

ORDINANCE NO. O-2023-81

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS," ARTICLE IV., "CEMETARIES", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS BY AMENDING SEC. 8-62(e), "INTERMENT AND ESTABLISHMENT OF MONUMENTS," PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote the economic development, growth, and quality of life; and

WHEREAS, cemetery requirements can only be changed by City ordinance; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of local self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent, by implication or otherwise, the municipality from exercising the authority incident to local self-government; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may regulate and control, for whatever purposes, public places; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by the State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, the City Council finds, it is necessary to revise and adopt certain City of Tyler monument requirements; and

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

PART 1. That the findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

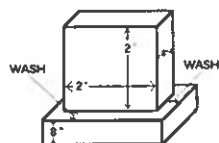
PART 2. That Chapter 8 of the Code of Ordinances of the City of Tyler, Texas, "Parks", is hereby amended by amending Article IV, Cemeteries, Sec. 8-62 "Interment and Establishment of Monuments," (e) "Monuments," to read as follows:

Article IV. CEMETARIES

Sec. 8-62. Interment & Establishment of Monuments.

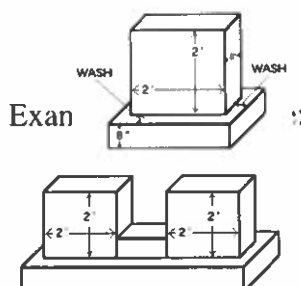
e. Monuments.

1. Monument Permit Required: No person may place a monument in any City cemetery without first obtaining a monument permit from the Director or designee. To obtain a monument permit, the applicant shall file a completed application establishing compliance with these rules with the Director or designee along with a \$150.00 fee. No monument may be set on weekends or holidays. (Ord. No. 0-2010-99, 9/22/10) (Ord. No. 0-2016-78; 9/14/16) (Ord. No. 0-2019-80; 9/25/19)
2. The die of a monument is that portion which bears the name. The base of a monument is that portion that rests on the foundation and supports the die. The length of the base may not exceed two-thirds (2/3) of the width of the lot, and the base shall be the same thickness as the die. No die may be less than six inches thick and two feet in height. "Wash" is described as that area from the die along the base to the edge of the base. The size of the base shall allow for a total wash of six inches, front and back; and a total minimum wash of twelve inches on the ends.
3. Memorials with double bases shall have a minimum thickness of four inches for the middle base, and six inches for the bottom base.
4. Single monuments may be no less than two feet in width and no less than two feet in height. Example:

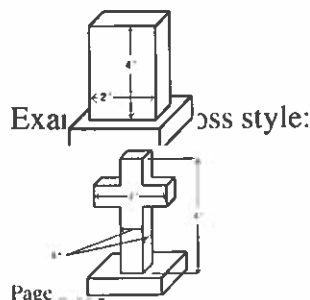


5. Double monuments are allowed in the following styles with minimum sizes as indicated:

Example of standard style:



Example of tall style:



6. A memorial without a base (called a monolith) shall be a minimum four feet in length, six inches thick, and two feet eight inches in height, or two feet eight inches in length, six inches thick and four feet in height. The length of the memorial shall not exceed $\frac{2}{3}$ the width of the lot.
Example:

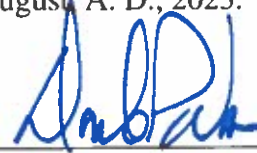
PART 3: Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

PART 4: The City Clerk is hereby directed to record and publish the above rules, regulations, and policies in the City of Tyler's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government.

PART 5: This ordinance shall become effective upon approval.

PART 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS the 23rd day of August, A. D., 2023.




DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY