

**RULES & REGULATIONS OF  
RESTHAVEN & LOVINGTON CEMETERY  
CITY OF LOVINGTON, NEW MEXICO**

The following rules and regulations are hereby adopted by the Lovington City Commission (the "Commission") as the rules and regulations for City owned & operated Cemeteries at Lovington, New Mexico (the "Cemetery") and all owners of lots, visitors to the Cemetery and those performing work within the Cemetery premises. The aforementioned shall be subject to these rules and regulations and all amendments or alterations hereto as shall be adopted from time to time by the Commission.

**ARTICLE I  
CONDUCT WITHIN THE CEMETERY**

1. Persons within the Cemetery premises shall use only the avenues, walkways and roads, and shall not ride or drive upon other Cemetery premises.
2. The speed limit for all vehicles within the Cemetery premises shall be ten (10) miles per hour. Vehicles shall not turn around on the driveways or roadways, and shall not park or come to a full stop in front of an open grave unless such vehicles are in attendance at a graveside service.
3. No animals shall be permitted within the Cemetery premises at any time.
4. No person shall be permitted to enter or leave the Cemetery premises except by a public gate, which shall remain open during such hours as are specified by the Commission.
5. No person shall use profane or boisterous language or in any way disturb the quiet sanctity and good order of the Cemetery premises.
6. No person shall in any way break or injure any tree or shrub, mar any landmark, marker or memorial, or in any way deface the Cemetery premises.
7. Cemetery premises are sacredly devoted to the burial of the human dead and the provisions and penalties of the law, as provided by statute or ordinance, will be strictly enforced in all cases of wanton injury or disturbance, or any disregard of these rules.
8. Possession of alcoholic beverages of any kind on Cemetery property is strictly prohibited.

**ARTICLE II  
INTERMENTS**

1. No interment shall be permitted in, nor marked placed upon, any Cemetery space not fully paid for, except by consent of the City Manager. The granting of any such consent shall not be construed thereafter as a waiver of this provision. In the event such consent is given, any and all interments placed in, or marker placed upon, said lot shall be considered temporary, and no rights shall be acquired by the lot purchaser to said interment.
2. In the event any error shall be made in the interment or disinterment of the remains of any person in a space in the Cemetery, the Commission hereby

reserves the right to remove and transfer any such remain to another space of approximate equal value and location (to the extent available) as may be determined by City personnel.

3. Except as otherwise provided in these rules, there shall be no more than one body interred in each grave in the Cemetery except in the case of the interment of a parent and infant to be interred at the same time, or two infants to be interred at the same time. (This does not apply to Babyland).
4. The burial of ashes of more than one body in one burial space is permissible. A record shall be kept at the City Clerk's office showing where ashes are buried.
5. Applications for the opening and closing of any grave must be presented at the office of the Cemetery during business hours on the day preceding the day upon which the lot is to be used. The Sexton may waive this rule.
6. Except as authorized by the City Manager, interments shall be permitted during regular business hours.

### ARTICLE III DISINTERMENTS

1. The removal of a body from a burial space within the Cemetery shall be permitted only after application to and approval of the Sexton/or designee.
2. Any person desiring to remove a body from a space owned by another person must present written approval signed by the owner of said space before such removal may be granted by the Sexton/or designee. Any person so desiring shall also sign a request to have such a removal made. Any request so made shall remain on file in the office of the City Clerk.
3. Any application for disinterment must be presented to the Sexton at the office of the City Clerk, during regular business hours of the day preceding the day upon which the space is to be used. The Sexton may waive this rule.

### ARTICLE IV. RIGHTS RESERVED TO THE CITY OF LOVINGTON

In addition to any other rights reserved to the City by law, and by these rules and regulations, the following rights are expressly reserved to the City of Lovington.

1. The right to enlarge, reduce, replat or change the boundaries or grading of the Cemetery premises or any portion thereof, from time to time. These reserved rights shall include the right to modify or change the location of any burial space or to remove or regrade roads, drives and walks. The City further reserves the right to lay, maintain and operate, or alter or change, pipelines or gutters for sprinkling systems, drainage, or any other purposes.
2. The right to use property not sold to individual owners for cemetery purposes. The City further reserves for itself and for those lawfully entitled thereto a perpetual right of ingress and egress over lots in the Cemetery for the purpose of passage to and from other spaces.

3. The right to reject any marker and/or vases which on account of design, workmanship, materials or faults of any kind is in the opinion of the City unsatisfactory or unduly injurious to the uniformity or beauty of the Cemetery premises.
4. The right to require permission be obtained from the Sexton as a condition precedent to the setting, alteration, or removal of a marker in the Cemetery.
5. The right to direct all improvements within the Cemetery and upon all spaces and graves, before and after interments have been made therein. The Sexton shall have charge of the planning, sodding, surveying and of improvements generally.
6. The right to enter any space and remove, change or correct any memorial, structure, marker, monument or inscription that has been determined by the City to be offensive. Such action would be taken only after the expiration of a reasonable time following written notice to the party or parties responsible for such offensive structure or owner of the affected space.
7. The right to remove any tree, shrub or plant, or any part thereof, or otherwise correct any condition existing that in the judgment of the City seems proper.
8. The right to enter upon any space and to remove any objectionable thing or any structure or other erection that may have been placed there contrary to these rules and regulations.
9. The right to do any and all landscaping and planting of any nature whatsoever within the Cemetery premises.
10. The City Clerk reserves the right to correct any errors made in the description of the location of the lot or burial space to which the right of interment is conveyed, either by: correcting the description of lots presently occupied; canceling the sale and substituting in lieu thereof other burial space(s) or lot(s) of equal value and in a similar location as far as possible; or in sole discretion of the City of Lovington by refunding the then fair market value of the applicable space(s) or lot(s).

#### ARTICLE V OWNERSHIP OF LOTS

1. Neither interments nor disinterments will be allowed in any space where the ownership thereof, in the opinion of the City Manager remains undetermined.
2. No transfer of title to spaces within the Cemetery will be recognized unless such sale and transfer shall be consented to by the City and duly recorded in the office of the City Clerk.
3. The City reserves the right to refuse its consent to any transfer, assignment, or conveyance of any space or any right or interest therein so long as there should remain any indebtedness due upon the purchase price of said space or any interment therein.
4. No partition of any space within the Cemetery premises shall be allowed. The division of interment rights shall not be allowed without the consent of the City, and no person shall be buried in any space unless said person shall have an ownership interest therein or unless all parties owning an interest in said space and the City shall consent to the burial of the person therein.

5. All spaces within the Cemetery premises being leased, purchased or owned by any person shall be subject to these rules and regulations as now or hereafter adopted or amended. This provision shall apply to all sales and leases of interest in any spaces, whether made directly by the City or by the individual owners thereof.
6. At such time as the full purchase price for any space within the Cemetery premises shall have been paid to the City, a deed therefor shall be issued to the purchaser by the City of Lovington, New Mexico.
7. All sales are final, the City will not repurchase lots from individuals.
8. The records of the City maintained at its offices shall be final and conclusive as to the ownership of any space within the Cemetery premises.

#### ARTICLE VI MAINTENANCE OF GROUNDS

1. No person shall pluck or remove any plant or flower, either wild or cultivated, from any part of the Cemetery premises.
2. Without the prior permission of the Sexton, no goods or fixtures of any kind shall be brought upon the Cemetery premises.
3. The owner of any space 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 therefor, or form, grade, dig-up or deposit any material of any kind upon any burial space or other portion of the Cemetery premises, except with the consent and direction of the Sexton. The owner or owners of any space shall not plant or place in or upon any burial space, or other portion of the Cemetery premises any tree, plant, shrubbery, vine or flower, except with the consent and direction of the Sexton.
4. All floral pieces and decorations including lattice or wicker which slow or prohibit maintenance of the Cemetery not installed on the monument line will be removed. Wrought iron gratings and railings, and lattice or wicker fencing are not allowed on the grounds.
5. No bench, chair or any trellis shall be permitted to be or be brought upon the grounds.

#### ARTICLE VII FUNERALS

1. After entering the gates of the Cemetery, all funerals shall be subject to the direction of the Sexton/or Designee.
2. Before any funeral procession shall be allowed to enter the Cemetery premises, 24 hour written notice prior to the announced time of the funeral shall be given to the Sexton. The Sexton may waive such notice.

ARTICLE VIII  
GRAVES & MONUMENTS

1. All graves shall be sodded level and no mounding or planting shall be allowed on the grave.
2. No enclosure of any kind, such as a fence, coping, hedge or ditch shall be hereafter permitted to be erected around any grave or space. Grave mounds shall not be allowed and no burial space shall be raised above the established grave.
3. Holders containing flowers or other decorations shall be removed as soon as the flowers wither, and the right is reserved by the City to cause such removal. Wreaths shall be removed at such time as shall be specified by the Sexton.
4. The use of rocks or metals to hold flowers shall not be permitted. No boxes, shells, toys, crockery, candles, glassware, cans or other objects not otherwise specified herein shall be permitted on any grave space, and if any object shall be so placed it shall be removed by the Sexton.
5. All markers and monuments are to be set in line as marked by the Sexton/or Designee.
6. There will be no planting of shrubs, bushes, trees or flowers by unauthorized persons at any time in Lovington Cemetery, including use of herbs and pasture.
7. There will be no mausoleums within the municipal cemeteries.
8. No permit will be required for the installation of the metal marker provided by the funeral director.
9. All monuments, markers, footings, etc. that do not conform to these regulations and specifications must be replaced or may be removed by the Lovington Cemetery Department.
10. Setting of monuments or markers will be permitted during regular business hours.
11. The exaction, forms and footings for monuments will be inspected and approved by the Cemetery Supervisor/or designated representative before any concrete is poured.
  - (a) All markers and monuments shall be professionally installed and constructed of granite, bronze or marble. Glass is strictly prohibited.
  - (b) Markers and monuments shall not be decorated, trimmed or adorned with any material which will deteriorate.
  - (c) All upright monuments shall be limited to 4 feet in height.

ARTICLE IX  
FEES

1. The Commission shall establish from time to time at any regular or emergency meeting fees to be charged for the following:
  - (a) Sale of spaces, which may vary between blocks.
  - (b) Monument setting permits
  - (c) Interment
  - (d) Disinterment
  - (e) Subsequent sale of spaces

- (f) Such other charges as the Commission may from time to time determine.
- 2. A schedule showing current fees to be charged shall be maintained in the office of the City Clerk and be available for public inspection during regular business hours.

ARTICLE X  
MISCELLANEOUS

- 1. Burial lots in the Cemetery premises shall be used only for the burial of the human dead, and for no other purpose.
- 2. The digging of holds for any purpose by any other than an employee of the City is expressly prohibited.
- 3. Neither the City of Lovington, New Mexico, nor the Commission shall be liable or responsible for any act of space owners, visitors, licenses or trespassers within the Cemetery premises. Neither said City of Lovington nor the Commission shall be responsible for theft or damage to anything placed on graves or spaces. Neither said City of Lovington nor the Commission shall be liable for any damage from any origin.
- 4. Only a licensed contractor under the direction of the Sexton shall do the opening and closing of all graves. Family covering of graves is prohibited.
- 5. Without prior permission of the Sexton, no person other than employees of the Cemetery shall be allowed to perform any work within the Cemetery premises.
- 6. Employees of the City of Lovington Cemetery will not sell any cemetery-related products.
- 7. Employees of the City of Lovington Cemetery will not recommend any cemetery-related business.
- 8. Vandalism or destruction of City of Lovington property will be prosecuted.
- 9. The display of a small American flag on a grave upon those days and occasions when it is customary to do so will be permitted. At the expiration of three days, the Sexton shall remove such flags without liability for their safekeeping.
- 10. The rules and regulations contained herein are subject to the applicable provisions of the laws of the State of New Mexico.
- 11. The City reserves the right to authorize the temporary removal of any marker/monument necessary for the preparation of a burial in the same immediate area.

ARTICLE XI  
AMENDMENTS

- 1. Subject to the approval of the City Commission of the City of Lovington, New Mexico, these rules and regulations may be altered, amended or repealed, and new rules and regulations may be adopted by the Commission at any regular or emergency meeting, by resolution.

2. These rules and regulations and any alterations, amendments or repeals thereof, and any new rules or regulations shall be maintained at the office of the City Clerk and be available for public inspection during regular business hours.
3. No provision of these rules and regulations is intended to be, or shall be construed to be, in contravention of the laws of the State of New Mexico nor to the resolutions or ordinances of the City of Lovington, New Mexico. If any section, paragraph, clause or provision of these rules and regulations 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 these rules and regulations.

ENFORCEMENT OF RULES  
ARTICLE XII

1. These rules and regulations, and any alterations or amendments thereto, shall be strictly enforced by the Sexton. Any violations hereof shall be reported by the Sexton to the Commission at its next meeting.
2. The Lovington City Code provides in part:

Violation of the regulations promulgated by the Commission and approved by the governing body shall constitute a misdemeanor.
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 City Commission. Any such special exceptions, suspension or modification granted by the Commission shall in no way be construed as establishing any precedent or as an amendment to these rules and regulations.