



**ORDINANCE NO. 2017-10**

**AN ORDINANCE AMENDING ESTABLISHING REGULATIONS FOR COLUMBARIA AND MAUSOLEUMS IN TITLE 17 - ZONING OF THE MUNICIPAL CODE**

**THE COMMON COUNCIL OF THE CITY OF RIVER FALLS DO ORDAIN:**

**Section 1.** Add the following definition to Section 17.04.020:

“Cemetery” means any land, including any mausoleum or columbarium on the land, which is used or intended to be used for the burial of human remains.

“Columbarium” means a building, structure, or part of a building or structure that is used or intended to be used for the inurnment of cremated remains.

“Columbarium niche” means a space in a columbarium that is used or intended to be used for the inurnment of cremated remains.

“Cremated remains” or, cremains, means the ashes of a cremated human body.

“Mausoleum” means a building, structure or part of a building or structure that is used or intended to be used for the interment of human remains.

“Mausoleum space” means a niche, crypt or specific place in a mausoleum that contains or is intended to contain human remains.

“Religious association” means an association, conference, congregation, convention, committee, or other entity that is organized and operated for a religious purpose and that is exempt from federal income tax under 26 USC 501 (c) (3) or (d) and any subunit of such an association, conference, congregation, convention, committee, or entity that is organized and operated for a religious purpose.

**Section 2.** Add the following text to Section 17.08 General Requirements:

D. Provisions for Columbaria and Mausoleums. Columbaria and mausoleums are regulated in state statutes under sections §157.12 for mausoleums and non-exempt columbaria and §157.123 for columbaria maintained by a religious association. The provisions under §157.123 provide an exemption to the state’s mausoleum requirements for columbaria maintained by a religious association.

1. Requirements for all columbaria and mausoleums:

- a. Physical Requirements. Any outdoor columbarium or mausoleum shall be subject to the following requirements:
  - i. Location. In addition to the land use requirements of the applicable zoning district, the following location requirements shall also apply:
    - 1. Except as permitted under subsection 2, mausoleums and columbaria shall be located inside a cemetery that has been in existence for 10 years or more. As is authorized by §159.129, the City of River Falls waives the minimum 20-acre requirement for a cemetery (as found in §157.12(2)(c)2) for which a mausoleum may be placed.
    - 2. Columbaria maintained by a religious association may be located on property owned by the religious association and on which the religious association's church building or other place of worship is located. In the event that the religious association ceases to use or occupy the church building or other place of worship where the columbarium is located, the religious association shall relocate all of the urns or other receptacles in the columbarium containing cremated remains per the requirements of Wis. Stat. §157.123(c).
  - ii. Setback. Mausoleum and columbaria structures shall meet the setback and yard requirements of the zoning district in which it is located.
  - iii. Signage. Signage shall be limited to inscriptions on the face of a mausoleum space or columbarium niche and commemorative plaque on the mausoleum or columbarium structure. Commemorative plaques may be no larger than 12 inches by 12 inches.
  - iv. Left Objects. Left objects, such as flowers and mementos, are permitted but must be monitored by the religious association or cemetery or mausoleum operator and removed on a regular basis. The regularity of said removal can be defined in the plan of perpetual care and maintenance for the columbarium.
- b. Care and Maintenance Plan. A plan of perpetual care and maintenance shall be submitted to the Plan Commission for review and approval. Said plan shall be pursuant to §157.123(2)(b) and (d) for columbaria maintained by a religious association or to §157.12(3)(a) for mausoleums.

**Section 3.** Add the following underlined text to Section 17.16.040 to allow columbaria as a special use in the RS Single-Family Suburban Residence District.

- A. Churches, columbaria, schools, parking lot facilities, day care centers, libraries, hospitals and nursing homes.

**Section 4.** Add the following underlined text to Section 17.20.040 to allow columbaria as a special use in the R-1 Single-Family (Low Density) Residence District.

- A. Churches, columbaria, schools, parking lot facilities, day care centers, libraries, hospitals and nursing homes.

**Section 5.** Add the following underlined text to Section 17.24.040 to allow columbaria as a special use in the R-2 Multiple-Family (Medium Density) Residence District.

- A. Churches, columbaria, schools, parking lot facilities, day care centers, libraries, hospitals and nursing homes.

**Section 6.** Add the following text to Section 17.36.040 to allow columbaria as a special use in the B-2 Limited Commercial District.

- 36. Columbaria.

**Section 7.** Add the following text to Section 17.40.040 to allow columbaria as a special use in the B-3 Highway Commercial District.

- 22. Columbaria.

**Section 8.** Add the following text to Section 17.52.030 to allow columbaria and mausoleums as permitted accessory uses in the A Agricultural District.

- C. Columbaria.
- D. Mausoleum.

**Section 9.** Create the following Section 17.57.025 to allow columbaria and mausoleums as permitted accessory uses in the P Park District.

The following uses are permitted as accessory uses in the P zone:

- A. Columbaria.
- B. Mausoleum.

**Section 10.** Effective date. This ordinance amendment shall take effect from and after its date of publication as provided by law.

Dated this 11<sup>th</sup> day of April, 2017.

**FOR THE CITY OF RIVER FALLS**

ATTEST:

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Dan Toland, Mayor

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Amy White, City Clerk

Adopted: April 11, 2017  
Published: April 20, 2017