

10/14/10

The City of Lake Mary Cemetery

Rules and Regulations

1.

- (a) It is the intent of this document to establish uniform rules and regulations for the purchase, use and maintenance of cemetery spaces in the Lake Mary Cemetery and to prescribe procedures for the administration of the cemetery which comply with the city charter and code of ordinances.
- (b) It is the intent of the City Commission to delegate authority to the Parks and Recreation Director through the City Manager, or his/her designee, to administer these rules and regulations.
- (c) It is the intent of the City Commission that these rules and regulations shall apply to every burial space in the cemetery whether said space is a grave or niche unless specifically exempted herein.
- (d) It is the intent of the City Commission that these rules and regulations shall serve as a contract defining the responsibilities of the city in maintaining the cemetery and the responsibilities of those paying respect to their loved ones who are interred therein.

2. Definitions

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (1) Block means a plot of land consisting of three (3) lots and twenty-one (21) spaces which is identified on the cemetery plat and in the cemetery data base.
 - (2) Cemetery means property owned by the city for the burial of human remains.
 - (3) Certificate means the Certificate of Interment executed by the city certifying the conveyance of the right to burial in a space.
 - (4) City means City of Lake Mary, Seminole County, Florida.
 - (5) Conveyance, sale or transfer means the conveyance of a right to burial in a space and shall not be deemed to convey fee simple title to the space.
 - (6) Disinterment means the opening of a burial site, the removal of a casket or other enclosure containing human remains from the open site, and the closing of the site.
 - (7) Final disposition means the final disposal of human remains by means including, but not limited to, earth interment or cremation.
 - (8) Funeral means the observance, service or ceremony held for a deceased person.
 - (9) Funeral directing means the making of arrangements for, or directing the arrangements for, the preparation and transportation of human remains for final disposition; or using, in connection with one's name, the word "Funeral Director,"

"Licensed Funeral Director," "Undertaker," or "Mortician" or offering or representing one's self as offering such services.

- (10) Funeral Director means any person licensed in the State of Florida to practice funeral directing.
- (11) Grave means the excavation on a space for the final disposition of human remains.
- (12) Immediate family means spouse, child, parent, grandparent, grandchild, brother, sister, mother-in-law and father-in-law.
- (13) Interment means the opening of a burial site, the placing of a casket or other enclosure containing human remains in the open site, and the closing of the site.
- (14) Lot means the numbered divisions as shown on the recorded cemetery plat which consists of seven (7) spaces.
- (15) Marker means any memorial that is composed of only one piece; e.g.: a flat marker. There are cases where a marker is composed of two (2) pieces, but has the effect of a marker; e.g.: a bronze marker on granite. This is still technically a marker, even though it has two (2) pieces.
- (16) Memorial means any marker or structure upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.
- (17) Monument means any memorial that has two (2) separate sections or more; e.g.: a stone with a base. The top section of a monument is the "headstone", and the bottom section is the "base".
- (18) Nonresident means a person not residing within the corporate limits of the city.
- (19) Owner means any person, firm or corporation who has purchased a lot, partial lot or grave space in the cemetery or the heirs, personal representatives or successors of the owners.
- (20) Parks and Recreation Director, or his/her designee, means that person designated by the City Manager to have responsibility for the day-to-day maintenance and operation of the cemetery.
- (21) Plot or individual space means that parcel within a lot in which the remains of one human being will be or has been buried. It may also contain a maximum of three (3) cremation urns.
- (22) Remuneration is to pay for services rendered or losses incurred.
- (23) Resident means a person residing within the corporate limits of the city.
- (24) Service animal means any animal such as a seeing-eye dog or hearing-ear dog used to assist a person with a disability or an animal trained for law enforcement purposes and under the control of a law enforcement officer. Refer to page 14, 34 (a).
- (25) Vault means an underground chamber or container used to hold a casket.

3. Rights Reserved by the City

- (a) The city reserves and shall have the right to refuse admission to Lake Mary Cemetery and to refuse the use of any of the cemetery's facilities at any time to any person or persons whom the city may deem to be in violation of the provisions of this article.
- (b) The city reserves and shall have the right to enlarge, reduce, re-plat or change the boundaries or grading of any or all sections of the cemetery including the right to modify and change the locations of or remove or re-grade roads, drives, walks, or any part thereof.
- (c) 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.
- (d) The city reserves and shall have the right to use cemetery property not sold to individual lot owners for cemetery purposes, including the interment of human remains, or for anything necessary, incidental or convenient thereto.
- (e) The city reserves to itself, and to those lawfully using the privileges and facilities of the cemetery, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.
- (f) The city reserves and shall have the right to correct any error that may be made by it in the description, transfer or conveyance of any interment rights, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City Manager or his/her designee, or, at the sole discretion of the City Manager, by refunding the amount of money paid on account of said purchase.
- (g) The city reserves and shall have the right to correct any error that may be made by it in making interments, disinterment's or removals. In the event such error shall involve the interment of the remains of any person, the city reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.
- (h) 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 to the cemetery in general. For the purposes of this article, the term "objectionable" means that an item interferes with the operation of maintenance equipment, has poor aesthetic value, or does not conform to established societal values.
- (i) The city reserves and shall have the right to adopt additional rules and regulations or to amend, alter or repeal any rule or regulation established by this article, at any time, and subject only to the public notice requirements provided by Florida Statutes for ordinance adoption.

4. Care of Cemeteries; Limitation of Liability; Responsibilities of City; Responsibilities of Public

- (a) The city shall endeavor at all times to provide general maintenance and care to the cemetery.
- (b) The city shall take all reasonable precautions to protect cemetery space owners and the

property rights of cemetery space owners from loss or damage, but the city shall not be liable, and disclaims all responsibility, for loss or damage to property or rights of space owners arising from causes beyond its reasonable control including, but not limited to, damage caused by the elements, an act of God, thieves, vandals, malicious mischief-makers, or unavoidable accidents, whether the damage be direct or collateral.

- (c) The perpetual care of the cemetery is assumed by the taxpayers of the city and includes the cutting and irrigation of the grass at reasonable intervals, the raking and cleaning of the grounds, the pruning of shrubs and trees, and the maintenance of pathways and roadways. Perpetual care by the city shall in no case mean the maintenance, repair or replacement of any memorial, placed or erected upon spaces by persons, firms or corporations; nor the doing of any special or unusual work in the cemeteries, including work caused by impoverishment of the soil; nor does it mean the reconstruction of any marble or granite work in any section or portion of a cemetery damaged by the elements, an act of God, thieves, vandals, malicious mischief-makers, or unavoidable accidents, whether the damage be direct or collateral.
- (d) Those members of the public honoring their loved ones must realize that anything that prohibits the city from fulfilling its commitment to care for the cemetery or adds undue cost for the taxpayers shall not be allowed. It shall be the responsibility of those honoring their loved ones to observe the cemetery rules and regulations, to place items permitted well within the spaces allowed, and to remove perishable items when they are no longer performing their role in beautifying the grave site; i.e., dead flowers, faded and weathered artifacts, fences and similar items.

5. Responsibility for Cemetery Administration and Maintenance

- (a) The general administration and maintenance of the cemetery shall be the responsibility of the Parks and Recreation Director, or his/her designee, who shall be an employee of the city and subject to all rules, policies and procedures governing all employees of the city.
- (b) The Parks and Recreation Director is hereby empowered and required to enforce all rules and regulations provided by this article and to exclude from the cemetery any person violating the same.
 - (1) *Assistance to the public.* The Parks and Recreation Director, or his/her designee, shall aid and assist the public in the locating of burial spaces and inurnment niches or in interpreting the meaning of this article.
 - (2) *Supervision of cemetery maintenance.* The Parks and Recreation Director, or his/her designee, shall supervise employees in the general care and maintenance of the cemetery.
 - (3) *Location of burial space.* The Parks and Recreation Director, or his/her designee, shall locate the burial space and authorize the opening of the grave or niche before work by any party shall commence.
 - (4) *Record of burials and inurnments.* The Parks and Recreation Director, or his/her designee, shall keep complete and accurate records of the names of the deceased, the block, lot and space in which the burial is made, or columbarium wall, row and niche in which an inurnment is made, the date of burial, or inurnment, and the name of the Funeral Director conducting the funeral.
 - (5) *Sale of blocks, lots, spaces and niches.* The Parks and Recreation Director, or his/her

designee, shall sell such blocks, lots, spaces and niches in the cemetery as authorized by the City Commission and at the price established by the City Commission. The Parks and Recreation Director, or his/her designee, shall cause to be issued a Certificate of Interment, listed on Schedule "B" which is attached hereto, upon payment of the whole amount by the purchaser.

- (6) *Record of blocks, plots, spaces and niches sold.* The Parks and Recreation Director, or his/her designee, shall keep a plat book of the cemetery on which shall be shown all blocks, plots, spaces and niches which are sold or are for sale and a record made of the date, name of purchaser and amount received for each sale. Aforementioned shall also be recorded in the cemetery data base.
- (7) *Reports.* The Parks and Recreation Director shall make financial reports as required on a form developed by the Finance Department. A copy of the receipt and certificate will be provided to the Finance Department.

6. Handling of Cemetery Monies

No cash transactions shall occur at the cemetery. All monies due to the city for the sale of burial spaces or cemetery services shall be paid by the person, firm or corporation from whom said. Monies are collected at the Lake Mary Events Center or at Lake Mary City Hall by the city representative.

7. Lake Mary Cemetery Fund

One hundred (100) percent of all proceeds from the sale of interment rights in burial spaces shall be deposited in a special fund to be known as the "Lake Mary Cemetery Fund." Proceeds deposited and interest income earned by the fund shall be used for the Lake Mary Cemetery.

8. Modification of Provisions

The City Commission hereby recognizes that cases may arise in which strict enforcement of the provisions of this article may impose unnecessary hardships. Therefore the City Commission delegates authority to the City Manager to make exceptions to the provisions of this article upon a finding by the City Manager that an exception is necessary to prevent hardship.

9. BURIAL SPACES

Sale of Interment Rights in Burial Spaces

- (a) *Price.* The city shall sell interment rights in burial spaces located in the Lake Mary Cemetery in accordance with prices established on Schedule "A" which is attached hereto or as amended by the City Commission.
- (b) *Acquired rights.* No interment rights shall be acquired by the recipient until the cost of the burial space is fully paid and a certificate is issued.
- (c) *Payment prior to interment.* No interment shall occur unless the costs of the burial space and other applicable fees have been paid in full. Cash, money orders or credit cards are acceptable forms of payment and fees shall be paid prior to 4:00 p.m. on the business day preceding the interment.
- (e) *Address of space owner.* It shall be the duty of the space owner to keep the city informed as to his current correct mailing address and the current address of his legal representative

if notices are to be sent to that representative. Notices or other correspondence mailed to the address on file with the city for the lot owner or his representative shall constitute actual delivery and notification. It shall be the duty of the space owner to keep themselves informed of any changes in the rules, regulations or laws governing the operation of the cemeteries.

10. Requirements for Issuance of Cemetery Certificate to Veterans

Honorably Discharged veterans of the Armed Forces of the United States, any reserve component of the Armed Forces of the United States or the National Guard of any State or Territory of the United States shall be eligible for a reduction of fees as noted on Schedule "A" which is attached hereto. This reduction applies only to the grave site of the veteran. For purposes of this regulation, a General Discharge under honorable conditions shall be deemed an Honorable Discharge. Proof of service and discharge must be provided via a DD 214 form.

11. Certificate of Interment

- (a) The City Manager and the City Clerk are hereby authorized to execute certificates on behalf of the city to the purchasers of interment rights in burial spaces within the cemetery, which conveyances shall be valid for all purposes as the act and deed of the city when the City Clerk affixes the seal of the city.
- (b) No certificate shall be executed before the cost of the burial space has been paid in full by the purchaser.
- (c) All certificates shall bear a description of the burial space in accordance with the cemetery plats and cemetery data base approved by the City Commission and the name and address of the purchaser.
- (d) All certificates are hereby declared to incorporate and shall be subject to all rules, regulations and conditions set forth in this article, and subject, further to such other additional rules and regulations, amendments or alterations as shall be adopted by the city from time to time. The reference to such rules and regulations in certificates conveying the right of interment shall have the same force and effect as if the same were set forth in full therein.
- (e) The certificates conveying interment rights and the rules and regulations of the city now in force or which may hereafter be adopted, including modifications or amendments thereof, shall be the sole agreement between the city and the purchaser. The statement of any sales agent or employee of the city, unless confirmed in writing by the City Manager, shall in no way bind the city.
- (f) A certified copy of the executed certificate conveying interment rights shall be filed with the City Clerk who shall permanently maintain said copy in the official records of the city.

12. No Easement Granted

The conveyance of interment rights in a burial space shall not grant an easement or right of interment to any owner in any road, drive, alley or walk within the cemetery, but such road, drive, alley or walk may be used as a means of access to the cemetery or cemetery buildings.

13. Sale, Transfer, Assignment or Re-subdivision

- (a) No interment rights in a burial space shall be sold, transferred, assigned or conveyed in any manner by the owner or his heirs without the written authorization of the city.

- (b) The re-subdivision of any burial space in any manner is prohibited.
- (c) The city is authorized, but not required, to repurchase an unused burial space for the same price at which it was originally sold. No transfer fee will be required.

14. Family Burial Lot

- (a) In the event there has been no written order by the owner filed with the city designating those whom he authorizes to be interred therein, the parents or children of such deceased owner may be interred in such lot in the order of need without the consent of any person claiming any interest therein.
- (b) In the event there shall be no parent or child surviving such deceased person, the right of interment therein shall go as specified by the statutes of descent of the state.
- (c) Any surviving spouse and any parent, child or heir of a deceased owner may waive his right to interment in such lot in favor of any other relative of such deceased owner or of his spouse, and upon such waiver; the remains of the person in whose favor the waiver is made may be interred therein.

15. Use of Burial Space

No burial space shall be used for any purpose except the interment of human remains.

16. INTERMENTS AND DISINTERMENTS

Burial Permit Required

No interment shall be made unless the remains are accompanied by a burial permit as required by state law. The city shall not be liable for the correctness of the information on the burial permit nor for the identity of the person sought to be interred. The burial permit may be obtained from the Funeral Director.

17. Hours when Interments are Permitted

- (a) Regular Hours. Arrangements for interments shall be made between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Interments shall not be made on Saturdays, Sundays or city holidays except as stated below. City holidays are defined as New Year's Day, Veterans Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Day. Other holidays may be designated by the City Commission from time to time.
- (b) Saturdays, Sundays and holidays. Where a burial must be scheduled on a Saturday, Sunday or holidays interments shall be made between the hours of 10:00 a.m. and 3:00 p.m. Interments to be scheduled on a Saturday, Sundays and holidays shall require a minimum of twenty-four (24) hours notice to the Parks and Recreation Director, or his/her designee, except where immediate burial is required by the laws of the State of Florida, the rules and regulations of the board of health, or for religious reasons. The notice requirement may be waived by the City Manager or his/her designee, if extenuating circumstances prevent twenty-four (24) hours notice.

18. Interment Authorization Required

- (a) No interment shall be made unless the burial space has been located by the Parks and Recreation Director, or his/her designee. The Funeral Director shall issue an interment authorization to the Parks and Recreation Director, or his/her designee, which specifies the name of the deceased, the name of the Funeral Director, the date and time of the interment, and the location of the burial space. The interment authorization shall not be issued unless the cost of the burial space and other applicable fees has been paid in full.
- (b) A request for interment must be made to the Parks and Recreation Director, or his/her designee, no later than twenty-four (24) hours prior to the time scheduled for the interment. For interments scheduled on a Monday, the request for interment must be made to the Parks and Recreation Director, or his/her designee, no later than 4:00 p.m. on the preceding Friday. This requirement may be waived by the City Manager or his/her designee, if extenuating circumstances prevent twenty-four (24) hours notice.
- (c) A copy of the interment authorization shall be filed with the City Clerk of the City of Lake Mary.

19. Opening and Closing of Burial Space

- (a) Funeral Directors shall be responsible for arranging the opening and closing of burial spaces at their expense thru the city.
- (b) The opening of a burial space shall not commence without an interment authorization issued by the Funeral Director and shall not commence unless the burial space has been located and marked by the Parks and Recreation Director or his designated representative. If any problem is encountered during the opening of a burial space, the person opening the burial space shall cease work immediately and notify the Parks and Recreation Director, or his/her designee, who will resolve the problem before work is permitted to continue.
- (c) Graves shall have a minimum cover of eighteen (18) inches of soil from the top of the vault or liner to the ground surface level. Grave mounds shall not be allowed. Persons opening a grave must place excavated soil on suitable material to protect the grass on adjacent lots.
- (d) Graves shall be closed immediately after the funeral service.
- (e) Removal of excess soil after burial or the filling of the grave site with additional soil after settling shall be the responsibility of the Funeral Director. Any excess soil must be removed the same day as the burial, and any filling needed as a result of settling must be accomplished within five (5) days of the burial. Upon failure to remove excess soil or to fill as required above, the Parks and Recreation Director, or his/her designee, may cause the same to be accomplished with the costs thereof charged to the Funeral Director, which cost shall be immediately due and payable.
- (f) Any additional city services required due to failure by the applicable Funeral Director to abide by this article and any reasonable rules and regulations promulgated to implement this article shall be charged to the Funeral Director and be immediately due and payable.
- (g) The Funeral Director and his subcontractors (i.e., vault company, grave diggers, etc.) shall exercise all possible care to protect grave markers, monuments, water lines, and other cemetery fixtures, and shall be held liable for any damage incurred.

20. Graves and Vaults

- (a) No burial above ground shall be permitted.
- (b) Only one interment shall be used per grave, except for the following:
 - (1) One casketed remains and three cremated remains;
 - (2) Two cremated remains in one cremation plot; or
 - (3) Two urns per cremation niche.
- (c) Pre-cast concrete, natural stone, or steel vaults shall be used in every uncremated interment except the interment of newborn infants. Such vaults shall be of sufficient construction and weight as to prevent retention of water and cave-in of the grave space.

21. Liability for Delays

The city shall not be liable for damages caused by any delay in the interment of a body where a protest, just or unjust, of the interment has been made, where the rules and regulations have not been complied with, where a burial space has not been paid for, or where the body is not accompanied by a proper burial permit.

22. Written Protests

The city shall refuse to recognize any protest of an interment unless said protest is made in writing and filed with the Parks and Recreation Director and a copy will be given to the City Manager. The remains shall be retained by the Funeral Director and shall not be admitted to the cemetery until such protest is resolved.

23. Interments for Remuneration

Owners shall not allow interments to be made in their burial spaces for remuneration without written permission from the city.

24. Disinterment

- (a) Although removal contrary to the expressed or implied wish of the original owner of the burial space shall not be allowed, a body or cremated remains may be removed from the original burial space to another burial space within the cemetery at the request of the surviving spouse or heirs when there has been an exchange or purchase of a burial space for that purpose. A disinterment at the request of the surviving spouse or heirs shall be arranged by a Funeral Director and shall be the responsibility of the Funeral Director.
- (b) A disinterment directed by the order of a court of competent jurisdiction shall be the responsibility of the person, firm or corporation requesting the court order.
- (c) A disinterment directed by a medical examiner for the purpose of holding an inquest shall be the responsibility of the medical examiner or his lawful agents.
- (d) All disinterments shall be subject to the same rules and regulations established by this article for interments. All disinterments for the purpose of removing the remains from the cemetery shall, in addition, require a transit permit signed by the appropriate public authority.

- (e) The city may perform a disinterment to correct an error in interment and may transfer the remains erroneously interred to the correct burial space or to another burial space of equal value and similar location as may be substituted and conveyed in lieu thereof.

25. Compliance with all Laws

In addition to the rules and regulations established by this article, all interments, disinterments and removals shall be subject to the orders and laws of the properly constituted public authorities.

26. MEMORIALS, PLANTS AND GRAVE DECORATIONS.

Monuments and Markers

- (a) No monument marker or other structure may exceed a vertical height of four feet (48 inches) unless approved by City Commission.
- (b) All burial spaces shall have no more than one monument or grave marker with the exception that family burial lots may have a family marker and a marker for each family member interred therein.
- (c) For interments after October 1st, 2010, a permanent monument or grave marker shall be required on all burial spaces. Markers or monuments must be installed no later than 180 days after interment.
- (d) All monuments, grave markers and corner markers shall be of bronze, granite, marble or other equally durable stone material, metal or metal alloy. Monuments and markers shall be placed on a foundation which is no closer than three (3) inches to the boundary lines of the grave space.
- (e) No monument or marker shall be set unless the burial space has been located by the Parks and Recreation Director or his designated representative. The Parks and Recreation Director, or his/her designee, shall clearly mark the burial space upon which the monument or marker will be set and shall issue written authorization to the monument company to proceed with the construction of the foundation for the monument or marker. A request for authorization must be made to the Parks and Recreation Director, or his/her designee, by 4:00 p.m. on the business day preceding the day on which the setting of the monument or marker will occur. All monuments, grave markers and corner markers shall be set between the hours of 8:00 a.m. and 4:00 p.m.
- (f) All monuments, grave markers and corner markers shall be placed on a foundation which shall be adequately designed to prevent future settlement, tilting or cracking. All foundations shall be built by the monument company at the cost of the owner. In order to ensure consistent installation of cemetery monuments and markers within all city-owned cemeteries, the following shall apply:
 - (1) *Permit required.* Installation of all foundations will require the issuance of a permit to the monument company by the Parks and Recreation Director, or his/her designee. The cost of the permit will be as established on Schedule "A" and will be non-refundable. The permit fee will be paid by the monument company and will cover the cost of one (1) foundation inspection. Additional inspections will require payment of a twenty-five dollar (\$25.00) service fee by the monument company. No additional fee

will be required for the actual placement of the monument or marker onto the foundation.

- (2) *Monument or upright marker.* All monuments must have a foundation installed that is three inches (3") wider than the monument on all four sides.
 - (3) *Flush-mounted marker.* A foundation shall be installed that is at least as long and as wide as the marker that will be resting upon it. The foundation shall be constructed of concrete that is a minimum of three inches (3") in depth and shall be reinforced with a steel bar one-half inch (1/2") in diameter.
 - (4) *All foundations.* In all installations, the foundation shall be constructed upon well-compacted soil. The foundation shall be constructed of concrete and shall have a minimum designed strength of two thousand pounds per square inch (2000 psi). Foundations shall be constructed with the use of forming for the upper four inches (4") of the cast-in-place concrete. Wood forms are permitted, but must be removed after the concrete has cured in place. The surface of the foundation shall be level and have a smooth float finish. After curing of the concrete foundation, form work shall be removed and the area back-filled with screened topsoil prior to setting of the monument or marker.
 - (5) *Inspection.* All foundations shall be inspected by the Parks and Recreation Director, or his/her designee. If the foundation installation is determined to be satisfactory, the Parks and Recreation Director, or his/her designee, shall authorize the monument company to proceed with the setting of the monument or marker. If the foundation installation is determined to be unsatisfactory, the Parks and Recreation Director, or his/her designee, shall issue written notice to the monument company requiring that the problem(s) be corrected. No authorization shall be issued to proceed with the setting of the monument or marker until the foundation installation is determined to be satisfactory.
 - (6) *Time of inspection.* To facilitate inspection by the Parks and Recreation Director, or his/her designee, all foundations shall be set between the hours of 8:00 a.m. and 4:00 p.m.
 - (7) *Rights reserved.* The city reserves the right to modify the specifications contained herein for installation of any foundation, monument or marker, if, in the sole discretion of the Parks and Recreation Director, or his/her designee, such modification is deemed to be desirable.
- (g) Where a monument or marker has been previously set, no monument or marker shall be engraved unless the burial space has been located by the Parks and Recreation Director, or his/her designee, or his designated representative. The Parks and Recreation Director, or his/her designee, shall clearly mark the burial space upon which the monument or marker will be engraved and shall issue written authorization to the monument company to proceed with the engraving of the monument or marker. A request for authorization must be made to the Parks and Recreation Director, or his/her designee, by 4:00 p.m. on the business day preceding the day on which the engraving of the monument or marker will occur.
- (h) Any monument or marker which has been set in violation of the rules and regulations established by this section shall be removed from the grave site by the monument company. It shall be the responsibility of the monument company to reset the monument or marker in accordance with the rules and regulations of this section without charge to the owner or the city.

- (i) Lettering on niches shall comply with all requirements established by the city for uniformity. Any lettering which has been placed on a niche which fails to comply with all such requirements shall be replaced by the monument company without charge to the owner or city.
- (j) It shall not be the responsibility of the city to replace or repair temporary metal grave markers, and all temporary grave markers shall be removed when the permanent marker is set. Any temporary grave marker remaining on the grave six (6) months after the interment shall be removed by the Parks and Recreation Director, or his/her designee, at no risk to the city.
- (k) While the city will exercise all possible care to protect raised lettering, carving or ornaments on any monument or memorial, it disclaims responsibility and shall not be liable for any damage or injury thereto.
- (l) The monument company shall exercise all possible care to protect grave markers, monuments, water lines, and other cemetery fixtures, and shall be held liable for any damage incurred.

27. Plants, Shrubs, Flowers, Trees and Grass

- (a) Permanent planting, maintenance and removal of grasses, shrubs, trees, flowers, etc., shall be done only by the city.
- (b) The Parks and Recreation Director, or his/her designee, shall remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from a cemetery as soon as, in the judgment of the Parks and Recreation Director or his/her designee, they become unsightly, dangerous, detrimental or diseased or when they interfere with the normal maintenance of the cemetery. Notice of such removal shall not be required.
- (c) The city shall not be liable for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals or by other causes beyond its control.
- (d) Live flowers from burial services shall be removed by the Parks and Recreation Director, or his/her designee, at their discretion.

28. Enclosures, coping, curbing and borders

- (a) Fences, hedges, pipe, chains or raised enclosures of any kind are prohibited on grave sites. No coping or curbing shall be installed.
- (b) In order to allow free passage of mowers or other equipment, curbs, coping, walls or other enclosures around spaces will not be permitted.
- (c) The requirements of this section shall not apply to portable fences, chains and other structures or equipment used during interments or memorial ceremonies provided said fences, chains, structures, or equipment are removed immediately after completion of the interment or ceremony.

29. Grave Decorations

- (a) Grave decorations of any kind will be removed when they violate cemetery rules and regulations. Prior to removal, no notice of violation shall be provided.

- (b) Special decorations placed on a grave site on special dates such as birthdays, anniversaries, Mother's Day, Father's Day, Memorial Day, Veteran's Day, Christmas, Easter or other dates of religious or cultural significance, may be placed no more than seven (7) calendar days before the holiday or special date and shall be removed within seven (7) calendar days after the holiday or special date. Decorations not removed within the specified time shall be removed by cemetery personnel and disposed of without notice.
- (c) The following shall not be allowed upon grave sites and, if so placed, shall be removed at no risk to the city:
 - (1) Toys, dolls, stuffed animals or similar articles;
 - (2) Shells, rocks, stones or pebbles;
 - (3) Glass, ceramic or plastic objects;
 - (4) Metal designs, frames, or hangers except as allowed on a temporary basis;
 - (5) Chairs, settees, benches or tables;
 - (6) Wood or metal boxes or cases;
 - (7) An ornament or item of any type that:
 - (a) Interferes with the maintenance of the cemetery; or
 - (b) Presents a potential safety hazard to cemetery staff and the public; or
 - (c) Offends or insults any segment of the population that resides in the community; or
 - (d) Disrespects the hallowed ground of the cemetery; or
 - (e) Disrupts the good order of the cemetery.
- (d) Flags may be placed on the grave site of a veteran in accordance with the following rules:
 - (1) Up to one (1) American flag no larger than thirteen inches by eight inches (13" x 8") may be placed on a grave site on Veteran's Day, Memorial Day and Independence Day;
 - (2) Any flag remaining on a grave site after seven (7) days shall be removed by cemetery staff without the need for notice; flags if faded or damaged, shall be destroyed in a dignified manner in accordance with Title 4, Chapter 1, Section 8, U.S. Code ("Respect for the Flag").
 - (3) Small American flags no larger than 6 inches by 4 inches (6" x 4") may be incorporated into floral arrangements at all times during the year.
- (e) All decorations shall be placed on a grave site at the owner's risk, and the city shall not be responsible for the loss of any decorations by any cause whatsoever.

30. RULES OF CONDUCT

Visiting Hours

The cemeteries shall be open for visitation purposes from sunrise to sunset daily.

31. Use of Roadways and Entrances

- (a) No person shall use the roadways of the cemeteries as public thoroughfares for passage through the cemetery or for any other purpose, other than for attendance at funerals, memorial occasions, visits to graves or cemetery lots, or other similar uses and purposes, including official business.
- (b) No person shall climb over, go through or go over any wall, fence or hedge in the cemetery, trespass in any manner upon cemetery property, or enter or leave the cemetery at any place other than at regularly established gateways or entrances and at such times as are established by the city for visitation.

32. Pedestrians

- (a) It is strictly prohibited to write upon, deface or injure any memorial, fence or other structure within the cemetery.
- (b) Persons visiting a cemetery or attending a funeral are strictly prohibited from gathering flowers, either wild or cultivated, breaking or injuring any tree, shrub or plant, or feeding or disturbing the birds or other animal life within the cemetery.

33. Vehicles

- (a) *Admission.* Admission of vehicles upon cemetery roads shall be permitted as a privilege and not as a right inherent to the ownership of interment rights in a burial space
- (b) *Entrance.* No vehicle shall enter a cemetery except through a regular entrance maintained for such purpose.
- (c) *Driving on lots and lawns.* No person shall drive a vehicle over cemetery lots or upon cemetery lawns unless the grass area is designated as a parking area.
- (d) *Parking.* No person shall park any vehicle so as to obstruct any cemetery driveway, and no person shall drive or park any vehicle on any burial space. Parked vehicles must not be left with the engine running when the driver is not in the vehicle.
- (e) *Speed.* No person shall drive a vehicle at a speed in excess of ten (10) miles per hour.

34. Miscellaneous Rules of Conduct

- (a) *Dogs and other animals.* Dogs and other domestic animals or non-domestic animals are prohibited on cemetery grounds or in cemetery buildings, except that this prohibition shall not apply to service animals accompanied by their owner.
- (b) *Disrespecting grave sites.* No person shall disrespect or desecrate grave sites by lying, sitting, or standing on top of markers, monuments or any other memorial structures.
- (c) *Disturbing funerals.* No loud talking shall be permitted within hearing distance of funeral services.
- (d) *Peddling or soliciting.* Peddling of flowers or plants or soliciting the sale of any commodity is prohibited within the boundaries of the cemeteries.
- (f) *Littering.* The throwing of trash or litter on the drives, paths, lawns, lots or any other part

of the cemetery grounds is prohibited.

- (f) *Signs and advertisements.* No signs, notices or advertisements of any kind shall be allowed in a cemetery unless placed by the city.
- (g) *Firearms.* No firearms shall be permitted in the cemeteries except for ceremonial purposes by a military escort accompanying the funeral of a veteran or a law enforcement officer.
- (h) *Other inappropriate activities.* No person shall disturb the peace or disrupt the proper order of any cemetery by yelling, fighting, running, engaging in games or sports activities, engaging in horseplay, playing loud music, or using offensive words or insults. No person shall loiter or wander aimlessly about on cemetery grounds.

35. Vandalism or Injury to Cemeteries

- (a) In accordance with Florida Statutes, any person who willfully and knowingly destroys, mutilates, defaces, injures or removes any monument, marker, gravestone or other item intended for the protection, identification or ornamentation of any monument or gravestone or willfully destroys, mutilates, removes, cuts, breaks or injures any tree, shrub, or plant placed or being within the boundaries of the cemeteries is guilty of a misdemeanor of the first degree, punishable as provided in Florida Statutes.
- (b) Any person who willfully and knowingly disturbs the contents of a grave is guilty of a felony of the third degree, punishable as provided by Florida Statutes.
- (c) This section shall not apply to any person authorized by law to remove or disturb a monument or gravestone or the contents of a grave.

SCHEDULE "A"

THE CITY OF LAKE MARY CEMETERY RATES (effective 10/1/10)

Cost of Cemetery Spaces

\$1000.00 for residents or property owners
\$1500.00 non-city residents

\$200.00 Infant space/resident
\$250.00 Infant space/non-resident

\$800.00 Cremation space/resident
\$1100.00 Cremation space/non-resident

\$25.00 Permit fee

\$500.00 for Veteran Space residents or property owners (applies only to the veteran space)
\$1000.00 for Veteran Space non-city resident (applies only to the veteran space)