

1987 Wisconsin Act 190

AN ACT to renumber 157.065 (2), 157.065 (3) (a) and (b) and 157.065 (3) (c); to renumber and amend 157.065 (3) (d) and (e); to amend 157.064 (1) and (2) and 157.11 (9) (b); and to create 157.065 (2) (b) and 157.065 (3m) (intro.) of the statutes, relating to the establishment and expansion of cemeteries.

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

SECTION 1. 157.064 (1) and (2) of the statutes are amended to read:

157.064 (1) A cemetery or religious association authorized to hold lands for cemetery purposes may take and hold not ~~exceeding more than~~ 80 acres of land, to be used exclusively for burial of the dead, and personal property not exceeding \$250,000 in value, to promote the objects of the association; and if the cemetery is near to or within a 3rd class city of ~~more than 10,000 and less than 100,000 inhabitants~~ the association may so take and hold not ~~exceeding more than~~ 160 acres of land; and if near to or within a 1st or 2nd class city of ~~100,000 or more inhabitants~~, not ~~exceeding more than~~ 240 acres.

(2) A cemetery or religious association incorporated in this state and having a cemetery in or near a ~~1st or 2nd class city having, by the last United States census, a population of over 100,000 and any cemetery described under s. 157.065 (3m) (d)~~ may acquire by gift or purchase up to 30 acres of adjoining lands for cemetery purposes, and may pay for it wholly or partly from the lot sales.

SECTION 2. 157.065 (2) of the statutes is renumbered 157.065 (2) (a).

SECTION 3. 157.065 (2) (b) of the statutes is created to read:

157.065 (2) (b) Paragraph (a) does not apply to enlargements under sub. (3m) or s. 157.064 (2) or (3).

SECTION 4. 157.065 (3) (a) and (b) of the statutes are renumbered 157.065 (3m) (a) and (b).

SECTION 5. 157.065 (3) (c) of the statutes is renumbered 157.065 (3).

SECTION 6. 157.065 (3) (d) and (e) of the statutes are renumbered 157.065 (3m) (c) and (d) and amended to read:

157.065 (3m) (c) ~~Any Notwithstanding pars. (a) and (d), any cemetery established before April 30, 1887, in an incorporated village and located within 100 feet of the village limits may extend to the village limits with the consent of the village board.~~

(d) ~~Any Notwithstanding pars. (a) to (c), any cemetery established before April 30, 1887, may expand as provided in s. 157.064.~~

SECTION 7. 157.065 (3m) (intro.) of the statutes is created to read:

157.065 (3m) (intro.) Any of the following cemeteries may enlarge only in the following manner:

SECTION 7m. 157.11 (9) (b) of the statutes is amended to read:

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 ch. 881, or in such other manner as may be approved either by the circuit judge of the county in which the principal office of the association is located, or the circuit judge of the county in which the cemetery is located, or it may be deposited with the treasurer of the county or city in which such cemetery is located, and the governing body of such county or city may determine to accept such deposits. In the case of all deposits hitherto or hereafter deposited with a city or county, or previously deposited with a village, there shall be paid to said association annually interest on sums so deposited of not less than 2 ~~per cent~~ % per year. The governing body of any city or county, or any village or town in the case of previous deposits, may determine to return all or a part of any sum deposited by an association, and such association shall accept such sum within 30 days after receiving written notice of such action. If such association is dissolved or becomes inoperative such county or city 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 county clerk, one with the association and one given to the person making the deposit. Deposits shall be of \$5 or multiple thereof. Records and receipts shall specify the lot for the care of which the deposit is made. Reports of money received for perpetual care shall be made annually by the trustees of such association to the circuit judge of the county in which the principal office of the association is located, or the circuit judge of the county in which the cemetery is located on July 1 of each year. All funds received by an association for perpetual care and now held by the treasurer or trustees of such association may be transferred to said county or city treasurer. Failure to file such report for 60 days shall subject

such trustees to a forfeiture of not less than \$10 nor more than \$20, to be enforced as provided in ch. 778. 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 100,000 or more, except as to cemeteries wholly within fourth class cities.~~
