

I. PREFACE

The City of Wauchula, Florida, has endeavored in these rules to safeguard the individual lot owners as well as the cemetery as a whole.

The cemetery and all that it contains is hallowed in our hearts and in our memories, and we trust that none will intentionally violate any of its rules.

The City hopes every lot owner in the cemetery is interested in the successful enforcement of these rules and that these rules will not be considered arbitrary, as they are necessary to assure the proper management and development of a large and beautiful cemetery.

II. GENERAL RULES

2.01 These rules and regulations have been adopted by the City Commission of the City of Wauchula as the official rules and regulations for the administration and operation of the Wauchula Cemetery, hereinafter collectively referred to as the "cemetery". These rules shall apply and compliance therewith shall be a condition to deposition/interment/burial of any human remains.

2.02 The exclusive use of the cemetery is for the burial of human remains and shall only be used for cemetery purposes.

2.03 The cemetery has perpetual care and the City will maintain the cemetery as a well-preserved burial park, including the cutting of grass and trimming of shrubs and trees at reasonable intervals.

2.04 The City Manager or his designee (currently the Director of Public Works) shall be responsible for the administration of the cemetery and for the enforcement of all laws, ordinances, rules, regulations, policies and procedures pertaining thereto. The City Manager or his designee shall also supervise all workers within the boundaries of the cemetery. The City Manager or his designee may expel or have removed from the cemetery any person who violates these rules and regulations or whose conduct is contrary to appropriate decorum in the cemetery.

2.05 The cemetery will be open from sunrise to sundown, unless otherwise posted by the Superintendent.

2.06 The City may at any time, with or without notice, adopt new rules and regulations, or amend, alter or repeal any of these rules and regulations.

2.07 The City may without prior notice make exceptions or modifications in any rule when deemed necessary and in the public interest.

2.08 The City may replat any part or parts of the property within the cemetery not sold for burials, and may open, close, or change the location or grade of any road or walk.

2.09 The City is not responsible for any order or information given or provided by telephone, or for any mistakes occurring from the lack of precise written instructions from lot owner, undertakers, or their representatives.

2.10 The City may correct any error made in good faith in making interments, disinterments, or removals, or in the description, transfer, or conveyance of any interment property or right of interment.

2.11 The City shall not be liable for any loss or damage to markers, monuments, corner markers, vases, or other items in the cemetery, or the rights of lot owners arising from causes beyond its control and from any damage caused by the elements, acts of God, thieves, vandals, or other action.

2.12 The City reserves the right of ingress and egress on and over any lot.

2.13 The cemetery employees are prohibited from receiving any payment, tip, or other compensation in any form from lot owners or their representatives for work during regular working hours.

III. LOT SALES AND TRANSFERS

3.01 The City Manager or his designee shall show available spaces to prospective purchasers and the City Clerk or designee shall handle the sale of such spaces. An agreement of sale or certificate of right to burial shall be completed at the time of purchase. The City upon receipt of full payment will issue a certificate of interment for the space. The sales agreement, deed or certificate and any applicable ordinance shall constitute the agreement between the City and the purchaser, and no other agreement will be recognized by the City. For the purpose of these rules, a person having a perpetual right of burial in a space evidenced by a certificate of interment is a "purchaser"; and shall be an "owner" so long as the certificate is retained.

3.02 The City will sell spaces in the cemetery only for the prices approved by the City Commission.

3.03 The City may require evidence of the residence of a purchaser of a space, and may charge a higher fee to a non-resident than a resident. For the purpose of this rule, "resident" means a person residing within the corporate limits of the City, and "non-resident" means a person not residing within the corporate limits of the City.

3.04 Subject to the approved of the City Clerk and the execution of a promissory note, a purchaser may pay the cost of buying a lot in annual payments over a period of time not to exceed five (5) years at 8% interest, with interest to begin accruing ninety (90) days after execution of the note. No lots shall be used unless paid for in full prior to burial.

3.05 If an owner wants to sell or transfer space to someone not a member of his or her immediate family, the owner must first offer the space to the City of Wauchula for purchase at a price equal to the original purchase price. Immediate family means spouse, parent, child,

grandparent, grandchild, brother, sister, mother-in-law, or father-in-law. If the City elects to purchase the space, it shall so notify the owner within ten (10) days after receipt by the City of satisfactory evidence of title to the space. If the City declines to purchase the space, the owner may sell the space to any purchaser; providing, however, no such sale is valid unless and until the City endorses the certificate or deed to the effect that the City has declined to exercise its right to purchase the space.

3.06 The owners of spaces shall keep the City informed of their current mailing address. Notices or other correspondence mailed to owners or their legal representatives or heirs at the last known address on file with the City shall constitute actual delivery and notification.

IV. DECLARATION OF RESERVATION

4.01 An owner may present a certificate of burial rights to the cemetery superintendent designating the person or persons entitled to be buried in the space or spaces. In the event the owner fails to designate such persons, the right of interment in the space or spaces shall be in the following order.

1. One space, niche or crypt shall be reserved for the owner, and if there is a spouse, one for the owner's surviving spouse;
2. Any person to whom a space is bequeathed in the owner's will, provided, however, no right to a space shall pass pursuant to residual clause in a will; and
3. Intestate heirs or lineal descendants of the owner.

4.02 The burial right in any space shall be the sole and separate property of the person or persons to whom the space is conveyed. A husband or wife shall have a vested right of interment in any burial space conveyed to the other, which continues so long as he or she remains the spouse of the owner, or is his or her spouse at the time of the owner's death. No conveyance or transfer shall divest the husband or wife or an owner of a vested right of interment without that person agreeing to the conveyance or transfer.

4.03 Any space, which has been conveyed, is indivisible. In the event of an interment of the owner, or a member or a relative of a member of the immediate family of the owner, the space becomes inalienable and shall be held as the family space of the owner, unless otherwise provided in the owner's declaration of reservation.

V. INTERMENTS AND DISINTERMENTS

5.01 All interments, disinterments, and removals shall be done pursuant to the laws or ordinances of the State, City and County and any judicial order.

5.02 Any interment in a lot for remuneration or compensation to the owner is prohibited.

5.03 Fees for services by the City are approved by the City Council and posted in City Hall.

5.04 No more than one person shall be interred in any one space, vault, crypt, or niche, except in the case of a mother and an infant.

5.05 All interments must be made in either a steel or reinforced concrete vault or a reinforced concrete liner. All liners and vaults must have the prior approval of the Superintendent and shall be installed under his supervision.

5.06 Arrangements for the payment of any past due indebtedness, interment fees, or other charges must be made prior to any interment, disinterment, or removal.

5.07 If a request for the specific location of the interment within a lot is unavailable or is indefinite, or if for any reason the interment space cannot be located where requested, the City may, in its discretion, place it in such location within the lot as deemed best.

5.08 Conveyance of a lot to a purchaser is not valid until the full amount of the purchase money plus any interest or other charges, has been paid. The City may remove any remains interred in a lot to a single space section in the cemetery if the amount owed has not been paid.

5.09 The City is not liable for any delay in interment if protest has been made by the legal representatives or heirs, or these rules and regulations have not been complied with. A protest of interment must be in writing and filed with the Superintendent.

5.10 To ensure proper preparation of the grave, a notice of not less than eight (8) regular working hours must be given to the Superintendent. Undertakers shall have the reinforced concrete liner or fault at the burial site not less than two (2) hours before interment.

5.11 A proper interment cannot be disturbed, except upon the written approval of the owner or owners of the lot or the heirs thereof and written consent of the city. Heirs may not remove the remains of anyone interred, except when all of such heirs consent to exchange the lot for another in the cemetery. This rule also applies to interments in private vaults, be they under or above ground.

5.12 The City shall exercise reasonable care in making removals, but shall not be liable for any damages resulting from such removal.

5.13 Undertakers will be held responsible for the actions of all drivers and other employees within the cemetery. Automobiles may not be turned around in the avenues or parked on the grass. Work of any kind in the immediate vicinity of an interment must cease during the interment.

5.14 A burial permit must accompany the body to the cemetery before burial can take place. Neither the City nor any officer or employee thereof shall be liable for the interment permit or the identity of the person to be interred.

VI. DECORATION OF PLOTS

6.01 No flower receptacles may be placed on any plot unless it consists of galvanized iron, alumin, bronze, or other rust-resisting material and of a size and design approved by the Superintendent, and set wholly beneath the level of the grass, except for urns of marble or granite that are a part of the monument. All flower receptacles, other than those a part of the monument, must be set and placed beneath the level of the grass, except for urns of marble or granite that are a part of the monument. The City or designated staff member may remove any such item that does not comply with these rules.

6.02 The City is not responsible for floral pieces, baskets, frames, or receptacles in or to which flowers are placed or attached.

6.03 The City may remove any flower, weed, shrub, plant of any kind or any other item, artifact, structure, or material if the City or designated staff member determines it is unsightly, diseased, or detracts from the dignity or appearance of the cemetery.

6.04 The City is not responsible for any planting damaged by the elements, thieves, vandals, or any other cause beyond the City's control.

6.05 No planting of flowers, shrubs, or herbage of any kind is permitted on plots in the cemetery.

6.06 Any item consisting of glass, brick, cement, wood, metal (except temporary metal markers), and any toys, souvenirs, or emblems are prohibited from being placed upon any lot, and the City or designated staff member may remove any such item.

6.07 Lot owners may place one bouquet of flowers on each grave, providing they are placed in an approved ground-level vase or in a vase that is part of the memorial. Any extra decoration placed on holidays or other special occasions will be removed in ten days.

6.08 The use of artificial flowers during the summer is discouraged.

VII. CONDUCT OF PERSONS WITHIN THE CEMETERY

7.01 The cemetery is sacredly devoted to the interment of the deceased, and a strict observance of proper decorum will be required of all visitors.

7.02. Persons shall use only the walks and roads provided.

7.03. Children under fifteen years of age must be accompanied by an adult.

7.04. No person shall gather flowers, damage trees, shrubbery or plants, or feed or disturb the birds or other animal life. No person shall have refreshments within the cemetery. No person shall loiter in the cemetery.

7.05. Automobiles must not drive in excess of fifteen (15) miles per hour and must remain on the roadways. All traffic signs and directions must be strictly observed.

7.06. No soliciting is permitted in the cemetery.

7.07. No dogs are permitted in the cemetery.

7.08. No signs or notices of any kind shall be placed in the cemetery, other than those placed by the City.

VIII. MEMORIAL WORK

8.01 To avoid a congested appearance, memorials must be located so as to be in accordance with the general layout of the cemetery,

8.02 Except for governmental approved or issued items, memorials consisting of wood, tin, or iron are not permitted.

8.03 Persons erecting or repairing memorials must obtain a permit to do so from the Superintendent and must comply with any directions of the Superintendent. Any person requesting such a permit may be required to furnish satisfactory evidence of ability to properly perform the work proposed.

8.04 All work of any kind shall cease while a funeral or interment is under way nearby. Trucks and workers shall withdraw from the location of the funeral service to a reasonable distance designated by the Superintendent.

8.05 Before -a permit for installation is issued, any manufacturer or finisher, including quarriers, manufacturers, wholesalers, and retailers, shall warrant to the City that monuments, markers, mausoleums, and tombs are of first quality granite or marble, and will be finished in accordance with the industry standard of Craftsmanship.

8.06 Monument builders shall set monuments and markers in conformity with cemetery requirements and in accordance with the industry standard for proper methods of handling and setting.

8.07 All foundations shall be the full size of the base of the memorial and finished 1" below grade at top.

8.08 In special sections designated by the Superintendent, including the Veteran's Sections, only one (1') foot by two (2') foot flush granite markers are permitted.

8.09 No memorial shall be more than five (5') feet in height from the foundation, and no die-stones shall be less than four (4") inches thick or more than fourteen (14") inches thick.

8.10 If a base and die-stone are used, the base shall be the same material as the die-stone.

8.11 Individual grave markers of only one piece shall not exceed one (1') foot by two (2') feet in size, and shall be placed at the foot of the grave. All single markers will be set flush with the ground level.

8.12 Markers in the infant sections shall be installed flush with the ground level.

8.13 The bottom of every stone must be dressed in an even level bed so that it will stand plumb, resting firmly and level on foundation. All joints on memorials may be sealed against moisture and with nonstaining material.

8.14 Lot corner marker posts must be of monumental stone placed level with grade. Initials must be incised, not raised. Locations for all corner posts will be made by the City and a reasonable charge may be made for this work, however, the City will not maintain corner posts.

8.15 The cemetery superintendent may reject any plan or design for memorial that is unsuitable to the lot on which it is to be placed. The approval of the material, style, and size of the material must be obtained before installation.

8.16 Should any monument, mausoleum or tomb become unsightly, dilapidated, or a menace to safety, the City may at the expense of the lot owners repair, improve or replace it.

8.17 The gold leafing, painting, coloring, enameling, lacquering, gliding or bronzing of letters or other parts of memorials is prohibited.

8.18 Symbols of faith, hope and love, as well as religious symbols, and emblems of fraternal and military organizations may be used.

8.19 Mausoleums or tombs, wholly or partially above ground, may be constructed only in lots designated by the Commission.

8.20 Upon such approval, a mausoleum permit will be issued for a fee determined by the area of the plot upon which the mausoleum is to be erected. This permit must be obtained before commencement of construction.

8.21 The cemetery is not responsible for damage by the elements, thieves, vandals, or by other causes beyond its control to the mausoleum or the surrounding plantings.