

RESOLUTION NO.

WHEREAS, grieving the death of a loved one is a personal, cultural, and sacred rite that takes many forms throughout our society; and

WHEREAS, for centuries humans have decorated graves with images and objects; and

WHEREAS, the City of Austin has had a policy to prohibit particular grave ornamentation at the municipal cemeteries but has not enforced these rules consistently for many years; and

WHEREAS, families have placed plantings and objects on the graves of loved ones; and

WHEREAS, Texas Health & Safety Code Section 711.001 (25) defines a burial plot as “space in a cemetery *owned* by an individual or organization” [emphasis added]; and

WHEREAS, state law also empowers municipalities to implement reasonable regulations regarding grave and burial lot maintenance; and

WHEREAS, on October 1, 2013, the City posted notices indicating its intent to begin enforcing regulations related to grave ornamentation; and

WHEREAS, City cemetery staff plans to begin tagging and documenting non-compliant gravesites and to institute a 30-day deadline for removal of plantings and objects; and

WHEREAS, staff plan to begin the program at Austin Memorial Park on November 1, 2013, and on January 1, 2014, at Evergreen Cemetery; and

WHEREAS, staff have indicated that they have undertaken this effort in response to complaints from the public about benches, statuary, trellises, perimeter pavers, vegetation, and other memorials not permitted as per cemetery rules; and

WHEREAS, one of the recommendations of the Parks and Recreation Board Cemetery Working Group was to create a plan for increased enforcement of the cemetery rules and regulations and to include a date by which spaces must be brought into compliance; and

WHEREAS, the City must ensure a safe environment for cemetery workers and visitors; and

WHEREAS, many public and private cemeteries regulate what can be placed at a gravesite and where; and

WHEREAS, it is important to protect the rights of the deceased as well as the rights of friends and relatives who wish to acknowledge their loved ones with personalized visual expressions at their gravesites; and

WHEREAS, rules and regulations must strike a careful balance between preserving safety and the common good and respecting personal and cultural expressions of grief; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to implement a policy allowing ornamentation within the boundaries of a burial plot, subject to applicable laws allowing removal for health and/or safety reasons. The policy will remain in effect pending the outcome of a stakeholder process and final policy direction from the City Council.

BE IT FURTHER RESOLVED:

The City Manager, in collaboration with stakeholders and a working group of the Parks and Recreation Board, shall evaluate whether current cemetery policies related to grave ornamentation are appropriately sensitive to personal and cultural expressions of grieving, while preserving necessary safety for cemetery workers and respect for the values of all families.

This evaluation should include a survey of best practices in culturally and ethnically diverse cities.

BE IT FURTHER RESOLVED:

The City Manager shall provide a detailed summary of the outcomes of the stakeholder process to the City Council within six months.

ADOPTED: _____, 2013 **ATTEST:** _____

Jannette S. Goodall
City Clerk