

FILE

ORDINANCE NO. 993

AN ORDINANCE CREATING A CEMETERY BOARD; PROVIDING FOR APPOINTMENT, TERM OF OFFICE, DUTIES OF THE BOARD; PROVIDING CERTAIN REQUIREMENTS INCIDENT TO THE CITY CEMETERY AND SAID BOARD; REPEALING ART. V, CH. 2, BEING SECTIONS 67.1-67.17 OF THE CITY CODE OF THE CITY OF ROSWELL, NEW MEXICO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY; AND, FIXING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL, NEW MEXICO:

1. Definitions: The following words and phrases when used in this Ordinance shall have the meaning respectively ascribed to them in this section:

(a) "Board": The term "Board" shall mean the Cemetery Board of Roswell as established by this Ordinance.

(b) "Municipal Cemetery": The phrase "Municipal Cemetery" shall mean the Municipal Cemetery of the City of Roswell, New Mexico.

(c) "Sexton": The term "Sexton" shall mean the Administrative Superintendent of the Board.

(d) "Year": The term "Year" shall mean the calendar year period from July 1 to and including June 30 of the following year.

2. Creation of Board: There is hereby created a Board to be known as the "Cemetery Board of Roswell" which shall consist of five members, all of whom shall be residents of the City of Roswell, New Mexico.

3. Appointment and Qualification of Board--Term of Office: The members of the Board shall be appointed by the Mayor of the City of Roswell, New Mexico, with the consent of the City Council. Each present member of the Board is hereby reappointed for a term expiring June 30, 1978. Thereafter, each member of the Board shall hold office for a term of two years. Each member of the Board shall serve without compensation and qualify by taking an oath of office to faithfully and impartially discharge the duties of the office. Within ten (10) days of their appointment, the members of the Board shall meet and organize by electing one of the members president of the Board. The Board shall adopt regulations governing the time and place of its meeting.

4. Removal of Members of the Board--Filling Vacancies: The City Council may remove a member of the Board for cause and shall fill any vacancy on the Board that may occur.

5. Duties of Municipal Clerk: The Municipal Clerk of the City of Roswell, New Mexico shall serve as Clerk and Treasurer of the Board without additional compensation.

6. Powers and Duties of the Board: The Cemetery Board shall:

- (a) take charge of the Municipal Cemetery;
- (b) have the management of the Municipal Cemetery;
- (c) recommend rules and regulations for the operation, management, care and custody of the Municipal Cemetery;
- (d) employ a sexton and other employees necessary for the care, maintenance and beautification of the Municipal Cemetery;
- (e) prescribe the manner and place of burial;
- (f) have the power to adopt by-laws not inconsistent with existing laws, ordinances, or regulations, and amend the same from time to time.

(g) subject to the approval of the City Council, accept any cemetery within or adjacent to the City of Roswell, New Mexico, and used as a burial place by the inhabitants of the City, from any person, corporation or organization owning, controlling or maintaining the cemetery.

7. Violation of Cemetery Regulations-Penalty: Violation of this ordinance, or of the regulations promulgated by the Board and approved by the City Council, shall constitute a petty misdemeanor, punishable by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

8. Deeds to Burial Lots: Upon certification of the president of the Board that a sale of a burial lot has been made in compliance with the rules and regulations of the Board, and any by-laws of the Board with respect thereto, a deed therefor shall be executed by the Mayor of the City of Roswell, New Mexico, attested by the City Clerk, and bear the seal of the City of Roswell, New Mexico.

9. Lease of Burial Lots: The City of Roswell shall have the power, upon recommendation by the Board, to lease any burial lot within the Municipal Cemetery for a period not to exceed ninety-nine (99) years.

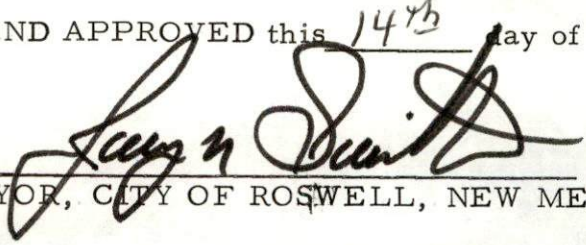
10. Repeal: Art. V, Ch. 2, Being Sections 67.1-67.17 of the City Code of Roswell, New Mexico adopted and approved March 5, 1963 is hereby repealed. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repeal shall not be construed to revive any ordinance or any part of any ordinance heretofore repealed.

11. Savings Clause: If any section, paragraph, clause or provision of this Ordinance 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 this Ordinance.


12. Effective Date: This Ordinance shall be and become of full force and effect five (5) days after publication of adoption and approval hereof.

PASSED, ADOPTED, SIGNED AND APPROVED this 14th day of September, 1976.

CITY SEAL


MAYOR, CITY OF ROSWELL, NEW MEXICO

ATTEST:


CITY CLERK