

ORDINANCE NO. 16-1541

AN ORDINANCE OF THE CITY OF HAINES CITY, FLORIDA; AMENDING CHAPTER 8 (CEMETERIES); DELETING ALL EXISTING SECTIONS IN THEIR ENTIRETY WITH THE INTENT TO ESTABLISH AND ENACT THE FOLLOWING SECTIONS: TITLE; DEFINITIONS; GENERAL ADMINISTRATION, MAINTENANCE, AND ENFORCEMENT; USE; PURCHASE AND TRANSFER OF SPACES; FEE SCHEDULE; PRESUMPTION OF ABANDONMENT; AUTHORIZATION REQUIREMENTS; BURIAL REGULATION; FOUNDATIONS, MARKERS, MEMORIALS, AND MONUMENTS; RULES AND REGULATIONS; AND RIGHTS RESERVED BY THE CITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AMENDMENTS; PROVIDING FOR CODIFICATION AND SCRIVENERS ERRORS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, pursuant to the referenced provision of the Florida Constitution, the City may exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act" implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, the City of Haines City maintains the cemeteries within the municipal boundaries and the caretakers of the deceased, who are buried in the graves of the cemeteries and whose family members are unable or unwilling to care for their graves; and

WHEREAS, it is the desire of the City to establish a perpetual care fund effective October 1, 2016. Fifty percent (50%), a uniform percentage of receipts from cemetery sales - excluding the doc. stamps and recording fees - will be restricted to assist in caring for the cemetery operations and ground maintenance; and

WHEREAS, Florida Statute 497.286 provides for the cemetery owners to provide addresses, presumption of abandonment, abandonment procedures, and the sale of abandoned unused burial rights; and

WHEREAS, the City of Haines City desires to incorporate Florida Statute 497.286 into the Code of Ordinances; and

WHEREAS, all cemetery fees shall be established by the fee schedule Ordinance; and

WHEREAS, this Ordinance eliminates the two tiered system of inside city rates and outside city rates and establishes a flat rate for all gravesite purchases; and

WHEREAS, the City of Haines City desires to amend Chapter 8; Cemeteries of the Code of Ordinances in its entirety; and

NOW THEREFORE, BE IT ENACTED by the City Commission of the City of Haines City, Florida:

SECTION 1. Incorporation of Recitals. In adopting this Ordinance, the City Commission of the City of Haines City hereby incorporates the above true and correct recitals herein by reference.

SECTION 2. Amendments to Chapter 8. (Cemeteries). That specific sections of Chapter 8 (Cemeteries) of the Code of Ordinances of the City of Haines City, Florida, are hereby amended to read as shown on Exhibit "A" attached hereto. Nothing in this Ordinance adopting amendments

to Chapter 8 (Cemeteries) of the Code shall be construed to repeal or otherwise affect the validity of any of the sections of Chapter 8 not specifically amended as shown in Exhibit "A".

SECTION 3. Providing for Codification and Scrivener's Errors. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Haines City; and that sections of this Code may be re-numbered or re-lettered or reclassified as a section, article, or chapter. The correction of typographical and/or scrivener's errors which do not affect the legislative intent may be authorized by the City Manager or his/her designee, without the need of a public hearing, by filing corrected or re-codified copy of the same with the City Clerk.

SECTION 4. Severability. The provisions of this Ordinance are severable; and, if any section, sentence, clause, or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Commission's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

SECTION 5. Repeal of Ordinance in Conflict. All other ordinances of the City of Haines City, Florida, or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

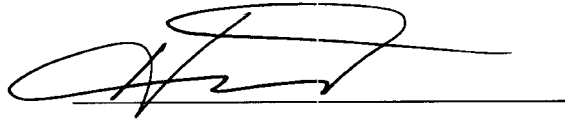
SECTION 6. Effective Date. This Ordinance shall take effect October 1, 2016 upon it being read in two meetings of the City Commission of the City of Haines City, its approval and adoption by said Commission and when certified as to passage.

INTRODUCED AND PASSED on first reading in regular session of the City Commission of the City of Haines City, this Thursday the 8th day of September, 2016.

ATTEST:

APPROVED:





Linda L. Bourgeois, BAS, MMC,
City Clerk

Horace West, Mayor - Commissioner



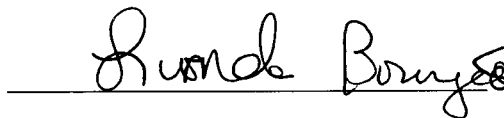


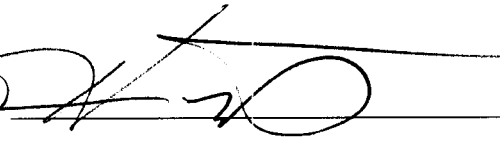
Fred Reilly, City Attorney

PASSED AND ADOPTED on second and final reading by the City Commission of the City of Haines City, Florida, at regular session this 22nd day of September, 2016.

ATTEST:

APPROVED:





Linda L. Bourgeois, MMC, City Clerk

Horace West, Mayor - Commissioner

APPROVED AS TO FORM AND CORRECTNESS:



Fred Reilly, City Attorney



EXHIBIT "A"
CEMETERIES CHAPTER 8

Sec. XX-1 Title

This chapter shall be known as and may be cited as the "City of Haines City Cemetery Ordinance."

Sec. XX-2 Definitions.

For the purpose of this Chapter, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

Abandoned cemetery means a cemetery within the City's jurisdiction which the City has authority to secure and maintain pursuant to Section 497.284, Florida Statutes.

Blocks shall mean alphabetized subdivision(s) shown on the map(s) of each cemetery owned and/or operated by the City.

Burial plot/space shall mean a single burial space.

Care and maintenance means the perpetual process of keeping a cemetery and its lots, graves, grounds, landscaping, roads, paths, parking lots, fences, mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments in a well-cared-for and dignified condition, so that the cemetery does not become a nuisance or place of reproach and desolation in the community. "Care and maintenance" may include, but is not limited to, any or all of the following activities: mowing the grass at reasonable intervals; raking and cleaning the grave spaces and adjacent areas; pruning of shrubs and trees; suppression of weeds and exotic flora; and maintenance, upkeep, and repair of drains, water lines, roads, buildings, and other improvements. "Care and maintenance" may include, but is not limited to, reasonable overhead expenses necessary for such purposes, including maintenance of machinery, tools, and equipment used for such purposes. "Care and maintenance" may also include repair or restoration of improvements necessary or desirable as a result of wear, deterioration, accident, damage, or destruction. "Care and maintenance" does not include expenses for the construction and development of new grave spaces or interment structures to be sold to the public.

Cemetery Administrator shall refer to the individual responsible for maintaining the official records of cemetery activity as designated by the City Manager or City Commission.

City means the City of Haines City, Polk County, Florida.

City cemetery shall mean the Forest Hill and/or Oakland Cemetery, or any other cemetery which may become owned and/or operated by the City.

Cremated Remains shall mean ashes remaining after the cremation of a human corpse.

Deed means the certificate of ownership executed by the City certifying the conveyance to a purchaser of the right to burial in a space.

Disinterment shall mean to remove a corpse from a grave, crypt, mausoleum, or tomb for the purpose of relocation.

Exhume shall mean to remove a corpse from a grave or tomb.

Full burial shall mean the burial of human remains in a casket and vault.

Funeral means the observation, service, or ceremony held for a deceased person.

Grave shall mean an excavation of earth for the burial of human remains.

Interment shall mean a burial or entombment of one body into a grave, crypt, mausoleum, or tomb, which is done at the request of the decedent's family and/or legal representative.

Interment rights shall mean the right of all owners and/or the decedent's legal heirs to use cemetery grounds for interment. The interment right belongs to the owner of the burial lot, part lot, or grave space and is subject to the rules and regulations contained within this Chapter.

Inurnment shall mean to bury or entomb an urn, which holds the ashes of the deceased.

Lot shall refer to the numerical divisions of the blocks as shown on the plats/maps of the Cemetery and/or any cemetery owned and/or operated by the City.

Maintain shall refer to mowing, weeding, trimming, and maintenance of the cemetery grounds.

Managed shall mean maintaining the cemetery records of authorized interments.

Marker/memorial marker shall be identified as one that marks or distinguishes, as a tombstone or headstone. Memorial shall be identified as a marker to preserve the memory of a person or event. Marker/memorial shall apply to any marker upon or in any plot placed thereupon or therein or partially therein for the purpose of identification or in memory of the deceased.

Mausoleum shall mean an above ground assembled or pre-assembled structure, with no adornments, used for interment or inurnment.

Monument shall mean any marker/memorial that is not flush with the ground, including statues, vases and adornments.

Objectionable item means any item that, in the sole discretion of the City or the Cemetery Administrator, interferes with the aesthetical quality and/or values of the cemeteries and/or the operation of maintenance equipment.

Operated shall mean a cemetery authorized for interments.

Owner means any person, firm, or corporation who has purchased a block, lot, or space in the Cemetery and/or any cemetery owned and/or operated by the City, or the heir(s), personal representative(s), or successor(s) of the owner(s).

Perpetual Care Fund means the providing of funds, to be held in perpetual trust, and the income of which is to be expended in keeping up forever the necessary care of mowing the individual lots and graves, and the maintenance, repair and future renewal of the borders, roads, water and sewer systems, sod, benches, fences, lighting, or enclosures and other necessary buildings.

Refuse shall mean garbage, trash, debris, and rubbish, which includes, but is not limited to, flowers from graves, plants, tree trimmings, and/or lawn clippings.

Secured means the City of Haines City shall exercise jurisdictional rights over cemeteries not owned, operated, or managed by the City but which are located within the municipal boundaries.

Space shall refer to the numerical subdivisions of the lots as shown on the plat maps of the Cemetery and/or any cemetery owned and/or operated by the City.

Special Master also known as *Magistrate* are officers of the City of Haines City who serve in a Quasi-Judicial role at the pleasure of the City Commission.

Vault shall mean an underground crypt or chamber made of concrete, granite, marble, or other impermeable material, for the placement of caskets and human cremated remains.

Sec. XX-X General administration, maintenance, and enforcement of Cemetery Current Code Section 8-5

(a) There are two (2) city cemeteries owned, managed, and operated by the City:

1. Forest Hill – located at 2646 East Grace Avenue, Haines City, FL. 33844
2. Oakland – (north parcel) located on 1250 Oakland Cemetery Road Haines City, FL. 38844.

(b) There are two (2) additional cemeteries within the City's jurisdiction which were secured and maintained by the City of Haines City as abandoned cemeteries:

1. Oakland – (south parcel) located on 1250 Oakland Cemetery Road, Haines City, FL. 33844.
2. Oak-Hill – located on the corner of 5th street and Church Avenue, Haines City, FL 33844.

(c) The control and management of the cemeteries within the City's jurisdiction shall be under the direct supervision of the City Manager or his or her designee. For purposes of this Chapter, the

City Manager's designee shall be referred to as the "Cemetery Administrator" and shall be established by Resolution.

(d) The general supervision and maintenance of the cemetery grounds; such as marking spaces for interment, all roadway grading and maintenance, landscaping work, and care of trees and shrubs shall be the responsibility of the Parks and Recreation Department.

(e) The violation of any such provision of the Charter, this Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Each day any such violation shall continue shall constitute a separate offense.

(f) The Special Master or Magistrate designated by the city commission pursuant to Section 2-38 has the authority to conduct hearings, and impose and authorize the collection of fines and costs against pending or repeat violators of city codes and ordinances including this chapter.

Sec. XX-X Cemetery Trust Fund.

Effective October 1, 2016, there shall be created a special fund of the City of Haines City established and entitled "Cemetery Trust Fund" which will receive one hundred percent (100%) of all revenues generated from the sale of cemetery lots, spaces, marker/monument fees and burial permit fees and any other revenue generated by the cemeteries (exclusive of transaction costs such as documentary stamps and recording fees). This fund may also receive grants or loans from the City, and donations from any person, firm, or organization. All funds deposited therein shall be used solely for the operation, care and maintenance of the city cemeteries and abandoned cemeteries within the City of Haines City. Any idle or surplus funds not so used for such care and maintenance shall be placed into interest bearing accounts and the interest earned shall be retained by the fund for the operation, care and maintenance of these cemeteries.

Sec. XX-X Burials in Approved Cemetery.

The Cemeteries owned and operated by the City and the abandoned cemeteries are for the sole purpose of interment of human remains and shall only be used for such cemetery purposes. It is hereby prohibited and declared to be unlawful to inter or bury any human body or remains within the corporate limits unless such burial or interment is in an approved cemetery zoned and designated as such according to law.

Sec. XX-X Purchase and Transfer of Spaces.

(a) The sale of burial rights within cemeteries owned and/or operated by the City shall be the function of the Cemetery Administrator. The Cemetery Administrator may refuse to sell any such burial space to any person if such sale would be detrimental to the cemeteries or its permanent records and if such sale would violate any state law prohibiting speculation in and/or on cemetery property.

The Cemetery Administrator shall keep full and complete records of all City managed, owned, and operated cemeteries as follows:

1. Accurate maps
2. Ownership of all lots
3. Burial capacity of each space sold and unsold
4. Location of each grave
5. Names of the person/persons buried in each grave
6. Burial dates

The deed of ownership for any cemetery burial space shall not be provided to the owner until the purchase price has been paid in full and approved by the City Commission.

(b) A duplicate deed shall not be issued to replace an original deed without proof of ownership and authorization by the Cemetery Administrator.

(c) No person shall be considered the rightful owner of any burial space unless he or she is in possession of a duly executed deed or other legal document evidencing ownership of same. If an original deed or other legal document, such as a will, is not presented then the records of the City of Haines City shall determine ownership of any block, lot, or space and any such determination by the Cemetery Administrator shall be the final determination.

(d) Transfer of ownership by deed. No owner of a cemetery space (s) shall transfer the space or any rights therein to a person other than the City without first allowing the Cemetery Administrator or designee to review the instrument for such transfer and provide reliable evidence of the owner's right to make such transfer.

(e) Transfer of ownership by deed without warranty. No cemetery burial space shall be sold, transferred, or conveyed by any owner without consent to transfer from the Cemetery Administrator. Written review and verification by deed under this section shall not act to warrant that good title exists in the transferee. The transferee shall agree to indemnify and hold the City harmless against any claims and costs that may arise from disputes over title in the transferred burial space(s). All transfers shall be recorded in the permanent cemetery records of the city.

(f) Corrective deed. A corrective deed shall not be issued unless the Cemetery Administrator determines and approves a scrivener's error occurred during the transaction process. All corrective deeds shall be processed with an authorization agreement holding harmless and indemnifying the City of Haines City against any claims and costs that may arise from disputes over title in the corrective burial spaces(s). All corrective deeds issued shall be recorded in the permanent cemetery records of the city.

(g) Repurchases by the City. Upon request by the owner of the space(s), the City may repurchase a space for the owner's actual initial purchase price. The City shall pay the transaction costs associated with the repurchase of a space. A repurchase by the City shall be authorized by the Cemetery Administrator after the owner has produced the original or a certified copy of the deed and produced valid identification.

(g) City exemption. No transfer fees shall be imposed on repurchase of burial spaces by the City.

(h) The City does not have the authority to sell burial rights within an abandoned cemetery.

(i) Records of burial space in an abandoned cemetery. No person shall be considered the rightful owner of any burial space in an abandoned cemetery unless:

1. He or she is in possession of a duly executed deed or other legal document evidencing ownership of same; or
2. The Cemetery Administrator has been provided with competent evidence that other family members have previously been interred in close proximity to the intended burial space and the surviving family member or designating person have provided a written Affidavit of Ownership concerning the intended burial space and an indemnification to the City.

If an original deed or other legal document, such as a will, or Affidavit of Ownership is not presented to the Cemetery Administrator, then interment in any burial space within an abandoned cemetery is prohibited. The City shall not be responsible for errors in location of burial spaces in an abandoned cemetery arising from inaccurate information provided by burial space owners, family members, designating persons, or funeral directors.

(j) Abandoned cemetery burial space transfer of ownership by deed. No owner of a cemetery space (s) within an abandoned cemetery shall transfer the space or any rights therein to a person other than the City without first allowing the Cemetery Administrator or designee to review the instrument for such transfer and provide reliable evidence of the owner's right to make such transfer.

(k) Abandoned cemetery burial space transfer of ownership by deed without warranty. No cemetery burial space within an abandoned cemetery shall be sold, transferred, or conveyed by any owner without consent to transfer from the Cemetery Administrator. Written review and verification by deed under this section shall not act to warrant that good title exists in the transferee. The transferee shall agree to indemnify and hold the City harmless against any claims and costs that may arise from disputes over title in the transferred burial space(s). All transfers shall be recorded in the permanent cemetery records of the city.

Sec. XX-X Cemetery Fee Schedule

(a) Herein, the price of all grave spaces, transfer fees, administrative fees, opening and closing fees, and sale transactions back to the City shall be adopted within the Fee Schedule established by ordinance.

Sec. XX-X Presumption of Abandonment. Unused burial spaces. NOTE: Section 497.286, F.S.

(a) There is hereby created a presumption that burial rights in any City cemetery as defined in this Chapter have been abandoned when an owner of unused burial rights has failed 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 address.

(b) Upon the occurrence of a presumption of abandonment as set forth in subsection (a), the City will first send a letter to the last known address if available and if no address is available and/or no response to the City's letter is received, the City shall publish public notice in a daily newspaper of general circulation in the City and post the notice on the City's website. The notice shall contain the following information.

1. Describe the coordinates to have been abandoned.
2. Set forth the name of the owner(s) or Grantee listed on the deed or if the owner is known by cemetery records to be deceased, then the names of such claimants as are heirs at law, next of kin, or specific beneficiary under the will of the owner if known.
3. Detail the facts with respect to the failure of the owner or survivors to keep the city informed of the owner's address for a period of fifty (50) consecutive years or more.
4. The notice shall run two (2) times in a consecutive two (2) week period. After one hundred and twenty (120) days from the final notice and publication, the City shall have the right to sell such burial rights.

Sec. XX-X Authorization Requirements.

(a) No interment/disinterment shall be made in any cemetery and no grave shall be opened therein or body installed or removed without prior authorization obtained from the Cemetery Administrator.

(b) No interment shall be made until the person arranging for such burial has shown sufficient proof that the deceased person has the right to use such lot.

(c) No deceased person shall be interred in the cemetery until a proper record is made of the name, age, and exact location of the grave.

(d) It shall be the responsibility of the funeral home director or his/her staff to contact the city a minimum of (48) hours in advance of the burial for the marking of the space prior to interment, inurnment, disinterment, or dis-inurnment. Any burials scheduled for Saturday, Sunday, or a Monday holiday shall require notification to the City by 5:00 p.m. on the Thursday before the scheduled burial.

Sec. XX-X Burial Regulations.

(a) **Number of Interments**

1. There shall be no more than one full burial per adult space.

2. There shall be no more than (3) cremated remains per adult space.
3. There shall be no more than one (1) full burial, and two (2) cremated remains per adult space.
4. No more than one (1) infant shall be allowed in an infant burial space.

Interments or inurnments into the same space, shall only be allowed when both criterion are met:

1. Copy of deed or other proof of ownership is produced.
2. A notarized designation of space form is on file with the Cemetery Administrator.

(b) **Full Burial**

1. All full burials in City owned and/or operated cemeteries shall be in vaults. All graves shall be dug not less than six (6) feet deep and shall be closed up with no less than 15 inches of topsoil.

2. No grave shall be placed in any irregular appearance with graves on the same or adjoining lots.

3. All vaults must be structurally capable of supporting no less than six tons, when interred. Such receptacles may be constructed of reinforced concrete, steel, bronze, copper, marble or granite. Wooden receptacles shall not be permitted. Vaults or tombs wholly or partly aboveground are not permitted. Underground vaults covered above the grounds by slabs are not allowed.

4. All burial preparations shall be the responsibility of the funeral home or vault company. The interment site shall be secured by covering any open space with material such as plywood, and placing a barricade or visual deterrent to prevent injury or harm to anyone entering the City owned and/or operated cemetery. The funeral home or vault company shall be responsible for the removal of all excess dirt on the same day as the burial and replacement of Bahia sod. The sod shall be replaced on a compacted, level grade even with the existing lawn of the cemetery. The City reserves the right to inspect the internment site and require remedial action within ninety (90) days for noncompliance with this provision.

5. No person shall install or cause to be installed any grave liner or vault, except upon a basis of need at the time of burial.

(c) **Cremated Remains**

1. Cremated remains urns or sealed containers shall be wooden, plastic, metal, granite, cement, marble, or other impermeable material.

2. All cremated remains burials must be authorized by the Cemetery Administrator.

3. Proper identification shall be placed on the outside of the container or urn containing the cremated remains and shall list the name, date of birth, and date of death of the deceased.

4. All cremated remains shall be interred or disinterred by a funeral home or the City of Haines City. Opening and closing fees shall be established in the fee schedule.

(d) **Mausoleum**

1. The placement of human remains in the mausoleum shall first be authorized by the Cemetery Administrator.

2. All interments within the structure shall be required to be placed on a mausoleum burial tray.

Sec. XX-X Foundations, Markers, Memorials, and Monuments.

(a) Foundations

1. Foundations will be required for all monuments and markers of every description. All foundations must be of at least 2500 P.S.I. concrete, 1" below grade, and of ample size and depth of at least six (6) inches to properly carry the size and weight of the stone. All foundations must be four (4) inches longer and four (4) inches wider than the base of the stone.

(b) Marker, Memorial, and Monuments

1. No marker/memorial or monument shall be of any material other than granite, marble, or cast bronze. All vases must be attached to the monuments.

2. Only one (1) family monument will be permitted on an owner's lot, and shall be placed at the head of the graves and center of foundation. A flat foot marker / memorial is permitted on gravesites containing cremated remains.

3. The inscription on the marker / memorial or monument shall correspond with the records of the City.

4. All placements shall be authorized by the Cemetery Administrator.

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

6. No existing marker, memorial, and monument shall be removed from any gravesite upon a new installation within the same area of the cemetery.

7. Homemade monuments, markers, and memorials shall not be permitted.

(c) The maximum dimensions allowed shall refer to all above ground components of a marker/monument/ memorial including the base.

Sizes and dimensions of markers / memorial are as follows:

1. Family

Width - Not less than 6 inches and not more than 24 inches thick.

Length - Not less than 36 inches and not more than 72 inches.

Height - Not more than 48 inches from the foundation.

2. Individual

Width - Not less than 6 inches and not more than 24 inches thick.

Length - Not less than 24 inches and not more than 42 inches.

Height - Not more than 48 inches from the foundation.

3. Infant

Width— Not less than 4 inches and not more than 18 inches thick.

Length— Not less than 12 inches and not more than 24 inches.

Height – Not more than 24 inches from the foundation.

4. Flat or Foot marker

Width—Not less than 3 inches thick.

Length—Not more than 24 inches.

Height – Shall be flush with the ground.

(d) Contractors and workmen engaged within the cemetery on any class of work shall be held responsible for any damage to cemetery property created by the contractors or workmen.

Sec. XX-X. Rules and Regulations.

(a) No floral arrangements, real or artificial, shall be placed directly into the ground. All floral arrangements shall be attached to the monument.

(b) No person shall plant, break, or injure any tree or shrub, or mar any landmark, marker, or memorial, or in any way deface the grounds of the cemetery.

(b) The hours of admission shall be from sunrise to sunset. Any person found on the grounds after dark will be considered a trespasser.

(d) Persons within cemetery grounds shall use only the established walkways and roads.

(e) No person shall consume refreshments or liquors within the cemetery, or carry same into the premises.

(f) No person shall use any form of advertisement on cemetery grounds.

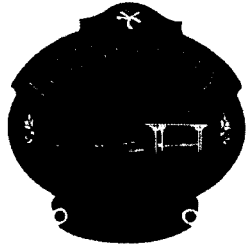
- (g) Unauthorized persons shall not loaf, lounge, or otherwise use any of the grounds, graves or monuments in the cemetery, or in any of the buildings therein.
- (h) Littering is prohibited within the cemetery; all refuse shall be deposited in the proper receptacles.
- (i) Loud noises and/or other nuisance behavior is prohibited.
- (j) All children shall be accompanied by an adult.
- (k) Unless an animal is a registered service animal (e.g., ADA service animal), no dogs and other domestic and/or non-domestic animals shall be permitted in the Cemetery and/or any cemetery owned and/or operated by the City.
- (l) No coping, curbing, fencing, borders, slabs, dirt mounds, hedges, wood, rock, bark or like materials shall be allowed on or around graves, monuments or markers.
- (m) For the safety of all in the Cemetery and or any cemetery owned, operated, or maintained by the City, no glass containers, figurines, statuaries, ceramics, terra cotta, resin, trinkets, exposed wire, wind chimes, lights, live plants, or breakable items shall be permitted on the gravesite.
- (n) Benches with approved memorial inscriptions are permitted for placement as authorized by the City. All benches shall be uniform in appearance and size and contain no forms of advertising.
- (o) Motor vehicles shall be driven and parked only on the right side of the opened roads and driveways.
- (p) Periodically the City shall remove flowers, real or artificial, when they appear unsalvageable or expired. The city shall remove, any trees, shrubs or flowers planted or placed in violation of these rules.
- (q) Speed limit is 10 miles per hour on cemetery roads.
- (r) The traffic laws of the City shall be applicable to the operation of motor vehicles in the cemetery.
- (s) Heavy trucks or commercial vehicles, unless on cemetery business, shall be prohibited from entering the grounds.
- (t) All grave digging equipment, including trucks, shall be removed from view during funeral services.

Sec. XX-X. Rights Reserved by the City.

1. The City reserves and shall have the right to prohibit, modify, or remove any structure, object, improvement or adornment from any lot which may have been placed therein in violation of the rules, or which may be considered objectionable, or injurious to the lot, adjoining lots or interfere with the proper operation and maintenance of the cemetery in general at the expense of the owner. Removed items shall be stored for not less than ninety days (90) prior to disposal. The City will attempt to contact the owner prior to disposal.

2. The City is not responsible for theft or damage to any personal property, or floral arrangements placed within the cemetery.

3. The city reserves and shall have the right to lay, maintain, and operate, or alter or change water lines for irrigation systems, gutters for drainage, and the like, and reserves an easement along all lot lines for utility purposes as needed.



HAINES CITY

WWW.HAINESCITY.COM

**CITY CLERK
MEMORANDUM**

To: The Honorable Mayor and City Commissioners
From: Linda Bourgeois, City Clerk
Date: September 22, 2016
Subject: Cemetery Ordinance

Changes From First Reading

No changes.

Previous Action

Approved on first reading September 8, 2016.

Attachments:

- a) First Reading Agenda Item - Cemetery Ordinance (PDF)
- b) 16-1541 Cemetery Ordinance(DOCX)