

CITY OF LAKE WALES
ORDINANCE 2009-32 Sec. 2-642
RULES FOR PLANTS, SHRUBS, FLOWERS, TREES AND GRASSES

(a) Permanent planting, maintenance and removal of grasses, shrubs, trees, flowers, and the like, shall be done only by the city.

(1) The planting of trees, shrubs and other plants in a memorial section violates the contract rights of those who purchased lots in a memorial section with the expectation that there be uniformity and interferes with the maintenance of the grave sites by cemetery staff. Accordingly, the cemetery manager will remove any and all trees, shrubs and other plants installed in a memorial section prior to December 1, 2009 after providing notice as specified in section 6-245. Trees, shrubs and other plants so removed may be transplanted to a common area of the cemetery if appropriate.

(2) Trees, shrubs and other plants installed prior to December 1, 2009 in a section of the cemetery that is not a memorial section may remain in place provided said trees, shrubs and plants are properly maintained by the family. The cemetery manager may remove the trees, shrubs or plants when they become unsightly, dangerous, detrimental or diseased or when they interfere with the normal maintenance of the cemetery. Notice of such removal shall not be required.

(3) Any permanent trees, shrubs, flowers, or similar items planted anywhere in a city cemetery after December 1, 2009 shall be removed by the city following notice as required in section 2-645. Plantings so removed may be transplanted to a common area of the cemetery if appropriate.

(b) The cemetery manager shall remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from a cemetery as soon as, in the judgment of the cemetery manager, they become unsightly, dangerous, detrimental or diseased or when they interfere with the normal maintenance of the cemetery. Except as provided in paragraph (a) of this section, notice of such removal shall not be required.

(c) The city shall not be liable for frozen plants or herbage of any kind or for plantings damaged by the elements, thieves, vandals or by other causes beyond its control.

(d) Live flowers from burial services shall be removed by the cemetery manager within five (5) days after an interment. Upon the written request of the owner or legal representative of the owner within forty-eight (48) hours after an interment, flowers, baskets, designs or frames may be held for such owner or legal representative for a period not exceeding thirty (30) days. If not called for and removed by the end of the thirty (30) day period, such flowers, baskets, designs or frames shall become the property of the city and may be sold, destroyed or otherwise disposed of without incurring any liability whatsoever to donors, grave owners or their legal representatives.

(e) All vases and receptacles must be approved by the city. Approved vases may be of the invertible type. Fixed vases shall not exceed six (6) inches in diameter and ten (10) inches in height. No other receptacle may be used as a permanent vase. A frame may be used in lieu of a vase to support non-live flowers placed on a grave site on special dates or until a permanent marker can be installed, provided that the combined height of the frame and non-live flowers does not exceed twenty-four (24) inches. Glass or ceramic containers shall not be permitted under any circumstances.

(f) Potted plants will be allowed subject to the following:

(1) A pot shall be buried so that the top edge of the pot is flush with the ground;

(2) A pot shall not exceed one (1) gallon in size, and a plant shall not exceed twenty-four (24) inches in height;

(3) A potted plant shall not bear thorns or stickers or otherwise be potentially hazardous to the cemetery staff or the public;

(4) A potted plant shall be maintained by the family, and, if not maintained by the family, shall be removed by the cemetery manager in accordance with paragraph (b) of this section.