

RESOLUTION 2019-R_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, REQUESTING THE MEMBERS OF THE 86TH 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 86th 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 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 A to the Resolution and incorporated in this resolution for all purposes, and requesting that state legislators support any such bill by voting in favor of such proposed legislation.

- The amendment 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 _____ day of April 2019.

City of New Braunfels, Texas

BARRON CASTEEL, Mayor

Attest:

PATRICK D. ATEN, City Secretary