

**HOME OF PELICAN ISLAND**

1225 Main Street, Sebastian, Fl 32958  
Telephone (772) 589-5330

## **CEMETERY RULES, REGULATIONS AND FEES**

**Cathy Testa, Cemetery Coordinator**

(772) 388-8209

[ctesta@cityofsebastian.org](mailto:ctesta@cityofsebastian.org)

**Kip Kelso, Cemetery Sexton**

(772) 589-2545

[kkelso@cityofsebastian.org](mailto:kkelso@cityofsebastian.org)

**Joseph Vergnaud, Assistant Cemetery Sexton**

(772) 589-2545

[jvergnaud@cityofsebastian.org](mailto:jvergnaud@cityofsebastian.org)

## Chapter 34 - CEMETERIES

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## **ARTICLE I. - IN GENERAL**

### **Sec. 34-1. - Applicability.**

The rules and regulations in this chapter shall be applicable in the municipal cemetery.

### **Sec. 34-2. - Trust fund.**

- (a) A cemetery trust fund is hereby established which will be administered by the finance director pursuant to the policies established by the city council.
- (b) A permanent endowment, in the minimum amount of \$375,000, is hereby established, the proceeds of which shall be used for the sole purpose of providing funding for the operation, care and maintenance of the cemetery.
- (c) The proceeds from the sale of interment sites in the cemetery shall be deposited into the trust fund, one-half of which shall be added to the permanent endowment. Non-endowed funds will be used solely for capital expansion of the cemetery to provide for the plotting, acquisition, watering system installation and related costs incidental to providing additional interment sites for future sale.
- (d) Funds in the cemetery trust fund shall not be used for any purpose, other than stated in (b) and (c) above and shall be invested in accordance with the city's investment policy. As a part of the consideration for the purchase of interment sites, the city obligates itself to use the proceeds of such sales for no other purpose than as stated in this section.

### **Sec. 34-3. - Records.**

The cemetery sexton and office of the city clerk shall keep records as required.

### **Sec. 34-4. - Unlawful conduct.**

- (a) It shall be unlawful for any person to break, or injure any tree or shrub, or vandalize or mar any landmark, marker or memorial, or in any way deface the grounds of the cemetery.
- (b) It shall be unlawful for any person to possess or consume any type of alcoholic beverage within the cemetery grounds.
- (c) It shall be unlawful for any person to drive, stop or park a motor vehicle on any grass burial areas of the cemetery with the exception of commercial vehicles in preparation for interments and city staff equipment while maintaining cemetery grounds.
- (d) It shall be unlawful to engage in any kind of raucous activity within the cemetery.

### **Sec. 34-5. - Hours; trespass.**

The cemetery shall be open daily from 7:00 a.m. until sunset. Any unauthorized person on the grounds after sunset will be a trespasser.

### **Sec. 34-6. - Speed limit.**

Speed of over 15 miles per hour on internal roads within the cemetery will not be permitted.

**Cross reference**— Traffic and vehicles, ch. 98.

### **Sec. 34-7. - Locating of interment sites.**

All interment sites must be located by the sexton or other designated city official.

**Sec. 34-8. - Easement along in-ground interment sites.**

An easement is reserved along all in-ground interment site lines for water, sprinkler system, etc., as identified in recorded plats.

**Sec. 34-9. - Pauper's interment sites.**

Pauper in-ground interment sites and permanent markers for paupers may be permitted with approval of the city manager.

**Sec. 34-10. - Fee for opening or closing interment site.**

When an interment site must be located and marked by the sexton or other authorized city employee for interment, the city shall charge a fee to the funeral home requesting the services, such fee as set by resolution of the city council, from time to time.

**Sec. 34-11. - Interment site prices; establishment of fees for Sebastian residents and individuals outside city limits, defining proof of residency.**

Fees for all interment sites, appurtenances, and services in the cemetery shall be uniformly set by resolution of the city council, from time to time.

One set of fees shall be established for Sebastian residents and one set of fees shall be established for all others outside of city limits. For anyone who purchases a site and for anyone who is to be interred in a site, proof of city residency must be provided as set out below to receive the Sebastian resident rate.

Anyone claiming city residency to receive the city resident rate must provide two proofs of residency at the time of sale and/or prior to interment from the following list:

- Florida vehicle registration card or title
- Voter registration card
- Utility, telephone or cable/satellite TV bill
- Checking or savings account statement
- Property tax bill or receipt
- Selective service cards
- Mortgage account or proof of homeownership
- Residential rental contract (apartment lease or other rental of real property)
- Canceled check with imprinted name and address
- First class mail from any government agency (to include the contents and envelope)
- Major credit card bill
- Installment loan contract from a bank or other financial institution

**Sec. 34-12. - Gratuities prohibited.**

The cemetery sexton or person in charge shall not accept gratuities from anyone. Any service that can be performed will be performed for all.

**Sec. 34-13. - Sale of interment sites.**

No interment site owner shall allow interments in their interment sites for a remuneration, nor shall any transfer of interest therein be valid except by written consent of the city. No interment sites shall be bought or sold for speculation.

**Sec. 34-14. - Approval of work on interment sites required.**

No work of any kind may be done on interment sites except by the cemetery sexton or his designated representative, excepting opening and closing of in-ground interment sites by the vault company and installation of monuments or markers that meet with the cemetery sexton's approval in accordance with the rules and regulations.

**Sec. 34-15. - Vault or grave liner required.**

All interments in standard in-ground interment sites in the cemetery shall be required to have a concrete vault or other approved permanent type grave liner installed before burial. All cremains must be placed in a suitable approved permanent type container.

**Sec. 34-16. - Burial of human dead only; number of interment.**

All interment sites shall be used for the interment of human dead only. Number of interments per individual site is as follows:

- (1) *Standard in-ground interment sites.* Only one interment shall be made in a standard 4' × 8' or 4' × 10' in-ground interment site except in the case of; a mother and infant; two children under one year of age, not necessarily in one coffin; one coffin and one cremain; and, two cremains.
- (2) *Cremains in-ground interment sites.* Only one cremains interment shall be made in a 4' × 4' or 4' × 5' cremains in-ground interment site.
- (3) *Niches.* Only one cremains interment shall be made in a single niche.
- (d) *Double niches.* Only up to two cremains interments shall be made in a double niche.

**Sec. 34-17. - Urn size requirement for niche interments.**

Urns for interment in single niches in unit 4 and double niches in unit 3 shall be determined and regulated by the cemetery sexton or his designee.

**Sec. 34-18. - Interment site markers.**

(a) *Standard and cremains in-ground interment sites.*

- (1) *Design.* The following provisions shall apply to standard and cremains in-ground interment site markers:
  - a. *Inscriptions.* A marker may contain the full name of an individual, date of birth and date of death. In addition, symbolic floral carvings; family crests or emblems; religious marking; fraternal emblems; suitable epitaph; and designation as to relationship of the deceased (such as son, daughter, husband, father, etc.) may be used.
  - b. *Veteran's markers.* Those markers received from the Veterans' Administration may include such information as name, rank, serial number, date of death, and other information such as the Veterans' Administration from time to time places on such markers.
- (2) *Placement.* All cemetery markers shall be either bronze, marble or granite, and shall be flush with the ground. No permanent attachments shall be above the marker. No slabs of any kind will be permitted; provided, however, to preserve the historic nature of Units 1 and 4 of the Sebastian Cemetery, and where there are existing slabs and aboveground markers, restoration of existing slabs and aboveground markers will be permitted.
- (3) *Size.* The following size standards shall apply to site markers.

- a. *Flush markers.* Flush markers are permitted in all sections of the cemetery. Flush markers for standard 4' x 8', 4' x 10', and 4' x 4' and 4' x 5' sites shall not exceed 36" in width and 18" in depth and shall be a minimum of 4" thick. A double marker for two adjoining (side by side) standard 4' x 8' and 4' x 4' sites shall not exceed 72" in width and 18" in depth and shall be a minimum of 6" thick. Bronze markers shall not exceed 24" x 24".
  - b. *Above ground markers for standard 4' x 8' and 4' x 10' sites.* Above ground markers are permitted in Units 1 and 4 and shall not exceed 36" in width, 48" in height (from ground elevation), and 8" in thickness. These markers may be erected on a base which shall not exceed 36" in width, 8" in height, and 18" in thickness. A double marker for two adjoining (side by side) standard 4' x 8' and 4" x 10' sites shall not exceed 72" in width, 48" in height (from ground elevation), and 8" in thickness. These markers may be erected on a base which shall not exceed 72" in width, 8" in height, and 18" in thickness. Above ground markers are not permitted on 4' x 4' or 4' x 5' cremains sites.
  - c. In the event a family owns at least six 4' x 8' or 4' x 10' sites adjacent to one another, the Cemetery Sexton, at his discretion, may allow a larger marker in lieu of individual markers placed on each site.
- (4) *Alignment.* All markers shall be in a line consistent with each other as determined by the cemetery sexton. Any unapproved marker shall be removed, repaired or realigned at the monument company's expense.
  - (5) *Concrete foundation.* All markers shall have a suitable concrete foundation provided by the monument company.
  - (6) *Period for installment after burial.* All markers shall be installed within 120 days after burial. Where this regulation renders a hardship or presents any special problems, such as an estate not settled, special consideration will be given. Request for special consideration should be made in writing to the Sebastian City Clerk, 1225 Main Street, Sebastian, Florida 32958.
- (b) *Niches.*
    - (1) *Design.* All niche markers shall be bronze plaques, provided in the cost of the niche, engraved and installed by the City of Sebastian.
      - a. *Inscription.* The bronze marker shall include the full name, date of birth and death of the decedent.
      - b. *Vases.* If desired, all costs for vases and rings will be incurred by the niche owner.

**Sec. 34-19. - Artificial and fresh flowers, blankets.**

No more than two bouquets of artificial or fresh flowers will be allowed at any gravesite. Artificial flower arrangements will be permitted to remain until they become faded or unsightly. Fresh flowers will remain until unsightly. No glass or ceramic flower containers or ornaments shall be allowed, however, a plastic flower container no more than six inches deep, six inches wide and 24 inches long may remain in place unless broken or in decrepit condition. No wires shall be allowed to hold flower arrangements permanently in place at the interment site. Blankets are allowed to be placed prior to any holiday but must be removed within ten days following the holiday.

**Sec. 34-20. - Use of living memorial tree or shrub.**

Whenever a living memorial tree or shrub is desired, arrangements must be made with the cemetery sexton as to size, type and placement as designated by the cemetery sexton, in a planting area designated by him. Grave blankets are allowed during holidays or special occasions and can remain for a maximum of ten days.

**Sec. 34-21. - Pruning and removal of vegetation.**

No trees, plants or shrubs shall be planted, pruned or removed except by the sexton or person in charge who shall have authority to do so upon any interment site when he/she may consider such planting, pruning or removal necessary.

**Sec. 34-22. - Enclosures and mounds prohibited.**

Enclosures of any nature such as fences, copings, hedges, ditches, etc., shall not be allowed around any in-ground interment sites. Earth mounds will not be permitted.

**Sec. 34-23. - Interments.**

Interments shall be permitted seven days a week.

**Sec. 34-24. - No liability.**

The city is not responsible for theft or damage to anything placed on any interment site.

**Sec. 34-25. - Violations of article; penalties.**

A violation of any of the rules and regulations contained in this article shall be considered a violation of the ordinances of the city, and any person adjudicated in violation of such rules and regulations shall, in addition to any penalty imposed by court not exceeding \$500.00 fine and/or not exceeding 90 days imprisonment, be denied the right to do further business in the cemetery of the city.

**Sec. 34-26. - Rule violations; procedures.**

If any of the rules contained in this chapter are violated, the sexton or other city employee should bring the matter to the attention of the city clerk for the specific interment site involved. The city clerk will then notify the owner of the interment site or his estate or last known relative by certified or registered mail. The clerk shall send a copy of the rules and regulations with the specific items underlined in reference to the alleged violations; and a brief letter notifying them of the appropriate action against the violator should the violation remain uncorrected beyond a reasonable period of time.

**Secs. 34-27—34-50. - Reserved.**

**ARTICLE II. - VAULT COMPANIES AND GRAVEDIGGERS**

**Sec. 34-51. - Copy of chapter to be given.**

The vault company and/or contractor (gravedigger) shall be given a copy of this chapter and be guided by all requirements therein.

**Sec. 34-52. - Inspection and approval of excavations and closings.**

The cemetery sexton or person in charge shall inspect and approve excavations and closings by the vault company and/or contractor (gravedigger).

**Sec. 34-53. - Notification of clerk of problems encountered.**

The vault company and/or contractor (gravedigger) shall notify the city clerk or other official of any problems that may be encountered.

**Sec. 34-54. - Minimum depth for standard in-ground interments.**

Interments in standard in-ground interment sites must be excavated to at least five feet deep at the shallowest point. Cremain urns interred in standard or cremains in-ground interment sites must be covered by a minimum of ten inches of soil.

**Sec. 34-55. - Liability for damages.**

The vault company and/or contractor (gravedigger) shall exercise care to protect all gravemarkers, monuments, sprinklers, etc., and shall be held liable for any damage incurred.

**Sec. 34-56. - Use of vehicles on platted in-ground interment sites.**

The vault company and contractor (gravedigger) shall exercise care in driving a vehicle from cemetery roads onto platted in-ground interment sites to haul fill for a vault. Adequate protection by use of timbers, plywood and other approved devices shall be provided to adjacent in-ground interment sites. The vehicle shall remain in low gear while on platted in-ground interment sites and proceed slowly in and out to the roadway.

**Cross reference—** Traffic and vehicles, ch. 98.

**Sec. 34-57. - Removal of tent after burial.**

The vault company or contractor (gravedigger) shall remove his tent as soon as practicable after completion of the ceremony and interment.

**Sec. 34-58. - Removal of excess dirt.**

The vault company or contractor (gravedigger) shall remove all dirt from adjacent gravemarkers, monuments, etc., as he completes interment. Surplus dirt shall be hauled to the spoil site as designated by the sexton or other designated city official.

RESOLUTION NO. R-08-<sup>27</sup>~~24~~ Sam

**A RESOLUTION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA RELATING TO MUNICIPAL CEMETERY RATES; ESTABLISHING RATES FOR IN-GROUND LOTS, CREMAINS LOTS, COLUMBARIUM NICHE, PERSONNEL SERVICES, CORNER MARKERS, AND NICHE VASES AND RINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.**

**WHEREAS**, the City of Sebastian, Indian River County, Florida owns and operates a municipal cemetery; and

**WHEREAS**, Section 34-11 of the Code of Ordinances of the City of Sebastian require that cemetery rates be set by resolution; and

**WHEREAS**, following a review of existing rates, it was determined that the fees for services needed adjustment to be more in line with actual city personnel costs and less confusing to the purchaser.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, THAT:**

**Section 1. INTERMENT AND SERVICE RATES.** Interment and service rates are hereby established for:

1. Residents who reside in the corporate limits of the City of Sebastian.
2. Non-residents.

Interment and Service Rates shall be as follows:

**SEBASTIAN MUNICIPAL CEMETERY RATES**  
(AS ADOPTED BY R-08-24)

<b>PROPERTY DESCRIPTION (all sales include perpetual maintenance)</b>	<b>CITY RESIDENTS (proof of residency required)</b>	<b>NON RESIDENTS</b>
4' x 8 and 4' x 10' Lots	1,000	2,000
4' x 4' or 4' x 5' Cremains lots in specified blocks of unit 4	500	1,000
Odd Triangular Cremains Lots	500	500
Columbarium Niches – Single (includes plaque) <i>size at gazebo – 9" wide, 10" high, 10" deep</i> <i>size at free standing wall – 12 ½" wide, 7" high, 9" deep</i>	1,200	2,400
Columbarium Niches – Double (includes plaque) <i>each compartment – 12 ½" wide, 7" high, 9" deep</i>	2,000	4,000
Corner Markers (set of 4)	cost	cost
Vase and Ring for Niches	cost	cost

<b>SERVICE PREPARATION and OTHER ADMINISTRATIVE SERVICES</b>	<b>FEE</b>
Opening/Closing And Preparation For Services For Any Type Of Burial Service – Lot Or Niche Weekday Weekday after 3:30 p.m., Saturday, Sunday, Holiday	150.00 250.00
Cremains Interred Or Disinterred By Cemetery Staff With No Service Involved	50.00
Administrative Fees Requests for Refunds for Release of Lots and Niches Back to City and Relocation Within Cemetery After Purchase	5% of original cost

**Section 2. SERVICES INCLUDED.** The purchase price for in-ground interment sites includes insect extermination, sodding, traffic direction for the service, and perpetual care of the site, but does not include the cost of installing a suitable concrete foundation for grave markers as required by Section 34-18 of the Code of Ordinances of the City of Sebastian or the marker itself. The purchase price for niche interment space includes a bronze plaque, engraved, and mounted by the City of Sebastian. In the event of theft or damage of any site or niche, survivors of the interred are responsible for replacement costs.

**Section 3. CONFLICT.** All resolutions or parts of Resolutions in conflict herewith are hereby repealed.

**Section 4. EFFECTIVE DATE.** This resolution shall become effective immediately upon adoption.

This resolution was moved for adoption by Council Member Coy. The motion was seconded by Council Member Hill and, upon being put to a vote, the vote was as follows:

Mayor Richard Gillmor	<u>aye</u>
Vice-Mayor Jim Hill	<u>aye</u>
Council Member Andrea Coy	<u>aye</u>
Council Member Dale Simchick	<u>aye</u>
Council Member Eugene Wolff	<u>aye</u>

The Mayor thereupon declared this Resolution duly passed and adopted this 10th day of December, 2008.

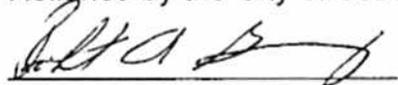
CITY OF SEBASTIAN, FLORIDA

By:   
Mayor Richard Gillmor

ATTEST:

  
Sally A. Maio, MMC  
City Clerk

Approved as to Form and Content for  
Reliance by the City of Sebastian Only:

  
Robert A. Ginsburg  
Interim City Attorney