

## Chapter 230. Cemetery Maintenance Policy<sup>1</sup>

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### **230.001 Order**

- (a) Whereas, the Commissioners Court of Travis County desires to promulgate a policy for accepting and administering cemeteries;
- (b) Therefore, the Commissioners Court hereby adopts the maintenance of the following.

### **230.002 Travis County Cemetery Maintenance Policy**

- (a) Qualifications
  - (1) Travis County will consider requests from County residents to maintain cemeteries providing the cemetery complies with both of the following numbered conditions:
    - (A) The cemetery has a grave marker more than 50 years old; and
    - (B) The cemetery is in need of maintenance to preserve the historical significance of the site or protect the public health, safety or welfare; and
    - (C) The county must have owned, since September 1, 1976, the land upon which the cemetery sits and have continuously owned the land since that date.
  - (2) In no event will the County be required to begin maintenance upon a cemetery already maintained by a religious organization or maintained by a fraternal organization, or one which is a perpetual care cemetery, or one which is within the boundaries of an incorporated municipality unless an Interlocal Agreement is approved by the County and the Municipality.

### **230.003 Procedure for Approval<sup>2</sup>**

- (a) Should a resident of the County have documentation adequate to show a cemetery is qualified for maintenance, the resident may present the

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<sup>1</sup> Chapter 100 was adopted by Commissioners Court on 3/28/1995 (Item 3) and renumbered as Chapter 230 on June 1, 2018 (approved May 15, 2018, Item 7).

<sup>2</sup> Citation Article 2351f-1 V.A.T.S. updated to Texas Health and Safety Code Chapter 713, Local Regulation of Cemeteries 5/29/2018, Item 8.

documentation to the Commissioner in whose precinct the Cemetery is located. The Commissioners shall sponsor a work session item in accordance with the Commissioners Court Rules of Procedure to discuss if the qualified cemetery is one which the Commissioners Court shall designate to be maintained.

- (b) Should the item be placed on the Commissioners Court Voting Session for approval, the information presented to support the meeting of qualifications will be carefully evaluated. Documents which would aid the County in its evaluation could include:
  - (1) Pictures of the site
  - (2) Deeds or other evidence of ownership
  - (3) Reports from health authorities as to health risks.
  - (4) Reports from historical organizations as to the significance of the cemetery.
  - (5) Indications that any discriminatory practices reflected in the past have been cured.
- (c) Should the Commissioners Court vote to maintain a cemetery qualified under Section I.A.2 of this Policy, the Court shall forward a certified copy of the Court minutes to the Secretary of State of Texas certifying the cemetery qualifies for maintenance according to Texas Health and Safety Code Chapter 713, Local Regulation of Cemeteries.

**230.004 Maintenance<sup>3</sup>**

- (a) The Transportation and Natural Resources Department (TNR) shall perform maintenance upon cemeteries accepted under this policy.
- (b) Maintenance may include:
  - (1) Periodic mowing
  - (2) Removing overgrowth of trees or shrubs
  - (3) Trimming trees and shrubs
  - (4) The planting or seeding of new turf and shrubs
  - (5) Treatment of turf for weeds
  - (6) Filling of sunken gravesites
  - (7) Trash pickup
  - (8) Fencing and providing access

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<sup>3</sup> Public Improvements and Transportation Department (PITD) name updated to Transportation and Natural Resources Department (TNR) May 29, 2018, Item 8.

(9) Irrigation

- (c) Donations provided by parties interested in the maintenance of a cemetery will be used for the replacement and planting of new trees, shrubs, and turf for the cemetery designated by the party.