

TOWN OF WAUBEEK CEMETERY ORDINANCE NO. 2022-_____

Town of Waubeek
Pepin County, Wisconsin

SECTION 1. TITLE AND PURPOSE

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

SECTION 2. AUTHORITY

The Town Board of the Town of Waubeek has the specific authority, powers, and duties under *Wis. Stat. §157.50(2)*, and general authority under its village powers under *Wis. Stat. §60.22* to adopt this ordinance.

SECTION 3. ADOPTION OF ORDINANCE

This ordinance, having been properly adopted by the Town Board of the Town of Waubeek, 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 the ordinance is adopted, it shall be incorporated into the Town’s code of ordinances.

SECTION 4. APPLICABILITY AND SCOPE

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

SECTION 5. TOWN OF WAUBEEK OWNED AND OPERATED PROPERTY

The Town of Waubeek shall provide the management, control, operation, and maintenance for the Town of Waubeek's currently owned cemetery “Town of Waubeek 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 ground in general.
- E. 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 *Wis. 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.
- F. Regulations. The Town of Waubeek may adopt regulations respecting any Town of Waubeek-owned cemetery operation in compliance with *Wis. Stat. ch. 157* including any physical and fiscal management requirements.

SECTION 6. PRIVATELY OWNED CEMETERIES

All private cemeteries in the Town of Waubeek shall comply with *Wis. Stat. §157*. Private cemeteries must have their cemetery blocks and lots platted and recorded with the Office of the Register of Deeds for Pepin County in accordance with *Wis. Stat. §157.065*.

SECTION 7. NEW OR EXPANDED CEMETERIES

- A. The Town of Waubeek shall not purchase any land for cemetery purposes 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 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 Waubeek Zoning Ordinance.

SECTION 8. 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 Waubeek will not be responsible for stolen, lost, damaged, or defaced markers or monuments erected within the cemeteries in the Town of Waubeek. While responsible care will be given to protect markers and monuments, responsibility for the 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 9. EFFECTIVE DATE

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

Adopted this ____ day of _____, 2022.

David Klein, Town Chair

Shelly Anderson, Town Clerk