

Chapter 22 CEMETERIES¹

Sec. 22-1. Title.

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

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-2. General.

(a) There are two city cemeteries owned by the city:

- (1) Oak Grove - located at the intersection of U.S. Highway 17/92 and Experiment Station Road.
- (2) Lake Lowery - located north of the intersection of the Haines City/Lake Alfred Road and the crossing of the Main Line Railroad.

(Hereinafter collectively referred to as the "cemetery").

(b) The control and management of the cemetery 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."

(c) The cemetery administrator shall keep an accurate map of the cemetery and/or any cemetery owned and/or operated by the City of Lake Alfred, Florida.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Cross reference(s)—Administration, ch. 2.

Sec. 22-3. Definitions.

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

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.

Cemetery administrator shall refer to the individual responsible for maintaining the official records of cemetery activity.

¹Editor's note(s)—Ord. No. 1332-14, § 1(Exh. A), adopted Apr. 7, 2014, amended ch. 22 in its entirety to read as herein set out. Former ch. 22, §§ 22-1—22-11, pertained to similar subject matter and derived from: Code 1959; Ord. No. 314, adopted Nov. 2, 1959; Ord. No. 450, adopted Dec. 13, 1971; Ord. No. 451, adopted Dec. 15, 1971; Ord. Nos. 506 and 507 adopted Feb. 10, 1975; Ord. No. 510, adopted Mar. 10, 1975; Ord. No. 512, adopted July 14, 1975; Ord. No. 551, adopted Jan. 9, 1978; Ord. No. 710-90, adopted Sept. 10, 1990; Ord. No. 737-93, adopted Feb. 8, 1993; Ord. No. 830-97, adopted Jan. 5, 1998; Ord. No. 1268-10, adopted Feb. 1, 2010; and Ord. No. 1294-11, adopted Aug. 15, 2011.

City means the City of Lake Alfred, Polk County, Florida.

City cemetery shall mean the Oak Grove Cemetery and/or Lake Lowery Cemetery, or any other cemetery which may become owned and/or operated by the city.

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

Cremains certificate shall mean the certificate that accompanies the cremains from the crematory.

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 for 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 authorization shall mean the right, once signed, notarized and returned, for remains to be interred.

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, cemetery 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, as 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.

Marker/memorial marker shall be identified as one that marks or distinguishes, as a tombstone. 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 city administrator, interferes with the aesthetical quality and/or values of the cemeteries and/or the operation of maintenance equipment.

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).

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.

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.

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

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 22-4. Use.

The cemetery and/or any cemetery owned and/or operated by the city are for the sole purpose of human remains and shall only be used for cemetery purposes.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-5. Ownership.

- (a) The sale of burial rights within cemeteries owned and/or operated by the city shall be the function of the cemetery administrator. The city may refuse to sell any such burial space to any person if such sale would be detrimental to the cemeteries or 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, as follows:

- (1) Ownership of all lots in the cemeteries.
- (2) Burial capacity of each space sold and unsold.
- (3) Location of each grave.
- (4) Names of the person/persons buried in each grave.
- (5) Burial dates.

The deed of ownership for any cemetery burial space will not be provided to the owner until the purchase price has been paid in full.

- (b) A duplicate deed shall not be issued to replace an original deed, which is lost or destroyed without authorization by the cemetery administrator. No person shall be considered as 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 a deed or other legal document is not presented, then the records of the City of Lake Alfred shall determine ownership of any block, lot, or space and any such determination by the city shall be a final determination.
- (c) No cemetery burial space shall be sold, transferred, or conveyed by any owner without consent to transfer from the city. All transfers shall be recorded in the permanent cemetery records of the city.

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- (d) Sales back to the city shall be authorized by the cemetery administrator. Owners must have original deed and shall be paid the greater of their original purchase price or 50 percent of the current price minus the transaction fee.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-6. Fees.

Fees shall be the responsibility of the owner, family member, or executor of the decedent's estate. All fees shall be paid in full prior to service(s).

(1) *Cemetery spaces.*

- a. Full burial plots (5 x 10)\$600.00
- b. Infant burial plots (3 x 6)\$325.00
- c. Cremains (2 x 2)\$325.00

(2) *Inurnment.*

- a. All inurnments\$125.00

There shall be no inurnment of cremains during a weekend and/or recognized holiday. The city shall perform the opening and closing for inurnment Monday through Friday from 8:00 a.m. until 4:00 p.m. by appointment only.

(3) *Foundations.*

- a. Single monuments and grass markers\$75.00
- b. Double monuments\$150.00

Foundations are required for all monuments and memorial/markers of every description. The foundation for all such monuments and memorials/markers shall be constructed by the city.

(4) *Transaction fees.*

- a. Duplicate deed\$10.00
- b. Sale back to city per space\$50.00

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-7. Authorization requirements.

- (a) No interment/disinterment shall be made in any cemetery and no grave shall be opened therein or body removed without prior written authorization obtained from the cemetery administrator. All such work shall be under the direction of the city.
- (b) A minimum of 48 hours' notice shall be required prior to interment, inurnment, disinterment, or dis-inurnment. A copy of the burial permit or cremains certificate shall be submitted to the cemetery administrator.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-8. Burial regulations.

(a) *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 feet deep and shall be closed up with no less than 36 inches of topsoil. Graves shall be marked and designated for identification purposes by the city.
- (2) The funeral director in charge of the final disposition of human remains shall, prior to final disposition of such human remains, affix to the outer right side vault handle or right-hand corner of vault facing skyward, a tag providing proper identification of the human remains. The identification tag shall be encased in or consist of durable and long-lasting material and shall list the name, date of birth, and date of death of the deceased.
- (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, polystyrene fiberglass, marble or granite. Wooden receptacles shall not be permitted.
- (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 burial space shall be prepared no more than 24 hours prior to the funeral service. 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 the sod with an approved type of sod the ground. Sod shall be replaced on a level even with the lawn of the cemetery.
- (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.

(b) *Cremains.*

- (1) Cremain containers shall be granite, cement, marble, or other impermeable material authorized by the cemetery administrator. All cremain containers shall be buried by the city.
- (2) If the human remains are cremated, 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 by the funeral director.

(c) *Mausoleum.*

- (1) The placement of human remains in the mausoleum shall be permitted by city authorization only and comply with all requirements of this chapter.
- (2) The funeral director in charge of the final disposition of human remains within the mausoleum shall, prior to final disposition of such human remains, affix a conspicuous tag providing proper identification of the human remains. The identification tag shall be encased in or consist of durable and long-lasting material and shall list the name, date of birth, and date of death of the deceased.

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- (3) Each mausoleum door shall be inscribed and shall list the name, date of birth, and date of death of the deceased within 30 days of entombment.

(d) *Number of interments.*

- (1) Only three interments shall be allowed per full burial space. There may be three cremains or alternatively, one full burial and two cremains inurned in a single full burial space. Interments or inurnments into the same space, shall only be allowed if the following occurs:
 - a. Copy of deed or other proof of ownership is produced.
 - b. A notarized designation of space is filed with cemetery administrator.
 - c. When more than one person is buried in one full burial space (cremations and/or casket interment) a permanent marker/memorial or monument shall be installed, engraved with all names and dates of birth and death, of those buried in that space. An original invoice for the marker/memorial or monument engraving shall be submitted to the cemetery administrator prior to burial.
- (2) Only one inurnment shall be allowed in a cremains burial space.
- (3) Only one infant shall be allowed in an infant burial space.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-9. Markers, memorials and monuments.

- (a) No marker/memorial or monument shall be of any material other than granite, marble or cast bronze.
- (b) The marker/memorial or monument shall be located at the head of the gravesite with the primary inscription facing the foot of the grave (east) and shall not cover the entire grave. The family name only may be on the back (facing westerly) of such stone or monument.
- (c) A flat foot marker/memorial is permitted.
- (d) All markers/memorials or monuments shall be placed in the center of the foundation.
- (e) The inscription on the marker/memorial or monument shall correspond with the records of the city.
- (f) All placements shall be authorized by the cemetery administrator.
- (g) Sizes and dimensions of markers/memorial are as follows:
 - (1) *Family:*
 - a. Width—Not less than 13 inches and not more than 24 inches.
 - b. Length—Not less than 42 inches and not more than 60 inches.
 - (2) *Individual:*
 - a. Width—Not less than 12 inches and not more than 18 inches.
 - b. Length—24 inches.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-10. Rules and regulations.

- (a) No person shall in any way deface the grounds of a cemetery.
- (b) The cemetery hours shall be from sunrise to sunset.
- (c) Persons within cemetery grounds shall use only the established walkways and roads.
- (d) No person shall consume or carry alcoholic beverages into a cemetery.
- (e) No person shall use any form of advertisement on cemetery grounds.
- (f) Littering is prohibited; all refuse shall be deposited in the proper receptacles.
- (g) Loud noises and/or other nuisance behavior is prohibited.
- (h) All children shall be accompanied by an adult.
- (i) 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.
- (j) No coping, curbing, fencing, borders, slabs, hedges, wood, rock, bark or like materials shall be allowed around graves, monuments or markers.
- (k) For the safety of all in the cemetery and or any cemetery owned and/or operated by the city, no glass containers, statuary, ceramics, terra cotta, resin, exposed wire or breakable items shall be permitted.
- (l) 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.
- (m) No more than three floral arrangements per interment site shall be allowed.
- (n) Speed limit is ten miles per hour on cemetery roads.
- (o) No U-turns are permitted.
- (p) The traffic laws of the city shall be applicable to the operation of motor vehicles in a cemetery.
- (q) Heavy trucks or commercial vehicles, unless on cemetery business, shall be prohibited from entering the grounds.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Cross reference(s)—Traffic and vehicles, ch. 54.

Sec. 22-11. Rights reserved by the city.

- (a) 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. Removed items shall be stored for not less than one year prior to disposal.
- (b) The city reserves the right to remove and dispose of fresh flowers upon expiration.

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- (c) The city is not responsible for theft or damage to any personal property or floral arrangements placed within the cemetery.
 - (d) 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.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)

Sec. 22-12. Violations of chapter; penalty.

Violations shall be subject to the penalties provided in general provisions of the Code.

(Ord. No. 1332-14, § 1(Exh. A), 4-7-2014)