

CITY OF TEXICO
ORDINANCE 6-410

AN ORDINANCE AMENDING AND REPLACING ORDINANCE 394; AN ORDINANCE RELATED TO AND AMENDING ANY PORTION OF ANY ORDINANCE WHICH MAY CONFLICT; AN ORDINANCE PROVIDING FOR AN INCREASE IN THE PRICE OF GRAVE PLOTS AND REQUIREMENTS FOR GRAVE PLOTS AND HEADSTONES; AN ORDINANCE REGULATING THE BURIAL OF CREMAINS AND BODIES; AN ORDINANCE PROVIDING FOR FUNDS TO THE CITY OF TEXICO TO PROVIDE FOR HEADSTONE MARKERS FOR GRAVESITES IN THE TEXICO CEMETERY AND TO PROVIDE FOR REFUNDS TO A DESIGNEE; AN ORDINANCE ESTABLISHING REGULATIONS FOR GRAVE SITES AND LANDSCAPING IN THE TEXICO CEMETERY.

BE IT ORDAINED by the governing body, that is the City Council of the City of Texico, in the County of Curry and State of New Mexico:

SECTION 1: RECITALS.

The City Council finds that it is necessary to increase the price of the headstone deposit, to require headstones and vaults for each plot throughout all of the Texico Cemetery, to regulate the burial of cremains and bodies; to set guidelines for the Cemetery headstone account to provide funds for the setting of headstones to grave sites in the Texico Cemetery; to provide for a refund in the event a headstone is placed on the grave within one year of interment; and to provide for a payment to the Cemetery Association for maintenance to the Texico Cemetery.

SECTION 2: PRICE OF HEADSTONE DEPOSIT IN TEXICO CEMETERY AND REQUIREMENT OF HEADSTONE FOR ALL GRAVE PLOTS IN THE TEXICO CEMETERY.

The price of a grave plot in the Texico Cemetery shall be \$1,250.00. This amount will be distributed as follows: \$500.00 to the Cemetery Fund for the purchase of the plot; \$250.00 to the Cemetery Association for the continual maintenance of the cemetery; and \$500.00 to the Cemetery Headstone Deposit Account. Headstones shall be required from the effective date hereof for each body or cremains throughout the Texico Cemetery. The purchaser or caretaker shall ensure that a headstone is placed on the grave within one (1) year of interment, and shall provide proof to the City of Texico that the headstone has been placed. If a headstone is placed at the grave site within one (1) year of interment, the \$500.00 will be returned to the owner or caretaker. If a headstone is not placed at the grave site within one (1) year of interment, the \$500.00 headstone deposit shall be forfeited, and the City of Texico will be allowed to place a headstone at the grave site at its sole discretion. The Headstone Deposit Account is for the sole purpose of headstone deposits and refunds and all headstone refunds shall be made only from said account.

If a deposit less than the \$500.00 deposit was made at the time of purchase of a plot previous to this ordinance, upon the death of the plot owner, an additional sum shall be paid to the City Clerk in an amount necessary to bring the deposit up to the \$500.00.; however, In the event that a plot was originally purchased prior to the 9th day of March 2004 (when a headstone deposit was not required), and one (1) cremains is to be added to a plot that already has (1) cremains or one (1) body buried in a burial plot, or in the event that any plot or plots that are vacant as of the passing of this ordinance are to have a body or cremains placed on a vacant plot, then the headstone deposit of \$500.00 shall be paid before a cremains or body may be buried. If two (2) remains are buried on the same plot, each remain must be identified on a headstone. The headstone deposit will be returned only after the buried remains are identified on the headstone. The headstone deposit will be forfeited in the event that the plot owner fails to provide proof of Headstone purchase to the City before the anniversary of one (1) year of interment.

SECTION 3: REGULATION OF BURIAL OF CREMAINS AND BODIES, PURCHASING OF BURIAL PLOTS, AND REQUIREMENT OF A BURIAL VAULT.

- A. There shall be a maximum of one (1) cremains and one (1) body buried in each burial plot; or two (2) cremains and no body buried in each burial plot.
- B. Cremains must be buried at least two (2) feet deep.
- C. Cremains must be buried in an urn vault and same must be identified on the vault.
- D. A vault is required for the burial of a body.

E. The City of Texico must be notified prior to the burial of any body or cremains. If the family chooses, they may hire someone, or they may open and close the burial space for the cremains themselves.

F. All burial plots purchased on credit shall be paid in full within one (1) year of the first payment or all money except \$50.00, which will be kept as an administrative fee, will be returned to the purchaser at the end of one (1) year. If same occurs, then said purchaser thereafter will have to pay the full burial plot purchase price at one time before a burial plot can be purchased.

SECTION 4: SETTING OF HEADSTONES AND OTHER APPURTENANCES TO GRAVE SITES IN THE TEXICO CEMETERY.

All headstones in the new (east) portion of the Texico Cemetery shall be set on a concrete foundation/footing which shall extend 6 inches out from all four sides of the base of the headstone at ground level and there shall be no curb style of decorative borders around any headstone. No headstone and concrete foundation/footing shall have a width greater than the grave side except for double headstones on two (2) plots. The depth dimension of all headstone and concrete foundations/footing therefore shall not exceed 24 inches into the plot. All footstones shall be set on a concrete foundation at least three (3) inches deep and the same shall be at ground level and shall extend at least one (1) inch out from the perimeter around each footstone. No

headstone/footstone shall be set without notifying the City or obtaining the consent of the Cemetery Association.

SECTION 5: FLORA AND FAUNA.

In order to properly maintain/mow the cemetery, the following rules must be followed:

A. There shall be no planting of trees, bushes, shrubs, plants or any type of vegetation in the Texico Cemetery without prior written approval of the Cemetery Association.

B. No glass containers are allowed for any purpose nor any objects on gravesites that will impede the mowing or lawn care of the cemetery.

C. Flowers/trinkets may only be placed at the headstone in the new section.

D. Five days after a funeral, cemetery attendants will remove the dead flowers.

E. Artificial flowers that are faded and unsightly will be removed and discarded.

F. Fencing, benches, decorative rocks, or borders of any kind are not allowed in the new section.

G. American Flags may be displayed on Veteran gravesites on the following holidays:

INDEPENDENCE DAY

COLUMBUS DAY

BORDER TOWN DAYS

VETERANS DAY

LABOR DAY

MARTIN LUTHER KING DAY

SEPTEMBER 11TH

PRESIDENT'S DAY

MEMORIAL DAY

FLAG DAY

The USA flag will be the only flag allowed and must be displayed and maintained according to the Public Law 94-344 which is also known as the Public Flag Law. In the case that the flag being displayed violates this ordinance and Law it will be properly taken down according to the guidelines in Public Law 94-355.

SECTION 6: ENFORCEMENT


The City of Texico personnel shall diligently enforce the provisions of this ordinance.

SECTION 7: PENALTIES FOR VIOLATION OF GUIDELINES.

Any violation of this ordinance shall result in the removal of any non-conforming structure(s) or item(s) and the party committing any violation of the guidelines set in this ordinance may be charged with a misdemeanor and a \$100.00 fine plus the cost for the removal of any non-conforming structure(s) or item(s) by the City of Texico.

PASSED, APPROVED AND ADOPTED THIS 28th day of April,
2026.


DEBORAH AUTREY, MAYOR


AUSTIN MCMULLEN, CITY CLERK

