

Ordinance #2026-02  
Municipality Code 59010  
Town of Lyndon, Sheboygan County

**AN ORDINANCE UPDATING SECTION 7.01 OF  
THE TOWN OF LYNDON MUNICIPAL CODE  
REGARDING TOWN CEMETERIES**

**WHEREAS**, the Town of Lyndon has ownership and control of several cemeteries within the Town, and may take over ownership and control of additional cemeteries in the future; and

**WHEREAS**, the Town Board desires to enact regulations for the construction, management, operation, and platting of cemeteries, the burial of human corpses, and other cemetery uses and activities in the Town, including cemeteries that are not owned, operated, or controlled directly by the Town; and

**WHEREAS**, the Town Board has the specific authority under s. 157.50 (2), Wis. Stats., and general authority under its village powers pursuant to ss. 60.10(2)(c), 60.22(3) and 61.34(1), Wis. Stats., to adopt these regulations; and

**NOW, THEREFORE**, the Board of Supervisors of the Town of Lyndon, Sheboygan County, Wisconsin, does hereby ordain as follows:

**Section 1. Updating Code.** Section 7.01 (H)(3) ("Town Cemetery Burials") of the Town of Lyndon Municipal Code is updated to read as set forth in the attachment.

**Section 2. Severability.** Should any portion of this Ordinance or the affected Code Sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

**Section 3. Effective Date.** Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted: \_\_\_\_\_, 2026

**TOWN OF LYNDON**

By: \_\_\_\_\_  
**JoAnne Friedman**, Town Chair

### CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Lyndon Board of Supervisors on the date indicated above.

Dated: \_\_\_\_\_, 2026

\_\_\_\_\_  
**Rhonda J. Klatt**, Clerk/Treasurer

Published/Posted on \_\_\_\_\_, 2026 by \_\_\_\_\_.

## **CHAPTER 7 TOWN PROPERTY**

### **7.01 TOWN CEMETERIES**

#### **A. Definitions.**

1. The definitions in Ch. 157, Wis. Stats., as amended, shall apply unless the context clearly indicates otherwise.
2. The following definitions apply in this Section:
  - a. “Bury” means to entomb, inurn, or inter.
  - b. “Lot” means a single grave lot platted in accordance with subsection C, whether or not occupied by a grave.
  - c. “Sexton” means a Town employee or independent contractor employed or retained by the Town Board to administer, repair, maintain, manage, and operate a Town Cemetery or any part thereof consistent with this section. In the event no person is specifically designated as “sexton” by the Town Board, “sexton” means any person or committee designated to act administratively and to manage, operate, maintain, and provide care for a Town Cemetery or any part thereof pursuant to this section.
  - d. “Town Cemetery” means a municipal cemetery owned, operated, and maintained by the Town of Lyndon. Currently there are 2 Town Cemeteries: Lyndon Cemetery (on the northeast corner of State Highway 57 and County Road F; Parcel No. 59010-126550) and Evergreen Cemetery (on the north side of County Road U, approximately .2 miles east of State Highway 57 (Tax Parcel No. 59010120250).
  - e. “Urn” means a vessel for the display of flowers or plants that is attached to a lot or is of such weight, as determined by the Town Board or sexton, that it cannot be readily moved from its placement on the lot. “Urn” does not include a vessel containing cremated human remains properly inured on the lot.

#### **B. Applicability; Statement of Policy.**

1. This Section governs and applies to the construction, management, administration, platting, maintenance, and operation of any Town Cemetery.
2. Every Town Cemetery is owned, operated, directly controlled, and maintained by the Town for the benefit of all citizens. Persons of all denominations of all religions, genders, creeds, races and national origins shall be allowed to be buried in a Town Cemetery.
3. The Town is responsible for all maintenance expenses in perpetuity for graves in Town Cemeteries. Therefore, the Town will not maintain a care fund, pursuant to s. 157.065, Wis. Stats.

#### **C. New Burials, Cemeteries, and Cemetery Lots and New or Expanded Cemetery Operations**

**1. Platting.** Before any new block of any existing Town Cemetery is opened for the sale of cemetery lots, the Town Board or the sexton shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Sheboygan County, Wisconsin, in accordance with s. 157.065, Wis. Stats.

**2. Single Grave Section.** The Town Board or the sexton shall designate certain lots as a single grave section, and the lots within each grave section shall be platted and sold as single-grave lots. Unused portions of grave sections repossessed under chapter 157, Wis. Stats., for nonpayment of assessments for care shall likewise be designated and sold as single-grave lots.

**3. Purchase of New Lands.** The Town Board or the sexton shall not purchase land for cemetery purposes without approval of the electors of the Town at a regular or special town meeting.

#### **D. Purchase Of Lots in Town Cemetery**

**1. Price of Lots.** The Town Board shall by resolution set the price of lots.

**2. Sales of Lots.**

a. Persons, or their authorized agents, desiring to purchase a lot for burial are referred to the Town Board, Town clerk, or sexton. The Town Board, Town clerk, or sexton shall have available suitable plats showing size and price of lots, and any other information that may be required, and render assistance to those desiring to make lot purchases. The Town Board, Town clerk, or sexton shall issue a lot order for a selected lot to the prospective purchaser, or his or her agent, who shall present the order at the office of the Town clerk. Upon receipt of proper payment to the Town treasurer, the Town chair and Town clerk shall issue a cemetery lot deed to the lot in the form prescribed by the Town attorney. The original deed from the Town and the records of the cemetery kept by the Town clerk or other designee of the Town Board are the only evidence of title to any lot. The deed shall be signed by the Town clerk and Town chair or other persons so designated by the Town Board and sealed and acknowledged so as to entitle the purchaser to record the deed with the Register of Deeds for Sheboygan County, Wisconsin.

b. Persons conveying any cemetery lot shall comply with s. 157.08, Wis. Stats., and this section.

#### **E. Ownership Rights of Burial in Town Cemetery**

**1. Ownership Conditions.**

a. The owner of a lot, or his or her authorized agent, shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this section or any Town Cemetery bylaws and regulations.

b. Upon full payment of the purchase price, the Town clerk and Town chair shall issue a cemetery lot deed, under seal, as provided in Section 7.01.D.2., and a copy of the deed shall be filed in the records of the Town as evidence of ownership of

the lot. Lots for which lot deeds have been issued by the Town may not be subdivided except by consent in writing of the Town Board.

c. All repossessed vacant lots when resold are subject to the same fees and charges as other unoccupied lots.

## **2. Burial.**

a. Any lot owner acquires the lot solely for the purpose of burial of the owner at the time of the owner's death, and if the lot is owned jointly by spouses, either spouse is entitled to burial at that lot. The lot owner may grant written permission, which must be notarized and filed with the Town clerk, for the burial of specific persons other than the owner and the owner's spouse. If more than one person has an ownership interest in the lot, the written consent of all persons having an ownership interest in the lot is required to permit the burial of a person other than an owner or owner's spouse.

b. Unless otherwise directed in a writing filed with the Town clerk by the lot owner under the preceding paragraph, the Town Board or the sexton shall permit the burial of persons at any lot at the request of any interested person upon proof of eligibility for burial at the cemetery lot as follows:

i. The lot owners, and surviving spouse of the lot owner, have the first right to burial or to direct the right of burial.

ii. When there is no surviving spouse, the devisees or heirs of the owner may, by agreement in writing of all the heirs or devisees, determine who shall have the right of burial or direction for burial, which agreement shall be filed with the Town clerk.

iii. If no agreement under subdivision b. is filed, the Town Board or the sexton may determine use, giving preference to the following relatives, in this order: parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law or sister-in-law, uncle or aunt, and nephew or niece.

**3. Ownership rights.** All burial rights in cemetery lots purchased from the Town shall occupy the same position as real estate at the death of the owner. Only persons whose names appear on the cemetery records of the Town will be recognized as owners or part owners of lots. Lot owners may not allow burials to be made in their lots for any remuneration or financial consideration. In case of the death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the final judgment in the decedent's estate must be delivered to the Town clerk before the Town will recognize the change of ownership. If the estate of the deceased lot owner was not probated, then satisfactory proof of descent must be provided.

**4. Resale.** Lot owners may not resell or transfer lots or parts of lots except as follows:

a. Reconveyance of lots or parts of lots may be made only upon written application filed with and approved by the Town clerk. The application shall be executed by the owner of the lots, or, if the owner is deceased, by the legal heirs. The application shall state the lot and block number. Upon approval by the Town clerk, the owner of the lot shall execute a deed in the same form as an original deed from the Town

under 7.01.D.2., so as to entitle the purchaser to record the deed with the Register of Deeds for Sheboygan County, Wisconsin.

b. The Town clerk shall enter in the record, kept for that purpose, copies of all deeds of transfer and reconveyance of cemetery lots. No deed reconveyance may be received and filed by the Town clerk until a fee of \$25 has been paid therefor.

c. The fee shall be deposited into the general Town municipal fund.

**5. Use of Repossessed Lots.** Whenever possible, lots repossessed under Ch. 157, Wis. Stats., will be resold and used for burials before new areas of the cemetery are used or platted.

## **F. Privileges and Restrictions in Town Cemeteries**

**1. Bylaws and Regulations.** The Town Board may adopt bylaws and regulations for the management and care of each Town Cemetery and may enforce those bylaws and regulations under s. 157.11 (2), Wis. Stats. The Town Board may require any person owning or controlling a cemetery lot to do anything necessary to comply with the bylaws or regulations by giving reasonable personal notice in writing if the person is a resident of the state, otherwise by publishing a class 3 notice, under chapter 985, Wis. Stats., in the county. If the person fails to comply within 20 days thereafter, the Town Board may cause the action required to be done and recover the expense from the person required to take the action. The Town Board may also impose a forfeiture not exceeding \$10 for violation of the bylaws or regulations posted in 3 conspicuous places in the cemetery, recoverable under chapter 778, Wis. Stats.

**2. Mounds Prohibited.** No person may raise the level of the earth over any grave above the general level of the cemetery lot.

**3. Limitations on Structures and Urns.** No structures, hedges, fences, railings, embankments, depressions, or other enclosures of any kind are permitted on or around lots. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia, personal items, and other similar objects may not be placed on lots without written approval of the Town Board or the sexton, and if so placed may be removed by the Town Board or the sexton without oral or written notice. Urns are not permitted on lots sold after the effective date of this section. Urns existing prior to the effective date of this section shall be removed by the Town or the sexton as they become unsightly or deteriorated and shall not be replaced. Before an urn is destroyed or discarded, the last owner of record of the lot on which it is located shall be notified by certified mail with return receipt requested by the Town clerk that the urn has been removed from the lot and will be destroyed or discarded unless the owner of the urn claims it within 30 days after mailing of such letter.

**4. Landscaping.** All landscaping, mowing, and general care of lots, and other work, construction or maintenance shall be performed by the Town by its officers, employees, independent contractors, or agents, including any sexton, unless otherwise provided in writing by the Town Board.

**5. Access to Lots; Opening and Closing of Burial Places.** The Town reserves the right for its officers, employees, contractors, and agents, including the sexton and the Town Board, necessary to the performance of normal Town Cemetery operations to enter upon or cross over any lot in the performance of any duties or work necessary hereunder. The Town

Board, by its officers, employees, contractors, and agents, including the sexton, has the sole right to the opening and closing of burial places used or to be used for burial of human remains, unless so ordered by a court of record to open or close such places.

**6. No Assumption of Liability for Damages.** The Town, and its officers, employees, contractors, and agents, including the sexton and the Town Board, assume no liability for damages to property or person, or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation, maintenance, care, and platting of any Town Cemetery, including care of the cemetery, any lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control.

**7. Altering Physical Conditions.** The Town Board reserves the right to alter, change, or close alleys, roadways, walkways, water mains, and other physical public properties.

**8. Enforcement of Regulations and Ordinance.** The Town Board may appoint, with citation issuance and service powers, any employee or agent of the Town, including the sexton, to administer and enforce its Town Cemetery bylaws and regulations and this section.

#### **G. Rules for Visitors to Town Cemeteries**

**1. Visiting Hours.** Town Cemeteries are open to visitors at all times between the hours of 7:00 am and one-half hour after the official sunset. Permission to enter at any other time must be obtained from the Town Board or the sexton.

**2. Children.** Children under 16 years of age shall not enter upon any Town Cemetery except when accompanied by parents or guardians, unless this requirement is waived in writing by the Town Board or the sexton.

**3. Refreshments.** Persons, including picnic parties, with food, refreshments, or alcoholic beverages, are prohibited.

**4. Domestic Animals.** Domestic animals are prohibited outside of vehicles without written consent of the Town Board or the sexton, except for service animals accompanying a person with sight-impairment or other disability.

**5. Firearms.** Firearms are prohibited except in conjunction with military funerals or specific memorial events permitted by the Town Board, the sexton, or other designees of the Town Board. At all other times, firearms, bows and arrows, slingshots, and other like articles are prohibited.

**6. Visitors.**

a. Visitors are required to use existing walkways and roadways whenever possible.

b. Except as provided in subsection I, no person may pick or cut flowers (either wild or cultivated), injure any shrub, tree, or plant, or mar or deface any monument, stone, or structure.

c. No person, except the owner of the cemetery lot, a person with the cemetery lot owner's consent, or a person with the written consent of the Town Board or the sexton who is engaged in official cemetery management and care duties for the Town, may do any of the following:

i. Damage any grave or lot.

- ii. Remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures.
- iii. Remove, damage, or destroy any vases, flower pots, urns, or other objects that have been placed on any cemetery lot.
- iv. Move or remove any cemetery equipment without the written consent of the Town Board or the sexton.
- v. Remove or damage property not included within this subsection.

c. No person may loiter, cause a public nuisance, or engage in any sport or other recreational activity (including practice or instruction) on any Town Cemetery property without the written consent of the Town Board or the sexton.

#### **Vehicles.**

- a. Motor vehicles traveling within a Town Cemetery may not exceed 15 miles per hour. No motor vehicle, except authorized maintenance vehicles for the Town, shall be driven except on roadways designated for that purpose, nor shall any motor vehicles be driven in a reckless manner in the cemetery.
- b. No person may ride, operate, or make use of snowmobiles, go-carts, all-terrain vehicles, play vehicles or other amusement vehicles.
- c. No person, without the written consent of the Town Board or the sexton, may park or abandon any motor vehicle on any grassy or seeded area or upon any other location except a designated parking area; nor shall any person park or abandon a motor vehicle on Town Cemetery property for any purpose except engaging in official cemetery business. Any motor vehicle parked more than 24 hours, without written consent of the Town Board or the sexton, shall be declared abandoned by the Town Board and may be towed or removed, or caused to be towed or removed, by the Town Board or the sexton.

**8. Protection of Cemetery Property.** No person without written consent of the Town Board or the sexton may do any of the following:

- a. Trap, hunt, kill, injure, or disturb, or attempt to trap, hunt, kill, injure, or disturb any animal, bird, or waterfowl, wild or domestic.
- b. Climb any tree.
- c. Break, cut down, trample upon, remove, or in any manner injure, deface, write upon, or damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign, or other property, except as otherwise provided herein.

**9. Littering, Soliciting and Advertising Prohibited.** No person may litter, dump, or deposit any rubbish, refuse, earth, or other material, including any placement of advertising, without the written consent of the Town Board or the sexton.

**10. Sound Devices.** No person may operate or play any amplifying system or sound device without the written consent of the Town Board or the sexton.

**11. Authorized Notices.** No person may post, paste, fasten, paint, or attach any placard, bill, notice, sign, or advertising matter upon any structure, tree, or other natural object, except



with the written consent, or at the direction, of the Town Board or the sexton. No person shall remove, deface, or damage in any manner any sign or notice posted by or at the direction of the Town Board or sexton unless approved by the Town Board or the sexton.

**12. Working in Cemetery.** All contractors or other persons having work in a Town Cemetery shall notify the Town clerk or the sexton prior to commencement of the work. All contractors or others doing such work are responsible for the cost for any damages or losses resulting from the work and shall promptly, upon determination of the amount of damages or loss by the Town Board, pay that sum to the Town Board.

## **H. Town Cemetery Burials**

**1. Daylight Burials.** Burials shall be made only during daylight hours, unless with written approval of the Town Board or the sexton.

**2. Outer Containers.** All burials and re-interments shall be made in a permanent outer burial container not constructed of wood.

**3. Grave Digging.** All graves to be used for burials shall be opened and dug at no cost or expense to the Town but shall be under the direction of the Town Board or the sexton. The minimum depth of graves shall be three (3) feet at the base for urns and/or cremations, and six (6) feet at the base for caskets. The Town Board or the sexton may charge the full cost for any grave digging and opening service provided by the Town, including the fees for the sexton or other designee of the Town Board, for staking the plot, if the Town Board has authorized the Town or its officers, employees, contractors, or agents, including the sexton or other designees, to provide grave staking, grave openings, or digging services. The Town Board or the sexton may also establish charges for snowplowing and seasonal additional access costs to the lot owner incurred by the Town to provide for burial or disinterment services. Arrangements for any disinterment or burial services, including payments due to the Town, shall be made with the Town clerk, the sexton, or other person designated by the Town Board at least 48 hours in advance of the service. The time for any disinterment or burial service shall be arranged so that the grave shall be properly filled and all surplus earth removed before 4:30 p.m. on the day of the disinterment or burial service, unless that requirement is specifically waived in writing by the Town clerk or the sexton.

**4. Burial Permit.** No burial shall be permitted until a legal burial permit has been issued by the Town clerk or the sexton.

**5. Maintenance of Flowers, Wreaths and Other Personal Items at Burial Sites.** There shall be no responsibility on the part of the Town, its officers, employees, contractors, or agents, including the sexton or other designees of the Town Board, for the protection and maintenance of flowers, wreaths, plants, emblems, urns, family or personal items, memorials, or similar items used or placed in conjunction with funerals or burials, including dis-interments, or memorial events. The Town Board shall place or cause to have placed a notice of disclaimer of responsibility consistent with this subsection at vehicle access locations to each Town Cemetery.

**6. Number of Graves Per Lot.** No lot may be used for the burial of more than one body except in the following circumstances:

- a. 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.

**b.** 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.** All cremation remains shall be placed in a permanent outer burial container not constructed of wood.

**7. Seasonal Burial; Duty to Bury.** The Town Board or the sexton shall provide for cemetery services and burials at any Town Cemetery during each season, including winter, whenever practicable, in compliance with s. 157.114, Wis. Stats. However, the Town has no duty to bury, remove any human remains, or allow the burial or removal of any human remains, unless those requesting burial or disinterment are or will be in full compliance with this section, state law, and any bylaws and regulation established by the Town Board. The Town Board may, at its discretion, charge additional costs to the person requesting burial in order to provide safe and timely access to and from the grave or burial site during burial services.

**8. Vaults and Mausoleums.** Construction of vaults and mausoleums is prohibited unless approved in writing by the Town Board.

## **I. Town Cemetery Monuments and Markers**

### **1. Setting Grave Markers.**

**a.** Grave markers, monuments, and foundations may be set only after the person desiring to set the marker, monument, or foundation obtains a permit therefor from the office of the Town clerk or the sexton. Grave markers, monuments, and foundations may be set by monument company employees or agents or other persons authorized by the lot owners, but not the Town Board or the sexton. Except as otherwise provided herein, under no conditions will the Town Board or the sexton construct monument or marker bases or erect monuments or markers on bases.

**b.** All markers and monuments must have a cement foundation. The construction of a foundation shall be of such size and design as will provide ample insurance against settlement or injury to the monument or marker as determined by the Town Board or the sexton. The top of the foundation shall be constructed flush with the ground line. Whenever possible, all markers shall be set with, at minimum, a 5-inch margin from the outer edges of the foundation.

**c.** The setting of grave markers, monuments, and foundations, and the transportation of all tools and related materials, is subject to the supervision and control of the Town Board or the sexton. Unless special arrangements are made in writing with the Town Board or the sexton, such work shall be conducted between the hours of 7:00 a.m. and 5:00 p.m., Mondays through Friday, except national holidays. Truck operation is not permitted when, in the opinion of the Town Board or the sexton, the truck operation may cause damage to the driveways or other cemetery property. Except with written permission of the Town Board or sexton, all work in the setting of grave markers, monuments, and foundations shall be completed promptly and debris removed immediately.

**2. Limitations.** The following applies to monuments and markers:

- a. The Town Board or the sexton may refuse permission to erect any monument, marker, or foundation not in keeping with the good appearance of the grounds. The size of any monument or stonework must be provided to the Town Board or the sexton and approved before any work related to any monument, marker, or foundation will be permitted on a lot.
- b. Only one monument or marker shall be allowed per lot.
- c. No foundation marker or monument may be larger than the width of the lot or group of lots purchased. All monuments and foundations must be set in line with other monuments so far as possible as directed by the Town Board or the sexton. Government service monuments or markers shall be surface mounted or attached to the monument or marker. No monument or marker may be more than 9 feet in height.
- d. Temporary markers shall be removed or replaced with a permanent marker within one year of burial.
- e. A preneed marker may be placed on a lot or group of lots before burial.
- f. Monuments and markers must be permanent, of non-biodegradable material and not subject to deterioration.
- g. Within one year after burial, a marker or monument identifying the burial shall be placed at the grave site. The Town reserves the right to place a marker or monument and to assess any surviving owners of the lot for the costs of the marker or monument placed and the costs of installation of such marker or monument.

**3. Removal of Monuments.** A marker or monument, once placed on its foundation, may not be removed, except by written permission of the Town Board or the sexton.

**4. Payment.** Any lot must be paid in full to the Town treasurer before markers, monuments, and foundation are set and before any cemetery deed conveyance. All outstanding charges due the Town must be paid prior to burial.

**J. Miscellaneous**

**1. Neglected Lots.** It is urged that lot owners' interest themselves in the present and future care of their lots, as a single neglected lot mars the beauty of the entire cemetery. The Town Board or the sexton may notify, or attempt to notify, in writing a lot owner that any lot, or monument or marker thereon, is being neglected and that failure to comply with this section and cemetery bylaws and regulations regarding proper care and management, or failure to correct a neglected lot, may be cause for imposition of forfeitures under s. 157.11 (2), Wis. Stats.

**2. Schedule of Payments.** A schedule of the fees and charges, as established by the Town Board by resolution shall be on file in the office of the Town clerk. The Town Board may by resolution change the schedule from time to time without advance notice to conform the fees and charges to current economic conditions.

**3. Fee Payment Location.** All fees and charges in the current schedule of fees and charges

adopted under the preceding paragraph are payable to the Town treasurer at the office of the Town clerk, where receipts will be issued for the amounts paid.

**4. Sexton.** The Town Board, by resolution, may designate, retain, or employ a person as sexton or may designate any other person or committee to act administratively and to manage, operate, maintain, and provide care for the Town Cemetery or any part of the operations thereof pursuant to this section. The sexton may be a Town employee or may, with proper insurance and indemnification protection for the Town, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this section, shall designate the authority, responsibility, and duties to the sexton by written resolution. The Town Board shall be responsible for proper supervision of the sexton.

## **K. Penalties**

**1. Penalties.** Any person who violates any provision of this section or any bylaws or regulations shall, upon conviction, be fined and shall forfeit for any bylaw or regulation violation under subsection F and s. 157.11 (2), Wis. Stats., not more than \$10, and for a violation of this subsection, not less than \$100 nor more than \$500 for each offense, together with the costs of prosecution. Each day a violation exists or continues constitutes a separate offense hereunder. The Town Board may withhold the issuance of any Town licenses, authorities, grants, or permits and any additional cemetery lot purchases and permits for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

### **2. Abatement.**

a. In lieu of or in addition to any other penalty for a violation of this section, 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 correct the violation within 15 days of receipt of the notice. Service of notice shall be by personal service or certified mail with return receipt requested.

b. If the person responsible for the violation of this section is unknown or the person responsible has not corrected the violation within 15 days of receipt of the notice described in the preceding paragraph, the sexton, or some other person designated by the Town Board, may immediately correct 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.

**3. Injunctive Relief.** In lieu of or in addition to any other penalty for a violation of this section the Town Board may seek to enjoin any continuing violation as provided in Ch. 813, Wis. Stats.

## **7.02 New or Expanded Cemeteries.**

A. 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, 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 properly platted and filed with the Town clerk and recorded in the Office of the Register of Deeds for Sheboygan 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 5.0 contiguous acres at platting dedication. No cemetery shall be located, established, or dedicated in violation of a Town, county, or other zoning regulation.

B. After the effective date of this section, any place where human remains are buried on private or public land without written permit approval of the Town Board and not timely removed within 30 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 section, the Town may take action to abate the nuisance and recover its costs of doing so, as provided in the Town's public nuisance regulations. 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 section.