

RULES & REGULATIONS

Cemetery Rules: The Code of the City of Austin and website for Park Rules

Definitions

1. The term "Cemeteries" as used in these rules and regulations shall mean cemeteries owned and operated by the City of Austin.
2. The term "Superintendent" shall mean the person duly appointed by the City of Austin for the purpose of supervising and administering cemetery functions.
3. The term "Owner" shall mean the owner as indicated by the deed.
4. The term "Interment" shall mean entombment or burial of the remains of a deceased person.
5. The term "Memorial" shall mean any marker, monument, headstone, tablet, or other structure, upon or in any lot or niche, placed thereupon or partially therein for identification or in memory of the interred.
6. The term "Space" shall mean the area normally designated for a single Interment.

Admission to Cemeteries

1. No person shall be permitted to enter or leave the cemeteries except by the public access gates. The cemeteries will be open to the public during reasonable hours as established by the Superintendent.
2. The admission of motorcycles to the cemeteries may be refused on the basis of noise or disruption of services.
3. Any unauthorized person found on the cemetery grounds after dark will be considered a trespasser.
4. The use of any cemetery equipment or facilities may be refused at any time to any person or persons as the rules, judgment and custom may indicate.

Arrangements for Interments

1. Written authorization from the owner of record of a burial space, or his designated representative or successor in interest, or other proper legal authority, will be required for interment.
2. The Superintendent shall have the right to schedule the time when interments or disinterment may be conducted.
3. A minimum of twelve (12) working hours before the announced times of the funeral will be required for the preparation of the grave.
4. In making a request for interment, the casket or vault, if of unusual size, must be particularly indicated.
5. The Superintendent shall not be responsible when an error occurs from an order placed by telephone regarding a grave location or container size to be used. The Superintendent reserves the right to make an equitable additional charge whenever

additional labor costs result from such mistakes. The Superintendent shall not be liable for any delay in the interment of a body when a protest to the interment has been made, or where the rules and regulations have not been complied with.

Interment, Disinterment and Re-Interment Procedures

1. Proper authorization as required by local government or public authority having jurisdiction in the matter must be presented to the Cemetery office at the time of interment or disinterment is affected. The Superintendent shall not be liable for the accuracy of the data contained in said authorization or for the identity of the person to be interred or disinterred.
2. All interments, disinterments and re-interments shall be performed by a funeral director or other person as provided for by the State and local laws. The Cemetery staff will only be responsible for the opening and closing of the grave.

Instructions for Space Holders and Space Holders' Rights

1. Burial vaults, either partially or entirely above ground, are prohibited.
2. A permanent type of container, such as a concrete liner or burial vault, is required for all adult interments. Sections 9, 9A and 10 at Austin Memorial Park Cemetery and Sections D and E at Evergreen Cemetery are exempt from this provision.
3. Construction or installation of slabs, curbing, steps, fencing, hedging, or enclosures of any kind will not be permitted on or around any space or lot. Cement, iron, wooden, glass, plastic, paper, or other miscellaneous statues or objects, as well as objects of a temporary nature, will not be permitted. The City of Austin reserves the right to remove any objects which are erected, planted, or placed in violation of this rule.
4. Only one casket will be permitted in each grave. In the event cremation is utilized, a maximum of four (4) interments will be permitted in one (1) space.
5. The use of a space is for the owner or such other person as the owner may designate.
6. In the event of the death of an owner, any and all privileges of the owner shall pass according to the laws of the State of Texas.

Service Charges and Payments

1. The City of Austin shall have the right to establish a charge and time of payment for each interment and disinterment.
2. The City of Austin reserves the right to specify the amounts and terms of purchase of all spaces to the original purchaser.
3. In the event an owner sells or conveys a space or spaces, a record of such sale or conveyance must be provided to the City of Austin.
4. When a disinterment is accomplished for the purpose of re-interment within the same cemetery, the current price of the vacated space, less 25%, shall be allowed as payment toward the new purchase. The established charge for opening and closing each space will be in addition to the price of the new space.

Memorials

1. All memorials shall be installed and maintained at the expense of the owner.
2. Only one memorial will be permitted on one grave space. A companion or family memorial may be placed upon two or more grave spaces. Memorials will be placed in alignment with adjacent memorials and centered at the head of the grave space. The actual location for memorials will be determined by cemetery personnel.
3. Space or lot corner markers will be set flush with the turf.
4. Flush type Memorials—
 - The marking of each space or grave in areas designated for flush type memorials is restricted and limited to memorials set flush with the turf, and of such dimensions, materials, design, finish and construction as indicated in this section.
 - Flush type memorials shall be made of granite marble or cast bronze installed on granite, marble or concrete base. Granite and marble memorials and bases shall have smooth sides and bottoms and a minimum thickness of four inches (4”).
 - Concrete bases shall have a minimum thickness of six inches (6”) and shall be smooth on all sides.
 - All flush memorials shall be set on a minimum of two inches (2”) of sand for cushioning and leveling.
 - The length of flush type memorials shall be at least ten inches (10”) less than the grave space width.
5. Above Ground Materials
 - In areas of the cemetery not specifically designated for flush type memorials, either an above ground or flush type memorial may be used.
 - All above ground memorials shall be of marble, granite or similar permanent type stone.
 - Memorials used above the ground level to mark a grave shall not exceed the following dimensions:
 - The base shall not exceed 18 inches (18”) in width
 - The overall height shall not exceed 42 inches (42”).
 - The length shall be at least ten inches less than the grave space width.
6. Should any existing memorial or mausoleum become unsightly, dilapidated, or a hazard to the safety of persons within the cemeteries, the Superintendent shall have the right to correct the condition or to remove same. The expense of such removal or repair may be charged to the space owner.

Memorial Foundations

1. The size of concrete foundations for all above ground memorials shall be 1” larger in length and width than the size of the base.
2. The top of concrete foundations shall be from 1” to 2” below the top of the ground to allow for adding cement grout to level the memorial base.
3. Concrete foundations shall be a minimum of 8” thick and have perpendicular sides and flat bottom.
4. Excavations for foundations for above ground memorials shall be a minimum of 10” deep from the top of the ground. If the memorial base is two feet (2’) or more in length, there

shall be one 6" diameter round hole dug 18" deep (or to rock) below the bottom of the excavation at each end of the excavation.

5. Concrete for all memorial foundations shall be 1 part cement, 2 parts sand and 4 parts gravel.

Rules for Memorial Park

1. Memorial dealers shall abide by all the rules and regulations of the Cemeteries.
2. The Superintendent reserves the right to approve the size, craftsmanship, quality, inscriptions, and foundations of memorials placed or to be placed in the cemeteries.
3. Memorial dealers engaged in placing or erecting memorials or other structures are prohibited from scattering their material over adjoining spaces, or from blocking roads or walks, or from leaving their material on the grounds longer than is necessary. Damage done to spaces, walks, drives, trees, shrubs or other property shall be repaired at the expense of the memorial dealer, to the satisfaction of the Superintendent.
4. Work of any nature may be stopped if proper preparations have not been made; or when work is being done in such a manner as to endanger life or property; or when there is evidence of misrepresentation; or when work is not being executed according to specifications; or when any reasonable request on the part of the Superintendent is disregarded; or when any person employed in the monument work violates any rule of the cemeteries.

General Regulations

1. Visitors or workers shall use only the avenues, walkways, and roads, unless it becomes necessary to walk across other spaces or graves to gain access to a space or grave.
2. Automobiles, trucks and other vehicles shall not be driven through the cemetery grounds at a speed greater than fifteen (15) miles per hour. Unauthorized vehicles may not be driven or parked off the designated roadways or parking areas.
3. Pets shall not be allowed in the cemetery.
4. The use of intoxicating beverages within the cemeteries is strictly forbidden.
5. No person will be permitted to use profane or boisterous language or in any way disturb the quiet and good order of the cemetery.
6. No boxes, shells, toys, discarded glassware, sprinkler cans, water hoses, or similar articles will be permitted to remain on any grave, walkway or street.
7. The Superintendent has the authority to enter upon any space and to remove any objectionable thing that may have been placed there contrary to the regulations, and may remove any dead or damaged flowers, trees, shrubs or vines.
8. All persons are strictly forbidden to break or injure any tree or shrub, or mar any landmark, marker or memorial, or in any way deface the grounds of the cemetery.
9. No person or persons (except peace officers or a military guard of honor) shall be permitted to bring or carry firearms within the Cemetery.
10. No signs, other than those installed by City personnel, will be permitted on the cemetery grounds.

11. The City of Austin is not responsible for vandalism or theft of any memorial or other personal property.
12. The construction, installation or placing of any wooden, concrete or cast iron bench, chair or table, or any wooden or wire trellis, shall not be permitted on the cemetery grounds.
13. The construction of additional mounds over graves shall not be permitted.
14. Holders such as clay or plastic pots, wire, frames, etc., containing flowers or other decorations may be removed as soon as the flowers fade or wither, and the right is reserved by the Cemetery to make that determination and such removal.
15. Placement of potted plants, cut flowers, or baskets is permitted on graves in all cemeteries; however, to improve the appearance and to aid in maintenance, all potted plants, cut flowers, and baskets may be removed each month. Funeral designs or floral pieces will be removed from the graves when they become wilted or unsightly. Persons desiring to retain same must remove them within 72 hours of funeral service. Artificial flowers may be placed on graves for holidays with the understanding that they will be removed thirty days after the holiday. The digging of holes for placement of plants or flowers is strictly prohibited.
16. In sections designated for flush type memorials, plants, or cut flowers shall be placed only in the approved type bronze vases provided for that purpose.
17. In the interest of maintenance, planting of ivy, flowers, shrubs, or bushes is prohibited. Long lived hardwood trees such as Live Oak, Spanish Oak, American Elm, and Cedar Elm may be planted with the approval of the Superintendent.
18. If any trees or shrubs situated on any space shall become detrimental, unsightly, or impede access to adjacent spaces, walks, or roads, they may be pruned or removed in whole or in part as determined necessary by the Superintendent.
19. Personnel employed by the cemeteries are not permitted to solicit or accept money or other compensation from any person or persons for maintenance performed within the Cemetery.
20. All inquiries or complaints shall be submitted to the main Cemetery office.
21. The grounds are sacredly devoted to the burial of the dead and the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton inquiry, disturbance, and disregard of the rules.
22. There shall be a strict observance of all the properties due the Cemetery, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.

Care of Cemeteries

1. Care shall be furnished for all cemeteries owned and operated by the City of Austin. Care shall mean the maintenance of buildings and grounds required to preserve the pleasing appearance of the Cemetery.
2. The term "care" shall in no case mean the maintenance, repair, or replacement of any memorial or curbing placed or erected upon any grave or space; nor the placement of flowers or ornamental plants or shrubs or trees; nor the performing of any special or unusual work for any individual owners.

3. Special care by cemetery employees of any grave or space located within the cemetery is prohibited.

Reservations of the City of Austin

1. The City of Austin reserves the right to correct errors made by staff that is associated with interments or conveyance of property. In the event such error shall involve interment, the City reserves the right to remove and re-inter the remains to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. Should an error develop in the conveyance of property, the City may correct such error by conveying property of equal value in a similar location insofar as possible.
2. The right to revise and/or add to Cemeteries (a section of sections) from time to time, including the right to modify or change the location of or any part thereof or remove or regrade roads, drives and walks is expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutters for water sprinkling systems and drainage, is also expressly reserved, as is the right to use cemetery property, not sold to individual owners, for cemetery purposes, including the interring and preparation for interment, or for anything necessary, incidental or convenient thereto. The cemetery reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over spaces for the purpose of passage to and from other spaces.
3. No easement is granted to any owner in any road, drive or walk within the cemeteries, but such road, drive or walk may be used as a means of access to the cemeteries and its buildings as long as the City of Austin devotes such road, drive or walk to that purpose.
4. The City of Austin disclaims responsibility to owners, their personal representatives or successors in interest for the loss or damage to cemetery spaces or memorials by any cause, natural or otherwise, direct or indirect, beyond reasonable control of the City of Austin.
5. The statement of any employee of the cemeteries shall not be binding upon the City of Austin except as such statement agrees with the document conveying the right of interment and these rules and regulations.
6. The City of Austin reserves the right at any time and from time to time to change, amend, alter, repeal, rescind, or add to these rules and regulations or any part thereof to adopt any new rule or regulation or any temporary exception with respect to said cemetery or anything pertaining thereto.
7. In all matters not specifically covered by these rules and regulations, the City of Austin reserves the right to do anything which in its judgment is deemed reasonable pertaining to the cemeteries and such determination shall be binding upon the space owner and all parties concerned.