

## ORDINANCE NO. 2023-39

**AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 6. CEMETERY, SECTION 6-26. CEMETERY HOURS OF OPERATION AND SECTION 6-27. INTERMENT AND INURNMENT; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS** from time to time it becomes necessary to update and amend ordinances; and

**WHEREAS**, a new columbarium was installed in October of 2023, offering double niches for the first time; and

**WHEREAS**, it is necessary to amend the ordinance to address double niches; and

**WHEREAS**, the City Council finds that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the general public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS THAT:**

Section 1. All the above premises are true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The City of Boerne Code of Ordinances is hereby amended as follows:

Chapter 6. Cemetery

### ARTICLE II. - REGULATIONS

Sec. 6-26. - Cemetery hours of operation.

All work performed in the cemetery by any firm, partnership, corporation contractor, or any other entity not connected with the city shall be conducted and performed during the hours of ~~7:00 a.m. and 4:00 p.m. Monday through Friday~~ 7:00 a.m. to 2:00 p.m. Monday through Thursday, 7:00 a.m. to 12:00 p.m. on Friday.

Sec. 6-27. - Interment and inurnment.

Application for interring a body or inurning the cremated remains of a body shall be made to a city-appointed cemetery sexton. A permit for such interment will be issued if

proper certificates, as required by state law, have been provided. The cemetery sexton must provide to the City of Boerne, in writing, all burial information including the name of deceased, name of purchaser, exact location of the lot, or niche, on or in which the remains are to be interred, burial details, payment information, and if available, next of kin information.

a. *Interment.*

- i. Any interment in the cemetery of the city requiring a three-foot long or longer casket shall be made in a concrete box or a nonbiodegradable casket.
- ii. Not more than two (2) bodies may be interred in one (1) grave space.
- iii. Cremated remains of no more than four (4) ~~one (1) or more~~ bodies may be buried in a grave space.
- iv. Cremated remains of no more than two (2) bodies may be buried in a grave space containing two (2) previous interments.
- v. Cremated remains of no more than three (3) bodies may be buried in a grave space containing one (1) previous interment.

b. *Inurnment.* Only one (1) human remain may be interred in a niche in the Boerne Cemetery Urn Garden unless a double niche is purchased.

Sec. 6-35. - Ordinance violations and rule infraction procedures.

Any person, organization or commercial establishment not complying with the terms and provisions of this chapter shall be guilty of a misdemeanor. Every day in which a violation exists shall constitute a separate violation and separate offense and may result in a fine not less than ten dollars (\$10.00) or more than two hundred dollars (\$200.00).

Section 3. SEVERABILITY. If any portion of this ordinance or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED and APPROVED on first reading this the \_\_\_\_ day of December 2023.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of January 2024.

APPROVED:

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Mayor

ATTEST:

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City Secretary

APPROVED AS TO FORM:

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City Attorney