

ORDINANCE NO. 609

AN ORDINANCE PROVIDING FOR THE CREATION OF A CEMETERY TRUSTEESHIP BY THE CITY OF RAYMONDVILLE; PROVIDING FOR THE PERPETUAL CARE AND UPKEEP OF CEMETERIES BELONGING TO THE CITY OF RAYMONDVILLE; PROVIDING PROCEDURES AND DUTIES OF SUCH TRUSTEESHIP; AUTHORITY TO INVEST SUCH FUNDS; ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION AND MAINTENANCE OF THE RAYMONDVILLE MEMORIAL PARK CEMETERY; AND PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RAYMONDVILLE, TEXAS, THAT:

ARTICLE I

Sec. 1-1. Definition; application of article. As used in this article, the word "cemetery" shall mean and include that cemetery belonging to the city and known as the Raymondville Memorial Park Cemetery, plat of which was filed for record in map records of Willacy County, May 11, 1970, volume 2, page 65, and the provisions of this article shall apply to such cemetery.

Sec. 1-2. Superintendent generally. The City Commission shall designate a superintendent of the cemetery and grant to him the necessary authority to execute its orders and to put into effect the rules and regulations prescribed by this article.

Sec. 1-3. Price of Spaces. All spaces in the cemetery shall be sold at such price as is set from time to time by the City Commission. The price shall be \$100.00 per space until such time the City Commission deems necessary to change said price.

Sec. 1-4. Fund for perpetual care. One-Half ($\frac{1}{2}$) of all sums received from the sale of spaces in the cemetery shall be set aside in a permanent trust fund to be known as the Raymondville Memorial Park Cemetery Fund. The principal amounts from the sale of spaces deposited to this Fund shall forever remain and be kept by the City of Raymondville as a principal trust fund. The City is hereby invested with the power and authority, and it shall be its duty, to invest all funds of the Raymondville Memorial Park Cemetery Fund in interest bearing certificates of deposit, bonds, or securities of a municipality, state or federal government. Only the interest, or revenue, from the investment of this Fund may be transferred, by action of the Board of Commissioners following the annual audit, to the General Fund for aid in the maintenance, care and upkeep of the Raymondville Memorial Park Cemetery and the Raymondville Cemetery and for no other purposes.

Sec. 1-5. Approval of sale of spaces. The sale or transfer of any cemetery space, or spaces, shall be subject to the approval of the city.

Sec. 1-6. Purchase price of space must be paid prior to burial. No burial will be allowed in any cemetery space if less than one hundred (100%) per cent of the purchase price of such space has been paid, or guaranty agreement executed by the Funeral Home handling said burial. All charges properly payable to the city

must be paid in advance of any interment.

Sec. 1-7. Burial permits must be issued by the city for any interment. In cases of interment on days when city offices are closed verbal permission may be given by proper city authority, but written permit must be issued for said interment on the next following day city offices are open. The funeral home handling the interment shall be responsible for obtaining the city burial permit in accordance with this regulation.

Sec. 1-8. Title to space not valid until purchase money paid: No title to a cemetery space shall be valid until the amount of the purchase money shall have been paid.

Sec. 1-9. Interment permitted only on order of space owner. The city will not permit any interment to be made on any cemetery lot or space except under an order from the lot or space owner or his heirs or assigns, delivered at the office of the city secretary and indicating the desired location of such interment.

Sec. 1-10. Lot or space holders not to allow interments for renumeration. Cemetery space holders shall not allow interments to be made on their lots or spaces for a renumeration.

Sec. 1-11. When cemetery to be open. The cemetery will be open from 6:00 a.m. to sunset to all space owners and visitors.

Sec. 1-12. Vehicles to be driven slowly and must not turn around in avenues. Vehicles must be driven slowly through the cemetery and must not turn around in the avenues.

Sec. 1-13. Vehicles and animals not to be driven or ridden on lots, lawns or walks. The driving or riding of vehicles or animals will not be allowed on lots or upon the lawns or walk of the cemetery.

Sec. 1-14. Sitting, standing, etc., on lots, spaces, graves, etc. Sitting, standing, lounging or lying at full length on lots, mounds, or ornamental grounds at the cemetery and sitting or standing on graves therein is strictly prohibited and will not be tolerated.

Sec. 1-15. Grave digging. The digging of a grave, or arrangement, for interment in the cemetery will only be permitted by the funeral home handling the funeral services, under the direction of the superintendent of the cemetery. A notice of not less than five (5) working hours must be given to insure proper preparation of the grave.

Sec. 1-16. Changing lot grades. The grades of cemetery lots once established cannot be changed without the consent of the City Commission or appointed authority.

Sec. 1-17. Signs prohibited. No signs indicating that a lot or space is for sale and no sign, card or advertisement of any stonecutter, undertaker or other person will be permitted in the cemetery.

Sec. 1-18. Order and permit for work on lots or spaces. The city will not allow work of any description to be placed upon any cemetery space, unless a written order from the lot or space holder, 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 of markers, etc., and also the removal of anything from the lots or spaces.

Sec. 1-19. Permit for workmen. No workman, except one employed in the erection of stone work under a regular permit, will be allowed to work in the grounds of the cemetery, except by special permit from the city.

Sec. 1-20. Exclusion of persons from grounds; refusal of permits. The city authorities shall have the right to exclude from the grounds of the cemetery any 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.

Sec. 1-21. Work orders are subject to commission rules. All orders taken for work in the cemetery shall be subject to the rules of the City Commission. The commission may change rules from time to time as circumstances prescribe.

Sec. 1-22. Prohibited enclosures, curbing, ornaments, walks, etc. Enclosures of any kind, curbing or coping around a space or lot, ornaments, chairs, settees, vases, glass jars, pitchers, artificial flowers, flowers, toys, watering cans or other articles that may be considered objectionable by the authorities are prohibited in the cemetery and the right to remove the same without notice to space or lot owners is reserved. Objects of wood or any kind will not be permitted in the cemetery and no gravel, brick, stone, cement or other kind of artificial walk or curb enclosure will be allowed on or around any lot or space.

Sec. 1-23. Authority of City Commission to lay out and alter walks and avenues and make rules and regulations. The City Commission 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 care and control of lots in the cemetery as they may deem requisite and proper to secure and promote the general objects of the cemetery.

Sec. 1-24. Boundary markers to remain undisturbed. All boundary markers set up in the cemetery by the city authorities must remain undisturbed.

Sec. 1-25. Marker plans to be submitted to city. Plans for markers must be submitted to the city to secure permit for erection in the cemetery. The City Commission may establish charges for permits on markers, monuments, tombstones or other erection on lots or spaces in the cemetery to aid in the maintenance and operation of the cemetery.

Sec. 1-26. Use of metal markers, etc. Grave markers or anything made of metal will not be allowed upon the lots or spaces in the cemetery, except bronze tablets or bronze markers.

Sec. 1-27. Slabs prohibited. Slabs will not be permitted as a covering for graves.

Sec. 1-28. Above-ground mausoleums, vaults or tombs prohibited. No special authority will be granted for the erection of mausoleums, vaults or tombs above the ground, and no such mausoleums, vaults or tombs shall be erected in the cemetery.

Sec. 1-29. Special requirements for flower receptacles. Receptacles for flowers placed in the cemetery must be made of plastic or stone and 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.

Sec. 1-30. 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.

Sec. 1-31. City not responsible for articles placed on lots or grave spaces. The city will not be responsible for any funeral design, floral piece or other article or thing placed on any lot or grave in the cemetery.

Sec. 1-32. Right of city to remove and plant trees and shrubs and mow grass. If any trees or shrubs situated on any cemetery lot shall, by means of their roots or branches, become detrimental to the adjacent lots 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 or space 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 grave spaces. The city reserves the exclusive authority to plant all trees, shrubs or flowers.

Sec. 1-33. Picking flowers, breaking tree limbs, etc. To guard against complaints of thefts, no one, whether a lot or space 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 of the superintendent. If such permission is given, the work must be done by one of the employees of the cemetery, for which a charge will be made.

Sec. 1-34. 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 forty-eight (48) hours after the interment. In no case will employees attempt to locate designs or floral pieces after their removal from the lots.

Sec. 1-35. Right of city authorities to fill and level graves and plant grass thereon. The cemetery authorities shall have full right to till and level graves and plant grass thereon, when desired.

Sec. 1-36. Work prohibited on Sunday and between certain 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.

Sec. 1-37. Use of city's tools, lumber, etc. The use of cemetery tools, lumber or other material belonging to the city by any other person not an employee of the city shall not be allowed.

Sec. 1-38. Restrictions on bringing marker work, granite, etc., into the 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 stone cutters will not be permitted to bring into the grounds of the cemetery 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.

Sec. 1-39. 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.

Sec. 1-40. Guy ropes not to be fastened to trees or shrubs. Guy ropes must not be fastened to any trees or shrubs in the cemetery.

Sec. 1-41. Material to be moved on paths or planks. All materials must be moved on the paths of the cemetery and over planks laid for the purpose, and not over adjoining lots.

Sec. 1-42. Right of Commission to prohibit erection of markers and monuments. The City Commission reserves the right to prohibit the erection in the cemetery of any marker or other monumental work that may be considered by the members of the commission to be inappropriate, whether in material, design, workmanship or location, or which might interfere with the general effect or obstruct any principal view.

Sec. 1-43. 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.

Sec. 1-44. Responsibility of undertakers for conduct of employees. Undertakers, or Funeral Directors, will be held responsible for the action of all vehicle drivers or others employed by them while within the grounds of the cemetery.

Sec. 1-45 . Reporting misconduct of employees. Incivility or discourtesy on the part of any cemetery employee should be reported at once to the City Secretary, or other city authority.

Sec. 1-46 . Suspension of work when article 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 article.

Sec. 1-47. Partial payments to reserve grave spaces. At least fifty percent (50%) of the price of a grave space, or spaces, must be paid to the city before any space may be reserved. Reservation can be set for one year without further payment. Total cost of space, or spaces, must be paid within a two (2) year period or original payment remains in the perpetual care fund without recourse. The spaces paid on become available for sale to other parties by the city.

Sec. 1-48. Only granite, limestone or marble markers, monuments, tombstones, etc. Only granite, limestone or marble markers, monuments or tombstones may be installed in the cemetery. The only exception being the bronze tablets or bronze markers allowed in Sec. 1-27.

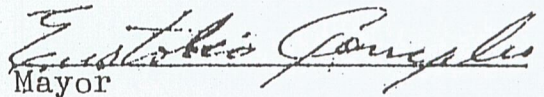
ARTICLE II

Sec. 2-1. Saving clause. Should any part or portion of this ordinance be declared an invalid by any court of appellate jurisdiction of this State, then the remainder thereof shall not in any way be affected, and all such portions not so declared invalid shall continue to be in full force and effect.

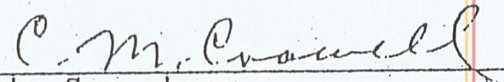
Passed on first reading at a regular meeting of the City Commission held on the 26th day of March, 1974;

Passed on second reading on the 9th day of April, 1974;

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING ON THE 14th day of May, 1974.


Mayor

ATTEST:


City Secretary