

TITLE 11

PARKS

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Chapter 11.02

INTRODUCTORY

Sections:

- 11.02.010 Declaration of Policy
- 11.02.020 Definition
- 11.02.030 Permit

11.02.010 Declaration of Policy. It is the intent of this chapter to provide for the public regulation of park facilities within the City so as to limit and control their use in such a manner as to protect them from exploitation and abuse and thereby insure their continuing availability to the general public in a pleasant, safe and healthy condition. (July 29, 1976, Sec. 11.02.020)

11.02.020 Definition. The term “park” as used within this chapter shall include all property owned by the City of Whitehall and held out generally to the public for recreational and/or leisure time use. (July 29, 1976, Sec. 11.02.040)

11.02.030 Permit. The term “permit” as used within this title shall include written authority issued by the City Clerk, Deputy Clerk, Mayor, or a law enforcement officer of the City of Whitehall. (July 29, 1976, Sec. 11.02.060).

Chapter 11.04

HOURS

Section:

11.04.010 Hours. Parks shall be closed to the public between the hours of 10 o'clock p.m. and 6 o'clock a.m. except under the following circumstances:

- a) Where a permit has been issued by the City to an individual and his party for overnight camping.
 - b) Where a permit has been issued to an individual and his party for organized group use of park facilities.
 - c) Where passage through the park is necessary to the extent that the same constitutes a portion of a right of way for bicycles, hiking, or snowmobile trails, and the individual or group is within the park upon such a designated right of way for purposes strictly of passing through the park.
- (July 29, 1976, Sec. 11.04.020)

Chapter 11.06

VEHICLES

Sections:

- 11.06.010 Motorized Vehicles
- 11.06.020 Non-motorized Vehicles
- 11.06.030 Snowmobiles
- 11.06.040 Parking

11.06.010 Motorized Vehicles. Operation of all motorized vehicles within the parks shall be restricted to use on hard paved surfaces except as may otherwise be authorized by City permit. (July 29, 1976, Sec. 11.06.020)

11.06.020 Non-motorized Vehicles. Operation of all non-motorized vehicles within the parks shall be limited to use on hard paved surfaces and gravel or shale paths except as may otherwise be authorized by City permit. (July 29, 1976, Sec. 11.06.040)

11.06.030 Snowmobiles. Notwithstanding anything else herein to the contrary operation of snowmobiles shall be permitted within parks but limited to use upon trails expressly designated as for that purpose. (July 29, 1976, Sec. 11.06.060)

11.06.040 Parking. Parking of all motorized and non-motorized vehicles shall be in such places as expressly designated and provided for that purpose. (July 29, 1976, Sec. 11.06.080)

Chapter 11.08

ANIMALS

Sections:

- 11.08.010 Horses and Livestock
- 11.08.020 Dogs
- 11.08.030 Penalties

11.08.010 Horses and Livestock. Horses and livestock shall be permitted within parks only upon authorization by City Permit except that horses may be ridden upon such paths or trails as expressly designated to be used for that purpose. (July 29, 1976, Sec. 11.08.020)

11.08.020 Dogs. No dogs shall be allowed in the parks except in designated areas and it shall be attended and on a leash or tether at all times. (July 29, 1976, Sec. 11.08.040)

11.08.030 Penalties. Penalties for violations of 11.08.010 and 11.08.020 shall be as follows: \$~~25~~.00 for the first offense; \$~~50~~~~45~~.00 for the second offense within one year of the first offense, and \$~~100~~~~25~~.00 for the third offense within one year of the second offense. (New Section)(Amended 10-9-12)

Chapter 11.10

SPECIAL USE BY PERMIT

Sections:

- 11.10.010 Camping
- 11.10.020 Group Events
- 11.10.030 Sales

11.10.010 Camping. Overnight use of park facilities shall be by city permit only. Said permit shall not be issued so as to authorize overnight camping for an individual or members of a group for more than three evenings in any given 30 day period. (July 29, 1976, Sec. 11.10.020)

11.10.020 Group Events. No city parks shall be used to sponsor or hold any event or activity which would reasonably be expected to attract an audience or crowd of greater than 500 people at one time, unless the holding of such event or activity is authorized by the City Council. (July 29, 1976, Sec. 11.10.040)

11.10.030 Sales. No individual or organization shall sell any concessions, goods or services of any nature, whatever, within parks unless authorized by City permit. (July 29, 1976, Sec. 11.10.060)

Chapter 11.12

SPECIFIC USE AREAS

Section:

11.12.010 Specific Use Areas. Specific use areas within parks as so designated shall have their use restricted for the purposes so designated, i.e., picnicking, camping, tennis, softball, etc., all in a manner so that use by other shall not interfere with nor be detrimental to the specific use intended. (July 29, 1976, Sec. 11.12.020)

Chapter 11.14

ENVIRONMENTAL PROTECTION

Sections:

- 11.14.010 Fires
- 11.14.020 Plants, Shrubbery and Trees
- 11.14.030 Littering

11.14.010 Fires. Burning within parks whether for cooking or other purposes shall be limited to grills, city fireplaces, or barbecue pits provided for that purpose unless otherwise authorized by city permit. (July 29, 1976, Sec. 11.14.010)

11.14.020 Plants, Shrubbery and Trees. Removal and destruction of plants, shrubbery and trees within the City parks is prohibited. (July 29, 1976, Sec. 11.14.040)

11.14.030 Littering. Prohibition upon littering as elsewhere included within the municipal ordinances of the City of Whitehall are deemed to be particularly appropriate for application within the parks. (July 29, 1976, Sec. 11.14.060)

Chapter 11.20

CITY CEMETERY

Sections:

11.20.010	Policy Statement
11.20.020	Control and Management of Whitehall/Lincoln Cemetery
11.20.030	Platting of New Cemetery Lots
11.20.040	Purchase of Lots
11.20.050	Ownership Rights of Interment
11.20.060	Care of Lots
11.20.070	Privileges and Restrictions
11.20.080	Rules for Visitors
11.20.090	Interments
11.20.100	Monuments and Markers
11.20.110	Vaults and Mausoleums
11.20.120	Trees, Shrubs and Flowers
11.20.130	Miscellaneous

11.20.010 Policy Statement. The Whitehall/Lincoln Cemetery in the City of Whitehall is owned and maintained by the City for the benefit of all people. Definite rules and regulations shall be established by the Common Council to insure proper maintenance and beauty and to prevent abuse and destruction. The following rules and regulations are set forth in the ordinances of this Chapter to govern the City Cemetery. The City reserves the right to amend or change any of these ordinances to conform with newly developed cemetery practices.

11.20.020 Control and Management of Whitehall/Lincoln Cemetery.

- a) Management. The Whitehall/Lincoln Cemetery is under the control and management of the Common Council of the City of Whitehall under the terms and conditions as set forth in this Chapter.
- b) The Whitehall/Lincoln Cemetery is located at the west end of Ervin Street, Whitehall, and is described as Part NE NW 26-23-8; Part S ½ SW 23-22-8 and Part vacated alley (7' X 319.8') as recorded in Vol. 281/227; and also Melby's 2nd Addition S. 20' of Lot 1, Block 28.
- c) Conveyance. The Lincoln Cemetery Association that was organized to care and maintain the Whitehall/Lincoln Cemetery, voted on November 29, 2000, to convey the cemetery property and all of the trust funds pertaining thereto to the City of Whitehall.
- d) Regulation. The Whitehall/Lincoln Cemetery shall be cared for and maintained by the City of Whitehall. The cemetery shall be maintained in a neat and orderly and attractive appearance as the income of trust funds and appropriations by the City will permit. The regulations contained in this Chapter shall be applicable.

11.20.030 Platting of New Cemetery Lots. Before any new block of a municipal cemetery is opened for the sale of lot(s) the Common Council shall cause it to be platted and recorded in the office of Register of Deeds.

11.20.040 Purchase of Lots.

- a) Definition of Cemetery Lot. Definition according to Wis. Stats. 157.061(2m), "Cemetery Lot" means "a grave or 2 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". A Cemetery Lot is 14' X 28' feet in area. A grave is 42" X 14' in area.
- b) Price of Lots. The Common Council of the City of Whitehall, shall from time to time, fix a price on all lots to be sold or transferred in the cemetery.
- c) Sale of Lots. Persons or their agents desiring to purchase a lot in the cemetery are referred to the Cemetery Supervisor or the duly authorized agent. The Cemetery Supervisor will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection and upon receipt of proper payment, the City Clerk shall issue a deed to the lot in the form approved by the Common Council. The deed shall be signed by the City Clerk and Mayor and sealed with the corporate seal and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the County Register of Deeds.

11.20.050 Ownership Rights of Interment.

- a) The lot owner or his authorized agent shall have the right to use a lot for burial purposes only in accordance with the terms of the cemetery rules and regulations. Upon full payment of the purchase price of a lot, the City Clerk will issue a cemetery deed, under seal, and the deed will be recorded in the records of the City as evidence of ownership of the lot. All lots are exempt from taxation and cannot be seized for debt (except those owed to the cemetery) nor can they be mortgaged. The lot owner shall have acquired the lot for interment of himself and members of his family. However, the lot owner may grant written permission (which must be notarized and placed on file with the City Clerk) for the burial of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein, or a relative, or the husband, or wife of such person, or his or her relative, except by the consent of all persons having an interest in the lot.
- b) Unless otherwise directed in writing and filed with the City Clerk, the lot owner, his devisees, or his heirs, the cemetery will permit the interment of

members of his family at the request any interested person upon proof of eligibility for burial as follows:

- 1) The surviving spouse of the lot owner shall have the first right to interment or to direct the right of interment.
 - 2) When there is no surviving spouse, the devisees, or heirs of the owners may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk.
 - 3) In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, as the case may be, of such owner, shall have the right to interment in order of their need.
- c) All burial rights in cemetery lots purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of lots. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that lot owners, in making their wills, include a provision covering the cemetery lots and devise same to one (1) person.
- d) Lot owners may not resell or transfer their lots or parts of lots except as outlined below:
- 1) The Clerk shall enter in the record kept for that purpose all deeds of transfer and re-conveyance of cemetery lots. No such re-conveyance shall be received and recorded by the Clerk until a fee of \$25.00 has been paid therefore. Said fee shall go into the general municipal fund.
 - 2) Re-conveyance of lots or parts of lots may be made only by written application therefore upon blanks furnished by the City Clerk. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is/are deceased, by the legal heirs. The application shall state the section, block and grave(s) number(s).
 - 3) No owner of a cemetery lot shall sell, transfer or assign the same or unused portion thereof to any other person without the City's consent. If the owner of any lot or part thereof should sell or transfer the same without giving notice to the City, except through probate, of such transaction, such sale or transfer shall be null and void.

11.20.060 Care of Lots. In order to assure reliable means for permanent care, a perpetual 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 perpetual care

services, the expense to be included in the price of the lot. Such perpetual care shall be limited to the maintenance of lawn, leaf disposal, caring for cemetery roads, fences and grounds in general. It is understood that such expenditures shall be made at the discretion of the City.

11.20.070 Privileges and Restrictions.

- a) No mound shall be raised upon any grave above the general level of the lot.
- b) No hedges, fences or enclosures of any kind will be permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans or other such objects may not be placed on lots and, if so placed, will be removed by the City without notice.
- c) All landscaping, care of lots and other work in the cemetery will be done by the City.
- d) The City reserves the right for its workmen and those persons necessary to the performance of normal cemetery operation to enter upon or cross over any lot in the cemetery in the performance of such duties.
- e) The City, or its employees assumes no liability for damages to property or of person, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or theft or acts beyond its reasonable control.
- f) The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

11.20.080 Rules for Visitors.

- a) The cemetery will be open to visitors at all times between the hours of 6:00 a.m. to 11:00 p.m. Permission to enter the cemetery at any other time must be obtained from the City.
- b) Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.
- c) Persons or picnic parties with refreshments or alcoholic beverages are not permitted within the cemetery.
- d) Dogs will only be allowed in the cemetery when confined in a vehicle.
- e) Firearms will not be allowed in the cemetery except in conjunction with military funerals. At all other times, firearms, bows and arrows, sling shots, air guns, pellet guns and other like articles will not be allowed.
- f) 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 cemetery.
- g) No riding of bicycles, motor bikes, ATV's, snowmobiles, scooters or other such vehicles will be allowed in the cemetery unless such vehicles are present in conjunction with cemetery business.

- h) 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.

11.20.090 Interments.

- a) Interments will be made only during daylight hours unless prior approval of the Cemetery Supervisor.
- b) All interments shall be made in a permanent outer container, excluding the use of wood.
- c) All graves shall be dug at no cost to the City but shall be under the direction of the Cemetery Supervisor or his authorized agent.
- d) No burial will be permitted until a Final Disposition of Human Corpse permit has been presented to the Cemetery Supervisor. Furthermore, no grave shall be prepared for burial until an Authorization to Open Grave form has been signed by the legal owner of a lot or his designee.
- e) There will be no responsibility on the part of the City for the protection and maintenance of flowers, wreaths, emblems, etc., used in conjunction with funerals.
- f) The interment of two (2) bodies, neither of which are cremated remains, in one (1) grave will not be allowed, except in the case of a parent and infant, twin children, or two (2) children buried at the same time, or in special circumstances with the approval of the Cemetery Supervisor.
- g) The interment of two (2) cremated remains may be allowed in one (1) grave. The minimum container requirement for cremated remains shall be supplied by a crematorium.
- h) The interment of one (1) body and one (1) cremated remains may be allowed in one (1) grave.
- i) Regardless of the number of interments per grave, only one (1) marker will be allowed on a grave.
- j) Where applicable, the same rules shall apply to any disinterments.

11.20.100 Monuments and Markers.

- a) Grave markers and foundations will be set only by the monument company according to regulations specified by the City. Except as herein otherwise provided, under no conditions will the City construct monument or marker bases or erect monument or markers on bases. The City reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. These requirements will be on file and available from the office of the Cemetery Supervisor. A permit shall be required and available from the office of the Cemetery Supervisor.
- b) The setting of monuments, stones and markers and the transportation of all tools, materials, etc., within the cemetery ground shall be subject to the supervision and control of the Cemetery Supervisor. Unless special

arrangements are made with the Cemetery Supervisor, such work shall be conducted between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, except on national holidays. Heavy trucking will not be permitted within the cemetery when, in the opinion of the Cemetery Supervisor, such work might cause damage to the cemetery roads. Except when special permission is obtained, all work as outlined above shall be completed and debris removed immediately.

- c) The City reserves the right to refuse permission to erect any monument and/or stone work not in keeping with the good appearance of the grounds. The size of the monument and/or stonework must be given to the Cemetery Supervisor or his agent 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 Cemetery Supervisor.
- d) Stonework or monumental work once placed on its foundations, shall not be removed, except by permission of the City.
- e) Temporary markers must be removed or replaced with a permanent marker within one (1) year.

11.20.110 Vaults and Mausoleums Prohibited. Construction of vaults and mausoleums is prohibited in all areas of the Whitehall/Lincoln Cemetery.

11.20.120 Trees, Shrubs, Flowers and Memorials.

- a) The planting of flowers, trees, shrubs, or plants of any type will not be permitted – No planting of any kind in the ground. Planting is allowed only in urns or monument vases.
- b) The removal of any trees, shrubs and/or stumps will be done by the City under the direction of the Cemetery Supervisor.
- c) Fresh cut, potted or artificial plants and flowers are permitted on the lot, however, all plantings must be no more than twelve inches (12”) from the front of the monument and no glass vases are allowed. If these plants and flowers are not maintained and when they become unsightly or undesirable, they will be removed by the City. They must be in planters.
- d) All urns or planters must be removed or cleaned out by October 1st of each year.
- e) On ground memorials will be permitted the weekend prior to Memorial Day but must be removed within one (1) week after Memorial Day or will be removed and disposed of by the maintenance crew.
- f) All Christmas memorials, plants, decorations, etc. must be removed by April 1st of each year, or will be removed and disposed of by the maintenance crew.

11.20.130 Miscellaneous.

- 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 cemetery.
- b) All fees and charges as outlined in the current schedule of fees and charges are payable at the Office of City Treasurer, where receipts will be issued for the amounts paid.
- c) A schedule of the fees and charges, as established by the Common Council shall be on file in the office of the City Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.
- d) The City will take reasonable precautions to protect all private property, lots and/or grave owners' property in the cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control and especially from the acts of thieves, vandals and rioters and from all acts of providence, including wind, tornadoes, hail, snow, rain and frost, whether the damage be indirect or proximate.

(Adopted November 13, 2001)