RULES AND REGULATIONS OF THE
BAYARD CEMETERY
July 2020

The Bayard Cemetery is owned and operated by the City of Bayard, New Mexico. The Cemetery shall always be kept a place of beauty. To this end certain rules and regulations are necessary for the protection of grave space owners to give them assurance that nothing of an unsightly or objectionable nature can ever be placed on grave spaces adjacent to their own and the cemetery shall not become a place of disorder or reproach.

These rules and regulations are designed for the protection of the owners of interment rights as a group. Their enforcement will help protect the cemetery to create and preserve its beauty.

Part I – Use of Cemetery

The Bayard Cemetery is a municipal cemetery available for use by the general public. All business matters relating to the cemetery shall be transacted at City Hall, 800 Central Avenue, Bayard, NM 88023. Hours of operation at City Hall are Monday through Friday, 8:00 a.m. to 4:30 p.m., except designated holidays. The Bayard Cemetery is open to visitors Sunday through Monday from 8:30 a.m. to 4:00 p.m. The cemetery is closed to visitors when the entrance gates are closed. Visitors are permitted entry to the cemetery only through the entry gates.

All owners of rights of interment, all visitors and those performing work within the cemetery shall be subject to these rules and regulations, and any amendments or alterations that shall be adopted from time to time.

The City of Bayard shall not be liable for any act of the owners of rights to interment, visitors, licensees, or trespassers within the cemetery or for any damage to persons or property within the cemetery; nor for any damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, explosions, unavoidable accidents, insurrections, riots, or other than as provided herein. The City of Bayard shall strictly enforce cemetery rules and regulations.

A. Rules

- Persons within the Cemetery grounds, shall use only the avenues, walks and roads. No one shall ride a motorcycle, motorbike or bicycle except on designated roadways or walkways.
- Skateboards or roller skates are not permitted.
- The Cemetery is intended to be sacred; it is not a park intended for recreation.
- Animals shall be on leashes at all times, and owners must pick up and dispose of their droppings in garbage receptacles.
- No use of alcoholic beverages, in accordance with the City Ordinance.
- No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the Cemetery.
- No unauthorized person(s) shall be permitted to bring or carry firearms within the Cemetery.
- No hunting is allowed within the Cemetery boundaries.

- All persons are strictly forbidden to break or injure any tree or shrub; mar any landmark, marker, or memorial; or in any way deface the grounds of the Cemetery.
- No excavations, construction, planting of trees or shrubs are permitted without City approval.
- Motor vehicle parking shall be limited to the designated parking areas.

B. Interments

- All interments, including cremains, must be under the supervision of a licensed funeral director.
- All grave sites in the Cemetery shall be five (5) feet in width by ten (10) feet in length, with the lengths running east and west.
- The City requires a minimum standard of using a casket within a 2 piece concrete/fiberglass box for traditional burials. The setting of the burial vaults is the responsibility of the funeral home. The City may set the burial vault with a fee assessed. All cremains must be placed in an urn suitable for burial.
- No more than one interment shall be allowed in any grave, except as provided herein:
    1. An adult and an infant may be interred in the same grave, provided not more than one casket is interred.
    2. Two (2) infants may be interred in the same grave, provided such infants are under the age of three (3) years.
    3. Two (2) cremated remains may be interred in any occupied or unoccupied grave and shall be covered by no less than 12" of soil. Cremains are to be interred only after a casket has been interred. A casket shall not be interred at any time after cremains are interred.
- In the event any error shall be made in the interment or disinterment of any space in the Cemetery, the City reserves the right to remove and transfer the remains to another space of the same value.
- Neither interments nor disinterment will be allowed in any space where the interment rights in the opinion of the City management, remains undetermined. In such cases, an order from a Court of competent jurisdiction will be required.
- If for some reason the grave site is not ready, such as rock, acts of nature, or any other valid reason, the burial will be postponed until the grave is ready, or alternative arrangements will be provided.

C. Disinterments

- The disinterment from a burial space within the Cemetery shall be permitted only after approval of City management, and in compliance with the laws of the State of New Mexico, and then will be done at the earliest convenience of the Cemetery personnel. All requests for disinterment will be presented to the Clerk Treasurer in writing with reason for disinterment stated on the request. Disinterment's must be approved by the Clerk Treasurer and by the State Health Department in cases where death was caused by a contagious disease. The cost of disinterment will be determined by actual audit cost; such cost will be at the expense of the party requesting the disinterment. Any disinterment requested by a non-family member shall require a Court order.
- All disinterments must be scheduled through a licensed Funeral Director.
- Funeral Directors must acquire a permit for disinterment and re-interment as issued by the state registrar, if required, and verified by city staff.

- The City cannot be liable for the condition of remains or the methods by which they are retrieved. Cemetery employees are not to come in contact with the deceased in any matter. Cemetery employees are to unearth the ground and pull up casket and/or vault only. Employees may help put the remaining casket and/or vault on a trailer for hauling purposes only.
- Funeral Directors shall be present at disinterments and are responsible for the removal of all remains (casket, vault, deceased).

Part II – Purchase of Rights of Interment

- Purchase of Rights of Interment are for the "right to use the lot for burials". Ownership of land will not be transferred from the municipality to the purchaser of the Rights of Interment.
- All cemetery plots are for human burial purposes.
- Purchase arrangements can be made either at City Hall or through a funeral home of your choice at the time of need or in advance.
- Burial plots are to be taken in order; (Section A, Block 1, Row 1, Lot 1; Section A, Block 1, Row 1, Lot 2)
- Pre-need purchases shall not exceed four (4) plots per family. The Clerk Treasurer, at his discretion, can authorize the purchase of additional grave sites.
- The purchaser will be required to sign that they understand the rules of the Cemetery (separate document), and they shall receive a copy of the "Bayard Cemetery Rules and Regulations Governing Burials".
- Full purchase price must be made to the City prior to the Certificate of Interment Rights being issued or the opening or any grave.
- The City shall retain all original Certificates of Interment Rights to avoid any possible ownership disputes. The Clerk Treasurer or designee will administer the resale of rights, to avoid possible ownership disputes.

Part III – Opening and Closing

- Interments shall be permitted only when the grave space and the interment charges are fully paid. Internment shall not be allowed in any grave where the ownership remains unsettled.
- The City of Bayard performs all openings and closings. Funeral services set-up are the responsibility of the funeral homes.
- The cost of the opening and closing is NOT included in the purchase price of the Rights of Interment. Additionally, any extra costs for interment or disinterment that may be incurred by the City will be charged to the purchaser of the rights, and be payable within ten (10) days of receiving the City's invoice. This may include: overtime wages, rock breaker or excavator equipment; blasting materials, other materials, or special equipment.
- Any damage that is done to the cemetery by any private contractor is the liability of the purchaser of the grave for whom the contractor was working.
- Burials are performed from 9:00 a.m. to 4:00 p.m. Monday through Friday. Burials on Holidays and Saturdays must be approved by the Clerk Treasurer.
- All graves shall be six (6) feet in depth. However, should hard rock be encountered, a lesser depth may be allowed provided the depth is not less than four (4) feet. Graves shall be filled level with ground surface.

- A forty-eight (48) hour notice must be given to City Hall prior to interment with the completion of an application for interment. The notice will be provided to a representative of the funeral home and the Cemetery Supervisor.
- Closing procedure of the interment site will not begin until the public has departed the immediate area.
- City personnel have the authority to require that all bystanders vacate the immediate area before beginning the closing process due to safety and liability concerns.

Part IV – Graves and Markers

- Prohibited items on graves or lots are: coping, gravel, decorative rocks, plants, trellises, metal fixtures, frames or boxes, and chairs and settees.
- No enclosures of any kind shall be permitted around any grave or lot.
- Monuments must be installed by a pre-approved monument company.
- Monuments for a single plot shall be no more than four (4) feet long by twenty-four (24) inches wide by six (6) inches thick, made of concrete and the top shall be flush with the ground surface. Monuments for two combined plots shall be no more than four (4) feet long by twenty-four (24) inches wide by six (6) inches thick, made of concrete and the top shall be flush with the ground surface. Monuments/markers must be installed flush with the ground surface upon a cement foundation which shall be no less than the base of the monument. Each grave monument/marker shall be installed on the top center of the grave it identifies. Prior to the installation of a grave monument/marker, a City employee will stakeout the grave space for the correct placement of the monument/marker.
- The City will have the authority to enter upon any lot and remove any objectionable or prohibited items, including but not limited to, copings that may have been placed there contrary to the regulations.
- The City shall provide all landscaping and planting in the cemetery.

Part V – Maintenance

- The Cemetery is maintained by the City.
- Maintenance consists of: keeping the weeds and other vegetation in open areas under control; the upkeep of roads and drainage systems; and general maintenance as determined by the City.
- The purchase of Rights to Internment includes such maintenance.
- Any damage caused by the City crews in the opening, closing or maintenance work shall be repaired at the City's expense.
- A care and maintenance fee shall be added to the Rights of Interment fee for each lot at the time the rights are purchased.

Part VI – Plants, Vases, Etc.

- The planting of vines, borders of plants, roses, shrubs, trees or any type of permanent plant is strictly prohibited.
- Small removable vases and containers of flowers may be placed on graves for suitable occasions. If the owner desires to keep such containers, they must be removed within a reasonable time. Otherwise, the Cemetery personnel will remove them, and no responsibility will be assured for their safekeeping.

- Persons desiring to retain floral arrangements or other material used at burials, including flags, must remove them within 48 hours after burial.
- All flags placed at gravesites for National holidays must be removed within 48 hours after observance of holiday.
- The Cemetery Management reserves the right to remove all material not considered suitable or desirable in the Cemetery.

Part VII – Above Ground Burial Vaults

- No above ground burial vaults will be permitted in the cemetery.

Part VIII – Correction of Errors

- The City reserves and shall have the right to correct any errors that may be made in making interments or disinterments. In the event such error shall involve the interment of the remains of any person, the City shall have the right to disinter such remains in such other grave of equal value and similar location as may be substituted and conveyed.
- The City shall have the right to correct any error that may be made in placing a grave marker at the wrong grave.

Approved this _____ day of _____, 2018.

_____
Chon S. Fierro
Mayor

ATTEST:

_____
Kristina Ortiz, MMC
Clerk Treasurer

Bayard Cemetery Fee Schedule

Right to Interment Per Lot

Regular $400.00
Infant.....$200.00
Cremains (within Section C only).....$200.00

Care and Maintenance Fee (added per lot).....$50.00

Opening and Closing

Regular.....$400.00
Infant.....$200.00
Cremains.....$150.00

City Observed Holiday or Saturday.....$100.00 in addition to opening and closing fee.
City observed holidays as set annually

Disinterment.....$500.00