

**CEMETERY ORDINANCE NO. 13-04-29
(AMENDED 10-12-2020)**

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

BE IT ORDAINED BY THE CITY COMMISSIONERS OF THE CITY OF LYFORD, 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 Lyford Guadalupe Cemetery, as recorded in Willacy County, April 24, 2013, Doc#20130000702, Book 0622, Page 7279, and the provisions of this article shall apply to such cemetery.
- Sec. 1-2. Cemetery Administrator. The City Commission shall act as the authority to put into effect the rules and regulations as prescribed by this ordinance. In the event no Administrator is designated by the Commission, the Commission, by majority vote, shall take act as Administrator and have the same authority as set out above.
- 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 \$200.00 (two hundred dollars per space until such time the City Commission deems necessary to change said price. There will be a \$200.00 for any space that has been reserved (in old cemetery section) with proof of purchase (Bill of Sale) or existing headstone (spouse) prior to April 24, 2013. There is no limit on the number of spaces that can be reserved subject to the provisions in Section 1-10.
- Sec. 1-3(a). Definition: Burial Space. A "burial space" is a lot, plot, space, grave space intended for the burial of one person. Only one person per burial space is allowed. Cremation remains are also permitted in one space. Special circumstances regarding deceased infants and children are considered on an individual basis.
- Sec. 1-4. Fund for Perpetual Care. All funds received from the sale of spaces in the Cemetery shall be set aside in a permanent trust fund to be known as the Lyford Cemetery Fund. The funds from the sale of spaces deposited to this Fund shall remain and be kept by the City of Lyford as a trust fund. The City is hereby invested with the power and authority, and it shall be its duty, to invest all funds of the Lyford Guadalupe Cemetery Fund in a interest bearing account of a municipality. The interest and revenue from the investment of this Fund may be transferred, by action of the City Commission following the

annual audit, to the General Fund for aid in the maintenance, care and upkeep of the Lyford Guadalupe Cemetery and for no other purposes.

- Sec. 1-5. Approval of sale of spaces. The sale 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 by the Funeral Home handling such 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 and digging the grave in accordance with this regulation; the city shall not dig any grave space. The funeral home shall be responsible for notifying the City for any burial at least 24 hours before the funeral or will be fined.
- 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 remuneration. Cemetery space holders shall not allow interments to be made on their lots or spaces for a remuneration.
- Sec. 1-11. When cemetery to be open. The cemetery will be open from 7:00 a.m. to 7:00 p.m. 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 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 cemetery administrator. *A notice of not less than twenty-four hours must be given to the City 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. 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 cemetery administrator. This section applies to the cutting of inscriptions, setting of markers, etc., and also the removal of anything from the lots or spaces.
- Sec. 1-18. 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. 1-19. 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. 1-20. 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. 1-21. 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. 1-22. 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. 1-23. Boundary markers to remain undisturbed. All boundary markers set up in the cemetery by the city authorities must remain undisturbed.

- Sec. 1-24. 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. 1-25. 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. 1-26. Slabs prohibited. Slabs will not be permitted as a covering for graves.
- Sec. 1-27. 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. Any existing bench, headstone over 4' in height or any previously approved and not otherwise objectionable structure on a space shall be allowed to remain in place.
- Sec. 1-28. 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. 1-29. 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. 1-30. 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. 1-31. 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. 1-32. 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 cemetery administrator. 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. 1-33. 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. 1-34. 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. 1-35. 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. 1-36. 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. 1-37. 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. 1-38. Bringing heavy loads into grounds. The administrator of the cemetery must in all cases be consulted before any heavy load shall enter the cemetery grounds.
- Sec. 1-39. 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. 1-40. 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. 1-41. 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.

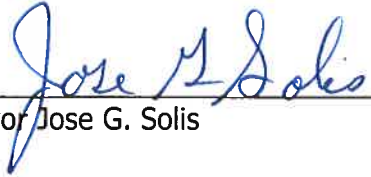
- Sec. 1-42. Removal of offensive monuments, vaults, etc. If any monument, vault, effigy or any structure whatever is placed in or upon any cemetery lot which is determined by the authorities of the cemetery to be offensive, improper or injurious to the appearance of the surrounding lots or grounds, 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. 1-43. 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. 1-44. 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. 1-45. 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. 1-46. 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 Enforcement. The police chief will be advised of any violation and will immediately remove the offender from the premises.
- Sec. 2-2 Penalty for Violation of this Ordinance. Any person violating the terms of this Ordinance shall, upon conviction be deemed guilty of a Class C Misdemeanor and shall be fined not less than twenty-five dollars (25.00) nor more than two hundred dollars (\$200.00) (per incident) plus any applicable court costs.
- Sec. 2-3 Repealer Clause. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.
- Sec. 2-1. Saving clause. Should any part or portion of this ordinance be declared 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.
- Sec. 2-2. Effective Date. That the requirement for reading on three separate occasions is hereby waived and that this amended Ordinance shall become effective immediately.

APPROVED TO AMEND ON THIS THE 12TH DAY OF OCTOBER, 2020.

CITY OF LYFORD



Mayor Jose G. Solis

ATTEST:



City Secretary

EXHIBIT A

GUADALUPE CEMETERY AMENDMENTS (Amended 10-12-2020)

Cemetery Ordinance 13-04-29 adopted on April 29, 2013, with the last revised amendments made on **October 12, 2020**. The following amendments apply with revisions apply as follows:

1. Cemetery Administrator: City Commission
2. **Old Cemetery: City will not allow burials on reserved plots for parents with existing headstone (husband and wife); or those reserved plots with proof of purchase (Bill of Sale). No exceptions because of liability and because the old cemetery was not plotted with ownership (Article I, Section 1-3).**
3. Old Cemetery: There will be a charge of \$200 for those reserved plots as stated in item #2.
4. Old Cemetery: City will remove existing shrubs and trees.
5. Old Cemetery: City will not allow burials on top of another grave.
6. Old Cemetery: City will allow existing benches, head stones above 4', etc., to remain.
7. Cremation Remains: City will allow cremation remains on all existing graves.
8. New Cemetery: City will allow unlimited reserved plots (payment in full).
9. New Cemetery: City will allow a (promissory note) payment plan on reserved plots.
10. New Cemetery: City will not dig up graves; funeral home needs to take care of that.
11. New Cemetery: City will not mark grave for placing headstone; funeral home needs to take care of that.
12. New Cemetery: City will allow temporary markings in place of a headstone (Sec. 1-21 and Sec. 1-46) for up to 6-month extension from date of burial.