

Appendix A
Relevant Law:
Excerpts from U.S. and Florida Constitutions,
RFRA, FRFRA, and Rules and Regulations
of Boca Raton Cemetery

U.S. CONSTITUTION, AMEND. I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONSTITUTION, AMEND. XIV, SEC.1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FLORIDA CONSTITUTION, ART. I, § 3.

RELIGIOUS FREEDOM.

There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety. No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.

RELIGIOUS FREEDOM RESTORATION ACT (2003)
42 USCS § 2000BB (2003).

Congressional findings and declaration of purposes

- (a) Findings. The Congress finds that—
- (1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;
 - (2) laws “neutral” toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;
 - (3) governments should not substantially burden religious exercise without compelling justification;
 - (4) in *Employment Division v. Smith*, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and
 - (5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.
- (b) Purposes. The purposes of this Act are—
- (1) to restore the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and
 - (2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.

§ 2000BB-1 (2003).

Free exercise of religion protected

- (a) In general. Government shall not substantially burden a person’s exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).
- (b) Exception. Government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person—
- (1) is in furtherance of a compelling governmental interest; and
 - (2) is the least restrictive means of furthering that compelling governmental interest.
- (c) Judicial relief. A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

APPENDIX A

§ 2000BB-2

Definitions

As used in this Act—

- (1) the term “government” includes a branch, department, agency, instrumentality, and official (or other person acting under color of law) of the United States, or of a covered entity;
- (2) the term “covered entity” means the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States;
- (3) the term “demonstrates” means meets the burdens of going forward with the evidence and of persuasion; and
- (4) the term “exercise of religion” means religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000 [42 USCS § 2000cc-5].

§ 2000BB-3

Applicability

- (a) In general. This Act applies to all Federal law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this Act [enacted Nov. 16, 1993].
- (b) Rule of construction. Federal statutory law adopted after the date of the enactment of this Act [enacted Nov. 16, 1993] is subject to this Act unless such law explicitly excludes such application by reference to this Act.
- (c) Religious belief unaffected. Nothing in this Act shall be construed to authorize any government to burden any religious belief.

§ 2000BB-4 (2003).

Establishment Clause unaffected

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the First Amendment prohibiting laws respecting the establishment of religion (referred to in this section as the “Establishment Clause”). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term “granting,” used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

APPENDIX A

FLORIDA RELIGIOUS FREEDOM RESTORATION ACT.
FLORIDA STATUTE § 761.01.

Short title

This act may be cited as the "Religious Freedom Restoration Act of 1998.

§ 761.02.

Definitions

As used in this act:

- (1) "Government" or "state" includes any branch, department, agency, instrumentality, or official or other person acting under color of law of the state, a county, special district, municipality, or any other subdivision of the state.
- (2) "Demonstrates" means to meet the burden of going forward with the evidence and of persuasion
- (3) "Exercise of religion" means an act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

§ 761.03.

Free exercise of religion protected

- (1) The government shall not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person:
 - (a) Is in furtherance of a compelling governmental interest; and
 - (b) Is the least restrictive means of furthering that compelling governmental interest.
- (2) A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief.

APPENDIX A

§ 761.04.

Attorney's fees and costs

The prevailing plaintiff in any action or proceeding to enforce a provision of this act is entitled to reasonable attorney's fees and costs to be paid by the government.

§ 761.05.

Applicability; construction

- (1) This act applies to all state law, and the implementation of that law, whether statutory or otherwise, and whether adopted before or after the enactment of this act.
- (2) State law adopted after the date of the enactment of this act is subject to this act unless such law explicitly excludes such application by reference to this act.
- (3) Nothing in this act shall be construed to authorize the government to burden any religious belief.
- (4) Nothing in this act shall be construed to circumvent the provisions of chapter 893.
- (5) Nothing in this act shall be construed to affect, interpret, or in any way address that portion of s. 3, Art. I of the State Constitution prohibiting laws respecting the establishment of religion.
- (6) Nothing in this act shall create any rights by an employee against an employer if the employer is not a governmental agency.
- (7) Nothing in this act shall be construed to affect, interpret, or in any way address that portion of s. 3, art. I of the State Constitution and the First Amendment to the Constitution of the United States respecting the establishment of religion. This act shall not be construed to permit any practice prohibited by those provisions.

RULES AND REGULATIONS OF THE BOCA RATON MUNICIPAL CEMETERY AND MAUSOLEUM (1996)

INTRODUCTION

For the mutual protection of all purchasers, and for the preservation of all lots, plots, crypts and niches in the Boca Raton Municipal Cemetery and Mausoleum, these Rules and Regulations shall govern the ownership, use and control of all said lots, plots, crypts and niches. Reference to these Rules and Regulations in the Certificate of Ownership or Deed, or in the recorded plot shall have the same force and effect as if these rules and amendments were set out therein in full.

SECTION I

Definitions

- (1) Articles—Including, but not limited to, boxes, shells, toys, ornaments, chairs, settees, crosses, statues, benches, vases, rocks, fencing, borders, windchimes, candles, candle holders, plants, shrubs, trees or herbage of any kind.
- (2) Cemetery—The Boca Raton Municipal Cemetery and Mausoleum.
- (3) Certificate of Ownership—The original conveyance given by the City of Boca Raton or the Boca Raton Mausoleum, Inc., to the original purchaser with burial rights to the spaces listed.
- (4) Crypt—A space of sufficient size to accommodate at least one casket holding remains entombed above ground.
- (5) Entombment—The permanent disposition of a deceased person in a crypt, columbarium, sarcophagus, or niche within a mausoleum.
- (6) Disentombment—The removal of a deceased person in a crypt, columbarium, sarcophagus, or niche within a mausoleum.
- (7) Grave—A plot containing an in earth burial.
- (8) Interment—The permanent disposition of the remains or cremains of a deceased person in earth burial.
- (9) Disinterment—The removal of the remains or cremains of a deceased person in earth burial.
- (10) Legal Holidays—Those annual holidays which are given by the City of Boca Raton to its employees.
- (11) Lot—A numbered division as shown on the Cemetery map, which consists of more than one plot.
- (12) Lot Marker—A concrete or suitable material used by the City to locate corners of the lot or plot.
- (13) Marker—A memorial which does not extend vertically above the ground and is constructed of approved metal or stone containing names, dates, or other engraved lettering used in identification of one or more persons and placed at the head of a lot or plot.
- (14) Mausoleum—A building or structure above ground for entombments in vaults, crypts, niches, columbariums, sarcophagus or a combination of any one or more than one thereof.
- (15) Memorial—A monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, and surface burial vault, urn, crypt and niche plates or bronze lettering on crypts or niches.
- (16) Monument—A tombstone or memorial of granite or other approved materials, which shall extend vertically above the surface of the ground.
- (17) Niche—A space of sufficient size to accommodate at least one urn holding cremated remains above ground.
- (18) Plot—A space of sufficient size to accommodate a single depth in earth burial.

APPENDIX A

- (19) Plot, Double Depth—A space of equal surface area as a single plot with the depth capacity to accommodate two in earth interments, one atop the other.
- (20) Resident—A natural person having his or her place of residence within the City of Boca Raton, and having the intention to continue residing in Boca Raton for an indefinite period of time.
- (21) Scatter Garden—A specially designated and maintained area set aside for the exclusive purpose of disseminating cremated human remains.
- (22) Vault—Also termed as an “outer box,” is an encasement or container constructed of concrete, concrete and steel, stone or other suitable material used to encapsulate the casket, cremains or other burial containers in order to maintain the shape and integrity of the plot.

SECTION II

General Supervision

- (1) Admission to Cemetery and Mausoleum—The City of Boca Raton, a municipal corporation of Florida, reserves the right to compel all persons driving motor vehicles into Boca Raton Municipal Cemetery to bring their vehicles to a full stop at the entrance and further reserves the right to refuse admission to the Cemetery grounds, and to refuse the use of any of the Cemetery or Mausoleum facilities at any time to any person or persons whom the Cemetery Manager determines is unwilling or incapable of abiding by these rules or the rules of general decorum.
- (2) Cemetery Manager in Charge of Funeral—All funeral processions, on entering the Cemetery grounds, shall be under the direct control and supervision of the Cemetery Manager, provided that the funeral director for the funeral shall be present to conduct the burial services in accordance with the applicable Florida Statutes and these rules and regulations.
- (3) Casket Not to Be Disturbed—Once a casket containing human remains is transported into the Cemetery, a funeral director, or his embalmer, assistant, employee or agent, is prohibited from opening the casket with the following exceptions:
 - (a) The legal representatives of the deceased at the time of interment or entombment, pursuant to a court order or a valid disinterment or disentombment permit, may cause the casket to be opened in the event that an item(s) was not removed or placed with the deceased.
 - (b) The casket may be opened if an examination of the deceased is required by the medical examiner's office or other law enforcement agency. Cemetery or Mausoleum staff shall not open any casket. Viewing of the deceased is prohibited at the Cemetery or Mausoleum.
- (4) Funeral Directors Responsible for Transporting Deceased's Remains—All funeral directors, their representatives, and aides shall be responsible

for transporting the remains of a deceased person from the funeral coach containing the deceased's remains to the grave or crypt. At least one person from the funeral director's staff shall be in attendance as a witness during interment or entombment of the deceased's remains.

(5) Supervision of Disinterment or Disentombment—Upon receiving an order from the owner of record to disinter or disentomb human remains from a cemetery plot or Mausoleum crypt or niche, the Cemetery Manager will direct the removal and final disposition of said human remains in the presence of a licensed funeral director. The Cemetery Manager or Cemetery staff shall not perform removal or transfer of human remains in the absence of a licensed funeral director unless under order of court.

SECTION III

Entombments or Interments and Disinterments or Removals Generally

1. Subject to Law—In addition to these rules and regulations, all interments, entombments, disinterments and removals are made subject to the orders and laws of the applicable governmental authority.
2. Holidays—No interments, entombments, disinterments, disentombments, removals or interments services shall be permitted on Thanksgiving, Christmas Day or Easter Sunday. Services for Saturday, Sunday, or on any legal holidays may be permitted by the Cemetery Manager upon the payment of applicable charges, provided those services do not interfere with a scheduled holiday event such as Veteran's or Memorial Day services hosted by the Cemetery.
3. Notice for Interment or Entombment—The Cemetery Manager shall be notified at least twenty-four (24) hours prior to any interment or entombment and at least one (1) week prior to any disinterment or disentombment or removal, or except in case of emergency or court order. The Cemetery Manager may refuse to make an interment or entombment until a more expedient time if the remains arrive at the Cemetery gate after 3:00 P.M., or if more than one funeral arrives at the same hour. No service may continue after 4:00 P.M. unless granted by the Cemetery Manager under extenuating circumstances and applicable fees are paid.
4. Application for Interment or Entombment—The Cemetery Manager reserves the right to refuse interment or entombment in any plot, niche or crypt and to refuse to open any burial or entombment space for any purpose if a written application by a qualified plot, crypt or niche owner of record is not submitted to the office of the Cemetery Manager prior to the close of normal business hours defined as Monday through Friday, 8:00 A.M. to 4:30 P.M., excluding holidays.

APPENDIX A

5. Vault or Outer Box—Every earth interment, including cremated remains, shall be enclosed in an encasement or container constructed of concrete, concrete and steel, stone or other suitable material used to encapsulate the casket, cremains or other burial container in order to maintain the shape and integrity of the plot. An outer vault or outer box provided by the funeral director shall be of a type approved by the Cemetery Manager and be installed by the Cemetery staff or a designated vault manufacturer under the supervision of the Cemetery Manager.
6. Location of Interment Spaces—When instructions regarding the location of an interment space in a lot cannot be obtained, or are indefinite, or when the interment space cannot be opened where specified, the Cemetery Manager may at his discretion, open it in such location of the lot as he deems best and proper, so as not to delay the funeral.
7. Orders Given by Telephone—The Cemetery Manager shall not be held responsible for any order given by telephone, or for any error resulting from imprecise or improper instructions regarding the particular space, size, location and memorialization in a lot, crypt or niche where interment or entombment is desired.
8. Errors May be Corrected—The City of Boca Raton may correct any error made by it in making interment, disinterment, or removal, or in the description, transfer or conveyance of any interment property, by cancelling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as selected by the Cemetery Manager, or by refunding the amount of money paid on account of said purchase. If the error involves the interment of the remains of any person in a different location, the Cemetery Manager shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Cemetery Manager shall also have the right to correct any errors made by placing an improper inscription, including an incorrect name or date, either on the memorial, marker, crypt, niche or on the container for cremated remains.
9. Delays in Interments or Entombments Caused by Protests—The City of Boca Raton shall not be liable for any delay in the interment of a body resulting from a protest against the interment or from noncompliance with these rules and regulations. Under such circumstances, the Cemetery Manager has the right to place the body in a receiving vault until full rights have been determined. The Cemetery Manager shall be under no duty to recognize any protests of interments or entombments unless accompanied by supporting documentation, including, where applicable, a court order.
10. Cemetery Manager Not Responsible for Permits, Embalming or Identity—The Cemetery Manager shall not be responsible for obtain-

- ing interment or entombment permits or for the identity of the person sought to be interred, or the embalming of the body.
11. No Interment Permitted Unless Property or Space has been Paid For in Full—No interment shall be permitted on, or memorial placed in or on, any lot or plot in Boca Raton Municipal Cemetery where the purchase price thereof has not been paid in full.
 12. Interment of More than One Body or Cremated Remains in a Standard Single Depth Plot—Not more than one body, or the remains of more than one body, shall be interred in any one plot or single crypt, except in the case of a mother and her infant, unless the plot has been purchased with the written agreement that more than one body or the remains of more than one body shall be interred therein; provided that proper identification is made of such interment or interments on one regulation marker. The space required for the interment of cremated remains shall be standard plot size, established by the Cemetery Manager; however the remains of two (2) of such cremated decedents may be interred in one standard single depth plot.
 13. Interment of Two Human Remains in a Standard Double Depth Plot—Not more than two (2) human remains shall be interred in any one double depth plot. The plot shall be purchased with the written agreement that more than one (1) human remains or the cremains of more than one (1) body shall be interred therein, but not more than (2) remains in any combination may be placed, provided that proper identification is made of such interment or interments on one regulation sized marker. The agreement shall also provide the name of the person authorized to designate the identity of the person other than the purchaser of the plot whose remains may be interred in the double depth plot.
 14. Interment in Church or Lodge Plot—In instances in which the burial rights are owned by a church, lodge, or other society, interments shall be limited to residents who are members of the organization, husbands and wives, and to immediate members of the families.
 15. Interment in a Section Reserved for Cremated Remains—The Cemetery Manager shall designate an appropriate section of the Cemetery for interment of cremated remains. Plots within this section shall be of appropriate size, and the cremated remains of only one (1) deceased person may be interred in each plot.
 16. Interment in a Section Reserved for Infants—The Cemetery Manager shall designate an appropriate section of the Cemetery for interment of infant remains. Plots within the reserved section shall be of appropriate size to permit the interment of one (1) infant less than one year of age.

SECTION IV

Disinterments and Removals

1. Larger Plot May Be Obtained—A body or cremated remains may be removed from its original lot or plot to a larger or better lot or plot, crypt or niche in the Cemetery or Mausoleum, where there has been an exchange or purchase for that purpose and where all fees and additional charges have been paid in full.
2. Care in Removal—The Cemetery Manager shall exercise reasonable care in making a removal, but assumes no liability for damage to any casket, burial case, vault or outer box or urn incurred in making the removal.

SECTION V

Services Charges

Payment of Services Charges—The charges for services in connection with an interment must be paid by the funeral director prior to the closing of the grave. Charges for disinterments or removal must be paid at the time of issuance of the order for same.

SECTION VI

Interments and/or Burial Rights of Owners—Cemetery Only

1. Right of Interment under Owner's Certificate of Ownership or Deed—At the time of purchase of a lot or plot, an owner shall, and at any time thereafter during the purchaser's lifetime, an owner may execute a Declaration of Reservation specifically designating the persons entitled to be buried in the plot or in any or all of the plots in a lot, or vesting the right of designation for unreserved plots in a named person. Upon application by any person for interment of a body in a given burial space, the burden of proof as to the identity of the person to be interred rests upon the applicant. The Cemetery Manager is authorized to rely on the representations as provided in the application.
2. Right of Interment in Absence of Owner's Declaration of Reservation—In the absence of a Declaration of Reservation by the registered owner of a burial space, the order of interment shall be:
 - (a) One burial space shall be forever reserved for the owner and for the owner's surviving spouse, if any.
 - (b) Lineal descendants of the owner, or owners, and their respective spouses.
 - (c) Parents of the owner, or owners.

3. Vested Rights of Owners—The burial rights of an owner shall be presumed to be the sole and separate property of the person named as grantee in the Certificate of Ownership or Deed, provided, however, that the spouse of an owner shall have a vested right of interment of his or her body in any burial space conveyed to the other spouse, provided that such person shall remain the spouse of the owner or shall be the spouse at the time of the owner's demise. No conveyance or transfer of a lot or plot shall be made by a married owner without the joinder of the spouse.
4. Inalienability of Cemetery Plots—All lots, the use of which has been conveyed in a Certificate of Ownership or Deed, are indivisible. Whenever an interment of the remains of the record owner, or of a member or a relative of a member of the family of the record owner, is made in a lot, the lot thereby becomes inalienable, and shall be held as set forth in the Declaration of Reservation.

SECTION VII

Transfers of Assignments—Cemetery Only

1. Cemetery Lots or Plots May Be Transferred and Assigned—Provided that, upon such transfer, the City of Boca Raton shall be paid a transfer fee and the difference between the original charge for the lot or plots and the current charge for such lots or plots. No cost differential shall be charged by the city upon a transfer to a resident of Boca Raton who is a lineal descendant or ascendant of the transferor. No Cemetery lot or plot may be transferred or assigned to any person who is not a resident of Boca Raton.
2. Consent of the City of Boca Raton—No transfer or assignment of any lot or plot or interest therein shall be valid without the consent in writing of the City Manager. Transfer or assignment must be made upon forms provided by the City of Boca Raton for this purpose. The original Certificate or Deed must be presented at the time application for transfer is made.
3. Transfer Charges—The approved transfer fee shall be charged for a transfer of ownership in lots or plots which shall be paid when the transfer is recorded.
4. City May Repurchase—In the event the original lot owner moves his residence from Boca Raton permanently, and is not able to find a suitable buyer for his lot, the city may repurchase the lot at the original price.

APPENDIX A

SECTION VIII

Control of Work by City

1. Work to Be Done by City of Boca Raton—All grading, landscape work and improvements of any kind, the care of plots, lots, crypts and niches, all planting, trimming, cutting and removal of trees, shrubs and herbage, all openings and closing of plots, lots, crypts and niches, and all interments, entombments, disinterments and removals shall be performed by the City of Boca Raton or a designated contractor under the supervision of the Cemetery Manager.
2. The City of Boca Raton Must Direct and May Remove Improvements—All improvements or alterations of lots, plots, crypts and niches in the Cemetery or Mausoleum shall be performed under the supervision of the Cemetery Manager; if any improvements, including landscape materials such as trees, shrubs, flowers or herbage, and alterations are made without his written consent, he may remove, alter or change the improvements or alterations at the expense of the owner. The Cemetery Manager may also remove or change any improvements or alterations, at the owner's expense, if at any time, in the Cemetery Manager's judgment, they become unsightly.
3. Benches—Public convenience benches shall not be placed on any lot, plot, grave or any other location not approved by the Cemetery Manager. Plot owners or persons desiring to donate to the City for the purpose of purchasing benches for Cemetery use, must contact the Cemetery Manager for approval of a standard bench to be purchased by the City at the donor's expense. The Cemetery Manager shall determine the location of placement, and upon installation, the bench shall become the sole property of the City and may be relocated or removed at the City's discretion. The City reserves the right to limit the number of benches installed.

SECTION IX

Decoration of Cemetery Plots and Mausoleum Crypt or Niches

1. Floral Regulations—No flower receptacles may be placed on any plot unless of approved material, size and design. Flower receptacles which are not an inclusive part of the marker design shall not be permitted. Flower receptacles placed in grass areas on the plot or surrounding the marker, are subject to damage by maintenance equipment and are therefore considered to be the sole responsibility of the plot owner. The planting of flowers, shrubs, trees, plants or herbage of any kind shall not be permitted without the expressed written consent of the Cemetery Manager. The Cemetery Manager shall have the authority to remove all floral designs, flowers, weeds, trees, shrubs, plants or

herbage of any kind, from the Cemetery or Mausoleum as soon as, in the judgment of the Cemetery Manager, they become unsightly, dangerous, detrimental or diseased, or when they do not conform to the standard maintained. The City of Boca Raton shall not be liable for floral pieces, baskets or frames in which, or to which, such floral pieces are attached, beyond the acceptance of such floral pieces for funeral services held in the Cemetery or Mausoleum. The Cemetery Manager shall not be responsible for frozen plants, or herbage of any kind, or for plantings, damages by the elements, thieves, vandals, maintenance operations or by other causes beyond his control. The Cemetery Manager reserves the right to regulate the method of decorating plots so that a uniform beauty may be maintained. The Cemetery Manager reserves the right to prevent the removal of any flowers, floral designs, trees, shrubs, plants, or herbage of any kind, unless consent is given.

2. **Certain Articles Prohibited**—The placing of any articles of any kind upon plots or upon or in front of crypts and niches that are not specifically authorized under these rules and regulations shall not be permitted. The Cemetery Manager reserves the right to remove same. The placing of small articles on a headstone memorial after a sixty (60) day period from the date of burial shall be prohibited. The placing of small articles on a headstone memorial on the deceased's birthday, Mother's Day, Father's Day, the anniversary date of the deceased's death, and on national holidays may be permitted. The small articles may be permitted for a period commencing one (1) day before and ending five (5) days after such birthday, anniversary or holiday. The Cemetery Manager reserves the right to remove all articles which interfere with the maintenance of the Cemetery or Mausoleum, or interfere with the accessibility to another plot, crypt or niche in the preparation of an interment, disinterment, entombment or disentombment.
3. **Certain Flowers Prohibited in Mausoleum**—No artificial flowers, except silk flowers, are permitted in or around Mausoleum buildings. Anything contained herein to the contrary notwithstanding, no flowers of any kind whatsoever, including, but not limited to, fresh flowers, artificial flowers and silk flowers, shall be permitted in the Rotunda Building and the Remembrance Chapel of the Mausoleum. No flowers can appear on front of crypts or niches unless the holder is installed by the City of Boca Raton. All remembrances (flowers) must be placed in front of or near a particular crypt or niche and fresh flowers can remain for a maximum period of three (3) days. After the third day, or in the case of silk flowers, when the Cemetery Manager determines that the flowers have become unsightly, said flowers and holder shall be removed and disposed of in a manner acceptable to the Cemetery Manager.
4. **Potted Plants Regulated in Mausoleum**—No potted plants containing soil, perlite, or other loose materials are permitted in chapels or walkways in the Mausoleum except for the holidays of Easter, Mother's

Day, Father's Day and Christmas; in those instances, the potted plants shall be removed within 48 hours after the holiday or the posted holiday time frames.

5. City Shall Not Be Liable for Damage to Articles Placed on Grave Plots, Markers, Memorials or Monuments—Articles placed on grave plots, markers, memorials or monuments which protrude or extend above ground level, except for approved floral containers, constitute interference to proper maintenance of plots and the City shall not be liable for damage to such articles.

SECTION X

Conduct of Persons within the Cemetery and Mausoleum Grounds

1. Must Use Walks—Persons within the Cemetery and Mausoleum grounds shall use only the avenues, walks, alleys and roads.
2. Persons in the Cemetery and Mausoleum—Only authorized personnel, and visitors, owners and relatives shall be permitted on the Cemetery and Mausoleum grounds.
3. Children—Children under fifteen (15) years shall not be permitted within the Cemetery or its buildings unless accompanied by an adult.
4. Flowers, Etc.—All persons are prohibited from gathering flowers, either wild or cultivated, or disturbing trees, shrubbery or plants, or feeding or disturbing the wildlife, within the Cemetery or Mausoleum grounds.
5. Refreshments—No person shall be permitted to bring food or refreshments within the Cemetery or Mausoleum grounds.
6. Lounging on Grounds—No one shall be permitted to sit or lounge on any of the grounds, graves or monuments in the Cemetery or Mausoleum.
7. Littering—Littering is expressly prohibited anywhere within the Cemetery and its buildings.
8. Vehicular Traffic Requirements—No persons shall drive any motor vehicle within the Cemetery grounds at a speed greater than is reasonable in light of any activity then occurring within the Cemetery, provided that no motor vehicle shall be operated at a speed greater than ten (10) miles per hour. All motor vehicles shall be driven on the right side of the Cemetery roadway, and shall at all times remain on the paved portions of such roadways which are specifically provided for motor vehicle usage. No motor vehicles shall be parked or driven on or upon any pedestrian paths, walkways, or unpaved areas, nor parked or stopped adjacent to any open grave except in attendance for the services in connection therewith.
9. Bicycles and Motorcycles—No bicycles or motorcycles shall be admitted to the Cemetery except such as may be in attendance at funerals or on official business.

10. Skates and Skateboards—No roller skates, inline skates or skateboards shall be admitted to the Cemetery.
11. Peddling or Soliciting—Peddling of flowers or plants or soliciting the sale of any item is prohibited within the boundaries of the Cemetery.
12. Firearms—Possession of firearms is prohibited within the Cemetery except by duly authorized law enforcement agencies.
13. Notices and Advertisements—No signs, notices or advertisements of any kind shall be allowed in the Cemetery unless placed by the City of Boca Raton.
14. Pets—Pets shall not be allowed on the Cemetery grounds except in the case of service animals used to assist disabled patrons or visitors.
15. Time Grounds Open—The Cemetery grounds shall be open during normal daylight hours.
16. Decorum—Strict decorum shall be observed at all times within the Cemetery grounds, whether set forth in these rules or not.
17. Cemetery Manager to Enforce Rules—The Cemetery Manager shall enforce these rules and regulations, and may exclude from the Boca Raton Cemetery and Mausoleum any person whose actions are not in compliance with the rules and regulations. The Cemetery Manager shall be in charge of the grounds and buildings, including the conduct of funerals, traffic, employees, plot owners and visitors, and shall supervise and control all operations of the Cemetery or Mausoleum.

SECTION XI

Fees, Gratuities and Commissions

Gratuities Not to Be Accepted by Employees—No person, while employed by the City of Boca Raton shall receive any fee, gratuity or commission, except from the City of Boca Raton, either directly or indirectly.

SECTION XII

Protection against Loss

The City shall take reasonable precaution to protect owners and the burial rights of owners within the Cemetery or Mausoleum from loss or damage; but it expressly disclaims all liability for any loss or damage from causes beyond its control, damages caused by the weather, an act of God, common enemy, thieves, vandals, strikers, intentional malicious action, explosions, invasions, insurrections, riots, civil disturbances, or order of any military, civil or judicial authority.

APPENDIX A

SECTION XIII

Change in Address of Plot Owners

It shall be the duty of the lot or plot owner to notify the Cemetery Manager of any change in his post office or current mailing address. Notice sent to a lot or plot owner at the last known address on file in the office of the Cemetery Manager shall be deemed sufficient legal notice.

SECTION XIV

Memorials, Monuments and Markers

1. Approval by Cemetery Manager Required—The placement, location, erection and construction of all memorials, monuments, and markers within the cemetery grounds shall be done subject to the approval and under the supervision of the Cemetery Manager. The Cemetery Manager shall approve the format for mausoleum crypt plates or face inscriptions and limit the number and style of designs allowed and their dimensions in order to maintain the established standard. No variations or alterations will be permitted without written permission from the Cemetery Manager. Whenever possible, all new memorials shall be located in line with those previously established, and all placements shall conform to the size of the plot or lot for which it is intended.
2. Restrictions on Above Ground Memorials and Monuments—No memorials, monuments, or enclosures shall be permitted above ground in any section of the Cemetery grounds except in Section “A.” Stone or bronze markers are allowed in all other sections provided that they are level with the ground surface.
3. Foundations Required—A foundation of suitable size and material must be placed, when necessary, for a memorial or markers at the time of installation by the company furnishing the memorial or marker.
4. Limited Liability on Markers and Memorials—Due to the necessity of continuous maintenance and control of the Cemetery grounds, it is understood that unavoidable damage may occur to the borders and edges of memorials and markers. The City shall not be held liable for such damages except for the defacing or obliteration of names, dates, or engraved emblems on the face of the markers or memorials.
5. Sales and Service Charges Must Be Paid—All installation charges, inspection and placement fees, marker sales charges and other fees or charges applied by the City to memorials, monuments, or markers must be paid in full prior installation.

APPENDIX A

SECTION XV

Purchase of Plot Sites

1. Reservation unto City Residents—The existing plot sites in the Boca Raton Municipal Cemetery remaining unsold are hereby reserved for purchase only by the residents of the City of Boca Raton, Florida.
2. Plot Site Charges—The charge for plot sites in the Boca Raton Municipal Cemetery shall be set by ordinance of the City of Boca Raton and included in the Code of Ordinances.
3. Veterans Plot Sites—In a reserved area of the Cemetery designated for such purpose, and to the extent that such space is available, all honorably discharged service men and women of the armed forces of the United States of America who were residents of the City of Boca Raton at the time of their death, shall be permitted to be interred in the Boca Raton Municipal Cemetery at a reduced plot site charge as set forth by ordinance of the City of Boca Raton and included in the Code of Ordinances. This fee may be paid to the City of Boca Raton by the funeral director or the family of the deceased. In each case, the plot site to be used for interment shall be selected by the Cemetery Manager and the specific location of a veteran's plot site cannot be reserved. Any veterans preferring burial in a family lot outside the reserved area will be charged the standard plot price.
4. Indigence—Any resident of the City of Boca Raton who is declared indigent at the time of his or her death shall be interred in a burial plot to be designated by the Cemetery Manager.