

Date:

Purchaser's Name:

Addition:

Section:

Block:

Lot(s):

SECTION 6-1 Admission to Cemetery

- A. The San Marcos Cemetery will be open daily for visiting, care of graves and other appropriate uses from 8:00 a.m. to 6:00 p.m. except during Central Daylight Savings Time when it will be open from 8:00 a.m. to 7:00 p.m., seven days a week. It is unlawful for any person, other than a city employee or cemetery caretaker on official business, to enter or remain within the cemetery at any time when the cemetery is not open.
- B. It shall be unlawful for any person to enter the cemetery at any location other than the main entrance adjacent to Ranch Road 12.
- C. A caretaker will be on duty during normal business hours Monday through Friday of each week. Please contact the Parks & Recreation Department if you have any concerns or need to make an appointment at 512-393-8400.
- D. Cemetery visitors are asked to remember that those interred in the cemetery have living families visiting on a regular basis. Other families on the property may be making final arrangements for a loved one recently lost. Behavior as guests and visitors of this cemetery parkland should be respectful. All behavior should be dignified whether there is anyone in the cemetery or not.
 - Minors must be accompanied by an adult who will accept responsibility for their behavior.
 - No alcohol is permitted in the cemetery.
 - Loud talking, loud music, excessive vehicle noise or any other disruptive behavior should be avoided.

SECTION 6-5 Interments

- A. The mortuary that will perform the interment must file a completed application for interment in the cemetery with the City Finance Department before excavation begins for a burial or before remains are placed in the mausoleum or columbarium.
- B. The application must specify the exact location of the burial space to be used. When, for any reason, an in-ground burial space cannot be opened where specified, the caretaker may direct the burial space to be opened in a location in the cemetery deemed by the caretaker to be best and proper, notifying the mortuary, so as not to delay the funeral.
- C. The mortuary performing interment services must secure the gravesite, must provide for the immediate cleaning of the gravesite and must remove all debris, fill or equipment resulting from or used by the mortuary.
- D. The mortuary performing interment services, for any casketed remains, must use a grave liner made of concrete, metal, poly or other material approved under State Law, for all interments in the cemetery sections for which perpetual care is mandatory.
- E. The maximum number of burials allowed per lot is: (1) two casketed burials (stacked); (2) one casketed burial and one cremation; or, (3) four cremations.

- F. The maximum number of burials per columbarium niche is one cremation.
- G. The maximum number of burials in the mausoleum is (1) one casketed burial and one cremation; or, (2) up to four cremations.

Any other requests will have to come before the Cemetery Commission for approval.

SECTION 6-7 Enclosure of Lots

- A. It is unlawful for a person to place or construct an enclosure including a fence, coping, hedge or ditch around any lot in the cemetery.
- B. The owner of an enclosure that is damaged to the extent that it is unsightly or hazardous must repair or remove the enclosure within ten days of receipt of written notice from the caretaker, or the caretaker is authorized to remove the enclosure.

SECTION 6-8 Curbing

- A. The owner of a cemetery lot must apply to the City Finance Department and obtain a permit before installing or constructing curbing of any type within the cemetery.
- B. No curb permit shall be issued before the purchase price and perpetual care fees for the lot or lots to be curbed have been paid in full. No curbing of any type will be allowed in Section 1 of the Dixon Addition of the cemetery.
- C. Any number of lots may be curbed so long as the entire purchase price and any required perpetual care fees for all of the lots to be curbed have been paid.
- D. Curbs must be flush with existing terrain, an exception to flush curbing may be granted by the cemetery commission if adjoining lots have raised curbs. Curbing must be constructed entirely of steel-reinforced concrete, marble, or granite, conforming to the following specifications:

- 1. Concrete Curbing:

- a. Concrete curbing is to be eighteen inches (18") wide along the exterior lot lines in the cemetery property; six inches (6") is to be within the lot; twelve inches (12") is to be outside the lot.
- b. Curbing will be six inches (6") wide along the interior lot lines and must be placed within the lots being curbed.
- c. Concrete curbs are to be four inches (4") deep.
- d. One reinforcing iron size three rebar will be installed along the entire length of the curbing.

- 2. Granite or marble Curbing:

- a. Granite or marble curbing is to be four inches (4") in width and shall be placed within the lot or lots to be curbed.
- b. Granite or marble used for curbing must be mortared with a bonding agent of the same color as the granite or marble and is designed for the purpose of bonding granite to granite or marble to marble.
- c. Granite or marble curbs are to be six inches (6") deep.

SECTION 6-9 Decoration of Lots, Crypts, and Niches

- 1. Memorials, Monuments or Grave markers

- A. No memorial, monument or grave marker, except the temporary marker placed by the funeral home, will be allowed on any burial lot until the purchase price of the lot including perpetual care fees has been fully paid and the deed has been delivered to the purchaser.
- B. The owner of a cemetery lot or the owner's agent must apply for and obtain a permit from the City Finance Department before erecting a monument, except a temporary marker placed by the funeral home.
- C. Persons erecting monuments shall not leave material or rubbish on adjoining lots. Work must be completed as soon as possible and any material or rubbish must be removed at once.
- D. Persons erecting monuments are responsible for any damages done by them to any property in the cemetery including damage to the grass and trees. All work is subject to the control and direction of the Caretaker.
- E. Wooden planks shall be used for placing and rolling stone monuments on rocks or grass.
- F. Businesses are prohibited from placing their names on any monument or placing signs within the cemetery to advertise the firm or its products.
- G. Lot owners must locate the placement of monuments at the cemetery before the construction of any foundation. The City is not responsible for the correct location of any monument. Any changes in monument location ordered by the lot owner will be made at the owner's sole expense.
- H. All markers in the Dixon Addition, Section 1 must be flat bronze or granite.
- I. All monuments placed in areas of the cemetery other than the Dixon Addition, Section I, starting October 1, 2001, must be granite, marble, bronze, or other stone material of permanent nature approved by the Cemetery Commission; and they must have a reinforced concrete base.
- J. The maintenance of all monuments in the cemetery is the responsibility of the lot owner or the owner's surviving family members or descendants. This maintenance will include, but is not limited to, the following:
 - 1. The cleaning of the monument
 - 2. Ensuring that the monument is seated properly
 - 3. Repairing any damage to the monument or the structure
- K. In the event that a monument is in need of maintenance, the parks and recreation director will send a letter requesting such repairs to the lot owner or the owner's surviving family members or descendants (if known) advising of the necessary maintenance. If the lot owner or the owner's surviving family members or descendants cannot be located, then the parks and recreation director will publish a newspaper notice of the necessary maintenance in accordance with the procedures described in V.T.C.A., Probate Code, Articles 33 and 50. If the necessary maintenance is not performed within the time period stated in the notice, the city may, in the interest of safety, initiate action to have the necessary maintenance performed or have the monument removed. The City finance director will bill any cost incurred by the city for the maintenance to the lot owner or the owner's surviving family members or descendants, if known.

2. Flowers, Shrubs or Trees

- A. .Flowers, shrubs or trees may be planted and cultivated on any lot at any time except in the Section 1, Dixon Addition.

- B. Fresh cut flowers may be placed on any lot, in the mausoleum, or near the columbarium; but they must be removed within two (2) weeks or when, in the Caretaker's opinion, they become unsightly or detrimental to maintenance. The caretaker may remove flowers.
 - C. Artificial flowers, sprays or wreaths are allowed; but they will be removed by the caretaker when they become unsightly, blow off the lot on which they were placed, or hinder maintenance of the lot.
 - D. All decorations must be firmly secured or fastened to the ground or monument.
 - E. Glass containers are prohibited.
 - F. Unfilled vases will not be allowed to remain on a lot unless permanently affixed to a monument.
 - 1. Unfilled vases will be removed from lots on the first day of the month and held for the lot owner for one month.
 - 2. After one month, unclaimed vases will be disposed of at the caretaker's discretion.
 - G. In addition to monuments, lots may have benches of marble, granite, or other material approved by the Cemetery Commission. Any other structural amenities, which must also be primarily of marble or granite, must have the approval of the Cemetery Commission before being placed on a lot.
 - H. Unapproved items may be removed by the caretaker and disposed of at the caretaker's discretion.
3. Routine cemetery maintenance includes the cutting of the grass at reasonable intervals; the cleaning of the lots; the general care and pruning of the shrubs that are placed along the walks, roadways and boundaries; the general preservation of the lots, the grounds, walks, broadways, boundaries, and structures. Routine maintenance shall not include the maintenance, repair, or replacement of monuments or memorials; the planting of flowers or ornamental plants; the maintenance or doing of any special or unusual work in the cemetery; or the construction or reconstruction of any marble, granite, bronze or concrete work on any lot where the same is damaged from any cause whatsoever.

SECTION 6-11 Perpetual Care

- A. In addition to the payment of the price of the lot, every purchaser of a lot in the cemetery (except the Dixon Addition, Section I), the Mausoleum, or the Columbarium shall be required to pay a perpetual care fee in connection with the purchase of said lot and niches. The fee shall be in the amount established by the city for perpetual care.
- B. Any activity done by the owner or representative of a lot that has not paid the perpetual care fee will be required to obtain a permit; this permit will require a fee. Any lot not under perpetual care may be placed under perpetual care upon payment of the required fee. General care will be to given lots which were originally sold without perpetual care, in order that the general beauty of the cemetery may be maintained. The City assumes no responsibility to maintain lots in perpetuity, particularly a lot that has not paid a perpetual care fee. In all cases routine maintenance of lots that have paid for perpetual care shall have preference.

SECTION 6-12 Burials for the Indigent

- A. Section 1 of the Dixon Addition is hereby set aside for persons financially unable to provide for perpetual care. Under no circumstance shall a specific burial space be reserved in Section 1 for the Dixon Addition. Markers must be of flat bronze or flat granite. No trees, shrubs or flowers shall be planted in this section.
- B. In order to qualify for these lots the deceased must qualify for Hays County Indigent Burial Services.

**ACKNOWLEDGEMENT OF THE RULES AND REGULATIONS FOR THE
SAN MARCOS CEMETERY**

I, _____, have read the rules and regulations for the San Marcos Cemetery. I understand and acknowledge that these guidelines will be enforced, and I agree to abide by these guidelines.

Purchaser's Signature

Print Name

Address

City, State, Zip

Phone

Block, Lot, Plot number

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me by the purchaser on this ____ day of _____, 20__.

Notary Public, State of Texas

Print Name