

**RULES AND REGULATIONS FOR
WOODLAWN AND EVERGREEN CEMETERIES**

I. GENERAL PROVISIONS

1.1 Definitions.

For the purpose of these rules and regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Casket means a rigid container that is designed for the encasement of human remains.

Cemetery means Woodlawn Cemetery and Evergreen Cemetery.

Cemetery Manager means the Director of Parks and Recreation or his/her designee responsible for the day to day maintenance and operation of the cemetery.

City means the City of West Palm Beach, Palm Beach County, Florida.

City Clerk means the city clerk or his/her designee responsible for the preparation and storage of documents for the conveyance, sale or transfer of burial rights and the collection and deposit of funds in payment of such conveyance, sale or transfer. The city clerk shall also be responsible for any administrative work and collection of fees related to the interment or disinterment of human remains in the cemetery.

City Holidays means those annual holidays during which city offices are closed.

Conveyance, sale or transfer means the conveyance of a right to burial in a space and shall not be deemed to convey fee simple title to the space.

Cremation means any mechanical or thermal process whereby a deceased human body is reduced to ashes and bone fragments.

Crypt means a space of sufficient size to accommodate at least one entombment in an above ground vault.

Deed means the certificate of ownership or deed executed by the city certifying the conveyance to a purchaser of the right to burial in the identified spaces.

Disinterment means the opening of a burial site, the removal of a casket or other enclosure containing human remains from the open site, and the closing of the site.

Entombment means the permanent disposition of a deceased person in a crypt, sarcophagus, or mausoleum.

Funeral or Funeral Service means the observances, services or ceremonies held to commemorate the life of a deceased human being.

Funeral Director means any person licensed in the State of Florida to practice funeral directing.

Interment means the opening of a burial site, the placing of a casket or other enclosure containing human remains in the open site, and the closing of the site.

Legally authorized representative shall have the meaning set forth in Chapter 497, Florida Statutes.

Lot or Grave Space means a space of ground in the cemetery intended to be used for the interment in the ground of human remains.

Lot Marker means a device made of concrete or suitable material, used by the city to locate corners of the lot

Marker means a memorial marking the gravesite.

Mausoleum means a building or structure above ground for entombment in vaults, crypts, sarcophagi, or a combination or any one or more than one.

Memorial means any marker or structure upon or in any lot, placed for the purpose of identification or in memory of the interred.

Monument means a tombstone or memorial of granite, which shall extend above the surface of the ground, used to identify a grave site and cemetery memorials of all types, including monuments, markers and vases.

Non-Resident means a person not residing within the corporate limits of the city but domiciled within the corporate limits of Palm Beach County.

Owner means any person who has purchased a lot in the cemetery or, in the case of death or incapacity of the original purchaser, such person's heirs, personal representatives, guardian or family member legally entitled to exercise ownership rights in place of or for the original purchaser.

Perpetual Care Fund means the fee charged to all purchasers of burial rights for ongoing maintenance of the cemetery grounds but excluding maintenance of markers, memorials, monuments or any other personal property.

Resident means a natural person having his or her established, fixed, permanent or ordinary dwelling place or place of residence within the city.

Urn means a receptacle designed to permanently encase cremated remains.

Vault means an underground or above ground chamber or container used for the final disposition of human remains.

1.2 Enforcement of rules and regulations.

The cemetery manager shall enforce these rules and regulations and may exclude from the cemetery any person whose actions are not in compliance with these rules and regulations. The cemetery manager shall be in charge of the grounds and buildings, including the conduct of

funerals, traffic, employees, lot owners and visitors, and shall supervise and control all operations of the cemetery.

1.3 Admission to cemetery.

The city 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 determines is unwilling or incapable of abiding by these rules or the rules of general decorum.

1.4 Responsibilities of cemetery manager.

- a. All funeral processions, upon entering the cemetery grounds, shall be under the direct control and supervision of the cemetery manager.
- b. The cemetery manager shall locate and mark the burial space and open and close all grave sites and mausoleums.

1.5 Responsibilities of funeral director.

- a. 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, the funeral director or his embalmer, assistant, or agent, is prohibited from opening the casket without the consent of the legal representative 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 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. The funeral director shall obtain interment or entombments permits and deliver to the cemetery manager prior to burial.

1.6 Control of work by the city.

- a. All grading, landscaping work, and improvements of any kind, the care of lots, crypts, all planting, trimming, cutting, and removal of trees, shrubs and herbage, all opening and closings of lots, crypts, and mausoleums and all interments, entombments, disinterments, and removals shall be performed by the city or a designated contractor under the supervision of the cemetery manager.
- b. All improvements or alterations of lots, crypts, and mausoleums in the cemetery shall be performed under the supervision of the cemetery manager. 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 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.

1.7 Gratuities not permitted. No person, while employed by the city, shall receive or accept any fee, gratuity or commission, except from the city, either directly or indirectly.

II. INTERMENTS AND DISINTERMENTS

2.1 Burial permit required.

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.

2.2 Hours when interments and disinterments are permitted.

- a. Regular Hours. Interments and disinterments shall be made between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday. Interments shall not be on Saturdays, Sundays or Legal Holidays except as set forth below.
- b. Saturdays, Sundays and holidays. No interments, entombments, disinterments, removals, or interment services shall be permitted on Saturday, Sunday or on any legal holiday except as permitted by the cemetery manager and upon the payment of applicable charges. Additional fees shall be charged for services on Saturdays, Sundays and legal holidays.

2.3 Notice and application required.

- a. Requests for any disinterment, entombment, or removal shall be submitted to the City Clerk. Upon approval by the City Clerk, the cemetery manager shall receive at least 24 hours' notice from the City Clerk prior to any interment, disinterment, entombment or removal except in case of emergency or court order.
- b. The cemetery manager reserves the right to refuse interment or entombment in any lot, mausoleum, or crypt and to refuse to open any burial or entombment space for any purpose if a written application by a qualified lot, crypt, or mausoleum owner of record is not submitted to the City Clerk.

2.4 Outer burial container. Every interment shall be made enclosed in a concrete box, or in an outer wall of stone, concrete or steel. An outer vault or box shall be of a type approved by the cemetery manager.

2.5 Cremated remains must be contained in a concrete, stone, marble, granite or fiberglass container for interment. If the cremated remains are in a container of wood, plastic, metal or other perishable material, the container shall be encased inside a fiberglass or concrete vault for interment.

2.6 Instructions regarding location of spaces; orders given by telephone.

a. When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when the interment space cannot be opened where specified, the cemetery manager may at his/her discretion open it in such location of the lot as he/she deems best and property so as not to delay the funeral.

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

2.7 Disinterments and removals; Reinterments.

a. A body or cremated remains may be removed from its original lot, crypt or niche to a larger or better lot, crypt or niche in the cemetery or mausoleum, where there has been an exchange or purchase for that purpose and where all fees and additional charges have been paid in full.

b. The cemetery manager shall exercise reasonable care in making a removal of a body or cremated remains but assumes no liability for damage to any casket, burial case, or urn incurred in making the removal.

c. The disinterment and reinterment of a body shall require the physical presence of a licensed funeral director, cemetery manager and cemetery personnel. The funeral director shall obtain written notarized authorization from a legally authorized person prior of the disinterment and reinterment of a dead human body.

d. The disinterment and reinterment of cremated remains shall require the physical presence of the cemetery manager and cemetery personnel. The requester shall provide written notarized authorization from a legally authorized person to the city clerk prior to the disinterment and reinterment. The cemetery manager or cemetery personnel shall not perform the removal or transfer of humans in the absence of a funeral director unless under order of the court.

2.8 Payment of service charges. All charges for services in connection with interments must be paid to the city clerk a minimum of 24 hours prior to the opening of the grave. Charges for disinterments or removal must be paid at the time of issuance of the order for same.

2.9 Memorials, monuments and markers. The placement, location, erection and construction of all memorials, monuments, and markers within the cemetery grounds shall be done by a licensed and insured installer subject to the approval and under the supervision of the cemetery manager. Whenever possible, all new memorials shall be located in line with those previously established, and all placements shall conform to the size of the lot for which it is intended. Cremation markers can not exceed 21 inches (21") in width and sixteen inches (16") in length. No coping around the grave site shall be permitted. In no event shall any memorial, monument or marker in the cemetery exceed five feet (5') in height. Temporary markers shall be allowed for ninety (90) days following interment after which cemetery staff has the right to remove them.

2.10 Benches. Owners may place benches within their lots provided that the placement conforms to the size of the lot or lots for which it is intended and is in keeping with other benches in the cemetery. The placement, location, erection and construction of all benches

within the cemetery grounds shall be done by a licensed and insured installer subject to the approval and under the supervision of the cemetery manager.

2.11 Shrubs. The placement, location, and installation of all shrubs within the cemetery grounds shall be done by a licensed and insured installer subject to the approval and under the supervision of the cemetery manager. The planting of trees is not permitted.

2.12 Interments for remuneration. Owners shall not allow interments to be made in their burial spaces for remuneration.

2.12 Perpetual Care Fund. The city shall endeavor at all times to provide general maintenance and care to the cemetery. The perpetual care of the cemetery includes the cutting and irrigation of the grass at reasonable intervals, the raking and cleaning of the grounds, the pruning of shrubs and trees and the maintenance of pathways and roadways. Perpetual care by the City shall in no case mean the maintenance, repair or replacement of any memorial, monument, marker or mausoleum placed or erected in the cemetery; nor the doing of any special or unusual work in the cemeteries; nor does it mean the reconstruction of any marble or granite work in any section or portion of a cemetery damaged by the elements, an act of God, thieves, vandals, or unavoidable accidents, whether the damage be direct or collateral. The city shall be under no obligation to maintain any set standard for such care and upkeep. Notwithstanding the foregoing, the city reserves the right to make emergency repairs to any improvements within the cemetery in its sole discretion.

III. BURIAL SPACES; RIGHTS OF INTERMENT

3.1 Deeds of conveyance. Cemetery lots may be purchased during regular City Hall office hours at the City Clerk's office. No deed of conveyance shall be executed by the City before the cost of the burial space has been paid in full by purchaser. No time payments or partial payments will be accepted. No interment shall be permitted until full payment for the burial space is received by the city. Purchaser shall record the deed with the clerk of the court in Palm Beach County or keep in in a safe place that is known to family members and friends. All deeds of conveyance are hereby declared to incorporate and shall be subject to all rules, regulations and conditions set forth herein, and subject further to such additional rules, regulations, amendments and alterations as shall be adopted from time to time. The references to such rules and regulations in deeds conveying the right of interment shall have the same force and effect as if the same were set forth in full therein. A certified copy of the executed deed shall be maintained by the city clerk.

3.2 Requirement to keep information current. It shall be the obligation of each owner to keep the city informed in writing as to his or her current and correct mailing address and keep the current and correct address of his or her legal representatives if notices are to be sent to that representative. Notices and other correspondence mailed to the address on file with the city shall constitute actual delivery and notification. The city shall not be liable for any action or inaction by the city taken without the consent or an owner if such person fails to keep contact information current. It shall be the duty of each owner to keep informed of any changes in the rules, regulations and laws governing the operation of the cemetery.

3.3 Rights of interment.

- a. At the time of purchase, and at any time thereafter during the purchaser's life, the owner may execute a declaration of reservation specifically designating the persons

entitled to be buried in the lot or in any or all of the lots in a lot, or vesting the right of designation for unreserved lots in a named person. Upon application by any person for interment of a body in a given burial space, the burden of proof as to the identity of the person to be interred rests upon the applicant. The city is authorized to rely on the representations as provided in the application.

- b. In the absence of a declaration of reservation by the owner of a burial space, the order of interment shall be:
 - i. One burial space shall be forever reserved for the owner and for the owner's surviving spouse, if any.
 - ii. Lineal descendants of the owner, or owners, and their respective spouses.
 - iii. Parents of the owner, or owners.

3.4 Vested rights of owners. The burial rights of an owner shall be presumed to be the sole and separate person of the person named as grantee in the deed or certificate or ownership, provided, however, that the spouse of an owner shall have a vested right of interment of his or her body in any burial space conveyed to the other spouse, provided that such person shall remain the spouse of the owner or shall be the spouse at the time of the owner's demise. No conveyance or transfer of a lot shall be made by a married owner without the joinder of the spouse.

3.5 Inalienability of cemetery lots. All lots, the use of which has been conveyed in a certificate of ownership or deed, are indivisible. Whenever an interment of the remains of the record owner, or of a member or a relative of a member of the family of the record owner, is made in a lot, the lot thereby becomes inalienable, and shall be held as set forth in the declaration of reservation.

3.6 Transfers, assignments and repurchases

- a. Transfer or assignment must be made upon forms provided by the city for this purpose. The original certificate or deed must be presented at the time application for transfer is made.
- b. A transfer fee shall be charged for the transfer of ownership in lots, crypts and niches, which shall be paid prior to the city granting approval of the transfer.
- c. If the lot was originally purchased prior to the establishment by the city of the Perpetual Care Fund, an additional ten percent (10%) of the purchase price of the lot shall be paid to the City prior to the City granting approval of the transfer.
- d. No transfer or assignments shall be permitted to persons who do not meet the eligibility requirements for the purchase of a lot.

IV. CEMETERY REGULATIONS AND RULES OF CONDUCT

4.1 Cemetery hours.

The cemetery shall be open from 7:30 a.m. to 3:30 p.m. Monday through Sunday and such as hours as may be extended at the discretion of the cemetery manager.

4.2 Decorum.

Strict decorum shall be observed at all times within the cemetery grounds, whether set forth in these rules or not.

4.3 Persons permitted.

Only authorized personnel and visitors, owners and relatives shall be permitted in the cemetery. Children under 15 years old shall not be permitted within the cemetery unless accompanied by an adult.

4.4 Use of walkways required.

Persons within the cemetery grounds shall use only the avenues, walkways, and roads.

4.5 Prohibitions.

- a. *Interfering with plants and wildlife.* All persons are prohibited from gathering flowers, either wild or cultivated, or disturbing trees, shrubbery, or plants, or feeding or disturbing the wildlife within the cemetery grounds.
- b. *Refreshments.* No person shall be permitted to bring food or refreshments within the cemetery grounds.
- c. *Littering.* Littering is expressly prohibited anywhere within the cemetery.
- d. *Peddling or soliciting.* Peddling of flowers or plants or soliciting the sale of any item is prohibited within the boundaries of the cemetery.
- e. *Firearms.* Possession of firearms is prohibited within the cemetery except as otherwise authorized by law.
- f. *Notices and advertisements.* No signs, notices or advertisements of any kind shall be allowed in the cemetery unless placed by the City.
- g. *Pets.* Pets shall not be allowed on the cemetery grounds unless on a leash and under the owner's control.

4.6 Traffic regulations.

No person shall drive any motor vehicle within the cemetery grounds at a speed greater than is reasonable in light of any activity when occurring within the cemetery, provided that no motor vehicles shall be operated at a speed greater than ten miles per hour. All motor vehicles shall be driven on the right side of the cemetery roadway, and shall at all times remain on the paved portions of such roadways which are specifically provided for motor vehicle usage. No motor vehicles shall be park or driven on or upon any pedestrian paths, walkways or

unpaved areas, nor parked or stopped adjacent to any open grave except in attendance for the services in connection therewith.

4.7 Decorations of cemetery lots

- a. No flower receptacles may be placed on any lot unless of approved material, size and design. The cemetery manager shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage or any kind from the cemetery as soon as, in the judgment of the cemetery manager, they become unsightly, dangerous, detrimental or diseased or when they do not conform to the standard maintained in the cemetery. The city shall not be liable for floral pieces, baskets or frames in which, or to which, such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the cemetery. The cemetery manager shall not be responsible for plants or herbage of any kind, or for plantings, damages caused by the elements, thieves, vandals, or by other causes beyond his control. The cemetery manager reserves the right to regulate the method of decorating lots so that a uniform beauty may be maintained. The cemetery manager reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind
- b. The placing of boxes, shells, toys, metal designed ornaments, chairs, glass, wood, or iron cases, and similar articles upon lots shall not be permitted, and if so placed the cemetery manager shall have the right to remove same.
- c. No artificial flowers are permitted in or around mausoleum buildings. No flowers or attachment for same can appear in front of crypts or mausoleums. All remembrances (flowers) must be placed in front of or near a particular crypt or mausoleum and can remain for a maximum period of three days. After the third day, the flowers will be removed and disposed of by cemetery staff.
- d. No potted plants containing soil, perlite or other loose materials are permitted in the cemetery 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. After the second day, the potted plants shall be removed and disposed of.

V. LIMITATIONS AND RESERVATIONS OF RIGHTS

5.1 Disclaimer of liability.

The city shall take reasonable precaution to protect owners and the burial rights of owners within the cemetery from loss or damage; but it expressly disclaims all liability for any loss or damage from causes beyond its control, damages caused by weather, an act of God, common enemy, thieves, vandals, strikers, intentional malicious action, explosions, invasions, insurrections, riots, civil disturbances, or order of any military, civil or judicial authority.

5.2 Delays.

The city shall not be liable for any delay in the interment of a body resulting from a protest against the interment or from noncompliance with these rules and regulations. Under

such circumstances, the cemetery manager has the right to place the body in a receiving vault until full rights have been determined. The cemetery manager shall be under no duty to recognize any protests of interments or entombments unless accompanied by supporting documentation including, where applicable, a court order.

5.3 Rights reserved by the city.

a. The city reserves and shall have the right to refuse admission to the cemetery and to refuse the use of any of the cemetery's facilities at any time to any person or persons whom the city may deem to be in violation of the provisions of this article.

b. The city reserves and shall have the right to enlarge, reduce, replat, or change the boundaries or grading of any or all sections of the cemetery including the right to modify and change the locations of or remove or re-grade roads, drives, walks or any part thereof.

c. The city reserves and shall have the right to lay, maintain and operate, or alter or change water lines for irrigation systems, gutters for drainage, and the like and reserves an easement along all lot lines for utility purposes as needed.

d. The city reserves and shall have the right to use cemetery property not sold to individual lot owners for cemetery purposes, including the interment of human remains, or for anything necessary, incidental of convenient thereto.

e. The city reserves to itself, and to those lawfully using the privileges and facilities of the cemeteries, a perpetual right of ingress and egress over lots for the purpose of passage to any from other lots.

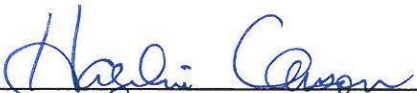
f. The city reserves and shall have the right to correct any error that may be made by it in the description, transfer or conveyance of any interment rights, either by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location to the extent possible, or as may be selected by the cemetery manager, or, in the sole discretion of the cemetery manager, by refunding the amount of money paid on account of such purchase.

g. The city reserves and shall have the right to correct any errors that may be made by it in making interments, disinterments or removals. In the event such error shall involve the interment of the remains of any person, the city reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

h. The city reserves and shall have the right to adopt additional rules and regulations or to amend, alter or repeal any rule or regulation established by these rules and regulations.

These Rules and Regulations for the Cemetery are effective on this 30th day of Sept, 2013.

By: 
Christine Thrower, Director of Parks and Recreation

By: 
Hazel Carson, City Clerk