

ORDINANCE 88-34

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SETTING FORTH CERTAIN FINDINGS OF FACT WITH RESPECT TO CONDITIONS OF NEGLECT EXISTING AT OLD MEMPHIS CEMETERY; DECLARING OLD MEMPHIS CEMETERY NEGLECTED; PROVIDING FOR THE IMPLEMENTATION OF THE AUTHORITY GRANTED BY SECTION 497.071, FLORIDA STATUTES, WITH REGARD TO NEGLECTED CEMETERIES; SETTING FORTH CERTAIN LIMITATIONS RELATED TO MAINTAINING AND SECURING OLD MEMPHIS CEMETERY; PROVIDING AN EFFECTIVE DATE.

FILED  
CLERK OF COUNTY  
MANATEE COUNTY, FLORIDA

AUG 22 10 27 AM '88

WHEREAS, Old Memphis Cemetery, located within the unincorporated area of Manatee County, has been the object of numerous citizen complaints, and

WHEREAS, Section 497.071, Florida Statutes, as amended, provides the County with the authority to take such action as is necessary and appropriate to provide for the maintenance and security of any cemetery which has not been reasonably maintained for a period in excess of six (6) months, and

WHEREAS, the Advisory Committee on Neglected Cemeteries was established and formally recognized by the Board of County Commissioners on July 5, 1988, with the adoption of R-88-152, and

WHEREAS, this Committee has been given, through Resolution R-88-152, duties which include apprising the Board of County Commissioners of any cemetery falling into neglect in Manatee County, and proposing action to correct such neglect, and

WHEREAS, the Committee has determined that the Old Memphis, Adams, and Rogers cemeteries of Manatee County are neglected.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

RECEIVED  
COUNTY CLERK  
MANATEE COUNTY, FLORIDA  
AUG 22 1988

*Old Memphis Cemetery*

Section 1. It Is the Purpose and Intent of this Ordinance to

Accomplish the Following:

A. Implementation of the authority to enter private cemetery property and to take such action as is necessary and appropriate for the maintenance and security of the cemetery, granted the county by Section 497.071, Florida Statutes, as amended.

B. To provide the county with the limited immunity granted under Section 497.071, Florida Statutes, to enter a cemetery without being subject to civil liabilities or penalties of any type for damages to property at the cemetery, and the provision of the means legally to enter Old Memphis Cemetery for the purpose of correcting conditions of neglect therein, to employees of the county and volunteers providing good faith assistance for the maintenance and security of Old Memphis Cemetery.

Section 2. Findings of Fact

A. The Advisory Committee on Neglected Cemeteries has concluded that Old Memphis Cemetery has not been reasonably maintained for a period well in excess of six (6) months, and has recommended that action be taken to alleviate conditions of neglect in the cemetery.

B. Photographs of the cemetery property entered into the record, testimony brought before the Board of County Commissioners, and viewings by members of this Board show that Old Memphis Cemetery has not been reasonably maintained for a period in excess of six (6) months, and is overgrown with weeds, strewn with litter, and in an unhealthy and unsanitary condition.

C. During a public hearing at which the above findings were presented, no evidence was offered to the contrary, and no objection to the adoption of this ordinance was raised.

Section 3. Declaration of Neglect

Old Memphis Cemetery, located in the vicinity of Second Avenue East and Twenty-Fifth Street, having not been reasonably maintained for a period in excess of six (6) months, in accordance with Section 497.071, Florida Statutes, is hereby declared neglected.

Section 4. Limitations Related to Maintaining and Securing  
Old Memphis Cemetery

A. All volunteers providing good faith assistance in securing and maintaining Old Memphis Cemetery must do so under the direction and supervision of the county, as required by Section 497.071, Florida Statutes.

B. No volunteer shall be deemed under the supervision of the county unless acting in accordance with such rules and procedures as may be adopted from time to time by the Board of County Commissioners.

C. Rules and procedures promulgated under this ordinance shall require, as a minimum, that any volunteer providing good faith assistance for Old Memphis Cemetery have on his/her person a signed authorization readily available for inspection at all times while present at Old Memphis Cemetery.

D. Nothing herein shall be deemed to establish any obligation on behalf of Manatee County, or the Board of County Commissioners, with respect to the provision of continual maintenance or the commitment of public funds. Funds raised for the purpose of securing and maintaining Old Memphis Cemetery shall be primarily private, with the understanding that any public funds contributed must have the prior approval of the Board of County Commissioners.

E. Private funds contributed to the Manatee County government for the purpose of correcting conditions of neglect in Manatee County cemeteries shall be managed by the Clerk of the Circuit Court. Any funds accepted by Manatee County for maintaining and securing neglected cemeteries shall be expended solely for the purpose stated by the donor.

F. Nothing herein shall preclude the establishment of private accounts or trust funds administered by an individual or organization for the purpose of effectuating the intent of this ordinance.

#### Section 5. Requirements

The Clerk of the Circuit Court is hereby requested to provide a certified copy of this ordinance, upon its adoption, to the Department of Banking and Finance, Division of Cemeteries, in fulfillment of the requirement of Section 497.071, Florida Statutes.

Section 6. Effective Date

This ordinance shall take effect, upon receipt of official acknowledgment from the Secretary of State that this ordinance has been filed with that office, or on October 1, 1988 whichever last occurs.

**PASSED AND DULY ADOPTED**, with a quorum present and voting this 9th day of August, 1988.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

BY: Westwood H. Fletcher, Jr.  
Westwood H. Fletcher, Jr.  
Vice-Chairman

ATTEST: R.B. Shore

R. B. SHORE  
Clerk of Circuit Court

BY: Richard H. Ashley  
RICHARD H. ASHLEY, CHIEF DEPUTY CLERK

STATE OF FLORIDA

COUNTY OF MANATEE

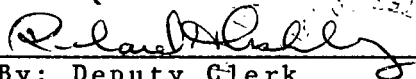
I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 9th day of August, 1988.

SUBJECT: ORDINANCE 88-34

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SETTING FORTH CERTAIN FINDINGS OF FACT WITH RESPECT TO CONDITIONS OF NEGLECT EXISTING AT OLD MEMPHIS CEMETERY; DECLARING OLD MEMPHIS CEMETERY NEGLECTED; PROVIDING FOR THE IMPLEMENTATION OF THE AUTHORITY GRANTED BY SECTION 497.071, FLORIDA STATUTES, WITH REGARD TO NEGLECTED CEMETERIES; SETTING FORTH CERTAIN LIMITATIONS RELATED TO MAINTAINING AND SECURING OLD MEMPHIS CEMETERY; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 10th day of August, 1988, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court  
Manatee County, Florida

  
By: Deputy Clerk



FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF ELECTIONS

Room 1802, The Capitol

Tallahassee, Florida 32399-0250

(904) 488-8427

August 17, 1988

FILED IN 100-10000  
5-15-88  
CLERK OF CIRCUIT COURT  
MANATEE CO., FLORIDA

AUG 22 10 27 AM '88

Honorable Richard B. "Chips" Shore  
Clerk of Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Richard H. Ashley, Chief Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes,  
this will acknowledge:

1. Receipt of letter/s of August 10, 1988  
and certified copy/ies of Manatee  
County Ordinance(s) Nos. 88-32, 88-33, & 88-34

2. Receipt of \_\_\_\_\_ County Ordinance(s)  
relative to:

(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_

(b) \_\_\_\_\_  
which we have numbered \_\_\_\_\_

3. We have filed ~~this~~/these ordinances in this office  
on August 17, 1988.

4. The ~~original~~/duplicate copy/ies showing the filing date  
~~is~~/are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosure (3)