



OMRO CEMETERY RULES & REGULATIONS

Updated: March 2021

These rules and regulations as set forth, as well as Chapter 12.28 of the Omro Municipal Code are adopted to govern the Omro Cemetery. Wisconsin State Statute provisions of §69.18 and §157.01 through 157.70 in their entirety are hereby adopted by reference and made a part of these rules and regulations. The Cemetery Committee or its designee, reserves the right to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in these Rules and Regulations. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Cemetery Committee, or designee thereof, reserves the right, without notice, to make exceptions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable; and such temporary exceptions or modifications shall in no way be construed as affecting the general applications of such.

STATEMENT OF PURPOSE

The Omro Cemetery is owned and maintained by the City of Omro for the benefit of all citizens. The City of Omro is profoundly aware of the great debt owed to those who have gone before us, who in love and sacrifice have entrusted the administration and care of this cemetery to our keeping. Therefore, it is only fitting that our cemetery be kept in the finest possible condition as a sign of respect and gratitude to our decedents.

To facilitate administration and care of the cemetery, in extending everyone equal and fair treatment, maintaining uniform control as well as maintaining the serenity and natural beauty of our cemetery, rules and regulations have been established. These rules and regulations are designed for the protection of owners' interment rights as a group. They are not intended to restrain, but to prevent, the inconsiderate from taking unfair advantage of others. Their enforcement will help protect the Omro Cemetery and preserve the grounds as a place of serene beauty for the after life.

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DEFINITIONS

Cemetery

Cemetery as herein used shall mean the Omro Cemetery located at 1600 Waukau Road in the City of Omro, Wisconsin and shall refer to all cemetery property, grounds, equipment, and structures, both privately and publicly owned.

Cemetery Administration

Cemetery Administration refers to the administrative and records office for the Omro Cemetery located at Omro City Hall, 205 W. Webster Avenue, Omro Wisconsin.

Cemetery Committee

The Cemetery Committee shall mean a committee of members that are appointed by the Mayor for the direction and oversight of all cemetery concerns.

Cemetery Deed

Cemetery Deed shall mean the official document produced by Cemetery Administration for the conveyance of ownership of interment rights to a designated grave space(s) located within the Omro Cemetery.

Cemetery Director

The Cemetery Director is the person responsible for oversight of all aspects of the maintenance of the cemetery grounds and interments of human remains. The Cemetery Director works closely with Cemetery Administration, funeral directors, excavation contractors, and monument companies to maintain an orderly and dignified setting for interments.

Contractor

Contractor shall mean any person, firm, or corporation other than a cemetery employee, engaged in placing, erecting, or repairing any memorial or monument, excavating and preparing grave sites for interments, or performing any work in the cemetery grounds.

Corpse

Corpse shall mean the deceased body of a human being.

Cremains

Cremains shall mean the incinerated remains of a corpse.

Crypt

Crypt shall mean a repository within a mausoleum for entombment of human remains.

Disinterment

Disinterment is the removal of remains of a human corpse from their original place of interment.

Disposition Permit

Disposition Permit as used in these Rules and Regulations, shall mean a legal 'Report of Final Disposition of a Human Corpse Burial Transit Permit' issued by the State of Wisconsin.

Foundation

A foundation is a concrete base placed flush with the ground of the grave site, on which to erect monuments, headstones, markers, or memorials.

Grave Space

A Grave Space shall mean a single interment right within a plotted cemetery lot.

Interment

Interment shall mean niche inurnment, crypt entombment, ground burial or other permanent disposition of the remains of a deceased person.

Lot

Cemetery lot shall mean a designated area within a section and plat, containing a specific number of individual grave spaces.

Marker

A marker shall mean any headstone, memorial marker or structure placed upon any lot, grave space, mausoleum, crypt, niche or building for the purpose of identification or memory of the interred.

Mausoleum

A mausoleum shall mean a building that contains crypts and/or niches for the placement and final disposition of human remains.

Monument

A monument shall mean any headstone, memorial marker or structure placed upon any lot, grave space, mausoleum, crypt, niche or building for the purpose of identification or memory of the interred.

Niche

Niche shall mean the repository within a mausoleum for the inurnment of cremated remains.

Owner

Owner shall mean the owner of the rights of interment to a specific lot or grave spaces of which the owner has an official Cemetery Deed.

Outer Burial Container

Outer burial container shall mean a container that surrounds a casket to prevent the ground from collapsing.

Perpetual Care

The term Perpetual Care shall mean the obligation of the City of Omro to maintain and care for the Omro Cemetery sites from funds derived from the segregated perpetual care fund.

Perpetual Care Deed

A Perpetual Care Deed is the official document produced by Cemetery Administration for the

conveyance of a guarantee of perpetual care for designated Grave Space(s) located within the Omro Cemetery.

Plat

A Cemetery Plat shall mean an appropriate numbered and specifically designated area containing Sections, Lots and Grave Spaces.

Play Vehicle

A play vehicle shall mean any motorized recreational vehicle such as a snowmobile and ATV, or non-motorized vehicle such as a coaster, a skateboard, roller skates, a sled or toboggan, unicycle, or other toy vehicle upon which a person may ride.

Remains

Remains shall mean those parts that remain of a corpse after the ravages of time, weather, or destruction.

Sealed Vault

A Sealed Vault shall mean an Outer Burial Container or permanently sealed container that surrounds a casket, which should be constructed of a non-wood durable substance such as concrete.

Section

A Cemetery Section shall mean an alphabetically designated area within a Plat, containing numerical Lots and Grave Spaces.

Sexton

For these Rules and Regulations the Sexton shall be synonymous with Cemetery Director and shall act as the caretaker of the cemetery grounds.

Urn

An Urn shall mean a closed vessel used for the preservation of cremains.

Urn Vault

A sealed outer burial container that encloses an urn.

PURCHASE AND OWNERSHIP OF INTERMENT RIGHTS

Persons, or their agents, desiring to obtain interment rights to a Lot or Grave Space(s) in the Omro Cemetery are referred to Cemetery Administration at Omro City Hall. Cemetery Administration will provide or arrange assistance in showing the Lots or Grave Spaces available for purchase of interment rights.

Upon having made a Lot or Grave Space selection and making the required full payment of the corresponding fees, Cemetery Administration will issue an official Cemetery Deed and Perpetual Care Deed as evidence of interment rights. The Omro Cemetery does not allow for the sale of interment rights for ½ Grave Spaces for any reason.

Each owner is vested with the ownership of a right of interment for the sole purpose of interment of human remains. Ownership will remain with the original purchaser or purchasers. After the demise of the original purchaser(s), their interment rights shall pass to their spouse. Lineal descendants shall have equal rights of interments. In case there are no lineal descendants, then the nearest relative of the purchaser shall have the right of interment.

In case of death of a lot owner, when the cemetery lot is disposed of through a probate proceeding, a certified copy of the final court document assigning the lot shall be filed with Cemetery Administration. If there is a non-probate will, a certified copy of the will must be delivered to Cemetery Administration before the Omro Cemetery will recognize the change of ownership. If the deceased lot owner left no will, and there is no probate, satisfactory proof of descent must be provided. It is recommended that the lot owner, in making their will, include a provision covering the cemetery lots and devise to one (1) person. The Omro Cemetery will not accept a transfer of an interment space after interment of original purchaser(s) unless all lineal descendants agree to the transaction.

The owner may grant permission, which must be notarized and placed on file with the City Administrator, for the burial of other persons not related by lineage. No corpse shall be interred in a Grave Space except the corpse of one having an interest therein, or a relative, or spouse of such person, except by the consent of all persons having an interest in ownership of interment rights to such Lot or Grave Space.

All ownership of interments for Lots and Grave Spaces are exempt from taxation and cannot be seized for debt, except those owed to the cemetery, nor can they be mortgaged. All repossessed vacant grave spaces shall be subject to the same fees and charges.

TRANSFER AND ASSIGNMENT OF INTERMENT RIGHTS

Lots or Grave Spaces, for which deeds have been issued, will not be divided, transferred, sold, or conveyed without the express written consent of Cemetery Administration and the proper issuance of a transfer of title.

The sale or transfer of any interment right by any owner shall not be binding upon the Omro Cemetery unless such sale or transfer is approved and recorded on official documents provided by Cemetery Administration and signed by the duly authorized representatives of the Omro Cemetery. This procedure is required in order that the Omro Cemetery may always have a complete and accurate record of all owners and purchaser's rights of interment.

Cemetery Administration may refuse consent to a transfer or to an assignment if there is any indebtedness due to the Omro Cemetery. All transfers of ownership or assignments shall be subject to an administrative fee, which must be paid when the transfer or assignment is filed.

PERPETUAL CARE

To assure a means for permanent care of the Omro Cemetery, a perpetual care fund is maintained. The term Perpetual Care shall mean the obligation of the City of Omro to maintain and care for the Omro Cemetery sites from funds derived from a segregated perpetual care fund. Perpetual care may also be defined as the maintenance of turf, leaf disposal,

maintenance of graves and streets, fences, and buildings as necessary to preserve the maintenance integrity of the cemetery.

Monies are added to the perpetual care fund from a portion of the fee charged for the sale of interment rights for each Grave Space. This portion percentage is determined by the Cemetery Committee and adopted by the City Council as part of the annual fee schedule. The City Council reserves the right to adjust the portion of the fee set aside for the perpetual care fund.

Additional interest earnings are also accrued within and remain with the perpetual care fund. It is intended that all income from the perpetual care fund be used for the sole purpose of maintenance costs of the cemetery. All expenditures from the perpetual care fund shall be made at the discretion of the City.

All landscaping, care of lots and other work in the cemetery will be done by the employees of the City of Omro or designee thereof. It is desired that each owner feels free to consult with those employees at any time regarding cemetery matters. Their advice will be cheerfully given without charge and may be of much value to those contemplating the purchase of or improvements to cemetery lots.

The City shall retain the ownership of aisles, including monument aisles. The City reserves the right for its personnel 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.

The City, or its employees, assumes no liability for damages to property or of persons, or for physical or mental suffering arising out of the performance of its normal operations, or for loss by vandalism or other acts beyond its reasonable control.

The City reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties of the cemetery.

HOURS OF OPERATION

We welcome visitors and patrons to visit the Omro Cemetery. The cemetery will be open daily to visitors between the hours of seven o'clock (7:00 A.M.) and dusk. Permission to enter the cemetery at any other time must be obtained from the Cemetery Director or the Cemetery Committee.

To ensure public safety, the cemetery may be temporarily closed under the direction of the Cemetery Director or Cemetery Committee when inclement weather, ground conditions or other circumstances may warrant the closing of the cemetery.

No person shall be present upon any cemetery property without proper authority of the City during posted hours when the cemetery is not open to the public.

RULES FOR PATRONS AND VISITORS

All patrons and visitors to the Omro Cemetery shall adhere to the following rules and regulations to protect the cemetery from injury, damage, or desecration.

Disturbing Cemetery Property

- No person without proper authority shall cut, remove, damage, or carry away any flowers, plants, vines, shrubs or trees from any lot or grave space without the consent of the lot or grave space owner.
- No person without proper authority shall remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
- No person without proper authority shall remove, damage, or destroy any vases, flowerpots, urns, or other objects, which have been placed on a cemetery lot or grave space.
- No person without proper authority shall remove any cemetery maintenance equipment without the owner's consent.

Protection of Cemetery Property

- No person without specific written authorization or under the direction of the City shall trap wild animals in the cemetery.
- Nor shall any person kill, injure, disturb, or attempt to disturb, any wild or domestic animals, birds, or waterfowl within the confines of the cemetery property.
- No person shall climb any tree, break, cut down, trample upon, remove or in any manner damage any tree, shrub, vine, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property within the confines of the cemetery property.
- No picnics, parties, or similar gatherings are permitted.

Operation of Motor Vehicles and Play Vehicles

Motor vehicles are restricted to the roads and drives and parking areas, except for authorized maintenance vehicles. Motorcycles, bicycles, motor bikes or other such vehicles will be allowed in the cemetery when present in conjunction with cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the City at the vehicle owner's expense.

- No person shall operate a licensed or unlicensed motorized vehicle on any cemetery property outside of designated parking areas, roadways or drives where operation of such vehicles is specifically permitted.
- No person shall operate any motorized vehicle at a speed more than five (5) miles per hour unless otherwise posted.
- No person shall park a motorized vehicle on any grassy or seeded area, or upon any

location other than a designated parking area.

- No person shall park a motorized vehicle on cemetery property for any purpose except those engaging in official cemetery business.
- No person shall operate or make use of a play vehicle upon any cemetery property without the consent of the City.

Authorized Notices

- No person shall post, paste, fasten, paint, or attach any placard, bill, notice, sign or advertising material upon any structure, tree, or other natural object in the cemetery; except those official signs and notices posted by the City.
- No person shall remove, deface, or damage in any manner, any official sign or notice posted in the cemetery.

Loitering Prohibited

- No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property.

Pets and Animals Prohibited

- Pets, including animals of any species, and horses are prohibited in the cemetery.
- Dogs will only be allowed in the cemetery when confined to the vehicle.
- Only human remains may be buried in the Omro Cemetery.

Littering Prohibited

- No person shall litter, dump, or deposit any rubbish, refuse, earth, or other material in the cemetery without the consent of the City.
- The throwing of rubbish on the avenues, walks, or any part of the grounds is strictly prohibited. Receptacles are provided for waste.

Alcoholic Beverages

- No person shall consume or have in their possession, any open container containing an alcoholic beverage on cemetery property.
- Persons or picnics with refreshments or alcoholic beverages are not permitted within the cemetery.

Visitor Age Restriction

- Children under sixteen (16) years of age will be admitted only when accompanied by parents or guardians.

Amplifying Sound Devices

- No person shall operate or play any amplifying system or sound device without consent of the City.

Firearms and Weapons Prohibited

- Firearms will not be permitted in the cemetery except in conjunction with military funerals.
- The use of firearms, air-guns, bow and arrows, explosives, and weapons of every character upon the grounds, is strictly prohibited except for firearms usage in conjunction with military funerals.

LOT LANDSCAPING

To preserve the uniform landscaping beauty of the Omro Cemetery the following landscaping regulations shall be adhered to:

- No mound of earth or turf shall be raised upon any grave above the general level of the lot.
- No hedges, fences, or enclosures of any kind will be permitted on or around lots.
- Wooden boxes, wire containers, glass jars, bottles, toys, cans, and other such objects may not be placed on lots. The City will remove such objects without notice.
- Urns are not permitted on lots. After following proper notification procedures to the last known owner of record by registered or certified mail, the City shall remove existing urns as they become unsightly or deteriorated. The urns may not be replaced.
- All landscaping, care of lots, and other work in the cemetery will be done by employees or designees of the City.

TREES AND SHRUBS

The planting of trees and shrubs on lots and grave spaces could hinder the full usage of such and create hardships for maintenance. Therefore, the planting of trees and shrubs will not be permitted on any lot or grave space without the consent of the Cemetery Director. If allowed, all plant materials shall be planted in line with the existing rows of markers and in line with aisles. The expense of the tree and planting of the tree will be paid by the lot or grave space owner.

- Trees or shrubs on any grave space that hinder the full usage of the grave space may only be removed with the consent of, and under the direction of, the Cemetery Director. The lot or grave space owner will pay the expense of the tree and stump removal.

FLOWERS AND OTHER DÉCOR DISPLAYS

- Fresh cut flowers may be used anytime and may remain until they become wilted or unsightly in the judgment of the Cemetery Director. Containers for cut flowers are to be of a style that is level with the ground surface and not holding water when not in use or

of the type to be disposed of when the flowers are removed.

- Wreaths on wire stands must be placed at the head of the lot or grave space.
- Potted plants may be set at the head of the lot or grave space without disturbing the sod. Preferably to the side of the marker foundation.
- Artificial flowers are treated in the same manner as potted plants and must be placed in a vase or pot.
- Vines that interfere with the proper care of lots, graves and injure the grass may be removed at the discretion of the Cemetery Director.

SPRING AND FALL FLOWER/DÉCOR CLEAN UP

It is urged that lot owners interest themselves in the past and present care of their lots, as a single neglected lot mars the beauty of the entire cemetery. All flowers and decorations are to be removed on or before April 15th and or October 15th each year for a two week clean up period. New arrangements may be placed after the 1st of May and November. Any unsightly items that are not removed in a timely manner for the scheduled clean up periods will be removed at the discretion of the Cemetery Director.

INTERMENTS/FULL CASKET BURIALS

Depths of graves shall conform to the Wisconsin State Board of Health specifications. The Cemetery staff shall be given thirty-six hours notice prior to the opening and preparation of a grave space for interment. A fee for preparation, opening, closing, replacing sod, and seeding of the grave space must be paid prior to performance of the service.

The Cemetery Director or one of his assistants are required to attend every interment. The City will assume no responsibility for the protection, maintenance, damage, or vandalism to flowers, wreaths, or any items used in funeral or interment proceedings.

No burial will be permitted until a legal report of Final Disposition burial transit permit has been presented to the Cemetery Director. The interment of bodies of persons who have died of a contagious disease shall be made in strict accordance with the rules of the State Board of Health.

- Only human remains may be interred in the Omro Cemetery.
- The interment of two (2) bodies in one (1) grave will not be allowed, except in the case of a mother and infant, two (2) small children buried in one (1) casket, a full-size burial with cremains above only at same time, or two (2) cremation burials.
- Interments will be made only during daylight hours.
- Interments will be made Monday through Saturday. Sundays by order of the health department.

- Any burials after three o'clock (3:00 P.M.) or on Saturdays will be charged an additional fee as established by the Cemetery Committee and City Council.
- Interments will not be made on Sundays or official City holidays unless declared an emergency situation by a Physician. Additional fees may be required.
- All interments shall be made in a permanently sealed outer burial container or sealed vault that is not constructed of wooden material.
- All graves shall be excavated by the City or its designated Contractor.

CREMAINS/URN BURIALS

Cremains are the incinerated remains of a corpse. Cremation of a dead human body shall be considered as a final disposal of that body. Therefore, no additional permit covering transportation, interment, or other disposal of the ashes of a cremated body is required. Cremains must be disposed of in a respectable way.

- "Scattering or dispersal of cremains over public grounds is not allowed" according to Wisconsin State Statutes.
- Two (2) cremains may be buried in a single grave space at the discretion of the Cemetery Director.

A fee for preparation, opening, closing, replacing sod, and seeding of the cremation grave space must be paid prior to performance of the service.

DISINTERMENTS OF REMAINS OF CORPSE

Disinterment is the removal of remains of a human corpse from their original place of interment. Disinterment of bodies from graves in the Omro Cemetery will be made by the City or its designated Contractor in accordance with the requirements of the Wisconsin State Board of Health.

- Lot and grave space owners, or their heirs, desiring graves opened must secure the necessary disinterment permit from the State of Wisconsin and deliver the documents to Cemetery Administration or the Cemetery Director.
- A disinterment permit issued by the State of Wisconsin is the only authority required by law to transport disinterred remains and reinter the remains. A burial permit is not required.
- Wisconsin State Statutes state that disinterred corpses are dangerous to health and require the local health officer or physician to grant approval for the removal, transporting and reintering of the body. Therefore, a completed disinterment permit, issued by the local health officer or physician where the remains are buried, is required from Winnebago County before human remains are removed from their place of burial.

in the Omro Cemetery.

- A validated disinterment permit must also be obtained from the City of Omro Cemetery Administration before any disinterment can take place. All removals will be made under the City's direction and under the supervision of a licensed embalmer, according to the Wisconsin State Statutes.
- No death certificate is required to obtain a disinterment permit because the original death certificate has already been filed with the state and the local registrar at the place where death occurred.
- No disinterment permit is required to remove buried cremains.
- For sanitary reasons, graves will not be reopened for inspection except for an official investigation.

Wisconsin administrative codes and the statute covering this procedure is as follows: **"H18.05 Disinterment"**: No human remains now interred or resting in a permanent vault or tomb shall be disinterred, transported, and reinterred unless a disinterment permit is first obtained from the health authority having jurisdiction at the place of disinterment. The disinterment permit shall constitute authority to transport and reinter the disinterred remains. No death certificate shall be required to obtain a disinterment permit. Disinterred corpses are declared dangerous to health and shall not be transported unless each corpse is accompanied by a separate permit from the local health officer for removal, showing the name, age, place, cause of death and medical attendant, the point to which to be shipped, and the undertaker in charge and attached to such permit the consent of the Department of Health and Social Services. Local health officers shall refuse permit when the cause of death is given as heart failure unless the physician in charge states that the cause was not diphtheria.

FOUNDATIONS, MONUMENTS AND MARKERS

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 stonework. A foundation and monument permit is required from the City along with payment of a monument location and marking service fee that must be paid in full prior to issuance of the foundation permit.

- The City requires that grave markers, monuments, headstones, foundations, and mausoleums be set by a monument company.
- Under no circumstances will the City construct monument or marker foundations or place markers or headstones on foundations.
- The lot or grave space must be paid in full before a permit for a marker or monument will be issued for that lot or grave space.

The monument company is also required to set the foundations and monuments according to regulations specified by the City. The City will refuse to issue a monument permit for any monument, marker, or mausoleum that, in the opinion of the Cemetery Director, is not esthetic in appearance.

- The top of the concrete foundation will be constructed flush with ground level.
- All markers will be set on a foundation with a five-inch (5") margin. The size of the monument, marker, or mausoleum must be in harmony with the size of the lot.
- All monuments must be set in line with other monuments or as directed otherwise by the Cemetery Director.
- Only two (2) markers will be allowed on a grave space, of which one will be flush with the ground and of a size that meets the approval of the Cemetery Director.
- Monuments, markers, or mausoleums, once placed on their foundation, shall not be removed except by permissions of the Cemetery Director.

The setting of monuments, stones, and markers, and the transportation of all tools, materials, etc. within the cemetery shall be subject to the supervision and control of the Cemetery Director.

- Unless special arrangements are made with the Cemetery Director, such work will be conducted between the hours of seven o'clock (7:00 A.M.) and three o'clock (3:00 P.M.), Mondays thru Fridays.
- All work as outlined above shall be completed and debris removed immediately.

VAULTS AND MAUSOLEUMS

Construction of vaults and mausoleums will be permitted in accordance with the established rules and regulations as established herein. A permit is required prior to construction. The Cemetery Director must be contacted prior to permit application.

RIGHTS OF THE CITY

The City reserves the right for its employees to enter upon, across, or thru any lot in the cemetery during normal performance of cemetery operations.

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:

- Normal cemetery operations.
- Acts of vandalism.
- Other damage or acts beyond its reasonable control.

The City reserves the right to construct, change, or close roadways, watermains, and other physical public properties of the cemetery.

The City will take reasonable precautions to protect all private property, lots and/or grave owner's 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 acts of thieves, vandals, and rioters and from all acts of providence, including wind, tornadoes, hail, snow, rain, and frost, regardless of if the damage is direct or proximate.