

ORDINANCE NO. 2014-07

**AN ORDINANCE AMENDING FAIRVIEW CEMETERY ORDINANCE CHAPTER 15
“CEMETERIES” OF THE BASTROP CODE OF ORDINANCES; ARTICLE 15.01 “FAIRVIEW
CEMETERY” TO ADD SECTION 15.01.026 “MEMORIAL SECTION” PROVIDING FOR
ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Fairview Cemetery Advisory Board (“Cemetery Advisory Board”), appointed by the Mayor and approved by the City Council of the City of Bastrop (“City”), selected a subcommittee for the evaluation and creation of a “Memorial Section” to be located in the southeast corner of Section I in the Fairview Cemetery; and

WHEREAS, on March 26, 2014 the Cemetery Advisory Board met to discuss the recommendation to the City Council of the addition of a “Memorial Section”, which will be only for headstone placement and not for interment of any remains, consisting of approximately 60 spaces. And, further, at that time, the Cemetery Advisory Board approved the creation of the Memorial Section and the addition of Section 15.01.026 “Memorial Section” to the Bastrop Code of Ordinances; and

WHEREAS, the City Council of the City has now determined that the Memorial Section recommended by the Cemetery Advisory Board on March 26, 2014 is in the best interest of the City and its citizens and should be adopted.

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

PART 1. That the Fairview Cemetery Ordinance Chapter 15 “Cemeteries”, of Article 15.01 “Fairview Cemetery” of the Bastrop Code of Ordinances is amended to add Section 15.01.026 titled “Memorial Section”:

Article 15.01 Fairview Cemetery

Sec. 15.01.26 Memorial Section

- a. *Memorial Lot.* A 2.5 ft by 2.5 ft lot located in the Memorial Section of the Cemetery for the purposes of preserving the memory of an individual who is believed to have been buried in the Fairview Cemetery, but for whom there is no gravesite. No monument other than a headstone, and no interment of any kind, is permitted in the Memorial Lot.
- b. *No Discrimination.* The City shall not discriminate between qualifying individuals who wish to obtain a Memorial Lot in the Memorial Section. Spaces are limited, and shall be available on a “first-come first-serve basis”. Memorial Lots will be administered sequentially by the Finance Department in chronological order starting with Lot No. 1. The Finance Department will confirm that the requirements of the Memorial Lot are satisfied.
- c. *Location.* The Memorial Section in the Fairview Cemetery is located behind the Gazebo in Block I, and is approximately 25 ft. by 30 ft. in total area, as shown on the map a copy of which is attached hereto and incorporated herein for all purposes.
- d. *Criteria/Qualification for Inclusion in the Memorial Section.* In addition to the requirements provided for below, families may purchase a Memorial Lot if the memorial is for a deceased family member who has been proven through documentation to be buried in the Fairview Cemetery, but for reasons unknown their gravesite cannot be located either in the Fairview

Cemetery and/or the Cemetery records. If the cemetery gravesite is located by the Finance Department in the Fairview Cemetery inclusion into the Memorial section would be denied, as their gravesite would be available for placement of a headstone by the family. Only gravesites not located by the Finance Department but documented as identified below may be allowed for inclusion into the Memorial section. The following restrictions apply to the purchase of Memorial Lots:

1. Memorial Lots may be obtained in the Memorial Section only by relatives of the individual to be memorialized. Proof of ancestry to the decedent is required unless otherwise approved by the City Manager.
 2. Applications for inclusion in the Memorial Section, when submitted to the Finance Department, must be accompanied by an affidavit of the requestor. The affidavit must: a) confirm that the family of the individual for whom the Memorial Lot is being purchased agrees to the Memorial Lot; and b) Verify that the deceased individual was buried in the Fairview Cemetery. In conjunction with the affidavit, verification of the interment in Fairview Cemetery may be provided by documents such as a receipt for purchase of headstone, a newspaper article, a death certificate, a family Bible, or any other documentation conclusively demonstrating that the individual was buried in the Fairview Cemetery.
- e. *Memorial Lot.* Each Memorial Lot is approximately 2.5 ft. by 2.5 ft. in dimension. A permit for installation of the headstone must be obtained from the Finance Department and shall be in compliance with the City's general permitting requirements for the Fairview Cemetery and the fees provided for in the City of Bastrop's Fee schedule in Appendix A of the Code of Ordinances. **The Memorial Section is for the placement of headstones only. No remains of any kind are permitted to be buried or placed in the Memorial Section (either cremated or otherwise).** No curbing, coping, fencing, or vegetation is allowed on a Memorial Lot. Items may not be placed in, around or on any portion of the Memorial Lot or the gravestone except for Flags smaller than twelve (12) inches are permitted. Flags will be removed by the City if they become weathered, unsightly, or pose maintenance problems. Due to the limited size of the Memorial Section, and the limited number of lots available therein, the City has determined that no more than two (2) lots in this Memorial Section may be assigned for use by any single family, unless otherwise approved by the City Manager.
- f. *Headstone.* Headstones are the sole type of memorial permitted in the Memorial Section of the Fairview Cemetery. Headstones for placement on a Memorial Lot shall be limited to 12" wide, 12" in-depth and may not exceed 24" in height. The base of the headstone may not exceed 24" in width, unless otherwise approved by the City Manager.
- g. *Rules and Regulations.* Rules governing the Memorial Section shall be consistent with the Rules and Regulations for the Fairview Cemetery, unless otherwise stated herein.
- h. *Cost.* The cost of purchasing a Memorial Lot is set forth in the fee schedule in Appendix "A" of the Bastrop Code of Ordinances.
- i. *Receipt of Ordinance.* Prior to placing a memorial headstone, each person purchasing a Memorial Lot shall acknowledge in writing to the City, that they have received a copy of the Cemetery Ordinance, including this section, and they (and any heirs, assigns, or successors) will abide by the provisions established in the Code of Ordinances. A copy of the executed Ordinance shall be maintained by the City. The purchaser shall have an affirmative duty to inform relatives or interested parties of the restrictions in the Memorial Section.
- j. Headstones in existence in the memorial section at time of passage of amendment are exempted from the provision herein and approved to remain in place as is.

PART 2. That the following section of the Fee Schedule in Appendix "A" of the Bastrop Code of Ordinances is amended to read as follows:

Article A15.01 Fairview Cemetery

Sec. A15.01.01.012 Memorial Section

(1) through (3) Unchanged.

- (4) Memorial Lot: Administrative fee of 12.5% of the cost to purchase one (1) cemetery plot at the current rate, of which shall be deposited into the Operating Fund*. Each Memorial Lot purchased shall require an additional administrative fee.

*The City reserves the right to change the above referenced fees at any time at its discretion.

PART 3: That all ordinances, resolutions and orders heretofore passed, adopted and made, or any part of the same affecting the Fairview Cemetery which are in conflict with this Ordinance, shall be, and the same are hereby, in all things repealed to the extent that the same conflict with this Ordinance, or with the laws of the State of Texas.

PART 4: This Ordinance shall take effect upon the date of final passage noted below in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ AND ACKNOWLEDGED on FIRST READING on the 22 day of April 2014.

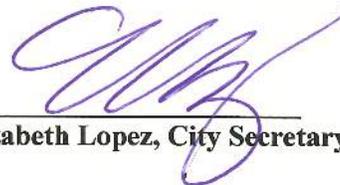
PASSED AND APPROVED on SECOND READING on the 13 day of May, 2014.

APPROVED:

ATTEST:



Terry Orr, Mayor



Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney