

Gaines County Cemetery

General Information

Gaines County owns four cemeteries: South Cemetery and Memorial Cemetery (in Seminole), Loop Cemetery, and Seagraves Cemetery. The County has updated the search for individual plots on their website: www.co.gaines.tx.us/page/gaines.GainesCountyCemeteries

Instructions for Plot Owners:

- Prior to burial, a deed must be provided to funeral home or the cemetery workers.
- Only one casket will be permitted in each grave.
 - In the event of cremation, no more than three bodies shall be interred in one grave, vault or niche.
- No construction such as curbing, fencing, canopy or enclosures of any kind will be permitted.
- No artificial walkways (concrete, cement, stones, brick, granite) are allowed to adjoin lots.
- All grave sites will be flat, no mounds of dirt.
- Decorations such as flower receptacles will be allowed in front of the headstone only.
 - Decorations that interfere with mowing or weed eating are prohibited.
 - Floral pieces will be removed from lots when they become wilted, faded, or unsightly. Gaines County will not retain pieces that are removed.
 - No decorations shall exceed 14 inches in height.
- No trees, shrubs or plants of any kind will be planted in the cemetery without permission from the Commissioners Court.
- The Cemetery reserves the right to remove any decoration that does not adhere to rules and regulations or other prohibited item from any lot if the object is a hazard or detrimental to the appearance of the cemetery.

Plots:

- Each plot is one hundred dollars for county residents (\$100.00) / non-residents five hundred dollars (\$500.00).
- Lots must be paid in full at the Gaines County Judge's office prior to burial.
- The maximum number of plots to be sold at one time shall not exceed ten plots.
- Babyland is designated as a courtesy burial plot in the event of a death of an infant (0-12 months) that resided in Gaines County.
- For Mausoleum pricing, please call the County Judge's Office.
- Exchange of deeds from one person to another should be submitted to the County Judge's office.

Headstones, Markers and Memorials:

- All headstones and markers will be placed by monument staff under the supervision of cemetery personnel.
- Only one upright headstone may be placed at each grave. Plots with more than one burial may have additional flat grave markers. Chairs and benches are not allowed. Exceptions:
 - Flat monuments or markers are only allowed in the following:
 - South Cemetery – West Garden and New Section
 - Only upright headstones are allowed in Memorial Cemetery, Garden 6.

Complete Rules and Regulations are available in the office of the County Judge or online at: <https://www.co.gaines.tx.us/page/gaines.GainesCountyCemeteries>

Gaines County Cemetery

General Information

County Responsibilities:

The County has the responsibility to maintain the Cemetery in a condition that does not endanger the public health, safety, comfort, or welfare. The County is responsible for the following:

- repairing and maintaining any fences, walls, buildings, roads, or other improvements
- properly maintaining lawns, shrubbery or other plants
- removing debris, including dead flowers and deteriorated plastic ornaments
- promptly restoring gravesites following an interment

Funeral Home Responsibilities:

- Opening and closing fees are collected by the Funeral Home.
- The Funeral Director / Funeral Home is responsible for staying until the site is covered.
- If a burial site is prepared the day prior to services, a barrier around the plot is necessary to prevent any accidents.

Complete Rules and Regulations are available in the office of the County Judge or online at:
<https://www.co.gaines.tx.us/page/gaines.GainesCountyCemeteries>

**Gaines County Cemetery
Rules and Regulations**

**ADOPTED BY
Gaines County Commissioners Court
March 27, 2024**

Mission

Gaines County encourages families, friends and the community to visit the cemetery. The following rules and regulations have been adopted as a guide to the use and management of the cemetery. The rules and regulations will help protect all who have interest here.

All lot owners of interment rights, visitors and contractors performing work within the cemetery shall be subjected to said rules and regulations, amendments or alterations as shall be adopted by the Commissioners Court of Gaines County.

Rules and Regulations of the cemetery and prices for burial spaces and services are made by the Commissioners Court of Gaines County (“Gaines County”) and become effective upon approval by said Court.

Although public participation is encouraged during the amending of the attached rules, Gaines County may, and it hereby expressly reserves the right, at any time, with or without notice to lot owners, to adopt new rules and regulations or to amend, alter and/or repeal any rule, regulation and/or article, section or paragraph in these Rules and Regulations. Special cases may arise in which the literal enforcement of the rule may impose unnecessary hardship. Gaines County, therefore, reserves the right, without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations when, in its judgment, the same appear advisable, and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of such.

Gaines County retains to itself, for the benefit of all interment right owners, full and complete supervision, control and management of the land, buildings, improvements, roads, walks, development, books and records, and the full and complete authority, rights and privileges to make, change, administer and enforce all rules and regulations and restrictions not consistent with the laws of the State of Texas.

Lots

All lots in the cemetery are sold in accordance with the provisions of the laws of the State of Texas and shall not be used for any purpose other than as a burial place for deceased human beings. All lots are sold with permanent maintenance provisions, with the maximum number of lots to be sold at any one time shall not exceed ten plots.

Each plot is one hundred dollars for county residents (\$100.00) / non-residents five hundred dollars (\$500.00). For Mausoleum pricing, please call Judge’s office at 432-758-5411.

Babyland is designated as a courtesy burial plot in the event of the death of an infant (ages 0-12 months) that resided in Gaines County.

Lots must be paid in full at the Judge’s office before a burial is made. Full purchase price must be paid before a deed is issued. Any exchange of deeds from one person to another should be submitted to the Judge’s office.

ARTICLE I: Definitions

- Section 1: Cemetery: The term “Cemetery” is hereby defined to include a burial park for earth interment.
- Section 2: Lot or burial space: The term “lot,” “plot,” “burial space” and “grave space”, shall be used interchangeably, and shall apply with like effects to one, or more than one adjoining graves.
- Section 3: Deed and Certificate of Ownership: The words “deed” or “Certificate of ownership” shall be construed to refer to instruments conveying sepulcher rights only in lots in Gaines County Cemetery.

ARTICLE II: General Supervision of Cemetery

- Section 1: Caskets not to be disturbed: Once a casket containing a body is within the confines of the Cemetery, no Funeral Directors, or his embalmer, assistant, employee or agent, shall be permitted to open the casket or touch the body without consent of the legal representatives of the deceased, or without a court order. The funeral home staff will lower the casket only after all persons (family members, friends, associates, etc.) have left the cemetery grounds. Funeral directors, employees and/or agents of the funeral home are the only personnel authorized at the gravesite during the lowering of the casket. The lowering device will only be operated by funeral home staff.
- Section 2: No soliciting or advertising: Soliciting or advertising of any kind will not be permitted on Cemetery property. Property owners may not post signs advertising the sale of burial plots. Vendors may not solicit business of any kind, including but not limited to stone cutting, monuments, and contract services.

ARTICLE III: Lots and Lot Owners

- Section 1: Decorations: Decorations such as flower receptacles will be allowed in front of the head stone only. Chairs, settees, benches, etc., will not be allowed. No decorations shall exceed 14 inches in height. The Cemetery reserves the right to remove any decoration or other prohibited item from any lot if in the opinion of the Gaines County Commissioners Court the said object is a hazard to visitors or workers or otherwise detrimental to the appearance of the Cemetery. Decorations that interfere with mowing or weed eating are also prohibited. The Cemetery is not liable for damage to or loss of decorations, monuments or markers or other items left on the premises of the Cemetery. The Cemetery reserves the right to remove any decoration that does not adhere to rules and regulations or other prohibited items from any lot if the object is a hazard or detrimental to the appearance of the cemetery.

- Section 2: Boundary and Number Markers: All boundary and number markers set by the Cemetery must remain undisturbed.
- Section 3: Construction: All construction will be performed by Gaines County personnel or its contractors. No construction such as curbing, fencing, canopy, or enclosure of any kind will be permitted by lot owners without written consent by the Gaines County Commissioners Court. The Cemetery retains the right to remove any damaged or unapproved curbing or construction work without liability to Gaines County.
- Section 4: Walks: No granite, brick, stone, concrete, cement, or any kind of artificial walks will be allowed on or adjoining lots or walkways.
- Section 5: Grave grading: No graves will be mounded after a funeral; they will be flush with the surface of the lot.
- Section 6: Tree and Shrubs: When trees or shrubs growing on any lot become detrimental to adjacent lots or avenues, interfere with the opening or closing of a grave, or interfere with irrigation system operations, the Cemetery shall have the right to enter said lot and remove all or a portion of the tree or shrub or other item growing that is considered detrimental, dangerous, inconvenient or interfering. Gaines County Cemetery shall not be liable for any damage or loss of any trees or shrubs. No trees, shrubs, or plants of any kind will be planted in the cemetery without the permission from the Commissioners Court.
- Section 7: Protection of Property: The Gaines County Commissioners Court may take such action as deemed necessary to protect the property of lot and grave owners, or that of the Cemetery, from injury to the lots and graves, grounds and buildings, or to preserve peace and good order.

ARTICLE IV: Deeds to Lots and Rights of Interment and Removals

- Section 1: Valid Deed: Valid deed shall not pass to anyone until the amount of purchase money and all other charges due to the County shall have been paid in full to the Judge's office.
- Section 2: Funeral Designs and Floral Pieces: Funeral designs and floral pieces will be removed from lots when they become wilted, faded or unsightly. If the lot owners desire to retain any of the designs or floral pieces, they should be removed within seventy-two (72) hours of placement. Gaines County is not responsible for and will not retain pieces that are removed by Gaines County personnel.
- Section 3: Clean-Up Day: A request for a "Clean-Up Day" must be submitted to the Gaines County Judge for consideration by the Commissioners Court of Gaines County during a posted meeting of said Court. If approved, this clean-up day will be advertised, and notice will be posted. Prior to the clean-up day, owners are encouraged to ensure their plot meets cemetery rules and regulations.

ARTICLE V: Interment and Removals

- Section 1: State Laws of Texas: Disinterment shall be governed by the laws of the State of Texas relating to cemeteries.
- Section 2: Charge for removals: The removals from one lot to be placed in another lot within the Gaines County Cemetery shall be the sole responsibility of person requesting the move. The removal from Gaines County Cemetery to be placed in another cemetery shall be the sole responsibility of the individual(s) who requested the remains relocated with any and all associated cost(s) related to the new burial location.
- Section 3: Notice:
- a. Gaines County reserves the right to require at least eight (8) hours notice prior to any interment, and at least one (1) week notice prior to any disinterment or removal.
 - b. No removals will be made on any holiday approved by Gaines County, Saturday, or Sunday.
- Section 4: Error may be corrected: The Cemetery reserves, and shall have the right to correct any error that may be made while preparing or presenting an interment, or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and covering in lieu thereof other interment property of equal value and similar location. The property may be selected by the Cemetery or at the discretion of the Gaines County Commissioners Court to which case, the owner may be refunded the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the Cemetery reserves the right to remove and transfer such remains to a property of equal or similar value as may be substituted and conveyed in lieu thereof.
- Section 5: Delay in Interment caused by protest: The Cemetery shall not be liable for any delay in the interment of a body where a protest to the interment has been made or where the rules and regulations have not been complied with. The Cemetery shall be under no duty to recognize any protest of interment unless it is in writing and filed with the Gaines County Commissioners Court.
- Section 6: Interment of more than one body: Not more than one body, or the remains of more than two bodies, shall be interred in one grave, vault, or niche. Only one body and up to three cremated/remains may be interred in one grave.
- Section 7: Removal for Profit Prohibited: Removal, by the heirs or successors in interest, of a body or cremated remains so the lot may be sold for profit, or removal contrary to the expressed or implied wish of the original lot owner, is absolutely prohibited.

Section 8: May obtain a different lot: A body or cremated remains may be removed from its original lot and moved to another lot only with the written consent of the Gaines County Commissioners Court. The lot owner must own both lots in question and pay all required removal and/or burial fees.

Section 9: Care in Removal: A party requesting a removal assumes all risks involved. The Cemetery shall exercise care in making the removal, but it shall assume no liability for damage to any casket, burial case, urn or bodily remains that might occur in making the removal.

Section 10: Removal from single graves: When a body is removed from a single grave that is provided by Gaines County (Indigent) to a different lot or from the Cemetery completely, the vacated space reverts to the Cemetery. All charges for such removal must be paid in advance at a rate set by Gaines County.

ARTICLE VI: Payment of Lot Owner

Section 1: Payment: All grave spaces must be paid for in advance of their use in the Judge's office with no exceptions. All sales are final (no refunds will be given).

ARTICLE VII: Changes in Address of Lot Owner

Section 1: Lot owner change of address is submitted to the Judge's office: It shall be the duty of the lot owner to notify the County of any change of mailing address. Notices sent to a lot owner at the last address on file in the office of the Cemetery shall be considered sufficient and proper legal notification for all purposes, whether or not such purposes are specified in these rules.

ARTICLE VIII: Roadways and Replotting

Section 1: Right to Plot, Grade and Use Property: The right to enlarge, reduce, plot or change the boundaries of grading of the Cemetery or a block or blocks, including the right to modify or change the location of or removal or grade, roads, drives, or walks, or change any part thereof, is hereby expressly reserved. The right to lay, maintain, operate, or alter, change pipelines and gutters for sprinkler systems, drainage, etc., is also expressly reserved, as well as the right to use the Cemetery property not sold to individual lot owners for Cemetery purposes. The Cemetery reserves to itself, and those lawfully entitled a perpetual right of ingress and egress over lots for the purpose of passage to and from other lots.

Section 2: No rights granted in alleyway: No easement or right of interment is granted to any lot owner in any road, drive, alley or walk within the Cemetery, but such road, drive, alley or walk may be used as a means of access to the Cemetery or buildings as long as the Cemetery devotes it to that purpose.

ARTICLE IX: Conduct of Persons on Cemetery Grounds

- Section 1: Injury: Any person injured while walking on any portion of the Cemetery other than the avenues, walks, alleys or roads, assumes all liability for any injuries or accidents that may occur. No one shall enter or leave the Cemetery grounds except through an open gate.
- Section 2: Children: An adult shall accompany children under fifteen (15) years of age at all times.
- Section 3: Flowers: All persons are prohibited from gathering flowers (wild, cultivated, or artificial) or breaking trees, shrubbery, or plants.
- Section 4: Pets: All domestic animals/pets shall be on an appropriate leash while on Cemetery property.
- Section 5: Alcohol or illegal drugs: No person shall be permitted to have alcohol and/or illegal drugs in the Cemetery.
- Section 6: Loitering on the Grounds: No person shall be permitted to either loiter or lounge on Cemetery grounds, graves, or monuments nor in any of the buildings. A person on the property for reasons other than to visit a gravesite or for cemetery business will be asked to leave. Failure to leave will result in the person being considered a trespasser in accordance with the laws of the State of Texas.
- Section 7: Rubbish: The throwing of rubbish on the drives and paths, or on any part of the grounds, or in the buildings is prohibited.
- Section 8: Automobiles: Automobiles shall not be driven through the grounds at a speed greater than fifteen (15) miles per hour, and must always be kept on the right hand side of the roadway. Vehicles are not allowed to park or come to a full stop in front of an open grave. Vehicles must not turn around in the avenue. Automobiles belonging to lot owners and visitors are strictly forbidden to drive on grass areas.
- Section 9: Firearms: All firearms are prohibited on cemetery grounds, except those who have an active concealed handgun license.
- Section 10: Notices and Advertisements: No signs, notices, or advertisements of any kind shall be allowed in the Cemetery, unless placed there by Gaines County personnel.
- Section 11: Improprieties: It is the utmost importance that there shall be strict observance of all the proprieties of the Cemetery, whether specified in these rules or not. No improprieties shall be allowed and the Cemetery Personnel shall have the power to prevent improper assemblage and boisterous and unseemly conduct. Any person who acts in a manner considered to be disruptive will be asked to leave the Cemetery grounds. Failure to leave will result in the person being considered a trespasser in accordance with the laws of the State of Texas.
- Section 12: Cemetery Personnel to Enforce Rules: The Cemetery personnel are hereby empowered to enforce all rules and regulations, and to exclude from the property of the Cemetery any person violating

same. The Cemetery personnel shall have charge of the grounds and buildings, and at all times the Cemetery personnel shall have supervision and control of all persons in the Cemetery, including funerals, traffic, employees, lot owners, and visitors.

ARTICLE X: Responsibilities of Cemetery

Section 1: **Rights of Cemetery:** The Cemetery shall take reasonable precautions to protect lot owners from loss or damage and to protect their property rights within the Cemetery, but it distinctly disclaims all responsibility for loss or damage from causes beyond its control, including damage caused by the elements, acts of God, thieves, vandals, explosion, unavoidable accidents, insurrections, riots or order of any military or civil authority, regardless of the type of damage.

ARTICLE XI: Memorial Work

Section 1: **Markers and Monuments:**

- a. **General.** The owner of a lot has the right to erect thereon any proper monument sepulcher structures which comply with the rules of the Cemetery except in sections where no monuments are permitted.

The cemetery reserves the right to prohibit the display of and to require the removal of a vault, monument, marker, or other monumental work that may be considered by the Gaines County Commissioners Court as inappropriate or in violation of Cemetery Rules and Regulations either in material, design, workmanship, size, location or which interferes with the general view or effect.

If any marker, monument, vault, effigy, structure, or any inscription placed in or upon any lot, which shall be determined by the Gaines County Commissioners Court to be offensive, improper or injurious to the appearance of the surrounding lots or grounds or in violation of Cemetery Rules and Regulations, the Cemetery shall have the right to enter upon said lot and remove said offensive or improper object or inscription, and the Cemetery shall not be liable for any damage or loss resulting from such removal.

All markers or monuments shall be placed at the head of burial space(s). All markers or monuments must be placed on an appropriate foundation.

- b. **Installation of Monuments.** Installation of all headstones, monuments, markers and veterans' markers will be performed by a monument company/monument contractor only (no private individuals).

Section 2: **Restriction on Monuments:** Flat monuments or markers are only allowed in the following areas: South Cemetery – West Garden and New Section. Only upright headstones are allowed in Memorial Cemetery, Garden 6.

Section 3: Grave Markers: Only one upright headstone may be placed at each grave. Plots with more than one burial may have additional flat grave markers.

Section 4: Contractors and Workmen: The Cemetery will not allow work of any type to be performed or placed upon a lot unless a written order from the lot owner or his legal representative is presented to the Cemetery Office prior to commencement of work. The contractor or workman must then have the written consent of the Gaines County Commissioners Court to perform the approved work. The lot owner or his representative shall notify the Gaines County Commissioners Court in writing immediately upon completion of the work or installation of any marker or monument. Any marker or monument which is improperly set or does not comply with the Rules and Regulations will be removed and the Cemetery shall not be liable to any person for such removal.

Contractors or their employees will not be permitted to work in the Cemetery on Friday, Saturday, Sunday, or County Holidays, or before eight o'clock (8:00 a.m.) or after five o'clock (5:00 p.m.) on weekdays. Any Contractor performing work at Gaines County Cemetery shall have a Master Service Agreement on file with the County Purchasing Agent before any work is started. All orders taken for work and all work done shall be subject to and in accordance with the rules and regulations of the Cemetery. The Cemetery reserves the right to suspend any and all work without notice when in, the opinion of the Gaines County Commissioners Court, there is failure to conform to the rules and regulations prescribed, or any reason such as failure to make proper preparation to do the work contemplated or failure to comply with any reasonable request of the Gaines County Commissioners Court in the conduct of the work. Conduct of the work in such a manner as to endanger life or property, or failure to execute work according to specifications will be prohibited with no liability to Gaines County.

ARTICLE XII: Special Regulations

Section 1: Indigent Burials: All indigent grave spaces shall be selected by the Gaines County Commissioners Court. Indigent funeral day and time shall also be selected by Gaines County Commissioners Court. Gaines County will provide a cremation interment for deceased and will provide a plot for the burial. Gaines County will provide interment services only, (no viewing or church services provided). No Indigent funerals shall occur on Saturday, Sunday or County designated holidays. No markers or monuments may be installed at indigent grave spaces unless the following criteria are met: (1) the grave space is purchased; (2) the opening and closing fee is paid; and (3) Gaines County is reimbursed for funeral home costs. Once all of the three charges are paid in full to Gaines County, the purchaser will be allowed to install a marker, so long as the purchaser follows Gaines County Cemetery rules and regulations regarding installation of markers.

Requirements for indigent burials: (1) Must complete an application; (2) must be on public assistance or have no identifiable source of income; and (3) must not possess any assets of value.

ARTICLE XIII: Enforcement

Section 1: Penalties: The Gaines County Commissioners Court may enforce the rules and regulations in any manner prescribed by the laws of the State of Texas. Any person who commits one or more violations of the Rules and Regulations may be banned from the Gaines County Cemetery and issued a trespass notice.

All persons committing criminal acts on Gaines County property will be prosecuted.

Section 2: Variance: A variance is a request to permit some departure or variation from the literal requirements of the rules and regulations. A request for a variance must be submitted to the Gaines County Judge for consideration by the Commissioners Court of Gaines County during a posted meeting of said Court. Any decision concerning a variance request must be made by a unanimous vote of the Commissioners Court of Gaines County during a posted session. Any decision made is final.

CONCRETE FOUNDATION DETAILS

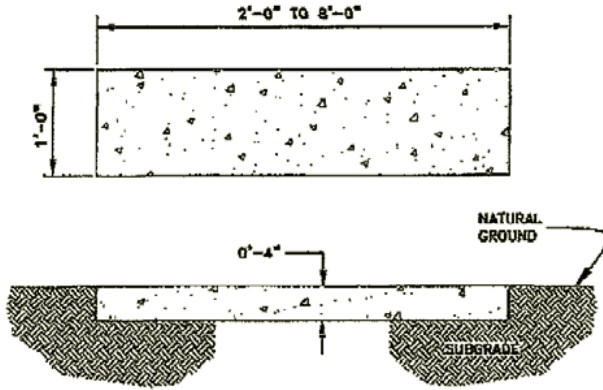


Figure 1. - Typical section for Concrete Foundation.

MINIMUM 3,000 PSI CONCRETE.
COMPACT SUBGRADE PRIOR TO CONCRETE POUR.

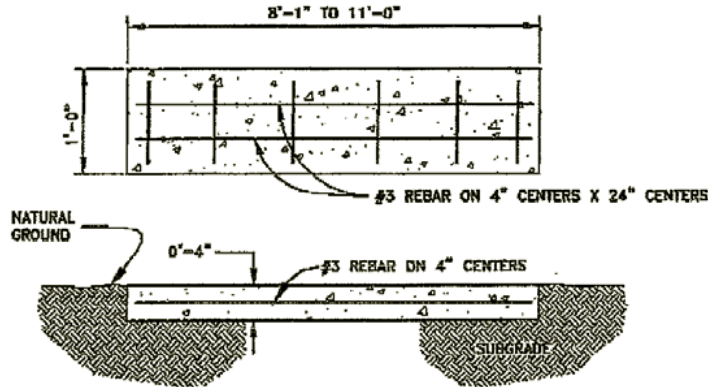


Figure 2. - Typical section for Reinforced Concrete Foundation.

MINIMUM 3,000 PSI CONCRETE.
COMPACT SUBGRADE PRIOR TO CONCRETE POUR.

John F. Landgraf



The seal appearing on this document was authorized by John F. Landgraf Texas P.E. no. 43898 on 15 Aug 2010. Alteration of this sealed document without proper notification to the responsible engineer is an offense under the Texas Engineering Practice Act.

N.T.S. 0 N.T.S.
SCALE : N.T.S.