal by the Town and its employees.

**§ 176-6. Prohibited actions in the Town cemetery.**

- A. In order to preserve and maintain the Town cemetery, no person shall do any of the following:
  - (1) Operate or park any vehicle allowed in the Town cemetery off of any roadway except when used in operation or maintenance of such cemetery, including the digging of graves; or for visitation and/or maintenance of graves by family members, provided that such vehicles will be parked only along the edges of existing cemetery roads, parallel to the roadway.
  - (2) Ride or tie up a horse on or adjacent to any graves.
- B. Vehicles allowed in the cemetery are automobiles, vehicles used in digging graves, trucks, including pickup trucks, and motorcycles.

**§ 176-7. Violations and penalties.**<sup>1</sup>

Any person violating § 176-6 and 176-9(D)<sup>3</sup> of this chapter shall be subject to a forfeiture of not less than \$100 nor more than \$500 for each offense, together with the costs of prosecution thereof. Second and subsequent offenses and continuing violations shall be as provided in § 1-5 of this Code.

**§ 176-8. Cremations.**

Cremains. The maximum of the number of urns to be placed in one burial site is nine.

**§ 176-9. Markers and foundations.**

A. Foundations.

- (1) Foundation shall be concrete or stone, a minimum of four inches thick, and placed according to the Town's instructions and shall be below the surface.
- (2) The foundation for an upright marker can have a width of not more than five inches on each side of the marker.

B. Markers.

- (1) All upright markers must be placed on foundations.
- (2) Individual markers shall be flat and not exceed one foot wide by two feet deep in size.
- (3) Double markers shall be limited and not exceed one foot wide by three feet deep and not to exceed five feet in height.
- (4) The top of the combined flat marker and foundation shall be level with the contour of the ground on all sides.
- (5) The maximum dimensions of a family marker shall be four feet long and three feet wide and not to exceed five feet high. The Town shall determine placement of the family marker.
- (6) All other types or designs or monuments, markers or mausoleums are hereby prohibited.

C. Setting of markers.

- (1) Locations of all markers shall be determined by the Town of Washington and/or its designee.
- (2) All markers to be erected and placed on the graves shall be governed by the specifications herein set forth. Failure to set the markers properly shall result in notification in writing to the company or individuals setting the markers, informing them as to the inappropriateness of their setting. The company/individual shall have 60 days from the day of notification to

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

correctly set the markers. Should said company/individual fail to perform within said time limits, the Town of Washington shall correct the said marker setting, and bill the company/individual for the cost of correcting the fault.

D. Location of Markers.

All Foundations, markers, benches and similar authorized items shall be placed within twenty-four (24) inches of the head of the plot to allow for unimpeded mowing, maintenance and burials.<sup>4</sup>

**§ 176-10. Rules regarding purchase and release of burial sites.**

- A. Residents and nonresidents as defined in this chapter may purchase burial sites, and those sites may be used for themselves and members of their immediate family only.
- B. The Town retains exclusive rights to buy back the burial sites for the original sale price, without interest. The sites cannot be transferred from one owner to another.
- C. The purchase price is to be paid to the Town of Washington in full within 30 days upon receipt of the bill, or the Town will not issue a deed for the site.
- D. Corporate officers or members whose corporation owns property in said municipality may not purchase burial sites based upon membership in their respective corporations.

**§ 176-11. Documentation <sup>2</sup>**

- A. The Town Clerk shall be furnished with a death certificate and a completed Town Burial permit Form for all persons to be interred in the Cemetery (whether a body or cremations) prior to the time of burial.

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2. Approved Town Board Meeting, 12 16 12 Section 13, Item E.

3. Approved Town Board Meeting 6/20/18

4. Approved Town Board Meeting 6/20/18