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NEIGHBORHOODS, PLANNING &
DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

NATOMAS SERVICE CENTER
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PARKS, TREES, & LANDSCAPE ARCHITECTURE
Parks and Recreation...the benefits are endless!

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April 12, 1999

Law and Legislation Committee
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 Law and Legislation Committee recommend that the City Council pass for publication and continue to May 6, 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 LAW & LEGISLATION COMMITTEE MEETING OF

April 20, 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.

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 By:



Gary L. Little
Area 4 Director

RECOMMENDATION APPROVED



ROBERT P. THOMAS
City Manager

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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:

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: _____

DATE PASSED FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

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ORDINANCE NO. _____

DATE ADOPTED: _____

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