

# City of Dade City

## MEMO

**To:** Honorable Mayor and Members of the City Commission  
**From:** Jim Class, City Clerk / Finance Director *JC*  
**Subject:** Resolution No. 2009-14 - Revised cemetery rules and regulations  
**Date:** April 21, 2009

It is requested that the City Commission consider the following information and recommendations:

### **BACKGROUND:**

The City Commission has previously adopted rules and regulations, as well as fees, for the administration and operation of the Dade City Cemetery. These rules should be reviewed periodically to determine if any revisions are needed. Over the past 16 months, staff has met several times to discuss proposed changes. From those discussions, revised rules and regulations have been drafted.

### **ISSUES:**

Not including some minor corrections and clarifications, the cemetery rules and regulations have been revised as follows:

- Section 2.03 - The word “existing” is added to the description of memorial plants, trees, and shrubs since new plantings are not permitted in Section 6.
- Section 2.04 - In addition to Public Works personnel, the City Manager or any law enforcement officer may have people removed from the cemetery for rules violations.
- Section 2.12 - Cemetery employees may not accept payments or other compensation from anyone.
- Section 3.04 - The rate of interest is lowered from 12% to 6%.
- Section 5.01 - Language is added to clarify that the City is to be notified prior to any interments or disinterments. Language is also added to require that grass or sod removed for a burial be replaced flush with the surrounding ground.
- Section 5.02 - This paragraph is revised to clarify the number and type of interments permitted in a single space. Previous wording was unclear.
- Section 5.03 - A reference to steel vaults was deleted.
- Section 5.04 - The penalty for the failure to give sufficient notice for the location and marking of a space is increased from \$25.00 to \$50.00. The Funeral Director is also made responsible for placing the temporary markers within seven days of the burial. Temporary markers may also be made of brass or steel. The fine for failure to provide the markers is increased from \$50.00 to \$100.00 and the City

will not provide markers. Public works working hours at the cemetery are adjusted.

- Section 6.04 - The prohibition on plantings is clarified to apply to the entire cemetery.
- Section 6.05 - The prohibition of other listed items is clarified to apply to the entire cemetery.
- Section 7.05 - Parking must be contained to roadways and is not allowed on any burial space.
- Section 8.02 - Language is added to allow a second marker on a space for a cremation.
- Section 8.04 - Language is added to require the erecting or repairing of memorials be done during the normal working hours for Public Works so that the work can be monitored by Public Works employees. Permits must be obtained prior to the commencement of the work. A requirement to provide certain evidence about the memorials has been deleted.
- Section 8.11 - The placing of memorial benches is being discontinued due to a significant increase in the cost of providing the benches as well as space limitations for the placement of additional benches. The City reserves the right to place benches as needed, however they will not be placed within a space or lot.
- Section 9.01 - The prices for spaces are increased, the first increase since August 2000. This still leaves Dade City at or below the cost of spaces in other cemeteries. Spaces in Zephyrhills' cemetery are \$750 for residents and veterans and \$810 for non-residents. Spaces at Chapel Hill and Floral Memory are \$1,295 each. The permit for locating and marking a space is renamed to clarify that the City does not install the vault. Permits for site location and repairs are not required.

**ALTERNATIVES:**

1. Approve Resolution No. 2009-14, which adopts the revised cemetery rules and regulations.
2. Further amend the cemetery rules and regulations and then approve Resolution No. 2009-14.
3. Decline to approve Resolution No. 2009-14.

**RECOMMENDATION:**

Staff recommends that the Commission approve Resolution No. 2009-14.

**FUNDING:**

The revised fees will offset some of the costs for the maintenance of the cemetery.

Please contact me if you have any questions.

By the City Commission

**RESOLUTION NO. 2009-14**

**A RESOLUTION OF THE CITY COMMISSION OF DADE CITY, FLORIDA, REVISING THE RULES AND REGULATIONS FOR THE DADE CITY CEMETERY AND SETTING PRICES OF VARIOUS BURIAL SPACES, LOTS OR PLOTS; PROVIDING FOR THE REPEAL OF PRIOR RULES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission has previously adopted rules and regulations and has set pricing for the administration and operation of the Dade City Cemetery, hereinafter collectively referred to as the "cemetery," and

**WHEREAS**, the City Commission desires to revise the rules and regulations and to set pricing for the cemetery, and

**WHEREAS**, these revisions will further assist the City in providing for the care of the cemetery as a well-preserved burial park, and

**WHEREAS**, the City Commission does hereby repeal Resolutions 2000-0672, 2000-0678, and 2005-0879.

**NOW, THEREFORE**, be it resolved by the City Commission of the City of Dade City, Florida, that:

**SECTION 1.** The attached rules and regulations and pricing for the cemetery are hereby adopted as revised.

**SECTION 2.** All prior rules and regulations pertaining to such cemetery are hereby repealed.

**SECTION 3.** This resolution will take effect upon adoption.

**DONE AND RESOLVED** in open and regular meeting this 28th day of April, 2009.

CITY OF DADE CITY, FLORIDA

ATTEST:

By: \_\_\_\_\_  
James D. Class, City Clerk

By: \_\_\_\_\_  
Scott Black, Mayor

APPROVED AS TO LEGAL FORM AND CONTENT  
Office of the City Attorney

By: \_\_\_\_\_  
Karla S. Owens, City Attorney

# DADE CITY CEMETERY RULES AND REGULATIONS

## I. DEFINITIONS

- 1.01** “At-need purchase” means any purchase of burial space or lot by the family or next of kin of a person after his or her death has occurred.
- 1.02** “Block 20 through Block 25” means the 3rd Addition to the Dade City Cemetery set aside for burial purposes with only flush markers of certain size and material limitations, prohibiting the planting of live plants or trees, and prohibiting the erection of any structures by the owners of the grave space(s) or other individuals or companies.
- 1.03.** “Burial right” means the right to use a burial space, mausoleum, or columbarium for the interment, entombment, or inurnment of human remains.
- 1.04.** “Burial space” means a space of ground in a cemetery intended to be used for the interment in the ground of human remains.
- 1.05.** “Cemetery” means a place dedicated to and used or intended to be used for the permanent interment of human remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium or other structure or place used or intended to be used for the interment of cremated human remains; or any combination of one or more of such structures or places.
- 1.06.** “City” means the incorporated area of the City of Dade City, located in Pasco County, State of Florida.
- 1.07.** “Cremated remains” means a dead human body which is reduced to ashes.
- 1.08.** “Companion spaces” means two burial spaces side by side within the same lot and block for interment of human remains or ashes.
- 1.10.** “Flush markers” means a product used for identifying a grave site, which contains the name of deceased person, date of birth and date of death, or any memorial or religious emblem or engraving. Raised lettering or religious emblem(s) must not exceed the height of 1/4 inch above the flush or flat surface of the memorial. Said markers must be constructed of the following materials: bronze, marble, or granite. Top of marker(s) are to be buried flush or level to the existing ground elevation of the burial space.
- 1.11.** “Funeral Director” means any person licensed in the State of Florida to practice Funeral Directing pursuant to the provisions of State Statute 497.
- 1.12.** “Funeral Home” means a business licensed by the State of Florida which provides a service in connection with the final disposition, memorialization, internment, entombment or inurnment of human remains.

- 1.13. "Grave slab" means a slab or monument, or flush or flat or grass marker which exceeds the size requirements for memorials in Block 20 through Block 25, as contained herein.
- 1.14. "Human remains" means the bodies of deceased persons and includes bodies in any stage of decomposition and cremated remains.
- 1.15. "Infant" means a child that is miscarried, stillborn, or age birth to one (1) year.
- 1.16. "Mausoleum" means a structure or building which is substantially exposed above the ground and which is intended to be used for the entombment of human remains.
- 1.17. "Memorial" means a product used for identifying and preserving of a deceased person, which contains date of birth, date of death or any memorial or religious emblems or engraving.
- 1.18. "Monument" means any product used for identifying a grave site and cemetery memorials of all types, including monuments, markers, and vases.
- 1.19. "Monument establishment" means a facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.
- 1.20. "Non-resident" means a person not residing within the corporate limits of the City.
- 1.21. "Pre-need purchase" means any purchase or arrangement or method to purchase a burial space or lot for use in the future.
- 1.22. "Resident" means a person residing within the corporate limits of the City.
- 1.23. "Veteran" means a person who has served in the U.S. Military and was honorably discharged.

## **II. General Rules**

- 2.01. These rules and regulations are hereby adopted by the City Commission of the City of Dade City, Florida, as the official rules and regulations for the administration and operation of the Dade City Cemetery.
- 2.02. The exclusive use of the cemetery is for the interment of human remains and will only be used for cemetery purposes.
- 2.03. The City Public Works Department will maintain the cemetery as a well-preserved burial park, which includes the cutting of grass, removal of dead or diseased trees or plants, preservation of all healthy plants, magnolia trees, hickory trees, and/or oak trees, and trimming of shrubs and trees. Existing memorial plants, trees, shrubs, and etc. will be the sole responsibility of the burial space or lot owners, unless such

memorials have been planted by the City. Plantings or trees, including magnolia, hickory or oak that have not been taken care of by the owners or next of kin that are unsightly, dilapidated, overgrown, or a menace to safety will be removed at the discretion of the City.

- 2.04.** The Public Works Director and/or his representative is responsible for the administration of the cemetery and for the enforcement of all laws, ordinances, rules, regulations, policies and procedures pertaining thereto. The Public Works Director and/or his representative will also supervise all workers within the boundaries of the cemetery. The Public Works Director and/or his representative, the City Manager, or any law enforcement officer may expel or have removed from the cemetery any person who violates these rules and regulations or whose conduct is contrary to appropriate decorum in the cemetery.
- 2.05.** The cemetery will be open from sunrise to sundown each day, unless otherwise posted by the City of Dade City or its authorized designee.
- 2.06.** The City Commission may at any time, with or without notice, adopt new rules and regulations, or amend, alter or repeal any of these rules and regulations.
- 2.07.** The City may replat any part or parts of the property within the cemetery not sold for burials, and may open, close, or change the location or grade of any road or walkway. The City may also design, construct, alter or change pipelines, gutters, sprinkling systems, buildings, roads, bodies of water and drainage.
- 2.08.** The City is not responsible for any order or information given verbally or provided by telephone; i.e., sale, transfer of deed, interment, disinterment, location of space, and location of memorials. Owners of spaces or lots, funeral homes, funeral directors, vault companies, memorial companies or their authorized representatives must provide precise written instructions to the City of Dade City of their intent and the block, lot and space for the activity.
- 2.09.** The City may correct any error made in good faith in making the description, sale or location of, transfer, or conveyance of any burial space or burial right.
- 2.10** The City will not be liable for any loss or damage to marker(s), monument(s), corner markers, grave slab(s), vase(s), memorial or religious emblem(s), or other item(s) in the cemetery, or the rights of the owners of a burial space or lot arising from causes beyond its control and from any damage caused by the elements, acts of God, thieves, vandals, or other actions.
- 2.11.** The City reserves the right to go upon any lot or space to maintain the same.
- 2.12.** The cemetery employees are prohibited from receiving any payment, tip, or other compensation in any form.

### **III. Burial Space or Lot Sales**

- 3.01.** The City Clerk and/or his/her designee will advise prospective purchasers of available spaces and handle the sale of such spaces. A deed will be completed at the time of purchase, which will be recorded at the county clerk's office by the purchaser. For the purpose of these sales and these regulations, a person having a perpetual right of burial in a space evidenced by agreement of sale, deed, or sales certificate is a "purchaser" and shall be an "owner."

The City may require evidence of the residence of the deceased or pre-need purchaser, and may charge a higher fee to a non-resident than a resident.

Honorably Discharged veterans of the United States Armed Forces will be required to submit evidence of discharge status for purchase of a space under the veteran price, and anyone purchasing a burial space for service personnel who expire while serving our country will require documented proof of the service time to comply with purchase of a veteran space.

- 3.02.** The City will sell spaces in the cemetery only for the prices approved by the City Commission.
- 3.03.** Subject to the execution of a purchase agreement with the city, a purchaser may pay the cost of buying a burial space or lot for pre-need only in monthly installments over a period of time not to exceed two (2) years at 6% interest, and interest to begin accruing ninety (90) days after the execution of the note. Conveyance of a burial space or lot to a purchaser is not valid until the full amount of the purchase money, and any interest or other charges, has been paid.
- 3.04.** The owners of burial spaces or lots will keep the City informed of their current mailing address. Notices and/or other correspondence mailed to owners or their legal representatives 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 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 or as provided in §497.286.

#### **IV. Declaration of Reservation**

- 4.01.** An owner may present a cemetery deed along with a notarized written statement to the City Clerk's office designating the person or persons entitled to be buried in the burial space or spaces. In the event the owner fails to designate such persons, the right of interment in the burial space shall be as follows:

- 1) the owner
- 2) the owner's current legal spouse
- 3) any person in the owner's will
- 4) intestate heirs or lineal descendants of the owner

In cases involving ownership of two or more spaces, where the owner has failed to designate such persons, the right of interment shall be as follows:

- 1) one space for the owner, and one space for the current legal spouse
- 2) any person or persons bequeath in the owner's will
- 3) intestate heirs or lineal descendants of the owner

**4.02.** Each burial space which has been conveyed is indivisible. In the event of an interment of the owner, or a member or a relative of the member of the immediate family of the owner, the burial space becomes inalienable and will be held as the family space of the owner, unless otherwise provided in the owner's will or as otherwise directed in writing by the owner.

## **V. Interments and Disinterments**

**5.01** All interments, disinterments, 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 Dade City, and will not be done without prior notification to the City.

All opening and closing of burial spaces will be done by a state licensed contractor, company hired by the Funeral Director or the Funeral Home providing the burial service. The contractor or the company responsible for the opening and closing of the grave, will remove and set aside all grass or sod, using tarps or similar containment for placing dirt while digging a burial space. Excess dirt not used in the site closure must be disposed of in an area designated by the City, and may not be spread on surrounding areas or other grave sites. Any grass or sod removed when opening a burial space must be replaced at closure flush with the surrounding ground. 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. The same penalty will also apply in situations involving burial in the wrong grave site. 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 a penalty.

**5.02** No more than one vault and two cremations at the foot of the vault, will be interred in any one space, except in the case of a mother or a father in the same vault with his or her infant, as defined in Section 1 of this resolution. The City will determine the location or placement of any cremated remains.

**5.03** All interments, except cremated remains, must be made in a reinforced concrete vault, a reinforced concrete liner, or composite fiberglass. The vault must be buried below the existing ground level allowing a minimum of 12 inches of ground cover over the top of the vault. All interments will be below ground only, save and except interments in the mausoleum. All liners and vaults must be inspected and have the prior approval of the Director of Public Works and/or his designee, and will be installed under his and/or his designee's supervision. Vaults must be set at least one day before weekend burials, no later than 3:00 p.m. Violations of this section will result in the penalty found in section 5.01.

**5.04.** To insure proper location of the burial space, a notice of not less than eight (8) regular public works working hours (8:00 A.M. to 3:30 P.M.) must be given to the City Clerk's office. Failure to adhere to these regulations will result in a penalty in the amount of \$50.00 being assessed against the Funeral Director and/or Funeral Home which is responsible for the burial services.

An aluminum, brass, or steel temporary marker imprinted with the Funeral Home's name, of at least 8 ½" x 4 5/8", but not to exceed 11" X 5" and attached to a 15 3/4" stake, will be provided by the Funeral Director or Funeral Home for marking the located space. The marker will contain the name of the deceased and the years of birth and death, and shall be placed at the head of the grave site after completion of the burial. Only markers as described above are permitted and failure to provide said marker by the Funeral Director within seven (7) days of the burial will result in a fine of \$100.00 to said Funeral Director and/or Funeral Home providing the service.

**5.05.** Any human remains, which have been transported from another city, county or state, must have a burial permit issued by the State of Florida, HRS Form 32.6 accompanying it to the cemetery before burial can take place. Neither the City nor any officer or employee thereof will be liable for the permit or the identity of the human remains to be interred.

## **VI. Decoration of Plots**

**6.01.** Fresh or artificial flowers used during memorials or committal service will be removed from the cemetery by the City after seven (7) days, or when the Director of Public Works and/or his designee determines it is unsightly, or detracts from the dignity or appearance of the cemetery.

**6.02.** The City is not responsible for floral pieces, baskets, frames, or receptacles in or to which flowers are placed or attached.

**6.03.** The City is not responsible for arrangements damaged by the elements, thieves, vandals, or any other cause beyond the City's control.

**6.04.** No planting of flowers, shrubs, or herbage of any kind is permitted in the cemetery.

- 6.05. Above-ground markers, vases, etc. are prohibited in the cemetery. Any item consisting of glass, brick, wood, metal (except temporary metal markers), and any toys, souvenirs, or emblems are prohibited in the cemetery.
- 6.06. Burial spaces or lot owners may place one bouquet of flowers on each grave, providing they are placed in an approved ground level vase or in a vase that is part of the memorial. Any extra decorations placed on holidays or other special occasions will be removed in seven (7) days.

## **VII. Conduct of Persons Within the Cemetery**

- 7.01. The cemetery is sacredly devoted to the interment of human remains, and a strict observance of proper decorum will be required of all visitors.
- 7.02. Persons will use only the grass walkways and roads provided.
- 7.03. Children under fifteen years of age must be accompanied by an adult.
- 7.04. No visitor shall gather flowers, damage trees, shrubbery or plants, or feed or disturb the birds or other animal life. No visitor shall have alcoholic beverages within the cemetery. No visitor shall loiter in the cemetery.
- 7.05. Automobiles must not be driven in excess of fifteen (15) miles per hour, and must remain on the roadways. All parking must be contained to the roadways. Under no circumstances shall anyone park on any burial space.
- 7.06. No soliciting is permitted in the cemetery.
- 7.07. No dogs are permitted in the cemetery, except those required by disabled persons.
- 7.08. No signs or notices of any kind will be placed in the cemetery, other than those placed by the City.
- 7.09. No firearms including, but not limited to, spring, gas, or powder operated are allowed, except law enforcement officers or military guard of honor will be allowed to bring or carry firearms on the grounds of the cemetery.

## **VIII. Memorial Work**

- 8.01. Temporary markers (metal, concrete, wood, etc.) are permitted for one hundred twenty (120) days only and will thereafter be replaced with a permanent memorial. Should a permanent memorial not be placed within the specified time, the temporary marker will be placed or folded at ground level or removed by the city's cemetery personnel, after noting the pertinent information on record.

- 8.02** Flush Markers only are permitted in the 3rd Addition, Block 20 through Block 25, of the Dade City Cemetery. Flush Markers, Flat Markers, or Grass Markers will not exceed the following measurements: Single Markers will not exceed 32 inches in length by 20 inches in width. Single Military Markers, with separate invertible vase mounted on granite, will not exceed 24 inches in length by 28 inches in width, including granite. Minimum thickness of markers will be 4 inches with a maximum of 6 inches. Double markers will not exceed 60 inches in length by 20 inches in width, except for Double Military markers which shall not exceed 62 inches in length by 16 inches in width, including granite. Minimum thickness of double markers will be 4 inches with a maximum of 6 inches. These memorials will be located at the west end of the grave space(s) and must be in accordance with the general layout of the cemetery. Only one single grave marker is allowed for one grave space or one double grave marker is allowed for companion spaces; however, a flush marker not exceeding 12 inches in length by 12 inches in width will also be allowed at the foot of the space to designate a cremation. Grave slabs which cover any portion of the space(s) are prohibited in the third addition, Block 20 through Block 25. A vase is permissible within the perimeter of the monument as an invertible and concealable vase only. No structures, benches, fences, mounds or plantings are permitted to be constructed by the owners of the grave space(s). A penalty in the amount of \$200.00 will be assessed for the city to correct the improper installed markers, etc. Vaults installed improperly will be corrected at the expense of the Funeral Director and/or Funeral Home, in addition to the \$200.00 penalty assessed by the City, and correction will be by a vault company. A correction period of three (3) working days will be allowed before the assessment of a penalty.
- 8.03.** Memorials, consisting of brick, artificial stone, wood, tin or iron, are not permitted in the 3rd Addition, Block 20 through Block 25.
- 8.04.** Any provider of service placing, erecting, or repairing memorials must obtain a permit to do so from the City Clerk's office prior to the commencement of work. Erecting or repairing memorials must be done during the normal working hours of the City's Public Works Department.
- 8.05.** All work of any kind, including routine grounds maintenance or opening and closing of graves, will cease while a funeral or interment is underway nearby. Trucks and workers will withdraw from the location of the funeral service to a reasonable distance.
- 8.06.** Monument establishments will set monuments in conformity with cemetery requirements as set forth herein and in accordance with the industry standard for proper methods of handling and setting.
- 8.07.** All foundations for monuments are to be the full size of the base of the memorial, and finished at grade to allow the memorial to set plumb, resting firmly and level on foundation, with the face of the monument flush with the ground. Foundations for monuments will be of sufficient depth and width to support the weight of the monument. Memorials located in the 3rd Addition, Block 20 through Block 25 are exempt from the foundation requirements.

- 8.08. Should any monument, mausoleum or tomb become unsightly, dilapidated, or a menace to safety, the City will repair, improve or remove it at the expense of the owner or responsible party of the burial space or lot,.
- 8.09. Monuments will be etched, grooved or embossed with the name of the deceased to create a durable record of the deceased. Memorials or inscriptions deemed to be offensive by the City will be removed or corrected at the expense of the owner.
- 8.10. The City, at its sole discretion, may place benches within the cemetery. Benches may not be located within a space or lot.

**IX. FEES**

9.01. The City Commission hereby establishes the following fees which may be subject to change from time to time, with or without notice:

**1) Spaces - individual grave sites**

- a) Veterans of the United States Armed Forces \$ 750.00
- b) Residents \$ 800.00
- c) Non-resident \$ 850.00

**2) Permits required with no fees charged**

- a) Foundation installation
- b) Monument installation
- c) Grave Slab (Prohibited in the Third Addition)
- d) Veterans Marker

**3) Permit required with fee charged**

- a) Space marking \$ 25.00

Last updated \_\_\_\_\_, 2009