

RESOLUTION NO. 215-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, ESTABLISHING THE RULES AND REGULATIONS GOVERNING THE OWNERSHIP, USE AND CONTROL OF ALL LOTS, CRYPTS, MAUSOLEUMS AND BURIALS RIGHTS FOR WOODLAWN AND EVERGREEN CEMETERIES; ESTABLISHING FEES FOR THE PURCHASE OF BURIAL RIGHTS AND CEMETERY SERVICES; REPEALING ALL PRIOR RESOLUTIONS ESTABLISHING RULES FOR THE CEMETERIES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of West Palm Beach is the owner of two municipal cemeteries, Woodlawn and Evergreen Cemeteries (the “City Cemeteries”); and

WHEREAS, the Parks and Recreation Department is responsible for the operation and maintenance of the City Cemeteries and establishes administrative rules and regulations for such operation and maintenance; and

WHEREAS, the City Clerk is responsible for the maintenance of the records for the City Cemeteries and establishes administrative rules and regulations for the maintenance of such records; and

WHEREAS, the City desires to adopt uniform rules and regulations governing the ownership, use, and control of all lots, crypts, mausoleums and burial rights for the City Cemeteries; and

WHEREAS, the City desires to establish uniform fees for the purchase of burial rights and cemetery services for the City Cemeteries;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA THAT:

SECTION 1: The rules and regulations set forth on Exhibit “A” are hereby adopted as the rules and regulations governing the ownership, use, and control of all lots, crypts, mausoleums and burial rights. Reference to these rules and regulations in the certificate of ownership or deed shall have the same force and effect as if these rules and regulations were set out in the certificate of ownership or deed in full.

SECTION 2: The City Commission hereby adopts the fee schedule for the purchase of burial rights and cemetery services for the City Cemeteries as set forth in Exhibit “B” attached hereto.

SECTION 3: The Mayor and City Clerk are authorized to execute deeds of conveyance on behalf of the City to the purchasers of burial rights within Woodlawn Cemetery upon full payment of the purchase price of the lot or lots.

RESOLUTION NO. 215-13

SECTION 4: All prior resolutions establishing rules and regulations and fees for the City Cemeteries are hereby repealed.

SECTION 5: This resolution shall take effect in accordance with law.

PASSED AND ADOPTED THIS 30 DAY OF September, 2013.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION

ATTEST:

By: *Servando Nuoro*
Presiding Officer

BY:

Halle L. Carson
City Clerk

Office of the City Attorney
Approved as to form and legality
By: *BP*

Last printed 9-30-13

EXHIBIT A
Rules and Regulations for City Cemeteries

1. Eligibility. The following persons are eligible to purchase burial lots and be buried in Woodlawn Cemetery: (a) persons domiciled in the City of West Palm Beach; (b) persons domiciled in Palm Beach County; (c) the immediate family or legal representatives of persons domiciled in West Palm Beach or Palm Beach County; or (d) the immediate family or persons who are buried in or own a lot in the same cemetery. “Immediate Family” means grandparent, parent or legal guardian; son and/or daughter and/or legal ward; stepson and/or stepdaughter; grandchild; brother and/or sister; and spouses or domestic partners of the above. “Domicile” shall mean the established, fixed permanent or ordinary dwelling place or place of residence of a person as distinguished from his temporary and transient, though actual, place of residence. “Persons” as used herein shall include legal representatives on behalf of such persons.
2. Limitation on lots purchased. No person shall be allowed to purchase more than four (4) lots in Woodlawn Cemetery. No interment rights shall be acquired by a purchaser until the cost of the burial space is fully paid and a deed of conveyance is issued by the city. Burials lots may not be reserved. No burial rights are for sale in Evergreen Cemetery.
3. Cemetery Fees. The prices for burial rights and fees for cemetery services shall be established by resolution of the city commission. Purchasers providing proof of city residency may purchase burial rights at the resident price. Eligibility for a city resident price shall be determined by the city clerk at the time of purchase. All other eligible purchasers shall pay the non-resident prices.
4. Use of burial space. No burial space shall be used for any purpose except the burial, entombment or interment of human remains.
5. Limitations on burials.
 - a. No burials above ground shall be permitted except (i) in Evergreen Cemetery; (ii) in cremation benches; and (iii) in mausoleums.
 - b. Only one interment shall be made in a lot except for the following:
 - i. A parent and an infant.
 - ii. Up to five (5) remains in one adult lot provided that only one (1) of the remains may be casketed. Only remains authorized by the lot owner or his/her legal heir may be interred in the lot; and
 - iii. Infant siblings buried simultaneously in a cherub plot.
 - c. Lots within the sections of the City Cemeteries designated for cremated remains shall be of appropriate size and the cremated remains of only one (1) deceased person may be interred in each lot.
 - d. Lots within sections of the City Cemeteries designated for infant remains shall be of appropriate size and the remains of one infant less than two (2) years of age or multiple infant siblings under the age of two (2) buried simultaneously may be interred in each lot.

RESOLUTION NO. 215-13

6. Above ground improvements. No above ground improvements shall be permitted in the City Cemeteries other than memorials, monuments, markers, benches and landscaping, the placement and installation of which shall be approved by the cemetery manager and which shall be installed in accordance with the operating rules and regulations established for the City Cemeteries. No memorials, monuments or markers shall exceed five feet (5') in height or exceed the width of the lot

7. Right of First Refusal. The City shall have the right of first refusal to purchase from the owner any lot or lots on which there are no burials at the same price paid when the lot and/or lots were purchased from the City, as specified in the burial rights deed.

8. Transfer. If the City does not exercise its right of first refusal pursuant to Section 7 above, an owner may transfer, assign or convey the lot to eligible persons as defined in Section 1 above. Such transfer requires registration with the City Clerk on a transfer form approved by the City and payment of a transfer fee. Cemetery lots owners shall not allow interment to be made in their lots for any remuneration or consideration.

**EXHIBIT B
CEMETERY FEES**

Type of Lot	Type of Service	Resident Cost	Non-Resident Cost
Adult	Purchase of Lot	\$1,000.00	\$2,000.00
Cherub	Purchase of Lot	\$250.00	\$500.00
Cremains	Purchase of Lot	\$200.00	\$400.00
Note: There will be an additional 10% added to the purchase of each Lot for perpetual care.			
Adult	Opening and Closing (Weekdays)*	\$ 250.00	\$ 500.00
Cherub	Opening and Closing (Weekdays)*	\$ 250.00	\$ 500.00
Cremains	Opening and Closing (Weekdays)*	\$ 250.00	\$ 500.00
*There will be an hourly rate of \$120.00 charged for any time after regular hours.			
Adult	Opening and Closing (Weekends and Holidays)	\$ 750.00	\$1,000.00
Cherub	Opening and Closing (Weekends and Holidays)	\$ 500.00	\$1,000.00
Cremains	Opening and Closing (Weekends and Holidays)	\$ 500.00	\$1,000.00
	Opening and Closing of Mausoleums (Weekdays)	\$ 450.00	\$ 900.00
	Opening and Closing of Mausoleums (Weekends and Holidays)	\$ 900.00	\$1,400.00
Adult	Disinterment/Reinterment	\$1,000.00	\$1,000.00
Cherub	Disinterment/Reinterment	\$ 500.00	\$ 500.00
Cremains	Disinterment/Reinterment	\$ 500.00	\$ 500.00
	Transfer Fee (per lot)	\$ 75.00	\$ 150.00

The method of payment for cemetery fees shall be my money order, cashier's check, bank check or U.S. currency.

NOTE: Purchase of Lots does not apply to Evergreen Cemetery.