

ORDINANCE 2017-38

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES ENTITLED CEMETERY TO CHANGE THE DEFINITION OF TOWN RESIDENT; AMENDING MEMBERSHIP REQUIREMENTS FOR THE CEMETERY COMMITTEE; REQUIRING ANNUAL RENEWAL OF A CERTIFICATE OF RESERVATION AND A PROCESS THEREFORE; ALLOWING FOR ISSUANCE OF A CERTIFICATE OF RESERVATION; PROVIDING FOR CANCELLATION OF A CERTIFICATE OF RESERVATION; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde owns and operates a municipal cemetery; and

WHEREAS, the cemetery committee reviewed Chapter 6 of the Code of Ordinances and has recommended revisions to the code; and

WHEREAS, a cemetery survey was updated which revealed numerous plots are available for use;

WHEREAS, the Town Council has considered the cemetery committee's recommendations and desires to amend the code in accordance with the recommendations; and

WHEREAS, the Town of Montverde has determined that it in the best interest of the health, safety, and welfare of its citizens to amend the code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 6-1 in Chapter 6, Part I of the Montverde Code of Ordinances shall be amended to read as follows:

Chapter 6 - CEMETERIES

Sec. 6-1. - Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

Town cemetery shall mean property owned by the Town of Montverde which is designated or set aside for the burial of deceased town residents.

Town resident or resident of the Town of Montverde shall mean:

- (1) Any person who resides continuously within the municipal limits of the Town of Montverde for at least ~~three years~~ six months immediately prior to date of death; or
- (2) Any person who resides continuously within the municipal limits of the Town of Montverde for at least six months immediately prior to residing in an assisted living facility, convalescent home, nursing home, or other similar facility, or caretaker's home and such facility or home is the person's residence on his or her date of death; or
- (3) Any person who is the mother, father, son, daughter or unremarried spouse of a person who is buried in the cemetery.

SECTION 3. That Section 6-2 in Chapter 6, Part I of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 6-2. - Creation of cemetery committee; appointment; terms; meetings.

There is created a Montverde cemetery committee ("committee") which shall consist of no less than three members but preferably five members. Each member of the cemetery committee must be a town resident notwithstanding sec. 2-141. Each member of the committee shall be appointed by the town council to serve a term of one year. The committee shall elect a chairman and such other officers as it deems appropriate. A secretary shall be appointed to keep minutes of each meeting. The minutes shall be filed of record with the clerk of the Town of Montverde. The committee shall meet no less than quarterly of each year. Notice of quarterly meetings shall be posted at the town hall bulletin board and on the post-office Town's website at least ten calendar days before the meeting. Vacancies on the committee shall be filled by the town council. Expired terms of any member shall be filled by the town council at the regular council meeting no later than the first Tuesday of the month of February. Special meetings may be called by the chairman. Notice of special meetings shall be posted at the town hall and on the post-office Town's website at least 48 hours before the date of the meeting. A quorum for the transaction of business shall consist of at least three members. Meetings shall be held in the town hall or such other place designated by the chairman. All meetings shall be open to the public.

SECTION 4. That Section 6-7 in Chapter 6, Part I of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 6-7. - Eligibility for burial.

Every resident of the Town of Montverde shall be eligible for burial in the town cemetery if a certificate of reservation is was obtained prior to December 31, 1988 and has not been cancelled pursuant to Sec. 6-8. ~~No applications will be accepted after December 31, 1988.~~ Additionally, every resident of the Town of Montverde shall be eligible for burial in the town cemetery if a certificate of reservation is obtained after July 31, 2017 and renewed annually and has not been cancelled pursuant to Sec. 6-8. Plots shall be assigned on a first-come, first-serve basis until such time as all plots have been assigned, and shall be assigned with reference to the survey of the Town of Montverde Cemetery which shall be kept and maintained in the office of the town clerk. The survey shall contain a description of each plot, the location of persons buried in the cemetery, and a designation of plots assigned or reserved. No person shall be assigned more than one plot; however, an applicant may apply for and obtain a certificate of reservation to be issued in the name of his or her children who are also residents of the Town. Every person

who is assigned a plot shall have an easement on the plot for burial purposes only. The easement shall terminate in the event that the holder of the certificate ceases to be a resident of the Town of Montverde. Certificates will be issued by the mayor or town clerk.

SECTION 5. That Section 6-8 in Chapter 6, Part I of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 6-8. - Cancellation of a certificate of reservation.

- (a) ~~The town council mayor shall cancel the certificate of any person who ceases to be a resident of the Town of Montverde. No certificate shall be cancelled until the Town Clerk sends a notice to the certificate holder by certified U.S. mail return receipt requested to the certificate holder's last known address advising the certificate holder that his or her certificate of reservation will be cancelled unless he or she presents proof to the mayor that he or she is a resident of the Town of Montverde. town council holds a public hearing, with due notice, to determine whether the applicant has ceased to be a town resident. "Due notice" shall mean that the town clerk has mailed, by certified mail, a notice of the hearing to the applicant at his or her last known address. If the certificate holder applicant, after receiving notice of the hearing, fails to prove that he or she is a resident of the Town of Montverde by on the date specified in the notice of the hearing, then the town council mayor shall cancel his or her certificate. Proof may include, but is not limited to, a current driver's license or state issued driver's license listing a town address, documents demonstrating homestead exemption, or voter's registration card listing a town address.~~
- (b) The mayor shall cancel the certificate of any person who fails to renew a certificate of reservation. A certificate of reservation must be renewed by the certificate holder annually by March 15th. The Town Clerk will send a renewal notice by certified U.S. mail return receipt requested to each certificate holder at his or her last known address. The certificate holder must complete and return the renewal notice to the Town by e-mail to the Town Clerk, or by mail/delivery to the Town no later than the deadline provided in the renewal notice. It is the certificate holder's responsibility to notify the Town of a change of address. If a renewal notice is not deliverable to the last known address on file with the Town and the certificate of reservation is not renewed as provided in this section, the mayor shall cancel the certificate.

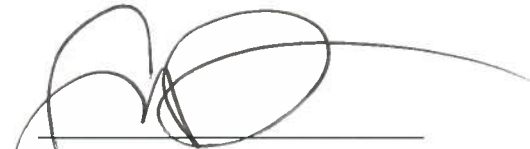
SECTION 6. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

SECTION 7. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

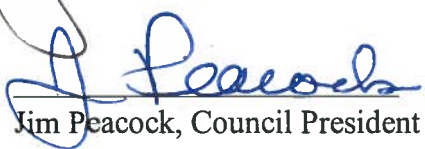
SECTION 8. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provisions of this Ordinance shall govern.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 10th day of October, 2017.

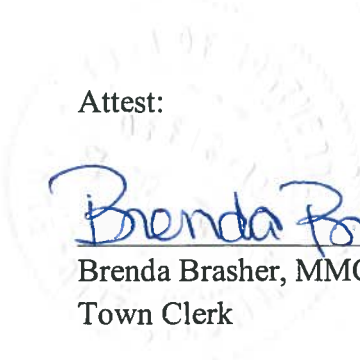



Joe Wynkoop, Mayor



Jim Peacock, Council President

Attest:





Brenda Brasher, MMC
Town Clerk

Approved as to form and legality:



Anita Geraci-Carver, Town Attorney

First Reading held September 21, 2017
Second Reading held October 10, 2017

Council Member Smith moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Peacock and upon roll call on the motion the vote was as follows:

	YEA	NAY
Billy Bates	✓	
Allan Hartle	✓	
Jim Ley	✓	
Jim Peacock	✓	
Judy Smith	✓	