

**TOWN OF ROCK
GENERAL ORDINANCE NO. 2008-02**

Ordinance to Permit Family Cemeteries

The Town Board of the Town of Rock, Rock County, Wisconsin, does hereby ordain as follows:

- (1) A family cemetery shall be permitted in the Town of Rock (hereafter called the "Town") if it conforms to all of the requirements of this Ordinance.
- (2) A cemetery authority is established to own the cemetery property which shall be either a nonstock corporation under Chapter 181 of the Wisconsin Statutes or a limited liability company under Chapter 183 of the Wisconsin Statutes.
- (3) At no time shall the cemetery exceed 5 acres. The cemetery authority shall not sell cemetery lots or mausoleum spaces at the cemetery and shall have no preneed trust fund accounts for the cemetery. It is the intent that the cemetery authority not be required to be licensed pursuant to section 440.91(1)(a) of the Wisconsin Statutes.
- (4) The cemetery authority shall not be organized or conducted for pecuniary profit as required in sections 157.08(5), 157.11(11), 157.128(3)(b), 157.19(5)(a) and 157.625 of the Wisconsin Statutes.
- (5) The cemetery shall be used exclusively as a cemetery for privately owned burial lots of a family with the intent that it be exempt from general property taxes pursuant to section 70.11(13) of the Wisconsin Statutes.
- (6) The cemetery shall be set back from the nearest habitable dwelling by at least 250 feet.
- (7) The cemetery shall be set back from the nearest property line by 750 feet. This setback only applies to the parent parcel at the time the cemetery is established. The setback shall not apply if the parent parcel is subsequently divided.
- (8) The cemetery shall be set back from the nearest road by 1,000 feet. This setback only applies to the parent parcel at the time the cemetery is established. The setback shall not apply if the parent parcel is subsequently divided.
- (9) The cemetery shall be in the A-1 Zoning District.

(10) The cemetery shall be platted pursuant to section 157.07 of the Wisconsin Statutes by a land surveyor registered in the State of Wisconsin. The number of cemetery lots in the cemetery shall be set forth in the cemetery plat. The cemetery plat shall be approved by the Town Board.

(11) The cemetery authority shall deposit with the Town such sum as determined by the Town Board, which sum shall not be less than \$25,000.00, to guarantee and ensure the long-term maintenance, repair and preservation of the cemetery (hereafter called the "Preservation Fund"). The Preservation Fund shall be deposited by the Town Treasurer in a segregated interest bearing account designated as the "_____ Family Cemetery Preservation Fund". The initial amount on deposit in the Preservation Fund (the "Base Amount") shall be adjusted annually on January 1 (the "Adjustment Date") as follows:

The base for computing the adjustment is the Consumer Price Index ("CPI") for All Urban Consumers in the Milwaukee Area, published by the United States Department of Labor, Bureau of Labor Statistics (the "Index"), which is in effect on the date of establishment of the Preservation Fund (the "Beginning Index"). The Index published most immediately preceding the Adjustment Date in question (the "Extension Index") is to be used in determining the amount of the adjustment. If the Extension Index has increased over the Beginning Index, the minimum amount required to be on deposit in the Preservation Fund for the subject year shall be set by multiplying the Base Amount by a fraction, the numerator of which is the Extension Index and the denominator of which is the Beginning Index; provided, however, that in no case shall the minimum amount on deposit in the Preservation Fund for the subject year be less than the minimum amount required to be on deposit for the preceding year.

For so long as the Town does not need to take charge of the cemetery and manage and care for it pursuant to the requirements of Section 157.115(1)(c) of the Wisconsin Statutes or any amended or successor provision thereto, the Town Treasurer shall pay annually to the cemetery authority all of the interest or other income earned on the Preservation Fund for the prior year in excess of the annual adjustment amount provided for above to be used by the cemetery authority for the improvement, maintenance, repair and preservation of the cemetery. In lieu of the above required deposit, the Town Board may authorize and permit the cemetery authority to establish the Preservation Fund with a financial institution, foundation or similar entity as shall be approved by the Town Board provided the Town Board determines that there are sufficient restrictions and/or safeguards in place to assure that (a) the balance of the Preservation Fund will never be less than the amount required by the Town Board plus the annual adjustment provided for above; (b) the current name and address of the financial institution, foundation, or other entity which holds the Preservation Fund is on file with the Town Clerk or other designated Town official; and (c) if the Town is required to

take charge of the cemetery and manage and care for it pursuant to the requirements of Section 157.115(1)(c) of the Wisconsin Statutes or any amended or successor provision thereto, the Town is authorized to draw upon the Preservation Fund to pay for all of the costs and expenses incurred by the Town in connection with such management and care.

(12) The cemetery authority may make regulations for the management and care of the cemetery.

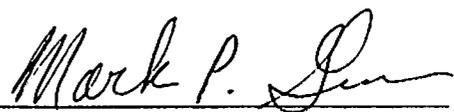
(13) The cemetery authority shall be responsible for the improvement, maintenance, repair and preservation of the cemetery.

(14) Pursuant to section 157.115(1)(c) of the Wisconsin Statutes, if the cemetery falls into disuse, or is abandoned or neglected, and the Town needs to take charge of the cemetery and manage and care for it, the Town may charge the expense of doing so to the preservation fund.

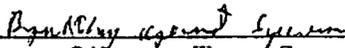
(15) In the event the Town of Rock needs access to the cemetery for the purpose of management and care, the Town shall have access to the cemetery over a route approved by the Town Board at the time the cemetery plat is approved by the Town Board. An easement for access in form satisfactory to the Town Board shall be granted to the Town simultaneously with the recording of the cemetery plat.

(16) No mausoleum shall be constructed on the cemetery property.

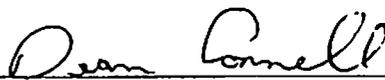
This Ordinance was passed by the Town Board of the Town of Rock, Rock County, Wisconsin, on this 3rd day of March, 2008.



Mark Gunn, Town Chairperson

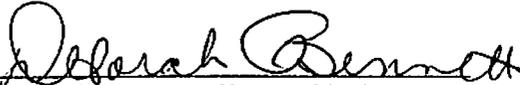


Bryce O'Leary, Town Supervisor



Dean Connell, Town Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 3rd day of March, 2008, and on the 17th day of March, 2008, copies of the Ordinance were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.


Deborah Bennett, Town Clerk
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me
this 5th day of MAY, 2008.



Notary Public, Rock County, Wisconsin

My commission is permanent
or expires: _____