

DRAFT

SECTION 14 PARKS AND RECREATION DEPARTMENT (PARD)

14.4.0 RULES FOR CEMETERIES OWNED AND OPERATED BY THE CITY OF AUSTIN

14.4.1-Purpose

These Rules are intended to maintain the public's health, safety, comfort, and welfare in municipal cemeteries and to show respect for those interred there.

14.4.2-Applicability

These Rules apply to and in all cemeteries managed by the Parks and Recreation Department.

14.4.3-Definitions

(A) Unless otherwise provided, words and phrases in these Rules mean what they mean in the City Code. The rules of construction that apply to the City Code apply to these Rules.

(B) In this section:

- (1) "Block" or "section" means a subdivided area within a cemetery consisting of a systematic layout of spaces designated for interment.
- (2) "Cemetery" means an area designated as a municipal cemetery by the City.
- (3) "Cemetery Operations" means the Cemetery Division of the Parks and Recreation Department.
- (4) "Cremains" means the cremated remains of a deceased person.
- (5) "Director" means the director of the Parks and Recreation Department.
- (6) "Easement" means an aisle of land free of structures within a cemetery reserved to allow access for repairs, maintenance, and other cemetery-related tasks.
- (7) "Interment" means the entombment or burial of the remains of a deceased person.
- (8) "Lot" means a subdivided area within a block or section of a cemetery consisting of a specified number of spaces designated for interment.
- (9) "Mausoleum" means a durable, fireproof structure used for the entombment of a deceased person.

DRAFT

- (10) “Memorial” means any monument, monument bench, headstone, tablet, ledger, or curbing on or in a space that identifies or memorializes the individual interred in the space.
- (11) “Owner” means the owner, or their designee, of a burial space as indicated by the deed and information on record with Cemetery Operations.
- (12) “Relevel” means to lift a memorial and bring it to ground level utilizing sand or pea gravel.
- (13) “Reset” means to set a memorial back into or onto its original base or foundation or to set it onto a new concrete foundation level to the ground.
- (14) “Sepulture” means the act of burying a deceased person.
- (15) “Space” means a subdivided area within a Lot designated for an interment.

14.4.4-Use of Cemeteries Generally

(A) The operating hours of a cemetery are:

- (1) Gate Access: Daily 7:00 a.m. – 7:00 p.m.
- (2) Business Office: Monday-Friday 7:00 a.m. – 4:00 p.m., Saturdays by appointment.

(B) A person may not be in a cemetery outside of the posted operating hours.

(C) A person may enter or leave a cemetery only through the public gates and must use designated walkways and roadways to access memorials and spaces.

(D) A person may not enter areas reserved for the use by city employees.

(E) A person may not drive or park outside designated roadways or parking areas.

(F) Peace and Quiet

- (1) A person shall preserve the peace and quiet of a cemetery. Disorderly conduct as defined in Texas Penal Code Section 42.01 violates the obligation to preserve the peace and quiet of a cemetery.
- (2) A person may not use offensive language or engage in gestures or conduct in a cemetery that would be offensive to a person of ordinary sensibility.
- (3) A person may not consume alcohol in a cemetery except as authorized by the Cemetery Operations and subject to such further approval as may be necessary, as determined by Cemetery Operations in its sole discretion.

DRAFT

- (4) A person may not bring a pet into a cemetery.
- (5) A person may not build, start, or maintain a fire in a cemetery.
- (6) A person may not set off fireworks in a cemetery.

(G) Weapons and Firearms

- (1) A person may not carry or possess a weapon or firearm in a cemetery except as permitted by state or federal law.
- (2) A person may not use an air gun, paintball gun, pellet or B.B. gun, bow and arrow, or projectile device capable of inflicting personal injury in a cemetery.

(H) Events and tours must be approved in advance by Cemetery Operations and are subject to such further approval as may be necessary, as determined by Cemetery Operations in its sole discretion.

(I) Commercial filming and photography must be approved in advance by Cemetery Operations.

14.4.5-Cemetery Operations Rights and Responsibilities

(A) Cemetery Operations reserves the right to perform the following activities within a cemetery to preserve the public health, safety, comfort, and welfare:

- (1) Repair and maintain fences, walls, buildings, roads and other improvements;
- (2) Level and straighten memorials;
- (3) Maintain lawns, shrubbery, trees, and other plants; and
- (4) Open, close, and restore graves for interment services, disinterments, and reinterments.

(B) Cemetery Operations may correct interment errors or conveyance of property errors by relocating remains to:

- (1) a space in the same cemetery; or
- (2) a space in another cemetery if space is not available in the same cemetery.

14.4.6-Space Holder Rights and Responsibilities

(A) The owner of a space, or their heir(s) or assign(s), has the exclusive right of sepulture in the space.

DRAFT

- (B) The owner of a space is solely responsible for cleaning and repairing memorials and mausoleums. An owner must obtain written approval from Cemetery Operations before undertaking such tasks.
- (C) The owner, or their heir or assign, shall provide Cemetery Operations with their current contact information and the contact information of any person designated by the owner to receive communications. The owner shall update such information as necessary and Cemetery Operations is entitled to rely on the contact information on file in communicating with the owner.
- (D) In the event a memorial or mausoleum is in disrepair, Cemetery Operations shall attempt to notify the owner to undertake repair or replacement. If the repair or replacement has not been completed within 180 days of the first attempt to notify the owner, Cemetery Operations may repair or replace the item and charge the expense to the owner.
- (E) Upon the sale of a space, the purchaser must promptly provide evidence of the sale to Cemetery Operations.
- (F) In the event of the death of an owner, the owner's rights shall pass according to the owner's will, if any, and applicable State law.
- (G) A person other than the owner who claims ownership of a space or a right of sepulture must prove their ownership or right to the satisfaction of Cemetery Operations.

14.4.7-Interments

- (A) The owner of a space shall provide written authorization to Cemetery Operations to conduct an interment, disinterment, or reinterment at least working 12 hours prior to the service. Cemetery Operations is not liable for the accuracy of the information provided in an authorization, including the identity of the person to be interred, disinterred, or reinterred.
- (B) Interments, disinterments, and reinterments shall be performed by a funeral director or other qualified person as designated by state law.
- (C) Occupancy of Spaces:
 - (1) Only one casket is permitted in each space.
 - (2) In a space that contains a casket, only one interment of cremains is permitted.
 - (3) In a space that does not contain a casket, four interments of cremains are permitted.
- (D) A permanent container, such as a concrete liner or burial vault, is required for interment of remains that are more than 36 inches in length.
- (E) Burial vaults that are partially or entirely above ground are prohibited.

DRAFT

14.4.8-Rules for Memorial Work

- (A) Installation, resetting, releveling, repairing, or cleaning of a memorial or other structure within a cemetery must be performed by a contractor approved by Cemetery Operations, who must obtain written authorization from Cemetery Operations prior to commencing any work. Such work may be subject to an inspection fee and other fees as set forth in the fee schedule available from Cemetery Operations.
- (B) A contractor undertaking work described in (A) above shall procure and maintain in full force and effect the required insurance coverage and shall provide Cemetery Operations with acceptable proof of coverage prior to beginning work. A list of required coverage is available from Cemetery Operations.
- (C) A contractor undertaking work described in (A) above shall not place tools or other work items on adjoining memorials, spaces, roads, or walkways and shall not leave such items on the ground once work is complete. The person undertaking such work shall be responsible for repairing, to the satisfaction of Cemetery Operations, any damage done to memorials, spaces, walkways, drives, trees, shrubs, or other property.
- (D) Cemetery Operations may stop any work if:
 - (1) proper approvals or proof of required insurance coverages have not been received;
 - (2) necessary preparations have not been made;
 - (3) the work poses danger to public health and safety or to property;
 - (4) the work is not being carried out according to specifications approved by Cemetery Operations; or
 - (5) the work or any person employed in the work violates these Rules.

14.4.9-Memorials

- (A) Memorials, including their location, shall be approved by Cemetery Operations prior to installation and shall be installed and maintained at the owner's sole expense.
- (B) Memorials shall be entirely contained within a space and shall not encroach on an easement, public area, or another owner's space or interfere with an interment or the setting or maintenance of another memorial.
- (C) One memorial may be installed at the head and one at the foot of a space; provided, however, that a monument bench may be installed only at the head of a space. Memorials installed at the head of a space shall be centered and aligned with adjacent memorials. Memorials installed at the foot of a space shall be flush, centered, and aligned with adjacent memorials.

DRAFT

A companion or family memorial may be installed on two or more spaces.

(D) Memorial specifications:

- (1) Memorials shall be made of:
 - (a) granite or marble and be at least 4 inches thick; or
 - (b) cast bronze of any thickness.
- (2) Memorials shall be at least 10 inches less than the width of the space and the width of memorial bases shall not exceed 18 inches.
- (3) Except as provided in (7) below, upright and raised memorials shall be no more than 42 inches tall.
- (4) The top of a flush memorial shall not exceed two inches above ground level.
- (5) Memorials containing niches for cremains are prohibited.
- (6) For spaces designated for cremains and infants, memorials shall be no more than 24 inches tall, ten inches wide, and 20 inches long.
- (7) Space or lot corner markers shall be set within the boundaries of a space and shall be a maximum of eight inches by eight inches, with the top of the marker no more than two inches above ground level.

(E) Memorial foundation specifications:

- (1) Except as provided in (E)(2) below, memorial foundations shall adhere to the following specifications:
 - (a) The foundation shall be at least four inches thick, with perpendicular sides and made of concrete consisting of one part cement, two parts sand, and four parts gravel. At least one inch of sand shall be placed under the foundation.
 - (b) Excavations for foundations for memorials shall be at least seven inches below ground level and shall be one inch larger in length and width than the base of the memorial.
 - (c) The top of a foundation shall be one to two inches above ground level to allow for adding cement grout to level the memorial base.
- (2) Memorial foundations installed by Cemetery Operations may adhere to the specifications in (1) above or to those documented in the Standard Operations Procedures, a copy of which is available from Cemetery Operations upon request.

DRAFT

- (F) The installation of mausoleums, tablets, ledgers, and curbing is prohibited; provided, however, that such items installed prior to the adoption of these Rules may remain in place.
- (G) Benches installed prior to the adoption of these Rules may remain in place if they satisfy the requirements of (B) and (D)(1) above and are in a safe and stable condition as determined by Cemetery Operations in its sole discretion. Benches that do not meet these criteria may be removed without further notice.

14.4.10-Ornamentation and Decoration

- (A) Only the items listed below are permitted within a space. All other items are prohibited.
 - (1) fresh and artificial flowers in an invertible vase or other non-breakable container;
 - (2) commemorative stones;
 - (3) stick flags of no more than 18 inches in length; and
 - (4) items made entirely of cloth.
- (B) The permitted items listed in (A) above may be placed only at the head of a space or to the immediate left, right, or on a memorial.
- (C) Cemetery Operations will not remove floral arrangements left at a space following an interment or memorial for at least 72 hours following the service.
- (D) The following items are prohibited, whether within or outside a space, and may be removed without further notice: trees, shrubs, and other plants, mounds, and holes.
- (E) Cemetery Operations in its sole discretion may, without notice, remove an item that presents a current or reasonably foreseeable threat to public health or safety or interferes with cemetery operations or maintenance.
- (F) The City is not responsible for the theft or vandalism of ornamentation, decoration, or any other personal property left in a cemetery.

14.4.11 Designated Cleanup Schedule

- (A) In addition to routine cleaning and maintenance, Cemetery Operations may conduct cleanups of Sections and Lots after February 1, after August 1, and after November 1 (the “Scheduled Cleanups”). During Scheduled Cleanups, ornamentation and decorations may be removed and disposed of.
- (B) Signage providing notification of a Scheduled Cleanup will be posted at the cemetery at least 30 days prior to the start date.