

ORDINANCE NO. 26-\_\_\_\_

**AN ORDINANCE OF THE CITY OF CHIPLEY, FLORIDA, AMENDING THE CITY OF CHIPLEY MUNICIPAL CODE BY ADDING CHAPTER 9, CEMETERIES; ESTABLISHING REGULATIONS FOR CITY-OWNED AND CITY-MAINTAINED CEMETERIES, INCLUDING REGULATIONS GOVERNING THE INTERMENT OF HUMAN REMAINS AND CREMATED REMAINS, THE MAINTENANCE OF GRAVESITES, THE REMOVAL OF PERSONAL ITEMS, THE INSTALLATION OF PERMANENT FIXTURES, THE PLANTING OF VEGETATION, AND DOMESTIC ANIMALS THEREIN; PROVIDING FOR DEFINITIONS; PROVIDING FOR AUTHORITY AND JURISDICTION; PROVIDING FOR PURPOSE; PROVIDING FOR A REPEALER; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Chipley, Florida ("City Council") is empowered to enact ordinances for the welfare and governance of its residents under Article VIII, Section 2 of the Florida Constitution, Chapter 166, Florida Statutes, and the City Charter of the City of Chipley; and

**WHEREAS**, the City Council has determined that regulations governing City-owned and City-maintained cemeteries, including standards for the care of gravesites and the conduct of visitors, are necessary to protect the safety, health, and general welfare of City residents;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Chipley, Florida, that the following provisions, regulations, and standards are hereby adopted for the purpose of promoting the health, safety, and general welfare of the community.

**Section 1. Chapter 9, Cemeteries, Adopted.**

The City of Chipley Municipal Code is hereby amended by adding a new Chapter 9, which shall read as follows:

**CHAPTER 9. CEMETERIES**

**Sec. 9-1. Purpose.**

The purpose of this Chapter is to establish regulations for the operation and use of City-owned and City-maintained cemeteries, and to promote the health, safety, and general welfare of City Residents.

**Sec. 9-2. Definitions.**

For the purposes of this Chapter, the following terms shall have the meanings ascribed to them below:

1. **"City Council"** means the City Council of the City of Chipley, Florida.

2. **"City Residents"** means individuals who reside within the geographical boundaries of the City of Chipley, Florida.
3. **"Cemetery"** or **"Cemetery Grounds"** means any land owned, operated, or maintained by the City of Chipley, Florida that is designated or dedicated for the interment of human remains, including all improvements, structures, pathways, landscaping, fencing, and appurtenances located thereon.
4. **"City"** means the City of Chipley, a municipal corporation duly organized and existing under the laws of the State of Florida.
5. **"Domestic Animal"** means any animal domesticated by humans and commonly kept as a household pet or companion animal, including but not limited to dogs and cats, but excluding livestock, poultry, and wildlife as defined under applicable Florida law.
6. **"Gravesite"** means the specific plot or area within a Cemetery designated for the interment of human remains, including any associated monument, marker, headstone, or other memorial structure placed thereon.
7. **"Responsible Party"** means any individual or entity who owns, controls, or is otherwise accountable for property, animals, or activities regulated under this Chapter, including but not limited to lot owners, animal owners, family members of interred persons, and any individual who places, plants, or deposits items within Cemetery Grounds.
8. **"Service Animal"** means any dog or miniature horse individually trained to do work or perform tasks for the benefit of an individual with a disability, as defined by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), as amended, and its implementing regulations.

### **Sec. 9-3. Authority and Jurisdiction.**

This Chapter is enacted under the authority granted to the City Council by the laws of the State of Florida and the City Charter of the City of Chipley. The City Council has the authority to enact, amend, and repeal ordinances and regulations concerning public safety, health, welfare, zoning, and land use.

The City Council's jurisdiction extends throughout the geographical boundaries of the City of Chipley, Florida. Within these boundaries, the City Council may enforce ordinances, collect taxes, and provide municipal services. All actions of the City Council shall comply with applicable state and federal law.

### **Sec. 9-4. Regulations for City-owned and City-maintained Cemeteries.**

The following regulations govern the use and maintenance of City-owned and City-maintained cemeteries:

1. No person shall inter, bury, or otherwise deposit human remains or cremated remains (cremains) within any City-owned or City-maintained cemetery without the prior written approval of the City. Any request for authorization must be submitted in writing to the City and shall identify the proposed gravesite location, the identity of the decedent, and the name and contact information of the Responsible Party. Any interment conducted without such prior written approval shall constitute a violation of this Chapter and may subject the Responsible Party to enforcement action and penalties as set forth in the Enforcement and Penalties section of this Chapter. The City reserves the right to take any and all lawful remedial action necessary to address an unauthorized interment, and all costs associated with such remedial action shall be recoverable from the Responsible Party.
2. All gravesites within City-owned and City-maintained cemeteries must be kept in a clean, orderly, and dignified manner. The placement of flowers, wreaths, flags, and other commemorative items is permitted, provided they are maintained in good condition by the Responsible Party. Flags shall not exceed eighteen (18) inches in width by twelve (12) inches in height, and any flagstaff or stake used to display a flag shall not exceed twenty-four (24) inches in total height above ground level.
3. Personal items left on gravesites that become damaged, decayed, broken, or dilapidated, or that otherwise present a public safety risk or nuisance, may be removed by City officials. The City shall endeavor to provide at least seven (7) calendar days' notice of pending removal by posting notice at the gravesite or at the cemetery entrance; however, no advance notice shall be required where the item presents an immediate public safety risk or nuisance.
4. No permanent fixture, including but not limited to flagpoles, monuments, enclosures, fencing, or other structural installations, may be placed or installed within the Cemetery Grounds without the prior written approval of the City. Any request for approval must be submitted in writing to the City and shall identify the type, proposed location, dimensions, and materials of the fixture to be installed. Unauthorized permanent fixtures, or any approved fixture that subsequently falls into disrepair or presents a safety hazard, may be removed by the City. Prior to removal, the City shall provide written notice to the owner of the plot, when identifiable, sent via certified mail, return receipt requested, to the last known address of the plot owner, at least fifteen (15) calendar days before removal. If the plot owner cannot be identified after reasonable investigation, or if notice cannot otherwise be delivered, the City shall post notice at the relevant gravesite for fifteen (15) calendar days prior to removal. The full cost of removal, including

associated administrative costs, shall be recoverable by the City from the Responsible Party.

5. The City Council reserves the right to enact further regulations as necessary to address safety concerns, preserve public health, and maintain the sanctity of the cemeteries under its jurisdiction.
6. City Residents and visitors are required to adhere to all regulations established by this chapter and any additional regulations properly adopted and posted by the City while within the cemetery grounds. Failure to comply with these regulations may result in enforcement action by the City as specified in the "Enforcement and Penalties" section of this chapter.

#### **Sec. 9-5. Regulations Governing Domestic Animals.**

In order to preserve the sanctity and cleanliness of cemetery sites within the City of Chipley, Florida, the following regulations governing domestic animals are hereby enacted:

1. Domestic animals are permitted within the boundaries of any cemetery sites owned or operated by the City of Chipley, provided that they comply with all regulations set forth in this chapter. Animal owners are required to immediately clean up and properly dispose of any waste or excrement left by their animals while on cemetery grounds. Failure to do so shall constitute a violation of this chapter.
2. Animal owners are personally responsible for any damage caused by their animals to cemetery grounds, gravesites, monuments, markers, fencing, landscaping, or any other City property. The City may seek reimbursement from the responsible animal owner for the full cost of any such damage, including but not limited to repair, replacement, and associated administrative costs.
3. Animals must remain under the control of their owner or handler at all times while on cemetery grounds, and must be kept on a leash no longer than six (6) feet in length.
4. Any domestic animal that displays aggressive behavior, including but not limited to biting, lunging, growling, or threatening any person or animal, or that creates excessive noise, including but not limited to prolonged or repeated barking, howling, or whining, that disturbs the peace and dignity of the Cemetery Grounds, shall be required to be immediately removed from the Cemetery Grounds by the Responsible Party. Failure to immediately remove such an animal upon direction by a City official, law enforcement officer, or designated agent shall constitute a violation of this Chapter. Any domestic animal exhibiting aggressive behavior that poses an immediate threat to public safety may be seized and turned over to animal

control in accordance with existing City ordinance. The City reserves the right to deny future access to the Cemetery Grounds to any domestic animal that has previously engaged in aggressive or disruptive behavior.

5. Nothing in this chapter shall be construed to authorize discrimination against individuals with disabilities who use service animals as defined by the Americans with Disabilities Act.

#### **Sec. 9-6. Prohibition on Unauthorized Planting of Vegetation.**

To preserve the integrity of City-owned and City-maintained cemeteries and prevent the imposition of undue maintenance burdens on the City, the following regulations govern the planting of trees, shrubbery, and other vegetation within cemetery grounds:

1. No private party, including but not limited to, lot owners, family members of interred persons, or other individuals, may plant any tree, shrub, or other vegetation within the boundaries of any City-owned or City-maintained cemetery without the prior written authorization of the City.
2. The City shall not authorize any planting that would require ongoing City maintenance, including but not limited to watering, pruning, fertilization, pest control, or removal. Any request for authorization must be submitted in writing to the City and shall identify the species, proposed location, and anticipated maintenance requirements of the vegetation to be planted.
3. Any tree, shrub, or other vegetation planted without prior written City authorization, or any authorized planting that subsequently requires ongoing City maintenance, may be removed by the City at the Responsible Party's expense. The City shall provide written notice to the Responsible Party, when identifiable through reasonable investigation, at least fifteen (15) calendar days prior to removal. Notice shall be sent via certified mail, return receipt requested, to the last known address of the Responsible Party. If the Responsible Party cannot be identified after reasonable investigation, the City shall post notice at the relevant gravesite or planting location for fifteen (15) days before removal. The full cost of removal, including associated administrative costs, shall be recoverable by the City from the Responsible Party.
4. Violations of this Section are subject to the enforcement mechanisms and penalties prescribed in the Enforcement and Penalties section of this Chapter. Each day an unauthorized planting remains in place after the expiration of the notice period shall constitute a separate violation.

#### **Sec. 9-7. Enforcement and Penalties.**

This Chapter shall be enforced by the City of Chipley, through its authorized officials, code enforcement officers, law enforcement, or other designated agents of the City Council. Violations may result in fines, penalties, or other legal action in accordance with Florida law and the ordinances of the City of Chipley.

Penalties for violations of this Chapter shall be as follows, and shall not exceed the maximum amounts authorized under Florida Statutes Section 162.21, as applicable:

1. For the first violation, a written warning shall be issued to the violator, informing them of the violation and the necessary corrective actions to be taken, unless the violation involves actual harm or imminent threat of harm to public health, safety, or welfare.
2. For the second violation within a twelve (12) month period, a fine of up to \$250 may be imposed.
3. For subsequent violations within a twelve (12) month period, the fine may be increased up to \$500.00 per violation, or legal action may be taken to seek compliance, including but not limited to injunctions or other court orders. Each day a violation continues shall constitute a separate violation.

Violations involving actual harm or imminent threat of harm to public health, safety, or welfare may warrant immediate legal action without prior written warning.

All fines collected under this Chapter shall be deposited into the City's general fund and may be appropriated by the City Council for any lawful municipal purpose, including but not limited to the enforcement of ordinances, in accordance with Florida law and the City's budgetary procedures.

## **Section 2. Repealer**

All ordinances and resolutions, or parts thereof, of the City of Chipley that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency. It is not the intent of the City Council to repeal any existing ordinance or part of an ordinance that does not conflict with the provisions of this Ordinance.

## **Section 3. Severability**

If any provision of this Ordinance, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect to the greatest extent possible and consistent with the intent of the City Council.

## **Section 4. Effective Date**

This Ordinance shall become effective immediately upon its adoption.

**INTRODUCED** at a regular meeting of the City Council of the City of Chipley, Florida, on the \_\_\_ day of \_\_\_\_\_, 2026, and **PASSED** at a regular meeting of the City Council of the City of Chipley, Florida, on the \_\_\_ day of \_\_\_\_\_, 2026.

CITY OF CHIPLEY, FLORIDA  
BY:

\_\_\_\_\_  
Tracy Andrews, Mayor

ATTEST:

\_\_\_\_\_  
Sherry Snell, City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Michelle Blankenship Jordan, City Attorney

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