

Village of Ruidoso – New Mexico

Cemeteries Rules and Regulations

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Revised: September 12, 2017

Forest Lawn Cemetery and Gavilan Memorial Gardens Cemetery are owned and operated by the Village of Ruidoso, New Mexico. Village cemeteries shall 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 grave spaces adjacent to their own and that Village cemeteries shall not become a place of disorder or reproach.

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 Village of Ruidoso hereby adopts the following rules and regulations.

1. APPLICABILITY

- A. All owners of lots or grave spaces, all visitors and those performing work within Village cemeteries shall be subject to these rules and regulations, and any amendments or alterations that shall be adopted from time to time.
- B. The Village of Ruidoso shall not be liable for any act of lot owners, visitors, licensees, or trespassers within the cemetery or for any damage to persons or property within the cemetery; nor for any damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, explosions, unavoidable accidents, insurrections, riots, or orders of any military or civil authority, whether the damage be direct or collateral, other than as provided herein. The Village of Ruidoso shall strictly enforce cemetery rules and regulations.
- C. Gavilan Memorial Cemetery will be opened for operating hours between 9:00 am – 5 pm daily.

2. OWNERSHIP OF GRAVE SPACES

- A. An Interment Rights Agreement shall be issued for all graves when the full purchase price is paid. The agreement shall be issued by the Village of Ruidoso Manager or designee to the purchaser of each grave.
- B. To avoid possible ownership disputes, the Village shall retain all original Interment Rights Agreements. Copies of agreements will be provided to the purchaser.
- C. To avoid possible ownership disputes, the Village of Ruidoso Manager or designee will administer the resale of plots by issuing a Transfer Agreement.
- D. Interment Rights shall be purchased solely for the purpose of personal or family Interment or the Interment of the person designated in the Interment Rights Agreement, and not for purpose of speculation.
- E. All grave spaces purchased or owned shall be subject to the rules and regulations of the cemeteries now or hereafter adopted.

- F. It shall be recognized that the sale of plots is for human burial purposes.
- G. Gavilan Memorial Gardens Cemetery plots shall be sold in units until sold out prior to going to the next unit. Unit sales are specified in the Gavilan Memorial Gardens Cemetery Site Plan.
- H. Plot selection procedure for Gavilan Memorial Gardens Cemetery – individuals seeking to purchase plots for either immediate interment or “pre-need” shall contact the Village of Ruidoso Manager or designee during normal business hours.

3. INTERMENTS

- A. Interments shall be permitted only when the grave space and the interment charges are fully paid, except by special consent of the Village Manager or designee.
- B. The subdivision of Interment Rights Agreements is not allowed.
- C. Interments shall not be allowed in any grave where the ownership remains unsettled.
- D. The Village 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. An application for interment requires a minimum of 48 hour notice to prepare opening of a grave. Applications will be approved only for the interment of the remains or the cremated remains of human beings. All burials shall be in compliance with the laws of the State of New Mexico and/or any rules set by the New Mexico Health Department. The Village requires using a casket within a minimal standard burial liner made of concrete, fiberglass or metal for traditional burials. All cremains must be placed in an urn suitable for burial.
- F. Interments shall be allowed only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday. Interments will not be allowed on Sunday, New Year’s Day, Dr. Martin Luther King, Jr. Day, President’s Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving Day, Day after Thanksgiving Day, Christmas Eve or Christmas Day. Only by special order of the Health Department or the Village Manager shall interments be performed other than at the times and days specified herein.
- G. The opening and closing of all graves shall be performed by the Village of Ruidoso or its designated agent.
- H. No more than one interment shall be allowed in any grave, except as provided herein:
 - 1. An adult and an infant may be interred in the same grave, provided not more than one casket is interred.
 - 2. Two (2) infants may be interred in the same grave, provided such infants are under the age of three (3) years.
 - 3. Cremated remains may be interred in any grave in the cemetery as provided herein:

- a. Two (2) cremated remains may be interred in any occupied or unoccupied grave.

4. DISINTERMENTS

- A. Disinterments shall be permitted only when the disinterment charges are fully paid and a Disinterment Permit, when required, has been issued by the State of New Mexico.
- B. 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 3, Interments, Paragraph F. Only by special order of the Health Department, the Village of Ruidoso Manager or designee or the Office of the Medical Investigator will disinterments be allowed at other than usual times or days.
- C. All Disinterments will be performed by the Village of Ruidoso or its designated agent.
- D. Except as provided herein, a disinterment shall not be allowed without the express written permission of the surviving next-of-kin of the closest degree of lineal consanguinity of the remains to be disinterred.

5. GRAVE MARKERS AND CURBING

- A. No curbing is allowed at Gavilan Memorial Gardens. The Village of Ruidoso is not liable or responsible for damage to curbing at Forest Lawn Cemetery due to interments, disinterments or maintenance.
- B. Each grave marker shall be installed on the top center of the grave the marker identifies, with the exception of foot stones. A double grave marker shall be centered on the two (2) graves it identifies. Prior to the installation of a grave marker, a Village employee will stakeout the grave space for the correct placement of the marker. All markers, stones & cement pads must fit within the boundary of the plot.
- C. Monuments/markers: The placement of monuments/markers is the responsibility of the owner of the plot and is subject to the following guidelines;
 - 1. All monuments/markers shall be made by a professional monument company and be constructed of either a stone or metal material. All monuments/markers shall be placed on a 6" cement footing set flush with the ground and shall feature a border of at least 4" on all sides. No monument or foundation shall be erected unless they are constructed with a 4" mowing collar.
 - 2. Monument sizes:
 - a. Maximum monument size for a single traditional grave is:
36" wide x 16" deep.
 - b. Maximum monument size for a double traditional grave is:
60" wide x 16" deep.

- c. Maximum monument height is 42".
 - d. Monuments installed for a single cremation grave are restricted to:
24" wide x 12" deep flush monument.
 - e. Monuments installed for a double cremation grave are restricted to:
30" wide x 12" deep flush monument.
- 3. Only one grave marker per plot will be allowed. If additional interments take place in an occupied grave, the existing marker/monument may be modified, replaced or a plaque may be added to recognize the additional burials (cremations).
 - 4. Footstones: only military footstones are allowed. Limit of (1) one per plot with the following dimensions, 24" wide (left to right) X 12" deep (top to bottom), with a $\frac{3}{4}$ inch rise limitation.

6. DECORATION OF GRAVES

- A. For maintenance reasons and for assurance of the preservation of the beauty of the cemetery, graves in the cemeteries may be decorated as follows:
 - 1. Floral vases shall be permanently attached to the monument, except immediately following an interment.
 - 2. Under no circumstances shall glass vases be placed on the grounds.
 - 3. Metal vases that are part of a marker must be inverted by the owner when not in use. The Village shall not be liable for any damage done to these vases.
 - 4. Sprays and wreaths made from fresh cut flowers are allowed, but they will be removed within two weeks by the Village Manager or designee.
 - 5. Funeral designs and floral pieces following interment will be removed prior to mowing or as soon as they become unsightly in the judgment of the Village of Ruidoso Manager or designee.
 - 6. An Emblem or small flag may be displayed on those days and occasions when it is customary to do so. Within two (2) weeks or at the discretion of the Village of Ruidoso Manager or designee, the Village may remove such emblem or flag without any liability for its safekeeping.
 - 7. Religious objects and other objects of mourning are permissible provided they are permanently stationed on the monument or object.
 - 8. The placing of boxes, shells, stones, boulders, toys, metal designs, ornaments, chairs, settees, benches, glass, urns, fences, wood or metal cases, temporary grave markers and similar articles upon lots or burial spaces shall not be permitted.
 - 9. The Village shall not be held liable for lost, misplaced or broken flower vases or for damage caused by the elements, thieves, vandals or by causes beyond its control. The Village reserves the right to regulate the method of decorating lots and the right to regulate decoration so that a uniform beauty may be determined.

- B. The Village 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. To avoid possible damage to equipment and possible injury to the personnel, the use of rocks or metal other than invertible-type vases is not allowed.
- D. The digging of holes in the cemetery for any purpose is strictly prohibited.
- E. The Village reserves the right to remove any fresh-cut or artificial flowers, wreaths or other allowable grave decorations as soon as they become unsightly in the judgment of the Village of Ruidoso Manager or designee.

7. LANDSCAPING

- A. All graves in the cemetery will be level, and no mounding or plantings will be allowed on any grave.
- B. The Village reserves the right to do all landscaping and planting of any nature in the cemetery.
- C. The Village may, at its discretion, provide maintenance and landscaping of the cemetery.
- D. The owner of any grave in the cemetery shall not plant, cut or trim any herbage of any kind, or in any place, erect any monument or memorial stone, or any structure of any kind, or build or construct any foundation therefore, or form, grade, dig or deposit any material of any kind at any place in the cemetery, except by consent of the Village of Ruidoso Manager or designee.
- E. No person shall plant or place in any portion of the cemetery any tree, plant, shrub, vine or flower, except by express written consent and supervision of the Village of Ruidoso Manager or designee.

8. CORRECTION OF ERRORS

- A. The Village 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 Village shall have the right to disinter such remains in such other grave of equal value and similar location as may be substituted and conveyed.
- B. The Village shall have the right to correct any error that may be made in placing a grave marker or vase improperly or at the wrong grave.

9. AMENDMENTS

- A. These rules, regulations and fee schedules may be altered, amended or repealed, and new rules and regulations may be adopted, by the Village of Ruidoso at any Council meeting, provided due notice is given in accordance with existing laws, ordinances, and regulations.

- B. These rules and regulations, and any alterations, amendments or repeals thereof, and any new rules or regulations, shall be maintained in the Village 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 Village of Ruidoso. If any section, paragraph, clause or provision of these rules and regulations shall 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.

10. NON-DISCRIMINATION

The Village of Ruidoso shall not permit any discrimination based on religion, race, ethnic group, creed, political ideas, sex, national origin, place of origin, gender, association, affiliation, age, marital status or physical or mental disability, in the sale or location of grave spaces, decoration of grave spaces, or in the enforcement of any of these rules and regulations.

11. MAINTENANCE

- A. Temporary markers shall be removed when permanent markers are placed.
- B. Flowers shall be removed three (3) days after interment.

APPENDIX A

Fee Schedule

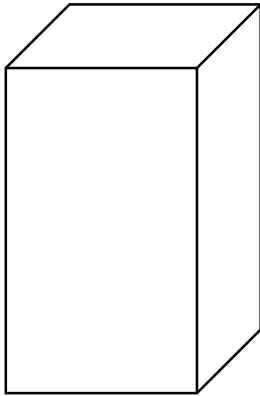
1. Grave spaces for a traditional burial \$900.00 (+ tax) each
2. Grave spaces for a cremation are \$500.00 (+ tax) each
3. Opening and closing fees include contractor (i.e. excavator) and administrative fees. Excavator charges are based on current Fiscal Year rates.
4. Disinterments:
 - A. The fee for a disinterment shall be three times the opening and closing fee applicable at the time of the disinterment.
 - B. If a disinterment is to be reinterred in this cemetery, the applicable fees for the interment shall be charged in addition to the disinterment fee.
5. At the time of plot purchase, the purchaser will acknowledge by their signature, that they have received a copy of and understand the Cemetery Rules and Regulations.

APPENDIX B

Standard allowed grave configurations: The following are the 3 approved grave configuration standards allowed in this cemetery. The proper documentation and payment is required for each person to be interred before any interment can occur. (See diagram below)

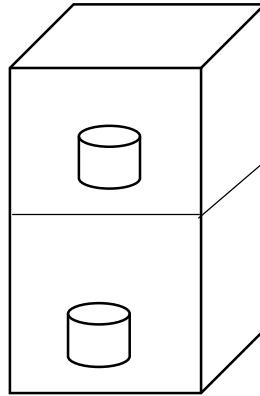
Full Size Graves

6'x10'



Standard #1
Burial Liner

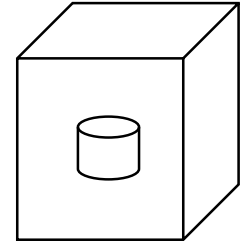
6'x10'



Standard #2
Burial Liner
1 or 2 Urns
Upper Cremation-A
Lower Cremation-B

Cremation

2'x 3'



Standard #3
Burial Liner
1 Urn

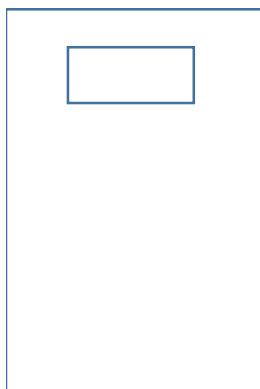
Notes:

Liner: A burial liner, concrete, fiberglass, marble, polystyrene or metal, of standard adult or child size. A casket or urn is placed in the liner.

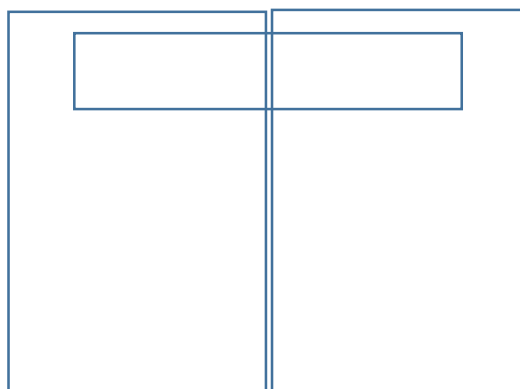
Urn: An urn, usually concrete or plastic, of standard size for interring cremated remains.

HEADSTONE CONFIGURATION

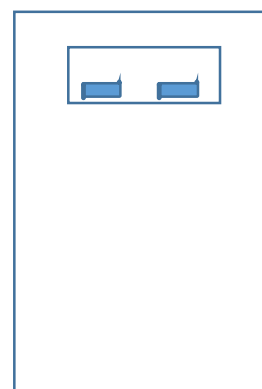
Standard #1



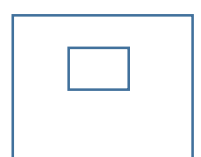
Standard #2/Companion



Standard #2



Standard #3



Note: Only one grave marker per plot will be allowed. If additional interments take place in an occupied grave, the existing marker/monument may be modified, replaced or a plaque may be added to recognize the additional burials (cremations). Example: Standard #2.