

ORDINANCE NO. 191

AN ORDINANCE FIXING QUORUM AND MEETINGS OF CEMETERY BOARD; ESTABLISHING OFFICES AND FIXING THEIR DUTIES; ESTABLISHING RULES AND REGULATIONS FOR OPERATION OF CITY CEMETERY; SETTING ASIDE FUNDS FOR CEMETERY CARE FUND; FIXING PENALTY FOR VIOLATION OF ORDINANCE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

ARTICLE I  
CEMETERY BOARD

SECTION 1. QUORUM.

A quorum of the Cemetery Board for the transaction of business shall consist of three members. All action of the Cemetery Board may be taken by the affirmative vote of a majority of board members present at any regular or special meeting.

SECTION 2. REGULAR MEETINGS.

Regular meetings of the Board shall be held on the first Tuesday of each month at 7:00 p.m. at the community center, Stilwell, Oklahoma. All meetings shall be held in compliance with the "Oklahoma Open Meeting Act" as now enacted or amended hereafter.

SECTION 3. SPECIAL MEETINGS.

Special meetings of the Cemetery Board may be called by the Chairman of the board and held at such times and at such places as he may deem proper, and the Chairman of the Board shall call a meeting at such time and place as he may be requested in writing by two trustees. Notice of any special meeting shall specify the purpose or purposes thereof and shall be given to each member of the Board, either by mail or by personal contact. All special meetings shall be held in compliance with the "Oklahoma Open Meeting Act".

SECTION 4. EMPLOYMENT OF OFFICERS AND EMPLOYEES - DELEGATION OF POWER.

The Board, with the approval of the City Council, may recommend such officers, agents and employees as they deem necessary to carry out the power and functions of the City Council and may delegate to such officers and employees such of its powers and duties as it may deem proper.

ARTICLE II  
OFFICERS

SECTION 1. OFFICERS.

There are hereby created the following officers for convenience and transacting the business of the Cemetery Board:

1. Chairman
2. Vice-Chairman
3. Secretary

SECTION 2. ELECTION AND APPOINTMENT OF OFFICERS.

Said offices shall be filled by election or appointment by the Cemetery Board. Only members of the Cemetery Board shall be eligible to serve as Chairman or Vice-Chairman of the Cemetery Board.

SECTION 3. TERM OF OFFICE.

The term of Office of the Chairman and Vice-Chairman of the Cemetery Board shall be for a term ending with the first meeting of the Board following the first day of July each year, and their successors shall be elected or appointed at the first meeting in July each year. All such officers shall continue in office until their successors are elected, appointed and

qualified.

SECTION 4. DUTIES OF CHAIRMAN.

The Chairman of the Cemetery Board shall preside at all meetings of the Board. He shall sign and execute, in the name of the Cemetery Board, all contracts and other obligations of the Board and shall perform such other duties as the Cemetery Board may from time to time require.

SECTION 5. DUTIES OF VICE-CHAIRMAN.

The Vice-Chairman of the Cemetery Board shall, in the absence or disability of the Chairman, perform the duties and exercise the powers of the Chairman of the Cemetery Board.

SECTION 6. DUTIES OF SECRETARY.

The Secretary of the Cemetery Board may be a member of said Board or someone else selected by said Board, and shall keep true and complete records of all proceedings of the Cemetery Board, and shall in general perform all the duties usually incident to the office of Secretary, including the receipt of any monies collected for whatever reason, turning all monies collected over to the City Clerk for deposit into the Cemetery Fund. Funds for payment for repairs, materials, maintenance and services for the management, care and preservation of the Cemetery shall be handled consistent with current purchase order regulations.

ARTICLE III  
RULES AND REGULATIONS FOR THE STILWELL CITY CEMETERY

SECTION 1. PROCEDURE FOR THE PURCHASE OF LOTS.

Persons desiring to purchase a lot or lots in the City Cemetery shall apply at the office of the Stilwell City Clerk in Stilwell, Oklahoma. A plat of the Cemetery may be examined there. The City Clerk will indicate the lots available for purchase. When the person has selected a lot or lots, the City Clerk shall issue a conveyance to the purchaser which shall be delivered to the purchaser upon payment of the purchase price. The City Cemetery Superintendent shall be responsible for showing said location of such lots to prospective buyers.

SECTION 2. RECORDS.

The City Clerk shall record in the permanent files of the Stilwell City Records the lot and block number, the name of the purchaser, the date of the conveyance, the amount paid, the name of the person who is to be buried and the date of the burial for each lot sold.

SECTION 3. TRANSFER AND DESCENT OF TITLE.

The laws of the State of Oklahoma governing the descent and transfer of title applies to lots purchased in this cemetery. The original owner may transfer title, but the name shall not be effective unless such transfer is approved by the City Clerk and recorded.

SECTION 4. PRICE OF LOTS - GRAVE OPENINGS - NOTICE OF INTERMENT.

The price of lots in the Stilwell Cemetery shall be Two Hundred Fifty Dollars (\$250.00) and a singular burial space shall be Seventy Five Dollars (\$75.00), said amounts to be paid to the City Clerk of Stilwell, Oklahoma. There will be a twenty-four (24) hour notice required for grave openings, and there will be a charge to all persons desiring to have a grave opened in the Stilwell City Cemetery, and the amounts shall be payable to the City Clerk of the City of Stilwell, Oklahoma, prior to any burial in the Stilwell City Cemetery. There shall be no more than two burial lots in any one person's name.

SECTION 5. INTERMENTS.

All interments in the Stilwell City Cemetery shall be under the

direction of the Cemetery Superintendent. No interment shall be made until the Superintendent has approved the location of the grave that is to be opened and the manner of opening and closing of the grave. The Cemetery Board assumes no obligation or responsibility for interments. There will be no interments in the Stilwell City Cemetery on Saturday afternoons, Sundays or City recognized holidays. All interments shall be in a box or vault. Such boxes or vaults shall be of at least concrete construction or better. Two interments in one grave will not be permitted, except in the case of a mother and infant child, or twin children under ten (10) years of age and buried at the same time. All interments shall be of human beings only.

SECTION 6. REGULATIONS - RESTRICTIONS - LIMITATIONS.

A. Monuments - Markers - Structures, Etc.

1. Only one monument shall be permitted on one grave space, except where a foot marker fitting flush with the ground is used. All monuments and markers erected in all section of the City Cemetery shall be of granite or bronze and of commercial variety.
2. No person shall place any monument or marker on any lot in the Stilwell City Cemetery without first obtaining a permit from the Cemetery Superintendent. The Cemetery Superintendent shall supervise and approve all foundations for all monuments and markers and also supervise the setting in place of all monuments and markers. Monuments must be set 8:00 o'clock a.m. to 5:00 o'clock p.m., Monday through Friday.
3. No vault, tomb, catacomb or other structure, partly or wholly above the ground, will be permitted; and any such structure now in Cemetery which, from neglect or faulty construction, has become dangerous or offensive shall be removed by the Cemetery Board and the bodies thereof place in the same lot.
4. All monuments and markers shall be placed at the head of the lot and shall be placed on the center of the lot or grave space.

B. Restrictions - Ornaments - Decorations, Etc.

1. Fences, coping, hedges or other enclosures will not be allowed around lots or graves in the Stilwell City Cemetery.
2. Wood or iron markers, trellises, chairs, settees will not be permitted around lots or graves above ground level.
3. Ornaments, glass cases, toys, shells or other materials shall not be placed on or around any grave.
4. Gravel, stone or other material or walks or steps of any kind shall not be placed or erected on or around graves.
5. No flowers shall be left on the graves during mowing season more than three (3) days, except during Memorial Day and Decoration Day. Then seven (7) days is the limit. All flowers will be removed during mowing season at the discretion of the Cemetery Superintendent for mowing purposes, only when necessary.
6. No rods, pipes or glass containers shall be around headstones or on lots.
7. Caretakers shall be allowed to straighten leaning headstones or headstones that have been knocked over accidentally, without being liable. Caretakers shall take extra care in making any of these corrections.
8. The Cemetery Superintendent shall have the authority to remove any dangerous or unsightly obstacles on Cemetery lots.
9. The President of the City Council will meet with the Cemetery Board and act as liaison between the Cemetery Board and City Council.

SECTION 7. FUNDS.

1. Cemetery Care Fund. Forty percent (40%) of all monies received from the sale of lots and grave openings shall be set aside as a Cemetery Care Fund.
2. Donations. All donations or bequests may be made in trust for the special care of specified lots or for the entire Cemetery and shall be known as "The Perpetual Care Fund".
3. Trusts of Fund. The Trustee of the Perpetual Care Fund shall be appointed by the District Court as provided by law. In the absence of such appointment, the City Treasurer shall exercise such duties. He shall make an annual report to the City Council of all accounts and sums of money on hand in said fund at the time of making such report.

SECTION 8. PENALTY.

Any person, firm or corporation or association who violates any of the foregoing rules, regulations and specifications shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed One Hundred Dollars (\$100.00), including costs.

SECTION 9. All Ordinances in conflict herewith are hereby repealed.

SECTION 10. That, in order to preserve and protect public safety, health and peace, an emergency is hereby declared to exist by reason whereof this Ordinance shall take effect immediately upon its passage and publication.

PASSED by the Council of the City of Stilwell, Oklahoma, this 21<sup>st</sup> day of September, 1987.

APPROVED by the Council of the City of Stilwell, Oklahoma, this 21<sup>st</sup> day of September, 1987.

(Seal)

HUGH ZIMMERMAN  
Mayor

ATTEST: SUE CATRON  
City Clerk

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[Amended by Ordinance No. 199, dated March 7, 1988]