

Chapter 5.14

CEMETERY ORDINANCE

Sections:

5.14.010	Purpose.
5.14.020	Authority.
5.14.030	Definitions.
5.14.040	Statement of Policy.
5.14.050	New Burials, Cemeteries, and Cemetery Lots and New or Expanded Cemetery Operations.
5.14.060	Cemetery Monuments and Markers
5.14.070	Miscellaneous.
5.14.080	Penalties
5.14.090	Severability
5.14.100	Effective Date

5.14.010 – Purpose.

The purpose of this Ordinance is to regulate the construction, management, operation, and platting of a cemetery; the burial of human corpses; and other cemetery uses and activities in the town.

5.14.020 - Authority.

The Town Board of the Town of Burlington has the specific authority under s. 157.50 (2), Wis. Stats., and general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance.

5.14.030 - Definitions.

In this ordinance:

- A. “Burial” means entombment, inurnment, or interment and “bury” means to entomb, inurn, or inter.
- B. “Cemetery” means any location for burial of human remains in the town.
- C. “Human remains” means the body of a deceased individual that is in any stage of decomposition or has been cremated.
- D. “Lot” means a single grave lot platted in accordance with Section VI, whether or not occupied by a grave.
- E. “Outer burial container” means any container that is placed or intended to be placed into the burial excavation of a grave and into which a casket is placed or intended to be placed at the time of burial.

- F. “Town” means the Town of Burlington, Racine County, Wisconsin.
- G. “Town board” means the board of supervisors for the Town of Burlington, Racine County, Wisconsin, and includes designees of the board authorized to act for the board.
- H. “Town chair” means the chairperson of the Town of Burlington, Racine County, Wisconsin.
- I. “Town clerk” means the clerk of the Town of Burlington, Racine County, Wisconsin.
- J. “Town treasurer” means the treasurer of the Town of Burlington, Racine County, Wisconsin.
- K. “Wis. Stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

5.14.040 - Statement of Policy.

This ordinance, adopted pursuant to s. 157.50 (2), Wis. Stats., governs the construction, management, administration, platting, maintenance, and operation of any town cemetery and of any new cemetery or expanded cemetery of any other type in the town, including cemeteries operated by associations, religious orders and societies, and privately owned, controlled, operated, and maintained cemeteries.

5.14.050 - New Burials, Cemeteries, and Cemetery Lots and New or Expanded Cemetery Operations.

A. Platting.

Before any new block of any existing town cemetery or any other new or expanded cemetery in the town is opened for the sale of cemetery lots for burial of human remains after the effective date of this ordinance, the town board or the sexton for a town cemetery and any person or agent for any other cemetery in the town that is subject to s. 157.065, Wis. Stats., shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Racine County, Wisconsin, in accordance with s. 157.065, Wis. Stats.

B. New or Expanded Cemeteries.

1. No person or authorized agent of any cemetery may conduct any burial, or construct, manage, plat, or operate any new or expanded cemetery of any type in the town, after the date of adoption of this ordinance, without written permit approval of the town board. Approval, approval on condition, or denial of a permit shall only be made after a public hearing with a class 2 notice under chapter 985, Wis. Stats. Any new or expanded

cemetery to be approved by the town board shall be, at minimum, properly platted and filed with the town clerk and recorded in the Office of the Register of Deeds for Racine County, Wisconsin. No cemetery shall be located, established, or dedicated contrary to s. 157.065 or 157.128, Wis. Stats. The minimum cemetery acreage must be at least 20 contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a town, county, or other zoning ordinance.

2. After the date of adoption of this ordinance, any place in the town where human remains are buried on private or public land without written permit approval of the town board and not timely removed within 10 days after receipt of written notice from the town board to remove said remains is declared to be a public nuisance. In addition to commencing an action for penalties as provided in this ordinance, the town may take action to abate the nuisance and recover its costs of doing so, as provided in sec. 8.24 of these ordinances. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with chapter 157, Wis. Stats., and this ordinance.

C. Burial on private land
Burial of human remains on private land in the Town of Burlington is prohibited.

5.14.060 – Cemetery Vaults and Mausoleums

Construction of above ground vaults and mausoleums in any cemetery is prohibited unless approved in writing by the town board. Any mausoleum or above ground vault, which is approved by the town board, will be required to establish a special endowed care trust fund, earmarked for future maintenance of the structure.

5.14.070 – 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. Before this ordinance is amended, a public hearing shall be held on the proposed amendment before the town board. Notice of the public hearing shall be published in a local newspaper at least 10 days prior

to the hearing.

5.14.080 - Penalties

A. Citation.

The town board may establish a citation ordinance for enforcement of violations of this ordinance and for any bylaws or regulations.

B. Abatement.

1. In lieu of or in addition to any other penalty for a violation of this ordinance, if the violation consists of a physical condition, the town board may issue a written notice to the person responsible for the violation, if known, requiring the person responsible to [abate or remove] the violation within 14 days of receipt of the notice. Service of notice shall be by personal service or registered mail with return receipt requested.

2. If the person responsible for the violation of this ordinance is unknown or the person responsible has not [abated or removed] the violation within 14 days of receipt of the notice described in paragraph 1., the sexton, or some other person designated by the town board, may immediately abate or remove the violation in a manner approved by the town board. The cost of the abatement or removal may be recovered from the person responsible for the violation.

C. Injunctive Relief.

In lieu of or in addition to any other penalty for a violation of this ordinance the town board may seek to enjoin any continuing violation of this ordinance as provided in Ch. 813, Wis. Stats.

5.14.090 – Severability

If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

5.14.100 -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 10 day of April, 2025.