

# **EVERGREEN CEMETERY ASSOCIATION RULES AND REGULATIONS**

Adopted by the Board of Trustees on 10/13/1998

Amended by the Board of Trustees on the following dates:

6/12/2001, 4/9/2002, 3/1/2003, 12/13/2007  
2/10/2010, 3/9/2011, 2/8/2012, 3/5/2016, 9/13/17 and 12/12/2018

## **PURPOSE OF RULES**

Regulations herein are made in the interest of all concerned in order that Evergreen Cemetery may always be a place of abiding beauty and a source of continual satisfaction to all whose interests are here. A proper regard for them will be appreciated.

## **CEMETERY HOURS**

1. The cemetery is open from sunrise to sunset each day of the year. The cemetery is closed from sunset to sunrise.
2. The cemetery office is open Monday through Friday from 8:00 a.m. to 4:00 p.m. and 8:00 a.m. to noon on Saturday. The office is not open on Sundays and holidays.
3. Employees of the cemetery are not on call for Sundays, holidays and emergencies after office hours.

## **PURCHASE OF GRAVES OR NICHE(S)**

1. Persons desiring to purchase a cemetery grave(s) or niche(s) are invited to visit the cemetery office and make selections.

(a) The Sexton or one of his or her assistants will point out graves or niches for sale and give information as to prices. Prices are established by the Board of Trustees of the Evergreen Cemetery Association. When a selection has been made and the price has been paid, the Board of Trustees by its President and Secretary will issue a conveyance document which identifies the grave(s) or niche(s) together with the section and lot number that it is located in. The document will also set forth the price paid for the grave(s) or niche(s) selected.

(b) No person, as hereafter defined, may be permitted to purchase more than four (4) grave spaces in his/her lifetime. Notwithstanding the foregoing, the Board of Trustees may, upon finding of extenuating circumstances as determined by and at the sole discretion of the Board of Trustees, permit the purchase of additional grave spaces. Additionally, only living persons or the agent/representative of a decedent shall be permitted to purchase any grave spaces. For purposes of this subparagraph, the term person, as used above, shall be defined to collectively include the living purchaser, his/ her spouse and minor children.

2. No grave or niche will be sold in or on unplatted land, nor before the price of the grave(s) or niche(s) is established by the Board of Trustees.

3. The owner(s) of a grave or niche upon which no interment has yet taken place, may surrender it to the Association and receive therefore the amount originally paid to the Association for it if the Board of Trustees agrees to purchase it back. No removal of human remains or cremains for the purpose of surrendering a grave or niche will be permitted except as permitted by law.

4. The owner(s) of a grave or niche space may not sell a space to any other person, trust, or entity; except that the owner(s) may sell an unused grave or niche back to the Evergreen Cemetery Association if the Board of Trustees agrees. If there is a sale price to be paid by the Board of Trustees, it shall not exceed the original purchase price of the grave or niche.

(a) The owner(s) of a grave or niche space may transfer an unused space by gift to any other living person as long as there is no consideration for said space and the transfer is not prohibited by the Rules and Regulations of the Cemetery or its records. For any such transfer to be valid, it must be evidenced by a signed Quit Claim Deed from the Grantor to the Grantee, and a copy of said document given to the Board of Trustees of the Evergreen Cemetery Association for its records before any interment in said space takes place. No transfer, conveyance or assignment of any title or interest or rights acquired by Grantee shall be valid without the consent of the Board of Trustees and being thereafter recorded on its books.

(b) The owner(s) of a grave or niche space may permit in writing a non-owner deceased person to be interred in said space if in compliance with the Bylaws and Rules and Regulations of the Cemetery.

(c) Upon the death of the owner(s) of an unused grave or niche space, the ownership of the cemetery space shall descend to the owner's designated beneficiary(s) in a Will or Trust document of said owner and after any court order necessary to effect the transfer. If the owner did not provide for the transfer of the unused grave or niche space by a valid Will or Trust document, then the space shall pass to the owner's heirs by the laws of intestacy of the State of Wisconsin and after any court order necessary to transfer the grave space(s) or niche(s) to said beneficiary(s). Any one or more of such beneficiaries or heirs may convey to any other beneficiary or heir for no consideration his or her interest in the cemetery space pursuant to these Rules and Regulations.

5. Every living owner or co-owner of a grave or niche space is/are members of the Association. Every person upon becoming a member, agrees to be subject to the Evergreen Cemetery Association Bylaws and the Rules and Regulations as may be amended from time to time. Upon their death, the ownership (and memberships) of an unused space within a grave or niche transfers to the beneficiary(s) set forth in the deceased owner's Last Will and Testament or Trust and after any court order necessary to effect the transfer. If the deceased owner did not provide for the transfer of the interest by a Will or Trust, then the ownership interest (and membership) shall pass to the heirs of the deceased owner by the laws of intestacy of the State of Wisconsin and after any court order to effect the transfer. However, there is only one vote per owner or co-owners of one or more graves or niches in the election of Trustees, in the amendment of the Association Bylaws, or in voting at any Association meeting. In the event of a disagreement between co-owners, concerning their grave or niche, the Board of Trustees shall have full power to decide the matter in dispute between said owners, and to accept or refuse to accept orders from any one of said owners. In the event of a disagreement between said co-owners at any meeting as to the casting of their vote, no vote from said owners shall be received.

6. Every owner will have perpetual care for their grave or niche space. The cost of perpetual care is included in the purchase price of the grave(s) or niche(s). A portion of the purchase price of the grave(s) or niche(s) is placed in trust with the Evergreen Cemetery Association to be used for perpetual care of the grave or niche.

7. Within one year from the date of interment in a grave space, a cement foundation and marker (with the inscription of the name of the deceased, and his or her birth and death dates included) must be installed for the grave space in compliance with the Rules and Regulations. No interment shall take place until the Agreement with the Evergreen Cemetery Association is signed by at least one person agreeing to be responsible for the proper installation of the cement foundation and marker, and to pay the charges thereof and deliver the Agreement to the Sexton. If there is a breach of the Agreement, then the Evergreen Cemetery Association shall have the right to seek monetary damages from the person signing the Agreement, including reimbursement to the Association for any costs it incurs in providing a foundation and marker for the interment and reasonable attorney fees incurred in having to enforce the Agreement. In addition, all owners of the grave space shall be responsible for the charges of the marker and foundation as described above, together with any reasonable attorney fees incurred by the Cemetery Association in enforcing this provision.

### **CEMENT FOUNDATIONS**

1. All cement foundations installed after the adoption of these Rules on or after October 13, 1998, must be installed in conformity with these Rules. All grave markers installed after the adoption of these Rules must be on a cement foundation.

2. No cement foundation may be installed until the grave space, burial charges and any other fees due the cemetery have been paid in full.

3. No cement foundation shall be installed until the Sexton or his or her Assistant have reviewed the foundation request, confirmed that there are no outstanding debts due the Cemetery Association, and that the Sexton or his or her Assistant has physically located the place of the foundation with the installer. No marker may be erected on the foundation until the Sexton has inspected the foundation to ensure that the foundation and proposed marker comply with the cemetery rules. Any cement foundation installed contrary to cemetery rules may be required to be removed or modified at the expense of the installer and/or owner(s) of the grave site so as to comply with the Rules.

4. Foundation installers must use planks or other means to protect grass and cemetery grounds from damage from equipment. Any damage to grass or grounds shall be promptly repaired by the installer and/or owner(s) and they shall be responsible to the Cemetery Association for the costs of any repairs that the Cemetery Association incurs. The installer and/or owner(s) shall use care to not disturb any other plantings, markers or other objects of adjoining grave sites.

5. Placement and location of the cement foundation shall be at the Sexton's direction and should be in line with other foundations. A foundation for a single grave shall be 40 inches long, 22 inches wide, and at least 4 inches thick. A foundation for two adjoining grave(s) shall be 80 inches long, 22 inches wide, and at least 4 inches thick. Any foundation longer than 40 inches in length must be reinforced with steel rods. All foundations must be flush with the level of the ground as much as possible so that lawn mowing and other lawn care equipment can cross over the top of the foundation without obstruction. All foundations must consist of cement poured at the grave site. All

foundations shall be level so that the marker which rests on top of the foundation is level. After the installation of a foundation, the installer and/or owner(s) shall be responsible for grading the site, removing debris, and then grass seeding the area around the foundation.

6. All Foundation Installers must have worker's compensation insurance covering employees and general liability insurance in an amount of at least \$300,000.

### **MARKERS (including any base)**

1. In order that the grave site will not lose its visible identity, every grave must be identified by a marker. All markers installed after the adoption of these Rules on October 13, 1998, and any amendments thereto, must comply with these Rules. Owners should read these Rules before ordering a marker.

2. All markers must set forth at least the name of the deceased together with his or her birth date year and death date year on the side facing the grave site or on the top of the marker if it is a flat marker lying down on the cement foundation. If two or more persons (such as an infant or cremains) are buried in the same grave, their names and other required information may also be on the marker, or may be placed on a separate marker that is flat on the foundation at the head of the grave, or on a separate flat marker that has its own foundation placed in front of the marker/foundation that is at the head of the grave. The second marker must be flat with its top surface to be level with the top surface of its foundation (or within one inch). No marker may be installed until the grave space, burial charges, and any other fees due the Cemetery, have been paid in full.

3. No marker may be placed in the cemetery without first having a foundation installed in compliance with the Rules. No marker and any base may be installed on the foundation until the Sexton has inspected the foundation to ensure that the foundation and proposed marker and any base comply with the Rules. Any marker installed contrary to the Rules may be required to be removed or modified at the expense of the installers and/or owner(s) so as to comply with the rules.

4. All installers of markers must use planks or other means to protect grass and Cemetery grounds from damage from equipment in installing the marker. Any damage to grass or grounds shall be promptly repaired by the installer or owner(s) at their expense. Installers shall use care to not disturb any other plantings or markers of adjoining grave sites.

5. Placement of markers shall be at the Sexton's direction and in general, should be in line with other markers. Specific locations shall be at the direction of the Sexton. The outside edge of all markers on each end must be at least 4 inches in from the outside edge of the foundation. The outside edge of all markers on the front and back side must be at least 3 inches in from the outside edge of the foundation. If the marker is on a base, then the outside edge of each end of the base must be at least 2 inches in from the outside edge of the foundation. The outside edge of the base on the front and back side must be at least 3 inches from the outside edge of the foundation.

6. There shall be a single marker for a single grave. A marker for a single grave shall not exceed 32 inches in length, 16 inches in width, and 36 inches in height. Any marker for two adjoining grave(s) shall not exceed 72 inches in length, 16 inches in width, and 36 inches in height. Any marker that exceeds any of the restricted dimensions must first be approved by the Board of Trustees before installation.

7. All markers and any base must be made of granite or marble, and the markers and any base shall be of the same quality throughout. A bronze mounted plaque may be attached to the marker, the base or the foundation. A flat marker may be made of granite, marble, or bronze and attached directly to a base or to the cement foundation.

8. All markers and any base shall have a smooth flat bottom and be set on a cement foundation. No marker or base shall be set other than level.

9. Written notice must first be given to the cemetery Sexton for his or her permission prior to any marker being renovated, any inscription being made or added, or cleaning done to the marker.

10. Any marker designating an individual on it shall be removed from the cemetery if the designated individual is buried at another grave site. Any marker that designates more than one individual on it, and one of the individuals designated on the marker is buried at another grave site, then the marker shall be corrected so that the designation of deceased individuals on the marker is correct.

11. Except for markers, any bases, foundations, flower urns, and decorations permitted by the Rules and Regulations herein, there shall be no other objects placed in the cemetery, unless it is first approved in writing by the Board of Trustees. This restriction includes, but it not limited to, monuments, benches, seats, pin wheels, statues, or religious objects. All such items not permitted by the Board of Trustees shall be removed at the direction of the Board of Trustees and at the expense of the installer and/or owner(s) or donor(s) of the object, or the owner(s) of the grave space.

12. The Board of Trustees of the Evergreen Cemetery Association may, at the expense of the owner(s) of a grave or a niche space, and as a charge against said space, may repair or remove any monument or memorial which is decided by the Board of Trustees to be improper or offensive, dangerous or dilapidated. The Board of Trustees may trim or remove any tree, flower, or plant; and remove any item or structure that violates these Rules and Regulations.

13. In order for a cenotaph marker to be installed over a grave space where the party installing such a marker intends that the marker act as a memorial for the decedent identified on the marker, but does not intend for said decedent to be interred in the corresponding grave space, said marker must do the following:

(a) Comply with all rules and regulations of the Evergreen Cemetery Association, including but not limited to the rules for cement foundations and markers set forth therein;

(b) Make clear that the identified decedent is not interred there; and

(c) The proposed wording for the cenotaph marker has been pre-approved by the Board of Trustees of the Evergreen Cemetery Association prior to the installation of the marker.

## INTERMENTS

The Interment Rules apply to any interment after these Rules were adopted on October 13, 1998, and any amendments thereto.

1. In a grave, there may be buried one human body; one human body and one infant (1 year in age or less); one human body and one or two separate cremains; or three separate cremains. In the Bell Tower or Columbarium Niche wall, there may be up to two urns in each niche. Once there has been an interment, no subsequent interment shall take place after the expiration of forty (40) years from the date of the first interment. This rule shall not apply to the use of the grave space by the original owner(s) of the grave space or those authorized in writing by the original owner(s), or as may be permitted at the sole discretion of the Board of Trustees.

2. The digging of any grave sites shall be done at the sole direction of the Sexton.

3. Each grave site that is dug in preparation for the interment of the remains of a human body must be at least 8 feet in length, 40 inches in width, and 5 feet in depth. A human body shall be interred in a coffin which shall be contained in a vault. If an interment of an infant (under one year), then the bottom of the coffin must be buried at least 3½ feet below the surface of the ground. If it is an interment of cremains of an infant, then the bottom of the container to be approved by the Sexton must be buried at least 2 feet below the surface of the ground. A vault is not necessary for the interment of an infant or cremains of an infant.

4. The preparation of all grave sites for interment and the interment itself must occur during office hours, unless the Sexton first agrees to an exception for this rule for a specific interment.

5. Except as to the interment of the original owner(s) of a grave space registered as such in the Cemetery's records, in all other situations before interments are permitted, a document signed by the original owner(s), or, if not then living, then by a majority of the successor co-owners of the grave space consenting to the interment must be delivered to the office of the Cemetery. All burial rights are conditioned upon the Cemetery being timely advised of all transfers of ownership in regard to each burial space.

6. Mausoleums or mausoleum spaces including niches and crypts are not permitted in Evergreen Cemetery unless it is a structure or space permitted by the Cemetery prior to 1968 or is a structure or space constructed or created by the Evergreen Cemetery Association such as the Carillon Bell Tower or the Columbarium Niche Wall. No above ground interment of human remains or human cremains shall be permitted, except in a mausoleum structure or mausoleum space constructed or created by the Evergreen Cemetery Association. The spreading of human cremains on the grounds of the Evergreen Cemetery or the interment of human cremains in a cemetery marker or in an urn or other container above ground is prohibited unless the interment is in a mausoleum structure or mausoleum space constructed or created by the Evergreen Cemetery Association.

7. No objects other than the cremains in the urn shall be placed in a niche in the Carillon Bell Tower or the Columbarium Niche Wall.

## FLOWER URNS

1. Unless it is with the written permission of the Board of Trustees, there shall be no more than two flower urns per grave. All urns must be located on the grave marker foundation if possible.
2. The size of a flower urn shall not exceed 21 inches in height from the top surface of the marker foundation, and shall not exceed 21 inches in diameter. No urn may be made of glass. Any urn not in compliance with these rules shall be removed, unless the Board of Trustees approves of the urn.

## GRAVE DECORATIONS

The Decoration Rules apply to all grave sites in the cemetery.

1. In order that the entire cemetery may always present a neat and orderly appearance, no objects will be permitted to be left in the cemetery except as expressly permitted herein.
2. A general cleanup of the cemetery grounds is conducted twice each year, just after March 15 and October 15 of each year. All non-season decorations are removed at these times.
3. For purposes of these Rules there are two decoration periods: Summer and Winter. Summer decorations are permitted from March 15 through October 15. Winter decorations are permitted from October 15 through March 15 of the following year. Summer decorations consist of the following: Real or artificial flowers in season, veterans flags or insignias, shepherd hooks, and ceramic or cement flower urns.
  - (a) Winter decorations consist of the following: Easel decorations, evergreen wreaths, or grave blankets, veteran's flags or insignias, shepherd hooks, and ceramic or cement urns to hold evergreen trimmings. Artificial decorations must not distract from the natural beauty of the cemetery grounds.
  - (b) Real or artificial flowers must be placed in a container supported by a shepherds hook or in an urn. No glass vases or bottles are permitted. All shepherd hooks must be installed into a hole which is drilled through the foundation (from top to bottom) in such a manner as to not damage the foundation. All urns must be placed adjacent to the end of the marker if possible, and on the foundation if possible. No decorations are permitted that obstruct lawn mowing or other lawn care services.
4. A flower planting service is available for a fee set by the Board of Trustees. A person interested in further information should contact the Sexton.
5. Flowers which are part of the floral offering at the time of interment will be permitted to remain at the grave site for up to five days following interment. Unless called for within the five days, the flowers will be removed and destroyed. No floral offerings shall be left in such a manner as to damage or destroy any grass or plants adjacent to the grave site.
6. The planting of real or artificial trees, shrubs or flowers in the ground are not permitted except by the express written permission of the Board of Trustees. No such trees or shrubs

shall be planted in urns or other containers in or on the cemetery grounds, except by express or written permission of the Board of Trustees.

7. Cemetery staff may remove any items which are not in season for either the summer or winter decoration category, are unsightly, objectionable in nature, faded, withered or dead, or a hindrance to maintenance operation. Items that are out of season make the area look like it is not cared for.

### MISCELLANEOUS RULES

1. No dogs or other pets are permitted on the cemetery grounds at any time, unless the pet is on a leash and controlled by its owner or the owner's representative. Any pet droppings shall be immediately removed from the Cemetery grounds by the person who is in control of the pet.

2. Use of alcoholic beverages is prohibited on cemetery grounds at all times.

3. The speed limit for all vehicles in the cemetery shall not exceed 15 miles per hour.

4. Except for the installation of a foundation or marker, or preparation of a grave site for interment, no automobile, other vehicles, or machinery shall be operated on or parked on the cemetery grounds, except on the designated roadways or parking lot; or as otherwise permitted by the Board of Trustees.

5. The Evergreen Cemetery Association and its Board of Trustees shall not be liable for loss or damage caused by an act of God, common enemy, thieves, vandals, unavoidable accidents, riot or order of any military or civil authority.

6. These Rules may be amended at any meeting by the Board of Trustees by a majority vote of the quorum present. The Rules may only be amended, however, if written notice of the proposed amendment(s) is given to each member of the Board of Trustees at least 20 days prior to the meeting. A Trustee may waive the notice requirement in writing or by orally waiving the notice requirement at the meeting. These rules may also be amended at any annual meeting or special meeting by a simple majority vote (51%) of the membership present at such a meeting.

These Rules and Regulations were duly approved by the Board of Trustees of the Evergreen Cemetery Association at the meeting held on December 12, 2018.

ATTEST:

/s/ Bradford W. Wilcox  
Bradford W. Wilcox, President

/s/ Christopher D. Martin  
Christopher D. Martin, Secretary