



## Cemetery Rules Revision Meetings

**February 20, 2017** (1 participant)

### Leadership Austin Notes

While it's understandable why people may want to have ornaments & furniture in a cemetery, maintenance, safety and aesthetics are more important. The City should make clear rules and enforce them. However, the City should post the rules and give plot owners and family's ample notice before enforcing.

**April 10, 2017** (2 participants)

### Leadership Austin Notes

Individual expression for grave decoration was pretty important – it was mentioned that the parks department needs to realize the sacredness of the spots and realize that a little extra work from going around decorations was more important than schedule keeping.

### JS Notes

The primary ornamentation concern was about mature gardens that have been planted over grave sites. What will happen under the new rules with gardens that are established?

Will the landscaping recommendations in the Cemetery Master Plan be used to draft rules about gardens on lots?

**April 18, 2017** (2 participants)

### Leadership Austin Notes

Make reasonable rules, and grandfather in the decorations on plots that are safe and currently present

### JS Notes

The discussion was focused on the types of decorations permitted.

- Many people did not receive a copy of the rules when they purchased plots
- The City should ensure that all cemetery stakeholders know the rules
- Reasonable regulations would be welcome
  - What is permitted for landscaping of plots?
  - What will happen to the established gardens that were planted 5- 10 years ago that are well established?
  - Remove decorative items that pose a danger to staff and the public
- Establish strict rules for memorials like those used at privately run cemeteries
- Use Salt Lake City rules, and enforcement methods in Austin

- City staff need to be educated about the cultural customs that are used to commemorate people in the cemeteries (Buddhist practices involving fire/burning paper money)
- Cemetery staff should collect information about plot owners in municipal cemeteries by including a survey in Austin Energy bills
- The city should create a docent program to improve maintenance at cemeteries
- The City should establish a Perpetual Care Fund so that future maintenance can be paid for through an endowment fund.
- The City should seek to reduce the need for irrigation by using drought tolerant plants.
- One participant stated that the cemeteries shouldn't be green year round, the landscaping should reflect the Texas environment and be more sustainable.

#### **April 25, 2017 (6 participants)**

##### Leadership Austin Notes

Extreme frustration with the lack of attention to landscaping and the city not following state law (Texas Health & Safety Code 713.011). Workers should report (not simply putting a flag) to the city when they damage/pop up stones for the city to fix.

##### JS Notes

The discussion was focused primarily on maintenance concerns. The following comments are indicative of what meeting attendees requested:

- More landscaping maintenance at Oakwood Cemetery, planting grass and watering it.
- Staff should respond more quickly to complaints about dead grass and broken irrigation systems
- Old trees need to be watered to keep them alive, there are many trees dying because they didn't receive water during previous periods of intense drought
- The City needs to comply with State regulations that dictate how cemeteries are managed

#### **April 26, 2017 Meeting – 0 participants**

#### **April 27, 2017 Meeting**

##### Leadership Austin Notes

Resentment and anger toward the City of Austin and PARD for the manner (unproductive and disrespectful) in which it has addressed (neglected) this issue for quite some time. "Time passes, funding evaporates, costs increase, nothing happens."



## City of Austin Cemeteries: Rules Updates

Closed Apr 30, 2017 · Discussion · 6 Participants · 3 Topics · 12 Answers · 0 Replies · 1 Votes

6 PARTICIPANTS   3 TOPICS   12 ANSWERS   0 REPLIES   1 VOTES

### SUMMARY OF TOPICS

#### ORNAMENTATION

4 Answers · 0 Replies

Define ornamentation.&nbsp;What does grave ornamentation mean to you?

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**Hugh Higgins** · Citizen · (Postal Code: unknown) · Oct 27, 2016 8:50 pm

0 Votes

I agree with the McDoux Report, generally.

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**Sharon Weintraub** · Citizen · (Postal Code: unknown) · Apr 07, 2017 11:01 pm

0 Votes

On October 17, 2013, the Austin City Council enacted a resolution requiring the City Manager, in collaboration with stakeholders and a working group of the Parks and Recreation Board, to evaluate whether current cemetery policies related to grave ornamentation were 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 process was to be completed over six months. It has now been nearly four years! All the delay has been on the part of the Austin Parks and Recreation Department (PARC). The time has come to end these pointless consultants and meaningless surveys and for PARC to finally sit down at the table with stakeholders face to face and negotiate reasonable and fair regulations for the cemeteries in compliance with the 2013 resolution. I and other stakeholders understand that there need to be some reasonable regulations to ensure the safety and sanctity of the cemeteries. No one is arguing that we have to absolute right to place anything we want on grave sites. All we have ever wanted to do is sit at the table directly with PARC and sincerely work together as equal parties to develop new, fair, and comprehensive rules and regulations.

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**Sharon Weintraub** · Citizen · (Postal Code: unknown) · Apr 18, 2017 5:47 pm

0 Votes

(Proposed) Cemeteries Rules; General Regulations

6. No boxes, shells, toys, discarded glassware, sprinkler cans, water, hoses, or similar

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articles, will be permitted to remain on any walkway or street. Space owner or holder may decorate or memorialize the space only as provided herein.

All any items must be placed wholly within the confines of the space owned or held.

All items must be weather-and water-resistant and suitable for outdoor display.

Non-weather and non-water resistant items, such as paper materials, plush or stuffed animals or toys, clothing or fabric, or wood or plaster ornaments, may be placed within a space only on a temporary basis and must be removed by the space owner or holder within seven days from placement or when the item begins to deteriorate, fade, or decay, whichever is earlier.

All items must be firmly anchored within the space in a manner to secure and prevent the item or any parts of that item from leaning, falling over, breaking, or blowing outside of the confines of the space.

Items on any grave within the space may not exceed 36 inches in height and may not weigh more than 25 pounds. Items within the space, but not on any grave, may not exceed 60 inches in height and may not weigh more than 50 pounds.

Items containing political messages or offensive language are not permitted. Items, including flags or banners, representing the United States of America, any state within the United States, any nation, or any branch of the federal or state armed forces or services may be placed within the space or on the grave, provided that such item is made of weather-resistant materials. Flags or banners must be promptly removed when the item begins to fade, deteriorate, or fray. Space owners or holders and family members or visitors to a specific space may place items related to a religious practice or tradition on the grave or memorial within that space.

Hanging items such as wind chimes, spinners, and other ornaments (ornaments) may not exceed 12 inches in length, exclusive of the hanging cord or chain, and may not weight more than 16 ounces. Only one wind chime per space is permitted. An ornament may be suspended or hung on a pole within the space, provided that the pole is firmly and securely anchored and does not exceed 60 inches in height. Items may not be hung on trees within or adjoining the space using nails or spikes, but must be suspended from a weather-proof chain or cord. Such items:

- must be at least 72 inches from the ground;
- cannot be hung over streets, sidewalks, paths, or roadways;
- cannot be suspended in a way that will scar or inhibit growth of the tree or its branches;
- and

must be secured in a manner to prevent the ornament from falling from the tree or tangling within the tree.

To prevent the breeding of mosquitos or other noxious insects, no items that hold or retain water, such as bird baths or decorative fountains, are permitted.

To prevent the attraction of rats or other animal pests, bird feeders and similar feeding stations are not permitted.

12. The construction, installation or placing of any wooden, concrete or cast iron bench, chair or table, or any wooden or wire trellis, shall be permitted only within any space. Any such item must be weather-resistant and firmly anchored within the space.

or

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12. The construction, installation or placing of any wooden, concrete or cast iron bench, chair or table, or any wooden or wire trellis, shall be permitted only within any space. Any such item must meet standards set out by the City of Austin Parks and Recreation Department (PARC). Such standards shall be provided to each space owner or holder and must be readily available at each cemetery and easily accessible through the PARC web site.

or

12. The construction, installation or placing of any wooden, concrete or cast iron bench, chair or table, or any wooden or wire trellis, shall be permitted only within any space. The City of Austin Parks and Recreation Department (PARC) shall develop a list of recommended models or types of benches, chairs, or tables, and the space holder or owner may only install an item that complies with that list. Such list shall be provided to each space owner or holder and must be readily available at each cemetery and easily accessible through the PARC web site.

or

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 cemetery grounds. The City of Austin Parks and Recreation Department (PARC) shall, as part of its Adopt-A-Bench program, install a bench on or near any space at the request of the space holder or owner. PARC shall publicize the Adopt-A-Bench program at each cemetery and on the PARC web site and shall make applications readily available to space owners or holders.

13. The construction of gardens over graves is permitted only as provided herein. All plantings must be drought- and freeze-resistant, native or adapted, low- or no-maintenance, and be selected from plants recommended by the City of Austin's Grow Green Native and Adapted Landscape Plants guide. Such plants, at maturity, may not grow higher than 24 inches or spread more than 36 inches. All such gardens must be contained within a rock, brick, or other border or container. Borders may not exceed six inches in height, and shall be securely anchored in the soil. Plants with thorns or nettles, invasive or non-adapted plants, or plants that can spread through a rhizome or root system outside of the grave site are not permitted. Space owner or holder must maintain the garden, including weeding, trimming or pruning, and promptly removing any dead or dying plants or any plants spreading outside of the garden

17. Long lived hardwood trees such as live oak, Spanish oak, American elm, and cedar elm, and hardy native small trees or large shrubs, such as mountain laurel, yaupon holly, or crape myrtle, may be planted with the approval of the Superintendent, which shall not be unreasonably withheld.

22. If any space is not in compliance with these regulations, PARC shall give the space owner or holder written notice specifically setting out the nature of the violation and how the violation may be brought into compliance. Notice shall be sent to the space owner's or holder's last known address by certified mail, return receipt requested. The space owner or holder shall have 30 days from receipt of such notice to remove or correct the said violation. If the space owner or holder fails to remove or correct the violation, PARC employees are authorized to do so in a manner that, within the reasonable discretion of the Superintendent, is the least invasive and disruptive to the space. PARC has the right to remove or correct any violation without notice if the violation presents an immediate and serious danger to the safety and welfare of PARC employees or the public, as well as

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to remove any neglected or deteriorated items and dead plants or flowers.

23. These regulations shall be posted on the Internet through the PARD web site on a publicly accessible web page. Notice of these regulations shall be clearly and prominently posted at each cemetery, including the URL of the web page at which the regulations may be accessed by the public. Written copies shall be readily available at each cemetery or from PARD upon the request of a space owner or holder. A written copy of these regulations must be provided to each space owner or holder at the time of the purchase of any space. At the request of any memorial dealer, PARD shall provide a reasonable number of written copies of these regulations for distribution to persons purchasing memorials for installation within a City of Austin cemetery.

24. Any items or plantings not in compliance with these regulations prior to the effective date of these regulations are grandfathered and not subject to removal. PARD and its employees may notify and encourage such space owners or holders to bring items or plantings into compliance, and may work with that owner or holder to bring the item or planting closer to or within compliance with these regulations.

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**Iris Leon** · Citizen · (Postal Code: unknown) · Apr 24, 2017 3:56 pm

👍 0 Votes

All I needed to read in the pdf file sent by Save Austin's Cemeteries is "Christianizing"...

Should the City choose to not allow ornamentation based on religious customs this would be a violation of the US Constitution. Period.

### PRACTICES

🗨️ 1 Answers · 0 Replies

What religious and/or cultural practices do you have that relate to grave ornamentation? What is appropriate grave ornamentation that respects the practices of others?

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**Sharon Weintraub** · Citizen · (Postal Code: unknown) · Apr 06, 2017 3:00 pm

👍 0 Votes

In the Jewish tradition, a visitor places a stone on the grave rather than flowers, signifying the permanence of memory and love. The stones are not to be removed and over time they become part of the decoration of the grave site. The graves of my niece, father, and mother has been visited hundreds of times by family and friends; the colorful and diverse pile of stones that now cover part of their graves demonstrate all the lives they touched and show that they are still loved and remembered. Prohibiting the placement of stones on grave sites would discriminate against this religious tradition. The park has long provided a birdbath in the Jewish section that is kept full of stones for those visiting the graves. Yet, under PARD's long-neglected cemetery regulations, both the stones and the birdbath would be barred.

### ENFORCEMENT

🗨️ 7 Answers · 0 Replies

What types of memorials and permanent fixtures can be "grandfathered-in" once compliance enforcement begins?

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**Hugh Higgins** · Citizen · (Postal Code: unknown) · Oct 27, 2016 8:46 pm

👍 0 Votes

I can understand and support religious preferences, but I shall strongly "grandfathered" ornamentation that is exclusive to selected plots. All or none!

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**Hugh Higgins** · Citizen · (Postal Code: unknown) · Oct 27, 2016 8:47 pm

👍 0 Votes

strongly oppose "grandfathered" stuff!

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**Hugh Higgins** · Citizen · (Postal Code: unknown) · Oct 27, 2016 8:47 pm

👍 0 Votes

strongly oppose "grandfathered" stuff!

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**Dianna Dean** · Citizen · (Postal Code: unknown) · Oct 29, 2016 4:55 pm

👍 1 Votes

I suggest that you monitor the workers who are in charge of grounds up keep. My flat tomb stones was run over with a lawn mower and dismantled the picture. I have 5 generations buried in East Austin cemeteries'. I vote to "grandfather In" then enforce going forward.

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**David DeMaio** · Citizen · (Postal Code: unknown) · Nov 16, 2016 4:27 pm

👍 0 Votes

Before I moved to Austin, our city let people who got driving tickets have a choice of paying the fine or working in cemeteries and/or pick up trash by the highway. Don't know if we do this in Austin but a good way to save money and teach some principles.

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**Sharon Weintraub** · Citizen · (Postal Code: unknown) · Apr 06, 2017 2:52 pm

👍 0 Votes

Frankly, at this point, the Austin Parks and Recreation Department (PARD) really has no alternative but to grandfather in existing memorials, because not only has it failed to publicize and enforce its own regulations put into place in the 1970s, it has continued to drag its feet and refused to meet and negotiate with stakeholders in good faith, in violation of an October 17, 2013, city council resolution directing it to do so.

I have been involved in this matter since September of 2013, when my sister-in-law Tina Huckabee, heard a rumor that PARD had plans to enforce rules regarding Austin Memorial Park (AMP) and would giving families only 30 days to remove grave site gardens, plantings, and other decorations, many of which had been in place for years. My 13-year-old niece, Shoshana Ruth, had passed away suddenly in April of 2006 from myocarditis and shortly after she was buried at AMP, Tina, a master gardener who specializes in native and xeriscape plantings, outlined the grave with cut limestone and planted a garden on her daughter's grave. Before planting the garden, Tina tried calling

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AMP at least twice, but never received a response. At the time, there were already numerous other grave site gardens and borders throughout AMP. One reason my sister-in-law wanted to create the garden was because she found tire tracks from maintenance vehicles across her daughter's grave. When she received no answer from AMP, Tina adorned her daughter's grave with native flowers. From 2006 through October of 2013, Tina had never received any complaints or other communication from AMP or PARD regarding the border or garden. After my father passed in December of 2012, he was buried next to his granddaughter and the family also outlined his grave with stones.

Tina contacted PARD on September 8, 2013, and was subsequently informed by PARD that beginning October 1, 2013, PARD would be identifying graves that were not in compliance to the rules and regulations and requiring families to bring these graves into compliance. She was also told that PARD had assumed cemetery management on April 1, 2013, and prior to this, a contractor had managed cemetery operations.

On October 17, 2013, I and a number of other members of the public appeared at the meeting of the Austin City Council to protest the sudden declaration by PARD that it would be enforcing long-neglected cemetery rules. We asserted that the current regulations, which had not been revised, publicized, or enforced since the 1970s, needed to be revisited and revised and that the public and stakeholders must be involved in developing reasonable alternatives, balancing the rights of families and friends to uniquely honor their loved ones and the need to maintain cemetery grounds. We argued that grieving families should not be forced to dismantle grave site memorials, many of which have been in place for years, simply because PARD had failed to fulfill its duties. Further, we stated that for PARD to retroactively enforce such regulations would arbitrarily punish those with family and friends memorialized at AMP, and that these citizens should not suffer because of the city's neglect and dereliction of its duties. We also noted that there was no urgency, as PARD already had the authority to remove any neglected or abandoned memorials and dead flowers and shrubs. In response to our concerns, the City Council enacted a resolution requiring the City Manager, in collaboration with stakeholders and a working group of the Parks and Recreation Board, to evaluate whether current cemetery policies related to grave ornamentation were 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 process was to be completed over six months.

For nearly four years, the public and stakeholders have been met with nothing but delays and bureaucratic prevarication on the part of PARD. Not once have the stakeholders ever actually allowed to sit down at the table with PARD and work together on some sort of reasonable compromise, which was certainly what was envisioned in the original City Council resolution.

Further, PARD is in effect already grandfathering in noncompliant grave sites. When we ordered my father's gravestone in August of 2012, we were told by Strauswender Memorial Company that the base of my father's stone would have to be shorter than that of his granddaughter's because the city was now enforcing regulations regarding the size of stones. This means that many of the gravestones in the park do not comply with city regulations. Is PARD going to go through the cemeteries with a tape measure and send notice to all the families with gravestones that are a couple of inches too high or long that they must replace the stones or the city will remove the stones? Of course not! As the city is therefore already grandfathering headstones that do not comply with the regulations, it is only fair that it do so for other grave site memorials

Many families have invested substantial time and resources in creating and maintaining

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these tributes, and these grave site memorials are often beautiful and touching. These individualized grave sites make the park a unique and peaceful place and reflect the larger personality and diversity of the city. Further, many of these personal memorials significantly enhance and improve the park. Although this is a city park, the PARD has not provided any seating. The benches installed by families provide a place for those visiting the park to rest, contemplate, and seek solace. Many of the shrubs and trees planted by families are native, drought resistant plants. During the summer, when the grass is burnt brown, these plants provide shade, color, and greenery. In light of the continuing droughts, it makes no sense to favor grass, which requires substantial water and high maintenance, over native xeriscaping. If anything, the city should be encouraging and assisting families to select and plant native, drought resistant flowers and trees. This, in the long run, will not only save the city significant resources, but will enhance the park itself.

Many of the memorial gardens at AMP have been in place for years, even decades. They cannot be removed at this point without causing significant damage to the graves. Is PARD willing to provide the substantial resources and manpower necessary to immediately fill and repair the holes and trenches that will be left if families are forced to tear out stone borders and living plants and trees? Or will the families just be forced to watch the desecrated graves further deteriorate and erode?

I and other stakeholders understand and agree that there need to be some reasonable regulations to ensure the safety and sanctity of the cemeteries. No one is arguing that we have to absolute right to place anything we want on grave sites. On January 27, 2014, I e-mailed a very rough draft of proposed regulations to Patricia Jacobson of PARD. I explained to Ms. Jacobson that I was concerned because three of the six months allotted to process of developing a compromise on the current regulations had already passed and I thought at least we could begin with something on the table to discuss. In these proposals, I tried to preserve the long-established tradition of individualizing grave sites, as well as balance the right of certain religious groups to practice their traditions and the need for families to mourn and memorialize their loved ones, with PARD's need to maintain the cemeteries. To that end, I proposed limits on the type, size, weight, number, and materials of items to be placed within a space or on a grave. Certain items, such as items with political statements or offensive language, non-weather resistant items, and bird baths and bird feeders, would be barred. The proposals made it clear that the space holder was responsible for maintaining any items or plantings within the space. However, the regulations also provided a simple process allowing PARD to remove noncompliant items. The proposals also clarified that PARD had the right to remove any dangerous or neglected materials without notification. Although the regulations grandfathered in existing grave site memorials within their allotted space, the proposed regulations also encouraged PARD to work with space holders to bring such sites within compliance. The proposals included specific regulations regarding plantings, limiting the type and sizes of plants that may be used within a space. There are also several alternate proposals regarding benches. Finally, there were provisions requiring the publication and distribution of the regulations to avoid future conflicts.

In short, all we have ever wanted to do is sit at the table directly with PARD, without the pointless intervention of "consultants" and meaningless surveys, and negotiate reasonable and fair regulations for the cemeteries. The question should not be whether certain memorials and permanent fixtures should be "grandfathered-in," but when is PARD going to finally comply with the 2013 city council resolution and meet and negotiate with stakeholders in good faith.

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**Kathy Smith** · Citizen · (Postal Code: unknown) · Apr 26, 2017 1:33 pm

👍 0 Votes

The problem is maintenance, the City of Austin does not want to make the cemeteries uniform. They want to make them maintainable. A private contractor would require that too. If the flower planters want to maintain or pay to have the ornamentation maintained, I'm all for it. If you want me to pay for the maintenance of your plot, no way.