

TOWN OF FRANKFORT CEMETERY ORDINANCE - No. 2018-1

Town of Frankfort
Pepin County, WI

SECTION I- TITLE AND PURPOSE

The title of this Ordinance is the "Town of Frankfort 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 Frankfort.

SECTION II- AUTHORITY

The Town Board of the Town of Frankfort 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 Frankfort, 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 Frankfort-owned and privately-owned cemeteries within the Town of Frankfort.

SECTION V – TOWN OF FRANKFORT OWNED AND OPERATED CEMETERY

The Town of Frankfort shall provide the management, control, operation, and maintenance for the Town of Frankfort currently owned cemetery "Little Plum 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. 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.

F. Regulations. The Town of Frankfort may adopt regulations respecting any Town of Frankfort 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 Frankfort 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 Frankfort 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 Frankfort 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 Frankfort will not be responsible for stolen, lost, damaged or defaced markers or monuments erected within the cemeteries in the Town of Frankfort. 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

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.

Adopted this 13th day of March, 2018.

Town Chair /s/ Bryce Black

Supervisor #1 /s/ Richard McDermott

Supervisor #2 /s/ Curt Stine

Supervisor #3 Donna Juleff - absent

Supervisor #4 /s/ Kay Hamilton

Attest: /s/ Maureen Manore, Town Clerk

TOWN OF FRANKFORT CEMETERY REGULATIONS

Town of Frankfort
Pepin County, WI

The Town of Frankfort owns and operates the Little Plum Cemetery located on Cemetery Lane near the intersection of County Road N. It was started as part of the Swedish Methodist Episcopal Church of Plum Creek in 1897. The Town of Frankfort acquired the cemetery in May of 1981.

Cemetery grounds are devoted to honoring the memory of departed loved ones and family members; respect shown while entering and visiting the cemetery should be paramount. Below are the Cemetery Regulations for the Town of Frankfort Cemetery.

VISITORS

1. Cemetery hours are sunrise to sunset.
2. Plants, shrubs, trees are not to be planted.
3. Existing plants, shrubs, trees are not to be removed.
4. Firearms are not allowed except for peace officers or military honors.
5. No hunting is allowed in the cemetery.
6. No glass containers are allowed on site.
7. Dumping of garbage is prohibited and violators will be prosecuted.
8. Fresh flowers may be placed on the gravesite itself, to be mown over with routine mowing.
9. Flowers in vases, artificial bouquets and decorations must be placed on the grave marker or monument.
10. Any flowers, decorations or other objects improperly placed will be removed.

MONUMENTS AND MARKERS

1. Monuments shall be placed only if the lot is paid for in full.
2. Monuments shall be set by monument company employees, agents or other persons authorized by the lot owners.
3. Monuments may be flat on the ground (markers). Upright monuments must be set flush on a cement foundation with a 5-inch margin from the outer edges of the foundation, and in line with other monuments.
4. Only one upright monument or marker and one flat marker shall be allowed per gravesite or two flat markers per gravesite.
5. Installers placing monuments shall provide suitable protection to prevent damage to the grounds from their vehicles. The grounds shall be left in a good condition upon completion. Anyone causing rutting or other damage to the grounds will be held liable for repair of said damage.

BURIAL

1. Burials shall be made only during daylight hours.
2. Gravesites are to be opened and closed by a contractor selected by the plot owner or assisting funeral home at the expense of the owner.
3. Winter burials may be very difficult due to frozen ground or extreme winter weather conditions. If a winter burial is desired, the family of the deceased must get permission from the Town Board Chair. All expenses of the winter burial shall be paid by the family of the deceased.
4. 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.
5. Disinterment of a body will not be made without proper authority in accordance with the laws of the State of Wisconsin.

**RESOLUTION TO ADOPT THE TOWN OF FRANKFORT CEMETERY ORDINANCE, CEMETERY REGULATIONS
AND ESTABLISH CEMETERY LOT FEES**
Town of Frankfort, Pepin County, WI

Whereas the Town of Frankfort operates one cemetery within the boundaries of the Town, namely – Little Plum Cemetery.

Whereas the Town of Frankfort cemetery is operated in accordance with Chapter 157 Wisconsin State Statutes.

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

- 1. To adopt the Town of Frankfort Cemetery Ordinance
- 2. To adopt the Town of Frankfort Cemetery Regulations
- 3. To establish a fee of \$250.00 for the purchase of each cemetery lot.
- 4. To establish a fee of \$250.00 for the perpetual care of each cemetery lot.
- 5. To allow green burials in the town operated cemetery.

Adopted this 13th day of March, 2018

Town Chair /s/ Bryce Black
Supervisor #1 /s/ Richard McDermott
Supervisor #2 /s/ Curt Stine
Supervisor #3 Donna Juleff - absent
Supervisor #4 /s/ Kay Hamilton

Attest: /s/ Maureen Manore, Town Clerk