

## 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. [157.50 \(2\)](#), Wis. stats., and general authority under its village powers under s. [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 other stones.
- 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 Town Clerk.
- 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.



**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 10<sup>th</sup> 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

3yes 0-no