

ORDINANCE NO. 349

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 board members. 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 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 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/SPACES

Cemetery lots in the City Cemetery shall be purchased at the office of the Stilwell City Clerk-Treasurer in Stilwell, Oklahoma. A plat of the Cemetery may be examined there. The City Clerk-Treasurer or their designee will indicate the lots available for purchase. When the person has selected a lot or lots, the City Clerk-Treasurer 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-Treasurer or their designee 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 apply 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-Treasurer and recorded.

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

The price of lots/spaces and the cost of grave openings and closings in the Stilwell City Cemetery shall be as follows:

Purchase of 1 Space:	\$150.00
Purchase of 5 Spaces or (1) lot:	\$600.00
Opening/Closing traditional grave (weekday non-holiday)	\$200.00
Opening/Closing traditional grave (Saturday morning)	\$400.00
Opening/Closing traditional grave (City holiday)*	\$500.00
Opening/Closing cremation grave (weekday non-holiday)	\$100.00
Opening/Closing cremation grave (Saturday morning)	\$200.00
Opening/Closing cremation grave (City holiday)*	\$300.00

*No opening/closing on Thanksgiving Day or Christmas Day.

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 openings/closings 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 holidays previously restricted. All traditional interments shall be in a steel or cement grave liner or vault. No more than one (1) traditional grave will be allowed in a single cemetery space, except in the case of a mother and

infant child placed in the same casket, or twin children under the age of ten (10) years buried at the same time. It is permissible for (1) cremated remains to be placed over the foot of (1) traditional grave. It is permissible for up to (2) cremated remains to be placed in one cemetery space that contains no other remains. NO INTERMENT SHALL BE MADE OF ANY REMAINS OTHER THAN THOSE OF HUMAN BEINGS.

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 the City Cemetery shall be of granite, bronze, marble, or other approved material that is permanent in nature.
2. No person shall place any monument or marker on any lot in the Stilwell City Cemetery without the consent of the Cemetery Superintendent. Monuments may only be set from 8:00 a.m. to 5:00 p.m. Monday through Friday.
3. No vault, tomb, catacomb, or other structure, partly or wholly above ground 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 there of place in the same lot.
4. All monuments and markers shall be placed at the head of the grave 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 such as stepping stones of any kind shall not be erected on or around any grave.
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 that prevent maintenance of the Cemetery grounds.
7. Caretakers shall be allowed to straighten leaning headstones 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.

SECTION 7. CEMTERY FUNDS.

1. Cemetery Care Fund. Forty percent (40%) of all monies received from the sale of lots, spaces and grave openings/closings 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. Trust 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 Clerk-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 violation of any provision contained in this ordinance is an offense against the City and upon conviction of any such offense the violator shall be punished by a fine up to the maximum amount allowed under the municipal ordinances for the City of Stilwell, Oklahoma, plus court costs.

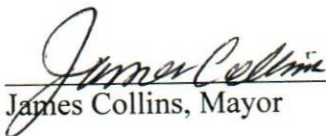
SECTION 9. All ordinances in conflict herewith are hereby repealed.

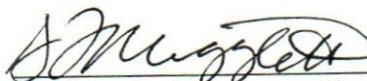
SECTION 10. That in order to preserve and protect public safety, health and peace, an emergency is hereby declared to exist by reason whereof this Ordinance shall take effect immediately upon its passage and publication.

PASSED by the City Council this 1st day of December 2008.

APPROVED by the Mayor this 1st day of December 2008.

ATTEST:


James Collins, Mayor


Sheldon L. Migletto, City Clerk-Treasurer



(Published in the Stilwell Democrat Journal, January 7, _____, 2009)