

• **Chapter 7 - CEMETERIES**<sup>[1]</sup> 2024-510A

• **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.

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

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

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

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

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

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

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

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(Code 1960, § 10-1; Ord. No. 030697, § 1, 1-26-04)

**Cross reference**— Definitions and rules of construction generally, [§ 1-2](#).

• **Sec. 7-2. - Designated; use.**

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

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(Code 1960, § 10-8)

- **Sec. 7-3. - Sales of grave spaces.**

Sale of all grave spaces shall be a function of the city manager or designee. The city manager or designee may refuse to sell any grave space to any person or corporation if the sale would be detrimental to the cemetery, or if the sale would violate the state law prohibiting speculation in cemetery property.

(Code 1960, § 10-10; Ord. No. 4079, § 1, 5-22-95)

- **Sec. 7-4. - Payment by installments.**

Payment for grave spaces may be made by installment in accordance with established procedures of the city on installment sales.

(Code 1960, § 10-14; Ord. No. 4079, § 2, 5-22-95)

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

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

(Code 1960, § 10-11; Ord. No. 980128, § 6, 7-27-98; Ord. No. 030697, § 2, 1-26-04)

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

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

(Code 1960, § 10-12)

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

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

(b) All grading, landscaping work, care of trees, shrubs, and herbage and all plantings shall be done by cemetery employees unless special permission therefor is first granted by the supervisor. Owners and families are encouraged, however, to perform routine maintenance such as weeding, trimming and cleaning of memorials.

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

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

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

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

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

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

(i) If any tree, shrub or plant standing upon any lot, by means of its roots, branches or otherwise, be or become detrimental to adjacent lots or avenues, or if for any reason its removal is deemed necessary, the supervisor shall have the right and it shall be his/her duty to remove the tree, plant or shrub or any part thereof, or otherwise correct the condition existing.

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

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

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

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(Code 1960, § 10-4)

• **Sec. 7-8. - Annual care—Required for lots owned prior to October 21, 1957.**

There shall be assessed against all lots or plots owned prior to October 21, 1957, in the cemetery not covered by perpetual care service, an annual care service charge at the rates set forth in Appendix A. All such assessments shall accumulate from year to year against the lots assessed until fully paid, and no interment or disinterment shall be permitted at any lot until all accumulated assessments for annual care services have been paid in full.

(Code 1960, § 10-13; Ord. No. 4079, § 3, 5-22-95; Ord. No. 080984, § 1, 7-16-09)

- **Sec. 7-9. - Annual care—Charges for services.**

In order to provide funds for the costs of maintaining cemetery grounds and furnishing cemetery services, prices for spaces and charges for services will be adjusted periodically, based on review and analysis of local market rates and thereafter set forth in Appendix A.

(Code 1960, § 10-14; Ord. No. 080984, § 1, 7-16-09)

- **Sec. 7-10. - Perpetual care service—Required.**

No grave space in the cemetery shall be sold unless the purchaser shall, at the time of purchase, pay the requisite fee for perpetual care for the grave space purchased. The prices set by the city commission for spaces sold in the cemetery shall be inclusive of an amount for perpetual care, as specified in [section 7-11](#).

(Code 1960, § 10-15; Ord. No. 4079, § 4, 5-22-95)

- **Sec. 7-11. - Same—Trust fund.**

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

(b) The income from the trust fund shall be used exclusively for the care and maintenance of the lots and spaces covered thereby and for the care and maintenance of the cemetery 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 acts of nature or through the maintenance process, which maintenance shall not include the regular repair, cleaning, finishing or replacement of any item deteriorated from age or use.
4. The cost of managing the Evergreen Cemetery Trust Fund.
5. Capital improvements to the Evergreen Cemetery when recommended by the Evergreen Cemetery Association of Gainesville, Inc. and approved by the City Commission may be funded with excess accumulated income from all years, provided that it has been determined that such action will not adversely affect the perpetual operation and maintenance of the cemetery.

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

(Code 1960, § 10-15; Ord. No. 4079, § 5, 5-22-95)

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- **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.

(Code 1960, § 10-15)

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

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

(Code 1960, § 10-15; Ord. No. 4079, § 6, 5-22-95)

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- **Sec. 7-14. - Payment in installments for perpetual care service.**

(a) Persons owning interment rights in the city's cemetery are authorized to purchase perpetual care service for the area in the cemetery where the interment rights are owned, by paying the cost thereof in equal monthly or quarterly payments over a period not to exceed 18 months to the director of finance, who shall deliver to the purchaser a certificate as provided by section 7-15 evidencing the purchase when the cost thereof has been fully paid. Provided, however, that charges for annual care shall continue to be assessed against the area for which perpetual care service is being purchased until the perpetual care service is fully paid for, and the director of finance is authorized to make such adjustments with the purchaser by way of refund of fees paid by the purchaser for annual care for the year in which the perpetual care service is fully paid. The refunds, if any, shall be made pro tanto to the end of the quarterly period in which the perpetual care service is fully paid. That is to say, if the perpetual care service is fully paid during the third quarter of a year, the purchaser shall be refunded one-fourth of the amount paid for annual care for that year.

(b) If any purchaser purchasing perpetual care service fails to pay the amount due therefor in full within the eighteen-month period, then the director of finance shall retain all sums paid and apply the same on the payment of annual care service fees applicable to the area upon which perpetual care service was being purchased until such sums are exhausted.

(Code 1960, §§ 10-16, 10-17)

- **Sec. 7-15. - Certificate of purchase of perpetual care service.**

Upon the payment of a perpetual care fee, the city manager or designee is authorized to deliver to the purchaser a certificate evidencing the purchase, signed by him/her on behalf of the city.

(Code 1960, § 10-15; Ord. No. 100815, § 1, 6-2-11)

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

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

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

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

(Code 1960, § 10-5)

• **Sec. 7-17. - Burials, Installations, Vaults.**

(a) No interment shall take place until a burial permit has been provided to the supervisor 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 ~~bodies in one grave is prohibited.~~ human bodies in one full size grave space is prohibited however, one body and one cremains or 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

(Code 1960, § 10-6)

**Sec. 7-18. - Installations, Foundations, vaults, memorials, mausoleums.**

(a) All memorials are required to have a foundation which will be built by the city at the cost of the owner, and the city will assume the responsibility for the proper construction of the foundation. The charges for building foundations, if built by the city, shall be set forth in Appendix A.

(b) The location of all memorials must be first approved by the supervisor and the space fully paid for prior to the actual placement of such memorial. Memorials should be placed at the westerly end of a grave space with inscriptions facing in the easterly direction and should be set on uniform lines as prescribed by the supervisor to conform to the general plan of the cemetery. Deviations must be approved in writing by the supervisor.

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(c) All materials used for memorials shall be standard bronze or granite, marble or cut stone from recognized monument quarries. Flat memorials and the mounting base for bronze memorials shall be no less than 4" thick.

(d) One memorial shall be permitted for each grave space and shall be placed at the head of the space. A VA issued memorial may additionally be installed as a foot stone. A memorial embracing more than one space is permitted when a companion (double) memorial is used for a two space side by side burial plot. Unless approved in writing by the supervisor, up to three names are permitted to be inscribed on each memorial depending on the number of actual interments in each space.

(e) 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) 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) 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 and provided with suitable inlets and outlets. Vestibules shall be properly ventilated. Interments in crypts shall be made in hermetically sealed caskets or boxes. Duplicate keys for mausoleums shall be furnished to the supervisor.

(h) Flat memorials only are permitted in the Pet Cemetery Section and must be flush with the natural grade.

~~(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.~~

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~~(b) Approval of the location must be obtained from the city before a monument is set.~~

~~(c) The charges for building foundations shall be established by the supervisor and shall be reasonable and uniform.~~

~~(d) Prior to installing a vault in the cemetery, a person or corporation shall be required to have the location of the installation and the design and material of the vault approved by the supervisor.~~

~~(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.~~

~~(f) Single markers shall consist of one piece and shall be placed level with the ground in all new additions.~~

~~(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.~~

~~(h) No marker shall be set unless the location has been first approved by the supervisor and the grave space is paid for in full.~~

~~(i) No material except granite, a good grade of white marble, cut stone from recognized monument quarries, or standard bronze, shall be used for markers or monuments. The use of two or more kinds of granite in any one lot varying materially in color or texture shall not be permitted.~~

~~(j) Before work on any private mausoleum is begun, complete plans and specifications and the proposed location shall be submitted to, and approved by, the supervisor.~~

~~(k) Mausoleums shall be constructed of granite, white marble or other stone of durable quality approved by the supervisor. In those cases where walls are 18 inches in thickness or less the ashlar shall be of full thickness. All metalwork shall be of standard bronze. Catacombs shall be airtight so that interments can be separately sealed. Air spaces shall be provided between crypts and outside walls and provided with suitable inlets and outlets. Vestibules shall be properly ventilated.~~

~~(l) Interments in crypts shall be made in hermetically sealed caskets or boxes. Duplicate keys for mausoleums shall be furnished to the city.~~

~~(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.~~

(Code, 1960, § 10-7; Ord. No. 4043, § 1, 11-28-94; Ord. No. 080439, § 4, 11-20-08)

## • **Sec. 7-19. - Interment rights; transfer.**

(a) Any and all transfers of interment rights are subject to all rules and regulations of the cemetery, which are now in full force and effect or which may be hereafter enacted.

(b) Before transfer of interment rights the original owner must reconvey the interment rights to the city. The city shall then issue a warranty of conveyance to the new owner. The warranty of conveyance shall not be issued unless perpetual care has been purchased. The same rules shall apply in all cases of assignment of purchase contract for interment rights. This information shall then be duly recorded in a permanent cemetery file.

(c) The owner of interment rights may dispose of same by will, subject to the conditions of transfer in interment rights as stated above.

(d) The city may exchange interment rights when desired by owners, but not for interment rights of lesser value. When such an exchange is made the original conveyance must be surrendered by proper assignment, or by conveyance if considered necessary and a fee in accordance with the schedule set out in Appendix A shall be paid, before any change is effected.



(e) The subdivision of interment rights shall not be effective without prior consent of the city. The subdivision will not be allowed on property unless perpetual care has been purchased.

(f) The city may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the city in connection with the lot, grave memorial, lot care, or right of transfer in question.

(Code 1960, § 10-9)

• **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 be permitted to enter or leave the cemetery through except by the public gates which will be open ~~from 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 will not be 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) Dogs or other domestic animals on a leash may enter the cemetery 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.

~~No person shall permit any dog or other domestic animal to enter or remain in the cemetery.~~

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

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

~~(k)~~ (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.

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

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

~~(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.

(Code 1960, § 10-2; Ord. No. 110199, § 1, 9-15-11)

**Cross reference**— Offenses generally, [Ch. 17](#).

### • **Sec. 7-21. - Motor vehicles.**

(a) Motor vehicles shall not be driven through the grounds at a greater speed than 15 miles per hour.

(b) Motor vehicles shall be driven and parked only on the right side of the opened roads and driveways. No U-turns are permitted.

(c) Motor vehicles shall not be parked in front of an open grave unless the occupants thereof are in attendance at a funeral.

(d) The traffic laws of the city shall be applicable to the operation of motor vehicles in the cemetery.

(Code 1960, § 10-3)

**Cross reference**— Traffic and motor vehicles generally, [Ch. 26](#).

### • **Sec. 7-22. - Violations.**

Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be subject to the penalties of [section 1-9](#).

[Sec. 6-24. - Violations.](#)

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