

ORDINANCE NO. 2022-4331

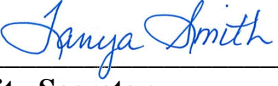
AN ORDINANCE AMENDING CHAPTER 10, “CEMETERIES,” ARTICLE II, “CITY OWNED OR MAINTAINED CEMETERIES,” SECTIONS 10-23, 10-25, 10-26, 10-27, 10-28, 10-30, 10-31, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO CEMETERIES; PROVIDING A SEVERABILITY CLAUSE; 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 10, “Cemeteries” Article II, “City Owned or Maintained Cemeteries,” Sections 10-23 “Cemetery Care”, 10-25 “Purchase Options”, 10-26 “Resale Options”, 10-27 “Hours of Operation”, 10-28 “Planting and Other Decorations in City Cemeteries”, 10-30 “Monuments, Foot Markers, and Corner Markers of the College Station Cemetery”, and 10-31 “Monuments, Foot Markers, and Corner Markers of the Memorial Cemetery” of the Code of Ordinances of the City of College Station, Texas, be amended in its entirety in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.
- PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance 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) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.
- PART 4:** This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.


PASSED, ADOPTED and APPROVED this 10th day of February, 2022.

ATTEST:




City Secretary

APPROVED:



Mayor

APPROVED:



City Attorney

EXHIBIT A

That Chapter 10, “Cemeteries,” Article II, “City Owned or Maintained Cemeteries,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended in its entirety to read as follows:

“ARTICLE II. - CITY OWNED OR MAINTAINED CEMETERIES

State Law reference— Municipal cemetery authorized, Texas Health and Safety Code § 713.001.

Sec. 10-19. - Defined.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City cemeteries means the College Station Cemetery and the Memorial Cemetery of College Station, including the Aggie Field of Honor. College Station Cemetery consists of approximately 18 acres located at 2530 Texas Avenue South. Memorial Cemetery of College Station consists of approximately 56 acres located at 3800 Raymond Stotzer Parkway.

(Code 2011 (Repub.), § 1-29(A)(1))

Sec. 10-20. - General provisions.

- (a) City cemeteries are set apart for the interment of human remains subject to the rules established in this article, the City 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.
- (b) All spaces in the City cemeteries owned and operated by the City 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.
- (c) 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 aforestated objectives.
- (d) The City cemeteries shall be generally platted into sections, blocks, lots, and spaces by the City Manager or designee, who shall prepare, maintain, and keep in the City Sexton's Office a plat of the City cemeteries.
- (e) 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.

(Code 2011 (Repub.), § 1-29(A)(2)—(6))

Sec. 10-21. - Administration.

All administrative matters pertaining to the operation of the City cemeteries shall be under the direction of the City Manager or designee.

(Code 2011 (Repub.), § 1-29(B))

Sec. 10-22. - 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.

(Code 2011 (Repub.), § 1-29(G))

Sec. 10-23. - Cemetery care.

- (a) The City 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 after warranty period, and such other maintenance as may be necessary to keep the City cemeteries presentable at all times.
- (b) Cemetery care does not include the purchase, erection, repair, or replacement of monuments, headstones, markers, any other item on a space or leveling of monuments during warranty period.

(Code 2011 (Repub.), § 1-29(C))

State Law reference— Municipal maintenance of cemeteries, Texas Health and Safety Code § 713.011.

Sec. 10-24. - Miscellaneous.

- (a) No monument, headstone, or marker may be set in the City cemeteries without the prior approval of the City Manager or designee and issuance of a permit. A permit request form may be obtained from the Cemetery Sexton or the Parks and Recreation Department.
 - (1) 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.
 - (2) Any monument, headstone or marker set in violation of this section shall be subject to removal by the City as provided below.
- (b) Whenever the City Manager or designee determines that a violation of this section has occurred, the City shall:
 - (1) Record and document the violation.
 - (2) Notify space owners in writing by regular mail to the last known address for the space owner, of the violation.
 - (3) Allow 14 days from the date the notice was mailed for compliance or appeal to the City Manager or designee.
 - (4) If the space owner neither complies with the section nor requests an appeal, the City may remedy the violation.

(Code 2011 (Repub.), § 1-29(M))

Sec. 10-25. - Purchase options.

- (a) Standard space.
 - (1) College Station Cemetery: A standard space is five feet by ten feet;
 - (2) Memorial Cemetery of College Station: A standard space is four feet by ten feet.
- (b) Infant space.
 - (1) College Station Cemetery, Babyland and Section O: Infant spaces are four feet by five feet;

- (2) Memorial Cemetery of College Station. Infant spaces are four feet by 4½ feet.
- (c) Cremate only spaces. College Station Cemetery: Designated cremate only spaces in Section LR are 2½ feet by 2½ feet.
- (d) Columbarium niches. Memorial Cemetery of College Station: Cremates must fit in a niche of 11 inches by 11 inches by 11 inches.
- (e) Price. The price of all spaces in the City cemeteries shall be established in Section 2-117.
- (f)
- (g) 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. A maximum of one cremate burial shall be allowed per designated cremate space in Section LR of the College Station Cemetery. A maximum of two cremates shall be allowed per columbarium niche in the Memorial Cemetery of College Station.

(Code 2011 (Repub.), § 1-29(E); altered in 2017 recodification)

Sec. 10-26. - Resale options.

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:

- (1) A written request from the current owner detailing the sale, transfer, or assignment of spaces is received by the City;
- (2) It has been approved in writing by the City Manager or designee; and
- (3) The space is reconveyed by the City through the reissuance of a warranty deed to the new owner or purchaser.
- (4) Upon written request of the owner, the City of College Station, at its sole discretion, may buy back any unwanted spaces or niches at either the original purchase price or current purchase price whichever is lower.

(Code 2011 (Repub.), § 1-29(F))

Sec. 10-27. - Hours of operation.

The City cemeteries shall be open Monday through Sunday from sunup to sundown.

(Code 2011 (Repub.), § 1-29(D))

Sec. 10-28. - Planting and other decorations in City cemeteries.

- (a) Grass, flowers, shrubs, trees, or other types of vegetation shall be planted only by or at the direction of the City Manager or designee in accordance with a landscape plan for the entire cemetery. Plantings by individuals are prohibited and shall be removed by the City.
- (b) 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.
- (c) 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.
- (d) 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 only. Only two items of this nature shall be allowed per space. No glass containers are allowed, and the digging of holes for the placement of any items is prohibited. Items associated with a funeral can remain on the space for a reasonable amount of time after the interment in that space. Determination of a reasonable amount of time shall be determined by the City Manager or designee.

- (e) The City Manager or designee 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. In addition, the City shall conduct a general grounds clean-up of the cemeteries the last week of each month.
- (g) The City Manager or designee 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.

(Code 2011 (Repub.), § 1-29(H))

State Law reference— Municipal maintenance of cemeteries, Texas Health and Safety Code § 713.011.

Sec. 10-29. - Copings, hedges, fencing, etc.

- (a) 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 City Manager or designee.
- (b) For the purpose of this section, copings are materials placed above grade to define the grave space. 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.

(Code 2011 (Repub.), § 1-29(I))

Sec. 10-30. - Monuments, foot markers, and corner markers in College Station Cemetery.

The following provisions apply to College Station Cemetery:

- (1) The term "monuments" shall mean those markers placed on the head line of a space. The term "foot markers" shall mean markers placed on the foot line of the space. Corner markers shall mean markers placed on the corners of a space.
- (2) Monuments for single standard spaces shall not exceed 30 inches in height, 48 inches in length, or 16 inches 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 maximum of four inches above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries of the space, and the monument shall be located on undisturbed ground. No more than one headstone and one footstone shall be permitted per single space.
- (3) Family or double monuments shall only be placed on a minimum of two adjoining (side by side) standard spaces, and shall not exceed 30 inches in height, 72 inches in length, or 16 inches 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 maximum of four inches above ground level. The back of the monument shall be set on the head line of the spaces and equidistant from the side boundaries of the spaces, and the monument shall be located on undisturbed ground. No more than one family or double monument shall be permitted per two adjoining (side by side) standard spaces.
- (4) Monuments for single baby spaces (Babyland and Section O only) shall not exceed 22 inches in height, 24 inches in length, or 12 inches 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 maximum of four inches above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries of the space, 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 with the long side of the foot marker parallel to the foot line and centered equidistant from the side boundaries of the space. The foot marker shall not exceed 28 inches in length or 16 inches in width. Flat foot markers shall be set flush with the ground; slanted foot markers shall not exceed eight inches in height. Only one foot marker per standard space shall be allowed. Exception: One flat foot marker not to exceed 72 inches in length is allowed when family or double monuments are placed on a minimum of two adjoining standard spaces. All other regulations still apply.
- (6) Corner markers shall not exceed eight inches by eight inches and shall 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 28 inches in length or 16 inches in width and shall be set flush with the ground or up to a maximum of two inches above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries of the space. 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 54 inches in length or 16 inches in width. The monument shall be set flush with the ground or up to a maximum of two inches above ground level. The back of the monument shall be set on the head line of the spaces and equidistant from the side boundaries of the spaces. There shall be only one double monument per two adjoining (side by side) designated cremate only spaces and no other markers shall be allowed.

(Code 2011 (Repub.), § 1-29(J); Ord. No. 2017-3854, exh. A, 1-26-2017)

Sec. 10-31. - Monuments, foot markers, and corner markers in Memorial Cemetery of College Station.

The following provisions apply to Memorial Cemetery of College Station:

- (1) The term "monuments" shall mean those markers placed on the head line of a space. The term "foot markers" shall mean markers placed on the foot line of the space. Corner markers shall mean markers placed on the corners of a space.
- (2) Municipal sections.
 - a. Monuments for single standard spaces shall not exceed 30 inches in height, 36 inches in length, or 16 inches 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 maximum of four inches above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries of the space, 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 shall only be placed on a minimum of two adjoining (side by side) standard spaces, and shall not exceed 30 inches in height, 72 inches in length, or 16 inches 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 maximum of four inches above ground level. The back of the monument shall be set on the head line of the spaces and equidistant from the side boundaries of the spaces, and the monument shall be located on undisturbed ground. No more than one family or double monument shall be permitted per two adjoining (side by side) standard spaces.

- c. Monuments for single infant spaces shall not exceed 22 inches in height, 24 inches in length, or 12 inches 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 maximum of four inches above ground level. The back of the monument shall be set on the head line of the space and equidistant from the side boundaries of the space, 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 with the long side of the foot marker parallel to the foot line and centered equidistant from the side boundaries of the space. The foot marker shall not exceed 28 inches in length or 16 inches in width. Flat foot markers shall be set flush with the ground; slanted foot markers shall not exceed eight inches in height. Only one foot marker per standard space shall be allowed. Exception: One flat foot marker not to exceed 72 inches in length is allowed when family or double monuments are placed on a minimum of two adjoining standard spaces. All other regulations still apply.
 - e. Corner markers shall not exceed eight inches by eight inches 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. Engraved lettering on all columbarium niche covers shall be painted black. If other engravings and carvings are painted, the only allowed color is black. The niche covering shall have no more than two attached items, such as bronze emblems, and these items shall not extend more than one inch 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. All monuments shall be base and tablet style, and shall be gray granite with polished tops, sides, and backs. Foot markers shall be polished gray granite, bronze, or a combination of the two. There shall be no corner markers.
 - b. Monuments for single standard spaces shall be set so that the overall height is 30 inches above grade. The monument tablet shall be 26 inches in height, 30 inches in length, six inches in width, and rectangular in shape. The tablet sides shall be perpendicular to the ground, and the top shall be flat. The monument base shall be 36 inches in length; 12 inches in width; and rectangular in shape. The base shall be set so that the top of the base is a maximum of four inches above grade. The back of the monument base shall be set on the head line of the space and equidistant from the side boundaries of the space. The monument tablet shall be set on the base equidistant left to right and front to back. The monument shall be located on undisturbed ground. No more than one monument shall be permitted per single space.
 - c. Family or double monuments shall only be placed on a minimum of two adjoining (side by side) standard spaces. Family or double monuments shall be set so that the overall height is 30 inches above grade. The monument tablet shall be 26 inches in height, 60 inches in length, six inches in width, and rectangular in shape. The tablet sides shall be perpendicular to the ground, and the top shall be flat. The monument base shall be 72 inches in length, 12 inches in width, and rectangular in shape. The base shall be set so that the top of the base is a maximum of four inches above grade. The back of the monument base shall be set on the head line of the spaces and equidistant from the side boundaries of the spaces. The monument tablet shall be set on the base equidistant left to right and front to back. The monument shall be located on undisturbed ground. No more than one family or double monument shall be permitted per two adjoining (side by side) standard spaces.

- d. Engraved lettering on all monument tablet faces and backs, granite foot markers, and columbaria niche covers shall be painted black. If other engravings and carvings are painted, the only allowed color is black.
- e. The following applies for all monuments: engraving, carving, and sandblasting are allowed only on the tablet face. Any ornamentation on the face of the tablet shall not extend to the sides, top, or back of the tablet or base. No more than two attached items, such as bronze emblems, shall be allowed on the tablet face, and these items shall not extend more than two inches from the face of the tablet, and shall not extend beyond the edges of the tablet.
- f. The only allowed ornamentation on the back of the monument shall be the surname of the interred and the lettering shall not exceed three inches in height. The top of the lettering shall be six inches below the top of the tablet, the lettering shall be centered equidistant from the sides of the tablet, and the lettering shall be parallel to the top of the tablet. The lettering shall be painted black, and no additional engraving, carving, or sandblasting is allowed on the back of the monument.
- g. Foot markers shall only be set on the foot line of the space, with the long side of the foot marker parallel to the foot line, centered equidistant from the side boundaries of the space, and shall not exceed 28 inches in length or 16 inches in depth. All foot markers shall be set flush with the ground. Only one foot marker per space shall be allowed. Exception: One flat foot marker not to exceed 72 inches in length is allowed when family or double monuments are placed on a minimum of two adjoining standard spaces. All other regulations still apply. Foot markers shall be polished gray granite, bronze, or a combination of the two.
- h. There shall be no additional items incorporated into monuments or foot markers in the Aggie Field of Honor sections.
- i. Niche coverings for the columbaria shall be supplied by the City, and there shall be no substitutions of material. Engraved lettering on all columbaria niche covers shall be painted black. If other engravings and carvings are painted, the only allowed color is black. The niche covering shall have no more than two attached items, such as bronze emblems, and these items shall not extend more than one inch from the face of the niche covering and shall not extend beyond the edges of the niche covering.

(Code 2011 (Repub.), § 1-29(K); Ord. No. 2017-3854, exh. A, 1-26-2017)

Sec. 10-32. - Mausoleums.

In College Station Cemetery, mausoleums shall be permitted only in Sections F, G, M, and J. The locations, size, and design must be approved and be issued a permit by the City Manager or designee. Mausoleums are not permitted in Memorial Cemetery of College Station.

(Code 2011 (Repub.), § 1-29(L))”