

Cemetery Rules

What are appropriate regulations for grave ornamentation?

Burial traditions, grave decorating practices, cultural relationships with ancestors, and varying expectations for the appearance of cemeteries have gradually changed since Austin was founded and its first city cemetery established in 1839. Throughout the past 175 years, the City and Austin's citizens periodically have had to resolve situations in which the practical realities of cemetery upkeep were in tension with the (no less important) cultural and emotional relationships that the living maintains with the deceased. This is even more complex today, as Austin's population becomes more diverse. We understand that there are different religious, cultural and family practices with grave ornamentation. It is our goal to develop rules that respect those practices of our diverse community.

Conversations will address these questions:

- What does grave ornamentation mean to you?
- 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?
- Enforcement of rules- what types of ornamentation can be "grandfathered in" once enforcement of updated rules begins?
- What should staff additionally consider when updating and enforcing cemetery rules?

Background Information

PARD is committed to ensuring a positive experience for the community in Austin's public spaces. For the past few years, PARD has been working with citizens to resolve differing, strongly held opinions about grave decorations in city cemeteries and to find a way forward that respects the beliefs of grieving families as well as the practical needs of cemetery maintenance staff.

PARD began, in Fall 2013, to publicize its plan to begin enforcing rules adopted in 1978 regarding cemeteries, which include restrictions on grave markers, plot enclosures, furnishings, decorations, and other items. This effort was focused on Austin Memorial Park Cemetery and Evergreen Cemetery. In some cases, lot owners have placed benches and other items outside the boundaries of the spaces that they own. Furnishings and decorations also may become deteriorated over time, and subsequently must be removed by Cemetery maintenance staff.

The Fall 2013 enforcement effort, which included removal of decorations and other items deemed out of compliance with the existing rules, was met by opposition from some lot owners.

Austin City Council subsequently directed the City Manager, and by extension, the Parks and Recreation Department's Cemetery Administrator, to evaluate the City's existing rules regarding grave ornamentation and to determine whether those rules were appropriately sensitive to both the needs of families to memorialize loved ones in ways appropriate to their culture, as well as the needs of the City to maintain the cemeteries.

In the Fall of 2013, with the help of a consulting firm, PARD began a process to review the existing cemetery rules and develop a dispute resolution process. In July 2014, PARD tabled the development of revised rules by staff for the completion of the Cemetery Master Plan. A report was completed by the consultants including grave ornamentation practices currently visible in Austin's five city cemeteries, a summary of public responses related to grave ornamentation, and recommendations for developing updated cemetery rules through a public process.

Upon the completion and approval by Austin City Council of the Historic Cemeteries Master Plan in September 2015, and the hiring of a new Cemetery Manager, PARD has developed a public process for updating and enforcing the cemetery rules with a focus on grave ornamentation and enforcement.

Primary concerns:

- The existing rules prohibiting grave decorations should be enforced, and limited or no decorations should be allowed.
- The existing rules are overreaching; lot owners should be able to place anything they want on the space that they have purchased.
- The City needs to have a process for noticing lot owners in advance before removing items from graves.
- The City should provide a process by which lot owners can request exemptions from a rule, based on religious or traditional cultural practices, and appeal the decision of the Cemetery Administrator.

Cemetery Rules



Recommendations:

- Give lot owners sufficient notice to retrieve any items that they may have placed outside the burial space(s) that they own, then remove items to storage for a reasonable reclamation period.
- Establish criteria for evaluating proposed new rules related to grave ornamentation.
- Make a good-faith effort to notify lot owners of changes to the rules prior to implementation, and explain the rationale behind the rule changes.
- Enact a process for requesting accommodations for religious or traditionally held beliefs, or other exemptions or variances to the grave ornamentation rules, as well as an appeals process.

Staff Concerns and Constraints:

- There is an increase in equipment damage to mowers due to running over objects left on gravesites. This can also cause injury to employees or patrons. Some ornamentation creates tripping hazards for mowing staff and patrons as well.
- Ornaments left on trees can potentially be an overhead hazard and is unhealthy for the trees as well.
- There are a large number of cases of complaints, and the necessary removal of ornamentation or plantings that results in excessive loss of man hours for administration and maintenance. The loss of time causes difficulty with maintaining compliance and SOPs.
- 45 man hours per week are lost by space ornamentation. This lengthens the targeted 15 day mowing cycle to 21 days.
- Excessive ornamentation results in many areas of the cemeteries not being accessible to mowers. These areas have to be covered with a weed-eater instead of a mower, which is much more time consuming. It additionally shortens the life of the weed-eaters due to wear and tear.
- Planting within grave spaces and easements pose problems. When these plantings establish a mature root ball they cause monuments to shift thus becoming unlevelled and even fall over completely causing obstruction and safety hazards. They also can obstruct irrigation causing incomplete coverage of cemetery grounds.