



City of Boynton Beach Agenda Item Request Form

Meeting Date: 05/ 5/2026

Proposed Ordinance No. 26-015- First Reading, an Ordinance of the City Commission of the City of Boynton Beach, Florida, Amending Chapter 6 of the Code of Ordinances Relating to Boynton Beach Memorial Park Cemetery and Sara Sims Cemetery; Revising Policies Governing the Transfer and Resale of Cemetery Plots; Providing for Transfer Limitations to Immediate Family; Prohibiting Private Resale and Requiring Resale to the City; Providing for Prospective Application; Providing for Conflicts, Severability, Codification, and an Effective Date.

Requested Action:

Staff recommends approval of Proposed Ordinance No. 26-015, at first reading.

Explanation of Request:

The City of Boynton Beach owns and operates Boynton Beach Memorial Park and Sara Sims Cemetery as a municipal cemetery. Pursuant to its home rule authority under Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, the City has the authority to establish the terms and conditions governing the sale, transfer, and use of cemetery plots.

Under the current Code of Ordinances, cemetery plots may be purchased only by City residents for their own use and that of their immediate family. However, existing provisions allow for the transfer of plots, with City approval, prior to interment. The current Code does not expressly restrict resale to third parties, which may allow plots originally purchased by residents to be transferred or resold to non-residents or at increased market rates.

The proposed Ordinance is intended to address this gap in the current regulatory framework. Specifically, the Ordinance limits the transfer of cemetery plots to members of the owner's immediate family and prohibits private resale of cemetery plots to third parties. For future sales, any owner wishing to relinquish a plot must convey it back to the City in accordance with the existing buy-back provisions.

The Ordinance applies prospectively to cemetery plots sold after the effective date, thereby preserving the contractual rights of existing plot owners and avoiding impairment of existing agreements. The ordinance also clarifies that transfers by inheritance, devise, or operation of law remain permitted.

These amendments are intended to preserve the availability of cemetery plots for City residents, ensure consistency with the original intent of the residency requirement, and align the City's practices with those commonly used by other municipalities.

How will this affect city programs or services?

The proposed Ordinance will have a limited operational impact on City programs and services. The changes primarily affect the administration of cemetery plot sales and transfers at Boynton Beach Memorial Park and Sara Sims Cemetery.

Staff will be required to implement and administer the revised policies, including reviewing transfer requests to ensure compliance with the immediate family limitation and processing the return of plots to the City under the buy-back provisions. These functions are consistent with existing administrative responsibilities and are not expected to require additional staffing or resources.

The Ordinance may improve long-term availability of cemetery plots for City residents by limiting private resale and reducing the potential for speculative transactions. It also provides greater consistency and clarity in the administration of cemetery policies.

Overall, the Ordinance results in a policy refinement rather than a material expansion of City services.

Account Line Item and Description: N/A

Fiscal Impact:

The proposed Ordinance is not expected to have a significant immediate fiscal impact. Administrative implementation will be handled within existing resources.

Over time, the Ordinance may have a modest positive fiscal impact by ensuring that cemetery plots are returned to and resold by the City, rather than transferred through private resale. This may help preserve revenue opportunities associated with the sale of available plots.

Attachments:

[Ord. 26-015 Agenda_Item__4559-2026_Ord_26-__Amending_Ordinance_6-18_and_6-](#)

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business-impact-estimate.docx

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