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WHEREAS, on July 18, 2024, the City Commission gave direction to the City Attorney to revise Chapter 7 of the Code of Ordinances; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, the public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF GAINESVILLE, FLORIDA:**

Section 1. Section 7-1 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

Sec. 7-1. – Definitions.

For the purpose of this chapter, unless the context indicates otherwise, the following words and terms shall have the meanings ascribed to them in this section:

Cemetery shall mean the Evergreen Cemetery, including any additions thereto.

1 *Interment right* shall mean the right of all owners to use cemetery grounds for the
2 interment of dead persons. This interment right belongs to the owner of the cemetery lot, part lot,
3 or grave space and is subject to the rules and regulations contained in this chapter.

4 *Memorial* shall mean any monument, marker, tablet, headstone, foot stone, slab,
5 cremation bench, columbarium, private mausoleum, tombstone or structure upon or in any lot,
6 part lot, grave space or niche, placed thereupon or therein or partially therein for the purpose of
7 identification or in memory of the interred.

8 *Natural burial* shall mean a body can only be buried in a biodegradable container or
9 shroud without the use of formaldehyde or phenols.

10 *Pets* shall mean a domestic or tamed animal kept for companionship and cared for
11 affectionately. Pets exceeding 75 pounds will require supervisor's approval prior to burial.

12 *New addition* shall be construed to mean that part of the cemetery known as the ~~Geer~~
13 Pinkoson Addition Section Two, Fay Addition, Replat of Babyland II, Veterans Yard, Pet
14 Cemetery and all other lots or part lots which might be added for burial purposes in the future ~~as~~
15 ~~a result of the closing of unneeded roadways.~~

16 *Owner* shall mean any person, firm, corporation or trust who has purchased a lot, part lot
17 or grave space in the cemetery or the heirs, personal representatives or successors of the owners.

18 *Supervisor* shall mean Cemetery Coordinator as that position has been designated within
19 City of Gainesville's Department of Parks, Recreation and Cultural Affairs.

20 **Section 2.** Section 7-2 of the Code of Ordinances of the City of Gainesville is amended
21 to read as follows:

22 **Sec. 7-2. – Designated; use.**

1 The lands now owned by the city and known as Evergreen Cemetery and all lands
2 hereafter acquired by the city for cemetery purposes contiguous thereto are hereby designated as
3 Evergreen Cemetery, and shall be used for the interment of dead persons or their cremated
4 remains and pets which are to be interred only in the designated Pet Cemetery section.

5 **Section 3.** Section 7-5 of the Code of Ordinances of the City of Gainesville is amended
6 to read as follows:

7 **Sec. 7-5. – Deeds of conveyance.**

8 The city manager, or designee, is hereby authorized to execute certificates of interment
9 on behalf of the city to the purchasers of grave spaces ~~lots~~ within the cemetery, which
10 conveyances shall be valid for all purposes as the act and deed of the city.

11 **Section 4.** Section 7-6 of the Code of Ordinances of the City of Gainesville is amended
12 to read as follows:

13 **Sec. 7-6. – Disposition of proceeds from sale, rental and upkeep.**

14 All moneys from the sale, rental and upkeep of lots in the cemetery shall be ~~paid to the~~
15 ~~director of finance of the city and deposited by him/her in the general fund of the city, except as~~
16 ~~otherwise provided in this chapter~~ deposited using the established point of sale program into the
17 general fund of the city and cemetery trust fund accounts as required in Appendix A.

18 **Section 5.** Section 7-7 of the Code of Ordinances of the City of Gainesville is amended
19 to read as follows:

20 **Sec. 7-7. – Lot improvements and maintenance.**

21 (a) Work performed on lots to maintain, change, alter, improve, inter or disinter shall be
22 accomplished by employees of the cemetery under the direction of the supervisor.

23 (b) All grading, landscaping work, care of trees, shrubs, and herbage and all plantings

1 shall be done by cemetery employees unless special permission therefor is first
2 granted by the supervisor. Owners and families are encouraged, however, to perform
3 routine maintenance such as weeding, trimming and cleaning of memorials.

4 (c) Estimates for any special work will be made by the supervisor upon application, and
5 charges for the work shall be paid in advance.

6 (d) The supervisor shall direct generally all improvements within the grounds and upon
7 all lots and graves, before as well as after interments have been made therein.

8 (e) If any improvement or alteration of individual property in the cemetery shall be made
9 without prior approval of the supervisor, the supervisor shall have the right to remove
10 the improvement or alteration at the expense of the owners.

11 (f) Chairs, settees, benches and vases shall be permitted only if properly installed and
12 maintained. Failure to properly install or maintain such fixtures will be cause for
13 their removal.

14 (g) Coping enclosures, fences, structures of wood and hedges are prohibited. Those
15 structures or enclosures established on any lot which have, in the judgment of the
16 city, become unsightly by reason of neglect or age shall, after 30 days' written notice
17 to the owner, be removed by the city at its expense.

18 (h) No elevated mounds shall be built over graves and no lot shall be filled above the
19 grade established by the supervisor.

20 (i) If any tree, shrub or plant standing upon any lot, by means of its roots, branches or
21 otherwise, be or become detrimental to adjacent lots or avenues, or if for any reason
22 its removal is deemed necessary, the supervisor shall have the right and it shall be

1 his/her duty to remove the tree, plant or shrub or any part thereof, or otherwise correct
2 the condition existing.

3 (j) If any memorial or structure, or any inscription placed on same shall be determined
4 by the supervisor to be offensive, the supervisor shall have the right and it shall be
5 his/her duty to enter upon any lot and remove, change, or correct the offensive or
6 improper object.

7 (k) Potted plants, wreaths and baskets shall be removed from lots and graves when in the
8 judgment of the supervisor it is to the best interest of the cemetery to remove them.

9 (l) Items of glass, metal, rocks, or anything else that may be deemed a safety concern by
10 the supervisor may be removed at the discretion of the supervisor.

11 **Section 6.** Section 7-11 of the Code of Ordinances of the City of Gainesville is amended
12 to read as follows:

13 **Sec. 7-11. – Same – Trust fund.**

14 (a) There is hereby established a perpetual care trust fund known as "Evergreen Cemetery
15 Trust Fund." All moneys received from owners of lots who are changing from annual to
16 perpetual care, together with a portion of the moneys received from the sale of spaces
17 specified by the city commission shall be paid to the city manager or designee, who shall
18 deposit the moneys in the trust fund in any depository for deposit of city funds or as
19 otherwise authorized by the city commission. The city commission when setting prices for
20 spaces shall designate what portion of moneys received shall be paid into the trust fund.

21 (b) The income from the trust fund shall be used exclusively for the care and maintenance of
22 the lots and spaces covered thereby and for the care and maintenance of the cemetery
23 grounds- along with the following purposes:

1. Perpetual Care as described in Sec. 7-12.
2. The annual update costs associated with the digital records of all grave spaces.
3. The repair of lots, plots, spaces and monuments to the extent that such are damaged by
4. acts of nature or through the maintenance process, which maintenance shall not include
5. the regular repair, cleaning, finishing or replacement of any item deteriorated from age or
6. use.
4. The cost of managing the Evergreen Cemetery Trust Fund.
5. Capital improvements to the Evergreen Cemetery when recommended by the Evergreen
9. Cemetery Association of Gainesville, Inc. and approved by the city commission may be
10. funded with excess accumulated income from all years, provided that it has been
11. determined that such action will not adversely affect the perpetual operation and
12. maintenance of the cemetery.

(c) The city commission shall invest such funds as they deem advisable.

Section 7. Section 7-12 of the Code of Ordinances of the City of Gainesville is amended
to read as follows:

Sec. 7-12 – Same – Services enumerated.

Perpetual care service shall consist of cutting, maintaining and trimming all grass areas,
shrubs and trees along with top dressing and annual fertilizing of all grass areas as needed.

Section 8. Section 7-13 of the Code of Ordinances of the City of Gainesville is amended
to read as follows:

Sec. 7-13 – Change from annual to perpetual care – Fees.

1 An owner of any lot that is being assessed fees for annual care may purchase perpetual
2 care for the lot by paying charges in accordance with the schedule as set forth in Appendix

3 A.

4 **Section 9.** Section 7-16 of the Code of Ordinances of the City of Gainesville is amended
5 to read as follows:

6 **Sec. 7-16 – Funeral regulations.**

7 (a) The supervisor shall be given 24 hours advance notice before any interment shall be
8 made.

9 (b) Funeral directors making arrangements for interments shall be responsible for the
10 payment of all interment charges in addition to all charges which have accrued to or
11 against the lot.

12 (c) Boxes or vaults to be installed by the city and used for interment, shall be delivered to
13 the cemetery at least eight working hours previous to the time of interment and not
14 later than 4:30 p.m. on the day preceding the funeral. Times for funerals are to be so
15 arranged that cemetery workmen can complete interment by 4:30 p.m. All costs and
16 payments for overtime of workmen after 4:30 p.m. on weekdays and on Sundays will
17 be charged to the funeral director or person in charge of the burial as set forth in
18 Appendix A.

19 **Section 10.** Section 7-17 of the Code of Ordinances of the City of Gainesville is
20 amended to read as follows:

21 **Sec. 7-17 – Burials, Installations, Vaults.**

22 (a) No interment shall take place until a burial permit has been provided to the supervisor
23 issued by the city health officer and an interment certificate has been issued by the

~~supervisor~~, nor until all laws, ordinances, rules and regulations relative to burials have been complied with and all fees and costs previously billed by the city have been paid.

(b) The city shall not be responsible for errors in location of graves or lots arising from improper instructions of lot owners. Orders from funeral directors shall be construed as orders from owners.

(c) No person shall be buried in any lot in which the person did not have a legal interest, except by written consent of all parties having a legal interest in the lot, and the city.

(d) The burial of two human bodies in one full size grave space is prohibited; however, one body and one cremains, or no body and three cremains, are permitted. One cremains is permitted in a designated cremains space.

(e) A sealed vault is required for each and every burial in the cemetery, except for the burial of cremains and for burials in those areas designated for natural burial sites in Pinkoson Section Two and Fay Additions.

(f) The burial of one pet or pet cremains is permitted per space in the designated Pet Cemetery section. No vault or casket is required. Purchase of an additional space(s) may be required for pets exceeding 75 pounds.

Section 11. Section 7-18 of the Code of Ordinances of the City of Gainesville is amended to read as follows:

Sec. 7-18 – ~~Installations, Foundations, vaults,~~ memorials, mausoleums.

(a) ~~All foundations shall be built by the city at the cost of the owner, and the city shall assume the responsibility for the proper construction of the foundation. All~~

1 memorials are required to have a foundation. The charges for foundations, if built
2 by the city, shall be set forth in Appendix A.

- 3 (b) ~~Approval of the location must be obtained from the city before a monument is set.~~
4 The location of all memorials must be first approved by the supervisor and the
5 space fully paid for prior to the actual placement of such memorial. Memorials
6 should be placed at the westerly end of a grave space with inscriptions facing in
7 the easterly direction and should be set on uniform lines as prescribed by the
8 supervisor to conform to the general plan of the cemetery. Deviations must be
9 approved in writing by the supervisor.

- 10 (c) ~~The charges for building foundations shall be established by the supervisor and~~
11 ~~shall be reasonable and uniform.~~ All materials used for memorials shall be
12 standard bronze or granite, marble or cut stone from recognized monument
13 quarries. Flat memorials and the mounting base for bronze memorials shall be no
14 less than 4" thick.

- 15 (d) ~~Prior to installing a vault in the cemetery, a person or corporation shall be~~
16 ~~required to have the location of the installation and the design and material of the~~
17 ~~vault approved by the supervisor.~~ One memorial shall be permitted for each grave
18 space and shall be placed at the head of the space. A Veterans Affairs (VA)
19 issued memorial may additionally be installed as a foot stone. A memorial
20 embracing more than one space is permitted when a companion (double)
21 memorial is used for a two space side by side burial plot. Unless approved in
22 writing by the supervisor, up to three names are permitted to be inscribed on each
23 memorial depending on the number of actual interments in each space.

- (e) ~~A sealed vault is required to each and every burial in the cemetery, except for~~
~~burials of cremains and for burials in the lots set aside for indigent burials as of~~
~~October 1, 1994.~~ A family memorial may also embrace more than one space when
located in a lot of multiple spaces owned by family members. Unless approved in
writing by the supervisor, up to two family names are permitted on a family
memorial.
- (f) ~~Single markers shall consist of one piece and shall be placed level with the ground~~
~~in all new additions.~~ All memorials exceeding 48" in height above grade must
first be approved by the supervisor following submission of detailed drawings,
photos or other such information suitably describing the structure. Flat
memorials, foot stones and corner markers shall be installed flush with the
finished grade so as to permit mowing. Flat memorials only are approved for
designated cremains spaces.
- (g) ~~Not more than one marker shall be placed on any one grave. No marker shall~~
~~embrace two or more graves, except on a two grave lot where a double marker is~~
~~permitted. Double markers shall not exceed 20 inches in height and 16 inches in~~
~~width.~~ Before work on any private mausoleum or columbarium is begun,
complete plans and specifications and the proposed location shall be submitted to
and approved by the supervisor. Such structures shall be constructed of granite,
marble or other stone of durable quality. In those cases where walls are 18" in
thickness or less the ashlar shall be of full thickness. All metalwork shall be of
standard bronze. Crypts shall be airtight so that interments or inurnments can be
separately sealed. Air spaces shall be provided between crypts and outside walls

- 1 ~~and provided with suitable inlets and outlets. Vestibules shall be properly~~
2 ~~ventilated. Interments in crypts shall be made in hermetically sealed caskets or~~
3 ~~boxes. Duplicate keys for mausoleums shall be furnished to the supervisor.~~
- 4 (h) ~~No marker shall be set unless the location has been first approved by the~~
5 ~~supervisor and the grave space is paid for in full. Flat memorials only are~~
6 ~~permitted in the Pet Cemetery Section and must be flush with the natural grade.~~
- 7 (i) ~~No material except granite, a good grade of white marble, cut stone from~~
8 ~~recognized monument quarries, or standard bronze, shall be used for markers or~~
9 ~~monuments. The use of two or more kinds of granite in any one lot varying~~
10 ~~materially in color or texture shall not be permitted.~~
- 11 (j) ~~Before work on any private mausoleum is begun, complete plans and~~
12 ~~specifications and the proposed location shall be submitted to, and approved by,~~
13 ~~the supervisor.~~
- 14 (k) ~~Mausoleums shall be constructed of granite, white marble or other stone of~~
15 ~~durable quality approved by the supervisor. In those cases where walls are 18~~
16 ~~inches in thickness or less the ashlar shall be of full thickness. All metalwork~~
17 ~~shall be of standard bronze. Catacombs shall be airtight so that interments can be~~
18 ~~separately sealed. Air space shall be provided between crypts and outside walls~~
19 ~~and provided with suitable inlets and outlets. Vestibules shall be properly~~
20 ~~ventilated.~~
- 21 (l) ~~Interments in crypts shall be made in hermetically sealed caskets or boxes.~~
22 ~~Duplicate keys for mausoleums shall be furnished to the city.~~
- 23 (m) ~~In all new additions only one grave memorial will be permitted on one space. No~~

~~memorial may be set to embrace two or more grave spaces except a companion or
a family memorial, nor shall more than two family names be permitted on any
memorial unless approved in writing by the city at the time of the sale of the
interment rights. All memorials shall be set on uniform lines as prescribed by the
supervisor to conform to the general plan of the cemetery.~~

Section 12. Section 7-20 of the Code of Ordinances of the City of Gainesville is
amended to read as follows:

Sec. 7-20 – Conduct in cemetery.

(a) ~~No person~~ Visitors shall not break, ~~or~~ injure, pluck or remove any tree, flower or
shrub, either wild or cultivated, or mar any landmark, marker, or memorial, or in any
way deface the grounds of the cemetery.

(b) ~~No person~~ Visitors shall enter and leave the cemetery only through ~~except by the~~
public gates, ~~on 8:00 a.m. until 6:00 p.m. daily~~ during daylight hours.

(c) ~~No boxes~~ Boxes, shells, toys, discarded glassware, sprinkling cans, receptacles or similar
articles are not permitted on any grave, lot or tree.

~~(d) No person shall pluck or remove any plant or flower, either wild or cultivated from
any part of the cemetery.~~

~~(e)~~ (d) Persons within the cemetery grounds shall use only the established avenues,
walkways and roads.

~~(f)~~ (e) Children under 15 years of age shall not be permitted within the cemetery or its
buildings, unless accompanied by an adult.

~~(g)~~ (f) No person may use any form of advertisement for services on cemetery grounds.

~~(h)~~ (g) No person shall permit any dog or other domestic animal to enter or remain in the

~~cemetery.~~ Dogs or other domestic animals may enter the cemetery if on a leash, and shall use only the established avenues, walkways and roads. There are no off-leash areas. Owners are required to clean up after their pet.

~~(h)~~ (h) No person may consume refreshments or liquors within the cemetery or carry same into the premises.

~~(i)~~ (i) Visitors ~~No person~~ shall not throw rubbish or debris on walks, drives or any part of cemetery grounds.

~~(j)~~ (j) Unauthorized persons shall not loaf, lounge, or otherwise use any of the grounds, graves or monuments in the cemetery, or in any of the buildings therein.

~~(k)~~ (k) No loud talking shall be permitted on the cemetery grounds within hearing distance of funeral services.

(l) Tipping, gratuities or hiring cemetery staff for private use is prohibited.

~~(m) No money shall be paid the attendants at the entrance or on the grounds. The entire time of the persons regularly employed on the grounds belong to the cemetery; visitors and owners must not otherwise engage them.~~

~~(n)~~ (m) Any person found on the grounds after dark will be considered a trespasser.

~~(o)~~ (n) All orders, inquiries and complaints by visitors or owners must be reported to the office of the supervisor.

Section 13. It is the intention of the City Commission that the provisions of Sections 1 - 12 of this ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 14. If any word, phrase, clause, paragraph, section or provision of this ordinance

1 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
2 finding shall not affect the other provisions or applications of this ordinance that can be given
3 effect without the invalid or unconstitutional provision or application, and to this end the
4 provisions of this ordinance are declared severable.

5 **Section 15.** All ordinances or parts of ordinances in conflict herewith are to the extent of
6 such conflict hereby repealed.

7 **Section 16.** This ordinance shall become effective immediately upon adoption.

8 **PASSED AND ADOPTED** this _____ day of _____, 2025.

9
10
11
12 _____
13 HARVEY L. WARD, JR.
14 MAYOR

15
16
17 Attest:

Approved as to form and legality:

18
19
20
21 _____
22 KRISTEN J. BRYANT
CITY CLERK

DANIEL M. NEE
CITY ATTORNEY

23
24 This ordinance passed on first reading this _____ day of _____, 2025.

25
26 This ordinance passed on second reading this _____ day of _____, 2025.