

ORDINANCE NO. 1139-10-17

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.13 ENTITLED "CEMETERIES", DIVISION 1. TO ADD "SECTION 1.13.043-IRRIGATION SYSTEMS" IN THE CITY CODE OF ORDINANCES TO ESTABLISH RULES FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF IRRIGATION SYSTEMS ON BURIAL LOTS LOCATED IN HONDO CEMETERY; AMENDING "SEC. 1.13.021 ORDER AND PERMIT REQUIRED FOR WORK ON LOTS" TO REQUIRE WRITTEN APPROVAL AND PERMITS FOR WORK ON BURIAL LOTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City currently owns and operates municipal cemeteries referred to as Oakwood Cemetery (consisting of Woodmen of the World, and St. John's Catholic and Guadalupe Sections), Oakwood Cemetery Annex, and Ingleside Section and Ingleside North Section Cemeteries, collectively known as Hondo Cemetery; and

WHEREAS, the City now wishes to establish rules for the installation, operation, and maintenance of irrigation systems on burial lots located in Hondo Cemetery.

NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF HONDO, THAT:

SECTION 1. AMENDMENT. Chapter 1, "General Provisions", Article 1.13 "Cemeteries" of the Municipal Code of Ordinances of the City of Hondo is amended to add Section 1.13.043 – IRRIGATION SYSTEMS, shall read as follows:

Sec. 1.13.043 Irrigation Systems

(a) Installation of irrigation systems on lots must comply with the permit requirements under Sec. 1.13.021 and other applicable building codes and ordinances.

(b) Installation of irrigation systems must be performed by a licensed contractor and include a backflow preventer. Back flow prevention devices shall be tested upon installation by a recognized prevention assembly tester and certified to be operating within specifications. Back flow prevention devices shall be tested and certified each calendar year by a recognized backflow prevention assembly tester. City will not supervise or monitor work of contractor and will not be responsible for any damages that may occur during installation or that are caused from existing water/irrigation lines. Water lines must run parallel to the grave lots.

(c) The burial lot and such surrounding areas affected by the installation of the irrigation system must be left in the same or better condition found prior to commencement of installation work.

(d) Fee for installation of irrigation system is equal to 50% of the City's current fee for burial lots. In the event a system is installed for multiple lots, then the fee is equivalent to 50% of the current fee to acquire such multiple lots.

(e) City may disconnect any unauthorized irrigation systems.

(e) Owner of the burial lot will be responsible for maintenance of the irrigation system such as sprinkler heads, valves, control boxes or timers, and water supply lines.

SECTION 2. AMENDMENT. Chapter 1, "General Provisions", Article 1.13.21 "Cemeteries – Order and permit required for work on lots" of the Municipal Code of Ordinances of the City of Hondo is deleted in its entirety and replaced with the following:

(a) Work of any kind or placement of markers on any cemetery lot is prohibited without a written order from the lot holder or his representative and written authorization from the superintendent of the cemetery. If the work requires a permit under applicable city code, then such written order from lot owner or his representative and written authorization from the cemetery superintendent will be required before the city building and code office will issue a permit. This section also applies to the cutting of inscriptions, setting of markers, etc., and also to the removal of anything from the lot.

(b) There will be no installation of obstacles, light devices, markers, trees, plants, or other permanent installations on the roadways or other city property without written permission of the city.

SECTION 3. REMAINDER UNCHANGED. The remainder of Chapter 1, "General Provisions", Article 1.13 "Cemeteries" shall remain unchanged by this Amendment.

SECTION 4. INCORPORATION OF RECITALS. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

SECTION 5. REPEALER. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed. The provisions of this ordinance apply to all existing and future irrigation systems located at the Hondo Cemetery.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

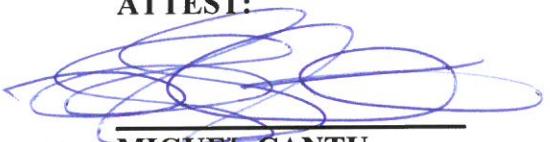
SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon the adoption of this ordinance.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO,
TEXAS, THIS 13th DAY OF NOVEMBER, 2017.**



JAMES W. DANNER, SR., MAYOR

ATTEST:



**MIGUEL CANTU
CITY SECRETARY**

