

VILLAGE OF KEKOSKEE  
DODGE COUNTY, WISCONSIN

**VILLAGE OF KEKOSKEE CEMETERY ORDINANCE**

**No. 57**

**SECTION 1. TITLE**

This ordinance shall be cited as the “Village of Kekoskee Cemetery Ordinance” and hereinafter referred to as “this ordinance.”

**SECTION 2. POLICY STATEMENT**

The Village of Kekoskee Cemetery and the Town of Williamstown Cemetery (the "cemeteries") are owned and maintained by the Village of Kekoskee for the benefit of all its citizens. This article is established to ensure the proper maintenance and to prevent the abuse and destruction of the cemeteries.

**SECTION 3. AUTHORITY**

The Village of Kekoskee has the specific authority under Wis. Stat. § 157.50 (2) to adopt this ordinance.

**SECTION 4. CONTROL AND MANAGEMENT.**

- A. Management. The cemeteries are under the control and management of the Village Board of the Village of Kekoskee.
- B. Area. The cemeteries are located within the Village of Kekoskee, Dodge County, Wisconsin, as more particularly described in real estate documents located in the office of the Village Clerk.
- C. Conveyance of Kekoskee Cemetery. On May 18, 2023, the Kekoskee Cemetery Association, which was organized to care for and maintain the cemeteries, voted to convey the cemetery property and all of the trust funds pertaining thereto to the Village of Kekoskee. The Wisconsin Department of Safety and Professional Services Cemetery Board approved the conveyance. By resolution dated May 23, 2023, the Village Board accepted the conveyance of the cemetery property and trust funds.
- D. Conveyance of Town of Williamstown Cemetery. the Town of Williamstown conveyed the Town of Williamstown Cemetery to the Village of Kekoskee as a result of the Intergovernmental Cooperation Agreement entered into by the Town and Village under WIS. STAT. § 66.0301(6).

E. Regulation. The cemeteries shall be cared for and maintained by the Village of Kekoskee and placed under the control and management of the Village Board under the following terms and conditions, which terms and conditions may be modified or changed by the acts of the Village Board as conditions warrant:

- (1) The name Kekoskee Cemetery shall be retained.
- (2) The cemeteries shall be maintained in as neat and orderly and attractive appearance as the income of trust funds and appropriations by the Village will permit.
- (3) The regulations contained in this article shall be applicable.

#### **SECTION 5. PLATTING OF NEW CEMETERY LOTS.**

A. Before any new block of the cemeteries are opened for the sale of lots, the Village Board shall cause it to be platted and recorded in the office of the Dodge County Register of Deeds.

B. New or expanded cemeteries.

1. No person or authorized agent of any cemetery may conduct any burial, or construct, manage, plat, or operate any new or expanded cemetery of any type in the Village without written permit approval of the Village Board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under chapter 985, Wis. stats. Any new or expanded cemetery to be approved by the Village Board shall be, at minimum, properly platted and filed with the Village Clerk and recorded in the Office of the Register of Deeds for Dodge County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. stats. The minimum cemetery acreage must be at least 20 contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance. The Village Board may require that further criteria be met for approvals of permits via Resolution(s).
2. After the date of adoption of this ordinance, any place in the town where human remains are buried on private or public land without written permit approval of the Village Board and not timely removed within 60 days after receipt of written notice from the Village Board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this ordinance, the Village may take action to abate the nuisance and recover its costs of doing so, as provided in the Village Public Nuisance Ordinance. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. stats., and this ordinance.

#### **SECTION 6. SALE OF LOTS.**

A. Definition of cemetery lot. Pursuant to § 157.061(2m), Wis. Stats., "cemetery lot" means a grave or two or more contiguous graves and, when used in reference to the sale, purchase

or ownership of a cemetery lot, includes the right to bury human remains in that cemetery lot.

- B. Price of lots. The Village Board shall, from time to time, fix a price on all lots to be sold or transferred in the Kekoskee Cemetery.
- C. Sale of lots. Persons or their agents desiring to purchase a lot in the cemeteries are referred to the Village of Kekoskee Village Clerk. The 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.
- D. Site preparation fee. Fees shall be established annually by the Village Board. The fee will be charged at time of interment. Fees will cover such costs as marking the graves at time of burial, marking placement of monument and assisting with grave digging activities.

#### **SECTION 7. OWNERSHIP RIGHTS OF INTERMENT.**

- A. The lot owner of his or her authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with state law and the terms of this article.
  - (1) Upon full payment of the purchase price of a lot, the Village Clerk shall issue a cemetery deed. The cemetery deed shall be signed by the Village Clerk and Village President, sealed with the Village Seal and acknowledged so as to entitle it to be recorded with the Dodge County Register of Deeds.
  - (2) While any person is buried in a cemetery lot, the cemetery lot shall be inalienable, without the consent of the Village, and on the death of the owner, ownership of the cemetery lot shall descend to the owner's heirs, but any one or more of such heirs may convey to any other heir his or her interest in the cemetery lot. No human remains may be buried in a cemetery lot except the human remains of one having an interest in the cemetery lot, 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 cemetery lot and the Village.
- B. Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
  - (1) The Village 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 Village Clerk until a fee set by the Village Board 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 to the Village Clerk. Such application shall be executed by the owner of the lots or, if the owner is deceased, by the legal heirs. The application shall state the section, block and grave 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 Village's written consent. If the owner of any

lot or part thereof should sell or transfer the same without giving notice to the Village, except through probate, of such transaction, such sale or transfer shall be null and void.

#### **SECTION 8. CARE OF LOTS.**

- A. In order to ensure reliable means for permanent care, a care fund is created. Income from this fund will provide partial maintenance costs of the cemetery. All lots sold in the cemetery shall be provided with care services, the cost of which will be included in the price of the lot.
- B. Such permanent care funds shall be used for, but not be limited to, the maintenance of lawn, leaf disposal, filling sunken graves, and caring for avenues, alleys, fences, and grounds in general. It is understood that such expenditures shall be made at the discretion of the Village.

#### **SECTION 9. PRIVILEGES AND RESTRICTIONS.**

- A. The Village shall maintain a privileges and restrictions list. The list shall be provided to all lot owners at the time of sale and to the owner's heirs at time of interment.
- B. All landscaping, care of lots and other work in the cemeteries will be done by the Village, its employees, agents or contractors.
- C. The Village reserves the right for its employees, agents, and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemeteries in the performance of such duties.
- D. The Village, its agents or its employees, assumes no liability for damages to property or to person, or for physical or mental suffering arising out of the performance of its operations, or for loss by vandalism, or for other acts beyond its control.
- E. The Village reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemeteries.

#### **SECTION 10. RULES FOR VISITORS.**

- A. The cemeteries will be open to visitors at all times from dawn to dusk. Permission to enter the cemetery at any other time must be obtained from the Village.
- B. Children under 16 years of age will be admitted only when accompanied by parents or guardians.
- C. Persons or picnic parties with refreshments or alcohol beverages are not permitted within any municipal cemetery.
- D. Firearms will not be allowed in the cemeteries except in conjunction with military funerals. At all other times, firearms, bows and arrows, slingshots and other like articles will not be allowed.

- E. Visitors are required to use the walks and drives 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 cemeteries.
- F. No riding of bicycles, motor bikes, motorcycles, snowmobiles or other such vehicles will be allowed in the cemeteries unless such vehicles are present in conjunction with cemetery business.
- G. No vehicle shall be driven in a municipal cemetery except on roads designated for that purpose, nor shall such vehicle be driven in a reckless manner.

#### **SECTION 11. INTERMENTS.**

- A. Interments will be made only during daylight hours unless with prior approval of the Village.
- B. All interments shall be made in a permanent outer burial container as defined in § 157.061(11g), Wis. Stats., excluding the use of wood.
- C. All graves shall be dug at no cost to the Village but with the permission of the Village.
- D. No burial will be permitted until a report for final disposition of a human corpse has been presented to the Village Clerk and an authorization to open grave form has been completed.
- E. There will be no responsibility on the part of the Village for the protection and maintenance of items used in conjunction with funerals, including but not limited to flowers, wreaths, and emblems.
- F. The interment of two or more bodies, none of which are cremated remains, in one grave will not be allowed, except in special circumstances with the approval of the Village Board.
- G. The interment of four cremated remains may be allowed in one lot. The minimum container requirement for cremated remains shall be as supplied by a crematorium.

#### **SECTION 12. MONUMENTS AND MARKERS.**

- A. Regardless of the number of interments per grave, only one marker will be allowed on a lot. Grave markers and foundations will be set only by the monument company according to regulations specified by the Village Except as herein otherwise provided, under no conditions will the Village construct monument or marker bases or erect monument or markers on bases. The Village reserves the right to require the construction of a foundation of such size, material and design as will provide ample protection 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-inch margin.
- B. Unless special arrangements are made with the Village, the setting of monuments, stones and markers and the transportation of all tools and materials within the cemeteries grounds

shall be conducted between the hours of 7:00 a.m. and 3:00 p.m., Mondays through Fridays, except on national holidays. Heavy trucking will not be permitted within the cemeteries when, in the opinion of the Village, such work might cause damage to the driveways. Except when special permission from the Village is obtained, all work as described in this section shall be completed and debris removed immediately.

- C. The Village reserves the right to refuse permission to erect any monument not in keeping with the good appearance of the grounds. The size of the monument and/or stone work must be given to the Village 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 Village.
- D. Stone work or monument work, once placed on its foundation, shall not be removed, except by permission of the Village Board.
- E. Temporary markers must be removed or replaced with a permanent marker within nine months.

### **SECTION 13. TREES, SHRUBS AND FLOWERS.**

- A. The planting of trees and shrubs or any other plant or flower on any lot will not be permitted.
- B. The removal of any trees, shrubs and/or stumps will be done by the Village.
- C. Fresh cut, potted or artificial plants and flowers are permitted on the lot; however, all plantings must be either attached directly to the monument or staked in the ground (using plant stands or shepherd hooks) directly adjacent to the cement wash at the base of the monument at the ends of the monument. No plants, flowers, etc., except during the months of December and January, may be placed at the front or back of the monument that will impede lawn maintenance. If these plants and flowers are not maintained and they become unsightly or undesirable, they will be removed by the Village.

### **SECTION 14. GENERAL PROVISIONS.**

- A. 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 cemeteries.
- B. A schedule of the fees and charges, as established by the Village Board, shall be on file in the office of the Village Clerk. Such schedule may change from time to time without advance notice to conform to current economic conditions.
- C. The Village will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemeteries from loss and damage, but it expressly disclaims all responsibility for loss or damage to such property. By purchasing a cemetery lot, the purchaser expressly agrees to release and hold the Village harmless for any damage to such property.

- D. The cemeteries trust funds shall be managed in accordance with state law.

#### **SECTION 15. PURPOSE AND DEFINITION.**

In order to protect cemetery areas within the Village from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this article shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Village of Kekoskee.

#### **SECTION 16. AUTHORITY TO ESTABLISH RULES AND REGULATIONS.**

The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.

#### **SECTION 17. SPECIFIC REGULATIONS.**

- A. Disturbing cemetery property. No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flowerpots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
- B. Protection of cemetery property. No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb any animals, birds or waterfowl, wild or domestic, within any cemetery in any manner except as provided by this Code; nor shall any person climb any tree or break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flowerbed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnics, parties, or similar gatherings are permitted.
- C. Motor vehicles. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- D. Speed limit. No person shall operate any motorized vehicle in any cemetery in excess of

15 miles per hour unless otherwise posted.

- E. **Parking.** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area, nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- F. **Littering prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- G. **Animals.** No animals are allowed in a cemetery unless being utilized as part of the burial service. This subsection shall not apply to Seeing Eye dogs or other service animals.<sup>2</sup>
- H. **Sound devices.** No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- I. **Authorized notices.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- J. **Loitering prohibited.** No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- K. **Alcohol beverages prohibited.** No person shall consume or have in his or her possession any open container containing an alcohol beverage upon any cemetery property within the Village unless the property is specifically named as being part of a licensed premises.
- L. **Play vehicles prohibited.** No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this subsection, "play vehicle" shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- M. **Presence after hours prohibited.** No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

## **SECTION 18. INTERPRETATION AND EFFECTIVE DATE**

- A. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail. Ordinance No. 01-2014 titled, "Town of Williamstown Cemetery and Burial Site Regulation Ordinance" is hereby repealed.

B. This ordinance shall become effective upon adoption by the Village Board and publishing or posting as provided by law.

Passed and adopted this 16th day of April 2024.

VILLAGE OF KEKOSKEE

By: Donald Hilgendorf  
Don Hilgendorf, Village President

By: Allen Schellinger  
Allen Schellinger, Trustee

By: Loris Geschke  
Loris Geschke, Trustee

ATTEST:

Melissa Clippinger  
Melissa Clippinger, Village Clerk

**\*9(A) - PRIVILEGES AND RESTRICTIONS IN VILLAGE CEMETERIES**

- A. Bylaws and regulations. The village board may adopt bylaws and regulations for the management and care of any village cemetery and may enforce those bylaws and regulations under s. [157.11 \(2\)](#), Wis. stats. The village board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under chapter 985, Wis. stats., in the county. If the person fails to comply within 20 days thereafter, the village board may cause the action required to be done and recover the expense from the person required to take the action. The village board may also impose a forfeiture not exceeding \$10 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under chapter 778, Wis. stats.
- B. Mounds prohibited. No person may raise the level of the earth over any grave in a village cemetery above the general level of the cemetery lot.
- C. Limitations on structures and urns.
1. In this subsection "urn" means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the village board or sexton, that it cannot be readily moved from its placement on the lot. "Urn" does not include a vessel containing cremated human remains properly inurned on the lot.
  2. No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots in any village cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the village board or the sexton, and if so placed may be removed by the village board or the sexton without oral or written notice. Urns are not permitted at any village cemetery on lots sold after the passage of this ordinance. Urns existing in village cemeteries prior to the passage of this ordinance shall be removed by the village or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by registered or certified mail with return receipt requested by the village clerk that the urn has been removed from the lot and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.
- D. Landscaping. All landscaping, mowing, and general care of lots, and other work, construction or maintenance in the village cemetery shall be performed by the village by its officers, employees, independent contractors, or agents, including any sexton, unless otherwise provided in writing by the village board.
- E. Access to lots; opening and closing of burial places. The village reserves the right for its officers, employees, contractors, and agents, including the sexton and the village board, necessary to the performance of normal village cemetery operations to enter upon or cross

over any lot in any village cemetery in the performance of any duties or work necessary under this ordinance. The village board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains in the village cemetery, unless so ordered by a court of record to open or close such places.

- F. No assumption of liability for damages. The village, and its officers, employees, contractors, and agents, including the sexton and the village board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any village cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at a village cemetery.
- G. Altering physical conditions. The village board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties at any village cemetery.
- H. Enforcement of regulations and ordinance. The village board may appoint, with citation issuance and service powers, any employee or agent of the village, including the sexton, to administer and enforce its village cemetery bylaws and regulations and this ordinance.