

## **Prairie Home Cemetery**

### **Rules and Regulations –**

#### **Suggested edits for 2023**

#### **A. Introduction**

In compiling the rules herein, the Prairie Home Cemetery has endeavored to safeguard the individual lot owners, the Prairie Home Cemetery as a whole, and recognizes the principle that the deceased have the right to remain undisturbed. All lot owners, their heirs, visitors, and contractors within the cemetery and all property sold or otherwise brought onto the premises shall be subject to said rules and regulations, as well as such other rules, amendments, or alterations that may from time to time be adopted by the Cemetery Management, the Cemetery Commission, or the City Common Council. These rules and regulations are designed for the protection of owners of interment rights as a group. They are not intended to restrain but prevent the inconsiderate from taking unfair advantage of others. Their enforcement will help protect our Cemetery and preserve its beauty, as well as protecting those interred on these grounds.

We trust that every lot owner in the cemetery is interested in the enforcement of these rules, as they are necessary to assure the proper management and development of a beautiful cemetery as well as the dignity that it deserves.

The cemetery is hallowed in our hearts and in our memories and we trust that none will intentionally violate any of its rules.

#### **B. Definitions**

1. Cemetery is the Prairie Home Cemetery.
2. Cemetery space is a parcel of cemetery property which is intended or designed for the interment of a human being.
3. Interment shall mean niche inurnment, crypt entombment, ground burial or other permanent disposition of the remains of a deceased human being.
4. Niche shall mean a repository within a mausoleum, garden space or area, bench, or creation rock for the inurnment of cremated human remains.
5. Crypt shall mean a repository within a mausoleum for the entombment of human remains that is in a suitable metal or wooden casket or coffin having built-in leakage protection. Prairie Home requires that entombed bodies be embalmed.
6. Cemetery Lot shall mean a designated area of land within a section set forth and appropriately numbered on the master plat for the cemetery.
7. Memorial shall mean any marker or structure upon any lot, crypt, niche or building placed thereupon for the purpose of memorialization.
8. Mausoleum shall mean a building that contains crypts for the final disposition of human remains and/or niches for the disposition of cremated human remains.
9. Contractor/Vendor shall mean any person, firm, corporation or anyone engaged in, or performing any work on the Cemetery grounds, other than an employee of the Cemetery that has permission to perform such work by Cemetery management.
10. Vault shall mean an outer burial container that surrounds a casket.
11. Lot Owner shall mean a person who has the rights of interment.
12. A Deed is the document that conveys a right of interment.
13. Embalming is the temporary preservation of a body for viewing and transportation.
14. Embalming Fluid: These are embalming chemicals which are a variety of preservatives, sanitizing and disinfectant agents and additives used in modern embalming to temporarily prevent decomposition and restore a natural appearance for viewing a body after death. A mixture of these chemicals is known as embalming fluid. Typically, embalming fluid contains a mixture of formaldehyde, methanol, ethanol and other solvents.

15. The Cemetery Manager shall be the person with overall authority and final decision-making responsibility at the Cemetery as defined by the Prairie Home Cemetery Commission and the City of Waukesha.
16. Prairie Home Cemetery Commission shall mean the citizen governing board, appointed by the Mayor of the City of Waukesha, that has oversight authority for the overall operation and management of the cemetery, and to whom the Cemetery Manager reports.
17. Natural Burial is the burial of a unembalmed human body, typically in a shroud, or natural, biodegradable casket in a grave without the use of a concrete vault.

### **C. Disclaimer of Warrantees**

Prairie Home Cemetery makes no representation or warranties regarding memorials, vases, outer burial containers, or other products sold by the cemetery. The only warranties, expressed or implied, granted in connection with the products sold by the cemetery are the expressed written warranties, if any, extended by the manufacturers thereof. No other warranties, expressed or implied, including the implied warranties of merchantability or fitness for a purpose, are extended by the cemetery. The cemetery does not extend any warranties for products supplied by, or services performed by, any outside vendor.

### **D. Conduct within the Cemetery**

1. Visitors are reminded that cemetery grounds are considered sacred and a strict observance of accepted decorum shall always be required. Cemetery management may order the removal of individuals who it deems to be acting inappropriately, or otherwise conducting themselves in a manner that may be deemed to be offensive.
2. Visitors will use the walks and roads provided. Walking off of the roadways or walkways is permitted but done at the self assumed risk of the public. Owing to the very nature of a cemetery, the ground may be uneven, depressions may develop, and obstacles abound. In the event of injuries, the Cemetery is in no way liable.
3. It shall be unlawful for any person to interfere with the proper conduct of a funeral or with the burying or exhuming of a body in the Prairie Home Cemetery without legal cause.
4. No person shall drive any vehicle within the cemetery except upon the driveways prepared and designated for that purpose, and such vehicles shall be operated within the posted speed limit of 15 mph. Vehicles shall drive on the right side of the road and shall not drive or park off of hard-surfaced roads. Parking or leaving any vehicle on any road or driveway within the cemetery at such location or in such position as to prevent any other car or vehicle from passing the same is prohibited, and if so parked or left, the management reserves the right to have the vehicle removed.
5. It shall be unlawful for any person to desecrate or injure the cemetery, or any lot, grave, tomb, gravestone, monument, fence, tree or shrubbery therein, or to break, cut, injure, or disturb any wildlife within the cemetery. No excavation is permitted except by authorized cemetery personnel.
6. Receptacles for cemetery waste materials are placed at convenient locations throughout the cemetery. The placing or disposing of debris at any other location is prohibited. These receptacles are not intended for public, general waste or garbage disposal.
7. Sale of any item or service or solicitation on cemetery property is strictly prohibited unless authorized by the Cemetery Commission. Approaching the bereaved for the purpose of soliciting any business within the cemetery is recognized as not in good taste and therefore is prohibited.
8. No cameras, photography or other recording devices are permitted to be used on cemetery property without the express, written consent of an authorized representative of the Cemetery. Solicitation by outside vendors on cemetery property is strictly prohibited. No signs, notices or advertising may be placed on Cemetery grounds or buildings without the express, written consent of authorized cemetery personnel. The Cemetery may remove any unauthorized advertising without liability.

## **E. General Cemetery Care:**

1. Cemetery personnel or its designees shall be exclusively responsible for the management and maintenance of the Cemetery and its grounds.
2. The Cemetery shall take reasonable precaution to protect Owners, and the property rights of Owners within the Cemetery from loss or damage; but it disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than herein provided.
3. The Cemetery reserves, and shall have, the right to correct any errors that may be made by it, including, but not limited to making interments, disinterment, removals, memorial inscriptions, placements, transfers, or conveyances, without incurring liability of any kind whatsoever.
4. The City of Waukesha and the Cemetery shall not be held liable for errors or damages, which may occur because of improper, or misinterpretation of, telephone instructions from lot owners, their legal representatives, or funeral directors acting on behalf of the owner or his heirs.
5. The right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify or change the location of or any part thereof or remove or regrade roads, drives, and walks, or waterlines is hereby expressly reserved. The right to lay, maintain, and operate, or remove, or alter or change pipe lines or gutters for sprinkling systems, drainage, lakes, etc. is also expressly reserved, as well as is the right to use Cemetery property, not sold to individual owners, for Cemetery purposes. The Cemetery reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over all lots.
6. All grading, roadwork, landscape work, and improvements of any kind, and all care of property and buildings, shall be done by the Cemetery or its contractors. All trees and shrubs shall be planted, trimmed, cut or removed by the Cemetery or its contractors.
7. The Cemetery or its contractors shall make all interments, disinterment, and removals.
8. The Cemetery may determine what plants may or may not be used on the grounds and reserves the right to remove any plant which it deems to be inappropriate or improperly maintained. The Cemetery will publish a list of acceptable plants. This list may change from time to time at the discretion of the Cemetery management.
9. If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, be or become detrimental to adjacent lots or avenues, or if for any other reason its removal is deemed necessary, the Cemetery shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.
10. No tree shall be removed for the purpose of interment unless an official of the Cemetery deems such removal in the best interest of the Cemetery lot owners.
11. It is the right of the Cemetery to regulate the restrictions of each section as to planting privileges and the size and types of memorials.
12. If any memorial or inscription thereon shall be determined by the Cemetery to be offensive, it shall have the right to remove, change or correct the offensive or improper object or objects. Should such action be required, the Cemetery may charge the current lot owner the cost of restoration and/or removal.
13. The Cemetery may set and charge fees for any service it provides including, but not limited to researching lot owner records, providing interment site locations, recording service requests, and for providing services not included under normal care.
14. It is the duty of the property owner to notify the Cemetery of any changes due to marriage, divorce, change in heir ship or change in mailing address. The Cemetery shall be deemed to have fulfilled all legal obligations it may have to property owners by mailing any legal notices to the last address of record provided to the Cemetery by the property owner.
15. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The cemetery reserves the right to make exceptions, suspensions, or modifications of any of these rules and regulations without notice when, in the judgment of the management, such action

appears necessary. Any such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of these rules and regulations and shall not act as a waiver of any of the provisions herein.

#### **F. Cemetery Grounds:**

1. No person shall be permitted to enter or leave the Cemetery except through public gates at Prairie Avenue and at West Avenue, or the pedestrian gate on West Avenue. Other means of egress or exit are prohibited.
2. Cut natural or artificial flowers are permitted when placed in an approved flush type vase, available through, and installed by the Cemetery. No glass jars, prong type vases, bottles, tin cans, crockery or earthenware pots are permitted. Cut or artificial flowers or plants not placed in an approved receptacle will be removed and disposed of, and any inappropriate containers that may be present will also be removed and disposed of.
3. Decorations that become unsightly or are inappropriate in the judgment of management may be removed and disposed of by cemetery personnel at any time. **Solar lights are not permitted.**
4. Decorations that are lying loosely on the grounds will be disposed of by cemetery personnel.
5. Cemetery fall cleanup will commence on October 1<sup>st</sup> (weather permitting), each year. Items placed on graves or elsewhere on the grounds will be collected and disposed of.
6. Wreaths and/or evergreen crosses will be permitted as a grave decoration only during the non-growing season, November 1<sup>st</sup> through February 1<sup>st</sup>. All wreaths will need to be removed beginning in early February, (weather permitting) and disposed of. Any wreath or winter season plant placement that is in a condition of deterioration may be removed at the discretion of Cemetery Management at any time. Grave blankets are prohibited and will be removed by cemetery personnel at the lot owner's expense.
7. All cemetery installed vase units shall be turned down into the ground after the 3rd Monday of October, and all decorations shall be removed. The management assumes no responsibility for vase units that are set above the ground during the winter months.
8. Any planting, decoration, or other object, or objects placed on or about a grave or lot shall be removed, when in the judgment of management such action is warranted.
9. The Cemetery will refurbish all graves that become neglected and landscaped graves that have become overgrown, and the lot owner will be responsible for the cost.
10. No enclosure of any kind, such as a fence, coping, hedge, or ditch, shall be permitted around any grave or lot. Grave mounds are not allowed, and no lot shall be raised above the established grade except for natural burials.
11. The Cemetery is not responsible for the theft or damage to anything placed on the graves, crypts, niches or other property.
12. No vehicle shall be driven in the Cemetery at a speed greater than 15 M.P.H.; all vehicles must be operated in a safe and responsible manner; all vehicles and motorized equipment shall be restricted to the cemetery roads and shall drive on the right side. No undue noise shall be permitted in operating a vehicle through the Cemetery, and only licensed drivers may operate vehicles within the Cemetery grounds. Vehicles with a gross weight of 15,000 lbs. or more are not permitted on cemetery roads (except for delivery trucks which are restricted to Prairie Home Dr, and the road leading to the shop.). The Waukesha Police Department will be notified of violators of this cemetery rule.
13. The Cemetery reserves the right to exclude any or all vehicles from the property when it is deemed necessary for the safety of public or private protection. The Cemetery also reserves the right to prohibit any vehicle, which might in any way damage cemetery property, from entry into the cemetery.
14. Dogs and other domestic animals will not be allowed in the cemetery unless leashed and properly restrained. Animal handlers and/or owners are required to clean up after their pets.
15. The consumption of alcoholic products, swimming, skating, roller blading, hunting, fishing, trapping or participation in any sporting event or game activities shall not be permitted within the cemetery grounds.
16. Firearms, other than those carried by law enforcement or used in military honor funeral services, shall be prohibited on the cemetery grounds.
17. All persons are strictly prohibited from picking flowers, removing turf, trees or shrubs, or in any

way altering or marking any property within the cemetery not specifically belonging to them, or in any way defacing the cemetery grounds.

18. Cemetery employees are not permitted to do any work for lot owners except at the direction of the supervisor. No money shall be paid to Cemetery employees to conduct cemetery services or grounds maintenance. All orders, inquiries and complaints must be registered at the cemetery office.

19. All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law will be strictly enforced in all cases of wanton injury, disturbance or disregard of the rules.

## **G. Memorials and Foundations**

1. Generally, only one stone or marker is placed on each grave space. In those instances where a second or multiple interment occurred on a grave, mid-grave flush memorials will be permitted, space permitting. In the event a family monument is placed at the head of a lot, an individual marker may be placed at the foot of a grave for individual graves. Government markers may also be placed at the foot of the grave in addition to the headstone.

2. Neither the Cemetery nor City are not responsible for the preservation and care of any memorials installed in the cemetery. Neither are they responsible for any damage to such memorials or foundations, unless directly caused by cemetery personnel or equipment. The cemetery is not responsible for the natural weathering, or natural deterioration of memorials, foundations, or washes.

3. Cemetery Management shall exclusively determine what memorials may be placed on the grounds.

4. A Prairie Home Cemetery issued Memorial and Foundation Permit shall be submitted and must be approved before any memorial may be placed in the cemetery. Permits will not be approved until burial space is paid for in full.

5. Fees attendant with the placement of a memorial shall be paid in advance of placement according to the fee schedule in effect at that time.

6. All memorials must be placed on a concrete material or granite type base.

7. The Management reserves the right to reject all work which, because of design, workmanship, material or faults of any kind, is in its opinion unsatisfactory.

8. All foundations of any kind shall be installed by authorized person(s) of the cemetery. Charges shall be payable in advance in accordance with the fee schedule then in effect. This schedule is available from the Cemetery office. The Cemetery charges an administrative fee associated with the processing of all Memorial and Foundation Permits.

9. Foundations made of concrete, while long lasting have a finite life. The cemetery is only responsible for the quality of material or workmanship of foundations it has installed, not normal weathering or deterioration that may occur over time.

10. The following general restrictions apply to specific areas of the cemetery, with Cemetery Management final approval of type and size required before a memorial is placed.

1. Sections A - O: Bevel, Slant, Flush, Monuments, Monoliths are permitted. However, conformity of type of memorial may be required within individual lots (see #13 below).
2. Section P: Government style bronze on granite base; single or double bevels; government style bronze may be placed mid-grave.
3. Section 14: Outside ring (2 rows) Innermost ring requires Monuments or Monoliths. **Only Flush or Bevel memorials are allowed in the inside areas of Section 14. ~~may have Flush, Bevel, or Slants.~~** All foundations are set on the east end of the grave. Maximum memorial depth is 20".
4. Section 11: Monuments/monoliths, Flush, Bevels. See specific lot for restrictions.
5. Section 10: Single or Double Flush, Bevel in center areas. Monuments and monoliths on outside perimeter, however roadside is Flush or Bevel.
6. Section 9: Single or Double Flush, Bevel
7. Section 8: Single or Double Flush, Bevel
8. Section 7: Single or Double Flush, Bevel permitted with family Monuments allowed as space permits.

9. Section 6: Single Flush, Bevel permitted with family Monuments allowed as space permits.
10. Section 5: Monument along hedge lines, however families may opt for a bevel or flush footstone in these applications too. Rest of section Flush and Bevel memorials.
11. Section 3: Single Flush, Bevel
12. Section 2: Single Flush, Bevel
13. Section 1: Single Flush, Bevel

11. All markers in the cemetery shall be of granite, marble, or bronze and shall be delivered by a licensed memorial dealer or their designated representative, or cartage company. Except where requested by the Cemetery, installation will be done by Cemetery personnel.

12. The bottom of all bases and memorials must be cut level. A minimum of four (4) inch thickness is required for all flush granite memorials and bronze bases.

13. No memorials shall be delivered or installed by outside vendors from October 15<sup>th</sup> to April 1, unless prior arrangements have been made with the Cemetery management.

14. All memorials on a lot under one ownership must be uniform unless otherwise approved beforehand by an authorized manager of the Cemetery.

15. Upright memorials furnished by the government are permitted. The Cemetery will not approve orders for government markers until a Memorial and Foundation Permit has been signed and paid for.

16. No more than three interments shall be identified on any flush memorial.

17. Any offensive coloring, painting or enameling of any parts of stones or bronze work is prohibited. Cemetery management shall be the determining party on matters of appropriateness. Only approved etch work will be permitted on granite memorials. Only bas-relief will be allowed on bronze memorials.

18. Should a monument dealer need to access areas off hard-surfaced roads, that person must receive guidance from staff as to where the vehicle may be driven over the grounds. Payment for any damages that may occur during a monument installation shall be the responsibility of the monument dealer.

19. Any monuments, markers and memorials that do not conform to the rules and regulations in sections in which they are placed will be removed by cemetery personnel; the cemetery may charge the lot owner for any work it performs.

20. Only Cemetery approved vendors will be permitted to do lettering or any other inscription or engraving work on cemetery structures or memorials (i.e. Crypts, niches, benches, rocks, curbing, paver stones, etc.) Work of this nature must be approved by cemetery management who will collaborate with authorized representatives of families wishing to have this work done.

21. Vendors must provide to the cemetery, proof of workman's compensation and comprehensive general liability coverage, with a minimum amount not less than \$300,000.00.

22. The Management reserves the right to stop all work of any nature, whenever, in its opinion, proper preparations have not been made, when tools or equipment are insufficient or defective, when work is being executed in such a manner as to threaten life or property, when the contractor has been guilty of misrepresentation, when any reasonable request on the part of the Management has been disregarded, when work is not being executed according to approved specifications, or when any person employed on the work violates any rule of the Cemetery.

23. Memorials placed with the approval of Cemetery management on an occupied grave may only be removed or relocated with the expressed written permission of the person(s) who authorized the initial placement of said memorial(s). Individuals who may have future interment rights on graves already having a memorial, will be constrained to a mid-grave flush type memorial, and may not disturb the original memorial.

#### **H. Interment/Disinterment**

Prairie Home Cemetery Interment Order must be properly executed and received by Cemetery personnel before an interment may proceed.

1. All outstanding debts, including property purchased, must have been settled before an interment may proceed. **All** interment, entombment, inurnment, overtime, or other service charges must be paid prior to or at the time of the burial service, or a properly executed Prairie Home Cemetery Promissory Note must have been completed and approved in advance.
2. Interments are scheduled on a first come, first served basis. Charges are based on those

fees that are approved by the Cemetery Commission and in effect. The cemetery will schedule services based on its ability to both services and professionally meet the needs of its customers. To best assure time of interment, entombment, or inurnment, 24 hours notice prior to the time of the service is required. Monday (or Saturday) services must be ordered on the previous Friday before 12:00 PM (additional time may be required depending on weather conditions). The cemetery assumes no responsibility for a delay in the scheduled burial time when conditions are beyond our control.

3. Pallbearers will be provided when a request is made and acknowledged at least 24 hours in advance of a burial service. The number of pallbearers is subject to availability.
4. Chapel use must be scheduled 24 hours in advance, except during inclement weather.
5. We require the use of a concrete box with a domed lid as a minimum requirement for a standard casket interment (except for approved natural burials). The cemetery must approve all other vault products. This does not apply to natural burials.
6. Infants less than three feet long do not require the use of a vault.
7. Funeral homes must provide to the cemetery, proof of workman's compensation and comprehensive general liability coverage, and such minimum amount not less than \$300,000.00.
8. A body must be embalmed if it is to be entombed in a crypt.
9. No cardboard utility casket or particle board constructed caskets will be allowed as a burial container in a crypt. If such a casket is used for a grave burial, we require at least a ½ inch plywood board the size of the box on the bottom of the box before it can be handled at the cemetery.
10. The cemetery assumes no responsibility for grave locations chosen by the funeral director when ordering an interment.
11. Funeral directors assume full responsibility for burial vaults and other products that they sell.
12. ~~Permission for a Disinterment must be reviewed and granted by a majority vote of the Cemetery Commission. As the Prairie Home Cemetery recognizes that those interred here have the right to remain undisturbed, parties who have an interest in a disinterment must petition the Commission which will hear and review the petition at the next regularly scheduled meeting of said Commission.~~ Disinterment ordered by a duly recognized court will be honored.

## I. Natural Burial

1. Bodies must be transported to the cemetery by a funeral director.
2. Bodies must be unembalmed or a certified "green" embalming solution certified by the Green Burial Council.
3. ~~All bodies must be placed on a burial board purchased from Prairie Home Cemetery.~~ ~~approved body board~~
4. Body tie-downs if on board with ties of natural material
5. Biodegradable leakage barrier
6. Biodegradable shroud, natural material or
7. Biodegradable casket, Sea-grass, wicker, etc. non-metallic outer burial casket/coffin
8. No concrete or other ridged material constructed vault prohibited
9. Family must sign Natural Burial PHC interment order
  - a. Certifies that the body will be delivered in an approved outer burial container, or shrouded burials will be on an approved burial board, if no rigid box or casket is used.
  - b. Certifies that the body is unembalmed or that a certified "green" embalming solution was used.
  - c. Certifies that the body has no known pathogens that may be dangerous to those personnel who may be involved in the cemetery interment.
  - d. Families may participate in the burial ceremony, by shoveling dirt into grave
  - e. Burial to take place within 24-48 hours OR special circumstances to be taken

under consideration by Cemetery Management.

The Cemetery management may, and it hereby expressly reserves the right, at any time, with or without prior notice to the public, adopt new rules and regulations, to amend, alter and/or repeal any rule,