

ORDINANCE NO. 3044

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 29 PERTAINING TO CITY CEMETERIES RULES AND REGULATIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

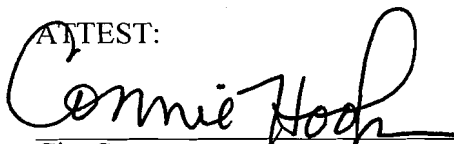
PASSED, ADOPTED and APPROVED this 14th day of February, 2008.

APPROVED:



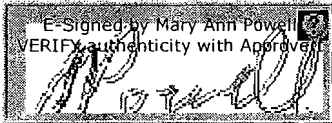
Mayor

ATTEST:



City Secretary

APPROVED:


E-Signed by Mary Ann Powell
VERIFY authenticity with Approver

City Attorney

EXHIBIT "A"

I.

That Chapter 1, "GENERAL PROVISIONS", Section 29, "COLLEGE STATION CEMETERY RULES AND REGULATIONS", is hereby amended to read as follows:

"SECTION 29: CITY CEMETERIES RULES AND REGULATIONS

A. GENERAL

- (1) "City Cemeteries" shall refer to the College Station Cemetery and the Memorial Cemetery of College Station, including the Aggie Field of Honor. College Station Cemetery consists of approximately eighteen (18) acres located at 2530 Texas Avenue South. Memorial Cemetery of College Station consists of approximately fifty-six (56) acres located at 3800 Raymond Stotzer Parkway.
- (2) City Cemeteries are set apart for the interment of human remains subject to the rules established in this ordinance, the City of College Station Code of Ordinances, and any applicable federal or state laws. Availability of spaces in the Aggie Field of Honor sections within the Memorial Cemetery of College Station is not restricted but is designed to be desirous to students, former students, faculty, staff, their families, and friends of Texas A&M University.
- (3) All spaces in the City Cemeteries owned and operated by the City of College Station are conveyed to the purchaser by warranty deed for the purpose of burial only. The rights of the purchaser therein are subject to such rules and ordinances as may be enacted or amended, from time to time, by the City Council of the City of College Station.
- (4) The rules and regulations herein contained are designed for the protection of the rights of all space owners. The rules adopted have been determined to be reasonably necessary and incidental to achieve the aforesated objectives.
- (5) The City Cemeteries shall be generally platted into sections, blocks, lots, and spaces by the City Manager or his delegate, who shall prepare, maintain and keep in the City Sexton's office a plat of the City Cemeteries.
- (6) The Shiloh and Salem portions of the College Station Cemetery are closed to future burials except in those spaces which are clearly identified as available by the Cemetery Sexton. The term "clearly identifiable" means by headstones, curbing, or other physical and visual indicators or demarcations. If a family member is interred, and space in the proximity is available, the Cemetery Sexton may allow the space to be used. If an available space is not locatable, then other alternate locations will have to be sought other than the Shiloh and Salem portions of the cemetery.

B. ADMINISTRATION

All administrative matters pertaining to the operation of the City Cemeteries shall be under the direction of the City Manager or his delegate. The Cemetery Committee appointed by the City Council shall work with the City Manager or his delegate and advise the City Council.

C. CEMETERY CARE

- (1) The City of College Station shall provide for the continuing care, maintenance, operation, and improvements to the City Cemeteries. In general, this shall include: road maintenance, mowing, pruning, landscaping or removal of plant material, policing of the grounds, pest control, leveling of monuments, and such other maintenance as may be necessary to keep the City Cemeteries presentable at all times.
- (2) Cemetery care does not include the purchase, erection, repair, or replacement of monuments, headstones, markers, or any other item on a space.

D. HOURS OF OPERATION

The City Cemeteries shall be open Monday through Saturday from 8:00 AM to sundown, and Sunday from 6:00 AM to sundown.

E. PURCHASE OPTIONS

- (1) Standard Space:
College Station Cemetery: A standard space is 5' x 10';
Memorial Cemetery of College Station: A standard space is 4' x 9'.
- (2) Infant Space:
College Station Cemetery: Babyland and Section O: Infant spaces are 4' x 5';
Memorial Cemetery of College Station: Infant spaces are 4' x 4.5'.
- (3) Cremate only spaces:
College Station Cemetery: Designated cremate only spaces in Section LR are 2.5' x 2.5'.
- (4) Columbarium Niches:
Memorial Cemetery of College Station: 12 inches x 12 inches x 12 inches.
- (5) Price: The price of all spaces in the City Cemeteries shall be established by resolution of the City Council, and amended as necessary, upon recommendation of the Cemetery Committee.
- (6) Purchasers are limited to a maximum of twenty (20) spaces per family.

- (7) Purchasers are limited to one space per each casket interment. The interment of two cremains shall be allowed in a single standard space. Combinations of casket burials and cremates shall be allowed in a single standard space provided that the cremains are interred towards the headline of the space. A maximum of one (1) cremate burial shall be allowed per designated cremate space in Section LR of the College Station Cemetery. A maximum of one (1) cremate shall be allowed per columbarium niche in the Memorial Cemetery of College Station.

F. RESALE OPTIONS

- (1) The sale, transfer or assignment of any space in the City Cemeteries by any owner or purchaser shall not be binding upon the City until:
 - (a) A written request from the current owner detailing the sale, transfer, or assignment of spaces is received by the City, and
 - (b) It has been approved in writing by the City Manager or his delegate, and
 - (c) The space is reconveyed by the city through the reissuance of a warranty deed to the new owner or purchaser.

G. RECORDS

Records giving full data on all interments shall be kept in the City files, and shall be open to authorized persons. The data is to include the section, lot, and grave location; and the name, age, and the date of interment of each grave occupant.

H. PLANTING AND OTHER DECORATIONS IN CITY CEMETERIES

- (1) Grass, flowers, shrubs, trees, or other types of vegetation shall be planted only by or at the direction of the City Manager or his delegate in accordance with a landscape plan for the entire cemetery. Plantings by individuals are prohibited and shall be removed by the City.
- (2) The City shall establish grass on spaces after an appropriate amount of time has elapsed since burial to allow for settling. During this time the City shall establish the final grade to match the surrounding area.
- (3) Plantings of trees, shrubs or flowers on grave spaces at the College Station Cemetery that existed prior to adoption of Ordinance No. 1959 on June 11, 1992, which were specifically grandfathered with the adoption of that ordinance, shall continue to be grandfathered. These plantings may be removed by the City whenever they become unsightly, or as necessary to provide access to grave spaces. Replacement of grandfathered plantings that have been removed shall not be allowed.
- (4) The placing of potted plants, cut flowers, baskets, floral pieces, funeral designs, decorations, and all other objects of a temporary nature is permitted adjacent to the monument only, and on the owner's space(s) only. Items of this nature shall only be allowed for a reasonable time after the interment in that space.

Determination of a reasonable amount of time shall be determined by the City Manager or his delegate. The digging of holes for the placement of potted plants and baskets is prohibited.

- (5) The City Manager or his delegate shall have the right to remove all flowers, potted plants, wreaths, baskets, floral pieces, funeral designs, decorations and all other objects of a temporary nature when they become withered, unsightly, a safety concern, or an obstruction to maintenance.
- (6) No artificial flowers shall be permitted in, on, or around grave spaces.
- (7) The City Manager or his delegate is empowered to and may enter upon any space within the City Cemeteries and remove anything that may have been erected or placed thereon contrary to the provisions of this section, and may remove any dead or damaged tree, shrub or vine.

I. COPINGS, HEDGES, FENCES, ETC.

- (1) No copings, coverings, ledgers, hedges, fences, exposed vaults, walls, or other enclosures shall be permitted in, on, or around any space; except that coverings and ledgers shall be permitted only in the College Station Cemetery upon the approval of the Cemetery Committee.
- (2) For the purpose of this ordinance, copings are materials placed above grade to define the grave space(s). A covering means any material other than turf that may be placed over the grave. A ledger is any stone, monument, or marker that may be placed in such a way as to cover the grave space.

J. MONUMENTS, HEADSTONES, AND MARKERS IN THE COLLEGE STATION CEMETERY

- (1) Monuments shall mean those markers placed on the head line of a space or spaces. Foot markers shall mean markers placed on the foot line of the space.
- (2) Monuments for single standard grave spaces shall not exceed thirty inches (30") in height; forty-eight inches (48") in length; or sixteen inches (16") in width. These maximum dimensions shall also pertain to any design that incorporates a base. If a base is included, it shall be set flush with ground level or must have a minimum of four inches (4") above ground level. The back of the monument shall be set on the head line of the space and equi-distant from the side boundaries, and the monument shall be located on undisturbed ground. No more than one monument shall be permitted per single space.
- (3) Family or double monuments can only be placed on a minimum of two standard spaces, provided that such a monument shall not exceed thirty inches (30") in height; seventy-two inches (72") in length; or sixteen inches (16") in width. These maximum dimensions shall also pertain to any design that incorporates a base. If a base is included, it shall be set flush with ground level or must have a minimum of four inches (4") above ground level. The back of the monument shall be set on the head line of the space and equi-distant from the side boundaries, and the monument shall be located on undisturbed ground.

- (4) Monuments for single baby spaces (Babyland and Section O only) shall not exceed twenty-two inches (22") in height; twenty-four inches (24") in length; or twelve inches (12") in width. These maximum dimensions shall also pertain to any design that incorporates a base. If a base is included, it shall be set flush with ground level or must have a minimum of three inches (3") above ground level. The back of the monument shall be set on the head line of the space and equi-distant from the side boundaries, and the monument shall be located on undisturbed ground. There shall be only one monument per infant space and no other markers shall be allowed.
- (5) Foot markers shall be set on the foot line of the space, and shall not exceed twenty-eight inches (28") in length or sixteen inches (16") in width. Flat foot markers shall be set flush with the ground; slanted foot markers shall not exceed eight inches (8") in height. Only one foot marker per space shall be allowed.
- (6) Corner markers shall not exceed eight inches (8") by eight inches (8") and must be set flush with the ground.
- (7) Any additional items incorporated into any monument or foot marker design shall be permanently affixed to the monument or marker and shall not extend beyond the maximum dimensions allowed for the monument or foot marker.
- (8) Single monuments for the designated cremate only spaces in Section LR shall not exceed twenty-eight inches (28") in length or sixteen inches (16") in width, and shall be set flush with the ground or up to a maximum of two inches (2") above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries. There shall be only one monument per designated cremate only space and no other markers shall be allowed.
- (9) Family or double monuments for the designated cremate only spaces in Section LR shall not exceed fifty-four inches (54") in length or sixteen inches (16") in width. The monument shall be set flush with the ground or up to a maximum of two inches (2") above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries. There shall be only one double monument per two designated cremate only spaces and no other markers shall be allowed.

K. MONUMENTS, HEADSTONES, AND MARKERS IN THE MEMORIAL CEMETERY OF COLLEGE STATION

- (1) Monuments shall mean those markers placed on the head line of a space or spaces. Foot markers shall mean markers placed on the foot line of the space.
- (2) Municipal Sections:
 - (a) Monuments for single standard grave spaces shall not exceed thirty inches (30") in height; thirty-six inches (36") in length; or sixteen inches (16") in width. These maximum dimensions shall also pertain to any design that incorporates a base. If a base is included, it shall be set flush with ground level or must have a minimum of four inches (4") above ground level. The

back of the monument shall be set on the head line of the space and equidistant from the side boundaries, and the monument shall be located on undisturbed ground. No more than one monument shall be permitted per single space.

- (b) Family or double monuments can only be placed on a minimum of two standard spaces, provided that such a monument shall not exceed thirty inches (30") in height; seventy-two inches (72") in length; or sixteen inches (16") in width. These maximum dimensions shall also pertain to any design that incorporates a base. If a base is included, it shall be set flush with ground level or must have a minimum of four inches (4") above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries, and the monument shall be located on undisturbed ground.
- (c) Monuments for single infant spaces shall not exceed twenty-two inches (22") in height; twenty-four inches (24") in length; or twelve inches (12") in width. These maximum dimensions shall also pertain to any design that incorporates a base. If a base is included, it shall be set flush with ground level or must have a minimum of three inches (3") above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries, and the monument shall be located on undisturbed ground. There shall be only one monument per infant space and no other markers shall be allowed.
- (d) Foot markers shall be set on the foot line of the space, and shall not exceed twenty-eight inches (28") in length or sixteen inches (16") in width. Flat foot markers shall be set flush with the ground; slanted foot markers shall not exceed eight inches (8") in height. Only one foot marker per standard space shall be allowed.
- (e) Corner markers shall not exceed eight inches (8") by eight inches (8") and shall be set flush with the ground.
- (f) Any additional items incorporated into any monument or foot marker design shall be permanently affixed to the monument or marker and shall not extend beyond the maximum dimensions allowed for the monument or foot marker.
- (g) Niche coverings for the columbarium shall be supplied by the City, and there shall be no substitutions of material. The niche covering shall have no more than one (1) attached item, such as bronze emblems, and these items shall not extend more than one inch (1") from the face of the niche covering, and shall not extend beyond the edges of the niche covering.

(3) Aggie Field of Honor Sections:

- (a) The only allowed monument for single standard grave spaces shall be an upright (tablet and base) design and shall be set so that the overall height is thirty inches (30") above grade. The monument tablet shall be twenty-six inches (26") in height; thirty inches (30") in length; and six inches (6") in

width. The tablet sides shall be perpendicular to the ground, and the top shall be flat. The tablet sides and top shall have a polished finish. The monument base shall be thirty-six inches (36") in length, and twelve inches (12") in width. The base shall be set so that the top of the base is four inches (4") above grade. The base shall be rectangular in shape with polished sides and top. The back of the monument base shall be set on the head line of the space and equi-distant from the side boundaries. The monument tablet shall be set on the base equi-distant left to right and front to back. The monument shall be located on undisturbed ground. The monument shall be grey granite. No more than one monument shall be permitted per single space.

- (b) Family or double monuments shall only be placed on a minimum of two standard spaces. Family or double monuments shall be an upright (tablet and base) design and shall be set so that the overall height is thirty inches (30") above grade. The monument tablet shall be twenty-six inches (26") in height; sixty inches (60") in length; and six inches (6") in width. The tablet sides shall be perpendicular to the ground, and the top shall be flat. The tablet sides and top shall have a polished finish. The monument base shall be seventy-two inches (72") in length, and twelve inches (12") in width. The base shall be set so that the top of the base is four inches (4") above grade. The base shall be rectangular in shape with polished sides and top. The back of the monument base shall be set on the head line of the space and equi-distant from the side boundaries. The monument tablet shall be set on the base equi-distant left to right and front to back. The monument shall be located on undisturbed ground. The monument shall be grey granite.
- (c) For all monuments and foot marker designs the names and dates shall be in black lettering. Carving, sandblasting and black detailing is allowed for all other engravings. There shall be no color engravings.

For monuments, the face of the tablet shall have no more than two (2) attached items, such as bronze emblems, and these items shall not extend more than two inches (2") from the face of the tablet, and shall not extend beyond the edges of the tablet. Engravings and ornamentation on the face of the tablet shall not extend on to the sides, top, or back of the tablet or base. The only allowed ornamentation on the back of the tablet shall be the surname of the interred and the lettering shall not exceed three inches (3") in height.

Foot markers shall only have names, dates, and engravings on the face of the marker and these elements shall not extend to the sides of the foot marker.

- (d) Foot markers may be set on the foot line of the space, and shall not exceed twenty-eight inches (28") in length or sixteen inches (16") in depth. All foot markers shall be set flush with the ground. Only one foot marker per space shall be allowed. Foot markers shall be either grey granite or bronze or a combination of the two.

- (e) There shall be no additional items incorporated into monuments or foot markers in the Aggie Field of Honor sections.
- (f) There shall be no corner markers in the Aggie Field of Honor sections.
- (g) Niche coverings for the columbarium shall be supplied by the City, and there shall be no substitutions of material. Names and dates shall be in black lettering. Sandblasting and black detailing is allowed for all other engravings. There shall be no color engravings. The niche covering shall have no more than one (1) attached item, such as bronze emblems, and these items shall not extend more than one inch (1") from the face of the niche covering, and shall not extend beyond the edges of the niche covering.

L. MAUSOLEUMS

In the College Station Cemetery, mausoleums shall be permitted only in Sections F, G, M, and J. The locations, size, and design must be approved by the Cemetery Committee and must be issued a permit by the City Manager or his delegate.

Mausoleums are not permitted in the Memorial Cemetery of College Station.

M. RULES ENFORCEMENT

- (1) No monument, headstone, or marker may be set in the City Cemeteries without the prior approval of the City Manager or his delegate and issuance of a permit. A permit request form may be obtained from the Cemetery Sexton or the Parks and Recreation Department.

All permit requests shall include renderings with size dimensions, names, dates, engravings, and any other ornamentation for each requested monument, foot marker, corner marker, or niche covering. If the City Manager or his delegate denies the permit, the applicant may appeal the decision to the Cemetery Committee.

Any monument, headstone or marker set in violation of this ordinance shall be subject to removal by the City of College Station as provided below.

- (2) Any requests for variances to this ordinance shall be presented to the Cemetery Committee. Appeals from decisions of the Cemetery Committee shall be to the City Council. Appeals must be in writing and submitted to the office of the City Secretary within ten (10) days of the issuance of the Cemetery Committee's decision. The City Secretary's office shall schedule a hearing of the appeal before the Council within thirty (30) days from receipt of the written request for appeal.
- (3) Whenever the City Manager or his delegate determines that a violation of this ordinance has occurred, the City shall:
 - (a) Record and document the violation(s).

- (b) Notify space owners in writing by regular mail to the last known address for the space owner, of the violation(s).
- (c) Allow fourteen (14) days from the date the notice was mailed for compliance or appeal to the Cemetery Committee.
- (d) If the space owner(s) neither comply with the ordinance nor request an appeal, the City may remedy the violation.”