

**ORDINANCE NO. 2025-05-12 (9)**

**AN ORDINANCE OF THE CITY OF ROCKDALE, TEXAS, AMENDING ARTICLE 1.10 "CEMETERY" OF THE CITY OF ROCKDALE CODE OF ORDINANCES, ESTABLISHING POLICIES AND PROCEDURES FOR CITY-OWNED CEMETERIES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR RULES IN CONFLICT WITH THIS ORDINANCE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rockdale operates and maintains the following city cemeteries within its corporate limits for the burial of human remains which are commonly referred to as "I.O.O.F Cemetery," "Oak Lawn Cemetery," "New Oak Lawn Cemetery," "East Lawn Cemetery," and "Old City Cemetery;" and

**WHEREAS**, it is necessary for the City to adopt policies and procedures for the operation and conduct with the city-owned cemeteries; and

**WHEREAS**, the City has created a cemetery board to make recommendations to the City with regard to the cemeteries, and the cemetery board has reviewed the proposed policies and procedures and recommends that they be adopted.

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

**SECTION 1: ARTICLE 1.10 CEMETERY** of the Code of Ordinances of the City of Rockdale, Texas, is hereby amended and shall hereinafter read as follows:

**Section 1.10.001 PURPOSE**

The purpose of this chapter is to effectively maintain all sections of the city cemeteries and to provide maximum service in a graceful environment.

**Section 1.10.002 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**CEMETERY** -A cemetery within the City limits and owned by the City.

**CITY** -The City of Rockdale, Milam County, Texas.

**CONTRACTOR** - Any individual, association or corporation, other than the City, engaged in the undelivering or funeral business, the placing, erecting or repairing of any memorial, or performing any work on cemetery grounds.

**DESIGNATED AGENT**-That person or business entity designated by resolution of the Rockdale City Council to be the City's agent under this

chapter. Nothing herein prohibits the City from naming more than one Designated Agent for purposes of this chapter.

**DISINTERMENT** - The unearthing of the remains of a deceased human being.

**INTERMENT** - The entombment or burial of the remains of a deceased human being.

**MEMORIAL** - Any marker, monument, headstone, footstone or other structure placed on any lot or space for identification or in memory of the interred.

**MONUMENT** - Those markers placed on the headline of a grave space or spaces.

**OWNER** - The owner of record or purchaser of a space or lot, or the designated representative or successor in interest.

**SPACE** - The area normally designated for a single or double-stacked interment.

### **Section 1.10.003 MANAGEMENT AND CONTROL OF CEMETERIES**

All City owned and operated cemeteries and all the facilities and equipment located therein shall be under the management and control of the City Manager and shall be part of the Parks Department of the City. The Director of Public Works shall be responsible to the City Manager for administration and implementation of the policies established by the City for the operation and management of a cemeteries. The terms "authorized representative of city" and "city official" shall mean the Director of Public Works or his/her designee as designated in writing.

The City shall provide for the continuing care, maintenance, operation, and improvements to the cemeteries. In general, this shall include: road construction and maintenance, mowing, pruning, landscaping, removal of plat material, policing of the grounds, level graves for easy maintenance, pest control, and other such maintenance as may be necessary to keep the cemeteries presentable at all times.

Cemetery care does not include the purchase, erection, repair, or replacement of markers, headstones, monuments, curbing, maintenance of trees, shrubs, flowers, or any other items on a grave space. Use of city water in Rockdale City Cemeteries shall be at the discretion of the city manager.

### **Section 1.10.004 GENERAL**

(A) Rockdale City Cemeteries are set apart for the burial of the residents of this community and the surrounding area subject to the rules established in this chapter, the City of Rockdale Code of Ordinances, and any applicable federal and state laws.

- (B) All spaces in the cemeteries owned and operated by the City shall be conveyed to the purchaser by warranty deed for the purpose of burial only. The rights of the purchaser therein are subject to such rules and ordinances as may be enacted or amended from time to time by the City Council.
- (C) The rules and regulations herein contained are designed for the protection of the rights of all grave space owners. The rules adopted have been determined to be reasonable, necessary, and incidental to achieve the aforesigned objectives.
- (D) All burials conducted by funeral homes outside of Rockdale must be approved through the city manager or Phillips and Luckey Funeral Home.
- (E) All grave services performed within City of Rockdale cemeteries shall comply with State laws and shall be in compliance with this section and all other sections of this chapter.
- (F) Rockdale City Cemeteries are divided into sections, each section containing lots, generally each lot being twenty feet (20') feet by thirteen feet six inches (13'6") in size, and each lot generally containing four (4) grave spaces. Each grave space shall be five feet (5') by thirteen feet six inches (13'6") in size.
- (G) Each grave space shall contain only one (1) casket. A grave owner may elect to bury up to, but no more than, two (2) urns per grave space.
- (H) The Cemeteries shall provide a pauper's burial area and a baby land area where it is determined necessary and appropriate.
- (I) Baby Land plots are three feet (3') by six feet (6').
- (J) Records giving full data on all interments shall be kept in the City files, shall be the official record, and shall be open to authorized persons. The data is to include the section, lot, and grave location and the name, age, and the date of interment of each grave occupant.
- (K) The City shall establish final grade to match the surrounding area on spaces after an appropriate amount of time has lapsed after burial to allow for settling.

#### **Section 1.10.005 THE SALE OF LOTS**

- (A) Lot sales will be managed by the City or its appointed agent.
- (B) All cemetery spaces must be paid in full before an interment can be approved by the City.
- (C) The city manager or his/her designate is hereby authorized and

directed to make, execute, and deliver all deeds conveying lots or portions thereof to the purchasers of same. Deeds may be delivered to purchaser only upon full payment of the purchase price, which must be paid prior to interment. All deeds so conveying lots or portions thereof within Rockdale City Cemeteries shall be subject to the terms of this chapter.

(D) Pauper gravesites are provided at no cost so long as monuments are no larger than one foot (1') by two foot (2') by six inches (6") placed upon the plot. Subsequent placement of monuments larger than the aforementioned size will be evidence that a fee to purchase the burial plot can be afforded and therefore shall be assessed for the burial plot. Approval must be obtained from the city manager or his/her agent prior to placement of any marker, headstone, or monument in Pauper.

#### **Section 1.10.006 FEES AND PERMITS**

(A) The fees are as provided for in the fee schedule found in appendix A of this code. (1996 Code, art. 1.800)

(B) No person, firm, or corporation shall perform grave digging services in Rockdale City Cemeteries without first having obtained a permit from the City Secretary. Such person, firm, or corporation shall make application that shall include the following:

- (1) Name of the person making application, name of business, name of owner of business, and address of business.
- (2) Proof of general liability insurance for at least three hundred thousand dollars (\$300,000.00).

(C) No person or contractor will be allowed to construct curbing in City of Rockdale Cemeteries without first obtaining a permit from the City Secretary.

#### **Section 1.10.007 PUBLIC STREET; SPEED LIMIT**

(A) Automobiles, trucks and other vehicles shall not be driven through the cemetery grounds at a speed greater than 5 miles per hour and must, at all times, be kept on paved or gravel streets. Exemption shall be made for City-owned vehicles or contractors of the City of Rockdale performing maintenance at the cemetery including tree and shrub removal or installation, and licensed monument contractors setting grave markers.

(B) No person shall be permitted to enter or leave cemetery grounds by vehicle except by established entrances and exits. All applicable

state and local vehicle traffic laws and ordinances shall continue in full force and effect in all cemeteries.

#### **Section 1.10.008 RIGHTS OF INGRESS AND EGRESS; REMOVAL OF OBJECTS**

- (A) The City reserves the right to enlarge, reduce, replat or change the boundaries or grading of the cemeteries as it deems appropriate. The City also reserves unto itself, and those lawfully entitled thereto, a perpetual right of ingress and egress over, around and through lots for the purpose of passage to and from other lots, and to accomplish all necessary maintenance and preservation of said lots.
- (B) The City reserves the right to enter upon any lot and remove any objectionable thing that may have been placed there contrary to these rules and regulations.

#### **Section 1.10.009 PLANTS, DECORATIONS AND CONTAINERS**

- (A) The planting of any type of horticultural product shall be prohibited without prior approval of the city manager or his/her designate. Those individuals receiving permission to plant horticultural products in the cemeteries shall hold the City harmless in the event the plantings die or are damaged. Cut flowers or artificial flowers may be used at any time if placed in a vase incorporated into the design of the monument. No trees shall be planted on lots or city property unless written permission has been obtained from the city manager.
- (B) Holders such as clay or plastic pots, wire, frames, etc., containing flowers or other decorations may be removed as soon as the flowers or decorations fade or wither, and the right is reserved by the City to make such removal. Any artificial plants or flowers shall be removed no later than 90 days after the date they are placed on a grave. Weathered and tattered items will be removed during the first week of each quarter.
- (C) Placing of potted plants, cut flowers or baskets is permitted adjacent to the headstone. To improve the appearance and to aid in maintenance of the cemeteries, all potted plants, flowers and baskets will be removed from graves when they become wilted or unsightly and will be disposed of. A saddle arrangement may also be placed on this type of marker, headstone, or monument.
- (D) If any existing tree, shrub, or plant situated on any space shall become detrimental, unsightly or impede access to adjacent spaces, walks or roads, the City may prune or remove in whole or in part said material, and the city's decision to remove and/or

prune shall be final.

- (E) All work on the spaces will be done by the employees of the City, except when permission is otherwise granted for individuals to plant, and then the work will be inspected and approved by the City.
- (F) Coverings and ledgers shall be permitted in City of Rockdale cemeteries upon the approval of the city manager or his/her designate. For the purpose of this chapter, a covering means any material other than turf that may be placed over the grave. A ledger is any marker, headstone, or monument that may be placed in such a way as to cover the grave space.

#### **Section 1.10.010 VANDALISM**

It shall be unlawful to vandalize any cemetery property, memorials or graves, and anyone apprehended doing so shall be subject to prosecution according to local and/or state laws.

#### **Section 1.10.011 SALE OR TRANSFER OF PROPERTY**

The sale, transfer, or assignment of any space in the municipal cemeteries by any owner or purchaser shall not be binding upon the City until the sale has been approved in writing by the city manager or his/her designate, and a new deed containing the approval of the city manager from the seller to the new purchaser is executed and delivered to the City. This procedure is required in order that the City may at all times have a complete and accurate record of all owners.

The resale of lot(s) cannot be more than the original price paid or current price charged by the city, whichever is greater.

The sale, transfer, or assignment of any space exceeding eight (8) spaces must be approved in writing by the city manager or his/her designate.

The city manager or his/her designate may enter into contracts with prospective purchasers of cemetery grave spaces. Such contracts shall not exceed twelve (12) equal payments made on a monthly basis consistently. Should default occur in the timely payment of any installment, the purchaser shall forfeit all interest in any space subject to the contract and shall forfeit all prior payments. Forfeited spaces may be placed for sale to other purchasers.

The City may, at its option, accept exchanges of interment rights when desired by owners, subject to prior written approval of an authorized representative of the City. When such an exchange is made, the original document conveying interment rights must be surrendered to the City,

along with any other documentation which the City may require.

#### **Section 1.10.012 STRUCTURES**

No structure of any kind, including but not limited to curbing, fencing, flagpoles, etc., shall be permitted upon any space or lot without the written permission of the city manager. Permission will only be granted to approved, properly bonded or insured contractors to do work in the cemeteries.

#### **Section 1.10.013 ITEMS PROHIBITED**

No glass containers of any type shall be permitted in the cemetery. The buying, selling, possessing or use of alcoholic beverages or illegal drugs in any cemetery is prohibited.

#### **Section 1.10.014 HOURS CEMETERY OPEN TO PUBLIC**

- (A) It shall be unlawful for any person, company, corporation, group or association to enter or remain in any city cemetery after dusk on any night of the week. Such presence shall remain prohibited until dawn of the following day.
- (B) Any person, company, corporation, group or association found to be in violation of this section shall be subject to punishment by a fine as provided for in the general penalty provision found in section 1.01.009 of this code.

(Ordinance 2010-03-08 (5B), sec. 2, adopted 3/8/10)

The City reserves the right to close any cemetery or portion thereof on a temporary basis at any time without prior notice to lot or space owners.

#### **Section 1.10.015 ACTIONS PROHIBITED**

- (A) No person shall, in any cemetery, capture, attempt to capture, hunt, molest, injure, trap, administer or set out any trap or harmful substance for any wild or domestic animal, reptile, bird, or fish, nor remove or have in his possession the young, eggs, or nest of any animal, reptile or bird, except:
  - (1) With permission of the City; or
  - (2) Any person may kill on sight a reptile known to be deadly or poisonous.
- (B) All persons are forbidden to hunt fowl or other animals in, or from within, the cemeteries.

- (C) No money shall be paid by a corporation, partnership, or individual to any cemetery employee for any service he/she may render to said corporation, partnership, or individual. The persons employed by the City shall work solely for the City of with regard to functions at the cemetery. Visitors and plot owners shall refrain from engaging or directing them to work on certain spaces or lots. All orders, inquiries or complaints about the operation of the cemeteries shall be filed or directed to the Public Works Department at its office.
- (D) No person shall mark, deface, injure, displace, remove, or tamper with any cemetery property, structures or grounds.
- (E) No person shall construct or erect any kind of building or structure, permanent or temporary, within the cemetery grounds unless he/she has first obtained permission from the City.
- (F) No person shall dump, deposit or leave any bottles, glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage refuse or other debris upon cemetery grounds.

#### **Section 1.10.016 ANIMALS AND PETS**

No person shall:

- (A) Ride a horse or other animal in any cemetery. This prohibition shall not apply to a duly authorized mounted police officer in the performance of his official duties.
- (B) Permit any dog owned or possessed by him/her to run at large, nor permit any such dog in a cemetery unless it shall, at all times, be restricted or kept on a leash. This prohibition shall not apply to a police service dog (K-9 units) while under the supervision of a duly authorized police officer in the performance of official duties.
- (C) Abandon any animal in any cemetery area.

#### **Section 1.10.017 MEMORIAL AND MONUMENT REGULATIONS**

Regulations for the installation and care of memorials and monuments are as follows:

- (A) Memorial and monument dealers shall abide by all rules and regulations of the cemeteries as set forth by the City.
- (B) For the protection of all lot owners, any person erecting memorials or monuments must first obtain permission from the City official who manages the cemetery.

- (C) The City reserves the right to ensure that the size of the monument and placement on the lot of the memorial are in accordance with the rules set forth by the City.
- (D) Memorial or monument dealers engaged in placing memorials or other structures are prohibited from: scattering their construction materials and supplies over adjoining spaces, blocking roads or walks, or leaving their materials and supplies on the ground longer than necessary. Damage done to spaces, walks, trees, shrubs, or any other City property shall be repaired or replaced at the monument dealer's expense to the satisfaction of the City.
- (E) Work of any nature may be stopped if proper preparations have not been made; or when work is being done in such a manner as to endanger life or property; or when there is evidence of misrepresentation; or when work is not being executed according to specifications when a request on the part of the City is disregarded; or when any person employed in the work violates any rule or regulation of the cemetery.
- (F) All interments shall have a memorial or monument reflecting, at a minimum, the full name of the deceased and the date of death.
- (G) All memorials or monuments shall be installed and maintained at the owner's expense.
- (H) Grave space must be paid in full prior to placing a marker, headstone, or monument.
- (I) Monuments, Headstones, and Markers
  - (1) Monuments for single standard grave spaces shall not exceed four feet (4') in height, forty-eight inches (48") in length and sixteen inches (16") in width. These maximum dimensions shall also pertain to any design that incorporates a base. A base must be set a minimum of four inches (4") above ground level. The back of the monument shall be set on the head line of the space at equal distance from the side boundaries, and the monument shall be located on undisturbed ground. At least one foot (1') in width of undisturbed ground shall be left at the head of the grave plot for the erection of monuments. No more than one monument shall be permitted per single space.
  - (2) Family or companion monuments shall only be placed on a minimum of two (2) standard spaces, provided that such a monument shall not

exceed four feet (4') in height; eighty-four inches (84") in length; and sixteen inches (16") in width. These maximum dimensions shall apply to any other design that incorporates a base. If such a base is included, it can be set at least four inches (4") above ground.

- (3) Monuments in "Baby Land" shall not exceed twenty-four inches (24") in height, sixteen inches (16") in width, and thirty-two inches (32") in length. These maximum dimensions shall also pertain to any design that incorporates a base. If such a base is included, it can be set at least four inches (4") above ground. No more than one monument shall be permitted per single grave space.
- (4) Foot markers shall be prohibited in city cemeteries with the exception of military markers. (This rule shall not apply to historical markers that are duplicated in a family plot.)
- (5) Curbing shall be permitted in City of Rockdale cemeteries, except in section "R" at IOOF Cemetery and any future sections established and anything in future sections of Oaklawn Cemetery after section H. The curbing shall not be more than eight inches (8") in width with a sixteen-inch (16") header and no more than six inches (6") above grade the highest point of the existing grade. Multiple lot curbing over 25 feet may be required to step down elevation on multiple lots. Before construction begins, one must obtain a permit from the City and then the City or a designated agent of the City will mark all corners before any work can begin.
- (6) No cross fencing or plot perimeter fencing shall be permitted.
- (7) Any ornaments or vases are to be permanently affixed to the monument or marker and shall not exceed the maximum dimensions allowed for the monument or foot marker.
- (8) Memorials or monuments shall be made of granite, marble, cast bronze installed on a granite or concrete base, or slate.
- (9) Surface vaults are permitted in City of Rockdale cemeteries with issuance of a permit by the City.
- (10) Mausoleums and crypts may be built in City of Rockdale cemeteries but must be built and sealed by an approved contractor in that field. Before construction begins, one must obtain a permit from the City.
- (11) Memorials containing niches for cremains interred above ground must be closed and secure.
- (12) For spaces designated for cremains and infants, memorials shall

be no more than 24" tall, 10" wide and 20" long.

- (13) Space or lot corner markers shall be set within the boundaries of a space and shall be flush with the ground.
- (J) Special consideration and a variance to the Policies and Procedures may be applied for by the owner(s) of an area/plot with eight or more contiguous spaces. A plan and/or design must be submitted to the city manager and the Rockdale Cemetery Advisory Board for review and approval. The owner(s) must have an approval/variance before commencing any work. The City must respond to the variance request within 30 days.

#### **Section 1.10.018 SPACE HOLDER RIGHT AND RESPONSIBILITIES**

- (A) The owner of a space or their heirs or assigns has the exclusive right to determine who will be interred in the space.
- (B) The owner of a space is solely responsible for cleaning and repairing memorials and mausoleums.
- (C) The owner, or their heir or assign, shall provide the office of the City of Rockdale with their current contact information and the contact information of any person designated by the owner to receive communications. The owner shall update such information as necessary and the office of the City of Rockdale is entitled to rely on the contact information on file in communicating with the owner.
- (D) In the event a memorial or mausoleum is in disrepair, the office of the City of Rockdale may at its own discretion attempt to notify the owner to make repair or replacement. If the repair or replacement has not been completed within 180 days of the first attempt to notify the owner, the office of the City of Rockdale may at its discretion, repair or replace the item and charge the expense to the owner.
- (E) Upon the sale of a space, the purchaser must promptly provide evidence of the sale to the office of the City of Rockdale.
- (F) In the event of the death of an heir, the owner's rights shall pass according to the owner's will, if any, and applicable State law.
- (G) A person other than the owner who claims ownership of a space, or a right of internment must prove their ownership or right to the satisfaction of the office of the City of Rockdale.

## **Section 1.10.019 MEMORIAL SITE FEES, PERMITS AND SITE RULES**

- (A) Installation, resetting, releveling of a memorial or other structure within a cemetery must be performed by a contractor approved by the office of the City of Rockdale who must obtain written authorization from the office of the City of Rockdale prior to commencing any work. Such work may be subject to an inspection fee and other fees as set forth in the fee schedule available from the office of the City of Rockdale
- (B) A contractor undertaking work described in (A) above shall procure and maintain in full force and effect the required insurance coverage and shall provide the office of the City of Rockdale with acceptable proof of coverage prior to beginning work. A list of required coverage is available from the office of the City of Rockdale.
- (C) The office of the City of Rockdale may stop any work and impose fines and fees if:
  - (1) the work is not being carried out according to specifications approved by the office of the City of Rockdale or
  - (2) the work or any person employed in the work violates these, Rules.

## **Section 1.10.020 MEMORIAL AND MONUMENT FOUNDATION REQUIREMENTS**

The following are rules and regulations concerning memorial or monument foundation requirements:

- (A) Memorial or monument foundations shall be at least as wide and long as the base. The foundation shall be at least six inches (6") in depth with footings on either end or post holes on either end, whichever the monument company prefers.
- (B) Each monument company shall set the memorial on a dry poured foundation. This will ensure future ease of re-leveling.
- (C) Another acceptable method that can be used is the pre-poured concrete pad method which is used by some companies. If this method is used, post holes with dry sacrete shall be required on either end of the foundation. The post holes shall be at least six inches (6") deep. These are the minimum requirements to be used.
- (D) All costs of memorials, vases, city fees, future death dates on companion or pre-need memorials, and maintenance of said memorials shall be at the lot owner's expense.
- (E) No monument shall be erected without prior permission, and no monument shall be erected without the completion of plotting the

location by the city official in charge of the lots and maintenance of the cemetery.

- (F) The city official in charge of these duties shall meet with the monument company either prior to or at the time of installing the memorial.
- (G) Visible foundations will not be required for flat marker sections, but shall have a concrete foundation pad directly underneath the marker.
- (H) Monument companies shall be responsible for the fabrication and installation of all foundations required.
- (I) A memorial will be required for all interments and shall be installed within a period of time not exceeding two years from date of death.

#### **Section 1.10.02 1 RULES AND REGULATIONS**

The following are rules and regulations for the interments, disinterment's and reinterments within all cemeteries:

- (A) Written authorization from the owner or purchaser of record of a lot or his/her designated representative, successor in interest or other proper legal authority, will be required before an interment or reinterment is allowed. In certain cases the City may require grave sites to be physically located by the family or its representatives and authorization signed by the space owner or purchaser or legal representative of the space owner or purchaser prior to opening the space for interment, disinterment or reinterment. This gives the City or its contractor the right to open the grave space selected by the family.
- (B) Proper authorization as required by the State of Texas or any public authority having jurisdiction in the matter must be presented to the City at the time an interment, disinterment or reinternment is affected. The City shall not be liable for the accuracy of the data contained in said authorization or for the identity of the person to be interred or disinterred.
- (C) All interments, disinterment and reinterments shall be performed by a licensed funeral director, the City employees or its contractors or other persons as provided by state and local laws. In the event that a funeral home or its contractor is in arrears for charges owed to the City for cemetery services performed by the City or cemetery-related fees and permits required of the funeral home or its contractors, and these said charges remain unpaid for a period of 30 days from the date services were rendered or fees or permits

were required, the City may prohibit the opening and closing of any other grave site requested by such funeral home or its contractors until such time as the debt is paid in full.

- (D) Interment of human remains is allowed only in areas dedicated for grave sites.
- (E) Only the remains of human beings shall be interred in any cemetery owned or operated by the City.
- (F) Traditional interment shall be no more than one per space.
- (G) The City of Rockdale also recognizes that the display of small national flags is traditional in all cemeteries. However, improper display of tattered or faded flags left at grave sites can detract from the appearance of the Cemetery and cause significant maintenance problems. These small national flags, or "stick flags", shall be attached on miniature wooden dowel less than 36 inches tall and may be placed directly in the ground, or in a permanent conduit receptacle, next to the tombstone. These worn-out national flags should not be disposed of in the trash but rather are periodically collected by civic organizations to be respectfully retired in an appropriate ceremony.
- (H) Graves will be opened and closed by a Grave Service company, approved by the office of the City of Rockdale. Such Grave Service company will be approved and in contact with the funeral home handling the burial and provide a copy of proof of payment of all fees and liability coverage. The Grave Service Company must provide a current certificate of liability insurance with coverage acceptable to office of the City of Rockdale. All grave openings and closings shall have a separate "Opening and Closing Administration Fee" paid to the office of the City of Rockdale in addition to the service charges of a Grave Service provider. This separate fee applies to both traditional and cremains burials or removals and is payable to the office of the City of Rockdale.

#### **Section 1.10.022 RESERVATIONS AND CORRECTIONS**

- (A) The City reserves the right to correct errors associated with interments or sale of property. In the event such error shall involve interment, the City reserves the right to remove and inter the remains to such property of equal value and similar location as may be substituted and conveyed in lieu thereof. Should an error develop in the sale of property, the City may correct such error by selling property of equal value in similar location insofar as possible.
- (B) The right to revise and/or add to the cemeteries a section or sections from time to time, including the right to modify or change the location of or any part thereof or to remove or re-grade roads, drives and walkways is expressly reserved. The rights to lay, maintain and operate, or to alter or change pipelines or gutters for water sprinkler systems

and drainage is expressly reserved, as is the right to use cemetery property, not sold to individual owners for cemetery purposes, including the interring and the preparation of anything necessary, incidental or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over spaces for the purpose of passage to and from other spaces.

- (C) No easement is granted to any owner in any road, drive or walkway within the cemeteries, but such road, drive or walkway may be used as a means of access to the cemeteries and their buildings as long as the City devotes such roads, drives and walkways to that purpose.
- (D) The City disclaims responsibility to space owners or purchasers, their personal representatives or successors in interest, for loss or damage to cemetery spaces, memorials or monuments by any cause, natural or otherwise, direct or indirect beyond reasonable control of the City.
- (E) The statement of any employee of the City or its contractors shall not be binding upon the City except as such statement agrees with the document conveying the right of interment and these rules and regulations.
- (F) The City reserves the right at any time and from time to time to change, amend, alter, repeal, 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 cemeteries or anything pertaining thereto, without prior notification.
- (G) In all matters not specifically addressed by these rules and regulations, the City reserves the right to do anything which, in its judgment, is deemed reasonable pertaining to the cemeteries, and such determinations shall be binding upon space owners and all other parties concerned

#### **Section 1.10.02 3 PENALTY**

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided for in the general penalty provision found in section 1.01.009 of this code. Each day that any violation of this Chapter continues, shall constitute a separate offense.

**SECTION 2: Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any

other code or ordinance of the city, the terms and provision of this ordinance shall govern.

**SECTION 3: Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 4: Effective Date.** This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

**SECTION 5: Open Meeting Act.** It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** on first reading on this the 14<sup>th</sup> day of April, 2025.

**PASSED AND APPROVED** on first reading on this the 12<sup>th</sup> day of May 2025.

THE CITY OF ROCKDALE, TEXAS

ATTEST:

  
Ward Roddam, Mayor

  
Shanna Johnson, City Secretary