

By the City Commission

RESOLUTION NO 2022-03

A RESOLUTION OF THE CITY COMMISSION OF DADE CITY FLORIDA REPEALING RESOLUTION 2015-02 FOR THE RULES AND REGULATIONS FOR THE DADE CITY CEMETERY RELATING TO BEAUTIFICATION AND DECORATION OF PLOTS; PROVIDING FOR THE REPEAL OF PRIOR RULES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS the City Commission has previously adopted rules and regulations 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 cemetery rules and regulations for the cemetery, and

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

WHEREAS the City Commission does hereby repeal Resolution 2015-02.

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

SECTION 1. The attached rules and regulations 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 All prior rules and regulations pertaining to such cemetery are hereby repealed.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 24th day of May, 2022.

ATTEST

CITY OF DADE CITY, FLORIDA

By: Angelia Guy
Angelia Guy, City Clerk

By: James D. Shive
James D. Shive, Mayor

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 Burial right means the right to use a burial space, mausoleum or columbarium for the interment, or entombment of human remains.
- 1.03 Burial space means a space of ground in a cemetery intended to be used for the interment in the ground of human remains.
- 1.04 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.
- 1.05 City means the incorporated area of the City of Dade City, located in Pasco County, State of Florida.
- 1.06 Cremated remains mean a dead human body which is reduced to ashes.
- 1.07 Companion spaces means two burial spaces side by side within the same lot and block for interment of human remains or ashes.
- 1.08 Flush markers mean 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 emblems must not exceed the height of 14 inches above the flush or flat surface of the memorial. Said markers must be constructed of bronze, marble or granite. Top of markers are to be buried flush or level to the existing ground elevation of the burial space.
- 1.09 Funeral Director means any person licensed in the State of Florida to practice Funeral Directing.
- 1.10 Funeral Home means a business licensed by the State of Florida which provides a service in connection with the final disposition, memorialization, interment, entombment of human remains.
- 1.11 Grave slab means a slab, monument, flush or flat, or grass marker.
- 1.12 Human remains mean the bodies of deceased persons and includes bodies in any stage of decomposition and cremated remains.
- 1.13 Infant means a child that is miscarried, stillborn, or age birth to one (1) year.
- 1.14 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.

- 1.15 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.
- 1.16 Monument means any product used for identifying a grave site and cemetery memorials of all types including monuments, markers and vases.
- 1.17 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.
- 1.18 Non-resident means a person not residing within the corporate limits of the City.
- 1.19 Pre-need purchase means any purchase or arrangement or method to purchase a burial space or lot for use in the future.
- 1.20 Resident means a person residing within the corporate limits of the City.
- 1.21 Veteran means a person who has served in the U S Military and was honorably discharged or killed in the line of duty.

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, trees, shrubs, 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 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 City Manager 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 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 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 markers, monuments, corner markers, grave slabs, vases, memorial or religious emblems or other items in the cemetery, or the rights of the owners of a burial space or lot arising from causes beyond its control and/or 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 written deed will be issued upon payment in full. 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 City 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 The owners of burial spaces or lots shall be required to 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.

IV. DECLARATION OF RESERVATION

4.01 An owner shall 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 in the owner's will
- 3) intestate heirs or lineal descendants of 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 properly state licensed 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, and will insure that said space is covered and protected while said space is open and exposed. 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 if said violation is not corrected within three (3) business days. The same penalty will also apply in situations involving burial in the wrong grave site. 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.
- 5.03 All interments must be placed 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 must only be done below ground 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 prior to the burial and will be installed under his and/or his designee's supervision. Vaults must be set at least one day before weekend burials and no later than 3.00 p.m. Violations of this section will result in an assessment of a penalty as set forth in Section 5.01 of this Resolution.
- 5.04 To ensure proper location of the burial space, written notice of intent to bury must be given to the City Clerk's office at least one (1) business day prior to the interment, disinterment or removal. 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 name of the Funeral Homes—at least 8" x 4.5/8" but not to exceed 11" X 5", and must be attached to a 15 3/4" stake. This marker must be provided by the Funeral Director or Funeral Home for marking the located space within seven (7) business days of the burial. The marker shall 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 will result in a fine of \$100.00 to be assessed against the 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 Department of Health accompanying it to the cemetery before burial can take place. Neither the City nor any of its officers or employees 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 or other mementos used during memorials or committal service will be removed from the cemetery by the City after 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 into 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 Flower beds of spring bulbs or summer annuals planted immediately to the side or between markers are permitted when approved by the City Manager prior to plantings. Plantings must be cared for by the plot owner. Should a flower bed become unkempt or interfere with the care of burial lots, the City reserves the right to trim, cut or remove such plantings.
- 6.05 After initial burial, one bouquet of flowers may be placed on each grave providing they are placed in an approved ground level vase or in a vase that is part of the memorial. Flowers will be removed when they become withered, faded or otherwise unsightly, or detract from the dignity or appearance of the cemetery Any extra decorations placed on holidays or other special occasions will be removed if they become unsightly or detract from the appearance of the cemetery.

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 shall 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 or pick flowers, damage trees, shrubbery or plants, or feed or disturb the birds or other animal life No visitor shall have or consume alcoholic beverages within the cemetery. No one shall loiter in the cemetery
- 7.05 Automobiles must not be driven in excess of fifteen (15) miles per hour within the cemetery, and must remain on the roadways. All parking must be contained to the roadways or designated parking areas. Under no circumstances shall anyone park on any burial space.
- 7.06 No soliciting is permitted in the cemetery.
- 7.07 No signs or notices of any kind will be placed in the cemetery other than those placed by the City.

VIII Memorial Work

- 8.01 Temporary markers constructed of 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, 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 spaces 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. A vase is permissible within the perimeter of the monument as an invertible and concealable vase only. No structures, benches, fences or mounds are permitted to be constructed by the owners of the grave spaces. A penalty in the amount of \$200.00 will be assessed by the City to correct the improper installed markers etc. 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 Any type of memorial consisting of brick, artificial stone, wood, tin or iron are not permitted anywhere without City Manager approval.
- 8.04 Any provider of services 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. All trucks and workers will withdraw from the location of the funeral service to a reasonable distance.
- 8.06 Monument establishments shall set monuments in conformance with all cemetery requirements as set forth herein, and in accordance with current 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. Foundations for monuments shall be of sufficient depth and width to support the weight of the monument. Flush Memorials 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 shall 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.

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 for individual grave sites:
 - a. Veterans of the United States Armed Forces \$750.00
 - b. City Residents \$800.00
 - c Non-City 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
- 4) Recording of Deed- actual cost