

## **ORDINANCE NO. 11-002**

### **AN ORDINANCE ADOPTING CHAPTER 22 (CEMETERIES); ARTICLES I, II AND III; SECTIONS 22-31 THROUGH 22-98, OF THE CODE OF ORDINANCES OF THE CITY OF GILMER, TEXAS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GILMER, TEXAS:**

#### **ARTICLE I. IN GENERAL**

##### **Sec. 22-31. Authorized cemeteries.**

The cemeteries existing on July 14, 1983, within the limits of the City are recognized and authorized as legal and proper places for the interment of persons who may die in the City or may be brought to the City for burial.

##### **Sec. 22-32. Extension of cemeteries.**

The limits of cemeteries, as they existed on July 14, 1983, shall never be extended unless authority has been granted by the City Council.

#### **ARTICLE II. ADMINISTRATION**

##### **Sec. 22-51. Creation and members.**

There is created in and for the City an administrative board, which shall consist of seven members appointed by the City Council.

##### **Sec. 22-52. Terms of members.**

The term of office of the members of the Cemetery Board shall commence on February 1, except for the filling of vacancies. The members shall be appointed for a term of three (3) years. The City Council shall set the expiration date of the original board.

##### **Sec. 22-53. Removal of members from office.**

Any member of the cemetery board shall be subject to removal from office by the City Council for any cause deemed by the Council sufficient therefore in the interest of public service.

##### **Sec. 22-54. Filling of vacancies.**

All vacancies occurring in the membership of the Cemetery Board shall be filled by appointment by a majority vote of the City Council and for the unexpired term of the vacancy.

**Sec. 22-55. Ex-officio member.**

One member of the City Council, appointed by the Council, shall serve on the Cemetery Board as an ex-officio member.

**Sec. 22-56. Organization.**

The members of the Cemetery Board shall organize and select a president, vice-president and secretary from its members.

**Sec. 22-57. Meetings.**

The members of the Cemetery Board shall hold such meetings as the Board may determine, or shall meet at the request of the City Council or the City Manager.

**Sec. 22-58. Rules of procedure; record of proceedings.**

The Cemetery Board shall adopt its own rules of procedure and keep a record of its proceedings. A copy of such record shall be filed with the City Secretary.

**Sec. 22-59. Quorum.**

A simple majority of the members of the Cemetery Board shall constitute a quorum of the board for the transaction of all business.

**Sec. 22-60. Powers and duties.**

The powers and duties of the Cemetery Board shall be as follows:

- (1) To act in an advisory capacity to the City Council and the City Manager in all matters pertaining to the cemeteries in the City.
- (2) To make such recommendations to the City Council and the City Manager as it deems proper in the planning, designing and upkeep of the cemeteries in the City.

**Sec. 22-61. Recommendations subject to City Council.**

All recommendations of the Cemetery Board shall be subject to modification or veto by the City Council.

**ARTICLE III. REGULATIONS**

**Sec. 22-91. Interment outside authorized cemetery prohibited**

It shall be unlawful for any person to bury the body of any deceased person anywhere within the limits of the City of Gilmer other than in a duly authorized cemetery and recognized as a public burying ground under the terms of this chapter.

**Sec. 22-92. Interment of other than lot purchaser's family.**

A lot purchased from the City in any cemetery is intended as a family burial place, whether this is on a purchased lot or on a family established lot in the cemetery; and while the owner of a lot may permit the interment in his lot of one not of his family, heir of the owner cannot bury one not a member of the family without the prior consent of all the heirs.

**Sec. 22-93. Graves to be level.**

All graves in the cemeteries shall be level with the ground, except mausoleums or vaults in which a body might be buried.

**Sec. 22-94. Opening and closing graves.**

(a) Croley Funeral Home, Inc. is hereby designated by the City to be responsible for opening and closing the graves in any cemetery within the City and shall be responsible for the removal and disposition of surplus dirt within forty-eight (48) hours after the funeral. Failure to remove property and dispose of surplus dirt within the forty-eight (48) hour period following the funeral may result in a charge to Croley Funeral Home, Inc.

(b) The funeral home in charge of the funeral shall contact Croley Funeral Home, Inc. prior to the opening of any grave within the City.

(c) There shall be a one hundred dollar (\$100.00) interment fee, payable in advance, to the City for burial in any cemetery within the City. This fee may be collected by Croley Funeral Home, Inc. on behalf of the City, or by the City of Gilmer from the funeral home in charge of the funeral.

**Sec. 22-95. Trees, shrubs, flowers in areas platted by City.**

(a) In all cemetery areas all trees, shrubs and flowers will be planted by the City, and no other person. The City shall have the right to remove from any cemetery any structure, object, tree, shrub, or other installation that may be deemed objectionable, detrimental, dangerous, inconvenient or interfering with the care, use and maintenance of the cemetery.

(b) The City shall, through whatever method it deems appropriate, be responsible for removal of flowers and flower stands from an authorized cemetery.

**Sec. 22-96. Items prohibited on graves.**

No slats, cradles, boxes, glass jars, shells, trinkets or similar items shall be permitted on any grave. In addition to these items, no slabs will be permitted in any authorized cemetery newly developed on or after July 14, 1983.

**Sec. 22-97. Unlawful acts in cemeteries.**

It shall be unlawful for any person except cemetery personnel to deposit or throw any rubbish in any cemetery, disturb or remove any flowers or shrubs, or break, destroy or remove any monument, or commit any other act of vandalism in any cemetery.

**Sec. 22-98. Criminal penalties.**

The violation by any person of any act prohibited by this Chapter, or the failure to do any act required by this Chapter, shall be a misdemeanor punishable by a fine not to exceed the maximum amount allowed by State law.

**PASSED, ADOPTED AND APPROVED, this the 22<sup>nd</sup> day of February, 2011.**

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R.D. Cross, Mayor

ATTEST:

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Kathy Davidson Hoover, City Secretary