

ORDINANCE #445

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA RELATING TO CEMETERIES, PROVIDING FOR CERTIFICATE OF INTERMENT, PROVIDING FOR FEES, PROVIDING FOR STANDARDS FOR INTERMENT WITHIN CITY OWNED CEMETERIES, PROVIDING FOR MAINTENANCE AND LANDSCAPING REQUIREMENTS, PROVIDING FOR RESTRICTIVE COVENANTS IN CEMETERY DEEDS, PROVIDING FOR AUTHORITY TO ESTABLISH RULES, PROVIDING FOR PENALTIES, PROVIDING FOR REPEAL OF ANY ORDINANCE IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA

SECTION 1: Certificate of interment.

No interment shall be made in any City cemetery and no grave shall be opened therein or body removed there from except by written permit or certificate issued by the City Clerk or his designate.

SECTION 2: Fees.

City shall charge an administrative fee of at least \$50.00, which shall be paid at the time of application for a permit or certificate. The City Commission may impose a fee in excess of \$50.00 by resolution.

SECTION 3: Standards for interment.

- A. No interment (with the exception of cremations) shall take place in any City owned cemetery without the use of concrete vault or concrete grave liner.
- B. All vaults or grave liners shall be installed in such a manner that the top of the vault is at least eight (8) inches below grade.
- C. Each grave shall have a permanent marker installed within six (6) months of the date of interment.

SECTION 4: Maintenance and landscaping.

- A. The owner of record of any cemetery lot is responsible for maintenance and repair. Any repair work required as a result of damage to the grave site or vault shall be in compliance with any City maintenance requirements in effect at the time of the repair.

- B. Any lot owner, by acceptance of a deed to any cemetery lot, thereby authorizes City, its agents, employees or contractors to enter on the lot for the purpose of repair or maintenance.
1. Prior to commencing any work pursuant to this paragraph, City shall notify the lot owner at the address contained in City records.
  2. Any lot owner shall hold City harmless for any liability incurred as a result of City's entry on the lot for purposes of maintenance and repair.
  3. City may perform any work required hereunder with its own work crews or may employ subcontractors.
- C. Landscaping shall comply with City landscaping requirements in effect at the time of interment. No planting shall be allowed of anything larger than dogwood, crepe myrtle, sago palm, azaleas or other similar, native plants.
- D. No invasive species or any species otherwise prohibited by City Land Development Regulations shall be allowed.

SECTION 5: Restrictive covenants.

The requirements of this ordinance shall constitute covenants running with the land and shall be reflected in every cemetery deed issued by City. A copy of this ordinance shall be provided each lot owner at the time of purchase of any cemetery lot.

SECTION 6: Authority to establish rules.

The City Manager shall have the authority to promulgate rules and regulations pertaining to all City cemeteries. Such rules shall be made available to the public at the City Hall.

SECTION 7. Penalties.

Any person who violates such rules or regulations or refuses to comply with a directive from a City official enforcing such rules and regulations shall be punished in accordance with Section 1-15 of the City of Port St. Joe Code of Ordinances.

SECTION 8. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. Severability.

If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 10. Effective date.

This ordinance shall become effective upon passage by the City Commission.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this 16<sup>th</sup> day of March, 2010.

THE CITY OF PORT ST. JOE

By:   
MEL C. MAGIDSON, JR.  
MAYOR-COMMISSIONER

  
ATTEST: \_\_\_\_\_  
CITY CLERK-AUDITOR