

Chapter 6

CEMETERIES¹

Sec. 6-1. Cemetery board generally.

(a) There shall be a cemetery board, consisting of five (5) members appointed by the city council for overlapping terms of five (5) years from the date of their appointment, to serve until their respective successors have been appointed and qualified.

(b) Every year, at the time prescribed for the beginning of the term or terms of a new member or members, or as soon thereafter as practicable, the cemetery board shall elect a chairman, a vice-chairman and a secretary. Members of the board shall determine the time and place of their regular meetings and a chairman or any three (3) members may call special meetings of the board.

(c) The cemetery board shall have the duty to advise and recommend to the city council any rules, regulations, management or policies affecting the cemeteries now in existence or hereafter acquired.

(Code 1977, §§ 1-28, 6-4)

Cross reference—Administration, Ch. 2.

Sec. 6-2. Cemetery department.

The sexton, as an officer of the city, shall be the head of, and have supervision and control over, the cemetery department. The sexton shall be appointed for an indefinite term by, and be removable by, the city manager. The cemetery department shall be responsible for the improvement, maintenance and operation of the municipal cemetery system.

(Code 1977, §§ 1-18, 6-1)

Cross reference—Administration, Ch. 2.

Sec. 6-3. Beautification of cemeteries.

(a) The cemetery board shall:

(1) Assume full responsibility for making full and complete reports and recommendations of action for the beautification of the cemeteries of the city;

(2) Adopt a plan of permanent beautification of the cemeteries belonging to the city. Such plan may be modified and improved from time to time as conditions require. Such plan and any modification shall be subject to approval of the city council.

(b) There shall be created a city cemetery beautification fund which shall be a special revolving fund to expedite the plan of beautification of the cemeteries of the city. Said fund shall be opened upon the books of account maintained by the city clerk, and the clerk shall have the authority to receive gifts of cash to be deposited in the fund. Any funds designated for cemetery use shall not be used by the city or any city official for purposes other than the designated purpose of the cemetery board in the furtherance of its plan or the permanent beautification of the cemeteries of the city. The clerk shall maintain the special fund as such, and such monies shall not be commingled with the general revenue of the city, but shall be maintained and used exclusively for the special and express purposes hereinbefore stated.

(Ord. No. 696, §§ 1-4, 11-16-78)

Cross reference—Parks, Ch. 14.

Sec. 6-4. Perpetual care fund.

A perpetual care fund shall be established, maintained and utilized as provided by 11 O.S. § 26-201 *et seq.*

(Code 1977, § 6-7)

Cross reference—Finance generally, §§ 2-76 *et seq.*

¹**Cross references**—Boards and commissions, §§ 2-21 *et seq.*; licenses and business regulations, Ch. 9; motor vehicles and traffic, Ch. 10; planning and development, Ch. 15.

State law references—Municipal cemeteries, 11 O.S. Art. 26; cemeteries generally, 8 O.S.; violating sepulture and remains of the dead, 21 O.S. §§ 1151 *et seq.*; dead bodies, 63 O.S. §§ 91 *et seq.*; location of cemeteries, 50 O.S. §§ 42 *et seq.*

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Sec. 6-5. Conditions of lot purchases.

All lots shall be sold subject to the rules and regulations in this chapter, or those hereafter adopted, and the certificate of title shall be granted. No lot shall be used for any purpose other than the burial of human remains and the placing of appropriate monuments and memorials. When an interment is to be made, a permit must be obtained from the city clerk and signed by one of the heirs. Burial lots are exempt from ordinary taxes and cannot be seized on execution. No mortgage or other encumbrance shall be given on any lot. An interment, once properly made, shall not be disturbed except on written consent of the original owners or their heirs, and then only with the permission of the sexton or the city clerk.

(Code 1977, § 6-9)

Sec. 6-6. Price of lots and interments; Cemetery Care Fund established; state statute adopted; percentage of monies from sale of lots and interments set aside for fund.

(a) The city council, by motion or resolution, shall determine the prices at which the various lots in municipal cemeteries shall be sold and also the charges to be made by the city for interment, disinterment and other services.

(b) A "Cemetery Care Fund" shall be established, maintained and utilized as provided by 11 O.S. § 26-109. A percentage of all monies received from the sale of lots and interments shall be segregated and set aside for said Cemetery Care Fund as provided in said statute as currently enacted and hereafter amended from time to time.

(Code 1977, § 6-12; Ord. No. 889, §1, 7-10-01)

Sec. 6-7. Purchase of lots; certificates.

(a) When a lot is paid for in full, a Cemetery Certificate for cemetery purposes only, shall be issued to the purchaser. This section shall not apply to indigent interment cases.

(b) The city shall maintain a plat book of each cemetery owned by the city or under the city's control. Such plat book shall be used to record the Section, Blocks, Lots and Spaces of burial plots in such cemetery. The city shall further maintain a permanent record indexed to said plat book showing the ownership of the plots after issuance of a Cemetery Certificate as provided herein.

(c) All certificates for burial spaces or lots shall be recorded on the city's records, and shall also be delivered to the Garvin County clerk for recording in the records of said clerk. The location of filing in the records of the city and the county shall be marked on the certificate before the certificate is delivered to the purchaser. A fee for recording each such certificate in the city and county records shall be collected by the city clerk in an amount equal to the amount charged by the Garvin County clerk for the filing of such documents in said office plus four dollars (\$4.00).

(d) Lots in a municipal cemetery shall be conveyed by Cemetery Certificate signed by the mayor and countersigned by the clerk under the seal of the city. The certificate shall show the price for which the lots are sold and specify that the person to whom it is issued is the owner of the lot or lots described therein by number, as laid down in the plat, for the purpose of interment. The certificate shall vest in the purchaser and his heirs a right to the lot or lots, for the sole purpose of interment, under the regulations of the city council or board of cemetery trustees. All abandoned lots or spaces of lots shall revert to the city.

(Code 1977, §§ 6-10, 6-25; Ord. No. 864, § 1, 10-20-98; Ord. No. 890, § 1, 7-10-01)

State law reference—Recording of cemetery lot certificate in office of county clerk, 11 O.S. § 26-103.

Sec. 6-8. Transfer of lots.

(a) *Report, recordation required.* The transfer of lots or parts of lots to another person shall be reported to the city clerk for recording. No person shall be recognized as owner or part owner unless so recorded. All transfers of parts of lots less than that conveyed from the city to the lot owners must be approved by the clerk.

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(b) *City records exclusive.* The records of the city pertaining to ownership of burial spaces or burial lots in Mt. Olivet Cemetery are exclusive and controlling; no transfer of ownership of any burial space or lot in Mt. Olivet Cemetery is recognized except when transferred upon the city's records.

(Code 1977, §§ 6-11, 6-28)

Sec. 6-9. Ledger of spaces, master map maintained.

(a) A permanent ledger shall be prepared and kept by, and in the office of, the city clerk, showing the location by lot, block and grave space of all past burials, and an entry in such permanent ledger shall be made of the lot, block and grave space of all future burials in Mt. Olivet Cemetery, as such burials occur.

(b) A master map of Mt. Olivet Cemetery, marked by a system of colors, colored pens or otherwise, shall be prepared by a competent draftsman and kept up-to-date by the city clerk in his office, showing the legal description of all lots, blocks and burial spaces which are subject to sale; a copy of said map shall be kept up-to-date by the sexton of said cemetery, at said cemetery, with explanatory material in connection therewith so that anyone, without assistance, will be able to locate lots and burial spaces subject to sale.

(Code 1977, §§ 6-23, 6-24)

Cross reference—City boundary maps, §§ 2-1 *et seq.*

State law reference—Unmarked graves, 11 O.S. § 26-112.

Sec. 6-10. Speculation.

Speculation in the sale of burial spaces or lots in Mt. Olivet Cemetery is prohibited. (Code 1977, § 6-22)

Sec. 6-11. Grazing; agriculture.

No lands now owned or later acquired for cemetery purposes by the city shall ever be leased or rented for agricultural or grazing purposes.

(Code 1977, § 6-22)

Sec. 6-12. Lot plantings, improvements and care.

(a) *Supervision by sexton.* All plantings and other improvements to lots shall be done with the approval of the cemetery sexton or his assistants.

(b) *Regulations for lot care.* The following rules shall be observed in the care of cemetery lots:

- (1) Copings, fences, structures of wood and hedges are prohibited;
- (2) Those structures or enclosures established on any lot previous to the adoption of these regulations, which have in the judgment of the cemetery management become unsightly by reason of neglect or age, shall be removed;
- (3) No elevated mounds shall be built over graves and no lot shall be filled above the grade established by the city;
- (4) Receptacles for cut flowers shall be installed flush with the surface of the lawn;
- (5) Chairs, settees, benches and vases shall be permitted only if properly installed and maintained. Failure to properly install and maintain same shall be cause for removal;
- (6) Rubbish, refuse and unused containers shall not be left on the lots;
- (7) No person may enclose any cemetery lot in the cemetery of the city by curb, fence posts, rails, pipe or any other means.

(Code 1977, § 6-18)

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Sec. 6-13. Conditions to be fulfilled before interment.

(a) *Generally.* No interment shall take place without a burial permit, nor until all laws, ordinances, rules and regulations relative to burials have been complied with. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or when the funeral director assumes the responsibility of payment for such grave space or spaces. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or agent. If the deceased to be interred is not a member of the immediate family of the lot owner, permission in writing from such owner must be filed with the sexton. This permission must be filed before the interment is made.

(b) *Payment.* No burials are to be made in Mt. Olivet Cemetery on any burial space unless such space has been paid for, except where burial is required to be made in the area designated as free ground.

(Code 1977, §§ 6-19, 6-26)

State law reference—Burial permit, 63 O.S. §§ 1-319 *et seq.*

Sec. 6-14. Preparation of graves.

Only one interment in any one grave shall be permitted. The cemetery sexton and the city shall not be held responsible for errors in the location of graves on lots arising from improper instructions of lot owners. Under no circumstances shall the city assume responsibility for any error in opening graves, when orders are given by telephone.

(Code 1977, § 6-20)

Sec. 6-15. Disinterment and removal.

Grave openings shall be authorized only after payment to the city of the required fee, and a work order has been issued by the city clerk, city manager or such other person as may be designated by the city council.

(Code 1977, § 6-21)

Sec. 6-16. Placement of stones; permit.

(a) Traditional burial, with the head lying to the west side of the lot, is hereby required; a strip of land four (4) feet wide located on the west side shall be left unused for any purpose save and except only the placing of family monuments and individual headstones, and said four (4) foot strip of land located so that the stones will lie north and south and will face east and west.

(b) There shall be a five dollar (\$5.00) permit obtained from the office of the city clerk prior to any person placing any headstone or monument in any cemetery of the city. This permit will allow notice to be given to the proper cemetery management to ensure proper placement of the headstone and proper clean up after the headstone has been set. The permit fee shall not be refunded after clean up. Any headstone that is placed upon the grave of a veteran and for which payment of the same came from the Veterans Administration shall be exempt from the required permit as hereinabove provided.

(Code 1977, § 6-29; Ord. No. 696, §§ 5, 6, 11-16-78)

Sec. 6-17. Prohibited conduct in cemeteries.

No person shall:

- (1) Enter a cemetery except through established gates;
- (2) Throw rubbish or debris on walks or drives or any part of cemetery grounds;
- (3) Pick or mutilate any flowers, either wild or domestic, or disturb any trees, shrubs or other plants;
- (4) Consume refreshments or liquors within a cemetery or carry the same on the premises;

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- (5) Permit any dog to enter or remain in a cemetery; or
- (6) Discharge any firearms or air rifles in or adjacent to a cemetery. This regulation shall not apply to authorized volleys at burials.

(Code 1977, § 6-13)

Cross reference—Offenses-miscellaneous, Ch. 13.

Sec. 6-18. Admittance of minors.

No minor, as defined by state law, shall enter a cemetery, unless attended by adults responsible for the minor's conduct.

(Code 1977, § 6-14)

State law reference—"Minor" defined, 15 O.S. § 13.

Sec. 6-19. Property damage; financial responsibility.

The city shall not be responsible for any damage of lots, structures or objects thereon, or for flowers or articles removed from any lot or grave.

(Code 1977, § 6-15)

Sec. 6-20. Traffic regulations.

All traffic laws of the city that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Persons driving in cemeteries shall be responsible for any damage done by the vehicle or animal, or both, in the driver's charge. In addition, no person shall:

- (1) Drive a vehicle in excess of fifteen (15) miles per hour on any cemetery road;
- (2) Drive off the established roads, unless permission is given in writing by the cemetery sexton;
- (3) Make a U-turn on any cemetery road; or
- (4) Use a cemetery road as a public thoroughfare.

(Code 1977, § 6-16)

Cross reference—Motor vehicles and traffic, Ch. 10.

