



CITY OF AUSTIN  
—◆◆◆—  
**CEMETERIES**  
EST. 1839

**CEMETERY  
OPERATIONS**  
Rules and Regulations

October 2022



**MISSION STATEMENT** | Cemetery Operations strives to honor the past, present, and future of Austin's sacred municipal burial grounds with integrity, empathy, and respect.

**VISION STATEMENT** | Cemetery Operations utilizes available resources to provide the best quality of service and care to our diverse community and historic cemeteries.

# Zoom Housekeeping



Participants can join by computer and/or phone



This session is being recorded and will be posted at the conclusion.



Participants will stay muted through presentation.



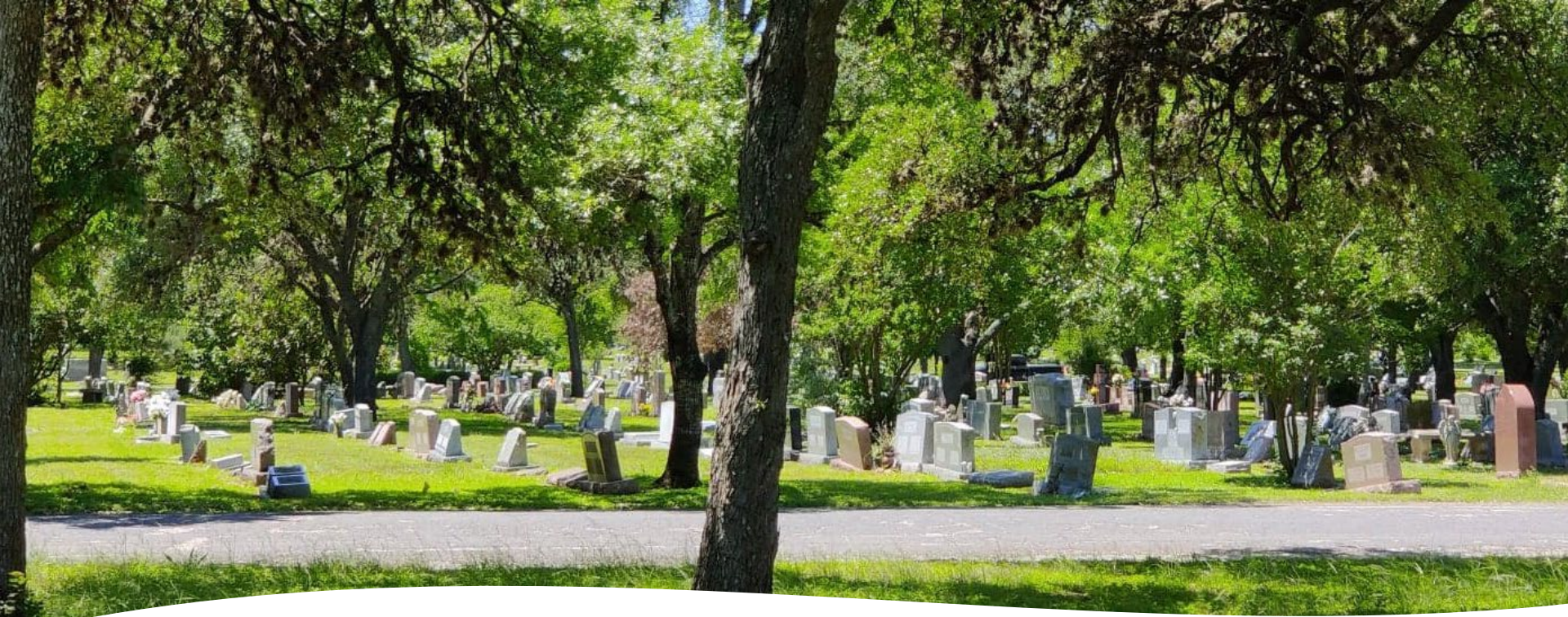
Comments and questions can be shared throughout the meeting in the chat.



We will have open Q&A time at the end.



“Raise hand” for sharing questions during open session.



CITY OF AUSTIN  
—♦♦♦—  
**CEMETERIES**  
EST. 1839  
**Staff**

- **Tonja Walls-Davis**, Division Manager
- **Jason Walker**, Parks Ground Manager
- **Caitlen Hill**, Program Manager II
- **Jorge Martinez**, Administrative Supervisor
- **Boyce Freitag**, Maintenance Supervisor II
- **Loretta Adams**, Maintenance Supervisor II
- **Frank Kee**, Maintenance Supervisor I
- **Lucas Massie**, Assistant Director
- **Justin Schneider**, Community Engagement Consultant

# The Founding of Historic Cemeteries



- **24 FTE's, 6 administrative, 18 grounds**
- 200+ acres
- 400+ burials/year
- 80,000 burials total
- Burials continue in all the cemeteries, and spaces continue to be sold in two. Approximately 30 acres of undeveloped land at Austin Memorial Park for future burials

# Existing Rules

The City of Austin Parks and Recreation Department's Cemetery rules and regulations were originally adopted in 1978.

City Council approved Resolution 20131017-042, thereby directing the City Manager to conduct a public engagement process to evaluate the current cemetery rules, and PARD initiated the assignment on October 17, 2013. One of PARD's main goals was to find common ground between public desire and feasibility.

**It is important to note that many of the existing conditions in the cemeteries were found to be out of compliance with the 1978 rules.**

# Rules History

## **In the summer of 2015**

McDoux Preservation, LLC finalized the Cemetery Rules Report that focused on grave ornamentation practices in the five municipal cemeteries and included a summary of public responses related to grave ornamentation, and recommendations.



## **In March 2016**

New Cemetery Manager developed a public process for updating and enforcing the cemetery rules with a focus on grave ornamentation. The first community meeting was held on October 27, 2016, at Britton, Durst, Howard, and Spence Building. Public feedback was accepted via Speak-Up Austin.



## **February 20, 2017 to April 27, 2017**

Conversation Corps led five guided discussions in two locations: Yarbrough Library and Britton, Durst, Howard, and Spence Building. The conversations focused on grave ornamentation, associated religious and cultural practices, and the maintenance requirements that restrict ornamentation placement and materials. The goal was to gather input from stakeholders of different professions, ethnic, and religious communities.

# Rules History

## June 2017

The draft Rules were completed. This draft incorporated recommendations from the 2015 Cemetery Rules Project Report, stakeholder feedback, and safety and maintenance challenges. PARD considered carefully ornamentation to determine practices that could be permitted that are now restricted in the currently adopted Rules. The draft Rules were subsequently reviewed by the City of Austin Law Department.



## October 23, 2017, and October 26, 2017

The updated Rules were presented to stakeholders during two public engagement meetings. Additional input and feedback was received and was incorporated into the final draft of the Rules. Following the two community meetings in October, PARD added section 14.4.12-General Regulations, (F) Appeals that outlines the process for anyone wishing to appeal a decision made by the Cemetery Administrator under the Rules. With the updated rules and a continuous open line of communication, we hope to be able to better serve our community.

# Rules History

**August 2, 2018**

The revised cemetery rules were adopted by Acting Director Kimberley McNeeley, in accordance with Chapter 1-2 Adoption of Rules. In accordance with City Code, Section 1-2.10 (*Appeal of Adopted Rule to City Manager*) several citizens appealed the adoption of the proposed cemetery rules.

Under the discretion of the City Manager's Office, the City Manager withdrew the adopted rules.



**September 1, 2022**

The revised cemetery rules were adopted by Acting Director Kimberley McNeeley, in accordance with Chapter 1-2 Adoption of Rules. In accordance with City Code, Section 1-2.10 (*Appeal of Adopted Rule to City Manager*) several citizens appealed the adoption of the proposed cemetery rules.

Under the discretion of the City Manager's Office, the City Manager withdrew the adopted rules.



# Next Steps

**September 6, 2022**

Proposed Cemetery Rules presented on PublicInput.com

**October 10, 2022**

Community Meeting Via Zoom

**October 11, 2022**

Online comment form closes: <https://publicinput.com/cemetery-rules-review>

**November 2022**

Proposed Rules submitted for internal City department review process

**January 2023**

Notice of proposed rule is submitted to City Clerk's office for 31-day public review and comments period

**February to March 2023**

March 2023 Rule Adoption notice posted at City Clerk's office

**Public Appeal Period is 30 days from the posting of the Rule Adoption notice**

# Purpose of Rules

**We agree that people should be able to grieve in the manner of their choosing. The intent of rules in a public setting is to protect the rights of all customers while providing a safe and accessible environment.**

The City of Austin is proud to comply with the Americans with Disabilities Act. Compliance with this act is outlined in other City of Austin policies that already apply to cemetery facilities and therefore was not additionally included in these rules. If you require assistance for participation in our programs or use of our facilities, please call (512) 974-3914.

# Existing Conditions

## Austin Memorial Park Cemetery



# Existing Conditions

## Evergreen Cemetery



# Features of Focus

## Benches

These rules are intended to address those memorials and benches which were not approved by the City, while still allowing for cultural and religious expression. Memorial benches can be a meaningful way to honor a deceased love one while offering a restful spot for people to sit.

**14.4.9 (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.



# Features of Focus

## Ornamentation and Decoration

### 14.4.10

**(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.



## Shrubs

**(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




# Features of Focus

## Enforcement

The proposed rules are less restrictive and more safety oriented than the current rules adopted in 1978. The current rules were not consistently enforced which resulted in safety hazards, constrained maintenance, and inconsistent practices. Before implementing equal enforcement, we have taken the opportunity to update the language and incorporate current needs and practices. Special considerations were made to accommodate as many of the grieving practices as possible in a safe and fair manner.

**60-days and 30-days  
Prior to clean-up**



Prior to the clean-up day, large signs will be placed at the entrances of all five City of Austin cemeteries, and small signs will be posted throughout the cemeteries. All attempts will be made to contact stakeholders by media release, via email, Facebook, City of Austin website, Next Door and Twitter.

We understand implementing these rules pose challenges and we are more than willing to discuss individual needs with the understanding that we must preserve the rights of all customers and provide overall safety. With the updated rules and a continuous open line of communication, we hope to be able to better serve our community.

# Features of Focus

## Enforcement

After cemeteries are cleaned up “Out of Compliance” items will be flagged with an Immediate Removal Notice or a 30-Day Notice

### **IMMEDIATE REMOVAL NOTICE**

**Due to an interment service, monument setting and/or safety hazard, items at this gravesite have been removed. It may be retained temporarily at Austin Memorial Park Cemetery. Please contact the City of Austin Cemeteries Office for more information.**

### **30 DAY NOTICE**

**This burial site are in violation of the City of Austin’s Cemetery Rules & Regulations. Please review the rules at <http://austintexas.gov/departments/cemeteries> and promptly remove the items. Thirty (30) days from the date of this notice, the City will remove and dispose of any remaining items in violation.**



# Concerns and Constraints

- ❖ Equipment damage to mowers due to running over objects left on gravesites which can cause injury to employees or citizens.
- ❖ Ornaments left on trees are a potential overhead hazard and unhealthy for the trees.
- ❖ Potential buyers expressed a distaste for the unsightly look of our cemeteries and purchased more expensive lots elsewhere, resulting in the City losing potential revenue.



***City of Austin Cemeteries is seeking uniform and consistent rules and regulations similar to other City Municipalities.***

# Other Municipalities

City of Austin Cemeteries is seeking uniform and consistent rules and regulations similar to other City Municipalities.



City of San Antonio Cemetery



City of San Marcos Cemetery

# Additional Questions?



Email: [Cemeteries@austintexas.gov](mailto:Cemeteries@austintexas.gov)

Online comments open through October 11:  
<https://publicinput.com/cemetery-rules-review>