

RESOLUTION 2020-R 34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, REQUESTING THE MEMBERS OF THE 87TH LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT CREATES AN EXCEPTION TO TEXAS HEALTH AND SAFETY CODE SECTION 711.008 WHICH ALLOWS THE CITY OF NEW BRAUNFELS TO APPROVE THE CREATION OF A PRIVATE CEMETERY WITHIN THE BOUNDARIES OF THE CITY OF NEW BRAUNFELS, AND REQUESTING THAT STATE LEGISLATORS SUPPORT ANY SUCH BILL BY VOTING IN FAVOR OF THIS LEGISLATION.

WHEREAS, Texas Health and Safety Code Section 711.008 states: “an individual, corporation, partnership, firm, trust, or association may not establish or operate a cemetery, or use any land for the interment of remains” within the boundaries of municipalities; and

WHEREAS, cemeteries located within the corporate limits of New Braunfels are at or near full utilization; and

WHEREAS, the City of New Braunfels is one of the fastest growing cities in Texas and the United States of America; and

WHEREAS, passing a law that will provide an exception to the application of the prohibition described above will allow the individual who owns the property covered by this legislation to proceed with the establishment of a private cemetery; and

WHEREAS, the private landowner will also need to seek City Council approval of the proposed private cemetery project and abide by all future ordinances for the benefit of the health, safety, and welfare of the citizens of New Braunfels; and

WHEREAS, it is the desire of this City Council that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas, the leadership of the 87th Texas Legislature, and elected legislators that represent the City of New Braunfels' interests in the House and the Senate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT, the City of New Braunfels City Council hereby expresses its support and encourages the support of the state legislature for the following legislation:

An amendment to the Texas Health and Safety Code Section 711.008, attached hereto as Exhibit A, to create an exception to the prohibition against cemeteries that will allow the City of New Braunfels to approve the creation of a cemetery within its

city limits, but specifically located as depicted in Exhibit B to the resolution and incorporated in this resolution for all purposes; and requesting that state legislators support this proposed bill by voting in favor of such proposed legislation.

Specifically, the state law amendment attached hereto as Exhibit A will further provide that a person may file a written application with the governing body of the municipality to establish or use a cemetery located inside the boundaries of the municipality. The municipality by ordinance shall prescribe the information to be included in the application. The governing body by ordinance may authorize the establishment or use of a cemetery located inside the boundaries of the municipality if the municipality determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.


ADOPTED AND APPROVED on this the 26th day of May 2020.

City of New Braunfels, Texas



RUSTY BROCKMAN, Mayor

Attest:



PATRICK D. ATEN, City Secretary



By: _____

H.B No. _____

A BILL TO BE ENTITLED

1

AN ACT

2 relating to cemeteries in certain municipalities.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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SECTION 1. Section 711.008(a), Health and Safety Code, is

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amended to read as follows:

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(a) Except as provided by Subsections (b), (f), (g), (g-1), (h),

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~~and~~ (k), and (l) an individual, corporation, partnership, firm,

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trust, or association may not establish or operate a cemetery, or

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use any land for the interment of remains, located:

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SECTION 2. Section 711.008 (l), Health and Safety Code, is

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amended to read as follows:

12 (1) Not later than December 1, 2022, an individual,
13 corporation, partnership, firm, trust, or association may file
14 a written application with the governing body of a municipality
15 that has a population of at least 75,000 and not more than 100,000 and
16 that is located in a county with a population of at least 140,000 and
17 not more than 180,000, to establish or use a cemetery located within
18 the legal boundaries of the municipality. The municipality by
19 ordinance shall prescribe the information to be included in the
20 application. The governing body by ordinance may authorize the
21 establishment or use of the cemetery if the municipality determines
22 and states in the ordinance that the establishment or use of the
23 cemetery does not adversely affect public health, safety, and welfare.

24 SECTION 3. This Act takes effect September 1, 2021.

