

1 Introduced by Council Member Boylan:
2
3

4 **ORDINANCE 2022-729**

5 AN ORDINANCE CONCERNING CHAPTER 173
6 (CEMETERIES), *ORDINANCE CODE*; AMENDING SECTION
7 173.111 (EXEMPTION), *ORDINANCE CODE*, TO EXEMPT
8 CHURCH CEMETERIES OF LESS THAN FIVE ACRES THAT
9 PROVIDE ONLY SINGLE-LEVEL GROUND BURIAL AND
10 CHURCH MAUSOLEUMS CONSISTING OF TWO ACRES OR
11 LESS FROM THE REQUIREMENTS OF SECTION 173.103,
12 *ORDINANCE CODE*, AND DELETING THE EXISTING
13 EXEMPTION FROM SECTION 173.105(H), *ORDINANCE*
14 *CODE*; PROVIDING FOR CODIFICATION INSTRUCTIONS;
15 PROVIDING AN EFFECTIVE DATE.
16

17 **BE IT ORDAINED** by the Council of the City of Jacksonville:

18 **Section 1. Amending Section 173.111 (Exemption), Chapter**
19 **173 (Cemeteries), Ordinance Code.** Section 173.111 (Exemption),
20 Chapter 173 (Cemeteries), *Ordinance Code*, is hereby amended to read
21 as follows:

22 **CHAPTER 173 - CEMETERIES**

23 * * *

24 **Sec. 173.111. - Exemption.**

25 ~~Section~~Sections 173.103 and ~~173.105(h)~~ of this Chapter shall
26 not apply to:

- 27 (a) ~~A~~a columbarium consisting of less than one-half acre
28 which is owned by and immediately contiguous to a church
29 facility which is in existence at the time the
30 columbarium is being built. ~~The location of the~~
31 ~~columbarium shall, however, be subject to local~~

1 ~~government zoning.~~ If the church relocates, the church
2 shall relocate all of the urns and remains placed in the
3 columbarium which were placed therein during its use by
4 the church.

5 (b) A church cemetery of less than five acres which provides
6 only single-level ground burial.

7 (c) A mausoleum consisting of two acres or less which is
8 owned by and immediately contiguous to an existing church
9 facility. The church establishing such a mausoleum must
10 ensure that the mausoleum is kept and maintained in an
11 orderly manner and limit its availability to members of
12 the church. The church establishing such a mausoleum must
13 have been incorporated for at least 25 years and must
14 have sufficient funds in an endowment fund to cover the
15 costs of construction of the mausoleum.

16 (d) The location of any church columbarium, cemetery, or
17 mausoleum exempt under this Section shall, however, be
18 subject to local government zoning.

19 For the purpose of this Section, *church* has the same meaning
20 as defined in Section ~~656.1601~~656.102.

21 * * *

22 **Section 2. Codification Instructions.** The Codifier and
23 the Office of General Counsel are authorized to make all chapter
24 and division "tables of contents" consistent with the changes set
25 forth herein. Such editorial changes and any others necessary to
26 make the *Ordinance Code* consistent with the intent of this
27 legislation are approved and directed herein, and changes to the
28 *Ordinance Code* shall be made forthwith and when inconsistencies are
29 discovered.

30 **Section 3. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

2

3 Form Approved:

4

5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation prepared by: Cyndy Trimmer

8 GC-#1526208-v3-Ch_173_Cemetery_Code_Amendment.doc