

RESOLUTION NO. 19-175

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING MUNICIPAL CEMETERY SYSTEM RULES AND REGULATIONS AS RECOMMENDED BY THE CEMETERY SYSTEM BOARD OF TRUSTEES, PROVIDING FOR RESCISSION OF CONFLICTING RESOLUTION PROVISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 10-27 of the City of Fort Lauderdale Code of Ordinances provides the Cemetery System Board of Trustees with the authority to promulgate rules and regulations for the operation of the municipal cemetery system, subject to approval of the City Commission; and

WHEREAS, the Cemetery System Board of Trustees, at its meeting on April 17, 2019, approved certain revisions to the City of Fort Lauderdale Municipal Cemetery System Rules and Regulations; and

WHEREAS, based on the recommendation of the Cemetery System Board of Trustees, the City Commission has determined that it is appropriate to make the recommended amendments to the City of Fort Lauderdale Municipal Cemetery System Rules and Regulations;

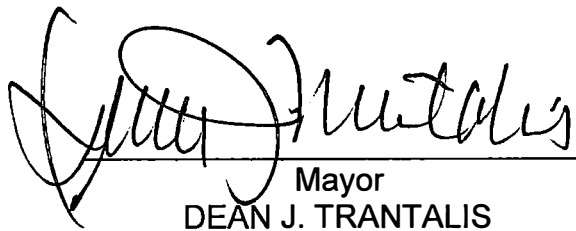
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City of Fort Lauderdale Municipal Cemetery System Rules and Regulations, as incorporated herein by Exhibit "A" attached hereto, is hereby amended by adding the words in underlined type and by deleting the words with strikethrough type.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith or in conflict be and the same are hereby rescinded to the extent of such conflict.

SECTION 3. That this Resolution shall be in effect immediately upon its adoption.

ADOPTED this the 12th day of September, 2019.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI



CITY OF FORT LAUDERDALE

**CITY OF FORT LAUDERDALE
MUNICIPAL CEMETERY SYSTEM
RULES AND REGULATIONS**

**EVERGREEN CEMETERY
LAUDERDALE MEMORIAL PARK CEMETERY
SUNSET MEMORIAL GARDENS CEMETERY
WOODLAWN CEMETERY**

**City of Fort Lauderdale
Amended and Approved on
August 20, 2019**

** "The City Attorney's Office has recommended additional changes to the proposed rules and regulations as indicated by words double-underlined for additions and double-strikethrough for deletions."

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**RULES AND REGULATIONS
GOVERNING
THE CITY OF FORT LAUDERDALE
MUNICIPAL CEMETERY SYSTEM**

**Consisting of:
Lauderdale Memorial Park
Sunset Memorial Gardens
Evergreen Cemetery
Woodlawn Cemetery**

These Rules and Regulations were adopted by the Cemeteries Board of Trustees on September 27, 1990, and were approved by the City Commission on December 4, 1990 pursuant to Chapter 10 of the Code of Ordinances of the City of Fort Lauderdale and any subsequent amendments shall be applicable to the cemetery system.

Section I

1. INTRODUCTION

For the mutual protection of all owners purchasers, and for the preservation of all lots, plots, crypts, and niches in the Municipal Cemetery System, these rules and regulations shall govern the ownership, use, and control of all lots, plots, crypts, and niches, as well as all subsequent amendments, thereto which may hereafter be adopted by the City Commission of Fort Lauderdale, shall govern the ownership, use and control of all final committal rights. The reference to these rules and regulations in the Certificate of Ownership or deed, or in the recorded plat shall have the same force and effect as if these rules and regulations, together with the amendments, were set out therein in full. Other than the land previously sold and transferred by title, the title to all land shown on the official plats of the cemeteries comprising the Cemetery System, recorded in the Public Records of Broward County, Florida is vested in and shall remain vested in the City of Fort Lauderdale, a municipal corporation of the State of Florida.

Section II

2. DEFINITIONS

BELOWGROUND CRYPTS - consist of interment space in preplaced chambers, either side by side or multiple depth, covered by earth and sod and known also as "lawn crypts," "westminsters," or "turf-top crypts."

BLOCK or SECTION - ~~A large geographical area consisting of a defined portion of cemetery ground.~~ A subdivided land area within a cemetery consisting of a systematic layout of spaces.

BOARD OF TRUSTEES - whenever the words Board of Trustees, Board, or Trustees appear, it shall mean and apply to the ~~cemeteries~~ Cemetery System Board of Trustees as the term is defined in Chapter 10 of the Code of Ordinance.

BURIAL RIGHTS - The interest conveyed by a Certificate of Ownership or deed. The right to use a grave space, mausoleum, columbarium, ossuary, or scattering garden for the interment, entombment, inurnment, or other disposition of human remains or cremated remains. The City retains title to the real property.

CEMETERY - The ~~word~~ term "Cemetery" shall mean any single property or all tracts of land designated as a municipal cemetery by the City. ~~four properties in the City-owned cemetery system.~~

CEMETERY MANAGER - The City Parks and Recreation Director or his or her designee for cemetery on-site matters.

MUNICIPAL CEMETERY SYSTEM - shall mean any and all of the City- owned properties dedicated to and platted for use as a final resting place of deceased human beings, either by below ground interment, mausoleum entombment, or niche inurnment.

CERTIFICATE OF OWNERSHIP - ~~shall mean any private entity under contract with the city to manage and operate the Municipal Cemetery system. In the event that there is no Cemetery Contractor all references thereto shall then apply to the City. The original conveyance given by the City to the original purchaser.~~

CITY - ~~Whenever in these rules~~ The word term "City" is used, it shall apply to and mean the City of Fort Lauderdale, Florida.

COLUMBARIUM - A structure or building that is substantially exposed above the ground and intended to be used for the inurnment of cremated remains.

COMPANION CRYPT - A double crypt space ~~of sufficiently size large enough~~ to accommodate the entombment of two bodily remains side-by-side and sealed with a double closure plate.

CONTAINER - ~~A closable concrete or polypropylene receptacle in which the casket is placed prior to the closing of the grave.~~

CREMAINS - Cremated remains of a deceased person.

CRYPT - A single space of sufficient size in a mausoleum or in the ground where lawn crypts are placed to accommodate the entombment of the bodily remains of an adult or a child and sealed with a single closure plate.

DISASTER - A sudden event that causes great damage or loss of life, natural or manmade disaster, including but not limited to, a hurricane, tornado, flood, fire, riot or other act of nature or an act of terrorism.

ENTOMBMENT - The permanent disposition of a deceased person in a crypt, columbarium, sarcophagus, or niche within a mausoleum.

FEATURE - A prominent utilitarian or artistic item that enhances the beauty and aesthetics of the Cemetery, such as a water fountain, flagpole, sundial, statue, etc.

GRAVE SPACE - A space in the cemetery intended to be used for the interment in the ground of human remains.

INTERMENT - ~~The act of permanent disposition of the human remains of a deceased person by below earth burial, mausoleum or private family estate, entombment or columbarium~~ cremation and inurnment.

INTERMENT RIGHT - The right to place individual human remains or cremated remains in a specific interment space within the cemetery selected by the purchaser for use as a final resting place, and subject to the limitations set forth herein.

INTERMENT SERVICES - The opening and closing of a particular interment space.

INURNMENT – Placing cremated human remains in an urn and placing in a niche or in the ground.

LAWN CRPYT - A permanent underground crypt usually constructed of reinforced concrete or similar material installed in multiple units for the entombment of human remains.

LEGAL DESCRIPTION - A reference that describes the exact location of a plot, crypt or niche.

LEGAL REPRESENTATIVE - Shall have the same meaning as “Legally authorized person” as the term is defined in Section 497.005, Florida Statutes. If no family member exists or is available, the guardian of the dead person at the time of death; the personal representative of the deceased; the attorney in fact of the dead person at the time of death; the health surrogate of the dead person at the time of death; a public health officer; the medical examiner, county commission, or administrator acting under part II of chapter 406 or other public administrator; a representative of a nursing home or other health care institution in charge of final disposition; or a friend or other person who is willing to assume the responsibility as the legally authorized person. Where there is a person in any priority class listed in this subsection, the funeral establishment shall rely upon the authorization of any one legally authorized person of that class if that person represents that she or he is not aware of any objection to the cremation of the deceased’s human remains by others in the same class of the person making the representation or of any person in a higher priority class.

LEVEL - A linear division of crypts to denote the height location of a crypt from the ground base.

LOT – A Numbered divisions as shown on the recorded plot cemetery map, which shall consists of multiple plots.

LOT MARKER - A concrete or metal object inserted in the ground which is the method utilized by the City as a means of identification to locate the corners of plots and lots.

MANAGEMENT - Whenever the word Management appears, it shall mean and apply to the properly designated employees and agents of the Cemetery Contractor or the City of Fort Lauderdale.

MARKER - A memorial set flush with the ground.

MAUSOLEUM – A structure or building that is substantially exposed above the ground and that is intended to be used for the entombment of human remains.

MEMORIAL – A monument, marker, tablet, headstone, footstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, and surface burial vault, urn, crypt, and niche plates or bronze lettering on crypts or niches.

MONUMENT - A tombstone or memorial of granite or marble, which shall extend above the ground surface used for identifying a gravesite and cemetery memorials of all types, including monuments, markers, and vases.

MONUMENT ESTABLISHMENT - A facility that operates independently of a cemetery or funeral establishment and that offers to sell monuments or monument services to the public for placement in a cemetery.

NICHE - A space of sufficient size to accommodate the cremated remains of one or two persons and sealed with a single closure.

OSSUARY – A receptacle used for the communal placement of cremated remains without benefit of an urn or any other container in which cremated remains may be commingled with other cremated remains and are nonrecoverable. It may or may not include memorialization.

OUTER BURIAL CONTAINER - An enclosure into which a casket is placed and includes, but is not limited to, vaults made of concrete, steel, fiberglass, or copper; sectional concrete enclosures; crypts; and wooden enclosures. Commonly known as vaults and grave liners.

OUTSIDE SUPPLIER - Any supplier of cemetery products that are provided for the express purpose of installation or use in the Cemetery System.

OWNER - The owner of an interment right or rights within the cemetery, as reflected in the records of the cemetery.

OWNER'S DECLARATION OF RESERVATION - A document executed by the owner of burial rights in the presence of a notary public Cemetery Manager or his or her designee, which designates and specifies the person or persons entitled to be interred in the plots or lot, or the person who may designate in lieu of the owner, for which a Certificate of Ownership is held.

PERPETUAL CARE - The term shall mean the regularly scheduled care of sold property, including plots, crypts, niches and bronze memorials, from time of sale to perpetuity.

PERPETUAL CARE TRUST FUND – The trust fund established by the cemetery for the purpose of care and maintenance of the cemetery grounds and improvements thereon.

PLOT - A single space of sufficient size to accommodate a below ground interment of the bodily remains or the cremated remains of an adult or a child.

PLOT, DOUBLE DEPTH - A space of equal surface area as a single plot with the depth capacity to accommodate two in earth interments, one atop the other.

PRE-NEED - The purchase of a plot, service, monument, interment, burial container or memorial prior to the actual need of its use.

PRIVATE FAMILY ESTATE - A multi-space structure, either wholly or partially aboveground, located in designated areas only, and used solely for the entombment of the owner and others designated by the owner.

RESERVATION - Removing either a single plot or multiple plots on which the non-refundable fee or fees have been paid from the market and holding for future purchase. The plot must be purchased within six (6) months from the reserving date, or in the case of multiple plots, one (1) plot each six (6) months until all plots are purchased.

RESIDENT - A person who is, in fact, a resident of the City of Fort Lauderdale at the time of death. A person shall be considered to be a resident if the person owns a residence in the City of Fort Lauderdale at the time of death, but is residing in a nursing home or assisted living facility at the time of death. Any non-resident may purchase only one at-need interment right or interment service for a City of Fort Lauderdale resident with proof of the deceased's residency.

ROW - A linear division of plots, lots crypts and/or niches.

SCATTERING GARDEN - a location set aside, within a cemetery, that is used for the spreading or broadcasting of cremated remains that have been removed from their container and can be mixed with or placed on top of the soil or ground cover or buried in an underground receptacle on a commingled basis and that are unrecoverable. It may or may not include memorialization.

TANDEM CRYPT - A double crypt space of sufficient size to accommodate the entombment of two bodily remains end to end and sealed with a single closure plate.

URN - A receptacle designed to permanently encase cremated remains.

Section III

3. GENERAL SUPERVISION

3.1 REAL PROPERTY OF THE CITY

All property within the Cemetery System that has not been transferred by deed prior to the approval of these rules shall remain the real property of the City of Fort Lauderdale, Florida and shall be managed and controlled by the City, whether or not the specific subject is covered within these Rules and Regulations.

3.2 MANAGED BY CEMETERY MANAGER

The day-to-day operations of the Cemetery System shall be the responsibility of the City of Fort Lauderdale or its agent and directed by a Cemetery Manager or his or her designee, as specified in the Chapter 10 of the Code of Ordinances.

3.3. ADMISSION TO CEMETERIES

~~Entry into the Cemeteries shall be through the gates during the normal operation hours. Entry by any other means is prohibited. The City reserves the right to refuse entry to any person or persons whom the Cemetery Manager determines is inimical to the best interest of the Cemetery System and/or its patrons.~~

The City reserves the right to compel all persons driving motor vehicles into the Cemetery to bring their vehicles to a full stop at the entrance, and further reserves the right to refuse admission to the Cemetery grounds, and to refuse the use of any of the Cemetery or mausoleum facilities at any time to any person whom the Cemetery Manager or his or her designee determines is unwilling or incapable of abiding by these rules or the rules of general decorum. There must be a legitimate public health, safe or welfare interest expressed by the City to impose such restrictions.

3.4 CASKET NOT TO BE DISTURBED. SUPERVISORY RESPONSIBILITIES OF CEMETERY MANAGER AND FUNERAL DIRECTOR

~~Once the casket containing a body is within the gates of any of the cemeteries of the Cemetery System, no person or persons, regardless of the association with the deceased, shall be permitted to open the casket or to touch the body without the consent of the Cemetery Manager in concurrence with the next of kin or the legal representative of the deceased or without a court order. The Cemetery Manager shall be notified in advance that the casket is to be opened and shall have the right to be or to have a representative present.~~

(a) All funeral processions, upon entering the Cemetery grounds, shall be under the direct control and supervision of the Cemetery Manager or his or her designee and staff, providing that the funeral director of the funeral shall be present to conduct the burial services in accordance with the applicable Florida Statutes and these rules and regulations.

(b) Once a casket containing a body is transported into the Cemetery, a funeral director or his embalmer, assistant, employee, or agent, is prohibited from opening the casket without the consent of the legal representatives of the deceased, a court order, or a valid disinterment permit.

(c) All funeral directors, their representatives, and aides shall be responsible for transporting the remains of a deceased person from the funeral coach containing the deceased's remains to the grave or crypt. At least one person from the funeral director's staff shall be in attendance as a witness during interment or entombment of the deceased's remains.

d) Upon receiving written authorization from a legally authorized person or a court of competent jurisdiction prior to the disinterment and reinterment of human remains from a cemetery plot, the Cemetery Manager or his or her designee will direct the removal and final disposition of said human remains in the presence of a licensed funeral director as may be required by Florida Statutes.

3.5 LIABILITY FOR DAMAGE

Any person damaging or causing damage of any property of the Cemetery System will be held liable for the cost of repair to the damaged property to its former condition or replacement of the damaged property if the repair cost is prohibitive.

3.6 CEMETERY MERCHANDISE AND SERVICE CHARGES

All charges for a Certificate of Ownership, merchandise and service purchased through the Cemetery System shall be paid in full prior to the cemetery system providing such conveyance of burial rights, merchandise or services.

3.7 APPEAL OF DECISION OF CEMETERY MANAGER

Any person affected by a decision of the Cemetery Manager or his or her designee shall have the right of appeal in the following order: City of Fort Lauderdale Department with cemetery over-site, City Manager, Cemetery Advisory Board of Trustees, City Commission.

3.8 CITY SHALL NOT DISCRIMINATE

All decisions made by employees or representatives of the City in connection with the operation of the Cemetery System shall be made without regard to race, creed, color, national origin, sex, marital status, religion, ancestry, mental or physical handicap, age or sexual orientation.

3.9 CONTROL OF WORK AND IMPROVEMENTS BY CITY

~~All work performed in conjunction with interments, disinterments, and the maintenance of the cemetery grounds, including but not limited to the care, trimming and fertilization of the turf, trees, and shrubs, all improvements or alterations of the Cemetery System property shall be performed under the director of the Cemetery System's management; however, nothing shall prohibit individuals other than employees of the cemeteries from trimming around memorials from time to time. All other planting or alterations made by individuals shall be removed at the expense of the plot or lot owner.~~

All grading, landscaping work and improvements of any kind, the care of plots, lots, crypts, and niches, all planting, trimming, cutting, and removal of trees, shrubs, and herbage, all openings and closings of plots, lots, crypts, and niches, and all interments, entombments, disinterments, and removals shall be performed by the City or a designated contractor under the supervision of the Cemetery Manager or his or her designee.

All improvements or alterations of lots, plots, crypts, and niches in the Cemetery shall be performed under the supervision of the Cemetery Manager or his or her designee. If any improvements and alterations are made without his/her written consent, he/she may remove, alter, or change the improvements or alterations at the expense of the owner. The Cemetery Manager or his or her designee may also remove or change any improvements or alterations, at the owner's expense, if at any time, in his/her judgment, they become unsightly.

3.10 FEES, GRATUITIES AND COMMISSIONS

Gratuities shall not be offered by any person who has requested or received service from the Cemetery System staff, and if offered, it shall be rejected.

No person, while employed by the City of Fort Lauderdale, shall receive any fee, gratuity or commission, except from the City of Fort Lauderdale, either directly or indirectly.

Section IV

4. NON BURIAL AREAS AND PLATTING

4.1. NO RIGHTS GRANTED IN NON-BURIAL AREAS

No easement or right of use is granted to any lot or plot owner in any non-burial area of the Cemeteries without the approval of the Cemetery Manager or his or her designee. Such areas may include paved and unpaved roadways, walkways, paths, drives, and turf areas of insufficient measurements to permit interments. All non-burial areas may be used as a means of access.

4.2 PLATTING

~~The right to enlarge, reduce, replat and/or change the boundaries or grading of the cemeteries or of a section or sections, from time to time, including the right to modify and/or change locations of or remove or regrade roads, drives and/or walks, or any part thereof, is hereby expressly reserved by the City. The right to lay, maintain and operate or alter or change pipes for irrigation purposes is also expressly reserved; as well as is the right to use all Cemetery system property not sold for interment purposes, shall be the sole right of the City.~~

The City shall have the right and privilege, at any time and from time to time, to resurvey, enlarge, diminish, replat, alter in shape or size, or otherwise change all or any part, portion or subdivision of the property hereby mapped and platted, including the right to lay out, establish, close, eliminate, or otherwise modify or change the location of roads, walks, or drives, and amend maps or plats, and to use the same for the erection of buildings, or for any purposes or uses connected with, incident to or convenient for the care, preservation or preparation for the interment of human remains or other cemetery purposes, together with easements and right of way over and through said premises for, and the right and privilege of installing, maintaining and operating pipeline, conduits or drains for sprinklers, drainage, electric or communication lines, or for any other purposes.

The City shall have the right to use all Cemetery system property not sold for interment purposes, shall be the sole right of the City. The City further reserves the right to itself, and to those lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purpose of passage to and from other plots and lots.

4.3 RIGHT TO CLOSE AREAS

The Cemetery Manager or his or her designee shall have the right to close any area of a Cemetery, when accessibility would be hazardous or detrimental to any individual, vehicle or equipment.

Section V

5. CONDUCT WITHIN CEMETERIES

5.1 INGRESS AND EGRESS TO PLOTS

Persons within the cemetery grounds shall use only the roadways, drives, walks and paths to reach a burial plot, except workers in the performance of their duties may use the necessary space to perform the prescribed duties.

5.2 TRESPASSERS ON CEMETERY PLOTS

Other than cemetery System personnel and persons authorized by the Cemetery Manager or his or her designee, only prospective buyers, plot owners, relatives, invitees and friends of the deceased shall be permitted on cemetery plots. All other persons using any portion of the properties other than the roadways, drives, walks as a thoroughfare shall be deemed to be trespassing.

5.3 CONDUCT OF MOURNERS

The family of the deceased or the legal representative shall be responsible for the conduct of all mourners while in attendance at the interment service.

5.4 CHILDREN

Children under fifteen years of age shall not be permitted within the cemetery grounds or its buildings, unless accompanied by parent, guardian, or responsible an adult over the age of 18 years old, or with specific permission of management. There must be a legitimate public health, safe or welfare interest expressed by the City to impose such restrictions.

5.5 REMOVAL OF FLOWERS, PLANTS, ETC.

~~All persons are prohibited from gathering flowers, either wild or cultivated, breaking trees, shrubbery or plants, feeding and/or disturbing wildlife within the Cemetery grounds.~~

All persons are prohibited from gathering flowers, whether wild or cultivated, or breaking trees, shrubbery or plants, or feeding or disturbing the birds, fish or other animal life within the Cemetery grounds.

5.6 REFRESHMENTS

No person shall be permitted to ~~have~~ bring food or ~~drink~~ refreshments within the ~~boundaries of the~~ Cemetery grounds or buildings; with the exception of employees eating lunch and official functions held by the Cemetery.

5.7 LOUNGING ON GROUNDS

No person shall be permitted to sit or to lounge on any portion of the grounds, graves or monuments or buildings within the cemetery except in connection with a visit to a particular burial site.

5.8 LOUD TALKING AND PROFANITY

No person shall speak ~~sufficiently~~ excessively loud to disturb another visitor or disturb the serenity of the setting. The use of profanity and vulgar language is prohibited also.

5.9 SMOKING

Smoking in any building structure, including the mausoleum units, is prohibited.

5.10 RUBBISH

~~Rubbish should be placed either in designated receptacles or next to a tree or sign for pick up by employees. Throwing or scattering it about the grounds is prohibited.~~

The throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings is prohibited. Receptacles for waste materials are located at convenient places.

5.11 ~~AUTOMOBILES~~ VEHICLES, THEIR SPEED AND HORNS

Automobiles Vehicles shall not be driven through the grounds of the cemetery at a speed greater than twenty (20) ~~ten (10)~~ miles per hour, and must be kept on the right hand side of the cemetery roadways. Automobiles shall are not allowed to park be parked or brought to come to a full stop in front of an open grave, unless the occupants of the vehicle's such automobiles are being used by individuals in attendance at the interment service.

No unlicensed vehicles are permitted in the cemetery, unless owned by the cemetery and operated in performing the duties of the cemetery, without written authorization of the management.

No automobile horn shall be blown except in cases of emergency to avoid an accident.

5.12 MOTORCYCLES, MOPEDS AND MOTORBIKES

No two wheel motorized riding equipment shall be operated upon cemetery roadways unless the operator is attending an interment service or on official business.

5.13 PEDDLING OR SOLICITING

Peddling of flowers or plants, or the soliciting the sale of any commodity or the collection of funds for any cause other than the City's operation of the cemetery system is prohibited.

~~5.14 FIREARMS~~

~~No firearms shall be permitted within the cemetery except for the purpose of a firing squad salute at an interment service or by a police officer in the performance of duties.~~

5.14 NOTICES OF ADVERTISEMENTS

No signs, notices or advertisements of any kind shall be permitted within the Cemetery except those placed by the City.

5.15 ANIMALS OR PETS

~~The only animal that shall be permitted within the Cemetery is a seeing eye dog that is being used to assist a visually handicapped person.~~

No one shall be allowed to bring animals onto the cemetery grounds or in any of the buildings, other than service animals as defined by Section 413.08 F.S.

Service animal means an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

5.16 IMPROPRIETIES

It is of utmost importance that there be strict decorum observed at all times within the Cemetery grounds, whether embraced in the Rules and Regulations or not, as no improprieties shall be allowed, and the Manager shall have the power to prevent and enforce any improper assembly or breach of decorum.

5.17 MANAGER TO ENFORCE RULES

The Cemetery Manager or his or her designee is hereby empowered to enforce all rules and regulations, and to exclude from the Cemetery System anyone violating the rules and regulations. The Cemetery Manager or his or her designee shall have charge of the grounds, buildings, traffic, and all persons within the Cemetery, including conduct at interment services and all other functions held upon the grounds.

Section VI

6. PURCHASE OF INTERMENT RIGHTS

6.1 CERTIFICATE CONVEYS ONLY RIGHT OF INTERMENT, ENTOMBMENT OR INURNMENT

The Certificate of Ownership shall grant to the purchaser only the right to use the specified plots for interment, or crypts for entombment of human remains, or niches for the inurnment of cremated human remains, subject to these Rules and Regulations. The fee title to all property shall remain with the City, subject to the right of usage conveyed to the purchaser.

No interment will be permitted in, or marker allowed, on any plot not fully paid for.

6.2 MAXIMUM INTERMENT RIGHTS PURCHASED/RESIDENT DISCOUNT PROGRAM

An individual or entity may purchase no more than six (6) interment rights and interment services. Interment rights and interment services within a private family estate are not subject to this limitation.

Any individual purchasing interments and services utilizing the City resident discount must, at time of purchase, assign each to a designated immediate family member. Designated immediate family members are grandparents, parents, brothers, sisters, spouses and children, grandchildren, lawful guardian or dependent only. Any changes to this assignment at any future time to a person not designated as an immediate family member or a person who is not a resident of the City of Fort Lauderdale requires the 25% discount taken at purchase be repaid prior to transfer or use of the interment right or service.

Every purchaser utilizing the City of Fort Lauderdale resident discount program must show at least two (2) proofs of residency. The only valid proofs of residency that are acceptable are a Florida Driver's License or Identification Card, Broward County Voter Registration Card, Government issued identification card, current and most recent water, electric, gas or other utility bills, rent receipt copy of a current and valid executed rent/lease agreement, Florida Vehicle Registration or Title, or property tax assessment. One of which must be a picture ID.

The City may, in its sole discretion, during any period of time an individual enjoys the benefits of residency status, require the individual to present written documents to the appropriate city personnel to establish any of the forms of residency as set forth above. In addition, the individual may be requested to execute an affidavit under oath in which the individual declares that the representations made to the city regarding residency are true.

Any non-resident may purchase only one at-need interment right and interment service for a City of Fort Lauderdale resident with proof of the deceased's residency. No additional purchases under the deceased's address may occur using the resident discount program.

6.3 OWNER'S DECLARATION OF RESERVATION

The right of interment under owner's certificate of ownership or deed. At the time of purchase of a lot or plot, crypt or niche is purchased, or at any time thereafter during the purchaser's lifetime, and in accordance with these rules and regulations, the owner of any plot, crypt or niche may present the Certificate of Ownership and execute in the presence of a Notary Public a Declaration of Reservation to specifically designating the persons entitled to use any or all of the owned plots, crypts or niches, or vesting the right of designation for all unreserved plots, crypts or niches in a named person. No other person shall be entitled to the use of the plot, crypt or niche designated by the owner in the Declaration of Reservation except by a revised Declaration of Reservation executed in the same manner as the first.

An owner may in a Declaration of Reservation limit the persons entitled to the use of plots, crypts or niches to those persons designated in the Declaration of Reservation.

In the event the owner fails to execute a Declaration of Reservation as to each plot, crypt or niche owned, or fails to limit the use to those persons named on a Declaration of Reservation, as to the plots, crypts or niches not designated, the right of use shall be as provided in Section VI, 6.3., A hereof.

6.4 ~~RIGHT OF~~ INTERMENT IN THE ABSENCE OF OWNER'S DECLARATION OF RESERVATION

~~In the absence of a owner's Declaration of Reservation, the right of use of any plot, crypt or niche shall descend in the following order:~~

In the absence of a Declaration of Reservation by the registered owner of a burial space, the order of interment shall be:

- A. One plot, crypt or niche shall be reserved for the owner and one for the owner's surviving spouse, if singularly owned; however, upon submission of proof to Cemetery system management that a deceased owner has been interred in another location, said reserved plot shall be released.
- B. The use of the remaining plots shall be ~~granted held in trust by the City of Fort Lauderdale, in descending order to the following persons and in order of their deaths, to-wit~~ for burial of the following persons in the order of their death and request for burial, to wit:
 - 1) The children of the owner or owners, and their respective spouses.
 - 2) Lineal descendants of the owner or owners, and their respective spouses.
 - 3) Parents of the owner or owners.

6.5 VESTED RIGHTS OF OWNERS

The burial, entombment or inurnment rights in all plots, crypts or niches shall be presumed to be the sole and separate property of the person(s) named as grantee in the Certificate of Ownership, in accordance with these rules and regulations; provided that the ~~legal spouse~~ husband or wife shall have a vested right of interment, entombment or inurnment of his or her body in any plot, crypt or niche conveyed to the other, which shall continue so long as he or she shall remain the legal spouse of the plot owner or shall be the ~~legal spouse his or her wife or husband of the holder of ownership~~ at the time of the owner's demise. No conveyance or transfer shall divest the husband or wife of an owner of a vested right of interment, entombment or inurnment without the joinder therein executed by the spouse in the Cemetery System administration office at Lauderdale Memorial Park.

6.6 INALIENABILITY OF LOTS AND COMPANION CRYPTS

All lots and companion crypts, the use of which has been conveyed in a Certificate of Ownership or deed, are indivisible. Whenever an interment of the remains of a member, or a relative of a member of the family of the recorded owner, or the recorded owner, is made in a lot, the lot thereby becomes inalienable and shall be held as the family plot of the owner, or whenever either the husband or wife has been entombed in one of the companion crypts, the remaining crypt shall remain for the surviving spouse, except as otherwise provided in the Owner's Declaration of Reservation.

Section VII

7. INTERMENTS AND DISINTERMENTS

7.1 SUBJECT TO LAW

In addition to these rules and regulations, all interments, disinterments and removals shall be made in accordance to the orders and laws of the properly constituted authorities of the City, Broward County and the State of Florida.

7.2 TIME AND CHARGES

~~All interments, entombments, inurnments, disinterments, disentombments, disinurnments must be made at the time and in the manner upon which such the charges, as set by the Board of Trustees and approved by the City Commission, are paid.~~

All interments, disinterments and removals must be made at the time and in the manner and subject to the payment of such charges as set by the Board of Trustees and approved by the City Commission. All charges shall be paid a minimum of twenty-four hours in advance of the service, or arrangements satisfactory to the management made for their payment. Additional charges shall be made on burials occurring other than at authorized hours and for standard rates.

7.3 BURDEN OF PROOF OF IDENTITY

~~Upon request by any owner, owner's representative or funeral home for the use of a plot, crypt or niche, the burden of proof as to the identity of the person to be interred, entombed or inurned rests with the person making such request. No liability shall rest upon or be chargeable to the City in case of false statement in such request, but the City shall make diligent effort to see that only persons entitled to be buried in given locations be accepted.~~

Upon application by any owner or owner's legally authorized representative for interment of a body in a given plot, crypt or niche, the burden of proof as to the identity of the person to be interred rests upon the applicant. No liability shall rest upon or be chargeable to the City in case of a false statement in the application. However, the City will make a diligent effort to see that only persons entitled to be buried in a given plot are so interred.

7.4 NO INTERMENTS ON HOLIDAYS

There shall be no interments, entombments, inurnments, or removal services of any kind on ~~Sundays, or on~~ any of the legally declared City holidays. The Cemetery Manager or his or her designee can make exceptions should the delay of service conflict with religious beliefs or creates undue hardship on family members. The City may refuse to make an interment until a more expedient time if the remains arrive inside the cemetery gates after 4 :30 p.m., or in the event too many funerals arrive at one time for the limitations of staff and equipment.

7.5 ADVANCED NOTICE REQUIRED

~~Management shall be notified at least twenty four (24) hours in advance of any interment, entombment or inurnment, and at least five (5) working days prior to any disinterment, or disntombment disinurnment.~~

The Cemetery Manager or his or her designee shall be notified at least forty eight (48) hours prior to any interment, entombment or inurnment, and at least five (5) working days prior to any disinterment or removal, except in case of emergency or court order.

7.6 NOTICE OF INTERMENT, ENTOMBMENT OR INURNMENT

Management reserves the right in the absence of the Owner's Declaration of Reservation to refuse interment, entombment or inurnment in any plot, crypt or niche, and to refuse to open any plot, crypt or niche for any purpose, except on written application of the owner of record made out in the form ~~required by the Cemetery Manager with said form being~~ filed in the cemetery System office.

7.7 ~~CONCRETE OR POLYPROPYLENE CONTAINER REQUIRED~~ OUTER BURIAL CONTAINER REQUIRED

Every earth interment shall be made with the body enclosed in a concrete liner or ~~polypropylene container~~ burial vault. The concrete container or vault shall be of a type approved by the Management and shall be installed as directed by the Management.

7.8 URN REQUIRED IN COLUMBARIUM

Each cremated remains placed in a columbarium niche shall first be enclosed in an urn made of durable material and approved by management.

7.9 LOCATION OF PLOT, CRYPT OR NICHE

When instructions regarding the location of an interment plot, entombment crypt or inurnment niche cannot be obtained, ~~or are indefinite,~~ or when for any reason the space cannot be opened where specified, the Cemetery Manager or his or her designee may, ~~in~~ at his/her discretion, open such space in another location as deemed best and proper, so as not to delay the funeral; however, the City shall not be held liable for any damages in not using the correct space.

7.10 ORDERS GIVEN BY TELEPHONE

~~The City shall not be held responsible for any order given by telephone, or for any mistake occurring from want of precise and proper instructions as to the particular space where the interment is desired.~~

The City shall not be held responsible for any order given by telephone, or for any error resulting from imprecise or improper instructions regarding the particular space, size, location, and memorialization in a lot, crypt, or niche where interment or entombment is desired.

7.11 ERRORS MAY BE CORRECTED

The City shall have the right to correct any error that may be made by the staff either in making the interment, entombment, inurement, disinterment, disintombment or ~~disinurnment~~ or removals, or in the description, transfer or conveyance and substituting and conveying in lieu thereof ~~other space~~ of interment property equal ~~or higher~~ value and similar in location as far as possible, or as may be selected by management, or in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment, entombment or inurement of the remains of any person in a different location, ~~the~~ Management shall have the right to remove and/or transfer such remains to such other property of equal ~~or higher~~ value and in a similar location as may be substituted and conveyed in lieu thereof.

Management shall also have the right to correct any errors made by placing an improper inscription, including an incorrect name or date, either on the memorial, marker crypt, niche, or on the container for cremated remains.

7.12 NOT RESPONSIBLE FOR EMBALMING OR PERMIT

~~Management shall not be liable for the preparation of the human remains, including but not limited to embalming or any services normally arranged and performed by a funeral director; nor shall the City be liable for obtaining the burial permit.~~

No interment shall be made unless the remains are accompanied by a burial permit as required by state law. The City shall not be liable for the correctness of the information on the burial permit nor the identity of the person sought to be interred.

7.13 DELAYS IN INTERMENTS CAUSED BY PROTESTS

The City in no way shall be liable for any delay in the interment, entombment or inurnment of the bodily remains where a protest against the interment, entombment, or inurnment has been made, or where the rules and regulations have not been complied with; and further, the City shall have the right, under such circumstances, to place the remains in a the receiving vault until the full rights are determined. ~~The Cemetery Management or his or her designee shall be under no duty to recognize any protests of final committal unless the protest be set forth in writing and filed with the cemetery System administration office located at Lauderdale Memorial Park accompanied by supporting documentation, including, where applicable, a court order.~~

7.14 PRIOR PAYMENT REQUIRED

No interment, entombment, inurnment or any other service shall be performed by the Cemetery System where all fees and charges have not been paid in full prior to the rendering of such services by the Cemetery, except in the case of a mother and a new-born baby, or that of an indigent arranged by the appropriate County agency.

7.15 INTERMENT OF MORE THAN ONE BODY IN A SINGLE SPACE

~~No more than one body shall be interred or entombed in one plot or in one crypt, except in the case of a mother and a new-born baby; however, two (2) entombments may be made in a companion or a tandem crypt or a lawn crypt designed for such purpose. After a regular interment has been made in a plot, a cremains interment may be made as a second burial, provided the space is marked with proper identification of the two persons interred in the space.~~

Not more than one body, or the remains of more than one body, shall be interred in any one plot or single crypt, except in the case of a mother and her infant, unless the plot has been purchased with the written agreement that more than one body or the remains of more than one body shall be interred therein; provided that proper identification is made of such interment or interments on one regulation marker. The space required for the interment of cremated remains shall be standard plot size, established by the Cemetery Manager or his or her designee; however the remains of two (2) of such cremated decedents may be interred in one standard single depth plot.

Not more than two (2) human remains shall be interred in any one double depth plot. The plot shall be purchased with the written agreement that more than one (1) human remains or the cremains of more than one (1) body shall be interred therein, but not more than (2) remains in any combination may be placed, provided that proper identification is made of such interment or interments on one regulation sized marker. The agreement shall also provide the name of the person authorized to designate the identity of the person other than the purchaser of the plot whose remains may be interred in the double depth plot.

In the event the cemetery elects to allow the interment of more than one human remains in a particular interment space, the cemetery shall charge a separate fee for each right of interment in a particular interment space as well as a separate fee for each interment service provided. The cemetery will maintain a separate interment record for each interment, inurnment or entombment. No pets remains may be interred with human remains.

The Cemetery Manager or his or her designee shall designate an appropriate section of the Cemetery for interment of infant remains. Plots within the reserved section shall be of appropriate size to permit the interment of one (1) infant less than one year of age.

7.16 RESTRICTED USAGE OF SYSTEM GROUNDS

The use of any plot, crypt or niche in the Cemetery system shall be forever restricted for the final disposition of human remains.

7.17 REMOVAL FOR PROFIT PROHIBITED

Removal by the heirs of a body or cremains so that the property may be sold for profit to themselves, or removal contrary to the expressed or implied wishes of the original purchaser, who has so stipulated in a Declaration of Reservation, is prohibited.

7.18 RELOCATION AND/OR EXCHANGE OF PROPERTY

A body or cremains may be moved from its original location to another location in the cemetery, where an exchange or purchase of property has been made in order to accommodate additional members of the family.

7.19 MAUSOLEUM ENTOMBMENTS

All remains entombed in mausoleums shall be in a casket or alternative container conforming to the standards as prescribed by the cemetery. No entombment shall be made in any above ground crypt unless the remains of the deceased to be entombed therein have been embalmed; provided however; that the cemetery may, in its discretion, decide to allow entombments of unembalmed human remains if the casket containing such remains is placed in an outside container acceptable to the cemetery, which container is constructed and designed to resist the leakage of body fluids and fluids. The cost of said container will be the responsibility of the person arranging for the entombment.

7.20 DISASTERS

In the event of a disaster ~~which results in numerous interments, or entombments being required,~~ the Cemetery system staff shall work the hours as deemed necessary by the Cemetery Manager or his or her designee to accomplish the required work. Interments shall be made after all interments and entombments are completed. The Cemetery Manager or his or her designee has the full authority to void any and all regulations necessary in order to complete the interments as orderly and as expeditiously as possible.

7.21 CEMETERY EQUIPMENT MUST BE USED

Tents, artificial grass, lowering devices, casket lift, chairs, and all other equipment required for performing a committal service shall be the property of the City and title shall remain with the City.

7.22 AUTHORIZATION REQUIRED

~~Disinterments, disentombments or disurnments shall be made only after acquiring authorization and/or release from all next of kin and the property owner of record, if living. All documents related to the requested service shall be delivered to the Cemetery System administration office at Lauderdale Memorial Park prior to the service being scheduled.~~

The Cemetery Manager or his or her designee shall not allow an interment or disinterment to proceed until presented with written authorization by the plot owner of record or proper authorities.

7.23 CARE IN REMOVAL

~~Management shall exercise due care in making a removal; however, the City does not assume any liability for damage to the casket, burial container, memorial, or urn in making the removal.~~

The cemetery shall exercise due care in making disinterments, but shall assume any liability for damage to anybody, casket, outer burial container, memorial, or urn in making a disinterment. When a disinterment is to be made from one grave to another grave and an outer burial container was not used for the original interment, an outer burial container meeting the cemetery's specifications must be furnished by the owner or next of kin for the new interment.

The removal will be made at the convenience of management, with consideration to inclement weather, weather predictions, and interment schedules. The management may defer an interment or disinterment until a more appropriate time for any reason. All fees associated with any disinterment shall be paid in full prior to the service being provided.

The cemetery may require that all persons attending an interment or disinterment remain at safe distance, as determined by the management, from the interment space during the interment or disinterment.

Section VIII

8. TRANSFERS AND ASSIGNMENTS

8.1 TRANSFER OF CEMETERY PROPERTY BY DESCENT

If no interment has been made in ~~an space~~ interment space which has been transferred by deed or certificate of ownership to an owner by the City, or if all the remains previously interred have been ~~removed~~ lawfully removed, ~~therefrom~~, in the absence of specific disposition instructions in the owner's last will and testament, the property shall, upon the death of the owner, the interment rights shall descend to the heirs of the owner as set forth in section 6.4. Subject to the rights of interment of the decedent and his or her surviving spouse provided for in these rules and regulations. in regular line of succession as provided in the Florida Statutes.

8.2 INDEBTEDNESS

The City shall have the right to refuse to consent to a transfer or an assignment as long as there is any indebtedness due to the City by the owner of record or from anyone else in connection with an interment.

8.3 TRANSFER OR ASSIGNMENT OF CEMETERY PROPERTY

No transfer or assignment of any lot or plot, crypt or niche, or interest therein, shall be valid without the consent of the City of Fort Lauderdale, until appropriate documents are on file in the Cemetery System's administrative office, such transfer or assignment being upon forms provided by the City. The transfer or assignment must be executed in the office of the cemetery, and upon forms provided by the City. The original Certificate of Ownership or deed shall must be surrendered presented at the time the request application of for the transfer is submitted made.

The Cemetery Manager or his or her designee will not consent to a transfer of any option to purchase when balance of the purchase price is still outstanding to the City.

8.4 TRANSFER CHARGES

All transfers of ownership in Cemetery System property shall be subject to a charge which is payable to the City when the transfer is recorded. There shall be no use of any transferred property until the transfer fee is paid in full.

8.5 REPURCHASE OF CEMETERY PROPERTY BY THE CITY

In the event the owner of record desires to sell property and desires to sell it back to the City, the City may repurchase the lot at the original price or a negotiated price not to exceed the current price list. If the owner of record is deceased, and the request for repurchase is made by the estate, proof of the owner's death shall be required along with a notarized request for the repurchase agreement from the executor or the personal representative. All repurchases require the return of the original Certificate of Ownership and all repurchase payments shall be made only to the original owner of his or her estate.

Section IX

9. FLORAL REGULATIONS

9.1 MANAGER TO HAVE CHARGE OF MAUSOLEUM

All arrangements of flowers shall be under the supervision and control of the Cemetery Manager or his or her designee. No flowers can be placed on front of crypts, niches or attached to the mausoleum building unless they are placed in the attached vase for that specific unit. All remembrance flowers such as (holidays, birthdays, etc.), must be placed in front of or near a particular crypt or niche. Fresh flowers and any other type of arrangement whether floral or an article not in the attached unit vase will be removed and disposed of 5 days after placement. The Cemetery may remove at any time flowers that are intrusive to other units, become unsightly, or interfere with a service to be performed.

No potted plants containing soil, perlite, or other loose materials are permitted in chapels or walkways in the mausoleum except for the holidays of Easter, Mother's Day, Father's Day, and Christmas. In those instances, the potted plants shall be removed within 48 hours after the holiday.

9.2 FLORAL REGULATIONS

No flower receptacles shall be placed on any plot unless it is constructed of rust-proof metal and of size and design approved by Cemetery Manager or his or her designee. All vase assembly units shall be set wholly beneath the turf level on ground burial plots. All floral containers in the mausoleums shall be attached to the front of the crypt plates and conform to the specifications established by the Cemetery Manager or his or her designee.

The Cemetery Manager or his or her designee shall have the authority to remove any and all decorations, balloons, floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery or mausoleum as soon as, in the Cemetery Manager's or his or her designee judgment, they have become unsightly, dangerous, or diseased, or when they do not conform to the standard maintained standards. The City shall bear no liability for any floral tributes, baskets or frames, or any item or any portion of an item that has been placed upon any space as a tribute to the deceased.

The City shall not be responsible for frozen plants, or herbage of any kind or for plantings damaged by the elements, thieves, vandals, maintenance operations or by causes beyond its control. The City reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained.

~~Management~~ The City reserves the right to prevent the removal of any item from a burial space without its prior consent.

Fresh flowers and artificial flowers may be placed in approved vases at all times.

9.3 FLOWER CONTAINERS ON CREMATION PLOTS

Flower containers must be an integral part of the bronze memorial marker and separate containers shall not be permitted in the cremation plots.

9.4 CERTAIN ORNAMENTS PROHIBITED

The Cemetery Manager or his or her designee may remove any tree, shrub, or other plant in a cemetery that is dead, deteriorated, interferes with mowing or other cemetery maintenance, or was planted in violation of these rules.

The placing of boxes, shells, toys, chairs, settees, vases, metal designs, ornaments, food, liquids, chairs, glass vases, glass, wood, or iron objects and any and all other objects is prohibited. Garden mulch.
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ornamental rocks, stones and bricks, solar lights and PVC pipes shall not be permitted on the grounds, and if so placed, the City reserves the right to remove the same.

Notification is not required by the Cemetery or to retain the removed prohibited item(s) for return to the owner.

9.5 URNS, PLATES, ETC. SUBJECT TO APPROVAL

All fittings, adornments, urns, identification markers, and/or arrangement of crypts or niches shall be subject to the approval, control, acceptance or rejection of the Board of Trustees.

Section X

10. TRUST FUNDS AND MAINTENANCE

10.1 MANDATORY PERPETUAL CARE

All plots, crypts and niches sold, and all markers and memorials installed in the Cemetery System ~~shall~~ include perpetual care. Plots that were sold in Evergreen Cemetery and the acquisition of Woodlawn cemetery prior to the establishment of the perpetual care concept are hereby included in the perpetual care of the Cemetery System.

Care and maintenance means that, within the limits permitted by the income derived from the Fund, the cemetery grounds will be maintained and preserved including cutting grass, and trimming of shrubs and trees at reasonable intervals; the caring for and maintaining of all private estates; foundations of memorials, monuments, markers, and benches; the procuring of, maintaining and keeping in good repair the drains, water lines, roads, buildings, fences and other structures, including features and embellishments of a general character applicable to the cemetery as a whole or as to a particular area; painting, cleaning or otherwise preserving same at reasonable intervals; maintaining the necessary records of interment space ownership and burials; and maintaining other necessary information, and having same available to the public authorities and other interested persons.

10.2 PERPETUAL CARE FEE

Those percentages stipulated in the City Code of Ordinances shall be set aside at the time of sale from the purchase price of all plots, crypts and niches, and for engraving of names on the Veterans Memorial; ~~As well as the stated per square inch amount for markers and memorials installed in the Cemetery system and placed in a fund known as the City of Fort Lauderdale Cemetery System Perpetual Care Trust, with such deposits being known as principal and shall remain on deposit in perpetuity.~~

10.3 EXCEPTIONS TO PERPETUAL CARE

The term -perpetual care- shall not be interpreted to mean the special maintenance, repair or replacement of any grave marker, placed upon a plot or plots, the planting of any plant, the maintenance or any special arid unusual work on any section or plot, mausoleum or any other building or structures, or any portion of the Cemetery system, or any damage caused by the elements, act of God, common enemy, thieves, vandals, strikers, unavoidable accidents, riots, insurrections, invasions or any order of any military or civil authority, whether the damage is direct or collateral, other than herein provided.

Perpetual Care shall mean the replacement or repair of any marker or monument placed on a plot or plots that may be damaged in the maintenance or interment process.

10.4 INVESTMENT OF TRUST FUNDS

Funds deposited for care shall be held in trust and invested as provided by law. The Board of Trustees shall name a managing trustee, licensed by the state to handle the investment of fiduciary funds, subject to the approval of the City Commission.

10.5 EXPENDITURES LIMITED TO INCOME

~~Only the annual or the accumulated annual earnings received~~ Income from the investment of trust funds shall be expended in the care and maintenance. ~~and absolutely no part of the principal shall be expended or withdrawn from the trust, anything herein stated to the contrary notwithstanding~~ No portion of the corpus of the perpetual care trust shall be withdrawn for any reason whatsoever.

10.6 DEPOSIT OF FUNDS WITH OTHER OF LIKE CHARACTER

The purchaser acknowledges that all of the trust funds shall be deposited in the official depository designated by the Board of Trustees to the end that the income from the accumulated endowed care shall be used in the general improvement and endowed care as above defined; but it shall not be construed to mean that a contract exists to care for any individual property or space other than as above define; and the perpetual care of the Cemetery System shall be limited to such care as can be provided with the net income received from the investment of such funds.

10.7 TRUSTEES TO DIRECT EXPENDITURES

The net income from the perpetual care trust shall be expended as approved by the Board of Trustees in such a manner as will, in the Trustees judgment, be most advantageous to the property owners as a whole, and shall be in accordance with the purposes and provisions of the laws of Florida applicable to the expenditures of such funds. The Board of Trustees is granted full power and authority to determine upon what property, for what purpose, and in what manner the income from the trust shall be expended, and it shall expend said income in such a manner as, in its sole judgment, it may deem advisable for the care, reconstruction, repair and maintenance of all or any portion of the Cemetery System grounds, mausoleum and/or columbarium, and it may also expend said income for attorney's fees and other costs necessary to the preservation of the legal rights of the City in the operation of the System.

10.8 RECORD OF DEPOSITS

The System's record of deposits and copies of all receipts issued in acknowledgment of payments received shall be maintained in the Cemetery System Administration Office at Lauderdale Memorial Park and be available for inspection during the Cemetery System's business hours.

Section XI

11. MEMORIALS, MARKERS, MONUMENTS, FOUNDATIONS, PRIVATE FAMILY ESTATES, FEATURES AND CURBS

11.1 GENERAL

Upright monuments or stones, as well as bronze markers, shall be permitted in Evergreen Cemetery and Woodlawn Cemetery, with the bronze markers either installed level with the ground or mounted on an upright monument. Only bronze markers or tablets shall be allowed in Sunset Memorial Gardens and Lauderdale Memorial Park, and shall be installed level with the ground, and set on either a concrete or a granite base for installation purposes. Family markers shall be permitted on lots of not less than two hundred (200) square feet and shall be set in the center of the lot. Management shall determine whether the marker will be placed at the head or the foot of a grave with the head being away from the drive or path. Features and family estates may be installed in a Cemetery as provided in Sections 11.6 and 11.7 respectively.

11.2 BRONZE MEMORIAL MARKERS

All bronze memorial markers installed in the Cemetery System shall be subject to the following standards:

A. Selection of Markers

To preserve uniformity, style, grade and workmanship of bronze markers, all bronze markers installed in the system shall be acquired from manufacturers that have been approved by the Board of Trustees, and all bronze markers shall comply with the standard specifications set forth in these rules and regulations and be similar to those markers previously installed in the Cemetery System. The City reserves the right to remove any marker, memorial or vase, which does not comply with the standard rules, regulations and the specifications of the Cemetery System.

B. Authorization

All owners, or any person duly authorized to act for or on behalf of the owner, before ordering any memorial shall verify with Management the approval of the design, size and lettering style.

C. Craftsmanship

1) General Requirements

~~Markers~~ Memorials shall be free from scale, sand holes, pits, pinholes and/or other imperfections, which mar the appearance of and/or impair the usefulness and stability of the finished product.

2) Ornamentations

All ~~ornamentations~~ ornaments shall be clean and sharp, and all edges true and accurate to the standard dimensions defined herein.

3) Lettering

Lettering shall be spaced and set in line, both vertically and horizontally. The name, dates, inscriptions and emblems shall be arranged so as to result in an artistic and neat appearance.

The styles of lettering recommended are round or oval faced, church text or classic and flat. Other styles of lettering are subject to the Board of Trustee's approval.

D. Type of Metal

No metal other than standard bronze will be permitted in any memorial marker. All bronze alloy used in the manufacturing of the marker to be installed in the Cemetery System shall consist of:

Not less than..... 87% Copper
Not less than..... 5% Tin
Not less than..... 5% Zinc
Not more than..... 3% Lead
All other elements in total not to exceed.....1%

E. Analysis

All bronze markers not purchased through the Cemetery System and lacking a manufacturer's certificate of quality on file in the System Administration Office shall first require, prior to consideration of the installation request, an affidavit of analysis from an independent laboratory made on a test bar run from the heat from which the specific marker presented for approval by the Board of Trustees. An analysis of smelter or ingot supplied by the manufacturer is not acceptable.

F. Standard Specifications

The following standard specifications are directed to the notice of manufacturers of bronze ~~markers~~ memorials intended for installation in the System:

1) Sizes and Dimension

A) Family Memorials

Width – not less than thirteen (13) and not more than twenty-four (24) inches.

Length – not less than forty-two (42) and not more than sixty (60) inches.

B) Individual Memorials

Width – not less than twelve (12) and not more than eighteen (18) inches.

Length – twenty-four (24) inches.

C) Baby Memorials

Width – not less than six (6) and not more than ten (10) inches.

Length – not less than twelve (12) and not more than twenty (20) inches.

D) Companion Memorials

Width – fourteen (14) inches.

Length – forty-four (44) inches.

E) Personal Memory Vases

Approved personal memory vases may be substituted for individual or baby memorials.

G. Sloping Flange

Width - two (2) inches on both large and small markers.

Height of flange edges - not less than ~~three eighths~~ (3/8) inches.

Thickness of metal - not less than ~~three sixteens~~ (3/16) inches.

H. Attachment Bolts

~~Four (4)~~ 6 bronze attachment bolts, each measuring eight (8) inches in length are required and may be cast integrally or attached by screw with threading not less than ~~three eighths~~ (3/8) inches and in case lugs are on back face of casting.

Bolt diameter - not less than ~~five sixteens~~ (5/16) inches.

Exposed length - not less than three (3) inches.

11.3 GOVERNMENT HEADSTONE OR MARKER

Completed Veterans Administration Form 40-1330, Application Claim for Standard Government Headstone or Marker, shall be received from the funeral director and processed to the Veterans Administration only after the Cemetery System has received any and all payments required on the headstone or marker, i.e., perpetual care fee and/or installation fee. The City shall not be responsible for any information provided on the application and shall not be held liable for the replacement of any *Veterans Administration headstone or marker that contains an error in the inscription.

11.4 SPECIFICATIONS FOR INSTALLATION OF MEMORIALS, MARKERS, MONUMENTS, FOUNDATIONS AND CURBS

Installation specifications for memorials, markers, monuments, and curbs shall be as stipulated in the City of Fort Lauderdale Code of Ordinances.

11.5 INSTALLATION ~~PERMITS~~ APPLICATION/FEES

No cemetery company may charge a fee for the installation of a monument purchased or obtained from and to be installed by a person or firm other than the cemetery company or its agents pursuant to s. 497.278 (1).

Cemetery System, which as been provided by an outside supplier, a -Memorial Installation Permit- shall be completed and submitted at least five (5) days in advance of the anticipated installation date to the Cemetery System's administration office at Lauderdale Memorial Park. Following a review of the permit by the Cemetery Manager or his or her designee and tabulation of the amount due for the perpetual care charge, the total fee (perpetual care and permit fee) will be entered on the document and a copy returned to the submitting party.

When an outside supplier establishes an installation date for an item on which there is an approved permit, supplier shall call the Cemetery System administration office the Friday prior to the requested date for confirmation of the date availability. Upon arrival at the cemetery System, supplier shall visit the office and make full payment of all charges on the products that will be installed.

Cemetery System personnel shall be responsible for plot location, layout of memorial and vase spaces and inspection of the completed installation. Outside supplier will follow all procedures outlined on the Outside Suppliers Memorial Installation Procedures guide, and the City of Fort Lauderdale Code of Ordinances, copies of which may be obtained from the Cemetery System administration office at Lauderdale Memorial Park, 2001 S.W. 4 Avenue, Fort Lauderdale, FL 33315.

Any monument dealer performing installations of memorials shall ensure that the cemetery grounds are not injured by the installation, and that all excess materials, rubbish, and other waste is cleaned up and removed from the premises, and that the grass, or other ground cover is restored; and to ensure that the memorial was not damaged in installation.

~~All outside suppliers performing installations on cemetery property must provide the cemetery System with proof of liability insurance with the City of Fort Lauderdale as a certificate holder.~~

A cemetery company may require any person or firm that delivers, installs, places, or sets a monument to show proof of liability insurance coverage and, if required by law, workers' compensation insurance coverage. However, a cemetery company may not set liability insurance coverage limits or require any person or firm to obtain any form of bond or surety, or make any form of pledge, deposit, or monetary guarantee, as a condition for entry on or access to cemetery property pursuant to s. 497.278 (3).

11.6 PRIVATE FAMILY ESTATES

A private family estate may be used as the final resting place of deceased human beings only in City Commission approved designated areas within Lauderdale Memorial Park, Sunset Memorial Gardens and Evergreen Cemetery. Maps indicting these approved areas are available in the Cemetery Office at Lauderdale Memorial Park Cemetery. Private family estate's design suitability must fall within the following guidelines.

- A. Size - the dimensions of a private family estate shall not exceed 15 feet in length, width and overall height (including facade).
- B. Materials - the private family estate structure must be of first quality granite or marble or equally high durability stone. Doors, windows, and other accessories shall be made of similar high quality materials such as bronze and bullet ~~proof~~ resistance glass.
- C. Design - All plans, specifications and location within the designated area shall be subject to Board approval. The style of each private family estate structure and embellishments shall be in keeping with the aesthetics of that particular cemetery, (i.e. Evergreen would have "classical" structures as opposed to "modern").

trench poured foundation. The actual width, depth, P.S.I, strength, and reinforcing requirements of each structure shall be subject to local building codes for like structures and are subject to the approval of Management.

- E. Entombments - All entombments in a family estate are to be conducted and properly sealed by Management and are subject to the current fee structure. Entombments are limited to persons or classes of persons ~~designed~~ designated by the owner on the Declaration of Reservation. In the absence of a Declaration of Reservation, the rights of entombment shall be as provided in Section 6.3 of these Rules. The provisions of Sections 6.4 and 6.5 of these Rules shall also apply to family estates.
- F. Sales - A contract for the sale of a private family estate shall include a clause that it is subject to approval by the Cemetery Board of Trustees. The Board will hold a special meeting, if necessary, to vote on the design and Suitability within ~~(15) working days~~ thirty (30) business days of receiving notification of the signed contract.

11.7 FEATURES

A. Application

Any person desiring to have a Feature installed in a cemetery shall first apply for permission to ~~the~~ Management of the Cemetery System. The application shall be accompanied by a color photograph or color rendering of the proposed feature, the text and style of any inscription, the name of the manufacturer or artist, and the desired location. The application will be conveyed to the Cemetery Board of Trustees for its review at its next available meeting. The application and the recommendation of the Board will be set for a meeting of the City Commission, who shall approve or deny the application in their sole discretion.

B. Criteria

All Features shall be nonsectarian in nature and must conform to the following criteria:

- 1) Density, Size and Sale: must be appropriate to the proposed location so as not to block ingress or egress to burial areas or overwhelm the setting.
- 2) Placement: Features will only be allowed in non-burial spaces (with the exception of the Veterans Memorial Block 44 Veterans section where a black granite monolith may be constructed by the Cemetery or Cemetery Contractor exempt from payment of perpetual care fees). The locations for Features in Evergreen Cemetery will be reviewed by the Cemetery Board of Trustees on a case-by-case basis.
- 3) Materials/~~Color~~: No material other than standard bronze or natural stone will be permitted in any Feature. No color can be applied. All features must have a foundation. All bronze alloy used in the cemetery system shall consist of not less than 87% copper, 5% tin, 5% zinc, 2% lead and all other elements not to exceed in total 1%. All Features not purchased through the Cemetery System and lacking a manufacturer's certificate of quality on file in the System Administration office shall first require prior to consideration of the installation request, an affidavit of analysis from an independent laboratory made on a test bar run from the heat from which the specific marker presented for approval by the Cemetery Board of Trustees. An analysis of smelter or ingot supplied by the manufacturer is not acceptable.

- 4) Inscription: Inscriptions shall be non-sectarian in nature. Lettering shall be spaced and set in line, both vertically and horizontally. The names, dates inscription and emblems shall be arranged to result in an artistic and neat appearance. The styles of lettering recommended are round or oval faced, church text or classic and flat. Other styles of letter will be reviewed by the Board on a case-by-case basis.
- 5) Payment: A Feature must be paid in full prior to installation. ~~Ten~~ Those percentages stipulated in the City Code of Ordinances of the total amount received from the sale of each Feature will be deposited into the Perpetual Care Trust Fund. ~~Ten percent (10%) of~~ The remaining portion of the proceeds from the sale of a Feature will be deposited into the ~~General Reserve Trust Fund~~ City's designated account.
- 6) Installment and Perpetual Care: Upon arrival of the Feature provided above, Management shall proceed with installation using best cemetery practices. Perpetual care of the Feature shall be done by Management.

Section XII

12. MODIFICATIONS AND AMENDMENTS

12.1 EXCEPTIONS AND MODIFICATIONS

A. Recognizing that special cases may arise in which the literal enforcement of any rule may impose unnecessary hardships, and that the time required to obtain City Commission or Board of Trustee approval to grant such exemption would hinder an expedient resolution, the Cemetery Manager or his or her designee is granted the right, without notice to make exceptions, suspensions or modifications to the Rules and Regulations when in his/her judgment, it appears advisable, and such temporary exemptions, suspensions or modifications shall in no way be construed as to affecting the general application of each rule.

B. War Time and Disaster Provisions

War Time and disasters may necessarily cause a manpower and materials shortage so that certain rules cannot be strictly enforced. To meet the demands of these conditions, the rules, where necessary, will be temporarily modified or suspended. All such temporary modifications or suspensions shall in no way be construed as a waiver, nor shall it affect the strict enforcement of the rules upon the conclusion of the war or disaster.

12.2 AMENDMENTS

The Board of Trustees may promulgate new rules and regulations, or amend, repeal any rule, regulation, or portion thereof, subject to the approval of the City Commission.