

ORDINANCE NO: 011723

AN ORDINANCE BY THE CITY COUNCIL OF SHAMROCK, TEXAS, DESIGNATING RULES AND REGULATIONS FOR THE CITY OF SHAMROCK CEMETERY, OWNED AND OPERATED BY SAID CITY, REPEALING ALL PREVIOUS ORDINANCES, ORDERS, OR RESOLUTIONS IN CONFLICT AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Shamrock wishes to promote the safety and general appearance of the City Cemetery; and

WHEREAS, the City Council finds and determines that it is necessary to set rules and regulations in place concerning the City Cemetery;

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

SECTION 1:

That the rules and regulations as presented, and attached, are hereby adopted concerning any and all activities and operations related to the City Cemetery.

SECTION 2:

If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 3:

All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 4:

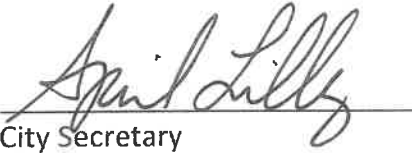
This ordinance shall become in effect after its approval and adoption upon first and final reading.

PASSED, APPROVED AND ADOPTED on this the 17th day of January, 2023.

CITY OF SHAMROCK


Mayor

ATTEST:


City Secretary

CITY OF SHAMROCK
CEMETERY RULES AND REGULATIONS

All spaces in the Cemetery owned and operated by the City of Shamrock are conveyed to the purchaser by license for the purpose of sepulture only, and the rights of the purchaser therein are subject to such rules and regulations as may be made, from time to time, by the City Council of the City of Shamrock. The rules and regulations herein contained have been found essential for the protection of the rights of all property owners, and no rules have been adopted except as experience has shown it necessary for the preservation of the rights of the owners.

DEFINITIONS:

1. The term "Cemetery" as used in these rules and regulations is hereby defined to mean cemetery property owned and operated by the City of Shamrock.
2. The term "Supervisor" shall mean the person duly appointed by the City of Shamrock for the purpose of supervising and administering cemetery functions.
3. The term "Owner" shall mean the owner as indicated by the deed.
4. The term "Interment" shall mean entombment or burial of the remains of a deceased person.
5. The term "Memorial" shall mean any marker, monument, headstone, tablet, or other structure upon or in any lot or space, placed thereupon or partially therein for identification or in memory of the interred.
6. The term "Space" shall mean the area normally designated for a single interment.

ADMISSION TO CEMETERY:

1. No person shall be permitted to enter or leave the Cemetery except by the public gates. The Cemetery will be open to the public during reasonable hours, normally sunup to sundown, or as established by the Supervisor.
2. Any unauthorized person found on the Cemetery grounds after dark will be considered a trespasser.
3. The use of any Cemetery equipment or facilities may be refused at any time to any person or persons as the rules, judgement and custom may dictate.

INTERMENT, DISINTERMENT AND REINTERMENT PROCEDURES:

1. Written authorization from the owner of record of a burial space, or his/her designated representative or successor in interest, or other proper legal authority will be required for interment.
2. All interments, disinterments and reinterments shall be performed by a Funeral director or other person as provided for by State and local laws.
3. No excavation of graves will be allowed by family members or general public.

INSTRUCTIONS FOR SPACE HOLDERS AND SPACE HOLDERS' RIGHTS:

1. To assist with grave space ground maintenance, a permanent type container such as a concrete liner or burial vault is recommended, but not required, for all adult interments. Indigent burial cases shall have this provision waived if approved by the Supervisor.
2. Construction or installation of grave covers, steps, fencing, hedging, or enclosures of any kind will not be permitted on or around any space or lot. Cement, iron, wooden, glass, plastic, paper, or other miscellaneous statues or objects as well as objects of temporary nature will not be permitted. The City of Shamrock reserves the right to remove any objects which are erected, planted or placed in violation of this rule.
3. Only one casket will be permitted in each grave space, except that in situations where special or unusual circumstances exist, the Supervisor may grant exceptions to this rule. In the event cremation is utilized, a maximum of one (1) interment will be permitted in one (1) space with a casket and or two (2) cremations can be placed in one (1) space with no casket.
4. The use of a space is for the owner or such other person as the owner may designate.
5. In the event of the death of an owner, any and all privileges of the owner shall pass according to the laws of the State of Texas.

SERVICE CHARGES AND PAYMENTS:

1. The City of Shamrock shall have the right to establish a charge and time of payment for each interment or disinterment.
2. The City of Shamrock reserves the right to specify the terms and amounts of purchase of all spaces to the original purchaser.
3. In the event an owner sells a space or spaces, a record of such sale must be provided to the City of Shamrock.

MEMORIALS:

1. All memorials shall be installed and maintained at the expense of the owner.
2. Only one (1) memorial will be permitted on one (1) grave space. A companion or family memorial may be placed upon two (2) or more grave spaces. A veteran may have two (2) memorials, the foot memorial must be flat and level with the ground surface with no vase. Memorials will be placed in alignment with adjacent memorials and centered at the head of the grave space.
3. Space or lot corner markers and perimeter curbing will be set at ground level and flush with the existing turf.
4. All memorials, flush type and above ground, shall be of marble, granite, or similar permanent type stone.
5. Should an existing memorial become unsightly, dilapidated, or a menace to the safety of persons within the Cemetery, the Supervisor shall have the right to correct the condition, up to and including removal of the memorial.

RULES FOR MEMORIAL WORK:

1. Memorial dealers shall abide by all the rules and regulations of the Cemetery.
2. Memorial dealers engaged in placing or erecting memorials or other structures are prohibited from scattering their materials over adjoining spaces, or from blocking roads or walks, or from leaving their materials on the grounds longer than necessary. Damage done to spaces, walks, drives, trees, shrubs or other property shall be repaired at their expense to the satisfaction of the Supervisor.

GENERAL REGULATIONS:

1. Visitors shall use only the avenues, walkways, or roads, unless it becomes necessary to walk across other spaces or graves to gain access to a space or grave.
2. Automobiles, trucks and all other vehicles shall not be driven through the Cemetery grounds at a speed greater than ten (10) miles per hour. Unauthorized vehicles may not be driven or parked off the designated roadways or parking areas.
3. The use of illicit drugs and consumption of intoxicating beverages within the grounds of the Cemetery is strictly forbidden.
4. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
5. No boxes, shells, glassware, sprinkler cans, water hoses, or similar articles will be permitted to remain on any grave, walkway or street. Stick flags that are worn, faded, or tethered must be picked up.
6. The Supervisor and his/her employees has the authority to enter upon any space and to remove any objectionable item that may have been placed there contrary to the regulations, and the Supervisor and his/her employees may remove any dead or damaged flowers, trees, shrubs, vines, or flags.
7. All persons are strictly forbidden to break or injure any tree or shrub, or cause damage to any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
8. The City of Shamrock is not responsible for vandalism or theft of any memorial or other personal property.
9. The construction of additional mounds over graves shall not be permitted.
10. Holders such as clay or plastic pots, wire, frames, etc. containing flowers or other decorations may be removed as soon as the flowers fade or wither and the right is reserved by the Cemetery to make such removal.
11. Funeral designs or floral pieces will be removed from graves no later than seven (7) days after the funeral. Persons desiring to retain same must remove them with seven (7) days after funerals. The digging of holes for placement of plants, flowers or other decorative items is strictly prohibited. No ornaments or other objects will be allowed to be placed in the trees, bushes, and shrubs of the Cemetery. Flower arrangements must be placed in an approved vase or container on the memorial.
12. In the interest of maintenance, planting of ivy, flowers, shrubs, or trees by the general public is prohibited. The City of Shamrock will consider any and all requests and determine if additional planting is warranted.

13. Should any existing tree or shrub situated on any space become detrimental, unsightly, or impede access to adjacent spaces, walks, or roads, they may be pruned, cut back, or removed in whole or in part as determined necessary by the Supervisor.
14. The Cemetery grounds are sacredly devoted to the burial of the dead and the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance, and disregard of the rules.
15. There shall be a strict observance of all the properties due the Cemetery, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.

CARE OF THE CEMETERY:

1. Care shall be furnished for the Cemetery owned and operated by the City of Shamrock. Care is to be understood as that maintenance of buildings and grounds required to preserve the pleasing appearance of the Cemetery.

RESERVATIONS OF THE CITY OF SHAMROCK:

1. The City of Shamrock reserves the right to correct errors made by them associated with conveyance of property. Should an error develop in the conveyance of property, the City may correct such error by conveying property of equal value in similar location insofar as possible.
2. The right to revise and/or add to the Cemetery (a section or sections) as required, including the right to modify or change the location of or any part thereof or remove or regrade roads, drives and walks is expressly reserved. The Cemetery reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over spaces for the passage to and from other spaces.
3. No easement is granted to any owner in any road, drive or walk within the Cemetery, but such road, drive or walk may be used as a means of access to the Cemetery and its buildings as long as the City of Shamrock devotes such road, drive or walk to that purpose.
4. The City of Shamrock disclaims responsibility to owners, their personal representatives or successors in interest for loss or damage to cemetery spaces or memorials by any cause, natural or otherwise, direct or indirect beyond reasonable control of the City of Shamrock.
5. The City of Shamrock reserves the right at any time and from time to time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof or to adopt any new rule or regulation or any temporary exception with respect to said Cemetery or anything pertaining thereto.
6. In all matters not specifically covered by these rules and regulations, the City of Shamrock reserves the right to do anything which in its judgement is deemed reasonable pertaining to the Cemetery, and such determination shall be binding upon the space owner and all parties concerned.