County of El Dorado

Legislation Text

File #: 23-1131, **Version:** 3

Planning and Building Department, Cemeteries Division, recommending the Board Approve the Final Passage (Second Reading) of Ordinance **5190** to amend County Ordinance Code § 8.20, Cemeteries, Title 8, Public Health and Safety, to revise multiple sections of the Cemeteries Ordinance.

FUNDING: N/A

DISCUSSION / BACKGROUND

On December 12, 2023, the Board heard the Introduction of Ordinance 5190 and Continued Final Passage of the Ordinance to January 9, 2024.

On September 19, 2023, the Board provided conceptual approval for Planning and Building Department Cemeteries Division staff to move forward with revisions to County Ordinance Code § 8.20, Cemeteries, Title 8, Public Health and Safety (Cemeteries Ordinance), in accordance with Board of Supervisors Policy A-3, Ordinances - New or Amended.

California Health and Safety Code Section 8115 gives the Board of Supervisors the authority to set standards relating to all cemeteries in the County,

> *The governing body of any city or county, in the exercise of its police power, may by ordinance prescribe such standards…as it shall determine to be reasonably necessary to protect the public health or safety, assure decent and respectful treatment of human remains, or prevent offensive deterioration of cemetery grounds, structures, and places of interment. Such standards may be made applicable to every public and private cemetery within the city or county.*

In addition, Section 8715 describes the reason for establishing this duty at the lower level of government:

> *The provisions of this article are…necessary…to preserve and keep existing cemeteries as resting places for the dead and to preserve cemeteries from becoming unkempt and places of reproach and desolation in the communities in which they are located.*

Planning and Building Department Cemeteries Division staff are proposing revisions to the Cemeteries Ordinance, as outlined on Attachment B and summarized as follows:

1. Updating definitions to remove ones that are no longer needed and add ones that are missing; specifically, to add definitions for "public" cemeteries and "publicly owned" cemeteries and update these references within the entire Cemeteries Ordinance.

    There are multiple references to public cemeteries that assume a public cemetery is one belonging to the County and managed by the County. However, there are many cemeteries on

private land that are deemed public cemeteries because there are no restrictions on who may be buried there. Cemeteries that are managed by the County are, in contrast, publicly-owned. County-operated cemeteries include County Hospital, Diamond Springs, Fairplay, El Dorado, Georgetown Pioneer/Renke Annex, Georgia Slide, Greenwood, Latrobe, Middletown, Mormon Island, Pilot Hill, Placerville Union, Shingle Springs,Smith Flat, Spanish Dry Diggins, and St. Michael's. The new language in the Cemeteries Ordinance provides definitions to clarify this distinction.

2. Removing the requirement that a liner or vault be used for all interments.

   The purpose of a liner or vault is to protect graves from sinking, which is unsightly, can pose a health and safety hazard, and makes it difficult to use landscape maintenance equipment. The use of a liner or vault is a significant additional expense for families and the potential health and safety hazards can be mitigated by other practices (mounding of graves or not using heavy landscape maintenance equipment, for instance). The requirement to use a vault or liner was removed from state regulations years ago. The Cemetery Director regularly waives the requirement for County-owned cemeteries; the elimination of this requirement will help to streamline the burial process for Cemetery Administration, providing for more efficiency in processing burials in County-owned and managed cemeteries. The removal of this requirement does not preclude cemetery owners from mandating the use in their cemeteries.

3. Removing all references to Pioneer Memorial Parks.

   Because the option to declare cemeteries as Pioneer Memorial Parks exists within state cemetery regulations, it is not necessary to have language related to Pioneer Memorial Parks in the Ordinance. This change simplifies the Cemeteries Ordinance by removing duplicative language that is included in current state regulations.

4. Removing the section which permits the use of dynamite for excavations.

   Due to new technologies and equipment that have become available for excavating, the use of dynamite is no longer needed.

5. Revising language that was intended to set parameters for the management of County-owned or County-managed cemeteries only and not all cemeteries.

   The County owns and manages only seventeen of the more than one hundred cemeteries and burial sites within El Dorado County. The language included in the current Cemeteries Ordinance indicates that these requirements also apply to some other cemeteries. The revisions make it clear which mandates apply to County-owned cemeteries and not to other cemeteries.

6. Making multiple grammatical, spelling, and other minor updates to the language throughout the Cemeteries Ordinance.

ALTERNATIVES

The Board could choose to disapprove any or all of these recommended revisions to the Cemeteries Ordinance; the Board could choose to make additional revisions to the Cemeteries Ordinance.

PRIOR BOARD ACTION
23-1131 - Conceptual approval for revisions to County Ordinance Code § 8.20, Title 8, Public Health and Safety, Cemeteries Ordinance, on September 19, 2023 (Item 12).

OTHER DEPARTMENT / AGENCY INVOLVEMENT
County Counsel

CAO RECOMMENDATION / COMMENTS
Approve as recommended.

FINANCIAL IMPACT
There is no financial impact to the County as a result of these changes to the Cemeteries Ordinance.

CLERK OF THE BOARD FOLLOW UP ACTIONS
Have Ordinance signed by the Chair and County Counsel.

STRATEGIC PLAN COMPONENT
Good Governance

CONTACT
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