

8-7-19

ORDINANCE NO. 31393

An ordinance amending Chapter 11, "Cemeteries and Burials," of the Dallas City Code by amending Section 11-1, "Establishment of New Cemeteries Prohibited; Exception,"; providing clarification of cemetery placement in annexed territory; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86th Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, H.B. 2634 changes what is considered a city's boundary in relation to location and placement of a cemetery; and

WHEREAS, H.B. 2634 was approved by both chambers of the Texas Legislature; and

WHEREAS, H.B. 2634 was signed by Governor Greg Abbott on May 29, 2019; and

WHEREAS, H.B. 2634 becomes law on September 1, 2019; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 11-1, "Establishment of New Cemeteries Prohibited; Exception," of Chapter 11, "Cemeteries and Burials," of the Dallas City Code is amended to read as follows:

**"SEC. 11-1 ESTABLISHMENT OF NEW CEMETERIES PROHIBITED;
EXCEPTION; LOCATION."**

(a) It shall be unlawful for any person to lay out or establish a public or private burying ground within the city.

(b) Subsection (a) does not apply to the establishment of a national cemetery for veterans pursuant to Chapter 24, Title 38 of the United States Code Annotated, as amended.

(c) To determine the location of a municipal boundary for annexed territory and the placement of a cemetery, consult Texas Health and Safety Code Section 711.008, as amended."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 11 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.


SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By  _____
Assistant City Attorney

Passed **DEC 11 2019** _____



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 11 2019

ORDINANCE NUMBER 31393

DATE PUBLISHED DEC 14 2019

ATTESTED BY: