

CHAPTER 6

HEALTH AND SANITATION

6.01 NOXIOUS WEEDS

(1) AUTHORITY

The Town Board of the Town of Rome, Adams County, Wisconsin, has the specific authority under ss. [66.0407](#) and [66.0517](#), Wis. Stats., and has the general authority under its village powers under s. [60.22](#), Wis. Stats., to adopt this ordinance.

(2) PURPOSE

This Ordinance is established to prevent the proliferation of noxious weeds and require property owners to destroy noxious weeds growing upon their property in the Town of Rome, and provides the Town enforcement authority to require such action.

(3) ADOPTION OF STATE STATUTES AND RULES

The regulations with respect to noxious weeds in ss. 66.0407 and 66.0517 of the Wisconsin State Statutes, and Chapter NR 40 of the Wisconsin Administrative Code with respect to noxious weeds listed as prohibited, are hereby adopted and by reference are made a part of this Ordinance as if fully set forth herein. Any future amendments, revisions or modifications of the State Statutes or Administrative Code provisions incorporated herein are intended to be made part of this Ordinance.

(4) DEFINITIONS

(a) Destroy: shall mean the complete killing of the weed or weed plant above the surface of the ground by the use of chemicals, cutting, tillage cropping system, pasturing livestock, or any or all of these in effective combination, at a time and in a manner as will effectively prevent the weed plant from maturing to a bloom or flower stage.

(b) Noxious Weed: shall mean Canada Thistle, Leafy Spurge, Field Bindweed (Creeping jenny), and any weed designated as a noxious weed by the Department of Natural Resources by rule.

(5) NOXIOUS WEEDS PROHIBITED

A person owning, occupying, or controlling land shall destroy all noxious weeds on the land.

(6) PUBLIC NOTICE

The Town Clerk/Treasurer shall on or before May 15 of each year publish a Class 2 Notice under Ch. 985, Wis. Stats. that every person is required by law to destroy all noxious weeds, as defined in this Ordinance, on lands in the Town which the person owns, occupies or controls.

(7) ENFORCEMENT

(a) The Town Weed Commissioner shall enforce all requirements of this Ordinance. The Town Weed Commissioner shall be appointed by the Town Chairperson pursuant to ss. 60.24(3)(j) and 66.0517(2)(a), Wis. Stats., and shall have the powers listed in s. 66.0517(3)(a) Wis. Stats.

(b) If, after publication of the Public Notice under Section 6 of this Ordinance, and investigation of the conditions on the that the persons owning, occupying or controlling the land, the Town Board or Town Weed Commissioner, after consultation with the Town Board, determines that the persons owning, occupying or controlling the land have failed to destroy all noxious weeds on the land, the Town Board may cause to be served upon any or all of those persons a copy of the Public Notice, together with a Statement commanding that the noxious weeds upon the land shall be destroyed within fifteen (15) calendar days of receipt of the notice, or the person shall be subject to a forfeiture as provided by this Ordinance. The Notice and Statement shall be served by registered or certified mail.

(c) Any person upon whom a Notice and Statement is served under Subsection b of this Section may request a hearing before the Town Board to challenge the reasonableness of the Board's command to destroy weeds or invasive plants. The request for hearing shall be in writing and shall be filed with the Town Clerk/Treasurer on or before the expiration of the time to destroy the weeds, as stated in the Statement under Subsection b. In the event that a request for hearing is filed, the Town Board shall set a time and place for the hearing, not less than five (5) days after the date the request for hearing is received by the Town Clerk/Treasurer. Notice of the time and place of the hearing shall be served upon the person requesting the hearing. Every Notice issued under Subsection b shall contain a clear statement of the right to request a hearing as provided under this subsection.

(d) Upon the expiration of the fifteen (15) calendar days of receipt of a Notice and Statement received under Subsection b, or if upon the completion of a hearing requested pursuant to the requirements of Subsection c where the Town Board determines the Notice and Statement is reasonable, the Weed Commissioner may cause the weeds to be removed and costs of removal shall be filed with the Town Clerk/Treasurer. The Clerk/Treasurer shall enter the amount chargeable for the destruction of weeds to each tract of land in the next tax roll in a column headed, "For the Destruction of Weeds," as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under ch. [74](#), Wis. Stats., except in the case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch. [74](#), Wis. Stats.

(8) PENALTIES

(a) Any person owning, occupying or controlling land in the Town of Rome who fails to destroy all noxious weeds as required herein shall be subject to the penalty set forth in Chapter 1 of these ordinances. Each day that a violation exists is considered a separate violation. In addition, a court may impose upon each person violating this Ordinance an assessment for court costs and fees, including reasonable attorney fees, incurred by the Town in enforcement of this section.

(b) No citation or complaint for the recovery of a forfeiture under this section may be issued until the completion of the hearing, if requested pursuant to the requirements of Section 7 of this Ordinance.

(9) SEVERABILITY

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

6.02 POLLUTION ABATEMENT

(1) CLEANUP OF SPILLED OR ACCIDENTALLY DISCHARGED WASTES:

(a) Cleanup Required: All persons, firms, or corporations delivering, hauling, disposing, storing, discharging or otherwise handling potentially polluting substances, solid or liquid, such as, but not limited to, the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and septic tank wastes, sewage sludge, sanitary sewer wastes, storm sewer catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled material to prevent its becoming a hazard to health or safety or directly or indirectly causing pollution to the lakes and streams under the jurisdiction of the Town of Rome.

(b) Notification: Spills or accidental release of hazardous materials or pollutants at a site or of a quantity or nature that cannot adequately be cleaned up by the responsible party or parties shall be immediately reported to the Fire Department and Police Department so that assistance can be given by the proper agency.

(c) Financial Liability: The party or parties responsible for the release, escape or discharge of wastes shall be held financially liable for the cost of any cleanup or attempted cleanup deemed necessary or desirable and undertaken by the Town Fire Department, or their designated agent, in an effort to minimize the pollution effects of the discharged waste.

(2) STORAGE OF POLLUTING SUBSTANCES: It shall be unlawful for any person, firm or corporation to store any potentially polluting substances unless such substances are stored in such manner as to securely prevent them from escaping onto the ground surface and/or into any street, sewer, ditch or drainage way, lake or stream within the jurisdiction of the Town.

6.03 REFUSE DISPOSAL:

(1) LITTERING.

(a) Regulations:

1. It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any glass, refuse, waste, vegetation, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Town Board, or its designee, pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property or the surface of any body of water within the Town. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.

2. It is unlawful for any person, firm or corporation to place, deposit or cause to be deposited for collection, any waste or refuse not generated within the corporate limits of the town.

3. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any road way or other public way shall clean up the same within twenty-four (24) hours of the time the same is deposited or immediately if such litter or debris presents a traffic or safety hazard. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

4. If any person, firm, corporation or association fails to pick up any litter as required by this Chapter within the time specified, the Town shall arrange to have the same picked up by Town crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the Town Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.

5. It shall be unlawful to deliver any handbills or advertising material to any premises in the Town except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.

6. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

7. No person shall place any advertisement upon any public property, any roadway or public ground or upon any private property, except by the permission of the owner thereof, but this Section shall not apply to the posting of notices required by law.

(2) **ABANDONED REFRIGERATORS PROHIBITED:** No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned, unattended or discarded freezer, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

(3) **SCAVENGING AT SOLID WASTE AND RECYCLING CENTER:** No person, except employees of the solid waste and recycling facility while performing their duties, shall enter into or remove any material from the recycling or paper bins located at the solid waste and recycling center, or shall any person remove or take any material or scrap from the scrap pile located at or on the premises of the solid waste and recycling center.

6.04 CEMETERY:

(1) GENERAL PROVISIONS.

(a) Purpose: In order to protect cemetery areas within the Town from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the Town of Rome.

(b) Definitions:

1. Base: The tower or bottom part of the monument.
2. Die: The upper or main part of the monument.
3. Foundation: The support of the memorial.
4. Front area of monument: Is the result obtained by multiplying the dimensions of the length by the dimensions of the height. The face area or average dimensions of each piece in the monument is to be figured separately. When the front areas of each piece are totaled, the result is the front area of the monument.
5. Marker: Any structure of approved stone or bronze, which is flush with the ground or sits on a foundation that is flush with the ground.
6. Memorial: A monument, slant or marker, which marks a grave.
7. Monuments: Any structure of approved stone or bronze that extends above the surface of the grade.
8. Wash: The exposed upper portion of the base.

(c) 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 of Ordinances. The cemetery property owner shall rescind 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.

(d) Specific Regulations:

1. 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, flower pots, 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.

2. 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 of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery.

3. 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. No person shall operate any motorized vehicle in any cemetery in excess of five (5) miles per hour unless otherwise posted.

4. 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.

5. Littering Prohibited: No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery.

6. Pets: Pets, including animals of any species, are prohibited in any cemetery without the cemetery owner's consent except dogs specially trained to lead blind persons.

7. Sound Devices: No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.

- 8. 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 under these regulations. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- 9. Loitering Prohibited:** No person shall loiter, peddle or solicit, or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- 10. Alcoholic Beverages and/or Drugs Prohibited:** No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the Town unless the property is specifically named as being part of a licensed premise.
- 11. 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 Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle, or toy vehicle upon which a person may ride.
- 12. 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.
- 13. All persons are prohibited from carrying or discharging firearms, spring and air guns, using slingshots, archery equipment, or other weapons in the cemetery except that firearms are permitted in the case of military funerals and in approved Memorial Day activities.**

(2) REGULATIONS:

- (a)** There shall be no special denominational sections
- (b)** All gravesites applied for and granted prior to this Ordinance shall be subject to the rules and regulations set forth in this Section, with one (1) exception, there shall be no extra charge for such sites.
- (c)** While the casket is within the limits of the cemetery, no one shall open it or touch the body without the written consent of the legal representative of the deceased, or a court order.
- (d)** No easement or right of interment is granted to any site owner in any road, drive, alley, or walk within the cemetery; but such road, drive, alley, or walk may be used as means of access to the site as long as the Town devotes it to that purpose.
- (e)** Real flowers, which have died or fake flowers that no longer are attractive that have been placed on a grave shall be removed.
- (f)** A police escort may accompany funeral processions while in progress.

(g) No person shall enter or leave, except through the gates and on the proper roadway or walk. No person other than Town employees in the course of duty or police officers on duty shall be within the cemetery, except during daylight hours.

(h) Only the site owner, his relatives, Town employees and authorized contractors shall be permitted on any cemetery site.

(i) Site owners shall be permitted to install only memorials and foundations in accordance with this Section and plant flowers and similar plants in or place cut flowers in the spaces or space designated in this Section. All other site owner rights concerning the improvement of property, care, placement, or personal property thereon are deemed waived in the entirety.

(j) All work in the cemetery shall be done only during regular established working hours.

(k) No memorial or foundation placed upon any site may be removed without written permission from the Town or before payment in full is made to the Town for restoring the premises to a proper condition.

(3) MANAGEMENT:

(a) The Town Board shall manage, control, and direct all matters concerning the cemetery. In performing this function, the Town Board shall utilize the services of all officials, employees, and properties at its disposal according to its best judgment. To this end, the Town Board hereby declares that all records, reports, and administrative matters shall be the responsibility of the Superintendent of Public Works.

(b) The Town shall take every reasonable precaution to protect property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control and especially from the act of thieves, vandals, rioters, and malicious mischief makers, and from all acts of providence including unusual wind, tornadoes, cyclones, hail, snow, and frost, whether the damage be indirect or proximate.

(c) In the event of a grave being opened adjacent to another grave site or grave space or to a previous interment on the same or adjoining grave site and it has been impractical to protect the adjacent grave space or grave site from damage, the Town disclaims responsibility for such damage or subsequent settlement, though it shall make reasonable effort to restore the same to its previous condition.

(d) The Town reserves and shall have the right to correct any errors that may be made by it either in making interment, disinterment, or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof as far as possible, or as may be selected by the Town, or in the sole discretion of the Town, by refunding the amount of money paid on account of said purchase. In the event the error shall involve the interment of the remains of any person in such property, the

Town reserves and shall have the right to remove and reenter the remains so such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

(e) The Town expressly reserves the right to make all improvements upon the cemetery premises to the complete exclusion of the right of site owners or any others having an interest in the property or any portion thereof, whether owned by private persons or the Town.

(f) The right to enlarge, reduce, replat, or change the boundaries or grading of the cemetery or of a section, site, block, grave, or more than one from time to time, including the right to modify or change the location of or remove or regrade road, drive, or walks or any part thereof is hereby expressly reserved by the Town; and the right to lay, maintain, and operate, or alter, or change pipelines or gutter for sprinkling systems, drainage, electric lines, etc., is also expressly reserved as well as the right to use Town property not sold to individual site owners for cemetery purposes. The Town reserves to itself and to those lawfully entitled there to a perpetual right of ingress and egress over all sites for the purpose of passage to and from other sites or property.

(g) The Town shall not be liable for the identity of persons sought to be interred or disinterred in the cemetery.

(h) No person while employed by the Town shall receive any fee, gratuity, commission, or gift connected in any way with his duties at the cemetery, or perform any special services or task for any person in this regard, either directly or indirectly, except from and for the Town under penalty or immediate dismissal.

(i) Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Town, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of the rules and regulations of this Section when, in its judgment, the same appear advisable and such temporary exception suspension or modification shall, in no way, be construed as affecting the general application of such rule or create any liability on the Town.

(j) The Police, Superintendent of Public Works or maintenance personnel shall maintain order and shall eject any person whose conduct is objectionable or who violates this Section or the rules and regulations of the State, County, and Town.

(k) The Town will endeavor to hold all undocumented reserved sites until the cemetery becomes crowded. At that point, undocumented reserved gravesites will be used unless a receipt or deed is produced.

(l) Should a receipt or deed be produced AFTER interment of a person other than the owner, the person holding the receipt or deed may select another gravesite to be permanently reserved.

(m) The ownership of a cemetery lot shall be determined and governed by the Rome Town Board and, in the event of conflicting claims, disputes, or uncertainty, the Town Board shall

determine ownership of the property in the cemetery and rights to interment. The Town may refuse interment without liability pending proper settlement of such conflicting claims of ownership, uncertainties, or disputes.

(n) The subdivision or partition of sites or cemetery property by persons other than the Town is not allowed.

(4) **RECORDS:** The Superintendent of Public Works shall keep records, which contain the following information:

(a) Lot Owner:

1. Name and surname
2. Address
3. Name of relative
4. Date lot sold and amount
5. Date and amount of perpetual care
6. Number of gravesite
7. Upon transfer of title a cross-reference to new owner

(b) Interments:

1. Name and surname
2. Address
3. Name of funeral director
4. Address of funeral director
5. Number of gravesite
6. Veteran
 - a. Service
 - b. Regiment

c. Company

d. Command

e. Rank

f. Period of service

7. Date of burial

8. Memorial dealer name

9. Memorial dealer address

(c) A diagram of each gravesite showing number of site, name of owner and name of each person buried.

(d) Copies shall be maintained of the:

1. Burial permits

2. Interment/disinterment applications

3. Monument applications

a. Sketch or picture of the memorial to be installed with a full description of the same, including color, finish, weight, lettering, ornamentation, kind and grade of stone or metal, original source of stone or metal, whether a single piece or several pieces, how mounted together, all dimensions, etc. agreement between memorial dealer and Town regarding warranty and installation. Also permit for installation issued by the Town.

b. All servicing of memorials, additional lettering, and work done on them shall be noted in the same manner in this file. In every instance, the name and address of the dealer or contractor involved shall be filed and the date noted.

(5) SALE OF GRAVE SITES:

(a) Any applicant shall apply to the Superintendent of Public Works, designating the site selected, together with payment in full of the purchase price.

(b) Any person owning unoccupied property in the cemetery and wishing to sell the same shall convey it to the Town Board, and the Town shall pay seventy-five percent (75%) of the purchase price to the property owner thereof.

(c) The price of any gravesite in the cemetery for residents and non-residents shall be set by the Town Board.

(d) A Perpetual Care fee per gravesite shall be set by the Town Board and shall be paid prior to burial for cemetery upkeep.

(e) The receipt, written documents properly signed by the parties, this Section, and any written amendments thereto shall be the sole agreement between the Town and site owner.

(6) INTERMENT/DISINTERMENT:

(a) No interment shall be allowed in any gravesite, which has not been fully paid for and for which all other charges for work done and materials or equipment furnished have not been paid, unless other arrangements have been made.

(b) No dead body will be received without a burial permit or removed without a removal certificate issued by the Register of Deeds, Health Officer, or authorized person of the jurisdiction where the death occurred. Such permit or certificate shall be retained by the Superintendent of Public Works as part of their record.

(c) All interments, disinterment, and other matters relating to the disposal of dead bodies shall be pursuant to the state, county, and local law, rules, regulations, the orders of the State Board of Health and this Section.

(d) Notice of the interment or disinterment must be given to the Superintendent of Public Works at least twelve (12) working hours in advance. The Superintendent of Works Director or an assistant must meet with a representative of the company who will be opening the grave to ensure proper placement of the remains. Undertakers making arrangements for the deposit of a body or remains shall be held responsible for all charges connected therewith.

(e) All persons working in the vicinity of a gravesite where an interment is in progress must suspend work and maintain silence during the progress of the service and during the period immediately preceding and following when mourners are present.

(f) Each grave space shall be used only for and contain the remains of one (1) deceased person, except that one (1) infant may be buried with its mother, twin children, or two (2) children, or the cremated remains of one (1) person with the body of another may be buried in the same grave space. However, if specifically stated at the time of gravesite purchase, a maximum of six (6) cremated remains may be buried at different times in one (1) grave space. Specific location of cremated remains shall be filed with the Superintendent of Public Works.

(g) No interment other than a gravesite owner's shall be permitted on any gravesite without a prior written order of the gravesite owner or his proper representative under the law. Order (written or oral) for burial given by the undertaker having charge of the burial of any person will be construed by the Town, as proper orders from the grave site owner himself and after interment no change in location of graves will be made, except at the expense of grave site owners.

(h) No heavy vehicles shall be allowed to enter the cemetery in wet weather, or when the roads are in danger of being injured, and no monumental work or grave markers can be moved on the improved cemetery property on wheels. Planks are required to be laid on paths, sites, and improved areas over which vehicles or heavy materials and equipment are to be moved.

(i) Topsoil shall be set aside and replaced on top of the gravesite. All excess dirt shall be removed from the cemetery.

(j) The Town shall not be held responsible for any order given by telephone or for any mistake occurring from the want of precise and proper instructions as to the particular site, space, and location in a site where interment is desired.

(k) The casket in every earth interment shall be enclosed in a concrete box, concrete vault, metal vault, copper vault, or plastic vault, which meets the following minimum specifications:

1. Concrete Box: Shall be made of concrete reinforced with wire. The cover shall be affixed to the box in a manner, which will avoid horizontal movement when in place.

2. Metal Vault: Shall be made of twelve (12) gauge or heavier metal covered with asphalt, galvanizing, or porcelain. The cover, when in place, shall seal the unit and form a rigid receptacle.

3. Concrete Vault: Shall be made of concrete reinforced with steel reinforcing rods. The cover, when in place, shall seal the unit and form a rigid receptacle.

4. Copper Vault: Shall be made of twelve (12) gauge or heavier solid copper. The cover, when in place, shall seal the unit and form a rigid receptacle.

5. Plastic Vault: Approved plastic or fiberglass. The cover, when in place, shall seal the unit and form a rigid receptacle.

(l) The interment of infants will be permitted without such receiving boxes or vaults when the Town is satisfied that a suitable alternate is used.

(m) Dealers shall complete installation of the receiving boxes or vaults at least one-half (1/2) working hour prior to the established funeral time.

(7) MEMORIALS:

(a) Monuments/Markers:

1. Grave site owners and memorial dealers are required to submit to the Superintendent of Public Works a written application for installation of memorials and detailed plan of the memorial prior to any such installation in the cemetery. If the memorial does not conform in every detail to the approved plan and design, the Town shall have the right to refuse installation, stop work thereon, and cause the memorial to be removed or corrected. A tolerance of one-half (1/2) inch is permitted in all dimensions.

2. Memorial dealers in order to secure a permit for installation from the Town must state that the memorial is only first grade, clear stone, and must guarantee that such stone is free from sap or anything which will cause rust stains, that it will not crack or check, that the memorial will be executed in first grade workmanship and comply with the terms of this Section, with the agreement that should faults develop or variances from the specifications be discovered within five (5) years from the date of setting, the memorial will be replaced by such memorial dealer without cost to the Town or grave site owner. Any firm or workman who violates the rules of the Town or whose workmanship or materials are defective shall be prohibited from doing further work in the cemetery until such firm or workman has corrected such deficiencies to the satisfaction of the Town.

3. Persons engaged in erecting memorials or other structures are prohibited from attaching ropes to memorials, trees, or shrubs or from scattering their material over adjoining sites, or from blocking avenues or pathways, or from leaving their material on the grounds longer than is absolutely necessary. They must not injure Town property or private property on cemetery premises and must remove all debris and restore the premises to its original condition. Damage done to Town or private property in the cemetery by dealers or contractors or their agents, if not remedied within seven (7) days from the date of occurrence, shall be repaired by the Town and the costs therefore shall be paid on demand of the Town, by the dealer, contractor, or agent.

4. No material, machinery, or equipment, except that belonging to the Town, may be brought into the cemetery until required for immediate use, nor under any circumstances when a funeral is in progress, nor shall such material, machinery, or equipment be placed on sites adjoining the one on which work is intended.

5. Posters, promotional material, nameplates, cards, or other advertising of any description are not permitted on the cemetery premises. Seals, trademarks, copyrights, or other devices are

not permitted to be attached to or engraved on any memorial or structure on the cemetery premises without written permission of the Town.

6. Sizes and dimensions of monuments: Only monuments within the size limits shown on "Schedule A Monument Dimensions" are permitted.

7. Dies and bases must be made of the same quality workmanship.

8. Die, stones, and one (1) piece monuments shall be finished at least on the front.

9. If dowel pins are used between dies and bases, the dowel pins must be made from a nonferrous metal.

10. Dies, bases, and one (1) piece monuments must be addressed on the underside to an even level bed so that every part has a full bearing on the surface below. No underpinning of any material to level these stones will be permitted.

11. All joints on monuments must be sealed against moisture with a non-staining material.

12. Marble, Morning Rose, any Gray's from the Georgia quarry, artificial stone, cement, or composition of any kind shall not be permitted in the cemetery. Each kind of material shall be of the best grade, clear stock.

13. Markers shall comply with the following size specifications:

a. For adult single graves, not more than thirty-six (36) inches by eighteen (18) inches, with the foundation not to exceed fifty-two (52) inches.

b. For adult double graves, not more than sixty (60) inches by eighteen (18) inches, with the foundation not to exceed one hundred and eight (108) inches.

c. All memorials will be entered at the head of single, double, or family graves.

14. All approved stone markers may, if desired, be carbo-edged for a depth of not less than one and one-half (1-1/2) inches on all four (4) sides. All sharp outside edges must be lined or slightly beveled to prevent chipping. Penciled, rounded edges will be acceptable.

15. One (1) piece slant-faced markers are permitted.

(b) Inscriptions:

1. Letter cutters, persons, or firms who engage in the business of cleaning memorials and other persons or firms must procure a permit in writing from the Town before any work in the cemetery is commenced.
2. The style, design, and workmanship of names, inscriptions, ornamentations, and finishes when placed on the back of the monument, must be of the same quality and workmanship as the front.
3. No inscription, carving, or design will be permitted if, in the opinion of the Town, it is grotesque, offensive, or improper. If any memorial or any inscription placed thereon shall be determined by the Town to be offensive, improper or grotesque, it shall have the right to enter upon such site and remove, change, or correct the offensive or improper object or work at the expense of the site owner.
4. The name or inscription on each memorial must correspond with the name on record in the office of the Town, and no changes shall be made thereon except upon the request of the proper parties and by permission of the Town.
5. Artificial coloring, painting, enameling, lacquering, or bronzing of letters, panels, carvings, or other parts of a memorial are permitted only for the purpose of highlighting the carved etching or design.
6. Porcelain or other photographs or objects which are attached to memorials are not permitted, except that bronze plates may be attached to grade-level markers.
7. Raised letters are not permitted on stone markers. No part of any lettering or ornamentation shall be raised above the surface of the background.

(c) Foundations:

1. In every case not specifically provided for below, the foundation must extend beyond the memorial perimeter a sufficient distance to permit uninterrupted lawn mowing and avoid the need for hand trimming (at least five (5) inches).
2. The foundation depth for markers on all grave spaces shall conform with the specifications used for monuments and shall conform with the exterior marker dimensions; and the planting of flowers and similar small plants shall be done in one (1) container no larger than twelve (12) inches across. This container shall be made of a non-deteriorating material and shall be installed flush with the grade on either end of the memorial.

3. Specifications:

- a.** Up to five hundred (500) pounds four (4) inch minimum depth with one-half (1/2) inch steel reinforcing rods (latticed maximum three (3) inches).
- b.** Five hundred (500) to one thousand (1,000) pounds six (6) inch minimum depth with one-half (1/2) inch steel reinforcing rods (latticed maximum three (3) inches).
- c.** Over one thousand (1,000) pounds eight (8) inch minimum depth with the same as above. Mixture is to consist of standard five and one-half (5-1/2) bag mix. The foundation must be made at one (1) time and be one (1) unit.
- 4.** Backfill to be tamped firmly and uniformly after the form is removed. The hole for the foundation is to be six (6) inches to eight (8) inches from the grave opening to allow this amount of undisturbed soil.
- 5.** All memorials shall be installed on a proper foundation constructed in accordance with standard written specifications established by the Town or better quality.
- 6.** Persons constructing foundations in the cemetery shall be subject to the requirements in the same manner as memorial dealers and others performing work in the cemetery or furnishing materials and equipment for installation therein and will cover cost of memorial inspection.
- 7.** Unless the person constructing the foundation shall file specific written objections to these standard specifications before installation, he shall be fully responsible for the work as though he had proceeded without such Town assistance.

(1) SCHEDULE A-MONUMENT DIMENSIONS

(a) Monuments Made in Two or More Pieces

| | | |
|-----------|--|--|
| 1. | <u>Height of Die</u> Up to 1'11" 2' to 2'6" 2'6" or more | <u>Minimum Thickness of Die</u> 6" 8" 10" |
| 2. | <u>Height of Die</u> Up to 1'7" 1'8" to 2'3" 2'4" or more | <u>Maximum Height of Base</u> 6" 8" 10" |

(b) Dies 3'0" long or longer shall have a minimum of projection of 5" on ends and 3" on front and back. Bases must be in proportion to the dies.

| | | | |
|-----------|--|---|---|
| 1. | Two grave sites: | Length Height Thickness of Base Front Area of Monument | <u>Maximum Size</u> 5'0" 3'0" 1'4" 13 sq. ft. |
| 2. | Four grave sites: | Length Height Thickness of Base Front Area of Monument | 60% of site width 4'0" 1'6" 16 sq. ft. |
| 3. | Three gravesites shall be the same as four gravesites, except that the maximum length shall be 6'0". | | |

c. Monoliths (Monuments made in one piece)

| | | | |
|-----------|------------------|---|--|
| 1. | Two grave sites: | Length Height Thickness Front Area of Monument | <u>Maximum Size</u> 5'0" 3'6" 10" 13 sq. ft. |
| 2. | Four grave sites | Length Height Thickness Front Area of Monument | 60% of site width 4'6" 1'2" 16 sq. ft. |

3. Three gravesites shall be the same as four gravesites, except that maximum length shall be 6'0".

(2) APPROVED LIST OF STONE AND BRONZE FOR MEMORIALS

| (a) <u>Location of Quarry</u> | <u>Trade Name of Stone</u> |
|--------------------------------------|--|
| Vermont | Barre |
| Virginia | Gem Mist or Ebony |
| Wisconsin | Wausau Red Granite |
| Minnesota | Bellingham or Golden Mahogany Granite |
| Minnesota | Gray St. Cloud Granite |
| South Dakota | Russet, Royal Purple, or Mahogany Granite |
| Georgia | Cherokee Marble (Graycloud), Creole Marble (Bluevein) Etowah Marble, Greestone Marble, |
| | Ogelsby Granite, Silvergrey Marble |
| Europe | Italian Marble for Statuary Balmoral Red Granite, Blue Pearl, India Blue Lagoon, Cats Eye, India Red, India Brown, India Mahogany, Malti Red's, Mist Black, Tan Brown, Shell Gray/White |
| Oklahoma | Tweed Granite |
| Canada | Colonial Rose Granite |
| California | Academy Black Granite |
| Massachusetts | Quincy Granite Bronze Proportions: 88% to copper, 3% tin, 2% lead, 7% zinc. |
| China | Gray, White |
| New York | Royal Emerald |

(b) A variation not exceeding 1% is permissible for each material specified. All virgin materials must be used and mixed to a uniform alloy at proper temperature.

(c) Memorials furnished by the United States Government to mark graves of veterans may be made from any material furnished by the government for these memorials.

(3) The following may be used only as granite plates under bronze markers:

| <u>Location of Quarry</u> | |
|---------------------------|----------------------------|
| Minnesota | Diamond Pink (Rockville) |
| Minnesota | Moonlight Gray (Rockville) |
| Minnesota | Platinum Gray (Mora) |