

Sandy Ronski

From: Sandy Ronski
Sent: Tuesday, April 26, 2022 4:02 PM
To: Billy Hutterer
Cc: Dan Koski; Luke Hennessey; Karen Dorow; Sue Reilly; Sonja Birr
Subject: Proposed Changes to the Cemetery Rules & Regulations
Attachments: Rules & Regulations - proposed changes 05-2022.pdf

Tracking:	Recipient	Read
	Billy Hutterer	
	Dan Koski	
	Luke Hennessey	Read: 4/26/2022 4:33 PM
	Karen Dorow	
	Sue Reilly	Read: 4/27/2022 7:08 AM
	Sonja Birr	

Attached is a copy of the Rules & Regulations showing 3 proposed changes to the cemetery Rules & Regulations (changes are in red on the attachment):

- Extending fall cleanup time from 4 to 6 weeks where no decorations can be on gravesites (Oct. 1 – Nov. 15 versus Oct. 15 – Nov. 15)
- Adding stainless steel markers as a type of acceptable marker (per citizen request)
- Adding wording indicating the City does not accept pre-payment of burial fees when a burial has not been scheduled (The City has never had a fund/program set up to collect pre-payment of burial fees in advance, so we are just putting this in writing.)

Let me know your thoughts ASAP, so we can get this on the agenda for next week's P.I. Committee.

Thank you,

Sandy Ronski

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**EVERGREEN CEMETERY
RULES AND REGULATIONS**

**CHAPTER 1
HOURS**

The Evergreen Cemetery office is located at City Hall, 900 Quay Street, Manitowoc with office hours 8:00 a.m. to 4:00 p.m., Monday through Friday. Cemetery grounds operations occur 7:00 a.m. to 3:00 p.m. Monday through Friday. Saturday burial service is available by appointment.

Admittance to the Cemetery is allowed during daylight hours only.

**CHAPTER 2
SALE OF LOTS, SPACES AND NICHES**

(A) Definitions.

- (1) *Grave Space* or *space* shall mean the in-ground burial space. Grave space dimensions may vary at the discretion of the Cemetery Team Leader.
- (2) *Lot* or *Standard Lot* shall refer to an in-ground burial lot with dimensions of 10 feet long by 20 feet wide, except for cremation-only lots which are 20 feet long by 5 feet wide. Variations from the standard are permitted at City discretion.
- (3) *Niche* shall mean a recess in a columbarium to hold a cremation urn.
- (4) *Columbarium* shall mean a structure of vaults lined with recesses for cremation urns.
- (5) *Marker* shall mean a structure of any kind erected upon a lot or space to mark a gravesite.
- (6) *Monument* shall mean a marker which exceeds one or more of the size limitations for side by side graves specified in Ch. 4(B)(4).
- (7) *Outer Burial Vault* shall mean any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket or cremation urn is placed or intended to be placed at the time of burial.
- (8) *Perpetual Care* shall mean grass cutting at regular intervals, lot raking and clearing; shrub and tree pruning and other such work as may be necessary to keep the lot in presentable condition. "Perpetual care" does not include maintenance or repair of any

gravestones or monument structures erected upon cemetery lots nor the planting or care for any flowers or ornamental plants.

(B) Sale of Lots, Spaces and Niches. Cemetery lots, grave spaces and niches shall be sold as provided for in Manitowoc Municipal Code (MMC) §8.090. Sale price includes a charge for perpetual care. See attached Fee Schedule for current rates.

(C) Specifications.

1. **Traditional adult grave spaces** measure 10' x 40." Spaces purchased before 2006 may accommodate multiple burials but only one casket. Spaces purchased after 2006 may accommodate up to two burials, one of which must be cremation.

2. **Cremation grave spaces** measure at least 5' x 40" and may accommodate no more than two cremations.

3. **Child grave spaces** measure 48" x 29" and may be purchased in Section "L" for a reduced rate.

3. **Fetus grave spaces** measure 12" x 12" and are provided free of charge in Section "L."

4. **Columbarium niches** may accommodate two standard cremation urns per the columbarium manufacturer's specifications.

(D) Exchange of Lots, Spaces or Niches.

Individuals may exchange an unoccupied traditional-to-traditional grave space, a cremation-to-cremation grave space or a niche-to-niche columbarium recess. Administrative fees will be charged per transaction. Exchanges from a cremation space to a traditional space or a traditional space to a columbarium niche will incur an administrative fee. Monies previously deposited will be credited toward the new purchase. To exchange a traditional space for a cremation space or a columbarium niche for an in-ground space must quit claim their original purchase to the City at the rates established in Chapter 2F and use the funds toward purchasing the in-ground space.

(E) Payment Terms. All lots, spaces and niches must be paid in full within 30 days from the date the Purchase Agreement is signed. Payment plans may be requested by checking the appropriate box on the Lot/Niche Purchase Agreement or by making such request at the Cemetery Office. Fees and service charges are excluded from payment plans.

During the payment plan period, the space or niche will be reserved for the purchaser but the City will retain ownership until it is paid in full. Upon two consecutive months of nonpayment, the purchaser will be considered "in default" and will be notified to timely cure the default. Failure to do so will result in a refund of all payments made minus applicable fees and charges. Purchasers in default shall have no claim to the lot, space, or niche.

Burials or inurnments are not permitted until the full purchase price has been paid. After the lot, space or niche is fully paid, the City Clerk's Office will provide the purchaser with a deed and a perpetual care certificate.

(F) Quit Claims. If a purchaser of cemetery property wishes to sell the same, the property may only be sold to the City of Manitowoc. Property sales are separated into the cost for the land or niche, perpetual care plus tax on the care, and in the case of niches, inscriptions.

For property purchased before January 1, 2006, the City shall pay 75% of the current sales price for the land for an equivalent parcel and 75% of the perpetual care fee paid by the at the time of purchase, minus the cost to remove any existing in-ground marker foundations.

For property purchased after January 1, 2006, the City shall pay 50% of the original sales price for the land or niche involved plus 50% of the amount designated for inscriptions on a niche panel, if nothing has been adhered to or engraved onto the panel. Deductions shall be made according to the Fee Schedule to remove any existing in-ground marker foundations or for the actual cost to replace and re-engrave an entire niche plate if it was already modified. No refunds will be given for perpetual care.

The City shall be obligated to repurchase any usable lots, space or niches on these terms. The City, in its sole discretion, may refuse to repurchase any cemetery property which it determines is unusable due to site limitations.

CHAPTER 3 REGULATIONS

(A) Compliance with Laws. Burials and inurnments shall comply with the Manitowoc Municipal Code and the Laws of Wisconsin. No person may scatter cremated human or animal remains in the cemetery.

(B) Notice to Cemetery Office or Team Leader. No person may inter or place any bodily remains or cremains in any lot, space or niche without first obtaining permission from the Cemetery Team Leader and providing at least eight business hours advance notice. Requests shall not be approved unless all of the following is provided: Decedent's name, gender, age at death, place of death, and date of death.

(C) Human Death Certificate Required. No human burial will be made without a proper Death or Cremation Certificate, Report for Final Disposition from the State of Wisconsin or Burial Transit Permit from another state or country.

(D) Control of Funerals. Funerals, while within the grounds, will be under the control of the Cemetery Team Leader, who shall be in attendance at every interment.

(E) No Funerals on Specified Days. Funerals and burials are not allowed on Sundays, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and New

Year's Day. Subject to holiday fees, funerals and burials are allowed on Good Friday, the Friday after Thanksgiving, Christmas Eve, and New Year's Eve.

- (F) **Specifications of Burial Site.** All graves shall be dug to a sufficient depth as determined by the Cemetery Team Leader and will be filled so as to be level with the ground. Mounds shall not be allowed. The Cemetery Team Leader shall oversee the digging of all graves in the Cemetery to ensure that all graves are properly made before burial.
- (G) **Vault Delivery.** The location of the grave, if on a lot, must be designated if it has not been previously designated. When in-ground interments are to be made, adult-size vaults to be used for burials must be delivered at a reasonable time prior to the burial service as determined by the Cemetery Team Leader.
- (H) **Interments & Inurnments Restricted.** All interments and inurnments shall be restricted to members of the owner's family. Written permission from the lot, space or niche owner (or his/her heirs) must be filed with the Cemetery Office for any non-familial interments and inurnments. Individuals with permission to be buried on a lot or space may relinquish their right to the same, to allow the owner(s) or heirs to give someone else permission to be buried at the location. Burial on or permission to be buried on a space, lot or in a niche does not transfer ownership of the lot. Ownership remains with the original owner(s).
- (I) **Interment of Two Bodies in One Grave.** The interment of two adult bodies in one adult grave is prohibited. An infant child body or cremated remains may be buried above an outer burial vault or a child's casket. Two interments of cremated remains are allowed in the one grave. See the Fee Schedule for surcharge fees. For two simultaneous burials in one grave space, the lesser of the two opening and closing fees shall be waived.
- (J) **Funeral Director as Agent.** Orders for burial or inurnment given by a Funeral Director having charge of the burial or inurnment of any person will be construed by the Cemetery Team Leader as orders from the lot, space or niche owner. After interment or inurnment, no changes in the location of graves or niches will be made except at the expense of the lot, space or niche owner(s). Funeral Directors making arrangements for a burial or inurnment will be held responsible for all charges of such burial or inurnment if not otherwise paid.
- (K) **Indigency.** Where a human burial is requested but cannot be paid for because of indigency, fees for the grave space and the burial on a weekday before 2:00 p.m. which total more than the maximum possible cemetery reimbursement amount for individuals qualifying for the Wisconsin Funeral & Cemetery Aids Program will be waived. Additional fees for late charges and burials on Saturdays or holidays will not be waived.
- Application must be made to the Cemetery Office by the Funeral Director or the Department of Human Services for the lot sale and burial. When the Cemetery Office determines that the burial cannot be paid for because of indigency, the Cemetery Team Leader shall assign a place in the Cemetery where the burial can be made for the lowest possible cost. Cremation burials will be assigned to a cremation-only space.

(L) Interment or Inurnment Ceremonies. Families of the deceased have the right to private burial or inurnment ceremonies. Those who lack the deceased's immediate family's consent may not intrude or approach the grave or niche during the burial or inurnment ceremonies. Ceremonies are not allowed after 4:30 p.m., unless authorized by the Cemetery Team Leader. Ceremonies held after 2:00 p.m. will be charged a late arrival fee.

(M) Lowering Device. No person shall be allowed to use the lowering devices owned by the City. Only cemetery employees may use or operate the City-owned lowering devices.

(N) Outer Burial Vaults. All adult-sized outer burial vaults used for in-ground burials shall be constructed of reinforced concrete or stainless steel. Outer burial vaults are not required for cremation burials. Cremation outer burial containers should be made of plastic, metal, concrete or other durable materials. Cardboard containers and plastic bags are not acceptable outer burial containers.

(O) Burial Equipment. The Cemetery Team Leader may inspect any interment equipment used at the gravesite and may prohibit the use of any equipment that appears inadequate.

(P) Veteran's Graves. Burial in a veteran's gravesite requires submission to the Cemetery Office of a signed request form from the Manitowoc County Veteran's Service Office. To be eligible, the veteran must have been a resident of the City and must meet indigency requirements for burial.

(Q) Pet Burials or Inurnments. No burial of pets, cremated or otherwise, is allowed in any part of the cemetery.

(R) Fees. See Fee Schedule for specific values

Opening and Closing Fees: Opening and closing fees include costs associated with directing the funeral procession, traffic control, decorating the gravesite with greens, limited assistance with carrying the casket if necessary, use of a cremation urn/ vault stand during services, sodding the grave, and maintaining burial records. The fee for opening and closing a niche and making an inurnment therein includes directing the funeral procession, traffic control, use of a cremation urn/ vault stand during services, placing the urn in the niche, sealing the niche and maintaining inurnment records.

Winter Surcharge: Burials between December 1st and March 31st are subject to a winter surcharge. The winter surcharge may be waived by the Cemetery Manager or his/her designee if weather and ground conditions are such that the fee is not warranted. This determination will be made based on frost or snow depth and the amount of additional labor required to perform the burial.

Late Ceremony Surcharge: Burial ceremonies commencing after 2:00 p.m. are subject to a late ceremony surcharge.

Niche Adornment Fee: An additional fee, plus costs shall be charged for any adornment, memorial or decoration placed on any columbarium or niche. Permission from the Cemetery Team Leader is required prior to placement.

Fee Payment. All required fees shall be paid to the Cemetery Office or Team Leader at or before the time of the burial or inurnment. The Cemetery Office shall account for all such fees and transfer same to the City Treasurer monthly. Payment for opening and closing fees will not be accepted until an interment/inurnment has been scheduled, and it is one year or less in advance of the date of interment/inurnment.

CHAPTER 4 MONUMENTS AND MARKERS

(A) Limitations on Markers.

- (1) One Marker per Space.** Only one marker is allowed per grave space. A monument may be erected in addition to individual grave space markers when the monument is centered over an area of combined lots measuring at least 20 square feet total.
- (2) Non-Familial Markers.** If the placement of a marker or an additional inscription is requested for a person not a member of the immediate family of the lot, space, or niche owner, written permission from the owner(s) or his/her heirs must be filed with the Cemetery Office.
- (3) Marker Material.** Only granite, ~~or~~ bronze, or stainless steel markers may be used. Stainless steel or ~~B~~bronze markers, such as those provided by the U.S. government for veterans, must be set in a cement foundation or attached to a granite or existing marble marker. Marble may only be used to replace existing marble markers. Temporary markers provided by the funeral homes shall be allowed. No cremated remains may be placed inside of a marker, bench, or flower urn. Flower urns shall not be used as markers unless they meet all marker requirements.
- (4) Prepayment Required.** No marker may be erected upon any lot or space, which has not been paid in full.

(5) Size Limitations. The monument size restrictions are as follows:

Evergreen East *(excluding baby spaces)*

# of graves side by side	Base allowed	Max. size of marker (with base if applicable)	Location of marker	Additional head/foot markers allowed
1	No	24x12x18H*	Head end	No
1	Yes	24x12x30H	Head end	No
2	No	42x12x18H*	Head end	No
2	Yes	48x12x30H	Head end	No
3	Yes	60x14x42H	Head end	No
4	Yes	72x14x42H	Head end	No
5&6	Yes	84x14x42H	Head end	No

Evergreen East *(excluding cremation space area north of Donald & Eunice Dow Memorial Chapel in Section X)*

# of graves back to back	Base allowed	Max. size of marker (with base if applicable)	Location of marker	Additional head/foot markers allowed
12	Yes	84x14x60H	Center of 2 lots	Yes

Baby spaces *(designated baby spaces in Section L - does not include designated fetus spaces)*

# of graves side by side	Base allowed	Max. size of marker (with base if applicable)	Location of marker	Additional head/foot markers allowed
1	No	20x12x18H*	Head end	No

*Markers without bases must be a minimum of 4" high.

No individual markers are allowed in the Fetus Section; however, there is a common marker in the section, which is dedicated to the memory of the unborn. A common vase is also provided in which to place cut flowers.

(6) Foundations Required.

A. Construction Requirements. Every foundation must be at least as wide and as long as the marker that will rest upon it. Foundations shall be flush with the ground. Foundations shall be constructed by cemetery staff at the expense of the owner(s) or contractor. All markers shall be true and level atop the foundation. If a contractor is hired to replace an existing monument, the contractor is responsible for removing the original monument from the lot when placing the new monument.

B. Foundations to be Installed or Removed by City. All foundations must be installed or removed by the City. The City shall determine when foundations are installed (generally after Memorial Day and prior to October 15). The cost to install a

foundation shall be as set forth in the attached fee schedule and must be paid prior to installation.

(7) Installation. The setting of all markers shall be under the supervision and control of the Cemetery Team Leader. Except by special permission, all such work shall be completed and refuse removed during the operating hours of the Cemetery as set forth in Chapter 1.

Persons installing markers shall not attach rope to trees, shrubs or other objects unless by permission of the Cemetery Team Leader. Installation shall be completed as quickly as possible while maintaining a tidy and discreet work area at all times. All costs associated with installation and site restoration shall be the responsibility of the lot or space owner(s) or contractor installing the marker.

All stonework must have the surface next to the foundation true and level to allow every part to have a full bearing on the foundation. No sprawls or chips will be allowed for unpinning.

No heavy traffic will be allowed to enter the Cemetery in wet weather or, when in the opinion of the Cemetery Team Leader, the roads are in danger of being damaged. Planks shall be laid on paths or grass over which any heavy material is to be moved in order to protect the same from injury.

(B) Monuments.

(1) Permit Required. No monument shall be erected, removed, or repositioned without written permission granted by the Director of Public Infrastructure or his/her designee. Application for such shall be made to the Cemetery Office or Team Leader and shall include plans and specifications as to size, materials, and location of the proposed monument.

(2) Marker Requirements Applicable. All monuments shall be subject to the requirements of (B) (3)-(6) and must be approved by the Cemetery Team Leader. Monuments will not be allowed if placement of the monument prevents the use of heavy duty construction equipment, such as a backhoe, to open and close graves.

(3) Location. Monuments are allowed only on combined lots measuring at least 20 square feet and shall be installed as near to the center of the combined lot area as possible. Monuments may not be installed in section X.

(4) Size Limitations. No monument shall exceed five feet in height. No monument base shall exceed 10% of the area of the lot upon which the monument is to be erected.

(C) Niche Regulations: Inscriptions on niche panels in Section Q shall be in ¾" Vermarco font with the family surname listed at the top of the niche panel. A Department of Veterans Affairs 3" veteran medallion or niche vase may be purchased from cemetery staff and placed on the wide, gray, granite portion of the columbarium adjacent to the panel for the deceased individual. Niche vases may only be placed on the columbarium when a veteran's

medallion is not present. Niche vases and their inserts may not exceed 8" in height and may not obscure or interfere with any other niches.

(D) Chairs and Benches Prohibited. Chairs, benches or settees are not permitted on any grave space or lot. Benches are available for public use along the public areas of the cemetery. Bench-shaped granite monuments may be erected in conformance with all monument requirements.

(E) Flowers and Decorations. The City may remove any flowers or decorations that do not comply with these regulations. The City is not liable for any damage to flowers and decorations arising from perpetual care or interment and disinterment activities. Flowers and decorations are restricted to within 12" of the monument or marker and may not be wider than the monument or marker at its widest point.

1. Flowers and decorations may be placed only on the east side of monuments and markers located within the following cemetery sections:
E, M, O, P, T, U, V, W, X, Y
2. Flowers and decorations may be placed only on the east or west side of monuments and markers located within the following cemetery sections:
A, B, C, D, E ½, F, G, H, I, K, L, N, R, S, W ½
3. Flowers and decorations may not be placed in section Q. Decorations, flowers, and other adornments are not allowed on any columbarium or niche.
4. No edging, fencing, stones, bricks, mulch, or similar materials may be placed on graves or lots. Dirt mounds or other grade changes are prohibited.
5. Perennials, trees, shrubs, and plants with thorns, thistles, burs, etc. are prohibited.
6. Permanent receptacles for cut flowers shall be level with the ground. Between November 15th and May 15th, artificial flowers or plants may not be placed in the ground.
7. No glass materials may be placed on graves or lots.
8. No more than one artificial decoration is allowed per grave space.
9. No more than two solar lights are allowed per grave space. Vigil lights are strictly prohibited.
10. If a flag is placed in the ground, the bottom portion of the cloth or other material must be a minimum of 12" above ground level to accommodate lawn care equipment.

(F) Flower Urns. Flower urns shall be in line with the grave space marker or within 12" of the marker's front. Flower urns are not allowed on cremation-only spaces. Any flower urn not integral to a marker, may be removed and disposed of at the Cemetery Team Leader's discretion if not planted for three consecutive years. Bases for flower urns must be above ground.

(G) Spring and Fall Clean-Up. Spring clean-up occurs between April 15th and May 15th. Fall clean-up occurs between October 15th and November 15th. Any decorations in place during clean-up times will be removed and disposed of by cemetery staff.

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**CHAPTER 5
REMOVAL OF BODIES OR CREMAINS**

- (A) Disinterment or Removal.** No disinterment and removal of a body or cremains shall be made without the written consent of the lot, space or niche owner(s) and that of any surviving spouse, children, or parents of the deceased, and a Disinterment Permit issued by the Manitowoc County Coroner. A disinterment permit is not required when a grave space contains only cremains.
- (B) Manner of Disinterment or Removal.** Disinterments or removals from niches shall only be made by cemetery employees and only when weather conditions and time permit in the judgment of the Cemetery Team Leader. The person requesting the disinterment must make satisfactory arrangements for transportation of the body or cremains prior to any disinterment or removal.
- (C) Fees & Deposit.** A deposit of an amount estimated by the Cemetery Team Leader to meet the expenses of the disinterment and/or removal shall be made at the time of application thereof. Should the actual cost exceed this estimate, the applicant shall immediately pay the difference. Disinterment fees will apply for removals of fetuses from Section L.

**CHAPTER 6
LIABILITY LIMITATION**

As a condition of purchasing property in Evergreen Cemetery, every owner accepts responsibility for loss or damage to property including, but not limited to, acts of thieves, vandals, rioters and malicious mischief as well as from all acts of nature, whether the damage be direct or indirect.

Although City employees will make every effort to avoid damage, it is not possible in every case to avoid damage to adjacent monuments and markers during interment and disinterment. Any damage arising from such activity is the sole responsibility of owner to repair. Owner agrees to hold the City harmless from any damage incurred.

**CHAPTER 7
MISCELLANEOUS**

- (A) Prohibited Conduct.** No person may write upon, deface or injure any monument, marker, fence or other structure in, or belonging to the cemetery. No person may dig or turn over any ground within the cemetery unless the person has been given written permission by Cemetery staff. Littering, burning, and metal detecting is strictly prohibited. No trees or bushes shall be removed from the Cemetery without the consent of the Cemetery Team Leader. No flowers or vegetation may be picked, pruned, or mutilated without consent of the lot or space owner(s) or the Cemetery Team Leader.

- (B) **Donations.** Trees, plants and benches may be donated in memory of a loved one or as a gift to the City of Manitowoc in accordance with Evergreen Cemetery's Memorial Tree and Bench Programs. Placement of the donation shall be in a location mutually agreed upon by the Cemetery Team Leader and the donor. The type of tree or bench must be approved by the Cemetery Office or Team Leader.
- (C) **Harm to Birds or Animals.** No person may destroy nests, shoot or throw stones at animals, or catch or kill any animal within the cemetery.
- (D) **Pets Prohibited.** No person may bring any pet or animal onto cemetery property without permission from the Cemetery Team Leader. This prohibition does not apply to service animals.
- (E) **Admission of Children.** No person under the age of 18 years is permitted on cemetery grounds unless accompanied by a parent, guardian or relative over the age of 18 years. Tour groups with minors will be allowed with the consent of the Cemetery Office or Team Leader.
- (F) **Loitering on Cemetery Grounds.** No person may be within the cemetery between dusk and dawn.
- (G) **Recreational Activities.** Driving, bicycling, skiing, golfing, or running over lots and graves is prohibited. Skateboards and toy vehicles may not be used on cemetery grounds at any time. Motorcycles, mopeds, bicycles, roller blades and roller skates are permitted in the cemetery roadways during daylight hours but may not be used in a disruptive manner and may not interfere with funeral processions, ceremonies, and/or cemetery operations.
- (H) **Volunteer Work.** Those interested in performing volunteer work within the cemetery should contact the Cemetery Office or Team Leader for project approval prior to commencement. All volunteers must complete a "Hold Harmless, Waiver of Liability, Assumption of Risk & Indemnification of the City of Manitowoc" form prior to performing any work.

**Sign up to receive spring & fall cleanup notices and other important information
about Evergreen Cemetery by text or e-mail!**

Go to www.manitowoc.org. Click on the **Notify Me** button. Follow the directions at the top of the page and under the News Flash category, choose **Evergreen Cemetery**. You will receive a reminder about the spring & fall cleanup two or three weeks prior to the deadline for removing items from the gravesites.