

ORDINANCE NO. 1083-10-15

AN ORDINANCE AMENDING ORDINANCE NO. 544-02-96, BY AMENDING ARTICLE 1.13, "CEMETERIES", SECTION 1.13.024, "ENCLOSURES AROUND LOTS; RIGHT OF CITY TO REMOVE OBJECTIONABLE ARTICLES" OF THE CITY OF HONDO CODE OF ORDINANCES BY REMOVING THE EXCEPTION OF CURBING ENCLOSURES WITH METAL REINFORCEMENTS AROUND BURIAL LOTS.

WHEREAS, the City of Hondo is a home rule municipality and can regulate municipal cemeteries pursuant to Texas Health and Safety Code §311.001, et. seq.;

WHEREAS, pursuant to Chapter 1, Article 1.13, Section 1.13.024 of the City of Hondo Code of Ordinances, the City regulates enclosures around burial lots;

WHEREAS, Due to maintenance issues which have arisen since Ordinance 554-02-96 was enacted, the City's Cemetery Advisory Board recommends that Ordinance 554-02-96 be amended by amending Section 1.13.024 to delete the enclosure exception provision which states, "Curbing with metal reinforcements that is at grade level and approved through a residential building permit, with all applicable fees paid, is allowed"; and

WHEREAS, after due deliberation and consideration of the recommendation submitted by the Cemetery Advisory Board, the Hondo City Council finds that for the preservation of the public health, safety and welfare of the citizens of the City an amendment to Article 1.13, Section 1.13.024 is necessary to delete the above-referenced section.

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

**Section 1.** Ordinance 544-02-96 is hereby amended and the following provision is deleted from Article 1.13, Section 1.13.024:

**"Curbing with metal reinforcements that is a grade level and approved through a residential building permit, with all applicable fees paid, is allowed."**

**Section 2.** All other provisions of Article 1.13, Section 1.13.024 shall remain the same.

**Section 3. Severability.** It is the intention of the Hondo City Council that if any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.


**Section 4.** This ordinance shall take effect immediately from and after its passage and it is so duly ordained.

PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF OCTOBER, 2015.



  
JAMES W. DANNER, SR., MAYOR

ATTEST:

  
Gloria Colbath, City Secretary