



ORDINANCE NO. 801

AN ORDINANCE REVISING SECTION 8.20.055 – 8.20.057 OF THE BROWNSVILLE MUNICIPAL CODE, RELATED TO MEMORIALS

WHEREAS, Section 8.20.055 – 8.20.057 of the Brownsville Municipal Code (BMC) that creates memorials guidelines and requirements; and

WHEREAS, the Council wishes to revise the BMC at the recommendation of the Parks & Open Space Advisory Board of the City of Brownsville; and

WHEREAS, to ensure memorials are constructed in an orderly manner and are done respectfully; and

NOW THEREFORE, the City of Brownsville ordains as follows.

Section 1. BMC 8.20.055 – 8.20.057 currently reads as follows:

8.20.055 Memorials – Generally.

- A. Purpose. To develop an organized and orderly method to accommodate citizen requests to memorialize and honor loved ones while keeping the City's parks and open spaces consistent with their intended use.
- B. Authority. The Parks and Open Space Advisory Board shall review the design, placement and artistic appropriateness of any structure, work of art, ornament or decoration to be placed on any publicly owned land. The number of memorials shall not detract from the primary recreational purpose of the grounds. [Ord. 716, 2008.]

8.20.056 Memorials – Definitions.

For the purposes of this chapter, the following words shall have their assigned meanings:

- A. "Existing bench" means a park bench already installed in any public park or other public area.
- B. "Funding" means monies collected from donors for the purchase of new benches, existing benches or new trees.
- C. "Honor or memorialize" means the process by which someone may establish recognition for a person, an event or an accomplishment.
- D. "Maintenance of new benches/existing benches" means that Public Works will place new benches on a regular department maintenance schedule. Existing benches will be maintained as per regular department maintenance schedule.
- E. "Maintenance of new trees" means that trees will be maintained by the City.
- F. "Memorial plaque" means a brass plate with engraved letters. Plaque to be provided by the City at cost plus 15 percent.



- G. "New bench" means a park bench not currently installed in any public park or public area and that meets the specifications of the Public Works Department.
- H. "New tree" means any tree not already planted in a park or public area and that meets the specifications of the Public Works Department.
- I. "Public area" means any public lands other than parks.
- J. "Public park" means any public area designated as "park space" in the Parks Master Plan.
- K. "Vandalism repair" means that any benches or trees damaged due to vandalism will be repaired or replaced by the City. Repairs will take place as soon as feasible. Seasonal restrictions apply. [Ord. 716, 2008.]

8.20.057 Memorials – Specific provisions.

- Amounts donated of less than \$500.00 or without specific recognition request may be used for general City park improvements and park upkeep.
- Amounts donated of \$500.00 or more may be used for individual recognition or memorial as per ordinance.
- Amounts donated of \$500.00 or more may be recognized by an appropriate plaque placed for public viewing on the "City Park Memorial Sidewalk" located in Pioneer Park and designated for this purpose.

A. Memorials and Plaques.

1. The maximum permitted size of memorial plaques is 12 inches by 16 inches.
2. Memorials are to be fitted at ground level on a concrete pad by the City.
3. The Board accepts no liability for the memorials once installed and the cost of any replacements will be the responsibility of the original applicant.
4. No additional mementos, e.g., vases, statues, etc., shall be permitted around memorials.
5. Plaques shall be made of cast bronze, black and must be purchased by the City to ensure consistency.
6. The total cost of a tree and memorial plaque will be dependent on the species of the tree. The City shall charge for the plant, plaque and labor at cost plus 15 percent.
7. The City shall not be liable for the replacement of old or diseased plants.
8. Tree species shall be at the discretion of the City.

B. Benches.

1. Benches will be of the type and color specified herein to be in keeping with the intended location.



2. The bench will be fitted to a concrete pad with a slabbed area directly in front of the bench to allow for ease of use by the public. The City will perform the installation.
3. Memorial plaques fitted to benches are to be a maximum size of 10 inches by three inches.
4. The inscription on the bench is to be restricted to "In the Memory of," the name of the person, recognition of public office (if appropriate) and the dates of birth and death. (Wording such as or similar to "Forever in our thoughts" or "Beloved husband and father of" will not be accepted.)
5. The City, in line with the current maintenance schedule for benches, will maintain the bench; however, it accepts no replacement liability for the plaque or the bench at the end of its useful life. Any replacements of benches or plaques will be the responsibility of the original applicant.
6. No additional mementos, e.g., vases, statues, flowers or wreaths, etc., shall be permitted on or around the bench.
7. Any maintenance carried out by a third party will be in strict agreement with the City.
8. The total cost of the installation of a memorial bench will be dependent of the type of bench allowed and the type of fittings required. The City will charge for the bench, materials and labor at cost plus 15 percent. (The City will procure the bench, all materials and labor.)

Applications for existing benches, new benches or new trees for the current year will be reviewed by:

- May 1st – benches (new and existing)
- August 31st – new trees
- All other requests shall be considered in the subsequent year.

Any other special requests or projects must be reviewed and approved by the Parks and Open Space Advisory Board. [Ord. 716, 2008.]



Section 2. Shall be amended to read as follows:

8.20.057 Memorials – Specific provisions.

- Amounts donated of less than \$1,000.00 or without specific recognition request may be used for general City park improvements and park upkeep.
- Amounts donated of \$1,000.00 or more may be used for individual recognition or memorial as per ordinance.
- ~~Amounts donated of \$500.00 or more may be recognized by an appropriate plaque placed for public viewing on the "City Park~~



~~Memorial Sidewalk” located in Pioneer Park and designated for this purpose.~~

A. Memorial Trees.

1. The total cost of a tree will be dependent on the species of the tree. The City shall charge for the tree and labor of installation at cost plus 15 percent.
2. Tree species shall be placed at the discretion of the City and have a one-year warranty. The City is not responsible for replacing any memorial tree.
3. The City shall maintain a public map of where memorial trees were planted in the right-of-way.

B. Benches.

1. Benches will be of the type and color specified herein to be in keeping with the intended location.
2. The bench will be fitted to a concrete pad with a slabbed area directly in front of the bench to allow for ease of use by the public. The City will handle the installation.
3. Memorial plaques fitted to benches are to be a maximum size of 10 inches by three inches.
4. The inscription on the bench is to be restricted to “In the Memory of,” the name of the person, recognition of public office (if appropriate) and the dates of birth and death. (Wording such as or similar to “Forever in our thoughts” or “Beloved husband and father of” will not be accepted.)
5. The City, in line with the current maintenance schedule for benches, will maintain the bench; however, it accepts no replacement liability for the plaque or the bench at the end of its useful life. Any replacements of benches or plaques will be the responsibility of the original applicant.
6. No additional mementos, e.g., vases, statues, flowers or wreaths, etc., shall be permitted on or around the bench.
7. No maintenance will be allowed to be carried out by a third party unless said third-party is an agent of the City.
8. The total cost of the installation of a memorial bench will be dependent of the type of bench. The City will charge for the bench, materials and labor at cost plus 15 percent. (The City will procure the bench, all materials and labor.)
9. Memorials may be placed on existing benches in accordance with City policies.
10. Applications for existing benches, new benches or new trees for the current year will be reviewed on a case-by-case basis.

Any other special requests or projects must be reviewed and approved by the Parks and Open Space Advisory Board.

Section 3. This ordinance shall take effect on the thirtieth day after its adoption by the Council.



PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
this ____ day of _____, 2023.

Approved:

Attest:

Mayor Adam Craven

City Administrator Scott McDowell