

ORDINANCE NO. C-2011-09-123

AN ORDINANCE BY THE CITY OF DONNA, TEXAS KNOWN AS THE "CEMETERY ORDINANCE". REGULATING USE OF THE CITY OF DONNA CEMETERY, DEFINING TERMS, REGULATING BURIALS AND FUNERALS, PROVIDING FOR THE SALE OF LOTS; REGULATING TRAFFIC WITHIN THE CEMETERY; SETTING FEES; REPEALING ANY AND ALL ORDINANCES RELATING TO THE CITY CEMETERY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DONNA, TEXAS:

SECTION 1. DEFINITION

As used in this ordinance, the word "Cemetery" shall mean and include that cemetery belonging to the City and known as the City of Donna Cemetery, and the provisions of this ordinance shall apply to such cemetery.

SECTION 2. SUPERINTENDENT GENERALLY

The Public Works Director shall be designated as the superintendent of the cemetery and shall have the authority necessary to execute its orders and to put into effect the rules and regulations prescribed by this ordinance.

SECTION 3. APPROVAL OF SALE OF LOTS

The sale or transfer of any cemetery lot or part of a lot shall be subject to the approval of the City. Lots may not be resold without City of Donna approval and Right of first refusal to purchase the lot(s).

SECTION 4. PURCHASE PRICE OF LOT AND OTHER CHARGES MUST BE PAID PRIOR TO BURIAL

No burial will be allowed in any cemetery lot unless plot and any related fees have been paid in full.

SECTION 5. CEMETERY DEEDS

No deed to a cemetery lot shall be issued until the amount of the lot has been paid in full.

SECTION 6. GENERAL RESTRICTION ON USE

The Cemetery shall be used for cemetery purposes only.

SECTION 7. INTERMENT PERMITTED ONLY ON ORDER OF LOT OWNER

The City will not allow any interment on any cemetery lot except under an order from the lot owner or his heirs or assignees, delivered at the office of the City Manager and indicating the desired location for such interment with the Property Title provided

SECTION 8. CEMETERY HOURS

The gates of the cemetery will be open from 8:00 AM to 6:00 PM; Monday thru Sunday for the public.

SECTION 9. DRIVING OF VEHICLES IN CEMETERY

Vehicles must be driven slowly through the cemetery and must not turn around in the avenues.

SECTION 10. VEHICLES AND ANIMALS PROHIBITED ON LOT, LAWNS OR WALKS

The driving or riding of vehicles or animals will not be allowed on lots or upon the lawns or walks of the cemetery.

SECTION 11. SITTING, STANDING, ETC., ON LOTS, GRAVES, ETC.,

Sitting, lounging, or lying at full length on lots, mounds, or ornamental grounds at the cemetery and sitting or standing on graves is strictly prohibited and will not be tolerated.

SECTION 12. GRAVE DIGGING

The digging of a grave for an interment in the cemetery will only be done by the City employees, under the direction of the superintendent of the cemetery. A notice of not less than eight (8) working hours must be given to insure proper preparation of the grave.

SECTION 13. CHANGING LOT GRADES

The grades of cemetery lots once established cannot be changed without the consent of the City Council or appointed authority.

SECTION 14. SIGNS PROHIBITED

No signs indicating that a lot or vault is for sale and no sign, card or advertisement of any stonecutter, undertaker or other person will be permitted in the cemetery.

SECTION 15. ORDER AND PERMIT FOR WORK ON LOTS

The City will not allow work of any kind to be done on any cemetery lot, unless a written order from the lot owner or his representative is presented and a permit is obtained from the superintendent of the cemetery. This section applies to the cutting of inscriptions, setting or markers, etc., and also the removal of anything from the lot.

SECTION 16. PERMIT FOR WORKMAN

No workman, except one employed in the erection of stonework under a regular permit, will be allowed to work in the grounds of the cemetery, except by special permit from the City.

SECTION 17. EXCLUSION OF PERSONS FROM GROUNDS; REFUSAL OF PERMITS

The City authorities shall have the right to exclude from the grounds of the cemetery and person who disobeys any provision of this article. They shall also have the right to refuse permits to persons or firms whose work is not satisfactory, or whose employees disobey the rules of the cemetery.

SECTION 18. WORK ORDERS ARE SUBJECT TO COUNCIL RULES

All orders taken for work in the cemetery shall be subject to the rules of the City Council.

SECTION 19. AUTHORITY OF COUNCIL

The City Council or appointed authority may, from time to time, lay out and alter avenues or walks and make such rules and regulations for the government of the grounds and cars and concur and promote the general objects of the cemetery.

SECTION 20. SPECIAL REQUIREMENTS FOR FLOWER RECEPTACLES

Receptacles for flowers placed at the cemetery must be made of metal or stone, must be sunk below the surface of the ground and must be of such character as not to interfere with the mower nor appear unsightly when not filled.

SECTION 21. LOUD CONVERSATION PROHIBITED; WORKMEN TO CEASE OPERATIONS DURING INTERMENT

Loud conversation in the cemetery shall not be permitted and all workmen must cease operations while in the immediate vicinity of an interment.

SECTION 22. CITY NOT RESPONSIBLE FOR ARTICLES PLACED ON LOTS OR GRAVES

The City will not be responsible for any funeral design, floral piece or other articles placed on any lot or grave in the cemetery.

SECTION 23. RIGHT OF CITY TO REMOVE AND PLANT TREES, SHRUBS AND MOW GRASS

If any tree or shrub situated on any cemetery lot shall, by means of their roots or branches, become detrimental to the adjacent lot or avenues, or become unsightly or inconvenient for visitors, it shall be the duty of the City authorities, and they shall have the right to enter the lot for such purpose, to remove the trees or shrubbery or such part thereof as they shall determine to be detrimental, unsightly or inconvenient. The City authorities shall have the right to remove any trees or shrub that may be infected by scales or other diseases and to plant and mow the grass on all lots and graves. The City reserves the exclusive authority to plant all trees, shrubs and flowers.

SECTION 24. PICKING FLOWERS, BREAKING TREES LIMBS, ETC.

To guard against complaints of thefts, no one, whether a lot owner or holder, of a grave receipt or any other person shall be allowed to pluck any flower, break any limb or twig, or remove any trees or plants at the cemetery, without special permission. The work must be done by one of the cemetery employees.

SECTION 25. REMOVAL OF FUNERAL DESIGNS AND FLORAL PIECES

Funeral designs and floral pieces will be removed from the graves when they become wilted or unsightly. Persons desiring to retain any such design or piece must remove the same within seventy-two (72) hours after the interment. In no case will employees attempt to locate designs or floral pieces after their removal from the lots.

SECTION 26. CITY AUTHORITIES' RIGHTS

The cemetery authorities shall have full right to fill and level graves and plant grass thereon, when desired.

SECTION 27. CONTRACTORS WORK HOURS

Contractors or their employees will not be permitted to work in the cemetery on Sunday, or before 7:00 A.M. or after 5:00 P.M. on any other day.

SECTION 28. USE OF CITY'S TOOLS, LUMBER, ETC.

Cemetery tools, lumber, or other materials owned by the City are to be for city employees' use only.

SECTION 29. RESTRICTIONS ON BRINGING MARKER WORK, GRANITE, ETC INTO GROUNDS

Marker work or any other material shall not be brought into the cemetery when the ground is not in a suitable condition, or when the proper foundation has not been prepared. Masons and stonecutters will not be permitted to bring into the cemetery grounds material in large quantities in advance of its immediate use, nor in any unprepared condition. Blocks of granite or marble must be dressed to the design and dimensions ready for setting and lime must be slacked and mortar prepared and brought to the grounds in moderate supply and all chips, pruning and rubbish must be gathered up and carried to places of deposit as required by the cemetery authorities.

SECTION 30. BRINGING HEAVY LOADS INTO GROUNDS

The superintendent of the cemetery must in all cases be consulted before any heavy load shall enter the cemetery grounds.

SECTION 31. GUY ROPES

Guy ropes must not be fastened to any trees or shrubs in the cemetery.

SECTION 32. MATERIAL TO BE MOVED ON PATHS OR PLANKS

All materials must be moved on the paths of the cemetery and over plank laid for the purpose, and not over adjoining lots.

SECTION 33. RIGHT OF COUNCIL TO PROHIBIT ERECTION OF MARKERS AND MONUMENTS

The City Council reserves the right to prohibit the erection in the cemetery of any marker or other monument work that may be considered by the members of the Council to be inappropriate, whether in material, design, workmanship or location, of which might interfere with the general effect or obstruct any principal view.

SECTION 34. REMOVAL OF OFFENSIVE MONUMENTS, VAULTS, ETC.

If any monument, vault, effigy or any structure whatever is placed in or upon any cemetery lot which is determined by the authorities of the cemetery to be offensive, improper or injurious to the appearance of the surrounding lots or grounds, they shall have the right, and it shall be their duty, to enter upon such lot and remove the offensive or improper object and they may do so without notice to the owner.

SECTION 35. RESPONSIBILITY OF UNDERTAKERS FOR CONDUCT OF EMPLOYEES

Undertakers will be held responsible for the action of all vehicle drivers or others employed by them while within the grounds of the cemetery.

SECTION 36. REPORTING MISCONDUCT OF EMPLOYEES

Incivility or discourtesy on the part of any cemetery employee shall be reported immediately to City Manager.

SECTION 37. SUSPENSION OF WORK WHEN ORDINANCE VIOLATED

The City shall have the power to suspend work in the cemetery immediately whenever there is a failure to conform to the rules and regulations prescribed in this ordinance.

SECTION 38. INTERMENT OF MORE THAN ONE PERSON PER LOT

If a body has been buried in a plot for less than twenty-five (25) years, the burial of a second body will be permitted only if a vault is in place. No vault will be required if the first body has been buried for twenty-five (25) years or more. Written authorization will be required from all the members of the immediate family.

SECTION 39. CEMETERY FEES

Plot Fee	\$ 350.00
Opening and Closing Cost Fees	\$ 250.00
Opening and Closing Cost Fees On Weekends/Holidays	\$ 350.00
Cremation	\$ 125.00
Headstone – Single	\$ 25.00
Headstone – Double	\$ 40.00

(Fees must be paid in full prior to Interment)

SECTION 40. INTERMENT DAYS

Interments will be held Monday through Sunday.

SECTION 41. CONFLICTING ORDINANCES REPEALED

All ordinances, orders or resolutions or parts thereof, heretofore passed and adopted by the City of Donna in conflict herewith shall be, and the same are, hereby repealed.

SECTION 42: PUBLICATION AND EFFECTIVE DATE.

This ordinance will become effective upon second and final reading by the City Council. The City Secretary is hereby authorized and directed to cause the caption of this ordinance to be published in a

newspaper having general circulation in Donna, Texas within ten (10) days of final passage in accordance with the provisions of the Code of Ordinances of the City of Donna.

SECTION 43: SEVERABILITY CLAUSE

Should any provision of the foregoing ordinance be held void or illegal by any court of competent jurisdiction, the remaining provisions of this ordinance shall not be affected thereby, and shall continue to be in force and effect.


PASSED AND APPROVED on first reading on this the 13th day of **September 2011**.

PASSED, APPROVED AND ADOPTED on second and final reading on this the 29th day of **September 2011**.




David S. Simmons
Mayor

Attest:


Martha Alvarado
City Secretary
City Attorney

Approved as to form and substance:


Eddie Treviño