

RESOLUTION 2005-34

**AMENDING THE RULES AND REGULATIONS
OF MONTE VISTA CEMETERY AND INCREASING CERTAIN FEES**

WHEREAS, the City of Alamogordo owns and operates Monte Vista Cemetery, and;

WHEREAS, the City has a responsibility to see that funds are adequate to provide the necessary care for the cemetery, and;

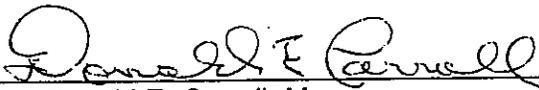
WHEREAS, the City Commission deems it in the best interest of the citizens to increase certain fees to meet increased operational costs, and;

WHEREAS, the City Commission deems it in the best interest of the citizens to amend and clarify certain other parts of the Rules and Regulations.

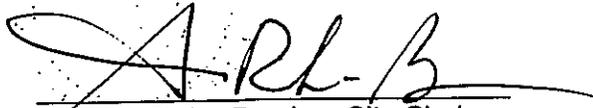
BE IT THEREFORE RESOLVED that the Rules and Regulations of Monte Vista Cemetery are amended in accordance with the Attachment hereto.

DONE this 11th day of October, 2005.

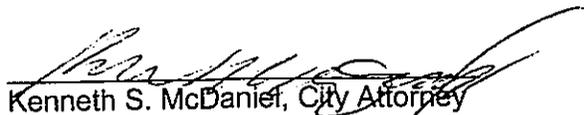
CITY OF ALAMOGORDO, NEW MEXICO
a New Mexico municipal corporation

By: 
Donald E. Carroll, Mayor

ATTEST:


Angie J. Rahn-Broyles, City Clerk

APPROVED AS TO FORM:


Kenneth S. McDaniel, City Attorney

City of Alamogordo Monte Vista Cemetery

Monte Vista Cemetery is owned and operated by the City of Alamogordo, New Mexico. Permanent care for the perpetual care sections of the cemetery, as defined herein, is made possible by setting aside fifty-percent (50%) of the purchase price realized from the original sale of any perpetual care grave space by the City of Alamogordo into a Perpetual Care Fund which shall be invested and the interest earned shall remain in the fund until such time as the fund is needed to maintain the cemetery.

Monte Vista Cemetery must always be kept a place of beauty. To this end certain rules and regulations are necessary for the protection of grave space owners to give them assurance that nothing of an unsightly or objectionable nature can ever be placed on a grave space adjacent to their own.

These rules and regulations are designed for the protection of the owners of interment rights as a group. Their enforcement will help protect the Cemetery and create and preserve its beauty. The following rules and regulations are hereby adopted by the Alamogordo City Commission, as recommended by staff and the Cemetery Board. All owners of lots or grave spaces, visitors and those performing work within the cemetery shall be subject to these rules and regulations, and any amendments or alterations that shall be adopted from time to time.

Neither the City of Alamogordo nor Monte Vista Cemetery shall be liable for any act of lot owners, visitors, licensees or trespassers within the Cemetery or for any damage to person or property within the Cemetery; nor for any damage caused by routine maintenance, by the elements, an act of God, common enemy, thieves, vandals, strikers, explosion, unavoidable accidents, insurrections, riots, or orders of any military or civil authority, whether the damage be direct or collateral, other than as provided herein.

These rules and regulations shall be strictly enforced by the City.

ADOPTED by the Alamogordo City Commission this 8th day of January, 2002.

CITY OF ALAMOGORDO, a municipal corporation

/s/ Donald E. Carroll, Mayor

Rules and Regulations

I. PERPETUAL CARE / NON-PERPETUAL CARE

- A. Sections A (Babyland), B, C, D, E, F, G, H, I, J (Babyland 2), K, L, M, N and O shall be considered perpetual care for purposes of these rules and regulations.
- B. All other areas of the cemetery shall be considered non-perpetual care.

II. OWNERSHIP OF GRAVE SPACES

- A. Deeds will be issued for graves in all perpetual care sections of the cemetery except Sections A, J, and N. No deed shall be issued for any grave in any non-perpetual care section of the cemetery.
- B. When the full purchase price is paid, a deed will be issued by the City of Alamogordo to the purchaser of each grave.
- C. Any deed issued to a purchaser by the City shall contain a provision showing the establishment of a trust fund for perpetual care.
- D. To avoid possible ownership disputes, the City advises that each deed issued to a purchaser be filed without delay in the land records of the Otero County Clerk. It shall be the responsibility of the purchaser to file the deed, and such filing shall be at the purchaser's expense.
- E. To avoid possible ownership disputes, the City advises that each resale deed be recorded in the office of Monte Vista Cemetery and filed without delay in the land records of the Otero County Clerk. It shall be the responsibility of the purchaser to record and file the deed, and such recording and filing shall be at the purchaser's expense.
- F. All grave spaces purchased or owned shall be subject to the rules and regulations of the cemetery now or hereafter adopted.

III. INTERMENTS

- A. Interments shall be permitted only when the grave space and interment charges are fully paid, except by special consent of the City.
- B. The subdivision of interment rights is not allowed without the consent of the City and

no interment shall be permitted without the consent of all parties having an interest in the grave space.

- C. Interments will not be allowed in any grave where the ownership remains unsettled.
- D. The City reserves the right to refuse to open any grave for interment except upon the written application of the grave owner, as shown on the records of the cemetery, or by the duly designated representative of the grave owner.
- E. A completed application for interment must be presented at the office of the cemetery, or to its representative, in person or by facsimile, not less than 24 hours preceding the interment. Telephone applications shall be permitted, provided that written application is presented to the office of the cemetery no more than 48 hours following the telephone application and not less than 24 hours preceding the interment. The City will not open any grave space until a written application is received.
- F. If an interment application received by the City results in an unwanted grave being opened, the funeral home who delivered the incorrect application shall be responsible for paying the applicable opening and closing charge for the unwanted grave. If an interment application received by the City for cremated remains does not clearly indicate that the interment is for cremated remains and a full-size grave is opened in error, the funeral home who delivered the application shall be responsible for paying the applicable opening and closing charge for the full-size grave.
- G. Interments will be allowed only between the hours of 8:00 A.M. and 5:00 P.M. Monday through Saturday. Interments will not be allowed on Sunday, or on the days the following holidays are observed by the City: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, or Christmas Day. Only by special order of the Health Department or the City will interments be allowed at other than usual times or days.
- H. The opening and closing of all graves must be done by the City.
- I. No more than one interment shall be allowed in any grave, except as provided herein, and further provided that the rules and regulations regarding markers and vases, as provided herein, are complied with.
 - 1. An adult and an infant may be interred in the same grave, provided not more than one casket is interred.

2. Two infants in separate caskets may be interred in the same grave, provided both caskets do not exceed the grave size. If caskets exceed allotted grave size, the family must purchase additional grave space.
3. Cremated remains may be interred in any grave in the cemetery, as provided herein:
 - a. One cremated remains may be interred in any occupied grave, except in Section N.
 - b. Two cremated remains may be interred in any unused grave, except in Section N.
 - c. Only one cremated remains may be interred in any unused grave in Section N
 - d. Only cremated remains may be interred in Sections N and O.
- J. Interment in Sections A and J is restricted to the remains or cremated remains of children for which a casket or outer burial enclosure does not exceed 48 inches in length.
- K. In scheduling interments, the following guidelines will be observed; provided, however, that the cemetery representatives shall be the final authority in scheduling:
 1. A minimum of two hours is recommended between service times when both funeral services are held at a church or other location, when both services are graveside services, or when the first service is a graveside service and the second service is held at a church or other location.
 2. A minimum of three hours is recommended between service times when the first service is held at a church or other location, and the second service is a graveside service.
- L. The City of Alamogordo is not liable for damages that may occur in handling of vaults and liners.

IV. DISINTERMENTS

- A. Disinterments shall be permitted only when the disinterment charges are full paid, and a Disinterment Permit, when required, has been issued by the State of New Mexico.
- B. A Disinterment Permit shall not be required for remains that are disinterred from and reinterred in this cemetery.
- C. A Disinterment Permit shall not be required to disinter cremated remains under any circumstances.
- D. Disinterments shall be permitted only between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. Disinterments will not be allowed on Saturday, Sunday or the

holidays listed herein in Section III - INTERMENTS, paragraph F. Only by special order of the Health Department, the City, or the Office of the Medical Investigator will disinterments be allowed at other than usual times or days.

- E. All disinterments will be performed by the City, with assistance from the funeral home which requests the disinterment.

V. FLAT MARKERS, MONUMENTS AND VASES

- A. For purposes of these rules and regulations, flat markers shall be considered those grave markers that are set flush with the grade of the land, and monuments shall be considered those grave markers that are not set flush with the grade of the land.
- B. All permanent flat markers in the perpetual care sections of the cemetery must be either of high quality granite or of bronze alloy considered meeting the standards of the industry. Monuments in the perpetual care sections of the cemetery must be either of high-quality granite, bronze alloy, or marble considered meeting the standards of the industry. Grave markers of other materials will not be permitted. Also, for purposes of definition, all marker sizes shall be measured to the finished edges, provided that the rough edge is less than 1" from the finished edge.
- C. The City shall not be responsible for the loss or destruction of temporary grave markers after three months.
- D. All flat markers in the perpetual care sections of the cemetery must be installed by the City.
- E. Over-sized markers shall not be allowed.
- F. The City shall not install any monument in the cemetery, except granite or marble veterans upright markers furnished by the United States government for installation in Sections I, K, L and M. In the perpetual care sections of the cemetery, prior to the installation of a monument, the City must first verify the location and identify the center of the grave(s) on which the monument is installed. The City shall not be responsible for the installation of any monument on a grave for which it did not locate and center.
- G. Only one grave marker shall be permitted to be installed on each grave in the perpetual care sections of the cemetery, except as provided herein for certain graves in Sections I, K, L and M.

- H. Each grave marker shall be installed on the center of the grave such marker identifies, except that a double grave marker shall be centered on the two graves it identifies. The City shall install one marker as provided herein. Removal and reinstallation are subject to pertaining fees
- I. All grave markers in the perpetual care sections of the cemetery must meet the following size specifications
 - 1. Sections A and J (Babylands), and N.
 - a. Bronze flat markers shall not exceed 20" wide by 12" and may be installed on a granite base not to exceed 20" wide by 12" by 4" thick, and must be at least 3" thick. Bronze flat markers not installed on a granite base must be installed on a concrete foundation not to exceed the size of the marker and must be at least 3" but not more than 6" thick.
 - b. Granite flat markers shall not exceed 20" by 12" and must be at least 3" thick and no more than 6" thick, having a level or sawed bottom. Granite flat markers shall not be set on a concrete foundation.
 - c. Monuments shall not be allowed in Sections A, J and N.
 - 2. Sections B through H, inclusive
 - a. Single Markers
 - (1) Bronze flat markers shall be no less than 24" wide by 12" and no more than 28" wide by 18" and may be installed on a granite base not to exceed 28" wide by 18" by 6" thick, that must be at least 3" thick. Bronze flat markers not installed on a granite base must be installed on a concrete foundation not to exceed the size of the marker and must be at least 4" thick, and no more than 6" thick.
 - (2) Granite flat markers shall be 24" wide by either 12" or 14" and no more than 28" wide by 18" and must not be less than 3" and no more than 6" thick having a level or sawed bottom. Granite flat markers shall not be set on a concrete foundation.
 - b. Double Markers
 - (1) Bronze flat markers shall be no less than 36" wide by 12" and no more than 60" wide by 18" and may be installed on a granite base not to exceed

60" wide by 18" by 6" thick, and must be no less than 4" thick and no more than 6" thick. Bronze flat markers not installed on a granite base must be installed on a concrete foundation not to exceed the size of the marker and must be at least 4" thick, and no more than 6" thick.

(2) Granite flat markers shall be no less than 36" wide by 12" and no more than 60" wide by 18" and must be no less than 4" thick and no more than 6" thick having a level or sawed bottom. Granite flat markers shall not be set on a concrete foundation.

c. Monuments shall not be allowed in Sections B through H

3. Sections I, K, L and M:

a. Single Markers

(1) One grave marker at the head of each grave will be allowed on all grave spaces.

(2) Only flat markers shall be on allowed on grave spaces located in the west row of each lot. When only one row of graves exists in a lot it shall be considered the west row.

(3) One flat marker at the foot of each grave will be allowed on graves spaces located on the east row of each lot in addition to any flat marker or monument installed at the head of such grave. When only one row of graves exists in a lot it shall be considered the west row.

(4) All single flat markers must conform to the size requirements as provided herein in this Section, paragraph H. 2. a. (1) and (2).

b. Double Markers

(1) One grave marker at the head of two side-by-side graves will be allowed.

(2) Only flat markers shall be allowed on two side-by-side graves located on the west row of each lot. When only one row of graves exists in a lot it shall be considered the west row.

(3) All double flat markers must conform to the size requirements as provided herein in this Section, paragraphs H. 2. b. (1) and (2).

c. Monuments

- (1) Monuments will be allowed only on grave spaces located in the east row of each lot. When only one row of graves exists in a lot it shall be considered the west row.
 - (2) No monument shall exceed the width of the dimensions of the grave or graves on which it is installed, less at least 5" on each end, and the thickness shall be no more than 16" front to back, and the height shall be no more than 4' 6", including any base on which it is installed.
 - (3) No base on which a monument is installed shall exceed the width of the dimensions of the grave or graves on which it is installed, less at least 5" on each end, and no more than 16" front to back, and be no.
 - (4) All monuments, or bases if selected, will be set on a concrete foundation that is a minimum of 6" thick and has a border of no less than 3" on all four sides of the monument or base, except that upright veterans markers shall not be set in concrete.
4. Section O
- a. All grave markers must conform to the size requirements as provided herein in this Section, paragraphs H. 2. a. (1) and (2).
 - b. Monuments shall not be allowed in Section O.
- J. Permission from the cemetery must be obtained in each instance before a grave marker is altered or removed from the cemetery.
- K. In order to provide neatness and uniformity only one invertible-type vase which has a collar not exceeding 12" square, will be allowed on each grave in the perpetual care sections of the cemetery, and shall be either installed at the bottom of the marker or integrated as part of the marker; provided, however that permanent upright vases of granite or marble may be installed on any monument or base. All invertible-type vases shall be installed by the City, in the perpetual care sections, and will not be set in concrete.
- L. The City reserves the right to remove any grave marker or vase that does not meet the size or material requirements of these rules and regulations, or any grave marker or vase that was not installed according to the requirements of these rules and regulations. Upon removal, the City will cause written notice to be mailed to the grave owner or the grave owner's representative, at their last known address, that the grave marker or vase has been

removed and will be stored for a period not less than sixty (60) days from the date of the notice, following which time the City may dispose of the grave marker or vase.

VI. DECORATION OF GRAVES

- A. Graves in the perpetual care sections of the cemetery may be decorated under the following provisions for maintenance reasons and for assurance of the preservation of the beauty of the cemetery:
1. Floral vases of the invertible-type only will be permitted as heretofore provided, except immediately following an interment.
 2. The display of fresh-cut flowers will be allowed at any time, however it is suggested that artificial flowers be limited to the period of November 1 through March 31, inclusive, which is considered the non-mowing season. Prior to mowing, flowers will be removed and placed in nearby brick containers.
 3. The City accepts no responsibility for the flowers placed at the cemetery.
 4. A small United States flag may be displayed on those days and occasions when it is customary to do so. At the expiration of three (3) days, the City may remove such flag without any liability for its safekeeping.
- B. The City has the authority to remove any objectionable object or erection that may have been placed on any grave contrary to the rules and regulations of the cemetery.
- C. The use of rocks or metal, other than invertible-type vases herein provided, to hold flowers in the perpetual care sections of the cemetery is not permitted, as they can damage equipment and possibly cause injury to personnel.
- D. The digging of holes in the perpetual care sections of the cemetery for any purpose is strictly prohibited without the express permission of the cemetery staff.
- E. The City reserves the right to remove any funeral design, fresh-cut or artificial flowers, wreaths, flags or other allowable grave decorations prior to mowing or as soon as they become unsightly in the judgement of the cemetery staff.

VII. LANDSCAPING

- A. All graves in the perpetual care sections of the cemetery will be sodded level, and no mounding or plantings will be allowed on any grave.

- B. The City reserves the right to do all landscaping and planting of any nature in the perpetual care sections of the cemetery.
- C. The City may, at its discretion, provide maintenance and landscaping of the sections of the cemetery which are not considered perpetual care.
- D. The owner of any grave in the perpetual care sections of the cemetery shall not plant, cut or trim any herbage of any kind, or in any place, or erect any monument or memorial stone, or any structure of any kind, or build or construct any foundation therefore, or form, grade, dig up or deposit any material of any kind upon any perpetual care grave in the cemetery, except by consent of the City.
- G. No person shall plant or place in any portion of the cemetery any tree, plant shrub, vine or flower, except by express consent and supervision of the cemetery staff.

VIII. CORRECTION OF ERRORS

- A. The City reserves and shall have the right to correct any errors that may be made in making interments or disinterments. In the event such error shall involve the interment of the remains of any person, the City reserves and shall have the right to disinter and reinter such remains in such other grave of equal value and similar location as may be substituted and conveyed in lieu thereof.
- B. The City reserves and shall have the right to correct any errors that may be made in placing a grave marker or vase improperly or at the wrong grave.

IX. FEE SCHEDULE

- A. Grave spaces
 - 1. Perpetual Care
 - a. Sections A and J (Babylands) - \$100.
 - b. Sections B through H, inclusive - \$300.
 - c. Sections I, K, L and M
 - (1) Graves located on the west row of each lot - \$350. When only one row of graves exists in a lot, it shall be considered the west row.
 - (2) Graves located on the east row of each lot - \$450. When only one row of graves exists in a lot, it shall be considered the west row.

- d. Section N - \$100.
- e. Section O - \$200.
- 2. Single Grave Section (Non-Perpetual Care) - \$75.
- B. Opening and Closing of Graves (All Sections of the Cemetery)
 - 1. Adult interments (caskets or outer burial enclosure exceeding 48")
 - a. Monday through Friday \$300.
 - b. Saturday - \$350.
 - 2. Infant interments (caskets or outer burial enclosures not exceeding 48")
 - a. Monday through Friday - \$125.
 - b. Saturday - \$150.
 - 3. Cremated remains interments
 - a. Monday through Friday - \$125.
 - b. Saturday - \$150.
- C. Marker and Vase Installation
 - 1. Single Flat Markers
 - a. Granite - \$50, including a bronze flat marker installed on a granite base.
 - b. Bronze - \$75.
 - 2. Double Flat Markers
 - a. Granite - \$75, including a bronze flat marker installed on a granite base.
 - b. Bronze - \$100.
 - 3. There shall be no first-time installation charge for veteran's markers furnished by the United States Government. Fees are required on all subsequent removals/installations.
 - 4. There shall be an installation fee of \$15 for invertible-type vases.
 - 5. The City shall install all flat markers and invertible-type vases in the perpetual care sections of the cemetery.
 - 6. The City shall not install monuments in any section of the cemetery, except granite or marble veterans markers furnished by the United States government for installation in Sections I, K, L and M.
 - 7. The City shall not install grave markers or vases in the non-perpetual care sections of the cemetery.
 - 8. Marker removal fees shall be the same as installation fees.

9. Removed markers can be defaced and disposed of after no less than 60 days storage.

D. Disinterments

1. The fee for a disinterment of a casketed burial shall be three times the opening and closing fee applicable at the time of the disinterment.
2. The fee for disinterment of a cremated burial shall be double the opening and closing fees applicable at the time of the disinterment.
3. If a disinterment is to be reinterred in this cemetery, the applicable fees for interment and grave marker installation, if applicable, shall be charged in addition to the disinterment fee.
3. Any costs associated with a disinterment involving a concrete grave liner or vault shall be the responsibility of the person making the disinterment request, and shall be in addition to all other disinterment fees.
4. The City shall remove any flat marker involved in a disinterment at no additional fee, but the costs associated with the removal of any monument involved in a disinterment shall be the responsibility of the person making the disinterment request.

E. Locating and Centering Graves in Sections I, K, L and M.

1. The fee for locating and centering a grave in Sections I and L for installation of a monument shall be \$15.

X. AMENDMENTS, INSPECTION AND SEVERABILITY

- A. These rules and regulations may be altered, amended or repealed, and new rules and regulations may be adopted by the City Commission at any regular meeting, provided due notice is given in accordance with existing laws, ordinances, and regulations.
- B. These rules and regulations, any alterations, amendments or repeals thereof, any new rules or regulations, shall be maintained in the City offices, and be available for public inspection during regular business hours.
- C. No provision of these rules and regulations is intended to be or shall be construed to be in contradiction of the laws of the State of New Mexico nor to the resolutions or ordinances of the City of Alamogordo. If any section, paragraph, clause or provision of these rules and regulations shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not affect any other part of these rules and regulations.