

RESOLUTION NO. 2022-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE IDENTIFYING NEW CEMETERY RULES AND REGULATIONS, REPEALING AND RESTATING SCHEDULE A FOR CEMETERY LOTS AND OTHER COMMODITIES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 2, 2006, Brooksville City Council adopted Ordinance No. 723 enacting a new Code of Ordinance, which effectuated revision of certain prior Chapter, Section and Article number references; and,

WHEREAS, Cemetery legislation previously located in Article II of Chapter 13 was segregated into a separate Chapter identified as Chapter 18, thereby amending certain section reference numbers; and,

WHEREAS, on May 16, 2011, Brooksville City Council adopted Resolution No. 2011-01, which repealed and replaced “Schedule A” from a prior resolution providing a “Revised Price List” of the various lots or plots and other commodities as maintained in the office of the Sexton of the Brooksville Cemeteries as currently provided for in Chapter 18 of the Brooksville Code of Ordinances, Article II, “Cemeteries,” Section 18.35, which repealed Schedule A of Resolution No. 2011-01 in its entirety and updated Schedule A to identify Blocks X, Y, and Z as Historic Garden Section Tiers 1-34; and,

WHEREAS, on May 16, 2011, the Resolution updated Schedule B, the Rules and Regulations of the Brooksville Cemeteries, to increase the number of cremated remains to be allowed in a single grave from two (2) to six (6), and to define that only family members to be buried in the Historic Designated sections of the cemetery; and,

WHEREAS, on April 6, 2014, City Council approved Resolution 2014-05 and on June 15, 2014, City Council approved Resolution No. 2014-09, both of which amended the Cemetery prices, fees and charges for various lots, plots, niches and other commodities, and included the rules and regulations; and,

WHEREAS, the Cemetery Rules and Regulations have been reviewed by the Brooksville Cemetery staff. At the request of the staff, the Cemetery Advisory Committee met on January 6, 2021 and February 17, 2021 to review and recommend changes to the Rules and Regulations; and,

WHEREAS, the Cemetery Advisory Committee recommended changes to the Rules and Regulations at their meeting held December 8, 2021 and March 2, 2022.

SECTION 1. BROOKSVILLE CEMETERY PRICE LIST. The various prices, fees and charges for various lots, plots, niches and other commodities are set forth in the attached **Schedule A**, a copy of which is attached hereto and incorporated herein as if set forth *in haec verba*, and shall be maintained in the office of the cemetery sexton.

SECTION 2. BROOKSVILLE CEMETERY RULES AND REGULATIONS. The Rules and Regulations of the Brooksville Cemeteries are attached hereto as Schedule B and incorporated herein as if set forth in *haec verba*. Following adoption of this resolution, pursuant to Section 18-39, said rules and regulations may be modified or amended by administrative directive as required to meet operational demands.

SECTION 3. REPLACEMENT, CONFLICT & REPEAL. This resolution, which includes Schedule A and Schedule B, replaces Resolution No. 2014-05, 2014-09 and 2021-08 in its entirety. Any resolution or policy of the City, or any portion thereof, in conflict with the provisions of this Resolution, is hereby repealed to the extent of such conflict. Nothing herein is intended to repeal Resolution No. 2010-21, which is the Council Policy for no future burials in the Olive Street Cemetery.

SECTION 4. SEVERABILITY. In the event that any portion or section of this Resolution is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Resolution, which shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This resolution shall take effect as of March 22
2021: 2022.

ADOPTED this 21st day of March, 2022.

CITY OF BROOKSVILLE

ATTEST: Jennifer Battista
Jennifer Battista, City Clerk, CMC

By: Blake Bell
Blake Bell, Vice Mayor

Approved as to legal sufficiency
and form:

VOTE OF COUNCIL:

Bailey	<u>Aye</u>
Battista	<u>Aye</u>
Bell	<u>Aye</u>
Brayton	ABSENT
Erhard	<u>Absent</u>

John Cary
John Cary, City Attorney,
Vose Law Firm



SCHEDULE A TO RESOLUTION No. 2022-06

New Fees Approved March 21, 2022

CEMETERY FEES

LOT PRICES

Block E	
Lots 1 thru 164 (Park), Double Lots	\$9,000 per space (1,800.00 double)*
Lots 165 thru 797, Per Lot	\$1,000.00 Resident \$2,000.00 Non-Resident
Block K	
	\$1,000.00 Resident \$2,000.00 Non-Resident
Block L	
Single Spaces	\$1,000.00 Resident \$2,000.00 Non-Resident
Babyland (up to 2 years old)	No Charge
Tier 8, lot 65 - In-Ground Special Cremation Section, Double Space	\$800.00 Resident/\$950.00 Non-Resident
Tier 9, lot 65 - In-Ground Special Cremation Section, Double Space	\$800.00 Resident/\$950.00 Non-Resident
Cremation Digging Fee (outlined below) will apply to this new section as of 5/26/21 (new remains section and instituting existing digging fee was established by the Cemetery Advisory Committee on 5/26/21)	
Block N to W	(reserved)
Historic Garden Section Tiers 1-34 (Pre-Need not available) **	\$1,000.00 Resident \$2,000.00 Non-Resident
Cremation	\$900.00 Resident or Non-resident
Columbarium/Bench Prices and Services	
Niche Spaces	\$1,150.00
Open/Close Fee	\$250.00
Engraving Charge	Actual Cost
Green Meadows Lots (69 lots in "G" block)	\$2,800.00
Tiers 1 – 14 – limited use of walkway (see Cemetery office for eligibility)	\$1,000.00

SERVICE FEES

Flag Fee (all burial spaces purchased prior to 02/13/2006 are subject)	\$25.00
Cremation Digging Fee (during hours of operation)	\$125.00
After hour or holiday fee	\$250.00
Cremation Scattering Fee	\$50.00
Transfer Fee (Quitclaim Deed)	\$50.00

OTHER FEES

For engravings coordinated by the City through a private vendor:

Monuments (Green Meadows Headstones)	Actual Cost
Cremation Vaults	Actual Cost
Vases	Actual Cost
Columbarium faceplates	Actual Cost

Benches

Actual Cost

*(SOLD OUT) The City transferred all lots in this section to individual owners. However, occasionally some are available for purchase. Please contact office for information. ** Area is not platted and no deed issued. Please contact office for specific information.



SCHEDULE B TO RESOLUTION NO. 2022-06

Approved March 21, 2022

RULES AND REGULATIONS of the BROOKSVILLE CEMETERIES

CITATIONS

The following rules and regulations applicable to the operation and management of the Brooksville Cemeteries are hereby enacted pursuant to the provision of Chapter 18 of the Codes of the City of Brooksville and Resolution No. 2011-01, adopted by the City Council in regular session on May 16, 2011, revised by Resolution No. 2014-09, adopted by the City Council in regular session on June 16, 2014 and revised by Resolution No. 2021-08, adopted by the City Council in regular session on April 5, 2021. The Cemetery Advisory Board also approved the rules at their meetings on 1/6/21 and 2/17/21.

These rules and regulations as herein enumerated are intended to supplement the provisions of Chapter 18 of the Codes of the City of Brooksville, and should there now or ever be any conflict with any provisions contained therein, then the codes of the City of Brooksville shall prevail.

DEFINITIONS

The term “*Cemeteries*” means the Brooksville Cemeteries, owned and operated by the City of Brooksville, and/or the Cemetery Management and its personnel.

The term “*burial*” or “*interment*” means the permanent disposition of the remains of a deceased person by earth burial or mausoleum/crypt entombment.

The term “*burial space*” or “*grave*” is used interchangeably and means a single space within a platted lot designed for the interment of one body or cremated remains.

The term “*lot*” means a platted lot within the cemetery and may consist of more than one burial space.

The term “*space*” means a single space for burial.

The term “*lot owner*” means any person who has purchased the right to use a lot or grave space for burial purposes only, or the heirs, personal representatives or successors of such owners.

The term “*memorial*” is used to designate a monument, marker, tablet, headstone or footstone for a family or individual.

The term “*headstone*” means a memorial placed at the head of a grave site.

The term “*footstone*” means a memorial placed at the foot of a grave site.

The term “*Green burial*” means a person can only be buried in a biodegradable container or shroud.

LOT DECORATIONS AND IMPROVEMENTS

1. Artificial, natural or fresh cut flowers will be permitted at any time. The pots, baskets or vases containing such plants must be placed in close proximity to the front or side of the headstone so they do not interfere with the mowers. Flowers will be removed at the discretion of the Cemetery staff when they become withered, faded or otherwise unsightly.

2. Flower beds of spring bulbs or summer annuals planted immediately to the front of or between headstones are permitted with the permission of the Cemetery. Plantings must be cared for by the space or lot owner. Should a flower bed become unkept or interfere with the care of a space or burial lots, the Cemetery reserves the right to trim or cut such plantings. No in-ground plantings are allowed in K Block.
3. Except in the green burial areas, trees, bushes, shrubs, etc., cannot be planted on graves. If any existing tree, bush or shrub situated in any space or lot shall become detrimental to the adjacent spaces or lots or walkways, water lines, or roadways, the Cemetery will be forced to remove or trim said trees or shrubs.
4. In order to maintain the attractiveness of the cemetery and to prevent unsightly clutter, grave decorations must consist only of approved materials such as flower baskets, unbreakable flower pots or vases, wreaths and in-ground plantings where allowed. Toys, shells, crushed rock, decorative stones, mylar balloons, wind chimes, wood crosses (unless holiday decorations), ornaments, lava rocks, cans or glass bottles of any kind and similar articles cannot be placed on spaces or lots. Items that have become dry rotted, damaged or otherwise deteriorated will be removed at the discretion of the Cemetery staff.
5. Fencing, hedging, trellises, and other borders or enclosures cannot be installed around a space or lots so that unobstructed maintenance can be performed. Coping or pavers will be allowed but must be mounted flush with the soil surface. If the coping or pavers began to break the surface grade or weeds/grass begin growing through, the coping or pavers will be removed at the discretion of the Cemetery staff.
6. No space or lot in the cemetery may be raised above the established grade without prior permission of the Cemetery Sexton.
7. Any purchased or homemade decorations placed on a space or lot which do not conform to the Cemetery's policies will be removed in order to maintain the necessary standards of appearance set forth in this regulation. No concrete, wooden, or plastic benches shall be added to a space or lot without prior approval of Cemetery staff.
8. The Cemetery cannot be held responsible for loss or damage from causes beyond its reasonable control and, especially, due to thieves, vandals, explosions, unavoidable accidents or acts of God.
9. Holiday decorations may be placed 2 weeks before and may remain 2 weeks after a holiday. If left longer than this amount of time, they may be removed at the discretion of the Cemetery staff.

INTERMENT PROCEDURES

1. Interments, entombments and interments will be made only after obtaining approval of the Cemetery. The person arranging for burial must have the right to use of such space or lot.
2. An interment is not permitted on any burial space or lot unless paid in full.
3. Only one (1) interment, or six (6) cremated remains shall be placed in a single grave. The Cemetery, at its option, may permit the secondary interment of the cremated remains of a spouse or immediate family relative in an adult space or lot, used or to be used for a regular burial, on the following conditions:
 - A. Any memorialization for the grave must be by way of a memorial in the size approved for the section;
 - B. The appropriate charges for the secondary burial must be paid at the time of such burial.
4. In the green burial sections of the Cemetery only, the configuration of burials may be as follows:
 - A. Two full bodies, or two biodegradable cremation urns, (one centered in right half, one centered on the left half of the lot). **OR,**
 - B. One full body and one biodegradable cremation urn on each half of the lot. (Cremation at foot location). And one biodegradable cremation urn at the head, middle, and foot locations on the east / west axis line in the center of the 10' lot. **OR,**
 - C. One full body in the center of the 10' X 10' lot, and up to seven biodegradable cremation urns interred in any combination as follows; one at the foot of the full body and three on either side of the full body, at head, middle, and foot positions. **OR,**
 - D. Up to nine biodegradable cremation urns. (One at head, middle, and foot of each half lot, and one

biodegradable cremation urn at head, middle, and foot locations on the east / west axis line in the center of the 10'lot).

5. In the green burial sections of the Cemetery, cremated remains must be placed in a biodegradable container. In all other areas of the Cemetery, cremated remains must be placed in a permanent container of non-biodegradable material to allow for future probing.
6. In the green burial sections of the Cemetery, all excavating (opening) and closing of graves must be done by a licensed and insured contractor. A copy of license and insurance shall be given to the Cemetery.
7. The Cemetery cannot be held responsible for any order authorizing an interment given by telephone, nor for any mistake occurring because of inaccurate instructions.
8. The burial-transit permit required in all cases by the State Department of Health must accompany the remains to the cemetery. The Cemetery cannot be liable for the burial permit or responsible for the accuracy of the date contained in said permit, or for the identity of the person to be interred or entombed.
9. Flower arrangements may remain on the grave until they become withered, faded or otherwise unsightly. At that point, they may be removed at the discretion of the Cemetery staff.
10. A temporary grave marker is used to mark the grave following interment but may not remain on the space or lot for longer than one year from date of burial.
11. No disinterment or removal shall be allowed except with the permission of the Cemetery.
12. The vault company and/or contractor (grave digger) must remove all dirt from adjacent grave markers, monuments, etc., as he completes closing of grave sites. Surplus dirt will be hauled to a spoil site as designated by the cemetery and the graves left in as good a condition as found by these parties.
13. Contractors and workmen engaged within the cemetery on any class of work whatsoever will be held responsible for damage done by them to any cemetery property.
14. 24-hour notice is required from funeral homes or headstone companies for marking gravesites or installing memorials.
15. Vendors or contractors, or their representatives, must be certified (licensed) and insured by the State of Florida which includes funeral homes, vault companies, memorial installers and any other independent contractor or vendor. A copy of license and insurance shall be given to the Cemetery.
16. Pet Burials – Pets must be cremated and must be in a standard urn size not to exceed 12” X 12” X 12” and must be in the owners’ designated space. A flag fee will be applied.
17. The Garden Section is “at need only”. No pre-need arrangements are accepted.
18. Painting of vault lids or body slabs is prohibited. Only a clear, protective sealant may be allowed. “Wraps”, “tarps”, “vinyl coverings” or decorative coverings or coating of any type are prohibited.
19. Vaults must be concrete (no fiberglass or other material).
20. Beginning December 21, 2021, vaults installed in the Garden Section can be no more than a maximum of 1/2 inch above adjacent existing ground grade.

MEMORIALS

1. Grave spaces or lots must be paid in full before installation of a memorial or marker.
2. The location and position in which a memorial is to be placed on a space or lot shall be entirely as directed by

the Cemetery staff.

3. With the exception of funeral home temporary markers, memorials of cement, artificial stone, wood, tin or iron are prohibited.
4. Footstones, slabs and corner posts must be set flush with the soil surface and not extend above the level of the ground so as to enable mowers with a half-inch cut to clear such.
5. Contractors, or their representatives, must be certified (licensed) and insurance by the State of Florida and a copy of same must be provided to Cemetery staff.

GENERAL POLICIES

1. **THE BROOKSVILLE CEMETERY IS NOT A PERPETUAL CARE CEMETERY.** There are no fees collected for perpetual care. The City does not have funds held in perpetual trust to cover individual care of spaces and lots such as sweeping of spaces or lots, cleaning, repair or other upkeep of headstones or markers, pest control or placing of fresh flowers on individual spaces or lots.
2. It is the responsibility of the space or lot owner to notify the Cemetery of any change in his or her address. Notice sent to a space or lot owner at the last address on file in the Cemetery office will be considered sufficient and proper legal notification.
3. The sale or transfer of a space or lot to another individual will not be recognized unless such transfer is first recorded by the Cemetery. This procedure is required in order that the Cemetery may have a complete and accurate record of all owners. If the space or lot owner desires, the Cemetery will refund the original purchase price of the space or lot, less the current transfer fee, providing no interments have taken place on said space or lot.
4. Spaces or lots may be purchased in advance of need excluding the Garden Section. 90 day same as cash plan is permitted with a small down payment as per a written purchase agreement that will outline the terms of purchase and the rights of the purchaser and the Cemetery in case of default. Purchase in full must be made within 90 days or money is forfeited and City keeps funds and are then able to resell the space/lot.
5. For the convenience of space or lot owners, and the general public, the cemetery gates will be open from sunrise to sunset 7 days a week. Cemetery personnel may not be on duty on weekends even though the cemetery is open to visitors. If information or assistance is needed, the cemetery office should be contacted during the hours of 8:00 am to 4:00 pm Monday through Friday, excluding holidays.
6. All work of any description should cease while a funeral or interment is being conducted nearby. Trucks and workmen must withdraw to a reasonable distance from the location of the funeral service.
7. A speed limit of 10 miles per hour within the grounds of the Cemetery must be observed to insure the safety of visitors and workmen. Every person driving a vehicle within the Cemetery will be held responsible for any damage caused by such vehicle.
8. All employees of any outside firm, who are working in any capacity within the Cemetery, whether as stone cutters or erecting memorials, making plantings, etc., will be subject to the direction and supervision of the Cemetery insofar as it may be necessary to cause them to comply with the rules and regulations of the Brooksville Cemetery.
9. With the exception of service animals, no pets of any kind are allowed on the Cemetery grounds.
10. The Cemetery reserves the perpetual right of ingress and egress over all spaces or lots when necessary.
11. The space or lot owner's Certificate of Ownership (Deed for Interment Rights) and the rules and regulations now in effect, or which may hereafter be adopted, shall be the sole agreement by and between the Cemetery and the space or lot owner. The reference to these rules and regulations in the Certificate of Ownership to a space or

lot or burial space shall have the same force and effect as if these rules and regulations were set forth therein.

12. Visitors and other non-space or lot owners must comply with Cemetery rules and regulations.
13. Modifications to any space or lot must be approved by the Cemetery staff and must not be in violation of any rule. Approved modifications can only be made by the lot owner.
14. A "Family Member" is an individual with any of the following relationships to those interred/inurned within the Historical designated section(s) of the Brooksville Cemetery will be considered a family member for purposes of additional burial sale/deed within the Historical designated section(s) of the Brooksville Cemetery: Such required family relationship does not apply to any/all current deed holders; nor would these requirements limit or affect the use or exercising of burial interment rights of current deed holders or their heirs.

Proper documentation of family relation should be provided to the Cemetery Sexton at the time request is made for burial within a Historical designated section of the Brooksville Cemetery. Determination of "family member" eligibility will be made by the Cemetery Sexton or designee. An appeal of this determination can be made to the City of Brooksville's City Manager, whose determination will be final.

A family member is:

- A. Spouse, and parents thereof;
- B. Sons and daughters, and spouses thereof;
- C. Parents, and spouses thereof;
- D. Brothers and sisters, and spouses thereof;
- E. Grandparents and grandchildren, and spouses thereof; and
- F. Any individual related by blood or affinity whose close association with the interred/inurned is the equivalent of a family relationship.

FURTHER CLARIFICATION OF FAMILY RELATIONSHIP

Parent

- A. A biological, adoptive, step, or foster parent of the interred/inurned within the historical area of the Brooksville Cemetery, or a person who was a foster parent of the interred/inurned within the historical area of the Brooksville Cemetery when the interred/inurned was a minor;
- B. A person who is the legal guardian of the interred/inurned within the historical area of the Brooksville Cemetery or was the legal guardian of the interred/inurned within the historical area of the Brooksville Cemetery when the interred/inurned was a minor or required a legal guardian; or
- C. A person who stands in loco parentis to the interred/inurned within the historical area of the Brooksville Cemetery or stood in loco parentis to the interred/inurned within the historical area of the Brooksville Cemetery when the interred/inurned was a minor or required someone to stand in loco parentis.

Son or Daughter

- A. A biological, adopted, step, or foster son or daughter of the interred/inurned;
- B. A person who is a legal ward or was a legal ward of the interred/inurned when that individual was a minor or required a legal guardian; or
- C. A person for whom the interred/inurned stands in loco parentis or stood in loco parentis when that individual was a minor or required someone to stand in loco parentis.

Brothers, Sisters or Grandparents

A biological, adoptive, step, or foster brother, sister or grandparent of the interred/inurned, or a person who was a foster brother, sister or grandparent of the interred/inurned when that individual was a minor.