

ORDINANCE NO. 15 - 38

AN ORDINANCE OF THE CITY OF PALATKA, FLORIDA, REVISING CHAPTER 22 OF THE PALATKA MUNICIPAL CODE ENTITLED CEMETERIES; AMENDING SECTION 22-3, ADDING PROVISIONS FOR VAULTS INSTALLED BY BURIAL SERVICE PROVIDERS, SECTION 22-4, LOT PRICES, TO DELETE VAULT SALES AND INTERMENT SERVICES, SECTION 22-6, RECORDS; ADDING PROVISIONS FOR OPENING AND CLOSING OF GRAVESITES, PERMITS FOR BURIALS REQUIRED, REGULATIONS FOR INTERMENTS AND DISINTERMENTS, AND OTHER REVISIONS TO GENERAL RESTRICTIONS; ADDING PROVISIONS FOR ENFORCEMENT; PROVIDING FOR RENUMBERING OF CHAPTER SECTIONS WHERE NECESSARY; AND AMENDING "APPENDIX A - FEE SCHEDULE" TO DELETE VAULT SALES AND INTERMENT PRICING AND ADD BURIAL PERMIT FEES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palatka owns and maintains three cemeteries and desires to memorialize and adopt rules and standards for the maintenance and orderly care of those cemeteries, as well as for the health, welfare and safety of its citizens and employees; and

WHEREAS, the City of Palatka desires to delete provisions for vault sales and interment services provided by the City and adopt standards, rules, permitting processes and fees for interments provided by licensed funeral service providers effective October 1, 2015; and

WHEREAS, all the necessary procedural steps have been accomplished, and two duly advertised public hearings were held before the City Commission of the City of Palatka on September 10 and 24, 2015; and

WHEREAS, the City Commission of the City of Palatka has determined that said amendments and standards are necessary and should be adopted.

NOW, THEREFORE, BE IT ENACTED BY THE CITIZENS OF THE CITY OF PALATKA, FLORIDA:

Section I. That Palatka Municipal Code Chapter 22, Section 3, entitled shall be amended to read as follows:

Sec. 22-3. - Grave markers, fences, coverings and vaults in city cemeteries

- (a) All corner markers, copings, slabs, fences or railings for grave lots or spaces in city cemeteries shall be of marble or granite and shall be installed at ground level. In addition, no stones, gravel, pebbles or other light material shall be used as grave coverings on any graves in the cemeteries.
- (b) ~~Concrete vaults or steel vaults shall be used for each grave space at the expense of the lot owner, and no burial shall be made in any of the cemeteries of the city unless a concrete or steel vault is used.~~ Except for indigent burials, no person or undertaker or funeral director shall bury or cause to be buried a human being in any City of Palatka Cemetery without providing a steel or concrete block vault which said vault dimensions shall follow the

dimensions of the gravesite, and said vault shall be inspected by the city prior to its use or the funeral director shall provide a certificate of compliance to the satisfaction of the city.

- (c) Except for burials in the historic "black" section of West View Cemetery platted prior to 1928 and mausoleums, all vaults and outside containers used in City of Palatka Cemeteries must be covered completely with a minimum of 18 inches of earth. No vault covers are to be left exposed above the ground except as noted herein.
- (d) Vaults are not required for cremain urns interred in standard or cremains in-ground interment sites; however, all cremain urns must be covered by a minimum of ten inches of soil.
- (e) Mausoleums and niches for urns to be located in any City of Palatka Cemetery shall not exceed five feet in height.

Section II. That Palatka Municipal Code Chapter 22, Section 4, entitled "Lot Prices" shall be amended to read as follows:

Sec. 22-4. Prices for lots and services in city cemeteries.

- (a) *Adult lots.* The price of city cemetery lots per single adult grave space shall be as set out in Appendix A to this Code, as amended from time to time. All lots, except those designated as infant lots and those designated as cremains-only lots, will be considered adult lots.
- (b) *Infant and cremains-only lots.* The price of cemetery lots per single infant grave space, and per double-urn cremains-only grave space, shall be as set out in Appendix A to this Code, as amended from time to time. Lots 8 through 20, 28 through 40, 48 through 60, and 68 through 80, in Block 118 of Oak Hill Cemetery (also known as Oak Hill East Cemetery), and Sheets 3 and 4, Blocks A and AA of Oak Hill West Cemetery, are hereby designated as infant lots. Cremains-only lots, which are designated and set aside for that purpose, are as shown on the Plat of Oak Hill West Cemetery.
- ~~(c) *Vaults.* The price of vaults provided for burials by the City of Palatka shall be as set out in appendix A to this Code, as amended from time to time.~~
- ~~(d) *Interments and all other services.* The price for interments and all other services associated with interments, to coincide with those permitted times for the scheduling of interments, shall be as set out in appendix A to this Code, as amended from time to time. All interments shall require a forty-eight (48) hour notice provided to the City of Palatka Cemeteries Office during regular business hours.~~

Section III. That Palatka Municipal Code Chapter 22, Section 6, entitled "Records and maps of city cemeteries" shall be amended to read as follows:

Sec. 22-6. - Records and maps of city cemeteries; Correct mailing address of lot owners

The ~~city clerk~~ Cemeteries Department shall be responsible for maintaining the records and maps of the cemetery system of the city and for ensuring that the records and maps are kept current.

Each lot owner shall have the duty to keep the city informed as to his or her correct mailing address. Such information may be

provided to the city at 201 N. 2nd Street, Palatka, FL 32177. Any notice mailed to a lot owner at the last address on file with the city shall be equivalent to actual delivery of the notice.

Section IV. That the following sections be added to Chapter 22, Cemeteries:

Sec. 22-8. Opening and closing of grave sites; permit for burial required; fees.

Grave sites shall be opened and closed solely under the direction of a licensed funeral director and after having obtained a Burial Permit from the City of Palatka Cemeteries Department. Burial Permit fees shall be as set forth in Appendix A, Fee Schedule. No person or undertaker shall bury or cause to be buried a human being in any City of Palatka cemetery, without first obtaining a permit from the city. Permits shall be obtained by making written application to the cemeteries department during regular business hours upon such forms as are prescribed and by paying the appropriate permit fee. No permit for interment or disinterment shall be issued unless the owner of the cemetery lot, or his/her representative has signed the application for permit. Should a funeral director fail to obtain a Burial Permit prior to interment, the city may refuse to allow any further interment services to be performed by said funeral director until such time as all permits are obtained and all fees are paid in full. The city shall locate and mark the corners of the site before the grave is opened. The sod shall be removed and replaced by the person opening and closing the grave. The funeral director responsible for the interment shall be responsible for properly filling in the grave and for restoring the grave site to the level of the surrounding lands for a period of 90 days after the grave is filled and closed. In the event that settling of the soil on the grave shall cause any depression at the grave site, the funeral director and the funeral home or business employing the funeral director shall refill the grave to eliminate any depression. If the city shall give the funeral director and funeral home notice of the needed maintenance and filling and the funeral director or funeral home fails to properly restore the grave site within 72 hours thereafter, the city may refuse to allow any further interment services to be performed by said funeral director or funeral home until such time the grave site is properly restored.

Sec. 22-9. Regulations for interments and disinterments.

- (a) All interments and disinterments shall be made subject to state law, city ordinances, and operating rules and regulations of the cemetery.
- (b) Interments shall be permitted seven days a week.
- (c) Upon the death of the owner of any lot, ownership of the lot shall be determined as with any other property under the laws of the State of Florida. In the event of a dispute regarding ownership of the lot of a deceased owner, the City reserves the right to deny any burial permit regarding the lot until ownership of the lot has been agreed upon by all parties or determined by a Court of appropriate jurisdiction.
- (d) All disinterments shall be done under the supervision of the City of Palatka Cemeteries department.
- (e) When a lot cannot be opened where specified, the city may offer a space in another location, so as not to delay the funeral.
- (f) There may be four cremains or alternatively, one full burial and two cremains interred or inurned in a single adult or

- infant lot. Two cremains may be inurned in a single cremains-only lot.
- (g) No interment of any body or the cremated remains of any body, other than that of a human being, shall be permitted.
 - (h) The vault company or contractor (gravedigger) shall remove all excess dirt from adjacent gravemarkers, monuments, etc., as he completes interment. Surplus dirt shall be hauled to the spoil site as designated by the sexton or other designated city official.
 - (i) Hedges, ditches, etc., shall not be allowed around any in-ground interment sites. Earth mounds will not be permitted.
 - (j) The vault company and/or contractor (gravedigger) shall exercise care to protect all gravemarkers, monuments, sprinklers, etc., and shall be held liable for any damage incurred

Section V. That all sections of Chapter 22 following the new Section 9 be renumbered accordingly

Section VI. That existing Section 8 (which shall be renumbered to Section 10) shall include following amendments:

- a. That the title of Palatka Municipal Code Chapter 22, Section 8, shall be amended to read as follows:

Sec. 22-10. Restrictions, permits other than burial permits, preservation standards, and hours of business operation;

- b. That the following provision be added:

(k) The city is not responsible for theft or damage to anything placed on any interment site.

- c. That all other parts of this Section remain and are the same, except that following the new paragraph (k) of this section be relettered accordingly.

Section VII. That Appendix A to Chapter 22 of the Palatka Municipal Code is hereby amended to read as follows:

1. Sec. 22-4. Prices for lots, vault liners and services- permits in city cemeteries:

(1) Adult lot (5 ft. x 10 ft.)	\$750.00 */**
(2) Infant or <u>cremains-only lot</u> (2.5 ft. x 5 ft.)	\$375.00 */**
(3) Burial Permit	\$150.00 ***
(4) Burial Permit when permit is not obtained prior to burial	\$300.00 ****
(5) Titan Vault	\$450.00 plus tax
(6) Graveliner Vault	\$300.00 plus tax
(7) Vault Setting Fee	\$200.00
(8) Interment	
a. Monday – Saturday 9:00 a.m. – 5:00 p.m.*	\$650.00
b. Monday – Saturday after 5:00 p.m.	\$750.00
c. Sundays & City holidays 9:00 a.m. – 4:00 p.m.	\$1,000.00
(9) Cremation Interment ****	
a. Monday – Saturday (no setup), 9:00a.m. – 5:00 p.m.*	\$250.00
b. Monday – Saturday, (with setup) 9:00 a.m. – 5:00 p.m.*	\$400.00
c. After 5:00 p.m., or Sunday w/no set up	\$500.00
d. Sunday (with set up) 9:00 a.m. – 4:00 p.m.	\$650.00
(10) Mausoleum Interment	
a. Monday – Saturday 9:00 a.m. – 5:00 p.m.*	\$450.00
b. Monday – Saturday after 5:00 p.m.	\$550.00
c. Sunday 9:00 a.m. – 4:00 p.m.	\$750.00
(11) Other Interments/Services:	
a. Disinterment /Reinterment 9:00 a.m. – 5:00 p.m.*/**	\$500.00
b. Reinterment with set-up 9:00 a.m. – 5:00 p.m.*/**	\$650.00

- ~~e. Indigent interment 9:00 a.m. - 5:00 p.m.*/** \$250.00~~
- ~~d. Additional set-ups include (1) one tent and (12) twelve chairs = \$200.00~~

- ~~* Funeral Services should be concluded by 5:00 p.m. at the cemetery. Any funeral not concluded by 5:00 p.m. will be billed at the after 5:00 p.m. rate.~~
- ~~** Must be conducted Monday-Friday during normal business hours~~
- ~~* Plus applicable doc stamps and recording fees, to be collected at time of lot sale~~
- ~~** Cremains may be interred in an adult or infant lot or cremains-only lot, or in an existing adult or infant gravesite at the head or foot of the casket, or in addition to an existing urn in a cremains-only lot.~~
- ~~*** All burial permit requests shall be made at least one full business day prior to burial preparation during regular cemetery office hours.~~
- ~~**** Fee may be reduced by the city manager in emergency situations.~~
- ~~• Funeral Services may be conducted on City-observed holidays; however, all "Other Interments" exclude City-observed legal holidays.~~
- ~~• All funeral arrangements shall be scheduled two full business days prior to services~~

Section VIII. In the event a funeral director violates any provision of this Ordinance and fails to correct the violation within thirty (30) days after being notified in writing of the violation, the City shall refuse to allow the funeral director to bury, or cause to be buried, any person in any City cemetery until the violation has been corrected.

Section IX. To the extent of any conflict between the terms of this ordinance and the terms of any ordinance previously passed or adopted, the terms of this ordinance shall supersede and prevail.

Section X. A copy of this Ordinance shall be furnished to the Municipal Code Corporation for insertion in the Code of Ordinances for the City of Palatka, Florida.

Section XI. This Ordinance shall become effective November 1, 2015.

PASSED AND ADOPTED by the City Commission of the City of Palatka on this 22nd day of October, 2015.

CITY OF PALATKA

BY: _____
Its MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY