

**ORDINANCE NO. 19-1123**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, AMENDING BLACK DIAMOND MUNICIPAL CODE CHAPTER 12.12 RELATED TO CEMETERIES; AUTHORIZING THE MAYOR TO ESTABLISH CEMETERY OPERATIONS POLICIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to BDMC 12.12.010, the City Council has previously established the Black Diamond Cemetery to be operated and maintained by the City; and

**WHEREAS**, pursuant to BDMC 12.12.040, the City Council has further established a Cemetery Advisory Board to, among other things, provide recommendations to the Mayor and City Council concerning cemetery policies, beautification, maintenance; and

**WHEREAS**, the City staff desires guidance for basic administrative, operational, and maintenance decisions; and

**WHEREAS**, pursuant to RCW 35A.12.100, the Mayor has general supervisory authority over the administration of city government and all city interests, and the Council desires that the Mayor, in consultation with the Cemetery Board, exercise her supervisory powers to promulgate Bylaws to govern the administration, operation, and maintenance of the Black Diamond Cemetery and burial sites therein; and

**WHEREAS**, the Cemetery Board conducted four meetings to review and refine the code amendments and additions proposed herein; and

**WHEREAS**, the Cemetery Board recommends adoption by the City Council of the code amendments and additions proposed herein.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, ORDAINS AS FOLLOWS:**

**Section 1. Amendment to BDMC 12.12.010.** Black Diamond Municipal Code Section 12.12.010 is hereby amended as follows:

**12.12.010 Cemetery established.**

There is established the Black Diamond cemetery, the site thereof to be the present site of the cemetery, located at 24431 Morgan Street, identified in the records of King County as Parcel No. 142106-9059, at one-time operated and maintained by the Black Diamond cemetery

association, with full power of acquisition of additional land for burial purposes when the same is deemed necessary. It is the purpose of the cemetery to honor those interred.

**Section 2. Repeal of BDMC 12.12.060.** Black Diamond Municipal Code Section 12.12.060 is hereby repealed.

**Section 3. Repeal of BDMC 12.12.070.** Black Diamond Municipal Code Section 12.12.070 is hereby repealed as superfluous in light of Chapter 68.36 RCW.

**Section 4. Mayor Authorized to Promulgate Cemetery Bylaws.** Pursuant to her general supervisory powers granted under RCW 35A.12.100, the Mayor is authorized to promulgate Cemetery Bylaws to govern the administration, operation, and maintenance of the Black Diamond Cemetery, to consult with the Cemetery Board regarding same, and to amend the Bylaws from time to time as circumstances warrant, so long as such Bylaws are consistent with State law and the Black Diamond Municipal Code.

**Section 5. Severability.** In the event that any portion of this Ordinance, or its application to any person or circumstance, is determined by final order of a court of competent jurisdiction to be invalid, pre-empted, or otherwise unenforceable for any reason, such determination shall not affect the validity or enforceability of the remaining provisions hereof or its application to other persons or circumstances.

**Section 6. Effective date.** This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND AT A REGULAR MEETING THEREOF ON THE 1ST DAY OF AUGUST, 2019.**

  
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Mayor Carol Benson

ATTEST:

  
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Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

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David Linehan, City Attorney

Filed with the City Clerk: 08/02/2019

Date of Publication: 08/06/2019

Effective Date: 08/11/2019