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DEPARTMENT OF  
CONVENTION, CULTURE  
AND LEISURE

BARBARA E. BONEBRAKE  
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October 1, 2001

Law & Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE AMENDING CHAPTER 12.68 OF THE  
SACRAMENTO CITY CODE RELATING TO THE CITY  
CEMETERY AND CONDUCT THEREIN**

**LOCATION AND COUNCIL DISTRICT:** Council District 4

**RECOMMENDATION:**

It is recommended that the Law and Legislation Committee review and recommend for City Council approval, the adoption of the attached Ordinance to amend Chapter 12.68 of the City Code regulating public behavior in the Historic City Cemetery.

**CONTACT PERSONS:** James E. Henley, Manager,  
History and Science Division, 264-7072  
Barbara E. Bonebrake, Director, CCL Dept., 264-7733

**FOR THE COMMITTEE MEETING OF:** October 16, 2001

**SUMMARY:**

Chapter 12.68 of the City Code regulates conduct in the Historic City Cemetery of the City of Sacramento. This report provides information on an amendment to the existing ordinance to regulate behavior in the Historic City Cemetery.

**COMMITTEE/COMMISSION ACTION:**

None.

**BACKGROUND INFORMATION:**

Over the past several years, the Historic City Cemetery has been the site of numerous occurrences of vandalism, trespassing, loitering, theft of headstones and plants, unauthorized plantings, reckless driving and other nuisance and dangerous behaviors. Unfortunately, the present City Code does not, in many instances, provide City staff or the Police with the means to control or correct this behavior.

In general, such actions as altering the vegetation (cutting, removing, or planting without permission), loitering on the grounds, breaking or damaging any monument, operating a motorized vehicle in a malicious manner and disposing of rubbish or trash on the grounds would be prohibited. The full text of the proposed ordinance is attached.

The Police Department has reviewed the ordinance and is in support of it.

**FINANCIAL CONSIDERATIONS:**

There will not be any substantial costs involved in this action.

**ENVIRONMENTAL CONSIDERATIONS:**

The review and recommendations requested in this report are ministerial functions and are, therefore, exempt from CEQA review pursuant to Section 15300.1 of the CEQA guidelines.

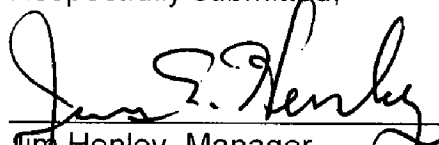
**POLICY CONSIDERATIONS:**

The actions recommended in this report are consistent with City policy to provide a safe environment for visitors and residents and to maintain a historic public facility.

**ESBD CONSIDERATIONS:**

None. No goods or services are being purchased.

Respectfully submitted,

  
\_\_\_\_\_  
Jim Henley, Manager  
History and Science Division

Law and Legislation Committee  
An Ordinance Amending Chapter 12.68 of the Sacramento City Code Relating to  
the City Cemetery and Conduct Therein  
October 16, 2001

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RECOMMENDATION APPROVED:



Betty Masuoka  
Assistant City Manager

Approved:



Barbara E. Bonebrake, Director  
Convention, Culture and Leisure Dept.

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

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

## AN ORDINANCE AMENDING CHAPTER 12.68 OF THE SACRAMENTO CITY CODE RELATING TO THE CITY CEMETERY AND CONDUCT THEREIN

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

### SECTION 1.

Chapter 12.68 of the Sacramento City Code is hereby amended to read as follows:

#### **Chapter 12.68 Cemeteries.**

##### **§ 12.68.010 Designation of City Cemetery.**

The tract of land bounded by Riverside Boulevard, Broadway, Muir Way, and the Masonic Cemetery, having heretofore been set apart and dedicated solely for burial purposes, is hereby designated the Historic City Cemetery of the City of Sacramento.

##### **§ 12.68.020 Definitions**

As used in this Chapter, the following words and phrases shall have the meaning given them in this section unless the context clearly requires otherwise:

- (a) "City" means the City of Sacramento
- (b) "City Cemetery" means the Historic City Cemetery of the City of Sacramento designated in section 12.68.010.
- (c) "Cemetery Manager" means the Manager of the History and Science Division of the City of Sacramento or any other City employee who may be designated as the Cemetery Manager by the City Manager or the Director of the Convention, Culture & Leisure Department. "Cemetery Manager" also includes the Cemetery Manager's designee.

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(d) "City Employee" means an employee of the City of Sacramento or a person who is authorized by the Cemetery Manager to provide volunteer services at the City Cemetery.

**§ 12.68.030 City Cemetery Use- Restrictions.**

No person, except an authorized City Employee in the course and scope of his or her assigned duties, shall:

(a) plant any tree, shrub, plant, or flower on the grounds of the City Cemetery without prior approval from the Cemetery Manager. This subsection does not prohibit the placement of cut, artificial, or potted flowers upon a grave;

(b) cut, break, pluck, remove, or in any manner destroy or injure any tree, shrub, plant, or flower within the City Cemetery grounds without prior approval from the Cemetery Manager. This section does not prohibit the removal of weeds and dead vegetation by an authorized City employee, a person or business entity that has received approval as provided in paragraph (f) of this section, or an owner of a private plot, in the course of providing care and upkeep of plots;

(c) enter the City Cemetery grounds between ~~4:30~~ 5:00 p.m. and 8:00 a.m. of the following day during the months of October, November, December, January, February and March or between 7:00 pm and 8:00 am of the following day during all other months, unless specifically authorized to do so by the ~~director of parks and community services or his designee~~ Cemetery Manager;

(d) loiter on the grounds of the City Cemetery. As used in this section, loitering means and includes entering and remaining on the grounds of the City Cemetery without lawful business thereon and under such circumstances that a reasonable person would conclude that the person who has entered and remains on the grounds of the City Cemetery does not have a purpose connected with the lawful and ordinary use of the City Cemetery, does not have a bona fide intent to exercise a constitutional right, and is causing public inconvenience and annoyance;

(e) deposit rubbish, grass clippings, shrub clippings or other similar materials or substances on the grounds of the City Cemetery, without prior written permission of the Cemetery Manager. This subsection does not prohibit the placement of cut, artificial, or potted flowers upon a grave;

(f) provide contract services for the care and upkeep of private plots in the City Cemetery without registering with the Cemetery Manager and providing a list, to

be updated monthly, designating the plots for which the contract services shall be provided and the name and address of the party or parties authorizing the provision of contract services to each designated plot;

(g) operate or use on the grounds of the City Cemetery any motorized vehicle as defined in the California Vehicle Code in the following ways:

(1) driving faster than the speed limit posted by the Cemetery Manager.

(2) sounding the horn of any vehicle or leaving engines running in a parked car that in any way interferes or causes any disturbance or noise during funerals.

(3) operating or parking any vehicle, except upon areas designated for such use, unless expressly permitted in writing by the Cemetery Manager. The Cemetery Manager is authorized to tow vehicles that violate this subsection. This subsection shall not apply to City Employees on official business.

(4) operating a motorcycle on the grounds of the City Cemetery in a malicious or disruptive manner.

(h) bring any domesticated pet or animal to the City Cemetery unless it is leashed. Pet owners shall remove any and all pet droppings from the City Cemetery grounds.

(i) smoke while on the grounds of the City Cemetery, unless in a smoking area designated by the Cemetery Manager.

(j) fail to supervise children who accompany that person to the City Cemetery. No children shall be admitted unless accompanied by an adult who shall be responsible for their conduct.

(k) possess any open alcoholic beverage container or consume any alcoholic beverage on the grounds of the City Cemetery, except at an organized event that has received prior written approval for the possession of alcoholic beverages from the Cemetery Manager; and further provided that the organizers of the event are in compliance with all state alcohol licensing requirements.

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(l) intentionally remove, break, injure, deface, alter, damage or disturb any structure or item on City Cemetery grounds, including but not limited to a tombstone, gravestone, monument, stake, marker, fence, post rail, curb, or wall;

(m) dispose of, within the City Cemetery, trash or garbage accumulated outside of the City Cemetery. Further, no person shall dispose of trash accumulated within the City Cemetery other than in designated areas or receptacles provided for that purpose.

(n) engage in stone rubbing without prior written approval from the Cemetery Manager. For purposes of this section, the term "stone rubbing" means the act of obtaining an impression on a piece of paper or other material by sliding a pencil or other object against it while it is placed upon a monument, tombstone, or gravestone.

(o) engage in the sale of food or beverages within the City Cemetery without prior written approval from the Cemetery Manager.

#### **§12.68.040 Roadways on City Cemetery Property.**

In the reasonable exercise of his or her discretion, the Cemetery Manager may modify the use of the roadways on the grounds of the City Cemetery as necessary for the safety and operation of the City Cemetery, including but not limited to, closing particular streets and roadways or altering the designated use of such streets and roadways. The Cemetery Manager is also authorized to regulate parking on the grounds of the City Cemetery as required to accommodate events occurring at the City Cemetery.

#### **§12.68.050 Closure of City Cemetery Grounds.**

At the closing time designated in section 12.68.030(c), all persons other than City employees shall leave the City Cemetery grounds. The Cemetery Manager is authorized to close the City Cemetery when reasonably warranted for special events or projects and emergencies.

#### **§ 12.68.060 Public Notification of Restricted Conduct.**

The Cemetery Manager shall prepare a list summarizing the rules set forth in this chapter and make it available on the grounds of the City Cemetery for public access and review. At the discretion of the Cemetery Manager, a sign or signs listing some or all of the rules may be posted.

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**§ 12.68.070 Maintenance by City Cemetery Staff.**

~~The City staff shall have authority~~ Cemetery Manager is authorized to clear weeds, debris, old flowers or floral pieces, or other items from any privately owned plot on the grounds of the City Cemetery that, in the Manager's opinion, is not being maintained as to landscaping or otherwise properly cleared. ~~The City staff shall clear such weedy plots and maintain them in a "bare ground" condition.~~ In addition, the Cemetery Manager is authorized to abate safety concerns by repairing or removing monuments, tombstones, retaining walls and other structures that, in the Manager's opinion, are not being maintained or have been abandoned.

**§ 12.68.080 Administrative Service Fee.**

An administrative service fee shall be charged for each burial in the City Cemetery. The amount of the fee shall be established by resolution of the City Council.

**§ 12.68.090 Violation a Misdemeanor.**

~~Any person who violates any provision of this chapter is guilty of an infraction a~~ misdemeanor.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

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

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(c) enter the City Cemetery grounds between 5:00 p.m. and 8:00 a.m. of the following day during the months of October, November, December, January, February and March or between 7:00 pm and 8:00 am of the following day during all other months, unless specifically authorized to do so by the Cemetery Manager;

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Cemetery without registering with the Cemetery Manager and providing a list, to be updated monthly, designating the plots for which the contract services shall be provided and the name and address of the party or parties authorizing the provision of contract services to each designated plot;

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(i) smoke while on the grounds of the City Cemetery, unless in a smoking area designated by the Cemetery Manager.

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