

Ordinance NO. 737

An Ordinance Entitled: "An Ordinance Amending Cemetery Regulations"

Be It Ordained by the City of Groton that the following Chapter 4-9 Cemetery Regulations be amended to read as follows:

Chapter 4-9 Cemetery Regulations

4-9-1 Management. The ~~city~~ **Public Works coordinator Department** shall be in control of managing the ~~city~~ cemetery under the direction of the **City Council**.

4-9-2 Sale of Lots. Lots in the ~~city~~ cemetery are sold subject to the rules adopted by the **City Council** and at a price fixed by ~~resolution of~~ the **City Council** adjusted from time to time, but no lot may be sold to a third party after it is sold to the original purchaser for more money than its original purchase price.

~~The mayor and city finance officer shall execute all conveyances for lots upon full payment of the price of the lot and~~ **No** burial shall be permitted until the full purchase price for said lot is paid.

~~4-9-3 Grave Location. Graves must be located at least six inches inside the boundaries of said lot.~~

4-9-4 Grave Marking. ~~The digging of all graves shall be done under the direction of~~ **The** ~~city~~ **Public Works coordinator Department** ~~who~~ shall first mark out the boundary lines of said lot before digging commences. For this service there shall be a fee of \$50.00 paid to the **City** and all costs in connection with the digging of a grave shall be the sole responsibility of the person or entity seeking the interment on said lot.

4-9-5 Vault Requirement. All **casketed** burials in the cemetery shall be made in a concrete box or vault which is impervious to the soil and animal intrusions.

4-9-6 Markers & Monuments. All markers or monuments shall be constructed of granite or cement supported by a granite or cement foundation. The placement of the markers or monuments must first be ~~approved~~ **marked** by the ~~city~~ **Public Works coordinator Department**. All lot owners or next of kin shall assume full, perpetual responsibility for the placement of the marker or monument and its maintenance.

4-9-7 Memorial Removal. The city shall not be responsible for articles placed on the lots and may remove, without notice, any article considered objectionable or detrimental to the aesthetic value, peace, or tranquility of the cemetery. Memorial Day wreathes and flowers may be placed on the graves/lots from May 20 to June 15. Memorials shall be moved next to the headstone after June 15 for ease of mowing. Memorials may be kept any place on the lot after June 15, if lot owners or next of kin keep the lot properly mowed and trimmed. Memorials shall be taken off the graves/lots September 7 each year by the owners or next of kin or it shall be removed by the City after that date. The memorials shall be discarded by the City.

4-9-8 Vehicle Operation. No driving of any vehicles shall be permitted in the cemetery except upon driveways, except for work in connection with interment. The speed limit of ten miles per hour must be observed at all times by vehicles operating in the cemetery.

4-9-9 Vandalism Prohibited. No persons shall pick any flowers, break any trees, or shrubs or mar or deface any marker or monument within the cemetery unless he has permission of the city Public Works coordinator Department or lot owner upon whose lot this conduct takes place.

4-9-10 Body Removal. No body shall be exhumed except by permission of the city council Department of Health or other proper public authorities with the consent in writing of the surviving husband or wife or next of kin of the person whose body is to be exhumed.

4-9-11 Perpetual Care Fund. There is hereby created a perpetual care fund which shall be permanently set aside in a trust fund and the income from said trust fund investment shall be used for the care and maintenance of said cemetery. Income from perpetual care investments shall be credited to the cemetery maintenance account as maintained within the municipal general fund. Income received from the sale of burial lots shall be credited to the cemetery maintenance account. The city may receive and take possession of any gifts, donations, devises, or legacies for such purpose of maintaining a perpetual care trust fund. The city may use the principle in said perpetual care trust fund for not only the care and maintenance of the cemetery but for purpose of acquisition of additional land to extend the boundaries of such cemetery or to acquire heavy machinery to maintain the cemetery including, but not limited to, opening and closing graves. The principle utilized for these purposes in the perpetual care trust fund should not be drawn down below \$25,000.00. The city may, but it is not required to, appropriate money from the general fund to be placed into the perpetual care trust fund from time to time, as needed. This section shall not subject the city to the provisions of Chapter 55-12 of SDCL.

4-9-12 Burial of Cremains. Cremains need to be buried at least 12 inches (with a recommendation of 18 inches) down from the top of the cremation container which is impervious to the soil and animal intrusions. The family will need to obtain a Human Remains Disposal Permit from the Brown County Courthouse, Register of Deeds in Aberdeen, SD or from an undertaker of their choice. There is a \$50 burial marking fee assessed at time of burial. The Public Works Department shall first mark out the boundary lines of said burial before digging commences. The area can be dug by the family or can be hired done.

Passed First Reading: 9/15/20
Passed Second Reading: 10/6/20
Published: 10/14/20
Effective: 11/3/20



Scott Hanlon, Mayor

Attest:



Hope Block, Finance Officer