

ORDINANCE 2010-04

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, AMENDING LAKE WALES CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, TO REPEAL PROVISION ALLOWING CONFEDERATE FLAG ON GRAVE OF CIVIL WAR VETERAN; TO ELIMINATE NOTICE REQUIREMENT FOR ADDITIONAL VIOLATIONS OF SAME CEMETERY RULE OR REGULATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida:

SECTION 1. Chapter 2, ADMINISTRATION, Lake Wales Code of Ordinances, is amended as follows:

ARTICLE VI. CEMETERY ADMINISTRATION.

Sec. 2-644. Grave decorations.

(d) Flags may be placed on the grave site of a veteran in accordance with the following rules:

- (1) Up to one (1) American flag no larger than thirteen inches by eight inches (13" x 8") may be placed on a grave site on Veteran's Day, Memorial Day and Independence Day;
- (2) Any flag remaining on a grave site after seven (7) days shall be removed by cemetery staff without the need for notice; flags so removed shall be delivered to the local chapter of the VFW for re-use or, if faded or damaged, shall be destroyed in a dignified manner in accordance with Title 4, Chapter 1, Section 8, U.S. Code ("Respect for the Flag").
- (3) A length of one-quarter inch (1/4") PVC extending no higher than six inches (6") above the ground may be installed as a permanent receptacle for flags to be placed on dates that honor veterans.
- (4) Small American flags no larger than 6 inches by 4 inches (6" x 4") may be incorporated into floral arrangements at all times during the year.
- ~~(5) On Confederate Memorial Day, celebrated by the State of Florida on April 26 of each year, up to one (1) Confederate flag no larger than thirteen inches by eight inches (13" x 8") may be placed upon the grave site of a veteran of the American Civil War who fought for the Confederate States of America.~~


Sec. 2-645. Notice of non-compliance with rules and regulations.

(a) If a grave site is determined to be in violation of the rules and regulations of the cemetery, the cemetery manager shall place upon the grave site a flag or other marker that will serve as notification of the violation. If the violation is not corrected within thirty (30) days of flagging or marking the grave site, the cemetery manager shall remove the item(s) that are determined to be in violation of the rules and regulations at no risk to the city. Concurrent with the marking of the grave, the cemetery administrator shall forward written notice of the violation to the address on file with the city for the lot owner or his representative. If there is no address on file with the city, flagging or marking the grave site shall be the only notice required. Second and subsequent violations of the same rule or regulation shall not require notice, and the cemetery manager shall immediately remove the item(s) that are determined to be in violation at no risk to the city.

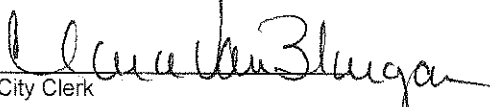
SECTION 2. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 3. This ordinance shall become effective immediately upon passage by the City Commission.

CERTIFIED AS TO PASSAGE this 16<sup>th</sup> day of March, 2010.

  
Mayor/Commissioner  
City of Lake Wales, Polk County, Florida

ATTEST:

  
City Clerk