

Sec 7.40.040 Ownership Rights Of Interment

1. *Rights of ownership.*
 1. The grave owner, or his authorized agent, shall have the right to use a grave or portion of a grave for burial purposes only in accordance with the terms of the cemetery rules and regulations.
 2. Upon full payment of the purchase price of a grave, the City Clerk-Treasurer will issue a cemetery deed, under seal, and the deed will be recorded in the records of the City as evidence of ownership of the grave. All graves are exempt from taxation and cannot be seized for debt nor can they be mortgaged.
 3. The grave owner shall have acquired the grave for interment of himself and members of his family. However, the grave owner may grant written permission (which must be notarized and placed on file with the City Clerk-Treasurer) for the burial of other persons. No corpse shall be interred in a grave except the corpse of one having an interest therein, or a relative, or the husband or wife of such person, or his relative.
2. Unless otherwise directed in writing and filed with the City Clerk-Treasurer, the grave/lot owner, his devisees or his heirs, the cemetery will permit the interment of members of his family at the request of any interested person upon proof of eligibility for burial as follows:
 1. The surviving spouse of the grave owner shall have the first right to interment or to direct the right of interment.
 2. When there is no surviving spouse, the devisees or heirs of the owners, may, by agreement in writing, determine who among them shall have the right of interment or direction for interment, which agreement shall be filed with the City Clerk-Treasurer.
 3. In the event the owner, his devisees or heirs shall not have arranged for future interments, then the devisees or the heirs, of such owner, shall have the right to interment in order of their need.
3. All burial rights in cemetery graves purchased from the City occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the City will be recognized as owners or part owners of graves. In case of the death of a grave/lot owner, when the cemetery grave/lot is disposed of by a will and when ownership is to be determined, a certified copy of the will must be delivered to the City Clerk-Treasurer before the City will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended that grave/lot owners, in making their wills, include a provision covering the cemetery graves and devise same to one person.
4. Grave owners may not resell or transfer their lots or parts of lots except as outlined below:
 1. The Clerk-Treasurer shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall

be received and recorded by the Clerk-Treasurer until a fee, in an amount as established by the Common Council from time to time, has been paid therefor.

2. Reconveyance of graves or parts of graves may be made only by written application. Such application shall be executed by the owner of the graves, or if the owner is deceased, by the legal heirs. The application shall state the grave and section number.
3. No owner of a cemetery grave shall sell, transfer or assign the same or the unused portion thereof to any other person without the City's consent. If the owner of any lot or part of a lot should sell or transfer the same without giving notice to the City, such sale or transfer shall be null and void.