

**ARTICLE I. IN GENERAL****Secs. 12-1—12-19. Reserved.****ARTICLE II. CITY CEMETERY\*****DIVISION 1. GENERALLY****Sec. 12-20. Authority of town manager to prescribe rules and regulations.**

(a) The town manager, in consultation with the cemetery board, shall have the authority to promulgate rules and regulations governing the use and maintenance of the town's cemetery. These rules and regulations, attached to the legislation from which this section is derived as appendix A, and adopted and incorporated by reference as if fully set forth in this article, shall be posted at prominent places including, but not limited to, the following:

- (1) City hall;
- (2) Town cemetery;
- (3) Department of public works; and
- (4) Public library.

(b) A violation of any of the rules or regulations promulgated by the town governing the use or maintenance of the town's cemetery shall be a municipal offense punishable by a fine not to exceed \$500.00 per violation,

**\*State law references**—Cemeteries, NMSA 1978, § 3-18-8; municipal cemeteries, NMSA 1978, § 3-40-1 et seq.

imprisonment for up to 90 days, or both. The rules and regulations shall be published and a copy thereof kept by the town clerk.

(Code 1979, § 8-24; Code 2005, § 32.03; Ord. No. 754, 1-6-1986; Ord. No. 1119, § 32.03(g), 8-22-2006; Ord. No. 1147, § 32.03(f), (g), 7-22-2008)

**Editor's note**—Ord. No. 1147, adopted on July 22, 2008, promulgated cemetery rules.

**State law references**—Violations of municipal ordinances, NMSA 1978, § 35-15-1 et seq.; penalty for violation of ordinances, NMSA 1978, § 3-17-1.

**Secs. 12-21—12-39. Reserved.****DIVISION 2. CEMETERY BOARD†****Sec. 12-40. Created.**

There is hereby created a cemetery board to be known as the "Cemetery Board of the Town of Silver City."

(Code 1979, § 8-17; Code 2005, § 32.03; Ord. No. 552, § 1, 12-3-1973)

**State law reference**—Cemetery board authorized, NMSA 1978, § 3-40-2.

**Sec. 12-41. Composition; appointment.**

The cemetery board shall consist of five members appointed by the mayor with the town council's consent. All the members must reside in the county, and a majority of the members must be residents of the town. The mayor shall designate and appoint one member of the town council as an ex officio member of the cemetery board. The town manager may designate town staff as ex officio members of the cemetery board in the role of providing helpful information and insight to the cemetery board.

(Code 1979, § 8-18; Code 2005, § 32.03; Ord. No. 754, 1-6-1986; Ord. No. 920, 3-6-1995; Ord. No. 1093, § 8-18, 1-13-2004)

**†State law reference**—Municipal cemetery board, NMSA 1978, § 3-40-2 et seq.

**Sec. 12-42. Terms; reappointment; compensation; meetings.**

The board members appointed shall hold their offices for a term of two years, without compensation, and shall be eligible for reappointment without limitation. The board shall meet at least monthly, and shall annually elect a chairperson, vice-chairperson, and secretary. The chairperson, or vice-chairperson in the chairperson's absence, shall preside over the meetings and, further, shall be responsible for transmitting the advice and recommendations of the board to the town manager.

(Code 1979, § 8-19; Code 2005, § 32.03; Ord. No. 754, 1-6-1986; Ord. No. 1119, § 32.03(c), 8-22-2006)

**Sec. 12-43. Removal; vacancy.**

The cemetery board is a working board; therefore, absences are discouraged. After three unexplained absences, a board member will be presumed to have resigned, and the chairperson will consult with the mayor for a replacement. Any board member aggrieved by the determination of a presumed resignation may request, within ten days from receipt of the written notice that the resignation is effective, a public hearing before the council. If the council determines, by a majority vote of the councilors present at the hearing, that the aggrieved board member did have three unexplained absences, or if no public hearing is requested within the ten-day period, the resignation shall be presumed and the mayor, with the council's consent, shall appoint a new member to complete the term of the resigning member.

(Code 1979, § 8-20; Code 2005, § 32.03; Ord. No. 754, 1-6-1986; Ord. No. 821, § 1, 2-5-1990; Ord. No. 841, § 1, 9-16-1991)

**Sec. 12-44. Powers and duties.**

The cemetery board shall have the following powers and duties:

- (1) Advise the town regarding the supervision, care and maintenance of the

cemetery by recommending rules, regulations, and policies to the town manager pertaining to the efficient operation and management of the cemetery;

- (2) Recommend to the town manager the activities of town employees necessary for the care, maintenance and beautification of the cemetery;
- (3) Recommend to the town manager policies for the manner and place of burial;
- (4) Keep minutes of the regular and special meetings; and
- (5) Do all those things required by the Open Meetings Act (NMSA 1978, § 10-15-1 et seq.) and the Inspection of Public Records Act (NMSA 1978, § 14-2-1 et seq.).

(Code 1979, § 8-22; Code 2005, § 32.03; Ord. No. 754, 1-6-1986; Ord. No. 1119, § 32.03(e), 8-22-2006)