

Fountain City
City Cemetery Policy

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Section 1: Policy Statement.

(a) Purpose. The Fountain City Cemetery is owned and maintained by the City for the benefit of all citizens. Rules and regulations are established to insure proper maintenance and beauty and to prevent abuse and destruction. The City reserves the right to amend or change any of these Ordinances to conform with newly developed cemetery practices.

(b) Management.

(1) Management.

- a. The management and control of the cemetery of the City of Fountain City shall be vested in the Common Council.

(2) Powers.

- a. The Common Council shall have the power to adopt rules, regulations, terms and conditions of sales of lots, opening of graves and to make any and all regulations necessary to maintain and manage the cemetery.
- b. The Common Council 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.
- c. The City Clerk shall keep records of all receipts and disbursements and shall be responsible for the general administration of the cemetery.

(c) Administration and Maintenance. The City Cemetery shall not have a Sexton. The City of Fountain City Public Works Department or its designee shall be responsible for the daily administration and maintenance of the City of Fountain City cemetery.

Section 2: Platting of New Cemetery Lots.

(a) 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 at City Hall.

(b) Single Grave Section. The City 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.

Section 3: 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 Clerk. The City Clerk 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 lot selection and receipt of proper payment, the City Clerk shall issue a bill of sale to the lot in the form prescribed by the City Attorney. The bill of sale shall be signed by the City Clerk and sealed with the corporate seal and acknowledged so as to entitle it to be recorded.

(b) Price of Lots. The price of a lot shall be as set forth on the City of Fountain City Fee Schedule. The price of a lot(s) shall be paid at City Hall no later than 4:30 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened.

(c) Cemetery Bill of Sale and Transfer Charges.

1. The consideration for the cemetery lots must be paid in full prior to the transfer of the bill of sale.
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 Fountain City Fee Schedule and this expense shall be borne by the seller of the gravesite.

Section 4: Ownership Rights of Interment.

(a) Ownership Rights.

1. 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.
2. Upon full payment of the purchase price of a lot, the City Clerk will issue a cemetery bill of sale, and the bill of sale will be recorded in the records of the City as evidence of ownership of the lot. Lots, or fractions of lots, for which a bill of sale 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.
3. All repossessed vacant grave spaces shall be subject to the same fees and charges.
4. The lot owner shall have acquired the lot for interment of himself/herself 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 his or her relative, except by the consent of all persons having an interest in the lot.

(b) Right to Interment. 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) Death of Lot Owner. 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) Reconveyance. 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 bill of sales 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.
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 Common Council. 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 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) Repossessed Lots. Whenever possible, repossessed lots will be used for burials before new areas of the cemetery are used or platted.

Section 5: Care of Lots.

(a) Floral Trust. Floral Trust provides for floral arrangements in urn stands managed by the Public Works Department or its designee. Lots that participate in the Floral Trust are provided floral arrangements annually for a period determined at the time of purchase. The fees charged for the Floral Trust shall be as set forth on the City of Fountain City Fee Schedule. Records shall be kept on file in the office of the City Clerk.

(b) Perpetual Care. "Perpetual care" of the public cemetery provided by the City 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. Nothing herein shall be construed as obligating the City to any alleged existing contract as to perpetual care.

Section 6: Privileges and Restrictions.

(a) 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 are not permitted on lots sold after the passage of the ordinance codified herein. 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 destroyed or discarded, 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 destroyed unless the owner thereof claims same within thirty (30) days after mailing of such letter
3. 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.
4. 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.
5. The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

Section 7: Rules for Visitors.

(a) Rules.

1. The cemetery will be open to visitors between the hours 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 Fountain City Public Works Department.
2. Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
3. Persons or picnic parties, with refreshments or alcoholic beverages, are not permitted within any municipal cemetery.
4. Dogs shall only be allowed in the cemetery when confined in a vehicle or controlled by a leash, except service animals. Pet owners bringing their pets to the cemetery shall clean up after their pets.
5. 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.
6. 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.
7. Automobiles, bicycles, motor bikes, motorcycles or other such vehicles are prohibited within the cemetery gates, except as authorized by the City.

Section 8: Interments and Disinterments.

(a) Interments.

1. Interments will be made only during daylight hours.
2. All interments shall be made in a permanent outer container excluding the use of wood.
3. All graves shall be dug under the direction of the Fountain City Public Works Department or its designee. 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 Fountain City Public Works Department.

4. No burial will be permitted until a legal burial transit permit has been presented to the City of Fountain City Public Works Department. 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 Fountain City Public Works Department 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 thirty-six (36) 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 Fountain City Public Works Department shall, whenever possible, be given thirty-six (36) 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. 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 Fountain City Cemetery Committee.
9. An approved concrete liner or approved concrete vault shall be required when a body is interred.
10. Where a human body has been cremated, the cremains may be interred. The Fountain City Cemetery Committee shall make proper regulations as to the receptacles and the number of interments allowed on a single lot. Four cremains or three cremains and one full body burial shall be allowed on any one lot, provided that the one 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.
11. If any structure, display or inscription placed in or on any lot is determined by the Fountain City Cemetery Committee to be offensive or improper or injurious to the appearance of the surrounding lots or grounds, the Fountain City Cemetery Committee shall have the right to enter upon such lot and remove the offensive or improper object or objects.
12. 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 Fountain City Cemetery Committee.
13. The interment of up to four (4) cremains shall be allowed in a single adult grave space, as set forth in subsection (a)(12) above. This grave space can have only one (1) single marker 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. One (1) monument and one (1) marker shall be allowed.
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. One (1) monument with two (2) names will only be allowed.
4. The interment of only one (1) cremains will be allowed in a single infant grave site.

(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 Fountain City Public Works Department.
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 Fountain City Fee Schedule shall be paid to the City for the ashes of each deceased interred in a monument, which shall be paid prior to such interment.

Section 9: Monuments and Markers.

(a) Grave Marker Requirements. 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. Whenever possible, all markers will be set with a five (5) inch margin.

(b) Setting of Grave Markers. 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 Fountain City Public Works Department or its designee. Unless special arrangements are made with the Fountain City Public Works Department, 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 Fountain City Public Works Department that said work is to take place. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Fountain City Public Works Department, 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.

(c) Approval of Monuments. 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 Fountain City Public Works Department 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 Fountain City Public Works Department.

(d) Removal of Monuments. Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the Fountain City Public Works Department.

(e) Payment. The lot must be paid in full or other assurance given of payment before markers and monuments are set.

(f) Temporary Markers. Temporary markers must be removed or replaced with a permanent marker within one (1) year.

(g) Material of Construction. 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. Other materials of construction must be approved by the Fountain City Cemetery Committee.

Section 10: Trees, Shrubs and Flowers.

(a) Planting of Trees and Shrubs. The planting of trees and shrubs on newly purchased lots or parts of lots will not be permitted except by approval of the Fountain City Cemetery Committee. 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) Tree Removal. Lot owners may remove under the direction of the Fountain City Cemetery Committee 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. Fresh cut flowers may be placed anytime from May 15 until fall cleanup, which begins October 15. Containers for cut flowers shall be of a type that is level with the ground and can be disposed of when the flowers are removed. If these flowers are not maintained and become unsightly they will be removed by the Fountain City Public Works Department or its designee without notice.

(d) Artificial Flowers. Artificial flowers may be placed anytime from May 15 until fall cleanup, which begins October 15. Artificial flowers must be on the headstone or in a vase or pot. Containers for artificial flowers shall be of a type that is level with the ground and can be disposed of when the flowers are removed. Deteriorated or unsightly artificial flowers will be removed by the Fountain City Public Works Department or its designee without notice.

(e) Potted Plants. Potted plants may be set on lots, without disturbing the sod, on Memorial Day, but if not removed within five (5) days will be picked up without notice and destroyed if unsightly, or preserved for use in beds within the cemetery if suitable. A floral arrangement in an urn stand is provided for lots participating in the Floral Trust.

(f) Winter decorations. Winter decorations will be allowed after November 15th but will be removed April 15th and destroyed. Wreaths may be used during this period only. Wreaths on wire stands must also be placed at the head of the lot. Grave blankets are not permitted.

(g) Removal of Plants. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Fountain City Public Works Department or under its direction.

(h) Vines. Vines that interfere with the proper care of lots or graves and injure the grass will be removed when found objectionable.

(i) Benches. No benches will be allowed on private lots.

(j) Landscaping and Care of Lots. All landscaping, care of lots and other work in the cemetery shall be done by the Fountain City Public Works Department or its designee.

(k) Seasonal Cleanup. Twice per year, spring and fall, all decorations, natural or artificial are to be removed from grave spaces to allow for the general cleanup of the cemetery. Spring cleanup will be from March 10 to April 15. Fall cleanup will be from October 15 to November 1. New summer decorations may be placed on or after May 15. New winter decorations may be placed after November 15.

Section 11: Miscellaneous.

(a) Care. 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.

(b) Fees. 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.

(c) Loss and Damage. 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.

(d) Infant Age. For purposes of this document, an infant shall be defined as a person under the age of 2 years old.

(e) Grandfather Clause. The adoption of this policy by Common Council does not create an obligation to modify previously existing gravesites to comply with the specifications created for interments or the specifications created for monuments and markers.

Section 12: Cemetery Financial Policies.

(a) Sale of Lots. The fees charged for the sale of lots shall be as set forth on the City of Fountain City Fee Schedule. The City Clerk shall deposit income received from lot sales to the Cemetery checking account and record the income in the appropriate account.

(b) Floral Trust. The fees charged for the Floral Trust shall be as set forth on the City of Fountain City Fee Schedule. The City Clerk shall deposit income received from the Floral Trust to the Cemetery checking account and record the income in the appropriate account.

(c) Burial Fees. The fees charged for opening graves or vaults (including ashes buried in a vault) shall be as set forth on the City of Fountain City Fee Schedule. All fees shall be paid at City Hall no later than 4:30 P.M. two (2) business days prior to the day of the grave opening or the grave will not be opened. The City Clerk shall deposit income received from burial fees to the Cemetery checking account and record the income in the appropriate account.

(d) Vault Storage Fees. The fees charged for vault storage shall be as set forth on the City of Fountain City Fee Schedule. The City Clerk shall deposit income received from burial fees to the Cemetery checking account and record the income in the appropriate account.

(e) Cemetery Fund Balances. At the discretion of the City, funds may be transferred from the General Fund to the Cemetery Fund to cover annual expenses of operating and maintaining the cemetery.

(f) Cemetery Investments. The cemetery investment fund aims to generate income to support the annual expenses of operating and maintaining the cemetery. At the discretion of the City, unrestricted investment funds may be withdrawn to cover shortfalls in the budgeted income from cemetery investments. Additional unrestricted investment funds may be withdrawn at the discretion of the City to cover emergency expenses at the cemetery. However, efforts should be made to protect and grow the investment account balance to improve the long-term financial sustainability of the cemetery. This includes reinvestment of any earnings and interest above the annual budgeted income. The investment fund may also be increased by gifts, bequests, a portion of memorial charges and other service revenues.