

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-290

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE III,
OF THE CODE OF THE INCORPORATED
COUNTY OF LOS ALAMOS PERTAINING TO CEMETERIES**

BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS, as follows:

WHEREAS, the Council of the Incorporated County of Los Alamos (County) is authorized to establish, maintain, and regulate a municipal cemetery pursuant to §3-18-8 and 3-40-1 et seq., N.M.S.A. 1978; and

WHEREAS, the County has established a municipal cemetery known as Guaje Pines Cemetery by Resolution of Los Alamos County Board of Commissioners adopted February 8, 1960; and

WHEREAS, said fees and services now need to be revised.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Incorporated County of Los Alamos, State of New Mexico:

Section 1. That Chapter 14, Article III, of the Los Alamos County Code of Ordinances is hereby amended by replacing it entirely with the following:

Sec. 14-71. - Ownership and regulation.

The county owns and the council maintains and regulates a municipal cemetery known as Guaje Pines Cemetery.

Sec. 14-72. - Scope of article.

Guaje Pines is a garden cemetery, a type of cemetery based on the belief that large tombstones are not desirable and that a pleasing landscape, beautiful and harmonious, is the most suitable resting place for the deceased. As is typical of garden-type cemeteries with columbarium, Guaje Pines has no denominational sections, individual grave monuments above ground level, or boundaries or enclosures surrounding family plots. No shrubs, flowers, trees or fences on or around grave spaces are allowed to be planted except as approved and executed by the county ~~parks division manager~~ Community Services Department Director or designee. Trees and shrubs are planted on the periphery of the cemetery to enhance the appearance.

Sec. 14-73. - Purpose of article.

Guaje Pines Cemetery is owned and operated for the public by the county. ~~Cemetery rules and regulations~~ This Article III of Chapter 14 adopted by the county ~~are~~ is designed to be of benefit to individual space owners and to the entire community. All persons are required to obey ~~the rules and regulations~~ this Article and are encouraged to report any infractions of same on the part of others to the parks maintenance division.

Sec. 14-74. - General regulations.

(a) *Days/hours of service.*

- (1) *Visitation.* The cemetery is open for visitation every day throughout the year, sunrise to sunset.

- (2) ~~Memorial & Services.~~ The cemetery is open for memorial services ~~(including interments, inurnments and scattering of remains)~~ Monday through Saturday 8:00 a.m. to 3 4:00 p.m.

(b) *Guidelines.*

- (1) The county has the right to remove any marker or other grave marking that poses an imminent safety hazard or has become damaged or vandalized, without prior notification. Notification prior to removal will be given whenever possible.
- (2) Only ~~cemetery parks~~ staff or county contracted personnel have authority to perform work on any grave within the grounds. General grooming by the public requires written permission from the ~~parks division manager~~ Community Services Director or designee.
- (3) The speed limit through the cemetery is ten miles per hour.
- (4) Vehicles, other than ~~cemetery parks~~ staff or contracted personnel vehicles, are allowed in the cemetery only when their use is associated with cemetery business. ~~such as visiting a grave site or attending a funeral.~~
- (5) No parking or driving is allowed off the paved roadway within the cemetery.
- (6) Only qualified service animals per NMSA 1978, § 28-11-2 are allowed on the cemetery grounds.
- (7) Consumption of alcoholic beverages is prohibited on cemetery grounds.
- (8) Only ~~cemetery parks~~ staff will close graves after the funeral director dismisses the funeral party from the burial area. For safety reasons, no one else is permitted in the area during a grave closing.

(c) *Decoration and marker guidelines.*

- (1) Approved flower receptacles for graves include metal vases of a rust-resistant material or heavy-duty plastic. The use of glass, tin or ceramic receptacles of any type is prohibited. The county has the right to remove any prohibited receptacle without prior notification.
- (2) The county is not responsible for damage to or loss of any plants, vegetation or vases resulting from the elements, vandalism or theft.
- (3) Flowers associated with funerals will usually be removed three working days after the interment service.
- (4) The county reserves the right to remove, ~~at any time,~~ decorations, structures, or items as appropriate. ~~and flowers, artificial or real, that are determined by cemetery staff to be unsightly or weathered.~~
- (5) During mowing operations, decorations may be moved aside and then replaced in their original location.
- ~~(6) The county may remove any structure from any grave if it becomes unsightly or obstructs the maintenance of the grave site or adjacent area.~~
- ~~(7)~~ 6 Twenty-four hour notice (one working day) is required to schedule a service. ~~prepare a grave site.~~

Sec. 14-75. - ~~Vaults and~~ Grave liners.

~~To prevent sunken graves, thereby keeping maintenance costs economical and to maintain the beauty of the cemetery, it is necessary to require vaults or Liners are required, for adult spaces only. A one piece concrete dome liner is available from the county. Other types of one piece vaults may be acceptable with prior approval of the county parks division manager. The use of sectional type liners is expressly prohibited. No vaults or liners are required for children's spaces. Liners are available to purchase from the county.~~

Sec. 14-76. - Capacity of each space.

(a) Grave space capacity. Each adult grave space is limited to the burial of either one human body and the cremated remains of one human body or the cremated remains of two human bodies. Such arrangements shall include burial of the one human body at such depth as to permit simultaneous or subsequent burial of the cremated remains above or below the body at sufficient depth below ground level to satisfy general cemetery rules and regulations. In no case shall two human bodies be buried within an adult grave space. Such arrangements shall include recognition thereof by the person responsible for the first burial, with consequent acknowledgment that a second burial will occur in the same grave space and that under no circumstances will the opening or reopening of the grave space be deemed or contended to be a disturbance of the remains or grave of the first body or remains therein interred.

(b) Columbarium space capacity. Each columbarium niche is limited to the cremated remains of two human bodies.

Sec. 14-77. - Gravemarkers. ~~Markers.~~

~~(a) Temporary markers.~~ Mortuaries usually provide temporary markers to be placed at the head of the grave at the time of burial. No responsibility is assumed by the county for the loss or destruction of such markers. In the event of loss or destruction, temporary markers may be obtained from the county at no additional charge. Such request should be made to the county clerk's office.

(b a) Permanent markers. Grave Markers.

~~(1) Type.~~ All permanent markers must be of uniform type, made of bronze, granite or marble, and set flush with the ground. No vertical joints or protrusions are permitted. One standard size headstone vase may be used if below ground storage is provided next to or as part of the headstone.

~~(2 1) Location.~~ All headstones shall be set in line and within three inches of the property line at the head of the space.

~~(3 2) Type and Size. and construction.~~ All markers must be of uniform type, made of bronze, granite, or marble, and set flush with the ground. No vertical joints or protrusions are permitted. One standard-size headstone vase may be used if below ground storage is provided next to or as part of the headstone. Single adult markers shall be at least 24 inches by 12 inches and not more than 28 inches by 16 inches. Double markers shall be at least 36 inches by 14 inches and not more than 48 inches by 18 inches. All metal markers shall be set on a reinforced concrete slab at least four inches thick. Concrete is to extend 2½ inches past the edge of the marker. All stone markers shall be at least four inches thick. Baby grave markers and urn markers shall be eight inches by 12 inches minimum and 12 inches by 24 inches maximum. The concrete slab for metal markers shall be reinforced with two three-eighths inch steel rods lengthwise and two three-eighths inch steel rods crosswise, rods to be tied with wire where they cross. Rods shall be placed one to 1½ inches above the bottom and three inches from the outside edge of the slab. Where the slab is 30 inches or longer, three cross rods shall be used. Where

~~two or more pieces are used to make one rod, it must be lapped 20 diameters of the rod, 7½ inches, and tied with wire at each end of lap. Double urn marker sizes shall be at least 36 inches by 14 inches by four inches and not more than 48 inches by 18 inches. Gravemarkers may only be installed by authorized personnel under the supervision of the Community Services Director or designee, parks division manager.~~

- (b) Columbarium Markers. Columbarium markers are provided by the County with the purchase of a memorial service. All permanent markers for a columbarium niche must be purchased from the County.

Sec. 14-78. - Sale of spaces.

- (a) ~~Generally. Prices of unsold spaces are established by this article and regulations that are available in through the county clerk's office. Costs and fees are approved by action of the eCounty eCouncil and are subject to change. Any person may purchase a space upon payment of the fixed price and shall be entitled to a quitclaim deed for the space. Grave spaces will be sold consecutively by number. Sale of spaces on a pre-need basis are allowed. To provide for a uniform and harmonious expansion of the cemetery, it is the intention of the county to sell all spaces, consecutively by number, in each section before making spaces available for purchase in a new section. Special consideration for grave spaces, however, may be given to persons wishing to purchase adjoining spaces. If the spaces remaining at the end of a row are insufficient to supply the number requested, the next available adjoining spaces may be used. Spaces skipped in this manner will be used before continuing the next row. Columbarium spaces will be sold on a first-come, first-served basis.~~
- (b) *Purchasing procedure.* Persons wishing to purchase a space in the cemetery shall purchase through the county, ~~make application to the county clerk~~, who shall execute the necessary papers for the completion of the sale. Upon the signing of the purchase agreement by the purchaser and following the purchaser's recording of the purchase agreement with the county clerk, the purchaser shall be entitled to and shall receive within approximately ten days a quitclaim deed for the space. No deed for any space shall be issued until a receipt evidencing payment in full, for the space required shall be exhibited to the person whose duty it is to issue such deed. The county clerk or deputy, under extenuating circumstances, may authorize burial and services to be performed prior to receipt of final payment. Any resale of a space is subject to a 30-day right of first refusal by the county for repurchase of the space at the price the space was initially sold to the purchaser. All resales will be recorded by quitclaim deed with the county clerk.
- (c) *Quitclaim deed.* The county manager is authorized to sign a quitclaim deed on behalf of the county for any space sold under the procedures authorized in this article.

~~Sec. 14-79. — Sale of services and other products.~~

- (a) ~~Services and other products are defined as those services and products provided by the county in association with burial at Guaje Pines Cemetery including, but not limited to, grave openings, urn openings, liners, markers, chairs and tents.~~
- (b) ~~Prices of services and other products are established by this article and regulations that are available in the county clerk's office. Costs are approved by action of the county council and are subject to change. Sale of services and other products on a pre-need basis are prohibited.~~
- (c) ~~Persons wishing to purchase services or other products shall make application to the county clerk, who shall execute the necessary papers for the completion of the sale.~~

- ~~(d) The provisions of this section pertaining to the prohibition of the sale of services and other products on a pre-need basis do not affect pre-need sales of services and other products completed prior to the enactment of this section.~~

~~Sec. 14-79.80. - Parks division manager~~ Community Service Director or designee responsibility.

~~Under the direction of the public works director~~ Community Services Director or designee, the ~~parks staff division manager~~ shall be responsible for the following:

- ~~(1a) Keeping the grounds, walks and streets in order and free from obstructions; Maintaining cemetery grounds;~~
- ~~(2b) Taking charge of all interments made in the cemetery and supervising all labor; Providing cemetery services;~~
- ~~(3c) Enforcing the provisions of all ordinances and rules and regulations adopted by the council for operation of the cemetery.~~
- ~~(4) Taking charge of the digging of all graves in the cemetery (every grave for an adult shall be a minimum of 60 inches deep, and for a child a minimum of 40 inches deep, except as may be necessary for greater depth pursuant to section 14-75);~~
- ~~(5) Preventing any burial in any space until approval has been received from the county clerk.~~

~~Sec. 14-80.4. - Size and depth of spaces. of graves.~~

~~(a) Graves.~~

~~(1) The size of adult graves is nine feet by four feet, and children's graves are four feet by three feet. Children over three feet tall shall be buried in adult graves.~~

~~(2) Depth of adult graves shall be a minimum of 60 inches. Depth of child graves shall be a minimum of 40 inches.~~

~~(b) Columbarium niches. The size of a columbarium niche is 12 inches long x 12 inches wide x 12 inches high.~~

~~The size of adult graves is nine feet by four feet, and children's graves are four feet by three feet. Children over three feet tall shall be buried in adult graves.~~

~~Sec. 14-81.2. - Rules for interment and inurnment.~~

~~No deceased person shall be interred or inurned in the cemetery until:~~

- ~~(1a) A burial-transit permit or reinternment or inurnment permit has been issued by law; shall have been issued when required by law;~~
- ~~(2b) A death certificate has been filed by law;~~
- ~~(3c) The space in which burial is to be made has been fully paid for (except as provided for in section 14-787);~~
- ~~(4d) Proper record is made of the name and age of the deceased and of location of the grave;~~
- ~~(5e) Requests for opening the grave must be given at least 24 twenty-four hours (one working day) in advance of burial time, although unusual circumstances may, at the discretion of the county, lead to a waiver of this rule.~~

Sec. 14-8 ~~23~~. - Costs of ~~grave~~ spaces and other fees.

- (a) Sixty percent of all moneys received from the sale of cemetery spaces is maintained in a separate long-term designated account, the perpetual care fund, within the cemetery fund by the director of the finance department.
- ~~(b) Costs of grave and urn spaces and fees for services and other products are set forth in the Guaje Pines Cemetery user fee policy adopted by the county. Copies of the user fee policy are available in the county clerk's office.~~
- ~~(c) Costs of grave and urn spaces will be incrementally increased through fiscal year 1998, after which costs will be annually adjusted for inflation. Rates set in the Guaje Pines Cemetery user fee policy for non-residents may be more than the rates for residents.~~
- ~~(d-b) Fees shall be approved by action of the County Council, and are subject to change. Fees for services and other products will be reviewed annually and adjusted as necessary, to ensure the county fully recovers the cost of providing these services and products.~~

Sec. 14-83.4. - Burial of indigents.

The county shall cause to be decently interred or cremated the body of any unclaimed decedent or indigent person in accordance with state law. ~~within the cemetery, at no cost, the body of any dead person having no visible estate out of which to defray the costs of burial, when no relative or friend of such decedent will undertake the cost of burial. For the purpose of this section, no deceased person shall be considered to be indigent if there are any sums, no matter how small, with which to defray the cost of such burial.~~

Sec. 14-84 ~~5~~. - Recording and disposition of fees.

The county shall receive all fees for cemetery services and issue receipts for the fees and shall keep an account of all receipts.

~~The county clerk's office shall receive all fees for space and services described (except those from mortuaries), shall issue receipts for the fees and shall keep an account of all receipts.~~

Secs. 14-85—14-120. - Reserved.

Section 2. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 3. Severability. Should any section, paragraph, clause or provision of this ordinance, 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 of the remaining provisions of this ordinance.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this 27th day of November, 2018.

INCORPORATED COUNTY OF LOS ALAMOS

**David Izraelevitz,
Council Chair**

ATTEST:

**Naomi D. Maestas,
Los Alamos County Clerk**