

ORDINANCE NO.: 1355-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF THE CITY'S CEMETERY; THE CONDUCT OF PERSONS THEREIN; THE CONSTRUCTION OF VAULTS, MEMORIALS AND MAUSOLEUMS; AND PROVIDING A PENALTY FOR THE VIOLATION OF ITS TERMS.

WHEREAS, the City Council of the City of Zephyrhills has determined that it is in the best interest of the citizens of the City of Zephyrhills to provide for rules and regulations for the operation of the City's cemetery; the conduct of persons therein; and the construction of vaults, memorials and mausoleums thereto.

NOW THEREFORE, be it enacted and ordained by the City Council of the City of Zephyrhills, Florida sitting in regular session as follows:

SECTION 1 – Definitions:

The term "City" shall apply to and mean the City of Zephyrhills, a Florida municipal corporation.

The term "block" shall apply to the numbered section as shown on the recorded plats of the municipal cemetery of the City.

The term "lot" shall apply to the numbered divisions within the block as shown on the recorded plats of the municipal cemetery of the City.

The term "grave space" shall apply to the numbered spaces within the block divisions.

The term "owner" shall mean any person, firm, or corporation who has purchased a grave space in the cemetery, or the heirs, personal representatives or successors of such owners.

The term "interment right" shall mean the right of all owners to use the cemetery grounds for the interment of deceased persons. This interment right belongs to the owner of the cemetery grave space and is subject to the rules and regulations contained therein.

The term "memorial" shall mean any marker or structure upon or in any grave space and placed thereupon or therein, or partially therein, for the purpose of identification or in memory of the interred.

SECTION 2 – Conduct in the Cemetery:

- a. No person shall break or injure any tree or shrub, or deface any landmark, marker, or memorial, or in any way deface the grounds of the cemetery.
- b. The hours of entry to the cemetery shall be from dawn to dusk. It shall be unlawful for any person to be within the cemetery grounds except during dawn to dusk.
- c. Persons within the cemetery grounds shall use only established walkways and roads.
- d. No person shall consume alcoholic beverages within the cemetery, or carry same into the premises.
- e. No person shall discharge a firearm within the grounds of the cemetery except during an official military type funeral or an official Memorial Day service.
- f. No person shall use any form of metal detector on the cemetery grounds.

- 1 -

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DS: 0.00 IT: 0.00
01/16/2018 J. R., Dpty Clerk

PAULA S. O'NEIL, Ph.D. PASCO CLERK & COMPTROLLER
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City Clerk's Office
5335 8th Street
Zephyrhills, FL 33542

- g. No person shall use any form of advertisement on the cemetery grounds.
- h. No person shall throw rubbish or debris on walks, drives, or any part of the cemetery.
- i. Unauthorized persons shall not loaf, lounge, or otherwise use any of the grounds, graves or monuments in the cemetery, or in any of the buildings therein.
- j. No loud or profane talking shall be permitted on the cemetery grounds.
- k. No person except the owner or caretaker shall pluck or remove any plant or flower from any part of the cemetery, or injure anything upon any of the grounds.
- l. Children shall not play within the cemetery.
- m. Dogs and other domestic animals are strictly prohibited from entering the cemetery. This provision shall not apply to guide or service dogs, pursuant to Florida Statute 413.08.
- n. Rubbish shall be deposited in the proper receptacles.

SECTION 3 – Motor Vehicles:

- a. Motor vehicles shall not be driven through the cemetery grounds at a speed greater than 5 miles per hour.
- b. Motor vehicles shall be driven and parked on designated roadways only.
- c. Motor vehicles shall not be parked in front of an open grave unless the occupants thereof are in attendance at a funeral.
- d. The traffic laws of the City of Zephyrhills shall be applicable to the operation of motor vehicles in the cemetery.
- e. Heavy trucks or commercial vehicles, unless on official cemetery business, are prohibited from entering the grounds.

SECTION 4 – Administration and Maintenance:

- a. The control and management of the cemetery shall be under the direct supervision of the City Manager, Public Works Director, and/or appointed staff, who shall administer this ordinance.
- b. All grading, landscaping, mowing, trimming, care of trees and shrubs, and grave spaces shall be performed only by City staff.
- c. The City Manager or appointed staff shall direct all improvements within the grounds and upon all graves before as well as after interments have been made therein.
- d. In the event any improvements or alterations of individual property in the cemetery shall be made without prior approval of the City Manager or appointed staff, the City of Zephyrhills shall have the right to remove such improvements or alterations.
- e. Vases shall be permitted only if properly installed and maintained on the marker itself. Materials must be of a permanent nature such as marble, granite or bronze. Failure to properly install or maintain fixtures will be cause for their removal. Staff shall be the sole judge as to the proper installation and maintenance of such vases.
- f. Fences, coping enclosures, structures of wood or concrete and hedges are prohibited.

- g. No elevated mounds shall be built over graves or filled above existing grades as established by City staff.
- h. The following items including, but not limited to, boxes, statues, shells, toys, discarded glassware, sprinkling cans, or similar articles shall not be permitted on any grave or tree.
- i. Potted plants, wreaths, live or artificial flowers commemorating a holiday, birthday or anniversary shall be permitted for a 30-day period and will be removed by staff when they wilt, fade or otherwise become unsightly. Items shall not be higher than 18".
- j. Flowers only at the memorial marker and shall not interfere with the mowing, trimming and normal maintenance of the cemetery grounds.
- k. If any memorial or structure, or any inscription placed on the same, shall be contained herein determined by the Public Works Director or staff to be offensive to rules, the City of Zephyrhills shall have the right to enter upon any grave space and remove, change, or correct the improper object or objects.
- l. No tree, shrub or flower shall be planted upon any grave, or in any other part of the cemetery, with the exception of plantings performed by the City of Zephyrhills, approved by the City Manager or appointed staff.
- m. Two solar lights (not to exceed 18") a flag (not to exceed 6" in diameter and 18" in height), and a pin wheel (not to exceed 6" in diameter and 18" in height) are permitted at the grave site contained within a window box (made of plastic). Window boxes may not exceed 8" in height above the grade of the memorial marker and may not extend 24" in length.
- n. These requirements are in place in order to protect and maintain the integrity of Oakside Cemetery. They are designed to provide continuity in maintenance and appearance.

SECTION 5 – Funeral Regulations and Burials:

- a. All interments, disinterment's and removals will be done pursuant to the laws or ordinances of the State of Florida, County of Pasco and the ordinances and resolutions of the City of Zephyrhills, and will not be done without prior notification to the City. All opening and closing of burial spaces will be done by a properly state licensed company hired by the Funeral Director of the Funeral Home providing the burial service.
- b. According to 382.006 of the Florida Statue, the funeral director who first assumes custody of a dead body or fetus must obtain a burial-transit permit before final disposition and within 5 days after death. The funeral director shall provide the electronic burial-transit permit generated from the electronic death registration system, or a manually produced permit, to the person in charge of the place of final disposition.
- c. To ensure proper location of the burial space, any firm or corporation arranging the interment of a deceased person must submit a burial permit application to the City Clerk (24) hours prior to interment. The burial permit shall include the following information:

Name of Deceased;
Place of Death;
Date of Death;
Name of Funeral Home;
Type of Burial;
Date of Interment;
Block, Lot and Grave Space;
Owner of grave space;
Next of kin, guardian or executor;
Relationship of next of kin, guardian, or executor to deceased;

Next of kin, guardian, or executor's signature on Burial Permit;
Approval of the City Clerk of the City of Zephyrhills.

d. The burial of two bodies in one grave is prohibited, except in the case of a mother and infant buried at the same time, or in the case of twin children buried on the same day.

e. No more than two cremains shall be buried in any full size grave. One casket and one cremains may be buried in a full size grave.

f. Cremains spaces shall contain only one container per space. Cremains must be placed within a container.

g. Every casket burial shall be made enclosed in a concrete vault. A concrete vault, provided by the funeral directors shall be of a type approved by staff and installed as aforementioned.

h. No funeral design or floral piece shall be permitted to remain in the cemetery for more than 10 days.

i. No animal or pets shall be buried in the cemetery.

j. Failure to adhere to these regulations will result in a penalty in the amount of \$200.00 being assessed against the Funeral Director or Funeral Home which is responsible for the burial services if said violation is not corrected within three (3) business days. The same penalty will also apply in situations involving burial in the wrong grave site unless marking is City error. Vaults installed improperly or burials in the wrong grave site will be corrected at the expense of the Funeral Director or Funeral Home. Three (3) working days will be allowed to correct the problems before the assessment of the penalty.

SECTION 6 – Installation, Markers, Monuments:

a. Any firm or corporation placing, erecting or repairing grave markers within the municipal cemetery must first obtain a permit from the City Clerk's office prior to the commencement of work. No such permit shall be issued until the City Clerk finds:

b. Applicant for such permit has provided a proper and valid business license issued by the jurisdiction of origin.

c. The applicant for such permit has not violated any of the regulations provided in this Ordinance.

d. The installation of the monument shall be in accordance with the regulations provided in this Ordinance. Permanent markers shall be installed no later than one year following the interment date.

Sizes and dimensions of markers are as follows:

Family memorial:

Width: Not less than 14 inches and not more than 24 inches.

Length: Not less than 42 inches and not more than 72 inches.

Individual markers:

Width: Not less than 12 inches and not more than 18 inches.

Length: Not less than 24 inches and not more than 36 inches.

Cremains area markers:

**OLD SECTION (BLOCK 24, LOTS 12 & 13)
12 X 12 SPACES**

Family memorial:

Width: Not more than 11 inches.

Length: Not more than 23 inches.

Individual markers:

Width: Not more than 11 inches.

Length: Not more than 11 inches.

**NEW SECTION (BLOCK 24, LOTS 23 & 24)
18 X 18 SPACES**

Family memorial:

Width: Not more than 17 inches.

Length: Not more than 35 inches.

Individual markers:

Width: Not more than 17 inches.

Length: Not more than 17 inches.

e. With the exception of existing markers in Blocks one (1) through eight (8), all markers must be flush with ground variety. These markers shall be installed at ground level and may contain inverted type vases which can be inverted when not in use.

f. Persons installing markers will be responsible for the cleanup of the installation site. Pieces of sod and other debris shall be cleaned up at the time of installation.

g. The City of Zephyrhills will not be responsible for any theft, vandalism, or damage to monuments, vases, or markers.

h. All memorials shall be set on uniform lines, as prescribed by the cemetery, to conform to the general plan of the cemetery.

i. Memorials may be placed at the headstone area only (Exhibit A).

j. Footstones dedicated to U.S. Veterans as provided by the U.S. Department of Veterans Affairs are permissible. Footstones shall not include vases.

k. In order to secure the recognition of graves and to prevent mistakes, each grave shall be marked by the funeral home in charge of the burial, placing at the head thereof a temporary marker with the decedent's name and date of death, and such temporary marker shall remain until a permanent marker is erected by relatives or the estate of the deceased.

l. No structures, benches, fences or mounds are permitted to be constructed by the owners of the grave spaces. A penalty in the amount of \$200.00 will be assessed by the City to correct the improper installed markers etc. A correction period of three (3) working days will be allowed before the assessment of a penalty.

SECTION 7 – Lot Sales:

a. Sale of all grave spaces shall be a function of the City Clerk. The City Clerk may refuse to sell any grave space to any person or corporation if such sale would violate the Florida State law prohibiting speculation in cemetery property.

b. The deed of ownership for any grave space will not be delivered to any purchaser until the purchase price of the plot grave space has been paid to the City Clerk in full.

c. Lots may be purchased in advance need with a down payment of 50% and a maximum of 24 months to pay the balance, as per written purchase agreement that will outline the terms of purchase and the rights of the purchaser and the Cemetery in case of default.

d. No grave space shall be sold, transferred or conveyed by any owner without consent to transfer being first hand from the City Clerk. No such transfer or conveyance shall be made unless all assessments and charges against the lot or grave space are paid in full. All transfers must be recorded on the permanent records of the City cemetery.

e. Cemetery grave space refunds will be provided in the case of an un-recorded deed only. Forty percent (40%) of the monies that were paid towards the purchase price shall be refunded by the City of Zephyrhills. Any refunds must be recorded by the City Clerk.

f. The sale price of all grave spaces shall be set by the City Council of the City of Zephyrhills.

SECTION 8 – Records of Ownership:

The City Clerk shall keep full and complete records of the ownership of all grave spaces in the cemetery, of the burial capacity of each grave space, sold and unsold, of the location of each grave, names of the deceased buried in each grave that has been and shall hereafter be used, and of the date of each burial.

SECTION 9 – Penalty of Violation:

Any violation of the provisions hereto, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00.

SECTION 10 – Presumption of Abandonment. Unused Burial Spaces:

NOTE: Section 497.286, F.S.

The owners of burial spaces or lots shall be required to keep the City informed of their current mailing address. Notices and or other correspondences mailed to owners of their legal representative or heirs at the last known address on file with the City will constitute actual delivery and notification. There is a presumption that burial rights have been abandoned when an owner of unused burial rights fails to provide the City with a current residence address for a period of fifty (50) consecutive years and the City is unable to communicate by certified letter with said owner of unused burial rights for lack of an address. No such presumption of abandonment will exist for burial rights in common ownership, which are adjoining whether in a grave space plot, mausoleum, columbarium or other place of interment if any such burial rights have been used within such common ownership.

SECTION 11 – Effective Date:

The provisions of this Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1355-18 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 11th day of December, 2017.

Attest: Lori L. Hillman
Lori L. Hillman, CMC, City Clerk

W. Alan Knight
~~W. Alan Knight, Council President~~
Lance A. Smith, Council Vice President

The foregoing Ordinance No. 1355-18 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8th day of January, 2018.

Attest: Lori L. Hillman
Lori L. Hillman, CMC, City Clerk

W. Alan Knight
W. Alan Knight, Council President

The foregoing Ordinance No. 1355-18 was approved by me this 8th day of January, 2018.

Gene Whitfield
Gene Whitfield, Mayor

Approved as to legal form and legal content
for the reliance of the City of Zephyrhills only:

Matthew E. Maggard
Matthew E. Maggard, City Attorney

EXHIBIT A

