

## Chapter 34 - CEMETERIES

### Sec. 34.000. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Burial space* means a parcel of property, located within a cemetery, in which or upon which remains or cremains are or are to be buried or disposed. The term shall be limited to the parcel of property set aside for the remains or cremains of a single body.

*Cemetery* means a parcel of property owned by the city or approved by the state pursuant to F.S. ch. 497 which is used or intended to be used for the burial or disposal of remains or cremains.

*Cremains* means cremated remains.

*Interment* means the process of depositing a dead body in the earth.

*Interment right* means the right granted by a land owner to another person which allows the other person to inter remains or cremains in a specified burial space.

*Mausoleum* means a substantially exposed aboveground structure which is used or intended to be used for the entombment of remains or cremains.

*Monument* means an item of tangible personal property which is used to identify or mark a burial space.

*Remains* means a dead body.

*Vault* means a prefabricated concrete container which is designed to receive a casket at burial.

(Code 1969, § 7¼-1)

**Cross reference**— Definitions generally, § 1.010.

### Sec. 34.010. - Maintenance.

- (a) The city shall maintain the cemetery grounds.
- (b) Upon the use of a right of interment, the owner of the right of interment shall become and remain responsible for the maintenance of any monument installed upon the burial space referenced in the right of interment. This maintenance responsibility shall continue in perpetuity and shall be the responsibility of the owner's heirs and assigns.

(Code 1969, § 7¼-7)

### Sec. 34.020. - Rules for operation.

The city manager may adopt rules not inconsistent with this chapter for the operation of any cemetery owned by the city.

(Code 1969, § 7¼-9)

### Sec. 34.030. - Fees.

Fees for any of the rights and services set forth in this chapter shall be adopted and amended by resolution of the city council.

(Code 1969, § 7¼-10)

Sec. 34.040. - Burial requirements.

- (a) It shall be unlawful for any person to bury or dispose of human remains within the city, except as provided in this chapter.
- (b) Human remains and cremains may be buried or disposed in accordance with this chapter in a cemetery owned by the city or in a cemetery duly licensed pursuant to F.S. ch. 497.

(Code 1969, § 7¼-2)

Sec. 34.050. - Sale of interment rights.

- (a) No human remains or cremains shall be interred in any cemetery owned by the city except upon the purchase of a right of interment from the city. The right of interment shall entitle the purchaser to bury or dispose of the purchaser's remains or cremains or the remains or cremains of any natural person within the purchaser's immediate family, in a cemetery owned by the city. The right of interment shall be limited to the particular burial space set forth in the document conferring the right. The right of interment shall not be construed as conveying any interest in the real property upon which or in which remains or cremains may be buried or disposed, nor shall it be construed as granting the owner thereof any rights other than those specifically granted by this chapter.
- (b) The city clerk shall issue the right of interment to any person who:
  - (1) Presents proof of current residence; and
  - (2) Pays the appropriate fee.

In order to be valid, the right of interment issued must be recorded in the office of the city clerk.

- (c) No more than one right of interment shall be sold for a particular burial space except as follows:
  - (1) A right of interment for cremains may be sold in a remains burial space for which a person owns a right of interment if that person acquiesces in writing to the sale of the cremains right. However, no more than four cremains interment rights shall be sold for any such burial space.
  - (2) A total of six cremains interment rights may be sold for any cremains burial space so long as the person owning interment right for the entire burial space acquiesces in writing to the sale of any additional cremains interment right.

This subsection shall not prohibit the city from selling an interment right in a burial space previously encumbered by an interment right if the previous interment right has been extinguished.

(Code 1969, § 7¼-3; Ord. No. 670, § 1, 1-16-96)

Sec. 34.060. - Phase-in of prior interment rights.

All persons who have purchased a right of interment for which they have paid the complete purchase price prior to the effective date of the ordinance from which this section derives shall be issued a right of interment by the city clerk in accordance with section 34.050.

(Code 1969, § 7¼-8)

Sec. 34.070. - Transferability of interment rights.

Rights of interment issued under this chapter are nontransferable. However, any person owning a right of interment who desires to dispose of the right of interment may return the right of interment to the city whereupon the right of interment will be cancelled and the city will refund the original purchase price of the right of interment.

(Code 1969, § 7¼-4)

Sec. 34.080. - Grave opening.

- (a) No person shall open a burial space within any cemetery owned by the city without first receiving permission from the city to do so. The city clerk shall issue a grave opening permit to any person who:
  - (1) Presents a valid right of interment;
  - (2) Provides the city clerk with a written request for the issuance of the grave opening permit which is signed by the owner of the right of interment; and
  - (3) Pays the appropriate fee.
- (b) The city clerk, upon the issuance of a permit requested pursuant to subsection (a) of this section shall instruct the public services department to mark the burial space for which the grave opening permit has been issued. The public works department shall mark the burial space by flagging the corners of the space and posting the space with a copy of the grave opening permit.
- (c) The city shall not be responsible for nor shall it perform any grave opening or closing. All grave openings and closings within the city shall be performed by and under the supervision of a licensed funeral director. All remains shall be interred in a vault which shall be installed at the time of grave opening.
- (d) A burial space in which remains or cremains have been interred may be partially opened to allow the interment of cremains if additional cremains interment rights have been sold in the burial space pursuant to subsection 34.050(c). In the event of a partial opening pursuant to that subsection, the marking provided for in subsection (b) above shall be for that portion of the burial space to be partially opened. In no other instance shall a city owned burial space in which remains or cremains have been interred be opened, unless pursuant to a permit issued under F.S. § 382.006.
- (e) Notwithstanding any other subsection of this section, a court of competent jurisdiction may order the opening of a city-owned burial space in which remains or cremains have been interred.

(Code 1969, § 7¼-5; Ord. No. 670, § 2, 1-16-96)

Sec. 34.090. - Monuments.

- (a) A monument may be installed upon a burial space located within a cemetery owned by the city subject to the following:
  - (1) No copings or cribs may be installed or constructed;
  - (2) Cornerstones may be installed, but they must be set flush with the ground;
  - (3) Monuments identifying individual burial spaces may be headstones or slabs or a combination thereof; however, no slab may exceed six inches in height, and no headstone may exceed 48 inches in height;
  - (4) Headstones exceeding four inches in height shall be attached to a belowground foundation consisting of a slab and subterranean pilings which shall be constructed to prevent the sinking or tipping of the headstone;
  - (5) Monuments shall be constructed of either granite, marble or bronze; and

- (b) No person shall install a monument within any cemetery owned by the city without first receiving permission from the city to do so. The city clerk shall issue a monument installation permit to any person who:
  - (1) Presents a valid right of interment;
  - (2) Provides the city clerk with a written request for the issuance of the monument installation permit which is signed by the owner of the right of interment; and
  - (3) Pays the appropriate fee.
- (c) The city clerk, upon the issuance of a permit requested pursuant to subsection (b) of this section, shall instruct the public works department to mark the burial space for which the monument installation permit has been issued. The public works department shall mark the burial space by flagging the corners of the space, by flagging the boundaries of the area within the space which may be used for the monument installation, and by posting the space with a copy of the monument installation permit.
- (d) The city shall not be responsible for nor shall it perform any monument installation or repair. All monument installation and repair within the city shall be performed by and under the supervision of a licensed monument installer. The city shall be notified prior to and a representative of the city shall be present during the pouring of the monument foundation. Only upon proper completion of the monument foundation shall the city give the monument installer permission to proceed. If the foundation has not been properly completed, the monument installer shall be immediately notified of the deficiency in the monument's foundation and shall correct the deficiency to the city's satisfaction. Further, upon the monument's installation, the monument installer shall notify the city of the installation. Upon notification of the monument's installation, the city shall inspect the monument to ensure that it has been properly installed. If the monument has not been properly installed, the monument installer shall be immediately notified of the deficiency in the installation and shall correct the deficiency to the city's satisfaction. If the deficiency is not corrected within ten days of the notice being given to the monument installer, the city may, at the city's option and in addition to any other remedies the city may have, correct the deficiency and bill both the monument installer and the owner of the right of interment for any costs associated with the correction.
- (e) No burial space may be mounded.

(Code 1969, § 7¼-6; Ord. No. 670, § 3, 1-16-96; Ord. No. 869, § 1, 12-7-04)