

OPERATING INFORMATION-RULES AND REGULATIONS EVERGREEN CEMETERY GAINESVILLE, FLORIDA

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Definitions

Cemetery shall mean the Evergreen Cemetery, including any additions thereto.

Interment right shall mean the right of all owners to use cemetery grounds for the interment of dead persons. This interment right belongs to the owner of the cemetery lot, part lot, or grave space and is subject to the rules and regulations of the cemetery.

Memorial shall mean any marker or structure upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.

Owner shall mean any person, firm or corporation who has purchased a lot, part lot or grave space in the cemetery or the heirs, personal representatives or successors of the owners.

Designated Use

The lands now owned by the city and known as Evergreen Cemetery and all lands hereafter acquired by the city for cemetery purposes contiguous thereto are hereby designated as Evergreen Cemetery, and shall be used for the interment of dead persons or their cremated remains.

Lot Sales/Certificates of Interment/Perpetual Care/Charges for Services

- **Sale of grave spaces.** Sale of all lots, part lots or grave spaces shall be a function of the supervisor of the cemetery. The supervisor may refuse to sell any lot, part lot, or grave spaces to any person or corporation if the sale would be detrimental to the cemetery, or if the sale would violate the state law prohibiting speculation in cemetery property. All moneys from the sale, rental and upkeep of lots in the cemetery shall be paid to the Director of Finance of the city and deposited by him/her in the general fund of the city, except as otherwise noted.
- **Certificates of Interment.** The City Manager, or designee, is hereby authorized to execute certificates of interment on behalf of the city to the purchasers of lots within the cemetery, which conveyances shall be valid for all purposes as the act and deed of the city.
- **Payment by Installments.** Payment for grave spaces may be made by installment in accordance with established procedures of the city on installments sales. Currently, pre-need grave spaces can be purchased on a payment plan over a period of one year at an interest rate based on current prime rate.
- **Perpetual Care Service.** No grave space in the cemetery shall be sold unless the purchaser shall, at the time of purchase, pay the requisite fee for perpetual care for grave space purchased. The prices set by the city commission for spaces sold in the cemetery shall be inclusive of an amount for perpetual care. Perpetual Care consists of cutting, maintaining and trimming all grass areas, top dressing and annual fertilizing of all grass areas.
- **Evergreen Cemetery Trust Fund.** All moneys received from owners of lots who are changing from annual care to perpetual care, together with a portion of the moneys received from the sale of spaces specified by the city commission shall be paid to the city manager or designed, who shall deposit the moneys in the trust fund in any depository for deposit of city funds or as otherwise authorized by the city commission. The city commission when setting prices for spaces shall designate what portion of the moneys received shall be paid into the trust fund. The income from the trust fund shall be used exclusively for the care and maintenance of the lots and spaces covered thereby and for the care and maintenance of the cemetery grounds.
- **Charges for services (See Fee Schedule)**

Lot Sales - In order to provide funds for the costs of maintaining cemetery grounds and furnishing cemetery services, prices for spaces and charges for services will be adjusted periodically based on review and analysis of local market rates and will thereafter be adopted by resolution of the city commission. No grave in the cemetery shall be sold unless the purchaser shall, at the time of purchase, pay the requisite fee for perpetual care for the grave purchased. Upon payment of a perpetual care fee, the Director of Finance is authorized to deliver to the purchaser a certificate evidencing the purchase, signed by him/her on behalf of the city.

Interment Fees are charged for the opening and closing of a grave. Times for funerals are to be so arranged that cemetery workmen can complete interment by 4:30 p.m. Overtime charges apply to late afternoon weekday services and Saturday services.

Burials and Funeral Regulations

- The supervisor shall be given twenty-four (24) hours advance notice before any interment shall be made. Note: The time period is considered during weekdays.
- Funeral directors making arrangements for interments shall be responsible for the payment of all interment charges in addition for the payment of all interment charges in addition to all charges, which have accrued, to or against the lot.
- No interment shall take place until a burial permit has been issued, nor until all laws, ordinances, rules and regulations relative to burials have been complied with and all fees and costs previously billed by the city have been paid.
- The city is not responsible for errors in the location of graves or lots arising from improper instructions of lot owners. Orders from funeral directors are construed as orders from owners.
- No person shall be buried in any lot in which the person did not have a legal interest, except by written consent of all parties having a legal interest.
- The burial of two (2) bodies in one (1) grave is prohibited.

Interment Rights; Transfer

- Any and all transfers of interment rights are subject to all rules and regulations of the cemetery, which are now in full force and effect or which may be hereafter enacted.
- Before transfer of interment rights the original owner must reconvey the interment rights to the city. The city shall then issue a warranty of conveyance to the new owner. The warranty of conveyance shall not be issued unless perpetual care has been purchased. The same rules shall apply in all cases of assignment of purchase contract for interment rights. This information shall then be duly recorded in a permanent cemetery file.
- The owner of interment rights may dispose of same by will, subject to the conditions of transfer in interment rights as stated above.
- The subdivision of interment rights shall not be effective without prior consent of the city. The subdivision will not be allowed on property unless perpetual care has been purchased.
- The city may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the city in connection with the lot, grave, memorial, or care, or right of transfer in question.

Installation of Vaults, Foundations, Monuments, and Mausoleums

- **Vaults.** A sealed vault is required for each and every burial in the cemetery, except for burials of cremains and for burials in the lots set aside for indigent burials as of October 1, 1994. Prior to installing a vault in the cemetery, a person or corporation shall be required to have the location of the installation and the design and material of the vault approved by the supervisor.
- **Foundations.** All foundations shall be built by the city at the cost of the owner, and the city shall assume the responsibility for the proper construction of the foundation. The charges for building foundations shall be established by the supervisor and shall be reasonable and uniform. Approval of the location must be obtained from the city before a monument is set.
- **Monuments.** No material except granite, a good grade of white marble, cut stone from recognized monument quarries or standard bronze shall be used for markers or monuments. Single markers shall consist of one (1) piece and shall be placed level with the ground in all new additions. Not more than one (1) marker shall be placed on any one (1) grave. No marker shall embrace two (2) or more graves, except on a two-grave lot where a double marker is permitted. Double markers shall not exceed twenty (20) inches in height and sixteen (16) inches in width. No marker shall be set unless the location has been first approved by the supervisor and the grave space is paid for in full. In all new additions only one (1) grave memorial will be permitted on one (1) space. No memorial may be set to embrace two (2) or more grave spaces except a companion or a family memorial, nor shall more than one (1) family name be permitted on any memorial unless approved in writing by the city at the time of the sale of the interment rights. All memorials shall be set on uniform lines as prescribed by the supervisor or conform to the general plan of the cemetery.
- **Mausoleums.** Before work on any private mausoleum is begun, complete plans and specifications and the proposed location shall be submitted to, and approved by, the supervisor. Mausoleums shall be constructed of granite, white marble or other stone of durable quality approved by the supervisor. In those cases where walls are eighteen (18) inches in thickness or less the ashlar shall be of full thickness. All metal work shall be of standard bronze. Catacombs shall be airtight so that interments can be separately sealed. Air spaces shall be provided between crypts and outside walls and provided with suitable inlets and outlets. Vestibules shall be properly ventilated. Interments in crypts shall be made in hermetically sealed caskets or boxes. Duplicate keys for mausoleums shall be furnished to the city.

Irrigation

- Water (non-potable) for irrigation purposes is available 7 days a week on the following schedule:

8:00 am - 10:00 am
5:00 pm - 7:00 pm (April - October)
4:00 pm - 6:00 pm (November - March)

A sign is posted at entranceway if the system is not available due to repairs or burials. If you turn on a faucet and no water comes out, please turn back the handle to the "off" position. Otherwise, when the system comes back on line, water will run from the faucet.

- A faucet by the office door may be used to fill containers with water. Since it is on the city-wide system, water is always available at this location.
- The City does not install or maintain irrigation on lots. It is the owners' responsibility.

Lot Improvements

- Work performed on lots to maintain, change, alter, improve, enter or disenter shall be accomplished by employees of the cemetery under the direction of the supervisor.
- All grading, landscaping work, care of trees, shrubs, and herbage and all plantings shall be done by cemetery employees unless special permission therefore is first granted by the supervisor.
- If any improvement or alteration of individual property in the cemetery shall be made without prior approval of the supervisor, the supervisor shall have the right to remove the improvement or alteration at the expense of the owner.
- Chairs, settees, benches and vases shall be permitted only if properly installed and maintained. Failure to properly install or maintain such fixtures will be cause for their removal.
- Coping enclosures, fences, structures of wood and hedges are prohibited. Those structures or enclosures established on any lot which have, in the judgment of the city, become unsightly by reason of neglect or age shall, after thirty (30) days' written notice to the owner, be removed by the city at its expense.
- No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the supervisor.
- If any tree, shrub or plant standing upon any lot, by means of its roots, branches or otherwise, be or become detrimental to adjacent lots or avenues, or if for any reason its removal is deemed necessary, the supervisor shall have the right and it shall be his/her duty to remove the tree, plant or shrub or any part thereof, or otherwise correct the condition existing.
- If any memorial or structure, or any inscription placed on same shall be determined by the supervisor to be offensive, the supervisor shall have the right and it shall be his/her duty to enter upon any lot and remove, change, or correct the offensive or improper object.
- Potted plants, wreaths and baskets shall be removed from lots and graves when in the judgment of the supervisor it is to the best interest of the cemetery to remove them.

Conduct

- No person shall break or injure any tree or shrub, or mar any landmark, marker, or memorial, or in any way deface the grounds of the cemetery.
- No person shall be permitted to enter or leave the cemetery except by the public entrance from sunrise to sunset.
- No boxes, shells, toys, discarded glassware, sprinkling cans, receptacles or similar articles will be permitted on any grave, lot or tree.
- No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery.
- Persons within the cemetery grounds shall use only the established avenues, walkways and roads.
- Children under fifteen years of age shall not be permitted within the cemetery or its buildings unless accompanied by an adult.
- No person may discharge a firearm in or adjacent to the cemetery. This prohibition shall not apply to authorized volleys at military or other burial services.

- No person may use any form of advertisement on cemetery grounds.
- No person shall permit any dog or other domestic animal to enter or remain in the cemetery.
- No person may consume refreshments or liquors within the cemetery or carry same into the premises.
- No person shall throw rubbish or debris on walks, drives or any part of cemetery grounds.
- Unauthorized persons shall not loaf, lounge or otherwise use any of the grounds, graves or monuments in the cemetery, or in any of the buildings therein.
- No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.
- No money shall be paid the attendants at the entrance or on the grounds. The entire time of the persons regularly employed on the grounds belong to the cemetery; visitors and owners must not otherwise engage them.
- Any person found on the grounds after dark will be considered a trespasser.
- All orders, inquiries and complaints by visitors or owners must be reported to the office of the Cemetery Coordinator.

Motor Vehicles

- Motor vehicles shall not be driven through the grounds at a greater speed than fifteen (15) miles per hour.
- Motor vehicles shall be driven and parked only on the right side of the opened roads and driveways. No U-turns are permitted.
- Motor vehicles shall not be parked in front of an open grave unless the occupants thereof are in attendance at a funeral.
- The traffic laws of the city shall be applicable to the operation of motor vehicles in the cemetery.

Chapter 7 of the Gainesville Code is the official source.