

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 22 “CEMETERIES”, ADDING A NEW SECTION 22-19 “COLUMBARIA”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan (“City”) is responsible for maintaining and overseeing the City’s public cemeteries, and has adopted ordinances governing the care, maintenance, and orderly operation of same; and

WHEREAS, the City has built four (4) columbaria for the interment of cremains, and is updating the City’s Code of Ordinances to provide for the proper administration of the columbarium; and

WHEREAS, the City’s Cemeteries Advisory Board has reviewed and recommended these changes and the City Council finds that these changes will better provide for the prudent operation of the cemetery, which is in the best interest of the citizens of this community; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

Section 1

That Chapter 22 is amended to add Section 22-19 “Columbaria” which reads as follows:

- (a) City Operated Columbarium. A columbarium is a structure that includes a number of niches, which include a vault for the interment of cremains and a granite faceplate covering the entrance.
 - 1. The City may designate all or a portion of a columbarium as a veterans’ section.
 - 2. A person may purchase a license for a niche in a columbarium for the interment of up to two (2) sets of cremains.
 - 3. The license will permit the person to inter cremains at the next available niche at the time of interment, with the exception that a second set of cremains may be interred in the same niche. In the veteran’s section, a niche may only be occupied by the veteran and his or her spouse.
- (b) Resale, transfer, or conveyance. Licenses are non-transferable. In the event that a person no longer needs a license, it may be sold back to the City for cost, less any administrative fee assessed by the City.
- (c) Niche Markers. The person responsible for interring cremains is responsible to prepare the granite faceplate for the niche.
 - 1. For general public niches, the person shall obtain from the cemetery sexton the faceplate from the next available niche, and have it engraved by a third party. The color of engraving shall be of natural stone or white, shall not exceed six (6) lines, font and letter size shall be at the purchaser’s discretion, may contain up to three symbols (emblems of belief, zodiac sign, etc.), three pictures, or a combination of symbols and photographs that will count towards one of the six allowable lines of engraving, and shall not include an object, symbol, or emblem that protrudes from the granite niche faceplate surface
 - 2. For a niche in the veterans’ section, the person responsible for interring cremains shall apply for a government issued plaque from the Veteran’s Administration. Once the plaque

is obtained, the person shall obtain from the cemetery sexton the faceplate from the next available niche in the veterans' section and provide a third-party engraver with both so they can attach the plaque to the faceplate.

3. If a granite faceplate is lost or damaged during engraving or attachment of a plaque, the person who requested the faceplate is responsible for the cost of a replacement, which replacement must be approved in advance, in writing, by the cemetery sexton. Cremains may not be interred until the faceplate is replaced. If the faceplate is not replaced within six (6) months of removal from the niche, the license may be forfeited, any previously interred cremains can be removed to the pauper's section of the cemetery, and the fee paid for the niche will be forfeited. For good cause, the cemetery sexton may approve more time to obtain a replacement, which approval shall be in writing.

- (d) Installation. The cemetery sexton will be responsible for placing remains in the niche and installing the faceplate. Once engraved, or assembled, the faceplate shall be delivered to the cemetery sexton.

Section 2

That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

Section 4

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

Section 5

It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

Section 6

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

Section 7

This Ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED, AND APPROVED after the first and only reading the 10th day of December, 2024, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of ____ yeses and ____ noes.

ATTEST:

CITY OF BRYAN:

Melissa Brunner, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney