

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 92, "CEMETERIES," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 92.06, "CEMETERY HOURS," TO AMEND THE HOURS FOR VEHICULAR TRAFFIC AND THE HOURS OF OPERATION FOR THE CEMETERY OFFICE; BY AMENDING SECTION 92.26, "PERPETUAL CARE FUND," TO MODIFY REQUIREMENTS FOR USE OF FUNDS; BY AMENDING SECTION 92.32, "PLOT PRICES AND SERVICE CHARGES," TO REFERENCE BURIAL VAULT SALES; BY AMENDING SECTION 92.44, "CONCRETE BOXES; VAULTS," TO MODIFY REQUIREMENTS FOR PROVISION OF AND INSTALLATION OF VAULTS; BY AMENDING SECTION 92.65, "MONUMENTS," TO MODIFY LOCATIONS WHERE MONUMENTS ARE AUTHORIZED; AND BY AMENDING SECTION 92.66, "BRONZE MARKERS," TO INCLUDE THE CENTER LAWN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 92.06, "Cemetery Hours," of Chapter 92, "Cemeteries," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 92.06 CEMETERY HOURS.

Pedestrians are permitted in the cemetery from sunrise to sunset. Vehicular traffic is permitted ~~from 7:30 a.m. to 4:30 p.m.~~ daily. The cemetery office shall be opened ~~from 7:30 a.m. to 3:30 p.m.~~ weekdays, excluding holidays as observed by the city.

SECTION 2. That Section 92.26, "Perpetual Care Fund," of Chapter 92, "Cemeteries," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 92.26 PERPETUAL CARE FUND.

...

(B) ~~Endowment~~ Perpetual care, whether applied to lots, graves, or to any space within the confines of the cemetery, shall be ~~limited absolutely paid from the principal and to the income received from the investment of the perpetual care trust fund. However, expenditure of the principal of the fund may be authorized by the City Commission for capital improvements to the cemetery.~~

(C) It is understood and agreed between the purchaser and the city that ~~the fund principal and income from the perpetual care trust fund shall be used in the general improvement and endowment perpetual care as defined in § 92.01, but in no case shall obligation of the management be construed as a contract to care for any individual property or space other than as defined in § 92.01. The endowment care of the cemetery shall be limited to such care as can be provided with the net income received from the investment of the funds.~~

(D) The net income from the perpetual care trust fund shall be expended at the direction of the City Commission in such a manner as will, in its judgment, be most advantageous to the lot or plot owners as a whole, and in accordance with the purposes and provisions of the laws of the state applicable to the expenditure of the funds. The City Commission is given the full power and authority to determine upon what property, for what purpose, and in what manner the fund principal and the income from the fund shall be expended, and it shall direct the expenditure ~~of the income~~ in such a manner as, in its sole judgment, it may deem advisable for the care, reconstruction, repair, and maintenance of all or any portion of the cemetery grounds. It may also direct the expenditures ~~of the income~~ for attorneys' fees and other costs necessary to the preservation of the legal rights of the city in the operation of the cemetery.

...

(G) There shall be set aside for the perpetual care fund of the municipal cemetery the following. Not less than 50% of the proceeds of the sale of any lot or plot or burial right agreement in the north lawn, center lawn, and west lawn and Blocks 37, 38, and 39 of the south lawn; and all proceeds of the perpetual care service charge paid for south lawn interments pursuant to § 92.25 hereof; plus the perpetual care fees collected pursuant to § 92.32(B)(5), (7) hereof. The Finance Director shall invest perpetual care funds in the same types of securities in which he is empowered to invest surplus funds of the city. Income from investment of the perpetual care fund shall be deposited into the general fund of the city, to be used for cemetery perpetual care as defined in § 92 01 of this chapter. ~~Principal of the perpetual care fund shall not be expended for perpetual care nor for any purpose other than capital improvements to the cemetery specifically authorized by the City Commission to be financed by expenditure of principal of the fund.~~

SECTION 3. That Section 92.32, "Plot Prices and Service Charges," of Chapter 92, "Cemeteries," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 92.32 PLOT PRICES AND SERVICE CHARGES.

...

(B) The following shall comprise the opening/closing service charges for the municipal cemetery.

...

(4) Bronze marker sales - See price list on file in cemetery office.

(5) Burial vault sales – See price list on file in cemetery office.

SECTION 4. That Section 92.44, "Concrete Boxes; Vaults," of Chapter 92, "Cemeteries," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 92.44 CONCRETE BOXES; VAULTS.

Every earth interment shall be made enclosed in a sealed concrete vault or box ~~provided by the funeral director~~ and shall be of a type approved by the management. It must be installed by a vault company or cemetery staff under the supervision of the cemetery manager.

SECTION 5. That Section 92.65, "Monuments," of Chapter 92, "Cemeteries," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 92.65 MONUMENTS.

Monuments or stones of any kind or enclosure shall not be permitted in the north lawn, ~~or west lawn, or center lawn~~ sections, except as noted herein below, ~~unless otherwise approved by the City Commission.~~ Only bronze markers shall be allowed, and they must be set level with the ground at the head of each grave. Monuments may be placed in the center lawn section, Blocks 1, 2, and 3 ~~and Block 2~~. Monuments must not exceed the following dimensions and must be approved by the city:

Single Monument: Total height including the base is 30 inches and the base not to exceed 40 inches.

Double Monument: Total height including the base is 48 inches and the base not to exceed 80 inches.

SECTION 6. That Section 92.66, "Bronze Markers," of Chapter 92, "Cemeteries," of the City of Pompano Beach Code of Ordinances is hereby deleted as follows:

§ 92.66 BRONZE MONUMENTS.

(A) No marker shall be placed without approval of the city and any marker will be removed which does not comply with the standard rules and regulations of the north lawn, south lawn, center lawn, and west lawn sections. To preserve uniformity, style, grade, and workmanship of bronze markers, all bronze material that is approved by the city and is of a standard design and material prescribed by the city, which designs are on display at the cemetery office, may be purchased from the city and paid for at their regular published price at the time of purchase. The price of the bronze markers shall at all times be reasonable, with excellence of quality, workmanship, and design being considered.

...

SECTION 7. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2017.

PASSED SECOND READING this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
7/17/17
l:ord/ch92/2017-245