

**TOWN OF LIBERTY GROVE**  
**ORDINANCE # 10-21**  
**Administration of Liberty Grove Cemeteries.**

**Section 1.**

All previous cemetery ordinances and all other rules of cemetery operation for the Town of Liberty Grove, hereafter referred to as “Town”, are hereby rescinded, to be replaced by this ordinance.

**Section 2.**

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

**Section 3. Definitions:**

- A. **Burial:** Entombment, inurnment, or interment of human remains.
- B. **Calendar Year:** A period of 12 consecutive months.
- C. **Casket Burial:** Actual site of interment contained within a burial site which measures 4’(W) X 10’(L).
- D. **Cemetery:** Any location for burial of human remains within the Town.
- E. **Cremation Burial:** Actual site of inurnment contained within a burial site which measures 10”(L) X 10”(W) X 12”(H).
- F. **Deed:** Official document issued by the Town to the owner of the site. Multiple sites may not be held by one individual.
- G. **Family Burial Sites:** Must be contiguous, consisting of 2 or more sites, and the layout shall be determined by the Town Administrator.
- H. **Flat Marker:** A marker and foundation that is level with the contour of the ground on all sides; that is, flush with the surface of the ground on all sides.
- I. **Human Remains:** The body of a deceased individual that is in any stage of decomposition or has been cremated.
- J. **Immediate Family:** Relatives consisting of husband, wife, children, and mother or father or children of husband or wife.
- K. **Lot:** A section of eight or ten burial sites, depending on the cemetery. A lot for eight burial sites shall have a dimension of 16’ X 20’. A lot for ten burial sites shall have a dimension of 20’ X 20’.
- L. **Opening Fee:** The fee set by the Town of Liberty Grove 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 Section 4.
- M. **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.
- N. **Purchase Price:** Actual cost in U.S. dollars to purchase a burial site. The purchase price entitles the purchaser to a burial site and care of that site thereafter. See Section 4A.

- O. **Resident:** A person who can show proof of residing within the Town of Liberty Grove for at least one calendar year preceding death.
  - a. **Care Facility or Campus Residents:** must have previously resided in Liberty Grove for a period of one year immediately prior to care facility or campus residency to be eligible to purchase a burial site at the resident rate.
  - b. **Non-Resident:** A person who cannot show proof of residing within the Town of Liberty Grove for at least one calendar year immediately preceding death.
  - c. **Place of Residence:** For these purposes, shall mean residing within the said municipality for a continual period of 5 (five) months or greater per calendar year.
  - d. **Sister Bay Residents:** With respect to this ordinance, Sister Bay Village residents may purchase burial sites at the resident price in the Little Sister Cemetery only.

#### **Section 4. Fees:**

- A. Charge to purchase burial sites shall be determined by the Town Board of the Town of Liberty Grove and may be changed without amendment to this ordinance. Contact Town Office for current fee.
- B. Changes to cemetery deeds shall be determined by the Town Office and may be changed without amendment to this ordinance. Contact the Town Office for current fee.
- C. The opening fee shall be set by the Town Board of the Town of Liberty Grove and may be changed as the need arises without amendment to this ordinance. Contact Town Office for current fee.
- D. Shall the desires of a gravesite owner change from the original intention of burial, extra work by Town staff at the site above and beyond the normal procedures of opening and closing shall be charged on a time and materials basis.

#### **Section 5. Plantings and objects placed in cemetery:**

- A. Annual plants or flowers may be planted only in a cultivated area the width of the stone marker, extending out from the base of the marker on the face side for a distance not greater than eight inches. No woody plants or perennials are allowed to be planted.
- B. No artificial flowers shall be placed on or near the grave EXCEPT for the Memorial Day observance, Friday before thru Tuesday after.
- C. In order to maintain the dignity of the cemeteries and in order to perform the routine maintenance of the cemetery grounds there are to be no objects placed anywhere on a cemetery lot including but not limited to the following: shepherd's hooks, wreaths, statues, stones or rocks, remembrances, and potted plants. If placed anywhere on a cemetery lot such objects will be subject to removal by Town employees

#### **Section 6. Cremations:**

- A. The maximum number of urns placed on one burial site is four (4).
- B. Any additional cremation burials on an existing cremation site that is not a named owner of the site is limited to immediate family.
- C. An oversized cremation burial may occur, and additional fees will apply as defined in Section 4.

## **Section 7. Markers and Foundations:**

### **A. Foundations**

1. Foundations shall be concrete or stone a minimum of 4” thick and placed according to Town’s instructions and shall be below the surface.
2. The foundation for an upright marker can have a width of not more than 5” on each side of the marker.

### **B. Markers**

1. All markers, flat or upright, must be placed on foundations.
2. Individual markers shall be flat and not exceed 1 foot x 2 feet in size.
3. Double markers shall be flat and not exceed 1 foot x 3 feet in size.
4. The top of the combined flat marker and foundation shall be level with the contour of the ground on all sides.
5. Family markers are allowed only as defined in section 3 of this ordinance. The maximum dimensions of a family marker shall be 4’ long and 3’ high. Placement of a family marker shall be determined by the Town.
6. All other types of designs of monuments, markers or mausoleums are hereby prohibited.
7. Only one marker is allowed on a single burial site; the only exception is an additional flat military marker which will be placed at the foot of the site.
8. Only flat markers will be permitted in the second and subsequent additions of Little Sister Cemetery. Only flat markers will be permitted in subsequent additions to the Ellison Bay Cemetery.

### **C. Setting of Markers**

1. Location of all markers shall be determined by the Town of Liberty Grove and/or its designee.
2. All markers to be erected and placed on the graves shall be of 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 correctly set the marker. Should said company/individual fail to perform within said time limits, the Town of Liberty Grove shall correct said marker’s setting and bill the company/individual for the cost of correcting the fault.

## **Section 8. Rules regarding purchase and release of burial sites:**

- A. Residents as defined in the ordinance may purchase burial sites, and those sites may be used by the named owner of the site unless changed by Section 8 (E) of this ordinance.
- B. The Town retains exclusive buy back rights to burial sites for original sale price, without interest.
- C. The purchase price is to be paid to the Town of Liberty Grove in full within 30 days upon receipt of bill, or a deed for the site will not be issued by the Town.

- D. Corporate officers or members whose corporation owns property in said municipalities may not purchase burial sites based upon membership in their respective corporations.
- E. Upon the change in status of a gravesite owner by death or divorce or other situation, sites not used may be transferred to immediate family members only, provided they own no other sites in the cemetery, upon presentation of one of the following:
  - a. A legal document detailing the terms of the transfer of ownership of the site.
  - b. A signed, notarized agreement of the immediate family members designating to whom the site(s) shall be transferred.
- F. No additional burials are allowed where a casket burial has taken place.

**Section 9. Severance Clause:**

Provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.

This ordinance shall take effect after passage and notice as provided by law.

Adopted at a regular meeting of the Town Board of the Town of Liberty Grove, Door County, Wisconsin, this 17<sup>th</sup> day of November, 2021.

*CERTIFICATION:*

*I, Anastasia P. Bell, Clerk/Treasurer of the Town of Liberty Grove, hereby certify that the above is a true and correct copy of an ordinance that was adopted on this 17<sup>th</sup> day of November, 2021 at a properly noticed meeting of the Town of Liberty Grove Board of Supervisors.*

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*Anastasia P. Bell, Clerk/Treasurer*