

ORDINANCE NO. 19- 063

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 11, "CEMETERIES" TO AMEND, UPDATE REGULATIONS, STANDARDS, AND DEFINITIONS; TO MAKE CLARIFICATIONS, RENAME, RENUMBER AND REARRANGE THE CHAPTER AS APPLICABLE; PROVIDING FOR PENALTIES AS APPLICABLE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Galveston City Council seeks to promote the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

WHEREAS, staff has reviewed various Chapters of the City Code. Staff has made recommendations in order to update rules, regulations, standards and procedures and make clarifications, and modifications, as applicable to the Chapter in furtherance of promoting the public health, safety, morals and general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

WHEREAS, the City Council deems it in the public's interest to amend Chapter 11, "Cemeteries", of "The Code of The City of Galveston 1982, as amended," as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 11, "Cemeteries" of "The Code of The City of Galveston 1982, as amended," is amended to provide as follows:

Sec. 11-21. - City sexton. Director of Parks and Recreation

The City sexton. Director of Parks and Recreation shall be in charge of all cemeteries included in this article and be primarily responsible for ensuring conformance with the provisions of this article and state law. In order to ensure conformance with this article and to properly maintain said cemeteries, the City sexton. Director of Parks and Recreation may promulgate reasonable rules and regulations which, when approved by the city council, shall have the binding effect of law and violation thereof shall be a misdemeanor.

Sec. 11-22. - Levels of landscaping; monuments, etc.

No item located within the cemeteries covered by this article shall ever be higher than the surrounding grave level. This prohibition shall include, but not be limited to, graves, gravesites, curbing, bushes, trees, shrubs or any other live vegetable matter with the exception of an appropriate grass. This prohibition shall not include tombstones or appropriate grave markers of a type or kind approved by the City sexton. Director of Parks and Recreation.

Sec. 11-23. - Fees.

All sums and moneys to be charged by the city for goods, services or property furnished by the city in connection with cemeteries covered under this article shall be based on a schedule of fees. Said schedule shall be determined by the city manager or his the duly authorized representative and shall be commensurate with the expenses incurred by or value to the city.

Sec. 11-24. - Suspicious circumstances—Cemeteries.

It shall be unlawful for any person within the corporate limits of the city to enter, remain, stay, or loiter in any cemetery between 10:00 p.m. and 6:00 a.m., where he has they have no right or permission to be, under suspicious circumstances, and without being able to give a satisfactory account of the same.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 6. This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its regular meeting held on October 17, 2019, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this ____ day of ____, 2019.

Secretary for the City Council
Of the City of Galveston