

**DEPARTMENT OF CONSUMER AFFAIRS
CEMETERY AND FUNERAL BUREAU**

ORDER OF ADOPTION

Adopt section 2333 of Division 23 of Title 16 of the California Code of Regulations, to read as follows:

§ 2333. Cemetery Maintenance Standards.

(a) Every endowment care cemetery shall have cemetery maintenance standards to ensure the property is kept in a condition so as to prevent the cemetery's offensive deterioration. The cemetery maintenance standards shall be in accordance with either subdivision (b) or subdivision (c) of this Section.

(b) Each endowment care cemetery shall perform, at a minimum, the following maintenance on its cemetery property:

- (1) Trim or mow grass and prune shrubs and trees in and around the cemetery. Grass shall be trimmed or mowed to a level where flat markers of individual graves can be seen.
- (2) Suppress or remove weeds on the developed cemetery property.
- (3) Provide a sufficient supply of water to keep cemetery grass and plants as green as seasonally possible in accordance with natural terrain, availability of water, and local or county ordinances regarding water use.
- (4) Repair or restore improvements, structures and fences on the property which are owned by the cemetery.
- (5) Keep cemetery roads seasonally accessible and repair surfacing which presents a hazard.
- (6) Keep all occupied crypts and niches properly sealed or closed.
- (7) Refill or reset settled graves and markers annually, or within 120 days of the cemetery office becoming aware of the issue.
- (8) Repair any grave marker, monument, or burial vault that is damaged by the negligence of the cemetery or its employees or contractors.
- (9) Supply and empty trash receptacles when filled, and keep public areas of the cemetery grounds and water features clear of trash and debris.
- (10) Provide clear delineation of undeveloped cemetery property with the use of signage.
- (11) Control vermin and insect problems.

(c) An endowment care cemetery may establish written rules and regulations in accordance with Health and Safety Code Section 8300. At a minimum, the rules and regulations addressing maintenance of the cemetery's property shall include its lots, graves, grounds, landscaping, roads, paths, parking lots, fences,

mausoleums, columbaria, vaults, crypts, utilities, and other improvements, structures, and embellishments.

(d) Notwithstanding subdivision (b), the care and maintenance of each cemetery may vary depending upon the cemetery size, location, topography and type of interments.

(e) Nothing contained in subdivision (b) shall be construed to require specific topography, structures or other cemetery-related items on the property. Cemeteries, including sections within a cemetery, that are specifically established and intended to be maintained in a natural condition are not subject to the requirements of subdivision (b), with the exception of (4), (5) and (9). Non-endowment care sections of a cemetery are exempt from the requirements of this Section.

(f) The cemetery contract shall include a statement notifying consumers that maintenance standards are available for inspection at the cemetery office. Upon the consumer(s)' request, the cemetery shall provide, for the consumer(s)' retention, a written copy of their maintenance standards.

(g) The amount collected by the cemetery in endowment care fees under Health and Safety Code Section 8738 shall be reconsidered annually by the cemetery based upon current and projected maintenance expenditures, and adjusted as necessary to ensure that sufficient funds are available to perform the maintenance required by their rules and regulations as described in subdivision (a) or subdivision (b) of this Section if subdivision (a) is not applicable.

NOTE: Authority: Sections 9612 and 9630, Business and Professions Code. Reference: Section 9612, Business and Professions Code; Sections 8115, 8300, 8728 and 8738, Health and Safety Code.