



ORDINANCE NO. 2911

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS,  
AMENDING ORDINANCE 2908 ESTABLISHING THE RULES  
AND REGULATIONS FOR KEEENAN CEMETERY.

WHEREAS, Keenan Cemetery is adjacent to Farmers Branch City Hall and is one of the oldest cemeteries within Dallas County, containing three Texas Historical Commission Markers; and

WHEREAS, Farmers Branch Keenan Cemetery Association which has maintained the Cemetery since 1938 no longer has many active members in Farmers Branch; and

WHEREAS, the City Council directed staff to work with the Association to transfer ownership to the City; and

WHEREAS, before the transfer can be finalized, Rules and Regulations of operation were established in Ordinance 2908 and passed by the Farmers Branch City Council on March 5, 2007; and

WHEREAS, the Board of the Keenan Cemetery Association and the City of Farmers Branch agree that certain amendments should be incorporated into the Rules and Regulations; and

WHEREAS, the Keenan Cemetery Association Board and the City of Farmers Branch desire to incorporate the revised Rules and Regulations of the Farmers Branch Keenan Cemetery (Attachment "A") into the transfer agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all of the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. That the Rules and Regulations for the Farmers Branch Keenan Cemetery established pursuant to Ordinance No. 2908 are hereby amended as follows:

A. That a preamble be added as follows:

*Farmers Branch Keenan Cemetery is an active historic cemetery and the City of Farmers Branch will make every effort possible to accommodate the wishes of the families of those buried within the Cemetery.*

B. That rule no. 2 in the "Admission to Cemetery" section be amended to read as follows:

*Vehicles of handicapped persons who cannot otherwise reach the gravesite are also allowed on the grounds.*

C. That rule no. 2 in the "Arrangements for Interment" section be amended to read as follows:

*The Supervisor shall have the right to schedule the time when interments or disinterments may be conducted but will make every effort possible to accommodate the family and/or funeral home.*

D. That rule no. 3 in the "Arrangements for Interments" section be amended to read as follows:

*A minimum of 48 business hours (two business days) before the announced time of the funeral will be required for the preparation of the grave.*

E. That rule no. 4 in the "Arrangements for Interments" section that required the Cemetery Supervisor be informed if the casket or vault was an unusual size be deleted and replaced to read as follows:

*All bodies interred in the Cemetery must be embalmed unless embalming is impossible to perform.*

F. That rule no. 4 in the "Instructions for Space Holders and Space Holders' Rights" section are in accordance with state law be amended to read as follows:

*Only one casket will be permitted in each grave except for those who have made arrangements for an exception to the rule before the date that the City assumed responsibility for the maintenance and operation of the Cemetery.*

G. That rule no. 3 in the "Monuments" section be amended to read as follows:

*Only one memorial will be permitted in one grave space except where a military marker is used as a footstone.*

SECTION 3: These Rules and Regulations of the City of Farmers Branch Keenan Cemetery as amended are attached hereto as Exhibit "A" and as amended are approved and ratified.

SECTION 4: That this ordinance shall take effect from and after its passage.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 2<sup>ND</sup> DAY OF APRIL, 2007

ATTEST:



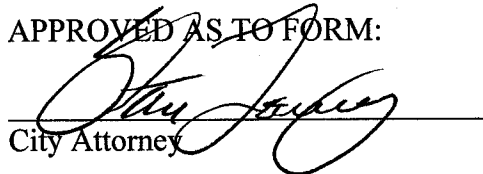
Cindee Peters, City Secretary

APPROVED:



Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney

# ATTACHMENT "A"

## CITY OF FARMERS BRANCH, TEXAS

### RULES AND REGULATIONS

#### Farmers Branch Keenan Cemetery

Farmers Branch Keenan Cemetery is an active historic cemetery and the City of Farmers Branch will make every effort possible to accommodate the wishes of the families of those buried within the Cemetery.

#### **Purpose:**

The purpose of these rules and regulations is for the protection of owners of interment rights and to ensure the proper development of safety, maintenance and upkeep of the Cemetery.

#### **Definitions:**

1. The term "Cemetery" as used in these rules and regulations is hereby defined to mean Farmers Branch Keenan Cemetery, owned and operated by the City of Farmers Branch, Dallas County Texas (City).
2. The term "Supervisor" shall mean the person duly appointed by the City and his/her designees for the purpose of supervising and administering Cemetery functions.
3. The term "Owner" shall mean the owner as indicated by deed or designated representative or successor in interest.
4. The term "Interment" shall mean entombment or burial of the remains of a deceased person.
4. The term "Memorial" shall mean any marker, monument, headstone, tablet, or other structure upon or in any lot or niche, placed thereupon or partially therein for identification or in memory of the interred.
5. The term "Space" shall mean the area normally designed for a single interment.

#### **Admission to Cemetery:**

1. No person shall be permitted to enter or leave the Cemetery except by duly marked public gates.
2. No vehicles shall be permitted to enter the Cemetery except for those needed for the burial, disinterment or reinterment of the deceased for grounds maintenance. Vehicles of

handicapped persons who cannot otherwise reach the gravesite are also allowed on the grounds.

3. The Cemetery shall be closed from sundown to sunup. Any unauthorized person found on the Cemetery grounds during those hours shall be considered a trespasser. The City reserves the right to close the Cemetery on a temporary basis at any time.
4. The use of any Cemetery equipment or facilities may be refused at any time to any person or persons as the rules, judgment and custom may dictate.

**Arrangements for Interments:**

1. Written directions of a decedent or the directions of any person who represents that he or she is entitled to control the disposition of the decedent's remains shall be required for interment of such decedent in accordance with Chapter 711 of V.T.C.A. Health & Safety Code, as amended. The funeral director in charge of burial shall provide to the City's supervisor evidence and documents indicating the identity of the person to be interred, and verification of his/her right of interment in Keenan Cemetery. The City shall not be responsible or liable for the accuracy of the data contained in said directions or authorization or for the identity of the person to be interred.
2. The Supervisor shall have the right to schedule the time when interments or disinterments may be conducted but will make every effort possible to accommodate the family and/or funeral home.
3. A minimum of 48 business hours (two business days) before the announced time of the funeral will be required for the preparation of the grave.
4. All bodies interred in the Cemetery must be embalmed unless embalming is impossible to perform.
5. Interments are allowed only in areas dedicated for grave spaces and defined on the official Cemetery maps.
6. The Supervisor and his/her designees shall not be responsible when an error occurs from an order placed by telephone regarding grave location or container size to be used. The Supervisor reserves the right to make an equitable charge whenever additional labor costs result from such mistake.
7. The Supervisor and his/her designees shall not be liable for any delay in the interment of a body when protest to the interment has been made, or when compliance with the rules and regulations has not been made.

### **Interment, Disinterment and Reinterment Procedures:**

1. Proper authorization as required by Chapter 711 of V.T.C.A. Health & Safety Code must be presented to the Supervisor prior to interment or disinterment of a decedent. The City of Farmers Branch shall not be liable for verifying the accuracy of information it receives in any such authorization.
2. All interments, disinterments and reinterments shall be performed by a state licensed funeral director or other person as provided for by state and local laws. A contractor hired by the funeral home or family will be responsible for opening and closing of the grave.

### **Instructions for Space Holders and Space Holders' Rights:**

1. Burial vaults either partially or entirely above ground are prohibited.
2. A permanent type container such as a concrete liner or burial vault is required for all adult (18 years of age or older) interments.
3. Construction or installation of grave covers, curbing, steps, fencing, hedging, or enclosures of any kind will not be permitted on or around any space or lot. Cement, iron, wooden, glass, plastic, paper or other miscellaneous statues or objects as well as objects of a temporary nature will not be permitted. The City reserves the right to remove any objects that are erected, planted, or placed in violation of this rule.
4. Only one casket will be permitted in each grave except for those who have made arrangements for an exception to this rule before the date that the City assumed responsibility of the maintenance and operation of the Cemetery. In the event cremation is utilized, a maximum of four (4) interments will be permitted in one (1) adult space.
5. The use of a space is for the owner or such other person as the owner may designate.
6. In the event of the death of an owner, any and all privileges of the owner shall pass according to the laws of the State of Texas.

### **Memorials:**

1. All memorials shall be installed within 18 months of the interment. A refundable marker fee in the amount of \$75 shall be collected by the City to provide a modest marker identifying the gravesite should a memorial not be installed within 18 months of the interment.
2. The memorial shall be maintained at the expense of the owner.

3. Only one memorial will be permitted on one grave space except where a military marker is used as a footstone. All memorials shall be installed at the head of the grave, except when a military marker is used as a footstone. A companion or family memorial may be placed upon two or more grave spaces. Memorials will be placed in alignment with adjacent memorials and centered at the head of the grave space. The actual location for memorials will be determined by the Supervisor or his/her designees.
  - a. Monument bases shall not exceed 30" for a single space adult monument. A monument shall not exceed 60" for two adult spaces.
3. Space or lot corner markers will be set flush with the turf.
4. Flush type memorials shall be made of granite, marble or cast bronze installed on a granite, marble or concrete base.
5. Above ground memorials shall be of marble, granite or similar permanent type stone installed on a concrete base.
6. Should an existing memorial become unsightly, dilapidated or a menace to the safety of persons within the Cemetery, the Supervisor shall have the right to correct the condition or to remove same. The expense of such removal or repair may be charged to the space owner.

**Rules for Memorial Work:**

1. Memorial dealers shall abide by all rules and regulations of the Cemetery.
3. The Supervisor reserves the right to approve the size, craftsmanship, quality, inscriptions, and foundations of memorials placed or to be placed in the Cemetery.
3. Memorial dealers engaged in placing or erecting memorials or other structures are prohibited from scattering their material over adjoining spaces, or from blocking roads or walks, or from leaving their material on the grounds longer than necessary. Damage done to spaces, walks, drives, trees, shrubs, or other property shall be repaired at their expense to the satisfaction of the Supervisor.
4. Work of any nature may be stopped if proper preparations have not been made; or when work is being done in such a manner as to endanger life or property; or when there is evidence of misrepresentation; or when work is not being executed according to specifications; or when any reasonable request on the part of the Supervisor is disregarded; or when any person employed in the work violates any rule of the Cemetery.

**General Regulations:**

1. All persons entering the Cemetery shall obey all rules and regulations adopted herein.

2. The City shall take reasonable precaution to protect owners and the property rights of the owners, within the Cemetery from loss or damage but it distinctly disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, unavoidable accidents, whether the damage be direct, or collateral, other than herein provided.
3. The City has the right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery as it deems appropriate. The City reserves unto itself, and those lawfully entitled thereto, a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots, and to accomplish all necessary maintenance and preservation of said lots.
4. Pets shall not be allowed in the Cemetery.
5. No glass containers of any type are allowed in the Cemetery.
6. The possession or use of intoxicating beverages within the Cemetery is strictly forbidden.
7. No person shall use profane or boisterous language or in any way disturb the quiet and good order of the Cemetery.
8. No boxes, shells, toys, glassware, sprinkler cans, water hoses, or similar articles will be permitted to remain on any grave or walkway.
9. The Supervisor has the authority to enter upon any space and to remove any objectionable thing that may have been placed there contrary to the regulations, and he may remove any dead or damaged flowers, trees, shrubs, or vines.
10. All persons are strictly forbidden to break or mar any landmark, marker or memorial or in any way deface the grounds of the Cemetery.
11. No person or persons (except peace officers or a military guard of honor) shall be permitted to bring or carry firearms within the Cemetery.
12. No signs other than those installed by City personnel or subcontractors will be permitted on the Cemetery grounds.
13. The City is not responsible for vandalism or theft of any memorial or other personal property.
14. 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 the Cemetery grounds.
15. The construction of additional mounds over graves shall not be permitted.

16. Holders such as clay or plastic pots, wire, frames, and other similar containers containing flowers or other decorations may be removed as soon as the flowers fade or wither and the right is reserved by the City to make such removal.
17. Placing of potted plants, cut flowers, or baskets is permitted adjacent to the headstone only; however, to improve the appearance and to aid in maintenance, all potted plants, cut flowers, and baskets may be removed at the discretion of the Supervisor. Funeral designs or floral pieces will be removed from graves when they become wilted or unsightly. Persons desiring to retain same must remove them within 72 hours of initial placement. Artificial flowers shall be moved thirty (30) days after the holidays or the day they were placed at the internment site. The digging of holes for placement of plants or flowers is strictly prohibited.
18. In the interest of maintenance, the private planting of ivy, flowers, shrubs, bushes or trees is prohibited.
19. If any foliage situated on any space shall become detrimental, unsightly, or impede access to adjacent spaces, walks, or roads, they may be pruned or removed in whole or in part as determined necessary by the Supervisor.
20. Personnel employed by the Cemetery are not permitted to solicit or accept any money or other compensation from any person or persons for any work performed within the Cemetery. All inquiries or complaints shall be made at the Supervisor's Office.
21. The grounds are devoted to the burial of the dead and the provisions and penalties of the law, as provided by Texas State Statute, will be strictly enforced in all cases of wanton injury, disturbance, and disregard of the rules.
22. It shall be unlawful to vandalize Cemetery property, memorials, or graves at the Cemetery and anyone apprehended doing so will be subject to prosecution.
23. The sale or transfer of any interment right by any space owner shall not be binding unless first approved in writing by the City or approved in a final judgment. The recording fees for the sale or transfer of a space shall be as established on the City's fee schedule. This procedure is required in order that the City may at all times have a complete and accurate record of all the owners of spaces.

**Care of the Cemetery:**

1. Care shall be furnished for the Cemetery owned by the City of Farmers Branch as owner and operator. Care is to be understood as that maintenance of buildings and grounds required to preserve the pleasing appearance of the Cemetery.
2. The term "care" shall in no case mean the maintenance, repair or replacement of any memorial or curbing placed or erected upon any grave or space; nor the placement of



flowers or ornamental plants or shrubs; nor the performing of any special or unusual work for any individual owner.

3. Special care by City employees or any City contractors or subcontractors of any grave or space located within the Cemetery is prohibited.

#### **Service Charges and Payments:**

1. The City shall have the right to establish a reasonable charge and time of payment for each interment or disinterment.
2. In the event an owner sells a space or spaces, a record of such sale shall be provided to the City of Farmers Branch Keenan Cemetery Supervisor. A \$50 fee will be collected for the administrative review and recording of any transfer/sale of plots to hereinafter occur at Keenan Cemetery with the understanding that no transfer is binding upon the City unless such transfer has been reviewed and approved by the Supervisor with such being recorded in the records of the City upon the payment of such fee.

#### **Reservations of the City of Farmers Branch**

1. The City of Farmers Branch reserves the right to correct errors made by it and its predecessor in title, Farmers Branch Keenan Cemetery Association, associated with interments or conveyance of property. In the event such error shall involve interment, the City reserves the right to remove and re-inter the remains to such property of equal value and similar location as may be substituted and convened in lieu thereof. Should an error develop in the conveyance of property, the City may correct such error by conveying property of equal value in similar location insofar as reasonably possible.
2. The right to revise and/or add to the Cemetery (a section or sections) from time to time, including the right to modify or change the location of or any part thereof or remove or regrade roads, drives and walks is expressly reserved. The right to lay, maintain and operate, or alter or change pipe lines or gutter for water sprinkling systems and drainage, is also expressly reserved, as is the right to use Cemetery property, not sold to individual owners, for Cemetery purposes, including the interring and preparation for interment, or for anything necessary, incidental or convenient thereto. The Cemetery reserves to itself, and to those lawfully entitled thereto, a perpetual right of ingress and egress over spaces for the purpose of passage to and from other spaces.
3. No easement is granted to any owner in any road, drive or walk within the Cemetery, but such road, drive or walk may be used as a means of access to the Cemetery and its buildings as long as the City devotes such road, drive or walk to that purpose.
4. The City disclaims responsibility to owners, their personal representatives or successors in interest for loss or damage to cemetery spaces or memorials by any cause, natural or otherwise, direct or indirect beyond reasonable control of the City of Farmers Branch.

5. The statement of any City employees or subcontractors shall not be binding upon the City of Farmers Branch except as such statement agrees with the document conveying the right of interment and these rules and regulations.
6. The City reserves the right at any time and from time to time to change, amend, alter, repeal, rescind or add to these rules and regulations or any part thereof or to adopt any new rule or regulation or any temporary exception with respect to said cemetery or anything pertaining thereto.
7. In all matters not specifically covered by these rules and regulations, the City of Farmers Branch reserves the right to do anything which in its judgment is deemed reasonable pertaining to the Cemetery, and such determination shall be binding upon the space owner and all parties concerned.