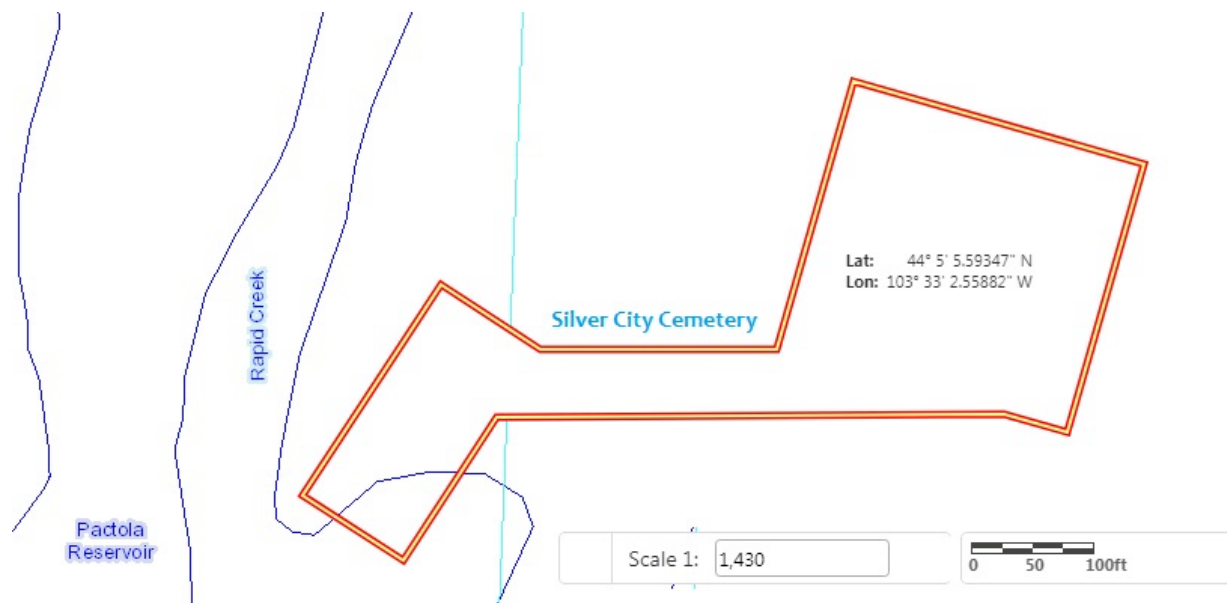


GUIDELINES OF THE SILVER CITY CEMETERY PENNINGTON COUNTY, SOUTH DAKOTA

HISTORY

The Silver City Cemetery is located near the small mining town of Silver City in Pennington County, South Dakota. It is accessible off the Jenney Gulch Picnic area. Numerous historic events over the years such as the building of Pactola Lake/Dam which resulted in the relocation of graves from the former Pactola Cemetery to the Silver City Cemetery and the conveyance of nearly two acres as a result the Cemetery Conveyance Act (HR.291:P.L.113-131) has resulted in the Silver City Cemetery as it is today.



Since 2000 the Silver City Volunteer Fire Department (SCVFD) has had an agreement with the United States Forest Service to maintain and oversee the Cemetery. This agreement was scheduled for renewal in 2019. It is anticipated that renewal will not be necessary since the adoption of the Black Hills Cemetery Act of Congress in 2014. Under this new law, ownership of the Silver City Cemetery will be transferred to the Silver City Volunteer Fire Department. This new law also expands the area of the cemetery from 0.17 acres to 2.17 acres. The process of transfer is ongoing and is expected to be finalized in 2019.22. Special use permit for easement/use of the access road (NFSR 450.1B) to the Silver City Cemetery issued to the land owner (Silver City Volunteer Fire Department) under the provisions of the Black Hills Cemetery Act, P.L. 113-131. The Cemetery is registered with the Pennington County Register of Deeds.

OVERSIGHT AND MANAGEMENT

In the spring of 2014, the Silver City Historical Society (SCHS), was established and signed an agreement with the SCVFD to oversee the operation and maintenance of the Silver City

Cemetery. Within the Silver City Historical Society is a committee, the Cemetery Committee, which has the primary responsibility to oversee the maintenance and operation of the Cemetery. The Silver City Historical Society is the governing organization, approving the policies and guidelines for the Cemetery.

The SCHS desires to have the cemetery simply maintained and managed knowing that there will be limited resources for its operation. These guidelines are necessary for the protection of individuals who purchased the burial rights (cemetery parcel), and for the proper conduct and good order of the cemetery and the community. In conjunction with the applicable South Dakota Codified Laws, the following guidelines are to be used as a resource in the operation, use and management of the Silver City Cemetery.

ELIGIBILITY FOR BURIAL IN THE SILVER CITY CEMETERY

The Silver City Cemetery is reserved as the final resting place for those who were residents and non-residents that meet the following specific written and verifiable criteria, which will be reviewed and approved by the Silver City Cemetery Committee. The Silver City Cemetery is primarily for Residents. Of the total number of cemetery parcels plotted in the new section of the Silver City Cemetery, a percentage determined by the SCHS Cemetery Sub-Committee shall be reserved for Resident use.

Resident: Designation must satisfy one of the following criteria:

1. Past or present property owner within Silver City Fire District.
2. Sibling, parent, step parent, child, or step child of #1
3. Legal spouse of #2
4. Past or present full-time resident (more than 90 days in any one year)

Non-resident: Designation is subject to the review **and approval** of the of the Silver City Historical Society Cemetery Sub-committee; and must satisfy one of the following criteria:

1. Has spent time in Silver City or **within Silver City Fire District surrounding area**
2. Has a friend or family resident of Silver City
3. Past or present member of the Silver City Historical Society

DEFINITIONS

The following words and phrases in this section shall mean:

Cemetery parcel. A grave space or another type of space to place human remains in the cemetery.

Certificate holder. The original purchaser of interment or burial rights.

Certificate of Purchase. Certificate granting the purchaser the exclusive rights to interment in the selected spaces in exchange for a dollar amount paid, and subject to certain criteria, regulations and conditions.

Double burial. A grave space in which two cremations or one cremation and one full size burial are placed.

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.

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

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.

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.

CEMETERY PARCEL

Cemetery Parcel size. The standard cemetery parcel size is hereby established as being five (5) by ~~twelve (12)~~ **ten (10)** feet.

Family Plot. A family plot is an area of a minimum of four cemetery parcels of standard size and restricted to a group of persons related by blood, formal adoption, or legal marriage. **Family plot is limited to six parcels, any in excess of six requires approval of the Cemetery Sub-Committee.**

Plot Parcel limitations.

1. Minimum conveyance is one (1) standard cemetery parcel;
2. Maximum number of cremation interments shall be two (2) per standard cemetery parcel; or
3. Each cemetery parcel will be subject to a maximum of one casket/vault; a combination of one casket/vault and one cremation(double burial); or two cremations.

Transfer of cemetery parcels. No transfer, assignment, or other conveyance of any reserved plot shall be made by a ~~member family~~ **certificate holder** without the express written prior approval of the Cemetery Committee, and all transfers shall be recorded in the cemetery records provided.

MEMORIAL (MONUMENTS, HEADSTONES, MARKERS)

It shall be the responsibility of the certificate holder or family member(s) to provide a memorial for each grave space occupied. Such memorial shall be appropriately placed within one year of the event. The following describe the criteria for a memorial:

1. A maximum of ~~one~~ two memorial per grave space will be permitted. Memorials must be within size limits stated. If two memorials are used, one must be a foot marker.
2. Single markers shall not exceed six (6) inches in height (from ground to top), forty-four (44) inches in width (left to right), and twenty-six (26) inches in depth (front to back). Double markers shall not exceed six (6) inches in height (ground to top), ninety-two (92) inches in width (left to right), and twenty-six (26) inches in depth (front to back).
3. Markers shall be solid marble, granite or bronze.
4. Markers placed at the foot of a grave must be flush with the ground. The SCHS is not responsible for the resetting, repair or replacement of any memorial.
5. Headstones and monuments shall not exceed five (5) feet in height (single or double from ground to top). Width and depth of headstones and monuments shall be same dimensions as stated in paragraph 2. Headstones and monuments shall be either solid marble, granite, natural stone or bronze.
6. Burials in the Old Section shall, when possible, keep in the style, materials, and finish of the surrounding headstones.
7. The placements of stand-alone benches, chairs, and similar articles are not permitted, and if so placed, may be removed by cemetery committee. Ornaments that may cause headstones or monuments to exceed the maximum allowable height will not be permitted. Ornaments shall be either solid marble, granite, bronze or made of shatterproof plastic material. Ornaments that become detached from memorial will be discarded.
8. For purposes of this section, a bench shall not be considered a headstone or monuments. However, if the bench is attached as a part of the headstone or monument, it will be permitted, unless the total area covered exceeds the maximum allowed for headstones and monuments (see paragraph 2 for total sizes of headstones and monuments).
9. The Committee reserves the right to reject any plan or design for any memorial which on account of size, design inscription, kind or quality of stone is in violation of these rules and regulations or is unreasonably infringing on the rights of other parcels plots.
10. The Committee reserves the right to stop all work of any nature whenever in its opinion, proper preparation has not been made; when tools and machinery are insufficient or ineffective; when work is being executed in such a manner as to threaten life or property; when the monument dealer has been guilty of misrepresentation; when any reasonable request on the part of the Committee is disregarded; when work is not being executed according to specifications; or when any person employed for the work violates the rules of the cemetery.
11. All memorials shall be installed by persons employed by the monument dealer (where the marker was purchased.) If this requirement becomes a burden, the committee may make an exception with prior approval and notification.
12. The Cemetery Committee may remove any structure from any grave if it becomes unsightly or obstructs the maintenance of the gravesite or adjacent area.

Family Memorials: Family memorials are not permitted except on a ~~lot~~ plot (consisting of four

or more single grave spaces) and except in accordance with these rules. Where the configuration of the ~~lot~~ plot permits a family memorial, the size, material and design of the memorial must be submitted for prior approval by the Cemetery Committee. No memorial on any plot ~~lot~~, other than those so designated in the prior rules, shall be installed without first being reviewed and approved by the Cemetery Committee.

Curbs and Fencing: No curbs or fences or other similar barriers shall be permitted around any individual or group of ~~lots~~ parcels without prior written authorization from the Cemetery Committee.

CEMETERY BURIALS AND DISINTERMENTS

Burials and disinterments shall be handled in accordance with the South Dakota Codified laws.

The Cemetery Committee will provide a list of gravediggers who have been approved to perform the work of excavating graves at the Silver City Cemetery. Excavators shall work in conjunction with the Cemetery Committee to confirm all grave locations prior to excavation. The Cemetery Committee shall not be responsible for any excavating fees.

Conditions for Burial: Conditions of burial shall be in accordance with the laws of the State of South Dakota. No burial shall take place without a burial permit. The family, through the funeral home, shall procure the issuance of the certificate. A copy of the burial permit shall be maintained in the official cemetery records as well as recorded in accordance with SDCL. Any family member may bring human remains into this state for burial. The burial of human remains shall be under the direction of a licensed funeral director, or a family member. Confirmation of the burial placement will be under the direct supervision of the Cemetery Committee.

Cremations: Cremated remains may be brought to the cemetery for burial by any person, with the prior consent together with a crematory certificate from the respective crematory identifying the remains. A copy of the crematory certificate/permit shall be maintained in the official cemetery records as well as recorded in accordance with SDCL. Burial will be under the direct supervision of Cemetery Committee. Excavation may be done by family members if done by hand. No person shall inter, or cause to be interred any, body or cremated remains in a grave which is less than two (2) feet deep from the top of the container.

Pets: Burial of pets is allowed only as cremated remains. Pet burials are allowed within a previously purchased cemetery parcel and may share the space. There is no extra charge for pet remains burials.

Green Burials: A vault for burial is not mandated by the cemetery and therefore optional. "Green" burials are allowed and are to be conducted in accordance with South Dakota State Codified Laws.

Preparation of the Grave: The preparation of graves and laying out of graveside ceremonial material shall be the responsibility of the funeral director or a family member. Any individual party or family may request such preparation dispensed for a particular service.

FINANCIAL AND FEE INFORMATION

Financial: A separate and unique fund, specific to the Silver City Cemetery shall be established and maintained by the Historical Society for the purpose of paying the operating expenses of the cemetery, and shall be withdrawn only upon the order of the SCHS Board. All monies collected from sales, donations, memorial gifts, legacy, or any other source shall be added to the Cemetery bank account unless otherwise designated by the donor for a specific use or improvement. Interest drawn from the Cemetery fund account shall be used for the care of the cemetery, and any interest accrued over and above the annual cost of the care of the cemetery shall be reinvested for the benefit of the Cemetery.

Fees: The following describes the specific information about fees and other costs associated with the Silver City Cemetery. Cemetery parcels are exempt from state sales tax. The SCHS is not responsible for any sale tax paid to related services such as gravediggers or funeral homes.

The following fees are applicable to burial rights for a standard cemetery parcel and apply to all unoccupied cemetery parcels in the old and expanded sections of the cemetery. All fees may be subject to review and change without notification.

CEMETERY PARCEL (Effective ~~March 2019~~) Effective July 2022

Resident	\$300
Non-Resident	\$1000 \$1500

1. Resident designation will apply after confirmation by the Cemetery Committee
2. Cemetery parcels may not be reserved without full payment
3. Resale is allowed only under special circumstances. The Cemetery will buy back parcels at full original price as stated on the Certificate of Purchase issued as proof of purchase. Only if the cemetery refuses to exercise purchase option in writing, may the ~~plot~~ parcel be sold to a third party, meeting the eligibility requirements as stated on page 2.
4. All parcels in one section of the cemetery must be first reserved prior to the reservation of any ~~lot~~ plot in any undeveloped section.
5. All fees must be paid in-full prior to burial. Full purchase price must be paid before a Certificate of Burial Rights is issued.
6. Any person who purchases any Certificate of Right of Internment ~~cemetery parcel~~ shall, by such purchase, be deemed to have agreed, on behalf of himself and his heirs and assigns, to hold the SCHS and SCVFD harmless for any damages resulting from an inadvertent burial on the wrong grave or for any damage or vandalism to any stone, marker or other improvement placed on the ~~lot~~ plot so purchased.

INTERMENTS AND DISINTERMENTS

All interments must be managed and supervised by a funeral director and the family.

No person shall be buried in the cemetery unless the top of the closed casket has a minimum of 24 inches of soil covering. Maintenance and care of the memorials will be the responsibility of the **Certificate holder**. ~~company setting the same.~~

Disinterments shall be conducted in accordance with South Dakota Codified Law.

CEMETERY RECORDS

In accordance with the State of South Dakota Codified laws, the official records of the Silver City Cemetery shall be the responsibility of the Cemetery Committee. All maps showing sections of the cemetery and the records of cemetery parcel reservations and burials therein shall be kept by the Cemetery Committee and recorded with the Pennington County Register of Deeds. Copies of all cemetery parcels reserved for use shall be recorded in a book provided for this purpose, and shall be subject to the control of the Cemetery Committee. The book shall be kept in the possession of the sexton of the cemetery.

A contract for cemetery parcels sold and a detailed map shall be kept by the Cemetery Committee. The Cemetery Committee shall also keep a record of every burial in the cemetery, showing the date of burial and the name of the person buried, when these particulars can be obtained, and the cemetery parcel or part thereof, in which the burial was made. A copy of such record, duly certified, shall be furnished to any person upon request. All burials shall be recorded with Pennington County and the State of South Dakota Historical Society.

It shall be the duty of the cemetery parcel rights holder to notify the Cemetery Committee of any changes in his or her address. Notice sent to the rights holder at the last address on file by the Cemetery Committee shall be considered sufficient and proper legal notice.

The official "Certificate of Right of Interment" issued at the time of the sale of the right of burial in the cemetery parcel and the rules and regulations and any amendments shall be the sole agreement between the Cemetery Committee and the purchaser of the cemetery parcel.

The Cemetery Committee shall take reasonable precaution to protect cemetery parcels within the cemetery from loss or damage; but it disclaims all responsibility for loss or damage from causes beyond its reasonable control, and especially from damage caused by elements, acts of God, common enemy, thieves, vandals, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

CEMETERY MAINTENANCE

The Silver City Cemetery does not carry the designation as a perpetual care cemetery. The cemetery is designated as a non-perpetual care cemetery. (NOTE: See SDCL 55-12-3 for minimum maintenance of cash funds) The general maintenance of the cemetery shall be the responsibility of the Cemetery Committee. The Cemetery Committee shall determine what acts are necessary to maintain the appearance and condition of the cemetery within their jurisdiction.

Without limiting the generality of the foregoing, the Cemetery Committee shall address such items as the installation, upkeep, or removal of the fences, spring and fall clean up, and the general periodic raking of leaves and/or mowing of grass. The cemetery will be cleared of all old flowers, artificial or natural, & wreaths, in May and October of each calendar year. The Cemetery Committee will be not be responsible for the maintenance or upkeep of memorials or the setting thereof.

Planting of Trees and Shrubs: No trees or shrubs shall be planted in any plot in the Silver City Cemetery by any person or persons without the express approval of the Cemetery Committee, and installed under the direct supervision of the Cemetery Committee. Existing plants, trees or shrubs may be trimmed removed by the Cemetery Committee if deemed in the best interest of the cemetery, infringes or abutting ~~lots~~ **plots**, or if inconvenient to the care and maintenance of **plot(s)** ~~lot(s)~~.

Devotional lights of any type are prohibited in the Cemetery. No glass containers are allowed.

CEMETERY CLOSING

The Cemetery Committee reserves the right to close the cemetery on a temporary basis as the Cemetery Committee sees fit. Such conditions may be based on safety, weather conditions, or US Forest Service mandates. Temporary interment arrangements and related fees will be the responsibility of the parcel owner and/or family. The Cemetery shall be reopened as soon as possible thereafter.

CEMETERY CONDUCT

- Cemetery visitors should conduct themselves in a respectful manner. Visitors are requested to refrain from loud talking or disruptive activities.
- Loud and/or offensive music is strictly prohibited on or around Cemetery grounds.
- Litter or trash should be “carry-in carry-out”.
- Only non-alcoholic beverages are permitted to be consumed on Cemetery grounds.
- Only pre-packaged and/or pre-cooked food will be permitted on Cemetery grounds.
- Expectorating or smoking on cemetery grounds is prohibited.
- No bicycles, motorcycles, snowmobiles, all-terrain vehicles or horses, shall be permitted in the cemetery except as such may be in attendance at the funeral or on business.

- Vehicles are allowed in the Cemetery only when their use is associated with Cemetery business such as visiting a gravesite or attending a funeral. Vehicles shall use designated roads and parking areas.
- Only officially recognized service animals are permitted inside the Cemetery fences.

No person shall:

- Enter a cemetery except through an established gate or entrance way.
- Pick or mutilate any flowers, either wild or domestic or disturb any tree, shrub, or other plant material without express permission.
- Use any form of advertising on cemetery premises.
- Discharge firearms in or adjacent to the cemetery. This prohibition shall not apply to authorized volleys at burial services conducted by recognized military organizations or associations of the United States of America.
- Injure or deface any monument, stone, fence, or other structure or property within the cemetery.
- Allow dogs or other domestic animal to run at large within the cemetery.
- Allow any child under the age of ten (10) years in any cemetery unless accompanied by an adult.
- Ride horseback within or through the cemetery, except in conjunction with burial services.

AMENDMENTS TO THE GUIDELINES/RULES AND REGULATIONS

The Silver City Historical Society may and hereby expressly reserves the right at any time to adopt new rules and regulations to amend, alter or repeal any rule, regulation, article, section, paragraph or sentence in the rules and regulations.

Amendments to these guidelines shall be announced at the SCHS annual membership meeting or at any special membership meeting.

REVISED: