

Ordinance No. 6308

AN ORDINANCE AMENDING CHAPTER 13.32 OF THE RAPID CITY MUNICIPAL CODE RELATING TO CITY CEMETERIES

WHEREAS, the City of Rapid City has the power to establish, maintain and regulate cemeteries pursuant to SDCL 9-32-13; and

WHEREAS, the City of Rapid City currently has ordinances regulating cemeteries established and maintained by the City; and

WHEREAS, the City of Rapid City seeks to preserve the orderly maintenance of its cemeteries, add provisions for City-owned burial structures, clarify terms used in the regulation of city cemeteries, add a memorial permitting system, and update the Rapid City Municipal Code relating to city cemeteries generally; and

WHEREAS, the Common Council of Rapid City deems it to be in the City's best interest to amend the ordinances that it has enacted in Chapter 13.32 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Chapter 13.32 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

CHAPTER 13.32: CITY CEMETERIES

Section

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13.32.010 Definitions.

As used in this chapterThe following words and phrases in this chapter shall mean:

A. ***CEMETERY.*** The Mountain View Cemetery and the Mount Calvary Cemetery, as referred to in § 13.32.020.

B. ~~***SUPERINTENDENT.***~~ The Superintendent of Parks.***CEMETERY PARCEL.*** A grave space, an ossuary space, a niche, or another type of space to place human remains in the cemetery.

C. ***CEMETERY SUPERVISOR.*** The person who is responsible for the planning, development, care and administration of City cemeteries and who serves under the direction of the Parks Division Manager.

D. ***CERTIFICATE HOLDER.*** The original purchaser of interment rights.

E. ***CERTIFICATE OF PURCHASE.*** Certificate granting the purchaser the exclusive right to interment in the selected spaces in exchange for a dollar amount paid, and subject to certain rules, regulations and conditions.

F. ***CREMATION SPACE.*** A grave space intended to hold a maximum of two cremated remains per grave space. A full size burial shall not be interred in a cremation space.

G. ***DOUBLE BURIAL.*** A grave space in which two cremations or one cremation and one full size burial are placed.

H. ***GRAVE SPACE.*** A piece of land in the cemetery that is set aside for the purpose of receiving or that has already received a deceased person's remains above ground or below ground.

I. ***INDIGENT BURIAL.*** A burial paid for by Pennington County for the benefit of a qualified individual in need of financial assistance for a burial.

J. ***INFANT SPACE.*** A grave space intended to hold one infant burial or one infant cremated remains per grave space. A full size burial shall not be interred in an infant space.

K. ***LOT.*** The space in the ground of the cemetery that is made up of multiple grave spaces. Grave spaces in a lot may be owned by the same person or different persons. The lot is essentially a numbered, surveyed location.

L. ***MEMORIAL.*** A marker of varying shape and size cut from granite, marble and/or bronze which is placed on a grave space or grave spaces in order to memorialize those interred at that location.

M. ***NICHE.*** A space in a City-owned burial structure, including but not limited to an ossuary, designed to receive a maximum of two urns containing cremated remains of a deceased person or persons.

N. ***OSSUARIUM.*** A City-owned burial structure containing an ossuary and niches designed to hold the cremated remains of deceased persons.

O. **OSSUARY.** A vault located in the center of an ossuarium designed to hold multiple cremated remains in one common area.

P. **PARKS DIVISION MANAGER.** The Manager of the Parks Division as created in § 2.89.030.

Q. **STACK BURIAL.** A single grave space in which two full size burials are placed one on top of the other.

R. **STRUCTURE.** Anything that is built or constructed.

S. **VAULT.** A container made of concrete, metal or equally hard material placed in the ground designed to accept the casket or urn, primarily to keep the ground from sinking over time.

13.32.020 Designated.

The cemeteries and all additions that may hereafter be made thereto, and now designated and known as Mountain View Cemetery, and Mount Calvary Cemetery are designated eCity cemeteries and are set apart and shall be maintained forever for the burial of the dead.

13.32.030 General supervision and care-Superintendent's dutiesDuties of Parks Division Manager.

The ~~Superintendent of Parks~~Parks Division Manager shall have general supervision and care of the cemetery, and shall take care that all ~~lots, lawns, walks, drives, trees, shrubs and plants~~cemetery parcels and cemetery property therein are kept in proper order and condition. He or she shall take care that all ~~lots or grave spaces~~cemetery parcels endowed as provided for in this chapter are put and kept in such good order and condition as their endowment contemplates.

13.32.040 Determination of portion to be platted, lot prices-Fees for cemetery parcels-County purchases and conditions of sale.

A. The ~~Mayor~~Director of the Parks and Recreation Department shall determine and direct, from time to time, the portions of the cemetery which are to be platted and laid out, and the Common Council shall determine, by resolution, the prices for which the ~~lots and parcels of land in the cemetery parcels~~ are to be sold ~~and the limitations and conditions under which the sales are made.~~

B. The price established by the Common Council for the ~~lot~~cemetery parcels and endowment for perpetual care shall be paid by the county the same as any other purchaser.

13.32.050 ~~Lots and grave spaces~~Sale of cemetery parcels-Certificate of purchase.

The Finance Officer shall, upon payment in full for ~~lots, portions of lots and grave spaces~~a cemetery parcel, deliver to the purchaser thereof a certificate of purchase executed by the

~~m~~Mayor and attested by the ~~f~~Finance ~~e~~Officer under the seal of the ~~e~~City. ~~The certificate shall be in such form as is approved by the Council, provided, however, that contracts for the purchase of lots may be signed by the Superintendent of Parks or his or her designee. No certificate of purchase shall be issued or any services performed unless all moneys for purchase, perpetual care, and interment have been received by the eCity; however, this shall not prohibit a local mortuary funeral home from making all arrangements for the purchase and services and agreeing to pay all charges within 30 days of the date of service.~~

13.32.060 — Lots and grave spaces Purchase contracts.

~~— An individual may enter into a purchase contract not to exceed 9 months with a minimum down payment of 20% in a form approved by the City Attorney for the purchase of a cemetery lot and payment of perpetual care. However, the contract shall not entitle the individual to any particular grave space until a certificate of purchase is issued upon payment in full for the space and perpetual care, and no service or interment shall be allowed until the contract is paid in full.~~

13.32.0760 Lot purchaser Certificate holder to hold eCity harmless for burial ~~on~~ in wrong ~~lot~~ cemetery parcel or damage to improvements.

Any person who purchases any ~~e~~cemetery lot cemetery parcel shall, by such purchase, be deemed to have agreed, on behalf of himself or herself and his or her heirs and assigns, to hold the ~~e~~City harmless for any damages resulting from an inadvertent burial ~~on~~ in the wrong lot cemetery parcel or for any damage to any ~~stone, marker~~ memorial or other improvement placed on the lot cemetery parcel so purchased.

13.32.0870 Cemetery and cemetery endowment funds.

A. There are created ~~2~~ two funds, ~~1~~ one of which shall be designated as the Cemetery Fund and the other as the Cemetery Endowment Fund, and the funds shall be used as follows:

1. The Cemetery Fund shall be used for the expenditures incurred in the operation of the cemetery for the proper care, maintenance and service thereof.

2. The Cemetery Endowment Fund shall be kept by the City ~~Treasurer~~ Finance Officer and used only for the endowment for perpetual care of ~~lots or parcels of ground in the cemetery parcels~~ and the full faith, credit and resources of the ~~e~~City are irrevocably pledged for the proper, full and faithful preservation and application of the Fund. All moneys at any time in the Endowment Fund shall be invested and kept invested in the securities in accordance with SDCL Chapter 9-32 as the Common Council shall, by resolution, direct or approve, ~~and t~~ The interest thereon shall be transferred to the Cemetery Fund.

B. The City ~~Treasurer~~ Finance Officer is designated as the Trustee of the Cemetery Endowment Fund. ~~For endowment for perpetual care of lots or parcels of ground in the cemetery~~ At the time the cemetery parcels are purchased, the purchasers thereof shall pay into the Fund a perpetual care endowment fee of ten percent of the cost of a grave space as such sums as shall be designated from time to time by the Common Council, at the time the lots are

~~purchased. Endowment charges for perpetual care of lots in the original plat of the cemetery shall be based upon the area of the land, and the conditions which hinder the work of maintenance. Endowment charges for perpetual care of lots in the revised plat of the cemetery shall be based upon the area of the land. All such charges shall be as designated by the Common Council, from time to time, by resolution.~~

C. ~~The Endowment Fund~~ perpetual care endowment fee shall be entirely independent of, and in addition to, the purchase price ~~offor~~ the use of the lot or parcel of ground cemetery parcel for which it shall endow perpetual care.

13.32.0980 Perpetual care certificate.

Upon payment of the designated sum for the endowment for perpetual care of any ~~lot or parcel of ground in the cemetery parcel~~, as provided for in § 13.32.0870, the City ~~Treasurer~~ Finance Officer, as Trustee of the Cemetery Endowment Fund, shall issue to the person paying same a certificate, which shall acknowledge the receipt of the payment, and shall show the purpose for which the payment was made, and the ~~lot or parcel of ground cemetery parcel~~ so endowed.

13.32.1090 Perpetual care contract.

The Finance Officer, upon the filing in his or her office of a certificate issued in accordance with § 13.32.0980, shall issue and deliver to the person to whom the certificate is issued, a contract filed (signed) by the Mayor and attested by the Finance Officer under the seal of the ~~e~~City, for such ~~lot or parcel of ground cemetery parcel~~, to the effect that money so paid, shall be deposited into the proper fund and held as a permanent fund ~~with the money so deposited~~ and the income therefrom shall be certified to the use as allowed by SDCL §§ 9-32-18, 9-32-20 and 9-32-20.1 as presently existing or amended in the future. The contract, so delivered by the Finance Officer, shall be substantially in a form approved by the Common Council; ~~provided, however, that, contract for the purchase of lots and perpetual care may be signed by Superintendent of Parks or his or her designee.~~

13.32.110 — Maintenance charges for unendowed lots.

~~—The Common Council shall determine the annual charges to be made for maintenance of unendowed lots in the cemetery.~~

13.32.1200 Use of money received from sale of lots, cemetery services and interest on Endowment Funds.

All money received from any cemetery fees, Endowment Fund interest, grants, donations, and any other funding source shall be collected and expended in accordance with SDCL Chapter 9-32, in accordance with this chapter, and the sale of lots in the cemetery and from interest and Endowment Funds, and the premiums and interest from perpetual care funds shall be held by the City Treasury and expended as directed by the Common Council for the maintenance,

improvement, beautification and enlargement of the cemetery as allowed by SDCL Chapter 9-32 as presently existing or amended in the future.

13.32.1310 Plantings and improvements generally.

The planting of trees, shrubs, flowers or other plants, and the construction of curbs, artificial walks, fencing, coping or enclosures of any kind whatsoever, will not be permitted to be done upon lots or graves cemetery parcels by the owners thereof. All plantings will be made and cared for by the eCity under the supervision of the ~~Superintendent of Parks~~ Parks Division Manager, according to adopted plans. ~~No gravel, stone, brick or any chairs, benches, boxes, shells, trinkets, toys or similar articles will be allowed to be placed upon graves or other portions of lots in the cemetery.~~

13.32.120 Cemetery decorations.

No items, including but not limited to decorations, will be allowed to be placed upon cemetery parcels except in accordance with this section or § 13.32.240.

A. Winter decorations may be placed on grave spaces on or after November 5 and must be removed by January 5 of the following year.

B. Items may be placed on grave spaces up to seven days prior to Easter. Items shall be removed within seven days following Easter.

C. Items may be placed on grave spaces up to two days prior to Memorial Day. Items shall be removed within six days following Memorial Day.

D. Items may be placed on grave spaces up to two days prior to the following holidays: Martin Luther King, Jr. Day, Valentine's Day, St. Patrick's Day, Mother's Day, Father's Day, Independence Day, Labor Day, Native American Day and Halloween. Items shall be removed within three days following each holiday.

E. Items may be placed on a grave space up to two days prior to the funeral and shall be removed within ten days following the funeral. Items left within ten days after a funeral may be removed by Cemetery staff if they become unsightly.

Items on grave spaces that are outside of the above-referenced time frames will be removed by the City and permanently discarded. The City will not be liable for any item removed or lost by any cause. No items may be placed in trees, fences or structures at any time. Taping, wiring, gluing or attaching anything to a memorial is prohibited. No item made from glass, ceramic or pottery may be placed on any grave space at any time.

13.32.1430 Grading, seeding and maintenance of ~~lawns~~ grounds.

The grading, seeding, ~~making~~ and maintenance of ~~lawns in the cemetery~~ grounds will be done by the eCity.

13.32.1540 Irrigation.

~~Water for irrigation at the cemetery will be supplied by the city. All irrigating in the sections of the cemetery where perpetual care is required and on walkways shall be done by cemetery employees. Persons using water on other lots must provide the hose and equipment, and unnecessary waste of water is prohibited. The privilege of using water will be denied to those found wasting it.~~ The City will operate the irrigation systems in the cemetery. Any person may provide their own additional water to any grave space, as long as the additional water does not become injurious to the grave space being watered, any other grave space, or any cemetery property.

13.32.1650 ~~General lot~~ Cemetery parcel regulations.

A. ~~Lots in the cemetery~~ Cemetery parcels are sold for no other purpose than for the burial of human dead, and the incidental uses that are suitable and proper for a cemetery ~~lot~~ parcel, but under restrictions as contained in this chapter.

B. All interments in ~~lots~~ cemetery parcels shall be designated by the certificate holder. If the certificate holder is deceased, an heir may designate any interments pursuant to Cemetery Regulations ~~restricted to members of the immediate family or relatives of the proprietor thereof, unless permission to the contrary is obtained from the city.~~

C. No sale, assignment or transfer of a cemetery ~~lot~~ parcel shall be valid without the consent of the ~~city~~ Cemetery Supervisor pursuant to Cemetery Regulations, endorsed upon such transfer or assignment by the Cemetery Supervisor, and entered on record by the ~~city~~ Cemetery Supervisor.

D. The ~~e~~City does not agree to give joint ~~deeds~~ certificates of purchase ~~to~~ for cemetery ~~lots~~ parcels sold. No objection exists, when persons hold ~~lots~~ cemetery parcels in partnership, by agreement among themselves as to ~~lots~~ cemetery parcels to be used by each, but the ~~e~~City will not undertake to enforce the agreements.

E. When more than one person claims an interest in a cemetery ~~lot~~ parcel, no visible dividing line will be allowed.

~~—F.— No cemetery lot owner shall have the right to have a body interred in his or her lot for a remuneration, sale or hire of space.~~

~~—G.— Should there be an interment on a cemetery lot for which full payment has not been made as per the terms of the contract, the city reserves the right to disinter the remains and remove the burial, together with any monument or other structure thereon, to some other portion of the cemetery equal in price to the amount paid on the lot, after the actual cost of removal has been deducted.~~

~~HF.~~ When a cemetery lot owner certificate holder dies intestate, the heirs will be recognized

according to the laws of South Dakota which are in force at the time of the death.

~~IG.~~ It shall be the duty of the heirs or devisees to file with the city, full proof of the ownership upon the death of the owner of any cemetery lot. Upon the death of the certificate holder, it shall be the duty of the heir or heirs to file full proof of cemetery parcel ownership with the Cemetery Supervisor per Cemetery Regulations.

~~J.~~ To prevent relatives from disposing of their family lot and disinterring the bodies therein, lot owners may reconvey lots to the city to be held in perpetual trust for their permanent interment and for such other persons as the lot owner may designate.

13.32.1760 ~~Single grave spaces~~ Indigent burials.

~~A.~~ Single grave spaces in the cemetery for an indigent burial or an ossuary space for an indigent burial will be sold only for immediate use and in certain designated portions of the cemetery, but there can be no choice of location, as the spaces will be filled in regular order as to location.

~~B.~~ Whenever a single grave space shall become vacant by the removal of the body therein, the land shall revert to the city, but if the body is moved to a larger space within the cemetery, the party making the change shall receive full credit for the single grave space so vacated.

~~C.~~ All markers for single graves shall be flush with the surface, and not more than 2 feet long and 1 foot wide. No monuments will be permitted on single grave spaces.

13.32.1870 Lot corners.

Lot ~~corners~~ corners will be placed in the cemetery by the ~~city~~ City flush with the surface of the ground, and no other markings will be allowed upon the lots to distinguish fractions of lots.

13.32.1980 ~~Elevated lots~~ grave spaces, grave mounds, memorials, grave markers or other structures.

No elevated ~~lots~~ grave spaces, grave mounds, memorials, grave markers or other structures, other than ~~monuments~~ those allowed pursuant to this chapter, will be allowed in the cemetery. This section shall not apply to City-owned structures and memorials.

13.32.20190 ~~Grading of lots~~ cemetery parcels.

All ~~cemetery lots~~ cemetery parcels may be graded by the City at the City's discretion before they are sold by the City. ~~and no~~ No change in the grade of a cemetery parcel will be permitted once the City has sold the parcel.

13.32.2100 ~~Monuments and markers to conform to master plan.~~ Memorials required to comply with Cemetery Regulations.

~~All monuments and markers in the cemetery shall be erected to comply with the master layout plan on file with the city. No memorial may be erected in the cemetery unless it complies with Cemetery Regulations and a memorial permit is obtained through the Cemetery Supervisor. The fee for a memorial permit shall be established by resolution of the Common Council of the City.~~

~~Temporary memorials may be allowed if they are in compliance with Cemetery Regulations.~~

13.32.220 — Requirements for markers on specific lots.

~~All markers for adults in Lots 119, 120, 121, 121A, 122, 122A, 123, 124, 137, 138, 139, 139A, 140, 140A, 141, 142, 155, 156, 157, 157A, 158, 158A, 159, 160 and Lots 2001 through 2129 in the cemetery, or as designated by the Park Superintendent, shall be flush with the surface of the ground, with the maximum length not to exceed 48 inches, the maximum width not to exceed 24 inches and with a maximum concrete border of 4 inches surface area.~~

13.32.2310 — Monuments Location Number Memorial locations.

~~All monuments/memorials at the cemetery shall be located only within the spaces designated. Not more than 1 monument shall be allowed on any portion of a lot held in a single or partnership ownership. Not more than one memorial shall be allowed per grave space except in accordance with Cemetery Regulations.~~

13.32.240 — Monuments – Advertisements prohibited.

~~No advertisement or the name of any firm shall be permitted upon any monument in the cemetery.~~

13.32.2520 — Foundations for monuments and vaults/memorials.

~~Foundations for memorials/monuments and surface burial vault foundations in the cemetery shall be built of reinforced concrete or granite under the supervision of the Cemetery Supervisor or his or her designee under city supervision. All materials used in reinforced concrete shall be approved by the city prior to the construction and erecting of any monuments.~~

13.32.2630 — Aboveground mausoleums and vaults/burials.

~~Mausoleums and vaults/Structures for aboveground burials may be erected in aboveground in the cemetery/designated areas, with the consent of the city, when if all plans and materials have been approved by the Cemetery Supervisor pursuant to Cemetery Regulations. No other aboveground burials will be allowed in the cemetery.~~

13.32.2740 — Receptacles for flowers or plants on graves.

~~Grave space holders are not permitted to place cut flowers or plants in or on graves in the cemetery, except in standard receptacles furnished and installed at the space holder's expense and approved by the city. Not more than 2 receptacles shall be placed on each grave. Cut flowers~~

or plants may be placed in permanent vases. A maximum of two vases may be installed on the memorial at the certificate holder's expense with the approval of the Cemetery Supervisor pursuant to Cemetery Regulations.

13.32.2850 ~~Interment order and permit.~~Burial permits and certificates of cremation.

~~—A.— All orders for interment in the cemetery must be filed by the lot holder in the office of the City Treasurer on blanks furnished by the city, before the grave will be opened. A permit to open shall not be given if the lot holder is in default in his or her contract. If the original lot owner is dead and there are 1 or more legal heirs, the order must be signed by 1 of them, or by his, her or their agent. If the lot is owned by a lodge or any other organization, the order must be signed by the proper officer having authorized power to act.~~

~~—B.— Before interment is permitted, burial permit as required by state law, shall be exhibited to the official in charge of the cemetery.~~

A. Within 10 days of the burial of a dead human body in a cemetery parcel, the person or funeral home that interrs the body shall file a burial permit with the Cemetery Supervisor.

B. Within 10 days of the burial of cremated remains in a cemetery parcel, the person or funeral home that interrs the body shall file a certificate of cremation with the Cemetery Supervisor.

13.32.2960 ~~Digging of graves.~~

~~The Superintendent~~Cemetery Supervisor shall cause to be dug any grave for which a proper ~~permit~~notice is delivered to ~~him or her~~ and shall have the grave in readiness for the appointed time of burial after notice of at least ~~6 hours' working time~~16 business hours under normal digging conditions. If the ground is frozen or other abnormal conditions exist, notice of at least ~~12 hours' notice~~24 business hours must be given. All graves shall be dug and refilled by ~~e~~City employees.

13.32.30270 ~~Fees for opening and closing graves.~~Cemetery fees.

~~Fees for opening and closing graves~~Cemetery fees shall be established by resolution of the Common Council of the ~~e~~City. Cemetery fees include but are not limited to: sale of cemetery parcels, opening and closing of graves, memorial permit fee, and Saturday funeral fee.

13.32.31280 ~~Double burials and stack burials.~~

A. No double burial will be allowed in the cemetery; ~~except as follows; that is, 2 burials in the same grave; except when the remains of the bodies can be placed in 1 ordinary overbox.~~

1. Two people who were spouses at the time of the first person's death may have a double burial within a grave space if the second decedent is cremated.

2. Double burials are allowed in Block 161, Blocks 4,000 through 5,100, Blocks 6,030 through 6,200, Lots 2,060 through 2,069 and Lots 3,000 through 3,999.

3. This section does not pertain to ossuariums or the cremation sections.

B. ~~Nothing in subsection A. of this section shall be construed to prohibit the 2-level stacking in lots 2060 through 2069, in block 211; provided, that only flush type markers will be permitted, and that the appropriate fee is paid.~~ Stack burials are only allowed in Lots 2,060 through 2,069, Block 161 and Block 4,002 of the cemetery.

C. No more than two burials in a grave space shall be allowed except in the ossuary.

D. In a situation of a double burial with a full burial and a cremation, the full burial must be interred either at the same time the cremation is interred or before the cremation is interred. If the cremation is interred prior to the full burial, a disinterment permit shall be required before the interment of the full burial may occur.

13.32.290 Ossuariums and other City-owned burial structures.

The City may construct and maintain any number of ossuariums and other City-owned burial structures.

13.32.300 Cremation sections.

Sections in the cemetery divided into cremation spaces.

13.32.310 Infant sections.

Sections in the cemetery divided into infant spaces. A container interred in an infant space shall not be larger than two feet by three feet.

13.32.320 Family memorial sections.

Sections in the cemetery designated to have both a family memorial and individual memorials as herein provided. Grave spaces shall be sold in groups of four. Each family is required to place a centered family memorial in accordance with Cemetery Regulations. Individual memorials shall be placed to identify each grave space in accordance with Cemetery Regulations.

13.32.3230 Supervision of funerals.

Funerals, on reaching the cemetery, will be under the charge of the ~~Superintendent or his or her assistants.~~ Cemetery Supervisor or his or her designee. Funerals shall be conducted in accordance with Cemetery Regulations.

13.32.3340 Casket enclosures. Vault required.

No person 4 years of age and over shall be buried in the cemetery unless the casket is enclosed in either a concrete, steel or equally hard material container and the container shall have a minimum of 40 inches of soil covering. Concrete surface vaults shall continue to be permitted in the sections now in use, but in no event in the new section designated as lots 2001 through 2217. The foregoing notwithstanding, the following designated spaces shall not require casket enclosure upon payment of a surcharge in the amount of \$400: Block 220, Lots 2145 through 2148. Any casketed burial placed in a grave space, except an infant space, shall be placed in a vault.

13.32.3450 ~~Ashes of cremated body~~-Container for ashes of cremated remains.

When the ashes of a cremated ~~body~~remains are to be interred in the cemetery, the urn ~~must~~shall be in a strong wood, metal, plastic or concrete ~~ease~~container.

13.32.3560 ~~Funerals after 5:00 p.m~~ hours.

No funeral will be allowed in the cemetery after 5:00p.m., except by special permission of the Mayor. Funerals in the cemetery are allowed Monday through Saturday between 8:30 a.m. and 3:00 p.m.

13.32.3670 ~~Burials on Sunday or legal~~City-observed holiday.

Burials on Sundays and ~~any legal holiday declared by state law~~or any City-observed holiday ~~will~~shall not be permitted in the cemetery, except upon special permit therefore issued by the ~~m~~Mayor, ~~on recommendation of the Health Officer.~~

13.32.3780 ~~Disinterments.~~

Disinterments shall be made only by cemetery employees upon receipt of a disinterment permit from a funeral home, and all charges for the work must be paid to the City Treasurer before the remains are taken away.

13.32.3890 ~~Visiting hours-Children under 14 to be accompanied by adult.~~

All persons are welcome to visit the cemetery ~~while the gates are open.~~ The hours are from 8:007:30 a.m. until dark, according to the season of the year~~sunset~~. Children under 14 years of age shall not be permitted to enter the grounds unless accompanied by ~~some~~an adult who will be responsible for ~~their~~the child's conduct.

13.32.400 ~~Recreational activities not permitted.~~

Recreational activities shall not be permitted in the cemetery.

13.32.39410 ~~Required use of walks~~cemetery pathways and roads-~~Trespass on lots.~~

All persons are required to keep on the walkpathways and roads of the cemetery, ~~and under~~ Under no circumstances ~~are they~~is any person allowed to sit upon, walk upon or otherwise

occupy any ~~private lot~~ cemetery parcel not belonging to them or to a member of their family. This section does not apply to cemetery employees or personnel involved in burial or memorial services.

13.32.4020 Motor vehicle regulations.

A. Motor vehicles must be driven carefully in the cemetery and not to exceed 10 mph. They shall not be driven anywhere except on ~~the established driveways~~ roadways.

B. Vehicles ~~motors~~ shall not be kept running in close proximity to any funeral service being conducted ~~in the cemetery~~.

13.32.410 — Firearms.

~~— No person shall be permitted to enter the cemetery with firearms, except those persons attending funerals involving military honors.~~

13.32.4230 Dogs Animals prohibited.

~~Dogs are not permitted in the cemetery at any time and it is unlawful for any person to bring any dog into the cemetery. No person may bring an animal into the cemetery. Service animals are exempt from this section.~~

13.32.430 — ~~Picking flowers or damaging property~~ Disturbing the peace.

~~— A. — The picking of flowers, breaking or injuring trees, plants or any other property within the cemetery is strictly prohibited and shall be a misdemeanor.~~

~~— B. — No person shall write on, deface or injure any monument, or any other structure in the cemetery, nor disturb the peace therein.~~

13.32.440 Interfering with funeral.

Persons who have not accompanied a funeral to the cemetery shall not congregate around a grave or vehicles, while ceremonies are in progress.

13.32.450 No Littering.

No person shall ~~may~~ place papers, decayed flowers or any litter as defined in § 8.12.010 on any grave space or other cemetery property except in a container designed and intended for the collection of litter ~~rubbish on lots or in roadways and walks in the cemetery.~~

13.32.460 ~~Rules and regulations of Superintendent of Parks~~ Cemetery Regulations.

~~The Superintendent of Parks is authorized to establish rules and regulations, not inconsistent with this chapter, governing the operation and maintenance of the cemetery and the conduct of~~

~~persons therein.~~ The Cemetery Supervisor may propose Cemetery Regulations that ~~The rules and regulations~~ shall be subject to approval by resolution of the Common Council. When so approved, it shall be unlawful for any person to violate any such ~~rule or~~ regulation.

CITY OF RAPID CITY

Mayor

ATTEST

Finance Officer

(seal)

First Reading:
Second Reading:
Published:
Effective: