

**CITY OF CLERMONT
RESOLUTION NO. 2017-25**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY FLORIDA, RELATED TO THE CLERMONT MUNICIPAL CEMETERY, ALSO KNOWN AS OAK HILL CEMETERY, AMENDING THE RULES, REGULATIONS, AND RESTRICTIONS, PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 22-3 of the Code of Ordinances of the City of Clermont, provides that the City Council shall by resolution adopt rules, regulations, and restrictions for the use of Oakhill Cemetery; and

WHEREAS, it has been determined by the City Council that the adoption of amended rules, regulations and restrictions is in the best interest of all users of Oak Hill Cemetery and the citizens of the City of Clermont;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida as follows:

SECTION 1.

The City Council of the City of Clermont does hereby adopt the amended rules, regulations, and restrictions for use of Oak Hill Cemetery as specifically set forth in Exhibit "A" attached hereto and incorporated herein.

SECTION 2.

All resolutions, rules, regulations, restrictions, or policies of the City of Clermont in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 3.

This resolution shall take effect immediately upon adoption by the City Council.

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RESOLUTION NO. 2017-25**

DONE AND RESOLVED this 8th day of August, 2017 by the City Council of the City of Clermont, Lake County, Florida.



CITY OF CLERMONT

A handwritten signature in cursive script that reads "Gail L. Ash".

Gail L. Ash, Mayor

ATTEST:

A handwritten signature in cursive script that reads "Tracy Ackroyd Howe".

Tracy Ackroyd Howe, City Clerk

Approved as to form and legality:

A handwritten signature in cursive script that reads "Daniel F. Mantzaris".

Daniel F. Mantzaris, City Attorney

**RULES AND REGULATIONS
OF
CLERMONT MUNICIPAL CEMETERIES**

PURPOSE

These rules and regulations are designed for the protection of owners and interment rights as a group. They are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. Their enforcement will help protect your Cemeteries and create and preserve their beauty. These rules and regulations are hereby adopted by the City Council as the rules and regulations of the Clermont Municipal Cemeteries, and all owners of interment rights, visitors and contractors performing work within the Cemeteries shall be subject to said rules and regulations, amendments or alterations as shall be adopted by the City of Clermont from time to time.

DEFINITIONS

1. The term "Owner" shall mean the owner of the rights of interment.
2. The term "City" shall mean the City of Clermont and/or City Council.
3. The term "Interment" shall mean cremation and interment, entombment or burial of the remains of a deceased person.
4. The term "Mortician" shall mean any locally licensed mortician or undertaker.
5. The term "Memorial" shall mean any marker or structure upon or in any lot or niche, placed thereupon or therein or partially therein for the purpose of identification or in memory of the interred.
6. The term "Resident" shall be defined as an individual, whose primary residence, at the time of purchase or death, is or was within the municipal boundaries of the City of Clermont.

OWNERSHIP

1. The City reserves the right to refuse interments for valid reason, and to refund any monies paid for the purchase price, and when so refunded, the interest of the owner shall revert to and become the property of the City.
2. Burial plots in any municipally owned cemetery shall be used for no other purpose than the burial of the human dead.

SUPERVISION OF CEMETERY

1. The City reserves the right to compel all persons coming into the Cemeteries to obey all rules and regulations adopted by the City. The rules and regulations may be changed without notice to any Owner by the City Council.
2. The City shall take reasonable precaution to protect owners, and the property rights of the owners, within the Cemeteries, from loss or damage; but distinctly disclaims all responsibility from loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.
3. The City reserves, and shall have the right to correct any errors that may be made be it either in making interments, disinterments or removals, or in the inscriptions, transfer, or conveyance and substituting and conveying in lieu thereof other interment rights of equal value and similar location as far as possible, or as may be selected by the City, or in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves and shall have the right to remove and 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 City shall also have the right to correct any errors made by placing an improper description, including an incorrect name or date either on the memorial or on the container for cremated remains.
4. Persons within the cemetery grounds shall use only the avenues, walks, alleys and roads, and any person injured while walking on the grass, except that be the only way to reach his plot, or while on any portion of the Cemetery other than the avenues, walks, alleys or roads, shall in no way hold the City liable for any injuries sustained.
5. Automobiles shall not be driven through the grounds at a speed greater than fifteen miles per hour, and must always be kept on the right side of the Cemetery roadways.
6. The right to enlarge, reduce, replat or change the boundaries or grading of the Cemeteries or of a section or sections, from time to time, including the right to modify or change the locations, of or any part thereof, or remove or regrade roads, drives and walks, is hereby expressly reserved. The right to lay, maintain and operate, alter or change pipe lines or gutters for sprinkling systems, drainage lakes, etc. is also expressly reserved, as well as the right to use Cemetery property, not sold to individual owners, for Cemetery purposes, including the interring and preparing for interment of dead human bodies, or for anything necessary, incidental or inconvenient thereto. The City reserves to itself and to those lawfully entitled thereto a perpetual right to ingress/egress over lots for the purpose of passage to and from other lots.

SALE AND PURCHASE OF INTERMENT RIGHTS

1. The sale of any interment right by any Owner or purchaser shall not be binding upon the City, unless same shall first be duly approved in writing by the City.
2. All grading, landscape work, and improvements of any kind, and all care of lots shall be done, and all trees, shrubs, and herbage of any kind shall be planted, trimmed, cut or removed by the City.
3. No enclosure of any kind, such as a fence, coping, hedge, or ditch shall be permitted around any grave or lot. Grave mounds will not be allowed and no lot shall be raised from the established grade in Oakhill Cemetery.
4. Interment rights can be purchased in these Cemeteries from the City Clerk and subject to the rules and regulations of said Cemeteries now or hereafter adopted for the government of these Cemeteries, and for the purpose of interment only. This provision applies to all sales, whether made directly by the City or sales made by Owners.
5. No interment rights or contracts for the purchase of interment rights can be sold, assigned, transferred, pledged, or hypothecated without the written approval of the City Clerk.
6. No title to a lot shall be deemed valid to the purchaser until the amount of the purchase money shall have been paid, and the City reserves the right to remove all bodies which may have been interred in said lot, and place the same in a single grave section in the Cemetery if the full lot has not been paid for.
7. The City may exchange interment rights when desired by Owners, but not for interment rights of lesser value. When such an exchange is made, the original conveyance must be surrendered by proper assignment, or by reconveyance if considered necessary, before any change is effected. The City may purchase back lots from the Owners at the Owners request. The resale will be at the original purchase cost. City shall not reimburse Owners for memorials that are installed on the resale lot, but it will be at the Owners cost to remove any memorials at time of sale to the City.
8. Each Owner is vested with the ownership of his or her interment rights for the sole purpose of interment of human dead bodies. Under the regulations of the Cemetery, the interment rights cannot be conveyed without the assent of the City Clerk, nor any use, division or improvements of them be made which the City prohibits, or may deem improper. The Owner of interment rights may dispose of same by will, subject to the foregoing conditions. If the Owner dies intestate, the interment rights will descent to his or her heirs according to the laws of descent.

9. The City shall direct generally all improvements within the grounds and upon all lots and graves, before as well as after interments have been made there. They shall have charge of the planting, sodding, surveying, and improvements generally.
10. No person other than City employees shall be allowed to perform any work on any grave or lot within the grounds without a permit from the City Manager.
11. If any memorial, or any structure whatsoever, or any inscription to be placed on same shall be determined by the City to be offensive, they shall have the right, and it shall be its duty to enter upon such lot and remove, change, or correct the offensive or improper object or objects.
12. If any tree, shrub, or plant standing upon any lot by means of its roots, branches, or otherwise become detrimental to adjacent lots or avenues, or if any other reason its removal is deemed necessary, the City shall have the right, and it shall be its duty to remove such tree, shrub, or plant, or any part thereof, or otherwise correct the condition existing as in its judgment seems best.
13. No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the Cemeteries.

FUNERAL REGULATIONS

1. Interments shall be made only by locally licensed morticians.
2. No interment shall be made until the mortician shall have first obtained a burial permit from the office of the City Clerk and the fee for such permit shall be as established by the City Council.
3. Application for burial permits shall be made on a form prescribed and furnished by the City.
4. No boxes, shells, toys, discarded glassware, sprinkling cans, receptacles, or similar articles will be permitted on any grave, lot, or tree.
5. No "For Sale" signs will be allowed on plots. No advertisements in any form will be allowed on any lots in the Cemetery, and the City reserves the right to remove there from any such signs or advertisements.
6. The City is not responsible for theft or damage to anything placed on graves or lots.
7. Disinterments may be made on consent of the City, and the written consent of the owner or owners of the lot, and the surviving wife, husband, children (if of full age), and parents of the deceased. Disinterments must be made by morticians.

8. It is against the rules of the City to allow photographers to take pictures of interments without the consent of the family.
9. The City and its agents have authority to enter upon any lot and to remove any objectionable thing or any erection that may have been placed there contrary to the regulations of said City and they may remove any dead or damaged tree, shrub, or vine.
10. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the Cemeteries.
11. All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, marker, or memorial, or in any way deface the grounds of the Cemetery.
12. The City shall not be liable for floral pieces, baskets, or frames in which floral pieces are attached. The City reserves the right to remove any flowers, floral designs, trees, shrubs, or plants or herbage of any kind.
13. All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law as provided by statute will be strictly enforced in all cases of wanton injury, disturbance, and disregard of the rules.
14. It is of utmost importance that there should be a strict observance of all the properties due the place, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.
15. All well-disposed persons will confer a favor by informing the City Manager of any breach of proper decorum that may come under their notice.
16. Touch nothing in the Cemeteries that does not belong to you. This is the only safe rule to adopt in visiting these Cemeteries.
17. No person or persons other than an employee of the City or an office of law enforcement shall be permitted to bring or carry firearms within the Cemeteries except a military guard of honor, and they only when in charge of an officer, and during a military service.
18. Plantings of any kind on all lots and graves in Oakhill Cemetery are prohibited.
19. It is against the rules of the City for the lot owners to dig holes in the graves for the installation of vases or cans. The lot owner would be individually responsible for any accident caused by one of these holes, and the City reserves the right to remove any can or vase not installed by them, according to the Cemetery rules covering the types of vases permitted.

20. It is permitted to use one (1) memorial mounted vase or either one (1) in ground mounted vase that is mounted at ground level and has a bronze cap within the lots boundary. One (1) bouquet flower basket will be permitted on special occasions and will be removed by City when it becomes withered and/or after thirty (30) days. The City reserves the right to remove excessive flowers, potted plants, summer wreaths, artificial flowers or baskets of flower. Burial flowers, flower arrangements, wreaths and flower baskets shall remain on a grave until they become withered and/or up to one (1) month after the burial. When the burial flowers have been removed the City will make arrangements to sod the burial site, not to exceed the size of the head stone.
21. Metal emblems or Markers, flags, and guidons are prohibited on lots or graves except at Memorial Day, 4th of July and Veterans Day or other appropriate days as designated by the City. They may be placed by authorized representatives of lodges, posts, camps or lot owners, but not to exceed two (3) before mentioned days and removed not later than three (7) days thereafter, after which such emblems will be removed from the lot by the City employees and stored for a period not to exceed two (2) weeks at no risk to the City. After said time, the emblems become the property of the City. It is preferable that all such emblems be removed by the organization placing them or the lot owner.

MODIFICATIONS AND AMENDMENTS

1. The City of Clermont may, and it hereby expressly reserves the right at any time or times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter, and/or appeal any rule, regulation, and/or article, section, paragraph, and/or sentence in these Rules and Regulations.
2. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The City, therefore, reserves the right, without notice, to make exceptions, suspensions, or modifications in any of the Rules and Regulations when, its judgment, the same appear advisable, and such temporary exceptions, suspensions, or modifications shall in no way be construed as affecting the general application of such.

MEMORIALS

1. No unattached borders are permitted.
2. Only one (1) grave memorial will be permitted on one (1) grave space, except for military memorials which will be placed at the foot of the grave and shall meet the City's minimum size requirement.
3. In Oakhill Cemetery, ground-level memorials shall be restricted to the First Addition and Second Addition, not to exceed the following dimensions:

- a. Single memorials. 28 inches x 16 inches Bronze only, 32 inches x 20 inches Bronze on granite base, or all granite. Military markers with separate vase mounted on granite, 28 inches x 24 inches including granite base.
 - b. Double memorials. 56 inches x 16 inches Bronze only, 60 inches x 20 inches Bronze on granite base, or all granite. Military markers with separate vase mounted on granite, 62 inches x 16 inches including granite base.
4. Above ground-level memorials shall be permitted only in Oakhill Cemetery Third Addition, provided the memorial shall not exceed 48 inches in height and meets all other applicable restrictions contained herein.
 - a. All above ground-level memorials shall be made of granite or marble.
 - b. Above ground-level memorials greater than 16 inches in height shall be a minimum of 6 inches thick.
 - c. Above ground-level memorials less than 16 inches in height shall be a minimum of 4" thick.
 - d. Single memorials. The base or marker shall not exceed 42 inches in length.
 - e. Double memorials. The base or marker shall not exceed 84 inches in length.
5. All memorials shall be set on uniform lines as prescribed by the City.
6. All foundations for memorials and memorials shall be of a size and material specified by the City.