TOWN OF DURAND CEMETERY ORDINANCE - No. 2022-2

Town of Durand Pepin County, WI

SECTION I- TITLE AND PURPOSE

The title of this Ordinance is the "Town of Durand Cemetery Ordinance." The purpose of this Ordinance is to establish a system for governing the construction, management, operation and maintenance of cemeteries, the burial of human remains, within the Town of Durand.

SECTION II- AUTHORITY

The Town Board of the Town of Durand has the specific authority, powers and duties under s. $\underline{157.50}$ (2), Wis. stats., and general authority under its village powers under s. $\underline{60.22}$, Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, having been properly adopted by the Town Board of the Town of Durand, provides for the regulation of the construction, management, operation, maintenance, platting of cemeteries and the burial of human remains and other cemetery uses and activities in the town, including cemeteries that are not owned, operated, or controlled directly by the town. Once adopted this ordinance shall be incorporated into the Town's Code of Ordinances, chapter 12 (12.1).

SECTION IV - APPLICABILITY AND SCOPE

This ordinance applies to Town of Durand-owned and privately-owned cemeteries within the Town of Durand.

SECTION V - TOWN OF DURAND OWNED AND OPERATED CEMETERY

The Town of Durand shall provide the management, control, operation, and maintenance for any Town of Durand owned cemetery.

- A. Lot and Lot sales. The Town Board shall from time to time by resolution fix a price on all lots to be sold for burials in any town cemetery. Lots shall be purchased from the Town Clerk. No lot shall be used for any other purpose than the burial of human remains. Maintenance of accurate sales and lot location will be kept by the Town Clerk.
- B. Number of graves per lot. No lot at any town cemetery may be used for the burial of more than one body except in the following circumstances:
 - 1. Two remains from cremation shall be allowed in one lot with one headstone or two flat markers to be placed only in line with other stones.
 - 2. One full body and one remains from cremation shall be allowed in one lot, with one headstone or two flat markers to be placed only in line with otherstones.
- C. Conveyance of Lots. All lots sold in the cemetery shall be conveyed by deed or receipt. The transfer of deeded lots to another party must be reported in writing to the TownClerk.
- D. Perpetual Care. Perpetual care is limited to the maintenance of lawn, leaf disposal, filling sunken graves, raising markers, and caring for avenues, alleys, fences, buildings and grounds in general.
- E. All burials shall either be: A) in a non-degradable container, such as a steel or concrete casket or vault, Or B) a green burial (in a shroud or biodegradable container) in designated portions of the cemetery.
- F. Investments and Improvements. The Town assumes to use the net annual income received from sales of cemetery lots, fees for perpetual care for lots and interest income from the cemetery fund to provide for perpetual care. Per WI Stat 157.50(5), the electors at the Annual Town Meeting may authorize the Town Board to appropriate up to \$500 per year for improvements. This is not a limitation on the Town Board, which may spend money on Town cemeteries on its own accord.

G. Regulations. The Town of Durand may adopt regulations respecting any Town of Durand owned cemetery operation in compliance with Chap 157, Wis. Stats., including any physical and fiscal management requirements.

SECTION VI - PRIVATELY OWNED CEMETERIES

All private cemeteries in the Town of Durand shall comply with Section 157 of the Wisconsin State Statutes. Private cemeteries must have their cemetery blocks and lots platted and recorded with the Office of the Registrar of Deeds for Pepin County in accordance with s. 157.065 Wis. stats.

SECTION VII - NEW OR EXPANDED CEMETERIES

- A. The Town of Durand shall not purchase any land for cemetery purpose without the matter being duly noticed, discussed, and approved by the electors at a regular or special Town meeting.
- B. No person or authorized agent of any cemetery may newly construct or expand a cemetery of any type in the Town, after the date of adoption of this ordinance without the written approval of the Town Board.
- C. No burials may be made upon privately owned lands, that are not currently designated as cemeteries, without a conditional use permit pursuant to the Town of Durand Zoning Ordinance.

SECTION VIII - MISCELLANEOUS

- A. Amendment of ordinance. The Town Board reserves the right to amend this ordinance to conform with newly developed cemetery practices or any other legal purpose that the Town Board deems necessary and appropriate.
- B. Citation. The town board may amend the Town's citation ordinance to include citations for violation of this ordinance, fees and costs of prosecution.
- C. Liability. The Town of Durand will not be responsible for stolen, lost, damaged or defaced markers or monuments erected within the cemeteries in the Town of Durand. While responsible care will be given to protect markers and monuments, responsibility for upkeep of markers, monuments and footings is that of individual owners.
- D. Severability. If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION IX - EFFECTIVE DATE

Adopted this 10th day of May, 2022.

This ordinance is effective on publication or posting. The Town Clerk shall properly post or publish this ordinance, as required under s. 60.80, Wis. Stats.

Supervisor #2 /s/ Penny Bauer

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Attest: <u>/s/ Brittany Myers, Town Clerk</u>

RESOLUTION TO ADOPT THE TOWN OF DURAND CEMETERY ORDINANCE

Town of Durand, Pepin County, WI

Whereas the Town of Durand wants to regulate the operation of cemeteries within the boundaries of the Town.

Whereas the Town of Durand would operate any cemeteries in accordance with Chapter 157 Wisconsin, State Statutes.

Therefore, the Town Board of the Town of Durand resolves as follows:

1. To adopt the Town of Durand Cemetery Ordinance

Adopted this 10th day of May, 2022

Town Chair /s/ Stanley Ridgeway

Supervisor #1 /s/ Mark Weiss

Supervisor #2 /s/ Penny Bauer

Attest: /s/ Brittany Myers, Town Clerk

Zyes O-no