

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE 02-348
AN ORDINANCE REPEALING AND REPLACING IN ITS ENTIRETY
ARTICLE III, CHAPTER 14, OF THE COUNTY CODE PERTAINING TO CEMETERIES

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

WHEREAS, County seeks to amend the County Code of Ordinances pertaining to the Cemetery. The Cemetery Ordinance has not been substantially reviewed or amended since 2018. The amendments provide clarity to the Code and remove policy provisions which will be incorporated in the Guaje Pines Cemetery Rules and Regulations.

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

Section 1. Article III of Chapter 14 of the Code of the Incorporated County of Los Alamos is repealed in its entirety and replaced with the following: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. - Purpose and scope of article.

- (a) Guaje Pines Cemetery is owned and operated for the public by the county. This article III of chapter 14 adopted by the county is designed to be of benefit to individual space owners and to the entire community. Each and every lot in the cemetery shall be used for the purpose of the burial of members of the human race, and no lot shall be used for any other purpose.
- (b) The Community Services Department shall have the authority to develop and promulgate rules and policies pertaining to the operation of Guaje Pines Cemetery for review and approval by the County Manager.
- (c) Under the direction of the Community Services Director or designee, the County Parks Division staff shall be responsible for the following:
 - (1) Maintaining cemetery grounds;
 - (2) Providing cemetery services; and
 - (3) Enforcing the provisions of all ordinances adopted by the council and rules and policies approved by the County Manager for operation of the cemetery.

- (d) All persons are required to obey this article and any adopted rules and policies pertaining to the operation of Guaje Pines Cemetery and are encouraged to report any infractions of same on the part of others to the parks maintenance division.

Sec. 14-73. - Sale of Spaces.

- (a) *Generally.* Prices of unsold spaces established by this article are available through the county. Costs are approved by action of the county council 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. Grave liners are required and shall be purchased from the county upon the purchase of a grave space. Sale of spaces on a pre-need basis are allowed. Special consideration for grave spaces 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.
- (b) *Purchasing procedure.* Persons wishing to purchase a space in the cemetery shall purchase through the county, 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 shall 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. 14-74. - 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.

Sec. 14-75. - 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. In no case shall two human bodies be buried within an adult grave space.
- (b) *Columbarium space capacity.* Each columbarium niche is limited to the cremated remains of two human bodies.

Sec. 14-76. - Size and depth of spaces.

(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 by 12 inches wide by 12 inches high.

Sec. 14-77. - Markers.

(a) *Grave markers.*

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

<u>Grave Space Marker Size</u>	<u>Width of Grave Marker</u>	<u>Length of Grave Marker</u>
Single Adult Marker	24 inches (minimum) 28 inches (maximum)	12 inches (minimum) 16 inches (maximum)
Double Adult Marker	36 inches (minimum) 48 inches (maximum)	14 inches (minimum) 18 inches (maximum)
Baby Section Marker & Urns	8 inches (minimum) 12 inches (maximum)	12 inches (minimum) 24 inches (maximum)
Columbarium – One or Two Urns	7" x 5"	7" x 5"

- (3) *Installation.* Gravemarkers shall only be installed by authorized personnel under the supervision of county staff.

(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. - Rules for interment, inurnment, and disinterment.

(a) No deceased person shall be interred or inurned in the cemetery until:

- (1) A burial-transit permit or reinternment or inurnment permit has been issued by law;

- (2) A death certificate has been filed by law;
 - (3) The space in which burial is to be made has been fully paid for (except as provided for in section 14-73); and
 - (4) Proper record is made of the name and age of the deceased and of location of the grave.
- (b) Disinterment. Disinterment or removal of a deceased body cremated remains or a memorial/monument shall only be allowed in accordance with state law.
 - (c) Only County Parks Division 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.

Sec. 14-79. - Costs of 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) Fees shall be approved by action of the county council, and are subject to change. Fees will be reviewed annually and adjusted as necessary.

Sec. 14-80. - Days/hours of service.

- (a) *Visitation.* The cemetery is open for visitation every day throughout the year, sunrise to sunset.
- (b) *Memorial services.* The cemetery is open for memorial services Monday through Saturday 8:00 a.m. to 4:00 p.m.
- (c) It is unlawful for any person to enter into or upon the grounds of Memorial Park Cemetery after dark or until daylight. It is further unlawful for any person to be in or upon the cemetery grounds when the gates or entrances thereto provided for ingress or egress are barricaded, closed or locked, without first obtaining the permission of the sexton or other person in charge of the cemetery.

Sec. 14-81. - Compliance with law.

- (a) It is unlawful for any person to make use or participate in using a cemetery lot without the lot first having been paid for to the county.
- (b) Only the county has the authority to perform work on any grave within the grounds and has the right to remove any marker or other grave marking. It is unlawful for any person without authority to perform work on any grave or remove any marker or grave marking.
- (c) The speed limit through the cemetery is ten (10) miles per hour.

- (d) Vehicles, other than County Parks Division staff or contracted personnel vehicles, are allowed in the cemetery only when their use is associated with cemetery business.
- (e) It is unlawful to park or drive off the paved roadway within the cemetery.
- (f) Only qualified service animals per NMSA 1978, § 28-11-2 are allowed on the cemetery grounds.
- (g) It is unlawful to consume alcoholic beverages on cemetery grounds.
- (h) It is unlawful to break or injure any tree, shrub or other plant or mar any landmark marker or memorial or in any other way deface the grounds of the cemetery. The county is not responsible for damage to or loss of any plants, vegetation or vases resulting from the elements, vandalism or theft.
- (i) It is unlawful for any person to erect monumental work, burial structures, or buildings without permission from the County, or to erect any fence, coping, curbing or enclosure of any kind, or to plant or remove any tree, shrub, flower or other decorative plant in said cemetery contrary to the rules and regulations therefore established by this chapter.
- (j) It is unlawful for any person to pluck or remove any plant or flower, either wild or cultivated, from any part of the cemetery without the written consent of the County. The County reserves the right to remove decorations, structures, or items as appropriate.
- (k) It is unlawful for any person to remove, molest, injure, mar, deface, throw down or destroy any headstone, monuments, markers, tombs, vaults or mausoleum or decoration on any cemetery, or to open, disturb or molest any grave or place of burial therein.

Sec. 14-82. - 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.

Secs. 14-83—14-120. Reserved.

Section 2. Severability. If any section, paragraph, clause or provision of this Code Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code Ordinance.

Section 3. Effective Date. This Code Ordinance shall become effective thirty (30) days after publication of notice of its adoption.

[this section intentionally left blank]

Section 4. Repealer. All other 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 24th day of September 2024.

INCORPORATED COUNTY OF LOS ALAMOS

**Denise Derkacs,
Council Chair**

ATTEST:

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