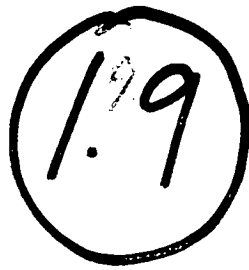


**APPROVED**  
BY THE CITY COUNCIL

**MAY 18 1999**

OFFICE OF THE  
CITY CLERK



NEIGHBORHOODS, PLANNING &  
DEVELOPMENT SERVICES  
DEPARTMENT

PARKS, TREES, & LANDSCAPE ARCHITECTURE  
*Parks and Recreation...the benefits are endless!*

**CITY OF SACRAMENTO**  
CALIFORNIA

NATOMAS SERVICE CENTER  
3291 TRUXEL ROAD, SUITE 26  
SACRAMENTO, CA 95833

PH: 916 566-6525  
FAX: 916 566-6534

April 21, 1999

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT    ORDINANCE PROHIBITING THE SCATTERING OF CREMATED REMAINS ON CITY-OWNED  
PROPERTY**

**LOCATION AND COUNCIL DISTRICT        City-wide**

**RECOMMENDATION**

This report recommends that the City Council adopt an ordinance to add Chapter 11.02 to Title 11 of the Sacramento City Code to prohibit the scattering or placement of cremated human remains on City-owned property.

**CONTACT PERSON**     Victor L. Edmisten, Parks Manager -- 264-5336

**FOR COUNCIL MEETING OF**     **May 18, 1999**

**SUMMARY**

This report provides information on a recently enacted State law which provides for the scattering or placement of cremated remains in areas where no local prohibition exists with written permission of the property owner. In accordance with this law, this report recommends the adoption of a City ordinance that would prohibit the scattering or placement of cremated remains on City-owned property.

**COMMITTEE/COMMISSION ACTION**

This issue was presented to the Citizens Advisory Committee for Parks and Recreation on February 4, 1999. The committee voted to support staff's recommendation to adopt a City ordinance that would prohibit the



scattering or placement of cremated remains on City-owned property. This recommendation was approved by the Law and Legislation Committee on April 20, 1999.

## **BACKGROUND INFORMATION**

On January 1, 1999, a new State law became effective that allows cremated remains to be scattered or placed in areas where no local prohibition exists provided that the cremated remains are not distinguishable to the public, are not in a container, and that the person who has control over the disposition of the cremated remains has obtained written permission of the property owner (or governing agency) to scatter on the property. This law allows a local agency to adopt an ordinance authorizing or prohibiting the scattering of cremated human remains on lands under the agency's jurisdiction. According to this law, the placement or scattering of cremated remains of more than one person in one location would not create a cemetery.

Prior to the enactment of this law, only those registered as a cremated remains disposer could dispose of or offer to dispose of any cremated remains. Further, State law previously prohibited the scattering or placement of cremated remains on land. Over the years, the City has received several requests to allow the scattering of human remains at various City-owned facilities, primarily at City parks. Accordingly, staff was required to deny these requests. However, with the recent change in State law, the City must adopt an ordinance to appropriately address any future requests to scatter or place cremated remains on City-owned property.

Staff from the City Attorney's Office; the Neighborhoods, Planning, and Development Services Department; and the Downtown and Regional Enterprise Department met to discuss the implications of the new State law. Staff also presented the issue to Citizens Advisory Committee for Parks and Recreation (CAC) for its input. Both Staff and the CAC agreed that allowing the scattering or placement of cremated remains at City-owned facilities could conflict with the active use of urban parks and other recreational areas. Further, there was concern that it could create discomfort for park and recreational facility guests. Based on staff and CAC concerns, it was determined that it would be inappropriate to allow the scattering or placement of cremated human remains on City-owned facilities.

## **FINANCIAL CONSIDERATIONS**

The recommended actions do not have significant financial implications.

## **POLICY CONSIDERATION**

Adoption of an ordinance prohibiting the scattering or placement of cremated human remains on City-owned property is in accordance with the recently enacted State law. This ordinance would not prohibit the scattering or placement of cremated remains on other property within the City limits.

**ENVIRONMENTAL CONSIDERATIONS**

There are no environmental considerations for City Council. The recommendation is not subject to environmental review under the California Environmental Quality Act (CEQA).

**ESBD CONSIDERATIONS**

Not applicable.

Respectfully Submitted,



Gary L. Little  
Area 4 Director

**RECOMMENDATION APPROVED:**



ROBERT P. THOMAS  
City Manager

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**APPROVED**  
BY THE CITY COUNCIL

**MAY 18 1999**

OFFICE OF THE  
CITY CLERK

**ORDINANCE NO.** 99-026

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**AN ORDINANCE ADDING CHAPTER 11.02 (SECTIONS 11.02.200 THROUGH 11.02.201) TO TITLE 11 OF THE SACRAMENTO CITY CODE, RELATING TO DISPOSITION OF HUMAN CREMATION REMAINS**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Chapter 11.02 (Sections 11.02.200 through 11.02.201) is hereby added to the Sacramento City Code, to read as follows:

Chapter 11.02 Disposition of Human Cremation Remains

11.02.200 Scattering or Burial of Human Cremation Remains -- Prohibited on City-Owned Property

No person shall scatter or bury human cremation remains on real property owned by the City of Sacramento. This prohibition applies to parks, playgrounds and other recreational facilities, golf courses, community centers, the City Cemetery (except burials in privately-held plots), the Sacramento Zoo, Fairytale Town, all public rights-of-way, and all other property owned by the City, whether in fee or in easement.

11.02.201 Scattering or Burial of Human Cremation Remains -- On Property Not Owned by City

The scattering or burial of human cremation remains on property within the City of Sacramento that is not owned by the City of Sacramento is authorized if the scattering or burial complies with applicable state laws.

**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

4

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

ATTEST:

\_\_\_\_\_  
MAYOR

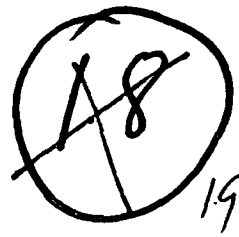
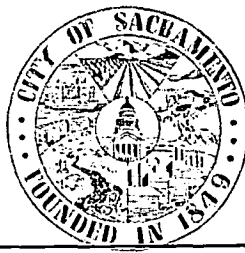
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CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

5



NEIGHBORHOODS, PLANNING &  
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April 21, 1999

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 5/18/99

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT**    **ORDINANCE PROHIBITING THE SCATTERING OF CREMATED REMAINS ON CITY-OWNED PROPERTY**

**LOCATION AND COUNCIL DISTRICT**            City-wide

**RECOMMENDATION**

This report recommends that the City Council pass for publication of title and continue to May 11, 1999, an ordinance to add Chapter 11.02 to Title 11 of the Sacramento City Code to prohibit the scattering or placement of cremated human remains on City-owned property.

**CONTACT PERSON**                            Victor L. Edmisten, Parks Manager, 264-5336

**FOR COUNCIL MEETING OF**    May 6, 1999

**SUMMARY**

This report provides information on a recently enacted State law which provides for the scattering or placement of cremated remains in areas where no local prohibition exists with written permission of the property owner. In accordance with this law, this report recommends the adoption of a City ordinance that would prohibit the scattering or placement of cremated remains on City-owned property.

**COMMITTEE/COMMISSION ACTION**

This issue was presented to the Citizens Advisory Committee for Parks and Recreation on February 4, 1999. The committee voted to support staff's recommendation to adopt a City ordinance that would prohibit the scattering or placement of cremated remains on City-owned property. This recommendation was approved by the Law and Legislation Committee on April 20, 1999.



**BACKGROUND INFORMATION**

Prior to noticing the public to meet legal advertising requirements, the City Council must first pass the item for publication pursuant to the City Charter, Section 32.

Respectfully Submitted,



Gary L. Little  
Area 4 Director

RECOMMENDATION APPROVED:



ROBERT P. THOMAS  
City Manager



A:\cremated remains PFP.wpd

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

## AN ORDINANCE ADDING CHAPTER 11.02 (SECTIONS 11.02.200 THROUGH 11.02.201) TO TITLE 11 OF THE SACRAMENTO CITY CODE, RELATING TO DISPOSITION OF HUMAN CREMATION REMAINS

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

### **SECTION 1.**

Chapter 11.02 (Sections 11.02.200 through 11.02.201) is hereby added to the Sacramento City Code, to read as follows:

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

13



DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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