

**RULES AND REGULATIONS
OF
WOODBINE CEMETERY**



**A Perpetually Endowed Cemetery
Operated By the City of Artesia, New Mexico**

INTRODUCTION

Woodbine Cemetery is a perpetual care cemetery. This care is made possible under an arrangement whereby a portion of the purchase price realized from original sale of any plot by Woodbine Cemetery Board is placed in a Trust Fund. This Trust Fund is a guarantee of perpetual, permanent and everlasting care of the cemetery. The monies deposited in this fund are expended for the specified purpose by the Woodbine Cemetery Board whose members are appointed by the Mayor and confirmed by the City Council of Artesia, New Mexico.

Certain rules and regulations are necessary for the protection of the lot owners, and to give the assurance that nothing of any unsightly or objectionable nature can ever be placed on plots adjacent to their own.

These rules and regulations are designed for the protection of owners of interment rights as a group. Their enforcement will help protect the Cemetery and create and preserve its beauty. The following rules and regulations are hereby adopted by Woodbine Cemetery Board as the rules and regulations of the Woodbine Cemetery, hereinafter, referred to as the Cemetery, and all owners of lots, all visitors and those performing work within the Cemetery, shall be subject to said rules and regulations, amendments or alterations as shall be adopted from time to time.

These rules and regulations were passed, adopted and approved by the Artesia City Council as Resolution 1500 effective the 11th day of June, 2013 and shall supersede any other rules and regulations adopted by the city concerning the regulation of the cemetery. Amendments to the rules and regulations have been passed, adopted and approved by the Artesia City Council as:

Resolution 1589 passed by the Artesia City Council September 22, 2015 amends Cemetery Schedule of fees.

Resolution 1707 passed by the Artesia City Council effective July 9, 2019 amends Section G5 Interments and Disinterments—The number of cremains per grave space.

Persons in violation of these Rules and Regulations are subject to a fine of not more than three hundred dollars (\$300) or imprisonment for not more than (90) days or both a fine and imprisonment. (Section 3-6-7, Artesia Municipal Code).

INDEX

A. General	Page 4
B. Traffic and Animals.....	Page 4
C. Personal Conduct.....	Page 4, 5
D. Purchase of Cemetery Plots & Deeds.....	Page 5, 6
E. Transfer of Plots or Repurchase	Page 6
F. Protection from Loss or Damage.....	Page 7
G. Interments and Disinterments.....	Page 7, 8
H. Control of Work in the Cemetery.....	Page 8, 9
I. Boundaries, Changes in Grade and Easements.....	Page 9
J. Memorials, Monuments and Markers.....	Page 9, 10
K. Decorations.....	Page 10, 11

A. General

1. Exclusive right is expressly reserved to the Cemetery Board subject to City Council approval to adopt additional or supplemental rules and regulations, to alter, amend, repeal or otherwise change any rule, regulation, clause or provisions of the foregoing rules and regulations, at any time or times, with or without notice to owners of burial lots or plots.
2. Woodbine Cemetery Sexton shall have authority to enter upon any lot and to remove any objectionable thing or any erection that may have been placed there contrary to the regulations.
3. Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. Special exceptions, suspensions or modifications of rules and regulations may, therefore, be granted upon request to and majority vote of the Woodbine Cemetery Board. Any such special exceptions, suspension or modification granted by the Woodbine Cemetery Board shall in no way be construed as establishing any precedent or as an amendment to these rules and regulations.
4. These Rules and Regulations are subject to any provision of applicable laws of New Mexico.

B. Traffic and Animals

1. Persons within the Cemetery grounds shall use only the avenues, walkways and roads. No one must ride or drive upon the lawns. Riding a bicycle or hunting is expressly prohibited within the confines of the Cemetery premises.
2. Vehicles shall not be driven through the grounds at a greater speed than ten miles per hour and must always be kept on the right side of the Cemetery roadways. Vehicles are not allowed to turn around on the driveways or roadways, and are not allowed to park or come to a full stop in front of an open grave unless such vehicles are in attendance at a funeral.
3. No dogs shall be permitted in the Cemetery.

C. Personal Conduct

1. All persons entering the Cemetery shall obey all rules and regulations adopted by the Cemetery.
2. No person will be permitted to use profane or boisterous language or in any way disturb the quiet sanctity and good order of the Cemetery.

3. Bringing lunches, beer or intoxicating liquors within the Cemetery is strictly forbidden.
4. No person or persons, other than a law enforcement officer, shall be permitted to bring or carry firearms within the Cemetery except a Military Guard of Honor or Honor Guard from the Veteran's or Civilian Organizations such as VFW or American Legion during a military ceremony.
5. No person shall be permitted to enter or leave the Cemetery except by the public gates, which will be open during such hours as are specified by Woodbine Cemetery Board.
6. All persons are strictly forbidden to break or injure any tree or shrub, or mark any landmark, marker, or memorial or in any way deface the grounds of the Cemetery.
7. Persons shall touch nothing in the Cemetery that does not belong to them. This is the only safe rule to adopt in visiting this Cemetery.
8. It is of utmost importance that there should be a strict observance of all proprieties due the place, whether embraced in the foregoing regulations or not, as no impropriety will be tolerated.
9. All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute will be strictly enforced in all cases of wanton injury, disturbance, or disregard of the rules.

D. Purchase of Cemetery Plots & Deed

1. Lots in Woodbine Cemetery shall be used for no other purpose than the burial of the human dead.
2. No interments shall be permitted in, nor marker be placed upon, any plot not fully paid for, except by special consent of the Woodbine Cemetery Board in writing in each and every case. The granting of any such consent shall not thereafter be construed as a waiver of this provision. In the event such consent is given, any and all interments placed in, or markers placed on, said property shall be considered temporary, and no right shall be acquired by the lot purchaser to said interment or marker until such property and marker are fully paid in cash. Payment of any plot by installments shall be limited to one year. If not paid within one year, the plot reverts back to Woodbine Cemetery Board.
3. When the full purchase price is paid to City of Artesia a Cemetery Deed will be issued to the purchaser. This Deed shall contain the customary reservations and restrictions as to use and care. The deed issued to any purchaser should show the establishment of the Trust Fund for perpetual care.

4. All lots purchased or owned shall be subject to the rules and regulations of said Cemetery now or hereafter adopted. This provision applies to all sales, whether made directly by City of Artesia or sales made by Owners.
5. Opening and closing fees for Saturday services require an additional fee. This provision applies to all Saturday services.

E. Transfer of Plots or Repurchase

1. No transfer of title to lots will be recognized unless such sale and transfer shall be duly entered upon the books of City of Artesia.
2. Woodbine Cemetery Board reserves the right to refuse to consent to any transfer, assignment, or conveyance of any plot or any right or interest therein as long as there is any indebtedness due upon the purchase price of said plot or for any interment therein.
3. All resale Deeds must be made out and recorded in the office of City of Artesia Cemetery Sexton.
4. Repurchase by City. If for any reason it becomes necessary for any lot owner to dispose of or transfer their interest in any burial space, they may make application to the Cemetery Sexton for repurchase of their interest in such burial space by the City. Each individual application shall be investigated by the Cemetery Sexton to determine its eligibility for future use. The repurchase price for the burial space shall not exceed 50% of the original purchase price. The person making application for Repurchase is responsible for providing the proof of original purchase price. The payment of the price agreed upon by the Cemetery Sexton will be made to the burial space owner or owners when they have conveyed to the City a good and sufficient Deed to such burial space.
5. Transfer of Ownership. All transfer of rights to burial spaces and all assignments shall be subject to a fee. The fee must be paid to the City at the time of the transfer or assignment is requested. Ownership may be transferred to relatives or heirs by submitting a written request along with the original deed and a \$25.00 fee. If more than one transfer is being made under the same request, there will be a ten (\$10.00) dollar fee for the second and any additional transfers. In the event the original deed is no longer available, other documentation and/or signed affidavits may be accepted at the discretion of the Cemetery Sexton or as approved by the City Attorney. If the person requesting the transfer is not the original owner, the person requesting transfer must prove to the satisfaction of the City their ownership right to make the transfer. In the absence of disposition of a burial space in the owner's last will and testament, the lot or burial space shall, upon the death of the owner, descend in accordance with State Statutes of New Mexico providing for descent and distribution. It shall be the responsibility of the descendant or descendants to provide sufficient legal documentation to the City sufficient to prove heirship into the person requesting transfer prior to any transfer being permitted of any lot or burial space.
6. Purchase and Resale of Cemetery Burial Spaces. The purchase and resale of Cemetery burial spaces by any person for profit is prohibited.

F. Protection from Loss or Damage

1. Neither the Woodbine Cemetery Board nor the City of Artesia will be liable for any act of lot owners, visitors, licensees or trespassers within the Cemetery or for any damage to person or property within the Woodbine Cemetery. Neither Woodbine Cemetery Board nor the City of Artesia shall be liable for damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

G. Interments and Disinterments

1. Interments will be allowed only between the hours of 8:00 a.m. and 4:30 p.m. and upon weekdays only, unless in the case of special order of the Board of Health or as otherwise directed by the Cemetery Board.
2. Written notice of 24 hours before the announced time of the funeral will be required. Sunday funerals will not be permitted. Exceptions to this rule will be made only in cases of death from contagious disease or when so ordered by the authorized Officers of the Cemetery.
3. Interments will not be allowed in any lot where the ownership remains unsettled.
4. Not more than one interment in one grave will be allowed except in case of mother and infant or two infants to be interred at the same time, under the age of three years. There may be allowed one interment and one cremain per grave space.
5. The number of cremains per grave space shall not exceed TWO.
6. The opening and closing charges of all graves must be paid in full before opening is made and opening can only be made by Woodbine Cemetery employees. Payments to be made to the City of Artesia at the utility office.
7. Funerals, after entering the gates, shall be subject to the direction of the authorized employees of the City of Artesia.
8. Applications for the opening and closing of all graves and for disinterments must be presented at the designated office of the Cemetery Sexton during business hours of the day preceding the one upon which the lot is to be used.
9. Any person desiring to remove a body from the grave space of another must present a written permit signed by the Owner for such removal, and also himself sign a request to have such removal made. These shall remain on file in the office of Cemetery Sexton.

Removal of a dead body from a burial space within the Cemetery will be permitted only upon application made and approval of the Cemetery Board in accordance with law in such case made and provided.

10. The subdivision of interment rights is not allowed without the consent of Woodbine Cemetery Board, and no one shall be buried in any lot not having an interest therein, except by written consent of all parties interested in such lot and of Woodbine Cemetery Board.
11. Woodbine Cemetery Board reserves, and shall have, the right to correct any errors that may be made either in making interments, disinterments or removals. In the event such error shall involve the interment of the remains of any person in such lot, Woodbine Cemetery Board reserves and shall have the right to remove and transfer such remains so interred to such other lot of equal value and similar location as may be substituted and conveyed in lieu thereof according to law in such case made and provided. It shall also have the right to correct any errors made by improper inscription, description, incorrect name or date on the head marker.

H. Control of Work in the Cemetery

1. The authorized Officers of Woodbine Cemetery Board shall direct generally all improvements within the grounds and upon all lots and graves, before as well as after interments have been made therein. They shall have charge of the planting, sodding, surveying, and improvements generally.
2. The entire time of the persons regularly employed on the grounds belongs to the Cemetery. Visitors and Owners must not otherwise engage them. All orders, inquiries and complaints must be left at the office.
3. No person other than the proper employees of the City of Artesia, contractors hired by the City of Artesia or licensed monument companies shall be allowed to perform any work within the Cemetery.
4. If any tree, shrub or plant standing upon any lot by means of its roots, branches, or otherwise, be or become detrimental to adjacent lot or avenues, or if for any other reason its removal is deemed necessary, the Woodbine Cemetery Sexton shall have the right and it shall be their duty, to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.
5. All graves will be sodded level and no mounding or planting will be allowed on any grave.
6. The owner of any lot, section or block, shall not plant, cut or trim any herbage of any kind, or place or erect any monument or memorial stone, or any structure of any kind, or build or construct any foundation therefore, or form, grade, dig up, or deposit any material of any

kind upon any burial lot or other portion of Woodbine Cemetery, except by the consent or permission of the Cemetery Sexton.

7. No person shall either pluck or remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
8. The Woodbine Cemetery Board expressly reserves the right to do all landscaping and planting of any nature whatsoever and no cutting or trimming by any lot owner will be permitted.

I. Boundaries, Changes in Grade and Easements

1. The right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery or of a section or sections, from time to time, including the right to modify or change the location of/or any part thereof or remove or regrade, roads, drives and walks, is hereby expressly reserved. The right to lay, maintain and operate, or alter or change pipelines or gutters for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use Cemetery property, not sold to individual owners, for Cemetery purposes. The Cemetery reserves to itself and to those lawfully entitled thereto, a perpetual right to ingress and egress over lots for the purpose of passage to and from other lots.
2. No enclosure of any kind, such as a fence, coping, hedge or ditch shall be permitted around any grave or lot. Grave mounds will not be allowed and no lot shall be raised above the established grade.

J. Memorials, Monuments and Markers

1. All markers and monuments shall be professionally installed and constructed of granite, bronze or marble. Glass is strictly prohibited.
2. Markers and monuments shall not be decorated, trimmed or adorned with any material which will deteriorate.
3. Single markers or monuments shall not exceed 16" in depth x 40" in width and double markers or monuments shall not exceed 16" in depth x 84" in width, none of which shall exceed purchased property line. There is a four foot height limit on all markers and monuments.
4. All markers and monuments are to be set in line by the red dots and within 3" of property line at head of space. Each marker or monument will have a 4" footing with, at least, a 3" border on all four sides. If the marker or monument has accompanying bases, the end borders will vary according to size of vases used. The aforesaid footings will be formed, trowled, and edged.

5. In all sections having 4' x 10' spaces, graves will be opened using a line 4" from foot of space and continue toward head of space as to size of opening required. All foot markers should be installed level with the ground except where existing foot markers can be matched.
6. All monuments, markers, and objects of beautification of the lots shall be set in place under the exclusive direction of the Sexton pursuant to the rules and regulations of the Cemetery Board.
7. In the event the Woodbine Cemetery Board shall determine to be offensive any memorial, structure, marker, monument or inscription placed or to be placed within the Cemetery, the Board expressly reserves to itself the right to enter such lot or plot and remove, change or correct the same, after expiration of reasonable notice in writing given to the party or parties in interest therein.

K. Decorations

1. Neither the City of Artesia nor the Woodbine Cemetery Board will be responsible for theft or damage to anything placed on graves or lots.
2. Use of rocks or metal to hold a flower is not permitted as they can damage equipment and injure personnel. The digging of holes for any purpose whatsoever is strictly prohibited.
3. Holders containing flowers or other decorations will be removed as soon as the flowers fade and wither and the right is reserved to make such removal.
4. No wooden or cast iron bench or chair, or any wooden or wire trellis, shall be permitted to be brought upon the grounds.
5. A small American flag may be displayed on those days and occasions when it is customary to do so. At the expiration of three days Cemetery personnel may remove such flags without liability for the safekeeping.
6. Funeral designs and floral pieces shall be removed as soon as they become withered or unsightly and the Cemetery Sexton may remove them when in their judgment if it is for the best interest of the Cemetery.
7. Personal Decorations
 - a. All decorations must be placed on the monument base or on the concrete foundation and should be set to avoid interference with the mowing and maintenance. The decorations must be of durable, stable material and cannot exceed 5" in height or be wider than the monument base or headstone and must be attached with some type of adhesive. Once the decorations become broken or faded they will be removed. Any deco-

rations deemed inappropriate or a distraction from the uniformity and attractiveness of the cemetery will not be allowed.

- b. All decorations placed on the sod around the concrete foundation, monument base or anywhere on the grave are not permitted. In circumstances where vases are not available then a holder made of durable material can be placed in the sod to the side of the monument.
 - c. Solar lights are allowed but must be placed in the monument vases, flower holders or have a hole drilled into the concrete foundation.
 - d. Decorations for major holidays such as Easter, Mother's Day, Father's Day, Memorial Day, Veteran's Day, Labor Day, and Thanksgiving placed on the graves during the growing season will be permitted (5) days before and (5) days after the holiday before the cemetery staff begins removing the decorations. Those people wishing to acknowledge birthdays, anniversaries, other special dates or holidays will notify the Cemetery Sexton of their intentions. The same 10 day time frame will apply.
 - e. Winter Holiday decorations such as wreaths will be permitted from December 1 to January 15 so long as they do not interfere with interments or maintenance. Winter decorations will be removed by Cemetery employees after January 15th unless the decorations become unsightly which will constitute just cause for the Cemetery employees to remove before January 15th.
 - f. No ceramic or glass objects are allowed due to potential safety hazards.
8. Trash Containers have been placed in convenient places in the Cemetery for your use. Please use these to dispose of any trash, so the Cemetery is as neat and clean as possible at all times.