

ORDINANCE NO. 2019-08

**AN ORDINANCE ESTABLISHING THE PLEASANT HILL MUNICIPAL CEMETERY
AND CREATING POLICIES REGARDING THE SAME**

Section I

The City Council of the City of Alcester (hereinafter "council") has deemed it in the public interest for the City of Alcester to assume all assets and liabilities of the present Pleasant Hill Cemetery Association of Alcester, South Dakota. With the effective date of this Ordinance the City of Alcester hereby accepts all assets and liabilities of the Pleasant Hill Cemetery Association, and hereby designates Pleasant Hill Cemetery as a Municipal Cemetery pursuant to SDCL 9-32-13. All rules, regulations, bylaws, and fees shall continue in effect until modified or changed by resolution of the Alcester City Council.

Section II Pleasant Hill Cemetery

The Cemetery owed by the City shall continue to be known and designated as the Pleasant Hill Cemetery (hereinafter "cemetery"). For reference, Pleasant Hill Cemetery is located within the municipal boundaries of the City of Alcester and is legally described as follows:

The South 575 feet of the East 622.5 feet of the Southwest Quarter (SW 1/4), Section Twenty-Two (22), Township Ninety-Five (95) North, Range Forty-Nine (49), West of the 5th Prime Meridian, Union County, South Dakota

and

Anderson Tract One (1) of the Southeast Quarter of the Southwest Quarter (SE 1/4, SW 1/4), Section Twenty-Two (22), Township Ninety-Five (95) North, Range Forty-Nine (49), West of the 5th Prime Meridian, Union County, South Dakota

Section III Control of cemetery vested in Alcester City Council

The control of Pleasant Hill Cemetery shall be vested in the city council, who may employ a sexton and other laborers as necessary. The council may delegate the day to day supervision and maintenance of the cemetery to the sexton or to such city department employees as may be necessary. The council may establish or modify rates, fees, prices, policies, procedures and rules governing the operation, maintenance and use of the cemetery.

Section IV Sexton of Pleasant Hill Cemetery

A Sexton may be hired by the council by majority vote. If a Sexton is not hired, the council may contract for the services to be otherwise provided by the Sexton.

Section V Duties of Sexton

The Sexton shall have general supervision and care of the cemetery. He/She shall be responsible for the cutting of grass, removal of snow, maintenance of cemetery assets and equipment, and supervision of additional personnel hired, at the council's discretion, to assist with the maintenance of the cemetery. The Sexton shall coordinate with funeral homes, funeral directors, and grave diggers for the marking and digging of graves. The Sexton may delay burials due to weather or frozen ground. The Sexton shall also be responsible for the maintenance of all burial records. The Sexton shall have charge of all disinterments and shall perform such other duties as directed by rule or action of the Council.

Section VI Designation of Portions to be Platted; Determination of Prices and Conditions for Sale of Lots; Current Prices for Lots; Payment for and Conveyance of Lots

The Council shall, by resolution, determine the portions of the cemetery to be platted and laid out and the prices for which the lots and parcels are to be sold and the limitations and conditions under which such sales are to be made. Until otherwise changed by resolution of the Council, grave lot charges shall be as follows:

A. Adult grave/single plot:	\$ 800.00
B. Single plot for two cremation burials:	\$1,200.00
C. Single plot for one cremation and one traditional burial:	\$1,200.00
D. Internment fee:	\$ 250.00
E. Monument placement fee per name on monument:	\$ 225.00

The Finance Officer shall upon payment in full for a lot, deliver to the purchaser thereof a proper conveyance executed by the Finance Officer or Sexton and attested by the Finance Officer under the seal of the City.

Section VII Records to be Maintained by Sexton and Finance Officer

The Sexton shall keep a record to be furnished and owned by the city in which the Sexton shall record the decedent's name and age (if available), and the number of the lot and block of the decedent's burial. The finance officer shall keep a record of the sale of lots, and of the monies, income, expenses, and assets of the cemetery. All cemetery records shall be maintained at the finance office.

Section VIII Cemetery Operations and Maintenance Fund

The finance officer shall establish the cemetery maintenance fund with assets assumed from the Pleasant Hill Cemetery Association. The purpose of this fund shall be to provide for the operating and capital expenses of the cemetery, including the payment of the Sexton and additional employees as may be hired to maintain the cemetery. All funds derived from the sale of lots, burials, interments and any other operations of the cemetery shall be credited to the Cemetery Operations and Maintenance Fund. Monies from said fund shall not be used only for the operations and maintenance of the cemetery, and shall not be moved from said fund except in the event the Council chooses to establish a Perpetual Care Fund in accordance with South Dakota Codified Law or a fund established for the future acquisition of real property for use by the cemetery.

Section IX Rules and Regulations

Rules and regulations shall apply to the cemetery operation as follows:

- A. Only one (1) adult body shall be permitted in a single interment adult grave except in the case of a mother and her infant in which case special permission must be obtained from the Sexton or the finance officer. Up to two (2) cremains containers shall be permitted in an adult grave and may be with a ground level marker.
- B. Written permission of the lot owner must be filed with the Sexton for burial of a person other than a member of the immediate family or relative of the lot owner.
- C. No disinterment shall be permitted except by proper authority.
- D. Lot sizes shall be four (4) feet wide by sixteen (16) feet long. Adult graves shall be located at least six inches (6") within the lot boundaries and shall be dug to a depth of at least six (6) feet and in a manner which provides for a minimum of forty inches (40") of soil cover as required in Rule N below. No double interments shall be permitted except in the case of a parent and child aged two (2) or under.

E. No sale, resale, assignment, or transfer of a lot shall be not be valid unless such sale, resale, assignment, or transfer is from the lot owner back to the City. Any sale, resale, assignment, or transfer by a lot owner to the City shall be at the price originally paid by the lot owner for the lot at the time of purchase.

F. No person shall place papers, decayed flowers, or any rubbish on any lot, grave, roadway, or cemetery ground.

G. No planting of any tree, bush, shrub, or plant is allowed upon grave units, lots, or in alleyways. As existing plantings located on grave units, lots, or in alleyways die, they shall not be replaced. Certain varieties of trees may be donated as living memorials, if approved by the Sexton, who shall determine the most suitable location prior to planting.

H. The Sexton shall remove or cause to be removed any unsightly tree, shrub, or object in the cemetery.

I. Fences, hedges, curbs, and walks around or on grave units or around lots are prohibited.

J. All memorials, markers and headstones placed on any grave require prior approval of the Sexton.

K. The Cemetery shall be open to the public at all times. Visitors shall drive only on roads within the cemetery and shall park in a manner that does not impede traffic, mowing or maintenance, or cause damage to grass, lots, or green space within the cemetery. Parallel parking is required where possible. The Sexton may designate open areas of the cemetery for temporary parking during interments as necessary.

L. Natural floral arrangements not including pots, vases, or other containers, shall be permitted on graves at any time. Plastic floral arrangements and ornaments shall not be permitted on any grave or lot except from two weeks prior to Memorial Day and two weeks thereafter.

M. Funerals shall not be permitted on Memorial Day, Sundays, or legal holidays unless special permission is obtained from the Sexton or finance officer.

N. No person shall be buried in the cemetery unless the casket is enclosed in a concrete or Steel container. Said container shall have a minimum of forty inches (40") of soil covering.

O. The City may repair any lot found to be so un-cared for as to be unsightly and shall not be liable to the lot owner for any damage done thereby unless such damage is caused by willful bad acts by the City.

P. Markers, Monuments and Headstones.

1. The cemetery will not allow the use of ledgers, grave markers, surface mausoleums or surface vaults with covers, allowing an exception only to match existing grave covers or markers already paid for.
2. There shall be eight inches (8”) of foundation on both the front and back sides of monuments and headstones to accommodate the cemetery’s mowers.
3. Foot markers set with a grave marker must be put at ground level.
4. The foundations for monuments or markers may not exceed the boundaries of the owners' legal description of the grave space or spaces.
5. Vases will be allowed on the base of the monument.
6. Monuments are not city property. Maintenance and vandalism are the owners' responsibility.
7. Native rock will be allowed to be used as markers; however, native rock must be the approximate size as other monuments or markers.
8. The use of corner markers is not allowed.
9. Rock or concrete walls will not be allowed to mark the boundaries of lots or grave spaces.

Q. Temporary markers shall be placed in concrete flush with the ground within one year from the date of burial, unless replaced with a permanent grave marker. If no permanent monument or marker is placed within six (6) months of burial, the City may charge a \$25.00 marker fee to the estate of the decedent.

Section X Installations of Burial Vaults, Markers, and Monuments under Supervision of Sexton.

The installation or erection of any burial vault, grave marker, or grave monument in Pleasant Hill Cemetery shall be under the supervision of the Sexton as follows:

- A. All monuments or markers must have foundations except for ground level markers.
- B. All monuments or markers must be set and placed with the use of survey stakes to ensure that the monuments or markers are in line with the others.
- C. Monuments setters and salespeople must contact the Sexton or a cemetery

employee in order to find the survey stakes so flags can be placed to align the monument or marker properly.

D. The vehicles of monument setters are not allowed on the grass while setting the monument or marker without prior permission from the Sexton.

E. Any damage done to the cemetery by contractors or monument companies will be charged to the contractor or Monument Company.

F. Monuments must be set and placed level unless the terrain dictates otherwise.

G. Any monument or marker that is set and placed improperly is the responsibility of the monument company to correct.

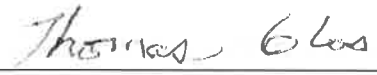
H. The City is not responsible for errors on monuments, i.e. placed and faced wrong, paneled the opposite direction, etc.

Section XI Appeals

Appeals of administrative decisions made by the Finance Officer, Sexton, or any other municipal employee under the provisions of this ordinance shall be made to Alcester City Council.

Adopted this 9 day of December, 2019.

CITY OF ALCESTER


Thomas Glas, Mayor

ATTEST:


Patricia Jurrens, Finance Officer

Date of First Reading:	December 2, 2019
Date of Second Reading:	December 9, 2019
Date of Adoption:	December 9, 2019
Date of Publication:	December 19, 2019
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