

Introduced by: Council Member Chris Hoffman
1st Reading: September 8, 2020
2nd Reading: September 21, 2020

ORDINANCE NO. 2020-8151

AN ORDINANCE AMENDING CHAPTER 8, "CEMETERIES," OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES BY REVISING THE TITLE AND AMENDING SECTION 8-2. "SAME – CITY CLERK TO MAINTAIN RECORD OF GRANTEES, ETC." AND AMENDING SECTION 8-3. "DISINTERMENTS; MOLESTING GRAVES" BY CHANGING THE REFERENCE FROM "CITY CLERK" TO "PARKS AND RECREATION DEPARTMENT"; PROVIDING FOR ADOPTION OF RECITALS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, CODEFICTION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and

WHEREAS, the City Clerk maintains several of the City's records, but it does not maintain cemetery records of grantees, or any cemetery records; cemetery records are maintained by the Parks and Recreation Department; and

WHEREAS, currently sections 8-2 and 8-3 of the City Code of Ordinances designate the City Clerk as cemetery records custodian, however, the Parks and Recreation Department is the proper and actual custodian of these records; and

WHEREAS, the City Council of the City of Jacksonville Beach finds the proposed ordinance will serve to clarify the records custodian designation, the processing and handling of public records requests, exercise of good record keeping, and the regulation of City cemeteries.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. RECITALS. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted.

SECTION 2. THAT SECTION 8-2 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:¹

Sec. 8-2. - ~~Same~~ City clerk Parks and Recreation Department to maintain record of grantees, etc. ~~The city clerk~~ Parks and Recreation Department shall provide a bound book for the cemetery record, to be kept by the ~~city clerk~~ Parks and Recreation Department and each deed

¹ Words deleted are ~~stricken~~, words added are underlined.

description of the lot, number of grave spaces, date of opening each grave, name of undertaker, and such other data as may complete a record of the operation of the cemetery. In the absence of original deed such record shall be conclusive on any application for burial in any lot in the cemetery.

SECTION 3. THAT SECTION 8-3 OF THE CODE OF ORDINANCES, CITY OF JACKSONVILLE BEACH, FLORIDA, IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 8-3. Disinterments; molesting graves.

All applications for opening any grave shall be made in such form as may be provided and prescribed by the city manager and such applications shall be checked for lot described in cemetery record book by the ~~city clerk~~ Parks and Recreation Department and endorsed on such applications, and it shall be the duty of the city manager to cause the lot to be located on the ground as corresponding to the records, and the city manager is hereby authorized to adopt such reasonable uniform regulations as deemed essential for the protection, improvement and orderly operation of the cemeteries and file the same in the office of the ~~city clerk~~ Parks and Recreation Department, and it shall be unlawful for any person to open any grave, bury any body, or disinter any remains in the city cemeteries without a permit issued by the city—or commit any act of vandalism, willfully molest any grave, plat or markers thereof, or injure or appropriate any trees or growth, equipment or property therein and any person who shall violate this provision shall be guilty of a misdemeanor.

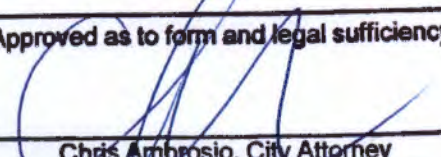
SECTION 4. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.


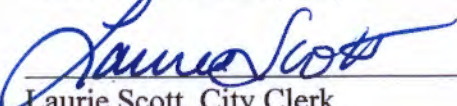
SECTION 5. CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. CODIFICATION. The City Council intends that this Ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect upon final reading and approval by the City Council for the City of Jacksonville Beach.

AUTHENTICATED THIS 21st DAY OF September, A.D., 2020.

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney


William C. Latham, Mayor

Laurie Scott, City Clerk