

TEXAS - BURIAL ON PRIVATE PROPERTY

A consumer asks: "I have 35 acres of rural farmland that I want to be buried on if possible. Are there any prohibitions regarding this? Are there any requirements?"

The Texas Funeral Service Commission (TFSC) provides the following information:

FAMILY CEMETERIES

Many people in the state are interested in establishing a family cemetery on their private property. Following is some useful information on establishing a family cemetery.

First check with your local county/city government to see if they have any rules or regulations, regarding your property. This could include restrictions such as flood plains, drainage, underground cabling, deed restrictions, etc.

Check the TFSC home page at www.tfsc.state.tx.us and click on "Governing Laws" this will take you to the "Health and Safety Code". Chapters 711 through 715 pertain to cemeteries. You will need to acquaint yourself with the state regulations, particularly 711.008 Location of a cemetery, 711.034 Dedication of land, 714.001 Depth of Graves, 711.003 Records of Internment and 711.041 Access to a Cemetery are some of the important points regarding cemeteries.

Cemeteries are required to be outside the local municipality according to the population of that municipality.

- 5,000 to 25,000 people - must be 1 mile outside the municipality boundaries
- 25,000 to 50,000 people - must be 2 miles outside the municipality boundaries
- 50,000 to 100,000 people - must be 3 miles outside the municipality boundaries
- 100,000 to 200,000 people - must be 4 miles outside the municipality boundaries
- 200,000+ people - must be 5 miles outside the municipality boundaries

Survey the plot of land out of your acreage and file it with your local county clerk as a family cemetery. Make a map that specifies where the plots are located and file this along with the written certificate of declaration of dedication of the land. The filing of the certificate and map makes other individuals aware of the location of the cemetery on the land. A consumer can file the information and do the land survey. One need not hire someone to accomplish this requirement.

Depth of Graves. Chapter 714.001 of the Health and Safety Code states (a) The body of a decedent may not be buried in a manner so that the outside top surface of the container of the body is: (1) Less than two feet below the surface of the ground if the container is not made of an impermeable material; or (2) less than 1-1/2 feet below the surface of the ground if the container is made of an impermeable material.

Record keeping is very important and files must be maintained. 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.

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If you have any other questions
concerning the legal requirements, contact the:</p><h1><font face="verdana,geneva"
color="#000000">◆</h1><p><font
face="verdana,geneva">TEXAS FUNERAL SERVICE
COMMISSION</p><p><font face="verdana,geneva"
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