

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, DISBANDING THE CEMETERY ADVISORY BOARD AND REMOVING CHAPTER 78 (PARKS AND RECREATION), ARTICLE IX (CEMETERIES); AND REPEALING ORDINANCE NOS. 2021-21 AND 2022-41 PRESCRIBING CEMETERY OPERATIONS; AND PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, by Ordinance No. 2021-21 passed and approved on April 13, 2021, the City Council of the City of Wylie, Texas, created and established the Cemetery Advisory Board; and

WHEREAS, said Board exercised no executive power or authority, but was advisory only for the purposes of providing recommendations to preserve, protect and maintain cemeteries; raise funds for the protection and maintenance of cemeteries; make recommendations to the City Council regarding appropriations for funds raised and operation of cemeteries; and to encourage the preservation and designation of historical cemeteries in the City; and

WHEREAS, on June 8, 2021, the City Council appointed the first members of the Board to serve specified terms;

WHEREAS, at the direction of City Council, the city will not pursue ownership of the Hughes and Wylie Cemeteries; and

WHEREAS, therefore, there remains no present function for the Cemetery Advisory Board; and the Board shall be disbanded; and

WHEREAS, the City Council finds that Article IX (Cemeteries) under Chapter 78 (Parks and Recreation) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"), is hereby removed in its entirety.

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

SECTION 1: The City Council hereby disbands the Cemetery Advisory Board.

SECTION 2: The City Council sanctions that Article IX (Cemeteries) under Chapter 78 (Parks and Recreation) of the City of Wylie Code of Ordinances is hereby removed in its entirety.

SECTION 3: The City Council on behalf of the City and the citizens express their appreciation to the members of the Cemetery Advisory Board for the time, dedication and effort expended on said Board in service to the City.

SECTION 4: Savings/Repealing Clause. All provisions of the Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 6: Effective Date. This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 25th day of April 2023.

Matthew Porter, Mayor

ATTEST:

Stephanie Storm, City Secretary