



Rules & Standards

Palm & Pineywood Cemeteries

Rules & Standards

Purchasing Procedure

- ❖ A lot/space or columbarium niche may be reserved for 15 days. If the purchase is not completed within 15 days, the reservation will be null and void without notice.
- ❖ Lot/space or columbarium niche may be purchased at Palm or Pineywood Cemeteries upon payment of full price as listed in the current Fee Schedule.
- ❖ After payment of the current purchase price, each purchaser will receive a deed for the lot/space or columbarium niche, which will be held by the city's records custodian at City Hall. Such deed will not be recorded in the Official Records of Orange County, Florida. Such deed shall be evidence only of a right of interment (and for no other purpose) in the lot/space or columbarium niche conveyed subject to the ordinances, rules and regulations of the City of Winter Park governing cemeteries, as may be amended from time to time.
- ❖ Duplicate deeds are available for \$10 each.
- ❖ In the event the city mistakenly sells or conveys a cemetery lot/space or columbarium niche to more than one purchaser/grantee, then upon discovery of such mistake such situation shall be resolved in the following manner:
 - » In the event no burial or interment of cremated remains has occurred within the cemetery lot/space or columbarium niche at issue, then the purchaser issued a document of ownership first in time shall be deemed the sole owner of the cemetery lot/space or columbarium niche and the city shall, as the sole remedy, refund the other purchaser(s) money in full and declare their document of ownership null and void.
 - » In the event a burial or interment of cremated remains has occurred within the cemetery lot/space or columbarium niche at issue, then the purchaser who has buried or interned cremated remains with such lot/space or niche shall be deemed the sole owner of the cemetery lot/space or columbarium niche and the city shall, as the remaining purchaser's(s') sole remedy, refund the other purchaser's(s') money in full and declare their document(s) of ownership null and void.
- ❖ All grantees/purchasers (including their heirs, personal representatives, successors and assigns in interests) indemnify and hold the city and the city's elected and appointed officials, officers, attorneys, employees and agents harmless

Palm & Pineywood Cemeteries

General

Palm and Pineywood cemeteries will be operated for the benefit of the residents of Winter Park. The City Manager will be responsible for the proper operation of the cemeteries in accordance with these regulations. The operation of the cemeteries will be the responsibility of the Cemeteries Manager under the Parks & Recreation Department.

- ❖ The city, in accordance with the provisions of the cemetery space deed covenants, will perpetually maintain the cemeteries, including individually-owned spaces and lots.

Purchase, ownership & interments

Eligibility

Only the following persons will be eligible to purchase or be interred in Palm or Pineywood cemeteries:

- ❖ Verified residents who have resided within the City of Winter Park for five years or more.
- ❖ A non-resident with spouse, children, grandchildren, mother, father, brother, sister, grandfather or grandmother of a person interred in Palm or Pineywood cemetery.
- ❖ The father, mother, spouse, daughter, son, step-children, brother, sister, grandchildren, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or other members of a person interred in either Cemetery will be eligible for interment.

- ❖ Complete cemetery records will be maintained in the Palm Cemetery office.
- ❖ Any complaint or grievance, which cannot be resolved by the Parks & Recreation Director, will be presented to the City Manager.
- ❖ It is hereby declared that except as expressly provided in these regulations, or in instruments executed pursuant hereto, the City assumes no liability to individuals, classes of persons or organizations for the administration, operation or use of the cemeteries.

- ❖ Non-resident who purchased cemetery lot(s) while they were residents after having resided within the city five years or more.
- ❖ Columbarium niches may be purchased by any non-residents.
- ❖ Only veterans and their spouses may be interred in “Memorial Park” (Veterans’ Section). The eligibility requirements above must also be met.
- ❖ Interments in “Babyland” will be limited to infants below the age of one year. Parents of the infant must meet preceding eligibility requirements.



Interments

General Procedures

Funeral homes will contact the Parks & Recreation Department at least 24 hours prior to the hour of the funeral service to give arrangement details.

Cemetery personnel marks off the space to be used. If a definite place is not requested, the normal procedure will be followed, which is to inter the man in the south space and the woman in the adjacent space to the north.

Standards

- ❖ All interments will be made in concrete or metal vaults, or concrete liners. No wooden boxes will be permitted.

- ❖ One vault or liner, interment per space will be permitted. Cremations will be limited to five per space, or four cremations in addition to an earlier vault or liner.
- ❖ Digging of graves and setting up of equipment (canopy, chairs, etc.) will be performed by a qualified vault company under contract with the City of Winter Park. The charge for this service will be charged according to current fee schedule. A check for the required amount will be made payable to the City of Winter Park, and must be submitted prior to interment. The opening and closing charge includes a chapel tent, 10 chairs, cribbing lowering device, and artificial grass borders.

Disinterments

General Procedures

The City of Winter Park requires a court order for disinterment along with requirements stated in Rule 69K-6.007 of the Florida Administrative Code.

Requirements

- ❖ Funeral Director (FD) is required to show his current license in writing identify all permits he/she has (and attach and incorporate these permits to his or her written statement), and the FD must attest that these are all required permits.
- ❖ Written authorization from the individual OR individuals who own the burial rights for the City cemetery space from which the remains are to be removed.
- ❖ Written authorization from the person who would be legally authorized to bury the remains in the first instance. If this is the widow/widower a certified copy of an order admitting to probate a will that confers such authority and the FD must certify in writing that in his/her professional opinion the person is so authorized.
- ❖ A court order by a judge in Orange County, Florida, with appropriate jurisdiction over the matter calling for the disinterment or allowing it. Alternatively, if the applicant for disinterment can

establish that the court issuing the order has jurisdiction of the estate of the decedent, then a certified copy of a court order from a judge with jurisdiction but located outside of Orange County, Florida can be used in satisfaction of this requirement 1.

- ❖ A copy of all of the above documentation must be submitted in triplicate and delivered to the Parks & Recreation Assistant Director responsible for Cemeteries. Copies will be forwarded to the City Attorney and Deputy Chief of Police for review and before approval is granted. Funeral Director must document to the City of Winter Park the location for the re-interment of the remains.
- ❖ Disinterment is subject to fees according to the current city of Winter Park Fee Schedule.
- ❖ Soil covered over all vaults, or liners, will be a minimum of eighteen inches in depths and will be thoroughly tamped to the satisfaction of the cemetery personnel.
- ❖ Funeral directors and vault companies will leave the cemetery substantially as found and will be subject, at all times, to the direction of the cemetery personnel as related to the physical

concerning mistakes that may occur in the selling and conveyance of cemetery lots/spaces and columbarium niches and further, agree that the maximum liability the city may incur in the event of such mistakes shall be a sum not exceed an amount equal to 100 percent of the fees paid to the city by said grantees/purchasers for the particular cemetery lots/spaces and columbarium niches at issue. Grantees/purchasers waive any and all injunctive relief, specific performance, other monetary and equitable claims against the city that they may or could have brought against the city concerning such matters.

Transfer of Spaces

- ❖ Grantees will be entitled to assign and transfer cemetery space/lots to his/her immediate family; parents, spouse, children, step-children, siblings, grandchildren, grandparents, mother/father/brother/sister/daughter/son-in-law, or other members of the household.
- ❖ Application for transfer may be submitted by grantee or the heir(s) or legal representative of the grantee. It is the burden of the applicant(s) for a transfer to provide proof that such person(s) seeking the transfer and those receiving the transfer (proposed transferee) meet the requirements for the transfer sought. Upon request for a transfer, the city may require supporting documentation and evidence of a person's status as the grantee or an heir or legal representative of the grantee, including but not limited to, birth certificate, death certificate, driver's license, probate documentation and execution of an affidavit and hold harmless agreement in a form acceptable to the city. If the city is not satisfied that the person(s) seeking a transfer is/are in fact the grantee or sole heir or legal representative of the grantee or that the transfer complies with the requirements of a transfer, the city may deny the transfer.
- ❖ Upon written request the city will re-purchase the Cemetery lot or lots at the price listed on the cemetery deed.
- ❖ All conveyances shall be subject to the approval of the city. Upon approval, by the city, of an application for transfer, a cemetery deed will be issued by the city to the transferee and the city's records of ownership will be changed accordingly. Prior deed should be returned. In the event the city denies a transfer, the city shall have the right, but not the obligation, to repurchase at the price listed on the cemetery deed the space(s)/lot(s) or columbarium niche(s) at issue.

property and structures of the cemetery. While inside the cemetery, funeral processions will be under the control of the cemetery personnel.

- ❖ There will be a charge for all interments, payable to the City of Winter Park by the Funeral Director or applicable person and in accordance with the current City of Winter Park Fee Schedule.

Should there be sufficient proof that a foreign court had jurisdiction over the estate of the decedent and the applicant provides a certified copy of the foreign judgment, Florida Law provides detailing procedures by which a foreign judgment may be domesticated in Florida and the city of Winter Park reserves the right to request an Orange County judge to order that the foreign judgment will have full force and effect. This process shall be submitted to the City of Winter Park Attorney for review prior to any action.

approved by City Commission 04.23.12
revised by Parks & Recreation Advisory Board 01.17.18

Palm Cemetery

1005 N. New York Ave.

Pineywood Cemetery

1810 S. Lakemont Ave.

Cemeteries Coordinator

Michael Webb

office 407.599.3252

cell 321.303.1694

mwebb@cityofwinterpark.org

cityofwinterpark.org/cemeteries

Hours of operation

Grounds

Dawn to Dusk

Office

Monday thru Friday

8 a.m. to 5 p.m.

