

district asking that the number of members of such school board be increased to five members, shall be filed with the district clerk at least fifteen days prior to the annual meeting of such school district; and such clerk shall then incorporate in his notice of the annual district school meeting a statement that at such annual district school meeting, the question of increasing the membership of the school board to five members will be voted upon at said meeting.

(c) Should said district school board be increased from three to five members by the action of said annual school meeting the new members shall hold office respectively for the following terms: The first member elected shall hold office for a term of three years; and the other member elected shall hold office for a term of two years; and until their successors have been chosen or appointed and qualified. After the first election, such members shall hold office for the term of three years.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 9, 1933.

No. 142, S.]

[Published June 14, 1933.

CHAPTER 246.

AN ACT to amend section 157.06, paragraph (b) of subsection (9) of section 157.11, paragraph (a) and (b) of subsection (2) of section 157.12, and to create paragraph (bc) of subsection (2) of section 157.12 of the statutes, relating to cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 157.06, paragraph (b) of subsection (9) of section 157.11 and paragraphs (a) and (b) of subsection (2) of section 157.12 of the statutes are amended to read: 157.06 No cemetery shall be laid out or used for burial purposes, except such as are now in use, *and except those which shall hereafter be organized, maintained and operated by towns, villages and cities, by churches, by fraternal and benevolent societies, by incorporated colleges of religious orders and by cemetery associations incorporated under the provisions of this chapter.* No such cemetery shall be established or located (1) within recorded plat of a city or village, or recorded addition thereto, and within a mile of a build-

ing in any such plat, (2) outside such a plat and within two hundred rods of an inhabited dwelling in such a plat, without the consent of the municipal authorities, (3) within fifteen rods of a habitable dwelling, public building, watering place, or schoolhouse, but this clause shall not apply to the use for cemetery purposes of lands already owned for an extension to an existing cemetery and included within the same description, nor (4) within two hundred rods of the institutions for the deaf and dumb, for the blind, the hospitals for the insane, the industrial school for boys, the colonies for the feeble-minded, the state public school, or the state reformatory, without the consent of the state board of control; except that (1) an existing cemetery in a village may be extended toward or beyond either of the two nearest village limits with the consent of the village board and the owners of any building within fifteen rods of the addition; (2) an existing cemetery in a city of the third or fourth class may be extended and enlarged with the consent of the state board of health and of the council; provided, that damages may also be allowed to owners of land adjoining that taken for cemetery purposes; (3) an incorporated college of a religious order in a city of the fourth class may, with the consent of the council, establish a private cemetery on land owned by the college for the interment of members of the order in such city, but not within fifty rods of a private dwelling or building without the consent of the owner; (4) a cemetery established within an incorporated village before April 30, 1887, within one hundred feet of the outer lines of the plat of such village, may be extended to the outer boundary of such plat with the consent of the village board, and (5) a cemetery established before said date may be enlarged subject only to the conditions of section 157.05. Violation of this section creates a nuisance which may be enjoined at the suit of anyone.

(157.11) (9) (b) *Except as hereinafter provided in respect of funds for the perpetual care of public mausoleums and columbariums* money received by an association for perpetual care shall be invested as provided in section 231.32, or in such other manner as may be approved by the county judge of the county or adjoining counties wherein the cemetery is located, or it may be deposited with the treasurer of the municipality nearest such cemetery, and such municipality shall pay said association annually interest on sums so deposited of not less than four per cent per annum. If such association is dissolved or becomes inoperative such municipi-

pality shall use the interest on such fund for the care and upkeep of such cemetery. Deposit shall be made and the income paid over from time to time, not less frequently than once each year, and receipts in triplicate shall be given, one filed with the clerk of the municipality, one with the association and one given to the person making the deposit. Deposits shall be of five dollars or multiple thereof. Records and receipts shall specify the lot for the care of which the deposit is made. Reports of moneys received for perpetual care shall be made annually by the trustees of such association to the county judge on the first day of July in each year. Failure to file such report for sixty days shall subject such trustees to a forfeiture of not less than ten nor more than twenty dollars, to be enforced as provided in chapter 288 of the statutes. Such trustees may also be cited to file such report by such judge and the expense of serving the citation shall be paid by such trustees and disobedience of such citation may be enforced as a contempt. This paragraph shall apply to all organizations that maintain cemeteries except municipalities, but shall not be effective in counties having a population of one hundred and fifty thousand or more, except as to cemeteries wholly within fourth class cities.

(157.12) (2) (a) No person shall build a structure for corpses, wholly or partly above ground, except in compliance with regulations of the state board of health, and plans and specifications previously approved by such board in writing. The state board of health may adopt and enforce regulations governing the location, materials and construction of the same. Municipalities may make and enforce additional consistent regulations. *No public or community mausoleum, or columbarium, shall, after the passage of this act, be constructed or used for the disposition of the remains of the human dead unless the same shall be erected within the confines of an established cemetery, containing twenty acres or more, and which shall have been in existence for a period of ten years. No building or structure for use or intended to be used as a public mausoleum or columbarium for the permanent disposition therein of the remains of deceased persons, shall hereafter be constructed, and no such building now constructed and not now used for the permanent disposition of the remains of deceased persons, shall be altered or changed for such use, or used for such permanent disposition purposes, unless constructed in accordance with plans and specifications approved by the state board of health and of such materials and workmanship as will insure its durability and*

permanence, as dictated and determined at the time by modern mausoleum construction and engineering science. These provisions shall not affect any public or community mausoleum or columbarium which is now being built or under construction, the plans and specifications for which have been approved by the state board of health, or any additions or extensions to any public or community mausoleum or columbarium now constructed or now in the course of construction, the plans and specifications for which shall be approved by the state board of health. Such board shall control the construction, and see that the approved plans and specifications are followed. No departure shall be made except upon approval in writing by such board. No such structure shall be used until such board certifies in writing that approved plans and specifications were followed and that the maintenance fund has been deposited.

(b) *A maintenance fund in amount fixed by the state board of health shall be deposited with the city treasurer, or, where the structure is in a cemetery outside of and not under control of a city, with the county treasurer and invested, and the income paid annually or less frequently, as those in charge of the structure require. There shall be established and maintained a fund for the perpetual care and maintenance of said public mausoleum or columbarium in such sum as shall be fixed by the state board of health, but which shall in no case be less than twenty-five per cent of the cost of said structures. Said fund shall be accumulated and established by applying thereto at least twenty-five per cent of all proceeds received from sales of mausoleum rooms or crypts and columbarium niches, until said perpetual care fund has been accumulated, except a building or structure now constructed, in which said public or community mausoleum or columbarium is located or contained, is covered by a perpetual care fund of the cemetery in which it is located and such perpetual care fund shall be made up of at least fifteen per cent of the proceeds received by the cemetery from the sale of cemetery lots. Then, in such an event, the perpetual care fund for the public or community mausoleum or columbarium itself shall not exceed ten per cent of the cost of the construction of said public or community mausoleum or columbarium. The custodian or depository of said fund shall be the treasurer of the agency owning and operating the cemetery in which said public mausoleum or columbarian is located, who shall furnish and file with said agency, and at its expense, a bond in such sum and with surety or sureties approved by the county*

court, indemnifying and securing said agency against loss occasioned by the failure of said treasurer to properly protect, preserve and administer said fund, except where, by the terms of sale of said mausoleum rooms or crypts and columbarium niches, it is provided that the purchaser thereof shall pay directly to any trust company in the state of Wisconsin, designated by the cemetery as the custodian of the perpetual care fund for said public or community mausoleum or columbarium. Then, in such an event, it shall not be necessary for the treasurer of the agency owning and operating the cemetery to furnish and file the bond required by this section. Said fund shall be invested by said treasurer upon the written order of the board, as provided in section 231.32, and the income or avails therefrom used solely for the preservation and maintenance of said public mausoleum or columbarium, which shall be paid out or expended by said treasurer only upon the written order of said board.

SECTION 2. A new paragraph is added to subsection (2) of section 157.12 of the statutes to read: (157.12) (2) (bc) No deposit of the remains of the human dead shall be made in a surface burial chamber, vault or tomb wholly or partially above the surface of the ground unless the part thereof below the natural surface of the ground be of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, be waterproof and air-tight, and can be sealed permanently to prevent all escape of effluvia; that portion of the same above the natural surface of the ground shall be constructed of natural stone and material necessary to protect the construction of the same of durability sufficient to withstand all conditions of weather and of a character to insure its permanence.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 13, 1933.

No. 187, A.]

[Published June 15, 1933.

CHAPTER 247.

AN ACT to amend subsections (2), (4), (5) and (7) of section 40.07 of the statutes, relating to school district elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows: