

ORDINANCE NO. 2456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE APOPKA CODE OF ORDINANCES, CHAPTER 30 - CEMETERIES, IN ITS ENTIRETY, PROVIDING FOR REPEAL OF EXISTING CEMETERY REGULATIONS; PROVIDING FOR SEVERABILITY; CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 166.021 *Florida Statutes*, grants municipalities the proprietary powers to undertake all municipal functions; and

WHEREAS, Chapter 166 *Florida Statutes*, contains public notice and hearing procedures for proposed actions by the City; and

WHEREAS, the City Council desires the city's cemetery to be a safe and serene place for family and friends of those interred to visit; and

WHEREAS, the City of Apopka, Florida, deems it necessary, desirable and in the interest of its citizens to amend the Apopka Code of Ordinances, Chapter 30 - Cemeteries, in its entirety.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Apopka, Florida as follows:

SECTION I. Amendment to Code: The City of Apopka Code of Ordinances is hereby amended by replacing in its entirety, Chapter 30, "Cemeteries", which shall read as follows:

CHAPTER 30 - CEMETERIES

Section 30-1. Reserved Rights.

The City reserves the right to enlarge, reduce, replat, or change the boundaries or grading of the sections from time to time, and the right to modify and change the locations of or remove or re-grade roads, drives and walkways, or any part thereof, is hereby expressly reserved. The right to lay, maintain, and operate or alter pipe lines is expressly reserved, as is the right to use cemetery property, not sold as burial space(s).

The City Council is authorized to adopt new Rules and Regulations, or amend, alter or repeal these rules for the operation of the Edgewood/Greenwood Cemetery, a copy of which shall be maintained in the office of the City Clerk.

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 these rules and regulations when, in its judgment, the same appear advisable; and such temporary exception, suspension, or modification shall in no way be construed as affecting the general application of such rule.

The City Council shall have sole authority to subdivide the cemetery into blocks, sections, burial spaces and streets and to determine the dimensions and location of each.

The City has the right, without prior approval of the burial space(s) owner or his/her legal representative, to correct errors made in good faith, in any phase of cemetery administration, operation or maintenance without incurring liability of any kind whatsoever.

Section 30-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Block and/or Section, shall mean a platted area within the Cemetery that consists of more than one burial space.

Burial Space shall mean a single space within a platted section and/or block designed for the interment of human and cremated remains. (Regular burial spaces are approximately 3 1/2' x 10'. Cremation spaces are 3 1/2' x 2 1/2'.)

Cemetery or Municipal Cemetery, when used in this chapter, means the municipal cemetery of the City of Apopka, commonly referred to as "Edgewood/Greenwood Cemetery".

Cemetery Personnel, refers to the individual(s) designated to maintain the cemetery grounds, mark for burials, monuments, and report code violations.

City refers to the City of Apopka.

Contractor means any person, firm, corporation or anyone engaged in placing, erecting or repairing any monument/marker/memorial, or performing any work on the cemetery grounds, other than an employee of the City of Apopka.

Disinterment shall mean the removal of human or cremated remains from a burial space for relocation.

Double Interment shall designate two stacked regular burials in the same space.

Human Remains shall mean the bodies of deceased persons and includes bodies in any stage of decomposition and cremated remains.

Immediate Family refers to father, mother, wife, husband, brother, sister, son, daughter, stepson, stepdaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandchildren, grandparents, or a related person named via notarized affidavit.

Interment shall mean the final disposition of the remains and cremated remains of a deceased person by earth burial.

Monument/Marker/Memorial shall designate a monument, marker, tablet, or headstone for a family or individual for the purpose of identification or in memory of the interred.

Mausoleum or Columbaria refers to a structure or building which is substantially exposed above the ground and intended to be used for the entombment of human remains and/or cremated remains in crypts or niches.

Non-Resident refers to a person not residing within the incorporated limits of the City of Apopka.

Owner refers to an individual to whom a Right of Interment has been issued, or to whom a Right of Interment has been transferred, or by signed affidavit by the prior owner(s).

Resident refers to a person residing within the incorporated limits of the City of Apopka.

Right of Interment Certificate refers to a document issued by the City Clerk's Office upon payment of the established fee evidencing a right of burial in a certain space in the cemetery. (Formerly known as a Cemetery Deed)

Right of Interment Restrictions refers to restrictions placed on certain sections of the cemetery where specific requirements must be met (i.e., double interments, monuments/markers/memorials, etc.)

Scatter Garden refers to a garden area specifically designated and intended to be used for the scattering of cremated remains.

Section shall mean platted property within the cemetery which consists of more than one block.

Vault refers to a primary receptacle made of concrete which is sealed and has a domed or step up top for the placing of a casket containing a deceased person.

Section 30-3. Sale of Spaces – Transfers - Burial Permits -Double Interments.

1. A person may purchase a burial space in the City cemetery at prices adopted by the City Council, and procure a Right of Interment Certificate from the City Clerk. Such Right of Interment Certificate shall be properly executed by the Mayor, or his designee, and attested by the City Clerk. All burial spaces shall be sold subject to the rules and

- regulations in force. Such spaces shall be used for no other purpose than the burial of human remains or cremated remains.
2. The City may require evidence of the street address of the last permanent residence of the owner/deceased, prior to the purchase of a burial space or burial permit. The City will sell burial spaces in the cemetery only for the fees adopted by the City Council. Spaces must be paid in full prior to interment or placement of grave markers.
 3. Legal Notices. Notice by mail, sent to the burial space owner or their legal representatives or heirs, at the last address on file in the office of the City Clerk shall be deemed sufficient and proper legal notification. It shall be the duty of the burial space owner to notify the City of any changes in their mailing address.
 4. The Right of Interment Certificate to a cemetery burial space vests in the burial space owner/heir the right to use such burial space for burial purposes only, for themselves or their immediate family. *As defined in Section 30-2.*
 5. All burial rights for cemetery property purchased from the City occupy the same position as real estate at the death of the owner. Only such person(s) as named or appears on the cemetery records of the City will be recognized as owner(s) of the cemetery property. If the death of the property owner occurs, and if the cemetery property is disposed of by a will, a certified copy of the will must be delivered to the City Clerk's Office before the City will recognize the change in ownership. If the deceased property owner left no will, the heir(s) must present proof that they are the only living heir(s). If more than one heir, all heirs have equal rights to the property.
 6. Burial Permit; In order to eliminate any errors in burials, authorization in the form of a burial permit for said burial of human and cremated remains shall be obtained from the City Clerk's Office as described in Section 30-7 of this ordinance.
 7. The City shall not be held responsible for any information provided by telephone, or for any mistakes occurring from the lack of precise written instructions from cemetery property owners, funeral directors, or their representatives.
 8. Double Interments may only take place in the area of the cemetery designated for double interments. A double depth vault must be installed within 60 days of purchase.

Section 30-4. Fees.

The current Cemetery Fees, as adopted by Ordinance No. 2224 on August 17, 2011, shall remain in force until such time they are amended by the city council by means of adoption of a resolution.

Time payments; Cemetery burial spaces, excluding mausoleum crypts, may be purchased by time payment unless the purchase is for an immediate need. If purchasing property "at need", payment in full is required. "Pre-need" purchases are available, as follows:

Twenty-five percent (25%) of the purchase price and a Twenty-five dollar (\$25.00) Administrative Fee shall be paid for each space placed on Time Payment. Thereafter, a minimum of Thirty dollars (\$30.00) shall be paid to the City on the first business day of the month until the balance is paid in full. A Right of Interment Certificate shall be issued by the city clerk upon receiving payment in full.

The City shall not be responsible for mailing reminders or statements. When at any time the payment account becomes sixty (60) days delinquent, payment of the balance in full may be demanded. If payment in full is demanded on delinquent accounts and the purchaser cannot or will not pay the full balance, the City may reimburse the purchaser the full amount paid less 50% of the minimum down payment, and said purchaser shall not be eligible for future time purchases of burial spaces.

Repurchase; Owners of a burial space may make application to the City Clerk's Office for the repurchase of their space. Repurchase of burial spaces will be at seventy-five (75%) percent of the City's current resident rate, less the deed transfer fee. The original Right of Interment Certificate (or Cemetery Deed) must be surrendered. The City Clerk will determine if the burial space can be repurchased by the City.

Section 30-5. Transfer of Right of Interment.

Cemetery property owners who wish to transfer, or convey the right of interment to another person shall have the appropriate affidavit(s) executed with the City Clerk. An Affidavit will be executed as transfer documentation and appropriate fees paid. The Affidavit shall be attached to the original Right of Interment Certificate (f/k/a Cemetery Deed) in order to assure the right of interment is on record. The City shall have the right to refuse consent to a transfer or assignment if there is any indebtedness on a burial space due to the City.

Section 30-6. Rules and Regulations.

1. The cemetery gates will be open from dawn to dusk, unless otherwise posted. The City Clerk's Office, located at City Hall, 120 E. Main Street, Apopka, will be open from 8:00 a.m. until 5:00 p.m., Monday through Friday, excluding official City holidays.
2. The City is not liable for the identity of the remains brought for interment, nor for the embalming of the body.
3. A map or plat of the survey of the cemeteries which shall set forth each burial space shall be maintained in the City Clerk's Office.
4. The cemetery personnel shall be responsible reporting violations of ordinances, rules, regulations, policies, and procedures pertaining thereto. The cemetery personnel shall also supervise all workers within the boundaries of the cemetery grounds.

5. The City Clerk shall be responsible for the cemetery records, issuing Right of Interment Certificates, transfers, permits for interment and/or disinterment, grave marker permits, collecting fees, and executing applicable cemetery documents.
6. Entrance into the cemetery shall be by Highland Avenue and Fayette Street only, or as determined by the City.
7. The cemetery personnel shall be contacted by the City Clerk's Office to assist burial space owners and visitors from 8:00 a.m. until 3:30 p.m., except Saturday, Sunday, and City holidays. If deemed necessary by the cemetery personnel, staffing may be adjusted to meet certain needs for weekend and/or holiday requests.
8. Any person found on the cemetery grounds after dark will be considered trespassing and is subject to law enforcement action.
9. All persons are prohibited from gathering flowers, either wild or cultivated, or breaking trees, shrubs or plants on the cemetery grounds.
10. No person shall be permitted to sit on monuments within the cemetery.
11. Loud talking shall not be permitted upon the cemetery grounds. The use of profane language is forbidden.
12. Rubbish is to be removed from the cemetery, or disposed of properly in waste containers provided by the City.
13. Automobiles shall not be driven through the cemetery at a speed greater than five (5) miles per hour. No person shall park any automobile or any vehicle so as to obstruct cemetery driveways, and no person shall drive or park vehicles on burial spaces, except for burial equipment or grounds maintenance equipment. Motorists damaging any cemetery property shall be responsible for all costs incurred in restoring damaged property to its original condition.
14. The City reserves the right of ingress and egress on and over any space(s) not occupied or previously purchased. All plats recorded subsequent to the adoption of this ordinance shall document any said ingress and egress.
15. The sounding of horns, sirens, or other automobile signals within the cemetery is prohibited except in an emergency.
16. The playing of loud music from any amplifying device is prohibited, unless approved by the Cemetery Personnel as a part of the burial ceremony.
17. Heavy hauling trucks or commercial vehicles of any kind are not permitted within the cemetery grounds, except those on business in connection with cemetery work, and only by permission of the Cemetery Personnel.

18. Peddling of flowers, plants, or soliciting the sale of any commodity is absolutely prohibited within the confines of the cemetery.
19. No signs or notices of advertisements of any kind shall be permitted within the cemetery.
20. Pets shall not be allowed on the cemetery grounds except in the case of a companion animal to assist a challenged visitor.
21. Funeral Directors, vault companies and monument companies will be held responsible for the actions of their drivers and other employees within the cemetery.
22. The City Clerk and the cemetery personnel, or their designee, are hereby expressly empowered to enforce these rules and regulations, and to expel from the cemetery grounds any person violating the same including employees of outside agencies, burial space owners, and visitors.
23. Employees within the cemetery shall conduct themselves with decorum at all times and with strict accordance with these rules and regulations, this applies to outside workers, stone masons, florists, etc., as well as to those persons directly employed by the City.
24. No ground sweeping instruments (i.e., metal detectors) shall be allowed in the cemetery.
25. No person may consume alcoholic beverages within the cemetery or carry such onto the premises.
26. All orders, inquiries, and complaints by property owners or visitors shall be reported to the City Clerk.
27. There shall be no loitering on the cemetery grounds.

Section 30-7. Funerals – Interment - Disinterment.

1. Interment and Disinterment are not permitted in the cemetery on any of the following holidays: New Year’s Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving and the day following Thanksgiving, Christmas Eve, Christmas Day, or New Year’s Eve, or any other days which hereafter may be designated by City Council, without the permission of the Mayor or his designee.
2. Funeral processions entering the cemetery shall be under the control of the Funeral Director with direction from the cemetery personnel. Funeral Directors shall be present and conduct the services as provided by FS. 497.372 and City Ordinances.
3. All burial spaces must be open to such a depth that upon closing there shall remain a minimum of eighteen (18) inches of soil above the vault to the average ground level.

4. The City will not be responsible for the opening or closing of any grave site. Opening and closing of grave sites shall be performed by a City approved vault company only. The opening of all burial spaces in the cemetery shall be approved and monitored by the City personnel.
5. Notice to the City Clerk's Office of weekend services is required no later than Thursday prior to 3:30 p.m. to ensure availability of cemetery personnel for the space openings.
6. Notice to the City Clerk's Office is required no later than 3:00 p.m., Friday, for Monday services. However, if special circumstances (i.e., a late Friday death) prevent such notification and a Monday service is desired, the following applies:
 - a. The service must be scheduled for no earlier than 2:00 p.m. on Monday.
 - b. The City Clerk must be notified of the request for the afternoon service no later than 9:00 a.m. on Monday, and must confirm that all requirements are met for the burial.
7. A Burial Permit must be completed at least 24 hours prior to burial. Such permit is issued by the City Clerk's Office. No interments shall be made until the Burial Permit is signed by the Funeral Director or Family Representative, and the appropriate fees paid. Cemetery personnel are prohibited from marking spaces, except in compliance with this rule.
8. When designating the location of the interment, the owners or representatives should confer with the City Clerk's Office and Cemetery personnel to designate the location of the burial space. The City shall not be responsible for errors in the location of burial spaces arising from improper instruction from burial space owners. (Orders from funeral directors shall be construed as orders from owners.)
9. Sealed concrete vaults with a domed or step up top are required for all standard burials. Cremated remains are to be buried in a sealed permanent container of non-biodegradable material. Concrete liners are not permitted.

EXCEPTIONS:

- (a) Those persons having pre-need contracts with a licensed funeral home prior March 3, 1999. The pre-need contract must be presented to the City Clerk's Office at the time the burial permit is obtained.
 - (b) Cremated remains being scattered in a City designated Scatter Garden.
10. When two (2) or more funerals arrive at the cemetery at the same time, the funeral in advance shall have precedence in entering the cemetery.
 11. The funeral directors are responsible for insuring that the burial spaces are opened and closed, the surplus soil is removed, as necessary, to designated areas following the closing of the burial space. Any costs incurred for these functions are the sole

responsibility of the funeral director or designee. The City will not bear any of these costs.

12. A Licensed Funeral Director is required to be present for any cremains burial.
13. The cemetery workers shall suspend their labors within the immediate vicinity of a funeral until the conclusion of all services.
14. When a burial space is held jointly, a permit for interment may be granted to either owner or heirs if applicable. Any owner, or joint owner, of a burial space has the right to grant right of interment by means of a sworn affidavit.
15. Each regular burial space may be used for the following:
 - a. One adult interment and one cremated remains, or
 - b. Two cremated remains, or
 - c. One adult interment and one infant, age one year old or under.
16. One cremated remains burial shall be allowed in a cremation space, except two cremation burials shall be allowed in a single cremation space, in the event a marker containing niches for the two cremated remains is pre-installed. A burial permit is required for placement of each cremated remains.
17. The City reserves the right to require at least ten (10) day notice prior to disinterment. No disinterment will be made on any Saturday, Sunday, or legal holiday, or on the day upon which a holiday is legally observed by the City. All disinterments shall be performed at the convenience of the cemetery personnel.
18. No disinterment will be made without a Court Order of a Court of competent jurisdiction, or written permission from a person having authority to permit same. No disinterment can be made for autopsy purposes without a Court Order. All disinterments must be monitored by cemetery and law enforcement personnel.
19. The City shall not be liable for damages for any delay in the interment of a body where a protest, just or unjust, to the interment has been made, or where the regulations have not been complied with, or where a burial space has not been fully paid, or where the burial permit has not been authorized. The City reserves the right, under such circumstances, to refuse to accept the body for interment.
20. The cemetery personnel, or persons in charge of any premises in which interments are made, shall not permit any burials until a burial permit has been issued by the City Clerk.

Section 30-8. Monuments - Markers - Memorials.

1. A permit must be obtained for any work performed in the cemetery (except maintenance performed by City Personnel in the course of their official duties).

2. Maximum Marker Sizes:

DESCRIPTION	LOT DIMENSIONS	MAXIMUM MARKER SIZE
Single Marker	3.5' x 10'	40" or 3'4"
Double Marker	7' x 10"	82" or 6'10"
Babyland	2' x 3.5'	22" or 1'10"
Children	30" x 6'	28" or 2'4"
Toddlerland	2.5' x 7'	28" or 2'4"
Cremaains (flat only)	3.5' x 2.5'	40" x 28" or 3'4" x 2'4"

Minimum marker size shall be a 12" x 24" bronze plaque with a concrete or granite base, unless being placed by the City under the rules for the marker deposit.

3. All coping and ledgers must be of polished granite or marble and installed even with the ground. Ledgers shall be a minimum of four (4") inches in thickness and a maximum size of 7'.0" x 3'.0".Coping is not permitted in designated "cremation" sections, Babyland, Toddlerland, or other restricted areas of the cemetery.
4. The use of tiles, bricks, rocks, gravel, crushed rock, oyster shells, mulch, cinders or other material on any burial space in the cemetery is strictly forbidden. The cemetery personnel may remove said material without notice to the burial space owner.
5. Homemade markers, coping, or ledgers of any kind, including that associated with countertop granite or yard decoration is prohibited.
6. Persons erecting monuments, other structures, or work of any kind, will not be permitted to scatter material or rubbish over adjoining lots. They shall be required to set their work or complete their labors as soon as possible after entering the cemetery, under the instructions and direction of the cemetery personnel. All rubbish is to be removed at once and in the case of neglect, such removal will be made by the City at the expense of the burial space owner/heir or contractor.
7. Private contractor firms will be held responsible for any damage done by them whatsoever in the cemetery, and shall at all times be subject to the control and direction of the cemetery personnel.
8. Private contractor firms and others are prohibited from placing their names on any signs with a view of advertising within the limits of the cemetery.
9. Any memorialization of a second interment in a double interment space must be by way of a single, flat marker at the foot of space, installed at grade level, if not memorialized on the monument at the head of the space.

10. Symbols, as of faith, hope and love, as well as religious symbols, and emblems of fraternal and military organizations contribute to the significance of a memorial. The addition of symbols, epitaphs and historical inscriptions added to monument, markers and memorials whenever possible are encouraged.
11. Only one monument, marker, or memorial will be allowed at the head of each burial space & one flat marker is permitted at the foot of the space.
12. Monuments shall be etched, grooved or embossed with the deceased name to create a durable record of the deceased. Memorials or inscriptions deemed to be offensive by the City shall be removed or corrected at the expense of the owner. Markers in restricted cemetery sections are limited to ground level markers only, and coping is not permitted in these sections. (i.e., Cremation Section and certain other specified sections reserved for regular burials.)
13. Burial spaces must be paid in full before the installation of monuments, markers, or memorials will be allowed.
14. The City will assume no responsibility for the correct location of the monument, marker, or memorial. Any changes ordered by the owners will be made at their expense.
15. Should any monument, marker, or memorial become damaged, or a menace to safety, the City may, at the expense of the burial space owner/heir, repair, improve or remove it, after an attempt to contact the burial space owner/heir has been made.
16. Private contractors shall set monuments in conformity with cemetery requirements and in accordance with the trade standards of proper methods of handling and setting. A Grave Marker Permit must be completed at least 24 hours prior to monument installation. Such permit is issued by the City Clerk's Office. All monument installation policies must be adhered to by the private contractor installing the monument.
17. No curbing, hedging, grave mounds, boarders, enclosures, mausoleums, walks of any kind shall be allowed to be built or placed on any burial space in the cemetery. The City reserves the right to remove or add the same without recourse.
18. The bottom of every stone should be dressed to an even level bed so that it will stand plumb, resting firmly and level on a foundation. All joints shall be sealed against moisture and with non-staining material.
19. No permanent monuments, markers, memorial will be permitted in the cemetery when made of wood, iron, Plaster of Paris, cement, limestone, soapstone, artificial stone, slate, metal composition, or PVC piping. All monuments shall be constructed of granite, standard bronze, marble, or like material and set upon a base.
20. The provisions of this article shall not be construed to be retroactive, and any existing monuments, markers, or memorial which conforms to the regulations in effect when such

monuments, markers, or memorials were installed, shall not be rendered illegal or in violation through the adoption of these regulations. If any nonconforming or "grandfathered" monuments, markers, or memorials are replaced, for any reason, the nonconforming or "grandfather" use shall be deemed abandoned and shall not thereafter be permitted to continue.

Section 30-9. Decoration of Lots.

1. Artificial or fresh cut flowers may be placed in a metal or plastic vase at the top/head of the space at any time. However, they will be discarded when wilted, faded, broken, or anything of a similar nature.
2. Sprays, wreaths and baskets made from fresh cut flowers will be allowed up to two weeks, or when they no longer conform to the decorum of the cemetery, or become a safety hazard.
3. Items placed on cemetery spaces in celebration of a holiday must be removed within ten (10) days following the holiday, with the exception of Christmas which items must be removed within thirty (30) days following the holiday.
4. Fences around burial spaces are strictly prohibited. Fences installed will be removed by the City and may not be replaced.
5. The planting of any kind of trees, vines or shrubs is strictly prohibited without approval of the cemetery personnel.
6. Sod may be installed at grade level only.
7. Burial space owners/heirs are responsible for the appearance of their burial space; however, the City reserves the right to regulate the method of decorating burial spaces and reserves the right, without notice, to prohibit, or remove benches, chairs, settees, hanging plant hooks, vases, artificial flowers, ceramic figurines, picture frames containing glass, grave corners, toys, or any articles that do not conform to the decorum or rules and regulations of the cemetery, or becomes a safety hazard.
8. The City shall not be held liable for lost, misplaced or broken vases, any other decorations, or damage by the elements, thieves, vandals, or by causes beyond its control.
9. Any furnishings or structures that are deemed unsafe by the cemetery personnel shall be removed after prior notice is given or attempted to be given to the burial space owner/heir.
10. The cemetery personnel shall have the authority to order the pruning, transplanting or removal of trees, shrubs, vines, plants or anything growing upon a burial space when they may consider such action in the best interest in the cemetery.

Section 30-10. Restricted Areas.

The City may designate a Right of Interment Restricted Section of the cemetery, and the following shall apply to those sections:

1. Flat markers only are permitted in a Right of Interment restricted section of the cemetery. A vase is permissible within the perimeter of the monument as an invertible vase only. No structures, benches, fences, or mounds permitted. Full grave slabs which cover any portion of the spaces except for the monument headstone are prohibited in this section. No planting except in designated areas by permission of the Cemetery personnel. Memorials, or headstone, located on the west end of the site, must be in accordance with the general layout of the cemetery.
2. Only one bouquet of flowers may be placed on each burial space, providing they are placed in an approved ground level vase or in a vase that is part of the memorial. Any extra items placed on holidays or other special occasions will be removed in ten (10) days.
3. The marking of each burial space, is restricted and limited to a flat monument, set flush with the turf, and of such dimensions, materials, design, finish and construction as designated by this code.
4. For the safety and maintenance of the cemetery, any item consisting of glass, brick, wood, metal (except temporary metal markers), and any toys, souvenirs, yard decoration, or other items set out in this Chapter as being prohibited, are prohibited from being placed upon any burial space in restricted sections of the cemetery.

Section 30-11. Liability.

The City shall take reasonable precaution to protect the property rights of owners within the cemetery from loss or damage, but shall not be liable and distinctly disclaims all responsibility for loss or damage to plants, markers, monuments, corner markers, vases, or other property or rights of burial space owners arising from causes beyond its reasonable control. This includes damage caused by the elements, an act of God, vandals, strikers, malicious mischief, explosions, unavoidable accidents, insurrections, riots or order of any military or civil authority, whether the damage be direct or deliberate.

Any person, while on any portion of the cemetery grounds other than the roads, drives, or walks, are hereby declared trespassers and shall in no way hold the City liable for any injury sustained.

Section 30-12. Penalty.

Any person, firm or corporation violating the provisions of this Ordinance shall be punished as provided for by the applicable section(s) of the Apopka City Code, and General Law.

SECTION II. That if any section or portion of section or subsection of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or portion of a section or subsection or part of this ordinance.

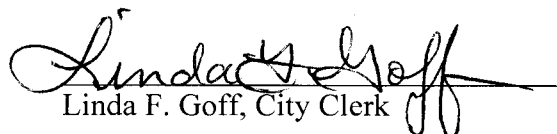
SECTION III. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV. This ordinance shall take effect immediately upon its final passage and adoption.

FIRST READING: October 7, 2015

SECOND READING
AND ADOPTION: October 21, 2015

ATTEST:


Linda F. Goff, City Clerk



Joseph E. Kilsheimer, Mayor

DULY ADVERTISED FOR PUBLIC HEARING: October 9, 2015