

**RESOLUTION NO. 2019-022**

**A RESOLUTION ADOPTING CEMETERY REGULATIONS**

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 establish regulations regarding City Cemeteries.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following City Cemetery Regulations are adopted:

**CITY OF RAPID CITY CEMETERY REGULATIONS**

**GENERAL**

1. City employees are not permitted to do any work on a cemetery parcel for certificate holders except upon orders from the Cemetery Supervisor. All requests for maintenance purposes within the cemetery must go through the Cemetery Supervisor.
2. The City of Rapid City assumes no liability for any damage to property done while preparing for or completing an interment or disinterment.
3. The City shall have the right to correct any error made by any of its employees in the interment or disinterment of a body. The City assumes no liability for damage during this process.

**HOURS**

4. Gates are open 7:30 a.m. to 6:00 p.m. between November 1st and March 31st and 7:30 a.m. to 8:00 p.m. between April 1st and October 31st.
5. Hours of the Cemetery Office are Monday through Friday, 7:30 a.m. to 4:00 p.m. with the exception of City-observed holidays. Appointments are encouraged and can be made by calling the Cemetery Office.

**DIRECTORY**

6. There are two directories that list the names of deceased persons interred in the cemetery. One is located outside of the Cemetery Office and the second is located near the southwest gate off of Flormann Street. The directory identifies the block, lot and grave for burials. Names are placed in alphabetical order. The directory is updated annually prior to Memorial Day.

## **ASSIGNMENT, TRANSFER, OR EXCHANGE OF CEMETERY PARCELS**

7. In order to obtain the consent of the Cemetery Supervisor for the assignment or transfer of a cemetery parcel pursuant to Rapid City Municipal Code § 13.32.150 (Ordinance No. 6308), a certificate holder must complete an Assignment of Rights that is obtained through the Cemetery Office that details the full legal name of the current certificate holder, the address of the current certificate holder, the full legal name of the proposed certificate holder, the current address of the proposed certificate holder, and any other contact information requested by the Cemetery Supervisor. The assignment or transfer will not be considered approved until the Cemetery Supervisor consents to the assignment or transfer by signing the completed Assignment of Rights.

8. The purchase of cemetery parcels for the purpose of speculation is prohibited. The City reserves the right to refuse an offer to purchase, an assignment or a transfer of a cemetery parcel if speculation appears to be the purpose.

9. If a certificate holder desires to sell a cemetery parcel to the City, the certificate holder must complete an Agreement to Transfer Grave to City that is obtained through the Cemetery Office. Cemetery parcels that are transferred back to the City will be purchased at the original price that the certificate holder paid the City for the cemetery parcel.

10. At the time of purchase, a certificate holder has the option to designate who is to be buried in the cemetery parcel so purchased. The certificate holder may change the designation by completing a Change of Designation of Parcel form obtained through the Cemetery Office. No one may be interred in a cemetery parcel if they have not been designated to be interred in a cemetery parcel.

11. If a certificate holder desires to exchange a cemetery parcel owned by the certificate holder for a similarly sized and valued cemetery parcel owned by the City, the certificate holder must complete an Agreement for Exchange of Graves. The exchange will not be considered approved until the Cemetery Supervisor consents to such by signing the completed Agreement for Exchange of Graves.

12. If an assignment, transfer, exchange, or change of designation of a cemetery parcel is sought and any of the following scenarios are applicable, certain documentation as listed below must be completed:

A. If a certificate holder is deceased and a personal representative, executor or administrator of the deceased's estate wishes to assign, transfer or exchange a cemetery parcel, the personal representative, executor or administrator must complete an Affidavit of Authority for Personal Representative, Executor or Administrator first.

B. If a certificate holder is deceased and an heir wishes to assign, transfer or exchange a cemetery parcel to which the heir has a full interest, the heir must complete an Affidavit of Heir's Authority first.

C. If the certificate holder, personal representative, executor, administrator, or heir cannot provide the original certificate, such person must complete an Affidavit of Certificate Holder's Authority first.

**STRUCTURES – ABOVEGROUND BURIALS**

13. The ossuarius(s) are owned by the City and are available for the placement of cremains aboveground. Other areas in the cemetery may be designated for aboveground burials by the direction of the City.

A. The fee for a niche includes an urn for each cremation (maximum of two), the inscription (up to six lines), and the opening and closing (maximum of two). If a Saturday opening and closing is desired, there will be a Saturday surcharge fee. If the certificate holder desires to use their own urn, it must be 5 ½" by 5 ½" by 7" or smaller and made out of wood, metal, or plastic. If a certificate holder desires to have more than six lines or a symbol inscribed on a niche front, the certificate holder must pay the additional expense for the additional lines or symbol. Examples of niche front options are available to view at the Cemetery Office. The color and font for the inscription on the niche front will be standard. Once a cremain is interred, the inscription on the niche front will take place for that interred cremain.

B. The fee for an ossuary space includes a satin or velvet container for one cremation, the inscription of the first, middle and last name (up to a certain number of letters), the birth year and death year on the memorial band, and the opening and closing. If a Saturday opening and closing is desired, there will be a Saturday surcharge fee. The City will provide a satin or velvet container for one cremation; no other containers are allowed. The color and font for the inscription on the memorial band will be standard. The inscription on the memorial band will be completed within one year of the cremain's interment.

C. No decorations are allowed on the ossuarius(s). No modifications are allowed on the niche fronts or memorial band. Taping, wiring, gluing, painting, or attaching anything to the ossuarius(s) is prohibited.

**FUNERAL ARRANGEMENTS**

14. Burial and service arrangements shall be made through the Cemetery Office or with a Funeral Home.

**MEMORIALS**

15. A certificate holder may have a memorial complying with the regulations below erected on a respective grave space (or spaces if allowed based upon the Rapid City Municipal Code and these Regulations) if a Memorial Permit is approved by the Cemetery Supervisor. The design, construction and placement of a memorial shall be contracted locally with a monument company. Monument companies shall obtain the Memorial Permit at the Cemetery Office. The proposed design, based on the Memorial Permit, is subject to the approval of the Cemetery Supervisor.

16. A memorial may be placed in the center of up to three (3) graves. When placed on two graves, it shall be centered between the two. The maximum length shall not exceed double the maximum length allowed for a single memorial. When placed on three graves it shall be centered between the three. The maximum length shall not exceed triple the maximum length allowed for a single memorial.
17. No ledger type or grave covers will be allowed.
18. All flush memorials are to be made of granite with a minimum thickness of four (4) inches and a minimum frosted border of three (3) inches. No granite countertop will be allowed.
19. All upright memorials shall be installed on a reinforced concrete or granite foundation with a minimum border (wash) of three (3) inches.
20. The memorial or foundation will not be set on the grave, and the edge must be in line with the parcel line.
21. Permanent vases and statues are allowed on memorials and shall be installed at the time of the memorial purchase. Vases and statues shall be placed in line and on either end of the memorial. Changes may be made to existing memorials when they are approved by the Cemetery Office.
22. Maintenance and care of the memorials will be the responsibility of the owner.
23. Setting of memorials shall not interfere with funeral services.
24. The following locations are designated with specific memorial restrictions to conform to the grave space dimensions:

**Mount Calvary Cemetery**

**A. Blocks 1a through 4 and Blocks A through D – Infant Section**

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 24 inches and the maximum width shall not exceed 16 inches. Upright memorials shall not exceed 6 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials shall be placed at the west end of the grave facing west. No vases or statues are allowed.

**B. Blocks 5 – 166**

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 42 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials shall be placed at the west end of the grave facing east.

C. Blocks 167 through 168 – Infant Section

All memorials are to be set flush with the ground. The maximum length shall not exceed 36 inches and the maximum width shall not exceed 26 inches. Memorials shall be placed at the west end of the grave facing east.

D. Blocks 4000 through 4023

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 42 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials shall be placed at the west end of the grave facing east.

E. Blocks 4024 through 4037 - Family Memorial Section

The family memorial will identify the family name and will be placed in the center of the group of graves. Memorials shall be approved by the Cemetery Office.

Foot stones will identify the individual names and dates and may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. The memorial height shall not exceed (8) eight inches and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Statues are not allowed on the foot stone.

F. Blocks 5000 through 5091

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 42 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials shall be placed at the west end of the grave facing east.

G. Blocks 6000 through 6003 – Infant Section

All memorials are to be set flush with the ground. The maximum length shall not exceed 32 inches and the maximum width shall not exceed 26 inches. All memorials shall be placed at the west end of the grave facing west.

H. Blocks 6010 through 6013 – Infant Section

All memorials are to be set flush with the ground. The maximum length shall not exceed 32 inches and the maximum width shall not exceed 26 inches. Memorials shall be placed at the east end of the grave facing east.

I. Blocks 6020 through 6024 – Cremation Section

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 30 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials in graves 1-12 shall be placed on the east side of the grave facing east and graves 13-24 shall be placed on the west side of the grave facing west.

J. Blocks 6030 through 6104

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 42 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials shall be placed at the west end of the grave facing east.

**Mountain View Cemetery:**

K. Blocks 1 through 98

Memorials range in various sizes. Certificate holders shall contact the Cemetery office to discuss size options prior to the purchase or construction of a memorial.

L. Blocks 200 through 207 and Blocks 210 through 217

All memorials are to be set flush with the ground. The maximum length shall not exceed 48 inches and the maximum width shall not exceed 26 inches. All memorials will lay to be read from the nearest road or path and be consistent with existing memorials.

M. Blocks 220 through 228

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 48 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 42 inches in height and shall be installed on a concrete or granite foundation with a minimum border (wash) of three (3) inches. Memorials will lay to be read from the nearest road or path and be consistent with existing memorials.

N. Lots 2130 through 2133 – Infant Section

All memorials are to be set flush with the ground. The maximum length shall not exceed 32 inches and the maximum width shall not exceed 26 inches. Memorials shall be placed at the east end of the grave facing east.

O. Lots 2135 through 2138 - Infant Section

All memorials are to be set flush with the ground. The maximum length shall not exceed 32 inches and the maximum width shall not exceed 26 inches. Memorials shall be placed at the west end of the grave facing west.

P. Lots 2218 through 2224 - Cremation Section

All memorials are to be set flush with the ground. The maximum length shall not exceed 42 inches and the maximum width shall not exceed 26 inches. All memorials shall be placed at the west end of the grave facing west.

Q. Lots 3000 through 3097

All memorials may be flush or upright. The maximum length for foundations or flush memorials shall not exceed 42 inches and the maximum width shall not exceed 26 inches. Upright memorials shall not exceed 42 inches in height and shall be installed on a

concrete or granite foundation with a minimum border (wash) of three (3) inches.  
Memorials shall be placed at the west end of the grave facing east.

BE IT FURTHER RESOLVED that these regulations shall remain in place until changed by an act of the City Council.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)