

**141.9 SUBJECT: CEMETERY OPERATIONS**

:1 OBJECTIVE:

Establish a procedure for operation and maintenance of Greenwood Cemetery.

:2 AUTHORITY:

This procedure amended by City Council September 15, 2003.

:3 DIRECTION:

Greenwood Cemetery Sexton, as a classified employee, receives direction through the City Clerk for the supervision of Greenwood Cemetery.

:4 METHOD OF OPERATION:

A. General

Greenwood Cemetery, owned and operated by the City of Orlando, does not offer perpetual care, nor is the City under obligation to maintain any set standard for its care and upkeep. The City will endeavor to provide general maintenance and care to the Cemetery in keeping with the reminder that it is sacredly devoted to the interment, entombment or inurnment (hereinafter referred to as "interment") of human remains and shall be used only as such in perpetuity.

B. Administration

1. One copy of Rules and Regulations governing the management and operation of the Cemetery is maintained in the City Clerk's Office.
2. The City Clerk is responsible for the administration of the Cemetery and for the enforcement of rules, regulations, policies and procedures governing its operations as approved by City Council.

The Sexton supervises all workers within the boundaries of the Cemetery. Employees of the City of Orlando are prohibited from working for individual property owners in the Cemetery at any time or from receiving tips or gratuities.

It will be the responsibility of the Sexton to assure compliance by persons visiting the Cemetery to the accepted decorum of the Cemetery and as stated in City Code Chapter 16, Rules and Regulations.

The Sexton or designated staff will show and conclude the sale of spaces or lots in the Cemetery, including repurchases. See Policy and Procedures Manual, Section 141.10, Cemetery Records and Receipts for Sales.

Funeral processions entering the Cemetery are under the control of the Sexton.

The Sexton will remove grave decorations when it is judged that they do not conform to the decorum of the Cemetery. Decorations shall be permitted for Easter and Christmas but must be removed within thirty (30) days after the holiday. Decorations not removed by the specified time will be removed by the Sexton or authorized personnel.

No markers may be placed in the Cemetery unless approved by the Sexton and

shall be of such size and constructed of such materials as prescribed by City Code. The City is not responsible for the loss of any plantings or decorations by any cause whatsoever.

The planting of trees, arborvitae or large shrubs is prohibited. The planting and placing of any shrubbery, plants, flowers, or grass must be approved by the Sexton. The tapping of water lines for private sprinklers is prohibited, without specific authorization from the Sexton.

3. The City reserves the perpetual right of ingress and egress over all spaces; and the City reserves the right to change, modify or replat any part of the Cemetery not sold for burial purposes. The City has the right, but not the duty, to increase the size of any burial space already sold for burial purposes to conform with current lot size requirement provided the owner is not charged for such increased size. The City has the right to abandon portions of walkway areas in the Cemetery as needed to increase the size of any burial lot to conform to space size requirements. Due to the requirements of a concrete liner, steel or concrete vault, the minimum size of a single space is 4' x 9'.

Except in Blocks 11 and 12, the City will sell spaces in the Cemetery at prices established by the City Council only to permanent residents of the City of Orlando who have resided within the corporate limits of the City for a period of more than one year prior to the date of sale and who have provided satisfactory evidence of such residence.

A person who has not met the residency requirements may be permitted to purchase spaces, at double the resident's price, if such person is related by blood or marriage to a deceased person buried in the Cemetery, unless such deceased person is interred in a veterans' section of the Cemetery and did not meet City residency requirements at the time of interment.

The burial rights in all spaces conveyed shall be presumed to be the sole and separate property of the person(s) named as grantee in the Deed. Each space, the use of which has been conveyed in the Deed is indivisible. Whenever an interment of remains is made in a space, the space thereby becomes inalienable, except as otherwise provided in Chapter 16 of the Orlando City Code.

It shall be the duty of each space owner to keep the City informed as to his/her correct address or that of his/her legal representative(s).

In the event a space owner wishes to sell or transfer his/her space to a person other than one related by blood or marriage in a sale or transfer not approved by City Council, the owner first must offer in writing the space for sale to the City for a purchase price equal to the price paid by the original purchaser or ½ of the established rate whichever is higher less a recording fee if the deed is not recorded.

The City will repurchase Cemetery property at the price paid by the original purchaser or ½ of the established rate whichever is higher. The Owner will supply the original Deed along with a letter stating his desire to sell the property

back to the City. After a physical survey of the property by the City, the Cemetery Office will prepare a Warranty Deed for execution and Notary acknowledgment by the owner. The City then issues a check for the repurchase.

The owner of space may present his/her deed to the Sexton designating in writing person(s) related by blood or marriage, unless otherwise approved by City Council entitled to be buried in the space(s) owned. In the event the owner fails to designate burial rights for the space(s) owned, the right of interment shall be as contained in City Code Chapter 16.

Cemetery gates shall be open daily from 7:00 a.m. to 7:00 p.m., unless otherwise posted by the Sexton.

The Cemetery office shall be open Monday through Friday from 7:30 a.m. to 4:00 p.m. except on designated holidays.

C. Interment/Disinterment/Removal

All interments, disinterments and removals are subject to the orders and laws of the properly constituted authorities of the City of Orlando, County of Orange and State of Florida.

The Sexton must be given no less than twenty-four (24) hours notice prior to any interment. At least one week's notice must be given for disinterment or removal. No disinterment shall be made without presentation of and/or written consent of a legal representative of the deceased. In no event shall interments and disinterments be permitted on any of the following holidays: Easter Sunday, Thanksgiving Day, Christmas Day, or any other days which may be designated by City Council.

All earth interments shall be in a liner or vault of concrete or steel. No more than the remains of one body shall be interred in any one space, vault, crypt or niche, except in the case of a mother and stillborn child, or for cremation interments as provided for in City Code Chapter 16.

The City shall furnish all equipment required for services, interments, disinterments and removals at a charge to be established by City Council, and paid in advance of any interment, disinterment or removal. Any charges for immediate need shall be paid by cashier's or certified check, cash, or charge card.

The City shall sell all vaults to be used in Blocks 11 and 12. Space in this area shall be sold as double depth interment space at prices approved by City Council.

D. Liability Disclaimer

The City is not liable for the interment or disinterment permit, for the identity of the remains brought for interment, for the embalming of the body, nor for damages incurred during interment, disinterment or removal.

If, for any reason, an interment space in a specified location cannot be obtained, the City may provide one in a location deemed best and proper by the Sexton without being held liable in any way.

The City shall not be liable for any delay in interment where a protest by the legal representatives or heirs has been made, or where this ordinance or rules and regulations have not been followed. Protests of interments must be in writing and filed with the Sexton.

The City shall not be held liable for errors or damages which may occur as a result of telephone instruction, or for loss or damage caused by any cause deemed an Act of God, or by a common enemy, thief, vandal, strike, malicious mischief maker, explosion, unavoidable accident, invasion, insurrection, riot, or order of any military or civil authority.

The City has the right to make any changes to the Cemetery deemed necessary without notice or approval of space owners. All care, improvements, alteration work, and watering of the grounds shall be performed by the City. The City has the right to adopt new rules and amend or suspend present rules and regulations at any time without notification to the owner.

:5 FORMS:  
None.

:6 COMMITTEE RESPONSIBILITIES:  
None.

:7 REFERENCE:  
City Code, Chapter 2, Article XVI; Chapter 16. Procedure approved by City Council August 11, 1969, Item 37; amended October 10, 1977, Item 10. Consolidation effective July 1, 1979, approved by City Council on May 21, 1979, Item 27; amended September 10, 1979, Item 18; amended August 13, 1984, #12 (A-10); amended June 14, 1993; amended October 23, 2000, Item 2-HH; amended September 15, 2003.

:8 EFFECTIVE DATE:  
This procedure effective September 15, 2003.