

ORDINANCE NO. 04-11

AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING FOR ESTABLISHMENT OF AN ADVISORY BOARD TO BE KNOWN AS THE "CEMETERY BOARD OF ROSWELL", AMENDING CHAPTER 2, ARTICLE IV AND CHAPTER 9, ARTICLE II OF THE ROSWELL CITY CODE (1999), TO PROVIDE FOR THE BOARD AND FOR THE CITY'S CEMETERY, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND FIXING AN EFFECTIVE DATE.

WHEREAS, the Roswell Cemetery Board has heretofore operated the City's cemetery, South Park Cemetery, as a board constituted under state statute overseeing the operation of the cemetery, and

WHEREAS, revenues of the cemetery are no longer sufficient for the cemetery to continue as a fiscally independent entity, and

WHEREAS, in order to facilitate the City's fiscal participation in the cemetery it is necessary the City have management and control of the cemetery, and

WHEREAS, it is desired that an advisory board be involved in monitoring the cemetery and in recommending improvements and changes in operations and rules,

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO, THAT THE FOLLOWING PROVISIONS AND AMENDMENTS TO THE ROSWELL CITY CODE (1999) ARE HEREBY APPROVED AND ENACTED:

Section 1. In the Roswell City Code Chapter 2, Article IV, the following new material is hereby enacted:

Division 5. Cemetery Board of Roswell

Section 2-141. Created

There is hereby created an advisory board to be known as the Cemetery Board of Roswell.

Section 2-142. Membership

(a) a member of the City Council may be appointed by the Mayor to serve as an ex-officio member of the board. Other city personnel may be appointed or assigned as liaisons to the board by the City.

(b) Board members shall serve without compensation.

(c) The number of board members shall be five. This is a specific exception to the requirements of Article IV, Section 2-97-4 of the Roswell City Code. All other provisions of the City Code relating to boards and commissions shall apply to this board unless otherwise provided.

Section 2-143. Function

The Cemetery Board of Roswell shall recommend all things necessary to provide and maintain a city cemetery. The board shall annually render a report to the governing body prior to its August regular meeting.

Section 2. In the Roswell City Code, Chapter 9, the following amendments are hereby enacted:

Section 9-6. Definitions

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

Board. The Cemetery Board of Roswell, as established by the Roswell City Code.
Municipal cemetery. The municipal cemetery of the City.

Sexton. The administrative superintendent of the cemetery.

Section 9-7. Cemetery board

The cemetery board shall be the advisory board created by the Roswell City Code and shall not have or exercise the power and authority of the cemetery board allowed by state law.

Section 9-8 Sale of burial lots

The City shall have the power to sell any burial lot within the municipal cemetery and to exercise such powers provided by law for municipal cemeteries.

Section 9-9. Violations of cemetery regulations

It is unlawful to violate the regulations promulgated and approved by the governing body.

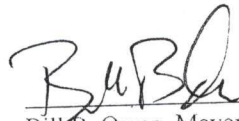
Section 3. Severability. If any section, paragraph, clause, or provision of this Ordinance for any reason shall be held invalid or unenforceable, the invalidity or unenforceability shall not affect the other part Ordinance.

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

Section 5. Effective Date. This ordinance shall be effective five (5) days after the publication as provided by law.

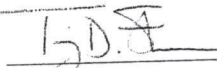
PASSED, ADOPTED, SIGNED AND APPROVED this ____ day of _____, 2004.

CITY SEAL



Bill B. Owen, Mayor

ATTEST:



Timothy D. Stoessel, City Clerk