



# BOARD OF SUPERVISORS MEETING

Wednesday, September 03, 2025 at 6:30 PM

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## AGENDA

### CALL TO ORDER

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, August 20, 2025 Town Board Meeting

### OPEN FORUM – TOWN RELATED MATTERS NOT ON THE AGENDA

Individuals properly signed in may speak directly to the Town Board on non-repetitive Town Matters whether on or not on the agenda. Commentators must wait to be called, must speak from the podium, directing their comments to the Board. Comments must be orderly, and will be limited to a maximum of **2 minutes** per person. **Public comment is not permitted outside of this public comment period. Note:** The Board's ability to act on or respond to the public comments is limited by Chapter 19, Wis. Stats. Please complete the "Request to Speak at Meeting" form located on the agenda/sign-in table and submit the form to the Town Clerk for in-person attendance.

### CORRESPONDENCE

- A. Distribution of the August 2025 Building Inspection Report

### DISCUSSION ITEMS (NO ACTION WILL BE TAKEN)

- A. County Board Supervisor Report
- B. Winnebago County Sheriff's Department – Public Concerns and Issues
- C. Department of Public Safety Report
- D. Larsen/Winchester Sanitary District Report
- E. Administrator's Report
- F. Chair & Supervisor Reports

### BUSINESS

- A. Discussion/Action: Town Board review & consideration of Ordinance 2025-005 Amending the Zoning Code of the Town of Clayton Regarding Keeping of Chickens.
- B. Discussion/Action: Town Board review & consideration of Ordinance 2025-007 Creating the Town of Clayton Code of Ordinances Relating to the Keeping of Backyard Chickens.
- C. Discussion/Action: Town Board review & discussion on proposed changes to Municipal Code 4.9 Cemetery and Burial Site Ordinance.

### REVIEW OF DISBURSEMENTS

- A. [Check Summary Register](#)

**UPCOMING MEETING ATTENDANCE**

- A. Town Board (6:30 pm start unless otherwise noted) - Sept 17; Oct 1 & 15; Nov 5 & 19
- B. Plan Commission (6:30 pm start unless otherwise noted) - Sept 10; Oct 8; Nov 12

**BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

**ADJOURNMENT**

Respectfully submitted,

Russell D. Geise  
Town Chairperson

*Pursuant to Wisconsin Statute 19.84 (2) and (3) notice is hereby given to the public and the media that two or more members of any or all Boards, Commissions, and Committees of the Town of Clayton, may attend the meeting of the Town Board in order to gather information. For purposes of the Open Meetings Law only; attendance at a meeting by a quorum of members of the Town Boards, Commissions, and Committees constitutes a meeting of the Board, Commission, or Committee, pursuant to Badke Vs. Village Board of Village of Greendale, 173 Wis2d 553, 494 NW2d 408 (1993), and must be noticed as such, although it is not contemplated that any formal action by those bodies will be taken. The only business to be conducted is for Town Board action.*

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please call the Town Office at 920.836.2007.*

**This agenda has been posted at the following locations in the Town of Clayton:**

- 1. The Town Hall Posting Board – 8348 Hickory Ave, Larsen, WI 54947
- 2. The Town’s Web Page: --



# BOARD OF SUPERVISORS MEETING

Wednesday, August 20, 2025 at 6:30 PM

**Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947**

## MINUTES

**CALL TO ORDER** – Chair Geise called the meeting to order at 6:30 pm

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### PRESENT

Town Chair Geise  
 Supervisor Lettau  
 Supervisor Grundman  
 Supervisor Christianson  
 Supervisor Reif

### STAFF

Administrator Wisnefske  
 Treasurer Fietzer  
 Admin. Assist. Gulbrandsen  
 Attorney LaFrombois – arrived 6:32 pm

### EXCUSED

Clerk Faust-Kubale

### APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, August 6, 2025 Town Board Meeting

### MOTION

**Motion made** by unanimous consent to approve the Minutes of the Wednesday, August 6, 2025 Town Board Meeting as presented.

**Motion carried by unanimous voice vote.**

### OPEN FORUM – TOWN RELATED MATTERS NOT ON THE AGENDA – NONE

### CORRESPONDENCE

- A. Distribution of the July 2025 Winnebago County Tonnage Report

### DISCUSSION ITEMS (NO ACTION WILL BE TAKEN)

- A. Winnebago County Sheriff's Department – Public Concerns and Issues
- B. Larsen/Winchester Sanitary District Report
- C. Administrator's Report
- D. Chair & Supervisor Reports

## BUSINESS REFERRED BY THE PLAN COMMISSION

- A. Plan Commission Recommendation: Town Board review & consideration of a CSM Review Application submitted by Chris Perreault on behalf of John Kulogo to combine approximately 3.95 acres of Tax ID #006-0420-05 with Tax ID #006-0420-03 (3442 County Rd II), creating a lot approximately 5.2 acres in size.

### MOTION

**Motion made** by unanimous consent to approve the CSM Review Application submitted by Chris Perreault on behalf of John Kulogo with the following conditions:

1. The on-site sewerage system is only partially shown on the proposed CSM. The drain field must be included on the survey to complement the documented tank access manhole.
2. Ownership of adjacent lots must be listed on the map.
3. Distance of the northern-most accessory building from the nearest south lot line should be added, to document if the building is conforming to setback and height limits for the district.
4. Notes on the map indicate that no ownership change is occurring as part of the survey; it should be clarified if the new lot will be co-owned by both the LLC and the individual.

**Motion carried by unanimous voice vote.**

## BUSINESS

- A. Discussion/Action: Town Board review & consideration of renewal of the Joint Powers Agreement for the Winnebago County 911 Emergency System.

### MOTION

**Motion made** by unanimous consent to approve the Winnebago County 911 System Joint Powers Agreement, and direct Staff to submit the signed document to Winnebago County Sheriff.

**Motion carried by unanimous voice vote.**

## UPCOMING MEETING ATTENDANCE

- A. Town Board (6:30 pm start unless otherwise noted) - Sept 3 & 17; Oct 1 & 15; Nov 5 & 19
- B. Plan Commission (6:30 pm start unless otherwise noted) - Sept 10; Oct 8; Nov 12

## BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

## ADJOURNMENT

### MOTION

**Motion made** by unanimous consent to adjourn at 6:40 pm.

**Motion carried by unanimous voice vote.**

Respectfully submitted,

Coralee Gulbrandsen  
Town Administrative Assistant

**INTERMUNICIPAL REPORT AUGUST 2025 PERMITTING**

Item A.

DATE	PERMIT #	OWNER	ADDRESS	DESCRIPTION	CONTRACTOR	EST. PROJECT COST	PERMIT FEE	BLDING INSPECTOR FEE
<b>TOWN OF CLAYTON PERMITS:</b>								
8/4/2025	241-25-8E	JEREMY STANTON	8789 CLAYTON	NSFD ELECT	DENNIS O'KAINE	\$ 31,000.00	\$ 626.50	\$ 501.20
8/4/2025	242-25-8H	JEREMY STANTON	8789 CLAYTON	NSFD HVAC	RYF HEATING	\$ 41,000.00	\$ 626.50	\$ 501.20
8/4/2025	243-25-8P	JEREMY STANTON	8789 CLAYTON	NSFD PLUMB	JIMS PLUMB	\$ 30,000.00	\$ 626.50	\$ 501.20
8/5/2025	244-25-8B	ZACH KEMP	3039 WINDFIELD	GAZEBO	SELF	\$ 1,500.00	\$ 175.20	\$ 140.16
8/5/2025	245-25-8E	BRIAN TRESSEL	3020 GUARDIAN	CIRCUIT FOR POOL	MARK BOMBINSKI	\$ 1,100.00	\$ 100.00	\$ 80.00
8/5/2025	246-25-8E	TERRY MACDONALD	3033 W SHADY	SERVICE	ENDEAVOR ELECT	\$ 2,000.00	\$ 100.00	\$ 80.00
8/5/2025	247-25-8B	LARSEN WINCHESTER SAN D	4861 GRANDVIEW	NEW COMMERCIAL BLDG	CARDINAL CONST	\$ 541,100.00	\$ 610.20	\$ 488.16
8/6/2025	248-25-8P	JACK ALLEN	2692 CTY II	WATER HEATER REPLACEMENT	BLACK-HAAK	\$ 2,000.00	\$ 100.00	\$ 80.00
8/6/2025	249-25-8E	LARSEN WINCHESTER SAN D	4861 GRANDVIEW	NEW COMMERCIAL BLDG ELECT	A&S ELECT	\$ 70,000.00	\$ 306.80	\$ 245.44
8/6/2025	250-25-8H	LARSEN WINCHESTER SAN D	4861 GRANDVIEW	NEW COMMERCIAL BLDG HVAC	AUGUST WINTERS	\$ 50,000.00	\$ 306.80	\$ 245.44
8/6/2025	251-25-8P	LARSEN WINCHESTER SAN D	4861 GRANDVIEW	NEW COMMERCIAL BLDG PLUMB	AUGUST WINTERS	\$ 70,000.00	\$ 306.80	\$ 245.44
8/12/2025	252-25-8B	WILDFLOWER GROUP	2650 LAWRENCE	NSFD	WILDFLOWER GROUP	\$ 425,000.00	\$ 950.00	\$ 760.00
8/12/2025	253-25-8E	WILDFLOWER GROUP	2650 LAWRENCE	NSFD ELECT	VOSTERS ELECT	\$ 10,000.00	\$ 433.60	\$ 346.88
8/12/2025	254-25-8H	WILDFLOWER GROUP	2650 LAWRENCE	NSFD HVAC	CHRINSTEN HVAC	\$ 15,000.00	\$ 433.60	\$ 346.88
8/12/2025	255-25-8P	WILDFLOWER GROUP	2650 LAWRENCE	NSFD PLUMB	CHARLES WILLIAMS	\$ 15,000.00	\$ 433.60	\$ 346.88
8/12/2025	256-25-8B	BERNARD RACINE	3571 GOLFWOOD	DECK	TRUE FRAME	\$ 28,000.00	\$ 236.00	\$ 188.80
8/12/2025	257-25-8B	WILDFLOWER GROUP	2662 LAWRENCE	NSFD	WILDFLOWER GROUP	\$ 425,000.00	\$ 950.00	\$ 760.00
8/12/2025	258-25-8E	WILDFLOWER GROUP	2662 LAWRENCE	NSFD ELECT	VOSTERS ELECT	\$ 10,000.00	\$ 420.70	\$ 336.56
8/12/2025	259-25-8H	WILDFLOWER GROUP	2662 LAWRENCE	NSFD HVAC	CHRINSTEN HVAC	\$ 15,000.00	\$ 420.70	\$ 336.56
8/12/2025	260-25-8P	WILDFLOWER GROUP	2662 LAWRENCE	NSFD PLUMB	CHARLES WILLIAMS	\$ 15,000.00	\$ 420.70	\$ 336.56
8/19/2025	261-25-8B	MARK VANDUSER	8400 CTY T	ADDITION	SELF	\$ 50,000.00	\$ 233.60	\$ 186.88
8/18/2025	262-25-8B	JOSH WEISBROD	8033 CAVENDISH	FENCE	FOX VALLEY FENCE	\$ 1,200.00	\$ 150.00	\$ 120.00
8/20/2025	263-25-8E	MARK VANDUSER	8400 CTY T	ELECT FOR ADDITION	VISION ELECT	\$ 750.00	\$ 122.40	\$ 97.92
8/25/2025	264-25-8E	LUKE BLECHL	7421 GREEN MEADOW	ELECT REMOD	BLACK-HAAK	\$ 5,345.00	\$ 100.00	\$ 80.00
8/25/2025	265-25-8E	GARY WIESE	2602 BREEZEWOOD	SERVICE	CUMINGS	\$ 1,250.00	\$ 150.00	\$ 120.00
8/25/2025	266-25-8E	TED NIKOLAI	3118 ROSE MOON	GENERATOR INSTALL	JOHN NIKOLAI	\$ 8,000.00	\$ 150.00	\$ 120.00
8/27/2025	267-25-8B	GUY GRENFELL	4367 STONEY RIDGE	DETACHED GARAGE	HONEY DO HOME IMPROVEMENTS	\$ 200,000.00	\$ 438.00	\$ 350.40
8/28/2025	268-25-8B	GE CHANG	9367 BROAD MEADOW	NSFD	IKON HOMES	\$ 998,000.00	\$ 1,572.45	\$ 1,257.96
								\$ -
					<b>TOTALS</b>	<b>\$ 3,062,245.00</b>	<b>\$ 11,500.65</b>	<b>\$ 9,200.52</b>
<b>TOWN OF WINNECONNE PERMITS:</b>								
8/6/2025	85-25-8B	BILLY LIEBHAUSER	5881 CTY S	SIDING	SELF	\$ 1,250.00	\$ 50.00	\$ 40.00
8/11/2025	86-25-8E	JEREMY KELLEY	5487 TREELAND	NSFD ELECT	FULL DRAW ELECT	\$ 10,000.00	\$ 244.68	\$ 195.74
8/11/2025	87-25-8E	ADAM BINDER	542 MEMORIAL	SERVICE	FOLSKE ELECT	\$ 9,799.00	\$ 60.00	\$ 48.00
8/11/2025	88-25-8E	BART ARMSTRONG	6313 WENTZEL	NSFD ELECT	COUNTRYSIDE ELECT	\$ 18,000.00	\$ 109.80	\$ 87.84
8/11/2025	89-25-8H	BART ARMSTRONG	6313 WENTZEL	NSFD HVAC	BLACK-HAAK	\$ 45,000.00	\$ 109.80	\$ 87.84
8/11/2025	90-25-8P	BART ARMSTRONG	6313 WENTZEL	NSFD PLUMB	ZMS PLUMB	\$ 12,940.00	\$ 109.80	\$ 87.84
8/11/2025	91-25-8E	BART ARMSTRONG	6313 WENTZEL	ELECT FOR DETACHED GARAGE	COUNTRYSIDE ELECT	\$ 6,000.00	\$ 72.00	\$ 57.60
8/18/2025	92-25-8B	STEPHEN CAMPELL	7222 CLOW	DETACHED GARAGE	AFFORDABLE CONTRACTING	\$ 79,000.00	\$ 160.20	\$ 128.16
8/25/2025	93-25-8B	GREG BENNETT	7088 JACOBSON	REROOF	ALL-AMERICAN CONST	\$ 1,000.00	\$ 50.00	\$ 40.00
8/26/2025	94-25-8H	DENNIS DEFNET	6720 FOREST PARK	BOILER REPLACEMENT	BLACK-HAAK	\$ 12,000.00	\$ 40.00	\$ 32.00
8/27/2025	95-25-8B	SJ RING ENTERPRISES	6305 CROSS	STORAGE BUILDING	FOX STRUCTURES	\$ 400,000.00	\$ 500.00	\$ 400.00
8/27/2025	96-25-8E	SJ RING ENTERPRISES	6305 CROSS	STORAGE BUILDING ELECT	SPRANGERS ELECT	\$ 15,000.00	\$ 333.00	\$ 266.40
8/27/2025	97-25-8H	SJ RING ENTERPRISES	6305 CROSS	STORAGE BUILDING HVAC	MODERN SHETT METAL	\$ 20,000.00	\$ 333.00	\$ 266.40
8/27/2025	98-25-8P	SJ RING ENTERPRISES	6305 CROSS	STORAGE BUILDING PLUMB	ACCESSIBLE PLUMB	\$ 9,500.00	\$ 333.00	\$ 266.40
8/27/2025	99-25-8E	PATRICK KERRIGAN	6441 PAULSON	NSFD ELECT	DIERSEN ELECT	\$ 12,900.00	\$ 124.59	\$ 99.67
8/27/2025	100-25-8H	PATRICK KERRIGAN	6441 PAULSON	NSFD HVAC	MCM	\$ 33,700.00	\$ 124.59	\$ 99.67
8/27/2025	101-25-8P	PATRICK KERRIGAN	6441 PAULSON	NSFD PLUMB	ALL AREA PLUMB	\$ 31,300.00	\$ 124.59	\$ 99.67
								\$ -
					<b>TOTALS</b>	<b>\$ 717,389.00</b>	<b>\$ 2,879.05</b>	<b>\$ 2,303.24</b>

# County Review



Miller, Howard <Howard.Miller@winnebagocountywi.gov>

To ■ Holly Stevens; ■ Clerk Town of Clayton; ■ townofwolfriver@centurytel.net

Reply
 Reply All
 Forward
 ...

Thu 8/28/2025 6:41 AM

**TO DO**

*Follow up. Start by Thursday, August 28, 2025. Due by Thursday, August 28, 2025.*

Hi All

The shoreland zone code has been sent back to the DNR with the minor corrections they requested. It is not know when they will respond.

The county is considering a .5% sales tax. This was discussed at our board meeting in August, although no vote was taken. I anticipate it will come back at our meeting on September 16. I believe state law is very clear in stating, that this tax was intended to offset the property tax levy. If we can not put assurances in place that this money will only be used for that purpose, we should not initiate the tax. I know this is going to be a controversial issue and I welcome your opinion.

I plan to attend the following town board meetings:

- Clayton – Sept 3
- Winchester – Sept 15
- Wolf River – Sept 22

Have a great day  
Howie

Howard Miller  
 Winnebago County Supervisor, Dist. 36  
 Phone: (920) 427-6423  
 e-mail: [Howard.Miller@winnebagocountywi.gov](mailto:Howard.Miller@winnebagocountywi.gov)

## MEMORANDUM

**Business Item A**

From: Administrator/Staff

To: Town Board

Re: Town Board review & consideration of Ordinance 2025-005 Amending the Zoning Code of the Town of Clayton Regarding Keeping of Chickens.

After further comments from Town Counsel during the July 16, 2025, meeting, a new draft has been prepared for the Board to review. At the suggestion of Town Counsel, this item has been split into 2 parts – Ordinance 2025-005 would amend the zoning ordinance and land use matrix. A subsequent agenda item will address the practical rules as a separate, standalone ordinance.

**SUGGESTED MOTION(S):**

*Motion and **ROLL CALL** to approve Ordinance 2025-005 and direct Staff to post and publish as required.*

If you have any questions about this information, please call or email me.

Respectfully Submitted  
Kelsey

**ORDINANCE 2025-005**

**AN ORDINANCE AMENDING THE ZONING CODE OF THE TOWN OF CLAYTON REGARDING KEEPING OF BACKYARD CHICKENS**

WHEREAS, The Town of Clayton, County of Winnebago has an existing Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens; and

WHEREAS, The Plan Commission for the Town of Clayton, County of Winnebago has reviewed the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton; and

WHEREAS, The Plan Commission for the Town of Clayton, County of Winnebago has recommended that the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton be amended; and

WHEREAS, The Plan Commission for the Town of Clayton, County of Winnebago has prepared and recommended certain amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton (see Section 1 through 7 of this ordinance); and

WHEREAS, concurrent with the approval of this ordinance, the Plan Commission is approving a separate ordinance regulating to the keeping of backyard chickens (attached hereto as Attachment 1) which shall add to, and does not conflict, with the backyard chicken regulations found in the Town's Zoning Code of Ordinances, CHAPTER 9, as amended hereby, and

WHEREAS, The Plan Commission for the Town of Clayton has reviewed, and held a Public Hearing on the keeping of backyard chickens regulations and the Town Board for the Town of Clayton held two readings of the Town's revised Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens; and

NOW THEREFORE BE IT ORDAINED that the Town Board of the Town of Clayton, Winnebago County, does hereby approve the amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens in the Town of Clayton, and does hereby direct staff to submit the approved amendments to the Town's Zoning Code of Ordinances, CHAPTER 9, regulating the keeping of backyard chickens for its approval.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Russell D. Geise, Town Chair

Attest: \_\_\_\_\_  
Kelsey Faust-Kubale, Clerk

**Section 1.** That Chapter 9, Zoning, §9.03-01 General definitions, is hereby amended to read as follows:

**(3) Administrative chicken keeping permit.** A permit issued by the town clerk or their designee authorizing the non-commercial keeping of chickens.

**Section 2.** The information contained in line 17.04 of the most current version of the Land Use Matrix, Exhibit 8-2, is hereby amended to read as follows:

17.04 Backyard chickens	ZP (16)	9.08-444	P	P	P	P	P	P	-	-	-	-	-	-	-
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Further, footnote 16 of that same Land Use Matrix, Exhibit 8-2, is hereby amended to read as follows:

16. An administrative chicken keeping permit is not required in the A-1 agribusiness district and those A-2 general agriculture district lands of 5 or more acres where it is a permitted use. All other allowed lands require an administrative chicken keeping permit.

**Section 3.** That Chapter 9, Zoning, §9.08-444 Backyard Chickens, is hereby amended to read as follows:

**9.08-444 Backyard chickens**

Zone	Ability to Keep Chickens Under this Section	
	Smaller than 5 Acres	5 Acres or Larger
<b>Agriculture</b> (A-1, A-2)	<b>A-1</b> – Permitted, no permit required <b>A-2</b> – Permit required	Permitted, no permit required
<b>Residential</b> (R-1, R-2, R-3, R-4, R-8)	<b>R-1, R-2, R-3, R-4</b> – Permit required <b>R-8</b> – Prohibited	<b>R-1, R-2, R-3, R-4</b> – Permit required <b>R-8</b> – Prohibited
<b>Public Institutional</b> (P-1)	Prohibited	Prohibited
<b>Business</b> (B-1, B-2, B-3)	Prohibited	Prohibited
<b>Mixed-Use</b> (M-1)	Prohibited	Prohibited

<b>Industrial</b> (I-1, I-2)	Prohibited	Prohibited
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**(a) Compliance with Ordinance.** The keeping of backyard chickens shall comply with the Town of Clayton’s ordinance for keeping backyard chickens.

**Section 4.** Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Chapter 9, Article 14 of the Code.

**Section 5.** The appropriate Town officials are hereby authorized and directed to take such action as is necessary to effectuate the terms of this Ordinance.

**Section 6.** All other ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 7.** This Ordinance shall take effect and be in force upon its passage and publication as provided by law

ATTACHMENT 1

[Chicken Keeping ordinance to be attached hereto]

## MEMORANDUM

**Business Item B**

From: Administrator/Staff

To: Town Board

Re: Town Board review & consideration of Ordinance 2025-007 Creating the Town of Clayton Code of Ordinances Relating to the Keeping of Backyard Chickens.

After further comments from Town Counsel during the July 16, 2025, meeting, and at the suggestion of Town Counsel, the backyard chicken rules, regulations, and ordinance changes have been split into 2 parts – Ordinance 2025-007 establishes the specific rules and regulations of keeping backyard chickens within the Town.

**SUGGESTED MOTION(S):**

*Motion and **ROLL CALL** to approve Ordinance 2025-007 and direct Staff to post and publish as required.*

If you have any questions about this information, please call or email me.

Respectfully Submitted  
Kelsey

**TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN  
ORDINANCE 2025-007**

**AN ORDINANCE CREATING THE TOWN OF CLAYTON CODE OF ORDINANCES  
RELATING TO THE KEEPING OF BACKYARD CHICKENS**

The Town Board of the Town of Clayton does ordain as follows:

- SECTION 1 – Permissibility by Zoning District**
- SECTION 2 – Definitions**
- SECTION 3 – Chicken Keeping Requirements**
- SECTION 4 – Permit**
- SECTION 5 – Structural Standards**
- SECTION 6 – Enforcement**

**Section 1. Permissibility by Zoning District**

Zone	Ability to Keep Chickens Under this Section	
	Smaller than 5 Acres	5 Acres or Larger
<b>Agriculture</b> (A-1, A-2)	<b>A-1</b> – Permitted, no permit required <b>A-2</b> – Permit required	Permitted, no permit required
<b>Residential</b> (R-1, R-2, R-3, R-4, R-8)	<b>R-1, R-2, R-3, R-4</b> – Permit required <b>R-8</b> – Prohibited	<b>R-1, R-2, R-3, R-4</b> – Permit required <b>R-8</b> – Prohibited
<b>Public Institutional</b> (P-1)	Prohibited	Prohibited
<b>Business</b> (B-1, B-2, B-3)	Prohibited	Prohibited
<b>Mixed-Use</b> (M-1)	Prohibited	Prohibited
<b>Industrial</b> (I-1, I-2)	Prohibited	Prohibited

**Section 2. Definitions**

2.1 As used in this section, the following terms shall have the meanings described below:

**Chicken.** A hen or pullet (female) or rooster (male).

**Chicken tractor.** A movable chicken coop lacking a floor.

**Hen.** Shall mean a female chicken (hen or pullet)

**Henhouse/Coop.** Shall refer collectively to any structure where female chickens are kept.

**Rooster.** A male chicken.

**Permit.** Refers to an administrative chicken keeping permit.

### Section 3. Chicken Keeping Standards

3.1 In zones where a permit is required:

3.1.1 **Number.** A total of no more than 6 hens per lot shall be allowed. One henhouse shall be permitted per lot.

3.1.2 **Roosters.** The keeping of roosters is prohibited.

3.1.3 **Slaughter of chickens.** The slaughter of chickens is prohibited, though exceptions may be made for humane reasons of injury or disease at the Plan Commission's discretion.

3.1.4 **Commercial Use.** The propagation of chickens for commercial purposes or for any activity or purpose not related to the personal purpose of the permit holder shall be prohibited.

3.1.5 **Non-Daylight Hours.** Hens must be secured within a henhouse during non-daylight hours.

3.1.6 **Roaming.** Hens may not roam free outside of a henhouse or enclosed run, or roam off of the permitted property (this requirement also applies to nonfarm residence in the A-1 agribusiness zoning district).

3.2 **Sanitation.** Coops and chicken runs shall be cleaned of hen droppings, uneaten feed, feathers and other waste as necessary to ensure the birds health and minimize odor and other nuisances. Feed shall be stored in containers which make the feed inaccessible to rodents, vermin, wild birds and predators.

3.3 **Dangerous Animals.** No dog or cat or other domesticated animal that may kill a hen will, for that reason alone, be considered a dangerous or aggressive animal.

### Section 4. Discontinued Use.

4.1 Any henhouse or enclosed run that has not been used for the keeping of chickens for a period of at least twelve (12) months shall be considered abandoned and removed from the premises by the property owner. Modification of an abandoned henhouse or run for some other use shall not be permitted.

### Section 5. Permit

- 5.1 Unless otherwise exempted, a permit, issued pursuant to Section 4 of this Ordinance, is required for the non-commercial keeping of hens and the establishment of a henhouse for all districts where such use is allowed.
- 5.2 **Initiation.** A permit application may be submitted by the owner(s) of the property for which a permit is being sought, so long as the applicant also resides on that property.
- 5.3 **Application.** Permit applications shall include:
  - 5.3.1 Proof of registration with the Wisconsin Department of Agriculture, Trade and Consumer Protection pursuant to Section 95.51, Wis. Stats.
  - 5.3.2 A diagram describing the location of the henhouse in relationship to lot boundaries as required by Article 7, Chapter 9, Division 13, of the Code.
- 5.4 **Review.** The Town Clerk or their designee shall review the application documents with staff to confirm their adequacy and completion before issuing the permit.
- 5.5 **Fees.** Permit fees shall be paid in accordance with the fee schedule set by resolution of the Town Board of Supervisors.
- 5.6 **Expiration.** A permit shall expire at such time as the permittee no longer maintains chickens at the permitted address.
- 5.7 **Revocation.** A permit may be revoked by the Town Clerk or their designee at the request of the Building Inspector, Fire Inspector, Fire Chief, Police Chief, Town Administrator, or any of their designees, for the following reasons:
  - 5.7.1 Failure to comply with any of the provisions of this section of the Code.
  - 5.7.2 The keeping of chickens is determined to create a nuisance as defined by Chapter 218 of the Code.
  - 5.7.3 It is determined that the keeping of chickens is detrimental to the life or health of an adjacent property owner. A written physician's report of a medical condition may serve as proof of such detriment.
- 5.8 **Reissuance.** Once a permit is revoked, another permit shall not be reissued on the same lot for a period of one year following revocation.
- 5.9 **Removal.** Once a permit is revoked, unless an appeal is properly filed, the former permit holder(s) must properly remove the chickens and henhouses from such property within 96 hours of revocation.
- 5.10 **Appeal.** Any applicant whose permit application has been denied or any former permit holder whose permit has been revoked under the provisions of this Ordinance shall have the right to appeal said denial or revocation by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

**Section 6. Structural Standards**

- 6.1 **Structures.** In all districts in which chicken keeping is permitted, including exempt districts:
  - 6.1.1 **Henhouses.** Chickens shall be housed within a detached structure (“henhouse”) used exclusively to keep hens. Henhouses shall be an

enclosed, predator-proof, and adequately ventilated and insulated against the cold.

6.1.2 **Enclosed Runs.** An outdoor enclosed run may be permitted when attached to and made part of a henhouse.

6.2 **Construction Requirements.** Henhouses and enclosed runs must conform to Building Code requirements and meet accessory buildings maximum height and floor area for the zone, as described in Chapter 9, Exhibit 8-2 of the Code.

6.3 **Construction Materials.** Construction of structures shall utilize a building design and materials suitable for a residential district. The re-use of storage containers, vehicles or parts thereof, and similar objects for a henhouse shall be prohibited.

6.4 **Setback Standards.** Henhouse and enclosed runs shall be located at least 10 feet away from any side lot line, 25 feet from any rear lot line, and 25 feet from any residential structure on an adjacent lot.

6.5 **Obstruction.** No henhouse or henhouse and outdoor run shall be sited to obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.

6.6 **Display of Permit.** Permit information shall be attached to all henhouses in districts requiring an administrative chicken keeping permit. Such permit information shall include a permit holder name, the permit number, and an emergency contact telephone number.

6.7 **Registration required.** The property owner/permittee must register the premises where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection, as required by state law, and maintain such registration for so long as may be required.

6.8 **Exemptions.** Enclosed structures for keeping chickens are not required under this Chapter on farm residences in the A-1 agribusiness zoning district or on any parcel in the A-2 general agriculture zoning district.

**Section 7. Enforcement**

7.1 Any person violating the provisions of this Ordinance shall be subject to the penalty provided in Chapter 9, Article 14 of the Code.

**Section 8. Effective Date**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Russell D. Geise, Town Chair

Attest: \_\_\_\_\_

Kelsey Faust-Kubale, Town Clerk

## MEMORANDUM

**Business Item C**

From: Administrator/Staff

To: Town Board

Re: Town Board review & discussion on proposed changes to Municipal Code 4.9 Cemetery and Burial Site Ordinance.

Staff is presenting several sections of the ordinance to the Board for consideration and discussion regarding the maintenance, administration of, and enforcement of the ordinance regarding the cemeteries in the care of the Town. There have been recent scenarios encountered by Staff that prompt these questions and discussion points for the Board to clarify how they would like to move forward.

- During the course of reviewing cemetery records for the current cemetery GIS project, records have been found that several plots contain or are expected to contain more than 2 cremation internments. Current ordinance (Section 10F) only allows 2 cremation internments in one plot. The records found so far range from 4 to 6 per plot. The review of current cemetery records is still in progress, so more records may exist.

The internments currently present were done decades ago, and monuments are already placed. There is indication primarily from the monuments, and also in cemetery record updates completed about 20 years ago, the intent was to have that larger range of internments per plot. If that is what ordinance allowed previously:

*Does the Board wish to honor those intentions? Does the Board wish to hold even historically purchased plots to the current ordinance?*

- All internments, including cremation internments, currently require a permanent outer container/vault (Section 10 B & F). The use of vaults for cremation internments is not mandated, but is left up to each cemetery to determine use (Wis. Stats. §152.62(5)(i)). The vault is designed to prevent the ground from sinking above the burial, historically a casket. As the shift away from traditional (casket) burials to cremation continues, there may not be as great a need for a vault on an urn. There is less of a disturbance to the grounds, less likelihood of sinkage over the burial site, and no risk of leakage of embalming chemicals into the ground. There is also no good way of monitoring the installation of urn vaults.

*Does the Board wish to continue requiring cremation vaults, or require vaulting only for traditional burials?*

- Current ordinance does not allow construction of any above-ground vaults, mausoleums, and columbaria unless approved in writing by the Board (Section 12). Staff has created a new policy of having the monument companies submit both dimensions and a rendering of any new monument being placed to ensure that they meet current ordinance requirements. Historically, despite being in the ordinance, this action was not followed, resulting in the placement of several columbaria which were not permitted by the written consent of the Board.

*Does the Board wish to continue to have all above-ground vaults, mausoleums, and columbaria brought forward for approval at a Town Meeting? Is this a function that the Board wishes to designate to a Staff position?*

- There are many references throughout the current ordinance requiring cemetery actions to happen at the Board level. The majority of the action at the cemetery is related to selling/deeding of plots and internments/burials, which already are designated to the staff. Some actions may be best taken at a Board level, such as purchase of new lands for cemetery purposes, construction/operation of a new cemetery, fixing prices for cemetery-related actions/items, etc. Others may offer more expedient attention at a staff level.

*Would the Board entertain designating staff more discretion to fulfill portions of the ordinance regarding regular and recurring cemetery management/maintenance?*

Staff is looking for thoughts and direction from the Board, as stipulated in the current ordinance, on how to proceed going forward. Some possible future actions could be (but not limited to) proposed amendments to the ordinance could be drafted and brought forth at a later meeting, the ordinance could remain as is, or the Board could make special exceptions for specific historical circumstances.

#### **DISCUSSION ITEM ONLY – NO ACTION TO BE TAKEN**

If you have any questions about this information, please call or email me.

Respectfully Submitted  
Kelsey

## Municipal Code Chapter 4 Public Health and Nuisances

## 4.9

TOWN OF CLAYTON  
CEMETERY AND BURIAL SITE ORDINANCE

SECTION 1 –	PURPOSE
SECTION 2 –	AUTHORITY
SECTION 3 –	ADOPTION OF ORDINANCE
SECTION 4 –	POLICY STATEMENT
SECTION 5 –	PLATTING OF NEW CEMETERY LOTS/NEW OR EXPANDED CEMETERY OPERATION
SECTION 6 –	PURCHASE OF LOTS
SECTION 7 –	OWNERSHIP RIGHTS OF INTERMENT
SECTION 8 –	CARE OF LOTS
SECTION 9 –	PRIVILEGES AND RESTRICTIONS
SECTION 10 -	INTERMENTS
SECTION 11 -	MONUMENTS AND MARKERS
SECTION 12 -	VAULTS AND MAUSOLEUMS
SECTION 13 -	TREES, SHRUBS AND FLOWERS
SECTION 14 -	MISCELLANEOUS
SECTION 15 -	PENALTIES
SECTION 16-	EFFECTIVE DATE

**SECTION 1 -- PURPOSE**

The purpose of this ordinance is to enhance the beauty, regulate the construction, manage the operation and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the Town of Clayton.

**SECTION 2 – AUTHORITY**

The Town Board of the Town of Clayton has Town Powers and the specific authority under 157.50(2) Wis. Stats to adopt this Ordinance. These ordinances apply from this date forward.

**SECTION 3 – ADOPTION OF ORDINANCE**

The Town Board of the Town of Clayton, by this Ordinance, duly adopted with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Clayton and the Town Board of the Town of Clayton to regulate the construction, management, operation and platting of cemeteries and the burial of human corpses and other cemetery uses and activities in the Town of Clayton. References to statutes are to the Wisconsin Statutes in effect on adoption of the Ordinance and any successor statutes enacted thereafter.

**SECTION 4 – POLICY STATEMENT**

Any Town of Clayton Municipal Cemetery is owned and maintained by the Town of Clayton for the benefit of all citizens. Persons of all denominations and of all religions, of all creeds and races, shall be allowed to be buried in any Town of Clayton Municipal Cemetery. This shall specifically include Veteran burials. This Ordinance for construction, management, platting and operation of any Town of Clayton Municipal Cemetery is adopted pursuant to 157.50(2) Wis. Stats. In addition, certain provisions are set forth in

this Ordinance to govern construction, management, administration, platting and operation of any new cemetery or expanded cemetery of any other type dedicated and owned by other persons in the Town of Clayton, and of any burial site in the Town of Clayton. The Town Board may adopt in writing additional Regulations and By-laws under 157.11(2) Wis. Stats for operation, management and administration of any Town of Clayton Municipal Cemetery. The Town of Clayton reserves the right to amend any of this Ordinance to conform to newly developed cemetery practices. The Town Board, by Resolution, may designate, retain or employ a person as Sexton or any other designee or Committee to act administratively and to manage, operate and care for any Town of Clayton Municipal Cemetery pursuant to this Ordinance. The Town Board may adopt By-laws and Regulations without a public hearing. The Town Board, the Sexton or other designee of the Town Board, herein after referred to as the “Authority” are responsible for the enforcement of this ordinance and any regulations promulgated under this ordinance. Hereinafter, references of the “Town” are specific to the Town of Clayton and references to “Town Cemetery” are specific to any Town of Clayton Municipal Cemetery.

## SECTION 5 – PLATTING OF NEW CEMETERY LOTS / NEW OR EXPANDED CEMETERY OPERATIONS

### A. PLATTING/ZONING

Before any new block of any existing Town Cemetery or other new or expanded Cemetery in the Town is opened for the sale of cemetery lots or for burial of human remains, the Authority for a Town Cemetery or any person or agent for any other cemetery, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Winnebago County. For all other new or expanded cemeteries to be platted, dedicated or constructed for cemetery use after the effective date of this Ordinance in the Town, the person, corporation, order, society or association noted in 157.065 Wis. Stats to construct, manage or operate such cemetery shall plat and record such plat as noted herein and under 157.07 Wis. Stats. No new burial site nor new burial of human remains in the Town, after the effective date of the Ordinance, shall occur outside a dedicated, platted and constructed cemetery in full compliance with this Ordinance and Chapter 157 Wis. Stats. Any new or expanded cemetery or any burial site shall comply with any land division or zoning ordinance applicable in the Town.

### B. PURCHASE OF NEW LANDS

The Authority shall not purchase, acquire or condemn any land for cemetery purposes without Town or Special Meeting approval of the Town electors under Chapter 157.065 Wis. Stats.

### C. PUBLIC EASEMENT IN CEMETERY

No person in violation of 157.60 Wis. Stats. shall open or make any highway, Town road, private way or other public easement in or upon any cemetery burial site or location for burial of the dead in the Town, unless written consent has been obtained by the proper State, County or Town authority.

### D. NEW OR EXPANDED CEMETERIES

No person or authorized agents of any cemetery shall 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 approval of the Town Board. A

cemetery for purposes of this Ordinance shall be any location for burial, as defined in 157.061(1) Wis. Stats of human remains, as defined in 157.061(8) Wis. Stats, in the Town that has been dedicated as a cemetery as dedicated is defined in 157.061(4) Wis. Stats, or as defined under common law. Proof of acceptance by the Town Board shall be necessary for a determination of a cemetery by the Town Board under this Ordinance. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted, as determined by the Town Board, and then recorded with the Town Clerk and the Winnebago County Register of Deeds.

E. TEN ACRES MINIMUM

No cemetery shall be established or dedicated in the Town, unless the minimum acreage shall be at least ten (10) contiguous acres. No mausoleum shall be established or used with less than minimum acreage required under 157.12(2) (c) Wis. Stats. Unless approved by the Town Board.

SECTION 6 – PURCHASE OF LOTS

A. PRICE OF LOTS

The Town Board shall from time to time fix a price on all lots to be sold in any Town Cemetery. All outstanding charges due to the Town must be paid prior to or concurrent with interment or burial. Exceptions may be made by written approval of the Town Board by contacting the Town Clerk. The Town Board reserves the right to adjust the purchase price per lot as well as other fees and charges without notice by written Resolution at anytime. The schedule of effective rates are available at the office of the Town Clerk.

B. SALE OF LOTS

Persons or their authorized agents desiring to purchase a lot in any Town Cemetery are referred to the Authority. The Authority will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Authority will issue a lot order to the prospective purchaser, or his agent, who will present the order at the Office of the Town Clerk. Upon receipt of proper payment payable to the Town Treasurer, the Town Chair and the Town Clerk shall issue a deed to the lot in the form prescribed by the Town Attorney. The Deed from the Town and the records of the cemetery that are kept by the Town Clerk or other designee of the Town 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, sealed and acknowledged so as to entitle to be recorded. The purchaser may record this deed with the Winnebago County Register of Deeds.

C. COMPLIANCE WITH 157.08 WIS STATS

Persons conveying cemetery lots at any cemetery in the Town shall comply with 157.08 Wis. Stats.

D. NOTICE OF BURIAL SITES IN THE TOWN

Any person who located a burial site, as defined in 157.70(1) (b) Wis. Stats, or suspected such burial site, or receives oral or written notice of such burial site or suspected burial site in the Town, outside a dedicated cemetery, shall immediately contact the Town

Clerk. The Town Clerk shall, in writing, notice the Town Board of such burial site or suspected burial site.

## SECTION 7 – OWNERSHIP RIGHTS OF BURIAL OR INTERMENT

### A. OWNERSHIP CONDITIONS

1. The lot owner or their 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 Ordinance or any Town Cemetery By-laws and Regulations. For purposes of this Ordinance “burial” shall mean entombment, inurnment or interment.
2. Upon full payment of any person of the purchase price of a lot, the Town Clerk and Town Chair for any Town Cemetery will issue a cemetery deed, under seal, and the deed will be recorded in the records of the Town as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the Town, will not thereafter be divided except by consent in writing of the Town.
3. All repossessed vacant grave spaces in any Town Cemetery shall be subject to the same fees and charges then established by the Town Board.
4. Any lot owner at any Town Cemetery shall have acquired the lot for burial or interment of themselves and members of their family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Town Clerk) for the burial or interment of other persons. No corpse shall be interred in a lot except the corpse of one having an interest therein except by the written consent of all persons having an interest in the lot.

### B. INTERMENT/BURIAL

Unless otherwise directed in writing and filed with the Town Clerk, the lot owner, the devisees, or the heirs, the Authority will permit the interment or burial of members of the family at any Town Cemetery at the request of any interested person upon proof of eligibility for burial or interment as follows:

- a. The surviving spouse of the lot owner shall have the first right to interment or burial or to direct the right of interment or burial.
- b. When there is no surviving spouse, the devisees, or heirs of the owners may, by agreement in writing, determine who among them shall have the right of interment or burial or direction for interment or burial, which agreement shall be filed with the Town Clerk.
- c. In the event the owner, their surviving spouse, the other devisees, or heirs shall not or cannot arrange for future burials or interments, then the devisees or heirs, as the case may be, of such owner, shall have the right to interment in order as follows:
  - 1) Spouse
  - 2) Children
  - 3) Surviving family members.
- d. If no such arrangement is applicable, then the Authority may determine use.

### C. OWNERSHIP RIGHTS

All interments or burial rights in the cemetery lots located at any Town Cemetery shall occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Town will be recognized as owners or part owners of lots. Lot owners shall not allow burials or interments to be made in their lots for any remuneration or financial consideration. In case of 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 will must be delivered to the Town Clerk before the Town will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided.

D. RESALE

Lot owners may not resell or transfer their lots or parts of lots in any Town Cemetery except as outlined below:

1. The Town Clerk shall enter in the record kept for that purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Town Clerk until a fee, as established by the Town Board has been paid therefore.
2. Said fee shall go into the general Town Cemetery Fund.
3. Reconveyance of lots or parts of lots may be made only by written application therefore upon blanks furnished by the Town Clerk, the same to be approved by the Town Board. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

E. DISINTERMENT

Any disinterment of any person buried in the Town Cemetery shall comply with 157.112 Wis. Stats. A Disinterment Permit shall be required prior to any disinterment or re-interment 69.18 (4) Wis. Stats.

F. USE OF REPOSSESSED LOTS

Whenever possible, repossessed lots, under Chapter 157.115(2) Wis. Stats, will be used for burials or interment before new areas of the cemetery are used or platted.

SECTION 8 – CARE OF LOTS

A. INCOME

The Town Board shall annually fix, as required under 157.10(5) Wis. Stats, a sum necessary for the proper and decent care of cemetery lots and improvement of any Town Cemetery, including obtaining from different sources, including funds from the County of Winnebago for Veteran's graves under Chapter 45 Wis. Stats, sufficient income for such care, improvements and operations. This sum shall not include special assessments, perpetual care funds, special charges and any security or other income received to insure proper and timely placement of markers and monuments.

B. GENERAL IMPROVEMENTS

The Town Board will direct and administer all improvements and maintenance within the cemetery before and after any interments or burials. All graves will be sodded/seeded and mowed when determined necessary by the Authority. The Authority shall determine the grade of the lots. Re-sodding or re-seeding of old interments or disinterments will be done when determined necessary by the Authority.

C. CARE FOR VETERAN'S GRAVES

All cemeteries and other burial sites in the Town shall provide proper and decent care for the graves and tombstones for Veterans under 45.185 Wis. Stats, and the Town

Board shall at all times see that such care is provided and that such funding is timely obtained from the County of Winnebago annually to aid in such care.

## SECTION 9 – PRIVILEGES AND RESTRICTIONS

### A. BY-LAWS AND REGULATIONS

The Town Board may adopt By-Laws and Regulations for proper management and care of any Town Cemetery and may enforce such regulations under 157.11(2) Wis. Stats. Persons shall comply with 157.11(2) Wis. Stats. in the planting of trees and shrubs, erecting of fences or other structures and maintaining such in any Town Cemetery.

### B. NO MOUNDS

No mound shall be raised upon any grave above the grade established by the Authority in any Town Cemetery.

### C. LIMITATIONS ON STRUCTURES AND URNS

No hedges, fences, railings, embankments, depressions or other enclosures of any kind will be permitted on or around lots in any Town Cemetery. Wooden boxes, wire containers, glass objects, bottles, cans and other such objects may not be placed on lots without written approval of the Authority and, if so placed, will be removed by the Authority without notice. Glass objects are prohibited from use in the cemetery.

Plants and flowers, real or artificial must be in pots/urns. The Authority shall remove floral urns as they become unsightly or deteriorated and shall not be replaced. Lot owners may be asked to remove any items that interfere with mowing.

Only a foundation and/or monument may be placed on a lot prior to internment or burial.

### D. LANDSCAPING CONTRACT

Landscaping, mowing and general care of lots and other work in the Town Cemetery will be done by the Town, it's officers, it's employees, independent contractors or agents, including any Sexton or other designee of the Town Board.

### E. ACCESS TO LOTS/OPENING AND CLOSING OF BURIAL PLACE

The Town reserves the right for its officers, employees, contractors and agents, including the Sexton and other designee necessary to the performance of normal Town Cemetery operations to enter upon or cross over any lot in any Town Cemetery in the performance of such duties. The Town Board has the sole right to the opening and closing of burial or interment places used or to be used for burial of human remains in the Town Cemetery, unless ordered by a court of competent jurisdiction to open or close such places.

### F. NO LIABILITY FOR DAMAGES

The Town of Clayton and it's officers, employees, contractors and agents including the Sexton or other designee of the Town Board assume no liability for damages to property or of person or for physical or mental suffering arising out of the performance of its normal operations related to the construction, management, operation and platting of the Town Cemetery, including proper and decent care of the cemetery, the lot, and the

graves, or for loss by vandalism or other acts beyond its reasonable control at such cemetery. Any person who has witnessed mishandling of any corpse, improper burial or disturbance of any cemetery lot in the Town, including in any Town Cemetery, shall timely report such mishandling of the corpse, improper burial or disturbance of such lot or burial site to the Authority.

#### G. ALTERING PHYSICAL CONDITIONS

The Town reserves the right to alter, change or close alleys, roadways, water mains and other physical public properties at any Town Cemetery.

#### H. ENFORCEMENT OF REGULATIONS AND ORDINANCE

The Town Board may appoint, with citation issuance and service powers, an Employee or agent of the Town, including the Sexton, to administer and enforce its By-laws and Regulations and this Ordinance under 157.11(2) Wis. Stats.

### SECTION 10 – INTERMENTS

#### A. DAYLIGHT INTERMENTS

Burials, interments or disinterment at any Town Cemetery will be during daylight hours only.

#### B. OUTER CONTAINERS

All burials, interments and disinterments at any Town Cemetery shall be made in a permanent outer container excluding the use of wood.

#### C. GRAVE DIGGING

All graves at any Town Cemetery or burial site in the Town to be used for burials or interment shall be opened and dug at no cost or expense to the Town but shall be under the direction of the Authority. Depth of graves shall conform to the Wisconsin State Board of Health specifications. The Authority may charge the full cost at any Town Cemetery for any grave digging and opening service provided by the Town, including the Sexton fees for staking the plot, if the Town Board has authorized the Town, its officers, employees, contractors or agents including the Sexton, to provide such grave staking, grave openings or digging service. The Authority may also establish charges for snowplowing and seasonal access costs to the lot owner as incurred by the Town for interment, disinterment or other burial services. Arrangements for any interment, disinterment or other burial services should be made at least forty-eight (48) hours in advance of the funeral service by contact to the Town Clerk, the Sexton or other person designated by the Town Board. Holiday burials are contingent upon the availability of the cemetery personnel.

#### D. BURIAL PERMIT

No burial or interment in the Town Cemetery will be permitted until a legal burial permit has been presented to the Town Clerk, the Sexton or other designee of the Town Board. The interment or burial of bodies of persons who have died of contagious disease shall be in strict accordance with the rules of the State Board of Health.

#### E. RESPONSIBILITY FOR MAINTAINENCE OF FLOWERS, WREATHS, ETC

There will be no responsibility on the part of the Town, its officers, employees, contractors or agents including the Sexton, for the protection and maintenance of

flowers, wreaths, emblems, urns, family or personal items, memorials, etc. used or placed at any Town Cemetery in conjunction with funerals, burials, interments, disinterment or memorials.

**F. NUMBER OF GRAVES PER LOT**

The interment or burial of one body per grave shall be the requirement at any Town Cemetery except in the following circumstances:

1. Two (2) remains from cremation shall be allowed in one (1) grave with one (1) headstone or two (2) flat markers to be placed only in line with other stones.
2. One (1) full-body and one (1) cremation shall be allowed in one (1) grave, with one (1) headstone or two (2) flat markers to be placed only in line with other stones.
3. All cremations shall be placed in permanent outer container excluding the use of wood.

**A. SEASONAL INTERMENT/DUTY TO BURY**

The Authority shall provide for cemetery services, burials and interments at any Town Cemetery during each season, including winter, whenever practical in compliance with 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 in compliance with this Ordinance, State Law, and any Regulation of Rules established by the Town Board. The Town reserves the right to charge special and reasonable fees to recover costs for any burial cost incurred during difficult weather conditions.

**SECTION – 11 – MONUMENTS AND MARKERS**

**A. SET GRAVE MARKERS/PROTECT DRIVEWAYS.**

Only the monument company persons or other persons authorized by the lot owners, but not the Authority will set grave markers, monuments and foundations at any Town Cemetery. Except as herein otherwise provided, under no conditions will the Authority construct monument or marker bases or erect monument or markers on bases. The Authority reserves the right to require the construction of a foundation of such size, material and design as will provide ample insurance against settlement or injury to the stone work. The top of the concrete foundation will be constructed flush with the ground. Whenever possible, all markers will be set with a five (5) inch margin. A permit for placement of foundation, markers and monuments shall be available from the Office of the Town Clerk, the Sexton or other designee of the Town Board. The setting of monuments, stones and markers and the transportation of all tools, materials etc., within the Town Cemetery grounds shall be subject to the supervision and control of the Authority. Unless special arrangements are made with the Authority such work to be conducted between the hours of 8:00 a.m. and 4:00 p.m. Mondays through Fridays except on national holidays.

Heavy trucking will not be permitted within any Town Cemetery when, in the opinion of the Authority, such work might cause damage to the driveways. Except when special permission is obtained, all work as outlines above shall be completed and debris removed immediately.

**B. LIMITATIONS**

The Town reserves the right for the Authority to refuse permission to erect any monument, marker or foundation work not in keeping with the good appearance of the grounds at a Town Cemetery. The size of the monument and/or stonework must be provided to the Authority and approved before said work will be permitted on a lot. Only one (1) monument or marker will be allowed per lot. No foundation marker or monument shall be larger than the width of the lot or group of lots purchased. All monuments must be set in line with other monuments so far as possible as directed by the Authority. Government service monuments or markers will be surface grounded or attached to the monument or marker. All markers and monuments must have a cement foundation. No monument or marker will be more than five (5) feet in height unless approved in writing by the Town Board. All markers shall be parallel with existing markers. Temporary markers must be removed or replaced with a permanent marker at any Town Cemetery within one (1) year of burial or interment. A pre-need marker may be placed on a lot or group of lots before interment or burial. No materials other than granite or standard bronze shall be used for outside and above ground portion of any marker or monument. Within one (1) year of burial, a marker or monument identifying the burial or interment must be placed at the gravesite.

C. REMOVAL OF MONUMENTS

Marker or monumental work, once placed at a Town Cemetery on its foundation, shall not be removed, except by written permission of the Authority.

D. PAYMENT

Any lot at a Town Cemetery must be paid for in full to the Town Clerk before markers, monuments or foundation are set and before any Cemetery Deed conveyance.

SECTION 12 – VAULTS AND MAUSOLEUMS

A. CONSTRUCTION OF ABOVE GROUND VAULTS AND MAUSOLEUMS

Construction of above ground vaults and mausoleums in any Town Cemetery is prohibited unless approved in writing by the Town Board.

SECTION 13 – TREES, SHRUBS AND FLOWERS

A. TREE/SHRUB PLANTING AND REMOVAL

The planting or removal at any Town Cemetery of any trees and shrubs on Town Cemetery property will not be permitted except by written consent of the Authority.

B. FRESH/ARTIFICIAL FLOWERS/POTTED PLANTS/SHEPHERDS HOOK.

Fresh cut flowers, artificial flowers, potted plants or shepherds hooks may be used in any Town Cemetery anytime. Plants and flowers, real or artificial must be in pots/urns.

C. SPECIAL OCCASIONS

Potted plants or fresh flowers at any Town Cemetery may be set on lots, without disturbing the sod, on special occasions such as Memorial Day, birthday, anniversary, etc., but if not removed within five (5) days, may be picked up and destroyed by the Authority

if unsightly. During the non-mowing season and on fresh gravesites, wire-in-ground floral stands and sprays are allowed.

D. LIMITS ON EXISTING FLOWERBEDS

The Authority will remove existing private plot flowerbeds that are not maintained and become unsightly or undesirable.

E. PLANT OR FLOWER REMOVAL

Plants or flowers planted may not be taken up or removed from the Town Cemetery or cuttings removed from plants from the Town Cemetery without written consent from the Authority. All real or artificial flowers, wreaths, crosses, or other decorations shall be removed off the plots during clean up the first week of April and October or they will be disposed of.

F. VINE/WREATH/MEMORIALS REMOVAL.

The Authority when found objectionable will remove vines that interfere with the proper care of lots or graves and injure the grass from any Town Cemetery. During the non-mowing season and on fresh gravesites, wire-in-ground floral stands and sprays are allowed.

G. PLACEMENT OF ITEMS

Any items placed on the plot shall be in line with the rows of monuments on the foundation except by prior written consent of the Authority.

SECTION 14 – MISCELLANEOUS

A. 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 Town Cemetery. The Authority may notice or attempt to notice in writing a lot owner that the lot and any monuments or markers are being neglected and that failure to comply with Regulations regarding proper care and management or to correct such neglect may be cause for forfeiture under 157.11(2) Wis. Stats.

B. PUBLIC NUISANCE

Uses that may create a public nuisance or may be likely to cause desecration of any cemetery, cause disturbance, interference or damage to the burial ground, the burial lots or any monuments are prohibited.

C. SPRING/FALL CLEAN UP.

All real or artificial flowers, wreaths, crosses, or other decorations shall be removed off the plots during clean up the first week of April and October or they will be disposed of per the Town Board, the Sexton or other designee of the Town Board of the Town of Clayton.

D. SEXTON

The Town Board may appoint a Town employee or retain an independent contractor as a Sexton to administer, repair, maintain, manage and operate or any part of the operations or of the cemetery thereof, of any Town Cemetery. The Town Board,

consistent with this Ordinance, may designate powers and duties to the Sexton by written Resolution.

E. RECORDS

The Town Clerk shall be responsible for and shall be the custodian of the records of the Town cemetery, including all public records. The Town Clerk, Sexton and other Town officials shall make available in a timely manner all such records in their custody requested by the Department of Regulations and Licensing in its audit function.

F. EXCEPTIONS

All exceptions and approvals shall be documented in writing by the Authority permanently filed in the cemetery documentation by the Town Clerk.

SECTION 15 – PENALTIES

A. PENALTIES

Any person who violates any provision of the By-laws or Regulations may be required to forfeit an amount not to exceed ten dollars (\$10.00). Any person who violates any provision of this Ordinance, may be required to forfeit an amount not to exceed two hundred dollars (\$200) for each offense, together with the costs of prosecution. Each day that a violation continues shall be considered a separate offense. The Town Board, where appropriate, may seek Injunctive Relief action to prevent violations of the Ordinance and Chapter 157 Wis. Stats. Furthermore, the Town Board shall be permitted to withhold from any person who is in violation of the Ordinance or Chapter 157 Wis. Stats., the issuance of any Town of Clayton 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.

SECTION 16 – EFFECTIVE DATE

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

\_\_\_\_\_  
Town Chair

\_\_\_\_\_  
Town Clerk

8/25/2025 3:39 PM

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Page: 1  
ACCT

NICOLET NATIONAL BANK (POOLED)

Accounting Checks

Posted From: 8/01/2025 From Account:  
Thru: 8/31/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
31951	8/05/2025	AIT BUSINESS TECHNOLOGIES LLC	2,674.60
31952	8/05/2025	CEDAR CORPORATION	16,696.05
31953	8/05/2025	COUNTRY VISIONS COOPERATIVE	438.39
31954	8/05/2025	FOX CROSSING UTILITIES	378.00
31955	8/05/2025	LANGE ENTERPRISES INC	80.14
31956	8/05/2025	LAPPEN SECURITY PRODUCTS INC	215.00
31957	8/05/2025	LUCKY'S LAND MANAGMENT LLC	3,200.00
31958	8/05/2025	MANNING GROSS & MASSENBURG LLP	22,659.00
31959	8/05/2025	MENARDS	42.22
31960	8/05/2025	RHYME BUSINESS PRODUCTS	499.00
31961	8/05/2025	STERICYCLE/SHRED-IT	157.73
31962	8/05/2025	TED ECKSTEIN	250.00
31963	8/05/2025	WI DEPT OF JUSTICE	14.00
31964	8/05/2025	WI SCTF	148.00
31965	8/05/2025	WINNEBAGO COUNTY TREASURER	2,355.00
31966	8/20/2025	AFS	149.00
31967	8/20/2025	AIT BUSINESS TECHNOLOGIES LLC	175.00
31968	8/20/2025	ASSURANCE TITLE SERVICES	38.70
31969	8/20/2025	FASTENAL COMPANY	46.67
31970	8/20/2025	FOX WEST REGIONAL SEWERAGE COMMISSION	6,707.82
31971	8/20/2025	GANNETT WISCONSIN LOCALIQ	69.87
31972	8/20/2025	LARSEN WINCHESTER SANITARY DISTRICT	481.10
31973	8/20/2025	MACQUEEN EMERGENCY	1,335.00
31974	8/20/2025	MCPMAHON ASSOCIATES INC	592.22
31975	8/20/2025	N&M AUTO SUPPLY	128.58
31976	8/20/2025	NEENAH JOINT SCHOOL DISTRICT	352.97
31977	8/20/2025	NICOLAS BEDOLLA	7.55
31978	8/20/2025	NORTHEAST ASPHALT INC	481.29
31979	8/20/2025	OSHKOSH FIRE & POLICE EQUIPMENT INC	2,458.00
31980	8/20/2025	PITNEY BOWES BANK INC PURCHASE POWER	82.88
31981	8/20/2025	PNC EQUIPMENT FINANCE	157,353.92
31982	8/20/2025	SERWE IMPLEMENT CO INC	1,173.59
31983	8/20/2025	TRANSCENDENT TECHNOLOGIES	1,097.00

8/25/2025 3:39 PM

Reprint Check Register - Quick Report - ALL

Page: 2

ACCT

NICOLET NATIONAL BANK (POOLED)

Accounting Checks

Posted From: 8/01/2025 From Account:  
 Thru: 8/31/2025 Thru Account:

Check Nbr	Check Date	Payee	Amount
31984	8/20/2025	US LUBRICANTS	482.50
31985	8/20/2025	WI PUBLIC SERVICE	239.81
31986	8/20/2025	WI SCTF	148.00
31987	8/20/2025	WINNEBAGO COUNTY TREASURER	14,587.10
31988	8/20/2025	WINNEBAGO LIQUID WASTE	1,145.00
3866843	8/04/2025	EFTPS	798.74
2660130EFTPS	8/18/2025	EFTPS	744.50
286523eftps	8/22/2025	EFTPS	5,326.34
7-259023	8/11/2025	WE ENERGIES	15.45
706400DOR	8/18/2025	WI DEPT OF REVENUE	1,012.06
DOR616352	8/25/2025	WI DEPT OF REVENUE	976.02
EFTPS130268	8/08/2025	EFTPS	5,328.87
KT7-25	8/08/2025	KWIK TRIP INC	271.24
NNBSVC8-25	8/15/2025	NICOLET NATIONAL BANK	105.00
NNCC7-25	8/25/2025	NICOLET NATIONAL BANK	4,473.97
TAT8-25	8/13/2025	NICOLET NATIONAL BANK	1,200.00
WPS83486-25	8/06/2025	WI PUBLIC SERVICE	1,127.55
WPS90237-25	8/20/2025	WI PUBLIC SERVICE	483.17
WPSGEN6-25	8/01/2025	WI PUBLIC SERVICE	21.56
WPSSL7-25	8/25/2025	WI PUBLIC SERVICE	926.78
Grand Total			261,951.95

8/25/2025 3:39 PM

Reprint Check Register - Quick Report - ALL

Page: 3  
ACCT

NICOLET NATIONAL BANK (POOLED)

Accounting Checks

Posted From: 8/01/2025 From Account:  
Thru: 8/31/2025 Thru Account:

	Amount
Total Expenditure from Fund # 100 - GENERAL FUND	78,551.51
Total Expenditure from Fund # 230 - SOLID WASTE/RECYCLING	7,466.16
Total Expenditure from Fund # 240 - CEMETERY	3,240.00
Total Expenditure from Fund # 250 - FIRE DONATIONS	1,200.00
Total Expenditure from Fund # 300 - DEBT SERVICE	157,353.92
Total Expenditure from Fund # 400 - GENERAL CAPITAL PROJECTS	3,194.91
Total Expenditure from Fund # 420 - TID #1	498.62
Total Expenditure from Fund # 620 - SANITARY DISTRICT	6,715.37
Total Expenditure from Fund # 640 - STORM WATER	3,731.46
Total Expenditure from all Funds	261,951.95