

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF UVALDE AMENDING CHAPTER 2.88 HILLCREST CEMETERY, UVALDE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING ENFORCEMENT AND PENALTY CLAUSES; PROVIDING OPEN MEETINGS, SEVERABILITY, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Uvalde find that it is necessary to limit ornamentation of grave sites in the Hillcrest Cemetery to provide perpetual care;

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

**Section 1. Findings of Fact.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Amendment of Chapter 2.88.220 and 2.88.305 of the Uvalde Municipal Code of Ordinances**

2.88.220 - Ornamentation of graves.

- A. Except as provided in subsections B. and C. of this section, a grave may not be ornamented other than by a grave marker which complies with this article and flowers real or artificial, small flags, lights or seasonal ornaments, provided the items are placed in receptacles which conform to the requirements of section 2.88.300 of this article. Objects ornamenting or placed on graves which are not permitted by this section may be removed by the city, without notice to the lot owner or the next-of-kin of the person whose remains are interred in the grave.

2.88.305 - Prohibited enclosures, curbing, ornaments, walks, etc.

Enclosures of any kind, curbing or coping around a lot, and grave ornaments (except those contained in an approved vase) are prohibited in the cemetery and the City reserves the right to remove the same without notice to lot owners. Objects of wood of any kind will not be permitted in the cemetery and no gravel, brick, stone, cement or other kind of artificial walk will be allowed on any lot.

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**Section 3. Penalty Clause.** Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

**Section 4. Savings Clause.** All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting cemeteries which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and

criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

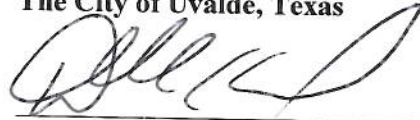
**Section 5. Effective Date.** This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

**Section 6. Severability.** 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, 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 or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.


PASSED AND APPROVED on this the 27 day of February, 2018.

**The City of Uvalde, Texas**



Don McLaughlin, Jr., Mayor

ATTEST:



Sorayda Sanchez, City Secretary