RULES AND REGULATIONS
OF
"DAVENPORT EVERGREEN CEMETERY"

SECTION I. PREFACE

The following rules and regulations have been adopted by the City Commission of the City of Davenport, Florida as the official rules and regulations for the administration and operation of the Davenport Evergreen Cemetery (hereinafter referred to as the "Cemetery").

The City Commission has endeavored in these rules and regulations to safeguard the individual lot and space owners as well as the Cemetery as a whole.

The objective of these rules is to maintain the Cemetery to ensure the satisfactory upkeep, safety and proper management of the Cemetery grounds.

Except as otherwise specified herein, the following rules and procedures apply to all burial lots, spaces and common grounds of the Cemetery.

SECTION II. DEFINITIONS.

All words, terms and phrases contained within these Rules and Regulations, which are defined in Ordinance No. 689, Section 4, Definitions, shall have the meanings ascribed to them in said Ordinance, except where the context clearly indicates a different meaning.

SECTION III. GENERAL RULES

3.01. The exclusive use of the Cemetery is for the burial of human remains and shall only be used for cemetery purposes.

3.02. The Cemetery shall be open from sunrise to sundown, unless otherwise posted by the Manager. All inquiries concerning the Cemetery may be directed to the Manager during normal City business hours.

3.03. The City may at any time, with or without notice, adopt new rules and regulations, or amend, alter or repeal any of these rules and regulations.

3.04. The City may, without prior notice, make exceptions or modifications in any rule or regulation the City deems necessary and in the public interest.

3.05. The City may replat any part or parts of the property within the Cemetery not sold for burials, and may open, close, or change the location or grade of any road or walk way.

3.06. The City shall not be responsible for any order or other information given or provided by telephone, or for any mistakes occurring from the lack of precise written instructions from lot or space owners, funeral homes, undertakers, or their representatives.

3.07. The City may correct any error made in good faith by making interments, disinterments, or removals or in the description, transfer or conveyance of any deeded property.
3.08. The City shall not be liable for any loss or damage to markers, monuments, corner markers, vases, or other items in the Cemetery or the rights of lot or space owners arising from causes beyond the City's control, and from any damage caused by the elements, acts of God, thieves, vandals, or other similar actions.

3.09. The City reserves the right of ingress and egress on or over any lot or space.

3.10. City employees are prohibited from receiving any payment, tip, or other compensation in any form from lot or space owners or their representatives for work performed during regular working hours.

3.11. All persons are reminded that the Cemetery grounds are sacredly devoted to the burial of the deceased, and that the provision and penalties of law as provided in statute shall be strictly enforced in all cases of disturbance or disregard of these rules and regulations.

3.12. Persons within the Cemetery grounds shall use only the walks and roadways provided.

3.13. Automobiles shall be driven only upon the Cemetery roadways at a speed not greater than five (5) miles per hour, and each vehicle must only be parked on the right side of the Cemetery roadways.

3.14. Children under fifteen (15) years of age must be accompanied by an adult.

3.15. No soliciting shall be permitted in the Cemetery.

3.16. No "For Sale" signs shall be permitted within the Cemetery grounds. No advertisement in any form shall be allowed on any lot, space, or other grounds within the Cemetery, and the City hereby reserves the right to remove any such signs or advertisements without notice.

3.17. Funeral directors and their agents shall be held responsible for the actions of all drivers and others employed by them while on the Cemetery grounds. All work of any kind must cease in the vicinity of any interment.

3.18. The City has the right to grant permission to the proper persons to erect funeral equipment on property adjoining a burial site when necessary for the period required.

3.19. No persons or entities shall purchase Cemetery lots or spaces for the purpose of speculation of profit.

3.20. The Manager, or his or her representative, is in charge of the Cemetery, and are authorized to enforce each of these rules and regulations; to maintain order; to supervise all workers, visitors and drivers; to expel those who disregard his or her orders and to inspect and refuse entry to any and all materials, when necessary.

SECTION IV. INTERMENTS AND DISINTERMENTS

4.01. All interments, disinterments and removals shall be conducted pursuant to state statute, City and County ordinance, and by any other applicable administrative rule or order.
4.02 All interments must be made in a vault constructed from metal, stainless steel, fiberglass or concrete only. All vaults must be approved by the Manager and/or his or her representative and shall be installed under his or her supervision.

4.03 No more than one (1) person shall be interred in any one space, vault, crypt, or niche.

4.04 Conveyance of a lot or space to a purchaser is not valid until the full amount of all purchase monies, plus any interest or other charges have been paid.

4.05 No photographs, whether by camera or other means, shall be taken of any interment without the consent of the immediate family.

4.06 The City is not liable for any delay in the interment or disinterment if a protest has been made by the legal representatives or heirs, or these rules and regulations have not been complied with. A protest of interment must be in writing and filed with the Manager.

4.07 To ensure proper preparation of the grave site, a notice of not less than thirty-six (36) hours must be given to the Clerk. Funeral personnel shall have the vault at the particular burial site not less than four (4) hours before interment.

4.08 A burial permit must accompany the body to the Cemetery before burial or interment can take place. Neither the City nor any officer or employee thereof shall be liable for the interment permit or the identity of the person to be interred.

SECTION V. LOT AND SPACE SALES AND RECORDS

5.01 The Clerk shall show available lots and spaces to prospective purchasers and shall conduct the sale of such lots and spaces. Upon agreement of each sale, a deed shall be completed at the time of purchase. The sales agreement, the deed, all applicable ordinances and these rules shall constitute the entire agreement and understanding between the City and the purchaser, and no other agreement will be recognized by the City. For the purposes of these rules, a person having a perpetual right of burial in a space evidenced by a deed is a "Purchaser", and shall be the "Owner" so long as the deed so reflects.

5.02 The City shall sell lots and spaces in the Cemetery only for the prices approved by the City Commission pursuant to a duly adopted ordinance.

5.03 Each owner shall keep the City informed of his or her current mailing address and phone numbers. Notices or other correspondences mailed to Owners or their legal representatives or heirs at the last known address on file with the City shall constitute actual delivery and notification.

SECTION VI. ADMINISTRATION AND MAINTENANCE OF CEMETERY

6.01 No material except granite, marble or bronze shall be used for a marker or memorial. Before placing the memorial, it shall be determined by the Manager if such memorial will fit into the harmonious landscaping of the grounds.

6.02 The name on each memorial must correspond with the records of the Clerk.

6.03 Vaults or tombs, wholly or partly located above ground, will not be permitted. Underground vaults covered above the grounds by slabs are not permitted.
6.04. Only one (1) family monument will be permitted on an Owner's lot. The family monument shall be placed as near as possible to the center of the lot. The placement of individual ground level markers for each interred family member is also permitted.

6.05. Coping enclosures and structures composed or constructed of wood, fences composed of any material, and hedges are prohibited.

6.06. Individually placed benches are permitted so long as each bench is solely composed and constructed of concrete, marble or granite.

6.07. All care of lots and spaces, including grading, landscape work and improvements of any kind, shall be performed by the City only.

6.08. Any item consisting of glass, porcelain, brick, cement, wood, metal (except temporary metal markers), and any toys, souvenirs or emblems are prohibited from being placed upon any lot or space.

6.09. No elevated mounds shall be built over graves, and no lot or space shall be filled above the grade established by the City.

6.10. Potted plants, wreaths and baskets, and all other decorations, shall be removed from lots and spaces as soon as such flowers or decorations become wilted or unsightly.

6.11. No trees, shrubs or flowers, real or artificial, shall be planted upon any lot or space or any other part of the Cemetery by anyone other than caretakers serving the City. The City reserves the right to remove, without notice, trees, shrubs or flowers planted or placed in violation of these rules.

6.12. The City shall not be liable for floral pieces, baskets or frames in which floral pieces are attached. Further the City is not responsible for theft or damage to any item placed on a lot or space.

6.13. The City reserves the right to remove any flower arrangements, basket of flowers, floral designs, wreaths, trees, shrubs, plants and herbage of any kind.

6.14. It is permitted for any lot or space Owner 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 lot or space boundary. One (1) bouquet, flower or basket will be permitted on special occasions and will be removed by the City when it becomes withered and/or thirty (30) days.

6.15. It is against these rules for any lot or space Owner to dig holes in the graves for the installation of vases or cans. The lot or space Owner will 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.

6.16. If any memorial or structure or any inscription placed on the same, shall be determined by the Manager to be offensive, the City shall have the right, and it shall be its duty, to enter upon any lot or space and remove, change or correct the offensive or improper object or objects.
6.17. It shall be the duty of the Owner or funeral director when preparing a grave space for burial purposes, to remove all surplus soil and replace the sod on a level with lawn of the Cemetery.