

CITY OF PALMETTO



PALMETTO CEMETERY Supplemental Rules And Procedures

Supplemental Rules and Procedures

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PALMETTO CEMETERY SUPPLEMENTAL RULES AND PROCEDURES

1) Purpose

The purpose of this Supplemental Rules and Procedures document is to state the objectives relating to the administration, operation and care of Palmetto Cemetery.

2) Implementation

The identified departments and individuals are responsible for administering the requirements contained in these Supplemental Rules and Procedures. Staff will assist the applicant with any and all processes included in this directive.

- a) The City Clerk, or designee, is responsible for administering the following:
 - 1) Supplemental Rules and Procedures governing Palmetto Cemetery
 - 2) Purchase of Burial Rights
 - 3) Sale or Transfer/Assignment of Burial Rights
 - 4) Interment Requirements and receipt of "Certificate of Compliance"
 - 5) Collection of applicable fees
 - 6) Required interment filings
 - 7) Records retention
- b) The Director of Public Works, or designee, responsibility include
 - 1) Sole maintenance of cemetery grounds
 - 2) Rules enforcement

3) General Principles

The City of Palmetto has endeavored to safeguard individual burial rights and visitors' rights, as well as the cemetery as a whole. All Palmetto Cemetery burial right owners and visitors to the cemetery shall be subject to the following principles.

- a) The City of Palmetto is the sole owner and operator of the Palmetto Cemetery facility.
- b) The cemetery is set apart for the exclusive burial of human remains.
- c) The City Clerk, or designee, and the Director of Public Works, or designee are responsible for the administration and enforcement of all policies, procedures, rules and regulations set forth in this directive.
- d) The City reserves the perpetual right of ingress and egress over the cemetery grounds.
- e) The City has the right to correct errors made in good faith in any phase of cemetery administration, operation or maintenance, without incurring liability of any kind whatsoever.
- f) The City shall take reasonable precaution to protect the owners' burial rights within the cemetery. The City disclaims all responsibility for loss or damage caused by flooding, fire, windstorm or other causes deemed as Acts of Nature, thieves, vandals, malicious mischief, explosions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral.

4) Purchase of Burial Rights

- a) Burial Rights offered by the City apply to an interment space for human remains within Palmetto Cemetery and shall not suggest to transfer title to real property within the Palmetto Cemetery.
- b) The City Clerk, or designee, will maintain a record of all Burial Rights that were sold, transferred or assigned by deed, a record of all Burial Right Certificates and an inventory of remaining interment spaces available.
- c) Burial Rights shall be paid for in full at time of purchase, as set forth in the Cemetery Fee Schedule.

5) Sale or Transfer of Burial Right purchased by deed

- a) An individual owning a Burial Right in the Palmetto Cemetery who desires to sell or transfer the Burial Right shall notify the City Clerk in writing of the proposed sale or transfer.
- b) Proof of ownership or proof of competent and substantial evidence to the Burial Right shall be presented with the notice of proposed sale or transfer. No Burial Right shall be transferred without City approval.
- c) An individual requesting consent to sell or transfer a Burial Right without proof of ownership shall provide evidence that the purported owner has noticed the proposed sale or transfer in a local newspaper of general circulation, as required in Sec. 9-6(b)(2)g. of Ordinance No. 2015-03.
- d) Upon confirmation of Burial Right ownership, the Burial Right owner shall complete the Burial Right Transfer/Assignment (Exhibit C). The City Clerk or designee will then transfer the deed appropriately between the two parties.
- e) A transfer fee, as provided for in the Cemetery Fee Schedule, shall be payable at the time of transfer.

6) Sale or Transfer of Burial Right as issued by a Burial Right Certificate

- a) An individual desiring to sell or transfer a Burial Right shall complete the Burial Right Transfer/Assignment (Exhibit C).
- b) Upon confirmation of Burial Right ownership, the City Clerk will issue a Burial Right Certificate transferring ownership and accordingly adjust City records.
- c) A transfer fee, as provided for in the Cemetery Fee Schedule, shall be payable at the time of transfer.

7) Application of Interment

- a) Any individual desiring to inter human remains in the Palmetto Cemetery shall present evidence of Burial Right ownership to the City Clerk, or designee, before interment occurs.
- b) Upon confirmation of the Burial Right, a Burial Permit (Exhibit D) shall be issued by the City.

8) Interment Requirements

- a) Any individual or business that has purchased Burial Rights for interment of human remains must comply with the Interment Requirements listed below
 - 1) Depth of interment. All graves must be dug to a depth that upon proper closing a minimum of twelve (12) inches of soil remains between the grave liner, vault or cremains container and the average ground level. However, in unique circumstances where compliance would cause hardship, the City Clerk, or designee, may allow relief from the requirements of this section.
 - 2) Interment of Cremains. All cremated remains shall be interred within an urn vault.
 - 3) Placement of monuments, memorials, etc. Monuments, memorials or structures shall not be placed, constructed or erected upon any interment space or cemetery property unless authorized by the City Clerk, or designee.
 - 4) Foundations. A foundation shall be required for each tablet, stone or headstone. All foundations shall be not less than four (4) inches in thickness. Foundations shall be set so that the monument placed thereon will be level.
 - 5) Direction of headstone or markers. All headstones or markers shall be placed at the western line of interment space with the primary inscription facing easterly.
 - 6) Markers or stakes. Upon interment each interment space shall be identified by the placement of a marker inscribed with the name of the deceased. Such marker shall remain until a permanent headstone or marker is installed.
 - 7) Installation of liner or vault. All interment spaces must have a liner or vault properly installed, at the following or better specifications:

- All concrete liners or vaults shall have six (6) sides and shall be constructed with a minimum weight tolerance of four thousand five hundred (4,500) pounds per square inch;
- All liners or vaults made of fiberglass, polypropylene or similar material shall have six (6) sides and shall be constructed of non-biodegradable material with strength substantially equivalent to concrete or steel liners, with a minimum weight tolerance of four thousand five hundred (4,500) pounds per square inch;
- All liners or vaults, regardless of material, shall be not less than eighty-six (86) inches inside length, twenty-eight (28) inches inside width and twenty-five (25) inches inside depth.

- 8) Liners or vaults installed for the burial of infants or children shall be of the same or better quality as that required by the above requirements, but need to be of size sufficient only to accommodate the casket.
- b) In order to demonstrate compliance with the Interment Requirements, the individual must execute a "Certification of Compliance". See Exhibit E.
- c) A copy of the Certificate of Compliance" form may be obtained from the City Clerk's office.
- d) An executed copy of the "Certification of Compliance" must be presented to the City Clerk, or designee, by the close of the next business day following the interment.

9. Rules and Regulations

- a) No person shall be interred in the Palmetto Cemetery until the City Clerk has issued a burial permit. The City Clerk shall issue a burial permit when the following conditions are met:
 - 1) The space in which burial is to be made has been fully paid for;
 - 2) The person for whom such burial is being arranged has the right to the use of such space. The City Clerk's office shall require proof of consent in writing, signed by the owner of the burial space, to verify that the owner has consented to the burial;
 - 3) The space is not used beyond its capacity. A maximum of one burial vault in one space shall be permitted, or a maximum of six (6) urns, or one burial vault and two (2) urns; if interring more than one person per burial space there is an additional fee of \$250 for each additional interment in the burial space; and
 - 4) The City has received reliable documentation indicating that the interment of a casket will be supervised by a funeral director, who is licensed in the State of Florida.
 - a. The interment of cremains can be supervised by the vault company if no funeral director is involved.
- b) Prior to interment, a staking fee shall be paid in accordance with the Cemetery Fee Schedule (Exhibit B).
- c) Except when religious tenets preclude it or other extenuating circumstances are present as determined in the sole judgment of the City, a minimum of 48 hours' notice shall be required prior to any interment. The City shall then locate and stake the space to be used.
- d) The funeral director shall be responsible for the opening and closing of the gravesite and the removal of excess dirt after the closing, in addition to the completion and filing of the Certificate of Compliance (Exhibit E) with the City Clerk by the close of the business day following the interment service. This may be different for the interment of cremains. Prior approval for the burial of cremains without a funeral director will need to be given by the City Clerk or designee.
- e) The City shall not be made responsible for the removal of remains by others in contravention of Ordinance No. 2015-03 or state and federal law.

10. Maintenance

- a) The City assumes the sole responsibility for the upkeep and care of the Palmetto Cemetery. The City does not provide special care to any portions of the cemetery.
- b) Maintenance of monuments, memorials, headstones and/or footstones shall be the financial responsibility of surviving family members. If determined by City personnel that maintenance is necessary, the City reserves the right to accomplish such maintenance in whatever means necessary and shall be held harmless of any liability.

- c) Interment Spaces Plantings
 - 1) All plantings must be confined to an area not more than twelve (12) inches beyond the monument, memorial or headstone.
 - 2) Planting is restricted to the east side of the monument, memorial or headstone.
 - 3) Plantings shall be limited to a height of eighteen (18) inches to maintain a sense of order in relation to other plantings in the immediate area.
 - 4) Permanent plantings of shrubs, bushes and trees are prohibited on or around interment spaces. Families wishing to plant a memorial tree shall contact the Director of Public Works. Placement will be arranged in the cemetery's Memorial Tree Park.
- d) Interment Spaces Decorations
 - 1) Fresh flowers and potted plants may be placed on interment spaces in metal or plastic vases only, not to exceed eight (8) inches in diameter. The City reserves the right to remove fresh flowers and potted plants that have withered and unsightly.
 - 2) Replacement of metal or plastic vases damaged or destroyed by natural wear or environmental elements shall be the responsibility of family members.
 - 3) Glass containers, above or below the ground, are not permitted in Palmetto Cemetery.
 - 4) American Flags, up to a maximum of eighteen (18) inches, may be placed on interment spaces and the Memorial Tree Park. The City reserves the right to remove flags that have become worn.
- e) Prohibitions
 - 1) Artificial flowers and plant materials.
 - 2) Novelty decorations or ornaments, including but not limited to hearts, bible and balloons.
 - 3) Temporary crosses, statues, votive candles or specialty lights.
 - 4) Fencing of any kind.
 - 5) Wire or plastic trellises, tripods or stands for flowers.
 - 6) Crushed stone, wood chips and shell on or around interment spaces.
 - 7) Coping of any kind.

11. Exhibits

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Burial Right Certificate

(EXHIBIT A)

For, and in consideration of the sum of _____, receipt of which is hereby acknowledged, the City of Palmetto, Florida, by virtue of title vested in it has granted

_____ (owner),
(address) _____ his/her heirs and assigns the burial rights in the following property in Palmetto Cemetery.

Block _____, Lot _____, space(s) _____ as per the plat thereof on file in the office of the City Clerk of the City of Palmetto, Florida. Said space(s) is to be used for cemetery purposes only, that is for the sole purpose of interment of human remains, subject to the Code of the City of Palmetto, the Rules and Regulations of said City of Palmetto and the Laws of the State of Florida applicable thereto

The City agrees to provide Endowed Perpetual Care. The nature and extent of the care to be furnished shall be the care and maintenance, necessitated by natural growth, which can be provided at reasonable intervals.

In testimony whereof, the City of Palmetto, Florida, has caused this instrument to be signed by its Mayor and City Clerk, and its corporate seal affixed this _____ day of _____, 20 _____.

CITY OF PALMETTO by and for the
PALMETTO CEMETERY

Mayor

ATTEST:

City Clerk



Cemetery Fee Schedule

(EXHIBIT B)

Description of Service/Application	Fee
Burial Right Certificate (Purchase of single Interment Space (5' x 10'))	\$800
Each additional interment in a single burial space	\$250
Burial Right Transfer/Assignment Application Fee	\$30
Interment Space Staking Fee	\$25

Notes:

Please refer to Ordinance 2015-03 for specific definitions for the above mentioned fees.

The amount listed in the fee schedule for interment space is considered the market rate and will be used to determine the purchase price for initial purchases as well as re-purchases.

Rules for individuals who purchased interment space prior to August 7, 2006

Individuals must complete the Burial Right Transfer/Assignment application (including application fee) and submit the form to the City Clerk's office for review. Once completed, the City Clerk's Office will issue a Burial Right Certificate.

Rule for individuals who purchase or transfer interment space after August 7, 2006

Individuals wishing to purchase interment space must provide information to complete the Burial Right Certificate. Once completed, the City Clerk's office will issue the Burial Right Certificate.

The additional interment fee of \$250 is for the opening and closing of the burial space and for the City to keep additional records for each burial in that space.

The Burial Right Transfer application fee is an administrative fee to cover processing costs associated with transferring ownership of an interment space. Individuals wishing to transfer their burial right must complete the Burial Right Transfer (Exhibit C) application and submit to the City Clerk's Office for review.

The Interment Space Staking Fee is an operational fee to cover the accurate locating and identification of the Burial Right block, lot and space, in preparation of interment.



Burial Right Transfer/Assignment

(EXHIBIT C)

TRANSFER/ASSIGNMENT BY DEED

TRANSFER BY BURIAL RIGHT CERTIFICATE

To transfer a currently owned Burial Right in the Palmetto Cemetery, please complete Sections 1 and 2.

SECTION 1

Name of Burial Right Owner: _____

Address: _____

Date of Purchase _____ Block # _____ Lot # _____ Space(s) _____

Signature of Burial Right Owner: _____

All Burial Rights purchased by a Burial Right Certificate will be first transferred to the City of Palmetto. Upon verification of the right to transfer a Burial Right, the City of Palmetto will complete the transfer, as evidenced by Section 2.

SECTION 2

Burial Right transferred/assigned to:

Name: _____

Address: _____

Date of Transfer: _____

Signature of Burial Right Owner: _____

ACKNOWLEDGEMENT OF BURIAL RIGHT TRANSFER/ASSIGNMENT

The City of Palmetto hereby transfers/assigns a Burial Right to _____

Interment space(s) being transferred:

Block # _____ Lot # _____ Space # _____

Date: _____

CITY OF PALMETTO

BY: _____



BURIAL PERMIT
(EXHIBIT D)

The City of Palmetto does hereby issue a burial permit for the interment of

Name: _____

Date of Death: _____ Date of Birth: _____

Interment in Palmetto Cemetery is approved for Block _____, Lot _____, Space _____ on
_____ (Date).

Permission for the interment of _____ has been arranged
by _____ of
_____ (Funeral Home).

CITY OF PALMETTO

BY: _____

Date: _____

Receipt of a \$25 staking fee hereby acknowledged this _____ day of _____, 20 .

BY: _____



Certificate of Compliance (EXHIBIT E)

Chapter 9 Cemeteries

Section 9.6 Rules for interment

I, _____, hereby certify that the following interment requirements for burial rights of _____ in Block _____, Lot _____, Space _____ at Palmetto Cemetery are in full compliance with Section 9.6, Rules for interment.

Please check all that apply. Write N/A if "not applicable".

____1. Depth of interment. All graves must be dug to a depth that upon proper closing a minimum of twelve (12) inches of soil remains between the grave liner, vault or cremains container and the average ground level. However, in unique circumstances where compliance would cause a hardship, the City Clerk, or designee, may allow relief from the requirements of this section.

____2. Interment of Cremains. All cremated remains shall be interred into an urn vault by a certified vault company.

____3. Placement of monuments, memorials, headstones/footstone. Monuments, memorials, headstones and/or footstones shall not be placed upon any interment space or cemetery property unless authorized by the City Clerk or designee.

____4. Foundations. A foundation shall be required for each monument, memorial, headstone/footstone. All foundations shall be not less than four (4) inches in thickness. Foundations shall be set so that the monument placed thereon will be level.

____5. Direction of monuments, memorials, headstones/footstones. All monuments, memorials and headstones shall be placed at the western line of interment space, with the primary inscription facing easterly. All footstones shall be placed at the eastern line of interment space.

____6. Installation of liner or vault. All interment spaces must have a liner or vault properly installed, at the following or better specifications:

a. *Concrete liner or vault.* All concrete liners or vaults shall have six (6) sides and shall be constructed with a minimum weight tolerance of four thousand five hundred (4,500) pounds per square inch;

b. *Fiberglass or similar material liner or vault.* All liners or vaults made of fiberglass, polypropylene or similar material shall have six (6) sides and shall be constructed of non-biodegradable material with

strength substantially equivalent to concrete or steel liners, with a minimum weight tolerance of four thousand five hundred (4,500) pounds per square inch.

c. *Size* All liners or vaults, regardless of material, shall be not less than eighty-six (96) inches inside length, twenty-eight (28) inches inside width and twenty-five (25) inches inside depth.

____7. Liner or vault for infant children. Liners or vaults installed for the burial of infants or children shall be of the same or better quality as that required by the other subsections of this section, but need to be of size sufficient only to accommodate the casket.

Funeral Director Signature

Date:

Witness:

Witness