

Access to Cemetery

[HSC §711.041]

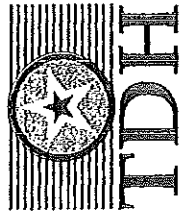
Allow public access and designate the reasonable route(s) to and from the cemetery. Access may be limited to reasonable hours and for purposes associated with cemetery visits. It is suggested that the cemetery be located next to a road which allows other individuals to come in and out of the cemetery more easily.

Additional Information

Additional information can be found in Chapters 711 and 714 of the Texas Health & Safety Code (HSC), which may be requested from the Texas Department of Health, Bureau of Vital Statistics, at (512) 458-7393 or accessed at the following Internet web site address: <http://www.state.tx.us/Government/>

Perpetual Care Cemeteries and Family Cemeteries Larger Than 10 Acres

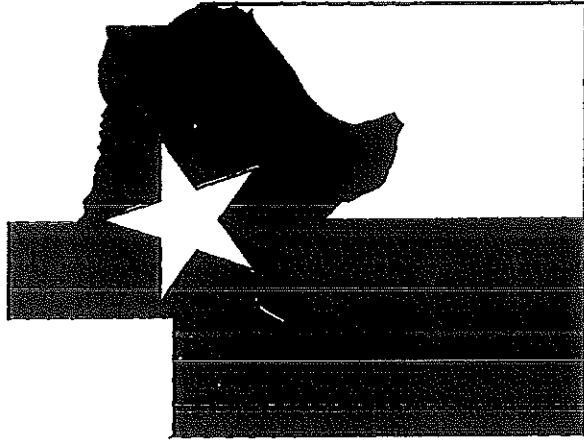
For information on how to establish a perpetual care cemetery or family cemetery larger than 10 acres in Texas, see Chapter 712 of the Texas Health & Safety Code and/or contact the Texas Department of Banking, Special Audits Division, at (512) 475-1290 or access the following Internet web site address: <http://www.banking.state.tx.us/>



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Stock No. 19-2

How to Establish a Family Cemetery in Texas



*Have you ever considered
establishing your own family
cemetery, but did not know
how to go about it?*

Texas Department of Health
Bureau of Vital Statistics
1100 West 49th Street
Austin, TX 78756-3191

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These days, more and more Texans want the choice to be buried on their own land. This guide addresses some of the most common concerns regarding how to establish a family cemetery (not larger than 10 acres) in Texas.

Location of Cemetery

[HSC §711.008]

Make sure the land, designated for cemetery purposes, is located relative to the nearest municipality, based on the census population of that municipality.

- For a municipality with a population of 5,000 to 25,000, a cemetery may not be established in or within 1 mile from its boundaries.
- For a municipality with a population of 25,000 to 50,000, a cemetery may not be established in or within 2 miles of its boundaries.
- For a municipality with a population of 50,000 to 100,000, a cemetery may not be established in or within 3 miles of its boundaries.
- For a municipality with a population of 100,000 to 200,000, a cemetery may not be established in or within 4 miles of its boundaries.
- For a municipality with a population of at least 200,000, a cemetery may not be established in or within 5 miles of its boundaries.

Exceptions include organized religious societies that wish to attach a columbarium to the primary church building and cemeteries that are already established and operating.

County Restrictions

Contact county officials in which the land, designated for cemetery purposes, is located regarding any restrictions such as flood plain, subdividing land and platting requirements, drainage, underground cabling, deed restrictions, etc.

Dedication of Land

[HSC §711.034]

Survey and subdivide the land, designated for cemetery purposes, into gardens or sections and make a map or plat that specifies where the plots are located on the land. File the map or plat, along with a written certificate or declaration of dedication of the land, that designates the land exclusively for cemetery purposes, with the office of the county clerk in which the land is located. The county clerk numbers and files the map or plat and records the certificate or declaration in the county deed records. The filing of the map or plat with the office of the county clerk makes other individuals aware of the location of the cemetery on the land.

Depth of Graves

[HSC §714.001]

For burial, if the container is not made of an impermeable material, make sure the grave is deep enough so that the outside top surface of the container is at least 2 feet below the surface of the ground.

If the container is made of an impermeable material, make sure the grave is deep enough so that the outside top surface of the container is at least 1 1/2 feet below the surface of the ground.

These restrictions do not apply to burials in a sealed surface reinforced concrete burial vault.

Records of Interment

[HSC §711.003]

Keep records of all burials in the cemetery. Each burial record should reflect at a minimum, the following information:

- the date the remains are received and interred;
- the name and age of the person interred, if known; and
- the identity of the plot in which the remains are interred.

It is suggested that the burial records be filed in the county deed records with the office of the county clerk in which the cemetery is located.